



Public Notice

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

Galveston District

Permit Application No: SWG-2014-00115
Materials Offloading Facility (MOF) MOD
Date Issued: 16 APRIL 2025
Comments
Due: 29 APRIL 2025

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

TO WHOM IT MAY CONCERN: The purpose of this notice is to advise the public that the following request associated with Rio Grande LNG has been submitted for a Department of the Army (DA) permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. 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).

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 identify any extenuating circumstances affecting the public interest. The 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: Rio Grande LNG
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Houston, Texas 77002
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AGENT: Perennial Environmental
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LOCATION: The facility site is located on the northern shore of the Brownsville Ship Channel (BSC) in Cameron County, Texas, ~9.8 miles east of Brownsville and about 2.2 miles west of Port Isabel.

MOF Site (NAD 83): Latitude: 26.016 North; Longitude: -97.262 West
Terminal Site (NAD 83): Latitude: 26.026 North; Longitude: -97.155 West

PROJECT DESCRIPTION: The applicant requests permission to change the dredge footprint and depth of their MOF; to increase the dredge volume authorized; to add mechanical or hydraulic dredging as an authorized dredge methods; to add Dredge Material Placement Area (DMPA) 5B for placement of dredged material; and to note the proper number and orientation of pilings supporting the pier that was previously authorized to be constructed in the MOF.

Prior to applying for authorization to modify the permitted MOF design, the applicant conducted dredge activities that exceeded the previously authorized footprint, depth, and volume. The applicant dredged the MOF to 644 feet wide, approximately 32 feet wider than authorized. The applicant dredged the MOF to a depth of -31 feet below mean lower low water (MLLW). The authorized depth varied from -21 feet to -29 feet. The authorized dredge volume was 90,000cy. The actual dredged volume was 166,000, an increase of 76,000cy. The emergency permit modification would include this prior work.

In addition to the prior work, the applicant proposes to increase the total dredge depth from -29 feet below MLLW + 2-foot over dredge (a total of -31 feet below MLLW, to dredge a total of 203,000cy from the MOF (191,000 via hydraulic dredge and 12,000 via mechanical means). The applicant proposes to change the dredging method to a combination of mechanical (via barge-mounted clamshell or land based excavators) and hydraulic (via cutter suction dredge). The applicant proposes to add DMPA 5B for placement of dredged material removed from the MOF, based on capacity and availability.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by designing the footprint of the MOF to the minimum necessary to meet the project need and by adhering to the mitigation plan as written in the original project permit. No new wetland impacts are proposed.

MITIGATION: The applicant proposes to mitigate for the proposed impacts by completing the mitigation plan as required under the original terminal permit authorization.

CURRENT SITE CONDITIONS: The project site is adjacent to a tract of land to the north that is currently under construction to build the permitted RGLNG facility. The Brownsville Ship Channel is located to the south, bounded on its southern shoreline by undeveloped land and land under industrial construction.

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 6 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.

BACKGROUND: In April of 2019, the Federal Energy Regulatory Commission (FERC) published an EIS for the construction of the RGLNG terminal facility (Docket numbers CP16-545-000 and CP16-455-000). FERC acted as lead federal agency. The Corps Galveston District participated as a cooperating agency in the preparation of the EIS.

The Corps issued permit number SWG-2015-00114 to construct the RGLNG facility on 21 February 2020. The authorization included construction of the terminal facility, shipping berth, MOF, and pipeline. The permit expires on 31 December 2025.

An amendment was issued on 22 September 2021 and assigned file number SWG-2015-00114. The amendment authorized design and capacity changes to the pipeline system. The amendment expires on 31 December 2025.

An amendment was issued on 17 February 2023 and assigned file number SWG-2015-00114. The amendment authorized revisions to the approved draft conservation easement for the Miradores Mitigation Site and changed the conservation easement holder for the Loma Ecological Preserve mitigation site. The amendment expiration date was not changed, and remains 31 December 2025.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS:

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.

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 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: None documented in the permit area, none documented in the immediate vicinity.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that threatened and/or endangered species or their critical habitat will be affected by the proposed work. Table 1 provides effects calls for each species.

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

Common Name	Scientific Name	Effect	
		USFWS	NMFS
MAMMALS			
Ocelot	<i>Leopardus pardalis</i>	N/A	
Gulf Coast Jaguarundi	<i>Puma yagouaroundi cacomitli</i>	N/A	
West Indian Manatee	<i>Trichechus manatus</i>		N/A
Tri-Color Bat	<i>Perimyotis subflavus</i>	N/A	
BIRDS			
Ferruginous Cactus Pygmy Owl	<i>Glaucidium brasilianum cactorum</i>	N/A	
Eastern Black Rail	<i>Laterallus jamaicensis jamaicensis</i>	N/A	
Northern Aplomado Falcon	<i>Falco femoralis septentrionalis</i>	N/A	
Piping Plover	<i>Charadrius melodus</i>	N/A	
Red Knot	<i>Calidris canutus rufa</i>	N/A	
REPTILES			
Green Sea Turtle	<i>Chelonia mydas</i>		NLAA
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>		NLAA
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>		NLAA
CLAMS			
Salina Mucket	<i>Potamilus metnecktayi</i>		N/A
INSECTS			
Monarch Butterfly	<i>Danaus plexippus</i>	N/A	
PLANTS			
South Texas Ambrosia	<i>Ambrosia cheiranthifolia</i>	N/A	

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 and the National Marine Fisheries Service 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 agencies’ 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.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. 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. Pursuant to 50 CFR 600.920(h), the Corps is requesting abbreviated consultation be completed no later than **20 days** from the issuance of the public notice.

Description of Proposed Action: The proposed project is located adjacent to the federal navigation channel in tidal waters. Dredge activities will displace benthic and pelagic species in and around the project area during construction activities. Mitigation will remain as authorized under the original permit and amendments.

Based on the description of the proposed action, our initial determination is that the proposed action’s adverse affect on the following species is not substantial: red drum, triggerfishes (Balistidae), jacks (Carangidae), wrasses (Labridae), snappers (Lutjanidae), tilefishes (Malacanthidae), groupers (Serranidae), and coastal migratory pelagic species, shrimps, stone crabs, and spiny lobsters.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps of Engineers, 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 of Engineers 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.

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 of Engineers 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.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **29 April 2025**. **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-2015-00114**, and should be submitted through the RRS system or the physical address listed below: <https://rrs.usace.army.mil/rrs/public-notices> OR may be sent via US mail to:

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