Public Notice

U.S. Army Corps Of Engineers

Galveston District

Permit Application No: SWG-2019-00174

Date Issued: 18 November 2021

Comments Due: 20 December 2021

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.

In accordance with Section 5(f) of the Deepwater Port Act (33 United States Code [U.S.C.] § 1504(f)), the U.S. Coast Guard (USCG) and Maritime Administration (MARAD) are the lead Federal agencies responsible for preparing an Environmental Impact Statement (EIS) for the proposed project, with cooperation from the Corps and other Federal agencies and departments, to comply with the requirements of the National Environmental Policy Act (NEPA) of 1969. The Galveston District has accepted the USCG and MARAD's request to become a cooperating agency in the preparation of the EIS and intends to incorporate the EIS into our permit decision process. The USCG and MARAD announced in the Federal Register, on November 1, 2021, the notice of availability of the Draft EIS (DEIS), invitation to an informational open house website, notice of virtual public meeting available for attendance to comment on the proposed action, and request for public comments or other relevant information related to the Draft EIS for the proposed project. Please refer to the attached Federal Register announcement (Attachment A) for additional information regarding this information. The Draft EIS is available for viewing at http://www.regulations.gov under docket number MARAD-2019-0094.

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:

BLUEWATER TEXAS TERMINAL LLC
2331 City West Blvd.
Houston, TX 77042-2862
POC: Matthew Stewart
Telephone: 832-765-1535
Email: Matthew.M.Stewart@p66.com

AGENT: LLOYD ENGINEERING, INC.
6565 West Loop South, Suite 708
Bellaire, TX 77401
POC: Justin Wiedeman
Telephone: 832-426-4656
Email: justin@lloydeng.com

LOCATION: The proposed Bluewater SPM (Bluewater) Deepwater Port (DWP) Project consists of onshore, inshore, and offshore components. Onshore components consist of those components that would be constructed on the landward side of the western Redfish Bay mean high tide (MHT) line, located in San Patricio and Aransas Counties, Texas. The proposed onshore components include approximately 22.13 miles of two new 30-inch-diameter crude oil pipelines extending from the landward side of the MHT line of Redfish Bay to a planned multi-use terminal facility located south of Taft in San Patricio County, Texas. Inshore components consist of those components that would be constructed between the western Redfish Bay MHT line and the MHT line located at the interface of San Jose Island and the Gulf of Mexico. The proposed inshore components include approximately 7.29 miles of two new 30-inch-diameter crude oil pipelines, and an approximate 12-acre facility located on Harbor Island within Nueces County, Texas. The proposed offshore components would be located seaward of the MHT line located at the interface of San Jose Island and the Gulf of Mexico. The proposed offshore components include approximately 23.25 nautical miles (26.76 statute miles) of two new 30-inch-diameter pipelines and a DWP. The offshore pipeline infrastructure would extend from the Gulf of Mexico MHT to the Bluewater DWP. The proposed Bluewater DWP would be located in Gulf of Mexico waters within approximately 88-feet water depth and consist of two single point mooring (SPM) buoy systems connected via approximately 1.46 nautical miles (1.68 statute miles) of two 30-inch-diameter submerged pipelines. The project can be located on the U.S.G.S. quadrangle map entitled: Taft, Gregory, Aransas Pass, Estes, and Port Aransas, Texas.

LATITUDE & LONGITUDE (NAD 83):

Multi-use Terminal Facility (proposed onshore pipeline origin)
Latitude: 27.902398 North; Longitude: -97.400793 West

Harbor Island Facility (proposed inshore facility)
Latitude: 27.85210 North; Longitude: -97.069840 West

Bluewater DWP (proposed offshore facility)
Latitude: 27.889361 North; Longitude: -96.651156 West

PROJECT DESCRIPTION: The applicant proposes to construct, operate and maintain a deepwater port consisting primarily of two SPM buoys, approximately 108.26 miles of 30-inch-diameter pipeline, and an approximately 12-acre onshore facility. The proposed offshore Bluewater DWP would serve the purpose of exporting domestic crude oil supply from major shale basins delivered from a multi-use terminal located south of Taft, Texas and transported via two 30-inch pipelines to the offshore SPM buoys. The proposed

Bluewater DWP would be located in Federal waters of the Gulf of Mexico, on the Outer Continental Shelf Mustang Island Area TX3 lease blocks 698 and 699, approximately 15 nautical miles (approximately 17.3 statute miles) off the coast of Corpus Christi, Texas. The proposed project components are described below.

The onshore components would consist of:

- Approximately 22.13 statute miles of two, new, co-located 30-inch-diameter crude oil pipelines extending from the planned multi-use terminal to the western mean high tide (MHT) line of Redfish Bay within Aransas Pass, Texas.
- Two high concentration area (HCA) valve stations located on either side of the City of Aransas Pass, Texas.

The inshore components would consist of:

- Approximately 7.29 statute miles of two, new, co-located 30-inch diameter crude oil pipelines extending from the western MHT line of Redfish Bay to the MHT line of the Gulf of Mexico.
- The approximately 12-acre Harbor Island Facility consisting of an operations building and control valves.

The offshore components would consist of:

- Approximately 23.25 nautical miles (26.76 statute miles) of two, new, co-located 30-inch diameter crude oil pipelines extending from the Gulf of Mexico MHT line to the SPM buoys.
- Two SPM buoys anchored by catenary anchor leg moorings (CALM).
- Pipeline end manifold (PLEM) system, to provide the interconnection between the pipelines and SPM buoys.
- Mooring hawsers, floating hoses, and sub-marine hoses to allow for loading of crude oil to Very Large Crude Carriers (VLCCs) moored at the DWP.

Installation of the onshore and inshore pipeline infrastructure would involve the utilization of construction techniques including horizontal directional drill (HDD) and open cut conventional excavation. The pipelines would be installed within an approximate 125-foot-wide construction corridor. During construction activities, additional temporary workspaces (ATWS) would be required beyond the width of the designated construction corridor at certain designated locations to provide the space necessary for safe and efficient installation of the onshore pipelines. The ATWS would be utilized, where required, for the storage of spoil, pipe, welding, pull strings, HDD entry and exit locations, and equipment access roads.

Offshore pipeline infrastructure would be installed within an approximate 75-foot-wide construction corridor on the seafloor. A pipelay barge consisting of anchors positioned at the bow and stern of the vessel would be used to assemble pipeline segments and lower to the seafloor. During the assembly of each new joint of pipe, the pipelay barge would move forward by tightening the bow anchor cables and slacking the stern anchor cables.

This process would repeat until the total length of pipeline has been installed on the seafloor. Upon completion of the assembly of the offshore pipelines, a pipelay vessel would attach a jet sled (or similar pipe burial sled) to an A-Frame located at the stern of the vessel. The vessel would position the sled over one of the pipelines on the seafloor and begin the process of moving along the offshore pipeline. The jet sled would utilize high pressure water jets to remove and discharge the earthen materials underneath the pipeline until the pipeline is buried a minimum depth of 3-feet below the seabed for its entire length.

Construction of the onshore pipelines, inshore pipelines, offshore pipelines, HDDs, and the Harbor Island Facility would mostly occur simultaneously. The proposed project would take approximately 18 months to construct.

(Note: For a detailed description of the proposed project, refer to Section 2.2 of the DEIS)

The applicant's plans are enclosed in 61 sheets (Attachment B).

PROPOSED IMPACTS TO WATERS OF THE U.S.: Onshore pipeline construction would result in temporary impacts to approximately 0.7 acre of waterbodies which would be crossed using open-cut trench techniques. An additional 1.1 acres occurs within the onshore permanent easement and would be temporarily impacted by construction. Inshore construction would result in a temporary impact on approximately 0.7 acre of waterbodies which would be crossed utilizing open-cut trench techniques. The offshore pipeline in the Gulf of Mexico would be installed via jetting of the pipe within approximately 238.0 acres of temporary workspace. In addition, offshore construction would include installation of the SPM buoy structures.

Onshore construction would temporarily impact approximately 9.8 acres of palustrine emergent (PEM), palustrine scrub-shrub (PSS), and estuarine emergent (E2EM) wetlands, as well as estuarine intertidal, unconsolidated shoreline and mudflats (E2USP). An additional 9.7 acres of PEM, PSS, E2EM, and E2USP wetland occurs within the onshore permanent easement and would be temporarily impacted by construction. Construction would permanently convert approximately 0.8 acre of PSS wetlands. Inshore construction would temporarily impact approximately 5.9 acres of PEM, PSS, estuarine intertidal scrub-shrub (E2SS), and E2EM wetlands. An additional 5.7 acres of PEM, PSS, E2SS, and E2EM wetlands occur within the inshore permanent easement and would be temporarily impacted by construction. Inshore construction would permanently convert approximately 0.6 acre of E2SS wetlands and 1.3 acres of PSS wetlands.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by incorporating a variety of construction methods and best management practices. To minimize effects of potential construction related impacts on waterbodies, the applicant proposes to adhere to the conditions outlined in the Best Management Practices enclosed in 87 pages (Attachment C). In addition, the application proposes to use the HDD construction method to avoid impacts on approximately 1.1 acres of the waterbodies within the onshore permanent easement

and approximately 14.7 acres of waterbodies within the inshore permanent easement. Use of the HDD construction method would avoid impacts to approximately 2.7 acres of E2EM, E2USP, and E2SS wetlands within the onshore permanent easement. Use of the HDD construction method would also avoid impacts on 1.1 acres of E2EM, PEM, and E2SS wetlands within the inshore permanent easement. HDDs have the potential to release inadvertent returns of drilling fluids to the environment. The applicant proposes to manage and mitigate inadvertent returns through a project-specific Inadvertent Return Contingency Plan, which would include measures to prevent, detect, and mitigate impacts of inadvertent returns in waterbodies.

COMPENSATORY MITIGATION: The applicant would mitigate for the proposed impacts by offsetting PSS impacts with a permittee responsible mitigation solution at Coastal Bays Bends and Estuary Program's (CBBEP) and Delta's Nueces Bend PRM Area, located within the Lower Nueces Watershed. The impacts on the black mangrove dominated E2SS wetlands would occur primarily along SH 361 and appear to be on state-owned submerged water bottoms. The same general area for mangrove restoration. An approximate 3:1 multiplier would be applied to the proposed project impacts. The applicant's conceptual compensatory mitigation plan is enclosed in 11 pages (Attachment D).

CURRENT SITE CONDITIONS: According to Texas Parks and Wildlife Department's Texas Ecoregions, the proposed project occurs within the Gulf Prairies and Marshes region of Texas. This region encompasses the entire Gulf Coast of Texas and generally consists of remnant tallgrass prairies, scattered oak parklands and oak mottes, river bottomlands, barrier islands along the coast, and salt grass marshes around the bays and estuaries. The proposed project spans three unique Hydrologic Unit Code (HUC 8) watersheds: North Corpus Christi Bay (12110201), Aransas (12100407), and Aransas Bay (12100405). Portions of the onshore/inshore project area occur within the 100-year and 500-year floodplains. The inshore portion of the project area traverses estuarine waters that are partially enclosed with freshwater inputs and tidal exchange with the Gulf of Mexico, primarily through the Aransas Pass.

The onshore study area consisted of an approximate 300-foot-wide corridor along the length of the proposed pipelines, encompassing approximately 812.7 acres. A total of 54 waterbodies were delineated encompassing approximately 10.3 acres. Of the 54 waterbodies delineated, 36 were classified as ephemeral, encompassing approximately 2.2 acres. Four were classified as intermittent waterbodies encompassing approximately 1.0 acre, and four were classified as perennial waterbodies encompassing approximately 1.8 acres. Additionally, six waterbodies encompassing approximately 4.7 acres were delineated as natural open waters (ponds) with the remaining four waterbodies, totaling approximately 0.6 acre, classified as manmade ponds. The majority of ephemeral and intermittent waterbodies identified within the onshore study area consisted of roadside ditches, agricultural ditches, and residential stormwater canals that were described as having relatively low aquatic habitat quality.

The onshore study area also included the delineation of 76 individual wetland areas encompassing approximately 41.2 acres. Of the 76 wetlands delineated, 53 were characterized as PEM wetlands totaling approximately 28.4 acres, eight were classified as PSS wetlands totaling approximately 1.8 acres, seven were classified as E2EM wetlands totaling approximately 9.9 acres, two were classified as E2SS wetlands totaling approximately 0.1 acre, and six were classified as E2USP, or mud flats, totaling approximately 1.0 acre. No palustrine forested (PFO) wetlands were identified within the onshore study area.

The inshore study area consisted of an approximate 500-foot-wide corridor along the length of the proposed pipelines. A total of 12 waterbodies were delineated encompassing approximately 13.0 acres. Of the 12 waterbodies delineated four were classified as ephemeral encompassing approximately 0.1 acre, one was classified as intermittent encompassing approximately 0.1 acre, and four were classified as perennial encompassing approximately 12.3 acres. The remaining three waterbodies were classified as open waterbodies totaling approximately 0.5 acre. In addition to the delineated waterbodies, approximately 6.8 acres of estuarine waters are located within the inshore study area.

The inshore study area also included the delineation of 43 individual wetland areas encompassing approximately 75.8 acres. Of the 43 wetlands delineated, 11 were classified as PEM totaling approximately 25.6 acres, one wetland was classified as PSS totaling approximately 3.4 acres, 22 were classified as E2EM totaling approximately 24.9 acres, eight were classified as E2SS totaling approximately 9.5 acres, and one wetland was classified as estuarine intertidal unconsolidated shore (E2US) wetland totaling approximately 12.5 acres. No PFO wetlands were identified within the inshore study area.

The proposed offshore pipelines and the DWP would be located within coastal waters in the Gulf of Mexico, which gradually slopes from the shoreline to a depth of 88-90 feet at the DWP site. The DWP would be located east of the Aransas Pass Anchorage adjacent to a shipping safety fairway (lane) that runs northeast to southwest from Matagorda Bay, and is also adjacent to an established offshore anchorage.

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.

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 project is consistent with the Texas Coastal Management Program (CMP) goals and policies and will be conducted in a manner consistent with said Program. The Texas Railroad Commission will determine if the project is consistent with the goals and policies of the CMP and will review this application under Section 401 of the CWA to determine if the work would comply with State water quality standards.

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

LEAD FEDERAL AGENCY: The USCG and MARAD are the lead federal agencies for complying with Section 7 of the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Fishery Conservation and Management Act. As such, please direct all comments, questions, or concerns regarding these Acts to the USCG and MARAD.

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 **20 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-2019-00174**, and should be submitted to:

Policy Analysis Branch
Regulatory Division, CESWG-RDP
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
409-766-6301 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS