

CESWF-PER-R  
Application SWF-2010-00506

**MEMORANDUM FOR RECORD**

**SUBJECT:** Department of the Army Environmental Assessment and Statement of Finding for Above-Numbered Permit Application

This document constitutes the Environmental Assessment, 404(b)(1) Guidelines Evaluation, Public Interest Review, and Statement of Findings.

1. Application as described in the public notice.

The only modification that has been made to the proposed project since the date of the public notice relates to proposed compensatory mitigation, described in the mitigation section below.

**APPLICANT:** CTA, LLC  
James R. Carpenter  
Central Texas Airport  
12400 West Highway 71, Suite 350-115  
Austin, Texas 78738

**WATERWAY & LOCATION:** The proposed Central Texas Airport (CTA) project would be constructed in an area containing two unnamed ephemeral streams and an impoundment of one of these streams, located between the intersection of Farm-to-Market Road (FM) 969 and FM 1704 and the Colorado River, Elgin, Bastrop County, Texas, 78621 (Figures 1 and 2). The proposed airport project is located on the Utley Texas, United States Geological Survey (USGS) 7.5-minute topographic map (Figure 3). The project area is centered at approximately 30.19869° N latitude; -97.45231° W longitude. Hydrologic Unit 12090301.

**PROJECT PURPOSE**

**BASIC:** The basic project purpose is air transportation.

**OVERALL:** The overall project purpose would be to provide the Central Texas area a general aviation reliever airport.

**WATER DEPENDENCY DETERMINATION:** The activity is not water dependent; however water dependency is irrelevant to this project because no special aquatic sites exist on the project site.

**PROPOSED WORK:** The applicant proposes to discharge approximately 46,000 cubic yards of dredged and fill material into 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 impounded stream (on-channel, cattle stock tank), associated with the construction of the CTA (Figures 4 through 7).

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, to accommodate air travel demands and aircraft maintenance services, which are not fulfilled by the Austin Bergstrom International Airport, which serves commercial passengers and air cargo businesses.

The proposed construction of CTA, as it relates to this document would consist of:

- A 7,200-foot long by 100-foot wide airport runway;
- A parallel 7,200-foot long by 50-foot wide taxiway;
- Precision approach;
- ARC D-III design standards;
- Seven 10-foot by 5-foot by 3,330-foot long reinforced concrete box culverts to convey storm water runoff;
- A 26-acre storm water detention/floodplain detention pond;
- On-site storm water collection facilities;
- An entrance road along the west boundary of the site approximately 9,000 feet long;
- A thoroughfare roadway traversing the eastern property approximately 9,000 feet long;
- On-site wet and dry facilities; and
- Nine Hangers, fire and rescue facilities, fuel farm, water storage tank, 13,200 square feet of commercial airport office building, and 28.3-acre commercial development site.

The proposed action, as described above, is a single and complete project with independent utility from any other potential projects. No funding or approval for development beyond this proposed action has been obtained. Depending on future demands, other related but stand alone projects, such as commercial, industrial, energy production, hotel, infrastructure, and other development features, may be constructed on-site or near site. However, these other potential projects are not required to fulfill the stated need for the CTA 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.

**PROJECT NEED:** The need for a general aviation reliever airport in the Central Texas area has been documented by the Federal Aviation Administration (FAA), Texas Department of Transportation (TxDOT), and Central Texas area municipalities. These studies include:

1. Austin Airport Alternative Site Evaluation And Selection Update Executive Summary (TCB 1987) prepared for the City of Austin;
2. The New Pflugerville Airport Site Selection Study, Working Paper A, Executive Summary (URS Greiner Woodward Clyde and Hicks & Company 2000) prepared for the City of Pflugerville;
3. The New Pflugerville Airport Site Selection and Feasibility Study (URS Greiner Woodward Clyde et. al. 2000) prepared for the City of Pflugerville;

4. Central Texas Airport Phase I Feasibility Study (WSA 2003) prepared for the Texas Department of Transportation (TxDOT); and
5. Business and High Technology Requirements (COAACGAS 2007) prepared for the City of Austin Airport Commission General Aviation Subcommittee.

These studies cumulatively provide the basis of demand, and demonstrate that such aviation facilities for the Central Texas area are needed. They further provide dozens of new airport site options, refine these options with specific site evaluations, and establish the design parameters for a new general aviation airport.

In July 2003, Wilbur Smith Associates, Inc. (WSA) prepared a Central Texas Airport feasibility study for the Texas Department of Transportation (TxDOT) to identify the potential regional demand for a new general aviation reliever airport in the Central Texas area, and also to identify a facility template based on the needs of the region's aviation users. In the 2003 study, the Central Texas area was defined as Travis County and six contiguous counties: Bastrop, Blanco, Burnet, Caldwell, Hays, and Williamson. The findings of the study indicated that there is a strong demand for a new general aviation reliever airport in the Central Texas area. Due to factors, such as the closing of Robert Mueller Municipal Airport and Austin Executive Airport in the late 1990s, rapid population growth, commercial and residential development, and increased demand for aviation facilities and services, options for general aviation aircraft owners and transient pilots had become limited in the Central Texas area, creating a need for a general aviation reliever airport in the Central Texas area.

An analysis of regional demand for the Central Texas area was performed for the 2003 WSA feasibility study. Based on this study, primary demand nodes represent locations in the Central Texas area where "people, pilots, and businesses are more densely populated, and as a direct result, the demand for aviation services in these areas is relatively higher than in less populated areas." The analysis indicated that the primary demand nodes for the Central Texas area are located along the north-south corridor of I-35 in Travis and Williamson Counties, and to a lesser extent in Hays County. According to the analysis, for a new general aviation reliever airport to serve the greatest demand density in the Central Texas area, it should be located proximate to the I-35 corridor in Travis, Williamson, and Hays Counties. Since the 2003 study was conducted, the new SH 130 toll road was constructed eight miles east of the I-35 corridor, shifting the demand eastward.

In 1999, Austin's primary commercial airport, Robert Mueller Municipal Airport (Mueller Airport), and Austin Executive Airport (AEA) were closed, which resulted in the displacement of over 400 general aviation aircraft, along with virtually all associated maintenance, repair, and support businesses. These actions created the operational need for a general aviation reliever airport in the Central Texas area. Based on TxDOT statistics, Mueller Airport housed approximately 283 based general aviation aircraft, including over 100 multi-engine piston and jet aircraft, and the AEA accommodated approximately 90 general aviation aircraft and over 90,000 general aviation services prior to their closings. Austin officials had requested that the Air Force close Bergstrom Air Force Base for the

redevelopment of Austin's new Austin Bergstrom International Airport (ABIA).

A limited scope of general aviation facilities was relocated to the new ABIA. During its first year of operation, ABIA accommodated approximately 110 based general aviation aircraft. ABIA's primary mission was to provide support for the long-term commercial passenger and air cargo transportation needs of the region, utilizing only funding provided by federal and state sources and airport operations. Aircraft hangars for 54 general aviation aircraft were constructed and remain today, leaving the region's general aviation infrastructure needs under serviced, as noted in the studies that have been conducted. Additionally, the ABIA Master Plan states that general aviation reliever airport facilities are expected to be constructed by others to serve the region in the future, taking the pressure off of ABIA to expand support for this segment of aviation.

Presently, three supporting general aviation reliever airports exist proximate to the Hays/Travis/Williamson Counties I-35 corridor: one in Georgetown; one in San Marcos; and one near Pflugerville that was formerly called Birds Nest Airport and has been renamed to Austin Executive Airport (nAEA). Due to the distances ranging from 17 to 36 miles, neither Georgetown nor San Marcos are conveniently located to Austin, nor are they suitable for supporting Austin's current or future general aviation needs. None of these airports, individually or cumulatively, meet the established demand or facility requirements set out in the series of airport and aviation studies noted above.

The nAEA is approximately 17 miles northeast of Austin near Pflugerville. The Birds Nest Airport was a small airport utilized from small private, agricultural, and recreational aircraft and ultralights. In 1999, the Birds Nest Airport was closed and, after redevelopment, was reopened in 2011 as the nAEA. Redevelopment of the nAEA included construction of a new runway aligned to compass headings of 130 degrees and 310 degrees (13-31). This realignment results in a 40- to 50-degree crosswind configuration with prevailing winds to allow the construction of a longer runway with greater separation distance from an existing electric substation and 138 kilovolt (kV) transmission lines that bound the airfield to the north. After the new runway was completed, the Lower Colorado River Authority (LCRA) constructed another 345 kV transmission line to the west of the field approximately 2,800 feet from the approach end of the runway. This electric transmission infrastructure creates potentially hazardous obstacles to the operations of the new 13-31 runway. Despite these factors, the nAEA still provides badly needed general aviation support for an abundance of smaller private and commercial aircraft that do not require full precision instrument landing capabilities or require compliance with commercial insurance requirements. It is beneficial to ABIA operations for the nAEA to accommodate this segment of the market.

Unlike the nAEA the proposed CTA would satisfy the need for a general aviation reliever airport in the Central Texas area by providing a full service airport with greater access to the Austin area, which is needed to support the growing general aviation demand created over the past 12 years since the closure of Mueller Airport and the original AEA.

**AVOIDANCE AND MINIMIZATION INFORMATION:** The applicant considered various alternatives during the proposed project evaluation process. The proposed project was selected by the applicant after consideration of social, environmental, and engineering factors. The site was chosen over other sites with more extensive environmental constraints including wetlands. See Alternatives Analysis section.

**COMPENSATORY MITIGATION:** To compensate for unavoidable adverse impacts to waters of the U.S., the applicant would debit 1,304.4 stream credits and 2.4 wetland credits from the Wilbarger Creek Mitigation Bank (WCMB) in compliance with the provisions of the “Wilbarger Creek Mitigation Bank, Mitigation Banking Instrument, Bastrop County, Texas” and the Site Development Plan titled “Wilbarger Creek Mitigation Bank, Site Development Plan, Bastrop County, Texas,” both dated September 21, 2011. This debit shall compensate off-site for unavoidable adverse project impacts that would not be compensated for by on-site mitigation. The permittee shall complete the mitigation bank transaction and provide documentation to the USACE that the transaction has occurred prior to commencing any ground-disturbing activity within waters of the United States.

Mitigation Calculation Sheet

Feature	Water Classification	Length Impacted	Area Impacted	WCMB	
				TxRAM Score	Credits
<b>Stream Credits</b>					
WAT-3	Ephemeral Stream	4,423 LF	--	24.2	1,070.4
WAT-4	Ephemeral Stream	967 LF	--	24.2	234.0
Total Stream Credits					1,304.4
<b>Open Water Credits</b>					
Pond-1	impoundment	--	8.55 AC	28.6	2.4

**EXISTING CONDITIONS:** The site topography is moderately sloping and ranges from approximately 400 to 450 feet above mean sea level (MSL) (Figure 3). 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. The 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 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).

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. 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 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).

2. Authority.

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403).
- Section 404 of the Clean Water Act (33 U.S.C. §1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

3. Scope of Analysis.

a. NEPA.

(1) Factors.

- (i) Whether or not the regulated activity comprises "merely a link" in a corridor type project.

The regulated activity is not merely a link in a corridor type project.

- (ii) Whether there are aspects of the upland facility in the immediate vicinity of the regulated activity which affect the location and configuration of the regulated activity.

Flight and wind patterns affect the direction of air traffic dictating the runway alignment and cause it to cross waters of the U.S. at specific locations and configurations on the project property.

- (iii) The extent to which the entire project will be within the Corps jurisdiction.

Corps jurisdiction is limited to waters of the U.S.

- (iv) The extent of cumulative Federal control and responsibility.

The extent of cumulative Federal control and responsibility is limited to waters of the U.S. and uplands in the immediate area surrounding these waters.

- (2) Determined scope.

- Only within the footprint of the regulated activity within the delineated water.  
 Over entire property. *Explain.*

b. NHPA "Permit Area".

- (1) Tests. Activities outside the waters of the United States are/are not included because all of the following tests are/are not satisfied: Such activity would/would not occur but for the authorization of the work or structures within the waters of the United States; Such activity is/is not integrally related to the work or structures to be authorized within waters of the United States (or, conversely, the work or structures to be authorized must be essential to the completeness of the overall project or program); and Such activity is/is not directly associated (first order impact) with the work or structures to be authorized. The airport runway in uplands would not occur but for the runway in waters of the US; it is integrally related to structures to be authorized, and such activity is directly associated with work or structures to be authorized.

- (2) Determined scope. The entire project area of runway and ancillary facilities is considered for NHPA. Decision to apply jurisdiction to the entire project area as final permit area complies with 33CFR325 (Appendix B) (7).

c. ESA "Action Area".

- (1) Action area means all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.

- (2) Determined scope. Waters of the U.S and the uplands immediately adjacent to these waters.

d. Public notice comments.  NA

- (1) The public also provided comments at  public hearing,  public meeting, and/or  NA

- (2) Commenters and issues raised.

(i) List of commenters  
See Appendix A

(ii) Comments and Responses  
See Appendix A

- (3) Site  was/ was not visited by the Corps to obtain information in addition to delineating jurisdiction. On December 15, 2010, the USACE Fort Worth District – Regulatory Branch, met with the applicant's consultant and the applicant's staff on site to determine the extent of waters of the U.S. The project site, including the pond, swale, and stream, were evaluated for jurisdictional indicators. The limits of ordinary high water and the extent of waters of the U.S., within the project site, were noted. As a result of the field visit, the USACE requested the consultant revise their 2008 Preliminary Jurisdiction Determination to include approximately 8.55 additional acres of waters of the U.S., not initially included in their original determination.

- (4) Issues identified by the Corps. In order for the USACE to complete its review of the project, the USACE requested an Environmental Information Document (EID) from the applicant. The USACE requested the EID contain enough information to assist in the development of an Environmental Assessment pursuant to the National Environmental Policy Act of 1969 (NEPA). In part, the EID was to contain the following information:

- Affected Environment and Environmental Consequences associated with the project. This information to include the following factors where applicable: traffic/transportation patterns; energy consumption or generation; navigation; safety; air quality; noise; historic properties; land use classification; economics; prime and unique farmland; food and fiber production; general water quality; mineral needs; and consideration of private property;
- A Site Plan with all amenities and project phases illustrating all components of the single and complete project;
- A Section 404(b)(1) Alternatives Analysis demonstrating the proposed project is the least environmentally damaging practicable alternative in accordance with 40 CFR Part 230; and,
- A Cumulative and Indirect Impacts Analysis including the percent of wetlands



contributing to the immediate watershed, the size of the immediate watershed in acres, and the amount of stream in the immediate watershed in linear feet with the percentage of perennial, intermittent, and ephemeral tributaries.

(5) Issues/comments forwarded to the applicant.  NA/ Yes.

(6) Applicant replied/provided views.  NA/ Yes.

(7) The following comments are not discussed further in this document as they are outside the Corps purview.  NA/ Yes

4. Alternatives Analysis.

a. Basic and Overall Project Purpose (as stated by applicant and independent definition by Corps).

Same as Project Purpose in Paragraph 1.

Revised:

b. Water Dependency Determination:

Same as in Paragraph 1.

Revised:

c. Applicant preferred alternative site and site configuration.

Same as Project Description in Paragraph 1.

Revised:

Criteria.

Issue	Measurement and/or constraint
<i>e.g. Wetlands</i>	<i>Acres of direct impact</i>
Ephemeral Streams	0.87
On Channel Pond	8.55

d. Off-site locations and configuration(s) for each. (e.g. alternatives located on property not currently owned by the applicant are not practicable under the Section 404(b)(1) Guidelines as this project is the construction or expansion of a single family home and attendant features, such as a driveway, garage, storage shed, or septic field; or the construction or expansion of a barn or other farm building; or the expansion of a small business facility; and involves discharges of dredged or fill material less than two acres into jurisdictional wetlands.)

During the CTA site selection process, the applicant's aviation experts and consultants reviewed 24 sites from the "Austin Airport Alternative Site Evaluation and Selection Update Executive Summary" (TCB 1987). The sites included in the Pflugerville study were reviewed. Most of the sites were in areas that had been evaluated previously as

potential airport locations. The original data collected for the 1987 and the Pflugerville studies were examined, site visits were conducted, and additional investigations were made to further explore the suitability of the locations to meet the needs for a general aviation airport as outlined in the WSA 2003 study. Each study rated the sites relative to the intended purpose and overall expectation of meeting the intended need. A thorough examination of the criteria and findings was part of the review process. One of the most important evaluations was airspace compatibility with existing airports. Ten sites were eliminated because the Applicant's aviation experts and consultants identified them as having potential for airspace conflict. Several sites were eliminated because of potential development restrictions within the Edwards Aquifer area, and several sites were eliminated due to topographic and floodplain concerns. The five remaining sites were determined to merit further evaluation. These sites were the Bird's Nest Airport, Highway 71 East tract, Austin Energy tract, Webbers Crossing tract, and McFarland tract.

e.  NA) Site selected for further analysis and why.

Description	Comparison to criteria
McFarland Site	Applicants Preferred Alternative
Webber's Crossing Site	Eliminated due to environmental site constraints including wetlands.
Austin Energy Site	Eliminated due to transmission line locations that would necessitate crosswind runway alignment and/or runway length restrictions.
Highway 71 East Site	Eliminated due to transmission line locations that would necessitate crosswind runway alignment and/or runway length restrictions.
Birds Nest Site	Eliminated due to transmission line locations that would necessitate crosswind runway alignment and/or runway length restrictions.

**Central Texas Airport Site Selection Analysis Matrix.**

	McFarland	Webber's Crossing	Austin Energy	Highway 71 East	Birds Nest
Topography			X	X	X
Major Airports		X	X	X	
Access					
Runway Length					X
Landfill					
Industry					
Towers		X	X	X	X
Population Density			X		
Environment			X		X
Potential	2 tributaries	3 potential	3 potential	4 potential	3 potential

<b>Waters and Wetlands</b>	and one man-made stock pond; No wetlands	tributaries; 8 potential wetlands	tributaries; 3 potential wetlands	tributaries; complex of wetlands	tributaries; 4 potential wetlands
<b>Political Jurisdiction</b>		X	X	X	X
<b>Power Lines</b>			X	X	X

The McFarland tract was evaluated by aviation experts, geologists/hydrologists, civil and soils engineers, environmental consultants, financial viability, and FAA consultants and officials. The specific McFarland tract off of FM 969 at FM 1704 was determined to be the superior site in the region, based on the criteria in the table above, and because it meets airport constraints. Waters of the U.S. on-site consist of two tributaries and one man-made stock pond. No wetlands exist on the site. Additionally, the soils on the site were determined to be appropriate for construction of the proposed project. With the support of the Bastrop County Commissioners Court approving the economic development inducements for the privately-funded airport project, the McFarland tract was chosen as the preferred site for the development of the proposed CTA.

f. On-site configurations. Construction of the proposed CTA on the selected site at FM 969 and FM 1704 in Bastrop County, Texas would adversely impact waters of the U.S. located on the proposed site. The USACE conducted a jurisdictional determination during the site visit December 15, 2010, and determined that approximately 9.42 acres of waters of the U.S., including 5,390 linear feet of ephemeral stream (approximately 0.87 acre) and an approximately 8.55-acre man-made stock tank, are located on the proposed CTA site.

The Applicant considered two on-site airport configurations to determine whether there is a less environmentally damaging practicable alternative to waters of the U.S. on the proposed CTA site.

<b>Description</b>	<b>Comparison to criteria</b>
Configuration One	<p>Configuration One was designed to optimize the operational capabilities of the proposed CTA. The runway, which is aligned to a compass bearing of 010 degrees and 190 degrees, is consistent with prevailing winds. The Applicant has received a letter of no objection from the FAA for the runway position associated with Configuration One and has received a letter of no objection from the FAA on the use of the airspace associated with this design.</p> <p>Configuration One is designed to contain all components of the proposed CTA within the boundaries of the 1,100-acre tract, including the entire land envelope for the proposed runway and runway protection zones. Configuration One is also designed so that all noise impacts, as measured by FAA standards (&gt;65+ Ldn), lie well within the boundaries</p>

	<p>of CTA and do not extend into the surrounding business campus or community.</p> <p>Approximately 9.42 acres of waters of the U.S., including 5,390 linear feet of ephemeral stream (approximately 0.87 acre) and an approximately 8.55-acre man-made stock tank are located on the proposed CTA site; there are no wetlands on site. As designed, Configuration One would impact these waters of the U.S.</p>
Configuration Two	<p>Configuration Two assumes the same layout as Configuration One because this layout was designed to optimize the operational capabilities of the proposed CTA. However, in an attempt to cause less impact to waters of the U.S., the layout was slightly rotated clockwise and moved to the east, placing the runway and taxiway between the man-made stock tank and the unnamed ephemeral stream, in the area that is not considered jurisdictional by the USACE (Figure 8).</p> <p>The Applicant's aviation experts have determined that Configuration Two does not provide an acceptable envelope for the runway and runway protection zones, as the entire land envelope for the proposed runway and runway protection zones would not be contained within the boundaries of the site. The USACE has evaluated the applicant's information regarding these constraints and believes their conclusions to be reasonable. Configuration Two would place part of the runway protection zones and the approach of inbound aircraft directly over FM 1704 and FM 969, as well as over an existing church located at the intersection of FM 969 and FM 1704. Additionally, Configuration Two rotates the alignment of the runway clockwise to a northeast-southwest alignment, possibly introducing crosswind impacts to aircraft. Furthermore, it is not certain whether Configuration Two would have less impact to waters of the U.S. than Configuration One due to the close connection between the runway/taxiway and hangars and the airport support buildings west of the runway.</p> <p>Due to additional potential safety risks and impacts to the community and to the existing church, Configuration Two was eliminated and not carried forward through the environmental consequences.</p>

g. Other alternatives not requiring a permit, including No Action.

Description	Comparison to criteria
No-Build Alternative	<p>Under the No-Build Alternative, the construction of CTA would not occur, and the purpose and need of the proposed project, as set forth, would not be met.</p> <p>Presently, the general aviation needs of the Austin region are underserved, as ABIA is not designed or equipped to service the region's general aviation needs. The No-Build Alternative would result in adverse economic, social, and financial loss to Bastrop County and the Central Texas region and would eliminate the potential for new jobs being created by this project. Additionally, abandonment of the project would result in loss of investment by both Bastrop County and the Applicant, and would be economically impractical for them. For these reasons, the No-Build Alternative was eliminated and not carried forward.</p>

- h. Alternatives not practicable or reasonable. No-Build Alternative; Configuration Two, the Bird's Nest Airport, Highway 71 East tract, Austin Energy tract, and the Webbers Crossing tract would not meet the purpose and need for the reasons stated above.
- i. Least environmentally damaging practicable alternative. The applicant's preferred alternative, construction of the project with use of mitigation bank credits as described above.

5. Evaluation of the 404(b)(1) Guidelines. (NA)

a. Factual determinations.

<p>Physical Substrate.</p> <p><input checked="" type="checkbox"/> See Existing Conditions, paragraph 1</p> <p><input type="checkbox"/></p>
<p>Water circulation, fluctuation, and salinity.</p> <p><input type="checkbox"/> Addressed in the Water Quality Certification.</p> <p><input checked="" type="checkbox"/> The project would cause minimal individual and cumulative adverse primary and secondary impacts on the environment.</p>
<p>Suspended particulate/turbidity.</p> <p><input type="checkbox"/> Turbidity controls in Water Quality Certification.</p> <p><input checked="" type="checkbox"/> The project would likely result in a short term increase in turbidity associated with construction, although BMPs would likely reduce these impacts. These impacts would result in minimal individual and cumulative adverse primary and secondary impacts on the environment.</p>

<p>Contaminant availability.</p> <p><input checked="" type="checkbox"/> General Condition requires clean fill.</p> <p><input checked="" type="checkbox"/> The project area was evaluated for the presence of hazardous materials to avoid contamination. Water quality measures would be in place to reduce these impacts.</p>
<p>Aquatic ecosystem and organism.</p> <p><input checked="" type="checkbox"/> Wetland/wildlife evaluations, paragraphs 5, 6, 7 &amp; 8.</p> <p><input type="checkbox"/></p>
<p>Proposed disposal site.</p> <p><input checked="" type="checkbox"/> Public interest, paragraph 7.</p> <p><input type="checkbox"/></p>
<p>Cumulative effects on the aquatic ecosystem.</p> <p><input checked="" type="checkbox"/> See Paragraph 7.e.</p> <p><input type="checkbox"/></p>
<p>Secondary effects on the aquatic ecosystem.</p> <p><input checked="" type="checkbox"/> See Paragraph 7.e.</p> <p><input type="checkbox"/></p>

b. Restrictions on discharges (230.10).

- (1) It has/has not been demonstrated in paragraph 5 that there are no practicable nor less damaging alternatives which could satisfy the project's basic purpose. The activity is/is not located in a special aquatic site (wetlands, sanctuaries, and refuges, mudflats, vegetated shallows, coral reefs, riffle & pool complexes). The activity does/does not need to be located in a special aquatic site to fulfill its basic purpose.
- (2) The proposed activity does/does not violate applicable State water quality standards or Section 307 prohibitions or effluent standards (based on information from the certifying agency that the Corps could proceed with a provisional determination). The proposed activity does/does not jeopardize the continued existence of federally listed threatened or endangered species or affects their critical habitat. The proposed activity does/does not violate the requirements of a federally designate marine sanctuary.
- (3) The activity will/will not cause or contribute to significant degradation of waters of the United States, including adverse effects on human health; life stages of aquatic organisms' ecosystem diversity, productivity and stability; and recreation, esthetic, and economic values (see Paragraph 8 for description of mitigative actions).
- (4) Appropriate and practicable steps have/have not been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem (see Paragraph 8 for description of mitigative actions).

6. Public Interest Review: All public interest factors have been reviewed as summarized here. Both cumulative and secondary impacts on the public interest were considered. Public interest factors that have had additional information relevant to the decision are discussed in Paragraph 7.

				+ Beneficial effect
				0 Negligible effect
				- Adverse effect
				M Neutral as result of mitigative action
+	0	-	M	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Conservation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Economics.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Aesthetics.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	General environmental concerns.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wetlands.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Historic properties.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fish and wildlife values
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Flood hazards.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floodplain values.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Land use.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Navigation.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shore erosion and accretion.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recreation.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water supply and conservation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water quality.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Energy needs.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Safety.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Food and fiber production/Prime Farmland.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mineral needs.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Considerations of property ownership.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Noise.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Air Quality.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transportation Infrastructure.

7. Effects, policies and other laws.

a.  NA

Public Interest Factors.

Factor	Discussion
Conservation	Although wilderness conservation would be negatively impacted by the project, the limited value, compensatory mitigation, severe overgrazing, and current condition of the

	<p>property offset the potential loss of conservation value.</p>
<p>Economics</p>	<p>The CTA's socioeconomic beneficial effects derive from the investment of private capital in a privately funded general aviation airport. The CTA airport may also indirectly contribute to socioeconomic benefit within the region. According to findings in a study by The Perryman Group of Waco, Texas, the State of Texas could expect the following indirect economic benefits. Operations of the CTA and related services would generate ongoing positive economic effects, including \$878 million in annual spending, \$398 million in output, and 4,730 jobs.</p> <p>It is anticipated that the proposed project would contribute to economic stimulus of the region and benefit Bastrop County and Central Texas. It is reasonable to anticipate that other development would be stimulated by the airport and would also contribute positively to the regional economy.</p> <p>Operations of the CTA and related services would generate ongoing positive economic effects, including annual operations spending and jobs creation.</p> <p>The proposed CTA project is not adjacent to areas that would be expected to disproportionately effect minority and low income populations. Therefore, no negative Environmental Justice issues are anticipated. However, job creation, construction activities, and operations spending should positively impact the region.</p> <p>Impacts to property value were assessed. The assessment included three airports in Texas which cater to general aviation, and have similar types of runway and taxiway configurations that are planned for the CTA. These airports include David Wayne Hooks Airport, Addison Airport, and Sugar Land Regional Airport. These airports are located in areas which have similar, or superior demographic characteristics to those which exist in the general Austin-Bastrop region. In the case of residential property, all three locations do not exhibit any substantial difference in the property tax assessment applied to residential housing as a result of proximity to the airport. Variations in property tax assessments were generally between 3 and 5 percent. This result was both positive and</p>



	negative, with residences in the airport's vicinity, in many cases, developing relative assessments which were greater than comparable property outside the airports defined area of influence for this study. Therefore, no substantial indirect impacts related to displacements are anticipated as a result of the proposed action.
Aesthetics	It is not anticipated that the project would have substantial aesthetic impacts.
General environmental concerns	The project would have some negative environmental impacts such as increased impervious cover, removal of vegetation, temporary increase of total suspended solids during construction, and adverse impacts to waters of the U.S. However, based on our evaluation of the proposed project, there is no reason to believe this proposal would contribute to the establishment of invasive species.
Wetlands	No wetlands exist on the site and no wetland impacts are anticipated as a result of the CTA project.
Historic properties	The proposed CTA development was surveyed for the presence of historic and prehistoric sites. Prior to the survey there were no known or recorded sites eligible, or potentially eligible, for listing in the National Register of Historic Places on the property. The cultural resources work included pedestrian survey, shovel-testing, and backhoe trenching. There were no sites or structures of any age located in the permit area. There is a negligible chance of unidentified sites being encountered during construction.
Fish and wildlife values	Common mammalian species known from the region include, but are not limited to: Virginia opossum ( <i>Didelphis virginiana</i> ), common mole ( <i>Scalopus aquaticus</i> ), fox squirrel ( <i>Sciurus niger</i> ), fulvous harvest mouse ( <i>Reithrodontomys fulvescens</i> ), cotton mouse ( <i>Peromyscus gossypinus</i> ), Baird's pocket gopher ( <i>Geomys breviceps</i> ), South Texas bobcat ( <i>Lynx rufus texensis</i> ), red fox ( <i>Vulpes fulva</i> ), raccoon ( <i>Procyon lotor</i> ), river otter ( <i>Lutra canadensis</i> ), and red bat ( <i>Lasiurus borealis</i> ). Lizards and snakes include, but are not limited to: Carolina anole ( <i>Anolis carolinensis</i> ), eastern glass lizard ( <i>Ophisaurus ventralis</i> ), six-lined racerunner ( <i>Cnemidophorus sexlineatus</i> ), blue racer ( <i>Coluber constrictor</i> ), black rat snake ( <i>Elaphe obsoleta</i> ), diamond-backed water snake ( <i>Natrix rhombifora</i> ), eastern ribbon snake ( <i>Thamnophis sauritus</i> ), and western cottonmouth ( <i>Agkistrodon piscivorus</i> ) (Blair 1950).  Federally threatened and endangered species evaluations

were performed as required for submittal with the Application for a Department of the Army Permit. Evaluated species included: Houston toad, whooping crane, and Navasota ladies'-tresses. Although the bald eagle was delisted in 2007, the species was also evaluated.

The bald eagle is found primarily near seacoasts, rivers, and large lakes where food resources such as fish and waterfowl are readily available. Eagles typically build their nests in 40- to 120-foot tall trees; nests are usually in the tallest trees in an area with an unobstructed flight path. Nest sites are also commonly within 1 to 2 miles of large water bodies, such as lakes or reservoirs. The bald eagle is known to nest along the Colorado River in Bastrop County and along the Llano River in Llano County. The bald eagle is known to winter from early November to late March along major river systems of the eastern and central Edwards plateau. The Colorado River drainage, especially Lake Buchanan in Llano and Burnet Counties, is the area most likely to have wintering bald eagles in central Texas. No critical habitat has been designated in the 48 contiguous states for this species.

A database search of the Texas Natural Diversity Database (TXNDD), which includes federally and state listed and tracked Threatened, Endangered, and Rare species, was performed for the Utley and adjacent USGS quadrangles to include the proposed project area. Review of the database search indicates that there are known bald eagle nesting sites approximately one mile east of the proposed project area.

Due to the potential for bald eagle activity, a bald eagle and bald eagle nest survey protocol was developed in accordance with the U.S. Fish and Wildlife Service Draft Post-Delisting Monitoring Plan for the Bald Eagle and the National Bald Eagle Management Guidelines. As there are historical nesting locations within one mile of the proposed project area along the Colorado River, surveys emphasized locating active and dormant bald eagle nests. Surveys were conducted on December 20, 2010, and consisted of two parts: boat survey and pedestrian survey. The boat survey was conducted by kayak along the Colorado River. The kayak survey focused on assessing the vegetation closest to shore as bald eagle nesting sites typically include at least

one perch with a clear view of a nearby water body. The National Bald Eagle Management Guidelines recommend avoiding the operation of aircraft within 1,000 feet of a nest during the breeding season; therefore, the kayak survey included the Colorado River adjacent to the proposed project area, as well as 1,000 feet of the Colorado River to the west and east of the proposed project area. The pedestrian survey focused on inland areas of vegetation that were not clearly visible during the kayak survey. No nests or bald eagles were identified during the surveys.

Development projects are limited in the amount of protection they can provide for singular birds as they migrate or forage through a project area. Typically, the greatest protection that can be afforded to bald eagles is to ensure a safe, undisturbed nesting and fledging area for their young. However since no nests were identified within close proximity of the proposed project area, it seems unlikely that any of the actions proposed would have any impact to bald eagles. Additionally, there are no activities planned within approximately 450 feet north of the Colorado River surrounding the proposed project area. A required perimeter road would be located approximately 450 feet north of the Colorado River, and the southern extent of the runway would be located approximately 1,900 feet north of the Colorado River.

In accordance with the Bald and Golden Eagle Protection Act requirements, if a nest is identified on the proposed project area, the proposed project would implement the recommended precautions and steps in order to meet the avoidance and minimization guidelines as outlined in the Bald and Golden Eagle Protection Act, particularly when activities commence proximate to the Colorado River riparian corridor, which provides the greatest potential for eagle nesting habitat.

The Houston toad is a terrestrial amphibian, 2 to 3.5 inches long, and known to occur in nine Texas counties: Austin, Bastrop, Burleson, Colorado, Lavaca, Lee, Leon, Milam, and Robertson. The Houston toad requires deep, loose, sandy soils for burrowing. For breeding, the toad requires still or slow-flowing water sources, such as ephemeral rain pools, flooded fields, seeps, springs, or more permanent shallow-water ponds. These water sources must persist for

at least 30 days. Juvenile Houston toads have been found within 50 meters of the metamorphosis habitat for the first 11 weeks following transformation. Critical habitat has been determined in part of this species range. The areas determined to be critical habitat are located in Bastrop and Burlison Counties.

Review of the TXNDD search indicates that there are known Houston toad observations east of Highway 95. No observations were noted within the proposed project area.

Using GIS analysis, the proposed project area was studied for various habitat requirements for the Houston toad. These include:

- Geologic formations conducive to deep soil development provided in the USFWS Houston toad habitat geographic database and referenced by USFWS;
- Bastrop County sandy soil units determined to be potential Houston toad habitat;
- Native wooded, savannah, or bunch grass vegetation (based on field reconnaissance);
- Pools of water that persist 60 days during the spring breeding season (based on field reconnaissance and aerial photography); and
- Areas showing evidence of water on USGS maps and aerial photography.

Based on the analysis of Houston toad habitat within the project area, it contains two small areas of potential soils and areas of ponding water during the spring breeding season, but does not contain the necessary geology conducive to Houston toad habitat. Therefore, Houston toad habitat does not exist on the airport property.

The whooping crane is a migrant species whose flyway crosses through much of Texas from the coast and spans northwest through the panhandle. This flyway incorporates all of Bastrop County. The whooping crane typically breeds among rushes and sedges in marshes and meadows in Canada and winters on the estuarine marshes, shallow bays, and tidal salt flats of the Texas coast. During migration, the crane typically stops to rest and feed in open bottomlands of large rivers, marshes, and in agricultural

areas. Whooping cranes are omnivorous feeders. Some of the more common food items taken are crabs, clams, shrimp, snails, frogs, snakes, grasshoppers, larval and nymph forms of flies, beetles, water bugs, birds and small mammals. In Texas, critical habitat for the whooping crane is the area, land, and airspace of Aransas National Wildlife Refuge and vicinity.

Based on the analysis of the whooping crane habitat within the proposed project area and the occurrence of open cropland along the Colorado River including various tributaries and ponds, the likelihood of the whooping crane utilizing the proposed project area during migration is low. However, the pasture is not grain-based, a commonly preferred attribute of stopover habitat.

Navasota ladies'-tresses, a member of the orchid family, is an erect, slender stemmed perennial herb that ranges in height from 8 to 15 inches. This species is endemic to the Post Oak Savannah region of East Texas and is typically found in lightly wooded, naturally disturbed upland areas (250 feet above sea level) along the Navasota River and Brazos River drainages. This species has been observed at the onset of drainages between grassy fields and woodlands, along the edges of woods adjacent to hiking trails, and on the banks of natural drainages in wooded areas. Navasota ladies'-tresses is typically observed in moderately well-drained soils with weak to moderate acidity, low availability of plant nutrients, and very low water holding capacity. No critical habitat has been designated for this species.

The proposed project area lies along the western border of Bastrop County. The nearest known populations of Navasota ladies'-tresses are located in Bastrop County at the University of Texas Stengl Lost Pines Biology Station north of Smithville, Texas (approximately 21 miles away). Much of the soil within the proposed project area consists of clay and clay loam that are typically acidic and have a high available water capacity and slow permeability. Based on the soil requirements of the species, no habitat for Navasota ladies'-tresses is located in the project area.

The proposed CTA site lies within the Crops and Post Oak Woods/Forest designation, as noted on the Texas Parks and

	<p>Wildlife "Vegetation Types of Texas" map.</p> <p>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. The majority of the proposed CTA site is inconsistent with this designation, consisting primarily of coastal bermudagrass pastures, with very few trees, and is used for the grazing of approximately 400 head of cattle.</p> <p>Post Oak Woods/Forest areas are generally located in sandy soils within the Post Oak Savannah. This designation is generally consistent with vegetation along the Colorado River and associated tributaries, which is less than 10 percent of the proposed CTA site.</p> <p>Canopy vegetation observed along the Colorado River and tributaries includes, but is not limited to: pecan (<i>Carya illinoensis</i>), cedar elm (<i>Ulmus crassifolia</i>), post oak (<i>Quercus stellata</i>), burr oak (<i>Quercus macrocarpa</i>), and mesquite (<i>Prosopis glandulosa</i>). 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. Vegetation within the shrub layer includes, but is not limited to: saw greenbrier (<i>Smilax bona-nox</i>), mustang grape (<i>Vitis mustangensis</i>), and rattlebush (<i>Sesbania drummondii</i>). Herbaceous layer vegetation observed within the subject area includes, but is not limited to: Texas prickly pear (<i>Opuntia spp.</i>), pencil cactus (<i>Opuntia leptocaulis</i>), annual sumpweed (<i>Iva annua</i>), broomweed (<i>Gutierrezia dracunculoides</i>), giant ragweed (<i>Ambrosia trifida</i>), coastal bermudagrass (<i>Cynodon dactylon</i>), and various other grasses and forbs.</p> <p>Clearing of vegetation would be avoided or minimized where possible for the construction of the road and establishment of clear zones. Upon completion of earthwork operations, disturbed areas would be restored and seeded according to TCEQ General Permit Requirements.</p> <p>During construction, efforts would be taken to avoid and minimize disturbance of vegetation and soils. Areas within the proposed CTA site, but outside the limits of construction, would not be disturbed. Minimal impacts to</p>
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	<p>vegetation within the area of construction would occur.</p> <p>Per the requirements in the Texas Pollutant Discharge Elimination System (TPDES) General Permit, all disturbed areas are required to be re-vegetated to at least 70 percent coverage prior to removing all best management practices (BMPs) on the site.</p> <p>Compensatory mitigation is proposed for unavoidable adverse impacts to waters of the United States resulting from the proposed construction of the CTA.</p> <p>Direct and indirect effects to wildlife are anticipated from the proposed action and would likely impact wildlife such as snails, frogs, snakes, insects, spiders, birds, and small mammals. However, due to the low quality of the pasture, and the lack of permanent water on the proposed site, these impacts are anticipated to be minimal. In addition, these impacts would be mitigated for through compensatory mitigation.</p>
Flood hazards	<p>The proposed layout for the CTA covers an area which is bisected by an existing Federal Emergency Management Agency (FEMA) 100-year floodplain. In order to construct the Airport entirely outside of the floodplain, a portion of the effective floodplain would need to be filled. The proposed improvements with the 1% Annual Chance Floodplain were submitted to FEMA on May 10, 2010, in an application for a Conditional Letter of Map Revision Based on Fill (CLOMR-F). The application for the CLOMR-F was reviewed and commented on by FEMA reviewers. After FEMA's comments were addressed, FEMA issued a letter on September 28, 2010, stating that the proposed CTA meets the minimum floodplain management criteria of the National Flood Insurance Program.</p>
Floodplain values	<p>Currently, two ephemeral streams drain across the proposed layout of the Airport. In order to construct the proposed Airport entirely outside of the floodplain, a portion of the effective floodplain would need to be filled. The proposed plan calls for filling the portion of the floodplain and conveying drainage from the streams via a culvert and open channel system. The proposed culverts and open channels would drain to a proposed 26-acre detention pond, which</p>

	<p>would mitigate the flow generated by the proposed Airport development and reduce peak flows to predevelopment levels prior to releasing the flow into the existing tributary downstream of the proposed Airport property.</p> <p>A CLOMR request was submitted to FEMA on May 10, 2010, requesting that FEMA evaluate the effects that the proposed CTA along Colorado River Tributary 8, Colorado River Tributary 9, and Unnamed Tributary to Colorado River Tributary 8 would have on the flood hazard information shown on the effective (Flood Insurance Rate Map) FIRM.</p> <p>The proposed project along Colorado River Tributary 8 includes a detention basin at the confluence with Colorado River Tributary 9 and a 3,330 foot long, seven-barrel, 10 foot by 5 foot Reinforced Concrete Box (RCB) culvert just upstream of the pond. The proposed project along Colorado River Tributary 9 includes channelization from approximately 820 feet upstream of the confluence with Colorado River Tributary 8 to 4,010 feet upstream of the confluence with Colorado River Tributary 8. The proposed project along Unnamed Tributary to Colorado River Tributary 8 includes channelization from the confluence with Colorado River Tributary 8 to approximately 1,500 feet upstream of the confluence with Colorado River Tributary 8 and a 1,490 foot long, four-barrel, 8 foot by 4 foot RCB culvert just upstream of the channel. The area of the proposed project is shown on the Bastrop County, Texas, and Incorporated Areas FIRM panel number 48021C0200 E, dated January 19, 2006.</p> <p>FEMA reviewed the submitted data and the data used to prepare the effective FIRM for the community, and determined that the proposed project met the minimum floodplain management criteria of the National Flood Insurance Program, and a CLOMR was issued by FEMA on September 28, 2010.</p>
Land use	<p>Bastrop County has been experiencing unprecedented growth. Twenty percent of Bastrop County has an intensive change in land use focused in the central and western portions of Bastrop County. The land use within the region, including the CTA project area, is changing, primarily driven by the regional population growth. It is</p>



	<p>reasonable to anticipate that the land use surrounding and including the CTA project area would change independent of the proposed action.</p> <p>The proposed action would include direct land use conversion of agricultural pasture/rural residential land use to commercial. Any future development in the area would be governed by local, state, and federal regulations, which may include individual city zoning and permitting, county permitting, state requirements, environmental requirements, and federal regulations including Section 404 of the CWA. Therefore, any indirect effects the proposed action would have on land use outside of the proposed project area would be required to comply with the appropriate local, state, and federal requirements and would occur within the context of regional planning, which anticipates land use transitions in the near future.</p>
Navigation	The Colorado River is a Section 10 Navigable Water of the U.S. This project would not impact the Colorado River nor navigation on the river.
Shore erosion and accretion	Shore erosion and accretion would not be impacted by this project. Increased storm water flows would be mitigated by the detention pond.
Recreation	No impacts to recreation resources are anticipated as a result of the proposed action.
Water supply and conservation	The CTA plans to utilize the roof surface areas of the hangars and other structures on the airport for rainwater collection and harvesting for commercial reuse. Airports such as the proposed CTA do not have high water requirements so utilizing gray water systems for irrigation and other uses offer a potential model for sustainability.
Water quality	Section 401 of the Clean Water Act requires all applicants that conduct activities that may result in a discharge to waters of the U.S. acquire Section 401 Certification. As a requirement of the Section 404 process, the Applicant has submitted a TCEQ Tier II 401 Water Quality Certification Questionnaire and Alternative Analysis Checklist for the proposed CTA, concurrent with the submittal of the Individual Permit application.

Section 402 of the Clean Water Act implements the National Pollutant Discharge Elimination System (NPDES). In the State of Texas, the NPDES is administered by the TCEQ as the Texas Pollutant Discharge Elimination System (TPDES). A Stormwater Pollution Prevention Plan (SW3P) would be prepared and administered for the proposed CTA project. The SW3P would follow guidelines stated in the TPDES General Permit (TXR150000). Appropriate BMPs would be in place to minimize the potential discharge of suspended solids during storm events. The SW3P would include provisions for installation, maintenance, and upgrading of BMPs throughout the construction process. The BMPs are designed to dissipate stormwater flow and capture suspended solids on site. Per the requirements in the TPDES General Permit, all disturbed areas are required to be restored to at least 70 percent vegetative coverage prior to removal of BMPs on the site.

The Applicant would use applicable technologies selected from the following temporary stormwater BMPs during construction activities for erosion and sediment control:

- Filter Berms (Rock Berms);
- Silt Fences;
- Stabilized Construction Entrances;
- Straw or Hay Bales;
- Vegetated Buffers;
- Concrete Washout Areas;
- Vehicle Maintenance and Washing Area;
- General Site Waste Management; and,
- Dust Control.

The proposed project is located along Segment 1428 of the Colorado River, which is designated by the TCEQ as supporting exceptional aquatic life. There are no known water quality regulations for nonpoint source pollution in the area of the proposed CTA, except for the TCEQ's TPDES, which requires the use of BMPs associated with a SW3P, which the proposed CTA would be required to satisfy.

In the absence of any water quality standards in the area, the Applicant anticipates utilizing Chapter 213 Subchapter A §213.1-§213.14 and Chapter 213 Subchapter B §213.20-

	<p>§213.28 of the Texas Administrative Code, known locally as the Edwards Rules.</p> <p>Use of Petroleum Storage Tanks (PSTs) for the proposed CTA would satisfy Texas Administrative Code Chapter 334, and the containment and management of hazardous materials for the proposed project would satisfy the requirements prescribed by the Texas Water Code, Chapter 26, Subchapter I and Subchapter K.</p> <p>The TCEQ's Edwards Rules were considered by the Applicant for the following reasons: 1) the Edwards Rules are designed to protect the Edwards aquifer, which has been given the highest standards of protection by the TCEQ and federal government; 2) the Edwards Rules are accepted by the U.S. Fish and Wildlife Service as protection to the Barton Springs salamander, one of the most endangered aquatic species in the United States; and 3) the Edwards aquifer provides drinking water to thousands of people. If the Edwards Rules are utilized for the proposed project, the proposed on-site stormwater facilities and detention pond would be designed to achieve 80 percent removal efficiency of total suspended solids load arising from the development through the installation of permanent BMPs.</p> <p>The Colorado River is the most environmentally noteworthy feature to the proposed CTA, as it is a navigable and jurisdictional waterway. The southern boundary of the Airport site abuts approximately 3,500 linear feet of Colorado River frontage. The Airport avoids impacts to the Colorado River and its frontage. The closest development activity, an airport perimeter road, sets back from the Colorado River a minimum distance of approximately 450 feet. Additionally, the airport runway would be located approximately 1,900 feet north of the Colorado River. This avoidance would provide a natural and native buffer from the proposed Airport to the river and associated wetlands and wildlife during the construction of the proposed CTA.</p> <p>Regulations and permitting of Petroleum Storage Tanks (PSTs) in Texas is the responsibility of the TCEQ. The TCEQ regulates PSTs under Texas Administrative Code Chapter 334, which has the stated purpose to:</p>
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	<ul style="list-style-type: none"> <li>• Provide a comprehensive regulatory program for hazardous substance and petroleum substance underground storage tank (UST) systems, and a limited regulatory program for petroleum product aboveground storage tanks (ASTs), as prescribed by the Texas Water Code, Chapter 26, Subchapter I and Subchapter K;</li> <li>• Establish minimum standards and procedures to reasonably protect and maintain the quality of the state's groundwater and surface water resources from environmental contamination that could result from any releases of harmful substances stored in such tanks;</li> <li>• Provide for the use of risk-based corrective action; and</li> <li>• Generally provide for the protection of human health and safety, as well as the protection of the overall environment of the state.</li> </ul> <p>A Spill Prevention Control and Countermeasure Plan (SPCC) would be in place if above ground storage capacity of diesel or gasoline exceeds 1,320 gallons, or underground storage exceeds 42,000 gallons.</p> <p>The SPCC would include the following provisions:</p> <ul style="list-style-type: none"> <li>• Monthly inspections to ensure integrity of all tanks, piping, valves, seals, secondary containment, and all other associated equipment;</li> <li>• Conduction of Annual Employee Training regarding plan maintenance and implementation during a spill event to ensure quick and efficient emergency response to potential spills that may occur on the site; and,</li> <li>• Review and updating of the plan every five years.</li> </ul> <p>The SPCC would also include additional information regarding facility drainage patterns, emergency contacts, spill prevention systems, and information regarding appropriate transferring and pumping of all fuels, lubricants, solvents, and waste products on site.</p>
<p>Energy needs</p>	<p>The proposed CTA is designed to be a green airport demonstration project, conceived and developed to achieve balance between technology and sustainability. The</p>

	<p>proposed CTA is designed to provide a privately owned and operated business facility which aims to recruit third-party businesses that target new and emerging technologies in alternative renewable energies; patent-pending energy management and communications applications; and integrated environmental design and development standards. The proposed CTA is designed to provide convenient, safe, and efficient general aviation accessibility to the Central Texas region.</p> <p>The proposed CTA plans to implement unique environmentally compatible design features, and utilize demonstrations by other parties with renewable energy generations and management capabilities and scalable smart grid communications infrastructure. The smart grid network proposes to provide secure and efficient infrastructure connectivity for the airport buildings and businesses, offering real-time, point-source energy consumption data collection and management capabilities for individual buildings or the entire airport.</p>
Safety	<p>The FAA Advisory Circular (AC) No. 150/5200-33 specifically states: "The holders of Airport Operating Certificates issued under Title 14, Code of Federal Regulations (CFR), Part 139 Certification of Airports, Subpart D (Part 139) may use the standards, practices, and recommendations contained in the AC to comply with the wildlife hazard management requirements of Part 139. Airports that have received Federal grant-in-aid assistance must use these standards."</p> <p>The proposed action is a privately funded general aviation airport and associated facilities as described in Section 1.0 of this document, which has not and would not accept any Federal grant-in-aid assistance. Hence, CTA is not required to use these guidelines. Although CTA is not required to use these guidelines, CTA will implement hazardous wildlife controls at the proposed project area.</p> <p>Additionally, AC No. 150/5200-33, Section 3 "Land Uses That May Be Compatible with Safe Airport Operations" discusses several items. Section 3-1 states "Even though they may, under certain circumstances, attract hazardous wildlife, the land use practices discussed in this section have flexibility regarding their location or operation and</p>

may even be under the airport operator's control. In general, the FAA does not consider the activities discussed below as hazardous to aviation if there is no apparent attraction to hazardous wildlife, or wildlife hazard mitigation techniques are implemented to deal effectively with any wildlife hazard that may arise."

Section 3-7 states: "The movement of storm water away from runways, taxiways, and aprons is a normal function on most airports and is necessary for safe aircraft operation. Detention ponds hold storm water for short periods, while retention ponds hold water indefinitely. Both types of ponds control runoff, protect water quality, and can attract hazardous wildlife. Retention ponds are more attractive to hazardous wildlife than detention ponds because they provide a more reliable water source."

Sections 3-1 and 3-7 specifically address the use of a detention pond at an airport facility. The proposed CTA detention pond is located to the east of the proposed airport site, and is far away from aircraft movement areas to minimize aircraft-wildlife interactions. A comprehensive flood study was completed and submitted to FEMA for review as part of the Applicant's CLOMR application request. The detention pond was designed to meet the requirements of the pre-project flows, so that the post-project flows would not increase. As stated in the FAA Advisory Circular above, detention ponds are more desirable and manageable than retention ponds because they hold storm water for shorter periods of time. The Applicant would implement Best Management Practices and wildlife hazard mitigation techniques relative to the hazardous wildlife attractants associated with the on-site detention pond.

The Secured Airport Area would be protected by an extensive perimeter fencing and gate system. All airport operations areas need to be secured for several reasons, one being the hazardous wildlife control, and others being security and safety. All airport and site operations would be continuously monitored to effectively maintain security and safety within the proposed project area and the community.

The proposed project location is in a sparsely populated

	<p>rural area surrounded by ranch land, rural residential property, and a church, which is northeast of the project area and more than 600 feet southeast of the intersection of FM 969 and FM 1704.</p>
<p>Food and fiber production/Prime Farmland</p>	<p>The Farmland Protection Policy Act (FPPA) requires that federal agencies identify and consider the adverse effects of their programs on the preservation of farmlands. The FPPA applies to farmland defined as “prime” or “unique” in Section 1540(c)(1) of the Act, or to farmland of statewide or local importance as defined by the appropriate state or local agency.</p> <p>The proposed action would affect land within the boundary of the approximately 1,100-acre proposed CTA site, which is an active cattle ranching operation with over 400 head of cattle. The property has been used as a cattle ranching operation for over 50 years.</p> <p>Prime farmland soils are soils that have the best combination of physical and chemical characteristics for the production of food, feed, forage, fiber, and oilseed crops. In addition, prime farmland is located in areas with adequate and dependable water supply from precipitation or irrigation and favorable temperatures and growing seasons.</p> <p>The following fourteen soil units are found in the proposed project area (SCS 1979):</p> <ul style="list-style-type: none"> <li>• Axtell-Tabor complex, 1 to 8 percent slopes (AtD);</li> <li>• Bosque loam (Bo);</li> <li>• Crockett soils, 2 to 5 percent slopes, eroded (CsC2);</li> <li>• Demona loamy fine sand, 1 to 5 percent slopes (DeC);</li> <li>• Houston Black clay, 0 to 1 percent slopes (HoA);</li> <li>• Krum silty clay, 0 to 1 percent slopes (KrA);</li> <li>• Lincoln soils (Ls);</li> <li>• Mabank loam, 0 to 1 percent slopes (MaA) and 1 to 3 percent slopes (MaB);</li> <li>• Norwood silty clay loam (No);</li> <li>• Shep clay loam, 3 to 8 percent slopes, eroded (SeD2);</li> <li>• Ships silty clay (Sg);</li> <li>• Smithville fine sandy loam (Sm);</li> </ul>

	<ul style="list-style-type: none"> <li>• Vernia complex, 1 to 8 percent slopes (VeD); and</li> <li>• Wilson clay loam, 1 to 3 percent slopes (WsB).</li> </ul> <p>According to the Natural Resources Conservation Service, the following soils are considered prime farmland soils:</p> <ul style="list-style-type: none"> <li>• Bosque loam (prime farmland soil if protected from flooding or not frequently flooded during the growing season);</li> <li>• Houston Black clay, 0 to 1 percent slopes;</li> <li>• Krum silty clay, 0 to 1 percent slopes;</li> <li>• Norwood silty clay loam;</li> <li>• Ships silty clay; and</li> <li>• Smithville fine sandy loam.</li> </ul> <p>This project would result in negative impacts on Prime Farmland and food production as a result of unavoidable direct adverse impacts to 817.5 acres of prime farmland on-site. Further avoidance of impacts to these resources would render the project infeasible.</p>
<p>Mineral needs</p>	<p>Access to mineral rights is mandated by law. This project would not prevent access to mineral rights.</p>
<p>Considerations of property ownership</p>	<p>A preliminary analysis was conducted in order to determine the loss in value, if any, to properties located in proximity to the proposed CTA. Methodology reflects the modern capacity to collect large amounts of data relating to property assessments around any given location. The approach was based on the proposition that homeowners and property owners in the vicinity of the airport would avail themselves of any advantages with regard to the assessments which are pertinent to their particular property. That is to say, if there is a disadvantage to airport proximity of the magnitude of over 25 percent, it would be reflected in the tax assessments for property which is in the vicinity of the airport as opposed to property which is located further away from the airport. The consideration of the airport would either be reflected in the assessment as a Detrimental Condition, or alternatively, would likely be appealed by a prudent owner if not considered by the original assessment.</p> <p>The evaluation of potential tax-related effects included three general aviation airports in Texas with similar site</p>



	<p>development characteristics as CTA. These airports include David Wayne Hooks Airport, Addison Airport, and Sugar Land Regional Airport. These airports are located in areas which have similar, or superior demographic characteristics to those which exist in the general Austin-Bastrop region. In the case of residential property, all three locations do not exhibit any substantial difference in the assessment applied to residential housing in each of the three areas based on commonality of characteristics, as a result of proximity to the airport. Variations in assessments were generally between 3 and 5 percent. This result was both positive and negative, with residences in the airport's vicinity, in many cases, developing relative assessments which were greater than comparable property outside the airports defined area of influence for this study.</p>
<p>Noise</p>	<p>Standard noise abatement procedures for arriving and departing aircraft have been developed by the Aircraft manufacturers and the National Business Aviation Association. For example, noise abatement procedures during takeoff and landing make for quieter airport operations. Such procedures consist of a faster takeoff speed and a steeper climb, quickly followed by slowing the engine and reducing rate of climb, once airborne over a populated area. Once beyond or substantially above the populated area, the engines return to climb settings and normal flight operations are resumed. This decreases the amount of engine noise over the populated area without adversely affecting the flight. These standard noise abatement procedures are planned to be implemented at CTA.</p> <p>Additionally, CTA would establish operating requirements and rules for utilizing the CTA airport runway and facilities. CTA intends to restrict touch-and-go aircraft operations except for based aircraft that are conducting aircraft sales test rides or pilot proficiency tests and such. CTA would require full-stop landings to discourage aircraft that represent nuisance activities to our customer base at CTA or the community. For example, student pilot activities and military flyovers would not occur at the airport.</p> <p>Once the operational rules and specific based aircraft information are established, the noise contours would be</p>

	<p>mapped. The anticipated aircraft type and mix are projected to generate a 65 decibel (dB) day/night average. The 65 dB level is the accepted industry standard because this is the sound level at which a conversation typically takes place at 3 to 5 feet. At this level, ground receptors may be affected. However, these effects would be limited to areas located within the boundaries of the airport site.</p>
<p>Air Quality</p>	<p>The primary air quality concern for Central Texas is the production of ground level ozone (O3). There are two major emissions types which contribute to O3 formation in Central Texas: Nitrous Oxides (NOX) and Volatile Organic Compounds (VOC). The major producers of NOX and VOC are on-road vehicles, non-road motors, biogenic matter, and point source (e.g., factories, brick yards, etc.). Reducing the vehicle miles traveled within the region and eliminating emissions blown in from other areas would have the most impact on improving Central Texas' air quality and ensure a continued attainment status of the National Ambient Air Quality Standards.</p> <p>According to the Capital Area Council of Governments (CAPCOG) there are approximately 560,011 daily vehicle work trips in the region (of which Bastrop County generates 19,978).</p> <p>Aircraft operations at general aviation airports do not typically pose a substantial risk of increase in O3. The more likely concern for Bastrop County is an increase in vehicular traffic that would result from the anticipated population growth in the area.</p> <p>During the construction of the proposed CTA, temporary effects on air quality include additional dust generated from construction activities. Efforts would be made to control temporary air quality impacts during construction, including minimizing or eliminating unnecessary idling of construction vehicles and employing a combination of watering, chemical stabilization, and vehicle speed reduction techniques.</p> <p>Indirect effects to air quality may occur to a lesser extent outside the proposed project area during the proposed action and construction.</p>

	<p>An SPCC would be in place for the site and includes provisions for monthly inspections of all tanks, piping, valves, seals, secondary containment and all other associated equipment.</p>
<p>Transportation Infrastructure</p>	<p>Both FM 969 and FM 1704 are important roads to Bastrop County and the region. The CAMPO 2035 Plan includes a future planned roadway improvement to FM 969 from the current geometry to a four-lane, divided arterial. In addition to the approved CAMPO Plan, Bastrop County has an adopted transportation plan. According to the Bastrop County plan, FM 969 should be upgraded to a four-lane, divided arterial (consistent with the CAMPO Plan) and FM 1704 should be upgraded to a four-lane, divided arterial as well.</p> <p>Any indirect effect the proposed action would have on transportation infrastructure would be required to comply with the appropriate local, state, and federal requirements. As previously described, transportation infrastructure improvements that might occur at some time in the future are independent of the project.</p>

b. Endangered Species Act.  NA

The proposed project:

- (1) Will not affect threatened or endangered species:  
 Any/ . No threatened or endangered species, their habitats, nor their critical habitats are found within the project area.
- (2) May affect, but is not likely to adversely affect:  
 Species: . NA
- (3)  Will/ Will not adversely modify designated critical habitat for the . NA
- (4)  Is/ Is not likely to jeopardize the continued existence of the . NA
- (5) The Services  concurred/ provided a Biological Opinion(s). NA

c. Essential Fish Habitat. Adverse impacts to Essential Fish Habitat  will/ will not result from the proposed project.

d. Historic Properties. The proposed project  will/ will not have any effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or

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otherwise of national, state, or local significance based on  letter from SHPO/ Records search. A cultural resources survey was completed for the proposed CTA project. No eligible sites were found. There is a negligible chance of unidentified sites being encountered during construction.

- e. Cumulative & Secondary Impacts. The geographic area for this assessment is the contributing watershed.
- (1) Baseline. Approximately 8% of the watershed area is wetland. There are also approximately 50 stream miles contained within the watershed comprised of 42% perennial and 58% intermittent tributaries. Corps permits since 1999 have authorized the fill of 0.28 acres and 135 linear feet of stream. The projection is that authorizations will continue  at the current rate/ increase/ decrease because development pressures continue to move in the direction of Bastrop County. Natural resource issues of particular concern from Corps and non-Corps activities are protection of wetlands and streams.
  - (2) Context. The proposed project is  typical / a precedent / very large compared to other activities in the watershed. Smaller development than the proposal has occurred since the 1980's when the area became desirable for development. Future impacts are expected to increase as development pressure expands to this area. Besides Corps authorized projects, other activities include residential, commercial, and transportation. These activities result in natural resource changes and stresses. Key issues of concern in this watershed are the development of roadways, businesses, and residential housing resulting in wetland losses and impacts to natural stream dynamics.
  - (3) Mitigation and Monitoring. The project affects the following key issue(s): By filling waters of the U.S., certain functions such as sediment/nutrient/ toxicant retention, flood control, groundwater recharge/discharge, would be minimally decreased. The magnitude of the proposed effect is negligible within the watershed. Compensatory mitigation, including off-site mitigation bank credits described herein would result in minimal individual and cumulative adverse primary and secondary impacts on the environment.
- f. Corps Wetland Policy. Based on the public interest review herein, the beneficial effects of the project outweigh the detrimental impacts of the project.
- g. ( NA) Water Quality Certification under Section 401 of the Clean Water Act  has/ has not yet been issued by the  / State/ Commonwealth.
- h. Coastal Zone Management (CZM) consistency/permit:  N/A Issuance of a State permit certifies that the project is consistent with the CZM plan.  There is no evidence or indication from the that the project is inconsistent with their CZM plan.

i. Other authorizations. State

j.  (NA) Significant Issues of Overriding National Importance.

8. Compensation and other mitigation actions.

a. Compensatory Mitigation

(1) Is compensatory mitigation required?  yes  no [If "no," do not complete the rest of this section]

(2) Is the impact in the service area of an approved mitigation bank?  yes  no

(i) Does the mitigation bank have appropriate number and resource type of credits available?  yes  no

(3) Is the impact in the service area of an approved in-lieu fee program?  
 yes  no

(i) Does the in-lieu fee program have appropriate number and resource type of credits available?  yes  no

(4) Check the selected compensatory mitigation option(s):

mitigation bank credits

in-lieu fee program credits

permittee-responsible mitigation under a watershed approach

permittee-responsible mitigation, on-site and in-kind

permittee-responsible mitigation, off-site and out-of-kind

(5) If a selected compensatory mitigation option deviates from the order of the options presented in §332.3(b)(2)-(6), explain why the selected compensatory mitigation option is environmentally preferable. Address the criteria provided in §332.3(a)(1) (i.e., the likelihood for ecological success and sustainability, the location of the compensation site relative to the impact site and their significance within the watershed, and the costs of the compensatory mitigation project): The Wilbarger Creek Mitigation Bank is the only mitigation bank in the service area of the CTA. Therefore, mitigation bank credits from the Wilbarger Creek Mitigation Bank are acceptable.

(6) Other Mitigative Actions: No other compensatory mitigation actions for unavoidable impacts to waters of the U.S. are proposed.

9. General evaluation criteria under the public interest review. We considered the following within this document:

- a. The relative extent of the public and private need for the proposed structure or work. (e.g. Public benefits include employment opportunities and a potential increase in the local tax base. Private benefits include land use and economic return on the property; for transportation projects benefits include safety, capacity and congestion issues.) The proposed project would satisfy an unfulfilled need relative to general aviation facilities in the Austin area. Additionally, the project would also result in economic opportunities through construction and operational jobs, tax base, property value increases, and operational revenue.
- b.  There are unresolved conflicts as to resource use; however, there are no practicable reasonable alternative locations and methods to accomplish the objective of the proposed work. The FAA Advisory Circular, AC No: 150/5200-33B, dated August 28, 2007, on hazardous wildlife attractants on or near airports does not prevent the CTA project from building an on-site floodplain detention basin. Because the CTA project uses no federal funding and the airport would not be an FAA Part 139 airport facility, the USACE does not have sufficient federal control and authority to prevent the applicant from constructing an open water feature. The applicant was advised that the USACE believes this pond is an avoidable hazard and strongly encouraged the applicant to incorporate a dry pond design. However, the applicant asserted that the pond has been designed and would be maintained in a way that would mitigate for any wildlife hazards.
- c. The extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited.  Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects associated with utilization of the property would be both permanent and temporary. For example, tax base increase would be permanent, while construction jobs would be temporary.

10. Determinations.

- a. Public Hearing Request:  NA

I have reviewed and evaluated the requests for a public hearing. There is sufficient information available to evaluate the proposed project; therefore, the requests for a public hearing are denied.

- b. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

c. Relevant Presidential Executive Orders.

- (1) EO 13175, Consultation with Indian Tribes, Alaska Natives, and Native Hawaiians.  This action has no substantial direct effect on one or more Indian tribes.
- (2) EO 11988, Floodplain Management.  Not in a floodplain. ( Alternatives to location within the floodplain, minimization, and compensation of the effects were considered above.)
- (3) EO 12898, Environmental Justice. In accordance with Title III of the Civil Right Act of 1964 and Executive Order 12898, it has been determined that the project would not directly or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin nor would it have a disproportionate effect on minority or low-income communities.
- (4) EO 13112, Invasive Species.  
 There were no invasive species issues involved.  
 The evaluation above included invasive species concerns in the analysis of impacts at the project site and associated compensatory mitigation projects.  
 Through special conditions, the permittee will be required to control the introduction and spread of exotic species.
- (5) EO 13212 and 13302, Energy Supply and Availability.  The project was not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety. ( The review was expedited and/or other actions were taken to the extent permitted by law and regulation to accelerate completion of this energy-related (including pipeline safety) project while maintaining safety, public health, and environmental protections.)

b. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

c. Compliance with 404(b)(1) guidelines.  NA

Having completed the evaluation in paragraph 5, I have determined that the proposed discharge  complies/ does not comply with the 404(b)(1) guidelines.

Public Interest Determination: I find that issuance of a Department of the Army permit  is not/ is contrary to the public interest (with the inclusion of the appropriate and practicable special conditions listed below to minimize pollution or adverse impacts to

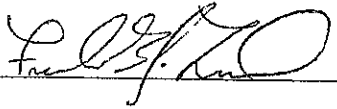
the aquatic environment.)

1. The permittee shall implement and abide by the mitigation plan titled Central Texas Airport Mitigation Plan prepared by Integrated Environmental Solutions, LLC, dated February 15, 2013. The permittee shall implement the mitigation plan prior to commencing any ground-disturbing activity within waters of the United States. Completion of all elements of this mitigation plan is a requirement of this permit.
2. The permittee shall debit 1,304.4 stream credits and 2.4 wetland credits from the Wilbarger Creek Mitigation Bank in compliance with the provisions of the "Wilbarger Creek Mitigation Bank, Mitigation Banking Instrument, Bastrop County, Texas" and the Site Development Plan titled "Wilbarger Creek Mitigation Bank, Site Development Plan, Bastrop County, Texas," both dated September 21, 2011. This debit shall compensate off-site for unavoidable adverse project impacts that would not be compensated for by on-site mitigation. The permittee shall complete the mitigation bank transaction and provide documentation to the USACE that the transaction has occurred prior to commencing any ground-disturbing activity within waters of the United States.
3. The permittee shall not initiate activities in the permit area associated with this permit, which have not previously been evaluated by the U. S. Army Corps of Engineers (USACE) as part of the permit review for this project, until such work has been submitted to and approved by the USACE. Such activities include, but are not limited to, haul roads, equipment staging areas, and borrow and disposal sites. The permit area includes all waters of the United States affected by activities associated with the project, as well as any additional area(s) of non-waters of the United States in the immediate vicinity of, directly associated with, and/or affected by, activities in waters of the United States. Special restrictions may be required for such work. The permittee shall develop procedures to ensure that contractors are aware of this condition and encourage contractors to coordinate their selection of these sites with the permittee as soon as possible to avoid construction delays. The permittee, or its designated agent/contractor, may coordinate with the USACE on compliance with this special condition.
4. The applicant will conduct periodic monitoring for the presence of bald eagle nests, up until a point in time when the airport is fully operational. If bald eagle nests are found within 1,000 feet of aircraft operations, the applicant will notify the Austin Ecological Field Office of the U.S. Fish and Wildlife to implement actions to comply with the Draft Post-Delisting Monitoring Plan for the Bald Eagle and the National Bald Eagle Management Guidelines or other current laws and regulations relative to the bald eagle.
5. The permittee shall implement and abide by the Wildlife Hazard Management Plan dated May 15, 2013.



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**PREPARED BY:**



Date: 20 MAY 2013

Frederick J. Land  
Regulatory Project Manager

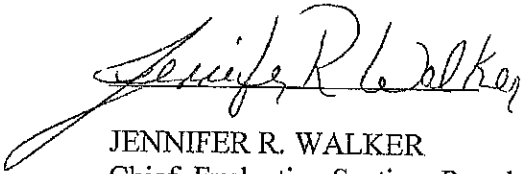
**REVIEWED BY:**



Date: 20 May 2013

ROBERT F. SCOTT, IV  
Archeologist, Regulatory Branch


**RECOMMENDED BY:**



Date: 20 May 2013

JENNIFER R. WALKER  
Chief, Evaluation Section, Regulatory Branch

**APPROVED BY:**

  
for

Date: 20 May 2013

STEPHEN L. BROOKS  
Chief, Regulatory Branch