



**US Army Corps
of Engineers** ®
Fort Worth District

Public Notice

Applicant: Billingsley Company

Project No.: SWF-2012-00111

Date: November 15, 2012

The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

Regulatory Program

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

Section 10

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States*. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

Section 404

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands*. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

Contact

Name: Mr. Darvin Messer

Phone Number: 817-886-1744

JOINT PUBLIC NOTICE

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

AND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material into waters of the United States (WOUS). This project is proposed to occur after an unrelated action that would result in the lowering of the spillway elevation of North Lake (a cooling reservoir for an abandoned power generation plant) to 485 feet MSL. North Lake is located in Dallas, Dallas County, Texas. It is expected that a new limit of WOUS would be established with the lowering of the spillway. Upon the establishment of a new limit of waters of U.S. at elevation 485 feet MSL, Billingsley Company plans to propose a multi-use development around the new, lower, lake edge; known as Cypress Waters.

APPLICANT: Billingsley Company
c/o Mr. Bill Walker, P.E.
1722 Routh Street, Suite 1313
Dallas, Texas 75201

APPLICATION NUMBER: SWF-2012-00111

DATE ISSUED: November 15, 2012

LOCATION: The proposed mixed-use development would be located in the immediate vicinity of North Lake, just north of I-635 and east of S Belt Line Road in Dallas, Dallas County, Texas. The proposed project would be located approximately at UTM coordinates 32.940 East and - 96.978 North (Zone 14) on the Carrollton 7.5-minute USGS quadrangle maps in the USGS Hydrologic Unit 12030103- Elm Fork Trinity. See Sheets 1 and 2 of 11.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 32,000 cubic yards of dredged and fill material into approximately 7.7 acres of WOUS in conjunction with the construction of a multi-use development including access roads, residential and commercial development as well as on and off-site drainage. See attached Sheets 3 through 11 of 11. The purpose of the project is to facilitate development in surrounding uplands. This project would allow for additional multi-use developments as well as schools in a rapidly growing area.

At the proposed new North Lake elevation of 485 feet MSL it is expected that there would be approximately 292.9 acres of WOUS, which would become open water areas located within the

lake itself. North Lake was originally constructed to serve as a cooling water reservoir for a power generation plant. In order to maintain the lake's design elevation of 510 feet MSL, supplemental water had to be added. This supplemental water supply was ceased several years ago and the lake has continued to drop to a current elevation of approximately 503.5 feet MSL. The applicant's recent observations indicate that adjacent wetlands have not formed in the newly exposed land, at the water's edge, and that the only WOUS are the open water of the lake. These observations were confirmed by the USACE at a preapplication site visit.

The City of Coppel (owner of the dam and spillway) was directed through terms of a legal settlement to maintain an approximately 290 acre lake as well as design and maintain a new spillway elevation. This offers the opportunity for alternative lake elevations with various configurations. Different elevations for the spillway would result in different amounts of impacts to construct the proposed development. The work to modify the North Lake outlet structure from the design elevation of 510 feet MSL to 485 feet MSL was proposed to be done without impacting WOUS and did not require USACE authorization.

During project planning the applicant considered several alternatives in an effort to avoid and minimize adverse impacts to waters of the U.S. The no build alternative would result in the project not being built and subsequently, there would be no adverse impacts to WOUS. However, the no build alternative would not meet the needs of the project and would have significant financial implications from not fully utilizing the proposed development.

The 485 feet MSL elevation would result in a lake configuration with a 292.9 acre surface area. This alternative would result in approximately 7.7 acres of loss of WOUS with approximately 5,800-linear feet of impact to the new lake edge being armored for the proposed harbor area, approximately 29,400-linear feet would remain natural edge. Project details, including cross sections of work in WOUS are illustrated on Sheets 3-11 of 11. Sheets 5 and 9 of 11 show a typical wall cross section while Sheets 6-8 of 11 show a natural sloped edge. Sheet 11 of 11 shows the areas of the lake edge proposed for either natural edge or armored edge. The applicant has designed the proposed Town Center and extension of Wrangler Road to facilitate future development in uplands (Sheet 3 of 11). would facilitate future development in uplands. The applicant also proposes to excavate a 4.5 acre pond located west of the extension of Wrangler Drive. Additionally, the applicant would construct an 4.5 acre expansion of the lake. Both of these activities would occur in uplands (Sheet 3 of 11).

The applicant also considered other elevations and resulting impacts at those elevations. A lake elevation of 490 feet MSL would result in an approximately 378.8 acre lake. In order to build the proposed development at this elevation, there would be a loss of approximately 24 acres of WOUS as a result of fill. At an elevation of 497 feet MSL, the lake would be approximately 319.6 acres and would require the filling of approximately 12.6 acres of WOUS. Elevations below 485 feet MSL did not meet the required approximately 290 acre lake, did not provide sufficient storage for irrigation and would expose islands in the lake, which were not desirable.

The applicant's exploration of offsite alternatives did not reveal any similar opportunities. The abandonment of this cooling reservoir offers opportunities that are not otherwise available in the region.

Impacts to WOUS are proposed be mitigated by purchasing credits from an approved mitigation bank serving this project area according to their established mitigation banking instrument, prior to the discharge of fill into WOUS.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE in determining whether to issue, issue with modifications, or conditions, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

STATE WATER QUALITY CERTIFICATION:

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known

interested persons that there is pending before the TCEQ a decision on water quality certification under such act. **Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087.** The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in Dallas County where the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), bald eagle (*Haliaeetus leucocephalus*), piping plover (*Charadrius melodus*), black-capped Vireo (*Vireo atricapilla*), golden-cheeked warbler (*Dendroica chrysoparia*) are known to occur or may occur as migrants. The whooping crane, least tern, black-capped Vireo and golden-cheeked warbler are endangered species and the piping plover is a threatened species. Our initial review indicates the presence of the least tern within the project area. Formal consultation with the U.S. Fish & Wildlife Service will be initiated to further assess site use and possible effects resulting from the proposed work.

NATIONAL REGISTER OF HISTORIC PLACES: The USACE has reviewed the latest complete published version of the National Register of Historic Places and found no listed properties to be in the project area. However, presently unknown scientific, archaeological, cultural or architectural data may be lost or destroyed by the proposed work under the requested permit.

FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review. Coordination with FEMA as well as the City of Dallas to obtain a Fill Permit is currently underway.

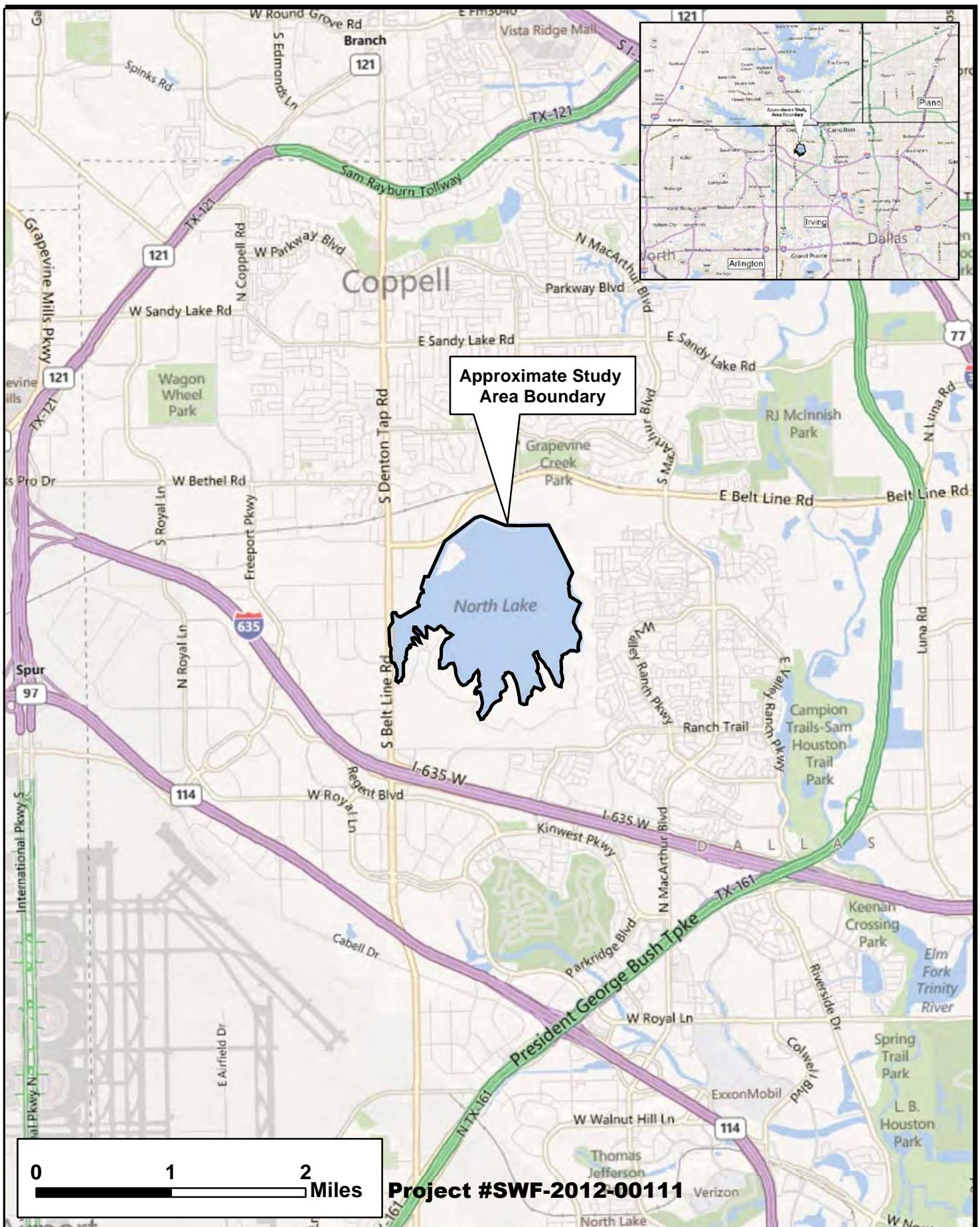
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District

Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before December 17, 2012, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to ; Regulatory Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

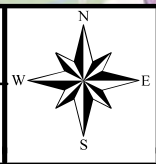
DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS



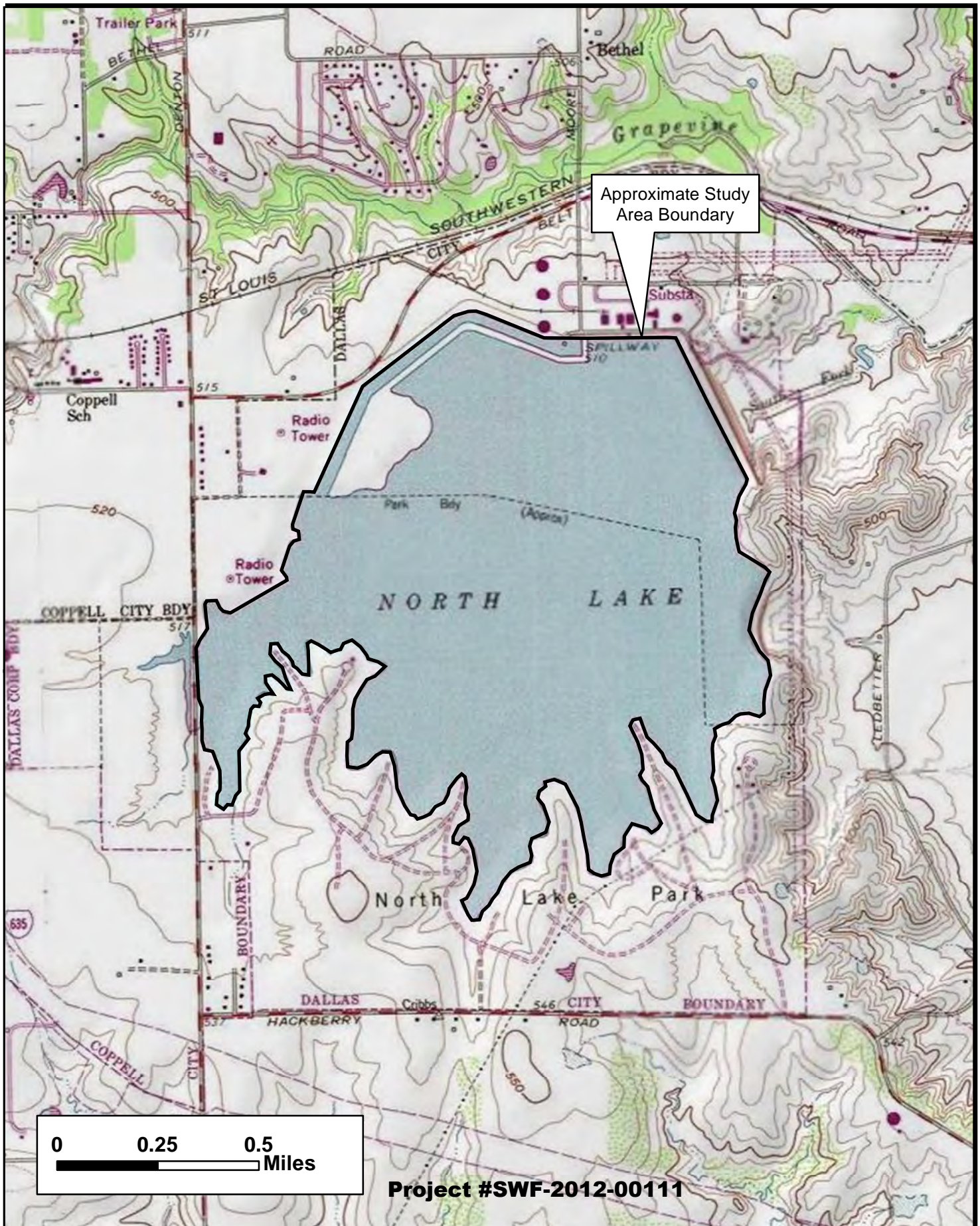
SHEET 1 OF 11 SHEETS	DATE:	10/05/2012
	DESIGN:	RKB
	DRAWN:	RKB
	CHECKED:	LDC
	KHA NO.:	063973012

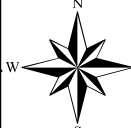

Cypress Waters
Dallas County, Texas

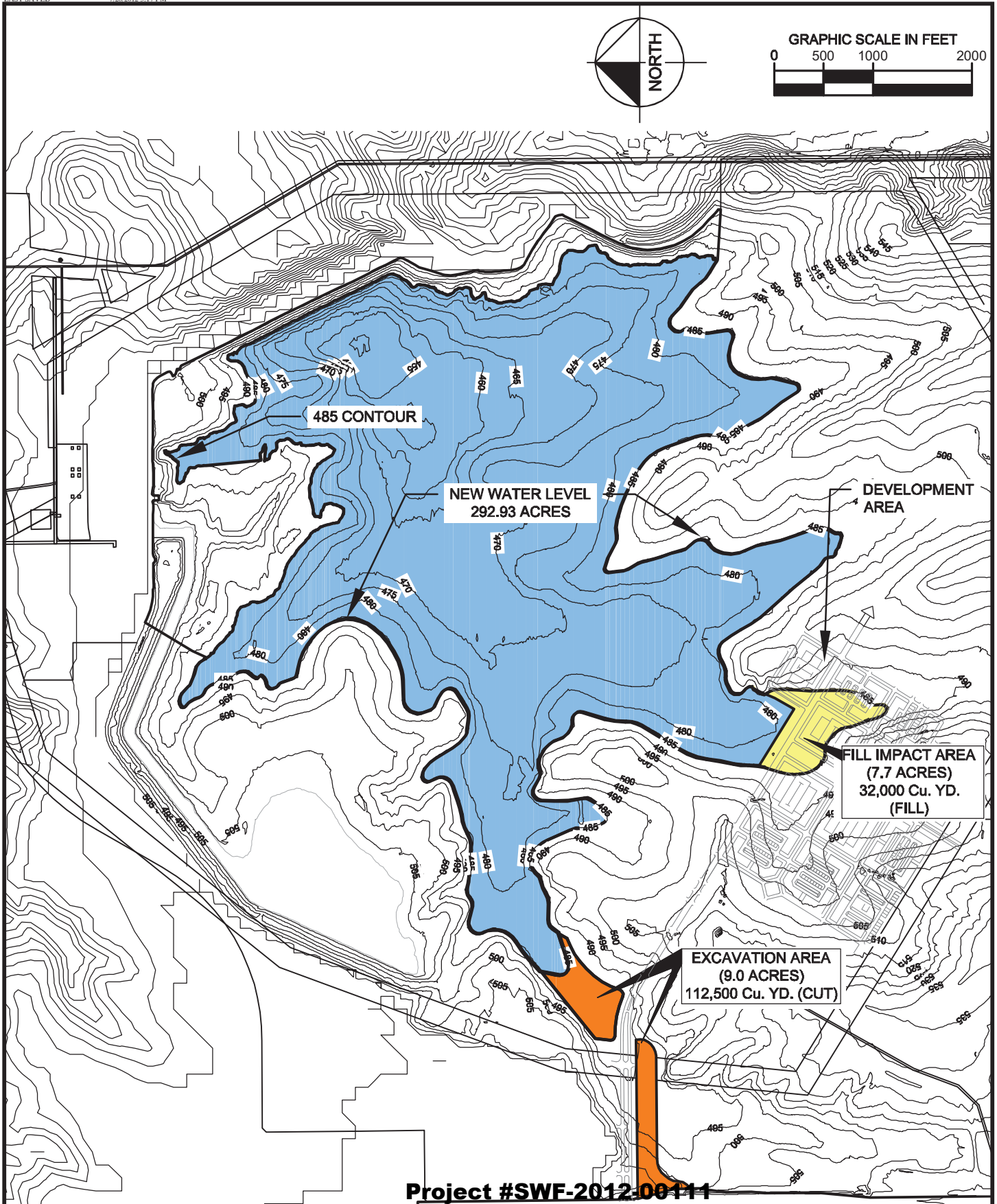
Vicinity Map




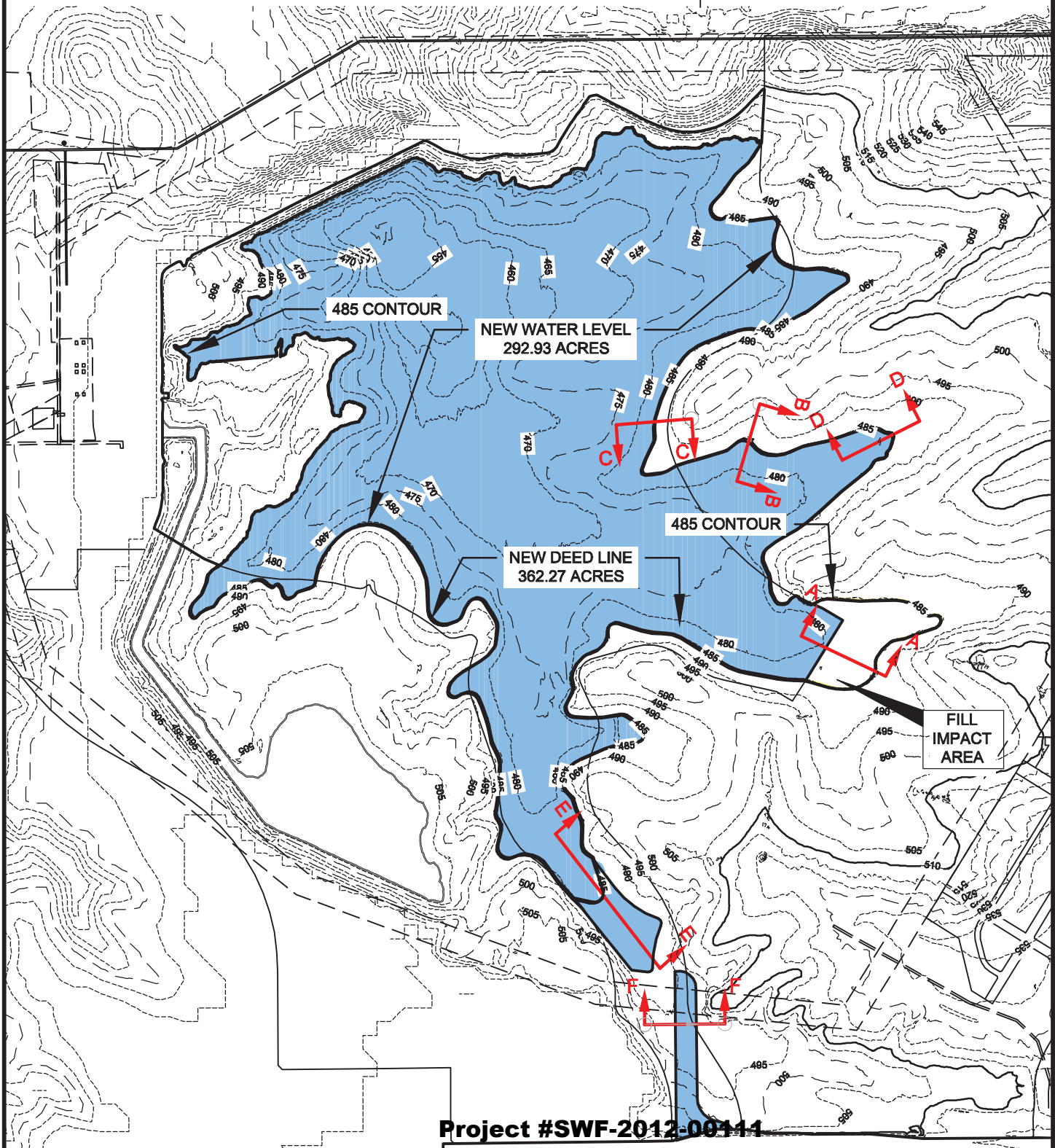
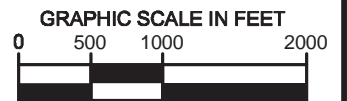
Kimley-Horn and Associates, Inc.			
No.	Revision	By	Date




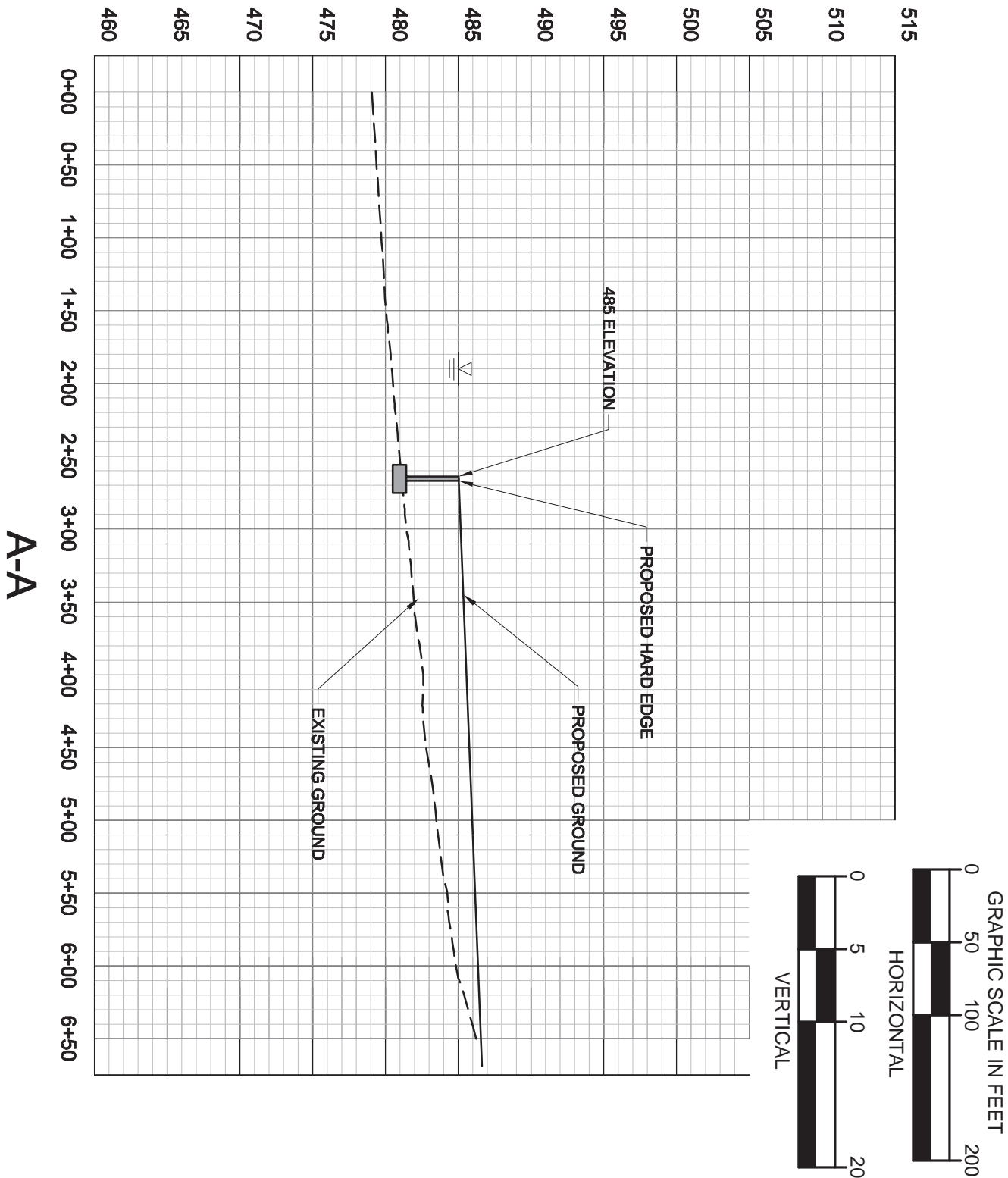
<div>SHEET</div> <div>2</div> <div>OF 11 SHEETS</div>	DATE: 10/05/2012	<div>Cypress Waters</div> <div>Dallas County, Texas</div>	<div></div>	<div> Kimley-Horn and Associates, Inc.</div>															
	DESIGN: RKB																		
	DRAWN: RKB	<div>USGS Map</div> <div>(USGS Base Data Carrollton Quad)</div>																	
	CHECKED: LDC																		
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			<table><tr><th>No.</th><th>Revision</th><th>By</th><th>Date</th></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr></table>	No.	Revision	By	Date												
No.	Revision	By	Date																




SHEET 3 OF 11 SHEETS	Scale: AS SHOWN	Impact Areas - 485' Elevation	 Kimley-Horn and Associates, Inc. 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 Tel. No. (972) 770-1300 Fax No. (972) 239-3820
	Designed by: - AG		
	Drawn by: - AG	Cypress Waters Phase 1 Dallas, Texas	
	Checked by: - BM		
	Date: - 10/22/12		
	Project No. 063973002		

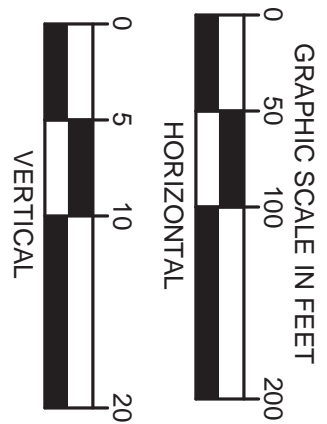
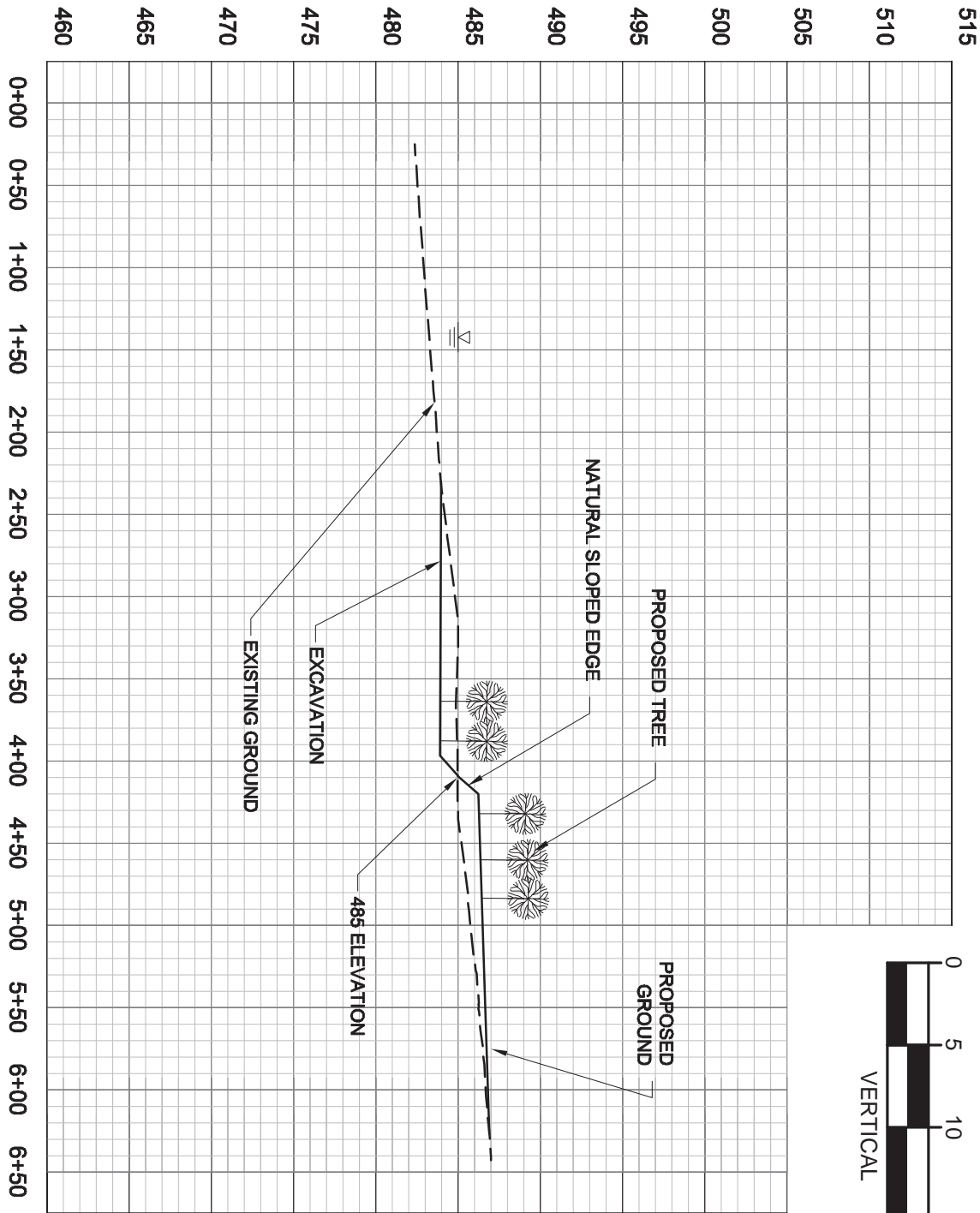


SHEET 4 OF 11 SHEETS	Scale: AS SHOWN	Cross Sections Exhibit Cypress Waters Phase 1 Dallas, Texas	 Kimley-Horn and Associates, Inc. 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 Tel. No. (972) 770-1300 Fax No. (972) 239-3820
	Designed by: - AG		
	Drawn by: - AG		
	Checked by: - BM		
	Date: - 10/22/12		
	Project No. 063973002		




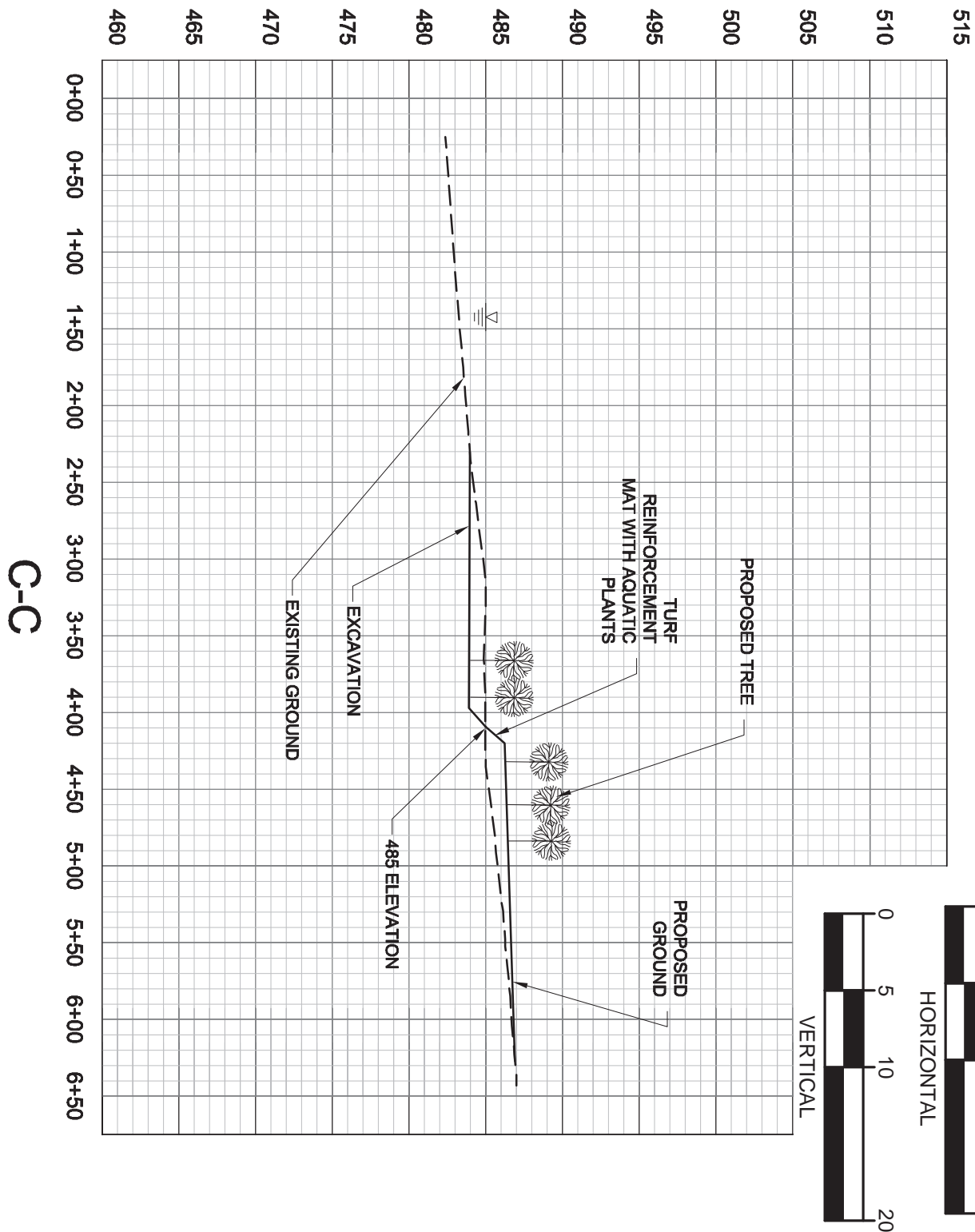
Project #SWF-2012-00111

SHEET 5 OF 11 SHEETS	Scale: AS SHOWN	Cross Sections of Existing Conditions A-A	 Kimley-Horn and Associates, Inc.
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	Drawn by: - AG	Cypress Waters Phase 1 Dallas, Texas	
	Checked by: - BM		
	Date: - 10/22/12		
	Project No. 063973002		
		12750 Merit Drive, Suite 1000 Dallas, Texas 75251	Tel. No. (972) 770-1300 Fax No. (972) 239-3820




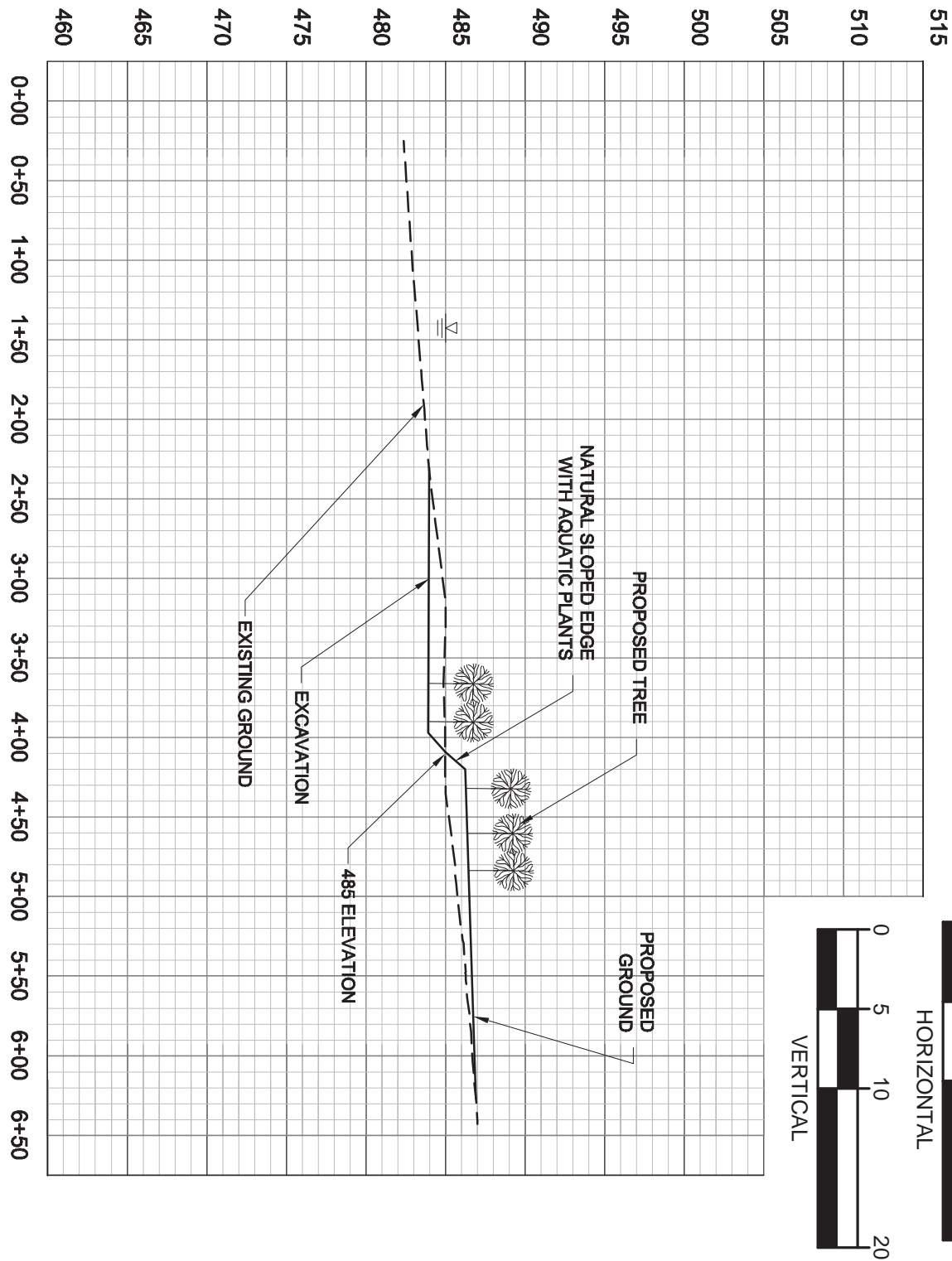
Project #SWF-2012-00111

SHEET 6 OF 11 SHEETS	Scale:	AS SHOWN	Cross Section of Existing Conditions		 12750 Merit Drive, Suite 1000 Dallas, Texas 75251	Kimley-Horn and Associates, Inc. Tel. No. (972) 770-1300 Fax No. (972) 239-3820
	Designed by:	- AG	B-B			
	Drawn by:	- AG	Cypress Waters Phase 1 Dallas, Texas			
	Checked by:	- BM				
	Date:	- 10/22/12				
	Project No.	063973002				




Project #SWF-2012-00111

SHEET 7 OF 11 SHEETS	Scale: AS SHOWN	Cross Section of Existing Conditions C-C	 Kimley-Horn and Associates, Inc. 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 Tel. No. (972) 770-1300 Fax No. (972) 239-3820
	Designed by: - AG		
	Drawn by: - AG	Cypress Waters Phase 1 Dallas, Texas	
	Checked by: - BM		
	Date: - 10/22/12		
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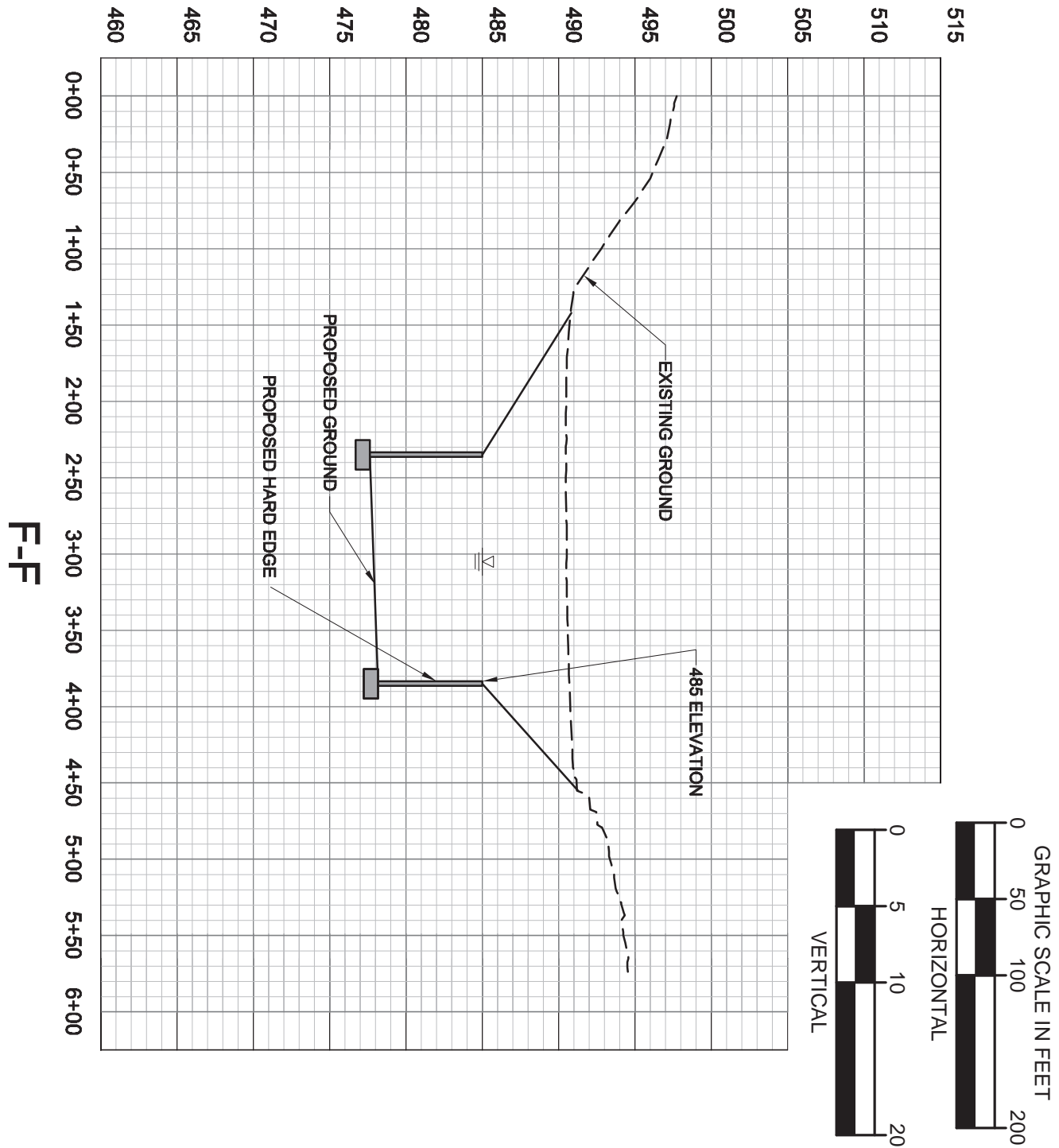


Project #SWF-2012-00111


SHEET 8 OF 11 SHEETS	Scale: AS SHOWN	Cross Section of Existing Conditions D-D	 Kimley-Horn and Associates, Inc. 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 Tel. No. (972) 770-1300 Fax No. (972) 239-3820
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	Drawn by: - AG	Cypress Waters Phase 1 Dallas, Texas	
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	Date: - 10/22/12		
	063973002		

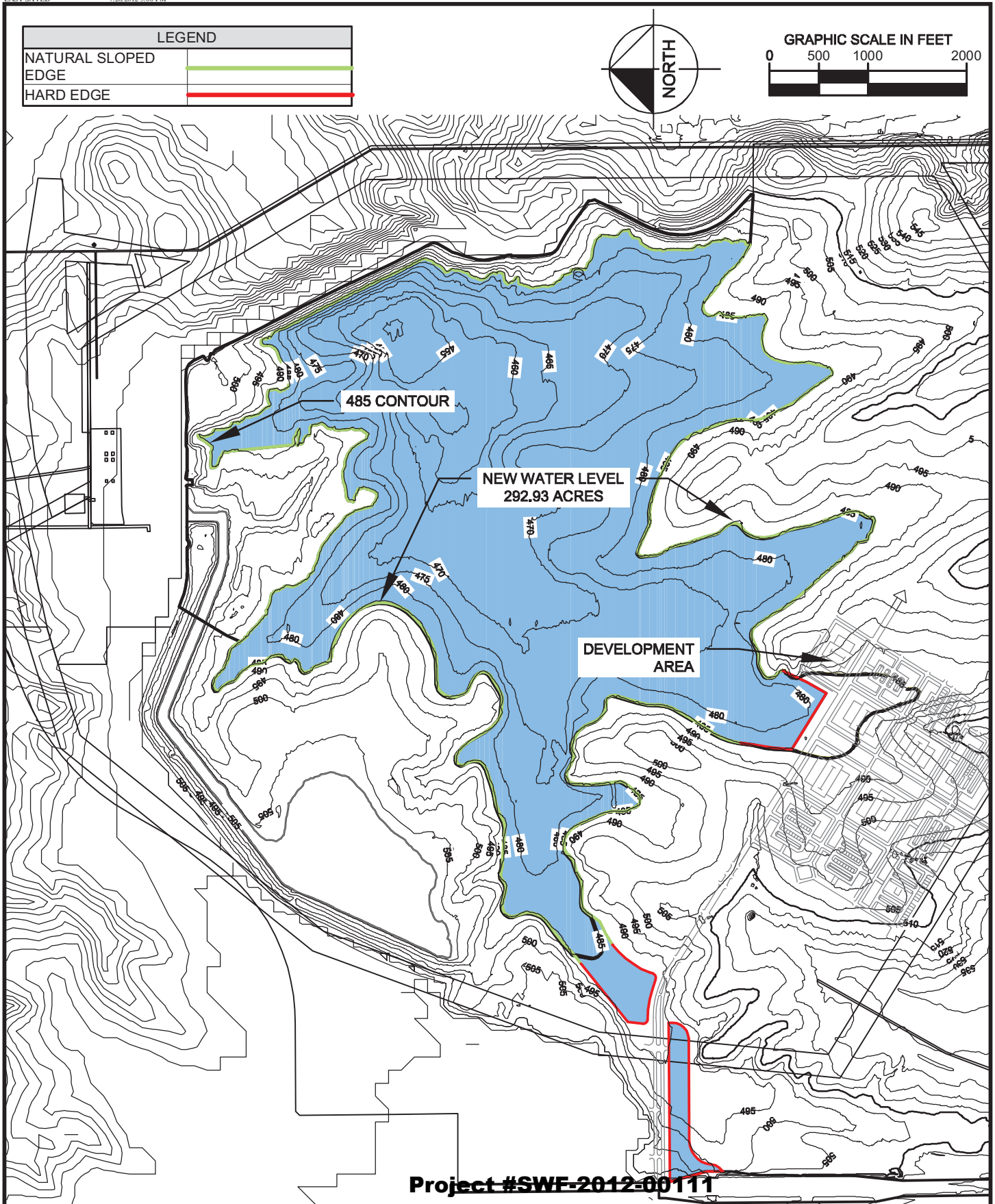



Tel. No. (972) 770-1300
Fax No. (972) 239-3820



Project #SWF-2012-00111

SHEET 10 OF 11 SHEETS	Scale: AS SHOWN	Cross Section of Existing Conditions F-F	 Kimley-Horn and Associates, Inc. 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 Tel. No. (972) 770-1300 Fax No. (972) 239-3820
	Designed by: - AG		
	Drawn by: - AG	Cypress Waters Phase 1 Dallas, Texas	
	Checked by: - BM		
	Date: - 10/22/12		
	063973002		



SHEET 11 OF 11 SHEETS	Scale: AS SHOWN	485' Lake Edge Exhibit Cypress Waters Phase 1 Dallas, Texas	 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 Tel. No. (972) 770-1300 Fax No. (972) 239-3820
	Designed by: - AG		
	Drawn by: - AG		
	Checked by: - BM		
	Date: - 10/22/12		
	Project No. 063973002		