



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

# Public Notice

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Applicant: Kansas City Southern Railway Company

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Permit Application No.: SWF-2013-00072

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Date: June 17, 2013

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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**

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Name: Elisha Bradshaw

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Phone Number: SWF-2013-00072

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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 the proposed Wylie Intermodal Facility, located in the city of Wylie, Collin County, Texas.

**APPLICANT:** Kansas City Southern Railway Company (KCS)  
Jeffrey Songer  
P.O. Box 219335  
Kansas City, Missouri 64121-9335

**APPLICATION NUMBER:** SWF-2013-00072

**DATE ISSUED:** June 17, 2013

**LOCATION:** The proposed intermodal facility would be located off of Skyview Court, just west of Lake Lavon Dam, city of Wylie, Collin County, Texas. The proposed project would be located approximately at N 33.028549° latitude; W -96.499489° longitude within the Wylie & Lavon, TX 7.5-minute USGS quadrangle map in the Camp Creek - Lake Ray Hubbard USGS Hydrologic Unit 120301060401 (Figure 1).

**OTHER AGENCY AUTHORIZATIONS:** State Water Quality Certification

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 15,000 cubic yards of dredged and fill material into approximately 3,026 linear feet of waters of the United States in conjunction with the construction of the proposed KCS Wylie Intermodal Facility Project. Total proposed impacts to waters of the U.S. include direct permanent impacts to 3,026 linear feet of intermittent stream.

**INTRODUCTION:** In general, intermodal freight transport involves the transportation of freight in a container or vehicle, using multiple modes of transportation (rail, ship and truck) without any handling of the freight itself. In contrast, a transload facility transfers the goods within the containers from the railcar to the truck or vice versa and then transported to its final destinations (local industries). The method in which the transfer is conducted varies on the type of goods. Liquid goods would be pumped; lumber would be handled with a forklift, etc. The goods may be stored for a short duration depending upon the capabilities of the transload facility.

KCS currently operates the Zacha Intermodal Facility (IMF), located in Garland Texas (Figure 2). The Zacha IMF has become the central distribution point for the Dallas Metropolitan Area providing the transportation of freight onto KCS rail where it is transported or distributed throughout the continental United States and Mexico. The current KCS Zacha IMF does not provide enough rail car parking and/or track capacity. As such, the demands of KCS's clients are not being met. Since the current Zacha IMF is considered landlocked without the possibility of expanding its operations, the applicant proposes to construct the Wylie IMF, to meet the needs of KCS's customers. KCS is proposing to convert the Zacha IMF into a transload facility.

The proposed Wylie IMF will consist of multiple 5,000 lf strip tracks, 80 acres of pavement for approximately 2,816 container parking stalls (11' x 55'), a 3,000 sq. ft. checkpoint/terminal building, a 4,200 sq. ft. maintenance building, and a 2,400 sq. ft. crane maintenance canopy. Operations of the site will include loading and unloading of containers to and from trucks and trains, parking for short-term storage of shipping containers, on site crane maintenance, on site truck fueling, and office operations (Figure 3a-3b).

**EXISTING CONDITIONS:** The proposed Wylie IMP project site is approximately 317 acres and is located within the 545 acre KCS property. The project site is bordered by State Highway 78 to the south, Skyview Drive and Skyview Court to the east, residential/commercial development to the west, and Lake Lavon to the north. The property has been historically utilized for agricultural production. Currently KCS has a rail yard and mainline that traverses across the property from east to west.

**Water Features (Figures 4a-4b) -** The project site drains generally to the northeast. Primary drainage through the property is through an unnamed stream of the Trinity River. The approximate 3,026 lf of stream located within the project site has well-defined stream channels with intermittent flows. The intermittent stream originates within the limits of the property, traverses through the property, enters the project site through an existing 4' x 6' concrete box culvert located under the existing mainline tract, and then exits the property to the northeast through an existing 8' x 6' concrete box culvert. The upper reaches of this stream have been manipulated and constructed/straightened to aid in past agricultural practices and to currently convey storm water from the adjacent development located west of the property. Connecting directly upstream of the intermittent stream is a man-made drainage ditch (2,164 lf) that was constructed within uplands to facilitate storm water runoff from the adjacent developments. There are also 3 isolated upland stock ponds within the property. The ponds were historically excavated within uplands to accommodate cattle production and agricultural uses.

**Soils (Figure 5) -** According to the U.S. Department of Agriculture Natural Resources Conservation Service, soils through the property consist of Altoga silty clay, Burleson clay, Leson clay, Houston black clay, and Lewisville silty clay. Altoga silty clay is a well-drained soil typically found on plains and stream terraces. Depth to the water table is typically greater than 80 inches. Burleson clay is also found in plains and stream terraces. This soil is moderately well-drained with depth to the water table typically being greater than 80 inches. Leson clay is a moderately well-drained soil found on plains and ridges with depth to the water table typically being greater than 80 inches. Houston black clay is typically found on plains. This is a

moderately well drained soil with the water table typically found at depths greater than 80 inches. Lewisville silty clay is typically found in river valleys and stream terraces. It is a well-drained soil with depth to the water table typically greater than 80 inches.

Vegetation – The vegetation within the project site consists mainly of upland agricultural fields, upland open pasture, forested upland, intermittent riparian area, and open water fringe. Plant species with the upland agricultural fields consist mainly of Dallisgrass (*Paspalum dilatatum*), Henbit (*Lamium spp.*), Curly dock (*Rumex crispus*), Vetch (*Vicia sativa*), White clover (*Trifolium repens*), and Bahiagrass (*Paspalum notatum*). Plant species within the upland open pasture consist mainly of Geranium (*Geranium maculatum*), White clover (*Trifolium repens*), Curly dock (*Rumex crispus*), Dallisgrass (*Paspalum dilatatum*), Johnson grass (*Sorghum halepense*), Henbit (*Lamium spp.*), Vetch (*Vicia sativa*), Switchgrass (*Panicum virgatum*), Broomsedge (*Andropogon virginicus*), and Goldenrod (*Solidago spp.*). Plant species within the forested uplands consist mainly of Eastern red cedar (*Juniperus virginiana*), and Winged elm (*Ulmus alata*). Plant species within the intermittent riparian areas consist mainly of Sugarberry (*Celtis laevigata*), Shumard oak (*Quercus shumardii*), and Eastern red cedar (*Juniperus virginiana*). Plant Species within the open water fringe areas consist mainly of Dallisgrass (*Paspalum dilatatum*), Johnson grass (*Sorghum halepense*), White clover (*Trifolium repens*), Goldenrod (*Solidago spp.*), Black willow (*Salix nigra*), and Broom sedge (*Andropogon virginicus*).

**ADVERSE IMPACTS TO WATERS OF THE UNITED STATES:** To accommodate necessary track construction, 3,026 lf of existing intermittent stream would be filled and rerouted to flow east along the southern boundary of the existing mainline track. The applicant proposes to use 15,000 cubic yards of clean, free of contaminant, silty clay loam fill material, which will be obtained within the project site. The box culvert located under the existing mainline along the south boundary of the project site is proposed to be abandoned to accommodate reroute of the stream. The new stream channel would be constructed to flow east along the southern boundary of the mainline and then turn north to flow along the west boundary of Skyview Court and cross under the mainline via a new double 8' x 6' concrete box culvert. The stream proposed to be rerouted would ultimately flow into a proposed storm water detention pond, which would be approximately 7' deep with 2:1 side slopes and a surface area of 6.5 acres. The existing 6' x 8' concrete box culvert on the north side of the project area would be retained and allow for storm water to continue to leave the site in its current location (Figures 6a-6c).

**MITIGATION:** The applicant is proposing off-site mitigation through the use of an existing mitigation bank (Trinity River Mitigation Bank and/or South Forks Trinity River Mitigation Bank), for the loss of the 3,026 lf of intermittent stream.

**PUBLIC INTEREST REVIEW FACTORS:** Paleontological remains have been identified in the vicinity of the proposed project. A number of important Cretaceous-age vertebrate fossils have been recovered from the area over the past fifty years. There is a possibility the proposed work will encounter vertebrate fossils. Additional work or treatment may be necessary if previously unidentified vertebrate fossils are encountered.

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 would result in a direct impact of greater than 1,500 linear feet of streams, and as such would not fulfill Tier I criteria for the project. 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 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 a county where the whooping crane (*Grus Americana*) is known to occur or may occur as a migrant. 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 area of the proposed work was surveyed for prehistoric and historic sites. Three historic-age sites were identified. One historic farming complex, site 41COL246, was identified from the presence of a brick-lined well, two outbuildings, and modern trash. Archival research indicated three structures and nine outbuildings comprised the original complex. These were probably constructed after 1920. Two structures remain partially intact, both framed barns (or storage sheds) with corrugated tin siding and roofs. The remainder of the site is only defined by trash and the rubble of previous buildings. The site is not considered eligible for inclusion in the National Register of Historic Places and is not associated with any important persons or events.

Two additional historic sites were identified. Site 41COL247 is defined by early to mid-20th century trash and debris. Site 41COL248 is the remains of a mid-20th century house defined by a concrete foundation and the remains of the collapsed structure. Neither property is considered eligible for inclusion in the National Register of Historic Places.

No prehistoric sites were identified during the pedestrian survey of the area. No additional work to identify or assess cultural resources is anticipated for this project.

**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.

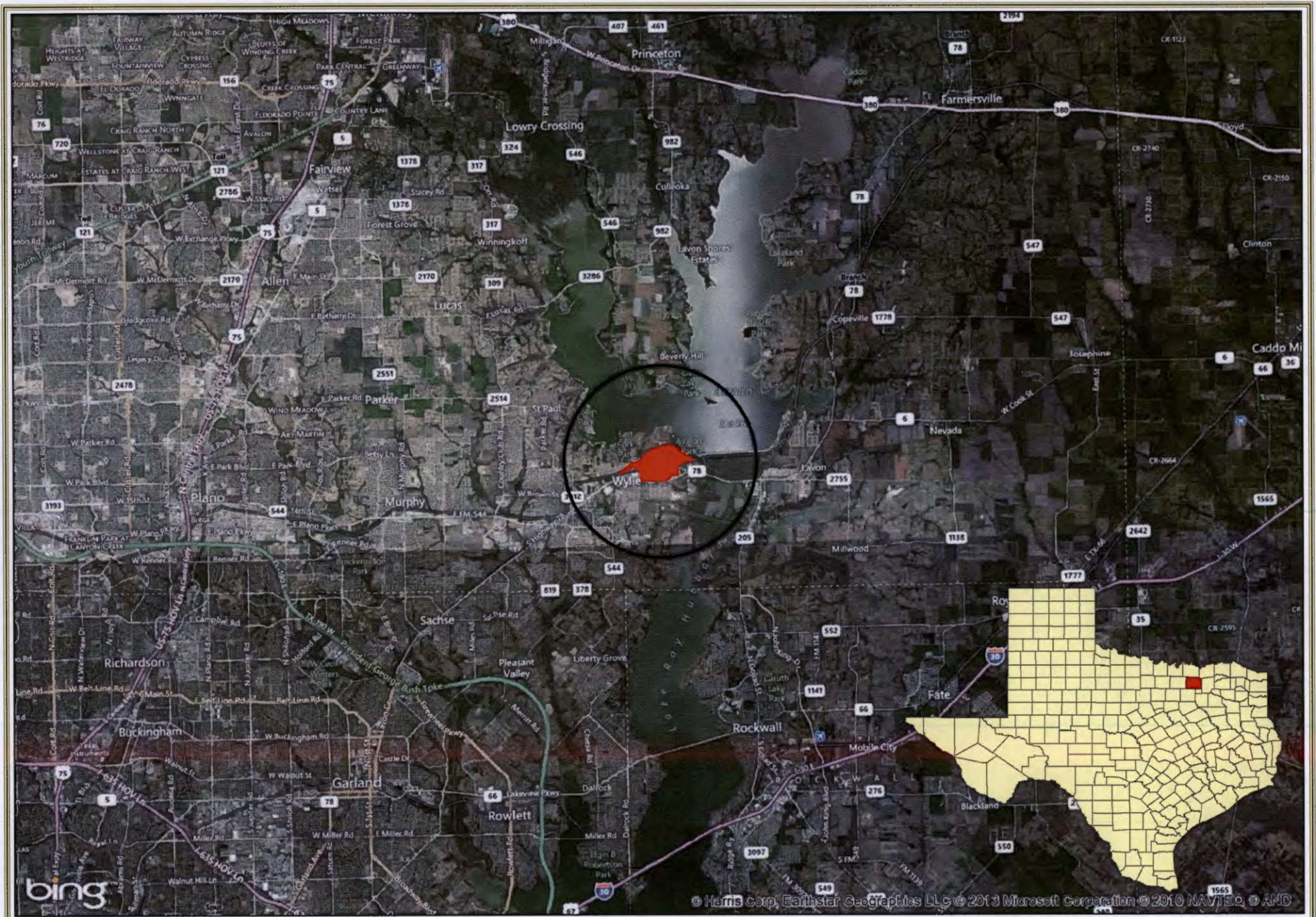
**SOLICITATION OF COMMENTS:** The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should 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 July 17, 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 ; 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) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

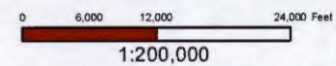
DISTRICT ENGINEER  
FORT WORTH DISTRICT  
CORPS OF ENGINEERS





**Wylie Intermodal Facility  
Collin County, Texas**

[General Location Map](#)



3/18/2013 - AS

Figure 1



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6/13/2013

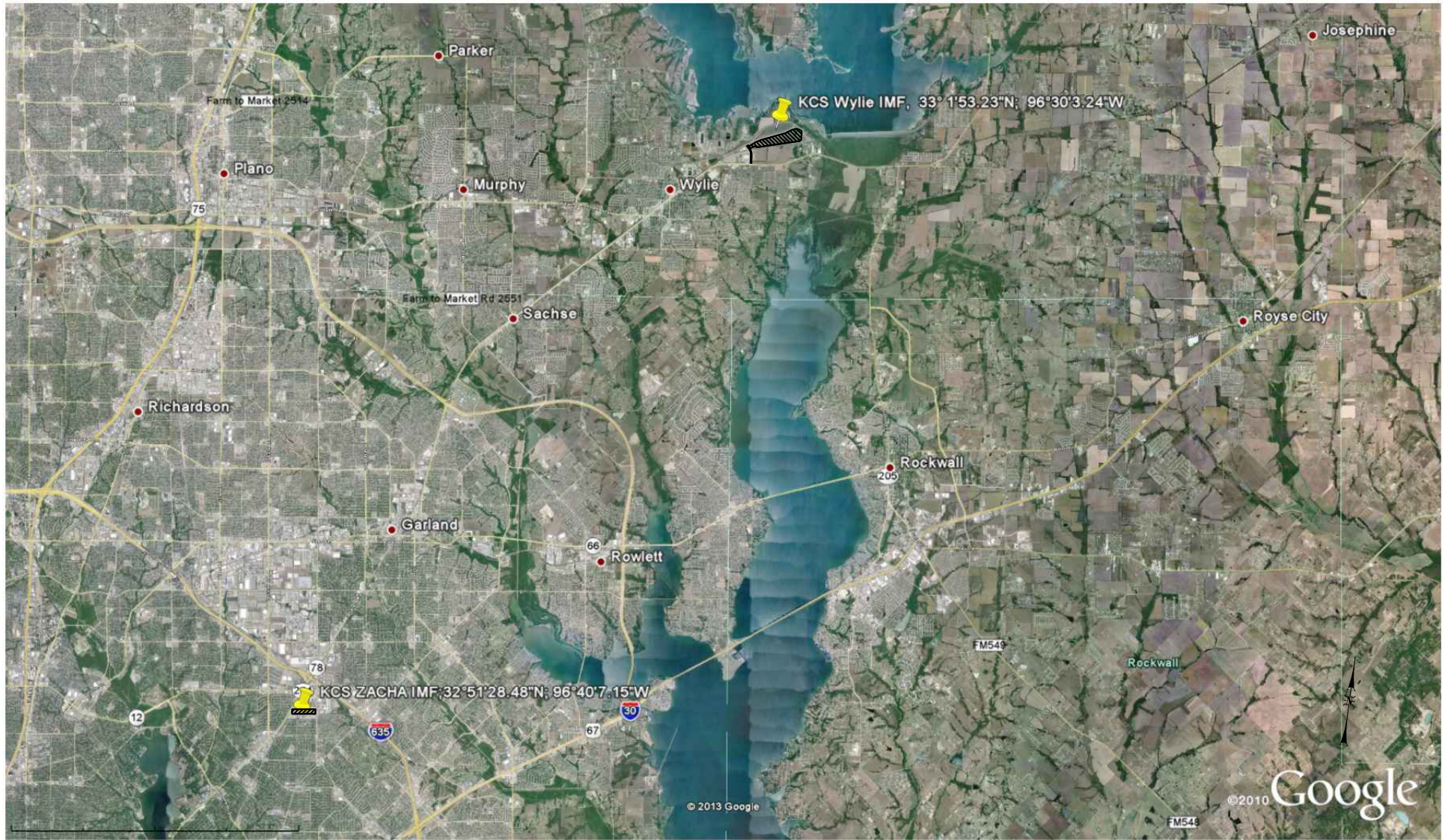




Figure 2



TBPE Reg #F351  
2821 WEST 7TH ST, SUITE 400  
FORT WORTH, TEXAS 76107  
(817) 877-5571



DRAWN BY: S. ROBERTSON	THE KANSAS CITY SOUTHERN RY. CO.	Office of Assistant Vice President Engineering Design
CHECKED BY: L. CRAIG		
DATE: 3/13/2013	LOCATION & DESCRIPTION: <b>KCS WYLIE IMF LOCATION</b>	
SHEET NUMBER 001 of	SHEET TITLE:	



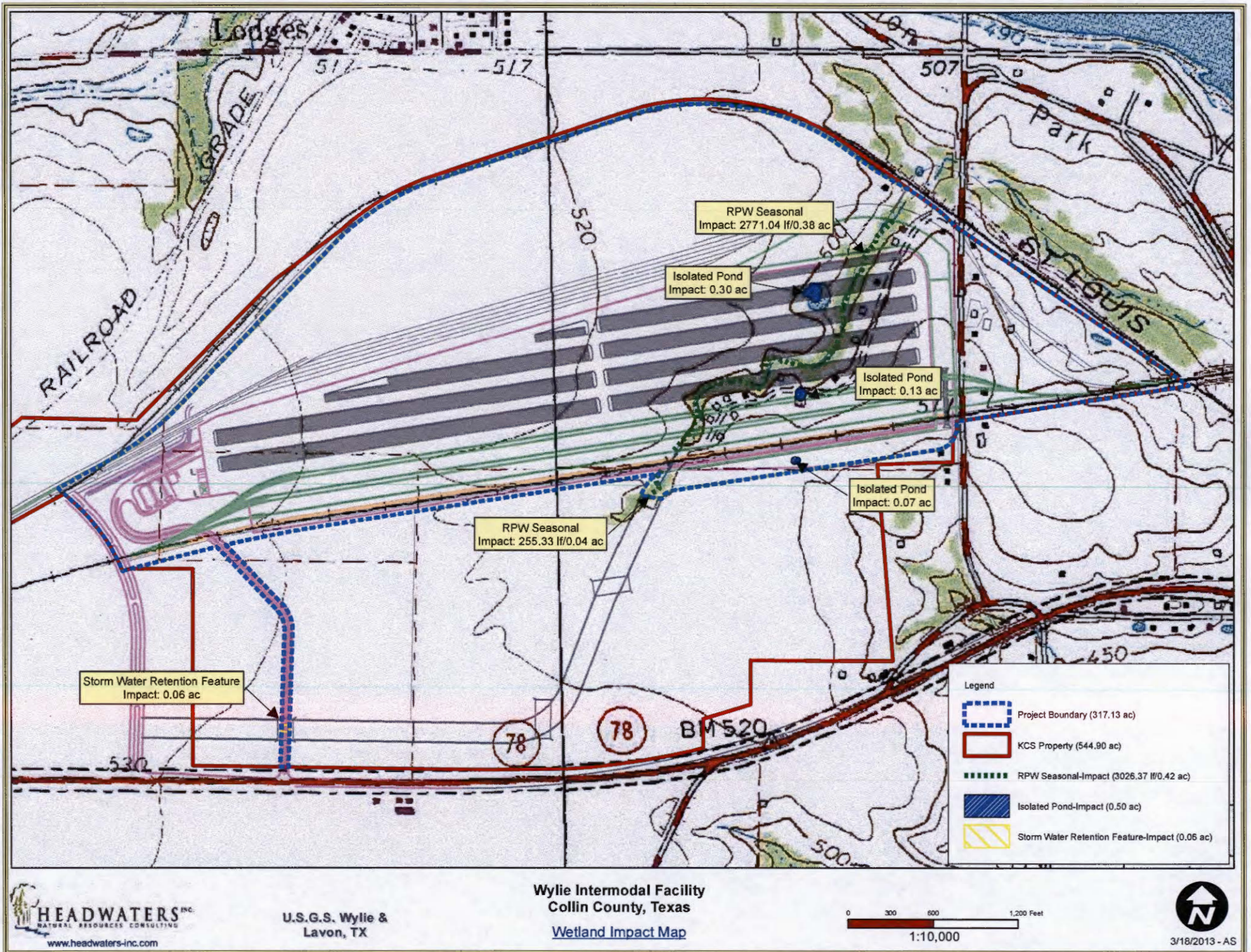


Figure 3a.



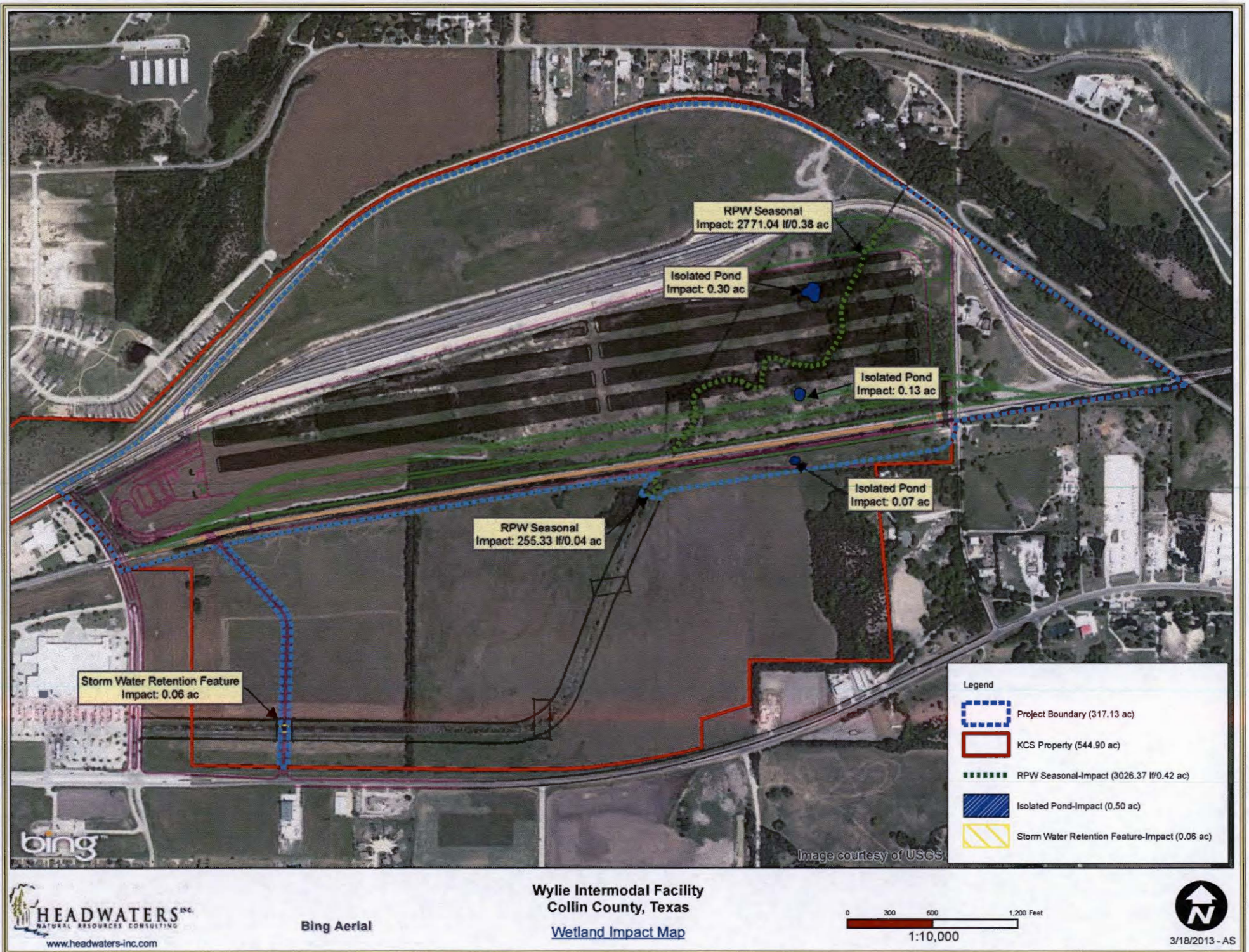


figure 3b.



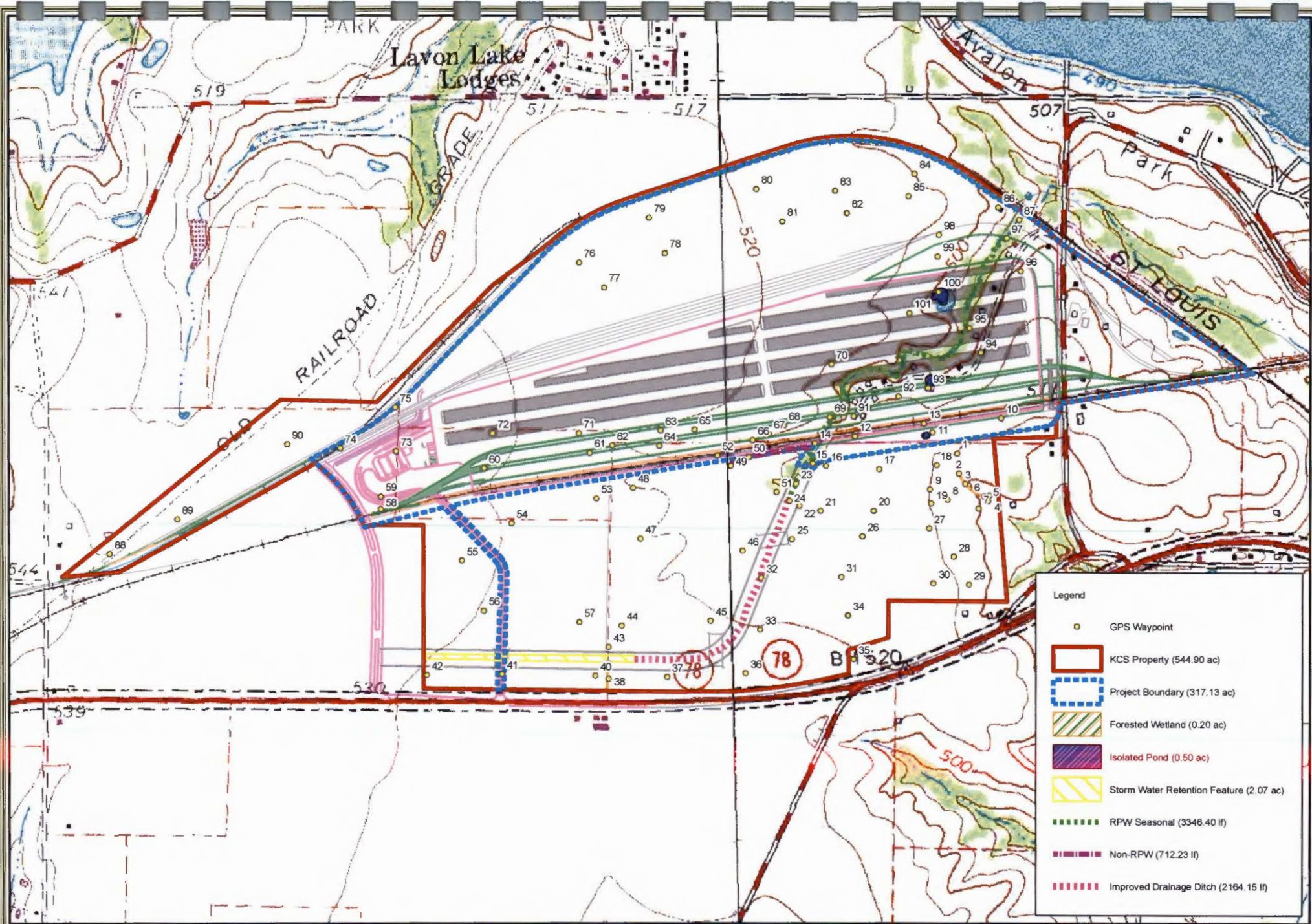


Figure 4a



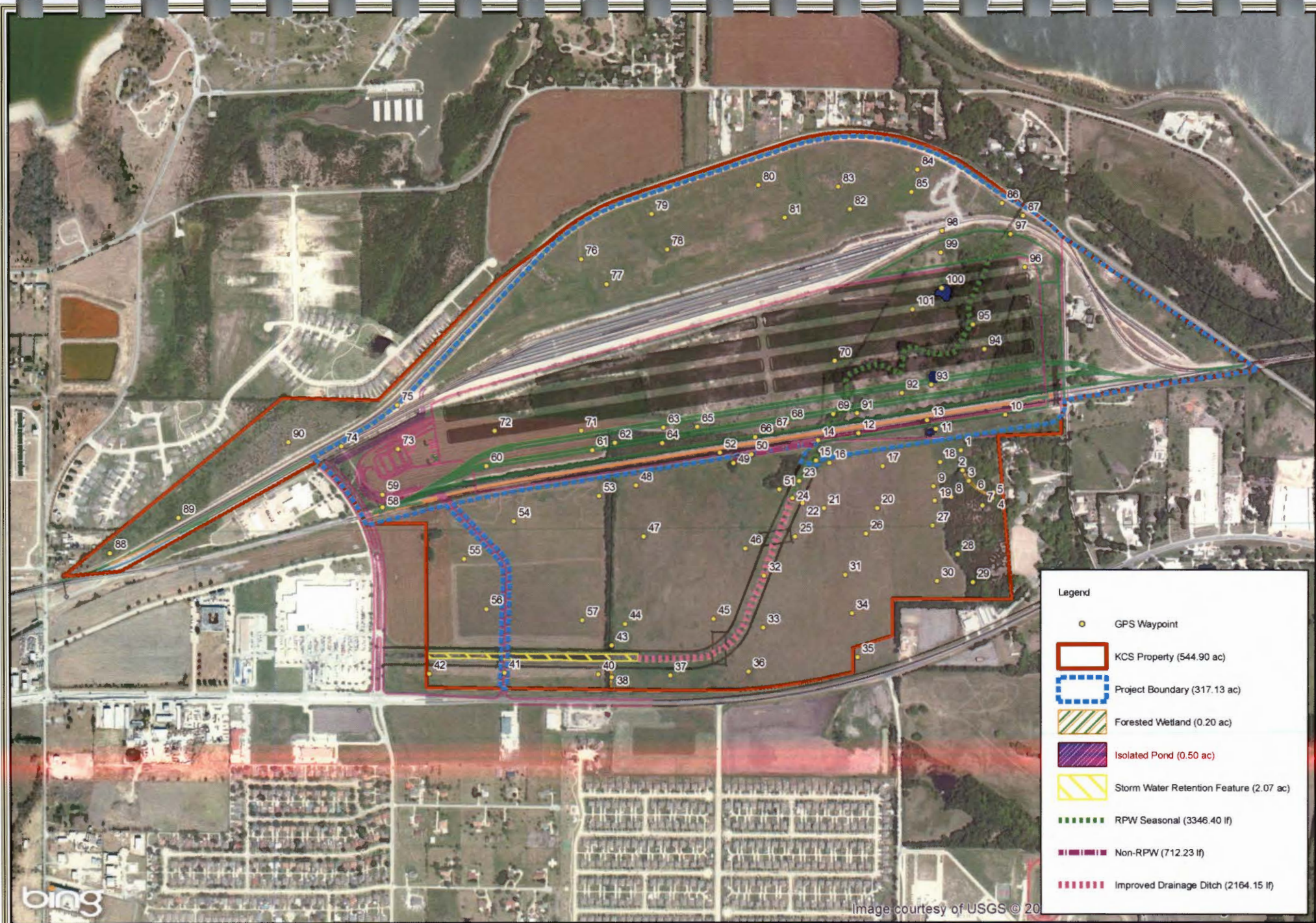


Figure 4b



Custom Soil Resource Report  
Soil Map

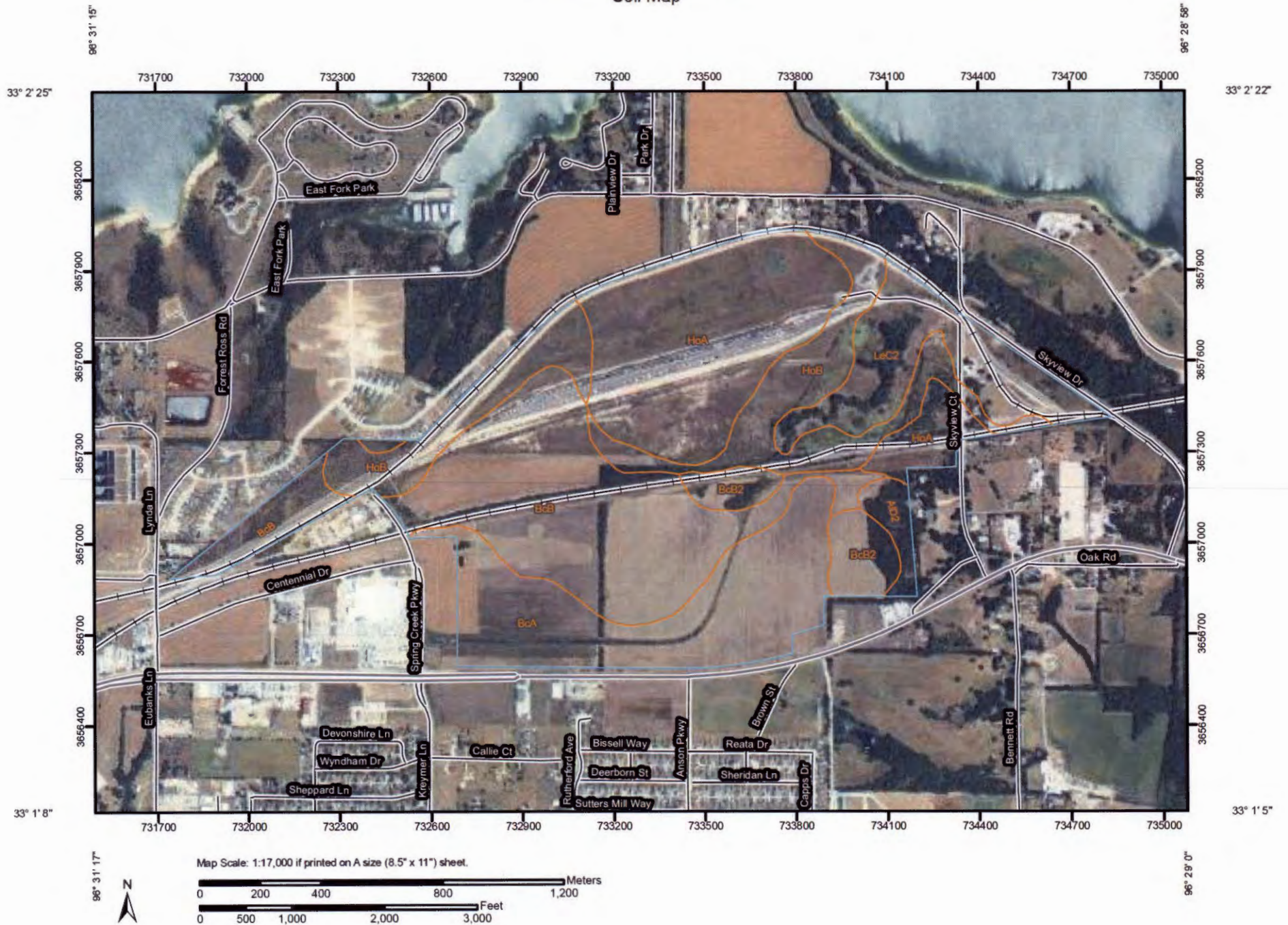
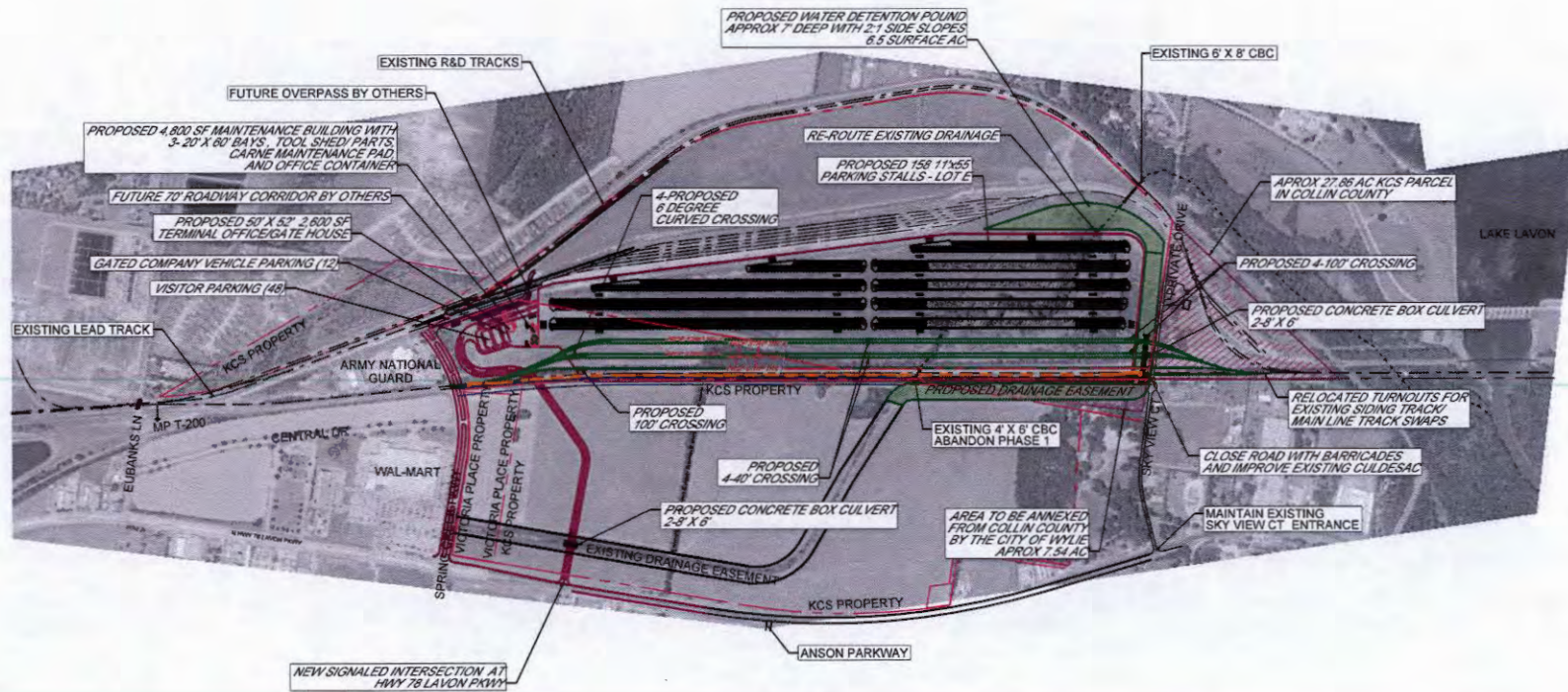


Figure 5





LEGEND	
EXISTING TRK TO REMAIN	---
EXISTING TRK TO BE REHAB	- - -
PROPOSED NEW TRK	—
PROPERTY LINES	- - -



TBPE Reg #F351  
2821 WEST 7TH ST, SUITE 400  
FORT WORTH, TEXAS 76107  
(817) 877-5571



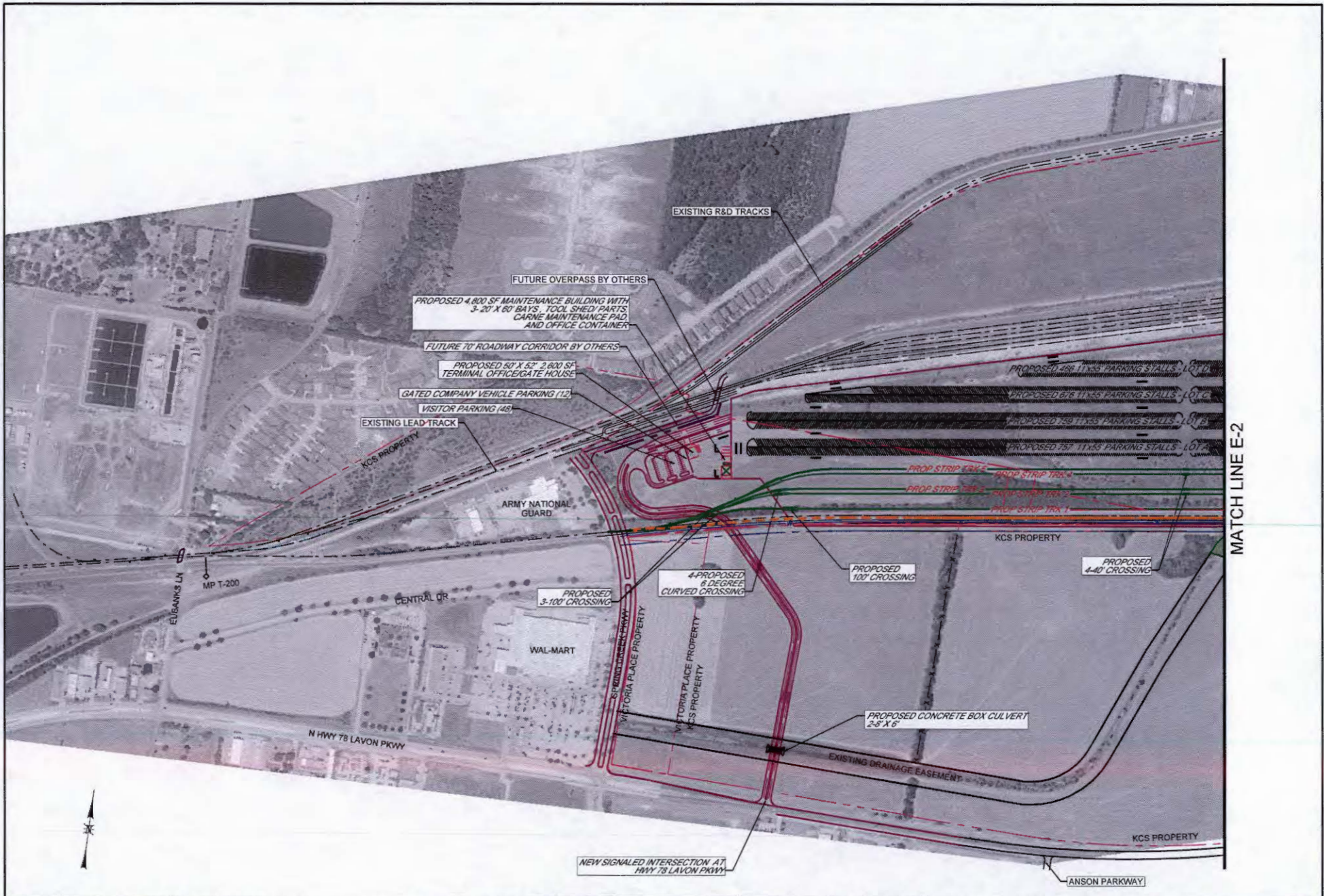
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S. ROBERTSON  
CHECKED BY:  
L. CRAIG  
DATE:  
3/13/2013  
SHEET NUMBER  
003 of 004

THE KANSAS CITY SOUTHERN RY. CO. Office of Assistant Vice President Engineering Design  
LOCATION & DESCRIPTION:  
**KCS WYLIE IMF SITE PLAN**  
SHEET TITLE: **E-3**

Figure 6a



K:\2012\12199.01 KCS\_Wylie IMF Concept Des\_KCS\CAD\CIVIL\EXHIBITS\12199.01 ENVIRONMENT EXHIBIT E-1.dgn  
3/13/2013



MATCH LINE E-2

LEGEND	
EXISTING TRK TO REMAIN	-----
EXISTING TRK TO BE REHAB	- - - - -
PROPOSED NEW TRK	=====
PROPERTY LINES	-----



TBPE Reg #F351  
2821 WEST 7TH ST, SUITE 400  
FORT WORTH, TEXAS 76107  
(817) 877-5571



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L. CRAIG  
DATE:  
3/13/2013  
SHEET NUMBER  
001 of 004

THE KANSAS CITY SOUTHERN RY. CO. Office of Assistant Vice President Engineering Design  
LOCATION & DESCRIPTION:  
**KCS WYLIE IMF SITE PLAN**  
SHEET TITLE: **E-1**

Figure 6b





LEGEND	
EXISTING TRK TO REMAIN	-----
EXISTING TRK TO BE REHAB	- - - - -
PROPOSED NEW TRK	=====
PROPERTY LINES	-----

**M**  
**MULTATECH**  
ARCHITECTS + ENGINEERS

TBPE Reg #F351  
2821 WEST 7TH ST, SUITE 400  
FORT WORTH, TEXAS 76107  
(817) 877-5571

**KANSAS CITY SOUTHERN**  
*Lines*

DRAWN BY: S. ROBERTSON CHECKED BY: L. CRAIG DATE: 3/13/2013 SHEET NUMBER 002 of 004	THE KANSAS CITY SOUTHERN RY. CO. Office of Assistant Vice President Engineering Design LOCATION & DESCRIPTION: <b>KCS WYLIE IMF SITE PLAN</b> SHEET TITLE: <b>E-2</b>
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Figure 6c