

Public Notice

Applicant: Majestic Realty Company

Project No.: SWF-2016-00030

Date: April 1, 2016

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. Steve Lindamood

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 construction of the Majestic L2K distribution facilities, which is located on a 1,993 acre tract of land in the city of Laredo, in Webb County, Texas.

APPLICANT: Majestic Realty Company

13191 Crossroads Parkway North, 6th Floor

City of Industry, California 91746

APPLICATION NUMBER: SWF-2016-00030

DATE ISSUED: April 1, 2016

LOCATION: The proposed Majestic L2K project is located on a 1,993 acre tract of land in the city of Laredo, in Webb County, Texas. The proposed project would be located approximately 10-miles north of the Laredo International Airport east of I-35 and north of the Union Pacific Port Laredo Intermodal Facility (Study Area Maps, Sheet 1 of 5) at latitude 27.683° and longitude -99.439°. The site is mapped on the 7.5-minute USGS quadrangle map, Orvil, Texas. The site is in USGS Hydrologic Unit 13080002.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

INTRODUCTION: The applicant stated there is a need for distribution facilities to support international commerce located within the city of Laredo, near the international border crossing of Mexico. The purpose of the proposed project is to meet the needs of international commerce by constructing distribution facilities that can receive goods from Mexico by truck, repackage the goods for domestic shipping by truck or rail, and distribute those goods domestically via the nearby Union Pacific Port Laredo Intermodal Facility.

EXISTING CONDITIONS: The project area is partially developed and recently has been used as an automobile and tire testing facility for MBtech Auto Testing Properties LLC. There are numerous aquatic features in the proposed project area, these include a perennial stream, an intermittent stream, two ephemeral streams, two emergent wetlands, and six open water features (Study Area Maps, Sheet 3 of 5). A portion of the project area is located within the 100-year

floodplain as mapped by the Federal Emergency Management Agency. Vegetation in the project area can be characterized into three distinct types and percentages, 60% scrub-shrub, 10% riparian area and 30% maintained right-of-ways. According to the applicant, the U.S. Department of Agriculture Texas Soil Survey for Webb County list the soils in the project area as primarily clays to sandy loam, with no hydric soils listed in the area.

PROJECT DESCRIPTION:

The applicant has proposed to discharge approximately 4,360 cubic yards of native fill material into approximately 0.99-acre of waters of the United States in conjunction with the construction of the distribution facilities and associated infrastructure. A total of 35 distribution facilities would be constructed over the 1,993 acre project area. Total proposed impacts to waters of the U.S. include the placement of fill materials into 305 linear feet (0.07-acre) of perennial stream, 4,190 linear feet of intermittent stream (0.38-acre), and 4,685 linear feet (0.54-acre) of ephemeral stream (Attachment E: Table of WOUS Impacted by the Proposed Project).

ALTERNATIVES SITE LOACTIONS AND ALTERNATIVE LAYOUTS: A section 404 (b)(1) alternatives analysis has been completed which outlines the stepwise progression of practicability (i.e., feasibility), beginning with site selection and concluding with on-site alternatives. The applicant reviewed four offsite alternatives using the selection criteria below to determine a location's practicability (See Offsite Alternatives Map, Sheet 1 of 6 Sheets) before selecting the preferred alternative location.

Table 1: Summary of the selection criteria used to select the preferred alternative.

Practicability	Factor	Preferred	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Category		Alternative				
Available	Available for	Yes	No	No	Yes	Yes
	Acquisition	Applicant owns	The parcel is	Portions of the	The parcel is	The parcel is
		the parcel.	owned by the	parcel is owned by	available for sale.	available for sale.
			Killam family.	the Killam family.		
Logistics	Proximity to	Yes	Yes	Yes	Yes	Yes
	International	The site is	The site is located			
	Border	located in a city	in a city within an			
	Crossing of	within an eight-	eight-mile radius	eight-mile radius	eight-mile radius	eight-mile radius
	Mexico	mile radius of	of the international	of the international	of the international	of the international
		the international	border crossing of	border crossing of	border crossing of	border crossing of
		border crossing	Mexico.	Mexico.	Mexico.	Mexico.
		of Mexico.				
-	Proximity to	Yes	Yes	Yes	No	No
	the Union	The site is	The site is located			
	Pacific Port	located less than	less than three-	less than three-	more than three-	more than three-
	Laredo	three-miles from	miles from the	miles from the	miles from the	miles from the
	Intermodal	the Union	Union Pacific Port	Union Pacific Port	Union Pacific Port	Union Pacific Port
	Facility	Pacific Port	Laredo Intermodal	Laredo Intermodal	Laredo Intermodal	Laredo Intermodal
	raciity	Laredo				
		Intermodal	Facility.	Facility.	Facility.	Facility.
		Facility.				
		raciity.				

	Proximity to	Yes	No	No	No	No
	Emergency and Municipal Services	The site is located within the city of Laredo, near access to emergency and municipal services.	The site is not located within the city of Laredo.	The majority of the site is not located within the city of Laredo.	The majority of the site is not located within the city of Laredo.	The site is not located within the city of Laredo.
	Proximity to	Yes	Yes	Yes	No	No
	the Interstate Highway Network	The site is located less than one-mile to the Interstate Highway Network.	The site is located less than one-mile to the Interstate Highway Network.	The site is located less than one-mile to the Interstate Highway Network.	The site is not adjacent to the Interstate Highway Network.	The site is not adjacent to the Interstate Highway Network.
	Existing	Yes	No	No	No	No
	Zoning Appropriate	The site is zoned for industrial use.	The site is not zoned for industrial use.	The majority of the site is not zoned for industrial use.	The site is not zoned for industrial use.	The site is not zoned for industrial use.
	Sufficient	Yes	No	No	No	Yes
	Parcel Size (1,400 to 2,200-acres)	The site is of an appropriate size.	The site is too small.	The site is too small.	The site is too small.	The site is of an appropriate size.
	Available	Yes	Yes	No	No	Yes
	Utilities	The site currently has utilities.	The site currently has utilities.	The site does not have utilities.	The site does not have utilities.	The site currently has utilities.
Existing	Topography	Yes	Yes	Yes	Yes	No
Technology	and other site conditions feasible for construction of project	The site conditions are feasible for the construction of the project.	The site conditions are feasible for the construction of the project.	The site conditions are feasible for the construction of the project.	The site conditions are feasible for the construction of the project.	The topography is not feasible for construction.
Cost	Reasonable	Yes	No	No	No	No
	Acquisition Cost	Applicant owns the parcel.	The Killam family does not sell to competing developers.	Only a portion of the site is available for sale (200- acres). The Killam family owns the remaining portion.	This site consists of many tracts (over 10). It would not be practicable to coordinate the purchase of the site.	The cost per acre is too high.

ONSITE ALTERNATIVES: The applicant reviewed three site configurations to determine which alternative was most practicable. The applicant stated the preferred alternative needed to be constructed such that the proposed building coverage is a minimum of 25.5% to make the project economically feasible. The preferred alternative should maximize the building area on the site. The applicant is looking for a site plan that will result in minimal costs for utilities and infrastructure for each building unit, and reduced travel times to the interstate and intermodal facilities for each building unit.

Onsite Alternative (Preferred):

This alternative would result in the construction of approximately 35 separate distribution facilities (See Onsite Alternatives Map, Sheet 1 of 3 Sheets). To facilitate the construction of this alternative, permanent impacts to 305 linear feet of perennial stream (0.07-acre); 4,190 linear feet of intermittent stream (0.38-acre); and 4,685 linear feet of ephemeral stream (0.54-acre) are proposed. This alternative would avoid 10,435 linear feet of perennial stream (2.40 acres); 630 linear feet of intermittent stream (0.06-acre); 355 linear feet of ephemeral stream (0.03-acre); 0.98-acre of emergent wetlands, and 4.19 acres of open water. The preferred alternative would maximize the building area on the site, result in minimal costs for utilities and infrastructure for each building unit, and reduce travel times to the interstate and intermodal facilities for each building unit. The preferred alternative exceeds the 25.5% minimum proposed building coverage criteria. The applicant stated that the preferred alternative is the least environmentally damaging practicable alternative because it meets the site criteria, while proposing the minimal impacts to waters of the U.S. necessary to complete the project (Project Plans/Drawings, Sheets 1 through 15).

Onsite Alternative 2:

This alternative would result in the construction of approximately 32 separate distribution facilities (See Onsite Alternatives Map, Sheet 2 of 3 Sheets). To facilitate the construction of this alternative, permanent impacts to 300linear feet of perennial stream (0.07-acre); 155 linear feet of ephemeral stream (0.02-acre); 0.24-acre of emergent wetlands; and 0.02-acre of open water are proposed. This alternative would avoid 10,440 linear feet of perennial stream (2.4 acres); 4,820 linear feet of intermittent stream (0.44-acre); 4,885 linear feet of ephemeral stream (0.55-acre); 0.74-acre of emergent wetland; and 4.17 acres of open water. Although this is the least damaging alternative, it is not practicable because it would result in less leasable building area, higher costs of utilities and infrastructure for each building unit, and increased travel times to the interstate and intermodal facility for some building units. This alternative is not feasible because it does not meet the 25.5% minimum proposed building coverage criteria. Therefore, this alternative was rejected.

Onsite Alternative 3:

This alternative would result in the construction of approximately 37 separate distribution facilities (See Onsite Alternatives Map, Sheet 3 of 3 Sheets). To facilitate the construction of this alternative, permanent impacts to 9,520 linear feet of perennial stream (2.19 acres); 4,820 linear feet of intermittent stream (0.44-acre); 4,290 linear feet of ephemeral stream (0.49-acre); 0.98-acre of emergent wetlands, and 2.73 acres of open water are proposed. This alternative would avoid 1,220 linear feet of perennial stream (0.28-acre); 750 linear feet of ephemeral stream (0.08-acre); and 1.46 acres of open water. Although this alternative meets the criteria, it is not the least damaging practicable alternative; therefore it was rejected.

Table 2: Summary of onsite alternatives' impacts to waters of the U.S.

Onsite Alternatives	Waters of the U.S.	Waters of the U.S.
	Impacts	Avoided
Onsite Alternative 1	9,180-linear feet	11,420-linear feet
(Preferred)	0.99-acre	7.66-acres
Onsite Alternative 2	455-linear feet	20,145-linear feet
	0.35-acres	8.3-acres
Onsite Alternative 3	18,630-linear feet	1,970-linear feet
	6.83-acres	1.82-acres

MITIGATION: The applicant stated that they have taken all appropriate and practicable steps to avoid & minimize adverse impacts to waters of the U.S., and will provide compensatory mitigation for the unavoidable adverse impacts to waters of the U.S. as a result of the proposed project. The proposed project would avoid 10,435 linear feet of perennial stream (2.40 acres), 630 linear feet of intermittent stream (0.06-acre), 355 linear feet of ephemeral stream (0.03-acre), 0.98-acre of emergent wetlands, and 4.19 acre of open water. To offset unavoidable adverse impacts to waters of the U.S., the applicant proposes to mitigate through onsite permittee responsible mitigation (PRM) by enhancing the perennial stream that bisects the proposed project area. The proposed PRM project is expected to result in higher projected TXRAM scores than the existing stream. The goal is to establish a stream and riparian corridor that is self-sustaining. The applicant is not currently proposing offsite compensatory mitigation. A more detailed compensatory mitigation plan is being prepared by the applicant and will be submitted to the USACE for approval prior to authorization of the proposed project.

SHEETS

- A. Study Area Maps (Sheets 1 through 5)
- B. Attachment E: Table of WOUS Impacted by the Proposed Project (Sheet 1 of 1)
- C. Offsite Alternatives (Sheets 1 through 6)
- D. Onsite Alternatives (Sheets 1 through 3)
- E. Project Plans/Drawings (Sheets 1 through 15)

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 TCEO'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 USFWS) 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 Webb County where the least tern (*Sterna antillarum*) (bird), Ashy dogweed (Thymophylla tephroleuca) (plant), Gulf coast jajuarundi (Herpailurus (=Felis) yagouaroundi cacomitli) (mammal), ocelot (Leopardus (=Felis) pardalis) (mammal), Piping plover (Charadrius melodus)

(bird), and the Red Knot (Calidris canutus rufa) (bird) are known to occur or may occur as migrants. The least tern, Ashy dogweed, Gulf coast jajuarundi, and the ocelot are endangered species and the Red Knot and piping plover are threatened species.

The Red Knot and Piping plover are conditional species to wind related projects, thus our initial review indicates that the proposed work would have no effect on these threatened species. The applicant is planning to perform a pedestrian survey for the Ashy dogweed and seek technical and planning guidance from the USFWS for the ocelot and the Gulf coast jajuarundi; the USACE has not yet determined the effect to these species from the proposed project's impacts.

NATIONAL REGISTER OF HISTORIC PLACES: The area of the proposed Majestic L2K Project has never been surveyed for the presence of historic or prehistoric cultural resources. There are no properties eligible for, or listed on, the National Register of Historic Places within the proposed development. Based on similar areas in Webb County, the area has a high likelihood of containing prehistoric or historic sites. A survey of the permit area will be required to identify and assess any cultural resources identified.

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.

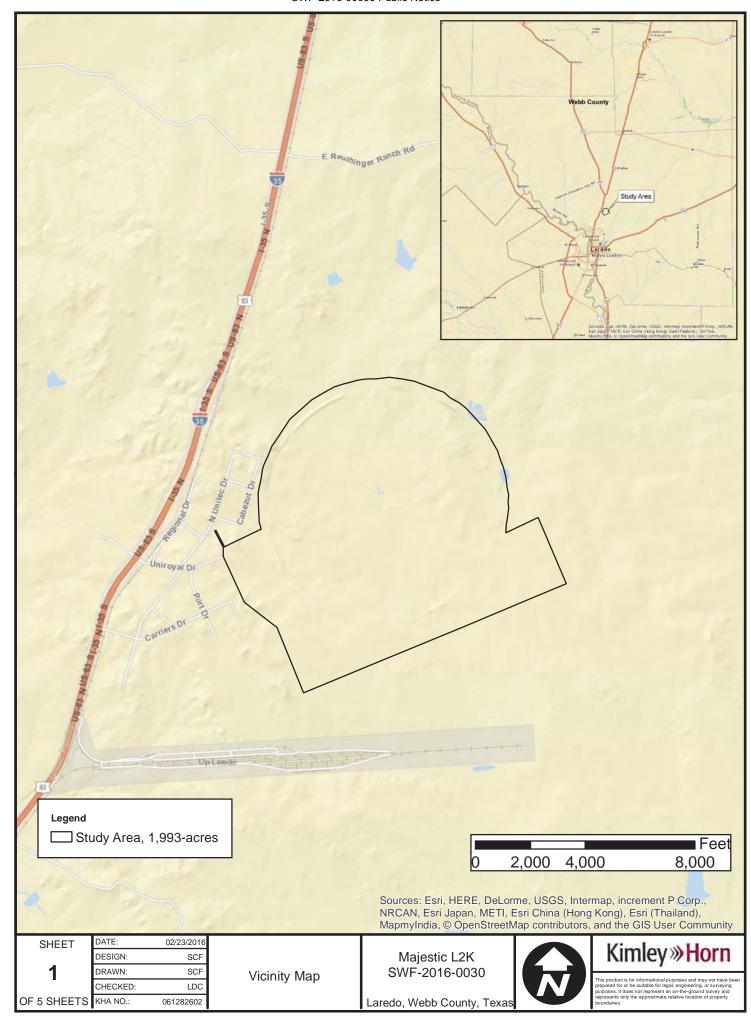
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

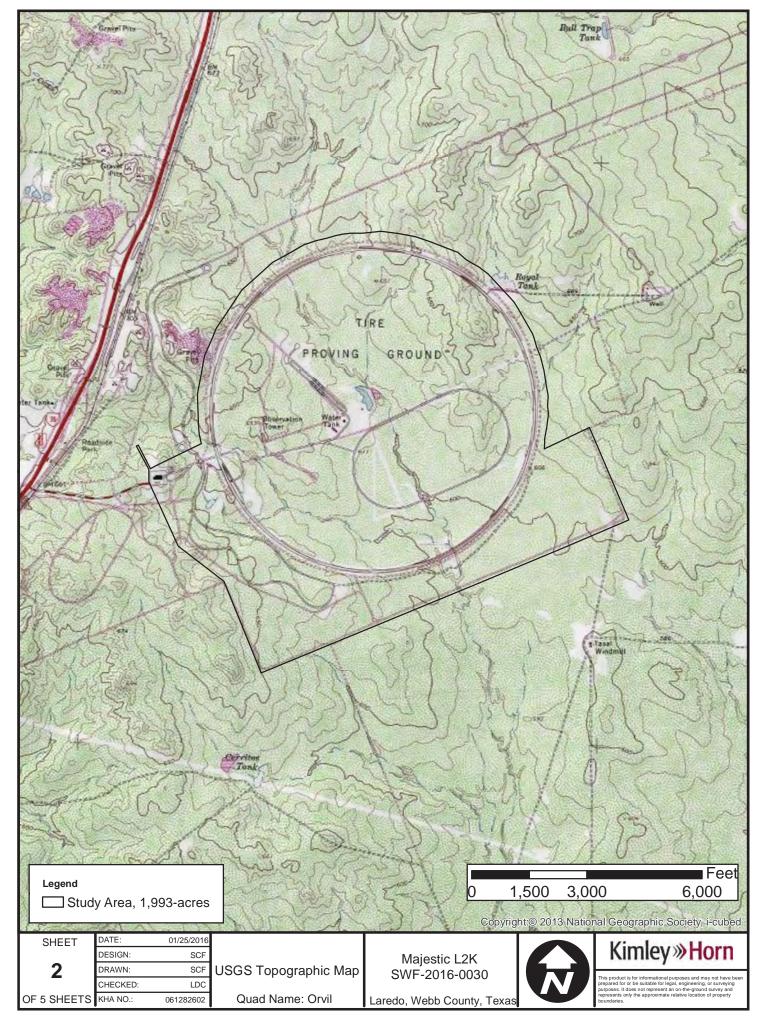
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

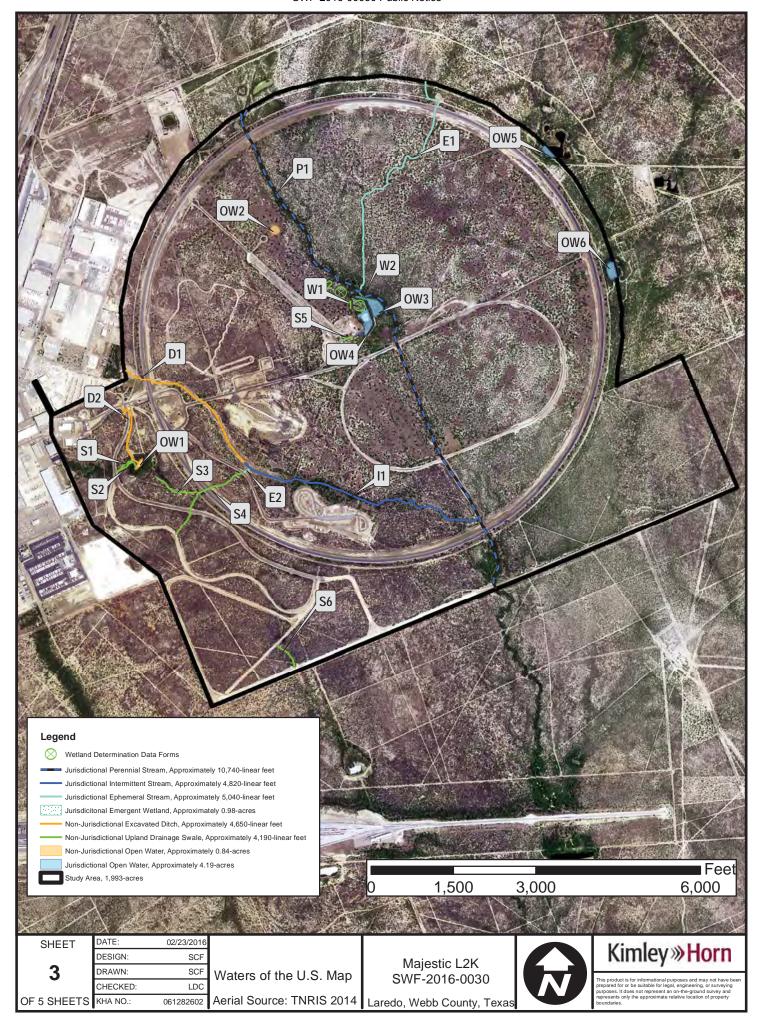
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **May 1, 2016**, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments 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

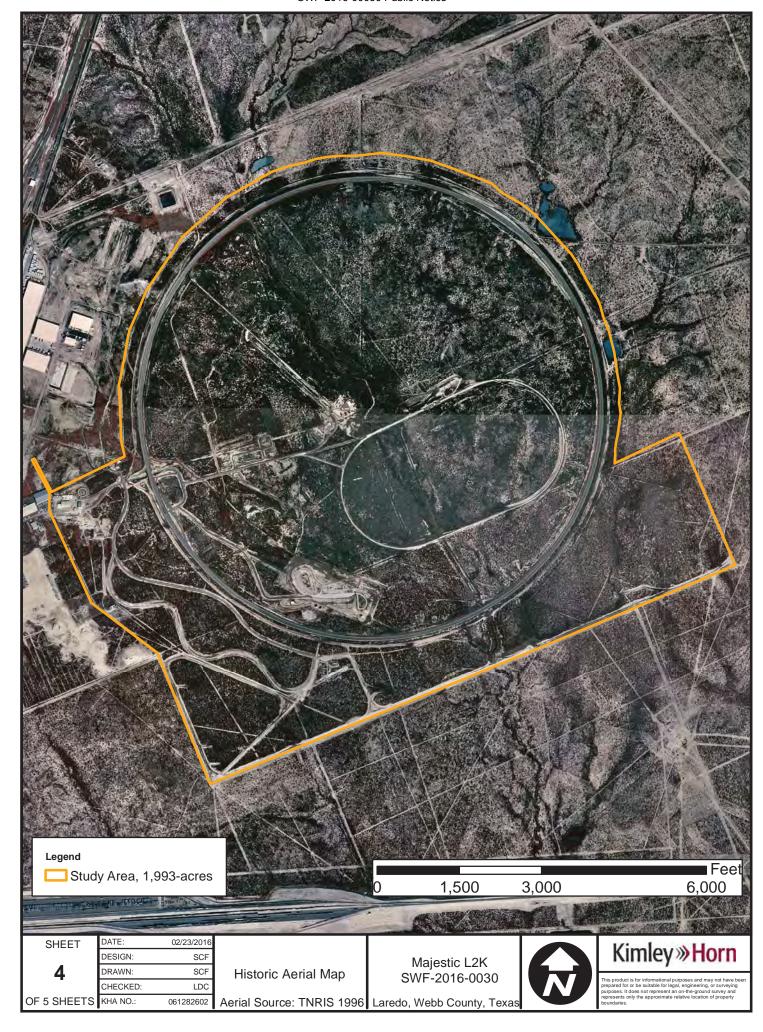
Friday. Telephone inquiries should be directed to (817) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

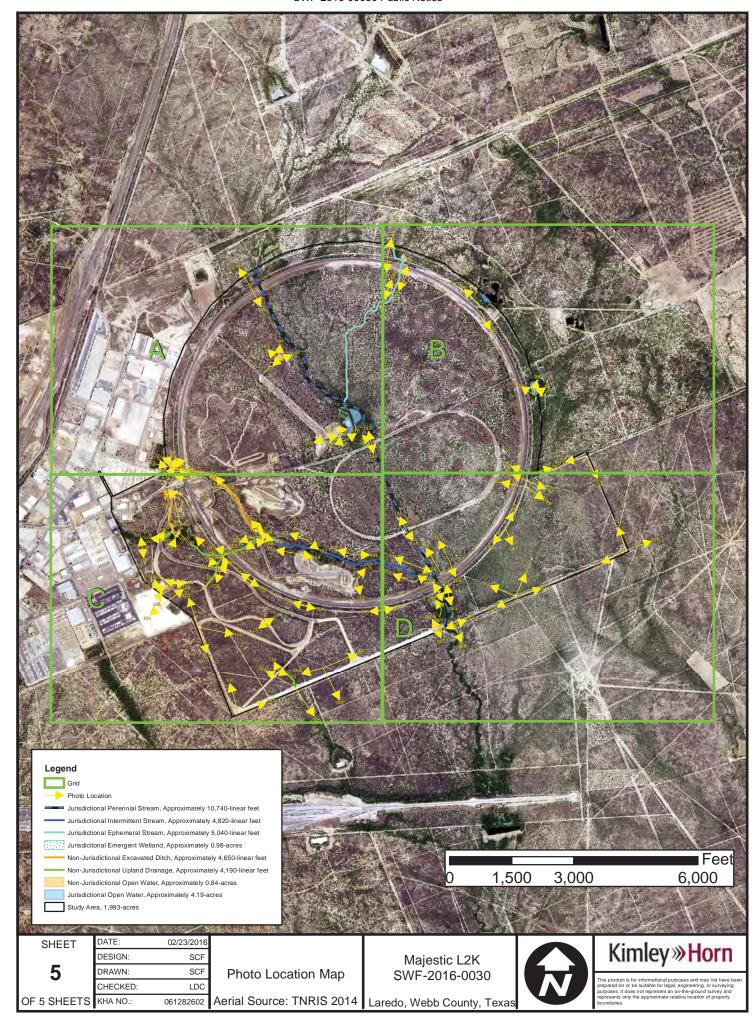
DISTRICT ENGINEER FORT WORTH DISTRICT CORPS OF ENGINEERS











Attachment E: Table of Waters of the U.S. Impacted by the Proposed Project

Waterbody ID ¹	Latitude and Longitude (Decimal Degrees)	Resource Type ²	Linear Feet in Project Area	Acres in Project Area	Impact Type ³	Linear Feet of Impact	Acres of Impact	Cubic Yards of Material to be Discharged	Activity Type ⁴
e.g., W-1	32.755°N, 97.755°W	NFW	-	0.25	D/P	-	0.15	1210	FP
P1	27.690, -99.433	PS	10,740	2.47	D/P	305	0.07	292	FP
11	27.682, -99.434	IS	4,820	0.44	D/P	4,190	0.38	1,240	FP
E1	27.697, -99.435	ES	4,910	0.56	D/P	4,555	0.53	2,530	FP
E2	27.683, -99.442	ES	130	0.01	D/P	130	0.01	25	FP
NFW subtotal	I	I			_				I
FW subtotal	1	ı			_				1
PS subtotal	ı	1	10,740	2.47	_	305	0.07	292	1
IS subtotal	I	1	4,820	0.44	_	4,190	0.38	1,240	1
ES subtotal	I	I	5,040	0.57	I	4,685	0.54	2,555	I
I subtotal	I	I			_				I
TOTAL	I	I	20,600	3.48	I	9,180	0.99	4,360	I
111/04040111	1 Westernbergh 1 D	1		£ 1111 00 40.	1				

¹ Waterbody ID may be the name of a feature or an assigned label such as "W-1" for a wetland.

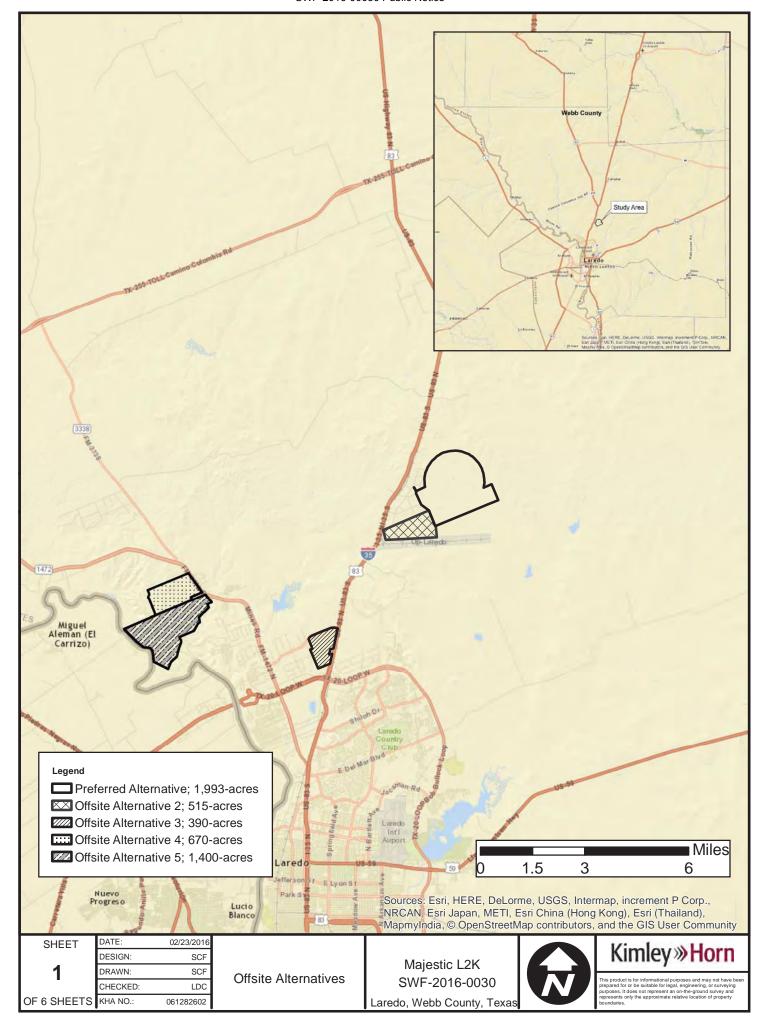
NFW - Non-forested wetland, FW - Forested wetland, PS - Perennial Stream, ² Resource Types:

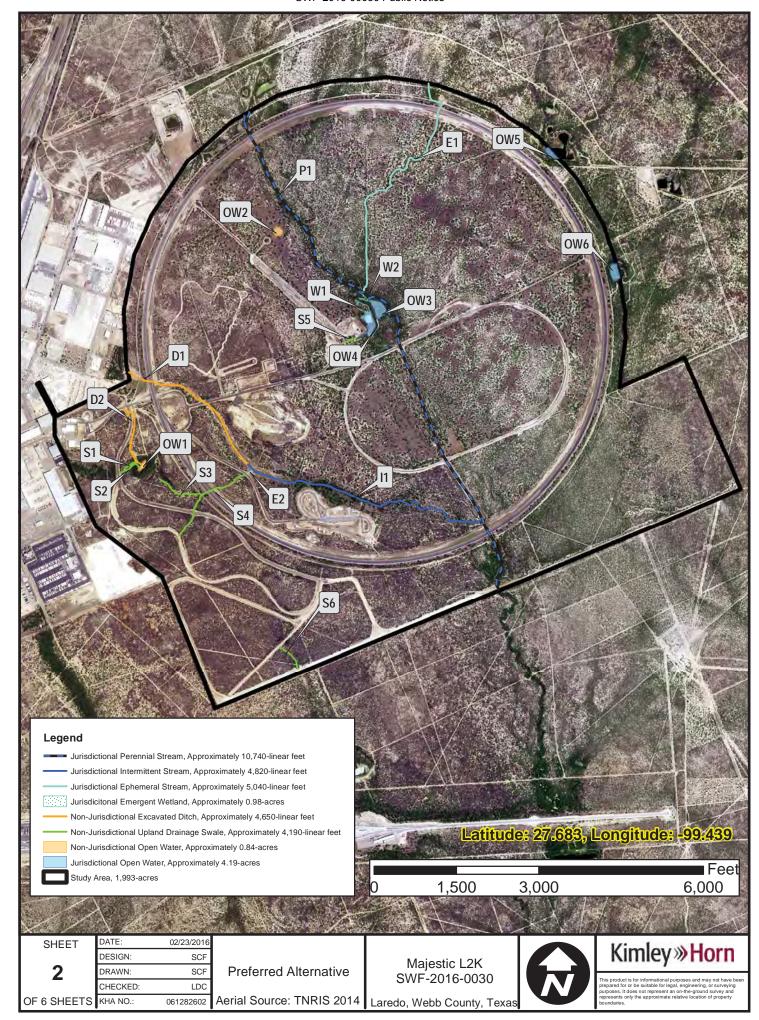
IS - Intermittent Stream, ES - Ephemeral Stream, I - Impoundment

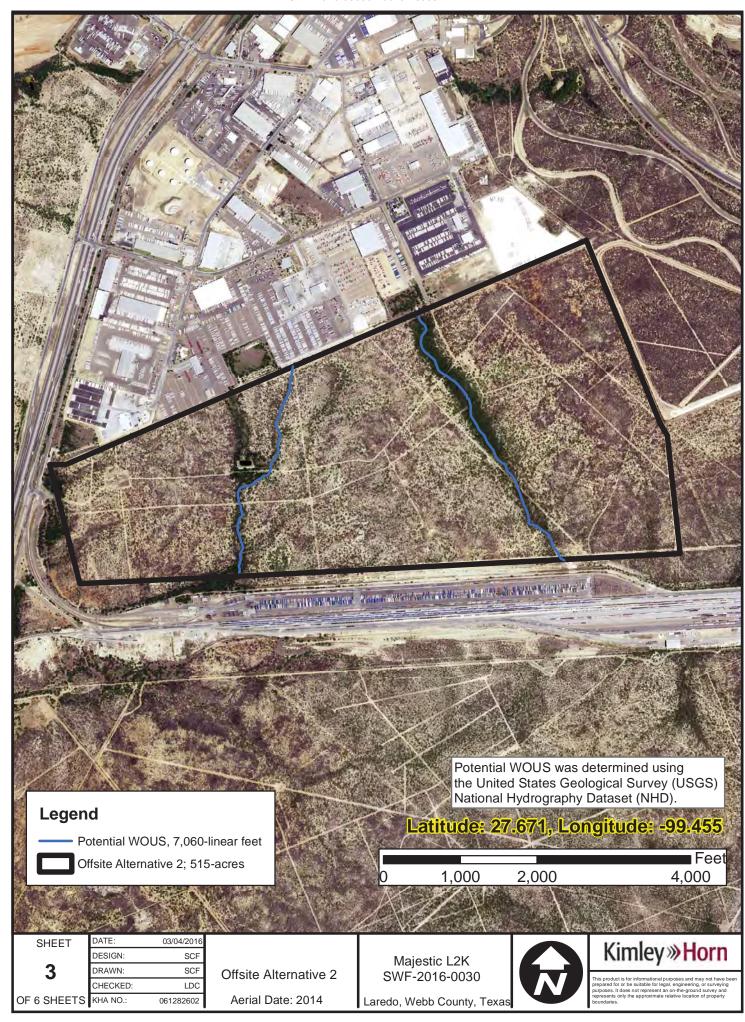
Direct impacts are here defined as those adverse affects caused by the proposed activity, such as discharge or excavation. D/P - Direct* and Permanent, D/T - Direct and Temporary, I/P - Indirect** and Permanent, I/T - Indirect and Temporary ³ Impact Types:

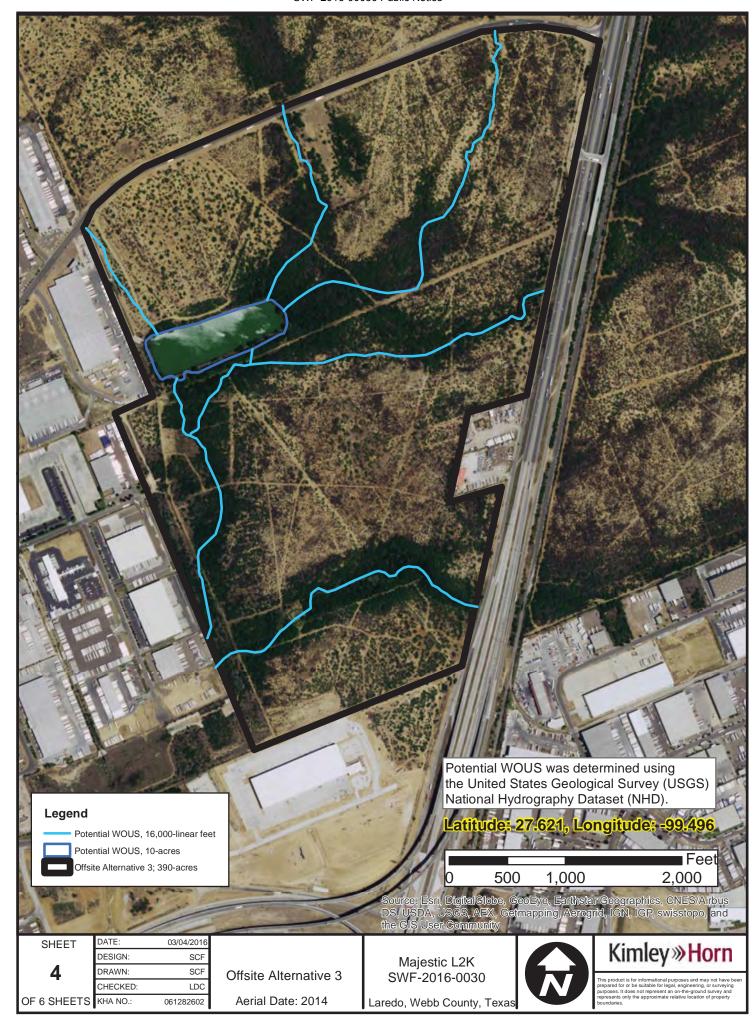
^{**} Indirect impacts are here defined as those adverse affects caused subsequent to the proposed activity, such as flooding or effects of drainage on adjacent waters of the U.S.

Stabilization, UL - Utility Line Installation, DR - Dredging, CL - Clearing, FP - Fill Placement, MA - Mining Activities, or Other (explain BP - Building or Well Pad, RC - Road Crossing, DC - Dam Construction, IN - Inundation, CH - Channelization, BS - Bank in Box 7) 4 Activity Types:

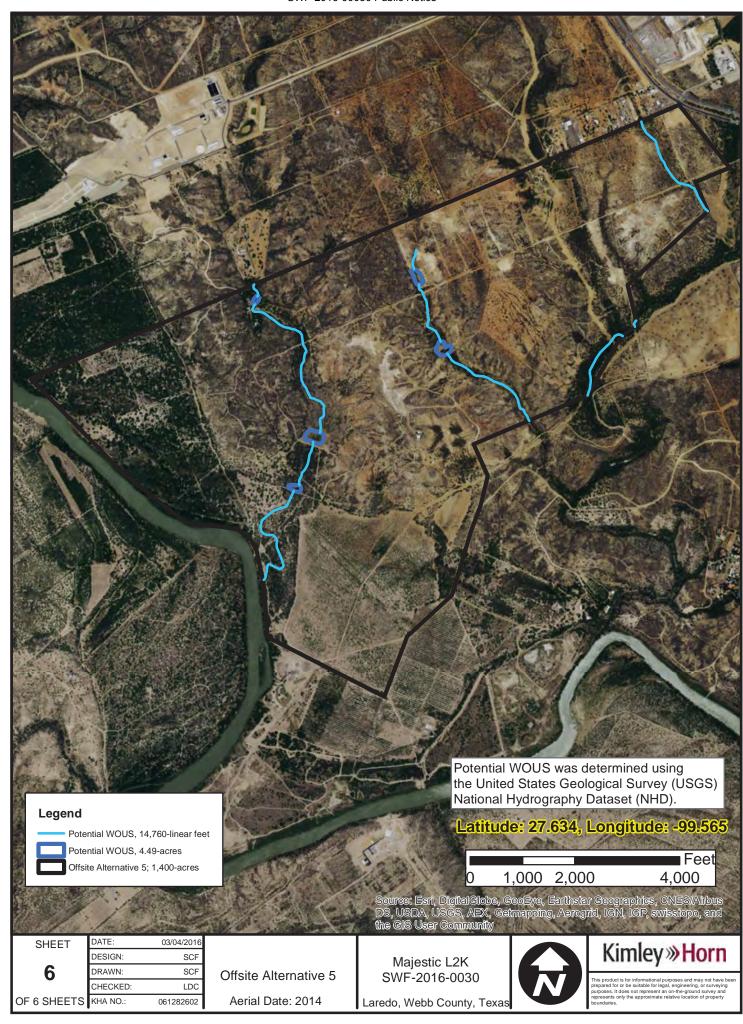


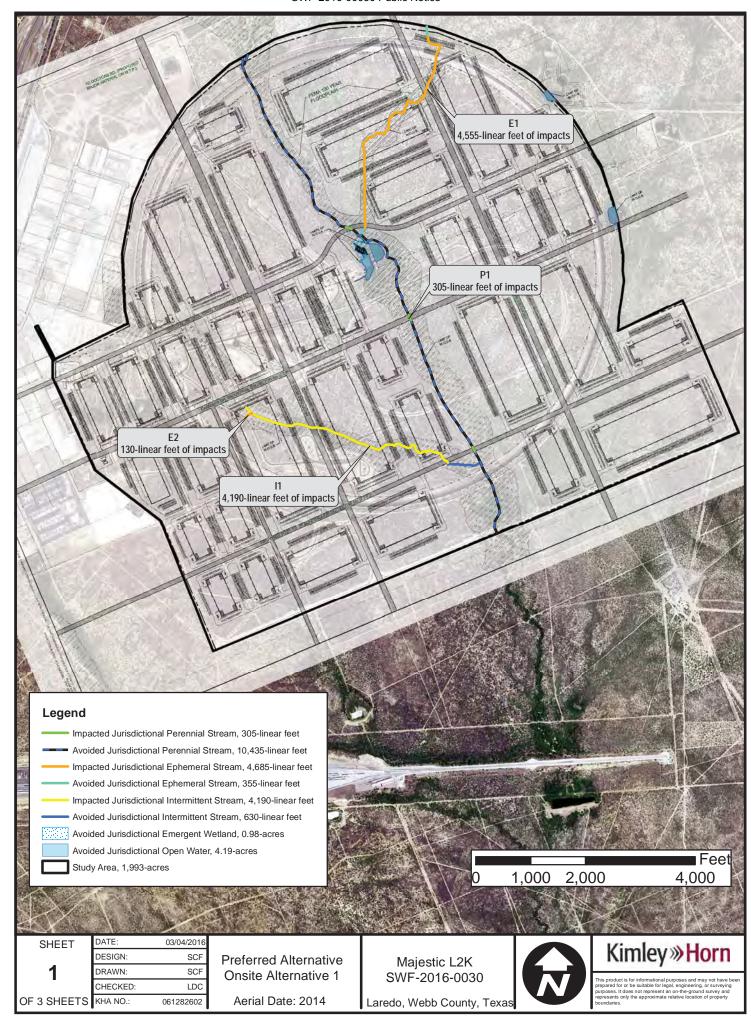


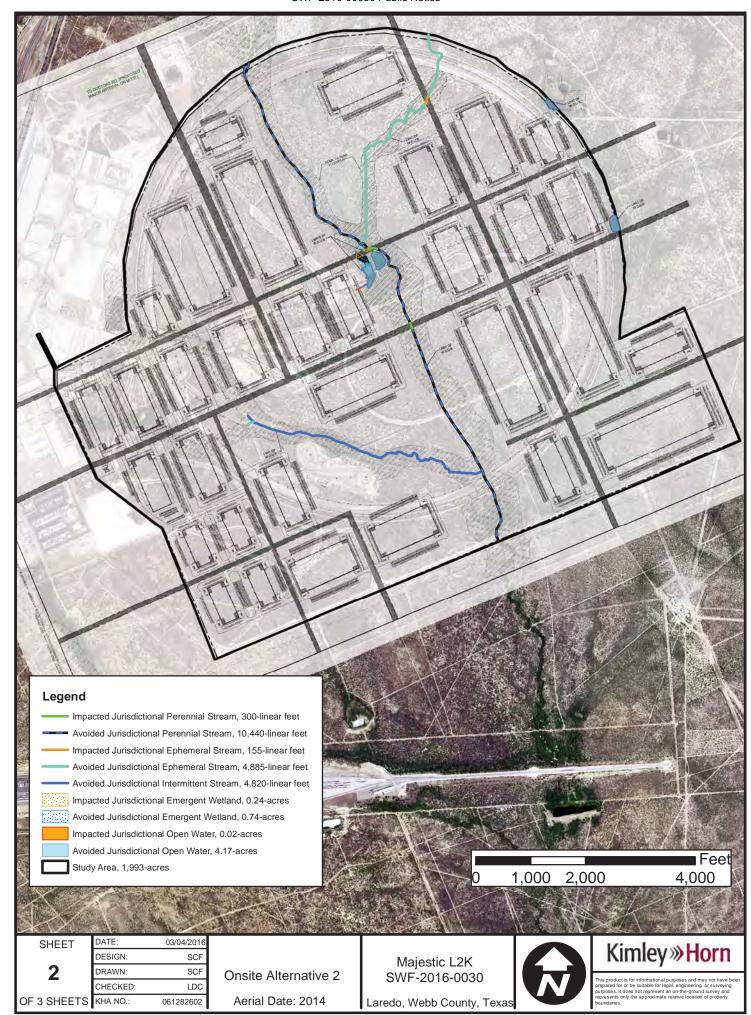


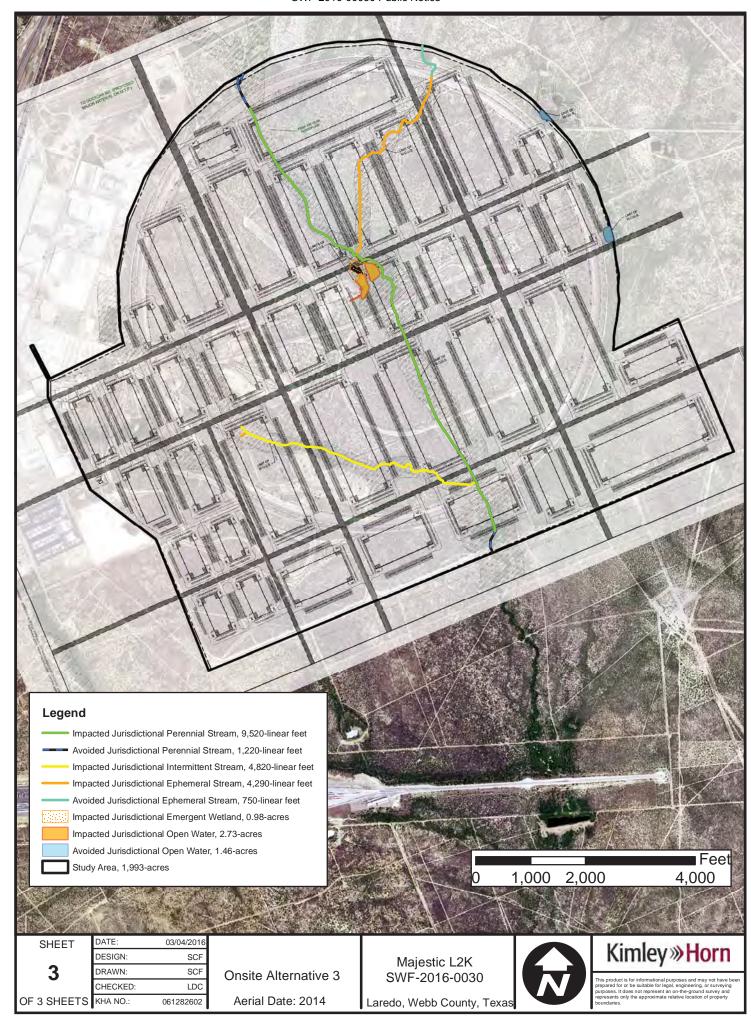


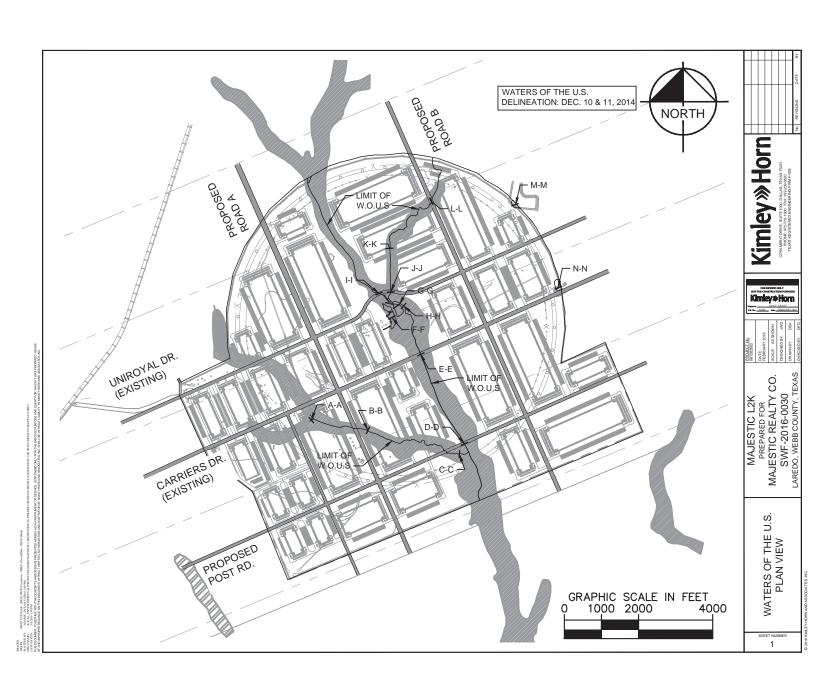


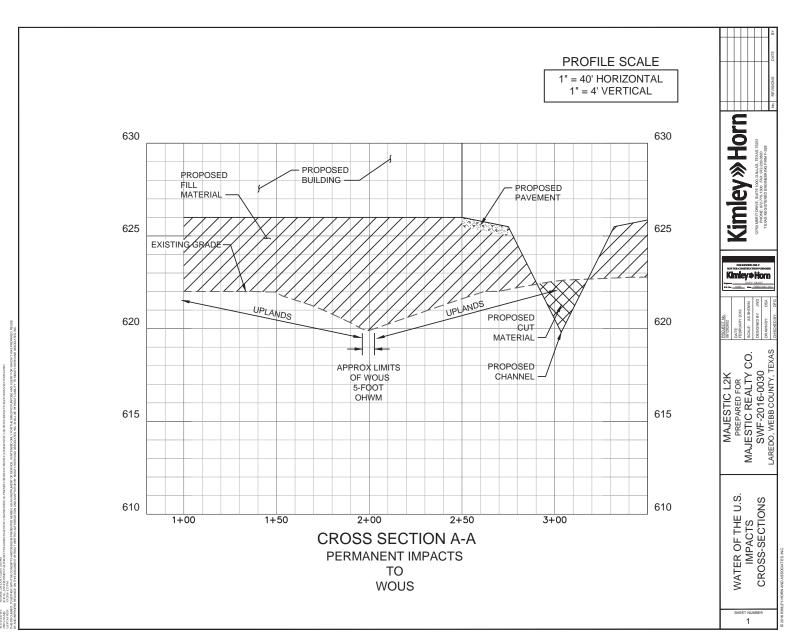




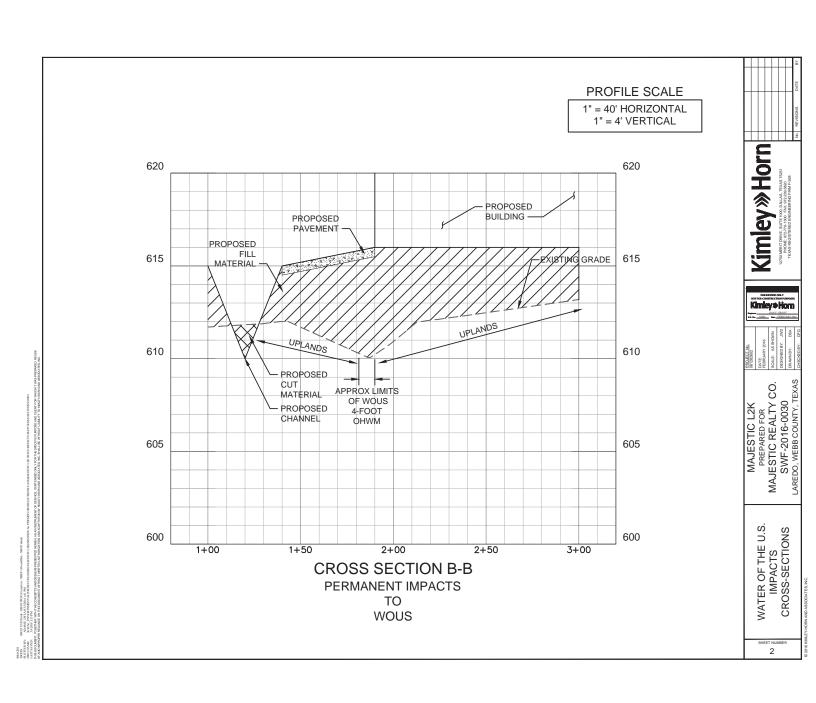


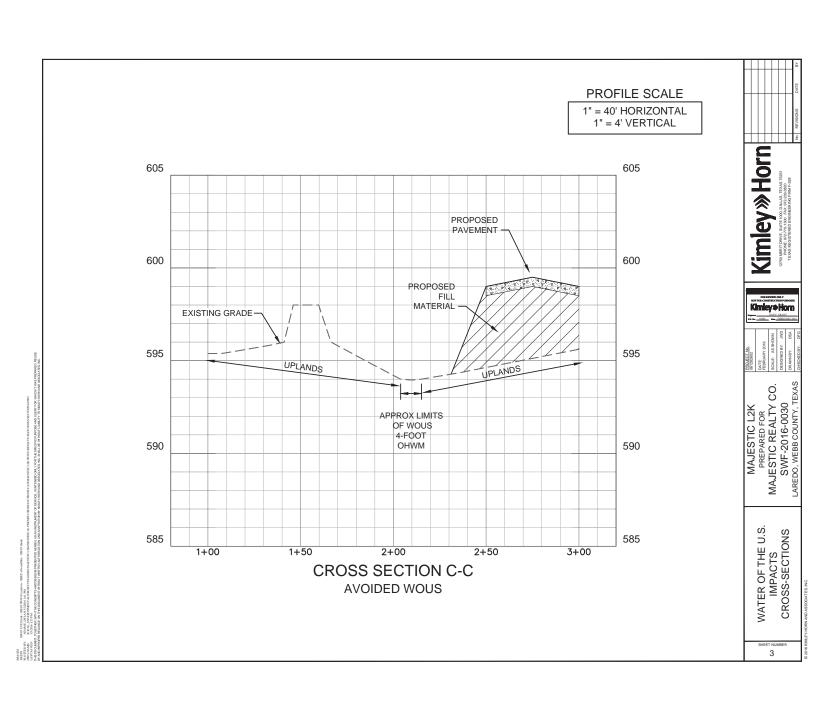


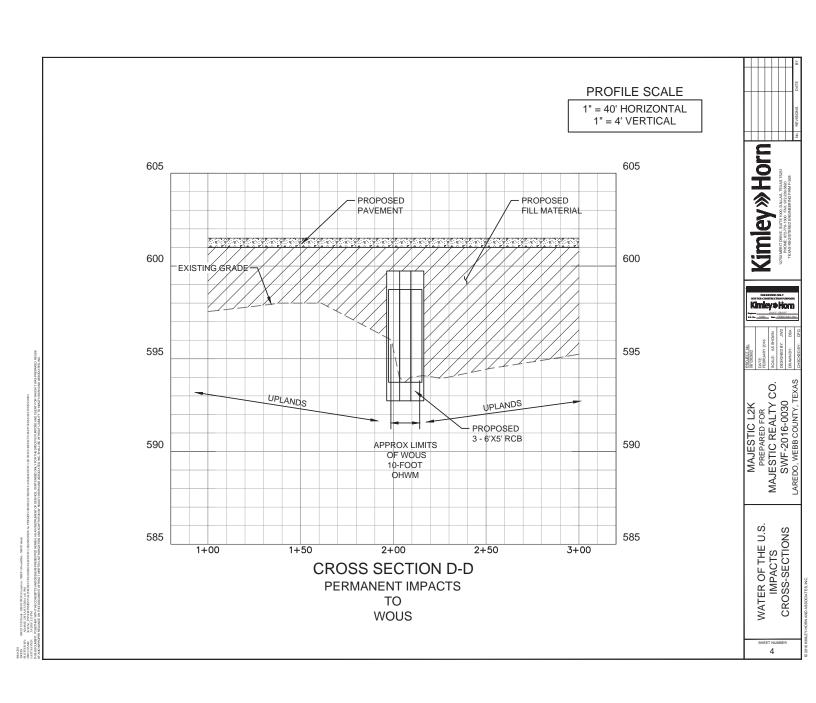


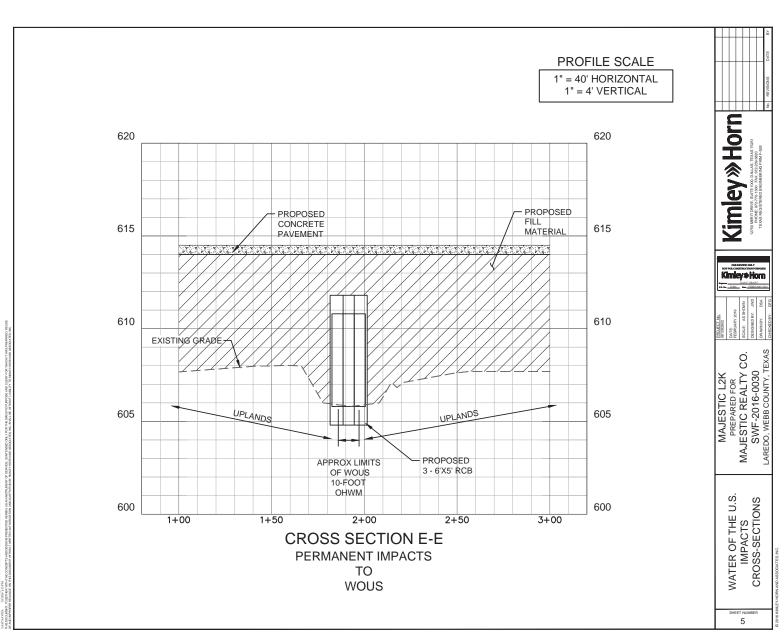


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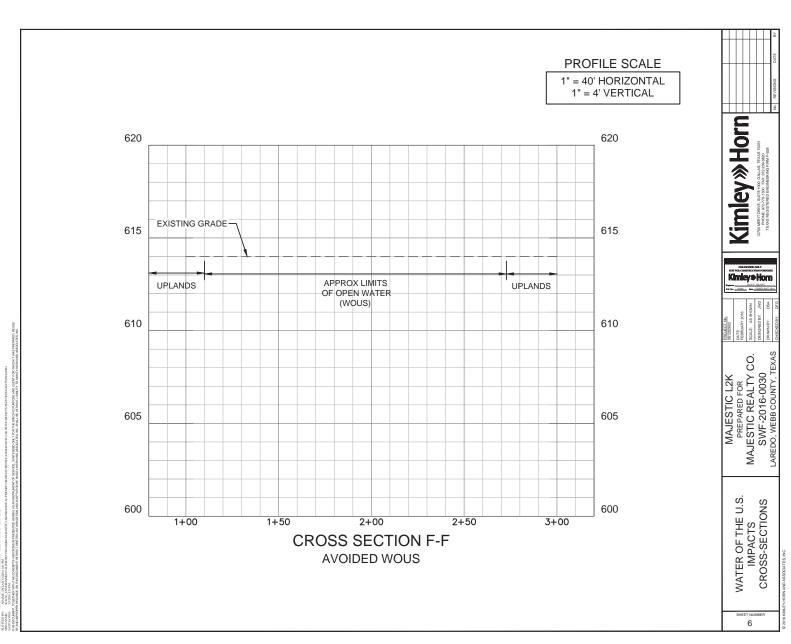


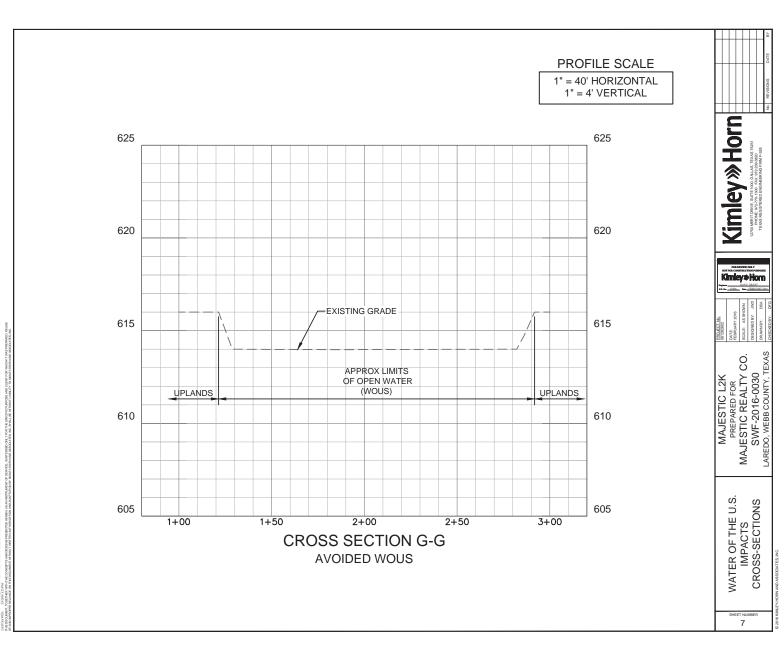




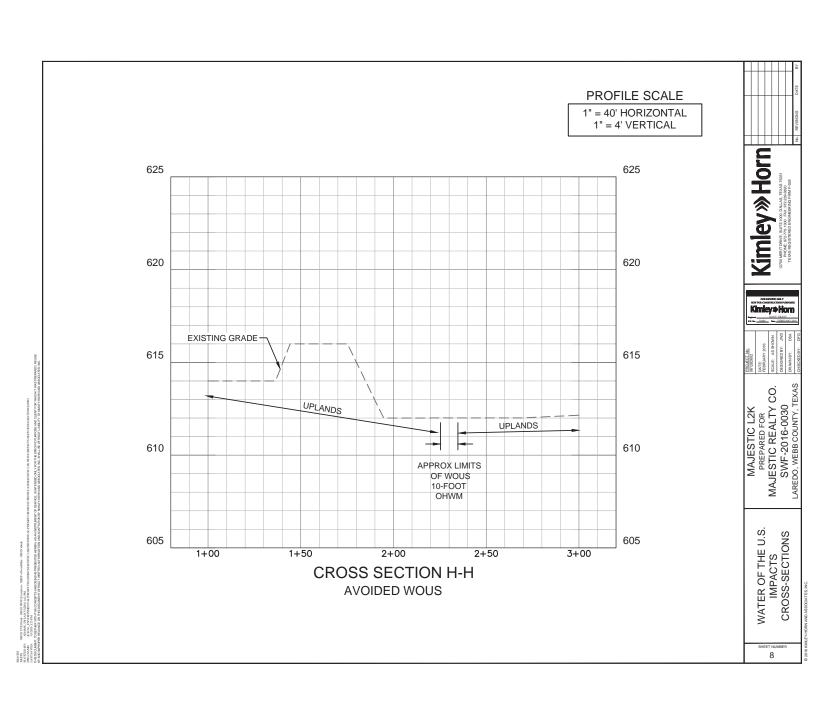


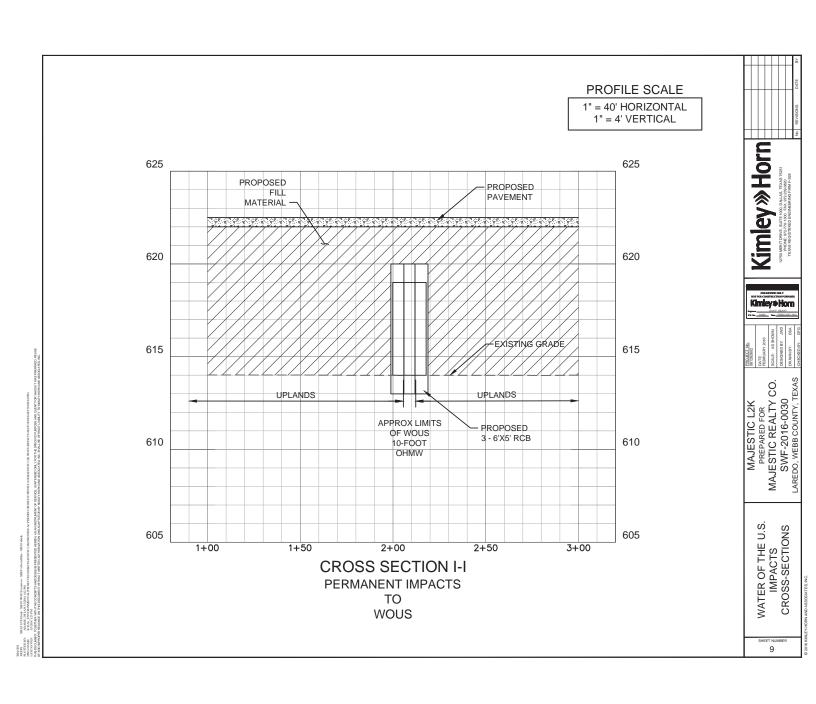
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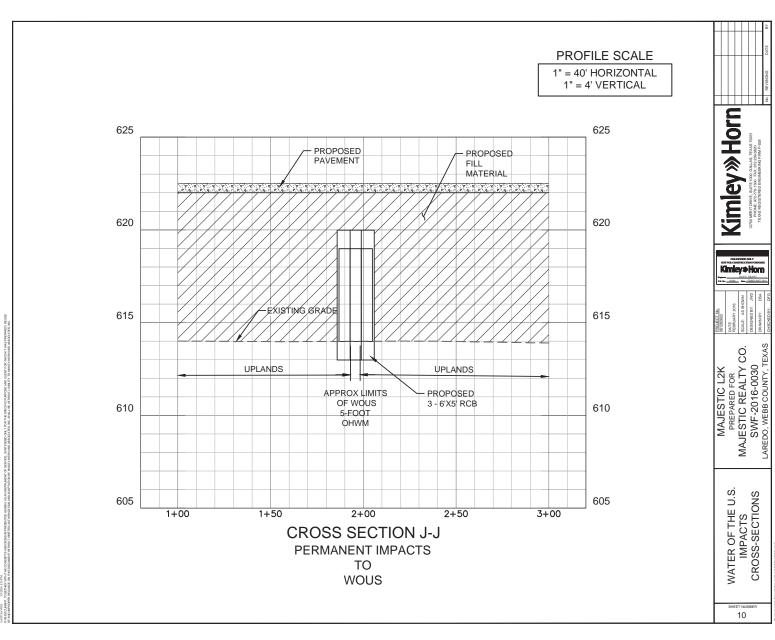




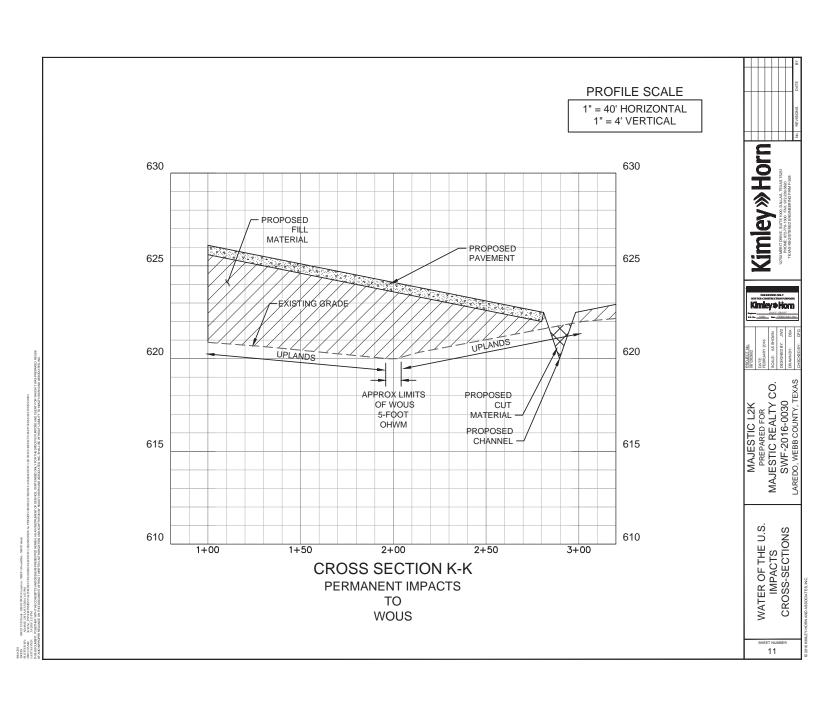
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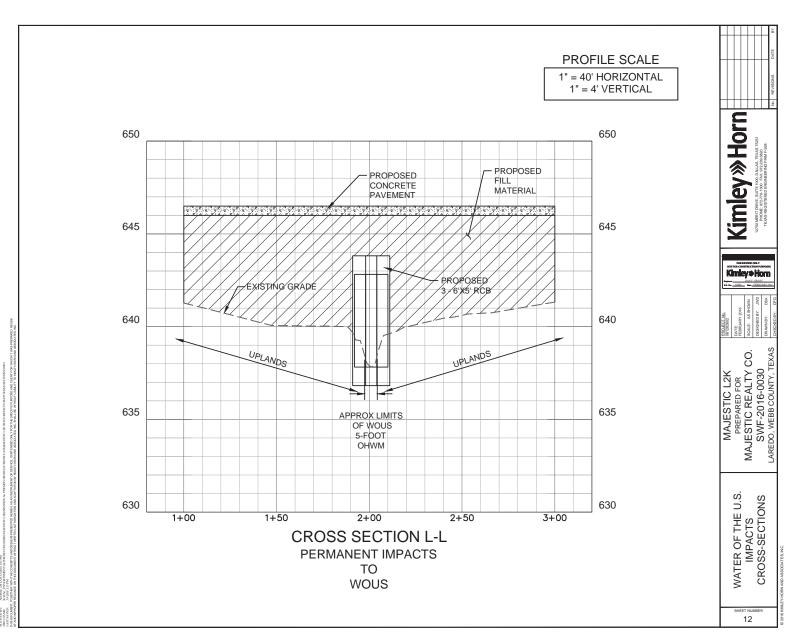






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