



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

March 3, 2011

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number SWF-2005-00058, Chisholm Trail Parkway,
SH 121, Section 6, FM 1187 to US 67, TxDOT CSJ 0504-04-001 and 0504-05-001

Tamara Cook
Senior Transportation Planner
North Central Texas Council of Governments
616 Six Flags Drive, Centerpoint Two
Arlington, Texas 76005-5888

Dear Ms. Cook:

We have reviewed the Chisholm Trail Parkway, SH 121, Section 6, FM 1187 to US 67, project under our Water Resources Development Act of 2000 (WRDA) Section 214 Memorandum of Agreement (MOA). The project is located in Tarrant and Johnson Counties, Texas. This project has been assigned Project Number SWF-2005-00058. Please include this number in all future correspondence concerning this project.

The Texas Department of Transportation (TxDOT) initially provided a Pre-construction notification request on January 8, 2009. On February 23, 2011 we received a request from Jacobs, a consultant for the North Texas Tollway Authority (NTTA), indicating the NTTA would assume responsibility for the permit requirements of the project including mitigation.

Under Section 404 of the Clean Water Act the U. S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. USACE responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, and other information available to us, we have determined this project will involve activities subject to the requirements of Section 404. The USACE based this decision on a preliminary jurisdictional determination that there are waters of the United States on the project site.

We have reviewed this project under the pre-construction notification procedures of Nationwide Permit General Condition 27 (Federal Register, Vol. 72, No. 47, Monday, March 12, 2007, and corrections in Federal Register Vol. 72, No. 99, Tuesday, May 8, 2007). We have determined this project is authorized by Nationwide Permit 14 for linear transportation projects.

To use this permit, the permittee must ensure the work is in compliance with the specifications and conditions listed on the enclosures and the special condition(s) listed below:

The NTTA shall debit the appropriate number and type of credits from any U.S. Army Corps of Engineer, Fort Worth District (USACE) approved mitigation bank(s) having a service area encompassing the project site. The debit(s) shall compensate off-site for unavoidable adverse project impacts that would not be compensated for by on-site mitigation and shall be calculated in accordance with the appropriate mitigation banking instrument (MBI). The NTTA shall identify the mitigation bank(s) selected for use, calculate credits required and submit to the USACE for verification. Upon verification, complete the mitigation bank transaction(s), and provide documentation to the USACE that the transaction(s) occurred prior to any ground disturbing activities within waters of the United States.

Failure to comply with these specifications and conditions invalidates the authorization and may result in a violation of the Clean Water Act.

Our verification for the construction of this activity under this nationwide permit is valid until March 18, 2012, unless prior to that date the nationwide permit is suspended, revoked, or modified such that the activity would no longer comply with the terms and conditions of the nationwide permit on a regional or national basis. The USACE will issue a public notice announcing the changes when they occur. Furthermore, activities that have commenced, or are under contract to commence, in reliance on a nationwide permit will remain authorized provided the activity is completed within 12 months of the date of the nationwide permit's expiration, modification, or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5(c) or (d). Continued confirmation that an activity complies with the specifications and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

Our review of this project also addressed its effects on threatened and endangered species. Based on the information provided, we have determined this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within our permit area. However, please note you are responsible for meeting the requirements of General Condition 17 on endangered species.

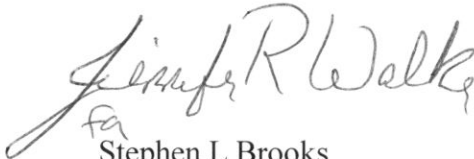
The permittee must sign and submit to us the enclosed certification that the work, including any proposed mitigation, was completed in compliance with the nationwide permit. The permittee should submit the certification within 30 days of the completion of work.

This permit should not be considered as an approval of the design features of any activity authorized or an implication that such construction is considered adequate for any purpose intended. It does not authorize any damages to private property, invasion of private rights, or any infringement of federal, state, or local laws or regulations.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please refer to our website at <http://www.swf.usace.army.mil/regulatory> or contact Mr. Barry Osborn at the address above or telephone (817) 886-1734.

Please help the Regulatory Program improve its service by completing the survey on the following website: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,


Stephen L Brooks
Chief, Regulatory Branch

Enclosures

Copy Furnished with Attachments:

Ms. Maria C. Moreno
Jacobs
777 Main Street
Fort Worth, TX 76102