



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

Public Notice

Applicants: Universal City Industrial Development Corporation; Northlake, UC, Ltd.; City of Universal City

Project No.: SWF-2013-00309

Date: October 2, 2013

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. Mike Happold

Phone Number: 817-886-1670

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 20-acre Northlake Market Retail Development/Stream Relocation project in the City of Universal City, Bexar County, Texas.

APPLICANTS: Universal City Industrial Development Corporation
c/o John DiPiero, Vice President UCIDC
2150 Universal City Blvd.
Universal City, Texas 78148

Northlake, UC, Ltd., a Texas Limited Partnership
c/o J. Steven Brown
1000 Central Parkway N., Suite 100
San Antonio, Texas 78232

City of Universal City
c/o Ken Taylor, Development Service Director
2150 Universal City Blvd.
Universal City, Texas 78148

APPLICATION NUMBER: SWF-2013-00309

DATE ISSUED: October 2, 2013

LOCATION: The proposed Northlake Market Retail Development/Stream Relocation project is located in the City of Universal City, Bexar County, Texas. The proposed project is generally located east of E TX- 1604-Loop N and south of Kitty Hawk Road. The proposed project would be located approximately at UTM coordinates 32.653 East and -96.473 South Central Zone on the Schertz 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 1210030402.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION:

The Northlake Market project is a retail development located in the City of Universal City, Bexar County, Texas. The project is approximately 20-acres and contains an 181,478-square foot retail building. The purpose of the project is to provide retail development for this rapidly growing area.

The applicants propose to discharge approximately 50-cubic yards of dredged and fill materials into approximately 0.05-acres (1,085- linear feet of ephemeral stream) of waters of the U.S. in conjunction with the construction of the project, including the rerouting of the existing ephemeral stream into approximately 1,390-linear feet of a proposed naturally designed channel. An additional 135-linear feet of proposed channel would be placed in box culverts to facilitate an access drive. Temporary impacts would occur where the existing stream would be transitioned into the proposed relocated stream (235-linear feet of existing channel). Total proposed impacts to waters of the U.S. are limited to those listed above.

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 2012 aerial base mapping. Sheet 4 of 5 provides the major project elements, including proposed impacts to waters of the U.S., building footprints, and culvert locations. Sheet 5 of 5 provides a plan and profile of work in waters of the U.S as well as the concept for the proposed stream mitigation.

There is an unnamed stream on the project area. The unnamed stream has an ephemeral hydrologic regime and flows along the central portion of the project area for approximately 1,320- linear feet. The ephemeral stream flows south until it eventually converges with Salitrillo Creek. The applicants propose to relocate the ephemeral stream into a 1,390-linear foot naturally designed channel. The proposed channel would provide stable geometry, and an increase in riparian and stream condition, through the use of natural channel design techniques. Based on the proposed channel's extended length and improved ecological condition, it has been predicted that the proposed natural channel design would result in a higher projected Texas Rapid Assessment Method (TXRAM) score than the existing stream reach. The goal is to establish a stream and riparian corridor that is self-sustaining.

The applicants considered several alternatives for this project including a regional search for other sites. Other similar sites in the area were not available for sale or were not suitable.

An early vision for the project included the permanent impacts to 960-linear feet of channel by placing it into a box culvert on site. This alternative is more environmentally damaging than the applicant's preferred alternative.

During the design process a trapezoidal channel alternative was considered. This alternative proposed to permanently relocate 1,275-linear feet of the ephemeral stream into 1,390-linear feet of concrete lined trapezoidal channel adjacent to the project site, while 135-linear feet of proposed channel would be placed in a culvert for the north access drive crossing. The concrete lined channel concept is similar to the applicant's preferred alternative but would provide limited riparian habitat, stream condition, and ecological services. This alternative was eliminated from further consideration.

Impacts to waters of the U.S. are proposed to be mitigated on-site. The on-site mitigation area would be preserved in perpetuity and would be protected through a conservation easement. In the applicant's preferred alternative the applicants propose to permanently relocate 1,085-linear

feet of the existing stream into a 1,390-linear foot channel adjacent to the property, while 135-linear feet of proposed channel would be placed in a culvert to facilitate the north access drive crossing. Ecological lift would be generated through the creation of the proposed channel and the enhancement of the existing channel. TXRAM methodology would be used to evaluate the increase in ecological conditions and the applicant would be required to achieve established performance standards to ensure the site functions at the ecological level intended. Sheet 5 of 5 shows a concept plan for the proposed development and mitigation.

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 is located in Bexar County. Federally listed resident endangered species that are located within Bexar County include; unnamed ground beetle (*Rhadine infernalis*), unnamed ground beetle (*Rhadine exilis*), Braken Bat Cave Meshweaver (*Cicurina venii*), Cokendolpher Cave Harvestment (*Texella cokendolpheri*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), Comal Springs riffle beetle (*Heterelmis comalensis*), fountain darter (*Etheostoma fonticola*), Government Canyon Bat Cave Meshweaver (*Cicurina vespera*), Government canyon Bat Cave Spider (*Neoleptoneta microps*), Helotes mold beetle (*Batrisodes venyivi*), Madlas's Cave Meshweaver (*Cicurina madla*), Peck's cave amphipod (*Stygobromus pecki*), Texas blind salamander (*Typhlomolge rathbuni*), Texas wildrice (*Zazania texana*), and the Robber Baron Cave Meshweaver (*Cicurina baronia*). It is our opinion that the proposed work would not have effect on these federally listed species.

One federally listed resident threatened species is located within Bexar County. This species is the San Marcos salamander (*Eurycea nana*). The proposed project will not have effect of this federally listed species.

Federally listed endangered species that are known to migrate through Bexar County include; whooping crane (*Grus americana*), black-capped Vireo (*Vireo atricapilla*), golden-cheeked warbler (*Dendroica chrysoparia*). The proposed project is not expected to have effect on federally listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The area of the proposed project has never been formally surveyed for the presence of historic or prehistoric cultural resources. No sites eligible for, or listed in the National Register of Historic Places are present and a check of state records indicated there are no known sites recorded on the tract. The area is an urbanized upland with a historically channelized stream bisecting it. There is a small chance of buried sites or previously unrecognized historic features being encountered by the proposed work.

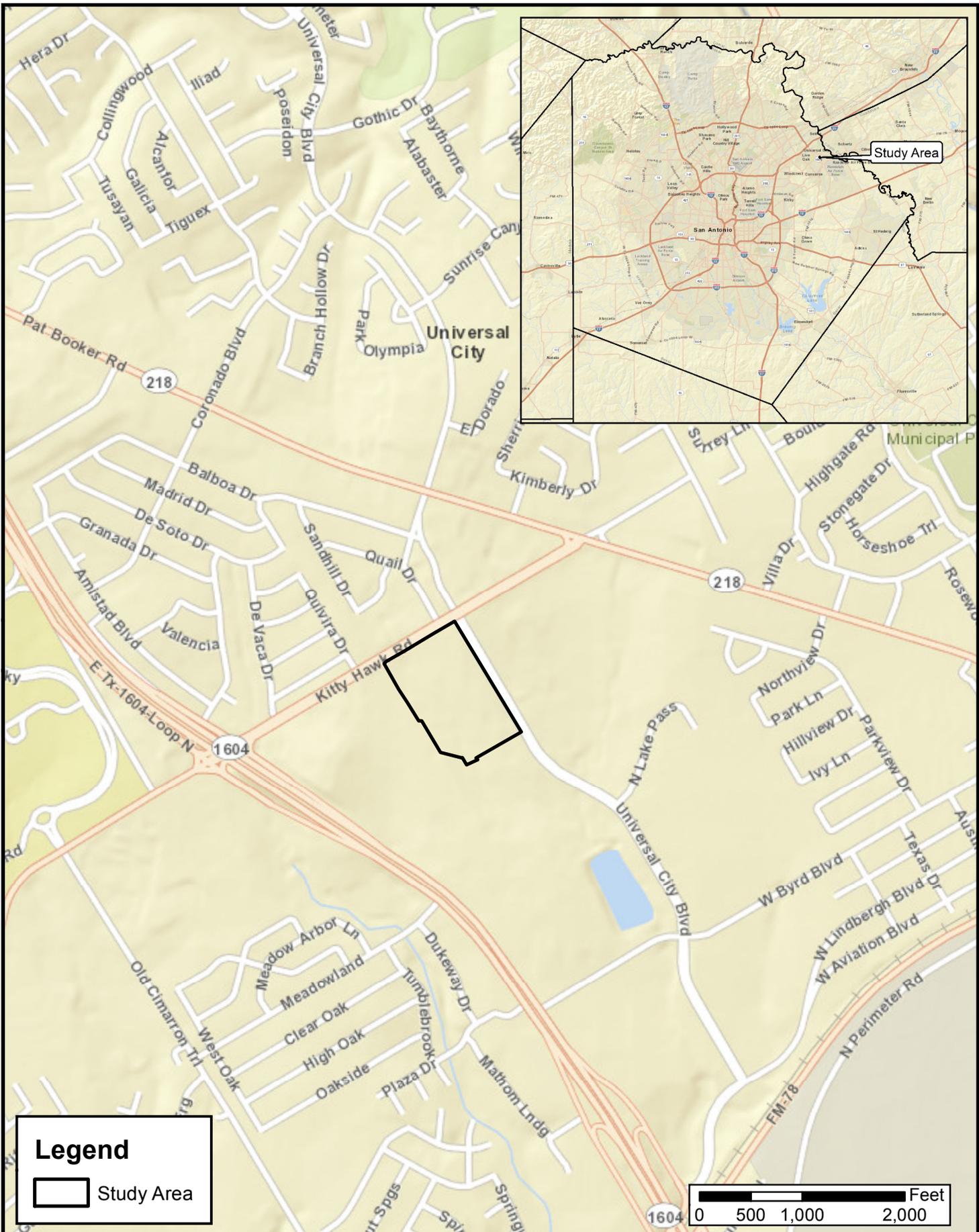
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 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.

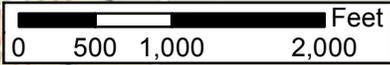
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before October 31, 2013, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments 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



Legend

 Study Area



SHEET	DATE:	08/25/2013
1	DESIGN:	SCR
	DRAWN:	SCR
	CHECKED:	LDC
	KHA NO.:	063362248
OF 5 SHEETS		

Vicinity Map

Northlake Market
 Universal City, Bexar County, Texas

SWF-2013-00309

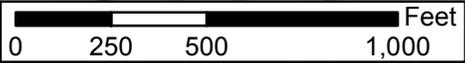


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Legend

 Study Area



SHEET 2 OF 5 SHEETS	DATE:	08/25/2013
	DESIGN:	SCR
	DRAWN:	SCR
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USGS Topographic Map
Quad: Schertz

Northlake Market
Universal City, Bexar County, Texas
SWF-2013-00309



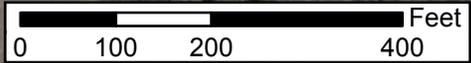
 Kimley-Horn
and Associates, Inc.

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Legend

- Ephemeral Stream, 1,320-linear feet, jurisdictional
- Study Area



3	DATE:	08/25/2013
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	CHECKED:	LDC
	KHA NO.:	063362248

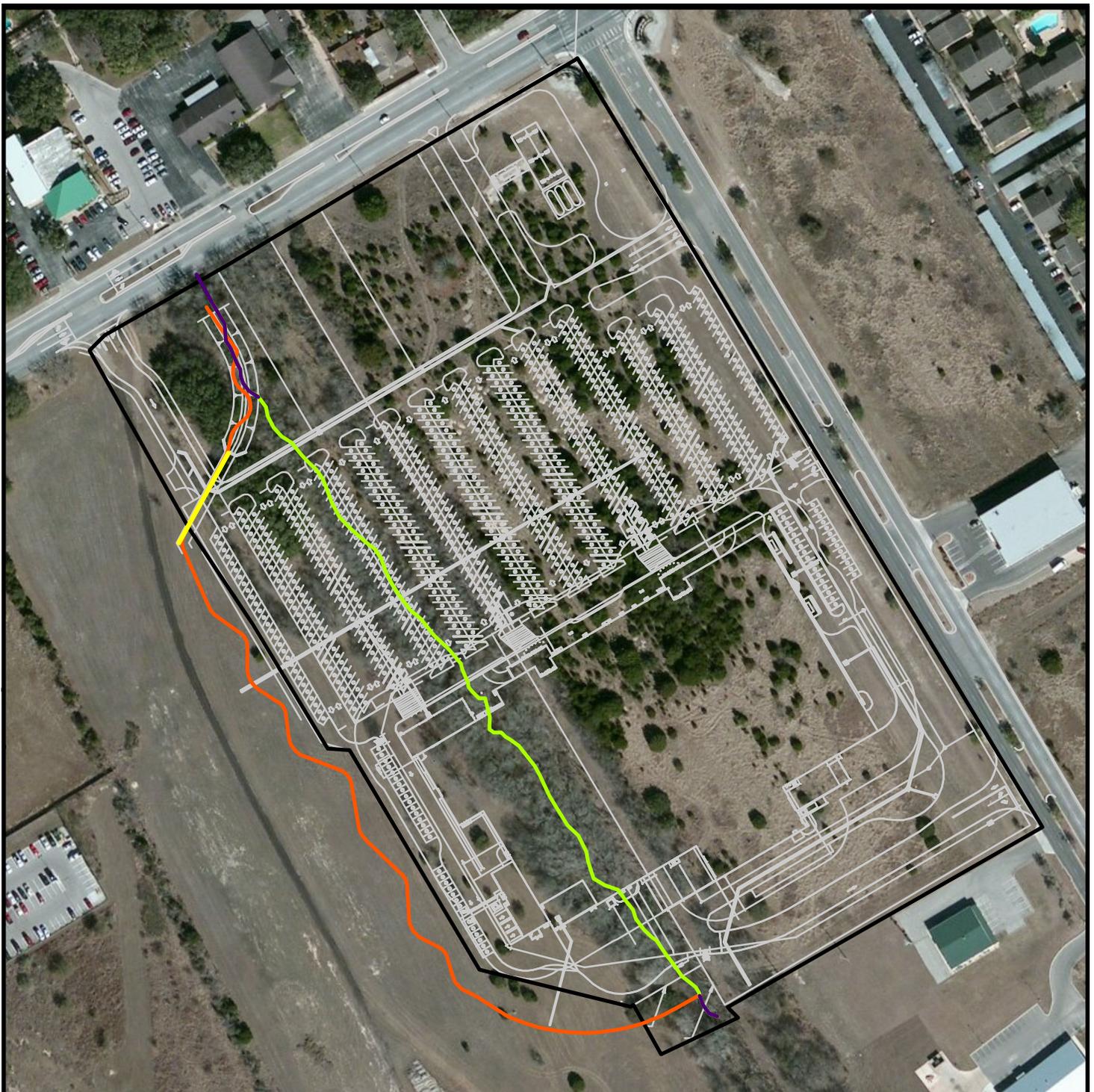
waters of the U.S. Map
Aerial Source: TNRIS 2012

Northlake Market
Universal City, Bexar County, Texas
SWF-2013-00309



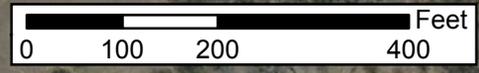
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Legend

- Boxed Culvert, 135-linear feet
- Ephemeral Stream Temporary Impacts (Enhancement), 235-linear feet
- Ephemeral Stream Permanent Impacts, 1,080-linear feet
- Proposed Ephemeral Stream, 1,390-linear feet
- Study Area
- Site Plan



4	DATE:	08/20/2013
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	KHA NO.:	063362248

OF 5 SHEETS

waters of the U.S.
Impacts Map
Aerial Source: TNRIS 2012

Northlake Market
Universal City, Bexar County, Texas
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