



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

Public Notice

Section 408 Request ID #: 408-SWF-2023-0024

Date issued: February 20, 2025

Close of comment period: March 22, 2025

USACE Point of Contact: Jason Story

REQUEST TO ALTER A U.S. ARMY CORPS OF ENGINEERS FEDERALLY AUTHORIZED CIVIL WORKS PROJECT UNDER 33 USC 408 (SECTION 408)

TITLE: Section 408 Request # 408-SWF-2023-0024, SAWS sewer bypass, Mission Reach and Apache Creek

SUBJECT: Request for a Section 408 permission to alter the San Antonio Channel Improvement Project and Mission Reach, U.S. Army Corps of Engineers (USACE) federally authorized Civil Works projects. Written comments are being solicited from anyone having an interest in this proposed alteration. Comments will become part of the USACE administrative record and will be considered in determining whether to approve the proposed alteration. Comments supporting, opposing, or identifying concerns that may be considered by the USACE in its decision process are welcome. Issuance of this notice does not imply USACE endorsement of the proposed alteration as described.

REQUESTER: San Antonio Water System (SAWS)

LOCATION: Beginning near Regent Street on the south bank of San Pedro Creek and ending near East Hart Avenue on the west bank of the San Antonio River, and near North San Marcos Street where the line crosses Apache Creek in San Antonio, Texas

NON-FEDERAL SPONSOR: San Antonio River Authority

LOCATION MAP(S)/DRAWING(S): Attached figures

DESCRIPTION OF THE PROPOSED ALTERATION: SAWS is proposing sanitary sewer repairs and placement of temporary sewer bypass lines in three locations within the San Antonio Channel Improvement Project and Mission Reach. The proposed SAWS sanitary sewer repairs are associated with a federal consent decree to address sanitary sewer overflows emerging from deteriorated sewer lines, structures, and manholes. The official SAWS project name is Central Sewershed Package 14. The proposed alteration of the San Antonio Channel Improvement Project and Mission Reach is primarily limited to the placement of 18-inch High Density Polyethylene

(HDPE) pipe within the limits of the USACE federally authorized Civil Works projects. At several locations, trench boxes will be installed, which will require minor excavations.

REGULATORY AUTHORITY: This request will be reviewed pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408). A requester has the responsibility to acquire other authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program. An approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION: The decision whether to grant the request for the alteration under Section 408 is based on several factors which are outlined in Engineer Circular 1165-2-220. The benefits which reasonably may be expected to accrue from the proposed alteration must be balanced against its reasonably foreseeable detriments. Review of the proposed alteration will be reviewed by a USACE technical review team considering the following factors:

1. *Impacts to the Usefulness of the USACE Project Determination.* The USACE technical review team will determine if the proposed alteration would limit the ability of the federally authorized project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs.

2. *Injurious to the Public Interest Determination.* The USACE technical review team will determine the probable impacts of the proposed alteration, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation.

3. *Environmental Compliance.* The USACE technical review team will determine if the Section 408 request is in compliance with the National Environmental Policy Act (NEPA) and other applicable federal environmental and cultural resources compliance requirements.

STATUS OF REVIEW: The USACE technical review team has determined the following based on the Section 408 request submittal.

1. *Impacts to the Usefulness of the USACE Project.* The USACE technical review team has reviewed the proposed alteration for impacts to the USACE project and initial review indicates there would be no adverse hydrologic and hydraulic impacts resulting from the proposed alteration. No levees are affected by the proposed alteration.

2. Threatened and Endangered species. The USACE technical review team has reviewed an official list of species protected under the Endangered Species Act and initial review indicates the proposed alteration would have no effect to species listed by the United States Fish and Wildlife Service as threatened or endangered within the action area for the Section 408 jurisdiction.

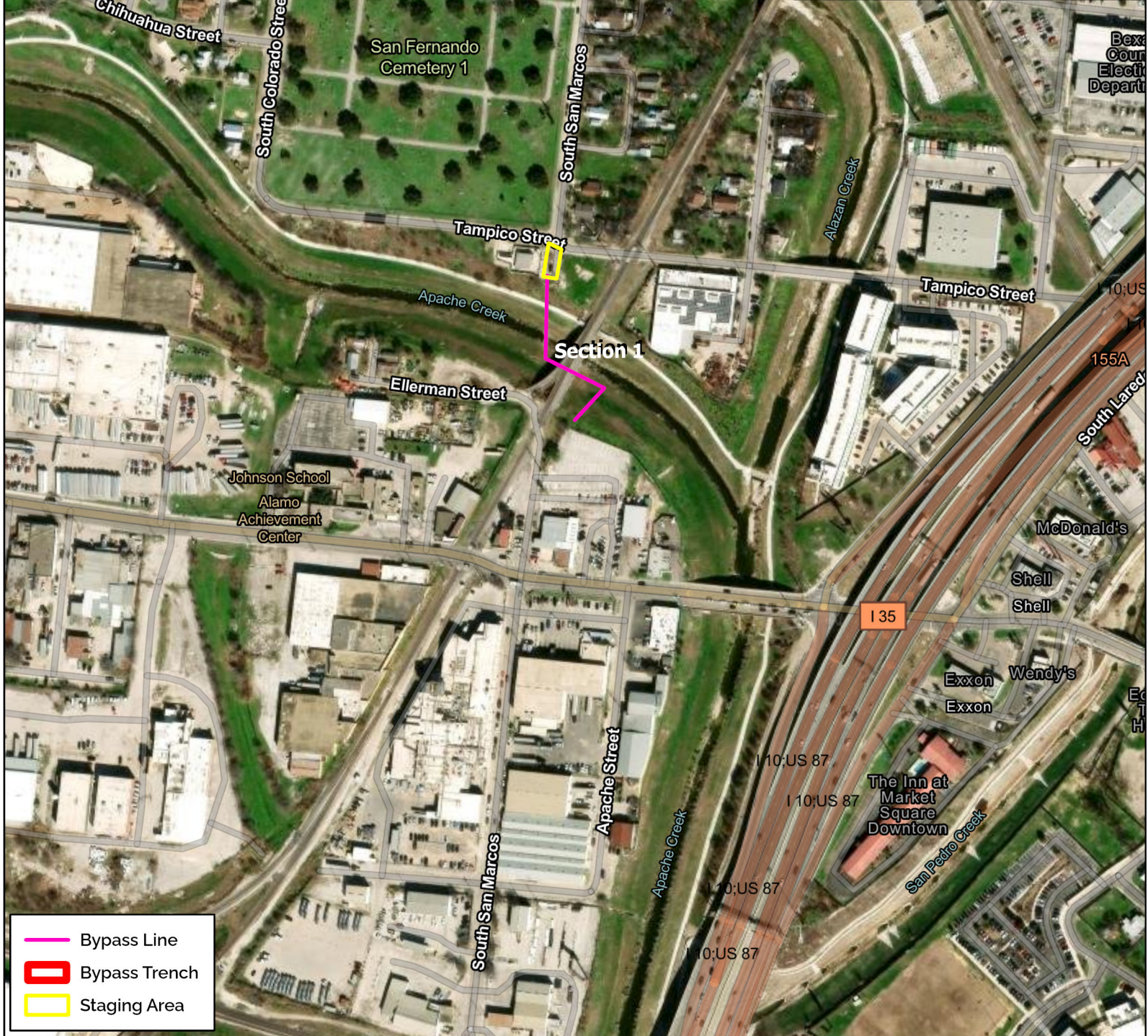
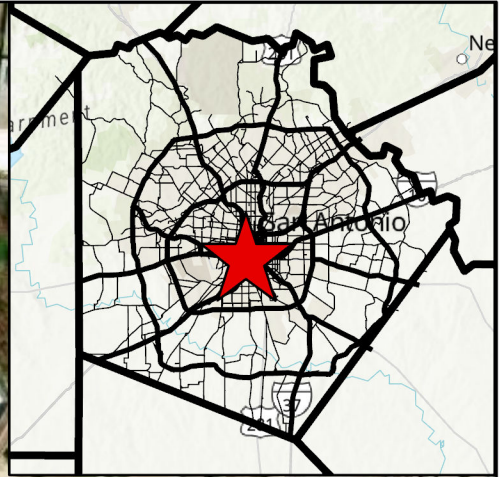
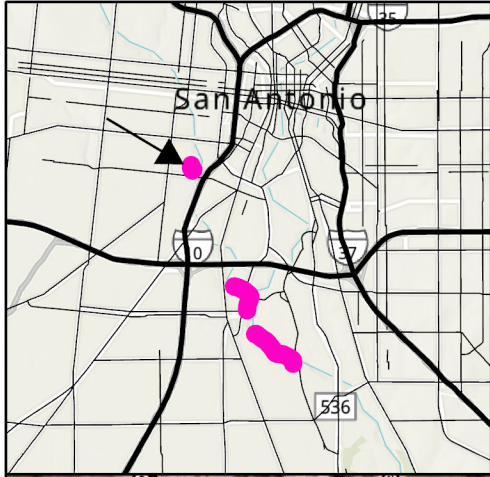
3. Historic, Cultural, and Archaeological Resources. The USACE has reviewed the proposed alteration for impacts to cultural resources, including an archeological survey report provided by the applicant. The review concluded that there are no historic properties present within the project's area of potential effect. The USACE consulted on this determination with the Texas State Historic Preservation Officer and appropriate federally recognized tribes.

SOLICITATION OF COMMENTS: The USACE is soliciting comments from the public, federal, state, and local agencies and officials, federally recognized tribes, and other interested parties to consider and evaluate the impacts of the proposed alteration.

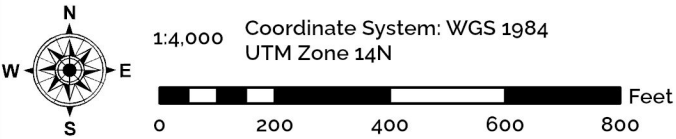
Materials submitted as part of the Section 408 request become part of the public record and are available to the public under the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Fort Worth District, U.S. Army Corps of Engineers, Office of Counsel.

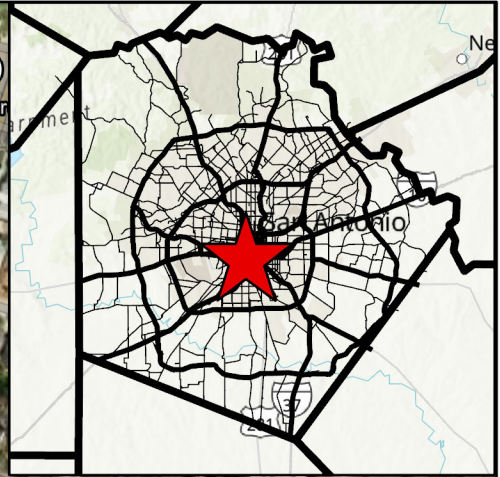
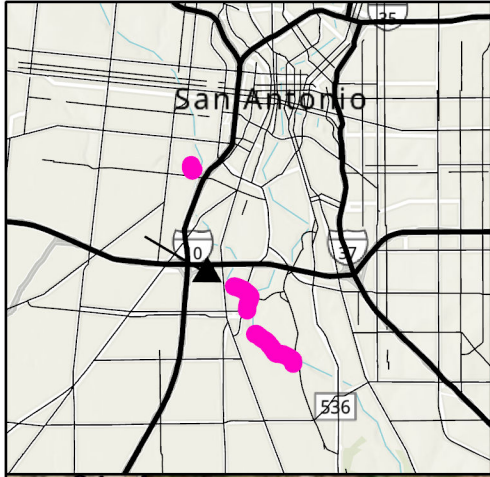
Comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permission for this proposed alteration. It is presumed that all parties receiving this notice will wish to respond to this public notice, therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed alteration as described herein.



CLOSE OF COMMENT PERIOD: Written comments on the proposed alteration must reach this office on or before the close of the comment period. Comments must reference the Section 408 Request ID # and project name. Submit comments and requests for additional information to CESWF-408@usace.army.mil. Telephone inquiries may be directed to Mr. Jason Story, Section 408 Coordinator at (817) 886-1852. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available. For more information on Section 408, visit the Fort Worth District Section 408 webpage at <https://www.swf.usace.army.mil/Missions/Section-408/>.

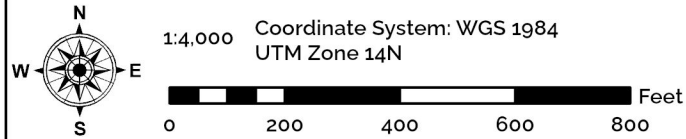


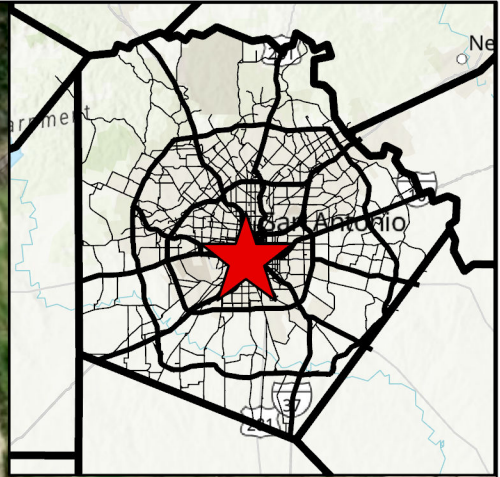
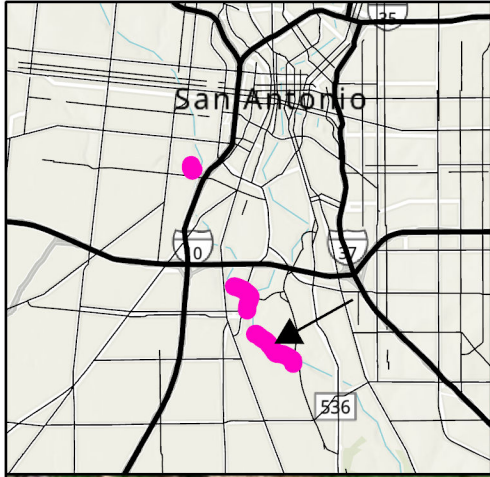
- Bypass Line
- Bypass Trench
- Staging Area








-  Bypass Line
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