

Public Notice

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

Applicant: XS Ranch Fund, V.I., L.P.

Permit Application No: SWF-2008-00280

Date: November 23, 2009

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. Neil Lebsock

Phone Number: (817) 886-1743

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 proposed construction and maintenance for XS Ranch located in Bastrop County, Texas.

APPLICANT: Mr. John Landwehr
XS Ranch Fund V.I., L.P.
300 W. 6th Street, Suite 1810
Austin, Texas 78701

APPLICATION NUMBER: SWF-2008-280

DATE ISSUED: November 23, 2009

LOCATION: XS Ranch consists of approximately 9,652 acres located just north of the Colorado River and west of State Highway 95, approximately 3.5 miles north of the State Highway 71 intersection in Bastrop County, Texas. The property is bordered by Lower Elgin Road (County Road 55) to the west and by Phelan Road (County Road 36) to the east. The Union Pacific Railroad traveling north/south forms portions of the eastern boundary as it parallels Highway 95 (Figures 1 - 2 of 13). According to the Utley and Lake Bastrop USGS 7.5' topographic quadrangles, the topography of the project area ranges from approximately 200 feet above mean sea level to approximately 560 feet above mean sea level. The proposed project would be located approximately at UTM coordinates 657207.691East and 3342112.079 North (Zone 14) on the Utley and Lake Bastrop 7.5-minute USGS quadrangle maps.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge fill material into approximately 1.467 acres of waters of the United States (U.S.) associated with the construction of residential housing, at least one golf course, an amenity center, light commercial and retail centers, a water treatment facility and tower, a community equestrian center, and community and regional nature trails. The applicants purpose of the XS Ranch is to address the region's rapid growth and believes the development would compensate for the current and anticipated population growth in this region of Bastrop County, Texas.

The applicant envisions XS Ranch to be a low density residential community that is based on a master plan which incorporates smart growth and environmentally sensitive planning principles.

The proposed XS Ranch community includes a low density program that equates to 0.72 dwelling units per acre. The applicant considers this low density program a requirement to achieve the project vision and principles outlined above with respect to preserving the natural integrity and rural character of the site. Figure 3 of 14 represents the open space network and the development areas located within the proposed development. The project would allow for the establishment of a mixed-use project that incorporates sound urban design planning, density, and aesthetic components

The applicant believes the development emphasizes the preservation of existing aquatic features and overall hydrologic regime currently onsite. Streams, drainages, stock ponds, riparian corridors and natural floodplains would be incorporated into designs and would serve as amenities to future landowners. In addition to maintaining existing primary drainage corridors, enhancement features and amenities have the potential to create environmental lift for many of the existing tributaries, drainages, and other aquatic features as proposed. Enhancing the existing aquatic features and drainage corridors would involve the revegetation of eroding banks of tributaries, drainages, and ponds with native vegetation aimed at increasing aquatic habitat.

The proposed project is located within the Post Oak Woods/Forest/Grassland, Post Oak Woods/Forest, and Crops (Figure 4 of 14) as noted on the Texas Parks and Wildlife (TPWD) "Vegetation Types of Texas" map (McMahan et al. 1984). In addition, the proposed project is located in the East Central Texas Plains ecoregion within the Colorado River basin. Topography throughout the project corridor consists of gently rolling terrain with some flat areas. The topography in the project area generally slopes to the south.

The proposed project would be constructed on undeveloped rural land which is currently farmed and used for livestock grazing.

Dominant vegetation within the project area includes blackjack oak (*Quercus marilandica*), bluejack oak (*Quercus incana*), eastern red cedar (*Juniperus virginiana*), mesquite (*Prosopis glandulosa*), black hickory (*Carya texana*), live oak (*Quercus virginiana*), cedar elm (*Ulmus crassifolia*), sugarberry (*Celtis laevigata*), yaupon holly (*Ilex vomitoria*), poison ivy (*Toxicodendron radicans*), American beautyberry (*Callicarpa Americana*), supplejack (*Berchemia scandens*), trumpet creeper (*Campsis radicans*), coralberry (*Symphoricarpos orbiculatus*), little bluestem (*Schizachyrium scoparium*), silver bluestem (*Bothriochloa laguroides*), Bermudagrass (*Cynodon dactylon*), and Johnson grass (*Sorghum halepense*).

The fill to be discharged into waters of the U.S. would be clean material (such as loam, sand, and clay) obtained from local sources. A total of approximately 158 acres of waters of the U.S., including wetlands, exist within the proposed project area. Figure 5 of 14 represents the approximate locations of these aquatic features. As previously stated, construction of the proposed project would result in permanent unavoidable adverse impacts to 1.467 acres of waters of the U.S., for which compensatory mitigation is proposed. Of this amount, permanent unavoidable adverse impacts would occur to 720 linear feet (0.672 acre) of ephemeral stream, 4,824 linear feet (0.747 acre) of intermittent stream, and 720 linear feet (0.048 acre) of perennial stream.

ALTERNATIVE LAYOUTS: The reasonable alternative development site plans that XS Ranch

Fund V.I., L.P. considered include: 1) Alternative A: No-build Alternative; 2) Alternative B: High Density; and 3). Alternative C: Preferred Alternative. All three alternatives are discussed below:

Alternative A: No-build Alternative

Under this alternative, the proposed development would not be constructed and no impacts to waters of the U.S. would occur. However, XS Ranch Fund V.I., L.P. purchased this property with the sole purpose of creating a large-scale smart-growth residential community to meet the growing needs for additional residential development in Bastrop and Bastrop County. Abandonment of the proposed project would not fulfill the purpose and need of providing additional residential options. Additionally, the applicant states that abandonment of the project would result in the loss of a significant investment. Accordingly, this alternative was not considered practicable.

Alternative B: High Density

Alternative B consists of a land plan that includes additional impacts to waters of the U.S. compared to the preferred alternative due to the increased density of dwelling units proposed. Alternative B consists of a dense lot plan consisting of 4.4 dwelling units per acre, or 30,697 lots. This alternative focused on maximum lot development rather than on the preservation of the existing environment. As the project vision includes a low density development and preservation of the natural integrity and rural character of the site, Alternative B was not considered practicable.

Alternative C: Preferred Alternative

The applicants preferred alternative emphasizes the preservation of existing aquatic features and the overall hydrologic regime currently in place on XS Ranch. Streams, drainage ways, stock ponds, riparian corridors, and natural floodplains were incorporated into designs and planned as amenities to future landowners. Additionally, impact avoidance would be achieved with a dwelling unit density of 0.72 dwelling units per acre for approximately 7,000 lots. As such, the preferred alternative limits impacts to waters of the U.S. to fewer than 1.5 acres of impacts.

WATERS OF THE U.S.: Three named waterways traverse across or form boundaries of XS Ranch:

- The Colorado River, designated at XS Ranch as a navigable water (Section 10 of the Rivers and Harbors Act of 1899), forms approximately 11,500 feet (2.18 miles) of the southern boundary of XS Ranch;
- Wilbarger Creek traverses approximately 21,000 feet (3.98 miles) within and adjacent to the project area; 13,700 feet (2.6 miles) forms the southern boundary of XS Ranch before joining with the Colorado River; and,
- Big Sandy Creek traverses approximately 23,500 feet (4.45 miles) north to south within the project area before draining into the Colorado River.

In total, fifty-two tributaries were identified within the project area totaling approximately 160,732 linear feet, or approximately 30 miles, and twenty-four wetlands and ponds covering approximately 39 acres were identified within the project area. All combined Waters of the U.S. total approximately 158 acres, or approximately 1.6% of the total project area.

AQUATIC RESOURCE IMPACTS: During the construction of the proposed project, temporary and permanent impacts to waters of the U.S. would occur. Permanent impacts to waters of the U.S. would occur as a result of site infrastructure, a bridge across the Colorado River, community and regional trails, and a community golf course. Impacts to waters of the U.S. are discussed below:

Site Infrastructure Impacts

Infrastructure impacts can be broken down into two elements: roads (Figure 6 of 14) and utilities (Figure 7 of 14). Under the current land plan, there are 12 road crossings of waters of the U.S.; 11 of which will result in impacts (one crossing is free spanned). Impacts were estimated by multiplying the ordinary high water mark (OHWM) by the length of waterway within the right-of-way. The total potential impact to waters of the U.S. from road and utilities would be approximately 6000.13 square feet or 0.1377 acre (Table 1).

Table 1: Road Construction Corridor Impacts

Road Impacts						
Crossing Id	Wat ID	OHWM (ft.)	Length of Impact (ft.)	Type	Area (sq. ft.)	Area Acres
1	4C2	2.50	138	Road	345.00	0.0079
2	4C	13.00	142	Road	1846.00	0.0424
3	4E	4.43	65	Road	287.95	0.0066
18	6	40.73	90	Road	227.00	0.0052
19	1	32.92	90	Road	0.00	0.0000
20	10	4.30	75	Road	322.50	0.0074
23	10C	3.29	65	Road	213.85	0.0049
26	10	4.30	67	Road	288.10	0.0066
32	12B	4.00	133	Road	532.00	0.0122
33	12	6.80	80	Road	544.00	0.0125
38	5	6.07	65	Road	394.55	0.0091
39	4	8.46	83	Road	702.18	0.0161
101	6	3.30	90	Road	297.00	0.0068
Total					6000.13	0.1377

The remaining infrastructural impacts would be from utilities which would not parallel the road network. There would be a total of 25 impacts from utilities; impact calculations were estimated by multiplying an assumed 48-inch (4 feet) wide trench and the OHWM of the stream at each crossing. The total potential impact to waters of the U.S. from utilities would be approximately 748.84 square feet or 0.0172 acre (Table 2).

Table 2: Utility Impacts

WWL Impacts						
Crossing Id	Wat ID	OHWL (ft)	Length of Impact (ft.)	Type	Area (sq. ft.)	Area Acres
4	4F	5.30	4	Utility	21.20	0.0005
5	4	8.46	4	Utility	33.84	0.0008
6	4	8.46	4	Utility	33.84	0.0008
7	4C	13.00	4	Utility	52.00	0.0012
8	2A	3.50	4	Utility	14.00	0.0003
9	2	4.00	4	Utility	16.00	0.0004
10	4	8.46	4	Utility	33.84	0.0008
11	4B	5.00	4	Utility	20.00	0.0005
12	4	8.46	4	Utility	33.84	0.0008
13	4	8.46	4	Utility	33.84	0.0008
14	4	8.46	4	Utility	33.84	0.0008
15	5	6.07	4	Utility	24.28	0.0006
17	4	8.46	4	Utility	33.84	0.0008
21	10	4.30	4	Utility	17.20	0.0004
22	10C	3.29	4	Utility	13.16	0.0003
25	10B	1.00	4	Utility	4.00	0.0001
27	10A	4.30	4	Utility	17.20	0.0004
28	1	32.92	4	Utility	131.68	0.0030
29	1A	9.00	4	Utility	36.00	0.0008
30	1A	9.00	4	Utility	36.00	0.0008
31	1A1	5.00	4	Utility	20.00	0.0005
34	12D	6.00	4	Utility	24.00	0.0006
35	12	6.80	4	Utility	27.20	0.0006
36	12	6.80	4	Utility	27.20	0.0006
37	12A	2.71	4	Utility	10.84	0.0002
Total					748.84	0.0172

In total, the potential impacts from infrastructure (road and utilities) would be approximately 6,748.97 square feet or 0.1549 acre.

Colorado River Bridge Impacts

The current land plan includes a primary entrance at the southern portion of the property to the east of the intersection of FM 1209 and FM 969 (Figures 8 - 9 of 14). According to engineer specifications, there would be approximately 227 square feet of impact due to pilings located within the OHWM of the channel.

Trail Impacts

The XS Ranch development also plans to include a network of community and neighborhood trails, including a river trail following the course of the Colorado River near the primary entry (Figure 10 of 14). These trails would have minimal impact in order to preserve the native setting of the

jurisdictional waters. At critical junctures, the trails would span waters of the U.S. entirely. The total anticipated potential impacts from the proposed trail network would be approximately 4,653.90 square feet or 0.1068 acres (Table 3).

Table 3: Potential Trail Network Impacts

Trail Impacts						
Crossing Id	Wat ID	OHWM (ft)	Length of Impact (ft)	Type	Area (sq ft)	Acres
41	4	8.46	30	Trail	253.80	0.0058
42	4E	4.43	30	Trail	132.90	0.0031
43	4	8.46	30	Trail	253.80	0.0058
44	4	8.46	30	Trail	253.80	0.0058
45	4	8.46	30	Trail	253.80	0.0058
46	4B	5.00	30	Trail	150.00	0.0034
47	4	8.46	30	Trail	253.80	0.0058
48	4	8.46	30	Trail	253.80	0.0058
49	4A	3.71	30	Trail	111.30	0.0026
50	4	8.46	30	Trail	253.80	0.0058
51	5	6.07	30	Trail	182.10	0.0042
52	6	40.73	30	Trail	0.00	0.0000
53	6D	4.00	30	Trail	120.00	0.0028
54	1A	9.00	30	Trail	270.00	0.0062
56	1	32.92	100	Trail	0.00	0.0000
58	2	4.00	30	Trail	120.00	0.0028
61	10	4.30	30	Trail	129.00	0.0030
62	10	4.30	30	Trail	129.00	0.0030
63	10A	4.30	30	Trail	129.00	0.0030
67	6	40.73	30	Trail	1221.90	0.0281
100	42	6.07	30	Trail	182.10	0.0042
Total					4653.90	0.1068

Golf Course Impacts

The land plan also calls for at least one golf course (the eastern course) with the possibility of a second one. The eastern golf course (Figure 11 of 14) was studied for impacts based on the land plan in October 2008. The course is planned at the southeast corner of the development near the intersection of Phelan Road and Sayers Road. Based on engineer and land planner specifications, and the golf course layout, potential impacts are estimated to be approximately 1.2 acres. The majority of the impacts in this estimation are attributed to the grading associated with stream/drainage way enhancements.

A possible second golf course has been discussed and conceptualized by planners as well. The course would be to the west of the course above and close to the intersection of Wilbarger Creek and the Colorado River. As currently designed, the second golf course would have no impacts to waters of the U.S.

Total Permanent Impacts

Based on current best available data, the 9,652-acre property has a total of 63,901.87 square feet or 1.467 acres of waters of the U.S. being impacted due to proposed construction, operation and occupation (Table 4).

Table 4: Total Potential Impacts

Impact Type	Impact Area (Sq. Ft.)	Impact Area (Acres)
Road/Utility	6,000.13	0.1377
Wastewater Line	748.84	0.0172
Colorado River Bridge	227	0.0052
Trails	4,653.9	0.1068
Golf Course	52,272	1.2
Total	63,901.87	1.467

MITIGATION: The applicant believes they have attempted to avoid and minimize adverse impacts to waters of the U.S. to the maximum extent practicable; however, due to the size and location of the project, the applicant has stated that some impacts to waters of the U.S. would be unavoidable.

As proposed, the applicant would avoid impacting approximately 156.53 acres of waters of the U.S., and as previously stated, the low lot density and clustering of the developments would minimize adverse effects to the affected 1.467 acres of waters of the U.S. Per the Mitigation Rule (33 CFR Parts 325 and 332), the applicant adequately considered compensatory mitigation alternatives including the mitigation bank option. However, the applicant and their consultant believe permittee-responsible on-site and in-kind mitigation to be the most appropriate means of compensation based on practicability and sustainability. Therefore, to compensate for unavoidable adverse impacts to waters of the U.S. not addressed with avoidance or minimization measures, the applicant has proposed to restore, enhance, and preserve approximately 7.59 acres of a degraded tributary channel on-site (Figures 12 – 14 of 14).

Currently, the proposed mitigation area contains an on-channel stock pond and a degraded unnamed intermittent tributary. Majority of the pond and tributary in the mitigation area are located in a Bermudagrass pasture setting; however, on the southern extent, the tributary shifts from open pasture to low shrubs and ultimately into a riparian corridor at the confluence of Big Sandy Creek.

As identified in the mitigation plan, the work plan is divided into three areas. Mitigation “Area A” consists of approximately 1,350 linear feet (2.65 acres) of degraded tributary channel, mitigation “Area B” consists of 4.23 acres of transitional/buffer area, and mitigation “Area C” consists of 430 linear feet (0.71 acres) of existing healthy riparian corridor which would be preserved. In areas “A” and “B”, grading would occur to restore a consistent channel pattern and to provided hydrologic conveyance to Big Sandy Creek. In addition, Bermudagrass in these areas would be removed prior to native species plantings. Mitigation “Area A” would be planted with native trees, shrubs, and grasses at a rate of no less than 300 trees and 400 shrubs per acre, and mitigation “Area B” would be

seeded with native grasses and herbaceous ground cover. Success criteria of these areas would result in a minimum of 80 percent ground cover and 80 percent survival rate for trees and shrubs monitored annually for at least five years.

Goals of the mitigation plan include, creating a sustainable, healthy stream corridor and buffer of diverse, native vegetation to create a stable bed and bank that improves water quality and wildlife habitat.

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 1,500 linear feet of streams, 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 complete application may be reviewed in the USACE's office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing 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. Based on an online database search in December 2008, the USFWS, per the ESA, lists three species as endangered or threatened that may occur in Bastrop County: whooping crane (*Grus americana*); Houston toad (*Bufo houstonensis*); and Navasota ladies'-tresses (*Spiranthes parksii*). The bald eagle (*Haliaeetus leucocephalus*) was delisted in 2007, but was previously considered an endangered species within Bastrop County and is currently under recovery monitoring for a minimum of five years. The bald eagle is currently protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act and will therefore be treated under the auspices of these Acts and the bald eagle recovery plan for the purposes of this report

Bald Eagle

Thorough field investigations were conducted starting on December 30, 2008, and ending in May 2009, along the bodies of water within, and proximal to, the project area to determine the presence or absence, and location, of the eagle's nest. Multiple bald eagles were sighted during these surveys however, no nest was observed near the historical nesting site along Wilbarger Creek. Conversely, the investigations were performed at a time of year when deciduous trees are leafless and surrounding vegetation is limited, increasing the likelihood of observing a nest. Additionally subsequent helicopter and multiple pedestrian surveys did not locate any bald eagle nests. Eagles' nests have been known to fall every three to four years and are typically rebuilt at, or in proximity to, the same location (B. Ortego, Personal Communication, December 16, 2008). Field investigations confirm that this area of the Colorado River is regularly utilized by bald eagles and necessary precautions should be made to avoid breeding and nest interference. If a nest were to be encountered XS Ranch would comply and meet all the guidelines set forth in the National Bald Eagle Management Guidelines.

Whooping Crane

The whooping crane is a migrant species whose flyway crosses Bastrop County, en route to wintering grounds along the gulf coast of Texas. Based on field investigations conducted by aci consulting biologists, it is likely that the whooping crane would utilize portions of the project area based on suitable habitat available. Stopover habitat en route to the Aransas National Wildlife Refuge typically consists of wetland mosaics (USFWS 2007). The project area consists of large, open pasture with frequent stock ponds throughout. Although the property is studded with ponds, the pasture is not grained-based, a commonly preferred attribute of stopover habitat. Frequent field visits have been made to the project area during the species' migration and no whooping cranes were

observed during field investigations.

Houston Toad

Field investigations did not observe the presence of the aquatic and terrestrial habitats consistent with preferred Houston toad habitat. Ponds within the project area are typically located within Bermudagrass fields and serve as stock tanks. The few ponds located in heavy vegetation do not contain the bunchgrasses with adjacent pine/post oak woodland consistent with Houston toad habitat.

According to TPWD data from 1989, 1991, and 1993, no Houston toad observations have been made within the boundaries of the project area. According to the data, the closest known observation is located 2.5 miles southeast at Bastrop State Park.

XS Ranch does not appear to contain the appropriate composition of soils, geology, vegetation, and hydrology to be considered potential Houston toad habitat.

Navasota Ladies'-tresses

The 2006 survey conducted by aci consulting biologists determined that the 29.5-acre area possesses some of the requisite elements; however, no individuals of Navasota ladies'-tresses were observed during field investigations. Although some of the soil characteristics known to the species have been identified on the project area, it is unlikely that Navasota ladies'-tresses occur within, or proximal to, the project area. A subsequent survey during the species' blooming season (late October to early November) when the species are most easily identifiable may be required to confirm habitat potential within the project area.

In conclusion, 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 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, between October 2008 and June 2009, archeologists from aci cultural resources conducted an archeological survey for sixty-five water crossings within XS Ranch. In addition, these archeologists attempted to relocate seven previously identified archeological sites that had been recommended for additional work.

A records search was conducted at the Texas Archeological Research Laboratory (TARL), the THC Archeological Sites Atlas and the THC Historic Sites Atlas to locate any previously recorded prehistoric and historic archeological sites, cemeteries, and previous surveys in the vicinity of the survey area. Sixty-six sites have been recorded within a 500 meter (m) radius of the current survey area. Nineteen of these sites were recorded as historic. Thirty-six sites were recorded as prehistoric. Ten were recorded as multi-component sites and no information was available on one of the sites. At least five previous surveys have also been conducted within a 500 m radius of the current project area. Seven of these sites have been recommended as potentially eligible for listing on the Nation Register of Historic Places (NRHP). A number of the historic sites are associated with 20th century coal mining, while habitation sites dating the late 19th century are also represented.

While the majority of these sites will be avoided by the proposed work, the possibility exists that historic or prehistoric sites eligible for the NRHP will be damaged by the proposed development.

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 23, 2009, 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

XS RANCH INDIVIDUAL PERMIT - 2008-280
- Site Location



This map is intended for planning purposes only. Base mapping compiled from best available information. All map data should be considered preliminary and all boundaries and designations are subject to confirmation. This map is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.

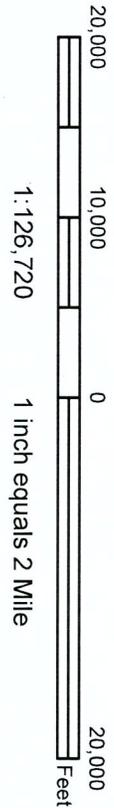
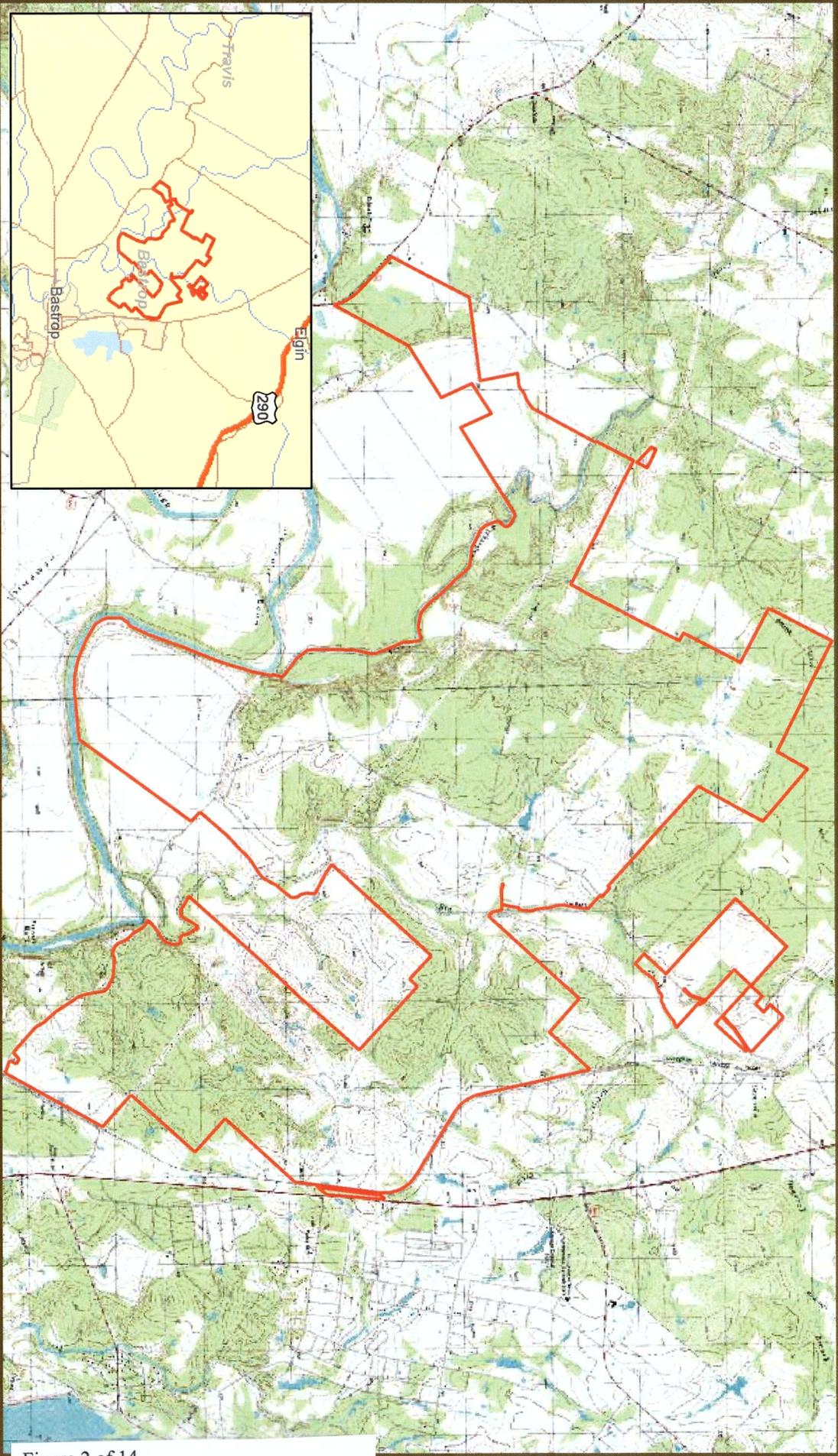


Figure 1 of 14
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November 19, 2009



XS RANCH ND W DUAL PERM II - 2008-280
- Site Topography



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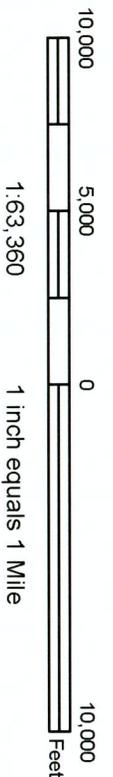


Figure 2 of 14
USACE Project Number SWF-2008-280
November 19, 2009



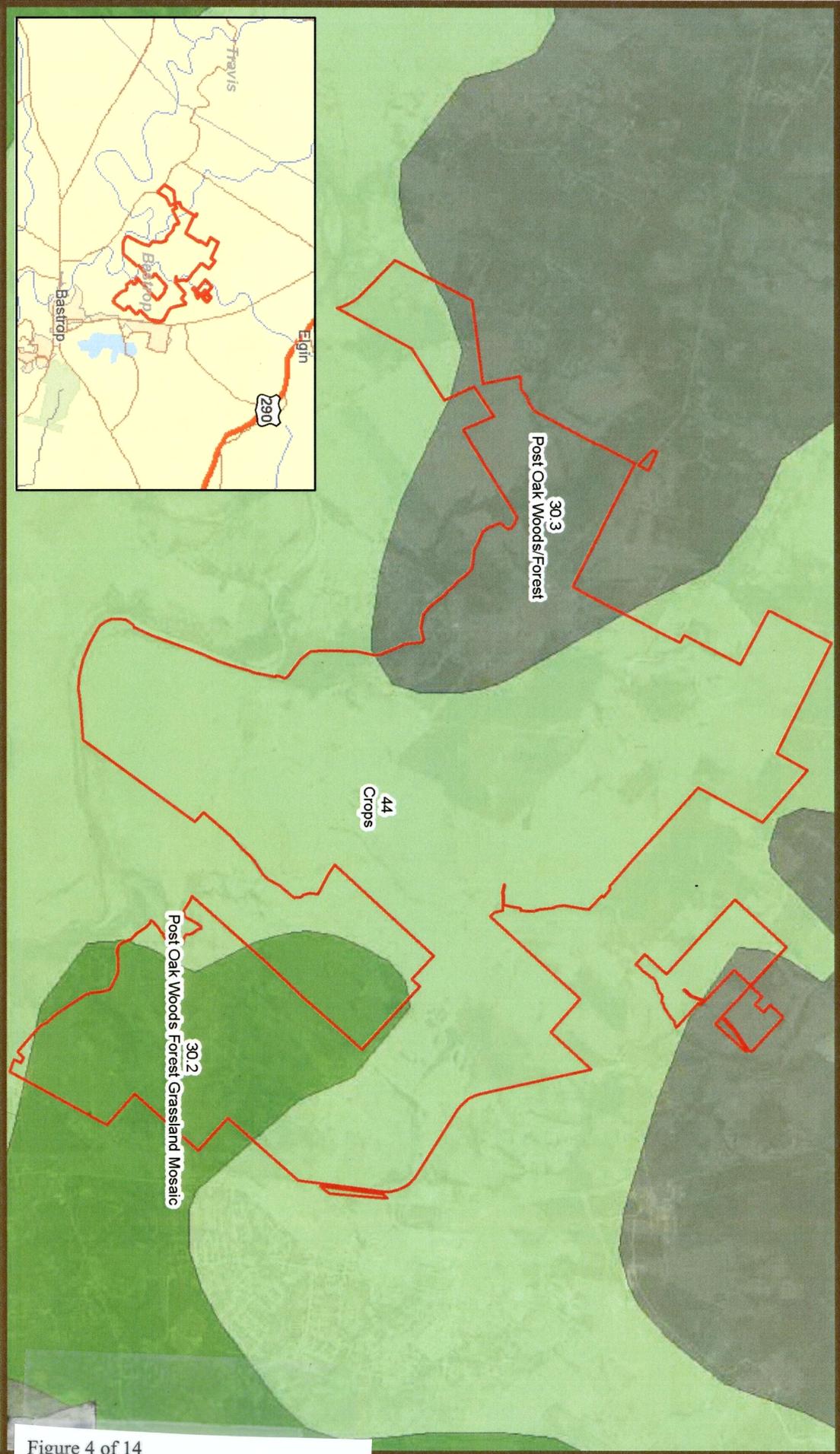
B-2



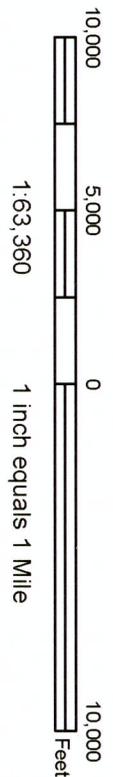
Figure 3 of 14
 USACE Project Number SWF-2008-280
 November 19, 2009

XS RANCH IMPACT ANALYSIS

- TPWD Vegetation Types



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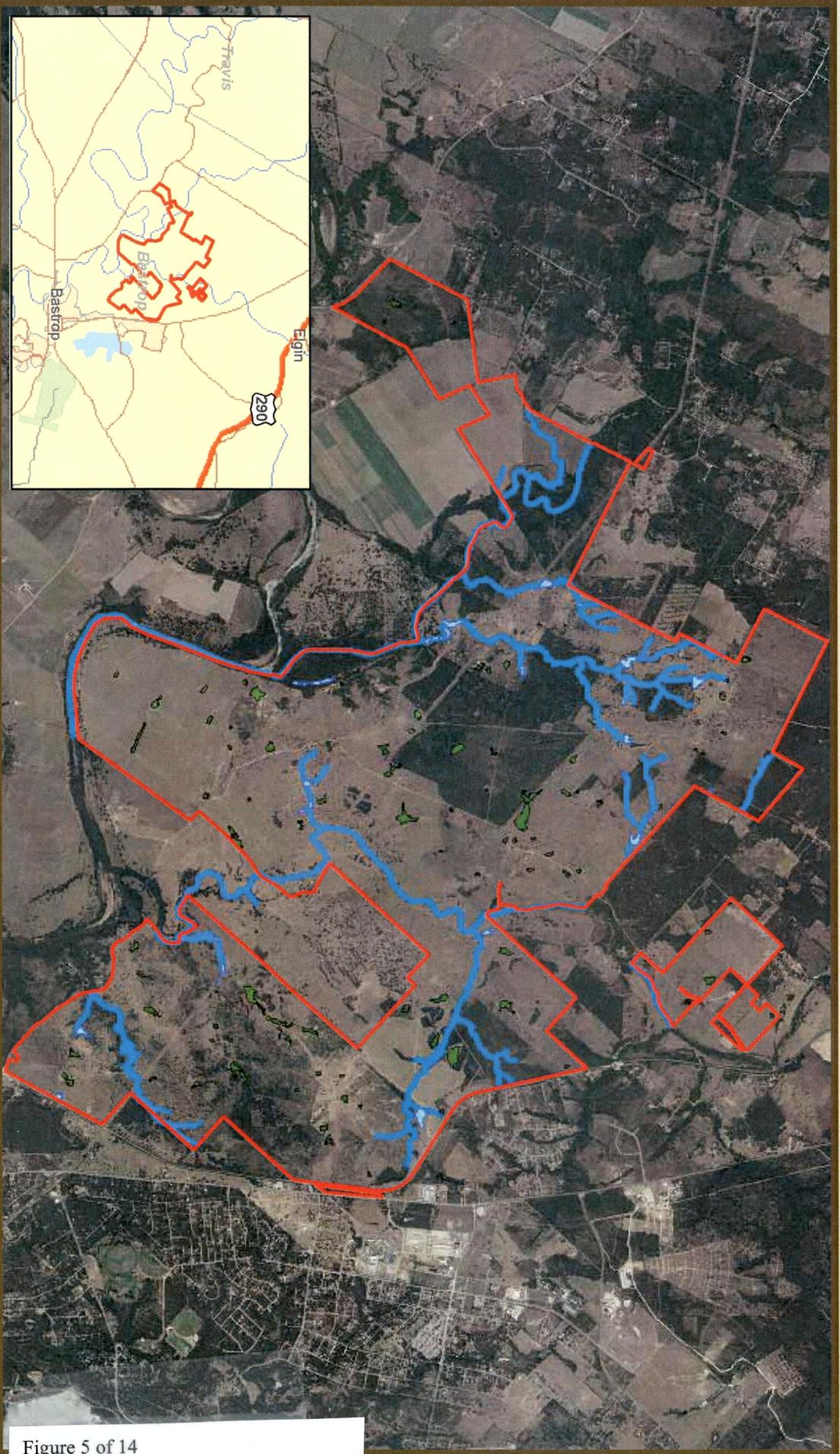


- Crops
- Post Oak Woods Forest Grassland
- Post Oak Woods/Forest

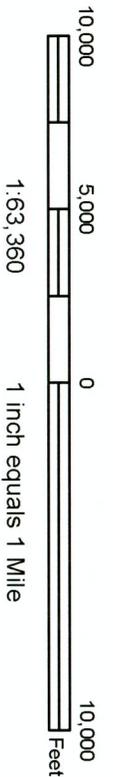


Figure 4 of 14
 USACE Project Number SWF-2008-280
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XS RAN CH ND W D U A L P E R M I T - 2008-280
 - Waters of the U.S.



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-  Isolated Ponds
-  Jurisdictional Ponds
-  Jurisdictional Streams

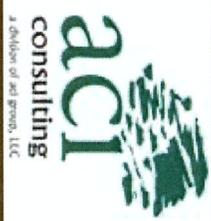
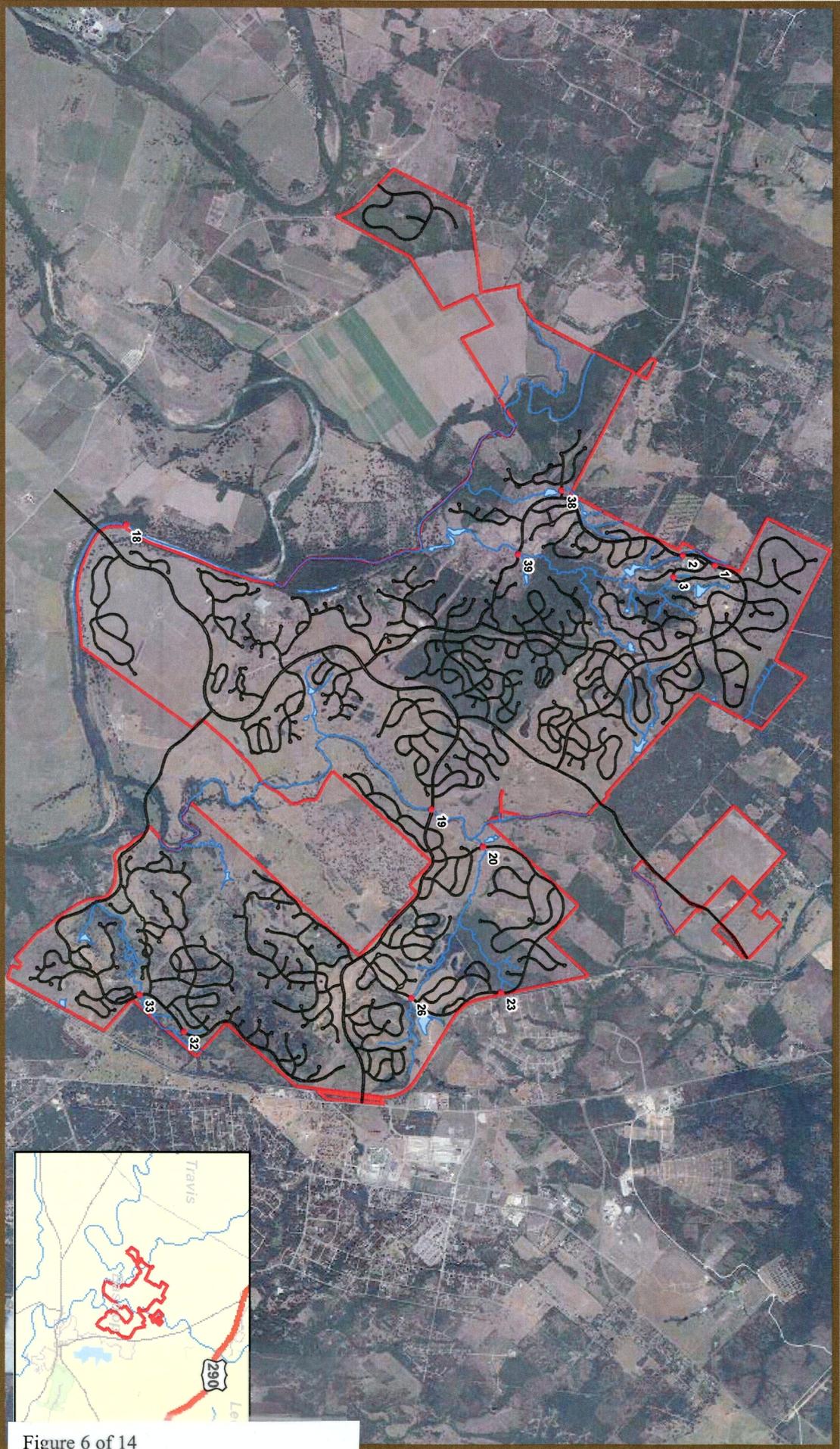


Figure 5 of 14
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 November 19, 2009

XS RANCH IMPACT ANALYSIS

Road Impacts



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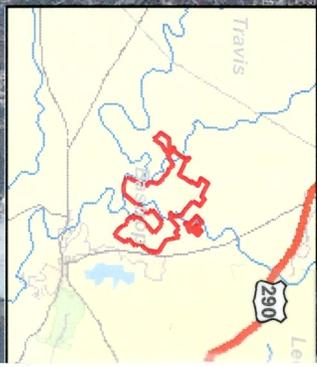
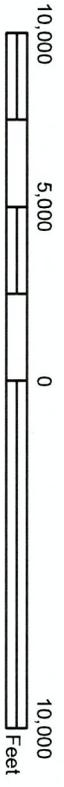


Figure 6 of 14
 USACE Project Number SWF-2008-280
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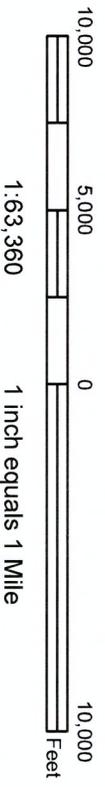
XS RANCH IMPACT ANALYSIS

Utility Impacts



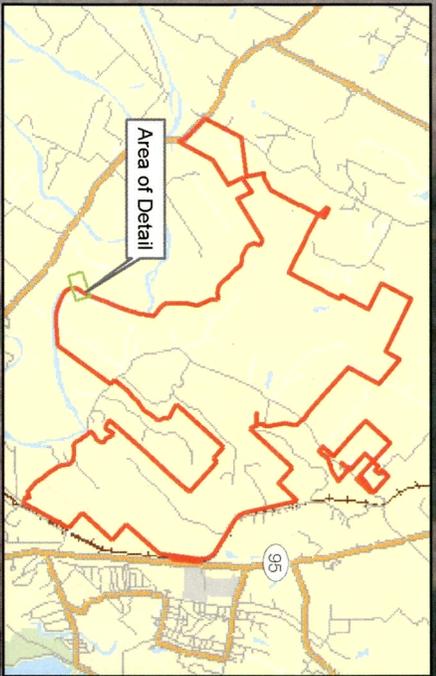
Figure 7 of 14
 USACE Project Number SWF-2008-280
 November 19, 2009

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XS RANCH IMPACT ANALYSIS

Proposed Bridge Crossing



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- Coffer Dam
- Proposed ROW
- Bridge Piers and Structures
- Box Culvert
- Silt Fence

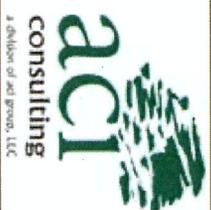
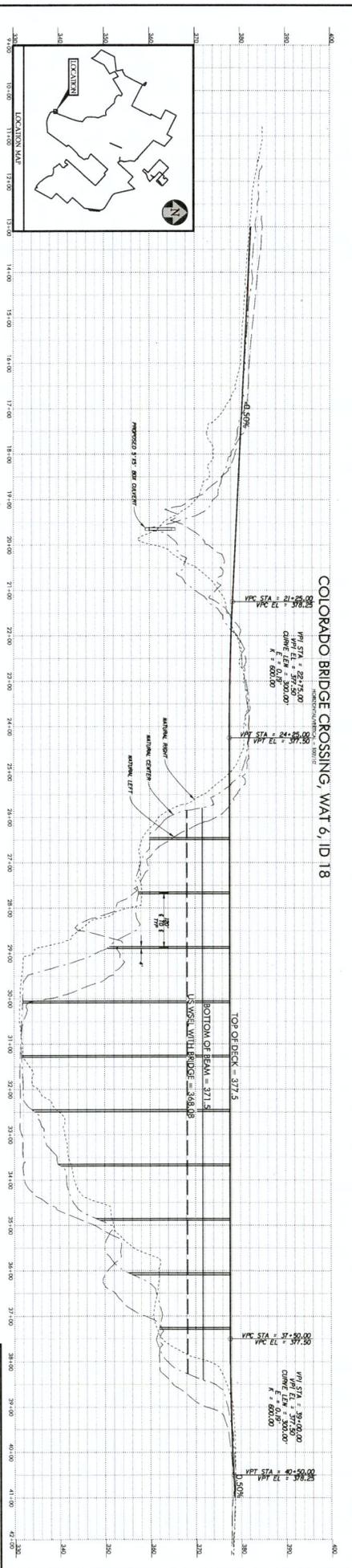
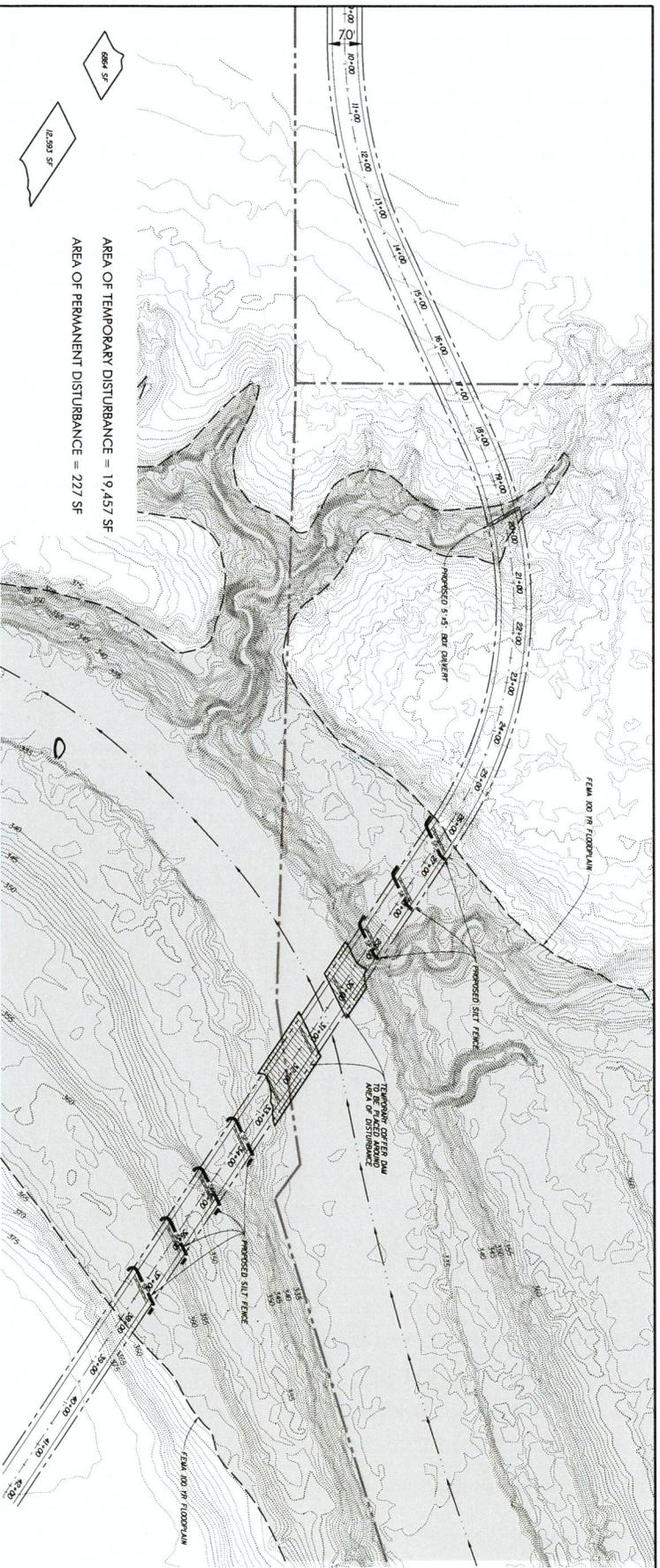


Figure 8 of 14
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C-4
LOCATION A

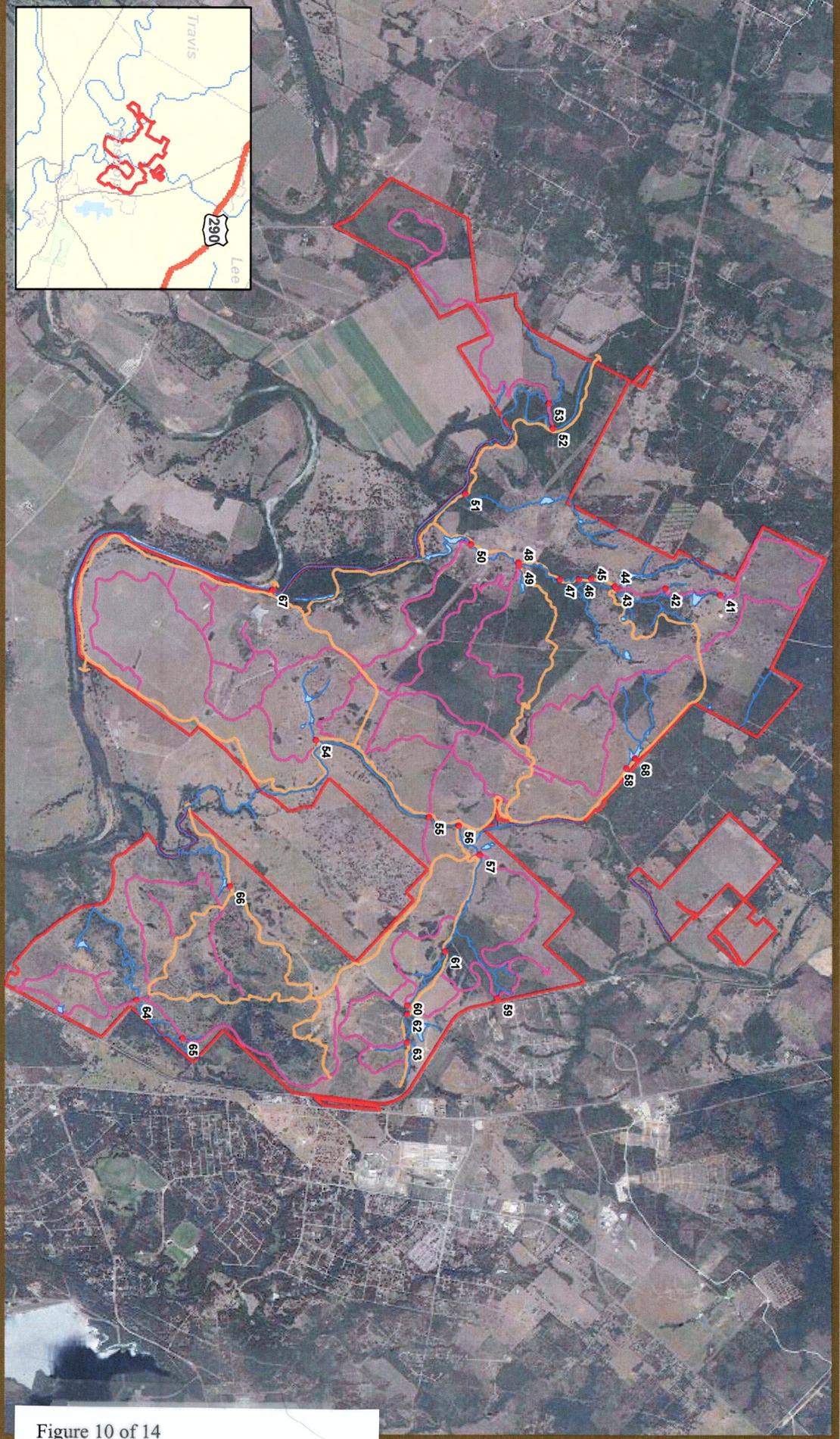
CLONGARO & CLARKE
Consulting Engineers

Land Development & Surveying Management & Water Resources
7200 Rock Creek Road, Suite 100, Boulder, CO 80501
303.440.0200 www.clongaro.com 11/20/08/03/09/09

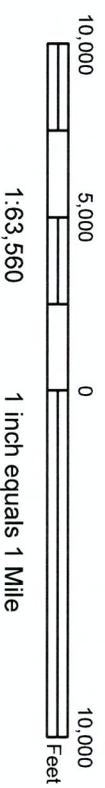
Figure 9 of 14
USACE Project Number SWF-2008-280
November 19, 2009

XS RANCH IMPACT ANALYSIS

Trail Impacts



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— Trail: Neighborhood
— Trail: Community



Figure 10 of 14
 USACE Project Number SWF-2008-280
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XS RANCH IMPACT ANALYSIS

- Golf Course East Potential Impacts



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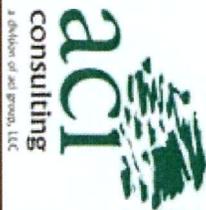
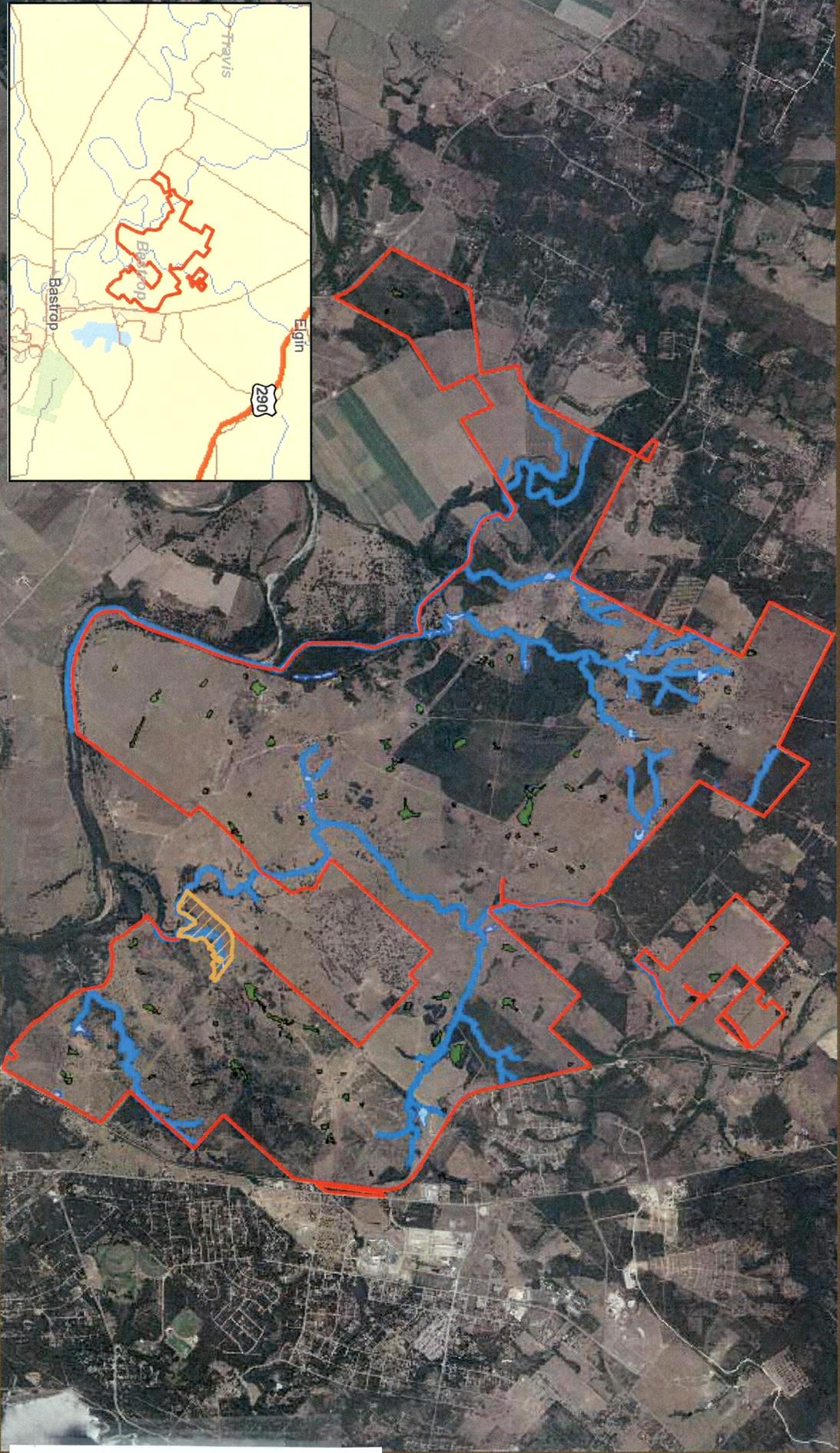
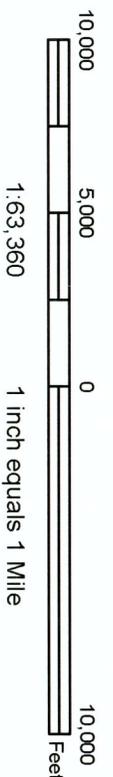


Figure 11 of 14
 USACE Project Number SWF-2008-280
 November 19, 2009

XS RAN CH ND W D U A L P E R M I I - 2008-280
 - Compensatory Mitigation Location



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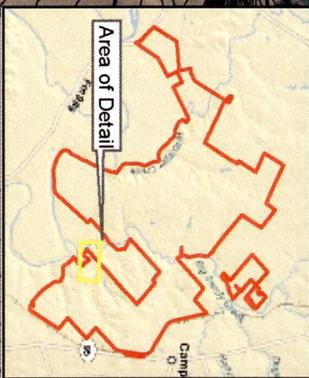
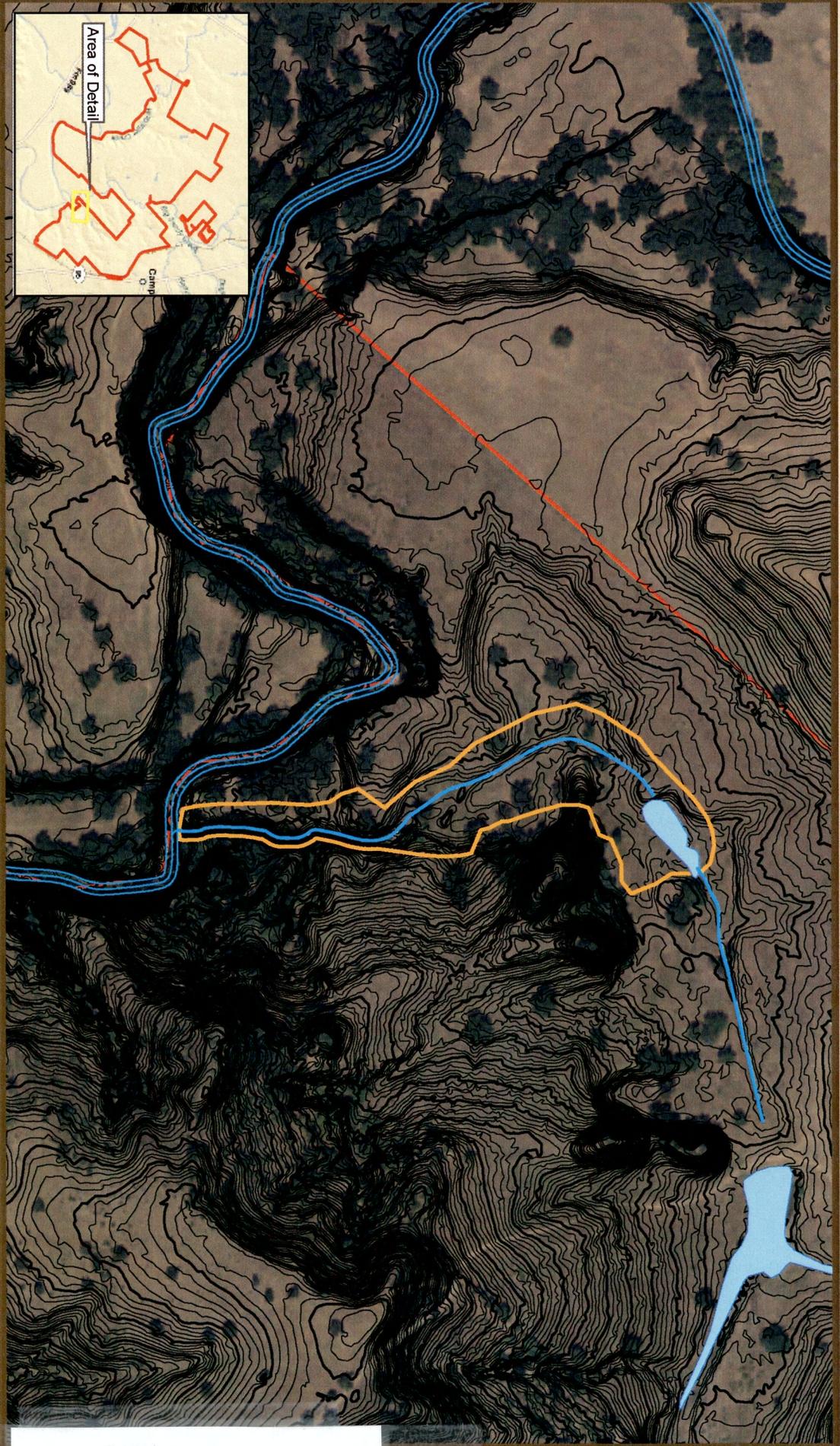


-  Compensatory Mitigation Site
-  Isolated Ponds
-  Jurisdictional Ponds
-  Jurisdictional Streams

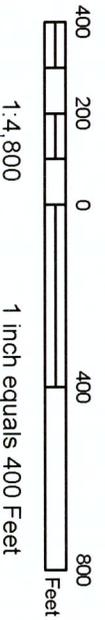


Figure 12 of 14
 USACE Project Number SWF-2008-280
 November 19, 2009

XS RANCH COMPENSATORY MITIGATION PLAN - Mitigation Area with Contours



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 JD Centerlines and Widths
 Mitigation Area

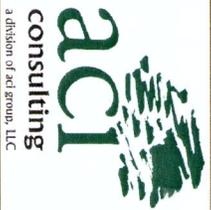


Figure 13 of 14
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November 19, 2009

XS RANCH COMPENSATORY MITIGATION PLAN

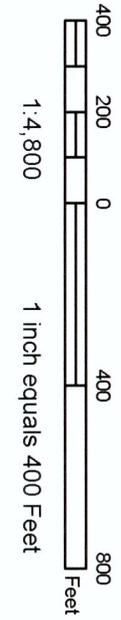
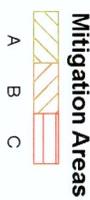
- Mitigation Area Plantings

SWF-2008-280



Planting	Area (Sq. Ft.)	Acres
A	116072.25	2.65
B	184377.69	4.23
C	30871.34	0.71
Total	330128.93	7.58

JD Centerlines and Widths



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Figure 14 of 14
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 November 19, 2009