



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

Public Notice

Applicant: Prologis

Project No.: SWF-2013-00322

Date: August 8, 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. Darvin Messer

Phone Number: 817-886-1744

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 (WOUS) associated with the construction of a 1.6 million square foot industrial distribution/warehouse facility located in the Mountain Creek Business Park, Tract 2B, city of Dallas, Dallas County, Texas.

APPLICANT: Prologis
c/o Ed Kepner
2501 N. Harwood, Suite 2450
Dallas, TX 75201

APPLICATION NUMBER: SWF-2013-00322

DATE ISSUED: August 8, 2013

LOCATION: The proposed industrial distribution/warehouse facility and associated attendant features would be located on an unnamed intermittent tributary to Mountain Creek in the Mountain Creek Business Park, northeast of the intersection of Mountain Creek Parkway and South Merrifield Road, city of Dallas, Dallas County, Texas (See attached Sheets 1 through 5 of 7). The project area is centered at approximately 32.377° latitude and -96.964° longitude on the Duncanville East 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12030102.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 734 cubic yards of dredged and/or fill into approximately 0.91 acres of WOUS, in conjunction with the construction of the industrial distribution/warehouse facility and associated attendant features (See attached Sheets 6 and 7 of 7). The need for the project is to provide additional warehouse/distribution space for approximately 1.6 million square feet in one location under one structure for one client. Client specifics included at least 500 trailer park spaces, a building depth of at least 630 feet, and bay capacity of at least 79 feet by 79 feet. The purpose of this project is to construct approximately 1.6 million square feet of warehouse/distribution space to meet market demand.

WOUS located within the proposed project limits total approximately 0.80 acre of non-forested wetlands and 1,778 linear feet (0.44 acre) of ephemeral tributaries. The proposed project is an

approximately 1.6 million square foot warehouse and office space with surface lot accommodations for 250 passenger vehicles and 506 trailer spaces, along with all site utilities, roads and fire lanes, and security features. Trucks would enter and exit the site via Mountain Creek Parkway with vehicle stacking capabilities at the guard house. The building site, excluding the passenger vehicle parking area would be security-fenced. Passenger vehicles would enter and exit the facility via South Merrifield Road. Impacts to WOUS would be both direct permanent and direct temporary. Direct permanent impacts would occur to 0.80 acres of emergent wetlands and 464 linear feet of ephemeral tributary (0.11 acre). These impacts would be associated with the placement of fill for the building, roadways, surface parking areas, and utilities. Direct temporary impacts would occur on 1,108 linear feet of ephemeral tributary (0.28 acre), which is a formerly permitted (USACE Project No. SWF-2001-00156) roadside drainage ditch that is the conditional replacement of a natural tributary system. The temporary impacts would include excavating the ditch to accommodate site drainage; the location and length would remain the same, thereby, minimizing impacts. Additionally, 206 linear feet of ephemeral tributary (0.05 acre) would be avoided.

The applicant evaluated several alternative sites as part of their site selection process. This process included determining areas within the Dallas/Fort Worth region that would support the development of a large warehouse/industrial distribution facility. One of the primary site considerations was that the site needed access to Interstate Highway (IH) 20. The applicant narrowed the search to three different alternative sites and the proposed project site. The first alternative site was located near the intersection of Bonnie View and Langdon Roads. This site was determined not to be acceptable because topographic and floodplain issues limited the building size to less than the necessary 1.6 million square feet. The second site located southeast of the intersection of W. Daniieldale Road and South Polk Street would not accommodate the necessary building size and lack the necessary road configuration and capacity. The final alternative site was located northeast of the intersection of Mountain Creek Parkway and Camp Wisdom Road. Due to topographic issues, this site would not accommodate a building of the necessary size, nor was the appropriate zoning in place for the intended bulk warehouse/industrial distribution use.

Alternative designs for the site were also considered in the planning process. These designs included (1) no build alternative, (2) constructing without impact to waters of the United States, (3) the proposed alternative, and (4) an open channel design that routed stormwater around the site back to the roadside drainage channel. The no build alternative, while it would not impact WOUS, was eliminated since the tract was purchased for its development purposes. If the Applicant did not build on this property, other similar developers would likely develop the site, as the location is favorable due to easy access to IH 20, complimentary land uses, and appropriate roadway access and configuration for truck traffic. The no build alternative would not meet the purpose and need for this project.

Alternative 2 was considered as it would not impact waters of the United States and therefore would not require a Section 404 permit. However, this alternative would severely limit the building size and not meet the client needs, which drove the selection criteria. As such, this option would also not meet the purpose and need for the project.

The applicant's preferred alternative would result in the loss of approximately 0.91 acre of

WOUS and the elimination of most of the WOUS on site due to their enclosure in a proposed underground culvert system. To compensate for the loss of aquatic functions, the applicant proposes to purchase mitigation bank credits.

Alternative 4 consists of construction of the project with an open drainage feature rather than an underground culvert. Although this alternative would allow for limited wildlife habitat and water quality benefits, due to the location and size of the water features this alternative was reviewed and eliminated because it would result in a loss of necessary truck spaces and fire lanes. The loss of the fire lanes would result in a project that would not meet city building codes. Consequently, the building size would need to be reduced, which would not meet the stated project needs. Overall, this alternative was eliminated due to the loss of building size to meet the city code requirements.

Although the applicant considered these alternate configurations to avoid and minimize impacts to WOUS, the proposed project would result in the permanent loss of 0.80 acre of non-forested wetlands and 464 linear feet (0.11 acre) of ephemeral stream. The applicant has proposed a conceptual compensatory mitigation plan consisting of the purchase of 2.4 credits from Trinity River Mitigation Bank to compensate for the 464 linear feet (0.11 acre) of proposed ephemeral stream impacts and 1 credit from Bunker Sands Mitigation Bank to compensate for the 0.80 acre of proposed non-forested wetland impacts associated with this project.

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 Dallas County, Texas, where the black-capped Vireo (*Vireo atricapilla*), golden-cheeked warbler (*Dendroica chrysoparia*), least tern (*Sterna antillarum*), piping Plover (*Charadrius melodus*) and whooping crane (*Grus Americana*) are listed as endangered. 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 project site has not been formally surveyed for the presence of historic or prehistoric cultural resources. The area has been modified by historic agriculture, including terracing and portions of the site have been quarried. The removal of agricultural structures that were originally on the property has eliminated any trace of prior habitation. Shallow soils and the situation of the area on an ephemeral tributary of Mountain Creek make the presence of buried cultural resources very unlikely. No additional effort to identify historic properties is anticipated.

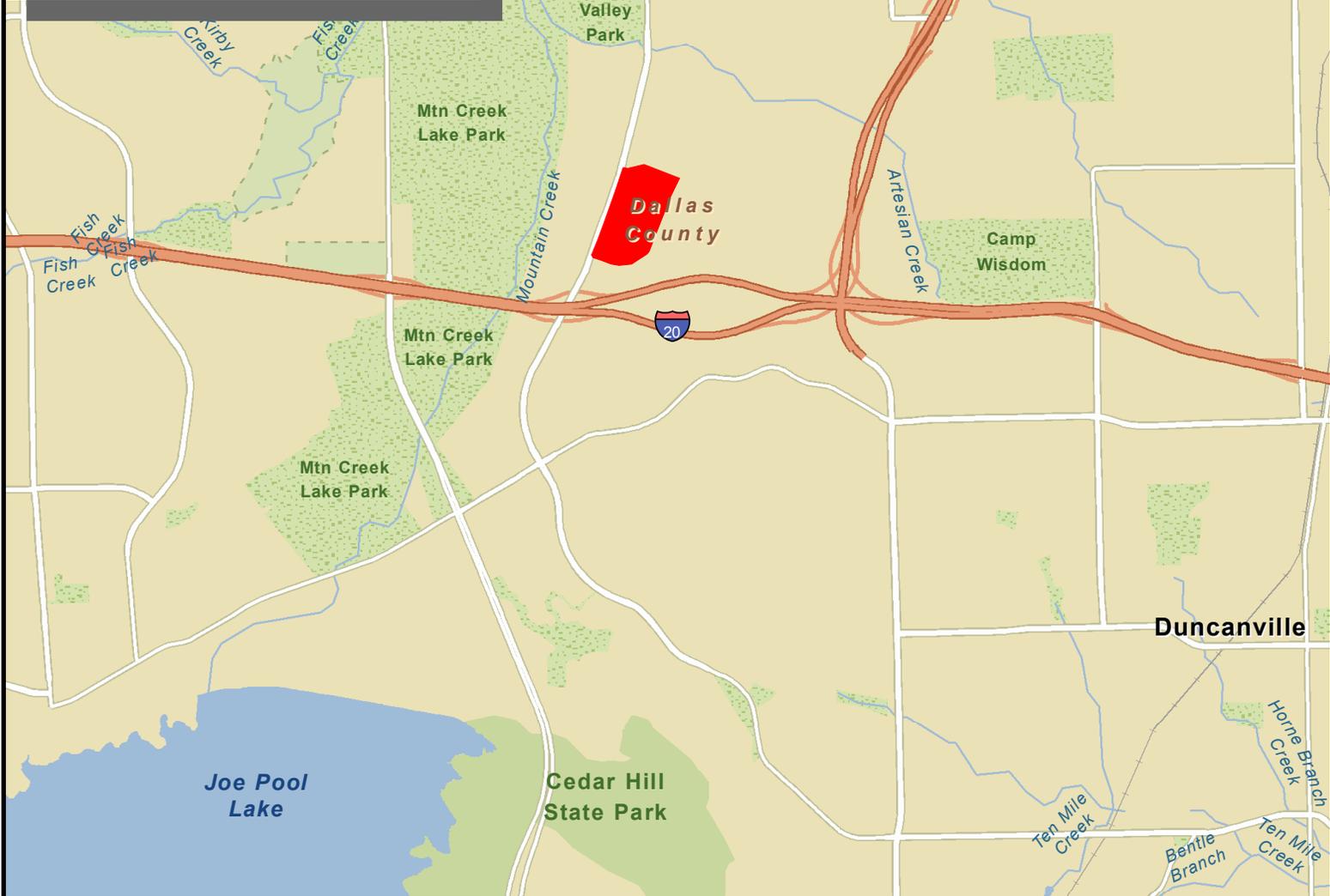
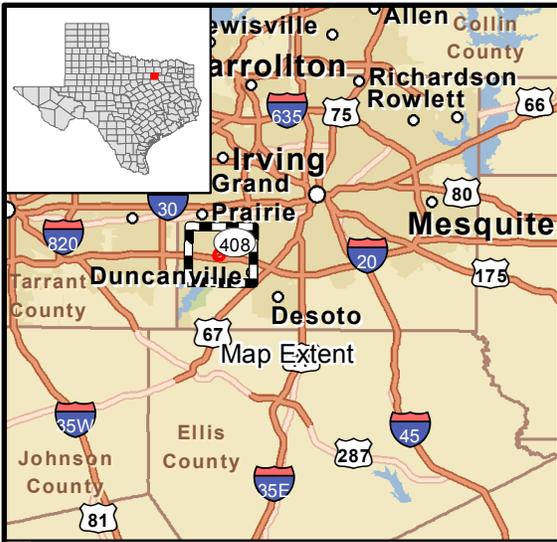
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 September 9, 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.

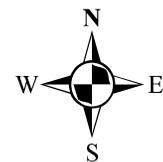
DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS



Sheet 1 of 7
 General Location Map
 (SWF-2013-00322)

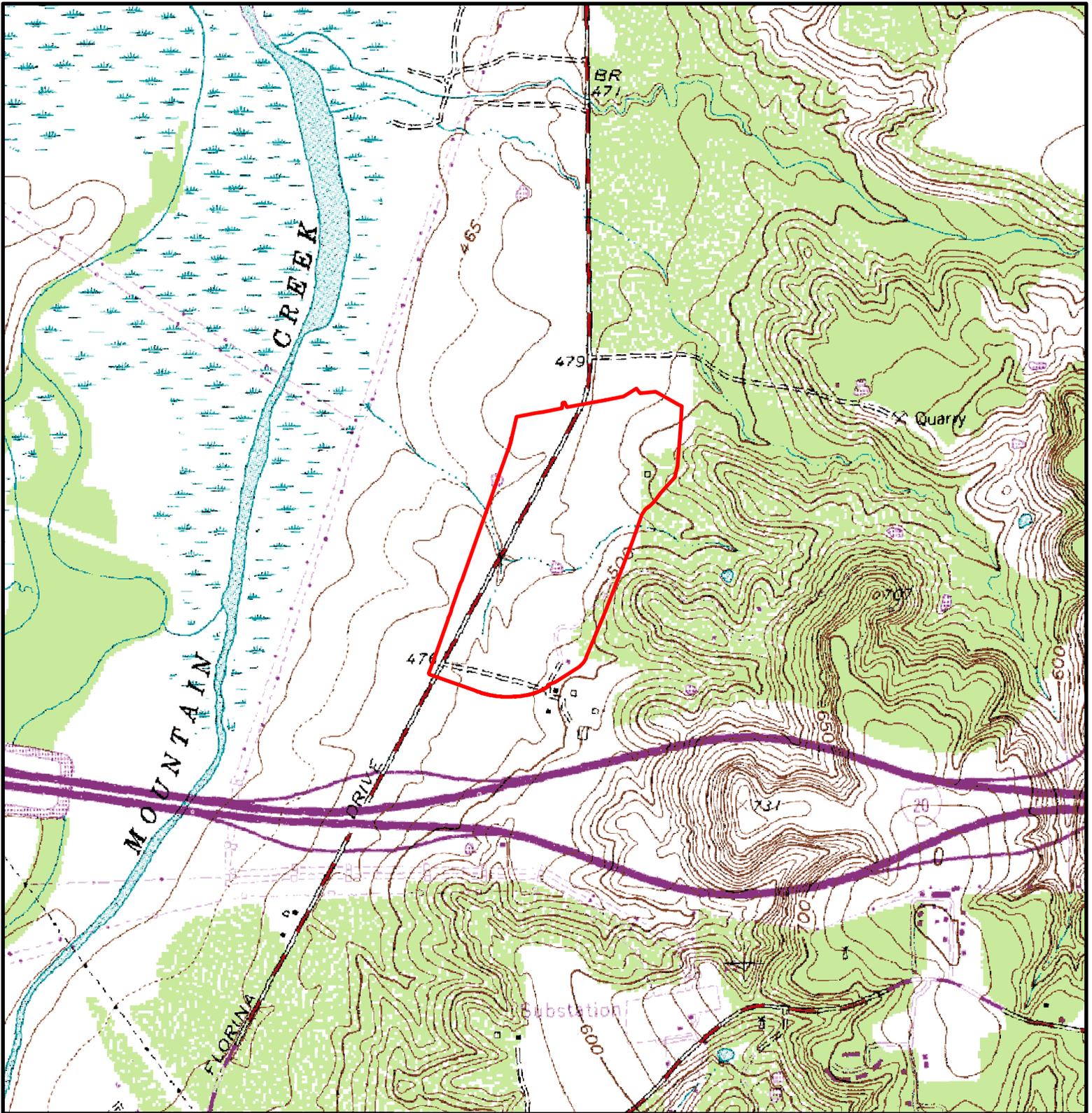
County: Dallas
 State: Texas
 Date map created: 07/31/2013
 Source: ESRI 10 Streetmap
 North America

 Project Site



1 inch = 4,250 feet





Sheet 2 of 7
 Topography of the
 Project Site
 (SWF-2013-00322)

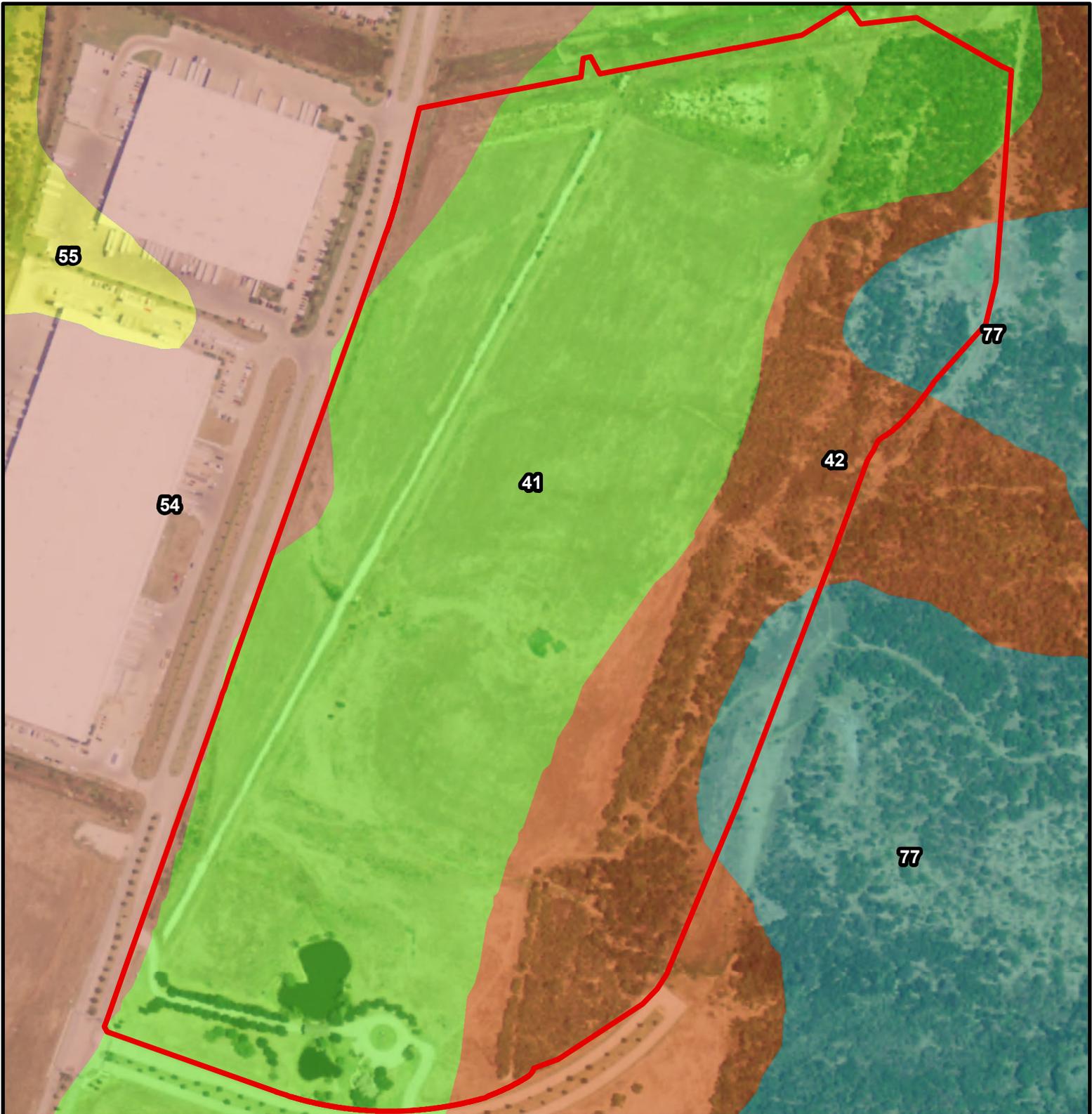
 Project Site



County: Dallas
 State: Texas
 Date map created: 07/31/2013
 Source: USGS Topographic Map
 Duncanville 7.5' Quadrangle, 1995

1 inch = 1,250 feet





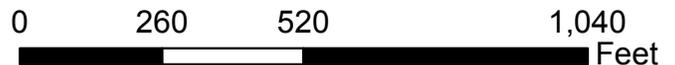
Sheet 3 of 7
 Soil Series located within and adjacent to the Project Site
 (SWF-2013-00322)

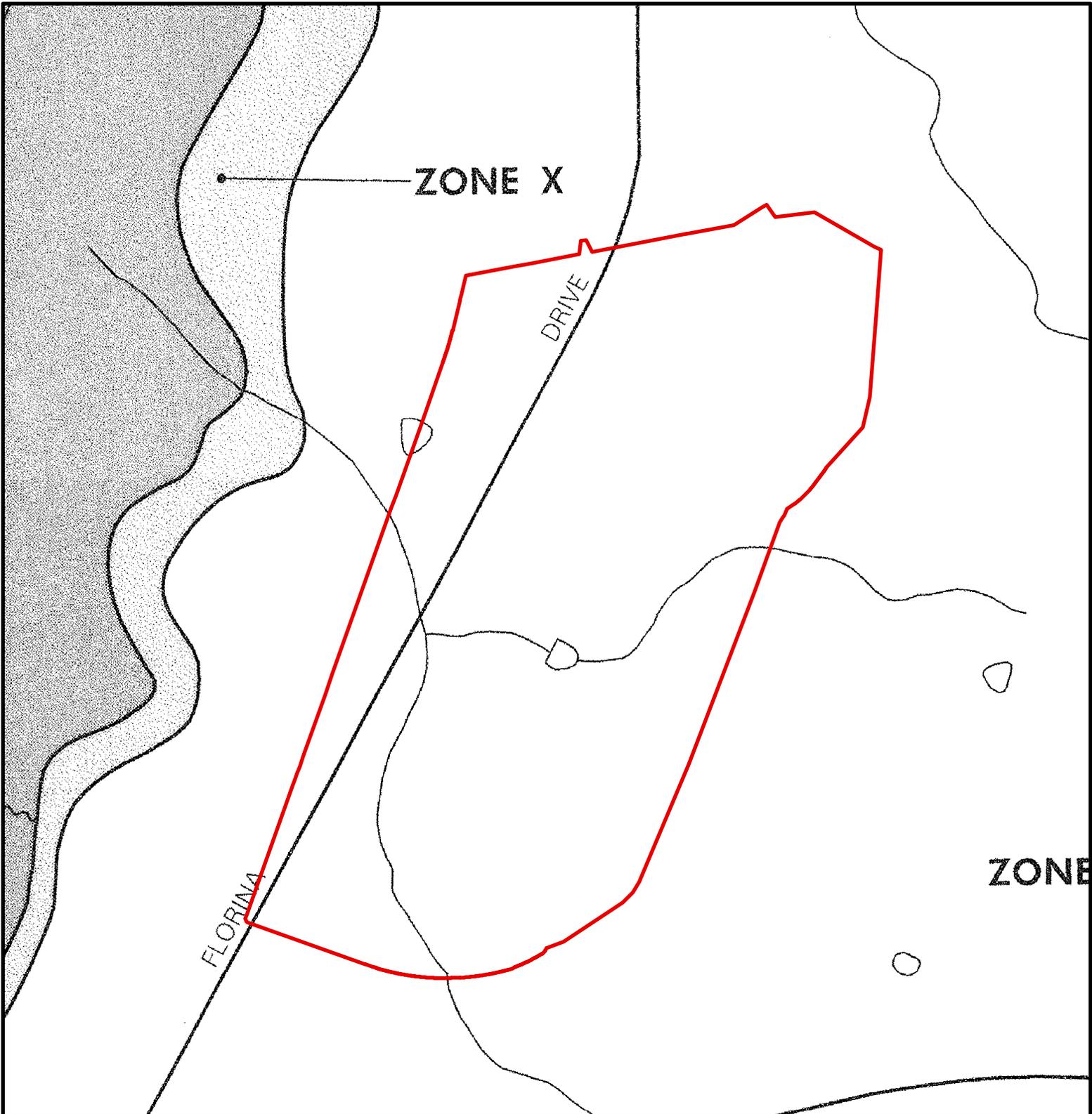
County: Dallas
 State: Texas
 Date map created: 07/31/2013
 Source: 2012 USDA FSA TOP
 Aerial Photography; 2007 USDA
 NRCS Digital Soils Database

-  Project Site
- Soil Descriptions**
-  41 - Heiden clay, 1 to 3 percent slopes
 -  42 - Heiden clay, 2 to 5 percent slopes
 -  54 - Ovan clay, occasionally flooded
 -  55 - Ovan clay, frequently flooded
 -  77 - Vertel clay, 5 to 12 percent slopes



1 inch = 350 feet





Sheet 4 of 7
 FEMA FIRM with
 the Project Site
 (SWF-2013-00322)

County: Dallas
 State: Texas
 Date map created: 07/31/2013
 Source: Federal Emergency
 Management Agency Flood
 Insurance Rate Map Panel
 FM48113C0465J

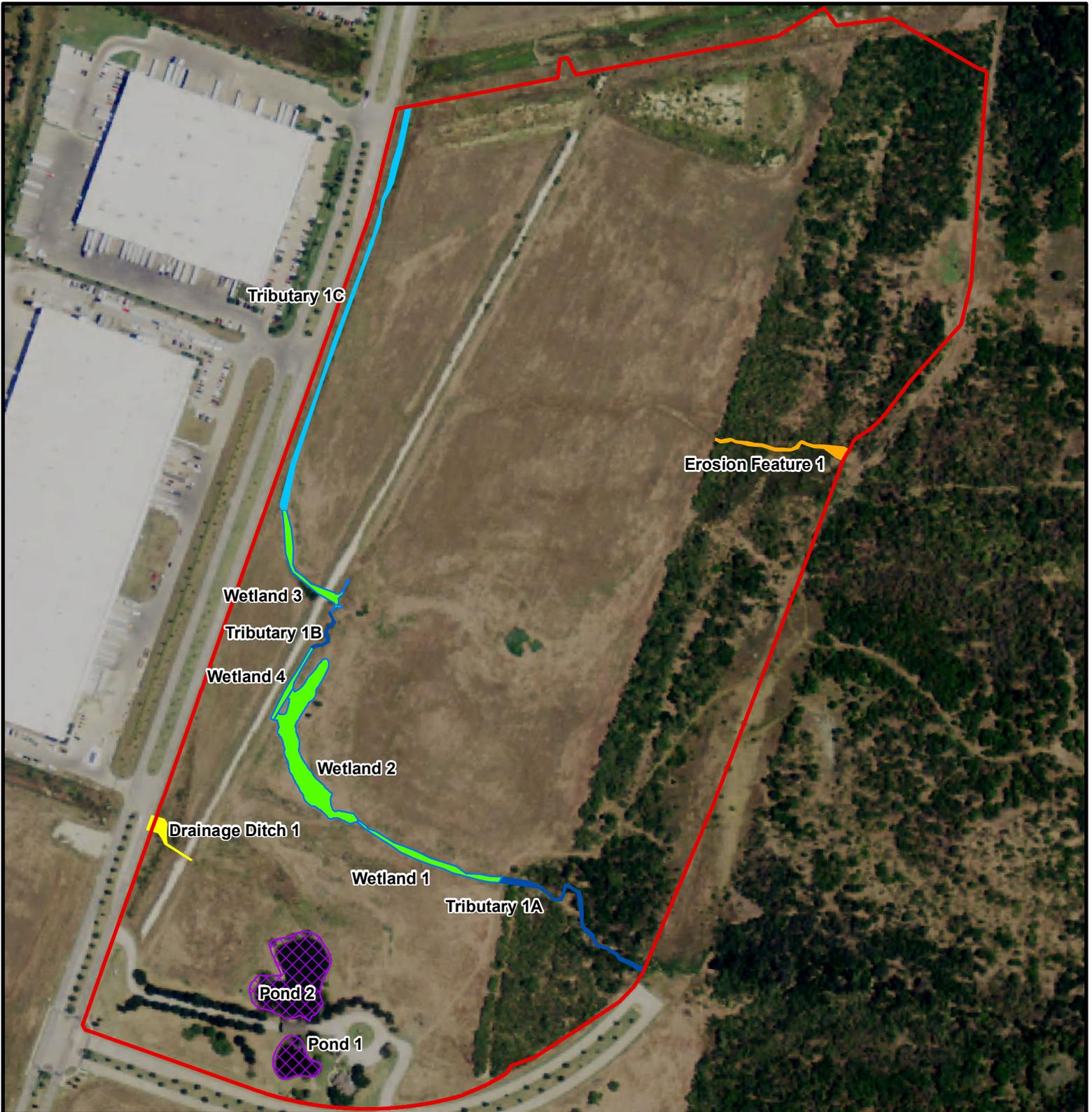
 Project Site

FEMA FIRM Zone Descriptions

-  Zone X - Areas determined to be outside the 0.2% annual chance floodplain
-  Zone X - Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood
-  Zone A - Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; No base flood elevations determined



1 inch = 500 feet  0 375 750 1,500 Feet



Sheet 5 of 7
 Water Features identified
 within the Survey Area
 (SWF-2013-00322)

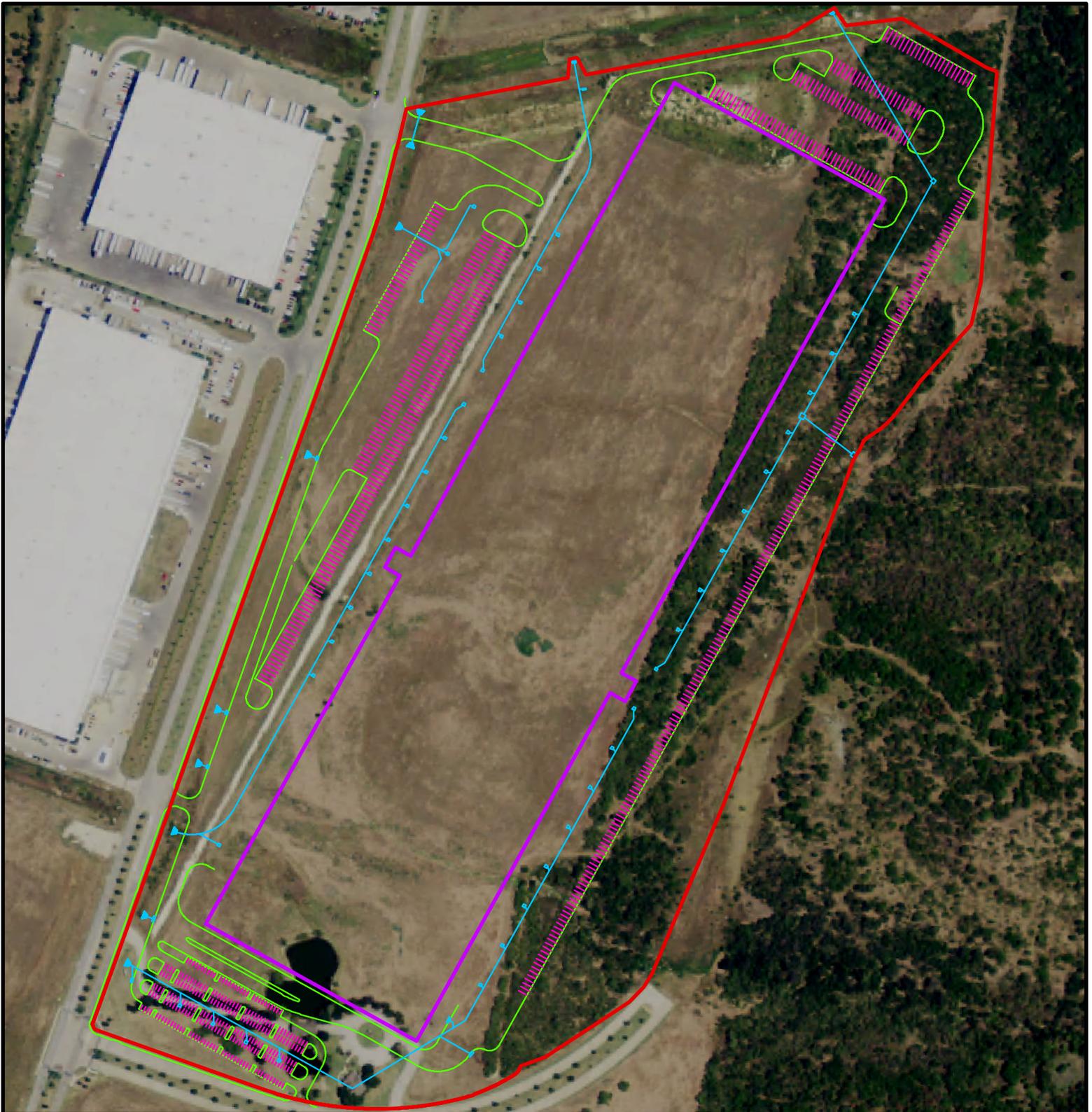
County: Dallas
 State: Texas
 Date map created: 07/31/2013
 Source: 2012 USDA FSA TOP
 Aerial Photography

- Project Site
- Features that do not meet a definition of a water of the United States**
- Erosion Feature
- Pond
- Drainage Ditch
- Features that meet a definition of a water of the United States**
- Roadside Drainage
- Tributary
- Wetland



1 inch = 350 feet





Sheet 6 of 7
 Proposed Site Plan
 (SWF-2013-00322)

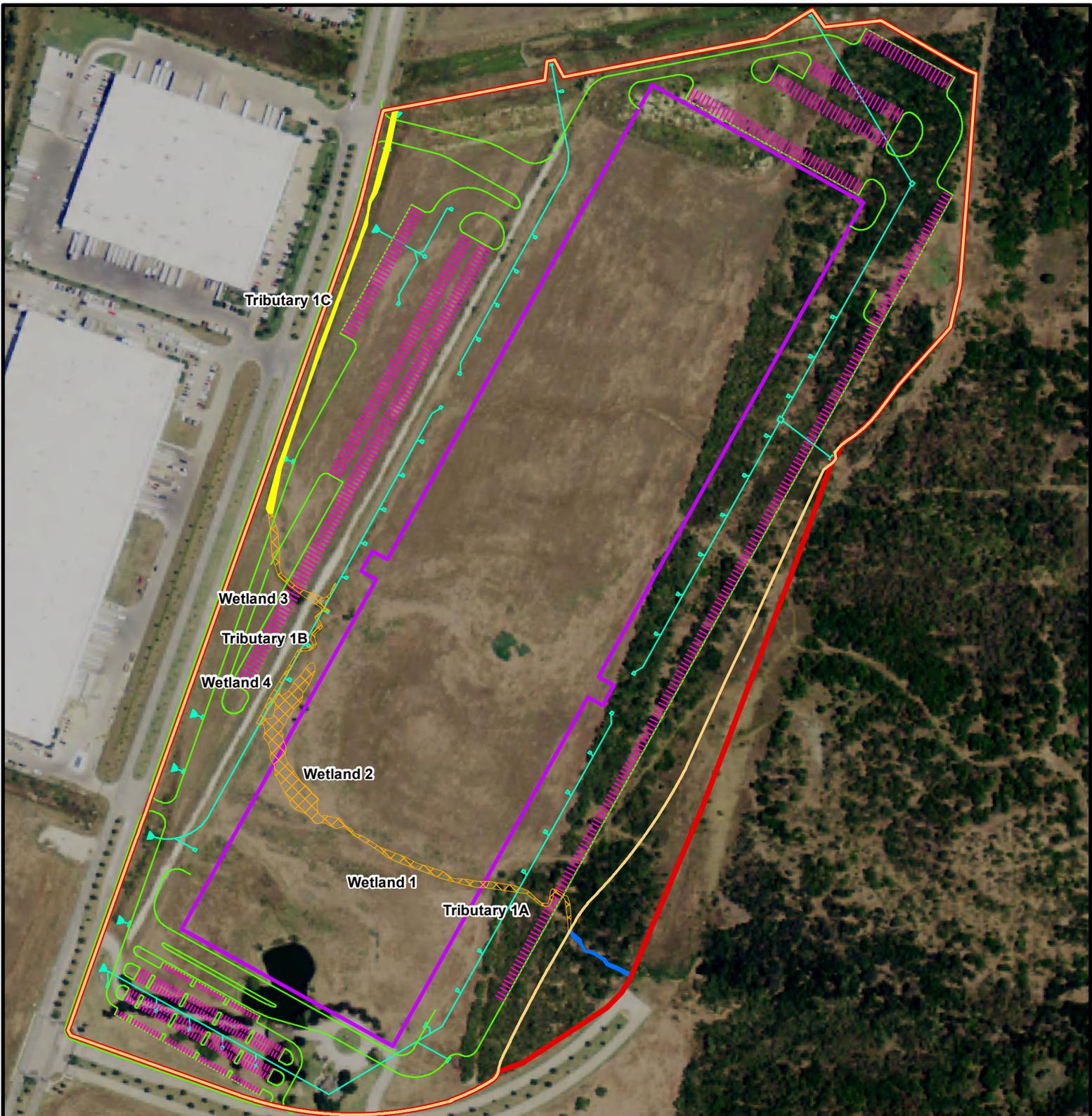
County: Dallas
 State: Texas
 Date map created: 07/31/2013
 Source: 2012 USDA FSA TOP
 Aerial Photography

- Project Site
- Proposed Building
- Proposed Stormwater Drains
- Proposed Parking
- Proposed Paving



1 inch = 350 feet





Sheet 7 of 7
 Impacts to Waters of the
 United States
 (SWF-2013-00322)

County: Dallas
 State: Texas
 Date map created: 07/31/2013
 Source: 2012 USDA FSA TOP
 Aerial Photography

Legend

- Avoided waters of the United States
- Direct permanent impacts to waters of the United States
- Direct Temporary impacts to waters of the United States
- Limits of Impact
- Project Site
- Proposed Building
- Proposed Parking
- Proposed Paving
- Proposed Stormwater Drains

1 inch = 350 feet

