



**US Army Corps  
of Engineers** ®  
Fort Worth District

# Public Notice

Section 408 Request ID #: 408-SWF-2019-0009

Date issued: September 24, 2019

Close of comment period: October 25, 2019

USACE Point of Contact: Jason Story

## **REQUEST TO ALTER A U.S. ARMY CORPS OF ENGINEERS FEDERALLY AUTHORIZED CIVIL WORKS PROJECT UNDER 33 USC 408 (SECTION 408)**

**TITLE:** Section 408 Request ID # 408-SWF-2019-0009, Big Fossil Sanitary Sewer Main M-402 Phase Two

**SUBJECT:** Request for a Section 408 permission to alter the Big Fossil Floodway, a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project. Written comments are being solicited from anyone having an interest in this proposed alteration. Comments will become part of the USACE administrative record and will be considered in determining whether to approve the proposed alteration. Comments supporting, opposing, or identifying concerns that should be considered by the USACE in its decision process are all welcome. Issuance of this notice does not imply USACE endorsement of the proposed alteration as described.

**REQUESTER:** The City of Fort Worth.

**LOCATION:** The proposed project would begin just south of State Highway 121, and proceed north of East Belknap Street on the west side of Big Fossil Creek in Tarrant County.

**NON-FEDERAL SPONSOR:** The City of Richland Hills.

**LOCATION MAP(S)/DRAWING(S):** Figure 1.

**DESCRIPTION OF THE PROPOSED ALTERATION:** The proposed alteration consists of activities within the Big Fossil Floodway. The proposed project would include the construction of approximately 7,492 feet of 66-inch sanitary sewer line and approximately 795 feet of 12-inch sanitary sewer line, as well as approximately 1,119 feet of varying diameter, shorter length lines serving as connections to meter stations.

**REGULATORY AUTHORITY:** This request will be reviewed pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408). A requester has the responsibility to acquire other authorizations required by federal, state, and local laws or regulations,

including any required permits from the USACE Regulatory Program. An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

**EVALUATION:** The decision whether to grant the request for the alteration under Section 408 is based on several factors which are outlined in Engineer Circular 1165-2-220. The benefits which reasonably may be expected to accrue from the proposed alteration must be balanced against its reasonably foreseeable detriments. Review of the proposed alteration will be reviewed by a USACE technical review team considering the following factors:

**1. *Impacts to the Usefulness of the USACE Project Determination.*** The review team will determine if the proposed alteration would limit the ability of the federally authorized project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs.

**2. *Injurious to the Public Interest Determination.*** The review team will determine the probable impacts of the proposed alteration, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation.

**3. *Environmental Compliance.*** A decision on a Section 408 request is a federal action subject to the National Environmental Policy Act (NEPA) and other applicable federal environmental and cultural resources compliance requirements.

**THREATENED AND ENDANGERED SPECIES:** The USACE has reviewed an official list of species protected under the Endangered Species Act, and our initial review indicates the proposed alteration would have no effect to species listed by the United States Fish and Wildlife Service as threatened or endangered within the action area for the Section 408 jurisdiction.

**HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES:** The USACE has reviewed a cultural resources report provided by the requester. The existing records search conducted by the cultural resources contractor revealed no previously recorded archaeological sites or above ground historic properties within the area of potential effect (APE) and no new cultural resources were identified as a result of the intensive pedestrian survey. An architectural resources survey report prepared by the cultural resources contractor also concluded that no historic properties would be affected by the undertaking. Given the extent of previous disturbance associated with urban development and channelization of Big Fossil Creek, and results of the intensive cultural resources survey conducted on behalf of the City of Fort Worth, the USACE has determined that there are **No Historic Properties Present or Affected** by the

proposed undertaking and is currently seeking concurrence by the Texas Historical Commission/State Historic Preservation Officer (THC/SHPO) on this finding.

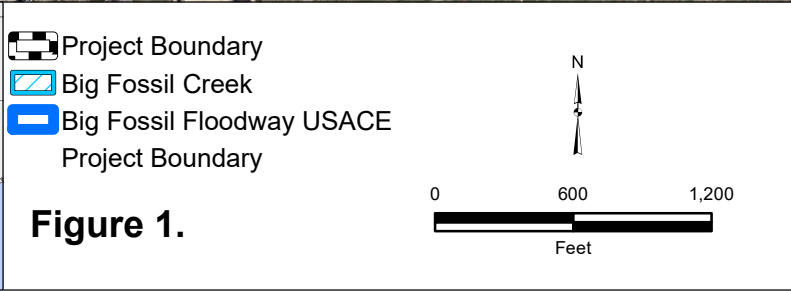
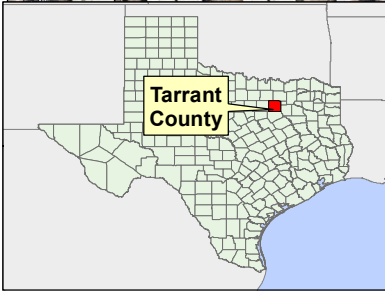
**SOLICITATION OF COMMENTS:** The USACE is soliciting comments from the public; federal, state, and local agencies and officials; federally recognized tribes; and other interested parties in order to consider and evaluate the impacts of the proposed alteration. Comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permission for this proposed alteration.

It should be noted that materials submitted as part of the Section 408 request become part of the public record and are available to the public under the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Fort Worth District, Corps of Engineers, Office of Counsel.

It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed alteration as described herein.

**CLOSE OF COMMENT PERIOD:** Written comments on the proposed alteration must reach this office on or before the close of the comment period. Comments must reference the Section 408 Request ID # and project name. Comments and requests for additional information should be submitted to CESWF-PEC-CI, ATTN: Mr. Jason Story, P.O. Box 17300 Fort Worth, TX 76102-0300. Email inquiries should be directed to [jason.e.story@usace.army.mil](mailto:jason.e.story@usace.army.mil). Telephone inquiries should be directed to Mr. Jason Story, at (817) 886-1852. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available. For more information on Section 408, visit the Fort Worth District Section 408 webpage at <https://www.swf.usace.army.mil/Missions/Section-408/>.





Big Fossil Creek Parallel Relief Sanitary Sewer Main M-402 Phase 2

Project Impacts Map  
Tarrant County, Texas

Date: August 2019	Proj. No.: 4170-00	Figure No.: 3
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