



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

Public Notice

Section 408 Request ID #: 408-SWF-2019-0014

Date issued: April 10, 2020

Close of comment period: May 10, 2020

USACE Point of Contact: Jason Story

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

TITLE: Section 408 Request ID # 408-SWF-2019-0014, Project Midway, drainage outfall

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

REQUESTER: Stream Realty.

LOCATION: The proposed project is located on the west side of Big Fossil Creek upstream of State Highway 121 in Tarrant County.

NON-FEDERAL SPONSOR: The City of Richland Hills.

LOCATION MAP(S)/DRAWING(S): Attached figures.

DESCRIPTION OF THE PROPOSED ALTERATION: The proposed alteration consists of activities within the Big Fossil Creek Floodway. The alteration consists of the installation of one 60-inch reinforced concrete pipe outfall structure and rock riprap erosion control within the Big Fossil Creek Floodway. The drainage outfall pipe would serve as a connection to a valley storage mitigation pond located off of the federal project, as part of a commercial warehouse project adjacent to the Big Fossil Creek Floodway.

REGULATORY AUTHORITY: This request will be reviewed pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408). A requester has the responsibility to

acquire other authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program. An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

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

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

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

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

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

HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES: The USACE is reviewing the proposed alteration for impacts to historic properties. Our initial review indicates the proposed alteration will have no adverse effect on historic properties.

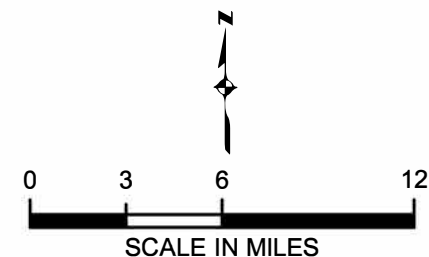
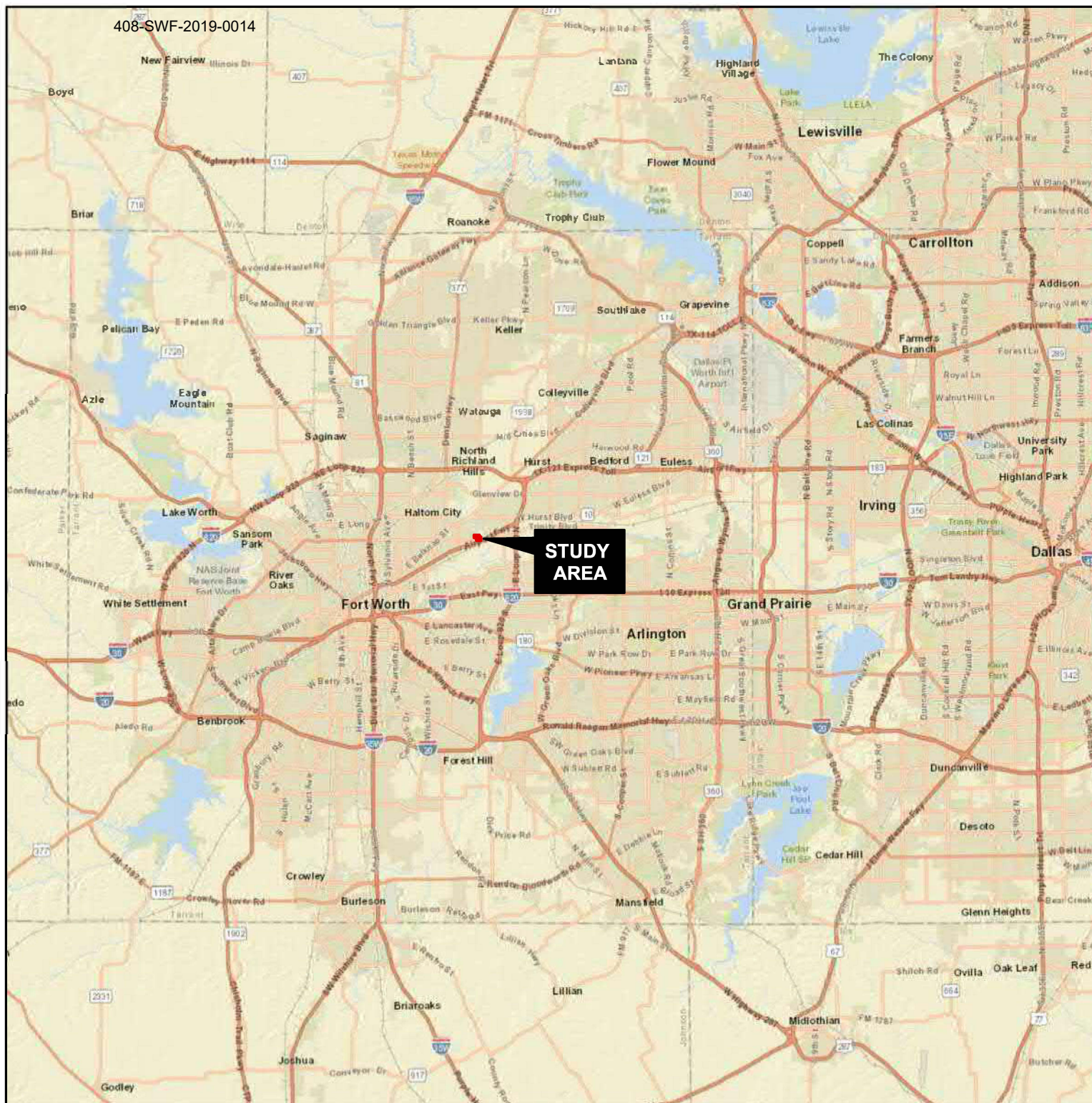
SOLICITATION OF COMMENTS: The USACE is soliciting comments from the public; federal, state, and local agencies and officials; federally recognized tribes; and other interested parties in order to consider and evaluate the impacts of the proposed alteration. Comments received will be considered by the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

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

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

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

408-SWF-2019-0014



LEGEND

■ STUDY AREA

Notes:

1. Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the

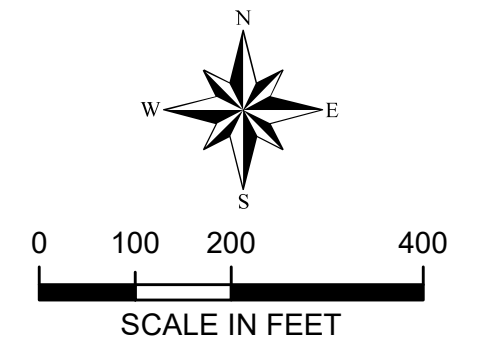
PROJECT MIDWAY

PROJECT NO: <#USACE>

DATE: 08/2019 AVO: 34433

LOCATION MAP





LEGEND

- STUDY AREA
- WATERS OF THE UNITED STATES (WOUS)**
- WOUS FORESTED WETLANDS
- ISOLATED FORESTED WETLANDS (NON-WOUS)
- IMPACTED WETLANDS
- ~~~~~ STREAMS

SITE PLAN

- BUILDING FOOTPRINT
- PAVEMENT EXTENT
- VALLEY STORAGE
- ~~~~~ VALLEY STORAGE OUTFALL PIPELINE
- ~~~~~ MAJOR CONTOUR
- ~~~~~ MINOR CONTOUR

SURVEY TOPO

- ~~~~~ MAJOR CONTOUR
- ~~~~~ MINOR CONTOUR

NON-WOUS FEATURE	IMPACTS
FW-1	0.09 AC
WOUS FEATURE	IMPACTS
FW-2	0.26 AC
FW-3	0.14 AC
FW-4	0.06 AC

Notes:

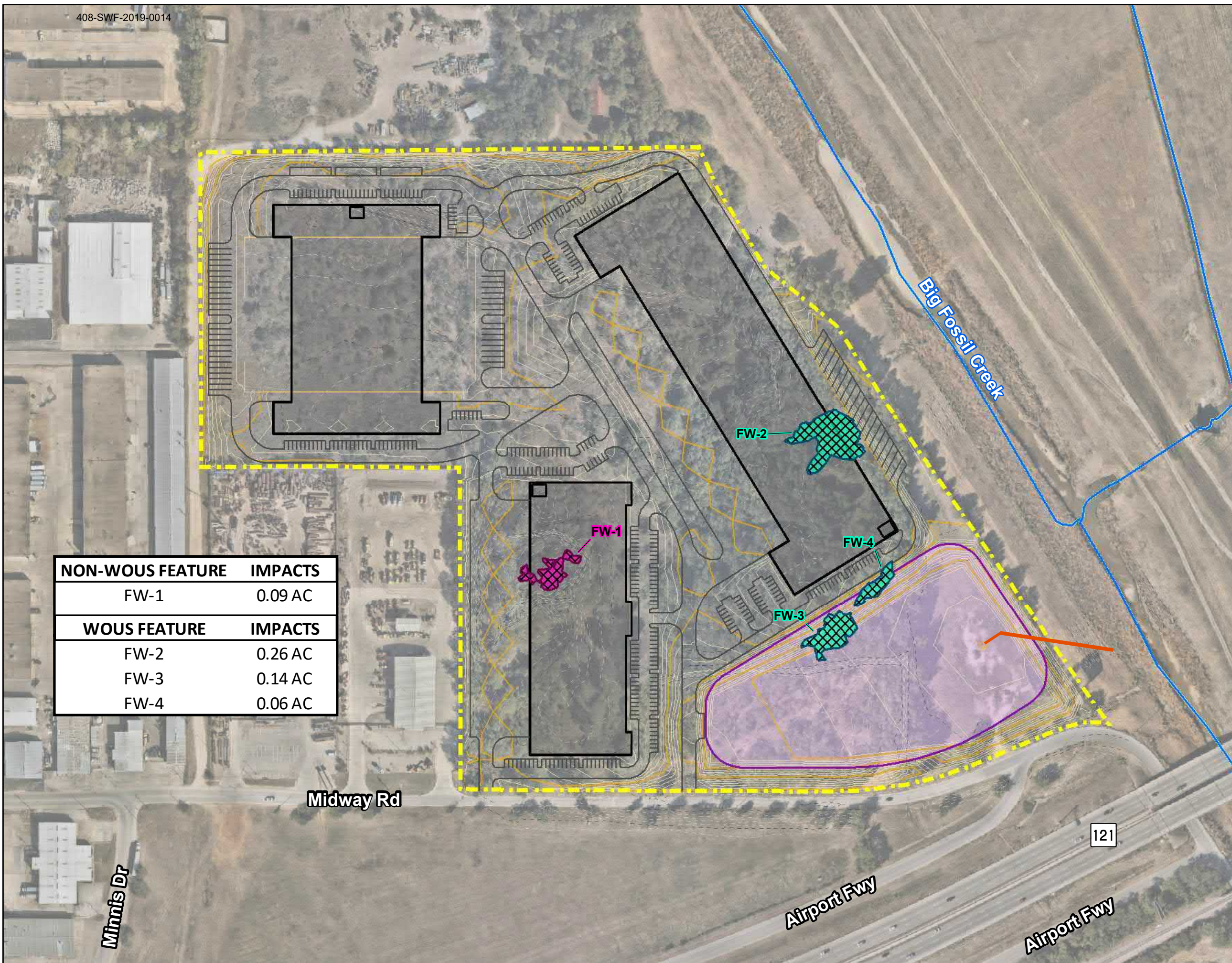
1. Service Layer Credits: NearMap, 2019.
- 2.
- 3.
- 4.
- 5.
- 6.

PROJECT MIDWAY
STREAM REALTY

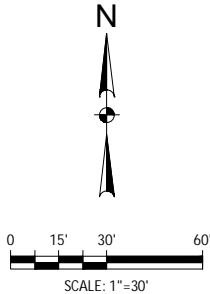
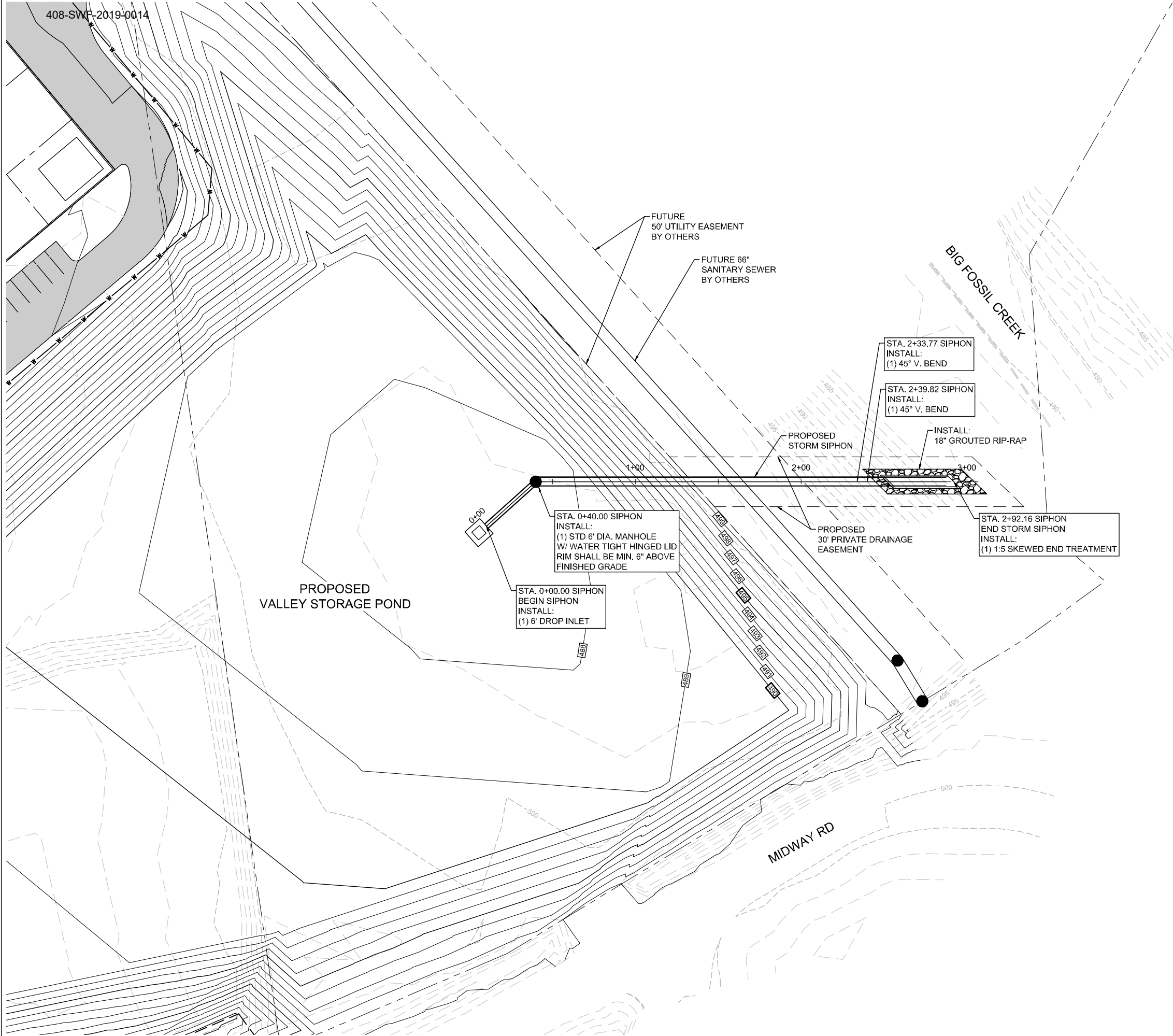
PROJECT NO.: 408-SWF-2019-0014

DATE: 01/2020 AVO: 34433

AQUATIC FEATURES
WOUS IMPACT MAP



FILE: I:\3400\05\3443\001\CADD\REFERENCES\CE-STRM-SIPHON-34433.DWG
PLOT DATE: January 17, 2020 11:40 AM
PLOTTED BY: EHN, CAMERON



MIDWAY
INDUSTRIAL PARK
HALTOM CITY, TEXAS 76117

STREAM

HALFF
4000 FOSSIL CREEK BLVD
FORT WORTH, TEXAS 76137-2720
TEL (817) 847-1422
TBPE FIRM #F-312

REVISIONS		
NO.	DATE	DESCRIPTION

PRELIMINARY
FOR INTERIM REVIEW ONLY
THESE DOCUMENTS ARE FOR INTERIM REVIEW AND NOT INTENDED FOR REGULATORY APPROVAL, PERMIT, BIDDING OR CONSTRUCTION PURPOSES. THEY WERE PREPARED BY OR UNDER THE SUPERVISION OF:
CAMERON EHN 129176
NAME P.E. NO.
F-312 1/17/20
TBPE FIRM NO. DATE

SHEET TITLE		
PROPOSED SIPHON PLAN		
PROJ. NO.	34433	SHEET NO.
DRAWN	RJS	
CHECKED	CTE	
DATE	1/17/20	