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US Army Corps	Applicant: City of Dallas
Fort Worth District	Permit Application No.: SWF-2013-00350
	Date: October 11, 2013
	The purpose of this public notice is to inform you of a proposa for work in which you might be interested. It is also to solici your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.
<u>Regulatory Program</u>	Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's wate resources. Originally, this involved construction of harbo fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.
Section 10	The U.S. Army Corps of Engineers is directed by Congress unde Section 10 of the Rivers and Harbors of 1899 (33 USC 403) to regulate all work or structures in or affecting the course condition or capacity of navigable waters of the United States The intent of this law is to protect the navigable capacity of water important to interstate commerce.
Section 404	The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the <i>discharge of dredged and fill material into all waters of the</i> <i>United States, including wetlands.</i> The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.
<u>Contact</u>	Name: Mike Happold

JOINT PUBLIC NOTICE

U. S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

AND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material into waters of the U.S. associated with the construction of the Upper McKamy Branch Improvement Project in the City of Dallas in Collin County, Texas.

APPLICANT: City of Dallas Mr. David Garcia, P.E., CFM 320 E. Jefferson, Room 307 Dallas, Texas 75203

APPLICATION NUMBER: SWF-2013-00350

DATE ISSUED: October 11, 2013

LOCATION: The Project is located in southern Collin County, east of Preston Road and south of the Presidential George Bush Turnpike (PGBT) as shown in **Sheet 1 of 15**. The Project limits for the proposed Project begin at the existing downstream headwall at the Mapleshade Lane crossing of (Upper) McKamy Branch, and extend approximately 1,600 feet downstream (channel length) near the Villa Road intersection of Windmill Lane as shown in **Sheet 2 of 15**. The Project limits are bound by Creek Drive to the west and by Windmill Lane and the existing McKamy Branch channel to the east. The proposed Project would be located approximately at latitude 33.011172° N and longitude -96.789067° W. The site is mapped on the 7.5-minute USGS quadrangle maps Hebron, Texas. The site is in USGS Hydrologic Unit 12030105 – Upper Trinity, Texas.

OTHER AGENCY AUTHORIZATIONS: Section 401 State Water Quality Certification (Tier I)

PROJECT DESCRIPTION: The proposed project would involve the discharge of approximately 980 cubic yards of dredged and fill material into 0.24 acre of waters of the U.S., including 400 linear feet of perennial stream. No impacts to wetlands are proposed. The applicant proposes to construct stream bank improvement measures to the existing McKamy Branch channel and additional conveyance measures in overbank areas along the north/west side of the channel (**Sheet 3 and 4 of 15**). Activities in waters of the U.S. include erosion control measures during construction and reconstruction of the channel banks downstream of Mapleshade Lane. A bypass swale for flood conveyance would be constructed adjacent to McKamy Branch; other than at the transition to the McKamy Branch channel, this component would not involve construction in waters of the U.S.

Waters of the U.S. in the Project area include only the channel of McKamy Branch, which is classified as a perennial stream. Land adjacent to the channel consists of current or former

residential landscapes; no adjacent wetlands are within the Project area. Waters of the U.S. permanently impacted by the proposed Project would total approximately 400 linear feet of perennial stream. The total amount of fill in waters of the U.S. for all activities is estimated at 980 cubic yards. Approximately 1,200 linear feet of perennial stream downstream of these improvements would be avoided.

The Flood Insurance Rate Map panel 48085C0370J for Collin County, Texas shows that culverts contain the 1% annual chance flood (i.e. 100-year) for portions of McKamy Branch upstream of the PGBT. Downstream of these culverts, McKamy Branch is contained within a concrete-lined channel until it crosses through culverts under PGBT. The short reach between PGBT and Mapleshape Lane is the only reach of channel upstream retaining somewhat natural characteristics. Downstream of Mapleshape Lane, McKamy Branch within the Project area is within a neighborhood that has experienced channel degradation and periodic flooding over multiple decades. The purpose of the proposed Project is to stabilize and preserve the existing channel and riparian corridor to the extent practicable, while at the same time alleviating flooding to remaining structures. The following summarizes each of these Project components.

Erosion control – Given the nature of the work and the perennial nature of the stream, temporary erosion control check dams as shown on **Sheet 5 of 15** would be placed within the stream during construction.

Stream bank improvements – As shown on Sheet 6 and 7 of 15, bank improvement measures are proposed for approximately 400 linear feet of stream. The proposed activity would preserve the existing flowline elevation of the stream. Beginning from the existing headwall at Mapleshade Lane, each bank would be re-graded to accommodate the proposed gabion walls. An approximate 10-foot width of rock rip-rap blanket approximately 18 inches deep (15 cubic feet) would be placed in the channel bottom per foot of channel bank, matching the existing flowline elevation. At the headwall, this blanket would extend across the length of channel to facilitate a transition from the existing culverts beneath Mapleshade Lane. These activities would widen the existing ordinary high water mark (OHWM) of the channel by approximately 8 feet on each side. Gabion baskets (3-foot x 3-foot each) would be placed to establish the new vertical bank along this length, socketed into a limestone layer relatively close to the surface; approximately 2 layers of baskets (18 cubic feet) would be placed per foot below the OHWM per foot of channel bank. The rip-rap and gabion result in 33 cubic feet of fill per running foot below the OHWM (1.2 cubic yards). Downstream of Station 3+00, additional rip-rap would be placed in the channel near the connection to the bypass swale and the transition to the natural channel. The channel bottom is expected to be exposed limestone at this location. Rip-rap is not proposed unless limestone is deeper than 12 inches of the surface. This volume of fill is expected to be minimal, but is an additional potential source of fill.

Flood conveyance – As shown on **Sheets 7, 8, and 9 of 15**, a bypass swale to convey high flows would be constructed parallel to the existing McKamy Branch channel beginning at the downstream end of the stream bank improvements. The bypass channel would be located between McKamy Branch and Creek Drive on property that was purchased by the City of Dallas in recent years (several homes were purchased and removed from the different lots). The channel would

transition into the existing channel grades downstream above the OHWM, resulting in no additional placement of fill within waters of the U.S.

A wetland delineation and jurisdictional determination report dated July 2009 was prepared for the Project. The vegetation in the Project area consists of three main types: residential, old field, and riparian. In the residential type, the vegetation is almost completely herbaceous, consisting of Bermudagrass (*Cynodon dactylon*) or St. Augustine (*Stenotaphrum secundatum*). Old field vegetation is associated with former residential lots that consist of bermudagrass and St. Augustine, but have become vegetated with Johnsongrass (*Sorghum halepense*) after the homes were removed. Both of these types transition to the narrow riparian corridor, which includes posion ivy (*Toxicodendron radicans*) in the understory, and American elm (*Ulmus americana*), cedar elm (*Ulmus crassifiolia*), red mulberry (*Morus rubra*) and pecan (*Carya illinoinensis*) trees mixed with saplings of honey locust (*Gleditsia triacanthos*), boxelder (*Acer negundo*), and american elm. No wetlands were identified in the Project area.

ALTERNATIVE SITE LOCATIONS: Given that the Project purpose includes improving the bed and banks of the existing stream near Mapleshade Lane and alleviating flooding to adjacent structures, there are no other geographically suitable alternatives that would meet the expressed purpose and need.

ALTERNATIVE LAYOUTS: Under the No-Action Alternative, the Project would not be constructed, and the potential impacts to the natural environment would not occur. Not building the Project does not obviate the need for stream improvements, and the overflow channel to alleviate flooding would not be constructed. Although some homes have already been removed from the north/west side of the channel, this alternative would not serve to alleviate flooding to the remaining residents in the area. Furthermore, the channel condition immediately downstream of Mapleshade Lane would not be addressed. Channel scour would be expected to continue, and the foreign material in the channel would remain, or increase from additional scour.

For build alternatives, the applicant has considered alternatives utilizing three approaches: (1) full buyout option, (2) buyout with channel improvement (proposed Project) and (3) channel improvements along the entire reach. A discussion of these alternatives is provided below.

1. Alternative 1 (Full Buyout)

This alternative would address the Project purpose as it pertains to alleviating flooding, however, the channel condition at the Mapleshade Lane outfall would still need to be addressed. The absence of any structures could accommodate a softer design in lieu of hard armoring. However, a buyout of homes along both sides of the channel would substantially increase Project costs, and was never fully developed (i.e. not practicable). Furthermore, structures on the east side of the channel are only marginally at risk from flooding. The acquisition of the remaining structure on the west side of the channel along Mapleshade Lane was considered which could have allowed alternatives to hard armoring near the culvert outfall. However, the remaining structure would prove difficult to acquire, and acquiring this property was considered not feasible from a cost and logistics perspective. In sum, this alternative was considered not practicable.

2. Alternative 2 (Buyout with Channel Improvements)

This alternative would address the Project purpose as it pertains to both channel condition and flooding. The acquisition of homes along the west side of the channel allows for the construction of a high-flow swale adjacent to the existing channel, thereby allowing the low-flow condition of the channel to remain intact for the majority of its length. The proposed channel improvements do impart a loss of aquatic function associated with the channel through a reach of approximately 400 linear feet by the conversion of the natural banks to an armored condition. The channel improvement in this reach would address the scour condition at the outfall and also contribute to the overall flood reduction goal, and removes all of the foreign debris that has accumulated in the channel near the outfall.

Channel improvements that would utilize alternative means of slope protection are not feasible due to space constraints. Alternatives which might employ the use of a low-flow channel within a wider natural surface channel are similarly not possible due to space constraints. Because of these logistic limitations, these were not evaluated as a separate alternative.

3. Alternative 3 (Sheet K-3)

Such an alternative would address the Project purpose. The alternative would not be cost prohibitive relative to the buyout alternatives. However, channel modification along the entire reach to alleviate flooding in the area would substantially increase impacts to the channel through the removal of the riparian corridor and instream habitat. Because there has already been a demonstration of less damaging alternatives that are also practicable, this alternative was not developed further.

The applicant believes that proposed Project represents the least damaging practicable alternative and that all practicable measures have been taken to avoid and minimize impacts to waters of the U.S. Onsite impacts would be minimized by limiting the disturbance to the minimum necessary to accomplish the Project. Construction activities associated with this Project would be performed under the Texas Commission on Environmental Quality (TCEQ) TXR 150000 Storm Water General Permit for Construction Activities and a Storm Water Pollution Prevention Plan in order to minimize offsite impacts. As directed by that plan, best management practices (BMPs) would be employed to prevent the introduction of contaminants, including particulates, into the streams both on-site and downstream of the Project.

COMPENSATORY MITIGATION: The applicant proposes to mitigate for unavoidable loss of waters of the U.S. through the purchase of the appropriate number and type of credits from a mitigation bank whose service area coincides with the project location. Since the Project would not result in a total loss of waters of the U.S. and would include a variety of landscape plantings, (Sheet 13, 14, and 15 of 15) the applicant has proposed a modified debit ratio in the compensatory mitigation plan.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), 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 issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which 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; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE in determining whether to issue; issue with modifications or conditions; or deny a permit for this proposal. 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. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

STATE WATER QUALITY CERTIFICATION: This Project would result in a direct impact of less 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 fulfill Tier I criteria for the Project. 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 this 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 30 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.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the Project area. The proposed Project would be located in Collin County, where the whooping crane (*Grus americana*) is known to occur or may occur as migrants. The whooping crane is listed as an endangered species. It is not anticipated that this species would occur within the Project area. Therefore, it is not anticipated that the proposed Project would have an adverse effect on threatened or endangered species.

NATIONAL REGISTER OF HISTORIC PLACES: A file search of the Texas Archeological Site Atlas (TASA) and Texas Historical Sites Atlas (THSA) was performed for the Project location and surrounding areas in June 2013. The TASA and THSA file searches identified that there are no archaeological sites, National Register Properties, historical markers, or cemeteries located within the proposed Project area (TASA 2013). In addition, TASA records indicate there are no recorded sites within one-mile of the Project area. The cursory historic structures investigation suggests that no historic properties exist in the Project area of potential effect boundaries and no properties would be adversely affected by the undertaking. On a preliminary basis it appears that construction related to the Project would not impact any archeological sites, significant cultural resources, or historic properties.

FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before November 9, 2013, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to Mr. Mike Happold; Regulatory Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M.,

Monday through Friday. Telephone inquiries should be directed to (817) 886-1670. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER FORT WORTH DISTRICT CORPS OF ENGINEERS











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USACE # SWF-2013-00350 Sheet 6 of 15 August 2013



USACE # SWF-2013-00350 Sheet 7 of 15 August 2013



USACE # SWF-2013-00350 Sheet 8 of 15 August 2013



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USACE # SWF-2013-00350 Sheet 13 of 15 August 2013



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