



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2019-00722
	Date Issued: _____	16 November 2021
	Comments _____	
<b>Galveston District</b>	Due: _____	17 December 2021

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**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:** Lone Star NGL Mont Belvieu, LP  
1300 Main Street  
Houston, TX 77002  
POC: Mr. Jonathan Minton  
Telephone: 713-989-2127  
Email: [jonathan.minton@energytransfer.com](mailto:jonathan.minton@energytransfer.com)

**AGENT:** Perennial Environmental Services, LLC  
13100 Northwest Freeway, Suite 150  
Houston, TX 77040  
POC: Mr. Josh Melnar  
Telephone: 713-462-7121  
Email: [jmelnar@perennialenv.com](mailto:jmelnar@perennialenv.com)

**LOCATION:** The project is located in waters and wetlands adjacent to Cedar Bayou, at 12445 Hatcherville Road, Mont Belvieu, in Chambers County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Mont Belvieu, Texas.

**LATITUDE & LONGITUDE (NAD 83):**  
Latitude: 29.859565° North; Longitude: -94.937682° West

**PROJECT DESCRIPTION:** The applicant proposes to temporarily impact 20,471 linear feet of four streams and permanently impact a total of 156.67 acres of waters and

wetlands adjacent to Cedar Bayou by the discharge of 135,668 cubic yards of fill material during the construction of the Burton Station Project involving two hydrocarbon processing units (HPU), two detention ponds, and two brine disposal wells. The proposed project would involve the construction of underground cavern support infrastructure within the Barbers Hill Salt Dome, the construction of approximately 301 acres of above ground facilities and 29,129 linear feet of permanent access roads within a 593-acre tract.

Specifically, the applicant proposes to:

- Temporarily impact 20,471 linear feet of four streams by deepening, from 0.5 foot to 2 feet, and widening, from 4 feet to 6 feet. Utilize excavated material as fill material for the proposed project.
- Permanently discharge 74,450 cubic yards of fill material into 20 separate palustrine forested (PFO) wetlands totaling 91.57 acres.
- Permanently discharge 33,504 cubic yards of fill material into 19 separate palustrine scrub shrub (PSS) wetlands totaling 40.78 acres.
- Permanently discharge 22,173 cubic yards of fill material into 44 separate palustrine emergent (PEM) wetlands totaling 23.75 acres.
- Permanently discharge 6 cubic yards of fill material into 150 linear feet of two streams, SP3CH043 and SP3CH044, during culvert installation for the construction of access road 5.
- Permanently discharge 5,535 cubic yards of fill material into a 0.57-acre pond, OWP4CH012, during the construction of HPU 1.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by seating the project primarily within fields historically utilized for agricultural practices. The applicant stated they located project facilities on the eastern portion of the property to avoid approximately 122 acres of riparian areas, including PFO wetlands, located adjacent to Cedar Bayou to the greatest extent practicable. The applicant also stated they will implement best management practices to minimize impacts to temporarily disturbed areas and to reduce stormwater run-off of disturbed soils into adjacent non-disturbed areas. The applicant's alternative analysis is enclosed in Attachment B, in 9 sheets.

**MITIGATION:** The applicant proposed to mitigate for the 157.41 acres of waters and wetland impacts by the creation of a permittee responsible mitigation (PRM) plan within a 288.6-acre tract. The PRM tract is adjacent to Cedar Bayou, in Liberty County, and situated within Cedar Bayou's 100-year floodplain. The approximate center point of the PRM is Latitude 29.923645° N and Longitude -94.980241° W (NAD 83). The applicant's PRM plan is enclosed in Attachment A, in 131 sheets.

The applicant stated the goals of the PRM are to restore, re-establish 3.1 acres of PFO wetland, rehabilitate 75.6 acres of PFO wetland, enhance 37.6 acres of PFO, preserve 70.7 acres of PFO, re-establish 15.0 acres of PSS wetland, rehabilitate 49.1 acres of PSS wetlands, re-establish 16.6 acres of PEM wetland and rehabilitate 3.6 acre of PEM wetland. Additionally, approximately 6.2 acres of fire breaks would be established. These areas would serve as permanent fire lanes between the different habitat communities. The fire breaks are not included in the restoration/credit acreage. The applicant utilized

the Galveston District Interim Hydrogeomorphic functional analysis to calculate that the impacts will require 78.02 Temporary Storage of Surface Water (TSSW) functional capacity units (FCUs), 93.93 Maintain Plant and Animal Communities (MPAC) FCUs, and 88.14 Removal of Elements and Compounds (RSEC) FCUs.

The Galveston District Interim Hydrogeomorphic functional analysis was not utilized to calculate the mitigation requirements for the permanent impacts to 0.57-acre pond, OWP4CH012. A mitigation ratio of 2:1 was applied to calculate the acreage needed for out-of-kind compensation for this aquatic resource. The pond will receive 1.2 acres, a 2.1:1 ratio, of compensation for the permanent impacts. The applicant also does not propose compensatory mitigation for the temporary impacts, or drainage improvements, to the 20,471 linear feet of streams and the permanent impacts to 150 linear feet of two streams, SP3CH043 and SP3CH044, during culvert installation.

The applicant acknowledges that Gin City Mitigation Bank and the Gulf Coastal Plains Mitigation Bank are the suitable mitigation banking options in the vicinity of the project location. The applicant stated these banks lacked available credits at the time of application submittal. The applicant stated that in the interim timeframe and as of the date of this notice, the Gin City Mitigation Bank has available mitigation credits. The applicant stated that the amount of forested mitigation credit would only be capable of offsetting a portion of the project impacts. The applicant stated their PRM plan provides a complete and contiguous mitigation solution for all habitat types impacted by the proposed project.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped 593-acre tract of land consisting of approximately 317.48 acres of uplands, a total of 94 separate wetland areas totaling 268.29 acres, specifically 185.81 acres of 20 PFO wetlands, 43.42 acres of 25 PSS wetlands, and 39.06 acres of 49 PEM wetlands, and a total of 30 waterbodies totaling 7.24 acres, specifically 5.27 acres of 26 streams and ditches, and 1.97 acres of 4 ponds. The project site is surrounded on the east by a mixture of commercial and industrial development, and on the north, west, and south by undeveloped land. The project site is situated within the Hydrological Unit Code 12040203, North Galveston Bay watershed.

The applicant stated the WP7CH003A\_PFO, WP7CH003A\_PSS, WP7CH003A\_PEM waterbodies comprise a singular ditch historically utilized for agricultural practices in which the lack of maintenance deteriorated the ordinary high-water mark. The applicant stated this singular ditch no longer functions to convey water nor has connectivity to other waterbodies. As such this waterbody now functions as wetlands.

**NOTES:** This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this Public Notice, the Corps has received but not yet verified the wetland delineation and the Galveston District Interim Hydrogeomorphic functional analysis located within the applicant's PRM plan. The applicant's plans are enclosed in 20 sheets. The applicant's PRM plan is enclosed in Attachment A, in 131 sheets. The applicant's alternative analysis is enclosed in Attachment B, in 9 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 Clean Water Act (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.

The Texas Railroad Commission will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

**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 staff archeologist reviewed the revised draft report titled *A Phase I Cultural Resources Survey of the Burton Station Project, Chambers County, Texas, prepared for Lone Star NGL Mont Belvieu LP by Perennial Environmental Services, and revised July 2020*. As documented in the report, no historic properties were found in the permit area and further investigation is not justified. The Texas State Historic Preservation Office concurred with the staff archeologist determination that no historic properties are present.

**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 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 **17 December 2021**. 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-2019-00722**, and should be submitted to:

Central Unit/Evaluation Branch  
Regulatory Division, CESWG-RD-E  
U.S. Army Corps of Engineers  
Galveston District  
2000 Fort Point Road  
Galveston, Texas 77550  
409-766-3869 Phone  
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DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS