



Public Notice

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

Galveston District

Permit Application No: SWG-2015-00175

Date Issued: 1 November 2018

Comments

Due: 3 December 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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Texas LNG Brownsville, LLC
2800 North Loop West, Suite 900
Houston, Texas 77092
Telephone: 832-398-2960
POC: Langtry Meyer

AGENT: Braemar Engineering
2800 North Loop West, Suite 900
Houston, Texas 77092
Telephone: 713-820-9607
POC: David Glessner

LOCATION: The liquefied natural gas (LNG) terminal/gas supply pipeline project site is located along an approximately 10.2-mile-long natural gas supply pipeline corridor paralleling the Valley Crossing Pipeline north of State Highway 48 (SH48), then extending southeast to cross perpendicular under SH48, then paralleling SH48 south of the highway to the proposed LNG terminal on the north side of the Brownsville Ship Channel, approximately five miles southwest of the Gulf of Mexico and 19 miles northeast of the City of Brownsville on SH48, in Cameron County, Texas. The project can be located on the U.S.G.S. quadrangle maps entitled Palmitto Hill, Laguna Vista, and Port Isabel, TX.

LATITUDE & LONGITUDE (NAD 83): Proposed gas supply pipeline: from **Latitude** 25.988 degrees North, **Longitude:** -97.360 degrees West, to **Latitude:** 26.046 degrees North; **Longitude:** -97.231 degrees West. Proposed LNG terminal: **Latitude:** 26.041 degrees North; **Longitude:** -97.233 degrees West.

JURISDICTION: The subject site is jurisdictional under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the CWA. Jurisdiction of the proposed LNG terminal site was determined via an Approved Jurisdictional Determination.

A jurisdictional determination for the proposed gas supply pipeline has not been issued by the Corps. For the proposed pipeline, this public notice is being issued based on information furnished by the applicant. The applicant has stated that no permanent fill of wetlands or waterbodies would occur as a result of pipeline installation, and that temporary fill of wetlands or other waters filled would total 56.3 acres for the pipeline.

PROJECT DESCRIPTION: The applicant proposes to construct, install, operate, and maintain structures and equipment necessary for liquefaction and export of natural gas, including construction of a gas supply pipeline with compressor stations and attendant features, and a LNG terminal with marine facilities.

The applicant proposes to construct and operate a 10.2-mile-long, 30-inch-diameter pipeline that would provide natural gas to Texas LNG's proposed natural gas liquefaction, storage, and export facility (Terminal). The proposed underground pipeline would interconnect with the Valley Crossing Pipeline currently being constructed by Enbridge, Inc. The pipeline would be collocated with the Valley Crossing Pipeline or SH48 for nearly its entire route. The pipeline would be installed using conventional open-cut methods. At two locations (mileposts 4.5, San Martin Lake, and 6.1, Bahia Grande Restoration Channel) the pipeline would be installed using the horizontal directional drill (HDD) method. The HDD contractor would monitor both the surface along the lateral route between the entry and exit points of the drill and the circulation of drilling mud throughout the HDD operation for indications of an inadvertent drilling mud release and would immediately implement corrective actions if a release is observed or suspected. Pipeline construction would require a 100-foot-wide construction right-of-way (ROW), additional temporary workspaces, and several temporary access roads, all of which are pre-existing. The construction ROW would be temporarily cleared of vegetation for pipeline construction, temporary storage of trench spoil, and the operation of heavy equipment. In areas of saturated soils or standing water, temporary timber construction mats would be placed to support vehicles and construction equipment. Excavated trench spoil would be deposited in wetlands adjacent to the trench within the construction work area. Typically, the trench would be sufficiently deep to provide for a minimum of three feet of cover over the pipeline. In certain areas, such as road or buried utility crossings, deeper burial would be required. Once the pipeline is installed the trench would be backfilled and any excess subsoil would be removed from wetlands. A 25-foot-wide permanent maintenance ROW is proposed.

Terminal features include: gas gate station and interconnect facility; pretreatment facility for carbon dioxide removal and dehydration; turbo-expander for pentane plus heavy carbon removal; a Liquefaction Plant consisting of two liquefaction trains and ancillary support facilities; two approximately 210,000 m³ aboveground full containment LNG storage tanks with cryogenic pipeline connections to the Liquefaction Plant and berthing dock; an LNG carrier berthing dock capable of receiving LNG carriers between approximately 130,000 m³ and 180,000 m³ in capacity; a permanent material offloading facility (MOF) to allow waterborne deliveries of equipment and materials during construction and mooring of tug boats while an LNG carrier is at the berth; thermal oxidizer, warm wet flare, cold dry flare, spare flare, acid gas flare, and marine flare; and administration, control, maintenance, and warehouse buildings and related parking lots; electrical transmission line and substation, water pipeline, septic system, natural gas pipeline, and stormwater facilities/outfalls. Marine facilities at the Terminal would include a deep-draft LNG carrier berth and dock, an MOF, a 2,000-foot-diameter turning basin, and rip-rap slope protection. Approximately 1,792 feet of an abandoned underground 4-inch-diameter gas gathering line paralleling the Brownsville Ship Channel would be removed. A mechanical dredge may be used to dredge near installed pilings. Hydraulic pipeline dredges would be used to construct and maintain the proposed marine terminal/turning basin to a depth of -43 feet mean lower low water plus -2 feet of allowable overdepth, removing 3.9 million cubic yards of material. Dredged material would be placed in existing upland dredged material placement area (PA) No. 5A and/or No. 4A. Some dredged material may be placed on the Terminal site to raise the grade. Sediment is expected to accrete within the constructed marine facilities at a rate of 50,000 cubic yards annually, and a maintenance dredging cycle of 3 to 5 years is expected.

Approximately 74.3 acres of waters of the U.S. (WOUS) would be permanently impacted and 8.9 acres temporarily impacted for construction of the Terminal. The 74.3 acres of permanently impacted waters includes approximately 33.8 acres of openwater habitat between the terminal property boundary and the northern edge of the Brownsville Ship Channel, 40.3 acres of tidal mudflat, and 0.2 acres of palustrine emergent wetlands.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized environmental impacts by considering designs to avoid WOUS. All permanent fill in wetlands and tidal mudflats are restricted to small areas along the perimeter of the wetland and tidal mudflat boundary; fill does not bisect the resource. The layout of the terminal facility components were designed to avoid impacts to WOUS to the maximum extent practicable. The selected terminal facility offers an extensive upland area in which nearly all of the proposed components will be situated in uplands without impacts to WOUS. Roads were routed around wetlands and other components were shifted to avoid waters. The elevation of roads were reduced to reduce the width of the elevated road base. Transmission line poles were sited along the side of access roads, and equipment would be staged in uplands to avoid temporary workspaces in certain waters. LNG operational units were reconfigured to reduce impacts to only temporary workspace effects during construction. Marine facilities would be constructed on piles to minimize impacts on tidal mudflat. The stormwater management design would maintain natural drainage patterns to ensure that avoided WOUS continue to receive runoff.

MITIGATION: The applicant has stated that for the gas supply pipeline no permanent fill of wetlands or waterbodies is expected and no compensatory mitigation is proposed. Preconstruction contours would be restored following installation of the pipeline, and herbaceous vegetation and small shrubs would be allowed to re-establish within the ROW. The applicant proposed to mitigate for the proposed impacts to WOUS at the Terminal by preserving 405 acres at the La Loma Ecological Preserve. The Preserve is owned by the Brownsville Navigation District (BND) and leased to the U.S. Fish and Wildlife Service; the lease will expire in 2023. The proposed mitigation site is mapped as Designated Critical Habitat for piping plover, and Essential Fish Habitat. The applicant proposes to execute a conservation easement with an independent land management entity and execute a conservation easement; the land would be owned by the BND.

CURRENT SITE CONDITIONS: The terminal project site is currently an undeveloped tract of land adjacent to the Brownsville Ship Channel and State Highway 48. Portions of the pipeline ROW would be collocated with, or adjacent or parallel to, existing pipeline, roadway, and/or utility rights-of-way.

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 26 sheets for the pipeline, 27 sheets for the Terminal, and 23 sheets for the compensatory mitigation plan.

An Environmental Impact Statement (EIS) is required for the proposed project. The Federal Energy Regulatory Commission (FERC) is the lead federal agency for preparation of the EIS, and the Galveston District Corps is a cooperating agency. The FERC Draft EIS was released on 26 October 2018. The FERC docket number for the proposed project is CP16-116-000.

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 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: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. As the lead federal agency, the FERC is consulting with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to assess the effect of the proposed project 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 **3 December 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-2015-00175**, and should be submitted to:

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