



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

Public Notice

Applicant: Collin County Park Lake

Permit Application No.: SWF-2009-00268

Date: April 15, 2010

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. Frederick Land

-

Phone Number: (817) 886-1729

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 Collin County Municipal Utility District's (MUD) proposal to construct the Collin County Park Lakes project, south of the City of Celina, Collin County, Texas.

APPLICANT: Collin County MUD
c/o Mr. Keller Webster
8401 North Central Expressway
Suite 350
Dallas, Texas 75225

APPLICATION NUMBER: SWF-2009-00268

DATE ISSUED: April 15, 2010

LOCATION: The Collin County Park Lakes project would be constructed on Doe Branch between County Road (CR) 50 and the BNSF Railway, approximately 3.5 miles south of Celina, Texas (Sheet 1 of 4). The proposed lake construction project would be found on the Celina, Texas, United States Geological Survey (USGS) 7.5-minute topographic map. The project area is centered at approximately N 33.28012° latitude; W -96.80777° longitude. Hydrologic Unit 12030103.

OTHER AGENCY AUTHORIZATIONS: Section 401 State Water Quality Certification.

PROJECT DESCRIPTION: The applicant proposed to discharge approximately 517 cubic yards of dredged and fill material into approximately 0.87 acres of waters of the United States in conjunction with the construction of Collin County Park Lakes on Doe Branch between CR-50 and the BNSF Railway, approximately 3.5 miles south of Celina, Texas (Sheet 2 of 4). Impacts to waters of the U.S. will occur within three wetlands and two streams. The proposed project would consist of the construction of three lakes in the park area.

The proposed Collin County Park Lake project would accommodate residential growth pressure being experienced in areas surrounding Collin County Park. The Light Farms is a development

proposed to be constructed adjacent to the park. Additionally, several other residential communities have been built in the area or are planned to be built in the near future.

The project site is located on undeveloped land and has been used for agriculture purposes. The topography is flat to gently rolling, ranging from approximately 620 feet to 650 feet above mean sea level (MSL), is dominated by tributaries related to the Doe Branch Watershed, and drains into the Elm fork of the Trinity River. Based on the review of aerial photography and field surveys, four vegetative communities are present within the proposed project area. The communities identified within the project site included: riparian zones, emergent wetland, upland pasture, and agriculture. According to the Collin County Soil Survey, two soil types are reported as occurring on the subject property: Houston Black clay and Trinity. The Trinity soil is frequently flooded and is reported as a hydric soil in the Hydric Soils List for Texas.

The dominant plant species occurring along riparian zones bisected by the proposed project include sugarberry (*Celtis laevigata*), bois d'arc (*Maclura pomifera*), American elm (*Ulmus americana*), black willow (*Salix nigra*), honey locust (*Gleditsia triacanthos*), giant ragweed (*Ambrosia trifida*), and greenbrier (*Smilax* sp.).

Plant species identified within the emergent wetland community included greenwhite sedge (*Carex albolutescens*), smartweed (*Polygonum longisetum* and *Polygonum amphibium*), spikerush (*Eleocharis* sp.) and cattails (*Typha* sp.)

Dominant species found within the upland pasture included bermudagrass (*Cynodon dactylon*), johnsongrass (*Sorghum halepense*), and giant ragweed.

Three streams and four emergent wetlands are located within the applicant's proposed project area. The three streams include Doe Branch, a perennial tributary of Elm Fork Trinity River, an unnamed intermittent tributary of Doe Branch, and an unnamed ephemeral tributary of Doe Branch.

Doe Branch has characteristics of a perennial water of the U.S. and enters the property from the northeast, flowing southwest, passing under CR 51 via underground corrugated culvert, intercepting Tributary 4 and Tributary 3, and exiting the property on the western property boundary. Doe Branch contained water at the time of field reconnaissance and is approximately 2 to 5 feet from top of bank to channel bottom and ranges in width from approximately 4 to 8 feet at the ordinary high water mark (OHWM).

Tributary 4 has characteristics of an intermittent water of the U.S. and enters the property on the east, passing under the BNSF Railroad, flowing westward, passing under CR 51 via underground culvert, and intercepting Doe Branch west of CR 51. Tributary 4 contained water at the time of field reconnaissance. Direction of flow is from east to west and ranges from approximately 4 to 5 feet in depth from the top of bank to channel bottom and ranges in width from approximately 3 to 6 feet at the OHWM.

Tributary 3 has characteristics of an ephemeral water of the U.S. and enters the property on the east, flowing northwest, passing under the BNSF Railroad, intercepting an on-channel stock pond (Wetland 4), passing under CR 51 via underground culvert, and intercepting Doe Branch west of

CR 51. Tributary 3 did not contain water at the time of field reconnaissance. Direction of flow is from east to west and ranges from approximately 2 to 3 feet in depth from top of bank to channel bottom and ranges in width from approximately 2 to 5 feet at the OHWM.

Wetland 1 is located on the northern portion of the property just west along CR 51, is 0.08 acres, and is vegetated with caric sedge (*Carex albolutescens*), smartweed (*Persicaria cespitosa*), and spikerush (*Eleocharis* spp.). Hydrophytic vegetation is dominant and wetland hydrology and hydric soils are present. Hydrologic function of the wetland is maintained via floodplain connectivity to Doe Branch that flows east of the wetland area. The wetland area appears to have developed over time due to frequent flooding from Doe Branch.

Wetland 2 is located north of Tributary 4, east of CR 51, is 0.20 acres, and is vegetated with caric sedge (*Carex albolutescens*), smartweed (*Persicaria cespitosa*), and spikerush (*Eleocharis* spp.). Hydrophytic vegetation is dominant and wetland hydrology and hydric soils are present. Hydrologic function of the wetland is maintained via floodplain connectivity and adjacency to Tributary 4 that flows south of the wetland area. The wetland area appears to have developed over time due to frequent flooding from Tributary 4.

Wetland 3 is located southeast of the confluence of Tributary 3 and Doe Branch and is 0.05 acres. Wetland 3 contains limited vegetation most likely the result of off-road vehicular use and is vegetated with caric sedge (*Carex albolutescens*). Hydrophytic vegetation was dominant and wetland hydrology and hydric soils are present. Hydrologic function of the wetland is maintained via floodplain connectivity to Doe Branch and Tributary 3 that flow north of the wetland area. The wetland area appears to have developed over time due to frequent flooding.

Wetland 4 is located south of Tributary 3, east of CR 51, is 0.36 acres, and is an on-channel stock pond that contains a dominance of hydrophytic vegetation and is considered low in quality. Hydrology is maintained by an earthen dam that rises approximately 3 to 4 feet above existing grade. Wetland 4 is vegetated with caric sedge (*Carex albolutescens*), smartweed (*Persicaria cespitosa*), spikerush (*Eleocharis* spp.), and cattails (*Typha* spp.). Hydrophytic vegetation is dominant and wetland hydrology and hydric soils are present. Hydrologic function of the wetland is maintained via floodplain connectivity, a constructed dam, and adjacency to Tributary 3 that flows north of the wetland area. The wetland area appears to have developed over time due to frequent flooding from Tributary 3.

A total of 2.02 acres of waters of the U.S. exist within the project site. Construction of the proposed project would result in the discharge of approximately 517 cubic yards of dredged and fill material into waters of the U.S. Three emergent wetlands and two streams would be adversely impacted (Sheets 3 of 4 and 4 of 4). The applicant proposes to fill 0.20 acre of Wetland 2; 0.05 acre of Wetland 3; and 0.36 acre of Wetland 4. Impacts to streams would include 0.23 acre or 2,520 linear feet of impact to Tributary 3, and 0.03 acre or 263 linear feet of impact to Tributary 4. When

considering all dredge and fill impacts, the proposed discharges would result in permanent adverse impacts to 0.61 acres of wetlands and 0.26 acre of streams for impacts totaling 0.87 acres.

The applicant considered various alternatives during the proposed project evaluation process. The proposed project was selected by the applicant after consideration of social, environmental, and engineering factors. One alternative evaluated would involve the construction of one large lake instead of three lakes, which would have resulted in impacts to more linear feet of stream and potential impacts to Doe Branch. A second alternative would involve the realignment and hard armoring of Doe Branch to maintain hydrologic function of the proposed lake. The applicants preferred alternative, however, would result in fewer impacts to jurisdictional waters while still meeting the project objective of a residential development including an aquatic feature.

The applicant proposes to compensate for unavoidable adverse impacts to waters of the U.S., including wetlands by purchasing 11 mitigation bank credits from the Trinity River Mitigation Bank. No on-site mitigation is proposed.

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 greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two), 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 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. The proposed project would be located in Collin County where the bald eagle (*Haliaeetus leucocephalus*) and whooping crane (*Grus americana*) are known to occur or may occur as migrants. The bald eagle is delisted and being monitored, and the whooping crane is a listed endangered species. The subject property contains no large bodies of water such as sea coasts, large lakes, streams, or rivers that are required for nesting and feeding by the bald eagle, therefore, the subject property can be excluded as containing potential habitat for the bald eagle. The whooping crane could be a potential migrant to Collin County, however, the subject property does not contain any habitat conditions that are prime or unique for this 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 (NRHP): The applicant proposes to address historic properties and cultural resources in accordance with the requirements of Section 106 of the National Historic Preservation Act (NHPA). A review of the Texas Historical Resources Historical Properties Atlas did not reveal any listed properties within 750 meters of the site. An archaeological survey conducted by AR Consultant, Inc. was conducted. Survey of the 137 undeveloped acres focused on the drainages and the adjacent low upland benches that are composed of Houston Black clay. Shovel testing and bank inspection failed to find any evidence of buried historic or prehistoric cultural resources, but four early 20th century house and barn sites were located and are reported. The absence of prehistoric sites confirms the results of previous surveys in adjacent parts of the Doe Branch Watershed and is attributed to the setting in this Blackland Prairie where the low vegetative variability did not support a significant population of harvestable animals. The study concludes that the proposed Light Farms development will not endanger any significant archaeological resources.

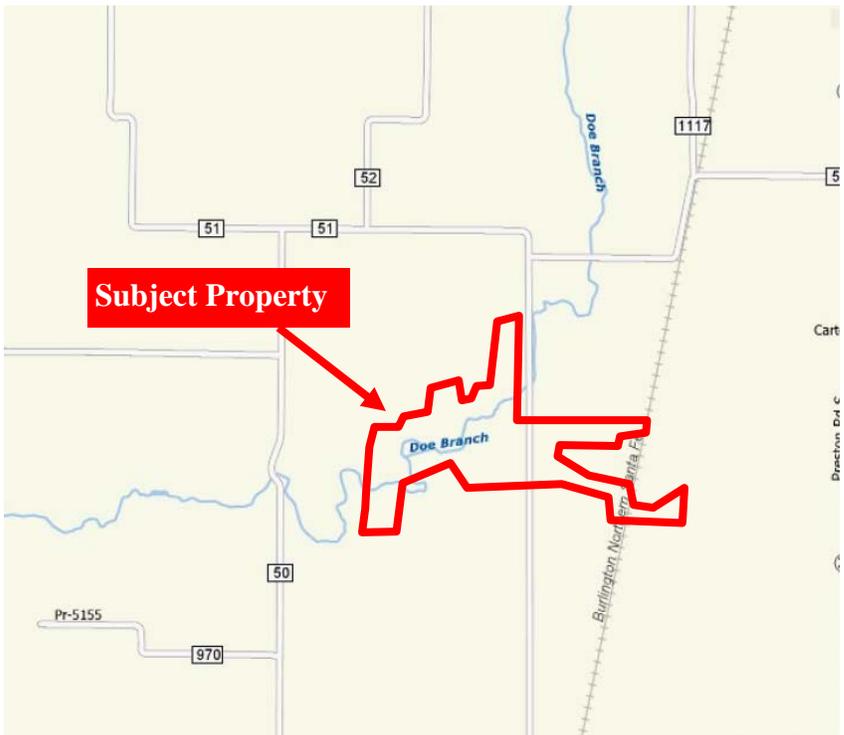
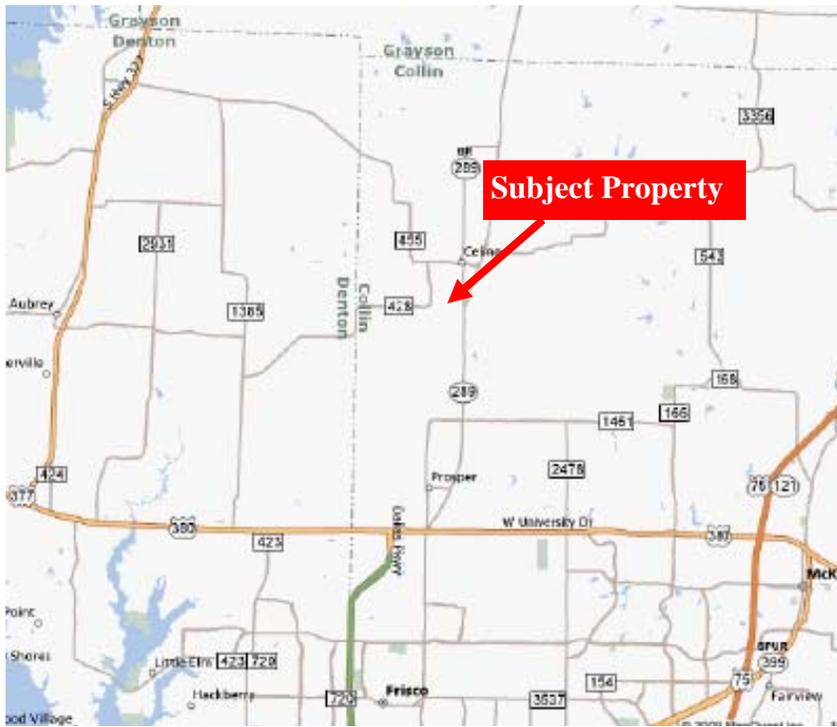
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 May 15, 2010, 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. Frederick Land; 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



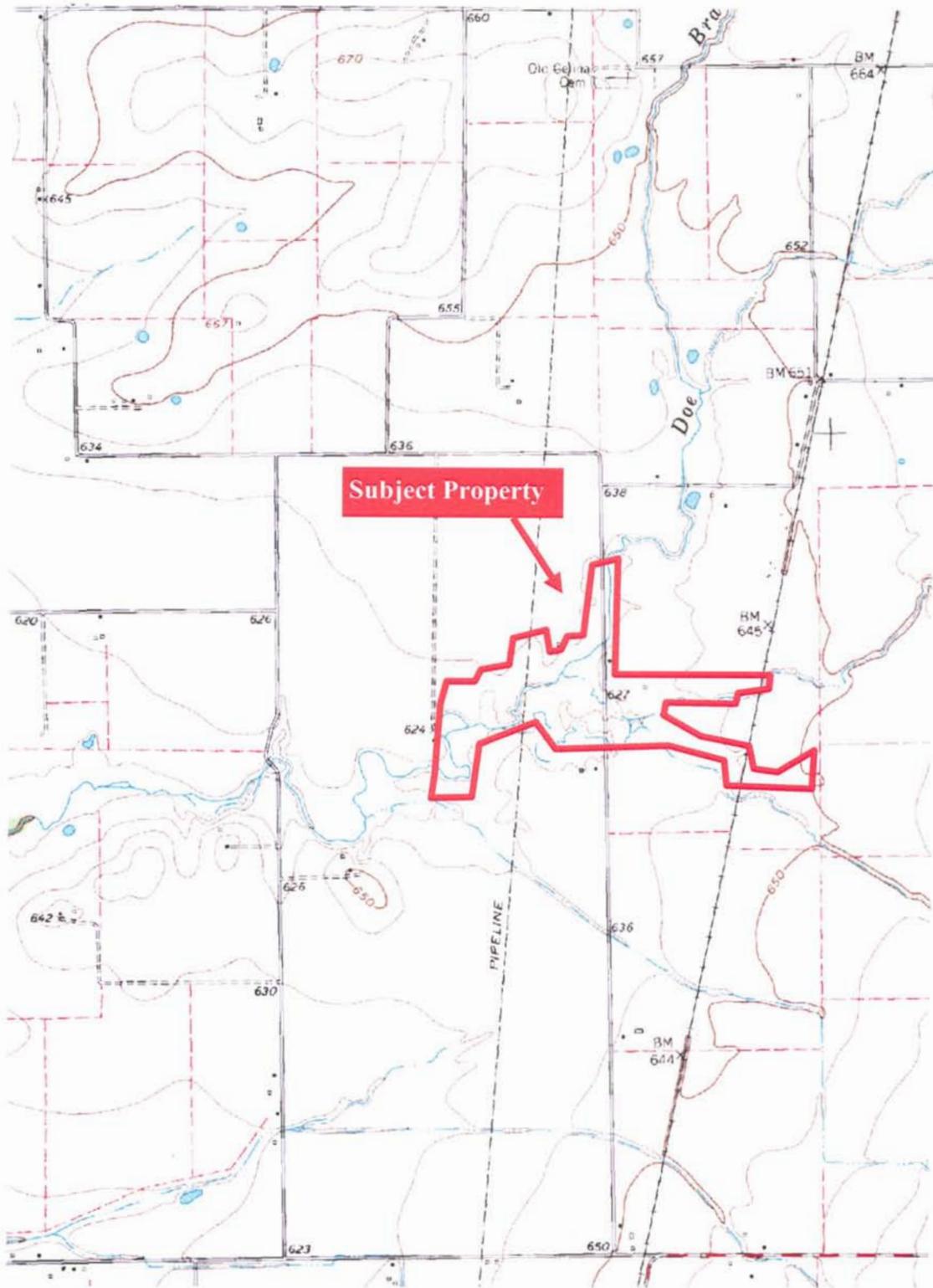
N.T.S.

LOCATION MAP

HUITT-ZOLLARS
 3131 McKinney Ave. Suite 600
 Dallas, TX 75204-2489
 (214) 871-3311

COLLIN COUNTY PARK
 CELINA,
 COLLIN COUNTY, TEXAS

Job No. 01-3905-15
 MAY 2009
 Sheet 1 of 4



USGS 7.5 MINUTE QUADRANGLE MAP CELINA, TX

HUITT-ZOLIARS

3131 McKinney Ave. Suite 600
 Dallas, TX 75204-2489
 (214) 871-3311

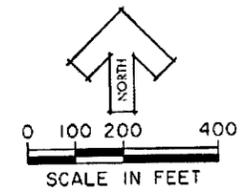
COLLIN COUNTY PARK
 CELINA,
 COLLIN COUNTY, TEXAS

Job No. 01-3905-15

MAY 2009

Sheet 2 of 4

SWF-2009-00268



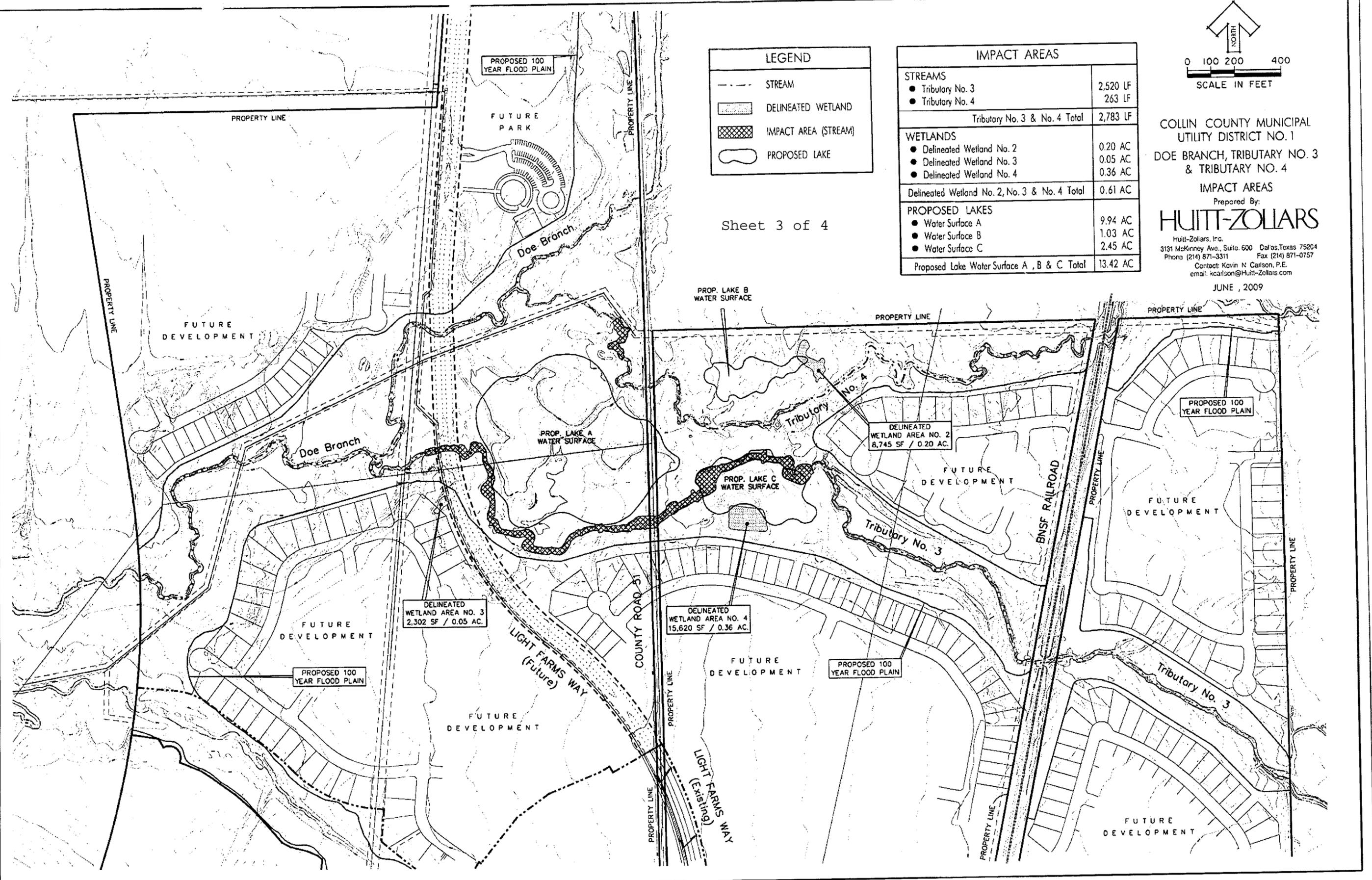
COLLIN COUNTY MUNICIPAL
UTILITY DISTRICT NO. 1
DOE BRANCH, TRIBUTARY NO. 3
& TRIBUTARY NO. 4

IMPACT AREAS
Prepared By:
HUITT-ZOLLARS
Huitt-Zollars, Inc.
3131 McKinney Ave., Suite 600 Dallas, Texas 75204
Phone (214) 671-3311 Fax (214) 671-0757
Contact: Kevin N. Carlson, P.E.
email: kcarlson@Huitt-Zollars.com
JUNE, 2009

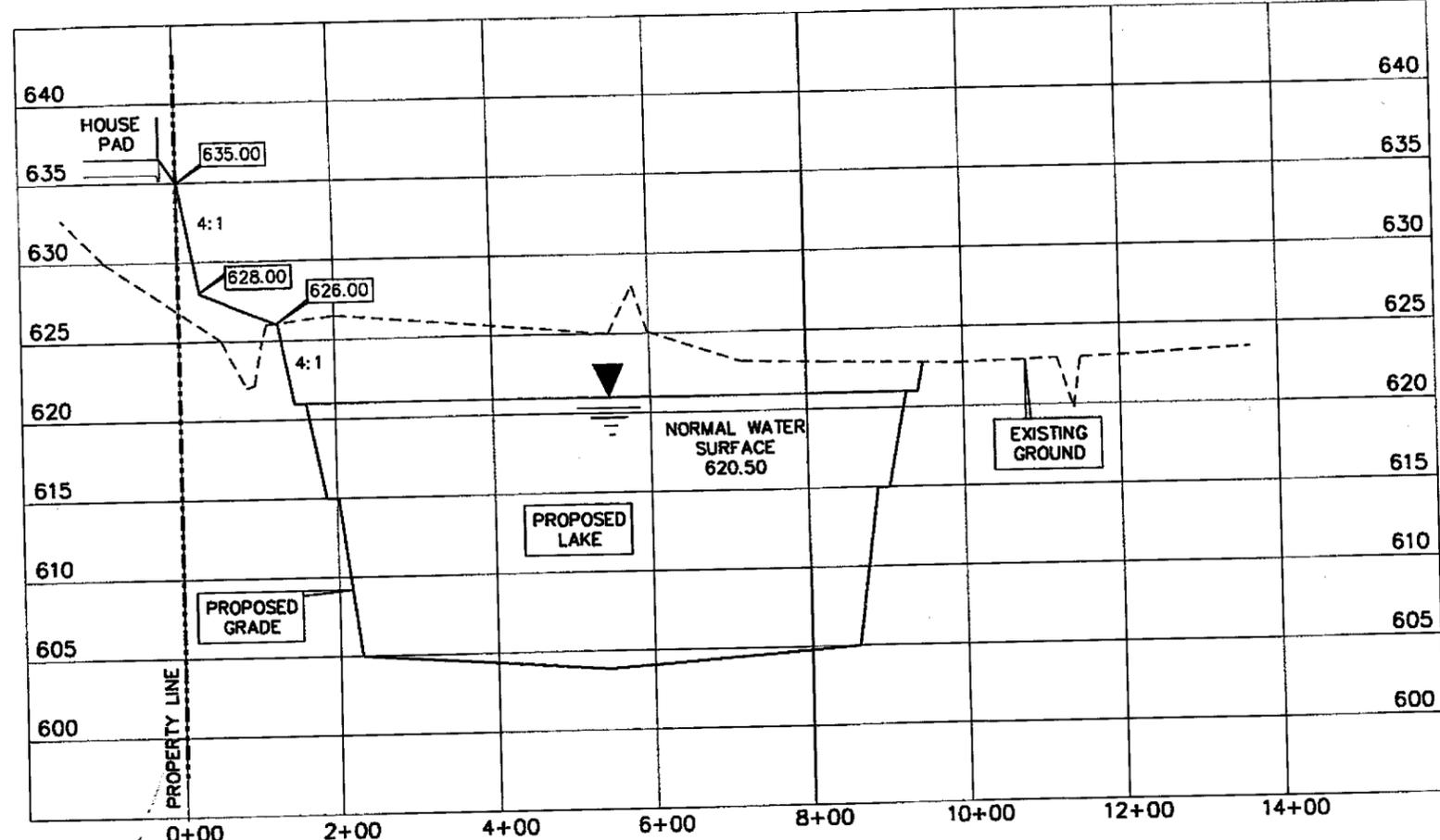
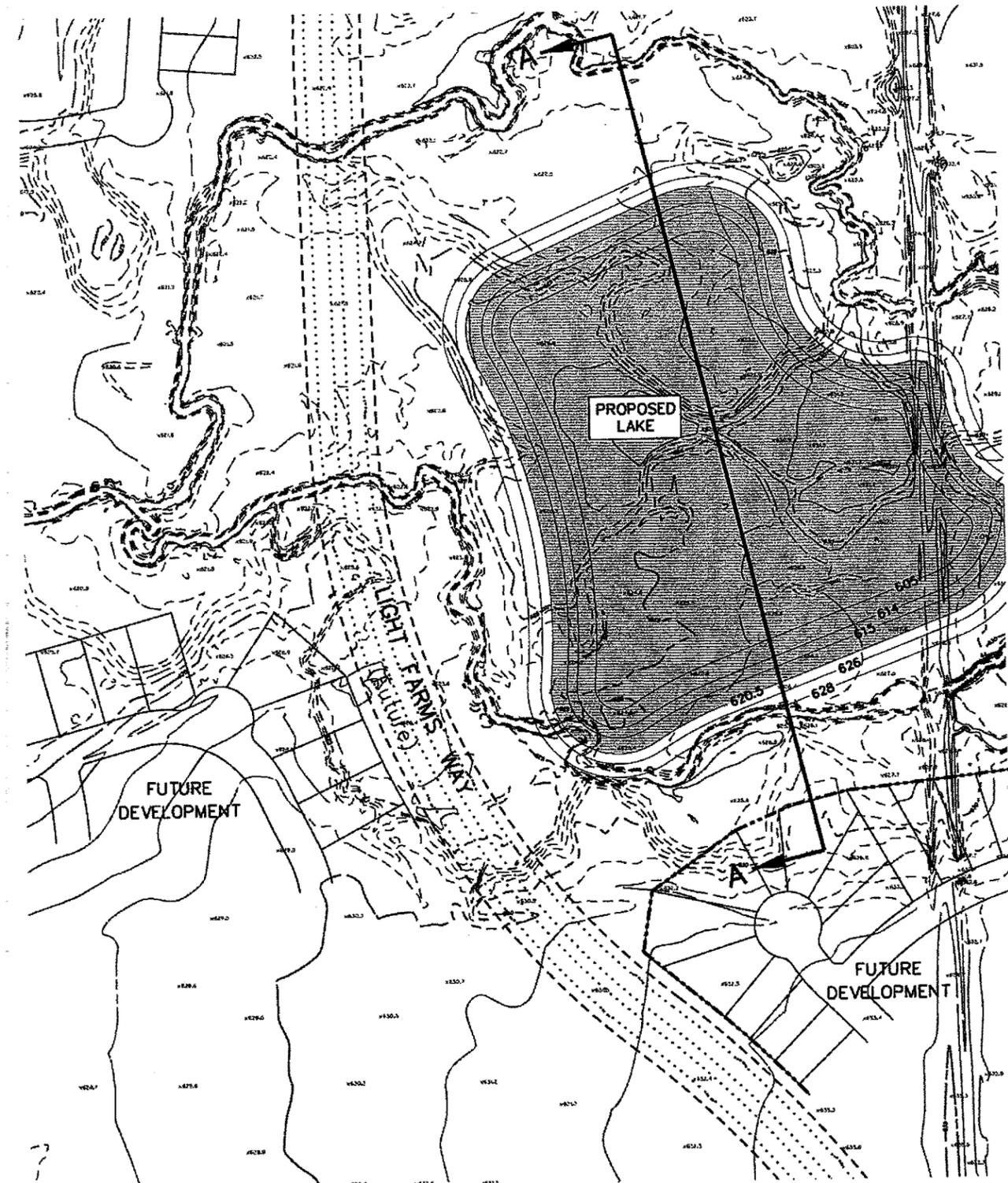
IMPACT AREAS	
STREAMS	
● Tributary No. 3	2,520 LF
● Tributary No. 4	263 LF
Tributary No. 3 & No. 4 Total	
2,783 LF	
WETLANDS	
● Delineated Wetland No. 2	0.20 AC
● Delineated Wetland No. 3	0.05 AC
● Delineated Wetland No. 4	0.36 AC
Delineated Wetland No. 2, No. 3 & No. 4 Total	
0.61 AC	
PROPOSED LAKES	
● Water Surface A	9.94 AC
● Water Surface B	1.03 AC
● Water Surface C	2.45 AC
Proposed Lake Water Surface A, B & C Total	
13.42 AC	

LEGEND	
---	STREAM
[Stippled Box]	DELINEATED WETLAND
[Cross-hatched Box]	IMPACT AREA (STREAM)
[Oval]	PROPOSED LAKE

Sheet 3 of 4

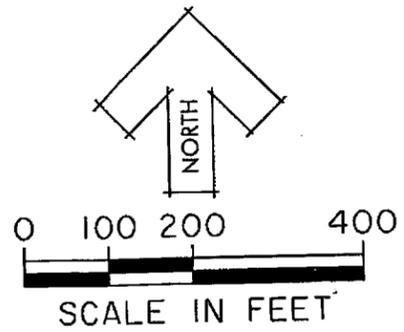


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SECTION A - A

Sheet 4 of 4



PROPOSED LAKE SECTION

Owner/Developer
**Forestar/RPG
 Land Company, LLC**

Mark Wagner
 8401 North Central Expressway
 Suite 350 Dallas, TX 75225
 Phone 214-292-3410 Fax 214-292-3411

Prepared By:

HUITT-ZOLLARS

3131 McKinney Ave., Suite. 600 Dallas, Texas 75204
 Phone (214) 871-3311 Fax (214) 871-0757
 Contact: Kevin N. Carlson, P.E.
 email: kcarlson@Huitt-Zollars.com

OCTOBER 14, 2009