



# Public Notice

<b>U.S. Army Corps Of Engineers</b>	Permit Application No: _____	SWG-2016-00268
	Date Issued: _____	18 July 2019
	Comments _____	
<b>Galveston District</b>	Due: _____	19 August 2019

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**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT  
AND  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**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:** Zydeco Pipeline Company LLC  
P.O. Box 2648, EPC A236  
Houston, Texas 77252 - 2648  
POC: Shelia Mitchell  
Telephone: 832-762-2494  
Email: shelia.y.mitchell@shell.com

**AGENT:** Shell Pipeline Company, LP  
P.O. Box 2648, EPC A236  
Houston, Texas 77252 - 2648  
POC: Shelia Mitchell  
Telephone: 832-762-2494  
Email: shelia.y.mitchell@shell.com

**LOCATION:** The project site is located under the Neches River, Bird Island Bayou, and the Bessie Heights Area, in Jefferson and Orange Counties, Texas. The project can be located on the U.S.G.S. quadrangles map titled: Port Arthur North and Terry, Texas.

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

**Latitude:** 29.987080° North;      **Longitude:** 093.935495° West

**PROJECT DESCRIPTION:** The applicant proposes to replace a 22,688-linear-foot section of the Houston to Houma 22-inch-diameter pipeline. Originating at the Motiva Terminal in Port Neches and ending at a valve station near Bridge City, Texas. Approximately 52 acres of open water and wetlands will be temporarily impacted by construction. Approximately 2 acres of Palustrine Forested Wetlands and 0.3 acres of Palustrine scrub shrub will be cleared, and converted to Palustrine Emergent Wetlands. All excavated areas will be restored to preconstruction elevations. Portions of the pipeline will be horizontally directionally drilled under the Neches River and Bird Island Bayou. Approximately 53,011 cubic yards of material will be excavated and is proposed to be sidecast during open trenching and dredging to gain access to the project site.

**AVOIDANCE AND MINIMIZATION:** To minimize the proposed wetland impacts, temporary mats will be installed along the access routes, and the workspaces at the tie-in locations. All material staging and pipe preparations will take place on the matted workspaces. All erosion and sediment control measures will be properly installed and maintained with good engineering practices. Excavated areas will be returned to their pre-construction contours as soon as practicable. Land disturbing activities will be limited to areas immediately needed for construction. Existing vegetation outside of the construction workspaces will not be disturbed.

**MITIGATION:** The applicant intends to purchase mitigation credits from an approved mitigation bank to compensate for unavoidable losses. The applicant has not selected a specific bank, nor have they provided confirmation of sufficient type and quantity of credit availability at this time.

**CURRENT SITE CONDITIONS:** The majority of the project site is an estuarine marsh area known as Bessie Heights. The project site itself parallels an existing pipeline corridor, and contains open brackish water, brackish emergent marsh, palustrine emergent wetlands, forested wetlands, estuarine emergent wetlands and maintained upland areas. The project area lies within the floodplain of the Neches River. The palustrine wetland areas drain into the river and its floodplain. The estuarine areas are tidally influenced by nearby Sabine Lake.

**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 16 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.

This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with Corps processing of this application, the TCEQ is reviewing 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. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

**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 confined to an existing right-of-way that has been so extensively impacted by previous project activities that there is no potential for historic properties to exist within the permit area. Therefore, the proposed project has no potential to effect 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.

**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 **19 August 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-2016-00268**, and should be submitted to:

North Unit, Evaluation Branch  
Galveston, Texas 77553-1229  
409-766-3869 Phone  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS