



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2013-00147
	Date Issued: _____	14 November 2019
	Comments _____	
Galveston District	Due: _____	16 December 2019

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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.

APPLICANT: FREEPORT LNG (FLNG)
333 Clay Street, Suite 5050
Houston, Texas 77002
POC: Erin Piper
Telephone: 713-375-9866
Email: epiper@freeportlng.com

AGENT: Lloyd Engineering, Inc.
6565 West Loop South Suite 708
Belaire, Texas 77401
POC: Marisa Weber
Telephone: 832-426-4656
Email: marisa@lloydengineering.com

LOCATION: The proposed project is within a marsh near the Brazos River and the Gulf Intracoastal Waterway (GIWW), south of the City of Freeport, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: FREEPORT, Texas.

LATITUDE/LONGITUDE (NAD83)

Latitude: 28.927514 N; **Longitude:** 95.365667 W

PROJECT DESCRIPTION: The applicant proposes to modify Department of the Army (DA) permit SWG-2013-00147 for the construction of an enclosed 112.75-acre confined dredged material placement area (DMPA) with 25-foot-tall levees that contain outfall structures. The project will also require a 0.15-acre access road that will be permanently filled with material to access the levee. Table 1 summarizes the impacts to waters of the United States (US), including wetlands:

Table 1. Waters of the US Impact Summary		
Aquatic Resource Type	Temporary Fill (acres)	Permanent Fill (acres)
Palustrine Emergent (PEM)	10.1	106.4
Palustrine Scrub Shrub (PSS)	0.1	3.7
Palustrine Unconsolidated Bottom (PUB)	0.6	2.8
Total:	10.8	112.9

The applicant's proposed plans are enclosed with this notice as Attachment A in 7 sheets.

AVOIDANCE AND MINIMIZATION: As part of the environmental planning process, FLNG conducted an alternatives analysis to determine feasible alternatives that minimized impacts to waters of the US while fulfilling the purpose and need for the DMPA. Through this analysis, FLNG has proposed this location for the DMPA because it was determined to avoid and minimize impacts to the aquatic environment to the fullest extent practicable while still achieving the need for the placement of dredged material.

MITIGATION: There are no mitigation bank credits available or in-lieu fee programs in the watershed where the proposed DMPA is located; therefore, the applicant has proposed to conduct permittee-responsible mitigation (PRM) located off-site in Bastrop Bayou (11.1 miles from the project site) and in-kind to restore 70.5 acres and enhance 50.1 acres totaling 120.6 acres (1.07 PRM to 1 impact, or 1.07:1). The applicant's proposed compensatory mitigation plan is enclosed as Attachment B with this notice in 102 sheets.

LATITUDE/LONGITUDE (NAD83)

Latitude: 29.099063 N; **Longitude:** 95.353908 W

PROJECT HISTORY: The US Army Corps of Engineers (Corps), Galveston District issued Department of the Army (DA) permit SWG-2013-00147 pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act to Freeport LNG (FLNG) for the Liquefaction Project and Phase II Developments on 23 September 2014. The Corps issued an amendment to the permit on 9 September 2015 adding the Freeport New Work Offshore Dredged Material Disposal Site (ODMDS) as a placement area. Under the original permit and subsequent amendment, 1,188,000 cubic yards (CY) of new work material was dredged from the Phase II LNG Berthing area for placement into the New Work ODMDS. On 14 February 2018, the Corps issued an amendment to the permit for the addition of the Freeport Maintenance ODMDS as a placement area for the disposal of maintenance material dredged from the FLNG Basin to allow for safe and efficient operations. Additional disposal and reporting requirements were added to this

permit amendment on 25 October 2018. The FLNG Basin encompasses the Phase II LNG Berthing area (authorized under SWG-2013-00147) and the Phase I LNG Berthing area (authorized under SWG-2003-02110). The authorized depth of the FLNG Basin is 46.5 feet plus 2 feet over dredge.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps.

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 Clean Water Act (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.

This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

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 investigated for Historic Properties and none were identified as documented in the technical report titled “Freeport LNG Development, L.P. – Long-Term Dredged Material Placement Area Project, Brazoria County, Texas – Phase I Cultural Resources Report” prepared by Natural Resource Group and dated October 2015.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

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 of Engineers, 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 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. Any comments received will be considered by the Corps of Engineers 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 Environmental Impact Statement 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 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.

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 **16 December 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-2013-00147**, and should be submitted to:

Regulatory Division, CESWG-RD-P
U.S. Army Corps of Engineers
2000 Fort Point Road
Galveston, Texas 77550
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS