



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

Public Notice

Applicant: Pillar Income Asset Management

Project No.: SWF-2012-00415

Date: January 22, 2013

The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

Regulatory Program

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

Section 10

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States*. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

Section 404

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands*. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

Contact

Name: Mr. Darvin Messer

Phone Number: 817-886-1744

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material into waters of the United States (WOUS) associated with the construction of a 0.3 mile roadway connecting Mercer Lane to the President George Bush Turnpike in the city of Farmers Branch, Dallas County, Texas.

APPLICANT: Pillar Income Asset Management

APPLICATION NUMBER: SWF-2012-00415

DATE ISSUED: January 22, 2013

LOCATION: The proposed roadway construction would be located in an impoundment in the floodway of the Elm Fork Trinity River. The proposed project would be located approximately at Latitude 32.91591 and Longitude -96.93388 on the Carrollton, TX 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12030103 – Elm Fork Trinity.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes the discharge of approximately 10,000 cubic yards of dredged and fill material into approximately 1.3 acres of WOUS in conjunction with the construction of a 0.3 mile roadway connector (Sheets 1-8 of 8). Total proposed impacts to WOUS include 1.3 acres of open water impoundment. The purpose of the proposed project is to construct a roadway connection of Mercer Lane with the President George Bush Turnpike to improve traffic flow conditions and safety of the traveling public in the area.

WOUS located within the proposed project boundary include a 16.5 acre open water impoundment, of which approximately 1.3 acres are proposed to be filled. Associated shallow emergent wetlands and adjacent prairie wetlands are not proposed to be impacted (Sheet 7 of 8). The applicant believes that the project area provides the most practicable site for the proposed new roadway connector, considering such factors as location, design constraints, existing infrastructure, and other environmental constraints.

During project planning, the applicant considered alternatives in an effort to avoid and minimize adverse impacts to WOUS. The no action alternative would result in the proposed project not being built and subsequently, there would be no adverse impacts to WOUS. However, the no

action alternative would not accomplish the stated purpose of the project – to improve traffic flow conditions and the safety of the traveling public in the area. Other roadway alignments considered would result in increased impacts to WOUS.

The applicant's preferred alternative would minimize impacts to WOUS while providing for improved traffic flow and public safety. This alternative would result in a permanent loss of open water impoundment totaling 1.3 acres. After considering several alternative configurations to avoid and minimize impacts to WOUS, the applicant has proposed the current project, which would result in impacts that are limited to the minimum necessary to connect the existing roads. The area of impact would be limited to what is necessary to construct the new roadway connector.

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 incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those that result in a direct impact of three acres or less of waters of the State or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices (BMPs) and other provisions designed to safeguard water quality. The USACE has received a completed checklist

and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in Dallas County where the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), black-capped Vireo (*Vireo atricapilla*), piping plover (*Charadrius melodus*), and golden-cheeked warbler (*Dendroica chrysoparia*) are known to occur or may occur as migrants. The whooping crane, least tern, black-capped Vireo, piping plover and golden-cheeked warbler are endangered species. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The USACE has reviewed the latest complete published version of the National Register of Historic Places and found no listed properties to be in the project area. However, presently unknown scientific, archaeological, cultural or architectural data may be lost or destroyed by the proposed work under the requested permit.

FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

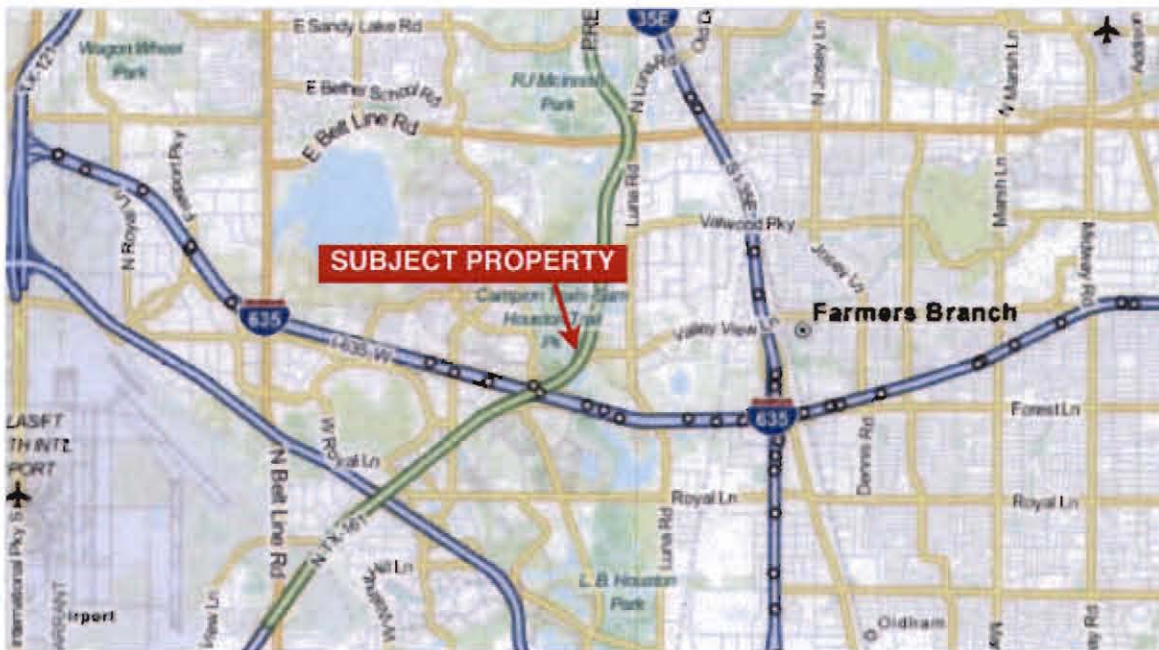
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted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

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

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before February 22, 2013, 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-PER-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



LOCATION MAP



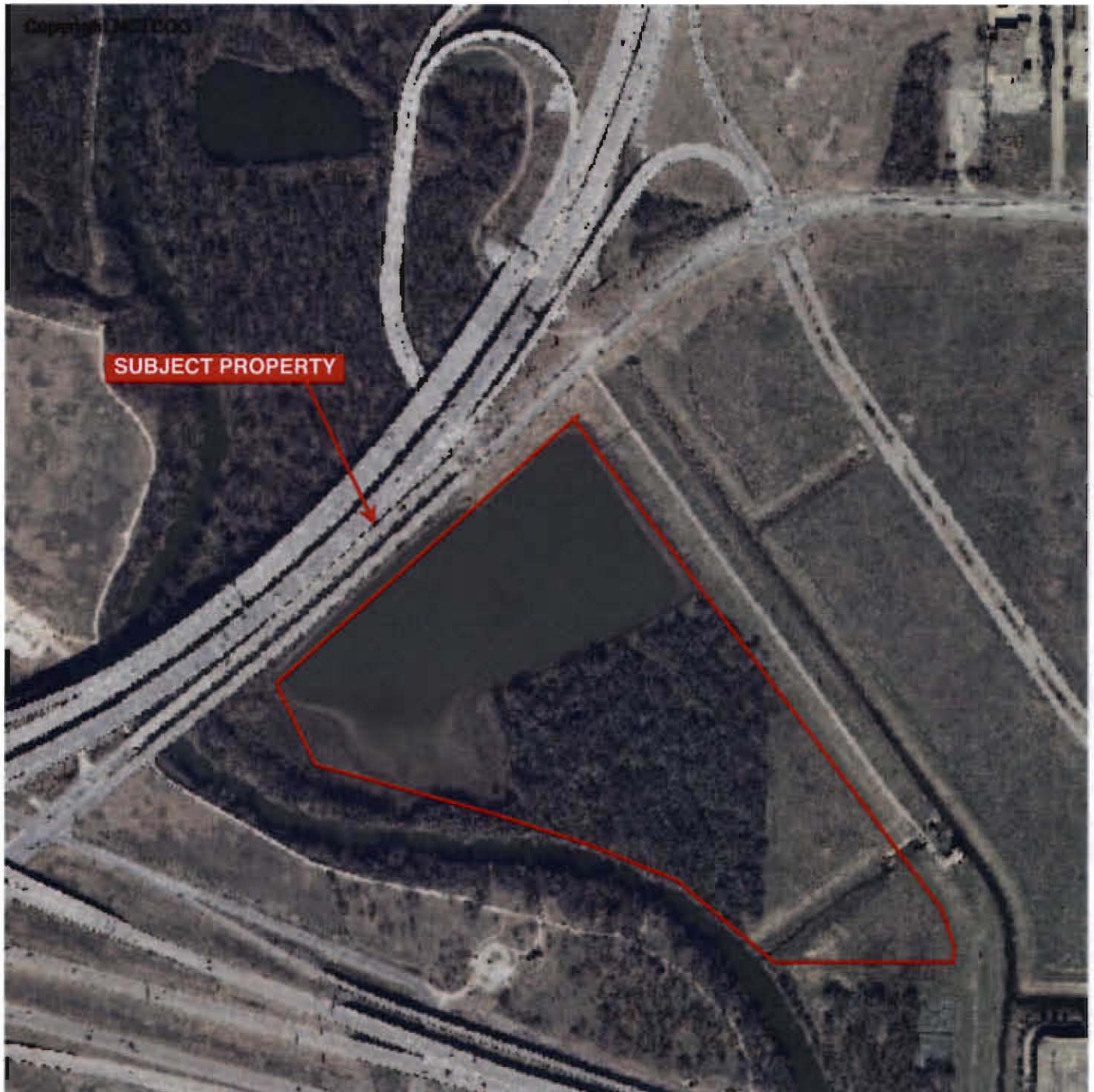
1506 Audrey Dr.
Garland, TX
75040
(972) 496-4701
(972) 414-0451 (fax)

**TURNPIKE IP
FARMERS BRANCH,
TEXAS**

Job No. 46-01002

JULY 2012

Sheet 1 of 8



Aerial Photography



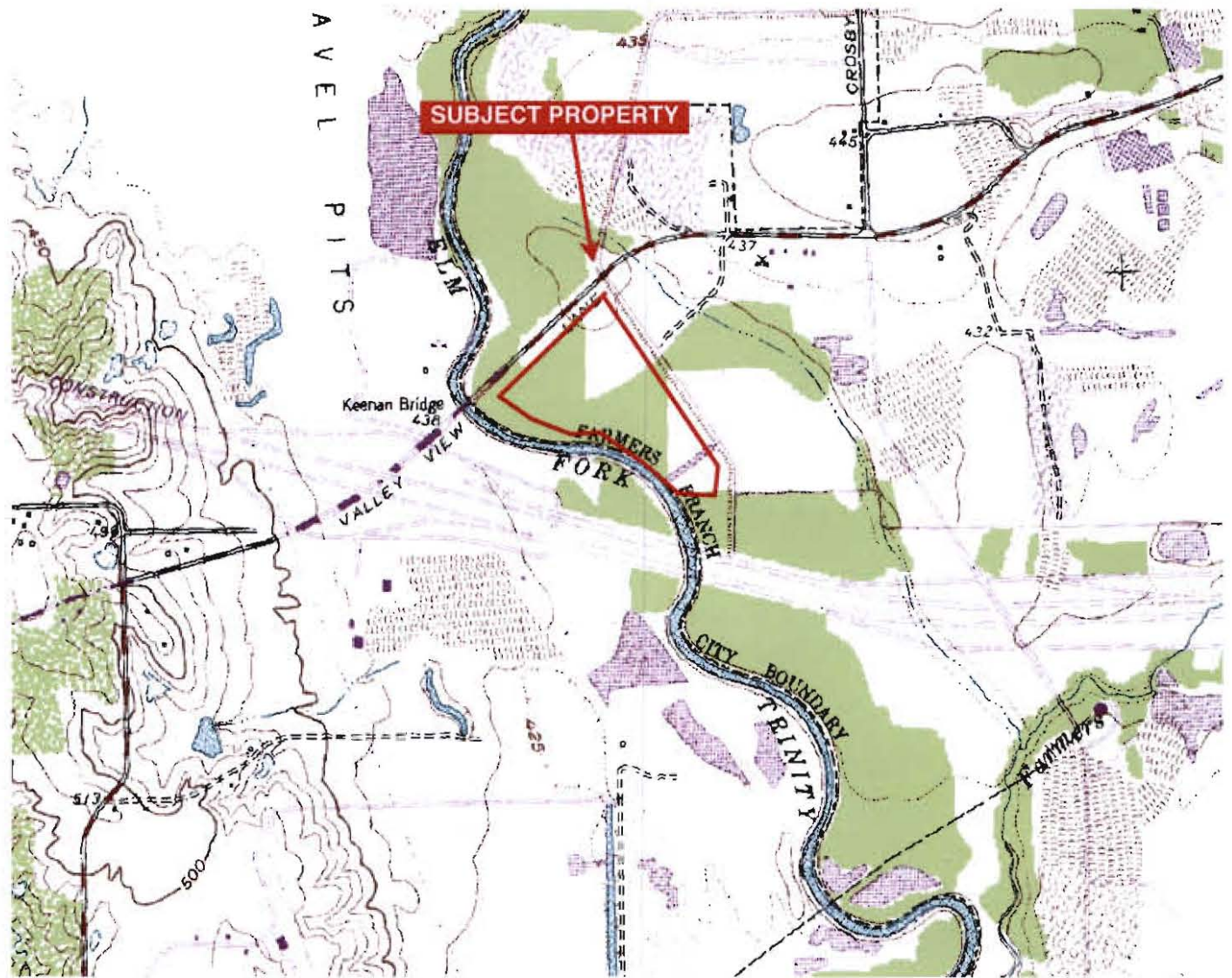
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Sheet 2 of 8



USGS 7.5 MINUTE QUADRANGLE MAP CARROLLTON, TX



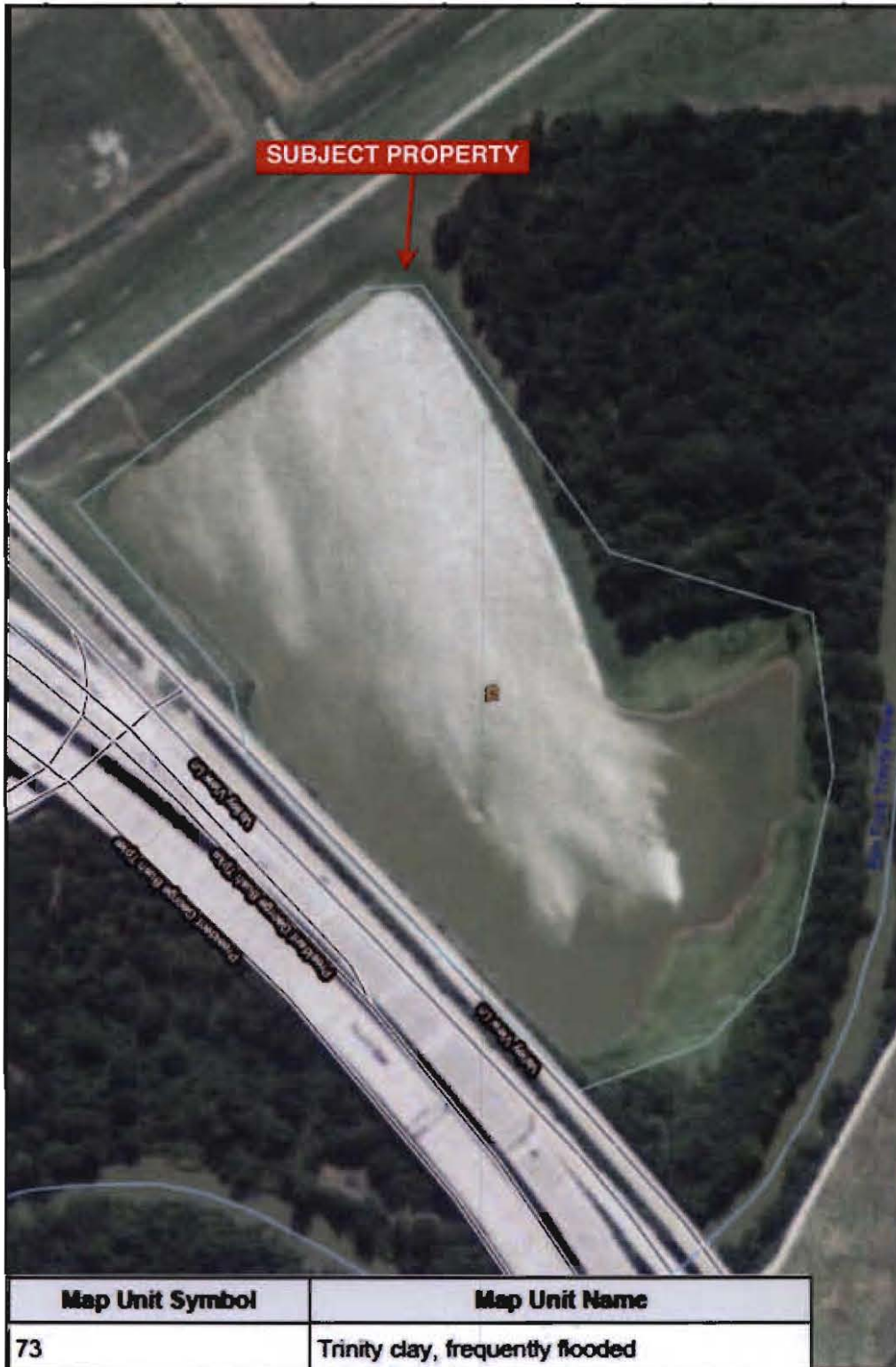
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TURNPIKE IP FARMERS BRANCH, TEXAS

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DALLAS COUNTY SOIL SURVEY



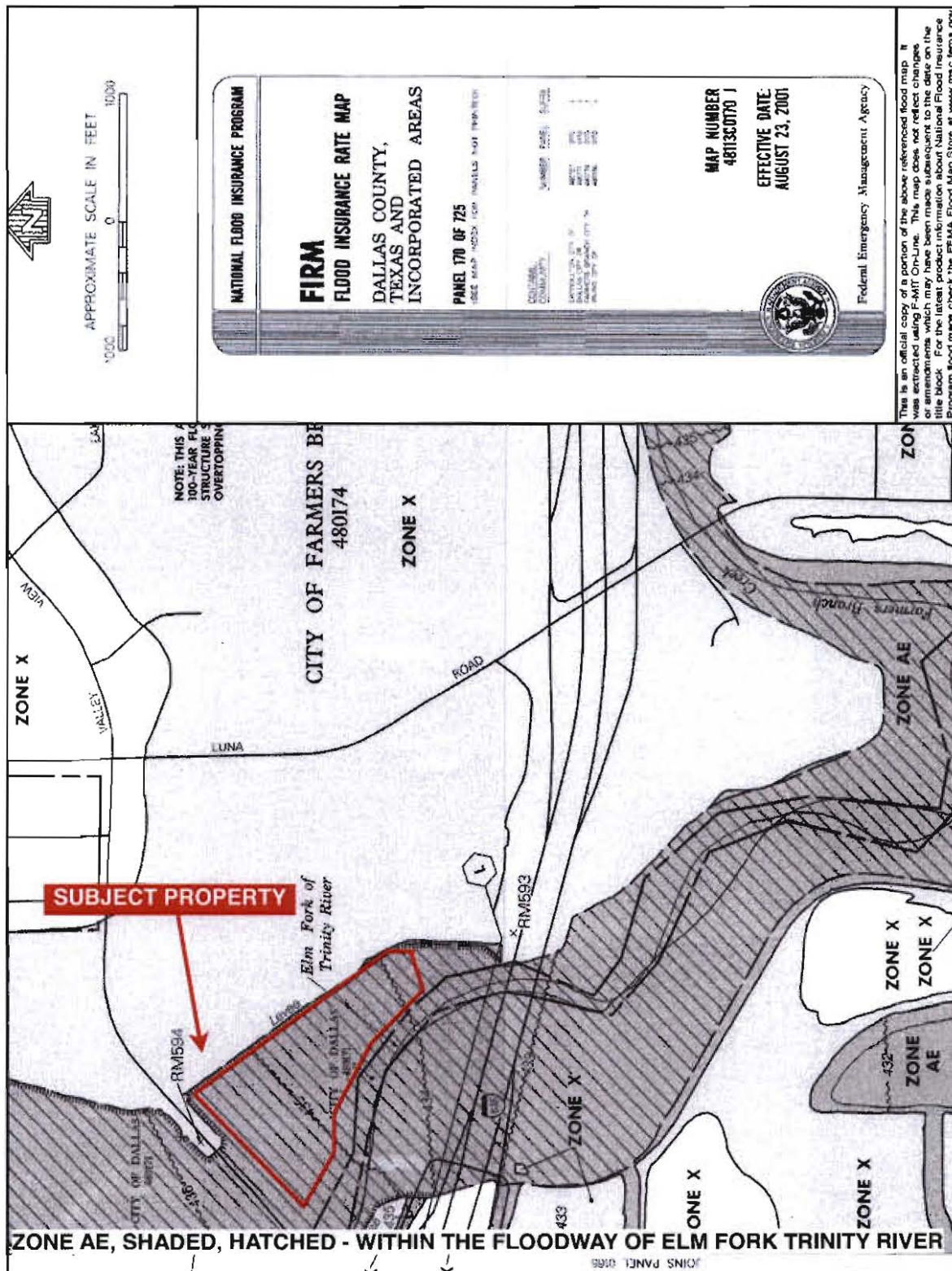
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FEMA FIRM FLOODPLAIN MAP

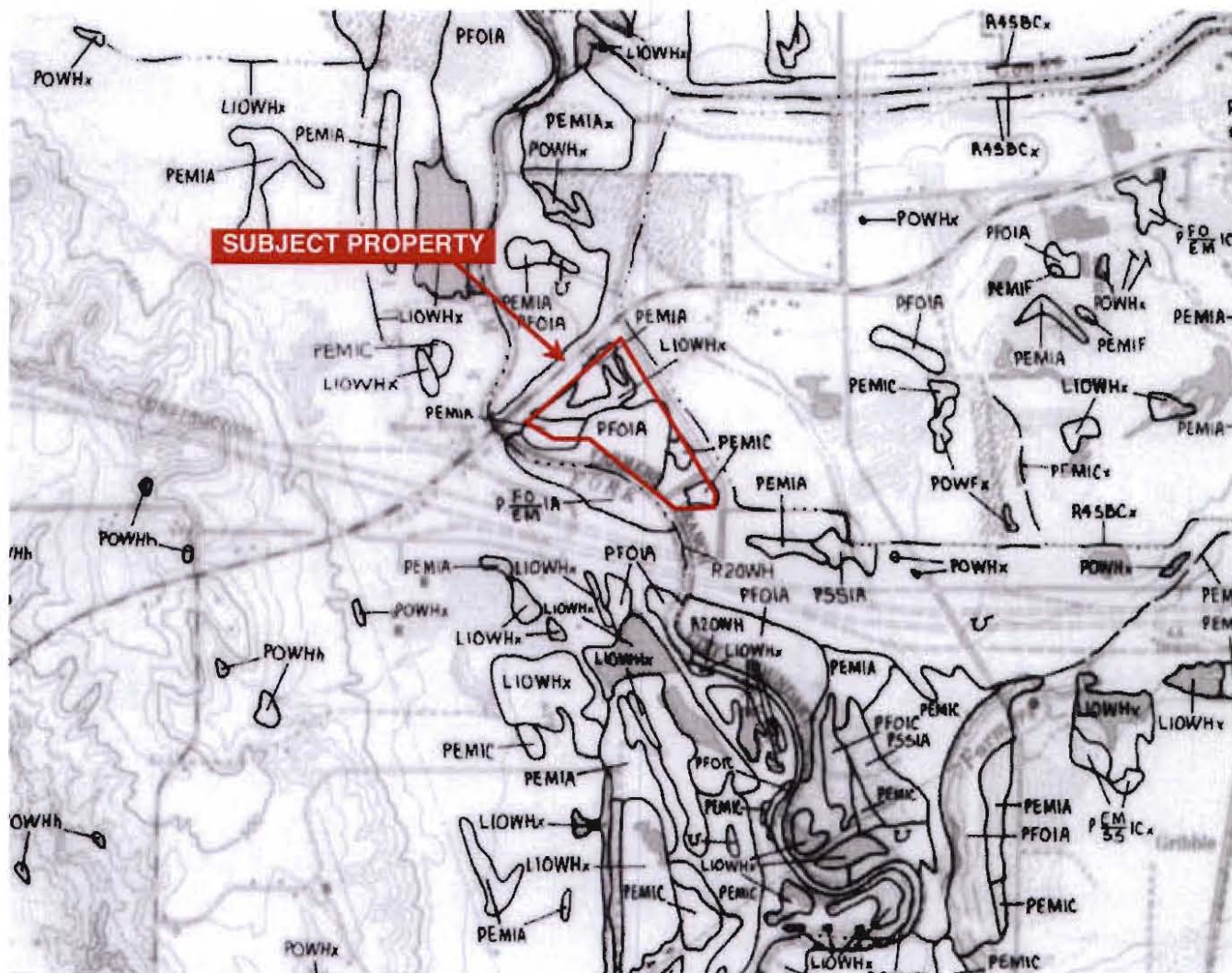
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PEM1A - Palustrine, Emergent, Persistent, Temporarily flooded.
 L1OWHx (L1UBHx) - Lacustrine, Limnetic, Permanently flooded, Excavated.
 PFO1A - Palustrine, Forested, Broad-leaved Deciduous, Temporarily flooded.

NATIONAL WETLAND INVENTORY MAP



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 (972) 414-0451 (fax)

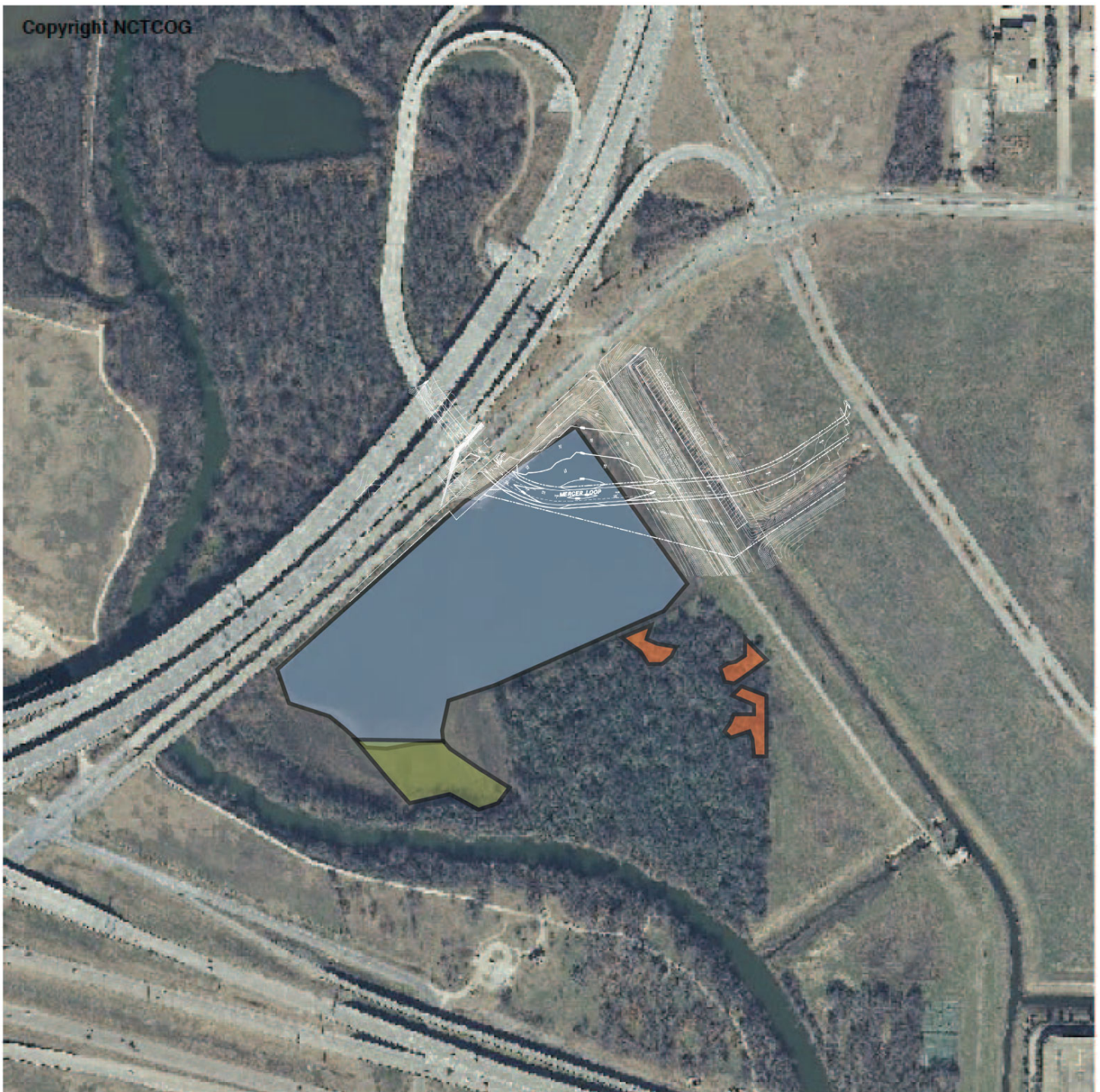
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OPEN WATER (16.5 ACRES)

Prairie Wetland (0.55 ACRES)

SHALLOW EMERGENT (1.25 ACRES)

JURISDICTIONAL EVALUATION



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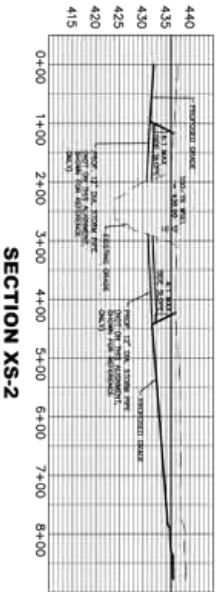
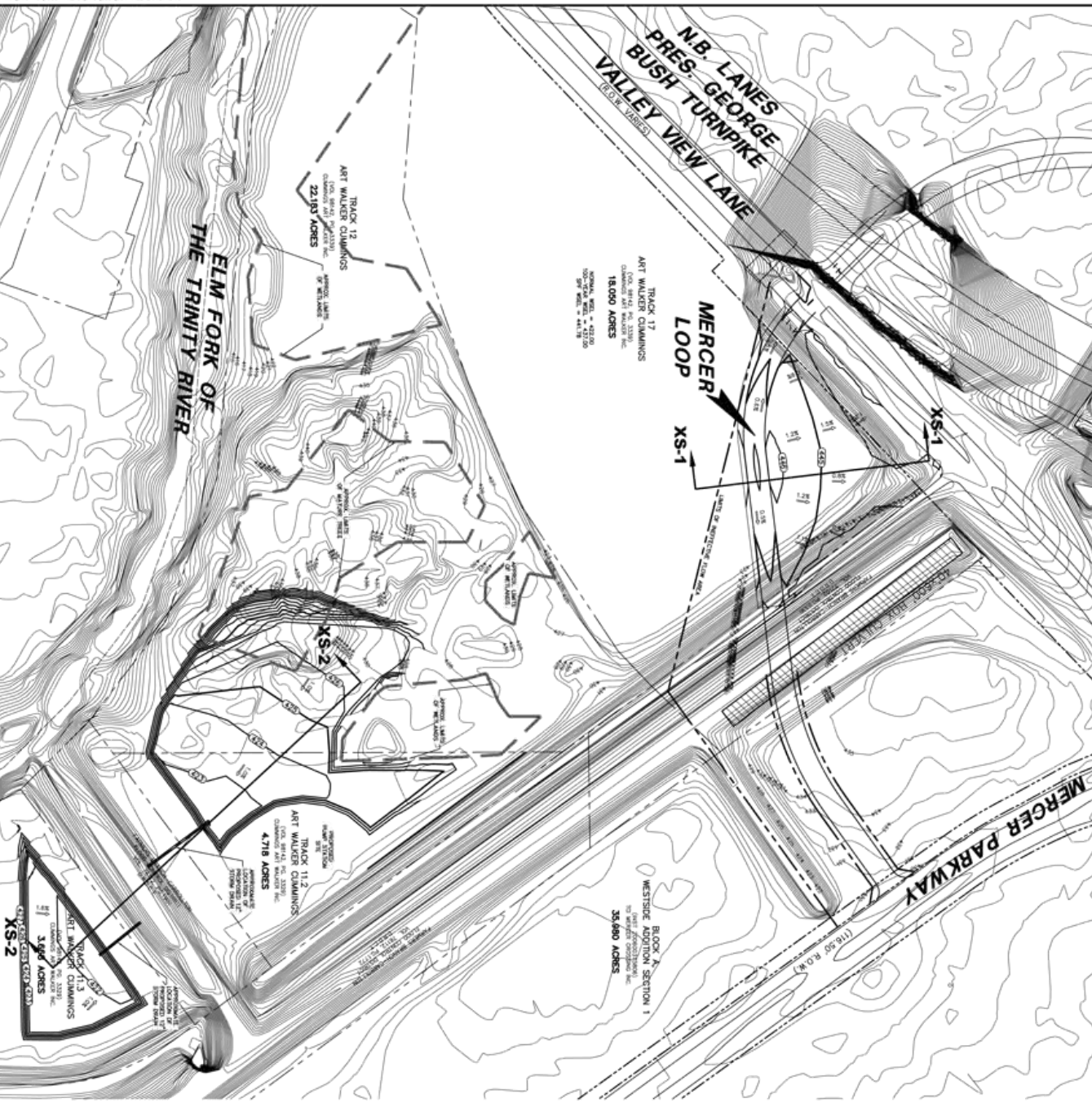
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Sheet 7 of 8

Project # SWF-2012-00415



100-FOOT WIDE EASEMENT
STANDARD EASEMENT BY ROAD INSTALLATION
STANDARD EASEMENT BY ROAD INSTALLATION
STANDARD EASEMENT BY ROAD INSTALLATION

ISSUED FOR PRELIMINARY PRICING PURPOSES ONLY
(SUBJECT TO DESIGN PRIOR TO CONSTRUCTION)
THESE DOCUMENTS HAVE BEEN PREPARED BY THE ENGINEER WITH THE INTENT OF PROVIDING A PRELIMINARY PRICING FOR THE CITY OF FARMERS BRANCH, TEXAS. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROJECT AREA AND HAS FOUND THAT THE PROPOSED ROAD GRADING REVISIONS ARE FEASIBLE. THE ENGINEER HAS NOT CONDUCTED A DETAILED SURVEY OF THE PROJECT AREA, AND THEREFORE, THE PRICING IS BASED ON VISUAL ESTIMATES. THE PRICING IS NOT TO BE USED FOR BIDDING OR CONTRACTING PURPOSES.

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NO. DATE	REVISION
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DESIGN	DATE	SCALE	NOTES	REV	NO.
001	05/28/2012	1"=100'			1

CITY OF FARMERS BRANCH, TEXAS
MERCER LOOP ROAD
GRADING REVISIONS