

DEPARTMENT OF THE ARMY PERMIT

Permittee James Carpenter
Permit No. SWF-2010-00506
Issuing Office Fort Worth District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: 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 Central Texas Airport (CTA).

Permit Location: The CTA would be located 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 Uteley 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.

Permit Conditions: In accordance with the general conditions and the special conditions below, the attached Figure 1 - 8 of 8 dated January 2011 and January 2012, and Texas Commission on Environmental Quality Section 401 Water Quality Certification, Pages 1-3 of 3, dated May 31, 2013.

General Conditions:

1. The time limit for completing the work authorized ends on Dec. 31, 2018. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: SEE PAGE 4 (Special Conditions)

Further Information:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(x) Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. **Limits of this authorization.**

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

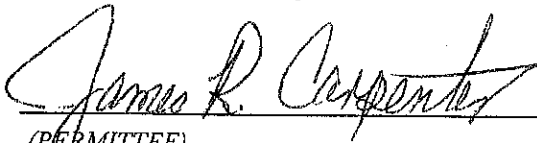
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation

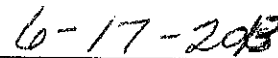
procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition I establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.




(PERMITTEE)

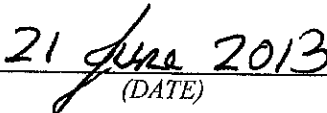


(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER)
(FOR)
Charles H. Klinge
Colonel, Corps of Engineers



(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEEE)

(DATE)

Special Conditions
Permit Number SWF-2010-00506

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.