



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

# Public Notice

Section 408 Request ID #: 408-SWF-2024-0057

Date issued: January 29, 2025

Close of comment period: February 28, 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-2024-0057, JPI Haltom City Development 8-inch water line

**SUBJECT:** Request for a Section 408 permission to alter the Big Fossil Creek Floodway, a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project. 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:** Jefferson Baker, LLC

**LOCATION:** Begins at the intersection of McCullar Street and Weaver Street in Haltom City, and proceeds north across Big Fossil Creek

**NON-FEDERAL SPONSOR:** City of Richland Hills

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

**DESCRIPTION OF THE PROPOSED ALTERATION:** Jefferson Baker, LLC is proposing to install an 8-inch offsite water line that begins at the corner of Weaver Street and McCullar Street, then travels north to the west top of bank of Big Fossil Creek which is within the limits of the Big Fossil Creek Floodway. The water line travels approximately 350-feet parallel to Big Fossil Creek and then turns east and crosses underneath the creek. The installation method of the crossing of Big Fossil Creek will be by bore from top of bank to top of bank. After crossing the creek, the water line turns north and travels along the east top of bank of Big Fossil Creek a distance of approximately 400-feet. The water line then turns east and exits the Big Fossil Creek Floodway limits to connect to the JPI Haltom City Development. The proposed water

line will serve as the secondary water feed for both the existing Rio Vista and proposed JPI Haltom City developments.

**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 Big Fossil Creek Floodway 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 those historic resources located within the viewshed of the proposed alteration. Our review indicated the proposed undertaking will have no adverse effect on eligible architectural resources and no effect on eligible archeological resources. The USACE consulted on this determination with the Texas State Historic Preservation Officer and appropriate federally recognized tribes which include the Apache Tribe of Oklahoma, Comanche Nation of Oklahoma, Coushatta Tribe of Louisiana, Delaware Nation, Tonkawa Tribe of Indians, and Wichita and Affiliated 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](mailto: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/>.



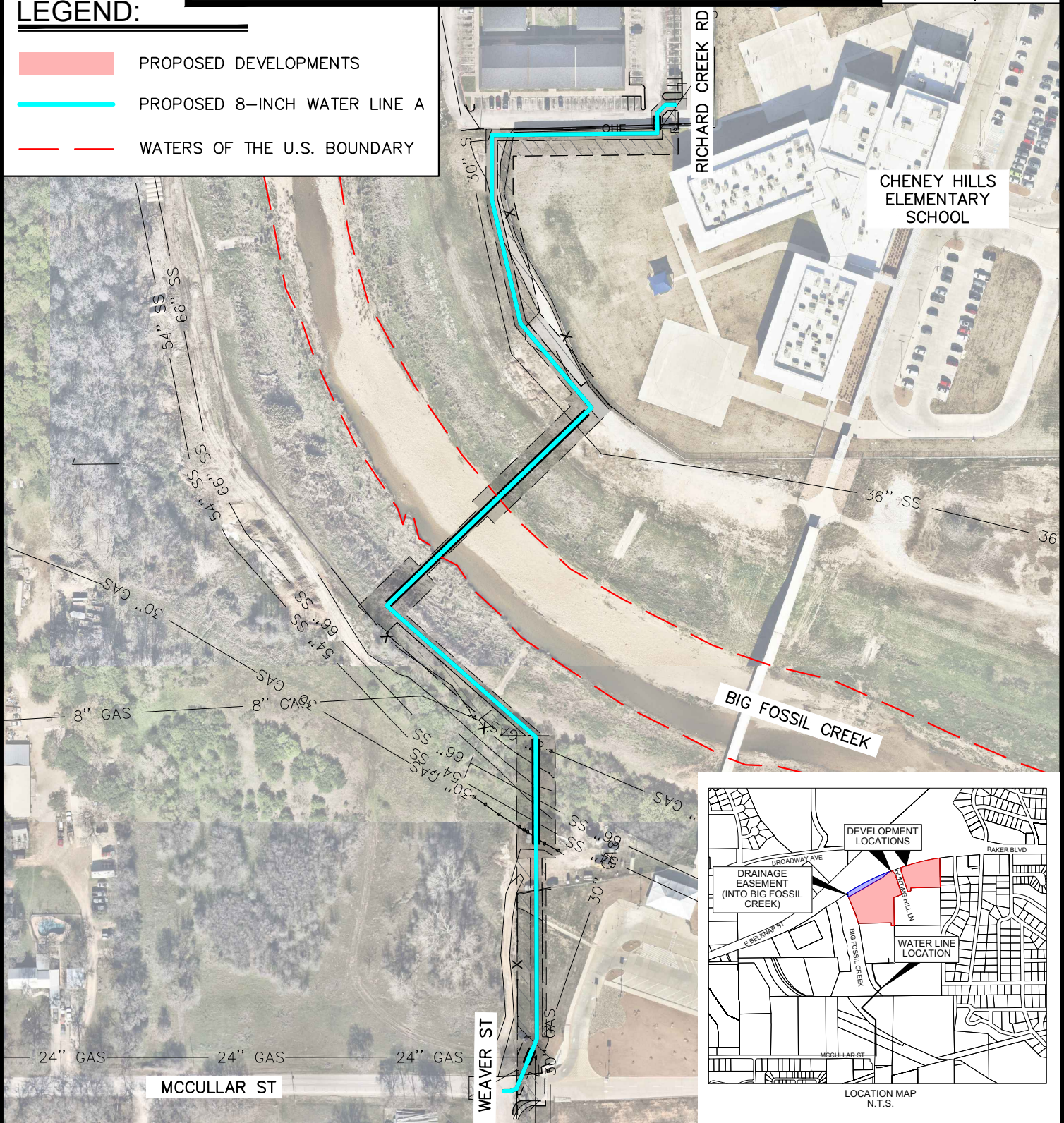
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# JPI HALTOM CITY WATER LINE SECTION 408-SWF-2024-0057



## LEGEND:

- PROPOSED DEVELOPMENTS
- PROPOSED 8-INCH WATER LINE A
- WATERS OF THE U.S. BOUNDARY



DATE:	JANUARY 2025
DESIGN:	WAW
DRAWN:	GAM

## FIGURE 1

**Kimley»Horn**  
TBPE Firm No. 028 P. 817-936-6611  
801 Cherry St., Suite 1300 Ft. Worth, TX 76102



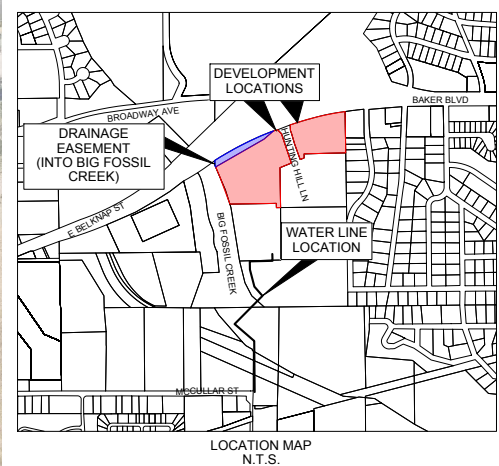
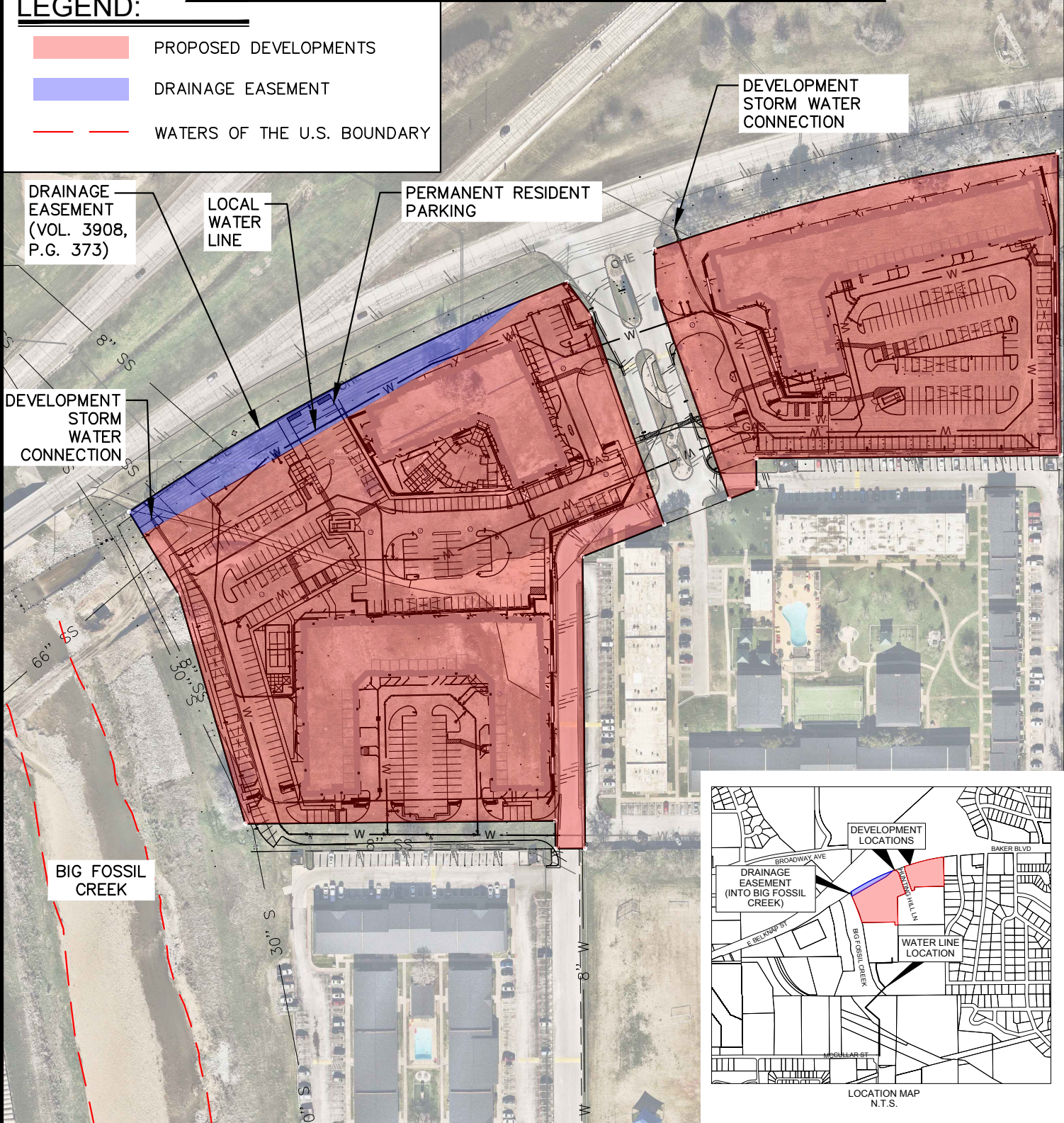
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# JPI HALTOM CITY WATER LINE SECTION 408-SWF-2024-0057



## LEGEND:

- PROPOSED DEVELOPMENTS
- DRAINAGE EASEMENT
- WATERS OF THE U.S. BOUNDARY



DATE:	JANUARY 2025
DESIGN:	WAW
DRAWN:	GAM

## FIGURE 2

**Kimley»Horn**  
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