



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2019-00698

Date Issued: 23 June 2020

Comments

Due: 9 July 2020

---

## 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.

**APPLICANT:** Dow Hydrocarbons and Resources LLC

**AGENT:** G2 Integrated Solutions  
10850 Richmond Avenue, Suite 200  
Houston, Texas 77042

POC: Colby Lowrie  
Telephone: 979-373-8897

**LOCATION:** The project site is located in the San Bernard River, at 2887 County Road 471, in Brazoria, Brazoria County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Cedar Lane NE, Texas.

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

**Latitude:** 28.96621° North;      **Longitude:** - 95.56311° West

**PROJECT DESCRIPTION:** The applicant is requesting to decommission two 12.75” diameter section pipelines (North and South crossings) measuring approximately 506 feet for each segment, these pipelines were permitted and constructed in 1942. The applicant is requesting to decommission 506 feet of the north and south segment pipelines under San Bernard River. The purpose is to replace the existing crossing section (a separate Regional General Permit) based on an In-Line Inspection (ILI) that was performed on the pipeline. Based on the data from the ILI, two areas located in the existing river crossing section, that meet the criteria based on 49 Code of Federal Regulations (CFR) 195 for liquid pipelines, need to be replaced. Based on the installation of new 12.75” section, the two existing 12.75” sections are to be abandoned/decommissioned in place as they will not meet the requirements for service. The applicant states that there will be no discharge of fill material or excavation to waters of the United States for the proposed project. Water will be placed inside the two 12.75” pipelines, and both pipelines will be capped on each side of the river crossing. The pipeline sections are being decommissioned in place to avoid disturbance to the river or its banks. This will avoid the possibility of having to dig the river banks back which could cause future erosion. It will also avoid any digging in the river or collapsing of the river bottom in the cavity where the abandoned pipeline sections would be pulled out.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by abandoning the pipelines in place. The applicant also states that no work is required to abandon the pipeline in place other than capping the pipelines on each side of the river crossing and placing water inside the pipelines. The applicant concludes that abandoning the pipeline in place is best management practice.

**MITIGATION:** Mitigation is not required because this project does not propose any loss of waters of the United States or any special aquatic site.

**CURRENT SITE CONDITIONS:** The project site is near a neighborhood on the north side of the San Bernard River and an empty field on the south side of the San Bernard River. The project site also lies within the floodplain of the San Bernard River. The project site is located in the San Bernard River, two existing 12.75” outer diameter pipeline crossings consisting of the north section (in-active, no product flow) and a south section (active, has product flow). A new HDD pipeline section will be tied into the south section of the existing 12.75” outer diameter pipeline as a separate regional general permit application. An In-Line Inspection revealed that two areas locating in the existing river crossing section, need to be replaced; therefore, they are requesting to abandon in place.

**NOTES:** 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 4 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.

**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 project site has been reviewed for cultural resources and found that there are no previously recorded historic properties known to exist within the proposed permit area. In addition, the project 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. 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.

**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 **9 July 2020**. 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-2019-00698**, 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  
409-766-3931 Fax  
swg\_public\_notice@usace.army.mil

DISTRICT ENGINEER  
GALVESTON DISTRICT  
CORPS OF ENGINEERS