



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

Public Notice

Applicant: City of Plano

Permit Application No.: 200600344

Date: December 12, 2008

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 Communications Parkway connection between Spring Creek Parkway and Tennyson Parkway located in the City of Plano, Collin County, Texas.

APPLICANT: City of Plano
Mr. Alan Upchurch
Engineering Department
1520 Avenue K, Suite 250
Plano, Texas 75074

APPLICATION NUMBER: 200600344

DATE ISSUED: December 12, 2008

LOCATION: The proposed Communications Parkway expansion would be located in the City of Plano, Collin County, Texas (Sheets 1 through 12 of 12). The proposed project would be located approximately at UTM coordinates 702373 East and 3660812 North (Zone 14) on the Hebron 7.5-minute USGS quadrangle map (Sheet 2 of 12) in the USGS Hydrologic Unit 12030103.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to construct a six-lane (three travel lanes in each direction) divided roadway (Communications Parkway) from Spring Creek Parkway to Tennyson Parkway for a distance of approximately 2,100 feet. The proposed roadway has the purpose of (1) improving local mobility; (2) increasing people and goods carrying capacity above the existing transportation network; and (3) alleviating further overburdening of the local transportation system for future development, thereby meeting a portion of the overall regional need for more efficient transportation. Construction of the proposed Communications Parkway is part of the City of Plano's *Master Thoroughfare and Comprehensive Plan*.

The proposed project begins at the terminus of the existing Communications Parkway at Spring Parkway. From this point, the proposed alignment would proceed in a northeasterly direction for

approximately 2,100 feet until connecting with the existing Communications Parkway, just south of the intersection of Tennyson Parkway and Communications Parkway (Sheet 1 of 12).

The proposed extension of Communications Parkway would occur on the alignment of an existing gravel road. A grass median and/or traffic barrier would separate the north and south bound lanes. The typical right-of-way (ROW) width for the roadway would be approximately 120 feet. Two 8' x 4' Box culverts would be installed beneath the proposed roadway. They would connect into existing culverts at the northeast project boundary area and terminate at the southwestern project boundary area, near existing culverts running beneath Spring Creek Parkway. In addition, several storm sewer inlets would be installed along the length of the roadway connecting into the underground box culverts (Sheets 7 through 11 of 12).

The applicant considered several alternative site layouts for the project. However, since the purpose of the project is to provide connection between two existing segments of Communications Parkway, the applicant had constraints. Constraints include traffic safety laws, traffic flow patterns, approved City of Plano road construction standards (i.e., multi-lane roads must have specific contours which allow drivers to negotiate them at a posted speed and must intersect another road at a perpendicular angle to ensure proper traffic functionality), both residential and commercial entrance and egress points for adjacent developments, financial concerns, and drainage issues. Given these constraints, the applicant believes the current alignment is the only alignment that fully addresses those constraints.

The proposed project corridor is located within the Blackland Prairies vegetation area of Texas. Topography within the project corridor consists of gently rolling terrain with some flat areas and the topography generally slopes from the north to the south.

The proposed project would be on a new location. Currently the project area is comprised of undeveloped, open agricultural land with limited riparian areas. Surrounding land use includes urban, residential and agricultural.

Dominate plant communities identified in the project area and surrounding areas includes mostly upland species with small segments of wetland and transitional riparian species. The typical upland community consists primarily of meadow dropseed (*Sporobolus asper*), annual broomweed (*Gutierrezia dracunculoides*), western ragweed (*Ambrosia psilostachya*), Johnsongrass (*Sorghum halepense*), little bluestem (*Schizachyrium scoparium*), switchgrass (*Panicum virgatum*), annual sunflower (*Helianthus annuus*), fire-wheels (*Gaillardia pulchella*), bristle-bract plantain (*Plantago patagonica*), black-eyed Susan (*Dracopis amplexicaulis*), Bermudagrass (*Cynodon dacylon*), Japanese brome (*Bromus japonica*), King Ranch bluestem (*Bothriochloa ischaemum*), split-beard bluestem (*Andropogon ternarius*), Mexican primrose (*Oenothera speciosa*), Blackland thistle (*Cirsium engelmannii*), and Missouri goldenrod (*Solidago missouriensis*) with narrow swathes and fencerows of shrub and canopy cover which includss honey mesquite (*Prosopis glandulosa*), hackberry (*Celtis laevigata*), Osage orange (*Maclura pomifera*), Roosevelt weed (*Baccharis neglecta*), red mulberry (*Morus rubra*), Carolina snailseed (*Cocculus carolinus*), Hercules club (*Zanthoxylum clava-herculis*), and

Chinese privet (*Ligustrum sinense*). The wetland community consists of annual sump weed (*Iva annua*), cattails (*Typha latifolia*), black willow (*Salix nigra*), spikerush (*Eleocharis palustris*), switchgrass, bushy bluestem (*Andropogon glomeratus*), rushes (*Cyperus* sp.) and Sedges (*Carex* sp.). The riparian community consists of black willow, Osage orange, hackberry, honeysuckle (*Lonicera japonica*), poison ivy (*Toxicodendron radicans*), Johnsongrass, bushy bluestem, switchgrass, and Chickasaw plum (*Prunus angustifolia*).

Table 1 provides information addressing both waters of the U.S. and non-waters of the U.S. that exist within the project corridor. Sheet 5 of 12 presents the approximate locations of the waters of the U.S. and non-waters of the U.S.

Table 1: Communications Parkway – Waters of the U.S. and Non-Waters of the U.S.

Water ID	Stream/Wetland Type	Jurisdictional	Linear Feet	Area (acres)	Permanent Impacts to Waters of the U.S. (acres)
Tributary 1	Ephemeral Stream	Yes	977	0.0543	0.0543
Pond 1	Open Water	Yes	N/A	0.6168	0.6168
Wetland 1	Herbaceous Wetland	Yes	N/A	0.0197	0.0197
Drainage Ditch	Drainage Ditch	No	664	0.0635	N/A
Total Impacts to Waters of the U.S.					0.6908

N/A: Not Applicable

A total of 0.6908 acre of waters of the U.S., including wetlands and 0.0635 acre of non-waters of the U.S. exist within the proposed project area. Sheets 7 through 12 of 12 present the plan, profile and section views of the proposed project. Approximately 3,000 cubic yard of fill material would be discharged into waters of the U.S., including wetlands, for the construction of the proposed project. The fill material would be clean material (such as loam, sand and clay) obtained from local sources. Construction of the proposed project would result in the permanent adverse impact to 0.6908 acre of waters of the U.S.

The applicant believes they have attempted to avoid and minimize the adverse impacts to the waters of the U.S. to the maximum extent practicable. However, due to the nature and location of the project, the applicant has stated that the impacts to the waters of the U.S. would be unavoidable.

Following the *USACE Compensatory Mitigation Rule*, the applicant has proposed to provide compensatory mitigation for the unavoidable adverse impacts to waters of the U.S. (977 linear feet (0.0543 acre) of ephemeral tributary, 0.6168 acre of open water, and 0.0197 acre of an herbaceous wetland) by purchasing mitigation bank credits from a local USACE-approved mitigation bank.

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 incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those that result in a direct impact of three acres or less of waters of the United State or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices (BMPs) and other provisions designed to safeguard water quality. The USACE has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in a county where the whooping crane (*Grus americana*) is known to occur or may occur as migrants. The whooping crane is an endangered species. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: 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, presently unknown scientific, archaeological, cultural or architectural data may be lost or destroyed by the proposed work under the requested permit.

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 10, 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 Mr. Neil Lebsock; 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) 886-1743. 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