

# **Public Notice**

Applicant: White Property Company No. 2, LTD and White Tract, LLC & White Tract II, LLC

Project No.: SWF-2017-00318

Date: July 18, 2018

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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# JOINT PUBLIC NOTICE

#### U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

#### AND

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material into waters of the United States associated with the construction of a warehouse distribution center totaling approximately 4 million square feet in Dallas County, Texas.

APPLICANT: Mr. K. David Belt

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APPLICATION NUMBER: SWF-2017-00318

DATE ISSUED: July 18, 2018

LOCATION: The proposed Midpoint Logistics Center would be located on a 248 acre parcel of land northwest of the intersection of Telephone Road and State Highway (SH) 342/North Dallas Avenue, Lancaster, Dallas County, Texas. The proposed project would be located approximately at coordinates 32.625731, -96.778716 (Zone 14) on the Oak Cliff, 1981 and Landcaster, 1981 7.5-minute USGS quadrangle map in the Five Mile Creek-Trinity River USGS Hydrologic Unit 120301050108 (Figure 2 of 8).

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification (Tier I)

PROJECT DESCRIPTION: The applicant proposed to discharge approximately 363 cubic yards of dredged and fill material into approximately 0.28 acres of waters of the United States in conjunction with the construction of a warehouse distribution center. Total proposed impacts to waters of the U.S. include a total of 0.28 acres (1,246 linear feet of an intermittent stream and 0.08 acres of emergent wetlands). The applicant proposes that all impacts would be direct and permanent, without any temporary impacts to waters of the United States.

I. INTRODUCTION - The applicant proposes the construction of approximately 4 million square feet of warehouse distribution space, trailer docking and parking, associated surface parking and a retail space along the immediate frontage of North Dallas Parkway. The proposed site plan includes two, 1.1 million-square-foot buildings, one, 1.5 million-square-foot building, one, 0.3 million-square-foot building, and shallow, retail buildings along a portion of the North Dallas Avenue frontage. The project would include all associated infrastructure for utilities, stormwater management, interior roadways, and landscaping. Stormwater management would include two distinct detention areas for the two watersheds within the larger project area. Waters of the United States located within the project area includes 5,193 linear feet of intermittent tributary (0.96 acre), 0.26 acre on-channel impoundment, and 0.08 non-forested

abutting wetland. Direct, permanent loss of waters of the United States for the development of the proposed project would be 1,246 linear feet of intermittent tributary (0.20 acre) and 0.08 acre of non-forested abutting wetland. The applicant states that avoidance of waters of the United States includes 0.26 acre of on-channel impoundment and 3,218 linear feet of intermittent tributary (0.68 acre).

PURPOSE AND NEED STATEMENT: The applicant states that the purpose of the proposed Midpoint Logistics Center is to meet the need for additional industrial distribution space in large size configurations with three buildings, each in excess of 1 million square feet, in Dallas County, Texas.

II. EXISTING CONDITIONS – The applicant states that one building of approximately 1.1 million square feet has already been constructed, leased, and will be occupied later this summer. The applicant states that this building was constructed completely within upland areas and did not require the associated detention ponds, which would be built for the overall development. Multiple detention ponds, in two areas, would be constructed to manage stormwater flows from the development.

The USGS topographic map (Oak Cliff 7.5' and Lancaster 7.5' Quadrangle, 1978) illustrated four ponds, one unnamed tributary of Newton Creek, and Floyd Branch within the project site. Three ponds were illustrated near the southwest corner of the project site. The remaining pond was illustrated along the southern boundary of the project site, approximately 1,000 feet west of the intersection of North Dallas Avenue and Telephone Road. The unnamed tributary of Newton Creek was illustrated as originating down slope of the easternmost pond flowing southeast, out of the project site. Floyd Branch was depicted along the northern boundary of the project site.

The Soil Survey of Dallas County, Texas mapped six soil map units within the project site – Austin silty clay, 1 to 3 percent slopes; Dalco clay, 1 to 3 percent slopes; Houston Black clay, 0 to 1 percent slopes; Houston Black clay, 1 to 3 percent slopes; Lewisville silty clay, 1 to 3 percent slopes; and Stephen silty clay, 1 to 3 percent slopes. These soil map units were not listed on the Hydric Soils of Texas list prepared by the National Technical Committee for Hydric Soils (revision December 2015), (Figure 3).

The FEMA FIRM (Map Panels FM48113C0195K, effective date 07 July 2014), (Figure 4), illustrates the majority of the project site within Zone X (Areas determined to be outside the 1% annual chance floodplain). Zone A (Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; No base elevations determined) and Zone AE (Floodway areas in Zone AE) surround Floyd Branch along the northern boundary of the project site. The FEMA FIRM does illustrate four ponds and two tributaries in agreement with the USGS topographic map.

From on-the-ground observations the applicant states that the project site was characterized as having three plant communities – Cropland, Upland Prairie, and a Forested Riparian Corridor. The cropland was in active use, planted in common wheat (*Triticum aestivum*). The upland prairie and the forested corridor were fenced, separating them from the cropland area. The upland prairie community was dominated by Japanese brome (*Bromus japonica*), Illinois bundleflower (*Desmanthus illinoinensis*), giant ragweed (*Ambrosia trifida*), Osage orange (*Maclura pomifera*), sugarberry hackberry (*Celtis laevigata*), spreading hedge parsley (*Torilis arvensis*), Canadian goldenrod (*Solidago canadensis*), buffalo grass (*Bouteloua dactyloides*), deer pea vetch (*Vicia ludoviciana*), eastern red cedar (*Juniperus virginiana*), poison ivy (*Toxicodendron radicans*), catclaw sensitive-briar (*Mimosa nuttallii*), false indigo bush (*Amorpha*)

fruticosa), eastern cottonwood (*Populus deltoides*), and black willow (*Salix nigra*). The forested riparian corridor was located along the margin of the tributary and was dominated by Osage orange, sugarberry hackberry, eastern cottonwood, eastern red cedar, southern dewberry (*Rubus trivialis*), poison ivy, coralberry (*Symphoricarpos orbiculatus*), and black willow. The dominant emergent wetland vegetation was found to be cattail (*Typha sp.*) with spike rush (*Eleocharis sp.*).

The overall project site topography was relatively flat, with a slight slope to the south and east as well as the north and east. The tributaries observed within the project site flow into Newton Creek, a tributary of Five Mile Creek, which flows into the Trinity River, a TNW. During the site visit, the four ponds illustrated on the USGS and FEMA FIRM maps were identified as relic upland ponds. Despite recent rain events, no standing water was observed within the relic ponds, which were completely vegetated by spreading hedge parsley.

- III. ADVERSE IMPACTS Direct, permanent loss of WOUS for the development of this project would be 1,246 linear feet of intermittent tributary (0.28 acre) and 0.08 acre of non-forested abutting wetland. Adverse impacts anticipated for the project would include standard construction procedures associated with large-scale developments that include contouring soils, development of transportation infrastructure, lot fill, and the installation of storm drains and utilities totaling 363 cubic yards of earthen fill in waters of the United States.
- IV. ALTERNATIVES TO THE PROPOSED PROJECT The USACE has not yet evaluated this alternatives analysis. The applicant states that they developed and utilized a set of screening criteria to evaluate the project within southeastern Dallas County for implementing a large-scale master planned industrial distribution/warehouse development. They included the following:

Step 1- Location, Accessibility, and Property Size:

- A site within southeastern Dallas County in relative proximity to the major thoroughfares (Interstate Highway (IH) 20, IH 35, IH 45) and the Union Pacific - Wilmer Intermodal to take advantage of the unique and available skilled labor force trained to handle largescale distribution capacity and manufacturing;
- 2) A site with the appropriate road access, capacity and configuration (minor arterial 4 lanes) with easy access to a major IH or SH for large volume truck traffic.
- 3) A site large enough to accommodate at least 4.0 million square feet of industrial distribution/warehouse buildings plus the additional necessary space for semi-trailer parking, semi-trailer movement, and surface parking. The parcel would need to be at minimum 205 acres, if oriented correctly and completely developable. Industry standard, developed based on local zoning ordinances and regulations, is to assume that a parcel would only be able to provide 80 percent developable acreage for the building and all ancillary facilities, so the total parcel size would need to be 256 acres to accommodate allowances for infrastructure, setbacks and landscaping, along with other undevelopable site features (e.g., floodway, existing easements). Additionally, the applicant would not want to purchase land in excess of their needs, so a maximum site size would be no more than 295 acres.

The applicant states that to eliminate over analyzation for the initial screening efforts, the analysis first utilized Dallas Central Appraisal District (CAD) parcel data to determine the location

and quantity of parcels greater than 25 acres in size. The applicant chose his number (25 acres) arbitrarily based on the overall number of parcels within southwestern Dallas County and their relative sizes; keeping in mind the project purpose of developing a large-scale industrial distribution/warehouse development. If multiple 25-acre or greater parcels were in relative proximity, several smaller parcels could be combined in a subsequent analysis to achieve the goal of developing at least a 205-acre site, but no more than 295 acres. Publicly available information obtained from municipality, county, and/or real estate websites was also used to combine adjoining parcels, which are owned by the same person/entity or are part of the same planned development. Through this analysis 11 alternative properties were identified. Although multiple other 25-acre parcels were identified scattered throughout the geographic extent of the original analyses; these parcels were determined to not be practicable due to isolation or the inability to combine multiple parcels into the necessary overall property size as well as having already been developed or currently under development. These discrete parcels were then eliminated from further consideration prior to the next step in the screening process.

## Step 2 – Availability:

The applicant used availability in the alternative analysis, includes all parcels/combined parcels that are not currently under development, are not currently classified as an active Planned Development, and parcels that can be reasonably obtained. All 11 sites, located within Step 1, were screened against this criterion to determine if the alternative would be considered practicable. The practicability of each alternative as they relate to the Screening Criteria Steps 1 and 2 is briefly discussed below. Of note, the number of tracts incorporated into the alternative sites was not taken in account when determining practicability during the alternative analysis as they are generally not pertinent to the development. Sites 4, 7, and 8 are currently under development or being actively marketed with an existing site plan in place; thereby, failing to carry forward into Step 3. Additionally, Sites 2, 10, and 11 were excluded based on size below the minimum and maximum acreage threshold once the proposed site plan with necessary detention was determined. Sites 3, 5, 6, and 9 were carried forward based on availability and appropriate acreage.

#### Step 3 – Impacts to waters of the United States:

The applicant states that baseline secondary information concerning aquatic resources was gathered from the National Hydrographic Dataset (NHD) and the National Wetlands Inventory (NWI) compiled by the U.S. Fish and Wildlife Service (USFWS). Multiple parcels identified in this alternative analysis contained named tributary of considerable length within the property boundaries. An analysis of the potential impacts to aquatic resources was done on the four remaining sites (Table 1). Based on the acreage of Sites 5 and 9 and the amount of aquatic resources, avoidance of all aquatic resources would be difficult with the need for 205 acres of fully developed land for the 4.0 million square feet necessary. Sites 3 and 6 were comparable acreage; however, Site 3 had 3.5 times greater length of tributary and 2.8 times greater acreage of wetlands. Therefore, Site 6 would be the site that could be the least damaging practicable alternative based on the available sites of similar size located in the geographic region of southern Dallas County.

Table 1. Aquatic Resources Located on Alternative Sites.

Parcel Number	Parcel Size (acre)	NHD Trib. Length (linear feet)	NWI Mapped Wetlands (ac)
3	222	7,790	3.49
5	207	5,427	2.86
6	249	2,219	1.25
9	176	9,484	14.14

NO ACTION ALTERNATIVE – The applicant states that under the No Action Alternative the upland properties could be completed; however, necessary site detention for the southern buildings could not be completed without impacts to waters of the United States. Under the No Action Alternative, which would fully avoid impacts to waters of the United States, the Applicant would not be able to develop the necessary 4.0 million square feet of industrial distribution/warehouse space. The market currently has a need for large-scale buildings with available cross-docking potential. The southern corridor of Dallas County has great potential to continue the expansion of industrial distribution/warehouse space that has been occurring in the greater Metropolitan area. Overall, this alternative would not meet the current need for additional space. At this time, there is sufficient demand in the market that additional warehousing and distribution space is necessary to meet consumer demand for products distributed throughout the Southern and Western United States.

ALTERNATIVE SITE LAYOUTS – The applicant states that overall Site 6, after an on-the-ground delineation of waters of the United States was conducted, had 5,193 linear feet of intermittent tributary (0.96 acre), 0.26 acre of on-channel impoundment, and 0.08 acre of non-forested wetland. Current site plans avoided all of Floyd Branch and a portion of the unnamed tributary to Newton Creek, totaling 3,218 linear feet of intermittent tributary (0.68 acre) and 0.26 acre of on-channel impoundment avoidance.

The applicant also states that proposed impacts under the applicant's Preferred Alternative include 1,246 linear feet of intermittent tributary (0.20 acre) and 0.08 acre of non-forested wetland, which would be considered to fall under a Tier I Water Quality Certification. This tributary collects site drainage from the adjacent residential development to the west, making it a wide, shallow earthen channel with destabilizing banks. The emergent wetland was created as a result of increased sedimentation from the outfall of the residential development, past grading, and beaver activity. The dominant vegetation was found to be cattail with some spike rush; overall a low-quality flow through feature at the headwaters of the tributary.

The applicant states that the applicant's Preferred Site plan avoided impacts to the higher quality Floyd Branch tributary and the majority of the riparian corridor associated with the floodplain. Also avoided was the on-channel impoundment and the tributary downstream of the impoundment on the unnamed tributary of Newton Creek. The applicant also states that overall avoidance of waters of the United States included 62 percent of the linear footage of tributary and 72 percent of the total acreage of water features.

V. COMPENSATORY MITIGATION: To offset unavoidable adverse impacts to waters of the United States, the applicant proposes to purchase appropriate wetland mitigation bank credits from Bunker Sands Mitigation Bank and appropriate stream mitigation bank credits from Bill Moore Mitigation Bank in accordance with the methodology prescribed within the USACE-approved mitigation banking instruments.

#### VI. FIGURES:

- 1. LARGE-SCALE VICINITY MAP
- 2. LOCAL VICINITY MAP (TOPOGRAPHIC)
- 3. SOILS
- 4. FEMA (FLOOD INSURANCE RATE MAP)
- 5. WATER FEATURES
- 6. F-1 INITIAL SCREENING CRITERIA
- 7. F-2 ALTERNATIVE SITES
- 8. F-3 ALTERNATIVE SITES (AQUATIC RESOURCES)
- 9. F-4 SITE PLAN

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 proposed project area. The proposed project would be located in Dallas County, Texas where the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), golden-cheeked warbler (*Dendroica chrysoparia*), and red knot (*Calidris canutus rufa*) are known to occur or may occur as migrants. The whooping crane least tern and golden-cheeked warbler are endangered species and the piping plover and red knot are threatened 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 area of the proposed Midpoint Logistics Center 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 Dallas County, the area has a high likelihood of containing prehistoric or historic sites. A survey of the permit area will be required to identify and assess any cultural resources identified.

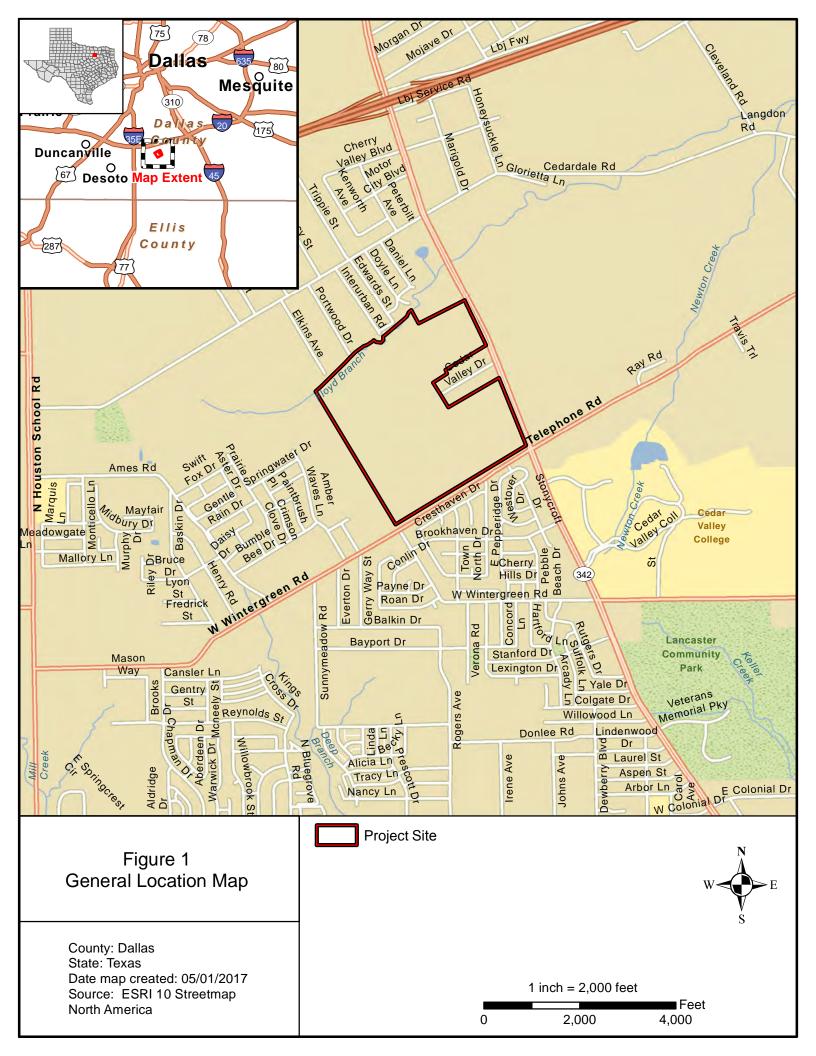
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review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

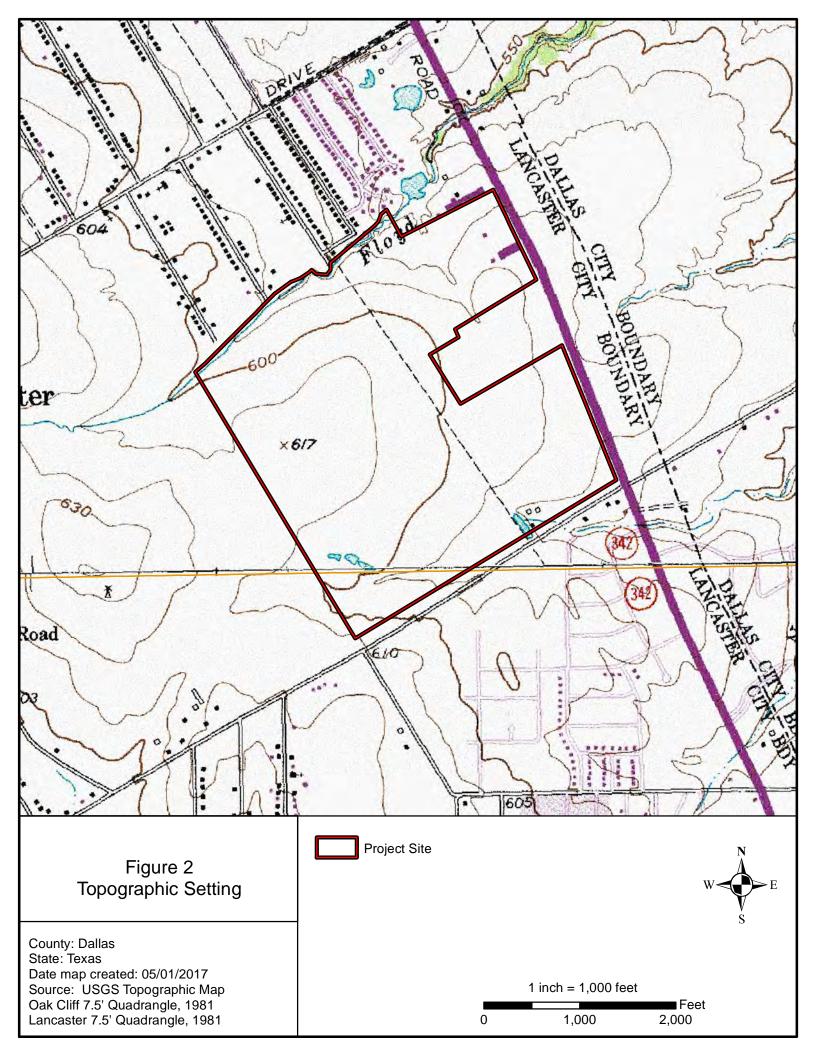
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted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

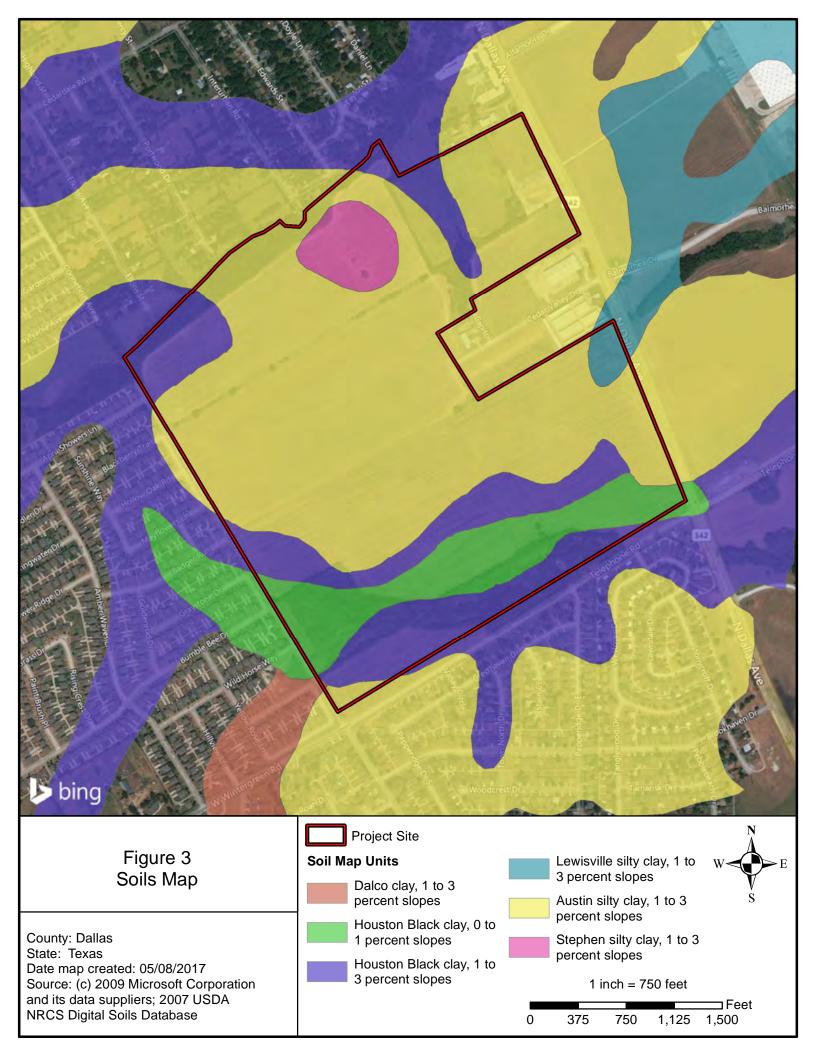
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If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

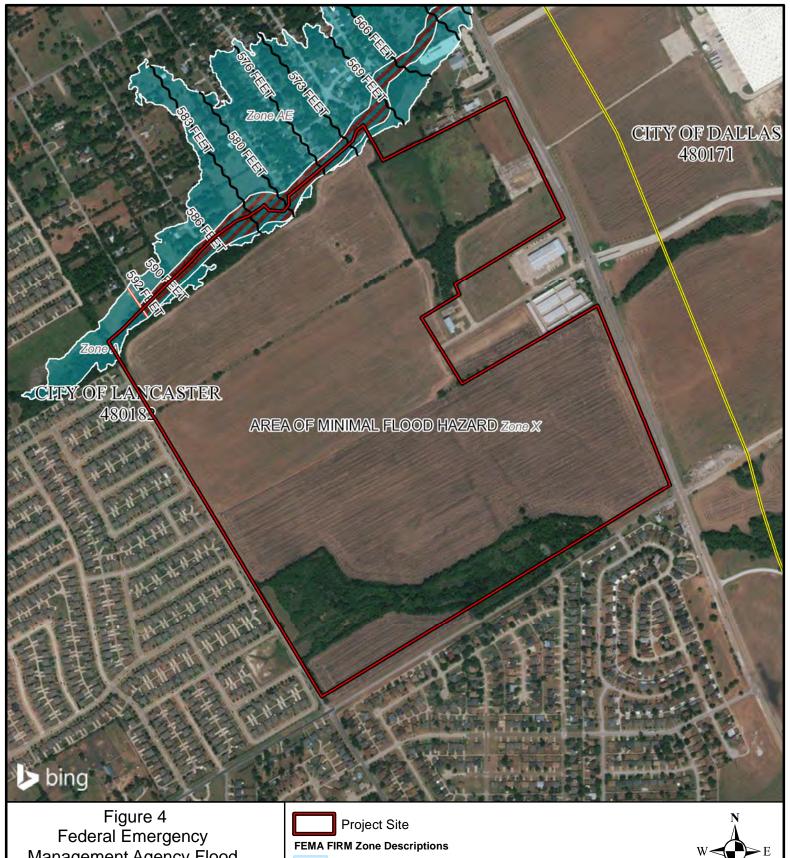
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before August 20, 2018, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments 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 Division 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 Joseph L. Shelnutt (817) 886-1738. 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









# Management Agency Flood Insurance Rate Map

County: Dallas State: Texas

Date map created: 05/08/2017 Source: Federal Emergency Management Agency Flood Insurance Rate Map Panel,

48113C0195K

Effective Date: 7/7/2014

Zone X - Areas determined to be outside the 0.2% annual chance floodplain

Zone X - Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood

Zone A - Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; No base flood elevations determined

Zone AE - Special Flood Hazard Areas subject to inundation by the 1% annual chance flood; Base flood elevations determined

1 inch = 750 feet Zone AE - Floodway areas in Zone AE

Feet 375 750 1,125 1,500

