



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

Public Notice

Applicant: Haydn Cutler

Permit Application No.: SWF-2014-00268

Date: November 13, 2014

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 proposed Hamco Realty Roanoke project, located in the city of Roanoke, Denton County, Texas.

APPLICANT: Haydn Cutler

APPLICATION NUMBER: SWF-2014-00268

DATE ISSUED: November 13, 2014

LOCATION: The proposed project is located within the city of Roanoke in Denton County, Texas (Sheets 1 and 2), on an approximately 7.4 acre tract located southwest of the intersection of SH 114 and Hwy. 377 (Latitude 33.01127; Longitude -97.22305).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 15,000 cubic yards of fill material into a 1,543 linear foot perennial reach of Cade Branch in conjunction with the construction of a commercial development with associated parking and fire lanes. Total proposed impacts to WOUS include the direct and permanent impacts to 1,543 lf of perennial stream.

I. INTRODUCTION: The applicant is proposing the construction of a commercial development. The applicant's stated purpose for the project is to develop the property for commercial purposes to meet the needs of a growing community.

II. EXISTING CONDITIONS: The proposed project is located on a tract of approximately 7.4 acres. The surrounding land uses are heavy commercial areas, residential communities and industrial developments with some undeveloped land. Cade Branch, a perennial waterway, transects the property, flowing from south to north. Riparian vegetation within the project area consists primarily of hardwoods, elm, cottonwood, and hackberry (Photos on Sheets 8-10).

According to the USGS 7.5-minute Quadrangle Map of Roanoke, Texas (Sheet 3), the ground surface elevation varies from approximately 600 to 610 feet above mean sea level (MSL). Generally, drainage flows to Cade Branch located on the property.

According to the FEMA Flood Insurance Rate Map (FIRM), Community Panel Number FM 48113C0505 J (Sheet 5), revised August 23, 2001 the portions of the proposed project along Cade Branch occurs within Zone A — areas determined to be within the 100-year floodplain.

Denton County Soil Survey maps (Sheet 4) identify 3 soil types occurring within the property boundary: 19 – Branyon Clay, 1 to 3 percent slopes, 67 – Sanger Clay, 1 to 3 percent slopes, 68 – Sanger Clay, 3 to 5 percent slopes.

III. APPLICANTS ALTERNATIVES: The applicant has provided an alternatives analysis that includes three proposed alternatives.

Site 1

Site 1 is a 7 acre parcel located on the northwest corner of Byron Nelson Boulevard and Hwy 377 in Roanoke. However, the site would not meet project performance criteria since it was significantly impaired due to the rail line that divides the tract from Hwy 377. Also, the site is mostly within the 100-year floodplain, which limits development due to the size and limited availability to reclaim flood areas.

Site 2

Site 2 is a 10 acre parcel located on Howe Road along Hwy 114, south of the Home Depot in Roanoke. The site met the target size and was considered due to its prime location, but has extremely limited access and would not support the type of development being proposed.

Site 3 (Applicant's Preferred Alternative)

Site 3 meets the applicant's criteria for site selection. The parcel is located adjacent to a school and local retail, with adequate access, and the parcel was available for sale. The site does contain a perennial stream that appears to have been historically channelized (more than 50 years ago) to accommodate the adjacent railroad to the west. The applicant is proposing to relocate the channel, rather than culverting or containing it in a concrete-lined trapezoidal channel.

The site was evaluated to determine functional values and potential impacts from the proposed development. As with the other sites, the development requires that the entire site must be utilized to accommodate the development, hydrological site requirements, and safety concerns of increased flow through an open channel. Therefore, the stream would be affected by the proposed development.

IV. COMPENSATORY MITIGATION: The applicant proposes to compensate for the loss of WOUS through the purchase of 29.3 credits from the Trinity River Mitigation Bank calculated according to the approved Mitigation Banking Instrument as follows: 1,543 linear feet perennial stream X 0.019 credit/linear foot = 29.3 credits.

V. FIGURES:

- Figure 1: Location Map
- Figure 2: Aerial Project Map
- Figure 3: Topographic Project Map
- Figure 4: USDA Soil Survey
- Figure 5: FEMA Floodplain Map
- Figure 6: National Wetlands Inventory Map
- Figure 7: Delineation Map
- Figures 8-10: Site Photography
- Figure 11: Plan view
- Figures 12-13: Impact Analysis
- Figures 14-15: Cross Sections

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 less than three acres of waters of the state but more than 1,500 linear feet of stream, 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 species may occur in the project area. The proposed project would be located in Denton County where the piping plover (*Charadrius melodus*), whooping crane (*Grus americana*) and least tern (*Sterna antillarum*) are known to occur or may occur as migrants. The piping plover is a threatened species. The whooping crane and least tern are endangered species. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: A review of the Texas Historical Resources Historical Properties Atlas did not reveal any listed properties within 750 meters of the site; therefore, no impacts to listed properties are expected as a result of this project. Should evidence of ancient human artifacts be discovered during construction activities, all work will cease and the appropriate agencies will be contacted for further evaluation.

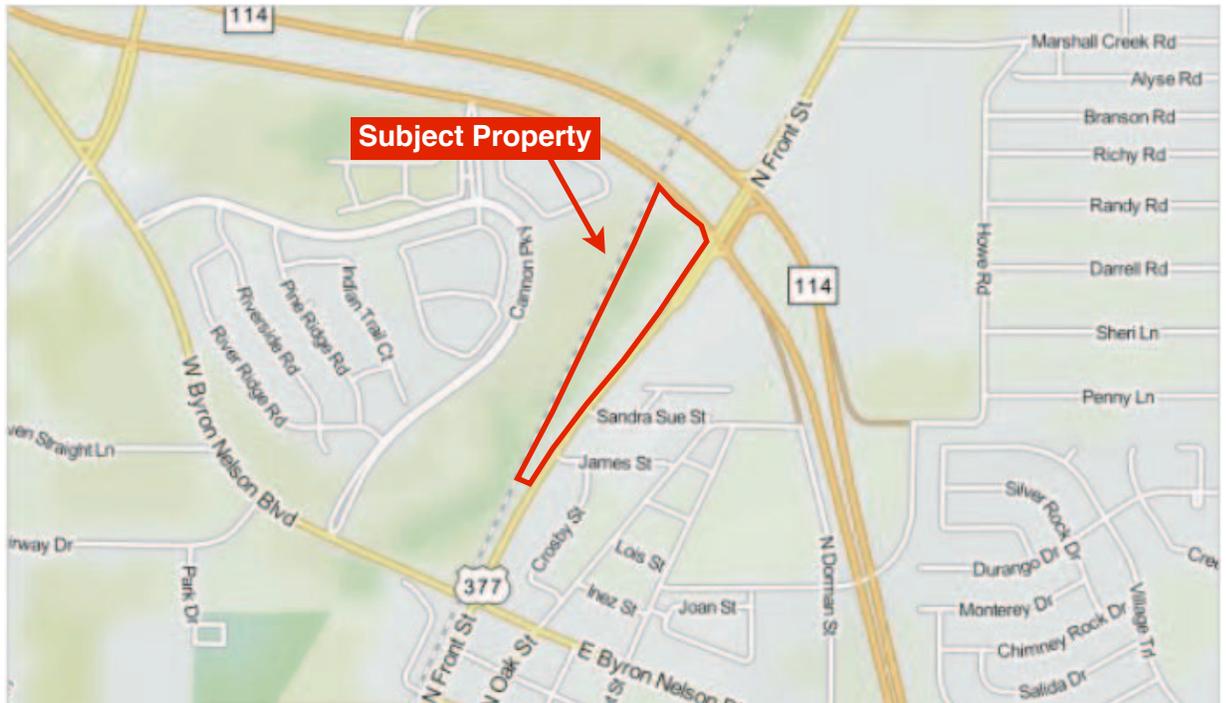
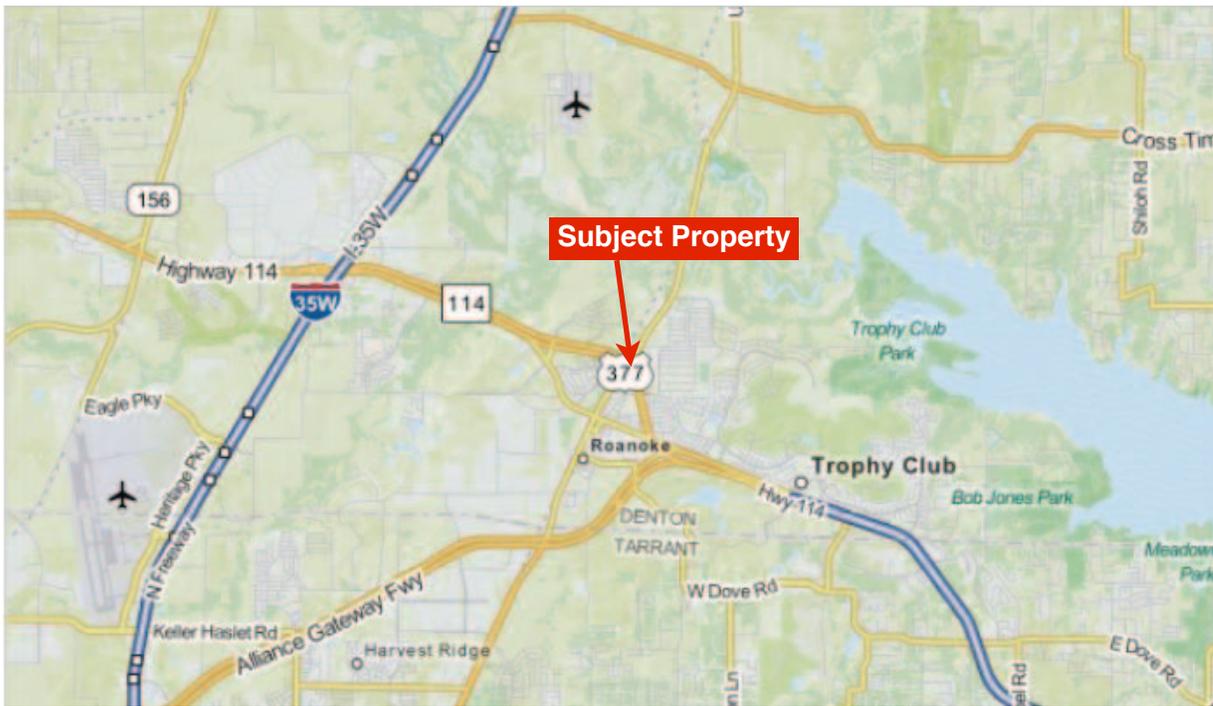
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 15, 2014, 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 Division, CESWF-DE-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 Mr. Darwin Messer at (817) 886-1744. 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



LOCATION MAP



4401 Bay Valley Dr.
Garland, TX
75043
(972) 496-4701
(972) 414-0451 (fax)

HAMCO REALTY
SWF-2014-00268
ROANOKE, TEXAS

Job No. 52-02001

June 2014

Sheet 1 of 15



AERIAL PHOTOGRAPHY



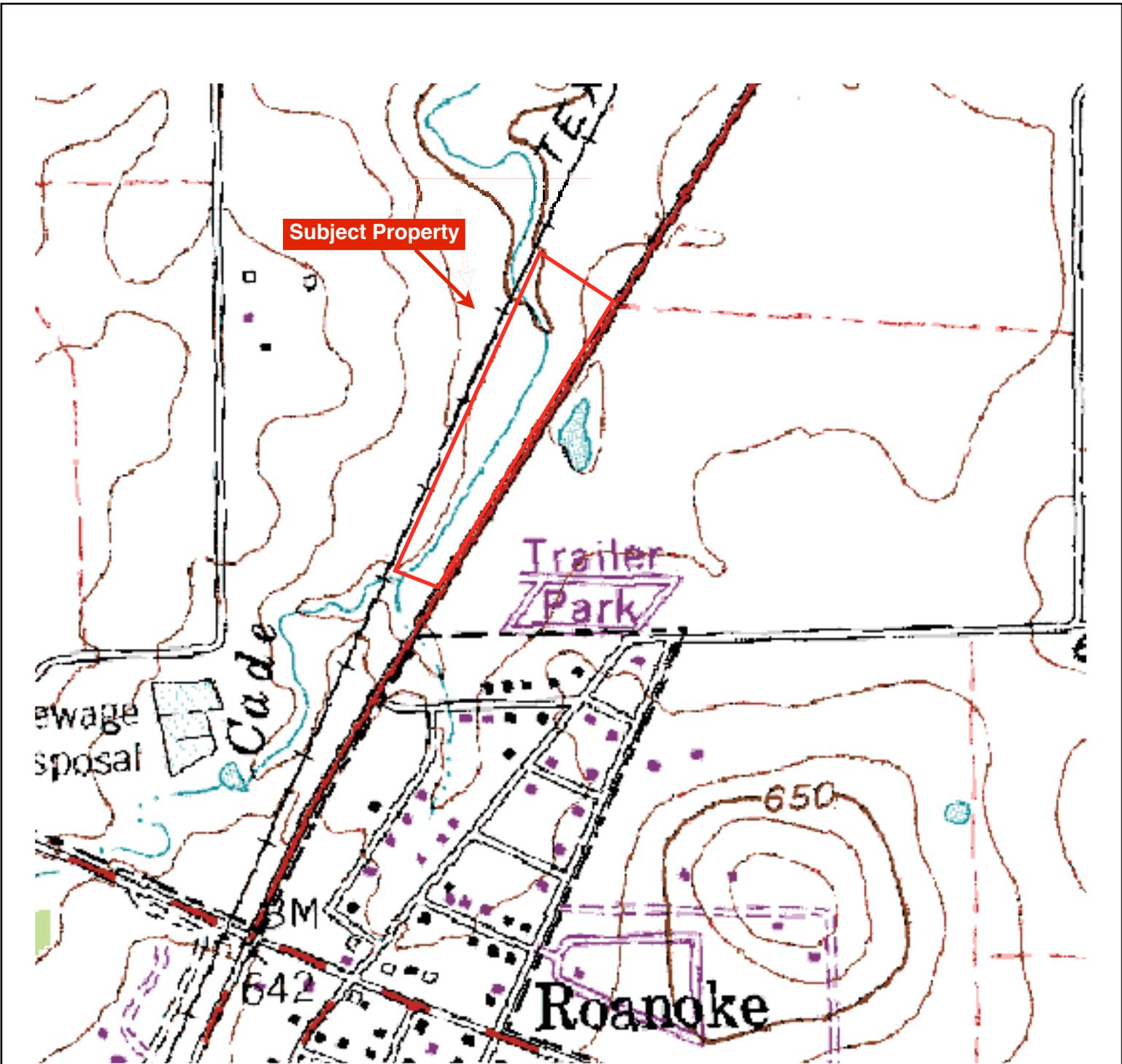
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Job No.52-02001

JUNE 2014

Sheet 2 of 15



USGS 7.5-MINUTE QUADRANGLE MAP ROANOKE, TX



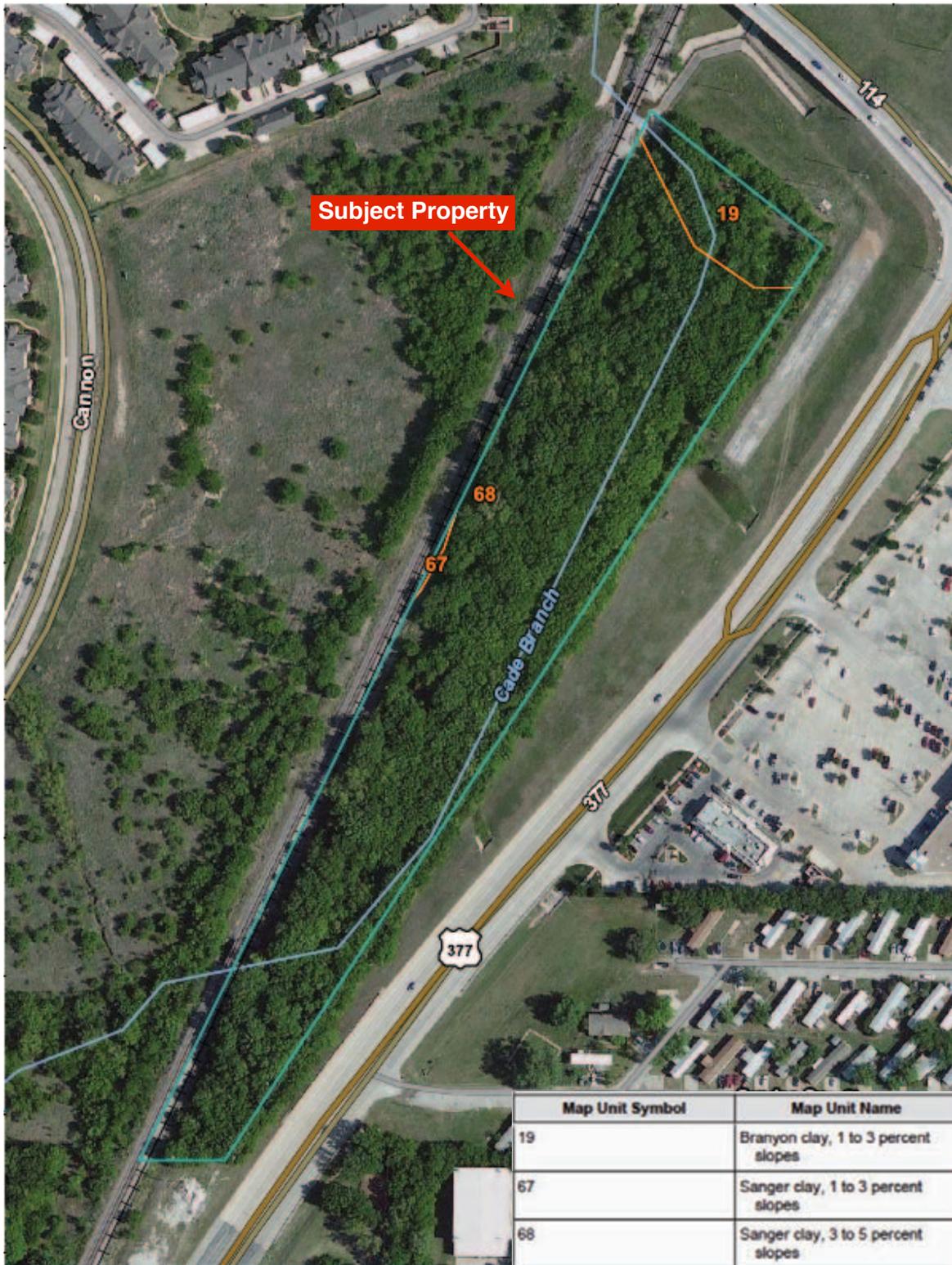
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Sheet 3 of 15



DENTON COUNTY SOIL SURVEY



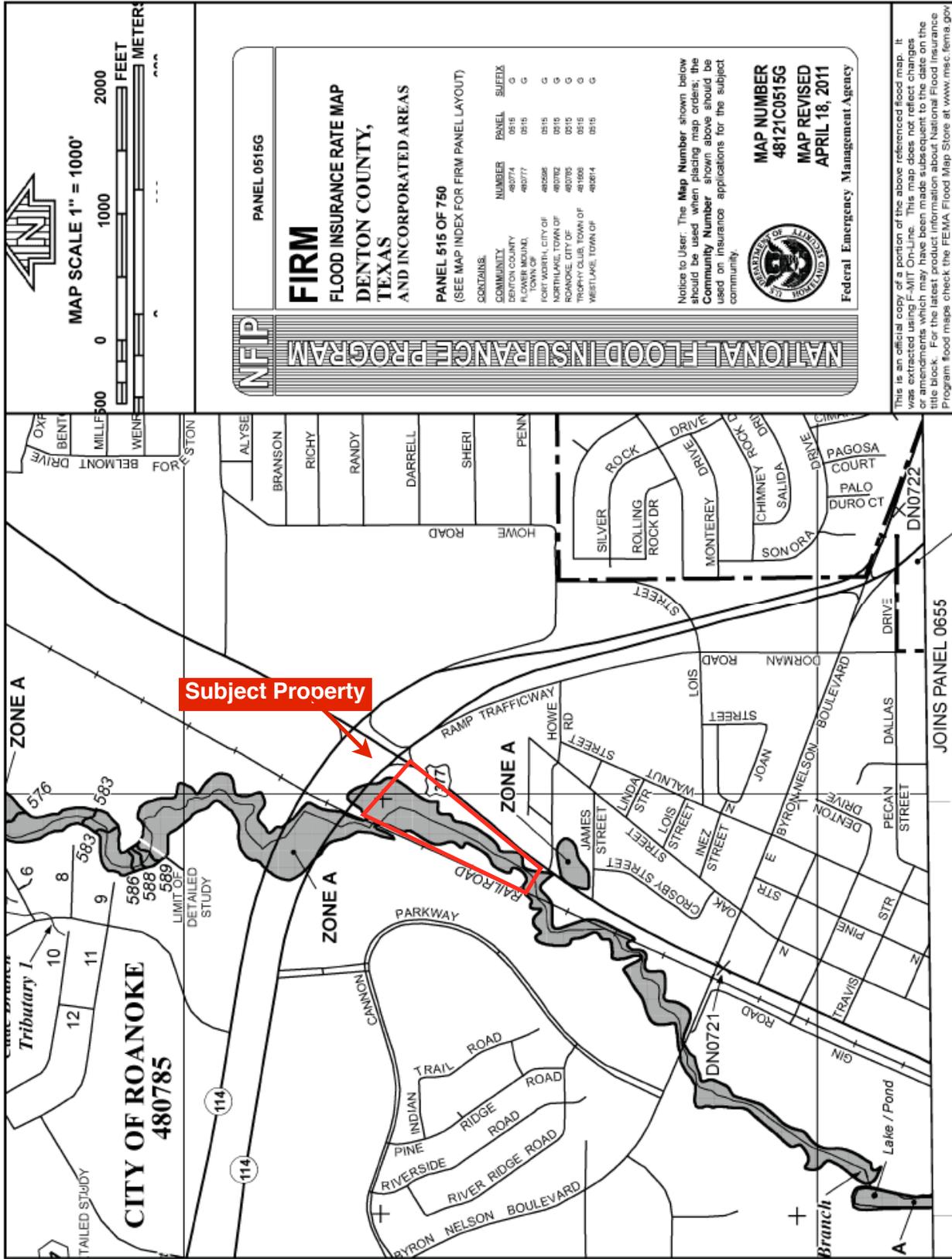
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FEMA FLOODPLAIN MAP 4121C0515G



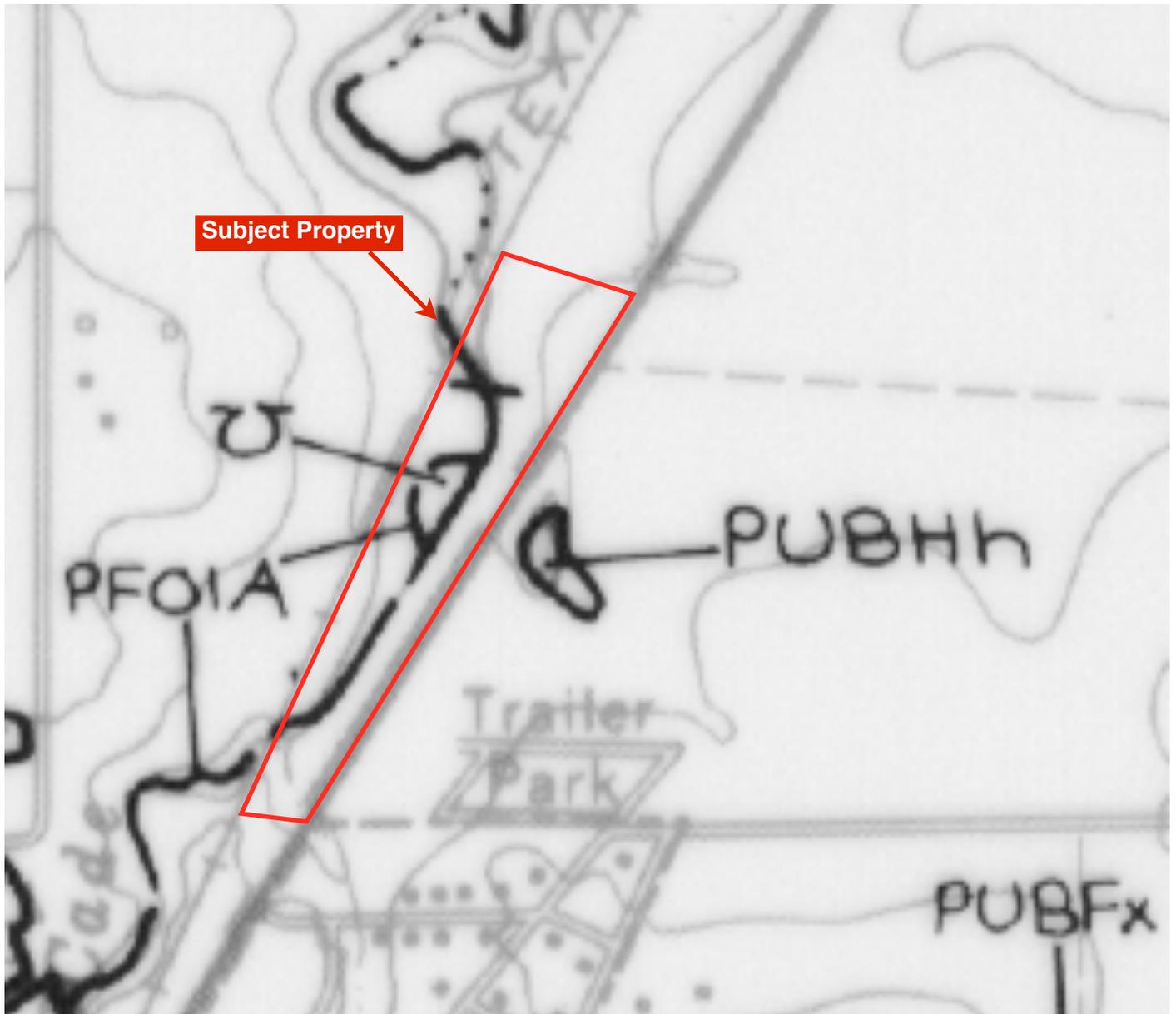
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PFO1A - Palustrine, Forested, Broad-leaved Deciduous, Temporarily Flooded

NATIONAL WETLANDS INVENTORY MAP ROANOKE, TX



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DELINEATION



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Photo 1



Photo 2

Site Photography



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Job No. 52-01001

January 2013

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Photo 3



Photo 4

Site Photography



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Job No. 52-01001

January 2013

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Photo 5

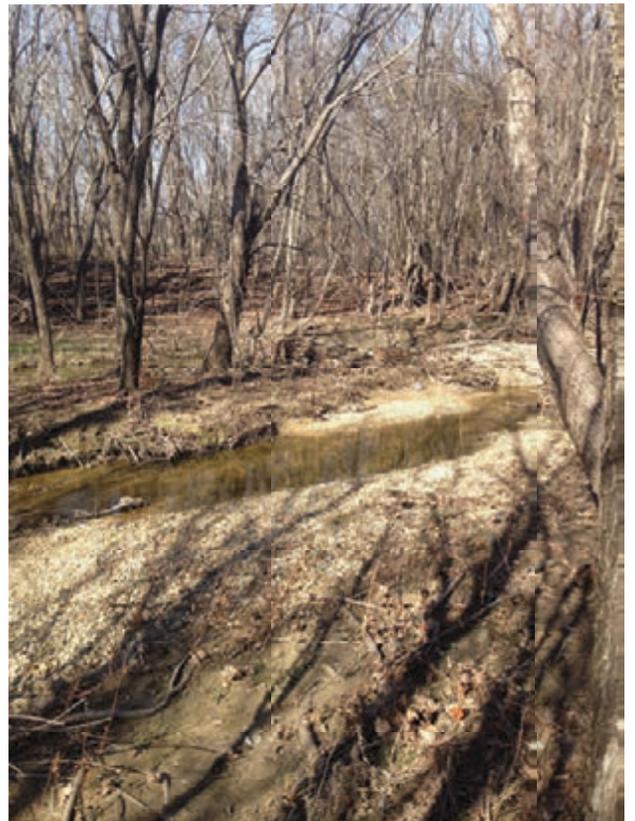


Photo 6

Site Photography



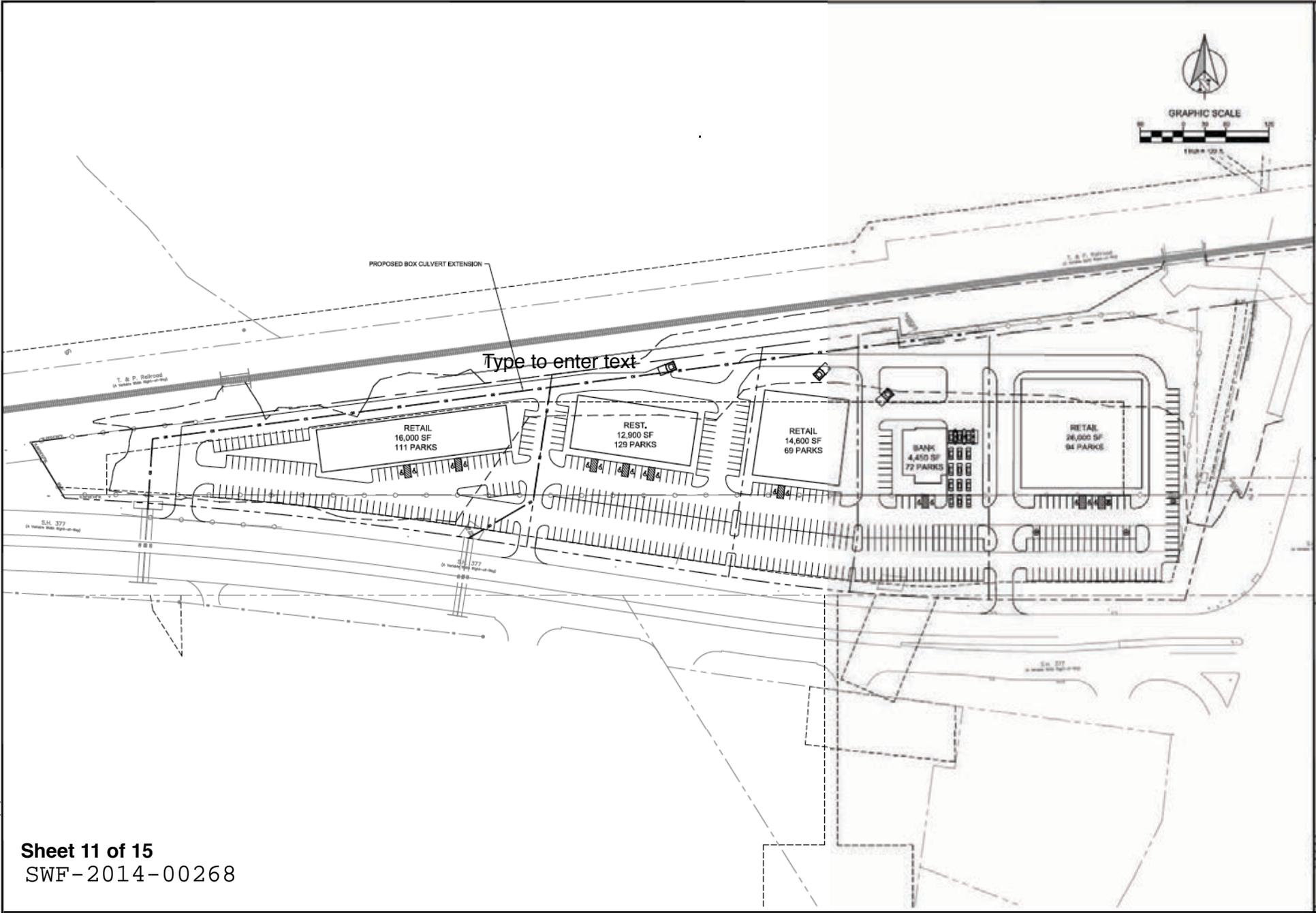
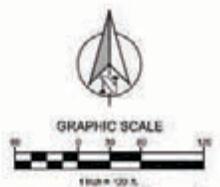
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HAMCO REALTY
SWF-2014-00268
ROANOKE, TEXAS

Job No. 52-01001

January 2013

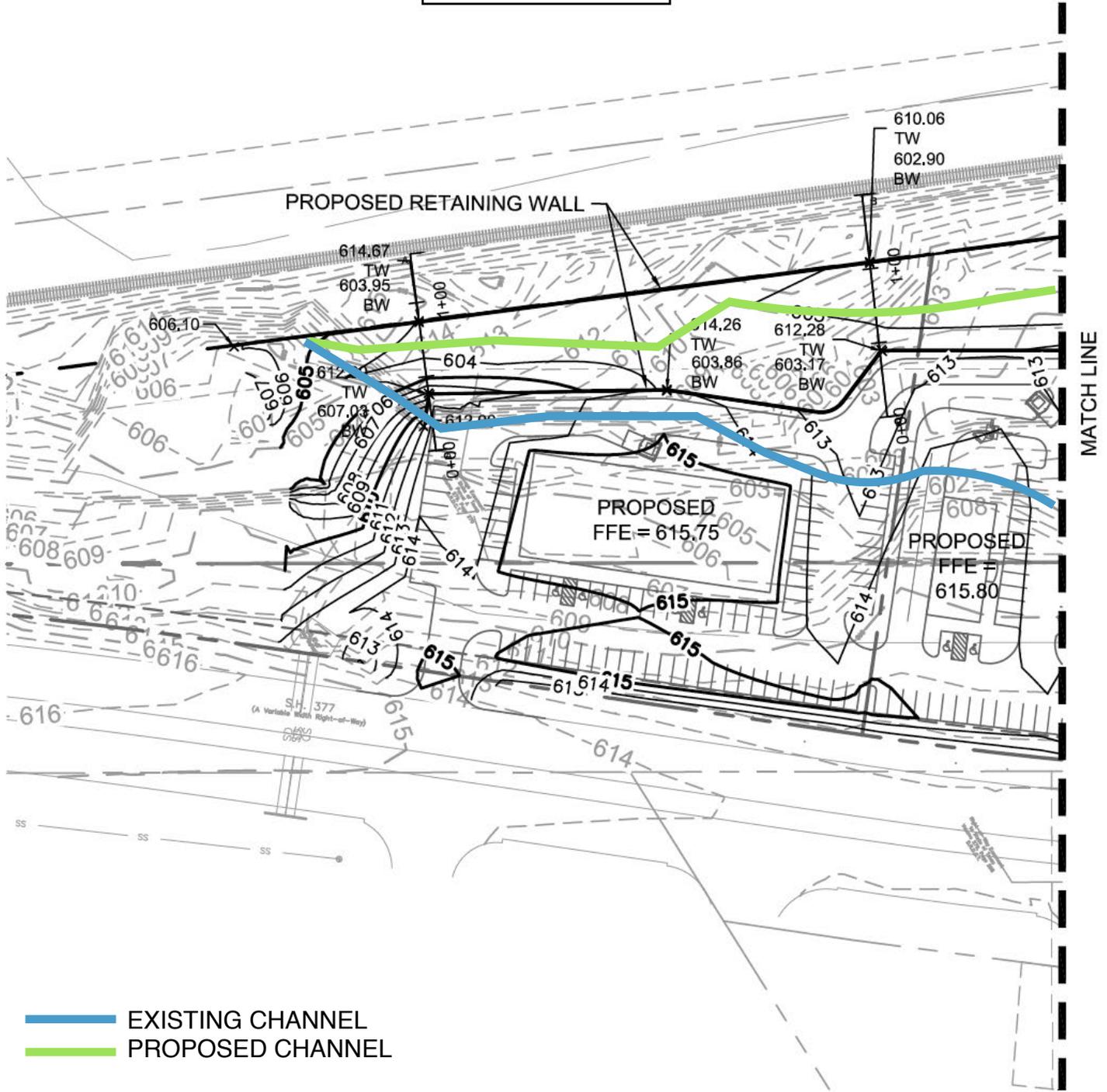
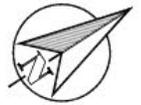
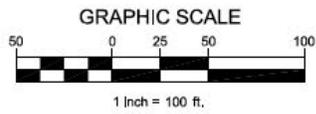
Sheet 10 of 15



HAYDN CUTLER SITE
ROANOKE, TX

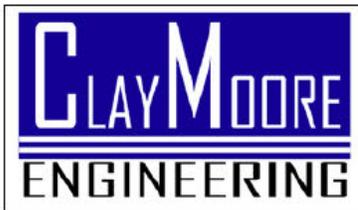
CONCEPTUAL SITE PLAN

LEGEND	
—50—	EXISTING CONTOUR
—50—	PROPOSED CONTOUR
	PROPOSED GRADE - TOP OF PAVEMENT
TW	TOP OF WALL
BW	BOTTOM OF WALL



 EXISTING CHANNEL
 PROPOSED CHANNEL

SWF-2014-00268
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TEXAS REGISTRATION #14199

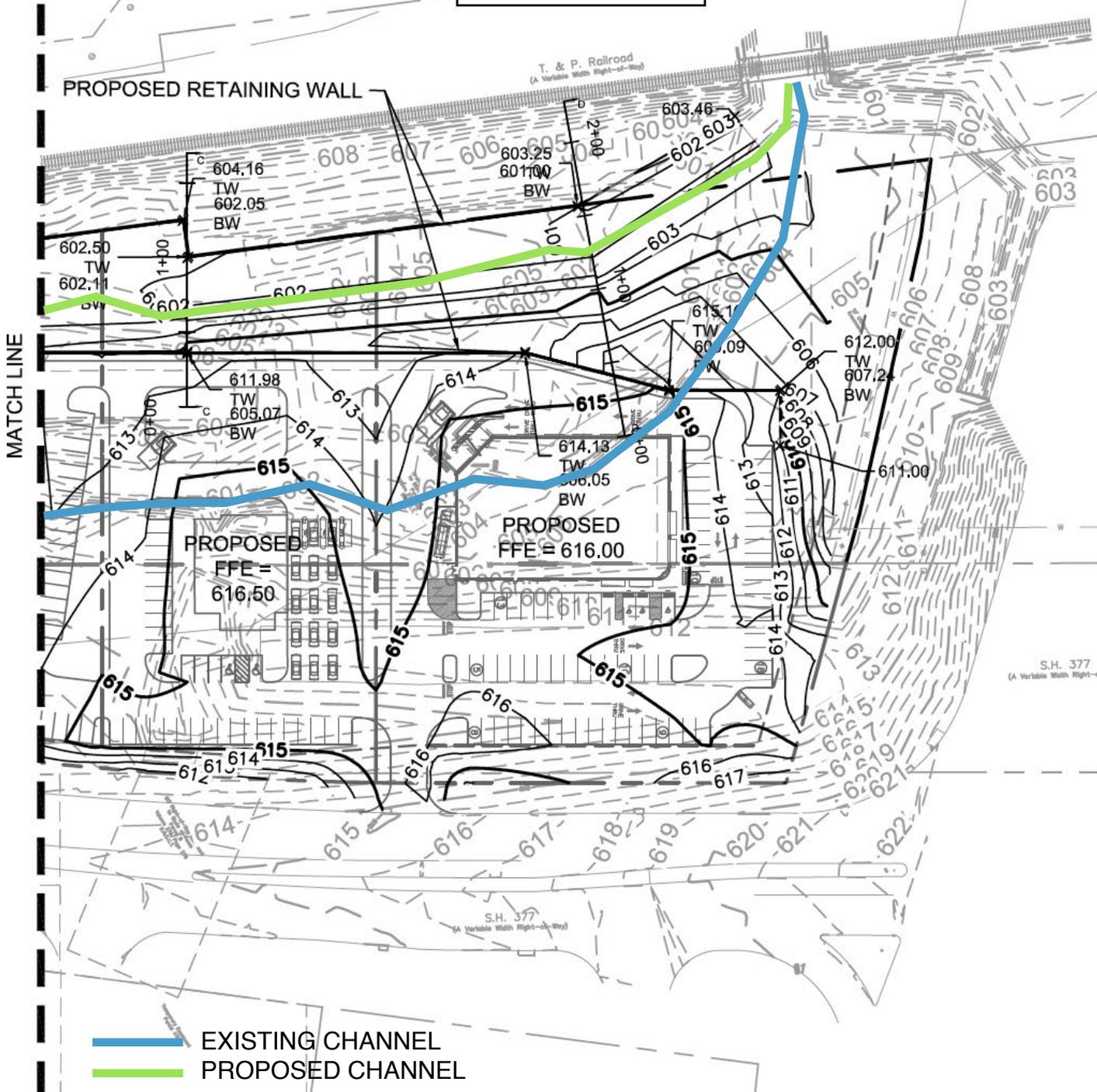
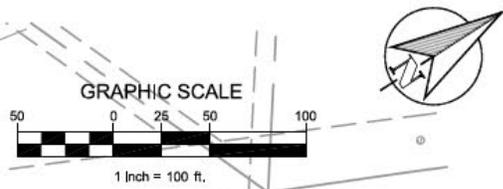
1105 CHEEK SPARGER RD, SUITE #1 COLLEYVILLE, TX 76034
 PHONE: 817.281.0572 WWW.CLAYMOOREENG.COM

**HAYDEN CUTLER
 ROANOKE, TX**

MASS GRADING

DESIGN:	CLC
DRAWN:	CLC
CHECKED:	MAM
DATE:	4/30/2014
SHEET	
C-1	
File No. 2012-060	

LEGEND	
	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED GRADE - TOP OF PAVEMENT
	TOP OF WALL
	BOTTOM OF WALL



EXISTING CHANNEL
 PROPOSED CHANNEL

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 SWF-2014-00268



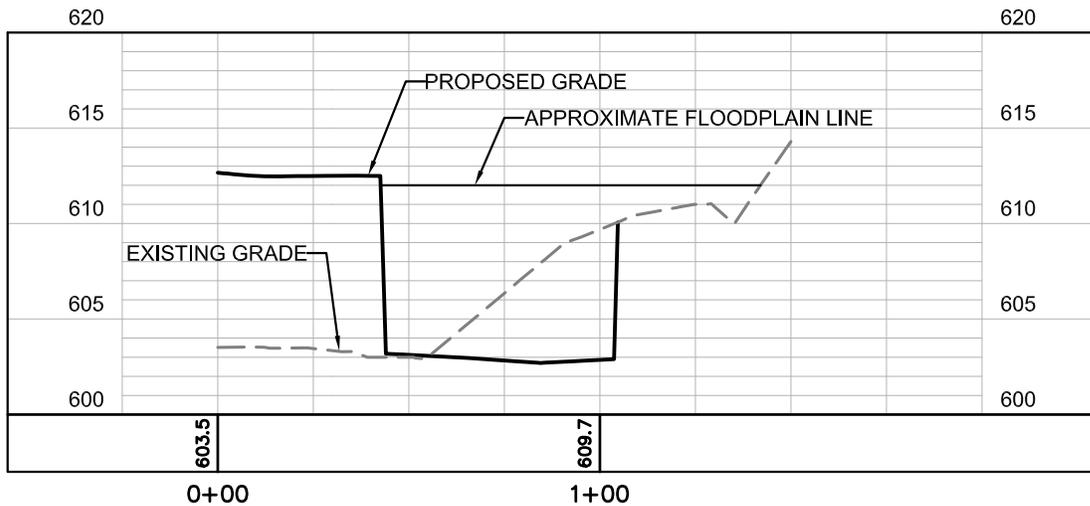
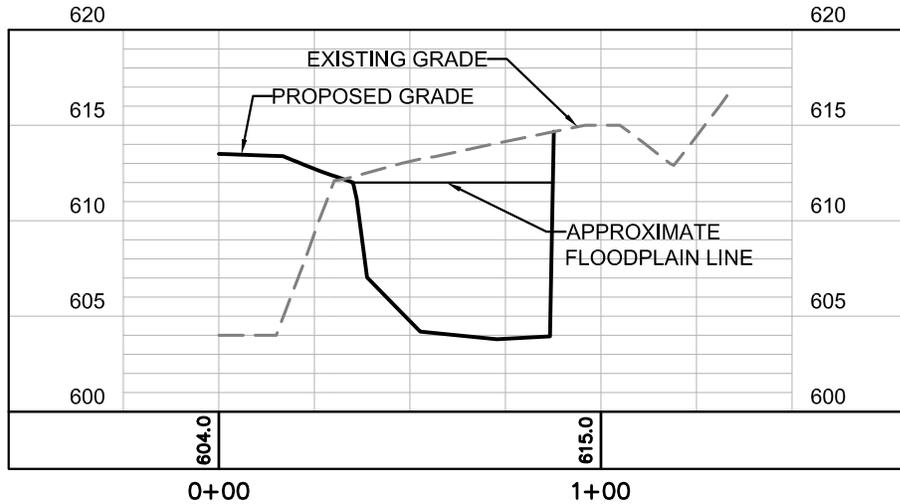
TEXAS REGISTRATION #14199

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 PHONE: 817.281.0572
 WWW.CLAYMOOREENG.COM

HAYDEN CUTLER
ROANOKE, TX

MASS GRADING

DESIGN:	CLC
DRAWN:	CLC
CHECKED:	MAM
DATE:	4/30/2014
SHEET	
C-2	
File No. 2012-060	



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SWF-2014-00268



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**HAYDEN CUTLER
ROANOKE, TX**

CHANNEL SECTIONS

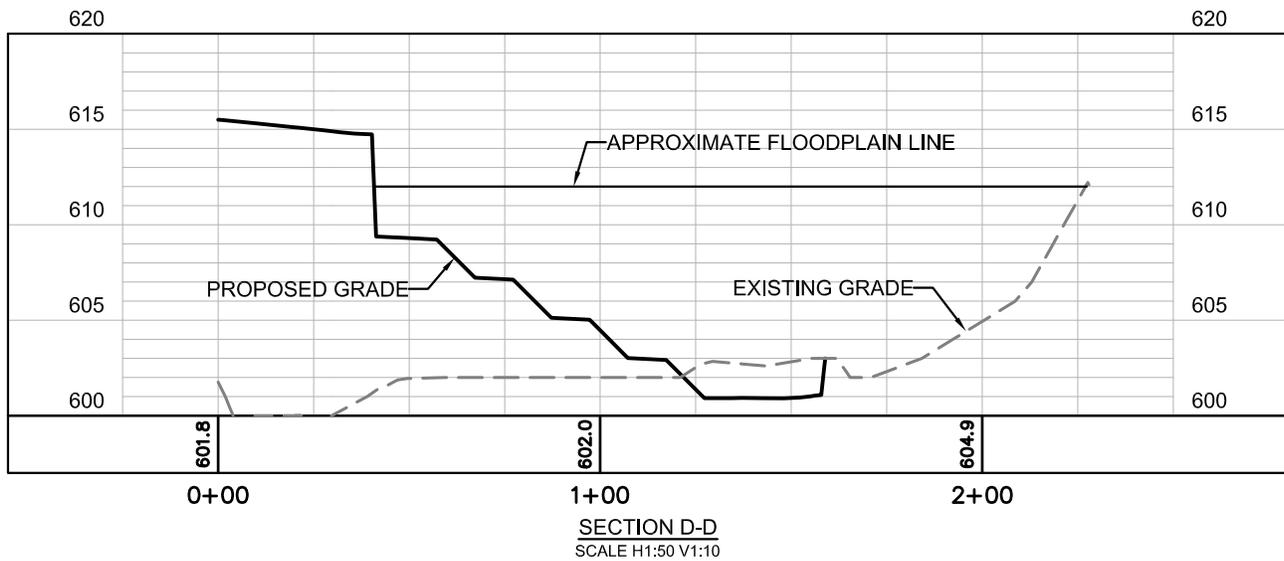
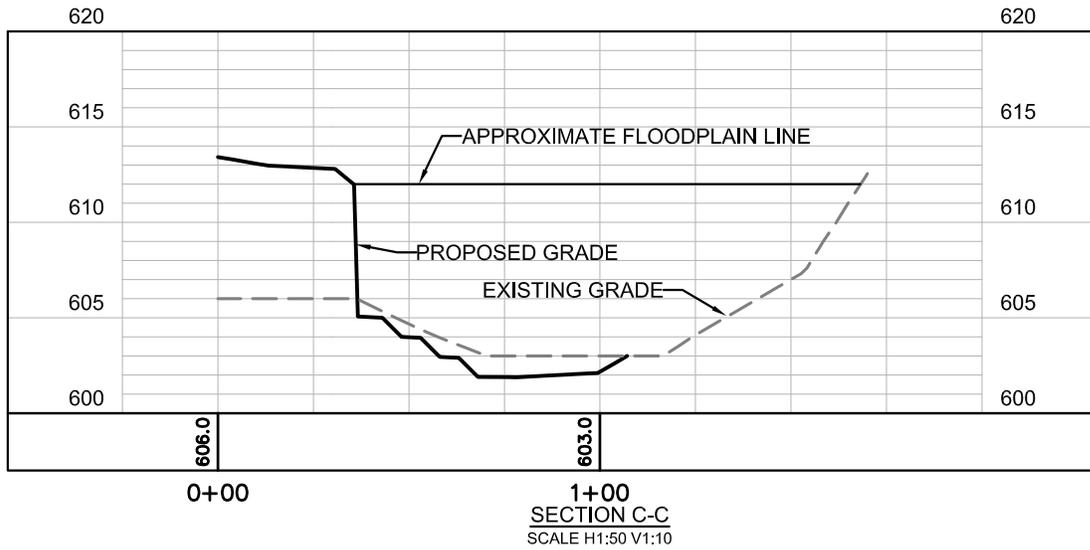
DESIGN: CLC
DRAWN: CLC
CHECKED: MAM

DATE: 4/30/2014

SHEET
C-3

File No. 2012-060

11/21/2014 5:21 PM
 10/21/2014 3:44 PM
 C:\PROJECTS\2014\0080 HAYDEN CUTLER ROANOKE\CADD\SHEETS\C-3 GRADING PLAN.DWG



11/21/2014 5:48 PM
 10/21/2014 3:44 PM
 HAYDN CUTLER ROANOKE\CADD\SHEETS\C-3 GRADING PLAN.DWG



TEXAS REGISTRATION #14199

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**HAYDN CUTLER
 ROANOKE, TX**

CHANNEL SECTIONS

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DATE:	4/30/2014
SHEET	
C-4	
File No. 2012-060	