



Public Notice

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

Galveston District

Permit Application No: SWG-2019-00692

Date Issued: 31 January 2023

Comments

Due: 3 March 2023

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: Lone Star NGL Mont Belvieu, L.P.
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Houston, Texas 77002-6803
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AGENT: Compass Environmental Solutions, L.L.C.
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LOCATION: The project site is located in forested wetlands adjacent to Cedar Bayou, approximately 2.35 miles southwest of the intersection of State Highway 146 and Farm-to-Market Road 1942, in Mont Belvieu, Chambers County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Mont Belvieu, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.841754° North; **Longitude:** 094.929849° West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 25,000 cubic yards of fill material into 30.47 acres of forested wetlands for the purpose of constructing two natural gas fractionators, chemical treatment and processing units, and associated infrastructure.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have minimized and avoided impacts to jurisdictional waters of the United States to the extent possible by choosing a project design that minimizes impacts to wetlands and avoids unnecessary impacts to non-vegetated waters of the United States. The Applicant has chosen a project design that avoids impacts to 1,266 linear feet (0.19 acres) of non-vegetated waters of the United States and 0.56 acre of jurisdictional wetlands within the subject property.

MITIGATION: The applicant has proposed to mitigate for 30.47 acres of impacts to jurisdictional wetlands by implementing an off-site Permittee Responsible Mitigation plan that would fulfill the appropriate number of functional credit units (FCUs) calculated using the Galveston District's interim Hydrogeomorphic Model for Riverine Forested Wetlands (iHGM). At this time, Delta Land Services has developed an off-site PRM plan for the appropriate number of FCUs needed to offset the impact of the 30.47 acres of forested wetlands. The approximate number of FCUs needed to offset the 30.47 acres of mosaic forested wetland impacts includes the following: 17.16 Physical FCUs, 18.78 Biological FCUs, and 17.66 Chemical FCUs.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land that contains 42.941 acres of forested, scrub/shrub and emergent wetlands. During a field investigation, multiple mosaic forested wetland communities were observed within the project area. The forested wetland communities were dominated by similar plant species consisting of green ash (*Fraxinus pennsylvanica*), water oak (*Quercus nigra*), red maple (*Acer rubrum*), sweetgum (*Liquidambar styraciflua*), and dwarf palmetto (*Sabal minor*). Upland communities were also delineated and were found to be dominated by water oak and Chinese tallow (*Triadica sebifera*). The subject wetlands are adjacent to Cedar Bayou, a traditional navigable water (TNW), and are located approximately 0.5-mile west of the subject site. The site also contains one tributary (TRIB1- 1265.32 linear feet). Wetlands 1, 2, 3 and 5, totaling 30.47 acres, were determined to be adjacent to Cedar Bayou and are waters of the United States subject to Section 404 of the CWA.

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 wetland delineation has been completed and was verified by the Corps on 5 October 2022. The applicant's plans are enclosed in 20 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 Commission on Environmental Quality 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 TCEQ to initiate the Section 401 CWA process. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

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 was previously investigated for historic properties and none were identified as documented in the report titled "Cultural Resources Survey for the Frac 9 Project in Chambers County, Texas" prepared by Gray & Pape and dated June 2019. The report was previously coordinated with and accepted by the Texas State Historic Preservation Officer (SHPO) in October/November 2019. No additional SHPO consultation is warranted.

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.

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 **3 March 2023**. 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-2019-00692**, and should be submitted to:

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