



REPLY TO
ATTENTION OF

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

February 12, 2018

Regulatory Division

SUBJECT: Project Number SWF-200-00264, Turkey Peak Dam and Reservoir

Mr. Kenneth Martin
Palo Pinto County Municipal Water District No. 1
P.O. Box 387
Mineral Wells, Texas 76086

Dear Mr. Martin:

Enclosed are two revised copies of the draft Permit Number SWF-2009-00264. When issued, this permit will grant authority under Section 404 of the Clean Water Act to the Palo Pinto County Municipal Water District No. 1 to discharge fill material into waters of the United States associated with the construction of the Turkey Peak Dam and Reservoir.

You may, on behalf of the District, sign the permit or object to the permit and request the permit to be modified in accordance with the enclosed Notification of Administrative Appeal Options and Process and Request For Appeal (NAAOP-RFA). If you elect to object to this permit, you must complete Section II (Request For Appeal or Objections to an Initial Proffered Permit) of the enclosure and return to the District Engineer, ATTN: Chief, Regulatory Division (CESWF-DE-R). If you elect to sign the permit, please ensure that both copies are signed and dated and return them to the District Engineer, ATTN: Chief, Regulatory Division (CESWF-DE-R). Your signature on the permit indicates that the District accepts the permit in its entirety and forfeits all rights to appeal the permit or its terms and conditions and denotes assurance that the work will be conducted in accordance with the plans, description, and all terms and conditions of the permit.

Please sign and return both signed copies of the permit to this office within 14 days of the date of this letter for signature. One copy will be promptly sent to you for retention. The permit is not valid until signed by the issuing officer. If you have questions, please contact Mr. Chandler Peter at the address above or telephone 817-886-1736.

Sincerely,



Stephen L Brooks

Chief, Regulatory Division

Enclosures

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Palo Pinto Co. Municipal Water District No. 1		File Number: SWF-2009-00264	Date: 2-12-2018
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at

http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
Mr. Chandler Peter
(817) 886-1736

If you only have questions regarding the appeal process you may also contact:
Mr. Elliott Carman
Administrative Appeals Review Officer (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1731
469-487-7061

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DEPARTMENT OF THE ARMY PERMIT

Permittee: Palo Pinto County Municipal Water District No. 1

Permit No. SWF-2009-00264

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 project includes the expansion of the existing Lake Palo Pinto through the construction of a new earthen dam, concrete intake and outlet structures, a concrete service spillway, and a rock-lined excavated outfall channel on Palo Pinto Creek downstream of the existing dam located approximately 1,000 feet upstream of the Farm to Market (FM) 4 bridge. The Turkey Peak Dam would result in the creation of Turkey Peak Reservoir, a 22,577 AF open water body totaling 648-acres. The additional impoundment would result in the combined 2,824-acre Lake Palo Pinto/Turkey Peak Reservoir which would have a common conservation pool level of 867.3 feet Mean Sea Level (MSL). The combined reservoir would contain approximately 49,792 acre-feet of water.

The proposed work would include removing the top four feet of the existing Lake Palo Pinto spillway, excavation of an auxiliary spillway, and construction of two adjacent berms, and two saddle dams 2,000 feet south of the new dam. The proposed 3,200-foot dam would be constructed of an earthen core with a crest width of 30 feet, a base width of approximately 650-feet, a top elevation of 894 feet above mean sea level (MSL) and a 100-year flood pool at 877.3 feet MSL. The upstream slopes of the main dam and saddle berms would be protected with a layer of rock riprap on gravel bedding. Materials to construct the dam would be obtained from borrow areas within the footprint of the reservoir and excavated areas, including the dam foundation, outfall channel, and auxiliary spillway.

The project includes construction of a new bridge and upgrade of country road over the existing Lake Palo Pinto Dam as well as upgrading and improvements to Ward Mountain Road due to the inundation and loss of portions of FM 4. Additionally, the project includes the construction of 0.75 miles of new county road between Lake View Road and Brown Road. The project is shown on 8 sheets attached to the permit dated February 12, 2018.

Project Location: The proposed construction of Turkey Peak Dam and Reservoir is located on Palo Pinto Creek immediately downstream of the existing Lake Palo Pinto Reservoir in Palo Pinto County, Texas. The proposed Turkey Peak Reservoir center coordinates are located at approximately Latitude 32.634°N and Longitude -98.248°W and spans the Lone Camp, Brazos West, and Santo 7.5-minute USGS quadrangle maps. The project is located in the USGS Hydrologic Unit 12060201. The proposed dam would be located just upstream of the Farm-to-Market Road (FM) 4 bridge crossing of Palo Pinto Creek, which is 1.7 miles northwest of Santo, Texas.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **February 12, 2023**. 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 5 (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 1 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.

David R. Turk

(PERMITTEE)

 $3\frac{1}{2}/18$

(DATE)

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

Steph Bueh

(DISTRICT ENGINEER)

(FOR)

Calvin C. Hudson II, P.E.

Colonel, Corps of Engineers

2 March 2018

(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.

(TRANSFEREE)

(DATE)

Special Conditions
Permit Number SWF-2009-00264

I. Reservoir Related (Operations, Water Quantity and Water Quality)

1. The permittee shall implement the compensatory mitigation plan entitled, Palo Pinto County Municipal Water District No. 1 Mitigation Plan, Volumes 1 and 2) Revised November 2017, received November 13, 2017 by the Fort Worth District. The permittee shall provide executed versions of the conservation easement forms received December 22, 2017 for all compensatory mitigation areas identified in this plan. The permittee shall further make the effort to obtain mineral rights and/or a surface use waiver from any mineral interest owners that occur within the areas to be protected by any of the conservation easements.
2. When a naturally occurring pulse flow of at least 85 cfs has not occurred during the previous 12 months as measured at the new streamflow gage required in condition 5, the permittee shall make a 9-hour, 85 cfs pulse flow release from the project into Palo Pinto Creek as described in Attachment L, Section 2.0, of the Mitigation Plan (November 2017 Revision). Pulse flow releases are initially to occur in early June but may be adjusted through consultation with the Texas Parks and Wildlife Department, Watershed Conservation Team and the River Studies Program as described in Attachment L. Any adjustments to amounts and timing are to include notification of USACE-SWF-DE-R and approval when necessary.
3. The permittee shall maintain a minimum 1 cfs flow from the project except when the reservoir is in critical drought condition (when storage is less than 50%, elevation 856.3 ft-msl). During critical drought conditions, the permittee shall not halt releases (0 [zero] cfs) from the project for more than 5 consecutive days as described in in Attachment L, Section 2.0, of the Mitigation Plan (November 2017 Revision). Following a period of 0 (zero) cfs flow, the permittee is required to release at least 1 cfs from the project for a period of 5 days starting from the initial conclusion of the 5 day 0 (zero) cfs flow event. For this special condition, flow releases are to be measured at the gage required in special condition 5.
4. The permit shall protect all flow releases to avoid, minimize and provide compensatory mitigation associated with the project from diversion and/or storage from the outfall of the project for 5.1 miles downstream from the dam outlet on Palo Pinto Creek.
5. The permittee shall install one (1) monitoring (gaging) station at the existing dam located on Palo Pinto Creek downstream of FM 4 at or near 32 37'25.61N and 98 13'52.60W. Monitoring equipment must be able to accurately measure flow on a continual basis and be available online for the life of the project.
6. The permittee shall install temperature sensors mounted at each of the gates on the multi-level outlet works of the proposed Turkey Peak dam. Monitoring and adaptive management will establish target goals for long term operations and releases from the dam. Once established, future revisions of the goals will be coordinated with the Texas Parks and Wildlife Department, Watershed Conservation Team and the River Studies Program and TCEQ Water Quality Division. Any adjustments are to include notification of USACE-SWF-DE-R and approval when necessary.
7. The permittee shall establish safety markings (e.g., buoys, floating markers, or other) in Turkey Peak Reservoir and Lake Palo Pinto relative to the existence and location(s) of the remaining portion of the dam that creates Lake Palo Pinto.

II. Endangered Species Act

1. The permittee shall undertake presence/absence surveys for the Golden Cheeked Warbler and Black Capped Vireo prior to commencement of construction of the project or any proposed compensatory mitigation features. Surveys are to be accomplished by a qualified consulting firm that has appropriate training as defined by the U.S. Fish and Wildlife Service. Results of the surveys are to be provided to USACE as well as the USFWS for review. Work cannot start at the referenced sites until such time that formal clearance has been provided by USACE that work may commence.

III. Cultural and Paleontological Resources

1. The permittee shall abide by the terms and conditions contained in the "Programmatic Agreement Among the United States Army, Corps of Engineers, Fort Worth District, The Texas State Historic Preservation Officer, The Palo Pinto County Municipal Water District No. 1, Regarding Compliance with Section 106 of the National Historic Preservation Act of 1966 (as amended) for the Proposed Turkey Peak Reservoir to Be Located South of the City of Palo Pinto, Palo Pinto County, Texas" dated October 7, 2016 and its Amendment executed December 5, 2017.
2. The permittee shall have a qualified on-site observer during project construction activities that include excavation within geologic formations with the potential to contain paleontological resources. If paleontological resources are uncovered during project construction, these finds are to be coordinated with the consulting paleontologist (e.g., Southern Methodist University). Work will need to be halted in the area of the finds until they can be recovered or a significance determination can be made concerning their final disposition.

IV. Revised Plans

1. No construction in waters of the US can commence until the permittee submits a copy of the 90 percent design plans for the project including all dams, appurtenances, road modifications and related construction areas.

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 17, 2018

Mr. Stephen Brooks, Division Chief
U.S. Army Corps of Engineers
Regulatory Division CESWF-EV-R
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: USACE Permit Application No. SWF-2009-00264

Dear Mr. Brooks:

This letter is in response to the Statement of Findings (SOF) dated January 3, 2018, for the Joint Public Notice dated March 11, 2010, on the Palo Pinto County Municipal Water District proposal to create Turkey Peak Reservoir to prepare for future water supply needs for Palo Pinto County. The project is located just upstream of the Farm to Market Road (FM) 4 bridge crossing of Palo Pinto Creek, which is 1.7 miles northwest of Santo, Palo Pinto County, Texas.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the public notice and related application information along with the SOF. On behalf of the Executive Director and based on our evaluation of the information contained in these documents, the TCEQ certifies that there is reasonable assurance that the project will be conducted in a way that will not violate water quality standards. General information regarding this water quality certification, including standard provisions of the certification, is included as an attachment to this letter.

The applicant proposes to expand the existing Lake Palo Pinto through the construction of a new earthen dam, concrete intake and outlet structures, a concrete service spillway, and a rock-lined excavated outfall channel on Palo Pinto Creek downstream of the existing dam resulting in the creation of Turkey Peak Reservoir. The expansion will result in the loss of 47,068 linear feet (LF) of stream. Specifically, 1,750 LF of perennial stream will be filled and 22,624 LF inundated, 5,983 LF of intermittent stream will be inundated, and 16,711 LF of ephemeral stream will be inundated. The project will also inundate 0.1 acre of wetland.

The applicant proposes to mitigate for impacts to aquatic resources by upstream re-establishment of 1,761 LF of intermittent stream, 1,381 LF of ephemeral stream, rehabilitation of 7,749 LF of intermittent stream and 852 LF of ephemeral stream; upstream enhancement of 10,042 LF of intermittent stream and 11,356 LF of ephemeral stream; onsite restoration of 3,587 LF of ephemeral stream and onsite enhancement of 510 LF of ephemeral stream; and downstream restoration and enhancement of 27,111 LF of perennial stream. The mitigation will occur on three separate properties known as the Simpson Tract, the Nall/Ragsdale Tract within Palo Pinto Mountain State Park, and the Copeland Tract.

Mr. Stephen Brooks
U.S. Army Corps of Engineers
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No review of property rights, location of property lines, nor the distinction between public and private ownership has been made, and this certification may not be used in any way with regard to questions of ownership.

If you require additional information or further assistance, please contact Ms. Brittany Lee, Water Quality Assessment Section, Water Quality Division-Matrix, 14250 Judson Road, San Antonio, Texas 78233-4480, at (210) 403-4048 or by email at Brittany.Lee@tceq.texas.gov.

Sincerely,



David W. Galindo
Water Quality Division Director
Texas Commission on Environmental Quality

DWG/BL/fc

Attachment

ccs: Palo Pinto Municipal Water District No. 1, P.O. Box 387, Mineral Wells, Texas 76068
Mr. James Thomas, HDR Engineering, Inc., 4401 West Gate Blvd., Suite 400, Austin, Texas
78757

Mr. Stephen Brooks
USACE Permit Application No. SWF-2009-00264
Attachment – Dredge and Fill Certification
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January 17, 2018

WORK DESCRIPTION: As described in the public notice dated March 11, 2010, and the January 3, 2018, Environmental Assessment and Statement of Findings.

SPECIAL CONDITIONS: None

GENERAL: This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the January 3, 2018, Environmental Assessment and Statement of Findings and shall be concurrent with the Corps of Engineers (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The Texas Commission on Environmental Quality (TCEQ) reserves the right to require full joint public notice on a request for minor revision. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TCEQ or a successor agency.

STANDARD PROVISIONS: These following provisions attach to any permit issued by the COE and shall be followed by the permittee or any employee, agent, contractor, or subcontractor of the permittee during any phase of work authorized by a COE permit.

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative, and Numerical Criteria.
2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life, or terrestrial life.
3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TCEQ by calling the State of Texas Environmental Hotline at 1-800-832-8224.
4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.
5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.
6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.

January 17, 2018

7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.
8. Dredged Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.
9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TCEQ shall be contacted by calling the State of Texas Environmental Hotline at 1-800-832-8224. Dredging activities shall not be resumed until authorized by the Commission.
10. Contaminated water, soil, or any other material shall not be allowed to enter a watercourse. Noncontaminated storm water from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11. Storm water runoff from construction activities that result in a disturbance of one or more acres, or are a part of a common plan of development that will result in the disturbance of one or more acres, must be controlled and authorized under Texas Pollutant Discharge Elimination System (TPDES) general permit TXR150000. A copy of the general permit, application (notice of intent), and additional information is available at:
http://www.tceq.texas.gov/permitting/stormwater/wq_construction.html or by contacting the TCEQ Storm Water & Pretreatment Team at (512) 239-4671.
12. Upon completion of earthwork operations, all temporary fills shall be removed from the watercourse/wetland, and areas disturbed during construction shall be seeded, ripped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely affect the biological, chemical, or physical properties of the receiving waters.
13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.
14. Where the control of weeds, insects, and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.

Mr. Stephen Brooks
USACE Permit Application No. SWF-2009-00264
Attachment – Dredge and Fill Certification
Page 3 of 3
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15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.
16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms, putrescible sludge deposits, or sediment layers which adversely affect benthic biota or any lawful uses.
17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes, and bays.
18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition and foaming or frothing of a persistent nature is avoided. Surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.
19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state, or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.

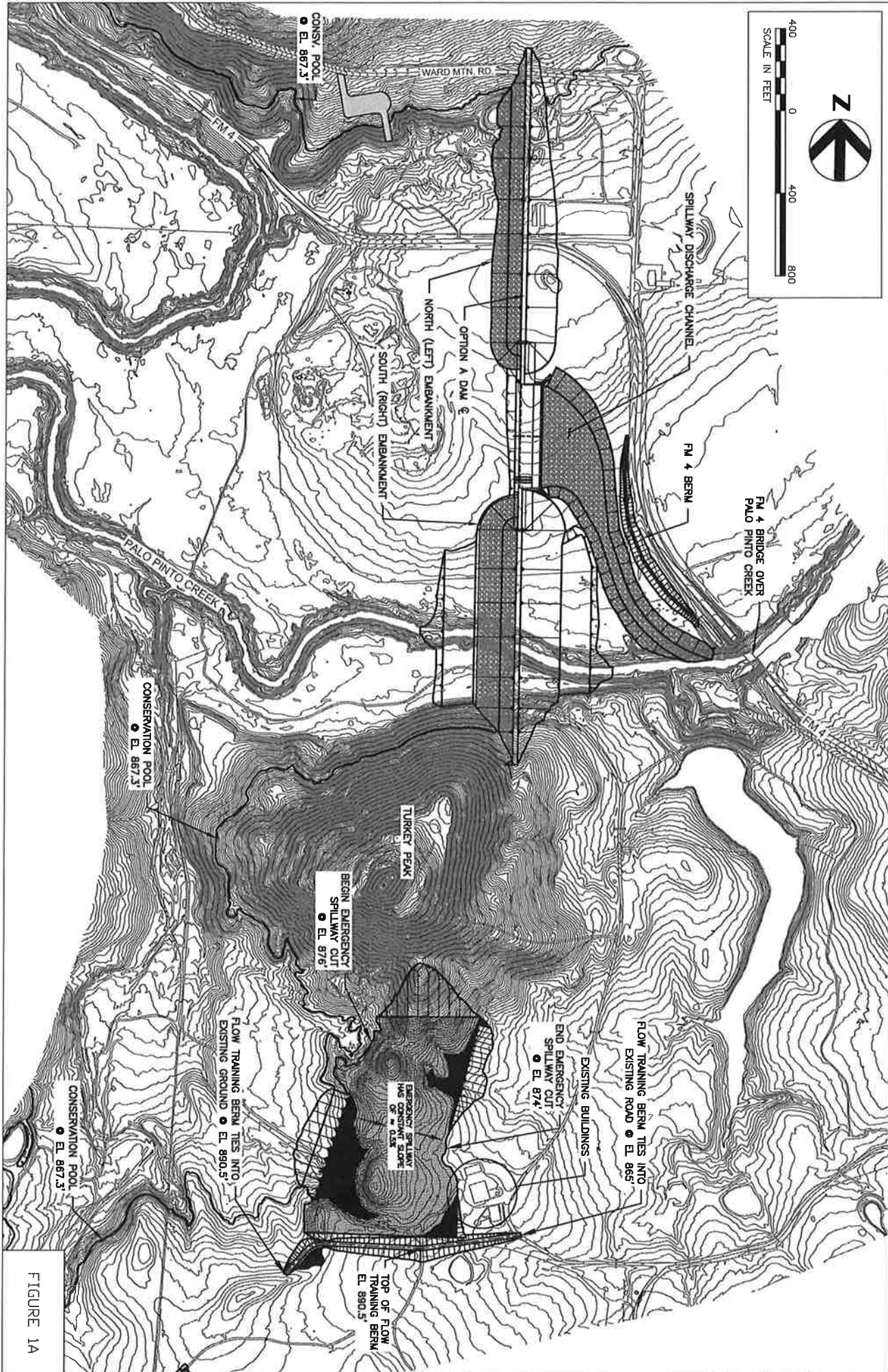


FIGURE 1A

DATE	DESCRIPTION	PROJECT NUMBER
11/20/12	DEBANK BY F. BONDGARDNER P.E.	00000000004541
	CRN BY C. MAJALA	
	2014 4 MONTHS TO EXPIRE AT	
	SCOTT BONDG P.E.	

THIS DRAWING HAS
BEEN PREPARED UNDER
THE AUTHORITY OF
SCOTT R. BRAND
TEXAS P.E. NO. 122655
DATE: MARCH 31, 2016
FOR THE SOLE PURPOSE
OF INTERIM REVIEW

IT IS NOT TO BE USED
FOR CONSTRUCTION OR
ANY OTHER PURPOSE.

**PALO PINTO COUNTY
MUNICIPAL WATER DISTRICT No. 1
MINERAL WELLS, TX
TURKEY PEAK DAM &
RESERVOIR PROJECT**

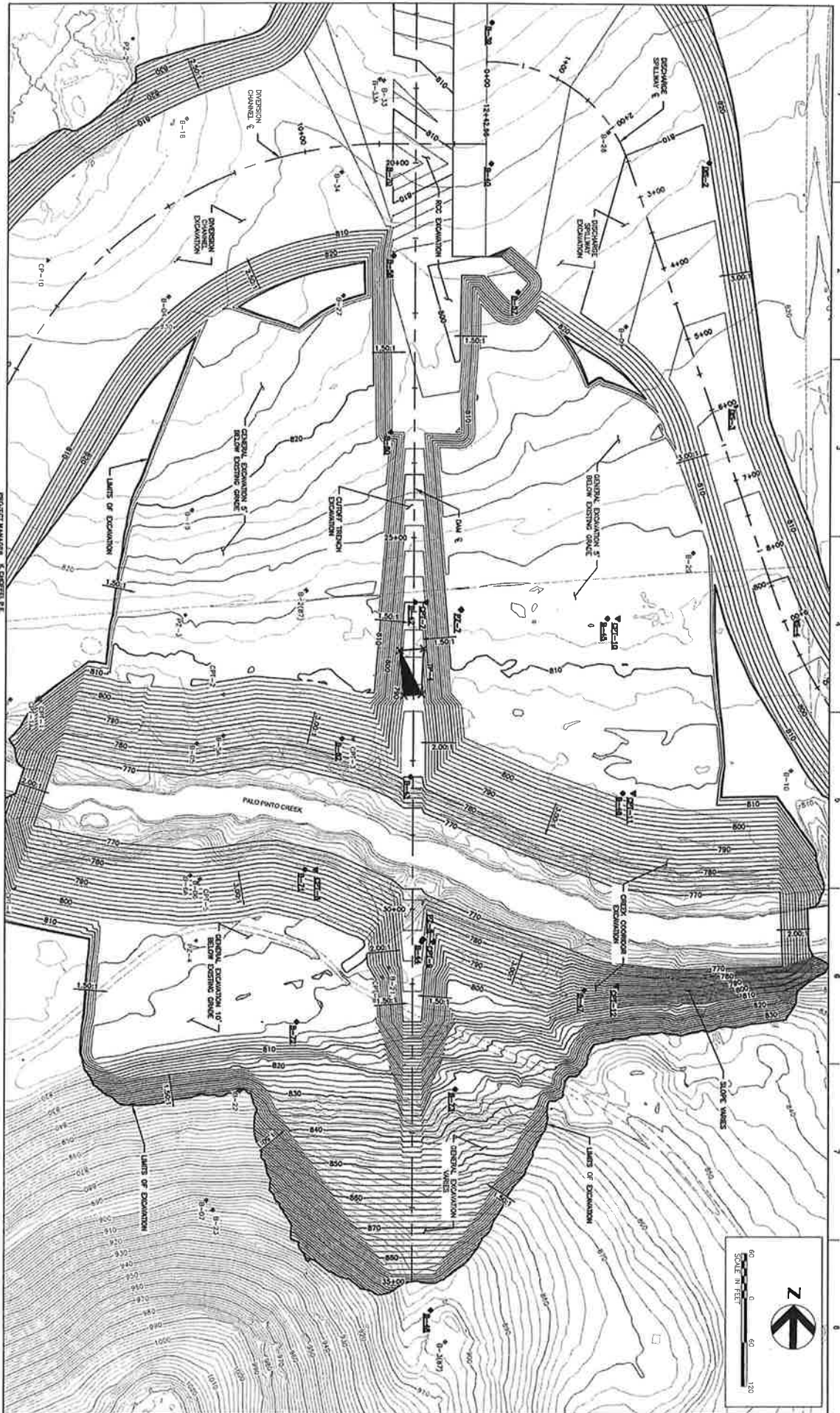
TURKEY PEAK DAM
PLAN - EXCAVATION OVERVIEW
18+00 TO 35+00
SOUTH EMBANKMENT

0 1' 2'

FILENAME 01C-24.01C-18.dwg

SCALE 1" = 60'

SHEET 01C-10





Texas P.E. Film
Registration No. F-754

[illegible]

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TEXAS P.E. NO. 45886
DATE: MARCH 31, 2016
FOR THE SOLE PURPOSE
OF INTERIM REVIEW

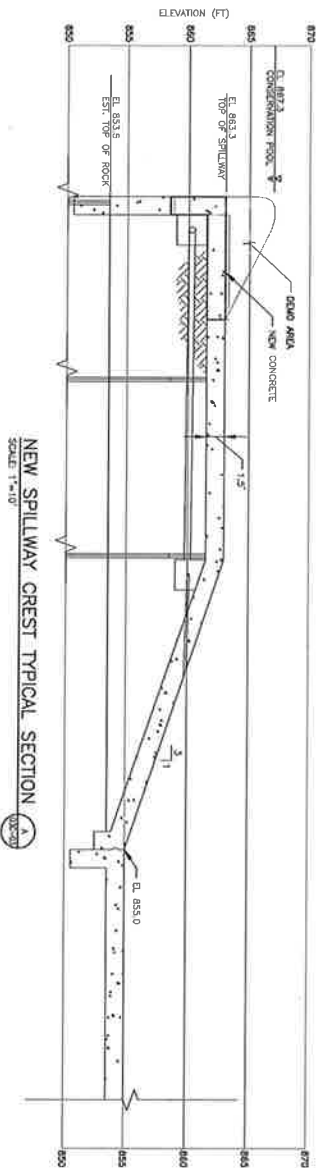
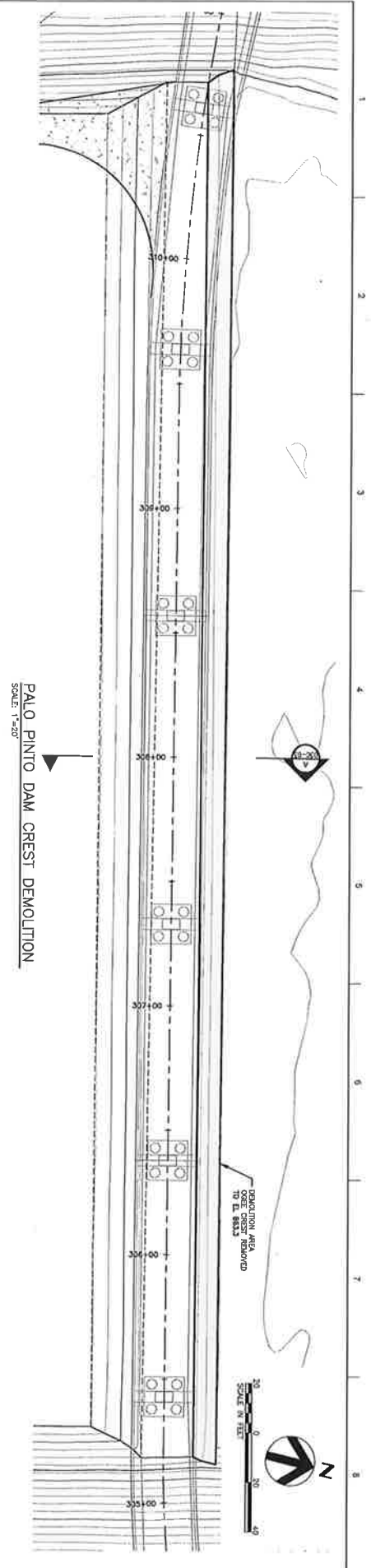
IT IS NOT TO BE USED
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**PALO PINTO COUNTY
MUNICIPAL WATER DISTRICT No. 1
MINERAL WELLS, TX**

LAKE PALO PINTO DAM MODIFICATIONS
DEMOLITION & REPAIR PLAN

0	1"	2"	DLENAME	03C-03.dwg
			SCALE	AS NOTED

SHEET
03C-03





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

February 9, 2023

Regulatory Division

SUBJECT: Project Number SWF-2009-00264, Turkey Peak Reservoir

Mr. Howard B. Huffman
General Manager
Palo Pinto County Municipal Water District No. 1
P.O. Box 387
Mineral Wells, Texas 76086
ppcmwd@gmail.com

Dear Mr. Huffman:

This is regarding a letter we received dated October 11, 2022, requesting a modification to Department of the Army Permit Number SWF-2009-00264. As you know, that permit number authorized the Palo Pinto County Municipal Water District No. 1 to construct the Turkey Peak Dam and Reservoir project located on Palo Pinto Creek immediately downstream of the existing Lake Palo Pinto Reservoir in Palo Pinto County, Texas. Specifically, the letter we received requested an extension of time due to construction delays associated with property acquisition.

We have reviewed and hereby approve the request. Permit Number SWF-2009-00264 is modified as follows:

1. Replace "February 12, 2023" in General Condition 1 on page one of the permit with "December 31, 2027".

This modification is effective immediately. All other terms and conditions of the original permit remain in full force and effect.

We appreciate your interest in our nation's water resources, and your cooperation in complying with our regulatory program. If you have questions in the future, please refer to our website at <http://www.swf.usace.army.mil/Missions/Regulatory> or contact Mr. Neil M. Lebsock at the address above, by telephone (817) 886-1743, or by email neil.m.lebsock@usace.army.mil.

Sincerely,

LEBSOCK.NEIL.M.1
241450941

Digitally signed by
LEBSOCK.NEIL.M.1241450941
Date: 2023.02.09 13:25:20 -06'00'

for Brandon W. Mobley
Chief, Regulatory Division

Copies Furnished:

Mr. James Thomas

James.thomas@hrdinc.com