



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

Public Notice

Applicant: Jackson Shaw Ranch 46, LLC

Project No.: SWF-2021-00374

Date: August 18, 2021

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 a warehouse distribution center totaling approximately 2.36 million square feet (SF) in Fort Worth, Tarrant County, Texas.

APPLICANT: Jackson Shaw Ranch 46, LLC
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4890 Alpha Road, Suite 100
Dallas, Texas 75244

APPLICATION NUMBER: SWF-2021-00374

DATE ISSUED: August 18, 2021

LOCATION: The proposed 46 Ranch Logistics Park would be located on a 174-acre (AC) parcel of land containing 3,399 linear feet (LF) of stream, 2.290 AC of wetlands and 1.454 AC of impoundments in Fort Worth, Tarrant County, Texas (Figure 1). The proposed project would be located approximately at coordinates 32.65152N, -97.2999W on the Fort Worth 1955, 1957 edition 7.5-minute U.S. Geological Survey (USGS) Quadrangle map in the USGS Hydrologic Unit 12030102.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 16,852 cubic yards (CY) of earthen fill into approximately 3.546 AC of waters of the United States consisting of approximately 1.821 AC of non-forested wetlands, 1.454 AC of impoundments, and 1,773 LF of intermittent stream (0.271 AC) associated with the construction of a warehouse distribution center. The applicant proposes that all impacts would be direct and permanent, without any temporary impacts to waters of the United States.

INTRODUCTION: The applicant proposes the construction of approximately 2.36 million SF of warehouse distribution space, trailer docking/parking and associated surface parking. The proposed site plan includes five buildings – 800,000 SF, 249,479 SF, 158,750 SF, 249,479 SF, and a 1,000,000 SF building. The 800,000 SF and 1,000,000 SF buildings would be rail spur served. The project would include all associated infrastructure for utilities, stormwater management, interior roadways, and landscaping. Stormwater management would include two detention areas within the project site.

PURPOSE AND NEED STATEMENT: 46 Ranch Logistics Park project proposes to meet the continued need for regional product shipping and distribution by developing industrial/flex space necessary for the consumer demand shifts that have occurred due to Covid-19 and that have likely

become a societal shift of increased home and office delivery for retail goods over brick and mortar shopping experiences.

EXISTING CONDITIONS: The applicant states that Phase I has been sold to a tenant (Green Bay Packaging) and Phase II, which includes three buildings, are currently under construction. The applicant states that these builds were constructed completely within upland areas. Upland areas of Phase III are currently being used as a soil stockpile.

The USGS topographic map (Fort Worth 7.5' Quadrangle 1955, 1957 edition, Figure 2A) illustrated one unnamed blue line tributary to Village Creek originating downslope of an isolated pond in the southwestern portion of the project site. The blue line meanders to the south of the boundary before turning north and briefly entering the southeastern corner. The 2019 version of the Fort Worth 7.5' Quadrangle map (Figure 2B) illustrated the original blue line with two impoundments on-channel. An additional blue line is newly depicted originating at the intersection of East Altamesa Boulevard and Campus Drive and continuing southeast into the western impoundment. The newly illustrated pond is shown isolated in the landscape, east of the eastern impoundment. The overall topography of the area was relatively flat, sloping to the east and south, with the overall watershed draining southeast. The maximum elevation of the property was approximately 690 feet above mean sea level (amsl) and a minimum elevation of approximately 660 feet amsl.

The *Soil Survey of Tarrant County, Texas* (Figure 3) identified five soil map units within the survey area: Lott silty clay, 1 to 3 percent slopes; Ponder clay loam, 1 to 3 percent slopes; Sanger clay, 1 to 3 percent slopes; Slidell clay, 0 to 1 percent slopes; and Slidell clay, 1 to 3 percent slopes. None of these soil map units were listed on the Hydric Soils of Texas list prepared by the National Technical Committee for Hydric soils (accessed 15 April 2021, Tarrant County, Texas).

The FEMA FIRM (Tarrant County; Map Panel 48439C0320L; effective 21 March 2019, Figure 4) illustrated most of the survey area to be within Zone X (Areas determined to be outside the 0.2 percent annual chance floodplain). A small portion of the southeastern corner of the survey area was shown to be in Zone A (Special Flood Hazard Areas subject to inundation by the 1 percent annual chance flood; No base flood elevations determined).

From on-the-ground observations, the applicant states that the project site was characterized as having three plant communities – **rangeland**, **forested corridor**, and **row-crop agriculture**. The **rangeland** vegetation community is in the southeastern portion. This area was a mix of herbaceous and woody vegetation, dominated by Johnsongrass (*Sorghum halepense*), field brome (*Bromus arvensis*), King Ranch bluestem (*Bothriochloa ischaemum*), silver bluestem (*Bothriochloa laguroides*), giant ragweed (*Ambrosia trifida*), annual broomweed (*Amphiachyris dracunculoides*), western ragweed (*Ambrosia psilostachya*), spreading hedge parsley (*Torilis arvensis*), with sugarberry (*Celtis laevigata*) and honey mesquite (*Prosopis glandulosa*) scattered throughout. The **forested corridor** vegetation community is in the southwestern corner and along the southern boundary. These areas were dominated by a canopy of honeylocust (*Gleditsia triacanthos*), Osage orange (*Maclura pomifera*), black willow (*Salix nigra*), eastern cottonwood (*Populus deltoides*), and green ash (*Fraxinus pennsylvanica*). The understory was comprised of

switchgrass (*Panicum virgatum*), giant ragweed, giant goldenrod (*Solidago gigantea*), smallhead sneezeweed (*Helenium microcephalum*), roughleaf cocklebur (*Xanthium strumarium*), and frog fruit (*Phyla nodiflora*). The **row-crop agriculture** vegetation community was planted with wheat (*Triticum spp.*) for hay production, at the time of survey, and had been recently harvested.

The overall topography of the survey area was relatively flat, sloping to the east and south, with the overall watershed draining southeast via an unnamed tributary to Village Creek. Village Creek flows into the West Fork Trinity River, which ultimately flows into the Trinity River, a Navigable Water.

ADVERSE IMPACTS OF THE PROPOSED PROJECT: Direct, permanent loss of waters of the United States for the project development would be 1,773 LF of intermittent tributary (0.271 AC), 1.454 AC of on-channel impoundment, and 1.821 AC of non-forested wetland (Figure 12). Adverse impacts anticipated for the project would include standard construction procedures associated with large-scale developments that include contouring soils, development of transportation infrastructure, lot fill, and the installation of storm drains and utilities totaling 16,852 CY of earthen fill in waters of the United States.

ALTERNATIVES TO THE PROPOSED PROJECT: (Figures 6-12) 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 southern Tarrant County for implementing a large-scale master planned industrial distribution/warehouse development. They included the following:

Step 1- Location, Accessibility, and Property Size:

1. A site within southern Tarrant County in relative proximity to the major thoroughfares (Interstate Highways [IH] 20 and 35) and the Union Pacific Railway to take advantage of the unique and available skilled labor force trained to handle large-scale distribution capacity and manufacturing;
2. A site with the appropriate road access, capacity and configuration (minor arterial – 4 lanes) with easy access to a major IH or Texas States Highway (SH) for large volume truck traffic.
3. A site large enough to accommodate at least 2.36 million total SF of industrial distribution/warehouse buildings plus the additional necessary space for semi-trailer parking, semi-trailer movement, and surface parking. The parcel would need to be at minimum 125 AC, if oriented correctly and completely developable. Industry standard, developed based on local zoning ordinances and regulations, is to assume that a parcel would only be able to provide 80 percent developable acreage for the building and all ancillary facilities, so the total parcel size would need to be a minimum of 150 AC to accommodate allowances for infrastructure, setbacks and landscaping, along with other undevelopable site features (e.g., floodway, existing easements). Additionally, the applicant would not want to purchase land in excess of their needs, so a maximum site size would be no more than 300 AC.

The applicant states that to eliminate over analyzation for the initial screening efforts, the analysis first utilized Tarrant County Appraisal District (CAD) parcel data to determine the location and quantity of parcels greater than 50 AC in size. The applicant chose his number (50 AC) arbitrarily based on the overall number of parcels within southern Tarrant County and their relative sizes; keeping in mind the project purpose of developing a large-scale industrial distribution/warehouse development. If multiple 50-AC or greater parcels were in relative proximity, several smaller parcels could be combined in a subsequent analysis to achieve the goal of developing at least a 150-AC site, but no more than 300 AC. Publicly available information obtained from municipality, county, and/or real estate websites was also used to combine adjoining parcels, which are owned by the same person/entity or are part of the same planned development. Although multiple other 50-AC parcels were identified scattered throughout the geographic extent of the original analyses; these parcels were determined to not be practicable due to isolation or the inability to combine multiple parcels into the necessary overall property size as well as having already been developed or currently under development. These discrete parcels were then eliminated from further consideration prior to the next step in the screening process.

Step 2 – Availability:

The applicant used availability in the alternative analysis, includes all parcels/combined parcels that are not currently under development, are not currently classified as an active Planned Development, and parcels that can be reasonably obtained. All sites, located within Step 1, were screened against this criterion to determine if the alternative would be considered practicable. This removed parcels that were publicly owned, such as properties owned by Independent School Districts, City of Fort Worth, and the U.S. Army Corps of Engineers (USACE). All 24 remaining sites were screened against this criterion to determine if the alternative would be considered practicable. Sites 1, 3 through 8, 10 through 16, 18 through 22, and 24 are currently under development or being actively marketed with an existing site plan in place; thereby, failing to carry forward. Sites 2, 9, 17, and 23 were carried forward based on availability.

Step 3 – Impacts to waters of the United States:

The applicant states that baseline secondary information concerning aquatic resources was gathered from the National Hydrographic Dataset (NHD) and the National Wetlands Inventory (NWI) compiled by the U.S. Fish and Wildlife Service (USFWS). Multiple parcels identified in this alternative analysis contained named tributary of considerable length within the property boundaries. An analysis of the potential impacts to aquatic resources was done on the four remaining sites (**Table 1**). Based on the acreage of Sites 2 and 23 and the amount of aquatic resources, avoidance of all aquatic resources would be difficult with the need for 105 AC of fully developed land for the 2.36 million SF necessary. Conceptual site plans were developed for impact comparison. Site 2 was determined to be the site that could be the least damaging practicable alternative based on the available sites of similar size located in the geographic region of southern Tarrant County.

Table 1. Aquatic Resources Located on Alternative Sites.

| Parcel Number | Parcel Size (AC) | NHD Tributary Length (LF) | NWI Mapped Wetlands (AC) |
|----------------------|-------------------------|----------------------------------|---------------------------------|
| 2 | 174 | 3,048 | 1.50 |
| 9 | 300 | 8,891 | 6.99 |
| 17 | 261 | 5,707 | 6.47 |
| 23 | 211 | 10,267 | 3.59 |

NO ACTION ALTERNATIVE – The applicant states that under the No Action Alternative the upland properties could be completed; however, necessary rail spur connection could not be completed without impacts to waters of the United States. Under the No Action Alternative, which would fully avoid impacts to waters of the United States, the Applicant would not be able to develop the necessary 2.36 million SF of industrial distribution/warehouse space. The market currently has a need for large-scale buildings with available rail connection. The southern corridor of Tarrant County has great potential to continue the expansion of industrial distribution/warehouse space that has been occurring in the greater Metropolitan area. Overall, this alternative would not meet the current need for additional space. At this time, there is sufficient demand in the market that additional warehousing and distribution space is necessary to meet consumer demand for products distributed throughout the Southern and Western United States.

ALTERNATIVE SITE LAYOUTS – The applicant states that overall Site 2, after an on-the-ground delineation of waters of the United States was conducted, had 3,485 LF of intermittent tributary (0.585 AC), 1.454 AC of on-channel impoundment, and 2.290 AC of non-forested wetland. The applicant also states that proposed impacts under the applicant’s Preferred Alternative include 1,773 LF of intermittent tributary (0.271 AC), 1.454 AC of on-channel impoundment, 1.821 AC of non-forested wetland, which would be considered to fall under a Tier II Water Quality Certification under Section 401 of the CWA administered by the Texas Commission on Environmental Quality (TCEQ). Historically, Tributary 1 clipped the southwestern corner of the site before meandering to the south. Through time, on-channel impoundments were constructed with poor spillway design. This has led to the creation of a large pond/wetland complex with poor drainage. This complex was further exaggerated when a stormwater ditch was excavated to convey stormwater from the roadway improvement to the west into the wetland complex.

The applicant states that the applicant’s Preferred Site plan avoided impacts to the eastern and western ends of Tributary 1, all of Tributary 2, and the western portion of Wetland 1. The applicant also states that overall avoidance of waters of the United States included 59 percent of the LF of tributaries and 18 percent of the total acreage of aquatic features.

MITIGATION: To offset unavoidable adverse impacts to Waters of the United States, the applicant proposes to purchase sufficient in-kind stream and wetland mitigation bank credits from a USACE-approved mitigation bank in accordance with the methodologies prescribed within the respective banks’ 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. The applicant has contacted the TCEQ and has initiated 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. 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*), Whooping Crane (*Grus americana*), and Piping Plover (*Charadrius melodus*) are known to occur or may occur as migrants. The Whooping Crane is an 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 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 September 17, 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. Darvin Messer by emailing darvin.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