Public Notice

US Army Corps of Engineers
Fort Worth District

Applicant: City of Arlington

Permit Application No.: SWF-2009-00134

Date: November 5, 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: Ms. Mary Verwers

Phone Number: (817) 886-1739

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 construction of stream channelization measures along two unnamed tributaries to Rush Creek located in the vicinity of Arbrook Boulevard between Melear Drive and Beverly Lane in the City of Arlington, Tarrant County, Texas.

APPLICANT: City of Arlington, Public Works and Transportation
Mr. Daniel Burnham
101 W. Abram Street
Arlington, Texas 76004-3231

APPLICATION NUMBER: SWF-2009-000134

DATE ISSUED: November 5, 2009

LOCATION: The proposed stream channelization project is located along two tributaries to Rush Creek located in the City of Arlington, Tarrant County, Texas. The northern limit of the project area is located approximately 740 feet north of the intersection of Arbrook Boulevard and Melear Drive and the southern limit of the project area is located approximately 500 feet south of the intersection of Arbrook Boulevard and Beverly Lane. The proposed project would be located approximately at UTM coordinates 674281.6 East and 3618074.9 North (Zone 14) on the Kennedale, Texas 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12030102.

OTHER AGENCY AUTHORIZATIONS: Section 401 State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to construct drainage improvements along portions of two ephemeral tributaries to Rush Creek by stream realignment, channel armoring with gabion baskets, and the installation of culverts and drop structures (Sheets 1 – 18 of 18). The proposed project reach is divided into five zones (Sheet 4 of 18) and includes approximately 2,663 linear feet of Tributary 1 and 119 linear feet of Tributary 2. The basic project purposes are flood and erosion control. The overall project purposes are to reduce the water surface elevation associated with the modeled 100-year floodplain along the two unnamed ephemeral tributaries to Rush Creek in the vicinity of Arbrook Boulevard and Beverly Lane in the City of Arlington, and to stabilize the erosion that is ongoing along these two tributaries. The project area is located in an urbanized

residential area bordered by single family homes and a recreational vehicle/mobile home park. The residents in the project area have experienced flooding during heavy rain storms and periods of extended rain. In addition, some public infrastructure, residential yards, fences, and trees have been undermined by stream bank erosion and scouring along the tributaries in the project area.

Waters of the U.S. located in the proposed project area consist of approximately 2,663 linear feet (0.404 acre) of Tributary 1, an unnamed ephemeral tributary of Rush Creek, and approximately 119 linear feet (0.006 acre) of Tributary 2, an unnamed ephemeral tributary of Tributary 1. Rush Creek is a tributary to Village Creek, which is a tributary to the West Fork Trinity River.

Vegetation along Tributaries 1 and 2 can be characterized as either manicured private yards or natural riparian areas. There are also two portions of Tributary 1 that have been previously channelized with either gabions or concrete. These existing channelized portions are within Zone 2 and Zone 4 as shown on Sheet 4 of 18. Vegetation located along private residential areas consists of hackberry (*Celtis laevigata*), bur oak (*Quercus macrocarpa*), Shumard oak (*Q. shumardii*), crepe myrtle (*Lagerstroemia indica*), wax-leaf ligustrum (*Ligustrum japonicum*), bermuda grass (*Cynodon dactylon*), purple prairie clover (*Dalea purpurea*), and tall fescue (*Festuca arundinacea*). The natural riparian vegetation does not appear to receive regular maintenance and consists of trees and shrubs of bur oak, hackberry, black willow (*Salix nigra*), wax-leaf ligustrum, yaupon (*Ilex vomitoria*) eastern red cedar (*Juniperus virginiana*), with herbaceous and woody vine cover of greenbrier (*Smilax bona-nox*), tall fescue and bermuda grass.

Tributary 1 exhibits a range of depths and widths throughout the project area. The depth of the stream bed from the top of bank varies from four to ten feet deep, and the width of the ordinary high water mark varies from one to ten feet wide. Tributary 2 is relatively narrow; the ordinary high water mark varies from one to two feet wide. The depth of Tributary 2 is relatively shallow, however there is some downcutting that increases with proximity to Tributary 1.

The applicant proposes to discharge approximately 456 cubic yards of gabions and concrete into approximately 1,926 linear feet (0.281 acre) of Tributaries 1 and 2 in association with the construction of the proposed flood control and erosion control project. Descriptions of the project area and the work proposed for Zones 1 through 5 (Sheet 4 of 18) are detailed below:

Zone 1 – This project reach contains Tributary 1 and begins east of Melear Drive and flows southwest for a distance of approximately 557 linear feet (0.068 acre). There is an existing 8 x 4-feet concrete box culvert at Melear Drive. The applicant proposes to remove this culvert and install two new 8 x 5-feet concrete culverts at Melear Drive. The applicant proposes to realign the earthen channel of Tributary 1 in Zone 1 and line the stream bed with a gabion mattress and stream banks with gabion baskets. Approximately 113 cubic yards of gabions and concrete would be discharged into waters of the U.S. in Zone 1 (Sheets 5 through 8 of 18).

Zone 2 – This reach of Tributary 1 is approximately 337 linear feet (0.062 acre) and is currently a gabion-lined channel. The proposed gabion-lined Tributary 1 in Zone 1 would be transitioned into

the existing channel in Zone 2. No discharges into waters of the U.S. are proposed for Zone 2 (Sheets 7 and 9 of 18).

Zone 3 – This reach of Tributary 1 is approximately 254 linear feet (0.057 acre). The applicant proposes to realign the earthen channel and line the stream bed with a gabion mattress and stream banks with gabion baskets. Approximately 89 cubic yards of gabions would be discharged into waters of the U.S. in Zone 3. The applicant proposes to tie the new channel in Zone 3 (Sheets 9 and 10 of 18) into the existing gabion-lined channel in Zone 2 and the concrete-lined channel in Zone 4.

Zone 4 – This reach of Tributary 1 is currently a 519 linear feet (0.068 acre) concrete-lined channel including two 6 x 6-feet concrete culverts that are located under Glen Brook Drive and Glen Creek Court. The applicant proposes to widen a portion of the existing concrete-lined channel and install a new 193-feet-long, 8 x 6-feet concrete culvert along the north side of the existing culverts (Sheets 9, 11 and 12 of 18). The installation of the new culvert would not involve any discharge into waters of the U.S.

Zone 5 – This reach contains approximately 996 linear feet (0.151 acre) of Tributary 1 and approximately 119 linear feet (0.006 acre) of Tributary 2 (Sheets 13 through 18 of 18). The confluence of Tributaries 1 and 2 is located approximately 700 feet downstream of Arbrook Boulevard. The applicant proposes to replace the existing 8 x 5-feet concrete culvert at Arbrook Boulevard with three 9 x 5-feet concrete box culverts. The applicant proposes to realign the earthen channels of Tributaries 1 and 2 and line the stream beds with gabion mattresses and the stream banks with gabion baskets. The applicant would also install one gabion drop structure and an outfall structure on Tributary 1 and three gabion drop structures on Tributary 2. The downstream terminus of Tributary 1 in Zone 5 would be graded and lined with gabion mattresses to transition into the natural earthen channel. Approximately 244 cubic yards of gabions and concrete would be discharged into Tributary 1 and approximately 10 cubic yards of gabions would be discharged into Tributary 2 in Zone 5.

Since the proposed project purpose is to alleviate local flooding and erosion, the applicant did not consider alternative project locations. The No Action Alternative would result in the proposed project not being built and subsequently, no project-related adverse impacts to waters of the U.S. Local flooding and erosion along Tributaries 1 and 2 would continue and the applicant's proposed purpose would not be met.

The applicant identified and considered several alternatives during the planning phase of the proposed project. The applicant considered armoring the realigned channels with concrete instead of gabions, but discounted this alternative because of the greater impact to waters of the U.S. and costs associated with this option. The applicant also considered excavating the overbanks of the tributaries to fully contain the 100-year flood events. The applicant rejected this option because of space limitations. This alternative would have required the acquisition of additional easements and properties within the immediate area, and removal of trees and shrubs in the riparian corridor. The last alternative considered by the applicant was a buy-out option, requiring the acquisition of adjacent properties along the project area. The applicant discounted this option because of the cost

associated with the purchase of all adjacent properties and because this option would not address the erosion problem. The applicant believes that the proposed alternative represents the least damaging practicable alternative.

The applicant has stated that the anticipated schedule to initiate the proposed project is June 2010, provided all necessary permits are obtained.

A compensatory mitigation proposal is not being presented for this project because the applicant believes that the proposed project will provide flood control and erosion control benefits to the tributaries and the project area. The applicant has considered stream hydrologic, flood storage, and water quality functions, and believes that these functions would be replaced and/or improved on site with post-project conditions.

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. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public, federal, state, and local agencies and officials; Indian Tribes; and other interested parties, in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE in determining whether to issue, issue with modifications, or conditions, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

STATE WATER QUALITY CERTIFICATION: This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By

virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. **Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087.** The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine whether any may occur in the project area. The proposed project would be located in Tarrant County where the least tern (*Sterna antillarum*) and the whooping crane (*Grus Americana*) are known to occur or may occur as migrants. The least tern and whooping crane are endangered species. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The 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. The tributaries of Rush Creek are within a highly urbanized neighborhood watershed. Portions of Tributary 1 have been channelized. The proposed project has a low potential for impacting historic properties. 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.

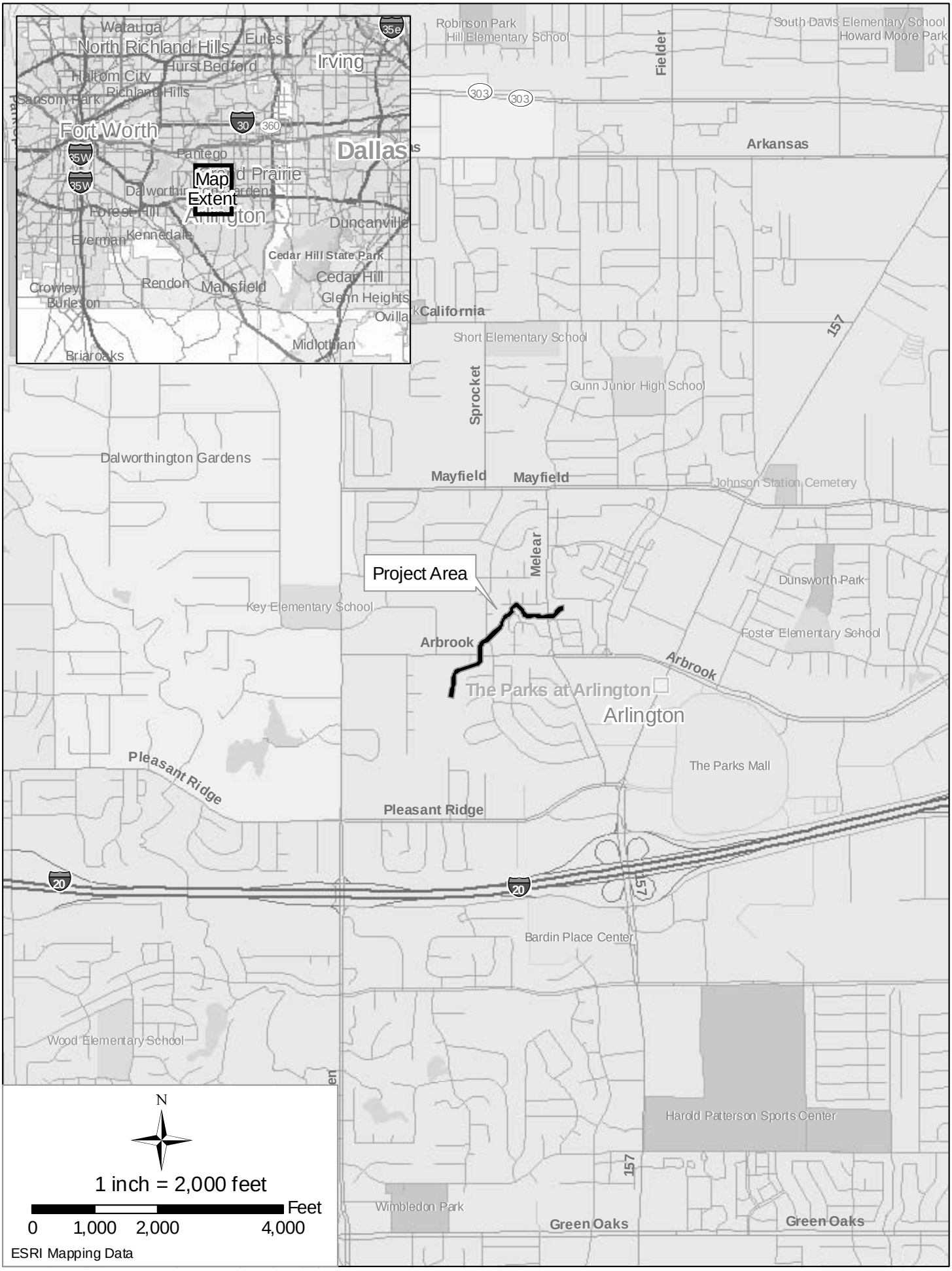
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

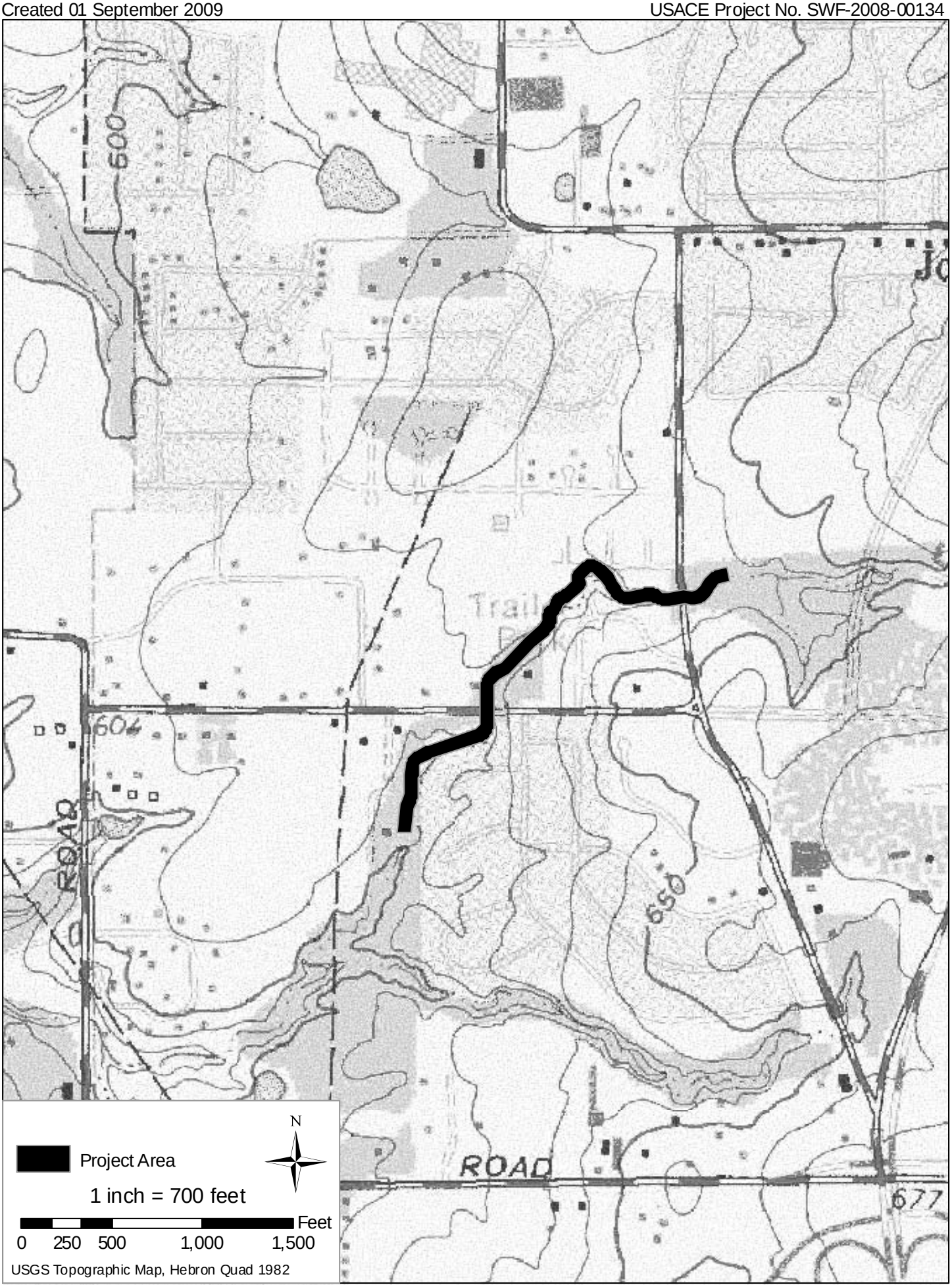
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit

decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

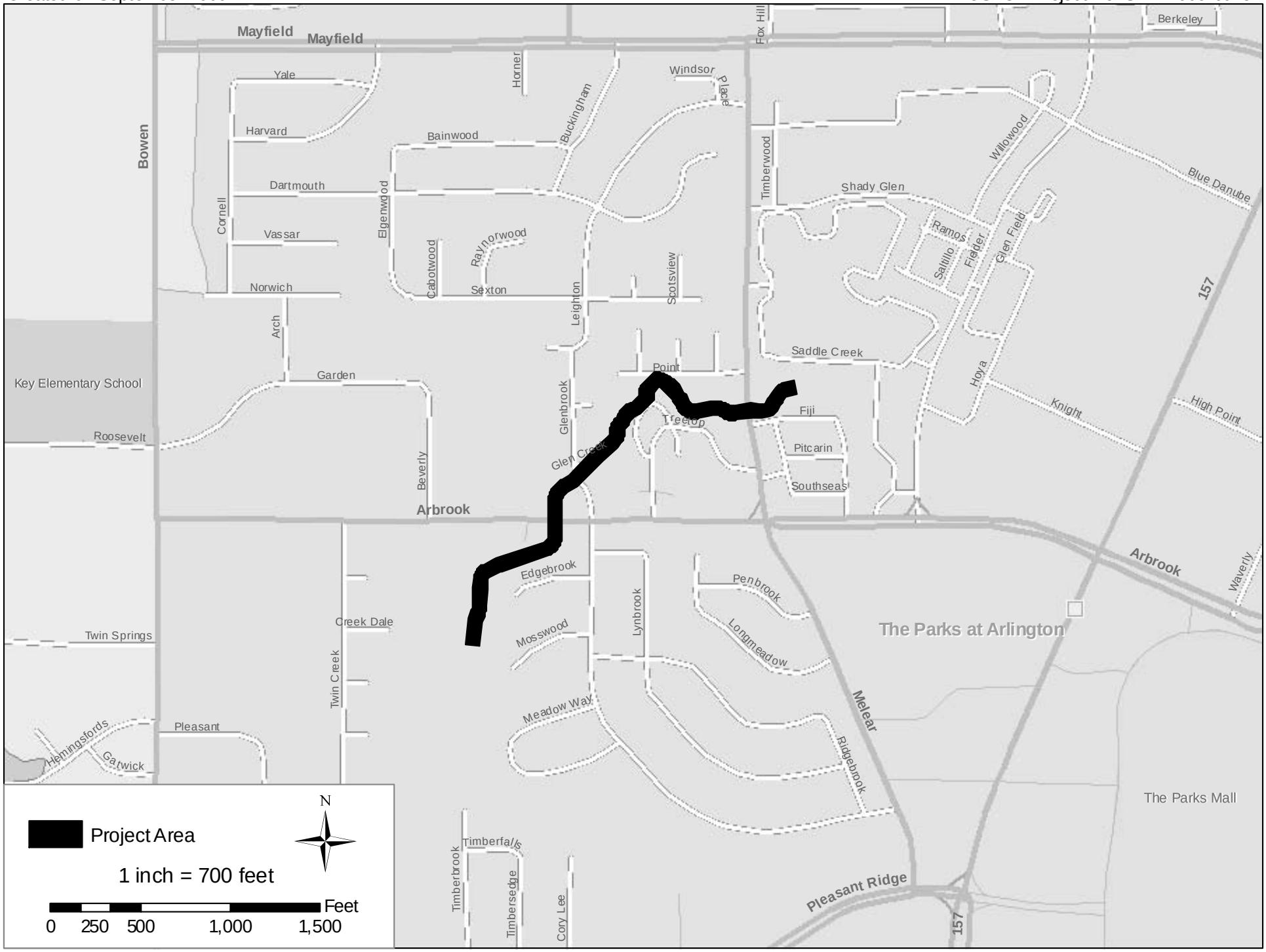
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before December 5, 2009, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to; Ms. Mary Verwers; 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

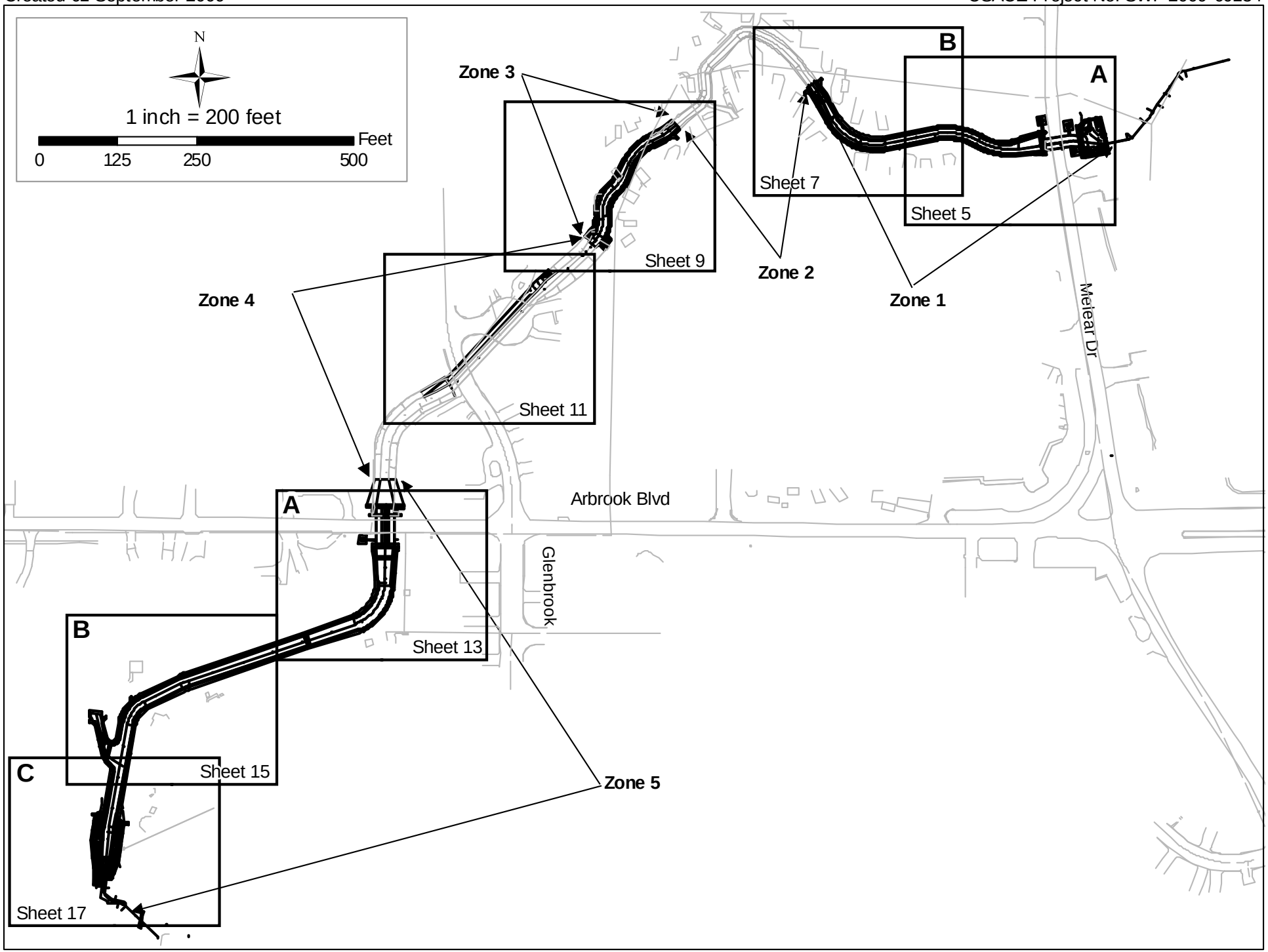

Watauga
North Richland Hills
Euless
Hurst
Bedford
Irving
Haltom City
Richland Hills
Sansom Park
Fort Worth
Dallas
Pantego
Grand Prairie
Map Extent
Arlington
Dalworthington Gardens
Forest Hill
Everman
Kennedale
Duncanville
Cedar Hill State Park
Cedar Hill
Crowley
Rendon
Mansfield
Burleson
Glenn Heights
Ovilla
California
Midlothian
Briarcaks
Robinson Park
Hill Elementary School
South Davis Elementary School
Howard Moore Park
Fielder
303
Arkansas
157
Short Elementary School
Sprocket
Gunn Junior High School
Dalworthington Gardens
Mayfield
Mayfield
Johnson Station Cemetery
Melear
Project Area
Dunsworth Park
Key Elementary School
Foster Elementary School
Arbrook
Arbrook
The Parks at Arlington
Arlington
The Parks Mall
Pleasant Ridge
Pleasant Ridge
20
20
157
Bardin Place Center
Wood Elementary School
Harold Patterson Sports Center
157
Wimbledon Park
Green Oaks
Green Oaks
N
1 inch = 2,000 feet
Feet
0 1,000 2,000 4,000
ESRI Mapping Data

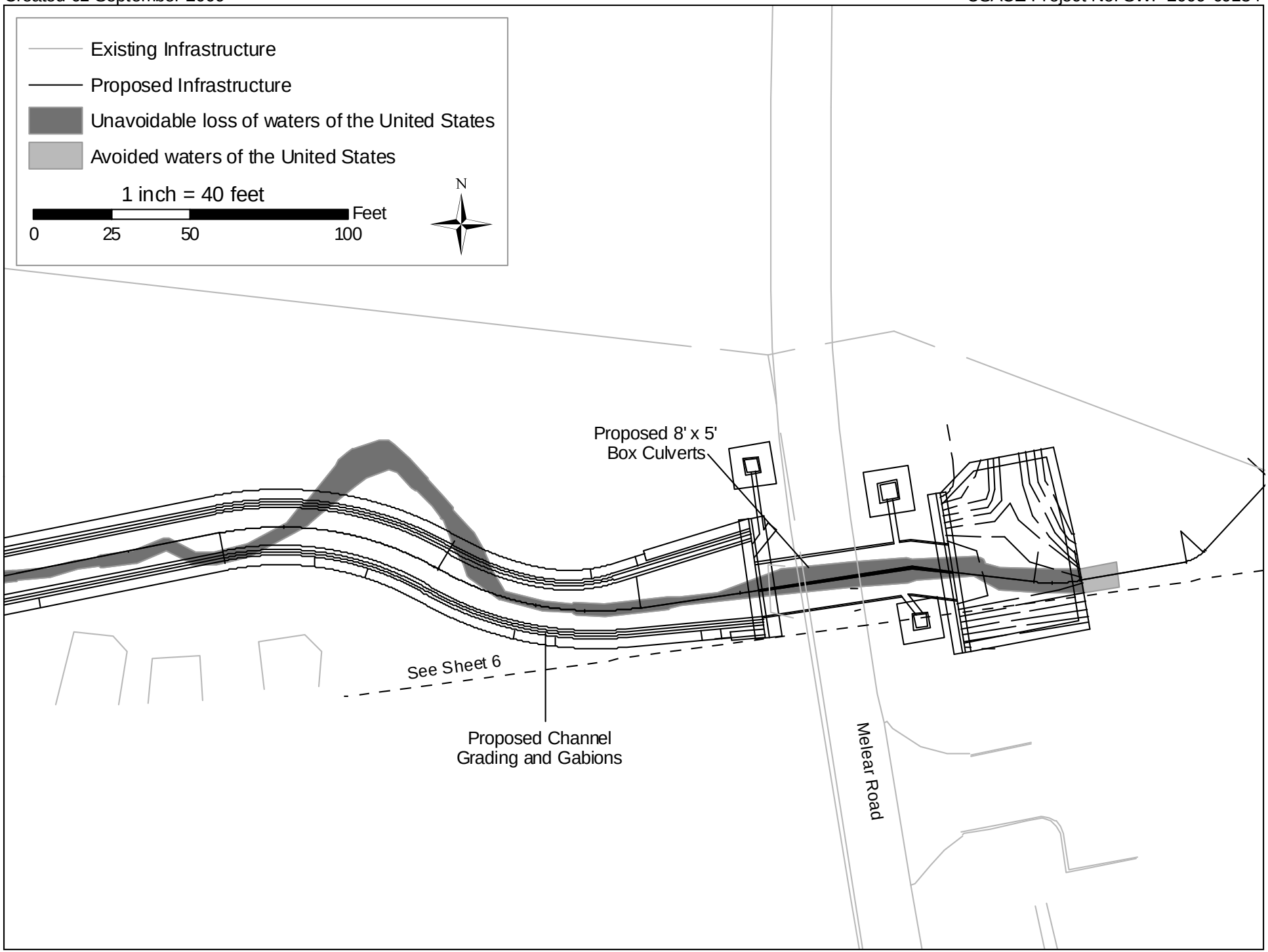


Sheet 2 of 18 - Project Boundary on U.S. Geological Survey Topographic Map

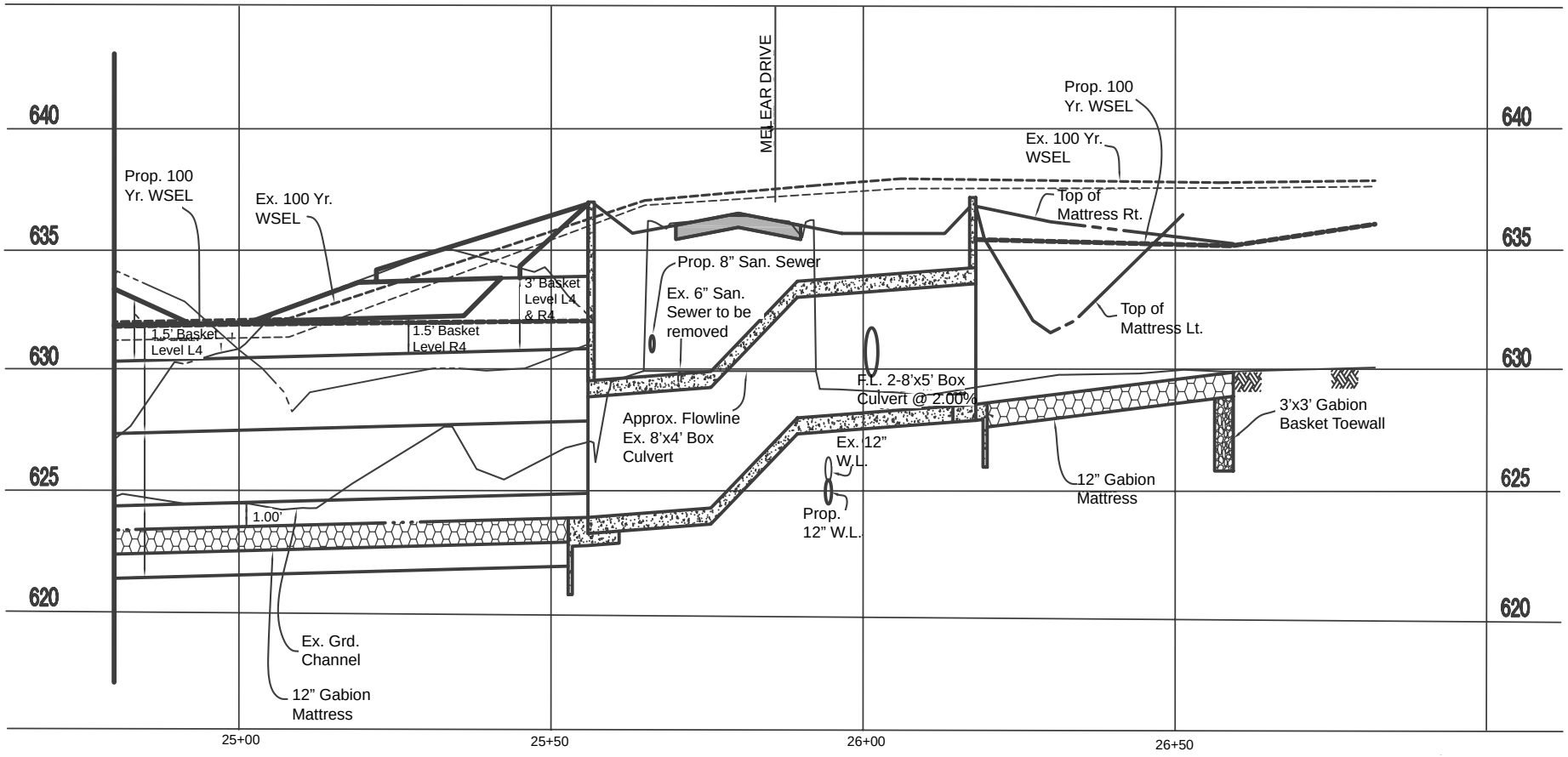


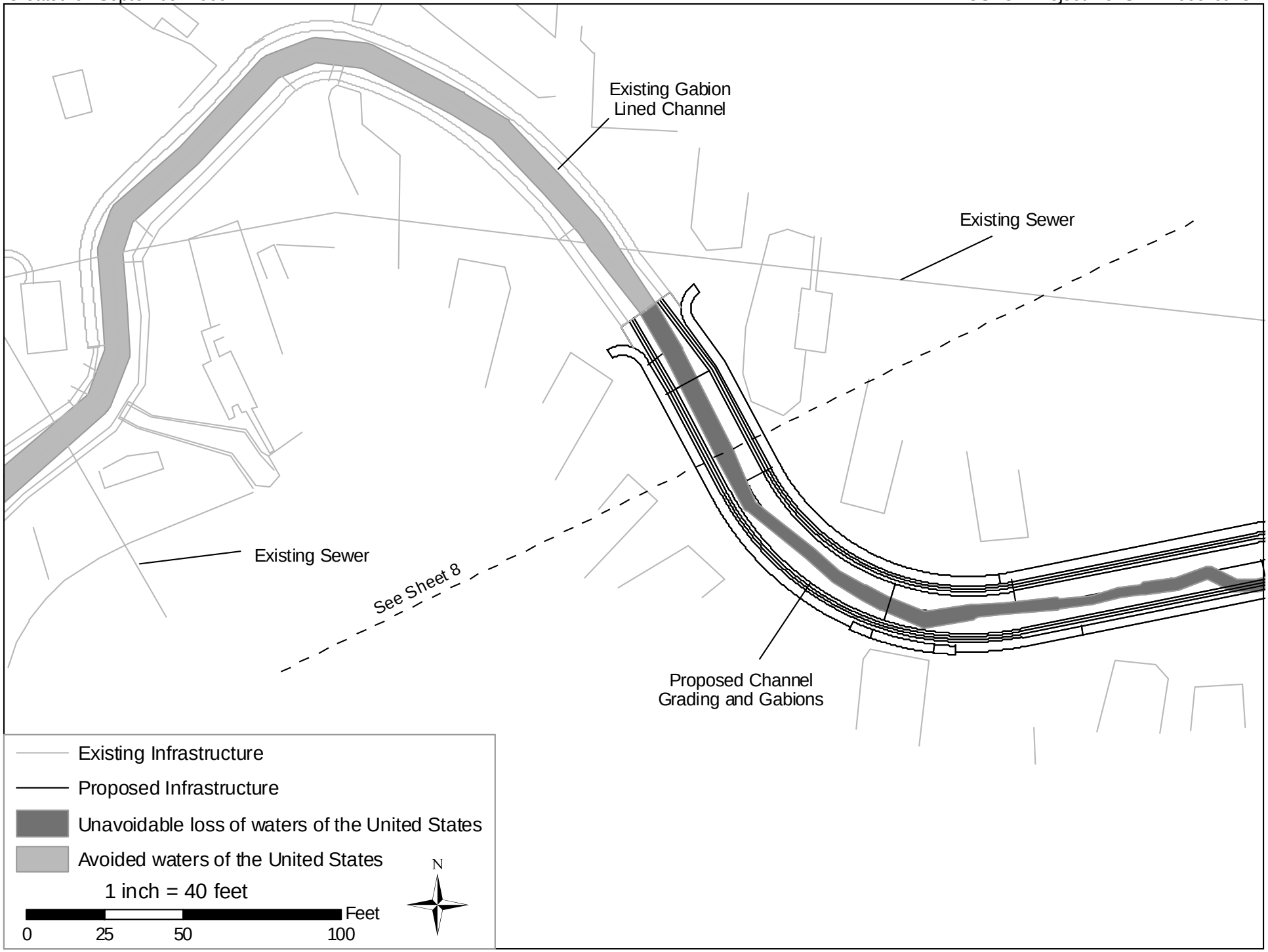
Sheet 3 of 18 - Project Limits


N
1 inch = 200 feet
Feet
0
125
250
500
Zone 3
B
A
Sheet 7
Sheet 5
Sheet 9
Zone 2
Zone 1
Zone 4
Meiear Dr
Sheet 11
Arbrook Blvd
A
Glenbrook
B
Sheet 13
Sheet 15
C
Zone 5
Sheet 17

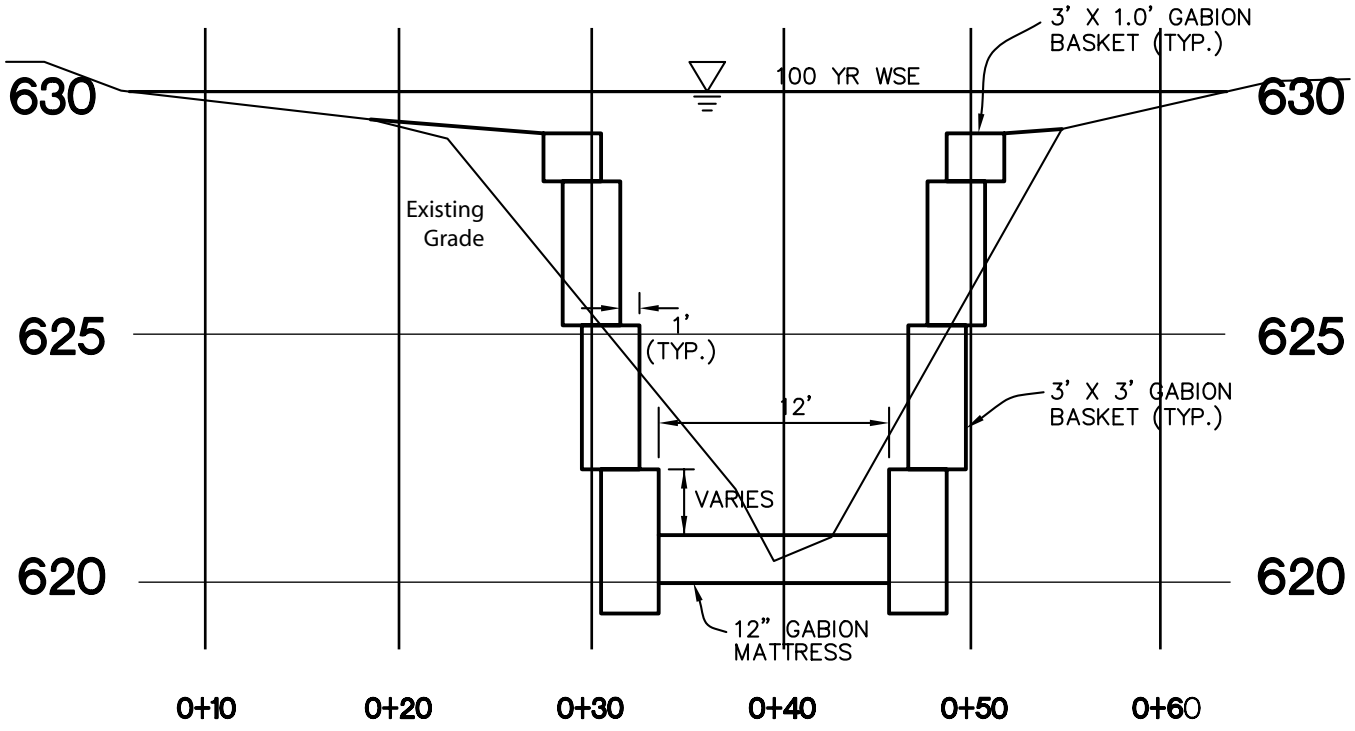


Sheet 5 of 18 - Zone 1 (A) Proposed Drainage Improvements with Unavoidable Losses of Waters of the United States

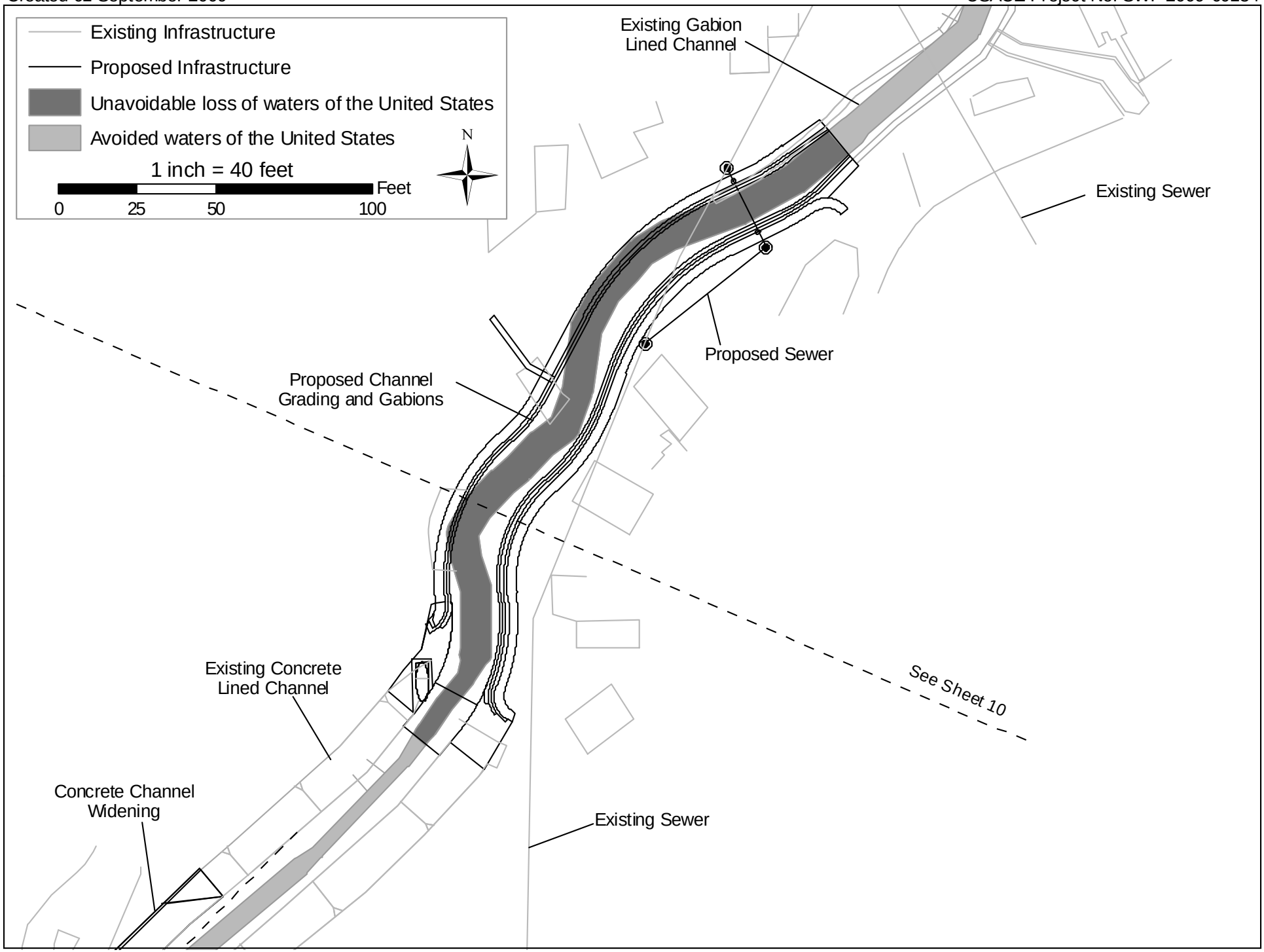

640
635
630
625
620
MELEAR DRIVE
Prop. 100 Yr. WSEL
Ex. 100 Yr. WSEL
Prop. 100 Yr. WSEL
Ex. 100 Yr. WSEL
Top of Mattress Rt.
Top of Mattress Lt.
3' Basket Level L4 & R4
1.5' Basket Level L4
1.5' Basket Level R4
Prop. 8" San. Sewer
Ex. 6" San. Sewer to be removed
F.L. 2-8'x5' Box Culvert @ 2.00%
Approx. Flowline Ex. 8'x4' Box Culvert
Ex. 12" W.L.
Prop. 12" W.L.
12" Gabion Mattress
3'x3' Gabion Basket Toewall
1.00'
Ex. Grd. Channel
12" Gabion Mattress
25+00
25+50
26+00
26+50

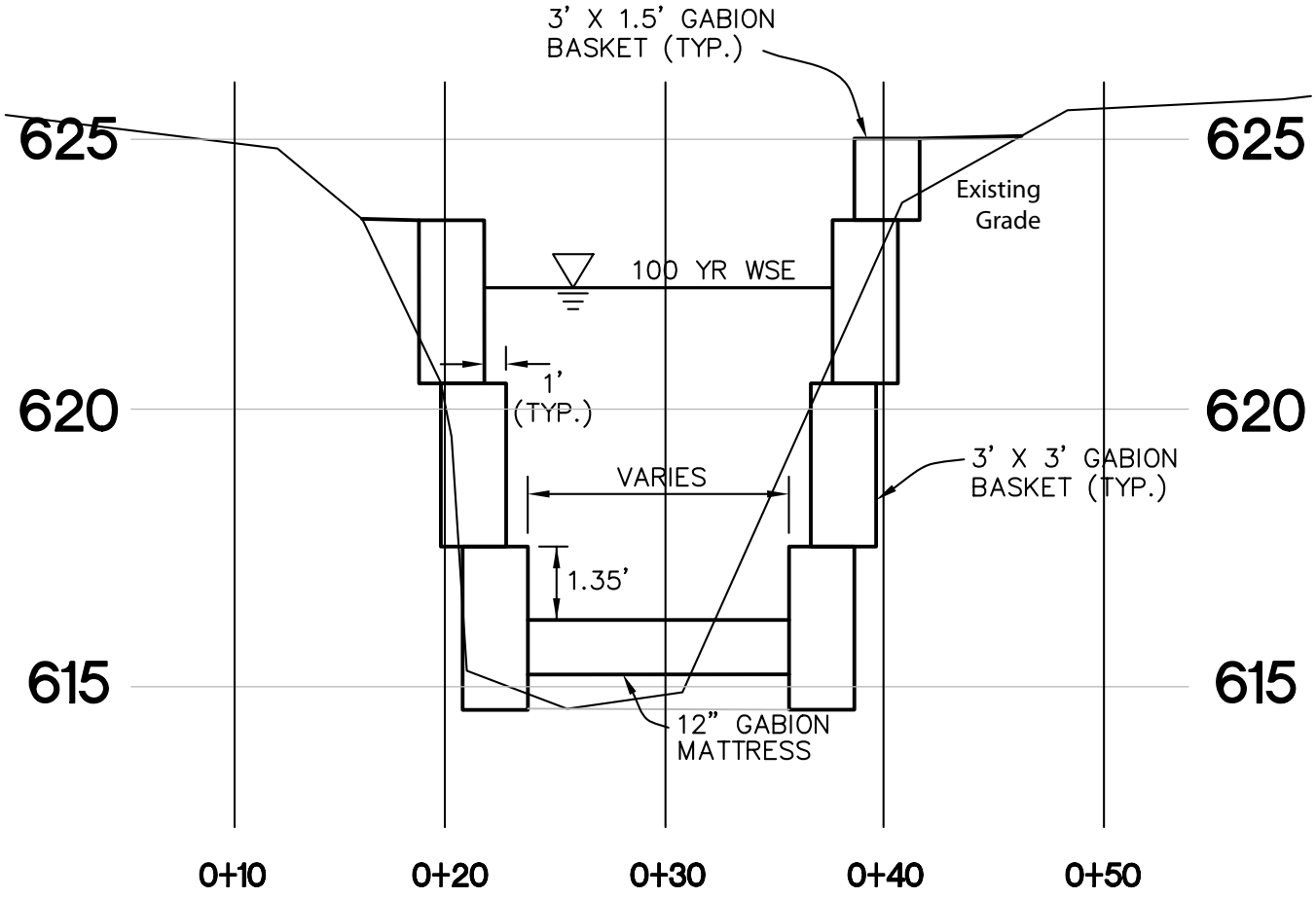


Sheet 7 of 18 - Zone 1 (B) Proposed Drainage Improvements with Unavoidable Losses of Waters of the United States

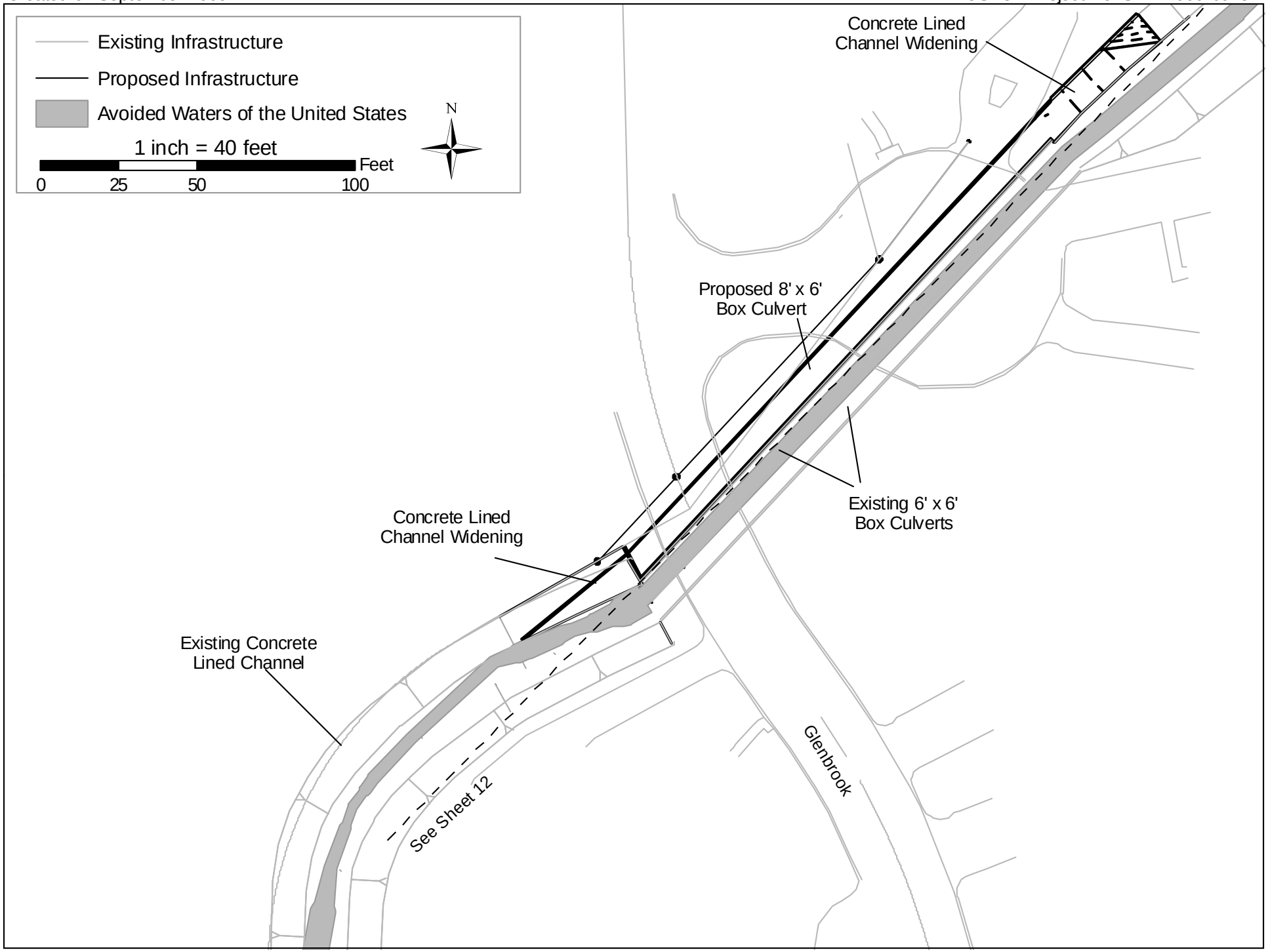


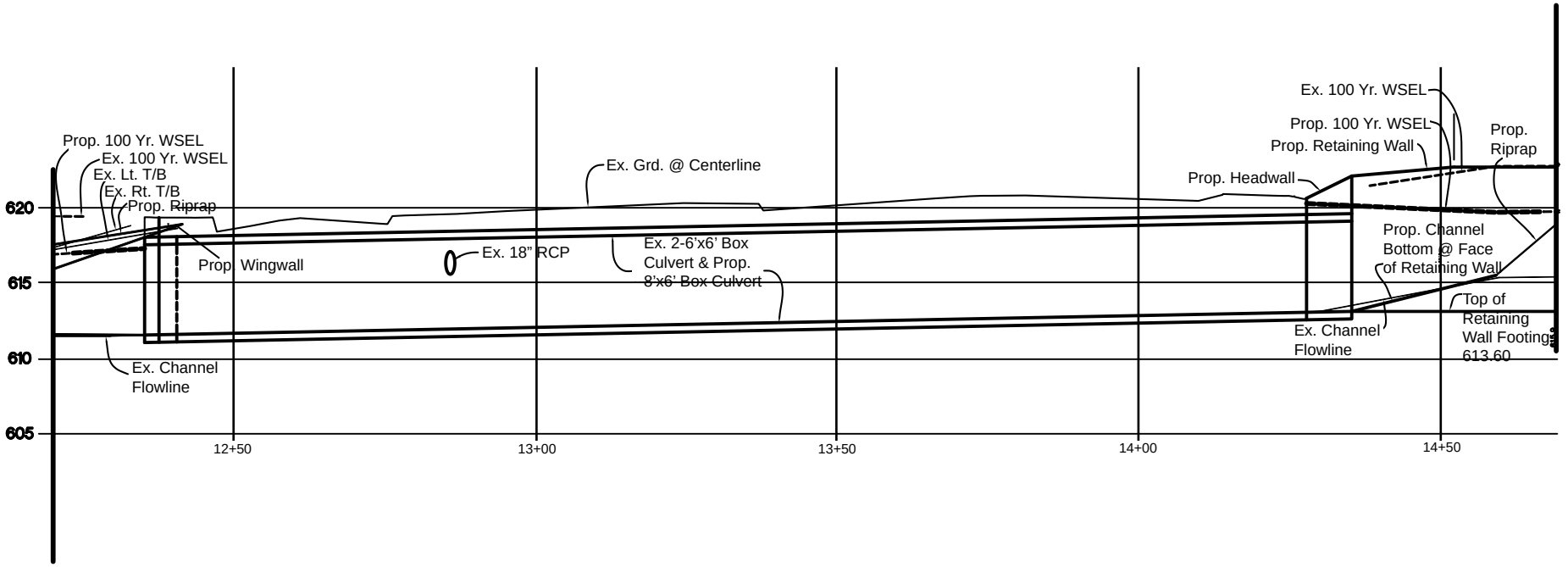
SECTION 22+07

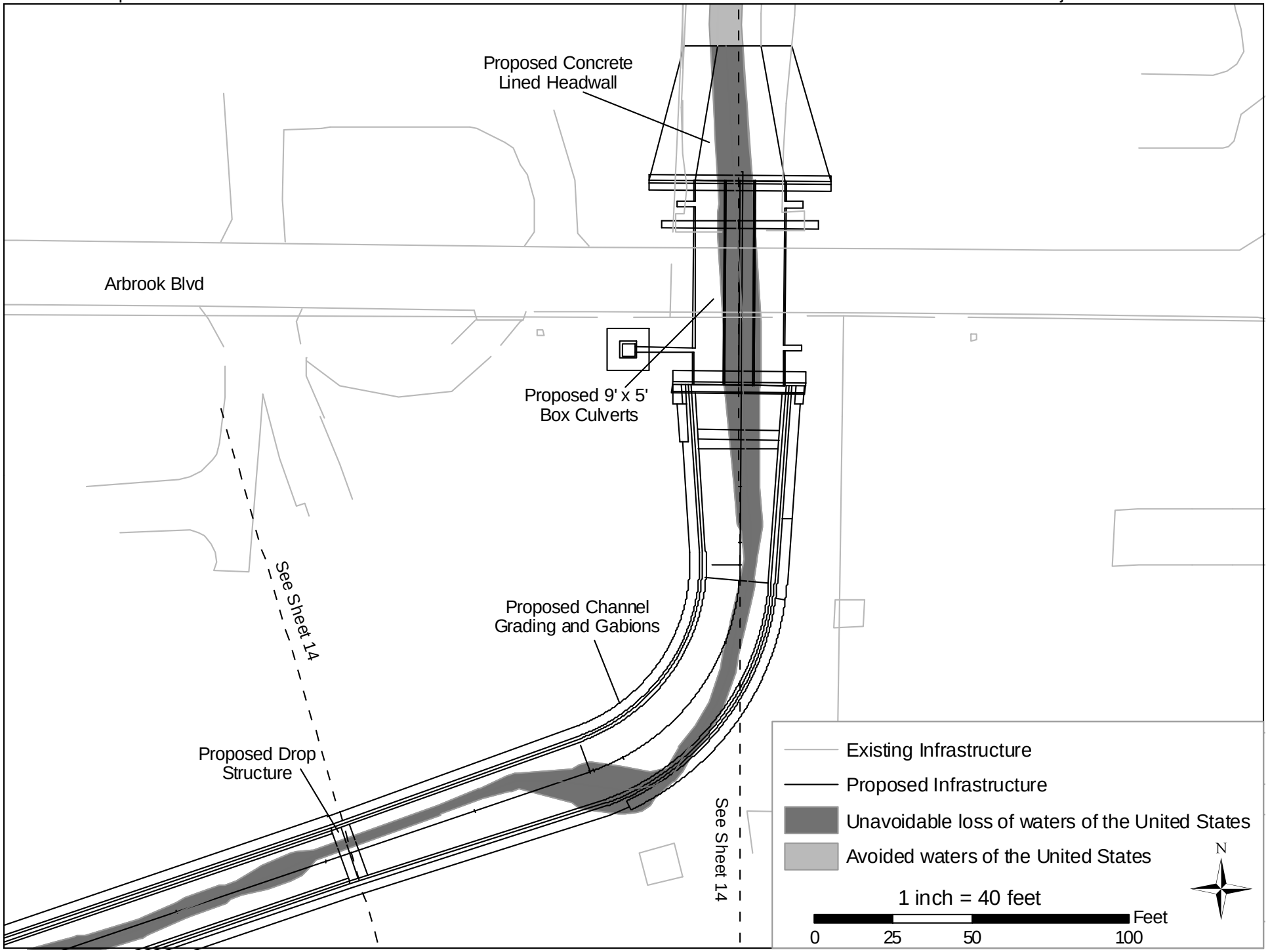

Existing Infrastructure
Proposed Infrastructure
Unavoidable loss of waters of the United States
Avoided waters of the United States
1 inch = 40 feet
0 25 50 100 Feet
N
Existing Gabion Lined Channel
Existing Sewer
Proposed Sewer
Proposed Channel Grading and Gabions
See Sheet 10
Existing Concrete Lined Channel
Concrete Channel Widening
Existing Sewer



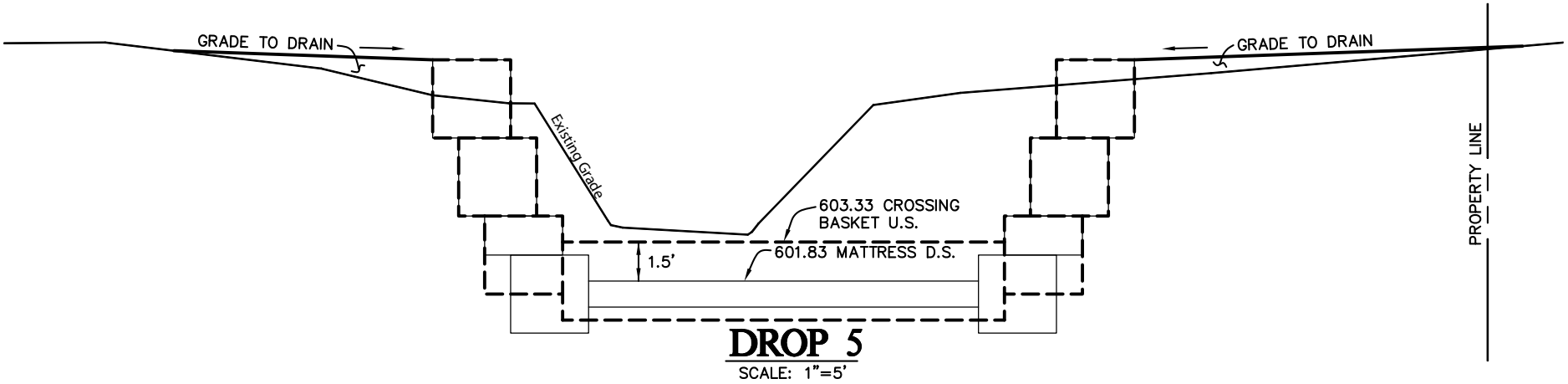
SECTION 17+00


Existing Infrastructure
Proposed Infrastructure
Avoided Waters of the United States
1 inch = 40 feet
0 25 50 100 Feet
N
Concrete Lined Channel Widening
Proposed 8' x 6' Box Culvert
Existing 6' x 6' Box Culverts
Concrete Lined Channel Widening
Existing Concrete Lined Channel
See Sheet 12
Glenbrook


Prop. 100 Yr. WSEL
Ex. 100 Yr. WSEL
Ex. Lt. T/B
Ex. Rt. T/B
Prop. Riprap
Prop. Wingwall
Ex. Grd. @ Centerline
Ex. 18" RCP
Ex. 2-6'x6' Box Culvert & Prop. 8'x6' Box Culvert
Ex. Channel Flowline
Ex. 100 Yr. WSEL
Prop. 100 Yr. WSEL
Prop. Retaining Wall
Prop. Headwall
Prop. Riprap
Prop. Channel Bottom @ Face of Retaining Wall
Top of Retaining Wall Footing 613.60
Ex. Channel Flowline
620
615
610
605
12+50
13+00
13+50
14+00
14+50



Sheet 13 of 18 - Zone 5 (A) Proposed Drainage Improvements with Unavoidable Losses of Waters of the United States



DROP 5

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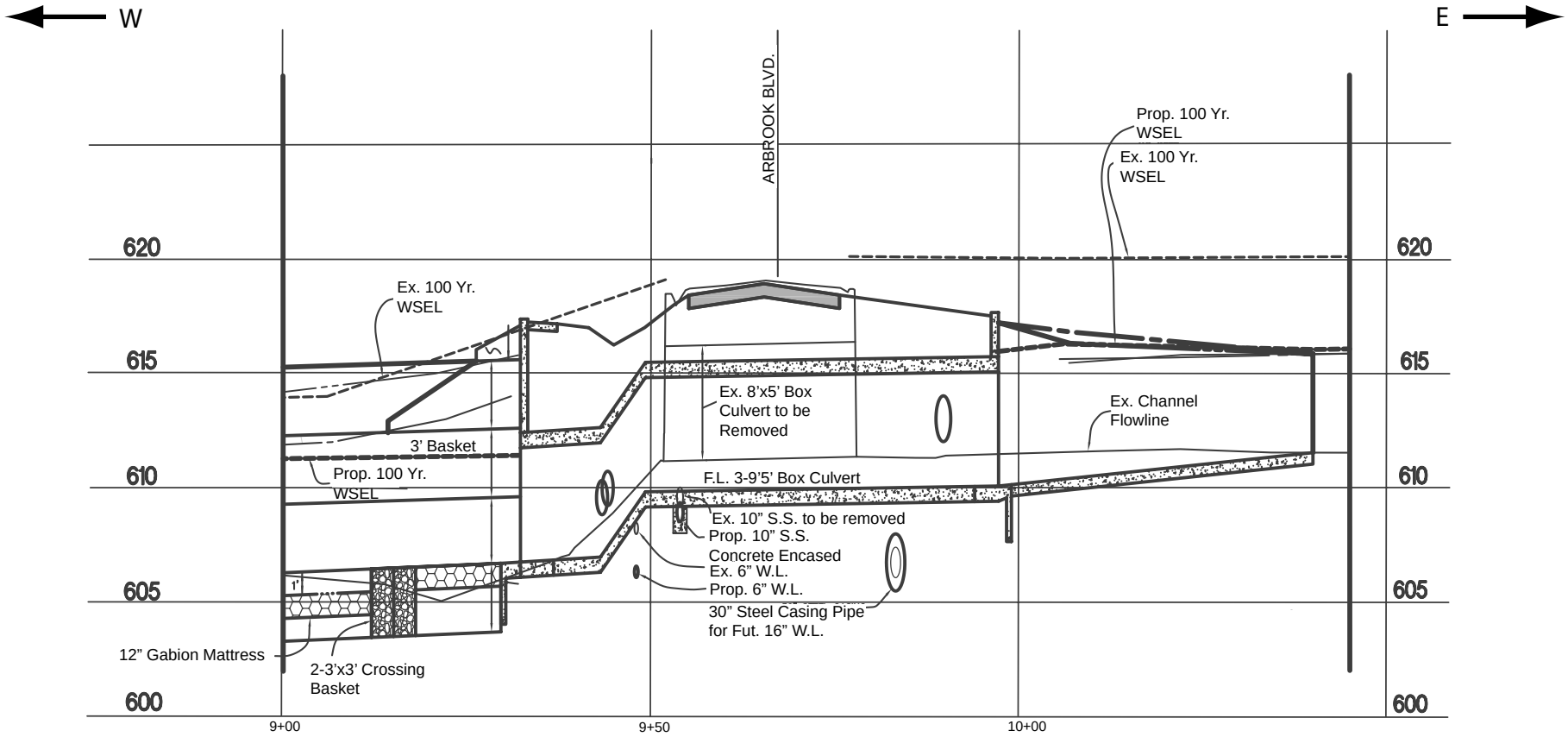
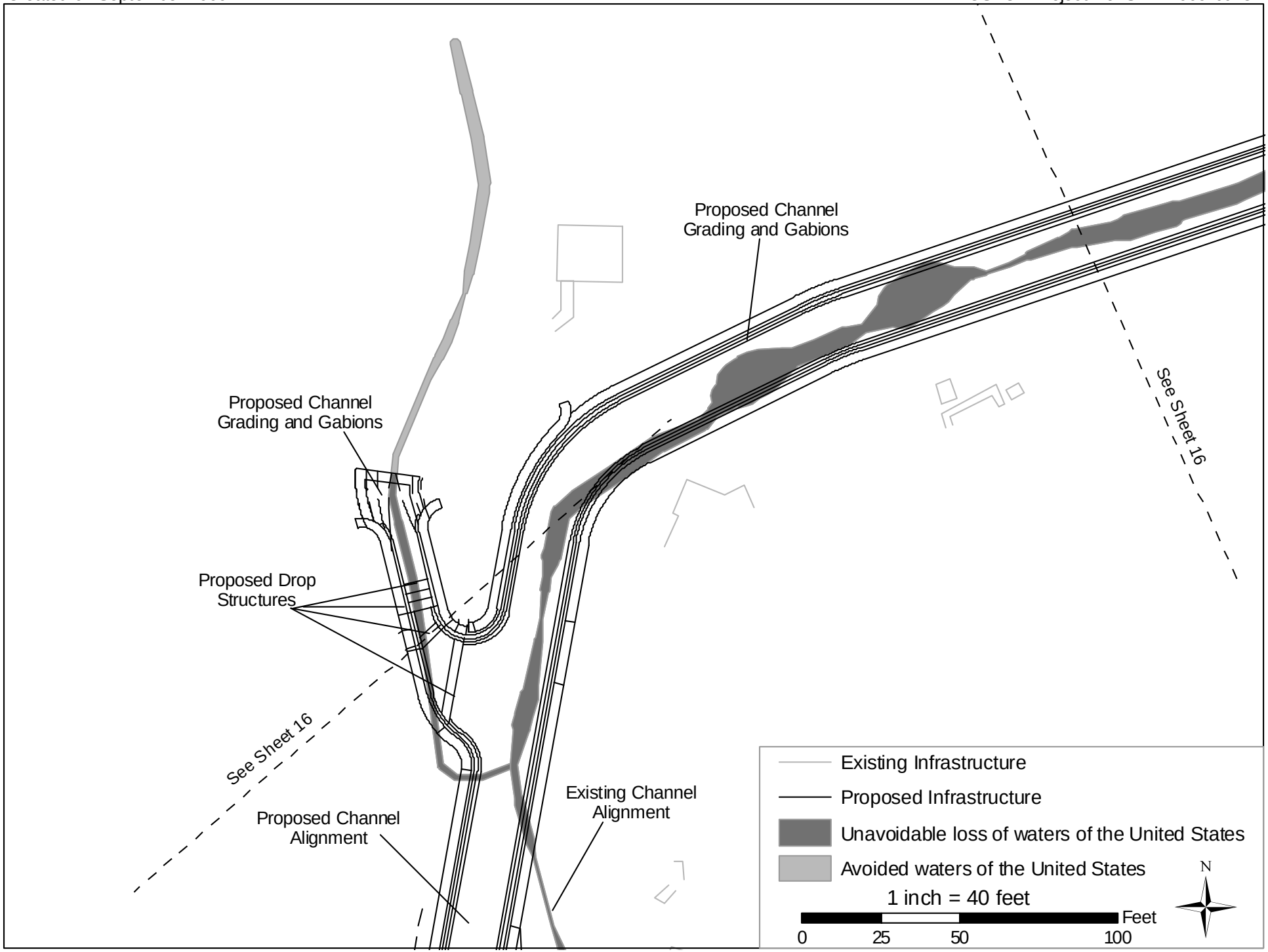
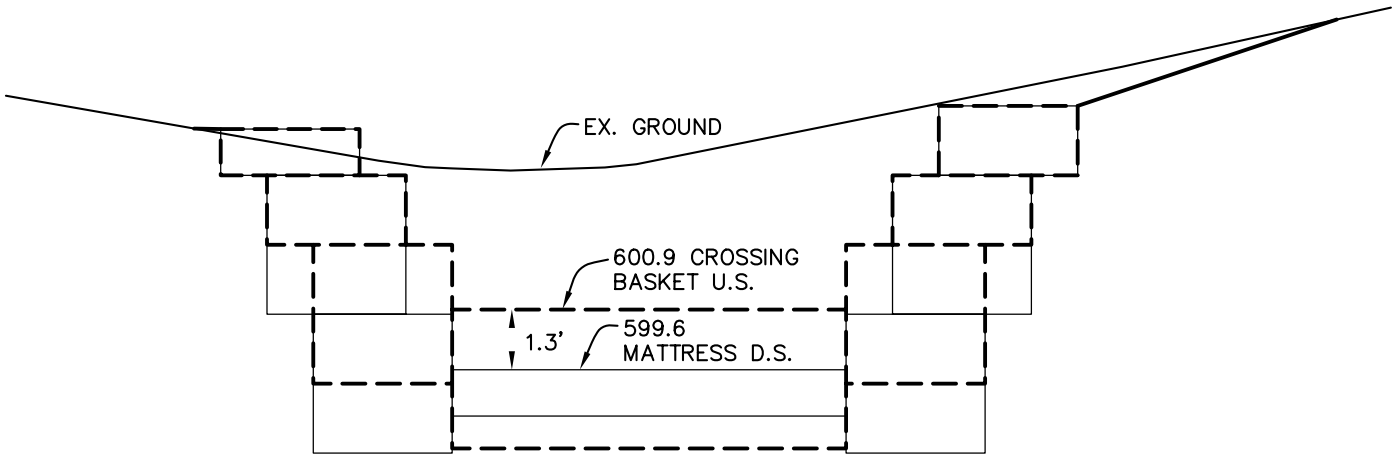




Sheet 15 of 18 - Zone 5 (B) Proposed Drainage Improvements with Unavoidable Losses of Waters of the United States



DROP 2

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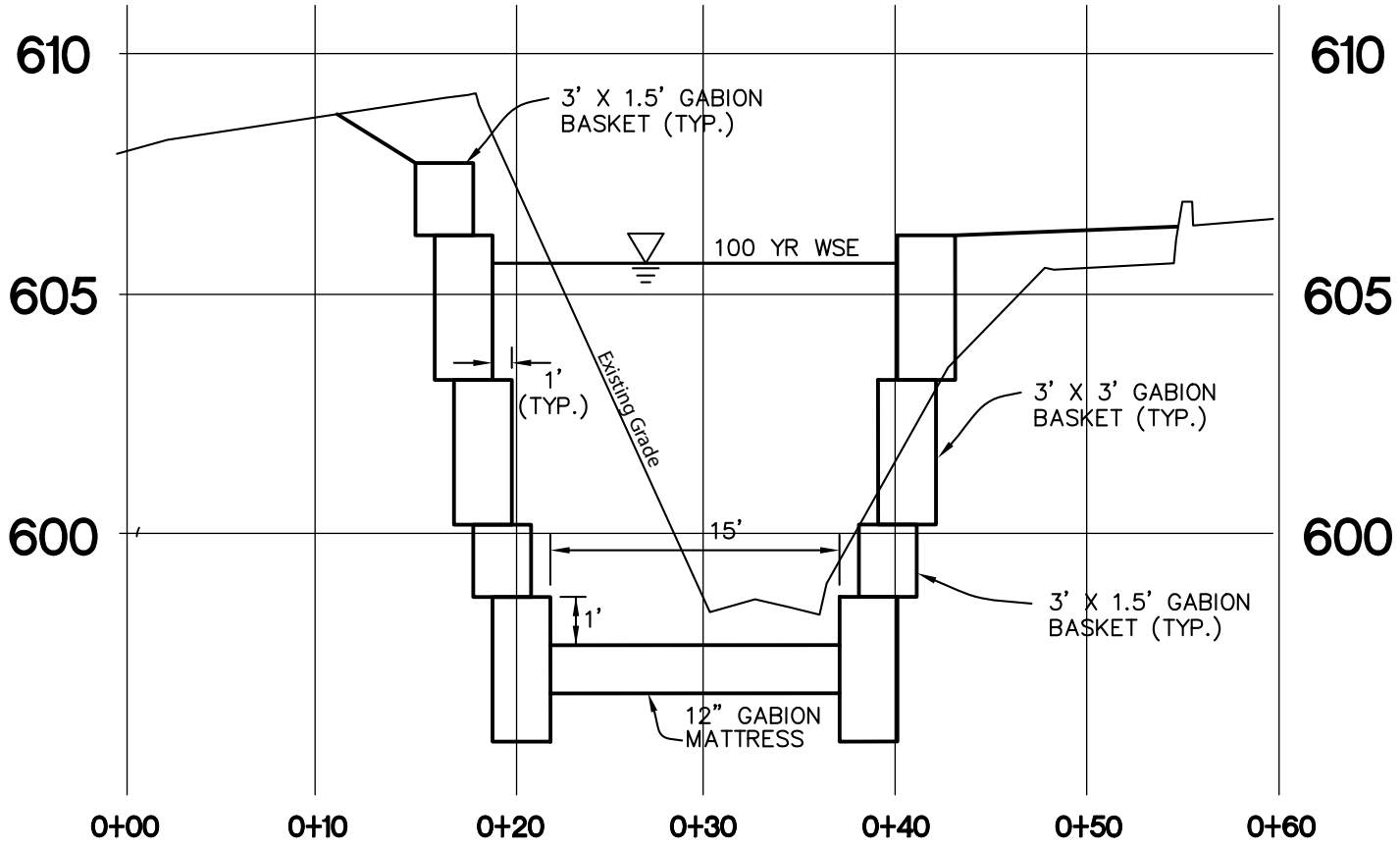
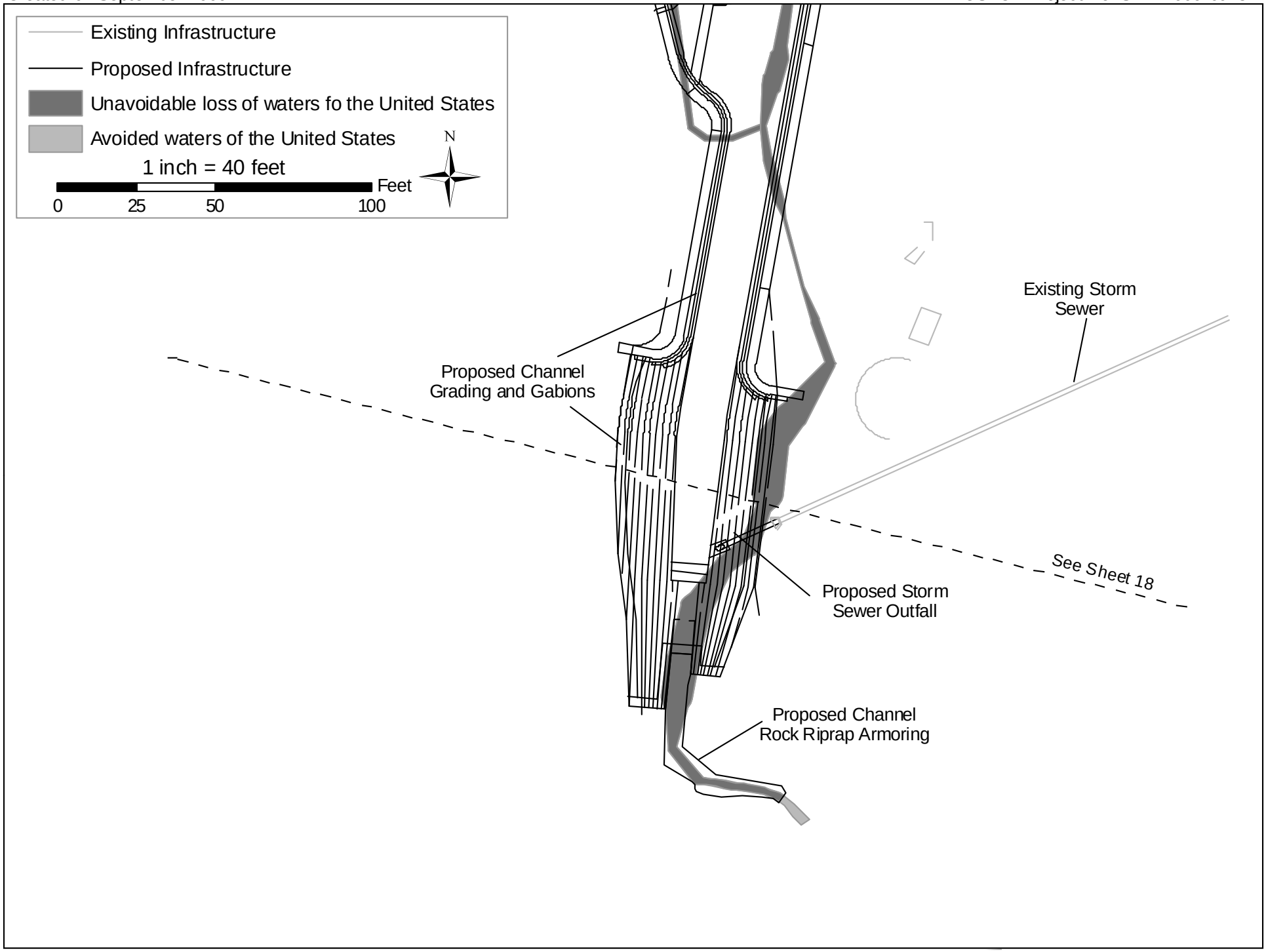
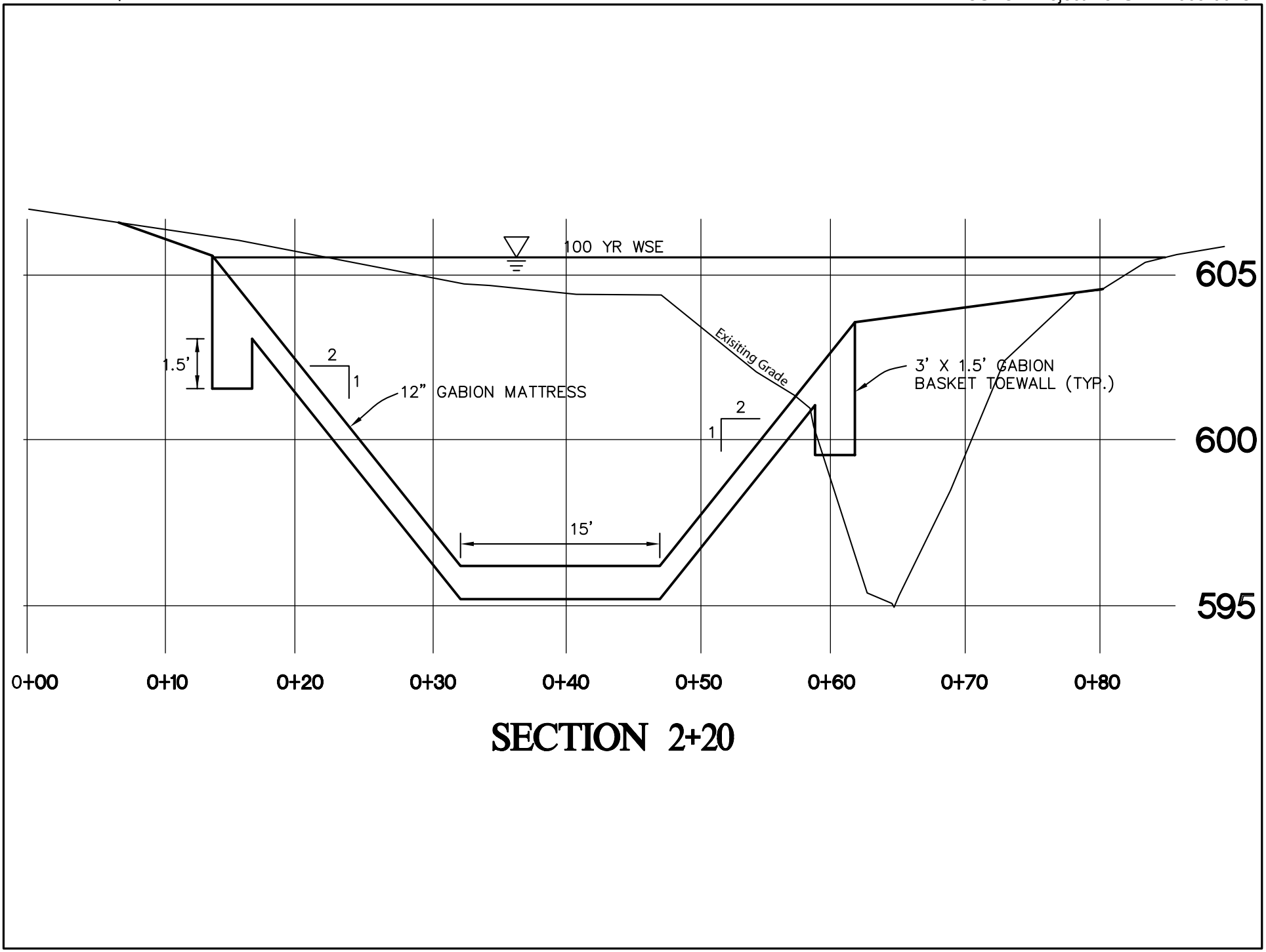


SECTION 3+93



Sheet 17 of 18 - Zone 5 (C) Proposed Drainage Improvements with Unavoidable Losses of Waters of the United States


100 YR WSE
605
600
595
1.5'
2
1
12" GABION MATTRESS
Existing Grade
2
1
3' X 1.5' GABION
BASKET TOEWALL (TYP.)
15'
0+00
0+10
0+20
0+30
0+40
0+50
0+60
0+70
0+80

SECTION 2+20