



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2013-00147
	Date Issued: _____	19 November 2019
	Comments _____	
Galveston District	Due: _____	4 December 2019

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: 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. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act.

APPLICANT: FREEPORT LNG (FLNG)
333 Clay Street, Suite 5050
Houston, Texas 77002
POC: Erin Piper
Telephone: 713-375-9866
Email: epiper@freeportlng.com

LOCATION: The proposed Flare Access Road Project is located adjacent to the existing Pretreatment Facility Boundary approximately 2.5 miles north of the Quintana Island Terminal and about 3.5 miles southeast of Freeport LNG Development's existing Stratton Ridge Meter Station adjacent to the Freeport Harbor Ship Channel and Gulf Intracoastal Waterway (GIWW), near the City of Freeport, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: FREEPORT, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.98864 North; **Longitude:** -95.31139 West

PROJECT DESCRIPTION: The applicant proposes modifications to the previously permitted Train 4 Project, which will be constructed as an expansion of Freeport LNG's previously permitted (and currently under construction) Liquefaction Project. The proposed modification consists of the permanent discharge of fill material into an additional 0.36 acres of palustrine wetlands for the need to provide construction access to the Train 4 Project while maintaining separation between active areas of Liquefaction

Project Operation, notably the Pretreatment Facility ground flare. The proposed modification is known as the “Flare Access Road Project.” The applicant’s proposed plans are enclosed with this notice as Attachment A in 12 sheets.

AVOIDANCE AND MINIMIZATION: FLNG has incorporated a number of siting, construction, and operation practices to minimize the overall impact on palustrine emergent (PEM) wetlands proposed to be impacted. The avoidance and minimization of these impacts to aquatic resources is integral to facility design for FLNG's proposed developments. The “Flare Access Road Project” was designed to minimize impacts by limiting the size and locating the road immediately adjacent to the existing facility. The proposed project has been specifically located to maximize use of upland areas, in preference to wetland and waterbody areas. During and following construction, FLNG will ensure that impacts are appropriately addressed through adherence to permit conditions and implementation of the Project-specific Upland Erosion Control, Revegetation and Maintenance Plan, Wetland and Waterbody Construction and Mitigation Procedures, and Erosion and Sediment Control Plan. During construction of the Train 4 Project, activities relating to the Flare Access Road Project will be incorporated into the Train 4 Project’s National Pollutant Discharge Elimination System (NPDES) permit and Stormwater Pollution Prevention Plan.

MITIGATION: FLNG has proposed two options for compensatory mitigation, enclosed with this notice as Attachment B in 57 sheets:

- 1) FLNG proposes compensatory mitigation for the permanent impacts associated with project construction and operation through the purchase of mitigation credits from an approved mitigation bank, per the hierarchy outlined in 33 CFR 332.3b. FLNG has demonstrated that there are no in-kind (palustrine emergent) credits available in the service area of the proposed impacts. FLNG proposes to purchase out-of-kind, in-service area credits. The proposed impacts are within the service area of two mitigation banks, Mill Creek and Danza del Rio. Both mitigation banks provide Riverine Forested credits. FLNG proposes to mitigate for palustrine emergent impacts through the purchase of Riverine Forested credits from either of these banks. To compensate for PEM wetland losses and long-term conversion, FLNG is proposing the purchase of 0.3 functional capacity units (FCUs) of a Riverine Forested mitigation credit suite (i.e., chemical, biological, physical) from Danza del Rio Mitigation Bank.
- 2) FLNG also proposes an alternative to the above mitigation plan. The project location lies just outside the service area of two mitigation banks within the same HUC-8 watershed as the project (Austin-Oyster, 12040205), Columbia Bottomland Conservation Mitigation Bank and Lower Brazos River. The two banks both provide in-kind credits (non-forested) that could potentially off-set the impacts of the project. Columbia Bottomland Conservation Mitigation Bank is currently sold out of non-forested credits, but Lower Brazos River has credits available. Freeport LNG could alternatively purchase in-kind credits in the same quantity (0.3 FCU) listed above from Lower Brazos River Mitigation Bank.

History: On July 30, 2014, the Federal Energy Regulatory Commission (FERC) issued an order in (i) Docket No. CP12-29-000 authorizing FLNG to site, construct, and operate certain additional facilities referred to as the “Phase II Modification Project” to facilitate operations at the Terminal; and (ii) in Docket No. CP12-509-000 authorizing FLNG, together with FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC, and FLNG Liquefaction 3, LLC (collectively, FLNG Liquefaction) to site, construct, and operate liquefaction, and export facilities (Liquefaction Project) at the Terminal, as well as the associated natural gas pretreatment plant (Pretreatment Facility), located approximately 2.5 miles north of the Terminal near Freeport, Texas. The Phase II Modification Project and the Liquefaction Project are currently under construction.

On September 23, 2014, in coordination with the United States (U.S.) Army Corps of Engineers (Corps), FLNG received Department of the Army (DA) Permit No. SWG-2013-00147 to construct, operate, and maintain structures and equipment associated with the Liquefaction Project, the “Phase II Project” (expansion of the Terminal’s authorized send-out capacity, as authorized on September 26, 2006, in Docket No. CP05-361-000), and Phase II Modification Project. After engineering review, change in customer bases, and feedback from affected landowners, FLNG requested pipeline route variances to Permit No. SWG-2013-00147. The modified permit route was approved by the Corps on December 7, 2015.

On June 29, 2017, in accordance with Section 3(a) of the Natural Gas Act (15 U.S. Code Section 717b(a)), FLNG and FLNG Liquefaction 4, LLC (together, FLNG) filed an application with FERC for authorization to site, construct, and operate additional natural gas liquefaction and export facilities near Freeport, Texas. This project, referred to as the “Train 4 Project”, will be constructed as an expansion of the Liquefaction Project. On May 17, 2019, FERC issued an order in Docket No. CP17-470-000 authorizing the Train 4 Project.

On January 2, 2018, FLNG submitted a request to the Corps for authorization of the Train 4 Project natural gas liquefaction and export facilities as an amendment to Individual Permit No. SWG- 2013-00147. The Corps approved this modification on April 30, 2019.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS:

FERC is the lead Federal agency. The DA Permit and its WQC are currently valid. The work included in this modification will be required to be conducted in accordance with the current DA Permit and WQC.

FERC is the lead Federal agency. The DA Permit and its Consistency Determination are currently valid. The work included in this modification will be required to be conducted in accordance with the current DA Permit and Consistency Determination.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: FERC is the lead federal agency for this project and is responsible for all Section 106 consultation. The permit area was investigated for historic properties and none were identified as documented in the report titled “Freeport LNG Development, L.P. FLNG Liquefaction 4, LLC – Train 4 Project FERC Docket No. CP17-470-000 – Potential Expanded Pretreatment Facility Footprint, Freeport, Brazoria County, Texas Phase I Cultural Resources Report” dated July 2019 and prepared by ERM.

THREATENED AND ENDANGERED SPECIES: FERC and/or its delegates are the lead for compliance for with the Endangered Species Act (ESA) for this project. The project has previously undergone consultation with the U.S. Fish and Wildlife Service (USFWS) for Federally listed species; specifically, Piping plover (*Charadrius melodus*), Red knot (*Calidris canutus rufa*), and Whooping crane (*Grus Americana*). The USFWS issued a “may affect, but not likely to adversely affect” concurrence (Consultation #02ETCL00-2014-I-0117) on October 26, 2015. There have been no changes in designated critical habitat, or any additions to Federally listed species that would potentially occur within the project site. The Corps determines the current effects determination is still valid for this permit and the proposed modification; as such, no additional consultation is required as long as the applicant abides by the reasonable and prudent measures issued by the service in the aforementioned consultation.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern 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: among those are conservation, economics, esthetics, 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 and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers 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 Corps of Engineers to determine whether to issue, modify, condition 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 Impact 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.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers 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: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. 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 if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. 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 **December 4, 2019**. 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 reference our file number, **SWG-2013-00147**, and should be submitted to:

Corpus Christi Field Office
Regulatory Division, CESWG-RD-R
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 Phone
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
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