



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

Public Notice

Applicant: William R. Brewer III

Project No.: SWF-2024-00326

Date: **February 13, 2025**

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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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), and for water quality certification under Section 401 of the CWA to discharge dredged or fill material into waters of the United States and conduct activities in, or affecting, Waters of the United States associated with the construction of a commercial development located in The City of Tyler, Smith County, Texas.

APPLICANT: Mr. William R. Brewer III
Genecov West Mud Creek, LLC.
1350 Dominion Plaza
Tyler, Texas 75703

APPLICATION NUMBER: SWF-2024-00326

DATE ISSUED: **February 13, 2025**

LOCATION: The proposed runway extension would be located on an 87-acre parcel of land containing 3,377.4 (LF) of intermittent stream in Smith County, Texas. The proposed project would be located approximately at UTM coordinates -95.310693 East and 32.251380 North on the Tyler South 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 120200040104.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 1,318 cubic yards of earthen fill into approximately 0.54 acres of waters of the United States consisting of approximately 2,027 LF of intermittent streams (0.54 acres) associated with construction of a new commercial development.

INTRODUCTION: The review area is located in the City of Tyler, Smith County, Texas, Southwest of the intersection of West Cumberland Road and US 69 (“**Attachment C: Figure 1**”). The review area is an 87-acre sized parcel of land. The purpose of the proposed project is to project is to develop a mixed-use development that promotes synergies among small, middle and large commercial retail space, restaurant space, and public open space.

PURPOSE AND NEED STATEMENT: There is a need within the growing commercial real estate submarket within the southern portion of the City of Tyler for mixed-use development that promotes synergies among commercial retail space, restaurant space, and public open space. The commercial real estate submarket is an area in the southern portion of the City of Tyler bounded by Loop 49 to the south, Old Jacksonville Highway to the west, E Grande Boulevard to the north, and Paluxy Drive to the east. In this area, demand for commercial real estate growth is increasing, particularly give proximity to other commercial development and the presence of sufficiently large undeveloped land available for multiple uses.

EXISTING CONDITIONS: The Federal Emergency Management Agency (FEMA) Web Mapping Service (WMS) Web Server Data 2019 depicts the entire review area to be located outside of all flood zones. The FEMA Flood Hazard Zones Map is provided as “**Attachment C: Figure 3**”.

The United States Geologic Survey (USGS) topographic map for the project area [Smith County, Mosaic, Natural Resource Conservation Service (NRCS 2019)] depicts one intermittent stream flowing Southwest through the review area. The intermittent stream extends beyond the western and Southern site boundary (“**Attachment C: Figure 2**”). Elevation on the site ranges from 465-532 feet above mean sea level (msl).

The United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Wetlands Mapper depicts surface waters regardless of their federal or state jurisdiction. The USFWS National Wetlands Inventory Map is provided as “**Attachment C: Figure 5**” and depicts one features within the entire review area. The NWI features mapped within the site is summarized below.

Feature Type	Description	Location(s)
PFO1A	Palustrine, Forested, Broad-Leaved Deciduous, Temporary Flooded	One extends northwest through the central portion of the northern tract.

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS) was reviewed to characterize the site’s soils. The USDA Soils Map is provided as “**Attachment C: Figure 4**” and depicts nine soil units mapped within the site that are summarized below.

Soil Name	Soil Type	Soil Depth (FT)	Underlying Material	Permeability	Available Water Capacity	Shrink-Swell Capacity	Hydric?
Cuthbert fine sandy loam, 5 to 20% slopes (CfE)	fine sandy loam	0 to 2.1	clay	moderate	moderate	moderate	non-hydric
Kirvin very fine sandy loam, 1 to 5% slopes (KfC)	very fine sandy loam	0 to 0.9	clay	high	moderate	moderate	non-hydric
Pickton loamy fine sand, 2 to 5% slopes (PkC)	loamy fine sand	0 to 4.6	sandy clay loam	high	low	moderate	non-hydric
Wolfpen loamy fine sand, 1 to 5% slopes (WoC)	loamy fine sand	0 to 2.2	sandy clay loam	high	moderate	low	non-hydric
Wolfpen loamy fine	loamy fine sand	0 to 2.8	sandy clay loam	high	moderate	low	non-hydric

sand, 8 to 15% slopes (WoE)							
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A delineation of wetlands, other special aquatic sites and other waters showed approximately 3,378.4 LF of intermittent streams, 2,858.1 LF of ephemeral streams, 581.7 LF of swales, and 2,074.7 LF of erosional cuts (“**Attachment C: Figure 9**”).

Dominant vegetation in wetlands includes *Carex crus-corvi* (ravenfoot sedge), *Celtis laevigata* (sugarberry), *Echinochloa colona* (jungle rice), *Eleocharis palustris* (common spike-rush), *Salix nigra* (black willow), *Trifolium repens* (white clover), and *Ulmus americana* (American elm). Dominant vegetation in the upland areas includes *Ambrosia artemisiifolia* (annual ragweed), *Bromus tectorum* (cheatgrass), *Callicarpa americana* (American beautyberry), *Cardiospermum halicacabum* (balloon vine), *Celtis laevigata* (sugarberry), *Cynodon dactylon* (Bermuda grass), *Elymus virginicus* (Virginia wild rye), *Festuca versuta* (Texas fescue), *Fraxinus pennsylvanica* (green ash), *Gleditsia triacanthos* (honey locust), *Lonicera japonica* (Japanese honeysuckle), *Maclura pomifera*, (osage orange), *Melilotus officinalis* (yellow sweet clover), *Quercus rubra* (red oak), *Rumex crispus* (curly dock), *Smilax bona-nox* (saw greenbrier), *Toxicodendron radicans* (poison ivy), and *Ulmus americana* (American elm).

ADVERSE IMPACTS OF THE PROPOSED PROJECT: Activities associated with the proposed construction of Parkside Development within review area include permanent, direct impacts to waters of the United States including filling approximately 2,027 LF (0.54 acres) of intermittent stream (“**Attachment E: Table of WOTUS Impacted by the Proposed Project**”). Based on the proposed development plan, approximately 1,351.4 LF of intermittent stream would be preserved on site. No indirect or cumulative effects are anticipated.

ALTERNATIVES TO THE PROPOSED PROJECT: The USACE has not yet evaluated the alternatives analysis prepared by the applicant. The applicant’s alternatives analysis is provided below.

The purpose of the proposed project is to develop a mixed-use development that promotes synergies among small, middle and large commercial retail space, restaurant space, and public open space. The applicant conducted an alternatives analysis two on-site and six off-site alternative development scenarios, in addition to two no-action alternatives, to minimize impacts to WOTUS identified on the property.

Alternative 1a, “No Action” alternative. The Applicant approached the analysis of the No Action Alternative in two ways. For the first, the Applicant assumed that no development would occur, either by Applicant decision or USACE permit denial. In this scenario, the demand for the above-described recreation and mixed-use commercial development within the City of Tyler commercial real estate submarket would remain unmet. Although this No Action Alternative would avoid all impacts to waters of the U.S., it would not meet the need and purpose of the proposed project and is therefore not practicable. Furthermore, if the Applicant did not develop this property, other developers would likely attempt to develop this site, as there is a high demand for commercial development within the submarket.

Alternative 1b, “No Action” alternative. In a second No Action Alternative scenario, the

Applicant would seek to develop the property while fully avoiding all onsite waters of the U.S., meaning that no USACE permitting would be required. Given the spatial layout of waters of the U.S. on the property, the full avoidance alternative would not allow for the appropriate mixture of retail, restaurant, and hotel facilities to be developed within the submarket.

Alternative 2a, “On-site” alternative. The Applicant undertook an analysis of alternative onsite designs relative to the Preferred Alternative site to determine the optimal design that would fulfill the project’s purpose and need while minimizing adverse impacts to waters of the U.S. to the extent practicable. The onsite alternatives evaluated are discussed below. Illustrated on “Figure 6: Onsite Alternative 1”, this configuration represents the Applicant’s ideal development, taking advantage of the full extent of the site to efficiently design variously sized facilities that would fill out the site. However, this design would result in impacts all or nearly all the waters of the U.S. on the site. This alternative would impact 0.88 acre/3,377 linear feet of jurisdictional stream (stream impacts are shown as shaded black in the figure below).

Alternative 2b, “One-site” alternative. This alternative, illustrated on “Figure 7: Onsite Alternative 2”, was an attempt at refining the placement and design for one of the larger anchor tenants in the northwest portion of the site. Reducing the parking area for this tenant could result in additional avoidance of waters of the U.S. Impacted aquatic resources are shown in the diagram below as shaded black. This attempt did not result in a significant reduction of impacts even at the compromise of building efficiencies and flow of the overall development. Additionally, traffic from other retail space would have to utilize parking area primarily designated for this tenant which presents traffic congestion and safety issues for consumers and visitors. The redesign of the parking area for this tenant also does not meet the City of Tyler parking code requirements; therefore, the project would not be approved by the City of Tyler under this configuration. This alternative is not practicable for these reasons; therefore, this alternative is not the LEDPA.

Alternatives 3a-3f, “Off-site” alternatives. The Applicant is interested in the City of Tyler commercial real estate submarket because of a demonstrated pattern of commercial development within this area along S Broadway Avenue and the need for mixed-use development that will attract and retain young professionals to the City of Tyler (and the types of establishments oriented around recreation, health, diverse dining and entertainment, and variously sized retail venues necessary to support this effort). Based on a search for available undeveloped land within the submarket, six offsite locations (offsite alternatives) were identified as potentially available. The locations of the offsite alternatives are shown in **“Figure 4: Offsite Alternatives and Preferred Alternative Locations”**.

Prior to performing a detailed practicability analysis, the Applicant estimated potential impacts on aquatic resources at each of the offsite alternative sites. Reproductions of the National Wetlands Inventory (NWI) maps and aerial photographs were reviewed to identify potential aquatic resources. NWI data is approximate and has not been validated in the field on these sites; however, NWI data is an appropriate and valid planning tool to evaluate the potential presence of aquatic resources. Maps showing each offsite alternative and potential aquatic resources on each site are attached for reference (**“Attachment 2”, Figures 1-1.6**). The table below provides a summary of the results of the review of the NWI data and additional aerial photograph review performed for each of the offsite alternative sites. Please note that only acreage is calculated for NWI features, and where potential streams are identified on aerial photographs, the acreage and length (in feet) are provided in the table below.

Table 1: Potential Aquatic Resources at Offsite Alternative Sites.

Site	Jurisdictional Aquatic Resources Avoided		Jurisdictional Aquatic Resources Impacted		Total Delineated Jurisdictional Aquatic Resources Onsite		Practicable? (refer to Table 2 below)
Preferred Alternative	0.338 ac	1,350 lf	0.542 ac	2,027 lf	0.88 ac	3,377 lf	Yes; all selection criteria are met
Site	NWI Features Onsite		Other Suspect Aquatic Resources Onsite		Total Potential Aquatic Resources Onsite		Practicable? (refer to Table 2 below)
			Acres	Linear Feet	Acres	Linear Feet	
Offsite Alt. 1 96 acres	1.19 ac		19.6 ac	-	20.79 ac	-	No; all selection criteria are not met
Offsite Alt. 2 209 acres	17.71 ac		20.8 ac	2,861 lf	38.51 ac	2,861 lf	No; all selection criteria are not met
Offsite Alt. 3 107 acres	12.2 ac		-	-	12.2 ac	-	No; all selection criteria are not met
Offsite Alt. 4 311 acres	20.8 ac		29.3 ac	2,276 lf	50.1 ac	2,276 lf	No; all selection criteria are not met
Offsite Alt. 5 37 acres	3.77 ac		1.17 ac	803 lf	4.94 ac	803 lf	No; all selection criteria are not met
Offsite Alt. 6 95 acres	11.41 ac		21 ac	-	32.41 ac	-	No; all selection criteria are not met

Based on the desktop aquatic feature identification analysis summarized above, all offsite alternatives appear to have more aquatic resources onsite than the Preferred Alternative site. Based on this, it is our analysis that the offsite alternatives could potentially be eliminated from further analysis; however, the Applicant further developed a practicability screen to further analyze the offsite alternatives in the event the project could be designed to minimize impacts to aquatic resources to have similar impacts as what are proposed for the Preferred Alternative. Based on the multiple facets of the overall proposed project detailed above, the Applicant searched for a site that met the following criteria:

- Available for acquisition/purchase.
- Located within the commercial real estate submarket within the southern area of the City of Tyler to continue to support the commercial building growth pattern the City of Tyler has experienced.
- Has direct access to S Broadway Avenue, which is the commercial real estate submarket anchor.
- Adjacent to an existing public open space/park to allow for the synergistic effect of fostering walkability and access to private establishments and public amenities.
- Has the support from the City of Tyler, as a purpose of the project relies on adjacency and connection to existing public open space/park and aligns with the City's growth plans.
- Sized between 70-100 acres in size to accommodate the necessary components of mixed-use development that focuses on recreation style commercial development amid small, medium, and large-sized retail venues and restaurants.
- Located within two roadway miles of Loop 49 (but within the submarket), which has become a primary point of access to the City of Tyler for visitors from out of town.

Table 2 is a summary of the selection criteria mapped across all the site alternatives.

Table 2: Offsite Alternatives comparison matrix.

Factor	Preferred Alternative	Offsite Alt. 1	Offsite Alt. 2	Offsite Alt. 3	Offsite Alt. 4	Offsite Alt. 5	Offsite Alt. 6
Available for Acquisition/ Purchase	Yes	Yes	Yes	Yes	No	Yes	Yes
	Applicant currently owns parcel	Known to be available	Known to be available	Known to be available	Parcel is completely owned by City of Tyler and is not available for purchase	Known to be available	Known to be available
Located in City of Tyler Commercial Real Estate Submarket	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Located in submarket	Located in submarket	Located in submarket	Located in submarket	Located in submarket	Located in submarket	Located in submarket
Has direct access to S Broadway Avenue	Yes	No	No	No	No	No	No
	Has direct access to S Broadway Avenue	Does not have direct access to S Broadway Avenue	Does not have direct access to S Broadway Avenue	Does not have direct access to S Broadway Avenue	Does not have direct access to S Broadway Avenue	Does not have direct access to S Broadway Avenue	Does not have direct access to S Broadway Avenue
Adjacent to an existing public open space/park	Yes	No	No	No	Yes	No	No
	Adjacent to Faulkner Park owned by City of Tyler	Not adjacent to existing open space/park	Not adjacent to existing open space/park	Not adjacent to existing open space/park	Existing open space/park	Not adjacent to existing open space/park	Not adjacent to existing open space/park
Size of parcel is between 70 and 100 acres	Yes	Yes	No	No	No	No	Yes
	86 acres	96 acres	209 acres Site exceeds 100 acres; however, it is still included for further analysis since development footprint can be smaller than 100 acres.	107 acres Site exceeds 100 acres; however, it is still included for further analysis since development footprint can be smaller than 100 acres.	311 acres Site exceeds 100 acres; however, it is still included for further analysis since development footprint can be smaller than 100 acres.	37 acres Site is too small for the type of proposed development.	95 acres
Located within two roadway miles of Loop 49	Yes	Yes	Yes	Yes	Yes	No	Yes
	Located 0.33 mile from Loop 49	Located 1 mile from Loop 49	Located 1.76 miles from Loop 49	Located 0.9 mile from Loop 49	Located 0.33 mile from Loop 49	Located 2.6 miles from Loop 49	Located 0.5 mile from Loop 49

Justification for the Site of the Applicant's Preferred Alternative

There are several critical items which led to the selection of the Applicant's Preferred Alternative. The justification for Applicant's preferred site is provided below:

1. The site had to be able to be acquired/purchased. The Applicant's Preferred Alternative is located on land owned by the Applicant that was available for acquisition/purchase at market entry.
2. The site had to be located within the City of Tyler commercial real estate submarket. The Preferred Alternative is located within the City of Tyler commercial real estate submarket at the southwest corner of W Cumberland Road and S Broadway Avenue.
3. The site had to have direct access to S Broadway Avenue (the submarket anchor roadway). The Preferred Alternative has direct access to S Broadway Avenue.
4. The site had to be located adjacent to existing public open space/park. The Preferred Alternative is located adjacent to a city park (Faulkner Park). Given that the Preferred Alternative is located adjacent to a city park, the Preferred Alternative creates a balanced center for people to participate in the recreation of the park while also having safe, walkable access to a hotel, as well as food, beverage, retail, and entertainment options. Also essential to this plan is proximity to a major transportation artery, S Broadway Avenue, and to transportation arteries connecting the city to rural areas outside of the City of Tyler to support regional connectivity and to meet demand from nearby out-of-town visitors. The location of a mixed-use development such as the Parkside Development being adjacent to a public park, with sufficient transportation access, is a critical component to the success of such a project.
5. The Applicant's Preferred Alternative has the support from the City of Tyler (see letter of support attached for reference, Attachment 3).
6. The site had to be between 70 and 100 acres. The Applicant's Preferred Alternative is sized appropriately (approximately 86 acres) to meet the Applicant's vision and need and purpose of the project.
7. The site had to be located within two roadway miles of Loop 49. The Applicant's Preferred Alternative is located 0.33 mile north of Loop 49.

As discussed above, all alternative factors considered are met for the Applicant's Preferred Alternative. Although there are some offsite alternatives that could potentially have fewer impacts to aquatic resources, they are not practicable for those reasons depicted in Table 2, above. If the development could be designed to have fewer impacts to aquatic resources on the offsite alternative sites, the designs would not meet the purpose and need of the project and would not provide adequate flow throughout the development. Given that an alternative is not practicable when it is unable to meet any single factor and thus is appropriately eliminated from further analysis, none of the offsite alternatives would qualify as the Least Environmentally Damaging Practicable Alternative (LEDPA).

The Applicant's Preferred Alternative is shown in the **"Attachment F: Figure 5"**. The impacted portions of waters of the U.S. onsite are shown as shaded black in the figure below.

The Applicant's Preferred Alternative has been designed to meet the need and purpose of the project while minimizing impacts to waters of the U.S. Based on the delineation performed onsite, 0.88 acre (3,377 linear feet) of waters of the U.S. are present onsite. As designed, the Preferred Alternative would result in impacts to 0.542 acre (2,027 linear feet) of waters of the U.S. and would avoid 0.338 acre and 1,350 linear feet of waters of the U.S. As designed, the Preferred Alternative would avoid approximately 40 percent of the waters of the U.S. onsite. The avoided portions of waters of the U.S. onsite are shown outlined in black in the figure below. The Preferred Alternative was designed to avoid impacts to an onsite stream in the southern portion of the site which allows for a mixed-use development that promotes synergies among small, middle and large commercial retail space, restaurant space, and

public open space. Avoiding the stream feature where feasible and having it be incorporated as a focal point for the development will encourage and support healthy fun that pairs movement with opportunities for dining and entertainment. Appropriate avoidance and minimization have been implemented into the design of the Applicant's Preferred Alternative, and the Preferred Alternative meets all the selection criteria. Therefore, the Applicant believes their Preferred Alternative represents the LEDPA.

MITIGATION: To offset unavoidable adverse impacts to Waters of the U.S., the applicant proposes to purchase appropriate stream 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 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 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 will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality 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 Texas Commission on Environmental

Quality and has initiated the Section 401 CWA process by submitting a pre-filing meeting request, on December 9, 2024. 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 located in a county where the Piping Plover (*Charadrius melodus*) and Rufa Red Knot (*Calidris canutus rufa*) are known to occur or may occur as migrants. The Tricolored Bat (*Perimyotis subflavus*), Alligator Snapping Turtle (*Macrochelys temminckii*), and Louisiana Pigtoe (*Pleurobema riddellii*) are known to occur or may occur in Smith County, Texas. The Piping Plover and Rufa Red Knot are threatened species. The Tricolored Bat is a proposed endangered species. The Alligator Snapping Turtle and the Louisiana Pigtoe are proposed 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 Preferred Alternative project area. In consultation with the Texas Historical Commission and federally recognized tribes with listed interest in the area, USACE reviewed a draft cultural resources survey report of the Preferred Alternative. The survey did not locate any cultural sites that were eligible for the National Register of Historic Places. USACE made the determination that the project would have No Effect to Historic Properties should the Preferred Alternative be selected, and concurrence was received from the Texas Historical Commission on this decision.

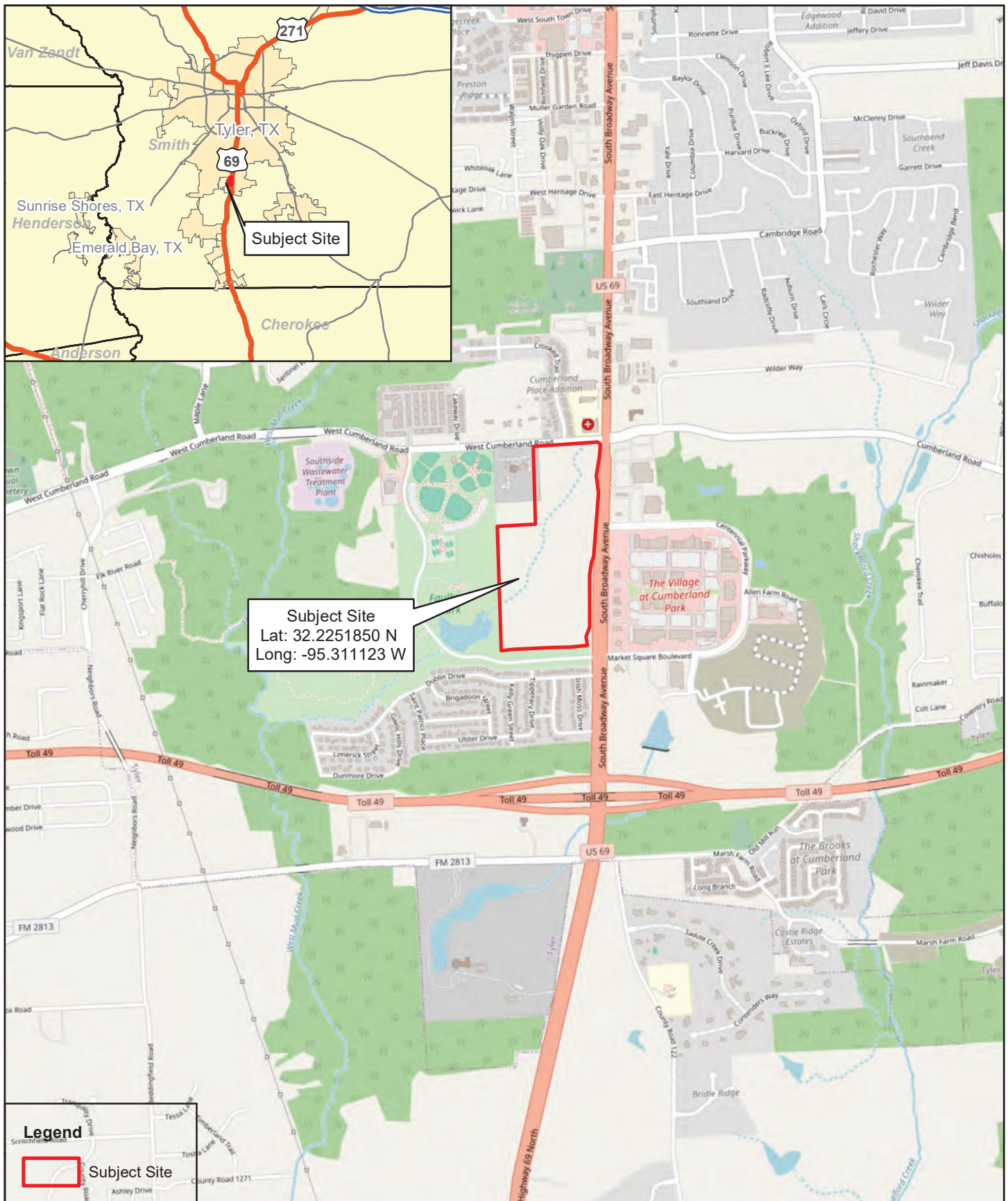
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review 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 March 14, 2025, 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. <https://rrs.usace.army.mil/rrs/public-notice>. 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 Ms. Annabelle Eckert by emailing Annabelle.N.Eckert@usace.army.mil. Telephone inquiries should be directed to (817) 886-1009. 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



Subject Site
 Lat: 32.2251850 N
 Long: -95.311123 W

Legend

 Subject Site






Date:	10/30/2024
Drawn:	MPD
HJN NO:	22060.004WDIP
Source:	OSM, 2024

Figure 1
 Vicinity Map
 Parkside Commercial Development
 USACE Project #SWF-2024-00326
 Tyler, Smith County, Texas



0 1,000 2,000
 Feet



	Date:	10/30/2024	Figure 2 Topographic Map Parkside Commercial Development USACE Project #SWF-2024-00326 Tyler, Smith County, Texas	
	Drawn:	MPD		
	HJN NO:	22060.004WDIP		
	Source:	USGS, 1976		
				 0 500 1,000 Feet



Legend

- Subject Site
- Zone AE - Areas of 100-year flood. Base flood elevations determined.



Date:	10/30/2024
Drawn:	MPD
HJN NO:	22060.004WDIP
Source:	Nearmap, 2023 FEMA, 2014

Figure 3

Flood Hazard Map
Parkside Commercial Development
USACE Project #SWF-2024-00326
Tyler, Smith County, Texas



0 500 1,000
Feet



Legend

- Soil Units
- Subject Site

HorizonTM
Environmental Services

Date:	10/30/2024
Drawn:	MPD
HJN NO:	22060.004WDIP
Source:	Nearmap, 2023 NRCS, 2024

Figure 4
NRCS Soils Map
Parkside Commercial Development
USACE Project #SWF-2024-00326
Tyler, Smith County, Texas



0 250 500
Feet



Legend

- NWI Feature
- Subject Site



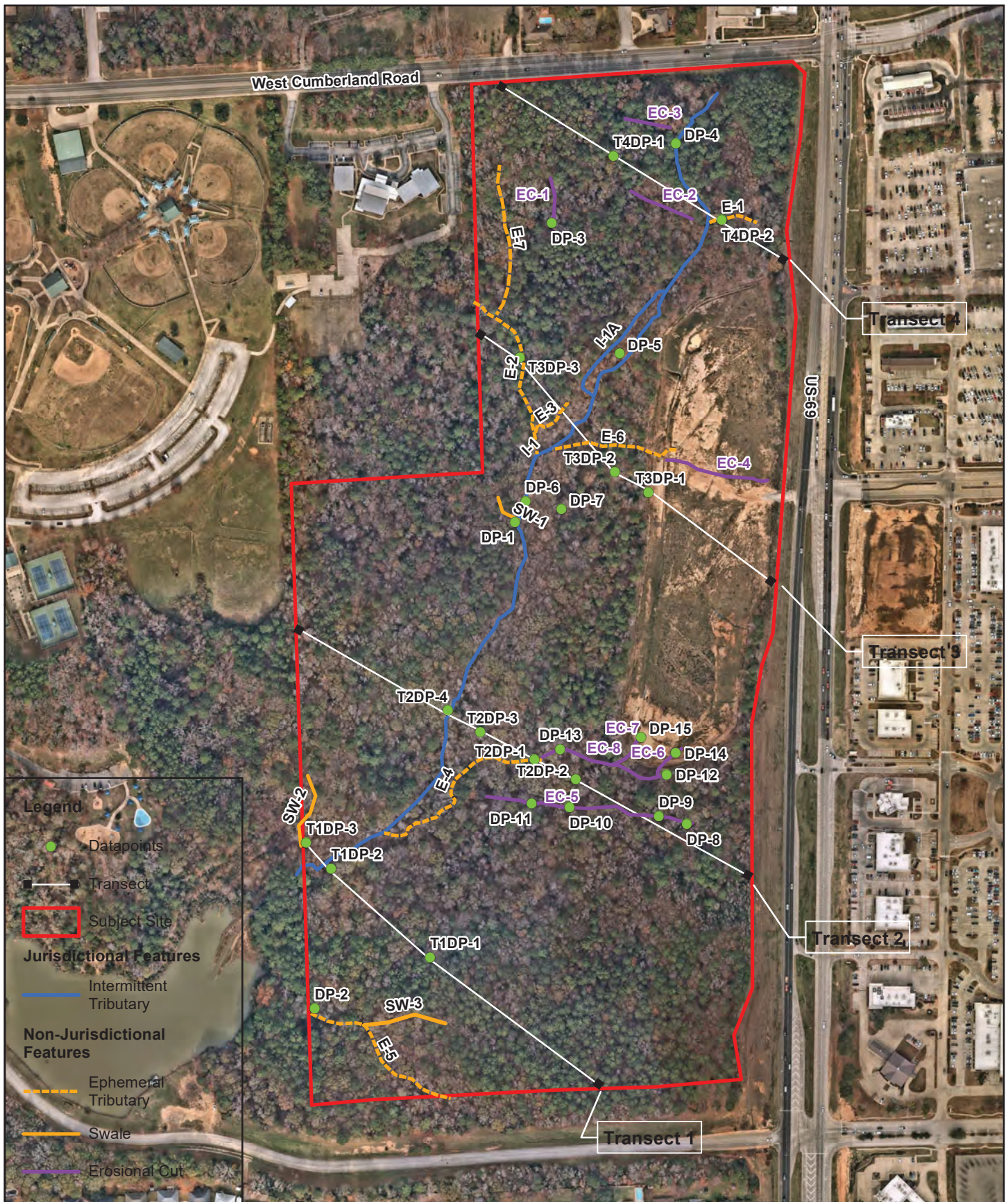
Date:	10/30/2024
Drawn:	MPD
HJN NO:	22060.004WDIP
Source:	Nearmap, 2023 USFWS, 2024

Figure 5

NWI Map
 Parkside Commercial Development
 USACE Project #SWF-2024-00326
 Tyler, Smith County, Texas



0 250 500
 Feet



Date:	11/15/2024
Drawn:	MPD
HJN NO:	22060.004WDIP
Source:	Nearmap, 2023

Figure 9

Jurisdictional Delineation Map
 Parkside Commercial Development
 USACE Project #SWF-2024-00326
 Tyler, Smith County, Texas

Horizon
 Environmental Services



0 200 400
 Feet

Attachment E: Table of Waters of the U.S. Impacted by the Proposed Project

Waterbody ID ¹	Latitude and Longitude (Decimal Degrees)	Resource Type ²	Linear Feet in Project Area	Acres in Project Area	Impact Type ³	Linear Feet of Impact	Acres of Impact	Cubic Yards of Material to be Discharged	Activity Type ⁴
<i>e.g., W-1</i>	<i>32.755°N, 97.755°W</i>	<i>NFW</i>	<i>-</i>	<i>0.25</i>	<i>D/P</i>	<i>-</i>	<i>0.15</i>	<i>1210</i>	<i>FP</i>
I-1	32.25251; -95.31128	IS	2,945.78	0.79	D/P	1,595	0.45	1090	FP
I-1a	32.25412; -95.31017	IS	432.62	0.09	D/P	432	0.09	228	FP
NFW subtotal	–	–			–				–
FW subtotal	–	–			–				–
PS subtotal	–	–			–				–
IS subtotal	–	–	3,378.4	0.88	–	2,027	0.54	1,318	–
ES subtotal	–	–			–				–
I subtotal	–	–			–				–
TOTAL	–	–	3,378.4	0.88	–	2,027	0.54	1,318	–

¹ Waterbody ID may be the name of a feature or an assigned label such as “W-1” for a wetland.

² Resource Types: NFW – Non-forested wetland, FW – Forested wetland, PS – Perennial Stream, IS – Intermittent Stream, ES – Ephemeral Stream, I – Impoundment

³ Impact Types: D/P – Direct* and Permanent, D/T – Direct and Temporary, I/P – Indirect** and Permanent, I/T – Indirect and Temporary
 * Direct impacts are here defined as those adverse affects caused by the proposed activity, such as discharge or excavation.
 ** Indirect impacts are here defined as those adverse affects caused subsequent to the proposed activity, such as flooding or effects of drainage on adjacent waters of the U.S.

⁴ Activity Types: BP – Building or Well Pad, RC – Road Crossing, DC – Dam Construction, IN – Inundation, CH – Channelization, BS – Bank Stabilization, UL – Utility Line Installation, DR – Dredging, CL – Clearing, FP – Fill Placement, MA – Mining Activities, or Other (explain in Box 7)

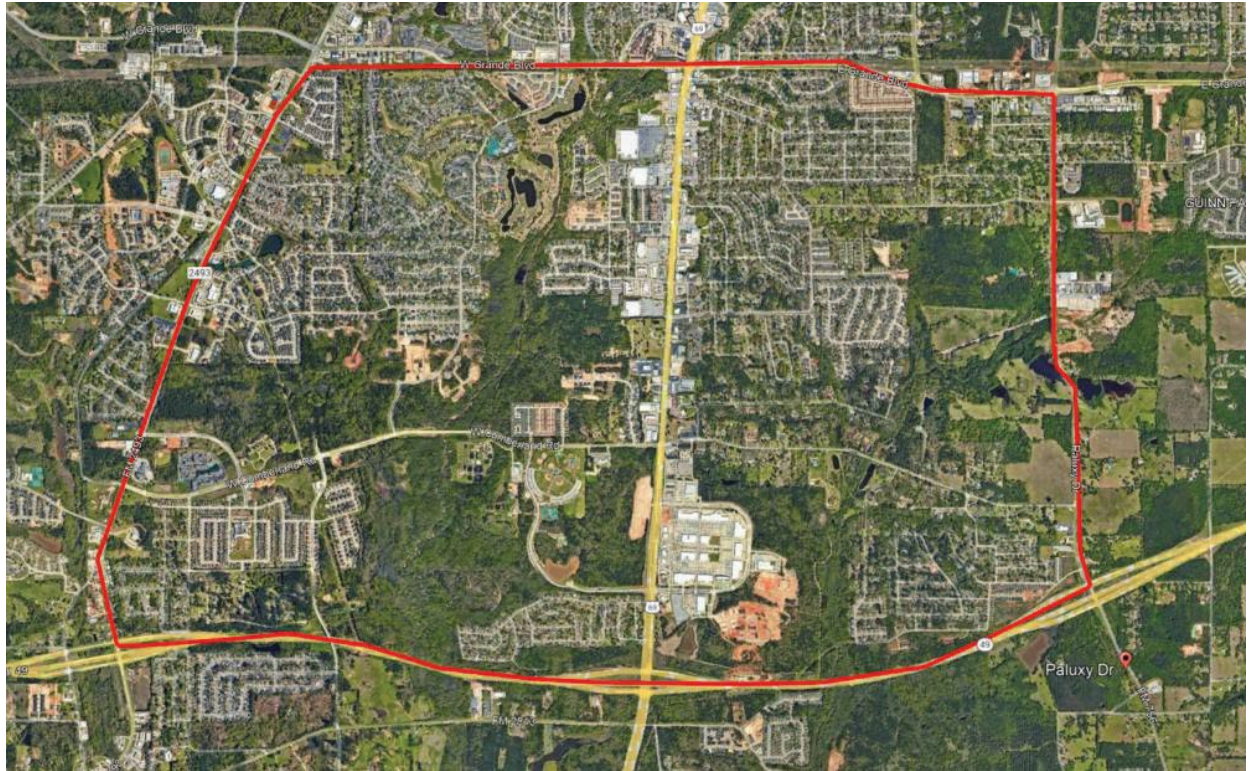


Figure 2: Submarket Area

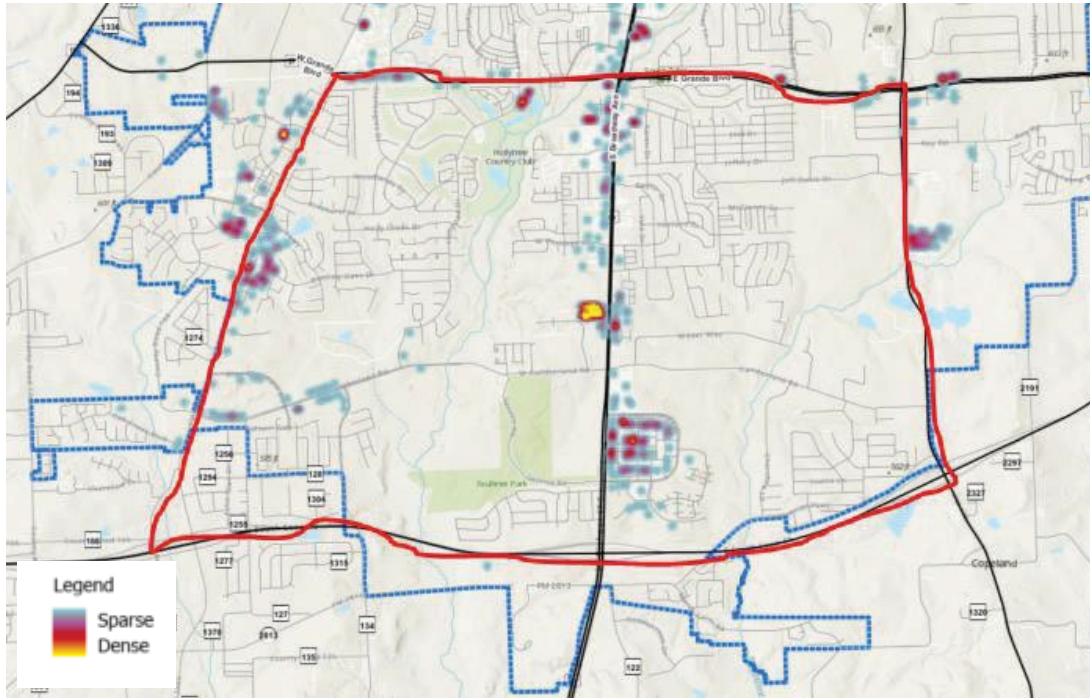


Figure 3: City of Tyler Commercial Buildings Heat Map with Submarket Area

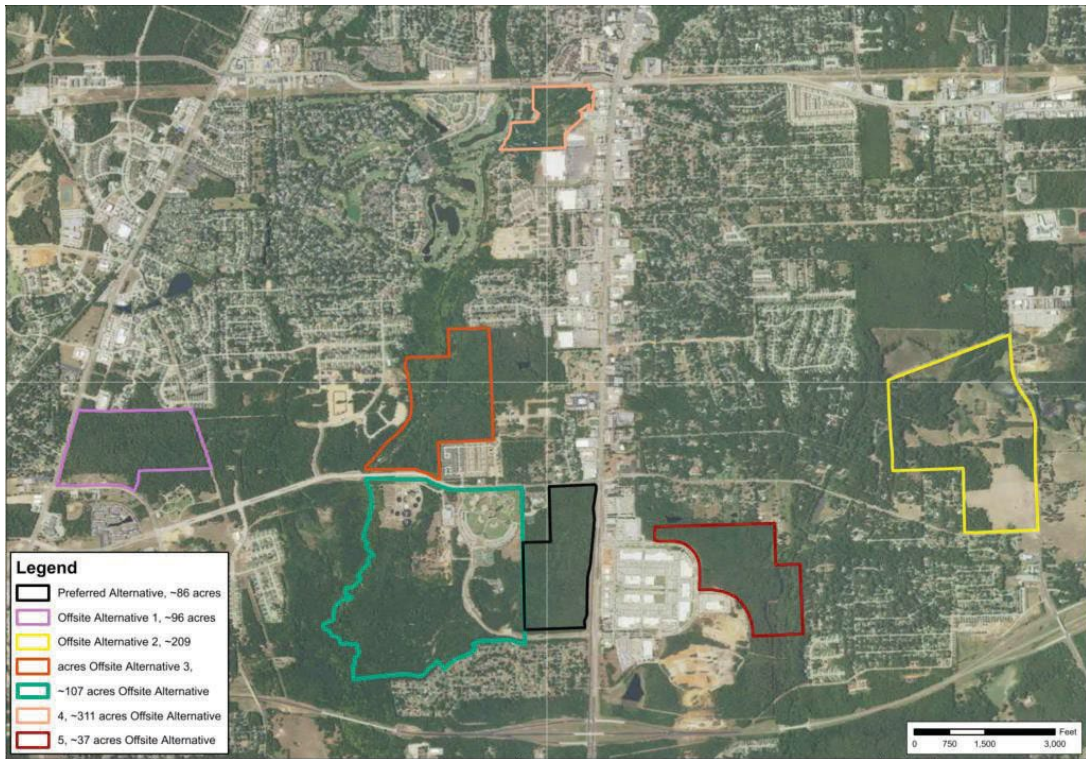


Figure 4: Offsite Alternatives and Preferred Alternative Locations

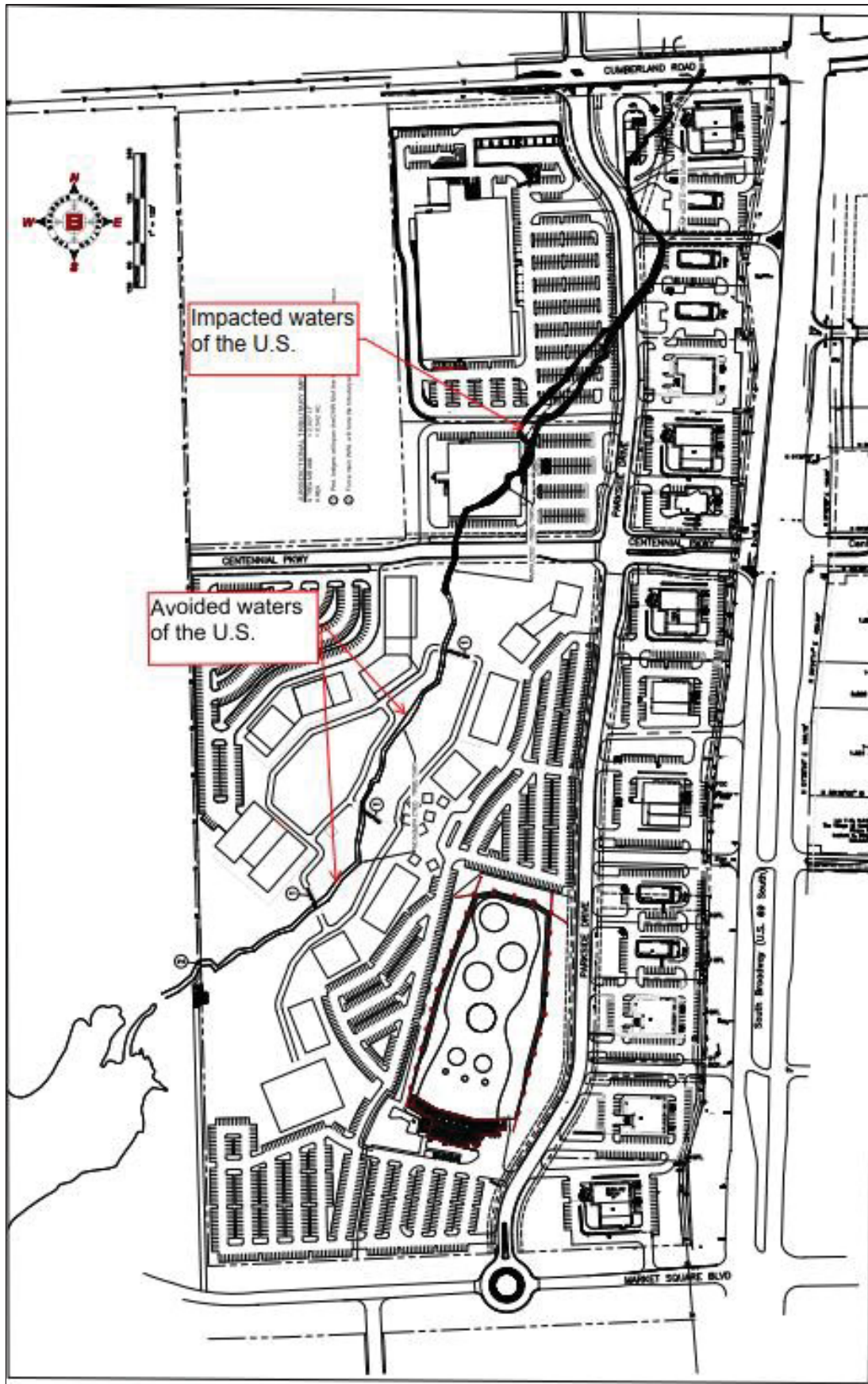


Figure 5: Preferred Alternative

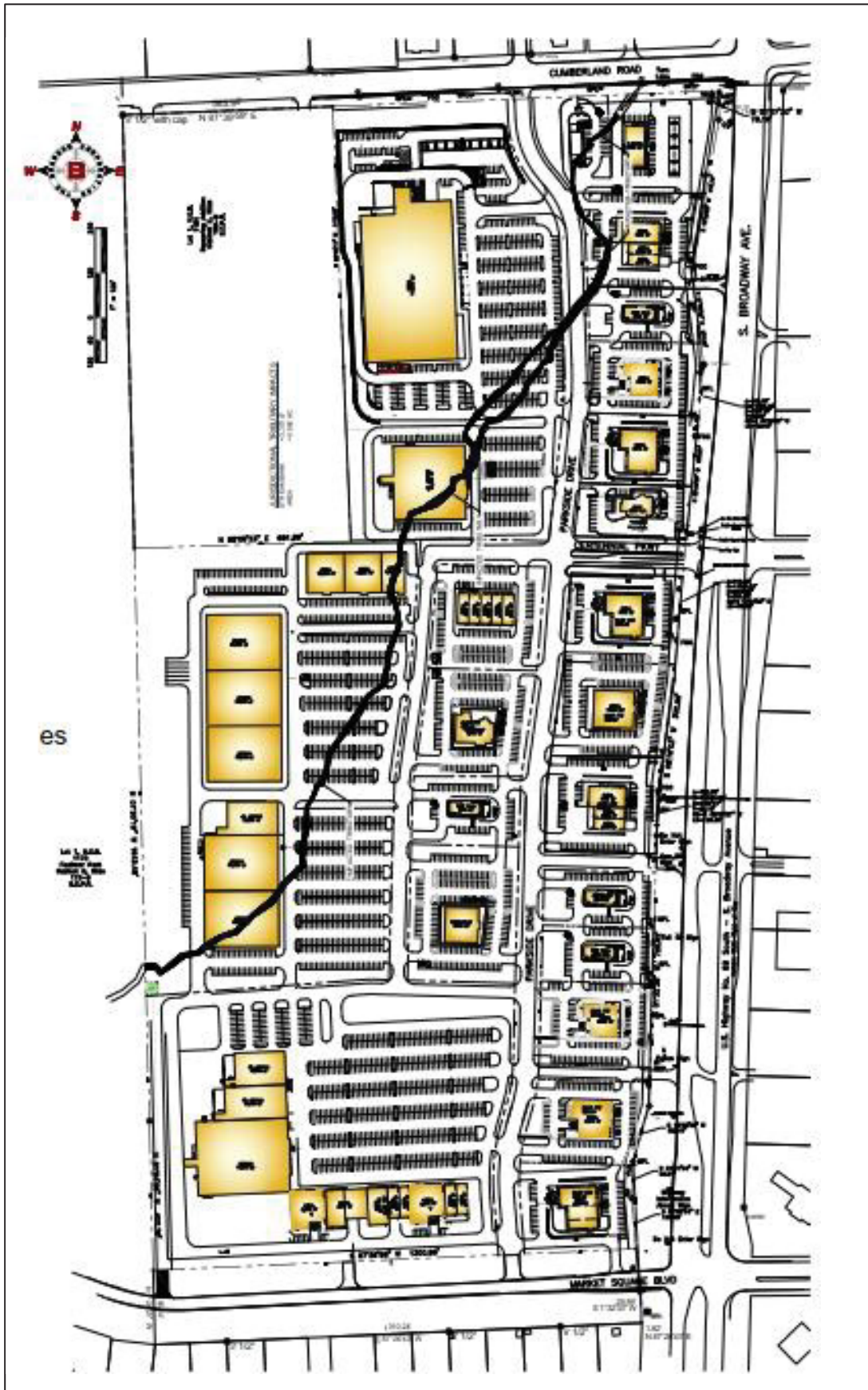


Figure 6: Onsite Alternative 1