



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

Public Notice

Applicant: City of Haltom City

Project No.: SWF-2013-00180

Date: September 10, 2013

The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit 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.

Regulatory Program

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor 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 under Section 10 of the Rivers and Harbors Act 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 waters 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 *discharge of dredged and fill material into all waters of the United States, including wetlands*. 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.

Contact

Name: Mr. Frederick Land

Phone Number: 817-886-1729

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 United States associated with the Backage Road Development located in the City of Haltom City, Texas.

APPLICANT: City of Haltom City of Texas
Mr. Thomas Ice
4200 Hollis Street
Haltom City, Texas 76111

APPLICATION NUMBER: SWF-2013-00180

DATE ISSUED: September 10, 2013

LOCATION: The proposed Backage Road Development Project would cross an unnamed intermittent tributary to Big Fossil Creek, located in the City of Haltom City, Tarrant County, Texas (Sheet 1 - 8 of 8). The proposed project would be located approximately at North Latitude 32.83851 and West Longitude -97.27137 on the Haltom City 7.5-minute USGS quadrangle map (Sheet 3 of 8) in the USGS Hydrologic Unit 12030102.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 19,000 cubic yards of dredged and fill material into approximately 0.45 acre (2,190 linear feet) of waters of the United States in conjunction with the construction of the Backage Road Development Project. Total proposed impacts to waters of the U.S. include 0.40 acre (1,450 linear feet) of intermittent stream and 0.05 acre (740 linear feet) of ephemeral stream.

INTRODUCTION: The purpose of the proposed project is to provide land access, land reclamation, and improved transportation for the immediate project area. The applicant believes that by filling the streams and placing storm flow into underground concrete culverts, the project improvements would create more desirable land for commercial land development. The project would include constructing North Backage Road, extending portions of Northern Cross Boulevard and Old Denton Road, widening portions of Old Denton Road, Northern Cross Boulevard, and Haltom Road (See Sheet 8 of 8).

EXISTING CONDITIONS: The project area includes an ephemeral stream and an intermittent stream that are tributaries to Big Fossil Creek. Ephemeral portions of channel within the study area total approximately 740 linear feet. The intermittent stream is a first order tributary to Big Fossil Creek. The channel has been channelized from its natural course and ranges from approximately 4 to 20 feet across. All intermittent portions of the stream within the study area total approximately 1,960 linear feet.

A U. S. Army Corps of Engineers (USACE) site visit on August 8, 2013, concluded that both streams have been previously altered and concur with the applicant that both streams are relatively poorly functioning.

Dominant plants in the project area include:

Scientific Name	Common Name	Comment
<i>Salix nigra</i>	Black Willow	Concentrated along stream channels
<i>Populus deltoides</i>	Cottonwood	Concentrated along stream channels
<i>Ulmus americana</i>	American Elm	Scattered throughout
<i>Quercus falcata</i>	Southern Red Oak	Scattered within forested area along channel
<i>Quercus macrocarpa</i>	Bur Oak	Scattered within forested area along channel
<i>Cynodon dactylon</i>	Bermudagrass	Scattered throughout in upland areas

ALTERNATIVES: Several on-site and off-site alternatives were considered by the applicant; and, of these alternatives, the applicant's preferred alternative would result in the least amount of impact to jurisdictional waters, while still meeting the project objective. In the original design alternative, the dam of an existing lake (east of the applicant's preferred alternative) was to be replaced and portions of the intermittent stream, both upstream and downstream, would have been impacted. Rock rip-rap was proposed upstream and downstream of the lake, impacting emergent wetland areas. Another design alternative had both the dam and an outfall in jurisdictional waters approximately 2,000 linear feet upstream from the existing dam of the lake. Both of these alternatives would have caused greater impacts to jurisdictional waters. The applicant's preferred alternative would not result in any impacts east of the existing railroad. Another alternative would create a larger developable site, but would result in impacts to the lake and associated wetlands.

MITIGATION: The applicant proposes the purchase of 11.6 intermittent stream credits and 3.7 ephemeral stream credits from Trinity River Mitigation Bank as compensatory mitigation for impacts to jurisdictional waters. The Trinity River Mitigation Bank provides mitigation credits for projects located in a nine county area, including Tarrant County, which is located within the Trinity River watershed. The mitigation bank consists of four properties encompassing a total of 1,380 acres located along the West Fork of the Trinity River in the city of Fort Worth.

SHEETS:

1. Location Map
2. Aerial Photography
3. USGS 7.5-Minute Quadrangle Map
4. Tarrant County Soil Survey
5. FEMA Floodplain Map
6. National Wetland Inventory Map
7. Plan View Impacts
8. Plan View Roadway Exhibit

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the 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 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 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 a county where the whooping crane (*Grus americana*) and least tern (*Sterna antillarum*) are known to occur or may occur as migrants. The whooping crane and least tern are endangered species. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The proposed project area has never been formally surveyed for the presence of historic or prehistoric cultural resources. It is located in an urbanized area with previous impacts from clearing. Most of the proposed work takes place in a previously channelized stream, effectively eliminating the possibility of intact historic properties from those areas. Based on cultural resources work from elsewhere in the upland prairie settings along the West Fork of the Trinity River and its tributaries, there is little chance of encountering cultural resources.

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.

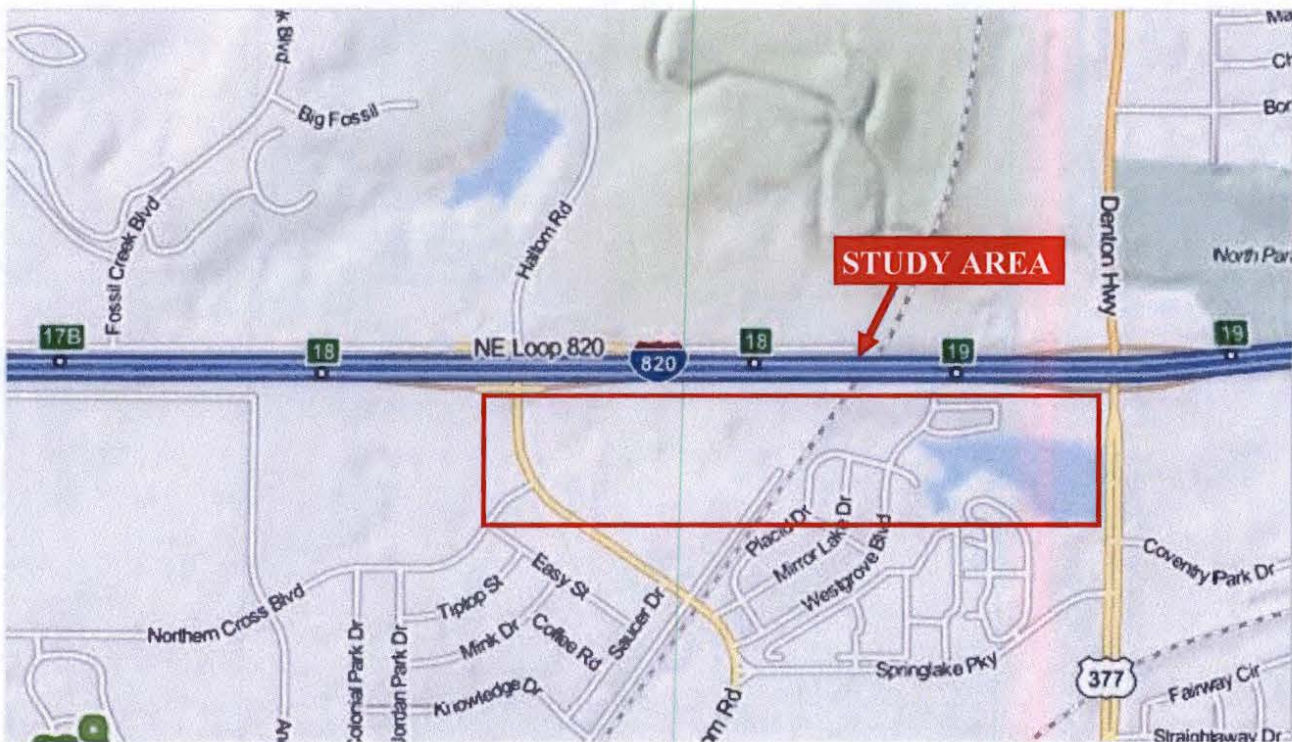
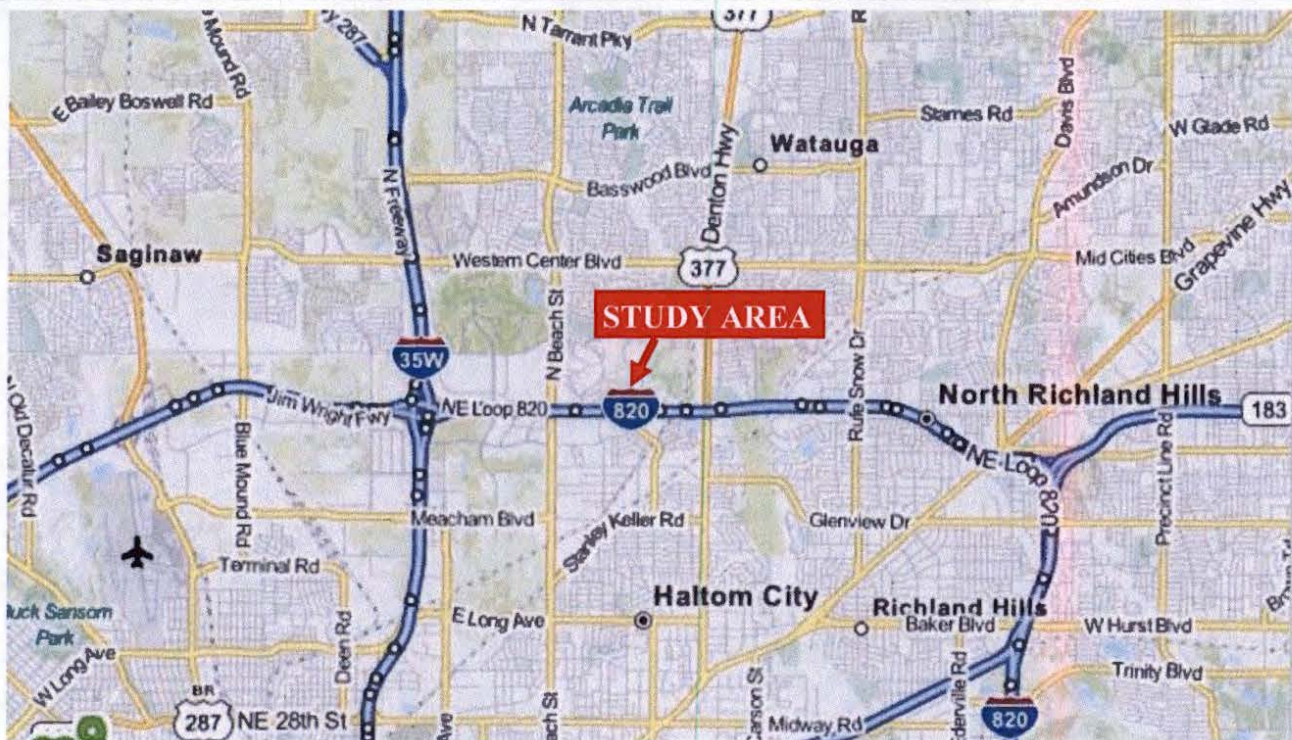
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted 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 October 10, 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; 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) 886-1729. 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



LOCATION MAP



1506 Audrey Drive
Garland, Texas
75040
(972) 496-4701
(972) 414-0451 fax

BACKAGE ROAD
INDIVIDUAL PERMIT
HALTOM CITY, TX

Job No. 22-01008

FEBRUARY 2012

Sheet 1 of 8

SWF-2013-00180



AERIAL PHOTOGRAPHY



1506 Audrey Drive
Garland, Texas
75040
(972) 496-4701
(972) 414-0451 fax

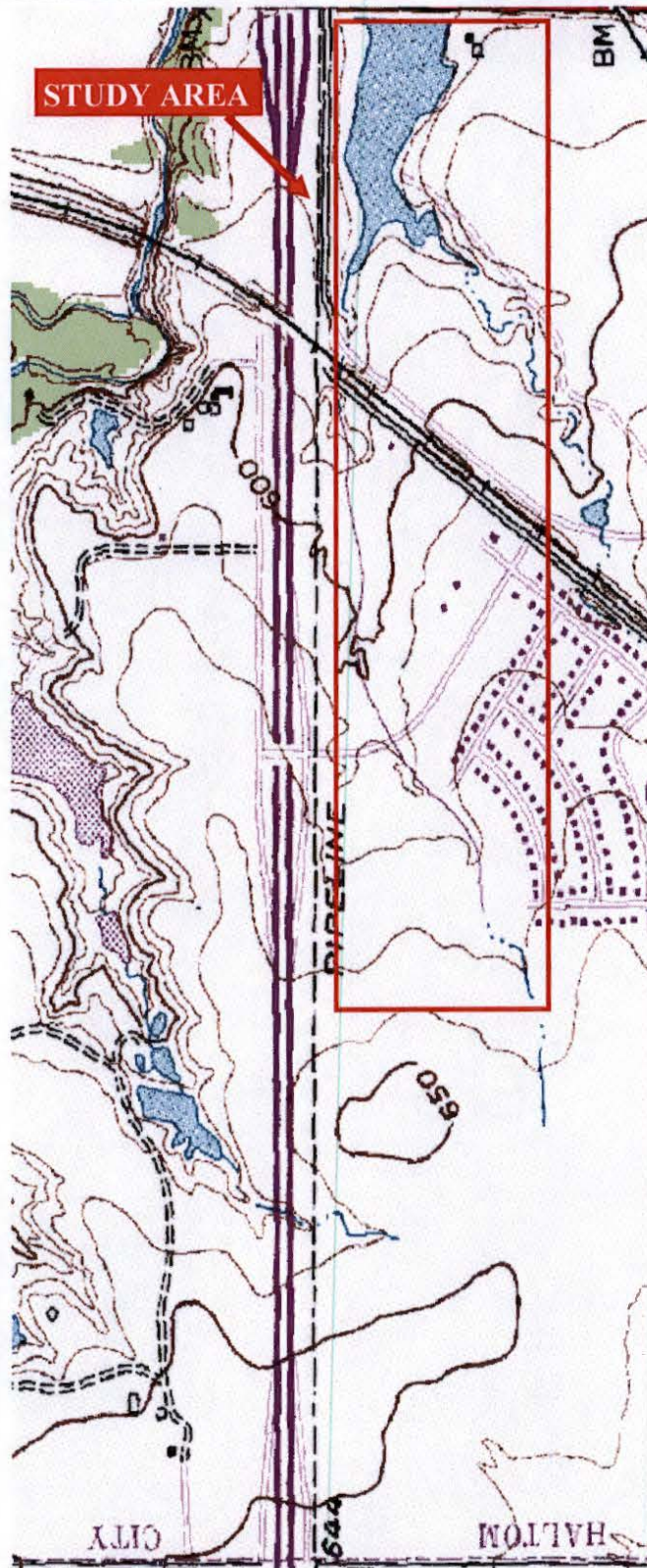
BACKAGE ROAD
INDIVIDUAL PERMIT
HALTOM CITY, TX

Job No. 22-01008

February 2012

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USGS 7.5-MINUTE QUADRANGLE MAP HALTOM CITY, TX



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75040
(972) 496-4701
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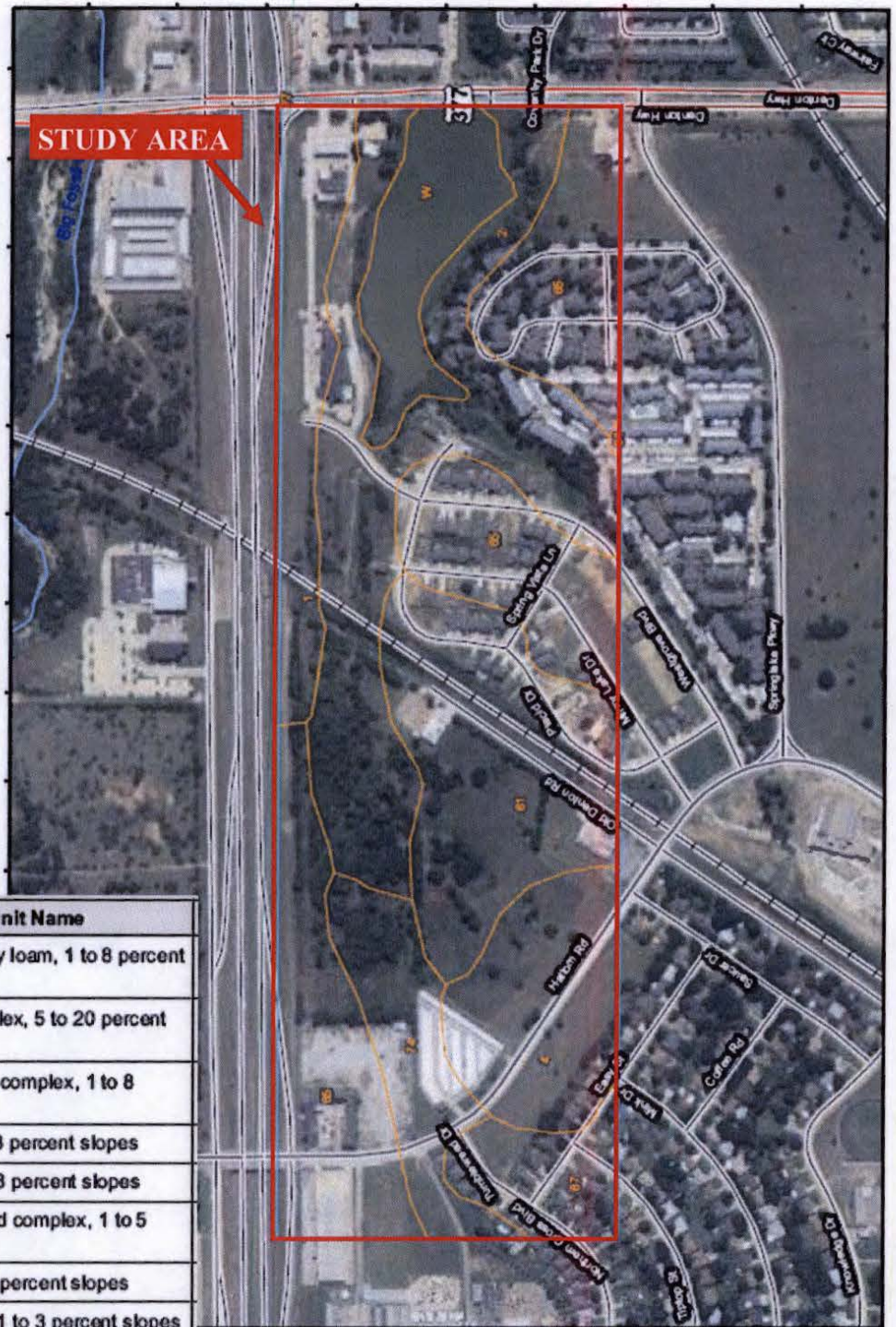
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Map Unit Symbol	Map Unit Name
1	Aledo gravelly clay loam, 1 to 8 percent slopes
2	Aledo-Bolar complex, 5 to 20 percent slopes
4	Aledo-Urban land complex, 1 to 8 percent slopes
61	Purves clay, 0 to 3 percent slopes
65	Sanger clay, 1 to 3 percent slopes
67	Sanger-Urban land complex, 1 to 5 percent slopes
74	Slidell clay, 1 to 3 percent slopes
77	Sunev clay loam, 1 to 3 percent slopes
W	Water

TARRANT COUNTY SOIL SURVEY



1506 Audrey Drive
Garland, Texas
75040
(972) 496-4701
(972) 414-0451 fax

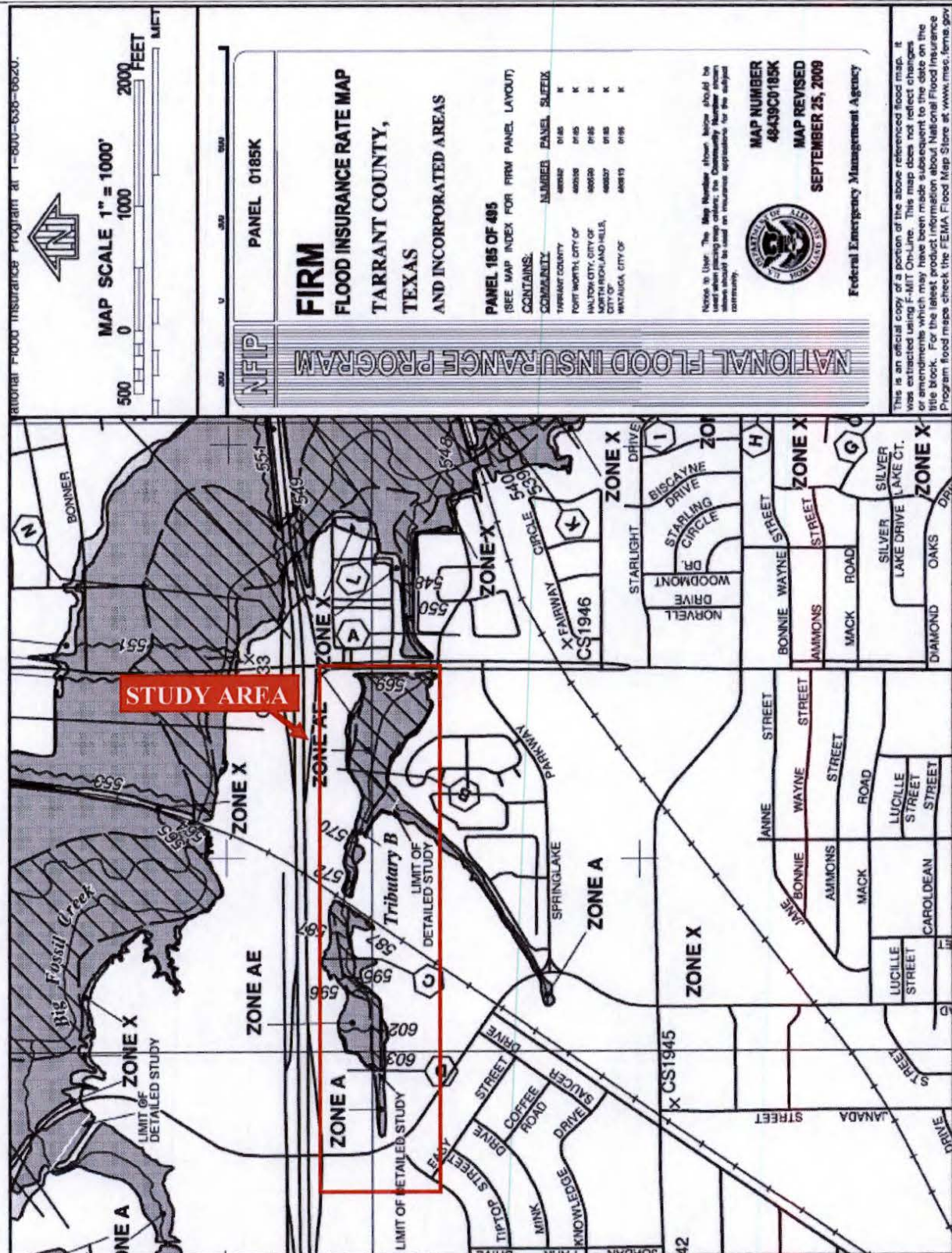
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SWF-2013-00180



FEMA FIRM FLOODPLAIN MAP FM 48439C0185K



Symonds
Ecology

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(972) 496-4701
(972) 414-0451 fax

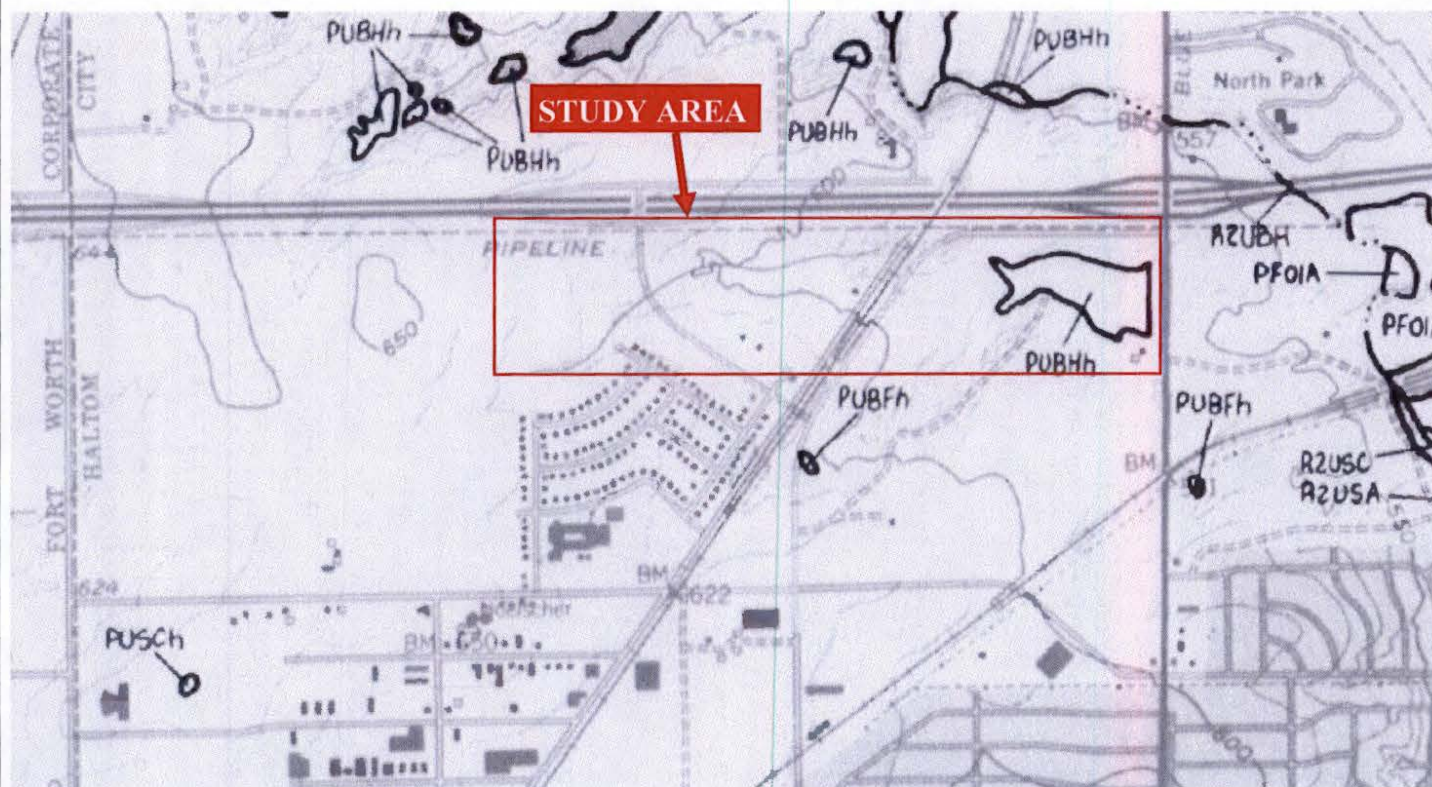
BACKAGE ROAD INDIVIDUAL PERMIT HALTOM CITY, TX

Job No. 22-01008

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PUBHh — Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded

NATIONAL WETLAND INVENTORY MAP



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(972) 414-0451 fax

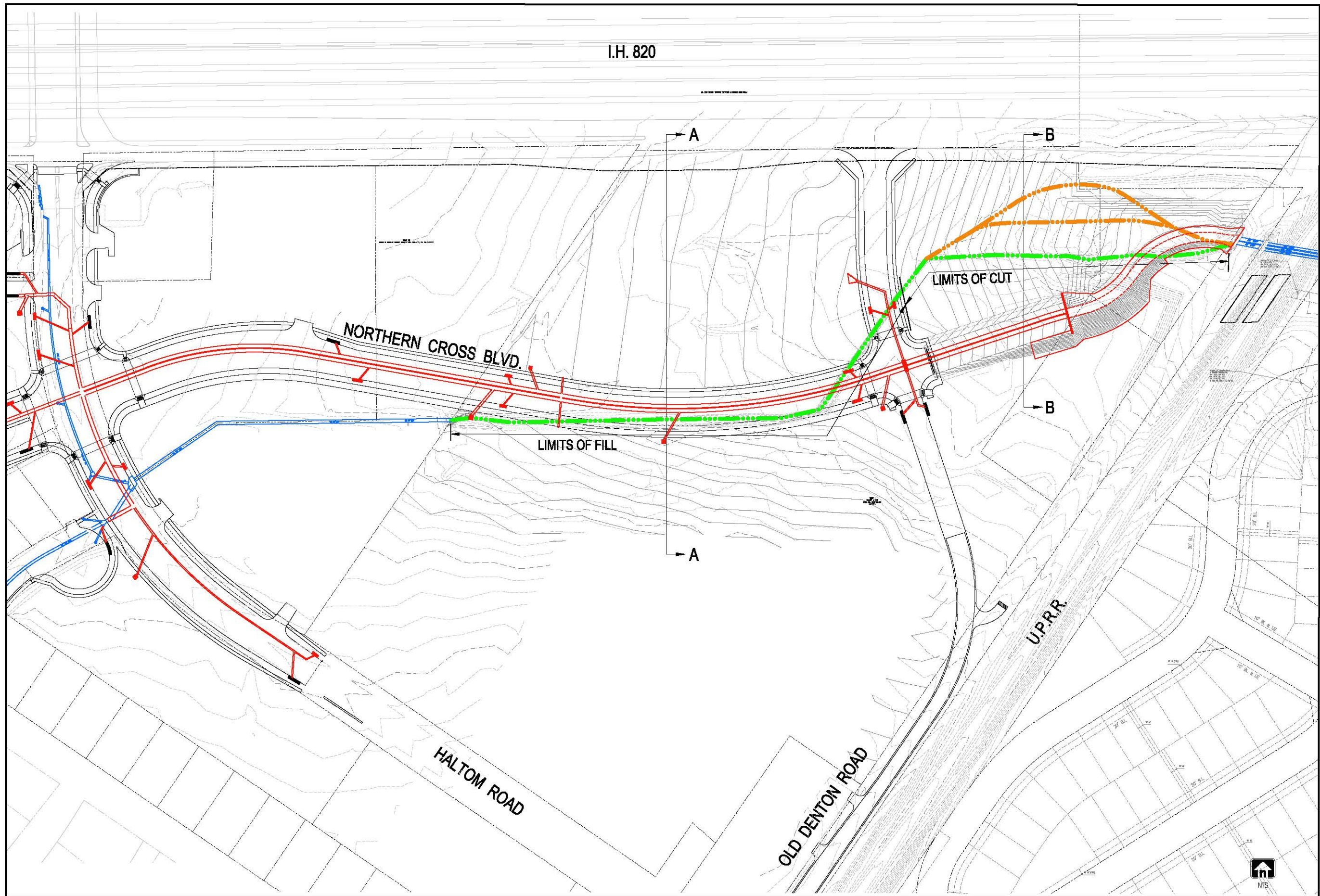
BACKAGE ROAD
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FEBRUARY 2012

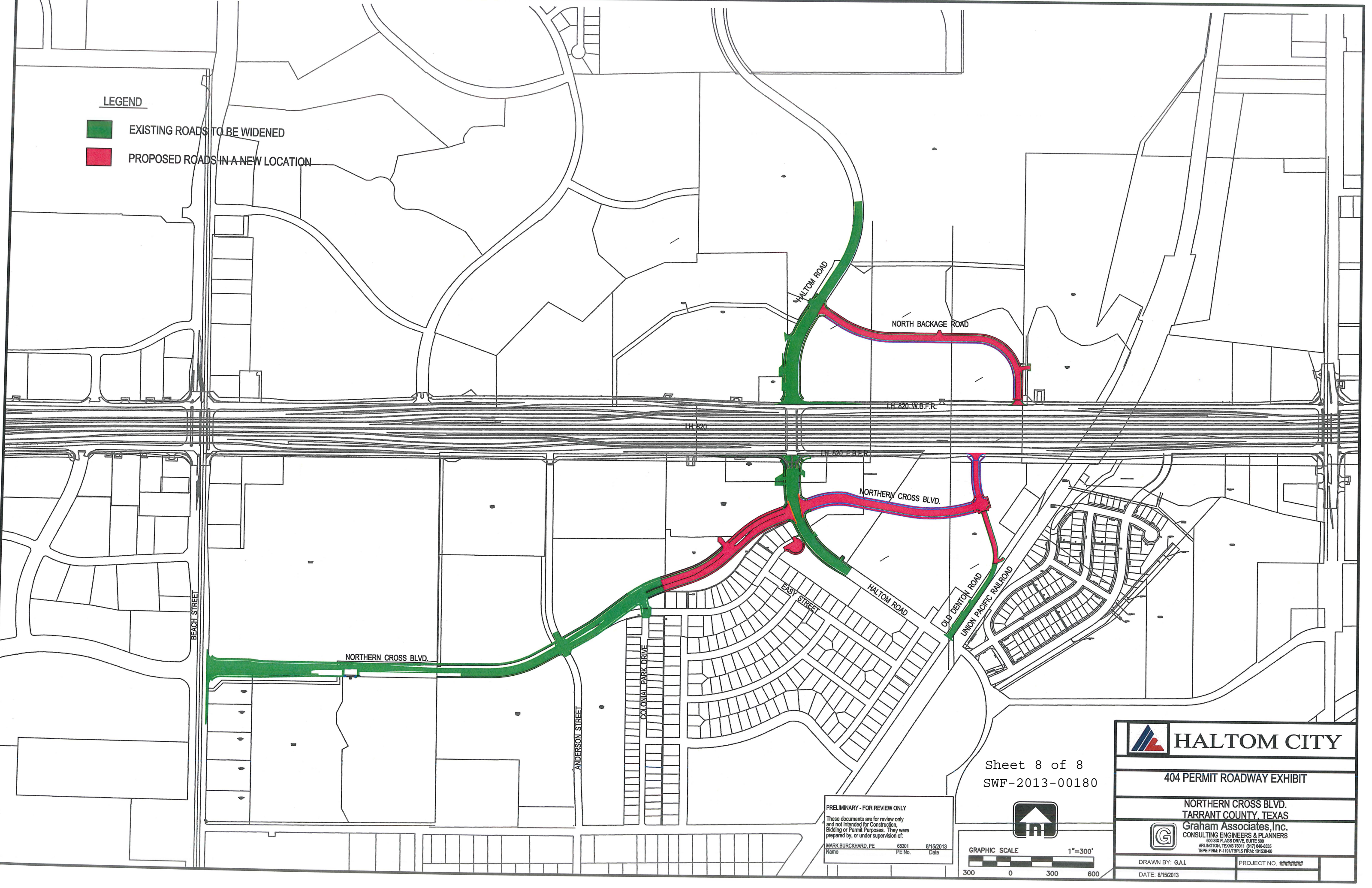
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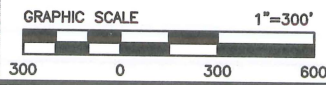
LEGEND

- EXISTING ROADS TO BE WIDENED
- PROPOSED ROADS IN A NEW LOCATION



PRELIMINARY - FOR REVIEW ONLY
 These documents are for review only and not intended for Construction, Bidding or Permit Purposes. They were prepared by, or under supervision of:
 MARK BURCKHARD, PE 65301 8/15/2013
 Name PE No. Date

Sheet 8 of 8
 SWF-2013-00180



HALTOM CITY	
404 PERMIT ROADWAY EXHIBIT	
NORTHERN CROSS BLVD. TARRANT COUNTY, TEXAS Graham Associates, Inc. CONSULTING ENGINEERS & PLANNERS <small>600 SIX FLAGS DRIVE, SUITE 500 ARLINGTON, TEXAS 76011 (817) 940-8835 TSP# FIRM: F-119/TBPLS FIRM: 101538-00</small>	
DRAWN BY: G.A.L.	PROJECT NO. #####
DATE: 8/15/2013	