



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

Public Notice

Applicant: Big Sandy Creek Watershed Floodwater Retarding
Structure No. 29

Permit Application No.: SWF-2005-00656

Date: May 13, 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. 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 Wise County Water Control and Improvement District #1 (WCID) proposal to construct the Floodwater Retarding Structure (FRS) 29 at Briar Branch as a component of the Big Sandy Creek Watershed Project. FRS 29 would be located north of Old Decatur Road on Briar Branch and an unnamed tributary to Briar Branch, approximately two miles east of the City of Alvord, Wise County, Texas.

APPLICANT: Wise County Water Control and Improvement District #1
c/o: Ms. Lou Bridges
P.O. Box 303
Bridgeport, Texas 76426

APPLICATION NUMBER: SWF-2005-00656

DATE ISSUED: May 15, 2009

LOCATION: The project site consists of approximately 88 acres located at Latitude 33.35370 degrees North and Longitude -97.66528 degrees West (approximate center of FRS), north of Old Decatur Road on Briar Branch (Figure 1 of 8).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification.

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 150 cubic yards of fill material into approximately 0.05 acre of waters of the U. S., and potentially inundate up to 1.75 acres (17,220 linear feet) of intermittent and ephemeral stream in conjunction with the construction of FRS 29 at Briar Branch, a tributary of the Big Sandy Creek which flows to the West Fork of the Trinity River and ultimately to Eagle Mountain Lake. The pool at the top of the principal spillway would inundate approximately 53 surface acres, and the floodwater retarding pool would inundate an additional 35 surface acres for a total inundation of 88 surface acres (Figure 2 of 8). The structure would be located on both private land and the Lyndon B. Johnson National Grasslands.

The purpose of the project, identified as Floodwater Retarding Structure Number (FRS) 29, Wise County, is to construct FRS 29 as a component of the Big Sandy Creek Watershed Project to provide

watershed protection and flood prevention as authorized by Public Law No. 534, 78th Congress. The FRS 29 is designed to contain the 35-year storm event with an expected life for the sediment pool of 100 years. FRS 29 is designed to provide protection for downstream aquatic resources in the Big Sandy Creek watershed, Farm-to-Market 1655, US Highway 80/287, the Burlington Northern Santa Fe Railroad, and agricultural enterprises downstream. Floodwaters would be slowly released through the principal spillway over a 5 day period.

The project would be constructed and maintained by the local sponsoring agencies which include the Wise County Water Control and Improvement District No. 1 (WCID), Wise Soil and Water Conservation District, Wise County Commissioners Court, and the Tarrant Regional Water District, with the assistance of the USDA – Natural Resources Conservation Service (NRCS).

Construction of the FRS 29 would result in impacts to approximately 1.75 acres of waters of the U.S., including approximately 17,220 linear feet of intermittent and ephemeral stream (Figure 2 of 8) and would require the discharge of approximately 150 cubic yards of fill material into approximately 0.05 acre of waters of the U. S. An approximately 7,365-linear foot reach of Briar Branch, including approximately 3,550 linear feet of ephemeral stream and approximately 3,815 linear feet of intermittent stream would be impacted. In addition, approximately 9,855 linear feet of several unnamed tributaries of Briar Branch and 0.23 acre of open water would also be impacted.

Historical, cultural, and agricultural practices have substantially modified the tributaries of the Big Sandy Creek stream system. Much of the riparian forest has been removed to allow for the production of food and fiber. Ecologically, this site lies within the West Cross Timbers Major Land Resource Area. The historic vegetative community for loamy bottomland sites is a hardwood savanna with tall and short grass understory. The dominant grasses are composed primarily of little bluestem (*Schizachyrium scoparium*), indiagrass (*Sorghastrum nutans*), big bluestem (*Andropogon gerardii*), switchgrass (*Panicum virgatum*), and sideoats grama (*Bouteloua curtipendula*). Along major rivers and tributaries, the plant community is a savanna. Oak (*Quercus* spp.), elm (*Ulmus* spp.), cottonwood (*Populus deltoids*), hackberry (*Celtis laevigata*), and pecan (*Carya illinoensis*) are dominant species with annual and perennial forbs also occurring within the riparian area. Ashe juniper (*Juniperus ashei*), black willow (*Salix nigra*), cattail (*Typha latifolia*), and horsetail (*Equisetum hyemale*) are common in the riparian zone and in the channel.

The applicant has provided a summary of alternatives considered.

Alternative 1: No Build Alternative: Under the no build alternative, the FRS 29 would not be built. Flood potential would not be reduced; non-point and sediment pollutants would continue to enter the stream system and would continue to be deposited into the West Fork Trinity River and Eagle Mountain Lake at the current rates resulting in continued channel instability. Affected streams would continue to down cut and move laterally. Adverse environmental effects that might be associated with the construction of the proposed project would be avoided. Flood potential would remain unchanged with impact to county and city infrastructure and agricultural lands.

Alternative 2: Critical Area Treatment and Stabilization Alternatives: Under two different critical area treatment and stabilization alternatives, with and without grade stabilization structures, flood potential would not be reduced. Impacts to county and city infrastructure and agricultural lands

would continue. Improved vegetative practices and/or grade stabilization structure would reduce, but not eliminate, non-point and sediment pollutants which would continue to enter the stream system. Due to storm produced water velocities, these alternatives would eventually fail or require a high level of maintenance.

Other Alternatives: Other alternatives were considered but deemed not practicable for given stream morphology and location within the ecosystem and landscape. These alternatives included off stream structures, a dry impoundment, a smaller FRS structure, and a larger FRS structure.

All adverse impacts to perennial streams were avoided by moving the structures upstream as far as possible, while still achieving the floodwater protection objective. According to the applicant, no wetlands are present within the project area and thereby, all wetland impacts were avoided. Impacts would be minimized by avoiding the use of concrete except where necessary for the function of the spillway. By reducing erosion and downstream turbidity, two functional assessments were used to support the conclusion that the FRS would create a net increase in aquatic function. The applicant does not propose to implement compensatory mitigation in an effort to offset the proposed loss of approximately 17,220 linear feet of stream due to the improvements to the aquatic function of the system supported by the functional assessments.

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 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 would be located in Wise County where the Bald Eagle (*Haliaeetus leucocephalus*) is a federally delisted species and being monitored for 5 years and the black-capped vireo (*Vireo atricapillus*) and the Whooping crane (*Grus americana*) are federally listed as endangered species. Although the black-capped vireo is found at the Lyndon B. Johnson National Grasslands, on a preliminary basis it appears this tract does not contain habitat for any of these 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 area of the proposed FRS 29 project has been surveyed for the presence of historic and prehistoric sites. A report was filed with Texas State Historic Preservation Officer (SHPO) on June 30, 2005. The SHPO accepted the draft report and concurred with the determination with a No Historic Properties Affected stamp dated July 27, 2005.

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.

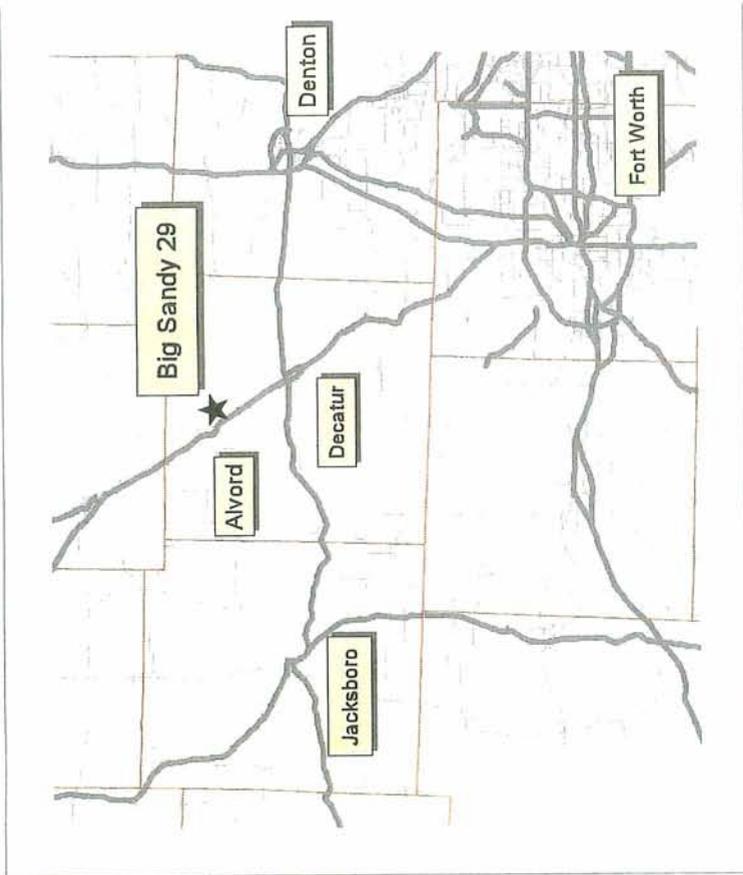
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted 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 **June 12, 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) 886-1729. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

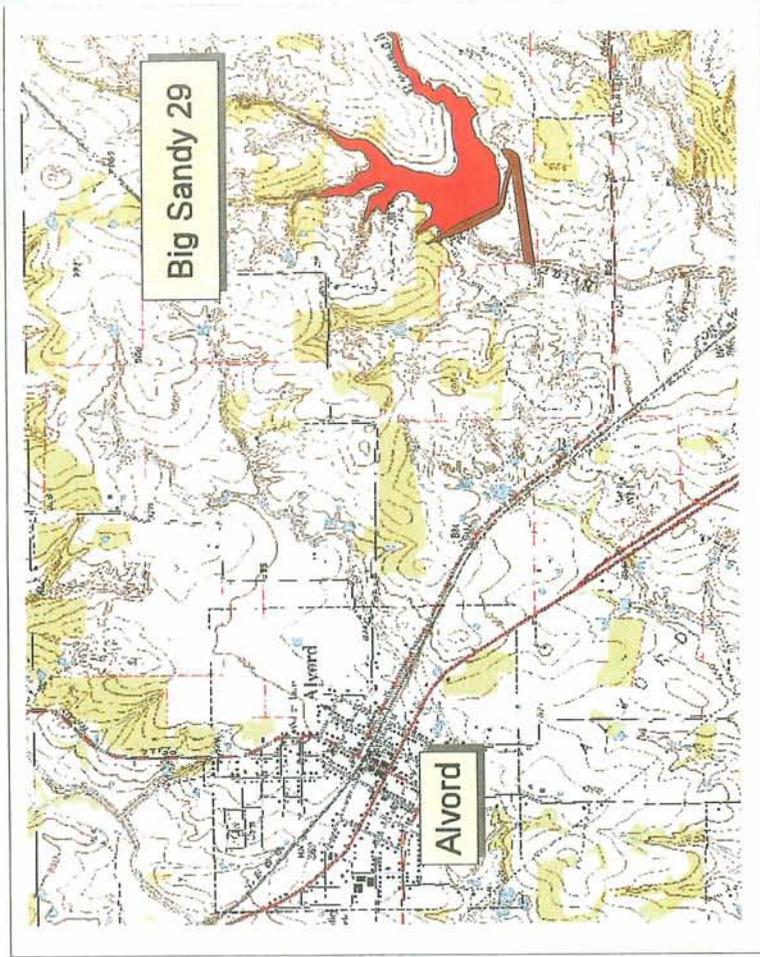
DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS

Vicinity Map



Vicinity & Location

Big Sandy Creek Watershed
of the Trinity River Watershed
Floodwater Retarding Structure 29
Wise County, Texas



Location Map

Figure 1 of 8
USACE Project Number
200500656
March 2009



Water Resources
Temple, Texas

Waters of US

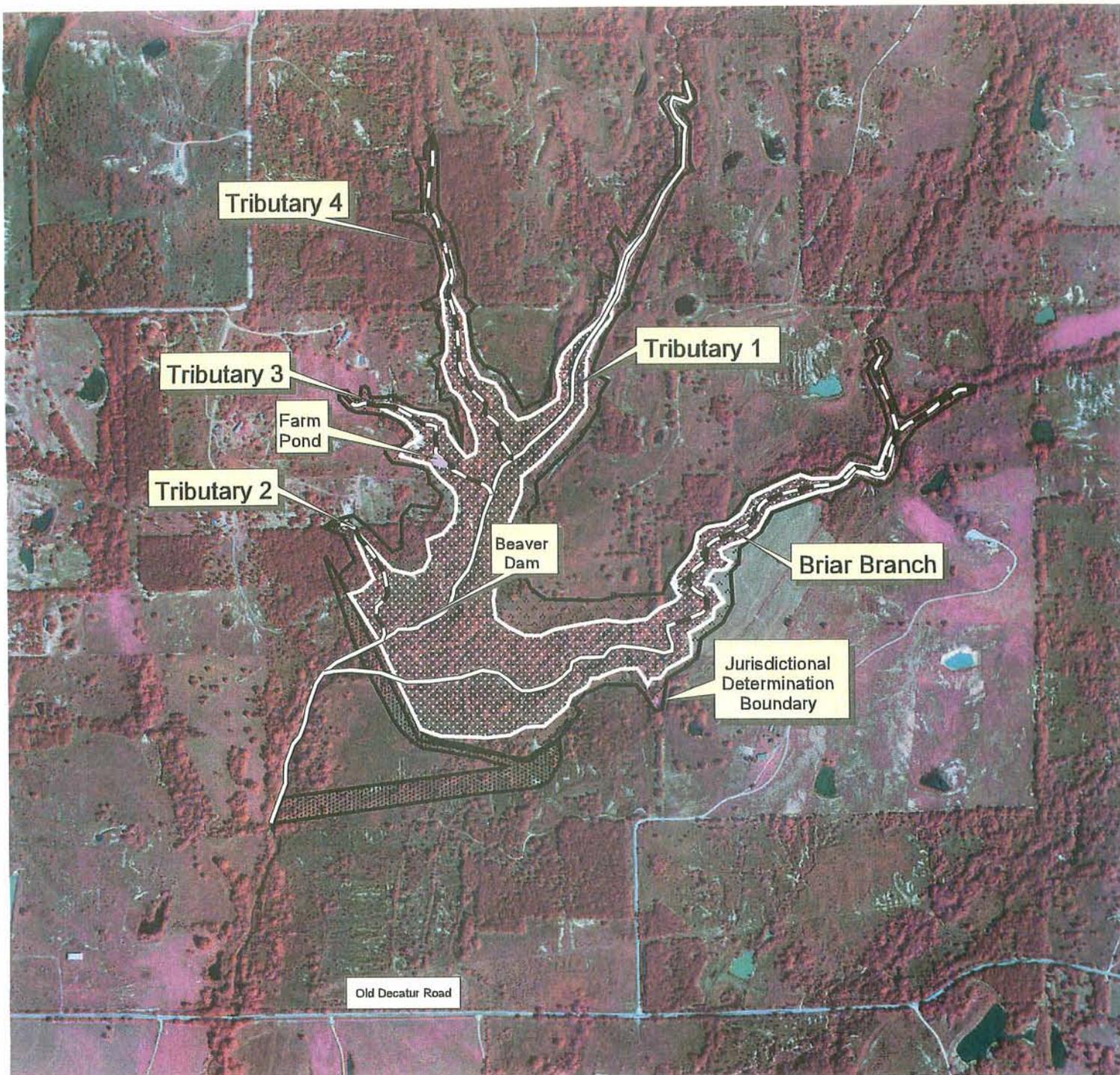


Figure 2 of 8
 USACE Project Number
 200500656
 March 2009

Big Sandy Creek Watershed
 of the Trinity River Watershed
 Floodwater Retarding Structure 29
 Wise County, Texas



1000 0 1000 Feet

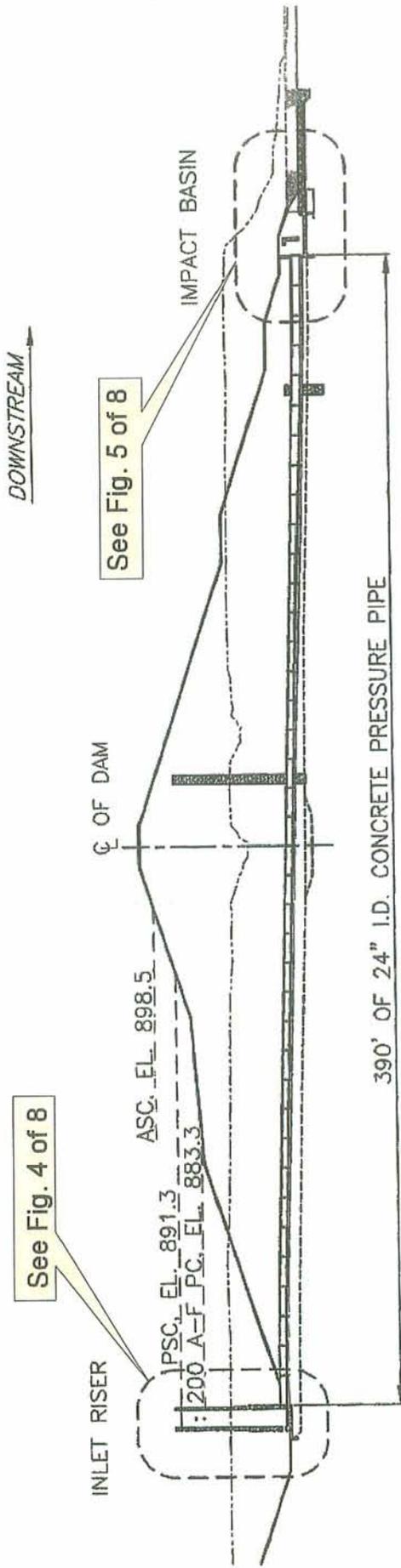
-  Sediment Pool
-  Flood Pool
-  Farm Pond - Water of the U.S.
-  Ephemeral Stream - Water of the U.S.
-  Intermittent Stream - Water of the U.S.
-  Embankment & Auxiliary Spillway



Water Resources
 Temple, Texas

Cross Section of Dam

APR 08 ENT'D



16

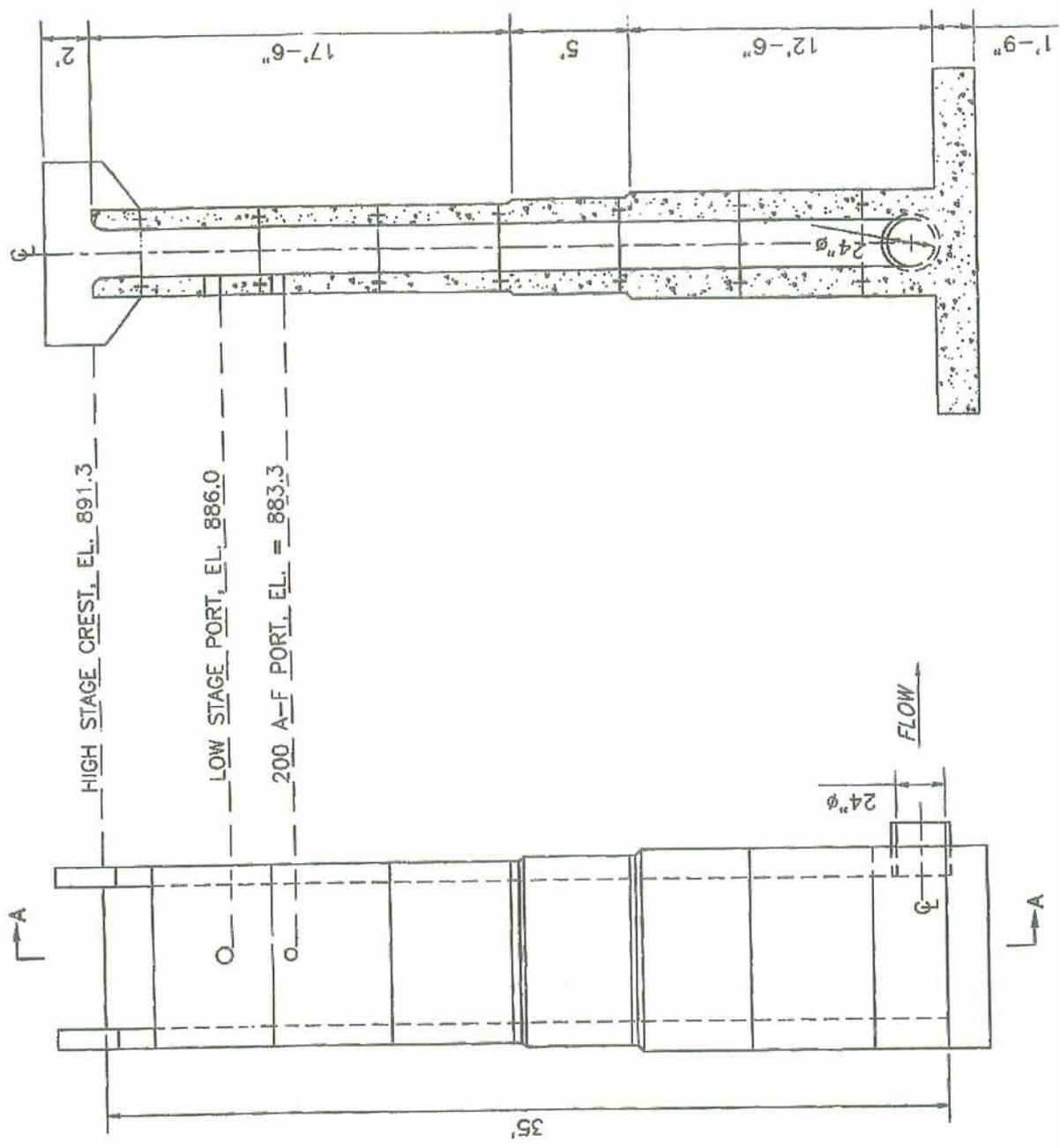
SECTION ON PRINCIPAL SPILLWAY

Big Sandy Creek Watershed
of the Trinity River Watershed
Floodwater Retarding Structure 29
Wise County, Texas

Figure 3 of 8
USACE Project Number
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March 2009

ASC - Auxiliary Spillway Crest
PSC - Principal Spillway Crest

Principal Spillway Inlet Tower



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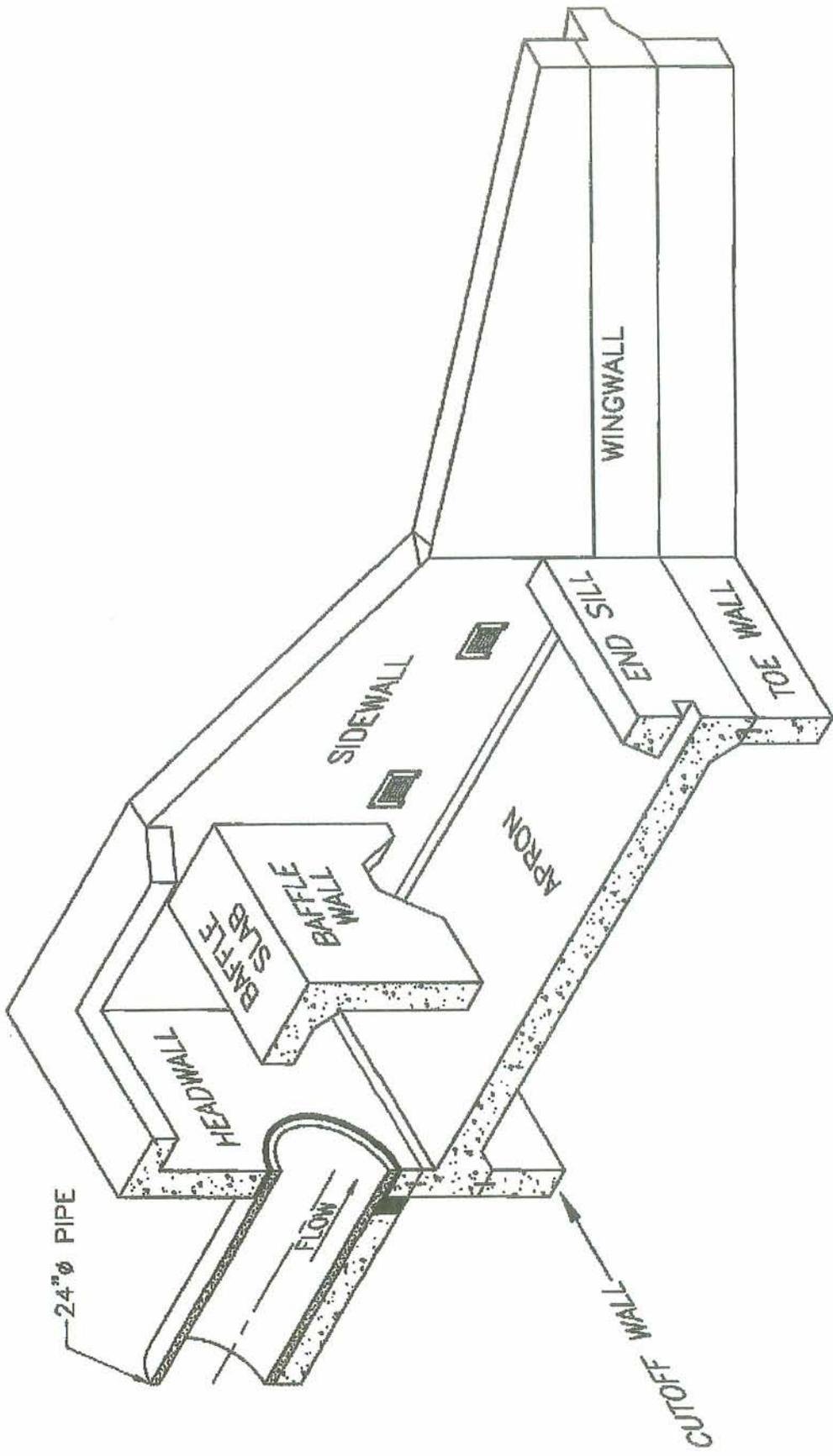
SECTION A-A

SIDEWALL ELEVATION

Big Sandy Creek Watershed
of the Trinity River Watershed
Floodwater Retarding Structure 29
Wise County, Texas

Figure 4 of 8
USACE Project Number
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March 2009

Impact Basin

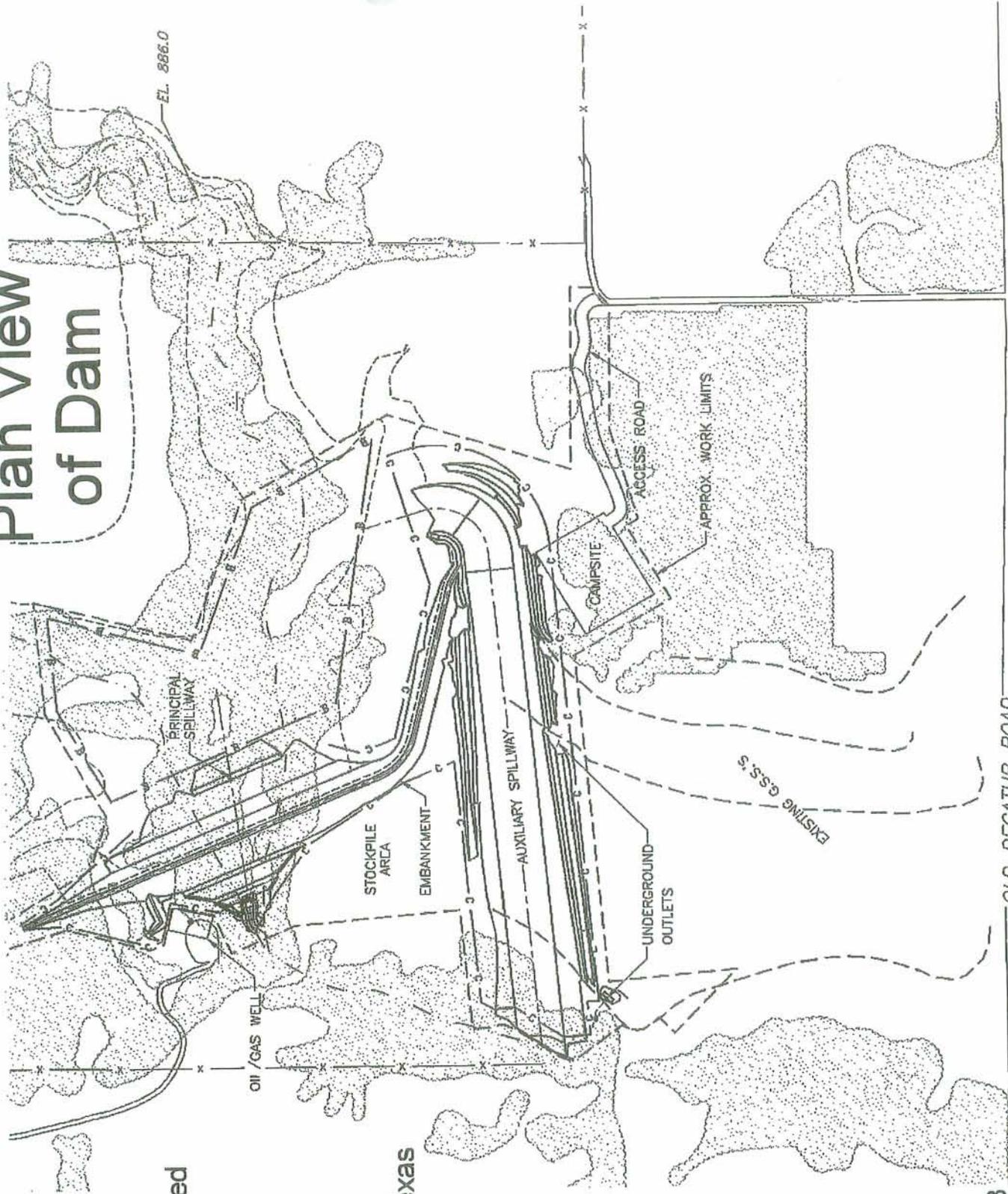


HALF-SECTION ISOMETRIC VIEW OF IMPACT BASIN

Figure 5 of 8
 USACE Project Number
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Big Sandy Creek Watershed
 of the Trinity River Watershed
 Floodwater Retarding Structure 29
 Wise County, Texas

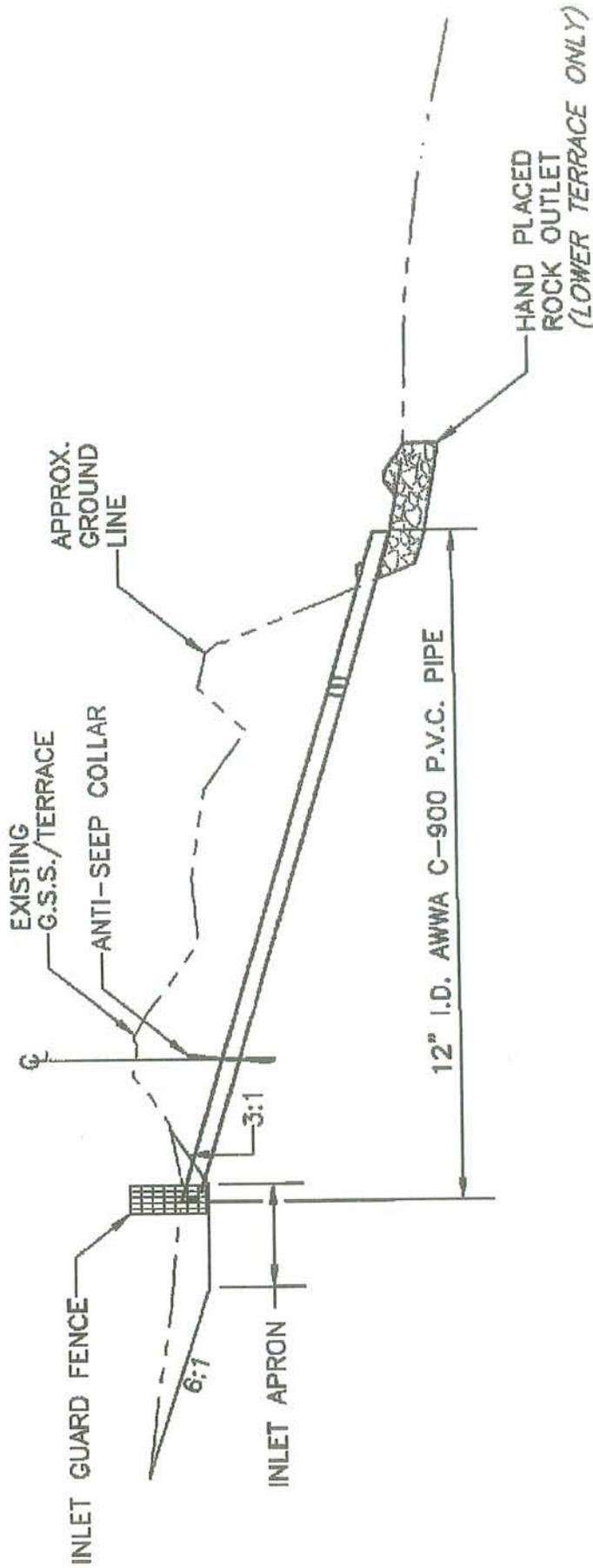
Plan View of Dam



Big Sandy
Creek Watershed
of the
Trinity River
Watershed
Floodwater
Retarding
Structure 29
Wise County, Texas

Figure 6 of 8
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Typical Outlet



TYPICAL UNDERGROUND OUTLET

NOT TO SCALE

Figure 7 of 8
 USACE Project Number
 200500656
 March 2009

Big Sandy Creek Watershed
 of the Trinity River Watershed
 Floodwater Retarding Structure 29
 Wise County, Texas

Affected Waters of US

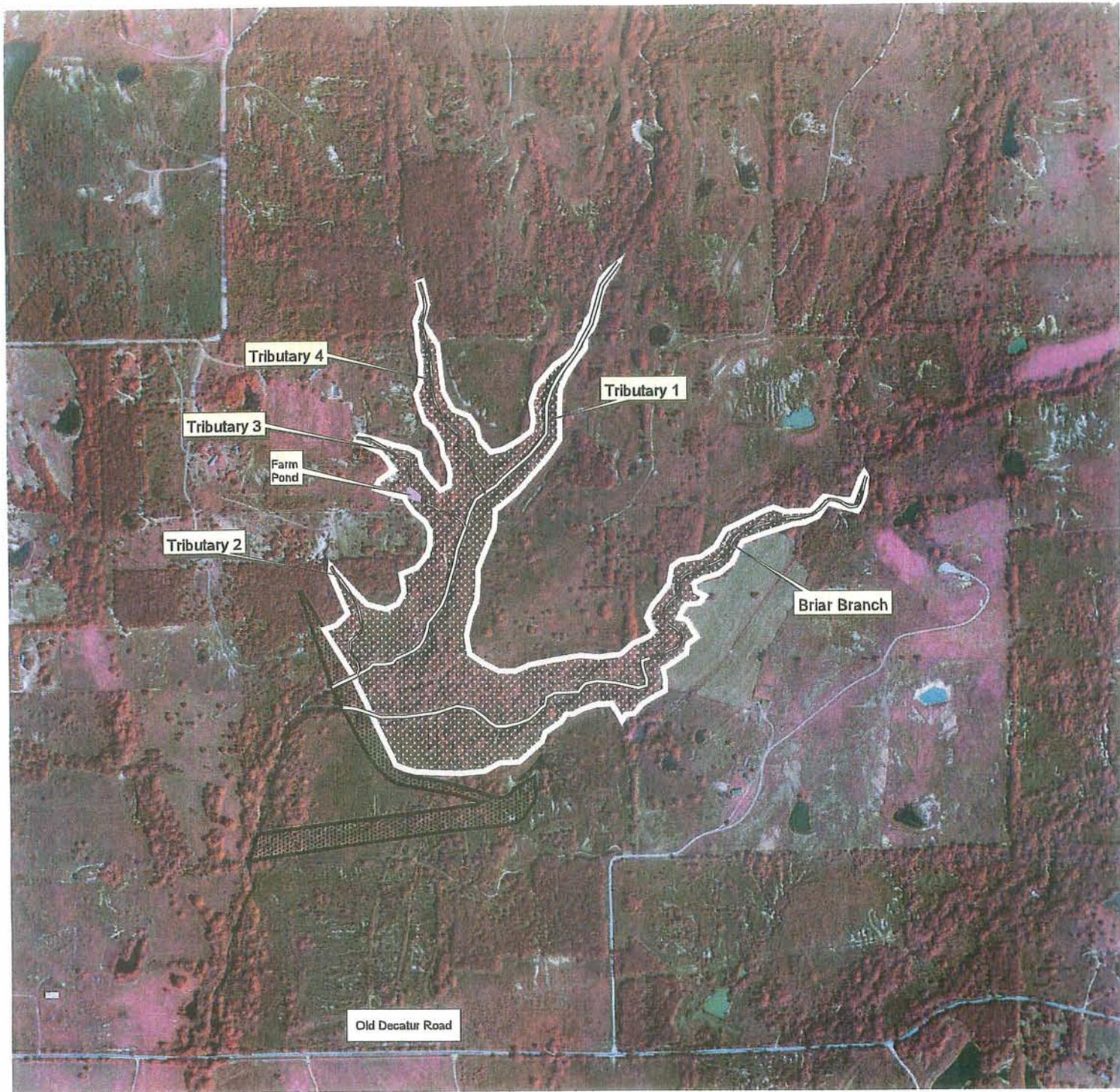


Figure 8 of 8
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Big Sandy Creek Watershed
 of the Trinity River Watershed
 Floodwater Retarding Structure 29
 Wise County, Texas



-  Sediment Pool
-  Farm Pond - Water of the U.S.
-  Inundated Ephemeral Streams - Water of the U.S.
-  Inundated Intermittent Streams - Water of the U.S.
-  Embankment & Auxiliary Spillway