



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

Public Notice

Applicant: PMB Station Land, L.P

Project No.: SWF-2019-00363

Date: June 30, 2020

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. Eric Dephouse, Project Manager

Phone Number: 817-886-1820

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 regional stormwater detention facility required for a proposed mixed-use development in Dallas County, Texas.

APPLICANT: PMB Station Land, L.P
c/o Taylor Baird
4001 Maple Ave, Suite 600
Dallas, Texas 75219

APPLICATION NUMBER: SWF-2019-00363

DATE ISSUED: June 30, 2020

LOCATION: The proposed mixed-use development and regional stormwater detention facility would be located along the President George Bush Turnpike, near the intersection with Merritt Road in Sachse, Dallas County, Texas. The project area is centered at approximately 32.956° latitude and -96.574° longitude on the Rowlett 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 120301060403. See attached Exhibits 1 and 2 of 8.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 260 cubic yards of dredged and fill material into approximately 0.16 acres of waters of the United States consisting of 1,710 linear feet of intermittent stream, in conjunction with construction of the regional stormwater detention facility, mixed use development, and associated attendant features (See attached Exhibit 8 of 8).

INTRODUCTION: The applicant believes there is an increased need for walkable mixed-use developments in the outlying cities of the Dallas-Fort Worth Metroplex. The applicant is proposing the construction of a unique type of mixed-use development located within an area zoned to allow for development of the President George Bush Turnpike (PGBT) area within the City of Sachse known as the PGBT Zoning District. The purposed of the PGBT Zoning District is to facilitate the development of the PGBT area into a walkable, mixed-use environment with

shopping, employment, housing, and regional retail services. The proposed project also requires the construction of three regional detention ponds located west of the mixed-use facilities.

PURPOSE AND NEED STATEMENT: The project purpose is to construct a walkable mixed-use development to contribute to meaningful development of the PGBT Zoning District with shopping, employment, housing, and regional retail services consistent with the City of Sachse 2017 Comprehensive Plan.

EXISTING CONDITIONS: The USGS topographic map (Rowlett 7.5' Quadrangle) illustrates the project site (Exhibit 2 of 8). The NRCS Digital Soils Database identifies four soil map units within the project area: Ferris-Heiden complex, 5 to 12 percent slopes; Heiden complex, 2 to 5 percent slopes; Houston Black clay, 0 to 1 percent slopes; and Houston Black clay, 1 to 3 percent slopes. Over 50% of the project area is Houston Black clay, 1 to 3 percent slopes. None of the soil map units shown within the project area are listed on the Hydric Soils of Texas list prepared by the National Technical Committee for Hydric Soils (Exhibit 3 of 8).

The FEMA FIRM (Dallas County, Map panel 48113C0230K, effective on 07/07/2014) shows the majority of the project area outside the 500-year floodplain Zone X (Exhibit 4 of 8). Zone AE (Special Flood Hazard Areas subject to inundation by the 1% annual chance flood, Base flood elevations are determined) extends along the northwest boundary of the site.

The project site was comprised of two basic plant communities; grass uplands and forest. The grass upland community was generally located in the northeastern portion of the property and appeared to be comprised of johnsongrass (*Sorghum halepense*), maximilian sunflower (*Helianthus maximiliani*), and various other upland ruderal species. The forested areas comprised approximately 40% of the study area and consisted of hackberry (*Celtis laevigata*), osage-orange (*Maclura pomifera*), honey locust (*Gleditsia triacanthos*), cedar elm (*Ulmus crassifolia*), and eastern redcedar (*Juniperus virginiana*).

ADVERSE IMPACTS OF THE PROPOSED PROJECT: Activities associated with the construction of the mixed-use development and regional detention ponds that would result in permanent impacts to waters of the U.S. include grading, filling, and reshaping an intermittent tributary for stormwater management. Direct and permanent impacts to waters of the United States total 1,710 linear feet (0.16 acre) of intermittent tributary. The applicant believes that the design of the stormwater detention facility will reduce the severity of flooding downstream of the project site and that hydrology will be maintained as runoff is directed to the facility. The applicant also believes water quality will be improved as emergent and submerged vegetation becomes established and naturally filters water in the facility. Therefore, adverse indirect effects are not anticipated.

ALTERNATIVES TO THE PROPOSED PROJECT: The USACE has not yet evaluated the alternatives analysis prepared by the applicant.

NO ACTION ALTERNATIVE: The applicant states that under the no action alternative, the demand for a walkable urban mixed-use development to contribute to meaningful development of the PGBT Zoning District within Sachse would remain unmet. Although the No Action Alternative would avoid impacts to waters of the U.S., it would not meet the need and purpose of the project and is therefore not practicable.

PROPOSED PROJECT (APPLICANT'S PREFERRED ALTERNATIVE): The Applicant's Preferred Alternative is located on the northwest corner of PGBT and Merritt Rd in the southern portion of the PGBT Zoning District, with direct access to the PGBT access road. Because the targeted resident population for the applicant is young families, the site is located approximately 0.3 mile east of BG Hudson Middle School and Robert B Sewell Elementary School, and 0.5 mile east of Sachse High School. The Preferred Alternative is currently owned by the applicant; therefore, there would be no need to purchase or coordinate with other landowners. The applicant believes the project site must be between 95 and 140 acres to allow for the appropriate amount of development to be feasible and practicable, and necessary to support the dual-density and onsite commercial amenity focuses. The Preferred Alternative measures 100 acres in size.

COMPENSATORY MITIGATION: To offset unavoidable adverse impacts to waters of the U.S., the applicant proposes to purchase appropriate mitigation bank credits from one of the available banks in accordance with the methodologies prescribed within the USACE-approved mitigation banking instruments.

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 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 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 proposed project would be located in Dallas County where the golden-cheeked warbler (*Dendroica chrysoparia*), whooping crane (*Grus americana*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), and red knot (*Calidris canutus rufa*) are known to occur or may occur as migrants. The golden-cheeked warbler, whooping crane, and least tern 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 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.

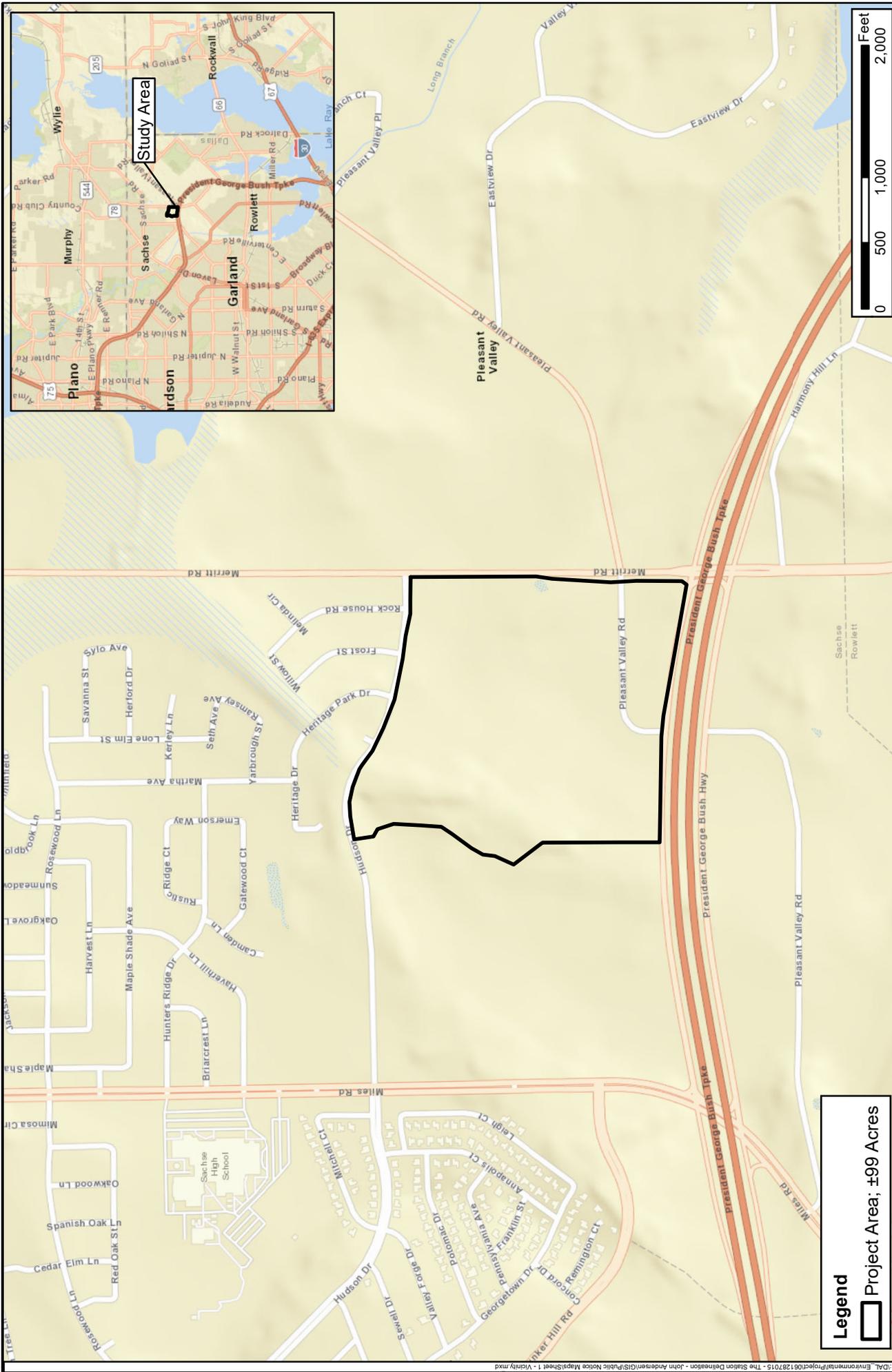
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 30, 2020, 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-RD; 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 (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
FORT WORTH DISTRICT
CORPS OF ENGINEERS



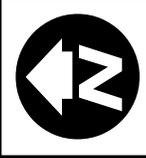
Legend
 □ Project Area, ±99 Acres

DATE:	02/05/2020
DESIGN:	MREA
CHECKED:	CGH
KHA NO.:	061287015

EXHIBIT
1

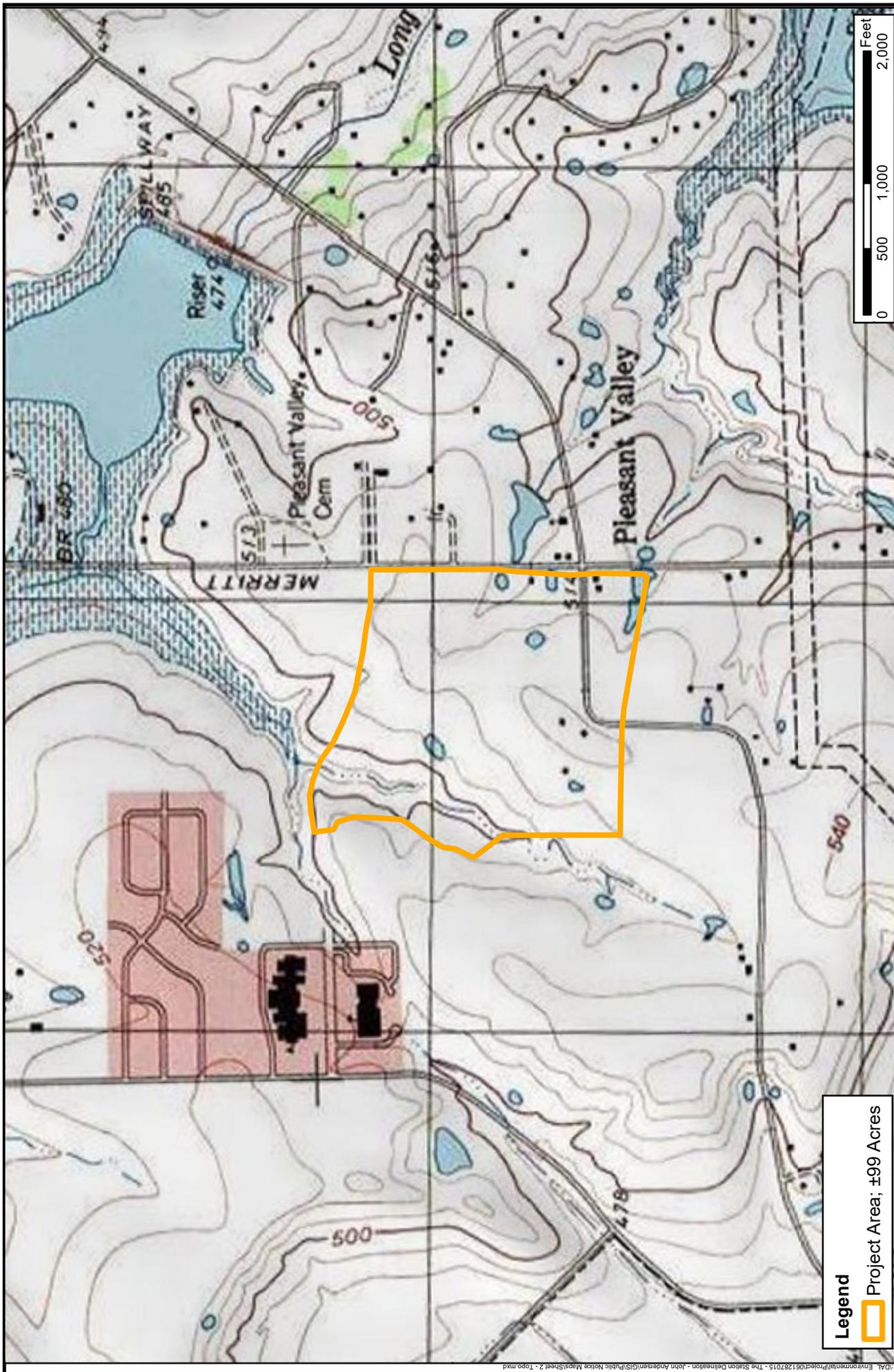
Vicinity Map

The Station
 Sachse, Dallas County, Texas



Kimley»Horn

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent a on-the-ground survey and represents only the approximate relative location of property boundaries.



Legend
 Project Area: ±99 Acres

DATE: 02/05/2020
 DESIGN: MREA
 CHECKED: CGH
 KHA NO.: 061287015

EXHIBIT
2

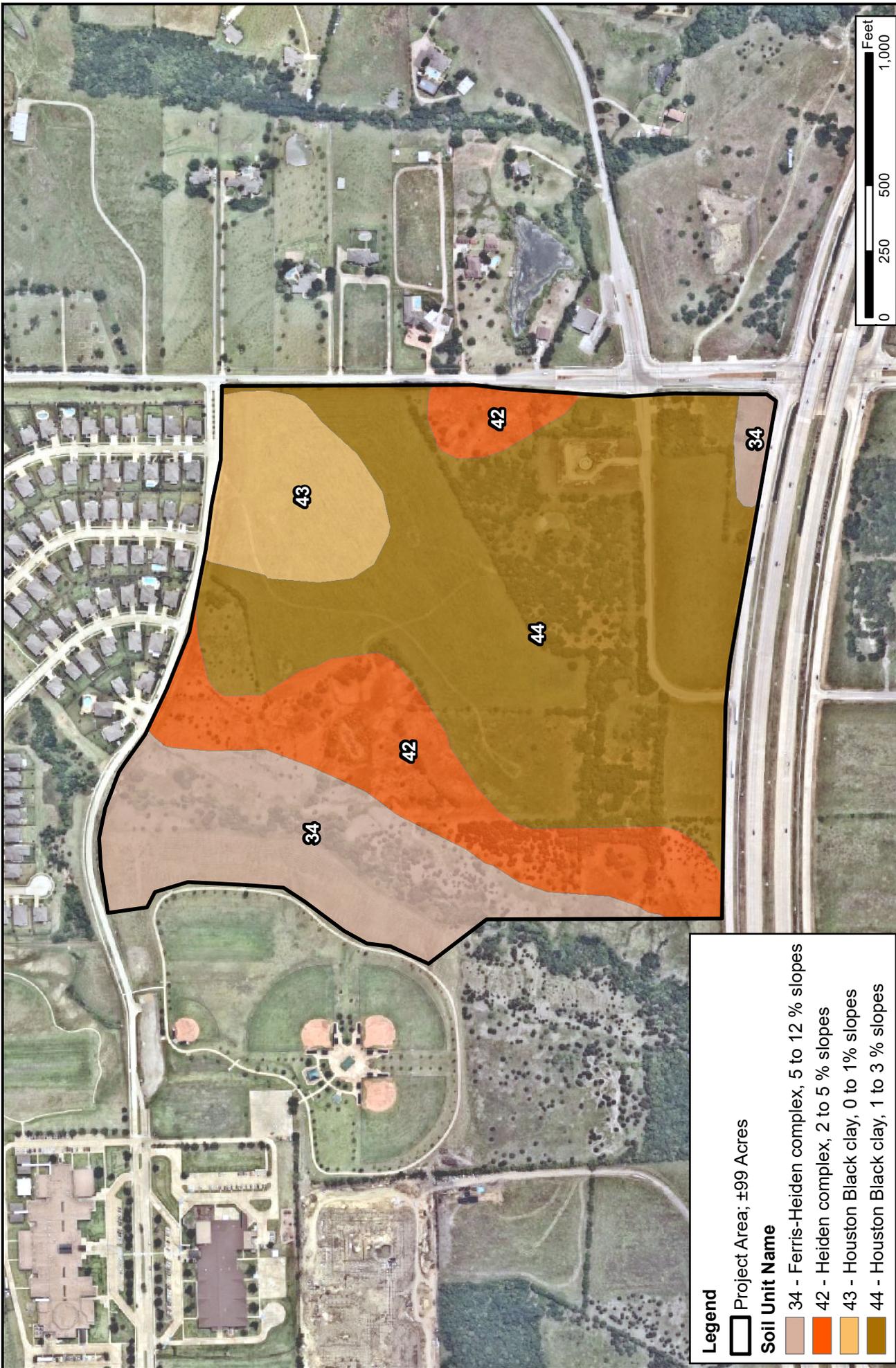
USGS Topographic Map
 Quad Name: Rowlett

The Station
 Sachse, Dallas County, Texas



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The Station
Sachse, Dallas County, Texas

Soils Map
Source: USDA NRCS

Legend

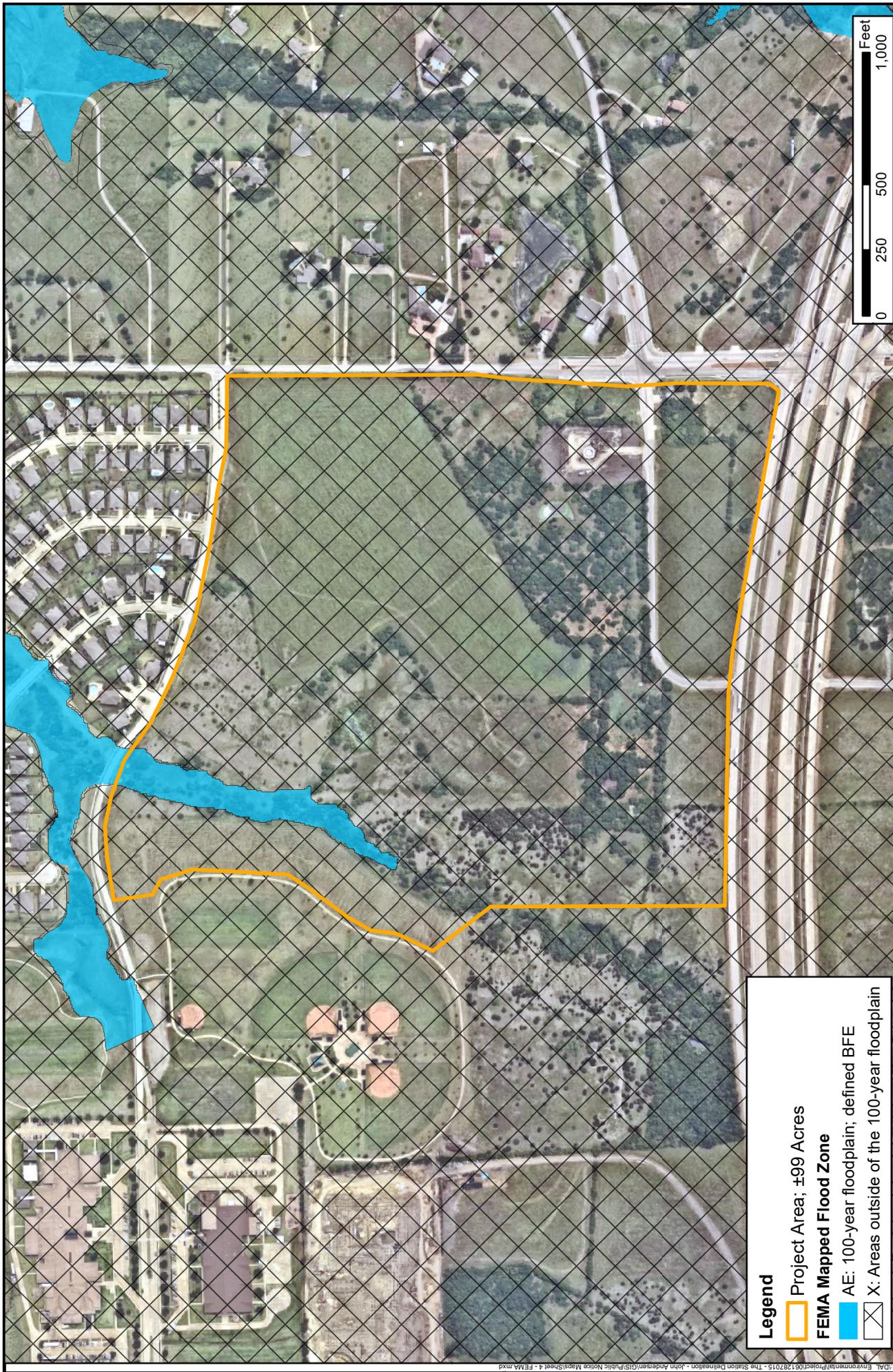
Project Area; ±99 Acres

Soil Unit Name

- 34 - Ferris-Heiden complex, 5 to 12 % slopes
- 42 - Heiden complex, 2 to 5 % slopes
- 43 - Houston Black clay, 0 to 1% slopes
- 44 - Houston Black clay, 1 to 3 % slopes

DATE:	02/05/2020
DESIGN:	MREA
CHECKED:	CGH
KHA NO.:	061287015

EXHIBIT
3



Legend

- Project Area; ±99 Acres
- FEMA Mapped Flood Zone**
- AE: 100-year floodplain; defined BFE
- X: Areas outside of the 100-year floodplain



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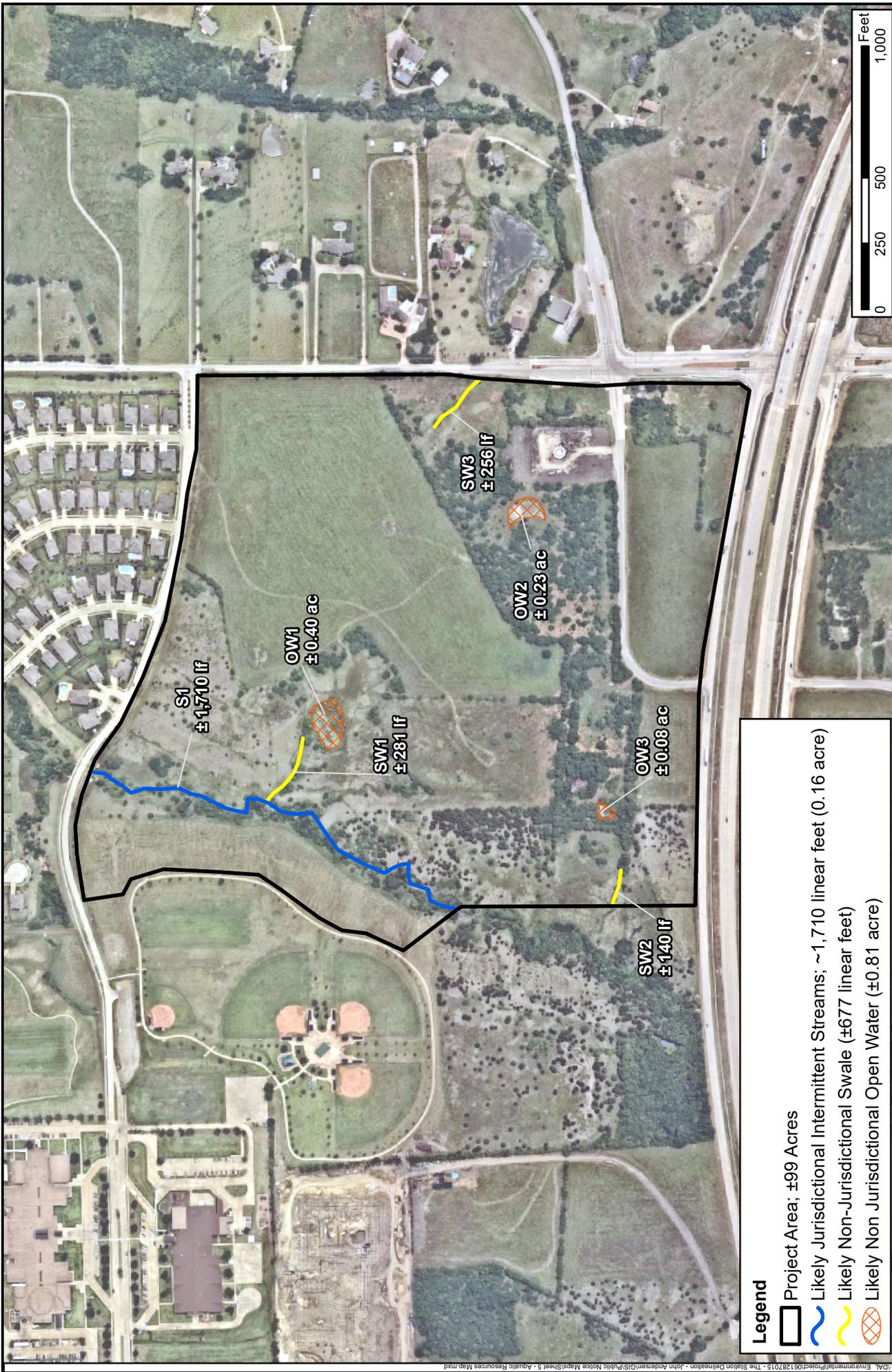
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The Station
Sachse, Dallas County, Texas

FEMA National Flood Hazard Layer
FIRM Panel# 48113C0230K
Effective 07/07/2014

DATE:	02/05/2020
DESIGN:	MREA
CHECKED:	CGH
KHA NO.:	061287015

EXHIBIT 4



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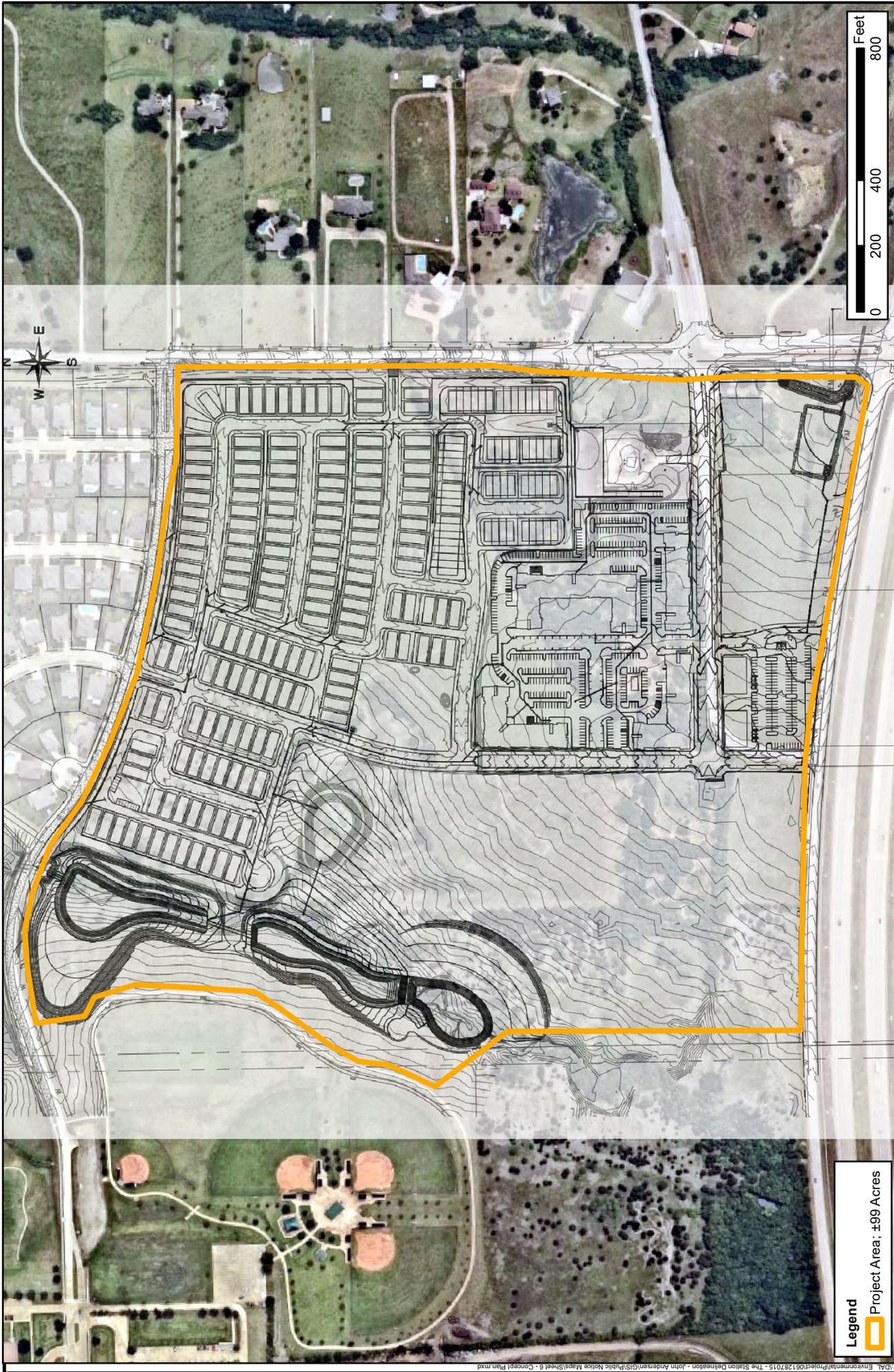
The Station
Sachse, Dallas County, Texas

Aquatic Resources Map
Source: Nearmap June 2018

- Legend**
- Project Area; ±99 Acres
 - ~ Likely Jurisdictional Intermittent Streams; ~1,710 linear feet (0.16 acre)
 - ~ Likely Non-Jurisdictional Swale (±677 linear feet)
 - Likely Non Jurisdictional Open Water (±0.81 acre)

DATE:	02/05/2020
DESIGN:	AMIB
CHECKED:	CGH
KHA NO.:	061287015

EXHIBIT 5



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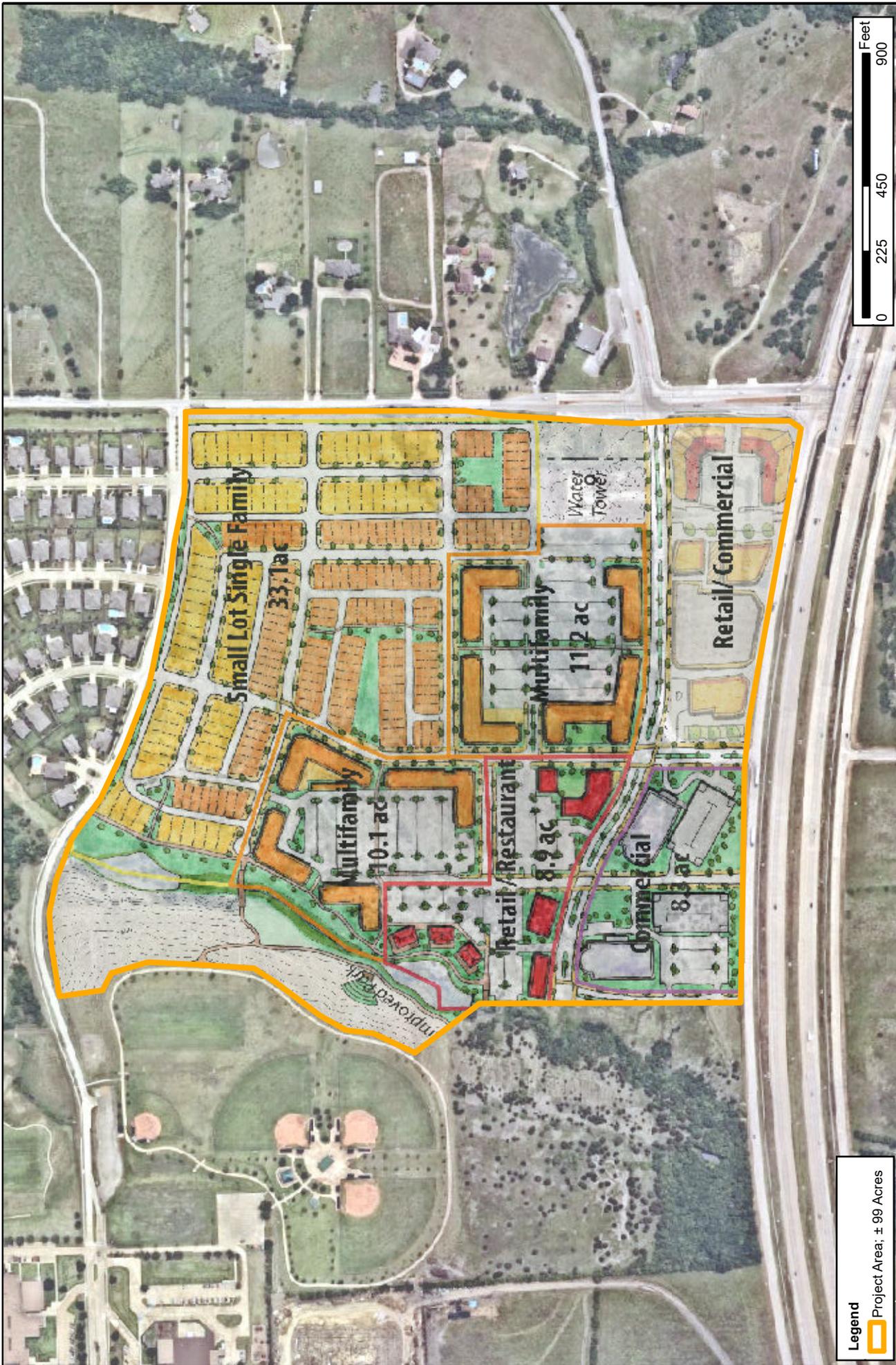
The Station
Sachse, Dallas County, Texas

**Proposed Site Plan
(Designed Portion)**
Source: Nearmap June 2018

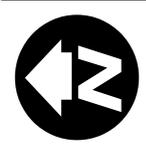
Legend
 Project Area: ±99 Acres

DATE:	02/05/2020
DESIGN:	CGH
CHECKED:	CGH
KHA NO.:	061287015

SHEET
6



Legend Project Area: ± 99 Acres	DATE:	10/2/2019
	DESIGN:	CGH
	CHECKED:	CGH
	KHA NO.:	061287015



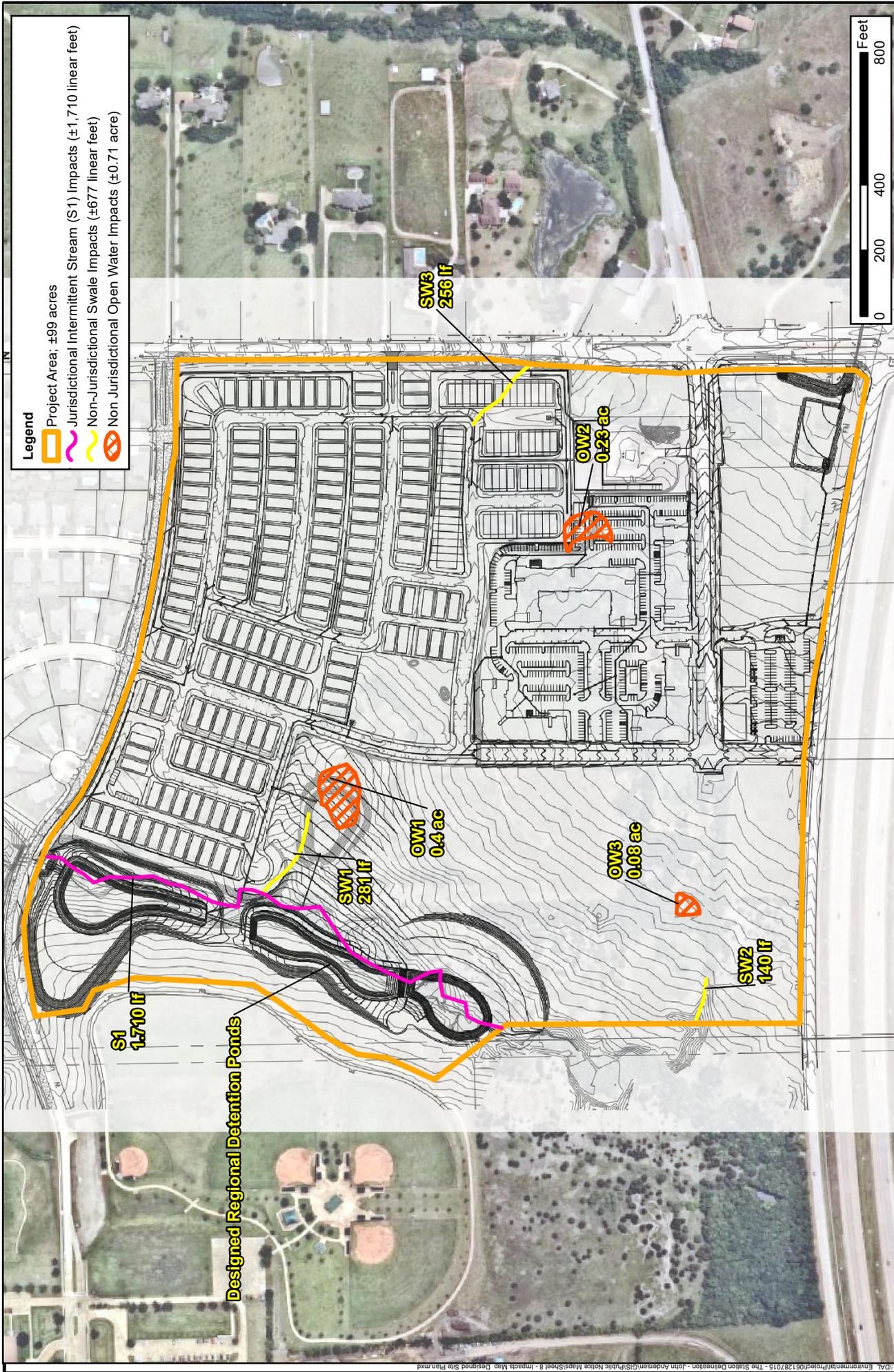
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The Station
Sachse, Dallas County, Texas

Concept Plan
Source: Nearmap June 2018

EXHIBIT	7
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Legend

- Project Area: ±99 acres
- Jurisdictional Intermittent Stream (S1) Impacts (±1,710 linear feet)
- Non-Jurisdictional Swale Impacts (±677 linear feet)
- Non Jurisdictional Open Water Impacts (±0.71 acre)



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The Station
Sachse, Dallas County, Texas

Impacts Map
(Designed Portion of Site Plan)
Source: Nearmap June 2018

DATE:	02/05/2020
DESIGN:	MREA
CHECKED:	CGH
KHA NO.:	061287015

EXHIBIT
8