



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

Public Notice

Section 408 Request ID #: 408-SWF-2020-0007

Date issued: July 3, 2023

Close of comment period: August 2, 2023

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 # 408-SWF-2020-0007, Trinity View Canoe Launch Ramp

SUBJECT: Request for a Section 408 permission to alter the Dallas 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 welcome. Issuance of this notice does not imply USACE endorsement of the proposed alteration as described.

REQUESTER: City of Irving

LOCATION: Trinity View Park, 2221 East Highway 356, Irving, Texas 75060

NON-FEDERAL SPONSOR: City of Irving

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

DESCRIPTION OF THE PROPOSED ALTERATION: The proposed alteration within the Dallas Floodway includes construction of a 0.26 acre canoe launch ramp. The project consists of 300 linear foot reinforced concrete ramp with limestone riprap erosion protection around the ramp, for total length of 426 linear feet. Construction would include excavation, grading, and installation of concrete and rip rap along the west bank of the Elm Fork Trinity River within City of Irving flowage and maintenance easements within the Dallas Floodway. The project is located in Trinity View Park.

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 USACE technical 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 USACE technical 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.* The USACE technical review team will determine if the Section 408 request is in compliance with the National Environmental Policy Act (NEPA) and other applicable federal environmental and cultural resources compliance requirements.

STATUS OF REVIEW: The USACE technical review team has determined the following based on the Section 408 request submittal.

1. *Impacts to the Usefulness of the USACE Project.* The USACE technical review team has reviewed the proposed alteration for impacts to the Dallas Floodway and initial review indicates there would be no adverse hydrologic and hydraulic impacts resulting from the proposed alteration. No levees are affected by the proposed alteration.

2. *Threatened and Endangered species.* The USACE technical review team has reviewed an official list of species protected under the Endangered Species Act and 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.

3. *Historic, Cultural, and Archaeological Resources.* The USACE technical review team has reviewed the proposed alteration for impacts to cultural

resources. Based on this review, the USACE determined that the undertaking shall have no effect to historic properties in accordance with 36 CFR 800.4(d)(1). The USACE is consulting on this determination with the Texas State Historic Preservation Officer and appropriate federally recognized tribes.

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 to consider and evaluate the impacts of the 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.

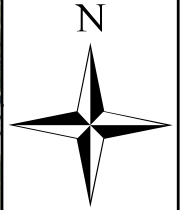
Comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permission for this proposed alteration. It is presumed that all parties receiving this notice will wish to respond to this public notice, therefore, a lack of response will be interpreted as 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. Submit comments and requests for additional information to CESWF-408@usace.army.mil. Telephone inquiries may be directed to Mr. Jason Story, Section 408 Coordinator 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/>.

Legend



Canoe Launch Project Area



Irving Elm Fork Canoe Launch Area Map




Base Layer Source: USDA NAIP Aerial 2018

0 1,000 2,000 Feet

Exhibit 1

Created by: Kendall Grier
Date: 24 May 2021

Legend

-  OHWM West Bank Elm Fork Trinity River
-  Canoe Launch Ramp
-  Project Footprint



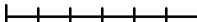
Project Map

Irving Elm Fork Canoe Launch

Source: USDA NAIP Aerial 2018



VRX

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|---------------------------------------------------------------------------------------|----------|-------------------|
| 0 | 100 Feet | 1 inch = 100 feet |
|  | | Scale: 1: 1,200 |
| | | Date: 2/23/2023 |