



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

# Public Notice

Applicant: The Peninsula at Lake Buchanan POA

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Project No.: SWF-2013-00334

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Date: November 7, 2013

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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

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Phone Number: 817-886-1744

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## PUBLIC NOTICE

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

**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 a protective breakwater wall in Lake Buchanan, Burnet County, Texas.

**APPLICANT:** The Peninsula at Lake Buchanan POA

**APPLICATION NUMBER:** SWF-2013-00334

**DATE ISSUED:** November 7, 2013

**LOCATION:** The proposed protective breakwater wall would be located in Lake Buchanan, Burnet County, Texas, at approximately at 30.803 North and -97.392 West on the Lake Buchanan 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12090201 – Buchanan-Lyndon B. Johnson Lakes (See Sheets 1-4 of 9).

**OTHER AGENCY AUTHORIZATIONS:** None.

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 27,500 cubic yards of dredged and fill material into approximately 0.33 acres of WOUS in conjunction with the construction of a protective breakwater wall. The proposed wall construction material would consist of granite blocks excavated from the lake bottom beneath the existing marina. Approximately 17,200 cubic yards of accumulated unconsolidated sediments (silt, sand and gravel) in the excavation area are proposed to be removed and placed in an upland disposal area off-site. At current lake levels, the proposed construction could be completed in dry conditions. The applicant's stated purpose for the project is to protect the marina from damage resulting from heavy wave action and facilitate marina use at lower lake levels. Past storm events have resulted in extensive damage to the marina and docked watercraft. Total proposed impacts to WOUS would total 0.33 acre of open water impoundment. The proposal would result in a net increased storage volume in the reservoir.

The applicant considered an alternative consisting of removal of only the unconsolidated sediments in the project area. This alternative would improve access to the marina at lower lake levels, but would not provide protection from heavy wave action and was eliminated from further consideration.

**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 I project criteria. Tier I projects are those that result in a direct impact of three acres or less of waters of the State or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices (BMPs) and other provisions designed to safeguard water quality. The USACE has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no 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 Burnet County where the whooping crane (*Grus americana*), Bee Creek Cave harvestman (*Texella reddelli*), black-capped Vireo (*Vireo atricapilla*) and golden-cheeked warbler (*Dendroica chrysoparia*) are listed as endangered and are known to occur or may occur as migrants. 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 proposed project area has never been formally surveyed for the presence of historic or prehistoric cultural resources. A number of sites were previously recorded in this area during the construction of Lake Buchanan in the

1930's. Sites were inundated and exposed to shoreline erosion after impoundment. Once prehistoric site, 41BT71, was recorded within the vicinity of the proposed marina in 1962. Subsequent on-site survey for this project found no trace of the site. This site, as well as others submerged by Lake Buchanan, are generally considered to have been destroyed. This information was provided to the Texas State Historic Preservation Office. They concurred with this determination September 10, 2013.

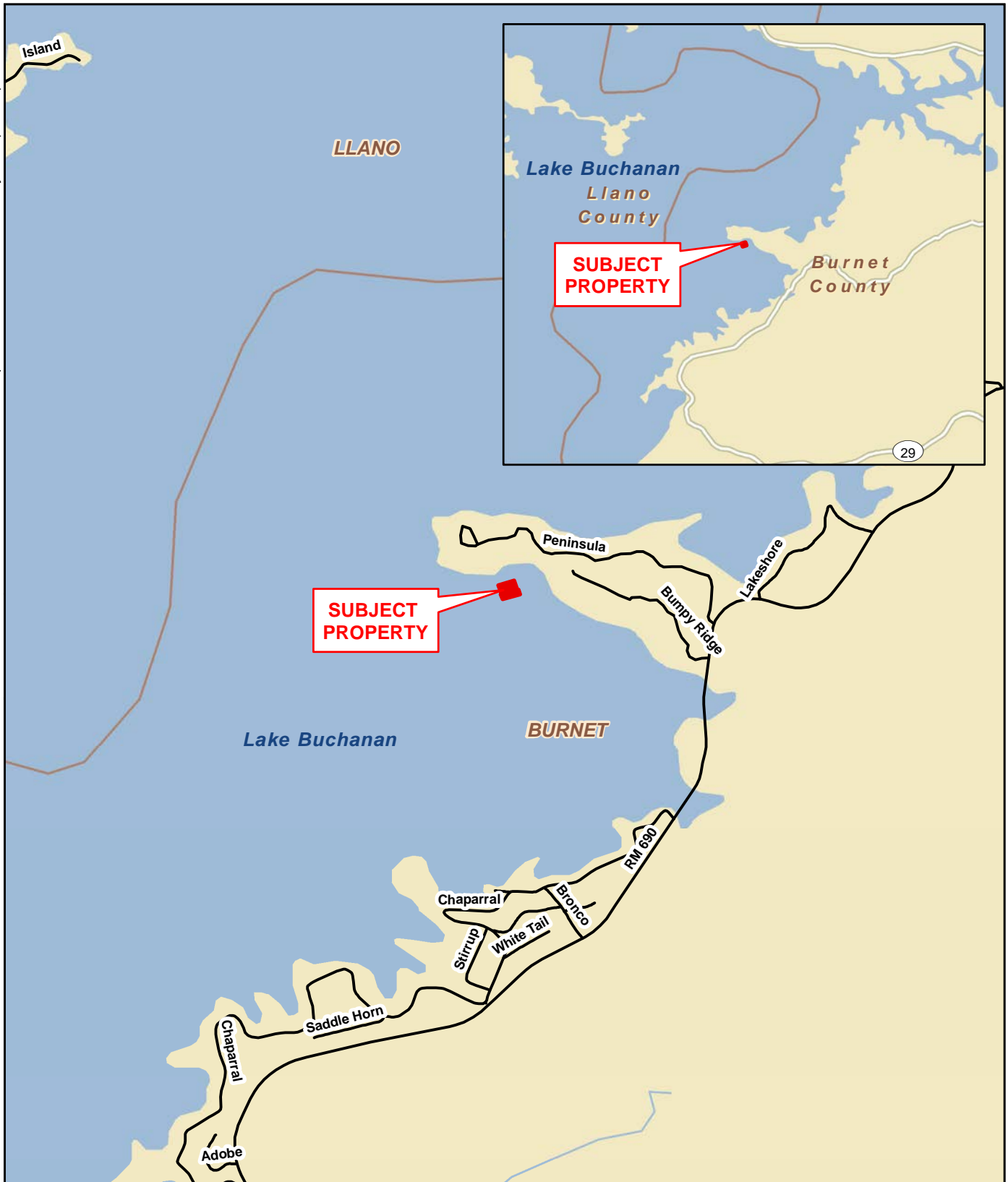
**FLOODPLAIN MANAGEMENT:** The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 November 22, 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



MAP SOURCE: ESRI, 2012.

0 1,250 2,500  
Feet



## SHEET 1 OF 9

LOCATION MAP  
THE PENINSULA ON  
LAKE BUCHANAN MARINA  
PENINSULA DRIVE,  
BURNET COUNTY, TEXAS  
PROJECT NUMBER: SWF 2013-00334





MAP SOURCE: USGS, 7.5' SERIES, TEXAS QUADRANGLE, LAKE BUCHANAN, 1979.

0 600 1,200  
Feet



**Horizon**  
Environmental Services, Inc.




## SHEET 2 OF 9

TOPOGRAPHIC MAP  
THE PENINSULA ON  
LAKE BUCHANAN MARINA  
PENINSULA DRIVE,  
BURNET COUNTY, TEXAS  
PROJECT NUMBER: SWF 2013-00334





### Legend

-  Marina
-  Proposed Seawall
-  Area Within Flood Zone AE

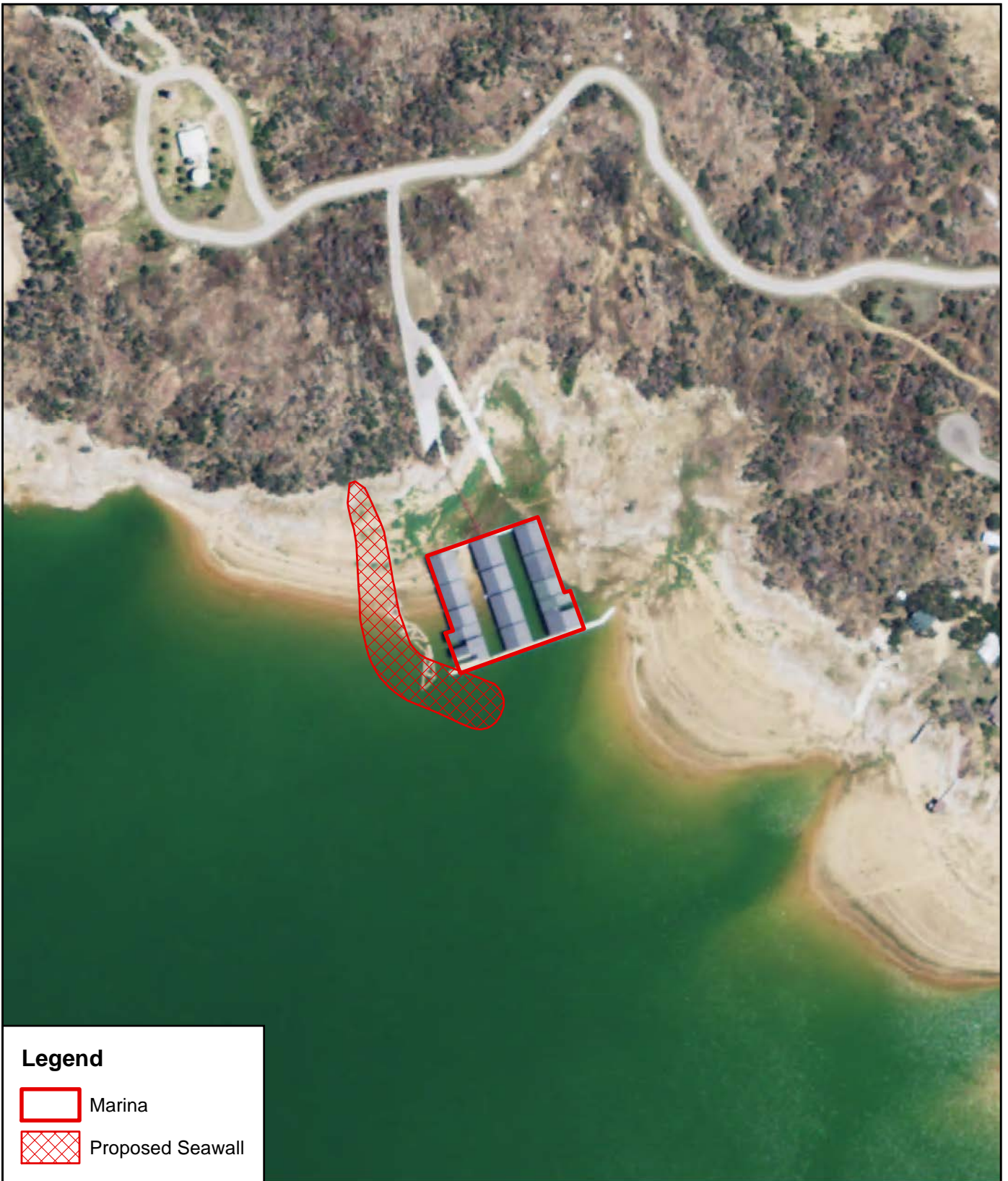
MAP SOURCE: FEMA, 2012; USDA, 2012.

0 250 500  
Feet



**Horizon**  
Environmental Services, Inc.

**SHEET 3 OF 9**  
FLOOD HAZARD MAP  
THE PENINSULA ON  
LAKE BUCHANAN MARINA  
PENINSULA DRIVE,  
BURNET COUNTY, TEXAS  
PROJECT NUMBER: SWF 2013-00334



MAP SOURCE: USDA, 2012.

0 150 300  
Feet



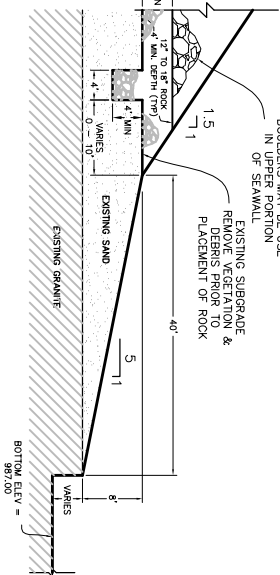
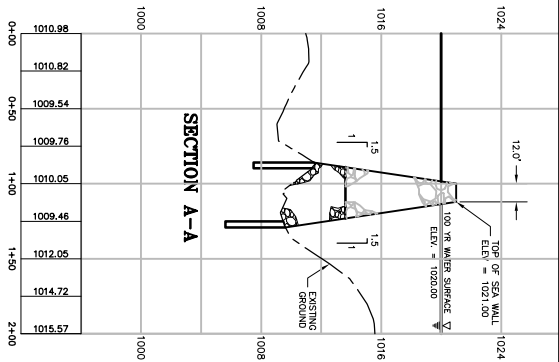
**Horizon**  
Environmental Services, Inc.

**SHEET 4 OF 9**  
AERIAL PHOTOGRAPH  
THE PENINSULA ON  
LAKE BUCHANAN MARINA  
PENINSULA DRIVE,  
BURNET COUNTY, TEXAS  
PROJECT NUMBER: SWF 2013-00334

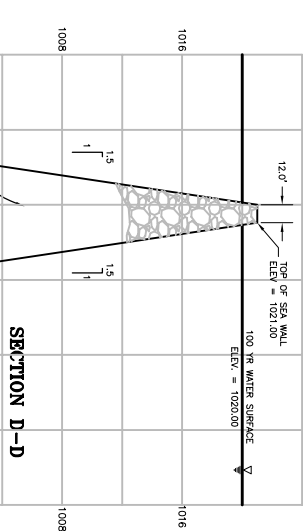
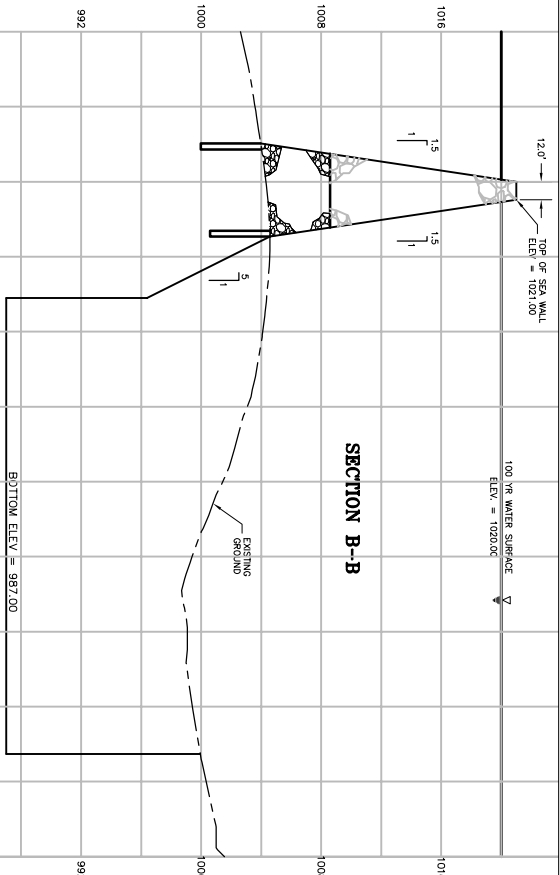


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SHEET NO. 9  
OF

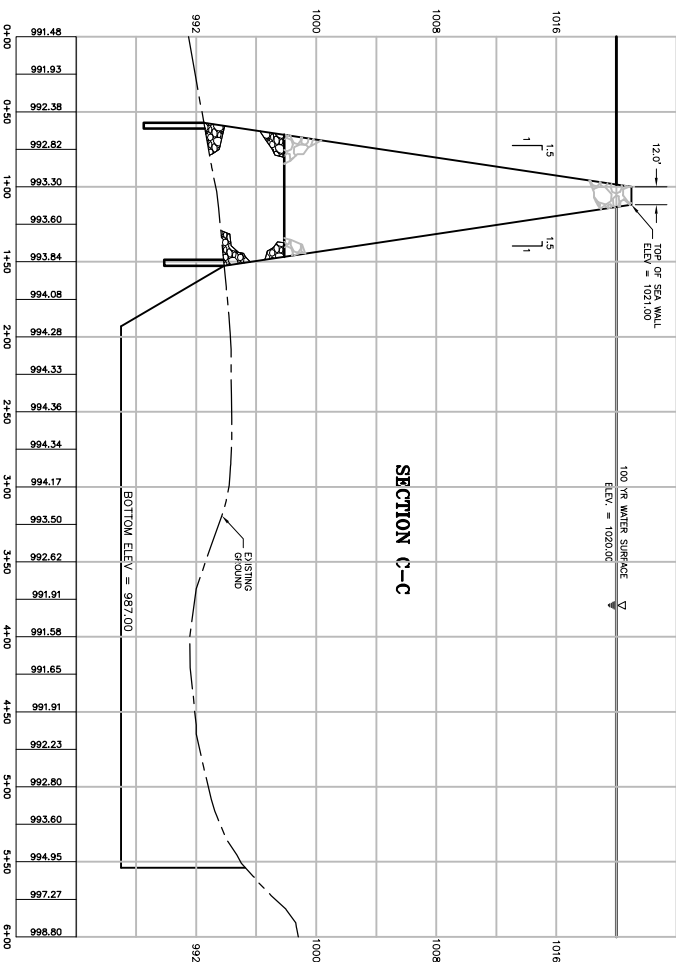




TOE TRENCH DETAIL  
SCALE: 1" = 8'



SECTION C-C



USACE Project #  
SWF 2013-00334

THE PENINSULA ON LAKE BUCHANAN  
CONSTRUCTION PLANS FOR DREDGE & FILL

PENINSULA MARINA  
DREDGE/FILL SECTIONS & TOE WALL DETAILS

THE MOORE GROUP  
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SURVEYING & PLANNING  
1000 Commerce Dr.  
Austin, Texas 78733  
Ph: (512) 442-0377  
Fax: (512) 442-7807

11/1/13  
11/1/13

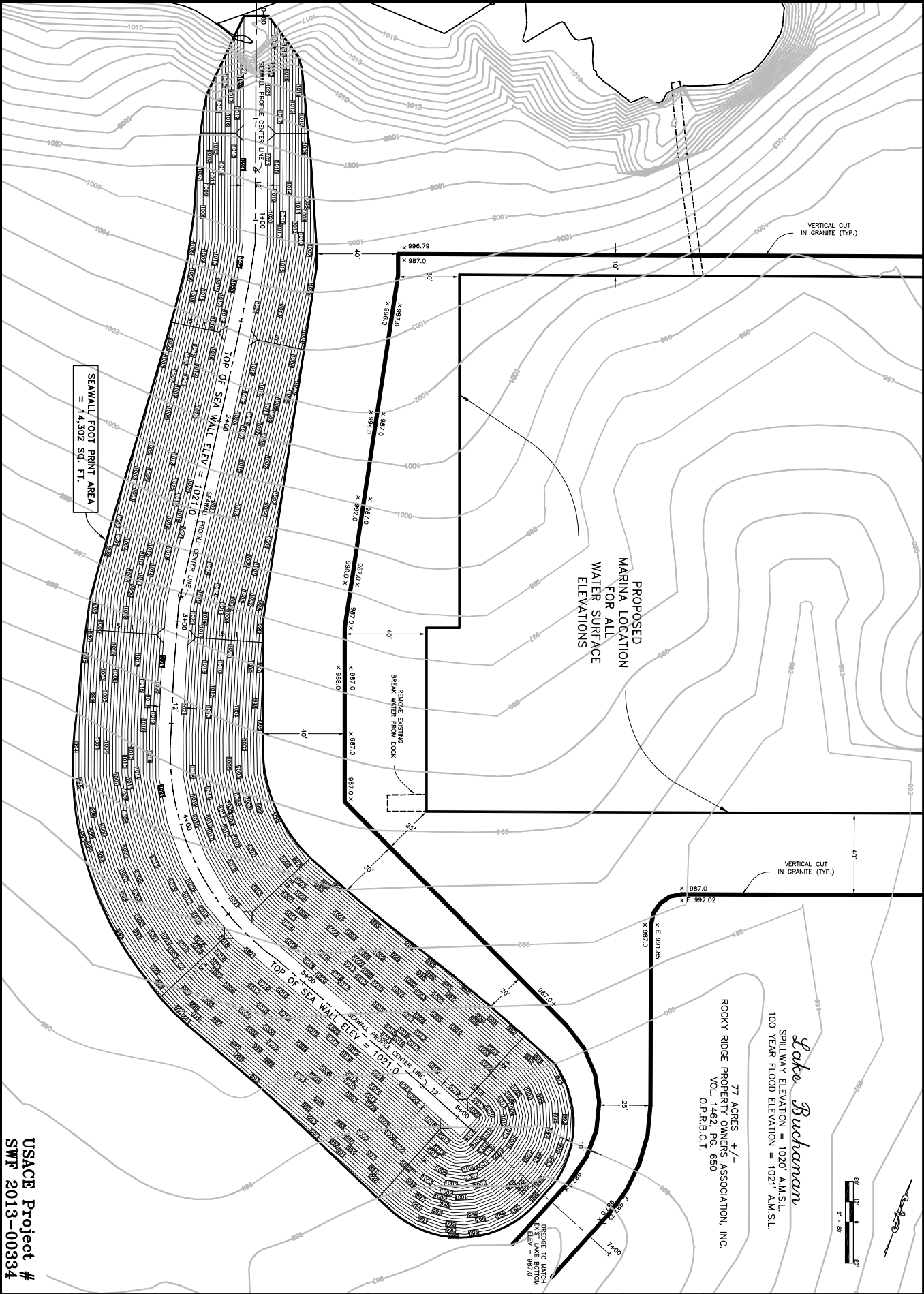


Drawn: AS  
Checked: ECM  
Approved: ECM  
Date: 11/1/13

No.	DATE	REVISIONS	RECOM'D

9  
7





USACE Project #  
SWF 2013-00334

THE PENINSULA ON LAKE BUCHANAN  
CONSTRUCTION PLANS FOR DREDGE & FILL

PENINSULA MARINA  
SEAWALL PLAN

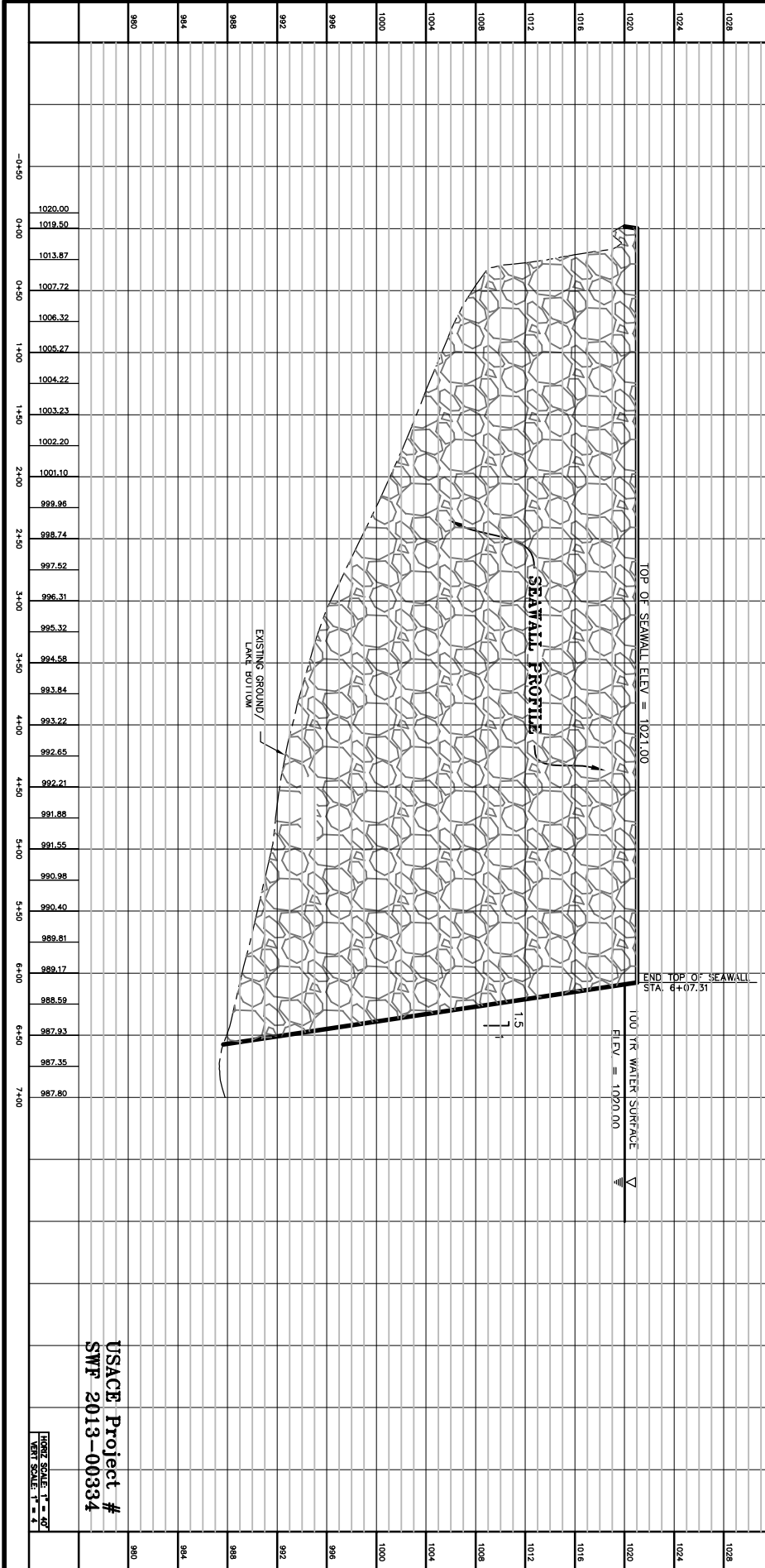
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Drawn: AS  
Checked: ECM  
Approved: ECM  
Date: 11/1/13

No.	DATE	REVISIONS	RECOM'D



USACE Project #  
SWF 2013-00334

HORIZONTAL SCALE: 1" = 40'  
VERTICAL SCALE: 1" = 4'