



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2015-00114

Date Issued: 18 October 2018

Comments

Due: 19 November 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:** Rio Grande LNG, LLC, and Rio Bravo Pipeline, LLC  
1000 Louisiana Street  
39<sup>th</sup> Floor  
Houston, Texas 77002  
Telephone: 713-574-1880  
POC: Shaun Davidson

**AGENT:** Ecology and Environment, Inc.  
2 Riverway Drive, Suite 625  
Houston, Texas 77096  
Telephone: 713-344-3000  
POC: Jason Zoller

**LOCATION:** The project site is located in wetlands and waters of the United States along an approximately 135-mile-long corridor originating in Kleberg County and Jim Wells County, extending south through Willacy County, and terminating at the proposed Rio Grande Liquefied Natural Gas (LNG) terminal north of the Brownsville Ship Channel in Cameron County, Texas.

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

**Latitude:** 26.026 North;      **Longitude:** -97.155 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 an Approved Jurisdictional Determination for the proposed LNG terminal.

**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. Terminal features include liquefaction trains, LNG storage tanks, operating facilities, LNG truck loading facilities, a marine slip with LNG vessel berths, a vessel turning basin, and a materials off-loading facility (MOF) adjacent to the Brownsville Ship Channel. For construction of the proposed terminal, about 623,000 cubic yards of material would be excavated along the shoreline and within the Brownsville Ship Channel by land-based equipment for construction of the berthing areas, turning basin, and MOF. This material would be directly placed at the terminal site for fill. An additional 39,000 cubic yards of material would be dredged from the MOF using a hydraulic dredge before construction of the terminal and used for additional fill at the terminal or pumped via temporary pipeline to the Port of Brownsville dredged material placement area (PA) No. 4B. About 6.5 million cubic yards of material would be dredged from the berths and turning basin using water-based equipment. Maintenance dredging would remove up to 500,000 cubic yards of material from the berthing area and turning basin every 2 to 4 years. Dredged material would be placed in Port of Brownsville PA No. 4A, No. 4B, No. 5A, No. 5B, or a combination of those PAs. .

Construction and operation of the proposed Rio Grande LNG Terminal would affect 750.4 acres of land, including 208.9 acres of shrub/forest land, 191.5 acres of open land, 162.5 acres of non-forested wetlands, 106.1 acres of open water, and 81.4 acres of barren land, all of which would be permanently converted to industrial/commercial land. Construction and maintenance of the gas supply pipeline would result in no permanent loss of waters of the U.S. A total of 334.7 acres of wetlands would be within the construction footprint of the terminal and pipeline facilities. Impacts would include 9.6 acres of palustrine forested (PFO) wetlands, 23.0 acres of palustrine scrub-shrub (PSS) and estuarine scrub-shrub (ESS) wetlands, and 248.0 acres of palustrine emergent (PEM) and estuarine emergent marsh (EEM) wetlands. In addition, the project would impact 54.0 acres of mudflats (estuarine unconsolidated shore [EUS]) during construction. A total of 287.2 acres would be within the operational footprint of the project, of which 182.4 would be permanently converted to industrial/commercial land or open water at the LNG terminal site (including 19.8 acres of ESS wetland, 114.9 acres of EEM wetlands, and 47.7 acres of mudflats) and 104.8 would be maintained as PEM/PSS within the pipeline right-of-way (ROW), including 7.4 acres of PFO wetlands, 3.2 acres of PSS wetlands, and 94.2 acres of emergent (PEM and EEM) wetlands and mudflats.

**AVOIDANCE AND MINIMIZATION:** The applicant has stated that they have avoided and minimized environmental impacts considering both onsite and offsite alternatives for the proposed project, in addition to alternative facility configurations and systems alternatives. For the gas supply pipeline, the overall length of the pipeline was reduced, the construction ROW width was reduced by utilizing the same construction footprint for both of the parallel pipelines, using directional drilling beneath mangrove estuarine shrub-shrub wetlands, reducing the number of temporary and permanent access roads, and increasing adjacency to existing infrastructure.

**MITIGATION:** The applicant proposed to mitigate for the proposed impacts to waters of the U.S. by preserving wetlands at the Loma Ecological Preserve.

**CURRENT SITE CONDITIONS:** The terminal project site is currently an undeveloped tract of land adjacent to the Brownsville Ship Channel and State Highway 48. The gas supply pipeline route is proposed to be generally located in rural, unincorporated areas, with the northern portion of the pipeline route through Kleberg and Kenedy Counties characterized by large tracts of land used for ranch and cattle operations. As the pipeline route moves south into Willacy and Cameron Counties, the land is predominately grassland and cropland. Portions of the pipeline ROW would be collocated with, or adjacent or parallel to, existing pipeline, roadway, railway, 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 102 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 Draft EIS was released on 12 October 2018. The FERC docket numbers for the proposed project are CP16-454-000 and CP16-455-000.

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 **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-2015-00114**, and should be submitted to:

Policy Analysis 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