

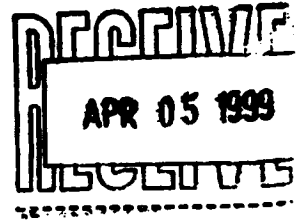
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REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
FORT WORTH DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

March 31, 1999



Environmental Division  
Regulatory Branch

SUBJECT: Project Number 199800909

Ms. Patricia E. McCoy  
Manager, Environmental Group  
Carter & Burgess, Inc.  
901 South MoPac, Suite 200  
Austin, Texas 78746

Dear Ms. McCoy:

This is in reference to your correspondence of December 7, 1998, requesting a U.S. Army Corps of Engineers (USACE) jurisdictional determination for a 230-acre tract of land located near the intersection of U.S. Interstate Highway 35 and Farm-to-Market Road 1325 in Round Rock, Williamson County, Texas. Information that you provided to us included a report titled "Wetland Delineation Report, La Frontera, IH 35 and FM1325, Williamson County, Texas", dated November 30, 1998, prepared by Carter and Burgess, Inc., and a follow-up revision to that report. This project has been assigned Project Number 199800909. Please include this number in all future correspondence concerning this project. Failure to reference the project number may result in a delay.

We have reviewed the site in question in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under Section 404, the USACE regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States. We have determined that this site does not include navigable waters of the United States under Section 10.

Based on the report that you submitted, and other information available to us, it appears that waters of the United States under Section 404 do exist on the site. We concur with the preliminary determination of waters of the United States that is made in the above referenced report as revised by the site map submitted with your letter dated March 25, 1999, to Ms. Mary Flores, USACE. Department of the Army authorization would be required for the discharge of dredged or fill material into any areas identified as waters of the United States.

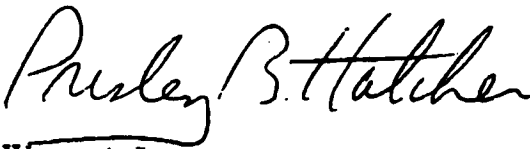
RECEIVED  
2/29/99

If you anticipate a discharge, please provide us with a detailed description of the proposed project, a suitable map of the proposed project area showing the location of proposed discharges, the type and amount of material (temporary or permanent), if any, to be discharged, and plan and cross-section views of the proposed project. Please refer to the enclosed guidance for Department of the Army submittals for additional details about what you should submit. Please note that it is unlawful to start work without a Department of the Army permit if one is required.

This jurisdictional determination is valid for a period of no more than five years from the date of this letter unless new information warrants revision of the delineation before the expiration date. It is incumbent upon the applicant to remain informed of changes in the Department of the Army regulations.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please contact Ms. Mary Flores at the address above or telephone (817)978-7547.

Sincerely,

  
for Wayne A. Lea  
Chief, Regulatory Branch

Enclosures

Copy Furnished:

Mr. Rollin MacRae  
Texas Parks and Wildlife Department  
4200 Smith School Road  
Austin, Texas 78744



Consultants in Planning, Engineering, Architecture,  
Construction Management, and Related Services

7 December 1998

U.S. Army Corps of Engineers  
Fort Worth District Office  
819 Taylor St.  
P.O. Box 17300  
Fort Worth, TX 76102-0300

ATTN: WAYNE LEA

C&B Job No. 98-5123-010

RE: Request for verification of wetland determination

Dear Mr. Lea:

Please find enclosed a wetland delineation report on a 230-acre property in Williamson County, Round Rock, Texas just north of Austin. I am submitting this report on behalf of 35/45 Investors, L.P. No wetlands were found on this ranch property, but approximately 400 feet of a channelized drainage qualifies as a water of the United States and is on the property.

We would like to have the wetland findings verified at your earliest convenience and we thank you in advance for your assistance.

Should you have any questions or comments concerning our request, please do not hesitate to call me at (512) 314-3100.

Very truly yours,

A handwritten signature in cursive script that reads 'Patricia McCoy'.

Patricia E. McCoy  
Manager Environmental Group

Enclosure

cc: Bill Smalling: 35/45 Investors, L.P.

# Carter - Burgess

Consultants in Planning, Engineering, Architecture,  
Construction Management, and Related Services

DEC 8 1998

17 November 1998

ATTN: Field Supervisor  
United States Fish and Wildlife Service  
10711 Burnet Road, Room 200  
Austin, TX 78758

**NO EFFECT FINDING**  
Based on our review of the project activity as proposed, it is not likely that federally listed species, or other important fish and wildlife resources will be impacted.

Date 12-3-98

Consultation # 2-15-99-7-0080

Approved by William Sewell

U.S. FISH and WILDLIFE SERVICE, AUSTIN, TX

VIA FAX: (512) 490-0974

C&B Project # 99-5123-010

Dear Sir or Madam:

Commercial development is planned for the approximately 327 acres at the northwestern corner of Interstate 35 and Farm to Market 1325. Attached is a location map.

We would like information from USFWS on whether the proposed activity will impinge upon any species or habitat of concern. The entire property has been an active cattle ranch for many decades and is primarily grazed coastal bermuda with scattered immature mesquite.

If you have any questions or if I can be of any further assistance, please call me at (512) 314-3100. A Faxed response to (512) 314-3135 (Austin) would be welcome. Thank you for your assistance.

Very truly yours,

*Patricia E. McCoy*

Patricia E. McCoy  
Manager Environmental Group

attachment

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

## **Recommendations for Department of the Army Permit Submittals**

April 6, 1998



The following recommendations from the U.S. Army Corps of Engineers (USACE), Fort Worth District, specify information that should be submitted with project proposals for review of permitting requirements under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899:

1. A vicinity map (e.g., county map, USGS quad sheet, etc.) showing the location of the project, including any borrow or disposal site(s) or other outlying features.
2. A delineation and description of wetlands and other waters of the United States in the area that would be affected by the proposed work. Delineations of wetlands must be conducted using the "Corps of Engineers Wetland Delineation Manual", USACE Waterways Experiment Station Wetlands Research Program Technical Report Y-87-1, dated January 1987. The on-line edition of the manual is available on the Internet at <http://www.wes.army.mil/el/wetlands/wlpubs.html>.
3. The purpose of, and need for, the project.
4. Plan, profile, and cross-section views of all work, both permanent and temporary, in or adjacent to waters of the United States, including wetlands. (If a standard individual permit is required, drawings on 8 ½ by 11 inch sheets must be provided.)
5. The type, source, and volume of material proposed to be discharged into and/or excavated from waters of the United States. In cases where the activity may result in a permanent change to pre-construction contours or drainage patterns, provide the reasons why the changes are necessary and a description of the anticipated outcome of the changes.
6. The width and depth of the water body and the waterward distance of any structures from the existing shoreline if located on a navigable water or a USACE lake project.
7. A description of the project's likely temporary and permanent impact on the aquatic environment.
8. A description of actions in project design to avoid and minimize adverse impacts to the aquatic environment and to compensate for unavoidable adverse impacts to the aquatic environment.
9. The project schedule.
10. A statement disclosing whether or not any species listed as threatened or endangered under the Endangered Species Act might be affected by, or found in the vicinity of, the proposed project. Direct coordination with the U.S. Fish and Wildlife Service concerning the potential impact of the entire project on threatened and endangered species is strongly encouraged.
11. Any other relevant information, including available information on cultural resources and hydrology.