Public Notice

U.S. Army Corps Of Engineers

Galveston District

Permit Application No: SWG-2015-00110

Date Issued: 27 December 2018

Comments Due: 29 January 2019

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:
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LOCATION: The proposed liquefied natural gas (LNG) terminal/gas supply pipeline project is located within an approximately 9.0-mile-long proposed pipeline corridor originating at the existing Valley Crossing Pipeline Brownsville compressor station north of State Highway 48 (SH48), crossing under SH48 and the Brownsville Ship Channel (BSC), and extending generally southeast to a fenced yard within the proposed LNG terminal site on the south bank of the BSC. The proposed LNG terminal site is located on an approximately 731-acre tract at BSC mile marker 8.2, approximately 15 miles east of the City of Brownsville, in Cameron County, Texas. The project can be located on the U.S.G.S. quadrangle maps entitled Palmitto Hill, Laguna Vista, and Port Isabel, TX.

LATITUDE & LONGITUDE (NAD 83):
Proposed gas supply pipeline:
from **Latitude** 25.988 degrees North, **Longitude:** -97.360 degrees West
to **Latitude:** 25.999 degrees North; **Longitude:** -97.261 degrees West

Proposed LNG terminal:
Latitude: 26.006 degrees North; **Longitude:** -97.267 degrees West

JURISDICTION: The subject site is jurisdictional under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA. Jurisdiction of the proposed LNG terminal site was determined by the Corps via Preliminary Jurisdictional Determinations.

A jurisdictional determination for the proposed gas supply pipeline has not been issued. For the proposed pipeline, this public notice is being issued based on information furnished by the applicant. The applicant has stated that no permanent fill of wetlands or waterbodies would occur as a result of pipeline installation, and that temporary fill of wetlands or other waters filled would total 42.1 acres for the pipeline.

PROJECT DESCRIPTION: The applicant proposes to construct, install, operate, and maintain structures and equipment necessary for liquefaction and export of natural gas, including construction of a gas supply pipeline and an LNG terminal with an access road and marine facilities.

The applicant proposes to construct and operate a 9.0-mile-long, 36-inch-diameter pipeline that would provide natural gas to the proposed natural gas liquefaction, storage, and export facility (Terminal). The proposed underground pipeline would interconnect with the existing Valley Crossing Pipeline Brownsville compressor station. Construction of the proposed pipeline would require a 100-foot-wide right-of-way (ROW), and a 50-foot-wide permanent easement within the construction ROW would be required for the operational ROW. The 100-foot-wide construction ROW is necessary to establish a safe working ROW due to the unconsolidated nature of the soils, trench instability during construction, and anticipated wetness of the substrate along portions of the route. It is anticipated that construction over wooden mats would be required in wet areas. The permanent 50-foot-wide easement centered over the 9-mile-long pipeline would have a 49.4-acre footprint. Fill material in wetlands during construction would be native material and would generally be restricted to spoil removed from the pipeline trench and, potentially, segregated topsoil. Once installation is complete, the trench spoil would be placed back into the trench, with excess material deposited in nearby uplands. Contours would be restored to match preconstruction contours. A horizontal directional drill is proposed under the BSC at Milepost 2.3. Aboveground facilities for the pipeline would be limited to a 200-foot by 300-foot interconnection facility where the pipeline would terminate at the Terminal, and would include valves, a filter-separator, measurement devices, and communications equipment. Three temporary access roads would provide necessary access to the proposed pipeline during construction. Additionally, the ROW south of SH48 would be accessed during construction directly from SH48 near Milepost 1.8. The ROW would also be accessed during construction directly from the

improved road near Milepost 8.6 that extends from State Highway 4 (SH4) to the proposed Terminal site. No permanent access roads would be required to construct, operate, or maintain the gas supply pipeline. In addition to the 100-foot-wide construction ROW, additional temporary workspace would be required, as identified on the attached pipeline alignment sheets.

The proposed Terminal would include two principal parts: the LNG facilities and the associated marine transfer facilities. The applicant would create one new main access road off SH4. Consultation with the U.S. Fish and Wildlife Service (FWS) identified the potential to construct the main access road along an existing unpaved road that crosses FWS property, identified as Access Road Alternative 2. The applicant prefers Access Road Alternative 2; however, either Access Road Alternative 1 or Access Road Alternative 2 is feasible. Natural gas piped to the Terminal would be treated, liquefied, and stored on-site in tanks as LNG. Construction of the project would permanently impact 53.0 acres of wetlands and 2.0 acres of non-wetland waterbodies: 53.0 acres of estuarine emergent marsh, 1.0 acres of estuarine open water, and 1.0 acres of unvegetated tidal flat. Approximately 2.5 acres of wetlands and 2.7 acres of non-wetland waterbodies would be temporarily disturbed from initial clearing for construction of fence, and would be allowed to revert to pre-existing land covers after fence installation is complete.

Terminal Facility: The terminal site would be raised to a base elevation of +16.5 feet NAVD88. The terminal site would include the following major components: gas pretreatment facilities; liquefaction facilities; LNG storage tanks; a boil-off gas handling system; a flare system; control, administration, and support buildings; access road; and utilities (power, water, and communication).

Marine Facilities: The marine transfer facilities would include a 1,500-foot-diameter turning basin bisected by the BSC with adjacent approach area. LNG carriers would dock at the LNG loading berth on the south side of the marine berth, and the material off-loading facility (MOF) would be located on the west side of the basin. The marine berth and turning basin would encompass approximately 76 acres at top of slope, and would require excavation by a combination of land-based excavation and dredging of approximately 5,961,000 cubic yards (CY) of new work material. Land-based excavation and mechanical dredging of the marine berth and southern portion of the turning basin to a depth of -20.0 feet mean lower low water (MLLW) (-20.85 NAV88) would remove 1,715,000 CY of clay, which would be placed on the terminal project site for non-structural site fill and grading. All other new work material would be excavated to a depth of -20 feet to -45 feet MLLW in the berth and turning basin using a hydraulic cutterhead dredge, and transported by hydraulic pipeline to dredged material placement area (PA) 5A and/or PA 5B. The -45 feet MLLW depth includes an additional 3 feet of advanced maintenance and overdepth. Side slopes in non-bulkheaded areas of the berth and turning basin would be constructed with a 3 horizontal:1 vertical slope. No dredging would occur within the BSC navigation channel.

The proposed marine facilities include the following:

- Marine offloading facility (MOF): a 30-inch-diameter steel pipe pile-supported concrete deck relieving platform behind a steel sheet pile bulkhead wall;
- Tug dock at MOF;
- One loading platform and berth for one LNG carrier. The loading platform would include four loading arms and a single tower crane, and would be supported by steel piles installed following dredging;
- Cryogenic pipelines and vapor return lines between the loading platform and storage tanks;
- Fire protection equipment;
- Riprap shoreline protection: the bulkhead and shoreline would be protected by rock riprap armoring at the base of the steel sheet pile bulkhead wall, at the ends of the berth, and around the base of the LNG loading platform and breasting dolphin piles. This shoreline protection would encompass 12.2 acres within the dredged marine basin. Of this 12.2 acres, 1.1 acres are now waters of the U.S.;
- Mooring dolphins constructed in groups of four 42-inch-diameter steel pipe piles, with a single 38-foot-wide and 1,140-foot-long structural steel walkway connecting all mooring and breasting dolphins;
- Breasting dolphins: Four breasting dolphins would be constructed of 96-inch-diameter steel monopoles supporting an independent fender system; and
- Aids to navigation: Six flashing lights on floating buoys delineating the profile of the berth basin, turning basin, and the flared approach. Fixed lights would be installed on the outer breasting dolphins of the LNG berth and the MOF. Navigation marker lights would be installed on all outer mooring dolphins of the dock and on the pipe trestle. Specifications and precise location of the additional navigation buoys and aids would be determined in consultation with the Brazos-Santiago Pilots and the U.S. Coast Guard.

Maintenance Dredging: The applicant would use a hydraulic pipeline dredge to remove approximately 200,000 CY of 62% sand maintenance material every other year, placing the material in PA 5A and/or PA 5B.

Main Access Road: The main access road would connect the project area to SH4. The proposed main access road would be a paved, two-lane road, Access Road Alternative 1 or Access Road Alternative 2.

Supporting Infrastructure: In support of the project, some facilities would be constructed that would be owned and operated by third parties, including a transmission line to provide electricity and a potable water supply pipeline.

For construction and maintenance of the Terminal, as detailed in Table 1, *Wetlands and Non-Wetland Waterbodies Affected by the Project*, of the attached Compensatory Mitigation Plan, approximately 51.5 acres (plus 2.2 acres for Access Road Alternative 1 or 1.3 acres for Access Road Alternative 2) of waters of the U.S. (WOUS) would be permanently impacted, and 4.8 acres (plus 0.3 acres for Access Road Alternative 1 or 0.1 acres for Access Road Alternative 2) would be temporarily impacted. The

permanently impacted waters would include approximately 49.5 acres of estuarine emergent wetlands (plus 2.2 acres for Access Road Alternative 1 or 1.3 acres for Access Road Alternative 2) and approximately 1.0 acre of estuarine open water and 1.0 acre of unvegetated tidal flat. No estuarine scrub-shrub (mangrove) marsh would be impacted.

For construction and maintenance of the proposed gas supply pipeline, approximately 42.1 acres of wetlands would be temporarily impacted, and there would be no permanent fill or conversion of scrub-shrub wetlands to herbaceous wetlands.

AVOIDANCE AND MINIMIZATION: The applicant has stated that throughout project engineering and design, they implemented measures to avoid wetland impacts to the extent practicable and to minimize the construction footprint within wetlands when complete avoidance was not logistically feasible. Efforts to avoid and minimize wetland impacts for the Terminal included the following:

- Conducted site visits with the Federal Energy Regulatory Commission (FERC) and various resource and regulatory agencies – including but not limited to the Environmental Protection Agency, Corps, National Marine Fisheries Service (NMFS), FWS, Texas Parks and Wildlife Department, and Texas General Land Office – to obtain the agencies' input.
- Modified the project layout to accommodate a wildlife corridor on the west side of the Terminal project site ("Western Wildlife Corridor"), where existing wetlands will be avoided and preserved.
- Modified the limits of disturbance (areas within which all construction activities will occur, not including areas to be dredged within the BSC) cut/fill plan, construction laydown areas, and other disturbance areas to avoid wind-tidal flats and adjacent wetland areas along the southeast portion of the Terminal project site.
- Designed the marine facilities to be the minimum size while still providing a safe navigation and mooring environment.
- Consulted with the FWS to evaluate an access road alternative that incorporates a portion of an existing dirt road on FWS refuge property into the main access road alignment for the project. This alternative access road alignment would maximize the use of existing disturbances associated with the existing access road and minimize impacts to wetlands.

The applicant states that as a result of these collaborative efforts, the applicant would avoid over 100 acres of wetlands and non-wetland waterbodies within the Terminal project site.

Efforts to avoid and minimize wetland impacts for the gas supply pipeline included traditional bores and Horizontal Directional Drill techniques to avoid impacts on estuarine scrub-shrub wetlands. All impacts would be temporary and restricted to herbaceous wetlands, which would be restored following completion of construction.

MITIGATION: The applicant has proposed compensatory mitigation to offset the project's impacts to wetlands and non-wetland waterbodies by restoring regular tidal flow to the Little San Martin Lake (LSML) basin, which is located on the northwest side of State Highway 48 between the Bahia Grande and San Martin Lake, approximately 1.2 miles northwest of the Terminal project site. Tidal flow to the LSML basin was cut off by construction of oil/gas access roads between 1955 and 1970. Aerial photography shows emergent marsh surrounding LSML prior to the access road construction, but the wetlands gradually disappeared. Restoring regular tidal flow to the basin will re-establish wetlands around LSML, enhance existing wetlands in the basin, and restore estuarine shallow water habitat in LSML itself. The applicant's mitigation plan entails excavating a series of channels between San Martin Lake and the LSML basin and surrounding areas to restore regular tidal flow to the basin. After the proposed channels are excavated, emergent wetland vegetation and limited mangroves would be planted along the channels, and emergent wetlands are expected to gradually establish throughout the flats surrounding the basin. In addition, the channels would allow various estuarine species to access shallow water habitat within the LSML. The mitigation plan would enhance/restore an estimated 250 acres of estuarine wetland and shallow water habitats. The final acreages would be determined based on the final mitigation needs and work plan, which would be completed through Corps coordination and permit review and subsequent development of mitigation engineering plans.

CURRENT SITE CONDITIONS: The terminal project site is currently an undeveloped tract of land adjacent to the BSC. Within the project site, the main water feature is the BSC, which borders the northern boundary of the project site. Nine wetlands are located along the BSC shoreline in the project site, including six estuarine emergent (EEM) wetlands (W1A-F) and three estuarine scrub-shrub (ESS) (mangrove) marshes (W2A-C). Since these nine wetlands are abutting the BSC, they are exposed to tidal fluctuations, as well as wash over from ship wakes, on a regular basis. One other EEM wetland (W1G) receives tidal waters less frequently than the BSC wetlands, during high, wind-driven tides that reach the project area from South Bay located to the east of the project site. W1G is located in the eastern portion of the project site and abuts a large unvegetated wind-tidal flat associated with South Bay. The remaining wetlands within the project site are EEM wetlands that occur in scattered depressions in the interior of the project site and are not directly abutting tidal waters. Most of the depressions are 1 acre or less in size, but five of the wetlands cover larger areas ranging from about 5 acres to almost 50 acres. All of these depressional wetlands are surrounded by uplands but are in the 100-year floodplain associated with the BSC and South Bay. As such, they receive tidal waters during extreme storm tide events and contain plant communities dominated by halophytic (salt-loving) species that are common in EEM wetlands along the Texas Gulf coast. One exception is W3A, which is located on and surrounded by a high loma (clay dune) and is not within the 100-year floodplain. Despite having no access to tidal water, W3A is still dominated by similar plant species as other wetlands in the project site. Wetlands located along the alternative access road routes are also EEM wetlands that mainly occur in small (less than 0.5 acre), scattered saline depressions that are surrounded by flat coastal prairie. These wetlands are also in the 100-year floodplain, receive tidal waters during extreme storm tide events, and support halophytic plant communities. However, most are shallow depressions that do not appear to hold water for long periods of time.

Common plant species in the EEM wetlands in the project area include glassworts (*Salicornia depressa* and *S. bigelovii*), saltwort (*Batis maritima*), cenicilla (*Sesuvium portulacastrum*), sea ox-eye daisy (*Borrichia frutescens*), sea purslane (*S. verrucosum*), sea blite (*Suaeda linearis*), seashore dropseed (*Sporobolus virginicus*), shoregrass [*Distichlis littoralis* (SYN=*Monanthochloe littoralis*)], sea lavender (*Limonium nashii*), and seaside heliotrope (*Heliotropium curvassivicum*). The mangrove marshes along the BSC are dominated by black mangroves (*Avicennia germinans*) and saltwort. Undesirable wetland plants were observed in only one wetland, W3D, and those were limited to small patches of southern cattail (*Typha domingensis*) that cover no more than an estimated 5 percent of the wetland.

Approximately 134.4 acres of wetlands [EEM and scrub-shrub (mangrove)] and 26.9 acres of non-wetland waterbodies (open water and unvegetated tidal flats) were delineated within the Terminal project site. In addition, approximately 12.8 acres of estuarine emergent wetland were delineated in the Access Road Alternative 1 survey corridor, and 3.2 acres of estuarine emergent wetland were delineated in the Access Road Alternative 2 survey corridor.

PA 5A is approximately 704 acres in size and is located directly west of the project site. PA 5B is approximately 1,020 acres in size and is located west of PA 5A. Each of the PAs are surrounded by a containment dike and are used for placement of maintenance dredged material from the adjacent sections of the BSC navigation channel.

The proposed pipeline route crosses mostly low-elevation coastal plains (5 feet or less above sea level), with higher elevations occurring along both sides of the BSC. The western 1.8 miles of the pipeline route (north of SH48) crosses undeveloped land but is collocated with the recently constructed Valley Crossing Pipeline. The next 4.2 miles of the route crosses SH48, the BSC, and lands on either side of the BSC that have been heavily disturbed by past and ongoing dredged material placement. The eastern 3 miles crosses coastal prairie that is less disturbed but has been affected by development of adjacent PAs. The dominant vegetation communities can be characterized as emergent wetlands (high salt marsh) and coastal prairie. Scattered mangrove wetlands and mesquite-thornshrub communities also exist within a 300-foot-wide survey corridor delineated for the proposed pipeline corridor. Much of the pipeline route also crosses barren, unvegetated areas associated with PAs and adjacent flats.

The emergent wetlands in the survey corridor are generally dominated by halophytic plant species such as glassworts, saltwort, sea blite, seashore saltgrass, shoregrass (*Distichlis spicata*), sea ox-eye daisy, Carolina wolfberry (*Lycium carolinianum*), and salt-marsh bulrush (*Schoenoplectus robustus*). The coastal prairie vegetation communities also occur over the saline Sejita soils and contain many of the halophytic plant species present in the emergent wetlands; however, glassworts and sea blite disappear from this community, saltwort abundance decreases, and other species increase with elevation, including leatherleaf (*Maytenus phyllanthoides*), tornillo (*Prosopis reptans*), camphor daisy (*Rayjacksonia phyllocephala*), Texas pricklypear (*Opuntia engelmannii* var. *lindheimeri*), seashore dropseed (*Sporobolus virginicus*), and whorled dropseed (*S. pyramidatus*), with scattered honey mesquite (*Prosopis glandulosa*) and Spanish dagger (*Yucca treculeana*). The mangrove wetlands in the survey corridor are relatively small

areas generally located near the BSC and contain mangrove shrubs and varying densities of the plant species found in the emergent wetlands. The mesquite-thornshrub communities occur at higher elevations on the north side of the BSC and two lomas and are dominated by species such as honey mesquite, Texas ebony (*Ebenopsis ebano*), granjeno (*Celtis pallida*), lotebush (*Ziziphus obtusifolia*), fiddlewood (*Citharexylum berlandieri*), cenizo (*Leucophyllum frutescens*), Spanish dagger, lime prickly-ash (*Zanthoxylum fagara*), coma (*Sideroxylon celastrinum*), goatbush (*Castela texana*), Texas pricklypear, and other shrub species.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 40 sheets for the gas supply pipeline, 34 sheets for the Terminal, 25 sheets for the compensatory mitigation plan, and 5 sheets for the Alternatives Analysis for the gas supply pipeline. The Alternatives Analysis for the terminal can be found in the Federal Regulatory Commission (FERC) Draft Environmental Impact Statement.

An Environmental Impact Statement (EIS) is required for the proposed project. The FERC is the lead federal agency for preparation of the EIS, and the Galveston District Corps is a cooperating agency. The FERC Draft EIS was released on 14 December 2018. The FERC docket number for the proposed project is CP16-480-000.

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 (LNG Terminal) permit area was investigated for historic properties and nine are known properties and nine archeological sites were identified, eight of the sites are recommended as not eligible for inclusion in the National Register of Historic Places and one site is currently unevaluated. This investigation is documented in the technical report titled "Intensive Cultural Resources Investigations of the Annova LNG Brownsville Project, Cameron county, Texas" prepared by Blanton & Associates and dated August 2015.

The (gas supply pipeline) permit area is likely to contain terrestrial cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct an investigation for historic properties.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. As the lead federal agency, the FERC is consulting with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to assess the effect of the proposed project on endangered species.

For the proposed gas supply pipeline, it is anticipated that the proposed project may affect, but is not likely to adversely affect, the northern aplomado falcon (*Falco femoralis septentrionalis*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus fufa*), ocelot, and jaguarondi (*Herpailurus yagouaroundi cacomitli*) The proposed pipeline is expected to have no effect on the remaining federally listed species, and to have no impact on the red-crowned parrot (*Amazonia viridgenalis*), which is a candidate for federal listing. The survey corridor for the proposed pipeline does not contain designated critical habitat for the piping plover.

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 NMFS.

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 **29 January 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-2015-00110**, and should be submitted to:

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