



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2004-00465

Date Issued: 10 September 2019

Comments

Due: 10 October 2019

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## 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:** Sabine Pass LNG, L.P. (SPLNG)  
700 Milam Street, Suite 1900  
Houston, Texas 77002  
POC: Mr. Douglas Shanda

**AGENT:** Burns and McDonnell Engineering Company, Inc.  
1700 West Loop South, Suite 1500  
Houston, Texas 77027  
POC: Nathan Olday  
Telephone 832-214-1999  
Email: [naolday@burnsmcd.com](mailto:naolday@burnsmcd.com)

**LOCATION:** The project site is located in wetlands and in the Sabine Pass Channel, at the existing Sabine Pass Liquefied Natural Gas (LNG) facility, at 9243 Gulf Beach Highway, in Cameron, Cameron Parish, Louisiana. The project can be located on the U.S.G.S. quadrangle map entitled: Texas Point, Texas.

**LATITUDE & LONGITUDE (NAD 83):**

Latitude: 29.740796 North; Longitude: -93.867203 West

**PROJECT DESCRIPTION:** The applicant proposes to expand the existing SPLNG Terminal, to add a third marine berth, and supporting facilities to load LNG vessels for export. The new berth is proposed to be dredged from a site previously used as a dredge material placement area (DMPA), to a depth of -46.37 feet below Mean Lower Low Water (MLLW). The berth is proposed to be constructed with a 3:1 slope. Portions of the berth would be protected from erosion using filter rock layer, rip rap, or other suitable means of stabilization. Approximately 3.6 million cubic yards of dredge material will be removed via hydraulic and mechanical means, to create the berth. The majority of the dredge activities will occur within the State of Louisiana. However, a small portion of the dredge area will extend into the State of Texas. The proposed project will impact 27.05 acres of emergent wetlands, 0.61 acres of scrub-shrub wetlands, and 49.23 acres of open water.

Support facilities will include additional piping, piperacks, utilities and tie-ins to existing SPLNG infrastructure. One jetty approach trestle, roadway, pipeway, outfall, mooring and breasting dolphins, and loading platform with transfer arms will also be constructed. No additional liquefaction facilities are proposed.

Dredge Material Management Plan (DMMP): The applicant proposes to place 3.6 million cubic yards of dredged material into the Louisiana Point DMPA, located waterward of Louisiana Point for beneficial use (BU) of dredged material. The intent of placement would be for the material to create a feeder berm that would passively restore sediment into the marine system.

**AVOIDANCE AND MINIMIZATION:** The applicant stated that they avoided and minimized the environmental impacts by considering three berth locations adjacent to the SPLNG existing facility. Site 1 would impact 23.53 acres of wetlands and 1.31 acres of open water, and a known bird rookery island. It would also require a longer route for pipeline tie-ins. Site 2 would impact 22.14 acres of wetlands and a known bird rookery island. Site 3 would impact 27.66 acres of wetland, but would avoid impacts to rookery habitat. The applicant chose Site 3 as their preferred alternative because it avoided rookery habitat, minimized impacts to open water, would require the least amount of land overall, and would provide a close connection for tie-ins.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts to 27.7 acres of jurisdictional wetlands by contributing funds to the Louisiana Department of Natural Resources (LADNR) In-Lieu Fee Program.

**BACKGROUND:** The original permit to construct the SPLNG Import Facility was issued on 11 February 2005 and assigned file number SWG-2004-00465 (formerly 23426). It authorized construction of the storage tank facility, ship slip, and pipeline. This permit expired on 31 December 2010.

Modifications to the original permit were assigned file number SWG-2004-00465, and others, and included expansion of the original terminal footprint, changes to the pipeline route, the original compensatory mitigation plan, the terminal dredge area, addition of DMPAs and BU sites, and other smaller construction, or fill, projects. All issued permit amendments have expired, with the exception of the ship slip maintenance dredging permit.

Authorization to conduct maintenance dredging of the existing ship slip, was issued on 30 April 2012. The latest extension of time on this permit will expire on 31 December 2023.

A permit modification was issued on 14 March 2012, and assigned file number SWG-2004-02523, to construct a 4-train Liquefaction (LNG Export) Facility. This permit expired on 31 December 2017. Subsequent modifications included bulkheads, access roads and deceleration lanes, a Roll on/Roll off dock, and temporary workspaces. A permit modification was issued on 9 June 2015 to add two additional trains to the Liquefaction facility. This permit expires on 31 December 2020.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped tract of land, formerly a DMPA site, which contains approximately 27.7 acres of wetlands. It is located adjacent to the existing SPLNG marine berth, and abuts the Sabine Pass Channel.

**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 wetland delineation has been completed and was verified by the Corps on 13 January 2015. The applicant's plans are enclosed in 20 sheets, and the DMMP in 2 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.

An Environmental Assessment (EA) for the proposed project is being prepared by the Federal Energy Regulatory Commission (FERC). The Corps is acting as a cooperating agency on the preparation of the EA with FERC. In addition, the Corps is reviewing the project to determine whether or not to issue a DA permit for the proposed project pursuant to our jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA. The FERC published their EA in August of 2019, under Docket Number CP19-11-000. The comment period for the FERC EA closes on 23 September 2019.

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:**

### For the portion of the proposed project that occurs within the State of Texas:

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.

### For the portion of the proposed project that occurs within the State of Louisiana:

State of Louisiana Coastal Zone Management Consistency is required.

Louisiana Department of Environmental Quality (LDEQ) water quality certification is required. Concurrent with processing of this application, the LDEQ is reviewing this application under Section 401 of the CWA and in accordance with LRS 30:2074A(3) to determine if the work would comply with State water quality standards and other applicable provisions of the CWA. By virtue of an agreement between the Corps and the LDEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the LDEQ a decision on water quality certification under such act. Comments concerning this application should be filed within 30 days from the date of this notice with the Office of Environmental Services using the above permit application number as reference. Comments should be sent to: Louisiana Department of Environmental Quality, Office of Environmental Services, Attn: Water Quality Certifications, P.O. Box 4313, Baton Rouge, LA 70821-4313. Additional information is on file with LDEQ, and may be inspected at any time between 8:00 A.M. and 4:30 P.M. weekdays. Copies may be obtained upon payment of cost of printing. A final decision on this application will be made within 60 days after the date of this notice. The LDEQ 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.

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 of Engineers 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 proposed project plans, and 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 the property site:

The permit area has been so extensively impacted by dredging and placement of dredge material, that there is no potential for historic properties to exist within the permit 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 **10 October 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-2004-00465**, and should be submitted to:

Policy Branch  
Regulatory Division, CESWG-RDP  
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