



Public Notice

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

Galveston District

Permit Application No: SWG-2019-00208

Date Issued: 18 April 2019

Comments

Due: 20 May 2019

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.

APPLICANT: Black Marlin Pipeline Company, LLC
2800 Post Oak Boulevard
Houston, Texas 77056
POC: Cathy Thornton
Telephone: 713-215-4235
Email: cathy.thornton@williams.com

AGENT: T. Baker Smith, LLC
107 Global Circle
Lafayette, Louisiana 70503
POC: Jude LeDoux
Telephone: 337-735-2800
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LOCATION: The project site is located beneath the Intracoastal Waterway and Bolivar Peninsula and runs approximately 16,716 feet (3.17 miles) from a point 5.56 nautical miles northwest of the Galveston South Jetty Light 5A (Point of Beginning (POB)) to a point 3.31 nautical miles north-northwest of the Galveston South Jetty Light 5A (Point of Ending (POE)), in Galveston County, Texas. The project can be located on N.O.A.A. navigational chart 11324.

LATITUDE & LONGITUDE (NAD 83):

POB: Latitude: 29.407911° North; Longitude: 094.764642° West
POE: Latitude: 29.382775° North; Longitude: 094.725006° West

PROJECT DESCRIPTION: The applicant proposes to decommission Pipeline Segment Number (PSN) 3489 in place. PSN 3489 is a 16-inch steel pipeline previously used to transport natural gas. This pipeline segment would be cut at the POB and POE, flushed, filled with native seawater, and capped. In locations in which pipeline exposures are found, the pipeline would be lowered to obtain adequate depth of cover.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by decommissioning the cleaned pipeline in place, rather than removing it and causing disruption of portions of Bolivar Peninsula, as well as the bottom and water column of the Intracoastal Waterway.

MITIGATION: No compensatory mitigation is proposed.

CURRENT SITE CONDITIONS: The existing pipeline is located across Bolivar Peninsula and on the floor of the Intracoastal Waterway, at a max water depth of approximately 12 feet below mean higher high water.

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 applicant's plans are enclosed in 3 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.

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.

No water quality certification is required.

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 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 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 is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project 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.

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 May 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-2019-00208**, and should be submitted to:

North Unit
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P.O. Box 1229
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DISTRICT ENGINEER
GALVESTON DISTRICT
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