



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

# Public Notice

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Applicant: XL Rail, LLC

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Project No.: SWF-2021-00348

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Date: September 9, 2021

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## 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

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## **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 associated with the construction of an intermodal freight terminal encompassing approximately 165 acres (AC) in Longview, Gregg County, Texas.

**APPLICANT:** XL Rail, LLC  
C/O David L. Stevenson  
PO Box 190  
Gilmer, Texas 75644

**APPLICATION NUMBER:** SWF-2021-00348

**DATE ISSUED:** September 9, 2021

**LOCATION:** The proposed Longview Intermodal Freight Terminal (LIFT) would be located on a 179-acre parcel of land containing 6.17 acres of wetlands and 1.08 acre of upland stock ponds in Longview, Gregg County, Texas (Figure 1). The proposed project would be located approximately at coordinates 32.428667N, -94.713090W on the Lakeport, TX (2019) edition 7.5-minute U.S. Geological Survey (USGS) Quadrangle map in the USGS Hydrologic Unit 12010002.

**OTHER AGENCY AUTHORIZATIONS:** State Water Quality Certification

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 42,000 cubic yards (CY) of earthen fill into approximately 6.17 acres of waters of the United States (U.S.) consisting of approximately 5.60 acres of non-forested wetlands and 0.57 acre of forested wetlands associated with the construction of an intermodal freight terminal. No temporary or indirect impacts are proposed.

**INTRODUCTION:** The applicant proposes the construction of an intermodal freight terminal consisting of a corporate campus, wash facility, and warehouse facility. The corporate campus would consist of offices (20,000 SF), a maintenance building (9,000 SF), and a fueling/charging area (1,500 SF) totaling approximately 18 acres of paving, fence, controls, and landscape. The proposed wash facility would consist of a truck wash area (25,000 SF), a rail wash area (12,000 SF), and wash equipment totaling 9.75 acres of paving, fence, controls, and landscape. The warehouse facility would consist of a warehouse core and shell (250,000 SF) totaling 17 acres of paving, fence, and landscape along with a 200 SF security gate. The project would include all associated infrastructure for parking, utilities, stormwater management, interior roadways, and landscaping as well as tracks and sidings to accommodate railroad traffic. Stormwater management would include one 4.0-acre detention pond within the project site.

**PURPOSE AND NEED STATEMENT:** The Longview Intermodal Freight Terminal project would be a full featured rail and truck freight transfer facility with intermodal capabilities. The

operation would allow businesses in the area to connect directly with the Union Pacific Railroad's main line without having to build their own facilities or transport products to Dallas for transloading services for shipment by rail.

**EXISTING CONDITIONS:** The applicant states that the area is currently being used for cattle ranching/grazing. Two uninhabited homes, an outbuilding, and fences are currently located on the property.

The Lakeport, TX (2019) edition 7.5-minute U.S. Geological Survey (USGS) Quadrangle map) illustrated one unnamed blue line tributary to a small lake complex originating downslope of an isolated pond in the northern portion of the project site. The blue line leaves the project area and continues southeast to the small lake that follows the eastern boundary of the project area. The overall topography of the area slopes to the northeast, east, and southeast, with the overall watershed draining southeast towards the Sabine River. The maximum elevation of the property was approximately 270 feet above mean sea level (amsl) and a minimum elevation of approximately 245 feet amsl.

The Natural Resources Conservation Service's Web Soil Survey for Gregg County Texas identified five soil map units within the survey area: Kirvin very fine sandy loam, 1 to 5 percent slopes; Kirvin very fine sandy loam, 1 to 3 percent slopes; Mollville very fine sandy loam, 0 to 1 percent slopes; Sacul fine sandy loam, 1 to 5 percent slopes; and Wrightsville-Raino complex, 0 to 1 percent slopes. Wrightsville and Mollville soils were listed on the Hydric Soils of Texas list prepared by the National Technical Committee for Hydric Soils (accessed 25 August 2021, Upshur and Gregg Counties, Texas).

The FEMA FIRM (Gregg County; Map Panel 48203C0425F) illustrated most of the survey area to be within Zone A (Special Flood Hazard Areas subject to inundation by the 1 percent annual chance flood; No base flood elevations determined). The northernmost portion of the property was shown to be in Zone X (Areas determined to be outside the 0.2 percent annual chance floodplain).

From on-the-ground observations, the applicant states that the project site was characterized as having eleven plant communities.

**Upland 1 – Pasture** – The herbaceous layer is dominated by bermudagrass (*Cynodon dactylon*).

**Upland 2 – Pasture** – The herbaceous layer is dominated by bermudagrass and hogwort (*Croton capitatus*).

**Upland 3 – Pasture** – The herbaceous layer is dominated by bermudagrass, hogwort, smartweed (*Polygonum sp.*), and crabgrass (*Digitaria sp.*).

**Upland 4 – Mixed Pine Hardwood Forest** -- The tree stratum is dominated by loblolly pine (*Pinus taeda*) and sweetgum (*Liquidambar styraciflua*). The sapling stratum is dominated by loblolly pine, sweetgum, and Chinese tallow tree (*Triadica sebifera*). The shrub stratum is dominated by American beautyberry (*Callicarpa americana*) and hardy orange (*Poncirus*

*trifoliata*). The herbaceous layer is dominated by longleaf woodoats (*Chasmanthium sessiliflorum*). The woody vine stratum is dominated by poison ivy (*Toxicodendron radicans*).

**Upland 5 – Hardwood Forest** -- The tree stratum is dominated by post oak (*Quercus stellata*). The shrub stratum is dominated by American beautyberry. The herbaceous layer is dominated by longleaf woodoats. The woody vine stratum is dominated by crossvine (*Bignonia capreolata*).

**Upland 6 – Mixed Pine Hardwood Forest** -- The tree stratum is dominated by loblolly pine and southern red oak (*Quercus falcata*). The sapling stratum is dominated by water oak (*Quercus nigra*) and sweetbay (*Magnolia virginiana*). The shrub stratum is dominated by yaupon (*Ilex vomitoria*) and wax myrtle (*Morella cerifera*).

**Upland 7 – Mixed Pine Hardwood Forest** -- The tree stratum is dominated by loblolly pine and water oak. The sapling stratum is dominated by winged elm (*Ulmus alata*). The shrub stratum is dominated by hardy orange. The woody vine stratum is dominated by Alabama supplejack (*Berchemia scandens*) and common greenbrier (*Smilax rotundifolia*).

**Emergent Wetland A** -- The herbaceous layer is dominated by smartweed and common rush (*Juncus effusus*).

**Emergent Wetland B** -- The herbaceous layer is dominated by smartweed, dallisgrass (*Paspalum dilatatum*), and hogwort.

**Emergent Wetland C** -- The herbaceous layer is dominated by Johnsongrass (*Sorghum halepense*), dallisgrass (*Paspalum dilatatum*), and manyhead rush (*Juncus polycephalos*).

**Emergent Wetland D** -- The herbaceous layer is dominated by maidencane (*Panicum hemitomon*), smartweed, and Johnsongrass (*Sorghum halepense*).

**Forested Wetland** -- The tree and sapling strata are dominated by water oak, Chinese tallow tree, and sweetgum. The herbaceous layer is dominated by marsh elder and green ash (*Fraxinus pennsylvanica*). The woody vine stratum is dominated by poison ivy.

The overall topography of the survey area is relatively flat, sloping to the east and south, with the overall watershed draining southeast towards the small lake bordering the property. Any overflow from the lake would travel overland south or southeast towards the Sabine River, a Navigable Water.

**ADVERSE IMPACTS OF THE PROPOSED PROJECT:** Direct, permanent loss of waters of the U.S. for the project development would be 6.17 acres of waters of the United States consisting of approximately 5.60 acres of non-forested wetlands and 0.57 acre of forested wetlands. Adverse impacts anticipated for the project would include standard construction procedures associated with large-scale developments that include contouring soils, construction of offices and other buildings, development of transportation infrastructure, lot fill, and the installation of storm drains and utilities totaling 42,000 CY of earthen fill in waters of the United States.

ALTERNATIVES TO THE PROPOSED PROJECT: The USACE has not yet evaluated the alternatives analysis prepared by the applicant. The applicant states that they developed and utilized a set of screening criteria to evaluate the project within Gregg County for implementing a large-scale master planned intermodal freight terminal development. They included the following:

*Step 1- Location, Accessibility, and Property Size:*

1. The project requires a site within Gregg County in relative proximity to the major thoroughfares (Interstate Highways [IH] 20) and the Union Pacific Railway to take advantage of the unique and available skilled labor force trained to handle large-scale distribution capacity.
2. The project requires a site with the appropriate road access, capacity and configuration within 10 miles of IH20.
3. The project requires a site large enough to accommodate all necessary buildings plus the additional necessary space for semi-trailer parking, semi-trailer movement, and surface parking as well as the necessary railroad spurs, tracks, and sidings. The parcel would need to be at minimum 150 AC, if oriented correctly and completely developable.

*Step 2 – Availability:*

The applicant states that one property meeting the vicinity requirements for the Union Pacific Railroad track and interstate highway was investigated. The property was for sale and available; however, the tract was only 40 AC in size. That size tract would not allow for the construction of all the facilities required for the intermodal freight terminal. This alternative does not provide a large enough area to construct all the necessary terminal facilities and was discounted on this basis.

*Step 3 – Impacts to waters of the United States:*

The applicant states that information concerning aquatic resources was gathered from the National Hydrographic Dataset (NHD), the National Wetlands Inventory (NWI) compiled by the U.S. Fish and Wildlife Service (USFWS), and via an on-the-ground wetland delineation of the project area. A total of 7.48 acres of emergent wetland, 3.48 acres of scrub/shrub wetland, 0.65 acre of forested wetland, and 5.4 acres of open water were identified within the 180-acre subject property.

**ON-SITE ALTERNATIVE 1: (NO AVOIDANCE ALTERNATIVE)** – The applicant states that under this alternative the entire 180-acre tract would be utilized for the project. This would allow for the construction of the largest rail spurs and storage yard that could be configured on the property. This alternative would impact 7.48 acres of emergent wetland, 3.48 acres of scrub/shrub wetland, 0.65 acre of forested wetland, and 5.4 acres of open water. This alternative satisfies all three requirements of the project and provides an adequate footprint for construction of all the necessary terminal facilities. However, it results in the greatest amount of impacts to surface waters and was discounted on this basis.

**OFF-SITE ALTERNATIVE:** The applicant states that one property meeting the vicinity requirements for the Union Pacific Railroad track and interstate highway was investigated. The property was for sale and available; however, the tract was only 40 acres. That size tract would not allow for the construction of all the facilities required for the intermodal freight terminal. This alternative does not provide a large enough area to construct all the necessary terminal facilities and was discounted on this basis.

**NO ACTION ALTERNATIVE:** The applicant states that under the No Action Alternative the project would not be completed. Under the No Action Alternative, which would fully avoid impacts to waters of the United States, the nearest intermodal facility will be 125 miles away in Dallas. Products will still be transported to Dallas by truck to be loaded on railcars. Each railcar transports the equivalent of four truckloads. This alternative adds to congestion on the already crowded highways, increases exhaust pollutants, and increases delivery times on products. This alternative was not feasible due to the need for an intermodal facility in the region as well as the fact that a suitable site for the construction of the intermodal facility was located and available.

**APPLICANT'S PREFERRED ALTERNATIVE:** The applicant states that their Preferred Site plan has been re-designed from 180 AC to fit a smaller 165-acre footprint and reduce impacts to surface water including wetlands. Original design proposed impacts to 18.09 acres of surface waters including wetlands. The reduced footprint proposes impacts to 6.17 acres of surface waters including wetlands.

**MITIGATION:** To offset unavoidable adverse impacts to Waters of the U.S., the applicant proposes to purchase sufficient in-kind wetland mitigation bank credits from a USACE-approved mitigation bank in accordance with the methodologies prescribed within the respective bank's 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 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 (NEPA). 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 will trigger review under Section 401 of the CWA. The TCEQ will review this application under Section 401 of the CWA in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. If you have comments or questions on this proposed project's State water quality certification process, please contact [401certs@tceq.texas.gov](mailto:401certs@tceq.texas.gov). You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

**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 in a county where the Red Knot (*Calidris canutus rufa*), Piping Plover (*Charadrius melodus*), Earth fruit (*Geocarpon minimum*), and Texas Prairie Dawn-flower (*Hymenoxys texana*) are known to occur or may occur as migrants. The Texas Prairie Dawn-flower is an endangered species, and the Red Knot, Piping Plover and Earth Fruit 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 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.

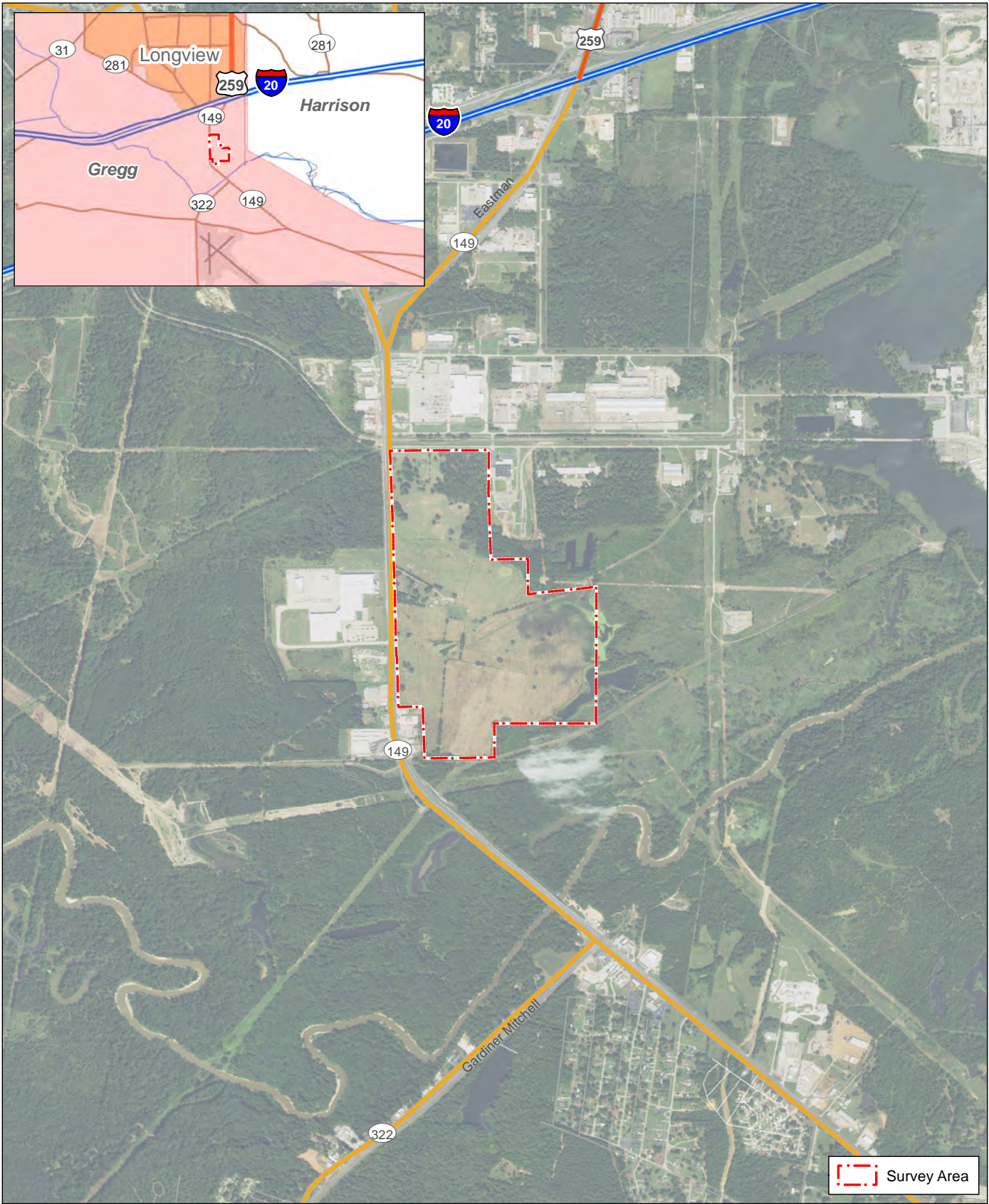
**PUBLIC HEARING:** Prior to the close of the comment period any person may make a written request for a public hearing setting forth the reasons for the request. The District Engineer will


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.



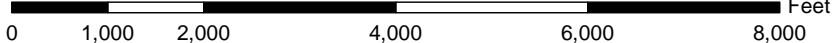
**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before October 12, 2021, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If 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. Darwin Messer by emailing [darwin.messer@usace.army.mil](mailto:darwin.messer@usace.army.mil). Telephone inquiries should be directed to (817) 886-1744. 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





 Survey Area

	<p><b>Figure 1.</b> General Location Map</p>	<p>XL Rail, LLC LIFT Project Gregg County, TX</p>	 <p><b>SPHERE 3</b> ENVIRONMENTAL</p>
	 <p>0    1,000    2,000    4,000    6,000    8,000    Feet</p>		
<p>SWF-2021-00348</p>	<p>Date: 08/26/2021</p>	<p>Coordinate System: NAD 1983 UTM Zone 15 North</p>	

1501 Bill Owens Parkway  
Longview, TX 75604  
Phone: (903) 297-4673  
www.sphere3env.com



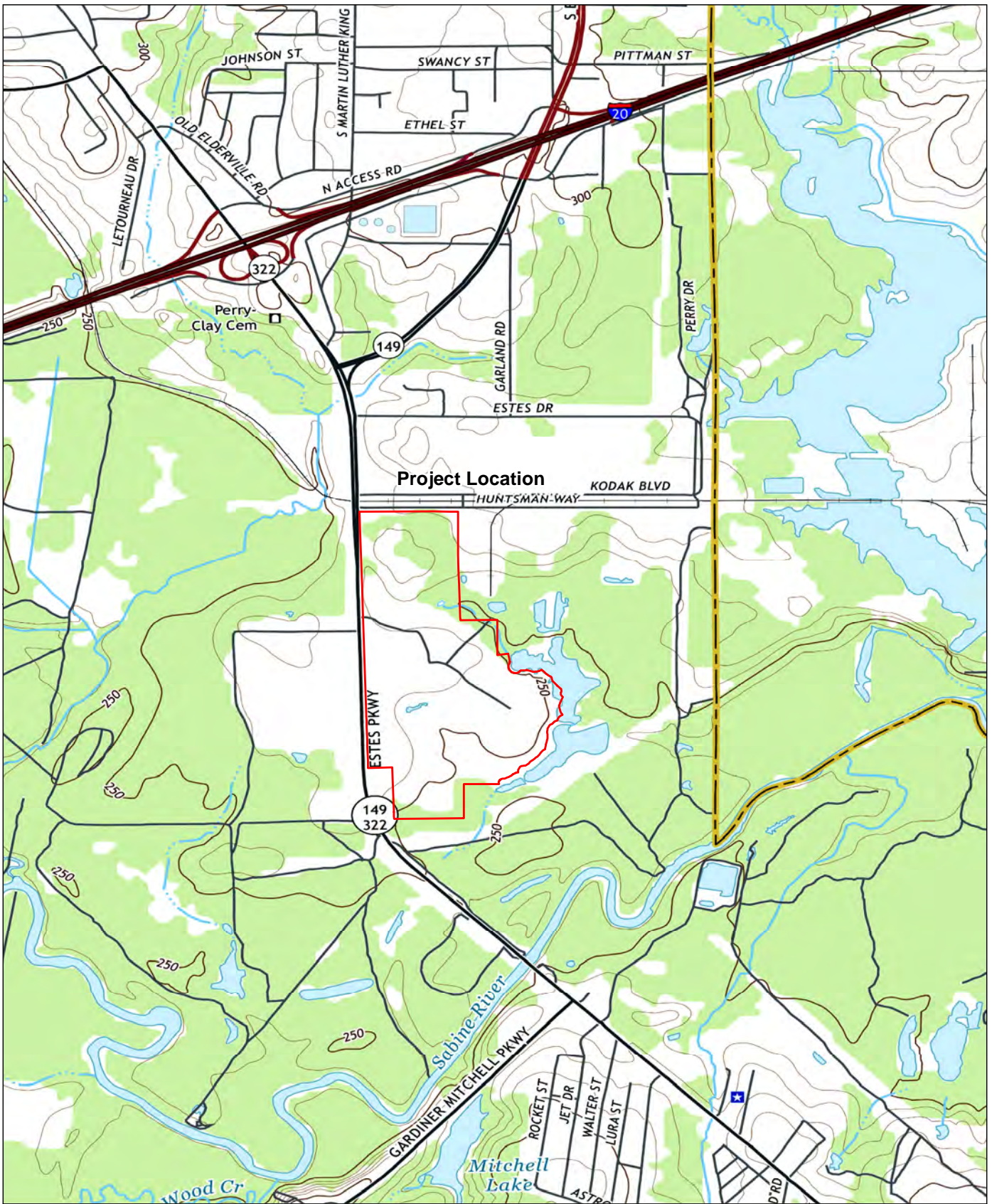
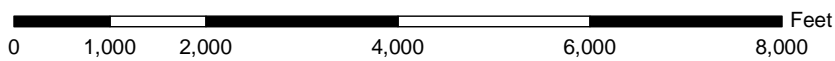


Figure 2.  
Topographic Features Map

XL Rail, LLC  
LIFT Project  
Gregg County, TX



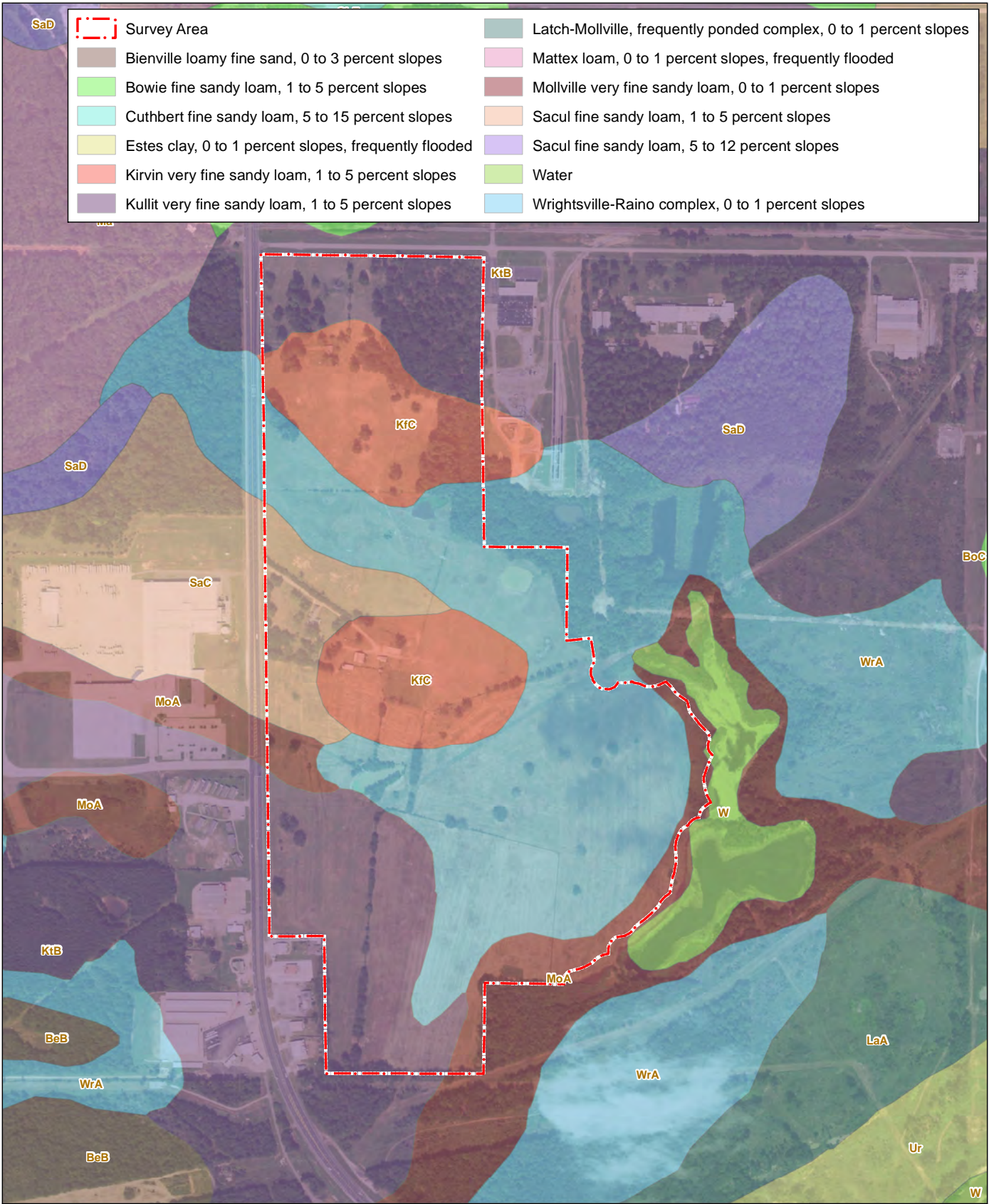
1501 Bill Owens Parkway  
Longview, TX 75604  
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SWF-2021-00348

Date: 08/26/2021

Base Map: USGS 7.5 Minute Topographic  
Quadrangle: Lakeport, TX (Published, 2019)





	<p><b>Figure 3.</b> Soils Map</p>	<p>XL Rail, LLC LIFT Project Gregg County, TX</p>	
	<p>0 300 600 1,200 1,800 2,400 3,000 Feet</p>	<p>SWF-2021-00348</p>	
<p>Base Map: NRCS Geospatial Data Gateway USDA Web Soil Survey (Gregg County, TX)</p>		<p>1501 Bill Owens Parkway Longview, TX 75604 Phone: (903) 297-4673 www.sphere3env.com</p>	

 Survey Area

Zone AE  
Floodway

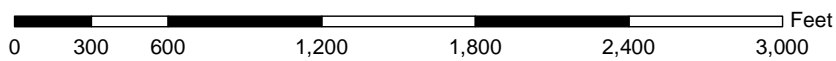
Zone X  
Area Of Minimal Flood Hazard

Zone A  
Area subject to inundation by the  
1% annual chance flood



Figure 4.  
FEMA Flood Hazard Zones Map

XL Rail, LLC  
LIFT Project  
Gregg County, TX



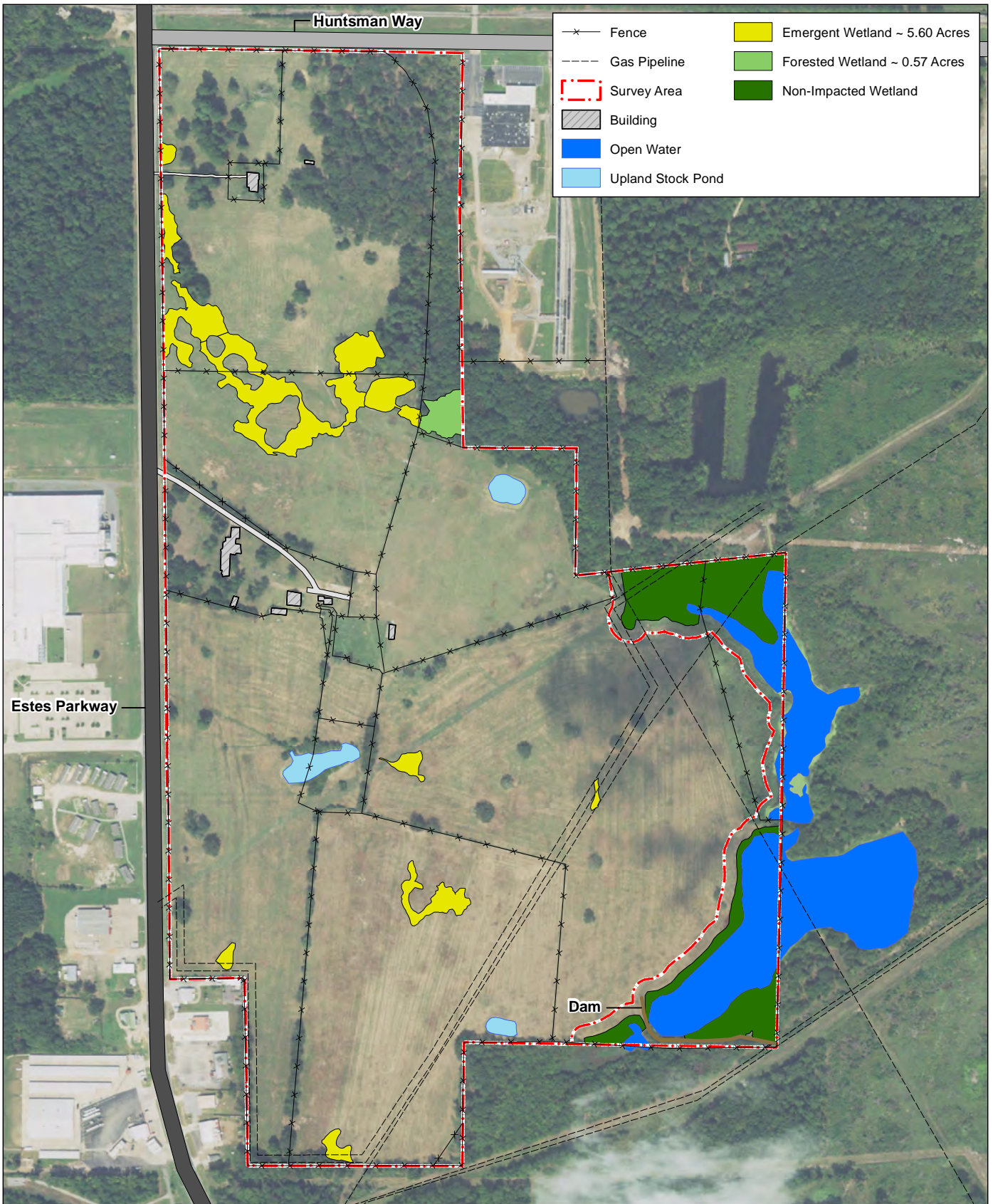
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www.sphere3env.com

SWF-2021-00348

Date: 08/26/2021

Base Map: Flood Insurance Rate Map  
Panel No. 48203C0425F Gregg County, TX





	<p><b>Figure 5.</b> Aerial Photograph Map</p>	<p>XL Rail, LLC LIFT Project Gregg County, TX</p>	<p>1501 Bill Owens Parkway Longview, TX 75604 Phone: (903) 297-4673 www.sphere3env.com</p>
	<p>0 250 500 1,000 1,500 2,000 Feet</p>		
<p>SWF-2021-00348</p>	<p>Date: 08/26/2021</p>	<p>Base Map: NRCS Geospatial Data Gateway 2020 NAIP Aerial Imagery (Gregg County, TX)</p>	



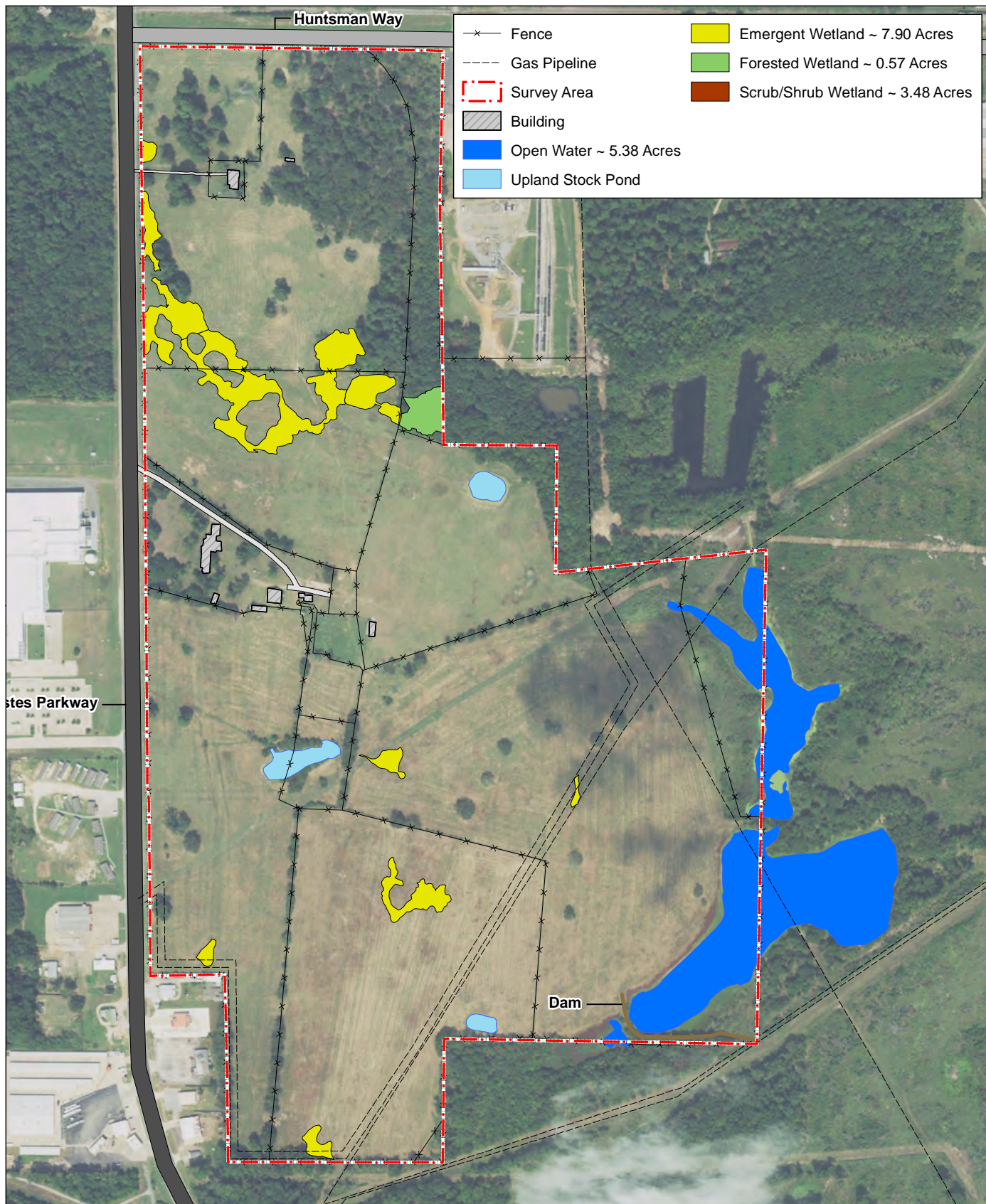


Figure 6.  
Onsite Alternative 1

XL Rail, LLC  
LIFT Project  
Gregg County, TX



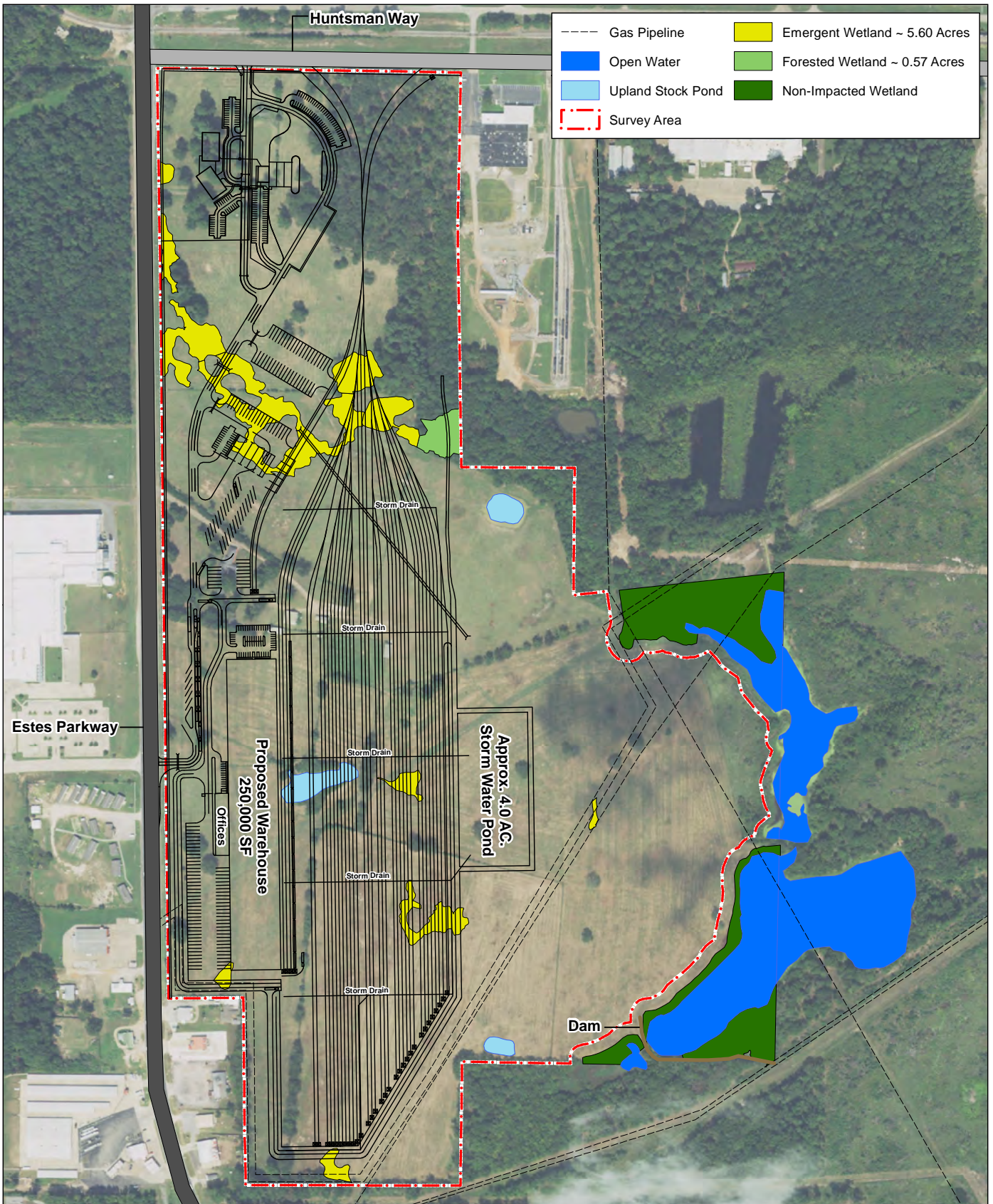
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SWF-2021-00348

Date: 08/26/2021

Base Map: NRCS Geospatial Data Gateway  
2020 NAIP Aerial Imagery (Gregg County, TX)



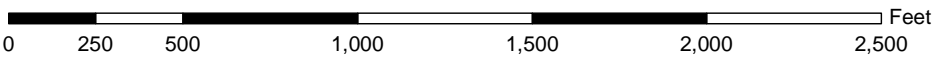


Gas Pipeline	Emergent Wetland ~ 5.60 Acres
Open Water	Forested Wetland ~ 0.57 Acres
Upland Stock Pond	Non-Impacted Wetland
Survey Area	



Figure 7.  
Preferred Onsite Alternative

XL Rail, LLC  
LIFT Project  
Gregg County, TX



1501 Bill Owens Parkway  
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SWF-2021-00348

Date: 08/25/2021

Base Map: NRCS Geospatial Data Gateway  
2020 NAIP Aerial Imagery (Gregg County, TX)