



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

Public Notice

Applicant: TVG Texas I, LLC

Project No.: SWF-2016-00136

Date: December 21, 2016

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. Joseph L. Shelnett

Phone Number: 817-886-1738

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 associated with the Windsong Ranch Residential Development located in the city of Prosper, Denton County, Texas.

APPLICANT: TVG Texas I, LLC
Mr. David Blom
2242 Good Hope Road
Prosper, Texas 75078

APPLICATION NUMBER: SWF-2016-00136

DATE ISSUED: December 21, 2016

LOCATION: The proposed Windsong Ranch Residential Development is located in city of Prosper, Denton County, Texas. The project site is northwest of the intersection of Teel Parkway and U.S. Highway (US) 380. The proposed project would be located approximately at 33.22467 N and -96.87256 W on the Little Elm and Frisco (1982) 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit Doe Branch: 120301030903 (Exhibit 1 of 12 and 3 of 12).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposed to discharge approximately 7,203 cubic yards of dredged and fill material into approximately 5.5 acres of waters of the United States in conjunction with the construction of the Windsong Ranch Development. Proposed impacts to waters of the United States (WOUS) include the placement of 2,983 cubic yards of permanent earthen fill and 4,322 cubic yards of temporary earthen fill within 5.5 acres. This includes direct, permanent impacts to 3.9 acres of emergent wetlands, 406 linear feet (0.066 acre) of intermittent tributaries, 42 linear feet (0.02 acre) of ephemeral tributaries, 0.913 acre of impoundments, and 0.607 acre of natural ponds. Direct, temporary impacts include 0.235 acre of non-forested wetland, 2,702 linear feet (1.229 acres) of intermittent tributaries, and 6.574 acres of impoundments.

I. INTRODUCTION: The applicant is proposing to construct an approximately 1,998-acre master-planned development. The applicant plans to include 2,874 residential lots and 746 acres of open space and parks. Ancillary facilities that will be developed by others include four schools and two fire stations. The development also includes all associated infrastructure including interior roads and utilities.

PURPOSE AND NEED STATEMENT: The applicant asserts that according to Vision North Texas, if current trends continue, the North Texas region will by 2030 increase in population 75 percent over year 2000 levels, and the population will more than double by 2050, which, according to the applicant, means the current infrastructure is not adequate to meet the demands of this growth projection. The purpose of the project is to provide a master-planned residential development in the city of Prosper, Texas.

The applicant states that given this continued economic growth of the North Central Texas region, there continues to be an increasingly high demand for new residential developments. According to the applicant, Collin County accounted for 23 percent of regional growth between 2015 and 2016. Also according to the applicant, in total absolute growth, Frisco, McKinney, Plano, and Wylie Counties continued to grow, and continue to have a robust housing market with both existing and new structures. In percentage growth, northern Collin County far outpaced other areas. Four of the top 12 area cities in percentage growth during the period were located in northern Collin County. The general issue with this sector of the County is the recent rural nature of the housing market, which does not include a large supply of existing homes. The Town of Prosper grew 11.4 percent during this period; since 2010 the population within the city has increased over 161 percent from less than 7,000 residents to almost 18,000 residents at the start of 2016.

II. EXISTING CONDITIONS: The USGS topographic map (Little Elm, Frisco, and Celina 7.5' Quadrangle, 1982) illustrated eight blue-line features and 26 pond features within the project site (Exhibit 1 of 12). The entire site drains to Doe Branch, which flows northeast to southwest through the proposed project site. Site elevations range from approximately 595 feet above mean sea level (amsl) to 530 feet amsl.

The *Soil Survey of Denton County, Texas* illustrated 16 soil map units within the project site. These soil map units make up nine soil series including the; Altoga, Branyon, Burleson, Ferris, Heiden, Lewisville, Ovan, Sanger, and Wilson series. All of which share similar characteristics of either deep clayey or loamy soils, with most being formed from marine or alkaline sediments (Exhibit 2 of 12).

The FEMA FIRM (Map Panels 48121C0410G, 48121C0430G, and 48121C0290G revised 18 April 2011) illustrates 63 percent of the project site within Zone X (areas determined to be outside the 0.2 percent chance annual floodplain), 22 percent within Zone A (Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; No base flood elevations determined), 12 percent within Zone AE (Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; Base flood elevations determined), and 3 percent within Zone AE (Floodway).

The proposed project site was characterized by its past and current agricultural use. According to the applicant, prior to TVG acquiring the property, it was a large egg production facility with many poultry barns. In addition to this, there were cultivated fields for crop production and pastures for cattle. Currently, the egg production facility has been removed, but all undeveloped portions of Windsong Ranch remain in the crop and cattle production. As such the undeveloped property

includes improved coastal Bermudagrass pastures, cultivated ground, unimproved pastures, and a few woodland blocks.

The landform of the property is gentle hills that are surrounded by Doe Branch and its tributaries. There is a significant amount of floodplain associated with Doe Branch and its tributaries. These hills have been cultivated in the past through the use of agricultural terraces, but most have been converted to either improved pasture or rangeland. The floodplains appear to have been used for livestock production through grazing, as the plant community is dominated by early successional herbaceous species, with the exception of remnant woodlands.

A number of aquatic features are largely a result of natural channel migration of Doe Branch and its tributaries prior to these channels entrenching into the floodplain. There were numerous wetland and natural ponds observed in the floodplain that were remnant channels of the tributaries. Now they are represented by concave depressions that are seasonally inundated from flood events and isolated runoff. In addition to these natural features, there were numerous upland stock ponds and terrace wetlands that were all man-made. The upland stock ponds were all identified by having berms on one or more sides that were constructed to capture sheet flow from upland areas (i.e., not constructed on the tributary system). Some agriculture terraces constructed along hills within the property were not graded in a manner that conveyed the water off the hills to grassy swales, but ponded water in low points. As a result, some of these poorly graded agricultural terraces developed wetland conditions through time. Numerous miles of tributaries were identified throughout this property. Due to the gentle gradient of the floodplain and large watershed, multiple channels were observed.

III. ADVERSE IMPACTS OF THE PROPOSED PROJECT: According to the current master plan, direct and permanent impacts to Waters of the United States would total 5.506 acres, including 3.461 acres in lot fill, 1.780 acres in road crossings, 0.090 acres in grading/clearing, and 0.175 acres for future schools (Exhibits 3 through 12). Additionally, there are 8.037 acres of temporary impacts associated with utility crossings, hike and bike trails, and dredging. Based on the current proposed conceptual site plan, 61.844 acres of waters of the United States would be avoided. According to the applicant, the conceptual site plan was developed to minimize impacts to the floodplain, which accounts for the majority of the aquatic features located within the propose project boundary.

Phases 3C and 3D have been fully designed, and the direct and permanent impacts to waters of the United States are known. Phase 3C would include approximately 88 lots that would vary in size, while the associated infrastructure would include: roads, sidewalks, utilities, and stormwater management. Diffused surface flows would be redirected towards the drainage easements and unnamed tributaries. Flow would be maintained through avoided wetlands. Therefore, indirect impacts associated with hydrologic reductions would not be anticipated to occur. Activities associated with the construction of Phase 3C that would result in permanent impacts to Waters of the United States include the grading, filling, and dewatering of wetlands for diffused surface flow management and site development. The proposed total loss of Waters of United States

would be approximately 0.30 acre of herbaceous, emergent wetland. Phase 3D would have one lot fill in Waters of the United States of 0.08 acre of herbaceous wetland. Detailed design work has not yet been completed for the remaining phases of the proposed residential development.

IV. ALTERNATIVES TO THE PROPOSED PROJECT: The USACE has not yet evaluated this alternatives analysis. The applicant developed and utilized a set of selection criteria to evaluate the project which included the following:

- A site, which lies within the Town of Prosper, has a demand for new single family residential units;
- A Site located in close proximity to the US 380 and the Dallas North Tollway (DNT) to ensure practicality for commuting to both Dallas and Fort Worth areas and for ease of access to the Dallas/Fort Worth (DFW) International Airport;
- To accommodate a comparable large-sized residential development, which consists of approximately 2,900 residential lots and their associated infrastructure, complimentary land uses, and related amenity features, the parcel would need to be at minimum 1,318 acres, if oriented correctly and completely developable. Minimum parcel size was determined based on zoning ordinances and regulations. This assumes at a minimum, to build a comparable residential development within comparable zoning restrictions, each lot would need to be planned at a rate of approximately 0.45 acre to account for all additional allowances, right-of-way associated with the developments infrastructure, and the proportion of complimentary land uses as part of the Master Plan; and
- A Site that would minimize impacts to environmental features, especially Waters of the United States.

The applicant utilized the above selection criteria to identify three additional conceptual alternatives to evaluate the preferred alternative. These alternatives were developed based on an aerial photograph search of undeveloped properties that could be reasonably linked together to make one large-scale development at the minimum acreage threshold. The geographic boundary for locating alternative sites was set to a 5-mile radius from the intersection of US 380 and the DNT.

NO ACTION ALTERNATIVE

The applicant states that under the No-Action-Alternative, the applicant would stop development and restore the previous impacts that have occurred. Under the No-Action-Alternative, no additional lots would be built, creating an even greater supply deficit in available and soon-to-be available single family residential units within the Prosper and greater northern US 380 corridor.

ALTERNATIVE SITE ANALYSIS

The applicant states that an extensive analysis of available properties was conducted within a 5-mile geographic radius of the intersection of US 380 and DNT. From an aerial photography survey, three additional development assemblages were located. The area of FEMA FIRM 100-year floodplain and accompanying floodway were calculated and excluded from potential developable acres, similar to the planning that occurred for Windsong Ranch. To facilitate an estimate of impacts to waters of the United States, it is assumed that all aquatic features outside the designated floodplain areas would be impacted, similar to the preferred site layout at Windsong Ranch. Floodplain areas would be avoided or with only minor impacts, such as road crossings.

Alternative Site #1 – was located northwest of the intersection of Eldorado Parkway and Preston Road (State Highway [SH] 289) within the corporate boundaries of Frisco, Collin County containing six abstracts and multiple parcels. The combined acreage was approximately 2,318 acres. Based on aerial photographic interpretation of the aquatic features on the site, this site contains approximately 30.3 acres of potentially jurisdictional water features. Additionally, based on the presence of transmission lines and a substation, the amount of non-developable easements was found to be approximately 123.1 acres. Floodplain acreage was estimated to be approximately 248.0 acres. Following the planning protocol for avoidance and minimization, it was estimated that there would be impacts to waters of the United States of at least 17.2 acres.

Alternative Site #2 – was located northwest of the intersection of Panther Creek Parkway and DNT within the corporate boundaries of Frisco in Collin County, and also in Denton County. The combined acreage was approximately 2,446 acres. Based on aerial photographic interpretation of the water features on the site, this site contains approximately 78.3 acres of potentially jurisdictional aquatic features. Floodplain acreage was estimated to be approximately 683.8 acres. Following the planning protocol for avoidance and minimization, it was estimated that there would be impacts to waters of the United States of at least 27.7 acres.

Alternative Site #3 - was located northwest of the intersection of West University Drive (US 380) and North Custer Road (County Road 2478) within the corporate boundaries of Prosper, Collin County. The combined acreage was approximately 1,404 acres. Based on aerial photographic interpretation of the aquatic features on the site, this site contains approximately 65.7 acres of potentially jurisdictional aquatic features. Floodplain acreage accounts for approximately 185.8 acres. Following the planning protocol for avoidance and minimization, it was estimated that there would be impacts to waters of the United States of at least 10.5 acres.

Applicant's Preferred Alternative (Windsong Ranch) – is located northwest of the intersection of US 380 and Fields Road within the corporate boundaries of Prosper, Denton County, Texas. The total acreage is approximately 1,998 acres. Floodplain acreage accounts for approximately 735.4 acres. Following the planning protocol for avoidance and minimization, it was estimated that there would be impacts to waters of the United States of at least 0.8 acre. Based on design plans and conceptual development layouts, actual impacts to field delineated waters of the United States would be 5.506 acres, which includes 448 linear feet of tributary impacts (0.086 acre), 0.913 acre of impoundments,

3.90 acres of non-forested wetlands, and 0.607 acre of natural ponds. Of the impacts, 3.461 acres are accounted for in lot fill, 1.780 acres in road crossings, 0.090 acres in grading/clearing, and 0.175 acres for future schools.

V. COMPENSATORY MITIGATION: To offset unavoidable adverse impacts to Waters of the U.S., the applicant proposes to purchase appropriate mitigation bank credits from Bunker Sands Mitigation Bank, Mill Branch Mitigation Bank, and Red Oak Umbrella Mitigation Bank in accordance with the methodologies prescribed within the USACE-approved mitigation banking instruments.

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 Denton County where the Whooping Crane (*Grus americana*), Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), and Red Knot (*Calidris canutus rufa*) are known to occur or may occur as migrants. The Whooping Crane and Least Tern are endangered species and the Piping Plover and Red Knot are threatened 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: Most of the proposed Windsong Ranch Development Project has never been surveyed for the presence of historic or prehistoric cultural resources. There are no properties eligible for, or listed on, the National Register of Historic Places within the proposed development. Based on similar areas in Denton County, the area has a high likelihood of containing prehistoric or historic sites. A survey of the permit area will be required to identify and assess any cultural resources found.

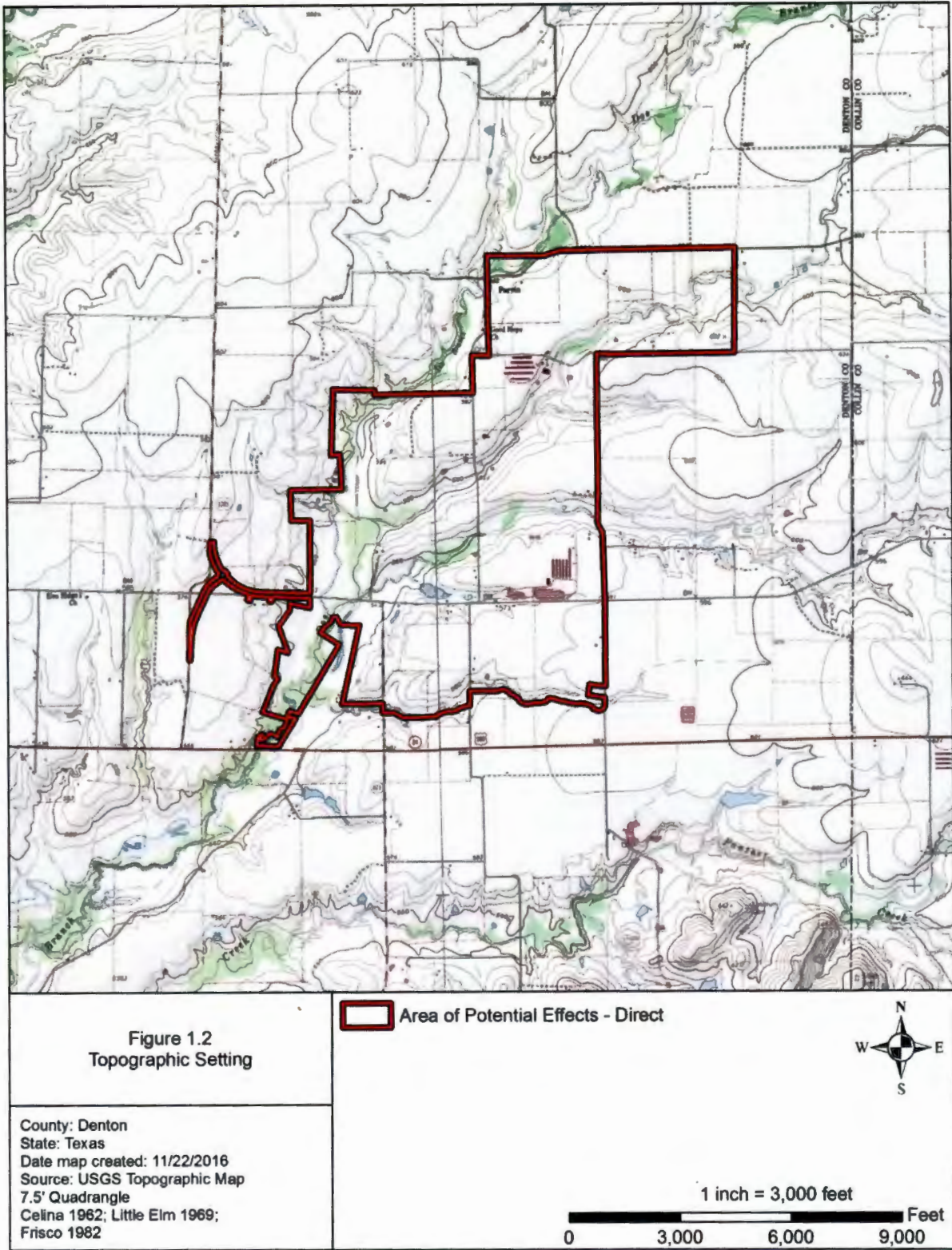
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review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

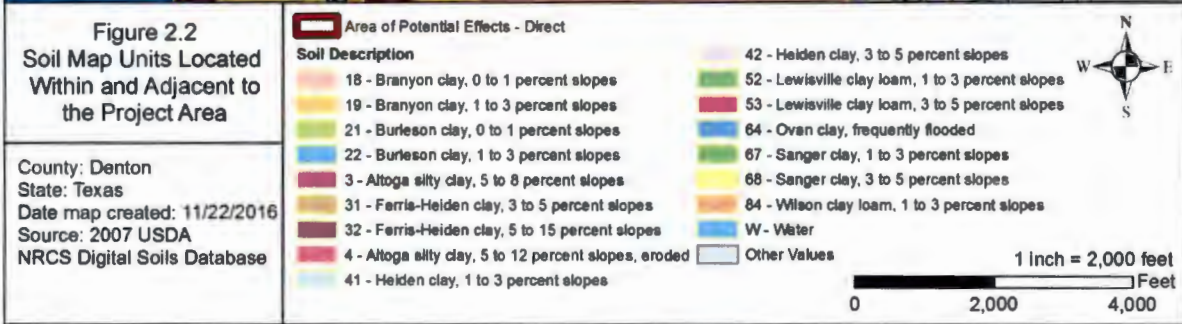
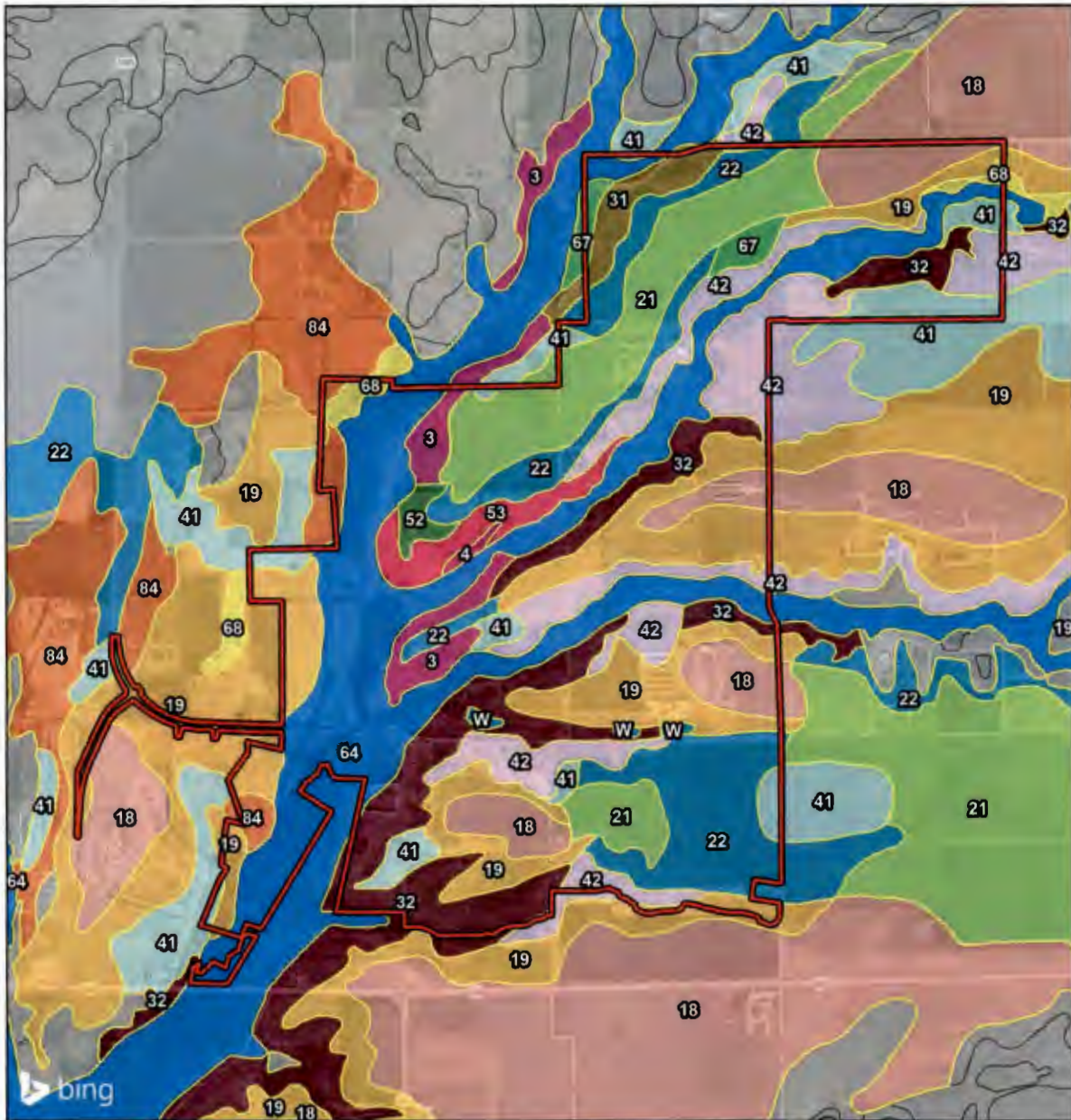
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted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

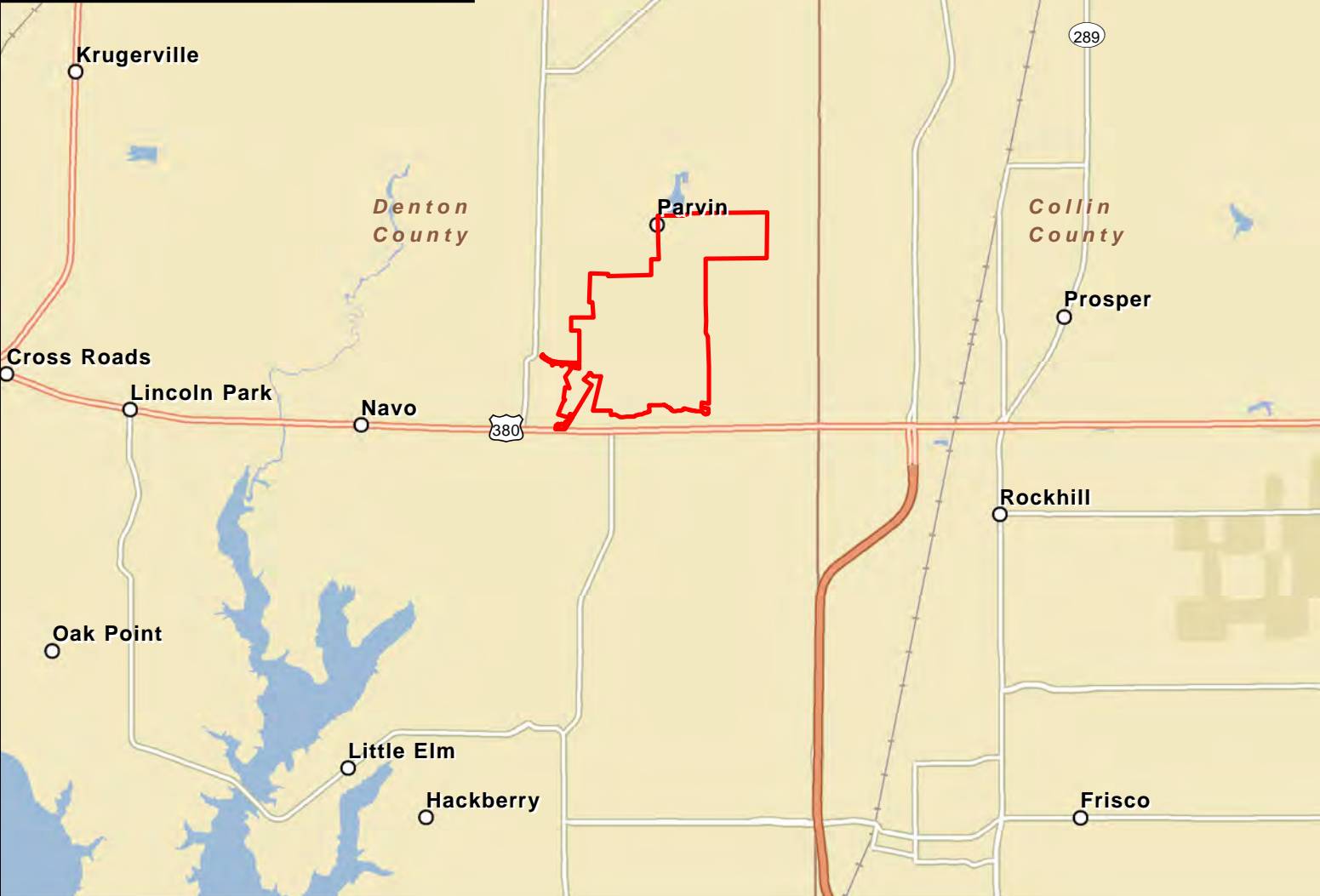
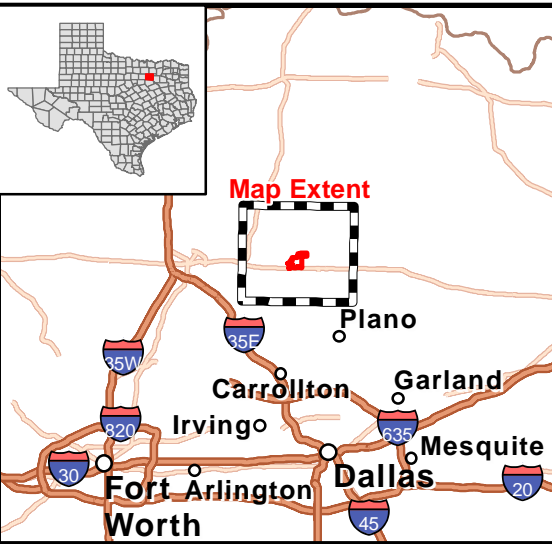
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If 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 January 20, 2017, 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 Joseph L. Shelnett at (817) 886-1738. 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



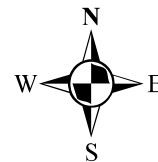




**Sheet 1 of 10
Windsong Ranch
General Location Map**

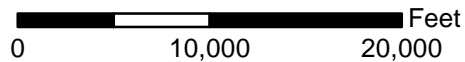
USACE Project Number:
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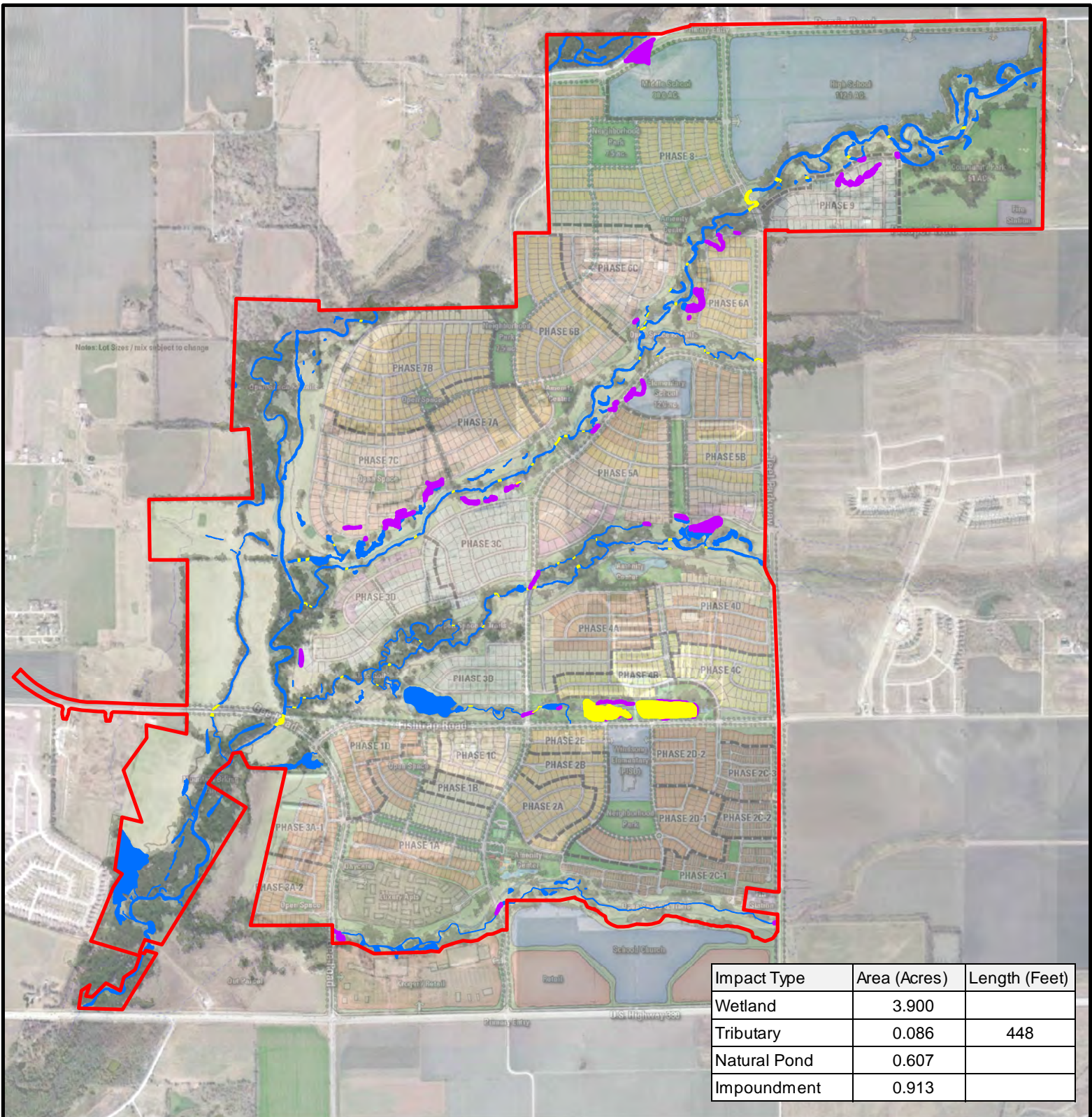
 Project Boundary



County: Denton
State: Texas
Date map created: 09/19/2016
Source: ESRI 10 Streetmap
North America

1 inch = 10,000 feet





Impact Type	Area (Acres)	Length (Feet)
Wetland	3.900	
Tributary	0.086	448
Natural Pond	0.607	
Impoundment	0.913	

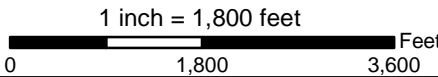
Sheet 2 of 10
Impacts to
Waters of the United States

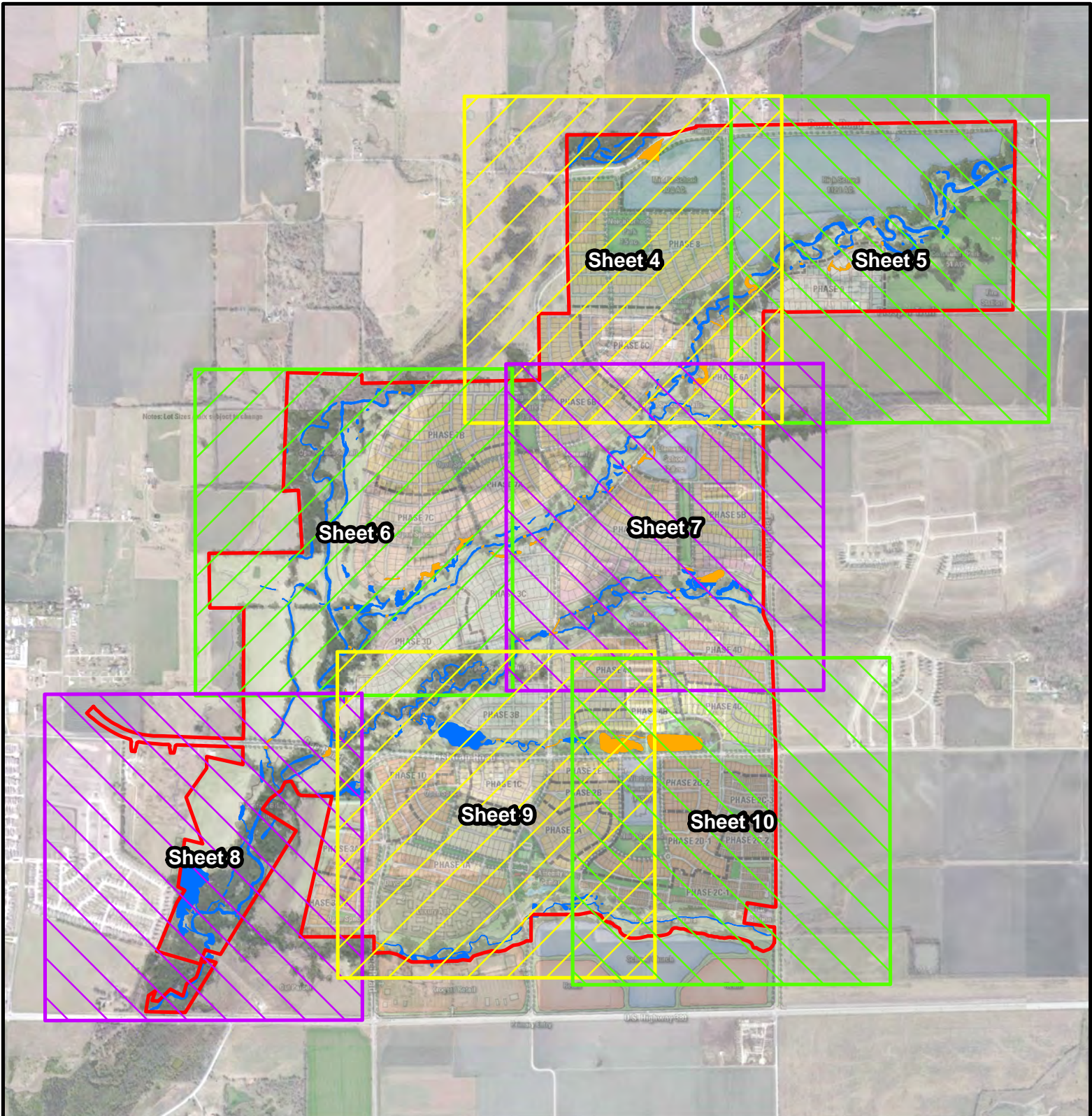
USACE Project Number:
 SWF-2016-00136

- Project Boundary
- Waters of the United States
- Permanent Impacts
- Temporary Impacts



County: Denton
 State: Texas
 Date map created: 12/07/2016
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 and its data suppliers






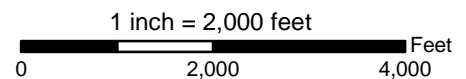


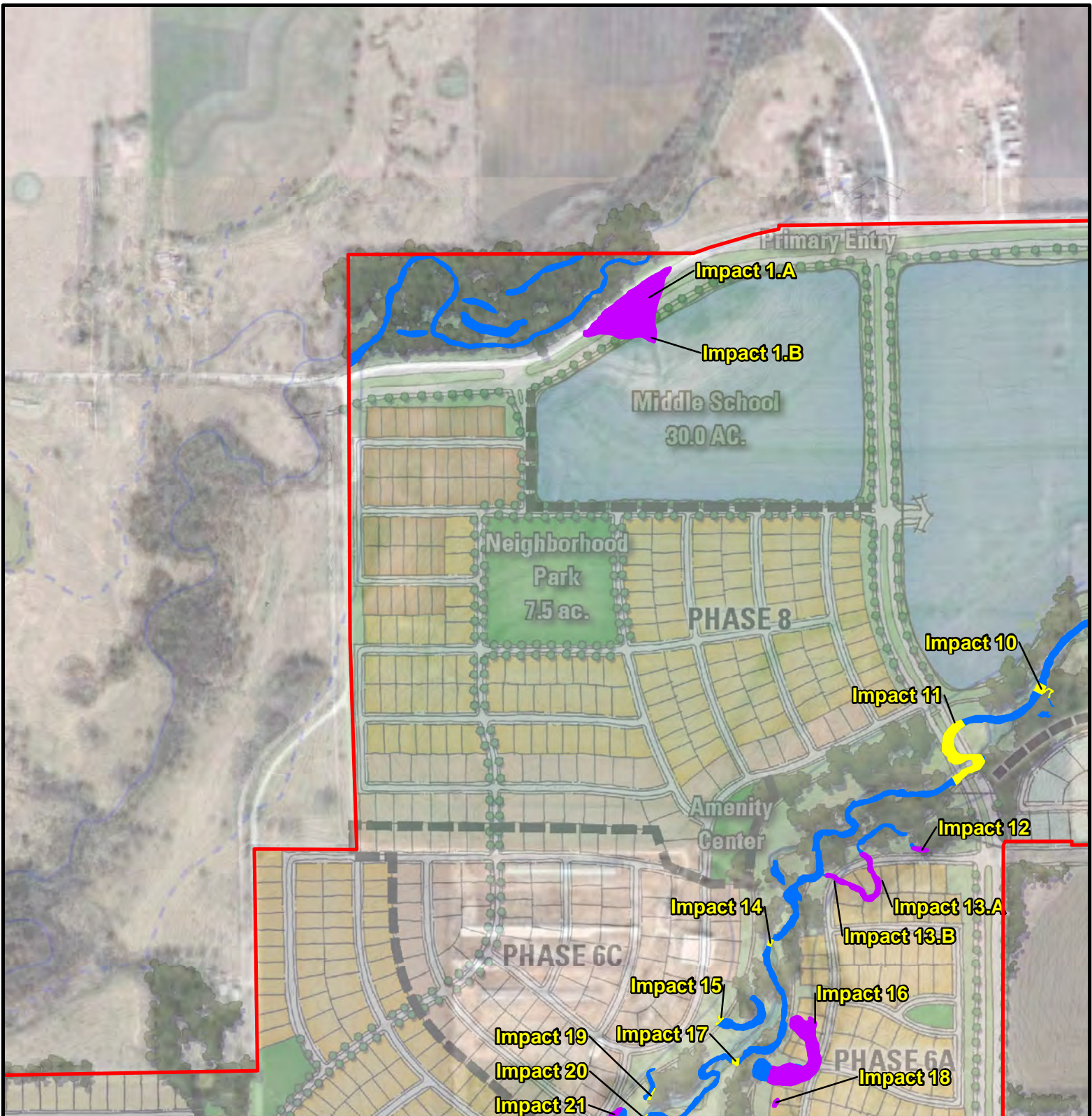
Sheet 3 of 10
Impacts to
Waters of the United States
Overview

USACE Project Number:
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County: Denton
 State: Texas
 Date map created: 12/07/2016
 Source: (c) 2009 Microsoft Corporation
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-  Project Boundary
-  Waters of the United States
-  Impacts to Waters of the United States



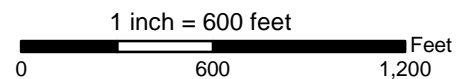


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Impacts to
Waters of the United States

USACE Project Number:
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County: Denton
 State: Texas
 Date map created: 10/24/2016
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- Project Boundary
- Waters of the United States
- Impacts**
- Permanent
- Temporary



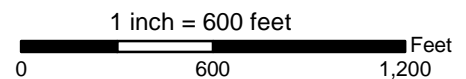


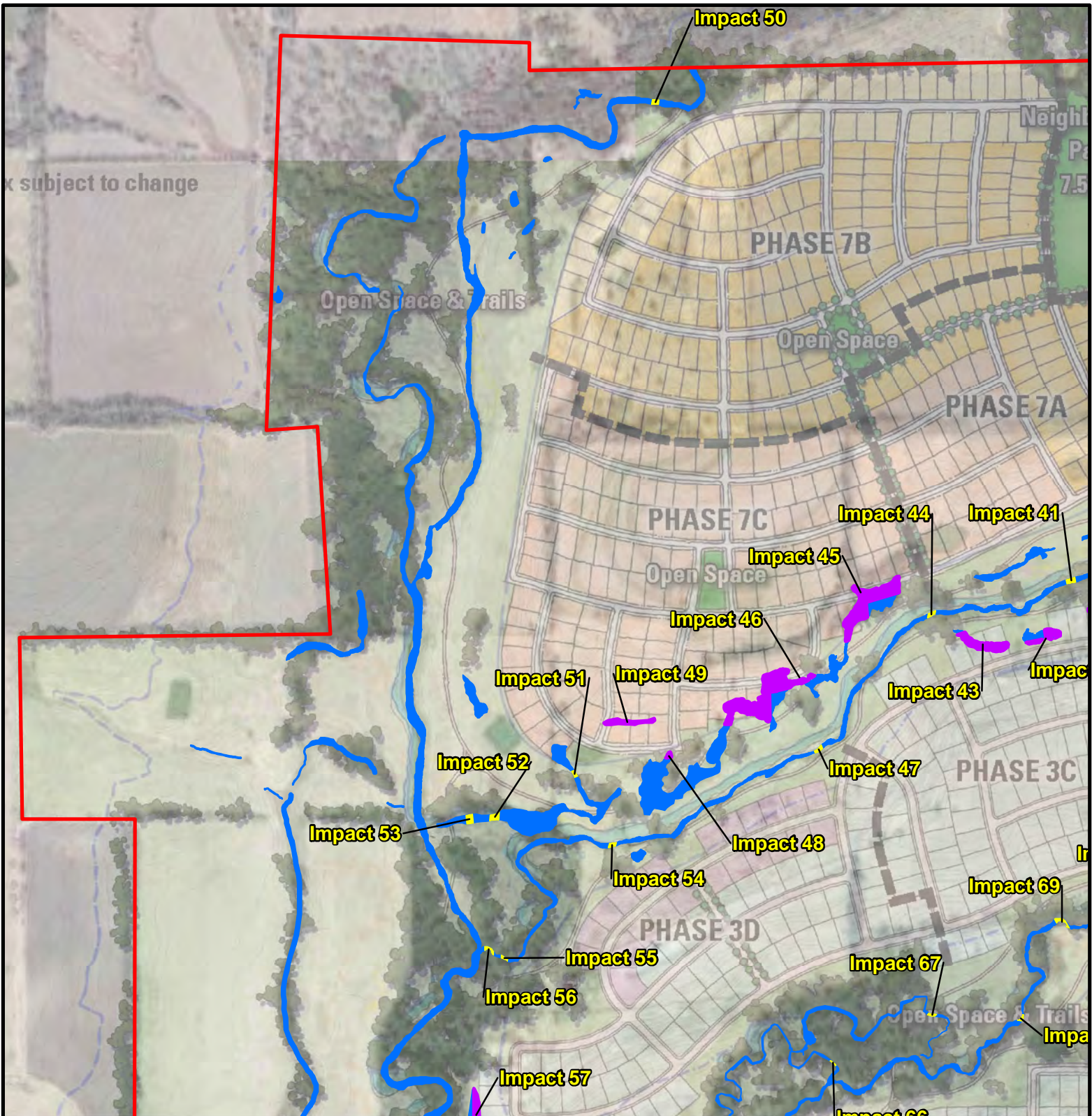
Sheet 5 of 10
Impacts to
Waters of the United States

USACE Project Number:
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County: Denton
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 Date map created: 10/24/2016
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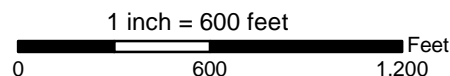


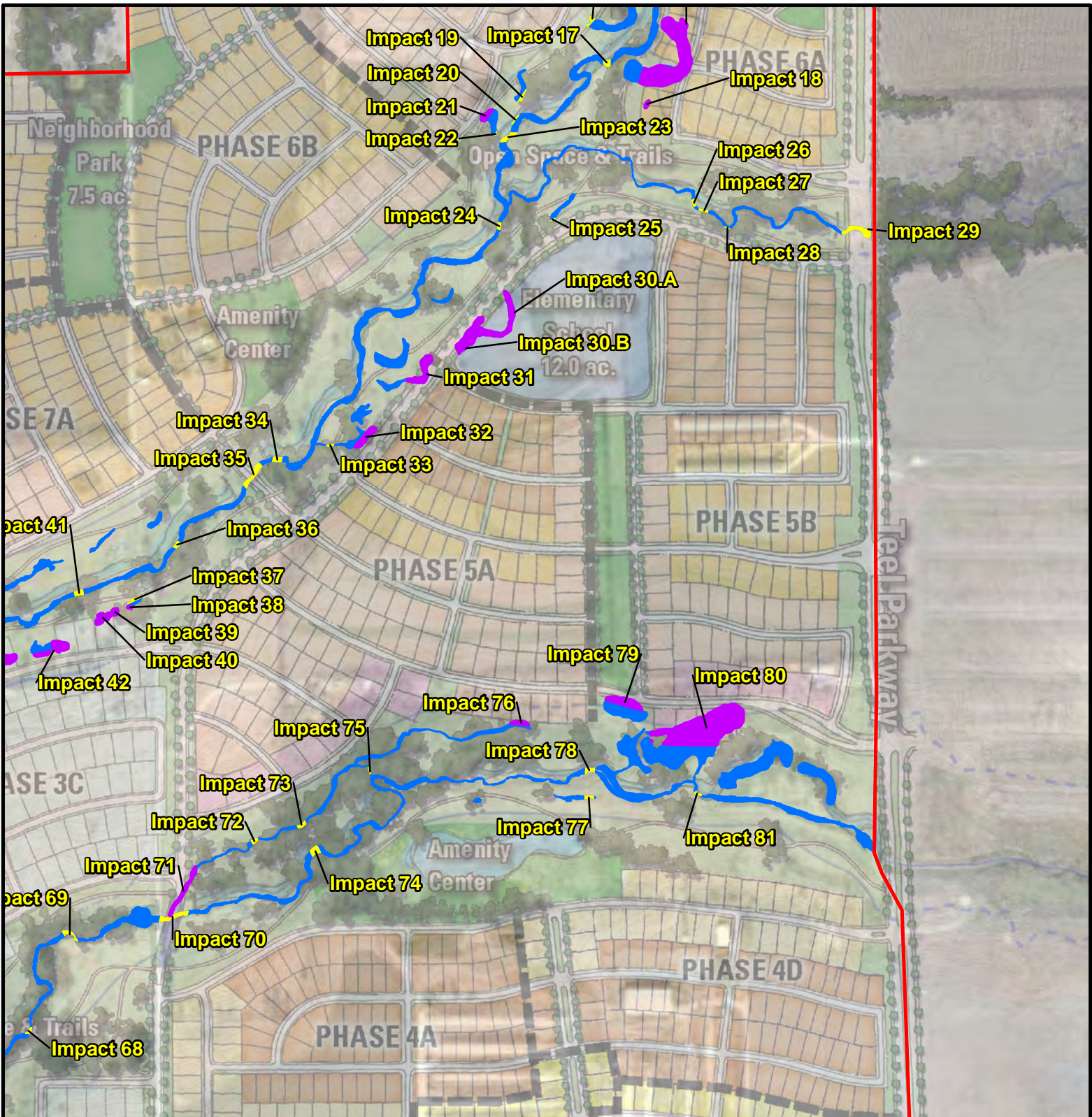
Sheet 6 of 10
Impacts to
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County: Denton
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 Date map created: 10/24/2016
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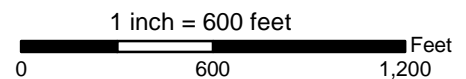


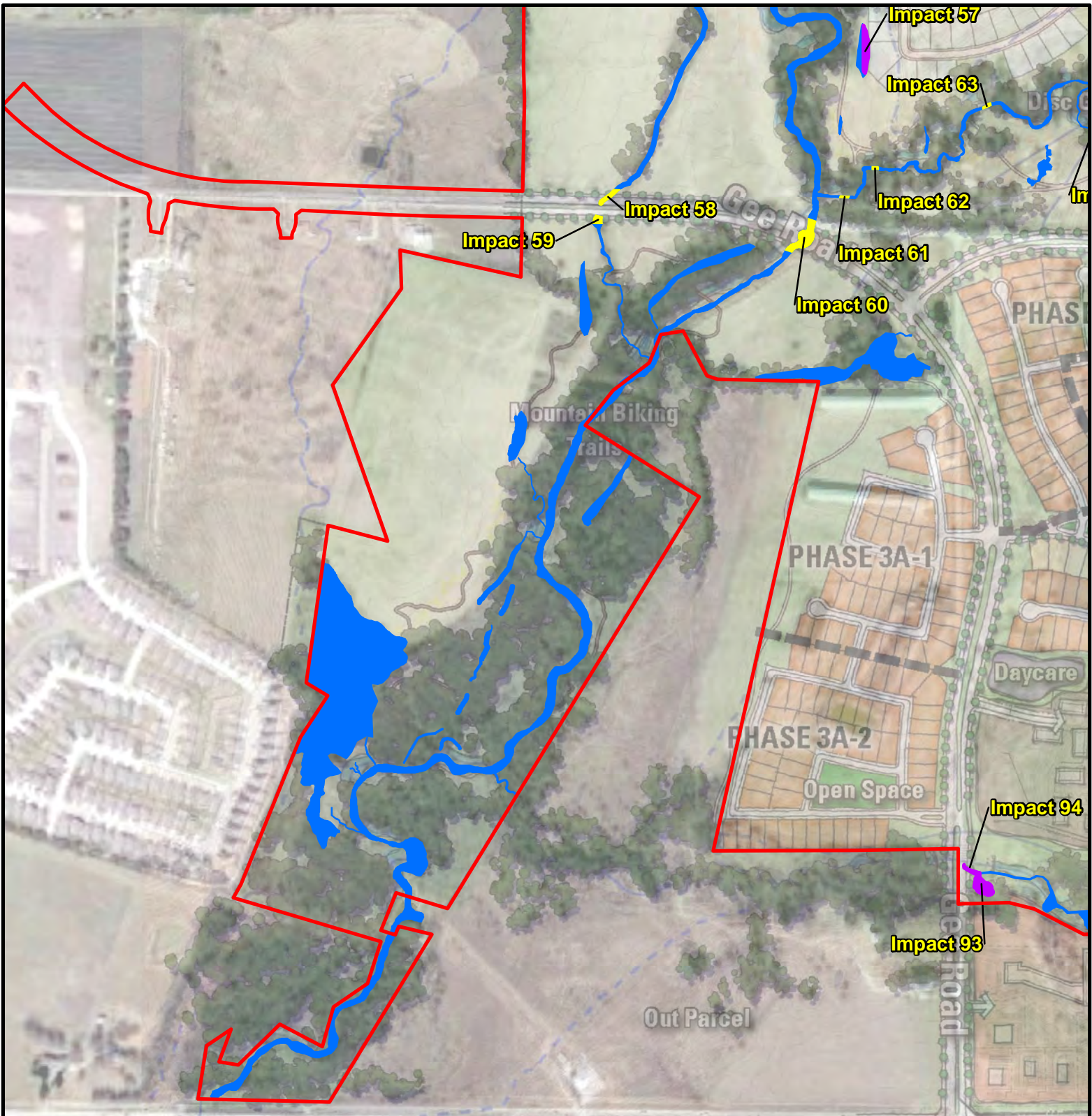
Sheet 7 of 10
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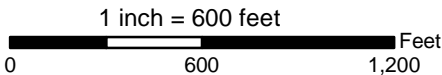


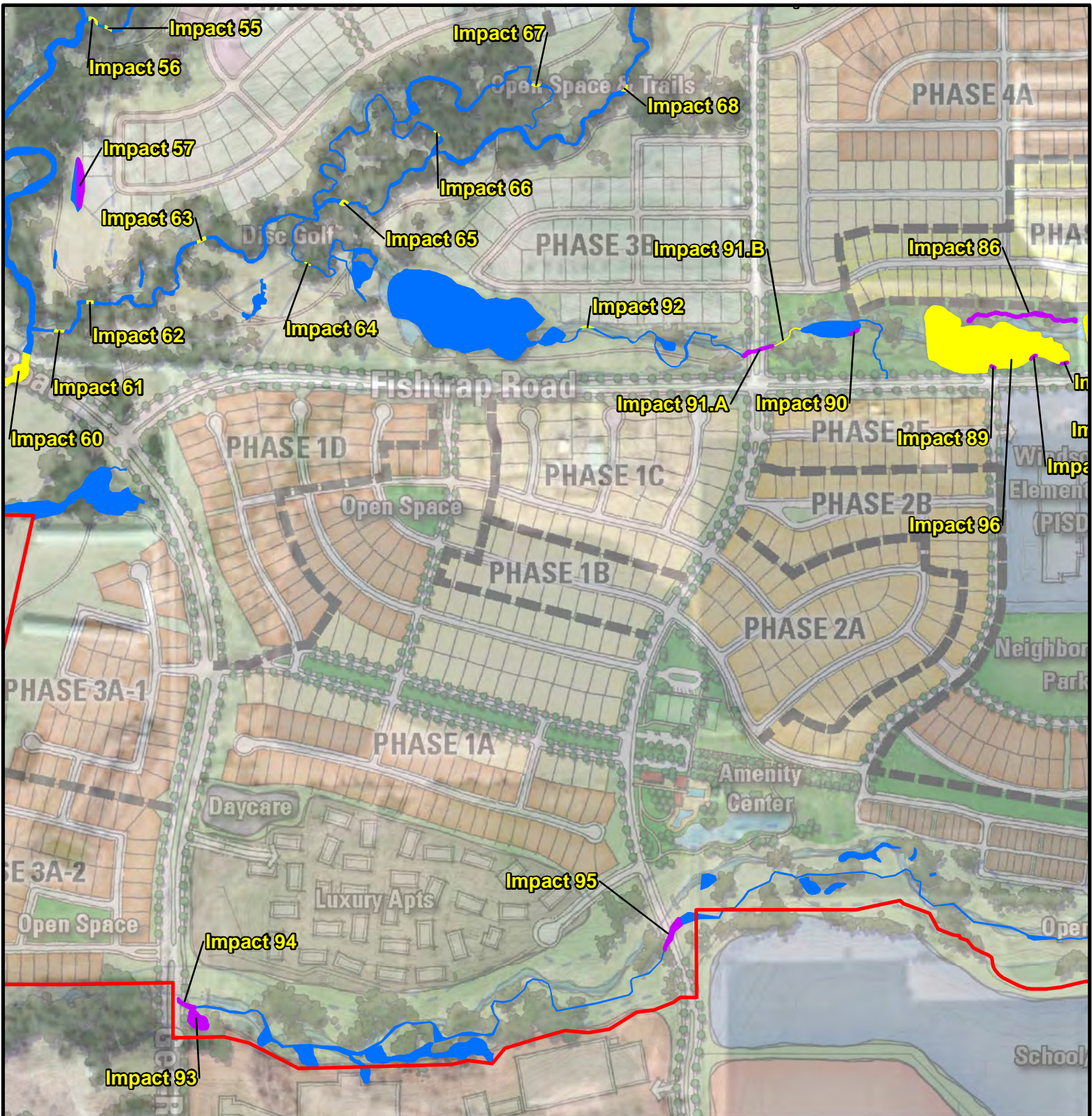
Sheet 8 of 10
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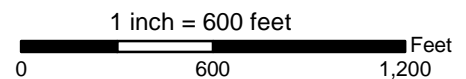


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Sheet 10 of 10
Impacts to
Waters of the United States

USACE Project Number:
 SWF-2016-00136

County: Denton
 State: Texas
 Date map created: 10/24/2016
 Source: (c) 2009 Microsoft Corporation
 and its data suppliers

- Project Boundary
- Waters of the United States
- Impacts**
- Permanent
- Temporary

