



Public Notice

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

Applicant: Dallas County

Permit Application No.: SWF-2007-00092

Date: January 30, 2009

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. Wayne Lea

Phone Number: (817) 886-1732

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 realignment of Hunter Ferrell Road and construction of an overflow channel for Bear Creek, in the Cities of Grand Prairie and Irving, Dallas County, Texas, by Dallas County.

APPLICANT: Dallas County
Mr. Donald Holzwarth
411 Elm Street, 4th Floor
Dallas, TX 75202

APPLICATION NUMBER: SWF-2007-00092

DATE ISSUED: January 30, 2009

LOCATION: The approximate 230-acre project area is located along Hunter Ferrell Road between Belt Line Road and MacArthur Road, Dallas County, Texas. The approximate center of the proposed project is located at UTM coordinates 32.780947 North and -96.977224 West (Zone 14) on the Irving, TX 7.5-minute USGS quadrangle map, in the USGS Hydrologic Unit 12030102 (See **Sheet 1 of 19** and **Sheet 2 of 19**).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The proposed realignment of Hunter Ferrell Road would generally follow the existing alignment and replace the two ninety-degree turns in the existing road with a gradual "S" curve. Hunter Ferrell Road would be expanded from two lanes to four, with the capacity for six, and elevated above the 100-year floodplain. The intersection of Hunter Ferrell Road and Storey Road would be shifted, and Storey Road would be realigned to meet the new intersection. An overflow channel would be constructed for Bear Creek to provide necessary floodway conveyance. A new, larger bridge would be constructed over Bear Creek and the overflow channel. Additionally, the Lone Star Hike and Bike Trail and an existing levee road would be extended from their existing termini to the proposed Hunter Ferrell Road. The hike and bike trail would then be extended along the roadway for the Bear Creek crossing.

Approximately 19.67 acres of waters of the United States were identified within the project area. Waters of the United States present on the site include perennial, intermittent, and ephemeral streams; forested wetlands; an emergent wetland; and open water gravel pits. **Table 1** provides a quantitative summary for each feature type of waters of the United States and **Sheets 3 through 9 of 19** show waters of the United States within the project area.

TABLE 1 - SUMMARY OF WATERS OF THE UNITED STATES

Feature Type	Linear Feet	Acreage
Perennial Stream	7,488	6.22
Intermittent Stream	2,446	1.09
Ephemeral Stream	2,827	0.73
Forested Wetland	--	5.19
Emergent Wetland	--	1.74
Open Water Gravel Pits	--	4.64
Total:	--	19.67

Within the project area, all but the westernmost 1,500 feet of the existing Hunter Ferrell Road lie in the 100-year floodplains of the West Fork Trinity River and Bear Creek. Bear Creek is the only perennial stream identified within the project area. Bear Creek and the other intermittent streams within the project area are all relatively permanent tributaries of the West Fork Trinity River, and are therefore deemed waters of the United States. Based on their hydrologic connection to Bear Creek, ephemeral streams within the project area were found to have a significant nexus to the surface tributary system and were deemed waters of the United States. Emergent and forested wetland communities, all located adjacent to Bear Creek, were also found to have a significant nexus to the surface tributary system and were deemed waters of the United States. Abandoned gravel pits within the project area have, over time, evolved into open water features. These open water gravel pits were differentiated from wetlands on the basis that water ponds to a depth and duration sufficient to limit vegetation to a narrow fringe around the perimeter. The open water gravel pits within the project area are all either directly connected to, or adjacent to, other aquatic features deemed waters of the United States. They provide a significant nexus to the surface tributary system and were therefore deemed waters of the United States.

The proposed project would result in adverse impacts associated with the excavation and discharge of fill material into to approximately 3.86 acres of waters of the United States. **Table 2** provides a quantitative summary of impacts for each feature type of waters of the United States and **Sheets 10 through 13 of 19** show impacts to waters of the United States within the project area.

TABLE 2 - SUMMARY OF IMPACTS TO WATERS OF THE UNITED STATES

Feature Type	Linear Feet	Acreage	Cubic Yards of Fill
Ephemeral Stream	1,118	0.26	220
Forested Wetland	--	1.55	170
Emergent Wetland	--	0.80	--
Open Water Gravel Pits	--	1.25	855

Total:	--	3.86	1,245
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Of the approximate 364,800 cubic yards of fill that would be required for this project, approximately 1,245 cubic yards of fill would be discharged into waters of the United States. Fill material discharged into waters of the United States would come from the excavation of the overflow channel. **Sheets 14 through 19 of 19** show cross-sections of the proposed project as well as the overflow channel design.

Three practicable alignment alternatives were presented and considered for the proposed project. Each was fully discussed regarding the evaluation criteria of: right-of-way requirements, impacts to an adjacent TXU electric transmission line tower, the location of the Lone Star Park Hike and Bike Trail trailhead, adjacent businesses and residences, the Big Tex Mobile Home Park, and impacts to waters of the United States. Impacts to waters of United States for all three practicable alternatives were relatively similar. A significant reduction in impacts to waters of the United States would only occur under a “No Build” alternative or a design alternative that would not be practicable. Differences in the design alternatives are subtle, and vary at the alignment of the “S” curve and the intersection with MacArthur Boulevard.

- **Alternative 1** – has a total right-of-way width of 145 feet. This alternative would impact the trailhead, the TXU tower, and residential developments, but would not necessitate the relocation of these facilities. Grading and retaining walls can be used to minimize the impacts. Access to the Big Tex Mobile Home Park would be provided by two access roads – Wrangler and Maverick, however the first row of mobile home trailers would have to be removed. This alternative would result in a total of 3.86 acres of impacts to waters of the United States.
- **Alternative 2** – has a total right-of-way width of 130 feet. This alternative does not provide the desired width of right-of-way; however, it does not impact the trailhead or the TXU tower. Access to the Big Tex Mobile Home Park would be provided by two access roads – Wrangler and Maverick, however the first row of mobile home trailers would have to be removed. This plan would impact the residential developments on the north side of the roadway. This alternative would result in a total of 3.80 acres of impacts to waters of the United States.
- **Alternative 3** – has a total right-of-way width of 225 feet. It impacts the trailhead and the TXU tower, necessitating relocation of these facilities. It does not impact the residential developments on the north side of the roadway or the Big Tex Mobile Home Park; however, it does impact businesses on the south side of the roadway. This alternative would result in a total of 3.88 acres of impacts to waters of the United States.

After considering results from subsequent field investigations, Alternative 1 was selected as the applicant’s preferred alternative. Alternative 1 meets the goals of the project, while minimizing impacts to adjacent facilities and waters of the United States.

The proposed activities associated with this project would result in impacts to 3.86 acres of waters of the United States. Several alternatives were considered for mitigation for the project, including on-site mitigation, off-site mitigation, and mitigation banking. An effort was made to provide mitigation

within and/or adjacent to the project area to compensate for locally important functions that may be impacted by the proposed project. However, once construction is complete, ownership, maintenance, and permit responsibilities of the project would be transferred from Dallas County to the Cities of Irving and Grand Prairie. The creation of on-site or off-site mitigation within one city or the other, or both, although feasible in regards to available land, could become administratively inefficient and cumbersome once the project ownership is transferred. Both Dallas County and the cities desired a less complicated, more beneficial alternative. Therefore, to compensate for unavoidable impacts to waters of the United States, the applicant proposes to purchase mitigation banking credits from the South Forks Trinity River Mitigation Bank. This would allow the compensatory mitigation requirement to be satisfied prior to the transference of the project to the Cities of Grand Prairie and Irving.

The permittee would purchase 11.1 mitigation bank credits in accordance with South Forks Trinity River Mitigation Bank agreement. Credit determination was calculated as follows:

TABLE 3 – MITIGATION BANKING CREDIT DETERMINATION

Feature	Impact	Credit Ratio	Credits Needed
Ephemeral Streams	1,118 l.f.	0.0021 credits/l.f.	2.3
Emergent Wetland 1 (Low Quality)*	0.80 acre	1.8 credits/acre	1.4
Forested Wetland 1 (High Quality)	0.88 acre	3.8 credits/acre	3.3
Forested Wetland 2 (Medium Quality)**	0.56 acre	2.8 credits/acre	1.6
Forested Wetland 3 and 8 (Low Quality)*	0.11 acre	1.8 credits/acre	0.2
Open Water Gravel Pits 2, 3, 4, and 5 (Low Quality)*	1.25 acre	1.8 credits/acre	2.3
Total Credits:			11.1

* The aquatic features deemed “low quality” were labeled as such due to the nature in which these features were created (man-made) and their limited contribution to aquatic function.

** The aquatic features deemed “medium quality” were labeled as such due to limits to their contribution to aquatic function.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, 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 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 complete application may be reviewed in the USACE's office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing 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 is located in Dallas County, Texas, where the black capped vireo (*Vireo atricapilla*), golden-cheeked warbler (*Dendroica chrysoparia*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*) and whooping crane (*Grus Americana*) are endangered species and are known to occur or may occur as migrants. 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 USACE has reviewed the latest complete published version of the National Register of Historic Places and found no listed properties to be in the project area. However, presently unknown scientific, archaeological, cultural or architectural data may be lost or destroyed by the proposed work under the requested permit.

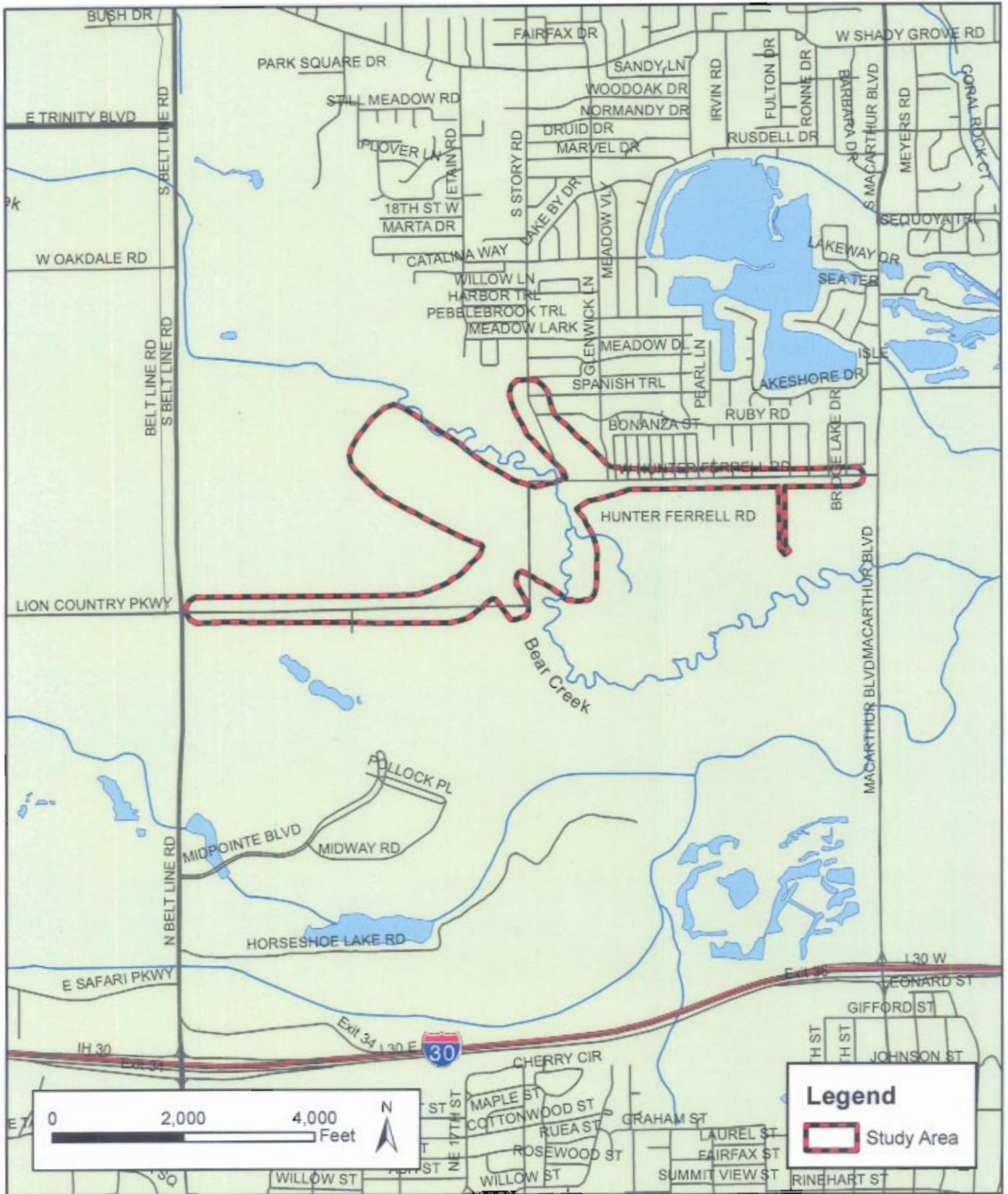
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 March 2, 2009, 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) 886-1731. 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

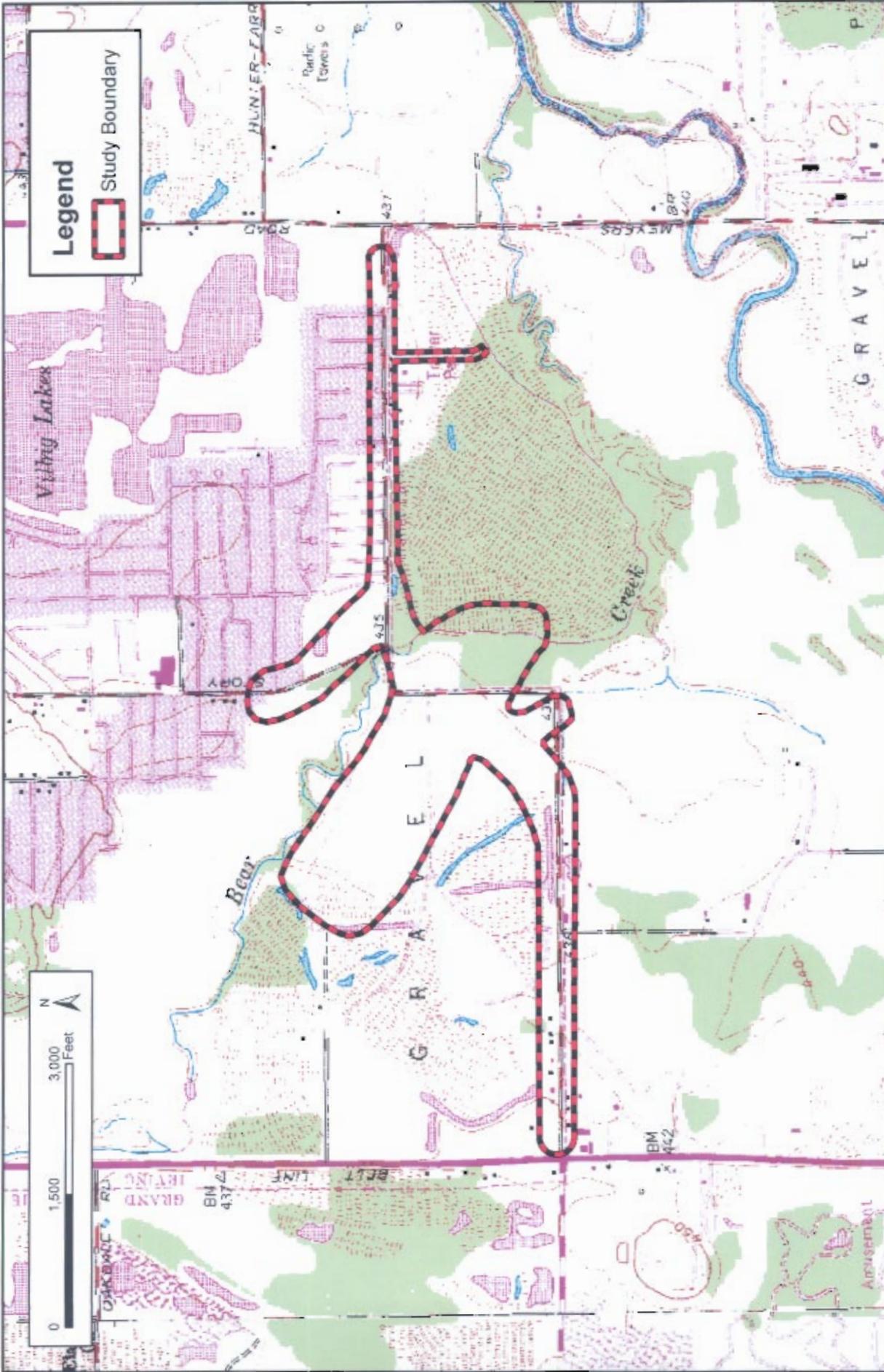


Project Location Map
 Hunter Ferrell Road Re-Alignment
 Dallas County, Texas

USACE Project No. SWF-2007-00092

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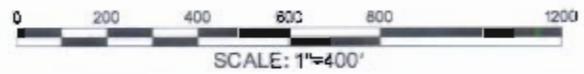
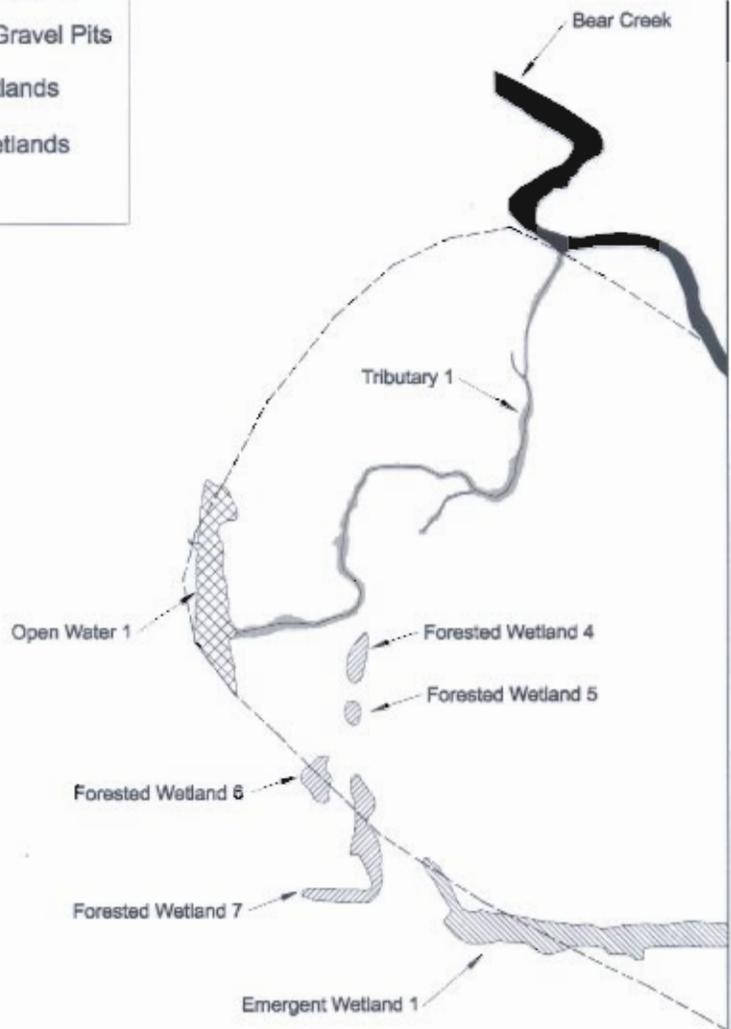
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USGS Quadrangle Map
 Hunter Ferrell Road Re-Alignment
 Dallas County, Texas
 USACE Project No.: SWF-2007-00092



LEGEND

-  Waters of the U.S. - Perennial Streams
-  Waters of the U.S. - Intermittent Streams
-  Waters of the U.S. - Open Water Gravel Pits
-  Waters of the U.S. - Forested Wetlands
-  Waters of the U.S. - Emergent Wetlands
-  Project Area



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Waters of the United States
 Hunter Ferrell Road Re-Alignment
 Dallas County, Texas

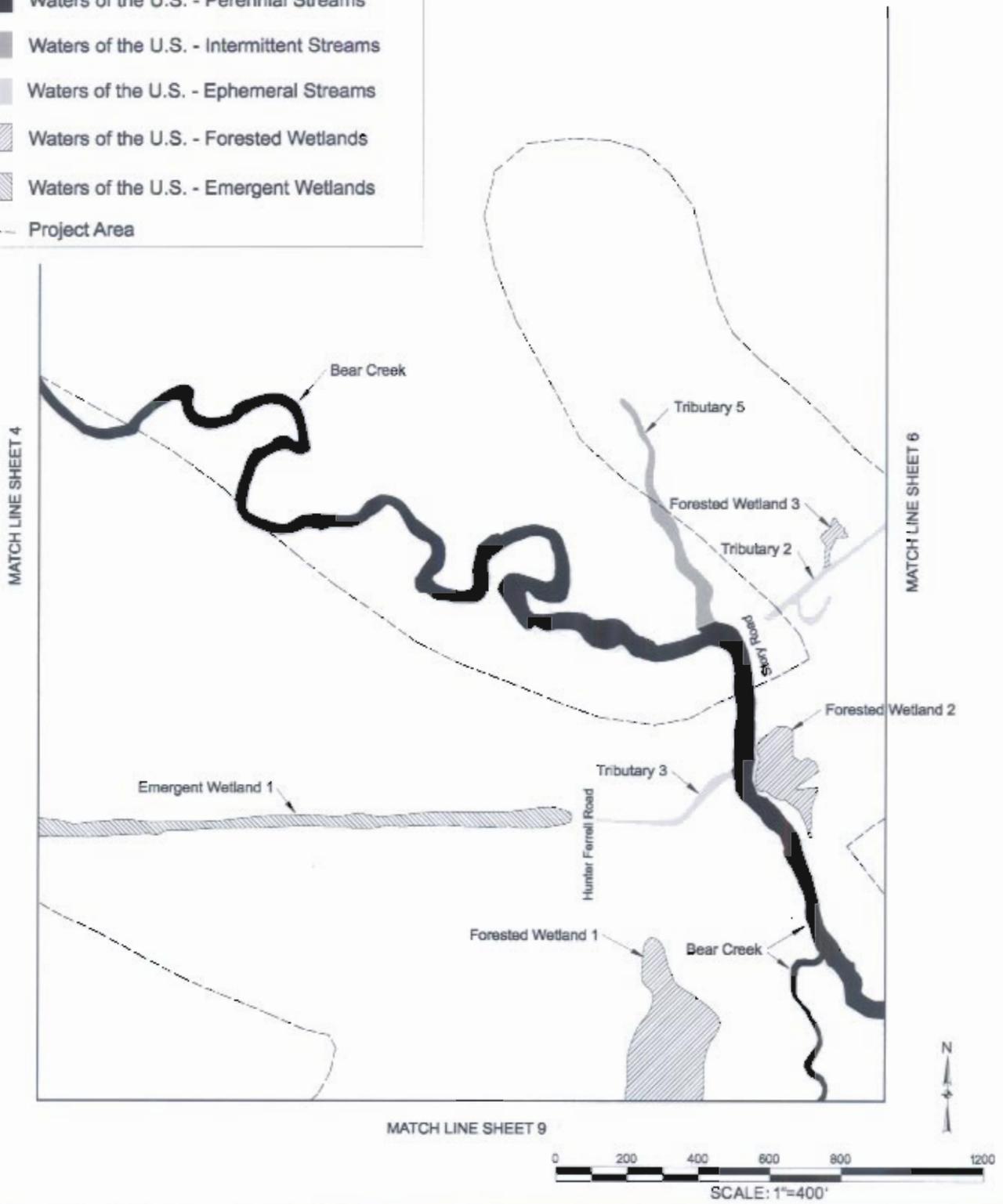
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LEGEND

-  Waters of the U.S. - Perennial Streams
-  Waters of the U.S. - Intermittent Streams
-  Waters of the U.S. - Ephemeral Streams
-  Waters of the U.S. - Forested Wetlands
-  Waters of the U.S. - Emergent Wetlands
-  Project Area



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Waters of the United States
 Hunter Ferrell Road Re-Alignment
 Dallas County, Texas
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LEGEND

- Waters of the U.S. - Perennial Streams
- Waters of the U.S. - Ephemeral Streams
- Project Area

MATCH LINE SHEET 5

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Hunter Ferrell Road

Bear Creek

MATCH LINE SHEET 7



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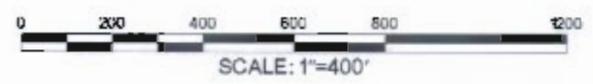
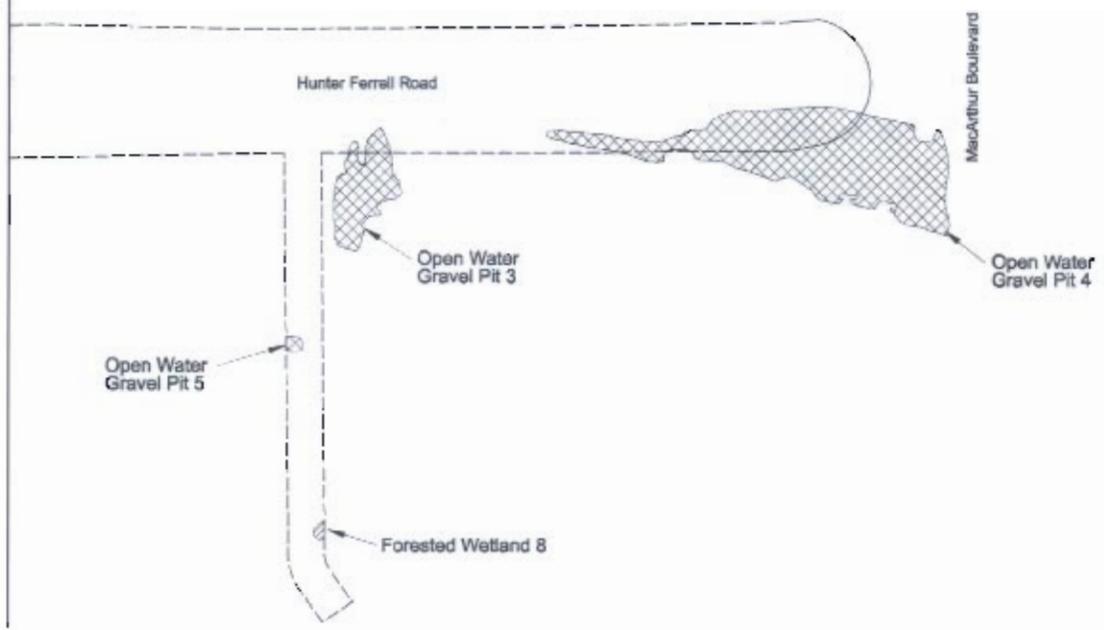
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LEGEND

-  Waters of the U.S. - Open Water Gravel Pits
-  Waters of the U.S. - Forested Wetlands
-  Project Area

MATCH LINE SHEET 6



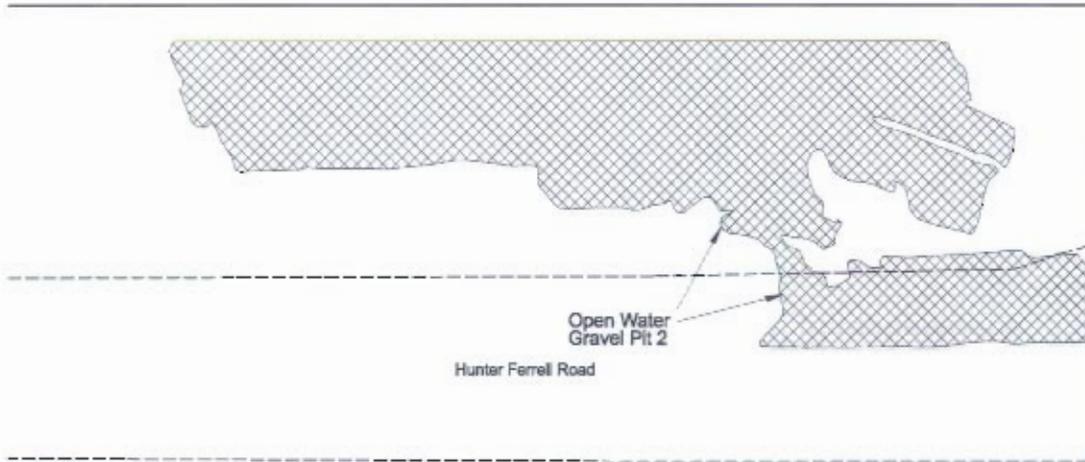
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Waters of the United States
 Hunter Ferrell Road Re-Alignment
 Dallas County, Texas
 USACE Project No. SWF-2007-00092

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MATCH LINE SHEET 4

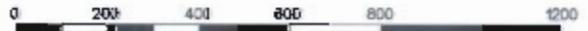


MATCH LINE SHEET 9

LEGEND

 Waters of the U.S. - Open Water Gravel Pits

 Project Area



SCALE: 1"=400'



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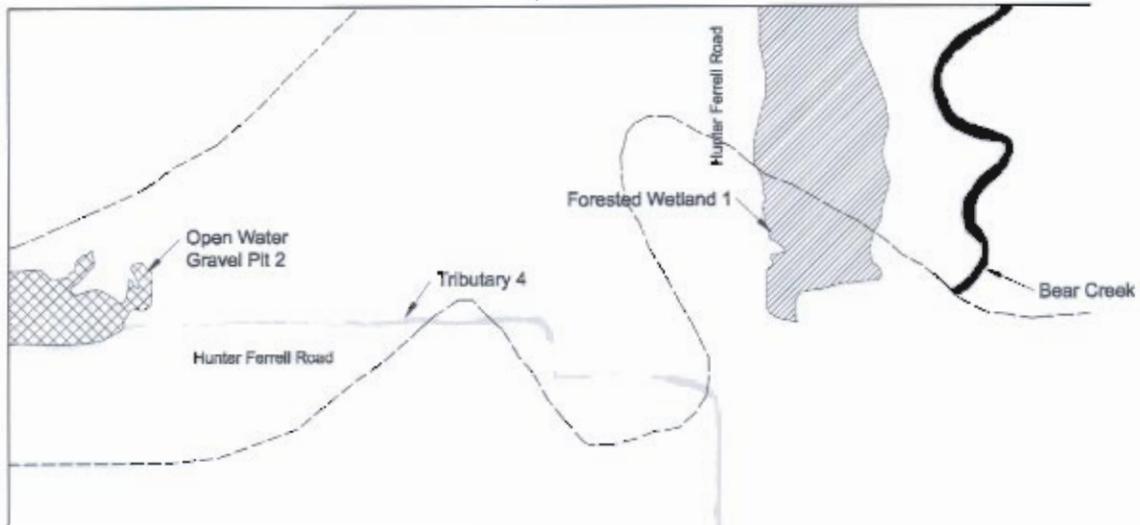
Waters of the United States
 Hunter Ferrell Road Re-Alignment
 Dallas County, Texas

IJSACE Project No. SWF-2007-00092

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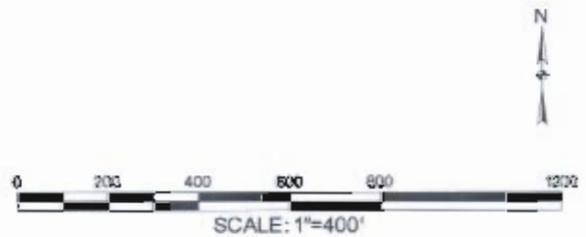
MATCH LINE SHEET 5



MATCH LINE SHEET 8

LEGEND

-  Waters of the U.S. - Perennial Streams
-  Waters of the U.S. - Ephemeral Streams
-  Waters of the U.S. - Open Water Gravel Pits
-  Waters of the U.S. - Forested Wetlands
-  Project Area



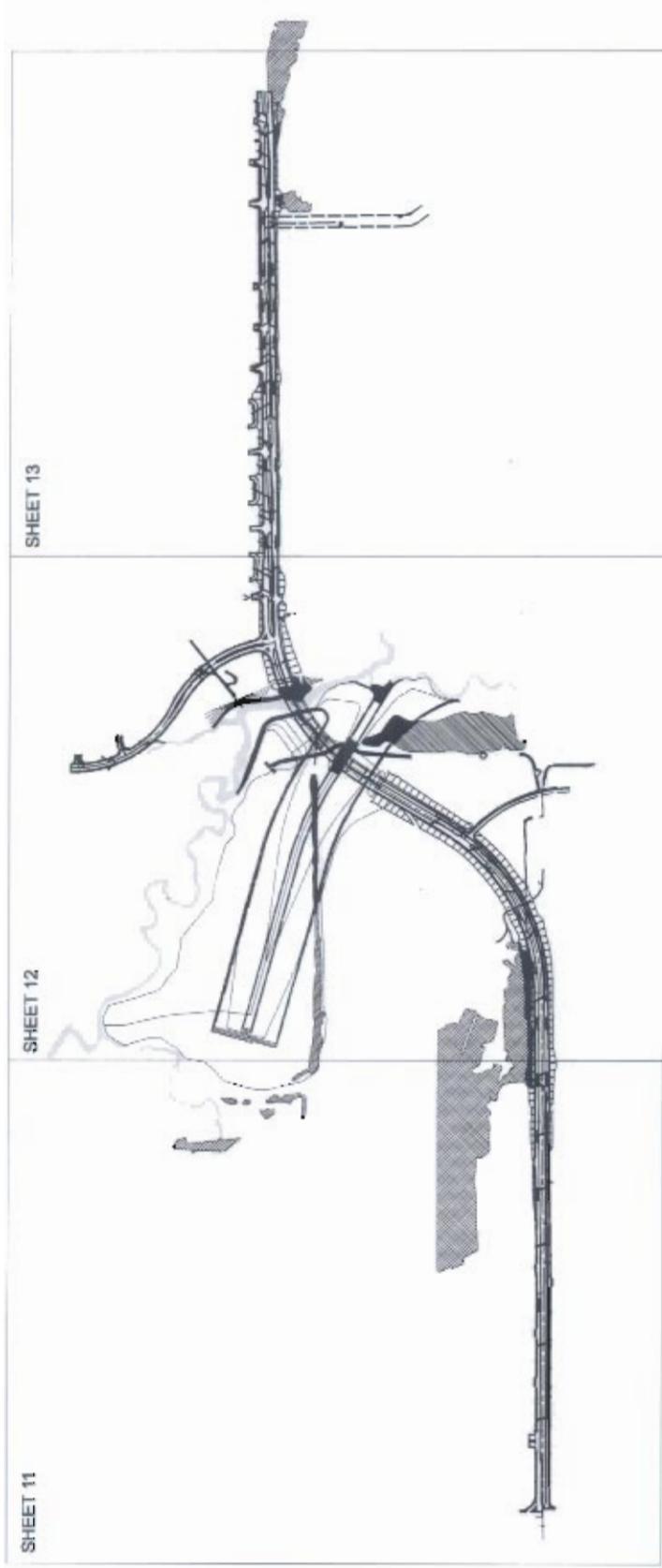
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Waters of the United States
 Hunter Ferrell Road Re-Alignment
 Dallas County, Texas

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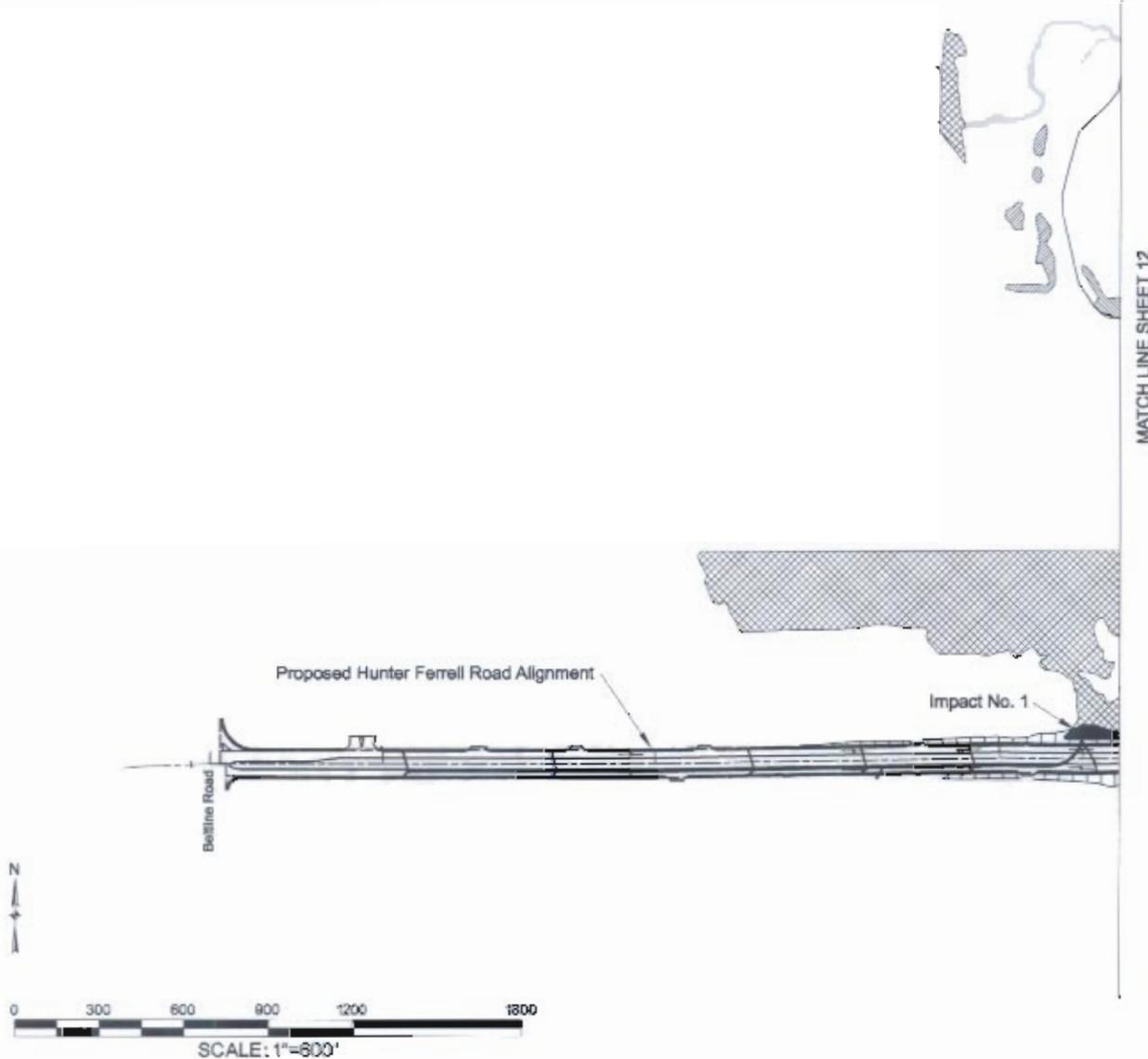

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Proposed Project Design Plans
 Hunter Ferrell Road Re-Alignment
 Dallas County, Texas
 USACE Project No. SWF-2007-00092

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 Key Sheet

LEGEND

-  Waters of the U.S. - Streams
-  Waters of the U.S. - Open Water Gravel Pits
-  Waters of the U.S. - Forested Wetlands
-  Waters of the U.S. - Emergent Wetlands
-  Impacts to Waters of the United States



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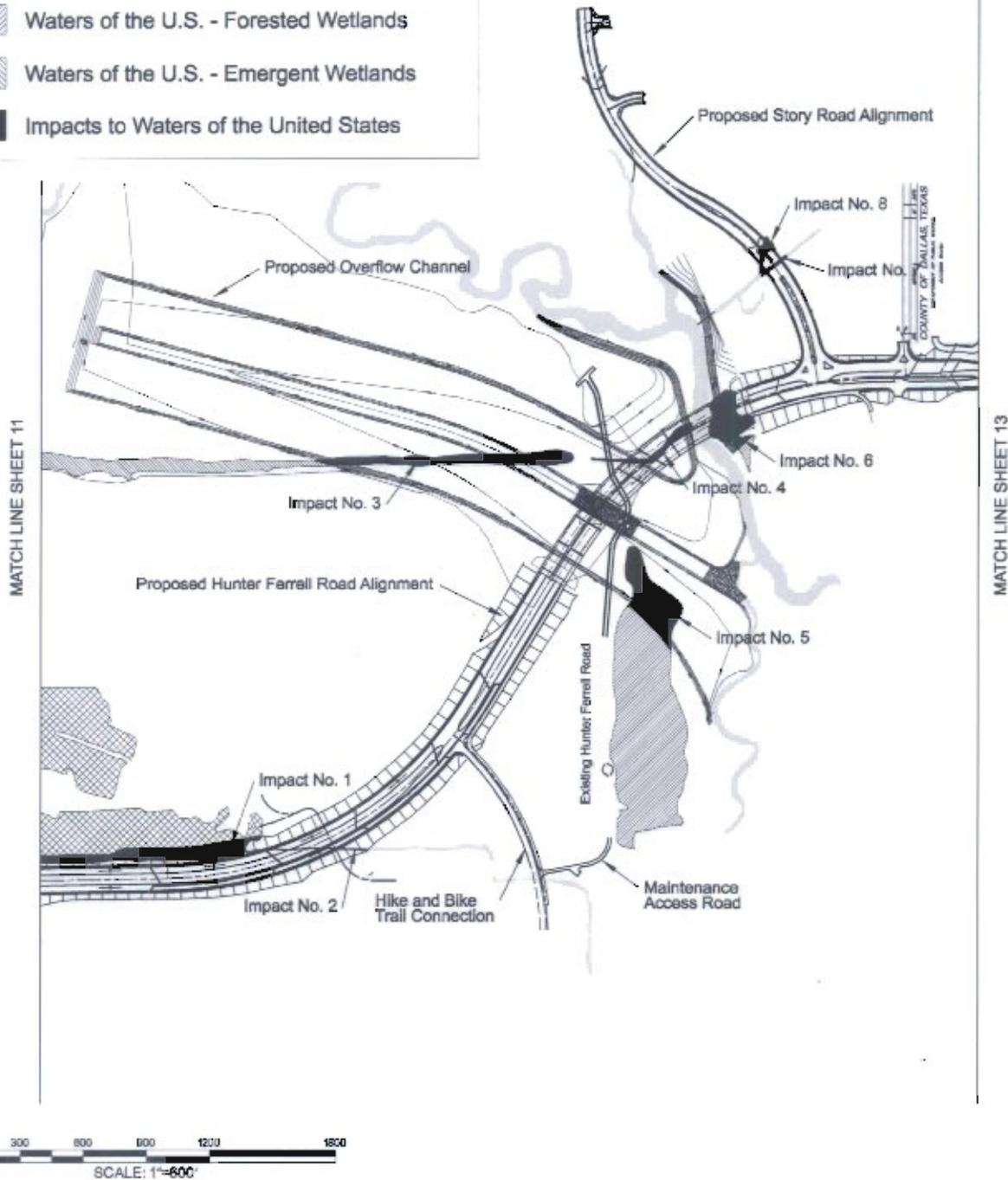
Proposed Project Design Plans
Hunter Ferrell Road Re-Alignment
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LEGEND

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-  Waters of the U.S. - Open Water Gravel Pits
-  Waters of the U.S. - Forested Wetlands
-  Waters of the U.S. - Emergent Wetlands
-  Impacts to Waters of the United States



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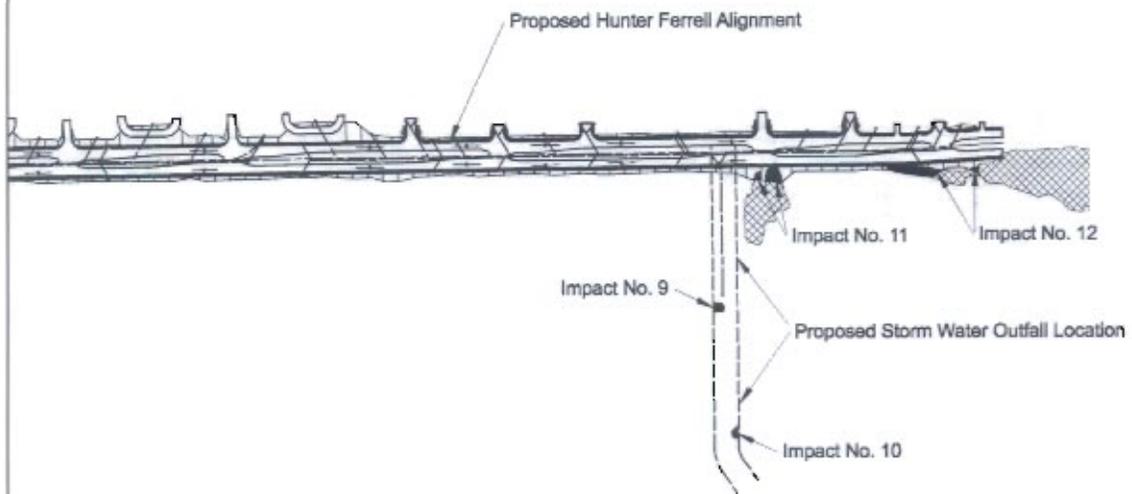
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Proposed Project Design Plans
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MATCH LINE SHEET 12



LEGEND

-  Waters of the U.S. - Streams
-  Waters of the U.S. - Open Water Gravel Pits
-  Waters of the U.S. - Forested Wetlands
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-  Impacts to Waters of the United States

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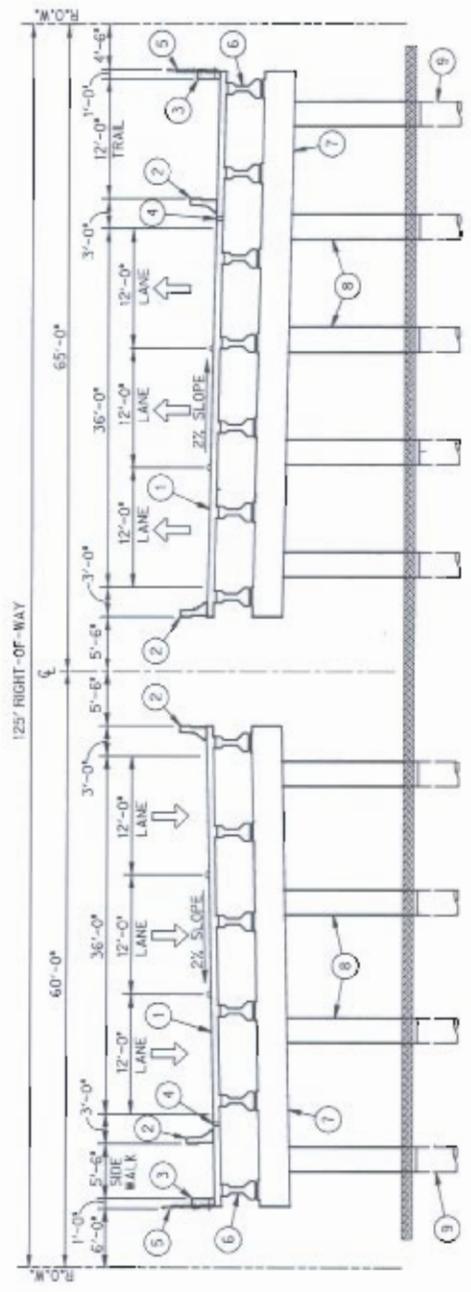
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 LISA M. BERRY
 TYPE OF PLOT FILED: 10/2008

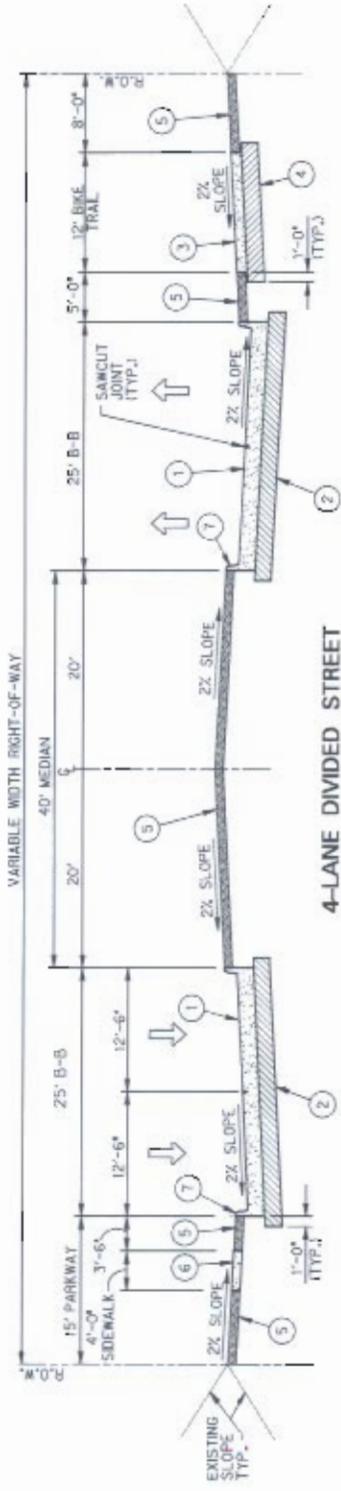
- 6 TYPE 11" BEAM
- 7 BRIDGE CAP
- 8 BRIDGE COLUMN
- 9 DRILLED SHAFT

TYPICAL SECTION BRIDGE
 SCALE: H, 1" = 12'

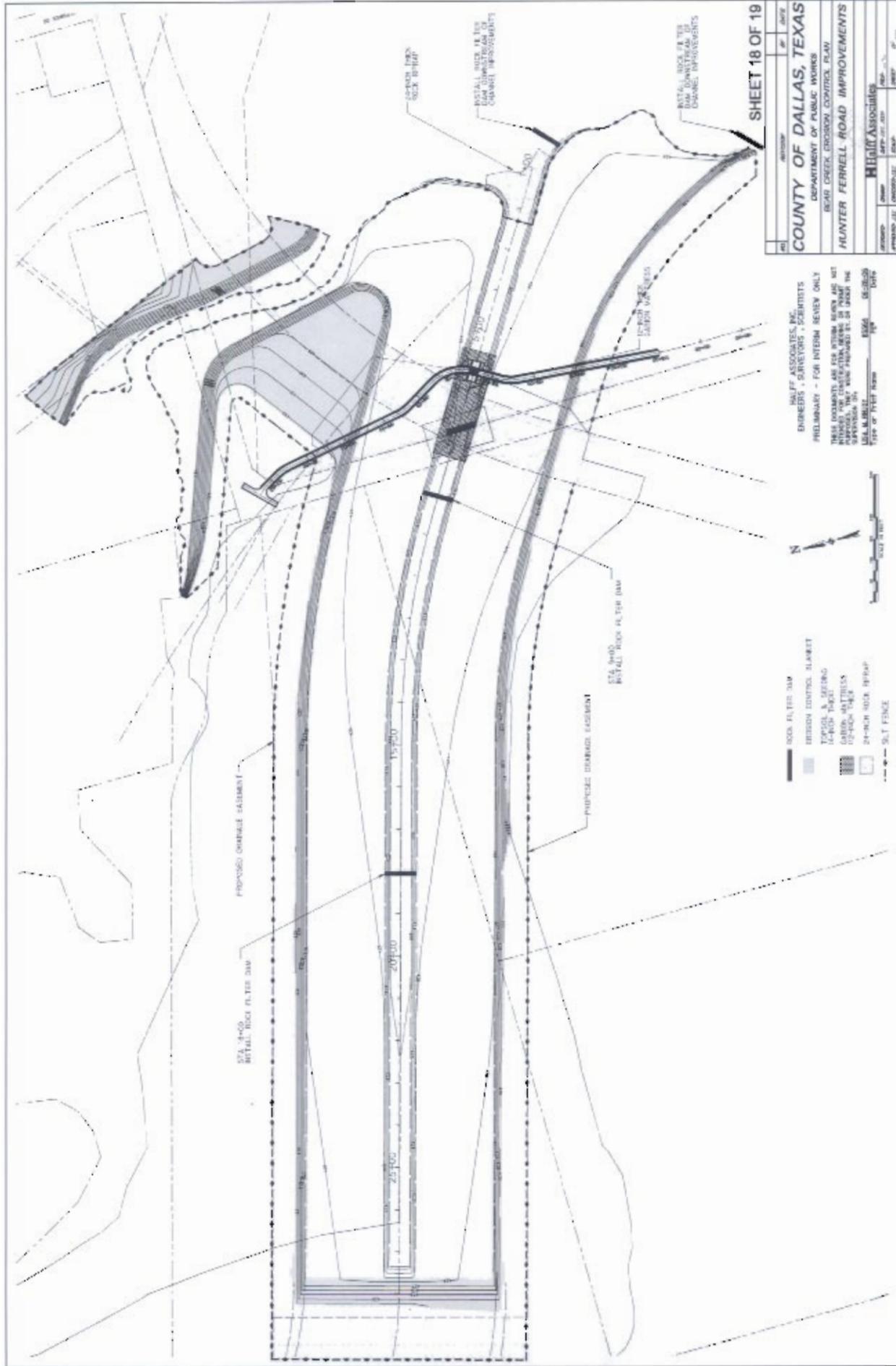
- LEGEND**
- 1 8" THICK REINFORCED CONCRETE BRIDGE DECK
 - 2 TYPE T-501 RAIL
 - 3 TYPE B-201 RAIL
 - 4 4" DIA. SLIPPER AT 15'-0" O.C.
 - 5 CHAIN LINK FABRIC FOR B-201 RAIL



**4-LANE DIVIDED STREET & 10' BIKE TRAIL
 HUNTER FERRELL ROAD**
 SCALE: H, 1" = 10'
 V, 1" = 5'



- LEGEND**
- 1 8" THICK REINFORCED CONCRETE PAVEMENT
4,000 PSI @ 28 DAYS #4 BARS @ 24" O.C.E.W. (TYP.)
 - 2 8" THICK 6% LIME STABILIZED SUBGRADE 28 lbs/sy
 - 3 4" THICK REINFORCED CONCRETE PAVEMENT
4,000 PSI @ 28 DAYS #4 BARS @ 24" O.C.E.W. (CRCP)
 - 4 8" SCARIFIED SUBGRADE OR FILL MATERIAL RECOMPACT TO 95% STANDARD PROCTOR DENSITY (BIKE TRAIL ONLY)
 - 5 4" TOPSOIL AND HYDROMULCH SEEDING
 - 6 4" REINFORCED CONCRETE SIDEWALK
 - 7 6" MONOLITHIC CURBS (TYP.)



SHEET 18 OF 19

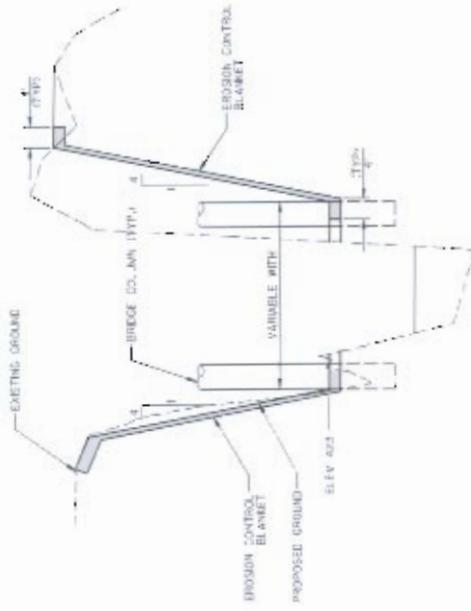
COUNTY OF DALLAS, TEXAS	
DEPARTMENT OF PUBLIC WORKS	
ROAD CREEK EROSION CONTROL PLAN	
HUNTER FERRELL ROAD IMPROVEMENTS	
DATE	11/2008
PROJECT NO.	SWF-2007-00092
DESIGNED BY	Hillier Associates
CHECKED BY	
DATE	

HILLIER ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS & DESIGNERS
 FIELDWORK - FOR INTERIM REVIEW ONLY
 THESE DOCUMENTS ARE FOR INTERIM REVIEW AND NOT
 INTENDED FOR CONSTRUCTION. REVIEW IN PRESENT
 APPROXIMATE SCALE. ANY CHANGES TO BE MADE BY
 HILLIER ASSOCIATES, INC.



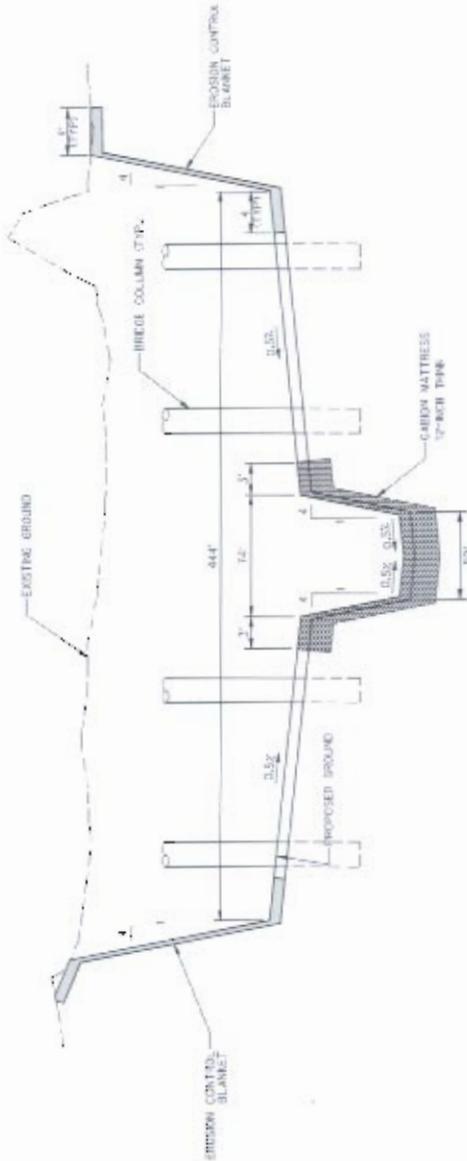
- ROCK FILTER DAM
- EROSION CONTROL SLABLET
- TRUSS & SCOURING
- 14-FOOT TRUSS
- GRASS MATTRESSES
- 12-FOOT TRUSS
- 24-INCH ROCK REPAIR
- SILT FENCE

USACE PROJECT NO. SWF-2007-00092
 ISSUED: 11/2008



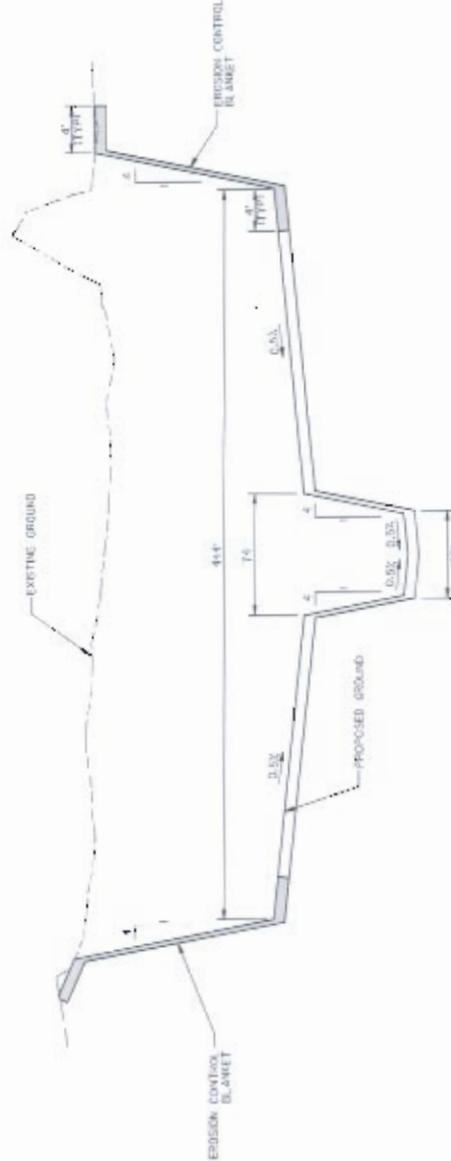
BEAR CREEK CHANNEL
TYPICAL SECTION A-A

N.T.S.



BEAR CREEK OVERFLOW CHANNEL
TYPICAL SECTION B-B

N.T.S.



BEAR CREEK OVERFLOW CHANNEL
TYPICAL SECTION C-C

N.T.S.

SHEET 19 OF 19
USACE PROJECT NO. SWF-2007-00092
ISSUED: 11/2008

401	PROPOSED	14'	DATE
COUNTY OF DALLAS, TEXAS			
DEPARTMENT OF PUBLIC WORKS			
BEAR CREEK TYPICAL SECTIONS			
HUNTER FERRELL ROAD IMPROVEMENTS			
HHalt Associates			
DESIGNED	DRAWN	CHECKED	DATE
APPROVED	DATE	DATE	DATE