



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

408 Permission Section

PUBLIC NOTICE

**REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS
PROJECT UNDER SECTION 408**

TITLE: Arlington Avenue Bridge Replacement (CTWCD 23-02)

PUBLIC NOTICE COMMENT PERIOD:

Begins: July 12, 2023

Ends: August 11, 2023

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Regional Transportation Commission of Washoe County (requester) has requested permission through the Carson-Truckee Water Conservancy District (non-federal sponsor of the federally authorized project) from the U.S. Army Corps of Engineers (USACE) to alter the Truckee River channel project, an existing federal flood risk management project, authorized by the Flood Control Act of 1954.

LOCATION: Truckee River, Washoe County, Reno, Nevada (Attachment 1).

REQUESTER'S PROPOSED ACTION: The Regional Transportation Commission of Washoe County (RTC) proposes to replace the two Arlington Avenue bridges that cross the Truckee River in downtown Reno. The project action also includes a new maintenance ramp and modification of contouring of a kayak park. The two bridges in need of replacement were constructed in 1939 (south bridge) and 1921 (north bridge) and are now structurally deficient and in need of replacement. The north bridge will be replaced by a two-span bridge that is 125 long and 71 feet wide. The south bridge will be replaced by a clear-span bridge that is 53 feet long and 71 feet wide. The proposed bridge replacements will improve safety conditions for transportation, provide community access to the Truckee River and Wingfield Park, and maintain the hydraulic capacity of the Truckee River during flood events.

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The RTC project action area is approximately 10.5 acres for construction and 3.0 acres for grading activities. The project area is along the Truckee River in the urban environment of downtown Reno, characterized by developed and landscaped areas with little native vegetation. The Truckee River contains federally-listed species that may be affected by this project action, including the cui-ui (*Chasmistes cujus*) and Lahontan cutthroat trout (*Oncorhynchus clarkii ssp. henshawi*).

The Federal Highway Administration (FHWA) is the designated lead federal agency for this project and therefore is responsible for compliance with Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA).

The FHWA consulted with the U.S. Fish and Wildlife Service for this project and received a letter on April 17, 2023 (File No. 2023-0053287) concurring that this project may affect but is not likely to adversely affect cui-ui or Lahontan cutthroat trout. The FHWA is also consulting under Section 106 of the NHPA with interested Indian tribes and the State Historic Preservation Office

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 U.S.C. 408 (“Section 408”). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army’s authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413). In addition, 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 FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.

2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and 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. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.

3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the Sacramento District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The Sacramento District will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner.

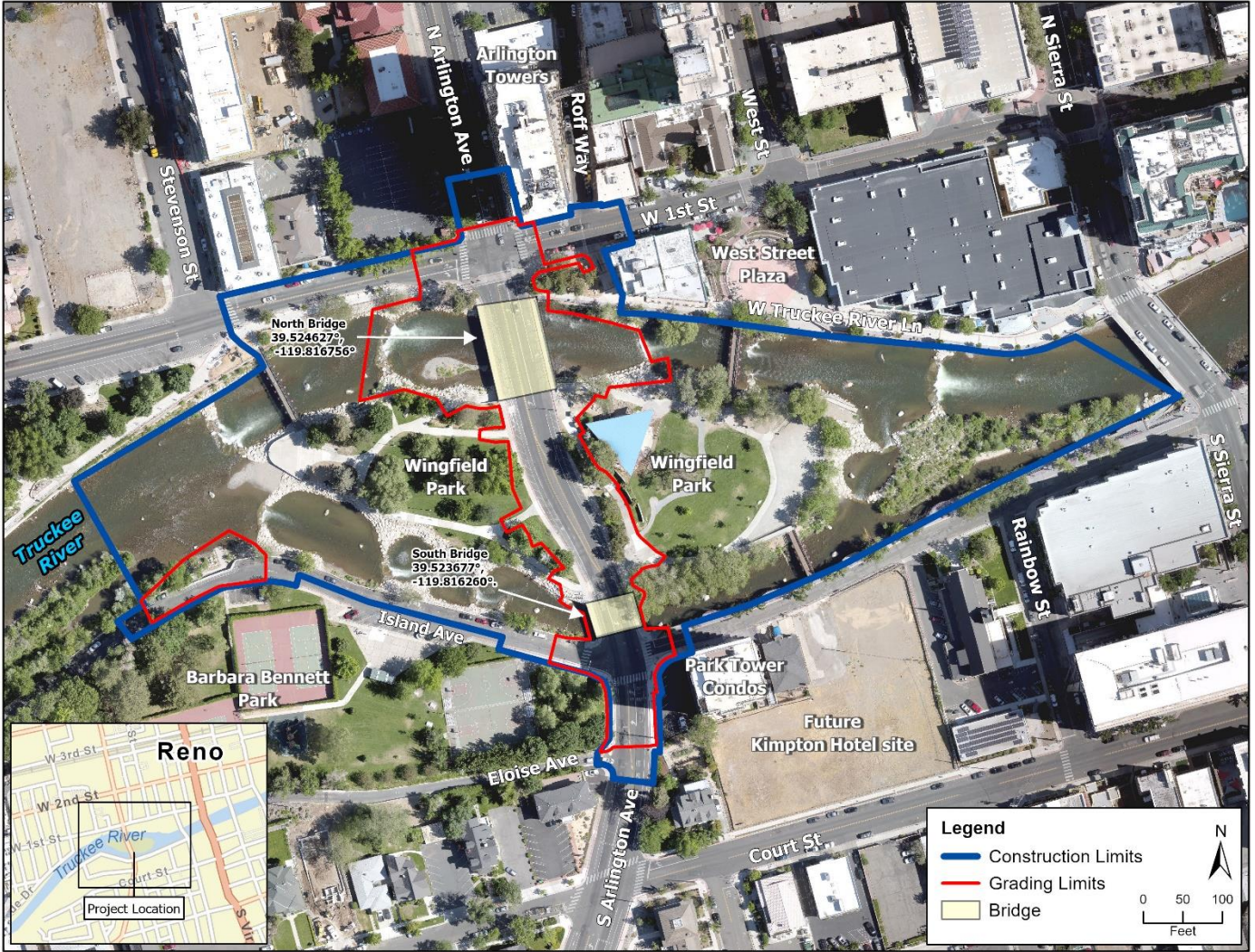
PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the (Arlington Avenue Bridge Replacement), a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the Truckee River channel project will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the Truckee River channel project. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act.

SUBMITTING COMMENTS: Written comments, referencing Identification Number CTWCD 23-02 must be submitted to the office listed below on or before August 11, 2023.

Madeline Huffman, Biologist
U.S. Army Corps of Engineers, Sacramento District
1325 J Street, Room 1460
Sacramento, California 95814-2922

Email: *CESPK-408-PN@usace.army.mil*

Attachments:



Attachment 1. Vicinity Map