



U.S. Army Corps
of Engineers
Tulsa District

Public Notice

Reply To:

U.S. Army Corps of Engineers
ATTN: Regulatory Office
1645 South 101st East Avenue
Tulsa, Oklahoma 74128-4609

SWT-0-14659
Public Notice No.

March 24, 2017
Public Notice Date

May 8, 2017
Expiration Date

**PUBLIC NOTICE
FOR NOTICE OF AVAILABILITY OF ENVIRONMENTAL IMPACT STATEMENT AND
SECTION 404 PERMIT APPLICATION SUBMITTED TO THE U.S. ARMY CORPS OF
ENGINEERS**

SUBJECT: Notice of application for a Department of the Army permit under Section 404 of the Clean Water Act; Notice of Availability (NOA) of a Revised Draft Environmental Impact Statement (RDEIS) for the proposed Lower Bois d'Arc Creek Reservoir (LBCR) project, Fannin County, Texas. The U.S. Army Corps of Engineers, Tulsa District, is evaluating a permit application for the construction of a 10,400-foot long earthen dam that is expected to inundate 16,641 acres along Bois d'Arc Creek. This notice is to inform interested parties of the publishing of the RDEIS to solicit comments on the proposed activities.

RDEIS: The Corps has prepared a RDEIS pursuant to the National Environmental Policy Act (NEPA) of 1969, to analyze the direct, indirect, and cumulative effects associated with the proposal. The purpose of the RDEIS is to provide decision-makers and the public with information pertaining to the Proposed Action and alternatives, and to disclose environmental impacts and identify mitigation measures to reduce impacts. The RDEIS was prepared in accordance with the NEPA, as amended, and the Corps regulations for NEPA implementation (33 CFR parts 230 and 325, Appendices B and C). The Corps, Tulsa District, Regulatory Office is the lead federal agency responsible for the RDEIS and information contained in it will serve as the basis for a decision whether to issue a Section 404 permit. It also provides information for federal, state, and local agencies having jurisdictional responsibility for affected resources. The U.S. Environmental Protection Agency Region 6, U.S. Fish and Wildlife Service, U.S. Forest Service, and Texas Department of Parks and Wildlife participated as cooperating agencies in the formulation of the RDEIS.

Copies of the RDEIS are available for review at the following locations:

- Bonham Public Library, 305 East 5th Street, Bonham, TX 75418
- Sam Rayburn Library, 800 West Sam Rayburn Drive, Bonham, TX 75418
- Bertha Voyer Memorial Library, 500 6th Street, Honey Grove, TX 75446
- Leonard Public Library, 102 South Main Street, Leonard, TX 75452

- North Texas Municipal Water District headquarters, 505 East Brown Street, Wylie, TX 75098
- U.S. Army Corps of Engineers, Tulsa District, Regulatory Office, 1645 South 101st East Avenue, Tulsa, OK 74128-4609

Electronic copies of the Draft EIS may be obtained from the Tulsa Regulatory Office or its website at <http://www.swt.usace.army.mil/Missions/Regulatory/Public-Notices/Year/2017/>.

PERMIT APPLICATION: Under its Regulatory Program, the Corps will complete a decision for a Department of the Army permit application for the discharge of dredged and/or fill material for the proposed project following the completion of the Final EIS and Record of Decision.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged and/or fill material in waters of the United States.

APPLICANT: North Texas Municipal Water District (NTMWD), 505 East Brown Street, Wylie, TX 75098.

LOCATION: The proposed project is located in Fannin County, Texas. The proposed LBCR dam site is located approximately 15 miles northeast of Bonham, Texas, at Latitude 33.712109, Longitude -95.971286.

PROJECT DESCRIPTION: The applicant is requesting authorization to excavate and place fill material into Bois d'Arc Creek, a tributary of the Red River. The applicant proposes to construct the dam for the LBCR, which would allow the storage of about 367,609 acre-feet of water. The proposed reservoir would inundate several roads crossing Bois d'Arc Creek within the reservoir's footprint. The realignment of FM 1396 and the construction of a new bridge over the reservoir would occur concurrently with dam construction and prior to impoundment of water within the reservoir. Also, associated with the LBCR would be a raw water intake pump station and electrical substation at the reservoir site, as well as a 90-to 96-inch diameter buried pipeline to transport raw water from the new reservoir approximately 35 miles in a southwesterly direction to a new water treatment plant (WTP) and terminal storage reservoir (TSR) that would be located west of the City of Leonard, also in Fannin County. Construction of the dam, reservoir, and related project components (road relocation, bridge construction, WTP, TSR, etc.) would take several years in all.

Construction of the reservoir and related facilities would result in direct, permanent impacts to approximately 5,874 acres of wetlands and 651,140 linear feet of streams. Approximately 4,602 acres of forested wetland would be impacted, 1,223 acres of emergent wetland, 49 acres of shrub wetland, and 78 acres of open waters.

At its full conservation elevation of 534 feet mean sea level (msl), the reservoir is expected to cover 16,641 acres and be approximately 70 feet deep at its deepest point. The dam would be constructed as a zoned earthen embankment; approximately 10,400 feet long and would have a maximum height of about 90 feet. The top elevation of the embankment would be 553.5 feet msl. The upstream slope of the embankment would be 3 horizontal to 1 vertical (3:1), and the downstream side slightly less inclined at a slope of 3.5:1. All fill for the embankment is expected to come from required excavations of the spillways and from the reservoir pool area. Soil cement

would be placed on the upstream slope and a grass cover would be placed on the downstream slope.

Selected trees and shrubs would be cleared from the LBCR footprint prior to impoundment of water behind the dam. A majority of the standing woody material, including dead and living trees and shrubs 5 feet tall or taller, as well as fallen trees 5 feet or more in length with a diameter of 6 inches or greater, would be cleared and removed or pushed in wind rows and left as underwater fish habitat.

NTMWD would also construct raw water transmission facilities. These facilities would be part of an overall system of raw water storage, transmission, treatment, and treated water transmission facilities that would ultimately provide water to the growing northern areas of the NTMWDs service area. These proposed facilities include a raw water intake pump station and electrical substation at the reservoir site and approximately 35 miles of 90-to 96- inch diameter raw water pipeline.

The proposed raw water pipeline would generally run from just downstream of the proposed LBCR dam site in a southwesterly direction to just west of Leonard. The proposed pipeline would have a permanent easement width of 50 feet and a temporary easement width of 70 feet. Construction of the proposed pipeline would take place primarily with open-trench construction methods. However, three larger stream crossings (Ward, Honey Grove, and Bullard Creeks) would be tunneled. Once the pipeline is in place, all pre-construction contours would be restored, exposed slopes and streambanks would be stabilized, and disturbed areas would be revegetated.

The TSR is proposed for construction just west of the City of Leonard on an upland site. The TSR site would consist of a north cell and a south cell, with grading limits of approximately 153.5 acres. Both cells would hold approximately 210 million gallons of water, thus providing a total of approximately 2 days of storage during peak water demand periods. The TSR site would be designed in such a way that it can be drained and the flow directed into the Red River Basin.

Raw water transported from the proposed reservoir would be treated at a proposed WTP close to the TSR. The final WTP layout and processes would not be determined until the design phase of the LBCR project. The new WTP would likely be a conventional, modular arrangement treatment facility, similar to the existing WTP IV in Wylie, but with the addition of ozonation facilities.

PROJECT PURPOSE AND NEED: Defining the purpose of a project is crucial to enabling the Corps to evaluate the project's compliance with the Section 404(b)(1) Guidelines. The Corps must define both the basic project purpose and the overall project purpose. Defining the basic project purpose enables the Corps to determine whether the activity is water-dependent and may affect a special aquatic site as described in 40 CFR 230.10(a)(3):

“Where the activity associated with a discharge which is proposed for a special aquatic site [such as a wetland] does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not “water dependent”), practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. In addition, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic

site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.”

The overall project purpose, which is more specific than the basic project purpose, is used to identify and assess practicable alternatives. According to 40 CFR 230.10(a)(2):

“An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered.”

BASIC PROJECT PURPOSE: The Corps is responsible for defining the basic purpose of the proposed project. As described above, under the guidelines governing the Corps evaluation of a Section 404 permit application, the basic purpose must be identified to determine if the proposed project in question is “water dependent” and requires access or proximity to or siting within a special aquatic site such as wetlands in order to fulfill its basic purpose. The Corps has determined that the basic project purpose in the present case is to develop an additional, reliable water supply for the applicant (NTMWD) and its member cities and customers. Access or proximity to or siting within special aquatic sites is not required to fulfill the basic project purpose in this case; therefore, the basic purpose is not water dependent.

OVERALL PROJECT PURPOSE: The Corps uses the overall project purpose to assess less environmentally damaging practicable alternatives. The 404(b)(1) Guidelines state that an alternative is practicable if it is available and capable of being accomplished “after taking into consideration cost, existing technology, and logistics in light of overall project purposes” (40 CFR 230.10(a)(2)). This evaluation applies to all waters of the United States, not just special aquatic sites such as wetlands.

The Corps considers the overall purpose of NTMWD’s Proposed Action to be developing an additional and reliable water supply of at least 105,804 acre-feet per year (AFY) by 2025, including under drought and other reduced-availability situations, and to provide for an ample share of its projected long-term water needs through 2060. The gap between NTMWD’s existing water supplies and projected demand is expected to widen considerably beginning in about 2020. By 2025, the supply deficit will be more than 58,000 AFY (a need of more than 105,000 AFY if a required reserve supply is included), as shown in Table 1-2 below. By 2030, the supply deficit is predicted to be greater than 106,000 AFY, for a net water need of 157,000 AFY with the reserve supply included.

MITIGATION: An aquatic resources mitigation plan has been prepared by the applicant to comply with the federal policy of “no overall net loss of wetlands” and to provide compensatory mitigation, to the extent practicable, for impacts to other waters of the United States that would be impacted by construction of the proposed reservoir. NTMWD has purchased a 14,960-acre parcel of land known as the Riverby Ranch, which borders the Red River. This working ranch is located downstream of the proposed project within both the same watershed (Bois d’Arc Creek) and the same county (Fannin). NTMWD acquired the Riverby Ranch specifically because its biophysical features have the potential to provide appropriate mitigation for the proposed project. Additional mitigation is proposed within a 1,900-acre upstream site and within the proposed

reservoir itself. Though not part of the proposed mitigation plan, Bois d'Arc Creek downstream of the reservoir will receive environmental flow releases as a result of an operations plan and flow regime established in consultation with the Texas Commission on Environmental Quality (TCEQ), and stipulated in the Water Right Permit issued by TCEQ to NTMWD.

ENDANGERED SPECIES: No Biological Assessment has been prepared because no Federally threatened or endangered species would be affected by the proposed action, as explained in Section 4.7.1.4 of the RDEIS.

HISTORIC PROPERTIES: In compliance with the National Historic Preservation Act of 1966, as amended, the Corps has determined that the described project will have an adverse effect on historic properties (36 CFR 800.3(a)(1)). The Corps entered into a Programmatic Agreement (PA) with the Caddo Nation of Oklahoma, Texas SHPO (Texas Historical Commission), and NTMWD. The PA sets forth how cultural resources will be addressed and mitigated.

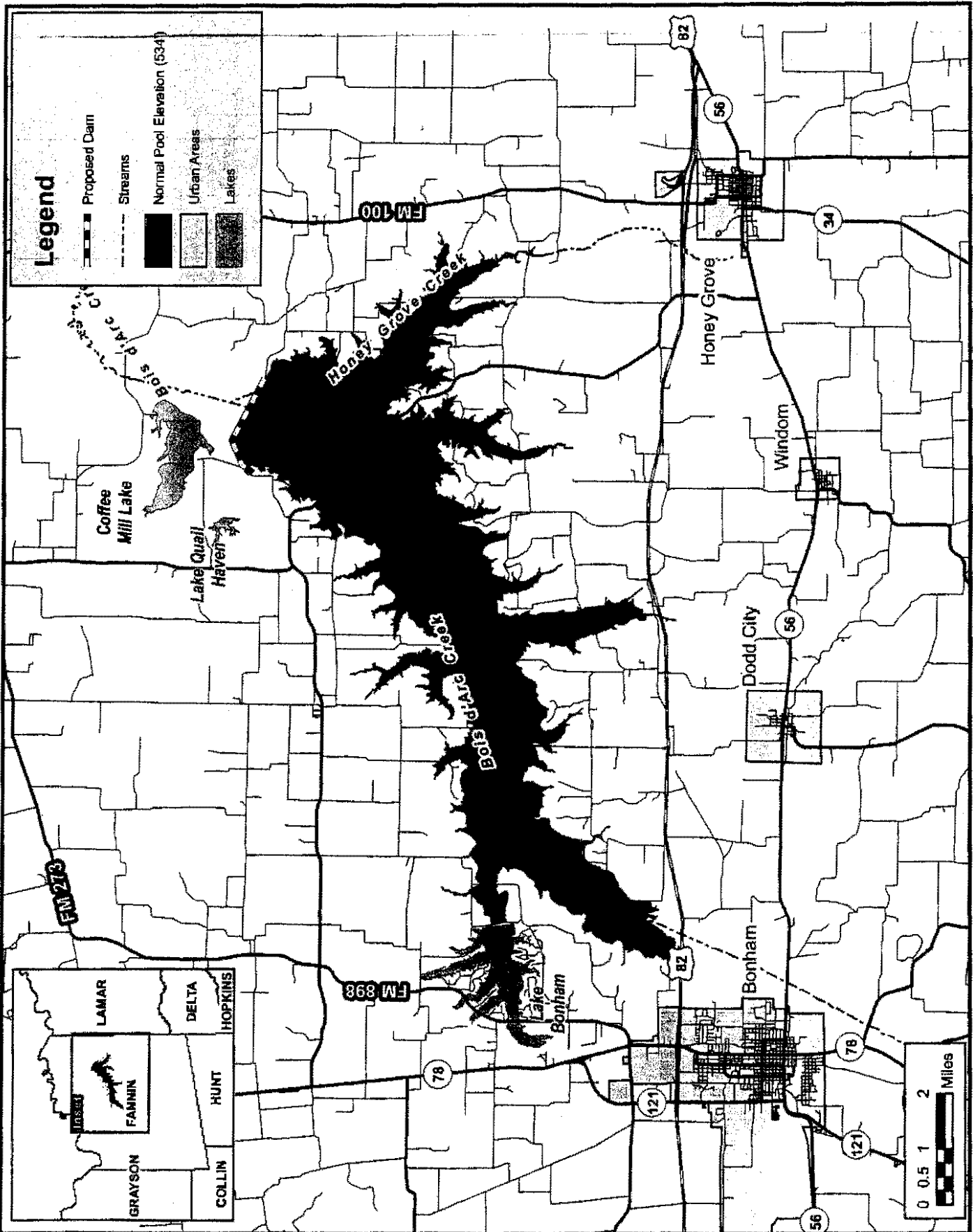
EVALUATION FACTORS: The Corps is soliciting written comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to identify, consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps prior to preparation of the Final EIS and ultimately will inform the decision whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and general environmental effects.

SUBMITTING COMMENTS: Written comments on the RDEIS must be submitted to the office listed below on or before May 8, 2017.

Mr. Andrew Commer
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Andrew R. Commer
Chief, Regulatory Office

Enclosures



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North Texas Municipal Water District
Proposed Lower Bois d'Arc Creek Reservoir

General Location Map

PROJECT NO	NTD06128
FILE	Figure1.mxd
DATE	April 2008
SCALE	1:150,000
DESIGNED	MPV
DRAFTED	BME

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FIGURE