



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2012-00895
	Date Issued: _____	28 November 2012
	Comments _____	
Galveston District	Due: _____	31 December 2012

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

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: Endeavor Natural Gas, LP
1201 Louisiana, Suite 3350
Houston, Texas 77002
713-658-8555

AGENT: Mr. B.J. Hill
Belaire Environmental Inc.
1802 Baywood Drive
Rockport, Texas 78382
361-729-1241 (4#) or 361-230-4300 (cell)

LOCATION: The project site is located in wetlands and adjacent to the Gulf Intracoastal Waterway (GIWW) and open water in Cedar Lakes. It continues for 5,463 linear feet from the proposed production platform to an existing production facility to the southeast, in Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Cedar Lakes West, Texas.

Project Coordinates LATITUDE & LONGITUDE (NAD 83):

Beginning

Latitude: 28.838450°; Longitude: -95.520826 °

Ending

Latitude: 28.835144°; Longitude: -95.503438 °

This project site will be verified under an approved jurisdictional determination.

PROJECT DESCRIPTION: The applicant proposes to mechanically dredge 2,500 cubic yards of material from a 13,277-square-foot open water area, within Cedar Lakes, to a depth of 7 feet below mean low tide, plus 1-foot overdredge, to allow barge access for drilling a new well adjacent to Cedar Lakes. A 15-foot by 25-foot permanent access road and a 22,500-square-foot well pad will be constructed in uplands. A 3.5-inch pipeline will be bored under Cedar Lakes for a distance of 5,463 linear feet, extending from the new well pad to a spoil island, located approximately 265 feet west of an existing production platform. From the bore exit, the pipeline will be trenched through 40 linear feet of wetlands. The remaining 228 linear feet of pipeline will be jetted across a 684-square-foot-area, within an existing channel, located between State Tract 2 and Cedar Lakes, to an existing production facility. All temporary fills within jurisdictional wetlands will be restored within 180 days of the initial impact to wetlands. The applicant has avoided impacts to oyster reefs and permanent impacts to wetlands by boring most of the pipeline route.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by selecting a drilling plan that incorporates a drilling pad, truck turnaround and dredge material disposal area entirely within uplands and the minimum sized access basin for ingress/egress and safety in unvegetated bay bottom areas. The majority of the proposed pipeline will be bored in order to avoid existing wetlands and oyster reefs in and around Cedar Lakes. The applicant will also utilize temporary board matting to minimize temporary impacts to wetlands resulting from the bore exit pad and pipeline trenching work areas.

MITIGATION: The applicant has not proposed mitigation since no permanent impacts to wetlands will result from the project. At the request of the San Bernard Refuge, approximately 1,050 cubic yards of the dredged material will be beneficially used for an approximate 145-foot-long, 8,992-square-foot shoreline stabilization project, at a location northeast of the drilling/dredging area. The unvegetated bay bottom area where the dredged material will be beneficially used will be permanently protected from erosional forces from the GIWW by articulated matting.

CURRENT SITE CONDITIONS: The proposed drilling pad, truck turnaround, and dredge material disposal site are located in uplands on a spoil island immediately adjacent to the GIWW and between Cowtrap Lake and Cedar Lakes. The proposed pipeline bore work area and pipeline trenching area is located within estuarine wetlands within Cedar Lakes. The remaining 228 linear feet of pipeline jetting is located within previously disturbed, unvegetated oilfield channels adjacent to Cedar Lakes.

This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. This project will be verified under a preliminary jurisdictional determination. The applicant's plans are enclosed in 11 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: The applicant has stated that the project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

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 proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

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 31 December 2012. 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-2012-00895**, and should be submitted to:

Kristy Farmer
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
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DISTRICT ENGINEER
GALVESTON DISTRICT
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