



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

# Public Notice

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Applicant: Chandler Economic Development Corporation

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Project No.: SWF-2024-00474

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Date: January 28, 2025

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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**

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Name: Mr. Martin K. Underwood

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## 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 associated with multi-use development including residential, commercial and retail and associated infrastructure (roads, parking) within an approximate 41 acre tract that is proposed to impact 2.916 acres of jurisdictional wetlands along a section Texas State Highway (SH) 31 in the City of Chandler, Henderson County, Texas.

**APPLICANT:** Chandler Economic Development Corporation  
Mr. Rick Ford  
P.O. Box 425  
Chandler, Texas 75758

**APPLICATION NUMBER:** SWF-2024-000474

**DATE ISSUED:** January 28, 2025

**LOCATION:** The proposed multi-use development would be located on the south side of SH 31 just east of the current incorporated area of the City of Chandler, Henderson County Texas (Exhibit 1.). The upper portion of Lake Palestine is directly to the east, and the City of Tyler Texas is approximately 12 miles northeast on SH 31. The proposed project would be located approximately at NAD83 coordinates 32.311628° East and -95.461695° North on the Chandler 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit (HUC) Upper Neches-HUC8; 12020001.

**OTHER AGENCY AUTHORIZATIONS:** State Water Quality Certification

I. **PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 2,351 cubic yards of earthen fill material into approximately 2.92 acres of waters of the United States in conjunction with the construction of a multi-use commercial and residential development. Total proposed permanent impacts to waters of the U.S. include 2.92 acres of jurisdictional wetlands. Permanent impacts to 2.92 acres of emergent wetlands including portions Wetland 1 and Wetland 6. All impacts are stated to be discharge of earthen fill of each wetland to obtain an appropriate grade to facilitate construction of the proposed development. Wetland 1 Total Impacts: 2.86 acres of emergent wetlands (2.86 acres, 0.001 acres), Wetland 6 Total Impacts: 0.055 acres of emergent wetlands (0.022 acres, 0.016 acres, 0.017 acres). A total of 2,351 CY of earthen fill is proposed.

II. **INTRODUCTION:** The City of Chandler Economic Development Corporation (EDC) has identified a need to improve its tax base and increase jobs through the construction of a development that would include a hotel, office, retail, and a component of multi-family. The proposed development would require authorization under Section 404 of the CWA for the placement of fill material into waters of the United States including jurisdictional wetlands. Through the planning process, the EDC has identified a 41.3 -acre parcel located on the south side of Texas State Highway (SH) 31 in Chandler, Henderson County, Texas. The proposed

development would consist of 11 lots, internal roadways, and all associated utilities. Due to their proximity to SH

31, Lots 1 through 6, totaling approximately 400,000 square feet (sf) would be designated for retail development (shopping center, gas station, and restaurants). Lots 7 through 11, are located in the southeastern region and are distinct from the retail development. These lots, which total around 490,000 sf, would be built for both commercial and residential use (hotels, offices, and multi-family residences). The overall developed area, which includes buildings, internal roadways, and parking totals approximately 890,000 sf. Portions of the project site are located inside the 100-year floodplain, which is impacted by the backwater effect directly related to the Lake Palestine dam. In cases of floodwater impoundment, flood storage volume is the primary concern over conveyance cross sectional area. Due to the site's proximity to the lake, on-site excavation materials would be used to supplement the fill volume. Earthwork excavated adjacent to the lake would be placed along SH 31 at a minimum volume ratio of 1:1, thereby preserving lake storage volume while increasing the developable area above the 100-year floodplain

*PURPOSE AND NEED STATEMENT:* The USACE has not evaluated the applicants Purpose and Need Statement. The applicant states that the City of Chandler is experiencing a population surge attributed to the city's general affordability when compared to other, larger communities in the area, proximity to larger metropolitan areas, natural attractions, overall Texas economic growth, and proximity to a large network of interstate and major state highways. The applicant states the increasing population has stressed the existing capacity of residential housing and retail locations. The growth and need for retail, residential, and commercial development in rural and suburban areas has been significantly influenced by environmental and economic factors, such as the COVID-19 pandemic and rising inflation. The applicant states the pandemic spurred a substantial shift toward remote work, allowing many people to relocate from crowded urban centers to suburban and rural areas, where they could access more space, lower living costs, and improved quality of life. The applicant states this influx has created a demand for local retail options, as new residents seek convenient access to essential goods and services without traveling to urban centers. Meanwhile, inflation has increased the cost of city living, driving more people to explore affordable housing in suburban and rural regions, where they get more for their money. The applicant states as the population grows in these areas, there is a corresponding need for commercial and residential developments to support the influx and ensure access to adequate housing, office spaces, and amenities. In response, developers are recognizing the opportunity to expand retail, residential, and commercial infrastructure in these areas, supporting economic growth and meeting the demands of a shifting demographic.

The applicant states that the Chandler Multi-Use Development project proposes to meet the growing demand for regional commercial, retail, and residential markets by developing a multi-functional development to meet market demand.

In summary:

**Project Need:** With an increase in population over the last two decades and the accelerated population growth as North and East Texas continue to attract new employment opportunities, the City of Chandler is lacking in new residential units and complimentary retail locations to support the continued influx.

**Project Purpose:** To provide a large, multi-use development combining residential, commercial, and retail spaces with access to SH 31 in Chandler, Texas, to meet existing increased demand

and lack of existing capacity.

III. EXISTING CONDITIONS: The USGS topographic map (Chandler 7.5' Quadrangle 1963, revised 1978) illustrates an area of inundation along Lake Palestine north, east, and south of the survey area. The inundation area briefly enters along the southern boundary. The 2022 Chandler 7.5' Quadrangle map illustrates the inundation area covering the entirety of the survey area. The overall site topography was illustrated with slopes-oriented west-to-east. Average site elevation was approximately 350 feet above mean sea level (amsl).

The USDA NRCS Web Soil Survey identified two soil map units within the survey area, Nahatche loam, 0 to 1 percent slopes, frequently flooded and Pickton loamy fine sand, 1 to 8 percent slopes. Nahatche loam, 0 to 1 percent slopes, frequently flooded located in floodplains was listed as hydric soil on the Hydric Soils of Texas list prepared by the National Technical Committee for Hydric Soils (accessed 21 February 2023, Henderson County, Texas). Hydric soils are described as soils that are sufficiently wet in the upper part to develop anaerobic conditions during the growing season.

The FEMA FIRM (Henderson County; Map Panel 48213C0225E; effective 05 April 2010 and Map Panel 48423C0350D; effective 16 April 2014) shows the survey area is within Zone A (Special Flood Hazard Areas subject to inundation by the 1 percent annual chance flood; No base flood elevations determined).

The weather history for Wunderground.com Weather station (KTXCHAND30) recorded 0.98 inch of precipitation during the 7-day period and a total of 5.64 inches during the 30-day period, prior to the site visit. The Antecedent Precipitation Tool (APT) indicated that the conditions on-site at the time of the evaluation were considered hydrologically "wetter than normal" based on the 30-year climactic average (32.310927N, -95.459579W).

The survey area provided by the applicant was characterized by three distinct vegetation communities, forest, wetland, and grassland. The forest was dominated by woody species including American elm (*Ulmus americana*), Bradford pear (*Pyrus calleryana*), Chickasaw plum (*Prunus angustifolia*), eastern red cedar (*Juniperus virginiana*), loblolly pine (*Pinus taeda*), pecan (*Carya illinoensis*), river birch (*Betula nigra*), southern live oak (*Quercus virginiana*), sweet gum (*Liquidambar styraciflua*), water oak (*Quercus nigra*), and white oak (*Quercus alba*). Shrub species observed within the forest community included American holly (*Ilex opaca*), southern wax myrtle (*Myrica cerifera*), St. Andrew's cross (*Hypericum hypericoides*), and yaupon holly (*Ilex vomitoria*). The understory included herbaceous species such as bristle thistle (*Cirsium horridulum*), Cherokee sedge (*Carex cherokeensis*), common yucca (*Yucca filamentosa*), eastern poison ivy (*Toxicodendron radicans*), inland wood oats (*Chasmanthium latifolium*), Japanese honeysuckle (*Lonicera japonica*), panic grass (*Dichanthelium acuminatum*), spreading hedge parsley (*Torilis arvensis*), tall goldenrod (*Solidago gigantea*), Texas pricklypear (*Opuntia engelmannii*), velvet panicum (*Dichanthelium scoparium*), Virginia wildrye (*Elymus virginicus*), and wild garlic (*Allium ursinum*). Vine species observed included Alabama supplejack (*Berchemia scandens*), saw greenbrier (*Smilax bona-nox*), and mustang grape (*Vitis mustangensis*). The wetland was dominated by herbaceous species including bitter dock (*Rumex obtusifolius*), broadleaf cattail (*Typha latifolia*), common rush (*Juncus effusus*), curly dock (*Rumex crispus*), cypress swamp sedge (*Carex jorii*), low spearwort (*Ranunculus pusillus*), and southern dewberry (*Rubus trivialis*). Woody species observed include black willow (*Salix nigra*), river birch, and sweet gum (*Liquidambar styraciflua*). The grassland was dominated by grasses and forbs including Carolina geranium (*Geranium carolinianum*), southern dewberry (*Rubus trivialis*), splitbeard bluestem (*Andropogon ternarius*),

spreading hedge parsley, sumpweed (*Iva annua*), switchgrass (*Panicum virgatum*), tall goldenrod (*Solidago gigantea*), and velvet panicum. Water from the survey area flows southeast through two wetlands, which flow into Lake Palestine, an on-channel impoundment of the Neches River, a TNW.

Six wetlands (Exhibit 2.) were identified by the applicant on site and described below:

Wetland 1 was identified as an emergent wetland in the west. Wetland 1 was dominated by common rush, low spearwort, and sumpweed. Hydric soil for Wetland 1 was indicated by Depleted Matrix with a matrix of 10YR 4/2 with redoximorphic concentrations of 7.5YR 4/6 in the pore linings and matrix. Hydrologic indicators consisted of surface water, saturation, algal matting, and water-stained leaves. Given the hydrology observed, Wetland 1 would be considered semi-permanently inundated.

Wetlands 2, 3, and 4 were identified as forested wetlands. Wetlands 2 and 3 were identified east of Wetland 1 in the west and Wetland 4 was identified centrally. Wetlands 2, 3, and 4 were dominated by sweet gum, black willow, river birch, cypress swamp sedge, common rush, and southern dewberry. Hydric soil was indicated by Depleted Matrix with a matrix of 10YR 4/2 with redoximorphic concentrations of 7.5YR 4/8 in the pore linings and matrix. Hydrologic indicators consisted of surface water, saturation, water marks, drift deposits, and water-stained leaves. Given the hydrology observed, Wetlands 2 and 3 would be considered seasonally inundated and Wetland 4 would be considered seasonally saturated.

Wetland 5 was identified as a forested wetland in the south. Wetland 5 was dominated by black willow, sweet gum, and river birch. Hydric soil for Wetland 5 was indicated by Depleted Matrix with a matrix of 10YR 4/2 redoximorphic concentrations of 7.5YR 4/6 in the pore linings and matrix. Hydrologic indicators consisted of surface water, saturation, water marks, and water-stained leaves. Given its location relative to Lake Palestine and the hydrology observed, Wetland 5 would be considered semi-permanently inundated.

Wetland 6 was identified as an emergent wetland along the bar ditch parallel to SH 31 in the north. Wetland 6 was dominated by common rush, cypress swamp sedge, and low spearwort. Hydric soil for Wetland 6 was indicated by Depleted Matrix with a matrix of 10YR 4/2 with redoximorphic concentrations of 7.5YR 4/6 in the pore linings and matrix. Hydrologic indicators consisted of surface water, saturation, algal matting, and water-stained leaves. Given the hydrology observed, Wetland 6 would be considered seasonally inundated.

IV. ALTERNATIVES TO THE PROPOSED PROJECT: The USACE has not evaluated the applicants' alternatives analysis shown below.

#### No Action Alternative

Under the No Action Alternative, the proposed multi-use development would not be completed by the Chandler EDC but is carried forward as a baseline to provide comparison. The centralized, multi-use development would not be constructed and commercial and retail lots in the region would remain scattered and would not meet the needs of the growing local community. This fragmentation would lead to increased travel distances, higher vehicle emissions, and less efficient infrastructure use. Additionally, the cost efficiency gained from a large, centralized development would be lost, as scattered developments are more expensive to expand and maintain. As a result, the project's goals and objectives would not be achieved under the No Action Alternative.

## Site Alternatives Screening Criteria

### Screening Criteria: Step 1 – Location, Property Size, and Major Roadway Accessibility

The applicant has stated that they developed a set of screening criteria to determine the most feasible set of potential alternatives within the City of Chandler for implementing a large-scale, multi-use development. The four criteria they provided are below:

- 1) A site within or partially within the City of Chandler's limits as the EDC is only able to fund projects within the City limits. Adjacent sites have been included as they can be annexed, if required. Parcels within or intersecting the city limits were selected due to funding as well as their relative proximity to major thoroughfares, availability of utilities (sewer, water, and electricity), and to take advantage of the growing economy within the City of Chandler.
- 2) A site with enough capacity to provide parking, pad sites, and internal roadways for a multi-use commercial, retail, and residential complex.
- 3) A site with the appropriate road access and capacity, with easy access to a major thoroughfare (SH 31 East or a Farm-to-Market roadway [FM]) for large volume traffic.
- 4) A site for this development must be large enough to accommodate at least 890,000 sf of commercial, retail, and residential buildings, including necessary space for parking, utilities, and internal roadways. To meet these requirements, and accommodate infrastructure, setbacks, and floodplain mitigation, the parcel must be at least 30 acres in size if it is properly oriented and fully developable. Additionally, the applicant would not want to purchase land in excess of their needs, so a maximum site size would be no more than 60 acres.

To eliminate over-analyzation for the initial screening efforts, the analysis first utilized Henderson County Appraisal District (HCAD) parcel data located within the analysis area. The analysis area was confined to the City of Chandler's limits as well as adjacent properties. All CAD parcels between 30 to 60 acres were considered within the analysis area. Finally, parcels along FM or roadways with at least four lanes were considered major roadways for the analysis. All parcels that did not meet the size criteria (i.e., smaller than 30 acres and larger than 60 acres) or did not have accessibility along a major highway were eliminated from the study.

### Screening Criteria: Step 2 – Availability and Constructability

Availability, as used in this alternative analysis, includes all parcels that are not currently under development, and are not currently developing, or owned by a development entity with plans to develop the property. The five sites that remain in the analysis were screened against this criterion to determine if the alternative would be considered practicable.

Sites A, B, and, E were determined to be unsuitable from a cost and construction feasibility standpoint. Only Sites C and D were carried forward based on both constructability and availability.

Screening Criteria 3: Impacts to Waters of the United States, Protected Species, and Cultural Resources Baseline secondary information concerning aquatic resources was gathered by the applicant from historic and recent aerial photography as well as the National Hydrographic Dataset (NHD) and the National Wetlands Inventory (NWI) compiled by the U.S. Fish and Wildlife Service (USFWS). An analysis of the potential impacts to aquatic resources was done on the two remaining sites. Based on the acreage of Sites C and D and the number of aquatic

resources, avoidance of all aquatic resources would be difficult with the need for the 890,000 sf of necessary building space. Site C was larger (59.89 acres); however, it supported more tributary total length (2,629 linear feet) approximate tributary impacts (910 linear feet), and more wetland acreage (7.60 acres) wetland/ ponds impacts (4.80) by acreage as compared to Site D tributary with total length (None) approximate tributary impacts (None); wetland acreage (4.90 acres) wetland/ ponds impacts (3.88).

The applicant's analysis was based on the planned total sf under roof, ideal conceptual site plans, which avoided as many waters of the United States as possible, were drawn. The table below illustrates the potential waters of the United States impacts based on a desktop evaluation conducted using data gathered from historic and recent aerial photography as well as the NHD and the NWI. Site D would have considerably less tributary, and wetland impacts when compared to Site C.

Overall applicant claims, Site D would be the least damaging practicable alternative based on the available sites of similar size located within or adjacent to the City of Chandler as it would have the least amount of impacts to waters of the United States when compared to other applicable sites.

Table. Comparison Matrix (Exhibit 3, 4, 5. Mapped Sites.)

Parcel	Available	Costs	Logistics	Technological	Other	Practicable
<b>Project Site</b>						
Site A	Not Available. Recently purchased for a residential development. Owned by Fitzgerald Buster J.	Higher costs due to location and shape of parcel and additional shared infrastructure, including an off-site roadway. The majority of the construction would need to be in the eastern region of the parcel, requiring substantial roadway improvements for access.	Situated on FM 2010, a major arterial road near SH 31. The site only provides one point of access. No direct access, visibility to SH 31, or through traffic. Development would have low visibility at the back of parcel based on available space.	Due to lack of technological infrastructure within the immediate area, there would be additional costs associated with the development.	Located within a residential area. Aquatic resources are located on site in the eastern region. Lacks base utilities available to commercial developments within close proximity.	No
Site B	Not Available. Currently zoned for low density residential. Owned by Wallace Milton Denard. Owner has expressed plans to retain the parcel for agriculture use.	Higher costs due to location and shape of parcel and for additional necessary shared infrastructure, including an off-site roadway. Most of the construction would need to be in the northern region, requiring substantial roadway improvements.	Situated on FM 2010, a major arterial road near SH 31. The site only provides one point of access. No direct access, visibility to SH 31, or through traffic. Development would have low visibility at the northern end of the parcel based on available space.	Due to lack of technological infrastructure within the immediate area, there would be additional costs associated with the development.	Located within a residential area. Lacks base utilities available to commercial developments within close proximity.	No
Site C	Available. A portion of the site is currently zoned for general retail and to include a pedestrian and bike trail. Owned by JKO Properties LLC.	Higher costs associated with floodplain fill; nearly the entire site is within FEMA Zone A.	No direct access to SH 31 or through traffic. 2.6 million sf potential; would require a valley storage system to balance the floodplain loss resulting from on- site infrastructure and grading to create developable acreage.	None	Substantial aquatic resources located on site; 897 linear feet tributary impacts, 3.57 acres of wetland impacts, and 1.93 acres of pond impacts.	Yes
Site D	Available. Owned by Gardiner Deborah & Pamela Burdick.	Higher costs associated with floodplain fill; the entire site is within FEMA Zone A.	1.8 million sf potential; would require a valley storage system to balance the floodplain loss resulting from on- site infrastructure and grading to create developable acreage	None	Substantial aquatic resources located on site; 3.88 acres of wetland impacts	Yes
Site E	Not available. The entire site is below 355 feet mean sea level (msl) and within the floodplain which would present building constraints and accessibility issues. Owned by Upper Neches River Municipal Water Authority.	Higher costs per square foot based on additional necessary shared infrastructure; higher costs associated with floodplain fill, nearly the entire site is within FEMA Zone A and its floodway.	The site only provides one point of access and contains multiple aquatic features. Complicated development guidelines due to proximity to Lake Palestine	Due to lack of technological infrastructure within the immediate area, there would be additional costs associated with first-in-time development.	Substantial aquatic resources located on site; lacks basic utilities.	No

Additionally, The Texas Department of Transportation (TxDOT) Potential Archeological Liability Map (PALM) for Henderson County illustrates that the majority of the direct Area of Potential



Effects (APE) for both Sites contain a moderate to high potential for shallow and deeply buried prehistoric archeological resources within areas that have retained a reasonable context. The list of Endangered and Threatened Wildlife and Plants under the ESA was obtained through the USFWS Information, Planning, and Conservation System (IPaC). According to the USFWS, two species; Piping Plover (*Charadrius melodus*), and Red Knot (*Calidris canutus rufa*), are listed as federally protected (i.e., threatened or endangered) with the potential to occur within the sites. Both of these species are conditionally listed as threatened within Henderson County on the basis that the proposed project is for wind energy production, which does not apply for this project.

The tricolored bat (*Perimyotis subflavus*), and Texas heelsplitter (*Potamilus amphichaenus*) are listed as proposed endangered. The alligator snapping turtle (*Macrochelys temminckii*), and Louisiana pigtoe (*Pleurobema riddellii*), and monarch butterfly (*Danaus plexippus*) are listed as proposed threatened. Potential habitat for the tricolored bat is present within the forested regions of Sites C and D.

Overall, the applicant has stated that Site D has been determined to be the least damaging practicable alternative based on the available sites of similar size located in the City of Chandler as it would have the least amount of impacts to waters of the United States when compared to the alternative site. This statement has not yet been evaluated by USACE.

#### Sites Carried Forward by the Applicant for Detailed Study – Site D

##### Site Constraints

The applicant states that Site D is encumbered by numerous physical constraints, which include multiple aquatic features, property dimensions, and easement requirements. Site D is an elongated property arranged in a general southwest-to-northeast orientation and is confined between commercially developed lots along SH 31 and undeveloped land to the south, north of the existing railroad. Drainage through the site is generally west-to-east in the west and north-to-south in the east. For the overall project to provide sufficiently developable land with an overall efficient layout, detention would need to be constructed within the south and southeastern regions.

The applicant has stated local zoning ordinances and regulations typically require floodplain mitigation for parcels within a floodplain. The proposed method for achieving floodplain mitigation involves a balanced cut-and-fill approach, where soil is excavated and relocated within the site.

The applicant states that this ensures that the volume of displaced earth is offset by the same volume added, maintaining the existing water storage capacity of Lake Palestine. The applicant also states by carefully grading and contouring the excavated and filled areas, the site's water levels, and flow characteristics are preserved, preventing downstream flooding or ecological disruption. The applicant states that this approach not only mitigates flood risks but also minimizes environmental impact by confining work to the project site and protecting natural hydrological functions on adjacent properties. As Site D is within the floodplain, a valley storage system is required as stated by the applicant, which must display that the floodplain remains balanced. The applicant state that this limits the developable space on site and confines the construction of building pads to the upper reach to reduce roadways and maximize valley storage.

The applicant stated to provide for the needs of the growing community, the development must be large enough to accommodate at least 890,000 sf of commercial, retail, and residential

buildings, including necessary space for parking, utilities, and internal roadways. They also state visibility and access along major highways are crucial for multi-use developments as they enhance the site's attractiveness to potential tenants and customers by providing convenient access and exposure to passing traffic.

#### On-Site Development Alternatives

##### On-Site Alternative 1 (Applicant's Preferred Alternative) (Exhibit 6.)

On-site Alternative 1 is stated by the applicant to allow for the construction of the valley storage system along the southern boundary to route flow south via a series of ponds. This layout proposes fill within the limits of the wetland, which allows the developer to meet their proposed parking, pad site, and internal roadway needs. Although impacts to the wetlands would be 2.92 acres, the valley storage system ponds are stated by the applicant to ensure that the on-site hydrology functions are maintained. The applicant states that this alternative fully meets the project's purpose and need.

##### On-Site Alternative 2 (Exhibit 7.)

The applicants on-site Alternative 2 proposes a development strategy focused on maximizing total site occupancy within the city limits. The plan involves removing the existing valley storage system ponds and repurposing the area into usable residential or commercial lots. To facilitate this transformation, additional land would need to be acquired from adjacent or nearby parcels to compensate for the loss of storage capacity and to meet development requirements. The acquisition would focus on properties strategically located to ensure continuity with the existing infrastructure and zoning ordinances. The applicant states this development strategy would be inefficient due to the high costs and logistical challenges associated with removing the valley storage system ponds and acquiring additional land. Additionally, they stated, this configuration would increase impact acreage within the wetlands and acquiring off-site land to compensate for lost storage capacity would add further financial costs and complexity, potentially delaying the project timeline.

A comparison matrix of the applicants on-site practicable alternatives is included in the table below.

Comparison Matrix

Parcel	Costs	Logistics	Technological	Practicable
Project Layout				
On-Site Alternative 1 (Preferred)	Fill required to build over the wetland.	Development capacity of 890,000 sf with associated parking spaces and roadways included along SH 31.	None	Yes
On-Site Alternative 2	Fill required to increase total on-site elevation. Cost would significantly increase with the acquisition of adjacent properties, and further impacts would be required to complete this development.	Not feasible due to the significant increase in cost and potential delays.	None	No

Please see relevant Alternative Analysis Exhibits (3-7) which were taken from the initial application are found at the end of this public notice.

V. COMPENSATORY MITIGATION: To offset unavoidable adverse impacts to waters of the U.S. the applicant proposes to purchase appropriate mitigation bank credits from Edmore Mitigation Bank in accordance with the methodology prescribed within the USACE-approved mitigation banking instrument.

PUBLIC INTEREST REVIEW FACTORS: This application would 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 would 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 would be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision would 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 would 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 would 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:** Although this project would result in a direct impact to less than three acres of waters of the State or less than 1,500 linear feet of streams, the project would impact certain types of rare or ecologically significant wetlands. Therefore, the project is not eligible for inclusion in the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria and an individual water quality certification is required, even though the project is below the Tier I thresholds. 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 applicant states according to the U.S. Fish and Wildlife Service (USFWS), two species, Piping Plover (*Charadrius melodus*), and Red Knot (*Calidris canutus rufa*) are listed as federally protected species (i.e., threatened or endangered) with the potential to occur within Henderson County.

The monarch butterfly (*Danaus plexippus*), tricolored bat (*Perimyotis subflavus*), Texas heelsplitter (*Potamilus amphichaenus*), Louisiana Pigtoe (*Pleurobema riddellii*), and alligator snapping turtle (*Macrochelys temminckii*) are listed as proposed endangered or proposed threatened, which are not currently afforded federal protection. The Bald Eagle has been federally delisted as of 08 August 2007 but would be monitored by the USFWS for a period of 20 years with monitoring occurring every 5 years at known nesting locations and is still federally protected under the Bald and Golden Eagle Protection Act and is a state listed species.

The Piping Plover and Red Knot are conditionally listed for wind energy projects and, as such, were not considered in the assessment of this project as stated by the applicant. The applicant also states that the habitat surveys for all federally listed and protected species, as of the date of this application, were conducted within the project site during the delineation of waters of the United States. They stated no habitat was identified for any listed or protected species with the

potential to occur within Henderson County at the project site. The forested vegetation community within the project area consists of a mix of mature and young trees, which could potentially provide suitable habitat for the tricolored bat. The applicant stated: to mitigate potential impacts, work would be conducted outside of the bat pup season, or acoustic monitoring would be performed to confirm the presence or absence of the species. This has not been evaluated by USFWS or USACE.

The applicant has stated: based on the findings, there is no indication that the proposed project would result in a “take” of any federally protected species. Under the Endangered Species Act, a “take” is defined as any action that harasses, harms, pursues, hunts, shoots, wounds, kills, captures, or collects—or attempts to engage in such activities. No such impacts are expected to occur to threatened or endangered species within the county as a result of the project. This has not been evaluated by USFWS or USACE.

**NATIONAL REGISTER OF HISTORIC PLACES:** The USACE is acting as lead Federal Agency for the proposed project and is conducting consultation under Section 106 of the National Historic Preservation Act according to procedures listed in 33 CFR 325, Appendix C. There are no known listed Historic Properties or unevaluated previously recorded cultural resources located within the proposed preferred alternative project boundary. However, the property has not been previously surveyed by a professional archeologist. The applicant has recently submitted a Scope of Work to the USACE Fort Worth District Archeologist for review to conduct a cultural resources survey. USACE conducted preliminary coordination with the Texas Historical Commission to determine whether this action would be subject to the state Antiquities Code in addition to Section 106 of the National Historic Preservation Act. Upon receipt of a complete survey draft report, USACE will conduct additional required consultation with the Texas Historical Commission and federally recognized tribes with interest in the area to evaluate the National Register of Historic Places eligibility of any cultural resources identified and determine effects to any eligible historic properties. Section 404 permit authorization will not proceed until Section 106 compliance has concluded.

**FLOODPLAIN MANAGEMENT:** The USACE is sending a copy of this public notice to the local floodplain administrator especially regarding the applicants proposed mitigation stated in their narrative earlier in this document. 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 would 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 would be notified of the time, date, and location.

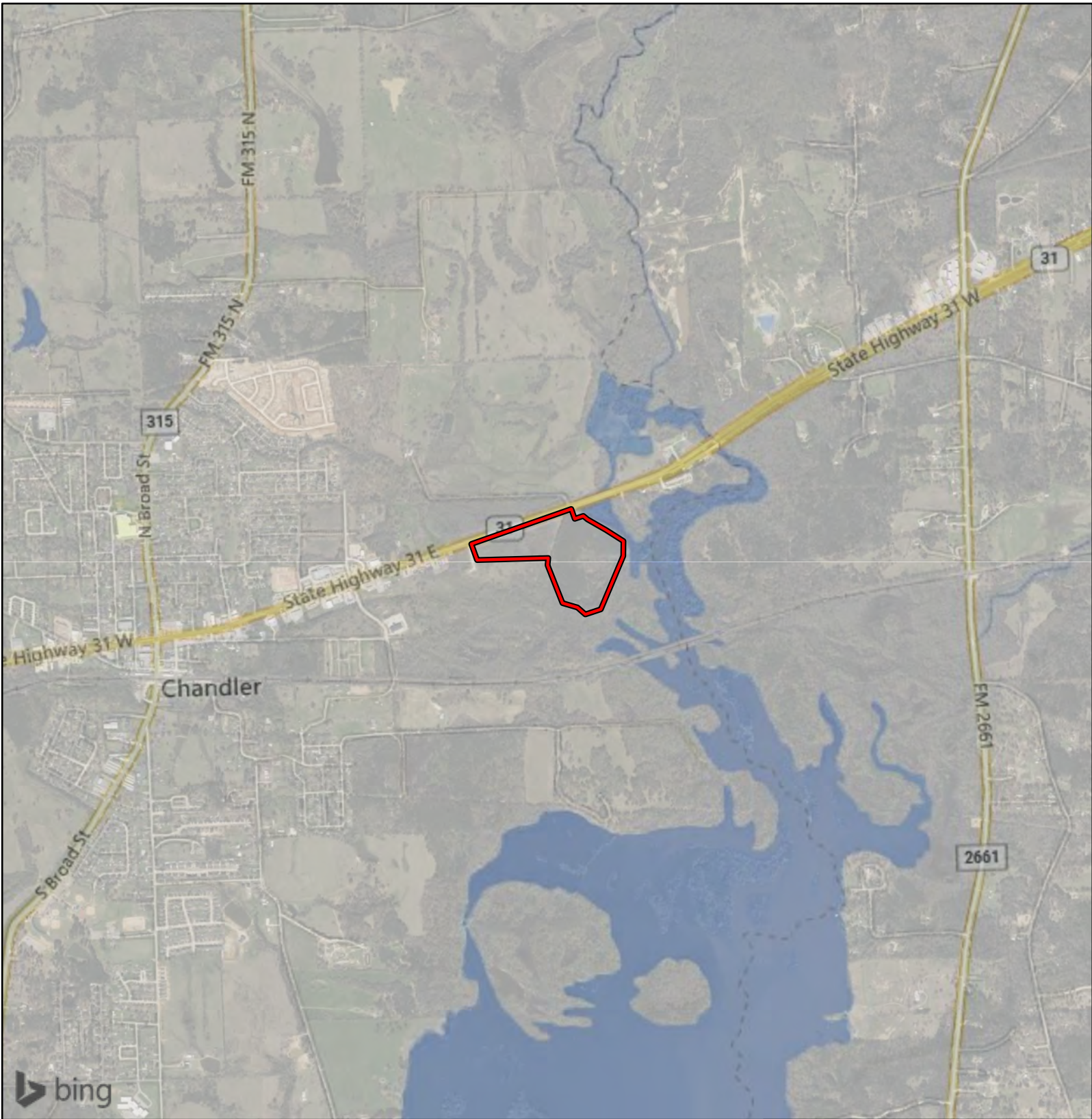
**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before February 28, 2025, which is the close of the comment period. Extensions of

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 would be considered that there are no objections. Comments and requests for additional information should be submitted to; Regulatory Division, CESWF-RE; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300.

This public notice will be posted on the following website providing the ability to submit comments: <https://rrs.usace.army.mil/rrs/public-notice>. You may visit the Regulatory Division in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:00 P.M., Tuesday and Wednesday. Telephone inquiries should be directed to Martin K. Underwood at (817) 886-1734. 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





**Exhibit 1.  
General Location Map**


Chandler  
Mixed-Use Development  
City of Chandler  
Henderson County, Texas

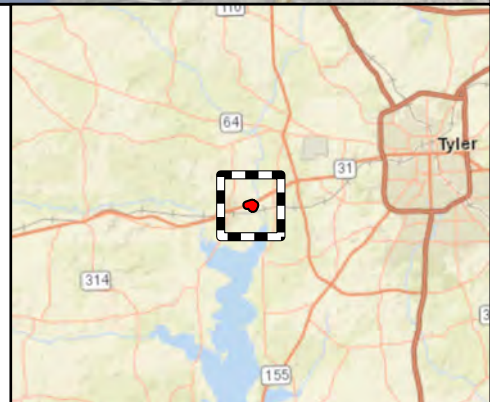
1 in = 2,000 ft

Feet  
0 2,000



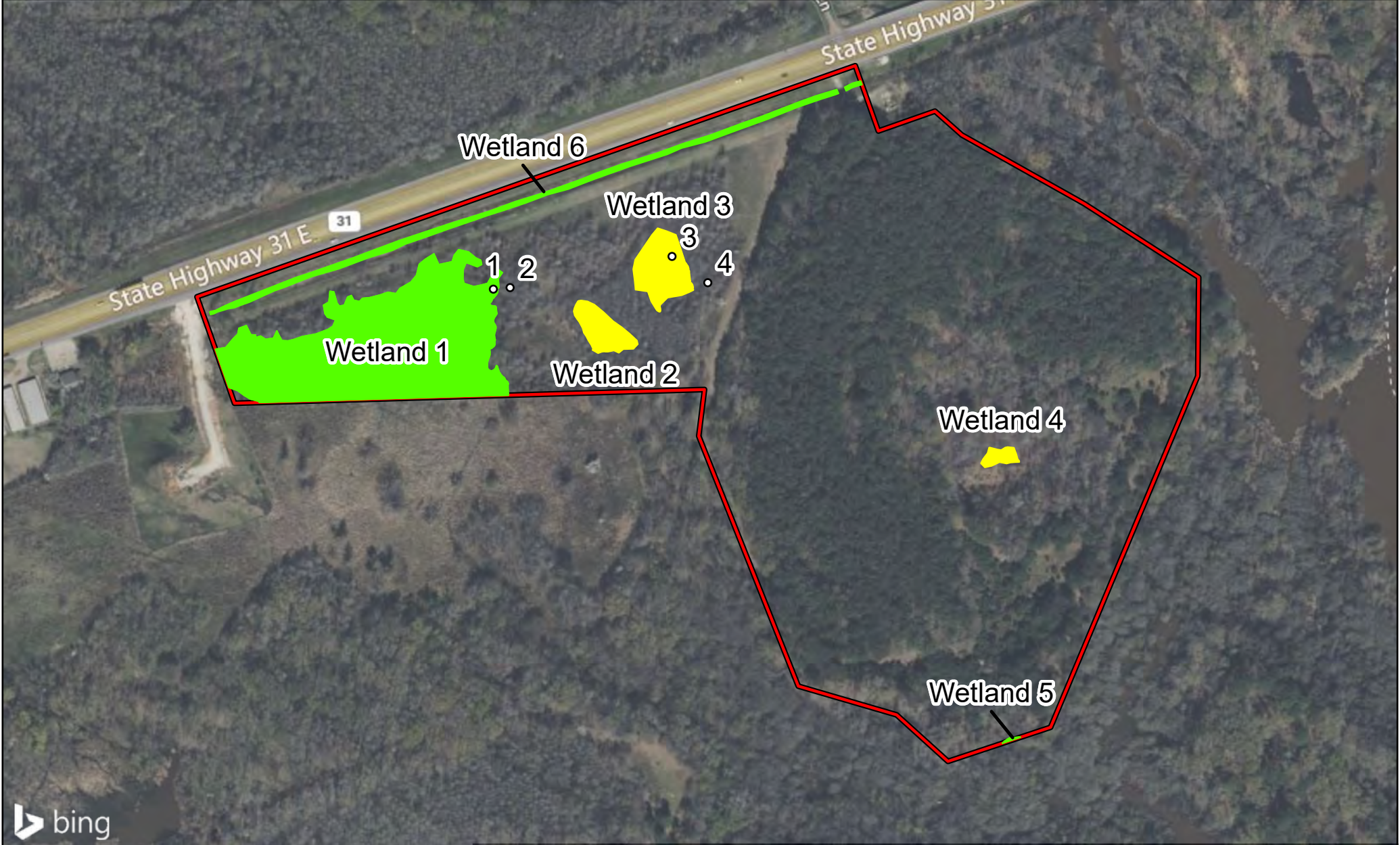
File Ref. 03.060.001  
Date: 1/3/2025

 Survey Area



**Area of Detail** Scale: 1 inch equals 10 miles





**Exhibit 2.**  
**Aquatic Features Identified**  
**within the Survey Area**

Chandler  
Mixed-Use Development  
City of Chandler  
Henderson County, Texas

1 in = 300 ft

Feet  
0 300 600

File Ref. 04.354.125  
Date: 1/3/2025

 Survey Area

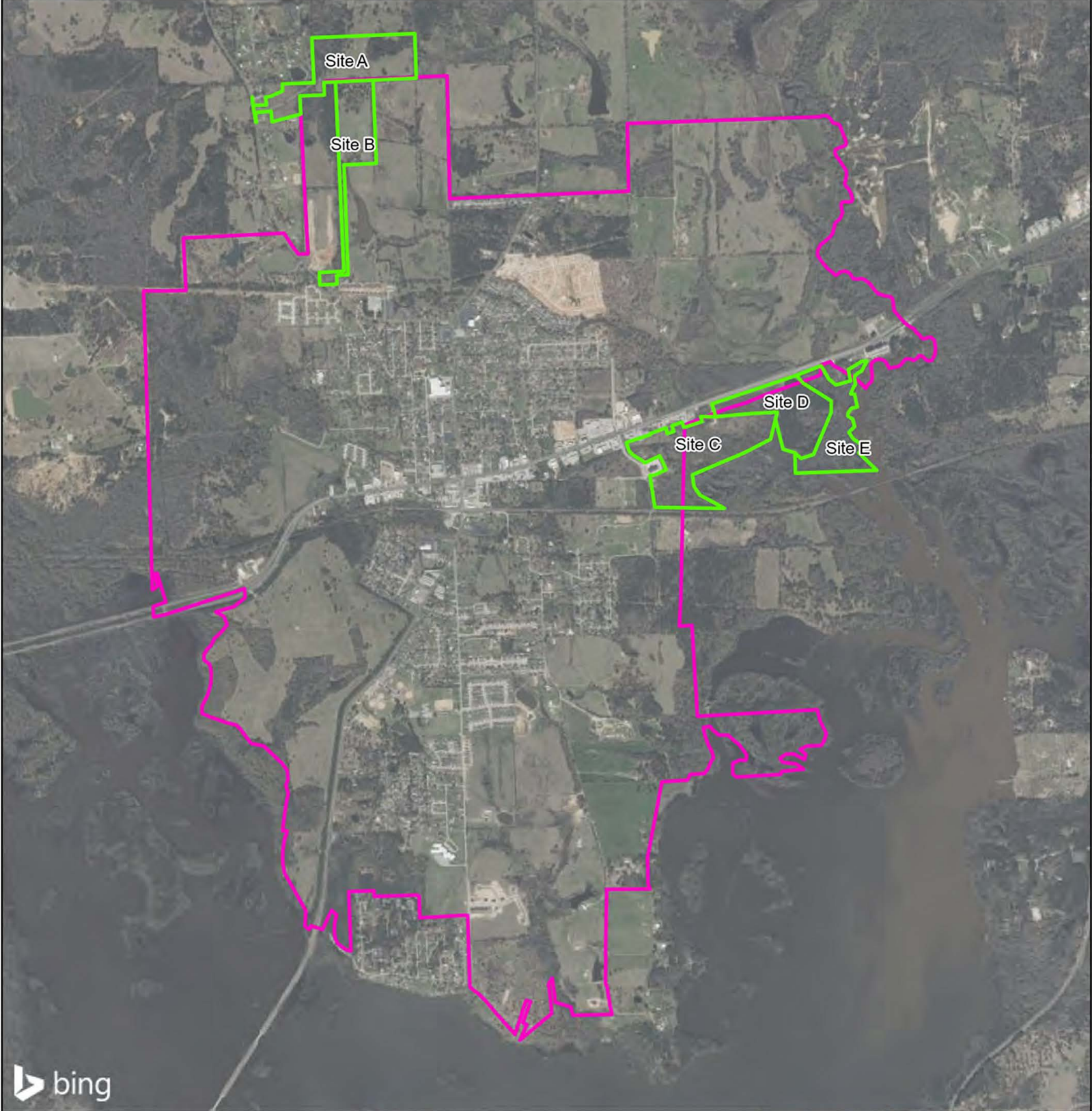
 Wetland Determination Data Form

**Aquatic Features**

 Wetland

 Wetland, Isolated





**Exhibit 3.**  
**Off-Site Alternatives**  
**Parcel Map**

Chandler  
Mixed-Use Development  
City of Chandler  
Henderson County, Texas

1 in = 2,500 ft

0 2,500

File Ref. 03.060.001  
Date: 1/6/2025

N  
W E  
S

Chandler City Limits

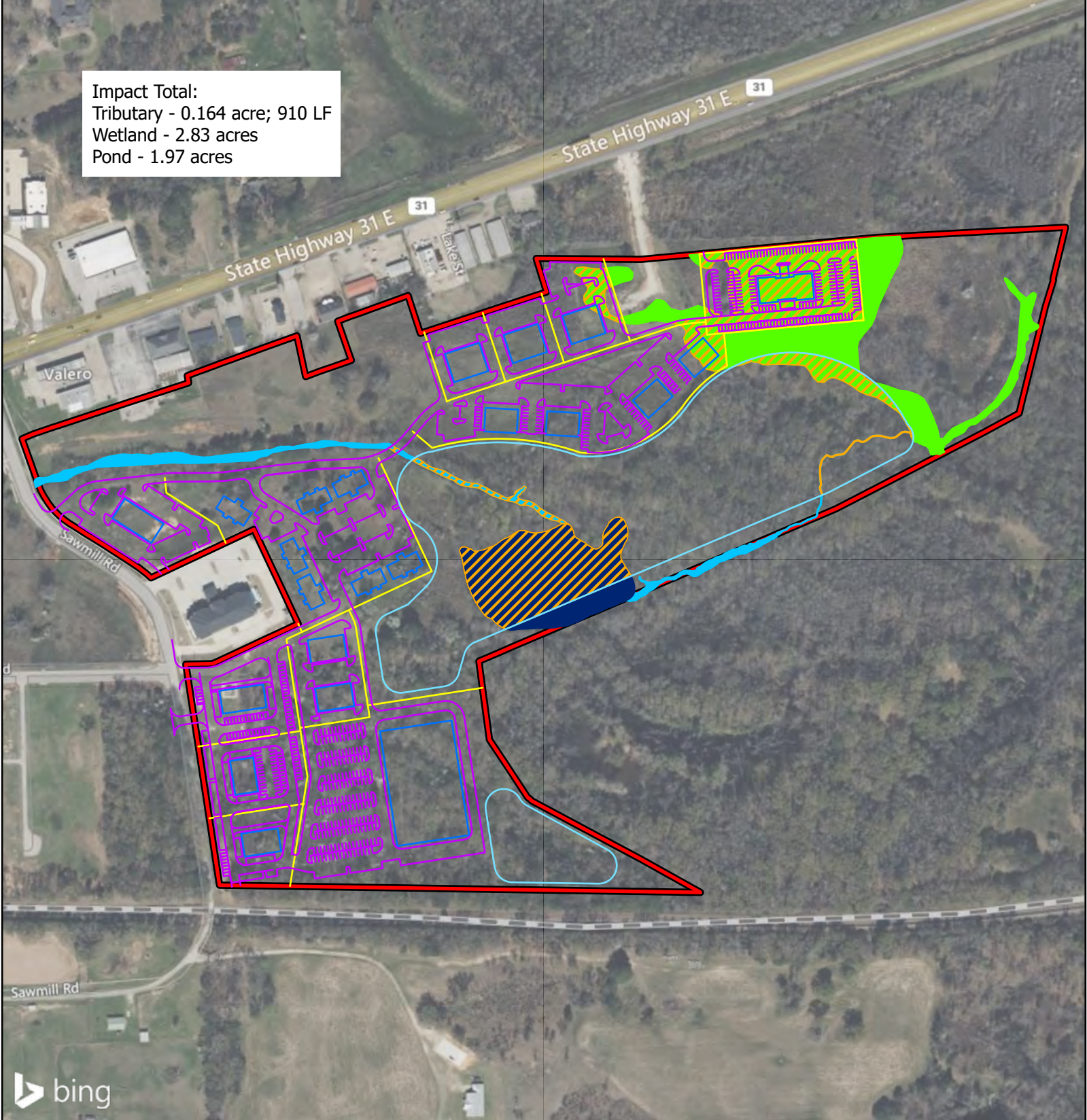
Undeveloped Parcels Along Major Roadways between 30 to 60 acres

**Area of Detail**

Scale: 1 inch equals 10 miles



Impact Total:  
 Tributary - 0.164 acre; 910 LF  
 Wetland - 2.83 acres  
 Pond - 1.97 acres



**Exhibit 4.  
 Alternative Site C Desktop  
 Analysis Impacts**

Chandler  
 Mixed-Use Development  
 City of Chandler  
 Henderson County, Texas

1 in = 360 ft



File Ref. 03.060.001  
 Date: 1/7/2025



Alternative Site C Boundary

Direct/Permanent Impacts

**Aquatic Features**

Tributary, Intermittent

Wetland

Pond

**Site Plan**

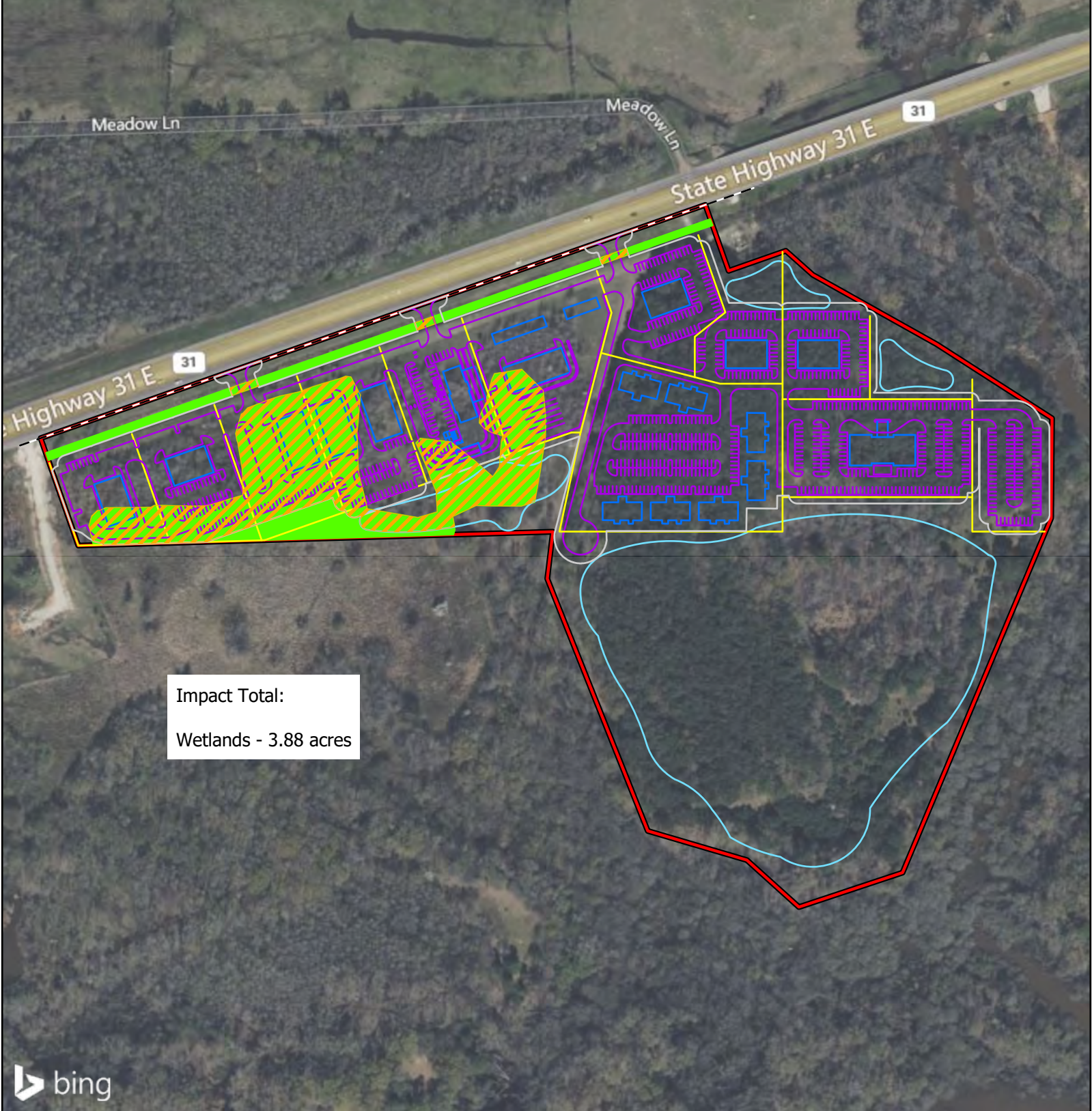
Building

Lots

Pavement

Valley Storage System





**Exhibit 5.**  
**Preferred Site D Desktop**  
**Analysis Impacts**

Chandler  
Mixed-Use Development  
City of Chandler  
Henderson County, Texas

1 in = 300 ft  
0 300  
Feet

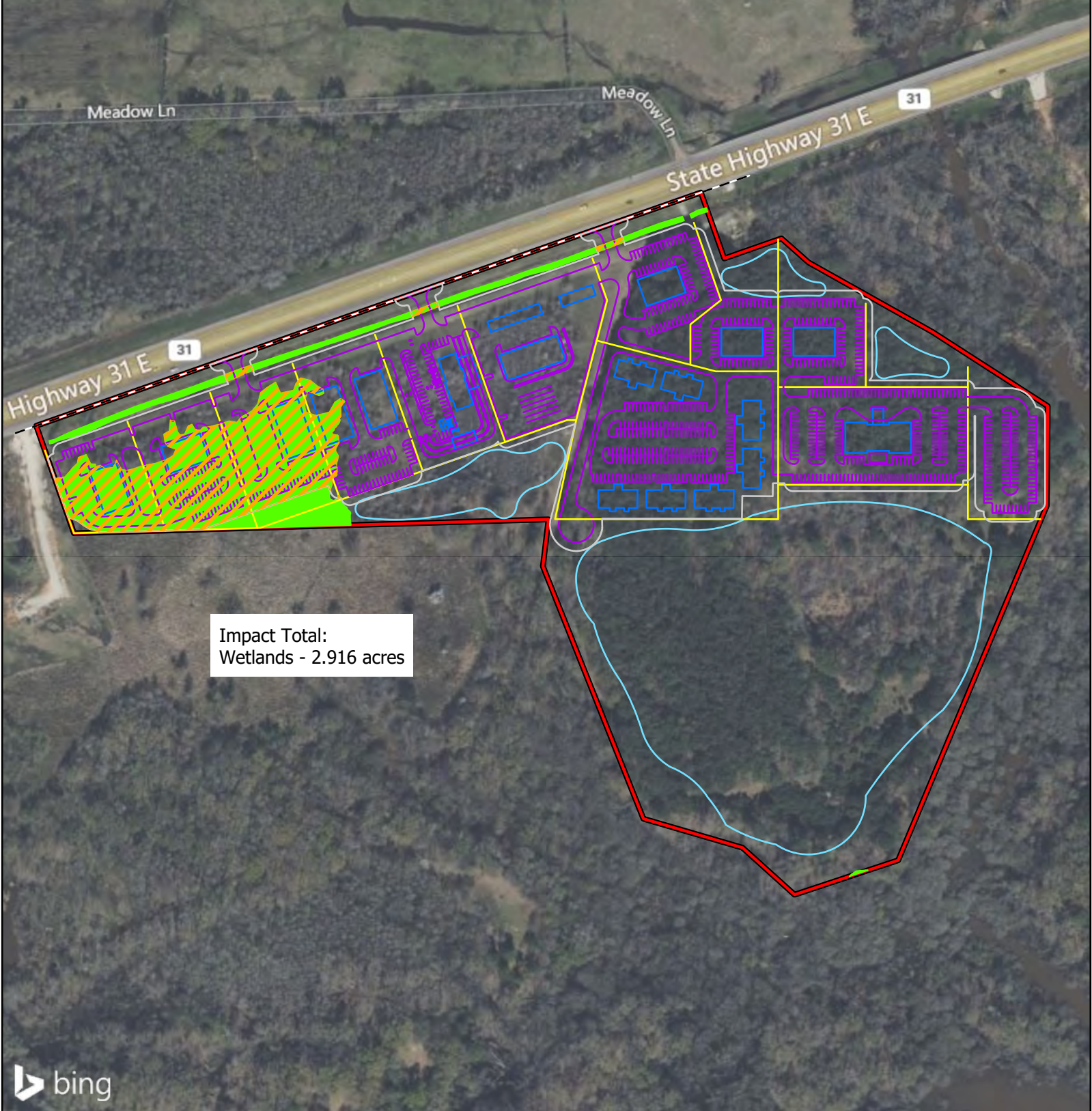
File Ref. 03.060.001  
Date: 1/6/2025

Preferred Site D Boundary  
 Desktop Analysis Impacts

**Aquatic Features**  
 Wetland

**Site Plan**  
- - - Highway 31  
— Grading Limits  
— Lots  
— Building  
— Parking Lot  
— Valley Storage System

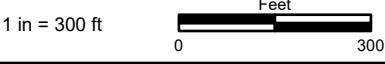




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**Exhibit 6.**  
**On-site Alternative 1 (Preferred)**

Chandler  
Mixed-Use Development  
City of Chandler  
Henderson County, Texas



File Ref. 03.060.001  
Date: 1/7/2025



- On-site Alternative 1 Boundary
- Direct/ Permanent Impacts

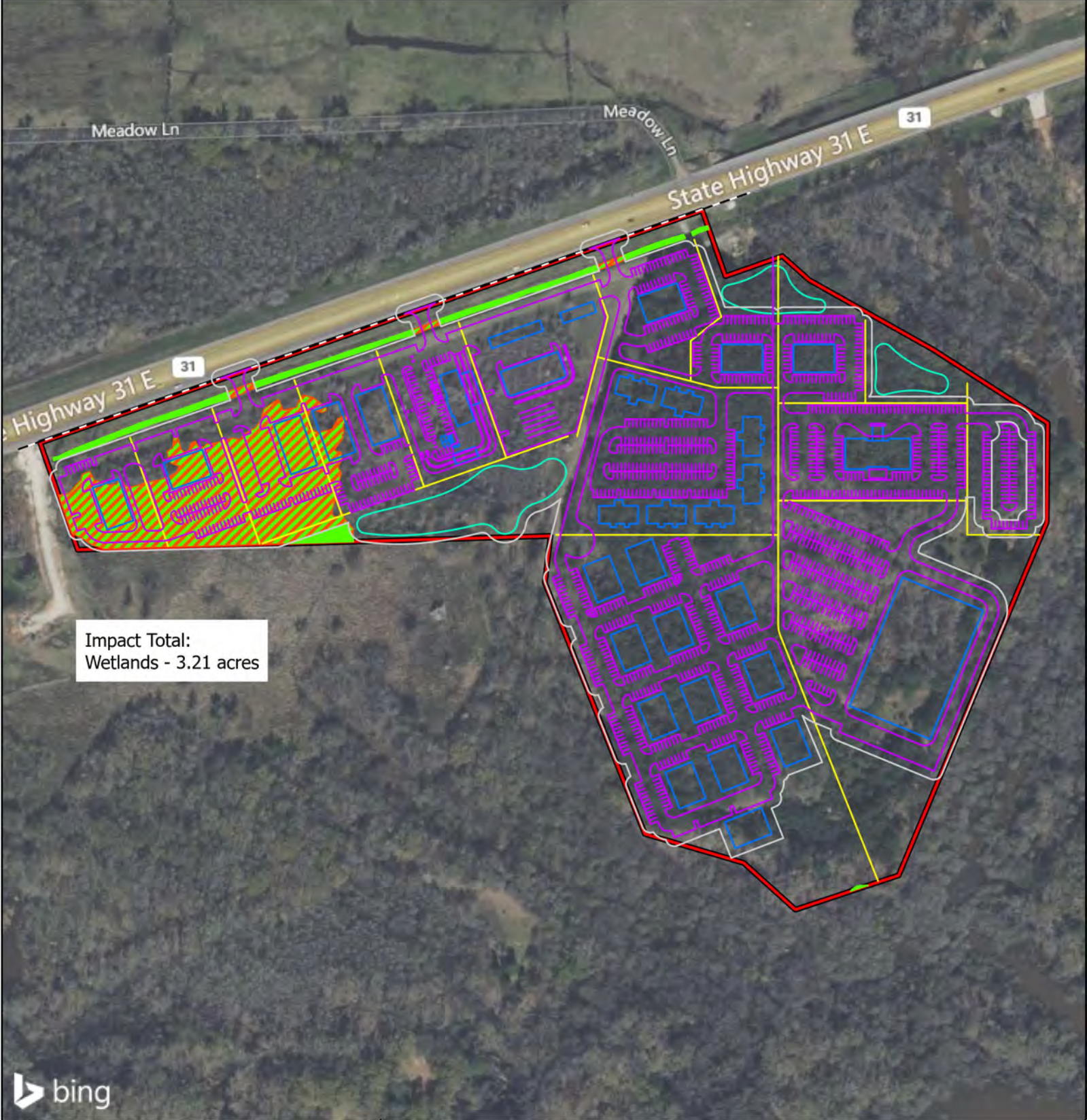
**Aquatic Features**

- Wetland

**Site Plan**

- Highway 31
- Grading Limits
- Lots
- Building
- Parking Lot
- Valley Storage System





**Exhibit 7.**  
**On-site Alternative 2**

Chandler  
Mixed-Use Development  
Henderson County, Texas

1 in = 300 ft

Feet  
0 300

File Ref. 03.060.001  
Date: 1/7/2025

N  
W E  
S

Onsite Alternative 2 Boundary

Direct/Permanent Impacts

Wetland

**Aquatic Features**

**Site Plan**

- Highway 31
- Lots
- Grading Limits
- Building
- Parking Lot
- Detention Pond