



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

Public Notice

Applicant: MacArthur Boulevard Property Account, LLC

Project No.: SWF-2019-00097

Date: September 27, 2019

Purpose

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. Frederick J. Land

Phone Number: (817) 886-1729

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 MacArthur Boulevard Reclamation Project, City of Grand Prairie, Dallas County, Texas.

APPLICANT: MacArthur Boulevard Property Account, LLC
930 West 43rd Street
Houston, Texas 77018

APPLICATION NUMBER: SWF-2019-00097

DATE ISSUED: September 27, 2019

LOCATION: The proposed project would be located on property adjacent to and west of MacArthur Boulevard, north of Interstate Highway (IH) 30 and the West Fork Trinity River (West Fork) (latitude 32.775223°, longitude -96.963966°) in the City of Grand Prairie, Dallas County, Texas. The site is mapped on the 7.5-minute USGS quadrangle map "Irving, Texas." The site is in USGS Hydrologic Unit 12030103 (**Sheets 1 and 2**).

OTHER AGENCY AUTHORIZATIONS: Section 401 State Water Quality Certification.

PROJECT DESCRIPTION: The Applicant proposes to discharge approximately 7,700 cubic yards of dredged and fill material into approximately 4.76 acres of waters of the United States in conjunction with the construction of a warehouse and ancillary features on 37 acres of the West Fork floodplain and floodway (**Sheet 3**). Excavation of approximately 28 acres has been proposed for floodplain mitigation. These areas of excavation would be performed within the eastern and northern portions of the property, within existing pasture. Material excavated from the floodplain mitigation areas would be utilized for the construction of the proposed building pad which would support the warehouse building footprint, parking, and necessary ingress from and egress to MacArthur Boulevard (**Sheets 3 and 7 – 9 Cross Sections**). All waters of the United States within the proposed construction areas would be adversely effected, causing a total loss of approximately 4.75 acres of emergent wetland and 209 linear feet (0.01 acre) of ephemeral stream channel (**Sheets 4 - 6**). The Applicant's proposed purpose is to provide the DFW market a minimum of 500,000 - 600,000 square feet of warehouse close to existing industrial centers that provide easy access to major transportation thoroughfares.

Table 1 - Summary of Impacts to Waters of the United States

Feature ID	Average OHWM (feet)	Length of Impact (feet)	Area of Impact (acres)	Activity Description	Impact Type
Stream					
Ephemeral Stream (UTBC-1)	1-4	209	0.01	Excavation	Permanent
Emergent Wetlands					
Emergent Wetland (EW-1)	---	---	0.27	Fill	Permanent
Emergent Wetland (EW-2)	---	---	0.03	Fill	Permanent
Emergent Wetland (EW-3)	---	---	1.44	Fill	Permanent
Emergent Wetland (EW-4)	---	---	0.06	Fill	Permanent
Emergent Wetland (EW-5)	---	---	1.60	Fill	Permanent
Emergent Wetland (EW-6)	---	---	0.39	Fill	Permanent
Emergent Wetland (EW-7)	---	---	0.82	Fill	Permanent
Emergent Wetland (EW-8)	---	---	0.14	Fill	Permanent

EXISTING CONDITIONS: *Hydrologic Setting:* The proposed project site would be located near IH-30 and MacArthur Boulevard in the City of Grand Prairie, Dallas County, Texas, where Bear Creek meets the West Fork Trinity River. Given this proximity to the West Fork and one of its larger tributaries (Bear Creek), the entirety of the project is within in the floodway and the 100-year floodplain. The USGS topographic quadrangle map shows the area has gently sloping topography as these streams flank the northern and southern limits of the proposed project. The remnants of gravel mining appear on the topo map and is common in the area. North of Bear Creek, adjacent to the project site, old gravel pits remain in a naturalized condition; this portion of the property is not included in the project. These gravel pits are evident in the referenced cross section sheets (**Sheets 3 and 7 – 9 Cross Sections**). The project site has long been maintained in an agricultural setting (i.e. grazing). Despite this persistent land use over the years, several natural floodplain depressions show consistent periods of inundation and saturation on historical aerial photography. Consistent with the floodplain setting of these two perennial streams, soil types within the study area is equally divided by the Frio silty clay occasionally flooded and Frio silty clay frequently flooded soil types. All mapped soil types appear to be consistent with observations from both the USGS maps and historical aerial photography.

Vegetation: Located near the Blackland Prairie transition to the East Cross Timbers, the project area is characteristic of the Blackland Prairie with wooded areas primarily consisting of bottomland hardwood forests or riparian areas of larger rivers and streams. As is common along this reach of the West Fork, woody species in or near to the project area are dominated hackberry, cedar elm, American elm, bois d'arc, and green ash. Shumard oak, bur oak, and pecan are less common. Most of woody vegetation within the project footprint is mesquite. Most prairie vegetation communities associated with Blackland Prairie have been modified by agriculture practices. Herbaceous vegetation in the project area consists mostly of ragweed, broomweed, needlegrass, bluegrass (*Poa* sp.), and non-native grasses such as bermudagrass. Lower areas delineated as wetlands include a mixture of caric sedges, spikerush, and curly dock.

ALTERNATIVES: The Applicant's alternatives analysis includes thirteen geographic alternatives and the no-action alternative. Geographic alternatives considered a geographic extent generally proximal to the IH-30 corridor and DFW Airport between Cockrell Hill Road and SH 360 east to west, whereas north to south extents were flexible, defined by sites available for consideration as alternatives (**Sheet 10 of 10**). Several sites were evaluated in the Applicant's alternative analysis

and have since become unavailable for development or are currently undergoing development. The United States Army Corps of Engineers (USACE) has not yet evaluated the alternatives analysis below and as shown on **Sheet 10 of 10**.

SITE 0

Ingress/egress to this site would be routed through narrow residential side streets prior to any arterial progression to Loop 12 or IH-30. The site is hydraulically tied to the Dallas Floodway sump network, thereby creating a complicated floodplain association.

SITE 1

Prior warehouse development adjacent to and west of Site 1 maximized large scale commercial land use in this area. The adjacent development avoided most of a stream resources shown on available maps. A project footprint similar to that proposed would have greater impacts to waters of the U.S. with greater than 2,000 linear feet of stream impacts.

SITE 2

This site is currently under development and is not available for the Applicant's development.

SITE 3

As seen in **Sheet 10 of 10**, the site footprint is almost entirely within waters of the U.S. This alternative would result in a proposed impacts to waters of the U.S. that would be greater than the Applicant's preferred alternative.

SITE 4

This site is currently under development and is not available for the Applicant's development.

SITE 5

From a review of aerial photography, the Applicant has concluded that impacts to waters of the U.S. would be greater at this site than the Applicant's preferred alternative.

SITE 6

From a review of aerial photography, and previous site work, the Applicant has concluded that impacts to waters of the U.S. would be greater at this site than the Applicant's preferred alternative.

SITE 7

From a review of aerial photography, the Applicant has concluded that impacts to waters of the U.S. would be greater at this site than the Applicant's preferred alternative, in part due to floodplain mitigation.

SITE 8

From a review of aerial photography, the Applicant has concluded that impacts to waters of the U.S. would be greater at this site than the Applicant's preferred alternative.

SITE 9

This site is currently under development and is not available for the Applicant's development.

SITE 10

This site is currently under development and is not available for the Applicant's development.

SITE 11

From a review of aerial photography, the Applicant concluded this site does not have sufficient geometry to accommodate the project.

SITE 12

From a review of aerial photography, the Applicant concluded this site does not have sufficient geometry to accommodate the project.

MITIGATION: Upon selection of the proposed project's geographic location, the Applicant further avoided impacts through exclusion of those portions of the property that include the original Bear Creek alignment and its associated riparian forest. The applicant has proposed compensatory mitigation consistent with the USACE Fort Worth District guidelines. The mitigation would include the purchase of credits from the Bunker Sands Mitigation Bank to offset impact associated with wetland impacts. In addition, the purchase of stream credits is proposed from the Bill Moore Mitigation Bank and the Red Oak Umbrella Mitigation bank consistent with the Texas Rapid Assessment Method and banking instrument debit ratios, where applicable.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, 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 to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE in determining whether to issue; issue with modifications or conditions; or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

STATE WATER QUALITY CERTIFICATION: This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. 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 complete application may be reviewed in the USACE's 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 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 project would take place in Dallas County where the Golden-cheeked Warbler (*Dendroica chrysoparia*), Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus rufa*) and Whooping Crane (*Grus americana*) are known to exist or may exist as migrants. The Golden-cheeked Warbler, Least Tern, and Whooping Crane are listed Endangered Species and the Piping Plover and Red Knot are listed 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 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. Based on similar areas in Dallas County, a survey of the permit area will be required to identify and assess any cultural resources identified.

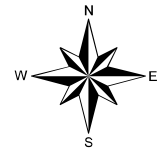
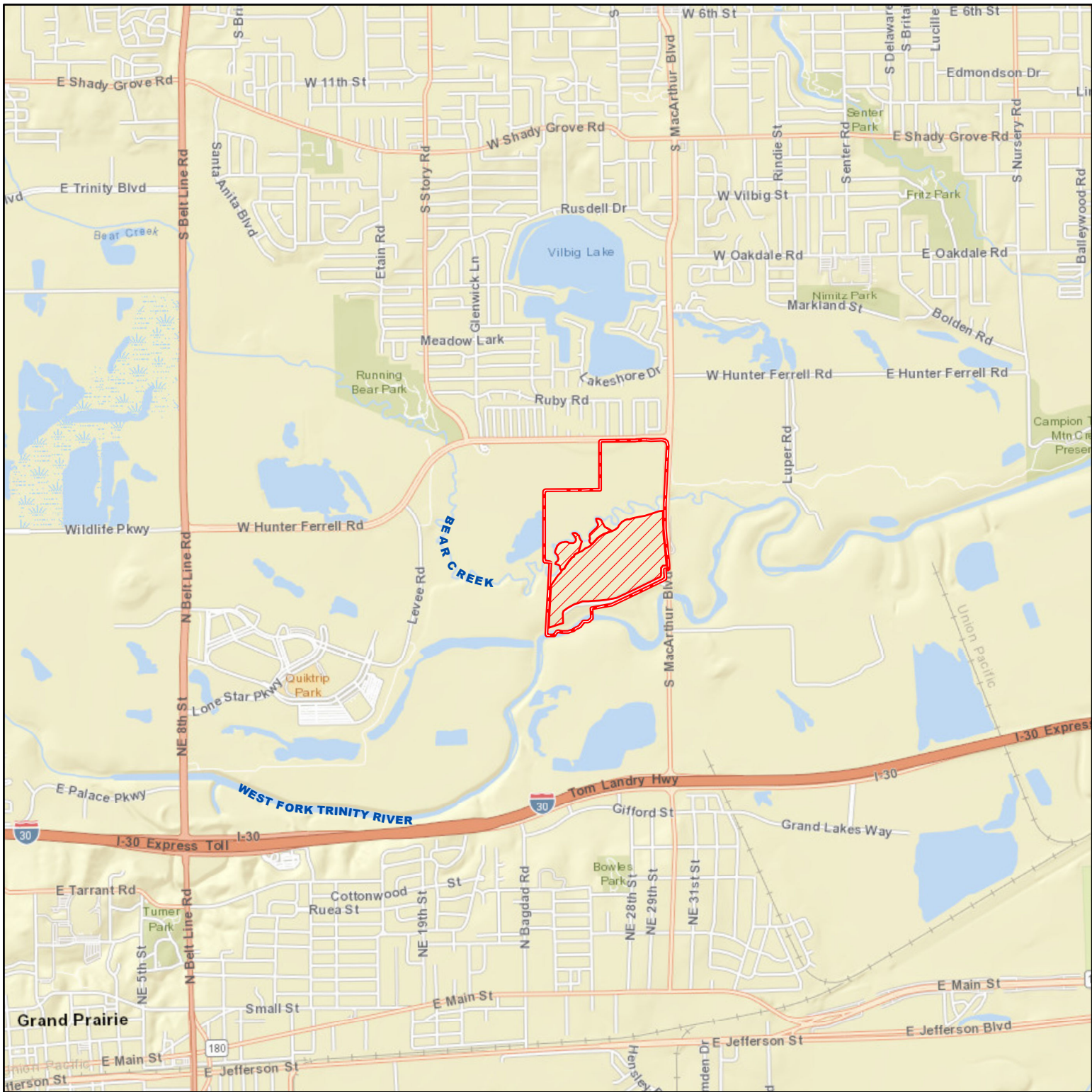
FLOODPLAIN MANAGEMENT: The proposed project site is located in the West Fork Trinity River floodway. The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the 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 facts upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

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

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before October 28, 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 Branch, CESWF DE-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102 0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817) 886-1820. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER
FORTH WORTH DISTRICT
CORPS OF ENGINEERS



0 1,500 3,000 6,000

SCALE IN FEET

LEGEND



STUDY AREA



PROPERTY BOUNDARY

NOTES:

1. Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community
- 2.
- 3.

MACARTHUR BOULEVARD RECLAMATION

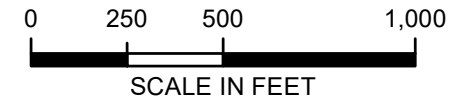
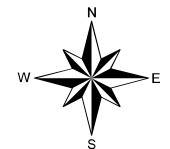
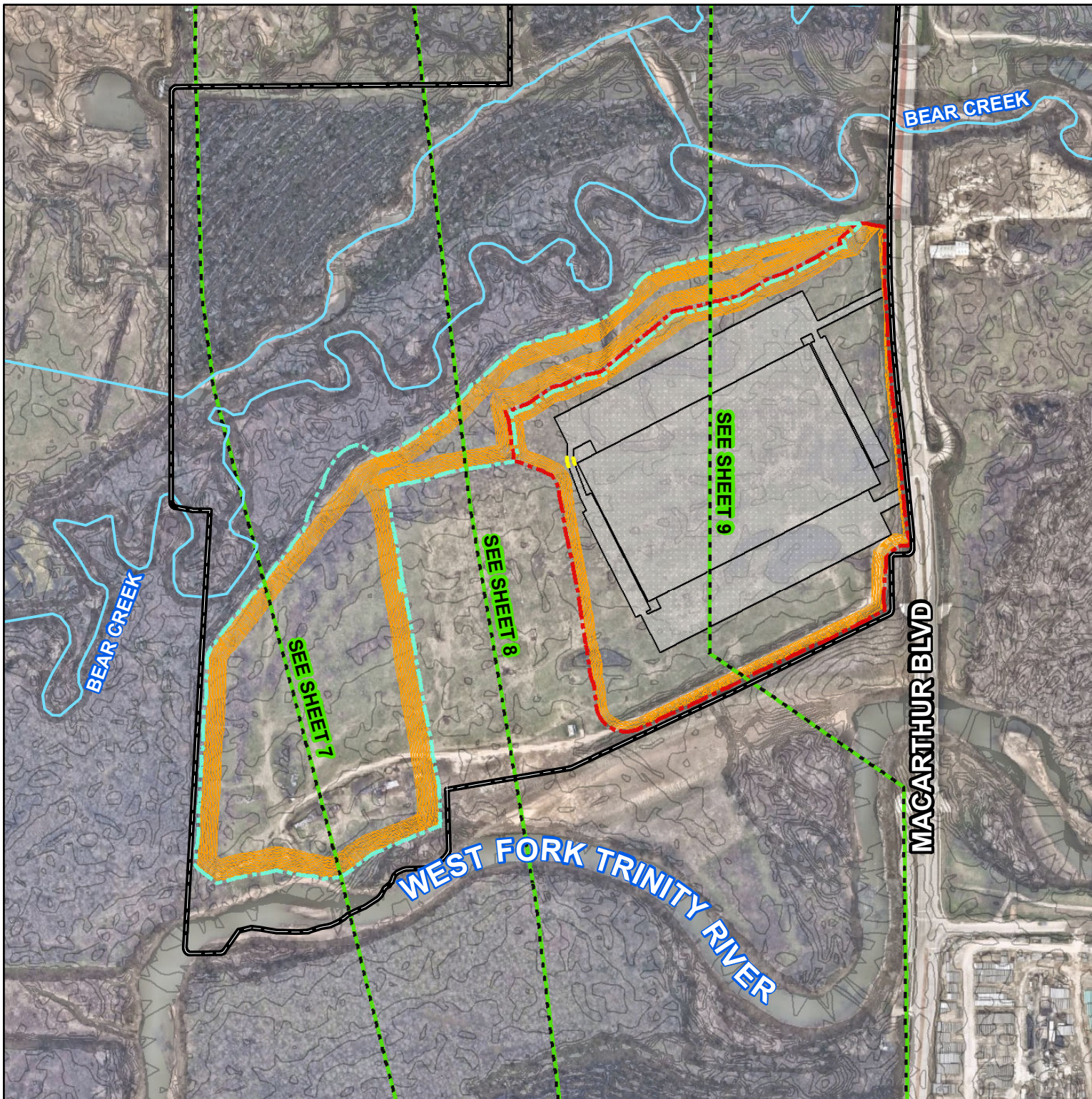
PROJECT NO.: SWF-2019-00097

DATE: 05/2019 AVO: 33717

LOCATION MAP

SHEET 2 OF 10





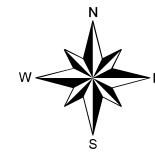
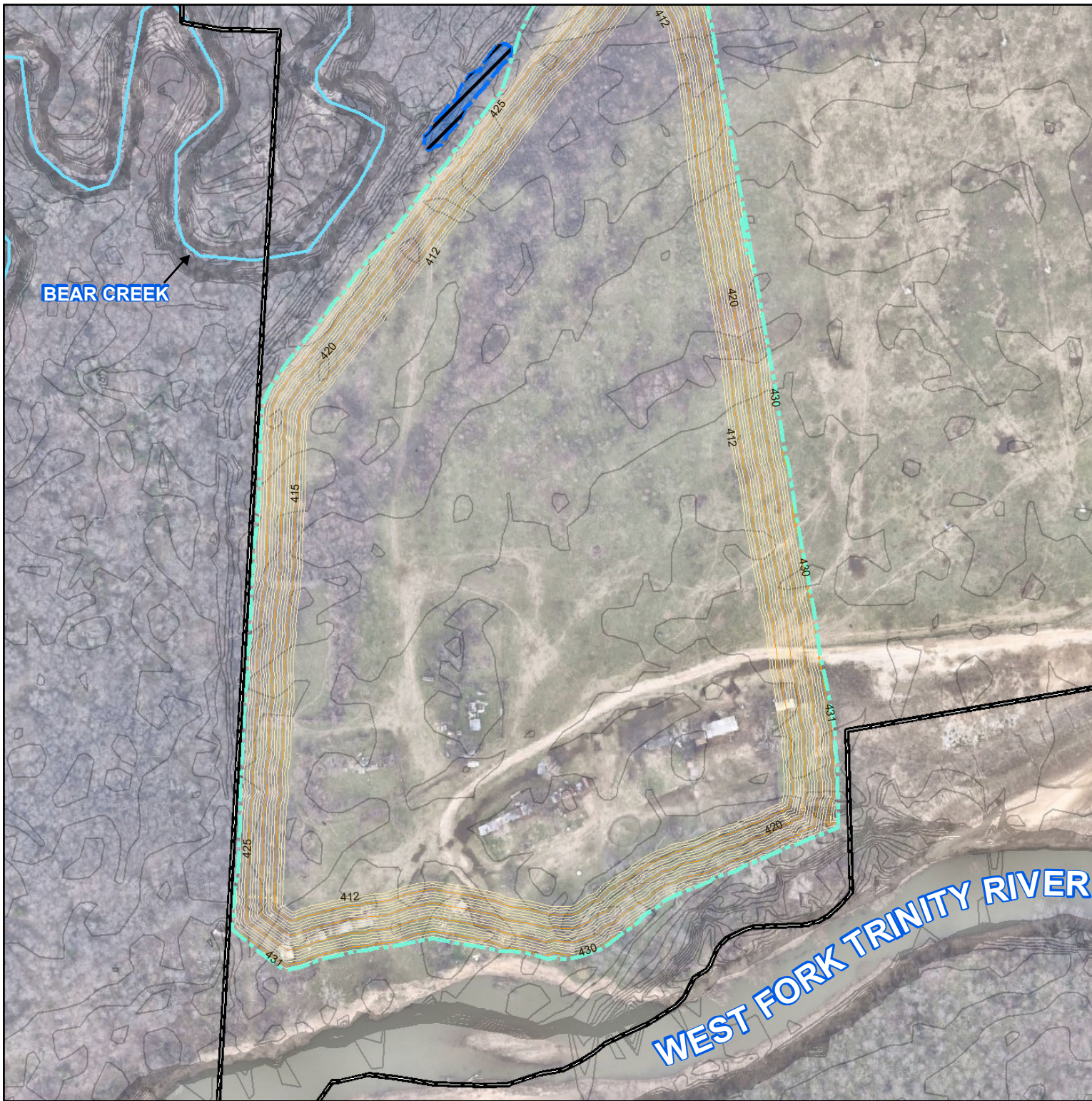
LEGEND

- PROPERTY BOUNDARY
- BUILDING FOOTPRINT
- PIPELINE FOOTPRINT
- CROSS SECTIONS
- AREA OF EXCAVATION
- AREA OF FILL
- GRADING CONTOURS
- EXISTING CONTOURS
- NHD STREAM CENTERLINE

NOTES:

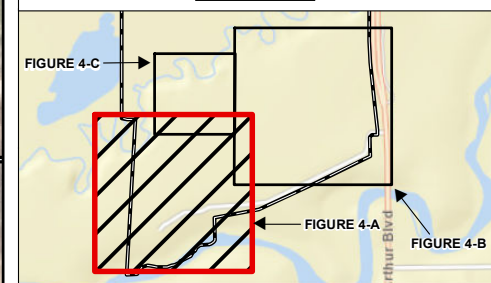
1. Service Layer Credits: NearMap, 2019.
2. See Appendix G, Sheets 7, 8, and 9 for cross section
- 3.
- 4.
- 5.

MACARTHUR BOULEVARD RECLAMATION	
PROJECT NO.: SWF-2019-00097	
DATE: 05/2019	AVO: 33717
PROPOSED PROJECT WITH AREIAL	
SHEET 3 OF 10	



LEGEND		PROJECT DESIGN	
	PROJECT IMPACTS TO WOUS		PROPERTY BOUNDARY
	NON-JURISDICTIONAL FEATURE		BUILDING FOOTPRINT
WOUS			PIPELINE FOOTPRINT
	EMERGENT WETLAND (EW)		AREA OF EXCAVATION
	UNNAMED TRIBUTARY OF BEAR CREEK (UTBC)		AREA OF FILL
	DRAINAGE DITCH (DD)		GRADING CONTOURS (MAJOR)
	NHD STREAM CENTERLINE		GRADING CONTOURS (MINOR)
			EXISTING CONTOURS

KEY MAP



SOURCES:
NearMap, 2019.

MACARTHUR BOULEVARD
RECLAMATION

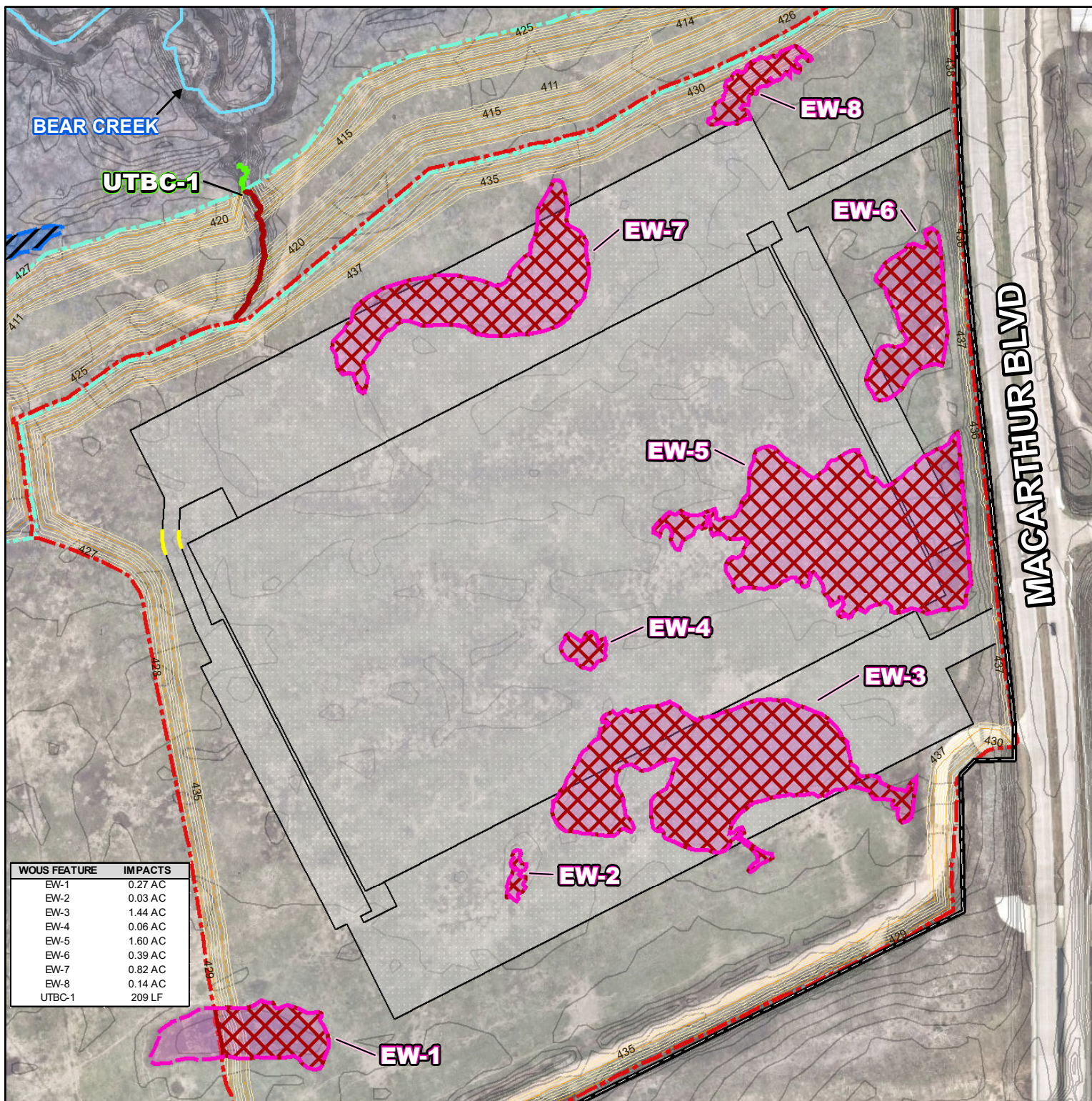
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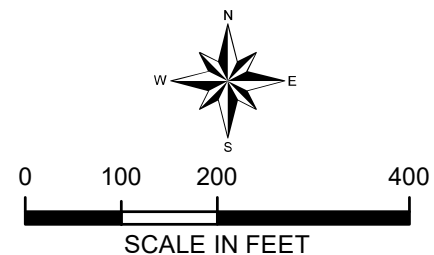
PROPOSED PROJECT WITH
WATERS OF THE UNITED STATES

SHEET 4 OF 10

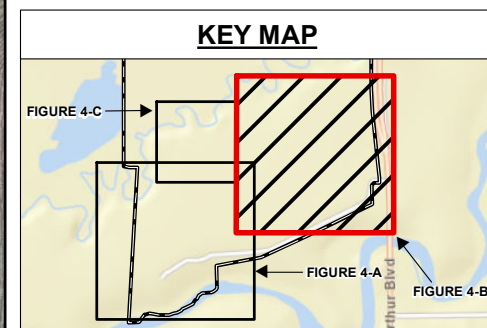




WOUS FEATURE	IMPACTS
EW-1	0.27 AC
EW-2	0.03 AC
EW-3	1.44 AC
EW-4	0.06 AC
EW-5	1.60 AC
EW-6	0.39 AC
EW-7	0.82 AC
EW-8	0.14 AC
UTBC-1	209 LF

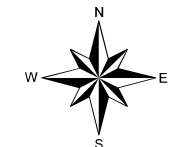


LEGEND	PROJECT DESIGN
PROJECT IMPACTS TO WOUS	PROPERTY BOUNDARY
NON-JURISDICTIONAL FEATURE	BUILDING FOOTPRINT
WOUS	PIPELINE FOOTPRINT
EMERGENT WETLAND (EW)	AREA OF EXCAVATION
UNNAMED TRIBUTARY OF BEAR CREEK (UTBC)	AREA OF FILL
DRAINAGE DITCH (DD)	GRADING CONTOURS (MAJOR)
NHD STREAM CENTERLINE	GRADING CONTOURS (MINOR)
	EXISTING CONTOURS



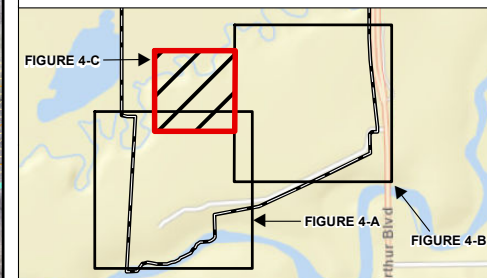
SOURCES:
NearMap, 2019.

MACARTHUR BOULEVARD RECLAMATION	
PROJECT NO.: SWF-2019-00097	
DATE: 05/2019	AVO: 33717
PROPOSED PROJECT WITH WATERS OF THE UNITED STATES	
SHEET 5 OF 10	



LEGEND		PROJECT DESIGN	
	PROJECT IMPACTS TO WOUS		PROPERTY BOUNDARY
	NON-JURISDICTIONAL FEATURE		BUILDING FOOTPRINT
WOUS			PIPELINE FOOTPRINT
	EMERGENT WETLAND (EW)		AREA OF EXCAVATION
	UNNAMED TRIBUTARY OF BEAR CREEK (UTBC)		AREA OF FILL
	DRAINAGE DITCH (DD)		GRADING CONTOURS (MAJOR)
	NHD STREAM CENTERLINE		GRADING CONTOURS (MINOR)
			EXISTING CONTOURS

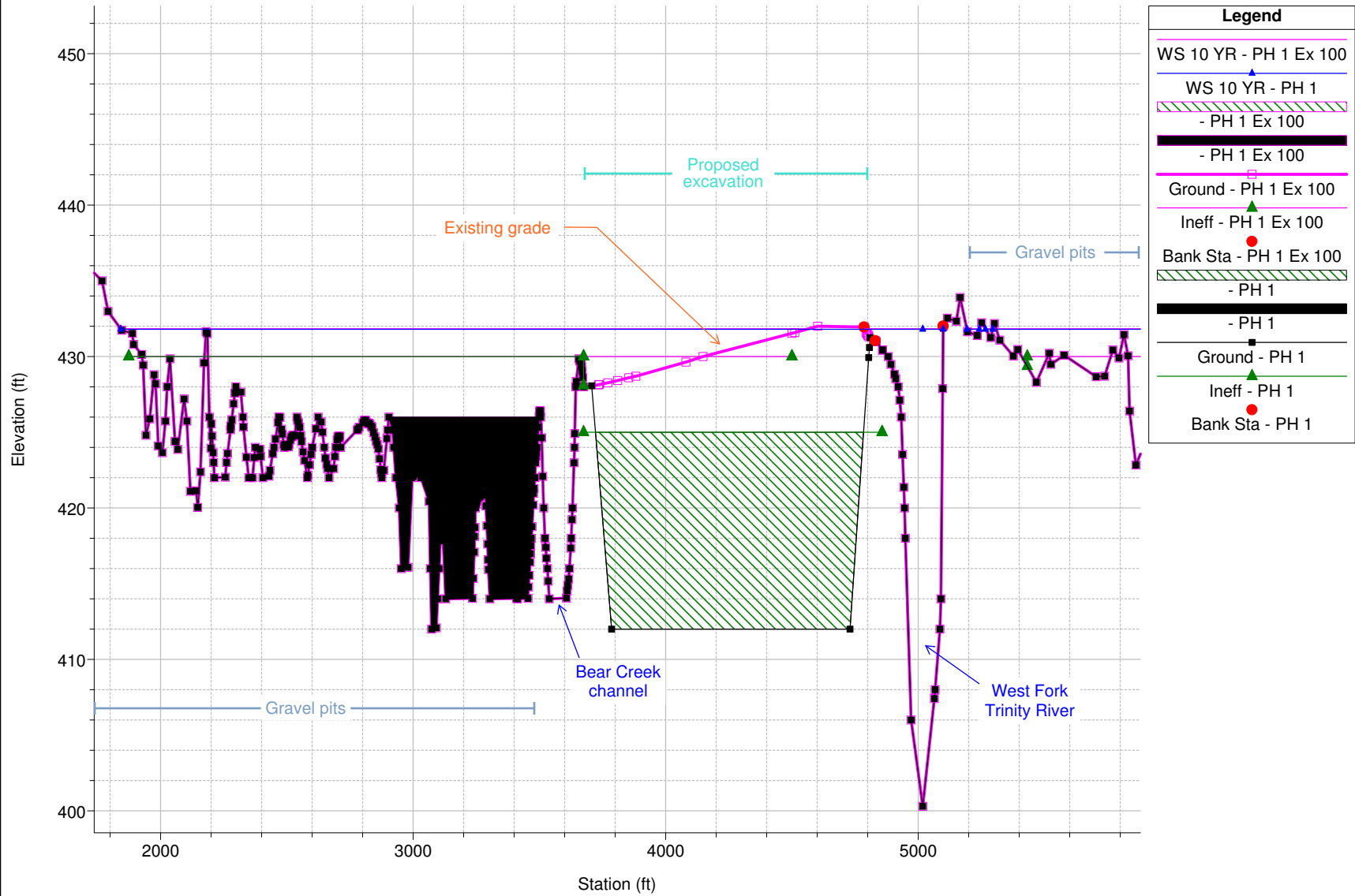
KEY MAP



SOURCES:
NearMap, 2019.

MACARTHUR BOULEVARD RECLAMATION	
PROJECT NO.: SWF-2019-00097	
DATE: 05/2019	AVO: 33717
PROPOSED PROJECT WITH WATERS OF THE UNITED STATES	
SHEET 6 OF 10	

Consolidated Mac Reclamation
RS = 32718

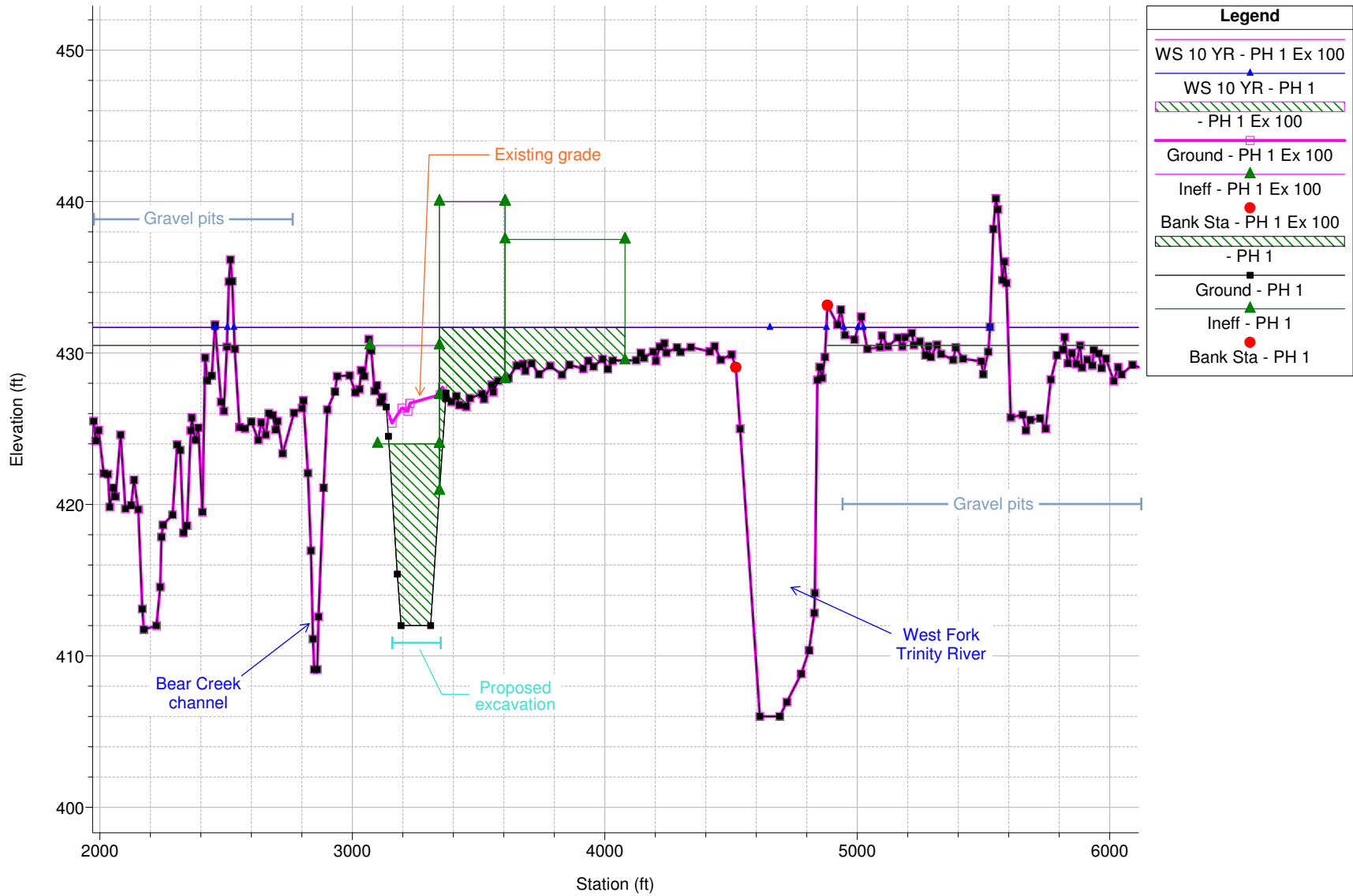


1 in Horiz. = 600 ft 1 in Vert. = 10 ft

SWF-2019-00097

SHEET 7 OF 10

Consolidated Mac Reclamation
RS = 31930



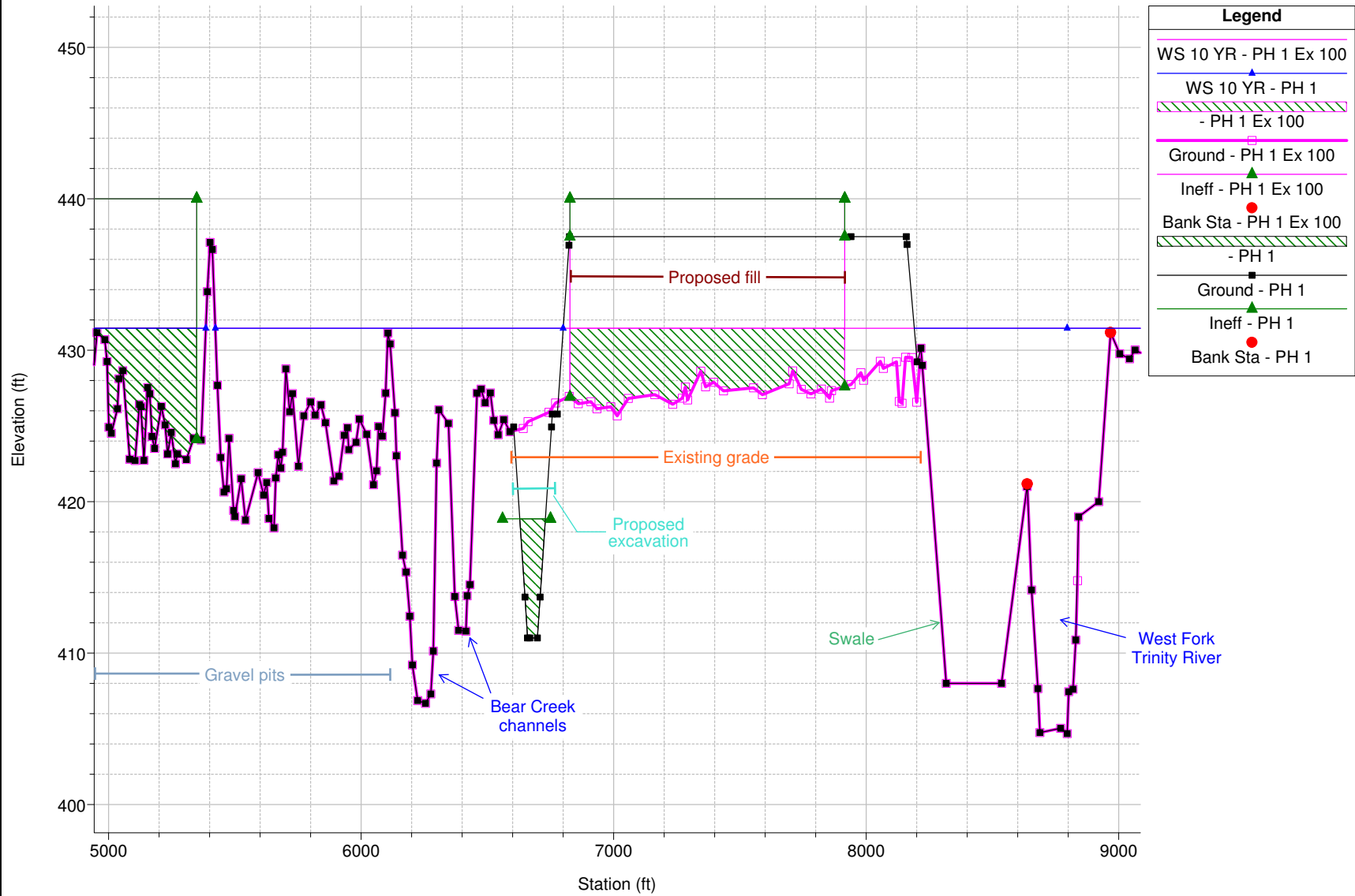
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SWF-2019-00097

SHEET 8 OF 10

Consolidated Mac Reclamation

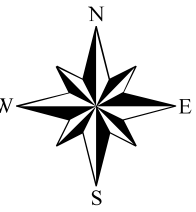
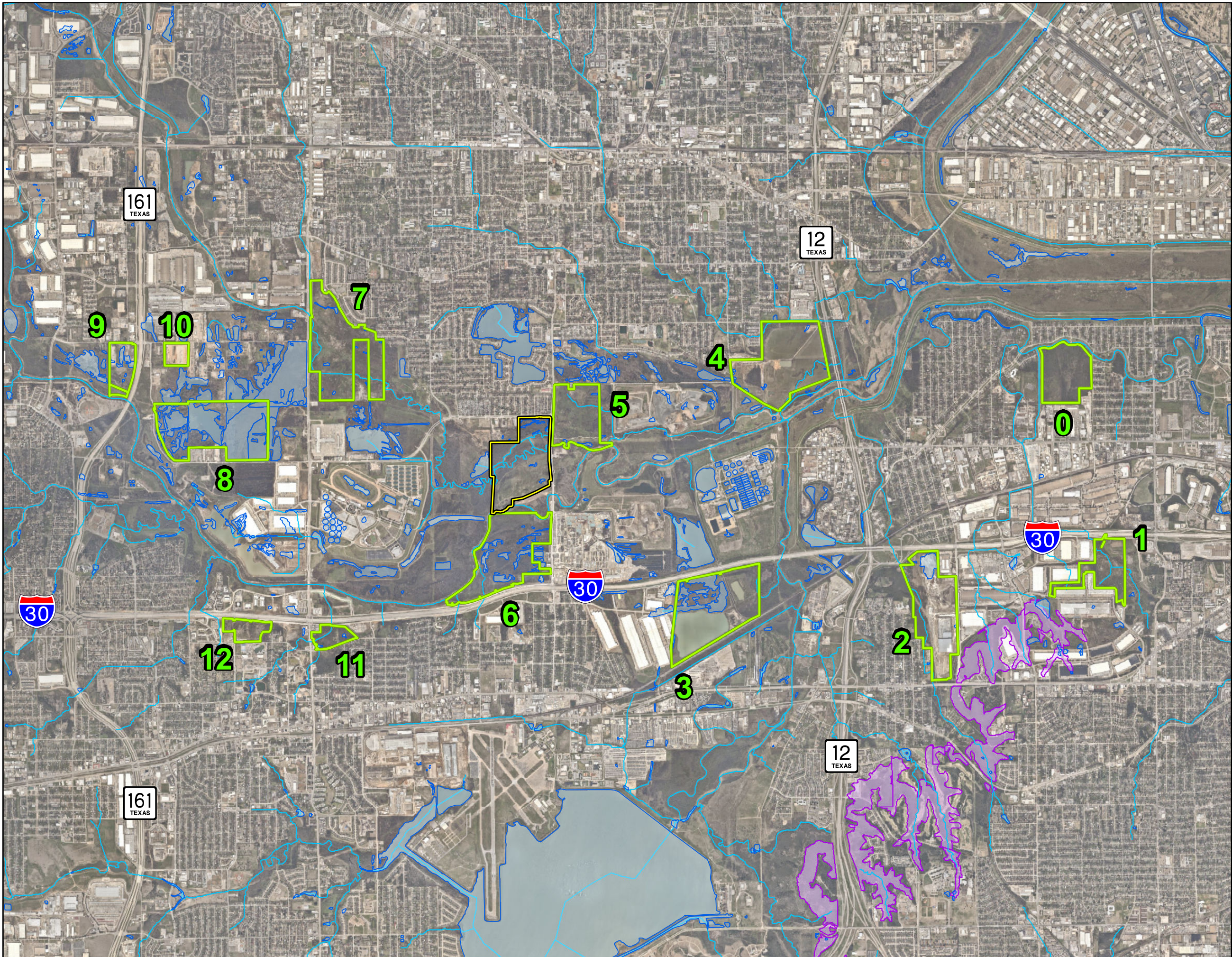
RS = 29236



1 in Horiz. = 600 ft 1 in Vert. = 10 ft






SWF-2019-00097

SHEET 9 OF 10



0 2,000 4,000 8,000
SCALE IN FEET

LEGEND

-  STUDY AREA
-  ALTERNATIVE SITES
-  NHD WATERBODY
-  NHD CENTERLINE
-  ESCARPMENT ZONE

NOTES:
1. Service layer credits; NearMap, 2019
2.
3.
4.
5.

MACARTHUR BOULEVARD
RECLAMATION PROJECT
GRAND PRAIRIE, TEXAS

Project Number: SWF 2019-00097

Date: 06/2019 AVO: 33717

ALTERNATIVE SITE MAP

SHEET 10 OF 10

