

APPENDIX E
CORRESPONDENCE AND COMMENTS





DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

Regional Planning and Environmental Center

Texas Parks and Wildlife Department
Attn: Ms. Julie Wicker
4200 Smith School Road
Austin, Texas 78744

Dear Ms. Wicker:

The U.S. Army Corps of Engineers (USACE), Fort Worth District, and the City of San Marcos, Texas, the non-federal sponsor, are evaluating the potential environmental consequences resulting from implementing proposed aquatic ecosystem measures along the San Marcos River in San Marcos, Texas. The proposed aquatic ecosystem restoration plan was analyzed as part of the San Marcos River Continuing Authorities Program, Section 206 Aquatic Restoration Feasibility Study.

The USACE has prepared a Detailed Project Report and Integrated Environmental Assessment (DPR/EA) and Draft Finding of No Significant Impact (FONSI) addressing proposed restoration measures along the San Marcos River by identifying and evaluating impacts that would result from proposed restoration measures to the human and natural resources found within the San Marcos River area.

A Public Notice has been prepared to notify the public of this action and to solicit comments. The Public Notice, Draft FONSI, and DPR/EA are enclosed with this communication for your review and to solicit any additional comments or concerns your agency may have regarding this action. We will consider any comments that we receive from you by the close of the comment period as indicated on the Public Notice. Please address any comments you may have to the contact indicated in the Public Notice. Thank you for your cooperation in this matter.

Sincerely,

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

Draft EA Distribution List

Mr. Adam Zerrenner
U.S. Fish and Wildlife Service
10711 Burnet Rd., Suite 200
Austin, Texas, 78758

Mr. Michael Jansky
Office of Planning and Coordination
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Mail Stop 6ENXP
Dallas, Texas 75202

Mr. Tom Heger
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Ms. Julie Wicker
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Gregg Easley, Team Leader
Standards Implementation Team
Water Quality Division
Texas Commission on Environmental Quality
12100 Park Circle 35, Building F
P.O. Box 13087, Capitol Station
Austin, Texas 78711

Mr. Mark Wolfe
State Historic Preservation Office
P.O. Box 12276
Capital Station
Austin, Texas 78711

Honorable Mark Chino, President
Mescalero Apache Tribe
124 Chiricahua Plaza
Mescalero, New Mexico 88340

Honorable Wallace Coffey, Chairman
ATTN: Mr. James Arterberry
Comanche Nation
584 NW Bingo Rd
HC 32 Box 908
Lawton, Oklahoma 73502

Honorable Ron Twohatchet, Chairman
Kiowa Tribe of Oklahoma
Hwy 9 West
Carnegie, Oklahoma 73015
Ms. Kate Johnson
Chair, Hays County Historical Commission
P.O. Box 1230
Buda, Texas 78610

Honorable Don Paterson, President
Tonkawa Tribe of Oklahoma
1 Rush Buffalo Road
Tonkawa, Oklahoma 74653

Mr. Mark Denton
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

Ms. Kim Barker
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

Sandra Bailey, Librarian
San Marcos Public Library
625 E. Hopkins Street
San Marcos, Texas 78666

Joan Heath, University Librarian
Albert B. Alkek Library
Texas State University
601 University Drive
San Marcos, Texas 78666

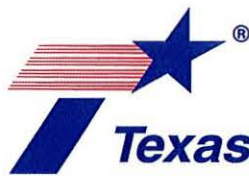
Mr. Tony Williams
General Land Office
Stephen F. Austin Building
1700 North Congress Avenue
Austin, Texas 78711-2873

Mr. Todd Engeling
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Mr. Dean McMath
ASW-613
Federal Aviation Agency
2601 Meacham Blvd.
Fort Worth, Texas 76137

Stephen Alexander
Texas Aviation Partners
1807 Airport Drive, Suite 200
San Marcos, Texas 78666

Robert W. Jackson, AICP
Environmental Specialist
Texas Department of Transportation
Aviation Division
125 E. 11th Street
Austin, TX 78701-2483



125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8700 | WWW.TXDOT.GOV

February 13, 2014

Ms. Mandy McGuire
Environmental Resources Planner
Department of the Army
Fort Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Ms. McGuire:

The Texas Department of Transportation, Aviation Division (AVN), has reviewed the aquatic ecosystem restoration project within Section 206 of the San Marcos River in San Marcos, Texas, as that project is described in a letter to AVN from Eric W. Verwers, director, Regional Planning and Environmental Center, dated February 10, 2014. This project would involve, among other actions, restoration of approximately 0.08 acre of existing wetland habitats on a backwater channel of the San Marcos River near Cheatham Street and approximately 1.11 acres of wetland habitats in the form of a series of in-line wetponds on Sessoms Creek near Spring Lake. This project has been reviewed for compliance with the recommendations of Federal Aviation Administration Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports.

AVN has no objection to the project as described. AVN welcomes the opportunity to review the Detailed Project Report and Integrated Environmental Assessment when that document is ready for agency review and comment.

Thank you for allowing AVN to review this project.

Regards,

Robert W. Jackson

Robert W. Jackson, AICP
Environmental Specialist
Texas Department of Transportation,
Aviation Division
125 E. 11th Street
Austin, TX 78701-2483

OUR GOALS

MAINTAIN A SAFE SYSTEM • ADDRESS CONGESTION • CONNECT TEXAS COMMUNITIES • BEST IN CLASS STATE AGENCY

An Equal Opportunity Employer



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF

February 10, 2014

Regional Planning and Environmental Center

Robert W. Jackson, AICP
Environmental Specialist
Texas Department of Transportation
Aviation Division
125 East 11th Street
Austin, Texas 78701-2483

Dear Mr. Jackson:

The U.S. Army Corps of Engineers (USACE), Fort Worth District, in partnership with the City of San Marcos and the Texas General Land Office, are conducting a feasibility study for aquatic ecosystem restoration within the San Marcos River, San Marcos, Texas (Figure 1). The study area includes the San Marcos River and adjacent land from Spring Lake Dam to Cummings Dam on the Blanco River. Other lands within the study area include the headwaters of the San Marcos River (i.e., Sessoms Creek, Purgatory Creek, and Willow Springs Creek). The aquatic ecosystem restoration study is being conducted under the authority of the Continuing Authorities Program Section 206 of the Water Resources Development Act of 1996 (Public Law 104-33).

During the development of restoration measures, the USACE has taken into consideration the potential for aquatic ecosystem restoration features to be hazardous wildlife attractants to any nearby airports. The nearest public-use airport to the San Marcos River Section 206 study area is the San Marcos Municipal Airport (HYI). HYI does serve turbine-powered aircraft and sells Jet-A fuel. As such, the USACE mapped a 10,000-foot perimeter around HYI per the Federal Aviation Administration (FAA) Advisory Circular No. 150/5200-33b to ensure that the restoration measures proposed in the study area that could be considered a hazardous wildlife attractant were located greater than 10,000 feet from the HYI air operations area (AOA) (Figure 2). In accordance with the FAA Advisory Circular, a 5-mile perimeter around HYI is included on Figure 2 as well. The nearest proposed restoration measure in the project study area is located greater than 3 miles from the HYI AOA.

The restoration measures that are proposed as part of the Tentatively Selected Plan (Figure 3) for the San Marcos River Section 206 project are:

- a. Control of Exotic Aquatic Emergent Vegetation in the San Marcos River (EXOE) - This measure includes the removal of approximately 2.61 acres of exotic vegetation (Elephant ear) along the river banks. Areas where exotic vegetation is removed will be replanted with native species.
- b. Restoration of the San Marcos River Riparian Corridor (RIP1 and RIP2) - This measure includes improvements to riparian habitats by planting native vegetation on approximately 14.56 acres of riparian forest in areas currently serving as parkland, sidewalks, parking lots, or other impervious surfaces.

c. Control of Exotic Trees and Shrubs in the San Marcos River Riparian Corridor (EXOT) - This measure includes the removal and control of exotic shrubs and trees in approximately 19.92 acres of existing riparian forest.

d. Restoration of Wetlands (WET) – This measure includes restoration of 1.19 acres of wetland habitats (Figure 4). WET would involve restoration of approximately 0.08 acre of existing wetland habitats on a backwater channel of the San Marcos River near Cheatham Street and approximately 1.11 acres of wetland habitats in the form of a series of in-line wetponds on Sessoms Creek near Spring Lake.

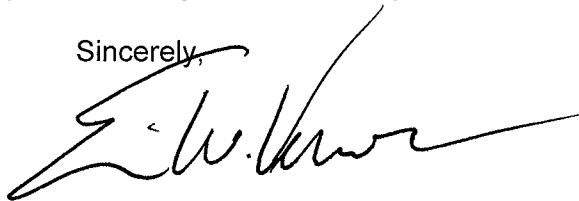
e. Control of Sediment Discharge into the San Marcos River (DISC) - This measure would include improving currently degraded discharges at 12 locations on 2.10 acres along the San Marcos River. The contour and path of existing discharges would be modified to reduce the velocity of flows and allow for capture of sediments and potentially pollutants prior to discharge into the river.

f. Removal of Accumulated Sediments from the San Marcos River (SED) – This measure includes removal of sediments within the San Marcos River over approximately 4.75 acres during the initial Federally cost shared construction and up to 25.42 acres over the 50-year life of the project during normal Operation and Maintenance (O&M) activities.

The USACE is preparing a Detailed Project Report and Integrated Environmental Assessment (DPR/EA) and Draft Finding of No Significant Impact (FONSI) addressing these proposed restoration measures along the San Marcos River and identifying and evaluating impacts that would result from proposed restoration measures to the human and natural resources found within the San Marcos River area. During coordination with FAA, USACE was informed that HYI is part of the FAA State Block Grant Program and under the jurisdiction of the Texas Department of Transportation Aviation Division (TxDOT) as well. While the Draft DPR/EA and FONSI are being prepared, we invite TxDOT to review the restoration measures associated with the Recommended Plan for the San Marcos River Section 206 Aquatic Ecosystem Restoration Project and provide us with any comments.

Please address any comments you may have to Ms. Mandy McGuire, Environmental Resources Planner, ATTN: CESWF-PEC-TN, P.O. Box 17300, Fort Worth, Texas 76102-0300 or email at amanda.mcguire@usace.army.mil. Thank you for your cooperation in this matter.

Sincerely,



Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

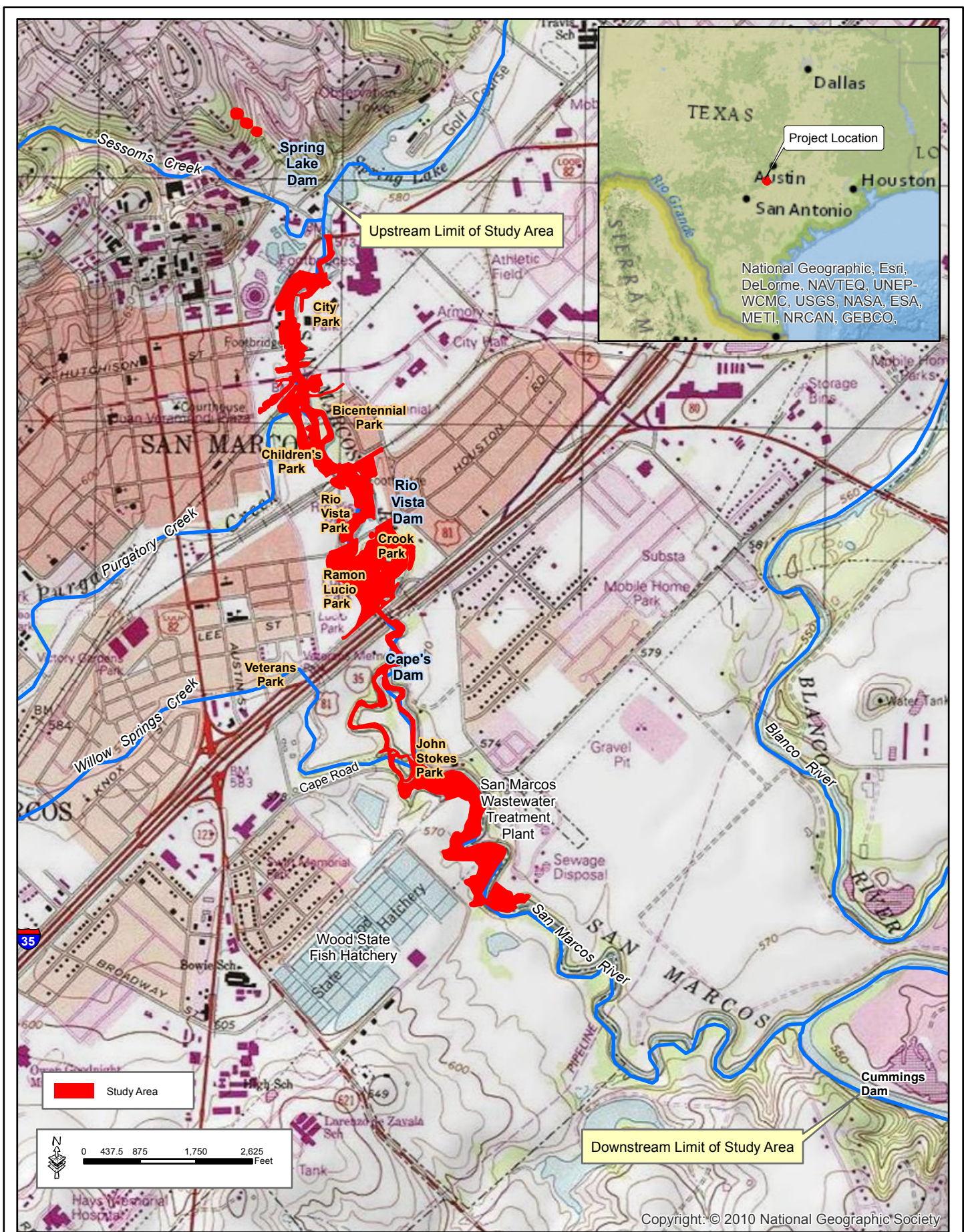


Figure 1. Vicinity Map

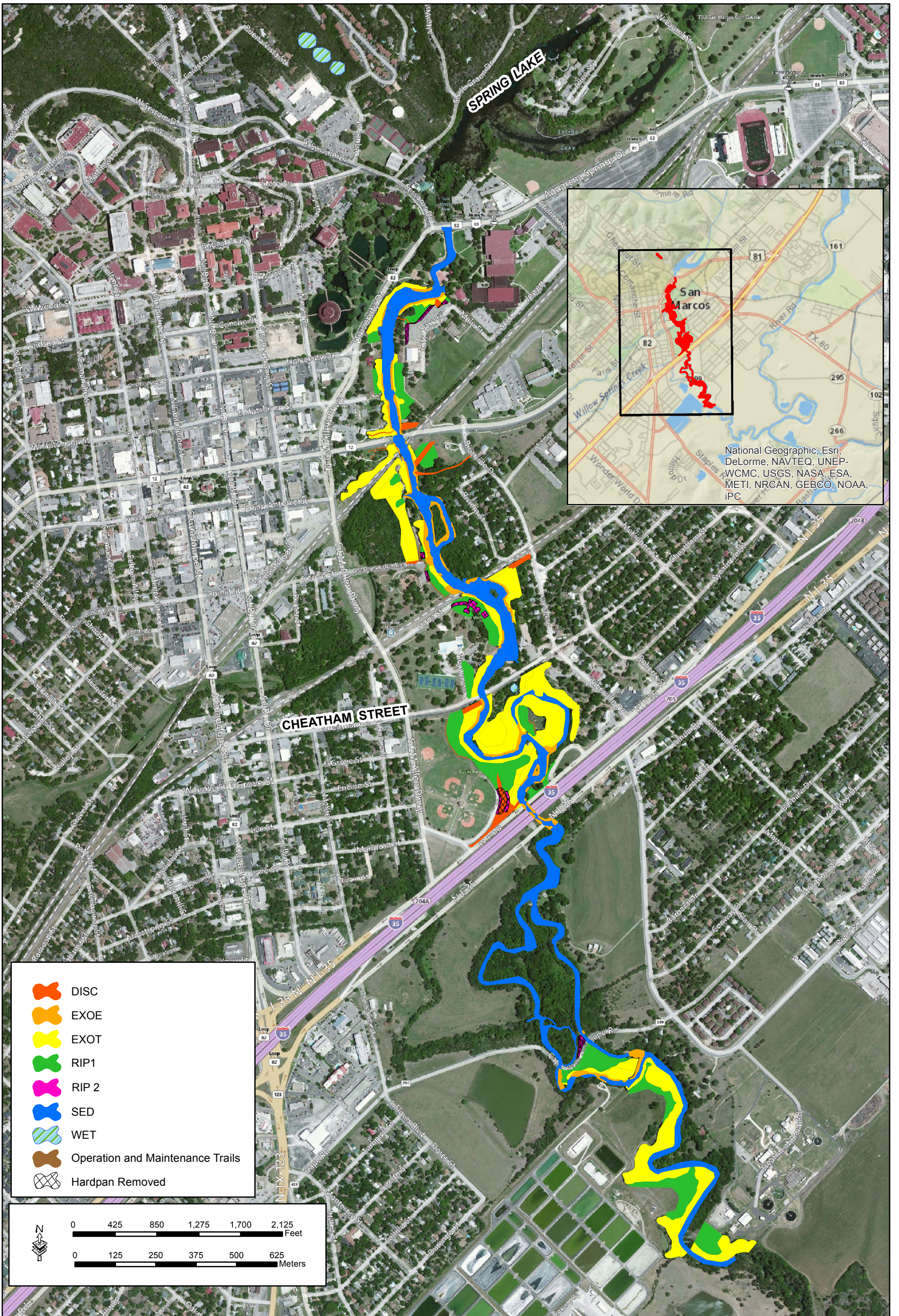


Figure 3. Tentatively Selected Restoration Plan



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

January 21, 2014

Regional Planning and Environmental Center

Mr. Dean McMath
ASW-613
Federal Aviation Agency
2601 Meacham Blvd.
Fort Worth, Texas 76137

Dear Mr. McMath:

The U.S. Army Corps of Engineers, Fort Worth District (USACE), in partnership with the City of San Marcos and the Texas General Land Office, are conducting a feasibility study for aquatic ecosystem restoration within the San Marcos River, San Marcos, Texas (Figure 1). The study area includes the San Marcos River and adjacent land from Spring Lake Dam to Cummings Dam on the Blanco River. Other lands within the study area include the headwaters of the San Marcos River (i.e. Sessoms Creek, Purgatory Creek, and Willow Springs Creek). The aquatic ecosystem restoration study is being conducted under the authority of the Continuing Authorities Program Section 206 of the Water Resources Development Act of 1996 (Public Law 104-33).

During the development of restoration measures, the USACE has taken into consideration the potential for aquatic ecosystem restoration features to be hazardous wildlife attractants to any nearby airports. The nearest public-use airport to the San Marcos River Section 206 study area is the San Marcos Municipal Airport (HYI). HYI does serve turbine-powered aircraft and sells Jet-A fuel. As such, the USACE mapped a 10,000-foot perimeter around HYI per the Federal Aviation Administration (FAA) Advisory Circular No. 150/5200-33b to ensure that the restoration measures proposed in the study area that could be considered a hazardous wildlife attractant were located greater than 10,000 feet from the HYI air operations area (AOA) (Figure 2). In accordance with the FAA Advisory Circular, a 5-mile perimeter around HYI is included on Figure 2 as well. The nearest proposed restoration measure in the project study area is located greater than 3 miles from the HYI AOA.

The restoration measures that are proposed as part of the Tentatively Selected Plan (Figure 3.) for the San Marcos River Section 206 project are:

- a. Control of Exotic Aquatic Emergent Vegetation in the San Marcos River (EXOE) - This measure includes the removal of approximately 2.61 acres of exotic vegetation (Elephant ear) along the river banks. Areas where exotic vegetation is removed will be replanted with native species.
- b. Restoration of the San Marcos River Riparian Corridor (RIP1 and RIP2) - This measure includes improvements to riparian habitats by planting native vegetation on approximately 14.56 acres of riparian forest in areas currently serving as parkland, sidewalks, parking lots, or other impervious surfaces.

- c. Control of Exotic Trees and Shrubs in the San Marcos River Riparian Corridor (EXOT) – This measure includes the removal and control of exotic shrubs and trees in approximately 19.92 acres of existing riparian forest.
- d. Restoration of Wetlands (WET) – This measure includes restoration of 1.19 acres of wetland habitats. WET would involve restoration of approximately 0.08 acre of existing wetland habitats on a backwater channel of the San Marcos River near Cheatham Street and approximately 1.11 acres of wetland habitats in the form of a series of in-line wet ponds on Sessoms Creek near Spring Lake.
- e. Control of Sediment Discharge into the San Marcos River (DISC) - This measure would include improving currently degraded discharges at 12 locations on 2.10 acres along the San Marcos River. The contour and path of existing discharges would be modified to reduce the velocity of flows and allow for capture of sediments and potentially pollutants prior to discharge into the river.
- f. Removal of Accumulated Sediments from the San Marcos River (SED) – This measure includes removal of sediments within the San Marcos River over approximately 4.75 acres during the initial Federally cost shared construction and up to 25.42 acres over the 50-year life of the project during normal Operation and Maintenance (O&M) activities.

None of these restoration measures would create a hazardous wildlife attractant because each measure restores existing aquatic habitats. Wetland restoration, which, of the proposed restoration measures has the greatest probability of creating a new hazardous wildlife attractant, is limited to 1.19 acres of habitat, and is over 3 miles away from the western end of Runway 8/26.

The USACE is preparing a Detailed Project Report and Integrated Environmental Assessment (DPR/EA) and Draft Finding of No Significant Impact (FONSI) addressing these proposed restoration measures along the San Marcos River and identifying and evaluating impacts that would result from proposed restoration measures to the human and natural resources found within the San Marcos River area. If requested, the USACE will provide the FAA with a copy of the Draft DPR/EA and FONSI when it is distributed for public review and comment. While the Draft DPR/EA and FONSI are being prepared, we invite the FAA to review the restoration measures associated with the Tentatively Selected Plan for the San Marcos River Section 206 Aquatic Ecosystem Restoration Project and provide us with any comments or concerns. We look forward to receiving your comments and concerns as we move forward.

Please address any comments you may have to Ms. Amanda McGuire, Environmental Resources Planner, CESWF-PEC-TN, P.O. Box 17300, Fort Worth, Texas 76102-0300 or email amanda.mcguire@usace.army.mil. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric W. Verwers", with a stylized, flowing script.

Eric W. Verwers
Director, Regional Planning and Environmental
Center

3 Enclosures

1. Vicinity Map (Figure 1)
2. Tentatively Selected Plan (Figure 2)
3. Selected Plan (Figure 3)

CC: Texas Aviation Partners, Attn: Stephen Alexander, 1807 Airport Drive, Suite 200, San Marcos, Texas 78666

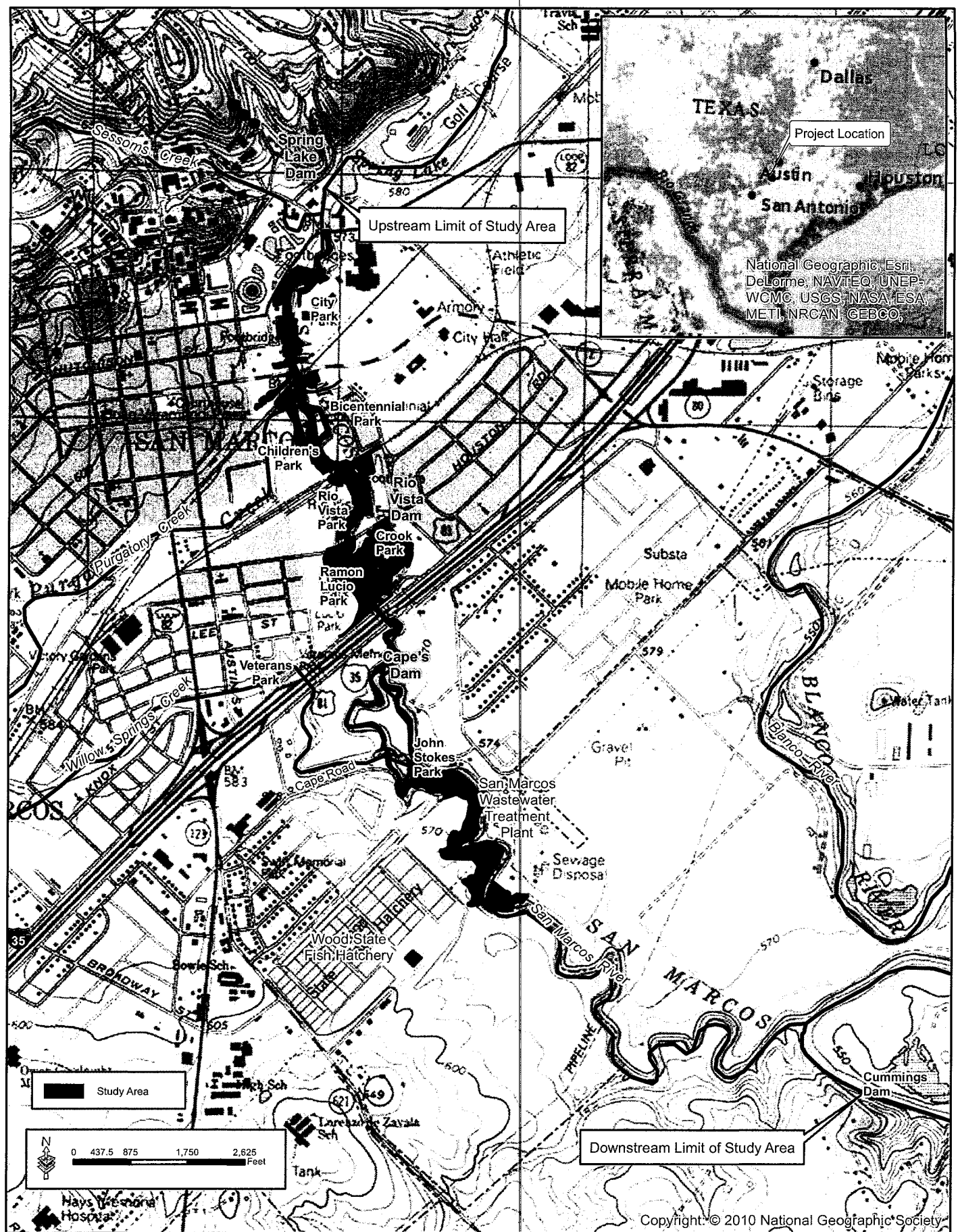


Figure 1. Vicinity Map

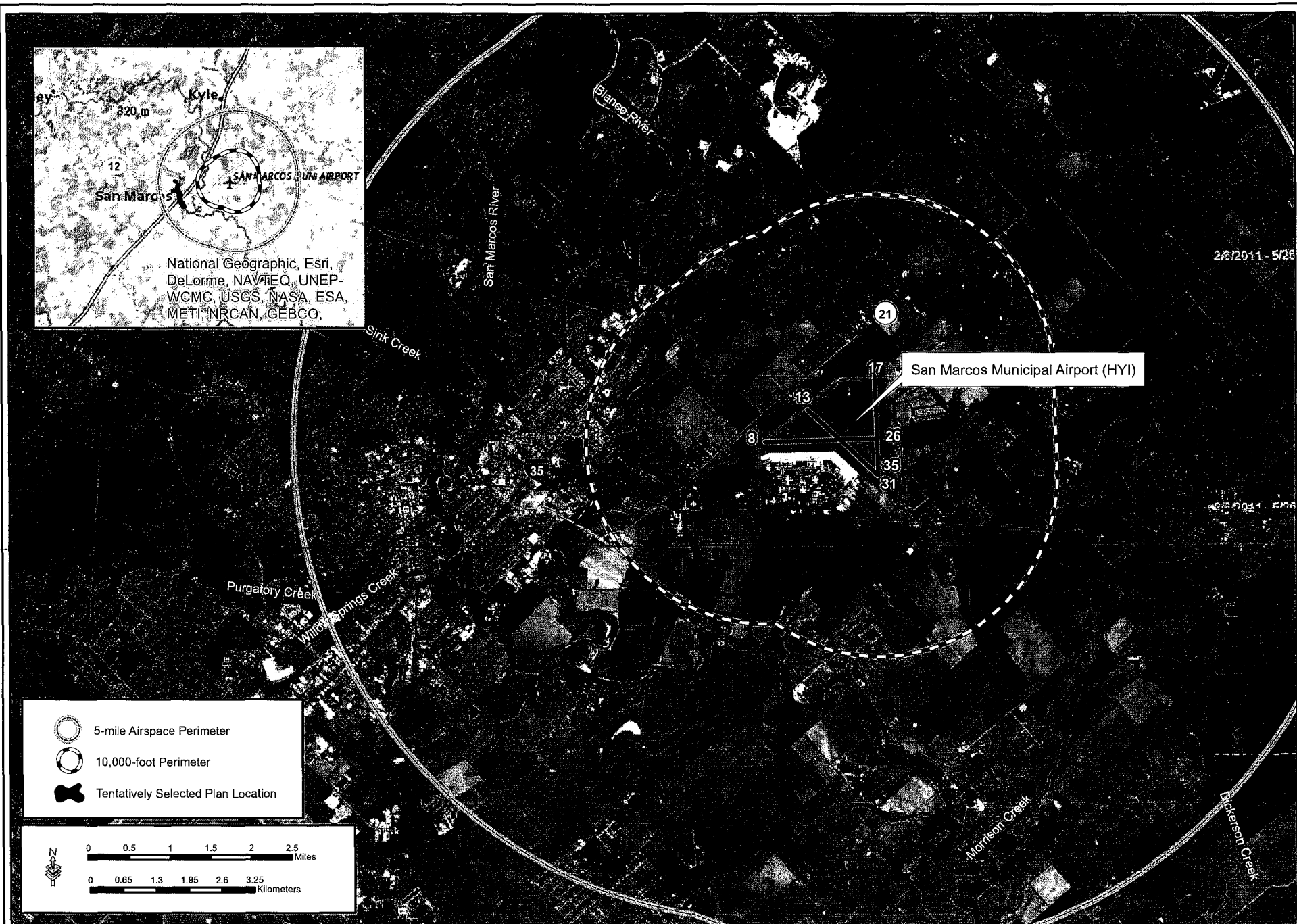


Figure 2. Tentatively Selected Plan in Relation to San Marcos Municipal Airport (HYI)

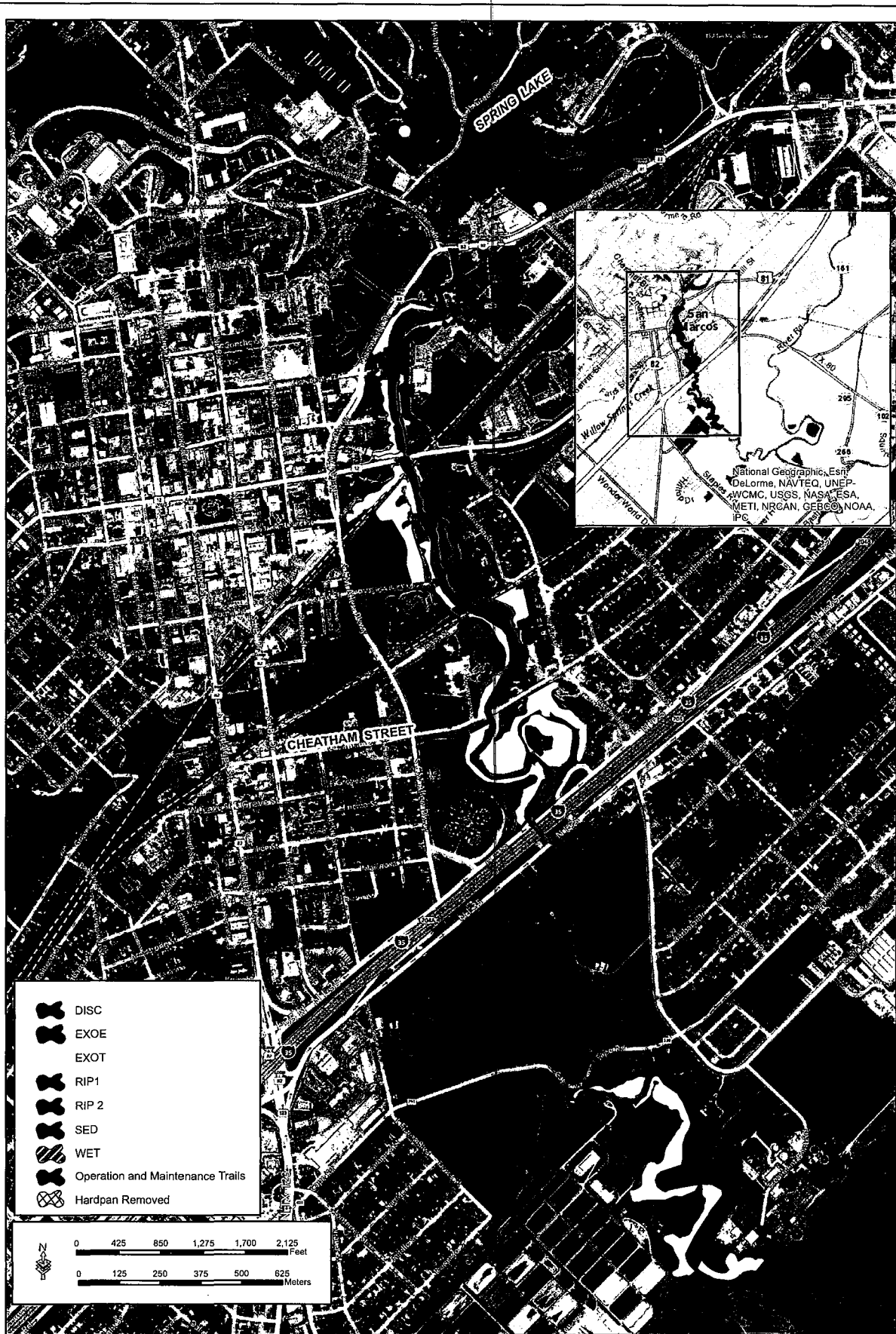


Figure 3. Tentatively Selected Restoration Plan

From: Mark Denton <Mark.Denton@thc.state.tx.us>
Sent: Wednesday, January 29, 2014 4:58 PM
To: Parrish, Nancy A SWF
Cc: Sarah Birtchet; Bill Martin
Subject: [EXTERNAL] RE: San Marcos River Aquatic Ecosystem Restoration (UNCLASSIFIED)

I don't think, so. But, if they find a significant deposit and can't avoid it then I guess we'll have to write an MOA. Right Bill?

-----Original Message-----

From: Parrish, Nancy A SWF [mailto:Nancy.A.Parrish@usace.army.mil]
Sent: Wednesday, January 29, 2014 12:01 PM
To: Mark Denton
Cc: Sarah Birtchet
Subject: RE: San Marcos River Aquatic Ecosystem Restoration (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi Mark-

We found the reports and have done some quick checking against our project area. We think there is maybe 25% of our proposed ecosystem restoration area that has not yet been surveyed. We plan to do the survey while the engineers do their more detailed design. The idea is that we can help influence the design to avoid impacts as best we can. Anything we can't avoid, we'd mitigate before anything goes to construction. Do we really need a PA for that in your opinion, or do we just consider consultation on-going throughout the design phase?

Nancy

Nancy Parrish, RPA
Plan Formulation CESWF-PEC-PF
819 Taylor St
Fort Worth, TX 76102
ph.817-886-1725

-----Original Message-----

From: Mark Denton [mailto:Mark.Denton@thc.state.tx.us]
Sent: Wednesday, January 15, 2014 12:23 PM
To: Parrish, Nancy A SWF
Cc: Sarah Birtchet
Subject: [EXTERNAL] RE: San Marcos River Aquatic Ecosystem Restoration (UNCLASSIFIED)

The cities of San Marcos and New Braunfels hired (possibly with some funding from the Edwards Aquifer District) their own archeologists to separately perform investigations on the Comal and San Marcos Rivers for their respective ecosystem restoration projects. New Braunfels was never going to do any bank modifications and there 106 needs were therefore pretty limited. San Marcos on the other hand had some fairly aggressive bank modification in mind to seriously cut back (literally) the erosion problems they are experiencing, particularly along public access swimming areas. Among other things, the publicly owned "Lions Club" swimming area modification along the San Marcos River

were going to involve removal of 1930's vintage concrete bank stabilization walls and water level sidewalks that sit on top of a significant (State Archeological Landmark) prehistoric deposits, but once I explained the potential adverse effects and expense of modifying this area they immediately abandoned that concept and all other major bank modifications plans, besides adding fill to a small section of the bank down close to the I-35 frontage road. There's also an SAL down there, but we worked out a no adverse effect way for them to accomplish what they need to do.

Most of the rest of the work for both rivers involved silt removal of strictly modern silt deposits in the main canals, hand removal of invasive vegetation, and hand planting of new anti-erosion plants along the banks.

The City of San Marcos also excavated a pit close to the river as a holding pond for dredge material and water. The excavation of this pit was monitored by CAS archeologists, artifacts were found and an interim report is pending.

Mark H. Denton, Coordinator
State & Federal Review Section
Archeology Division
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276
(512) 463-5711
www.thc.state.tx.us

-----Original Message-----

From: Parrish, Nancy A SWF [mailto:Nancy.A.Parrish@usace.army.mil]
Sent: Wednesday, January 15, 2014 10:47 AM
To: Mark Denton
Cc: Sarah Birtchet
Subject: RE: San Marcos River Aquatic Ecosystem Restoration (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Wow. Um.... I had no idea work had been done by USFWS or anyone else. Frankly, I was brought in late and told no one had done anything for Section 106! Let me get with the PM and the contractor and figure out what might be left to actually do. What's the point of resubmitting reports? I would rather submit a letter that says someone else did the survey and we will have no adverse effect (or we will, if that's the case) and move from there.

Lately I feel like you know way more about my projects than I do! No one ever talks to me!

Nancy Parrish, RPA
Plan Formulation CESWF-PEC-PF
819 Taylor St
Fort Worth, TX 76102
ph.817-886-1725

-----Original Message-----

From: Mark Denton [mailto:Mark.Denton@thc.state.tx.us]
Sent: Wednesday, January 15, 2014 9:59 AM
To: Parrish, Nancy A SWF
Cc: Sarah Birtchet

Subject: [EXTERNAL] San Marcos River Aquatic Ecosystem Restoration

Hey Nancy hope you had a good holiday season.

Just before the holiday season began we got a draft PA from you folks for this "restoration" project and yet all of this has already been coordinated with the THC through US Fish & Wildlife, the Edwards Aquifer District, and the City of San Marcos. I know there is a little bit of archeology left to do, but almost all of the archeological investigations have already been taken care of under State Antiquities Permits. So, I'm wondering is the USACE just going to resubmit all of the reports to us that we have already reviewed, or how is this going to work. I guess as a formality I don't mind have our ED sign a PA since the ecosystem project isn't done yet, but otherwise this is all sort of after-the-fact. The parties have supposedly abandoned any plans to affect historic structures (i.e., historic walls along the banks and swimming areas), so we are hoping that will hold true.

What's your read on things?

PS. US Fish & Wildlife did not to write a PA with us, because their permit process was a no adverse effect.

Mark H. Denton, Coordinator

State & Federal Review Section

Archeology Division

Texas Historical Commission

P.O. Box 12276

Austin, Texas 78711-2276

(512) 463-5711

www.thc.state.tx.us <<http://www.thc.state.tx.us/>>

LOGO MAIL

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

December 13, 2013

Regional Planning and Environmental Center

Mr. Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, Texas 78711

Dear Mr. Wolfe:

The U.S. Army Corps of Engineers (USACE), Fort Worth District has formulated an Aquatic Ecosystem Restoration project on the San Marcos River with our non- Federal sponsor, the City of San Marcos, Texas. This effort began in the late 1990s and has progressed slowly dependent upon availability of funding. Recently, USACE identified a Tentatively Selected Plan which is described in the *Draft Integrated Detailed Project Report and Environmental Assessment, San Marcos River, 206 Aquatic Ecosystem Restoration Project* which is enclosed for your office's review and comment. Proposed ground disturbing activities include excavation of four wetland cells, sediment removal from river channel, and invasive species removal primarily from riparian areas.

The prolonged project formulation delayed the start of the Section 106 process. As a result, USACE plans to conduct a cultural resources inventory of all properties included within the restoration effort, including access roads, staging areas, and other ancillary areas related to the undertaking when the project moves into the Pre-Construction Engineering and Design (PED) phase of the study. Subsequent site evaluations, if needed, will also be conducted during PED. Through consultation with your office, USACE will consider potential impacts to significant historic properties if they are found within the Area of Potential Effects and the best way to mitigate for impacts or monitoring in order to prevent impacts during construction. All consultation and treatment measures will be executed prior to project construction. The USACE plan to accomplish Section 106 during PED is outlined in the enclosed Programmatic Agreement.

Please send your comments on the draft report and Programmatic Agreement to Mr. Douglas Sims, Chief, NEPA and Cultural Resources Section, 817-886-1853 or douglas.c.sims@usace.army.mil. We look forward to your participation in the Section 106 consultation process on this study.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric W. Verwers". The signature is fluid and cursive, with a large initial "E" and a long, sweeping underline.

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosures

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
REGARDING THE
SAN MARCOS SECTION 206
AQUATIC ECOSYSTEM RESTORATION PROJECT**

WHEREAS, Section 106 of the National Historic Preservation Act (NHPA), 16 United States Code (U.S.C.) 470f, and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800 (Section 106), require Federal agencies to take into account the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) with a reasonable opportunity to comment on those undertakings; and

WHEREAS, the U.S. Army Corps of Engineers (USACE) and the City of San Marcos will implement ecosystem restoration measures on 4 river miles adjacent to the San Marcos River under the authority of Section 206 of the Water Resources Development Act of 1996 (hereinafter, "Undertaking") (Attachment A); and

WHEREAS, the Area of Potential Effects (APE) for the ecosystem restoration consists of measures to remove non native and invasive tree species, plant native grass and woody vegetation, improve storm water discharge through terracing, creation of vegetated swales, use of wattles, riffle dams, and other soil bioengineering techniques, and remove accumulated sediment. All measures will be implemented within the 100-year floodplain along the San Marcos River between Spring Lake Dam and Cummings Dam (Attachments B1 and B2); and

WHEREAS, the result of the feasibility study has identified an ecosystem restoration tentatively selected plan which is detailed in the entitled Draft *Integrated Detailed Project Report and Environmental Assessment; San Marcos River Section 206 Aquatic Ecosystem Restoration Project* (August 2013); and

WHEREAS, the USACE has consulted with the Comanche Nation, Kiowa Tribe of Oklahoma, and Mescalero Apache Tribe of the Mescalero Reservation regarding the Undertaking in accordance with 36 CFR 800.2(c)(2)(ii), and has invited them as concurring parties on this Programmatic Agreement (PA); and

WHEREAS, this agreement has addressed all phases of the Undertaking; and

WHEREAS, the definitions set forth in 36 CFR 800.16 are incorporated herein by reference and apply throughout this PA; and

WHEREAS, the USACE has determined that the Undertaking has the potential to adversely affect properties listed or eligible for listing in the National Register of Historic

Places (NRHP), either individually or as part of a district, and has consulted with the Texas SHPO, in accordance with Section 106 and implementing regulations; and

NOW, THEREFORE, the USACE and the Texas State Historic Preservation Officer (SHPO), henceforth known as the Signatories, agree that the implementation of the following stipulations evidence that USACE has taken into account the effects of the Undertaking upon historic properties, and that execution of this agreement evidences compliance with Section 106 of the NHPA in accordance with 36 CFR 800.6(c) and 36 CFR 800.14.

STIPULATIONS

The USACE shall ensure that the following measures are carried out:

1. Cultural Resources Inventory

- a. Survey: USACE shall complete and report the results of all required intensive surveys of the Undertaking's APE, prior to the implementation of the restoration measures, in a manner consistent with the "Secretary of the Interior's Standards and Guidelines for Identification" (48 FR 4472—23) and the Texas Historical Commission's (THC) "Archeological Survey Standards for Texas" and taking into account the National Park Service (NPS) publication, "The Archeological Survey: Methods and Uses" (1978 GPO stock #024-016-00091). This will include areas not previously surveyed and areas where previous surveys are deemed by the USACE, in consultation with the Texas SHPO, to be inadequate. This will also include any additional areas that may be affected by changes in project design, access roads, staging areas, and other ancillary areas related to the Undertaking. All surveys shall be conducted and reports prepared by or under the direct supervision of persons that meet the "Secretary of the Interior's Qualifications Standards" (48 FR 44738-9), as well as the requirements for Principal Investigator defined in Title 13, part II of the Texas Administrative Code, Chapter 26 (hereafter, "Qualification Standards").
- b. Reporting: USACE will document the results of any and all inventories are documented in reports that follow the "Secretary of the Interior's Standards for Archeological Documentation" and the "Council of Texas Archeologists Guidelines for Cultural Resource Management Reports."
- c. Review: USACE will submit all reports for review to the Texas SHPO, and appropriate Native American tribes. Reviewers shall have thirty (30) calendar days to complete their review and provide comments. USACE will incorporate comments as appropriate and distribute a final report to all reviewers. Failure by any reviewer to comment within the thirty (30) calendar day review period shall not preclude the USACE from allowing draft reports to be finalized. The USACE

shall ensure that all reviewers named in this Stipulation expeditiously receive copies of all final survey and evaluation reports.

2. Resource Evaluation

- a. Site Testing: If resources are located during the inventories, they will be evaluated to determine whether they are eligible for the National Register of Historic Places (NRHP). All evaluations will be consistent with the "Secretary of the Interior's Standards and Guidelines for Evaluation" (48 FR 44723-26). A testing plan will be developed in consultation with the Texas SHPO prior to excavation. USACE shall make all determinations of eligibility in accordance with the criteria set forth in 36 CFR 60.4 for all properties within the APE.
- b. Reporting: USACE will document the results of site testing in reports that follow the "Secretary of the Interior's Standards for Archeological Documentation" and the "Council of Texas Archeologists Guidelines for Cultural Resource Management Reports".
- c. Review: The USACE shall distribute the draft testing and evaluation report to the Texas SHPO and appropriate Native American Tribes for review and comment. Reviewers shall have thirty (30) calendar days to complete their review and provide comments to USACE. USACE will incorporate comments as appropriate and distribute a final report. Failure by any reviewer to comment within the thirty (30) calendar day review period shall not preclude the USACE from allowing draft reports to be finalized. The USACE shall ensure that all reviewers named in this Stipulation expeditiously receive copies of all final survey and evaluation reports
- d. Disputes: If the USACE and the Texas SHPO cannot agree on the National Register eligibility of a property, or on the effects of the undertaking on a Historic Property, the USACE shall obtain a determination from the Keeper of the National Register in accordance with 36 CFR 63. The determination of the Keeper shall be final for purposes of this PA.

3. Determination of Effects

- a. Determination of Effects: USACE will make a determinate of effects of the undertaking on any cultural resources determined eligible for the NRHP and submit that determination to the SHPO for concurrence. This may be done concurrently with the submission of determination of eligibility at the discretion of USACE.
- b. Review: SHPO will be afforded 30 days to concur with the USACE determination of effects. If no response is forthcoming, USACE will assume concurrence and proceed under the stipulations of this document.

4. Adverse Effects:

- a. Avoidance: Wherever practicable, USACE will act to avoid adverse effects to a Historic Property within the APE.
 - i) Avoidance of a Historic Property may require monitoring during construction to ensure the property is not inadvertently impacted. Monitoring of historic properties that have been preserved in-place through avoidance of impacts shall follow the ongoing monitoring schedule of the restoration measures beyond the construction phase.
- b. Mitigation: When avoidance is not possible, USACE will consult with SHPO on the most appropriate means of mitigation for an identified resource. At a minimum, a research design plan will be developed and mitigation carried out in accordance with Secretary of the Interior's Standards and the THC Guidelines. Mitigation may include construction monitoring by a professional archaeologist who meets the Secretary of the Interior Standards.
- c. Reporting: USACE will document the results of any and all inventories are documented in reports that follow the "Secretary of the Interior's Standards for Archeological Documentation" and the "Council of Texas Archeologists Guidelines for Cultural Resource Management Reports."
- d. Review: USACE will submit all reports for review to the Texas SHPO and appropriate Native American tribes. Reviewers shall have thirty (30) calendar days to complete their review and provide comments. USACE will incorporate comments as appropriate and distribute a final report to all reviewers. Failure by any reviewer to comment within the thirty (30) calendar day review period shall not preclude the USACE from allowing draft reports to be finalized. The USACE shall ensure that all reviewers named in this Stipulation expeditiously receive copies of all final survey and evaluation reports.

5. Modifications of Restoration Measures and Ancillary Areas

If modifications of the restoration measures result in construction outside of previously surveyed areas or if activities are planned in an ancillary area that has not been previously surveyed for historic properties, the USACE will notify the SHPO and ensure that the APEs of the proposed areas are inventoried, evaluated, and if Historic Properties are identified, effects will be evaluated and adverse effects mitigated. USACE will follow Stipulations 1 through 4 of this PA for modified restoration areas and ancillary areas.

6. Exempt Activities

Activities that do not have the potential to affect historic properties are exempt from further Texas SHPO review and consultation. USACE has consulted with the Texas SHPO and determined that the following activities associated with the Undertaking

do not have the potential to affect historic properties and require no further consultation under Section 106 of the NHPA:

- a. Herbicide treatment and hand cutting of nonnative vegetation where there would be no root or rhizome removal
- b. Placement of obstructions for the removal of impervious surfaces (e.g., parking lot) that does not include any excavation

7. Implementation of Construction

- a. The USACE may authorize the implementation of any of the restoration measures after the USACE and the Texas SHPO have consulted and concurred that (1) such measures will not affect historic properties, or (2) the area does not contain historic properties, or (3) historic properties have been satisfactorily mitigated, and (4) that any provisions for monitoring of construction as described in Stipulation 4(b) above is agreed upon by USACE and Texas SHPO as an appropriate mitigation measure.
- b. In accordance with this PA, the USACE shall ensure that historic properties are protected against damage until the applicable treatment measures are implemented.

8. Post Review Discoveries

- a. If Native American human remains and/or objects subject to the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), including human burials, associated and unassociated funerary objects, sacred objects and objects of cultural patrimony, are encountered before the transfer of LSAAP and RRAD, the USACE shall notify and consult with the identified culturally affiliated Tribe(s) and lineal descendants to determine appropriate treatment measures for these human remains in agreement with NAGPRA (25 USC Section 3001 et seq) and 43 CFR Part 10.
- b. In the event of post-review discovery of historic properties not subject to NAGPRA, work shall immediately stop in the area of discovery and the USACE shall comply with 36 CFR 800.13(b) to notify and consult with the Texas SHPO and appropriate Native American Tribes.

9. Monitoring and Reporting Requirements

- a. When monitoring of construction or post construction activities is undertaken as a measure to avoid adverse effects to a Historic Property in accordance with Stipulation 4(a), USACE shall ensure that the results of that monitoring will be documented in reports that follow the "Secretary of the Interior's Standards for Archeological Documentation" and the "Council of Texas Archeologists

Guidelines for Cultural Resource Management Reports.” The technical reports shall include the current state of the historic properties, the effectiveness of the mechanisms used to protect the historic properties from adverse effects, and any recommendations for mitigating or minimizing any future or unforeseen adverse effects on the historic properties.

- b. USACE will submit all reports for review to the Texas SHPO and appropriate Native American tribes. Reviewers shall have thirty (30) calendar days to complete their review and provide comments. USACE will incorporate comments as appropriate and distribute a final report to all reviewers. Failure by any reviewer to comment within the thirty (30) calendar day review period shall not preclude the USACE from allowing draft reports to be finalized. The USACE shall ensure that all reviewers named in this Stipulation expeditiously receive copies of all final survey and evaluation reports
- c. If adverse effects on historic properties are noted or foreseen to occur in the future, the USACE shall consult with the Texas SHPO on a modification to the monitoring plan or to seek alternative mitigation when necessary. Consultation shall take into account the recommendations from the monitoring reports, as well as comments from the reviewers.

10. Dispute Resolution

- a. Should any party to this Agreement object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the USACE shall consult with the objecting party(ies) to resolve the objection. If the USACE determines, within thirty (30) days, that such objection(s) cannot be resolved, the following process will be implemented:
 - i) USACE shall Forward all documentation relevant to the dispute to the ACHP in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the ACHP shall review and advise the USACE on the resolution of the objection within thirty (30) days of receipt of the documentation. Any comment provided by the ACHP, and all comments from the parties to the PA, will be taken into account by the USACE in reaching a final decision regarding the dispute.
 - ii) If the ACHP does not provide comments regarding the dispute within thirty (30) days after receipt of adequate documentation, the USACE may render a decision regarding the dispute. In reaching its decision, the USACE will take into account all comments regarding the dispute from the parties to the PA.
 - iii) USACE shall notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. The USACE's decision will be final.

- iv) USACE shall continue to carry out all other actions subject to the terms of this PA that are not the subject of the dispute.

11. Provision for Biannual Review of Agreement

The USACE and Texas SHPO shall consult biannually to review implementation of the terms of this PA and determine whether revisions or amendments are needed. If revisions are needed, the parties to this agreement shall consult in accordance with 36 CFR 800 to make such revisions.

12. Amendment, Noncompliance, and Termination of Agreement

- a. If a change occurs in the Undertaking that creates new circumstances or if the Signatories are unable to carry out the terms of this PA, any Signatory to this PA may request an amendment by letter or via email in accordance with 36 CFR part 800.6(c)(7), but the Amendment shall not be effective unless agreed upon and signed by all Signatories.
- b. Any Signatory that signs this PA may terminate the agreement by providing thirty (30) days' written notice by letter or via email to the other parties, provided that the parties have consulted during this period to seek amendment in accordance with Stipulation 11 or other actions that would prevent termination.
- c. If this PA is terminated and the USACE determines that the Undertaking authorizing the Project will proceed, the USACE shall comply with 36 CFR part 800.14(b)(2)(v).
- d. The USACE, in consultation with the Signatories, may determine that the terms of this agreement have been satisfactorily fulfilled. Upon such determination, the PA shall terminate and the USACE shall provide all Signatories with written notice by letter or via email of the determination and terminate.

13. Effective Date, End Date, Applicability

- a. This PA shall take effect on the date that it has been fully executed by the USACE and the Texas SHPO.
- b. If the Project has not been implemented within five (5) years of the date of execution of the PA, and the PA had not been terminated, the Signatories shall consult on a date not less than ninety (90) days prior to the fifth anniversary of this PA to reconsider its terms. Reconsideration may include continuation of the PA as originally executed, amendment, or termination. If the PA is terminated because the Undertaking no longer meets the definition of an "Undertaking" set forth in 36CFR Part 800.16(y), the Agreement shall be terminated in accordance with Stipulation 12(d).

- c. Execution of this PA and implementation of its terms evidence that the USACE has afforded the Texas SHPO an opportunity to comment on the Undertaking and that the USACE has taken into account the effect of the Undertaking on the Historic Properties.
- d. This PA is intended for the benefit and protection of the Signatories, and no party is a third-party beneficiary hereof.

EXECUTION AND IMPLEMENTATION of the PA pursuant to 36 CFR 800.14(b) evidences that the USACE has afforded ACHP a reasonable opportunity to comment on the Undertaking and its effects on historic properties, that USACE has taken into account the effects of the Undertaking on historic properties, and that USACE has satisfied its responsibilities under Section 106 of the NHPA and applicable regulations.

U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

By: _____ Date _____
Charles H. Klinge, Colonel, U.S. Army, Commanding

TEXAS HISTORICAL COMMISSION

By: _____ Date _____
Mr. Mark Wolfe, State Historic Preservation Officer

[illegible]

Attachment B1

Tentatively Selected Plan for Aquatic Ecosystem Restoration



Attachment B2

Tentatively Selected Plan for Aquatic Ecosystem Restoration





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

December 16, 2013

Regional Planning and Environmental Center

Ms. Holly Houghten, THPO
Mescalero Apache Tribe
P. O. Box 227
Mescalero, New Mexico 88340

Dear Ms. Houghten:

The U.S. Army Corps of Engineers (USACE), Fort Worth District has formulated an Aquatic Ecosystem Restoration project on the San Marcos River with our non- Federal sponsor, the City of San Marcos, Texas. This effort began in the late 1990s and has progressed slowly dependent upon availability of funding. Recently, USACE identified a Tentatively Selected Plan which will be described in a Draft *Integrated Detailed Project Report and Environmental Assessment, San Marcos River, 206 Aquatic Ecosystem Restoration Project* available for your review and comment in January 2014. Proposed ground disturbing activities include excavation of four wetland cells, sediment removal from river channel, and invasive species removal primarily from riparian areas.

The prolonged project formulation delayed the start of the Section 106 process and we wish to initiate consultation with the Mescalero Apache Tribe at this time. USACE plans to conduct a cultural resources inventory of all property included in the restoration effort, including access roads, staging areas, and other ancillary areas related to the undertaking when the project moves into the Pre-Construction Engineering and Design (PED) phase of the study. Subsequent site evaluations, if needed, will also be conducted during PED. USACE will consider potential impacts to significant historic properties if they are found within the Area of Potential Effects and the best way to mitigate for impacts or monitor to prevent impacts during construction. USACE will consult with the Mescalero Apache Tribe throughout this process. All consultation and treatment measures will be executed prior to project construction. The USACE plan to accomplish Section 106 during PED is outlined in a Programmatic Agreement (PA) to be executed with the Texas State Historic Preservation Officer (SHPO) enclosed for your review.

Please send your comments on the draft PA to Mr. Douglas Sims, Chief, NEPA and Cultural Resources Section, 817-886-1853 or douglas.c.sims@usace.army.mil. We look forward to your participation in the Section 106 consultation process on this study.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric W. Verwers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

December 16, 2013

Regional Planning and Environmental Center

Mr. Jimmy W. Arterberry, THPO
Comanche Indian Tribe of Oklahoma
584 NW Bingo Road
Lawton, Oklahoma 73502

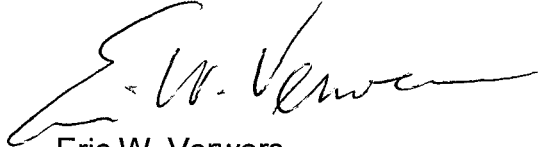
Dear Mr. Arterberry:

The U.S. Army Corps of Engineers (USACE), Fort Worth District has formulated an Aquatic Ecosystem Restoration project on the San Marcos River with our non- Federal sponsor, the City of San Marcos, Texas. This effort began in the late 1990s and has progressed slowly dependent upon availability of funding. Recently, USACE identified a Tentatively Selected Plan which will be described in a Draft *Integrated Detailed Project Report and Environmental Assessment, San Marcos River, 206 Aquatic Ecosystem Restoration Project* available for your review and comment in January 2014. Proposed ground disturbing activities include excavation of four wetland cells, sediment removal from river channel, and invasive species removal primarily from riparian areas.

The prolonged project formulation delayed the start of the Section 106 process and we wish to initiate consultation with the Comanche Indian Tribe of Oklahoma at this time. USACE plans to conduct a cultural resources inventory of all property included in the restoration effort, including access roads, staging areas, and other ancillary areas related to the undertaking when the project moves into the Pre-Construction Engineering and Design (PED) phase of the study. Subsequent site evaluations, if needed, will also be conducted during PED. USACE will consider potential impacts to significant historic properties if they are found within the Area of Potential Effects and the best way to mitigate for impacts or monitor to prevent impacts during construction. USACE will consult with the Comanche Indian Tribe of Oklahoma throughout this process. All consultation and treatment measures will be executed prior to project construction. The USACE plan to accomplish Section 106 during PED is outlined in a Programmatic Agreement (PA) to be executed with the Texas State Historic Preservation Officer (SHPO) enclosed for your review.

Please send your comments on the draft PA to Mr. Douglas Sims, Chief, NEPA and Cultural Resources Section, 817-886-1853 or douglas.c.sims@usace.army.mil. We look forward to your participation in the Section 106 consultation process on this study.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric W. Verwers". The signature is fluid and cursive, with a large initial "E" and "V".

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300, 819 TAYLOR STREET
FORT WORTH, TEXAS 76102-0300

December 16, 2013

Regional Planning and Environmental Center

Mr. Ronald Twohatchet, Chairperson
Kiowa Indian Tribe of Oklahoma
Kiowa Way Hwy 9 West
Carnegie, Oklahoma 73015

Dear Mr. Twohatchet:

The U.S. Army Corps of Engineers (USACE), Fort Worth District has formulated an Aquatic Ecosystem Restoration project on the San Marcos River with our non- Federal sponsor, the City of San Marcos, Texas. This effort began in the late 1990s and has progressed slowly dependent upon availability of funding. Recently, USACE identified a Tentatively Selected Plan which will be described in a Draft *Integrated Detailed Project Report and Environmental Assessment, San Marcos River, 206 Aquatic Ecosystem Restoration Project* available for your review and comment in January 2014. Proposed ground disturbing activities include excavation of four wetland cells, sediment removal from river channel, and invasive species removal primarily from riparian areas.

The prolonged project formulation delayed the start of the Section 106 process and we wish to initiate consultation with the Kiowa Indian Tribe of Oklahoma at this time. USACE plans to conduct a cultural resources inventory of all property included in the restoration effort, including access roads, staging areas, and other ancillary areas related to the undertaking when the project moves into the Pre-Construction Engineering and Design (PED) phase of the study. Subsequent site evaluations, if needed, will also be conducted during PED. USACE will consider potential impacts to significant historic properties if they are found within the Area of Potential Effects and the best way to mitigate for impacts or monitor to prevent impacts during construction. USACE will consult with the Kiowa Indian Tribe of Oklahoma throughout this process. All consultation and treatment measures will be executed prior to project construction. The USACE plan to accomplish Section 106 during PED is outlined in a Programmatic Agreement (PA) to be executed with the Texas State Historic Preservation Officer (SHPO) enclosed for your review.

Please send your comments on the draft PA to Mr. Douglas Sims, Chief, NEPA and Cultural Resources Section, 817-886-1853 or douglas.c.sims@usace.army.mil. We look forward to your participation in the Section 106 consultation process on this study.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric W. Verwers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosure



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

May 30, 2013

PUBLIC MEETING NOTICE
SAN MARCOS RIVER CONTINUING AUTHORITIES PROGRAM SECTION 206 AQUATIC
ECOSYSTEM RESTORATION FEASIBILITY STUDY

The U.S. Army Corps of Engineers (USACE), Fort Worth District, in partnership with the City of San Marcos, is currently conducting a feasibility study for aquatic ecosystem restoration within the San Marcos River, San Marcos, Texas. The study area includes the San Marcos River and adjacent land from Spring Lake Dam to Cummings Dam located on the Blanco River. Other lands considered within the study area include the headwaters of the San Marcos River (i.e. Sessoms Creek, Purgatory Creek, and Willow Springs Creek). This aquatic ecosystem restoration study was conducted under the authority of the Continuing Authorities Program Section 206 of the Water Resources Development Act of 1996 (Public Law 104-33).

During the formulation process of the feasibility study, problems and opportunities for aquatic ecosystem restoration were identified based upon the ongoing degradation of the ecosystem within and adjacent to the study area. The following study objectives were established to improve the aquatic ecosystem: a) increase habitat suitability of the riparian corridor, b) improve the function of the riparian corridor as a buffer against sediment and pollutant inputs, c) increase aquatic habitat suitability, d) reduce recreational impacts on habitat suitability and on Federally-listed endemic species, and e) improve habitats for Federally-listed endemic species. Numerous aquatic restoration measures were identified based upon their ability to restore the aquatic ecosystem and to meet the study objectives. Through the formulation process, a tentatively selected plan consisting of multiple aquatic restoration measures was identified. These measures include riparian forest improvements, removal and control of invasive vegetation species, stormwater discharge channel improvements, fine sediment removal, and restoration of wetland habitats at various locations within and adjacent to the study area.

We would like to invite you to a public meeting addressing the tentatively selected plan. The public meeting, which will be conducted in an open house format, will occur from 5:30 p.m. to 7:00 p.m. on June 12, 2013, and will be held at the following location:

Dunbar Recreation Center
801 W. Martin Luther King Drive
San Marcos, Texas 78666

We look forward to receiving your comments as we move forward. Please address any comments to Mrs. Mandy McGuire, CESWF-PER-EE, P.O. Box 17300, Fort Worth, Texas 76102-0300 or by email at amanda.mcguire@usace.army.mil. Thank you for your interest and cooperation.

Eric W. Verwers
Chief, Planning, Environmental, and
Regulatory Division

THE STATE OF TEXAS }
County of Hays: }

Before me, the undersigned, holding the office of Notary Public in and

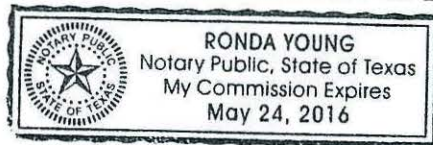
for Hays County, Texas, personally appeared Don Moore,
who states under oath that he is the publisher of the San Marcos Daily Record, a newspaper which has been
regularly and continuously published in San Marcos, Hays County, Texas, for a period of more than one
year immediately preceding the date of publication of this notice and that the Notice by Publication hereto
attached was published in the regular edition of said newspaper for a period of 1 day

on the following dates
June 2, 20 13,
_____, 20 _____, 20 _____
_____, 20 _____, 20 _____
_____, 20 _____, 20 _____
_____, 20 _____, a printed clipping of said notice being hereto attached.

The said publisher further states that the rate charged for this publication is the lowest rate charged
commercial advertisers for the same class of advertising for a like amount of space.

(Signed) Don Moore
Publisher

Subscribed and sworn to before me this 11 day of June 20 13



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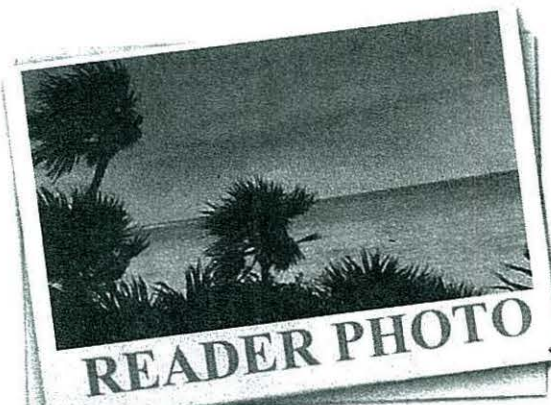
Call **512-392-2458**, Fax **512-392-1514**

or email to:

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For any questions contact Karla Beach,
Purchasing Specialist Senior at 512/393-
8181 or at
cosmpurchasing@sanmarcostx.gov.

**Public
Notices**

PUBLIC NOTICE

The City Council of the City of San Marcos, Texas, will hold a public hearing in the Council Chambers at City Hall, 630 E. Hopkins, at 7:00 p.m. on Tuesday, June 18, 2013, to consider the following:

A request to abandon streets and alleys in the Park Addition, First and Second Division, as follows: a 16 foot alley between lots 43 and 50 to the north and lots 41, 42, 51 and 52 to the south from Sessom Drive to Peachtree Street; a 16 foot alley between lots 39, 53, 56 and 61 to the north and lots 38, 54, 57 and 60 to the south from Sessom Drive to the northwest boundary of said Park Addition; Locust Street from Loquat Street (a/k/a Pecan Street) to the northeast corner of lot 50; Loquat (a/k/a Pecan) Street from Sessom Drive to Peachtree Street; and Peachtree Street from the southeast corner of lot 63 to the northwest corner of lot 50.

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this

**Public
Notices**

PUBLIC MEETING NOTICE SAN MARCOS RIVER CONTINUING AUTHORITIES PROGRAM SECTION 206 AQUATIC ECOSYSTEM RESTORATION FEASIBILITY STUDY

The U.S. Army Corps of Engineers, Fort Worth District, in partnership with the City of San Marcos, is currently conducting a feasibility study for aquatic ecosystem restoration within the San Marcos River, San Marcos, Texas. The study area includes the San Marcos River and adjacent land from Spring Lake Dam to Cummings Dam located on the Blanco River. Other lands considered within the study area include the headwaters of the San Marcos River (i.e. Sessoms Creek, Purgatory Creek, and Willow Springs Creek). A public meeting addressing the tentatively selected plan will be conducted in an open house format, from 5:30 p.m. to 7:00 p.m. on June 12, 2013, and will be held at the following location:

Dunbar Recreation Center
801 W. Martin Luther King Drive
San Marcos, Texas 78666

PART TIME

GRAPHIC

**Public
Notices**

WE ACCEPT **Lot 1, Block 1, J.B. Wilson's First Addition**
The Edwards Aquifer Authority invites qualified firms to submit sealed bids for Hot Wells large diameter caisson installation.

Bid specifications will be available at 900 E. Quincy Street, San Antonio, TX 78215, on Monday, May 20, 2013.

A mandatory on-site pre-bid meeting is scheduled for Wednesday, June 12, 2013, at 9:00 a.m.

The deadline for bids is 3:00 p.m., Tuesday, June 18, 2013.

For more information contact Ms. Cyndi Holman, Procurement Specialist, at (210) 222-2204 or visit
www.edwardsaquifer.org



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830-743-0228

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PANY & Owner**

Premium Pay Available

396-2271.
APPLY BY
6/7/13

Gundalupo Valley Electric Cooperative, Inc.

GVEC is seeking an experienced graphic designer to develop marketing collateral and corporate communications. The successful candidate will be skilled in corporate branding, layout design principles for multiple mediums including print and online, and the ability to do basic copywriting for diverse audiences. Basic HTML knowledge, photography, and video editing experience a plus.

Must be proficient with Microsoft Office Suite, Adobe Creative Suite, and producing work on a MAC. A Bachelor's degree in communications/marketing or related field and/or a minimum of 2 years related experience in graphic design and placement including working with external vendors, printers, and publications is preferred. Must have good organizational skills, excellent written and verbal communication skills and be able to handle multiple projects in a fast-paced, deadline-driven environment. Portfolio required at time of interview including design and writing samples. In addition to application and interviews, assessment tools may also be used in the candidate evaluation process.

HOW TO APPLY

GVEC offers advancement potential, competitive compensation and excellent benefits. To apply, visit **gvec.org** and click on "GVEC Careers" under the "Your GVEC" menu. Find the position you are interested in and apply online. Applications must be submitted online by the deadline in order to be considered. Equal Opportunity Employer.

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