US Army Corps of Engineers ®
Fort Worth District

Public Notice

Applicant:	Hillwood Alliance Services, LLC
Project No.:	SWF-2008-00176
Date:	December 17, 2012

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:	Mr. Eric Dephouse, Project Manager
Phone Number:	817-886-1820

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 (U.S.) associated with the construction of industrial development in Fort Worth, Tarrant County, Texas.

APPLICANT: Hillwood Alliance Services, LLC
13600 Heritage Parkway
Suite 200
Fort Worth, Texas 76177

APPLICATION NUMBER: SWF-2008-00176

DATE ISSUED: December 17, 2012

LOCATION: The project site is located southeast of the intersection of Farm-to-Market (FM) Road 156 and Intermodal Parkway in Fort Worth, Tarrant County, Texas. FM 156 forms the western boundary and Intermodal Parkway forms the northern boundary (Sheet 1 of 9). The U.S. Geological Survey (USGS) North American Datum of 1983 coordinates for the approximate center point of the proposed project are as follows: Latitude 32.9873° North, Longitude 97.3391° West. The site is mapped on the Keller, TX 7.5-minute USGS quadrangle map (Sheet 4 of 9). The site is located in the Henrietta Creek Basin Watershed - USGS Hydrologic Unit 12030104.

OTHER AGENCY AUTHORIZATIONS: Section 401 State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 50,000 cubic yards of clean native fill material into 1.76 acres of waters of the U.S. in conjunction with the construction of an industrial development. Total adverse impacts to waters of the U.S. would include 2,188 linear feet of intermittent stream (0.55 acres), 1,091 linear feet of ephemeral stream (0.13 acres), 0.64 of linear herbaceous wetland, 0.36 acres of forested wetland, and 0.08 acres of open water/herbaceous wetland.

The project would consist of one 797,500 square foot building (Westport 18) and one 371,875 square foot building (Westport 19). The hydrology from the streams on the subject property would be relocated into a 100-foot wide (approximate) drainage channel. This channel would be along the north side of the project area from the point where water flows onto the subject property via box culverts under FM 156 and Intermodal Parkway. Once the hydrology is

relocated into the constructed channel, the existing waters of U.S. would be graded and filled for the construction of the buildings.

The purpose of the project is to provide an industrial site for the growing economy of the Dallas-Fort Worth Metroplex. The increasing population growth and light industrail market demand in North Texas warrant the need for additional industrial developments, particularly in the north Tarrant County area. Furthermore, AllianceTexas serves as an inland port combining worldclass rail, interstate highway, and air transportation to facilitate shipment of goods.

Waters of the U.S. within the project site includes two intermittent streams, three ephemeral streams, and five wetlands consisting of linear herbaceous wetlands, a forested wetland, and an open water/herbaceous wetland complex. A summary of the area, length, and average width at the OHWM for the waters of the U.S. is included in ***Table 1 below***.

Table 1. Summary of Potential Waters of the U.S.

Potential Waters of the U.S.	Classification	Linear Length[1] (feet)	Average OHWM[2] (feet)	Area [1] (acres)
Stream 1	Intermittent Stream	1,981	11	0.49
Stream 2	Intermittent Stream	207	12	0.06
Stream 3	Ephemeral Stream	613	7	0.09
Stream 4	Ephemeral Stream	274	3	0.02
Stream 5	Ephemeral Stream	204	4	0.02
Wetland Grouping 1	Linear Herbaceous Wetland	--	--	0.21
Wetland Grouping 2	Linear Herbaceous Wetland	--	--	0.41
Wetland Grouping 3	Linear Herbaceous Wetland	--	--	0.02
Wetland Grouping 4	Forested Wetland	--	--	0.36
Wetland Grouping 5	Open Water/ Herbaceous Wetland	--	--	0.08
Totals		3,279		1.76

[1]Length and area were calculated using ArcView, a geographic information system.
[2]Represents an average width at the OHWM. However, actual widths were used for calculations.

ALTERNATIVE SITE LOCATIONS AND ALTERNATIVE LAYOUTS: The applicant evaluated five different alternatives on-site as well as evaluated off-site locations.

Alternative 1: No-Build Alternative. This alternative is the no-build alternative and would not result in impacts to any of the waters of the U.S. within the project area. This alternative would not allow for development of the subject property and would not meet the intent or goals for the project. A related effect of the no-build alternative would be loss of income for the applicant as

well as a loss of potential revenue that would have been generated for the taxing entities (city and county).

Alternative 2: Applicant's Preferred Alternative. This alterative would consist of one 797,500 square foot building (Westport 18) and one 371,875 square foot building (Westport 19). Under this alternative, the streams on the subject property would be relocated into a 100-foot wide (approximate) drainage channel. This constructed channel would be situated along the north side of the project area from the point where the streams flow onto the subject property via box culverts under FM 156 and Intermodal Parkway. The channel would be crossed in several placed via box culverts to provide necessary ingress and egress to the buildings. Once the hydrology is relocated into the constructed channel, the existing waters of U.S. would be graded and filled as part of site preparation for the construction of the buildings.

Associated with the construction of the two buildings, an internal storm water collection and conveyance system would be constructed to carry storm water runoff from the buildings, and other impervious surfaces. This storm water collection system would discharge into the existing stream on the southeast corner of the property. The sole purpose of this system is to collect and convey storm water collected on-site.

Engineered storm water treatment systems would be installed at each stormwater outfall from the proposed development. This would serve to minimize long-term impacts of the project on the watershed. Each engineered storm water treatment system would be adequately sized, installed, and maintained per manufacturer's specifications and good engineering practices.

Unavoidable impacts to the waters of the U.S. would be compensated through mitigation bank credit purchase.

The applicant's preferred alternative was determined to be the least environmentally damaging practicable alternative that meets the applicant's goals.

In the original public notice for the Westport 18/19 project dated November 18, 2010, the applicant preferred a different alternative (Alternative 4 described below). However, after the agency site visit involving USACE, EPA, and TCEQ the applicant fundamentally reevaluated the project and was able to adjust building sizes and incorporate an open channel, still meeting the project goals.

Alternative 3: Alternative Configuration 1. This alternative consists of one 869,000 square foot building (Westport 18) and one 427,125 square foot building (Westport 19) with a 100-foot wide (approximate) drainage channel along the north side of the project area. The reconstructed channel would be crossed in several placed via box culverts to provide necessary ingress and egress to the buildings. This alternative shifts the buildings to the south to allow for an open channel along Intermodal Parkway as outlined in Alternative 2. Similar to Alternative 2 the streams on the subject property would be relocated into an open channel from the point where they flow onto the subject property via box culverts under FM 156 and Intermodal Parkway.

The buildings cannot be shifted to the south due to offsite constraints. The only way for the channel to be constructed and the buildings built within the limits of the project area would be to reduce building square footage.

Alternative 4: Alternative Configuration 2. This alternative consists of one 869,000 square foot building (Westport 18) and one 427,125 square foot building (Westport 19). Under this alternative, the streams on the subject property would be relocated into box culverts from the point where they flow onto the subject property via box culverts under FM 156 and Intermodal Parkway to the eastern property boundary. Once the hydrology is relocated into the new multiple box culverts, the existing waters of U.S. would be graded and filled.

In the original public notice for the Westport 18/19 project dated November 18, 2010 this alternative was the applicant's preferred alternative. However, after further evaluation the applicant was able to reduce the overall building footprint while incorporating an open channel system instead of a buried box culvert (Alternative 2).

Alternative 5: Alternative Configuration 3. This alternative consists of one 797,500 square foot building (Westport 18) and one 371,875 square foot building (Westport 19). Under this alternative, the streams on the subject property would be relocated into box culverts from the point where they flow onto the subject property via box culverts under FM 156 and Intermodal Parkway.

This alternative utilizes a smaller building footprint, but still incorporates a buried box culvert system and as such was determined not to be the he least environmentally damaging practicable alternative.

Alternative 6: Alternative Locations. Several adjacent and nearby offsite alternatives were considered for this project. However, AllianceTexas in its entirety has a master-planned development overlay, in which every undeveloped property has an existing buildings or planned building. For example, two apparent 'vacant' properties within the Westport at Alliance development sector were recently issued Section 404 permits for construction of industrial facilities.

Beyond land use, other properties would require greater amounts of earthwork to construct buildings of this type and size due to topographic constraints. Most otherwise suitable properties also have surface water features. Another major factor in site selection for the Westport 18/19 development is related to infrastructure. The availability of infrastructure is an issue for properties adjacent to the existing J.C. Penney's facility (i.e., northeast and northwest of the subject property). Water, wastewater, stormwater, communications, and road infrastructure is just not present in these areas. The cost to construct this infrastructure renders these sites less feasible from a financial perspective.

COMPENSATORY MITIGATION: The applicant proposes to compensate for the loss of aquatic functions associated with the waters of the U.S. wholly through the purchase of mitigation banking credits. The project area is located within the service area of several mitigation banks including the Bunker Sands Mitigation Bank, South Forks Trinity River Mitigation Bank, and Trinity River Mitigation Bank. The applicant proposes to purchase the appropriate number of credits from one of the available banks, or a combination thereof, depending on credit availability.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. 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 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 exceed Tier I criteria. 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 United States Fish and Wildlife Service's (USFWS) latest published version of endangered and threatened species to determine if any may occur in the project area. However, information from the USFWS and the Texas Parks and Wildlife Department (TPWD) indicated only the following federally listed species have the potential to occur within Tarrant County: the American peregrine falcon (*Falco peregrinus anatum*), arctic peregrine falcon (*Falco peregrinus tundrius*), bald eagle (*Haliaeetus leucocephalus*), gray wolf (*Canis lupus*), interior least tern (*Sterna antillarum athalassos*), peregrine falcon (*Falco peregrines*), red wolf (*Canis rufus*), and whooping crane (*Grus Americana*). The American peregrine falcon, arctic peregrine falcon, bald eagle, and the peregrine Falcon have been delisted and are being monitored for five years. The gray wolf, interior least tern, red wolf, and the whooping crane are listed as 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. There is a very low probability that unanticipated cultural resources will be encountered during the proposed work.

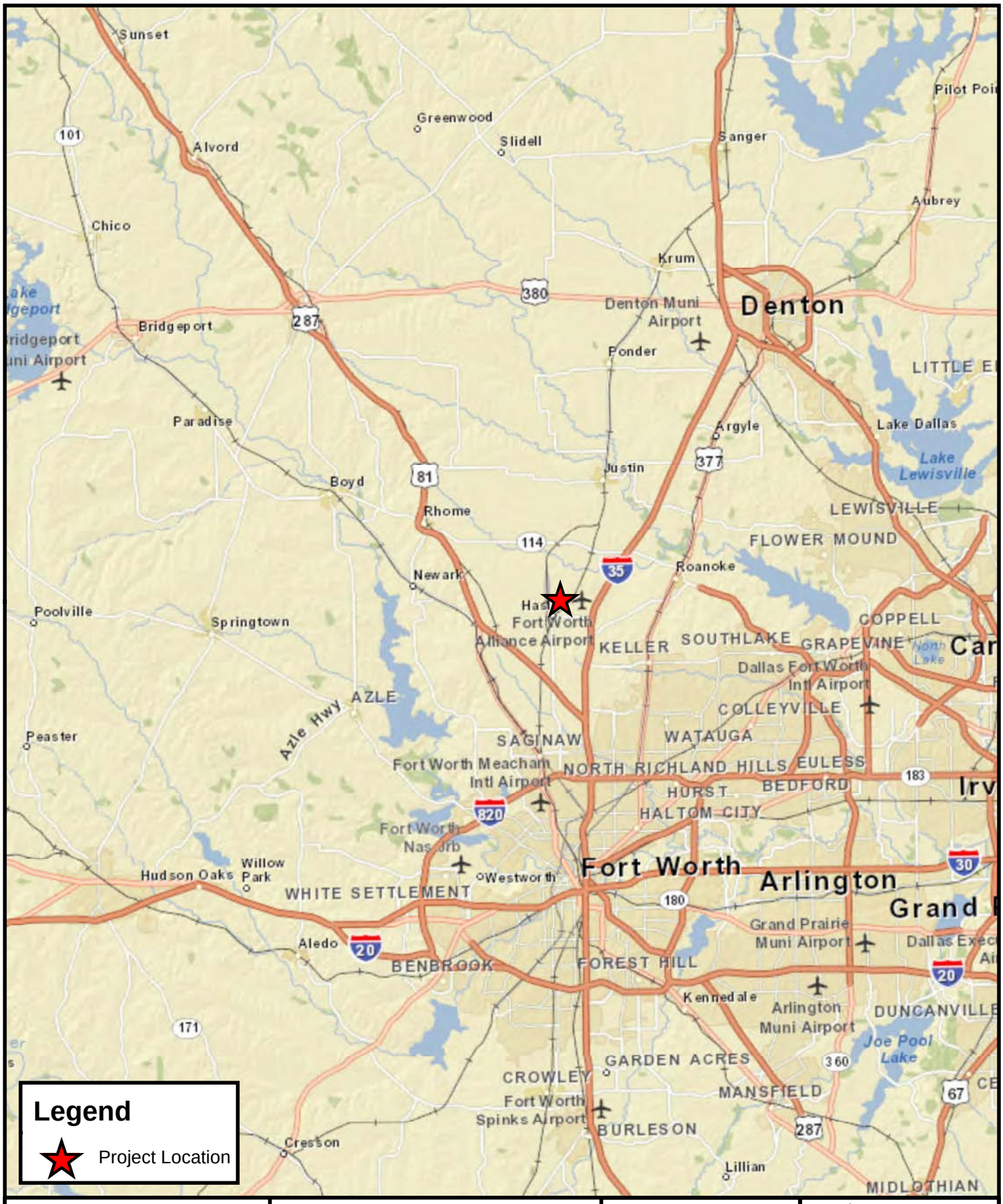
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 facts 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 would 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 would 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 January 16, 2013, 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 Mr. Eric Dephouse; 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) 886-1820. 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



SHEET NO. 1 OF 9

GRAPHIC SCALE

0 8 Miles

Westport 18/19 (SWF-2008-00176)

Vicinity Exhibit

City of Fort Worth, Tarrant County, Texas

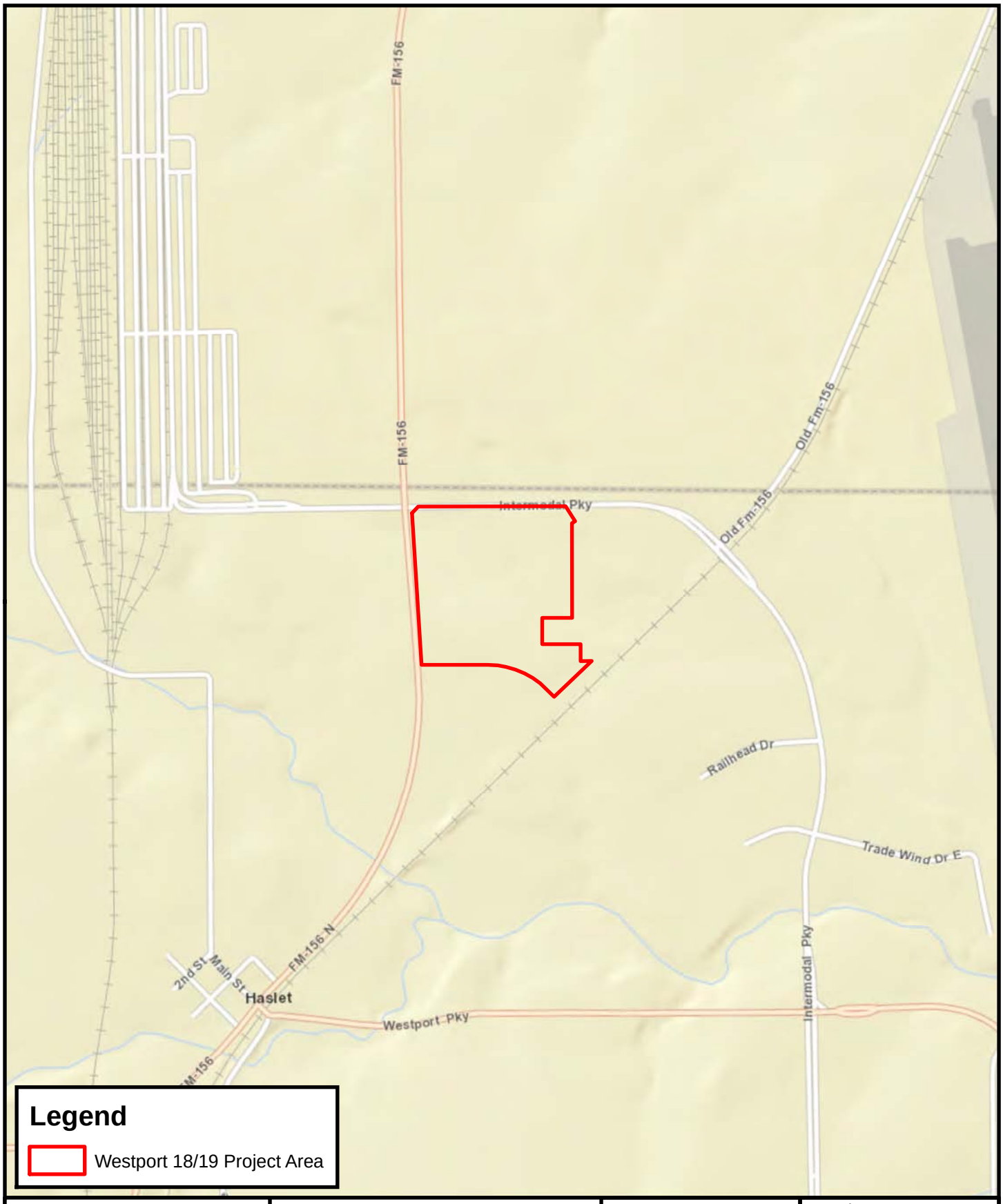
Prepared By:

PELOTON LAND SOLUTIONS

5751 KROGER DRIVE, SUITE 185
KELLER, TX 76244,
PHONE: 817-562-3350

Source: Sources: Esri, DeLorme, NAVTEQ, TomTom, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand)

Date: December, 2012



SHEET NO. 2 OF 9

GRAPHIC SCALE

0 1,500 Feet

Westport 18/19 (SWF-2008-00176)

Local Area Exhibit

City of Fort Worth, Tarrant County, Texas

Prepared By:

PELOTON LAND SOLUTIONS

5751 KROGER DRIVE, SUITE 185
KELLER, TX 76244,
PHONE: 817-562-3350

Source: Sources: Esri, DeLorme, NAVTEQ, TomTom, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand)

Date: December, 2012

SHEET NO. 3 OF 9

GRAPHIC SCALE

0 300 Feet

Westport 18/19 (SWF-2008-00176)

Aerial Photograph Exhibit

City of Fort Worth, Tarrant County, Texas

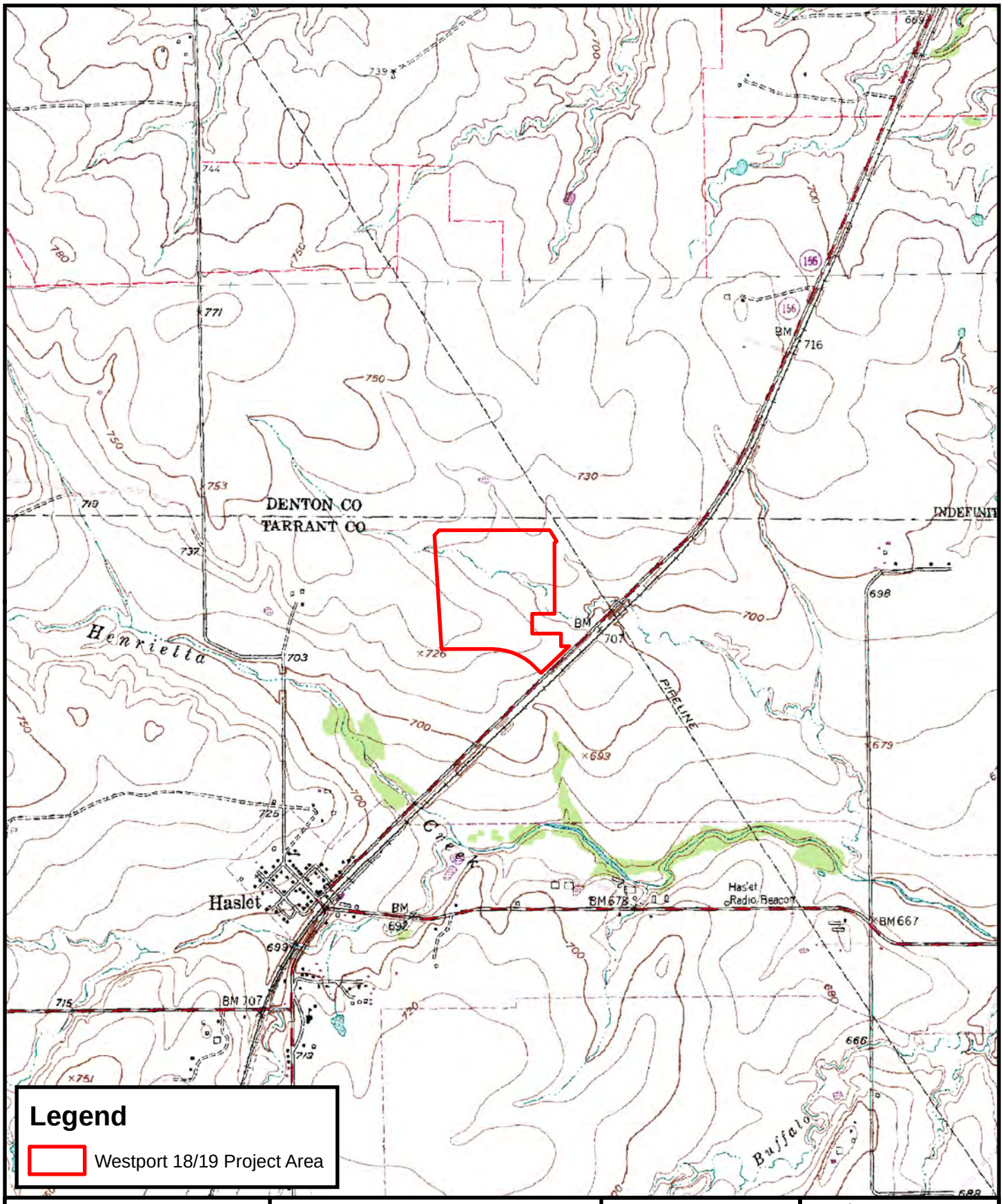
Prepared By:

PELOTON LAND SOLUTIONS

5751 KROGER DRIVE, SUITE 185
KELLER, TX 76244,
PHONE: 817-562-3350

Source: (c) 2010 Esri, i-cubed, USDA, USGS, AEX, GeoEye, Getmapping, Aerogrid, IGP, and the GIS User Community

Date: December, 2012



SHEET NO. 4 OF 9

GRAPHIC SCALE

0 2,000 Feet

Westport 18/19 (SWF-2008-00176)

USGS Topographic Exhibit

City of Fort Worth, Tarrant County, Texas

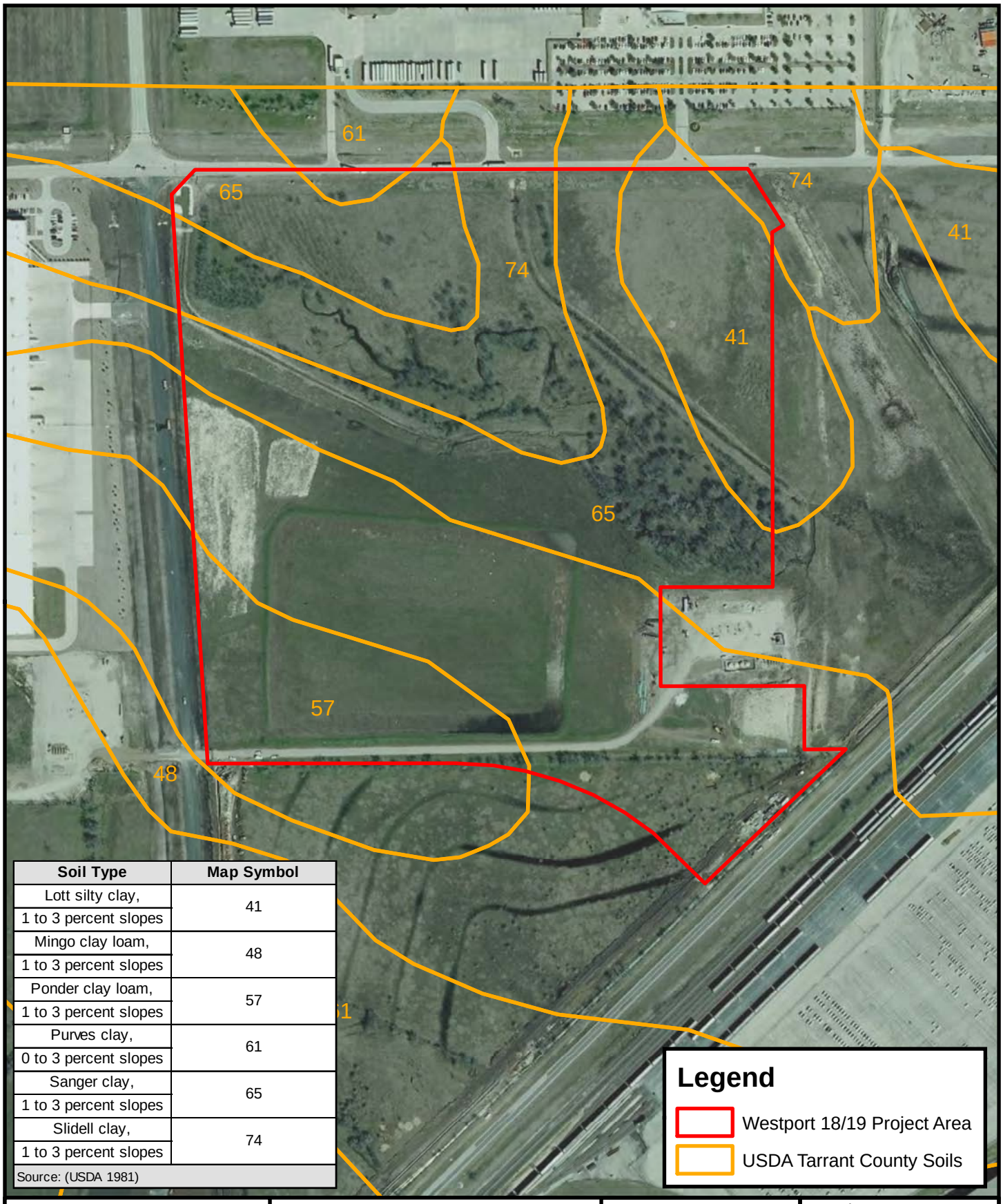
Source: USGS

Prepared By:

PELOTON LAND SOLUTIONS

5751 KROGER DRIVE, SUITE 185
KELLER, TX 76244,
PHONE: 817-562-3350

Date: December, 2012



Soil Type	Map Symbol
Lott silty clay, 1 to 3 percent slopes	41
Mingo clay loam, 1 to 3 percent slopes	48
Ponder clay loam, 1 to 3 percent slopes	57
Purves clay, 0 to 3 percent slopes	61
Sanger clay, 1 to 3 percent slopes	65
Slidell clay, 1 to 3 percent slopes	74
Source: (USDA 1981)	

Legend

- Westport 18/19 Project Area
- USDA Tarrant County Soils

SHEET NO. 5 OF 9

GRAPHIC SCALE

0 400 Feet

Westport 18/19 (SWF-2008-00176)

Soils Exhibit

City of Fort Worth, Tarrant County, Texas

Prepared By:

PELOTON LAND SOLUTIONS

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KELLER, TX 76244,
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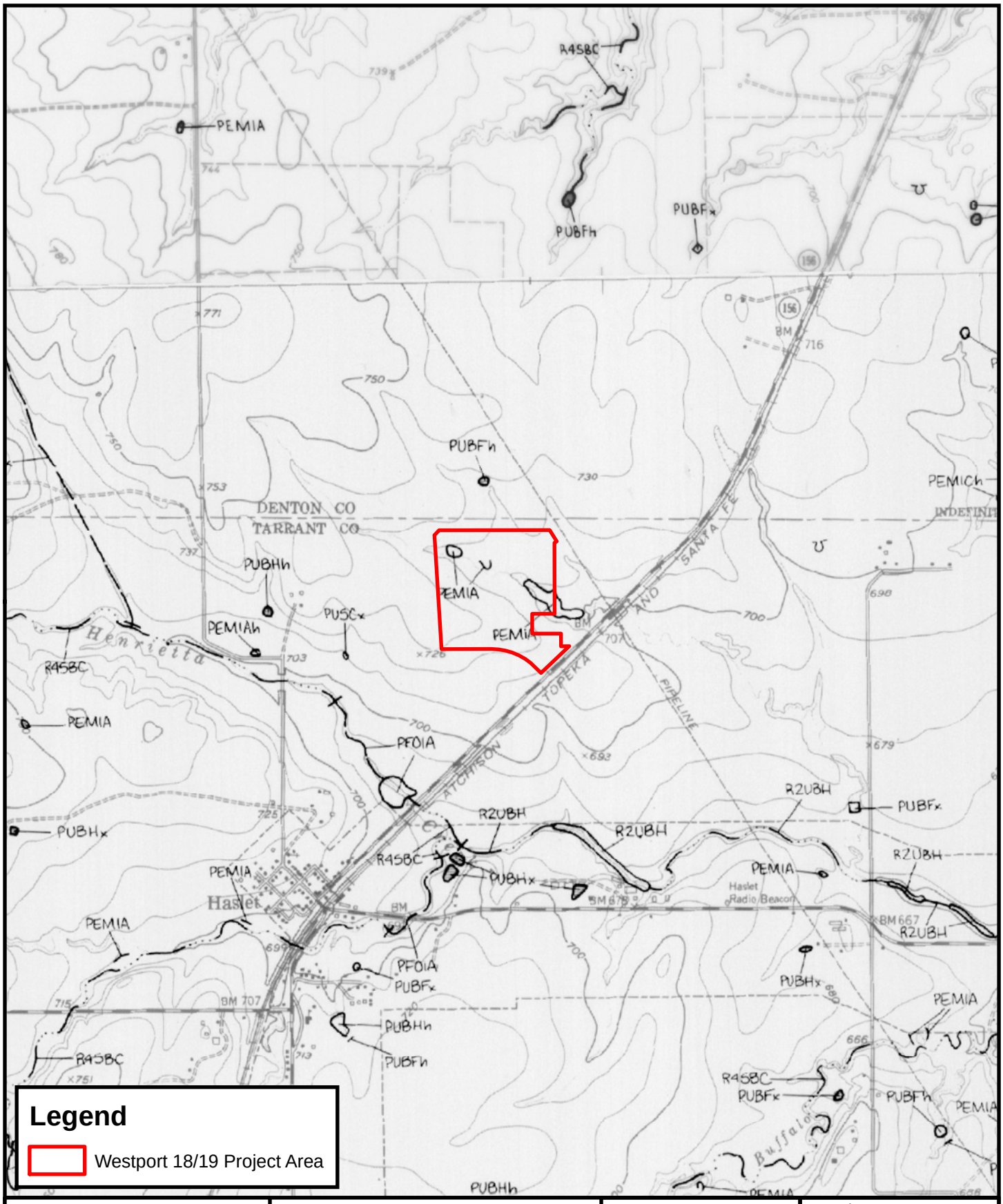
Date: December, 2012

File Path: G:\JOB\10-HWA\009-HW Environmental\Env\GIS\MXD\Westport 18-19\Public Notice\Ex5 Soils Map.mxd


R45BC
PEMIA
PUBFh
PUBFx
DENTON CO
TARRANT CO
PUBHh
PEMIAh
PUSCx
PEMIA
PEMIA
PEMICh
SANTA FE
TOPEKA
ATCHISON
PIPELINE
Henrietta
R45BC
PEMIA
PFOIA
PUBHx
R2UBH
R2UBH
R2UBH
PUBFx
R2UBH
R45BC
PUBHx
PEMIA
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PUBHh
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R45BC
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Legend
Westport 18/19 Project Area
SHEET NO. 6 OF 9
GRAPHIC SCALE
0
2,000
Feet
Westport 18/19 (SWF-2008-00176)
NWI Exhibit
City of Fort Worth, Tarrant County, Texas
Source: USFWS (1992)
Prepared By:
PELOTON
LAND SOLUTIONS
5751 KROGER DRIVE, SUITE 185
KELLER, TX 76244,
PHONE: 817-562-3350
Date: December, 2012

SHEET NO. 7 OF 9

GRAPHIC SCALE

0 300 Feet

Westport 18/19 (SWF-2008-00176)

FEMA Exhibit

City of Fort Worth, Tarrant County, Texas

Prepared By:

PELOTON LAND SOLUTIONS

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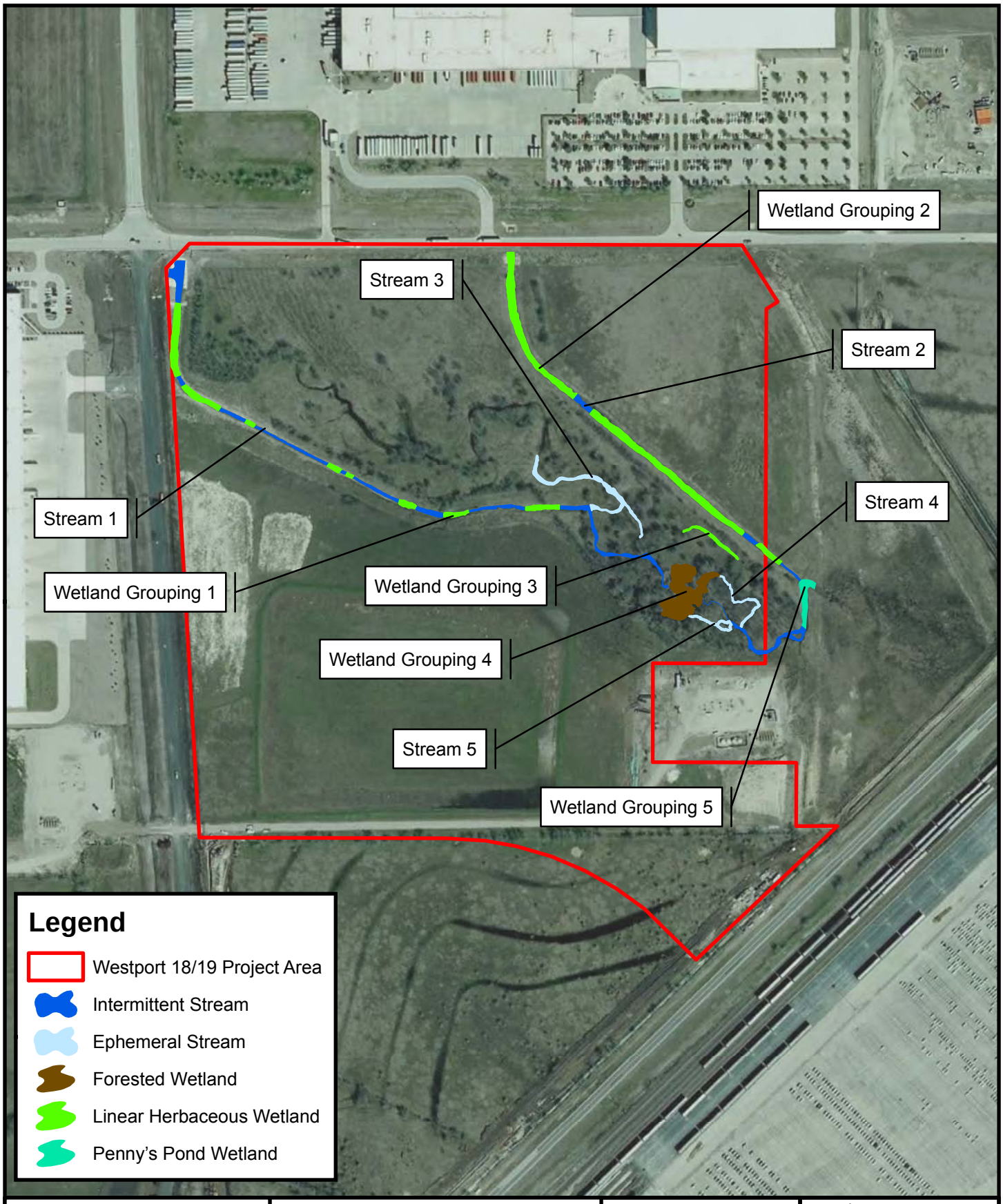
Date: December, 2012



SHEET NO. 8 OF 9

GRAPHIC SCALE

0 400 Feet

Westport 18/19 (SWF-2008-00176)

Potential Waters of the U.S. Exhibit

City of Fort Worth, Tarrant County, Texas

Prepared By:

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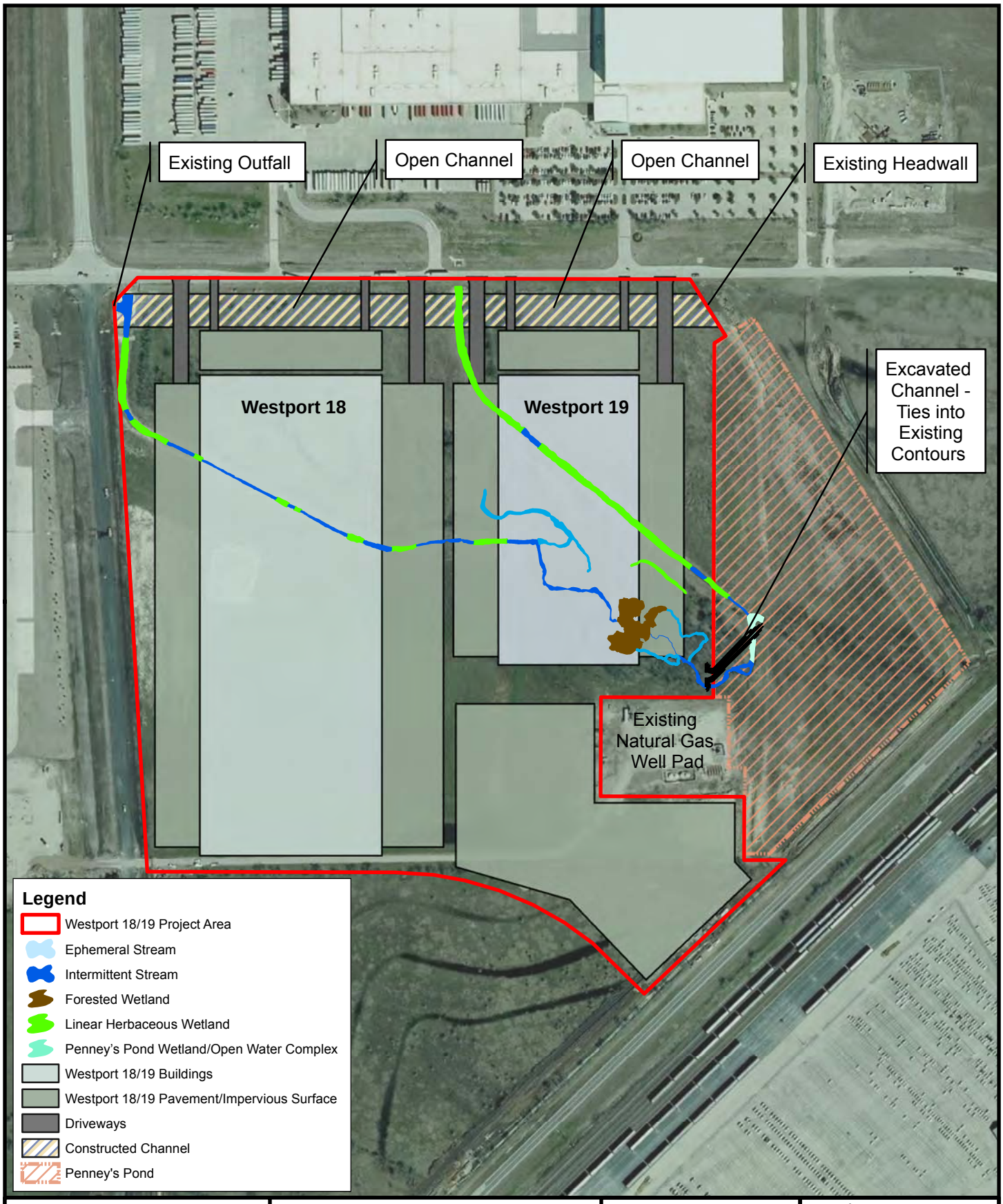
Date: December, 2012



SHEET NO. 9 OF 9

GRAPHIC SCALE

0 400 Feet

Westport 18/19 (SWF-2008-00176)

Proposed Site Plan and Impacts to Waters of the U.S.

City of Fort Worth, Tarrant County, Texas

Prepared By:

PELOTON LAND SOLUTIONS

5751 KROGER DRIVE, SUITE 185
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