



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

Public Notice

Applicant: BCS Office Investments One, LP

Project No.: SWF-2012-00432

Date: December 26, 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 associated with construction of a mixed-use commercial office complex.

APPLICANT: BCS Office Investments One, LP
c/o Mr. Don Mills
8115 Preston Road, Suite 700
Dallas, Texas 75225

APPLICATION NUMBER: SWF-2012-00432

DATE ISSUED: December 26, 2012

LOCATION: The proposed project would be located at the northwest intersection of East Renner Road and North Plano Road in the city of Richardson, Collin County, Texas. The U.S. Geological Survey (USGS) North American Datum 1983 coordinates for the approximate center point of the proposed project are as follows: Latitude 33.0002° North, Longitude -96.7028° West. The proposed project would be located approximately at UTM coordinates 32.999 East and -96.701 North Zone 14 on the Garland and Plano 7.5-minute USGS quadrangle maps in USGS Hydrologic Unit 12030106.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 1,000-cubic yards of dredged and fill material into approximately 0.26-acres (1,420-linear feet (lf) of perennial stream) of waters of the United States (WOUS) in conjunction with the construction of the project, including rerouting of the stream into approximately 1,600-lf of double 8-foot by 8-foot culverts. Total proposed impacts to waters of the U.S. are 0.26-acres (1,420-lf of perennial stream).

The project is a transit oriented, mixed use development located in northern Richardson, Texas. The main tenant would be State Farm Insurance Company. The project is roughly 35-acres and contains 1,520,000-square feet of office space, located in three towers with parking garages integrated into lower levels of the towers. It is also expected to include up to three multifamily

residential areas with approximately 1,000 individual units as well as the potential to develop a limited service hotel or an undetermined entertainment venue. Central to the development is a retail core which would offer restaurant, shops and service amenities to the corporate user and to the public at-large. The project has been designed to be a pedestrian friendly development, and would include multiple outdoor gathering spaces and a large central plaza. The campus is directly adjacent to the Bush Turnpike DART Station and the majority of the development is within a ½-mile walking radius from the station to facilitate convenient access to rail services.

Sheet 1 of 5 provides a vicinity map while Sheet 2 of 5 provides the project location on USGS topographic base mapping. Sheet 3 of 5 provides a depiction of waters of the U.S. on 2010 aerial base mapping. Sheet 4 of 5 provides the major project elements, including proposed impacts to waters of the U.S., building footprints, culvert locations, and cross section location for work in waters of the U.S. Sheet 5 of 5 provides a cross section of works in WOUS.

The project area contains an unnamed tributary to Spring Creek, which has a perennial flow regime. The unnamed tributary flows in a southerly direction along the western portion of the project area for approximately 2,820-lf. The project area also has a 0.08-acre forested wetland. The wetland and 1,400-lf of stream are proposed to be avoided. The project would result in 1,420-lf of stream placed into box culverts to facilitate the proposed development.

Table 1. Table of Waters of the U.S. Impacted by the Proposed Project.

Waterbody ID ¹	Latitude and Longitude (Decimal Degrees)	Resource Type ²	Linear Feet in Project Area	Acres in Project Area	Impact Type ³	Linear Feet of Impact	Acres of Impact	Cubic Yards of Material to be Discharged	Activity Type ⁴
<i>e.g., W-1</i>	<i>32.755°N, 97.755°W</i>	<i>NFW</i>	-	<i>0.25</i>	<i>D/P</i>	-	<i>0.15</i>	<i>1210</i>	<i>FP</i>
P1	32.999, -96.703	PS	2820	0.50	D/P	1420	0.26	1000	FP
OW1	32.998, -96.703	I		0.08			0.0		
NFW subtotal	-	-			-				-
FW subtotal	-	-			-				-
PS subtotal	-	-			-				-
IS subtotal	-	-			-				-
ES subtotal	-	-			-				-
I subtotal	-	-			-				-
TOTAL	-	-			-				-

¹ Waterbody ID may be the name of a feature or an assigned label such as "W-1" for a wetland.
² Resource Types: NFW – Non-forested wetland, FW – Forested wetland, PS – Perennial Stream, IS – Intermittent Stream, ES – Ephemeral Stream, I – Impoundment
³ Impact Types: D/P – Direct* and Permanent, D/T – Direct and Temporary, I/P – Indirect** and Permanent, I/T – Indirect and Temporary
* Direct impacts are here defined as those adverse affects caused by the proposed activity, such as discharge or excavation.
** Indirect impacts are here defined as those adverse affects caused subsequent to the proposed activity, such as flooding or effects of drainage on adjacent waters of the U.S.
⁴ Activity Types: BP – Building or Well Pad, RC – Road Crossing, DC – Dam Construction, IN – Inundation, CH – Channelization, BS – Bank Stabilization, UL – Utility Line Installation, DR – Dredging, CL – Clearing, FP – Fill Placement, MA – Mining Activities, or Other (explain in Box 7)

ALTERNATIVE SITE LOCATIONS AND ALTERNATIVE LAYOUTS: A regional search for other available properties was conducted by the applicant. No other sites could be identified which would be in close proximity to an existing public rail transportation facility. Alternative configurations of the project were explored which included much less density in both vertical and horizontal development. Under this alternative, a large single corporate building would have been developed. This single building concept would have provided the same tenant space and potentially avoided portions of the stream proposed for impacts under the preferred alternative. However, it was determined that the single building concept did not meet the tenant needs of appropriate space distribution. The applicant's preferred alternative, consisting of multiple buildings and open spaces in close proximity to the rail station, would meet the requirements of tenants for facility spacing and transportation.

COMPENSATORY MITIGATION: Impacts to WOUS are proposed to be mitigated for by purchasing credits from an approved mitigation bank serving the project area according to their established mitigation banking instrument, prior to the discharge of fill into WOUS.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, 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 used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. 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 incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I

project criteria. Tier I projects are those that result in a direct impact of three acres or less of waters of the State or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices (BMPs) and other provisions designed to safeguard water quality. The USACE has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in Collin County where the whooping crane (*Grus americana*), is known to occur or may occur as a migrant. The whooping crane is an 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. However, presently unknown scientific, archaeological, cultural or architectural data may be lost or destroyed by the proposed work under the requested permit.

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.

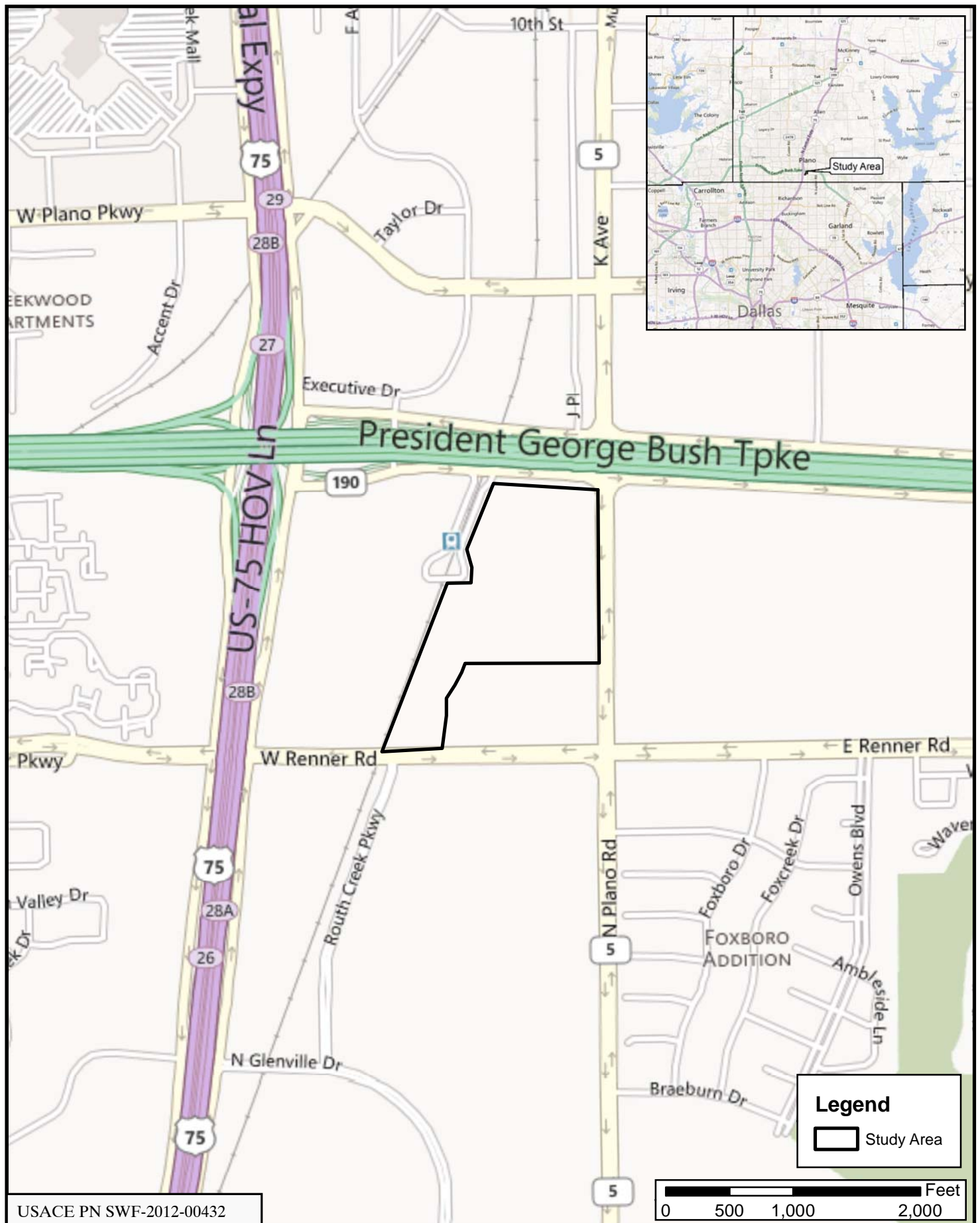
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted 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 will 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 will 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 25, 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



USACE PN SWF-2012-00432	
SHEET 1 OF 5 SHEETS	DATE: 12/19/2012
	DESIGN: RKB
	DRAWN: RKB
	CHECKED: LDC
	KHA NO.: 068176012

Study Area Map
Vicinity Map

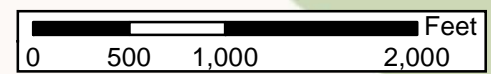
State Farm Insurance
Office Building

Richardson, Collin County, Texas



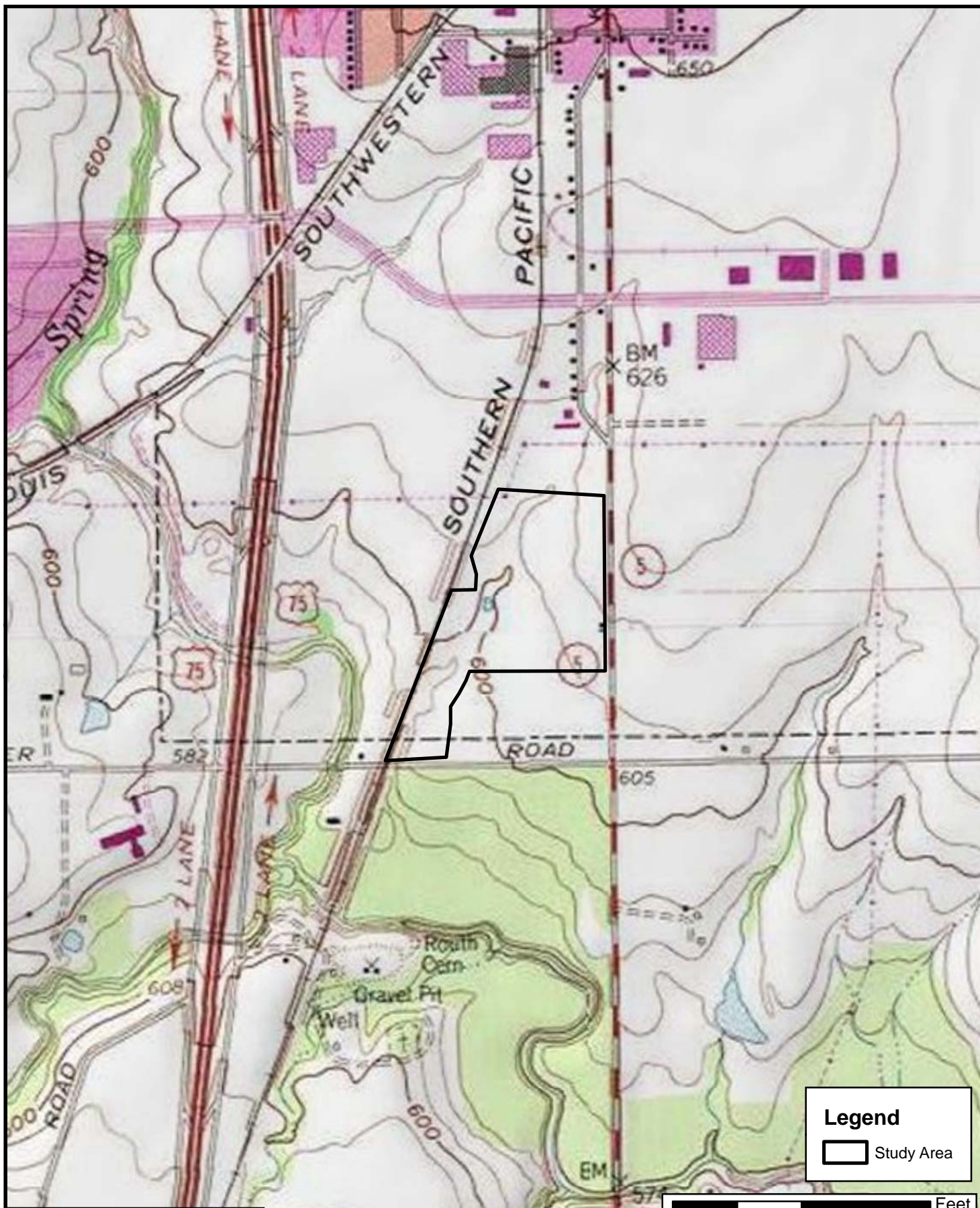
**Kimley-Horn
and Associates, Inc**

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Legend

Study Area



USACE PN SWF-2012-00432

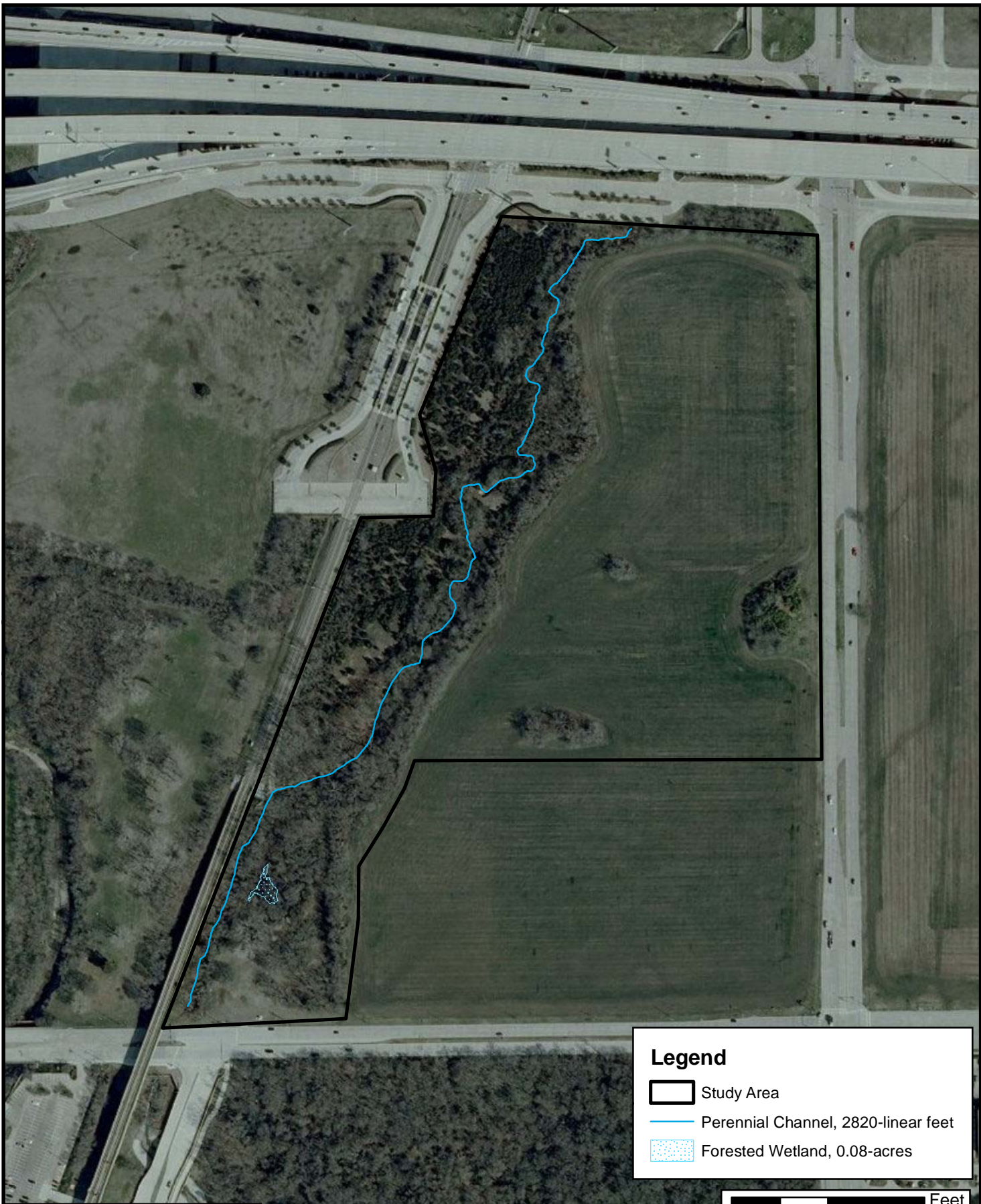
2	DATE:	12/19/2012
	DESIGN:	RKB
	DRAWN:	RKB
	CHECKED:	LDC
	KHA NO.:	068176012

Study Area Map
USGS Topographic Map



State Farm Insurance
Office Building
Richardson, Collin County, Texas

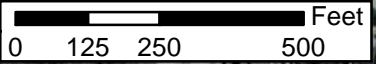


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Legend

-  Study Area
-  Perennial Channel, 2820-linear feet
-  Forested Wetland, 0.08-acres




USACE PN SWF-2012-00432

SHEET 3 OF 5 SHEETS	DATE:	12/19/2012
	DESIGN:	RKB
	DRAWN:	RKB
	CHECKED:	LDC
	KHA NO.:	068176012

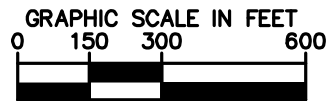
Study Area Map
2010 Aerial Map
Aerial Source: TNRIS 2010

State Farm Insurance
Office Building
Richardson, Collin County, Texas

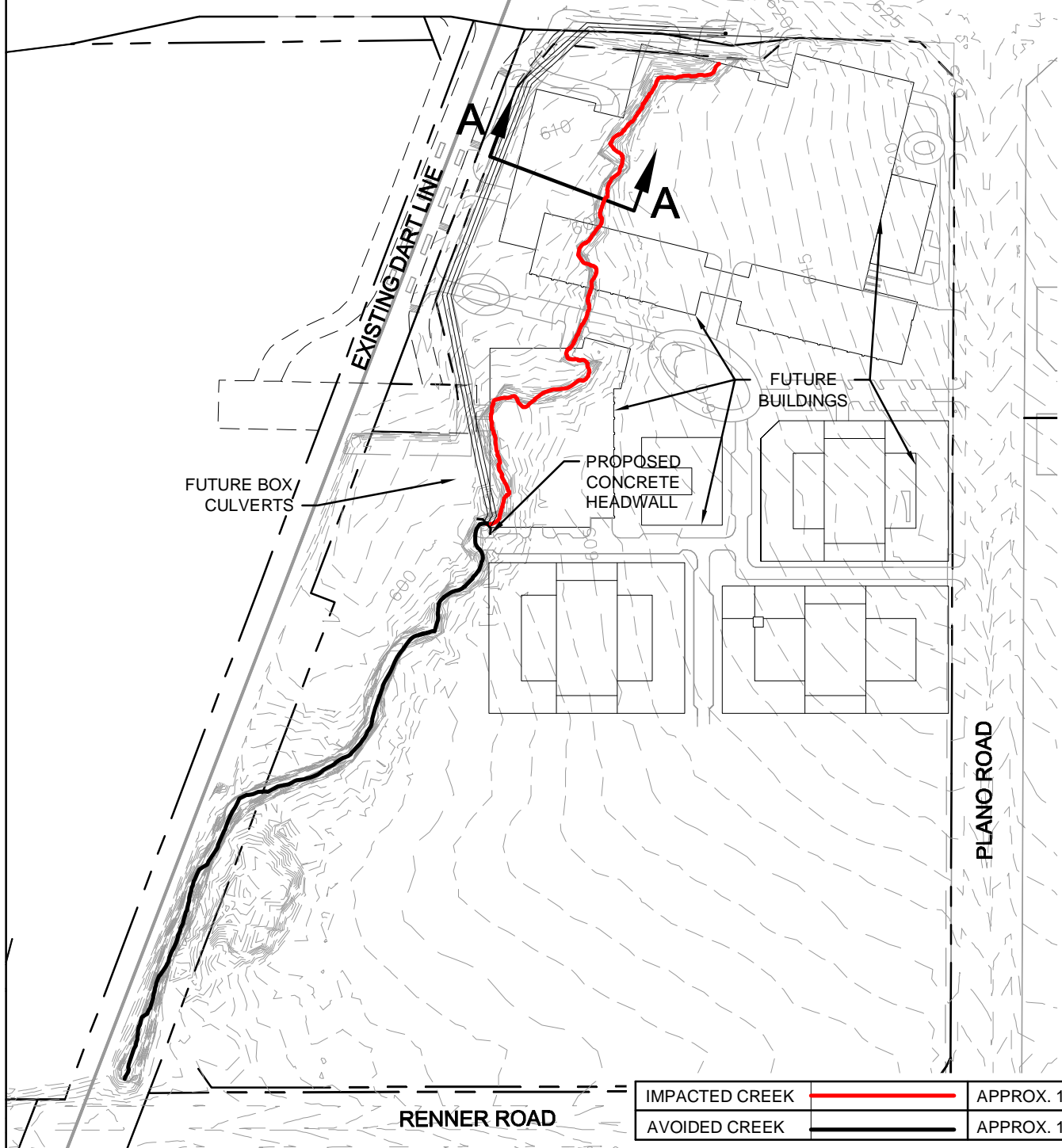



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STATE HIGHWAY NO. 190



IMPACTED CREEK		APPROX. 1420 LF
AVOIDED CREEK		APPROX. 1400 LF

USACE PN SWF-2012-00432

SHEET
4
OF 5
SHEETS

Scale:	AS SHOWN
Designed by:	BM
Drawn by:	AG
Checked by:	BM
Date:	December 19, 2012

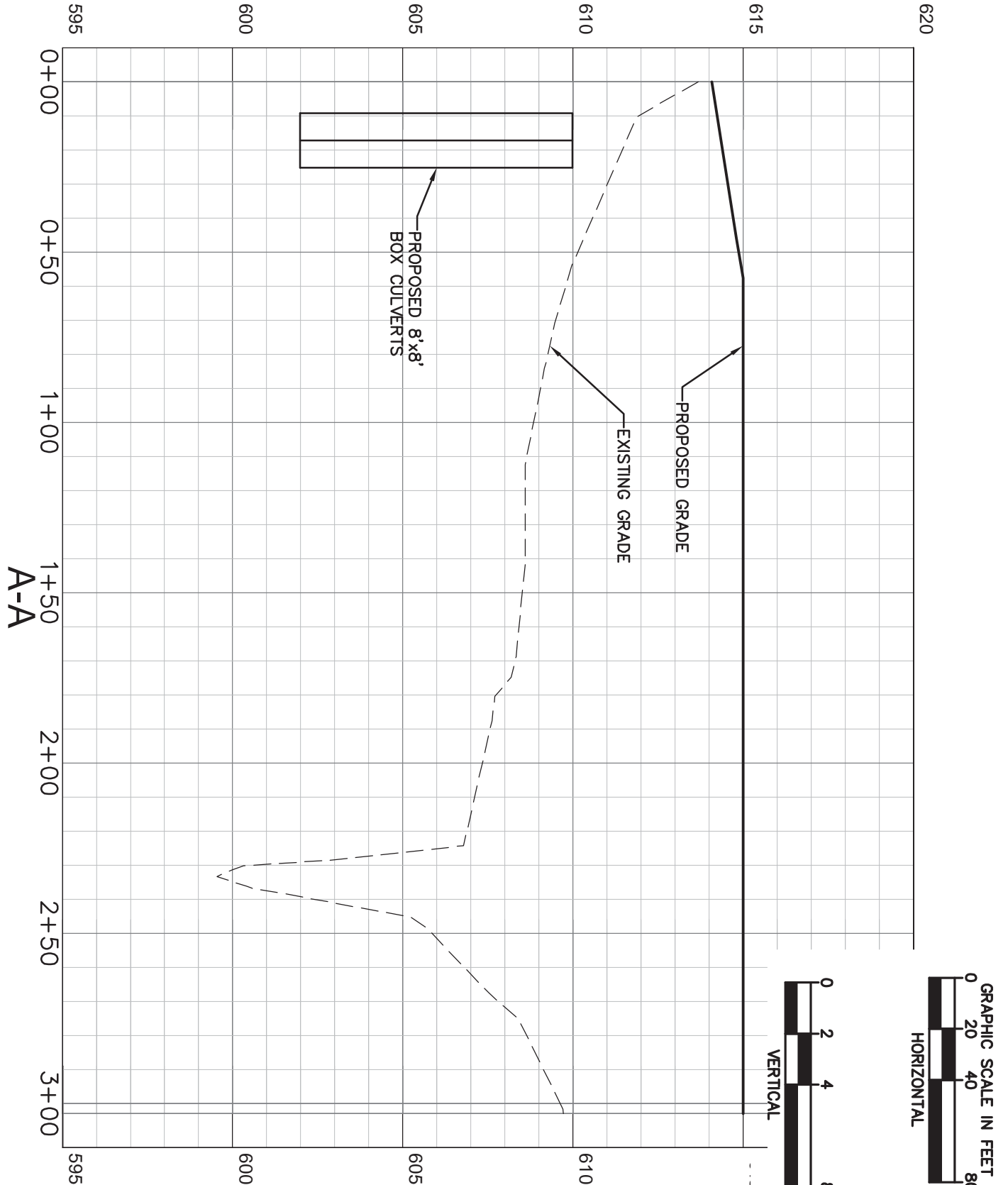
Cross Sections Exhibit Overall
State Farm Insurance Office Building
Richardson, Texas



**Kimley-Horn
and Associates, Inc.**

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

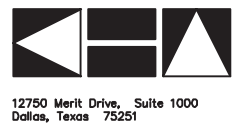


USACE PN SWF-2012-00432

SHEET
5
OF 5
SHEETS

Scale:	AS SHOWN
Designed by:	BM
Drawn by:	AG
Checked by:	BM
Date:	December 19, 2012

Cross Sections Exhibit A-A
State Farm Insurance Office Building
Richardson, Texas



**Kimley-Horn
and Associates, Inc.**
12750 Merit Drive, Suite 1000
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