



Public Notice

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

Galveston District

Permit Application No: SWG-1997-01648

Date Issued: 3 February 2022

Comments

Due: 7 March 2022

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 404 of the Clean Water Act (CWA).

APPLICANT: United States Department of Energy, SPR, Big Hill Site
900 Commerce Road East
New Orleans, Louisiana 70123
POC: Stephen Reese
Telephone: 504-734-4404
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AGENT: Fluor Federal Petroleum Operations
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New Orleans, Louisiana 70123
POC: LaDonna Jeanmarie
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LOCATION: The proposed project site is located in wetlands near Hillebrandt Bayou, at an area approximately 4 miles east of Nederland, in Jefferson County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: STAR LAKE, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.937928° North; **Longitude:** 094.059539° West

PROJECT DESCRIPTION: The applicant proposes to permanently discharge fill into approximately 3.30 acres of palustrine emergent (PEM) wetlands for the construction of a new Shell-Zydeco Metering Station and access road within the Big Hill crude oil distribution system. The new metering station will measure 154-foot by 154-foot (23,716-square-foot) and be constructed on a 4-foot-high pad of fill material and paved crushed stone. The crushed limestone access road will be 4,850-foot-long by 24-foot-wide and encompass an area of 116,400-square-foot. There will also be temporary discharge of fill into 7.2 acres PEM wetlands within the construction workspaces and laydown areas. This temporary discharge includes the covering of ditches at the Farm-to-Market (FM) 365/access road intersection to allow larger construction/transport vehicles to make the turn in to the access road leading to the new metering station. This intersection and all temporary workspaces/laydown areas will be restored back to original contours once construction is complete.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they could not avoid placing the metering station in wetlands within the project site because it is the only site where accurate metering could be conducted. The applicant has minimized the environmental impacts by engineering the project with the smallest footprint possible to install and access the meter station.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by purchasing habitat credits from an approved mitigation bank within the project service area.

CURRENT SITE CONDITIONS: The project site is currently in a previously disturbed area of PEM wetlands, which contains existing oil and gas facilities. The PEM wetlands are located in a mostly agricultural area near Hillebrandt Bayou.

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 13 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Railroad Commission (RRC) will review this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. The applicant has not yet reached out to the RRC to initiate the Section 401 CWA process. If you have comments or questions on this proposed project's State water quality certification, please contact leslie.savage@rrc.state.tx.us. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

This public notice will serve as the notification to the Environmental Protection Agency (EPA) Regional Administrator pursuant to Section 401(a)(2). The Regional Administrator is responsible for performing a review of the application/certification to determine if there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge originates. If EPA determines that the proposed discharge may affect the quality of the waters of any state other than the state in which the discharge will originate, it will so notify such other state, the District Engineer, and the applicant. If such notice or a request for supplemental information is not received within 30 days of issuance of this public notice, the District Engineer will assume EPA has made a negative determination with respect to Section 401(a)(2).

LEAD FEDERAL AGENCY:

The US Department of Energy has been identified as the lead federal agency for complying with Section 7 of the Endangered Species Act and the National Historic Preservation Act. As such, please direct all comments, questions, or concerns regarding these Acts to the US Department of Energy.

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 **7 March 2022**. 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-1997-01648**, and should be submitted to:

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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS