



CITY OF DALLAS

August 15, 2015

Mr. David E. Madden, SWF
Fort Worth District
U.S. Army Corps of Engineers
819 Taylor Street, Room 3A37
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: Trinity Forest Golf Course, Fencing
Application for Clean Water Act Section 404 Coverage under Nationwide Permit No. 18

Dear Mr. Madden,

Please see the attached application for coverage under the Clean Water Act Section 404 Nationwide Permit Number 18, Minor Discharges. Correspondence with Corps staff suggested using the NWP Permit Number 39 form for this application, as there is no NWP 18 Application available, and the data necessary to make this designation would be similar.

The permit request is for a project to place approximately 8,256 lineal feet of chain link and habitat fencing around an approximate 400 acre remediated landfill with golf course as the landfill cover. The fencing is necessary to protect the cover, and related golf course from damage from foraging feral hogs. While field located to avoid large trees and minimize impacts to wetland areas, a portion of the fence passes through forested wetlands. The identified impacts would be about 0.01 acres of fill in the wetlands associated solely with the fence post foundations.

The project meets the requirements for NWP 18, as it does not involve fill of more than 25 cubic yards of material below the Ordinary High Water Mark, or High Tide Line, it does not involve stream diversion, and it impacts less than 1/10th of an acre of wetlands.

The fencing will be constructed under supervision of the Company of Trinity Forest Golfers (CTFG), who have formal approval by the City for related site permits (also attached). The CTFG has a long-term lease of the property with the City. Please contact the project proponent listed on the application should you have questions, or need additional information concerning this matter.



Susan G. Alvarez, PE, CFM
Trinity Watershed Management
Interim Assistant Director, Floodplain Management

Attachments

U.S. Army Corps of Engineers (USACE) Fort Worth District



Nationwide Permit (NWP) Pre-Construction Notification (PCN) Form

This form integrates requirements of the Nationwide Permit Program within the Fort Worth District, including General and Regional Conditions. Please consult instructions included at the end prior to completing this form.

Contents

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DESCRIPTION OF NWP 39 – COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS

Discharges of dredged or fill material into non-tidal waters of the United States (U.S.) for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses, or new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the U.S., including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds this 300 linear foot limit is waived in writing by the district engineer. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Part I: NWP Conditions and Requirements Checklist

To ensure compliance with the General Conditions (GC), in order for an authorization by a NWP to be valid, please answer the following questions:

1. **Navigation (Applies to Section 10 waters [i.e. navigable waters of the U.S.], see Instruction 4 for link to list):**
 - a. Does the project cause more than a minimal adverse effect on navigation?
☐ Yes ☒ No ☐ N/A
 - b. Does the project require the installation and maintenance of any safety lights and signals prescribed by the U.S. Coast Guard on authorized facilities in navigable waters of the U.S.?
☐ Yes ☒ No ☐ N/A
 - c. Does the Applicant understand and agree that if future operations by the U.S. require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the

opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Applicant will be required, upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S.; and no claim shall be made against the U.S. on account of any such removal or alteration?
☒ Yes ☐ No ☐ N/A

If you answered yes to question a. or b. above, or if you answered no to question c. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

2. Aquatic Life Movements:

- a. Does the project substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area? ☐ Yes ☒ No
- b. Is the project's primary purpose to impound water? ☐ Yes ☒ No
- c. Will culverts placed in streams be installed to maintain low flow conditions to sustain the movement of those aquatic species?
☐ Yes ☐ No ☒ N/A

If you answered yes to question a. or b. above, or if you answered no to question c. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

3. Spawning Areas:

- a. Does the project avoid spawning areas during the spawning season to the maximum extent practicable? ☒ Yes ☐ No ☐ N/A
- b. Does the project result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area?
☐ Yes ☒ No ☐ N/A

If you answered no to question a. above, or if you answered yes to question b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

4. Migratory Bird Breeding Areas:

- a. Does the project avoid waters of the U.S. that serve as breeding areas for migratory birds to the maximum extent practicable? ☒ Yes ☐ No ☐ N/A

If you answered no to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

5. Shellfish Beds:

- a. Does the project occur in areas of concentrated shellfish populations? ☐ Yes ☒ No

If you answered yes to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

6. Suitable Material:

- a. Does the project use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.)?
☐ Yes ☒ No
- b. Is the material used for construction or discharged in a water of the U.S. free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act)? ☒ Yes ☐ No

If you answered yes to question a. above, or if you answered no to question b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

7. Water Supply Intakes:

- a. Does the project occur in the proximity of a public water supply intake? ☐ Yes ☒ No

If you answered yes to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

8. Adverse Effects From Impoundments:

- a. Does the project create an impoundment of water? ☐ Yes ☒ No
- b. If you answered yes to question a. above, are the adverse effects (to the aquatic system due to accelerating the passage of water, and/or restricting its flow) minimized to the maximum extent practicable? ☐ Yes ☐ No ☒ N/A

If you answered no to question b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

9. Management of Water Flows:

- a. Does the project maintain the pre-construction course, condition, capacity, and location of open waters to the maximum extent practicable, for each activity, including stream channelization and storm water management activities? ☒ Yes ☐ No
- b. Will the project be constructed to withstand expected high flows? ☒ Yes ☐ No
- c. Will the project restrict or impede the passage of normal or high flows? ☐ Yes ☒ No

If you answered no to question a. or b. above, or if you answered yes to question c. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

10. Fills Within 100-Year Floodplains:

- a. Does the project comply with applicable FEMA-approved state or local floodplain management requirements? ☒ Yes ☐ No ☐ N/A

If you answered no to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

11. Equipment:

- a. Will heavy equipment working in wetlands or mudflats be placed on mats, or other measures be taken to minimize soil disturbance? ☒ Yes ☐ No ☐ N/A

If you answered no to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

12. Soil Erosion and Sediment Controls:

- a. Will the project use appropriate soil erosion and sediment controls and maintain them in effective operating condition throughout construction? ☒ Yes ☐ No
- b. Will all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, be permanently stabilized at the earliest practicable date?
☒ Yes ☐ No
- c. Be aware that if work will be conducted within waters of the U.S., Applicants are encouraged to perform that work during periods of low-flow or no-flow.

If you answered no to question a. or b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

13. Removal of Temporary Fills:

- a. Will temporary fills be removed in their entirety and the affected areas returned to pre-construction elevations? ☒ Yes ☐ No ☐ N/A
- b. Will the affected areas be revegetated, as appropriate? ☒ Yes ☐ No ☐ N/A

If you answered no to question a. or b. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

14. Proper Maintenance:

- a. Will any authorized structure or fill be properly maintained, including maintenance to ensure public safety? ☒ Yes ☐ No

If you answered no to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

15. Single and Complete Project:

- a. Does the Applicant certify that the project is a "single and complete project" as defined below? ☒ Yes ☐ No

Single and complete project: Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped

wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Independent utility: Defined as a test to determine what constitutes a single and complete non-linear project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

16. Wild and Scenic River:

There are no Wild and Scenic Rivers within the geographic boundaries of the Fort Worth District. Therefore, this GC does not apply.

17. Tribal Rights:

- a. Will the project or its operation impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights? ☐ Yes ☒ No ☐ N/A

If you answered yes to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

18. Endangered Species (see also Box 8 in Part III):

- a. Is the project likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or will the project directly or indirectly destroy or adversely modify the critical habitat of such species? ☐ Yes ☒ No
- b. Might the project affect any listed species or designated critical habitat? ☐ Yes ☒ No
- c. Is any listed species or designated critical habitat in the vicinity of the project? ☐ Yes ☒ No
- d. If the project "may affect" a listed species or critical habitat, has Section 7 consultation addressing the effects of the proposed activity been completed? ☐ Yes ☐ No ☒ N/A

If you answered yes to question a. or b. or c. above, or if you answered no to question d. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

19. Migratory Birds and Bald and Golden Eagles:

Does the project have the potential to impact nests, nesting sites, or rookeries of migratory birds, bald or golden eagles? ☐ Yes ☒ No ☐ N/A

If you answered yes to question above, you are responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to obtain any "take" permits required under the U.S.

Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act.

20. Historic Properties (see also Box 9 in Part III):

- a. Does the project have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties?

☐ Yes ☒ No ☐ N/A

If you answered yes to question a. above, please explain how the project would be in compliance with this GC or be aware that the project would require an individual permit application:

21. Discovery of Previously Unknown Remains and Artifacts:

If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, *you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed.* The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters:

- a. Will the project impact critical resource waters, which include NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment? ☐ Yes ☒ No

If you answered yes to question a. above, be aware that discharges of dredged or fill material into waters of the U.S. are not authorized by NWP 39 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

23. Mitigation (see also Box 10 in Part III):

- a. Will the project include appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal? ☒ Yes ☐ No

If you answered no to question a. above, please include an explanation in Box 10 of why no mitigation would be necessary in order to be in compliance with this GC or be aware that the project would require an individual permit application.

24. Safety of Impoundment Structures:

- a. Has the impoundment structure been safely designed to comply with established state dam safety criteria or has it been designed by qualified persons? ☐ Yes ☐ No ☒ N/A

If you answered yes to question a above, non-federal applicants may be required to provide documentation that the design has been independently reviewed by similarly qualified persons with appropriate modifications to ensure safety. If you answered no, please include an explanation in Box 10 of why the structure is exempt from state dam safety criteria or be aware that the project may require an individual permit application.

25. Water Quality (see also Box 11 in Part III):

- a. If in Texas, does the project comply with the conditions of the TCEQ water quality certification for NWP 39? ☒ Yes ☐ No ☐ N/A
- b. If in "Indian Country," does the project comply with the conditions of the EPA water quality certification for NWPs? ☐ Yes ☐ No ☒ N/A
- c. If in Louisiana, does the project comply with the conditions of the LADEQ water quality certification for NWP 39? ☐ Yes ☐ No ☒ N/A
- If you answered no to question a. or b. above, please be aware that the project would require an individual permit application.

26. Coastal Zone Management:

The Fort Worth District does not cover any Coastal Zone; therefore, this GC does not apply.

27. Regional and Case-By-Case Conditions:

See the Regional Conditions checklist below to ensure compliance with this GC.

28. Use of Multiple Nationwide Permits:

- a. Does the project use more than one NWP for a single and complete project?
☐ Yes ☒ No
- b. If you answered yes to question a. above, be aware that unless the project's acreage loss of waters of the U.S. authorized by the NWPs is below the acreage limit of the NWP with the highest specified acreage limit, no NWP can be issued and the project would require an individual permit application.

If you answered yes to question a. above, please explain how the project would be in compliance with this GC and what additional NWP number you intend to use:
Project involves installing chain link fencing through forested wetlands, and typically would be implemented under NWP 18. Correspondence with the Fort Worth District suggested using this template.

29. Transfer of Nationwide Permit Verifications:

- a. Does the Applicant agree that if he or she sells the property associated with the nationwide permit verification, the Applicant may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate USACE district office to validate the transfer?
☒ Yes ☐ No

30. Compliance Certification:

- a. Does the Applicant agree that if he or she receives the NWP verification from the USACE, they must submit a signed certification regarding the completed work and any required mitigation (the certification form will be sent by the USACE with the NWP verification letter)?
☒ Yes ☐ No

31. Pre-Construction Notification:

- a. Does the Applicant agree that he or she will not begin the project until either:
1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the

- project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. ☒ Yes ☐ No
- b. Does the Applicant agree that if the district or division engineer notifies the Applicant in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the Applicant cannot begin the activity until an individual permit has been obtained? ☒ Yes ☐ No

To ensure compliance with the NWP 39-specific requirements please answer the following questions:

1. Does the project involve the construction or expansion of commercial or institutional building foundations, building pads, or attendant features that are necessary for the use and maintenance of the structures? ☐ Yes ☒ No

If you answered no to question 1. above, be aware that discharges of dredged or fill material into waters of the U.S. are not authorized by NWP 39 and would require an individual permit application. Note: the construction of new golf courses and new ski areas is not authorized by NWP 39.

2. Does the project cause the loss of greater than 1/2-acre of non-tidal waters of the U.S.? ☐ Yes ☒ No

If you answered yes to question 2. above, be aware that discharges of dredged or fill material into waters of the U.S. are not authorized by NWP 39 and would require an individual permit application.

3. Does the project cause the loss of more than 300 linear feet of perennial stream bed? ☐ Yes ☒ No

If you answered yes to question 3. above, be aware that discharges of dredged or fill material into waters of the U.S. are not authorized by NWP 39 and would require an individual permit application.

4. Does the project cause the loss of more than 300 linear feet of intermittent or ephemeral stream bed? ☐ Yes ☒ No

If you answered yes to question 4. above, be aware that the 300 linear foot limit must be waived in writing by the district engineer prior to the initiation of work in waters of the U.S., including wetlands in order for the project to be authorized by NWP 39 and otherwise would require an individual permit application.

5. Does the project cause a discharge into non-tidal wetlands adjacent to tidal waters? ☐ Yes ☒ No

If you answered yes to question 5. above, be aware that discharges of dredged or fill material into waters of the U.S. are not authorized by NWP 39 and would require an individual permit application.

REGIONAL CONDITIONS CHECKLIST

To ensure compliance with the Regional Conditions within the Fort Worth District, in the State of Texas, in order for an authorization by a NWP to be valid, please answer the following questions (for projects in Texas only):

1. Will the project include required compensatory mitigation at a minimum one-for-one ratio for all special aquatic sites that exceed 1/10 acre and require pre-construction notification, and for all losses to streams that exceed 300 linear feet and require pre-construction notification (unless the appropriate District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides a project-specific waiver of this requirement)?
☐ Yes ☐ No ☒ N/A

If you answered no to question 1 above, be aware that the project would not be authorized by a NWP and would require an individual permit application.

2. Does the project involve a discharge into habitat types that are wetlands (typically referred to as pitcher plant bogs) that are characterized by an organic surface soil layer and include vegetation such as pitcher plants (*Sarracenia* sp.), sundews (*Drosera* sp.), and sphagnum moss (*Sphagnum* sp.) or wetlands (typically referred to as bald cypress-tupelo swamps) comprised predominantly of bald cypress trees (*Taxodium distichum*), and water tupelo (*Nyssa aquatica*), that are occasionally or regularly flooded by fresh water with common associates including red maple (*Acer rubrum*), swamp privet (*Forestiera acuminata*), green ash (*Fraxinus pennsylvanica*), water elm (*Planera aquatica*), lizard's tail (*Saururus cernuus*), water mermaid weed (*Proserpinaca* spp.), buttonbush (*Cephalanthus occidentalis*), and smartweed (*Polygonum* spp.)? ☐ Yes ☒ No

If you answered yes to question 2. above, notification of the District Engineer is required in accordance with NWP GC 31, and the USACE will coordinate with other resource agencies as specified in NWP GC 31(d).

3. Is the project in the area of Caddo Lake within Texas that is designated as a "Wetland of International Importance" under the Ramsar Convention? ☐ Yes ☒ No

If you answered yes to question 3. above, notification of the District Engineer is required in accordance with NWP GC 31, and the USACE will coordinate with other resource agencies as specified in NWP GC 31(d).

4. a. Is the project in an area of Dallas, Denton, or Tarrant counties that is within the study area of the "Final Regional Environmental Impact Statement (EIS), Trinity River and Tributaries" (May 1986)? ☒ Yes ☐ No
b. If Yes, does the project meet the criteria and follow the guidelines specified in Section III of the Record of Decision for the Regional EIS, including the hydraulic impact requirements?
☒ Yes ☐ No ☐ N/A

If you answered no to question 4b. above, be aware that the project would not be authorized by a NWP and would require an individual permit application.

5. Would the proposed work result in the modification or alteration of any completed Corps of Engineers projects that are either locally or federally maintained or if work would occur within the conservation pool or flowage easement of any Corps of Engineers lake project? ☐ Yes ☒ No

If you answered yes to question 5 above, the applicant shall notify the Fort Worth District Engineer in accordance with NWP GC 31. PCNs are not deemed complete until such a time as the

Corps has made a determination relative to 33 USC Section 408, 33 CFR Part 208, Section 208.10, 33 CFR Part 320, Section 320.4. If you answered yes to question 3. above, notification of the District Engineer is required in accordance with NWP GC 31, and the USACE will coordinate with other resource agencies as specified in NWP GC 31(d)

6. Is there is the risk of transferring invasive plants to or from your project site? ☐ Yes ☒ No

If you answered yes to the question above, information concerning state specific lists of invasive species and threats can be found at: <http://www.invasivespeciesinfo.gov/unitedstates/tx.shtml>. Best management practices can be found at Information concerning state specific lists and threats can be found at: <http://www.invasivespeciesinfo.gov/unitedstates/tx.shtml>. Known zebra mussel waters within can be found at: <http://nas.er.usgs.gov/queries/zmbyst.asp>.

7. Would your project meet the scope of work and conditions of NWPs 51 or 52? ☐ Yes ☒ No

If you answered yes, the Corps will provide the PCN to the US Fish and Wildlife Service as specified in NWP General Condition 31(d)(2) for its review and comments.

To ensure compliance with the Regional Conditions within the Fort Worth District, in the State of Louisiana, in order for an authorization by a NWP to be valid, please answer the following questions (for projects in Louisiana only):

1. Does the activity cause the permanent loss of greater than 1/2 acre of seasonally inundated cypress swamp and/or cypress-tupelo swamp? ☐ Yes ☐ No

If you answered yes to question 1. above, be aware that the project would not be authorized by a NWP and would require an individual permit application.

2. Does the activity cause the permanent loss of greater than 1/2 acre of pine savanna, pine flatwoods, and/or pitcher plant bogs? ☐ Yes ☐ No

If you answered yes to question 2. above, be aware that the project would not be authorized by a NWP and would require an individual permit application.

3. Has the activity been determined to have an adverse impact upon a federal or state designated rookery and/or bird sanctuary? ☐ Yes ☐ No

If you answered yes to question 3. above, be aware that the project would not be authorized by a NWP 39 and would require an individual permit application.

4. Does the activity fell or impact by soil compaction any existing den or candidate den trees within areas known to be occupied by the threatened Louisiana black bear? (Existing den trees are those known to be used or have evidence of being used by a denning Louisiana black bear, regardless of size, species, or proximity to water. Candidate den trees are defined as bald cypress and/or tupelo gum with visible cavities, having a minimum diameter-at-breast-height of 36 inches, and associated with rivers, lakes, streams, bayous, sloughs, or other waterbodies.) Additionally, does the activity involve clearing within Louisiana black bear critical habitat? ☐ Yes ☐ No

If you answered yes to question 4. above, be aware that the project would not be authorized by a NWP and would require an individual permit application.

5. Does the project involve instream activities in the following waterways: Abita River and tributaries; Abita River and tributaries; Amite River (LA Highway 37 at Grangeville to Port Vincent); Bayou Bartholomew in Morehouse Parish; Bayou Boeuf and Bayou Rapides Tributaries in Rapides Parish: (Bayou Clear, Brown Creek, Burney Branch, Castor Creek, Clear Creek, Haikay's Creek, Little Bayou Clear, Little Brushy Creek, Loving Creek, Little Loving Creek, Long Branch, Mack Branch, Patterson Branch, Valentine Creek, and Williamson Branch), Bayou Rigolette tributaries in Grant Parish (Beaver Creek, Black Creek, Chandler Creek, Clear Branch, Coleman Branch, Cress Creek, Cypress Creek, Glady Hollow, Gray Creek, Hudson Creek, James Branch, Jordon Creek, Moccasin Branch, and Swafford Creek); Bogue Falaya River and Tributaries, Bogue Chitto River and Tributaries, Lake Borgne, Lake Ponchartrain and its tributaries, Lake Saint Catherine, Little Lake, Tchefuncta River, Little Tchefuncta River, the Rigolets and West Pearl River? ☐ Yes ☐ No

If you answered yes to question 5. above, notification of the District Engineer is required in accordance with NWP GC 31 due to the occurrence of threatened or endangered species.

6. To the best of the applicant's knowledge, is any excavated and/or fill material to be placed within wetlands free of contaminants? ☐ Yes ☐ No ☐ N/A

If you answered no to question 6. above, be aware that the project would not be authorized by a NWP 39 and would require an individual permit application.

7. Regional Condition 7 applies to work within the Louisiana Coastal Zone and/or the Outer Continental Shelf off Louisiana, and therefore does not apply in the USACE Fort Worth District. Work in these areas may require coordination with the USACE Galveston or New Orleans districts.

8. Does the activity adversely affect greater than 1/10 acre of wetlands, and/or adversely impact a designated Natural and Scenic River, a state or federal wildlife management area, and/or refuge? ☐ Yes ☐ No

If you answered yes to question 8. above, notification of the District Engineer is required in accordance with NWP GC 31.

9. For activities involving the installation of a culvert, is twenty percent (20%) of the culvert diameter (20 percent of the height of elliptical culverts) installed below the natural grade of the stream. ☐ Yes ☐ No

If you answered no to question 9 above, be aware that the project would not be authorized by a NWP and would require an individual permit application.

10. Be aware that NWP 39, via disavowal of water quality certification by the Louisiana Department of Environmental Quality, is considered denied without prejudice. Individual requests for approval under this NWP will be considered on a case-by-case basis only after receipt by the appropriate Corps district of an individual water quality certification, waiver, or other approval by the Louisiana Department of Environmental Quality.

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered denied without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will *be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.*

Work which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).


Note: This specific regional condition for NWP 39 applies to work within the Louisiana Coastal Zone and/or the Outer Continental Shelf off Louisiana, and therefore does not apply in the USACE Fort Worth District. Work in these areas may require coordination with the USACE Galveston or New Orleans districts.

Additional Discussion:

Part II: Project Information

(Project No. SWF-

)

Box 1 Project Name: Trinity Forest Golf Course		Applicant Name John Helton	
Applicant Title Vice President of Finance		Applicant Company, Agency, etc. Company of Trinity Forest Golfers	
Mailing Address 1601 Elm Street, Suite 3110, Dallas, Texas 75201		Applicant's internal tracking number (if any) NA	
Work Phone with area code 214-302-0061	Home Phone with area code NA	Fax # NA	E-mail Address JR@Woodscapital.com
Relationship of applicant to property: <input type="checkbox"/> Owner <input type="checkbox"/> Purchaser <input checked="" type="checkbox"/> Lessee <input type="checkbox"/> Other:			
Application is hereby made for verification that subject regulated activities associated with subject project qualify for authorization under a USACE nationwide permit or permits as described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agency to which this application is made the right to enter the above-described location to inspect the proposed, in-progress, or completed work. I agree to start work only after all necessary permits have been received.			
Signature of applicant 			Date (mm/dd/yyyy) 08/18/2015

Box 2 Authorized Agent/Operator Name and Signature: (If an agent is acting for the applicant during the permit process)	
Agent/Operator Title	Agent/Operator Company, Agency, etc.
Mailing Address	

E-mail Address			
Work Phone with area code	Home Phone with area code	Fax #	Cell Phone #
I hereby authorize the above-named agent to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application. I understand that I am bound by the actions of my agent, and I understand that if a federal or state permit is issued, I, or my agent, must sign the permit.			
Signature of applicant			Date (mm/dd/yyyy)
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate.			
Signature of authorized agent			Date (mm/dd/yyyy)

Box 3 Name of property owner, if other than applicant:	
City of Dallas	
<input type="checkbox"/> Multiple Current Owners (If multiple current property owners, check here and include a list as an attachment)	
Owner Title	Owner Company, Agency, etc.
	City of Dallas
Mailing Address	
1500 Marilla Avenue, Room 6BS, Dallas, TX, 75203	
Work Phone with area code	Home Phone with area code
214-948-4450	NA

Box 4 Project location, including street address, city, county, state, and zip code where proposed activity will occur:	
6500 Great Trinity Forest Way Dallas, Texas 75217	
Nature of Activity (Description of project; include all features; see instructions):	
Install about, 30,000 lineal feet of 8 foot tall chain link fence/wildlife fencing around golf course developed on an existing closed landfill. Of this quantity, 8,256 lineal feet are located within jurisdictional forested wetlands.	
Project Purpose (Description of the reason or purpose of the project; see instructions):	
Fencing is intended to deter damage to the landfill cap from feral hogs.	
Has a delineation of waters of the U.S., including wetlands, been completed? (see instructions)	
<input checked="" type="checkbox"/> Yes, Attached <input type="checkbox"/> No	
If a delineation has been completed, has it been verified in writing by the USACE?	
<input type="checkbox"/> Yes, Date of approved or preliminary jurisdictional determination (mm/dd/yyyy): USACE project:	
<input checked="" type="checkbox"/> No	
Are color photographs of the existing conditions available? <input checked="" type="checkbox"/> Yes, Attached <input type="checkbox"/> No	
Are aerial photographs available? <input checked="" type="checkbox"/> Yes, Attached <input type="checkbox"/> No	
<input type="checkbox"/> Multiple Waters of the U.S. (If multiple waters of the U.S., check here and complete the table in Attachment D)	
Waterbody(ies) (if known; otherwise enter "an unnamed tributary to"):	
Tributary(ies) to what known, downstream waterbody(ies): Main Stem Trinity River, Texas Stream Segment 0805-03	

Latitude & longitude (to 4 decimal places):

32-41-59.13 N; 96-43-02.44 W

USGS Quad map name(s):

Hutchins, Texas

Watershed(s) and other location descriptions, if known:

USGS HUC 12: 120301050108, Five Mile Creek - Trinity River

Directions to the project location:

South from City of Dallas Central Business District via Interstate Highway 45 approximately 7.2 miles; Turn east on Texas Road 12, Great Trinity Forest Way approximately 1.0 mile, location is on south side of road

Part III: Project Impacts and Mitigation

Box 5 Reason(s) for Discharge into waters of the U.S.:

About 8,256 lineal feet of fence installation to protect golf course and landfill cap from feral hog destruction

Type(s) of material being discharged and the amount of each type in cubic yards:

Concrete footings (below grade): 52 CY; incidental soil (from fence post void) 65 CY, assuming 25 percent expansion

Total surface area (in acres) of wetlands or other waters of the U.S. to be filled:

562 SY; 0.01 Acres

Indicate the proposed impacts to **waters of the U.S.** in ACRES (for wetlands and impoundments) and LINEAR FEET (for rivers and streams), and identify the impact(s) as permanent and/or temporary for each waterbody type listed below. The table below is intended as a tool to summarize impacts by resource type for planning compensatory mitigation and does not replace the table of waters of the U.S. in Attachment D for those projects with impacts to multiple waters of the U.S.

Waterbody Type	Permanent		Temporary	
	Acres	Linear feet	Acres	Linear feet
Non-forested wetland				
Forested wetland	0.01			
Perennial stream				
Intermittent stream				
Ephemeral stream				
Impoundment				
Other:				
Total:	0.01			

Potential indirect and/or cumulative impacts of proposed discharge (if any):

No known impacts

Required drawings (see instructions):

Vicinity map: ☒ Attached

To-scale plan view drawing(s): ☒ Attached

To-scale elevation and/or cross section drawing(s): ☐ Attached

Is any portion of the work already complete? ☐ Yes ☒ No

If yes, describe the work:

Box 6 Authority: (see instructions)

Is Section 10 of the Rivers and Harbors Act for projects affecting navigable waters applicable?
☐ Yes ☒ No (see Fort Worth District Navigable Waters list)

Is Section 404 of the Clean Water Act applicable? ☒ Yes ☐ No

Box 7 Larger Plan of Development:

Is the discharge of fill or dredged material for which Section 10/404 authorization is sought intended for a commercial/institutional development project which is part of a larger plan of development?

☐ Yes ☒ No (If yes, please provide the information in the remainder of Box 7)

Does the commercial/institutional development project have independent utility in addition to the larger plan of development? ☐ Yes ☒ No
If yes, explain:

If discharge of fill or dredged material is part of development, name and proposed schedule for that larger development (start-up, duration, and completion dates):
Trinity Forest Golf Course /Simpkins Landfill Remediation

Location of larger development (If discharge of fill or dredged material is part of a plan of development, a map of suitable quality and detail for the entire project site should be included):

Total area in acres of entire project area (including larger plan of development, where applicable):
Approximately 400 acres of remediated landfill area

Box 8 Federally Threatened or Endangered Species (see instructions)

Please list any federally-listed (or proposed) threatened or endangered species or critical habitat potentially affected by the project (use scientific names (i.e., genus species), if known):

Have surveys, using U.S. Fish and Wildlife Service (USFWS) protocols, been conducted?
☐ Yes, Report attached ☒ No (explain):

If a federally-listed species would potentially be affected, please provide a description and a biological evaluation.

☐ Yes, Report attached ☒ Not attached

Has Section 7 consultation been initiated by another federal agency?
☐ Yes, Initiation letter attached ☒ No

Has Section 10 consultation been initiated for the proposed project?
☐ Yes, Initiation letter attached ☒ No

Has the USFWS issued a Biological Opinion?

☐ Yes, Report attached ☒ No

If yes, list date Opinion was issued (mm/dd/yyyy): Project as a whole had an Environmental Assessment performed in 2013. This can be forwarded as necessary.

Box 9 Historic properties and cultural resources
Please list any historic

Please list any historic properties listed (or eligible to be listed) on the National Register of Historic Places which the project has the potential to affect:

No known properties

Has an archaeological records search been conducted?
☒ Yes ☐ No

☒ Yes, Report attached ☐ No (explain):

Are any cultural resources of any type known to exist on-site?
☐ Yes ☒ No

Has an archaeological pedestrian survey been conducted for the site?
☐ Yes. Report attached. ☒ No.

☐ Yes, Report attached ☒ No (explain): Site has experienced significant prior disturbance from surface mining, and subsequent waste management landuses.

Has Section 106 or SHPO consultation been initiated by another federal or state agency?
☐ Yes, Initiation letter attached ☒ No

Has a Section 106 MOA been signed by another federal agency and the SHPO? ☐ Yes, Attached ☒ No

If yes, list date MOA was signed (mm/dd/yyyy):

Box 10 Proposed Conceptual Mitigation Plan Summary (see instructions)

Measures taken to avoid and minimize impacts to waters of the U.S. (if any):
Tree/wetlands survey conducted prior to construction.

Tree/wetlands survey conducted prior to fence line alignment to minimize impacts

Applicant proposes combination of one or more of the following mitigation types:

<input type="checkbox"/> Mitigation Bank	<input checked="" type="checkbox"/> On-site	<input type="checkbox"/> Off-site (Native Planting)
--	---	---

☐ Mitigation Bank ☒ On-site ☐ Off-site (Number of sites: _____) ☐ None

Applicant proposes to purchase mitigation bank credits: ☐ Yes ☒ No

Mitigation Bank Name:

Number of Credits:

Indicate in ACRES (for wetlands and impoundments) and LINEAR FEET (for rivers and streams) the total quantity of waters of the U.S. proposed to be created, restored, enhanced, and/or preserved for purposes of providing compensatory mitigation. Indicate mitigation site type (on- or off-site) and number. Indicate waterbody type (non-forested wetland, forested wetland, perennial stream, intermittent stream, ephemeral stream, impoundment, other) or non-jurisdictional (uplands¹).

Mitigation Site Type and Number	Waterbody Type	Created	Restored	Enhanced	Preserved
Totals:					

For uplands, please indicate if designed as an upland buffer.

¹ For uplands, please indicate if designed as an upland buffer.

Summary of Mitigation Work Plan (Describe the mitigation activities listed in the table above):

If no mitigation is proposed, provide a detailed explanation of why no mitigation would be necessary to ensure that adverse effects on the aquatic environment are minimal:
 There are only 0.01 acres of impact anticipated as a part of this project

Has a conceptual mitigation plan been prepared in accordance with the USACE regulations and guidelines?
☐ Yes, Attached ☒ No (explain):

Mitigation site(s) latitude & longitude (Decimal Degrees): USGS Quad map name(s):

Other location descriptions, if known:

Directions to the mitigation location(s):

Box 11 Water Quality Certification (see instructions):

For Texas:
 Does the project meet the conditions of the Texas Commission on Environmental Quality (TCEQ) Clean Water Act Section 401 certification for NWP 39? ☒ Yes ☐ No

Does the project include soil erosion control and sediment control Best Management Practices (BMPs)? ☒ Yes ☐ No

Does the project include BMPs for post-construction total suspended solids control?
☐ Yes ☒ No

For Louisiana:
 Individual water quality certification issued by LDEQ? ☐ Yes, Attached ☐ No

Water quality certification waiver or other approval by LDEQ? ☐ Yes, Attached ☐ No
 Explain:

For Tribal Lands ("Indian Country"):
 Does the project meet the conditions of the EPA water quality certification for NWPs?
☐ Yes ☐ No

Box 12 List of other certifications or approvals/denials received from other federal, state, or local agencies for work described in this application:

Agency	Approval Type ²	Identification No.	Date Applied	Date Approved	Date Denied

² Would include but is not restricted to zoning, building, and floodplain permits

Part IV: Attachments

- A. List of Property Owners
- B. Delineation of Waters of the U.S., Including Wetlands
- C. Color Photographs
- D. Table of Waters of the U.S. Impacted by the Proposed Project
- E. Required Drawings/Figures
- F. Threatened or Endangered Species Reports and/or Letters
- G. Historic Properties and Cultural Resources Reports and/or Letters
- H. Conceptual Mitigation Plan
- I. Other:

Included

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

End of Form

[illegible]

² Resource Types: NFW = Non-forested wetland, EW = Forested wetland, SW = Shrub wetland, SW-1 = Shrub wetland, such as SW-1 for a wetland.

² Resource Types: NFW – Non-forested wetland, FW – Forested wetland, PS – Perennial Stream, IS – Intermittent Stream, ES – Ephemeral Stream, I – Impoundment

3 Impact Types:

D/P – Direct* and Permanent, D/T – Direct and Temporary, I/S – Indirect and Seasonal

*** Direct impacts are here defined as those adverse effects caused by the proposed action.
*** Indirect impacts are those adverse effects caused by the proposed action.
* Direct and Temporary, I/P – Direct and Temporary, I/P – Indirect** and Permanent, I/T – Indirect and Temporary

*** Indirect impacts are here defined as those adverse effects caused by the proposed activity, such as discharge or excavation of drainage on adjacent waters of the U.S.

Instructions: [please do not include these pages when submitting form]

- 1) **Complete Part I of the form first to determine if the project meets the conditions and requirements of NWP 39, including the General and Regional Conditions as well as the notification requirements. Additional information on the general conditions is available at the following website:**

<http://www.swf.usace.army.mil/Missions/Regulatory/Permitting/GeneralPermits.aspx>

- 2) **Boxes 1 to 3:** Provide contact information for the Applicant, Agent, Owner, etc.

- 3) **Box 4:**

- a. **Nature of Activity:** Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms. The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach a separate sheet marked "Box 4 Nature of Activity."
- b. **Proposed Project Purpose:** Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project.
- c. **Delineation of waters of the U.S.:**
Waters of the U.S. are defined under 33 CFR part 328.3 (a) as:
- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - (2) All interstate waters including interstate wetlands;
 - (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (iii) Which are used or could be used for industrial purposes by industries in interstate commerce;
 - (4) All impoundments of waters otherwise defined as waters of the U.S. under the definition;
 - (5) Tributaries of waters identified in paragraphs (a) (1) through (4) of this section;
 - (6) The territorial seas;
 - (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

In addition, 33 CFR part 328.3 (b) states: The term wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, the ordinary high water mark, as well as any adjacent wetlands, demarcate the limits of non-tidal waters of the U.S. Wetlands are identified and delineated using the methods and criteria established in the USACE *Wetlands Delineation Manual* (1987 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils, and wetland hydrology) as well as any applicable interim regional supplements.

Applicants should follow the USACE Fort Worth District procedures for jurisdictional determinations found at the following website:

<http://media.swf.usace.army.mil/pubdata/enviro/regulatory/jurisdiction/jurisdictionaldeterminationprocedures.pdf>

- d. **Multiple Waters of the U.S.:** If the project impacts multiple waters of the U.S., include information for each water in the table in Attachment D.

4) **Box 5:**

Required drawings (see examples in separate file): Submit one legible copy of all drawings (8 1/2 x 11-inch or 11 x 17-inch) with a 1-inch margin around the entire sheet. The title box shall contain the title of the proposed project, date, and sheet number.

- i. **Vicinity map:** Cover an area large enough so the project can be easily located; Include arrow marking the project area, identifiable landmarks (e.g., named waterbody, county, city), name or number of roads, north arrow, and scale.
- ii. **Plan view:** Include features such as existing bank lines, ordinary high water mark line(s), average water depth around the activity, dimensions of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, north arrow, and scale.
- iii. **Elevation and/or cross-section views:** Include features such as water elevation as shown on plan view drawing, existing and proposed ground level, dimensions of the proposed project, dimensions of any structures immediately adjacent to the proposed activity, and scale.

- 5) **Box 6:** A list of navigable waters in the Fort Worth District can be found at the following website:

<http://media.swf.usace.army.mil/pubdata/enviro/regulatory/introduction/navlist.pdf>

Under Section 404 of the Clean Water Act, the USACE regulates the discharge of dredged or fill material into waters of the U.S. More information on regulated activities can be found at the following website:

<http://www.swf.usace.army.mil/Missions/Regulatory/RegulatedActivities.aspx>

- 6) **Box 8:** Information on federally threatened or endangered species may be found on the U.S. Fish and Wildlife Service website and the Texas Parks and Wildlife Department website. Include an attachment if additional space is required for listing species or critical habitat potentially affected by the project.

http://www.fws.gov/southwest/es/ES_ListSpecies.cfm

<http://www.tpwd.state.tx.us/huntwild/wild/species/endang/index.phtml>

http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/index.phtml

- 7) **Box 10:** When completing this box, be aware that the USACE will consider if the project has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable at the project site when determining appropriate and practicable mitigation necessary to ensure that adverse effects to the aquatic environment are minimal. The USACE may also require compensatory mitigation at a minimum one-for-one ratio for losses of wetlands, streams, and open waters to ensure that the project results in minimal adverse effects on the aquatic environment. See the USACE Fort Worth District Regulatory Branch website for a mitigation plan template and requirements.

<http://www.swf.usace.army.mil/Missions/Regulatory/Permitting/Mitigation.aspx>

- 8) **Box 11:** Projects in Texas should meet the conditions of the Texas Commission on Environmental Quality (TCEQ) Clean Water Act Section 401 certification for NWP 39. The TCEQ conditions of Section 401 certification for NWP 39 as well as a description of Best Management Practices can be found at the following website:

http://media.swf.usace.army.mil/pubdata/environ/regulatory/permitting/nwp/2012_TCEQ401.pdf

Projects in Texas associated with the exploration, development, and production of oil, gas or geothermal resources of the State of Texas should meet the conditions of the Railroad Commission of Texas (RRC) Clean Water Act Section 401 certification for NWP 39. The RRC conditions of Section 401 certification for NWP 39 as well as a description of Best Management Practices can be found at the following website:

http://media.swf.usace.army.mil/pubdata/environ/regulatory/permitting/nwp/2012_RRC401.pdf

Projects in Louisiana require water quality certification from the Louisiana Department of Environmental Quality (LDEQ). LDEQ has denied water quality certification for NWP 39. Information about water quality certification from LDEQ can be found at the following website:

http://media.swf.usace.army.mil/pubdata/environ/regulatory/permitting/nwp/2012_LA401cert.pdf

This NWP, via disavowal of Coastal Zone certification by the Louisiana Department of Natural Resources, is considered denied without prejudice within the Louisiana Coastal Zone. Individual requests for approval under this NWP will *be conditioned to require the applicant to obtain a Louisiana Department of Natural Resources determination/certification before the NWP is valid.*

Work which would result in the resuspension of dredged material shall be prohibited in Bayou d'Inde, the Inner Harbor Canal, Calcasieu River at the mouth of Bayou d'Inde, Harvey Canal, California Canal, and Bayous Trepagnier, Rigaud, Olsen and Verdine, Capitol Lake, Coon Island Loop, Devil's Swamp, and Tensas River (areas within and upstream of Tensas National Wildlife Refuge), Ouachita River (areas within and upstream of the Upper Ouachita National Wildlife Refuge), Wham Brake drainage (Staulkinghead Creek, Little Bayou Boeuf, Bayou Lafourche and Lake Irwin).

The Environmental Protection Agency (EPA) is the agency required to address water quality certification of the 2012 NWPs in "Indian Country" where a tribe has not received treatment in the same manner as a state for the Clean Water Act (CWA) Section 401 program. "Indian Country," as defined in 18 U.S.C. 1151, means: (1) all land within the limits of any Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (2) all dependent Indian communities within the borders of the U.S. whether within the original or subsequently-acquired

territory thereof, or... whether within or without the limits of a state; and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. At this time, no Indian tribes in Texas or Louisiana have CWA Section 401 authority.

The EPA has developed a list of conditions that must be met in order for water quality certification of NWP's in "Indian Country" lands. The list of "401 Certification Conditions of Nationwide Permits for Tribal Lands in Texas" can be found at the following website:

http://media.swf.usace.army.mil/pubdata/environ/regulatory/permitting/nwp/2012_EPA401.pdf

The list of "Water Quality Regional NWP's Conditions for 'Indian Country' Lands" in Louisiana can be found in Part III of the document at the following website:

<http://www.mvk.usace.army.mil/Portals/58/docs/regulatory/2012%20NWP%20RCs%20-%20Louisiana.pdf>

- 9) **Attachments:** Check the boxes in Part IV for those attachments that are included, and place a cover sheet or tab with each attachment behind the last page of the form. If Attachment D is not needed, discard this page, but if more room is necessary, include an additional table.



May 12, 2015

Sue Alvarez
Trinity Watershed Management
City of Dallas
320 East Jefferson, Room 108
Dallas Texas 75203

1500 Marilla Street, Room 6B5
Dallas, Texas 75201

Dear Sue,

Attached to this letter are the exhibits that we have been discussing for the perimeter fence around the Trinity Forest Golf Course project. In order behind this cover letter they are as follows:

1. Overall site plan
2. Representative pictures
3. Chain link/Game Fence information
4. Decorative fence information/Options

All of the southern fence follows the alignment provided to us by the City of Dallas. All other routings generally follow the lease line. As mentioned in the exhibits, our intent is to route the fence to minimize disturbances.

The project scope involves approximately 28,500 LF of perimeter fencing consisting predominantly of chain link fencing, game fencing with some type of decorative fencing (wrought iron, etc...) near public spaces and the Audubon entrance. Of the total project, approximately 25% is above the delineated flood plain.

There will be numerous gates and access points as needed around the property, as well. All fence noted is consistent with what is provided for in PD 883 and which was recently approved by the City Planning Commission.

This fence serves several purposes. Of primary importance is the prevention of feral hog damage to the course. Overnight we have seen damage created in the 10's of thousands of dollars. The fence will also provide some level of deterrent of theft and damage to property (both of which we have incurred during construction) and safety and security for patrons to the golf course.

With grassing underway, we are very eager to start this fencing operation as soon as possible so please let us know what else you need from us to advance this project for full approvals.

Thank you for your help!

A handwritten signature in blue ink, appearing to read "Jim", written over a horizontal line.

Jim Barger

cc: Jonas Woods, The Company of Trinity Forest Golfers, Inc.
Jeff Schwinkendorf, ONCORE Group, LLC

Representative Pictures



Minimum widths will be employed to minimize disturbances.



2' – 4' of fabric laid on the ground to prevent the burrowing of feral hogs. Ground cover to be likely raked back and then re-applied over the fabric.



Galvanized example



Black Powder Coated example



Column example (locations near entrances/public view)



Wrought iron example



Additional option for Maint Facility (Above Q100)

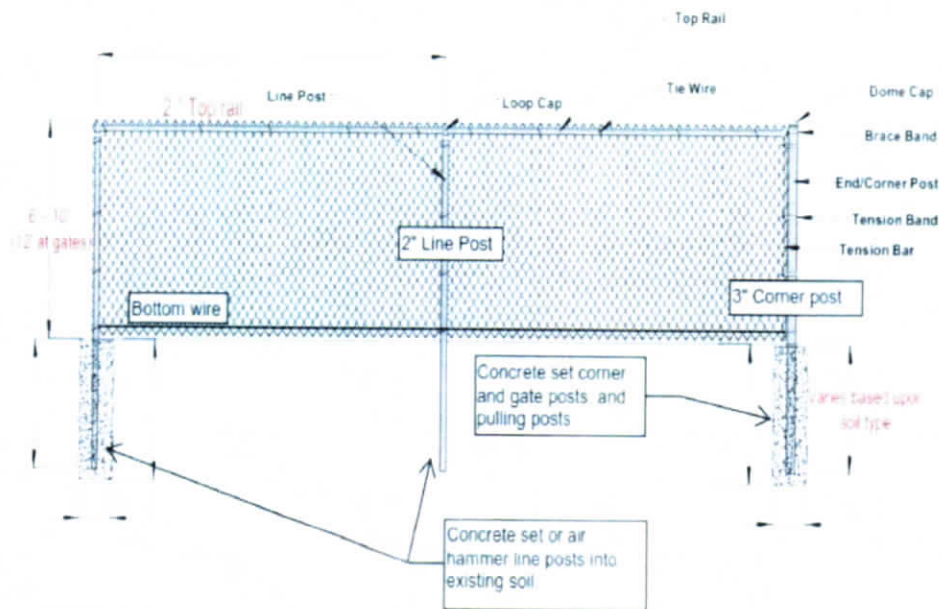


Additional option for Maint Facility (Above Q100)

Chain Link

Fence Gauge	8 – 10 Gauge
Fence Height	6' – 10' (12' at gates, if req'd) (Consistent w/PD 883)
Fence Fabric	Galvanized and/or Black Powder Coated
Posts/Corners	2" line posts, 3" (min) corner and gate posts
Structural	Line/Corner/Gate Posts – Air drive into soil and/or set in concrete
Top Rail / Bottom Rail	Yes / No (bottom tension wire only)

Chain Link basic detail



Trinity Forest Golf Course
Game fencing to be used in select areas



100% MADE IN THE USA

Quality

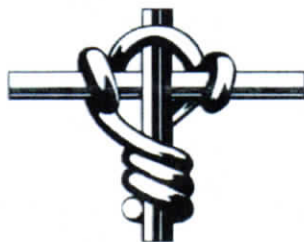
LEARN MORE



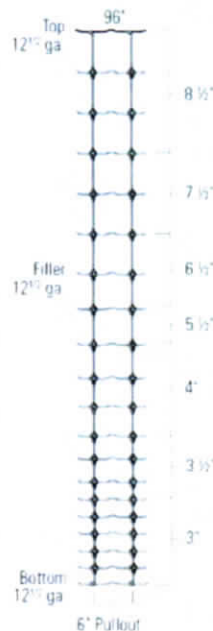
Deer & Wildlife Fence (8' Fence)
Cross Lock® Knot
Resource # 78206

- Wildlife fence ensures that valuable herds and/or orchards are protected both inside and out
- All-terrain fencing is ideal for flat or rolling, hilly areas
- Deer & Wildlife Fence features the Cross Lock® Knot to provide superior resistance to movement from animal penetration or climbing and severe snowstorms
- Galvanized wire resists weathering as well as wear and tear

Style No.	Filler Gauge	Top/Bottom Gauge	Pullout Spacing	Height	Length	Weight
2096-6-12 1/2	12 1/2	12 1/2	6"	96"	330'	414



Cross Lock Knot

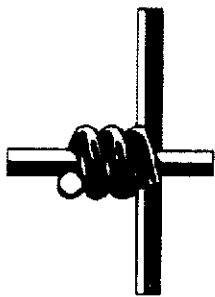


Resource #	78206
Style #	2096-6-12 1/2
Wire Gauge	12 1/2 ga.
Pullout	6"
Roll Height	96"
Roll Length	330'
Roll Weight	393 lbs
Galvanization	Class 3

Deer & Wildlife Fence (6' Fence)
Deer & Orchard
Resource # 70253

- Wildlife fence encloses that valuable territory and wildlife are protected from harm and loss.
- All terrain fencing is made of flat or rolled heavy gauge.
- Deer & Orchard fence gives the fence a flat top height under pressure allowing the fence to spring back into shape.
- Galvanized wire resists weathering as well as vegetation.

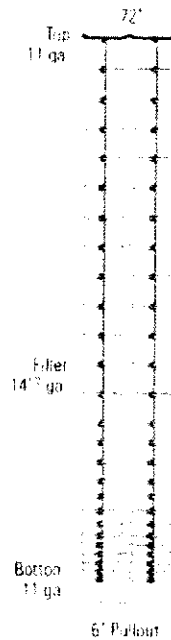
Style No.	Filler Gauge	Top/Bottom Gauge	Pullout Spacing	Height	Length	Weight
26-2 or 31-172	14 1/2	11	6"	4'	165'	111 lbs



Monarch Knot

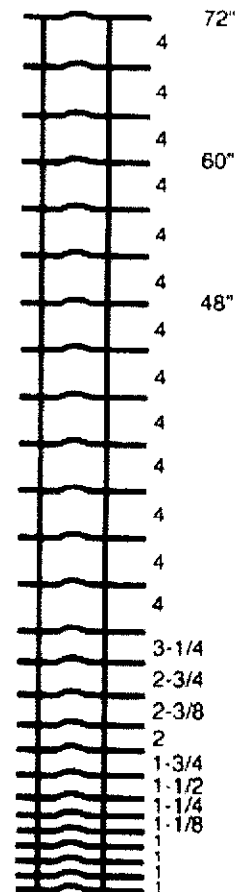


Resource #	70253
Style #	2472 A-14 1/2
Wire Gauge	14 1/2 ga
Pullout	6"
Roll Height	72"
Roll Length	155'
Roll Weight	121 lbs
Galvanization	Class I



4'

3' 4" down to 1'

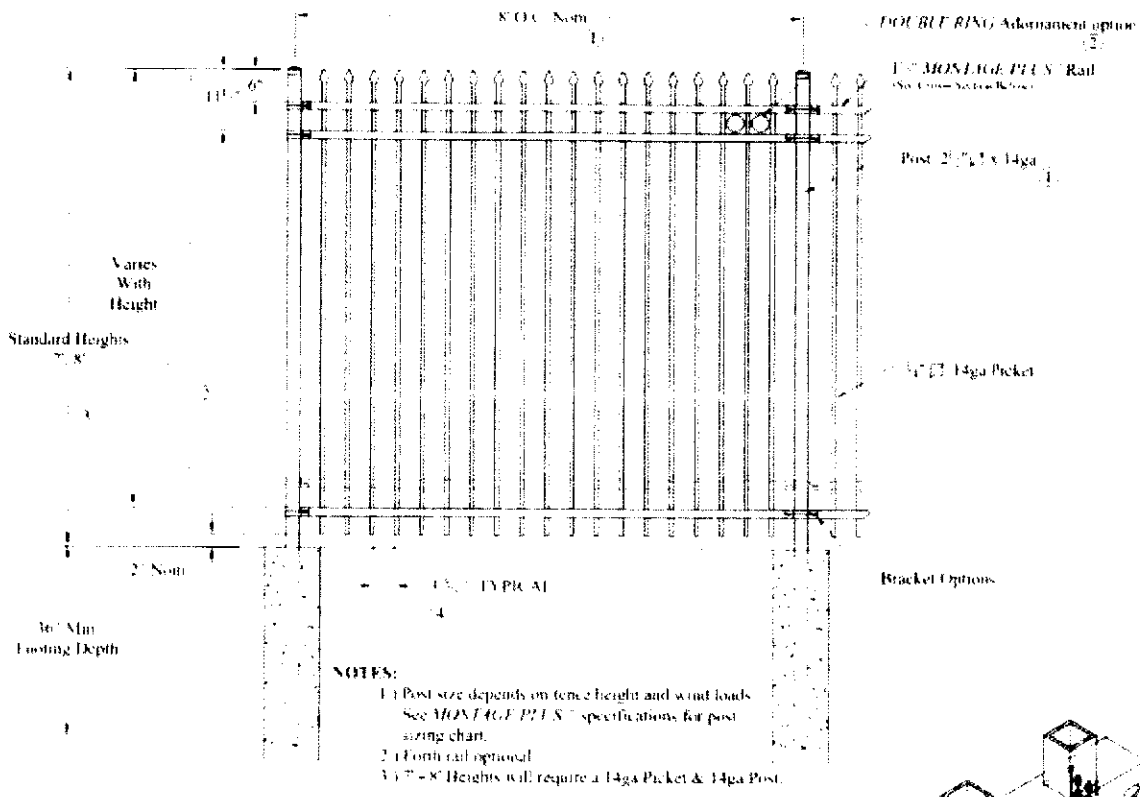


REDBRAND

Decorative Fence

Fence Height	6' - 10' (12' at gates, if req'd) (Consistent w/ PD 883)
Decorative Fence Options	http://www.ameristarfence.com/
Ameristar Montage, Montage Plus, Montage II, Montage Industrial, or equal.	Navigate to : Fence Systems then Commercial Fencing & Industrial Fencing
Ameristar Aegis, Aegis II, or equal.	
Ameristar Echelon, Echelon II, or equal.	
Column material, if used.	Brick and/or Natural Stone
Column spacing, if used.	Varies
Structural	All posts set in concrete.
<i>Decorative fence may be an alternate building material with heights consistent with the above.</i>	

Decorate (wrought iron) Fence basic detail



Miscellaneous Fence items

1. Gates to be manual and/or remote operated with Dallas Fire Department access box where necessary.



ESTATE

ORNAMENTAL PRIVACY FENCE

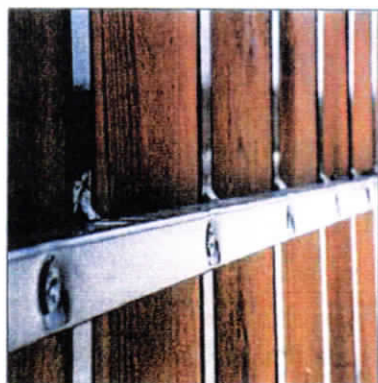


ORNAMENTAL
Estate
PRIVACY FENCE

THE ULTIMATE IN PRIVACY FENCE

TOUGH

- Rigid welded steel construction
- Clean, treated welds
- Commercial grade



DURABLE

- DuPont® Architectural Grade Powder Coat
- UV inhibitors reduce fading over time
- Virtually maintenance free

XFortressGuard



45000PSI
Steel

Zinc Galvanize
G60

Zinc Phosphate

DuPont® Architectural
Grade Powder Coat



Fortress is a proud DuPont®
approved applicator



XFortressGuard

ELEGANT

- Fusion of wood and iron for an upscale privacy fence
- Matching walk and drive gates
- Customize using any desired picket material and / color



Shown with composite pickets installed

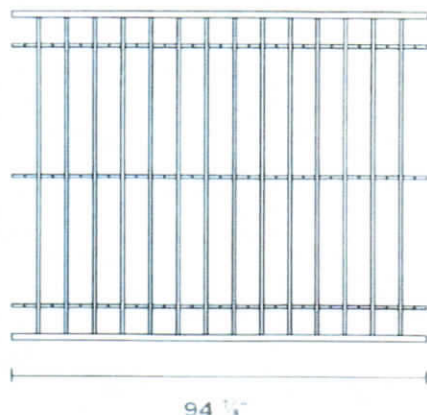
WWW.FORTRESSFENCE.COM



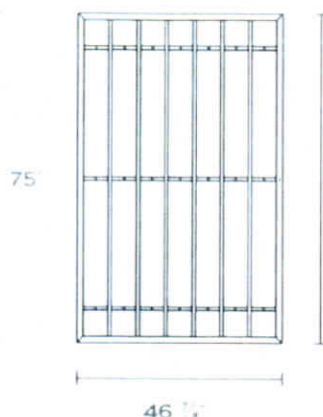
ESTATE

ORNAMENTAL PRIVACY FENCE
PANEL & GATES

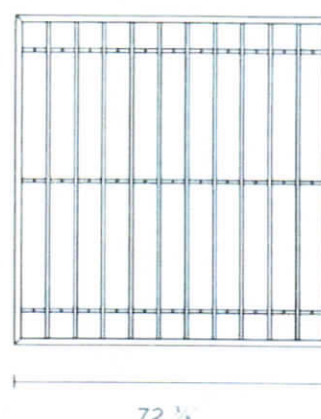
PANEL



WALK GATE

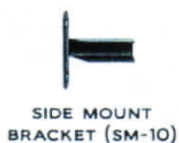


DRIVE GATE



Intent is to install 8' fence of this particular product. No cut sheet available for the 8'.

POST & POST ACCESSORIES & BRACKETS



CUSTOM FABRICATION



Fortress Fence Products is proud to offer a full range of custom fabricated gates and panels to meet any project needs. With its own custom fabrication facility, there is a dedicated staff to help design any gate or panel to individual specification and style. Fortress Custom Fabrication is also available in a broad range of premium finishes. Carrying up to a 5-year limited manufacturer warranty, Fortress Custom Fabrication manufactures to a standard of pre-galvanized and premium powder coated steel to provide gates and panels that will withstand the elements. For assistance with developing custom gates or panels, information about custom colors and pricing, please contact us at 1.866.323.4766 or specifications@fortressfence.com.

INSTALLATION OPTIONS



OZ-POST



READYSET

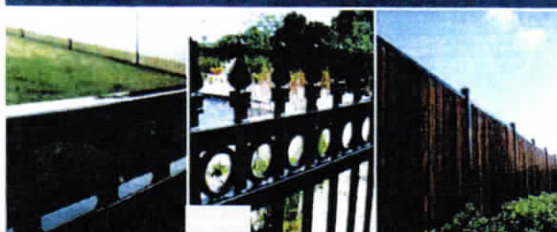


GATE HARDWARE



PROSERIES

RESIDENTIAL



COMMERCIAL



INDUSTRIAL



**BOUNDARY DESCRIPTION
OF A 178,698 SQUARE FOOT (4.102 ACRE)
FENCELINE EASMENT IN BLOCK A/6258
TO BE CONVEYED BY THE CITY OF DALLAS**

Being a 178,698 Square Foot, or 4.102 Acre tract of unplatted land being situated in the City of Dallas, Dallas County, Texas, and lying in the Elizabeth Crockett Survey, Abstract No. 231, Isaac Elam Survey, Abstract No. 443, and the Gideon Pemberton Survey, Abstract No. 1155, and lying in Lot 2 of the *Trinity Championship Golf Course Addition, Installment I*, a Preliminary Plat having the File Number S123-079, in City of Dallas Block A/6258, and being part of the property conveyed to the City of Dallas by deed recorded in Instrument Number 20080250127 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a Type II Texas Department of Transportation Aluminum Monument Disc (Controlling Monument) set in concrete found at the Point of Tangency on the Southeast Right-of-Way line of State Highway Loop 12 / Great Trinity Forest Way (a Variable Width Right-of-Way) being also the North line of Lot 1 of said Block A/6258 :

THENCE South 65°13'16" West with the above said common line between of Loop 12 and Block A/6258 a distance of 1,465.16 feet to a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the common North corner of Lots 1 and 2, being on the North line of Block A/6258 and the **POINT OF BEGINNING** of the herein described easement:

Note: Unless otherwise noted, all corners are monumented with a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS."

THENCE Southerly and Easterly with the Northeast line of the herein described easement the following courses and distances:

South 40°33'06" West a distance of 20.78 feet:

South 65°13'16" West a distance of 165.40 feet:

South 1°32'51" West a distance of 259.65 feet:

South 16°36'25" East a distance of 300.62 feet:

South 55°53'49" East a distance of 286.45 feet:

South 37°46'37" East a distance of 638.41 feet:

**BOUNDARY DESCRIPTION
OF A 178,698 SQUARE FOOT (4.102 ACRE)
FENCELINE EASMENT IN BLOCK A/6258
TO BE CONVEYED BY THE CITY OF DALLAS**

South 5°33'30" East a distance of 285.86 feet:

North 87°07'20" East a distance of 428.67 feet:

South 56°26'53" East a distance of 277.34 feet:

South 32°30'42" East a distance of 402.35 feet:

South 84°12'49" East a distance of 193.81 feet:

South 26°14'14" East a distance of 117.64 feet:

North 69°40'33" East a distance of 47.93 feet:

North 85°34'52" East a distance of 142.70 feet:

South 34°46'37" East a distance of 103.93 feet:

South 9°57'00" East a distance of 350.13 feet:

North 78°26'30" East a distance of 711.13 feet:

North 70°20'40" East a distance of 503.86 feet:

North 85°02'52" East a distance of 254.53 feet:

North 42°51'13" East a distance of 256.82 feet:

North 23°54'00" East a distance of 378.65 feet:

North 78°35'09" East a distance of 309.16 feet:

South 53°52'06" East a distance of 384.63 feet:

North 86°34'43" East a distance of 420.44 feet:

South 75°39'34" East a distance of 493.29 feet:

North 71°04'23" East a distance of 238.66 feet:

**BOUNDARY DESCRIPTION
OF A 178,698 SQUARE FOOT (4.102 ACRE)
FENCELINE EASMENT IN BLOCK A/6258
TO BE CONVEYED BY THE CITY OF DALLAS**

North 43°15'50" East a distance of 198.36 feet:

North 10°22'57" East a distance of 183.69 feet:

THENCE North 11°10'14" East a distance of 559.75 feet to the intersection with common lot line of Lots 1 and 2 of the "Trinity Championship Golf Course Addition, Installment I," a preliminary plat with File Number S123-079:

THENCE South 28°45'22" East with said common lot line a distance of 31.16 feet:

THENCE Northwesterly with the South line of the herein described easement the following courses and distances:

South 11°10'14" West a distance of 535.71 feet:

South 10°22'57" West a distance of 189.45 feet:

South 43°15'50" West a distance of 209.21 feet

South 71°04'23" West a distance of 249.59 feet:

North 75°39'34" West a distance of 496.14 feet:

South 86°34'43" West a distance of 424.51 feet:

North 53°52'06" West a distance of 383.02 feet:

South 78°35'09" West a distance of 290.01 feet:

South 23°54'00" West a distance of 371.64 feet:

South 42°51'13" West a distance of 267.87 feet:

South 85°02'52" West a distance of 259.66 feet

South 70°20'40" West a distance of 506.39 feet:

South 78°26'30" West a distance of 733.11 feet:

**BOUNDARY DESCRIPTION
OF A 178,698 SQUARE FOOT (4.102 ACRE)
FENCELINE EASMENT IN BLOCK A/6258
TO BE CONVEYED BY THE CITY OF DALLAS**

North 9°57'00" West a distance of 366.30 feet:

North 34°46'37" West a distance of 88.07 feet:

South 85°34'52" West a distance of 128.44 feet:

South 69°40'33" West a distance of 63.17 feet:

North 26°14'14" West a distance of 124.60 feet:

North 84°12'49" West a distance of 192.42 feet:

North 32°30'42" West a distance of 407.80 feet:

North 56°26'53" West a distance of 266.51 feet:

South 87°07'20" West a distance of 441.18 feet:

North 5°33'30" West a distance of 299.17 feet:

North 37°46'37" West a distance of 629.45 feet:

North 55°53'49" West a distance of 290.40 feet:

North 16°36'25" West a distance of 310.95 feet:

THENCE North 1°32'51" East a distance of 275.26 feet to the Intersection with the above reference Southeast line of State Highway Loop 12 / Great Trinity Forest Way:

THENCE North 65°13'16" East with the said Southeast line of State Highway Loop 12 / Great Trinity Forest Way a distance of 172.17 feet to the **POINT OF BEGINNING**, containing 178,698 Square Feet, or 4.102 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

