



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

Public Notice

Applicant: Exeter Property Group

Project No.: SWF-2014-00315

Date: August 29, 2014

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 (WOUS) associated with the construction of a 1.2 million square foot industrial distribution/warehouse facility located in the Arlington Commerce Center, Arlington, Tarrant County, Texas.

APPLICANT: Exeter Property Group
c/o Barney Sinclair
3740 N Josey Lane, Ste. 150
Carrollton, Texas 75007

APPLICATION NUMBER: SWF-2014-00315

DATE ISSUED: August 29, 2014

LOCATION: The proposed industrial distribution/warehouse facility and associated attendant features would be located on an unnamed intermittent tributary to Fish Creek in the Arlington Commerce Center, south of Bardin Road and west of U.S. Highway (US) 360, Arlington, Tarrant County, Texas (See attached Sheets 1 through 10). The project area is centered at approximately 32.668° latitude and -97.069° longitude on the Arlington 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 120301020606.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 920 cubic yards of earthen fill into approximately 0.57 acres of WOUS consisting of 2,914 linear feet of ephemeral stream, in conjunction with the construction of the industrial distribution/warehouse facility and associated attendant features (See attached Sheets 6 and 7). WOUS located within the proposed project limits total approximately 1,523 linear feet (0.38 acre) of intermittent tributary and 2,914 linear feet (0.57 acre) of ephemeral tributary. The proposed project is an approximately 1.2 million square foot warehouse and attendant features. Impacts to WOUS would be direct and permanent to 2,914 linear feet (0.57 acre) of ephemeral tributary. These impacts would be associated with the placement of fill for the building, roadways, surface parking areas, and utilities. Additionally, 1,523 linear feet (0.38 acre) of intermittent tributary would be avoided.

ALTERNATIVE SITES AND ALTERNATIVE LAYOUTS: During the alternative analysis, the tenant evaluated three different alternatives to meet the need of increased warehouse and distribution capacity associated with the increased demand for their products. The first alternative, which included relocating their needed space into one large 2.0 million square foot facility, was found to be not practicable due to the costs associated with leasing and that there were currently no facilities within the desired geographic area that could house the necessary space in one facility. A second alternative that was found to be not practicable was remaining within the existing lease space. This was determined to be an economic burden to the tenant given the current demand and the lost revenue associated with missing the demand cycle. The tenant practicable alternative was determined to be leasing additional space within close proximity to their existing leased spaced that would bring the total space to 2.0 million square feet. Six alternative sites were evaluated in Arlington, Dallas, and De Soto (Sheet 8 of 10). This process included determining areas within the Dallas/Fort Worth region that would support the development of a large warehouse/industrial distribution facility within close proximity to the existing leased space. One of the primary site considerations was that the site needed access to Interstate Highway (IH) 20.

Alternative designs for the site were considered in the planning process. These designs included (1) full avoidance, (2) further minimization of impacts to waters of the United States, and (3) the applicant's preferred build option. Layout 1, while it would not impact WOUS, was eliminated by the applicant since it was determined to be not practicable to meet the need (Sheet 9 of 10). Layout 1 would require three separate buildings totaling 63 percent of the necessary square footage; it also would create logistical concerns and technological concerns. Layout 2, further minimized impacts to WOUS; however, it was also determined to be not practicable by the applicant due to the size of the buildings and logistical and technological concerns (Sheet 10 of 10).

The applicant's preferred build option, Layout 3, would result in the loss of approximately 0.57 acre of WOUS. Under this layout, the ephemeral tributary would be realigned and reconstructed for a total length of 2,849 linear feet following stream fluvial design to minimize the loss of functions associated with the ephemeral system. To compensate for the balance of lost functions due to this layout, the applicant would provide compensatory mitigation through the purchase of mitigation credits. Layout 3 was selected as it is the most economically practicable, it maximizes the use of the property efficiently, and would provide the needed building size and configuration.

COMPENSATORY MITIGATION: Although the applicant considered these alternate configurations to avoid and minimize impacts to WOUS, the proposed project would result in the permanent loss of 2,914 (0.57 acre) of ephemeral tributary. The applicant has proposed a conceptual compensatory mitigation plan involving the acquisition of credits from a currently approved mitigation bank(s) with a service area that includes this portion of Tarrant County to meet the balance of lost functions and values associated with the proposed project in addition to the minimization efforts that are included as part of the project plans. The mitigation plan is being finalized and will be submitted under separate cover.

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 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 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 Tarrant County, Texas, where the whooping crane is the only listed 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.

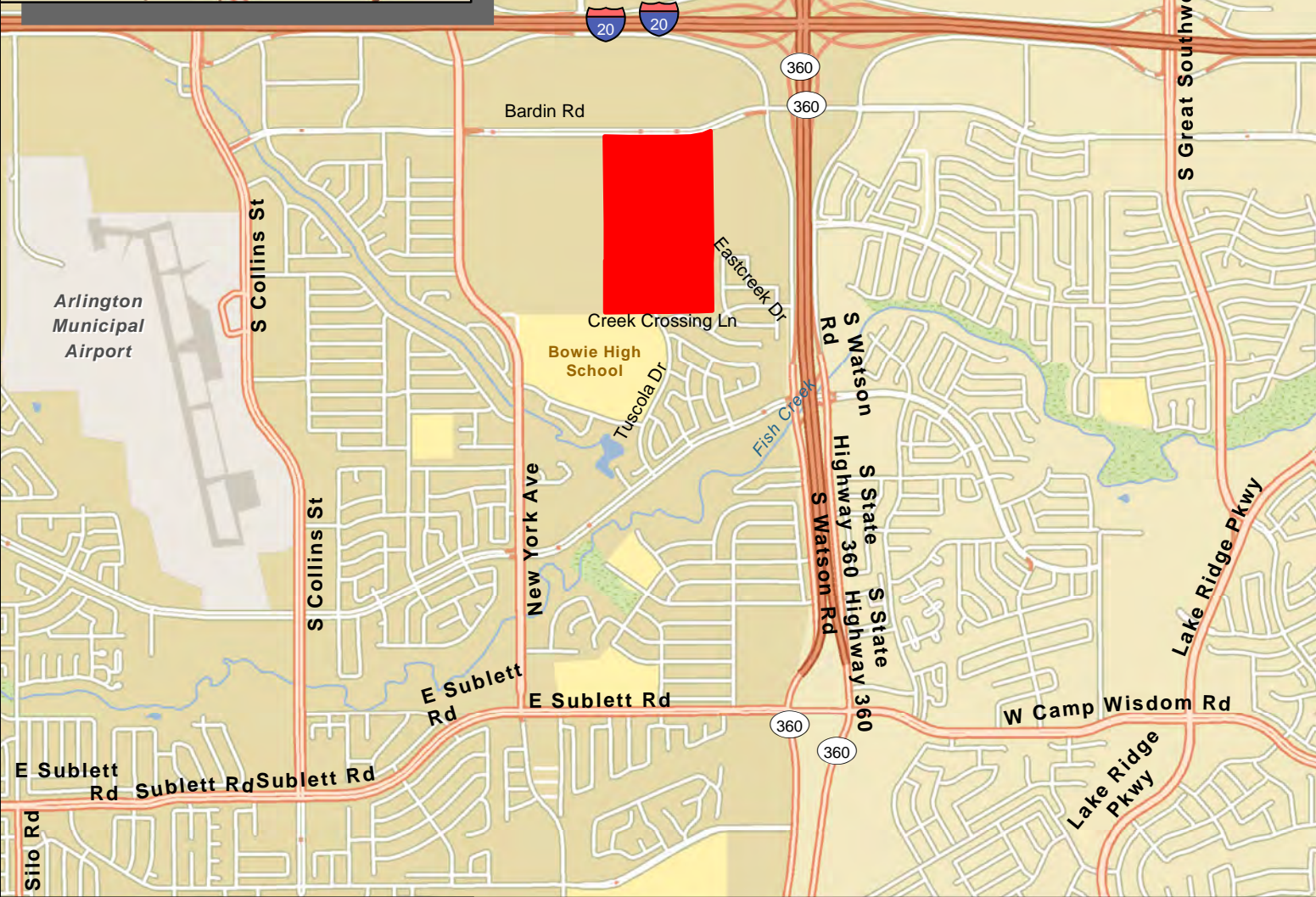
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 September 29, 2014, 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: U. S. Army Corps of Engineers, Regulatory Division, CESWF-DE-R; 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



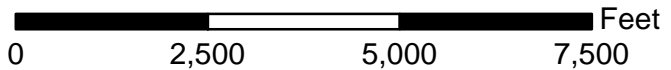
 Project Site

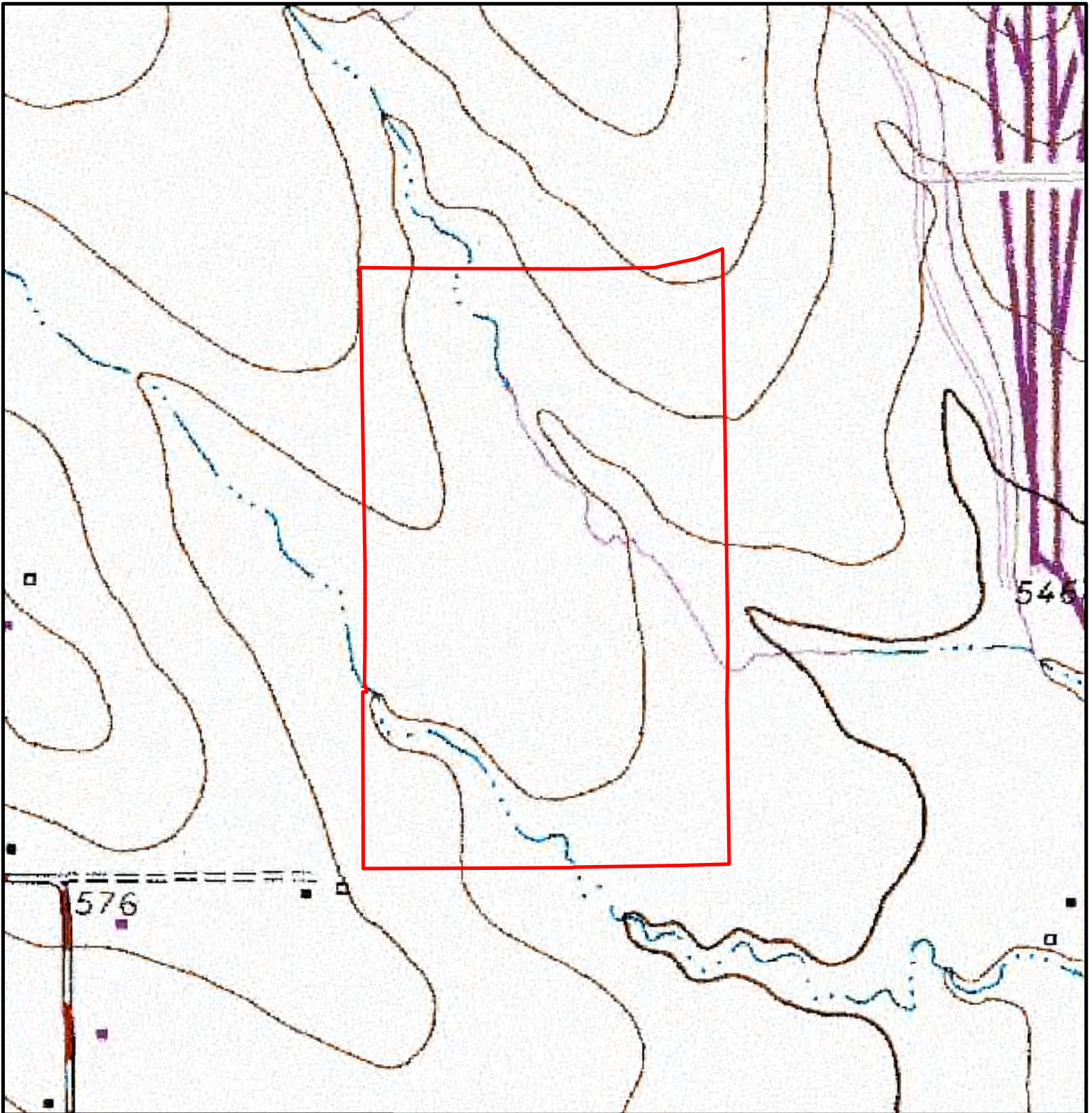


Sheet 1 of 10
General Location Map
(SWF-2014-00315)

County: Tarrant
State: Texas
Date map created: 07/07/2014
Source: ESRI 10 Streetmap
North America

1 inch = 2,500 feet





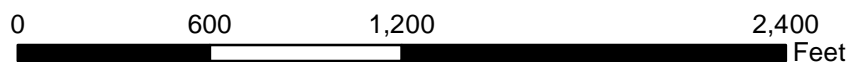
Sheet 2 of 10
Topography of the Project Site
(SWF-2014-00315)

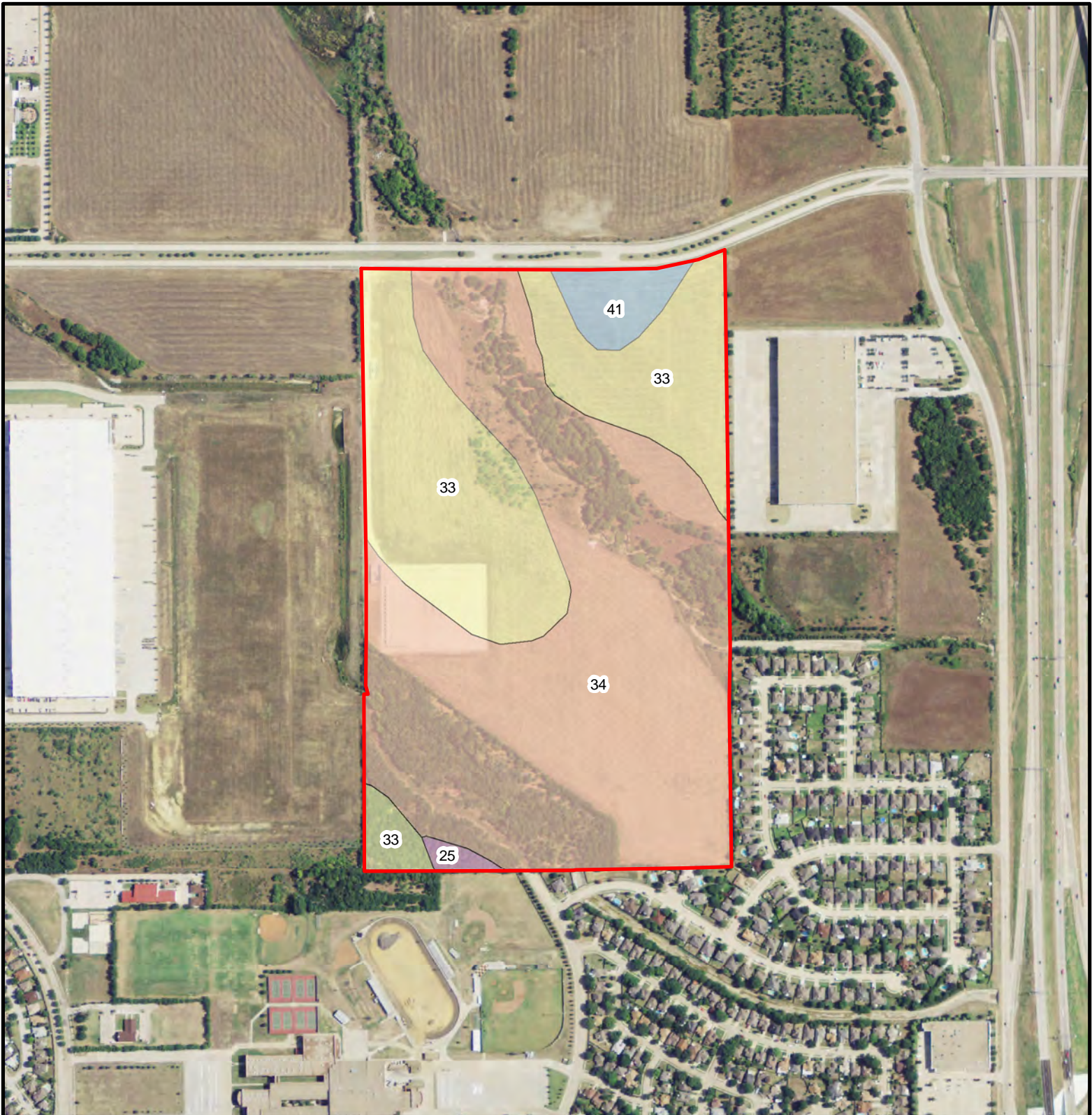
County: Tarrant
State: Texas
Date map created: 07/07/2014
Source: USGS Topographic Map
Arlington 7.5' Quadrangle, 1978

 Project Site



1 inch = 600 feet









Sheet 3 of 10
 Soil Series located within and adjacent to the Project Site
 (SWF-2014-00315)

County: Tarrant
 State: Texas
 Date map created: 07/07/2014
 Source: 2012 USDA FSA TOP
 Aerial Photography; 2007 USDA
 NRCS Digital Soils Database

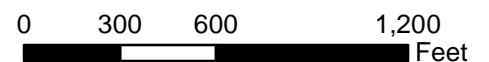
 Project Site

Soil Series

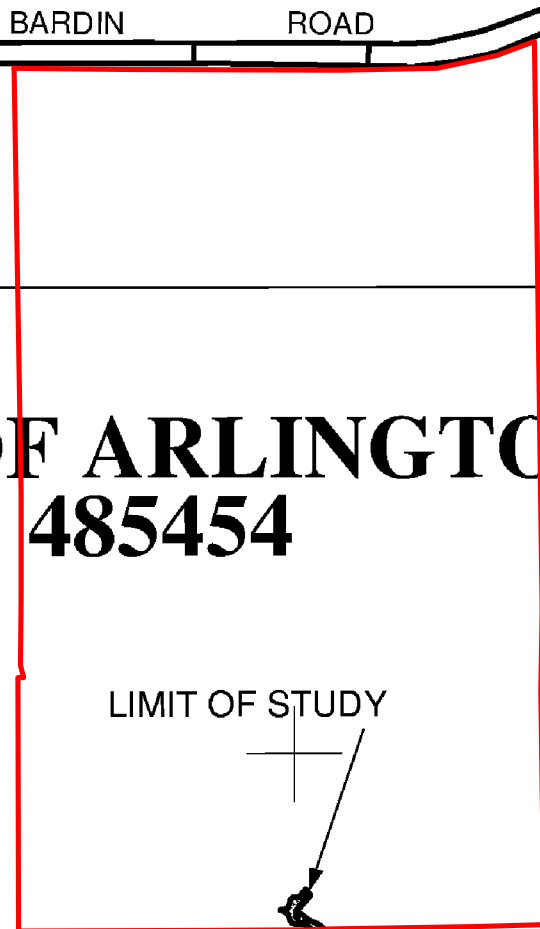
-  25 - Ferris-Heiden complex, 2 to 5 percent slopes
-  33 - Heiden clay, 1 to 3 percent slopes
-  34 - Houston Black clay, 1 to 3 percent slopes
-  41 - Lott silty clay, 1 to 3 percent slopes



1 inch = 600 feet



CITY OF ARLINGTON 485454



FC-3

ZONE A

FLOOD INSURANCE PROGRAM

Sheet 4 of 10
Federal Emergency Management Agency Flood Insurance Rate Map within the Project Site (SWF-2014-00315)

County: Tarrant
State: Texas
Date map created:
Source: FEMA Firm
Panel 48439C0365K
Effective Date: 09/25/2009

- 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
- Zone AE - Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; Base flood elevations determined



1 inch = 600 feet 0 300 600 1,200 Feet



Sheet 5 of 10
 Water Features Identified
 within the Project Site
 (SWF-2014-00315)

County: Tarrant
 State: Texas
 Date map created: 06/19/2014
 Source: 2012 USDA FSA TOP
 Aerial Photography

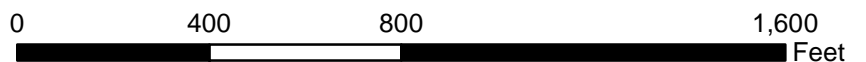
 Project Site

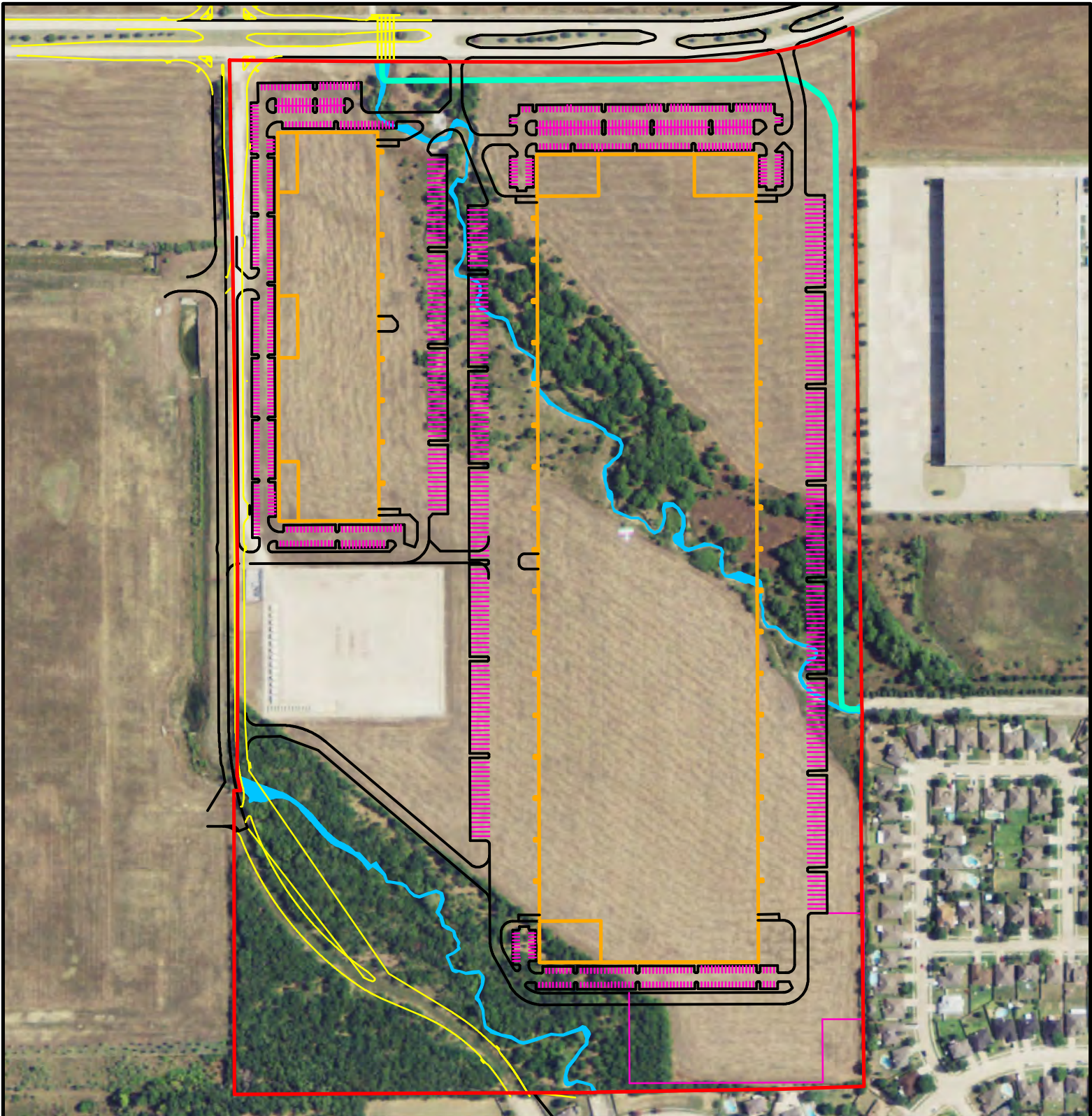
Features that meet a definition of a water of the United States

 Tributary



1 inch = 400 feet

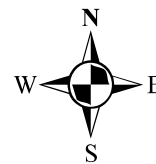




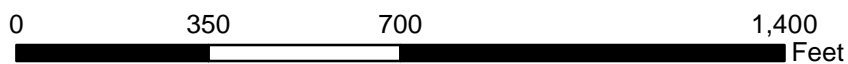
Sheet 6 of 10
 Proposed Site Plan
 (SWF-2014-00315)

County: Tarrant
 State: Texas
 Date map created: 07/31/2014
 Source: 2012 USDA FSA TOP
 Aerial Photography

- Project Site
- Site Plan**
- Proposed Buildings
- Proposed Pavement
- Sherry Lane Improvements
- Proposed Car/Truck Parking
- Proposed Re-Located Channel Centerline



1 inch = 350 feet





Impact 1
 0.570 acres
 2,914 feet

**Impact Area
 Associated
 with Sherry Lane
 Expansion**

Sheet 7 of 10
 Impacts to Waters
 of the United States
 (SWF-2014-00315)

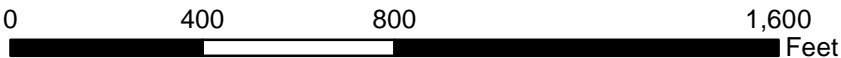
- Project Site
- Proposed impacts to waters of the United States

Features that meet a definition of a water of the United States

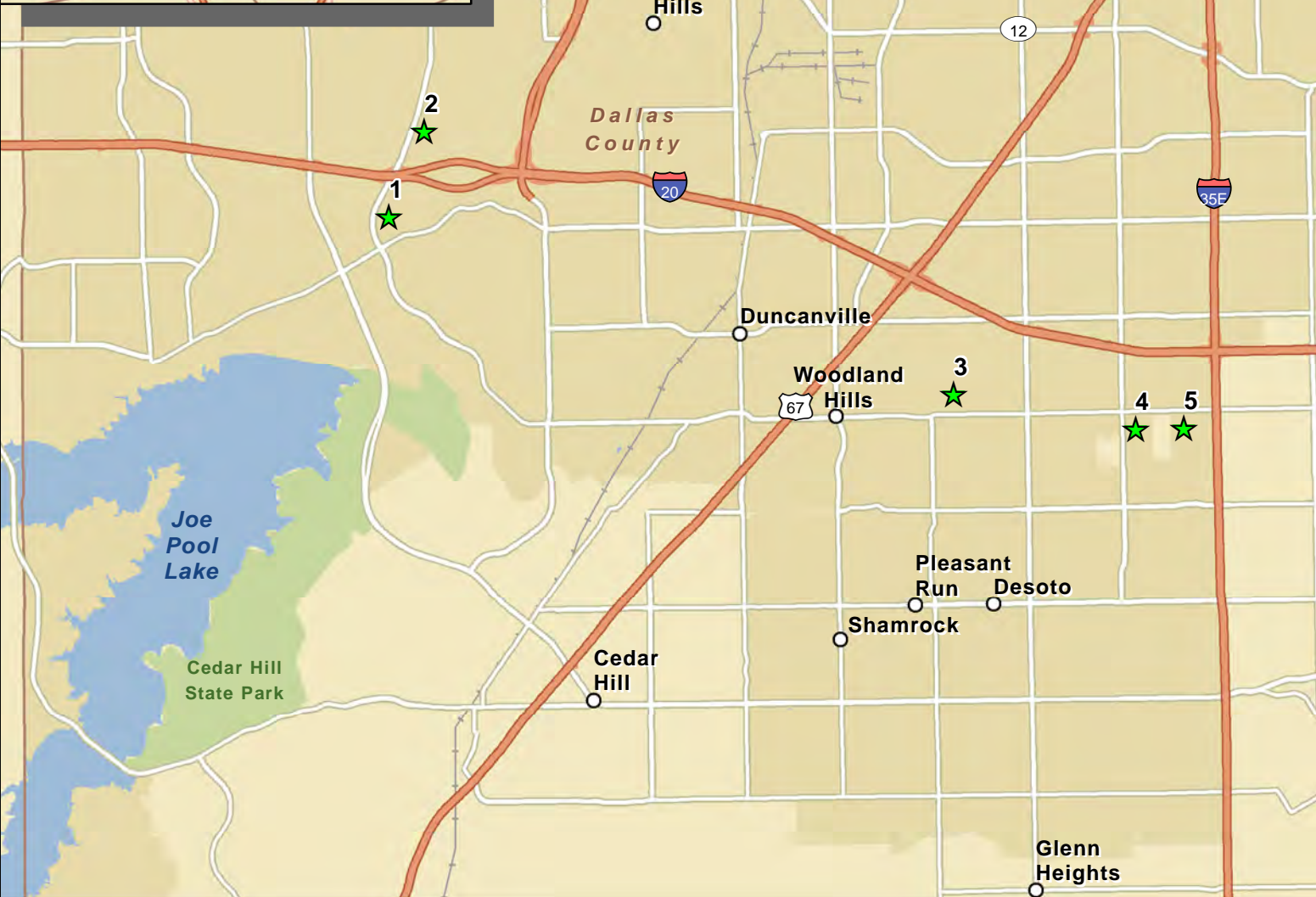
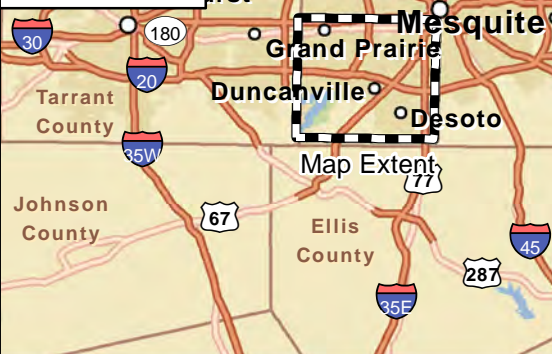
- Tributary



1 inch = 400 feet






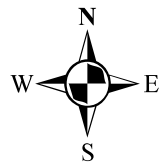
County: Tarrant
 State: Texas
 Date map created: 07/21/2014
 Source: 2012 USDA FSA TOP
 Aerial Photography



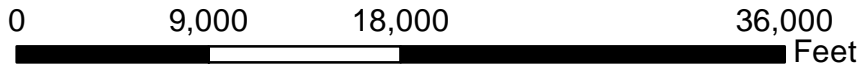
Sheet 8 of 10
Alternative Site Locations
(SWF-2014-00315)

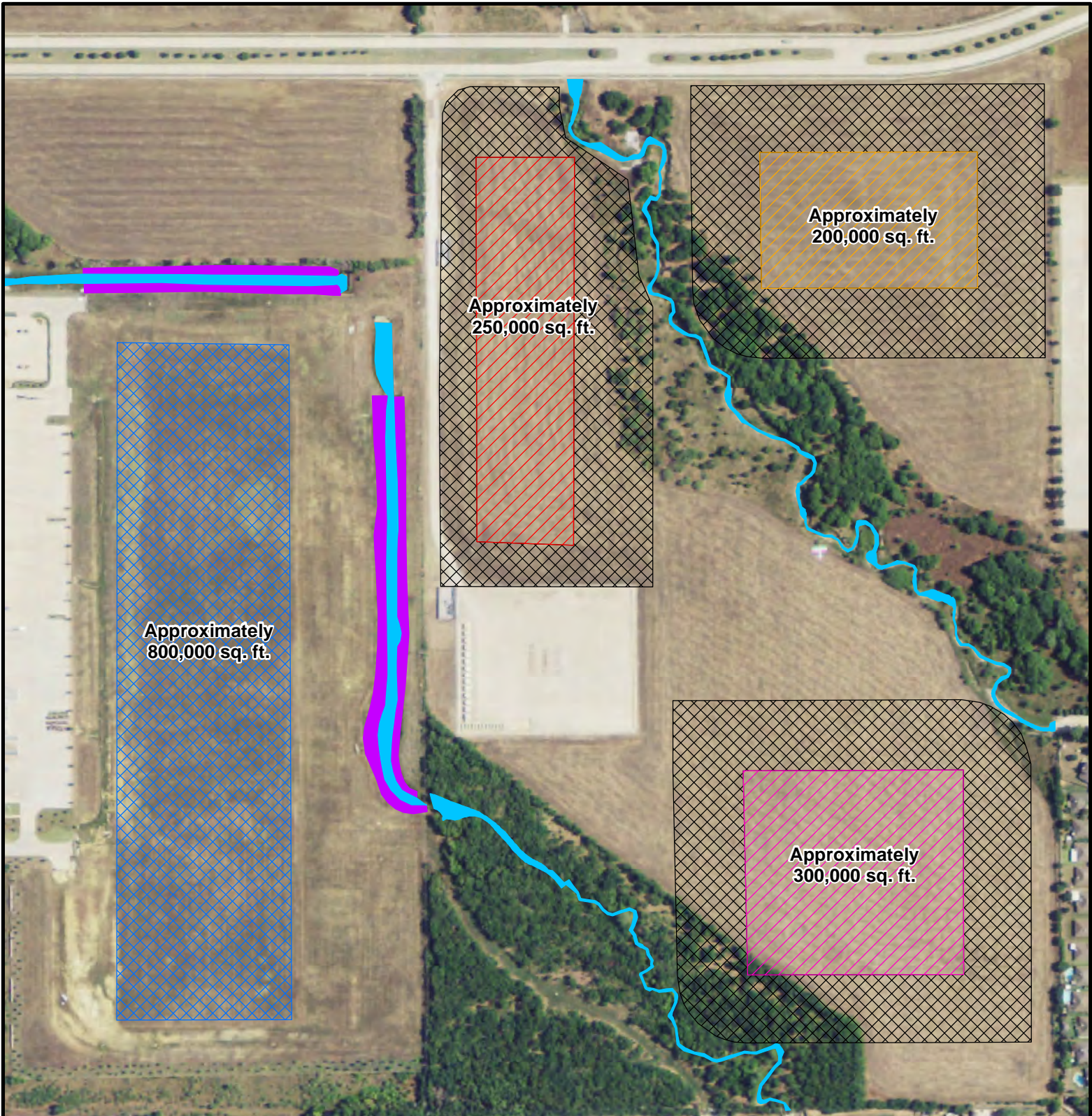
County: Tarrant
State: Texas
Date map created: 07/22/2014
Source: ESRI 10 Streetmap
North America

-  Project Site
-  Alternative Sites
-  15 Mile Radius



1 inch = 9,000 feet



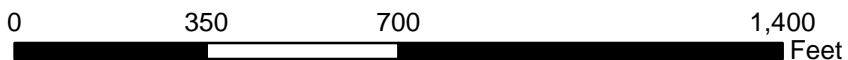
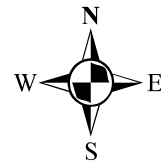


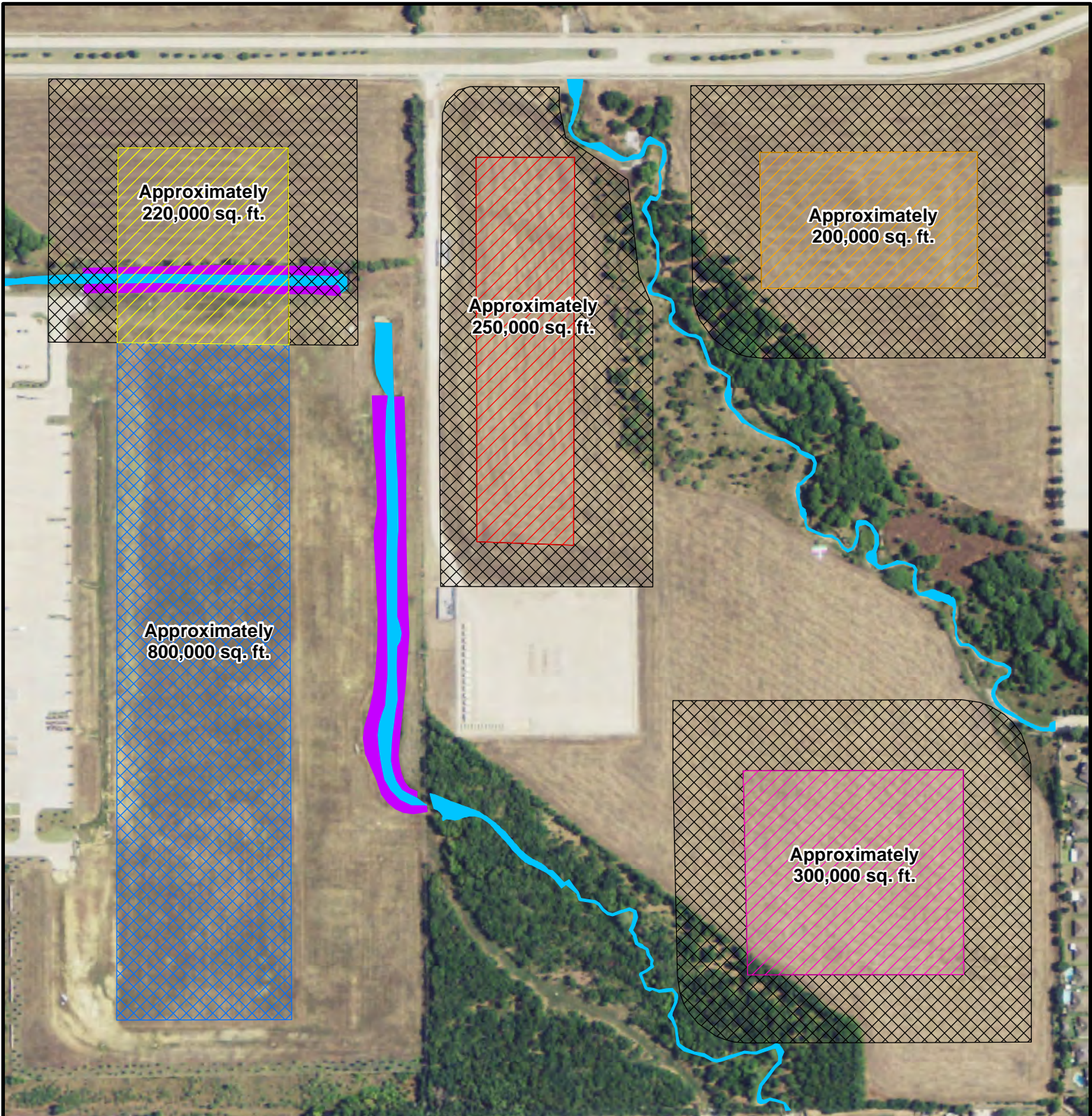
Sheet 9 of 10
 Building Layout
 Alternative 1
 (SWF-2014-00315)

County: Tarrant
 State: Texas
 Date map created: 07/31/2014
 Source: 2012 USDA FSA TOP
 Aerial Photography

Legend

- Alternative Building 1
 - Alternative Building 2
 - Alternative Building 3
 - Current Building
 - Parking Area
 - Mitigation Areas
 - Water Features
- 1 inch = 350 feet





Sheet 10 of 10
 Building Layout
 Alternative 2
 (SWF-2014-00315)

County: Tarrant
 State: Texas
 Date map created: 07/31/2014
 Source: 2012 USDA FSA TOP
 Aerial Photography

Legend

- Alternative Building 1
 - Alternative Building 2
 - Alternative Building 3
 - Alternative Building 4
 - Current Building
 - Parking Area
 - Mitigation Areas
 - Water Features
- 1 inch = 350 feet

