



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

# Public Notice

BNSF Railway

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Project No.: SWF-2018-00424

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Date: June 5, 2019

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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**

Name: Mr. Joseph L. Shelnett

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Phone Number: 817-886-1738

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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 expansion of the existing parking lot A at the Alliance Intermodal Rail Facility located in Haslet, Denton and Tarrant Counties, Texas.

**APPLICANT:** BNSF Railway Company  
Mr. Brennan Caughron  
4515 Kansas Avenue  
Kansas City, Kansas 66106

**APPLICATION NUMBER:** SWF-2018-00424

**DATE ISSUED:** June 5, 2019

**LOCATION:** The proposed parking lot expansion project would be located at 1111 Intermodal Parkway, Fort Worth, Texas 76177, in Denton and Tarrant Counties. The proposed project would be located approximately at NAD-83 coordinates 32.992344 and -97.3471613 on the USGS 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit (HUC) 12030104 (Exhibit 1 of 4).

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

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 1,700 cubic yards of dredged and fill material into approximately 0.65 acres of waters of waters of the United States in conjunction with the construction of Parking Lot A. Permanent adverse impacts include the loss of 0.65 acre of an emergent wetland. No temporary impacts to waters of the United States are proposed. No indirect impacts are anticipated as a result of this project.

**I. INTRODUCTION:** The applicant is proposing to construct a new parking lot which would constitute an expansion of the Existing Parking Lot A, currently used for truck and container parking space (Exhibit 2 of 4). The proposed project area is part of the existing Alliance Intermodal Facility for rail commerce. The facility (Exhibit 3 of 4) includes approximately 6.4 linear miles of existing N/S trending rail line, and block areas on either side of the existing alignment (including existing facilities and proposed expansion areas) totaling 608 acres.

**PURPOSE AND NEED STATEMENT:** The applicant states that, "Due to increased market demand an 18-acre expansion of the existing parking lot is required."

II. EXISTING CONDITIONS: The proposed project area is located in the Cross Timbers and Prairies Physiographic Zone and the Plains Grassland and Temperate Forest Vegetation Habitat. Specifically, the proposed project would be located west and north of Haslet, Texas between State Road 114 to the north, FM 156 to the east and the U.S. Highway 81/287 corridor to the south and west. The surrounding landscape is a dissected upland setting drained by Elisabeth Creek to the north and Henrietta Creek to the east. Ephemeral drainages are impounded into small farm ponds throughout the area. The Trinity River watershed represents the primary geographic features in the project vicinity. The area was previously used extensively for agriculture. Currently, railroad infrastructure, modern urban and industrial development, and extensive energy exploration activities/infrastructure development occupy the immediate area (Exhibit 4 of 4).

III. ADVERSE IMPACTS: Proposed construction plans include grading and other earthwork to expand a parking lot. A total of 1,700 CY of earthen fill would be discharged into 0.65 acre jurisdictional emergent wetlands.

IV. ALTERNATIVES TO THE PROPOSED PROJECT: The USACE has not yet evaluated this alternatives analysis.

#### *NO ACTION ALTERNATIVE*

The applicant states that under the no-build alternative was considered during the project planning. The proposed parking lot expansion project area is located adjacent to the existing intermodal facility. Due to the current and projected demand for shipping goods via rail, the intermodal facility needs to expand. The no-build alternative would not accommodate increased rail and truck traffic or meet current market demands. Therefore, the no-build alternative would not meet the purpose and need for the project and was eliminated as a viable alternative.

#### *ALTERNATIVE SITE ANALYSIS*

The following alternatives information was supplied by the applicant and has not yet been evaluated by USACE:

Constructing the parking lot in an area that does not contain wetlands or waterbodies was considered. For operational reasons, the new parking lot must be located adjacent to the existing parking lot and connected to the intermodal facility. Due to these operational constraints, moving the parking lot away from the intermodal facility to avoid wetland impacts would not be a viable option.

The linear emergent wetland runs through the southern half of the proposed expansion area as shown on the figures in Attachment G. BNSF considered reducing the size of the parking expansion in order to avoid the wetland. Limiting the expansion to the north of the wetland would reduce the available parking spots by about half, which would not meet the current and projected market demands. Limiting the parking expansion to north of the wetland would not meet the purpose and need for the project and was eliminated as a viable alternative.

The proposed parking expansion could conceivably be reconfigured or extended onto the adjoining property in order to avoid the wetland. The proposed expansion area is owned by BNSF. The adjoining property is not owned by BNSF and is not available for the expansion.

Therefore, extending the parking expansion onto the adjoining property is not feasible and was eliminated as a viable alternative.

As stated previously, the proposed parking lot is located in an area adjacent to the existing intermodal facility and near the entrance. Constructing the parking lot in another area is not considered a viable alternative. No other locations would meet the purpose and need of the project because they would not effectively accommodate the truck movements increased rail traffic or meet current market demands.

V. COMPENSATORY MITIGATION: The applicant is proposing the use of appropriate mitigation bank (MB) credits to offset unavoidable impacts to aquatic resources. Approved mitigation banks with service areas covering the proposed impacts include Mill Branch MB, Bunker Sands MB, Trinity River MB, and South Forks Trinity River MB.

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 Denton and Tarrant Counties where the least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and whooping crane (*Grus americana*) are known to occur or may occur as migrants. The piping plover and red knot are threatened species and the least tern and whooping crane 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:** 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.

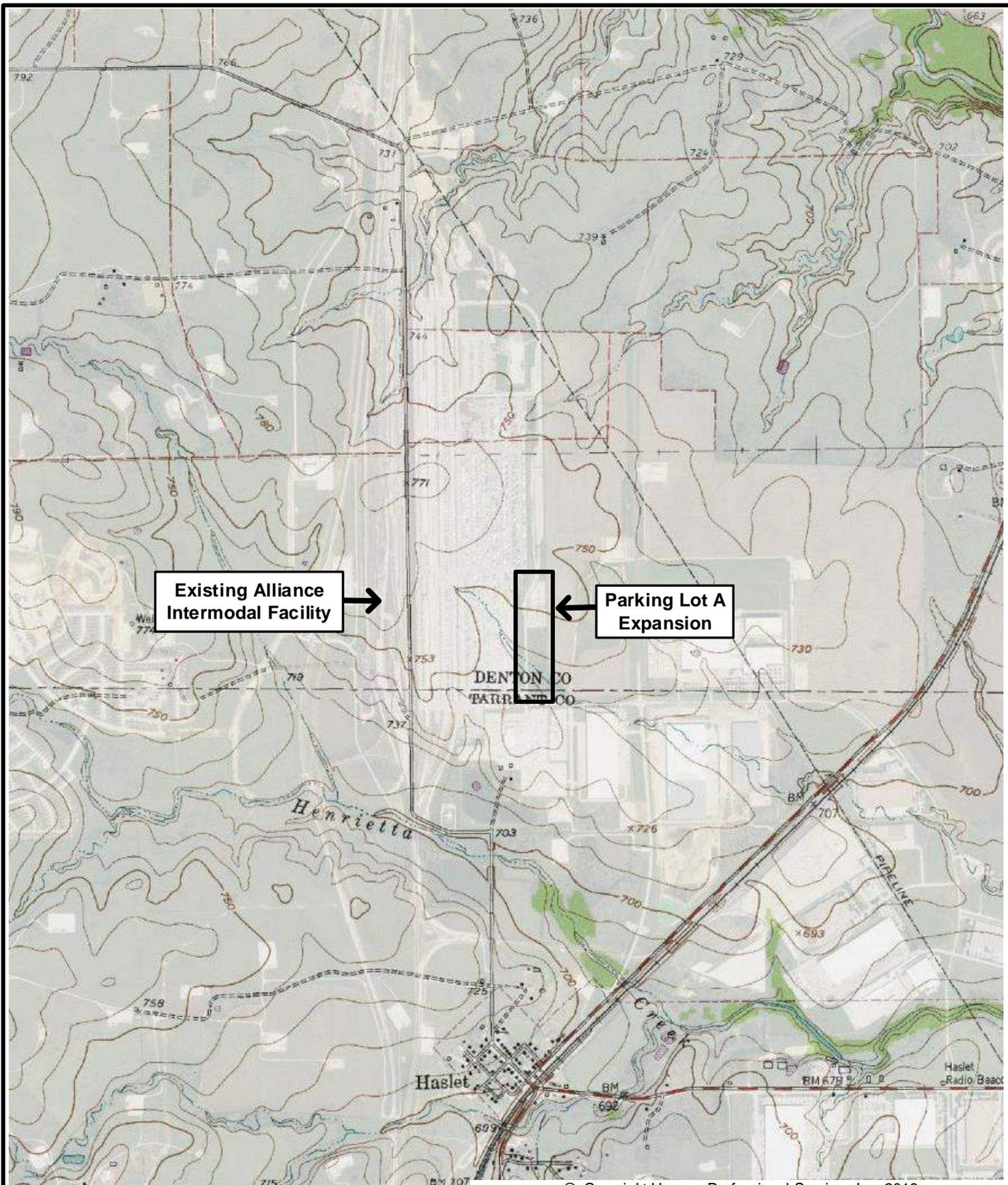
**FLOODPLAIN MANAGEMENT:** The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review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

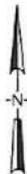
**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before July 8, 2019, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments 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 at (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



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Source: USGS Geospatial Data Gateway Denton County, Texas USGS 7.5 minute Quadrangle Map

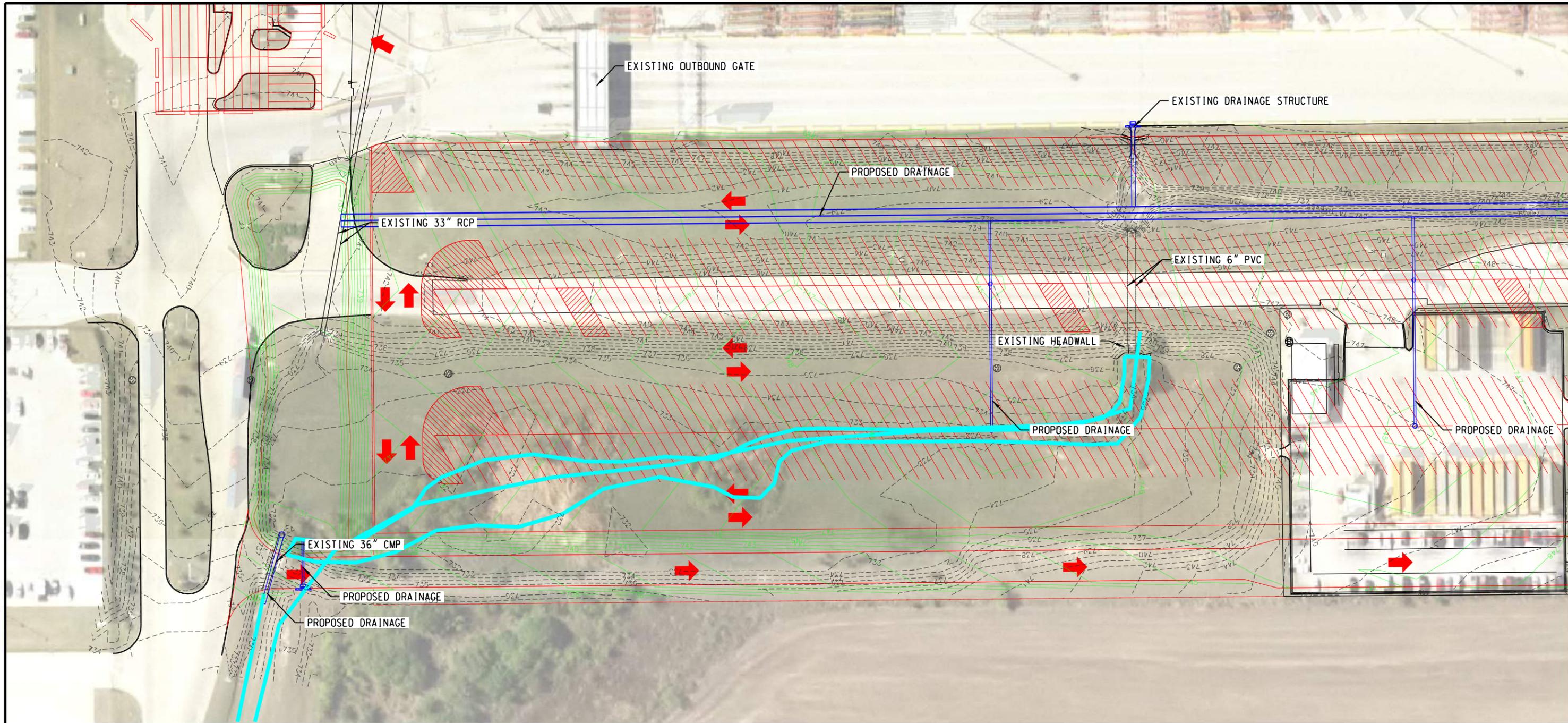


USGS Topographic Map

BNSF Railway  
 Parking Lot A Wetland  
 Denton County, Texas

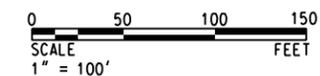
JOB NO. 18R0036

FIGURE 2



**LEGEND**

- EXISTING CONTOURS
- PROPOSED CONTOURS
- PROPOSED DRAINAGE
- PROPOSED SITE PARKING
- WETLAND AREA



REV	DATE	DESCRIPTION	BY	SUB	APP

INFORMATION CONFIDENTIAL  
 ALL PLANS, DRAWINGS SPECIFICATIONS, AND/OR INFORMATION FURNISHED HEREWITH SHALL REMAIN THE PROPERTY OF BNSF RAILWAY AND SHALL NOT BE USED FOR ANY PURPOSE NOT PROVIDED FOR IN AGREEMENTS WITH BNSF RAILWAY.

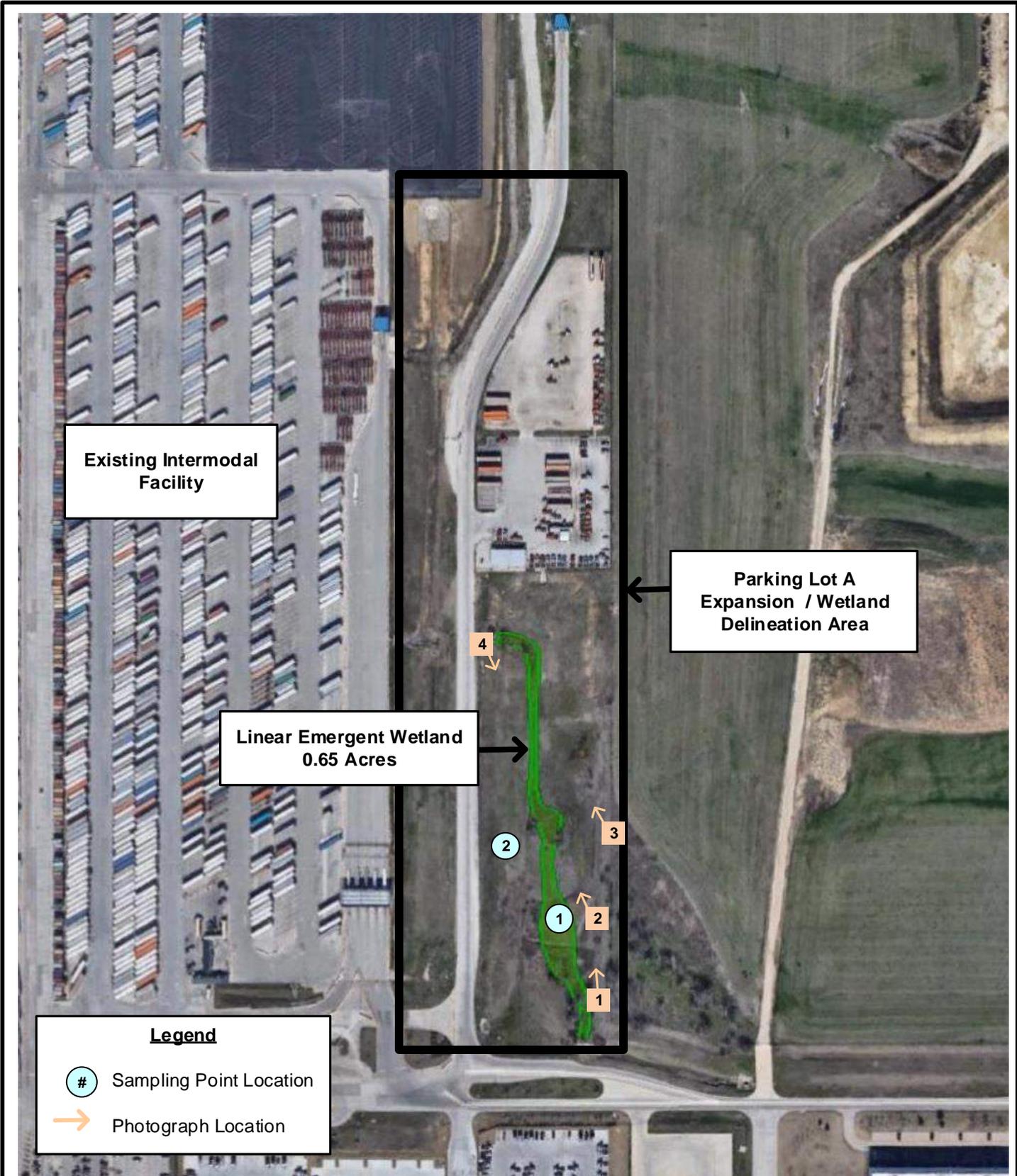
DESIGNED BY *NPN*  
 DRAWN BY *NPN*  
 CHECKED BY *JRH*  
 APPROVED BY  
 DATE *3/15/2019*

2400 Pershing Road  
 Suite 400  
 Kansas City, MO 64108  
 PHONE: (816) 329-8600  
 FAX: (816) 329-8602

BNSF RAILWAY  
 ALLIANCE INTERMODAL FACILITY  
 PROPOSED PARKING - LOT A  
 PERMITTING EXHIBIT

CONTRACT NO.	
DRAWING NO.	
REVISION	SHEET NO.
SCALE AS SHOWN	

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**Wetland Delineation**

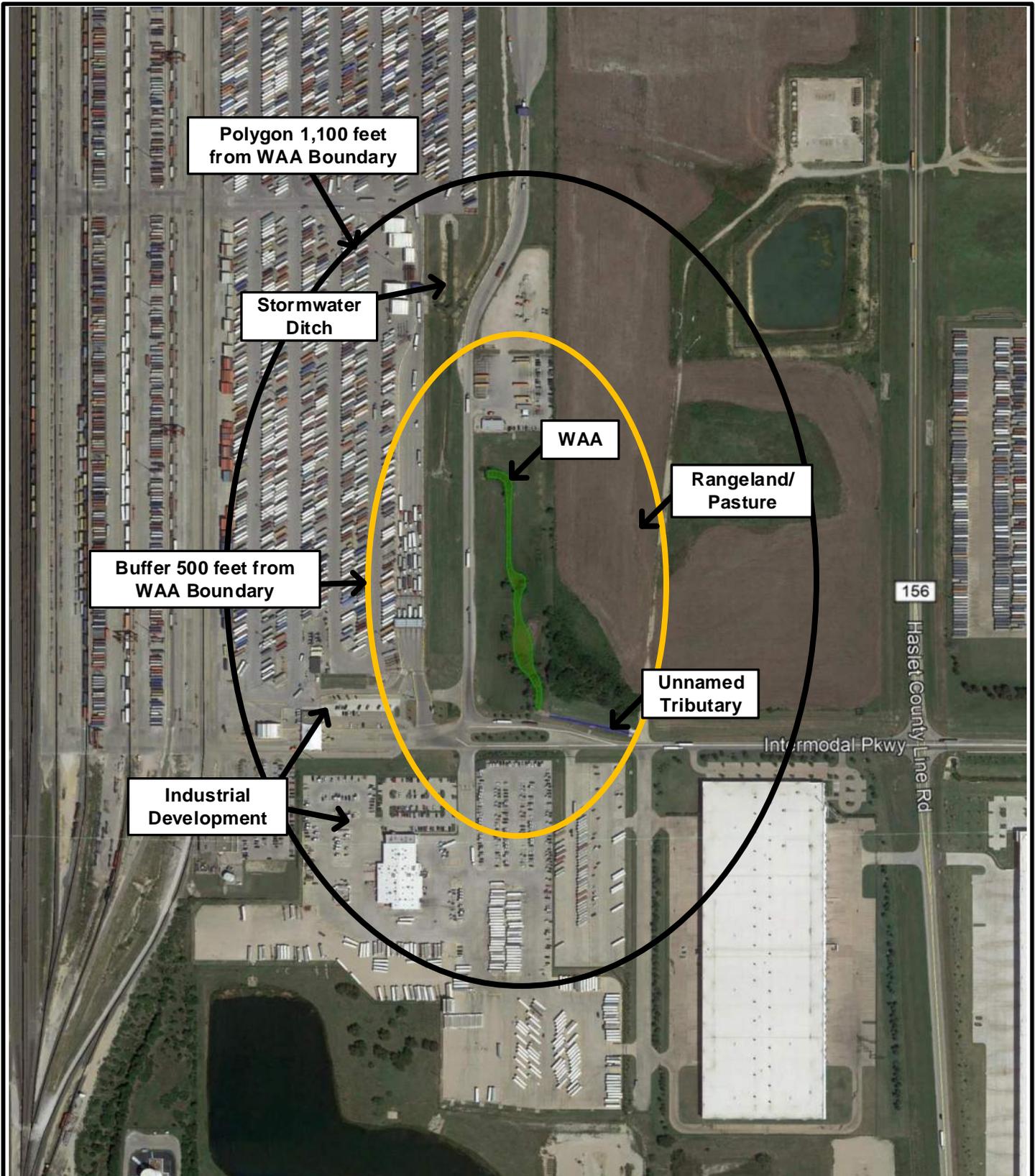
BNSF Railway  
Parking Lot A  
Denton County, Texas

Source: Google Earth



JOB NO. 18R0036

FIGURE 5

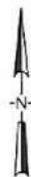


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WAA Landscape Figure

BNSF Railway  
Alliance Intermodal Facility  
Denton County, Texas

Source: Google Earth



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FIGURE 1