

FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT
PROPOSED SECTION 408 APPLICATION FOR
CITY OF DALLAS' SUPPLEMENTAL ENVIRONMENTAL PROJECT
PAVAHO WETLAND

Description of Action. An Environmental Assessment (EA) has been prepared for the potential environmental consequences resulting from approving, pursuant to 33 U.S.C 408 (Section 408), proposed modifications to the Dallas Floodway System in the City of Dallas (City), Dallas County, Texas. The City of Dallas is the proponent of the modifications.

The purpose of the proposed modifications is to improve stormwater quality and restore wetland habitat within the Dallas Floodway. The modification measures of the Proposed Action Plan, which were designed by the City and its consultant, Alan Plummer Associates, Inc. (APAI) to address requirements of a Consent Decree between the City and the U.S. Environmental Protection Agency (USEPA) and the Texas Commission on Environmental Quality (TCEQ), include creation and construction of a wetland complex known as the Pavaho Wetland. The Pavaho Wetland includes construction of approximately 64 total acres in four wetland cells - a 8.8-acre pretreatment wetland cell within the existing sump located at the corner of Sylvan Avenue and Canada Drive and three wetland cells located on the river side of the West Levee - the West Section is a 24.4-acre cell located west of the Sylvan Avenue Bridge, the Central Section is a 13.8-acre cell located east of the Sylvan Avenue bridge and west of the existing Pavaho Sump discharge channel, and the East Section is a 17.4-acre cell located east of the existing Pavaho Sump discharge channel.

The primary purpose of construction of the three proposed wetland cells on the river side of the West Levee is creation of diverse, high quality wetland habitat for multiple migratory and resident wildlife and bird species and, to a lesser degree, water quality improvement for storm runoff from the adjacent floodplain area as well as river overflows. Although the hydrology would be the same as current conditions, modification of the existing topography would more effectively trap and attenuate runoff and overbank flows. Generally, the proposed wetland cells on the river side will be formed by excavation and removal of material from the site creating depressional areas, which, in conjunction with interior berms and water level control structures, would retain water to sustain wetland vegetation. To avoid increasing water surfaces during flood stage conditions, berm heights have been minimized and are less than 2-3 feet above existing grade. A small, solar powered pump station will also provide water to selected open water pools in the West and Central wetland cells as necessary to sustain wetland vegetation even under dry conditions.

Alternatives Considered. The Consent Decree with USEPA requires the City of Dallas to construct the Pavaho Stormwater Wetland Supplemental Environmental Project (SEP) in the vicinity of Sylvan Avenue along the west bank of the Trinity River. The Consent Decree also mandates that the total project be at least 60 acres in size. The mandated location and size requirements of the Consent Decree precluded looking at alternative sites and site design constraints imposed by geotechnical criteria, existing utility easements, and multiple other proposed future projects in the area further limited design alternatives so only the No-Action and the Proposed Action Alternatives were analyzed in the EA.

Anticipated Environmental Effects. This EA was prepared in compliance with institutional and regulatory criteria including: the National Environmental Policy Act, Executive Order (EO) 13166 – Improving Access to Services for Persons with Limited English Proficiency, EO 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, EO 11988 – Floodplain Management, Endangered Species Act, Migratory Bird Treaty Act, EO 11990 – Protection of Wetlands, Clean Water Act, and Clean Air Act, among others. These criteria were taken into consideration when assessing the potential environmental consequences of Proposed Action Alternative.

Under the No-Action Alternative, the City would not construct the Pavaho Wetland project. As such, the City would not be in compliance with the USEPA Consent Decree. Therefore, the No Action Alternative is not a reasonable action alternative because it does not meet the purpose and need for the Proposed Action or the requirements of the Consent Decree. However, as required under Council on Environmental Quality (CEQ) regulations (40 C.F.R. § 1502.14(d)), the No Action Alternative does provide a meaningful measure of baseline conditions against which the impacts of the preferred alternative can be compared. Furthermore, the No Action Alternative could describe potential future conditions in the absence of the Proposed Action. Therefore, the No Action Alternative was used to represent the baseline conditions.

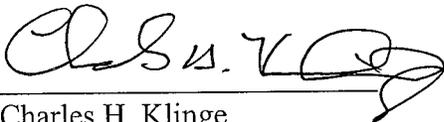
Implementation of the Proposed Action would result in minimal impacts to jurisdictional wetlands and/or waters of the United States. The creation of approximately 64 acres of developed wetlands and enhancement of functions within existing emergent wetlands would more than compensate for the minor impacts resulting from the Proposed Action. Therefore, implementation of the Proposed Action would result in less than significant impacts to water resources. Analyses indicate that there would be relatively minimal changes to topography but that there would be no significant impacts to land use; geology; federal and/or state-listed threatened or endangered species or their habitats; or cultural resources. Also, there would be no local or system-wide impacts related to levee system integrity or levee maintenance and flood fighting. The Proposed Action would not cause an adverse human health or environmental effect but would result in a minor beneficial impact to socioeconomics; and therefore, would not result in disproportionate impact to minority populations or the health and safety of children. The Proposed Action would not result in any alteration of flood elevations, and is anticipated to increase valley storage; therefore, it would not produce any increase in chance of flood loss or increase of impact of floods on human safety, health, and welfare.

Potential temporary and less than significant impacts that may result from construction activities associated with the Proposed Action include minor impacts to soils; water resources; water quality; noise; hazardous, toxic, or radioactive wastes; and air quality. These minor impacts would be reduced to the extent possible by the application of best management practices before, during, and after construction, such as erosion control measures, hazardous spill prevention plans, vegetation re-establishment in disturbed areas, etc. In addition, the Proposed Action will result in beneficial impacts to riparian and terrestrial resources. Long-term effects of the Proposed Action will result in enhanced natural and beneficial values served by the floodplain including water quality improvement, habitat creation for wetland flora and fauna, and development of a visually appealing amenity for the local community as well as to visitors from outside the immediate area. Also, creating wetlands within the floodway is not a significant impact to the cultural resource represented by the Dallas Floodway because it actually enhances the function of the floodway and does not impair its hydraulic function or design.

Proposed construction actions for the project meet the criteria for authorization under Section 404 of the Clean Water Act (CWA) using Nation Wide Permit (NWP) 32 for enforcement actions. State of Texas water quality certification (Section 401 of CWA) issued on April 5, 2012, is provided through the conditions of NWP 32. Submittal of project documents and coordination with the USACE Regulatory Branch has been conducted concurrently with Section 408 review.

During the public and agency review period for the EA and draft FONSI, USACE received comments from the Federal Aviation Administration (FAA) regarding their concerns for implementation of the proposed Pavaho wetland project to increase potential hazards to aviation such as increased bird activity. Additional hazardous wildlife surveys were conducted within the Dallas Floodway near the proposed project site and included in a supplement to the Dallas Love Field Wildlife Hazard Assessment report. Based on review of this supplemental documentation, FAA personnel were able to conclude that the information provided addressed their concerns regarding Dallas Love Field and its associated approach and departure flight paths. Now the agency's concern is the possible interaction of birds and low altitude helicopters that operate in and around the proposed project area. Review of FAA wildlife strike incident reports for helicopters from 1990 to current identified 30 reported bird strikes in that roughly 23-year timeframe, only two of which reported substantial damages with the remainder reporting nominal to minor damages. Based on this, it was determined the potential for these interactions is less than significant. However, USACE is forwarding a copy of the FAA letter to the project proponents for consideration in the implementation phase of the project.

Based on a review of the information contained in this EA, it is concluded that implementation of the proposed Pavaho Wetland project in Dallas, Texas is not a major federal action that would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. Therefore, the preparation of an Environmental Impact Statement is not required.



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10 DEC 2013
Date