



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	SWG-2008-00497
	Date Issued: _____	4 October 2018
	Comments Due: _____	19 November 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: Port Arthur LNG Common Facilities Company, LLC
Port Arthur Pipeline, LLC
2925 Briarpark Drive, Suite 900
Houston, Texas 77042
POC: Jim Thompson
Telephone: 832-4606594

AGENT: T. Baker Smith, LLC
107 Global Circle
Lafayette, Louisiana 70503
POC: Brady Trahan
Telephone: 337-735-2800

LOCATION: The project site is located in wetlands, as well as the Sabine Neches Waterway (SNWW), Neches River, Sabine Lake, Sabine Pass, and various other waterways. The terminal site is located north of Keith Lake, and west of the SNWW, in Port Arthur, Jefferson County, Texas.

The Texas Connector pipeline has two segments. The northern segment of the Texas Connector pipeline extends from the terminal site, north across the Neches River to mile point 28.5, east of Beaumont, Texas, in Jefferson and Orange Counties, in Texas. The southern segment of the Texas Connector pipeline extends from the terminal site, south across Sabine Pass, to mile point 7.2, east of Sabine Pass, in Jefferson County, Texas, and Cameron Parish, Louisiana.

The Louisiana Connector pipeline is a single segment pipeline. It extends from the terminal site, east across Sabine Lake, through Cameron and Calcasieu Parishes, in Louisiana. The SWG review area terminates at the Galveston District Border in Louisiana just north of the Gulf Intracoastal Waterway in Calcasieu Parish.

TERMINAL LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.792485 North; **Longitude:** -93.955590 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 was determined via a Preliminary Jurisdictional Determination.

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 three pipeline segments with compressor stations and attendant features. Terminal features include liquefaction trains, operating facilities, a marine berth, marine offloading facility (MOF), and a pioneer dock to be constructed adjacent to the SNWW. The applicant also proposes to construct a new segment of State Highway 87 that would reroute the roadway behind the proposed terminal facility. Approximately 967.1 acres of wetlands and waters of the US are proposed to be impacted to construct the terminal site. Approximately 317.7 acres of wetlands and waters of the US are proposed to be impacted to construct the Texas connector pipeline. Approximately 636.91 acres of wetlands and waters of the US are proposed to be impacted to construct the Louisiana connector pipeline. A complete breakdown of the project impacts are attached in Table 1.

The applicant proposes to dredge 7.8 million cubic yards of material from marine berth, MOF, and Pioneer Dock. Approximately 5.4 million cubic yards of material is proposed to be placed into dredge material placement areas (DMPAs) 8, 9a, and/or 9b depending on capacity and availability. Approximately 2.4 million cubic yards of material is proposed to be placed into the Texas Parks and Wildlife Department JD Murphree Wildlife Management Area (JDMWMA), for beneficial use, to create and restore marsh habitat.

AVOIDANCE AND MINIMIZATION: The applicant stated that they considered both onsite and offsite alternatives for the proposed project, in addition to alternative facility configurations. The applicant indicated that they selected the proposed site because the site contains previously disturbed wetlands, a low percentage of tidal wetlands (compared to other sites considered), existing dock structures that can be modified to meet project needs, as well as patches of upland habitat.

MITIGATION: The applicant proposes to mitigate for permanent and conversion impacts to wetlands and waters of the US by beneficially using dredge material from the project to create marsh habitat in the JDMWMA area. The applicant proposes to create approximately 1,268.8 acres of marsh habitat in Salt Bayou Unit 16, known as the Pintail Flats. The applicant made their determination of credits by running several functional assessment methods (iHGM, HGM, LRAM, TXRAM, WVA, and UMAM) and averaging the resulting ratios to arrive at a combined ratio average of 1.62 for the proposed project.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land adjacent to the SNWW and State Highway 87. There is commercial development to the north and south of the proposed terminal site. JDMWMA is located to the west of the subject site.

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 45 sheets. The Compensatory Mitigation project plans are attached in 3 sheets.

An Environmental Impact Statement (EIS) is required for the proposed project. The Federal Energy Regulatory Commission (FERC) is the lead federal agency for the preparation of the EIS. The Galveston District Corps is a cooperating agency. The FERC DEIS is scheduled for release on 4 October 2018. The FERC docket numbers for the proposed project are CP17-20-000, CP17-21-000, and CP18-7-000.

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.

Pipeline construction in Louisiana requires State of Louisiana Coastal Zone Management Consistency. In addition, Louisiana Department of Environmental Quality (LDEQ) water quality certification is required for the Louisiana pipeline segment. 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 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: 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 November 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-2008-00497**, and should be submitted to:

Policy Branch
Regulatory Division, CESWG-RDP
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