



Public Notice

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

Galveston District

Permit Application No: _____

SWG-2025-00115

Date Issued: _____

21 April 2025

Comments _____

Due: _____

2 May 2025

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

TO WHOM IT MAY CONCERN: The purpose of this notice is to advise the public that the following request associated with the Texas Connector Pipeline has been submitted for a Department of the Army (DA) permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and/or Section 103 of the Marine Research, Protection, and Sanctuaries Act of 1972. In Executive Order (EO) 14156 the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1621) based upon the finding that the United States' insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation's economy, national security, and foreign policy. The U.S. Army Corps of Engineers (Corps), Galveston District has found that this permit request meets the terms of EO 14156 and is therefore subject to special emergency permitting procedures to address an energy supply situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures. The Galveston District will implement the special processing procedures approved by Southwestern Division in accordance with 33 CFR § 325.2(e)(4).

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 identify any extenuating circumstances affecting the public interest. The 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.

APPLICANT: Texas Connector Pipeline, LLC (TXCPL)
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LOCATION: The pipeline is proposed to originate southeast of Keith Lake and to extend north to a terminus east of the Neches River and south of Beaumont, in Orange County, Texas. The pipeline route will cross the Gulf Intracoastal Waterway (GIWW), Taylor Bayou, Big Hill Bayou, the Sabine Neches Waterway (SNWW), and Hillebrandt Bayou.

Starting point (NAD 83): Latitude: 29.758237° North; Longitude: -93.978950° West
Ending point (NAD 83): Latitude: 30.067618° North; Longitude: -93.978950° West

PROJECT DESCRIPTION: The applicant proposes to construct a 42-inch natural gas pipeline system to provide feed gas to the Port Arthur LNG (PALNG) terminal facility. Access roads, support facilities, staging areas, and temporary workspaces are also proposed along the pipeline route. The pipeline is proposed to be installed by open cut trench and by horizontal directional drill (HDD) in specified segments. The pipeline route will cross under the GIWW, Taylor Bayou, Big Hill Bayou, the SNWW, and Hillebrandt Bayou by HDD. Top soil excavated from the trench during open cut excavation will be side cast adjacent to the trench, and segregated so it can be replaced after the pipeline is installed. Temporary work spaces and staging areas are proposed to be returned to pre-construction contours after construction is complete.

A segment of Big Hill Bayou is proposed to be dredged as an access route to transport HDD equipment. Approximately 119,717 cubic yards of native material along Big Hill Bayou is proposed to be mechanically dredged with a bucket dredge and/or marsh buggy excavator. The dredged material will be placed adjacent to the shoreline for beneficial use (BU) to reestablish the previous bank line of the bayou. The site will be allowed to revegetate naturally with native vegetation with the intent to create emergent marsh habitat consistent with the adjacent marsh. TXCPL does not propose planting or long term monitoring of the BU site. No maintenance dredging is proposed for the project.

Impacts associated with the proposed project are listed in Table 1.

Table 1

Acres Affected by the Texas Connector Pipeline Project				
	Impact Type (Acres)			Total Impacted Acreage
	Temporary	Conversion to PEM	Permanent	
Estuarine Intertidal Emergent (E2EM)	84.7	0.0	3.0	87.6
Estuarine Intertidal Forested (E2FO)	1.5	0.6	0.0	2.1
Estuarine Intertidal Scrub- Shrub (E2SS)	5.6	1.2	0.0	6.8
Palustrine Emergent (PEM)	140.6*	0.0	3.7	3.7
Palustrine Forested (PFO)	28.1	6.1	0.0	34.2
Palustrine Scrub-Shrub (PSS)	40.2**	9.1	0.0	9.1
Wetland Subtotal	300.6	17.1	6.6	324.3
Open Water	53.0	0.0	49.3	102.3
Total	353.6	17.1	55.9	426.6

*0.9 acres of Intermediate Marsh wetlands are found in the previously temporarily impacted PALNG facility Footprint

**0.8 acres of Scrub Shrub wetlands are found in the previously temporarily impacted PALNG facility Footprint

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by evaluating system alternatives, as well as route variations and chose the practicable route with the least environmental impacts.

The applicant stated that the system alternatives evaluated would not meet the TXCPL customer's need for sufficient feed gas to supply their facility. Expansion of the existing pipeline system would require similar construction scope of work and would result in similar or greater environmental impacts. The applicant considered alternative route variations and alignments and determined that the options would result in construction requirements that were not practicable, or had greater environmental impacts.

MITIGATION: TXCPL proposes to compensate for all permanent wetland impacts by purchasing the required wetland mitigation credits from an approved mitigation bank.

BACKGROUND: The proposed pipeline is intended to replace the pipeline segment called the Texas Connector Pipeline, that followed a similar route, authorized in the original Liquefaction Permit for the PALNG terminal facility. Should the currently proposed pipeline be approved, the previously permitted pipeline segment would not be built.

The PALNG Liquefaction project and pipeline were authorized by the Corps on 29 October 2019 under DA Permit SWG-2008-00497. The DA Permit expires on 31 December 2029. The PALNG Terminal Facility was also evaluated by the Federal Energy Regulatory Commission for activities within their jurisdiction and authorized under Docket No. CP20-55-000.

The currently proposed pipeline is owned by a separate company than that which owns the PALNG facility. Therefore, it is being evaluated as a separate action under a new DA permit number. FERC issued an Environmental Assessment (EA) for the proposed pipeline route under Docket CP24-512-000 on 21 March 2025. Their evaluation of the new TXCPL route is currently in progress. Information about their review, and the TXCPL EA, are posted in the FERC eLibrary at <https://elibrary.ferc.gov/eLibrary/search> under the above referenced Docket number.

CURRENT SITE CONDITIONS: The TXCPL project will extend approximately 31 miles across Jefferson and Orange Counties, in Texas. Land adjacent to the pipeline route is primarily undeveloped or industrial. Some small residential communities exist adjacent to certain segments. The route will pass under various tributaries including the GIWW and the SNWW.

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 15 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. The FERC issued an Environmental Assessment (EA) for the proposed pipeline route under Docket CP24-512-000 on 21 March 2025.

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:

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.

Pursuant to 33 USC 408, the proposed project will require Section 408 coordination and review. This is a requirement for activities that seek permission, to temporarily or permanently, alter, occupy, or use a federally authorized United States Army Corps of Engineers civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

LEAD FEDERAL AGENCY:

The FERC has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act (ESA), National Historic Preservation Act (NHPA), and the Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the FERC, referencing Docket number CP24-512-000.

The Corps has determined that the proposed action is subject to EO 14156, “Declaring a National Energy Emergency” issued 20 January 2025. As such, the permit application is being expedited using emergency regulations. To streamline the energy permit application review process and avoid duplication of effort, the Corps will rely on the environmental compliance determinations by the Lead Federal Agency that prepared, or is preparing, an EA or EIS for a proposed energy activity. The FERC process for evaluating projects under EO 14156 is being evaluated. Any changes or updates to their evaluation processes will be announced by FERC directly.

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 project has the potential to affect historic properties if present. The applicant will need to conduct an archeological investigation of the permit areas.

The FERC is the Lead Federal agency for complying with Section 106. In their March 2025 EA, FERC concluded that Section 106 consultation is not complete. The 2019 FERC Order for the PALNG facility required completion of Section 106 consultation prior to any construction activity for the Texas Connector Project. That condition would continue to apply to the TXCPL Project.

THREATENED AND ENDANGERED SPECIES: The FERC is the Lead Federal agency for complying with ESA and conducting the necessary agency consultations under Section 7. In their March 2025 EA, FERC concluded that the proposed TXCPL Project may affect, but is not likely to adversely affect the West Indian manatee, Eastern black rail, piping plover, red knot, 37 whooping crane, and Kemp’s Ridley sea turtle, and would not jeopardize the continued existence of the alligator snapping turtle, monarch butterfly, tricolored bat, Texas heelsplitter, and Louisiana pigtoe. FERC consultation with the USFWS and NMFS under Section 7 of the ESA is ongoing. The 2019 FERC Order for the PALNG facility required completion of ESA consultation prior to any construction activity for the Texas Connector Project. That requirement would apply to the TXCPL Project as well.

ESSENTIAL FISH HABITAT: The FERC is the Lead Federal agency for complying with EFH. In their March 2025 EA, the FERC concluded that the TXCPL project would result in an overall increase and some shifting of impacts on aquatic resources, which would have negligible to minor effects on these resources. Most of these impacts would be short-term. The TXCPL agrees to implement the same avoidance, minimization, and

mitigation measures required in the PALNG 2019 FERC Order. With these measures in place, The FERC concluded that no significant impacts to aquatic resources are expected and affects to EFH would be temporary and minor.

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 EOs. 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 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.

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.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **2 May 2025**. Extensions of the comment period for emergency permits will not be granted. **If no comments are received by that date, it will be considered that there are no objections.** Comments should reference our file number, **SWG-2025-00115**, and should be submitted through the RRS system or the physical address listed below: <https://rrs.usace.army.mil/rrs/public-notice> OR

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