



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

Public Notice

Applicant: Pulte Homes of Texas

Project No.: SWF-2013-00253

Date: November 4, 2013

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) associated with the construction of the Frisco Lakes North Residential Development, Frisco, Denton County, Texas.

APPLICANT: Pulte Homes of Texas
c/o Clint Vincent
4800 Regent Blvd., Suite 100
Irving, Texas 75063

APPLICATION NUMBER: SWF-2013-00253

DATE ISSUED: November 4, 2013

LOCATION: The proposed residential development expansion and associated attendant features would be located on an unnamed tributary to Cottonwood Branch (impounded as Lake Lewisville) north of Stonebrook Parkway, Frisco, Denton County, Texas (See attached Sheet 1 of 4). The project area is centered at approximately 33.148° latitude and -96.910° longitude on the Little Elm and Frisco 7.5-minute USGS quadrangle maps in the USGS Hydrologic Unit 1203010310 – Elm Fork Trinity River/Little Elm Reservoir.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge 1,930 cubic yards of earthen fill into approximately 0.43 acre of WOUS, in conjunction with the construction of the residential development and associated attendant features (See attached Sheets 2-4 of 4). The need for the project is to provide additional single family residential units in Frisco and eastern Denton County. Permanent impacts to WOUS include 0.15 acre of emergent wetland, 610 linear feet (0.07 acre) of ephemeral tributaries and 3,650 linear feet (0.33 acre) of intermittent tributary. WOUS proposed to be avoided include 20 linear feet of ephemeral tributary, 1,220 linear feet of intermittent tributary and 0.80 acre of emergent wetland.

WOUS located within the proposed project limits total approximately 0.95 acre of emergent wetland, 630 linear feet (0.07 acre) of ephemeral tributaries, and 4,870 linear feet (0.44 acre) of intermittent tributary. Proposed impacts to WOUS include grading for lots and road crossings, road crossings, conveyance of site drainage, and valley storage for floodplain changes.

The applicant evaluated alternative sites as part of their site selection process and chose the proposed project area (1) due to the limited supply of undeveloped parcels of the size necessary to make this type of development economically feasible; (2) the existence of major thoroughfares fronting the project area (i.e., Stonebrook Parkway and King Road); (3) the presence of existing zoning for single family residential, and (4) the projected housing growth demands over the next 25 years. No other sites within the City of Frisco or eastern Denton County meet all or most of these selection criteria.

The applicant explored multiple design scenarios to create an economically viable residential development within the context of the surrounding environmental components of the site. The limiting factor associated with the site is providing a minimum of two entry points off major arterial streets (i.e., Stonebrook Parkway and King Road) into the development. There were additional pond alternatives considered; however, due to the location of the aquatic resources and City of Frisco ordinances requiring management of storm water, none of the alternatives avoided the impacts to WOUS.

These alternatives are briefly described in the below and also include a no build alternative. Pond alternatives explored included (1) no build alternative, (2) one eastern pond alternative, (3) one western pond alternative, (4) two elongated ponds alternative and (5) the applicant's preferred build alternative. The no build alternative, while it would not impact WOUS, was eliminated since the tract was purchased for its development purposes. If the applicant did not build on this property, other similar developers would likely develop the site, as the location is favorable due to easy access to Stonebrook Parkway and King Road, complimentary land uses, and appropriate roadway access and configuration for residential and mixed-use traffic. The no build alternative would not meet the purpose and need for this project.

Alternatives 2 and 3 were considered as they would reduce impacts to WOUS. However, these alternatives would require dam heights, storage volumes and resulting predicted downstream hydraulic impacts that would not comply with local ordinances. As such, these alternatives were eliminated from further consideration.

Alternative 4 was considered as it would comply with local ordinances regulating dam heights, storage volumes, downstream hydraulic impacts and irrigation use. However, this alternative would result in a greater amount of impacts to WOUS and was eliminated for that reason.

Although the applicant considered these alternatives to avoid and minimize impacts to WOUS, the proposed project would result in the permanent loss of 0.15 acre of emergent wetland, 610 linear feet (0.07 acre) of ephemeral tributaries and 3,650 linear feet (0.33 acre) of intermittent tributary. To offset unavoidable adverse impacts to WOUS, the applicant proposes to purchase credits from Trinity River Mitigation Bank (0.15 acre emergent wetland X 2 credits/acre = 0.3 wetland credits; 3,650 linear feet of intermittent stream X 0.008 credits/foot = 29.2 intermittent stream credits; 610 linear feet of ephemeral stream X 0.005 credits/foot = 3.1 ephemeral stream credits), which has a primary service area that includes the proposed project area.

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 incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier II project criteria. Tier II projects are large projects that affect more than three (3) acres of waters of the United States and/or 1,500 linear feet or more of streams. They also include projects that impact rare and ecologically significant wetlands and would not qualify for a Tier I review or for which the applicant elects not to incorporate Tier I Best Management Practices (BMPs) including the applicant choosing to use alternative BMPs. Accordingly, a request for 401 certification is necessary, and there will be additional TCEQ review.

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 Denton County, Texas, where the whooping crane (*Grus americana*), least tern (*Sterna antillarum*) and piping plover (*Charadrius melodus*) are listed as endangered. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The area of the proposed development has never been formally surveyed for the presence of historic or prehistoric cultural resources. The upland prairie portions of the area are unlikely to have intact cultural resources. However, surveys at nearby Lewisville Lake in the 1990s identified numerous prehistoric and historic sites. Considering the previous cultural resources work at Lewisville Lake, a moderate potential for

prehistoric or historic sites exists. Some possibility also exists for buried sites to be encountered along the unnamed tributary of Cottonwood Branch during the construction.

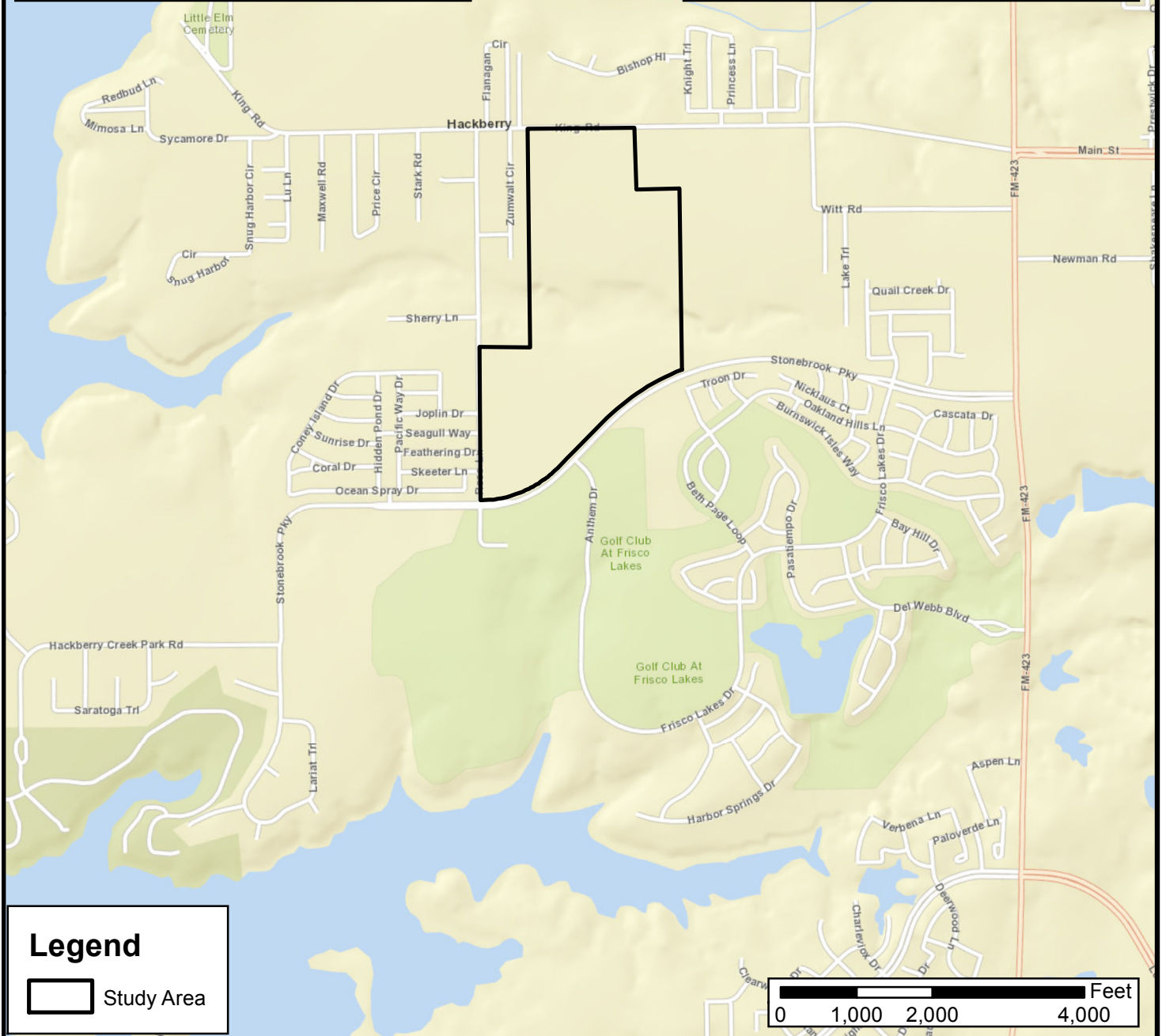
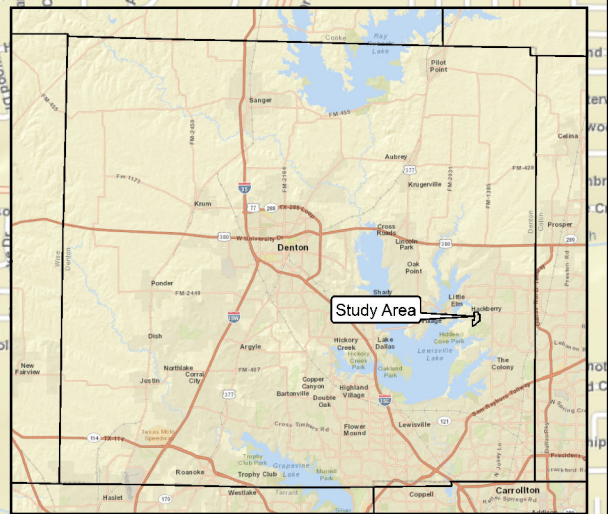
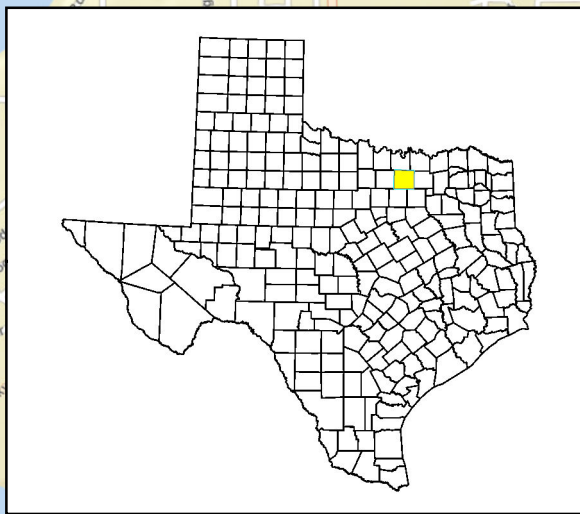
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review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

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 13, 2013, 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	DATE: 10/28/2013
1	DESIGN: RKB
	DRAWN: RKB
	CHECKED: LDC
OF 4 SHEETS	KHA NO.: 067705200

Vicinity Map

Frisco Lakes
 SWF-2013-00253
 Frisco, Denton County, Texas



Kimley-Horn
and Associates, Inc.

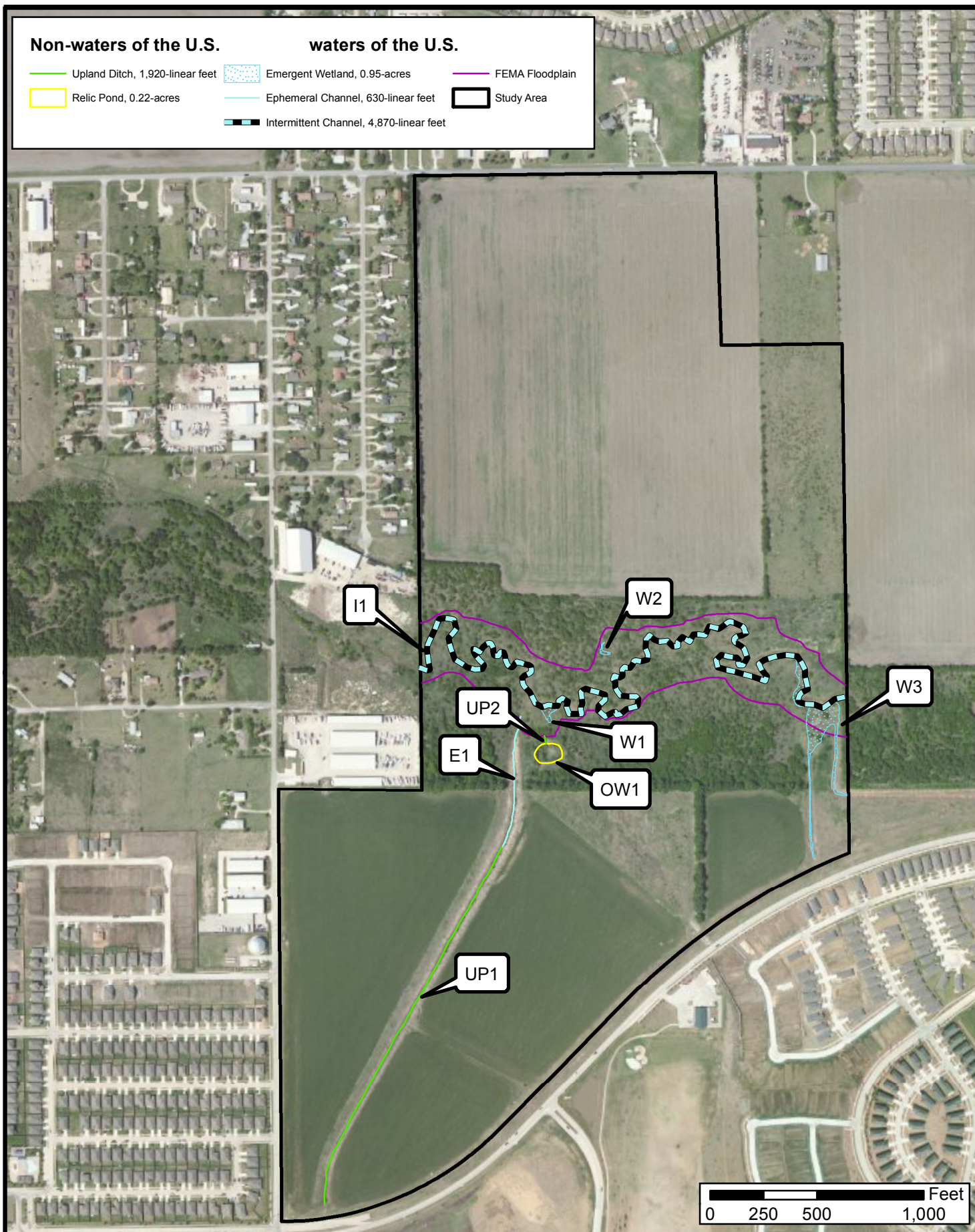
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Non-waters of the U.S.

Upland Ditch, 1,920-linear feet
Relic Pond, 0.22-acres

waters of the U.S.

Emergent Wetland, 0.95-acres
Ephemeral Channel, 630-linear feet
Intermittent Channel, 4,870-linear feet
FEMA Floodplain
Study Area



SHEET

2

OF 4 SHEETS

DATE: 10/28/2013

DESIGN: RKB

DRAWN: RKB

CHECKED: LDC

KHA NO.: 067705200

waters of the U.S.

Aerial Source: TNRIS 2012

Frisco Lakes

SWF-2013-00253

Frisco, Denton County, Texas



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<p>SHEET</p> <p>3</p> <p>OF 4 SHEETS</p>	DATE: 10/28/2013	<p>Site Plan</p> <p>Aerial Source: TNRIS 2012</p>	<p>Frisco Lakes</p> <p>SWF-2013-00253</p> <p>Frisco, Denton County, Texas</p>		 <p>Kimley-Horn and Associates, Inc.</p> <p><small>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.</small></p>
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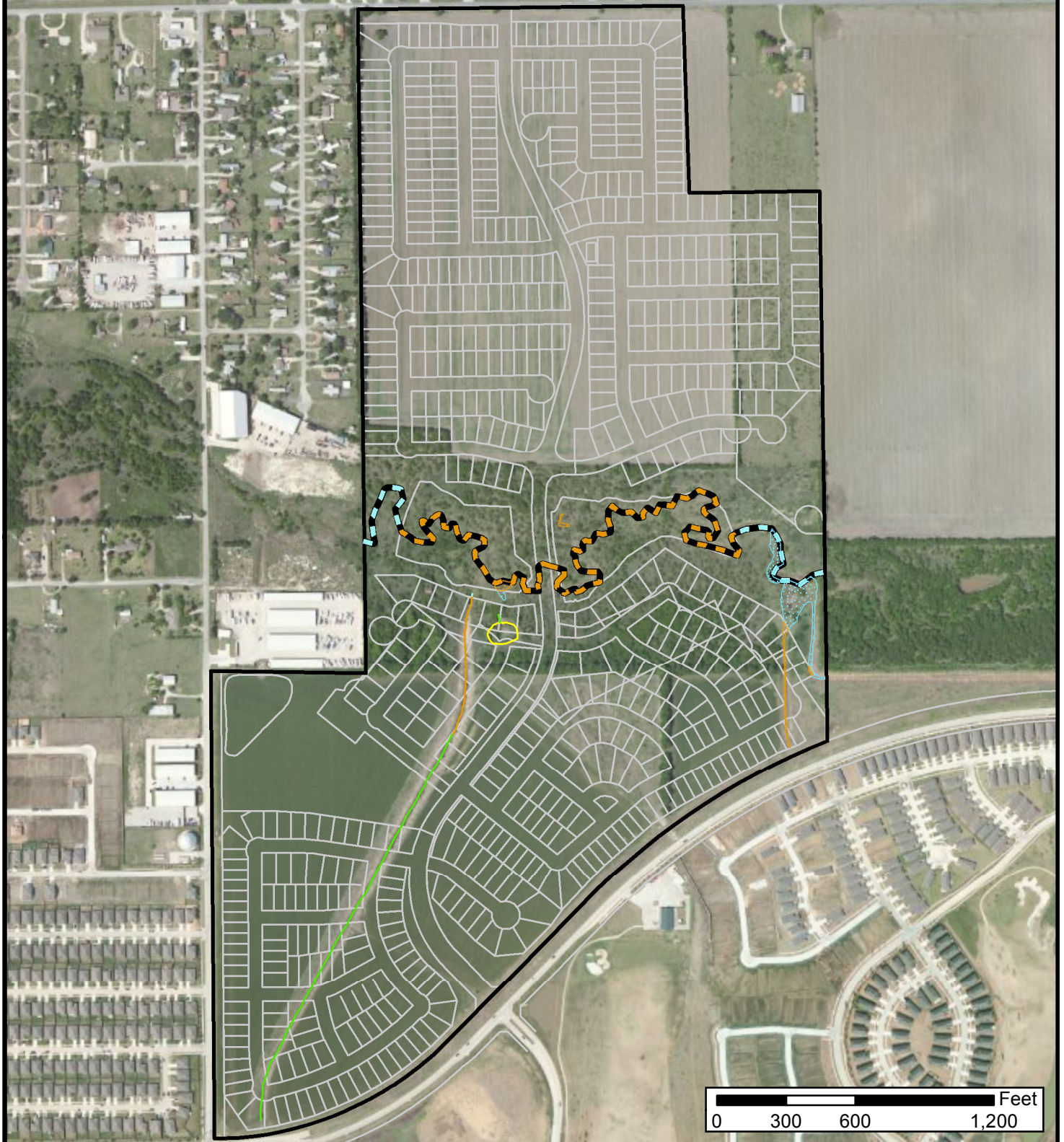
Non-waters of the U.S.

- Upland Ditch, 1,920-linear feet
- Relic Pond, 0.22-acres

waters of the U.S.

- Emergent Wetland Impacts, 0.15-acres
- Emergent Wetland Avoided, 0.80-acres
- Ephemeral Channel Impacts, 610-linear feet
- Ephemeral Creek Avoided, 20-linear feet
- Intermittent Channel Impacts, 3,650-linear feet
- Intermittent Creek Avoided, 1,220-linear feet

- Study Area
- Site Plan



SHEET

4

OF 4 SHEETS

DATE: 10/28/2013

DESIGN: RKB

DRAWN: RKB

CHECKED: LDC

KHA NO.: 067705200

Impacts Map

Aerial Source: TNRIS 2012

Frisco Lakes
SWF-2013-00253

Frisco, Denton County, Texas



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