



Public Notice

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

Galveston District

Permit Application No: SWG-1998-00987

Date Issued: 28 March 2019

Comments

Due: 29 April 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.

APPLICANT: Black Marlin Pipeline Company LLC
2800 Post Oak Boulevard
Houston, Texas 77056
POC: Cathy Thornton
Telephone: 713-215-4235
Email: cathy.thornton@williams.com

AGENT: T. Baker Smith, LLC
107 Global Circle
Lafayette, Louisiana 70503
POC: Jude LeDoux
Telephone: 337-735-2800
Email: jude.ledoux@tbsmith.com

LOCATION: The project site is located beneath Galveston Bay and runs approximately 39,508 feet (7.48 miles) from a point 11.40 nautical miles northwest of the Galveston South Jetty Light 5A (Point of Beginning (POB)) to a point 6.10 nautical miles north-northwest of the Galveston South Jetty Light 5A (Point of Ending (POE)), in Galveston County, Texas. The project can be located on N.O.A.A. navigational chart 11324.

LATITUDE & LONGITUDE (NAD 83):

POB: Latitude: 29.411836° North; Longitude: 094.888608° West

POE: Latitude: 29.407911° North; Longitude: 094.764642° West

PROJECT DESCRIPTION: The applicant proposes to decommission Pipeline Segment Number (PSN) 3489 in place. PSN 3489 is a 16-inch steel pipeline previously used to transport natural gas. This pipeline segment would be cut at the POB and POE, flushed, filled with native seawater, and capped. In locations in which pipeline exposures are found, the pipeline would be lowered to obtain adequate depth of cover.

In accordance with the Bureau of Safety and Environmental Enforcement (BSEE) 30 CFR 250.1750 pipeline decommissioning requirements, the applicant proposes to:

1. Disconnect from previously serviced platform and subsea tie-in connection;
2. Flush by pigging, and filling with seawater to equalize the line pressure;
3. Plug each end of the pipeline; and
4. Confirm depth of cover at the pipeline ends, and cover endpoints with protective concrete mats.

The BSEE project number is Segment 9434.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by decommissioning the cleaned pipeline in place, rather than removing it and causing disruption of the bottom and Galveston Bay water column.

MITIGATION: No compensatory mitigation is proposed.

CURRENT SITE CONDITIONS: The existing pipeline is located on the floor of Galveston Bay and crosses the Houston Ship Channel, at a max water depth of approximately 52 feet below mean higher high water.

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 4 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.

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.

No water quality certification is required.

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, abandon and leave a pipeline in place, is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project 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 **29 April 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-1998-00987**, and should be submitted to:

North Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS