



# Public Notice

**U.S. Army Corps  
Of Engineers**

**Galveston District**

Permit Application No: SWG-2019-00658

Date Issued: 19 November 2019

Comments

Due: 20 December 2019

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**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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:** Kingwood Exploration, LLC  
416 Travis Street, Suite 1100  
Shreveport, Louisiana 71101  
POC: Robert Braswell  
Telephone: 318-572-2790  
Email: robert.braswell@kingwoodexploration.com

**AGENT:** Virtus Environmental & Geological Consulting, LLC  
4101 Viking Drive, Suite J  
Bossier City, Louisiana 71111  
POC: Carrie Salinas  
Telephone: 318-518-1622  
Email: csalinas@virtusenviromental.com

**LOCATION:** The project site is located in wetlands to the east of Mud Lake, near the JD Murphree Wildlife Management Area, in Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Port Arthur South, Texas, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

**Latitude:** 29.7762° North; **Longitude:** 093.9742° West

**PROJECT DESCRIPTION:** The applicant proposes to discharge 3,719 cubic yards of clay, 743 cubic yards of limestone rock, and 189 cubic yards of indigenous soil into 0.998 acres of tidal wetlands to construct the McFaddin Ranch #17 and #18 well sites. The construction activities include repair of the existing ring levee, expansion of the existing well pad to 150' by 250' and stabilization of the access road.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by proposing to expand an existing well pad for avoidance of adjacent higher quality marshland, with all construction activities to be confined within previously disturbed marshland, within an existing ring levee.

**MITIGATION:** The applicant proposes to mitigate for the proposed impacts by developing a permittee responsible mitigation (PRM) plan in conjunction with existing Texas Parks and Wildlife Department (TPWD) plans for improved drainage and water exchange within specific portions of the Salt Bayou Unit of the JD Murphree Wildlife Management Area (JDMWMA), which is located approximately 3,750 feet north of the proposed well site. With the assistance of the applicant (Kingwood Exploration, LLC), the current plan is to place water control structures (WCS) at or in the immediate vicinity of three alternative locations shown on the attached map (Figure 4.0). These water control structures will allow water level manipulation and allow water to be funneled through two existing JDMWMA compartments and/or into the nearby Gulf Intracoastal Waterway. Kingwood Exploration, LLC has proposed financial obligations to begin with the WCS Alternative #1 to improve hydrologic conditions of approximately 195 acres that is prone to excessive flooding (green areas on Figure 4.0), as a result of recently pumped spoil illustrated by the purple areas on Figure 4.0. The project could restore or at least enhance +/- 195 acres of tidally influenced wetlands. Positively manipulating the existing hydrology of the impaired wetlands may not create any wetlands, although the applicant anticipates the ecological lift of at least 195 acres should sufficiently offset the proposed impact of approximately 1 acre of wetlands.

**CURRENT SITE CONDITIONS:** The project site consists of tidally-influenced, coastal marsh adjacent to Sea Rim State Park, JD Murphree Wildlife Management Area, Lost Lake, and Mud Lake in Jefferson County, Texas. The dominant vegetation is characterized by coastal saltgrass (*Distichlis spicata*), sturdy bulrush (*Bolboschoenus robustus*), gulf cordgrass (*Spartina spartinae*), and common reed (*Phragmites australis*).

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 4 sheets.

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 CWA.

#### **OTHER AGENCY AUTHORIZATIONS:**

Consistency with the State of Texas Coastal Management Plan is required. The applicant has stated that the proposed activity complies with Texas' approved Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

**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:

The permit area has been so extensively impacted by previous construction of the well pad and levee that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

**THREATENED AND ENDANGERED SPECIES:** Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

**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, 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, 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 and, in general, the needs and welfare of the people.

**SOLICITATION OF COMMENTS:** The Corps 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 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 EIS 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 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 **20 December 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-2019-00658**, and should be submitted to:

North Unit  
Regulatory Division, CESWG-RDE  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS