



Public Notice

US Army Corps
of Engineers
Fort Worth District

Applicant: SDI Hinsley Holdings LLC

Permit Application No.: SWF-2016-00190

Date: September 14, 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. James Barrera, Project Manager

Phone Number: 817.886.1838

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 proposed Hinsley Crossing project, located in the city of Longview, Gregg County, Texas.

APPLICANT: SDI Hinsley Holdings, LLC
712 Main Street, 29th Floor
Houston, TX 77002

APPLICATION NUMBER: SWF-2016-00190

DATE ISSUED: September 14, 2016

LOCATION: The project site is approximately 37.9-acres located northwest of the intersection of E. Hawkins Parkway and N. Eastman Road in Longview, Gregg County, Texas (Figure 1). Portions of the site are used as a community park with baseball fields, and a frisbee golf course. The site is bordered by undeveloped land to the north and west, N. Eastman Road followed by commercial developments to the east, and E. Hawkins Parkway followed by commercial developments to the south. The project is located at Latitude 32.55026° N, and Longitude -94.73026° W.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 450 cubic yards of dredged and fill material into 1,478 linear feet of waters of the United States (WOUS) in conjunction with the Hinsley Crossing development. Total proposed impacts to WOUS associated with the project would include the direct and permanent impacts to 1,380 linear feet (lf) or 0.22 acres (355 cubic yards) of intermittent stream with perennial pools, and 98 lf or 0.01 acres (17 cubic yards) of ephemeral stream.

- I. INTRODUCTION: The applicant's stated purpose of the proposed project is to provide a retail shopping, grocery, and hospitality development in the City of Longview to meet the demands of the growing population. Figures 2 through 6 depict current conditions on site while Figures 7 through 12 show proposed conditions.
- II. EXISTING CONDITIONS: The project site is an approximately 37.9-acre area located northwest of the intersection of E. Hawkins Parkway and N. Eastman Road in Longview, Gregg County, Texas. The site is used as a community park and consist of upland forest and softball fields.

The general topography within the project site is sloping with gently rolling terrain and ranges from approximately 360 to 390 feet above mean sea level. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map shows that several portions of the proposed project area is mapped within the 100-year floodplain. The National Wetlands Inventory (NWI) map shows the historical presence and route of Oakland Creek within the proposed project area.

According to the Soil Survey of Upshur and Gregg Counties, seven soil units are located within the project site: Bowie fine sandy loam (1 to 5 percent slopes), Bowie-Urban land complex (2 to 5 percent slopes), Cuthbert fine sandy loam (8 to 25 percent slopes), Kirvin very fine sandy loam (1 to 5 percent slopes), Lilbert loamy fine sand (2 to 5 percent slopes), Sacul fine sandy loam (1 to 5 percent slopes), and Sacul fine sandy loam (5 to 12 percent slopes).

The project site contains one intermittent stream with perennial pools (Oakland Creek), and one ephemeral stream. There are approximately 1,534 lf of intermittent stream and 440 lf of ephemeral stream in the project site. Oakland Creek flows predominately from northeast to southwest through the project site. Oakland Creek appears to receive its hydrology from perennial pools and rain events. The ephemeral stream flows east to west through the project area. These areas are dominated by *Allium canadense* (wild onion), *Chasmanthium latifolium* (inland sea oats), *Cynodon dactylon* (Bermuda grass), *Digitaria ciliaris* (southern crabgrass), *Forestiera pubescens* (elbow bush), *Juncus sp.* (rush), *Juniperus virginiana* (eastern red cedar), *Ligustrum sp.* (privet), *Liquidambar styraciflua* (sweetgum), *Pinus taeda* (loblolly pine), *Quercus marilandica* (blackjack oak), *Quercus stellata* (post oak), *Schizachyrium scoparium* (little bluestem), and *Smilax rotundifolia* (greenbrier).

- III. APPLICANT'S ALTERNATIVES: The applicant has provided a preliminary alternatives analysis that includes four proposed on-site alternatives as well as five additional off-site alternatives. The U.S. Army Corps of Engineers (USACE) has not yet evaluated this alternatives analysis.

OFF-SITE ALTERNATIVES

The following six sites were analyzed to determine a practicable site for the proposed project:

1. Proposed Alternative: NWC E. Hawkins Parkway and Hwy 259
2. Off-Site Alternative 1: NEC Loop 281 & Hwy 259
3. Off-Site Alternative 2: SWC Judson Rd & Loop 281
4. Off-Site Alternative 3: NEC Loop 281 & Gilmer Road
5. Off-Site Alternative 4: NWC Loop 281 & Gilmer Road
6. Off-Site Alternative 5. SWC Gilmer Road & W. Hawkins

Off-Site Screening Criteria

As part of the alternative site analysis, the following site screening criteria were applied to the each off-site alternative:

Availability. Only sites listed for sale or available for purchase were considered practicable as part of the alternatives analysis.

Size. In order to fulfill the project purpose, the proposed project must include developable area enough to accomodate buildings of approximately 125,000 square, 72,000 square feet, 140,000 square feet, and appropriate parking; therefore, the size restriction on the project's land size to be practicable is a minimum of 38 acres.

Geographic Location. The proposed project is intended to serve the growing population of Longview. According to the US Census, from 2000 to 2010 Longview's population grew from 73,564 to 80,455, an absolute growth rate of 9%. According to the Texas State Data Center, Longview's population is projected to grow from 80,455 to 89,030 from 2010 to 2020, an absolute growth rate of 10.6%.

A critical component of a grocery and retail development is being located in a municipality that provides city services and utilities as opposed to unincorporated areas of the county, which do not provide such services. The retail development must also be located along major north-south and east-west transportation arteries that provide appropriate access to the development. Connectivity with other retailers is also paramount to ensure enough draw to the development. As a result of these geographic requirements for practicability, the geographic location of this proposed development was limited to the northern portion of Longview, Texas.

Zoning. Land use restrictions associated with curent zoning are a major consideration in all projects. For this site screening criterion, tracts that are currently zoned for the intended use or that could be reasonably re-zoned to accommodate the proposed project were considered practicable.

Utilities. For any development project, utility services or access to utility services (water, sewer, electrical, gas, phone, cable, telco fiber lines, etc) are required and if not available must be

calculated into the cost factor of practicable analysis of the proposed development. For this reason, location of existing utilities and cost associated with servicing the project site if those utilities were not already available was a consideration in the site screening criterion.

Accessibility. The critical component of the proposed project includes construction of a local grocery and retail center. Therefore, the site must be directly accessible to and from a major arterial roadway intersection that experiences suitable traffic levels to produce an appropriate level of patrons. Therefore the site requires the presence of major north-south and east-west arterial roads. Within the northern portion of Longview, the practicable intersections that provide sufficient traffic with major north-south and east-west access are:

- a) Loop 281 & Hwy 259
- b) Judson Rd & Loop 281
- c) Loop 281 & Gilmer Rd
- d) McCann Road and Loop 281

Direct access from the main lanes of the major roadways mentioned above must be available and permissible for the project site to be considered accessible for the development.

Visibility. A critical component of the proposed project includes construction of a local retail center. Thus, the site must be visible from major arterial road(s) of the area and such road(s) must experience suitable traffic levels to produce an appropriate level of patrons. Concurrent with the geographic location requirement of being located within the city limits of Longview, a practicable site must be visible from major thoroughfares.

Potential Wetlands or Waters of US Impact. Sites were screened for potential impacts to wetlands or other waters of US impact that would require permitting and mitigation efforts and costs.

Potential Floodplain. Sites were screened for potential floodplain area being on-site, which would negatively impact the use and practicable nature of the site.

Off-Site Alternatives Analysis

Considering the site screening criteria above, the applicant reviewed development alternatives for six tracts, as well as the applicant's Proposed Alternative.

Proposed Alternative

The Proposed Alternative would involve the filling of 1,380 lf of intermittent stream and 98 lf of ephemeral stream to accommodate the construction of the development.

Off-Site Alternative 1: NEC Loop 281 & Hwy 259

This site is located at the northeast corner of Loop 281 and State Highway 259 in Longview. The site is approximately 47 acres and is owned by Future Frontiers LLC. Although this site

meets the size criterion, it fails many of the stated screening criteria. Access to the site is limited by Texas Department of Transportation (TXDOT) restrictions on access from State Highway 259. Also, although a formal WOUS delineation was not conducted on this site, based on the USGS topographic map, impacts to WOUS are likely greater than on the proposed site. Additionally, this location has no connectivity to the other major retailers in the area. Due to these factors, this alternative was rejected.

Off-Site Alternative 2: SWC Judson Rd & Loop 281

This site is located at the southwest corner of Judson Road and Loop 281 in Longview. The site is approximately 17 acres and is owned by North Loop Partners Ltd. This site fails the size criterion, as well as not being available for purchase. Due to these factors, this alternative was rejected.

Off-Site Alternative 3: NEC Loop 281 & Gilmer Road

This site is located at the northeast corner of Loop 281 and Gilmer Road in Longview. The site is approximately 15 acres and is owned by 1701-1753 NW Loop 281 Holdings, LP. The site fails the size criterion and has no connectivity with other retailers in the market; therefore it fails the geographic location criterion. Additionally, the land immediately to the north is owned by a competing developer. Due to these factors, this alternative was rejected.

Off-Site Alternative 4: NWC Loop 281 & Gilmer Road

This site is located at the northwest corner of Loop 281 and Gilmer Road in Longview. This site is approximately 14 acres and is a conglomeration of multiple parcels owned by various land owners. This site fails the size criterion and was therefore rejected as a practicable alternative.

Off-Site Alternative 5: SWC Gilmer Road & W. Hawkins

This site is located south of the intersection of Gilmer Road and W. Hawkins Parkway in Longview. This site is approximately 19 acres and is owned by George McKale & Clara Firestone. This site fails the size criterion and is away from Loop 281 and therefore fails the visibility and accessibility criteria. Due to these factors, this alternative was rejected.

Summary of Off-Site Alternative Analysis

Based on the off-site alternatives analysis, in the applicant's view, the only practicable site is the Proposed Alternative. Critical factors dictating being a practicable alternative included size, zoning, visibility, access, and availability. Every alternative site other than Off-Site Alternative 1 and Applicant's Proposed Alternative failed the size requirement. Off-Site Alternative 1 failed the accessibility criterion. Additionally, any other alternative site that met the visibility and access requirements were not available for purchase.

ON-SITE ALTERNATIVES

Once the determination was made by the applicant that only one site was practicable, the applicant conducted an alternatives analysis on multiple development scenarios in an effort to further avoid and minimize jurisdictional area impacts to the greatest extent practicable. Specifically, three site plans were drafted and studied in an effort to minimize impacts to jurisdictional waters identified on the property. The following provides a summary of each alternative considered during the design process.

On-Site Screening Criteria

Accessibility. The proposed project involves the construction of a local grocery and retail center; therefore, the site must be directly accessible to and from a major arterial roadway intersection that experiences suitable traffic levels to produce an appropriate level of patrons. A site plan that negates this accessibility, would not be considered a practicable alternative.

Visibility. The site must be visible from major arterial road(s) of the area and such road(s) must experience suitable traffic levels to produce an appropriate level of patrons. A practicable site plan must not impact the visibility of the project site.

Potential Wetlands or Waters of US Impact. Development alternatives were screened for the nature and extent of potential impacts to waters of US to ascertain the least environmentally damaging practicable alternative.

On-Site Alternatives Analysis

On-Site Alternative #1 (No Action Alternative): Alternative 1 involves the development of the site without impacting any jurisdictional waters. The waters of the U.S. on site are distributed across a fairly large area and are located on prime frontage property. Although this alternative would not impact any jurisdictional waters, this scenario would negate the site's high visibility and accessibility from highway frontage. Without such visibility and accessibility, the site could not be developed in a manner that would accomplish the project purpose. Therefore, the no action alternative was rejected for failure to satisfy the site screening criteria of visibility and accessibility.

On-Site Alternative #2: Alternative #2 is a full build-out site plan with maximum use of the property. This site plan required impacts to 1,940 feet of jurisdictional stream. Because this plan maximized use of the project site, this design would be preferred if environmental impacts were not a concern; however, this alternative was rejected due to the amount of impacts that would result.

On-Site Alternative #3: Alternative #3 is a modified build-out plan that reduces overall impacts by 396 linear feet of stream for a total of 1,544 linear feet of stream impacts. A portion of Stream A in the southwestern part of the project site would remain intact but all of Stream B and the majority of Stream A would be impacted. This option was rejected due to visibility and accessibility issues, as well as market analysis that showed that the Kroger needs to front Highway 259.

On-Site Alternative #4 (Applicant's Proposed Alternative): The Proposed Alternative would necessitate the filling of 1,380 linear feet of Stream A and 98 linear feet of Stream B. This development scenario allows the development to have adequate access and visibility, allows Kroger to have frontage to Highway 259, and provides the city-required parking while impacting less stream than the other two development alternatives. This alternative preserves 496 linear feet of stream for a total impact of 1,478 linear feet.

- IV. **COMPENSATORY MITIGATION**: The applicant proposes to compensate for the loss of WOUS through the purchase of in-channel credits from Daisy Mitigation Bank and riparian buffer credits from the Burleson Mitigation Bank in accordance with the methodologies prescribed within the USACE-approved mitigation banking instruments.
- V. **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 less than three acres of waters of the state and less than 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such fulfills Tier I criteria for the project. Therefore, separate Texas Commission on Environmental Quality (TCEQ) certification is not required.

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 species may occur in the project area. The proposed project would be located in Gregg County where the Least tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), and the Red Knot (*Calidris canutus*) are known to occur or may occur as migrants. The Least Tern is an endangered species and the Piping Plover and Red Knot are threatened. 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 area of the proposed Hinsley Crossing 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 Gregg 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 (Figure 2).

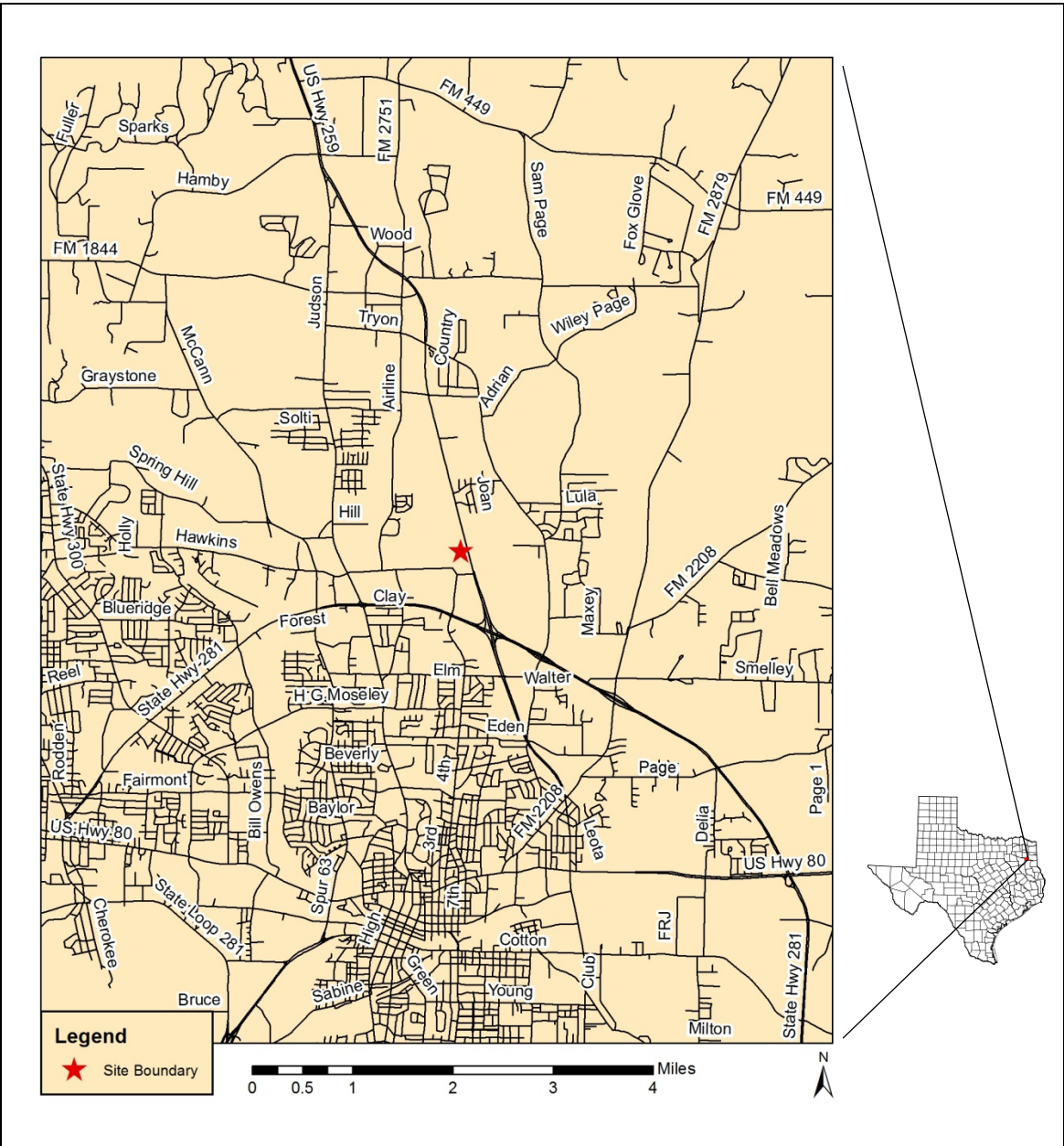
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted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

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

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before October 14, 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 Division, 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 Mr. Jimmy Barrera at (817) 886-1838. 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

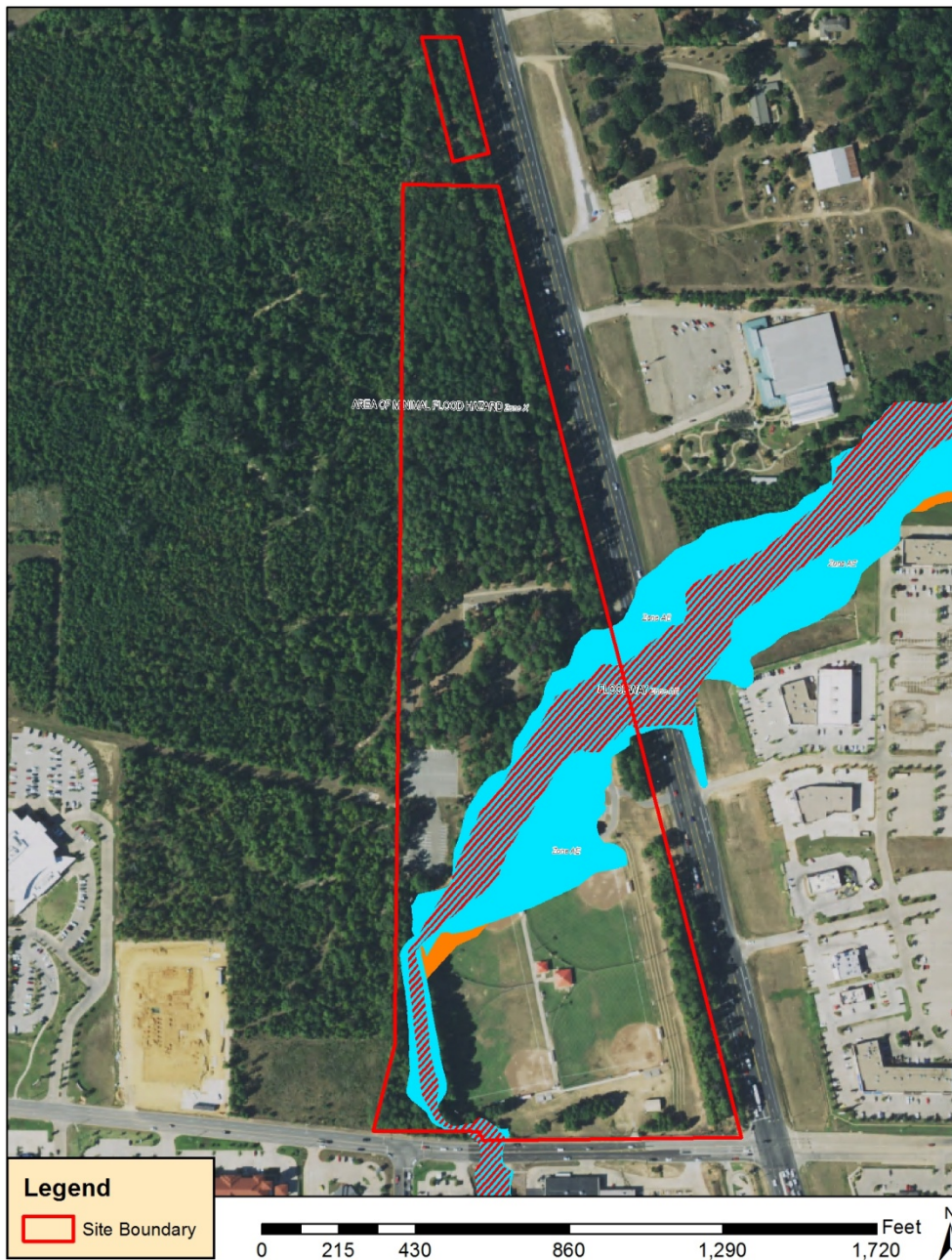


Crosspoint Engineering
Project 16.010.01.F

KBA EnviroScience, Ltd.

Prepared by J. Alvarez
2/23/2016

Figure 1. Site Location Map for Hinsley Park, Longview, Gregg County, Texas.

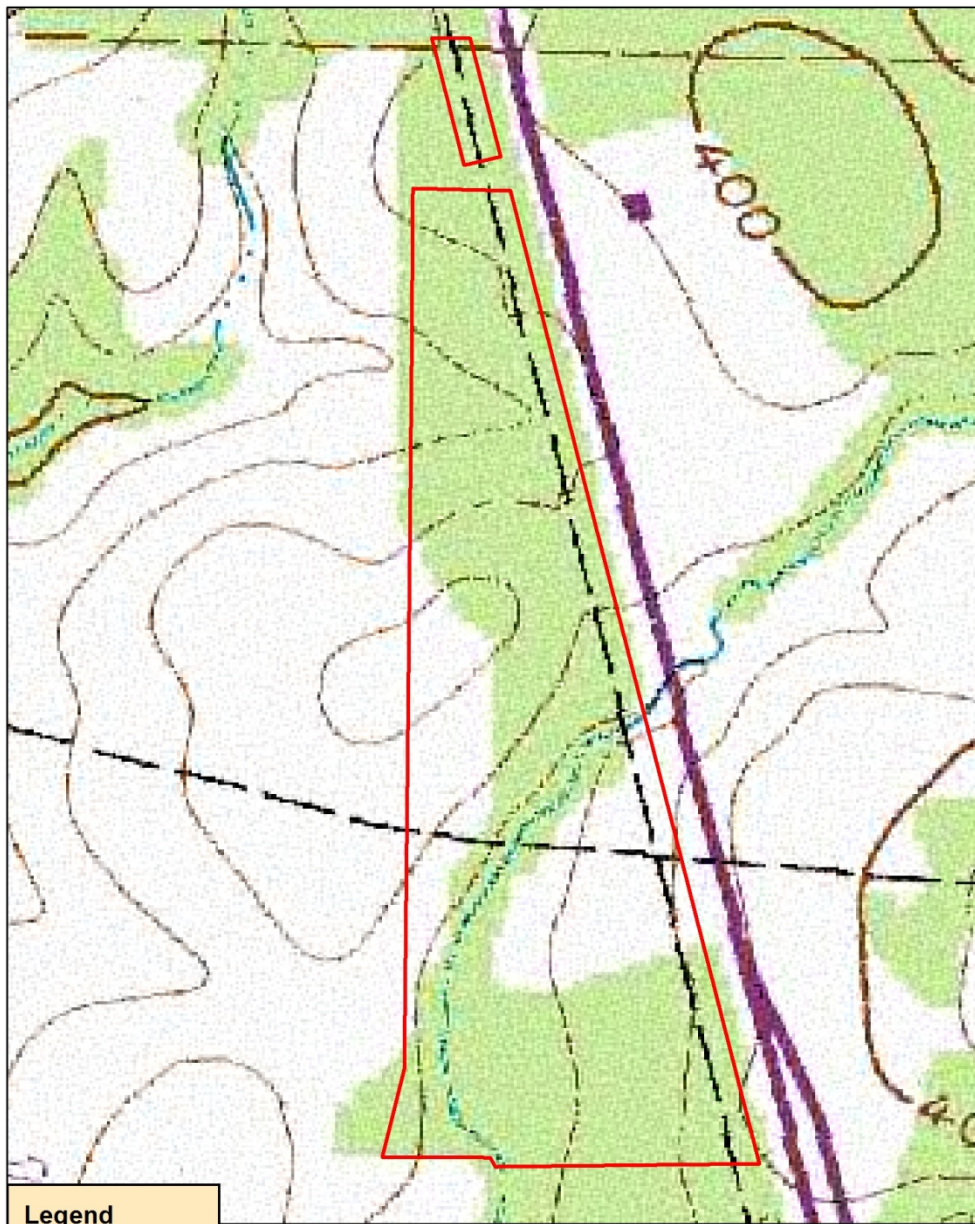


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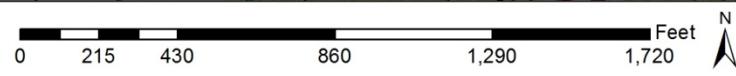
Prepared by J. Alvarez
2/23/2016

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Figure 2. Federal Emergency Management Agency (FEMA) for Hinsley Park, Longview, Gregg County, Texas.



Legend
Site Boundary

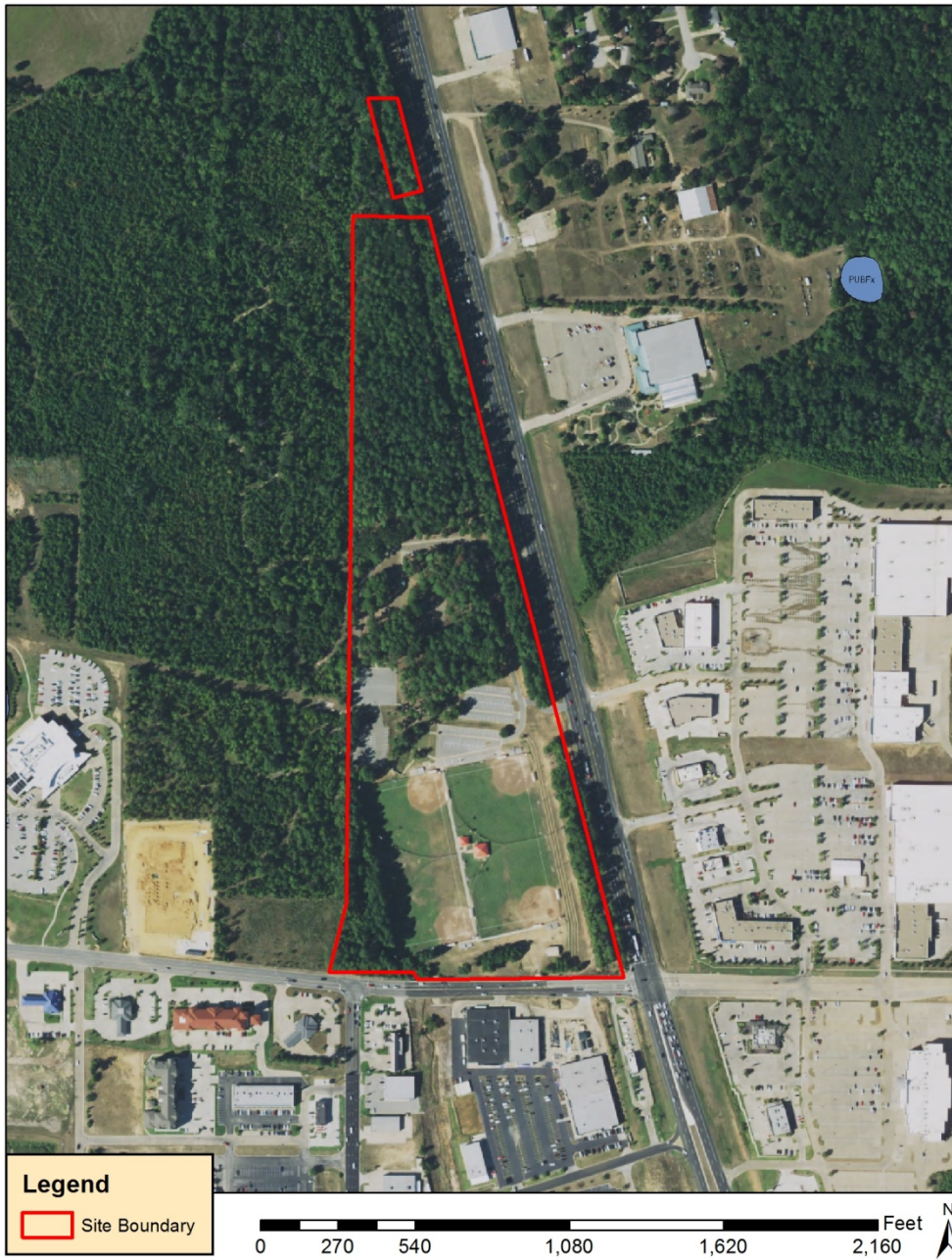


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Prepared by J. Alvarez
2/23/2016

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Figure 3. United States Geological Survey Topographic Map for Hinsley Park, Longview, Gregg County, Texas.

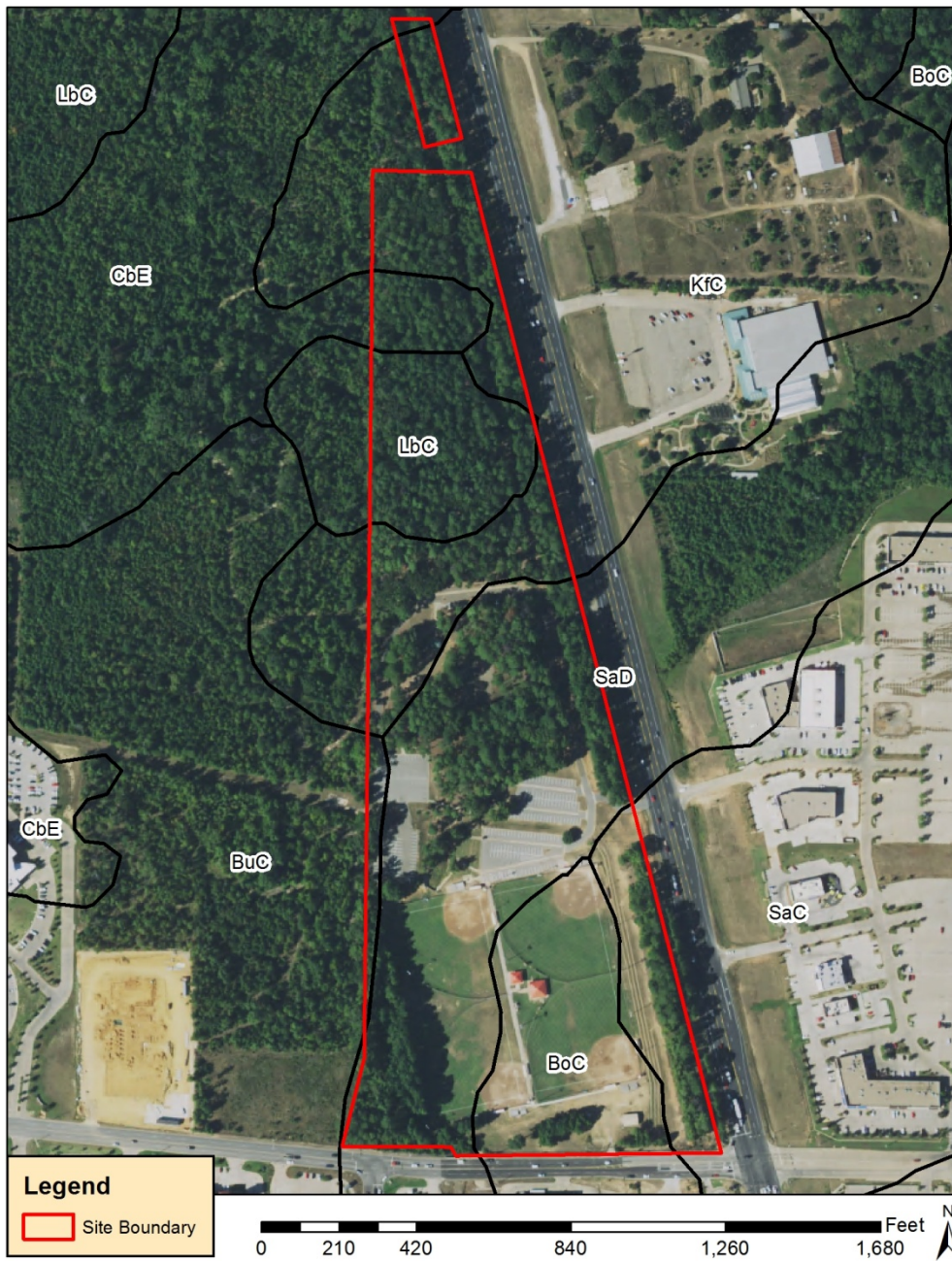


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2/23/2016

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Figure 4. U. S. Fish and Wildlife Service (USFWS) National Wetlands Inventory Map for Hinsley Park, Longview, Gregg County, Texas.

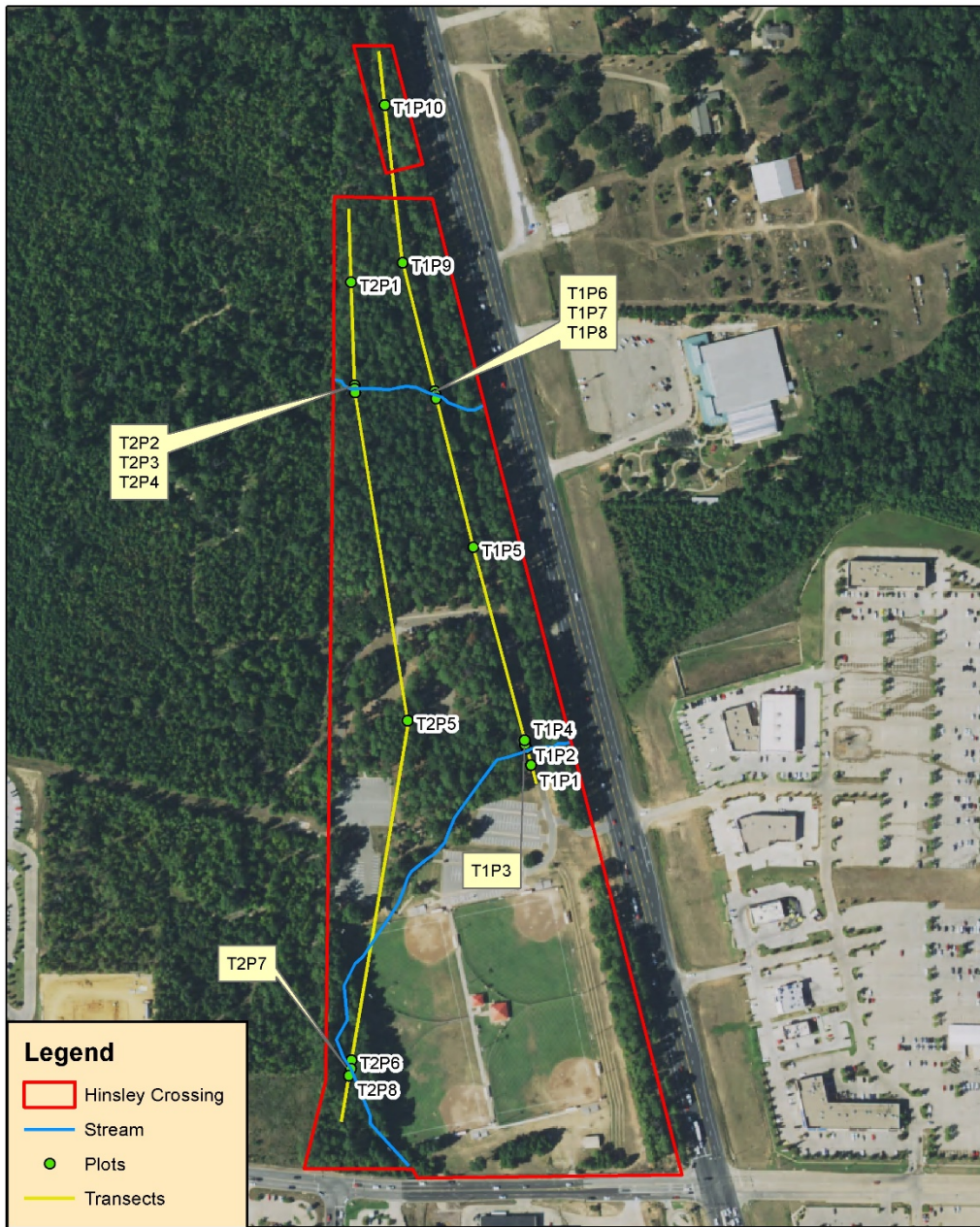


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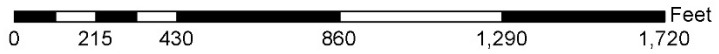
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Figure 5. USDA Soils Map for Hinsley Park, Longview, Gregg County, Texas.



Legend

- ▭ Hinsley Crossing
- Stream
- Plots
- Transects

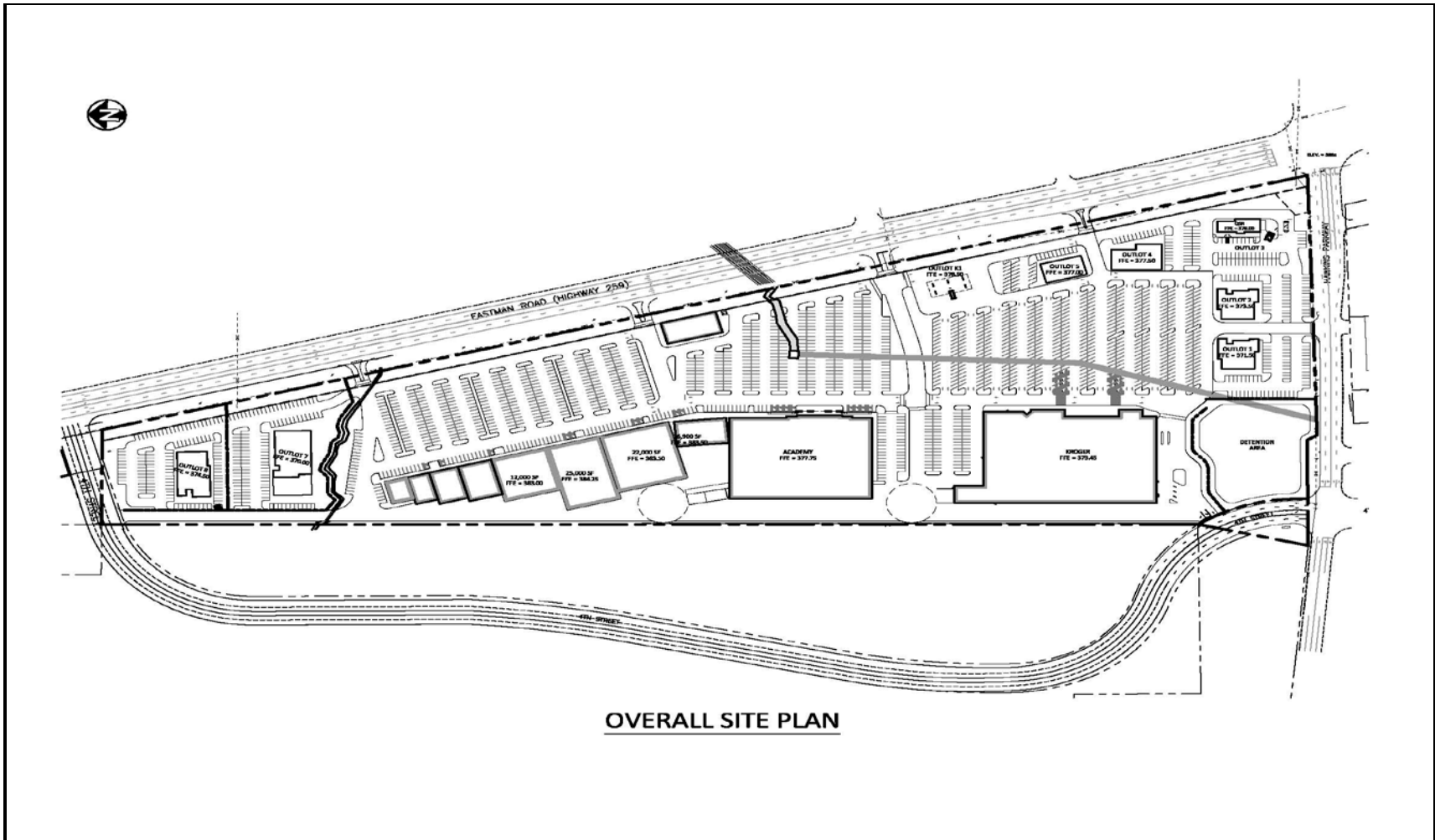


Crosspoint Engineering
Project 16.010.01.F



Prepared by J. Schwartz
August 16, 2016

Figure 6. Jurisdictional Waters Map for Hinsley Park, Longview, Gregg County, Texas.

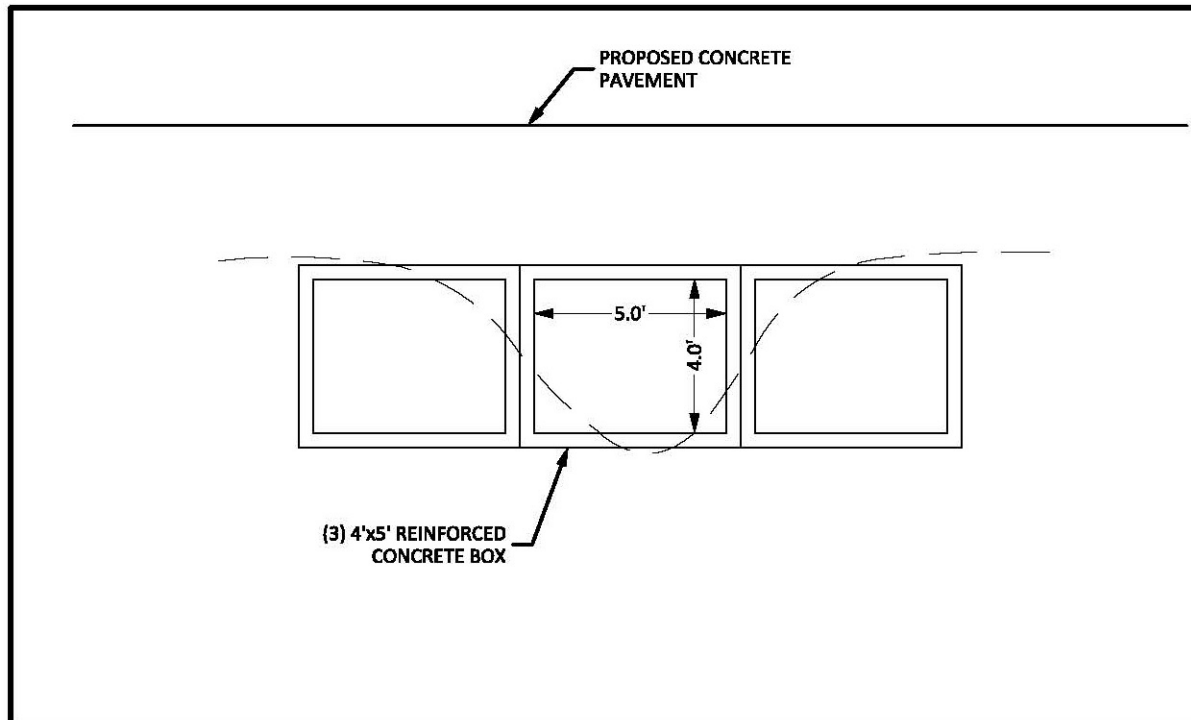


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Project 16.010.04.T

Prepared by J. Schwartz
August 25, 2016

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Figure 7. Proposed Development Plan for Hinsley Crossing, Longview, Gregg County, Texas.

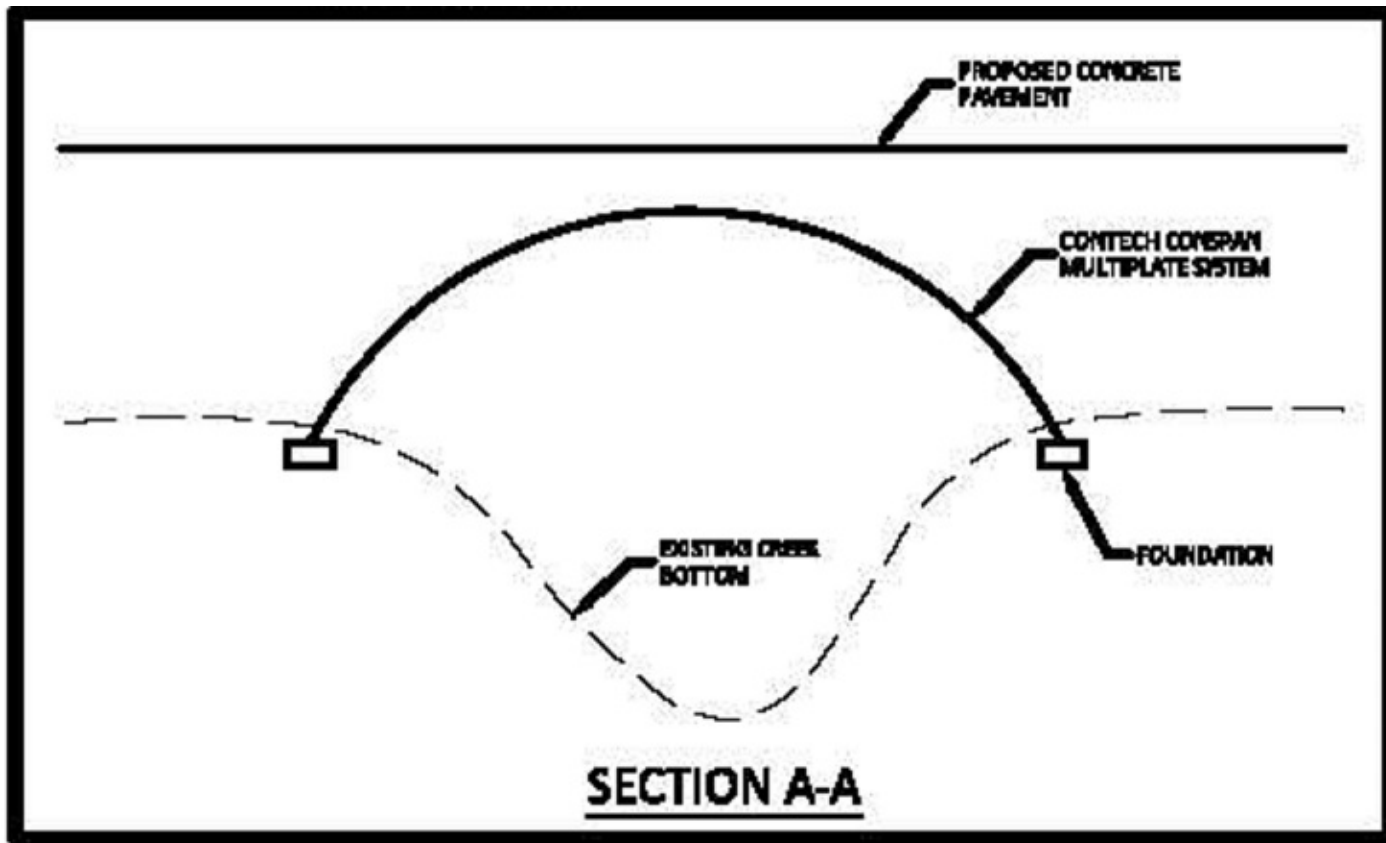


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Project 16.010.04.F

Prepared by J. Schwartz
July 22, 2016

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Figure 8. Typical Cross Section of Stream A Culvert for Hinsley Crossing, Longview, Gregg County, Texas.

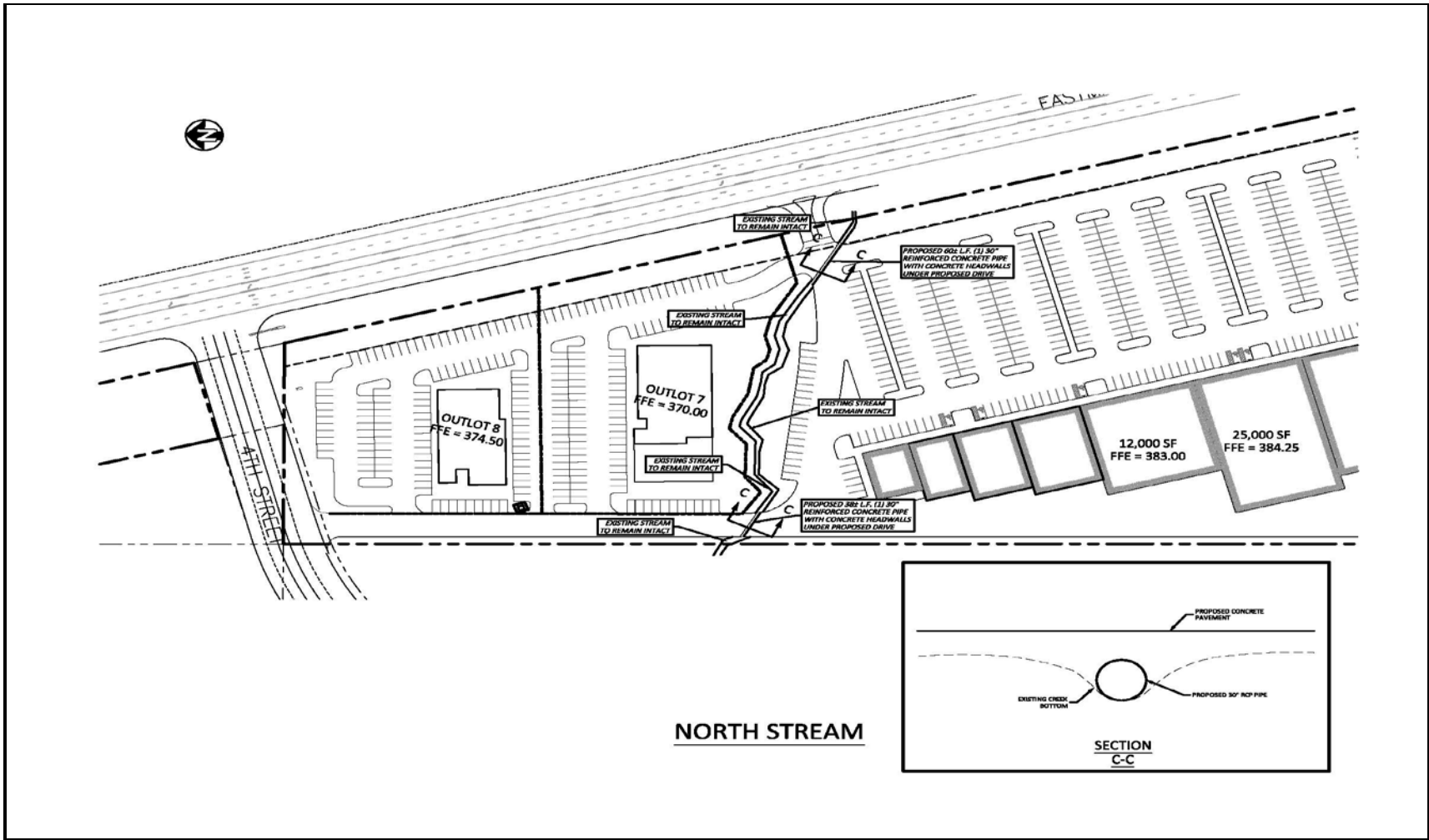


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Project 16.010.04.F

Prepared by J. Schwartz
July 22, 2016

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Figure 9. Typical Cross Section of Stream A Conspan for Hinsley Crossing, Longview, Gregg County, Texas.

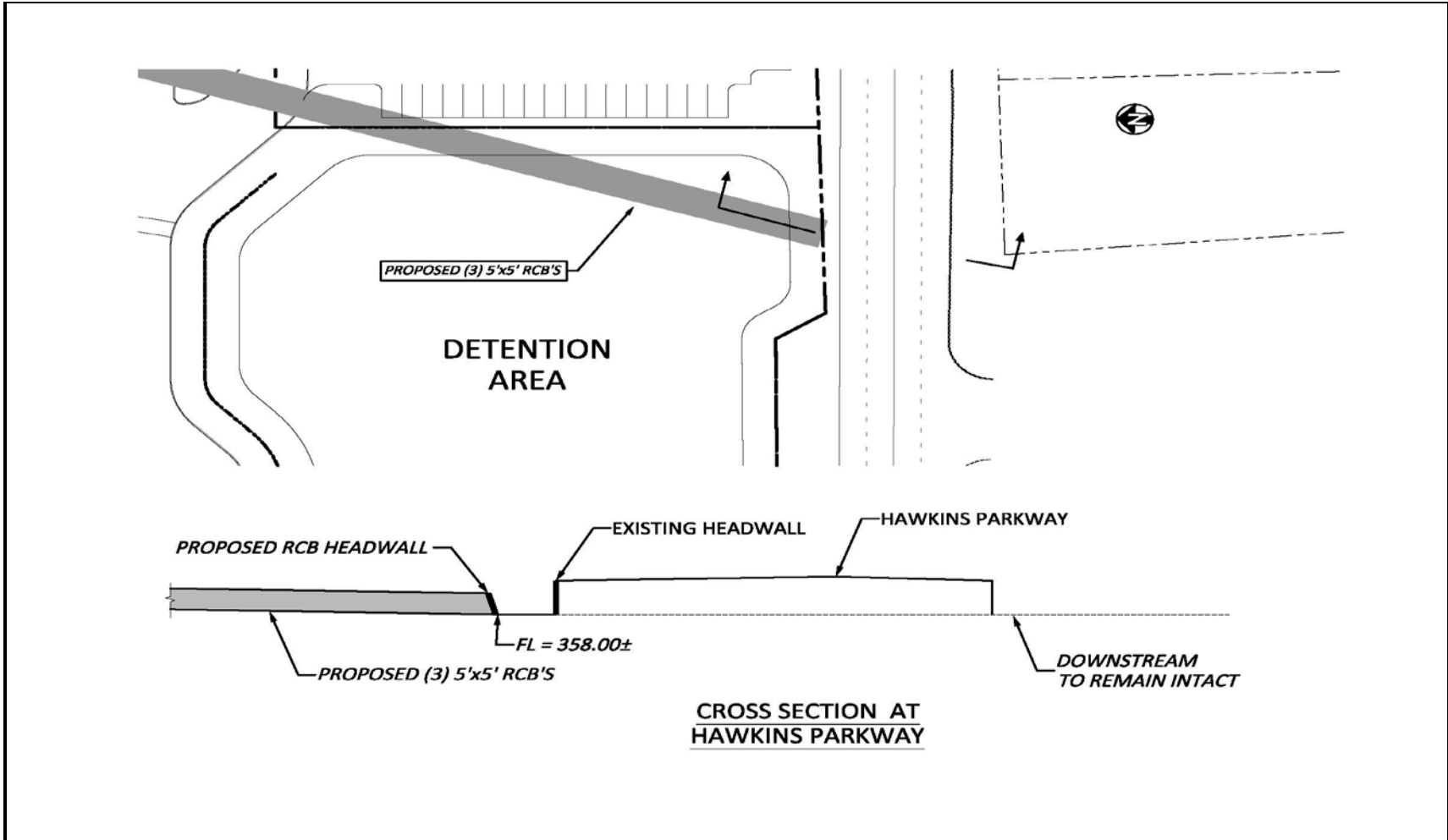


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Project 16.010.04.F

Prepared by J. Schwartz
July 22, 2016

KBA EnviroScience, Ltd.

Figure 10. Typical Cross Section of Stream B Culvert for Hinsley Crossing, Longview, Gregg County, Texas.

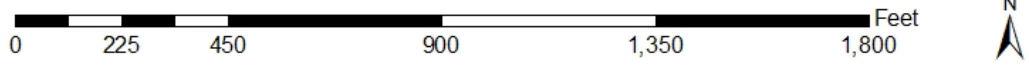
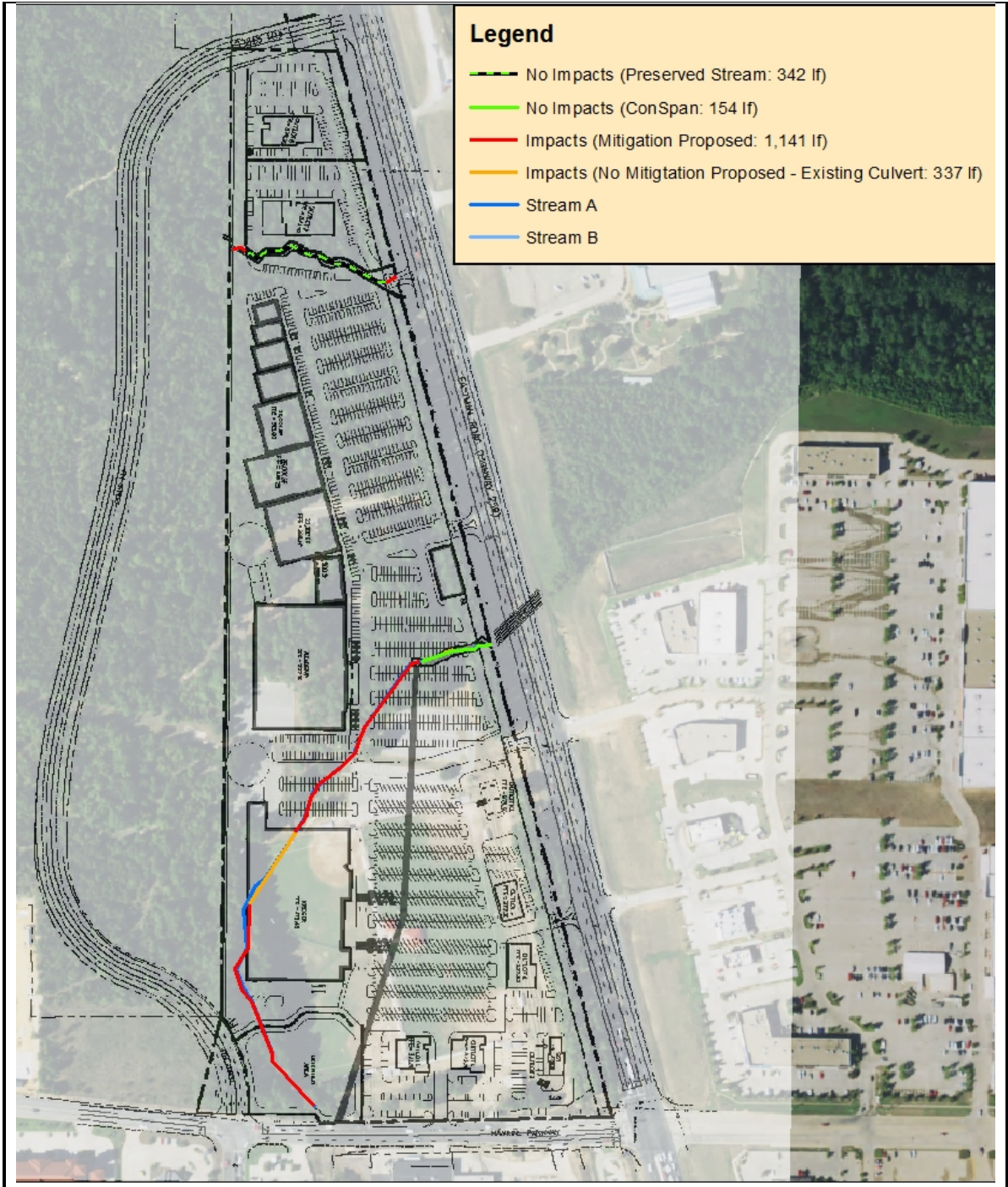


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Prepared by J. Schwartz
 August 25, 2016

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Figure 11. North-South Cross-Section of Proposed Detention Pond for Hinsley Crossing, Longview, Gregg County, Texas.



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 Project 16.010.04.T

Prepared by J. Schwartz
 8/25/2016

KBA EnviroScience, Ltd.

Figure 12. Map showing location of proposed mitigation for the proposed retail development in Longview, Gregg County, Texas.