DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

December 5, 2011

NOTICE OF AVAILABILITY

SECTION 408 MODIFICATIONS TO THE DALLAS FLOODWAY SYSTEM, DALLAS COUNTY, TEXAS

Description. Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Fort Worth District, is currently seeking comments on an Environmental Assessment (EA) and draft Finding of No Significant Impact (FONSI) for the potential environmental consequences resulting from approving, pursuant to 33 U.S.C. 408 (Section 408), proposed modifications to the Dallas Floodway System in the City of Dallas, Dallas County, Texas. The City of Dallas, Texas is the proponent for this EA.

Statutory Authority. This notice is being issued to all interested parties in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Council on Environmental Quality Code of Federal Regulations (CFR) (40 CFR parts 1500-1508), and USACE Engineering Regulation 200-2-2. Under the terms of Section 408, any proposed modification to an existing USACE project, whether Federally or locally maintained, that goes beyond those modifications required for normal operations and maintenance requires a determination by the USACE that the proposed alteration, permanent occupation, or use of a federal project would not be injurious to the public interest and would not impair the usefulness of the existing project.

Background. Under regulatory control of the USACE, the City of Dallas plans, operates, and maintains the Dallas Floodway System. The East and West Levees protect approximately 8,098 acres of essential infrastructure, commercial, industrial, and residential interests including a portion of downtown Dallas and West Dallas.

Since the mid 1840's, flood events of the Trinity River have warranted increasing and improving measures of flood risk management. The most profound flood event justifying increased risk management for the City of Dallas occurred in 1908. Construction of the East and West Levees was completed in 1932 and formed the original components of the Dallas Floodway System. In response to severe flooding in the mid-1940s, U.S. Congress authorized the flood control project termed the "Dallas Floodway Project" in 1945 and again in 1950. USACE completed the authorized Dallas Floodway Project in 1958, which included major improvements to the East and West Levees for the purpose of containing the Standard Project Flood (800-year event) that was determined at that time by the USACE to be 226,000 cubic feet per second (cfs).

After Hurricane Katrina struck New Orleans, the USACE began assessing the Levee Safety Program (LSP) and reviewing criteria for evaluating levee systems. The USACE implemented a new LSP with a more comprehensive and rigorous levee inspection process to aid in communicating to local sponsors and the public the overall condition of levee systems and recommending actions to reduce flood risk.

During December 3-5, 2007, the USACE performed a periodic inspection of the Dallas Floodway System resulting in the *Periodic Inspection Report, Dallas Floodway, Trinity River, Dallas, Dallas County, Report No. 9* (*PI Report*) received by the City of Dallas in March 2009. The USACE documented numerous potential deficiencies based on its visual inspection for each of the four levees within the Dallas Floodway System, resulting in an overall system rating of "Unacceptable".

Due to the overall "Unacceptable" rating received in March 2009, the USACE withdrew its letter of support for continued certification of the Dallas Floodway System for the 100-year event Federal Emergency Management Agency (FEMA) accreditation. As a result, FEMA is currently remapping the 100-year event Flood Insurance Rate Map (FIRM) for the Dallas Floodway System.

The purpose of the Proposed Action Alternative is to reduce the potential for underseepage and help regain 100-year FEMA accreditation. The modifications were designed by the City and its contractor, HNTB Corporation, to correct specific deficiencies pertaining to the one percent annual chance exceedence (100-year base flood) identified in the draft *Problem Identification Report (PID Report)* prepared for the Dallas Floodway System following the release of the *PI Report*.

Proposed Action. Under the Proposed Action Alternative, the City of Dallas would construct approximately 18,300 linear feet of riverside cutoff walls along selected portions of the East and West Levees of the Dallas Floodway System, along with concrete and riprap scour protection at the Hampton Pump Station outfall channels.

Implementation of the Proposed Action Alternative would result in minor permanent impacts to waters of the U.S., (including wetlands) and biological resources (wildlife habitat and aquatic resources), which would be mitigated by creation of a 0.5 acre wetland within the project area. Potential temporary impacts may result from construction activities associated with the Propose Action Alternative including minor impacts to geology, soils, water resources (lakes, rivers and streams), water quality, the noise environment, utilities, hazardous, toxic, and radioactive wastes (HTRW), air quality, aesthetics and visual resources. No adverse impacts to climate, groundwater resources, floodplains, or federal- and/or state-listed threatened or endangered species or their habitats are anticipated. In addition, no significant transportation, land use, or environmental justice concerns were identified within the project area. Long-term effects of the Proposed Action Alternative would be beneficial as it would help regain 100-year FEMA accreditation. The Proposed Action Alternative has the potential to impact NEPA defined important historic and cultural resources, mainly the Dallas Floodway and various features that support it. However, after construction the cutoff walls would not be visible so implementation of the Propose Action Alternative would ultimately enhance the ability of the Dallas Floodway to convey its significance as defined by NEPA by protecting the integrity of the levees and allowing the Dallas Floodway System to function as it was designed.

Prior to beginning construction, the contractor would be required to prepare and submit a flood emergency action plan to the USACE and the City of Dallas Flood Control District for their approval and to have erosion control, traffic control, and hazardous spill prevention plans in place. Proposed construction and operation/maintenance actions for the project will meet the criteria for Regional General Permit 12 (RGP-12), which authorizes the discharge of dredged or fill material into waters of the U.S., including wetlands, and work in, or affecting navigable waters of the U.S., associated with modification and alterations of Corps of Engineers projects that receive USACE approval under Section 408 and meet the conditions of RGP-12. State of Texas water quality certification, issued on January 21, 2010, is provided through the conditions of RGP-12. It was determined that appropriate mitigation for permanent impacts to waters of the U.S., including wetlands, would be to construct a 0.5 acre wetland within the project area. The proposed mitigation site is located west of the Old Hampton Pump Station outfall channel and would be contoured using multiple elevation gradients to a maximum depth of 3 feet to allow for vegetation of the area with high quality, native wetland species. The potential adverse and beneficial cumulative impacts of the Proposed Action and other proposed projects within the study area were assessed for human and natural resources and are documented in the EA.

Public Meeting. A public meeting has not been scheduled for the Proposed Action. Prior to the close of the comment period, any person may make a written request for a public meeting, setting forth the particular reasons for the request. The District Engineer will then determine whether the issues raised are

substantial and should be considered in his decision. If a public meeting is warranted, all known interested parties will be notified of the time, date, and location of such a meeting.

Public Review. Pursuant to the regulations implementing the procedural provisions of the National Environmental Policy Act of 1969 as amended in 1975 (40 CFR Parts 1500 through 1508), the U.S. Department of the Army gives notice that the required environmental documentation for the proposed modifications to the Dallas Floodway System in Dallas, Texas is available for review at the public website (http://www.swf.usace.army.mil/pubdata/notices/DallasFloodway/) and the following addresses:

Dallas Central Public Library
Government Information Center, 6th Floor
1515 Young Street
Dallas, Texas 75201
(214) 670-1482

Dallas West Branch Library
2332 Singleton Boulevard
Dallas, Texas 75212
(214) 670-6445

Comment Period. The comment period for this action is 15 days from the date of this Public Notice; the comment period ends on December 20, 2011. Please address any comments to Ms. Marcia Hackett, CESWF-PER-EE, Post Office Box 17300, Fort Worth, Texas 76102-0300, or by e-mail at marcia.r.hackett@usace.army.mil. Copies of the EA and Draft FONSI may be requested in writing at the above address or by telephone at (817) 886-1373.

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Regulatory Division