

DEPARTMENT OF THE ARMY PERMIT

Permittee Plantation Springs, Limited

Permit No. 199700064

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: Discharge of approximately 2,500 cubic yards of dredged and fill material into waters of the United States associated with the construction of the 68.8-acre Plantation Springs residential development. Authorized activities include filling approximately 0.1 acre of wetlands; filling, channelizing, and impounding approximately 900 feet of the White Rock Creek unnamed tributary; excavating, impounding, and channelizing approximately 1,500 feet of White Rock Creek to create two on-channel lakes with associated outfall and erosion control structures, two culverted road crossings, and a 600-foot-long overflow channel. A mitigation plan includes planting at least 160 trees along White Rock Creek, the unnamed tributary, and overflow channel, and perpetually dedicating approximately 14 acres within the residential development as a natural preserve.

Project Location: The project is located on 68.8 acres along White Rock Creek and an unnamed tributary between Lebanon Road and State Highway 121 in the city of Frisco, Collin County, Texas. The project site is located at UTM coordinates 707107 East and 3666122 North (Zone 14) on the Hebron, Texas 7.5 minute USGS quadrangle map.

Permit Conditions: In accordance with attached Sheets 1-10 of 10 and Texas Natural Resource Conservation Commission Section 401 Water Quality Certification, Pages 1-3 of 3, dated July 9, 1997.

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2000. 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).
 - 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.

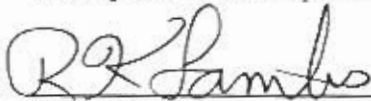
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- 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.

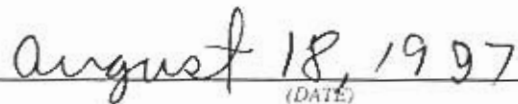
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable 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.



(PERMITTEE)

R.K. Lambert
Plantation Springs, Limited

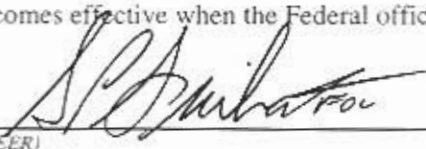


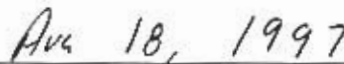
(DATE)

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

(FOR THE)

(DISTRICT ENGINEER)


Peter T. Madsen
Colonel, Corps of Engineers



(DATE)

(TRANSFeree)

(DATE)

Special Conditions
Permit Number 199700064

1. The permittee shall implement and abide by the mitigation plan included in the project plans (Sheets 1-10 of 10). The mitigation plan includes planting at least 160 trees in the area of the upper and lower lakes on White Rock Creek, the unnamed tributary lake, and overflow channel, and preserving the wooded floodplain of White Rock Creek. The mitigation plan also includes the establishment of two no-clearing zones within the wooded floodplain of White Rock Creek. No vegetation would be cleared or mowed within these two areas. The permittee shall limit mowing and other hydraulic conveyance function maintenance activities within the overflow channel in the mitigation area to the area noted on Sheet 9 of 10 which is approximately the lower half of the banks of the overflow channel. The permittee shall implement the mitigation plan concurrently with the authorized construction activities and complete all planting no later than the first March 31 following the completion of construction. Prior to conducting the plantings, the permittee shall submit a final planting list to the Regulatory Branch, USACE, for review and written concurrence.
2. The permittee shall ensure that all tree plantings included in this mitigation plan exhibit a minimum eighty percent survival rate (stem count) two years after planting. If the survival rate is less than eighty percent, the permittee must plant replacement trees of the same size and species, until a minimum eighty percent two-year survival rate is attained.
3. The permittee shall establish and implement a self monitoring program that includes the following actions:
 - a. designation, in writing, of a responsible party to coordinate with the Regulatory Branch, Fort Worth District, U.S. Army Corps of Engineers (USACE) concerning on-site inspections and compliance with permit conditions;
 - b. implementation of a reporting program that includes annual written compliance reports to the USACE, due October 1 each year, beginning in 1997. Each report shall list any schedule changes and summarize all activities that occurred during the reporting period, including a demonstration of the permittee's compliance with the permit conditions and documentation of the progress and/or completion of all authorized work, including work required under the mitigation plan. Each report shall demonstrate that disturbed areas with exposed slopes, such as road embankments and streambanks are revegetating adequately and not suffering erosion damage. Documentation of the above information shall include photographs, maps, and written descriptions, as appropriate, that address the progress and success of the authorized work, including mitigation activities, and a description of waters of the United States impacted by the authorized activities. Compliance reports are required even if no work is conducted during the reporting period. The reporting program shall conclude two years following completion of all work and mitigation requirements.
4. The permittee shall dedicate in perpetuity by deed restriction, as an open space and natural preserve, the approximately 14-acre mitigation area bounded by Lebanon Road, Plantation Drive, and Whitefish Drive, the area of an unnamed tributary of White Rock Creek between Cypress Way and Delta Crossing Roads, and the area bounded by the overflow channel, the residential lots on Plantation Drive, and the west property line. The mitigation area includes White Rock Creek, the overflow channel, the upper and lower lakes on White Rock Creek, the White Rock Creek unnamed tributary, and wooded floodplain of White Rock Creek. The mitigation area shall not be disturbed, except by those activities that would not adversely affect the intended extent, condition, and function of the mitigation area, such as nature trails and similar recreational uses. The permittee shall survey the mitigation area, develop an appropriate deed restriction for the surveyed area, submit the draft deed restriction to the USACE for review and approval, and record the USACE approved deed restriction with the County Clerk. The permittee shall provide a copy of the recorded deed restriction to the Regulatory Branch by October 1, 1998. The restriction shall not be removed from the deed or modified without written approval of the USACE.