



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

# Public Notice

Applicant: \_\_\_\_\_ City of Murphy \_\_\_\_\_

Permit Application No.: \_\_\_\_\_ SWF-2012-00033 \_\_\_\_\_

Date: \_\_\_\_\_ June 26, 2012 \_\_\_\_\_

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The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

## **Regulatory Program**

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

## **Section 10**

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors 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. Eric Dephouse, Project Manager \_\_\_\_\_

Phone Number: \_\_\_\_\_ (817) 886-1820 \_\_\_\_\_

**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 improvements at Timbers Preserve Park located southwest of the intersection of Bunny Run Drive and South Maxwell Creek Road in the city of Murphy, Collin County, Texas.

**APPLICANT:** City of Murphy  
Ms. Kim Lenoir  
206 N. Murphy Road  
Murphy, Texas 75094

**APPLICATION NUMBER:** SWF-2012-00033

**DATE ISSUED:** June 26, 2012

**LOCATION:** The project site is located southwest of the intersection of Bunny Run Drive and South Maxwell Creek Road in the city of Murphy, Collin County, Texas. USGS NAD 83 coordinates for the approximate center point of the proposed project are as follows: Latitude 33° 0' 20.90" North, Longitude 96° 36' 6.08" West. The site is mapped on the Wylie 7.5-minute USGS quadrangle map. The site is located in the Maxwell Creek Watershed - USGS Hydrologic Unit 120301060403.

**OTHER AGENCY AUTHORIZATIONS:** Section 401 State Water Quality Certification

**PROJECT DESCRIPTION:** The City of Murphy proposes to discharge approximately 1,412 cubic yards of dredged and fill material into 0.62 acres of waters of the U.S. associated with the Timbers Preserve Park improvements project. Total project impacts include 1,022 linear feet of intermittent stream, 0.61 acre of wetlands, and 0.001 acre of open water.

**EXISTING CONDITIONS:** The proposed Timbers Preserve Park project is located on an approximately 34-acre tract, southwest of the intersection of Bunny Run Drive and South Maxwell Creek Road in the City of Murphy, Collin County, Texas (Sheet 1 of 14). The project site is planned designated park lands for the City of Murphy. The project area is located within a mixed rural and suburban area, with surrounding land use primarily consisting of agricultural facilities, rural single-family residences, and conventional suburban residential neighborhoods. An ephemeral unnamed tributary and the intermittent Bunny Run South Tributary transect the property and intersect just west of an on channel stock pond.

The site location is undeveloped (Sheet 2 of 14) and has been used for past agricultural purposes and municipal park facilities. Land use in the surrounding area is primarily rural agricultural and residential. Vegetation within the easement alignment consists of primarily of Bermuda grass and other pasture grasses in upland areas and a dominance of hydrophytic vegetation in wetlands and in vegetated reaches along the channels.

According to the USGS 7.5-minute Quadrangle Map of Wylie, Texas, the ground surface elevation varies from approximately 520 to 550 feet above mean sea level (MSL) (Sheet 3 of 14). Generally, drainage flows to Maxwell Creek located east of the property.

Waters of the U.S. located on the site include the Bunny Run South Tributary, an unnamed tributary of Maxwell Creek, an herbaceous, seasonally inundated wetland, and stock pond. The Bunny Run South Tributary is an intermittent water of the U.S. This tributary enters the property from the south and flows eastward, intersecting with the unnamed ephemeral tributary from the north, flowing eastward into the on-channel stock pond, and from there exhibiting ephemeral characteristics and continuing eastward and exiting the property on the southeast boundary. The Bunny Run South Tributary eventually intersects Maxwell Creek to the east (Sheet 7 of 14). Bunny Run South Tributary is approximately 2 to 6 feet from top of bank to channel bottom and ranges in width from approximately 2 to 10 feet at the ordinary high water mark (OHWM). The intermittent portion of this channel is 2,323 linear feet. This tributary has been significantly altered due to surrounding development and past land use activities. The original channel has been re-routed from its initial course to the adjacent field. Due to poor drainage resulting from the realignment of the channel, continuous flooding has occurred, and an emergent wetland has formed within the city park, which continues to remain inundated for a significant period after rain events.

The unnamed tributary of Maxwell Creek (Sheet 7 of 14) is an ephemeral stream which enters the northern property boundary on the western portion of the site via underground culvert under Pine Top Drive. This tributary has been significantly altered from its original course due to surrounding development and past land use practices. The channel has been modified and straightened. The stream enters the property from the north, flows southward, and turns eastward, intersecting the Bunny Run South Tributary on-site. The stream is approximately 3 feet from the top of the bank to the channel bottom, and is approximately 4 feet wide at the OHWM. Due to the man-made nature of the channel, its morphology is consistent throughout.

The wetland area is an herbaceous wetland that contains caric sedge (*Carex albolutescens*), cattails (*Typha sp.*), spikerush (*Eleocharis sp.*). Hydrophytic vegetation is dominant and wetland hydrology and hydric soils are present. Hydrologic function of the wetland area is maintained via the rerouting of the Bunny Run South Tributary, which occurred in the past. The wetland area appears to have developed over time due to frequent flooding of the tributaries as well as the presence of hydric soils.

**PROPOSED PROJECT:** Proposed impacts to jurisdictional waters include filling portions of Bunny Run South Tributary and the non-forested wetland area to alleviate flooding and erosive conditions throughout the park, as well as re-alignment of the Bunny Run South Tributary to its previous course, prior to development in the area (Sheet 8 of 14). Filling and excavating of the

channels and wetland is proposed to accommodate hydrological function and to achieve detention volume to alleviate continuous flooding conditions. Fill materials proposed to be discharged include native soils from the surrounding area. A summary of impacts is listed on Sheet 8 of 14.

The unnamed tributary that enters the property on the north and flows southward would be excavated above the ordinary high water mark (approximately 850 LF) to alleviate flooding and erosion of the side banks. All work below the ordinary high water mark will consist of vegetation removal only. An 8-inch flow through bypass pipe would be buried along the channel and wetland, above the ordinary high water mark for 1,250 linear feet to receive surface runoff from the surrounding residential developments during low flow periods. Surface run-off will be diverted prior to reaching jurisdictional waters. The bypass pipe would outfall within the same stream, which would maintain pre-project functions (Sheet 9 of 14).

Approximately 477 linear feet of Bunny Run South Tributary would be regraded and approximately 30 LF would be filled to alleviate flooding and erosion. Stone bank stabilization would be placed within the banks of the excavated channel to reduce erosion (Sheet 10 of 14). Since erosion and flooding conditions would be improved within this stream segment, work in this 477-linear foot segment would be considered self-mitigating.

Approximately 323 linear feet of Bunny Run South Tributary would be restored to its original alignment, prior to surrounding development and past land use alterations. This would alleviate flooding of the baseball field and prevent further enlargement of the wetland area into the baseball park. This wetland area was created by the previous alteration of the channel by unknown parties (Sheet 11 of 14).

Approximately 0.61 acre of wetland would be filled and approximately 0.43 acre of upland would be excavated to reduce the size and alleviate flooding of the adjacent baseball field (Sheet 11 of 14). Approximately 180 linear feet of Bunny Run South Tributary would be excavated downstream from the wetland area to accommodate the increase in flow from the proposed alignment of the stream to its previous configuration (Sheet 12 of 14). Since proposed excavation to this stream segment is to return the stream to its previous alignment without a reduction in linear footage, work in this segment would be considered self-mitigating relative to the 180 LF of excavation.

Approximately 237 linear feet of channel would be created to alleviate erosion at the base of the dam of the on-channel stock pond. Stone bank stabilization and a stone slab would be placed within the outfall area of the pond to reduce severe erosive conditions. The channel would be further excavated to accommodate the flow and provide stability. Erosion repair within this upland area is 21 LF (Sheet 13 of 14).

Approximately 42 linear feet would be filled and approximately 293 linear feet would be excavated of the Bunny Run South Tributary in order to restore the channel to its preexisting condition. An undersized culvert pipe exists in the area, but would be removed to accommodate current flow conditions. The channel would be restored to its preconstruction condition (Sheet 14 of 14). Since proposed excavation to this stream segment is to return the stream to its previous

alignment without any reduction in linear footage, work in this segment would be considered self-mitigating.

Approximately 0.001 acre of impact would occur to the on-channel stock pond as a result of support poles associated with proposed piers on the pond.

**Table 1. Self-mitigating vs. Mitigation if the Form of Mitigation Bank Credits**

<b>Proposed Work</b>	<b>Proposed Mitigation</b>	<b>Proposed Mitigation Bank Credits</b>
Placement of 8 in. flow pipe along 1,250 LF of ephemeral channel and regarding 850 LF of the same channel above the ordinary high water mark.	None, since this would be a non-regulated activity.	None
Regrading 477 LF of intermittent channel and filling 30 LF of the same channel.	The regraded 477 LF would be self-mitigating, due to reduced erosion, which further reduces current sediment loads. 30 LF of fill would be mitigated in the form of bank credits.	0.24 intermittent stream credits from Trinity River Mitigation Bank
322 LF of stream restored to pre-existing conditions. This segment is located where the stream once flowed prior to realignment. This area would be restored.	No mitigation requirements. Re-established with plan / profile dimension.	None
0.61 ac. of wetland filled	Mitigation Bank	1.25 wetland credits from Trinity River Mitigation Bank
Excavation of 180 LF intermittent stream	Self-mitigating. This segment is part of the stream restoration effort and would be excavated to accommodate increased flow.	None
Filling 42 LF of intermittent stream and excavation of 293 LF of the same segment	Excavation is self mitigating, due to channel restoration and removal of the existing culvert to return the channel to its pre-existing condition. 42 LF of fill would be mitigated in the form of mitigation bank.	0.34 intermittent stream credits from Trinity River Mitigation Bank
Fill of 0.001 ac. stock pond, resulting from support structures for the proposed pier.	Impacts are minimal.	None

**ALTERNATIVE SITE LOCATIONS AND ALTERNATIVE LAYOUTS:** Several alternatives were considered, including a no-action alternative, the use of box culverts to contain the unnamed tributary, pond alterations, and selective drainage improvements (applicant’s preferred alternative).

No-action alternative

Under the no-action alternative, improvements to the site would not occur. As a result, extensive drainage issues would continue, including flooding of the site during heavy rain events as well as scouring and erosion in various areas throughout the property. Park improvements, even if located wholly within uplands, would not all be useable throughout the year due to flooding and drainage issues throughout the site. For these reasons, the no-action alternative was not selected.

Box Culverts

Placing streams within box culverts eliminates access to floodplains, and could impair existing flow regimes resulting in downstream erosion and sedimentation. For these reasons, box culverts were not selected as an alternative.

Pond Alterations

Altering the configuration of the pond on-site would have resulted in significant disturbances to the aquatic environment. Potential impacts from altered flows and erosion & sedimentation, as well as the potential loss of open water habitat resulted in this alternative not being selected.

Selective Drainage Improvements (Applicant’s Preferred Alternative)

The applicant’s preferred design would retain the on-channel pond in its existing condition, and would maximize drainage throughout the site while minimizing adverse impacts to streams, wetlands and open water habitat. The selective drainage improvements would improve water quality in the region and functionality of the streams. The preferred alternative site would also provide detention and elimination of approximately 0.61 acre of floodplains.

**COMPENSATORY MITIGATION:** Mitigation for unavoidable adverse impacts to waters of the U.S. would occur through the purchase of a total of 1.8 credits from the Trinity River Mitigation Bank, as detailed in **Table 2**.

**Table 2. Trinity River Mitigation Bank Multipliers and Number of Credits Required**

Type	Impact	Multiplier (TRMB)	Credits
<b>Intermittent Stream</b>	<b>72 LF</b>	<b>0.008</b>	<b>0.58</b>
<b>Emergent wetland</b>	<b>0.61 acre</b>	<b>2</b>	<b>1.22</b>
		<b>Total</b>	<b>1.8</b>
		<b>Proposed</b>	<b>1.8</b>

**PUBLIC INTEREST REVIEW FACTORS:** This application will be reviewed in accordance with 33 CFR 320-331, 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 or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would 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 Collin County where whooping crane (*Grus Americana*) are known to occur or may occur as migrants. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

**NATIONAL REGISTER OF HISTORIC PLACES:** The area of the proposed work has never been formally surveyed for the presence of historic or prehistoric sites. A review of the Texas Historical Resources Historical Properties Atlas did not identify any sites within the immediate area of the park. There are no sites eligible for, or listed in the National Register of Historic Places in or adjacent to the park. Because of prior impacts from urbanization, the area has a very low potential for historic or prehistoric site identification.

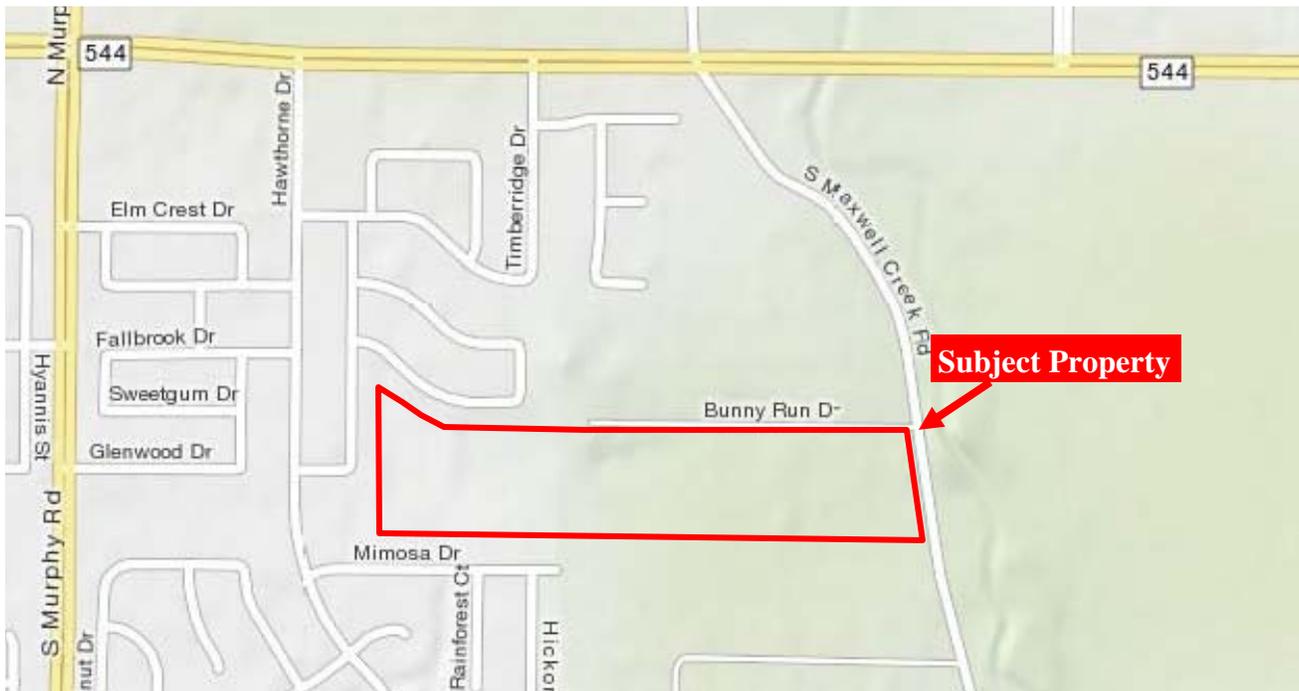
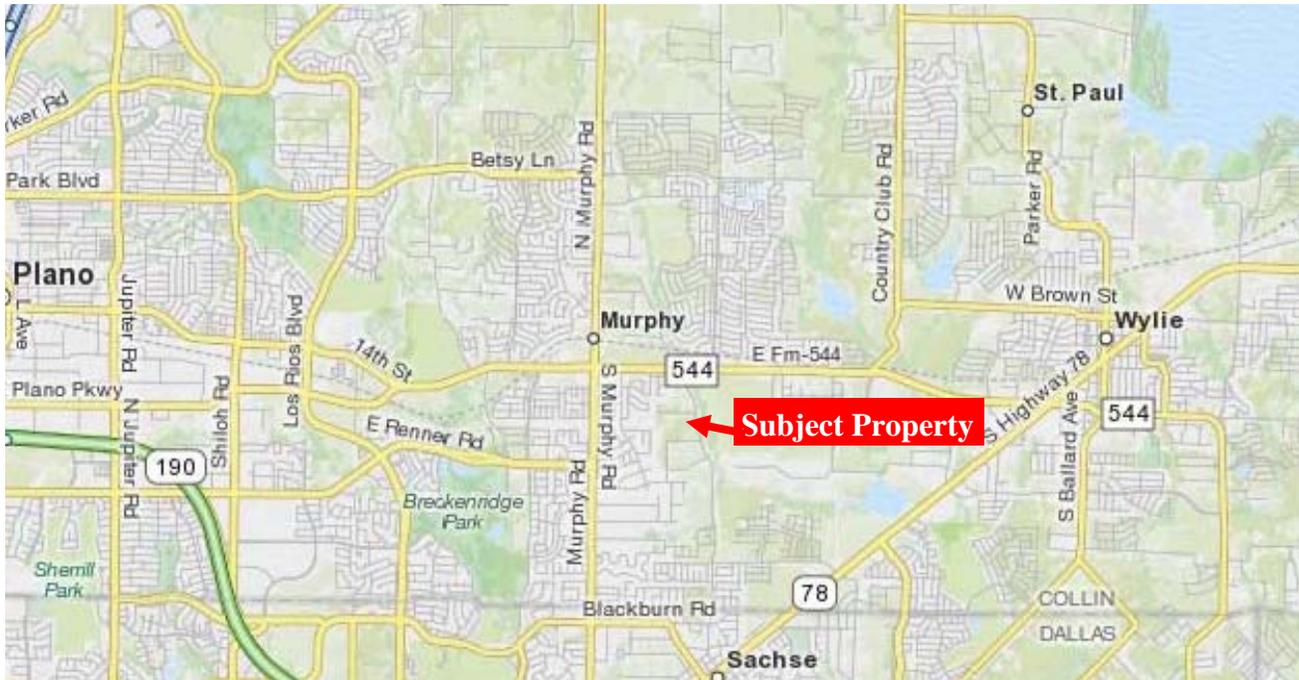
**FLOODPLAIN MANAGEMENT:** The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 facts 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 would 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 would 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 July 26, 2012, 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 Mr. Eric Dephouse; 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) 886-1820. 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**



1506 Audrey Drive  
 Garland, Texas  
 75040  
 (972) 496-4701  
 (972) 414-0451 fax

**TIMBERS PRESERVE PARK  
 INDIVIDUAL PERMIT  
 MURPHY, TX**

Job No. 41-01001

DECEMBER 2011

Sheet 1 of 14



AERIAL PHOTOGRAPHY



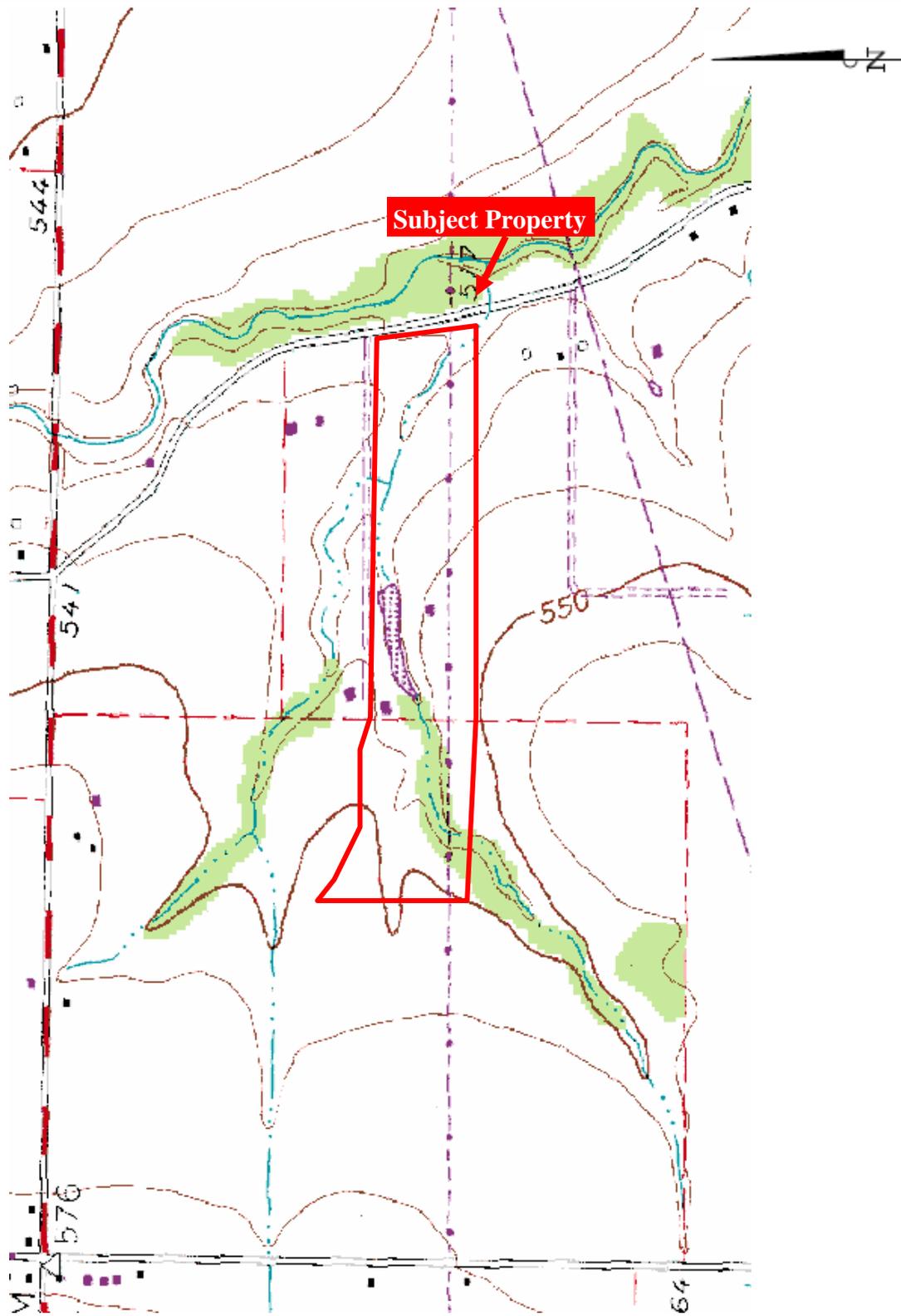
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TIMBERS PRESERVE PARK  
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DECEMBER 2011

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USGS 7.5-MINUTE QUADRANGLE MAP WYLIE, TEXAS



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Map Unit Symbol	Map Unit Name
AuB	Austin silty clay, 1 to 3 percent slopes
AuC2	Austin silty clay, 3 to 5 percent slopes, eroded
HoA	Houston Black clay, 0 to 1 percent slopes
HoB	Houston Black clay, 1 to 3 percent slopes



## SOIL SURVEY COLLIN COUNTY, TEXAS



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Garland, Texas  
75040  
(972) 496-4701  
(972) 414-0451 fax

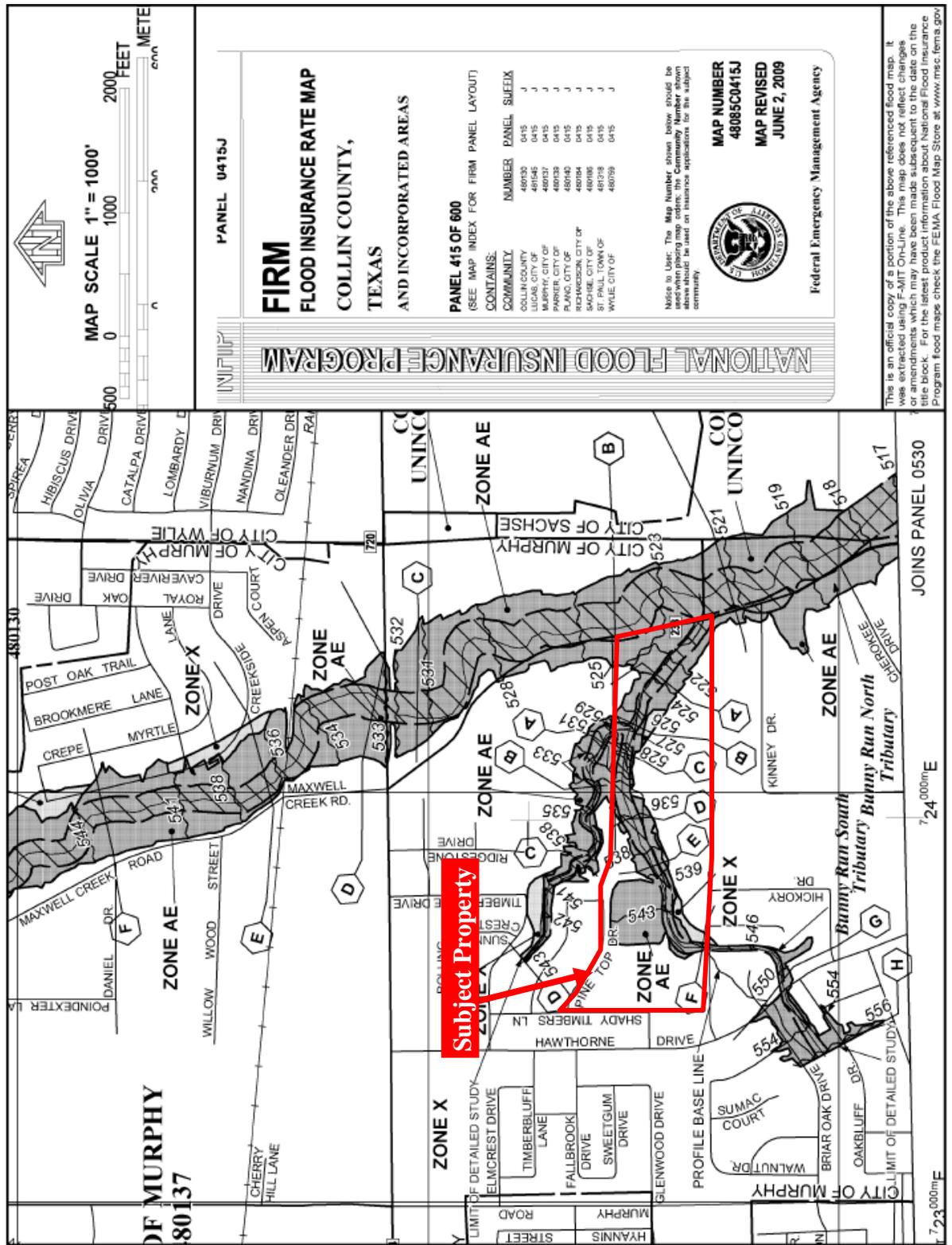
**TIMBERS PRESERVE PARK  
INDIVIDUAL PERMIT  
MURPHY, TX**

Job No. 41-01001

DECEMBER 2011

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Zone X unshaded—Areas determined to be outside of the 0.2% annual chance floodplain.  
 Zone X shaded—Areas of 0.2% annual chance flood; areas of 1% annual chance of flood with average depths of less than 1 foot or with drainage less than 1 square mile; and areas protected by levees from 1% annual flood.  
 Zone AE shaded—The 1% annual flood (100-year flood). Special flood hazard area is the area subject to flooding by the 1% annual chance flood.  
 Base flood elevations determined.



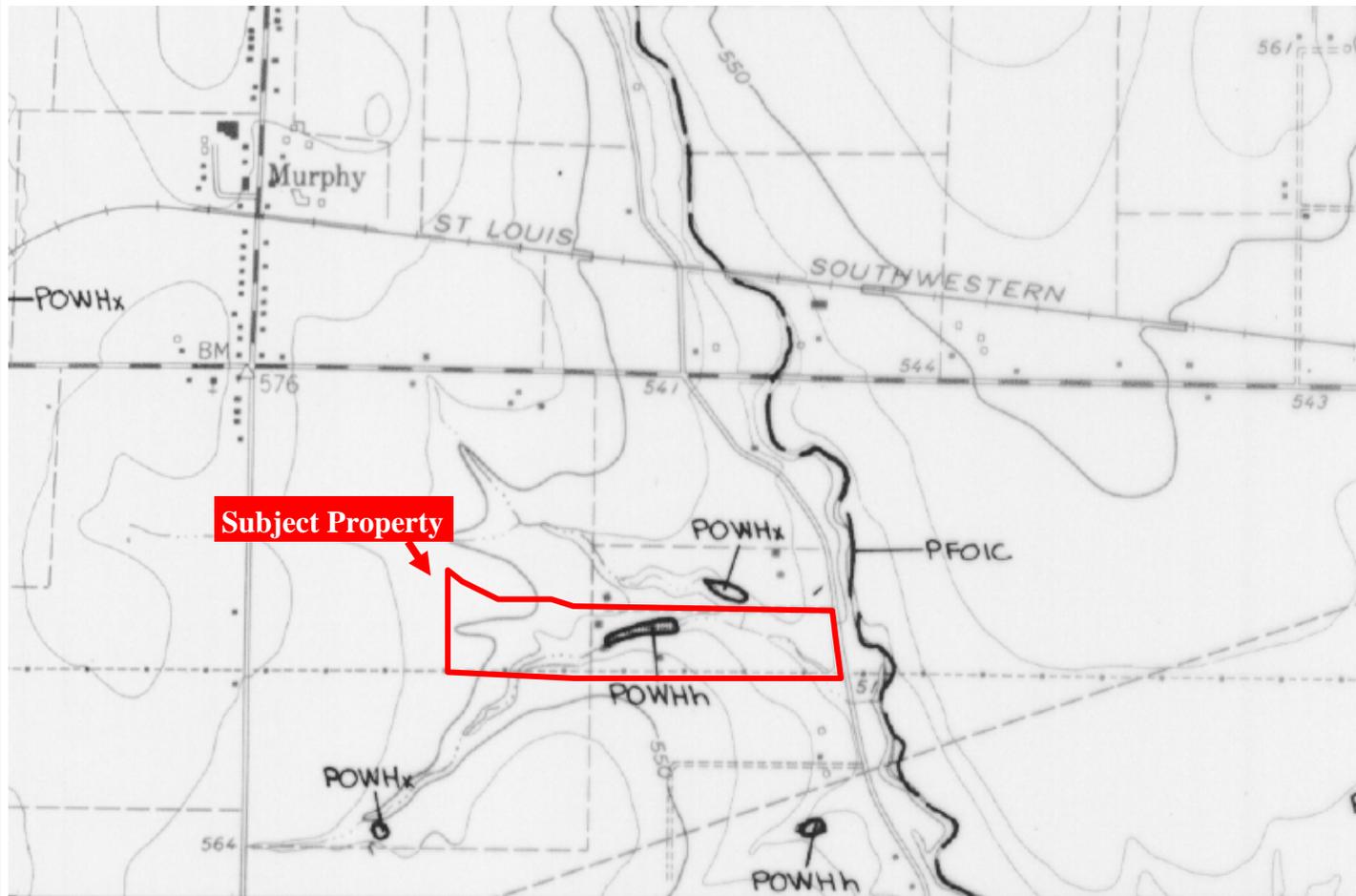
FEMA FIRM FLOODPLAIN MAP FM 48085C0415J



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 INDIVIDUAL PERMIT  
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 DECEMBER 2011  
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POWHh (PUBHh)— Palustrine, Open-water/Unknown Bottom, Permanently Flooded, Diked/Impounded

## NATIONAL WETLAND INVENTORY MAP WYLIE, TX



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MURPHY, TX**

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DECEMBER 2011

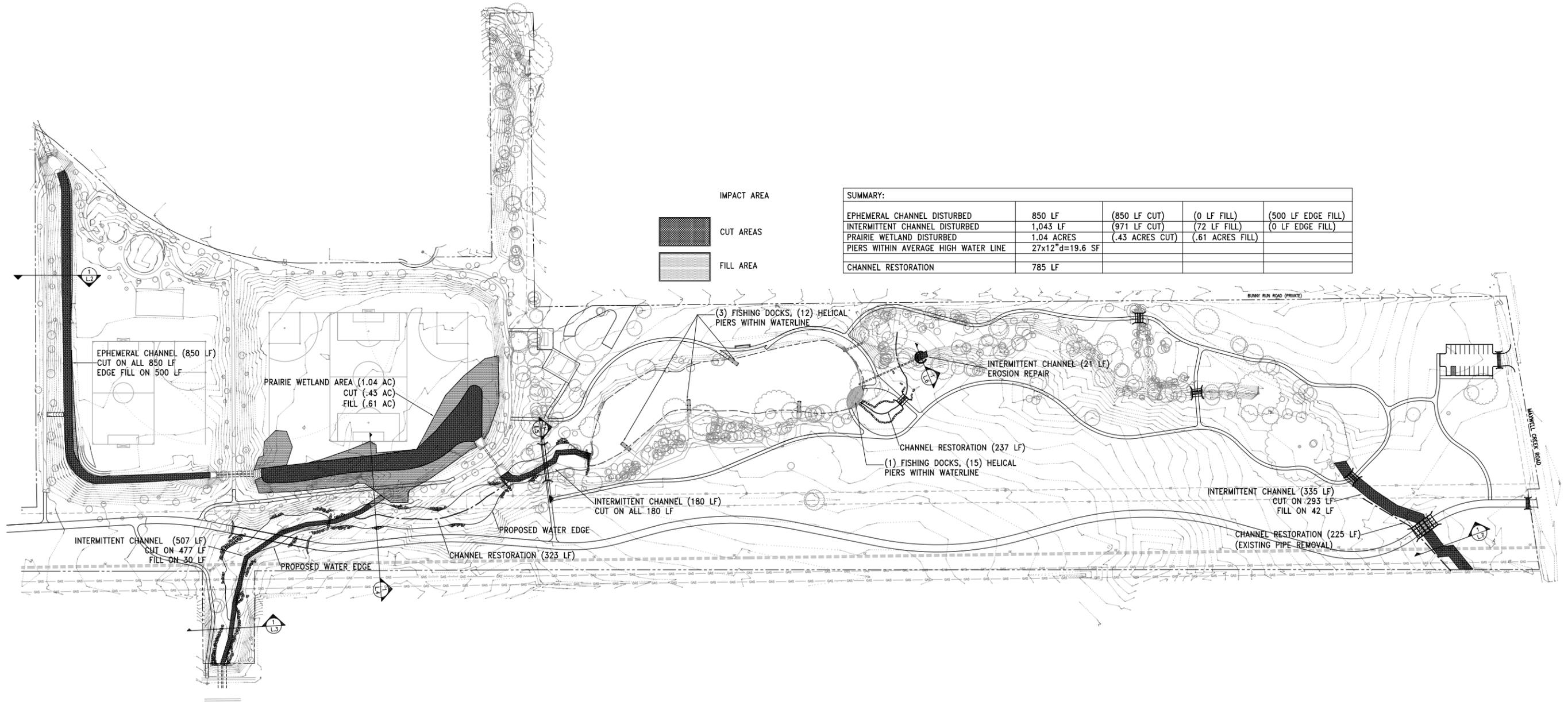
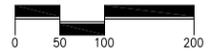
Sheet 6 of 14




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 Garland, Texas 75040  
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 (972) 414-0451 fax

**TIMBERS PRESERVE PARK  
 INDIVIDUAL PERMIT  
 MURPHY, TEXAS**

JOB NUMBER 041-01001
DECEMBER 2011
SHEET 7 OF 14



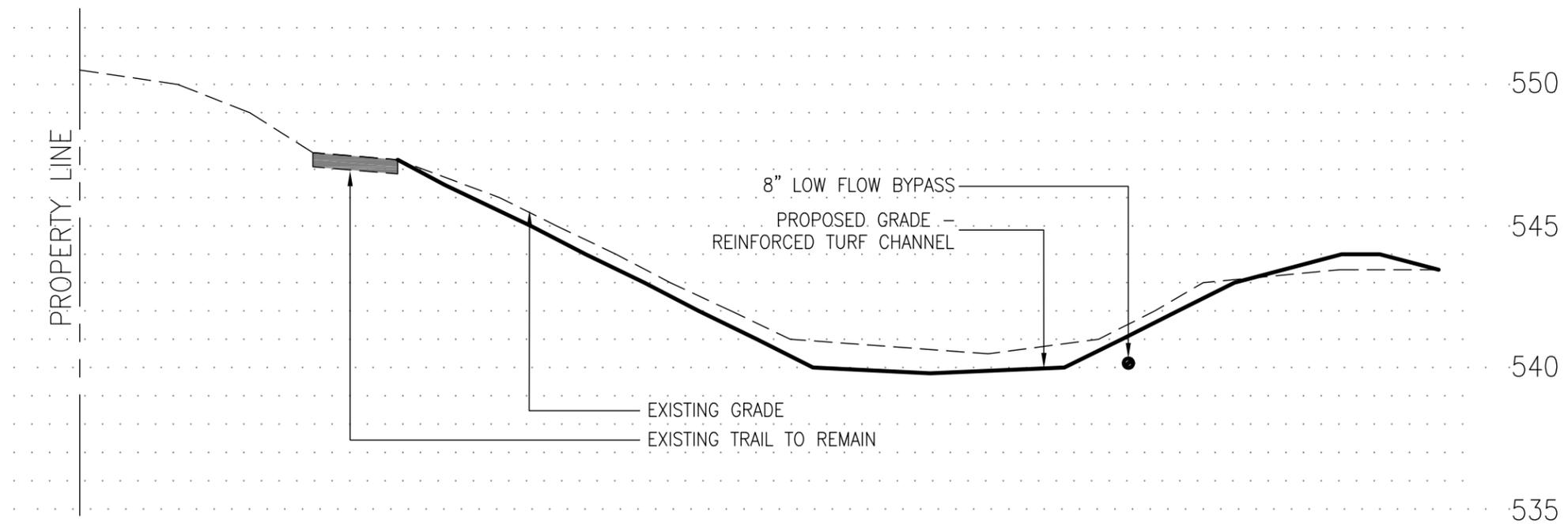
IMPACT AREA

- CUT AREAS
- FILL AREA

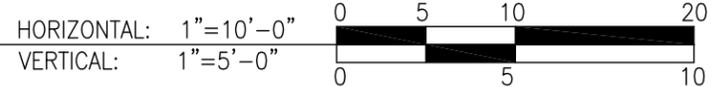
SUMMARY:				
EPHEMERAL CHANNEL DISTURBED	850 LF	(850 LF CUT)	(0 LF FILL)	(500 LF EDGE FILL)
INTERMITTENT CHANNEL DISTURBED	1,043 LF	(971 LF CUT)	(72 LF FILL)	(0 LF EDGE FILL)
PRAIRIE WETLAND DISTURBED	1.04 ACRES	(.43 ACRES CUT)	(.61 ACRES FILL)	
PIERS WITHIN AVERAGE HIGH WATER LINE	27x12"d=19.6 SF			
CHANNEL RESTORATION	785 LF			



LOOKING NORTH FROM SECTION LINE



1 SECTION



Sheet 9 of 14

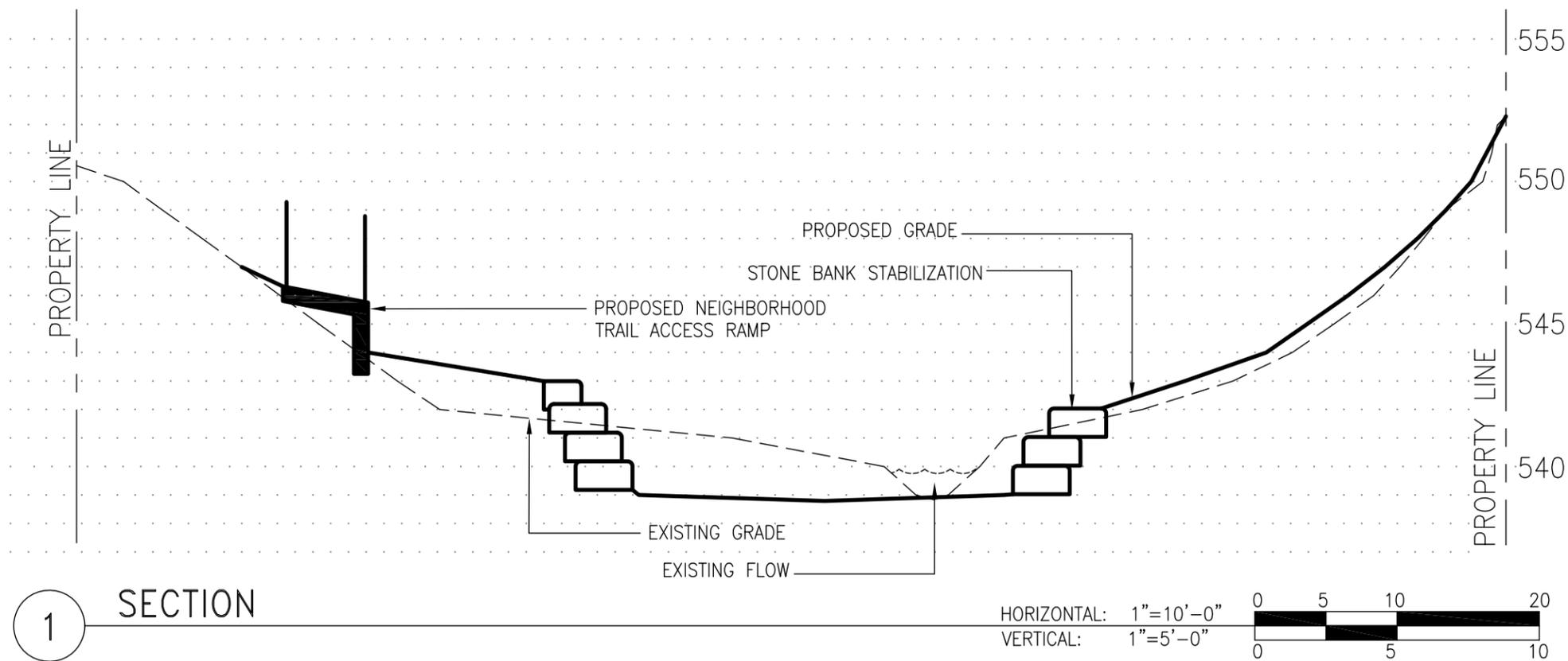
SECTION L.2



LOOKING NORTH FROM THE CUT LINE



LOOKING NORTH - CENTER FRAME IS THE CUT LINE



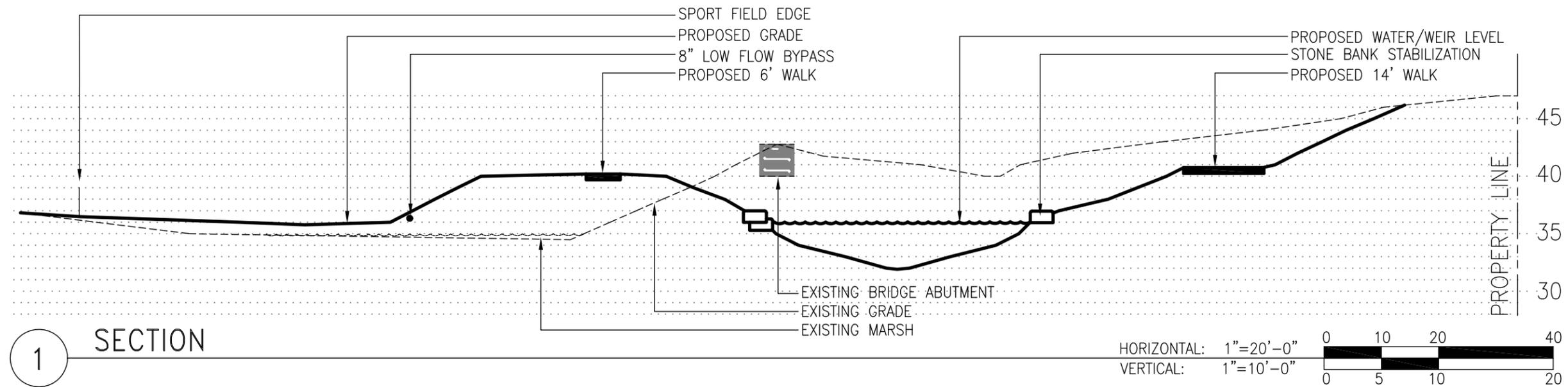
Sheet 10 of 14

SECTION L.3



LOOKING EAST - CUT LINE RUNS RIGHT TO LEFT FROM POWER POLE ON RIGHT THROUGH BRIDGE ABUTMENT ON THE LEFT

Sheet 11 of 14

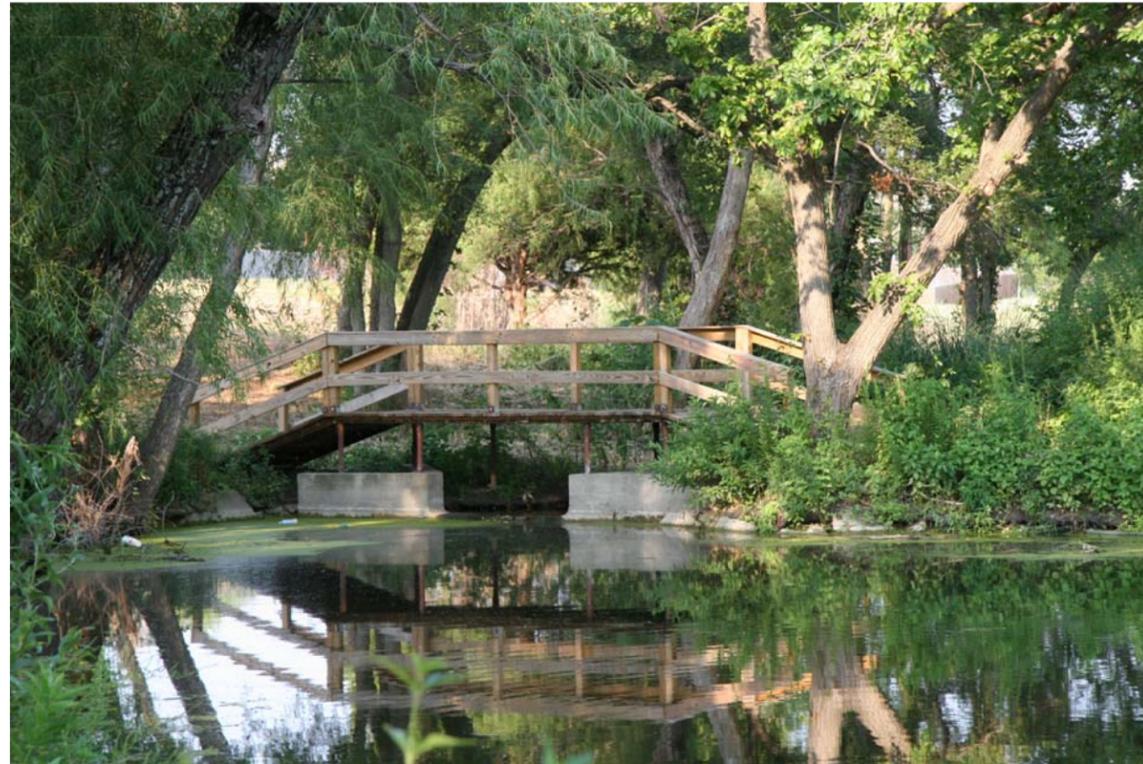


1 SECTION

SECTION L.4

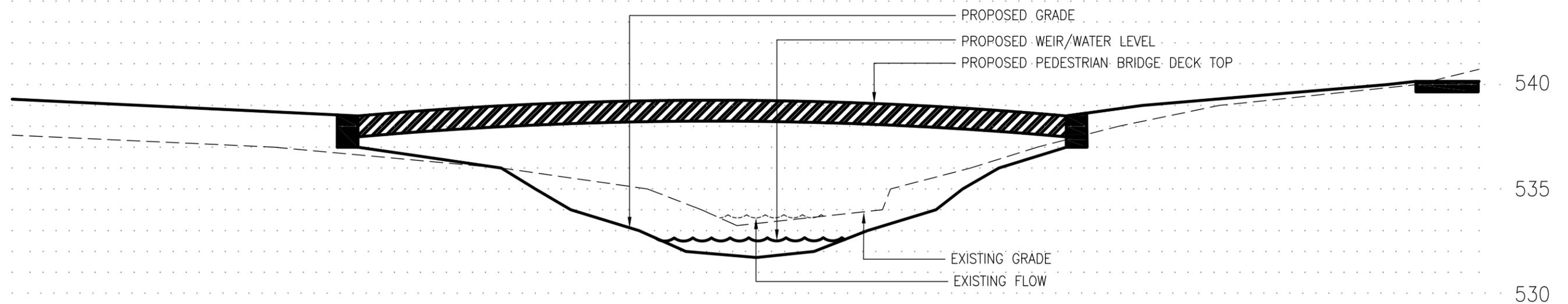


AT THE CUT LINE LOOKING EAST



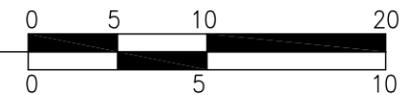
CUT LINE IS JUST PAST THIS WALK WAY AND PARALLEL TO IT

Sheet 12 of 14



1 SECTION

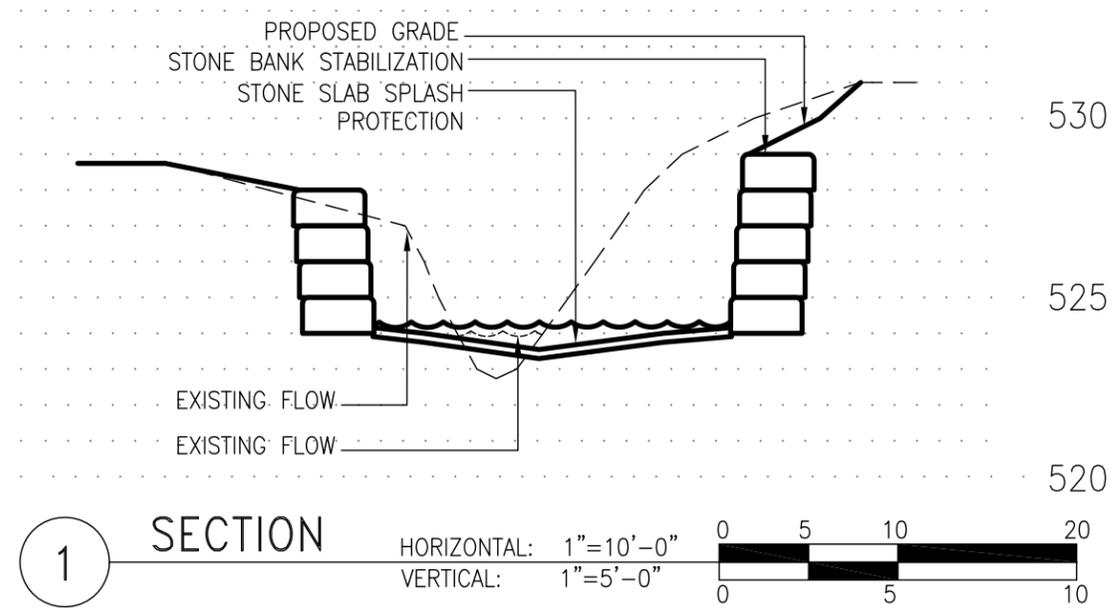
HORIZONTAL: 1"=10'-0"  
VERTICAL: 1"=5'-0"



SECTION L.5



LOOKING WEST - CUT LINE IS  
CENTER FRAME



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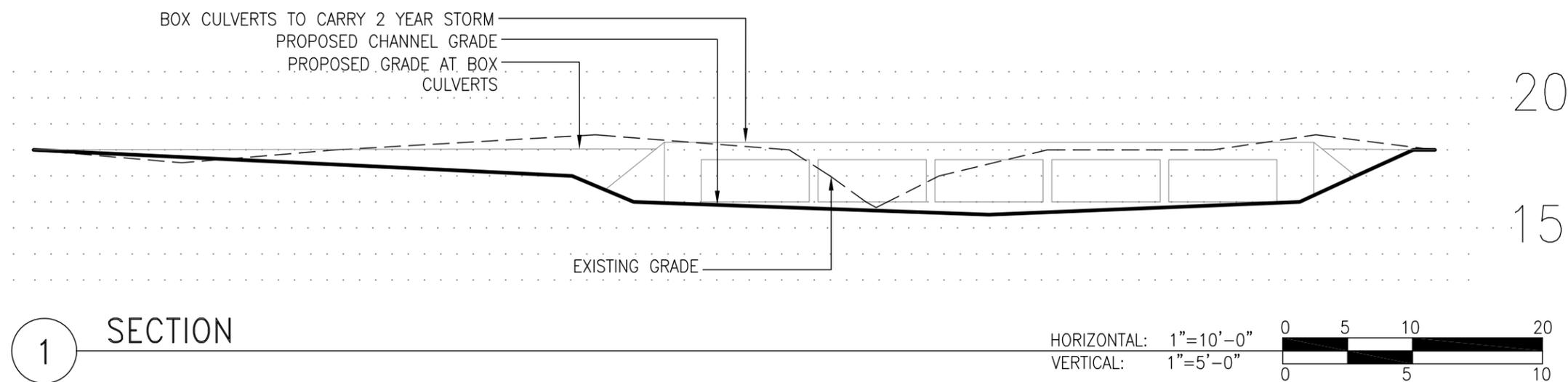
SECTION L.6



STREAM TO BE RESTORED  
AND PIPE REMOVED - CUT  
LINE IS CENTER FRAME



LOOKING SOUTH AT EXISTING  
PIPE EXIT FROM CUT LINE



1 SECTION

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SECTION L.7