



Public Notice

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

Galveston District

Permit Application No: _____

Date Issued: _____

Comments _____

Due: _____

SWG-2019-00068

31 October 2019

2 December 2019

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: Zydeco Pipeline Company LLC

AGENT: Shell Pipeline Company LP
P.O. Box 2648, EPC A236
Houston, Texas 77252

POC: Sheila Mitchell
Telephone: 832-762-2494

LOCATION: The project site is located in Greens Bayou along Highway 90, in Houston, Harris County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: Jacinto City, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 29.807958° North; **Longitude:** 095.216321° West

PROJECT DESCRIPTION: The applicant is requesting to decommission approximately 1,237 feet of the 20-inch pipeline that was constructed in 1948. The applicant is requesting to decommission 108 feet of the pipeline under Greens Bayou and approximately 10 feet of the pipeline under a stream to Greens Bayou. The applicant states that there will be no discharge of fill material or excavation to waters of the United States for the proposed project. The proposed segment to be abandoned has been cut and capped from a previously authorized action under SWG-2019-00068. Approximately 200 feet of the pipeline has been previously removed on the east bank of Greens Bayou ultimate right-of-way. The total amount of pipeline that has been previously removed including the 200 feet under Greens Bayou, is approximately 590 feet. The applicant states that the depth of the pipeline and close vicinity of Highway 90 and other pipelines causes the removal of the pipeline to be unsafe. For more information concerning the proposed project see the attached Project Summary.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by avoiding impacts to Stream S009 and the west half of Greens Bayou by decommissioning the pipeline in place. The applicant also states that no work is required to decommission the pipeline in place. The applicant concludes that decommissioning the pipeline in place is best management practice.

MITIGATION: The applicant does not propose any mitigation since impacts to waters of the United States are not anticipated. The applicant states that they will purchase credits from a mitigation bank or perform onsite restoration to mitigate the loss of wetlands if necessary.

CURRENT SITE CONDITIONS: The proposed project area consist of an existing 1,237-foot pipeline that crosses a stream that flows into Greens Bayou, Stream S009, and the west half of Greens Bayou. The pipeline was constructed in 1948. There are other existing pipelines and Highway 90 in direct vicinity with the pipeline that is proposed to be abandoned.

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 proposed project is of such limited nature and scope that it has no potential to effect historic properties, even if present within the project 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.

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 **2 December 2019**. 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-2019-00068**, 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
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS