



# Public Notice

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

**Galveston District**

Permit Application No: \_\_\_\_\_ SWG-2018-00213

Date Issued: \_\_\_\_\_ 12 July 2018

Comments

Due: \_\_\_\_\_ 13 August 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:** Olin Blue Cube Operations, LLC  
2301 North Brazosport Boulevard, Building B-101  
Freeport, Texas 77541  
Telephone: 979-238-9624  
POC: Ms. Gretchen Abney

**AGENT:** Wood Group USA, Inc.  
17325 Park Row  
Houston, Texas 77084  
Telephone: 832-809-6804  
POC: Mr. Joe Franklin

**LOCATION:** The project site is located in a tributary to Oyster Creek and adjacent wetlands, approximately 1.4-mile southwest of the intersection of County Road 226 and Farm-to-Market Road 523, in Freeport, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Oyster Creek, Texas.

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

Latitude: 29.047928 North;

Longitude: -95.370522 West

**PROJECT DESCRIPTION:** The applicant proposes to discharge fill material into an intermittent tributary and adjacent herbaceous wetlands associated with the construction and installation of a 300' x 400' well pad site, permanent access road and culvert, appurtenant utilities, and 7 pipelines: a 12" brine (7,050 linear feet[lf]), a 12" mining water (1,585 lf), a 4" nitrogen (2,455 lf), a 4" diesel (2,455 lf), a temporary 8" weak brine (3,545 lf), a temporary 8"/10" mining water (3,665 lf), and a temporary 4" brine (1,610 lf). The proposed work is to provide salt dome cavern development. Proposed temporary construction and work space impacts will be 22.62 acres of wetlands and 0.67 acre (20 lf) of tributary, and permanent well pad and access road impacts will be 3.73 acres of wetlands and 0.04 acre (30 lf) of tributary. Pipelines will be installed by horizontal directional drilling, and open trenching to a depth of approximately 5 feet. Following installation, the pipeline right-of-way will be restored to pre-construction condition and reseeded/re-vegetated.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts through the use of best management practices during construction activities. The applicant has minimized the project footprint by utilizing an existing access road to the maximum extent possible to reduce new permanent access road, and by placing new power poles adjacent to and parallel with the permanent access road.

**MITIGATION:** The applicant has performed a Corps SWG riverine herbaceous interim hydrogeomorphic model analysis of functions of the palustrine emergent wetlands proposed to be permanently impacted. The calculated functional capacity units (FCUs) are as follows: Temporary Storage and Detention of Surface Water FCUs – 1.9, Maintenance of Plant and Animal Communities FCUs – 2.9, and Removal and Sequestration of Elements and Compounds FCUs – 2.0. The applicant proposes to mitigate for losses of wetland functions by purchasing credits from the Columbia Bottomlands Conservation Mitigation Bank and/or the Lower Brazos River Mitigation Bank, whose primary service areas includes the impact site.

**CURRENT SITE CONDITIONS:** The project site is a mixture of developed well sites and undeveloped pasture leased for cattle grazing within an industrialized area on the Dow Chemical Salt Dome Operation Site, east of the Dow Chemical Salt Dome Chemical Intermediates Plant. The proposed permanent facilities will be located on the north side of County Road 226. Dominant wetland vegetation includes peatree (*Sesbania herbacea*), southern cutgrass (*Leersia hexandra*), Carolina wolfberry (*Lycium carolineanum*), common spikerush (*Eleocharis palustris*), dwarf spikerush (*Eleocharis parvula*), Fall panic grass (*Panic dichotomiflorum*), saltmarsh aster (*Symphotrichum subulatum*), and short-bristle horned beaksedge (*Rhynchospora corniculata*). The project site is located within the Lower Oyster Creek watershed (HUC 120402050400). Waters of the United States within the project site include an unnamed tributary to Oyster Creek and adjacent wetlands.

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 24 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 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.

**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 is likely to contain terrestrial cultural resources that could be eligible for inclusion in the National Register of Historic Places. The applicant will need to conduct an investigation for historic properties.

**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 **13 August 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-2018-00213**, and should be submitted to:

Central Unit  
Regulatory Division, CESWG-RDE  
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