



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2013-00147
	Date Issued: _____	20 January 2022
	Comments _____	
Galveston District	Due: _____	22 February 2022

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: Freeport LNG Development, L.P.
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Houston, Texas 77002
POC: Erin Piper
Telephone: 713-375-9886
Email: epiper@freeportlng.com

AGENT: Lloyd Engineering, Inc.
6565 West Loop South, Suite 708
Bellaire, Texas 77401
POC: Marisa Weber
Telephone: 832-426-4656
Email: marisa@lloydeng.com

LOCATION: The project site is located in wetlands to the east of the Brazos River, north of the Gulf Intracoastal Waterway, along Levee Road, southwest of Freeport, in Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Freeport, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 28.928088 North; **Longitude:** -95.368101 West

PROJECT DESCRIPTION: The applicant proposes to construct and operate a confined dredge material placement area (CDMPA) by enclosing a 112.75-acre area with the construction of 25-foot-high levees with one outfall structure to return decant water. The development of the site would require infrastructure improvements including the construction of levees, installation of an outfall structure within the constructed levees, installation of a 0.15-acre permanent access road, site security infrastructure, and temporary equipment staging areas to support the construction and operation activities at the site. Based on the wetland and waterbodies delineated by the applicant during their wetland delineation and functional assessment survey, construction of the project is anticipated to permanently impact a total of 58.79 acres of wetlands including 54.70 acres of estuarine emergent wetlands, 4.09 acres of estuarine scrub-shrub wetlands, and 54.11 acres of open water. The wetland delineation and functional assessment has been completed and was verified by the Corps on 28 July 2021.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by conducting a feasible alternatives analysis to identify a project site and design to minimize environmental impacts. The applicant has stated that they have avoided and minimized the environmental impacts by minimizing the required project footprint and thereby impacts to the functional capacities of wetlands and waterbodies.

MITIGATION: The applicant proposed to mitigate for the proposed impacts by restoring 46.6 acres and enhancing 159.67 acres of estuarine emergent wetlands located along Bastrop Bayou and adjacent to the Brazoria National Wildlife Refuge.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land with land located to the north utilized by the USACE for the placement of dredged material and land located to the south is utilized for industrial and commercial purposes. The project site is located within the Mid-Coast Barrier Island and Coastal Marshes Level IV ecoregion. This ecoregion encompasses a subhumid zone along the Texas coast in which annual precipitation is between 34 and 46 inches, with greater rainfall totals to the north. This ecoregion is characterized by saline, brackish, and freshwater marshes, barrier islands with minor washover fans, and tidal flats. Other native vegetation is mainly grassland composed of seacoast bluestem, sea-oats, common reed, gulfdune paspalum, and soil bind morning-glory. Some areas have clumps of sweetbay, redbay, and dwarf southern live oak trees. Brazoria County is underlain predominantly by the Beaumont formation deposits of varying rations of clay, mud, sand, and silt that occur on the low uplands adjacent to the county's rivers and bayous. The floodplains in the area extend across the shallow terraces of the Brazos River and Oyster Creek as well as up from the Gulf of Mexico and include zones VE, A and AE, and X.

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 wetland delineation and functional assessment has been completed and was verified by the Corps on 28 July 2021. The applicant's permit plans are enclosed in 7 sheets. The applicant's Alternatives Analysis Summary are included in 30 sheets. The applicant's Permittee Responsible Compensatory Mitigation Plan is included in 145 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.

The proposed project will trigger review under Section 401 of the Clean Water Act (CWA). The 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 TCEQ and submitted a pre-filing meeting request, on 22 July 2021. 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 permit area was investigated for Historic Properties, and none were identified as documented in the technical report titled "Freeport LNG Development, L.P. – Long-Term Dredged Material Placement Area Project, Brazoria County, Texas – Phase I Cultural Resources Report" prepared by Natural Resources Group and dated October 2015.

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 **22 February 2022**. 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-2013-00147**, and should be submitted to:

Policy Analysis Branch
Regulatory Division, CESWG-RDP
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS