



Public Notice

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

Applicant: Champion Partners

Permit Application No.: SWF-2007-00214

Date: 24 September 2008

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

Name: Mr. Wayne Lea

Phone Number: (817) 886-1732

JOINT PUBLIC NOTICE

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

AND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge fill material into waters of the United States associated with the construction of the Logistics Crossing 2 within the 2401 West Marshall Industrial Complex, in Grand Prairie, Tarrant County, Texas by Champion Partners.

APPLICANT: Champion WF Grand Prairie, Ltd.
c/o Champion Partners
Attn: Barney Sinclair
8401 N. Central Expressway, Suite 410
Dallas, TX 75225

APPLICATION NUMBER: SWF-2007-00214

DATE ISSUED: 24 September, 2008

LOCATION: The project site is approximately 44.4 acres located near the northeast corner of Pioneer Parkway (Spur 303) and Great Southwest Parkway in the City of Grand Prairie, Tarrant County, Texas (Sheets 1 and 2 of 6). The site is bounded by Pioneer Parkway at the southern boundary; rail spurs to the north and west, and recreational facilities to the east. The proposed project would be located approximately at UTM coordinates 32.71323 North and -97.04099 West (Zone 14) on the Fort Worth 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12030102.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The purpose of the proposed project is the expansion of the 2401 West Marshall Business Park that would provide commercial warehouse facilities in Grand Prairie, Tarrant County, Texas. This development would contain warehousing units, rail spurs, trailer storage spaces, loading docks, and associated attendant features (Sheets 4 and 5 of 6). The proposed project site is zoned by the City of Grand Prairie for light industrial use and was developed under the following constraints, (1) a site layout that would accommodate a building footprint greater than 650,000 square feet; (2) a site layout that would allow for the development of a building and sufficient storage spaces to make the development economically feasible; (3) a site layout that allowed for full utilization of the existing rail lines; (4) a site layout that would allow for building and infrastructure

to efficiently utilize two sides of the buildings (for rail and for truck courts) with sufficient area to utilize appropriate distances for approaching loading docks of the truck courts; (5) a site layout that would follow all railroad designs guidelines and requirements for planned rail spur access and loading; (6) complying with the City of Grand Prairie requirements; and (7) develop a culvert system of sufficient volume to support stormwater runoff from the 44.4-acre property.

Three impoundments and one tributary on the project site (Sheet 3 of 6) were determined to be waters of the United States. The entire project site provides drainage to South Fork of Cottonwood Creek, which drains into Cottonwood Creek northeast of the project site. Cottonwood Creek drains into Mountain Creek Lake approximately 4 miles east of the project site. Mountain Creek flows into the West Fork Trinity River. The Trinity River is a navigable water of the United States. Table 1 provides a quantitative summary of the waters of the United States identified and delineated on the project site.

Table 1

Dimensions of Waters of the United States Delineated on the Project Site

Water Identification	Hydraulic Characteristics	OHWL Width (Feet)	Length (Linear Feet)	Area (Acre)
Tributary 1	Ephemeral	1-10	334	0.0779
Impoundment 1	Permanent Inundated	6-35	542	0.2421
Impoundment 2	Permanent Inundated	38	356	0.3130
Impoundment 3	Permanent Inundated	37	302	0.2530
Jurisdictional Total			1,534	0.8860

Tributary 1 is a tributary to South Fork of Cottonwood Creek, providing drainage for the southern portion of the project site to South Fork of Cottonwood Creek, off the southeastern corner of the project site. Tributary 1 has a shallow downcut, between 1 to 2 feet from the existing topography. The OHWL is between 1 to 10 feet and was delineated in the field based on shallow shelving associated with bed and bank (i.e. natural shelving), destruction of terrestrial vegetation, and litter dams. There is one pool that is 10 feet wide along a bend in the creek. Vegetation is the same as described in the wooded corridor plant community.

There are a series of **On-Channel Ponds (Impoundments 1, 2, and 3)**, that are located on a tributary to South Fork of Cottonwood Creek. These ponds (Impoundments 1, 2, and 3) are located through the northern portion of the project site and were created by three beaver dams. At the time of the site visit water flow was observed overtopping each of the beaver dams, so it was estimated that these impoundments are semi- to permanently inundated through groundwater recharge.

- Impoundment 1 appears to be at the headwaters of the drainage feature; it enters onto the property site through a 6-foot diameter concrete pipe culvert with no identifiable water feature upstream. Water was inundating approximately 2-feet of the concrete pipe culvert at the entrance of the property. The beaver dam that created Impoundment 1 is located southeast of the railroad tracks, resulting in inundated conditions in the 6-foot concrete pipe

culvert under the railroad. The concrete pipe culvert under the railroad tracks is approximately 4 feet inundated.

- Impoundment 2 is the middle pond, between Impoundments 1 and 3, which is also a result of a beaver dam across the old tributary. The water elevation in Impoundment 2 was approximately 2 feet higher than Impoundment 3 and 2 feet lower than Impoundment 1. Based on visual observations of the upper reach of Impoundment 3, the water depth was approximately 2 feet deep. Therefore, it was assumed that the minimum water depths were variable in Impoundment 2, but were between 2 and 4 feet deep.
- Impoundment 3 is the lower-most pond, located on the eastern property boundary. This impoundment is a result of a beaver dam constructed in conjunction with a concrete low-flow channel, located off-site. This impoundment was also estimated to have water depths that varied between 2 and 4 feet from the normal pool elevation. Water flow from this impoundment emptied into another impoundment constructed within a private park.

To summarize the delineation, there are 4 jurisdictional waters identified and delineated within the project site – 1 tributary and 3 on-channel ponds/impoundments. Tributary 1 provides drainage for the southern portion of the project site while the impoundments were created by three beaver dams which are semi- to permanently inundated through groundwater recharge.

The project site supports two distinct plant communities, woodland and shrubland/rangeland. Dominant vegetation associated with the woodland community includes hackberry (*Celtis laevigata*), coralberry (*Symphoricarpos orbiculatus*), greenbrier (*Smilax bona-nox*), eastern redcedar (*Juniperus virginiana*), Japanese honeysuckle (*Lonicera japonica*), poison ivy (*Toxicodendron radicans*), waxleaf ligustrum (*Ligustrum japonicum*), roughleaf dogwood (*Cornus drummondii*), Chinese ligustrum (*Ligustrum sinense*), American elm (*Ulmus americana*), and honey locust (*Gleditsia triacanthos*). Dominant vegetation in the shrubland/rangeland community includes honey mesquite (*Prosopis glandulosa*), Texas wintergrass (*Stipa leucotricha*), silver bluestem (*Bothriochloa laguroides*), pricklypear cactus (*Opuntia* sp.), annual broomweed (*Amphiachyris dracunculoides*), live oak (*Quercus virginiana*), gum bully (*Sideroxylon lanuginosum*), grape (*Vitis* sp.), prairie parsley (*Polytaenia texana*), smooth sumac (*Rhus glabra*), little bluestem (*Schizachyrium scoparium*), meadow dropseed (*Sporobolus asper*), King Ranch bluestem (*Bothriochloa ischaemum*), Engelmann's daisy (*Engelmannia peristenia*), goldaster (*Pityopsis* sp.), eastern purple coneflower (*Echinacea purpurea*), sowthistle (*Sonchus* sp.), ryegrass (*Lolium perenne*), rescuegrass (*Bromus catharticus*), sixweeks fescue (*Vulpia octoflora*), dandelion (*Taraxacum* sp.), roughleaf dogwood, eastern red cedar, hackberry, coralberry, and Japanese honeysuckle.

The site layout would result in impacts to all water features on the project site (Sheet 5 of 6). These impacts would result from the discharge of fill into Tributary 1 (334 linear feet [0.0779 acre]), and all On-Channel Ponds (Impoundments 1, 2, and 3), for a total impact of 0.8860 acre. Under the proposed project, permanent loss of waters of the United States would be associated with all water features on the project site.

Adjacent land uses were investigated to determine an appropriate location for the development of this industrial complex. This industrial warehouse building is proposed for location within an existing

complex at 2401 West Marshall; other locations near the site were evaluated for an alternative project site. However, the applicant believes the current project site is the prime location for this development: (1) other undeveloped parcels within the vicinity of the site would not be as conducive to industrial development since the proposed project site has existing rail access; and (2) other undeveloped parcels large enough to accommodate a large building footprint are already developed or under development. The project site was chosen due to its location within the industrial complex and adjacency to railways.

Sites lacking existing infrastructure were not considered due to substantial increases in development costs. The proposed site is already bordered by active railroad spurs; all of which would be utilized in this project. Additionally, the close proximity to both Interstate Highways 20 and 30 and State Highway 360 make this project site a prime location for its intended use (i.e., local distribution of goods to the metropolitan areas of Dallas and Fort Worth).

The project was conceptually designed utilizing the constraints identified by the applicant, tenant demands, site grading (i.e., balancing cut-and-fill), and site layout (i.e., efficiency of operations). There have been several alternatives evaluated; however, all would likely have similar unavoidable impacts to waters of the United States. The differences between these alternatives are building, parking, truck court, rail line, and loading dock configurations.

The project site is rectangular in shape with the water features crossing from a northwestern to southeasterly direction through the northern portion of the project site. Additionally, the rail access borders the northern boundary and a portion of the western boundary, while Pioneer Parkway is located at the southern boundary of the project site. Therefore, given the large size of the proposed structure and the ideal location of the existing rail system, this provided minimal opportunities to avoid or minimize ecological impacts. The location of the water feature leaves only three alternatives available to the Permittee: (1) partial site development; (2) no build; and (3) build on-site as presented. Option 1, building on only the southern half of the project site, would avoid impacts to the waters of the United States; however, it would result in a loss of approximately 282,000 occupiable square feet, loss of the existing railway configuration, making the project economically infeasible. Option 2 is not an optimal choice considering the lack of alternative adjacent developable land, and the current need for a large storage and distribution facility in the City of Grand Prairie and surrounding areas. Option 3, the current project, provides an economically feasible development, with off-site mitigation to compensate for all unavoidable impacts.

The proposed activities associated with this project would result in impacts to 0.8860 acre of waters of the United States. The mitigation plan proposes to compensate for the spatial and temporal loss of wetland functions, through the purchase of mitigation credits from the South Forks Trinity River Mitigation Bank (SFTRMB). Attempts were made to design on-site or near-site mitigation within the same watershed. However, due to the relative small project size, the location of railroad spurs, and being located within the siting criteria of Grand Prairie Municipal Airport mitigation for the unavoidable impacts associated with the proposed project is only feasible off-site. Typical mitigation techniques that would have been employed at the site would create wildlife habitat that is considered a hazard for the airport. For example, mitigation areas considered were along the tributaries leading to South Fork of Cottonwood Creek and further downstream but prior to reaching the Elm Fork Trinity River. However, due to development in the area no suitable off-site mitigation areas were located

immediately adjacent to a stream channel, or further downstream. Therefore, the practical solution for mitigating the unavoidable impacts to waters of the United States at the project site is purchasing credits from a mitigation bank to minimize any spatial habitat losses.

Champion Partners is proposing to purchase credits from the SFTRMB. The mitigation instrument for this bank has established the following multipliers (or ratios): 0.0021 for ephemeral stream channels and 1.8 for low quality open waters and wetlands. Champion Partners proposes to mitigate for the unavoidable impacts by purchasing 2.2 credits from the SFTRMB. Table 2 provides a summary of the water features, and the number of credits to be purchased from the SFTRMB to compensate for all losses.

Table 2.
SFTRMB Multiplier and Number of Credits for Each Waters of the United States

Water Identification	Hydraulic Characteristics	Length (Linear Feet)	Area (Acre)	SFTRMB Multiplier	Credits
Tributary 1	Ephemeral	334	0.0779	0.0021 (x length)	0.7
Impoundment 1	Intermittent	542	0.2421	1.8 (x area)	0.4
Impoundment 2	Intermittent	356	0.3130	1.8 (x area)	0.6
Impoundment 3	Intermittent	302	0.2530	1.8 (x area)	0.5
Total					2.2

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE in determining whether to issue, issue with modifications, or conditions, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general

environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

STATE WATER QUALITY CERTIFICATION: This project would result in a direct impact of less than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such fulfills Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) Tier I Small Project Checklist is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. **Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087.** The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The complete application may be reviewed in the USACE's office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. There are two federally listed Endangered Species that could occur in Tarrant County; the Least Tern (*Sterna antillarum*) and the Whooping Crane (*Grus americana*). The tract does not contain suitable habitat for these species. Our initial review indicates that the proposed work would have no effect on federally-listed endangered or threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The USACE has reviewed the latest complete published version of the National Register of Historic Places and found no listed properties to be in the project area. However, presently unknown scientific, archaeological, cultural or architectural data may be lost or destroyed by the proposed work under the requested permit.

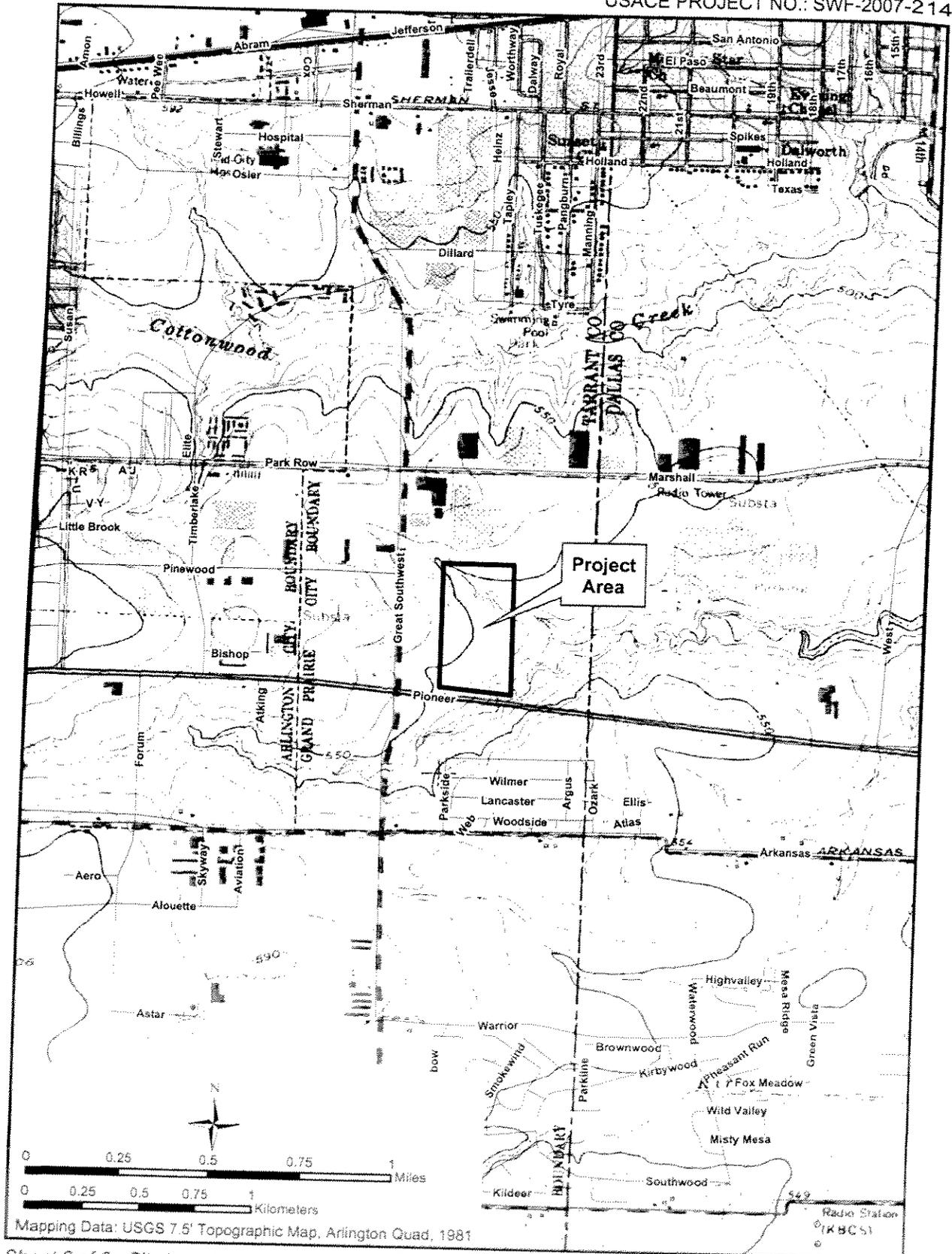
FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

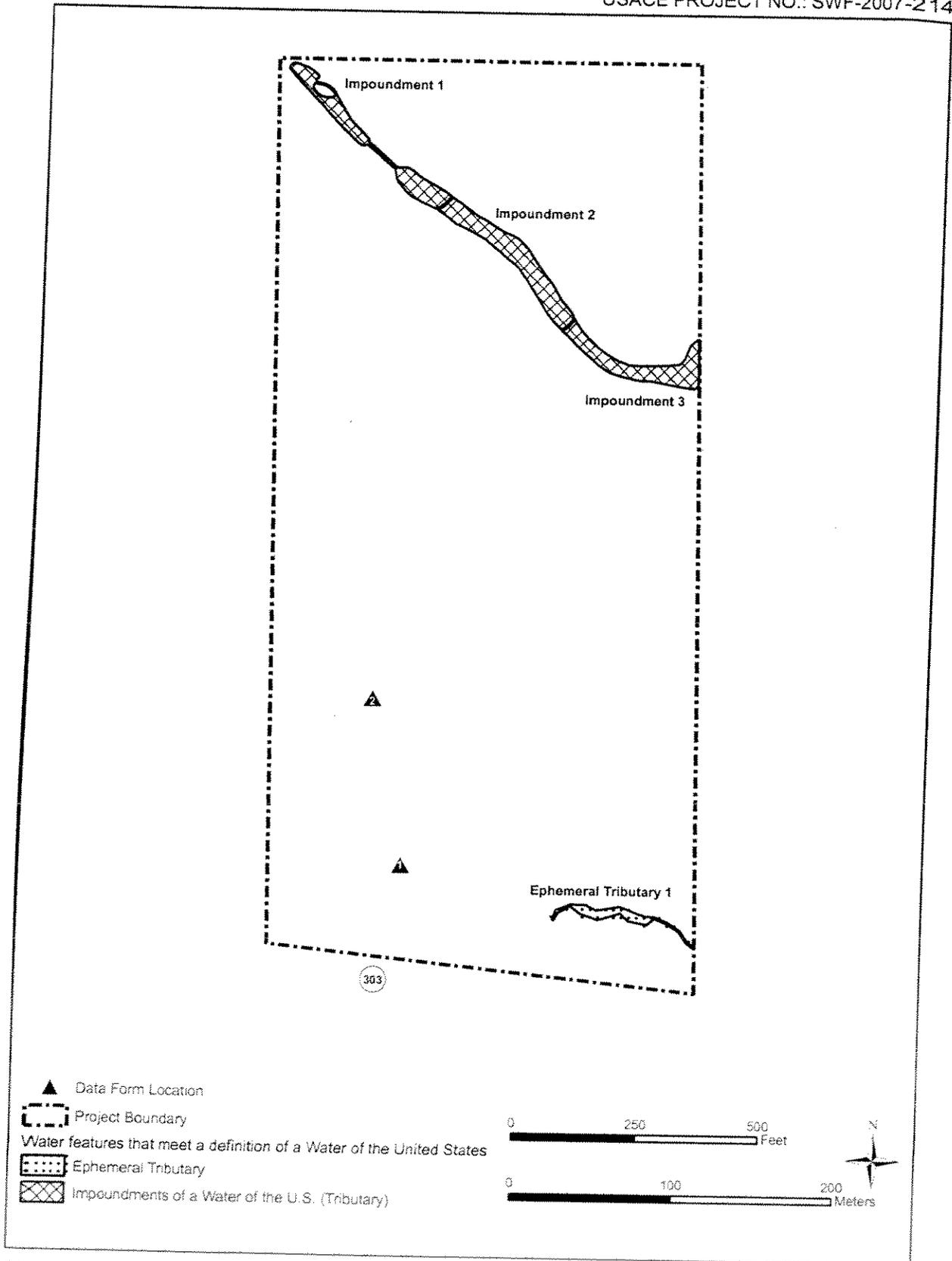
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

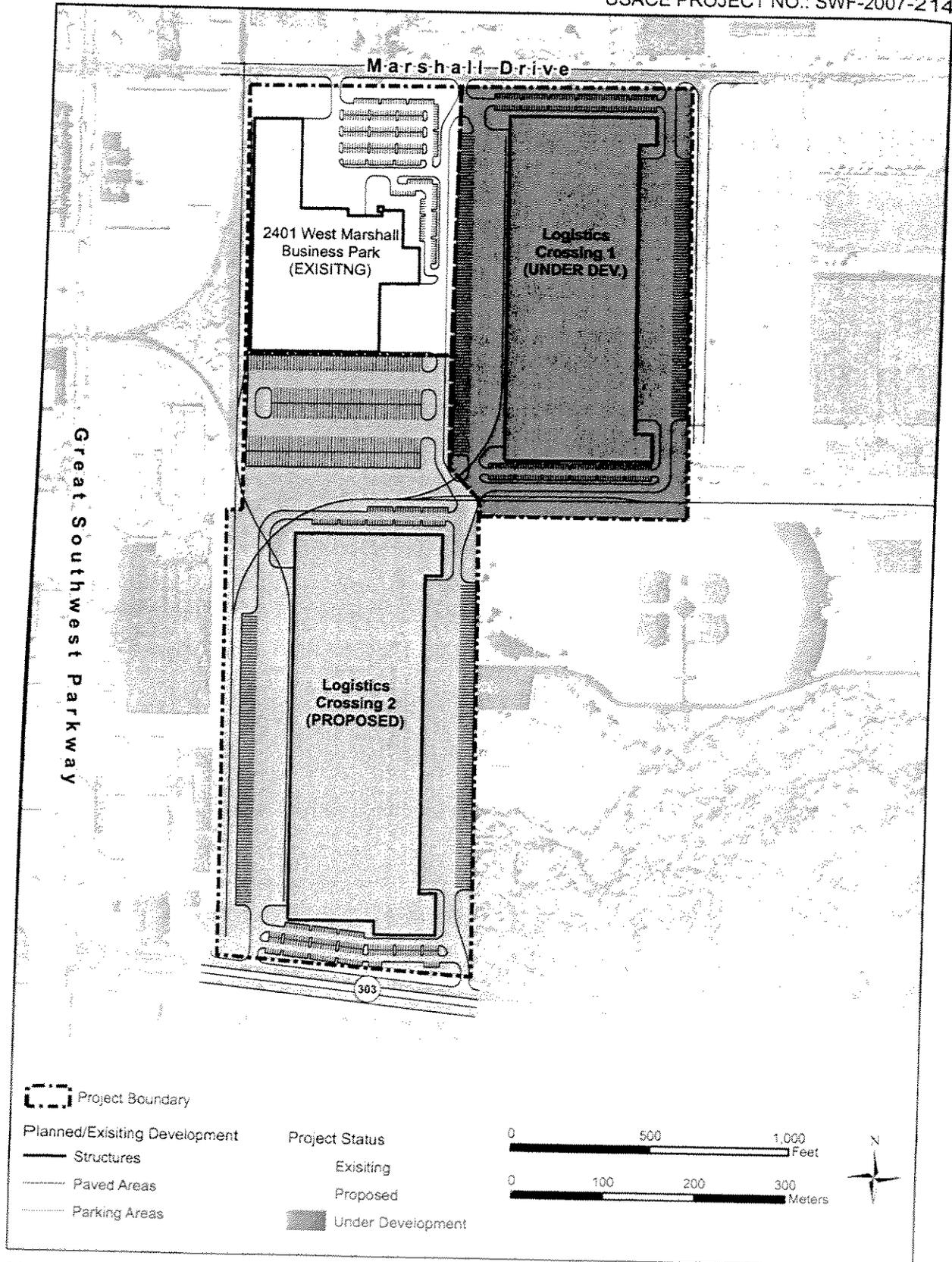
PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

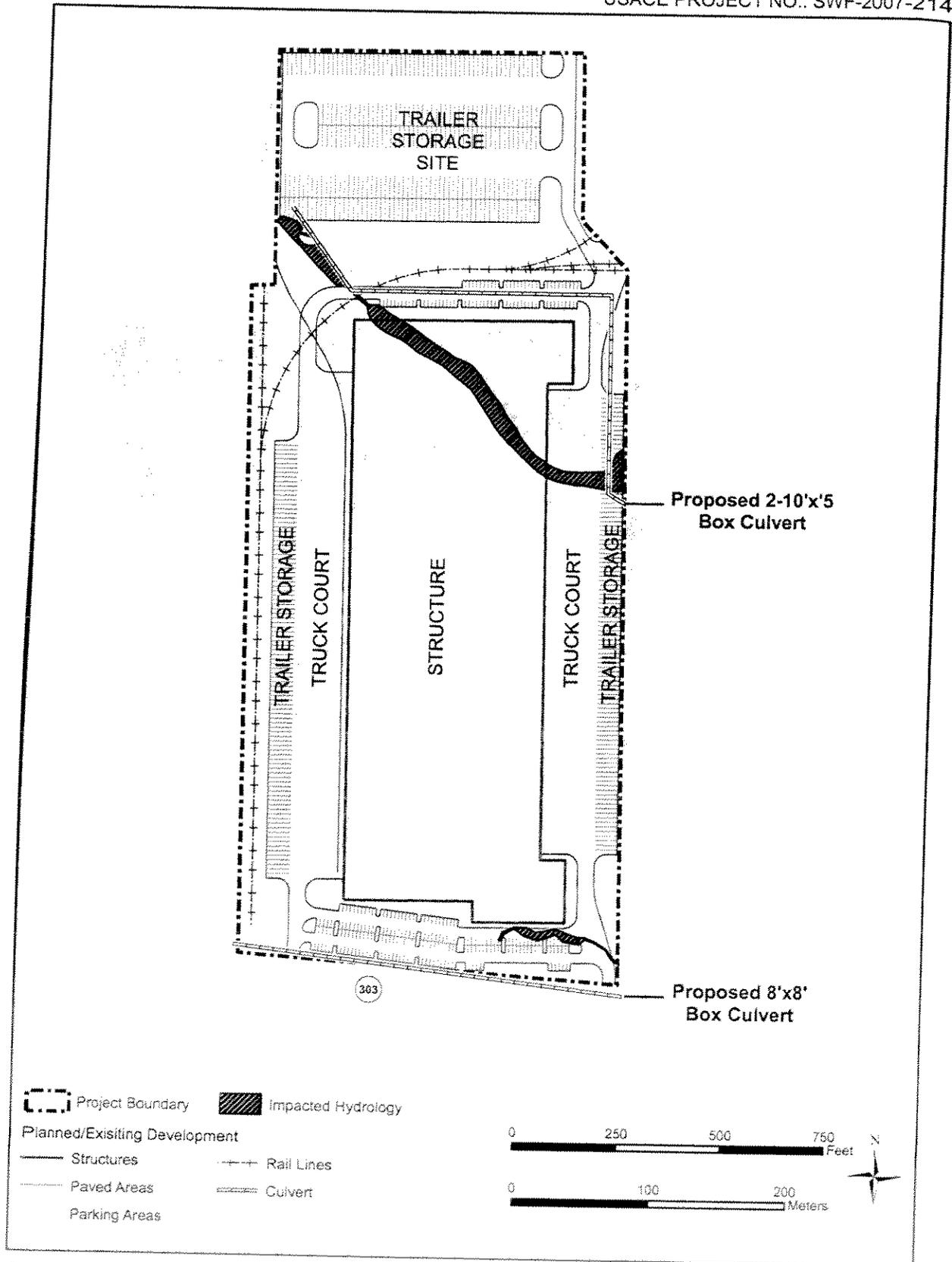
CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before 24 October, 2008, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments 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 Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday. Telephone inquiries should be directed to (817) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS

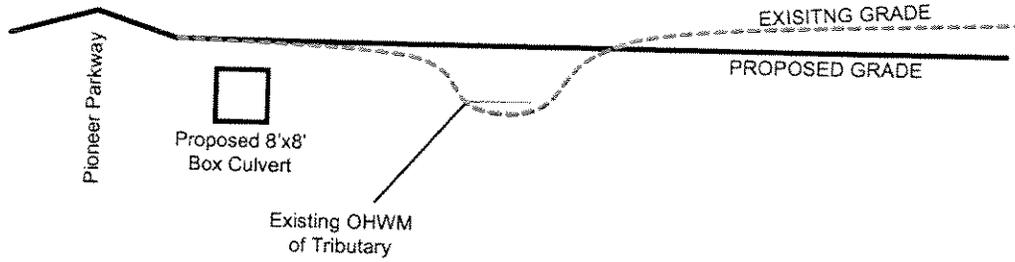








A. Typical Cross Section of Tributary 1, Illustrating Existing and Proposed Grades (Not to Scale).



B. Typical Cross Section of Pond Network, Illustrating Existing and Proposed Grades (Not to Scale).

