

**US Army Corps** 

of Engineers ®

Fort Worth District

# **Public Notice**

Applicant: Mr. Mike Jones, Hillwood Enterprises, LP

Project No.: SWF-2019-00189

Date: October 9, 2019

Regulatory ProgramSince its early history, the U.S. Army Corps of Engineers has played<br/>an important role in the development of the nation's water resources.

	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.
<u>Section 10</u>	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 <i>all work or structures in or affecting the course, condition</i> <i>or capacity of navigable waters of the United States</i> . The intent of this law is to protect the navigable capacity of waters important to interstate commerce.
<u>Section 404</u>	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 <i>discharge of dredged and fill material into all waters of the United</i> <i>States, including wetlands.</i> 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.
<u>Contact</u>	Name: Mr. John Derinzy, Project Manager

Phone Number: 817-886-1742

# 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 proposed commercial development in City of Mesquite, Dallas County, Texas.

APPLICANT: Mr. Mike Jones Hillwood Enterprises, LP 3000 Turtle Creek Boulevard Dallas, Texas 75219

APPLICANT'S AGENT: Mr. Jason Voight Ecosystem Planning and Restoration, LLC 5049 Edwards Ranch Road, Floor 4 Fort Worth, Texas 76109

APPLICATION NUMBER: SWF-2019-00189, Commerce 365 Balch Springs Development

DATE ISSUED: October 9, 2019

LOCATION: The proposed Commerce 365 Balch Springs warehouse development would be located on a 95-acre parcel of land containing streams, ponds, and wetlands in City of Mesquite, Dallas County, Texas. The proposed project would be located approximately at Latitude 32.733037 North, Longitude -96.605651 West, on the Seagoville Texas 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 120301060504.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 90,523 cubic yards of dredged and fill material into approximately 6.237 acres of waters of the United States in conjunction with the construction of approximately 950,000 square feet of warehouse space and associated infrastructure, including but not limited to ingress/egress roads, turn-around facilities, loading and unloading facilities, parking, retaining walls, landscaped medians, open space dedications, stormwater retention, and stream greenways. Mass grading for the project would be performed by bull dozers, wheel-tractor belly scrapers, grading scrapers, motor graders, and excavators to provide a near-level surface for the associated building pads. In performing mass grading for the site, the discharge of dredged/fill material would occur to onsite streams, wetlands, and open waters. Total proposed impacts to waters of the U.S. include 278.5 linear feet (0.013 acres) of intermittent streams, 1,129.7 linear feet (0.053 acre) of ephemeral streams, 0.36 acres of emergent wetlands, and 5.81 acres of open waters. Proposed temporary impacts associated with this project would include the expansion of an existing open water, which will be used for on-site stormwater control. Permanent impacts

would include 0.053-acres (1,129.7 linear feet) to ephemeral stream for excavation and backfilling, 0.013-acres (278.5 linear feet) to intermittent stream for excavation and backfilling, 0.36-acres to emergent wetlands for excavation and backfilling, and 5.18-acres of open water for excavation and backfilling. Temporary impacts would include 0.63-acres to open water for expansion of a stormwater management facility.

INTRODUCTION: The applicant states the purpose of the proposed project is to develop a master planned industrial park to meet the growing needs for warehouse and logistics real estate in east-central Dallas County. The project would consist of three Class A buildings totaling approximately 950,000 square feet. According to the applicant, infill sites are desired because they provide a large labor pool of employees and provide "close proximity" to the customer (there are approximately 2.2 million people within a 20-mile radius of the site). The proposed project site is in a land constrained submarket and has "close proximity" to three major transportation routes (Interstate Highway (IH)-635, IH-20, and U.S. Highway 80) allowing business efficiency and reduced transportation costs, according to the applicant. In addition to the 950,000 square feet of building space, the development would include related activities necessary for the park, such as surface parking facilities for cars and truck-trailers, truck loading areas, roadway and utility improvements, landscaped areas, open-space dedications, and detention facilities. Refer to the attached project maps identified below.

### **EXISTING CONDITIONS:**

VEGETATION: Vegetation within the project area outside potentially jurisdictional areas consisted primarily of upland maintained fields, actively grazed upland pasture, dense eastern red cedar shrub and mature trees, and stands of riparian trees and shrubs located along stream corridors. Vegetation within the mapped wetlands is documented on the associated wetland data forms. The dominant vegetation within the mapped wetlands included spike rush (*Eleocharis muricatus*), curly dock (*Rumex crispus*), buttercup (*Ranunculus spp.*), red cedar (*Juniperus virginiana*), honeysuckle (*Lonicera sempervirens*), hackberry (*Celtis laevigata*), bluestem (*Andropogon glomeratus*), cattail (*Typha domingensis*), aster (*Symphyotrichum lanceolatum*), and blunt spike rush (*Eleocharis obtusa*).

SOILS: The United States Department of Agriculture (USDA) Soil Conservation Service Soil Survey for Dallas County was used to determine the soil types in the project review area. Six soil mapping units were identified in the project area: Axtell fine sandy loam, 1 to 3 percent slopes moderately well drained; Ferris-Heiden complex, 5 to 12 percent slopes, well drained; Silawa fine sandy loam, 2 to 8 percent slopes, eroded, well drained; Trinity clay, 0 to 1 percent slopes, occasionally flooded, moderately well drained; Heiden clay, 2 to 5 percent slopes, eroded, well drained; and Water. None of these 6 soiled map units are included on the NRCS National List of Hydric Soils for Dallas County (NRCS, 2015).

HYDROLOGY: The project area is located within the HUC 120301090504 associated with the South Mesquite Creek watershed. The site is located at the topographical divide between the Hickory Creek-Parsons Slough watershed (HUC 120301050204) and the South Mesquite Creek watershed. The assessment area contains topographical differences with elevations near 500 feet mean sea level (msl) located on the northern and southern sections of the assessment area and a low elevation of approximately 440 feet msl along an unnamed tributary to South Mesquite Creek (northeastern corner of the site). Surface water in the assessment area generally flows from the southwest to the northeast.

Streams located on the southern and western portions of the assessment area receive water from overland surface flow and runoff from drainage ditches associated with Eastgate Drive, which borders the assessment area along its southern boundary. Surface water from the streams located on the western portion of the assessment area flow into a manmade, on-channel pond located in the central portion of the study area. Water is temporarily stored in the pond before flowing over a spillway and conveyed through a manmade ditch toward a forested wetland on the eastern portion of the study area. Surface flow within the northern portion of the assessment area flows east. The northernmost stream flows into a series of man-made, on-channel impoundments. Surface water from the site eventually flows into the unnamed tributary to South Mesquite Creek is located along the eastern boundary of the assessment area continues to flow northeast outside of the assessment area to its confluence with South Mesquite Creek. Hydrology indicators noted within aquatic areas consisted of saturation, algal mats, geomorphic positioning, surface water, water stained leaves, inundation visible on aerial imagery, hydrogen sulfide odor, and drainage patterns.

ALTERNATIVES TO THE PROPOSED PROJECT: The applicant has prepared an alternative analysis, as described below. The USACE has not yet reviewed this alternative analysis. The applicant states they have identified a need for logistics and warehouse space in east-central Dallas County (effectively the southeast portion of the City of Dallas, Texas). Accordingly, a site analysis was performed to identify tracts with enough size to house up to approximately 1.4 million square feet of buildings and associated attendant features within east-central Dallas County. Other basic requirements needed for the tract included proximity to major highways; appropriately zoned-areas; road infrastructure sufficient to handle tractor-trailers1 and traffic volumes safely; utility infrastructure; strong labor pool; financial viability; and availability for acquisition. Based on the analysis, the Applicant determined that the majority of east-central Dallas County is effectively developed and parcels that meet the criteria above are limited. The Applicant did identify four parcels that met the abovementioned basic requirements – three parcels located in Dallas County and one parcel located in neighboring Kaufman County (immediately adjacent to Dallas County). Parcel size and general location information for the identified parcels is as follows:

- Alternative Site 1 128.6 acres located in Kaufman County at the intersection of U.S. Highway 80 and Farm to Market Road 460
- Alternative Site 2 102.4 acres located in Dallas County south of Interstate Highway (IH) 20 near the East Fork Trinity River
- Alternative Site 3 91.9 acres located in Dallas County near the intersection of Dowdy Ferry Road and IH 20
- Alternative Site 4 (Applicant's Preferred Alternative) 94.7 acres located in Dallas County near the intersection of IH 635 and Lake June Road.

With the applicant selecting site 4 as their preferred alternative, multiple site plans were produced with the express purpose of avoiding aquatic resources on-site while fulfilling the project's purpose and need. Critical design elements considered by the applicant included:

- Space required for up to 1.4 million square feet of warehouse/logistics buildings
- Grading and excavation considerations
- Feeder roads sized to handle tractor-trailers safely
- Tractor-trailer ingress/egress drives
- On-/off-loading dock facilities

- Parking facilities employees, business assets, and temporary storage of semi-trailers
- Compliance with respective municipal codes
- Financially viable development

With these parameters in place, three speculative site development (build) alternatives were developed and evaluated by the applicant:

Build Alternative 1: As shown on Figure 5, the Alternative 1 consists of four buildings. This layout includes approximately 1.4 million square feet over four buildings; enough building square footage to be financially viable and meet the market demand for logistics and warehouse space. The buildings are designed at varying sizes and configurations to attract a mix of tenants that reflects the market demand. This alternative creates a balance by leaving enough open space to avoid the floodplain associated with the identified intermittent Stream 05, maintain some existing wetlands, rerouting and improvement of approximately 1,353 linear feet of an ephemeral stream, and significant areas of open space dedication.

Build Alternative 2: As shown on Figure 6, this plan, which also consists of four buildings, maximized the buildable square footage on the site at over 1.6 million square feet. While this alternative would be the most financially viable solution, it would impact nearly all aquatic resources, both streams and wetlands, onsite. Further, this alternative would not allow for significant open space to remain. This alternative would also require modification to the floodplain, resulting in additional impact to aquatic features onsite. It was determined that Alternative 1 reached the project's purpose and need without additional impacts resulting from Alternative 2.

Build Alternative 3: As shown on Figure 7, this plan, also consisting of four buildings, was designed to avoid as many aquatic features within the site as possible, resulting in approximately 1.05 million square feet. While this option results in the least impacts to streams, it does not meet the project's purpose and need due to the reduction in buildable square footage for speculative purposes. Therefore, this alternative was deemed not practicable by the applicant.

In August 2019, the applicant was approached by an entity requesting to join in the potential development. This entity requires specific infrastructure for operational efficiencies. Accordingly, a fourth alternative was considered (applicant preferred alternative):

Build Alternative 4 (Applicant Preferred Alternative): This alternative, as shown on Figure 8, incorporates the unnamed entities requisite infrastructure on the southern half of the project area. This infrastructure includes an approximately 150,000 square foot building, tractor trailer loading and unloading facilities, truck loading and unloading facilities, employee and visitor parking, and truck and tractor trailer storage. On the northern half the project area, two buildings of varying sizes totaling approximately 800,000 square feet and associated infrastructure would be constructed. In total, the development would provide for approximately 950,000 square feet of warehouse and logistics space. Similar to Build Alternative 1, this alternative creates a balance by leaving sufficient open space to avoid the floodplain associated with the identified intermittent Stream 05, maintain some existing wetlands, and provide significant areas as open space dedication. This alternative also provides a reduction in impacts to waters of the U.S. when compared to

#### the Build Alternative 1.

The "no build" alternative was also considered by the applicant, which would result in no discharge of dredge and/or fill material into Waters of the U.S. With the no build, the site would remain in its current condition; however, this alternative would not satisfy the purpose of and need for the applicant's proposed project. Therefore, the "no build" alternative was deemed not practicable by the applicant. The applicant states that if the applicant did not develop this property, other developers would likely attempt to develop this site since appropriately zoned tracts of this size in close proximity to major highways are virtually non-existent in east-central Dallas County.

MITIGATION: To offset unavoidable adverse impacts to waters of the U.S., the applicant proposes to purchase mitigation credits from either the Trinity River Mitigation Bank, Bunker Sands Mitigation Bank, Bill Moore Mitigation Bank, or the Rock'n K Mitigation Bank for both wetland and stream credits. The purchase of credits would be consistent with the appropriate Texas Rapid Assessment Method (TxRAM 1.0 or 2.0) and banking instrument debit ratios associated with the selected Mitigation Bank, where applicable.

#### SHEETS (1-20 of 20):

Figure A-1: Commerce 365 Balch Springs, Vicinity Map

Figure 2: Commerce 365 Balch Springs, Aquatic Resources Assessment Grid Map Figure 2A-2B: Commerce 365 Balch Springs, Preliminary Jurisdictional Determination, Aquatic Resources Assessment Maps

Figure 1: Commerce 365 Balch Springs, Site Plan, Impacts to Waters of the U.S.

Figure 2: Commerce 365 Balch Springs Site Plan, Alternative Site Analysis

- Figures 3A-3D: Commerce 365 Balch Springs, Site Plan, Alternative Sites Floodplain Maps
- Figures 4A-4D: Commerce 365 Balch Springs, Alternative Sites NHD and NWI Maps
- Figure 5: Commerce 365 Balch Springs, Site Plan, Build Alternative 1
- Figure 6: Commerce 365 Balch Springs, Site Plan, Build Alternative 2
- Figure 7: Commerce 365 Balch Springs, Site Plan, Build Alternative 3
- Figure 8: Commerce 365 Balch Springs, Site Plan, Build Alternative 4 (Applicant Preferred Alternative)

Sheet 1 of 1: Typical Cross Section-Balch Springs, North-South Section

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 a county where the Whooping Crane (*Grus americana*), Least Tern (*Sterna antillarum*), Piping Plover (*Charadrius melodus*), Red Knot (*Calidris canutus*), and Golden-cheeked Warbler (*Dendroica chrysoparia*) are known to occur or may occur as migrants. The Whooping Crane, Least Tern, and Golden-cheeked Warbler are endangered species and Piping Plover 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 **November 11, 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, Attn: Mr. John Derinzy, 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 (817) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER FORT WORTH DISTRICT CORPS OF ENGINEER







































