



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

Public Notice

Applicant: DFW Inland Port, LP

Project No.: SWF-2014-00168

Date: January 27, 2015

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

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) to discharge dredged and fill material into waters of the United States (WOUS) associated with a proposed industrial development located on approximately 84 acres of land in Wilmer, Dallas County, Texas.

APPLICANT: DFW Inland Port, LP
c/o Skip Trimble
8333 Douglas Avenue, Suite 1350
Dallas, Texas 75225

APPLICATION NUMBER: SWF-2014-00168

DATE ISSUED: January 27, 2015

LOCATION: The proposed DFW Inland Port industrial development would be located on an approximately 84 acres containing agricultural land, grassland, woodland, two emergent wetlands, and one intermittent stream located in Wilmer, Dallas County, Texas (Exhibits 1-8). The emergent wetlands drain to an intermittent stream, which drains to an unnamed tributary of Tenmile Creek, then to the Trinity River. The proposed project area is centered at approximately (32.340822, -96.402621).

PROJECT DESCRIPTION: The applicant proposes the discharge of 8,500 cubic yards of earthen fill material into 0.55 acre of emergent wetlands and 733 linear feet (0.04 acre) of intermittent stream in conjunction with the construction of the industrial development.

The applicant's stated purpose for the proposed project is to develop the site in order to meet demand for industrial warehouse space within the south Dallas area. The location is optimal due to the proximity of the Union Pacific Intermodal, Interstate 45, and rail service.

EXISTING CONDITIONS: The project site is located in the Northern Blackland Prairie Ecoregion. About half of the site is tilled or consisted of agricultural row crops. The western portion of the site is undeveloped land dominated by native grasses and shrubs. Dominate vegetation surrounding the riparian areas of the western portion of the site consisted of ragweed (*Ambrosia artemisiifolia*), buttonbush (*Cephalanthus occidentalis*), greenbrier (*Smilax hispida*), Johnson grass (*Sorghum halepense*), smartweed (*Polygonum pennsylvanicum*), and black willow (*Salix nigra*).

The proposed industrial development would permanently impact 0.55 acres of emergent wetland and 733 linear feet of intermittent stream. The emergent wetlands are located on a topographic slope with some flat, low-lying areas near tributaries of Tenmile Creek and as such, have the

potential to be inundated during periods of high rainfall and flooding of downgradient waters. Hydrology indicators on-site are drift deposits, drainage patterns, surface water, and soil saturation. Hydric soils exhibiting a loamy gleyed matrix are also present.

ALTERNATIVES CONSIDERED BY THE APPLICANT: During project planning, the applicant considered several alternatives in an effort to avoid and minimize adverse impacts to WOUS. Descriptions of the alternatives are provided below.

Alternative 1: No-Action Alternative. Under the No-Action Alternative, the applicant would not be able to develop the site in order to meet local market demand for industrial space. Most of the properties in the surrounding area have been developed or have plans to be developed for industrial uses. Port Logistics Realty's industrial park is located approximately 2.5 miles north of the site at Fulghum Road and Interstate 45 and is currently under construction for the development of approximately 1.5 million square-feet of industrial warehouse space. Port Logistics Realty plans to expand the industrial park to 9 million square-feet of industrial space. An Ace Hardware distribution center is located nearby to the east of Interstate 45. Proctor and Gamble and Georgia Pacific are also working on developing their own new warehouses in the area. Current industrial tenants in the area have also recently been expanding their existing facilities to meet the local demand. Industrial developers are being drawn to this area due to the easy access to the Union Pacific intermodal and rail service and the FedEx ground shipping hub. Hence, the site chosen would be impacted to certain degree whether it is developed by the applicant or not. The area would continue to be developed and the site will be impacted by surface run-off, changes to local topography, and floodplain influences.

Alternative 2: The applicant also considered a change of site location to an approximately 350-acre plot of agricultural land located at the Northwest quadrant of Mars Road and Interstate 45 in Wilmer, Dallas County, Texas (approximately 1,200 feet north of the chosen site). When selecting property to purchase for industrial development, the applicant considered the larger tract based on the above-mentioned criteria. However, this property was lacking adequate topography for storm water drainage, was too large for the intended development, and did not qualify for tax abatements granted by the City of Wilmer. Developing a property of this size would take much longer than the chosen site, which would put the land carrying cost in excess of the price required to purchase the land. Modifying the topography of the property to manage storm water run-off in an industrial facility would have had a major impact on soils and a potential impact on the water table. The price per acre of the Alternative 2 property was also not as competitive as the chosen property when compared to those properties purchased by other major land developers in the area. Factors such as the carrying cost, expense of altering the topography, and the uncompetitive purchase price rendered this option economically unfeasible. Therefore, the site was not purchased. Most properties north of the chosen site have already been developed or do not suit the needs of the client. More property is available south of the site that would meet the location, size, and topographic gradient criteria; however, many of these sites are either bisected by Tenmile Creek and its tributaries or contain freshwater ponds and/or freshwater emergent wetlands. Development of these sites would result in larger impacts to WOUS than the development of the chosen site. Development of these southern properties would

also have a greater impact on habitats potentially suitable for wildlife since these parcels exhibit less fragmentation of habitat along the corridor of Tenmile Creek and its tributaries.

Alternative 3: The applicant also considered an alteration of proposed construction plans. The two wetlands and one intermittent stream are centrally located on the site and bisect the property in a north-south orientation. Therefore, in order to avoid impacts to the wetlands and stream, the construction plans would have to be reduced to a square footage that would not meet the needs of market demand. Another construction plan alteration would include orienting two buildings in a north-south orientation on either side of the wetlands and stream. However, this plan would include grading the site to a degree that would eliminate the existing topography, which is important for storm water drainage.

MITIGATION: The applicant's proposed compensatory mitigation consists of purchasing in-stream and riparian credits from existing mitigation banks that serve the project area. These credits would be purchased in compliance with the Fort Worth District Stream Mitigation Method and the terms of the applicable approved mitigation banking instrument.

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 of 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 that 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 where five species are listed by the USFWS: Whooping Crane (*Grus Americana*), Piping Plover (*Charadrius melodus*), interior Least Tern (*Sterna antillarum*), Black-capped Vireo (*Vireo atricapilla*), and the Golden-cheeked warbler (*Setophaga chrysoparia*). 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 area has not previously been surveyed and no previously recorded historic properties are present on the 84-acre tract. Nearby, recorded historic properties in comparable settings are documented as surficial sites. Additionally, historical maps show structures having been present within the project area during the middle of the twentieth century, but recent maps and imagery, as well as site visits, all confirm their absence.

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 facts 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 February 27, 2015, which is the close of the comment period. Extensions

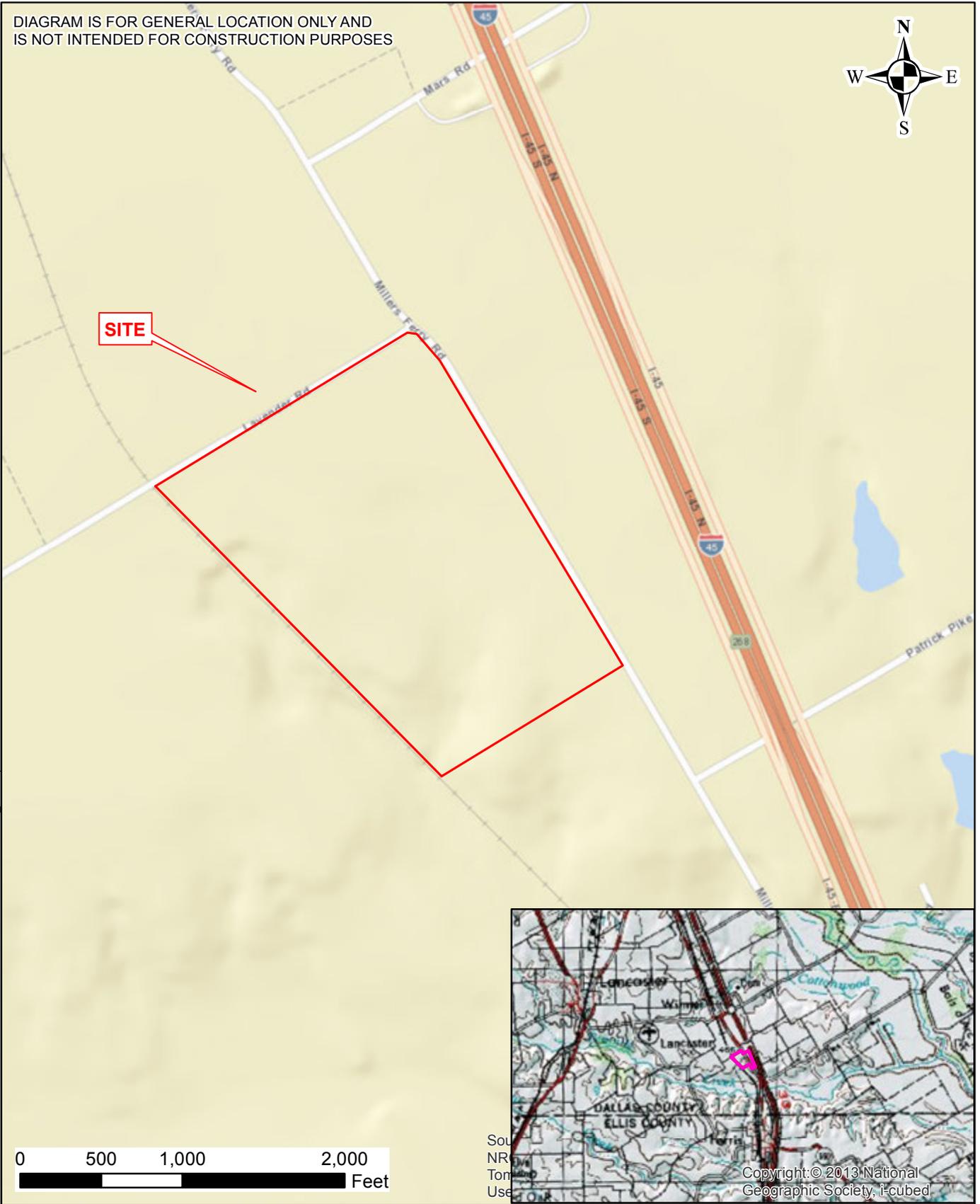
of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to: Regulatory Branch, CESWF-DE-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

DIAGRAM IS FOR GENERAL LOCATION ONLY AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES



SITE



N:\Natural Resources\Lauren\DRAWING\TEXAS\Dallas\Ferris WL\MXD\Ferris_LocMap.mxd

Project Mngr:	BR
Drawn By:	LEB
Checked By:	BR
Project No:	94147048
Date:	02/12/2014

Terracon
Consulting Engineers & Scientists

11600 Lilburn Park Road Ph [314] 692 8811
Saint Louis, MO 63146 Fax [314] 692 8810

VICINITY MAP

SWF 2014-00168
DFW INLAND PORT, 84 ACRES
LAVENDER ROAD & INTERSTATE 45
FERRIS, DALLAS COUNTY, TEXAS

EXHIBIT

1

USGS Topographic Quadrangle: Ferris, TX
 Map Year: 1968 Series: 7.5-Minute

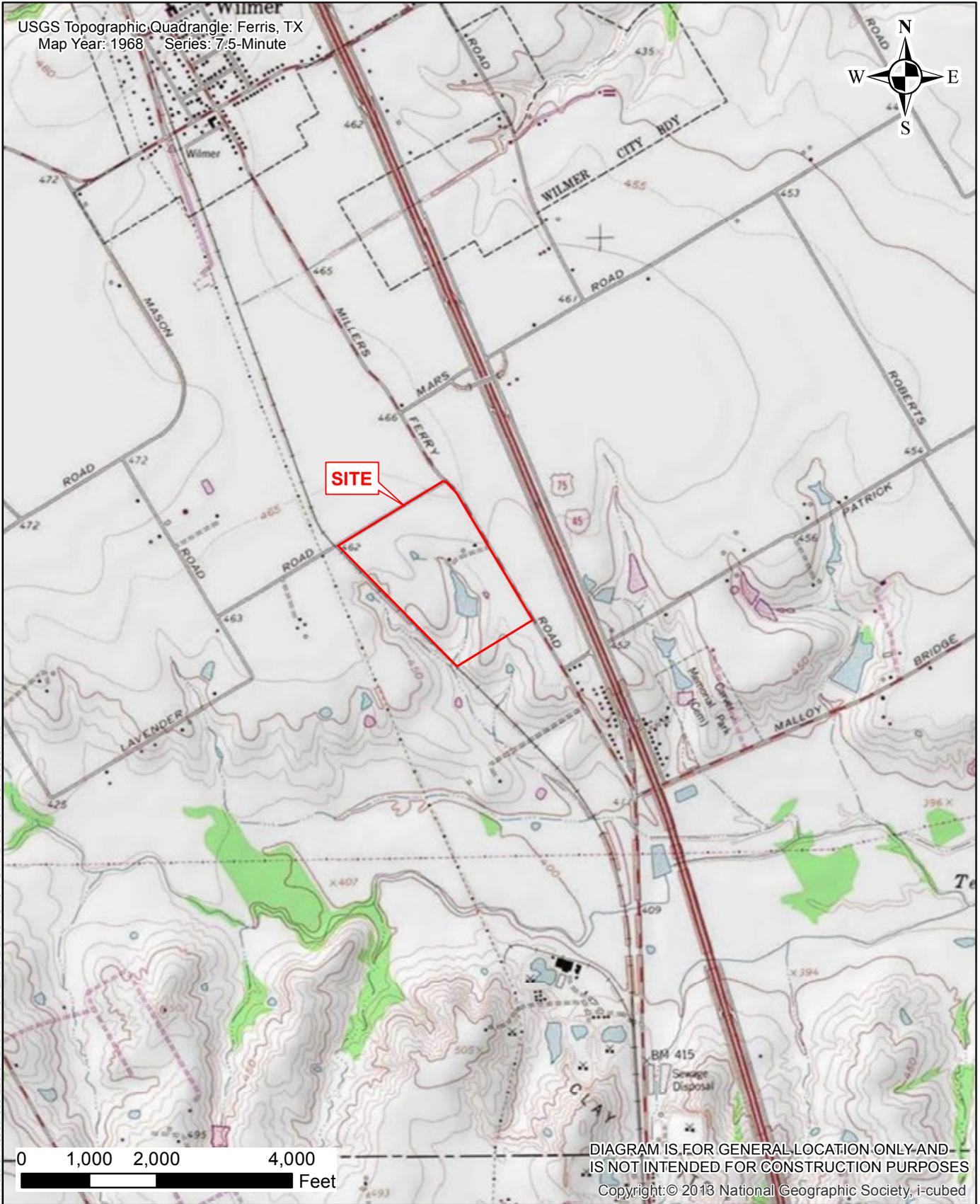


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Project Mng:	BR
Drawn By:	LEB
Checked By:	BR
Project No:	94147048
Date:	02/12/2014

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TOPOGRAPHIC MAP

SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
 FERRIS, DALLAS COUNTY, TEXAS

EXHIBIT

2



EXHIBIT

3

NATIONAL WETLAND INVENTORY

SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
 FERRIS, DALLAS COUNTY, TEXAS

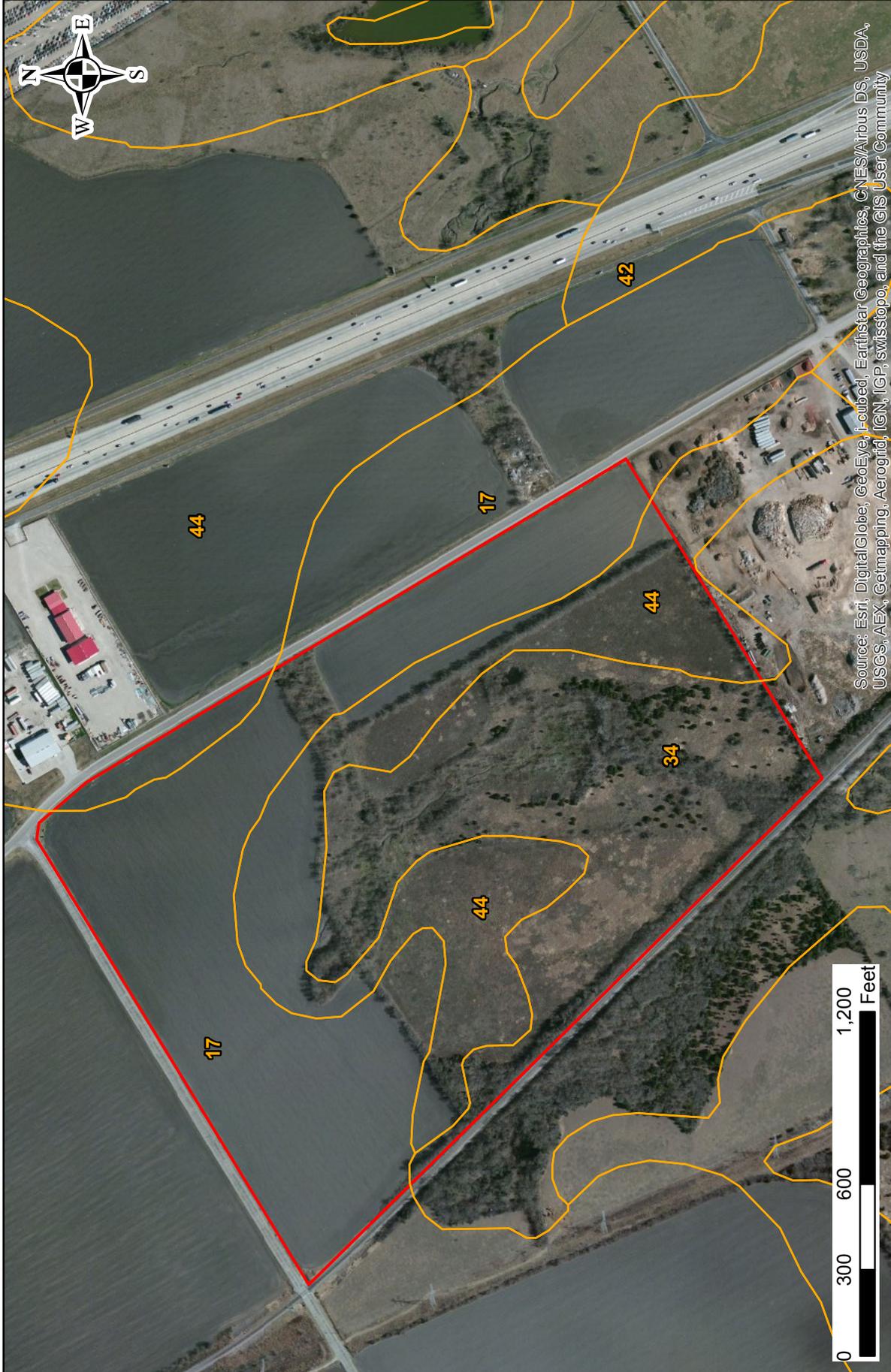
LEGEND

- Approximate Site Boundary
- Freshwater Pond
- Freshwater Emergent Wetland

Terracon

11600 Liburn Park Road Ph [314] 692 8811
 Saint Louis, MO 63146 Fax [314] 692 8810

Project Mng'r:	BR
Drawn By:	LEB
Checked By:	BR
Project No:	94147048
Date:	02/12/2014



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Project Mng'r:	BR
Drawn By:	LEB
Checked By:	BR
Project No.:	94147048
Date:	02/12/2014

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 Saint Louis, MO 63146 Fax [314] 692 8810

- LEGEND**
- Approximate Site Boundary
 - 17 Branyon clay, 0-1% slopes
 - 34 Ferris Heiden complex, 5-12% slopes
 - 44 Houston black clay, 1-3% slopes

SOIL SURVEY MAP

SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
 FERRIS, DALLAS COUNTY, TEXAS

EXHIBIT

4



PANEL NO.
48139C0100F
Effective 6/5/2013



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Project Mng'r:	BR
Drawn By:	LEB
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Project No:	94147048
Date:	02/12/2014

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- LEGEND**
- Approximate Site Boundary
 - 100 Year Flood Zones

FLOOD INSURANCE RATE MAP

SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
 FERRIS, DALLAS COUNTY, TEXAS

EXHIBIT

5



EXHIBIT

6.1

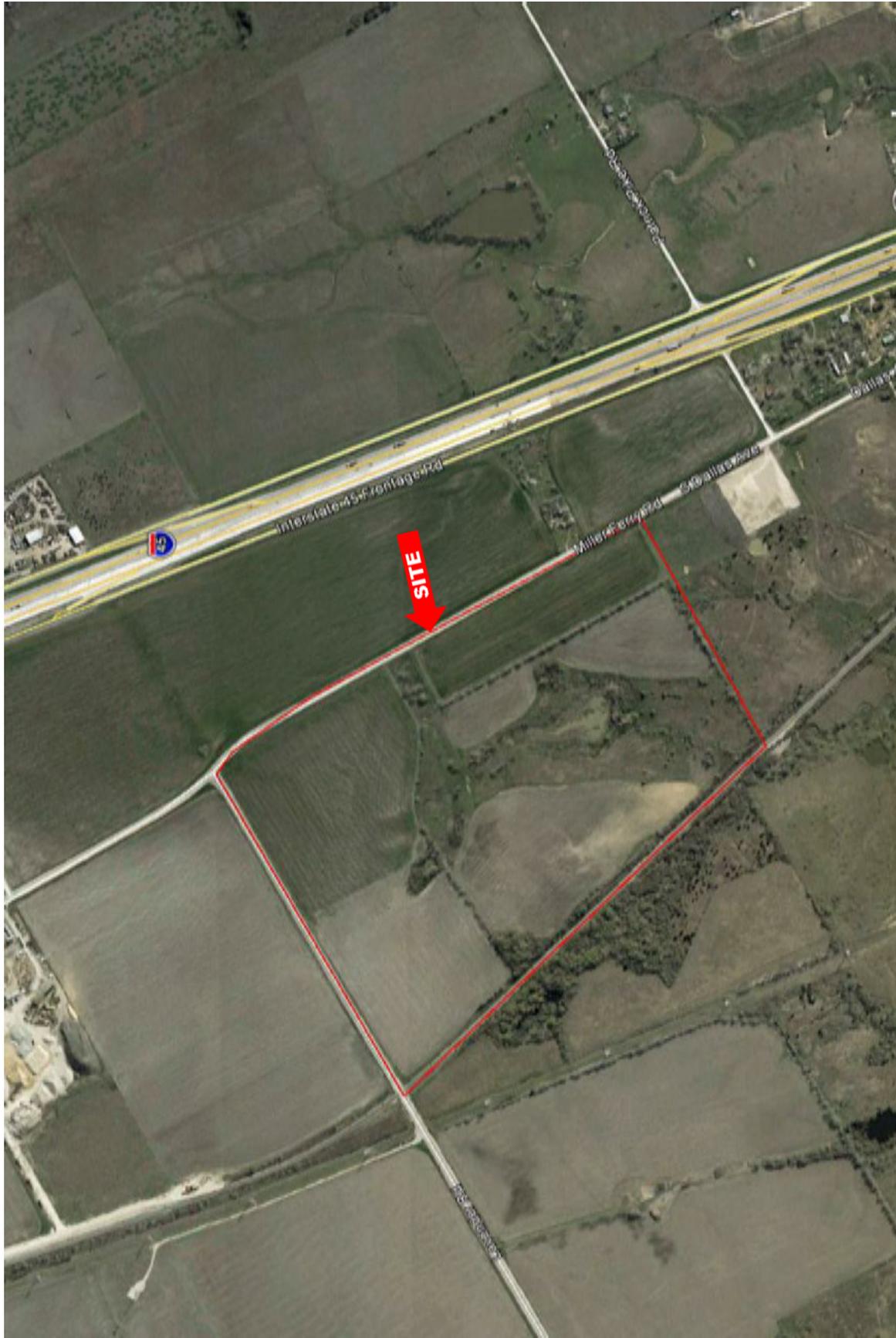
AERIAL PHOTOGRAPH

SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
 FERRIS, DALLAS COUNTY, TEXAS

Terracon
 Consulting Engineers & Scientists
 8800 Carpenter Freeway, Suite 100 Dallas, Texas 75247
 PH: (214) 690-3000 FAX: (214) 690-7070

Project No.	94147048
Scale:	1" ~ 714'
Source:	Google Earth
Date:	March 7, 1995





EXHIBIT

6.2

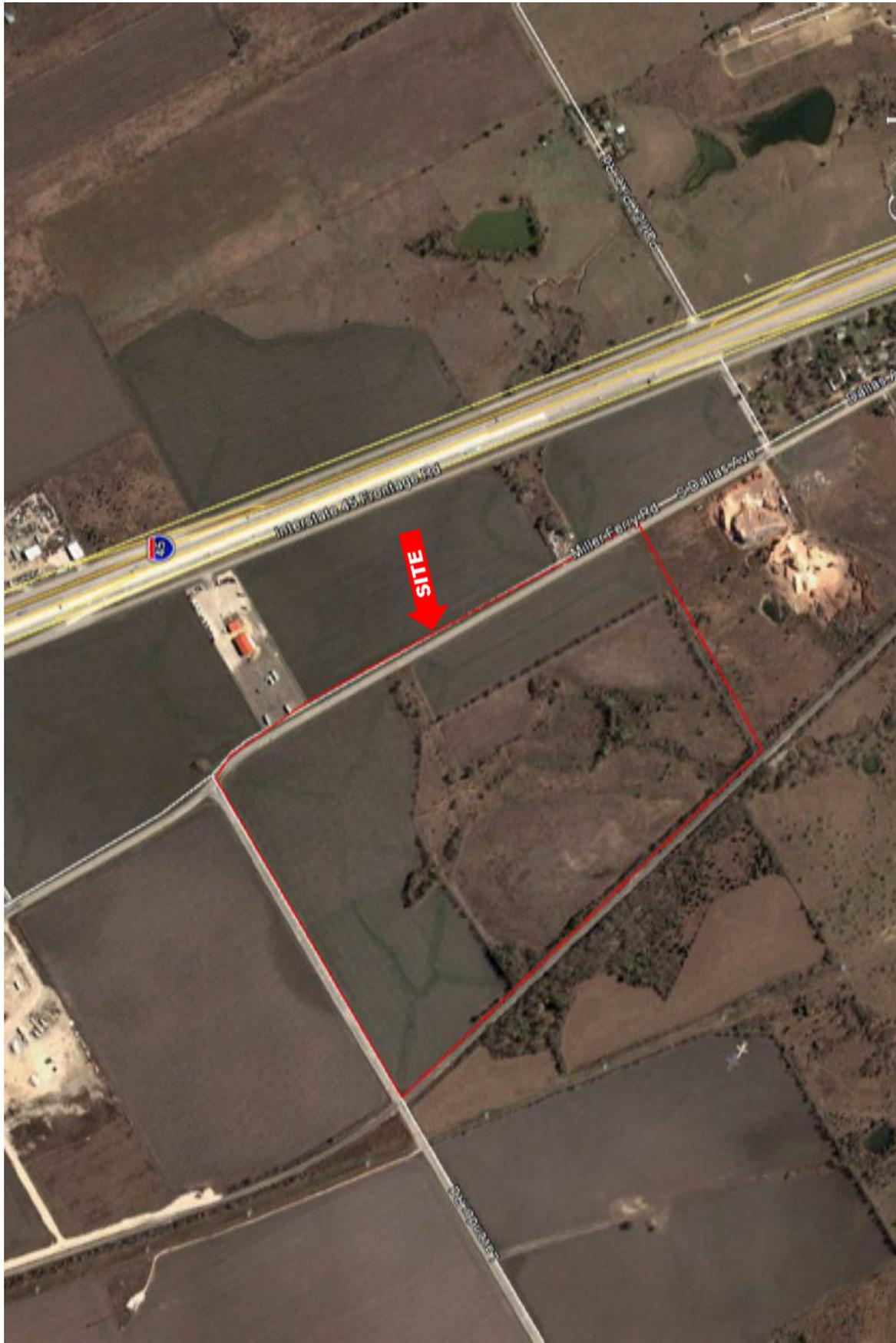
AERIAL PHOTOGRAPH

SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
 FERRIS, DALLAS COUNTY, TEXAS



Project No.	94147048
Scale:	1" ~ 714'
Source:	Google Earth
Date:	February 27, 2001





EXHIBIT

6.3

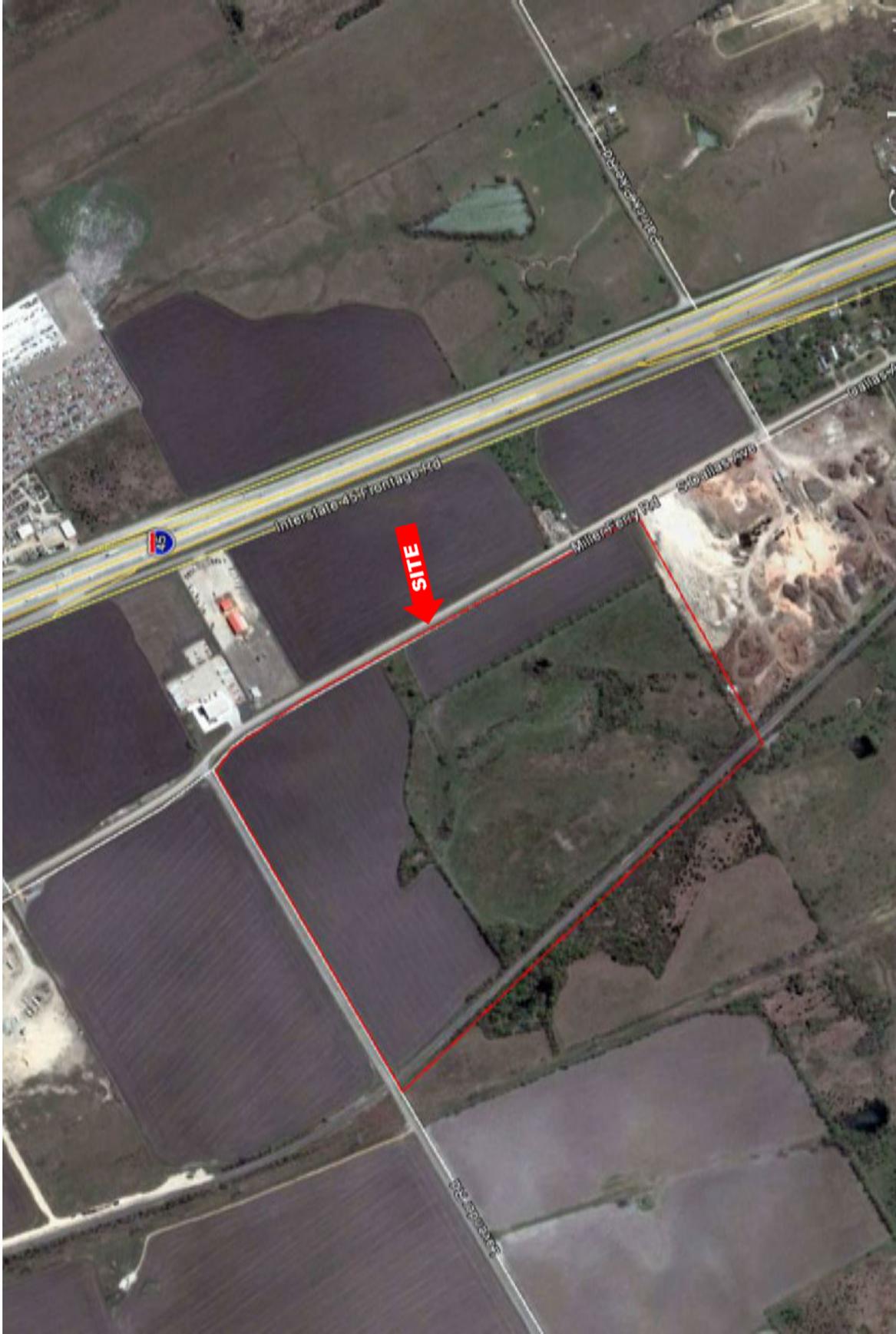
AERIAL PHOTOGRAPH

SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
 FERRIS, DALLAS COUNTY, TEXAS

Terracon
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Project No.	94147048
Scale:	1" ~ 714'
Source:	Google Earth
Date:	December 23, 2003





EXHIBIT

6.4

AERIAL PHOTOGRAPH

SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
 FERRIS, DALLAS COUNTY, TEXAS

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 PH: (214) 630-3000 FAX: (214) 630-7070

Project No.	94147048
Scale:	1" ~ 714'
Source:	Google Earth
Date:	March 24, 2005



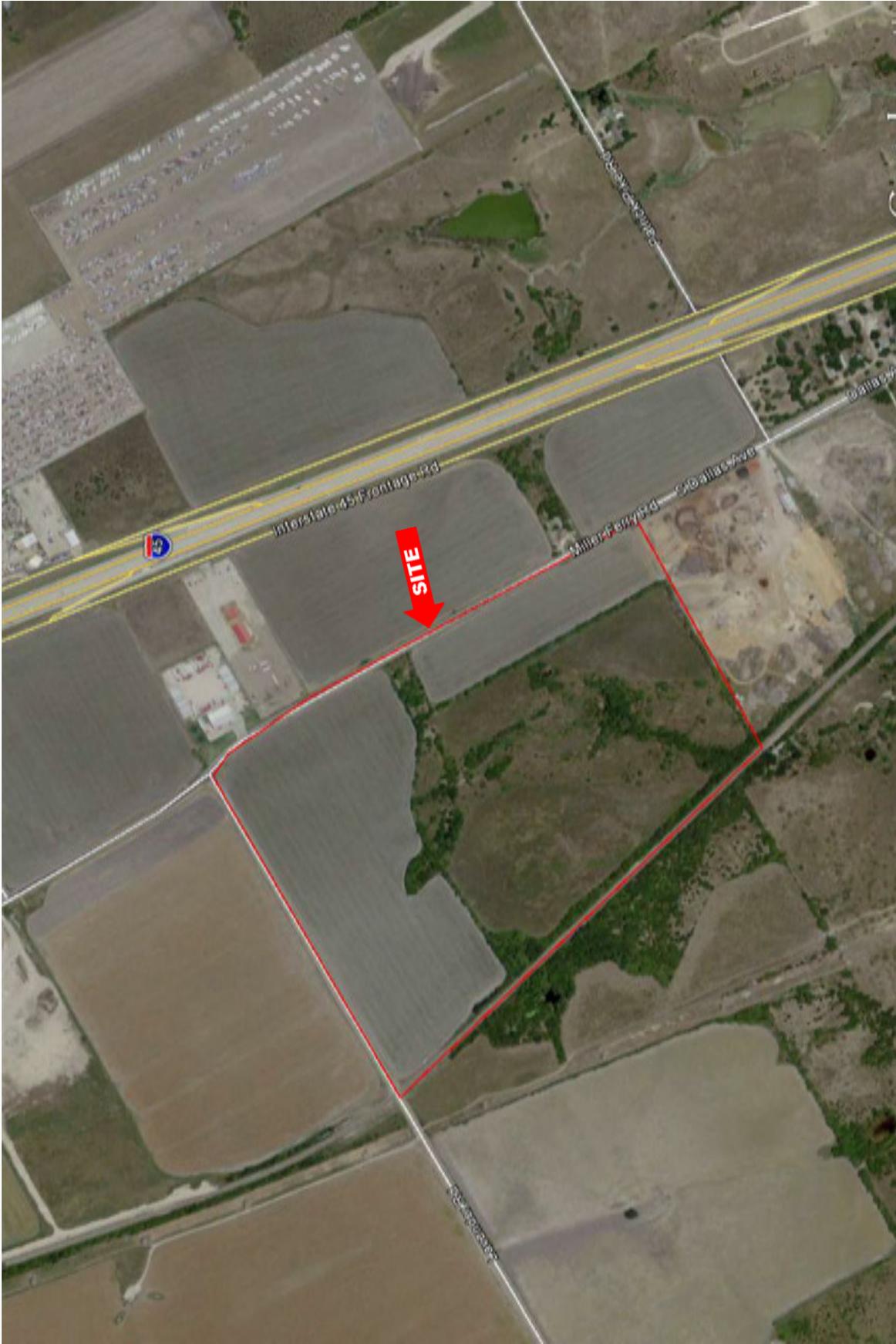


EXHIBIT
6.5

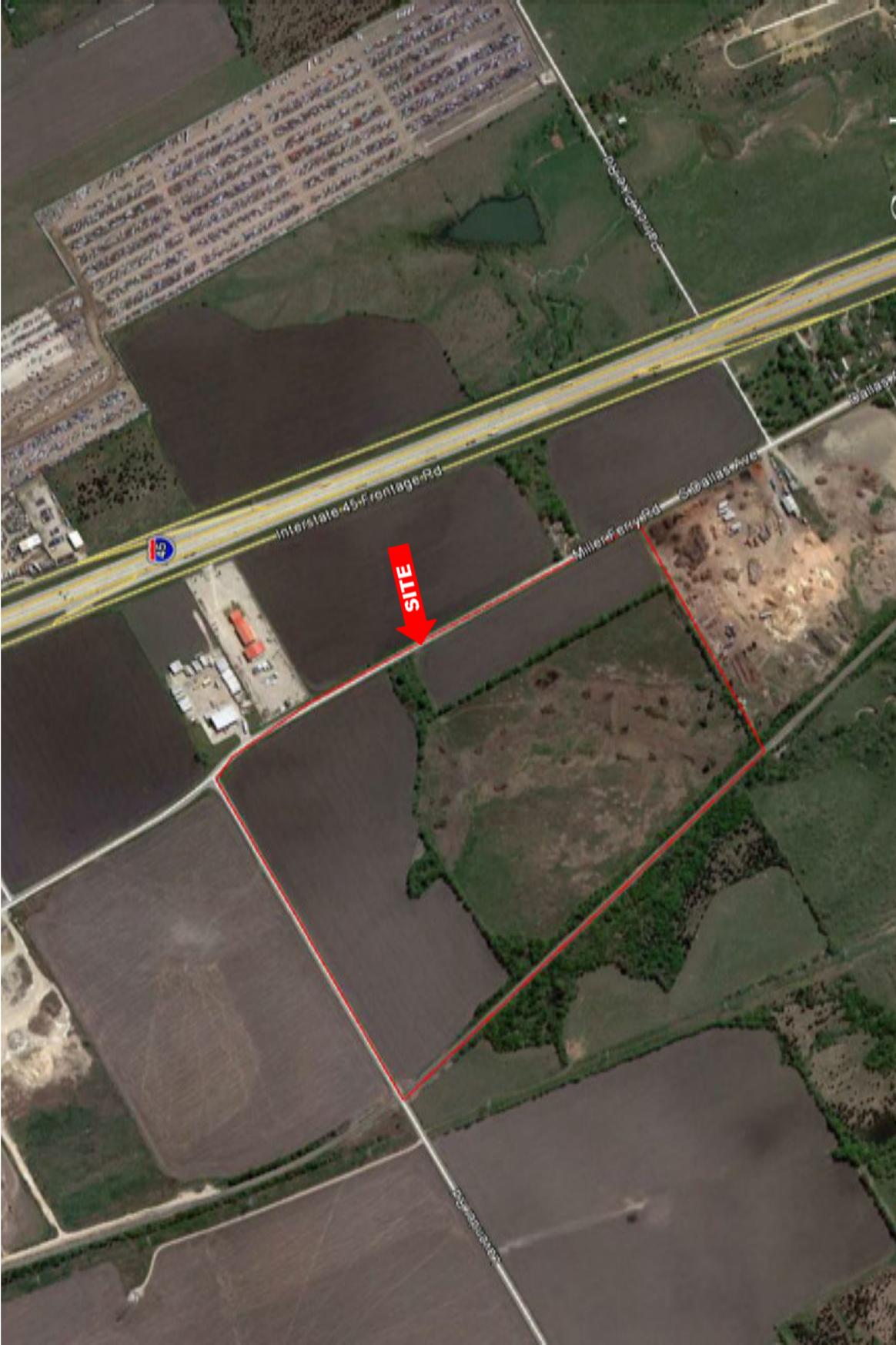
AERIAL PHOTOGRAPH

SWF 2014-00168
DFW INLAND PORT, 84 ACRES
LAVENDER ROAD & INTERSTATE 45
FERRIS, DALLAS COUNTY, TEXAS

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8800 Carpenter Freeway, Suite 100 Dallas, Texas 75247
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Project No.	94147048
Scale:	1" ~ 714'
Source:	Google Earth
Date:	October 30, 2008





EXHIBIT

6.6

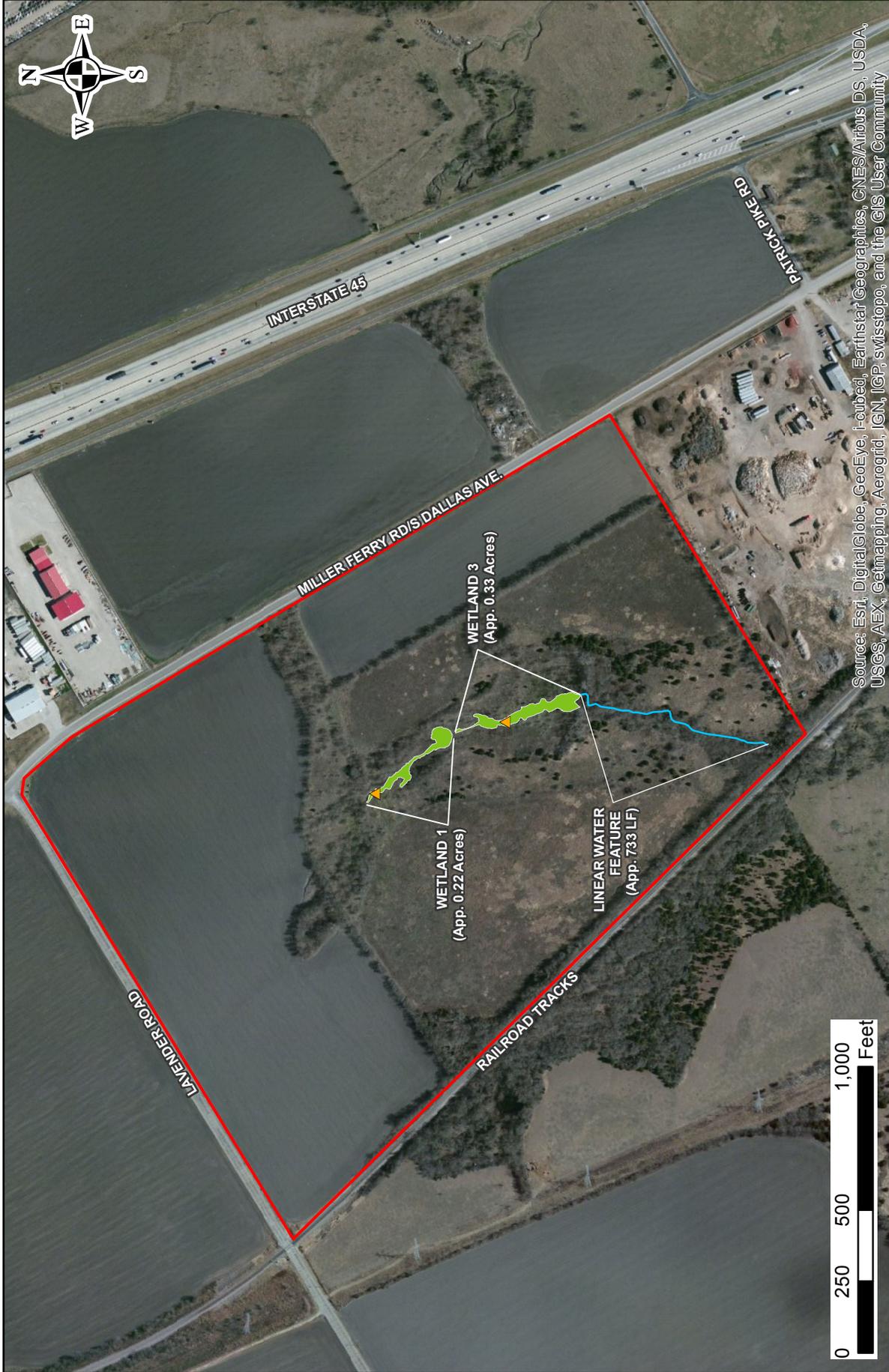
AERIAL PHOTOGRAPH

SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
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 PH: (214) 630-3000 FAX: (214) 630-7070

Project No.	94147048
Scale:	1" ~ 714'
Source:	Google Earth
Date:	March 21, 2011





Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

EXHIBIT
7-1

DELINEATED FEATURES MAP
SWF 2014-00168
DFW INLAND PORT, 84 ACRES
LAVENDER ROAD & INTERSTATE 45
FERRIS, DALLAS COUNTY, TEXAS

LEGEND
 Approximate Site Boundary
▲ Data Point Location

Terracon
 11600 Liburn Park Road Ph [314] 692 8811
 Saint Louis, MO 63146 Fax [314] 692 8810

Project Mng'r:	BR
Drawn By:	LEB
Checked By:	BR
Project No:	94147048
Date:	02/12/2014



Project No.	94147048
Scale:	1" ~ 714'
Source:	Google Earth
Date:	October 18, 2013

Terracon
 Consulting Engineers & Scientists
 8800 Carpenter Freeway, Suite 100 Dallas, Texas 75247
 PH: (214) 630-3000 FAX: (214) 630-7070

PROPOSED ACTION PLAN
 SWF 2014-00168
 DFW INLAND PORT, 84 ACRES
 LAVENDER ROAD & INTERSTATE 45
 FERRIS, DALLAS COUNTY, TEXAS