Permitting Lower Bois d’Arc Creek Reservoir

NCTCOG
Water Resource Council
November 13, 2014

Presented by:
Robert McCarthy
<table>
<thead>
<tr>
<th>Year</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>Created by Texas Legislature as a Special District to provide water service</td>
</tr>
<tr>
<td>1956</td>
<td>Began providing treated water</td>
</tr>
<tr>
<td>1970s</td>
<td>Expanded to wastewater service</td>
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<tr>
<td>1980s</td>
<td>Expanded to solid waste service</td>
</tr>
</tbody>
</table>
Major North Texas Water Providers

- Tarrant Regional Water District
- Dallas Water Utilities
- North Texas Municipal Water District
- Upper Trinity River Water District
NTMWD Service Area

- 13 Member Cities
- 47 Customer Cities, Towns, MUDs, Special Utility Districts and Water Supply Corporations
- 1.6 Million People
NTMWD Raw Water Supply System
Lower Bois d’Arc Creek Reservoir
Fannin County, TX

Area: 16,526 acres
Storage: 367,609 ac-ft
Supply: 113 MGD
Average Depth: 22 ft
Maximum Depth: 70 ft
Lake Elevation: 534 ft msl
Owner & operator: NTMWD
(Not a USACE reservoir)
Lower Bois d’Arc Creek Reservoir Project
## Current Cost Estimates

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Cost Estimate</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reservoir</td>
<td>$413 M</td>
<td>$110 M</td>
</tr>
<tr>
<td>- Land</td>
<td></td>
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<tr>
<td>- Dam</td>
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<tr>
<td>- Intake</td>
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<tr>
<td>- PS</td>
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<tr>
<td>- Conflicts</td>
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<td>- Permitting</td>
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<tr>
<td>- Mitigation</td>
<td></td>
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<tr>
<td>WTP (70 MGD) &amp; Terminal Storage</td>
<td>$249 M</td>
<td>$.2 M</td>
</tr>
<tr>
<td>90-inch Raw Water Pipeline</td>
<td>$185 M</td>
<td>$4.4 M</td>
</tr>
<tr>
<td>High Service PS &amp; Pipeline</td>
<td>$145 M</td>
<td>$0 M</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$992 M</strong></td>
<td><strong>$114.6 M</strong></td>
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</tbody>
</table>
Lower Bois d’Arc Creek Reservoir
Houses inside 100 year flood boundary
Three Purposes of the Reservoir

Vital New Source for Fannin County & NTMWD

• Provide water for Fannin County

• Supplement water supply for NTMWD Member Cities & Customers through 2040

• Provide recreational opportunities
Benefits To Economic Growth

During Construction:
• Dam and infrastructure will increase local economic activity in Fannin County between $509 M & $563 M during construction

Following Construction:
• Ongoing operation & maintenance of new infrastructure will support approximately 24 full-time equivalent jobs & spur approximately $2 M in new economic activity per year

(2011 dollars)
Opportunities for Business Development & Commerce

• $145 M in economic activity through new industrial & commercial activities

• $70 – 77 M in annual spending by new, permanent & weekend residents
  – Supporting more than 500 new permanent jobs

• $16 - 22 M in annual spending by non-local recreational visitors

• New housing, residents & recreational visitors will contribute:
  – $1.9 M in county property tax revenues
  – $3.9 M in school property tax revenues
  – $290,000 in municipal sales tax revenues
  – $175,000 in hotel occupancy tax revenues

• 3,200 new homes over a 30-year period

(2011 dollars)
Lower Bois d’Arc Creek Reservoir

Two Major Permits Required

- CWA Section 404
  - USACE

- Water Rights
  - TCEQ
CWA Section 404 Permit

- Application submitted – June 2008
- EIS Determination – March 2009
  - EIS contractor selected – August 2009
  - Public & Agency Scoping Meetings – December 2009
- Draft EIS expected to be published in early 2015
EIS Scoping Meeting
December 8, 2009
CWA Section 404 Permit Application

• Required by USACE
  - Jurisdictional Determination Report ✓
  - Habitat Evaluation Procedures Study (HEP) ✓
  - Geomorphic Assessment of Stream ✓
  - Environmental Report ✓
  - Archeological Report ✓
  - Environmental Impact Statement early 2015(Draft)
Jurisdictional Determination
Habitat Evaluation Procedures Study
Habitat Evaluation Procedures Study
## Table 2. HEP Field Data Summary: Habitat Variable Measurements at Upland Deciduous Forest Sites

**Cover Type:** Upland Deciduous Forest  
**Species:** Barred Owl, Carolina Chickadee, Downy Woodpecker, Eastern Turkey, Fox Squirrel

<table>
<thead>
<tr>
<th>Habitat Variable</th>
<th>Sample Site Number</th>
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<tbody>
<tr>
<td>% tree canopy closure</td>
<td>85 85 45 85 95 50</td>
</tr>
<tr>
<td>% tree canopy closure of hard mast producers &gt;10&quot; dbh*</td>
<td>0 0 35 10 70 50</td>
</tr>
<tr>
<td>% tree canopy closure of soft mast producing trees</td>
<td>60 50 10 90 20 5</td>
</tr>
<tr>
<td>% canopy closure deciduous trees in stand</td>
<td>85 25 45 85 80 50</td>
</tr>
<tr>
<td>% canopy closure of overstory trees</td>
<td>40 40 35 85 70 50</td>
</tr>
<tr>
<td>Average dbh of overstory trees (in)</td>
<td>15 12 18 8 16 16</td>
</tr>
<tr>
<td>Average height of overstory trees (ft)</td>
<td>30 35 35 35 60 60</td>
</tr>
<tr>
<td># per acre of snags &lt;10&quot; dbh</td>
<td>200 3 90 10 10 1</td>
</tr>
<tr>
<td># per acre of snags &gt;6&quot; dbh</td>
<td>40 3 0 2 0 1</td>
</tr>
<tr>
<td>% shrub crown cover</td>
<td>20 20 15 5 90 45</td>
</tr>
<tr>
<td>% herbaceous canopy cover</td>
<td>95 25 15 60 0 30</td>
</tr>
<tr>
<td>Average height of herbaceous canopy cover in summer (in)</td>
<td>18 12 12 14 0 6</td>
</tr>
<tr>
<td># per acre of trees &gt;20&quot; dbh</td>
<td>0 0 30 0 0 0</td>
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<tr>
<td>Distance to grain (yd)</td>
<td>660 660 660 660 660 660</td>
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<tr>
<td>Basal Area: area of exposed woody stems if cut horizontally at 4.5 ft height (0.9 ae)</td>
<td>120 140 60 80 5 160</td>
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<tr>
<td>Average dbh of hard mast producing trees that are &gt;10&quot; dbh (in)</td>
<td>0 0 18 0 40 16</td>
</tr>
<tr>
<td># per hectare of hard mast producing trees &gt;10&quot; dbh</td>
<td>0 0 124 0 8 8</td>
</tr>
<tr>
<td>% of shrub crown cover comprised of hard mast producing shrubs</td>
<td>100 5 90 100 15 30</td>
</tr>
<tr>
<td>% of forest canopy comprised of evergreens</td>
<td>0 25 0 2 20 0</td>
</tr>
</tbody>
</table>

*dbh: diameter at breast height, the diameter of the stem/trunk measured at a distance of 4.5 feet above the ground.
Geomorphic Assessment Of Streams

- Mapping Geomorphic Units/Channel Processes
- Monitoring Erosion
- Measuring Discharge and Velocity
- Soil Profiles Depositional Environment
- Measure cross sections
Environmental Report

Proposed Lower Bois d’Arc Creek Reservoir
Fannin County, Texas

ENVIRONMENTAL REPORT
Supporting an Application for a 404 Permit for Lower Bois d’Arc Creek Reservoir

VOLUME II
June 2008

Submitted to:
USACE, Tulsa District

Applicant:
North Texas Municipal Water District

Prepared by:
Freese and Nichols
ARCHAEOLOGICAL SURVEY OF THE PROPOSED
LOWER BOIS D’ARC CREEK
RESERVOIR
FANNIN COUNTY, TEXAS

Texas Antiquities Code Permit 5950

Cody S. Davis, MA
S. Alan Skinner, PhD
and
Molly A. Hall, MA

With Contributions from:
Deborah Anghin, MA, Stephanie Collman, MS, Phillip L. Green, BA,
Kathryn Peckington, BS, Nick Coleman, BA, and Rebecca Shellen, MA

Submitted to:
NORTH TEXAS MUNICIPAL WATER DISTRICT
505 E. Brown Street
Wylie, Texas 75098

Submitted by:
AR CONSULTANTS, INC.
805 Business Parkway
Richardson, TX 75081

Cultural Resource Report 2013-DRAFT
November 03, 2013

HISTORICAL BUILDINGS  ARCHAEOLOGY  NATURAL SCIENCES
CWA Section 404 Permit
Recent Activities

- Completed Final Pipeline Alignment, Intake Pump Station Location, and Terminal Storage Analysis Study
- Met with THC and USACE and Completed Archaeological Study of reservoir site, pipeline route and Leonard WTP site. Began Archaeological Study of Mitigation Site
- Completed Final Draft Proposed Mitigation Plan
- Reviewed Preliminary Draft EIS and provided comments to USACE
- Began Preliminary Dam Design
Final Pipeline Alignment, Intake Pump Station, and Terminal Storage Location
Leonard Water Treatment Plant

Site:
- Located west of Leonard
- Capacity: Phase I – 70 MGD; Ultimate – 280 MGD
- Storage Reservoir – 420 MG

Scope accomplished to date:
- Property purchased
- Facilities master plan underway

Schedule:
- Detail Engineering (2.5 years)
- Construction (2.5 years)
CWA Section 404 Permit
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• Reviewed Preliminary Draft EIS and provided comments to USACE

• Began Preliminary Dam Design
Archaeological Study

• Investigation
  – 22% of 22,590 acre reservoir site
    • Surveyed 4,500 acres
    • Walked 40 miles of creek channels - 500 acres
  – 5,423 shovel tests
  – 35 trenches
  – 4 stream bank profiles

• Findings
  – 38 historic structures - none recommended for NRHP
  – 61 sites - none recommended for NRHP
    • 31 prehistoric sites
    • 26 historic sites (includes Wilks Cemetery)
    • 4 prehistoric/historic sites
    • 9 sites recommended for further testing
Archaeological Study
Archaeological Study
Archaeological Study
Shovel Tests
Archaeological Study
Trenching
Archaeological Study
Stream Bank Profile
Archaeological Study
Prehistoric Artifacts
Archaeological Study
Historic Artifacts
Archaeological Study
Historic Site
Archaeological Study
Historic Site
Archaeological Study
Historic Cemeteries

HEADSTONE, INFANT HEADSTONE & FOOTSTONE

CEMETERY BOUNDARY AS
PER AR CONSULTANTS

WILKS CEMETERY
FANNIN COUNTY, TEXAS
OCTOBER 2011
CWA Section 404 Permit
Recent Activities

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Riverby Ranch
Baseline Habitat Units at Riverby Ranch

<table>
<thead>
<tr>
<th>Cover Type</th>
<th>Average HSI Values</th>
<th>Area (acres)</th>
<th>Habitat Units (HUs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upland Deciduous Forest</td>
<td>0.58</td>
<td>78</td>
<td>45</td>
</tr>
<tr>
<td>Riparian Woodland / Bottomland Hardwood</td>
<td>0.38</td>
<td>840</td>
<td>317</td>
</tr>
<tr>
<td>Forested Wetland</td>
<td>0.38</td>
<td>452</td>
<td>171</td>
</tr>
<tr>
<td>Emergent / Herbaceous Wetland</td>
<td>0.24</td>
<td>1,377</td>
<td>337</td>
</tr>
<tr>
<td>Grassland / Old Field</td>
<td>0.41</td>
<td>5,413</td>
<td>2,234</td>
</tr>
<tr>
<td>Cropland</td>
<td>0.44</td>
<td>3,858</td>
<td>1,690</td>
</tr>
<tr>
<td>Shrubland</td>
<td>N/A</td>
<td>41</td>
<td>N/A</td>
</tr>
<tr>
<td>Shrub Wetland</td>
<td>N/A</td>
<td>98</td>
<td>N/A</td>
</tr>
<tr>
<td>Bare Ground</td>
<td>N/A</td>
<td>36</td>
<td>N/A</td>
</tr>
<tr>
<td>Lacustrine (Open Waters)</td>
<td>N/A</td>
<td>34</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td></td>
<td><strong>12,228</strong></td>
<td><strong>4,794</strong></td>
</tr>
</tbody>
</table>

*Does not include any of the Wetland Reserve Program habitat (approximately 2,700 acres) within the ranch that will remain enrolled in perpetuity.
Mitigation Measures Utilized to Achieve Ecological Uplift

• Establishing conservation easements in perpetuity
• Removing cattle and stopping existing farming practices
• Earthwork/Stream Restoration
  – Restoring stream meanders and riparian corridors
  – Restoring stream and wetland hydrology
• Revegetation - Planting of native trees, shrubs, and herbaceous species
• Controlling invasive/non-native species
• Once implemented, these measures all provide for improvements (i.e., ecological uplift) to fish and wildlife habitat, which was estimated using the USFWS’s Habitat Evaluation Procedures (HEP)
<table>
<thead>
<tr>
<th>Proposed Mitigation Cover Types</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stream and Riparian Corridor Restoration</td>
<td>Turquoise</td>
</tr>
<tr>
<td>Emergent Wetland Enhancement</td>
<td>Orange</td>
</tr>
<tr>
<td>Emergent Wetland Restoration</td>
<td>Yellow</td>
</tr>
<tr>
<td>Forested Wetland Restoration</td>
<td>Gray</td>
</tr>
<tr>
<td>Shrub Wetland Restoration</td>
<td>Blue</td>
</tr>
<tr>
<td>Shrub Wetland Preservation Area</td>
<td>Green</td>
</tr>
<tr>
<td>Berm/Plug</td>
<td>Black</td>
</tr>
<tr>
<td>Slope Indicator</td>
<td>Red</td>
</tr>
<tr>
<td>Existing Ditch</td>
<td>Gray</td>
</tr>
<tr>
<td>Conceptual Stream Alignment</td>
<td>Blue</td>
</tr>
<tr>
<td>Existing Stream Alignment</td>
<td>Yellow</td>
</tr>
<tr>
<td>Wetlands Reserve Program</td>
<td>Orange</td>
</tr>
<tr>
<td>Proposed Mitigation Site (Riverby Ranch)</td>
<td>Red</td>
</tr>
</tbody>
</table>

Riverby Ranch Map:
- Dimensions: 720.0x540.0
- Map shows various cover types and mitigation efforts.
### Proposed Mitigation for Impacts to Waters of the U.S.

<table>
<thead>
<tr>
<th>Type of Water of the U.S.</th>
<th>Amount Impacted*</th>
<th>Amount of Mitigation</th>
<th>Net Gain (+) / Net Loss (-)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acres</td>
<td>HUs</td>
<td>Acres</td>
</tr>
<tr>
<td>Emergent Wetland</td>
<td>(-)1,223</td>
<td>(-)514</td>
<td>(+)3,879</td>
</tr>
<tr>
<td>Forested Wetland</td>
<td>(-)4,602</td>
<td>(-)1,150.5</td>
<td>(+)3,952</td>
</tr>
<tr>
<td>Shrub Wetland</td>
<td>(-)49</td>
<td>(-)23</td>
<td>(+)423</td>
</tr>
<tr>
<td>Open Waters</td>
<td>(-)87</td>
<td>N/A</td>
<td>(+)15,273¹</td>
</tr>
<tr>
<td>Streams (linear ft.)</td>
<td>(-)651,024</td>
<td></td>
<td>(+)486,375</td>
</tr>
</tbody>
</table>

*Total impacts from Reservoir, Raw Water Line, Terminal Storage Reservoir and Leonard Water Treatment Plant*
### Proposed Mitigation for Impacts to Terrestrial Habitat

<table>
<thead>
<tr>
<th>Terrestrial Resource Type</th>
<th>Amount Impacted*</th>
<th>Amount of Mitigation</th>
<th>Net Gain (+) / Net Loss (-)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upland Deciduous Forest (HU)</td>
<td>(-) 1,046</td>
<td>(+) 665</td>
<td>(-) 381</td>
</tr>
<tr>
<td>Riparian Woodland / Bottomland Hardwood (HU)</td>
<td>(-) 433</td>
<td>(+) 855</td>
<td>(+) 422</td>
</tr>
<tr>
<td>Shrubland (acre)</td>
<td>(-) 64</td>
<td>(+) 41</td>
<td>(-) 23</td>
</tr>
<tr>
<td>Grassland / Old Field (HU)</td>
<td>(-) 2,886</td>
<td>(+) 2,393</td>
<td>(-) 493</td>
</tr>
</tbody>
</table>

*Total impacts from Reservoir, Raw Water Line, Terminal Storage Reservoir and Leonard Water Treatment Plant*
CWA Section 404 Permit
Recent Activities

• Completed Final Pipeline Alignment, Intake Pump Station Location, and Terminal Storage Analysis Study
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CWA Section 404 Permit
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- Began Preliminary Dam Design
Boring Locations at Dam Site

Legend
- Drilled Borings
- Existing Borings
- Proposed Borings
Boring at Dam Site
Core Sample from Boring
Core Sample from Boring B-66
Rock Core from 55’ - 60’
Planned Activities
CWA Section 404 Permit

- Continued discussions:
  - USFS
  - Parks and Wildlife
  - TxDot
  - Fannin County
  - USACE
  - EPA Tour of Project Site scheduled for November 25, 2014
  - Draft EIS expected early 2015
TCEQ Water Rights Application

- Submitted - December 2006
- Administratively Complete - June 2007
- Interbasin Transfer Meetings - September 2007
- Supplemental Application
  - 401 Application (TCEQ must certify state water quality standards will be met for any CWA Section 404 Permits) – October 2008
2014 Activities – TCEQ Water Rights Permit

• Hired Conservation Experts and Enhanced Conservation Plan
• Met with protesters
  – National Wildlife Federation
  – Sierra Club
  – Texas Parks and Wildlife
  – Bois d’Arc MUD
  – Landowners
• SOAH Jurisdictional Hearing November 10, 2014
• Contested Case Hearing April 20-29, 2015
Property Acquisition

• NTMWD Board initially approved - Nov. 2007
• Reservoir site property needed - 22,590 acres
• Acquisitions to date - 18,560 acres (82%)
• Riverby Ranch mitigation area - 14,959 acres
• North (Leonard) WTP site - 841 acres
Lower Bois d’Arc Creek Reservoir
Purchased Parcels

Purchased Parcels as of January 2014
Impact on Local Taxing Authorities

• Taxes paid to Fannin County by NTMWD
  - Tax Years 2008 - 2010 - $272,043.77
  - Tax Year 2011 - $171,436.66
  - Tax Year 2012 - $166,884.20
  - Tax Year 2013 - $174,046.25

• Taxes paid to Lamar County by NTMWD
  - Tax Year 2010 - $145.20
  - Tax Year 2011 - $2,047.52
  - Tax Year 2012 - $2,037.04
  - Tax Year 2013 - $2,222.77
Senate Bill 525 - 82nd Legislature

- Grants Fannin County zoning authority over “the area within 5,000 feet of where the shoreline of the Lower Bois d’Arc Creek Reservoir would be if the reservoir were filled to its storage capacity”

- Effective upon passage of SB 525 (April 29, 2011)
Local Government Code
Section 231.133

(a) The commissioners court of a county in which an area subject to this subchapter is located may regulate in that area:

(1) the height, number of stories, & size of buildings & other structures;

(2) the percentage of a lot that may be occupied;

(3) the size of yards, courts, & other open spaces;

(4) population density;

(5) the location & use of buildings, other structures, & land for business, industrial, residential, or other purposes;

(6) the placement of water & sewage facilities, parks, & other public requirements
Other Issues

- Roads (Hwy. 1396 & County Road crossings)
- Reservoir clearing plan
- Utilities
  - Power lines
  - Telephone lines
  - Natural gas lines
  - Bois d’Arc MUD pipelines
- Lake Bonham
  - Dam protection
  - Emergency spillway enhancement
Highway 1396 Relocation

Estimated cost for FM 897 extension and adding new bridge as proposed is $40.2 M (January 2014 dollars) with 10 ft. bridge height (elevation 551 ft. msl) above 100 yr. flood elevation. 27 County Roads would be impacted – 5 Closed, 13 left in place, 9 crossings reconstructed.
Major Scope Items:

• Clear 3200 acres of timber
  – Enhance creation of fish habitat
  – Improve human access to shore locations
  – Reduce hazards to boating safety and fishing from large floating debris
• To be undertaken during 2 years preceding impoundment

Scope accomplished to date:

• Initial layout for permitting

Schedule:

• Engineering (1 year)
• Construction (2 years)
## LBCR Overall Timeline

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<td>Environmental Studies &amp; Permitting</td>
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<td>Land &amp; Easement Acquisition</td>
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<td>Dam &amp; Reservoir Design</td>
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<tr>
<td>Pipeline, Pump Station &amp; WTP Design</td>
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<tr>
<td>Dam &amp; Reservoir Construction</td>
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<td>WTP &amp; Pipeline Construction</td>
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Questions