



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_

SWG-2017-00254

Date Issued: \_\_\_\_\_

19 April 2018

Comments \_\_\_\_\_

Due: \_\_\_\_\_

21 May 2018

## 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 404 of the Clean Water Act (CWA).

**APPLICANT:** Targa Downstream LLC  
811 Louisiana Street, Suite 2100  
Houston, Texas 77002  
Telephone: 713-584-1138  
POC: Mr. Francis Foret

**AGENT:** Targa Resources LLC  
811 Louisiana Street, Suite 2100  
Houston, Texas 77002  
Telephone: 713-584-1264  
POC: Mr. Rudy Salazar

**LOCATION:** The project site is located in wetlands on a 134-acre tract near Cedar Bayou and an unnamed tributary to Cedar Bayou, approximately 0.8-mile east of the intersection of Hadden Road and Crosby Barbers Hill Road (FM 1942), and southeast of the Cedar Bayou crossing of FM 1942, in the City of Mont Belvieu, Chambers County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Mont Belvieu, Texas.

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

Latitude: 29.848631 North;

Longitude: -94.943342 West

The proposed Permittee Responsible Mitigation Plan site is located adjacent to Cedar Bayou approximately 6.6 miles northeast of Crosby, in Harris County, Texas. The compensatory mitigation site can be located on the U.S.G.S. quadrangle map titled: Huffman, Texas.

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

Latitude: 30.007667 North;

Longitude: -95.047193 West

**PROJECT DESCRIPTION:** The applicant proposes to permanently fill 31.74 acres of mosaic palustrine forested (PFO) wetlands on a 134-acre tract to construct four new brine ponds for brine water storage, two new stormwater detention ponds and associated rip-rap outfalls, and 12-foot-wide and 16-foot-wide maintenance roads located along the perimeter and in between the proposed brine ponds and stormwater detention ponds. The brine ponds would provide additional brine storage capacity needed to support the applicant's underground product storage wells and brine injection wells. The storage of natural gas liquids (NGLs) in the Mont Belvieu salt dome storage complex requires the use of brine which is injected or removed from the underground sites to control the flow of NGL into and out of underground storage facilities. As such, above-ground containment ponds are required for the storage of brine as part of the NGL storage process. The ponds will consist of elevated berms ranging from 25 to 26 feet above grade and will be lined with layers of high density polyethylene geomembrane. Brine Pond No. 6 will measure approximately 18 acres; Brine Pond No. 7, 17 acres; Brine Pond No. 8, 20 acres; and Brine Pond No. 9, 18 acres. The stormwater detention ponds will serve as mitigation for floodplain capacity, with capacities of 45.2 acre-feet and 81.8 acre-feet of water. Construction is anticipated to begin in August 2018 and to take approximately 5 months to complete.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts through the use of best management practices (BMP) during construction activities. The excavation and temporary side casting of material will be completed using BMPs. As such, material temporarily side-cast will be placed at nearby locations of the highest elevations practical, to prevent potential adverse effects. The proposed stormwater detention ponds have been designed to ensure that no discharge of fill material below the ordinary high water mark (OHWM) of Cedar Bayou occurs.

**MITIGATION:** The applicant has performed a Corps SWG riverine forested interim hydrogeomorphic model analysis of functions of the PFO wetlands proposed to be permanently impacted: the functional capacity units (FCUs) total 7.16208 temporary storage and detention of surface water FCUs, 20.68771 maintenance of plant and animal communities FCUs, and 15.90720 removal and sequestration of elements and compounds FCUs. The applicant proposes to mitigate for losses of wetland functions by purchasing credits from the Gin City Mitigation Bank, whose primary service area includes the impact site. In the event that credits are not available at the Gin City Mitigation Bank or other mitigation banks with service areas containing the project site, the applicant has proposed a Permittee Responsible Mitigation Plan to restore 26.0 acres of PFO wetlands.

**CURRENT SITE CONDITIONS:** The proposed project is located in a forested area adjacent to Cedar Bayou. The project site is currently an undeveloped tract of land which is rectangular and generally oriented east/west. FM 1942 forms the proposed project's northern boundary and Cedar Bayou forms the western boundary. Impacts observed in 2014 included an existing pipeline corridor, several man-made shallow linear drainage ditches, and two recently bulldozed paths. Wetland vegetation within a total of six palustrine forested wetlands consists primarily of American elm (*Ulmus Americana*), cherrybark oak (*Quercus pagoda*), Chinese tallow (*Triadica sebifera*), dwarf palmetto (*Sabal minor*), eastern poison ivy (*Toxicodendron radicans*), green ash (*Fraxinus pennsylvanica*), opposite-leaf spotflower (*Acmella repens*), red maple (*Acer rubrum*), sugarberry (*Celtis laevigata*), sweetgum (*Liquidambar styraciflua*), velvet panicum (*Dichanthelium scoparium*), water oak (*Q. nigra*), willow oak (*Q. phellos*), winged elm (*U. alata*), and woodoats (*Chasmanthium spp.*). The project site is within the Ellis Branch-Cedar Bayou Watershed (HUC 120402030105).

**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. The applicant's plans are enclosed in 7 sheets, and the Permittee Responsible Mitigation Plan is enclosed as Attachment 1 in 28 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:** 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:

A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected 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 **21 May 2018**. 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-2017-00254**, and should be submitted to:

Policy Analysis Branch  
Regulatory Division, CESWG-RD-P  
U.S. Army Corps of Engineers  
P.O. Box 1229  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-6301 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS