



Public Notice

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

Galveston District

Permit Application No: SWG-2017-00649

Date Issued: 21 March 2019

Comments

Due: 22 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 (CWA).

APPLICANT: CITGO Products Pipeline Company
4401 Highway 108
Lake Charles, Louisiana 70602
POC: Robert Bertrand
Telephone: 337-708-6944
Email: RBERTR1@citgo.com

AGENT: Environmental Resources Management (ERM)
206 East 9th Street, Suite 1700
Austin, Texas 78701
POC: Travis Wycoff
Telephone: 512-374-2255
Email: Travis.Wycoff@erm.com

LOCATION: The project site is located in the Trinity River, 0.65 miles northeast of 390 County Road 450, in Dayton, Liberty County, Texas 77535. The project can be located on the U.S.G.S. quadrangle map titled: Moss Bluff, Texas.

LATITUDE & LONGITUDE (NAD 83):

POB: Latitude: 29.971939° North; Longitude: 094.825672° West
POE: Latitude: 29.978217° North; Longitude: 094.809531° West

PROJECT DESCRIPTION: The applicant proposes to partially decommission in-place as well as partially remove an approximate 6,400-foot section of an existing pipeline. Approximately 600 feet of the pipe crossing the Trinity River will be removed entirely via cutting and ramming/pulling from workspaces at each end of the pipe section. The remaining 5,800 feet of onshore portions of the pipe will be filled with cement slurry (grout), capped, and abandoned in-place. Proposed temporary impacts consists of a 75-foot by 150-foot (.26 acres) westward temporary workspace located in emergent wetlands, as well as a 150-foot by 200-foot (0.69 acres) eastward temporary workspace that's located in uplands. Proposed workspaces are located within a previously disturbed right-of-way (ROW).

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by partially removing and partially decommissioning the pipeline in-place, rather than removing the entire pipeline and causing additional disturbances to the surrounding area. Decommissioning and removal of the pipeline crossing at the Trinity River will mitigate the risk of potential pipeline failure that could otherwise adversely impact wetlands and wildlife resources. Additionally, removal of the portion of the pipeline within the Trinity River will remove a hazard to navigation of the river. The use of onshore workspaces will minimize impacts and avoid sedimentation of the Trinity River that would otherwise occur from open-cut excavation and removal activities.

MITIGATION: No compensatory mitigation is proposed.

CURRENT SITE CONDITIONS: The project site is located within a previously disturbed ROW for multiple pipelines that is bordered primarily by undeveloped bottomland hardwood forest, with some areas of adjacent residential and industrial properties.

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:

The project site is not located within the Texas Coastal Zone and therefore, does not require certification from the Texas Coastal Management Program.

No water quality certification is required.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

Pursuant to 33 USC 408, the proposed project MAY 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 civil works project. Changes to the proposed project, from the Section 408 process, may warrant additional coordination.

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 has been so extensively impacted by the original installation of the pipeline that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect historic properties.

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 **22 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-2017-00649**, and should be submitted to:

North Unit
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U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS