



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2017-00398

Date Issued: 17 May 2018

Comments

Due: 18 June 2018

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## 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:** Kinder Morgan  
1001 Louisiana Street  
Houston, Texas 77002  
Telephone: 713-420-7433  
POC: Mr. David Lamb

**AGENT:** Perennial Environmental Services, LLC  
13100 Northwest Freeway, Suite 150  
Houston, Texas 77040  
Telephone: 713-462-7121  
POC: Mr. Josh Melnar

**LOCATION:** The project site is located in Sabine River and adjacent wetlands, south of West Orange, Orange County, Texas, and ending at a tie-in location east of the Sabine River, in Cameron Parish, Louisiana. The project can be located on the U.S.G.S. quadrangle map entitled: Orange, Texas.

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

Western Terminus Latitude: 30.03022 North; Longitude: -93.74451 West  
Eastern Terminus Latitude: 30.02142 North; Longitude: -93.739066 West

Permittee-Responsible Mitigation (PRM) Site  
Latitude: 30.204455 North;

Longitude: -93.857048 West

**PROJECT DESCRIPTION:** The applicant proposes to discharge fill material into tidal wetlands and during the construction and installation of a 24-inch-diameter natural gas pipeline, launch pad, and temporary construction access. Proposed pipeline will be 2,610 linear feet and installed via horizontal directional drilling methods. Excavation of 1,638 cubic yards of material is proposed to be placed in 0.07 acre of wetlands. Proposed temporary impacts for temporary matting and spoil placement area will be 1.6 acres and permanent impacts for launch pad will be 0.18 acre. Proposed dredging of a 0.13 acre open water area of the Sabine River to accommodate temporary barge access.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized the environmental impacts by designing the projects with the minimum footprint necessary within wetlands.

**MITIGATION:** For impacts in Texas, compensatory mitigation has been proposed at a PRM site. For impacts in Louisiana, the applicant proposes to purchase credits in the state in-lieu fee program.

**CURRENT SITE CONDITIONS:** The project site is currently an undeveloped wetlands and open water adjacent to the Sabine River.

**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 and proposed mitigation are enclosed in 19 sheets and 4 sheets, respectively.

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.

State of Louisiana Coastal Zone Management Consistency is also required.

This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1,500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

Louisiana Department of Environmental Quality (LDEQ) water quality certification is required. Concurrent with processing of this application, the LDEQ is reviewing this application under Section 401 of the CWA and in accordance with LRS 30:2074A(3) to determine if the work would comply with State water quality standards and other applicable provisions of the CWA. By virtue of an agreement between the Corps and the LDEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the LDEQ a decision on water quality certification under such act. Comments concerning this application should be filed within 30 days from the date of this notice with the Office of Environmental Services using the above permit application number as reference. Comments should be sent to: Louisiana Department of Environmental Quality, Office of Environmental Services, Attn: Water Quality Certifications, P.O. Box 4313, Baton Rouge, LA 70821-4313. Additional information is on file with LDEQ, and may be inspected at any time between 8:00 A.M. and 4:30 P.M. weekdays. Copies may be obtained upon payment of cost of printing. A final decision on this application will be made within 60 days after the date of this notice. The LDEQ 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 has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

**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 **18 June 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-2017-00398**, and should be submitted to:

North 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