



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

Public Notice

Applicant: Mr. Charlie Meyer

Project No.: SWF-2020-00214

Date: April 13, 2021

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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Phone Number: (817) 886-1738

Email: Joseph.L.Shelnutt@usace.army.mil

PUBLIC NOTICE

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

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) to discharge dredged or fill material into waters of the United States and conduct activities in, or affecting, navigable waters of the United States associated with the construction of a logistics center located in the City of Roanoke, Tarrant County, Texas.

APPLICANT: Mr. Charlie Meyer, Lovett Industrial, 1902 Washington Avenue, Suite A, Houston, Texas 77007

APPLICATION NUMBER: SWF-2020-00214

DATE ISSUED: April 13, 2021

LOCATION: The proposed project would be located in Tarrant County, Texas at approximately NAD coordinates 32.969 and -97.303 on the Keller 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 1203010403. See Exhibits 1 and 2 of 16 for the project location.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposed to discharge approximately 6,960 cubic yards of dredged and fill material into approximately 2.76 acres of waters of the United States in conjunction with the construction of a regional distribution center. Total proposed impacts to waters of the U.S. would include permanent and direct adverse impacts to 1,402 linear feet (LF) (0.15 acre) of intermittent stream channel, 1.9 acre of open water, and 0.71 acre of emergent wetlands. No temporary or indirect impacts are proposed. See Exhibit 3 of 16 and Exhibits 15 and 16 of 16 for further information.

The applicant proposes to construct a multi-building industrial development consisting of modern warehouse space, parking, and access drives. The applicant states that the facility would serve to facilitate distribution of goods to the greater southwest region of the United States. The applicant also states that many of the industrial facilities in the Alliance Submarket receive their goods from air cargo operations at Alliance Airport and the BNSF Intermodal facility which is located in the vicinity of the proposed project.

The applicant states that the purpose of the proposed project would be to construct a medium-sized multi-building industrial development to serve to facilitate the regional distribution goods to the greater southwest region of the United States. The applicant further states that the purpose of the proposed project would be to meet the need within the rapidly growing Alliance submarket in Tarrant County for industrial facilities, which currently contains 51.5 million square feet of industrial inventory.

The proposed project site appears to have been used for pastoral agriculture. The surrounding area consist of land rapidly converting from agriculture use to commercial and residential use, along the Interstate 35 corridor in Tarrant County between Golden Triangle Blvd. to the south and Cross Timbers Rd. to the north. The proposed project site consists of a complex of ephemeral and intermittent streams, with an on-channel impoundment and associated emergent wetlands (Exhibit 3 of 16), situated within erodible soils.

ALTERNATIVES: The alternatives analysis includes six geographic alternatives and no-action alternatives. All proposed alternatives were located within the above described Alliance submarket and within 2 miles of existing freeways. The applicant proposed two no-action-alternatives, four on-site alternatives, and five off-site alternatives for consideration. See Exhibits 4 through 14 of 16. The United States Army Corps of Engineers (USACE) has not yet evaluated the alternatives analysis.

On-Site Alternative 1: (No Avoidance Alternative) - This configuration would impact all waters of the U.S. on the site. There was no attempt to avoid any resources while configuring the site layout in the most efficient manner to facilitate the project, including the most efficient drive entrance. This alternative would impact, 1,497 linear feet of low-quality intermittent stream, 1.9 acre of open water, and 0.71 acre of emergent wetlands.

On-Site Alternative 2: (Reduce the Size of One Building) - This attempt did not result in a significant reduction of impacts even at the compromise of building efficiencies. Specifically, loading docks on only one side is not acceptable. Additionally, the western drive does not meet the City's spacing requirement. Reduction of impacts are similar to the preferred alternative.

On-Site Alternative 3: (Placing Rerouted Stormwater in an Open Channel) - An attempt was made to relocate some of the stream function into an open channel, rather than culverting all stormwater. The channel occupied too much of the site to allow for acceptable building size and configuration to allow for truck docking. Additionally, this alternative is limited by a grading restriction in the gas easement along the eastern edge of the site. This alternative did not reduce direct impacts of the site beyond the preferred but looked at replacing some of the lost functions on-site.

On-Site Alternative 4: (Applicant's Preferred Alternative) - This site configuration has the minimum impacts to waters of the U.S. while meeting the requirements of the project. This alternative avoids impacts to 95 linear feet of intermittent stream. Impacts from this alternative include 1,402 linear feet of low quality intermittent stream, 1.9 acre of open water, and 0.71 acre of emergent wetlands.

Off-Site Alternatives: The applicant described five off-site alternatives by providing an alternative comparison matrix with a set of figures. See Table 1 below and Exhibits 4 through 9 of 16.

Table 1: Off-Site Comparison Matrix

Criterion	Factor	Preferred Alternative	Offsite Alt. 1	Offsite Alt. 2	Offsite Alt. 3	Offsite Alt. 4	Offsite Alt. 5
Available	Available for Acquisition	Yes	Yes	Yes	Yes	Yes	Yes
		Applicant has parcel under contract	Known to be available	Known to be available	Known to be available	Known to be available	Known to be available
Location	Located in Alliance submarket	Yes	Yes	Yes	Yes	Yes	Yes
		Located in Alliance submarket in Tarrant County	Located in Alliance submarket in Denton County	Located in Alliance submarket in Denton County	Located in Alliance submarket in Denton County	Located in Alliance submarket in Tarrant County	Located in Alliance submarket in Tarrant and Denton Counties
	Located within two miles of existing freeways	Yes	Yes	Yes	Yes	Yes	Yes
		Located 0.2 mile from I-35W	Located 0.2 mile from Highway 114	Located 0.3 mile from I-35W	Located 0.1 mile from I-35W	Located 2 miles from I-35W	Located 0.2 mile from I-35W
Size	Between 50 and 70-acres	Yes	No	No	No	No	No
		60-acres	156-acres	124-acres	248-acres	100-acres	98-acres
Logistics		Yes	Yes	Yes	Yes	No	Yes
	Configuration relative to internal movement and truck parking	Adequate	Adequate	Adequate	Adequate	Does not support cross dock parking (site is not deep enough)	Adequate
	Available utilities that would not require extension	Yes	No	No	No	Yes	No
		The site currently has access to utilities.	The site currently has no access to adequate water utilities.	The site currently has no access to adequate water utilities.	The site currently has no access to adequate water utilities.	The site currently has access to adequate water utilities.	The site currently has no access to adequate water utilities.
Existing Topography	Site topography less than 2%	Yes	Yes	Yes	No	No	Yes
		1.5%	1.6%	1.0%	3.0%	3.5%	1.0%

MITIGATION: The applicant has proposed compensatory mitigation consistent with the USACE Fort Worth District guidelines. This would include the purchase of credits from the Mill Branch Mitigation Bank and Trinity River Mitigation Bank to offset impacts associated with streams. In addition, the purchase of wetland credits is proposed from the Bunker Sands Mitigation Bank. Proposed compensatory mitigation to be 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 320-332, 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 proposed project triggers review under Section 401 of the Clean Water Act (CWA). Texas Commission of Environmental Quality (TCEQ) certification under Section 401 of the CWA is required for work within the state of Texas for activities to be approved under Section 404 of the CWA. The applicant has contacted TCEQ to initiate the Section 401 CWA process by submitting a pre-filing meeting request. If you have comments or questions on this proposed project's State water quality certification process, please contact 401CERTS@tceq.texas.gov.

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. 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

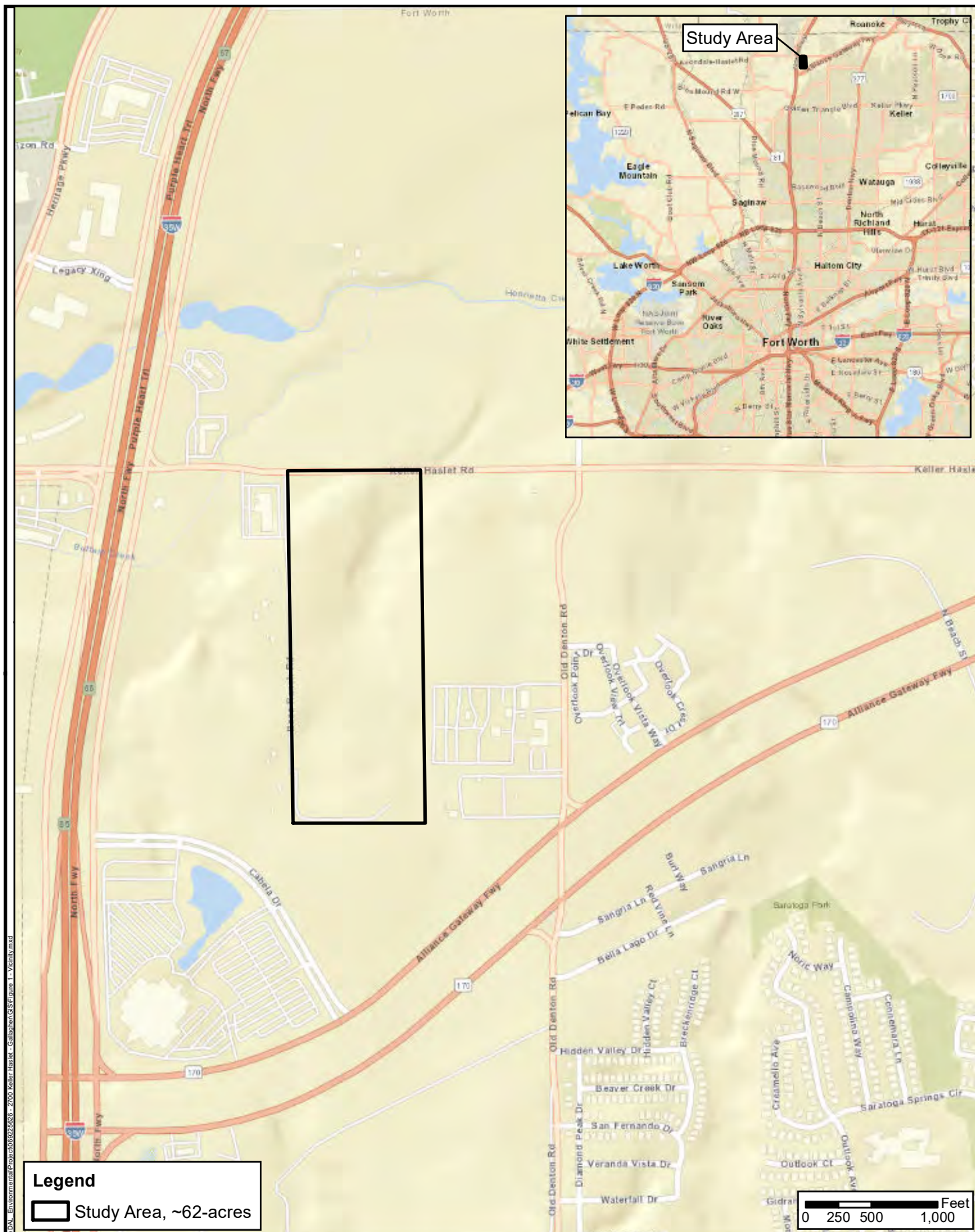
participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

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 May 13, 2021, 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. Comments may also be submitted electronically to Mr. Joseph L. Shelnett by emailing Joseph.L.Shelnett@usace.army.mil. Telephone inquiries should be directed to 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



FIGURE

1

DATE: 01/12/2021

DRAWN: AMB

CHECKED: LDC

KHA NO.: 069225626

Vicinity Map

SWF-2020-00214
2700 Keller-Haslet Road
Fort Worth, Tarrant Co., Texas

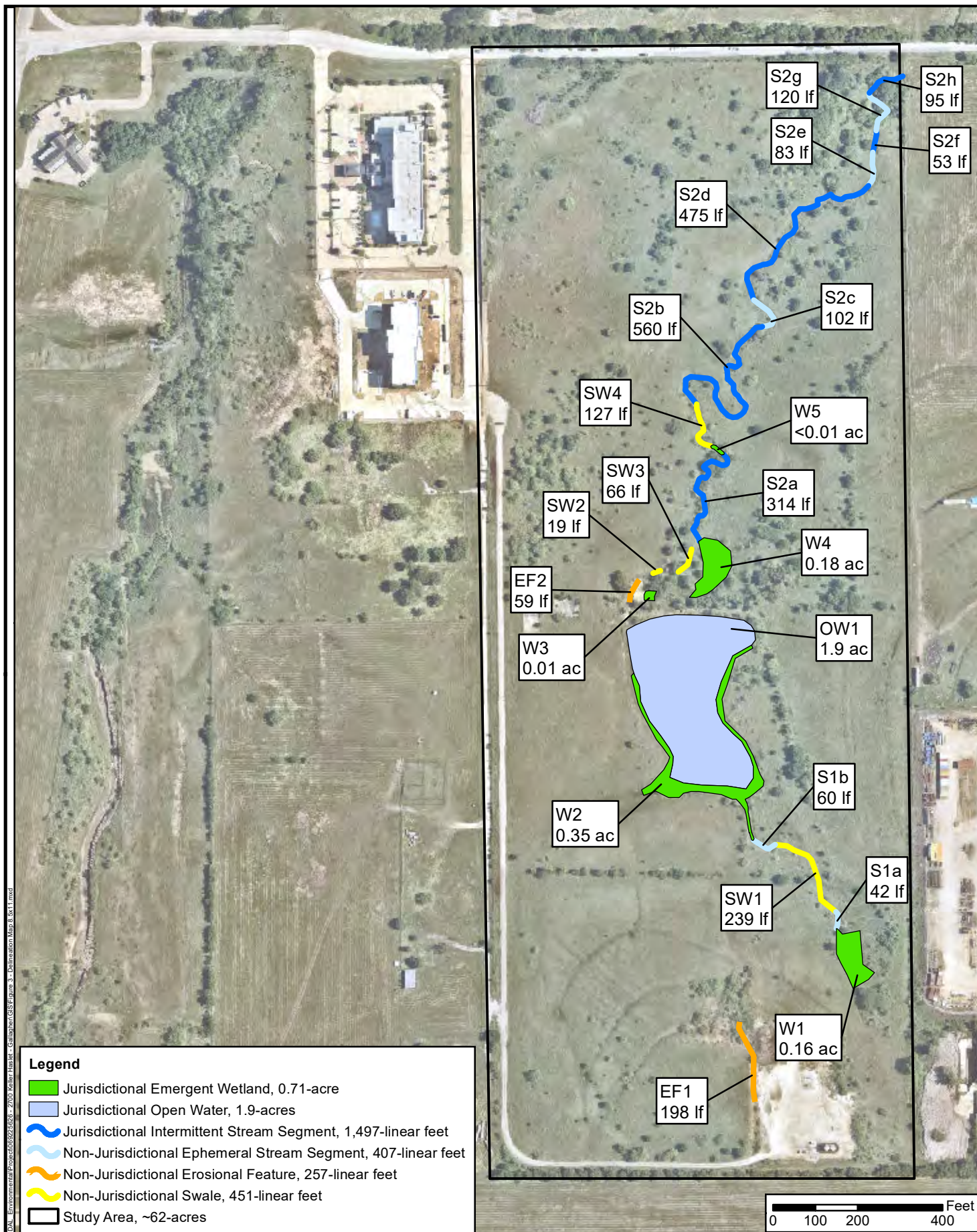


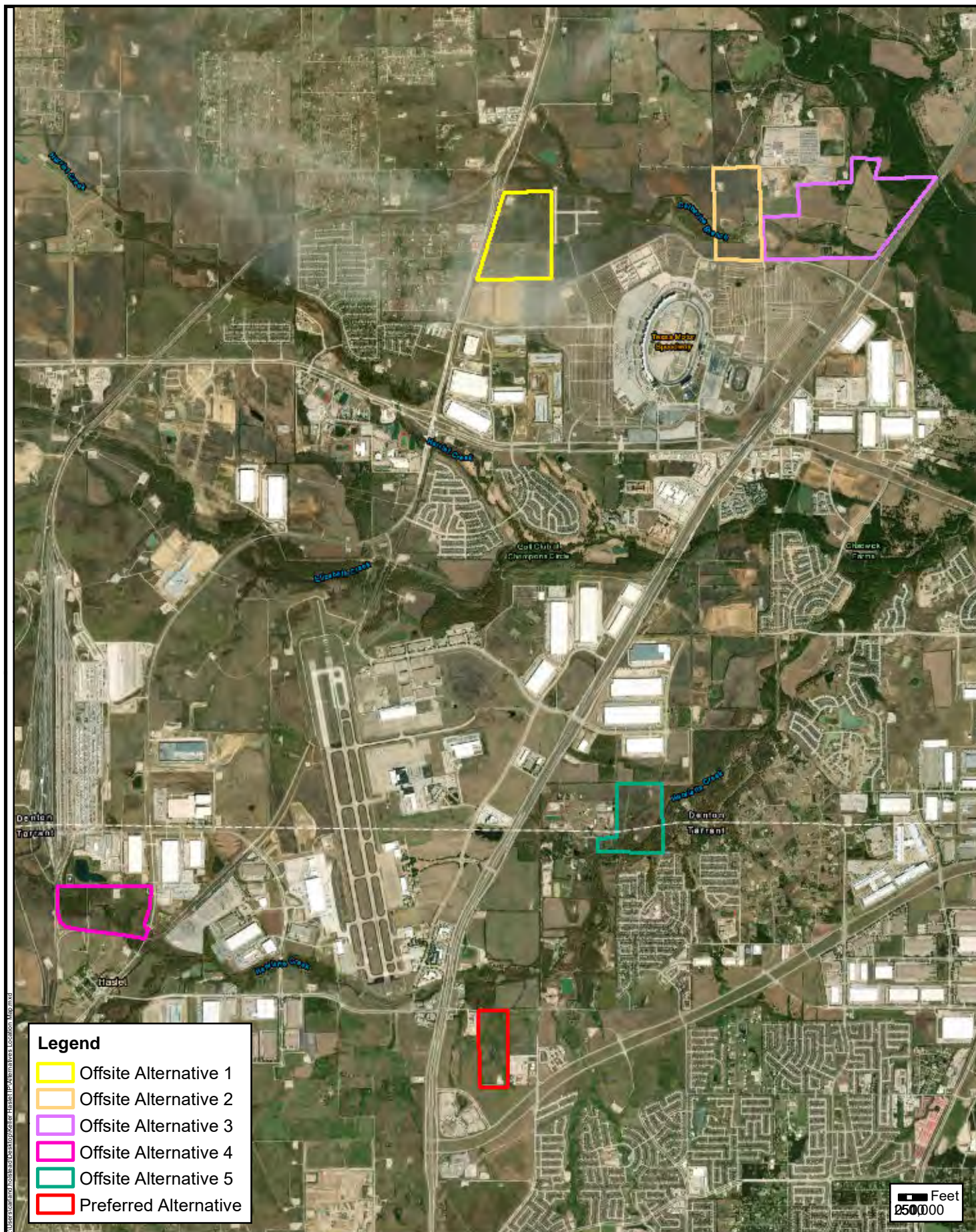
Kimley Horn

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<p>FIGURE</p> <p>2</p>	<p>DATE: 01/12/2021</p> <p>DRAWN: AMB</p> <p>CHECKED: LDC</p> <p>KHA NO.: 069225626</p>	<p>USGS</p> <p>Topographic Map</p> <p>Quad Name: Keller</p>	<p>SWF-2020-00214</p> <p>2700 Keller-Haslet Road</p> <p>Fort Worth, Tarrant Co., Texas</p>		<p>Kimley»Horn</p> <p><small>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 an on-the-ground survey and represents only the approximate relative location of property boundaries.</small></p>
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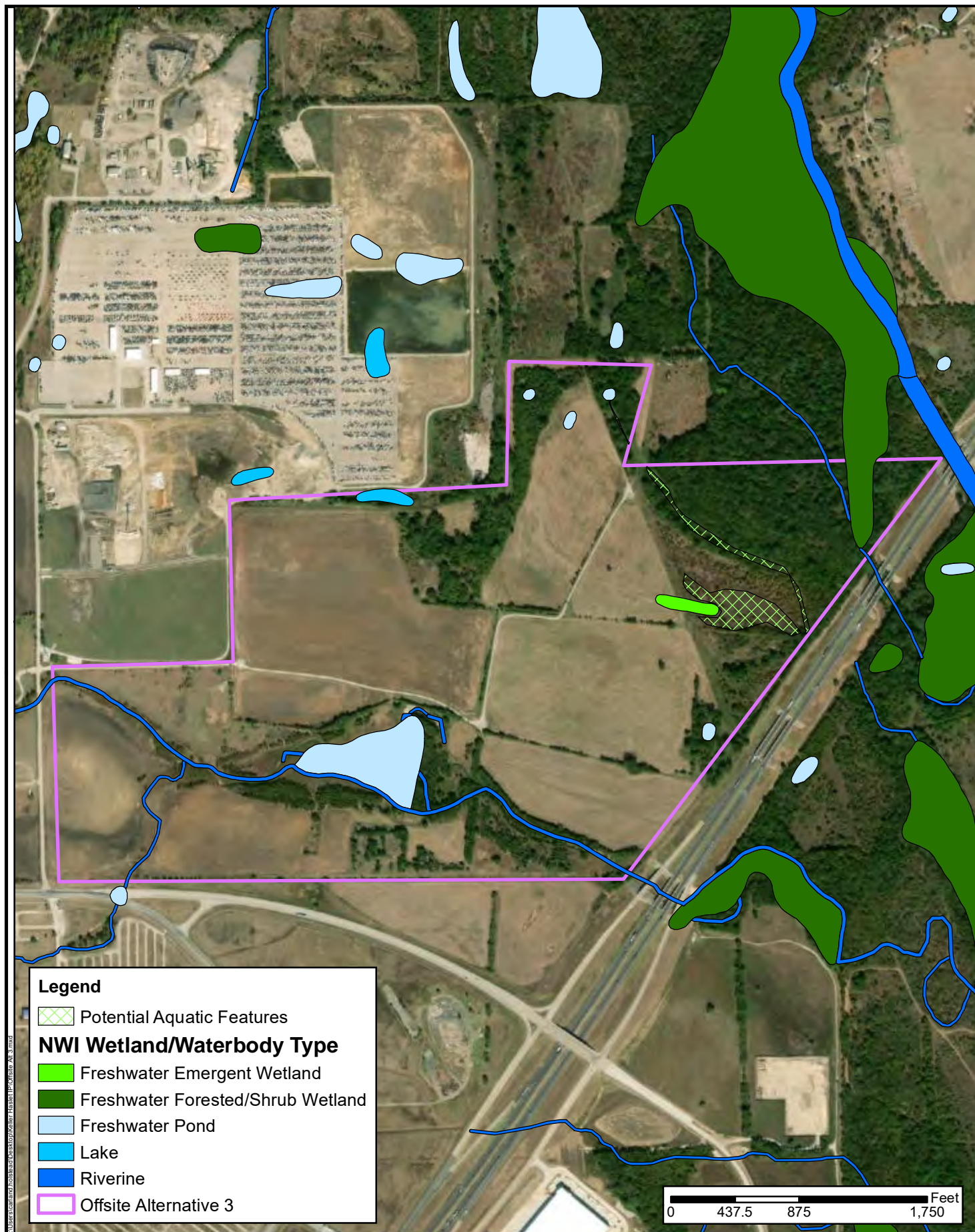
<p>SHEET</p> <p>A</p>	<p>DATE: 03/10/2021</p> <p>DRAWN: CGH</p> <p>CHECKED: CGH</p> <p>KHA NO.: 069225626</p>	<p>Alternatives Location Map</p> <p>Source: ESRI Basemap</p>	<p>SWF-2020-00214</p> <p>2700 Keller Haslet Road</p> <p>Tarrant and Denton Counties, Texas</p>		<p>Kimley»Horn</p> <p><small>This 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 an on-the-ground survey and represents only the approximate relative location of property boundaries.</small></p>
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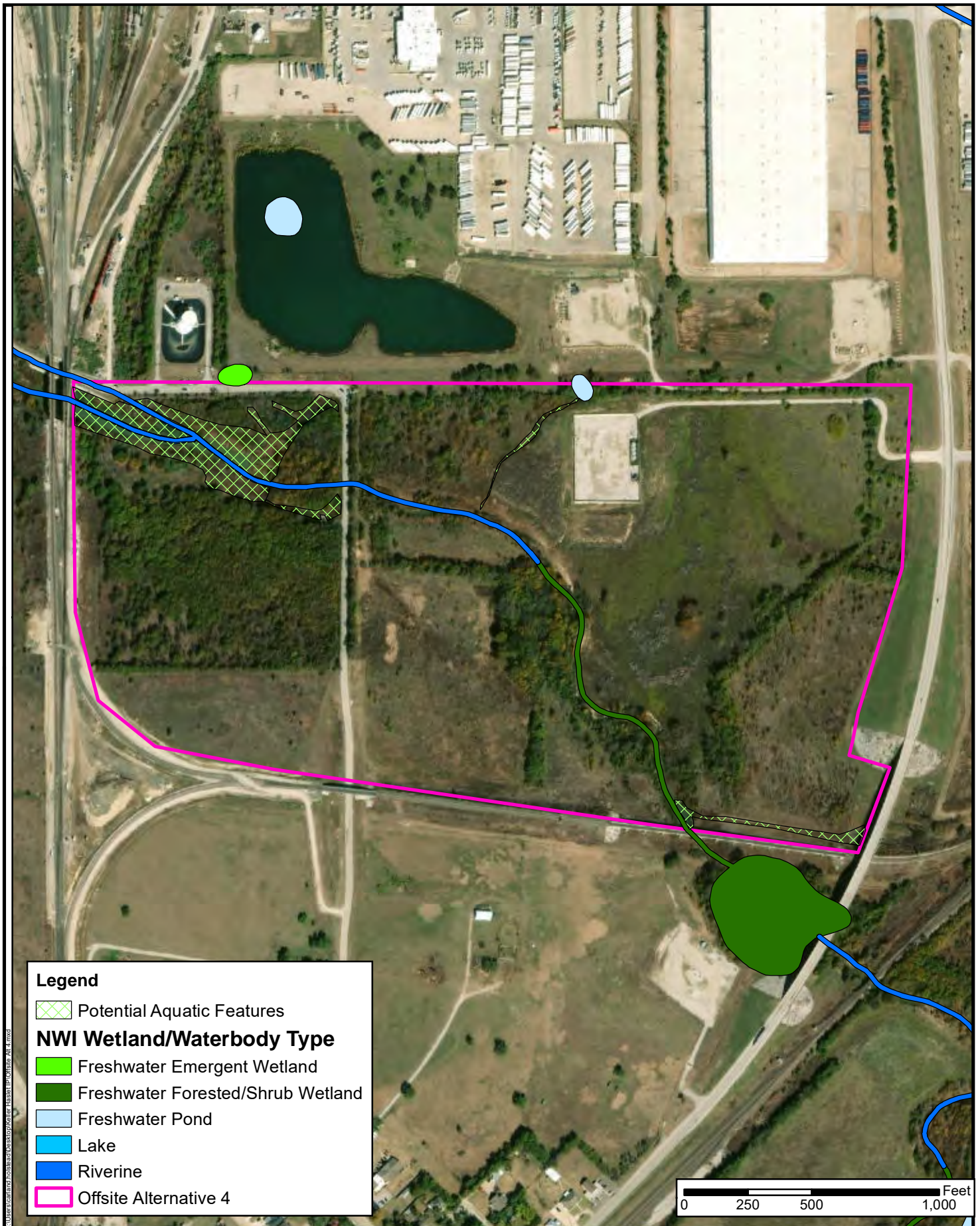
<p>SHEET</p> <p>1</p>	<p>DATE: 03/10/2021</p> <p>DRAWN: CGH</p> <p>CHECKED: CGH</p> <p>KHA NO.: 069225626</p>	<p>Potential Aquatic Features Map</p> <p>Source: USFWS, NWI, ESRI</p>	<p>Offsite Alternative 1</p> <p>Denton County, Texas</p>		<p>Kimley»Horn</p> <p><small>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.</small></p>
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<p>SHEET</p> <p>2</p>	<p>DATE: 03/10/2021</p> <p>DRAWN: CGH</p> <p>CHECKED: CGH</p> <p>KHA NO.: 069225626</p>	<p>Potential Aquatic Features Map</p> <p>Source: USFWS, NWI, ESRI</p>	<p>Offsite Alternative 2</p> <p>Denton County, Texas</p>		<p>Kimley»Horn</p> <p><small>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 an on-the-ground survey and represents only the approximate relative location of property boundaries.</small></p>
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<p>SHEET</p> <p>3</p>	<p>DATE: 03/10/2021</p> <p>DRAWN: CGH</p> <p>CHECKED: CGH</p> <p>KHA NO.: 069225626</p>	<p>Potential Aquatic Features Map</p> <p>Source: USFWS, NWI, ESRI</p>	<p>Offsite Alternative 3</p> <p>Denton County, Texas</p>		<p>Kimley»Horn</p> <p><small>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 an on-the-ground survey and represents only the approximate relative location of property boundaries.</small></p>
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Legend

 Potential Aquatic Features

NWI Wetland/Waterbody Type

 Freshwater Emergent Wetland

 Freshwater Forested/Shrub Wetland

 Freshwater Pond

 Lake

 Riverine

 Offsite Alternative 4

0 250 500 1,000 Feet

SHEET

4

DATE: 03/10/2021

DRAWN: CGH

CHECKED: CGH

KHA NO.: 069225626

Potential Aquatic Features Map

Source: USFWS, NWI, ESRI

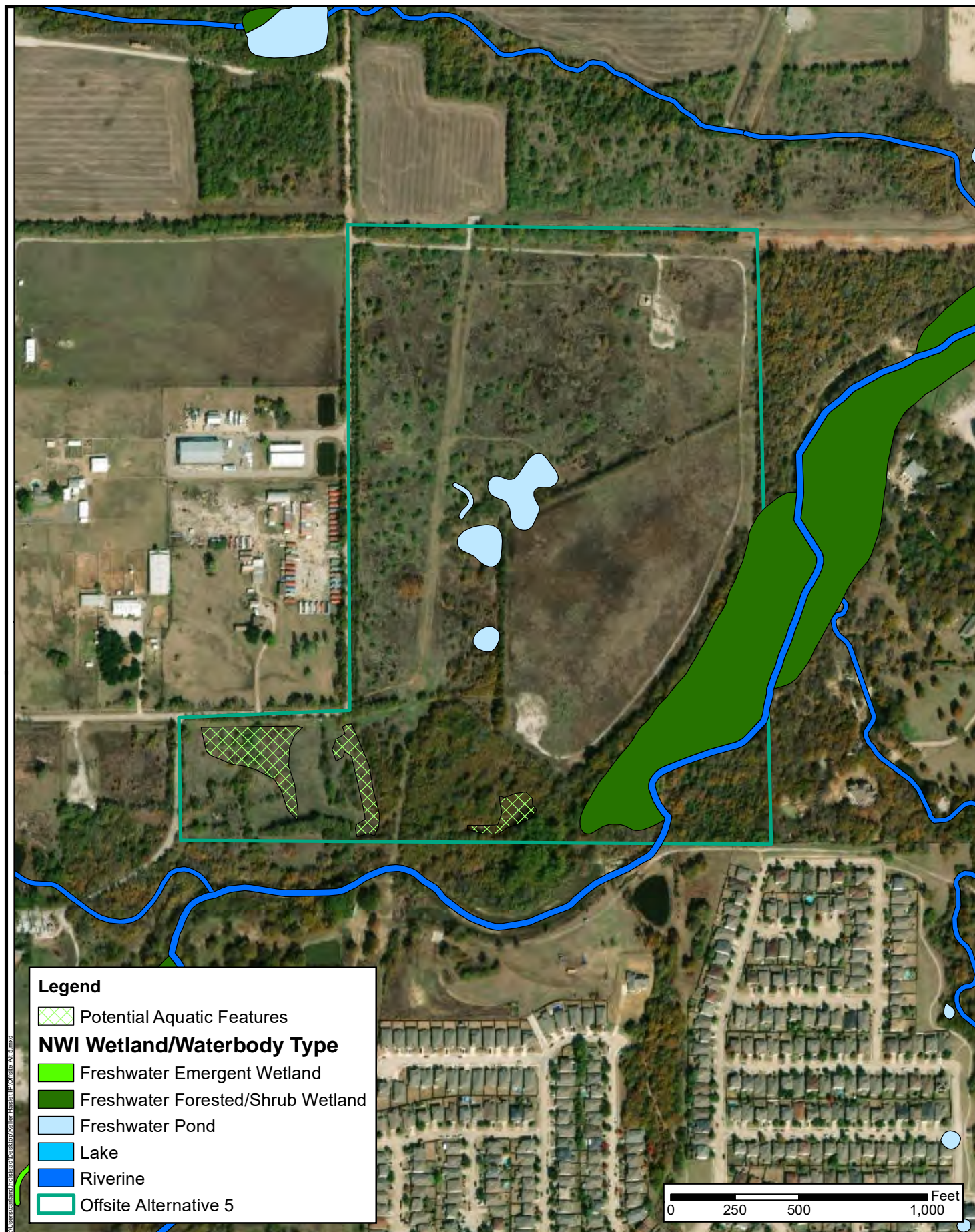
Offsite Alternative 4

Tarrant County, Texas



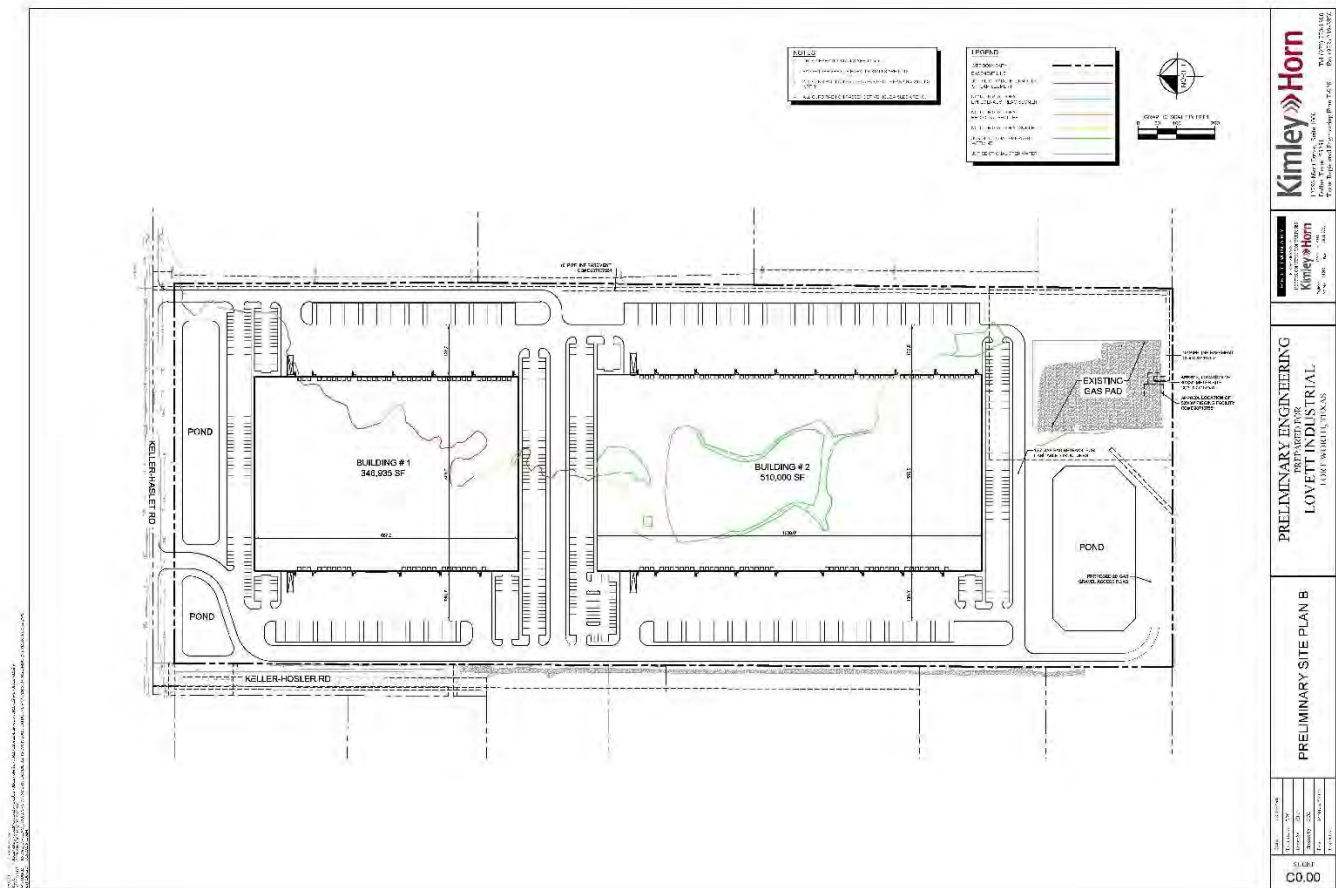
Kimley»Horn

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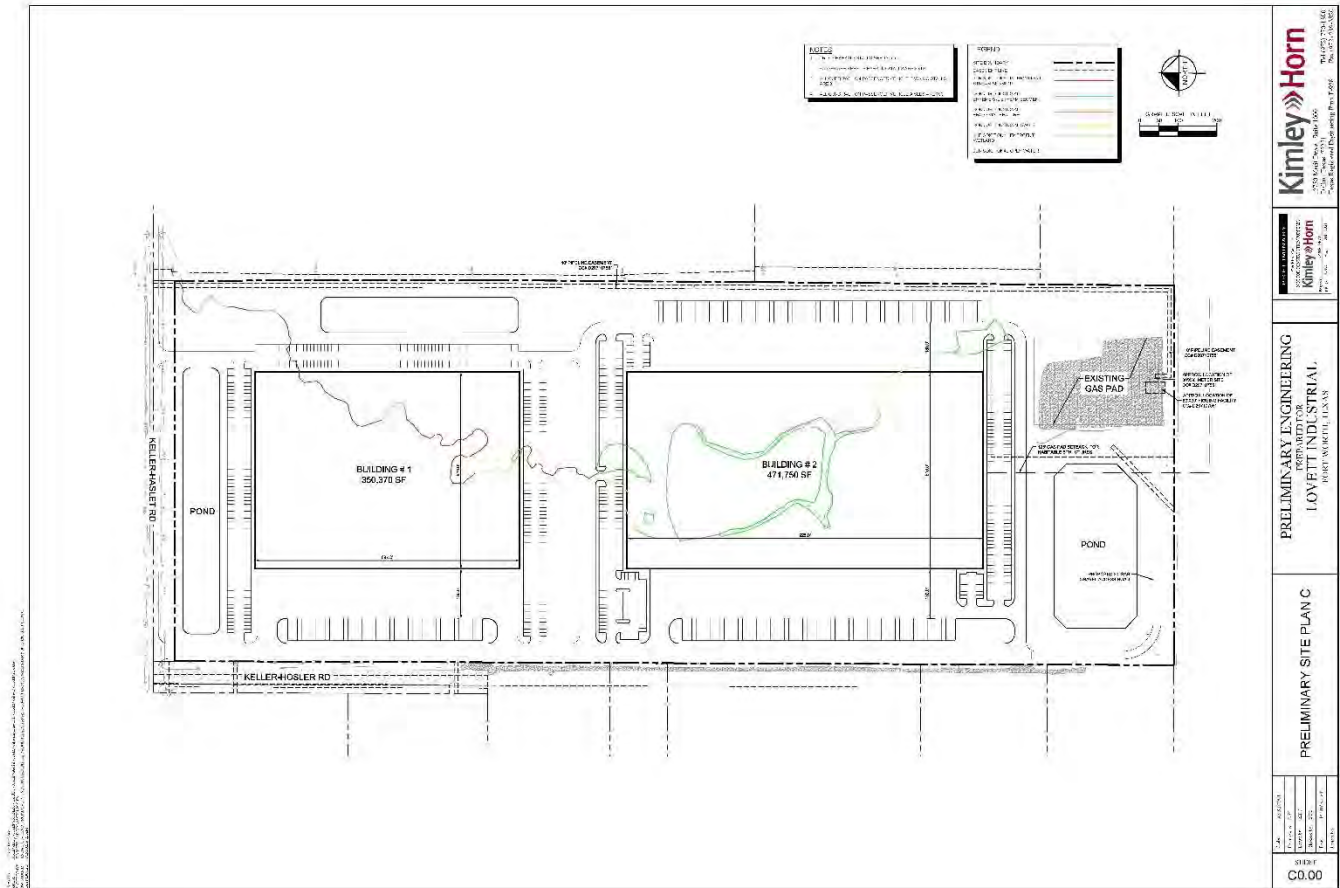


<p>SHEET</p> <p>5</p>	<p>DATE: 03/10/2021</p> <p>DRAWN: CGH</p> <p>CHECKED: CGH</p> <p>KHA NO.: 069225626</p>	<p>Potential Aquatic Features Map</p> <p>Source: USFWS, NWI, ESRI</p>	<p>Offsite Alternative 5</p> <p>Tarrant and Denton Counties, Texas</p>		<p>Kimley»Horn</p> <p><small>This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.</small></p>
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Site Plan B

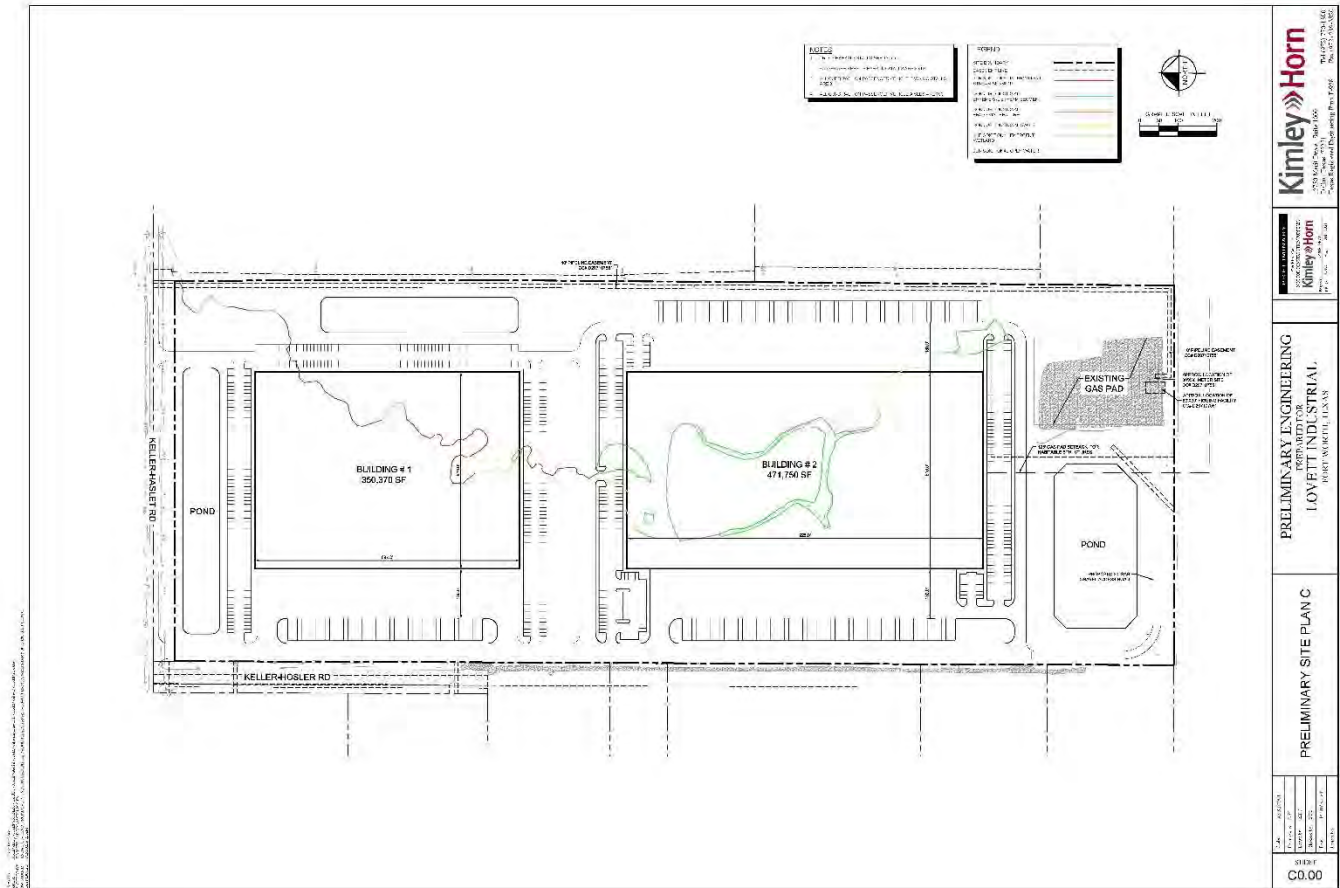


Site Plan C



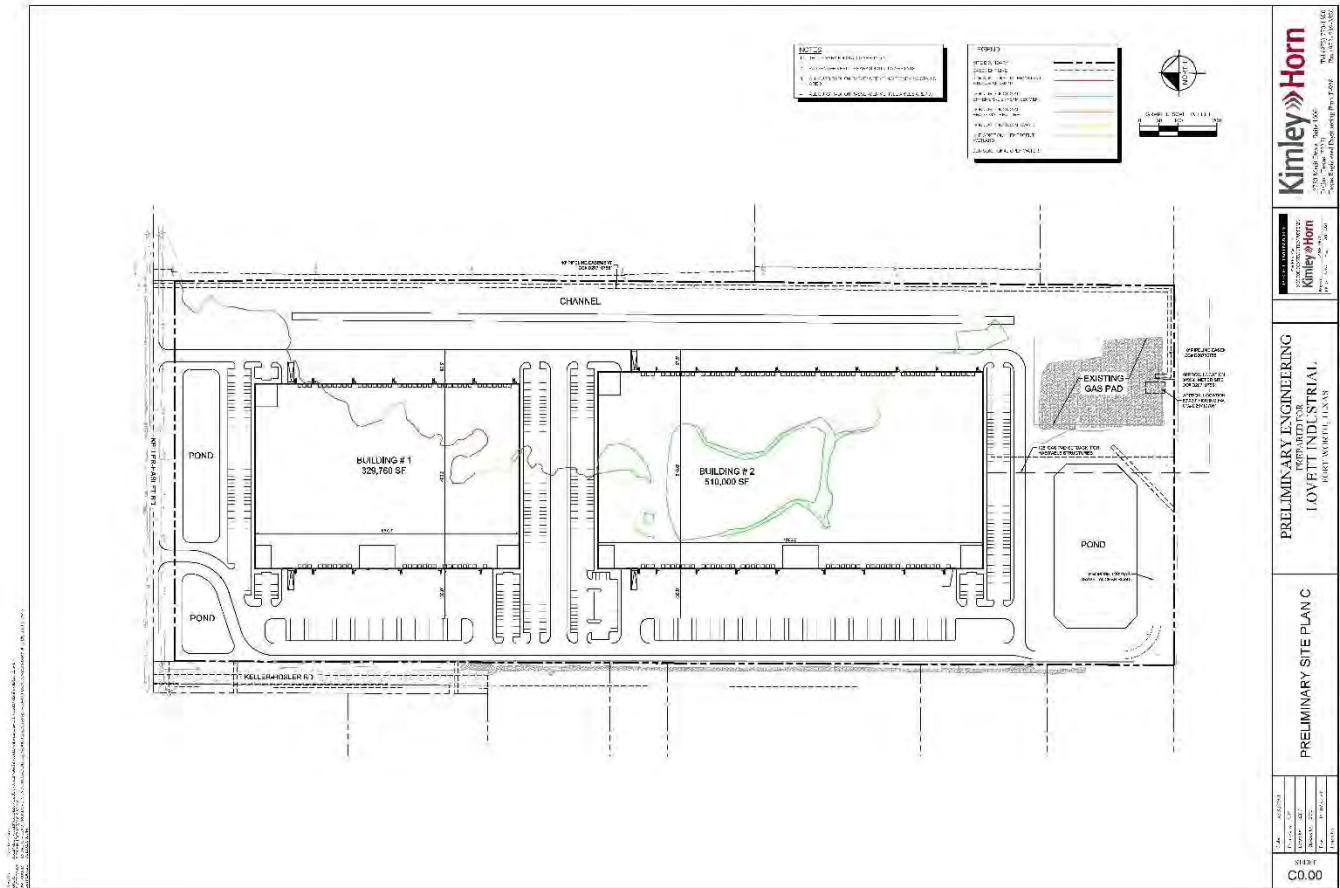
Alternative 2 – Reduce the Size of One Building

Site Plan C



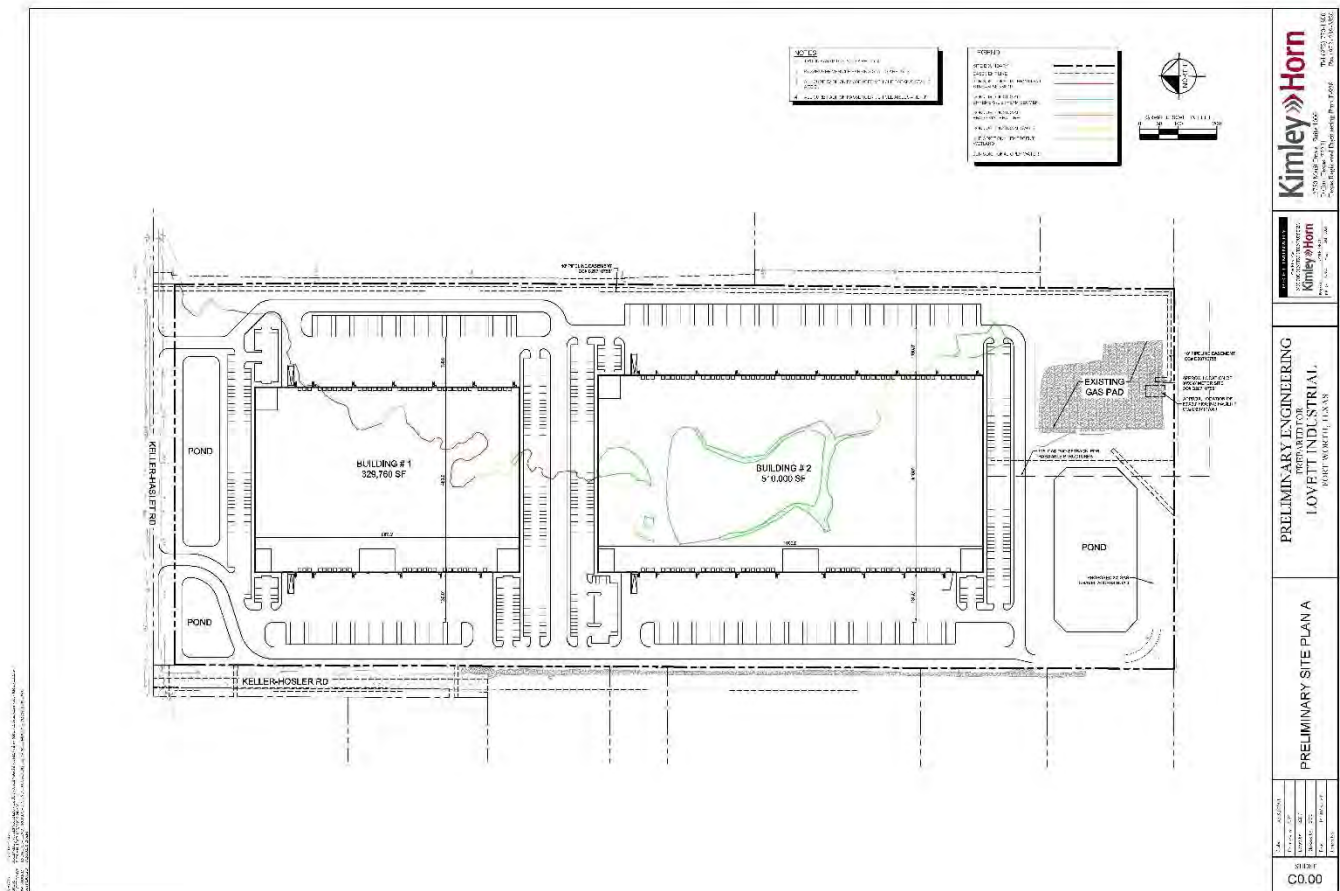
Alternative 3 – Placing Rerouted Stormwater in an Open Channel

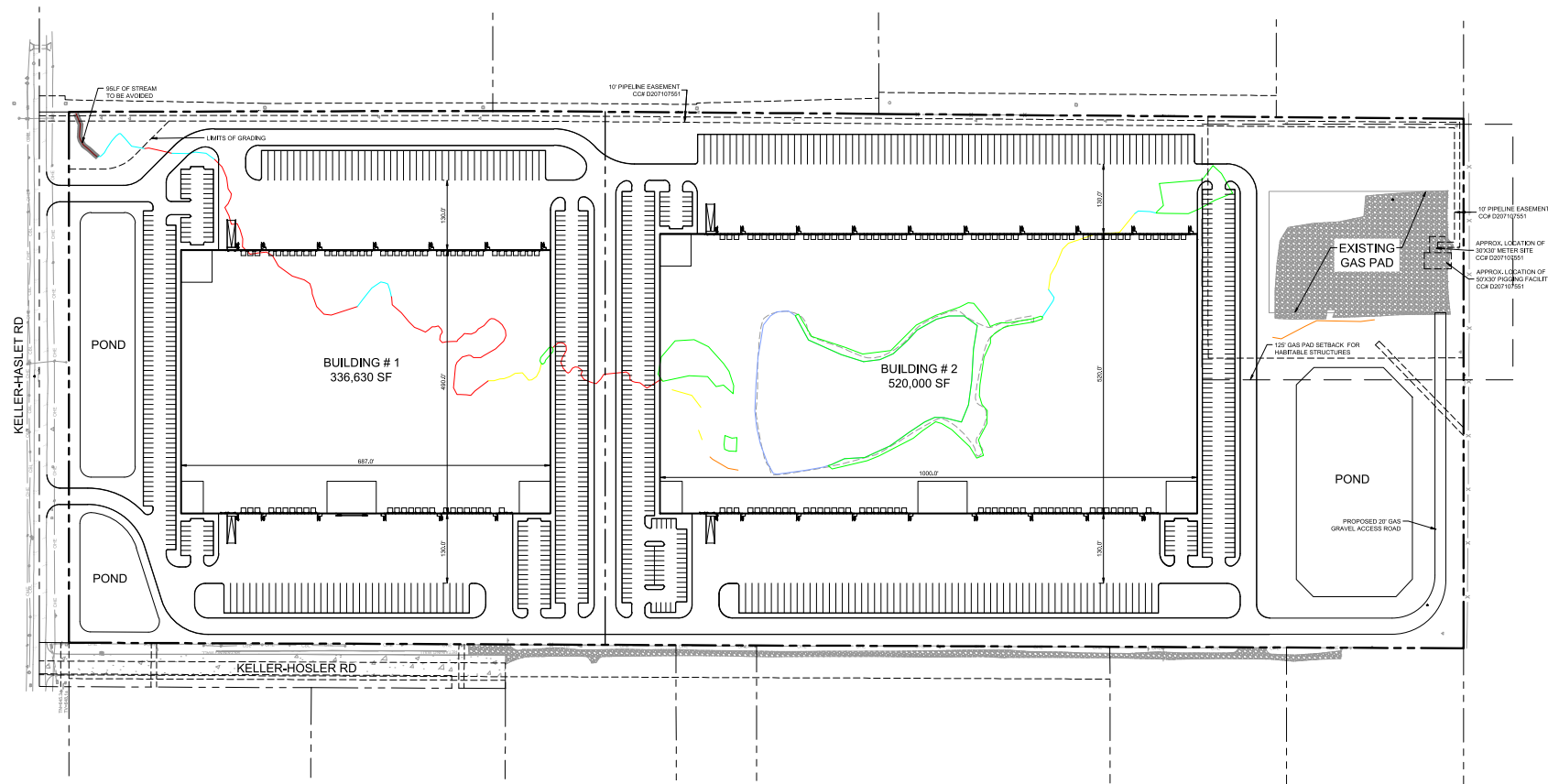
Site Plan D



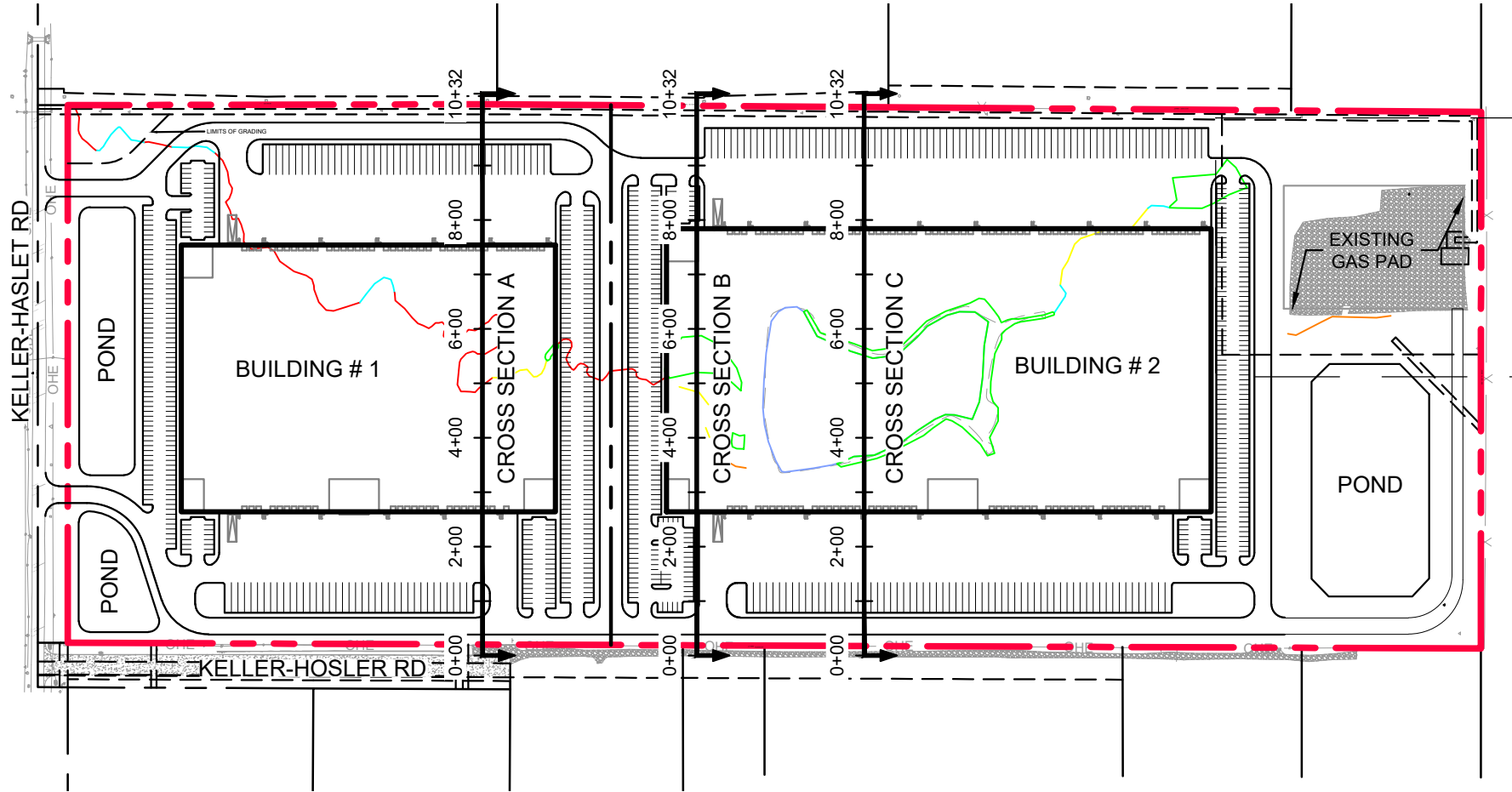
Alternative 4 – Applicant's Preferred Alternative

Site Plan A



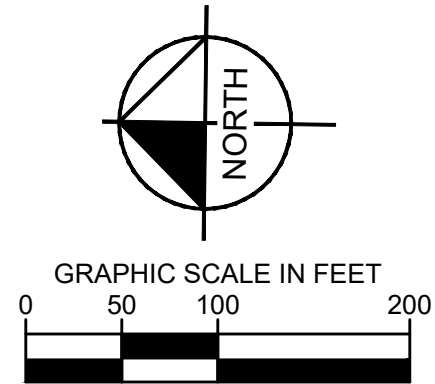


MAPS
 PREPARED BY
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 Dallas, Texas 75245
 Tel: (972) 776-1300
 Fax: (972) 279-1820
 Firm F-928



LEGEND

- SITE BOUNDARY
- EASEMENT LINE
- JURISDICTIONAL INTERMITTENT STREAM SEGMENT
- NON-JURISDICTIONAL EPHEMERAL STREAM SEGMENT
- NON-JURISDICTIONAL EROSIONAL FEATURE
- NON-JURISDICTIONAL SWALE
- JURISDICTIONAL EMERGENT WETLAND
- JURISDICTIONAL OPEN WATER



13750 Merit Drive, Suite 1000
 Dallas, Texas 75245
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 Fax: (972) 279-1820
 Firm F-928

ALLIANCE INDUSTRIAL
 PREPARED FOR
 LOVETT INDUSTRIAL
 FORT WORTH, TEXAS

INDIVIDUAL PERMIT IMPACTS EXHIBIT

Scale:	AS SHOWN
Designed By:	KAT
Drawn By:	JHE
Checked By:	DYG
Date:	MARCH 2021
Project No.:	0912626

EX