



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Thomas Shimer
Kinder Morgan Louisiana Pipeline LLC
(KMPL)

Published: September
25, 2025
Expires: October 4,
2025

**Galveston District
Permit Application No. SWG-2025-00497**

TO WHOM IT MAY CONCERN: The Galveston District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). In Executive Order (EO) 14156 the President declared a national emergency under the National Emergencies Act (50 U.S.C. 1621) based upon the finding that the United States' insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation's economy, national security, and foreign policy. The U.S. Army Corps of Engineers (Corps), Galveston District has found that this permit request meets the terms of EO 14156 and is therefore subject to special emergency permitting procedures to address an energy supply situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures. The Galveston District will implement the special processing procedures approved by Southwestern Division in accordance with 33 CFR § 325.2(e)(4). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Thomas Shimer
Kinder Morgan Louisiana Pipeline LLC (KMPL)
1001 Louisiana Street
Houston, Texas 77002

AGENT: Dana Edgell
SWCA Environmental Consultants (SWCA)
10245 West Little York Road, Suite 600
Houston, Texas 77040

WATERWAY AND LOCATION: The project would affect waters of the United States associated with wetlands adjacent to Sabine Pass. The project/review area is located on the southeast corner of the intersection of State Highway 87 (Gulfway Drive) and Backridge Road; at Latitude 29.757304 and Longitude -93.920186; in Sabine Pass, Jefferson County, Texas.

EXISTING CONDITIONS: The project site consists of palustrine emergent (PEM) wetlands and one perennial ditch situated between Keith Lake and Sabine Pass. The PEM wetlands are dominated by Broadleaf Cattail (*Typha latifolia* – OBL), Common Carpetgrass (*Axonopus fissifolius* – FACW), and Saltgrass (*Distichlis spicata* – OBL). The project site is within an area that has a mix of undeveloped land and industrial facilities, with the Texas Point National Wildlife Refuge to the south and the Golden Pass Liquefied Natural Gas (LNG) facility to the east.

PROJECT PURPOSE:

Basic: Natural Gas Transportation

Overall: The overall project purpose is to allow KMLP to transport up to 2,500,000 dekatherms per day of natural gas from new bidirectional points non-continuous to KMLP's existing system in Jefferson County, Texas, with connectivity for delivery to the Golden Pass LNG Terminal Facility.

PROPOSED WORK: The applicant requests authorization to permanently discharge fill into 3.85 acres of palustrine emergent (PEM) wetlands and temporarily discharge fill into 3.05 acres of PEM wetlands and 0.01 acre of perennial ditches to construct a new natural gas manifold system, which will include a 48-inch-diameter pipeline header with up to two initial bidirectional connections. Temporary fill in the form of mats will be removed and the temporarily impacted areas will be returned to pre-construction contours upon completion of construction.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant conducted an alternatives analysis during the planning phase of the project that included the following considerations: the location of the site adjacent to Golden Pass LNG Terminal Facility, extent of impacts to waters of the U.S., and the extent of available property to develop the project in a cost-effective manner. As a result of this analysis, the applicant's proposed project footprint has been designed to avoid and minimize impacts to aquatic resources to maximum extent practicable and still meet the need and purpose of the project.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: For the unavoidable loss of 3.85 acres of PEM wetlands, the applicant proposes to purchase 2.565 Physical, 2.246 Biological, and 2.618 Chemical wetland mitigation credits from an approved mitigation bank, with any additional wetland mitigation bank secondary service area multipliers that may apply. The project site is located within the primary service area of the Anahuac Wetlands Mitigation Bank and is in the secondary service area of the Sea Breeze and Spindletop Bayou Mitigation Banks.

LEAD FEDERAL AGENCY: The Federal Energy Regulatory Commission (FERC) has been identified by the applicant as the lead federal agency for complying with Section 7 of the Endangered Species Act and National Historic Preservation Act. As such, please direct all comments, questions, or concerns regarding these Acts to the FERC. The information below is being provided for the public's knowledge.

CULTURAL RESOURCES: This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed an initial review of the application, FERC documentation, including the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) - Project Code 2025-0039171, to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, FERC has made a preliminary determination that the proposed project may affect species and critical habitat listed in Table 1. No other ESA-listed species or critical habitat will be affected by the proposed action.

Table 1: Effects Determination for Federally Listed Threatened and Endangered Species.

Common Name	Scientific Name	Effect	
		USFWS	NMFS
BIRDS			
Whooping Crane	<i>Grus americana</i>	May affect, not likely to adversely affect	N/A
Eastern Black Rail	<i>Laterallus jamaicensis jamaicensis</i>	May affect, not likely to adversely affect	N/A
INSECT			
Monarch Butterfly	<i>Danaus plexippus</i>	Not Likely to Jeopardize the Continued Existence	N/A

This notice serves as request to the U.S. Fish and Wildlife Service for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

The Corps has determined that the proposed action is subject to Executive Order 14156, "Declaring a National Energy Emergency" issued 20 January 2025. As such, the permit application is being expedited using emergency regulations. The Corps is requesting the U.S. Fish and Wildlife consult in an expedited manner described in 50 CFR 402.05 Emergencies. Pursuant to 50 CFR 402.06, the Corps is requesting consultation be

consolidated with the public notice. To assure emergency consultation is completed in an expedited manner, the Corps is requesting the agency's recommendations to minimize the effects of the emergency response action on listed species and critical habitat be provided no later than **20 days** from the issuance of the public notice.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The Texas Railroad Commission (RRC) 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 RRC and initiated the Section 401 CWA process, on September 16, 2025. If you have comments or questions on this proposed project's State water quality certification, please contact leslie.savage@rrc.state.tx.us. You may also find information on the Section 401 process here: <https://www.epa.gov/cwa-401/basic-information-cwa-section-401-certification>.

COASTAL ZONE MANAGEMENT PROGRAM: 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.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel. The applicant's plans are enclosed in 8 sheets.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

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 determination, comments are used to assess impacts to 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 Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Galveston District will receive written comments on the proposed work, as outlined above, until October 4, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to the Regulatory Division at swg_public_notice@usace.army.mil. Alternatively, you may submit comments in writing to the Regulatory Division, U.S. Army Corps of Engineers, Galveston District, Attention: **SWG-2025-00497**, at 2000 Fort Point Road, Galveston, Texas 77550. Please refer to the permit application number **SWG-2025-00497** in your comments.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS