APPENDIX A
Notice of Intent and Agency Correspondence

This Page Intentionally Left Blank.

110TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
110–280

WATER RESOURCES DEVELOPMENT ACT OF 2007

CONFERENCE REPORT

TO ACCOMPANY

H.R. 1495

JULY 31, 2007.—Ordered to be printed

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed to waive, limit, or otherwise affect the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000.

SEC. 5141. DALLAS FLOODWAY, DALLAS, TEXAS.

(a) IN GENERAL.—The project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled, "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 18), is modified to—

(1) direct the Secretary to review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project;

(2) direct the Secretary to review the Interior Levee Drainage Study Phase-I report, Dallas, Texas, dated September 2006, prepared by the non-Federal interest; and

(3) if the Secretary determines that the project is technically sound and environmentally acceptable, authorize the Secretary to construct the project at a total cost of $459,000,000, with an estimated Federal cost of $298,000,000 and an estimated non-Federal cost of $161,000,000.

(b) CREDIT.—

(1) IN-KIND CONTRIBUTIONS.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of the partnership agreement for the project.

(2) CASH CONTRIBUTIONS.—The Secretary shall accept funds provided by the non-Federal interest for use in carrying out planning, engineering, and design for the project. The Federal share of such planning, engineering, and design carried out with non-Federal contributions shall be credited against the non-Federal share of the cost of the project.

SEC. 5142. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3) by striking "and" at the end;

Public Law 113–121
113th Congress

An Act

To provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes.

June 10, 2014
[H.R. 3080]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Reform and Development Act of 2014". 33 USC 2201 note.

(b) TABLE OF CONTENTS.—

(b) ADMINISTRATION.—Any assignment under subsection (a) shall be subject to such terms and conditions as the Secretary determines to be appropriate and necessary in the public interest.

SEC. 4013. TECHNICAL CORRECTIONS.

(a) RARITAN RIVER.—Section 102 of the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62; 111 Stat. 1327), is repealed.

(b) DES MOINES, BOONE, AND RACCOON RIVERS.—The boundaries for the project referred to as the Des Moines Recreational River and Greenbelt, Iowa, under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), are revised to include the entirety of sections 19 and 29, situated in T. 89 N., R. 28 W.

(c) SOUTH FLORIDA COASTAL AREA.—Section 109 of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–221; 121 Stat. 1217) is amended—

(1) in subsection (a), by inserting "and unincorporated communities" after "municipalities";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

"(f) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to projects sponsored by current non-Federal interests, incorporated communities in Monroe County, Monroe County, and the State of Florida.".

(d) TRINITY RIVER AND TRIBUTARIES.—Section 5141(a)(2) of the Water Resources Development Act of 2007 (121 Stat. 1253) is amended by inserting "and the Interior Levee Drainage Study Phase–II report, Dallas, Texas, dated January 2009," after "September 2006,".

(e) CENTRAL AND SOUTHERN FLORIDA CANAL.—

(1) IN GENERAL.—The Secretary shall consider any amounts and associated program income provided prior to the date of enactment of this Act by the Secretary of the Interior to the non-Federal interest for the acquisition of areas identified in section 316(b)(2) of the Water Resources Development Act of 1996 (110 Stat. 3715)—

(A) as satisfying the requirements of that paragraph; and

(B) as part of the Federal share of the cost of implementing the plan under that subsection.

(2) NON-FEDERAL COST SHARE.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided for the project as part of the non-Federal share of the cost of implementing the plan under section 316(b)(2) of the Water Resources Development Act of 1996 (110 Stat. 3715).

(3) CONFORMING AMENDMENT.—Section 316(b)(2) of the Water Resources Development Act of 1996 (110 Stat. 3715) is amended in the first sentence by striking "shall pay" and inserting "may pay up to".

(f) SOUTH PLATTE RIVER WATERSHED.—Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (123 Stat. 608) is amended in the matter preceding

102–3. 140 through 160, the Department of the Army announces the following committee meeting:

Name of Committee: Army Science Board (ASB).

Date(s) of January Plenary Meeting: January 13–14, 2009.

Time(s) of Meeting: 0800–1700, January 13, 2009. 0800–1500, January 14, 2009.

Place of Meeting: University of Maryland University College, Inn and Conference Center, 3501 University Boulevard East, Adelphi, MD 20783.

FOR FURTHER INFORMATION CONTACT: Army Science Board Studies Manager: Ms. Vivian Baylor, 703–604–7472.

SUPPLEMENTARY INFORMATION: *Proposed Agenda:* The purpose of the January Plenary is to organize the board into study panels for the upcoming study year. After a presentation by Army Research Laboratory, the board will convene into small groups for the purpose of completing administrative and preparatory organizational functions.

Filing Written Statement: Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow the public to speak; however, interested persons may submit a written statement for consideration by the Subcommittees. Individuals submitting a written statement must submit their statement to the Designated Federal Officer (DFO) at the address detailed below. Written statements not received at least 10 calendar days prior to the meeting, may not be provided to or considered by the subcommittees until the next meeting.

The DFO will review all timely submissions with the subcommittee Chairs and ensure they are provided to the specific subcommittee members before the meeting. After reviewing written comments, the subcommittee Chairs and the DFO may choose to invite the submitter of the comments to orally present their issue during a future open meeting.

The DFO, in consultation with the subcommittee Chairs, may allot a specific amount of time for the members of the public to present their issues for review and discussion. Written submissions are to be submitted to the following address: Army Science Board, ATTN: Designated Federal Officer, 2511 Jefferson Davis Highway, Suite 11500, Arlington, VA 22202–3911.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8–30364 Filed 12–19–08; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Proposed Balanced Vision Plan, a Multipurpose Project Containing Ecosystem Restoration, Flood Risk Management, and Recreational Enhancement Alternatives Along the Trinity River Within and Adjacent to the Existing Dallas Floodway in Dallas County, Dallas, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), Fort Worth District, in partnership with the City of Dallas recommends the incorporation of various flood risk management measures, ecosystem restoration features, and recreational enhancements to the Dallas Floodway, located along the Trinity River in Dallas County, Dallas, TX. The Balanced Vision Plan (BVP) project aims to achieve the designed Standard Project Flood protection, maximize ecosystem restoration outputs for priority resource categories, and optimize recreational opportunities, to include providing trail connectivity to other regional visions/plans.

The USACE is preparing a Draft Environmental Impact Statement (DEIS) in response to the authority contained in the United States Senate Committee on Environment and Public Works Resolution dated April 22, 1988, and Section 5141 of the Water Resources Development Act (WRDA) of 2007. The USACE must determine the technical soundness and environmental acceptability of the authorized project. Thus, in accordance with Section 102 of the National Environmental Policy Act (NEPA) as implemented by the regulations promulgated by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500–1508 and USACE Engineering Regulation 200–2–2), the USACE will prepare the DEIS to evaluate and compare flood risk management, ecosystem restoration, and recreation alternatives along the Trinity River within and adjacent to the existing Dallas Floodway, Dallas, TX.

The BVP project study area is located within the Dallas Floodway along the Trinity River, in Dallas, TX. The study area is bounded on the upstream by the Loop 12 crossings of the West and Elm Forks and at the downstream end by the existing terminus of the Dallas Floodway approximated by the existing Dallas Area Rapid Transit (DART) Bridge. Of the 22.6 miles of levees within the study area, the East Levee is 11.7 miles in length and the West Levee is 10.9 miles in length. In addition to the levees, the Floodway includes the modified channel, six pumping plants and seven pressure conduits. There are approximately 1,422 acres of land in the study area.

FOR FURTHER INFORMATION CONTACT: For questions regarding the BVP EIS or to add your contact information to the project mailing database, please contact Mr. Jeffry A. Tripe, Regional Technical Specialist, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX, 76102–0300, (817) 886–1716, or via e-mail at *Jeffry.A.Tripe@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The Dallas County Levee Improvement District (DCLID) constructed the original Dallas Floodway levees between 1928 and 1931. The DCLID rerouted the Trinity River by constructing a channel within the leveed floodway and filled the original river channel or used it for sump storage. In the mid-forties, major floods, compounded by continued urbanization in the watershed, resulted in increased drainage into the Dallas Floodway and severe flooding. To reduce flooding within the Dallas Floodway project area, Congress authorized the Dallas Floodway flood control project in 1945 and 1950. This resulted in several USACE improvements to the Dallas Floodway, completed in 1958.

The existing Upper Trinity River Feasibility Study (UTRFS) serves as an umbrella study to all USACE projects in the basin. The USACE initiated the UTRFS in response to the authority contained in the United States Senate Committee on Environment and Public Works Resolution dated April 22, 1988. This authorizing legislation for the overall study defines the area of investigations as the Upper Trinity River Basin, with specific emphasis on the Dallas—Fort Worth Metroplex. The UTRFS identified approximately 90 potential projects addressing flood risk management, ecosystem restoration, and recreation within the study area.

In May 1996, acting as the non-Federal sponsor on the on-going UTRFS, the North Central Texas Council of Governments coordinated with the USACE and City of Dallas to modify the UTRFS Cost Sharing Agreement to include an Interim Feasibility Study of the existing Dallas Floodway as part of the on-going UTRFS. The team assessed several flood risk management

alternatives in the Dallas Floodway Interim Feasibility Study. The USACE and City of Dallas also developed additional environmental quality alternatives to benefit fish and wildlife habitat, water quality, and aesthetic properties while minimizing adverse impacts to existing cultural resources and flood risk management benefits. On November 29, 2005, the USACE published a Notice of Intent (NOI) in the **Federal Register** (70 FR 71477) to prepare a DEIS for proposed modifications to the existing Dallas Floodway based on the Interim Feasibility Study and held a public scoping meeting on December 13, 2005.

During this time, the City of Dallas developed another variation to the Trinity River Corridor Master Implementation Plan that included similar environmental quality measures and interior drainage system improvements to the Dallas Floodway, referred to as the BVP. During development of the various alternatives for the Dallas Floodway Interim Feasibility Study, the 2007 WRDA authorized the City of Dallas BVP. This authorization superseded the need to continue development of the Interim Feasibility Study and allowed implementation of the BVP and interior drainage system components if the USACE determines they are technically sound and environmentally acceptable.

In accordance with NEPA, a DEIS will be prepared to evaluate and compare ecosystem restoration, flood risk management, and recreation alternatives within and along the Dallas Floodway. The DEIS will also assess the impacts to the quality of the human environment associated with each alternative. Past channelization and clearing of the Dallas Floodway, along with urbanization, has significantly degraded the terrestrial and aquatic habitat along and within the Trinity River. Consequently, ecosystem restoration measures will be developed and evaluated to address the degraded habitats. In addition, recreation measures will be developed and evaluated as complements to proposed ecosystem restoration measures.

Alternatives for ecosystem restoration, flood risk management, and recreation enhancement will be developed and evaluated based on ongoing fieldwork and data collection and past studies conducted by the Corps of Engineers, the City of Dallas, and regulatory agencies. Ecosystem restoration alternatives that will be evaluated include creating meanders within the Trinity River, restoring, protecting and expanding the riparian corridor, improving aquatic habitat, creating riffle-pool complexes, and constructing wetlands. It is anticipated that ecosystem restoration measures would help improve water quality, enhance aquatic and terrestrial habitat, and minimize erosion and scouring along and within the river.

Alternatives for flood risk management measures will be evaluated from both a non-structural and structural aspect. Non-structural measures that will be evaluated include acquisition and removal of structures or flood proofing of structures for protection from potential future flood damage. Structural measures that will be evaluated include levee height modification by fill or addition of flood walls, changes in interior drainage by enlarging storage areas or increasing widths and depths and/or a combination of these measures.

Recreation measures that will be evaluated include the West, Natural, and Urban lakes, terraced playing fields, multipurpose trails, whitewater facilities, pedestrian bridges, utilities, parking facilities, amphitheaters, promenade, concession pads, boat/canoe access points, and passive recreation features, such as interpretive guidance, media, and picnic areas. Recreation measures will be developed to a scope and scale compatible with proposed ecosystem restoration measures without significantly diminishing ecosystem benefits.

The USACE will coordinate with the public and regulatory agencies to ensure full and open participation in the NEPA process and aid in the development of the DEIS. The USACE requests that all affected Federal, state, and local agencies, affected Indian tribes, and other interested parties participate in the NEPA process. The public will be invited to participate in the scoping process, invited to attend public meetings, and given the opportunity to review the DEIS. The location and time of the first public scoping meeting will be announced in the local news media. Release of the DEIS for public comment is scheduled for summer 2010. The exact release date, once established, will be announced in the local news media. Furthermore, a project Web site containing project information is available at *http://www.dallasbvpeis.com.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. E8–30355 Filed 12–19–08; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Final 1999 Programmatic Environmental Impact Statement for the Dredged Material Management Plan for the Port of New York and New Jersey

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Updated information on the original Notice of Availability listing.

SUMMARY: The responsible lead agency is the U.S. Army Corps of Engineers—New York District (District). The Dredged Material Management Plan (DMMP) project area is in the Port of New York/New Jersey and includes the New York Bight Apex, the Lower Bay Complex (Lower Bay, Raritian and Sandy Hook Bays), the Upper Bay Complex (Hudson and East Rivers, Kill Van Kull, and Newark Bay), and the lands contiguous to these water bodies for a radius of approximately 20 miles. The study area approximates the boundaries of the Port Authority of New York and New Jersey (PANY/NJ). The Final Programmatic Environmental Impact Statement (PEIS) that was listed in the October 31, 2008 **Federal Register** (73 FR 64944) completed the NEPA process, laying out the goals and generic impacts of the alternatives considered in preparing the overall DMMP. This finalized PEIS includes Appendix (D) which lists the comments received during the draft PEIS comment period. Comments, if warranted, were incorporated into the main text of the final PEIS as well.

It should be noted that the DMMP outlines a series of goals and an overall master plan on meeting the dredged material needs of the Port through 2062. Its alternatives analysis is, as of necessity, generic in nature, identifying potential concerns, generic impacts and overall issues to be considered in greater site-specific detail before implementing any alternative in a given location. As such, it does not recommend or prioritize any site-specific alternative, but clearly sets out the process to be followed should any of the alternatives be implemented. Since no sustentative changes or addition of new alternatives to the DMMP have been identified that would alter the discussion or conclusion of generic impacts in the FPEIS, a supplemental PEIS was not deemed warranted. However, separate 2005 and 2008 DMMP Update reports are available tracking the progress in meeting the DMMP goals and a copy of

Agency	Division/Region	Point of Contact	Name 4	Address 1	Address 2	City	State	Zip	Salutation	Notes
Advisory Council on Historic Preservation		Mark Denton	Director of State and Federal Review	P.O. Box 12276		Austin	TX	78711-2276	Mr. Denton	
Dallas Area Rapid Transit		Gary Thomas	Executive Director	P.O. Box 660163		Dallas	TX	75266-0163	Mr. Thomas	
Federal Aviation Administration	Southwest Region	Teresa Bruner	Regional Administrator	2601 Meacham Boulevard		Fort Worth	TX	76137-4298	Ms. Bruner	
Federal Emergency Management Agency	Region 6	William Peterson	Regional Director	Federal Regional Center 800 North	Loop 288	Denton	TX	76209-3698	Mr. Peterson	
Federal Energy Regulatory Commission	Atlanta Regional Office	Charles Wagner	Regional Engineer	3700 Crestwood Pkwy NW	9th Floor	Duluth	GA	30096	Mr. Wagner	
Federal Highway Administration	Texas Division	Janice Brown	Division Administrator	300 East 8th Street	Room 826	Austin	TX	78701	Ms. Brown	
Federal Railroad Administration	Region 5	Bonnie Murphy	Regional Administrator	4100 International Plaza	Suite 450	Fort Worth	TX	76109-4820	Ms. Murphy	
Federal Transit Administration	Region 6	Robert Patrick	Regional Administrator	819 Taylor Street	Room 8A36	Fort Worth	TX	76102	Mr. Patrick	
National Marine Fisheries Service	NOAA Fisheries Service, Southeast Regional Office	Dr. Roy Crabtree	Regional Administrator	263 13th Avenue South		St. Petersburg	FL	33701	Dr. Crabtree	
North Central Texas Council of Governments		Mike Cantrell	Commissioner	616 Six Flags Drive	P.O. Box 5888	Arlington	TX	76005-5888	Mr. Cantrell	
North Texas Tollway Authority		Paul Wageman	Chairman	5900 West Plano Parkway	Suite 100	Plano	TX	75093	Mr. Wageman	
Texas Commission on Environmental Quality	Region 4	Tony Walker	Regional Director	2309 Gravel Drive		Fort Worth	TX	76118-6951	Mr. Walker	
Texas Historical Commission	History Programs Division	Bratten Thomason	History Programs Director	P.O. Box 12276		Austin	TX	78711-2276	Ms. Thomason	
Texas Parks and Wildlife Department	Wildlife Division	Mike Berger	Director of Wildlife	4200 Smith School Road		Austin	TX	78744-3291	Mr. Berger	
Trinity River Authority of Texas	General Office	Danny Vance	General Manager	P.O. Box 60		Arlington	TX	76004	Mr. Vance	
US Coast Guard	Eighth District	Rear Admiral Whitehead	District Commander	Hale Boggs Federal Building	500 Poydras St.	New Orleans	LA	70130	RADM Whitehead	
US Department of Agriculture	Natural Resources Conservation District	Donald Gohmert	State Conservationist	101 South Main		Temple	TX	76501	Mr. Gohmert	
US Department of Housing and Urban Development	Texas Office	Bob Cook	Field Office Director	A Maceo Smith Federal Office Building	525 Griffin Street, Suite 860	Dallas	TX	75202-5007	Mr. Cook	
US Department of the Census	Dallas Regional Office	Gabriel Sanchez	Regional Director	8585 N. Stemmons Freeway	Suite 800 S	Dallas	TX	75247-3836	Mr. Sanchez	
US Department of the Interior	National Park Service	Roxanne Runkel	Regional Director	12795 West Alameda Pkwy		Denver	CO	80225	Ms. Runkel	Updated 18 Nov 08
US Department of the Interior	Bureau of Reclamation, Great Plains Regional Office	Michael Ryan	Regional Director	P.O. Box 36900		Billings	MT	59107-6900	Mr. Ryan	
US Environmental Protection Agency	Region 6	Richard Greene	Regional Administrator	1445 Ross Avenue	Suite 1200	Dallas	TX	75202	Mr. Greene	
US Fish and Wildlife Service	Southwest Region	Dr. Benjamin Tuggle	Regional Director	P.O. Box 1306		Albuquerque	NM	87103-1306	Dr. Tuggle	
US Forest Service	Southern Region	Ken Arney	Regional Forester	1720 Peachtree Road NW		Atlanta	GA	30309	Mr. Arney	
US Geological Survey	South Central Area Region	Stan Ponce	Regional Executive	1700 East Pointe Drive	Suite 202	Columbia	MO	65201	Mr. Ponce	
Caddo Tribal Headquarters				P.O. Box 487		Binger	OK	73009		

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

REPLY TO
ATTENTION OF:

October 1, 2009

Planning Environmental and Regulatory Division
Environmental Branch

Name 1
Name 2
Name 3
Name 4
Address 1
Address 2
City, State, Zip

Dear Salutation:

This letter is to notify you that the U.S. Army Corps of Engineers (USACE) Fort Worth District, in partnership with the City of Dallas, intends to prepare an Environmental Impact Statement (EIS), pursuant to Section 102 of the National Environmental Policy Act (NEPA) as implemented by the regulations promulgated by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500-1508 and USACE Engineering Regulation 200-2-2) to analyze the potential comprehensive environmental consequences resulting from the implementation of proposed levee remediation, flood risk management, ecosystem restoration, recreation enhancement, and other proposed projects in and around the Dallas Floodway, in Dallas, Texas.

The Dallas Floodway Project EIS will describe the project alternatives and the affected environment, and will analyze the potential environmental effects of the project action alternatives.

Our office will send you additional correspondence soliciting your input as we progress through the NEPA process. We look forward to receiving your comments as we move forward. Thank you for your interest and cooperation.

Sincerely,

William Fickel Jr.

WILLIAM FICKEL, JR.
Chief, Planning Environmental
and Regulatory Division

United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 West Alameda Parkway
PO Box 25287
Denver, Colorado 80225-0287

ER-09/1072

November 12, 2009

Jeffry Tripe, Regional Technical Specialist
US Army Corps of Engineers
Fort Worth District
PO Box 17300
Fort Worth, TX 76102-0300

Subject: National Park Service comments on the USACE, Fort Worth District plans to prepare a DEIS to analyze the potential comprehensive environmental consequences resulting from the implementation of proposed levee remediation, flood risk management, ecosystem restoration, recreation enhancement, and other proposed projects in and around the Dallas Floodway, in Dallas, TX

Dear Mr. Tripe:

The National Park Service has reviewed the USACE, Fort Worth District plans to prepare a DEIS to analyze the potential comprehensive environmental consequences resulting from the implementation of proposed levee remediation, flood risk management, ecosystem restoration, recreation enhancement, and other proposed projects in and around the Dallas Floodway, in Dallas, TX in relation to any possible conflicts with the Land and Water Conservation Fund (L&WCF) and the Urban Park and Recreation Recovery programs. There are numerous L&WCF projects in the study area that could be affected.

We recommend you consult directly with the official who administers the L&WCF program in the State of Texas to determine any potential conflicts with Section 6(f)(3) of the L&WCF Act (Public Law 88-578, as amended). This section states:

"No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the ten existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

The administrator for the L&WCF program in Texas is Mr. Tim Hogsett, Director, Recreation Grants Branch, Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744-3291.

Thank you for the opportunity to comment on this project. If you have any questions, please contact Roger Knowlton, Outdoor Recreation Planner, in our Midwest Regional Office at 402.661.1558.

Sincerely,

Julie Sharp

Julie Sharp
Environmental Quality Technician

cc: Dale Morlock, NPS-WASO
Ellen Singleton, NPS-WASO

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

REPLY TO
ATTENTION OF:

October 1, 2009

Planning Environmental and Regulatory Division
Environmental Branch

US Department of the Interior
National Park Service
Roxanne Runkel
Regional Director
12795 West Alameda Pkwy
Denver, CO 80225

Dear Ms. Runkel:

This letter is to notify you that the U.S. Army Corps of Engineers (USACE) Fort Worth District, in partnership with the City of Dallas, intends to prepare an Environmental Impact Statement (EIS), pursuant to Section 102 of the National Environmental Policy Act (NEPA) as implemented by the regulations promulgated by the Council on Environmental Quality (40 Code of Federal Regulations Parts 1500-1508 and USACE Engineering Regulation 200-2-2) to analyze the potential comprehensive environmental consequences resulting from the implementation of proposed levee remediation, flood risk management, ecosystem restoration, recreation enhancement, and other proposed projects in and around the Dallas Floodway, in Dallas, Texas.

The Dallas Floodway Project EIS will describe the project alternatives and the affected environment, and will analyze the potential environmental effects of the project action alternatives.

Our office will send you additional correspondence soliciting your input as we progress through the NEPA process. We look forward to receiving your comments as we move forward. Thank you for your interest and cooperation.

Sincerely,

William Fickel Jr.

WILLIAM FICKEL, JR.
Chief, Planning Environmental
and Regulatory Division

The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

Signed: Julie Sharp Date: 10/13/09

RECEIVED
16 Oct 09

TEXAS PARKS & WILDLIFE

Life's better outside.™

November 30, 2009

Melissa Tu
TEC Inc.
514 Via De La Valle, Suite 308
Solana Beach, CA 92075

RE: USACE Dallas Floodway Project (Dallas County)

Dear Ms. Tu:

On behalf of the U.S. Army Corps of Engineers (USACE), you have requested a Texas Parks and Wildlife Department (TPWD) Rare Resources Review regarding the project referenced above. The information provided indicates that you are obtaining initial threatened and endangered species scoping information in preparation of an Environmental Impact Statement (EIS) for the Dallas Floodway Project. The review request shows a general vicinity map indicating the location of the following projects:

- Levee Repairs
- Vegetation Management
- Replace Damaged Structures
- Erosion Reduction, Levee Raise
- Levee Widening
- Upgrade Existing Pump Stations
- Build New Pump Stations
- Improve Sump Conveyance
- Enact Environmental Quality Measures
- Extend Stormwater Outfalls
- ATSF Railway Bridge Removal
- Trinity River Meanders
- Habitat Enhancements
- Trails and Paths
- Natural, Urban, and West Dallas Lakes
- Athletic Fields
- Public Gathering Venues
- ATSF Trestle Trail
- IH-30 Bridge
- Pavaho Wetlands
- DWU Waterlines
- Sylvan Bridge
- SH-183 Bridge
- IH-35E Bridges
- Trinity Parkway

Because the information provided does not detail the proposed projects, only general comments to avoid and minimize impacts to rare resources, fish, and wildlife are being provided.

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512 389 4800
www.tpwd.state.tx.us

Rare, Threatened and Endangered Resources

Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human) The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence If encountered during construction, measures should be taken to avoid impacting wildlife.

The Texas Natural Diversity Database (TXNDD) is intended to assist users in avoiding harm to rare species or significant ecological features Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presences, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. They represent species that could potentially be in your project area. This information cannot be substituted for on-the-ground surveys.

Review of the TXNDD revealed a Colonial Waterbird Rookery near proposed project area [Element Occurrence (EO ID) 2952]

The proposed projects have the potential to impact roost trees, nest trees, and forging habitat for colonial waterbirds The TXNDD indicates that the documented rookery originally included cattle egret, little blue heron, great egret, black-crowed night heron, and snowy egret Please refer to the attached printout and map for more detailed information regarding the occurrence The TXNDD is updated continuously based on new, updated and un-digitized records; for questions regarding a record or to obtain digital data, please contact txndd@tpwd.state.tx.us

- Because the site is situated very near a known occurrence of a colonial waterbird rookery, a survey of the project sites should be conducted by qualified personnel to determine the potential of the area to contain suitable nesting, roosting, and foraging habitat for waterbirds. If rookeries or suitable foraging or roosting habitat are present, the applicant should coordinate with USFWS and/or TPWD personnel, as appropriate, to develop an avoidance or mitigation plan

The TPWD Annotated County Lists of Rare Species are available at http://gis.tpwd.state.tx.us/TpwEndangeredSpecies/DesktopDefault.aspx. To obtain the list of special species and their habitats for this and future projects, please choose the access link for Rare, Threatened, and Endangered Species of Texas by County. Rare species could potentially be impacted if suitable habitat is present at or near the project site.

- The county list should be used as a reference to determine if suitable habitat occurs within the proposed project ROW and to determine if the project would impact the species or habitats.

- If rare species or their habitat would be impacted by the proposed project, TPWD should be contacted to determine avoidance, minimization, and mitigation strategies. Further consultation with TPWD would be warranted upon detection of a Texas listed rare, threatened, or endangered species or tracked vegetative community within or near the ROW at any time prior to or during construction and operation of the facilities.

- Construction crews should be informed of the species with special status in the project county and should avoid disturbance to sensitive species if encountered during construction. Only personnel with a TPWD scientific collection permit are allowed to handle and move state listed species. For further information on the required permit please contact Chris Maldonado at (512) 389-4647.

Project Planning and Construction

Wooded riparian corridors along streams and bottomland hardwood communities generally provide nesting habitat for birds, soil stabilization for enhanced water quality, and food, cover, and travel corridors for wildlife. Bottomland forests within floodplains provide essential hydrologic functions relating to water quality and flood attenuation; therefore, development or clearing of vegetation within a floodplain are not encouraged by TPWD. Riparian habitat and bottomland hardwood communities are high priority habitat types targeted for conservation by TPWD across the state. As areas become more developed, the increase in impervious cover and loss of vegetation intensifies runoff and flooding events. Providing large vegetated buffers between watercourses and development helps reduce losses associated with flooding.

- TPWD recommends the USACE prepare a mitigation plan to provide compensatory mitigation for riparian habitats, bottomland hardwoods and other rare resources where impacts from the proposed projects cannot be avoided or minimized. This would include impacts to species and habitats covered under federal law (wetlands and associated habitats, threatened or endangered species) and state resource habitat types not covered by state or federal law (riparian areas, native prairies, certain types of bottomland hardwoods). At a minimum, TPWD recommends a replacement ratio of 1:1 for state resource habitat types.

- Disturbance to streams, bottomland hardwoods, wetlands, and riparian areas should be avoided.

- Disturbance of native vegetation should be avoided or minimized during land alteration activities by using site planning and construction techniques designed to preserve existing native tree, shrubs, grasses and forbs, aquatic and wetland systems. Should any losses be deemed unavoidable, it is recommended that native plant and forage species beneficial to fish and wildlife be used in mitigation areas.

- Clearing of understory vegetation should be minimized because it provides habitat to small mammals and birds. Natural buffers contiguous to wetlands and aquatic systems should remain undisturbed, to preserve wildlife cover, food sources, and travel corridors.

- Disturbances to inert microhabitats, i.e., snags, brush piles, fallen logs, creek banks, and pools should be minimized, as these provide habitat for a variety wildlife species and their food sources.

Migratory Birds

Migratory Bird Treaty Act (MBTA) explicitly prohibits intentional and unintentional take of migratory birds, including their nests and eggs, except when authorized through a permit issued by the USFWS.

- TPWD recommends avoiding vegetation trimming or removal during the primary breeding season, March through August, for migratory bird species to help minimize impacts to this group Additional information regarding the MBTA may be obtained through the Southwest Regional Office (Region 2) Division of Migratory Birds, USFWS, at (505) 248-7882.

Parks and Government Funding

The USACE should coordinate with the Recreation Grants Program of the TPWD (512) 912-7124 to determine whether or not the project would involve parks that were funded with Local Park Grant funds or other state or federal funding. This is necessary to prevent conversion of grant assisted lands to other than public outdoor recreation use - as prohibited by Section 6(f) of the Land and Water Conservation Fund Act A Section 6(f) evaluation would be required when Land and Water Conservation Fund or Local Parks Fund projects would be impacted by the proposed project.

Manicured Landscapes and Water Conservation

There has been a dramatic increase in water demand across North Texas, thus water conservation is essential to this area. Native vegetation is adapted to the soil and climate of the area and usually requires less maintenance and watering than introduced species. Mowing only essential use areas will allow native grasses to prosper, generally without additional irrigation. The disease tolerance of native vegetation provides longevity to the landscape without high cost. Native landscapes provide an enjoyable outdoor space for people while also benefiting wildlife such as birds and butterflies.

- To enhance the value of the proposed project for wildlife and to conserve water usage, native vegetation including trees, shrubs, grasses, and forbs should be incorporated into the landscape plans. Species appropriate for the area can be found by accessing the TPWD Texas Plant Information Database at http://tpid.tpwd.state.tx.us/overview.asp or by accessing the TPWD Wildscapes website at http://www.tpwd.state.tx.us/huntwild/wild/wildscapes/.

- Buffalograss (*Buchloe dactyloides*) is a native turfgrass that, once established, requires little water and mowing. This grass or a suitable native shortgrass mix should be planted for manicured lawn areas rather than using introduced species such as bermudagrass.

TPWD advises review and implementation of these recommendations. If you have any questions, please contact me at (512) 917-4155.

Sincerely,

Karen B. Hardin

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/14616

Enclosure: Element of Occurrence Record and Map

Element Occurrence Record

Scientific Name: *Rookery* **Occurrence #:** 337 **Eo Id:** 2952

Common Name: **TX Protection Status:**

Global Rank: GNR **State Rank:** SNR

Location Information:

Latitude: 324837N **Longitude:** 0965048W

Watershed Code:	Watershed Description:
12030105	Upper Trinity

County Code:	County Name:	Mapsheet Code:	Mapsheet Name:	State:
TXDLLS	Dallas	32096-G7	Dallas	TX

Directions:

WILDLIFE REFUGE, WOODED TRACT IN CITY OF DALLAS, RIPARIAN, NO TRIBUTARIES; ADJACENT TO IH-35E

Survey Information:

First Observation: 1973 **Survey Date:** **Last Observation:** 1990

Eo Type: **EO Rank:** **EO Rank Date:**

Observed Area (acres):

Comments:

General Description: HACKBERRY, CEDAR ELM, AND OSAGE ORANGE TREES TO 5-6 METERS; HUMAN DISTURBANCE CAREFULLY CONTROLLED; HERONRY IS A WILDLIFE REFUGE

Comments: COLONY NUMBER 555-050

Protection Comments:

Management Comments:

Data:

EO Data: NESTING COLONY OF THE CATTLE EGRET, LITTLE BLUE HERON, GREAT EGRET, BLACK-CROWNED NIGHT-HERON, SNOWY EGRET

Site:

Managed Area:

Managed Area Name: **Managed Area Type:**

Element Occurrence Record

Reference:

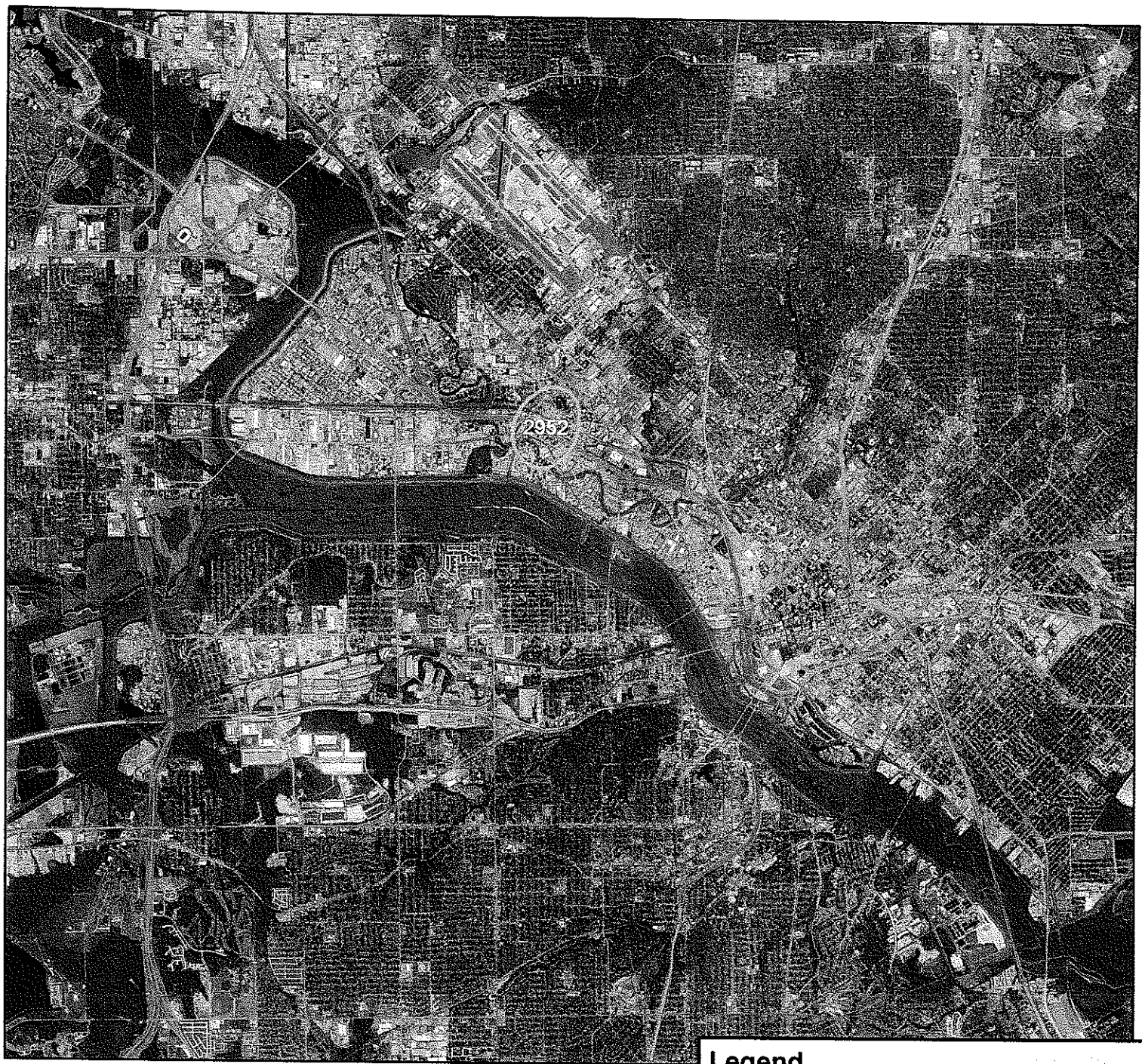
Full Citation:

Martin, Catrina 1991 Texas Colonial Waterbird Census Summary - 1990. Compiled for Texas Parks & Wildlife Dept. and Texas Colonial Waterbird Society. 13 March 1991

MULLINS, L M. ET AL 1982. ET SEQ ATLAS & CENSUS OF TEXAS WATERBIRD COLONIES, 1973-1980 TX COLONIAL WATERBIRD SOCIETY

Specimen:

TXNDD Rare Resource Occurrences (EO ID)
Proposed USACE Dallas Floodway Project
TPWD Project 14616



1 inch equals 1.56 miles

N
W E
S

Map Created: by Karen Hardin, November 30, 2009

TEXAS PARKS & WILDLIFE

This map is not guaranteed as accurate and was created by TPWD to assist in avoiding and minimizing impacts to rare resources that may occur within the vicinity of the project

Legend

eorep_tracked

EO Type

- Animal Assemblage
- Invertebrate Animal
- Nonvascular Plant
- Terrestrial Community - Other Classification
- Vascular Plant
- Vertebrate Animal

United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
P.O. Box 36900
Billings, Montana 59107-6900

TAKE PRIDE® IN AMERICA

IN REPLY REFER TO:
GP-1000
ADM-1.10

OCT 15 2009

PER-E

Mr. William Fickel, Jr.
Department of the Army
Fort Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

Subject: The Dallas Floodway Project

Dear Mr. Fickel:

I recently received a notice of your intention to prepare an Environmental Impact Statement for proposed projects in and around the Dallas Floodway in Dallas, Texas.

I would ask that as you progress through the National Environmental Policy Act process, all future correspondence be directed to the Bureau of Reclamation, Oklahoma-Texas Area Office attention Mr. Collins Balcombe. The mailing address is as follows below:

Note

Bureau of Reclamation
Oklahoma-Texas Area Office
5316 Highway 290 West, Suite 510
Austin, TX 78735

If you have any questions or concerns, please contact Mr. Balcombe at 512-899-4162.

Sincerely,

For Gary W. Campbell

Michael D. Ryan
Regional Director

March 12, 2010

Mayor Thomas C. Leppert
City of Dallas
Dallas City Hall
1500 Marilla Street
Room 5EN
Dallas, TX 75201

Re: National Register eligibility of levees and Design District

Dear Mayor Leppert:

Thank you for your letter of February 22, 2010, commenting on the above-referenced project.

As you may be aware, Section 106 of the National Historic Preservation Act requires that federal agencies consider the effects of their undertakings on historic resources. This project is under the jurisdiction of the U.S. Army Corps of Engineers (USACE). They are required by federal law to identify and evaluate historic properties for any floodway improvements over which they have jurisdiction. They conduct this analysis in consultation with our agency and other appropriate parties (such as the City of Dallas), as well as with the public. The THC is a consulting party to the review process, and our role in Section 106 is confined to concurring or objecting to determinations made by the USACE. We note that you have copied the USACE on your letter to us. But it is the USACE that will be developing the initial determinations of eligibility and you might consider writing to them directly if you haven't already done so. As the applicant for the federal permits from the USACE, that agency will certainly take your comments into account.

At this point in the process, THC reviewers have been provided with a research design and a draft of the cultural resources report that has not yet been approved by the USACE. THC has not yet received a formal request from the USACE for comments or concurrence with any determination regarding eligibility of the floodway or levees.

Since we have not yet received or reviewed the USACE's final determinations of eligibility and effects to historic properties and the information they collected to make these determinations, THC does not have the information we would need to evaluate the significance and integrity of the resources. In addition, since the law requires that these determinations be made by the federal agency, we would be overstepping our authority to preempt their consultation by commenting to the USACE at this time.

Finally, I appreciate your suggestion that THC contractually remove itself from the review of any future changes in this area through a programmatic agreement with USACE. We believe that existing exceptions for emergency projects adequately protect the public interest. But should the USACE wish to pursue such an agreement they could certainly initiate those discussions by contacting us directly, or by contacting the President's Advisory Council on Historic Preservation whose participation and signature would be required.

Again, thank you for your letter notifying our agency of your concerns. For additional information, city staff is welcome to contact our lead staff reviewers, identified below:

1. For the USACE levee and floodway improvements projects
    a. Bill Martin (512/463-5867) for archeological resources
    b. Linda Henderson (512/463-5851) for determinations of eligibility for non-archeological resources
    c. Adam Alsobrook (512/463-6183) for determinations of effect for non-archeological resources
2. For the FHWA/ TxDOT Trinity Parkway project
    a. Mark Denton (512/463-5711) for archeological resources
    b. Adrienne Campbell (512/936-7403) for non-archeological resources

Sincerely,

Mark Wolfe
State Historic Preservation Officer

Cc: Kevin Craig, U.S. Army Corps of Engineers
Janice Brown, Federal Highway Administration
Mario Sanchez, Texas Department of Transportation
Bill Hale, Texas Department of Transportation
Mike Lowenberg, Dallas County Historical Commission
Katherine Seale, Preservation Dallas

TEXAS PARKS & WILDLIFE

Life's better outside.®

Commissioners

T. Dan Friedkin
Chairman
Houston

Ralph H. Duggins
Vice-Chairman
Fort Worth

Antonio Falcon, M.D.
Rio Grande City

Karen J. Hixon
San Antonio

Dan Allen Hughes, Jr.
Beeville

Bill Jones
Austin

Margaret Martin
Boerne

S. Reed Morian
Houston

Dick Scott
Wimberley

Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

February 26, 2013

Rob Newman
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

RE: Public Notice for Dallas Floodway Feasibility Study Developments (Dallas County)

Dear Mr. Newman:

The Texas Parks and Wildlife Department (TPWD) received notice that the U.S. Army Corps of Engineers (USACE) and the City of Dallas have arrived at a tentatively selected plan for the Flood Risk Management (FRM) component of the on-going feasibility study for the Dallas Floodway Project. The plan includes recommended modifications to the levee system, and a public meeting was held January 29, 2013, to inform the public. TPWD was not in attendance at the meeting, though is interested in being kept informed of the proposed developments in the Dallas Floodway Project, including the tentatively selected plans for levee modification as well as the upcoming Environmental Impact Statement (EIS).

TPWD, as the state agency with primary responsibility for protecting the state's fish and wildlife resources and in accordance with the authority granted by Parks and Wildlife Code §12.0011, hereby provides the following recommendations to minimize the adverse impacts to the state's fish and wildlife resources for the proposed activities associated with the Dallas Floodway Project.

Project Description

The Dallas Floodway Project proposed feasibility study and EIS will evaluate the technical soundness and environmental acceptability resulting from implementation of proposed levee remediation, flood risk management, ecosystem restoration, recreation and other proposed projects in and around the Dallas Floodway System. TPWD provided initial scoping comments for the proposed activities associated with the Dallas Floodway Project on November 30, 2009. Since that time, TPWD has been provided the environmental documents for various project aspects, such as the Environmental Assessment (EA) for the 100-year flood event levee remediation measures and the EA for the Pavaho wetlands.

In order to stay updated on the project as well as to provide natural resource agency review and input as the project progresses, TPWD would appreciate being provided with a copy of the information provided at the public meeting of January 29, 2013. TPWD also recommends posting the January 29, 2013 meeting materials on the USACE website.

State Regulations

State-Listed Threatened and Endangered Species

Section 68.015 of the Parks and Wildlife Code regulates state-listed species. Please note that there is no provision for take (incidental or otherwise) of state-listed species. A copy of *TPWD Guidelines for Protection of State-Listed Species* is attached for your reference. This document includes a list of penalties for take of state-listed species.

The TPWD Annotated County Lists of Rare Species are available at http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/. The Dallas County list is attached for your reference. These lists provide information regarding rare species that have potential to occur within each county. Rare species could potentially be impacted if suitable habitat is present at or near the project site.

Since the 2009 EIS scoping, the Dallas County list of rare species has been updated to include state-threatened listing status for three freshwater mussels: the Louisiana pigtoe (*Pleurobema riddellii*), the Texas heelsplitter (*Potamilus amphichaenus*), and the Texas pigtoe (*Fusconaia askewi*). Additionally, the Louisiana pigtoe and Texas heelsplitter have been petitioned for federal listing, though the U.S. Fish and Wildlife Service (USFWS) is conducting a 12-month finding, and the federal listing status has not been finalized.

The Texas Natural Diversity Database (TXNDD) is intended to assist users in avoiding harm to rare species or significant ecological features. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Please note that absence of information in the database does not imply that a species is absent from that area. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously based on new, updated and undigitized records; for questions regarding a record, please contact txndd@tpwd.state.tx.us.

Since the 2009 scoping, the TXNDD contains updated information regarding known occurrences of state-threatened species in the vicinity of the Dallas Floodway Project. Recent surveys of sites in the Trinity River and the Elm Fork Trinity River in Dallas County have revealed mussel beds containing native common mussel species as well as state-threatened mussels. A map and printouts of the TXNDD records showing occurrences of mussels at the recently surveyed sites is included for your reference. These occurrences are an indication that additional areas, yet to be surveyed, may contain state-listed mussels within the Dallas Floodway Project area.

Because the proposed projects being evaluated for the EIS may contain activities that affect the Trinity River, such as demolition of bridges or construction within the river, potential impacts to mussels may occur. If mussels are present, impacts could

be minimized by proactive actions such as design and construction modifications and/or mussel relocation prior to proposed construction activities.

Recommendation: TPWD recommends the EIS incorporate the updated state-threatened listing status information including an assessment of potential impact and proposed impact avoidance or minimization measures.

Recommendation: TPWD recommends potentially impacted perennial waterways within the range of state-listed mussels be assessed for mussel habitat. TPWD recommends Dallas Floodway Project conduct mussel surveys in areas where potential suitable habitat would be directly impacted by such activities as installing temporary culverts/roads, placement of riprap, stream contouring/channelization, permanent fill/culvert placement, bridge demolition, altering the hydrology, and construction of bridge columns/footings and in areas that may be indirectly impacted by increased sedimentation due to construction activities. TPWD recommends avoiding direct disturbance of habitat and degradation of water quality where threatened mussels or their habitat are found.

Recommendation: Because state-listed species may only be handled by persons with a TPWD *Scientific Research Permit*, TPWD recommends obtaining the permit if handling of state-listed species is anticipated during any surveying, construction, relocation or monitoring efforts. Because the species of mussels is typically not known until it is handled, TPWD recommends that mussel surveys be conducted by persons with mussels experience and who hold a *Scientific Research Permit*. Additional information regarding *Scientific Research Permits* can be obtained at http://www.tpwd.state.tx.us/business/permits/land/wildlife/research/ or by contacting the Wildlife Permits Office at christopher.maldonado@tpwd.state.tx.us or (512) 389-4647.

Recommendation: If state-threatened mussels, as well as rare or common native mussels, are encountered during mussel surveys, then TPWD recommends coordinating with TPWD Habitat Assessment Program to determine impact avoidance measures, such as changes in project design, preventing construction debris from falling in the river, avoiding the use of temporary/permanent fill, doubling silt fence and other soil stabilization measures, and/or potential mussel relocation and monitoring.

Recommendation: TPWD recommends use of best management practices (BMPs) within riparian areas and streams to minimize impacts on mussels as well as fish species which are the mussel larval host. As applicable, BMPs would include measures such as: 1) avoiding impact to perennial waters and their associated riparian areas by spanning the stream, 2) avoiding construction during fish and mussel spawning periods, and 3) use of double silt fences and doubling soil stabilization measures along the banks to avoid increasing turbidity in the creek.

Recommendation: Because the Louisiana pigtoe (*Pleurobema riddellii*) and Texas heelsplitter (*Potamilus amphichaenus*) have been petitioned for federal

listing under the ESA, TPWD recommends reporting occurrences of these species to the USFWS-Clear Lake Ecological Services (281) 286-8282 office so that the data can be used toward their determination of a proposed rule for the species.

Aquatic Resources

TPW Code Section 1.011 grants TPWD authority to regulate and conserve aquatic animal life of public waters. Title 31, Chapter 57, Subchapter B, Section 57.157 of Texas Administrative Code (TAC) regulates take of mussels which are not limited to state-listed mussels. Section 12.301 of TPW Code identifies liability for wildlife taken in violation of TPW Code or a regulation adopted under TPW Code.

Recommendation: TPWD recommends that impact avoidance measures for aquatic organisms, including **all** native freshwater mussel species, regardless of state-listing status, be considered during project planning and construction activities.

Under TPW Code Section 12.015, 12.019, 66.015 and TAC 52.101-52.105, 52.202, and 57.251-57.259, TPWD regulates the introduction and stocking of fish, shellfish, and aquatic plants into public waters of the state. The *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* allows for movement (i.e., introduction, stocking, transplant, relocation) of aquatic species in waters of the state. Movement of aquatic species, even within the same river or estuary, has potential natural resources risk (e.g., exotics, timing for successful survival). Therefore, a permit is required to minimize that risk.

Because impacts to aquatic organisms may be avoided or reduced by careful relocation, activities in public waters that involve dewatering, or other potentially harmful activities, are recommended to be conducted in conjunction with a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* and an Aquatic Resource Relocation Plan. A relocation plan assists in the permitting process by identifying potential complications and providing guidelines to minimize the impacts to the species being moved. Aquatic Resource Relocation Plans are submitted to the appropriate TPWD Inland Fisheries or Coastal Fisheries Kills and Spills Team (KAST) Biologist for review so that aquatic resources are handled properly and protected from danger during dewatering and aquatic relocation activities. Once finalized, a permit is issued to the entity allowing aquatic life relocation. A permit application form and a relocation plan template are attached. If dewatering activities and other project-related activities cause mortality to fish and wildlife species, then the responsible party would be subject to investigation by the TPWD KAST and will be liable for the value of the lost resources under the authority of TPW Code Sections 12.0011 (b) (1) and 12.301.

Recommendation: If dewatering activities or other harmful construction activities are involved in the proposed project, TPWD recommends relocating potentially impacted native aquatic resources in conjunction with a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters* and an Aquatic Resource Relocation Plan. Aquatic Resource Relocation Plans can be submitted to Greg Conley, TPWD Region 2 KAST at 903-566-2518 or

greg.conley@tpwd.state.tx.us to initiate coordination for a *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters.* Please understand that TPWD will determine on a project-specific basis which permit is appropriate, the previously-mentioned *Scientific Research Permit* or the *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters.*

State Fish and Wildlife Resources

Rare Resources

In addition to federal- and state-threatened and endangered species, Texas contains over 1,300 species that are considered to be Species of Greatest Conservation Need (SCGN) that, due to limited distributions and/or declining populations, face threat of extirpation or extinction but lack the legal protections given to threatened or endangered species. Information regarding SGCN can be obtained at http://www.tpwd.state.tx.us/huntwild/wild/wildlife_diversity/texas_rare_species/sgcn/. Special landscape features, natural plant communities, and SGCN are rare resources tracked by TPWD, and TPWD actively promotes conservation of these rare resources. TPWD considers it important to minimize impacts to special landscape features, natural plant communities, and SGCN to reduce the likelihood of endangerment.

Recommendation: TPWD recommends that construction crews be informed of the state-listed species and SGCN with potential to occur in the project area and to take precautions to avoid impacts to such species if encountered during construction activities. TPWD recommends reporting occurrences to txndd@tpwd.state.tx.us if state-listed species, Species of Greatest Conservation Need, or other rare resources are encountered in the project area.

If you have any questions, please contact me at (903) 322-5001 or karen.hardin@tpwd.state.tx.us.

Sincerely,

Karen B. Hardin

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/28503

Attachments

Protection of State-Listed Species
Texas Parks and Wildlife Department Guidelines

Protection of State-Listed Species

State law prohibits any take (incidental or otherwise) of state-listed species. State-listed species may only be handled by persons possessing a **Scientific Collecting Permit** or a **Letter of Authorization** issued to relocate a species.

- **Section 68.002 of the Texas Parks and Wildlife (TPW) Code** states that species of fish or wildlife indigenous to Texas are endangered if listed on the United States List of Endangered Native Fish and Wildlife or the list of fish or wildlife threatened with statewide extinction as filed by the director of Texas Park and Wildlife Department. Species listed as Endangered or Threatened by the Endangered Species Act are protected by both Federal and State Law. The State of Texas also lists and protects additional species considered to be threatened with extinction within Texas.

- **Animals** - Laws and regulations pertaining to state listed endangered or threatened animal species are contained in **Chapters 67 and 68 of the Texas Parks and Wildlife (TPW) Code** and **Sections 65.171 - 65.176 of Title 31 of the Texas Administrative Code (TAC).** State-listed animals may be found at **31 TAC §65.175 & 176.**

- **Plants** - Laws and regulations pertaining to endangered or threatened plant species are contained in **Chapter 88 of the TPW Code and Sections 69.01 - 69.9 of the TAC.** State-listed plants may be found at **31 TAC §69.8(a) & (b).**

Prohibitions on Take of State Listed Species

Section 68.015 of the TPW Code states that no person may capture, trap, take, or kill, or attempt to capture, trap, take, or kill, endangered fish or wildlife.

Section 65.171 of the Texas Administrative Code states that except as otherwise provided in this subchapter or **Parks and Wildlife Code, Chapters 67 or 68,** no person may take, possess, propagate, transport, export, sell or offer for sale, or ship any species of fish or wildlife listed by the department as endangered or threatened.

"Take" is defined in **Section 1.101(5) of the Texas Parks and Wildlife Code** as:

"Take," except as otherwise provided by this code, means collect, hook, hunt, net, shoot, or snare, by any means or device, and includes an attempt to take or to pursue in order to take.

Penalties

The penalties for take of state-listed species (**TPW Code, Chapter 67 or 68**) are:

- 1ST Offense = Class C Misdemeanor:
  $25-$500 fine

- One or more prior convictions = Class B Misdemeanor
  $200-$2,000 fine and/or up to 180 days in jail.

- Two or more prior convictions = Class A Misdemeanor
  $500-$4,000 fine and/or up to 1 year in jail.

Restitution values apply and vary by species. Specific values and a list of species may be obtained from the TPWD Wildlife Habitat Assessment Program.

DALLAS COUNTY

BIRDS

		Federal Status	State Status
American Peregrine Falcon	*Falco peregrinus anatum*	DL	T

year-round resident and local breeder in west Texas, nests in tall cliff eyries; also, migrant across state from more northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.

Arctic Peregrine Falcon	*Falco peregrinus tundrius*	DL	

migrant throughout state from subspecies' far northern breeding range, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.

Bald Eagle	*Haliaeetus leucocephalus*	DL	T

found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds

Black-capped Vireo	*Vireo atricapilla*	LE	E

oak-juniper woodlands with distinctive patchy, two-layered aspect; shrub and tree layer with open, grassy spaces; requires foliage reaching to ground level for nesting cover; return to same territory, or one nearby, year after year; deciduous and broad-leaved shrubs and trees provide insects for feeding; species composition less important than presence of adequate broad-leaved shrubs, foliage to ground level, and required structure; nesting season March-late summer

Golden-cheeked Warbler	*Setophaga chrysoparia*	LE	E

juniper-oak woodlands; dependent on Ashe juniper (also known as cedar) for long fine bark strips, only available from mature trees, used in nest construction; nests are placed in various trees other than Ashe juniper; only a few mature junipers or nearby cedar brakes can provide the necessary nest material; forage for insects in broad-leaved trees and shrubs; nesting late March-early summer

Henslow's Sparrow	*Ammodramus henslowii*		

wintering individuals (not flocks) found in weedy fields or cut-over areas where lots of bunch grasses occur along with vines and brambles; a key component is bare ground for running/walking

Interior Least Tern	*Sterna antillarum athalassos*	LE	E

subspecies is listed only when inland (more than 50 miles from a coastline); nests along sand and gravel bars within braided streams, rivers; also know to nest on man-made structures (inland beaches, wastewater treatment plants, gravel mines, etc); eats small fish and crustaceans, when breeding forages within a few hundred feet of colony

Peregrine Falcon	*Falco peregrinus*	DL	T

both subspecies migrate across the state from more northern breeding areas in US and Canada to winter along coast and farther south; subspecies (F. p. anatum) is also a resident breeder in west Texas; the two subspecies' listing statuses differ, F.p. tundrius is no longer listed in Texas; but because the subspecies are not easily distinguishable at a distance, reference is generally made only to the species level; see subspecies for habitat.

DALLAS COUNTY

BIRDS

		Federal Status	State Status
Piping Plover	*Charadrius melodus*	LT	T

wintering migrant along the Texas Gulf Coast; beaches and bayside mud or salt flats

Sprague's Pipit	*Anthus spragueii*	C	

only in Texas during migration and winter, mid September to early April; short to medium distance, diurnal migrant; strongly tied to native upland prairie, can be locally common in coastal grasslands, uncommon to rare further west; sensitive to patch size and avoids edges.

Western Burrowing Owl *Athene cunicularia hypugaea*

open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows

White-faced Ibis	*Plegadis chihi*		T

prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats

Whooping Crane	*Grus americana*	LE	E

potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties

Wood Stork	*Mycteria americana*		T

forages in prairie ponds, flooded pastures or fields, ditches, and other shallow standing water, including salt-water; usually roosts communally in tall snags, sometimes in association with other wading birds (i.e. active heronries); breeds in Mexico and birds move into Gulf States in search of mud flats and other wetlands, even those associated with forested areas; formerly nested in Texas, but no breeding records since 1960

INSECTS

		Federal Status	State Status
Black Lordithon rove beetle	*Lordithon niger*		

historically known from Texas

MAMMALS

		Federal Status	State Status
Cave myotis bat	*Myotis velifer*		

colonial and cave-dwelling; also roosts in rock crevices, old buildings, carports, under bridges, and even in abandoned Cliff Swallow (Hirundo pyrrhonota) nests; roosts in clusters of up to thousands of individuals; hibernates in limestone caves of Edwards Plateau and gypsum cave of Panhandle during winter; opportunistic insectivore

Plains spotted skunk *Spilogale putorius interrupta*

catholic; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie

DALLAS COUNTY

MOLLUSKS

		Federal Status	State Status
Fawnsfoot	*Truncilla donaciformis*		

small and large rivers especially on sand, mud, rocky mud, and sand and gravel, also silt and cobble bottoms in still to swiftly flowing waters; Red (historic), Cypress (historic), Sabine (historic), Neches, Trinity, and San Jacinto River basins.

Little spectaclecase	*Villosa lienosa*		

creeks, rivers, and reservoirs, sandy substrates in slight to moderate current, usually along the banks in slower currents; east Texas, Cypress through San Jacinto River basins

Louisiana pigtoe	*Pleurobema riddellii*		T

streams and moderate-size rivers, usually flowing water on substrates of mud, sand, and gravel; not generally known from impoundments; Sabine, Neches, and Trinity (historic) River basins

Texas heelsplitter	*Potamilus amphichaenus*		T

quiet waters in mud or sand and also in reservoirs. Sabine, Neches, and Trinity River basins

Texas pigtoe	*Fusconaia askewi*		T

rivers with mixed mud, sand, and fine gravel in protected areas associated with fallen trees or other structures; east Texas River basins, Sabine through Trinity rivers as well as San Jacinto River

Wabash pigtoe	*Fusconaia flava*		

creeks to large rivers on mud, sand, and gravel from all habitats except deep shifting sands; found in moderate to swift current velocities; east Texas River basins, Red through San Jacinto River basins; elsewhere occurs in reservoirs and lakes with no flow

REPTILES

		Federal Status	State Status
Alligator snapping turtle	*Macrochelys temminckii*		T

perennial water bodies; deep water of rivers, canals, lakes, and oxbows; also swamps, bayous, and ponds near deep running water; sometimes enters brackish coastal waters; usually in water with mud bottom and abundant aquatic vegetation; may migrate several miles along rivers; active March-October; breeds April-October

Texas garter snake	*Thamnophis sirtalis annectens*		

wet or moist microhabitats are conducive to the species occurrence, but is not necessarily restricted to them; hibernates underground or in or under surface cover; breeds March-August

Texas horned lizard	*Phrynosoma cornutum*		T

open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September

Timber/Canebrake rattlesnake	*Crotalus horridus*		T

DALLAS COUNTY

REPTILES

Federal Status State Status

swamps, floodplains, upland pine and deciduous woodlands, riparian zones, abandoned farmland; limestone bluffs, sandy soil or black clay; prefers dense ground cover, i.e. grapevines or palmetto

PLANTS

Federal Status State Status

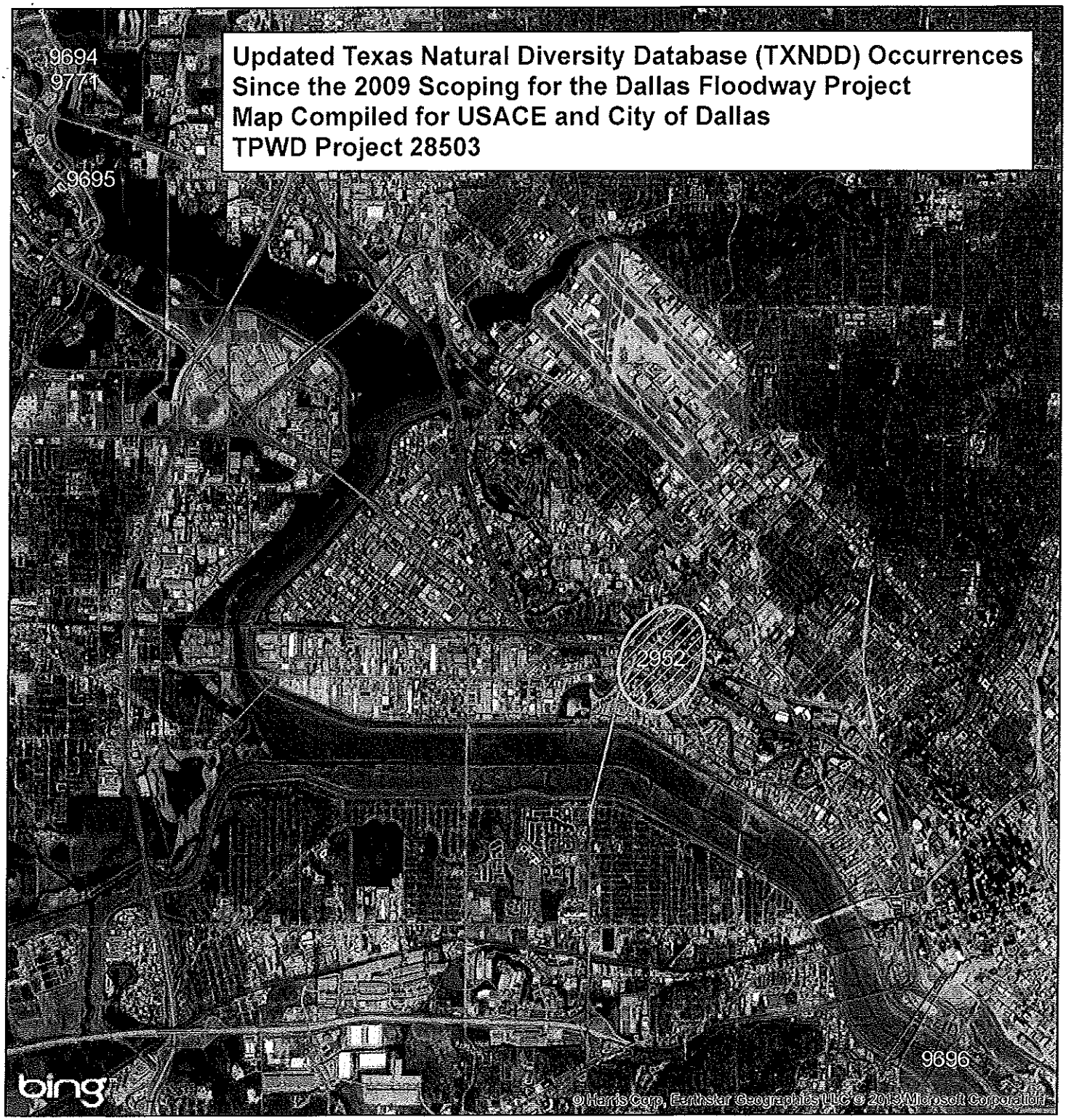
Glen Rose yucca *Yucca necopina*

Texas endemic; grasslands on sandy soils and limestone outcrops; flowering April-June

Warnock's coral-root *Hexalectris warnockii*

in leaf litter and humus in oak-juniper woodlands on shaded slopes and intermittent, rocky creekbeds in canyons; in the Trans Pecos in oak-pinyon-juniper woodlands in higher mesic canyons (to 2000 m [6550 ft]), primarily on igneous substrates; in Terrell County under Quercus fusiformis mottes on terrraces of spring-fed perennial streams, draining an otherwise rather xeric limestone landscape; on the Callahan Divide (Taylor County), the White Rock Escarpment (Dallas County), and the Edwards Plateau in oak-juniper woodlands on limestone slopes; in Gillespie County on igneous substrates of the Llano Uplift; flowering June-September; individual plants do not usually bloom in successive years

Updated Texas Natural Diversity Database (TXNDD) Occurrences Since the 2009 Scoping for the Dallas Floodway Project Map Compiled for USACE and City of Dallas TPWD Project 28503



N
W E
S

TEXAS PARKS & WILDLIFE

Life's better outside.®

26 February 2013

1 in = 1 miles

Map compiled by the Texas Parks and Wildlife Department, Wildlife Habitat Assessment Program. No claims are made to the accuracy of the data or to the suitability of the data to a particular use.

Legend

EO Type

- Animal Assemblage
- Invertebrate Animal
- Nonvascular Plant
- Terrestrial Community - Other Classification
- Vascular Plant
- Vertebrate Animal

TXNDD Tracked Species in Project Area

Element Occurrence ID (EOID)	9694
Scientific Name	Fusconaia askewi
Common Name	Texas Pigtoe

Global Rarity Rank	G2	State Rarity Rank	S1S2	Federal Status		State Status	T

First Observation Date	7/13/2012	Survey Date	7/13/2012	Last Observation Date	7/13/2012

EO Data

9-13 July 2012: A total of 10 live mussels were relocated to 5 permanent quadrats at two sites.

General Description

<null>

Protection Comments

<null>

Management Comments

<null>

General Comments

9-13 July 2012: The mussels were relocated from a site (EO ID 9695) further downstream at California Crossing Rd. Each mussel was marked with a Passive Integrated Transponder (PIT) tag and redundant color-coded bead with a unique number.

Element Occurrence ID (EOID)	9695
Scientific Name	Fusconaia askewi
Common Name	Texas Pigtoe
Global Rarity Rank	G2
State Rarity Rank	S1S2
Federal Status	
State Status	T
First Observation Date	1/4/2012
Survey Date	7/13/2012
Last Observation Date	7/13/2012

EO Data

4 Jan 2012: A total of two live individuals (one collected for identification purposes) and one relatively recently dead shell were found in two survey quadrats at one site. In two other quadrats one very long dead shell and a shell of unreported condition were also observed. 9-13 July 2012: A total of 12 live individuals as well as 11 dead shells/valves (condition unknown) were collected. Ten of the live mussels were relocated upstream (EO ID: 9694), the other two were retained for a genetic and morphological study.

General Description

4 Jan 2012: Substrate within the search area included silt, sand and gravel. The stream cross section profile was typically steep near the banks and nearly horizontal across the stream bed.

Protection Comments

<null>

Management Comments

<null>

General Comments

4 Jan 2012: The survey was conducted using SCUBA equipment. The live individuals were found in quadrats which were 3 and 5 sq. meters in size; survey effort was 48 and 15 minutes, respectively. The shells were collected from quadrats which were 25 and 5 sq. meters in size. 9-13 July 2012: The survey was a tactile SCUBA survey for 958 person-minutes. Dr. Neil Ford, University of Texas - Tyler is conducting the genetic and morphological study.

Element Occurrence ID (EOID)	9696
Scientific Name	Fusconaia askewi
Common Name	Texas Pigtoe

Global Rarity Rank	G2	State Rarity Rank	S1S2	Federal Status		State Status	T

First Observation Date	9/22/2011	Survey Date	9/22/2011	Last Observation Date	9/22/2011

EO Data

22 Sep 2011: A total of 4 live individuals were observed at four sites. One live individual was collected for identification purposes. Two valves of unknown condition were also observed at one site.

General Description

22 Sep 2011: At three of the sites the substrate was sand; the other was silt, gravel.

Protection Comments

<null>

Management Comments

<null>

General Comments

22 Sep 2011: Survey was conducted using SCUBA equipment.

Element Occurrence ID (EOID)	9771						
Scientific Name	Lampsilis satura						
Common Name	Sandbank Pocketbook						
Global Rarity Rank	G2	State Rarity Rank	S1	Federal Status		State Status	T
First Observation Date	<null>	Survey Date	<null>	Last Observation Date	<null>		

EO Data

<null>

General Description

<null>

Protection Comments

<null>

Management Comments

<null>

General Comments

<null>

Element Occurrence ID (EOID)	9494
Scientific Name	Pleurobema riddellii
Common Name	Louisiana Pigtoe

Global Rarity Rank	G1G2	State Rarity Rank	S1	Federal Status		State Status	T

First Observation Date	7/13/2012	Survey Date	7/13/2012	Last Observation Date	7/13/2012

EO Data

9-13 July 2012. One live individual was collected for a genetic and morphological study.

General Description

<null>

Protection Comments

<null>

Management Comments

<null>

General Comments

9-13 July 2012. Dr. Neil Ford, University of Texas - Tyler collected the mussel for a genetic and morphological study.

Texas Parks & Wildlife Department

Aquatic Resource Relocation Plan

Dewatering activities in streams, ponds, reservoirs, stilling basins, and other flood control structures may negatively impact fish communities and habitat statewide. These activities can impact fisheries management, contribute to losses of State assets, and violate game laws. The Texas Parks and Wildlife Department (TPWD) requires a responsible party (RP) to formulate a written Aquatic Resource Relocation Plan to control and limit the impacts of dewatering.

The written plan must be received by the Regional TPWD Kills and Spills (KAST) biologist at the earliest possible convenience, but no less than four weeks prior to beginning the dewatering process. The regional KAST biologist will share the document and seek approval of the local TPWD Fisheries Division District Fisheries Management Office and the Law Enforcement Division local game warden. The RP must receive formal approval of the plan by the TPWD prior to initiating dewatering activities. Each plan must include the following elements:

1. Exact location.
2. Purpose of the activity.
3. Notification to the regional KAST biologist of the expected start date or any changes to the start date of fish recovery activities.
4. Method of collecting and moving the fishes.
5. Types and sizes of containers to be used.
6. Transportation methods and destination.
7. How the documentation and disposal of dead and non-native fishes will be handled.
8. The best management practices (BMPs) to be used to ensure that relocated fish and fish awaiting relocation have best possible water quality and have adequate carrying capacity for additional biomass (ie aerators, water depth at which fish relocation activities will begin).
9. Provide an estimation of the time expected to complete the fish removal operation.
10. Identify any state or federally threatened or endangered species that may occur. Explain what methods will be used to protect these species.
11. Identify all freshwater mussels that may become stranded due to the operation. Explain what methods will be used to protect the mussels.

A TPWD representative may be present during some or all of the proposed activity. Additionally, pursuant to Texas Parks and Wildlife Department Code, Section 12.301, the RP may be liable for the replacement cost of all mortalities to fish and wildlife species resulting from dewatering activities.

Please do not hesitate to contact me if you have any questions or require additional assistance.

Sincerely,

Regional Biologist Name
Pollution Biologist
TPWD - Kills and Spills Team
Address
Address
Email:
Ph:
Fax:

TEXAS PARKS & WILDLIFE

Application for Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters

No fee required

1. **Applicant:**

Name: _____ Telephone No: ____/_____
(AC)

Address: _____
Street

_____
City State Zip Code

2. **Public water where organisms will be introduced** (Include specific location of introduction):

_____

3. **Expected date of introduction:** ____/____/_____
MM DD YYYY

4. **Species to be introduced:**

Common Name	Scientific Name	Number	Size
1)			
2)			
3)			
4)			
5)			

5. **Source of organisms:** _____

_____

_____

6. **Reason for introduction:** _____

_____

_____

Signature of Applicant

____/____/____
Date

NOTE: This application will not be considered unless fully completed. It must be received by the Department at least 30 days before the proposed introduction.

Return to: **Permit Coordinator, Inland Fisheries**
Texas Parks and Wildlife Department
4200 Smith School road
Austin, Texas 78744

FOR ASSISTANCE IN COMPLETING THIS FORM, PLEASE CALL 512-389-4444
OR dial toll-free 1-800-792-1112 and request extension 4444.

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.

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

REPLY TO
ATTENTION OF:

April 15, 2013

Mr. Michael Jansky
Office of Planning and Coordination
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Mail Stop 6ENXP
Dallas, Texas 75202

Subject: Agency Coordination Workshop

Dear Mr. Jansky:

The U.S. Army Corps of Engineers (USACE) Fort Worth District, in partnership with its local sponsor the City of Dallas, is preparing an Environmental Impact Statement (EIS) to analyze the potential comprehensive environmental consequences resulting from the implementation of proposed flood risk management, ecosystem restoration, recreation enhancement, and other proposed projects in and around the Dallas Floodway Project, located in Dallas, Texas.

In advance of the anticipated release of the Public Draft EIS (December 2013), the Fort Worth District invites you to an Agency Coordination Workshop. The purpose of the workshop is to receive initial agency input on resource areas in advance of the release of the Public Draft EIS.

The workshop will be on Thursday, May 2, 2013, from 9:00 A.M. to 4:00 P.M. at the USACE Forth Worth District offices, located at 819 Taylor Street in Fort Worth, Texas.

Please contact Marcia Hackett, Regional Technical Specialist, at (817) 886-1373 or via email at marcia.r.hackett@usace.army.mil to RSVP for the workshop.

Sincerely,

for

Rob Newman
Director, Trinity River Corridor Project
Fort Worth District

DALLAS FLOODWAY PROJECT
ENVIRONMENTAL IMPACT STATEMENT

Resource Agencies Coordination Meeting
USACE Fort Worth District Offices
2 May 2013

SIGN-IN SHEET 1

Name	Affiliation	Telephone	E-mail
Larry Voice	FEMA	940 898 5419	Larry.Voice@fema.dhs.gov
Erica Boulanger	CardnoTEC	858.509.3157	erica.boulanger@cardnotec.com
Bobby Beeman	FAA ATC	817 321 7727	bobby.beeman@faa.gov
Melissa Tu	Cardno TEC	858-509-3157	melissa.tu@cardnotec.com
Karen Hardin	TPWD	903-322-5001	karen.hardin@tpwd.state.tx.us
Marcia Hackett	USACE	817-886-1373	marcia.r.hackett@usace.army.mil
Barry Osborn	USACE	817-886-1734	barry.g.osborn@usace.army.mil
Rob Newman	USACE	817-886-1762	Rob.Newman@usace.army.mil
Douglas Sims	USACE	817-886-1853	douglas.c.sims@usace.army.mil

Name	Affiliation	Telephone	E-mail
Lauren Kruse	USACE	817-471-7573	Lauren.O.Kruse@usace.army.mil
Jon Loxley	USACE	817-219-9128	jon.K.loxley@usace.army.mil
Jason Story	USACE	817-886-1852	jason.e.story@usace.army.mil
ERIC VERWERS	USACE	817-886-1463	eric.w.verwers@usace.army.mil
Peter Schaefer	TCEQ	512-239-4372	peter.schaefer@tceq.texas.gov

DALLAS FLOODWAY PROJECT
ENVIRONMENTAL IMPACT STATEMENT

Resource Agencies Coordination Meeting
USACE Fort Worth District Offices
2 May 2013

SIGN-IN SHEET 2

Name	Affiliation	Telephone	E-mail
Anita N. Wilson	FHWA	5125365951	anita.wilson@dot.gov
Adam Whisenant	TPWD	903 566 8387	adam.whisenant@tpwd.state.tx.us
Greg Conley	TPWD	(903) 566-2518	greg.conley@tpwd.state.tx.us

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
1001 Indian School Road NW, Suite 348
Albuquerque, New Mexico 87104

ER 14/251
File 9043.1

May 28, 2014

VIA ELECTRONIC MAIL ONLY

Marcia Hackett
U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Ms. Hackett:

The U.S. Department of the Interior has reviewed the Draft Environmental Impact Statement for the Dallas Floodway Project in the City of Dallas, Dallas County, TX. In this regard, we have no comment.

Thank you for the opportunity to review this document.

Sincerely,

Stephen R. Spencer, Ph.D.
Regional Environmental Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

June 2, 2014

Mr. Rob Newman, Director
Trinity River Corridor Project Office
Department of the Army
Fort Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, TX 76102-0300

RE: Draft Environmental Impact Statement (DEIS) and Feasibility Report for Dallas Floodway Project in Dallas County, Texas

Dear Mr. Newman:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region office in Dallas, Texas has completed its review of the U.S. Army Corps of Engineers (USACE) DEIS for the Dallas Floodway Project in Dallas County, Texas.

The purpose of the proposed project is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway. Additionally, the DEIS describes and analyzes the potential effects from two alternative actions and the No Action alternative relating to noise, air quality, utilities, transportation, safety, hazardous material and wastes, land use, geology and soils, hydrology and hydraulics, socioeconomics, and recreational, biological, water, and visual resources.

Based on our review, we have rated the DEIS as having "Environmental Concerns" and "Informational Needs" (EC-2). Additional information on EPA's rating system can be found at http://www.epa.gov/compliance/nepa/comments/ratings.html. Our rating is based on the need for additional analysis regarding environmental justice and surrounding communities, wetlands, air quality, and cumulative impacts. We have enclosed detailed comments that identify our concerns and recommendations for additional analysis in the Final Environmental Impact Statement (FEIS).

EPA appreciates the opportunity to review the DEIS. Please note that a copy of this letter will be published on our website, http://www.epa.gov/compliance/nepa/eisdata.html, in order to fulfill our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. Please send our office one copy of the FEIS when it is filed using our *e-NEPA Electronic Filing System* (http://www.epa.gov/compliance/nepa/submiteis/index.html).

If you have any questions or concerns, please contact Kimeka Price at (214) 665-7438 or via email at price.kimeka@epa.gov for assistance.

Sincerely,

for Craig Weeks, Acting Chief
Office of Planning and Coordination

Enclosure

DETAILED COMMENTS
ON THE
U.S. ARMY CORPS OF ENGINEERS
DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND FEASBILITY REPORT
FOR
DALLAS FLOODWAY PROJECT
IN DALLAS CONUTY, TEXAS

The following comments are offered for USACE's consideration in preparation of the FEIS:

Environmental Justice and Surrounding Communities

Demographics for the surrounding communities are listed, and several block groups or tracts are identified as predominantly low income or minority populations. Table 6.4 only presents summary statements, and there does seem to be accompanying description in the DEIS. For example, Table 6-4 states that there would be "temporary, local adverse impacts to low income, minority, and child populations" during construction. However, the DEIS does not describe the specific impacts that would occur to these populations for the various project phases. Further, the specific mitigation measures for environmental justice populations are not described.

Table 1.1 shows potentially affected structures, but there is not corresponding information indicating whether these properties are minority-owned or occur in the locations identified in the DEIS as having a higher proportion of minority or low income residents. Additionally, it is unclear whether any minority-owned businesses or residences would be relocated or displaced by the implementation of the proposed project.

Recommendations:
FEIS should clarify the specific adverse impacts to low income, minority, and child populations, identify corresponding mitigation measures, and clarify if environmental justice populations or businesses would be relocated or displaced.

Historically, there is a risk of flooding associated with the project area. One of the purposes of the proposed project is to reduce flood risk through flood risk management. In the DEIS, it is unclear whether this risk remains or increases during construction phase of the proposed project.

Recommendations:
The FEIS should evaluate the flooding risk and describe specific mitigation measures to be implemented during the construction phase of the proposed project.

Sections 6.7.1.1 and 6.7.2 of the DEIS identify that there would be adverse impacts to minority or low income communities relating to recreation, visual resources, utilities, air quality, and noise during the construction phase of the project, which is estimated to last at least ten (10) years. Chapter 7 of the DEIS discusses and identifies mitigation measures for the proposed project. However, the DEIS does not incorporate a description of specific mitigation measures for addressing the adverse impacts to minority or low income communities.

Recommendation:
FEIS should incorporate specific mitigation measures for adverse impacts to minority or low income populations.

Section 6.7.1.1 includes statements concerning a separate, but connected project (Trinity Parkway EIS). Under Alterative 2, which includes the Trinity Parkway alignment within the levee, it would seem that the storage capacity of the constructed lakes would be lessened. The benefit of the lakes for flood protection is lessened by the fill that would be needed to grade or build up the proposed Parkway roadbed. Therefore, the communities that would benefit from the construction of the lakes (in terms of flood protection), many of whom are low income or minority and may have experienced flooding in the past, may not see any benefits to the proposed project. It is unclear why Alternative 2 is the preferred alternative.

Air Quality

In Section 3.14.3.1 Attainment Status on page 3-191 and Figure 3.14-1 on page 3-190, the DEIS incorrectly identifies the Dallas/Ft. Worth 2008 ozone NAAQS nonattainment area as a nine-county nonattainment area. The nonattainment area consists of ten counties - the nine listed in this section along with Wise County on the northwest corner. Please see EPA's final designation rule for the 2008 ozone NAAQS, published May 21, 2012 (77 FR 30088).

In Section 4.14.3.1 Alternative 2 Overview on page 4-196, the DEIS notes that construction-related increases in PM_{10} and $PM_{2.5}$ would be moderated through implementation of the Special Conservation Measures identified in Chapter 7. However, additional controls are recommended for consideration as possible measures for reducing impacts associated with emissions of nitrogen oxides, volatile organic compounds, carbon monoxide, particulate matter, sulfur dioxide, and other pollutants from construction-related activities, in addition to all applicable local, state, or federal requirements:

Recommendation:
FEIS should incorporate fugitive dust, mobile, and stationary source controls for construction related activities:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and

- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Plan construction scheduling to minimize vehicle trips;
- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed;
- If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible;
- Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and
- Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery).

Air Emissions and Cumulative Effects

In Section 4.14.3.6 Cumulative Impacts on page 4-201, the DEIS identifies the need for a general conformity determination for nitrogen oxides emission increases under Alternatives 2 and 3. Further, the DEIS states that because of these significant air quality impacts, a conformity determination will be prepared prior to project implementation to demonstrate that the calculated net increase of nitrogen oxides emissions will conform to the State Implementation Plan. The conformity determination is a necessary component in evaluating the cumulative impacts of the proposed project.

Recommendation:
FEIS should incorporate the conformity determination in order to fully evaluate cumulative impacts of the proposed project.

Wetlands

The Environmental Protection Agency (EPA) has reviewed the proposed Dallas Floodway Project developed by the City of Dallas and authorized by Section 5141 of the Water Resources Development Act (WRDA) of 2007 to incorporate the City of Dallas Balanced Vision Plan (BVP) Study and Interior Drainage System (IDS) improvements (City of Dallas 2006a, 2009a) within the Dallas Floodway Project. The proposed project includes flood risk management (FRM) elements, ecosystem restoration/habitat enhancement features, land and

water-based recreation enhancement features, and interior drainage plan improvements in and adjacent to the Dallas Floodway in Dallas, Texas.

In regards to Appendix L, Clean Water Act Section 404(b)(1) Analysis, EPA recognizes the distinction offered in this part regarding the different definitions of "enhancement" between that of the USACE Civil Works Program and the USACE Regulatory Program. In its review, EPA acknowledges the Civil Works definition however for the purpose of its regulatory review EPA utilized the Regulatory Program definition as it found in 33 C.F.R. Part 332 *Compensatory Mitigation for Losses of Aquatic Resources*.

The DEIS seeks to evaluate two alternatives in addition to the no-action alternative. Chapter 2, part 2.1, of the DEIS summarizes the differences between Alternatives 2 and Alternative 3, which are the presence and absence of the potential Trinity Parkway Project within the Dallas Floodway, respectively. The two alternatives differ slightly in the amount of wetland impacts and wetland restoration proposed. However, the overarching ecosystem restoration effort proposed under both alternatives poses serious concerns. As currently proposed, the project does not comply with the Clean Water Act Section 404(b)(1) Guidelines. This also impacts the ability to fully evaluate the Alternatives, including the selection of the preferred Alternative for the proposed project. The following comments and recommendations serve as EPA's regulatory review under the Clean Water Act Section 404 (b)(1) Guidelines and provide assistance in addressing compliance with the subject guidelines.

EPA's principle concerns are:

1. Failure to fully account for project impacts to jurisdictional wetlands.
2. The use of storm water wetlands to compensate for impacts to jurisdictional wetlands.
3. Counting wetland enhancement acres as a net gain in wetland acres post project.
4. The use of out-of-kind wetlands to compensate for impacts to jurisdictional wetlands.

Failure to fully account for project impacts to jurisdictional wetlands. In Appendix L on page 45, the DEIS states "[s]ince the Guidelines only restrict dredge and fill in wetlands, they do not apply to the existing wetlands in the proposed meadow that would not be graded, filled, or excavated." This is an incorrect assertion. 40 C.F.R. Part 230.11(h) states in the Determination of Secondary Effects on the Aquatic Ecosystem Section that "Secondary effects are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Information about secondary effects on aquatic ecosystems shall be considered prior to the final Section 404 action is taken by permitting authorities".

Further, features associated with the project such as road, ditches, berms and paths may result in secondary impact to waters of the United States (WOUS). A common impact associated with such activities can be an alteration of hydrology. An evaluation of secondary impacts to WOUS needs to be conducted for all WOUS including those that are not directly dredged or filled. Additionally, a post construction monitoring plan needs to be developed and implemented to ensure that areas such as these remain in like or better condition. Any

degradation found through monitoring as a result of the project should require additional mitigation.

Recommendations:

- An evaluation of secondary impacts to WOUS needs to be conducted for all WOUS, including those that are not directly dredged or filled.

- A post-construction monitoring plan needs to be developed and implemented to ensure that existing wetlands remain in like or better condition.

- Any degradation found through monitoring as a result of the project should require additional mitigation.

The use of storm water wetlands to compensate for impacts to jurisdictional wetlands.
In Appendix L on page 48, several Stormwater Management Wetlands are identified totaling 46.12 acres, including Flex Field, Meadow, and Crow Lake Wetlands. The DEIS states that "[t]hese wetlands are intended to capture and treat stormwater runoff....." However, ecological attributes of natural wetlands can be overwhelmed and degraded by an increase in hydrology, pollutants and sediment coming directly from stormwater discharges.

EPA's National Pollution Discharge Elimination System (NPDES) Program's Best Management Practices for Stormwater Wetlands states:

> "[a] distinction should be made between using a constructed wetland for stormwater management and diverting stormwater into a natural wetland. The latter practice is not recommended because altering the hydrology of the existing wetland with additional stormwater can degrade the resource and result in plant die-off and the destruction of wildlife habitat. In all circumstances, natural wetlands should be protected from the adverse effects of development, including impacts from increased stormwater runoff."

If the principle purpose of the stormwater wetlands is as expressed in the DEIS, that being primarily for treatment for stormwater runoff, then EPA would not concur that such wetlands are appropriate mitigation for impacts to natural emergent wetlands. If it can be shown that the "stormwater" wetlands are designed such that they can provide the full suite of functions as those of natural emergent wetlands (wetlands most impacted by the project) and that measures to protect them from pollution (including trash and debris in runoff from adjacent recreation features), excess hydrology and sedimentation will be implemented, EPA would reevaluate them as potential mitigation features. As proposed, EPA objects to the use of stormwater wetlands as mitigation under the Section 404(b)(1) analysis.

Recommendations:

- Wetlands created for the capture and treatment of stormwater should be identified in the FEIS as treatment systems for improving water quality.

- Wetlands created for Clean Water Act compensatory mitigation purposes should be designed to function utilizing natural hydrology and protected from detrimental stormwater discharges.

Counting wetland enhancement acres as a net gain in acres. Table 2 in Appendix L in the DEIS indicates that there are direct impacts to 166.37 acres of jurisdictional wetlands anticipated under Alternative 2. The table also shows the Balanced Vision Plan component under Alternative 2 would be responsible for 178.53 acres of enhanced and restored wetlands. Thus, yielding a "net gain" of 12.16 acres. This number is misleading in that it gives the reader the impression that the BVP component will result in an overall increase of wetland acres when in fact there will be a loss of wetland acres. The amount of existing wetlands that will be "enhanced" is 53 acres (Table 7, Appendix L). Those wetlands currently exist and while the environmental lift from enhancement measures can be determined and utilized in mitigation calculations they cannot be counted as an increase in physical wetland acres gained. EPA recommends that Tables 2 and 4 in Appendix L and any associated text (example, TXRAM Appendix C, page C-5, Part Results) be revised to clearly indicate the gains and losses of wetland acres under both alternatives.

Recommendation:
Tables 2 and 4 in Appendix L and any associated sections should be revised to indicate the actual gains and losses of wetland acres under both project alternatives.

The use of out-of-kind wetlands to compensate for impacts to jurisdictional wetlands. The use of out-of-kind wetlands for compensatory mitigation is dependent largely on the type of wetlands impacted and the ecological significance or scarcity of the wetland type being offered as mitigation. In reference to out-of-kind as defined in 33 C.F.R. Part 332 as a resource of a different structural and functional type from the impacted resource, there are two concerns in this regard posed by this project. The first is the use of "forested ponds" to mitigate impacts to forested wetlands. In this case, EPA is concerned that the forested ponds proposed are not appropriate as a mitigation feature for the loss of forested wetlands. As described in Appendix L on page 49, these areas would be 5 feet deep and serve as a bio-filtration area with highly managed hydrology via pumping of water from the lakes into the systems before returning it back to the lakes. EPA considers this a "treatment system" and believes it would not meet the definition of a naturally functioning forested wetland jurisdictionally or ecologically. EPA does recognize the need for forested wetland restoration in the Trinity River Floodway and Watershed at large. As such, EPA does support the use of restoration of bottomland hardwood wetlands as ecologically preferable to restoration of floodplain emergent wetlands. EPA encourages the City of Dallas and the USACE to consider to the fullest extent possible measures to restore naturally functioning forested wetlands in contiguous blocks or corridors along the proposed re-alignment of the Trinity River. The current plans to create forested terraces along the proposed channel restoration is fully supported by EPA.

Recommendation:
FEIS should consider to the fullest extent possible measures to restore naturally functioning forested wetlands in continuous blocks or corridors along the proposed re-alignment of the Trinity River.

In summary, it is EPA's opinion that the conclusion found in Appendix L, Part 3.8 Subpart J: Compensatory Mitigation for Losses of Aquatic Resources is incorrect. Specially, EPA disagrees with the statement made here "For the Proposed Action under either Alternative 2 or 3, the net gains of acreage and/or functions of aquatic resources would be sufficient to offset temporal and permanent losses, such that no further compensatory mitigation would be required." Issues raised by EPA regarding the appropriateness and ecological functions of the proposed stormwater wetlands (46.12 acres) and forested ponds (6.69 acres) as mitigation for natural functioning wetlands and the over accounting of net acres of wetlands gained (53 acres) clearly indicates additional mitigation may be needed. Therefore, EPA's comments and recommendations from regulatory review under the Clean Water Act Section 404(b)(1) should be resolved in the FEIS. EPA is willing to work with the City of Dallas and the USACE to resolve these concerns.

Solid and Hazardous Wastes

The DEIS describes existing conditions and activities with the project area that are subject to Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act.

Recommendation:
FEIS should incorporate a commitment by USACE to adhere to local, state, and federal laws and regulations for the management, storage, and disposal of solid and hazardous wastes during the construction phase of the project.

U.S. Department
of Transportation
Federal Aviation Administration

Federal Aviation Administration
Southwest Region, Airports Division
Texas Airports Development Office

FAA-ASW-650
2601 Meacham Boulevard
Fort Worth, Texas 76137

May 29, 2014

Marcia Hackett
U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, TX 76102–0300

Re: Draft Environmental Impact Statement for Dallas Floodway Project, Dallas, TX

Dear Ms. Hackett,

The Federal Aviation Administration (FAA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Dallas Floodway Project. The stated purpose of the project is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Trinity River Corridor in Dallas, Texas. Implementation of the proposed project is needed to comply with Section 5141 of the Water Resources Development Act (WRDA) of 2007. As stated in the DEIS, among other things, the proposed project "calls for the creation of three off-channel lakes..." and "would improve habitat quality by both constructing new wetlands and enhancing existing wetlands within the Dallas Floodway".

Parts of the proposed project are located within three miles of Dallas Love Field (DAL) and are located in Perimeter C, as defined in Advisory Circular (AC) 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports. Perimeter C includes the air operations area between 10,000 feet and 5 miles within which hazardous wildlife attractants should be avoided, eliminated or mitigated to protect approach, departure and circling airspace. A copy of the AC is enclosed for your reference.

The U.S. Army Corps of Engineers (USACE) signed a Memorandum of Agreement (MOA) on December 9, 2002 to promote the establishment of land uses attractive to hazardous wildlife outside certain siting criteria, including Perimeter C, as defined in Advisory Circular (AC) 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports. Perimeter C is defined above. Among other things, the MOA documents agreement that all appropriate signatory agencies, such as the USACE and the FAA, will cooperatively review proposals that develop or expand wetland sites that may attract hazardous wildlife. The MOA refers signatory agencies to the above-cited AC when considering proposals.

Perimeter C encompasses the entire surface area of DAL. The airspace overlying and around the proposed wetlands area is frequently used for departure, arrival and overflight operations for multiple types of aircraft that arrive and depart DAL. These operations include arrival, departure and circling flight patterns and maneuvers and involve a large volume of air carrier and general aviation turbojet activity. Additional operations of concern are rotary-wing operations. There are four hospitals in the project vicinity. The hospitals have four active heliports in addition to the downtown Dallas Vertiport. Due to the nature of their operations, these helicopters arrive and depart at various directions. These aircraft operate at low altitudes which make them vulnerable to bird strikes.

The DEIS appears to have not considered the siting criteria in the AC and lacks the necessary information for the FAA to make a determination as to whether the proposed project presents the potential to cause an increase in aviation wildlife strikes. According to the MOA, the USACE should have considered these siting criteria and should have coordinated with the FAA to establish mitigation measures to address flight safety issues. The FAA raised these same concerns in a letter dated February 22, 2013 (enclosure).

Recommendations:

Due to the existing heavy use of the Trinity River Basin by helicopters along established, low altitude routes, the City of Dallas (City) and the USACE should propose some mitigation measures to address the potential for increased bird activity that will occur along the Trinity River Basin due to the proposed project. Planting vegetative species that are not attractive to species of flocking birds, monitoring, commitment to adaptive management strategies, and issuing Notices to Airmen (NOTAMs) are some mitigation measures that could be incorporated into the FEIS and the Record of Decision. We look forward to reviewing those measures and working with the USACE and the City.

FAA recommends the FEIS provide a description of the increase in number and species of birds that may be attracted to the proposed project, the localized and seasonal flight patterns that they will likely utilize, and the altitudes that they could be expected to transition to in the vicinity of DAL.

The AC describes the 'synergistic effects' of different land uses that by themselves may be outside of the areas of concern but when taken as a whole can have the effect of creating a wildlife corridor directly through an airport or surrounding airspace. We recommend the FEIS describe any synergistic effects created by this proposed project.

FAA recommends including a map in the FEIS that delineates DAL and the perimeters defined in the AC. FAA also recommends including the distance of the wetland and riparian area work to DAL's airfield operations area and state the specific work that is planned in those areas within 5 miles of the airport. This information may be better presented in its own section, where only FAA related information is included.

We expect our mitigation concerns to be addressed and informational requests to be provided prior to the issuance of the FEIS. We request that you provide us with a point of contact so that

we may discuss our concerns during the development of the FEIS. Please contact Bobby Beeman at 817-321-7727 or bobby.beeman@faa.gov of our Air Traffic Organization to discuss air traffic concerns. If you have any questions regarding additional requested information, please contact Dean McMath of my staff at 817-222-5617 or at dean.mcmath@faa.gov.

Sincerely,

Kelvin Solco
Manager, Airports Division
Southwest Region

Enclosures (2)

cc:
ASW-620
Bobby Beeman, AJV-C2

U.S. Department
of Transportation

**Federal Aviation
Administration**

Advisory Circular

Subject: HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS	**Date:** 8/28/2007	**AC No:** 150/5200-33B
	Initiated by: AAS-300	**Change:**

1. PURPOSE. This Advisory Circular (AC) provides guidance on certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. It also discusses airport development projects (including airport construction, expansion, and renovation) affecting aircraft movement near hazardous wildlife attractants. Appendix 1 provides definitions of terms used in this AC.

2. APPLICABILITY. The Federal Aviation Administration (FAA) recommends that public-use airport operators implement the standards and practices contained in this AC. The holders of Airport Operating Certificates issued under Title 14, Code of Federal Regulations (CFR), Part 139, Certification of Airports, Subpart D (Part 139), may use the standards, practices, and recommendations contained in this AC to comply with the wildlife hazard management requirements of Part 139. Airports that have received Federal grant-in-aid assistance must use these standards. The FAA also recommends the guidance in this AC for land-use planners, operators of non-certificated airports, and developers of projects, facilities, and activities on or near airports.

3. CANCELLATION. This AC cancels AC 150/5200-33A, *Hazardous Wildlife Attractants on or near Airports*, dated July 27, 2004.

4. PRINCIPAL CHANGES. This AC contains the following major changes, which are marked with vertical bars in the margin:

a. Technical changes to paragraph references.

b. Wording on storm water detention ponds.

c. Deleted paragraph 4-3.b, *Additional Coordination.*

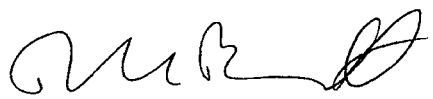
5. BACKGROUND. Information about the risks posed to aircraft by certain wildlife species has increased a great deal in recent years. Improved reporting, studies, documentation, and statistics clearly show that aircraft collisions with birds and other wildlife are a serious economic and public safety problem. While many species of wildlife can pose a threat to aircraft safety, they are not equally hazardous. Table 1

ranks the wildlife groups commonly involved in damaging strikes in the United States according to their relative hazard to aircraft. The ranking is based on the 47,212 records in the FAA National Wildlife Strike Database for the years 1990 through 2003. These hazard rankings, in conjunction with site-specific Wildlife Hazards Assessments (WHA), will help airport operators determine the relative abundance and use patterns of wildlife species and help focus hazardous wildlife management efforts on those species most likely to cause problems at an airport.

Most public-use airports have large tracts of open, undeveloped land that provide added margins of safety and noise mitigation. These areas can also present potential hazards to aviation if they encourage wildlife to enter an airport's approach or departure airspace or air operations area (AOA). Constructed or natural areas—such as poorly drained locations, detention/retention ponds, roosting habitats on buildings, landscaping, odor-causing rotting organic matter (putrescible waste) disposal operations, wastewater treatment plants, agricultural or aquaculture activities, surface mining, or wetlands—can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape. Even small facilities, such as fast food restaurants, taxicab staging areas, rental car facilities, aircraft viewing areas, and public parks, can produce substantial attractions for hazardous wildlife.

During the past century, wildlife-aircraft strikes have resulted in the loss of hundreds of lives worldwide, as well as billions of dollars in aircraft damage. Hazardous wildlife attractants on and near airports can jeopardize future airport expansion, making proper community land-use planning essential. This AC provides airport operators and those parties with whom they cooperate with the guidance they need to assess and address potentially hazardous wildlife attractants when locating new facilities and implementing certain land-use practices on or near public-use airports.

6. MEMORANDUM OF AGREEMENT BETWEEN FEDERAL RESOURCE AGENCIES. The FAA, the U.S. Air Force, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture - Wildlife Services signed a Memorandum of Agreement (MOA) in July 2003 to acknowledge their respective missions in protecting aviation from wildlife hazards. Through the MOA, the agencies established procedures necessary to coordinate their missions to address more effectively existing and future environmental conditions contributing to collisions between wildlife and aircraft (wildlife strikes) throughout the United States. These efforts are intended to minimize wildlife risks to aviation and human safety while protecting the Nation's valuable environmental resources.



DAVID L. BENNETT
Director, Office of Airport Safety
and Standards

Table 1. Ranking of 25 species groups as to relative hazard to aircraft (1=most hazardous) based on three criteria (damage, major damage, and effect-on-flight), a composite ranking based on all three rankings, and a relative hazard score. Data were derived from the FAA National Wildlife Strike Database, January 1990–April 2003.[1]

Species group	Ranking by criteria			Composite ranking[2]	Relative hazard score[3]
	Damage[4]	Major damage[5]	Effect on flight[6]		
Deer	1	1	1	1	100
Vultures	2	2	2	2	64
Geese	3	3	6	3	55
Cormorants/pelicans	4	5	3	4	54
Cranes	7	6	4	5	47
Eagles	6	9	7	6	41
Ducks	5	8	10	7	39
Osprey	8	4	8	8	39
Turkey/pheasants	9	7	11	9	33
Herons	11	14	9	10	27
Hawks (buteos)	10	12	12	11	25
Gulls	12	11	13	12	24
Rock pigeon	13	10	14	13	23
Owls	14	13	20	14	23
H. lark/s. bunting	18	15	15	15	17
Crows/ravens	15	16	16	16	16
Coyote	16	19	5	17	14
Mourning dove	17	17	17	18	14
Shorebirds	19	21	18	19	10
Blackbirds/starling	20	22	19	20	10
American kestrel	21	18	21	21	9
Meadowlarks	22	20	22	22	7
Swallows	24	23	24	23	4
Sparrows	25	24	23	24	4
Nighthawks	23	25	25	25	1

[1] Excerpted from the *Special Report for the FAA, "Ranking the Hazard Level of Wildlife Species to Civil Aviation in the USA: Update #1, July 2, 2003".* Refer to this report for additional explanations of criteria and method of ranking.

[2] Relative rank of each species group was compared with every other group for the three variables, placing the species group with the greatest hazard rank for ≥ 2 of the 3 variables above the next highest ranked group, then proceeding down the list.

[3] Percentage values, from Tables 3 and 4 in Footnote 1 of the *Special Report*, for the three criteria were summed and scaled down from 100, with 100 as the score for the species group with the maximum summed values and the greatest potential hazard to aircraft.

[4] Aircraft incurred at least some damage (destroyed, substantial, minor, or unknown) from strike.

[5] Aircraft incurred damage or structural failure, which adversely affected the structure strength, performance, or flight characteristics, and which would normally require major repair or replacement of the affected component, or the damage sustained makes it inadvisable to restore aircraft to airworthy condition.

[6] Aborted takeoff, engine shutdown, precautionary landing, or other.

This page intentionally left blank.

Table of Contents

This page intentionally left blank.

SECTION 1.

GENERAL SEPARATION CRITERIA FOR HAZARDOUS WILDLIFE ATTRACTANTS ON OR NEAR AIRPORTS.

1-1. INTRODUCTION. When considering proposed land uses, airport operators, local planners, and developers must take into account whether the proposed land uses, including new development projects, will increase wildlife hazards. Land-use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife strikes.

The FAA recommends the minimum separation criteria outlined below for land-use practices that attract hazardous wildlife to the vicinity of airports. Please note that FAA criteria include land uses that cause movement of hazardous wildlife onto, into, or across the airport's approach or departure airspace or air operations area (AOA). (See the discussion of the synergistic effects of surrounding land uses in Section 2-8 of this AC.)

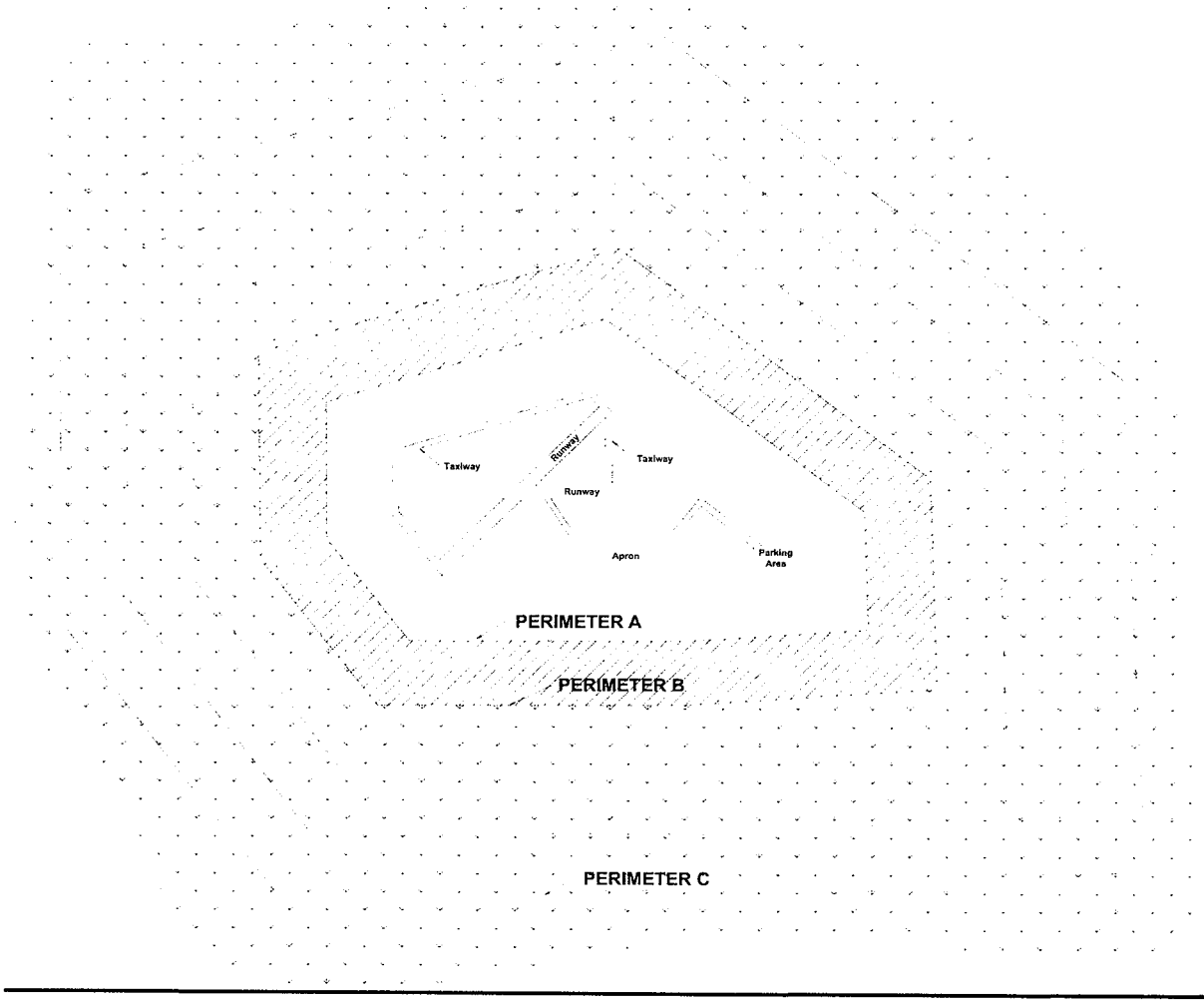
The basis for the separation criteria contained in this section can be found in existing FAA regulations. The separation distances are based on (1) flight patterns of piston-powered aircraft and turbine-powered aircraft, (2) the altitude at which most strikes happen (78 percent occur under 1,000 feet and 90 percent occur under 3,000 feet above ground level), and (3) National Transportation Safety Board (NTSB) recommendations.

1-2. AIRPORTS SERVING PISTON-POWERED AIRCRAFT. Airports that do not sell Jet-A fuel normally serve piston-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 5,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance measured from the nearest aircraft operations areas.

1-3. AIRPORTS SERVING TURBINE-POWERED AIRCRAFT. Airports selling Jet-A fuel normally serve turbine-powered aircraft. Notwithstanding more stringent requirements for specific land uses, the FAA recommends a separation distance of 10,000 feet at these airports for any of the hazardous wildlife attractants mentioned in Section 2 or for new airport development projects meant to accommodate aircraft movement. This distance is to be maintained between an airport's AOA and the hazardous wildlife attractant. Figure 1 depicts this separation distance from the nearest aircraft movement areas.

1-4. PROTECTION OF APPROACH, DEPARTURE, AND CIRCLING AIRSPACE. For all airports, the FAA recommends a distance of 5 statute miles between the farthest edge of the airport's AOA and the hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace.

Figure 1. Separation distances within which hazardous wildlife attractants should be avoided, eliminated, or mitigated.



PERIMETER A: For airports serving piston-powered aircraft, hazardous wildlife attractants must be 5,000 feet from the nearest air operations area.

PERIMETER B: For airports serving turbine-powered aircraft, hazardous wildlife attractants must be 10,000 feet from the nearest air operations area.

PERIMETER C: 5-mile range to protect approach, departure and circling airspace.

SECTION 2.

LAND-USE PRACTICES ON OR NEAR AIRPORTS THAT POTENTIALLY ATTRACT HAZARDOUS WILDLIFE.

2-1. GENERAL. The wildlife species and the size of the populations attracted to the airport environment vary considerably, depending on several factors, including land-use practices on or near the airport. This section discusses land-use practices having the potential to attract hazardous wildlife and threaten aviation safety. In addition to the specific considerations outlined below, airport operators should refer to *Wildlife Hazard Management at Airports,* prepared by FAA and U.S. Department of Agriculture (USDA) staff. (This manual is available in English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: http://wildlife-mitigation.tc.FAA.gov.). And, *Prevention and Control of Wildlife Damage,* compiled by the University of Nebraska Cooperative Extension Division. (This manual is available online in a periodically updated version at: ianrwww.unl.edu/wildlife/solutions/handbook/.)

2-2. WASTE DISPOSAL OPERATIONS. Municipal solid waste landfills (MSWLF) are known to attract large numbers of hazardous wildlife, particularly birds. Because of this, these operations, when located within the separations identified in the siting criteria in Sections 1-2 through 1-4, are considered incompatible with safe airport operations.

a. Siting for new municipal solid waste landfills subject to AIR 21. Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) (AIR 21) prohibits the construction or establishment of a new MSWLF within 6 statute miles of certain public-use airports. Before these prohibitions apply, both the airport and the landfill must meet the very specific conditions described below. These restrictions do not apply to airports or landfills located within the state of Alaska.

The airport must (1) have received a Federal grant(s) under 49 U.S.C. § 47101, et. seq.; (2) be under control of a public agency; (3) serve some scheduled air carrier operations conducted in aircraft with less than 60 seats; and (4) have total annual enplanements consisting of at least 51 percent of scheduled air carrier enplanements conducted in aircraft with less than 60 passenger seats.

The proposed MSWLF must (1) be within 6 miles of the airport, as measured from airport property line to MSWLF property line, and (2) have started construction or establishment on or after April 5, 2001. Public Law 106-181 only limits the construction or establishment of some new MSWLF. It does not limit the expansion, either vertical or horizontal, of existing landfills.

NOTE: Consult the most recent version of AC 150/5200-34, *Construction or Establishment of Landfills Near Public Airports,* for a more detailed discussion of these restrictions.

b. **Siting for new MSWLF not subject to AIR 21.** If an airport and MSWLF do not meet the restrictions of Public Law 106-181, the FAA recommends against locating MSWLF within the separation distances identified in Sections 1-2 through 1-4. The separation distances should be measured from the closest point of the airport's AOA to the closest planned MSWLF cell.

c. **Considerations for existing waste disposal facilities within the limits of separation criteria.** The FAA recommends against airport development projects that would increase the number of aircraft operations or accommodate larger or faster aircraft near MSWLF operations located within the separations identified in Sections 1-2 through 1-4. In addition, in accordance with 40 CFR 258.10, owners or operators of existing MSWLF units that are located within the separations listed in Sections 1-2 through 1-4 must demonstrate that the unit is designed and operated so it does not pose a bird hazard to aircraft. (See Section 4-2(b) of this AC for a discussion of this demonstration requirement.)

d. **Enclosed trash transfer stations.** Enclosed waste-handling facilities that receive garbage behind closed doors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles generally are compatible with safe airport operations, provided they are not located on airport property or within the Runway Protection Zone (RPZ). These facilities should not handle or store putrescible waste outside or in a partially enclosed structure accessible to hazardous wildlife. Trash transfer facilities that are open on one or more sides; that store uncovered quantities of municipal solid waste outside, even if only for a short time; that use semi-trailers that leak or have trash clinging to the outside; or that do not control odors by ventilation and filtration systems (odor masking is not acceptable) do not meet the FAA's definition of fully enclosed trash transfer stations. The FAA considers these facilities incompatible with safe airport operations if they are located closer than the separation distances specified in Sections 1-2 through 1-4.

e. **Composting operations on or near airport property.** Composting operations that accept only yard waste (e.g., leaves, lawn clippings, or branches) generally do not attract hazardous wildlife. Sewage sludge, woodchips, and similar material are not municipal solid wastes and may be used as compost bulking agents. The compost, however, must never include food or other municipal solid waste. Composting operations should not be located on airport property. Off-airport property composting operations should be located no closer than the greater of the following distances: 1,200 feet from any AOA or the distance called for by airport design requirements (see AC 150/5300-13, *Airport Design*). This spacing should prevent material, personnel, or equipment from penetrating any Object Free Area (OFA), Obstacle Free Zone (OFZ), Threshold Siting Surface (TSS), or Clearway. Airport operators should monitor composting operations located in proximity to the airport to ensure that steam or thermal rise does not adversely affect air traffic. On-airport disposal of compost by-products should not be conducted for the reasons stated in 2-3f.

f. **Underwater waste discharges.** The FAA recommends against the underwater discharge of any food waste (e.g., fish processing offal) within the separations identified in Sections 1-2 through 1-4 because it could attract scavenging hazardous wildlife.

g. **Recycling centers.** Recycling centers that accept previously sorted non-food items, such as glass, newspaper, cardboard, or aluminum, are, in most cases, not attractive to hazardous wildlife and are acceptable.

h. **Construction and demolition (C&D) debris facilities.** C&D landfills do not generally attract hazardous wildlife and are acceptable if maintained in an orderly manner, admit no putrescible waste, and are not co-located with other waste disposal operations. However, C&D landfills have similar visual and operational characteristics to putrescible waste disposal sites. When co-located with putrescible waste disposal operations, C&D landfills are more likely to attract hazardous wildlife because of the similarities between these disposal facilities. Therefore, a C&D landfill co-located with another waste disposal operation should be located outside of the separations identified in Sections 1-2 through 1-4.

i. **Fly ash disposal.** The incinerated residue from resource recovery power/heat-generating facilities that are fired by municipal solid waste, coal, or wood is generally not a wildlife attractant because it no longer contains putrescible matter. Landfills accepting only fly ash are generally not considered to be wildlife attractants and are acceptable as long as they are maintained in an orderly manner, admit no putrescible waste of any kind, and are not co-located with other disposal operations that attract hazardous wildlife.

   Since varying degrees of waste consumption are associated with general incineration (not resource recovery power/heat-generating facilities), the FAA considers the ash from general incinerators a regular waste disposal by-product and, therefore, a hazardous wildlife attractant if disposed of within the separation criteria outlined in Sections 1-2 through 1-4.

2-3. WATER MANAGEMENT FACILITIES. Drinking water intake and treatment facilities, storm water and wastewater treatment facilities, associated retention and settling ponds, ponds built for recreational use, and ponds that result from mining activities often attract large numbers of potentially hazardous wildlife. To prevent wildlife hazards, land-use developers and airport operators may need to develop management plans, in compliance with local and state regulations, to support the operation of storm water management facilities on or near all public-use airports to ensure a safe airport environment.

a. **Existing storm water management facilities.** On-airport storm water management facilities allow the quick removal of surface water, including discharges related to aircraft deicing, from impervious surfaces, such as pavement and terminal/hangar building roofs. Existing on-airport detention ponds collect storm water, protect water quality, and control runoff. Because they slowly release water

after storms, they create standing bodies of water that can attract hazardous wildlife. Where the airport has developed a Wildlife Hazard Management Plan (WHMP) in accordance with Part 139, the FAA requires immediate correction of any wildlife hazards arising from existing storm water facilities located on or near airports, using appropriate wildlife hazard mitigation techniques. Airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.

Where possible, airport operators should modify storm water detention ponds to allow a maximum 48-hour detention period for the design storm. The FAA recommends that airport operators avoid or remove retention ponds and detention ponds featuring dead storage to eliminate standing water. Detention basins should remain totally dry between rainfalls. Where constant flow of water is anticipated through the basin, or where any portion of the basin bottom may remain wet, the detention facility should include a concrete or paved pad and/or ditch/swale in the bottom to prevent vegetation that may provide nesting habitat.

When it is not possible to drain a large detention pond completely, airport operators may use physical barriers, such as bird balls, wires grids, pillows, or netting, to deter birds and other hazardous wildlife. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office.

The FAA recommends that airport operators encourage off-airport storm water treatment facility operators to incorporate appropriate wildlife hazard mitigation techniques into storm water treatment facility operating practices when their facility is located within the separation criteria specified in Sections 1-2 through 1-4.

b. New storm water management facilities. The FAA strongly recommends that off-airport storm water management systems located within the separations identified in Sections 1-2 through 1-4 be designed and operated so as not to create above-ground standing water. Stormwater detention ponds should be designed, engineered, constructed, and maintained for a maximum 48–hour detention period after the design storm and remain completely dry between storms. To facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap lined, narrow, linearly shaped water detention basins. When it is not possible to place these ponds away from an airport's AOA, airport operators should use physical barriers, such as bird balls, wires grids, pillows, or netting, to prevent access of hazardous wildlife to open water and minimize aircraft-wildlife interactions. When physical barriers are used, airport operators must evaluate their use and ensure they will not adversely affect water rescue. Before installing any physical barriers over detention ponds on Part 139 airports, airport operators must get approval from the appropriate FAA Regional Airports Division Office. All vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated. If soil conditions and other requirements allow, the FAA encourages

the use of underground storm water infiltration systems, such as French drains or buried rock fields, because they are less attractive to wildlife.

c. **Existing wastewater treatment facilities.** The FAA strongly recommends that airport operators immediately correct any wildlife hazards arising from existing wastewater treatment facilities located on or near the airport. Where required, a WHMP developed in accordance with Part 139 will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should encourage wastewater treatment facility operators to incorporate measures, developed in consultation with a wildlife damage management biologist, to minimize hazardous wildlife attractants. Airport operators should also encourage those wastewater treatment facility operators to incorporate these mitigation techniques into their standard operating practices. In addition, airport operators should consider the existence of wastewater treatment facilities when evaluating proposed sites for new airport development projects and avoid such sites when practicable.

d. **New wastewater treatment facilities.** The FAA strongly recommends against the construction of new wastewater treatment facilities or associated settling ponds within the separations identified in Sections 1-2 through 1-4. Appendix 1 defines wastewater treatment facility as "any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes." The definition includes any pretreatment involving the reduction of the amount of pollutants or the elimination of pollutants prior to introducing such pollutants into a publicly owned treatment works (wastewater treatment facility). During the site-location analysis for wastewater treatment facilities, developers should consider the potential to attract hazardous wildlife if an airport is in the vicinity of the proposed site, and airport operators should voice their opposition to such facilities if they are in proximity to the airport.

e. **Artificial marshes.** In warmer climates, wastewater treatment facilities sometimes employ artificial marshes and use submergent and emergent aquatic vegetation as natural filters. These artificial marshes may be used by some species of flocking birds, such as blackbirds and waterfowl, for breeding or roosting activities. The FAA strongly recommends against establishing artificial marshes within the separations identified in Sections 1-2 through 1-4.

f. **Wastewater discharge and sludge disposal.** The FAA recommends against the discharge of wastewater or sludge on airport property because it may improve soil moisture and quality on unpaved areas and lead to improved turf growth that can be an attractive food source for many species of animals. Also, the turf requires more frequent mowing, which in turn may mutilate or flush insects or small animals and produce straw, both of which can attract hazardous wildlife. In addition, the improved turf may attract grazing wildlife, such as deer and geese. Problems may also occur when discharges saturate unpaved airport areas. The resultant soft, muddy conditions can severely restrict or prevent emergency vehicles from reaching accident sites in a timely manner.

2-4. WETLANDS. Wetlands provide a variety of functions and can be regulated by local, state, and Federal laws. Normally, wetlands are attractive to many types of wildlife, including many which rank high on the list of hazardous wildlife species (Table 1).

NOTE: If questions exist as to whether an area qualifies as a wetland, contact the local division of the U.S. Army Corps of Engineers, the Natural Resources Conservation Service, or a wetland consultant qualified to delineate wetlands.

a. **Existing wetlands on or near airport property.** If wetlands are located on or near airport property, airport operators should be alert to any wildlife use or habitat changes in these areas that could affect safe aircraft operations. At public-use airports, the FAA recommends immediately correcting, in cooperation with local, state, and Federal regulatory agencies, any wildlife hazards arising from existing wetlands located on or near airports. Where required, a WHMP will outline appropriate wildlife hazard mitigation techniques. Accordingly, airport operators should develop measures to minimize hazardous wildlife attraction in consultation with a wildlife damage management biologist.

b. **New airport development.** Whenever possible, the FAA recommends locating new airports using the separations from wetlands identified in Sections 1-2 through 1-4. Where alternative sites are not practicable, or when airport operators are expanding an existing airport into or near wetlands, a wildlife damage management biologist, in consultation with the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the state wildlife management agency should evaluate the wildlife hazards and prepare a WHMP that indicates methods of minimizing the hazards.

c. **Mitigation for wetland impacts from airport projects.** Wetland mitigation may be necessary when unavoidable wetland disturbances result from new airport development projects or projects required to correct wildlife hazards from wetlands. Wetland mitigation must be designed so it does not create a wildlife hazard. The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4.

   (1) Onsite mitigation of wetland functions. The FAA may consider exceptions to locating mitigation activities outside the separations identified in Sections 1-2 through 1-4 if the affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water recharge, which cannot be replicated when moved to a different location. Using existing airport property is sometimes the only feasible way to achieve the mitigation ratios mandated in regulatory orders and/or settlement agreements with the resource agencies. Conservation easements are an additional means of providing mitigation for project impacts. Typically the airport operator continues to own the property, and an easement is created stipulating that the property will be maintained as habitat for state or Federally listed species.

Mitigation must not inhibit the airport operator's ability to effectively control hazardous wildlife on or near the mitigation site or effectively maintain other aspects of safe airport operations. Enhancing such mitigation areas to attract hazardous wildlife must be avoided. The FAA will review any onsite mitigation proposals to determine compatibility with safe airport operations. A wildlife damage management biologist should evaluate any wetland mitigation projects that are needed to protect unique wetland functions and that must be located in the separation criteria in Sections 1-2 through 1-4 before the mitigation is implemented. A WHMP should be developed to reduce the wildlife hazards.

(2) Offsite mitigation of wetland functions. The FAA recommends that wetland mitigation projects that may attract hazardous wildlife be sited outside of the separations identified in Sections 1-2 through 1-4 unless they provide unique functions that must remain onsite (see 2-4c(1)). Agencies that regulate impacts to or around wetlands recognize that it may be necessary to split wetland functions in mitigation schemes. Therefore, regulatory agencies may, under certain circumstances, allow portions of mitigation to take place in different locations.

(3) Mitigation banking. Wetland mitigation banking is the creation or restoration of wetlands in order to provide mitigation credits that can be used to offset permitted wetland losses. Mitigation banking benefits wetland resources by providing advance replacement for permitted wetland losses; consolidating small projects into larger, better-designed and managed units; and encouraging integration of wetland mitigation projects with watershed planning. This last benefit is most helpful for airport projects, as wetland impacts mitigated outside of the separations identified in Sections 1-2 through 1-4 can still be located within the same watershed. Wetland mitigation banks meeting the separation criteria offer an ecologically sound approach to mitigation in these situations. Airport operators should work with local watershed management agencies or organizations to develop mitigation banking for wetland impacts on airport property.

2-5. DREDGE SPOIL CONTAINMENT AREAS. The FAA recommends against locating dredge spoil containment areas (also known as Confined Disposal Facilities) within the separations identified in Sections 1-2 through 1-4 if the containment area or the spoils contain material that would attract hazardous wildlife.

2-6. AGRICULTURAL ACTIVITIES. Because most, if not all, agricultural crops can attract hazardous wildlife during some phase of production, the FAA recommends against the used of airport property for agricultural production, including hay crops, within the separations identified in Sections 1-2 through 1-4. . If the airport has no financial alternative to agricultural crops to produce income necessary to maintain the viability of the airport, then the airport shall follow the crop distance guidelines listed in the table titled "Minimum Distances between Certain Airport Features and Any On-Airport Agricultural Crops" found in AC 150/5300-13, *Airport Design*, Appendix 17. The cost of wildlife control and potential accidents should be weighed against the income produced by the on-airport crops when deciding whether to allow crops on the airport.

a. **Livestock production.** Confined livestock operations (i.e., feedlots, dairy operations, hog or chicken production facilities, or egg laying operations) often attract flocking birds, such as starlings, that pose a hazard to aviation. Therefore, The FAA recommends against such facilities within the separations identified in Sections 1-2 through 1-4. Any livestock operation within these separations should have a program developed to reduce the attractiveness of the site to species that are hazardous to aviation safety. Free-ranging livestock must not be grazed on airport property because the animals may wander onto the AOA. Furthermore, livestock feed, water, and manure may attract birds.

b. **Aquaculture.** Aquaculture activities (i.e. catfish or trout production) conducted outside of fully enclosed buildings are inherently attractive to a wide variety of birds. Existing aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4 must have a program developed to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should also oppose the establishment of new aquaculture facilities/activities within the separations listed in Sections 1-2 through 1-4.

c. **Alternative uses of agricultural land.** Some airports are surrounded by vast areas of farmed land within the distances specified in Sections 1-2 through 1-4. Seasonal uses of agricultural land for activities such as hunting can create a hazardous wildlife situation. In some areas, farmers will rent their land for hunting purposes. Rice farmers, for example, flood their land during waterfowl hunting season and obtain additional revenue by renting out duck blinds. The duck hunters then use decoys and call in hundreds, if not thousands, of birds, creating a tremendous threat to aircraft safety. A wildlife damage management biologist should review, in coordination with local farmers and producers, these types of seasonal land uses and incorporate them into the WHMP.

2-7. GOLF COURSES, LANDSCAPING AND OTHER LAND-USE CONSIDERATIONS.

a. **Golf courses.** The large grassy areas and open water found on most golf courses are attractive to hazardous wildlife, particularly Canada geese and some species of gulls. These species can pose a threat to aviation safety. The FAA recommends against construction of new golf courses within the separations identified in Sections 1-2 through 1-4. Existing golf courses located within these separations must develop a program to reduce the attractiveness of the sites to species that are hazardous to aviation safety. Airport operators should ensure these golf courses are monitored on a continuing basis for the presence of hazardous wildlife. If hazardous wildlife is detected, corrective actions should be immediately implemented.

b. **Landscaping and landscape maintenance.** Depending on its geographic location, landscaping can attract hazardous wildlife. The FAA recommends that airport operators approach landscaping with caution and confine it to airport areas not associated with aircraft movements. A wildlife damage management biologist should review all landscaping plans. Airport operators should also monitor all landscaped areas on a continuing basis for the presence of hazardous wildlife. If

hazardous wildlife is detected, corrective actions should be immediately implemented.

Turf grass areas can be highly attractive to a variety of hazardous wildlife species. Research conducted by the USDA Wildlife Services' National Wildlife Research Center has shown that no one grass management regime will deter all species of hazardous wildlife in all situations. In cooperation with wildlife damage management biologist, airport operators should develop airport turf grass management plans on a prescription basis, depending on the airport's geographic locations and the type of hazardous wildlife likely to frequent the airport

Airport operators should ensure that plant varieties attractive to hazardous wildlife are not used on the airport. Disturbed areas or areas in need of re-vegetating should not be planted with seed mixtures containing millet or any other large-seed producing grass. For airport property already planted with seed mixtures containing millet, rye grass, or other large-seed producing grasses, the FAA recommends disking, plowing, or another suitable agricultural practice to prevent plant maturation and seed head production. Plantings should follow the specific recommendations for grass management and seed and plant selection made by the State University Cooperative Extension Service, the local office of Wildlife Services, or a qualified wildlife damage management biologist. Airport operators should also consider developing and implementing a preferred/prohibited plant species list, reviewed by a wildlife damage management biologist, which has been designed for the geographic location to reduce the attractiveness to hazardous wildlife for landscaping airport property.

c. **Airports surrounded by wildlife habitat.** The FAA recommends that operators of airports surrounded by woodlands, water, or wetlands refer to Section 2.4 of this AC. Operators of such airports should provide for a Wildlife Hazard Assessment (WHA) conducted by a wildlife damage management biologist. This WHA is the first step in preparing a WHMP, where required.

d. **Other hazardous wildlife attractants.** Other specific land uses or activities (e.g., sport or commercial fishing, shellfish harvesting, etc.), perhaps unique to certain regions of the country, have the potential to attract hazardous wildlife. Regardless of the source of the attraction, when hazardous wildlife is noted on a public-use airport, airport operators must take prompt remedial action(s) to protect aviation safety.

2-8. SYNERGISTIC EFFECTS OF SURROUNDING LAND USES. There may be circumstances where two (or more) different land uses that would not, by themselves, be considered hazardous wildlife attractants or that are located outside of the separations identified in Sections 1-2 through 1-4 that are in such an alignment with the airport as to create a wildlife corridor directly through the airport and/or surrounding airspace. An example of this situation may involve a lake located outside of the separation criteria on the east side of an airport and a large hayfield on the west side of an airport, land uses that together could create a flyway for Canada geese directly across the airspace of the airport. There are numerous examples of such situations;

therefore, airport operators and the wildlife damage management biologist must consider the entire surrounding landscape and community when developing the WHMP.

SECTION 3.

PROCEDURES FOR WILDLIFE HAZARD MANAGEMENT BY OPERATORS OF PUBLIC-USE AIRPORTS.

3.1. INTRODUCTION. In recognition of the increased risk of serious aircraft damage or the loss of human life that can result from a wildlife strike, the FAA may require the development of a Wildlife Hazard Management Plan (WHMP) when specific triggering events occur on or near the airport. Part 139.337 discusses the specific events that trigger a Wildlife Hazard Assessment (WHA) and the specific issues that a WHMP must address for FAA approval and inclusion in an Airport Certification Manual.

3.2. COORDINATION WITH USDA WILDLIFE SERVICES OR OTHER QUALIFIED WILDLIFE DAMAGE MANAGEMENT BIOLOGISTS. The FAA will use the Wildlife Hazard Assessment (WHA) conducted in accordance with Part 139 to determine if the airport needs a WHMP. Therefore, persons having the education, training, and expertise necessary to assess wildlife hazards must conduct the WHA. The airport operator may look to Wildlife Services or to qualified private consultants to conduct the WHA. When the services of a wildlife damage management biologist are required, the FAA recommends that land-use developers or airport operators contact a consultant specializing in wildlife damage management or the appropriate state director of Wildlife Services.

NOTE: Telephone numbers for the respective USDA Wildlife Services state offices can be obtained by contacting USDA Wildlife Services Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD, 20737-1234, Telephone (301) 734-7921, Fax (301) 734-5157 *(http://www.aphis.usda.gov/ws/)*.

3-3. WILDLIFE HAZARD MANAGEMENT AT AIRPORTS: A MANUAL FOR AIRPORT PERSONNEL. This manual, prepared by FAA and USDA Wildlife Services staff, contains a compilation of information to assist airport personnel in the development, implementation, and evaluation of WHMPs at airports. The manual includes specific information on the nature of wildlife strikes, legal authority, regulations, wildlife management techniques, WHAs, WHMPs, and sources of help and information. The manual is available in three languages: English, Spanish, and French. It can be viewed and downloaded free of charge from the FAA's wildlife hazard mitigation web site: http://wildlife-mitigation.tc.FAA.gov/. This manual only provides a starting point for addressing wildlife hazard issues at airports. Hazardous wildlife management is a complex discipline and conditions vary widely across the United States. Therefore, qualified wildlife damage management biologists must direct the development of a WHMP and the implementation of management actions by airport personnel.

There are many other resources complementary to this manual for use in developing and implementing WHMPs. Several are listed in the manual's bibliography.

3-4. WILDLIFE HAZARD ASSESSMENTS, TITLE 14, CODE OF FEDERAL REGULATIONS, PART 139. Part 139.337(b) requires airport operators to conduct a Wildlife Hazard Assessment (WHA) when certain events occur on or near the airport.

Part 139.337 (c) provides specific guidance as to what facts must be addressed in a WHA.

3-5. WILDLIFE HAZARD MANAGEMENT PLAN (WHMP). The FAA will consider the results of the WHA, along with the aeronautical activity at the airport and the views of the airport operator and airport users, in determining whether a formal WHMP is needed, in accordance with Part 139.337. If the FAA determines that a WHMP is needed, the airport operator must formulate and implement a WHMP, using the WHA as the basis for the plan.

The goal of an airport's Wildlife Hazard Management Plan is to minimize the risk to aviation safety, airport structures or equipment, or human health posed by populations of hazardous wildlife on and around the airport.

The WHMP must identify hazardous wildlife attractants on or near the airport and the appropriate wildlife damage management techniques to minimize the wildlife hazard. It must also prioritize the management measures.

3-6. LOCAL COORDINATION. The establishment of a Wildlife Hazards Working Group (WHWG) will facilitate the communication, cooperation, and coordination of the airport and its surrounding community necessary to ensure the effectiveness of the WHMP. The cooperation of the airport community is also necessary when new projects are considered. Whether on or off the airport, the input from all involved parties must be considered when a potentially hazardous wildlife attractant is being proposed. Airport operators should also incorporate public education activities with the local coordination efforts because some activities in the vicinity of your airport, while harmless under normal leisure conditions, can attract wildlife and present a danger to aircraft. For example, if public trails are planned near wetlands or in parks adjoining airport property, the public should know that feeding birds and other wildlife in the area may pose a risk to aircraft.

Airport operators should work with local and regional planning and zoning boards so as to be aware of proposed land-use changes, or modification of existing land uses, that could create hazardous wildlife attractants within the separations identified in Sections 1-2 through 1-4. Pay particular attention to proposed land uses involving creation or expansion of waste water treatment facilities, development of wetland mitigation sites, or development or expansion of dredge spoil containment areas. At the very least, airport operators must ensure they are on the notification list of the local planning board or equivalent review entity for all communities located within 5 miles of the airport, so they will receive notification of any proposed project and have the opportunity to review it for attractiveness to hazardous wildlife.

3-7 COORDINATION/NOTIFICATION OF AIRMEN OF WILDLIFE HAZARDS. If an existing land-use practice creates a wildlife hazard and the land-use practice or wildlife hazard cannot be immediately eliminated, airport operators must issue a Notice to Airmen (NOTAM) and encourage the land–owner or manager to take steps to control the wildlife hazard and minimize further attraction.

SECTION 4.

FAA NOTIFICATION AND REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS

4-1. FAA REVIEW OF PROPOSED LAND-USE PRACTICE CHANGES IN THE VICINITY OF PUBLIC-USE AIRPORTS.

a. The FAA discourages the development of waste disposal and other facilities, discussed in Section 2, located within the 5,000/10,000-foot criteria specified in Sections 1-2 through 1-4.

b. For projects that are located outside the 5,000/10,000-foot criteria but within 5 statute miles of the airport's AOA, the FAA may review development plans, proposed land-use changes, operational changes, or wetland mitigation plans to determine if such changes present potential wildlife hazards to aircraft operations. The FAA considers sensitive airport areas as those that lie under or next to approach or departure airspace. This brief examination should indicate if further investigation is warranted.

c. Where a wildlife damage management biologist has conducted a further study to evaluate a site's compatibility with airport operations, the FAA may use the study results to make a determination.

4-2. WASTE MANAGEMENT FACILITIES.

a. Notification of new/expanded project proposal. Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) limits the construction or establishment of new MSWLF within 6 statute miles of certain public-use airports, when both the airport and the landfill meet very specific conditions. See Section 2-2 of this AC and AC 150/5200-34 for a more detailed discussion of these restrictions.

The Environmental Protection Agency (EPA) requires any MSWLF operator proposing a new or expanded waste disposal operation within 5 statute miles of a runway end to notify the appropriate FAA Regional Airports Division Office and the airport operator of the proposal (40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, Section 258.10, *Airport Safety*). The EPA also requires owners or operators of new MSWLF units, or lateral expansions of existing MSWLF units, that are located within 10,000 feet of any airport runway end used by turbojet aircraft, or within 5,000 feet of any airport runway end used only by piston-type aircraft, to demonstrate successfully that such units are not hazards to aircraft. (See 4-2.b below.)

When new or expanded MSWLF are being proposed near airports, MSWLF operators must notify the airport operator and the FAA of the proposal as early as possible pursuant to 40 CFR 258.

b. **Waste handling facilities within separations identified in Sections 1-2 through 1-4.** To claim successfully that a waste-handling facility sited within the separations identified in Sections 1-2 through 1-4 does not attract hazardous wildlife and does not threaten aviation, the developer must establish convincingly that the facility will not handle putrescible material other than that as outlined in 2-2.d. The FAA strongly recommends against any facility other than that as outlined in 2-2.d (enclosed transfer stations). The FAA will use this information to determine if the facility will be a hazard to aviation.

c. **Putrescible-Waste Facilities.** In their effort to satisfy the EPA requirement, some putrescible-waste facility proponents may offer to undertake experimental measures to demonstrate that their proposed facility will not be a hazard to aircraft. To date, no such facility has been able to demonstrate an ability to reduce and sustain hazardous wildlife to levels that existed before the putrescible-waste landfill began operating. For this reason, demonstrations of experimental wildlife control measures may not be conducted within the separation identified in Sections 1-2 through 1-4.

4-3. OTHER LAND-USE PRACTICE CHANGES. As a matter of policy, the FAA encourages operators of public-use airports who become aware of proposed land use practice changes that may attract hazardous wildlife within 5 statute miles of their airports to promptly notify the FAA. The FAA also encourages proponents of such land use changes to notify the FAA as early in the planning process as possible. Advanced notice affords the FAA an opportunity (1) to evaluate the effect of a particular land-use change on aviation safety and (2) to support efforts by the airport sponsor to restrict the use of land next to or near the airport to uses that are compatible with the airport.

The airport operator, project proponent, or land-use operator may use FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, or other suitable documents similar to FAA Form 7460-1 to notify the appropriate FAA Regional Airports Division Office. Project proponents can contact the appropriate FAA Regional Airports Division Office for assistance with the notification process.

It is helpful if the notification includes a 15-minute quadrangle map of the area identifying the location of the proposed activity. The land-use operator or project proponent should also forward specific details of the proposed land-use change or operational change or expansion. In the case of solid waste landfills, the information should include the type of waste to be handled, how the waste will be processed, and final disposal methods.

a. **Airports that have received Federal grant-in-aid assistance.** Airports that have received Federal grant-in-aid assistance are required by their grant assurances to take appropriate actions to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations. The FAA recommends that airport operators to the extent practicable oppose off-airport land-use changes or practices within the separations identified in Sections 1-2 through 1-4 that may attract hazardous wildlife. Failure to do so may lead to noncompliance with applicable grant assurances. The FAA will not approve the placement of airport

development projects pertaining to aircraft movement in the vicinity of hazardous wildlife attractants without appropriate mitigating measures. Increasing the intensity of wildlife control efforts is not a substitute for eliminating or reducing a proposed wildlife hazard. Airport operators should identify hazardous wildlife attractants and any associated wildlife hazards during any planning process for new airport development projects.

This page intentionally left blank.

APPENDIX 1. DEFINITIONS OF TERMS USED IN THIS ADVISORY CIRCULAR.

1. **GENERAL.** This appendix provides definitions of terms used throughout this AC.

    1. **Air operations area.** Any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An air operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.

    2. **Airport operator.** The operator (private or public) or sponsor of a public-use airport.

    3. **Approach or departure airspace.** The airspace, within 5 statute miles of an airport, through which aircraft move during landing or takeoff.

    4. **Bird balls.** High-density plastic floating balls that can be used to cover ponds and prevent birds from using the sites.

    5. **Certificate holder.** The holder of an Airport Operating Certificate issued under Title 14, Code of Federal Regulations, Part 139.

    6. **Construct a new MSWLF.** To begin to excavate, grade land, or raise structures to prepare a municipal solid waste landfill as permitted by the appropriate regulatory or permitting agency.

    7. **Detention ponds.** Storm water management ponds that hold storm water for short periods of time, a few hours to a few days.

    8. **Establish a new MSWLF.** When the first load of putrescible waste is received on-site for placement in a prepared municipal solid waste landfill.

    9. **Fly ash.** The fine, sand-like residue resulting from the complete incineration of an organic fuel source. Fly ash typically results from the combustion of coal or waste used to operate a power generating plant.

    10. **General aviation aircraft.** Any civil aviation aircraft not operating under 14 CFR Part 119, Certification: Air Carriers and Commercial Operators.

    11. **Hazardous wildlife.** Species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard

    12. **Municipal Solid Waste Landfill (MSWLF).** A publicly or privately owned discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR § 257.2. An MSWLF may receive

other types wastes, such as commercial solid waste, non-hazardous sludge, small-quantity generator waste, and industrial solid waste, as defined under 40 CFR § 258.2. An MSWLF can consist of either a stand alone unit or several cells that receive household waste.

13. **New MSWLF.** A municipal solid waste landfill that was established or constructed after April 5, 2001.

14. **Piston-powered aircraft.** Fixed-wing aircraft powered by piston engines.

15. **Piston-use airport.** Any airport that does not sell Jet-A fuel for fixed-wing turbine-powered aircraft, and primarily serves fixed-wing, piston-powered aircraft. Incidental use of the airport by turbine-powered, fixed-wing aircraft would not affect this designation. However, such aircraft should not be based at the airport.

16. **Public agency.** A State or political subdivision of a State, a tax-supported organization, or an Indian tribe or pueblo (49 U.S.C. § 47102(19)).

17. **Public airport.** An airport used or intended to be used for public purposes that is under the control of a public agency; and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft is publicly owned (49 U.S.C. § 47102(20)).

18. **Public-use airport.** An airport used or intended to be used for public purposes, and of which the area used or intended to be used for landing, taking off, or surface maneuvering of aircraft may be under the control of a public agency or privately owned and used for public purposes (49 U.S.C. § 47102(21)).

19. **Putrescible waste.** Solid waste that contains organic matter capable of being decomposed by micro-organisms and of such a character and proportion as to be capable of attracting or providing food for birds (40 CFR §257.3-8).

20. **Putrescible-waste disposal operation.** Landfills, garbage dumps, underwater waste discharges, or similar facilities where activities include processing, burying, storing, or otherwise disposing of putrescible material, trash, and refuse.

21. **Retention ponds.** Storm water management ponds that hold water for several months.

22. **Runway protection zone (RPZ).** An area off the runway end to enhance the protection of people and property on the ground (see AC 150/5300-13). The dimensions of this zone vary with the airport design, aircraft, type of operation, and visibility minimum.

23. **Scheduled air carrier operation.** Any common carriage passenger-carrying operation for compensation or hire conducted by an air carrier or commercial

operator for which the air carrier, commercial operator, or their representative offers in advance the departure location, departure time, and arrival location. It does not include any operation that is conducted as a supplemental operation under 14 CFR Part 119 or as a public charter operation under 14 CFR Part 380 (14 CFR § 119.3).

24. **Sewage sludge.** Any solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment process; and a material derived from sewage sludge. Sewage does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (40 CFR 257.2)

25. **Sludge.** Any solid, semi-solid, or liquid waste generated form a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect. (40 CFR 257.2)

26. **Solid waste.** Any garbage, refuse, sludge, from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including, solid liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954, as amended, (68 Stat. 923). (40 CFR 257.2)

27. **Turbine-powered aircraft.** Aircraft powered by turbine engines including turbojets and turboprops but excluding turbo-shaft rotary-wing aircraft.

28. **Turbine-use airport.** Any airport that sells Jet-A fuel for fixed-wing turbine-powered aircraft.

29. **Wastewater treatment facility.** Any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes, including Publicly Owned Treatment Works (POTW), as defined by Section 212 of the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-576) and the Water Quality Act of 1987 (P.L. 100-4). This definition includes any pretreatment involving the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. (See 40 CFR Section 403.3 (q), (r), & (s)).

30. **Wildlife.** Any wild animal, including without limitation any wild mammal, bird, reptile, fish, amphibian, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, including any part, product, egg, or offspring thereof (50 CFR 10.12, *Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants*). As used in this AC, wildlife includes feral animals and domestic animals out of the control of their owners (14 CFR Part 139, Certification of Airports).

31. **Wildlife attractants.** Any human-made structure, land-use practice, or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the airport's AOA. These attractants can include architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.

32. **Wildlife hazard.** A potential for a damaging aircraft collision with wildlife on or near an airport.

33. **Wildlife strike.** A wildlife strike is deemed to have occurred when:

    a. A pilot reports striking 1 or more birds or other wildlife;

    b. Aircraft maintenance personnel identify aircraft damage as having been caused by a wildlife strike;

    c. Personnel on the ground report seeing an aircraft strike 1 or more birds or other wildlife;

    d. Bird or other wildlife remains, whether in whole or in part, are found within 200 feet of a runway centerline, unless another reason for the animal's death is identified;

    e. The animal's presence on the airport had a significant negative effect on a flight (i.e., aborted takeoff, aborted landing, high-speed emergency stop, aircraft left pavement area to avoid collision with animal) (Transport Canada, Airports Group, *Wildlife Control Procedures Manual*, Technical Publication 11500E, 1994).

2. RESERVED.

U.S. Department
of Transportation
Federal Aviation Administration

Airports Division
Southwest Region
Arkansas, Louisiana,
New Mexico, Oklahoma,
Texas

2601 Meacham Boulevard
Fort Worth, Texas 76137

February 22, 2013

Ms. Marcia Hackett
CESWF-PER-EE
P.O. Box 17300
Fort Worth, TX 76102-0300

Dear Ms. Hackett,

The Federal Aviation Administration (FAA) reviewed the environmental assessment (EA) and draft Finding of No Significant Impact (FONSI) for the proposed implementation of the Pavaho Wetland Section 408 Project in Dallas, Texas. We understand the City of Dallas is the proposed project's proponent. Section 1.3 or the EA states an objective of the proposed project is to promote greater wildlife and waterfowl use within the wetland. Your Notice of Availability of the EA and draft FONSI also states that the primary purpose for the three wetland cells located on the river side of the West levee would be to create diverse, high quality wetland habitat for multiple migratory and resident wildlife and bird species.

The proposed project site is approximately 3 miles from Dallas Love Field (DAL). The proposed site is located in Perimeter C, as defined in Advisory Circular (AC) 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports. Perimeter C includes the air operations area between 10,000 feet and 5 miles within which hazardous wildlife attractants should be avoided, eliminated or mitigated to protect approach, departure and circling airspace. A copy of the AC is enclosed for your reference.

The U.S. Army Corps of Engineers (USACE) signed a Memorandum of Agreement (MOA) on December 9, 2002 to promote the establishment of land uses attractive to hazardous wildlife outside certain siting criteria, including Perimeter C. A copy of the MOA is enclosed. Among other things, the MOA documents agreement that all appropriate signatory agencies, such as the ASACE and the FAA, will cooperatively review proposals to develop or expand wetland mitigation sites or wildlife refuges that may attract hazardous wildlife. The MOA refers signatory agencies to the above-cited AC when considering proposals. It does not appear that the USACE referred to the AC. Also, this is the first opportunity the FAA has had to review and comment on the proposed project.

The City of Dallas has accepted Federal grant funds from the FAA through the Airport Improvement Program (AIP). As part of the grant agreement, the city provided us certain assurances. Assurance 20 states in part that the city will take appropriate action to protect instrument and visual operations to the airport by preventing the establishment or creation of future airport hazards. Assurance 21 states in part that the city will take appropriate action to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

Perimeter C encompasses the entire surface area of DAL. The airspace overlying and around the proposed wetlands area is frequently used for departure, arrival and overflight operations for multiple types of aircraft that arrive and depart DAL. These operations include arrival, departure and circling flight patterns and maneuvers and involve a large volume of air carrier and general aviation turbojet activity.

Because of the proximity of the proposed project site to DAL Airport, the aircraft that overfly the proposed area are normally relatively low to the ground and are either descending to land or climbing after takeoff. Both the takeoff and landing phases are considered to be safety critical, high activity periods for flight crews. Additionally, because the proposed wetland area is in such proximity to the airport, it would not be possible to change or alter existing arrival and departure patterns.

The EA's discussion of alternatives does not appear to include any consideration to the siting criteria in the AC. We believe the siting criteria should have been considered by the USACE and the city due to the MOA and the city's AIP grant assurances to us. If the EA gave consideration to the siting criteria, then the EA should discuss it.

Due to potential hazards to aviation such as increased bird activity and wildlife in close proximity to DAL Airport, especially during critical phases of flight, we do not concur with the establishment of the proposed Pavaho Wetlands area at its currently proposed location. We encourage the Corps and the City of Dallas to explore alternative locations that fall outside Perimeter C. Until the USACE has acted in accordance with the MOA and the city of Dallas has demonstrated compliance with its AIP grant assurances, the FAA believes that the EA is incomplete and the draft FONSI is premature.

If you have any comments or require further information, please contact Mr. Dean McMath of the Planning and Programming Branch at (817)222-5617.

Sincerely,

Kelvin L. Solco
Manager, Airports Division
Southwest Region

Enclosures (2)

cc:
Mr. Mark Duebner
Dallas Love Field
8008 Cedar Springs Road, LB 6
Dallas, TX 75235-2852
(w/enclosures)

ASW-620
ASW-650

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 16, 2014

Mr. Stephen Brooks, Branch Chief
U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Attention: Ms. Marcia Hackett

Re: Draft Environmental Impact Statement, Dallas Floodway Project

Dear Mr. Brooks:

As described in the Notice of Availability dated April 18, 2014, the U.S. Army Corps of Engineers (Corps), City of Dallas, and Federal Highway Administration have made available the Draft Environmental Impact Statement for the Dallas Floodway Project (DEIS), dated April 2014. The DEIS includes proposals to modify the Dallas Floodway to reduce flooding risk, increase recreational uses, and restore natural stream integrity. The preferred alternative in the DEIS includes: adding sinuosity to the previously channelized Trinity River; construction of open water areas, emergent wetlands, forested wetlands, and riparian forest; and construction of flood terraces along the Trinity River. The preferred alternative also includes amenities such as rowing lanes in open water areas, mixed use athletic fields, parking areas, and playgrounds. Within the Dallas Floodway footprint, the Trinity Parkway toll road has been proposed through a separate but compatible Environmental Impact Statement process. The proposed project is located in the Dallas Floodway of the Trinity River, City of Dallas, Dallas County Texas.

In addition to the information contained in the DEIS, the following information is needed for review of the proposed project. Responses to this letter may raise other questions that will need to be addressed before a water quality certification determination can be made.

1. The DEIS states that lakes proposed to be constructed within the Dallas Floodway have planned depths of 12 feet (Urban Lake and Natural Lake), and 18 feet (West Dallas Lake), and are proposed to be maintained at a constant level using weirs and water pumps. The need for the proposed depths is unclear. Such depths can lead to stratification of the water body in the summer months, resulting in deeper waters that are devoid of dissolved oxygen. In the fall, as the surface layers cool and the lake waters become mixed, this can create pockets of anoxic waters resulting in seasonal fish kills. Shallower depths allow for more complete mixing of the waterbody during warmer months, reducing the duration and amount of stratification, and reducing or eliminating fish kills from low dissolved oxygen. To reduce the likelihood of fish kills, the Texas Commission on Environmental Quality (TCEQ) recommends that the water depths in the constructed lakes be reduced where practicable to help maintain water quality.

2. The DEIS states that the Flex Field Wetlands, Meadow Wetlands, Crow Lake Wetlands, and Forested Pond Wetlands are to be used as stormwater treatment wetlands. Wetlands intended as mitigation are not typically intended to directly treat stormwater runoff. The TCEQ recommends to the greatest extent practicable that stormwater treatment take place prior to entering these wetlands. Forms of stormwater treatment may include grassy swales, detention basins, properly sized stormwater interceptor units, or other appropriate water quality feature.

3. The DEIS states that water from the bottom third of Urban Lake will be pumped to the Forested Pond Wetlands, and will be aerated by the Water Wall. Mitigation is intended to be self-sustaining without the need for pumps or human intervention. The TCEQ recognizes the need to be able to move water through the different water features within the Floodway. However, the TCEQ recommends that all mitigation wetlands and water quality have the ability to be maintained without the need for human intervention, should pump operations cease, or water management priorities change.

4. The success criteria in the DEIS do not include a minimum timeframe for achieving success. The TCEQ recommends a minimum 5 year monitoring period for determining achievement of success criteria. Also, the DEIS includes success

criteria for emergent wetlands of greater than 50 percent absolute coverage. The TCEQ recommends revising this criterion to "greater than 75 percent absolute coverage after 2 growing seasons."

The TCEQ appreciates the opportunity to comment and looks forward to receiving and evaluating other agency or public comments. Please provide any agency comments, public comments, as well as the applicant's comments, to Mr. Peter Schaefer of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Mr. Schaefer may also be contacted by e-mail at *peter.schaefer@tceq.texas.gov*, or by telephone at (512) 239-4372.

Sincerely,

David W Galindo

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

DWG/PS/gg

June 2, 2014

Marcia Hackett
U.S. Army Corps of Engineers, Fort Worth District
PO Box 17300
Fort Worth, Texas 76102-0300

Re: Project Review under the National Environmental Policy Act, Draft Environmental Impact Statement, Dallas Floodway Project, Dallas, Dallas County (NEPA/USACE, THC Tracking #201408583)

Dear Ms. Hackett:

On April 18, 2014, we received the Draft Environmental Impact Statement (DEIS) and the Draft Feasibility Report regarding the above-referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The Archaeology Division review staff, led by Rebecca Shelton, and the Division of Architecture review staff, led by Justin Kockritz, have completed their review of the submitted materials and have the following comments on the DEIS:

Page	Line	Comment
All		When referring to specific archaeological sites, please use the trinomial throughout, especially page 4-90, line 26 and page 4-91, line 10.
A-ii		Please add the following to the list of acronyms and abbreviations: THC: Texas Historical Commission NAGPRA: Native American Graves Protection and Repatriation Act
ES-12	40	The Cultural Resources summary of impacts paragraph makes no mention of the two unevaluated archaeological sites, nor how they would be treated if one or both are determined to be State Antiquities Landmarks and/or eligible for listing in the National Register of Historic Places.
2-8	1	Please provide additional information on the proposed treatment of the AT&SF truss. Will the truss be left in place and protected during construction? Or will the truss be removed during construction and reinstalled in its original location?
3-72		The eligibility of the following three archaeological sites is incorrect in the table; the status of the remaining five sites is correct as is. Please revise the table accordingly and throughout the DEIS as necessary: Site 41DL320: Undetermined Eligibility Site 41DL440: Officially Not Eligible Site 41DL441: Undetermined Eligibility
3-72		Please provide a very brief description of each of the archaeological sites in the table, i.e. "bridge piers" or "hearth."
4-93		Please provide information on how each of the historic bridges will be protected during construction.

4-90	2	Clarify how the THC has been consulted regarding potential Traditional Cultural Properties.
4-90 & 4-92	31 & 24/34	A draft of any HABS/HAER documentation should be submitted to the THC for review and comment prior to completion of the final documentation.
4-92		Please provide a photograph of the historic Old Hampton and Charlie Pump Stations.
4-93	32	Please include more information on areas with a high potential for archaeological resources. What constitutes a high-potential area versus low-potential area? If possible, provide information on anticipated depths for activities such as lake construction, wetland restoration, channel relocation, levee slope flattening, and removing the AT&SF embankment.
5-5		Under Alternatives 2 and 3, please note that coordination with the THC will also be required to evaluate any previously unevaluated archaeological sites or any archaeological sites that are designation as a State Antiquities Landmark.
6-2		Add references to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) and the Texas Health and Safety Code (13 Texas Administrative Code § 22).
7-8	37	Only archaeological testing in borrow and construction areas is mentioned. Do the construction areas considered encompass all elements of the proposed project, including, but not limited to, recreational resources, amphitheater, boat ramps, bridge work, lakes, river channel modification, etc.?
7-10	1	Please revise to include plans should any non-Native American human remains be discovered, with reference to the Texas Health and Safety Code Chapter 711-715.
7-13	14	Please revise to note that any mitigation plans for any archaeological sites will be coordinated with the THC.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review, or if we can be of further assistance, please contact Rebecca Shelton at Rebecca.Shelton@thc.state.tx.us or 512-463-6043 or Justin Kockritz at Justin.Kockritz@thc.state.tx.us or 512-463-6183.

Sincerely,

Justin Kockritz, North Texas Project Reviewer
For: Mark Wolfe, Executive Director

cc: Don Baynham, Chair, Dallas County Historical Commission
Mark Doty, City of Dallas, Historic Preservation Section
Rob Newman, U.S. Army Corps of Engineers, Fort Worth District

MW/jk

TEXAS
PARKS &
WILDLIFE

Life's better outside.®

Commissioners

Dan Allen Hughes, Jr.
Chairman
Beeville

Ralph H. Duggins
Vice-Chairman
Fort Worth

T. Dan Friedkin
Chairman-Emeritus
Houston

Roberto De Hoyos
Austin

Bill Jones
Austin

James H. Lee
Houston

Margaret Martin
Boerne

S. Reed Morian
Houston

Dick Scott
Wimberley

Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

17 June 2014

Mr. Chandler Peter
Regulatory Branch
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Ms. Marcia Hackett
Civil Works Branch
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

401 Coordinator
MSC-150
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Re: Dallas Floodway Draft EIS and Dallas Balanced Vision Plan for SWF-2014-00151, City of Dallas, Dallas Co., TX

TPWD staff has reviewed the Dallas Floodway Draft Feasibility Report, Draft EIS and the public notice dated April 18, 2014, for the Dallas Balanced Vision Plan for SWF-2014-00151 in the City of Dallas, Dallas County, Texas. The proposed project is located along and in the Trinity River upstream from the abandoned Atchison, Topeka, and Santa Fe railroad bridge to the confluence of the West and Elm Forks, then upstream along the West Fork for approximately 2.2 miles, and upstream about 4 miles along the Elm Fork in Dallas County, Texas. The project proposes to impact 323 acres of waters of the U.S. including 166 acres of wetlands and 157 acres of other waters of the U.S. of which 134 acres are navigable waters of the U.S. (i.e. the Trinity River). Project impacts include approximately 2 acres of wetlands and other waters for flood risk management activities, approximately 169 acres of wetlands and other waters as well as 38,232 linear feet (134 acres) of the Trinity River for habitat restoration/enhancement, and approximately 18 acres of wetlands and other waters for recreation features. No compensatory mitigation is proposed due to the post-project condition resulting in a net increase of approximately 12 acres of wetland, 239 acres of open water, and 1,735 linear feet (76 acres) of the Trinity River compared to the current condition.

<u>Draft Feasibility Report</u>
Ch 2 Existing and Future-Without Conditions
2.2.3 Fish and Wildlife
This section should be updated because the Texas Natural Diversity Database (TXNDD) now includes occurrences of Louisiana Pigtoe in the Elm Fork of the

4200 SMITH SCHOOL ROAD
AUSTIN, TEXAS 78744-3291
512.389.4800
www.tpwd.texas.gov

Trinity River in the study area for this project. The report should be updated to indicate that the species is likely to occur in the river channel within the Confluence and Mainstem. It was documented by TXNDD in the Confluence in 2012. This information was included in TPWD's February 26, 2013 letter to the USACE and April 26, 2013 letter to USFWS. The latest TXNDD records have been attached to this letter.

Ch 3 Plan Formulation & Comprehensive Analysis
3.7.5.1 Endangered Species Act and 3.7.5.2 Fish and Wildlife Coordination Act
Both of these sections should be updated to include concerns about impacts to native freshwater mussels due to the river realignment. A state-listed species currently proposed for federal listing (the Louisiana pigtoe) and two other state-listed species (Texas pigtoe and Sandbank pocketbook) have been found in the project area.

Draft EIS

Ch 2 Proposed Project
2.2.2.1 Lakes and 2.2.2.4 Athletic Facilities
Regarding the docks and boat ramps, TPWD has concerns regarding the spread of zebra mussels. Procedures should be taken to prevent their spread, including informational signage regarding the clean/drain/dry protocol at the docks and boat ramps. More information on this invasive species can be found at http://www.texasinvasives.org/zebramussels/. The Texas Parks and Wildlife Commission recently approved a new regulation requiring that all boats operating on public fresh water anywhere in Texas be drained before leaving or approaching a lake or river to help combat the further spread of zebra mussels and other invasive species. This requirement takes effect July 1, 2014. This applies to all types and sizes of boats whether powered or not, personal watercraft, sailboats, kayaks/canoes, or any other vessel used on public waters.

Ch 3 Affected Environment
3.5 BIOLOGICAL RESOURCES
3.5.1.2 Regulatory Framework
The fish and Wildlife Coordination Act not only required coordination with the USFWS but also the state fish and wildlife agency.
3.5.2.3 Special Status Species

- Table 3.5-5 indicates that Louisiana pigtoe has potential occurrence in that it historically occurred in the Trinity River. Although the proposed special conservation measures (SCMs) and mitigation measures would cover this species, Table 3.5-5 as well as Appendix H page 2, 3, and 7 of the Threatened and Endangered Species report and Appendix L section 3.2.2.1 should be updated because the TXNDD includes occurrences of Louisiana Pigtoe in the

Elm Fork of the Trinity River in the study area for this project. It should be updated to say the species is likely to occur in the river channel within the Confluence and Mainstem. It was documented by TXNDD in the Confluence in 2012.

3.5.2.4 Invasive Species

- This section mentions zebra mussels and their occurrence in Lake Ray Roberts in the Trinity Basin. TPWD notes that zebra mussels continue to be found in other Trinity River waters and that the state just enacted state-wide clean/drain/dry regulations for boaters. TPWD staff recommends that the clean/drain/dry protocols should also be applied to construction equipment coming in contact with waters.

Ch 4 Environmental Consequences

4.5 Biological resources

- 4.5.3.2, page 4-66, TPWD staff recommends that the clean/drain/dry protocols should also be applied to construction equipment coming in contact with waters.

Ch 5 Summary and Comparison of Alternatives

Summary Table 5-3: Biological Resources. The table says that Alt 2 generates 21 more HUs than Alternative 3 and it says that there is no change in HUs between Alternative 2 and Alternative 3. These statements seem contradictory.

Ch 6 Other Considerations Required by NEPA

6.2 UNAVOIDABLE ADVERSE IMPACTS AND CONSIDERATIONS THAT OFFSET THESE IMPACTS

This section indicates that the special conservation measures (SCMs) are preliminary and that additional mitigation measures may emerge or be altered based on comments that come in from public, federal and state agencies and that the EIS would be updated to include any changes. The ROD would note any and all mitigation requirements, they would be funded, and efforts to ensure their successful implementation or completion are to be treated as compliance requirements. TPWD supports inclusion of the SCMs and Mitigation and Monitoring Measures as requirements of the ROD.

Ch 7 Resource Impact Minimization Actions.

7.2 SPECIAL CONSERVATION AND MITIGATION MEASURES

- PD-11 It is beneficial that all bank treatments would be appropriately keyed in and that only native North Texas riparian species would be used.
- PD-14 It is beneficial that the river relocation channel design will have a geomorphically stable channel pattern and geometry and that where channel geometry strengthening is needed to protect park features,

bioengineering methods incorporating native vegetation and natural materials will be used.

- PD-18 It is beneficial that the project sponsor will initiate coordination with TPWD for aquatic resources and mussels including a potential recovery plan for state-listed species.
- PD-22 It is beneficial that the City of Dallas will coordinate with TPWD and TCEQ for an Aquatic Resource Recovery, Relocation and Monitoring Plan. TPWD anticipates coordinating with the project sponsor on determining potential impacts to common and state-listed mussels and methods to minimize impacts and mitigate.
- PD-25 It is beneficial that an Invasive Species Management Plan will be developed and submitted to USACE and TPWD for approval; however, the limit of 10% average relative percent cover of non-native/invasive plant species in wetland communities is too high. Much lower percentages are currently required for mitigation banks and other forms of regulatory mitigation.
- TPWD also notes and supports the inclusion of the following SCMs: PRE-4, PRE-5, PRE-6, C-2 , C-6, C-7, POST-1, and POST-3.

Mitigation and Monitoring Measures

- M-3 This measure indicates that the USACE and City will develop a Wetland and Waters enhancement/restoration and monitoring plan. TPWD requests that a copy of this plan be provided to TPWD for review and comment before the plan is finalized.
- M-4 It is beneficial that this measure indicates that the City will coordinate with TPWD to implement an Aquatic Resource Recover, Relocation and Monitoring Plan. However, there is a statement that mussel planning cannot be completed at this time because there is insufficient information on the life history and habitat requirements of the state-listed species. This statement appears to be an evasion to avoid addressing the issue and creating a plan. An appropriate plan can include use of best available science and contingencies for future information. Also, the plan should address all mussels, fish, etc. that are potentially affected, not just state-listed species.
- M-6 It is beneficial that TXRAM will be used to evaluate whether the mitigation is adequately compensating for project impacts.
- M-7 It is beneficial that only regionally native species will be allowed.

Appendix A:
Previous letters from the National Park Service (November 30, 2009) and TPWD wildlife habitat assessment program staff (February 26, 2013) recommended the USACE contact the TPWD park grants program to determine whether the Dallas Floodway project would affect any Land and Water Conservation Fund projects

in the study area. This coordination has not been conducted. The director for the TPWD Recreation Grants Branch is Tim Hogsett at 4200 Smith School Road Austin, Texas 78744 or 512-389-871.

Appendix H:

- The Draft Threatened and Endangered Species report of Appendix H should be updated to indicate recent occurrences of Louisiana Pigtoe in the study area.

Monitoring and Adaptive Management Plan for BVP Ecosystem

- The appendix H2 Monitoring and Adaptive Management plan, page 5, indicates planting sedges, water willow, softstem bulrush, water pennywort, switchgrass, smartweeds and buttonbush in the construction of 154 acres of new emergent wetlands and enhancement of existing wetlands, but not all of these species are in the planting plan of Appendix H3. This discrepancy should be addressed by including all these species in Appendix H3.
- Table 2 includes vegetative success criteria; however, no specific limit is set for invasive species in open water or aquatic riverine areas and allowable percentages are too high for the other habitats. This should be revised.
- It is beneficial that a detailed fish, mussel, and other aquatic species monitoring plan will be developed to define appropriate management to meet performance standards. It is also beneficial that the aquatic species success criteria include zebra mussel prevention, a TPWD relocation plan to define how to manage mussels so that they reestablish in the new channel, and fish and invertebrate standards based on reference sites.
- It is beneficial that the stream will be monitored for re-deposition of sediments, bank erosion, and sediment transport.
- It is beneficial that TPWD will be given opportunity to review the annual monitoring reports.

Dallas Floodway BVP Landscaping Plant Habitats and Species:

- TPWD staff recommend the project NOT use the following species that are on the BVP list but considered invasive on texasinvasives.org: Chaste tree (*Vitex agnus-castus*). The list should also not include Limpograss (*Hemarthria altissima*), an exotic grass, especially for wetland and riparian areas.

Appendix L:
3.0 IMPACT ANALYSIS
A TXRAM conditional analysis table (Table 5) was provided for the Trinity River. A similar table/calculation should be provided for the wetland impacts as

well or at least a reference to the location of those calculations in SubAppendix C. The current wording implies that the analysis was only done for the Trinity River.

3.2 SUBPART D: BIOLOGICAL CHARACTERISTICS
3.2.1 Threatened and Endangered Species (230.30)
Section 3.2.2.1 should be updated because the TXNDD now includes occurrences of Louisiana Pigtoe in the Elm Fork of the Trinity River in the study area for this project. It should be updated to say likely to occur in the river channel within the Confluence and Mainstem. It was documented by TXNDD in the Confluence in 2012. This information was included in TPWD's February 26, 2013 letter to the USACE and April 26, 2013 letter to USFWS.

SubAppendix C: TXRAM Functional Analysis
3.1 ALTERNATIVE 2: PROPOSED ACTION WITH THE TRINITY PARKWAY
3.1.1 Jurisdictional Wetlands
3.1.1.1 Wetlands Enhanced/Restored Under the BVP
The release of monitoring should not be immediately after completion of construction. Monitoring should continue for at least 5 years for river/stream and 7 years for wetlands, particularly forested wetlands. Specific monitoring criteria should be specified, including meeting projected TXRAM scores.

TPWD staff appreciates the opportunity to provide comments on this proposed project. Questions can be directed to Beth Bendik in Austin (512-389-8521).

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency on or after September 1, 2009 may be required by state law. For further guidance, please see Texas Parks & Wildlife Code Section 12.0011 at: http://www.statutes.legis.state.tx.us/Docs/PW/htm/PW.12.htm.

Sincerely,

Thomas G. Heger
Watershed Conservation Team Leader

TXNDD Tracked Species in Project Area

Element Occurrence ID (EOID)	9694
Scientific Name	Fusconaia askewi
Common Name	Texas Pigtoe

Global Rarity Rank	G2G3	State Rarity Rank	S2S3	Federal Status		State Status	T

First Observation Date	7/13/2012	Survey Date	9/28/2012	Last Observation Date	9/28/2012

EO Data

9-13 July 2012: A total of 10 live mussels were relocated to 5 permanent quadrats at two sites. Three recently dead shells were also observed. 24-28 Sep 2012: A total of 41 live mussels were relocated to this site from a downstream site (EOID: 9970).

General Description

24-28 Sep 2012: Substrate within this relocation site included cobble, silt and clay, and gravel.

Protection Comments

<null>

Management Comments

<null>

General Comments

9-13 July 2012: The mussels were relocated from a site (EO ID 9695) further downstream at California Crossing Rd. and a site (EO ID 9970) just downstream of the California Crossing Dam. Each mussel was marked with a Passive Integrated Transponder (PIT) ta

Element Occurrence ID (EOID)	9696
Scientific Name	Fusconaia askewi
Common Name	Texas Pigtoe

Global Rarity Rank	G2G3	State Rarity Rank	S2S3	Federal Status		State Status	T

First Observation Date	9/22/2011	Survey Date	9/22/2011	Last Observation Date	9/22/2011

EO Data

22 Sep 2011: A total of 4 live individuals were observed at four sites. One live individual was collected for identification purposes. Two valves of unknown condition were also observed at one site.

General Description

22 Sep 2011: At three of the sites the substrate was sand; the other was silt, gravel.

Protection Comments

<null>

Management Comments

<null>

General Comments

22 Sep 2011: Survey was conducted using SCUBA equipment.

Element Occurrence ID (EOID)	9968
Scientific Name	Fusconaia askewi
Common Name	Texas Pigtoe

Global Rarity Rank	G2G3	State Rarity Rank	S2S3	Federal Status		State Status	T

First Observation Date	9/20/2012	Survey Date	9/20/2012	Last Observation Date	9/20/2012

EO Data

20 Sep 2012: A total of one live mussel, 3 recently dead shells, and 5 recently dead valves were observed.

General Description

20 Sep 2012: Substrate within the search area included silt and clay, gravel, cobble, boulder, and flat bedrock.

Protection Comments

<null>

Management Comments

<null>

General Comments

20 Sep 2012: The live specimen was collected by Dr. Neil Ford for research purposes. The mussels were observed in two survey quadrats (72 sq. meter area (90 person-minutes) and 255 sq. meter area (60 person-minutes). Visual and tactile surveys were perfor

Element Occurrence ID (EOID) 9970

Scientific Name Fusconaia askewi

Common Name Texas Pigtoe

Global Rarity Rank G2G3 State Rarity Rank S2S3 Federal Status State Status T

First Observation Date 1/4/2012 Survey Date 9/28/2012 Last Observation Date 9/28/2012

EO Data

4 Jan 2012: A total of two live individuals (one collected for identification purposes) and one relatively recently dead shell were found in two survey quadrats at one site. In two other quadrats one very long dead shell and a shell of unreported condition were also observed. 9-13 July 2012: A total of 12 live individuals as well as 11 dead shells/valves (condition unknown) were collected. Ten of the live mussels were relocated upstream; the other two were retained for a genetic and morphological study. 24-28 Sep 2012: A total of 43 live individuals, one long dead shell, and 3 long dead valves were collected from the dam site; 41 live mussels were relocated upstream (EO ID: 9694). One live mussel was collected for research purposes.

General Description

4 Jan 2012: Substrate within the search area included silt, sand and gravel. The stream cross section profile was typically steep near the banks and nearly horizontal across the stream bed. 24-28 Sep 2012: Substrate on which the mussels were found includ

Protection Comments

<null>

Management Comments

<null>

General Comments

4 Jan 2012: The survey was conducted using SCUBA equipment. The live individuals were found in quadrats which were 3 and 5 sq. meters in size; survey effort was 48 and 15 minutes, respectively. The shells were collected from quadrats which were 25 and 5 s

Element Occurrence ID (EOID)	9771
Scientific Name	Lampsilis satura
Common Name	Sandbank Pocketbook

Global Rarity Rank	G2	State Rarity Rank	S1	Federal Status		State Status	T

First Observation Date	7/9/2012	Survey Date	7/13/2012	Last Observation Date	7/13/2012

EO Data

9 July 2012: A single recently dead shell was observed. 9-13 July 2012: A single relatively recently dead valve and one very-long dead valve were observed.

General Description

<null>

Protection Comments

<null>

Management Comments

<null>

General Comments

9 July 2012: The search area was 50 meters in length; area was searched for 2.2 person-hours. 9-13 July 2012: Survey was a tactile scuba survey for 256 person-minutes.

Element Occurrence ID (EOID) 9494

Scientific Name Pleurobema riddellii

Common Name Louisiana Pigtoe

Global Rarity Rank G1G2 State Rarity Rank S1 Federal Status State Status T

First Observation Date 7/13/2012 Survey Date 9/28/2012 Last Observation Date 9/28/2012

EO Data

9-13 July 2012: One live individual was collected for a genetic and morphological study at the bridge site. 24, 26-28 Sep 2012: A total of 5 live individuals were collected from the dam site and relocated upstream (EO ID 9969). Also, 2 long dead shells were observed at the dam site.

General Description

24, 26-28 Sep 2012: Substrate in which the mussels were found included silt and clay, and sand.

Protection Comments

<null>

Management Comments

<null>

General Comments

9-13 July 2012: Dr. Neil Ford, University of Texas - Tyler collected the mussel for a genetic and morphological study. 24, 26-28 Sep 2012: Quadrat sampling was conducted using SCUBA due to the average water depths ranging from approx. 4 to 12 feet (1.2 to

Element Occurrence ID (EOID)	9969
Scientific Name	Pleurobema riddellii
Common Name	Louisiana Pigtoe

Global Rarity Rank	G1G2	State Rarity Rank	S1	Federal Status		State Status	T

First Observation Date	9/24/2012	Survey Date	9/27/2012	Last Observation Date	9/27/2012

EO Data

24, 26-27 Sep 2012: Five live individuals were relocated to this site from a downstream site (EO ID 9494).

General Description

24, 26-27 Sep 2012: Substrate within the relocation site included cobble, silt and clay, and gravel.

Protection Comments

<null>

Management Comments

<null>

General Comments

24, 26-27 Sep 2012: The mussels were collected at a site 1.6 miles downstream (EOID: 9494) and relocated to this stretch of the river. The mussels were marked with a PIT tag and redundant color-coded bead with a unique number before relocating. Mussels w

Element Occurrence ID (EOID) 2952

Scientific Name Rookery

Common Name

Global Rarity Rank GNR State Rarity Rank SNR Federal Status State Status

First Observation Date 1973 Survey Date <null> Last Observation Date 1990

EO Data

NESTING COLONY OF THE CATTLE EGRET, LITTLE BLUE HERON, GREAT EGRET, BLACK-CROWNED NIGHT-HERON, SNOWY EGRET

General Description

HACKBERRY, CEDAR ELM, AND OSAGE ORANGE TREES TO 5-6 METERS; HUMAN DISTURBANCE CAREFULLY CONTROLLED; HERONRY IS A WILDLIFE REFUGE

Protection Comments

<null>

Management Comments

<null>

General Comments

COLONY NUMBER 555-050

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

REPLY TO
ATTENTION OF:

August 14, 2014

Regional Planning and Environmental Center

Holly Brightwell-Ferguson
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, TX 76119-6951

Dear Ms. Brightwell-Ferguson:

The U.S. Army Corps of Engineers (USACE) is currently in the process of finalizing the Environmental Impact Statement in order to comply with the National Environmental Policy Act (NEPA) required for the Dallas Floodway Project within the Trinity River Corridor in Dallas, Texas. The project is expected to exceed the General Conformity thresholds set for the Dallas/Fort Worth area during the projects construction phase, which will begin in 2017. However, due to the attached evaluation of the proposed Dallas Floodway Project Alternative emissions, it is believed that the total estimated emissions of the NOx for these alternatives will be well within the emissions threshold for the 2007 DFW Eight-Hour Ozone Nonattainment Area Reasonable Further Progress SIP.

USACE is requesting Texas Commission on Environmental Quality's concurrence with these findings in the above referenced General Conformity Determination. For more information concerning this request, please contact Ms. Hollie Hunter, Environmental Engineer, (817) 886-1849.

Sincerely,

Rob Newman
Deputy Director, Regional Planning and
Environmental Center

Enclosures (1)
General Conformity Determination
Dallas Floodway Project

From: Dana Lagarde
To: Todd, Ian M.
Subject: FW: LWCF Projects within Dallas Floodway Project EIS Study Area
Date: Friday, August 29, 2014 6:55:56 AM
Attachments: image001.png
Study Area.pdf

Ian,

At this time, we cannot identify projects within the exact boundary you have given. We can give you a list of projects by county or city. Please send us the list of counties and /or cities you would like us to send you

Thank you.

Dana Lagarde
Texas Parks & Wildlife
Recreation Grants Branch
Local Park Grants Manager
512-389-8175 (o)

From: Tim Hogsett
Sent: Wednesday, August 27, 2014 4:14 PM
To: Dana Lagarde
Subject: FW: LWCF Projects within Dallas Floodway Project EIS Study Area

Potential 6(f)

Tim Hogsett
Director, Recreation Grants
Texas Parks and Wildlife Department

Mail Address:
4200 Smith School Road
Austin, TX 78744

Physical Address:
1340 Airport Commerce Drive
Building 6, Suite 600-A
Austin, TX 78741

Office: (512) 389-8712
Direct: (512) 389-8712
Fax: (512) 389-8242
Mobile: (512) 468-0453

tim.hogsett@tpwd.texas.gov

http://www.tpwd.state.tx.us/business/grants/

https://tpwd-recgrants.fluidreview.com/

From: Todd, Ian M. [mailto:Ian.Todd@cardno-gs.com]
Sent: Wednesday, August 27, 2014 4:07 PM
To: Tim Hogsett
Cc: Pingree, Ryan H.; Boulanger, Erica B.
Subject: LWCF Projects within Dallas Floodway Project EIS Study Area

Tim,

Attached is a figure for the Dallas Floodway Project EIS Study Area. As we discussed over the phone, if you could provide a list with locational information for any associated Land and Water Conservation Fund projects within this area, that would be excellent. Please let me know if you have any further questions.

Thank you,
Ian

Ian Todd
ENVIRONMENTAL ANALYST/PLANNER
CARDNO, GOVERNMENT SERVICES DIVISION

Cardno
Shaping the Future

Mobile (+1) 949-648-4072
Address 1860 Turk Street, San Francisco, CA 94115 USA
Email ian.todd@cardno-gs.com Web www.cardno.com

General Conformity Determination

Dallas Floodway Project

US Army Corps of Engineers, Fort Worth District

June 2014

INTRODUCTION

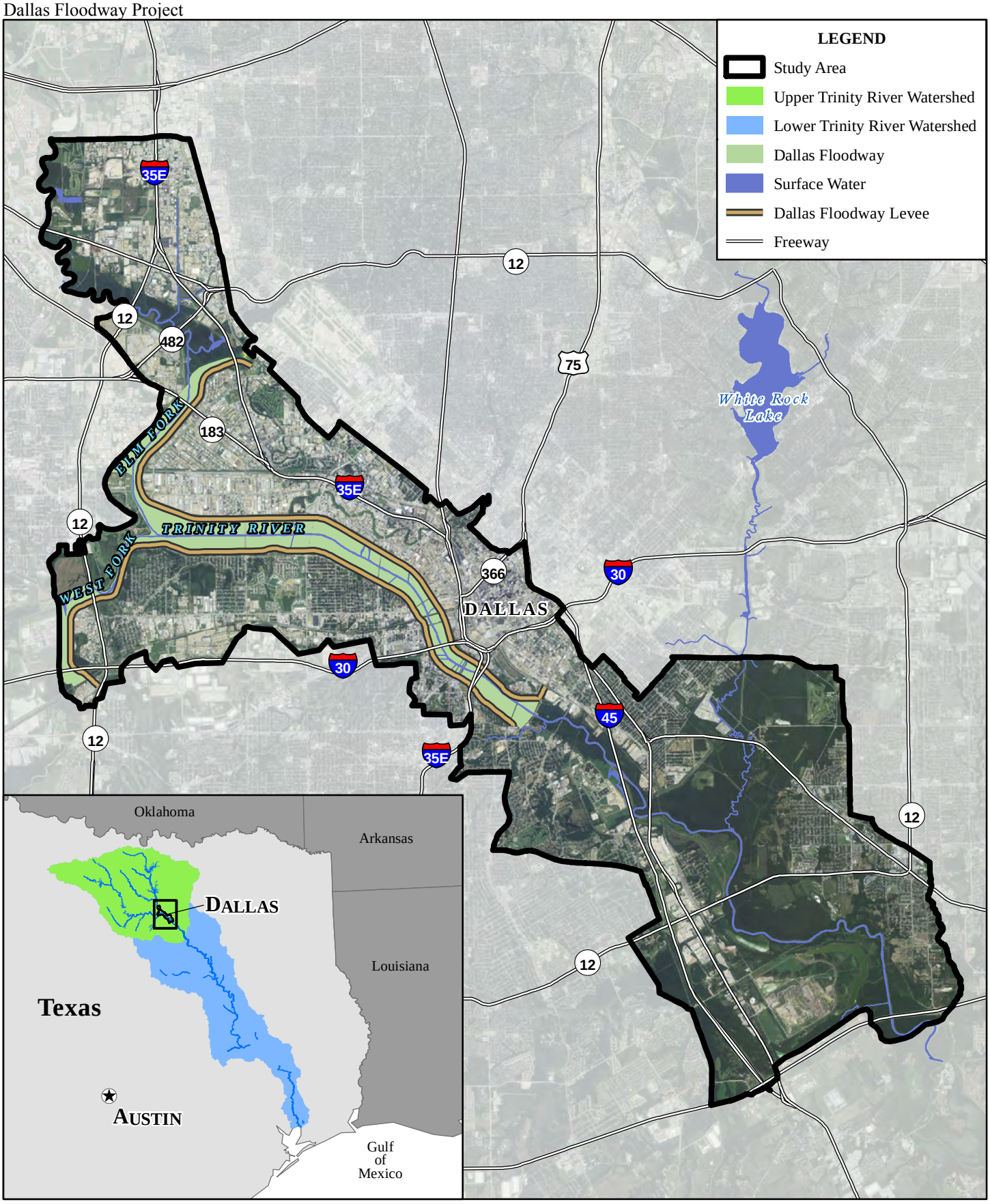
The U.S. Army Corps of Engineers (USACE) Fort Worth District is proposing the Dallas Floodway Project to reduce flood risk through flood risk management (FRM), enhance ecosystems, and provide greater recreation opportunities within the Trinity River Corridor in Dallas, Texas (See Figure 1). Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing of the Dallas Floodway have significantly degraded the natural terrestrial and aquatic habitat. The proposed Dallas Floodway Project will consist of several modifications to the existing floodway and will require different levels of construction for a period of approximately 14 years.

GENERAL CONFORMITY APPLICABILITY

The General Conformity Rule (GCR) was promulgated by the U.S. Environmental Protection Agency (EPA). The GCR rule mandates that the Federal government not engage in, support, or provide financial assistance for licensing or permitting, or approving any activity not conforming to an approved State Implementation Plan. In Texas, the applicable plan is the Texas State Implementation Plan (SIP), an EPA-approved plan for the regulation and enforcement of the National Ambient Air Quality Standards (NAAQS) in each air quality region within the state. The General Conformity Rule is applicable only to non-attainment and maintenance areas as described in 40 CFR Part 93.153.

A nine-county Dallas/Fort Worth (DFW) area was originally designated a moderate non-attainment area under the 1997 eight-hour ozone NAAQS and was subsequently reclassified as a serious nonattainment area in January 2011. Counties included are Dallas, Denton, Collin, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant. Based on monitoring data from 2007 through 2009, DFW did not attain the 1997 eight-hour ozone standard by its deadline of June 15, 2010. As a result, the DFW area was reclassified from moderate to serious, with a new attainment deadline of June 15, 2013. In addition, the state was required to submit new attainment demonstration and reasonable further progress SIP revisions and implement previously adopted contingency measures for the area. The revisions were adopted by the TCEQ in 2011. EPA proposed approval May 13, 2013 (70 FR 27257)

The project site is located within the DFW non-attainment area, Dallas, Texas, Dallas County (now classified as “serious” nonattainment area under the 1997 8-hour ozone standard). In the new “serious”



0 1 2
Kilometers
Miles
0 1 2

GIS Sources: City of Dallas 2008a, NCTCOG 2008

Dallas Floodway Project
Figure 1

ozone nonattainment area, a General Conformity Determination would be required if emissions exceed the threshold level of 50 tons per year (tpy) for either NOx or VOC for the project.

A general analysis of the project emissions was done to determine if the project construction would exceed the 50 tpy de minimis limits. The information used to determine the air quality impacts from project construction comes from supplied data on construction equipment usage and the projected quantities of material to be handled as developed from construction plans. Fugitive dust emissions were not considered in this report due to the fact that the Dallas Fort Worth area is in attainment for $PM_{2.5}$. Best Management Practices (BMP's) will be utilized to help prevent fugitive dust emissions during construction.

GENERAL CONFORMITY DETERMINATION

The proposed project considers three alternatives; Alternative 1 (No Activation Alternative), where regular maintenance activities will continue as they are currently, Alternative 2, and Alternative 3. Because Alternative 1 does not change any of the ongoing activities a General Conformity Determination would not be required. An alternative has not been officially chosen at this point therefore both Alternatives 2 and 3 will be analyzed for General Conformity compliance.

For the ongoing Dallas Floodway Project Environmental Impact Statement (EIS) and the General Conformity Determination, an air emissions inventory was prepared for the project related activities using the estimated project equipment hours (Appendix N from the EIS). Air emissions estimates were calculated using techniques appropriate for a specific emissions generating activity or source. The emission sources for the Alternatives 2 and 3 would include off-road equipment such as bulldozers, crawlers, cranes, and on-road construction vehicles such as dump trucks and haul trucks. The off-road and on-road construction equipment would consist primarily of diesel powered engines. Emissions of NOx and VOC were estimated in tons per year (tpy) for each piece of equipment based on the equipment horsepower, fuel type, and expected operating hours for each year of construction for which construction is projected to occur.

The analysis is divided between to emission sources; non-road and on-road engines. Non-Road emission sources include off-highway equipment, from 600 horsepower (hp) engines mounted on construction equipment to one hp string trimmers. This type of equipment in used in both proposed action alternatives.

On-road mobile emissions sources for the purpose of this analysis consist of workers vehicles and other motor vehicles traveling on public roadways.

The basis for emissions included the following;

- Preliminary project description and other information, as provided by the USACE for Alternatives 2 and 3. (See Attachment A for a description of the alternatives.)
- EPA, NONROAD emissions factors were used to predict emissions resulting from off-road construction equipment with inputs for assumed equipment usages developed for these alternatives, as well as appropriate On-road emission factors.

For comparison with the thresholds defined in the General Conformity Rule, the estimated annual emissions of NOx and VOC for both Alternatives 2 and 3 are summarized in Table 1 for each year of the anticipated construction activities. The other criteria pollutants, carbon monoxide, lead, nitrogen dioxide, particulate matter, and sulfur dioxide were are not considered in the General Conformity evaluation as this area is in attainment with the NAAQS for each of these pollutants. Table 1 and 2 show the emissions estimates for the life of the construction period by calendar year.

Table 1: Emission Estimations for Alternative 2 and Alternative 3

	Alternative 2		**Alternative 3**	
Construction Calendar Year	**VOC tons (total)**	**NOX tons (total)**	**VOC tons (total)**	**NOX tons (total)**
Total 2016	1.50	13.08	1.50	13.08
Total 2017	25.84	202.54	25.93	204.21
Total 2018	20.85	166.57	20.96	168.80
Total 2019	48.87	445.80	48.87	445.80
Total 2020	45.53	391.07	45.53	390.85
Total 2021	41.91	365.92	41.91	368.77
Total 2022	38.33	341.63	49.76	435.40
Total 2023	32.47	301.83	39.30	357.74
Total 2024	33.87	323.20	31.70	306.24
Total 2025	18.54	151.30	6.84	55.35

Total 2026	35.20	310.78	34.31	307.61
Total 2027	36.04	342.60	36.04	342.60
Total 2028	4.36	34.03	4.36	34.03
Total 2029	1.46	11.56	1.46	11.56

The estimate for VOC emissions for both Alternatives 2 and 3 would not exceed the conformity threshold of 50 tpy for any of the above listed years. Therefore, a General Conformity Determination for VOC emissions would not be required for either alternative.

The estimate for NOx emissions for both Alternatives 2 and 3 would exceed the General Conformity threshold of 50 tpy in years 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, and 2027. Therefore, a General Conformity Determination for NOx emissions is required for both alternatives.

The action alternatives listed above would conform to the applicable SIP if, for each pollutant that exceeds the threshold rates (50 tpy of NOx or VOC), the total emissions from the action is in compliance or consistent with all relevant requirements and milestones contained in the applicable SIP. Under the EPA 40 CFR Part 93, "Conformity of General Federal Actions to State Implementation Plan", a Federal action required to have a conformity determination for a specific pollutant would be determined to conform to the SIP if it meets one of several requirements in 40 CFR Part 93.158, "Criteria for Determining Conformity of General Federal Actions."

Based on evaluation of the proposed action alternatives, their descriptions and the estimated air quality emissions, it is believed that implementation of either of the action alternatives can meet the requirements of EPA 40 CFR Part 93.158(a)(5)(i)(A). This section of the General Conformity Rule applies to an ozone nonattainment area where the EPA has approved a revision to an area's attainment demonstration after 1990 and the state makes a determination that "the total of direct and indirect emissions from the action (or portion thereof) is determined and documented by the State agency primarily responsible for the applicable SIP to result in a level of emissions, which, together with all other emissions in the nonattainment (or maintenance) area, would not exceed the emissions budgets specified in the applicable SIP."

For purposes of comparing the project emissions to the applicable SIP, the general conformity regulations require that the most recent U.S. Environmental Protection Agency (EPA) approved SIP is used. For the

DFW area, this is the DFW Eight-Hour Reasonable Further Progress (RFP) SIP adopted by the TCEQ Commission on May 2007, and approved by EPA October 2008. The emissions budget is that portion of the total allowable emissions used as a basis for the latest approved revision of the SIP that is allocated to mobile sources; to any class of area sources; or to any subcategory of the emission inventory.

Mobile source emissions are disaggregated into on-road (e.g., cars, trucks, and motorcycles) and non-road emission categories. The non-road emissions result from the use of fuel in a diverse collection of vehicles and equipment including construction equipment. On-road vehicles will also be used during the construction of the proposed project alternatives as employee vehicles, and other on-road vehicles that are required. As stated for the DFW nonattainment area, the most recently approved SIP revision only projects emissions out to 2008 for 98.49 tons per day of Non-Road Emissions and 187.89 tons per day of on-road emissions (DFW Eight-Hour Ozone Nonattainment Area Reasonable Further Progress SIP, adopted May 2007). Table 2 compares the construction emissions of Alternatives 2 and 3 to the latest Non-Road Mobile Emission SIP budget, and Table 3 compares the On-Road Mobile Emission SIP budget.

Table 2: Non-Road Emission Estimates Compared to Current SIP Budget

	Alternative 2			Alternative 3		
Construction Calendar Year	**NOX (tpy)**	**NOX (tpd)**	**% of Non-Road Emission Budget (98.49 tpd)**	**NOX (tpy)**	**NOX (tpd)**	**% of Non-Road Emission Budget (98.49 tpd)**
2016	10.17	0.03	0.03%	10.17	0.03	0.03%
2017	190.49	0.52	0.53%	190.49	0.52	0.53%
2018	158.28	0.43	0.44%	158.28	0.43	0.44%
2019	434.94	1.19	1.21%	434.94	1.19	1.21%
2020	381.86	1.05	1.06%	381.86	1.05	1.06%
2021	362.83	0.99	1.01%	362.83	0.99	1.01%
2022	335.74	0.92	0.93%	422.66	1.16	1.18%
2023	297.23	0.81	0.83%	348.16	0.95	0.97%
2024	319.49	0.88	0.89%	302.98	0.83	0.84%
2025	147.68	0.40	0.41%	54.14	0.15	0.15%
2026	306.20	0.84	0.85%	303.19	0.83	0.84%
2027	339.31	0.93	0.94%	339.31	0.93	0.94%
2028	33.41	0.09	0.09%	33.41	0.09	0.09%

2029	11.32	0.03	0.03%	11.32	0.03	0.03%

Table 3: On-Road Emission Estimates Compared to Current SIP Budget

	Alternative 2			Alternative 3		
Construction Calendar Year	**NOX (tpy)**	**NOX (tpd)**	**% of Non-Road Emission Budget (187.89 tpd)**	**NOX (tpy)**	**NOX (tpd)**	**% of Non-Road Emission Budget (187.89 tpd)**
2016	10.17	0.03	0.01%	10.17	0.03	0.01%
2017	190.49	0.52	0.28%	190.49	0.52	0.28%
2018	158.28	0.43	0.23%	158.28	0.43	0.23%
2019	434.94	1.19	0.63%	434.94	1.19	0.63%
2020	381.86	1.05	0.56%	381.86	1.05	0.56%
2021	362.83	0.99	0.53%	362.83	0.99	0.53%
2022	335.74	0.92	0.49%	422.66	1.16	0.62%
2023	297.23	0.81	0.43%	348.16	0.95	0.51%
2024	319.49	0.88	0.47%	302.98	0.83	0.44%
2025	147.68	0.40	0.22%	54.14	0.15	0.08%
2026	306.20	0.84	0.45%	303.19	0.83	0.44%
2027	339.31	0.93	0.49%	339.31	0.93	0.49%
2028	33.41	0.09	0.05%	33.41	0.09	0.05%
2029	11.32	0.03	0.02%	11.32	0.03	0.02%

Although the NOx emissions are above the 50 tons de minimis threshold, when compared to the emission inventories of the SIP the DFW area, the project represents a very small percentage of the emission inventories in the SIP, at most 1.21% for the Non-road budget and less than 1% for the On-road budget. As a result, USACE believes that this project can be accommodated in the SIP allowed in 40 CFR 93.158(a)(5)(i)(A). This states that the State agency responsible for the SIP, TCEQ, can make a determination that the emissions from the federal action, together with all other emissions in the nonattainment area, would not exceed the emissions budgets specified in the applicable SIP.

CONCLUSION

Based on an evaluation of the proposed Dallas Floodway Project Alternative emissions, it is believed that the total estimated emissions of the NOx for these alternatives will be well within the emissions threshold for the 2007 DFW Eight-Hour Ozone Nonattainment Area Reasonable Further Progress SIP. It is

anticipated that the project would only contribute a very small percentage of the budget to DFW emissions during the construction period. This General Conformity Determination is being provided as an initial demonstration that either of the proposed Dallas Floodway action alternatives will comply with the requirements of the General Conformity Rule and the SIP. As specified in 40 CFR 93.158(a)(5)(i)(A), the State must make a determination and document that the total emissions of NOx or VOC from the action, or portion thereof, would result in a level of emissions, which together with all other emissions in the DFW nonattainment area, would not exceed the emissions budgets specified in the SIP. Best available information was used to prepare this determination. Therefore, it is requested that the TCEQ review this analysis and provide a formal determination and confirmation. In the event that the construction schedule is modified, a revised determination will be submitted to TCEQ for review.

ATTACHMENT A

ALTERNATIVES DISCRIPTION

For the purpose of this analysis the alternative descriptions are abbreviated. A more complete description can be found in the 2014 Final Trinity Parkway EIS (FWHA 2014). At this time Alternative 3 is the preferred alternative. As described in the General Conformity Analysis both Alternatives 2 and 3 were analyzed for completeness. Should the alternatives change or be significantly altered a new analysis will be preformed.

Alternative 1: The No-Action Alternative 1

The No-Action Alternative (or "Future Without-Project Condition") is an alternative that assumes the Proposed Action is not implemented. An analysis of the No-Action Alternative is included as required by Council on Environmental Quality regulations to identify the existing baseline conditions against which potential impacts can be evaluated. For planning purposes, the USACE used a 50-year planning horizon. Thus, for the purposes of this analysis, the "future" is defined as the year 2065; however, some resource areas use a different "future" year; these deviations are noted in their respective sections. The analysis and subsequent presentation of the Future Without-Project Condition will help the decision maker decide between action alternatives.

Alternative 2: Proposed Action with the Trinity Parkway

The Balanced Vision Plan (BVP) Study aimed to "seamlessly integrate" the Trinity Parkway and the Trinity Lakes Area by: (1) applying shared aesthetic goals, and (2) mitigating vehicle impacts in coordination with BVP Study features and functions. Thus, under Alternative 2, the Trinity Parkway is assumed to be constructed within the Dallas Floodway Project using the recommended Alternative 3C identified in the 2014 Final Trinity Parkway EIS (FWHA 2014). The BVP Study is the City of Dallas' plan to implement the Flood Risk Management Plan (FRM), ecosystem restoration and recreation features as defined in the City's report, *The Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas,* dated December 2003, and amended in March 2004.

The Trinity Parkway proposed action includes excavation of fill material for support and berm building. To maximize construction efficiency, the North Texas Tollway Administration, the City of Dallas, and *the* USACE would coordinate to determine if the Trinity Parkway could take their fill material from the *proposed* lake sites. Thus, the excavation needs of the BVP would be decreased, because the Trinity

Parkway project would excavate a portion of the lakes for use in the parkway berm, thereby resulting in "double-use" for the lakes. All mitigation associated with impacts from construction of the Trinity Parkway would occur outside of the Floodway. Figure 2-10 (excerpt from the 2014 Final Trinity Parkway EIS (FWHA 2014)) presents an overview of Alternative 2.

Alternative 3: Proposed Action without the Trinity Parkway

While the Trinity Parkway is currently a "reasonably foreseeable" project, there is a possibility that the Trinity Parkway project would not be constructed within the Dallas Floodway. Therefore, the USACE and City of Dallas decided to develop an alternative that would provide NEPA flexibility for this potential outcome. Under Alternative 3, the Proposed Action would be implemented, but the Trinity Parkway project would not be constructed within the Dallas Floodway Project. Because Alternative 3 assumes that the Trinity Parkway is not in-place in the Dallas Floodway Project, certain BVP Study Ecosystem and Recreation features identified in Alternative 2 would be different under Alternative 3. Under Alternative 3, there would be no change to the FRM elements or IDP improvements described under Alternative 2. Table 1 shows the elements of the proposed action and Figure 2-11 (excerpt from the 2014 Final Trinity Parkway EIS (FWHA 2014)) presents an overview of Alternative 3.

Table 1. Proposed Action

Category	*Descriptive Action*
BVP Study Flood Risk Management	
Levees	Raise to 277,000 cubic feet per second Flood Height
AT&SF Railroad Bridge	Removal of Wood Bridge Segment
	Removal of Concrete Bridge Segment
	Removal of Embankment Segments
Levee Flattening	Flattening the Riverside Levee Side Slopes to 4:1
Nonstructural Flood Control Improvements	Develop revised inundation mapping to support EAP
	Install piezometers in the Floodway
BVP Study Ecosystem Restoration and Recreation Enhancements	
Lakes	West Dallas Lake
	Urban Lake
	Natural Lake
River	Relocation and Modification
Wetlands	Marshlands
	Cypress Ponds
	Corinth Wetlands
Athletic Facilities	Potential Flex Fields
	Playgrounds
	River Access Points
General Features	Parking and Public Roads
	Lighting
	Vehicle Access
	Pedestrian Amenities

	Restrooms
	Amphitheaters
Interior Drainage Outfall Modifications	Pump Station Outfalls
	Pressure Sewer Outfalls
Able Sump Ponds	Recreation and Ecosystem Enhancements
Interior Drainage Plan Improvements	
East Levee	Demolish Old Hampton Pump Station
	Construct New Hampton Pump Station
	Nobles Branch Sump Improvements
West Levee	Demolish Charlie Pump Station
	Construct New Charlie Pump Station
	Rehabilitate Existing Delta Pump Station
	Construct New Delta Pumping Station
	Eagle Ford and Trinity-Portland Sump Improvements
	Construct New Trinity-Portland Pumping Plant

Table 2 summarizes some of the notable changes to the BVP Study Ecosystem and Recreation features under Alternative 3, as compared to Alternative 2. These differences are a result of the new Floodway feature geometry, reflecting the absence of the Trinity Parkway in the Dallas Floodway.

Table 2. Comparison of Notable BVP Study Ecosystem and Recreation Features under Alternatives 2 and 3

Feature	*Alternative 2*	*Alternative 3*	*Change (from 2 to 3)*
Bike Path	0 miles	3.4 miles	+ 3.4 miles
Flex Fields	77.8 acres	88.1 acres	+ 10.3 acres
Amphitheaters	2	3	+ 1
Meadow	1,045.3 acres	998.3 acres	- 47 acres
Park Road	9.6 miles	11.8 miles	+ 2.2 miles
Planter Boxes (raised vegetation)	4.9 acres	14.7 acres	+ 9.8 acres
Secondary Pedestrian Path	17.5 miles	16.9 miles	- 0.6 miles
Wetlands	167.25 acres	169.01 acres	+ 1.76 acres
Parking Area	17.75 acres	19.75 acres	+ 2 acres
Number of Access Gateways	25	29	+ 4

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 3, 2015

Rob Newman, Deputy Director
Regional Planning and Environmental Center
U.S. Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Re: General Conformity Determination for the Dallas Floodway Project, Trinity River Corridor
United States Army Corps of Engineers (USACE), Fort Worth District

Dear Mr. Newman:

This letter concerns the General Conformity Determination for the Dallas Floodway Project received on August 14, 2014. We appreciate the opportunity to work with USACE in this project. The Texas Commission on Environmental Quality (TCEQ) reviewed the Dallas Floodway Project in accordance with Title 40 Code of Federal Regulations Part 93. The proposed project is located in the Dallas-Fort Worth area, which is currently classified as moderate nonattainment for the 2008 eight-hour ozone standard and serious for the 1997 eight-hour ozone standard. Nitrogen oxides (NO_X) emissions from the project are expected to be above the 50 tons per year *de minimis* threshold; therefore, a general conformity analysis is required.

TCEQ air quality staff reviewed the documents and determined that emissions from the proposed project will not exceed the emissions budgets specified in the most recent state implementation plan (SIP) revision approved by the United States Environmental Protection Agency (EPA). The most recently approved SIP revision, the Dallas-Fort Worth Reasonable Further Progress SIP Revision for the 1997 Eight-Hour Ozone Standard, was adopted by the TCEQ on March 23, 2007 and approved by the EPA on October 7, 2008. The TCEQ is satisfied that requirements have been met and general conformity has been demonstrated.

In support of the ozone National Ambient Air Quality Standard, the TCEQ suggests that USACE adopt pollution prevention and/or reduction measures in conjunction with this and future projects:

- encourage construction contractors to apply for Texas Emission Reduction Plan grants;
- establish bidding conditions that give preference to contractors who proactively limit air pollutant emissions;
- direct construction contractors to exercise air quality best management practices;
- direct contractors and operators to use clean fuels whenever possible;
- select equipment based on lowest NO_X emissions instead of lowest price; and/or
- purchase and permanently retire surplus NO_X offsets prior to commencement of operations.

Thank you for the opportunity to review, and for implementing the revisions necessary for our concurrence. We would also appreciate any appropriate updates as this project moves forward. We look forward to working with you in the future on any upcoming projects affecting air quality. If you require further assistance on this matter, please contact Holly Ferguson at 817-588-5866 or holly.ferguson@tceq.texas.gov.

Sincerely,

David Brymer, Director
Air Quality Division
Texas Commission on Environmental Quality

DB/HF/kb

cc: Ms. Hollie Hunter, U.S. Army Corps of Engineers

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 22, 2014

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

Attention: Ms. Marcia Hackett

Re: Modified Dallas Floodway Project

Dear Mr. Brooks:

This letter is in response to the U.S. Army Corps of Engineers request for 401 water quality certification for the Corps proposed Modified Dallas Floodway Project (MDFP) which is detailed in the Draft Environmental Impact Statement for the Dallas Floodway Project (DEIS). The Corps proposes to modify the Dallas Floodway to reduce flooding risk and restore the ecosystem in the floodway. The MDFP includes: adding sinuosity to the previously channelized Trinity River; construction of open water areas, emergent wetlands, forested wetlands, and riparian forest; and construction of flood terraces along the Trinity River. The proposed project is located in the Dallas Floodway of the Trinity River, City of Dallas, Dallas County, Texas.

The Texas Commission on Environmental Quality (TCEQ) has reviewed the notice of availability and related application information along with the DEIS. 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.

As stated in Appendix H of the DEIS, the MDFP is an ecosystem restoration project that would result in functional lift of bottomland hardwood, emergent wetland, and aquatic riverine habitat quality. Based on Habitat Evaluation Procedures conducted by the U.S. Fish and Wildlife Service, Texas Parks and Wildlife Department, and the Corps, the future with-project conditions would result in an increase of 269 to 290 habitat units upon maturations of the habitat features. Because the MDFP is an ecosystem restoration project with an ecological lift in habitat quality, no mitigation is required for this plan.

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 Mr. Peter Schaefer, Water Quality Assessment Section, Water Quality Division (MC-150), at (512) 239-4372 or by email at peter.schaefer@tceq.texas.gov.

Sincerely,

David W Galindo

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

DWG/PS/tc

Attachment

WORK DESCRIPTION: As described in the notice of availability dated April 18, 2014, and the Draft Environmental Impact Statement (DEIS) dated April 2014.

SPECIAL CONDITIONS: None

GENERAL: This certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work Modified Dallas Floodway Project as described in the DEIS, 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. If this application is a modification of an original permit or any modification thereof for which a special condition was cited by the Commission or a predecessor agency, such conditions shall remain valid. 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.

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, riprapped, 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.

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.

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

REPLY TO
ATTENTION OF

September 24, 2014

Regional Planning and Environmental Center

Mr. Kelvin Solco
Manager, Airports Division
Federal Aviation Administration
Southwest Region
2601 Meacham Boulevard
Fort Worth, Texas 76137

Dear Mr. Solco:

I am writing to inform you that the United States Army Corps of Engineers (USACE) intends to finalize the Environmental Impact Statement (EIS) for the Dallas Floodway Project in the City of Dallas, Dallas County, Texas, and submit it to USACE Headquarters for NEPA approval.

We appreciate your letter dated May 29, 2014, in which you expressed your concerns for proposed project features within the Dallas Floodway to promote the establishment of land uses attractive to hazardous wildlife outside certain citing criteria, including Perimeter C, as defined in Advisory Circular (AC) 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports. In addition, you indicate that there has been a lack of coordination between USACE and the Federal Aviation Administration (FAA) as called for in the Memorandum of Agreement signed by USACE on December 9, 2002, in which signatory agencies agree to cooperatively review proposals that develop or expand wetland sites that may attract hazardous wildlife. Finally, you note and enclosed a copy of a February 22, 2013 letter from FAA, which raised some of the same concerns.

Subsequent to receipt of the February 22, 2013, USACE, City of Dallas, Dallas Love Field, and FAA personnel met at FAA Regional offices on March 13, 2013 to discuss FAA concerns as expressed in the February letter. The outcome of this meeting was an agreement by the City of Dallas to conduct additional wildlife hazard assessment (WHA) surveys within the Dallas Floodway. Initially in the area the area surveyed included lands near Sylvan Avenue crossing of the Floodway where wetlands were being proposed for construction as part of the Pavaho Wetlands project and subsequently throughout the Dallas Floodway near locations where proposed features of the Balanced Vision Plan might have the most potential for attracting hazardous wildlife. The supplemental report with the additional surveys specific to the Pavaho Wetlands was provided to FAA in April 2013. On July 18, 2013 USACE received a response letter which indicated that FAA had reviewed with supplemental information provided for the Pavaho Wetlands project location and determined the supplemental information

provided addresses FAA concerns regarding Dallas Love Field and its associated approach and departure flight paths. The July letter further states that FAA is still concerned about the possible interaction of birds and low altitude helicopters that operate in and around the Dallas Floodway. The USACE provided the project proponents, City of Dallas and the Department of Justice, a copy of FAA's July letter which identified some possible mitigation measures that could be taken to minimize the potential impacts. This was done and, it is my understanding that the City of Dallas subsequently issued a Notice to Airmen (NOTAM).

Additional coordination was conducted when USACE hosted a Resource Agencies Coordination meeting for the Dallas Floodway project held in USACE offices on May 2, 2013. Attended by representatives from USACE, TPWD, TCEQ, and FAA (Mr. Bobby Beeman), the meeting provided resources agencies with an overview of the proposed project features and then asked each agency to provide any potential issues of concern regarding implementation of the various flood risk management, ecosystem restoration, and recreation features of the Dallas Floodway project. The FAA representative did not express any concerns at this time.

The final element of coordination between our agencies occurred following completion of the additional WHA surveys for the proposed BVP features within the Dallas Floodway, when a second supplemental report was prepared by the City of Dallas and subsequently provided to FAA for review and approval in the fall of 2013. To my knowledge, USACE has never seen a response from FAA regarding that review. The WHA is enclosed for your reference.

Your May 2014 letter referenced several potential recommendations that FAA would like to see incorporated into the FEIS, including:

- Planting vegetative species that are not attractive to species of flocking birds;
- Monitoring and adaptive management;
- Issuing NOTAMs;
- Adding description of the increased number and species of birds that may be attracted to the proposed project;
- Description of "synergistic effects" of different land uses; and
- Map delineating the DAL and those areas within 5 miles of the Dallas Love Field

At this time USACE has adopted several of these recommendations, i.e. inclusion of NOTAMs in mitigation measures, adding the copy of the supplemental information associated with BVP features in its entirety within Appendix O (document includes minor mention of synergistic effects), and the addition of the requested delineation map within the Main Report of the EIS. In addition, USACE looks forward to the continued coordination between our agencies as the Dallas Floodway project moves into Preconstruction Engineering Design phase.

We appreciate FAA's interest in the proposed Dallas Floodway project. Please be assured that your comments have been considered in the determination to finalize the EIS. Based on your comments, USACE intends to schedule another meeting between our agencies in the next few weeks to discuss any remaining issues or concerns you may have. If you have any further questions or concerns, please feel free to contact Ms. Marcia Hackett, Regional Technical Specialist, ATTN: CESWF-PEC-TN, P. O. Box 17300, Fort Worth, Texas 76102-0300, or Marcia.R.Hackett@usace.army.mil.

Sincerely,

Eric W. Verwers
Director, Regional Planning and
Environmental Center

Enclosure

DALLAS. FLOODWAY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC REVIEW PERIOD REPORT

AUGUST 2014

U.S. Army Corps of Engineers
Fort Worth District

PUBLIC REVIEW PERIOD REPORT
DALLAS FLOODWAY PROJECT
ENVIRONMENTAL IMPACT STATEMENT

TABLE OF CONTENTS

APPENDICES

1.0 INTRODUCTION

This report summarizes activities that occurred during the Public Review Period (PRP) conducted by the USACE for the Draft Public Review Environmental Impact Statement for the Dallas Floodway Project. The 60-day PRP began on 18 April 2014 and ended on 17 June 2014.

On May 8, 2014, the US Army Corps of Engineers (USACE) and the City of Dallas hosted a public meeting to solicit comments on the Dallas Floodway Project Draft Environmental Impact Statement (DEIS) at Dallas City Hall, L1FN Auditorium, in Dallas, TX. The meeting was held from 5:30 PM to 9:30 PM. The purpose of the meeting was to solicit and facilitate input from interested parties for the DEIS.

2.0 PUBLIC REVIEW PERIOD NOTIFICATION

The USACE publicized the PRP, the availability of the Draft EIS, and the public meeting by:

1. Publishing a Notice of Availability (NOA) (Appendix A) in the Federal Register on April 18, 2014.
2. Publishing public notifications in two local newspapers:
    a. Dallas Morning News on 18, 19, and 20 April 2014; and
    b. Al Día on 19 and 26 April 2014 (Appendix B).
3. Distributing a NOA to area media outlets on 15 April (announcing the availability of the Public Draft EIS for review) and again on 30 May (announcing the extension of the PRP to 17 June 2014) (Appendix B).
4. Mailing notification letters to government agencies, organizations, and persons on the USACE mailing database on April 15, 2014 (Appendix C).
5. Updating the Section 508-compliant project website (http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx).

3.0 PUBLIC MEETING

3.1 Overview

The meeting was conducted in an informal "workshop" format. The meeting started at 5:30 PM and ended at 9:30 PM. Project team members from the USACE, City of Dallas, and Cardno were available to provide information, speak with interested attendees, and answer questions. Cardno team members greeted attendees at the sign-in table located at the entrance of the meeting room. Attendees had the option to attend anonymously or to fill out a sign-in card, which served as a registration form and enabled attendees to request a copy of the Draft EIS and/or to be put on the project mailing list.

Twenty-four full-color 2 ft x 3 ft display boards were organized along the wall of the auditorium and staffed by USACE, City of Dallas, and Cardno representatives to answer questions regarding the project. In addition, informational handouts concerning the NEPA process and project overview were available. A continuous, looping screen presentation providing an overview of NEPA and the EIS was set up on the stage of the auditorium. The USACE gave an oral presentation of the project at 7:00 PM. The approximately 30-minute presentation provided an overview of the meeting, the purpose of the project, and the general findings of the DEIS. The presentation, posters, and handouts are also available at the project website.

Participants had the option of providing comments in written form or via dictation to a court reporter. Interested parties could provide their comments via mail, email, or website, and were encouraged to do so by June 2, 2014 (the original end of the PRP; this was later extended on 30 May 2014 to 17 June 2014).

The public review meeting provided an opportunity for interested persons and agencies to gain information about the proposed project and approach to analysis, and served as an opportunity for the EIS project team to solicit insight regarding issues that potentially could be overlooked otherwise.

3.2 Meeting Summary

Twenty-seven people attended the meeting; all but one attendee elected to sign-in. The USACE received three comments during the public meeting (Appendix D). One elected official attended (City of Dallas Councilwoman Carolyn Davis); a representative from the office of U.S. Congresswoman Eddie Bernice Johnson also attended.

Just prior to the start of the meeting, a tornado warning was broadcast due to severe weather passing through the area. The storm dissipated and the warning expired at approximately 5:15 PM.

4.0 PUBLIC AND AGENCY RESPONSES

In addition to the three comments received during the meeting, the USACE also received 25 additional comment letters/emails from the public and 6 letters from agencies during the PRP. Appendix D presents all comments received, the USACE's response to each comment, and where applicable, the location in the EIS (or Feasibility Report) where changes were made in response to the comment.

APPENDIX A
FEDERAL REGISTER NOTICE OF AVAILABILITY

services; and other related elements of logistics support.

(iv) *Military Department:* Navy (LHW)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* 11 Apr 14

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Germany—P–3C Aircraft Upgrades and Related Support

The Government of Germany has requested a possible sale for the procurement, integration, and installation of hardware and software to upgrade the aircraft mission computer and acoustic systems, and non-integrated simulator equipment on 8 P–3C aircraft. The hardware and software include A (structural and electrical) and B (Weapon Replaceable Assemblies) kits for future integration into the simulator. Also included are the design, development, integration, testing and installation of a ground-based mission support system (which includes the Portable Aircraft Support System and Fast Time Analyzer System); validation and acceptance; spare and repair parts; support equipment; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor technical, engineering, and logistics support services; and other related elements of logistics support. The estimated cost is $250 million.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the military capabilities of a NATO ally and enhancing standardization and interoperability with U.S. forces.

This proposed sale will update hardware and software to ensure the P–3 aircraft maintain operational capability. The upgrades will enhance Germany's ability to participate in future coalition operations and will promote continued interoperability. Germany will have no difficulty absorbing this upgraded equipment into its armed forces

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Mission Systems and Training in Owego, New York; General Dynamics in Bloomington, Minnesota; Lockheed Martin Aeronautics Company in Marietta, Georgia; and Lockheed Martin Mission Systems and Training in Manassas, Virginia. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will not require the assignment of any additional U.S. government or contractor representatives to Germany.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2014–08894 Filed 4–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0050]

Privacy Act of 1974; System of Records; Correction

AGENCY: Defense Information Systems Agency, DoD.

ACTION: Notice to delete a System of Records Notice; correction.

SUMMARY: On April 9, 2014 (79 FR 19589), DoD published a notice deleting a Privacy Act System of Records notice, K270–01, DoD Digital Certificate Records. The Reason paragraph was written inaccurately, and this notice corrects the error.

FOR FURTHER INFORMATION CONTACT: Jeanette Weathers-Jenkins, 6916 Cooper Avenue, Fort Meade, MD 20755–7901, or (301) 225–8158.

SUPPLEMENTARY INFORMATION: On April 9, 2014 (79 FR 19589), DoD published a notice deleting a Privacy Act System of Records notice, K270–01, DoD Digital Certificate Records. Subsequent to the publication of that notice, DoD discovered that the Reason paragraph for the deletion was inaccurately written.

Correction

On page 19589, in the second column, in the ''Deletions'' paragraph, make the following correction:

DELETIONS:

K270–01, DoD Digital Certificate Records (October 9, 2001, 66 FR 51404).

Reason: Based on a recent review of DISA systems of records notices K270–01, DoD Digital Certificate Records (October 9, 2001, 66 FR 51404), is covered by the system of records notice K890.14 DoD, Identity Synchronization Service (IdSS) (December 8, 2010, 75 FR 76428) and therefore K270–01, DoD Digital Certificate Records can be deleted.

Dated: April 15, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–08902 Filed 4–17–14; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Availability of Draft Environmental Impact Statement for the Dallas Floodway Project, in the City of Dallas, Dallas County, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Fort Worth District has prepared a Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration and recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, TX. The DEIS documents the existing condition of environmental resources in areas considered for development, and potential impacts on those resources as a result of implementing alternatives. The alternatives considered in detail are: (1) No-Action Alternative or ''Future Without Project Condition;'' (2) Proposed Action with the Trinity Parkway; and (3) Proposed Action without the Trinity Parkway.

DATES: All written comments must be postmarked on or before June 2, 2014. The Corps of Engineers will hold a public meeting for the DEIS on Thursday, May 8, 2014, from 5:30 to 9:30 p.m., at the Dallas City Hall, L1FN Auditorium, 1500 Marilla, Dallas, TX 75201. The public can enter the Dallas City Hall Garage entrance off of Field and Young Street (parking is free). The building should be entered through the green doors.

ADDRESSES: Comments may be submitted in writing to: Marcia Hackett, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102–0300, or via email to *marcia.r.hackett@usace.army.mil.* Oral and written comments may also be submitted at the public meeting described in the **DATES** section.

FOR FURTHER INFORMATION CONTACT: Marcia Hackett at (817) 886–1373 or via email at *marcia.r.hackett@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The USACE, Fort Worth District has prepared a DEIS in accordance with the National Environmental Policy Act. The DEIS has been developed as a cooperative effort by the USACE Fort Worth District, the City of Dallas, TX (non-federal sponsor), and the Federal Highway Administration (cooperating agency). The DEIS describes the anticipated environmental and socioeconomic impacts of the proposed Dallas Floodway Project located in Dallas, TX. The City of Dallas proposes to implement Flood Risk Management elements, Balanced Vision Plan (BVP) Study Ecosystem and Recreation features, and Interior Drainage Plan (IDP) improvements within the Trinity River Corridor. The Dallas Floodway Project is located along the Trinity River upstream from the abandoned Atchison, Topeka and Santa Fe bridge to the confluence of the West and Elm Forks, then upstream along the West Fork for approximately 2.2 miles, and upstream about 4 miles along the Elm Fork. Section 5141 of the Water Resources Development Act of 2007 (Pub. L. 110–114; 121 Stat. 1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of a required National Environmental Policy Act (NEPA) documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the Proposed Action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Trinity River Corridor in Dallas, TX. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing of the Dallas Floodway have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007. USACE invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the Dallas Floodway Project are urged to participate in the NEPA process. A public meeting will be held as described in the **DATES** section. Copies of the DEIS may be reviewed at the following locations: (1) U.S. Army Corps of Engineers, Fort Worth District Web site: *http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx*; (2) Dallas Public Library, 1515 Young Street, Dallas, TX 75201; (3) Oak Lawn Branch Library, 4100 Cedar Spring Road, Dallas, TX 75219; (4) North Oak Cliff Library, 302 W. 10th Street, Dallas, TX 75208; and (5) at the public meeting as described in the **DATES** section. Copies may also be requested in writing at (see **ADDRESSES**).

In addition to the Federal project described above, the City of Dallas has submitted an application for approval of the entire project (BVP and IDP) as a locally sponsored action under the provisions of 33 United States Code Section 408 (Section 408), Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act (RHA). Approval is required due to: (1) The proposed location of the Project and activities within the Dallas Floodway; (2) the discharge of dredge and fill material into waters of the United States; and (3) activities in navigable waters of the United States. Approximately 323 acres of waters of the U.S., including roughly 157 acres of open water and 166 acres of wetlands, would be impacted by Alternative 2. Of this total acreage, approximately 134 acres are navigable open waters of the Trinity River. Permit Number for this action is SWF–2014–00151.

The proposed action will be reviewed in accordance with 33 CFR 320–332, the Regulatory Program of the U.S. Army Corps of Engineers, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to approve the project will be based on an evaluation of the probable impact, including cumulative impact, of the proposal on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes, and other interested parties in order to consider and evaluate the impacts of this proposal associated with a potential permit decision. Any comments received will be considered by the USACE in determining whether to issue, issue with conditions, or deny the permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1–13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act.

Any comments concerning the TCEQ application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC–150, P.O. Box 13087, Austin, TX 78711–3087. The public comment period extends 45 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if

granted, would adversely affect such interest.

Rob Newman,

Director, Trinity River Corridor, Project Office.

[FR Doc. 2014–08795 Filed 4–17–14; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability and Notice of Public Meetings for the Draft Supplemental Environmental Impact Statement for the Guam and Commonwealth of the Northern Mariana Islands Relocation (2012 Roadmap Adjustments)

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code [U.S.C.] 4321, et seq.) and the Council of Environmental Quality (CEQ) Regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations [CFR] Parts 1500–1508), the Department of the Navy (DoN) announces the availability of the Draft Supplemental Environmental Impact Statement for the Guam and Commonwealth of the Northern Mariana Islands Military Relocation (2012 Roadmap Adjustments) (hereinafter ''Draft SEIS'').

The DoN is the lead Federal agency for development of the Draft SEIS. The agencies that have accepted the DoN's invitation to participate as cooperating agencies are the U.S. Air Force, the Federal Aviation Administration, the Federal Highway Administration, the U.S. Environmental Protection Agency Region 9, the U.S. Department of Interior—Office of Insular Affairs, and the U.S. Department of Agriculture.

Pursuant to 40 CFR 1502.9, the DoN prepared this Draft SEIS for the purpose of supplementing the portions of the 2010 Final Environmental Impact Statement (EIS) regarding the establishment on Guam of a cantonment (including family housing), a live-fire training range complex (LFTRC), and associated infrastructure to support the relocation of a substantially reduced number of Marines and dependents than was previously analyzed. By supplementing the 2010 Final EIS, the Draft SEIS advances NEPA's purpose of informing decision-makers and the public about the environmental effects of the DoN's proposed action.

The DoN will conduct three (3) public meetings to receive oral and written comments on the Draft SEIS. Federal agencies, territorial/local governmental agencies, and interested individuals are invited to be present or represented at the public meetings. The meetings will be comprised of two parts: (1) An informational open house and (2) public hearing. All comments will become part of the public record and will help officials make informed decisions on the proposed action. These meetings will also serve to provide information to the public about how the 2011 Programmatic Agreement fulfills the requirements under Section 106 of the National Historic Preservation Act for the proposed action. This notice announces the dates and locations of the public meetings for this Draft SEIS.

DATES: The 60-day public comment period for the Draft SEIS will start on April 18, 2014 Eastern Daylight Time (EDT) (April 19, 2014 Chamorro Standard Time [ChST]) with the publication of a Notice of Availability in the **Federal Register** by the U.S. Environmental Protection Agency and will end on June 16, 2014 EDT (June 17, 2014 ChST).

The three (3) public meetings will begin with a two-hour open house session where the public can learn more about the proposed action and potential environmental impacts from project team members and subject matter experts. A hearing will follow the open house. The public is encouraged to attend the meetings, which will be held on the following dates, times, and locations:

- Saturday, May 17, 2014, open house from 1:00 p.m. to 3:00 p.m. and public hearing from 3:00 p.m. to 5:00 p.m., Okkodo High School, 660 Route 3, Dededo;
- Monday, May 19, 2014, open house from 5:00 p.m. to 7:00 p.m. and public hearing from 7:00 p.m. to 9:00 p.m., Father Dueñas Memorial School Phoenix Center, 119 Dueñas Lane, Chalan Pago; and
- Tuesday, May 20, 2014, open house from 5:00 p.m. to 7:00 p.m. and public hearing from 7:00 p.m. to 9:00 p.m., Gymnasium, Naval Base Guam—Santa Rita Annex, Bldg. 4177 (former McCool School), Naval Magazine Road, Santa Rita.

Informational posters will be displayed and DoN representatives will be available during the open house portion of the meetings to discuss the proposed action, answer questions, and to accept written comments from the public. A Chamorro interpreter will be available. Oral comments will be recorded during the public hearing portion of the meetings. Speakers will be limited to three (3) minutes to ensure all who wish to speak have an opportunity to do so. If a long statement is to be presented, it should be summarized at the public hearing and the full text submitted in writing.

Interested agencies, individuals, and groups unable to attend the public meetings are encouraged to submit comments by June 17, 2014, ChST. Mailed comments should be postmarked no later than June 17, 2014, ChST to ensure they are considered.

ADDRESSES: The public may provide comments during one of the public meetings, through the project Web site at *http://guambuildupeis.us,* or by mail at: Joint Guam Program Office Forward, P.O. 153246, Santa Rita, Guam 96915.

The Draft SEIS was distributed to Federal, state, and local agencies, elected officials, and other interested individuals and organizations. The Draft SEIS is available for public review at *http://guambuildupeis.us* and at the following libraries: University of Guam Robert F. Kennedy Memorial Library, Government Documents, Tan Siu Lin Building, UOG Station, 303 University Drive, Mangilao, GU 96923; and the Nieves M. Flores Memorial Library, 254 Martyr Street, Hagatña, GU 96910. The public may request copies of the Draft SEIS Executive Summary by mail from the Joint Guam Program Office Forward, P.O. 153246, Santa Rita, Guam 96915.

SUPPLEMENTARY INFORMATION: The DoN's proposed action is to construct and operate a cantonment, including family housing, and an LFTRC on Guam to support the Marine Corps relocation. To meet the purpose of and need for the proposed action, the Marine Corps requires facilities that can fully support the missions of the relocated units. These requirements include a cantonment (with family housing and community support facilities) of sufficient size and functional organization to accommodate the reduced and reconfigured number of Marines relocating to Guam per the 2012 Roadmap Adjustments, and an LFTRC that allows for simultaneous use of firing ranges to support individual skills training and related operations. The proposed action also includes the provision of on-site utilities, access roads, and related off-site infrastructure to support the proposed cantonment/family housing and LFTRC.

Background

The Draft SEIS supplements the Final EIS for the ''Guam and Commonwealth of the Northern Mariana Islands Military Relocation; Relocating Marines from Okinawa, Visiting Aircraft Carrier

APPENDIX B
PUBLIC ANNOUNCEMENTS

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF DALLAS

Before me, a Notary Public in and for Dallas County, this day personally appeared Monetta Harrison, Advertising Representative for The Dallas Morning News, being duly sworn by oath, states the attached advertisement of:

CARDNO TEC INC.

was published in the Dallas Morning News on:

April 18, 2014
April 19, 2014
April 20, 2014

Monetta Harrison
(Monetta Harrison)

Sworn to and subscribed before me this April 21, 2014

Lynda Black
(Notary Public)

NOTARY PUBLIC STATE OF TEXAS
LYNDA F BLACK
My Commission Expires
May 27, 2017

Auction Sales

allas Warehouse Auction Online Only World Wide uction Commissioned. Moving Forces Auction. no inimum, no reserve.. Google Glasses, Tools, Welders, m Crane, Welding tables, Compressor, Dryer, ge Air Tank, Scrap,Much More Guy Hodges - TX LC 6. Terms - Cash, Visa MasterCard's Only. There is 5% BP. Preview: Tuesday April 22nd 10-2 Ends: nesday April 23rd 10am Pickup Thursday 24th only 10-6 Go to http://worldwideauctiongroup.com to see these items and place bids.

Antiques, Art, Collectibles

stern Art Collection for e. Remington Bronze. v Doolittle. Frank well. Serious Inquiries y Please. (870) 974-2912

Perfume Bottles and s,some lalique,and lead rystal,miniatures,lrg dis- lay bottles and Much more. 817-431-8389

Building Materials

LIBURTON SALVAGE
CRES of bids materials. OR FACTORY including STOM doors. Laminate ring 69¢ sf. Come on by! 03) 893-6629

LT UP METAL BLDS
20...$3600 20x30...$4800 30...$6300 30x40...$7200 erect bldg & pour slab r Pics/Brochure & Est 14-642-2023

w Fan Paver Inventory 95 sqft, var. colors, $3 er sqft. 3750 pieces of ol coping, var. colors 50 ea. 44 palets total. Forklift $7k. all Adam 972-239-7107

Furniture Home

ATTRESS SALE UST SELL 58
thopedic Mattress Sets ught for Model Homes. till in factory carton. Twin $89, Full $99, een $129, King $159 14) 920-9448

toni King Size Sleigh d. Includes 6 drawer sser, stand up 8 drawer sser that opens on top, rower nightstands, ex- cond, pd $10,000 asking 5 obo. Ted-214-384-3332

ameroom Equipment

ATE POOL TABLE
cellent Condition; Incl. cessories & Delivery! 871-0255 or 214-522-0173 ardandgamecompany.com

Guns, Rifles, Supplies, Etc.

CASH FOR ★ ELOADING ITEMS S, REELS & LURES HUNTING GEAR 14-356-8010

Jewelry, Watches

NTED FOR CASH
en's & Ladies Rolex Diamonds ◆ d Jewelry & Coins 14) 534-6584

Machinery & Tools

4 Toyota Sienna XLE Minivan. $7000.00. 972-886-0830 jcdcbr@gmail.com

Miscellaneous Merchandise

sonal merchandise for highest bidder sit 5/17/2014 at 2:00pm. 632-1462 Sukkar58@aol. n 1907 Greenville ave. Dallas,TX 75206

ial plot in The Garden f The Last Supper @ stland Funeral Home 00. utt1955@gmail.com

Office Equipment & Furniture

E BENEFIT STORE /Used Office Furniture @Good Prices esks, Files, Chairs... w.thebenefitstore.org 972-470-0700

herry Wood onference Table
12', with glass top, 3 estal bases with 12 irs, xlnt cond, $4900. 80) 223-4171

oll Retail Displays: Abstracta, cubes, destals, risers, racks, ves, stands & jewlery esk. 4442 Hockaday LC#AC Fri-Sat 9-3

Pianos, usical Instruments

sical Guitar- made by io Aparicio from Spain necessary- accesso- & case, $1500 13-5661- ask for Allen

Sporting Goods

izon Fitness HZ series, del T72,Treadmill,Golf ise and mill programs, 00, Corrolton area, 972-820-9010

Tickets - Sports/ Entertainment

EXICO v. ECUADOR T&T Stadium 5/31/14 Locations Available 250 & Up e Habla Espanol!

Auction Sales

LEGAL BIDS & NOTICES

- Bankruptcy, Court Sales
- Bids and Proposals
- Legal Notices

Bids & Proposals

Dallas Independent School District

NOTICE TO BIDDERS

Sealed bids for RFB CJ204176 Cafeteria Shelving & Dunnage Racks will be received by the Dallas Independent School District Procurement Services Department, 3700 San Jacinto, Dallas, Texas 75204 until 2:00 p.m. on April 24th 2014. The bid document can be obtained by downloading it from the Dallas ISD website homepage at http://www.dallasisd.org/ at the "Vendor Opportunities" link.

Any bids received after the closing time will be held for pickup or destroyed.

*****M/WBE POLICY ENDORSEMENT*****

All bids shall contain the M/WBE Compliance Guidelines and Forms at the time of bid opening. Bidders who will subcontract out portions of the work will be required to submit a signed Letter of Intent to Subcontract. Bids will be considered non-responsive, and will not be accepted if the M/WBE Compliance Guidelines and Forms are not completed, signed and submitted. The M/WBE Department reserves the right to contact bidders for additional information/ clarification after bid opening.

Any questions regarding the M/WBE documentation should be directed to the M/WBE Office at 972-925-4140.

Bid# RFB CJ-204176

Bid Description: Cafeteria Shelving & Dunnage Racks for Food and Child Nutrition Service

Closing Date:04/24/2014 Closing Time: 2:00 pm Buyers Initials: CJ

The right is reserved to reject any or all bids and to waive technicalities.

The Dallas Independent School District is committed to the ideals of equal opportunity in all its business endeavors.

It is the goal of the Dallas Independent School District that at least 30% of the work performed under each contract will be provided by minority or woman-owned business enterprises.

Education Service Center Region 10, 400 East Spring Valley Road, Richardson, Texas 75081 and the Multi-Regional Child Nutrition Co-Op will receive sealed proposals for RFP #2014-08 Dairy Products: Milk. The RFP with specifications may be obtained from the CFO at the address above. Phone requests may be directed to 972.348.1112. All clearly marked, sealed proposals shall be in the office of the CFO at or before 2:30 p.m. on Tuesday, May 6, 2014. RFP #2014-08 will be publicly opened at 3:00 p.m. A list of respondents will be made available upon request. Final award will occur on Wednesday, May 14, 2014. Education Service Center Region 10 and the Multi-Regional Co-Op reserves the right to accept or reject any and/or all proposals or to waive any irregularities.

NTTA
RFP 03821-NTT-00-GS-FI

The North Texas Tollway Authority (NTTA) will receive Proposals for Master Custodial and Lockbox Services at 5900 W. Plano Pkwy., Ste. 100, Plano, TX 75093 until May 7, 2014 at 3:00 pm. A pre-proposal conference will be held on April 24, 2014 at 10:00 am in the Board Room at 5900 W. Plano Parkway, Plano, TX 75093. RFP documents are available free of charge at www.ebidexchange.com/ntta. Additional information is available at www.ntta.org/procurement/opportunities, or by emailing Reggie Sanderfer at rsanderfer@ntta.org

NTTA
RFP 03822-NTT-00-GS-FI

The North Texas Tollway Authority (NTTA) will receive Proposals for Bank Depository Services at 5900 W. Plano Pkwy., Ste. 100, Plano, TX 75093 until May 7, 2014 at 3:00 pm. A pre-proposal conference will be held on April 24, 2014 at 10:00 am in the Board Room at 5900 W. Plano Parkway, Plano, TX 75093. RFP documents are available free of charge at www.ebidexchange.com/ntta. Additional information is available at www.ntta.org/procurement/opportunities, or by emailing Reggie Sanderfer at rsanderfer@ntta.org

NTTA

Bids & Proposals

NTTA
RFB 03784-DNT-01-GS-MA

The North Texas Tollway Authority (NTTA) will receive Bids for Traffic Barrier Stay in Place Forms at 5900 W. Plano Pkwy., Ste. 100, Plano, TX 75093 until May 13, 2014 at 2:00 P.M. Bid packages are available for viewing or download free of charge at www.ebidexchange.com/ntta. Additional information is available at www.ntta.org/procurement/opportunities/Pages/default.aspx, or by emailing Reggie Sanderfer at rsanderfer@ntta.org.

NTTA
RFB 03800-NTT-00-GS-IT
Dell Optiplex 7010 Desktop Computers

The North Texas Tollway Authority (NTTA) will receive bids for Dell Optiplex 7010 Desktop Computers at 5900 W Plano Pkwy., Ste 100, Plano, Texas 75093, until April 29, 2014 at 2:00 PM. A copy of the RFB and more information can be downloaded at https://www.ebidexchange.com/ntta, or by emailing Senior Buyer Reggie Sanderfer at rsanderfer@ntta.org

Bridge Steps is accepting sealed bids for an IT Services Vendor until the date & time stated below, when they will be publicly opened & read aloud.

Bid due date/time: 5/2/2014 at 12pm. Bid opening location:1818 Corsicana St. Dallas 75201 Rm#108 on 5/5/14 at 3pm. Please email emcfaye@bridgenorthtexas.org for a copy of the Request For Proposal. We are an Equal Opportunity Employer.

Legal Notices

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

April 18, 2014
City of Dallas
1500 Marilla Street, 6CN
Dallas, TX 75201
(214) 670-3645

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of Dallas Housing/Community Services Department and Dallas Area Habitat for Humanity, Inc.

REQUEST FOR RELEASE OF FUNDS

On or after May 7, 2014 the City of Dallas will submit a request to the Department of Housing and Urban Development - Ft Worth for the release of federal funds under Title II/Section232 of the HOME Investment Partnership Act as amended to undertake the following project:

The City of Dallas Housing/Community Services Department will use $900,000.00 in HOME Investment Partnership Funds (HOME) for the Dallas Area Habitat for Humanity, Inc./Jimmy and Rosalynn Carter Work Project 2014 for construction of thirty (30) homes to include any of the following lots: 4201 Cardinal / 2402, 2502, 2519, 2535, 2539, 2607, 2611, 2619 and 2627 Custer / 4202, 4209, 4213, 4214, 4220 and 4320 Landrum / 2226, 2230, 2251, 2314, 2319, 2530, 2531, 2534, 2538, 2602, 2610, 2614, 2626, 2630, 2643 and 2647 Exeter / 2318, 2410, 2418, 2606, 2614 and 2635 Wilhurt / 2211, 2427 and 2431 Scotland Dallas TX, 75216 MAPSCO 55-Z/65-D. These affordable single family homes are for buyers earning at or below 60% of the area median income. All authorities having jurisdiction have been consulted and no environmental conditions exist.

This project will further the City of Dallas goals of affordable housing made available to low-moderate income families. Estimated total cost of project is $3,926,012. Of this amount, $900,000.00 in HOME funds will be used to assist with construction of the thirty homes. Habitat private fundraising will provide $2,786,012.70 and Gift in Kind products of $240,000.00 will make up the balance of $3,026,012.

FINDING OF NO SIGNIFICANT IMPACT

The City of Dallas has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at 1500 Marilla Street, Suite 6CN and may be examined or copied weekdays from 9:00AM to 5:00PM.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the projects may submit written comments to the City of Dallas Housing/Community Services Department, 1500 Marilla St. 6CN Dallas TX 75201. All comments received by May 5, 2014 will be considered by the City of Dallas prior to authorizing submission of a request for release of funds. Commenter's should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The City of Dallas certifies to HUD that Theresa O'Donnell in her capacity as Interim Assistant City Manager consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these

from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24CFR Part 58, Sec. 58.76) and shall be addressed to HUD at 801 Cherry Street, Unit #45, Suite 2500, Ft Worth, TX 76102. Potential objectors should contact HUD to verify the actual last day of the objection period.

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL IMPACT STATEMENT, DALLAS FLOODWAY PROJECT CITY OF DALLAS, DALLAS COUNTY, TEXAS

Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Fort Worth District has prepared and is currently seeking comments on a Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS has been developed as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

In addition, the City of Dallas has submitted an application for approval of the entire project as a locally sponsored action under the provisions of 33 United States Code Section 408 (Section 408), Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act. Therefore, the USACE is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes, and other interested parties in order to consider and evaluate the impacts of this proposal associated with a potential permit decision.

A public meeting for the DEIS will be held on Thursday, May 8, 2014, from 5:30 to 9:30 P.M., at the Dallas City Hall, L1FN Auditorium, 1500 Marilla, Dallas, Texas 75201. The public can enter the Dallas City Hall Garage entrance off of Field and Young Street (parking is free). Copies of the DEIS may be reviewed at the following locations: 1) USACE, Fort Worth District Website: http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx; 2) Dallas Public Library, 1515 Young Street, Dallas, Texas 75201; 3) Oak Lawn Branch Library, 4100 Cedar Spring Road, Dallas, Texas 75219; 4) North Oak Cliff Branch Library, 302 West Tenth Street, Dallas, Texas 75208; 5) Dallas West Branch Library, 2332 Singleton Boulevard, Dallas, Texas 75212; and 6) at the public meeting.

All written comments must be postmarked on or before June 2, 2014. Comments may be submitted in writing to: Marcia Hackett, USACE, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102-0300, or via e-mail to marcia.r.hackett@usace.army.mil. Oral and written comments may also be submitted at the public meeting. Copies of the DEIS may be requested in writing to Ms. Hackett at the above address.

Finally, since this project requires Texas Commission on Environmental Quality (TCEQ) certification, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification. Comments concerning the TCEQ application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 45 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office.

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 014-005

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 62. SIGNS, OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING ITEM (b) (VILLAGE ON THE PARKWAY) TO SECTION 62-289 (GENERALLY) OF ARTICLE VI. (SPECIAL DISTRICTS); PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS FOR ANY OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO. 014-016

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 62. SIGNS, OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING ITEM (g) (VITRUVIAN PARK) TO SECTION 62-289 (GENERALLY) OF ARTICLA VI. (SPECIAL DISTRICTS) ; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF

FORD	07	P-UP	BLACK		1FTSW21P67EA23505
FORD	06	4DR	WHITE	DX2R022	2FAHP71W76X160306
BAYL	89	TRAI	OTHER	RR49739	RR49739
VOLV	98	4DR	BLUE	CML0276	YV1LS5572W1542983
FORD	97	LL	TAN	DS4H386	1FMDU32X4VZC10939
YAMA	06	4WHEELER	GRAY		JY4AM07Y66C003009
CHEV	93	SUV	GREEN	BD54820	1GBEC16K9PJ368410
DODG	00	4DR	RED	BH3N541	1B3ES46C6YD689492
GMC	04	LL	BLACK	BPP5132	3GKEC16Z14G204885
CHEV	89	PK	WHITE	CFK6710	1GCDC14K1KE163059
FORD	91	VAN	WHITE	CXJ7012	1FMDA31U4MZA50916
HUMMER	03	4DR	GRAY	DR6J326	5GRGN23U73H121364
HONDA	94	4DR	GREEN	CS6X684	JHMCD5635RC047857
GMC	81	PK	BROWN	AC48385	1GTDC14H0BS526120
NISS	94	4DR	GRAY	CJ7B754	1N4BU31D3RC169933
SATU	95	4DR	GRAY	BP4W580	1G8ZG5280SZ102880
FORD	91	PK	BURG	07DLD6	1FTCR14A0MTA40479
HOND	96	4DR	GREEN	H11Y872	1HGCD5535TA110222
CHEV	94	PK	TAN	BK00182	1GCHK33N1RJ347592
HOND	94	4DR	BLUE	065YJM	1HGCD5520RA154676
HOND	94	2DR	RED	MXV908	JHMBB1175RC000090
SATU	96	4DR	GRAY		1G8ZH5283TZ311092
FORD	02	SUV	WHITE	264NDU	1FMZU73E62ZB09553
PONTIAC	01	4DR	RED		1G2NF52T01M535904
NISS	00	4D	GRAY	CLT5409	JN1CA31D6YT528538
MERC	00	4DR	TAN	31F8553	2MEFEM75WYX662639
NISS	13	4DR	WHITE	BZN9622	3N1CN7AP3DL887530
TOYOTA	10	4DR	GRAY	CLV1102	2T1BU4EE9AC409176
JEEP	01	SUV	TAN	25J8493	1J4GW48S81C529166
FORD	02	SUV	WHITE	CW3Y281	1FMDU65E42ZA76201
LINC	00	4DR	WHITE	BWK0642	1LNHM82W0YY819722
CHEV	01	4DR	GRAY	59M2349	2G1WF55E819300718
BUIC	00	4DR	TAN	15S6445	2G4WB52K2Y1314356
FORD	02	PK	WHITE	AA26811	1FTYR14U42PA27451
TOYT	00	2DR	GRAY	CCM3454	JTDDY32T7Y0031664
KIA	13	4DR	GRAY	BRD3114	KNDJT2A51D7553657
DODG	12	4DR	GRAY	CFP6565	1C3CDZCB2CN182136
HOND	00	4DR	BLACK	CW5W255	1HGCG5677YA060097
FORD	01	VAN	WHITE	KAU747	1FTSE34L81HA59123
FORD	00	SUV	GRAY	CSP8750	1FMZU63E6YZB82201
FORD	98	2DR	RED	75S2077	3FAKP1132WR268971
CHEVROLET	12	4DR	GRAY	DM7R823	2G1WC5E30C1142304
LEXS	97	4DR	TAN	BC5V667	JT8BF22G9V0001764
CHEV	93		WHITE	54FSP7	1GCEG25H0PF361585
CHRY	00	2DR	WHITE	910399F	3C3EL45H0YT244608
BMW	00	4DR	GRAY	DS6R866	WBAGH8340YDP14281
CADI	02	4DR	GRAY	ZZE7083	1G6KD54Y42U178048
FORD	97	PK	GREEN	BF39875	1FTEX17LXVNC40609
FORD	93	LL	GREEN	AG43571	1FTDR15X5PPA91741
FORD	98	4D	GRAY	BWL5768	2FAFP73W9WX106879
DODG	86	2DR	WHITE	510PXJ	2B6HB23T3GK552037
CHEV	06	SUV	GRAY	CXK4812	3GNDA23D96S636482
ACURA	07	4D	BLUE		19UUA66207A030826
CHEV	91	PK	BLUE	BD49040	2GCEC19K9M1187725
LINC	94	4DR	WHITE	399675G	1LNLM81W9RY618298
CHEV	05	4DR	GRAY	700KXX	2G1WH52K959113935
MERC	97	4DR	GREEN	BYN1177	2MELM74W6VX707667
CADI	02	4DR	MAROON	24H7012	1G6KD54Y42U209301
ACURA	92	4DR	TAN	6854364H	JH4KA7675NCD36466
FORD	11	4DR	WHITE	BG55214	1FTFW1ETXBFC26998
HOND	05	4DR	BLACK	SKL868	1HGCM56865A096490
FORD	04	4DR	BLACK	BZM3712	1FAFP55U04G158727
HYUN	04	4DR	BLACK	CZ3N896	KMHWF25S74A963133
NISS	05	4DR	TAN	DBY9478	1N4BA41E75C841493
MERC	02	4DR	TAN	BV8P040	2MEFM75W42X645130
MERC	98	4DR	BLUE	CVM9529	2MEFM75W0WX634552
CHEVY	94	2DR	WHITE	BS18731	1GCDC14ZXRZ136393
NISS	07	4DR	GREEN	CF1V892	1N4AL21E37N441139
HYUN	05		BLACK	DYX370	KMHCG35C85U356141
CHEV	03	LL	GREEN		1GNEC13Z93R127592
CHEV	01	4DR	BLACK	BRF6801	1GNEC13T51R112399
FORD	97	4DR	WHITE	CCM9579	KNJLT06HXV6233273
TOYOTA	95	4DR	GRAY	CMM0950	4T1SK12EXSU555188
CADI	03	4DR	GREEN	BCS5810	1GYEC63T53R260443
NISS	99	4DR	GRAY	DM6L603	3N1AB41D1XL101765
FORD	87	PK	GRAY	8VSN16	1FTCF15Y3HKB03106
KIA	02	4DR	MAROON	97W1689	KNAGD128925129515
CHEV	04	4DR	WHT	14N5830	2G1WF52E049100604
BUIC	95	4DR	BURG	CSW5181	1G4BN52P6SR427825
HYUN	01	4DR	GRAY	DB6H916	KMHWF35V51A453651
GMC	95	LL	BLACK	CXK9582	1GKDT13W9S2513712
JEP	97	LL	BLACK	DC1T254	1J4FX58S8VC559983
MITS	02	4D	BLACK	BDG3617	4A3AA46G62E132499
DODG	98	PU	MAROON	BX23274	1B7HC16Y4WS565409
DODGE	99	4DR	GRAY	BYN8408	2B4GP44G6XR325841
SATR	01	4DR	TAN	CX6C217	1G8JU52F21Y537151
CHEV	86	P-UP	WHITE	BM61712	1GCDC14H7GS178128
PONT	00	4DR	WHITE	DM8J978	1G2WJ52K4YF112896
FORD	01	2DR	BLACK	DM7Y444	1FAFP40421F254717
TOYT	98	4DR	BLACK	DYJ110	JT2BG22K7W0213141
CHEV	98	P-UP	BLACK	40XGJ8	1GCEC14WXWZ152535
NISS	01	4D	GRAY	CYY5925	JN1CA31D31T819102
FORD	99	PK	GREEN	54Y5355	1FTZX1726XKB53691
OLDS	96	4DR	BLACK	CMM1764	1G3GR62CXT4107973
BUICK	90	2D	WHITE	BKP401	1G4EC13C3LB900405
BMW	01	4D	BLUE	07J9920	WBADT63421CF07458
TOYT	97	4D	WHITE	BF8T911	1NXBA02E5VZ597804
NISS	13	PU	GRAY	2BB7964	5N1AR2MM5DC661686
FORD	00	SUV	BLUE	BH74164	1FMRU1569YLB30718
FORD	06	4DR	TAN	CBH7675	1FAHP53U56A210676
FORD	04	4DR	GRAY	CSR3410	1FTPW125X4KD37636
DODG	00	4DR	GRAY	BMF6680	1B3ES46C7YD634615
CHRY	99	4DR	TAN	BN5M928	2C3HC56G4XH646275
HYUN	02	4DR	GRAY	NGY376	KMHDN55D12U043894
PONT	08	4DR	GRAY	CTZ8008	1G2ZF57B484144461
PLYM	98	2DR	PURPLE	BR8S187	1P4GP44G1WB749987
MERC	99	4DR	BLUE	89Y9144	1MEFM6535XK624345
ACURA	98	4DR	TAN	DK7D173	JH4KA965XWC007539
DODG	00	VAN	WHITE	CBH8181	1B4GP44RXYB760203
DODG	03	4DR	BLACK	BH4D976	1B3ES56C93D140271
CHRY	02	4DR	GRAY	DY5K446	1C3EL56R52N200110
CHEV	96	4DR	GREEN	CVC5522	1GNCS13W5T2240481
HONDA	03	4DR	BLACK	CPR3189	1HGCM66503A035936
CHEV	09	4DR	WHITE	DW2X348	1G1AS58H097112848
CHEV	03	4DR	BLACK	BRF7460	1G1JC52F637267593
FORD	01	PK	BLACK	BND6559	1FTZF17291NB78299
NISS	98	4DR	BLACK	BS5H830	1N4AB41D4WC710877
CHEV	03	4DR	GRAY	CSP6057	1G1ND52J73M565445
TOYT	95	4DR	BLUE	CP3P378	JT2EL56D8S0049558
KIA	03	4DR	WHITE	BZ6S577	KNAFB121135282430
TOYT	94	4DR	MAROON	BBL2961	1NXAE09B5RZ182953
MERC	04	4DR	TAN	BZP3981	2MEFM74W24X650945
FORD	96	4DR	WHITE	BW99787	1FTHE24H7THA64297
CHEVROLET	04	PK	RED	08TWD7	1GCEC14X14Z221392
HONDA	95	2DR	RED	CP5M645	1HGEJ2225SL035407
NISS	02	4DR	WHITE	BL8T861	JN1DA31D62T407570
SUZU	07	MC	BLUE	3ZN014	JS1GT77A372108392
FORD	07	4DR	MAROON	20TVL7	1FTRW12W97KC51322
MERC	97	SUV	WHITE	68R1320	4M2DU55P0VUJ65839
DODGE	96	PK	GREEN	AR44546	3B7HC13Y4TG154812
CHRY	08	4DR	BLUE		1C3LC56K38N139780
CHEV	13	VAN	WHITE	CBF1439	1GCSGAFX6D1179434
LINC	98	4DR	BLACK	DW8P491	1LNFM83W9WY709190
OLDS	99	4DR	BLUE	CZ3H092	1G3HN52K6X4827097
FORD	00	4DR	WHITE	DC5V593	2FAFP71W8YX148160
FORD	93	4DR	WHITE	BND4210	2FACP71W0PX145111
CHEV	82	VAN	GRAY	63JZK9	1GBEG25H3C7135646
BUIC	92	2DR	WHITE	BM6K404	1G4EZ13L1NU405948
FORD	98	PK	BLACK	65CRJ8	1FTZX17W0WKC19170
MAZDA	02	4D	BLUE	LXJ174	1YVGF22C625272875
LINC	90	2DR	WHITE	BJX8413	1LNCM93E6LY743888
MERCURY	99	4DR	WHITE	CXL2817	2MEFM75W0XX710384
JEP	98	SUV	BLACK	DK6Z357	1J4FT68S2WL278314
CHRY	02	4D	GRAY	361SBV	1C3EL46X52N226554
CHEV	94	4DR	BLUE	CK2S672	2G1WN54TXR9124804
HYUN	10	4DR	BLACK	BW1P600	5NMSK4AG6AH362776
CHEV	96	4DR	RED	4524106	2G1WN52M4T1162675
CHRY	01	4DR	BLACK	40V7863	2C3AE66G81H521613
CHEV	80	VAN	BLUE	6YZF77	CGD15A0100841
TOYT	95	4DR	TAN	CXK5983	4T1SK11E6SU614383
NISS	02	4DR	TAN	DX7T115	JN1DA31D82T424533
OLDS	03	4DR	BLACK	57G2650	1G3NL52F03C301723
FORD	02	2DR	GRAY	CFZ6428	1FAFP404X2F206500
MERC	00	2DR	MAROON	CW7G755	1ZWFT61L7Y5628478
FORD	07	4DR	BLUE	FSJ587	1FAFP56U97A119222
FORD	99	PU	BLUE	AT71491	1FTYR14C6XPB93582
FORD	00	2DR	RED	BGN7471	1FAFP42XXYF174793
CHEV	03	TRK	BLACK	BD46813	2GCEC19XX31139726
NISS	10	SUV	GRAY	BRT1433	JN8AS5MT0AW015116
TOYT	92	CP	GRAY	BM5L155	JT2AT86F0N0092555
CHEV	90	LL	RED	TLG657	1GBER16K6LF169858
MITS	03	4DR	GRAY	CMJ9805	JA3AJ26E83U090896
OLDS	85	4DR	GRAY	CSM9798	1G3BY69Y9F9074048
MAZD	00	4DR	GRAY	72J8296	JM1BJ2223Y0241935
HOND	02	4DR	TAN	BRS0761	3HGCG56452G704100
ISU	01	4R	GREEN	DFW497	4S2CK58WX14354331
FORD	06	4DR	GRAY	BRC4057	1FAFP53U66A135039
CHEV	97	4DR	WHITE	8737878	1GNCS13W0VK226836
GMC	98	PK	BLACK	38XJF8	1GTEC14W4WZ551909
DODG	13	2DR	GRAY	76N5715	2C3CDYBT6DH560179
FORD	99	PU	WHITE	BTN8775	1FTRX18L6XNA21004
CHEV	90	PK	BLUE	63V045	2GCEK19K6L1181799
ACURA	08	4DR	GRAY	CT7H814	19UUA662X8A045836
VOLKS	03	4DR	WHITE	91CZX6	3VWSK69M23M028621
TOYT	10	4DR	GRAY	DY1T513	1NXBU4EE0AZ172169
1NFIN	96	4DR	TAN	DK6L192	JNKCA21D7TT301549
HOND	04		GRAY	BGG3608	3HGCM56324G701125
HOND	96	4DR	GRAY	78N6853	1HGCD5687TA095958
DODG	01	P-UP	GRAY	01TNH7	3B7HC13Y41G821522
CHEVY	97	4DR	GREEN	884SKM	1G1JC5240V7244666
MITS	00	4DR	GRAY	DYW425	4A3AA46G0YE096883
FORD	02	4DR	GRAY	687NHP	1FAFP55S72G233273
CHEVY	97	4DR	GREEN	673AMQ	1GNDT13W4V2238256
TOYT	93	4D	RED	BH3Z648	1NXAE09E3PZ077206
FORD	99	PK	WHITE	AR24441	1FTNF20L2XEB65569
MERC	94	2DR	BLUE	BRT1993	1MELM62W6RH614182
NISS	06	4DR	BLUE	232WRH	3N1CB51D66L608108
LINC	02	4DR	WHITE		1LNHM87A02Y664495
NISS	06	4D	GRAY	CVM9981	1N4AL11D86C237268
FORD	00	4D	BLACK	CJ5N895	2FAFP71W3YX161026
TOYT	00	4D	GREEN	FCC3PH	JT3GN86R3Y0146333
GMG	05	4DR	GRAY	694SPS	1GKFK66U95J166055
MERZ	08	2D	WHITE	BBX3789	WDBTK56F28F253604
NISS	95	CP	WHITE	DHR255	1N4AB42DXSC501734
CHEV	95	2D	WHITE	HKX167	2G1FP22SXS2156136
CADI	05	4D	WHITE	523LPH	1G6KD54Y55U186826
HONDA	95	4DR	GRAY	BM4Z918	JHMCD5568SC035896
DODGE	08	4DR	BLUE	DC5S851	1B3LC76M48N230311
PONT	99	4DR	WHITE	BWL2092	1G2WR5212XF254680
CHEV			BLUE	CRP1166	2G1WM15KX69178648
DODG	91		BLUE		2B4GK453XMR322110
MERC	98	4DR	MAROON	KZN467	1MEFM10P0WW626878
GMC	97	4DR	WHITE	0864AG	1GKEK13RXVJ713879
SUZUKI	05	4DR	BLUE	SGV893	KL5JJ86Z65K114110
CHEV	06	4DR	MAROON	BRB4630	2G1WT58K269102556
TOYT	01	VAN	GREEN	HJF809	4T3ZF13C51U372447
LINC	99	4DR	BLACK	655169F	1LNHM82W5XY663028
FORD	99	4D	WHITE	CR4N132	2FAFP71W8XX202183
PONT	07	GRPRIX	BLACK	BMF2244	2G2WP552571149066
CHEV	05	4DR	RED	CJS5154	1G1JC52F557183302
CHEV	99	TRK	BLACK	158VP5	1GCEC14V6XZ171916
DODG	98	VAN	MAROON	342393	2B6HB11X4WK160084
CHEV	99	SUV	TAN	CXL8634	3GNEC16RXXG158271
FORD	00	4DR	WHITE	BRB1348	1FMZU62X5YZB46096
FORD	98	4DR	COPPER	DM2W563	1FMYU22X2WUD01511
DODG	13	4DR	GRAY	CXM6201	2C3CDXBG2DH637319
CHEV	88	2DR	BLUE	AL91570	1GCDC14K0JZ305683
HONDA	99	4DR	TAN	CYR0046	JHMCG5641XC026890
FORD	97	2DR	WHITE	AB49547	1FTDF17W1VKB88815
DODG	14	4DR	WHITE	07246	3C6TR5DT5EG189372
JEEP	00	4DR	GREEN	DX3S862	1J4FF48S9YL154524
FORD	13	4DR	GRAY	CXR0714	1FTFW1CT7DKF09176
NISS	95	4DR	GREEN	CT8S805	1N4AB41D8SC774270
GMC	99	4DR	GRAY	28V7055	1GKEC13R8XJ772509
MITS	02	4DR	BLACK	N93XDW	JA3AJ86EX2U041653
DODG	07	PK	GRAY	BX00473	1D7HA18NX7S110113
FORD	02	4DR	RED	66R5143	1FMDU74E02ZA89485
FORD	99	4DR	BLACK	CLD2586	1FMYU22XXXUC26607
HONDA	94	4DR	BLACK	TSZ106	1HGCD5669RA042170
FORD	96	4DR	GREEN	BBD5195	1FMDU32X7TUD07613
CHEV	87	4DR	WHITE	BWL5468	1GNCT18R4H8176194
CHEV	01	2D	GRAY	CVN5172	1G1JC124517394839
CHEV	99	4DR	TAN	CZ9D589	2G1WL52M1X9208377
HOND	02	4D	BLACK	CCG7258	JHMCG56452C000012
HD	09	BIKE	RED	4UY936	1HD1BW5129Y066985
DODG	99	4D	GREEN	CXM0386	1B4HR28Z9XF650702
MAZD	13	4D	WHITE	BJL1289	JM1BL1U73D1759531
HYUN	13	4D	GRAY	BMD4245	5NPDH4AE1DH270469
CHEV	06		TAN	BRF5010	3GNDA13D46S605179
FORD	97	2D	BLACK	CL8J531	1FALP4049VF109490
PONT	99	4DR	WHITE	61S8165	1G2NE52T6XM707168
LINC	96	4DR	GREEN	T59LCT	1LNLM82W0TY675091
LINC	94	4DR	WHITE		1LNLM81W6RY754761
CHEV	99	4DR	TAN	DK7X54	1G1ND52M5X6260403
TOYT	99	4DR	TAN	BYP6000	4T1BG22K2XU910200
PONT	00	4DR	GRAY	DX2N033	1G2NE12T3YM736962
FORD	95	4DR	BLACK	DK7V278	2FALP74WXSX106806
CHEV	02	PK	WHITE	AD86700	1GCGK13U52F119899
MERC	99	4DR	GRAY	DN6G860	2MEFM75W4XX656202
BUIC	02	4DR	GOLD	DBW6655	2G4WY55J021253596
GMC	02	4DR	RED	BV8X024	1GKEC13Z62R156463
NISS	00	4DR	GRAY	BMW359	3N1CB51D9YL326306
CHEVY	13	4DR	BLACK	FWC3013	1G1JA5SH0D4225608
HOND	01	4DR	SILVER	98J6072	JHMES26731S005472
FORD	00	4DR	MAROON	CS7T494	2FMZA5243YBB29020
TOYT	95	4DR	RED	46H2031	1NXAE04B6SZ254353
FORD	97	2D	WHITE	CVW0700	1FTDX1725VKC21728
NISS	03	4DR	GRAY	BV9R282	1N4BL11D33C246766
FORD	99	4DR	WHITE	216SMY	1FMRU17L5XLC26640
FORD	08	4DR	WHITE	CD9D117	1FBSS31L48DB22561
TOYT	97	4DR	BLACK	CR4R573	4T1BF12B0VU176277
LINC	98		GRAY	BRK0705	5LMRU27L4WLJ44657
HOND	04	2D	GRAY	DYJ907	1HGEM22134L040669
KIA	02	4DR	GRAY	BM6C781	KNADC123026181250
NISS	12	4DR	GRAY	CSP8867	3N1AB6AP8CL616293
FORD	00	4DR	BLUE	AG17833	1FMRU17L6YLA44947
FORD	98	4DR	TAN	BXF2245	1FAFP6637WK266757
DODG	01	PK	BLUE	3925AB	3B7HC13Y31M279489
CHEVY	04	4DR	BLACK	EMTBRT	1GNFK16Z74R206800
LEXS	92	2DR	WHITE	BNB7209	JT8UZ30C0N0024064
CHRY	02	4D	MAROON	CGD2282	1C3EL46R12N150364
MITS	03	2DR	GRAY	GBF170	4A3AC44GX3E009741
MERC	00	4DR	GRAY	SGR367	1MEFM55SXYA630098
CHRY	06	4D	BLACK	DD52491	2C3LA43R36H303813
HOND	12	4DR	WHITE	BDF1184	1HGCP3F85CA035625
KIA	09	4D	GRAY	CHG2003	KNAGE228X95282840
FORD	08	2DR	GRAY	89P4352	1ZVHT80N485144053
PONT	03	4DR	TAN	BMD2930	3G7DB03E63S593362
FORD	01	SUV	WHITE	DH3V674	1FMYU60E91UA12353
KIA	05	4DR	BLUE	62G1127	KNAFE121855114522
NISS	95	4DR	BLACK	CZ3X358	JN1CA21DXST652457
NISS	96	4D	WHITE	CZ3F689	JN1CA21D3TT171855
FORD	97	PU	TAN	10CSZ8	1FTDF1763VLB48200
LINC	98	4D	TAN	DMNB641	5LMFU28L8WLJ02087
CHEV	00	4D	WHITE	BWK1929	1Y1SK5282YZ429890
LEXS	91	4D	WHITE	CLV3361	JT8UF11E0M0096619
FORD	96	4D	GREEN	Z48SSW	1FALP52U1TA318932
CADIL	00	4DR	WHITE	BK2N349	1G6KD54Y7YU328307
CHEVY	98	4DR	BLACK	DCY8023	3GNEC18R6WG107684
FORD	99	2DR	GRAY	416XNM	1FAFP42X6XF123578
CHEV	05	LL	WHITE	RMEE	1GNDT13S752355407
NISS	98	4DR	BROWN	DBZ9364	1N4DL01D2WC125279
CHEV	98	4DR	BROWN	BRH0006	1GNCS13W6WK131127
DODG	06	4DR	WHITE	DF2N891	2D4FV47V36H268522
DODG	12	4DR	GRAY	6TBR668	1C3CDZAB9CN209691
FORD	04		BLACK	CPT2170	1FAFP38Z44W177010
FORD	07	2DR	GRAY	CZ8M104	3FAHP07Z57R142590
SCION	07		GRAY	BJS6284	JTKDE177570219910
CHEV	06	P-UP	GRAY	BR54713	1GCEC19V36Z291079
FORD	08	4D	BLACK	BDJ0890	1FMDK02W08GA40610
FORD	89	4DR	GRAY	DCB3471	2FABP74F4KX219937
CHRY	02	4DR	BLUE	56D4356	3C4FY48B42T212552
CHEV	99	SUV	WHITE	67NHW4	2CNBE13C4X6928171
TOYT	01	4D	BROWN	DX2R892	1NXBR12E61Z502420
CHEV	00	PK	WHITE		1GCEC14W5YZ301887
CHEVY	02	4D	RED	CPR5426	1G1JC524027200873
JEEP	13	2DR	GREEN	BJF4302	1C4GJWAG5DL573345
JEP	98	SUV	GRAY	85J4397	1J4GX48Y7WC326455
DODG	98	PK	GRAY	BYT46Y9	3B7HC12Y0WM295660
KIA	06	LL	BROWN	CVM8127	KNDJD733065646559
HOND	02	4DR	RED	DM7P049	1HGCG16552A009213
FORD	03	TRK	TAN	57G2228	1FTYR14V83PA08332
CADI	06	SUV	WHITE	CJ5Z439	1GYEC63N86R117489
CHRY	02	4DR	WHITE	CZ2V108	1C3EL46X52N333765
PLYM	98	4DR	GREEN	570TBH	1P3ES47C9WD579255
MERCY	82	4DR	BROWN	62K6982	1MEFM50U92G655071
CHEV	03	2DR	WHITE	BX33433	1GCDM19X43B117715
NISSAN	06	4DR	BLACK	6YSMM	1N4AL11D86N392231
CHRY	12	4DR	GRAY	CGC6387	1C3CCBAB4CN248733
CHEV	98	4DR	YELLOW	20KG114	1G1ND52MXWY135299
DODG	00	4DR	TAN	DG4V870	1B4HR28Y7YF107812
MERC	97	4DR	TAN	GSS559	2MELM74W1VX730743
FORD	99	4DR	BLACK	41J7532	1FMZU32E6XZA82887
DODG	05	4DR	WHITE	CZX2730	1B3EL46J65N505685
CHRY	05	VAN	BLACK	CFG0820	2C4GP44R95R590089
OLDS	01	4DR	WHITE	88R2438	1G3GS64C314110468
CHEV	01	VAN	WHITE	46PTJ8	1GBJG31R211244053
DODG	05	PU	RED	81K5H8	1D7HE48N35S163464
CHEV	02	2D	GREEN	DP4H740	1G1JC124X27352054
NISS	02	SUV	GREEN	83M4567	5N1ED28T12C505448
CHEV	01	SUV	TAN	BF6S866	3GNEC16T81G247467

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS

COUNTY OF DALLAS

Before me, a Notary Public in and for Dallas County, this day personally appeared Monetta Harrison, Advertising Representative for AL DIA News, being duly sworn by oath, states the attached advertisement of:

CARDNO TEC INC.

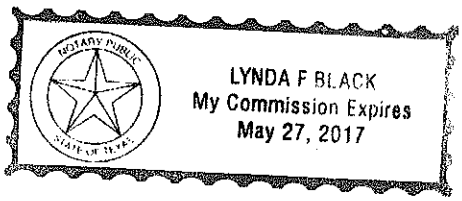
was published in AL DIA on:

April 19, 2014
April 26, 2014

(Monetta Harrison)

Sworn to and subscribed before me this April 28, 2014

(Notary Public)



NOTIFICACIÓN DE DISPONIBILIDAD

DECLARACIÓN DE IMPACTO AMBIENTAL PRELIMINAR, PROYECTO DEL CAUCE DE INUNDACIONES DE DALLAS CIUDAD DE DALLAS, CONDADO DE DALLAS, TEXAS

De acuerdo a los requerimientos de la Ley de Política Nacional en Materia de Medio Ambiente (NEPA por sus siglas en inglés), el Cuerpo de Ingenieros del Ejército (USACE por sus siglas en inglés) ha preparado y está actualmente solicitando los comentarios sobre la Declaración de Impacto Ambiental Preliminar (DEIS por sus siglas en inglés) la cual analiza los efectos de implementar la aplicación de elementos de gestión del riesgo de inundación, restauración de las características del ecosistema, realce de las características de recreación, mejoras a los planes de desagüe interior, y otros proyectos propuestos en y alrededor del cauce de inundaciones de Dallas, en la Ciudad de Dallas, Condado de Dallas, Texas. La DEIS ha sido desarrollada como un esfuerzo cooperativo del USACE Distrito Fort Worth, la Ciudad de Dallas, Texas (patrocinado no-federal), la Administración Federal de Autopistas (Agencia cooperativa).

Adicionalmente, la Ciudad de Dallas ha presentado una solicitud para la aprobación del proyecto entero como una acción patrocinada localmente bajo las disposiciones del Título 33 del Código de los Estados Unidos Sección 408 (Sección 408), Sección 404 de la Ley de Agua Limpia (CWA por sus siglas en inglés), y la Sección 10 de la Ley de Ríos y Puertos. Por lo tanto, el USACE está solicitando los comentarios del público, las agencias y oficiales a nivel federal, estatal y local, las Tribus Americanas Nativas, y otras partes interesadas para evaluar y considerar los impactos de esta propuesta asociada con la posible decisión del permiso.

Una Reunión Pública para esta DEIS se llevará a cabo el Jueves, 8 de mayo 2014, desde las 5:30 hasta las 9:30 P.M., en el Auditorio de Dallas City Hall, LIFN, 1500 Marilla, Dallas, Texas 75201. El público podrá entrar en el Garaje de Dallas City Hall por la entrada en la Calles Field y Young (estacionamiento será gratuito). Copias de la DEIS pueden ser estudiadas en las siguientes ubicaciones: 1) la pagina de web del USACE: http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx; 2) La Biblioteca Pública de Dallas, 1515 Young Street, Dallas, Texas 75201; 3) la sucursal de la Biblioteca en Oak Lawn, 4100 Cedar Spring Road, Dallas, Texas 75219; 4) la sucursal de la Biblioteca en North Oak Cliff, 302 West Tenth Street, Dallas, Texas 75208; 5) la sucursal de la Biblioteca Dallas West, 2332 Singleton Boulevard, Dallas, Texas 75212; and 6) y en la reunión pública.

Todos los comentarios escritos deben enviarse por correo a más tardar el 2 de junio 2014. Los comentarios pueden mandarse a: Marcia Hackett, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102-0300, o por correo electrónico a marcia.r.hackett@usace.army.mil. También puede ofrecer comentarios orales o por escrito durante la reunión pública. Si deseo una copia de la DEIS, por favor solicítela por escrito a la Srta. Hackett por la dirección ofrecida.

Finalmente, ya que este proyecto requiere la certificación de la TCEQ, esta notificación pública también se emite con el propósito de notificar a todas las personas interesadas que una decisión sobre la certificación de la calidad del agua está pendiente ante la TCEQ. Comentario sobre la aplicación de la TCEQ pueden ser enviados a la Comisión de Calidad Ambiental de Texas. El periodo de comentario público se extenderá 45 días desde la publicación de esta notificación. Una copia de la notificación pública con una descripción del trabajo estará disponible en la Oficina de la TCEQ en Austin.

AVISO DE PERMISO PARA OPORTUNIDAD DE UNA AUDIENCIA PUBLICA

El Departamento de Transportación de Texas del Distrito de Dallas por este medio ofrece la oportunidad de una audiencia pública para tratar los proyectos y programas de transportación del Distrito que podrían efectar el uso de bicicletas, de conformidad con el Título 43 del Código Administrativo de Texas, 25.55 (b).

El propósito de esta notificación es permitir a cualquier persona la oportunidad de solicitar por escrito una audiencia pública para explicar las políticas y programas sobre el uso de las bicicletas. Una lista de correo será desarrollada por el Distrito sobre este tema y las personas y grupos interesados podrán presentar una solicitud para ser incluido a la lista.

AVISO DE ELECCIONES DE SÍNDICOS DEL DISTRITO ESCOLAR A EFECTUARSE EL 10 DE MAYO DE 2014

A LOS VOTANTES INSCRITOS DEL DISTRITO ESCOLAR INDEPENDIENTE DE CARROLLTON-FARMERS BRANCH:

Por la presente se da aviso de que los lugares de votación indicados a continuación, estarán abiertos de 7:00 a. m. a 7:00 p. m. el 10 de mayo de 2014 para votar en estas elecciones de síndicos del distrito escolar y elegir a los miembros que ocuparán los **Lugares Uno y Dos** en la Junta de Síndicos del Distrito Escolar Independiente de Carrollton-Farmers Branch.

El Día de Elecciones, los votantes deben votar en los lugares donde se inscribieron para votar. Los lugares de votación en donde funcionarán los recintos electorales del Distrito Escolar Independiente de Carrollton-Farmers Branch el Día de las Elecciones son los siguientes:

Frankford Town Homes
18110 Marsh Lane
Dallas, Texas 75287
(Distrito Electoral del Condado de Denton 2000, 2001, 2002)

Carrollton Library at Hebron and Josey
4220 N. Josey Ln.
Carrollton, Texas 75010
(Distrito Electoral del Condado de Denton 2003, 2004, 2005, 2009, 2010, 2011)

Farmers Branch Recreation Center
14050 Heartside Place
Farmers Branch, Texas 75234
(Distrito Electoral del Condado de Dallas 2300, 2301, 2303, 2311)

Farmers Branch City Hall
13000 William Dodson Pkwy
Farmers Branch, Texas 75234
(Distrito Electoral del Condado de Dallas 2302, 2305, 2308, 2309, 2310, 2312)

Josey Ranch Lake Library
1700 Keller Springs Rd.
Carrollton, Texas 75006
(Distrito Electoral del Condado de Dallas 2400, 2401, 2402, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411)

Cimarron Recreation Center
201 Red River Trl
Irving, Texas 75063
(Distrito Electoral del Condado de Dallas 2601, 2602, 2603, 2604, 2605)

Coppell Town Center
255 Parkway Blvd.
Coppell, Texas 75019
(Distrito Electoral del Condado de Dallas 2804, 2807, 2809)

Addison Fire Station # 2
3950 Beltway Dr.
Addison, Texas 75001
(Distrito Electoral del Condado de Dallas 2901)

Caillet Elementary School
3033 Merrell Rd.
Dallas, Texas 75229
(Distrito Electoral del Condado de Dallas 4000)

Thomas Haley Elementary School
3601 Cheyenne St.
Irving, Texas 75062
(Distrito Electoral del Condado de Dallas 4632)

MacArthur High School
3700 N. MacArthur Blvd.
Irving, Texas 75062
(Distrito Electoral del Condado de Dallas 4633, 4634)

Mustang Park Recreation Center
2223 Kinwest Parkway
Irving, Texas 75063
(Distrito Electoral del Condado de Dallas 4635, 4637, 4647, 4664)

La votación anticipada se efectuará durante el periodo que comienza el 28 de abril de 2014 y continúa hasta el 6 de mayo de 2014. **Para la votación anticipada el votante puede depositar su voto en cualquiera de los lugares de votación anticipada.** L fechas y horas regulares de votación anticipada por comparecencia personal son las que se indican a continuación:

28 de abril al 2 de mayo	Lunes a viernes	8:00 a. m. a 5:00 p. m.
3 de mayo	Sábado	8:00 a. m. a 5:00 p. m.
4 de mayo	Domingo	1:00 p. m. a 6:00 p. m.
5 y 6 de mayo	Lunes y martes	7:00 a. m. a 7:00 p. m.

La sede principal del lugar en donde se efectuará la votación anticipada es:

Dallas County Records Building, 509 Main Street, Dallas, Texas 75202

La votación anticipada se efectuará también en las Oficinas Administrativas (Administration Building) del Carrollton-Farmers Branch Independent School District, 1445 N. Perry Road, Carrollton, Texas 75006 y en otros lugares que servirán como sucursales de votación anticipada designados por el Departamento de Elecciones del Condado de Dallas. (Estas elecciones se efectúan de manera conjunta con el Departamento de Elecciones del Condado de Dallas y otras entidades participantes. Los lugares en donde se efectúen los comicios de votación serán sujetos a cambio, dependiendo de las entidades que participen).

La dirección postal del Secretario de Votación Anticipada a la cual los votantes deben enviar las solicitudes de boleta por correo es Toni Pippins-Poole, Early Voting Clerk, Dallas County Elections Department, 8th Floor, Health and Human Services Building, 2377 Stemmons Freeway, Dallas, Texas 75207. Todas las solicitudes de boleta por correo serán recibidas, a más tardar, al cierre de operaciones del día 1 de mayo de 2014. (Todas las solicitudes por Tarjeta Postal Federal (FPCA) de boleta por correo serán recibidas más tardar, al cierre de operaciones del día 2 de mayo de 2014).

PUBLICADO EL 3 DE ABRIL DE 2014

Por: James Goode
James Goode, Presidente
Junta de Síndicos
Distrito Escolar Independiente de Carrollton-Farmers Branch

NOTICE OF SCHOOL DISTRICT TRUSTEE ELECTION TO BE HELD ON MAY 10, 2014

TO THE REGISTERED VOTERS OF CARROLLTON-FARMERS BRANCH INDEPENDENT SCHOOL DISTRICT:

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on May 10, 2014, for voting in the school district trustee election to elect trustees to **Places One** and **Two** on the Carrollton-Farmers Branch Independent Scho District Board of Trustees.

On Election Day, voters must vote in their precinct where registered to vote. The locations of the Election Day polling places for Carrollton-Farmers Branch I.S.D. voting precincts are as follows:

Frankford Town Homes
18110 Marsh Lane
Dallas, Texas 75287
(Denton County Precincts 2000, 2001, 2002)

Carrollton Library at Hebron and Josey
4220 N. Josey Ln.
Carrollton, Texas 75010
(Denton County Precincts 2003, 2004, 2005, 2009, 2010, 2011)

Farmers Branch Recreation Center
14050 Heartside Place
Farmers Branch, Texas 75234
(Dallas County Precincts 2300, 2301, 2303, 2311)

Farmers Branch City Hall
13000 William Dodson Pkwy
Farmers Branch, Texas 75234
(Dallas County Precincts 2302, 2305, 2308, 2309, 2310, 2312)

Josey Ranch Lake Library
1700 Keller Springs Rd.
Carrollton, Texas 75006
(Dallas County Precincts 2400, 2401, 2402, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411)

Cimarron Recreation Center
201 Red River Trl
Irving, Texas 75063
(Dallas County Precincts 2601, 2602, 2603, 2604, 2605)

Coppell Town Center
255 Parkway Blvd.
Coppell, Texas 75019
(Dallas County Precincts 2804, 2807, 2809)

Addison Fire Station # 2
3950 Beltway Dr.
Addison, Texas 75001
(Dallas County Precinct 2901)

Caillet Elementary School
3033 Merrell Rd.
Dallas, Texas 75229
(Dallas County Precinct 4000)

Thomas Haley Elementary School
3601 Cheyenne St.
Irving, Texas 75062
(Dallas County Precinct 4632)

MacArthur High School
3700 N. MacArthur Blvd.
Irving, Texas 75062
(Dallas County Precincts 4633, 463

Mustang Park Recreation Center
2223 Kinwest Parkway
Irving, Texas 75063
(Dallas County Precincts 4635, 463 4647, 4664)

Early voting shall be held during the period beginning April 28, 2014, and continuing through May 6, 2014. **For early voting, a voter may vote at any of the early voting locations.** The regular dates and hours for early voting by personal appearance are as follows:

April 28 - May 2	Monday - Friday	8:00 a.m. - 5:00 p.m.
May 3	Saturday	8:00 a.m. - 5:00 p.m.
May 4	Sunday	1:00 p.m. - 6:00 p.m.
May 5 - May 6	Monday - Tuesday	7:00 a.m. - 7:00 p.m.

The main early voting site is:

Dallas County Records Building, 509 Main Street, Dallas, Texas 75202

Early voting shall also be held at the Carrollton-Farmers Branch Independent School District Administration Building, 1445 N. Perry Road, Carrollton, Texas 75006, and other branch early voting locations as designated by the Dallas County Elections Departmen (This election is being conducted as a joint election with the Dallas County Elections Department and other participating entities. The voting locations are subject to change, based on participating entities.)

The Early Voting Clerk's mailing address to which voters shall send applications for ballot by mail is Toni Pippins-Poole, Early Voting Clerk, Dallas County Elections Department, 8th Floor, Health and Human Services Building, 2377 N. Stemmons Freeway, Dallas Texas 75207. All applications for ballot by mail must be received no later than the close of business on May 1, 2014. (All FPCA applications for ballot by mail must be received no later than the close of business on May 2, 2014.)

ISSUED THIS 3 DAY OF APRIL, 2014

By: James Goode
James Goode, President
Board of Trustees
Carrollton-Farmers Branch Independent School District

NOTICE OF GENERAL ELECTION
(AVISO DE ELECCION GENERAL)

To the Registered Voters of the City of Celina, Texas:

(A los votantes registrados del Ciudad de Celina, Texas:)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on May 10, 2014 for voting in a general election to elect a mayor, a council person for Place 4, and Place 5.

(Notifiquese, por las presente, que las casillas electorales situados abajo se abriran desde las 7:00 a.m. hast alas 7:00 p.m. el 10 de Mayo de 2014 para votar en la Eleccion General para elegir un alcalde y concejales por Lugar 4 y Lugar 5)

LOCATIONS(S) OF POLLING PLACES
(DIRECCION(ES) DE LAS CASILLAS ELECTORALES)

Celina ISD Bldg-**Collin Co.**
205 S. Colorado St.
Celina, TX 75009

Pilot Point Sr. Citizen Center--**Denton Co.**
310 S. Washington
Pilot Point, TX 76258

Navo Middle School
1701 Navo Rd.
Aubrey, TX76227

Early voting by personal appearance will be conducted each weekday at
(La votacion adelantada en persona se llevara a cabo de lunes a viernes en)

Celina ISD Building 205 S. Colorado, Celina, **Collin County** TX, and
Denton Co. Election Office, Joseph A. Carroll Bldg, 401 W. Hickory #125, Denton, **Denton Co.** TX
(location) (sitio)

between the hours of 8 a.m. and 5 p.m. beginning on April 28, 2014 through May 6, 2014.
7 a.m. to 7 p.m. on May 5, and on May 6, and Saturday, May 3, 2014, 8 a.m. to 5 p.m. for **Collin Co.** only
Entre las 8 de la manana y las 5 de la tarde empezando el 28 de Abril 2014 y terminado el 6 de Mayo 2014. (Entre las 7 de la manana y las 7 de la tarde el 5 de Mayo, y el 6 de Mayo) Entre las 8 de la manana y las 5 de la tarde Sabado el 3 de Mayo ***solamente por el Candado de Collin.***

MIENTE
AVISO DE ELECCION GENERAL

A los votantes registrados de la ciudad de Allen, Texas:

Se notifica, por las presente, que las casillas electorales situadas abajo se abrirán desde las 7:00 a.m. hasta las 7:00 p.m. el sábado, el 10 de mayo de 2014 para votar en la Elección General para alcalde y elegir miembro por puesto numero 2 por la ciudad de Allen, Texas.

Direccion de las casillas electorales*: Allen Municipal Court Facility
301 Century Parkway
Allen, Texas 75013

*Los votantes registrados en Allen, pueden votar el dia de las elecciones, en cualquier centro adicional que este abierto bajo contrato con la Administración Electoral del condado Collin.

La votación adelantada en persona se llevará a cabo de lunes a viernes en**:

Collin County Elections Office
2010 Redbud Blvd., Suite 102
McKinney, Texas 75069

Allen Municipal Court Facility
301 Century Parkway
Allen, Texas 75013

**Los votantes registrados en Allen, pueden votar en cualquier centro de elecciones que este abierto bajo contrato con la Administración Electoral del condado de Collin durante la votación temprana.

entre las 8:00 a.m. y las 5:00 p.m. empezando el dia 28 de abril de 2014 y terminando el dia 6 de mayo de 2014, de Lunes - Viernes con votacion adelantada adicional el dia Jueves 1 de mayo de 8:00 a.m. - 7:00 p.m. el dia Sabado, 3 de mayo de 8:00 a.m. - 5:00 p.m., y de lunes 5 de mayo y de martes 6 de mayo de 7:00 a.m. - 7:00 p.m.

Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:

Ms. Sharon Rowe
Collin County Elections Administrator
2010 Redbud Blvd., Suite 102
McKinney, Texas 75069

Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse antes del cierre de las oficinas el jueves, dia 1 de mayo de 2014 a las 5:00 de la tarde.

Emitado el día 8 de abril del 2014.

/s/ Stephen Terrell, Alcalde

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

REPLY TO
ATTENTION OF:

April 18, 2014

Trinity River Corridor Project Office

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL IMPACT STATEMENT, DALLAS FLOODWAY PROJECT CITY OF DALLAS, DALLAS COUNTY, TEXAS

Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Fort Worth District has prepared and is currently seeking comments on a Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives. The alternatives considered in detail are: (1) No-Action Alternative or "Future Without Project Condition"; (2) Alternative 2 or Proposed Action with the Trinity Parkway (Preferred Alternative); and (3) Alternative 3 or Proposed Action without the Trinity Parkway.

The DEIS has been developed as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency). The DEIS describes the anticipated environmental and socioeconomic impacts of the proposed Dallas Floodway Project. The City of Dallas proposes to implement flood risk management elements, Balanced Vision Plan (BVP) ecosystem and recreation features, and Interior Drainage Plan (IDP) improvements within the Dallas Floodway. The project area is located along the Trinity River upstream from the abandoned Atchison, Topeka and Santa Fe railroad bridge to the confluence of the West and Elm Forks, then upstream along the West Fork for approximately 2.2 miles, and upstream about 4 miles along the Elm Fork.

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the Proposed Action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

In addition to the Federal project described above, the City of Dallas has submitted an application for approval of the entire project (BVP and IDP) as a locally sponsored action under the provisions of 33 United States Code Section 408 (Section 408), Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act (RHA). Approval is required due to: 1) the proposed location of the Project and activities within the Dallas Floodway; 2) the discharge of dredge and fill material into waters of the United States; and 3) activities in navigable waters of the United States. Approximately 323 acres of waters of the U.S., including roughly 157 acres of open water and 166 acres of wetlands, would be impacted by Alternative 2, the Preferred Alternative. Of this total acreage, approximately 134 acres are navigable open waters of the Trinity River. Permit Number for this action is SWF-2014-00151.

The proposal will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U.S. Army Corps of Engineers, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to approve the project will be based on an evaluation of the probable impact, including cumulative impact, of the proposal on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposal associated with a potential permit decision. Any comments received will be considered by the USACE in determining whether to issue, issue with conditions, or deny the permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

USACE invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the Dallas Floodway Project are encouraged to participate in the NEPA process. A public meeting for the DEIS will be held on Thursday, May 8, 2014, from 5:30 to 9:30 P.M., at the Dallas City Hall, L1FN Auditorium, 1500 Marilla, Dallas, Texas 75201. The public can enter the Dallas City Hall Garage entrance off of Field and Young Street (parking is free). The building should be entered through the green doors.

Copies of the DEIS may be reviewed at the following locations: 1) U.S. Army Corps of Engineers, Fort Worth District Website: http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx; 2) Dallas Public Library, 1515 Young Street, Dallas, Texas 75201; 3) Oak Lawn Branch Library, 4100 Cedar Spring Road, Dallas, Texas 75219; 4) North Oak Cliff Branch Library, 302 West Tenth Street, Dallas, Texas 75208; 5) Dallas West Branch Library, 2332 Singleton Boulevard, Dallas, Texas 75212; and 6) at the public meeting as noted above.

All written comments must be postmarked on or before June 2, 2014. Comments may be submitted in writing to: Marcia Hackett, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102-0300, or via e-mail to *marcia.r.hackett@usace.army.mil*. Oral and written comments may also be submitted at the public meeting. Copies of the DEIS may be requested in writing to Ms. Hackett at the above address.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Texas Commission on Environmental Quality (TCEQ) Tier I criteria for the project. Therefore, TCEQ certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act.

Any comments concerning the TCEQ application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 45 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

Rob Newman
Director, Trinity River Corridor
Project Office

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

REPLY TO
ATTENTION OF:

May 30, 2014

Trinity River Corridor Project Office

NOTICE OF AVAILABILITY EXTENSION

DRAFT ENVIRONMENTAL IMPACT STATEMENT, DALLAS FLOODWAY PROJECT CITY OF DALLAS, DALLAS COUNTY, TEXAS

Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Fort Worth District has prepared and is currently seeking comments on a Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The public is hereby notified that the public comment period for the DEIS for the Dallas Floodway Project, City of Dallas, Dallas County, Texas is extended to **June 17, 2014**.

The City of Dallas proposes to implement flood risk management elements, Balanced Vision Plan (BVP) ecosystem and recreation features, and Interior Drainage Plan (IDP) improvements within the Dallas Floodway. The project area is located along the Trinity River upstream from the abandoned Atchison, Topeka and Santa Fe railroad bridge to the confluence of the West and Elm Forks, then upstream along the West Fork for approximately 2.2 miles, and upstream about 4 miles along the Elm Fork.

In addition to the Federal project described above, the City of Dallas has submitted an application for approval of the entire project (BVP and IDP) as a locally sponsored action under the provisions of 33 United States Code Section 408 (Section 408), Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act (RHA).

The proposal will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U.S. Army Corps of Engineers, and other pertinent laws, regulations, and executive orders. The evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to approve the project will be based on an evaluation of the probable impact, including cumulative impact, of the proposal on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposal associated with a potential permit decision. Any comments received will be considered by the USACE in determining whether to issue, issue with conditions, or deny the permit. The extended comment period will also apply to provisions of 33 United States Code Section 408 (Section 408),

Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act (RHA). Permit Number for this action is SWF-2014-00151.

Copies of the DEIS may be reviewed at the following locations: 1) U.S. Army Corps of Engineers, Fort Worth District Website: http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx; 2) Dallas Public Library, 1515 Young Street, Dallas, Texas 75201; 3) Oak Lawn Branch Library, 4100 Cedar Spring Road, Dallas, Texas 75219; 4) North Oak Cliff Branch Library, 302 West Tenth Street, Dallas, Texas 75208; and 5) Dallas West Branch Library, 2332 Singleton Boulevard, Dallas, Texas 75212.

All written comments must be postmarked on or before **June 17, 2014**. Comments may be submitted in writing to: Marcia Hackett, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102-0300, or via e-mail to *marcia.r.hackett@usace.army.mil*.

for

Rob Newman
Director, Trinity River Corridor
Project Office

APPENDIX C
AGENCY AND PUBLIC NOTIFICATION LETTERS

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

April 18, 2014

Trinity River Corridor Project Office

Stephen Spencer
Regional Environmental Officer
U.S. Fish and Wildlife Service, Region 2
Office of Environmental Policy and Compliance
1001 Indian School Road, NW, Suite 348
Albuquerque, New Mexico 87104

Dear Mr. Spencer:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report

are enclosed with this communication for your review and to solicit any comments or concerns your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Debra Bills
Field Supervisor
U.S. Fish and Wildlife Service
Arlington, Texas Ecological Field Office
2005 NE Green Oaks Blvd., Suite 140
Arlington, Texas 76006

Dear Ms. Bills:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report

are enclosed with this communication for your review and to solicit any comments or concerns your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Mark Wolfe
Executive Director
Texas Historical Commission
1511 Colorado
Austin, Texas 78701

Dear Mr. Wolfe:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

Section 405 (a) of the 2010 Supplemental Disaster Relief and Summer Jobs Act (Public Law 111-212) states that the Army is not required to make determinations under the National Historic

Preservation Act for the Dallas Floodway project. USACE Implementation Guidance dated 19 October 2010 directs the Fort Worth District not to make determinations under the National

Historic Preservation Act (NHPA) and to examine the Dallas Floodway Project as an engineering system with a discussion of the cultural resource significance without making explicit references to NHPA eligibility criteria. USACE is not making determinations under Section 106 nor seeking your concurrence. We only seek your comments in regard to NEPA and discussion of environmental consequences and impacts to historic and cultural resources as required under CEQ regulation Part 1502.16.

The report entitled *Intensive Engineering Inventory and Analysis of the Dallas Floodway* dated November 2010 meets USACE Implementing Guidance and fulfills the USACE requirement to identify historic and cultural resources within the context of the scope of impacts that must be analyzed under NEPA. The report finds the Dallas Floodway meets the NEPA definition of a historic and cultural resource that still conveys its importance to an observer as a resource that has shaped the urban planning and development of the City of Dallas since its construction from 1928-1959.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Rhonda Smith
Chief, Planning & Coordination Section
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200, 6EN-XP
Dallas, Texas 75202

Dear Ms. Smith:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns

your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Honorable Wallace Coffee, Chairman
ATTN: Mr. James Aterberry
Comanche Nation
584 NW Bingo Road
HC 32 Box 908
Lawton, Oklahoma 73502

Dear Chairman Coffee:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report

are enclosed with this communication for your review and to solicit any comments or concerns the Comanche Nation may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Honorable Teri Parton, President
Wichita Executive Committee
1 Mile North of Anadarko on Highway 281
Anadarko, Oklahoma 73005

Dear President Parton:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns the Wichita Executive Committee may have regarding this action. We will consider any

comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Honorable Ronald D. Twohatchet, Chairman
Kiowa Tribe of Oklahoma
Highway 9 West
Carnegie, Oklahoma 73015

Dear Chairman Twohatchet:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns the Kiowa Tribe of Oklahoma may have regarding this action. We will consider any comments

that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Willie R. Taylor, Director
Office of Environmental Policy and Compliance
Department of the Interior
1849 C Street, NW, (MS 2462)
Washington, DC 20240

Dear Mr. Taylor:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. Electronic copies of the NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any

comments or concerns your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Michael O'Harra
Regional Administrator
Federal Aviation Administration
Southwest Region
2601 Meacham Boulevard
Fort Worth, Texas 76137

Dear Mr. O'Harra:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report

are enclosed with this communication for your review and to solicit any comments or concerns your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Al Alonzi
Assistant Division Administrator
Federal Highway Administration, Texas Division
300 East 8th Street, Room 826
Austin, Texas 78701

Dear Mr. Alonzi:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns

your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Salvador Deocampo
District Engineer
Federal Highway Administration, Texas Division
300 East 8th Street, Room 826
Austin, Texas 78701

Dear Mr. Deocampo:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns

your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Anita Wilson
Urban Programs Engineer
Federal Highway Administration, Texas Division
300 East 8th Street, Room 826
Austin, Texas 78701

Dear Ms. Wilson:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns

your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Holly Ferguson
Natural Resource Specialist
Air Quality Planning Section
Texas Commission on Environmental Quality
Building f, 12100 Park 35 Circle, MC-206
Austin, Texas 78753

Dear Ms. Ferguson:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report

are enclosed with this communication for your review and to solicit any comments or concerns your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Gregg Easley, Leader
Standards Implementation Team
Water Quality Division
Texas Commission on Environmental Quality
Building f, 12100 Park 35 Circle, MC-150
Austin, Texas 78753

Dear Mr. Easley:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Joint Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS, the potential Regulatory Section 408/404/10 permit decision, and

the potential Texas Commission on Environmental Quality State water quality certification. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Julie Wicker, Program Leader
Wildlife Habitat Assessment Program
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

Dear Ms. Wicker:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns

your agency may have regarding this action. We will consider any comments that we receive from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

April 18, 2014

Trinity River Corridor Project Office

Tom Heger
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744-3291

Dear Mr. Heger:

The United States Army Corps of Engineers (USACE) is seeking comments on the enclosed Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives.

This DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2 as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency).

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the proposed action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

A Notice of Availability (NOA) has been prepared to notify the public of this action and to solicit comments on the DEIS. The NOA, DEIS, and Dallas Floodway Draft Feasibility Report are enclosed with this communication for your review and to solicit any comments or concerns your agency may have regarding this action. We will consider any comments that we receive

from your office by the close of the comment period, June 2, 2014. Please address any requests or comments using the contact information indicated in the NOA. Thank you for your cooperation in this matter.

Sincerely,

Rob Newman
Director, Trinity River Corridor
Project Office

Enclosures:
Notice of Availability
Draft Environmental Impact Statement
Dallas Floodway Draft Feasibility Report

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

REPLY TO
ATTENTION OF:

April 18, 2014

Trinity River Corridor Project Office

NOTICE OF AVAILABILITY

DRAFT ENVIRONMENTAL IMPACT STATEMENT, DALLAS FLOODWAY PROJECT CITY OF DALLAS, DALLAS COUNTY, TEXAS

Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Fort Worth District has prepared and is currently seeking comments on a Draft Environmental Impact Statement (DEIS) that analyzes the potential effects of implementing each of three alternative scenarios for the application of flood risk management elements, ecosystem restoration features, recreation enhancement features, interior drainage plan improvements, and other proposed projects in and around the Dallas Floodway, in the City of Dallas, Dallas County, Texas. The DEIS documents the existing condition of environmental resources in and around areas considered for development and potential impacts on those resources as a result of implementing the alternatives. The alternatives considered in detail are: (1) No-Action Alternative or "Future Without Project Condition"; (2) Alternative 2 or Proposed Action with the Trinity Parkway (Preferred Alternative); and (3) Alternative 3 or Proposed Action without the Trinity Parkway.

The DEIS has been developed as a cooperative effort by the USACE Fort Worth District, the City of Dallas, Texas (non-federal sponsor), and the Federal Highway Administration (cooperating agency). The DEIS describes the anticipated environmental and socioeconomic impacts of the proposed Dallas Floodway Project. The City of Dallas proposes to implement flood risk management elements, Balanced Vision Plan (BVP) ecosystem and recreation features, and Interior Drainage Plan (IDP) improvements within the Dallas Floodway. The project area is located along the Trinity River upstream from the abandoned Atchison, Topeka and Santa Fe railroad bridge to the confluence of the West and Elm Forks, then upstream along the West Fork for approximately 2.2 miles, and upstream about 4 miles along the Elm Fork.

Section 5141 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat.1041) provides authorization for implementation of the City of Dallas Balanced Vision Plan Study and Interior Drainage Plan improvements following the preparation of required NEPA documentation. This action is in accordance with Title 33 Code of Federal Regulations Section 325.2(a)(4), which discusses NEPA procedures and documentation. The purpose of the Proposed Action is to reduce flood risk through flood risk management, enhance ecosystems, and provide greater recreation opportunities within the Dallas Floodway in Dallas, Texas. Flooding events on the Trinity River have historically caused loss of lives and damage to property and structures. Urbanization and past channelization and clearing have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. Furthermore, the City of Dallas lacks sufficient recreational opportunities for citizens and visitors. Implementation of the Proposed Action is needed to comply with Section 5141 of the Water Resources Development Act of 2007.

In addition to the Federal project described above, the City of Dallas has submitted an application for approval of the entire project (BVP and IDP) as a locally sponsored action under the provisions of 33 United States Code Section 408 (Section 408), Section 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act (RHA). Approval is required due to: 1) the proposed location of the Project and activities within the Dallas Floodway; 2) the discharge of dredge and fill material into waters of the United States; and 3) activities in navigable waters of the United States. Approximately 323 acres of waters of the U.S., including roughly 157 acres of open water and 166 acres of wetlands, would be impacted by Alternative 2, the Preferred Alternative. Of this total acreage, approximately 134 acres are navigable open waters of the Trinity River. Permit Number for this action is SWF-2014-00151.

The proposal will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U.S. Army Corps of Engineers, and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to approve the project will be based on an evaluation of the probable impact, including cumulative impact, of the proposal on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposal associated with a potential permit decision. Any comments received will be considered by the USACE in determining whether to issue, issue with conditions, or deny the permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

USACE invites full public participation to promote open communication and better decision-making. All persons and organizations that have an interest in the Dallas Floodway Project are encouraged to participate in the NEPA process. A public meeting for the DEIS will be held on Thursday, May 8, 2014, from 5:30 to 9:30 P.M., at the Dallas City Hall, L1FN Auditorium, 1500 Marilla, Dallas, Texas 75201. The public can enter the Dallas City Hall Garage entrance off of Field and Young Street (parking is free). The building should be entered through the green doors.

Copies of the DEIS may be reviewed at the following locations: 1) U.S. Army Corps of Engineers, Fort Worth District Website: http://www.swf.usace.army.mil/Missions/WaterSustainment/DallasFloodway.aspx; 2) Dallas Public Library, 1515 Young Street, Dallas, Texas 75201; 3) Oak Lawn Branch Library, 4100 Cedar Spring Road, Dallas, Texas 75219; 4) North Oak Cliff Branch Library, 302 West Tenth Street, Dallas, Texas 75208; 5) Dallas West Branch Library, 2332 Singleton Boulevard, Dallas, Texas 75212; and 6) at the public meeting as noted above.

All written comments must be postmarked on or before June 2, 2014. Comments may be submitted in writing to: Marcia Hackett, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, TX 76102-0300, or via e-mail to *marcia.r.hackett@usace.army.mil*. Oral and written comments may also be submitted at the public meeting. Copies of the DEIS may be requested in writing to Ms. Hackett at the above address.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Texas Commission on Environmental Quality (TCEQ) Tier I criteria for the project. Therefore, TCEQ certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act.

Any comments concerning the TCEQ application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 45 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

Rob Newman
Director, Trinity River Corridor
Project Office

USACE Fort Worth District
CESFW-PEC-TN
P.O. BOX 17300
Fort Worth, Texas 76102-0300

APPENDIX D
PRP COMMENT RESPONSE MATRIX

Dallas Floodway Project Draft EIS: Agency Comment and Response Matrix

The following table includes all agency or governmental comments received during the public review period. The original comments are included in this Appendix in the section titled "Agency Correspondence."

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
Texas Historical Commission						
1.	All		THC	When Referring to specific archaeological sites, please use the trinomial throughout, especially page 4-90. Line 26 and page 4-91, line 10.	*Change made.*	*Section 4.6.3.1*
2.	A-ii		THC	Please add the following to the list of acronyms and abbreviations: THC: Texas Historical Commission NAGPRA: Native American Graves Protection and Repatriation Act	*Change made.*	*List of Acronyms and Abbreviations*
3.	ES-12	40	THC	The Cultural Resources summary of impacts paragraph makes no mention of the two unevaluated archaeological sites, nor how they would be treated if one or both are determined to be State Antiquities Landmarks and/or eligible for listing in the National Register of Historic Places	*Discussion on the two unevaluated sites added. Impacts were assessed under NEPA.*	*Executive Summary – Cultural Resources*
4.	2-8	1	THC	Please provide additional information on the proposed treatment of the AT&SF truss. Will the truss be left in place and protected during construction? Or will the truss be removed during construction and reinstalled in its original location?	*The truss would remain as is and protected during demolition. The following text added to the document: Internal USACE design reviews would take place to avoid or minimize impacts. Appropriate mitigation would be determined as needed.*	*Section 4.6.3.1*
5.	3-72		THC	The eligibility of the following three archaeological sites is incorrect in the table; the status of the remaining five sites is correct as is. Please revised the table accordingly and throughout the DEIS as necessary: Site 41DL320: Undetermined Eligibility	*The table and the discussion in the document has been revised.*	*Table 3.6-2*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				Site 41DL440: Officially Not Eligible Site 41DL441: Undetermined Eligibility		
6.	3-72		THC	Please provide a very brief description of each of the archaeological sites in the table, i.e., "bridge piers" or "hearth."	*Information has been added.*	*Table 3.6-2*
7.	4-93		THC	Please provide information on how each of the historic bridges will be protected during construction.	*The following text added to the document: Internal USACE design reviews would take place to avoid or minimize impacts to the historical bridges.*	*Section 4.6.3.1*
8.	4-90	2	THC	Clarify how the THC has been consulted regarding potential Traditional Cultural Properties.	*Traditional Cultural Property is a NRHP designation and determination. No consultation determining a TCP with THC has occurred as NHPA does not apply under this action. The following has been added to the document: Tribal coordination will take place under Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments.*	*Section 4.6.1*
9.	4-90 & 4-92	31 & 24/34	THC	A draft of any HABS/HAER documentation should be submitted to the THC for review and comment prior to completion of the final documentation.	*The USACE is not proposing a HABS/HAER document. Any mitigative documentation is being done under NEPA. There is no requirement for coordination with THC. See M-10 in Section 7.2.*	*No Change*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
10.	4-92		THC	Please provide a photograph of the historic Old Hampton and Charlie Pump Stations.	*Added referral to Section 3.8.2.5, where photos of each pump station are presented.*	*Section 4.6.3.3*
11.	4-93	32	THC	Please include more information on areas with a high potential for archaeological resources. What constitutes a high-potential area versus low-potential area? If possible, provide information on anticipated depths for activities such as lake construction, wetland restoration, channel relocation, levee slope flattening, and removing the AT&SF embankment.	*Discussion revised. Construction depths provided.*	*Throughout section*
12.	5-5		THC	Under Alternatives 2 and 3, please note that coordination with the THC will also be required to evaluate any previously unevaluated archaeological sites or any archaeological sites that are designated as a State Antiquities Landmark.	*The following has been added to the document: the City of Dallas will be responsible for this coordination if any sites are designated as a State Antiquities Landmark.*	*Table 5-3*
13.	6-2		THC	Add references to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) and the Texas Health and Safety Code (13 Texas Administrative Code Part 22).	*Please note that NAPGRA is applicable only to federal and tribal lands. There are no federal lands involved with this project; therefore, NAPGRA does not apply. However, the potential for Native American human remains should be anticipated and there needs to be a plan in place, coordinated with the tribes and SHPO, to address this possibility, should it occur.* *Reference added to Texas Health*	*Table 6-1*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
					and Safety Code.	
14.	7-8	37	THC	Only archaeological testing in borrow and construction areas is mentioned. Do the construction areas considered encompass all elements of the proposed project, including but not limited to, recreational resources, amphitheater, boat ramps, bridge work, lakes, river channel modification, etc.?	*Yes, all construction areas were considered in the DEIS. This will be clarified.*	*Measure PRE-7*
15.	7-10	1	THC	Please revise to include plans should any non-Native American human remains be discovered, with reference to the Texas Health and Safety Code Chapter 711-715.	*This information will be added.*	*Measure C-15*
16.	7-13	14	THC	Please revise to note that any mitigation plans for any archaeological sites will be coordinated with the THC.	*This is not a requirement for the Corps. The city of Dallas must comply with the State Antiquities Act. Per Comment #12, this language has been added.*	*No Change*
Federal Aviation Administration						
17.			FAA	Due to the existing heavy use of the Trinity River Basin by helicopters along established, low altitude routes, the City of Dallas and the USACE should propose some mitigation measures to address the potential for bird activity that will occur along the Trinity River Basin due to the proposed project. Planting vegetative species that are not attractive to species of flocking birds, monitoring, commitment to adaptive management strategies, and issuing Notices to Airmen (NOTAMs) are some mitigation measures that could be incorporated into the FEIS and the Record of Decision. We look forward to reviewing those measures and working the USACE and the City.	*Measure added to require publication of a NOTAM. Furthermore, the USACE will continue to coordinate with the FAA regarding these measures and native plants as the project moves into the Preconstruction Engineering and Design phase.*	*Measure M-9*
18.			FAA	FAA recommends the FEIS provide a description of the increase in number and species of birds that may be attracted to the proposed project, the localized and seasonal flight patterns that	*Bachman Lake is more than 3 miles (5 km) from river corridor. The USACE does not expect the*	*Section 4.11.3.2 and Appendix O*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				they will likely utilize, and the altitudes that they could be expected to transition to in the vicinity of Dallas Love Field.	*project to increase bird numbers or activities at Bachman Lake or otherwise near Love Field. Bird flights would naturally occur along the river corridor at altitudes of less than a few hundred feet. Aircraft on approach and takeoff to and from Love Field do not cross the Trinity River project corridor at such low altitudes, so the localized movement of birds up and down the river corridor does not contribute to the risk of bird strikes. Additional rationale for this impact conclusion added .* *See Appendix O, Wildlife Hazard Analysis for additional information supporting the EIS analysis.*	
19.			FAA	The Advisory Circular describes the 'synergistic effects' of different land uses that by themselves may be outside of the areas of concern but when taken as a whole can have the effect of creating a wildlife corridor directly through an airport or surrounding airspace. We recommend the FEIS describe any synergistic effects created by this proposed project.	*Bachman Lake is more than 3 miles (5 km) from river corridor. We do not expect the project to increase bird numbers or activities at Bachman Lake or otherwise near Love Field. The EIS considers cumulative effects of the Proposed Action in conjunction with other projects in the Study Area. Additional rationale for this impact conclusion added .* *See Appendix O, Wildlife Hazard*	*Section 4.11.3.2 and Appendix O*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
					Analysis for additional information supporting the EIS analysis.	
20.			FAA	FAA recommends including a map in the FEIS that delineates FAL and the perimeters defined in the AC. FAA also recommends including the distance of the wetland and riparian area work to DAL's airfield operations area and state the specific work that is planned in those areas within 5 miles of the airport. This information may be better presented in its own section, where only FAA related information is included.	*A map depicting the location and distance of work within 5 miles of the airport has been added.*	*Figure 3.11-2*
Texas Commission on Environmental Quality						
21.			TCEQ	The DEIS states that lakes proposed to be constructed within the Dallas Floodway have planned depths of 12 feet (Urban Lake and Natural Lake), and 18 feet (West Dallas Lake), and are proposed to be maintained at a constant level using weirs and water pumps. The need for the proposed depths is unclear. Such depths can lead to stratification of the water body in the summer months, resulting in deeper waters that are devoid of dissolved oxygen. In the fall, as the surface layers cool and the lake waters become mixed, this can create pockets of anoxic waters resulting in seasonal fish kills. Shallower water depths allow for more complete mixing of the water body during warmer months, reducing the duration and amount of stratification, and reducing or eliminating fish kills from low dissolved oxygen. To reduce the likelihood of fish kills, the TCEQ recommends that the water depths in the constructed lakes be reduced where practicable to help maintain water quality.	*The downtown lakes have planned depths of 12 feet (Urban and Natural Lake); however, sediment accumulation could result in depths of 10 feet. This design has been deemed ideal for the desired beneficial uses of the lakes. To mitigate adverse effects to water quality, the Urban and Natural Lakes Management Plan has been developed. The West Dallas Lake is designed to have a depth of 18 feet due to the need for fill for construction of the Trinity Parkway, FRM levee raise, and side slope flattening.* *Additional information regarding the rationale for the lake depths and anticipated water quality added to the EIS.*	*Section 4.4.3.2*
22.			TCEQ	The DEIS states that the Flex Field Wetlands, Meadow Wetlands,	*This approach has been revised.*	*Section 4.4.3.2*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				Crow Lake Wetlands, and Forested Pond Wetlands are to be used as stormwater treatment wetlands. Wetlands intended as mitigation are not typically intended to directly treat stormwater runoff. The TCEQ recommends to the greatest extent practicable that stormwater treatment take place prior to entering these wetlands. Forms of stormwater treatment may include grassy swales, detention basins, properly sized stormwater interceptor units, or other appropriate water quality features.	*These wetlands are design features not intended to be considered as in-place mitigation, but intended to enhance the habitat, wetlands, and open water of the overall Floodway in the future condition. Design features have been added to pretreat stormwater before it reaches these wetlands. Impacts associated with the non-MDFP elements would be subject to compensatory mitigation requirements and would need mitigation bank credits.*	
23.			TCEQ	The DEIS states that water from the bottom third of Urban Lake will be pumped to the Forested Pond Wetlands, and will be aerated by the Water Wall. Mitigation is intended to be self-sustaining without the need for pumps or human intervention. The TCEQ recognizes the need to be able to move water through the different water features within the Floodway. However, the TCEQ recommends that all mitigation wetlands and water quality have the ability to be maintained without the need for human intervention, should pump operations cease, or water management priorities change.	*The Forested Wetlands are the identified wetlands that would be along the Urban Lake and utilize the proposed water wall. The Forested Wetlands are not intended for mitigation purposes. The wetlands are intended to bring shade, noise mitigation, and biofiltration qualities, but will not be used as mitigation for other wetland impacts. These ponds have been removed from the wetland discussion and relocated to the recreation discussion.*	*Section 2.3.2.2*
24.			TCEQ	The success criteria in the DEIS do not include a minimum timeframe for achieving success. The TCEQ recommends a minimum 5 year monitoring period for determining achievement	*Your comment has been noted for the record. The Mitigation and Monitoring Plan (MAMP) has been*	*Appendix H*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				of success criteria. Also, the DEIS includes success criteria for emergent wetlands of greater than 50 percent absolute coverage. The TCEQ recommends revising this criterion to "greater than 75 percent absolute coverage after 2 growing seasons."	*revised. Based on USACE review, the 50% coverage minimum is maintained as appropriate. A five-year standard has been added for success as it relates to invasive species. The plan currently anticipates 10 years of monitoring. Assuming restoration activities occur under average climatic conditions, performance standards should be satisfied in three to five years.*	
U.S. Environmental Protection Agency						
25.		EJ	EPA	The DEIS does not describe the specific impacts that would occur to these populations [(temporary, local adverse impacts to low income, minority, and child populations)] for the various project phases.	*Information added.*	*Section 4.9*
26.		EJ	EPA	The specific mitigation measures for environmental justice populations are not described.	*Information added.*	*Section 7.2*
27.		EJ	EPA	Table 1.1 shows potentially affected structures, but there is not corresponding information indicating whether these properties are minority-owned or occur in the locations identified in the DEIS as having a higher proportion of minority or low income residents.	*Information added.*	*Section 4.9.3.3*
28.		EJ	EPA	Additionally, it is unclear whether any minority-owned businesses or residences would be relocated or displaced by the implementation of the proposed project.	*Indirect only; information added to discussion of gentrification.*	*Section 6.7*
29.		EJ	EPA	The FEIS should clarify the specific adverse impacts to low income, minority, and child populations, identify corresponding mitigation measures, and clarify if environmental justice populations or businesses would be relocated or displaced.	*Information added.*	*Sections 7.2.1, 7.2.2, and 6.7.2.*
30.		EJ	EPA	The FEIS should evaluate the flooding risk and describe specific	*Discussion added to state that*	*Section 4.11.3.3*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				mitigation measures to be implemented during the construction phase of the proposed project.	*construction would be scheduled to minimize/eliminate downtime of IDS*	*and Section 7.2.1 Measure PRE-9.*
31.		EJ	EPA	Chapter 7 of the DEIS discusses and identifies mitigation measures for the proposed project. However, the DEIS does not incorporate a description of specific mitigation measures for addressing the adverse impacts to minority or low income communities. The FEIS would incorporate specific mitigation measures for adverse impacts to minority or low income populations.	*References to Ch7 SCMs added. SCMs augmented to clarify.*	*Section 7.2*
32.		EJ	EPA	Under Alterative 2, which includes the Trinity Parkway alignment within the levee, it would seem that the storage capacity of the constructed lakes would be lessened.	*The proposed Trinity Parkway would not impact the capacity of the lakes; the lake dimensions are independent of the presence/absence of the proposed Trinity Parkway.*	*Section 2.3.3*
33.		EJ	EPA	Therefore, the communities that would benefit from the construction of the lakes (in terms of flood protection), many of whom are low income or minority and may have experienced flooding in the past, may not see any benefits to the proposed project. It is unclear why Alternative 2 is the preferred alternative.	*The lakes provide no flood control value. Implementation of proposed FRM and IDP improvements would benefit low income or minority populations.*	*No Change*
34.		AQ	EPA	The nonattainment area consists of ten counties - the nine listed in this section along with Wise County on the northwest corner. Please see EPA's final designation rule for the 2008 ozone NAAQS, published May 21, 2012 (77 FR 30088).	*Section revised to include Wise County.*	*Figure 3.14-1*
35.		AQ	EPA	Recommendation: FEIS should incorporate fugitive dust, mobile, and stationary source controls for construction related activities: Fugitive Dust Source Controls: • Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust	*SCMs added to FEIS.*	*Section 7.2.2*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions; • Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and • Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph. Mobile and Stationary Source Controls: • Plan construction scheduling to minimize vehicle trips; • Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections; • Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed; • If practicable, utilize new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, commit to the best available emissions control technology. Tier 4 engines should be used for project construction equipment to the maximum extent feasible; • Lacking availability of non-road construction equipment that meets Tier 4 engine standards, the responsible agency should commit to using EPA-verified particulate traps, oxidation catalysts and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site; and • Consider alternative fuels and energy sources such as natural gas and electricity (plug-in or battery).		
36.		AQ &	EPA	FEIS should incorporate the conformity determination in order to	*The EIS has been updated to*	*Section 4.14.3.5*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
		Cumulative		fully evaluate cumulative impacts of the proposed project.	*reflect the status of TCEQ coordination with respect to general conformity.*	
37.		Wetlands	EPA	An evaluation of secondary impacts to WOUS needs to be conducted for all WOUS including those that are not directly dredged or filled.	*FEIS revised to clarify that ALL wetlands are directly impacted. The wetlands that are not directly impacted are at the upstream end of most activity and have SCMs to protect them from impact. No secondary impacts anticipated.*	*Throughout the EIS*
38.		Wetlands	EPA	A post construction monitoring plan needs to be developed and implemented to ensure that areas such as these remain in like or better condition.	*Monitoring criteria provided.*	*Appendix H*
39.		Wetlands	EPA	Any degradation found through monitoring as a result of the project should require additional mitigation.	*Section 4.1.2 of Appendix H states,* "Adaptive management measures will be considered upon the first instance of failure to meet a performance standard"	*Appendix H*
40.		Wetlands	EPA	If the principle purpose of the storm water wetlands is as expressed in the DEIS, that being primarily for treatment for stormwater runoff, then EPA would not concur that such wetlands are appropriate mitigation for impacts to natural emergent wetlands. If it can be shown that the "storm water" wetlands are designed such that they can provide the full suite of functions as those of natural emergent wetlands (wetlands most impacted by the project) and that measures to protect them from pollution (including trash and debris in runoff from adjacent recreation features), excess hydrology and sedimentation will be implemented, EPA would reevaluate them as potential mitigation features. Recommendations:	*This approach has been revised. These wetlands are design features not intended to be considered as in-place mitigation, but intended to enhance the habitat, wetlands, and open water of the overall Floodway in the future condition. Design features have been added to pretreat stormwater before it reaches these wetlands. Impacts associated with the non-MDFP elements would be subject to compensatory mitigation*	*Section 4.4.3.2*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				• Wetlands created for the capture and treatment of stormwater should be identified in the FEIS as treatment systems for improving water quality. • Wetlands created for Clean Water Act compensatory mitigation purposes should be designed to function utilizing natural hydrology and protected from detrimental stormwater discharges.	*requirements and would need mitigation bank credits.*	
41.		Wetlands	EPA	Table 2 in Appendix L also shows the Balanced Vision Plan component under Alternative 2 would be responsible for 178.53 acres of enhanced and restored wetlands. Thus, yielding a "net gain" of 12.16 acres. This number is misleading in that it gives the reader the impression that the BVP component will result in an overall increase of wetland acres when in fact there will be a loss of wetland acres. The amount of existing wetlands that will be "enhanced" is 53 acres (Table 7, Appendix L). Those wetlands currently exist and while the environmental lift from enhancement measures can be determined and utilized in mitigation calculations they cannot be counted as an increase in physical wetland acres gained. EPA recommends that Tables 2 and 4 in Appendix L and any associated text (example, TXRAM Appendix C, page C-5, Part Results) be revised to clearly indicate the gains and losses of wetland acres under both alternatives. Recommendation: Tables 2 and 4 in Appendix L and any associated sections should be revised to indicate the actual gains and losses of wetland acres under both project alternatives.	*This approach has been revised. Functional lift or loss is analyzed with a focus on the MDFP project elements. The EIS and 404(b)(1) now indicate that Impacts associated with the non-MDFP elements would be subject to compensatory mitigation requirements and would need mitigation bank credits.*	*Appendix L*
42.		Wetlands	EPA	The use of out-of-kind wetlands for compensatory mitigation is dependent largely on the type of wetlands impacted and the ecological significance or scarcity of the wetland type being offered as mitigation. In reference to out-of-kind as defined in 33 C.F.R. Part 332 as a resource of a different structural and functional type from the impacted resource, there are two	*Two issues; One is the concept of in-kind mitigation and the notion that there is damage to existing forested wetlands. Text revised to clarify that this is not the case. The second issue is the water*	*Section 4.4.3.2 and Appendix L*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				concerns in this regard posed by this project. The first is the use of "forested ponds" to mitigate impacts to forested wetlands. In this case, EPA is concerned that the forested ponds proposed are not appropriate as a mitigation feature for the loss of forested wetlands. As described in Appendix L on page 49, these areas would be 5 feet deep and serve as a bio-filtration area with highly managed hydrology via pumping of water from the lakes into the systems before returning it back to the lakes. EPA considers this a "treatment system" and believes it would not meet the definition of a naturally functioning forested wetland jurisdictionally or ecologically. EPA does recognize the need for forested wetland restoration in the Trinity River Floodway and Watershed at large. As such, EPA does support the use of restoration of bottomland hardwood wetlands as ecologically preferable to restoration of floodplain emergent wetlands. EPA encourages the City of Dallas and the USA CE to consider to the fullest extent possible measures to restore naturally functioning forested wetlands in contiguous blocks or corridors along the proposed re-alignment of the Trinity River. The current plans to create forested terraces along the proposed channel restoration is fully supported by EPA. Recommendation: FEIS should consider to the fullest extent possible measures to restore naturally functioning forested wetlands in continuous blocks or corridors along the proposed realignment of the Trinity River.	*provided to the Forested Ponds (previously the Cypress Ponds). Text revised such that the Forested Ponds will no longer be considered as compensation for wetland impacts.*	
43.		HazMat	EPA	The DEIS describes existing conditions and activities with the project area that are subject to Resource Conservation and Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act. Recommendation: FEIS should incorporate a commitment by USACE to adhere to local, state, and federal laws and regulations for the	*This requirement is included in the special conservation measures enumerated in Chapter 7 and will be part of the ROD.*	*No Change*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				management, storage, and disposal of solid and hazardous wastes during the construction phase of the project.		
Texas Parks and Wildlife Department						
44.	FR	2.2.3	TPWD	This section should be updated because the Texas Natural Diversity Database now includes occurrences of Louisiana Pigtoe in the Elm Fork of the Trinity River in the study area for this project. The report should be updated to indicate that the species is likely to occur in the river channel within the confluence and mainstem. It was documented by TXNDD in the confluence in 2012. This information was included in TPWD's February 26, 2013 letter to the USACE and April 26, 2013 letter to the USFWS. The latest TXNDD records have been attached to this letter.	*Information added*	*Section 2.3.3*
45.	FR	3.7.5.1 & 3.5.7.2	TPWD	Both of these sections should be updated to include concerns about impacts to native freshwater mussels due to the river realignment. A state-listed species currently proposed for federal listing (the Louisiana pigtoe) and two other state-listed species (Texas pigtoe and Sandbank pocketbook) have been found in the project area.	*Comment has been addressed in Appendix F.*	*Appendix F*
46.	EIS	2.2.2.1 and 2.2.2.4	TPWD	Regarding the docks and boat ramps, TPWD has concerns regarding the spread of zebra mussels. Procedures should be taken to prevent their spread, including information signage regarding the clean/drain/dry protocol at the docks and boat ramps.	*Measure added*	*Measure POST-4*
47.	EIS	3.5.1.2	TPWD	The FWCA not only required coordination with the USFWS but also the state fish and wildlife agency.	*Change made*	*Section 3.5.1.2*
48.	EIS	3.5.2.3	TPWD	Table 3.5-5 as well as Appendix H page 2, 3, and 7 of the Threatened and Endangered Species Report and Appendix L Section 3.2.2.1 should be updated because the TXNDD includes occurrences of Louisiana Pigtoe in the Elm Fork of the Trinity River in the study area for this project. It should be updated to say the species is likely to occur in the river channel within the confluence and mainstem. It was documented by TXNDD in the	*Comment has been addressed in Appendix F and Appendix H.*	*Appendices F and H*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				confluence in 2012.		
49.	EIS	3.5.2.4 & 4.5.3.2	TPWD	TPWD staff recommends that the clean/drain/dry protocols (for zebra mussels) should also be applied to construction equipment coming in contact with waters.	*Measure added*	*Measure C-14*
50.	EIS	Table 5-3	TPWD	Table 5-3 says that Alt 2 generates 21 more HUs than Alternative 3 and it says that there is no change in HUs between Alternative 2 and Alternative 3. These statements seem contradictory.	*Table updated to eliminate contradiction.*	*Table 5-3*
51.	EIS	6.2	TPWD	TPWD supports inclusion of the SCMs and Mitigation and Monitoring Measures as requirements of the ROD.	*Noted*	*No Change*
52.	EIS	7.2	TPWD	TPWD finds the following measures would be beneficial: PD-11, PD-14, PD-18, PD-22, PD-25. For PD-25, the limit of 10% average relative percent cover of non-native/invasive plant species in wetland communities is too high. Much lower percentages are currently required for mitigation banks and other forms of regulatory mitigation. TPWD also notes and supports the inclusion of the following: PRE-4, PRE-5, PRE-6, C-2, C-7, POST-1, and POST-3.	*Your comment re. PD-11, PD-14, PD-18, PD-22, PRE-4, PRE-5, PRE-6, C-2, C-7, POST-1, and POST-3 has been noted for the record.* *Re PD-25: The Mitigation and Monitoring Plan has been revised. Based on USACE review, the 10% coverage maximum is maintained as appropriate.*	*Appendix H*
53.	EIS	7.2	TPWD	M-3: TPWD requests that a copy of this plan be provided to TPWD for review and comment before the plan is finalized. M-4: There is a statement that mussel planning cannot be completed at this time because there is insufficient information on the life history and habitat requirements of the state-listed species. This statement appears to be an evasion to avoid addressing the issue and creating a plan. An appropriate plan can include use of best available science and contingencies for future information. Also, the plan should address all mussels, fish, etc. that are potentially affected, not just state-listed species. M-6: It is beneficial that TXRAM will be used to evaluate whether the mitigation is adequately compensating for project impacts. M-7: It is beneficial that only regionally native species will be allowed.	*M-3: Noted; will be provided.* *M-4: Discussion revised.* *M-6/M-7: Noted; no change made.*	*Measure M-4*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
54.	App. A		TPWD	Coordination regarding Land and Water Conservation Fund projects in the study area has not been conducted. The director for the TPWD Recreation Grants Branch is Tim Hogsett at 4200 Smith School Road Austin, TX, 78744 or 512-389-871.	*Information added. No LWCF projects are located within the Study Area.*	*EIS Section 3.1.2.2*
55.	App. H		TPWD	The Draft Threatened and Endangered Species Report of Appendix H should be updated to indicate recent occurrences of Louisiana Pigtoe in the study area.	*Appendix updated.*	*Appendix H*
56.	App. H	M&AMP, BVP	TPWD	Page 5 of this appendix indicates planting sedges, water willow, softstem bulrush, water pennywort, switchgrass, smartweeds and buttonbush in the construction of 154 acres of new emergent wetlands and enhancement of existing wetlands, but not all of these species are in the planting plan of Appendix H3. This discrepancy should be addressed by including all these species in Appendix H3.	*These species have been added to H3 and the affected tables have had the following note added: "While not in the original BVP plant list, this species was added at the request of TPWD in June 2014."*	*Appendix H*
57.	App. H	M&AMP, BVP	TPWD	Table 2 includes vegetative success criteria; however, no specific limit is set for invasive species in open water or aquatic riverine areas and allowable percentages are too high for the other habitats. This should be revised.	*The Mitigation and Monitoring Plan(Appendix H, Table 2) has been revised. Based on USACE review, the 10% coverage maximum is maintained as appropriate.*	*Appendix H*
58.	App. H	M&AMP, BVP	TPWD	It is beneficial that a detailed fish, mussel, and other aquatic species monitoring plan will be developed to define appropriate management to meet performance standards. It is also beneficial that the aquatic species success criteria include zebra mussel prevention, a TPWD relocation plan to define how to manage mussels so that they reestablish in the new channel, and fish and invertebrate standards based on reference sites.	*Plans to develop ARRRMP have been added to Appendix H.*	*Appendix H*
59.	App. H	M&AMP, BVP	TPWD	It is beneficial that the stream will be monitored for re-deposition of sediments, bank erosion, and sediment transport.	*Noted*	*No Change*
60.	App. H	M&AMP, BVP	TPWD	It is beneficial that TPWD will be given opportunity to review the annual monitoring reports.	*Noted*	*No Change*
61.	App. H	BVP	TPWD	TPWD staff recommend the project NOT use the following	*The affected tables have been*	*Appendix H*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
		Landscap-ing		species that are on the BVP list but considered invasive on texasinvasives.org: Chaste tree (*Vitex angus-castus*). The list should also not include Limpograss (*Hemarthria altissima*), an exotic grass, especially for wetland and riparian areas.	*updated with the following note: "This is an invasive species in Texas and, per TPWD (June 2014) is not recommended for use in the project."*	
62.	App. L	3.0	TPWD	A TXRAM conditional analysis table (Table 5) was provided for the Trinity River. A similar table/calculation should be provided for the wetland impacts as well or at least a reference to the location of those calculations in Sub Appendix C. The current wording implies that the analysis was only done for the Trinity River.	*The overall wetland analysis approach has been revised. Floodway wetlands not part of the MDFP are design features not intended to be considered as in-place mitigation, but intended to enhance the habitat, wetlands, and open water of the overall Floodway in the future condition. Impacts associated with the non-MDFP elements would be subject to compensatory mitigation requirements and would need mitigation bank credits. The TXRAM analysis has been revised to show current and anticipated conditions for MDFP elements, and the functional impact of the complete proposed action and estimate of functional acres subject to compensatory mitigation.*	*Appendix L*
63.	App. L	3.2.1	TPWD	Section 3.2.2.1 should be updated because the TXNDD includes occurrences of Louisiana Pigtoe in the Elm Fork of the Trinity River in the study area for this project. It should be updated to say the species is likely to occur in the river channel within the confluence and mainstem. It was documented by TXNDD in the	*Section updated.*	*Section 3.2.2.1*

#	Page	Line	Reviewer	AGENCY COMMENTS: Comment(s)	USACE Response	Location of Revision
				confluence in 2012.		
64.	App. L	SubApp C	TPWD	SubAppendix C, TXRAM Functional Analysis, Section 3.1.1.1. The release of monitoring should not be immediately after completion of construction. Monitoring should continue for at least 5 years for river/stream and 7 years for wetlands, particularly for forested wetlands. Specific monitoring criteria should be specified, including meeting projected TXRAM scores.	*MAMP has been revised to include monitoring for 10 years post-construction.*	*Appendix H*

Dallas Floodway Project Draft EIS: Public Comment and Response Matrix

The following table includes all non-agency and non-governmental comments received during the public review period. Recognizing that an individual or organization may submit a letter with several substantive comments raised therein, this table is coded by reference number. Comments with the same letter prefix are sourced from the same individual or organization letter. The comments are transcribed verbatim unless specifically noted.

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
1.	A-1	I am requesting a 60-day extension of the public review period for the Dallas Floodway Project Draft Environmental Impact Statement (EIS). Although the U. S. Army Corps of Engineers (USACE) published the Notice of Availability of the Draft EIS on April 14, 2014, 45 days is not enough time for the public to properly review a highly technical document that is over 2,000 pages long. (The Draft EIS alone is 632 pages long, not to mention the 11 appendices, which account for another 1,415 pages). It is not reasonable to expect the public to be able to review and comment on such a technical document within a 45-day period. Doing so would require that one read 45 pages a day and comprehend the analyses, acronyms, jargon, etc.; a completely unrealistic expectation for anyone who works full-time. Therefore, I am requesting a 60-day extension from the June 2, 2014 deadline. This type of extension in the public comment period is allowed for by the National Environmental Protection Act.	*On May 30, 2014, USACE extended the public comment period from June 2nd to June 17th. This extension was communicated to the public via public notice and the project website.*	*No Change.*
2.	B-1	Putting a 6-lanes highway within the floodway will ruin any opportunities for recreation in the floodway and floodway extension.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
3.	B-2	The COE should raise the levees to ensure maximum flood protection.	*Your comment is noted in the record.*	*No Change.*
4.	B-3	The COE should not spend money on recreation, meanders, etc. as no one will use them.	*Your comment is noted in the record.*	*No Change.*
5.	C-1	The authorization for conducting this EIS read, in part, as follows: • *direct the Secretary to review the Balanced Vision Plan for the Trinity River Corridor, Dallas, Texas, dated December 2003 and amended in March 2004, prepared by the non-Federal interest for the project;* • *direct the Secretary to review the Interior Levee Drainage Study Phase-I report, Dallas, Texas, dated 9 September 2006, prepared by the non-Federal interest.*	*The requested documents have been made available in Appendix O.*	*Appendix O, Supplemental Information*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		However, the EIS does not provide links to either of these documents, or reproduce them in an appendix. Although I was told that the Balanced Vision Plan is available online, I was unable to find the complete document, nor was I able to find the March 2004 amendment. The only link I was able to find, http://www.trinityrivercorridor.com/about/balanced-vision-plan.html, does not contain the entire plan, but only 2 sections, and none of the Appendices, according to the Table of Contents (http://www.trinityrivercorridor.com/pdfs/balanced-vision-plan/table-of-contents.pdf). The Interior Levee Drainage Study Phase-1 report is not available online at all. Since the entire EIS is based on these two documents, this is an omission of information critical to understanding the EIS, and appears to be a violation of the National Environment Policy Act. According to the USACE Dallas Floodway Project website, http://www.swf.usace.army.mil/Portals/47/docs/PAO/DF/PDF/What_is_NEPA_and_the_Scoping_Process_2009.pdf, among other things, NEPA is, "A "full disclosure" law with provisions for public access to and public participation in the federal decision-making process." The USACE did not provide public access to the documents on which the EIS is based; therefore, the "full disclosure" aspect of NEPA was not followed.		
6.	C-2	EIS and Draft Feasibility Report based on BVP, which was just conceptual; how did USACE determine the actual requirements for conducting the EIS? • No city funding for BVP, so who will provide funding for items not within the USACE's purview? • Even though the 2007 WRDA required the USACE to review the BVP, the BVP is not a document that has been approved by the citizens of Dallas through the voting process, so the basis for the EIS requirements may not be valid.	• *The WRDA of 2007 instructed the USACE to prepare the EIS analyzing the BVP. As presented in Section 2.8, the local sponsor (the City of Dallas) would continue with plans to construct the remainder of the BVP Study and the IDP improvements as local features.* • *Congress and the USACE have determined that the BVP as presented in Chapter 2 is valid for analysis. The EIS has been updated to provide additional detail/facts on the evolution of the BVP and public input.*	*No Change.*
7.	C-3	The designs and plans for major elements of the BVP and the Trinity Toll Road	*The EIS used 35% designs for the BVP analysis,*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		are not developed far enough for the USACE to make fully informed decisions about the technical and environmental acceptability.	*which provide an acceptable level of detail for NEPA analysis and to make a determination as to the technical feasibility and environmental acceptability of the proposed action.*	
8.	C-4	Statements in the Feasibility Report and the EIS contradict each other; several examples are discussed in the specific comments for each document.	*Comment noted; see responses to specific comments.*	*No Change.*
9.	C-5	The EIS and Draft Feasibility Report are based on inaccurate assumptions that include: • outdated hydrology models; • all the features of the BVP would be constructed; • the Trinity Toll Road would be built in the Floodway	*The EIS uses current and acceptable models and best available data. It also reflects the current status of the BVP and other projects (e.g., the Trinity Parkway) in the study area.*	*No Change.*
		SPECIFIC COMMENTS ON DRAFT FEASIBILITY REPORT		
10.	C-6	p.ES-5: "*BVP included raising the levees up to 2 feet above the Standard Project Flood (SPF) water surface profile combined with riverside side slope flattening to a 4-to-1, width-to-height ratio (4H:1V). The FRM component of the BVP was formulated per Corps NED guidance. It was determined through the formulation process (using NED analysis and loss-of-life estimates) that the 4H:1V side slopes or the system-wide 2-foot levee raise were not required to provide increased levels of risk reduction. The formulation process identified that raising levee low spots to pass the 277,000 cfs flow with 3H:1V side slopes and the AT&SF Railroad Bridge modification was the NED Plan.*" What level of protection will the modifications provide?	*The NED Plan would be designed to pass the 277,000 cfs flow. The 277K cfs flow rate currently has a 2,500-year return interval. Although life-safety and economic risks are reduced with the plan, residual risk remains once construction is complete.*	*No Change.*
11.	C-7	P. ES-7: "*The BVP and IDP Projects were evaluated to determine whether the features met the technically sound and environmentally acceptable criteria established for the review. The design completed for the BVP and IDP Projects during this phase is technically sound for the current stage of the projects and will provide a sound basis for future development of engineering products*." The BVP was a concept without specific design requirements. How can USACE state that the design is considered "technically sound?	*USACE will be responsible for the review of subsequent design refinements. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment.*	*No Change.*
12.	C-8	P.1-10: "*The Corps determined there were no design and construction deficiencies with the original project*." This statement contradicts the first sentence in the paragraph, which states, "*A Levee Remediation Plan (LRP) was developed to address the levee structural integrity concerns and Operation and*	*The purpose of the LRP was to document whether the two types of potential causes for remediation were met (Operation and Maintenance or Design and Construction*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		Maintenance (O&M) deficiencies (which are the responsibility of the City of Dallas) documented in PI Report No. 9." Why is levee remediation needed if there are no design and construction deficiencies?	*Deficiencies with the original construction of the levees in the 1950s). If there were any deficiencies in those categories, they would be corrected outside what can be recommended in the Feasibility Report. A statement that there were no Design and Construction Deficiencies with the original construction of the levees in the 1950s is required to meet the intended purpose of the LRP.*	
13.	C-9	P. 2-1: Why is flood risk due to interior drainage not addressed in the BCRA? Also, does conducting a detailed risk analysis for only 2 of 14 PFMs mean that USACE and the City of Dallas are accepting a higher level of risk of flooding?	*The purpose of the BCRA was to quantify risk associated with East and West Levee and was used to determine what to recommend for risk reduction. The flood risk for the interior drainage system was not quantified because the City of Dallas had developed plans to address the flood risk in their Phase I and II Interior System Drainage Studies. Detailed Risk Evaluation was performed on 5 of the 14 PFMs: PFM #2 Levee Overtopping, PFM #3 Floodwall Failure, PFM #8 Foundation Heave, and PFM #7 Foundation Sand Piping, and PFM #13 Global Instability. Life-safety and economic risks are reduced with the Recommended Plan; however, residual risk remains once construction is complete. Decision metrics and "as low as reasonably practicable (ALARP)" are considerations as to how far the risk is to be reduced. The ALARP considerations provide a way to address efficiency with a project proposal to reduce risk. The concept allows risks to be tolerable if there are no practicable ways to address the risk or if further risk reduction costs are grossly disproportional to the risk reduction.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
14.	C-10	P. 2-2: "*Transient analysis is appropriate for the Dallas Floodway Project because of the relatively short periods of time for the river flood stages.*" The flood stages can and have lasted for as long as 2 to 3 weeks, so the transient analysis may underestimate the amount of flood risk.	*Flood stages that impact the levees are expected to last no more than 24 to 48 hours. A diverse team of engineers, including national experts, considered flood durations in determining the analysis to use, and the transient analysis was deemed appropriate.*	*No Change.*
15.	C-11	"*Desiccation cracking has been determined to be low risk in the BCRA. The risk described in the BCRA and here is based on the fact that the City of Dallas fixes slides (a result of desiccation) as they occur to maintain the integrity of the levee system*." If the City fixes slides as they occur, then why do the levee slopes need to be flattened?	*The flattening of the slopes would reduce the frequency of slides, and reduces operations and maintenance costs. Further, the "flattening" also improves the safety of maintenance personnel by reducing the slope that the mowers must traverse.*	*No Change.*
16.	C-12	P. 2-10: "*Floodwall Failure (PFM #3) was not evaluated because the DFE Project is assumed to be fully constructed and addresses this PFM in the future without-project condition."* This assumption is inaccurate as no monies have been appropriated for the DFE project for several years, and the likelihood of future funding is very low. In addition, the Cadillac Heights Levee may no longer be economically justified since all but about 20 of the houses in that neighborhood have been removed.	*Corps guidance requires that the DFE project be assumed to be constructed as authorized for the planning effort for Dallas Floodway. The Cadillac Heights is not included in the Dallas Floodway study area.*	*No Change.*
17.	C-13	P. 3-3: While the City of Dallas may lack recreational amenities, no one will want to recreate next to a 550-foot wide, 6-lane toll road. The toll road will create air, noise, water, and soil pollution.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
18.	C-14	P. 3-5: The flood risk is underestimated because the plan assumes that that the DFE is fully constructed as planned. As noted previously, no funding exists for the DFE.	*The Corps guidance states that the DFE project will be built as authorized in the planning effort for Dallas Floodway.*	*No Change.*
19.	C-15	P. 3-9: Where is the analysis to support "Side-slope flattening will be considered as a feature to reduce O&M costs and contribute to the economic objective?"	*The flattening of the slopes would reduce the frequency of slides, and thus allows for more efficient maintenance and less emergency maintenance. Further, the "flattening" also improves the safety of maintenance personnel by reducing the slope that the mowers must travel along.*	*No Change.*
20.	C-16	P. 3-10: Soil samples from the West Dallas Lake footprint should be tested for	*Section 3.10 of the EIS details past studies and*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		lead because of the RSR lead smelter operation. Has the Floodway been tested for environmental contamination?	*sampling completed within the project area.*	
21.	C-17	P. 3-12: "*These flood frequency changes resulting from the completed DFE Project as well as any other floodplain impacts that have occurred since 1990 are considered in the current economic analysis for the Rockefeller Boulevard structures. Evacuating all nineteen structures would cost at least $622,000 which annualizes to $28,300. Evacuating structures along Rockefeller Boulevard would not be economically viable and was therefore removed from further consideration in the NED analysis*." The assumption that the DFE project will be completed is not realistic. What is the basis for the estimated cost of $622,000 for evacuating the 19 structures? This cost seems high. Regardless, it is unacceptable to leave people at the risk of flooding, given the relatively low cost of $622,000 compared to the $ 579,077,000 estimated cost of the Recommended Plan.	*Corps guidance requires that the DFE project be assumed to be constructed as authorized for the planning effort for Dallas Floodway. Appraisal values were used to estimate the cost of evacuating the referenced structures. The evacuation was not economically viable and therefore it must be removed from consideration as part of the Modified Dallas Floodway Project. This does not preclude the City of Dallas from reducing flood risk in the area by evacuation or other means.*	*No Change.*
22.	C-18	P. 3-32: Relocating the river channel will require bank treatments to prevent lateral migration and erosion. It is not environmentally friendly to put rip-rap along the modified channel. The existing channel has no bank treatments and has not migrated or eroded. The idea of relocating the river channel has no merit, and will be a waste of money.	*The proposed Trinity River bank treatments would be designed to restore natural function and dynamic processes. Due to the project location in an urban area, there needs to be a limit to the natural migration to avoid adverse impacts to the exiting levee system. At locations were velocity and shear stresses exceed acceptable ranges, slope treatments with riprap foundations are used to prevent bank erosion and failure, while also maintaining the environmental and aesthetic value of the channel banks.*	*No Change.*
23.	C-19	Why do trees need to be put back in the Floodway, after the USACE has been advocating for the removal of trees in the Floodway to speed the conveyance of floodwaters?	*The Balanced Vision Plan is a Comprehensive plan that includes flood risk management and ecosystem restoration. The Corps has carefully considered the existing location and the proposed placement of vegetation within the Floodway from a flood risk perspective as well as from an ecosystem restoration perspective.*	*No Change.*
24.	C-20	P. 3-32: What will happen to the proposed Hampton Wetlands if the Trinity	*The Hampton Wetlands are no longer a part of*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		Parkway is not constructed?	*the Proposed Action or of the cumulative future environment. This EIS includes the protection of the wetlands that currently exist adjacent to the Hampton outfall to ensure that they are not damaged in the course of construction.*	
25.	C-21	P. 3-33: Paved parking lots and roads will cause stormwater runoff, increasing flood levels downstream. How much open space/parkland will be taken up by roads and parking lots? If recreational amenities are constructed at all, the surfaces should be permeable.	*The EIS and the 404(b)(1) have been revised to address stormwater management and retention at all proposed hardscape features.*	*Section 4.4.3.2*
26.	C-22	P. 3-39: "*Bridge pier modifications are necessary for the construction of the BVP Lakes and River Relocation to ensure proper scour and erosion protection around the bridges. The current plan covers a majority of the affected bridges, but needs to be expanded to include Section 408 bridges in future design stages*." Which bridges are included in the "majority" and which bridges are considered Section 408?	*A list of bridge pier modifications that are required for the River Relocation are presented in Table D-25. The other affected bridges are also listed in Table D-25. The statement was made to account for the final design (beyond 35%) of the river relocation, to be completed at a later date, would potentially need to accommodate some other bridge piers but it would be the bridge owner's responsibility to implement.*	*No Change.*
27.	C-23	P. 3-39: "*The three lakes of the BVP all have earthen berms, clay liners, and a lake drain system. The earthen berms, separating the lakes from the Trinity River, need to satisfy Corps criteria. In future design, the earthen berms will be evaluated with Corps criteria. The lake drainage system has not been designed and may conflict with some utility relocations within the Floodway, specifically the pressure sewers. Finally, River Relocation erosion control needs further evaluation in future design stages. Although, the current design of the Trinity Parkway needs further development, it is believed to have the potential to be constructed in a technically sound manner*." How can USACE state that the BVP is technically sound when so many details have not even been designed? What is the basis for USACE's belief that the Trinity Toll Road "has the potential to be constructed in a technically sound manner?" Is there any documentation or analysis that support USACE's 'belief'? How is USACE able to evaluate cost estimates in the absence of even a preliminary design for so many different elements? The USACE should not proceed to a Record of Decision until designs	*USACE will be responsible for the review of subsequent design refinements. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment. The Trinity Parkway is not part of the proposed action analyzed in the DFP EIS.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		and plans have been developed to the point when truly informed decisions can be made about their technical and environmental acceptability.		
28.	C-24	P. 3-40 & 41: "*The design completed for the BVP and IDP Projects during this phase is technically sound for the current stage of the projects and will provide a sound basis for future development of engineering products.* ***Typical design submittals at the 35%, 65% and 100% level of development will be submit****ted and approval is required to advance to the next phase. At the current level of design for the various project components considered, the level of compliance with regard to meeting the goals of the ROD criteria is estimated to be very nearly optimal and technically sound from a hydraulic standpoint.*" All of the USACE's evaluation results are suspect since the project design is so immature, and cost estimates are not fully developed. How can USACE determine that the BVP and IDP are technically and environmentally acceptable when the design development is less than one-third complete?	*USACE will be responsible for the review of subsequent design refinements. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment. The Trinity Parkway is not part of the proposed action analyzed in the DFP EIS.*	*No Change.*
29.	C-25	P. 3-41: "*To date, there is no known public opposition to the alternatives of the BVP or IDP Projects as stand-alone projects, but public opposition is not known for the "with" or "without" Trinity Parkway condition evaluated by the Corps in Alternatives 2 and 3. The City of Dallas developed the entire BVP with stakeholders and community input since the early 1990s*." These statements contain several factual errors. First, public opposition to the Trinity Parkway is widespread, and has been covered extensively by local media. On what basis can the USACE say that public opposition is not known? Similarly, there is public opposition to many elements of the BVP. However, the BVP process threw out the work of the **original** Trinity River Corridor Citizens' Committee, and the study was conducted by private consultants funded with private money. The BVP process excluded those who were opposed to the Trinity Parkway, and to say that it was developed with community input and stakeholders is misleading. The issues with the USACE's characterization of the BVP and its origins are discussed in more detail on page 11 of this document. The IDP was developed without any citizen participation, so the reason for the lack of opposition is that no one knows about it.	*This language will be revised to better reflect the history of ongoing public involvement, bond elections at which the public could vote for or against the project, and similar language to discuss the history of the project. The IDP elements have similarly been approved by the public via bond election; three of the pump stations considered by the IDP have also undergone the NEPA process and no opposing comments were received. The Trinity Parkway is not part of the proposed action analyzed in the DFP EIS.*	*Section 5.3*
30.	C-26	P. 3-41 & 42: USACE's statements about the 20 years of BVP development are addressed on page 11 of this document. The statement, "*The designs were modified and refined to meet local demand*" is not accurate. The BVP did not	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		modify anything to reflect the concerns of local environmental groups about the proposed Toll Road routes. Local environmentalists had proposed a low-speed parkway outside the floodway, but this option was never properly evaluated.	*cumulatively in this EIS.*	
31.	C-27	"*The Corps has similarly lead* (sic) *public outreach efforts to target these residential communities since the NEPA process and feasibility study were initiated, and continues to receive positive feedback thus far*." Which communities specifically did the Corps target, and what documentation can it provide of which communities it met?	*Table 6-5 under Environmental Justice identifies several examples of USACE outreach.*	*No Change.*
32.	C-28	P. 4-10: "*An item of note is that the risk assessment only reviewed the general features of the Trinity Parkway using two critical cross-sections; therefore, the results should never be used to completely replace prudent engineering analysis and design. To this end, as the Trinity Parkway progresses to the 65% design phase, the levee system would be analyzed using site-specific geotechnical parameters and more cross-sections.*" How can the USACE state that the BVP and IDP are technically sound, when a proper risk assessment of the Trinity Toll Road has not been conducted? All the elements in the BVP and IDP should be more thoroughly evaluated and analyzed before USACE proceeds to a Record of Decision.	*USACE will be responsible for the review of subsequent design refinements of the Trinity Parkway under Section 408. USACE determined the BVP and IDP to be technically sound and environmentally acceptable based on the criteria established for the study. This includes applicable engineer, design and safety standards for the feasibility level design. In addition, USACE will continue to review designs throughout all future design phases.*	*No Change.*
33.	C-29	P. 5-2 and 3: An annual cost of $1.5 million for routine repair and replacement of the river channel seems high. What is the current annual cost for routine repair and replacement of the existing river channel? River relocation costs of almost $43 million and channel cost of almost $180 million are unacceptably high. In this time of constrained budgets, the money would be better spent on relocating residents who are currently in the floodplain. Further, there are too many competing interests and higher priority needs than restoring meanders in the river, and then restoring the eco-system that would be destroyed during the channel relocation. In addition, if the Trinity Toll Road is built, there will be no need to spend any money on trying to improve conditions within the Floodway.	*Your comment has been noted in the record. The USACE has a total estimate for the Dallas Floodway Levee System O&M (excluding O&M on interior drainage facilities) of approximately $1.0 million annually for the City of Dallas*	*No Change.*
34.	C-30	P. 5-13: "***A diligent effort was made to coordinate and collaborate with*** *resource agencies, local industry, and* ***environmental interests*** *throughout the study process and public meetings. Environmental resource concerns were addressed early in the study process to assure that adverse impacts were*	*Since the initiation of the current study effort in 2009, the Corps coordination and collaboration efforts include the NEPA public meetings; six joint City of Dallas and Corps PowerPoint*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		avoided to the maximum extent practicable." What precisely were USACE's efforts to coordinate and collaborate with environmental interests? Did USACE meet with local environmental groups? What documentation exists to show the various entities who were involved in the coordination and collaboration effort?	*presentations (three to public town halls, and three to stakeholder groups); four Dallas City Council or Council Committee project briefings; five days of Corps project information booths at Earth Day Events; and five days of Corps project information booths at other events, primarily located on event grounds between the two Dallas Floodway levees (two were held with the local Audubon Society). Additional information can be found in the final Feasibility Report (Section 5.12) and EIS (Section 1.7).*	
35.	C-31	From Draft Feasibility Report: *FLOOD RISK MANAGEMENT - A variety of structural and nonstructural plans were developed that address the flood risk due to Trinity River flooding. The formulation process assumed the Dallas Floodway Extension Project, as authorized, is fully constructed.* The assumption that the DFE is fully constructed is not based in reality, as the DFE has not received any federal funding for the last several years, and the likelihood of future funding is vanishingly small. Further, the USACE itself appears to recognize this probability in the Draft EIS, which states on p. 4-21, ***"If the levee construction components for the DFE are extensively delayed or eliminated . . ."*** If the draft EIS recognizes that the levee components may be delayed or eliminated, why does the Feasibility Report assume that the DFE is fully constructed?	*The Corps guidance states that the DFE project will be built as authorized in the planning effort for Dallas Floodway.*	*No Change.*
36.	C-32	From Draft FR: ***The River Relocation also presents the greatest risk to the functioning of the levee system due to the potential to increase seepage under the levees, which could result in levee failure****. This risk is mitigated with the installation of seepage cut-off walls, but it still presents engineering challenges.* ***Because the River Relocation feature is required to implement other BVP features, is an engineering challenge, and poses potential risk to the levee system, is located within the Dallas Floodway Project footprint,*** *and it supports all of the objectives, this feature is recommended for implementation under Section 5141 of WRDA 2007.* The last part of the previous sentence (*underlined*) makes no sense whatsoever, given all the negatives associated with the river relocation. How can the USACE	*The River Relocation is being recommended for construction as part of the Recommended Modified Dallas Floodway Project because it meets the project objectives and a major Corps Mission by having an Ecosystem Restoration function and increasing aquatic habitat that has been degraded by the original construction of the Dallas Floodway. The paragraph was intended to inform the reader that the risks to the levee system would be mitigated by seepage cutoff walls and that since this would*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		recommend a feature that poses potential risk to the levee system and is an engineering challenge? In addition, where will funding for the BVP come from? The City of Dallas does not have any funding for the project, and for the USACE to spend federal dollars on relocating the river, thereby increasing the risk of flooding, would be contrary to the goal of improving flood protection.	*part of the recommended plan the Corps would be responsible for future design efforts. This section (ES) of the report has been rewritten for clarification. The City of Dallas would be the non-Federal cost sharing sponsor for the Modified Dallas Floodway Project.*	
37.	C-33	The BVP also called for raising the levees up to 2 feet above the Standard Project Flood (SPF) water surface profile combined with riverside side slope flattening to a 4-to-1, width-to-height ratio (4H:1V); but the USACE determined that 4H:1V side slopes or the system-wide 2-foot levee raise were not required to provide increased levels of risk reduction. Instead, USACE determined that raising levee low spots to pass the 277,000 cfs flow with 3H:1V side slopes and the AT&SF Railroad Bridge modification was the National Economic Development Plan. What was the basis for the conclusion that a system-wide levee raise is not needed?	*The system-wide reference was made to distinguish between raising the low spots in the levee system versus a system-wide raise of the East and West Levees. The NED Plan raises the low spots in the East and West Levees to a design elevation associated with the 277,000 cfs flow rate.*	*No Change.*
38.	C-34	Appendix A: The assumption that the DFE is fully constructed is a fatal flaw that runs throughout the Draft Feasibility Report and Draft EIS. No funding is available to build either the Lamar Street or Cadillac Heights levees, and to assume their presence is unrealistic.	*Corps guidance requires that the DFE project be assumed to be constructed as authorized for the planning effort for Dallas Floodway.*	*No Change.*
39.	C-35	P. A-5: The recommended study on the effects of urbanization in the watershed was not conducted because of funding and schedule constraints. What impact does the absence of this study have on projected flood levels? When was the last time such a study was conducted? If the dramatic development in the Trinity Watershed, leading to greatly increased stormwater runoff is not accounted for, the hydrology and hydraulic modeling is useless. USACE has been working on this Feasibility Report and EIS for 4 years, but did not have the funding or time to conduct such an important study. Also, even though USACE took over 4 years to prepare these reports, citizens were initially given only about 45 days to comment on them.	*The effects of current and future urbanization have been analyzed in this study's hydrology component (see Appendix A). Additional study on the effects of urbanization is not expected have any impact on the study's recommendations.*	*No Change.*
40.	C-36	P. A-7: "*When the expected probability adjustment is applied to the frequency relationship using the period of record 1955 - 1990 computed for the Dallas Floodway, the expected annual chance exceedance probability for the SPF peak discharge of 269,000 would be about 0.00125 (800 year return period)*." A more recent period, 1955 – 2014, should have been used for this computation.	*The report describes that the period of record through 1990 was used in previous work from the mid-1990s. The current analysis uses the full period of record through 2011. Official USACE estimates of frequency are described in terms of*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		Also, using 2000 and 4500 year return estimates are misleading as the implication is that certain flood events would only occur every 2000 or 4500 years.	*annual exceedance probability, and return periods are only mentioned for additional perspective.*	
41.	C-37	The input for the HEC-I modeling software was outdated in that it only used data from the May 1990 storm. Why were simulated water flows developed rather than using actual flow data, since the most recent peak event occurred in 2007? Also, when was the HEC-FDA program last updated?	*The hydrologic analysis used events from the full period of record. The May 1990 event was the flood of record at Dallas. Simulated flows were developed in addition to the observed flood peaks in order to evaluate the impact of floods larger than the flood of record on the levees at Dallas. The March 2010 HEC-FDA version 1.2.5 was used for this study.*	*No Change.*
42.	C-38	P. A-38: The USACE has not followed its own guidance. "*The USACE Hydrology Committee recommended in their report "Findings and Recommendations Regarding Hydrology for the Dallas Floodway Project", dated May 2012, that the Fort Worth District conduct a study of the Trinity River Basin, in the vicinity of the Dallas Floodway, to determine the effects of urbanization on the frequency peak discharge relationships for gages within the basin. Further, it was recommended that this study be conducted in accordance with the guidelines published in Engineering Manual 1110-2-1415, which require an extensive look at historical floods in addition to preparing numerical models reflecting development and channelization conditions for different points in time. The Hydrology Committee recognized that average annual discharges have doubled in magnitude over time due to changes within the watershed.*" However, USACE has not conducted the study of the effects of urbanization because of schedule and funding constraints. Given the overall cost of the entire project, it is unacceptable that this study has not been conducted. How can the hydrologic modeling be correct if it is based on outdated data? If this work cannot be done in time to inform this phase of the Floodway study, how well informed is this Feasibility Report and Draft EIS?	*The effects of current and future urbanization have been analyzed in this study's hydrology component (see Appendix A). Additional study on the effects of urbanization is not expected have any impact on the study's recommendations.*	*No Change.*
43.	C-39	P. A-39: The future watershed conditions are based on varying degrees of detail on projected future development that was input into a 24-year old model. There can be no reliance on any information generated by this process as it is incomplete and out of date. For a project that is estimated to cost several hundred million dollars, much more recent and more reliable data is	*The study used the most current estimates of future watershed conditions from the North Texas Council of Governments. This analysis was deemed appropriate by a diverse team of hydrologists and engineers, including national*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		needed, and it is not acceptable to design a project with such poor data.	*experts. See Appendix A.*	
44.	C-40	P. A-41 & 42: The BCRA model made no attempt to consider future projects such as the DFE or related nearby projects such as the Rochester Park or Central Waste Water Treatment Plant levees. Since the BCRA does not consider the DFE, then why do the Feasibility Report and the Draft EIS assume that the DFE is fully constructed? The BCRA model is based on the Upper Trinity River CDC model, which only addresses the watershed between the Lake Lewisville Dam and Hutchins, TX. The model therefore does not accurately reflect the tremendous growth and development that has occurred in the watershed north of the Lake Lewisville dam and significantly underestimates the amount of stormwater runoff.	*The Risk Assessment model is a portion of the hydraulic analysis that was performed for the Dallas Floodway. The impacts of all current and expected future projects were modeled in the comprehensive analysis phase. The current and expected future development in all areas of the watershed including upstream of Lewisville Dam was accounted for in the hydrologic model.* *Corps guidance on the feasibility study requires the assumption that the DFE project be considered constructed as authorized.*	*No Change.*
45.	C-41	P. A-44: The Feasibility Study considers the DFE as a complete project for baseline conditions. This is a basic flaw in the assumptions for the Feasibility Study and the EIS, as there is no funding for the DFE levees. This flawed assumption calls into question all the analyses conducted for both documents. The decision to consider the DFE as complete for the baseline must be of some concern to the USACE, as it was documented in a Memorandum for Record after an In-Progress Review that was held on January 11-12, 2012.	*Corps guidance requires that the DFE project be assumed to be constructed as authorized for the planning effort for Dallas Floodway.*	*No Change.*
46.	C-42	P. A-90: "***Due to the scope and complexity of the project components proposed within the Dallas Floodway, it was expected that not all combinations of projects proposed would meet the ROD criteria at every location in the Trinity River corridor.*** *However applying the criteria consistently between proposed plans through the preliminary design process provides a means of comparing the flood risk impacts of one plan to another in the interest of making the best risk informed decisions regarding selection of the TSP. In addition,* ***the ROD was written with the intent that "the Regional EIS, its public review, and this ROD serve only to establish the best overall public interest as it applies to the Trinity River and its tributaries". This statement from the ROD has been interpreted to mean that it represents overall benefits to Upper Trinity River floodplain developments only with regard to limiting flood risk increases and environmental impacts. The ROD further states "Variance from the criteria would be made only if public***	*Meeting the 1988 ROD criteria on every point is not required for a determination of "technically sound and environmentally acceptable." The impacts of slight water surface rises and small valley storage losses were estimated and were deemed insignificant from a flood risk perspective. Opportunities to further reduce or minimize potential flood risk will be considered during the final design stages of the various project components.* *The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		interest factors not accounted for in the Regional EIS overwhelmingly indicate that the "best overall public interest" is served by allowing such variance. *Therefore, it is also presumed that* ***there may be circumstances or proposed developments that may have greater or wider ranging public benefits than those accounted for in the Regional EIS which would justify a variance to the criteria. Thus, the ROD criteria is used to ensure that overall FRM project goals of the Dallas Floodway Feasibility Study are met and represent the "best overall public interest" even if the TSP preliminary design does not meet every point of the ROD criteria****."* These statement imply that a project should be granted a variance if it is determined to be in the "best overall public interest", even if it increases flood risk and has negative environmental impacts. It is not in the "best overall public interest" to construct the Trinity Toll Road inside the levees.	*cumulatively in this EIS.*	
47.	C-43	P. A-120: "*The valley storage change for the BVP with Trinity Parkway has been computed at -5.1% for the SPF and approximately -2.7% for the 1% ACE compared to the Future Without Project Condition. This means that the project results in a valley storage loss for both flood events. The project as currently designed does not meet the ROD criteria for the 1% ACE flood event or the SPF event.*" If the project does not meet the ROD criteria for either flood event, how can it be deemed technically and environmentally sound and feasible?	*Meeting the 1988 ROD criteria on every point is not required for a determination of "technically sound and environmentally acceptable." The impacts of slight water surface rises and small valley storage losses were estimated and were deemed insignificant from a flood risk perspective. Opportunities to further reduce or minimize potential flood risk will be considered during the final design stages of the various project components.*	*No Change.*
48.	C-44	Appendix D: The river channel does not need to be relocated. The banks are stable, and it conveys floodwaters through the floodway. The river is in a natural state now, and there is no need to spend millions of dollars on curving, armoring, and lining the channel with slope treatments. We do not want to have a concrete lined river channel.	*The River Relocation is being recommended for construction as part of the Recommended Modified Dallas Floodway Project. Feasibility level design for the River Relocation does not include a concrete lined channel; however, at locations were velocity and shear stresses exceed acceptable ranges, slope treatments with riprap foundations are used to prevent bank erosion and failure, while also maintaining the environmental and aesthetic value of the channel banks.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
49.	C-45	D-120: Will the drain lines that will penetrate the berms be buried or above ground? "*These drain lines, when used, will be operating at a high volume for a sustained period of time. The opposite bank of the relocated Trinity River will need to be reinforced for scour and erosion protection commensurate with this high level of sustained flows. Additionally, two pressure storm sewer lines already converge at the Urban Lake overflow weir. There are design issues with lake drain lines and the pressure sewers, but the design is technically sound for a feasibility design and deficiencies could be remedied in future design*." How can the design be determined as technically sound in the absence of detailed design? Also, has the potential for substantially increased costs as designs are developed further and new problems uncovered been considered in the USACE's cost estimates?	*The Corps found the plans to be technically sound based on the feasibility level of design development. In addition, the Corps will continue to review designs throughout all future design phases. The Corps includes contingencies in all cost estimates to account for design refinements that arise during the detailed design phase of our projects.*	*No Change.*
50.	C-46	D-120: "*It is also recommended that a more detailed look be taken at armoring the embankment separating Cypress Pond and the Trinity River. Armoring in these areas will mitigate for erosion in high flow and overtopping scenarios and reduce the potential for embankment failure causing flooding and drainage issues. Although there are issues with potential erosion and overtopping due to high shear stress and velocities, the configuration of the Cypress Pond is technically sound for a feasibility design and deficiencies could be remedied in future design*." Armoring embankments up and down the Floodway will destroy any hope of having anything resembling a natural environment. Again, how can the design be determined as technically sound in the absence of detailed design?	*The Corps found the plans to be technically sound based on the feasibility level of design development. In addition, USACE will continue to review designs throughout all future design phases.*	*No Change.*
51.	C-47	D-121: What exactly does "treating stormwater from hardscape features through low impact development and best management practices" mean? Will the run off drain into wetlands or into storm sewers? Grading plans for trails, vehicle paths, parking, and access roads are not developed, yet the hardscape features are deemed to be technically sound? How will vehicles get inside the levees?	*The EIS has been revised to reflect that the pre-treatment of stormwater would include green infrastructure measures such as vegetated bio-swales, filter strips, soil amendments, forebays, permeable or porous pavements, stormwater tree vaults/pits or other measures as appropriate for site conditions and constraints. As described in EIS Section 4.11.3.2, a total of 13 motorized vehicle access points to the Floodway are planned; 10 of these access points are planned as restricted for emergency access*	*Section 4.4.3.2*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
			and use.	
52.	C-48	D-122: "***Access roads from outside the levees to the inside are located on the face of both the East and West Levees. These access roads are the only means of access to the features of the BVP. The roads add a significant amount of fill to the face of the levee and assurances need to be made that the integrity of the levee is not compromised through the use of material or construction technique. These access roads are not included as part of the grading plan. The access road grading plan is a significant hardscape feature that is not developed.*** *These features add a significant amount of fill to the face of the levee, and the effective levee toe is pushed farther away from the levee.* ***The design would require adherence to the 150- foot buffer from the levee toe and the Trinity River Relocation and Lakes footprint. It is suggested that the slopes of these access roads be no steeper than 20H:1V or 5% which could affect the current layout of the access roads to accommodate the length of road required to navigate down the face of the levee***." Also, "*Several parking areas are located throughout the Dallas Floodway BVP. These parking areas enable vehicle access to several of the unique features throughout the BVP. These areas have very little information about their design and drainage that needs to be addressed and accounted for in further design submittals. It is important that parking structures drain properly and navigate around other projects in the area*." Again, how can the entire BVP be considered technically sound when significant amounts of information are lacking and/or yet to be developed?	*USACE will be responsible for the review of subsequent design refinements. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment.*	*No Change.*
53.	C-49	D-122: The floodway is not an amusement park, and if the Trinity Toll Road is constructed, there will be no need to construct any of the recreational amenities. If built, any trails and parking areas should be made of permeable materials. We do not want concrete trails and roads crisscrossing the river bottom and floodway	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS. Stormwater management requirements have been clarified in the EIS and the 404(b)(1).*	*EIS Section 4.4.3.2 and Appendix L*
54.	C-50	P. D-123: Major utilities will need to be relocated if the BVP moves forward. Although USACE has estimated the costs, what is the potential for substantially increased costs as designs are developed further, and more problems uncovered? The Draft FR repeatedly states "the design is technically sound for a feasibility design and deficiencies could be remedied in future	*The Corps includes contingencies in all cost estimates to account for issues that arise during the detailed design phase of our projects.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		design." How are cost increases associated with future design refinements accounted for in the USACE's cost estimates for the project?		
55.	C-51	P. D-125: "2.5.8.3 Turtle Creek Pressure Storm Sewer" The issues discussed in this section have not been addressed by the relevant parties, so how is USACE able to determine that the design is technically sound? Also, how will the cost estimates for the project be affected when those issues are addressed?	*The Turtle Creek Pressure Storm Sewer extension is required for the River Relocation, but would be completed by the Trinity Parkway in future design and construction efforts. It would be evaluated as a Section 408 project and not Federal cost shared item.*	*No Change.*
56.	C-52	P. D-125 and 126: Again, many of the issues discussed in these pages do not have enough design or cost information for USACE to be able to state that the project is technically sound. This is a basic flaw in the entire Feasibility Report and Draft EIS.	*Technical soundness may be concluded based on the current designs and the establishment of criteria within the EIS for design refinements. USACE will be responsible for the review of subsequent design refinements. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment.*	*No Change.*
57.	C-53	P. D-128: "*The current stage of the BVP grading plan does not include tie-ins to existing grade.* ***For feasibility, it is essential to ensure that enough earthen borrow material is available to create the various BVP, IDP, FRM, and local features, including the Trinity Parkway****. Additionally, the grading plan needs to be coordinated with the corresponding hydraulics model of the Dallas Floodway.* ***It is important that these two items are consistent from a design standpoint****. Drainage as well as conveyance issues need to be met to ensure the project is technically sound and functions as intended*." What is the basis for USACE's determination that the project overall is technically sound and feasible when so much information is unknown?	*Technical soundness may be concluded based on the current designs and the establishment of criteria within the EIS for design refinements. USACE will be responsible for the review of subsequent design refinements. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment.*	*No Change.*
58.	C-54	P. D-129: "***SECTION 2.5.11.1 BVP Risks*** *- There are six key issues that are current risks in the design of the BVP that need to be mitigated in future design*." Several issues discussed in this section, and many others throughout the Feasibility Report and Draft EIS are characterized as "*have not currently*	*Technical soundness may be concluded based on the current designs and the establishment of criteria within the EIS for design refinements. USACE will be responsible for the review of*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		been evaluated to determine accordance with USACE design criteria." How is the USACE able to state that the design is technically sound when so many elements have not been evaluated against USACE design criteria?	*subsequent design refinements. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment.*	
59.	C-55	P. D-141: **SECTION 3.2.1 TRINITY PARKWAY** "*Current preliminary designs of the Trinity Parkway are at less than a 35% submittal. The berms and bridges will support six lanes of traffic, three in each direction, but will originally be built with four lanes of traffic. The Trinity Parkway and its earthen berm are separated from the remainder of the floodway by a flood separation wall, designed for the 100-year recurrence interval flood event.* ***Currently, the submittals do not include grading contours for the earthen berm, contours for the excavation of borrow pits located in the footprint of Urban and Natural Lake, designs for the required relocation of the river, design criteria for the flood separation wall, and there is limited information on the proposed mitigation efforts. There are several conflicts with the access road system and the access roads proposed by the BVP***." Once again, given all the unknowns listed, how is USACE able to determine that the project is technically sound and feasible? USACE's assumption that the Toll Road is built prior to the BVP could be incorrect. As with the BVP, the funding gap for the Trinity Toll Road is substantial, with no known sources to provide the monies needed. Although USACE acknowledges that the actual construction sequencing might be different, it does not provide any information about the impacts if its assumption is wrong.	*Technical soundness may be concluded based on the current designs and the establishment of criteria within the EIS for design refinements. USACE will be responsible for the review of subsequent design refinements. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment.*	*No Change.*
60.	C-56	P. D-144: "**SECTION 3.2.3 – Dallas Standing Wave** – This section is out of date in that it does fully acknowledge the problems experienced after it was opened. "*Currently, there are concerns regarding the actual ability of less experienced paddlers to navigate the Standing Wave features under normal flow conditions."* This is an understatement of the extent of the problem. The current design is considered so unsafe that the City of Dallas has closed access to this section of the river, rendering it non-navigable between Sylvan Avenue downstream to Loop 12.	*The Dallas Standing Wave is a project by others and is not part of the proposed action analyzed in the DFP EIS or FR.*	*No Change*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
61.	C-57	P. D-152: **Section 3.6.1 Overall Comprehensive Analysis Risks "**Existing survey information used in the comprehensive analysis study is from 1991. More current survey information may be available, but was not used in the current stages of the study to remain consistent with the Hydraulics and Hydrology model." Does this mean that the Hydraulics and Hydrology model is also from 1991? If that is the case, then this entire section is meaningless, because it would not reflect the large amount of growth and development in the area since 1991, and subsequent increase in stormwater runoff.	*This section refers to the survey of the base floodplain which has not been modified since 1991 except for some portions of the river channel and the levee slopes. This data was updated with river channel and levee survey information from 2003 and other more recent survey data to reflect current conditions and all projects completed to date. The current and expected future development in the watershed was accounted for in the hydrologic model.*	*No Change.*
62.	C-58	P. D-157: "*The NED Plan does not require utility relocation. There are three bridge-levee interfaces that require structural bridge sealing plans including Corinth, Union Pacific, and SH-356 on the East Levee. The Houston Street Bridge on the West Levee requires sandbagging at the 277,000 cfs flow.*" How will sandbagging of the Houston Street Bridge be accomplished in a significant flood event?	*Part of Emergency Action Planning includes sandbagging during flood events. Sand bagging is utilized on many levee systems during extreme flood events for flood fighting.*	*No Change.*
63.	C-59	P. D-164: "*A comprehensive grading plan should be updated to ensure proper cohesion between features. Currently, the hydraulic model reflects the current grading level; however, a substantial amount of grading and earthwork has yet to be included within the design and will need to be reflected in a revised hydraulic model*." What is the impact if the updated grading plan alters the shape of the Floodway or the Toll Road and/or causes projects to overlap?	*USACE will be responsible for the review of subsequent design refinements. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment.*	*No Change.*
64.	C-60	P. D-165: "*For the purposes of estimation, the erosion protection and bank treatment features were determined to be inundated every twenty years. Assuming that the initial invested cost of the erosion protection features, bank treatments, and riprap would need to be reinvested every twenty years, a factor of 5% was applied to these features to represent an annualized cost."* It is misleading to state that the protection features were determined to be inundated every 20 years, when there is chance that these features could be inundated every time it rains.	*The estimated costs for OMRR&R were estimated based on how often they could need replacement, not how frequent they could be inundated. The referenced text will be revised to clarify the estimation for replacement.*	*Appendices D and J*
		SPECIFIC COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT		
65.	C-61	P. ES-1: *urbanization and past channelization and clearing of the Dallas*	*The Trinity Parkway and its alignments are not*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		Floodway have significantly degraded the natural terrestrial and aquatic habitat of the Dallas Floodway. The City of Dallas lacks sufficient recreational opportunities for citizens and visitors. There is inadequate access to the Dallas Floodway, and it is not perceived by the public as a desirable destination for recreation. Construction of a 6-lane toll road with high-speed tractor-trailer and other traffic will destroy any hopes for recreation and enhanced environment in the Dallas Floodway. Air and noise pollution from the Trinity Toll Road (a more accurate description than Trinity Parkway) will result in a hostile environment for recreation. No one will want to recreate next to the Trinity sewage canal.	*part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	
66.	C-62	Page 3-2 of EIS states, "*The City of Dallas created the Trinity River Corridor Citizens Committee in 1994, which culminated in the creation of the Balanced Vision Plan (BVP) Study. . .*" This statement is incorrect. The recommendations of the original Trinity River Corridor Citizens' Committee were thrown out by Mayor Ron Kirk. Subsequently, after Mayor Laura Miller was elected, she and County Judge Lee Jackson engaged outside consultants to develop the Balanced Vision Plan. The BVP study was funded by private entities, many of whom have vested interests in the study area. As such, the BVP is not, and should not be considered to be a public document. Further, the Draft Feasibility Report states, "*The BVP was developed after 20 years of coordination with the public, especially the low-income, minority dominated residential neighborhoods within and adjacent to the BVP and IDP Projects. These neighborhoods will receive the greatest benefit from the recreational amenities proposed, as they have been historically under-served. The designs were modified and refined to meet local demand. Based on the extensive communication with the affected residential communities, the recreational amenities proposed directly reflect the requests of the communities.*" This statement about the origin of the BVP is also incorrect. One of the few BVP documents that I could find online was the Executive Summary, which stated, "*This urban design study began as a privately funded initiative. . .*" There is no proof or documentation of the "20 years of coordination with the public," hence the rest of that statement in the Draft Feasibility Report is most likely incorrect. Further, the statements in the EIS and the Draft FR contradict each other. One says the BVP was the culmination of a process that began in 1994,	*A thorough history of the development of the BVP is now provided in EIS Section 2.2.2.1.*	*Section 2.2.2.1*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		while the other says the BVP was developed after 20 years of coordination with the public. Since the BVP was initially issued in 2003, if the latter statement is correct, the public coordination would have started in 1983. I do not believe that any public coordination regarding the Trinity began in 1983, unless the USACE can provide documentation for this.		
67.	C-63	Restoring the meanders to the river channel (sinuous river channel) is a waste of public money. All of the recreational amenities considered in the EIS will also be a waste of public money if the Trinity Toll Road is constructed, as nobody will want to recreate next to a 500-foot wide, concrete 6-lane highway carrying tractor-trailer traffic traveling at 60 miles per hour. In fact, building the Toll Road will ensure that the Trinity will remain nothing more than a sewage canal.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
68.	C-64	There is no reason to replace the curves in the river. The river channel between Corinth Street and the MLK Bridge was straightened as recently as the early 1990s. At that time, the USACE said that the straightening of the river was needed so that floodwaters would flow rapidly through the floodway and downstream.	*The Corps has carefully considered balancing objectives for the Floodway from a flood risk perspective as well as from an ecosystem restoration perspective.*	*No Change.*
69.	C-65	If the curves in the river are replaced, the existing stormwater outfalls would need to be modified due to the proposed FRM and BVP Study actions; in addition, a number of sumps and pumps would need to be rebuilt and/or demolished. However, there is no clear reason provided for the need to rebuild these pumps/sumps other than to accommodate the river relocation. Do the existing pumps and sumps have the capacity to handle current and predicted flood levels?	*The interior drainage does not currently have the capacity to manage the 100-year, 24-hour storm event. The upgrades to the Pavaho Pumping Plant have restored capacity in that drainage area, and the current improvements at the Baker Pumping Plant will similarly increase capacity. The Able Pumping Plant improvements are currently in development and would provide adequate capacity once complete. The remaining IDS improvements needed to provide adequate pumping capacity comprise the IDP element of the Proposed Action.*	*No Change.*
70.	C-66	P. 6-3 "*This EIS considers disproportionate high and adverse effects on minority, low-income, and child populations. The majority of the residential population within the Study Area is more than 50% minority; substantial sections of the Study Area have populations of more than 50% that live in*	*EIS Section 6.7.3 identified specific outreach efforts intended to include minority and low-income populations in the project area. EIS Table 6-5 outlines several examples of USACE*	*Section 6.7.3*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		*poverty**. The residential population was active in the development of the Proposed Action,** and the USACE and City of Dallas have proactively continued to engage and educate members of the public regarding the Proposed Action and its impacts.*" Where is the proof or documentation that the residential population was active in the development of the Proposed Action? Where is the documentation of meetings held in the minority and low-income neighborhoods?	*outreach in minority and low-income neighborhoods.*	
71.	C-67	p. 4-12 of EIS: *"Alternative 2 proposes substantial physical changes to the channel and Floodway including the restoration of channel meanders and alterations to channel geometry. Meander bends would be protected with bank treatments designed to prevent lateral migration and channel instability."* However, the draft EIS does not provide any details about how this protection will be provided. Will the protection be accomplished with the use of concrete and rip-rap along the river channel?	*At locations were velocity and shear stresses exceed acceptable ranges, slope treatments with riprap foundations are used to prevent bank erosion and failure, while also maintaining the environmental and aesthetic value of the channel banks.*	*No Change.*
72.	C-68	P. 3-38 Draft FR, and p.4-20 of Draft EIS: HYDRAULICS – "*This analysis indicates that because water surface rises occur for the 100-year flood event, this plan fails to meet the requirements of the TREIS ROD criteria; however, the rises for the 100-year flood event occur within the Floodway on the Trinity River Mainstem where the levees would provide FRM to the City of Dallas. For the SPF flood event, this analysis indicates that since no rise occurs for areas upstream of the project, there would be no increase in flood risk for these areas for the SPF flood event."* The analysis did not include modeling for Cedar Creek or White Rock Creek as these tributaries are not in the "project area." Regardless, both creeks drain into the Trinity and excluding their impact means that the water surface rises are understated and that flood risk for the SPF flood event would be increased. In addition, there are no barriers or walls between the areas upstream of the current Floodway or downstream (Floodway Extension), so how can USACE state that the rise for the 100-year flood event would occur only within the Floodway? In fact, the draft EIS states on p.4-12, "*The creation of lakes within the Floodway would create a "smoother" surface for flood waters. Because **this condition would result in downstream effects**, features such as berms and trees would be introduced into the Floodway to slow flood velocity*." If the USACE is concerned about downstream effects, how can it state that there would be no increase in flood	*The 1988 ROD criteria was used to determine if projects or combined projects are hydraulically neutral. If the project meets the criteria then it is determined to be hydraulically neutral and "technically sound and environmentally acceptable" from the hydraulic perspective. However, since meeting the ROD criteria is not required for a determination of "technically sound and environmentally acceptable" it is also used for measuring potential flood risk impacts. Additional hydraulic modeling was performed to estimate the potential impacts of projects that did not meet the ROD criteria and the impacts were determined to be insignificant from a flood risk perspective. See H&H Sections (3.3 and 4.3) of the EIS.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		risk for the DFE area?		
73.	C-69	From p. 4-20 & 21 of the Draft EIS: "***The project as currently designed does not meet the TREIS ROD criteria for the 100-year flood event because no valley storage loss is allowed for the 100-year flood event.*** *However, the estimated valley storage loss for the SPF is less than the 5% valley storage loss allowed in the TREIS ROD criteria.* ***The valley storage loss for the 100-year flood event and the SPF flood event would cause a slight rise in water surface level of downstream of the Dallas Floodway. While this would technically be regarded as a potential increase in flood risk, it would be considered less than significant when considering for actual damages that potentially could be realized for the following reasons. First, the immediate areas downstream of the Dallas Floodway are affected by the Dallas Floodway Extension (DFE) project, which is designed to provide flood risk benefits up to the SPF flood event with completion of the proposed levees. Because the levees have not been constructed, the very small rise estimated for the SPF flood event may be compensated for in the final design for the DFE levees at a reasonable additional cost. If the levee construction components for the DFE are extensively delayed or eliminated****, the hydraulic benefits currently realized by* ***completion of the Chain of Wetlands components of the DFE project would more than compensate for any expected rise due to the estimated valley storage loss for the Dallas Floodway proposed projects.***" Again, the analysis did not include modeling for Cedar Creek or White Rock Creek as these tributaries are not in the "project area." Regardless, both creeks drain into the Trinity and excluding their impact means that the loss of valley storage is likely understated. What assurance or analysis can the USACE provide to ensure that the loss of valley storage in the SPF flood event is less than the 5% allowed for in the TREIS ROD? Also, the last 2 sentences are contradictory. One says that the rise estimated for the SPF flood could be managed during the final design of the DFE levees. The next sentences says that if the DFE levees are eliminated, the current hydraulic benefits from the Chain of Wetlands would more than compensate for any estimated rise. If this is the case, then what is the need for the DFE levees, and why do the Feasibility Report and this EIS assume that the DFE is fully constructed?	*Corps guidance requires that the DFE project be assumed to be constructed as authorized for the planning effort for Dallas Floodway* *The description of the estimated impacts for the DFE reach describes two potential future outcomes for the DFE project. One where the DFE levees are constructed, the levees may be raised an inch or two above the existing design to compensate for the estimated impact at an insignificant additional cost to obtain the same flood risk benefits for the DFE area. The other outcome, if the DFE levees are not built, water surface elevations will be significantly lower than currently estimated since the current estimate includes the impacts of all of the DFE project components. For either outcome, the downstream impacts due to any Dallas Floodway modifications considered have been determined to be insignificant from a flood risk perspective. Impacts to Cedar Creek or White Rock Creek have been considered in the analysis.*	*No Change.*
74.	C-70	P. 4-21: "*Secondly, downstream of the DFE project, there are few structures*	*Corps guidance requires that the DFE project be*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		subject to flooding by the 100-year or SPF flood events." This statement ignores the fact that neighborhoods exist downstream of the DFE area. Also, since USACE itself acknowledges that the DFE levees may never be built, what is the plan to provide protection for those areas that are in the footprint of the DFE?	*assumed to be constructed as authorized for the planning effort for Dallas Floodway. The DFE levees are not the subject of this study.*	
75.	C-71	P.4-23: What is the USACE plan to address the area between Commerce Street and Houston Street where the water surface profile will be above the 100-year flood event, and in the vicinity of the AT&SF Railroad Bridge, where the water surface profile will be above the SPF flood event?	*Any small water surface rise from existing conditions that may result from a proposed plan for the 100-year flood event between Commerce Street and Houston will have no impact to the overall flood risk for the floodway. The Recommended Plan is designed for limiting overtopping to flows greater than the design flood peak flow (277,000 cfs). It is expected that slight adjustments to the current design levee height will be made during final design analysis to achieve the design flood risk benefits for the Dallas Floodway. Opportunities to further reduce or minimize potential flood risk impacts for areas beyond the Dallas Floodway will be considered during the final design stages of the various project components.*	*No Change.*
76.	C-72	P. 4-52: How can the implementation of Alternative 3 (Proposed Action without Trinity Parkway) result in significant adverse impacts to water resources during construction, and beneficial impacts to water resources during operation? What specific construction activities would cause the adverse impacts to water resources?	*While sediment control would be implemented to the greatest extent possible, significant adverse impacts associated with increase sediment in the construction footprint would be unavoidable. After the construction is complete, and the river stabilized, the improved habitat diversity proposed to be created would result in a beneficial condition for the Trinity River.*	*No Change.*
77.	C-73	Section 4.5 BIOLOGICAL RESOURCES: The persistent use of language throughout Section 4.5 of the draft EIS implying that habitat will only be disturbed for the 15-year construction period, rather than a 65-year period is misleading.	*After construction, structural habitat disturbance would not occur. Any further disturbance would result from habitat monitoring and adaptive management to ensure the successful establishment of wetlands*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
			and other restored habitats	
78.	C-74	P.4-53 & Table 4.5-1: Why do some habitat units decrease under Alternative 1 (No-action Alternative)?	*The Alternative 1 habitat unit tables reflect the future cumulative condition, i.e., the future in which all projects identified in Section 2.9 are constructed. Several of these projects improve habitat, while others degrade the habitat. The implementation of the projects presented in Section 2.9 is not covered in detail in the EIS, but are presented as past, present or reasonably foreseeable projects in the Study Area and thus must be considered for the most accurate evaluation of future conditions without the Proposed Action.*	*No Change.*
79.	C-75	P.4-62 line 2: "*Under Alternative 2, implementation of the BVP Study Ecosystem and Recreation features in the Mainstem Group would result in temporary negative impacts to biological resources during construction*." This statement is misleading, as the "temporary" construction period is actually 15 years long.	*The 15-year construction period is repeated throughout the resource impact discussion. Impacts associated with construction are not permanent.*	*No Change.*
80.	C-76	P. 4-62, lines 19-22: "*After an approximately 15-year construction period (2015-2030), most of the native habitat would be restored to a higher habitat value than its current state. Table 4.5-4 presents the estimated habitat acreages and habitat values from the implementation of the BVP Study Ecosystem and Recreation features in the Mainstem Group over a 50-year period beginning with the completion of construction*." The first sentence contradicts the second one. How can native habitat be restored to a higher value during the construction period, when the second sentence points to a 50-year implementation period that **begins with the completion of construction?** Such obvious contradictions seem to be designed to obfuscate the fact that the habitat will not be fully restored until **65 years after construction begins.**	*The following language has been added:* As shown in Table 4.5-4, different native habitats take different amounts of time post-construction to recover to existing or better habitat quality. All habitats except grasslands would be at or better than existing habitat quality levels within 10 years of construction being completed.	*Section 4.5.3.2*
81.	C-77	P. 4-62: "*Table 4.5-4 presents the estimated habitat acreages and habitat values from the **implementation of the BVP Study Ecosystem and Recreation features in the Mainstem Group over a 50-year period beginning with the completion of construction**. **For detailed discussions regarding the predicted***	*Temporary disturbance would occur during construction of the Proposed Action (estimated at 15 years). However, the duration of the construction impact on a given section of the*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		50-year progression of BVP Study Ecosystem and Recreation features HSIs, acres, and HUs for the Mainstem Group for bottomland hardwood, emergent wetland, grassland, aquatic riverine, and open water habitat, refer to the 2014 PAR (USFWS 2014). With the implementation of the BVP Study Ecosystem and Recreation features, most of the habitat in the Mainstem Group would be temporarily disturbed." What precisely is the "temporary" period during which habitat is disturbed? Is it 15, 50, or 65 years? Not providing the exact time frame during which habitat will be disturbed is deceptive.	*project area would be variable. A section in the central area of the project, where multiple elements are proposed would potentially be impacted for a longer portion of the construction period than would be a section at the most upstream end where there is less activity proposed.*	
82.	C-78	P.4-65: "*The implementation of the BVP Study Ecosystem and Recreation features would temporarily affect fish and wildlife in the Mainstem Group during construction. Fish, mussels, and aquatic species are likely to experience high mortality during the relocation of the Trinity River. Reptiles and amphibians would likely experience mortality during construction.*" A 15-year construction period is not temporary, and the high mortality rates will not instantly reverse themselves in the 16th year of the project. It is not acceptable to destroy natural habitat and fish and other aquatic species to relocate the river channel and to build the toll road.	*As shown in the habitat unit tables throughout Section 4.5, the recovery of each habitat post-construction is predicted to occur at varying rates, and it is not anticipated that the conditions would be at pre-construction levels immediately upon completion of construction. Construction of the many features of the proposed project will occur over a 15-year timeframe, but that does not mean that the entire project area will be under constant construction for 15 years. A schedule of construction is presented in EIS Appendix N, pages 1-6, and is generally discussed in Chapter 2 of the EIS.*	*No Change.*
83.	C-79	P.4-70: "*Short-term temporary negative impacts to habitat would occur during construction*." A 15-year construction period is not short-term or temporary. In addition, the negative impacts to habitat incurred over this length of time will take a much longer time to remediate.	*Please see Response to Comment C-78, above.*	*No Change.*
84.	C-80	P.4-71: "*given the magnitude of the proposed construction activities, which would result in nearly complete disturbance of the Floodway, implementation of Alternative 2 would result in significant adverse impacts to biological resources within the ROI during construction; however, post-construction, there would be an increase in key habitat acreage and value*." There is a viable eco system in place that will be completely destroyed during the construction of the BVP features. The level of loss of habitat and species that will occur with	*Habitat loss would not be permanent, except for the non-native grassland that covers much of the Floodway today. As shown in the habitat unit tables throughout Section 4.5, the recovery of each habitat post-construction is predicted to occur at varying rates, and is generally expected to be substantially improved from the current*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		Alternative 2 is unacceptable.	*conditions that feature.*	
85.	C-81	P.4-72: "*Bottomland hardwood acreage would increase by 66 acres from the BVP Study Ecosystem and Recreation features with hardwoods planted along the Trinity River; the largest amount of hardwoods would be planted at the southeastern end of the Floodway*." In 1991, the City of Dallas cut down healthy hardwood forest south of the DART Bridge and straightened the river channel in order to increase the speed of conveyance of floodwaters through the floodway and floodway extension. In addition, USACE is replacing more than 200 acres of bottomland forest with new wetland and grassland habitat to construct the Chain of Wetlands, which is designed to help speed the flow of floodwaters away from the Dallas Floodway down and through the upper reaches of the Great Trinity Forest. How will the current plans to plant hardwoods at the southeastern end of the floodway affect the amount of valley storage, and the need for faster conveyance of floodwaters through the floodway?	*The impacts of the planting of proposed trees were modeled as part of the comprehensive analysis and were included in the valley storage calculations.*	*No Change.*
86.	C-82	P. 4-91: "*The proposed West Dallas Amphitheater, the Central Island Amphitheater, the Lakes Isthmus gathering space, the Arrival Plaza, the Group Pavilion, and the Fountain Plaza all serve as gathering areas for large groups of people. The construction of these facilities has the potential to have significant visual impacts to historic resources within the Floodway. Mitigation of these impacts will be the distribution of 250 hard-bound copies of a revised version of the 2010 Intensive Engineering Inventory and Analysis of the Dallas Floodway, Dallas, Texas. The hard-bound copies of this book will be distributed to all branches of the Dallas Public Library system*." First, if the toll road is built, none of these facilities should be built as that would be a waste of public money. Second, if the projects are built, USACE's mitigation strategy is insufficient and unacceptable. No action should be taken in the floodway that will diminish historic resources. Further, if these facilities are built within the Floodway, will they be flood-friendly, and what effect will their presence in the Floodway have on valley storage? Will these facilities impede the flow of floodwaters?	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.* *Your comment regarding the mitigation strategy is noted in the record. The adequacy of mitigation efforts was determined by the Corps, which finds the 2010 study provides a complete documentation of the history and current condition Dallas Floodway prior to implementation of the proposed action.* *The impacts of slight water surface rises and small valley storage losses for the BVP features were estimated from a cumulative standpoint and were deemed insignificant from a flood risk perspective.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
87.	C-83	Why is it necessary to demolish the Hampton and Charlie Pump Stations? The proposed mitigation strategy of developing written documentation and digital photography is insufficient, and does nothing to protect these historic resources. If new pump stations are needed to increase capacity, they should be built to match the historical structures. On the other hand, if new pump stations are needed only to accommodate the relocation of the river channel and construction of the Trinity Toll Road, then they should not be built.	*The Hampton and Charlie pump stations are currently under capacity and do not provide 100-yr, 24-hour storm event protection to their drainage areas. The new proposed pump stations would provide appropriate flood management and improve public safety.*	*No Change.*
88.	C-84	P. 4-93 & 94: "*The implementation of the potential Trinity Parkway project would result in a visual impact to the overall Floodway due to its construction within the boundaries of the levees. In addition, flood barrier walls proposed around existing bridges to minimize the possibility for flooding on the potential Trinity Parkway project would significantly alter the landscape of the Dallas Floodway. Potential mitigation measures identified by the potential Trinity Parkway project to minimize the impact to cultural resources include ensuring the replacement bridge section compliments the historic bridge or providing an interpretive plaque discussing the historic viaduct.*" The construction of the Toll Road and related floodwalls should not be allowed to impact existing historical bridges. The suggested mitigation strategy of providing an interpretative plaque is insufficient.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
89.	C-85	P.4-96-99: Why is a link to the Renaissance Plan not provided in the EIS? This is yet another example of access to documents underlying this EIS not being provided. What are the exact sources for Table 4.7-4? Just saying City of Dallas, 2002, 2003 is insufficient, especially since the projections of future inventory are so precise. Also, what is the source for the following statements? "*BVP Study features would serve as a community venue for special events. Tens of thousands of people are expected to gather for celebrations in the Central Island, spilling across the river into the Oak Cliff Parkland. The largest dedicated gathering venue would be the West Dallas Amphitheater. This venue would be able to accommodate approximately 20,000 people for major outdoor concerts. Between 2,000 and 3,000 people would also gather in the more intimate Central Island Amphitheater near the Lakes Isthmus. The Arrival Plaza at the foot of the Downtown Overlook would be another gathering venue, with a capacity for another 2,000 or 3,000 people to come together."* Did USACE conduct any analysis to develop or validate	*The references that correlate to the citations are found in the reference section, specifically identified as recreation resources used in Chapter 4 (Section 8.4.7). The Renaissance Plan is publically available, and a link has been added to the reference section, Section 8.4.7 and here:* http://www.dallascityhall.com/pdf/park_and_rec/RenaissancePlan.pdf *Accommodation descriptions refer to the capacity of the features.* *Figures 4.7-1 through 4.7-3 are part of the Alternative 2 Proposed Action analysis, not the Alternative 2 cumulative condition analysis. The*	*Section 8.4.7*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		these projections, or did it just blindly accept data from the Balanced Vision Plan? This part of the document reads more like a Chamber of Commerce boosterism report rather than an EIS. If the data came from the BVP, has the USACE considered the fact that currently no funding exists for implementing the BVP? Also, why do Figures 4.7-1 through 4.7-3 not show where the Trinity Toll Road would be? If the Toll Road is built, then any hopes or visions for world-class recreation along the Trinity River will be destroyed. The Toll Road and recreational facilities cannot coexist, as no one will want to recreate next to a 550-foot wide high-speed toll road or a sewage canal. How will flattening the levees enhance recreational amenities? Finally, an EIS is supposed to be an objective document; however, this entire section seems to be just a "sales job" on behalf of the City of Dallas to promote the idea of implementing the BVP.	*Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The recreation impacts are considered cumulatively in this EIS.*	
90.	C-86	P.4-100: "*The addition of the off-channel lakes would create approximately 233 new acres of recreational opportunities*." This projection is out of date. Local print media have reported that the City of Dallas does not have the funds to pay for anything more than 20-acre stock ponds.	*The DFP EIS analyzes the current 35% designs, which match the acreage provided here. However, construction may be phased. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment.*	*No Change.*
91.	C-87	P. 4-105 and 107: There is no need for items such as skate parks or water mazes. What is needed is open space, permeable trails, and soccer fields – all of which are items that were promised in several prior bond elections. The idea that people could wade in the lakes is far-fetched. No one will want to wade in lakes that are supplied by effluent from the sewage treatment plant. In addition, the state has long deemed Dallas's stretch of the Trinity unsuitable for activities such as swimming, diving and skiing because of pollution and elevated bacteria levels. The off-channel lakes will be flooded every time the area receives a substantial amount of rainfall and the water fills the floodway.	*Your comment is noted in the record.*	*No Change.*
92.	C-88	P. 4-108: "*The proposed Trinity River relocation, riverbank treatments, and terracing would bring back the high-valued habitat and connection to adjacent ecosystem that was lost from previous Floodway construction. The resulting modification of the river would provide scenic, picnicking, and wildlife viewing*	*Habitat loss would not be permanent, except for the non-native grassland that covers much of the Floodway today. As shown in the habitat unit tables throughout Section 4.5, the recovery*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		opportunities for residents, increasing recreational opportunities along the river." The proposed river modification is not needed to provide scenic, picnicking and wildlife viewing opportunities. All of these can be added to the existing Floodway without relocating the river. A healthy, successful habitat already exists in the existing channel, and moving the river channel and adding rip-rap to "stabilize" the banks will be detrimental to the current eco-system, as noted in Section 4.5 of this EIS.	*of each habitat post-construction is predicted to occur at varying rates, and is generally expected to be substantially improved from the current conditions that feature.*	
93.	C-89	P. 4-109: "*The addition of three boat ramps and four new docks would increase launching and docking options along the entire Dallas Floodway as compared to existing conditions where only the official portage is at the Sylvan Avenue Boat Launch at Crow Lake Park. Although smaller boats currently are able to launch upstream, the addition of the launches, located in the north and south end of the Floodway would provide launching accesses to a greater variety of watercraft.*" Motorized watercraft should not be allowed on the river channel because of the noise and pollution they create, adversely impacting other users of the recreational amenities. There is no need for additional boat ramps and docks, other than at Sylvan Avenue. The Sylvan Avenue boat launch cannot be used to navigate from Sylvan Avenue south to Loop 12 because the "Standing Wave" built by the City of Dallas is a death trap, and the City has closed access to that stretch of the Trinity River. This action by the City of Dallas is a potential violation of the Navigable Waters regulations, and a subject that should be addressed in this EIS, as it pertains directly to the current status of the Standing Wave.	*Your comment is noted in the record.* *As shown in Table 4.7-5, only non-motorized water craft are anticipated.* *The City of Dallas management of the Dallas Wave is outside the scope of this EIS.*	*No Change.*
94.	C-90	P. 4-109: Reverchon Park and the Sammons Center for the Arts are both located behind the existing levees, and at least 2 miles from the levees, so they should not be at risk in a 100-year flood event. If these facilities are flooded, then the flood damage to the rest of the city would be catastrophic.	*Comment noted. These sites have been subject to flooding from interior flooding and are within the 100-year floodplain for interior drainage from local stormwater. These facilities are well outside the 100-year floodplain for riverine flooding, as that is confined to the Floodway. Table 3.7-1 and Figures 3.7-1, 3.7-2, and 3.7-3 disclose the location of these and other recreation features within the Study Area.*	*No Change.*
95.	C-91	P. 4-110: "*Under Alternative 2, there would be a significant increase in the number and types of recreation opportunities available to the people in the*	*The Proposed Action includes the construction of additional recreational amenities within an*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		City of Dallas. Implementation of Alternative 2 would result in less than significant impacts to recreation during construction, and beneficial impacts to recreation during operation." These statements are just more boosterism for the City of Dallas, which is not appropriate for an EIS. Construction will cause catastrophic destruction of any recreational use of the Floodway. There will be no increase in the recreational opportunities available to citizens of Dallas, as no one will want to recreate next to a 550-foot wide, 6-lane high-speed toll road. What is the source of the data in Table 4.7-6?	*underserved region, thus creating a recreational benefit.* *The values presented in Table 4.7-6 were derived from the 35% design drawings that are the basis of this analysis.*	
96.	C-92	P. 4-113 to 115: The negative impacts to visual resources would not be temporary, but would last for the 15 to 20 years of construction. Photo 3 is misleading as it does not depict the Trinity Toll Road, which will extend 500 feet into the river channel. Who paid for the pictures of the proposed recreational features? These are merely pretty pictures with no basis in reality as no funding exists to build any of the features. These pictures are the same type of pictures that were used to sell the 1998 Trinity River bond election.	*The 15-year construction period refers to the construction period to begin and complete the entire Proposed Action, and should not be interpreted as 15 years of constant impact to the entirety of the Project Area. Visual impacts would largely be shielded by the levees, and would be localized to the area of activity at any given time.*	*No Change.*
97.	C-93	The negative impact of the Trinity Toll Road on visual resources in the park cannot be overstated. The Toll Road would dominate all the visual resources within the Floodway. In addition, the Toll Road would have a long-term negative effect on parks and any other planned recreational amenities. The EIS itself states, "*Without the Trinity Parkway in the Floodway, there would be more opportunity to build visually pleasing features, thereby improving visual unity and intactness*." Since the Toll Road in the Floodway is such a significant structure, why is not depicted in any of the pictures of future conditions, or in any of the figures in the EIS?	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
98.	C-94	SECTION 4.9 - p. 4-127: "*Under the Future Without-Project Condition, the risk for river flooding would remain. If current trends continue, the SPF would impact minority populations, and to a lesser extent low-income populations*." It is unacceptable to leave people at risk of flooding. Further, creating an increased risk of flooding by building the Toll Road inside the Floodway is also not acceptable. This section does not address the costs of consultants to conduct various studies, prepare documents and plans. What was the cost to the USACE to prepare the EIS and the Draft Feasibility Report? This entire project is nothing more than a jobs program for the USACE, City of Dallas	*While the No-Action Alternative does not meet the purpose and need of the proposed action for flood risk management, it nevertheless must be considered under Council on Environmental Quality regulations.* *Costs of Feasibility studies are not part of the disclosure of the Certified Cost Estimate. Requests for detailed accounting of the study*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		Trinity River Project Office, and all the different consultants.	*are not part of the NEPA process; however they can be requested under a Freedom of Information Act Request.*	
99.	C-95	There is no need to tear down the existing Jefferson Street Bridge and replace it with a new one. The current bridge has sufficient capacity and is only about 40 years old. In addition, no funding exists for this project.	*The Jefferson Memorial Bridge is not part of the proposed action analyzed in the DFP EIS. The impacts are considered cumulatively in this EIS.*	*No Change.*
100.	C-96	Building the Trinity Toll Road will ruin any chance of the proposed vision of a town lake.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
101.	C-97	P. 4-175: Why do so many utilities need moving? Is it due to the proposed construction of the Toll Road, or due to excavations in the Floodway for borrow pits? The No-Build option would be the most cost-effective and would not require relocation of the utilities.	*Utility relocation is part of all earth-moving elements of the Proposed Action analyzed in the EIS. None of the proposed utility relocations are due to the Trinity Parkway.*	*No Change.*
102.	C-98	P. 4-177 & 179: The maps do not show the actual footprint of the Toll Road, which would take up to 550 feet of the east river floodway to accommodate the 6 lanes of high-speed traffic. If the Toll Road is built, there would be no room for any recreational amenities. The map on p. 179 shows lakes on both sides of the river channel, which is misleading, as the Toll Road would leave no room for the lakes. As noted earlier, the maps and depictions of future expected conditions should accurately depict the location and footprint of the Toll Road.	*Figures 4.13-2 and 4.13-3 are part of the Alternative 2 Proposed Action analysis, not the Alternative 2 cumulative condition analysis. The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The utility impacts that include the parkway are considered cumulatively in this EIS.* *Figure 4.13-3 shows both the Natural and the Urban Lake on the north side of the river, The Corinth Wetlands are at the downstream end on both sides of the river.*	*No Change.*
103.	C-99	P. 4-181: "*To accommodate the proposed relocation of the river, the existing stormwater outfalls would need to be modified.*" The river should not be relocated and stormwater outfalls modified to accommodate the construction of the Toll Road.	*Your comment is noted in the record.* *The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
104.	C-100	P. 4-201: The Toll Road will increase air pollution along the Dallas Floodway, and will negatively impact communities nearby and anyone attempting to recreate inside the floodway. Construction equipment and dump trucks will	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The air, pollution impacts are considered*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		negatively impact air quality, and the impact will last for the 15-20 years of construction. The construction impacts will contribute to the violation of air quality standards for NOx and VOCs. The statement that the significant adverse impacts to air quality will cease after construction is misleading. Have the effects of emissions from vehicles, including tractor-trailers, on the Toll Road been considered? How will these effects be mitigated? Will residents of nearby communities and recreational uses be outfitted with respirators?	*cumulatively in this EIS.*	
105.	C-101	P. 6-5: "*Alternatives 2 and 3 do not satisfy ROD or CDC criteria for the 100-year flood event. The USACE and City of Dallas are in the process of determining if the Dallas Floodway Project could qualify for a variance from the requirements without sacrificing public safety. A variance would be required for either of the action alternatives to be implemented. The USACE and City of Dallas would request a variance from the TREIS ROD/CDC requirements, with the demonstration of there being no impact to public safety.*" If USACE and City of Dallas are in the process of determining whether the Floodway Project would qualify for a variance, how can the EIS state "with the demonstration of there being no impact to public safety?" Is the outcome of the USACE and City of Dallas process already known? How can this EIS be prepared without knowing whether the project would qualify for a variance that is needed? What happens to the project if it either doesn't qualify for the variance or the variance is not granted?	The Dallas Floodway Feasibility Study and EIS, through the analysis presented, has demonstrated that the proposed Recommended Plan provides for a cost effective reduction in flood risk for the Dallas Floodway area and effectively no impact to public safety beyond the Dallas Floodway protected area which includes a variance to the ROD criteria.	*No Change.*
106.	D-1	How much did the preparation of the EIS cost?	*Costs of Feasibility Study or EIS are not part of the disclosure of the Certified Cost Estimate. Requests for detailed accounting of the study are not part of the NEPA process; however they can be requested under a Freedom of Information Act Request.*	*No Change.*
107.	D-2	How long did it take to prepare this EIS?	*The Notice of Intent to Prepare an EIS was published in the Federal Register on Monday, December 22, 2008 and as of August 2014, a Record of Decision has not been signed.*	*No Change.*
108.	D-3	Why is figure 1-6 on page 1-17 inaccurate? It purports to show land cover changes in the dallas floodway, yet both photos show an area wholly outside the floodway. There are no levees, no sumps, no channelization, no	*Title of the figure changed to "Example of Changes in Land Cover between 1942 and 2010 in the Study Area" and the location of the*	*Figures 1-5 and 1-6*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		drainageways, no gravity drains, no pump stations in this area, nor has it been mowed or maintained as part of the dallas floodway. It is at least a half mile downstream of the floodway, and has never been part of it. why is this glaring inaccuracy part of such an important report? is it the result of incompetence, or it is the result of a conscious effort to mislead? If the first photograph in this report is so badly mislabeled, how can the rest of this report be trusted as accurate and not misleading?	*photos (in the Floodway) shown on Figure 1-5.*	
109.	D-4	How can this report be of any use concerning the BVP when there is no funding for it? How can we trust that the environmental aspects of this project will be carried out as described, when the dallas floodway extension project promised 1700 acres of mitigation that has never happened? Funding for important aspects of the DFE has not been approved for other a decade at this point, so how can we expect funding for this current floodway proposal? Why is it the corp's responsibility to design the specific details of the city of dallas's BVP for the floodway, when it is the responsibility of the city to develop those plans, and pay for them, with the oversight of locally elected officials, instead of federal employees?	*Once issued, the ROD is a legally binding document that governs how the project may be implemented. If there are sizeable changes between the 35% design analyzed here and future designs, additional analysis may be required for NEPA and regulatory compliance. This analysis may include the potential for additional public and agency review and comment.* *The Dallas Floodway Project and the Dallas Floodway Extension Project are two separate projects and this EIS and Feasibility Report only covers the Dallas Floodway Project.* *The Congress Authorized and funds were appropriated for USACE to review the City's Balance Vision Plan and Interior drainage Plans for possible construction.*	*No Change.*
110.	D-5	My business, Trinity River Expeditions, has been conducting commercial canoe kayak trips on the main trinity river inside the dallas floodway for 24 years. It is the corps' responsibility to maintain navigation on this federally recognized navigable river, yet the corps has approved the "dallas wave" project at the south end of the dallas floodway which has obstructed safe navigation of the river for the last several years. When will navigation be restored? This has cost myself and my business a considerable sum of money, and I am asking, as a legitimate business owner and lawful navigators of the river, upon which my	*The City of Dallas management of the Standing Wave is outside the scope of this EIS.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		livelihood depends, when will I be relieved of this illegal burden? This "wave" violates the standards of the general permit issues for its construction – it has had a negative impact on flood protection, has affected river levels, (and wildlife) miles upstream, and has prevented the safe navigation of the river, which was perfectly safe before construction. My customers and my friends have been injured at this site, and relief from the existing, hazardous man made obstructions known as the "dallas wave." Please detail the plans to remedy this situation.		
111.	D-6	Will navigation in the floodway during and after this project be respected, protected and maintained, as is the legal responsibility of the corps?	*Section has been revised to reflect temporary impacts to navigation during construction and no long-term impacts to navigation following construction.*	*Section 4.7.3.2*
112.	E-1	I prefer Alternative 3 as the preferred alternative for Dallas as the local project sponsor and why I am opposed to Alternative 2. Alternative 3 is the preferred alternative for me.	*Your comment is noted in the record.*	*No Change.*
113.	E-2	The position that Alternative 2 (which includes the proposed flood management, ecosystem restoration, recreational and drainage improvements and building the Trinity Parkway in the floodway) is the preferred alternative for the City of Dallas is based on a faulty premise. The premise, presented by the City in 2007, was that Alternative 2 reduces the cost for completing the West Dallas, Natural and Urban Lakes because excavation of soil from the floodway for the Trinity Parkway road bench would be paid by NTTA and those excavations would become the footprint for the lakes. However, construction of the Parkway is not compatible with construction of the Trinity Lakes Park today because the City does not have the funding to complete the excavations as lakes. At present, the City of Dallas probably has less than $10,000,000 of the hundreds of million dollars needed to relocate the river, move utilities, strengthen bridge piers, and build the lakes, much less the other park features. The result of Alternative 2 will be that the citizens of Dallas will get the toll road and not the park and the lakes because there is not enough funding to turn the excavations into lakes. In other words, Alternative 2 is a good deal for the construction of the park only if the Dallas City Council commits hundreds of millions of dollars to move the river and complete the excavations as lakes before the road project begins.	*Your comment is noted in the record.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
114.	E-3	Excavations on the scale required for the Parkway bench, which requires millions of cubic yards of soil, will result in gaping holes in the floodway that will be miles long. It is hard to understand how Dallas will fund safety protection and maintenance for those excavations if the City does not have money to proceed with Trinity Lakes Park which is supposed to be one of the most important projects for Dallas in the 21st century.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway safety impacts are considered in a cumulative environment.*	*No Change.*
115.	E-4	Today, building Trinity Parkway in the floodway is out of sync with the more gradual approach to restoring ecosystem functions and creating recreational amenities in the Trinity River floodway that the City's moderate funding levels can support. Trails, water features such as wetlands and ponds, and gathering places like council circles are feasible options with moderate levels of funding while construction of the three lakes ranging in size from 60 to 120 acres and relocation of nine miles of the Trinity River are not feasible options. The City has worked on the development of Trinity River corridor for decades and the development of Trinity Lakes Park since the 1998 Trinity bond election and yet no one has proposed reliable sources of public or private funding for the relocation of the river and completion of the excavations as lakes. For these reasons, Alternative 2 will be an impediment to the City's realistic options to developing Trinity Lakes Park.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
116.	E-5	Moreover, decisions that may be made during the construction of the Parkway could also have a negative impact on the development of the park. Conditions in the proposed right-of-way for the Parkway may be found during construction that will make the construction of the Parkway more difficult and more expensive. Often, the construction contractor avoids those problems by moving the right-of-way for the road which could increase the amount of floodway used for the road and decrease the size of the park.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.* *If revisions to the 35% BVP Study plans analyzed here substantially differ, additional analysis of impacts may be required.*	*No Change.*
117.	E-6	Alternative 3 which is flood management, ecosystem restoration, and recreational and drainage improvements **without** the Trinity Parkway is the preferred alternative for me. In its present form, this option also includes all the expense for the relocation of the river and construction of Natural, Urban, and West Dallas Lakes. However, with this alternative, the City has the option to change the Balanced Vision Plan and create a plan for the park that Dallas can afford to construct since the City will not be stuck with huge holes in the floodway that will be needed to construct the Trinity Parkway.	*If revisions to the 35% BVP Study plans analyzed here substantially differ, additional analysis of impacts may be required.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
118.	E-7	The leadership of Dallas can choose to restore the ecology of the floodway and develop it as a recreational area or they can choose to enable the construction of Trinity Parkway and spend years trying overcome the negative consequences of that decision. The first choice will result in economic development and growth and improved quality of life for the citizens of Dallas in the urban core. The second choice will damage economic development and quality of life along the floodway for decades as compensation for some short-term relief of traffic congestion.	*Your comment is noted in the record.*	*No Change.*
119.	F-1	I am in favor of all of the proposed improvements to the Trinity River basin in Dallas, except for the proposed Trinity Tollroad. I believe another highway in this area will simply create noise, heat and pollution that would negatively impact the ability of citizens to enjoy the river. As a native Dallasite, Oak Cliff native, and Oak Cliff resident, I plan to enjoy the river and the activities you are making available to us at long last. It's so exciting to be able to actually reach the river that I grew up just crossing over on our many bridges.	*Your comments is noted in the record. The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
120.	F-2	Speaking of bridges, the work on the Continental Bridge was amazing, and despite being opposed to the expense of the Margaret Hunt Hill Bridge, I have come to appreciate it. Oak Cliff and West Dallas are now more easily accessible. In fact, Oak Cliff has so many avenues of ingress and egress I believe we are fine and do not need an unsightly, noisy tollway interfering with one of the few natural areas we are now able to enjoy. Thank you for your interest in my opinion. Keep up the good work.	*Your comment is noted in the record. The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
121.	G-1	The Trinity River has been rebuilt several times during its history with adjacent human habitation. Other than flood control, which is a strong benefit, there is little that should be done in the future to "improve it". Let's just leave the floodway to develop as a nature area and not a park filled with unusable amenities. In particular, no roadway. A roadway simply perpetuates a misguided reliance on automobiles in Dallas that this attitude much change over time if we are survive and thrive as a growing City.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
122.	H-1	there is nothing in this CESWF EIS where moving a river creating another synthetic channel to accommodate a six lane toll road can be seen as conservation or improvements to a river. The “no build” is the preferred plan by this commenter saving the taxpayers of the country and the local area in excess of $2 billion over the years if	*As presented and supported through analysis in the EIS, the relocation of the Trinity River is being proposed for habitat restoration, not to accommodate the proposed Trinity Parkway. As shown for both Alternative 2 (with Parkway)*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		this project is built.	*and Alternative 3 (without Parkway), the river realignment would occur, thus there is no dependency on the proposed Trinity Parkway project.* *Comment noted recommending the no build alternative.*	
123.	H-2	Millions of taxpayers dollars (City and Federal) have been spent for lobbying, plans, meetings, various EIS's, site visits, recreational aspects, etc. There is no summation or accounting of the taxpayer money spent so far (since 1998) when the Dallas voters passed a bond election with ca. $140 million for the vaguely worded category of the Trinity river that included flood control and roads. As stated above in the 2007 WRDA under 5141. Dallas Floodway. Dallas, Texas, the CESWF is working within the City of Dallas 2003 Balanced Vision Plan and the Interior Drainage Plan (no date provided but ca. 2003). So, they are using an outdated and not updated BVP, meanwhile the CESWF recommended plan assumes the Trinity Parkway is built (page ES-8), using Alternative 3c, but not identified in the BVP even though back then 3c was the desired plan when at the time mayor Laura Miller's consultation team identified 3c as the Preferred Plan. The CESWF and the NTTA has played the game of guess the Preferred Plan for over 10 years by analyzing a few other plans and always defeating the other plans as too expensive. The environment wasn't the issue it was cost. The NTTA just had an open public meeting (why I don't know because any comments or changes at this point in the process do not matter because it is a Final EIS) on their Toll Road FEIS 24 April 2014 a few weeks before this CESWF EIS where the CESWF project was not included environmentally even though the projects are within the same levee contained river corridor.	*This EIS is to disclose the impacts of proposed Federal Actions and not an accounting of the City of Dallas' Bond Election. Please contact the City of Dallas for those costs.* *The proposed Trinity Parkway is not part of the Proposed Action evaluated in this EIS. While the projects do overlap in project area, they have independent funding streams and are not dependent on each other for construction. Each could be implemented independently of the other.*	*No Change.*
124.	H-3	It has been 11 years since the generalized BVP was completed (2003) only a few of the items in the BVP have been built through bond elections where often the items in the bond are not necessarily listed while other entities got funded. Today, the BVP front summary page has somewhat been updated ca. 2008, but still not up to date to 2014. The BVP gives the impression it is an all encompassing updated document, but when one goes into the sections it is	*The DFE is not part of the proposed project analyzed in the DFP EIS; however, the cumulative impacts of the DFE are considered in the DFP EIS. Interior drainage improvements are not part of the BVP, but are part of the Interior Drainage Plan. These improvements are*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		terribly outdated on the main topics that they list: BVP Flood Protection, in the BVP instead of the DF they focus on the DFE, ignoring the long known outdated pumping system along all the levees in the DF, and stability of the present levees. This is where the CESWF required the city to upgrade the pumping stations on the landward sides of the levees along the DF. The CESWF required the city add subsurface plates to stabilize the levees on both sides of the DF for eighteen miles. All of this at a cost of over $600 million. However, as stated above in WRDA all this can used as credit by the City as spending for their non-Federal portion of the project. After 16 years many of the DFE features do not exist or have been abbreviated. No Cadillac Heights levee has been built as originally planned and is questionable after lawsuits by residents, hardly anyone maintains a residence there now, and companies have moved out, while toxic areas remain under the stench from the CWWTP. As planned the Lamar levee is questionable in it's original plan design as many businesses have raised their land levels to out of the hazardous flood zone, while Cells A (partial), B, C, and five sumps for the planned levees are not built and likely will not be built.	*included as part of the DFP EIS proposed action, with the exception of Pavaho, Baker, and Able pump stations, which have been analyzed in separate NEPA documents.*	
125.	H-4	BVP Environmental Restoration and Management, uses the outdated CESWF (2000) sinuosity configuration for the river through the DF. The BVP does mention the pump/sump landward stations in this section as storm water wetlands that still fail as the Canada Drive neighborhood was flooded a few years ago as water built up behind the levees. Headwater wetlands created from pumped CWWTP up stream flowing downstream through wetlands is a big part of the BVP and do not exist. The existing wetland cells downstream of the CWWTP have dried in drought years so it doesn't appear water has been pumped to these cells. These cells do hold water during wet periods and is excellent habitat for birds but mismanagement by the CESWF has allowed recreational vehicles and hunting in these cells as owls, hawks and wading birds have been killed.	*The DFE is not part of the proposed project analyzed in the DFP EIS; however, the cumulative impacts of the DFE are considered in the DFP EIS. Interior drainage improvements are not part of the BVP, but are part of the Interior Drainage Plan. These improvements are included as part of the DFP EIS proposed action, with the exception of Pavaho, Baker, and Able pump stations, which have been analyzed in separate NEPA documents.*	*No Change.*
126.	H-5	BVP Parks and Recreation where some amenities have been completed that are not in the BVP, or, already built and torn down such as the Sylvan avenue boat ramp for ca. $200,000 that was built with Federal/local money (TRCPO, U.S. Fish and Wildlife and TPWD). Other projects built with bond money and none were in the 2003 BVP. On the BVP front page listing for Parks and	*The DFE is not part of the proposed project analyzed in the DFP EIS; however, the cumulative impacts of the DFE and the recreational amenities cited in your comment are considered in the DFP EIS.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		Recreation many amenities are listed that are now in place so it shows some updating where the city spent more money for the Standing Wave (an aquatic $4.5 million permitted CESWF feature that is an aquatic disaster and a recreational hazard that is not used, as the city is attempting to sue the "wave" designer). It took a law suit (settled out of court) from the Deep Woods community to get the toxic Netherley landfill remediated at a cost of > $21million and a new center built by the city at a cost of $26 million that is leased to Audubon. Many of the "Gateways" have been built such as Moore Park ($21 million), often used as roadways, some used for dumping such as Joppa where illegal activities are common (sex, drugs, etc.) that were not in the BVP. Many miles of trails Phases 1-V + the AT&T, the desired length at ca. 27 miles at an impact of minimally ca. 313 acres (27 miles [142,560 ft.] x 100 ft. wide = 14,265,000 sq. ft. = 313 acres) have been built and to be built at a cost to the forest from clearing without any impact statement or environmental mitigation. Recently, the newest AT&T trail was used to access the under construction THP (not in the BVP although was discussed and planned as early as 2000) where ca. $18,000 in equipment was stolen using the trail to escape. Again, using recreation the city has met a lot of their Federal cost sharing requirements. However, many of these amenities fall in the area of the DFE an already partially funded and somewhat completed project but lacking Federal funds to finish. But, as agencies developed these projects as separate entities (DFE, DF) the overall cumulative aspect of the so far developed amenities are outside of any one particular project. Funny, how that works as the projects are seen as independent stand alone projects but the cumulative recreation aspects fall outside of a particular project. They left out the ca. 2,000 acres that will be impacted by the new THP (Texas Horse Park) and the new Golf Course, yet mention the AT&T trail.		
127.	H-6	BVP Transportation plan (original - Fact Sheet p.56)) is mostly about the toll road called a "Parkway," (with six alternatives) although, call it whatever you want, when one has to pay to go on the road it is a toll, and a double tax. The amenities of the original BVP: toll road, Industrial Blvd., South Lamar, Downtown levee-top road, Oak Cliff levee top road. The last two are so naive they are comical, the CESWF would never allow roads to be built on top of	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		these two levees, so they aren't really viable amenities to the BVP.		
128.	H-7	BVP Transportation has now morphed from the above into the toll road with five alternatives although 3c still the preferred as finally decided in the 2014 NTTA FEIS, the Margaret Hunt Hill bridge ($140 million), supposedly Margaret McDermott bridge (design, although not guaranteed by TxDOT), S, M. Wright Freeway improvements (none have occurred although more costly meetings), Sylvan avenue bridge (needed improvement anyway because structurally not safe after all the flooding that has occurred), name change of Industrial to Riverfront (a very costly endeavor to be sure), Beckley avenue public art installation. To add to the absurdity why didn't they include the new very high transmission power lines down the center of Lamar (Riverfront) and every other construction event in the area.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS.*	*No Change.*
129.	H-8	BVP Community Development (sadly not updated and lacking in many respects), listed on Fact Sheet (p.64) of the original, none have occurred as originally described except some of the toll road connections. The updated community improvements related to the toll road on the new Trinity River Corridor Project website is totally blank while in the original only the one described above (toll road connectors) has seen any action. Although, some neighborhood improvements have been left out but people aren't important, it is all about the toll road and the river, and what ever the city wants to include. The point is that the CESWF uses the BVP old version, new version, and other version (see Table 3-19, page 3-49), and don't really go into which version to assess which features of the BVP and IDP projects that are appropriate for recommendation (to build?) under the 2007 WRDA. They could of just listed the items in the newer BVP that apply and assessed them accordingly, many of which do not directly relate to flooding and prevention. They are using the BVP that is outdated and deviates from reality and the CESWF EIS needs to reference present 2014 existing conditions, not some plan by designers with no concept of reality. Then, in addition they throw in the Comprehensive Plan done in 2005 and it reinforces the BVP. Then, on page ES-7 and Table ES-5 the CESWF lists recommends those features of the BVP and IDP that should be aligned with their proposed mission. Most of the items on the BVP list are not on the	*The Trinity Parkway is not part of the proposed project analyzed in the DFP EIS; however, the cumulative impacts of the Trinity Parkway are considered in the DFP EIS.* *The 2007 WRDA authorization directed the USACE to consider the 2004 BVP and the Phase 1 IDP. The 2014 WRDA extended the authorization to include the Phase 2 IDP. Neither IDP studies were part of the BVP, but they are part of the WRDA authorization and the Proposed Action.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		original list, or the later list as discussed above, as well as the CESW proposed realignment of the existing river channel.		
130.	H-9	3.7.2 Public Acceptability - "to date there is no known public opposition to the alternatives of the BVP or IDP Projects as stand-alone projects, but public opposition is not known for the with or without Trinity Parkway condition evaluated by the Corps..." I have never been for any project in the floodway over the 16 years I have gone to the meetings and have commented on the various project proposals. So, obvious my comments as well as others opposing the project mean nothing and the CESWF will receive more non-favorable comments pertaining to this draft of the EIS.	*This language will be revised to better reflect the history of ongoing public involvement, bond elections at which the public could vote for or against the project, and similar language to discuss the history of the project.*	*Sections 2.2.2.1*
131.	H-10	3.7.5.1 Endangered Species Act (see below), 3.7.5.2 USFWS Coordination Act (what is that) does not go into river mollusks, 3.7.5.5 Migratory Bird Act (see below),3.7.5.7 EO 11990 Protection of Wetlands only two sentences in an EIS where the river is being moved, absurd, 3.7.5.9 CESWF and FAA MOA concerning the FAA and a MOA (where is the MOA) that is pending which means it is not complete. I just commented on an FAA EIS for Love Field at the end of 2013 that did not have any bird studies relative to the increased air traffic (that will increase post Wright amendment October 2014) at Love Field. The Trinity river is within the central flyway of migratory birds. With the new addition of the incredibly high transmission lines across the river at Sylvan, the new Hunt-Hill bridge and the proposed McDermott bridge, increased air traffic at Love Field within the east-west runway there is considerable new hazards for migratory birds that has not been considered and the responsibilities have been passed off between agencies. More comprehensive bird studies need to be done, migratory birds need to be recorded during seasonal migrations, as well as the aquatic wading birds that use the river corridor and nearby water sources. Endangered and listed birds such as Wood Storks, White Ibis, Roseate Spoonbills, Red-headed Woodpeckers, White Pelicans, Least Bitterns, even Eagles have been recorded along the river corridor with in the DF/DFE. These birds and others species (ie. mollusks) are mentioned but there are more species than listed in F-9 and F-10.	*The Endangered Species Act identified federal threatened and endangered species. There are no federally endangered mollusks within the project area. There are state listed species, and the City of Dallas and the USACE are coordinating with Texas Parks and Wildlife Department to develop an appropriate mitigation plan.* *Recent bird surveys have been conducted by the City of Dallas and coordinated with the FAA during the development of this EIS.*	*No Change.*
132.	H-11	3.7.5.10 Section 106 - Cultural Resources Compliance (page 3-46) of this study sets the worse precedent since the National Historic Preservation Act of 1966 (48 years ago) was written. Cultural Resources are not to be assessed and	*Your comment is noted in the record. National Register eligible historic properties are addressed as significant resources under NEPA*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		considered for this project (considered an undertaking) as they are for every Federal undertaking under Section 106. This is the project of exception where former Texas Republican Senator Kay Bailey Hutchinson got the Dallas Floodway exempt for Cultural Resources after it was determined that the Floodway levee system built in the 1928, reinforced by the Corps in 1952 was eligible for inclusion in the National Register as a District by the CESWF. But once the CESWF made this determination the proponents of the project saw Cultural Resources as something that could shut the project down so they got active and lobbied Congress and found Senator Hutchinson willing to try to pass legislation. This was one of her last actions as political powers in Dallas (2011 her last year) were desperate to get any and all obstacles out of the way so the toll road and floodway project would go through. Most of the, if not all, of the Cultural Resources in the Floodway District fall in the architectural built environment that can be mitigated by HABS/HAER Level I-IV recordation where whatever entities were deemed historic would be recorded at the different levels depending on the significance of the structure. Once the recordation was complete and all were assessed for significance within and making up the district construction could proceed. This may have slowed the project down and added modest costs but not stop or end the project. The real irony of this action is that it set the precedent for other agencies to not do Cultural Resources (required by law) on other Federal undertakings. Ignorant of what is involved in doing Cultural Resources for Federal projects Hutchinson was able to slip in wording in what was primarily a defense bill exempting the Trinity river project from having to do Cultural Resources as indicated Under Public Law 111-212, 124 STAT. 2314 July 29, 2010. Then, the Corps (HQ?) does not stand up to the political scrutiny and issues guidance dated October 19, 2010 not to make further determinations under the NHPA.	*in the EIS.*	
133.	H-12	However, in the following NEPA paragraph CESWF (page 3-46) plays word games by acknowledging they will consider (whatever that means) the built environment that comprises the Floodway as cultural resources within the scope of impacts that must be analyzed under NEPA. So, maybe they don't have to do due diligence under NHPA but they do under NEPA. The question is will the CESWF do what was originally recorded by them in 2008? I have not found that documentation within the labyrinth of this voluminous report. If	*As detailed in Chapter 7 (Measure M-10), mitigation measures, HABS/HAER documentation is being required for implementation of the proposed action.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		they are going to do what they had written in the Landmark report are they going to write similarly under NEPA, and if it is some where else in this tome it should be referenced here.		
134.	H-13	Overview of Alternative 2, Figure F-12 should be included in Figures F-7, F-8, F-9 and F-10 to see the alignment that would include the tool road that was left out. As stated on page F-111 the suggested river relocation would destroy existed habitats and wetlands that have existed since the 1950's. Removal of the "Standing Wave" should be included as it is not safe and disturbs and blocks the river quality for fish, mollusks and other aquatic species. Opening up the flow under Loop 12 (Trinity Forest Boulevard) would allow floodwaters to flow more readily downstream. In it's present configuration it constricts flow and high water flows back upstream into the floodways.	*The proposed Trinity Parkway is not part of the Proposed Action, and is thus not included in detailed figures that show the proposed action. The City of Dallas management of the Dallas Wave is not part of the Proposed Action. The proposed Trinity Parkway alignment and the Dallas Wave are included on any figures that display past, present, and reasonably foreseeable future projects, but earliest at EIS Figure 2-12.*	*No Change.*
135.	H-14	There are so many issues and problems with this project it would take hundreds of pages to comment on all the issues and short comings in this EIS. The no build plan is the best plan. Thank you for the opportunity to comment on this EIS	*Your comment is noted in the record.*	*No Change.*
136.	I-1	"Need to be a meeting at 8th Street and the bottom neighborhood. Around Gold[en] Gate Baptist Church. We must setup a meeting for the area. This is now District 4 – Dwaine Caraway."	*The USACE is coordinating with the City of Dallas to set up a meeting as requested.*	*No Change.*
137.	J-1	First of all, it defies common sense to put a 6/8 lane highway in a flood plain, regardless of the "engineering miracles" that purport to prevent imminent disaster by flooding. Secondly, the cost that would be borne by taxpayers is beyond absurd.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The Trinity Parkway impacts are considered cumulatively in this EIS.*	*No Change.*
138.	J-2	Thirdly, there's a growing group of park and bicycle friendly Dallas citizens who see the potential for that green space to be used for recreation in our urban landscape. There have been several well attended events this year held in the river bottoms.	*Your comment is noted in the record.*	*No Change.*
139.	J-3	It's a fact that building more roads just increases vehicular traffic. Let's figure out another way to deal with our traffic problems that doesn't involve outrageous expense, imminent flooding and destruction of one of the largest expanses of urban green space in the United States."	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
140.	K-1	"I just wanted to voice that I am against raising the levees for any reason. I feel there will be a bigger negative impact than a positive one."	*Your comment is noted in the record.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
141.	L-1	"I am incontrovertibly in favor of Alternative 3: Proposed Action without the Trinity Parkway. It is counterintuitive and misleading to suggest that Alternative 2 is the least environmentally damaging alternative when the comparison of ecosystem and recreational features that would be available under each alternative overwhelmingly favors Alternative 3. Alternative 3 features more bike paths, fields, wetlands, and does not include a 6-lane highway with 6-foot high walls occupying 222 acres of the little green space our city has left. It is counterproductive to spend billions of dollars beautifying the Trinity River as a recreational gem, when a high-speed highway is proposed adjacent to it.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
142.	L-2	Alternative 2 would negatively impact the walkability of the Trinity, as residents from north of the river would not be able to take a direct path to the recreational amenities south of the Trinity, and vice versa. Taking more than 200 acres of the Trinity greenbelt and turning it into a highway is not conducive to an expansive revitalization of the river. The litter the road would produce and the visual impact of a massive highway are not my idea of a leisurely afternoon by the Trinity.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
143.	L-3	Additionally, I truly doubt that the Trinity Toll Road (let's call it what it is, it is not a Parkway by any means) will solve our congestion problem if people like me actively avoid toll roads. What sort of "world class city" seriously proposes, and refuses to give up on, a severely underfunded toll road in a floodplain with the potential to become Dallas' biggest recreational feature. What would really make Dallas the type of city in which one would want to live, is to proceed with Alternative 3.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
144.	M-1	No Build Option √	*Your comment is noted in the record.*	*No Change.*
145.	M-2	Any high-speed (or low-speed above 20 mph) roadway along the river-side base of the Dallas Floodway levees would adversely impact any (non-motorized) recreational (hiking, walking, running, biking, bird-watching, kayaking, canoeing, etc.) amenities now in place and any recreational amenities planned for the future.	*Your comment is noted in the record.*	*No Change.*
146.	M-3	Creating River-meanders. NO!	*Your comment is noted in the record.*	*No Change.*
147.	M-4	Dredging and re-channelizing the existing Trinity River channel within the Dallas Floodway would cause damage to the now existing gravel beds which provide important habitat to the Freshwater Mussel species Texas pigtoe	*The City of Dallas and the USACE are coordinating with Texas Parks and Wildlife Department to develop an appropriate*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		(*Fusconaia askewi*). This species was observed live and dead shells were collected from Dallas Floodway gravel bars in 2005. Observation results and shell samples were reported/submitted to the Texas Parks and Wildlife Department program Mussel Watch. This species was also reported in the 2011 Molluscs Habitat Assessment report for the IH 30 and IH 35 TxDot study. Creating river bank meanders within the Dallas Floodway is hypocritical considering the construction of impediments to the natural river meandering process downstream by the City of Dallas (Water Dept) building no less than four (4) Groin and Rip-Wrap structures (between the confluence of White Rock Creek and McCommas Bluff), with the apparent approval by the USACE. Mis-management or No management?	*mitigation plan.*	
148.	M-5	Currently the level of management by the City of Dallas of certain Trinity River natural resources is shameful and portends any future ability by the City of Dallas to manage natural resources in the future. For example: 1) Rochester Park "Simpson" Lake is infested with Alligatorweed (*Alternanthera philoxeroides*) with no effort to date to control this pest. 2) Wetland Cells between IH 45 and Loop 12 is currently being used as a playground for motorized ATV and Dirt Bike use. 3) The Wetland Cells between IH 45 and Loop 12 is also a location for dangerous and life threatening illegal firearm discharges by unscrupulous and irresponsible persons. Note: the Joppa neighborhood is next to this area and across the river is the Texas Buckeye Trail.	*Thank you for your comment. The EIS incorporates mandatory management and monitoring criteria for project implementation.*	*No Change.*
149.	N-1	I would vote to leave it as it is. As Larry Good wrote for the Dallas Morning News, "do we really want more major disruptions when we already have a terrific resource ready to be enjoyed?" Let's invest differently to enhance the value of what's there!	*Your comment is noted in the record.*	*No Change.*
150.	O-1	I oppose the Trinity Toll Road, and I support the No Build Option. The Trinity Toll Road is unnecessary, unaffordable and will: - waste limited transportation funds - threaten our flood protection, leaving more residents at increased risk of flooding - ruin any chance of promised park along the floodway being a desirable recreational destination - destroy hundreds of acres of woodlands and open spaces	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		- increase noise and pollution of air, water and soil in the floodway/park - further divide North and South Dallas. Let's try doing something we really need for once like repairing the I-30 bridge across the Trinity that is literally crumbling into the river as I type... Thanks for your time and proverbial ear.		
151.	P-1	"I think what is now White Rock Lake is a fabulous asset to the city…and it used to be a pitiful little creek before someone dammed it and put some roads and walkways around it."	*Your comment is noted in the record, although White Rock Lake is outside the scope of this EIS.*	*No Change.*
152.	Q-1	Thank you for accepting my comment on the proposed project. Please mark me as a no vote on this. It is not so much that I dont like cars, I have one and use it often to cross the river, but Dallas has plenty of roads. What we lack is outstanding public space and parks. The Trinity has that ability. My number one concern in pollution in the form of noise, runoof and air from a tollroad. Can you advise me on the expected decibel level of the toll road from an average of 100 to 500 feet from it's center line? If it is above 60db than it will render the park unusable due to discomfort of people to load sustained noises	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
153.	R-1	In regards to the Dallas Floodway Project, I'm for ecological restoration and some recreation (low-impact, not creating ampitheaters) and against the tollway. It doesn't seem like we need more auto-centered transportation—we need a way to get people around in modes other than their personal vehicles.	*Your comment is noted in the record. The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
154.	S-1	During the recent project public forum held on May 8th, several peices of project material and literature were handed out. One particular item was a computer disk, specially prepared by USACE, and handed out freely to attendees. If an extra copy of the disk is still available, I would like a copy of it mailed to my address, if possible. I can pay for any s & h fees if applicable.	*Disc has been provided.*	*No Change.*
155.	T-1	I was born in Dallas in 1969 and have lived here the entire time. I can tell you that by far the most exciting proposition that this city has ever made to the taxpayers was the Trinity Lakes that was supposed to be built, and was recently pulled out from under the taxpayers feet. I was told by the Trinity Trust Foundation president that the reason was the levees needed $900 million dollars worth of reinforcement to build the lakes, and they ran out of OUR money. So, I find it interesting that the powers that be want to, instead of building the	*Your comment is noted in the record.* *The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		lakes... want to build a giant road down inside the riverbed....and in order to do that, the levees will have to increase in size (same as for building lakes)...as well as re-route! Why don't we just stick to the original plan that was sold and voted on 10 or so years ago? The Lakes would do so so much more for the city!!!!!! Generate all kinds of money, bring many new types of businesses, as well as make the facade of our city unbelievably beautiful. We do NOT need a stinking toll road in the riverbed!!!!!		
156.	U-1	The Trinity River in Dallas is already a wonderful natural resource. Please don't allow it to be messed up with miles of jersey barriers, noisy traffic, un-maintainable park attractions and more impediments to accessing what's already a lovely experience from within.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
157.	U-3	Please don't rip out more trees and wildlife habitat only to have to wait another 40-50 years for replacements to mature (if ever).	*Your comment is noted in the record.*	*No Change.*
158.	U-4	Please don't disturb the extremely toxic metals the lie along the river bottom that nature continues to mitigate on its own.	*Your comment is noted in the record.*	*No Change.*
159.	U-5	Please forego allowing NTTA to put a giant barrier toll road along the largest greenway corridor in the region.	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
160.	U-6	How can they possibly imagine any toll road facility there could be maintainable given the unstable soils and constant threat of flooding?	*The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
161.	U-7	My preference would be the "do nothing" alternative. Leave it as it is – a park like setting teeming with nature. Stop the uncertainty by cancelling the project. Allow city decision makers to forego the toll road, and let's invest differently to enhance the value of what's there. Better to support and encourage adjacent property owners to invest in connections that don't require driving and allow their tenants – residents and businesses alike – to have access to the recreational amenity in its current natural state.	*Your comment is noted in the record.*	*No Change.*
162.	V-1	"I was not able to make it to the public meeting in early May. Is the EIS draft online for viewing? I am in a neighborhood adjacent to the Trinity River."	*Website information has been provided.*	*No Change.*
163.	W-1	There has been enough disturbance in the Trinity area and I think the best plan of action is to let nature take its course. The greater the impact that we	*Your comment is noted in the record.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		make in the area the longer the recovery period so let's keep it for biking, hiking, horse trails is enough intervention of an area that we can share with our wildlife habitat. Let's focus on an ecosystem approach to learning.		
164.	W-2	As a relatively new resident to the City of Dallas, coming from the City of Minneapolis Minnesota, I am confounded on why anyone would want to put a toll way between the City of Dallas and one of its major natural amenities – the Trinity River. Why is there even conversation about this? The conversation that started more than 10 years ago is no longer relevant, we've learned and grown to know that the cities of the future don't have toll ways running through the middle of the few natural areas that exist. The ramifications of this project would be devastating to economic development, conservation and ecological ethics, and would exacerbate the environmental challenges that we already face for clean air and water. Noise would be amplified, the heat island effect increased, and the connection between the land, which includes the flora, fauna and people, would be severed. We have an opportunity to begin to design our communities and think about transportation in a new way – we must begin to promote people, not cars. People who want to ride a bicycle, walk and use public transportation. Let's not move people through our city as fast as possible, let's create a city where we can slow down, catch our breath, enjoy nature, and create a "sense of place" that honors, respects and supports the people.	*Your comment is noted in the record.* *The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
165.	W-3	We must begin to support an ecosystem approach to development where we begin to see ourselves as part of nature, not severed from nature. Research shows that people, especially children, benefit from nature. The toll way would put fear into the heart of any parent living, working or recreating in the area and use of the area would be limited. Do we really want to create something that we fear?	*Your comment is noted in the record.* *The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS* *The proposed action includes substantial ecological restoration.*	*No Change.*
166.	W-4	A "biotic" worldview has taken hold, past supporters of the toll way are expressing their support to eliminate the toll way when in the past they were staunch supporters. I hope that it's not too late for rational thinking to take place and we take this time to stop and think about the plethora of negative ramifications for this project. Now is the time to begin to create a new	*Your comment is noted in the record.* *The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		paradigm for the future. No new toll way!		
167.	X-1	Leave the flood plain alone! Forego the ill advised toll road and let's not repeat the damaging effects other major cities have implemented only to now have to resolve how to reclaim access to the waterfronts or natural resources that are currently cut off from the urban core. Wildlife, natural plants and habitat, an historic water course, bike and hike trails are all that should be in the flood way!	*Your comment is noted in the record.* *The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
168.	X-2	In my personal view – disrupting the current nature that's there would have resounding repercussions. A micro-view of those impacts occurred recently just as crews were readying the floodplain for this past weekend's events. Mowing crews were spotted decimating a wetland area that was teeming with wildflowers and flocks of ibis and other birds that would've been a joy to witness while bicycling along the river. What a sad loss.	*Your comment is noted in the record.* *Under the EIS, mowing would be restricted in many large areas to allow natural wetland and grassland assemblages to develop.*	*No Change.*
169.	X-3	If I were asked (and I guess I have been now) I'd respond by saying: It's already a wonderful natural resource. Let's don't mess it up with miles of jersey barriers, noisy traffic, unmaintainable park attractions and more impediments to accessing what's already a lovely experience from within. Let's don't rip out more trees and wildlife habitat only to have to wait another 40-50 years for replacements to mature (if ever). Let's don't disturb the extremely toxic metals the lie along the river bottom that nature continues to mitigate on its own. Let's skip putting a giant barrier toll road along the largest greenway corridor in the region.	*Your comment is noted in the record.* *The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
170.	X-4	Larry Good wrote a recent op ed published in the 'Dallas Morning News' that truly hit home. The question confronting us now is "do we really want more major disruptions to go forward when we already have a terrific natural resource ready to be enjoyed?" My vote would be – leave it as it is. Stop the uncertainty. Forego the toll road, and let's invest differently to enhance the value of what's there; and support and encourage adjacent property owners to invest in connections that don't require driving	*Your comment is noted in the record.* *The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
171.	Y-1	I choose none of the proposed plans and instead choose to let nature takes its own course there as it has for the many years since the river was moved and the levees were built. Disturbance of what is now a place for wildlife and the natural healing of the once disturbed land will cause another 100 years of	*Your comment is noted in the record.*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
		healing and unforeseen millions of dollars to build and sustain if any of the plans are selected. Plus there will be release of the metals and other toxins in the soils of the river bottom if meanders are constructed.		
172.	Y-2	The continued disruption of the area by mowers in wetlands that provide food and habitat for migratory birds should be halted. Wetlands are supposed to be protected areas and why aren't they here?	*Your comment is noted in the record. Under the EIS, mowing would be restricted in many large areas to allow natural wetland and grassland assemblages to develop.*	*No Change.*
173.	Y-3	The City does a poor job of maintaining and sustaining any of the parks it now has due to budget and personnel cuts. Leave the Trinity in this natural state and leave the toll road out of it.	*Your comment is noted in the record. The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
174.	Y-4	Hike/bike/horse trails through a natural area are much more pleasing than the sound of traffic intruding on a park. Kayaks and canoes on the water are the only traffic needed.	*Your comment is noted in the record.*	*No Change.*
175.	Y-5	Former supporters of the toll road have now spoken out against it as was noted by the DMN recently on the op-ed piece by Larry Good. Focus on the adjoining land behind the levees where the place for improvements and opportunity exist with the natural amenities at their doorstep.	*Your comment is noted in the record. The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
176.	Y-6	Building of roads and parks in between the levees is a recipe for disaster.	*Your comment is noted in the record. The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*
177.	Z-1	My comment on the project is that the focus should be on enhancing flood control, expanding recreation opportunities, improving the Trinity River habitat, and spurring economic redevelopment of the areas adjacent to Dallas' Federal Floodway System.	*Your comment is noted in the record; these are the main purposes of the proposed action.*	*No Change.*
178.	Z-2	Inserting the proposed tollroad within the levee footprint will detract from the above focus. In other words, the Dallas Trinity project should be more closely aligned to what is being developed in Fort Worth with the Fort Worth Central City project (i.e., Trinity River Vision).	*Your comment is noted in the record. The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*

Row	Ref #	PUBLIC COMMENTS: Relevant Comment(s)	USACE Response	Location of Revision
179.	AA-1	I appreciate and concur with Bud's assessment (Melton)	*Your comment is noted in the record.*	*No Change.*
180.	AB-1	"I support improving the levees for a cost of $10 million, but I do not support altering the river for a cost of $320 million. Altering the river is of questionable environmental benefit and it is too expensive. I do not support the parkways. It has a very small transportation benefit, but the monetary and environmental costs are huge. Please do not compromise public safety to accommodate the parkway."	*Your comment is noted in the record. The Trinity Parkway and its alignments are not part of the proposed action analyzed in the DFP EIS. The cumulative impacts of the Trinity Parkway are considered in this EIS*	*No Change.*