



# Public Notice

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

**Galveston District**

Permit Application No: SWG-2015-00114

Date Issued: 19 September 2019

Comments

Due: 21 October 2019

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## U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

**PURPOSE OF PUBLIC NOTICE:** To inform you of a proposed change to the applicant's compensatory mitigation plan, and 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, Galveston District (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.

**APPLICANT:** Rio Grande LNG, LLC and Rio Bravo Pipeline, LLC  
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Houston, Texas 77002-5005  
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**LOCATION:** The proposed compensatory mitigation project consists of two sites: the Miradores Mitigation Site (MMS) and the Loma Ecological Preserve (LEP) preservation site. The MMS is located approximately 9 miles northwest of Harlingen, Texas and 7 miles upstream of the estuary of the Arroyo Colorado River, in Cameron County, Texas. The site can be located on the U.S.G.S. quadrangle map titled: La Leona, Texas.

The LEP preservation site is located approximately 18 miles to the east of the Brownsville, Texas and approximately 1.5 miles to the south of the Rio Grande LNG terminal project site, in Cameron County, Texas. The site can be located on the U.S.G.S. quadrangle map titled: Port Isabel, Texas.

LATITUDE & LONGITUDE (NAD 83):

MMS - Latitude: 26.286542 North; Longitude: 97.437756 West

LEP preservation site - Latitude: 26.002469 North; Longitude: 97.208336 West

**COMPENSATORY MITIGATION PROJECT DESCRIPTION:** The applicant proposes a revised compensatory mitigation plan (CMP) for unavoidable impacts related to their proposed Rio Grande Liquefied Natural Gas (LNG) export terminal project and the associated Rio Bravo pipeline project. (*Note: The Corps issued a Public Notice for the terminal and pipeline project on 18 October 2018.*) Construction of the terminal would result in unavoidable permanent impacts to 182.4 acres of waters of the U.S., including estuarine emergent wetlands, tidal mudflats, and mangrove dominated estuarine scrub-shrub wetlands. Construction of the pipeline would result in the permanent conversion of 13.4 acres of palustrine forested and shrub-scrub wetlands to palustrine emergent wetlands. The revised CMP includes a combination of permittee-responsible mitigation through off-site palustrine emergent wetland establishment and enhancement at the MMS and off-site preservation of estuarine emergent wetlands, tidal mudflats, and mangrove wetlands at the LEP preservation site. The goal of the proposed CMP is to: establish 350 acres of palustrine emergent wetlands, enhance 21.9 acres of palustrine emergent wetlands, preserve 7.9 acres of existing estuarine emergent wetlands, preserve 1,241.1 acres of existing tidal mudflats, and preserve 76.2 acres of existing mangrove dominated estuarine wetlands.

**CURRENT SITE CONDITIONS:** The MMS lies within the Level III Ecoregion, Western Gulf Coastal Plain and in the Level IV Ecoregion, The Lower Rio Grande Valley. It is within the Tidal Segment of the Arroyo Colorado Watershed that extends from just south of Harlingen and ends downstream where the dredged navigation channel enters the Lower Laguna Madre. The MMS is a 1,558-acre tract that currently contains 13.8 acres of palustrine emergent wetlands, 3.2 acres of freshwater ponds, 15.4 acres of agricultural ditches, 344.4 acres of sea ox-eye daisy (*Borrchia frutescens*) dominated non-wetland habitat, 755.8 acres of non-wetland herbaceous vegetation dominated pasture, 36.3 acres of mesquite (*Prosopis glandulosa*) dominated non-wetland habitat, 287.8 acres of row crops, and 1.3 acres of roads.

The LEP preservation site is located on the South Texas Coastal Plain, in an area of minimal topographic relief. This site is a 1,500-acre tract that consists of 1,241.1 acres of tidal mudflat, 76.2 acres of mangrove dominated estuarine wetlands, 7.9 acres of estuarine emergent wetlands, and 174.5 acres of non-wetland South Texas loma grassland and shrubland habitat. Elevations within the surrounding area typically range from 0 to 40 feet North American Datum of 1988 (NAVD88). The average elevation within the site is 5 to 10 feet NAVD88, except for the lomas (natural clay dune and clay to sand dune deposits) within the site. Mudflats within the site are primarily unvegetated areas that are intermittently to frequently inundated by wind driven tides or periods of high rainfall, and are frequently saturated at or near the surface. Black mangrove (*Avicennia germinans*) dominated wetlands persist along the northeast border of the LEP preservation site and mark the western extent of South Bay. Estuarine emergent wetlands within the LEP preservation site are dominated by herbaceous, hydrophytic

vegetation species such as shoregrass (*Monanthachloe littoralis*), sea ox-eye daisy, glassworts (*Salicornia* spp.), and saltwort (*Batis maritima*) on soils that are frequently saturated to near the surface, but rarely inundated due to elevation. The South Texas loma grassland habitat is dominated by gulf cordgrass, shoregrass, and saltwort, with scattered mesquite, prickly pear cactus (*Opuntia* spp.), Spanish dagger (*Yucca gloriosa*), and huisachillo (*Acacia schaffneri*).

**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 wetland delineations for both sites. The applicant's plans are enclosed in 52 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, and the Corps is a cooperating agency. The FERC's Final EIS for the Rio Grande LNG and Rio Bravo Pipeline Projects was released on 26 April 2019. The FERC docket numbers for the proposed projects 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 Clean Water Act (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:

MMS: The proposed mitigation plan is of such limited nature and scope and is located within an area that has been previously impacted by agricultural activities that it has no potential to effect historic properties, even if present within the project area.

LEP: The proposed mitigation plan 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:** 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, including compensatory mitigation, 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 work detailed in the revised CMP 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 compensatory mitigation 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 Environmental Impact Statement 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 **21 October 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-2015-00114**, and should be submitted to:

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