



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

Public Notice

Applicant: CTA, LLC

Permit Application No.: SWF-2010-00506

Date: March 25, 2011

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 CTA, LLC proposal to construct the Central Texas Airport near Elgin, Bastrop County, Texas.

APPLICANT: CTA, LLC
c/o Lauren Dill
ACI Consulting
1001 Mopac Circle
Austin, Texas 78746

APPLICATION NUMBER: SWF-2010-00506

DATE ISSUED: March 25, 2011

LOCATION: The proposed Central Texas Airport (CTA) project would be constructed between the intersection of Farm-to-Market Road (FM) 969 and FM 1704 and the Colorado River, Elgin, Bastrop County, Texas, 78621. (Figures 1 through 3 of 6). The proposed airport project is located on the Uteley Texas, United States Geological Survey (USGS) 7.5-minute topographic map. The project area is centered at approximately 30.19869° N latitude; -97.45231° W longitude. Hydrologic Unit 12090301.

OTHER AGENCY AUTHORIZATIONS: Section 401 State Water Quality Certification.

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 46,000 cubic yards of dredged and fill material into approximately 9.42 acres of water of the U.S., including 5,390 linear feet of ephemeral stream, associated with the construction of the CTA located between the intersection of Farm-to-Market Road (FM) 969 and FM 1704 and the Colorado River, Elgin, Bastrop County, Texas, approximately two miles east of Webberville, Texas (Figures 1 through 3 of 6).

The CTA would be a privately funded, general aviation reliever airport for the greater Austin area. This area has a growing need for a general aviation airport, which is not fulfilled by the Austin Bergstrom International Airport, which serves commercial passengers and air cargo businesses. The

applicant's proposed plan offers a feasible design solution which would provide a general aviation reliever airport to the greater Austin area, thus fulfilling the purpose and need of the project.

The operation of the CTA would be for purposes other than regularly scheduled commercial passenger and air cargo services, including personal and business aviation. The applicant stated that the closing of both the Robert Mueller Municipal and Austin Executive Airports in 1999 resulted in the displacement of over 400 general aviation aircraft, along with virtually all associated maintenance, repair, and support businesses, creating the operational need for a general aviation reliever airport in the Austin metropolitan region. The applicant believes the CTA would fill Austin's void in general aviation support by providing facilities needed for the growing aviation demand created over the past 11 years.

The site topography is moderately sloping and ranges from approximately 400 to 450 feet above mean sea level (MSL) (Figure 3 of 6). The CTA project is bounded to the south by approximately 3,300 linear feet of the Colorado River. The Colorado River, in this location, is a navigable water under Section 10 of the Rivers and Harbors Act of 1899. Two ephemeral streams and one pond, located on site, flow to the Colorado River. These streams have an ordinary high water mark (OHWM) for approximately 5,390 feet (averaging approximately 7 feet wide) within the project area. Upstream from the fence line dividing the eastern third of the property, the stream takes on the characteristics of a grass-lined swale for a distance of approximately 2,822 feet due to the construction of the upstream pond and previous ranching activities (atypical situation). The pond is a series of three in-line ponds which are within the 100-year floodplain of the Colorado River. The pond is approximately 8.55 acres and functions as an on-channel stock tank (Figure 2 of 6).

The project lies within the Crops and Post Oak Woods/Forest designation, as noted on the Texas Parks and Wildlife "Vegetation Types of Texas" map (McMahan et al. 1984). Crop areas generally include cultivated cover crops or row crops used for the purpose of producing food and/or fiber for either man or domestic animals. Post Oak Woods/Forest areas are generally located in sandy soils within the Post Oak Savannah.

Dominant woody vegetation observed within the subject area includes: pecan (*Carya illinoensis*), cedar elm (*Ulmus crassifolia*), post oak (*Quercus stellata*), burr oak (*Quercus macrocarpa*), mesquite (*Prosopis glandulosa*) saw greenbriar (*Smilax bona-nox*), mustang grape (*Vitis mustangensis*), and rattlebush (*Sesbania drummondii*). The tree layer within the subject area has a height range of 15 to 40 feet and a canopy cover range of 30 to 70 percent. Dominant herbaceous vegetation observed within the subject area includes: Texas prickly pear (*Opuntia* spp.), pencil cactus (*Opuntia leptocaulis*), annual sumpweed (*Iva annua*), broomweed (*Gutierrezia dracunculoides*), giant ragweed (*Ambrosia trifida*), and coastal Bermuda grass (*Cynodon dactylon*).

According to the Bastrop County Soil Survey, fourteen soil types are reported as occurring on the subject property: Axtell-Tabor complex, 1 to 8 percent slopes (AtD); Bosque loam (Bo); Crockett soils, 2 to 5 percent slopes, eroded (CsC2); Demona loamy fine sand, 1 to 5 percent slopes (DeC); Houston Black clay, 0 to 1 percent slopes (HoA); Krum silty clay, 0 to 1 percent slopes (KrA);

Lincoln soils (Ls); Mabank loam, 0 to 1 percent slopes (MaA) and 1 to 3 percent slopes (MaB); Norwood silty clay loam (No); Shep clay loam, 3 to 8 percent slopes, eroded (SeD2); Ships silty clay (Sg); Smithville fine sandy loam (Sm); Vernia complex, 1 to 8 percent slopes (VeD); and Wilson clay loam, 1 to 3 percent slopes (WsB).

A total of approximately 9.42 acres of waters of the U.S., including 5,390 linear feet (0.87 acre) of ephemeral stream and 8.55 acres of an on-channel pond, are present within the project site. Construction of the proposed project would result in the discharge of approximately 46,000 cubic yards of dredged and fill material into waters of the U.S. The applicant proposes to fill the 8.55 acre pond and 5,390 linear feet (0.866 acre) of ephemeral stream that would be permanently adversely affected by the placement of concrete box culverts into the stream with an airport runway overlay and a stormwater detention pond within the project area (Figures 4 through 6 of 6).

ALTERNATIVES: The applicant considered various alternatives, including the No-Build Alternative, during the proposed project evaluation process. The proposed project was selected by the applicant after consideration of social, environmental, and engineering factors.

The applicant's proposed plan for the CTA would consist of: A 7,200-foot long by 100-foot wide airport runway; A 7,200-foot long by 50-foot wide taxiway; Seven 10-foot by 5-foot by 3,330-foot long reinforced concrete box culverts to convey storm water runoff; 26-acre storm water detention pond; Onsite storm water collection facilities; An entrance road along the west boundary of the site approximately 9,000 feet long; Thoroughfare roadway traversing the eastern property approximately 9,000 feet long; Onsite wet and dry facilities; and Phased construction of approximately 4,440,000 square feet of airport hangers, airport support buildings, and office buildings (Figure 5 and 6 of 6).

In order to construct the airport facilities entirely outside of the floodplain, a portion of the floodplain would need to be filled. After construction, culverts and open channels would drain the property and flow to a proposed 26-acre detention pond, which would mitigate the flow generated by the Airport development and reduce peak flows to predevelopment levels prior to releasing the flow into the existing tributary downstream of the Airport property.

The applicant's proposed plan has been designed to maintain pre-development flows on the project area, and the proposed culverts/open channel system and detention pond have been designed to handle the 100-year event. When compared to the existing stock pond and tributaries within the project area, the proposed detention pond and culvert system would incorporate a naturalized channel design, to include plantings, which would result in aquatic resource benefits.

Under a second alternative, the applicant investigated the use of an open bottom box culvert system which would span the drainages, including the pond, at a height that water would flow through. This alternative would result in lower impact to waters of the U.S. However, this alternative is not feasible because of the engineering feasibility, cost, and maintenance involved with building a structure which would span the drainages and pond. In addition, this alternative would require continuous maintenance of the structures to ensure uninterrupted operation. This alternative

introduces a more complex system into the proposed project, which could result in opportunities for system breakdowns and associated costs. Accordingly, this alternative was rejected by the applicant.

Under a third alternative, the applicant discussed the option of engineering and constructing a traditional, concrete-lined detention pond that would draw down within 24 to 48 hours following storm events. This concrete-lined detention pond and concrete reinforced rip rap would typically remain in a dry condition. Regular required maintenance would include removal of infilling and vegetation within the concrete detention pond. Based on the lack of long-term or permanent water and the regular maintenance, the concrete-lined pond would provide little, if any, environmental value. The concrete-lined detention pond would have greater impacts to water of the U.S. by filling the streams with concrete and rip-rap, as opposed to inundation under the applicant's proposed plans. Additionally, the concrete-lined detention pond would be cost prohibitive in comparison to the applicant's proposed plans. For these reasons, this alternative was rejected by the applicant.

The No-action Alternative would consist of not constructing the CTA and, therefore, no impacts to jurisdictional waters would occur. The CTA would not be built as a general aviation reliever airport to the Austin Bergstrom International Airport. Presently, the general aviation needs of the Austin region are substantially underserved, as Austin Bergstrom International Airport is not designed or equipped to service the region's general aviation needs. The purpose and need for the proposed construction of the CTA would not be met by the No-action Alternative. The No-action Alternative would not satisfy the project needs.

MITIGATION: The applicant proposes permittee-responsible compensatory mitigation for unavoidable adverse impacts to waters of the U.S., through the creation of 17.2 acres of forested riparian corridor along 3,484 linear feet of the Colorado River and 4,000 linear feet of an oxbow of the Colorado River. A 26-acre pond with permanent open water and a vegetated bench within a water detention area would provide open water functions.

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 stream (or a combination of the two is above the threshold), 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 CWA, 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 the person 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 Bastrop County where three listed endangered species are known to occur or may occur as migrants. These three species include the Houston toad (*Bufo houstonensis*), Whooping crane (*Grus americana*), and Navasota ladies'-tresses (*Spiranthes parksii*). 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 proposed CTA development was surveyed for the presence of historic and prehistoric sites. Prior to the survey there were no sites eligible, or potentially eligible, for listing in the National Register of Historic Places recorded on the property. The cultural resources work included pedestrian survey, shovel-testing, and backhoe

trenching. There were no sites of any age located in the permit area. There is a negligible chance of unidentified sites being encountered during construction.

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.

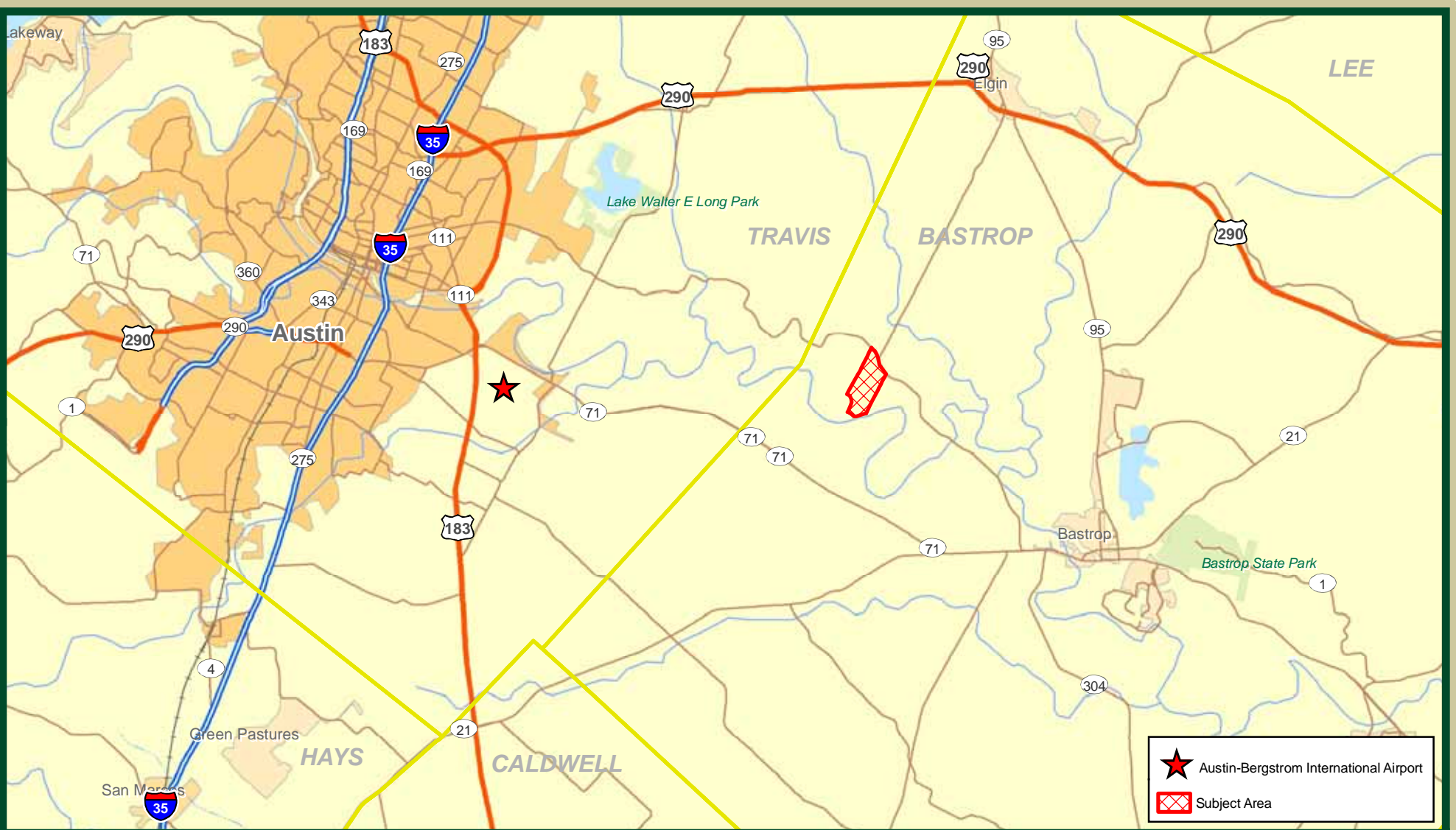
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If 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 April 24, 2011, 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

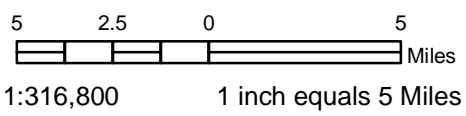
Central Texas Airport

Figure 1: Vicinity Map



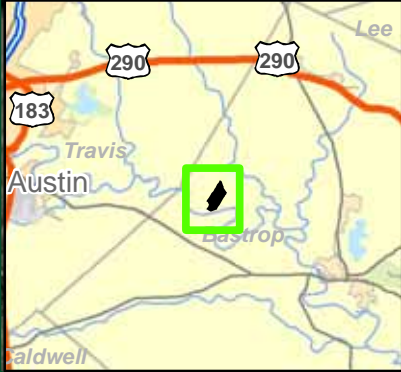
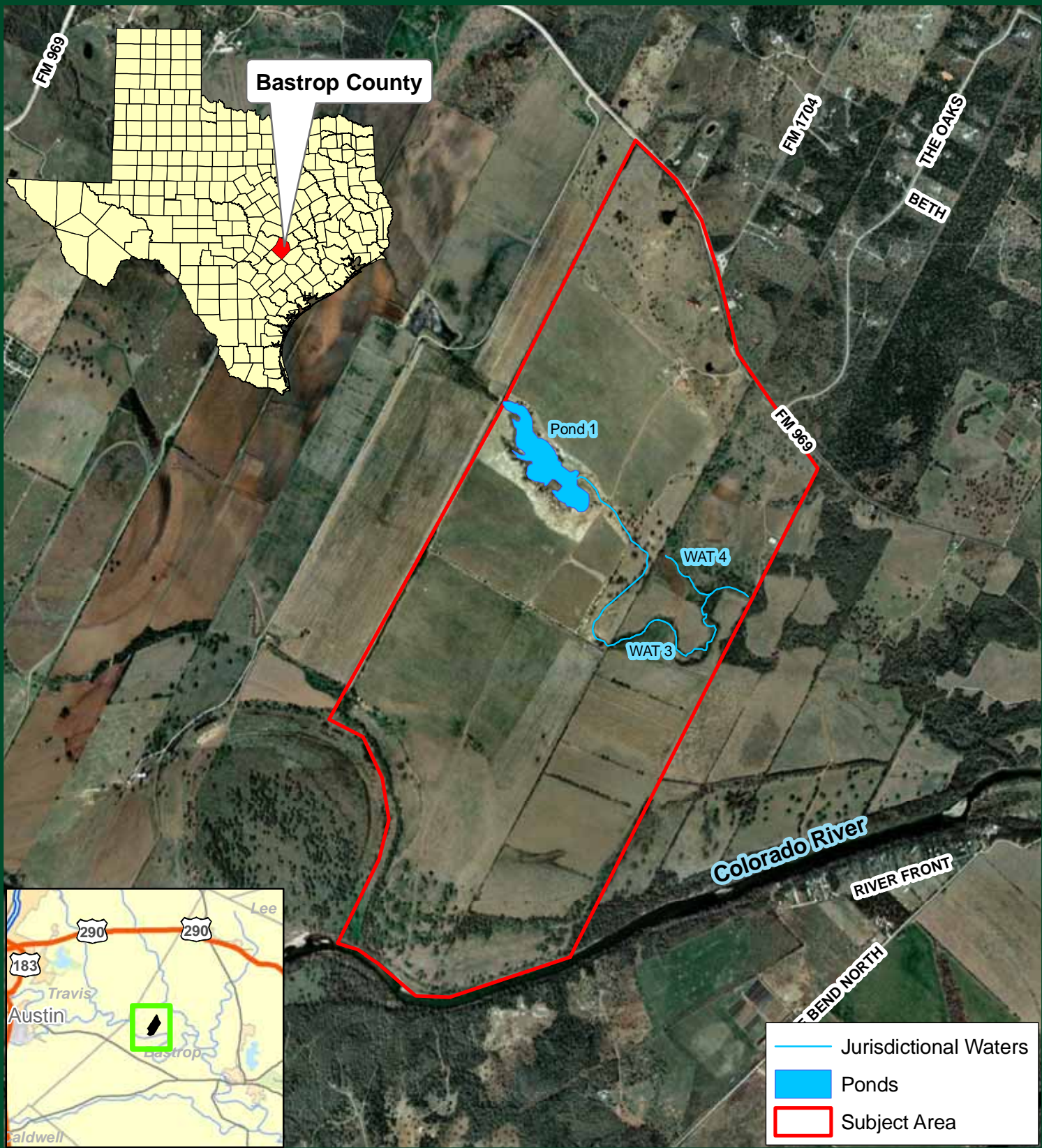
★ Austin-Bergstrom International Airport
▨ Subject Area

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.



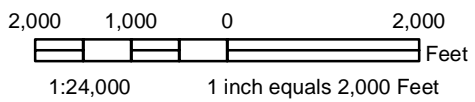
Central Texas Airport

Figure 2: Subject Area



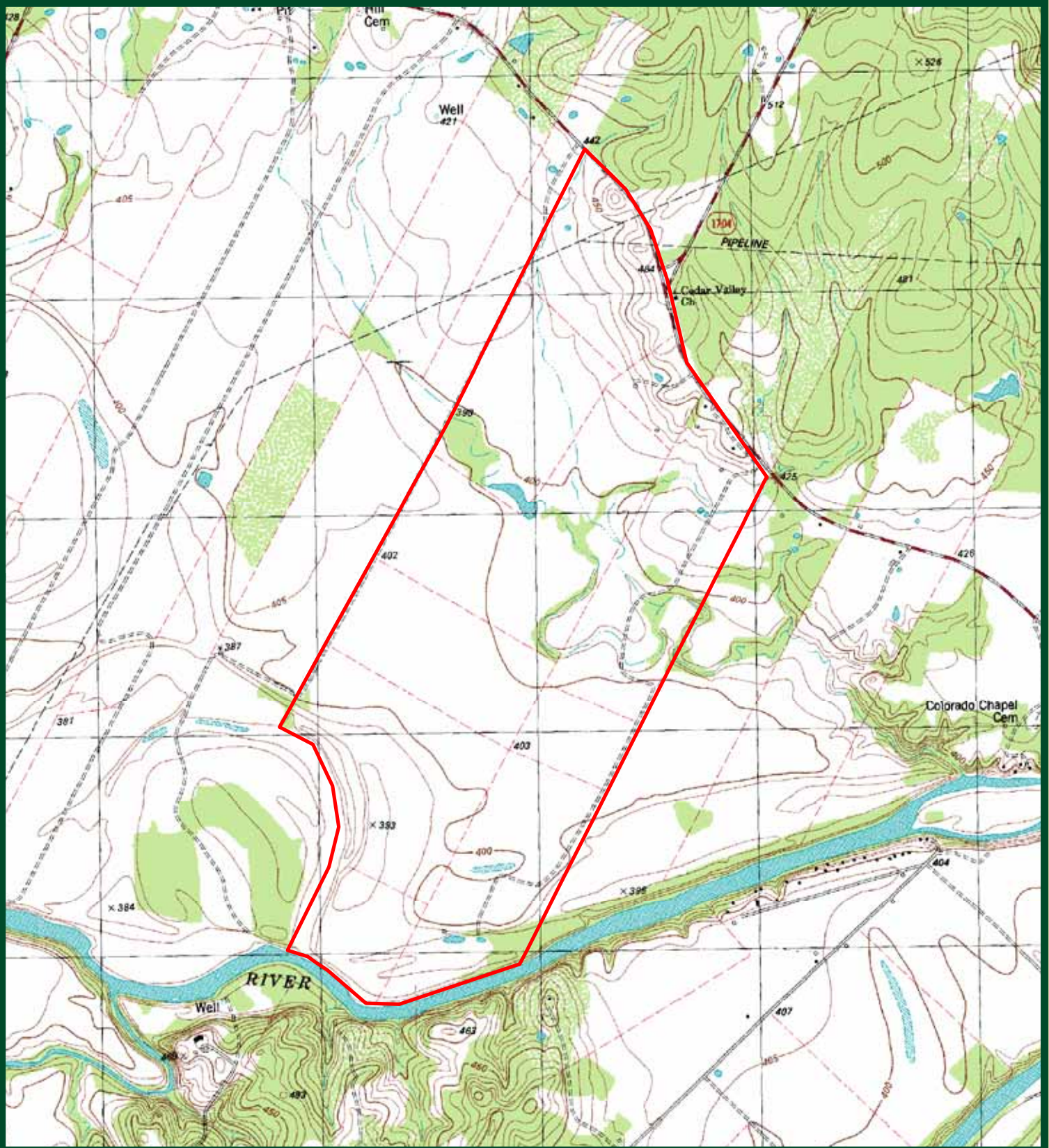
- Jurisdictional Waters
- Ponds
- Subject Area

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PN issued 25 Mar 2011

Central Texas Airport Figure 3: Topography



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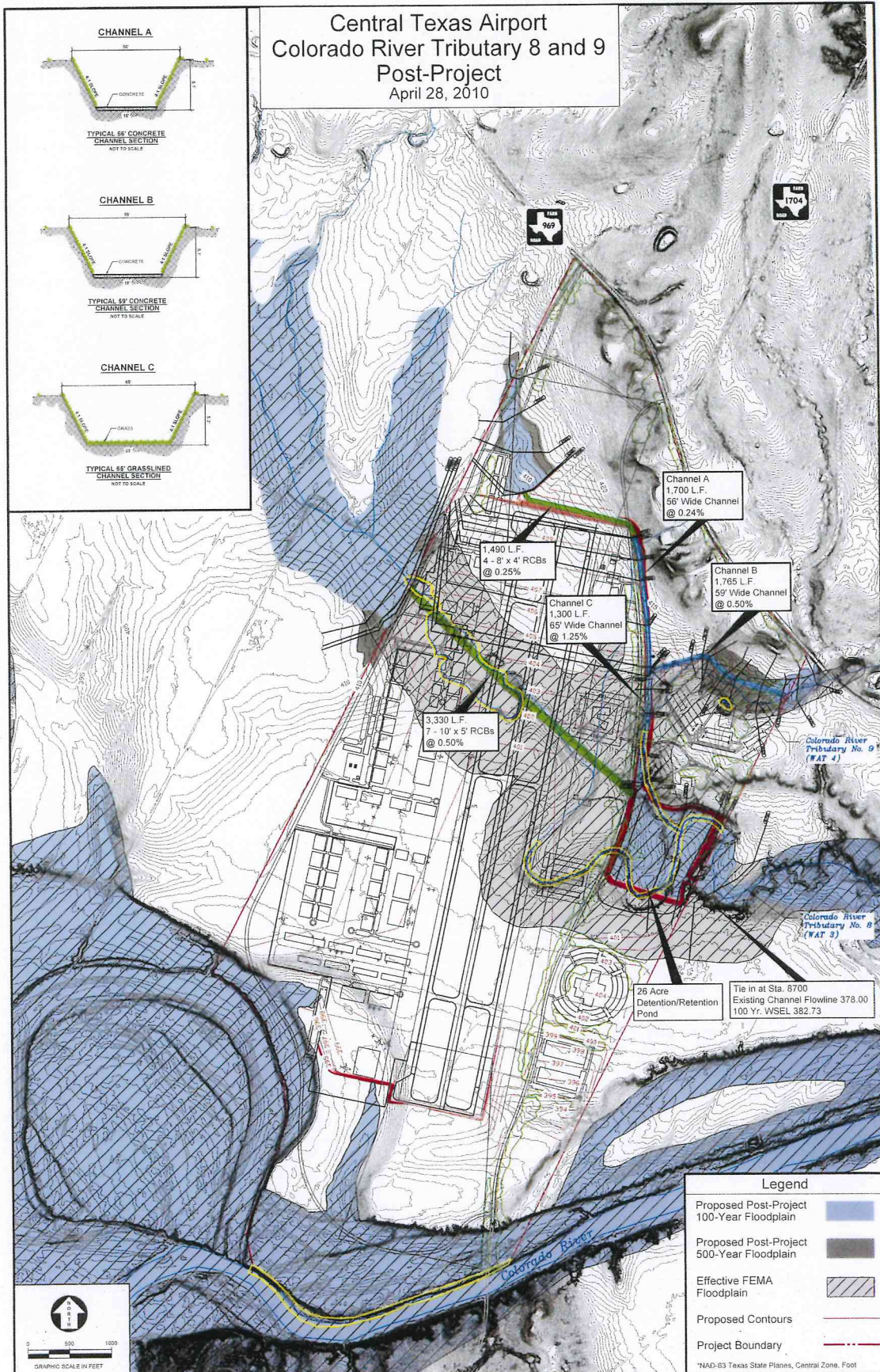
Central Texas Airport

Figure 4 - Plan View

Central Texas Airport
Central Texas Airport, LLC

January 3, 2011
SWF 2010-506

Exhibit GI 2
Plan View



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Central Texas Airport
 Figure 6 - Phasing Detail

