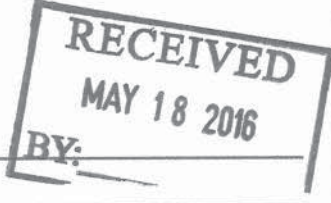




Sand and Gravel Individual Permit Application

General
BH



Section I. Applicant Information

- 1. Applicant Name: City of San Marcos
- 2. Mailing Address: 630 E Hopkins St, San Marcos, TX 78666
- 3. Telephone Numbers:
Voice: (512) 393-8100 Cell: () Fax: ()
- 4. Comptroller's ID Number or Federal Employer's Identification Number (FEIN): _____
- 5. Previous or current Permit Number: N/A
- 6. Agent or other person acting on behalf of Applicant: Mike Montagne (USFWS)
- 7. Mailing address if different from Applicant: 500 E. McCarty Lane, San Marcos, TX 78666
- 8. Telephone numbers if different from Applicant:
Voice: (512) 353-0011 ext 236 Cell: [REDACTED] Fax: (512) 392-0270

Section II. Location of Proposed Activity

- 9. Name of water body: San Marcos River
- 10. County of proposed activity: Hays
- 11. Nearest city or town with a post office: San Marcos
- 12. Nearest upstream state highway crossing: I-35 North frontage road
Distance from proposed activity: 950 feet
- 13. Nearest downstream state highway crossing: Cape Street
Distance from proposed activity: 2200 feet
- 14. USGS 7½ Minute Quad Map number: San Marcos South Quadrangle
















Section III: Description of Proposed Activity

- 15. Description of proposed activity:
Removal of the failing dam
restoration of riverbank
- 16. Volume of sedimentary material to be disturbed monthly (Cubic yards per month): 1000 (one time only)
- 17. Volume of sedimentary material to be disturbed annually (Cubic yards per year): One time event
- 18. Intended final disposal area for removed materials: Riverbank and fill in old millrace
- 19. Surface area of bottom to be disturbed (in square feet): 0.1 Acres 57,930 sq ft, or 1.3 acres
- 20. Date that project is proposed to begin: 10/07/2016
- 21. Duration of disturbance period: 1 week



Summary of Comments on 2016-G011 City of San Marcos-application_Redacted-highlighted-errors.pdf

Page: 1

-
-  Number: 1 Author: kelley Subject: Sticky Note Date: 9/17/2016 10:16:48 PM
15. Description of proposed activity: Needs to include "fill in old millrace" (as listed in #18) as part of #15.
-
-  Number: 2 Author: kelley Subject: Line Date: 9/17/2016 3:37:48 PM
-
-  Number: 3 Author: kelley Subject: Line Date: 9/17/2016 3:39:13 PM
-
-  Number: 4 Author: kelley Subject: Sticky Note Date: 9/28/2016 3:55:10 PM
16. Volume of sedimentary material to be disturbed monthly: Where did original figure of 1060 come from? What measurements of Capes Dam & surrounding area were given in answer to #16? Why was this figure crossed out & reduced to "990"? What figures changed to allow adjustment?
-
-  Number: 5 Author: kelley Subject: Sticky Note Date: 9/17/2016 10:24:14 PM
19. Surface area of bottom to be disturbed (in square feet)
1. Based on dam length of 168' and width of 25' or 4200 sq ft.
 2. Plus new Mill Race dam length of 40' by base width of 25' = 1000 sq ft
 3. Plus fill in Mill Race of approximate length 2110 ft long by approximately 25 ft wide = 52,750 sq ft
1. 4200 sq ft +
 2. 1000 sq ft +
 3. 52,750 sq ft =
- 57,950 sq ft, or 1.3 acres
-
-  Number: 6 Author: kelley Subject: Line Date: 8/16/2016 11:26:43 AM
-
-  Number: 7 Author: kelley Subject: Line Date: 9/17/2016 3:38:49 PM
-
-  Number: 8 Author: kelley Subject: Line Date: 9/17/2016 3:38:36 PM
-
-  Number: 9 Author: kelley Subject: Text Box Date: 9/17/2016 10:24:32 PM
57,950 sq ft, or 1.3 acres
-
-  Number: 10 Author: kelley Subject: Line Date: 9/17/2016 9:57:37 PM
-
-  Number: 11 Author: kelley Subject: Line Date: 8/16/2016 11:27:17 AM
-
-  Number: 12 Author: kelley Subject: Line Date: 8/16/2016 11:27:23 AM
-
-  Number: 13 Author: kelley Subject: Sticky Note Date: 9/17/2016 11:00:30 PM
20. Date that project is proposed to begin: Entered as "10/01/2016" on "05/03/2016". It is now "9/19/2016" and it is 11 days until work is to begin. Time is of the essence to settle these major measurement discrepancies, review hypotheses and adopt alternative plans to preserve endangered species.
-
- Number: 14 Author: kelley Subject: Rectangle Date: 8/16/2016 11:27:40 AM
-
-  Number: 15 Author: kelley Subject: Sticky Note Date: 9/17/2016 10:56:05 PM
21. Duration of disturbance period:
Shown as "1 week" which denies the reality that once Capes Dam is removed, the San Marcos River is destabilized from Rio Vista Dam to Cummings Dam.
- The San Marcos River will enter into a multi-decade phase of headward erosion with resultant deposition of sediment downstream from Rio Vista Dam, as San Marcos River establishes new equilibrium in its grade down to it's juncture with the Guadalupe River.
- "Everyday" rains will pose greater threat to property and life without the water braking capabilities of Capes Dam.
-
-  Number: 16 Author: kelley Subject: Line Date: 8/16/2016 11:28:19 AM

Critical clause left off sentence: " that has been in existence for 150 years."

(Section III, continued)

22. Description of measures proposed to minimize harm to aquatic and riparian habitat:

The project will remove an unnatural man made concrete barrier from the river. The removed material will be used to armor the shoreline to reduce erosion into the river. The project will have a longterm beneficial effect on the endangered fountain darter (Etheostoma fonticola) and the endangered Texas wild rice (Zizania texana). No compensatory mitigation should be required as the project will have a net positive effect on the habitat and the native aquatic species.

Endangered Texas wild-rice will be removed from the work area and immediately downstream and transplanted in a suitable location.

The old mill race will be seined and all fish captured therein will be returned to the main channel.

23. U.S. Army Corps of Engineers (COE) Permit Number, Individual, General, or Nationwide:

In process of obtaining permit.

24. If COE permit application is pending:

Application date: 5/9/2016

Section IV: Public Notice and Requirements for Individual Permits [31 TAC § 69.105]

25. Name of daily newspaper of greatest circulation in the county or counties to be affected by issuance of the permit with address and telefax number to be used for public notification:

Newspaper name: San Marcos Record Telefax number: (512) 392-6483

Newspaper telephone number: (512) 392-2458

Newspaper Web site: http://www.sanmarcosrecord.com/

Address: P.O. Box 1109, San Marcos, TX 78666

25a. Name of daily or weekly local newspaper in the community nearest the proposed location:

Newspaper name: Same Telefax number: ()

Newspaper telephone number: ()

Newspaper Web site:

Address:

26. Attach a list (or mailing labels) for alongshore property owners for one-half river mile above and below the proposed area of disturbance.

27. If this is a new application, attach the Sedimentation Impact Assessment conducted pursuant to 31 TAC § 69.108(c).

28. Is the applicant a corporation subject to the Texas Business Corporation Act? Yes No

a. If so, attach a statement provided by the Comptroller of Public Accounts that the applicant is not delinquent in any tax owed pursuant to Tax Code chapter 171 (Certificate of Account Status / Certificate of Good Standing).

29. If the applicant is not a corporation, and is a sole proprietorship or partnership, list the full name(s) of the proprietor(s) and/or general partners.

The City of San Marcos

☰ Number: 1 Author: kelley Subject: Text Box Date: 8/16/2016 2:54:23 PM

Critical clause left off sentence:
" that has been in existence for 150 years."

💬 Number: 2 Author: kelley Subject: Sticky Note Date: 10/4/2016 12:57:37 PM

"No compensatory mitigation should be required as the project will have a net positive effect on the habitat and the native aquatic species."

This statement is made as fact, when it is an **hypothesis** held & promoted by only one professor, his students, and business associates.

✍ Number: 3 Author: kelley Subject: Line Date: 10/4/2016 12:48:00 PM

💬 Number: 4 Author: kelley Subject: Sticky Note Date: 9/17/2016 10:44:16 PM

22. Description of measures proposed to minimize harm to aquatic and riparian habitat: This is admission that the removal of Capes Dam will destroy an endangered specie (Texas Wild Rice/Zizania texana) which will have to be relocated so they can be "saved"

☐ Number: 5 Author: kelley Subject: Rectangle Date: 8/16/2016 12:16:31 PM

💬 Number: 6 Author: kelley Subject: Sticky Note Date: 9/17/2016 10:44:10 PM

22. Description of measures proposed to minimize harm to aquatic and riparian habitat: Why move the endangered specie of fish (Fountain darter/Etheostoma fonticola)? Because the Mill Race - the Fountain Darter's preferred, self-chosen habitat - is to be filled in with dirt, as stated on the first page of this application.

☐ Number: 7 Author: kelley Subject: Rectangle Date: 8/16/2016 3:16:37 PM

☰ Number: 8 Author: kelley Subject: Text Box Date: 9/17/2016 10:43:35 PM



Sand and Gravel Individual Permit Application

Signature Page

Attachment C
Page 5

Signature on Application: The person who signs the application form should be the Applicant. When another person signs on behalf of the applicant his/her title or relationship to the Applicant should be stated. In all cases the person who signs the form must be authorized to do so by the Applicant. A person who signs an application must provide proof of authorization. A copy of the authorization letter must be included in the application package. An application submitted by a corporation must be signed by a principal executive officer of at least the level of vice-president or by a duly authorized representative, if such representative is responsible for the overall operation of the facility that will conduct the activities authorized by the permit requested. In the case of a partnership or sole proprietorship, the application must be signed by a general partner or the proprietor, respectively. In the case of a municipal, state, federal or other public facility, the application must be signed by a principal executive officer, a ranking elected official or another duly authorized employee.

I, Jared Miller certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, this information is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for known violations.

05/03/2016
Date

[Handwritten Signature]
Signature

City Manager
Title

Subscribed and sworn to before me by the said Jared Miller on this 3rd day of May, 2016.

My commission expires on the 28 day of April, 2016.



[Handwritten Signature]
Notary Public

Texas Parks and Wildlife Department maintains the information collected through this form. With few exceptions, you are entitled to be informed about the information we collect. Under Sections 552.021 and 552.023 of the Texas Government Code, you are also entitled to receive and review the information. Under Section 559.004, you are also entitled to have this information corrected.

Page: 4

Number: 1 Author: kelley Subject: Rectangle Date: 9/11/2016 5:33:23 PM

Number: 2 Author: kelley Subject: Line Date: 9/11/2016 5:33:42 PM

Number: 3 Author: kelley Subject: Line Date: 9/11/2016 5:33:54 PM

Number: 4 Author: kelley Subject: Line Date: 9/11/2016 5:34:02 PM

Number: 5 Author: kelley Subject: Line Date: 9/11/2016 5:34:17 PM

Number: 6 Author: kelley Subject: Line Date: 9/11/2016 5:34:22 PM

Number: 7 Author: kelley Subject: Line Date: 9/11/2016 5:34:31 PM

Number: 8 Author: kelley Subject: Line Date: 9/11/2016 5:34:41 PM

Number: 9 Author: kelley Subject: Sticky Note Date: 9/17/2016 10:59:47 PM

Sand and Gravel Individual Permit Application, Signature Page: This acknowledged, signed statement by City of San Marcos Jared Miller certifies under penalty of law that "I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for known violations."

Perhaps City Mgr Miller would like to review his answers for:

15. Description of proposed activity

16. Volume of sedimentary material to be disturbed monthly

19. Surface area of bottom to be disturbed (in square feet)

22. Description of measures proposed to minimize harm to aquatic and riparian habitat

Number: 10 Author: kelley Subject: Oval Date: 9/11/2016 5:34:48 PM

1 Please refer to Attachment A for complete review of USFWS "Capes Dam-Breach & Channel Restoration" report, dated April 2016

2 NOTE: The TPWD Sand & Gravel Permit is wholly dependent upon the USFWS report. Any errors or omissions in the USFWS report are automatically transferred into TPWD Sand & Gravel Permit.

619687

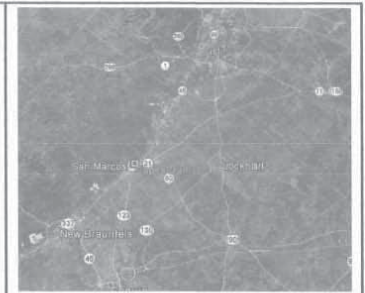
3 Aerial photograph incorrectly shows the location of Capes Dam



U.S. FISH & WILDLIFE SERVICE

SAN MARCOS, TEXAS

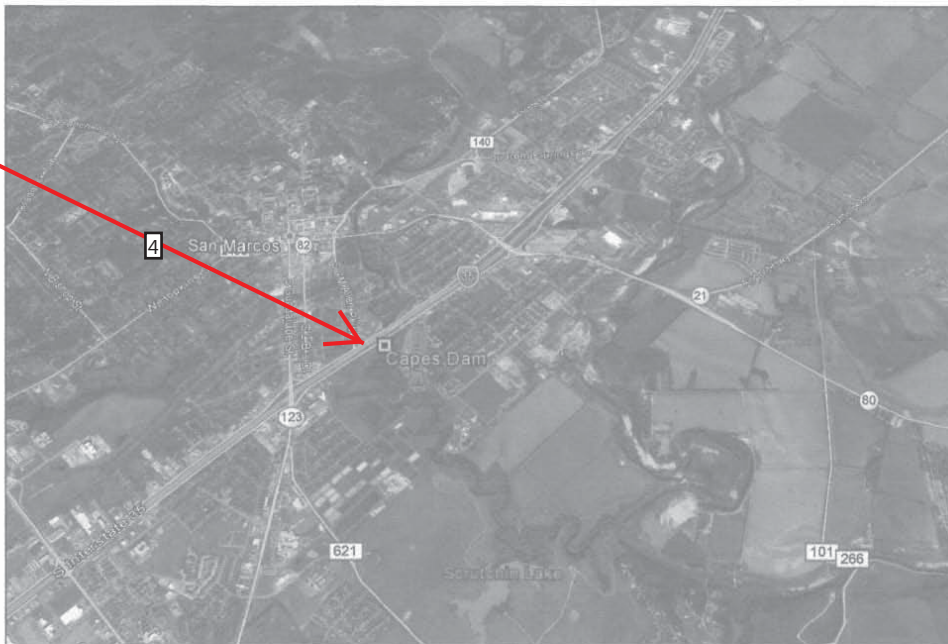
CAPE DAM-BREACH & CHANNEL RESTORATION



VICINITY MAP
NO SCALE

DRAWING INDEX

SHEET NO.	DRAWING TITLE
1 OF 7	VICINITY MAP, SITE PLAN AND DRAWING INDEX
2 OF 7	EXISTING SITE, ALIGNMENT & SECTION LINE SAMPLING LOCATIONS
3 OF 7	EXISTING SITE PHOTOS
4 OF 7	EXISTING & PROPOSED ALIGNMENT PROFILE DETAILS
5 OF 7	EXISTING SITE SECTION LINE DETAILS
6 OF 7	PROPOSED SITE SECTION LINE DETAILS AT DAM
7 OF 7	MILL RACE GRADE CONTROL & EROSION CONTROL DETAILS
8 OF X	PLAN DETAILS
9 OF X	PLAN DETAILS
10 OF X	PLAN DETAILS
11 OF X	PLAN DETAILS
12 OF X	PLAN DETAILS
13 OF X	PLAN DETAILS
14 OF X	PLAN DETAILS



UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE REGION 6 ENGINEERING - DENVER, COLORADO	
REGIONAL ENGINEER	DATE
PROGRAM SUPERVISOR	DATE
ASST. REGIONAL DIR.	DATE
SAN MARCOS, TEXAS SAN MARCOS, RIVER HAYS TEXAS	
CAPES DAM-BREACH & CHANNEL RESTORATION VICINITY MAP, SITE PLAN AND DRAWING INDEX	
DESIGN	DATE
SAFETY	DATE
REVISION	DATE
ADVISOR	DATE
DESIGNED: W.ETANOLL	DRAWN: W.ETANOLL
CHECKED: W. RICE	
DATE: APRIL 2016	PROJECT NO.: 68-75-0216-002
	SHEET 1 OF 7

Aerial photograph is outdated and does not show the Wood Apt Complex
See Attachment A for a complete discussion of shortfalls of this page.

1

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NOTES

ALL ELEVATIONS ARE REPORTED AS FEET TIED TO NGVD 88 DATUM.

DAM

- 1. DAM ELEVATION - 552.0 +/- 1' WITH PARTIAL BREACHES EVIDENT DUE TO PARTIAL FAILURE DURING FLOOD.

MILLRACE

- 1. MILLRACE WIDTH AT CONCRETE HEADWORKS - 20'
- 2. MILLRACE SILL-ELEVATION: 549.0 +/- 1'

BENCH MARK

- 1. SEE EXISTING SITE PHOTOS
- 2. BM ELEVATION: 554.4' VD88

ALIGNMENT

- 1. ALIGNMENT ORIENTATED AT THE APPROXIMATE CHANNEL CENTERLINE LOCATION.
- 2. ALIGNMENT RUNS FROM STATION 0 + 00 (UPSTREAM LOCATION) TO 1 + 20 (DOWNSTREAM LOCATION).
- 3. ALIGNMENT SAMPLE POINTS ARE LOCATED AT P.I. POINTS AND DISPLAYED ON SHEET 4.

SECTION SAMPLE LINES

- 1. SECTION LINES WERE SAMPLED AT THREE LOCATIONS ALONG THE ALIGNMENT: UPSTREAM (0 + 12.30), CAPES DAM (0 + 73.38) AND DOWNSTREAM (1 + 17.38).
- 2. SECTION LINES ARE DISPLAYED ON SHEETS 5 & 6.

2

3

EXISTING SITE
NO SCALE

SAN MARCOS, TEXAS		EXISTING SITE ALIGNMENT &			2
CAPES DAM-BREACH &		SECTION LINE SAMPLING LOCATIONS			
DESIGNED	DRAWN	CHECKED	DATE	DRAWING NO.	SHEET
M. OSWALD	M. STANWELL	M. POSE	6/2018	MS-DC-2018-002	2 OF 1

1 incorrect CFS recorded on undated photographs, so no cross-referencing to USGS water discharge monitors can occur. See Attachment A for a complete discussion of shortfalls of this page.

619687



CAPE DAM, ~ 300 CFS, VIEW ACROSS DAM FROM MILLRACE INLET



CAPE DAM, ~ 600 CFS, VIEW ACROSS DAM FROM MILLRACE INLET



MILLRACE INLET, VIEW DOWNSTREAM TO UPSTREAM



CAPE DAM, ~ 600 CFS, VIEW DOWNSTREAM TO UPSTREAM



MILLRACE BENCH MARK CLOSEUP



MILLRACE ENTRANCE, VIEW LEFT BANK TO RIGHT BANK

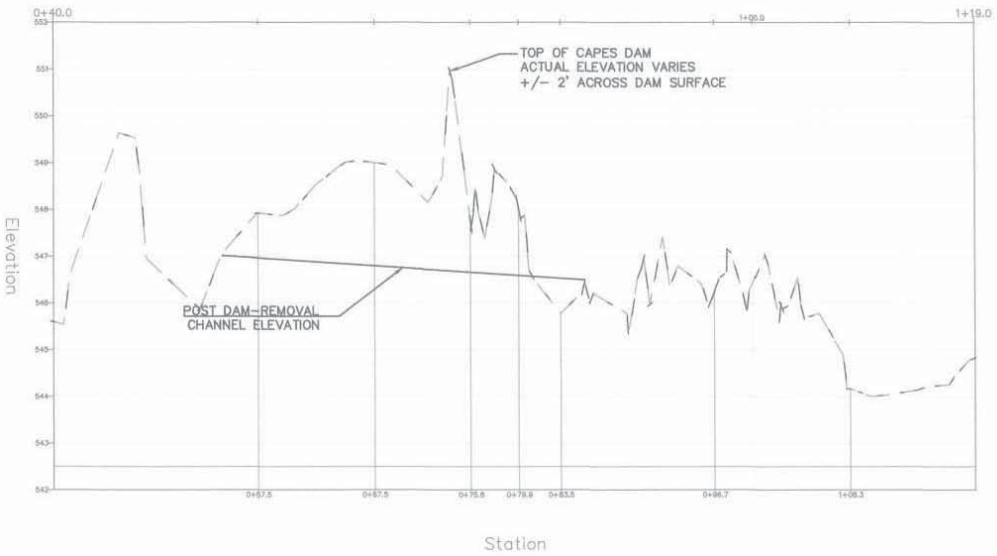
EXISTING SITE
NO SCALE

SAN MARCOS, TEXAS		EXISTING SITE PHOTOS		SUB-SHEET
CAPE DAM-BREACH & CHANNEL RESTORATION				3
DESIGNED BY: DORRIN W. STANLEY	CHECKED BY: W. ROSE	DATE: 4/2018	DRAWING NO: 000-70-2018-000	SHEET: 3 OF 7

1 See Attachment A for a complete discussion of shortfalls of this page.

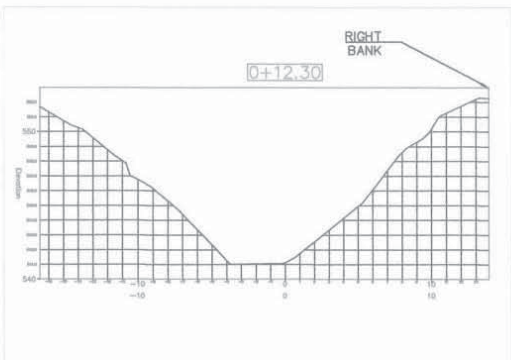
619687

2
What is the date of these measurements?
Where is a key-map showing location of measurement stations?
Is this a graph over time? Or what is the x-axis supposed to represent? Time or location or both?

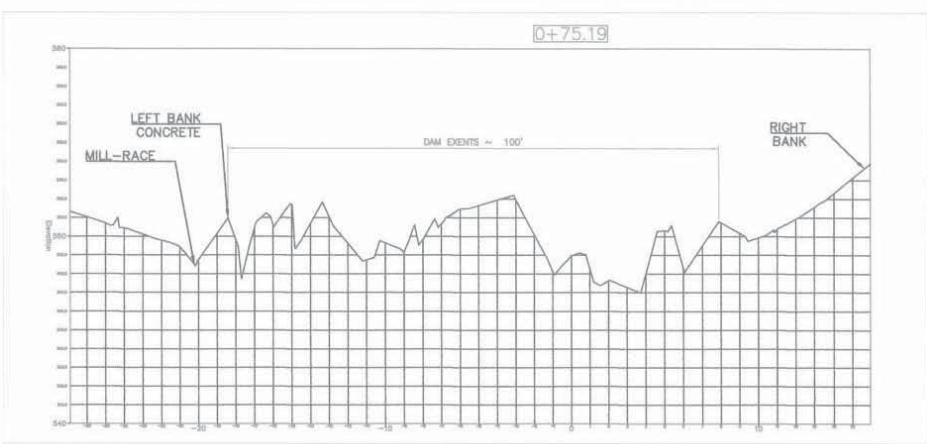


SAN MARCOS, TEXAS		EXISTING & PROPOSED		SUB-SHEET	
CAPES DAM-BREACH & CHANNEL RESTORATION		ALIGNMENT PROFILE DETAILS		4	
DESIGNED R. STANFILL	DRAWN W. STANFILL	CHECKED W. ROSE	DATE 3/2018	DRAWING NO. 98-20-2018-200	SHEET 4 OF 4

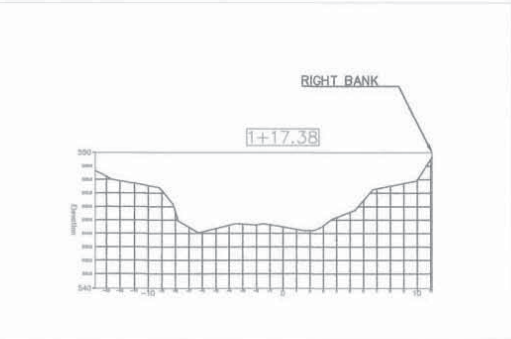
See Attachment A for a complete discussion of shortfalls of this page.



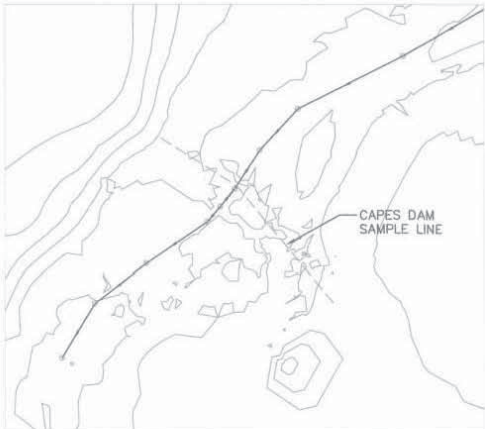
EXISTING CONDITION: SAMPLE LINE CROSS SECTION UPSTREAM OF CAPES DAM



EXISTING CONDITION: SAMPLE LINE CROSS SECTION PARALLEL WITH CENTERLINE OF DAM'S LONG AXIS



EXISTING CONDITION: SAMPLE LINE CROSS SECTION DOWNSTREAM OF CAPES DAM



LOCATION OF SAMPLE LINE USED TO DEVELOP EXISTING CONDITIONS AT CAPES DAM

NOTES:

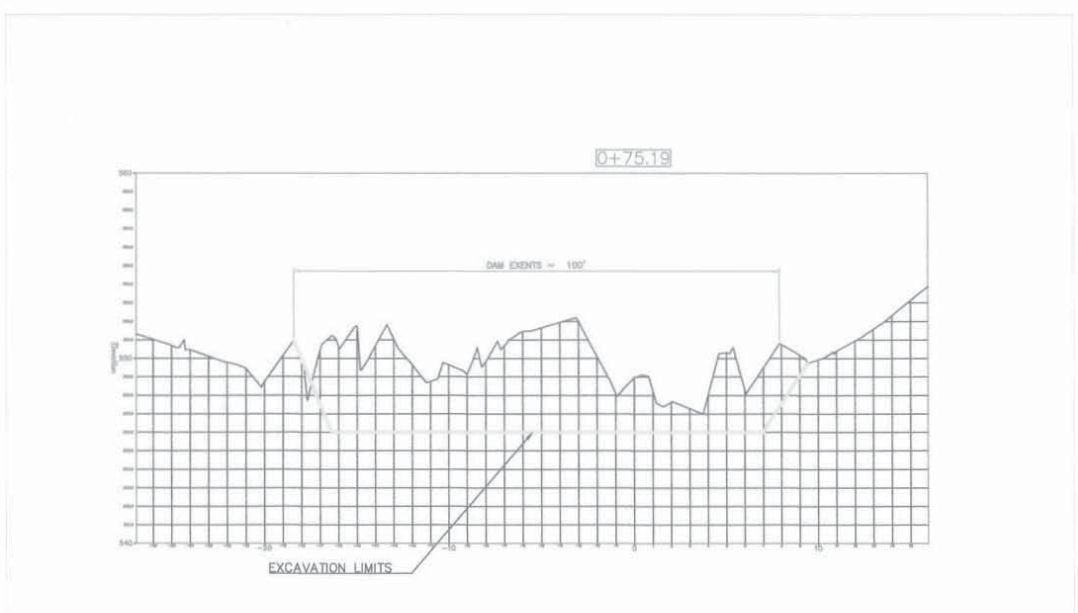
- 1. RIGHT-BANK AND LEFT-BANK REFERENCE THE BANK AS VIEWED LOOKING DOWNSTREAM.

SAN MARCOS, TEXAS		EXISTING SITE SECTION LINE DETAILS		SUB-SHEET
CAPES DAM-BREACH & CHANNEL RESTORATION				5
DESIGNED BY	DRAWN BY	CHECKED BY	DATE	DRAWING NO.
R. STANCK	R. STANCK	M. REE	4/2018	BB-14-2018-000
				SHEET
				3 OF 3

619687

See Attachment A for a complete discussion of shortfalls of this page. 1

619687



EXISTING AND PROPOSED CROSS SECTION PROFILE PARALLEL WITH LONG AXIS OF DAM CENTERLINE

NOTES:

ELEVATIONS ARE REPORTED AS NGVD-88 AND TIED TO THE BENCHMARK LOCATED ON THE RIGHT BANK OF THE MILL RACE RIGHT BANK CONCRETE WALL. SEE SHEET 3 (EXISTING SITE PHOTOS).

DAM REMOVAL & CHANNEL EXCAVATION

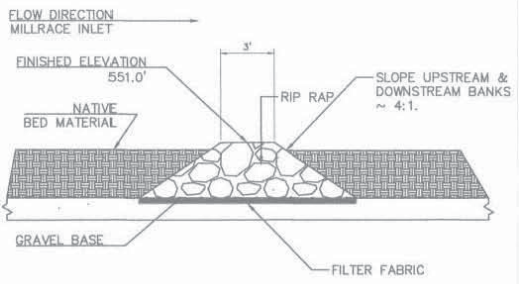
1. DAM WILL BE EXCAVATED FROM BANKLINE TO BANKLINE TO AN ELEVATION OF 546.0' OR REFUSAL.
2. EXCAVATED BANKLINES WILL BE SLOPED TO - 2:1 BUT FOLLOW THE EXISTING BANKLINE CONDITIONS WHERE POSSIBLE.
3. ALL EXCAVATED MATERIAL WILL BE REMOVED FROM THE CHANNEL AND DEPOSITED IN THE MILLRACE DOWNSTREAM OF THE CONSTRUCTED RIP RAP GRADE CONTROL STRUCTURE.
4. EXCAVATED MATERIAL DEPOSITED INTO THE MILLRACE WILL BE NO LARGER THAN 8 CUBIC FT.
5. REBAR WILL NOT BE REMOVED FROM EXCAVATED MATERIAL DEPOSITED IN THE MILLRACE.
6. SILT AND OTHER DEPOSITIONAL MATERIAL STORED IN THE RESERVOIR AREA (UPSTREAM OF DAM) WILL NOT BE EXCAVATED.
7. THE LEFT BANK CHANNEL REQUIRES RESTORATION, THIS WORK WILL NOT COMMENCE UNTIL THE EXCAVATED CHANNEL HAS REACHED ITS NEW EQUILIBRIUM (NATURAL GRADE AND PLAN-FORM) AS DETERMINED BY THE US FISH & WILDLIFE SERVICE'S FIELD STAFF.
8. INSTALL ROCK GRADE CONTROL STRUCTURE AT MILLRACE INLET TO CONTROL HEAD CUTTING AS DEPICTED ON SHEET 7 (BANK STAB & EROSION CONT).

PROPOSED SITE
NO SCALE

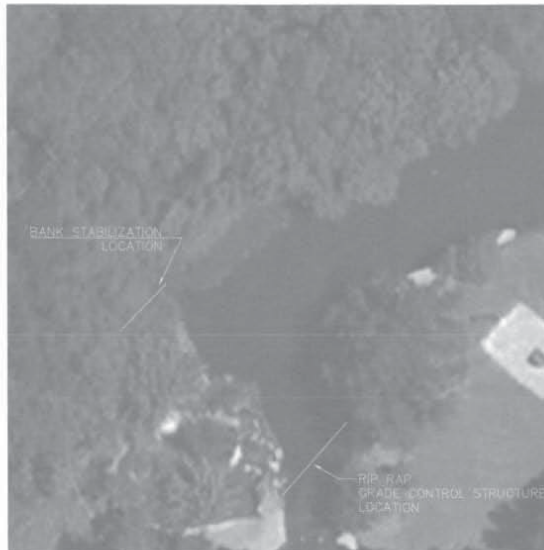
SAN MARCOS, TEXAS		PROPOSED SITE			SUB-9-027
CAPES DAM-BREACH CHANNEL RESTORATION		SECTION LINE DETAILS AT DAM			6
DRAWN W. STUBBS	CHECKED W. STUBBS	DATE 5/2/18	DRAWING NO. 00-15-2018-002	SHEET 8 OF 7	

See Attachment A for a complete discussion of shortfalls of this page. 1

619687



CENTERLINE PROFILE VIEW: RIP RAP GRADE CONTROL STRUCTURE



CAPES DAM AREA: EROSION CONTROL INSTALLATION LOCATIONS

NOTES:

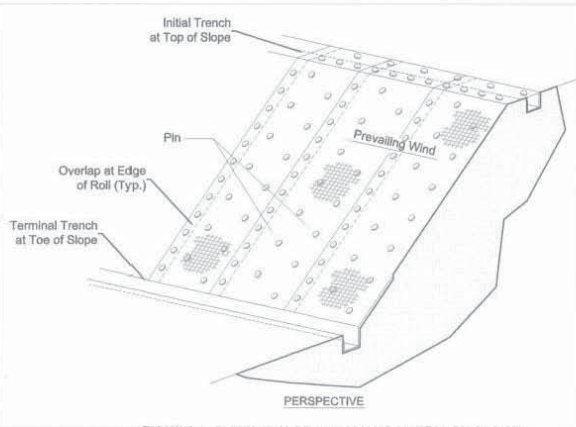
RIGHT BANK REFERS TO RIGHT SIDE OF RIVER LOOKING IN THE DOWNSTREAM DIRECTION.

RIGHT BANK EROSION CONTROL.

1. COVER SECTION OF RIGHT BANK EXPOSED DURING DAM REMOVAL WITH JUTE FIBER ROLL.
2. JUTE FIBER ROLL MATERIAL EXTENDS LATERALLY ALONG THE BANK FOR ~ 60' AS DEPICTED IN THE ATTACHED PHOTO.

MILL RACE ENTRANCE

1. EXCAVATE MILL RACE ENTRANCE TO ELEVATION 545.0' AND BACKFILL WITH RIP RAP TO ELEVATION 551.0.
2. INSTALL 6" OF GRAVEL OVER GEOTEXTILE FILTER FABRIC BEFORE BACKFILLING EXCAVATED AREA WITH RIP RAP.
3. RIP RAP EXTENDS HORIZONTALLY ~ 40' FROM BANKLINE TO BANKLINE AS DEPICTED IN THE ATTACHED PHOTO.
4. KEY RIP RAP INTO LEFT BANK 5'.
5. RIP RAP SHALL BE TIED INTO THE RIGHT BANK (CONCRETE LINED SIDE) TO MAXIMUM POSSIBLE EXTENT WITHOUT EXCAVATING THE CONCRETE.
6. ENGINEER WILL STAKE GRADE CONTROL STRUCTURE EXTENTS PRIOR TO CONSTRUCTION.



PLAN VIEW: INSTALLATION OF JUTE BANK STABILIZATION MATERIAL

PROPOSED SITE
NO SCALE

SAN MARCOS, TEXAS		MILL RACE GRADE CONTROL		SUB-SHEET	
CAPES DAM-BREACH & EROSION CONTROL DETAILS				7	
DESIGNED W. STAMMILL	DRAWN W. STAMMILL	CHECKED E. REICE	DATE 5/2016	DRAWING NO. 88-TC-2016-006	SHEET 7 OF 7





1 These image are not included in USFWS' report that was given to our organization; The complete copy we were given is shown as Attachment A.



In our opinion, this \$250 was wasted when the City of San Marcos chose to file an incomplete report, filled with inaccuracies demonstrated herein, since the information given by COSM to TPWD as part of their Sand and Gravel Permit is incorrect, as is demonstrated herein.

City of San Marcos, TX 78666

Page 1 of 2

Check Number: 00015568

Invoice Date	Invoice Number	Description	Invoice Amount
05/11/2016	PERMIT051016	SAND AND GRAVEL PERMIT 5102016	\$250.00

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
20550	TX PARKS & WILDLIFE DEPT	00015568	05/11/2016	\$250.00

Mybusinessforms.com 877-749-2090

FORM # PSCBBX

From: Montagne, Mike [mailto:mike_montagne@fws.gov]
Sent: Tuesday, May 10, 2016 10:33 AM
To: Tom Heger <Tom.Heger@tpwd.texas.gov>
Subject: TPWD Permit

Hey Tom,

How long does the public notice need to appear in the paper for or hang in the court house?

Thanks

--

Mike Montagne
Project Leader, USFWS
Texas Fish and Wildlife Conservation Office
500 E. McCarty Lane
San Marcos, TX 78666
512-353-0011 ext 236

On Tue, May 10, 2016 at 10:53 AM, Tom Heger <Tom.Heger@tpwd.texas.gov> wrote:

For projects disturbing less than 1,000 cubic yards of material (General Permit) the notice needs to appear in the paper only one day.

It also gets posted one time at the courthouse and counties vary in how long it stays up but as long as it was posted once you're covered.

Tom

From: Montagne, Mike <mike_montagne@fws.gov>
Sent: Tuesday, May 10, 2016 10:58 AM
To: Tom Heger
Subject: Re: TPWD Permit

Thanks Tom.

--

Mike Montagne
Project Leader, USFWS
Texas Fish and Wildlife Conservation Office
500 E. McCarty Lane
San Marcos, TX 78666
512-353-0011 ext 236

From: Montagne, Mike <mike_montagne@fws.gov>
Sent: Wednesday, May 25, 2016 9:38 AM
To: Tom Heger
Subject: Capes Dam Permit Amendment
Attachments: TPWD Ammendment.doc

Hey Tom,
I spoke with our engineer and he said that the 60 yards was easily within his margin of error for the removal. I have attached a letter requesting an amendment.
Thanks for the heads up.

USFWS' application to TPWD through their Sand & Gravel Permit dated May 18, 2016 was approved for a 60 cubic yard variance, but was submitted as 70 cubic yard variance, while continuing to utilize incorrect measurements of Capes Dam of 3.7 ft height by 105 ft length, when correct & current values are measured at 9 ft height and 168 ft length - See Attachment A page 3-4 for documented measurements of Capes Dam, made Aug 16, 2016.

--
Mike Montagne
Project Leader, USFWS
Texas Fish and Wildlife Conservation Office
500 E. McCarty Lane
San Marcos, TX 78666
512-353-0011 ext 236
[redacted] cell

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2016-1004
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TEXAS PARKS & WILDLIFE

Sand and Gravel Individual Permit Application

General *DH*

Section I: Applicant Information

1. Applicant Name: City of San Marcos

2. Mailing Address: 630 E Hopkins St, San Marcos, TX 78666

3. Telephone Numbers:
Voice: (512) 393-8100 Cell: () Fax: ()

4. Comptroller's ID Number or Federal Employer's Identification Number (FEIN): _____

5. Previous or current Permit Number: N/A

6. Agent or other person acting on behalf of Applicant: Mike Montagne (USFWS)

7. Mailing address if different from Applicant: 500 E. McCarty Lane, San Marcos, TX 78666

Section III: Description of Proposed Activity

15. Description of proposed activity:
Removal of the failing dam
restoration of riverbank

16. Volume of sedimentary material to be disturbed monthly (Cubic yards per month): 1000 (one time only)

17. Volume of sedimentary material to be disturbed annually (Cubic yards per year): One time event

18. Intended final disposal area for removed materials: Riverbank and fill in old millrace

19. Surface area of bottom to be disturbed (in square feet): 0.1 Acres

From: Montagne, Mike [mailto:mike_montagne@fws.gov]
Sent: Wednesday, May 25, 2016 9:38 AM
To: Tom Heger <Tom.Heger@tpwd.texas.gov>
Subject: Capes Dam Permit Amendment

Hey Tom,

I spoke with our engineer and he said that the 60 yards was easily within his margin of error for the removal. I have attached a letter requesting an amendment.

Thanks for the heads up.

--

Mike Montagne
Project Leader, USFWS
Texas Fish and Wildlife Conservation Office
500 E. McCarty Lane
San Marcos, TX 78666
512-353-0011 ext 236

On Wed, May 25, 2016 at 2:48 PM, Tom Heger <Tom.Heger@tpwd.texas.gov> wrote:

Thanks. I'll make a note that double checking the volume calculations and jurisdictional requirements resulted in the project qualifying for a General Permit. With your letter and my notes on your application form we don't need a new form to be submitted.

Since you used the Individual Permit form you may not have seen the public notice requirement and template in the instructions. It's in the attached document. For General Permits, the requirement is one day in the newspaper and posted at the courthouse. The notice triggers a 30-day public comment period. Let me know if I can answer questions about that.

I spoke to our fish hatchery folks about their intake downstream of the dam. They said that as long as they get a week's notice before work begins so they can fill up on water in case of a turbidity increase they are fine.

Tom

From: Montagne, Mike <mike_montagne@fws.gov>
Sent: Wednesday, May 25, 2016 2:59 PM
To: Tom Heger
Subject: Re: Capes Dam Permit Amendment

Great Tom. I think they posted the notices. I will get the proof of posting from them.

Talked with Kay at GLO. Sent her the drawings. I will keep her in the email loop from here out.

Thanks for your help.