



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
 Stadium Centre Building
 711 Stadium Drive, Suite 252
 Arlington, Texas 76011

~~ACK~~
~~LG/P~~
~~file~~ -28525.310
 F-3.10

To Whom it May Concern:

For your general information, the only federally listed threatened or endangered species known to occur in Dallas County are the interior least tern (*Sterna anillarum athallassos*) which nests at the Southside Wastewater Treatment Plant, and the endangered black-capped vireo (*Vireo atricapillus*) at the Dallas Nature Center and vicinity. We also consider that the interior least tern could occur at suitable habitat (broad sandbars or barren ground adjacent to streams or water bodies) along the Trinity River corridor.

In Tarrant County, the interior least could occur in suitable habitat along the Trinity River. The threatened bald eagle (*Haliaeetus leucocephalus*) has been documented in recent years at Lake Worth. Bald eagles nest, roost, and perch in tall trees near water and feed primarily on fish and waterfowl. Winter habitat includes reservoirs, lakes, large rivers, and marshes.

Both Dallas and Tarrant counties are within the general migration corridor of the endangered whooping crane (*Grus americana*), and one sighting has been recorded in Tarrant County. Whooping cranes prefer isolated areas away from human activity for feeding and roosting, with vegetated wetlands and wetlands adjacent to cropland being used along the migratory route. A migratory stop in either county is unlikely, and cannot be expected at all near the metroplex.

As discussed above, suitable habitat for threatened and endangered species in Dallas and Tarrant counties is very limited. None of the listed species occur at urbanized or developed locations such as residential or commercial areas, or even urban parks. They also do not occur in agricultural areas, open pastures, or upland woods or savannahs, with the exception that the whooping crane possibly could utilize grainfields near wetlands during migratory stops.

Unless projects/actions occur in the immediate vicinity of the habitats and locations described above for threatened and endangered species in Dallas and Tarrant counties, you may conclude that no impact would occur, and it will not be necessary to contact this office.

OPTIONAL FORM 99 (7 90)

FAX TRANSMITTAL

of pages = 6

To <u>Mike Oden</u>	From <u>Clayton Napier</u>
Dept./Agency	Phone <u>FWS</u>
Fax # <u>972-770-1549</u>	Fax #

THREATENED OR ENDANGERED SPECIES - METROPLEX AND SURROUNDING COUNTIES.

E - Federally listed as endangered

T - Federally listed as threatened

Collin

whooping crane	E	<i>Grus americana</i>
bald eagle	T	<i>Haliaeetus leucocephalus</i>

Dallas

black-capped vireo	E	<i>Vireo atricapillus</i>
interior least tern	E	<i>Sterna antillarum</i>

Denton

whooping crane	E	<i>Grus americana</i>
bald eagle	T	<i>Haliaeetus leucocephalus</i>

Ellis

whooping crane	E	<i>Grus americana</i>
bald eagle	T	<i>Haliaeetus leucocephalus</i>

Rockwall

None

Tarrant

interior least tern	E	<i>Sterna antillarum</i>
whooping crane	E	<i>Grus americana</i>
bald eagle	T	<i>Haliaeetus leucocephalus</i>

Fish and Wildlife Service

Home Page:

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Interior Least Tern *Sterna antillarum*

B8

STATUS: Endangered (50 FR 21792-May 28, 1985) without critical habitat. Protection is restricted to populations found in the "interior" of the United States. In Texas, the least tern receives full protection, except within 50 miles (80 km) of the Gulf Coast.

DESCRIPTION: Least terns are small birds, about 21 cm long with a wingspan of about 51 cm. Sexes are alike; breeding plumage is characterized by a black crown, white forehead, grayish back and dorsal wing surfaces, jet black wing tips, snowy white underparts, orange legs, and a black-tipped yellow bill. The male's bill is orange to bright yellow and the female's is light or dull yellow or straw-colored.

HABITAT: Premier nesting sites are salt flats, broad sandbars, and barren shores along wide, shallow rivers. Important breeding habitat characteristics include: (1) presence of bare or nearly bare ground and alluvial islands or sandbars for nesting, (2) availability of food (primarily small fish), and (3) favorable water levels during the nesting season (so nests remain above water). They usually nest on sites devoid of vegetation, but have been found on sites with an average of 11 to 30% vegetative cover, composed of grasses, shrubs, and trees and ranging from 39 to 95 cm in height. Vegetation, if present, is usually located well away from the colony, with the exception of bugseed, eastern cottonwood, and sandbar willow. As natural nesting sites have become sparse, birds have used dredge islands, dikefields, fly-ash lagoons, sandpits, and gravel levee roads as nesting sites.

**DISTRIBUTION:**

Present: Occur as remnant colonies within their historic distribution. Winters along the Gulf Coast.

Historic: In Texas, bred on sandbars on the Canadian, Red, and Rio Grande river systems. Also along the Arkansas, Missouri, Ohio, and Mississippi river systems; braided rivers of northwest Oklahoma and southwest Kansas; salt flats of northwest Oklahoma; playa lakes of eastern New Mexico.

THREATS AND REASONS FOR DECLINE: Permanent inundation or destruction of nesting areas by reservoirs and channelization projects; alteration of natural river or lake dynamics, causing unfavorable vegetational succession on remaining islands; recreational use of sandbars; nest inundation by reservoir water releases and annual spring floods; water pollution; and predation (25-39% of nest failures are due to coyote predation).

OTHER INFORMATION: Least terns arrive from late April to early June and spend 4 to 5 months at their breeding grounds. Terns winter along the Central American and north South American coast to northeastern Brazil. Recovery plan published in 1990. Least terns eat fish found in shallow waters of rivers, streams, and lakes. Fish prey for terns are small and primarily include members of the *Fundulus*, *Notropis*, *Camptostoma*, *Pimephales*, *Gambusia*, *Blenosax*, *Morone*, *Dorosoma*, *Lepomis*, and *Carpoides* fish genera. The Service is working with the Bureau of Reclamation and the states of New Mexico, Texas, and Oklahoma to monitor population levels. Population numbers have been increasing since a partial census in 1975. Breeding areas in Texas are located along the Canadian, Red, Rio Grande and Trinity river systems.

REFERENCES:

- Downing, R.L. 1980. Survey of interior least terns: nesting populations. *Am. Birds* 34:209-211.
- Ducey, J.E. 1981. Interior least tern (*Sterna albifrons athalassos*). U.S. Fish & Wildlife Service, Pierre, SD. Unpubl. Rep. 56pp.
- U.S. Fish & Wildlife Service (USFWS). 1990. Recovery Plan for the interior population of the least tern (*Sterna antillarum*). USFWS, Twin Cities, MN. 90pp.
- Whitman, Paul. 1988. Biology and conservation of the endangered interior least tern: a literature review. USFWS, Biological report 88(3). 22pp.

REV. DATE 6/95

Black-capped Vireo *Vireo atricapillus*

B5

STATUS: Endangered (52 FR 37423-October 6, 1987) without critical habitat.

DESCRIPTION: The black-capped vireo is a 4.5-inch insectivorous bird. Males are olive green above and white below with faint yellow flanks. The crown and upper half of the head is black with a partial white eye-ring and lores. The iris is brownish-red, the bill black. Females are duller colored and have a slate gray crown and underparts washed with greenish yellow.

HABITAT: Preferred habitat consists of scattered trees and numerous dense clumps of shrubs growing to ground level, interspersed with open areas of bare ground, rock, grasses or forbs. Foliage that extends to ground level is the most important requirement for nesting. Most nests are located between 0.4 and 1.24 meters above ground level and are well-screened by foliage. Plant species commonly used as nest substrate are evergreen sumac and shin oak. Other species used include junipers, Mexican persimmon, live oak, wafer ash, silkrassel, elbow bush, Texas kidneywood, yaupon, and deciduous holly.



Black-capped vireo territories can be located on steep slopes, such as heads of ravines or along the sides of arroyos. On such areas, the shallow soils slow succession, and the microclimates provided by the rugged terrain perpetuate clumping of vegetation, thus sustaining an area suitable for the vireo. On level terrain, vireo habitat tends to change through succession, from prairie grass to oak-juniper woodlands. Black-capped vireo habitat in level areas, was maintained by wildfires that kept the vegetation in an early successional stage. Total cover has been found to range from 17 to 88%. In west Texas, the vireo occurs in more stable xeric shrub associations consisting of littleleaf ash, mountain laurel, evergreen sumac, cacti, century plant, sotol, ocotillo, and beard grass, and is located primarily along steep canyons.

DISTRIBUTION:

Present: Breeds from central Oklahoma south through the Edward's Plateau, and Big Bend National Park, Texas, to central Coahuila, Mexico. Larger colonies are found on Fort Hood Military Reservation, and Devil's River and Kickapoo Caverns State Natural areas. Winters in Mexico, with most recent records from Durango, Sinaloa, Nayarit, and Jalisco. Also a few wintering reports from Guerrero, Oaxaca, and southern Sonora.

Historic: Bred from Kansas through Oklahoma and Texas to central Coahuila, Mexico.

THREATS AND REASONS FOR DECLINE: Habitat loss due to urbanization, browsing by herbivores, brush clearing, and natural succession; brown-headed cowbird (*Molothrus ater*) brood parasitism, and human disturbance.

OTHER INFORMATION: Ongoing recovery projects in Texas and Oklahoma include intensive cowbird trapping, and nesting ecology and population dynamics studies. An increase in young produced/pair/year has been documented with cowbird removal. Breeding season starts about March 25 and ends about August 31 in Texas. Breeding season differs somewhat in Oklahoma. In 1991, the breeding population in Texas was estimated at about 620 pairs. Recovery Plan approved in 1991.

REFERENCES:

- Armstrong, B. C. Travis, and B.G. Alexander. 1989. Final Report: Black-capped vireo management. Federal Aid Project No. W-103-R-19, Job No. 60.
- Graber, J.W. 1961. Distribution, habitat requirements, and life history of the black-capped vireo (*Vireo atricapillus*). Ecol. Mon. 31:313-336.
- Grzybowski, J.A. 1985a. Final Report: Population and nesting ecology of the black-capped vireo (*Vireo atricapillus*). Part I: Population status of the black-capped vireo in Oklahoma - 1985. Prepared for the U.S. Fish & Wildlife Service, Albuquerque, NM.
- _____. 1985b. Final Report: Population and nesting ecology of the black-capped vireo (*Vireo atricapillus*). Part II: Nesting ecology of the black-capped vireo. Prepared for the U.S. Fish & Wildlife Service, Albuquerque, NM.

Bald Eagle *Haliaeetus leucocephalus*

B4

Threatened - August 11, 1995

STATUS: ~~Endangered~~ (32 FR 4001-March 11, 1967; 43 FR 6233-February 14, 1978) without critical habitat in all but five of the contiguous 48 states (listed as threatened in Washington, Oregon, Minnesota, Wisconsin, and Michigan)

DESCRIPTION: Large hawk-like bird with 6-7 feet wingspan and unfeathered feet. Adult has white head, neck, and tail. While gliding or soaring it keeps wings flat, not uplifted like vultures. Immanures are mostly dark, and may be confused with immature golden eagles. However, golden eagles have a more sharply defined white pattern on underside of wings and tail.

HABITAT: In Texas, preferred nesting habitat is along river systems, or within 1-2 miles of some other large body of water, such as a lake or reservoir. Nests are often located in areas where forest, marsh, and water meet. Large, tall (40-120 ft.) trees are used for nesting and roosting (taller than the general forest canopy, providing an unobstructed flight path to nest). Tree species used for nesting in Texas include loblolly pine, bald cypress, oak, cottonwood, and sycamore. Nearby (within 0.5 miles) wetland areas are necessary for feeding. Fish is generally the primary food, but eagles in Texas also prey on waterfowl, turtles, small mammals, and carrion.

**DISTRIBUTION:**

Present: Nesting populations are gradually increasing in Texas, with territories located primarily along rivers, near reservoirs, and along the Gulf Coast. Wintering eagles may occur statewide on rivers, streams, reservoirs and other areas of open water where fish, waterfowl, and carrion are available for food. See Bald Eagle Wintering Areas in Texas on the following page.

Historic: Found throughout the contiguous United States, Canada, and northern Mexico.

THREATS AND REASONS FOR DECLINE: Past threats include reproductive failure caused by pesticides, loss of riparian habitat, and unrestricted killing by humans (including shooting, poisoning, and trapping). Current threats are habitat loss, human encroachment on nesting sites, and lead poisoning (even low levels can cause neurological dysfunction, behavioral abnormalities, anemia, and increased susceptibility to disease).

OTHER INFORMATION: In Texas, bald eagle nesting typically occurs from October to July. Clutch size varies from 1 to 3, dull white eggs are incubated for approximately 35 days. Young generally fledge in April, after 10-12 weeks of growth, but parental care continues for another 4-6 weeks. Northern migration begins in May; occasionally, a pair will remain within a territory year-round. Wintering Bald eagles may arrive in north Texas as early as October and return north February through March. Bald eagles are particularly vulnerable to disturbance during the nesting period. Bald eagles are protected by the Endangered Species Act, Bald Eagle Protection Act and Migratory Bird Treaty Act.

REFERENCES:

- Lish, J.W. 1975. Status and Ecology of Bald Eagles and Nesting Golden Eagles in Oklahoma. Unpubl. Thesis, Oklahoma State University, Stillwater, Oklahoma.
- Texas Parks and Wildlife Department. 1993. Job No. 30: Bald eagle nest survey and management. Performance report, Federal Aid Project No. W-125-R-4. TPWD, Austin, TX.
- Texas Parks and Wildlife Department. 1993. Job No. 59: Bald eagle post-fledging survival and dispersal. Final report, Federal Aid Project No. W-125-R-4. TPWD, Austin, TX.
- U.S. Fish and Wildlife Service (USFWS). 1983. Northern States Bald Eagle Recovery Plan. USFWS, Endangered Species Office, Twin Cities, MN.
- . 1989. Southeastern States Bald Eagle Recovery Plan. USFWS, Endangered Species Office, Atlanta, GA.

REV. DATE 6/95

Whooping Crane *Grus americana*

B14

STATUS: Endangered (32 FR 4001-March 11, 1967; 35 FR 8495-June 2, 1970; 58 FR 5657-January 22, 1993) with critical habitat (43 FR 20938-May 15, 1978).

CRITICAL HABITAT: In Texas, a designated area of land, water, and air space including the Aransas National Wildlife Refuge (Aransas, Calhoun, and Refugio Counties).

DESCRIPTION: Tallest American bird; males approach 5 feet tall. A very large, snowy white, long-necked bird with long legs that trail behind in flight, black primary feathers (at wing tips), a crimson crown, and a wedge-shaped patch of black feathers behind the eye. Males are generally larger than females.

HABITAT: Marshes, river bottoms, potholes, prairies, and cropland. Premier winter habitats are marshes, tidal flats, uplands, and barrier islands. Migratory habits vary, with croplands used for feeding and primarily palustrine wetlands are used for roosting. Water depth at roost is usually less than 10 inches, the majority between 1 and 6 inches deep. Cranes rarely use densely vegetated wetlands.

**DISTRIBUTION:**

Present: Breeds in isolated, marshy areas in Wood Buffalo National Park, Northwest Territories in Canada. Uses stopover areas in the central and eastern panhandle of Texas during migration (southward in October-November, northward in March-April). Winters primarily in the Aransas National Wildlife Refuge and adjacent areas of the central Texas Gulf Coast (Aransas, Calhoun, and Refugio counties).

Historic: Originally found throughout most of North America. In the 19th century, the main breeding area was from the Northwest Territories to the prairie provinces in Canada and northern prairie states to Illinois. A nonmigratory flock existed in Louisiana, but is now extinct. Wintered from Florida to New Jersey along the Atlantic coast, along the Texas Gulf Coast, and in the high plateaus of central Mexico.

THREATS AND REASONS FOR DECLINE: Destruction of wintering and breeding habitat, collisions with power lines and fences, shooting, specimen collection, and human disturbance.

OTHER INFORMATION: Recovery team appointed in 1976. Original recovery plan (1980) was revised in 1986. Also protected by Canada and Mexico. Intensive captive-breeding program conducted by both the U.S. Fish and Wildlife Service and the Canadian Wildlife Service. Whooping cranes feed on small grains in agricultural fields, green forage, aquatic plants, insects, crustaceans, and small vertebrate animals. Nests are normally of bulrush, less often of sedge. Whooping Cranes migrate as singles, pairs, family groups (normally three) or in small flocks, sometimes in the company of sandhill cranes. Crane populations have increased from 18 in 1938-39 to 133 in 1994. Twenty-five survive in the Kissimmee Prairie, Florida, where FWS began in 1993 an experiment to establish a wild non-migratory flock. Ninety-five exist in captivity and the young produced are released in the wild in the Florida reintroduction.

REFERENCES:

- Allen, R.P. 1952. The Whooping Crane. National Audubon Society, New York, NY. 246 pp.
- Edwards, R., S. Brechtel, R. Bromley, D. Hjertaas, B. Johns, E. Kuyt, J. Lewis, N. Manners, R. Stardom, and G. Tarry. 1994. National Recovery Plan for the Whooping Crane. Report No. 6. Ottawa: Recovery of Nationally Endangered Wildlife Committee, 39pp.
- Canadian Wildlife Service (CWS). 1987. Canadian Whooping Crane Recovery Plan. Minister of Environment, CWS, 56pp.
- Howe, M.A. 1989. Migration of Radio-marked Whooping Cranes from the Aransas-Wood Buffalo Population: Patterns of Habitat Use, Behavior, and Survival. U.S. Fish & Wildlife Service (USFWS), Fish & Wildlife Report 21, 33pp.

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General Cond
for NPDES

Call
- Proper Procedure
- maps

Trinity River Authority of Texas
Elm Fork Relief Interceptor Segment EF-2

B&V Project 28525.310
B&V File F-3.10
November 17, 1998

Field Supervisor
U.S. Fish and Wildlife Service
Arlington Field Office
711 Stadium Drive East; Suite 252
Arlington, Texas 76011

Subject: Endangered ^{or} and Threatened Species
Dallas County

Dear Sir:

The Trinity River Authority of Texas (TRA) is proposing to construct a 108-inch and a 72-inch sewer interceptor to service the growing north Dallas area. These new interceptors would parallel existing utilities. The 108-inch line would parallel an existing 90-inch interceptor along the Irving Flood Control District levee of the Elm Fork of the Trinity River. This portion of the project begins near Proctor Road and extends north and west to Tom Braniff Drive. The proposed 72-inch interceptor would connect to the existing 90-inch and proposed 108-inch interceptors west of Tom Braniff Drive. This proposed 72-inch interceptor will parallel an existing TRA 30-inch water reuse line serving the Dallas County Utility and Reclamation District. These proposed interceptor alignments are shown on the attached location maps.

Additional work included with this project are: 1) the rehabilitation of a portion of an existing 45-inch interceptor on the dry side of the levee from the TRA lift station on International Drive north to the connection for the Dr. Pepper plant; 2) relocating a city of Dallas sewer line along California Crossing Road from Luna road west to the existing TRA 90-inch interceptor; and 3) connecting the TRA metering station at point-of-entry 11.0E to the 90-inch interceptor. These work areas are also shown on the attached maps.

U.S. Fish and Wildlife Service
Elm Fork Relief Interceptor Segment EF-2

B&V Project 28525.310
November 17, 1998

This letter is being sent to request your assistance in determining if any Federally listed Endangered or Threatened Species are known to be present within our project limits. Two species are listed for Dallas County, however, per 50 CFR 17.11, no critical habitat has been designated within the County for either. These two species are the Interior least tern (*Sterna antillarum*) and the Black-capped vireo (*Vireo atricapilus*).

Please inform us at your earliest convenience if the species identified above, or any other Endangered or Threatened Species, can be found within our project area. If you have any question or comments, give me a call.

Sincerely,
BLACK & VEATCH LLP

Michael W. Oden, P.E.
Project Engineer

attachment

~~HEK~~
~~LGP~~
file

BLACK & VEATCH_{LLP}

5728 LBJ Freeway, Suite 300, Dallas, Texas 75240, Tel: (972) 770-1500, Fax: (972) 770-1549

Trinity River Authority of Texas
Elm Fork Relief Interceptor Segment EF-2

B&V Project 28525.310
B&V File F-3.10
February 19, 1999

Ms. Mary Flores
US Army Corps of Engineers
Fort Worth District
P.O. Box 17300
Fort Worth, Texas 76102-0300

Subject: Cultural Resource Survey
USACE Project Number 199800058

Dear Ms. Flores:

This letter is being sent to obtain the Corps' concurrence with our plans to conduct a Cultural Resource Survey along the alignment of the proposed project. This parallel interceptor project extends north and west from Proctor Road (south of State Highway 183), along the Elm Fork of the Trinity River, to Rochelle Boulevard in Las Colinas. Based on discussions with Presley Hatcher and Skipper Scott, we were informed that an investigation would not be necessary west of State Highway (SH) Loop 12. Our proposed archeological consultant, Mr. C. Reid Ferring, confirmed that similiar studies had already been performed west of Loop 12. The distance from the beginning of this project at Proctor Road to SH Loop 12 is approximately 12,000 feet.

Based on discussions with Mr. Ferring and Mr. Scott, the following scope of work has been developed. The Trinity River Authority (TRA) will provide the equipment and operator to excavate 12 exploratory trenches, on approximate 1,000-foot centers, along the alignment of the proposed 108-inch diameter interceptor in the area under investigation. The trenches will be two to four meters in depth. Mr. Ferring will be onsite during the excavation to assist in determining the trench locations, observe the work and document any findings. He will prepare a report documenting the work effort for inclusion with our forthcoming application for a Section 404 permit.

I believe the above described work to meet the requirements of a Cultural Resource Survey for this project. If you have any comments on the proposed plan, please give me a call. Thank you for your assistance.

Sincerely,
BLACK & VEATCH_{LLP}



Michael W. Oden, P.E.
Project Engineer

cc: Mr. Bill Smith



TEXAS
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The State Agency for Historic Preservation

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January 5, 2000

Dr. C. Reid Ferring
Geoarch Consultants
4572 Coyote Point
Denton, Texas 78711-2276

Re: Project review under the Antiquities Code of Texas
Draft Report: *An Archaeological Survey of the Elm Fork Trinity River Relief Interceptor Pipeline, Dallas County, Texas.*
(COE-FWD/TRA, TAC Permit No. 2153)

Dear Dr. Ferring:

We are in receipt of the draft report for the project referenced above. This letter serves as comment from the Executive Director of the Texas Historical Commission, the state agency responsible for administering the Antiquities Code of Texas.

The review staff, led by Bill Martin, has completed its review. After examining information presented in the report, we concur that no significant archeological deposits will be affected at the specific locations inspected by backhoe trenches. We also concur that monitoring the trench during construction is the only means available of searching for deeply buried sites. The report presents a clear argument as to why such monitoring should be limited to the areas between bore holes B-7 and B13 and between B16 and B23. We concur with your monitoring proposal.

Before construction begins, the Corps of Engineers, Trinity River Authority, and Texas Historical Commission should agree in writing upon the specific amount of monitoring to be conducted. Included in this agreement would be a set of procedures for handling cultural materials discovered during construction. In fact, it may be wise to conduct this work under a separate TAC permit issued specifically for monitoring.

We look forward to receiving 20 copies of the final report. Thank you for your cooperation in this state and federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If we may be of further assistance, please call Bill Martin of our staff at 512/463-5867.**

Sincerely,

A handwritten signature in cursive script, appearing to read "F. Lawrence Oaks".

for
F. Lawrence Oaks, State Historic Preservation Officer

FLO/wam



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**USFWS
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Trinity River Authority of Texas
Elm Fork Relief Interceptor, Segment EF-2

B&V Project 28525.310
B&V File F-3.10
NOV 26 2008
November 24, 2008

U.S. Fish and Wildlife Service
Ecological Services Field Office
711 Stadium Drive
Suite 252
Arlington, TX 76011

**ECOLOGICAL SERVICES
ARLINGTON, TEXAS**

Subject: Draft Environmental Assessment for
Elm Fork Relief Interceptor Segment EF-2

To Whom It May Concern:

Enclosed with this letter, please find a copy of the Draft Environmental Assessment for the Elm Fork Relief Interceptor Segment EF-2 project. This document is being submitted on behalf of the Trinity River Authority to meet requirements for the Clean Water State Revolving Fund.

It is our opinion that the project will have "No Effect" on listed species or critical habitats.

We would appreciate receiving any comments that you may have on the Draft Environment Assessment by January 23, 2009.

Please contact Laura Stratton at 214/570-7076 or myself at 214/570-7063 if you wish to discuss this request or need further information.

Very truly yours,

BLACK & VEATCH

Layne G. Parsons, P.E.
Project Manager

Your letter indicates you have determined that the proposed action would have no effect on federally listed species. The supporting information for this determination should be provided to the federal action agency for their evaluation. If the federal action agency determines the proposed action would have no effect on federally listed species, consultation under section 7 of the Endangered Species Act is not required.

Date 12-17-2008

Consultation # 21420-2009-TA-0091

Approved by: Tom Cloud

Thomas J. Cloud, Jr., Field Supervisor

U.S. FISH & WILDLIFE SERVICE, ARLINGTON, TEXAS

as
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December 19, 2008

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Layne G. Parsons, P.E.
Black & Veatch Corporation
9441 LBJ Freeway, Suite 300
Dallas, TX 75243

RE: Trinity River Authority Elm Fork Relief Interceptor EF-2 (Dallas County)

Dear Mr. Parsons:

The Texas Parks and Wildlife Department (TPWD) has reviewed the Draft Environmental Assessment (EA) regarding the proposed project referenced above. The project involves:

- 1.) Constructing a 108-inch diameter pipeline for 15,300 linear feet (lf),
- 2.) Constructing a 72-in. diameter line for 3,900 lf,
- 3.) Rehabilitating an existing 45-inch line,
- 4.) Installing 5,045 lf of various sized collection lines, and
- 5.) Constructing five meter stations and one lift station.

The proposed lines generally run parallel to existing lines and would be located on the river side of the toe of the west levee of the Elm Fork Trinity River.

TPWD offers the following comments and concerns regarding the draft EA for the proposed project:

Area of Disturbance

The EA did not reveal if any existing and/or proposed right-of-way (ROW) or easement would be required for the proposed project including the size of such ROW or easement. The EA did not reveal how wide the area of temporary disturbance would be for the various project locations.

- To better understand the area of impact, both temporary and permanent, the area of disturbance should be revealed and/or the width of the temporary and permanent ROW should be provided.

Vegetation and Wildlife Impacts

Section 3.4 Biological Elements refers to the results of the Wildlife Habitat Appraisal Procedure (WHAP) to evaluate the proposed project area for vegetation impacts and wildlife habitat quality along the project alignment. The WHAP report shows that only

Layne G. Parsons, P.E.
Page 2
December 19, 2008

wetlands and other waters of the U.S. were evaluated for the WHAP and that the total area of disturbance assessed for the WHAP is 5.87 acres (4.27 acres Emergent Wetland, 0.72 acre Floodplain Grassland, 0.14 Floodplain Forest, and 0.74 acre Maintained Lawn).

Section 3.4.1 Vegetation indicates that the project alignment is dominated by floodplain grasslands, floodplain forests, and maintained lawn. The EA does not indicate the area of impact to the different cover types because only wetland areas were assessed for the WHAP. The WHAP should involve an assessment of the total project area of disturbance by cover type in order to evaluate the habitat quality of the project area. The intent of a WHAP is to evaluate the habitat quality of the total project area of impact, regardless of the jurisdictional components of the area.

The impacts to vegetation other than wetlands and other waters of the U.S. were not indicated in the EA, thus the potential impact to vegetation and wildlife cannot clearly be determined.

- The EA should reveal the total area of disturbance by cover type including those areas to be impacted that are not wetlands and waters of the U.S. for inclusion in the *Affected Environment Sections 4.4.1 Vegetation and 4.4.2 Wildlife*.
- The WHAP should be revised to include the total area of impact by cover type for assessing the quality of the habitat to be impacted by the project.
- If it is not the intent of the Trinity River Authority to assess the quality of habitat other than wetlands and waters of the U.S., then the WHAP results should not be referred to in the EA under *Existing Environment Sections 3.4.1 Vegetation and 3.4.2 Wildlife* or under *Affected Environment Sections 4.4.1 Vegetation and 4.4.2 Wildlife*.

TPWD advises review and implementation of these recommendations. Please provide TPWD with revised sections of the document that includes the information necessary to provide an adequate review of the project. If you have any questions, please contact me at (903) 675-4447.

Sincerely,



Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbh/13664

Trinity River Authority of Texas
Elm Fork Relief Interceptor, Segment EF-2

B&V Project 28525.310
B&V File F-3.10
June 22, 2009

Texas Parks and Wildlife Department
Karen B. Hardin
4200 Smith School Road
Austin, TX 78744-3291

Subject: Draft Environmental Assessment for
Elm Fork Relief Interceptor Segment EF-2

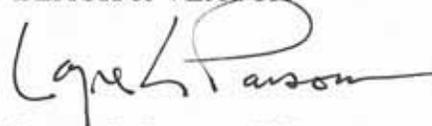
Dear Ms. Hardin:

As requested in your letter dated December 19, 2008, Black & Veatch has made modifications to the Draft Environmental Assessment for the Elm Fork Relief Interceptor Segment EF-2 project. Information on the temporary and permanent easements has been added to Section 1.6 Project Description and Cost. Reference to the Wildlife Habitat Appraisal Procedure has been removed from the report and Sections 3.4 Biological Elements, 3.4.1 Vegetation, 3.4.2 Wildlife, and 4.4 Biological Elements have been updated. Attached to this letter are copies of these revised sections for your review.

Please contact Laura Stratton at 214/570-7076 or myself at 214/570-7063 if you wish to discuss this request or need further information.

Sincerely,

BLACK & VEATCH



Layne G. Parsons, P.E.
Project Manager

las:LGP
Enclosure

cc: Bill Smith, Trinity River Authority of Texas
Larry Zamzow, Texas Water Development Board
Diane Hyatt, Texas Water Development Board

1.4 Name of Financial Assistance Program

Financial assistance for this project is sought under the Clean Water State Revolving Fund (CWSRF).

1.5 Purpose and Need

EF-2 will be a component of the Central Regional Wastewater System (CRWS), an interceptor system that transports flow to the Central Regional Wastewater Treatment Plant. The purpose of the interceptor is to provide supplemental capacity for existing lines, which are currently overloaded, and to provide capacity for future development. The need for the relief interceptor was originally identified in the 1996 Infiltration/Inflow Assessment as prepared by Black & Veatch Corporation (B&V). Based on this report, B&V prepared a series of memoranda with recommendations on alternatives for the interceptor. Updated population estimates from the 2004 Phase IV Infiltration/Inflow Assessment, prepared by B&V, indicate that the population in the service area will increase from year 2000 values by approximately 50 percent in 2040.

1.6 Project Description and Cost

The facilities that will be funded using financing through the CWSRF are listed below. Figure A-1 in Appendix A provides an aerial photograph of the project area with the pipeline alignment. Appendix B contains the United States Geological Survey (USGS) topographic map with the project pipeline alignment.

The relief interceptor will generally parallel existing pipelines. The proposed alignment begins as a 108-inch diameter line (15,300 linear feet) just south of Proctor Road and extends generally north and west along the Elm Fork of the Trinity River (Elm Fork) to the north side of the Lake Carolyn drainage channel. The interceptor is reduced to 72 inches (3,900 linear feet) at Tom Braniff Road. The majority of the proposed interceptor will be within the city limits of Irving; however, a portion passes through the City of Dallas and through an unincorporated area of Dallas County. By providing the alignment parallel to existing pipelines, existing utility easements could be utilized to the maximum extent possible. For the majority of the length of the 108-inch diameter line, the permanent easement will be 60 feet. On the 72-inch diameter line, the permanent easement varies from approximately 25 feet to 55 feet. Temporary construction easements will be obtained along the alignment to provide the Contractor adequate access.

to the project area. Along the 108-inch diameter line, the construction easement will vary from 130 feet to 215 feet. For the 72-inch diameter line, the construction easement will generally be 65 feet, but in locations may be up to 100 feet.

Additional work includes approximately 1,200 linear feet of existing 45-inch gravity sewer rehabilitation, 5,045 linear feet of collection line installation, five meter stations, and one lift station. The collection lines have the following diameters, lengths and locations:

- 580 ft - Lift Station levee crossing - 14-inch
- 675 ft - City of Irving point of entry at Spur 482 - 12-inch
- 1,700 ft - Texas Stadium point of entry at Loop 12 - 24-inch and 15-inch
- 500 ft - City of Irving point of entry at Loop 12 - 12-inch
- 930 ft - California Crossing line upsize - 18-inch
- 120 ft - University Hills sewer relocation - 18-inch
- 425 ft - Irving Trunk extensions - 36-inch
- 65 ft - Elm Fork Relief Interceptor Segment 1-A replacement - 36-inch
- 50 ft - Crossover between 90-inch and 108-inch interceptors - 54-inch

Design information for the interceptor is provided below.

Diameter (inches)	72
Planning Year	2040
Percent I/I Reduction	30%
Design Storm	5-year
Slope (ft./ft.)	0.00055
Capacity	100 cfs
Design Flow:	
• Year 2000 Peak WWP/Velocity	20 cfs/2.37 fps
• Year 2040 Peak Wet Flow/Velocity	100 cfs/4 fps

Diameter (inches)	108
Planning Year	2020
Percent I/I Reduction	30%
Design Storm	5-year
Slope (ft./ft.)	0.00021
Capacity	181 cfs
Design Flow:	
• Year 2000 Peak WWP/Velocity	56 cfs/2.15 fps
• Year 2040 Peak Wet Flow/Velocity	179 cfs/3.31 fps

The estimated opinion of total cost of these facilities is \$38,000,000.

been made to the pipeline alignment to avoid or minimize impacts to wetlands and other waters regulated under Section 404 (e.g., stream crossings). B&V conducted a wetlands delineation for this project in 1998. An additional site investigation to confirm the site conditions was conducted by B&V on June 11 and 12, 2008. A copy of the 1999 delineation was presented in the Preliminary Jurisdictional Determination submitted to the Corp of Engineers.

Twelve regulated sites were identified in the delineation. One additional wetland site (12b) was identified in 2008 during the site review. The sites include outfall crossings, intermediate stream crossings, and wetland crossings. As much as possible, impacts to regulated waters were minimized through modification of the pipeline alignment. There will be an estimated temporary impact of 2.69 acres and 1.2 acres of permanent impact from the proposed project. This includes 0.14 acre temporary and 0.06 acre permanent impact to floodplain forest.

Permanent impacts will occur where new structures will be added or additional cover is required for the pipeline installation, resulting in a loss of waters of the United States. The regulated waters are indicated in Figure A-2 in Appendix A.

3.4 Biological Elements

According to the Texas Parks and Wildlife web site, the project lies in the Blackland Prairie Ecological Region of Texas (<http://www.tpwd.state.tx.us>). The project vicinity has been altered from its native condition by the addition of the levee, utility improvements, and non-residential and industrial construction.

3.4.1 Vegetation. The project alignment is dominated by floodplain grasslands, floodplain forests, and maintained lawn. Approximately four to seven combined species of grasses and forbs are readily observable in the floodplain grassland. The floodplain forest consists of narrow strips of vegetation on the banks of the Elm Fork and its tributaries. Cedar Elm and Black Willow dominate the woody vegetation. The vertical structure of the floodplain forest includes a canopy taller than 12 feet with a 3 to 12 foot high understory. Most of the trees are less than 12 inches diameter at approximately 4.5 feet above the ground. Both floodplain grasslands and floodplain forests provide medium to low wildlife habitat value. Maintained lawn occurs in uplands adjacent to the outfall channels coming from Lake Carolyn and Lake Sitatunga. This area is dominated by grasses common to the Dallas/Fort Worth vicinity, which includes Bermuda Grass

(*Cynodon dactylon*), Japanese Brome (*Bromus japonicus*) and Smooth Brome (*Bromus inermis*). Plants species observed during the 1998 wetland delineation are listed below.

Table 3-1. Plant Species Observed During the May 1998 Wetland Delineation.

English Name	Latin Name
Giant Ragweed	<i>Ambrosia gigantea</i>
oats	<i>Avena fatua</i>
Japanese Brome	<i>Bromus japonicus</i>
Buffalo Grass	<i>Buchloe dactyloides</i>
Purple Poppy Mallow	<i>Callirhoe involucrata</i>
Crowfoot Sedge	<i>Carex crus-corvi</i>
Black Hickory	<i>Carya texana</i>
Sugarberry	<i>Celtis laevigata</i>
Wavyleaf Thistle	<i>Cirsium undulatum</i>
Bermuda Grass	<i>Cynodon dactylon</i>
Green Flatsedge	<i>Cyperus pseudovegetus</i>
Illinois Bundle Flower	<i>Desmanthus illinoensis</i>
Flatstem Spikerush	<i>Eleocharis compressa</i>
Virginia Wild Rye	<i>Elymus virginicus</i>
Green Ash	<i>Fraxinus pennsylvanica</i>
Velvet-leaf Butterflyweed	<i>Gaura parviflora</i>
Squirrel-tail Grass	<i>Hordeum jubatum</i>
Annual Sumpweed	<i>Iva annua</i>
Wild Bergamot	<i>Monarda fistulosa</i>
Eastern Cottonwood	<i>Populus deltoides</i>
Mesquite	<i>Prosopis juliflora</i>
Yellow Prairie Coneflower	<i>Ratibida columnaris</i>
Oklahoma Blackberry	<i>Rubus oklahomus</i>
Clasping Coneflower	<i>Rudbeckia amplexicaulis</i>
Curly Dock	<i>Rumex crispus</i>
Black Willow	<i>Salix nigra</i>
Silverleaf Nightshade	<i>Solanum elaeagnifolium</i>
Western Horse-nettle	<i>Solanum dimidiatum</i>
Johnson Grass	<i>Sorghum halepense</i>
Sand Dropseed	<i>Sporobolus cyptandrus</i>
Texas Needlegrass	<i>Stipa leucotricha</i>
Cedar Elm	<i>Ulmus crassifolia</i>

Source: Elm Fork Relief Interceptor Segment EF-2, Preliminary Jurisdictional Determination of Waters of the U.S., as prepared by Black and Veatch for the Trinity River Authority, August 1998, revised July 1999.

3.4.2 Wildlife. The wildlife habitat along the proposed sewer pipeline is poor quality habitat. The floodplain grassland, floodplain forests, and maintained lawn show no evidence of woody plant utilization by animals.

Wildlife in the project corridor is what would be expected in an urban area. Mammals, include coyote, raccoon, striped skunk, eastern cottontail, fox and gray squirrels, and opossum. Birds within the corridor include year-round residents and migratory species including the great blue heron, American crow, robin, starling, cardinal, eastern meadowlark, English sparrow, and red-tailed hawk. No rookeries or raptor nests were observed in the areas to be affected. Frogs, snakes, and turtles are also present along the corridor.

3.4.3 Protected Species. No threatened or endangered mammals, amphibians, reptiles, or fish are expected to occur in the project area, nor were any of these wildlife species encountered during onsite surveys. The EF-2 alignment was thoroughly investigated by project biologists for the presence of any threatened or endangered species or suitable habitat for these species. No evidence that any of these species occur in or near the corridor or otherwise use the project area was found. Habitat considered suitable for protected species is not present in the project area, largely because of the location in an urban area.

Based on information provided by officials at the U.S. Fish and Wildlife Service (FWS) and Texas Parks and Wildlife Department (TPWD), impacts to protected species in the project vicinity are considered highly unlikely (See Appendix F). Because of past landscape modifications for flood and stormwater control, the project area lacks suitable habitat for any of the species considered. Former floodplain forest has largely been converted to an urban landscape where small woodlots or maintained lawns at the rear of residential and commercial properties predominate. Protected wildlife species with known occurrences in Dallas County are listed in Table 3-1. No plants are listed for legal protection at the federal or state levels in Dallas County.

or other problems often associated with stormwater runoff, including regularly scheduled inspection and repair of installed BMPs.

Permanent loss of jurisdictional areas would occur from the project. Because on-site wetland creation is deemed unlikely to succeed and a suitable mitigation site has been elusive, in compliance with COE requirements the use of mitigation banking for unavoidable wetland impacts will be used to compensate the permanent impacts and the loss of forested wetlands. Should a banking option become unavailable, a fee-in-lieu arrangement or off-site mitigation may be considered.

4.4 Biological Elements

During the third quarter of 1998, U.S. Fish and Wildlife Service was consulted concerning the potential for project impacts to wildlife and habitat, especially protected species of plants and animals. The opinion letter from the agency regarding the project and protected wildlife and habitat is included in Appendix F. It is anticipated that no significant changes in threatened or endangered species has occurred in the interim, based on a review of the site conditions in 2008.

4.4.1 Vegetation. Potential impacts to existing vegetation conditions will be minimized by using BMPs during construction, such as conducting grading under low water or dry conditions or excavation only in areas under active construction. In addition, the EF-2 alignment was selected to avoid forested areas and wetlands to the maximum extent practicable.

Upon completion of construction, areas will be re-vegetated to pre-construction conditions. In most cases this will be an approved grass cover using species native to the project area.

4.4.2 Wildlife. No significant impact to wildlife or wildlife habitat from the project is anticipated. The wildlife present is typical of mixed urban and rural areas and does not represent a unique or rare wildlife assemblage. While the wildlife is expected to avoid the project area during construction due to the presence of workers and equipment, wildlife should return once construction is completed and pre-construction conditions are restored.

4.4.3 Protected Species. There is no evidence demonstrating that any Texas or federal protected species occur in the project area. Therefore, the project is expected to



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

REPLY TO
ATTENTION OF:

December 20, 2011

NOTICE OF AVAILABILITY

**DRAFT ENVIRONMENTAL ASSESSMENT
TRINITY RIVER AUTHORITY OF TEXAS
ELM FORK RELIEF INTERCEPTOR SEGMENT EF-2**

The public is hereby notified of the availability of the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the proposed Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority of Texas. The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts on the human and natural environment which may result from the proposed construction. The Elm Fork Relief Interceptor Segment EF-2 is a proposed sewer line located within the Northwest Levee floodway, which is a completed USACE public works project, along the Elm Fork of the Trinity River. Proposed modifications by non-federal entities must adhere to 33 USC Section 408, including preparation of a National Environmental Policy Act (NEPA) document. Black and Veatch Corporation, on behalf of the Trinity River Authority of Texas, have prepared a Draft Environmental Assessment (EA) to address NEPA compliance and disclose all associated impacts for public review.

The Draft EA will be available for review at the following locations:

City of Irving
825 W. Irving Blvd.
Irving, TX 75060

Trinity River Authority of Texas
5300 South Collins
Arlington, TX 76044

The Draft EA can also be viewed via the Internet on the Fort Worth District website at the following address: www.swf.usace.army.mil

A 30-day public comment period begins with publication of this Notice of Availability. Please address any comments to Mrs. Mandy McGuire, CESWF-PER-EE, P.O. Box 17300, Fort Worth, Texas 76102-0300 or by email at amanda.mcguire@usace.army.mil.

A handwritten signature in black ink, appearing to read "Rob Newman".

Rob Newman
Acting Chief, Planning, Environmental,
And Regulatory Division



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

REPLY TO
ATTENTION OF:

December 20, 2011

Planning, Environmental, and Regulatory Division

Mr. Michael Jansky
Office of Planning and Coordination
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Mail Stop 6ENXP
Dallas, Texas 75202

Dear Mr. Jansky:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from the proposed construction of the Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority of Texas. The Elm Fork Relief Interceptor Segment EF-2 is a proposed sewer line located within the Northwest Levee floodway, which is a completed USACE public works project, along the Elm Fork of the Trinity River. Proposed modifications by non-federal entities must adhere to 33 USC Section 408, including preparation of a National Environmental Policy Act (NEPA) document. Black and Veatch Corporation, on behalf of the Trinity River Authority of Texas, have prepared a Draft Environmental Assessment (EA) to address NEPA compliance and disclose all associated impacts for public review.

A Public Notice has been prepared to notify the public of this action and to solicit comments. The Public Notice, draft FONSI and EA are enclosed with this communication for your review and to solicit any additional comments or concerns your agency may have regarding this action. We will consider any comments that we receive from you by the close of the comment period as indicated on the Public Notice. Please address any comments you may have to the contact indicated in the Public Notice. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rob Newman", is written over a horizontal line.

Rob Newman
Acting Chief, Planning, Environmental, and
Regulatory Division

Enclosures



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

REPLY TO
ATTENTION OF:

December 20, 2011

Planning, Environmental, and Regulatory Division

Mr. Tom Heger
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Dear Mr. Heger:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from the proposed construction of the Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority of Texas. The Elm Fork Relief Interceptor Segment EF-2 is a proposed sewer line located within the Northwest Levee floodway, which is a completed USACE public works project, along the Elm Fork of the Trinity River. Proposed modifications by non-federal entities must adhere to 33 USC Section 408, including preparation of a National Environmental Policy Act (NEPA) document. Black and Veatch Corporation, on behalf of the Trinity River Authority of Texas, have prepared a Draft Environmental Assessment (EA) to address NEPA compliance and disclose all associated impacts for public review.

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Rob Newman
Acting Chief, Planning, Environmental, and
Regulatory Division

Enclosures



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

REPLY TO
ATTENTION OF:

December 20, 2011

Planning, Environmental, and Regulatory Division

Kathy Boydston
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Dear Ms. Boydston:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from the proposed construction of the Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority of Texas. The Elm Fork Relief Interceptor Segment EF-2 is a proposed sewer line located within the Northwest Levee floodway, which is a completed USACE public works project, along the Elm Fork of the Trinity River. Proposed modifications by non-federal entities must adhere to 33 USC Section 408, including preparation of a National Environmental Policy Act (NEPA) document. Black and Veatch Corporation, on behalf of the Trinity River Authority of Texas, have prepared a Draft Environmental Assessment (EA) to address NEPA compliance and disclose all associated impacts for public review.

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Rob Newman
Acting Chief, Planning, Environmental, and
Regulatory Division

Enclosures



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

REPLY TO
ATTENTION OF:

December 20, 2011

Planning, Environmental, and Regulatory Division

Mr. Thomas Cloud, Jr.
U.S. Fish and Wildlife Service
Ecological Services
711 Stadium Drive, Suite #252
Arlington, TX 76011

Dear Mr. Cloud:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from the proposed construction of the Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority of Texas. The Elm Fork Relief Interceptor Segment EF-2 is a proposed sewer line located within the Northwest Levee floodway, which is a completed USACE public works project, along the Elm Fork of the Trinity River. Proposed modifications by non-federal entities must adhere to 33 USC Section 408, including preparation of a National Environmental Policy Act (NEPA) document. Black and Veatch Corporation, on behalf of the Trinity River Authority of Texas, have prepared a Draft Environmental Assessment (EA) to address NEPA compliance and disclose all associated impacts for public review.

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Rob Newman
Acting Chief, Planning, Environmental, and
Regulatory Division

Enclosures



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

REPLY TO
ATTENTION OF:

December 20, 2010

Planning, Environmental, and Regulatory Division

David W. Galindo, Team Leader
Standards Implementation Team - Water Quality Division
Texas Commission on Environmental Quality
12100 Park Circle 35, Building F
Austin, Texas 78711

Dear Mr. Galindo:

The U.S. Army Corps of Engineers (USACE) is assessing the potential impacts to the environment which may result from the proposed construction of the Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority of Texas. The Elm Fork Relief Interceptor Segment EF-2 is a proposed sewer line located within the Northwest Levee floodway, which is a completed USACE public works project, along the Elm Fork of the Trinity River. Proposed modifications by non-federal entities must adhere to 33 USC Section 408, including preparation of a National Environmental Policy Act (NEPA) document. Black and Veatch Corporation, on behalf of the Trinity River Authority of Texas, have prepared a Draft Environmental Assessment (EA) to address NEPA compliance and disclose all associated impacts for public review.

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Rob Newman
Acting Chief, Planning, Environmental, and
Regulatory Division

Enclosures



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

REPLY TO
ATTENTION OF:

December 20, 2011

Planning, Environmental, and Regulatory Division

Mr. Stratford Williams, President
Wichita Executive Committee
1 1/2 Mile North on Hwy 281,
Anadarko, OK 73 005
(405)247-2425

Dear Mr. Williams:

The United States Army Corps of Engineers (USACE) is evaluating a proposed 33 USC Section 408 action for the construction of the Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority. The purpose of the interceptor is to provide supplemental capacity for the overloaded existing lines and to provide for future anticipated demand.

The Section 408 process includes preparing a National Environmental Policy Act (NEPA) Document that is attached for your information. The Elm Fork Relief Interceptor Segment EF-2 is a proposed sewer line to be located adjacent to the Northwest Levee along the Elm Fork of the Trinity River.

The purpose of this notice is to identify all federally-recognized Indian tribes who may be culturally affiliated with this region in order that we may gain historical and cultural information and to initiate consultation with tribes who historically used this region and/or continue to use the area for cultural or religious purposes.

No archeological sites, traditional cultural properties or tribal sacred sites have been identified the area of potential effect of this undertaking. However, if your tribe has historical or cultural information about sacred sites or other traditional or cultural properties that could be impacted by the project, please contact us immediately.

If you wish to initiate government to government consultation to discuss any cultural affiliation or significance that your tribe may attach to the area, please respond in writing within 30 days of receipt of this letter. Any request for consultation should include the names and method of contacting your tribal representatives, traditional religious leaders or other appropriate points of contact. If you do not respond to this notice within the 30 days we will assume that your tribal community has no information and does not wish to initiate consultation.

If you have questions or request further information, please do not hesitate to contact Joseph Murphey, cultural resources technical expert, by email at joseph.murphey@us.army.mil or at 817-229-1956.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Newman". The signature is fluid and cursive, with the first name "Rob" being more prominent than the last name "Newman".

Rob Newman
Acting Chief, Planning, Environmental, and
Regulatory Division

Enclosures



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

REPLY TO
ATTENTION OF:

December 20, 2011

Planning, Environmental, and Regulatory Division

Mr. Ronald D. Twohatchet, Chairman
Comanche Indian Tribe of Oklahoma
584 NW Bingo Rd
Lawton, OK 73502
(877)492-4988

Dear Mr. Twohatchet:

The United States Army Corps of Engineers (USACE) is evaluating a proposed 33 USC Section 408 action for the construction of the Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority. The purpose of the interceptor is to provide supplemental capacity for the overloaded existing lines and to provide for future anticipated demand.

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Rob Newman
Acting Chief, Planning, Environmental, and
Regulatory Division

Enclosures



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

REPLY TO
ATTENTION OF:

December 20, 2011

Planning, Environmental, and Regulatory Division

Mr. Don Tofpi, Chairperson
THPO: Ms. Jamie Eskew
Kiowa Indian Tribe of Oklahoma
Kiowa Way Hwy 9 West
Carnegie, OK 730 15
(580)654-2300

Dear Mr. Tofpi:

The United States Army Corps of Engineers (USACE) is evaluating a proposed 33 USC Section 408 action for the construction of the Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority. The purpose of the interceptor is to provide supplemental capacity for the overloaded existing lines and to provide for future anticipated demand.

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Rob Newman
Acting Chief, Planning, Environmental, and
Regulatory Division

Enclosures



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

REPLY TO
ATTENTION OF:

December 20, 2011

Planning, Environmental, and Regulatory Division

Mr. Mark Wolfe, Executive Director
Texas Historical Commission
1511 Colorado
Austin, Texas 78701

Dear Mr. Wolfe:

The United States Army Corps of Engineers (USACE) is evaluating a proposed 33 USC Section 408 action for the construction of the Elm Fork Relief Interceptor Segment EF-2 by the Trinity River Authority. The Elm Fork Relief Interceptor Segment EF-2 is a proposed sewer line to be located adjacent to the Northwest Levee along the Elm Fork of the Trinity River. The purpose of the interceptor is to provide supplemental capacity for the overloaded existing lines and to provide for future anticipated demand. This constitutes an undertaking under Section 106 of the National Historic Preservation Act of 1966.

Attached for your review and comment is the associated National Environmental Policy Act (NEPA) Document for the project. USACE previously coordinated the potential to impact archeological resources with your office and the correspondence is located in the attached NEPA document. However, there was no discussion of built resources at that time. USACE now finds that the Area of Potential Effect is limited to the construction trench of the interceptor located within the floodplain and there are no historic properties present, as there are no built resources within the APE. Post construction, the area will be returned to its previous state and therefore has no potential to affect the view shed of the floodway. We seek your concurrence on our findings.

If you have questions or request further information, please do not hesitate to contact Joseph Murphey, USACE Fort Worth District Historical Architect, by email at joseph.murphey@us.army.mil or at 817-229-1956.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Newman".

Rob Newman
Acting Chief, Planning, Environmental, and
Regulatory Division

Enclosures