



Public Notice

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

Galveston District

Permit Application No: SWG-2022-00684

Date Issued: 19 September 2023

Comments

Due: 20 October 2023

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: TXGC Properties, L.L.C. and TXGC Pipelines, L.L.C.
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LOCATION: The project site is located in Sabine Pass and multiple wetlands and water bodies including, the Gulf Intracoastal Waterway and Trinity River, in multiple locations starting at ONEOK's existing natural gas liquids (NGL) fractionation and storage facility in Mont Belvieu, Chambers County, through Liberty County, and terminating at Sabine Pass, in Jefferson County, Texas, including a portion of the Sabine Pass Channel, in Cameron Parish, Louisiana.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.735894 North; **Longitude:** 093.878456 West

PROJECT DESCRIPTION: The applicant proposes to permanently discharge fill into 194.51 acres of estuarine emergent (EEM) wetlands, 12.35 acres of estuarine scrub shrub (ESS) wetlands, and 1.03 acres of ponds to construct a new natural gas liquids (NGL) export terminal on an approximately 220-acre tract of land located adjacent to the Sabine Pass Channel in Jefferson County, Texas. Approximately 1,409,085 cubic yards (CY) of material will be mechanically and/or hydraulically dredged from 41.98 acres of the Sabine Pass Channel to a maximum depth of approximately -46 feet below mean lower low water (MLLW) to create the terminal's ship basin and allow vessel access. Dredged material would be placed into Placement Areas (PAs) 5, 8, and 9, and in Keith Lake for beneficial use (BU). Approximately 77.97 acres of the marine basin will be located in Texas and 4.08 acres will be located in Louisiana. Slope protection measures will be installed along the entire shoreline of the Marine Berth including a 9-inch-thick revetment mattress and rip rap. Approximately 4,300 linear feet of revetment mattress and 5,000 CY of rip rap will be used to stabilize the shoreline of the new marine berth.

The export terminal will also include the construction of four dock structures with appurtenant infrastructure for product loading onto very large gas carriers (VLGCs), very large ethane carriers (VLECs), and other smaller vessels. Each dock structure will consist of a 122-foot-wide by 73-foot-long loading platform, four 96-inch-diameter breasting dolphins, five 84-inch-diameter steel monopile mooring dolphins, steel walkways, a 39-foot-wide by 92-foot-long dock house platform, a 20-foot-wide by 206-foot-long concrete approach-way, a 30-foot-wide by 108-foot-long concrete pipe rack, and a 55-foot-wide by 34-foot-long valve containment structure. Docks 1 and 2 will share a 24-foot-wide by 18-foot-long concrete mooring dolphin, and Docks 3 and 4 will share a concrete mooring dolphin with the same dimensions. Docks 1 and 2 will each include a 92-foot-wide by 27-foot-long water intake platform. The export terminal facility also includes a new proposed tug dock that will consist of a steel pile supported concrete dock and concrete approach-way. The new tug dock will be at the southern end of the new ship basin, centered on the basin's centerline, between Docks 1 and 3. The concrete dock will be approximately 440-foot-wide by 20-foot-long, while the concrete approach-way will be approximately 20-foot-wide by 153-foot-long and both will be supported by steel piles. Lastly, the terminal dock infrastructure includes a proposed new Material Offloading Facility with a 100-foot-wide by 132-foot-long concrete dock supported by concrete and steel battered piles, two 65-foot-wide by 20-foot-long concrete piers, a 220-foot-long steel sheet pile bulkhead, and four 48-inch-diameter steel monopile breasting dolphins. The Material Offloading Facility will be adjacent to the new Dock 4 and dredged to a maximum depth of -27 feet MLLW.

Additionally, the applicant proposes to temporarily discharge fill into 346.86 acres of wetlands, 4.17 acres of streams (20,289 feet), and 94.69 acres of open waters (43,274 linear feet) to construct approximately 68 miles of two 20-inch-diameter pipelines to transport natural gas liquids from ONEOK's existing NGL fractionation and storage facility in Mont Belvieu, Texas to the new proposed marine export terminal at Sabine Pass (as described above). Construction of the pipelines will generally require an approximately 125-foot-wide construction corridor consisting of a 50-foot-wide permanent operation easement and 75-foot-wide temporary workspace corridor. Installation of the pipeline will also result in a permanent discharge of fill into 0.31 acre of palustrine forested

(PFO) wetlands and 0.22 acre of EEM wetlands for the construction of metering/valve stations. All temporarily impacted areas will be restored to pre-construction contours once the project is complete.

The applicant stated that the purpose of the project is to transport NGL products from ONEOK's existing fractionation and storage facility in Mont Belvieu, Texas to an accessible marine terminal that can accommodate very large gas carriers (VLGCs) and very large ethane carriers (VLECs) for loading and export into the commercial market. The purpose is driven by growing global demand for NGL products and expectations of importing countries, including China, India, and European countries, that the United States will meet their growing demand.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by selecting a site layout and configuration for the proposed export terminal facility that optimizes efficiency and minimizes impacts to the aquatic environment to the greatest extent practicable. By consolidating the export terminal infrastructure and construction workspaces onto one of two tracts of land originally purchased for site development, nearly 113 acres of EEM and ESS wetland impacts will be avoided. Additionally, the project design will incorporate the following considerations to further minimize and avoid impacts to the environment: 1) use of multilevel pipe racks/modules to reduce the facility footprint; 2) treating NGLs at existing facilities rather than at the proposed terminal facility to reduce the construction and operational footprint of the terminal site; 3) designing the size and number of storage tanks to balance the rated capacity of the process facility with the associated storage capacity, and the ability of these two components to adequately service ships; and 4) installation of this facility debottlenecks US production, and by providing an outlet for these products, the midstream industry is incentivized to capture gas off of the wellheads, which reduces flaring. Alternative routes and methods, such as utilizing existing pipeline corridors and horizontal directional drilling (HDD) were also considered to avoid and minimize impacts to the aquatic environment from the pipeline installation. Through implementing HDD technology and reducing nominal construction workspaces to the maximum extent possible in palustrine forested (PFO) and palustrine scrub shrub (PSS) wetland habitats, the applicant has avoided approximately 44.61 acres of temporary and permanent conversion impacts to these wetland habitats. The applicant also proposes to construct the pipeline and associated facilities using currently acceptable and preferable construction methods and would utilize best management practices (BMPs) such as timber construction mats, silt fencing, and straw wattles or hay bales to minimize erosion.

MITIGATION: The applicant proposes to mitigate for the temporary and permanent conversion impacts to PFO and PSS wetlands by purchasing functional capacity units (FCUs) from the following compensatory mitigation banks: 1) Cow Island Bayou Mitigation Bank (12.74 Physical FCUs, 21.08 Biological FCUs, and 10.42 Chemical FCUs); 2) Spindletop Bayou Mitigation Bank (0.14 Physical FCUs, 0.26 Biological FCUs, and 0.13 Chemical FCUs); and 3) Sabine Lake Mitigation Bank (0.10 Physical FCUs, 0.17 Biological FCUs, and 0.12 Chemical FCUs).

The applicant proposes to implement a permittee responsible mitigation (PRM) plan at Keith Lake, approximately 4 miles northwest of the proposed terminal site, to offset the avoidable impacts to 194.73 acres of EEM and 12.35 acres of ESS wetlands in these areas where in-kind mitigation bank credits are not available. The PRM plan will include a functional assessment and anticipated “lift” generated from proposed marsh restoration at the Keith Lake PRM site. The final acreage of marsh restoration required to satisfy the FCU requirements is anticipated to be approximately 270 acres.

CURRENT SITE CONDITIONS: The project site consists of the Sabine Pass Channel and adjacent estuarine and palustrine emergent wetlands at the location of the proposed export terminal at Sabine Pass. This portion of the project is within a moderately developed area along the channel with other similar infrastructure, such as docks, piers, and bulkheads. The proposed terminal would also be located across the channel from a large liquid natural gas processing and export facility on the Louisiana side of the channel. The pipeline portion of the project crosses multiple emergent and forested wetlands, as well as various open waters and streams within Jefferson, Liberty, and Chambers Counties.

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. The applicant’s plans are enclosed in 173 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:

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.

State of Louisiana Coastal Zone Management Consistency is also required.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Commission on Environmental Quality (TCEQ) will review 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. The applicant contacted the TCEQ and initiated the Section 401 CWA process, on 31 July 2023. If you have comments or questions on this proposed project’s State water quality certification, please contact 401certs@tceq.texas.gov. You may also

find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

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 proposed project has the potential to affect historic properties. The applicant has submitted reports documenting field investigations for the presence of historic properties. The reports are currently being reviewed.

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, 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 **20 October 2023**. 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-2022-00684**, and should be submitted to:

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