

DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT 7400 LEAKE AVENUE NEW ORLEANS LA 70118-3651

October 24, 2022

Regulatory Division Western Evaluation Branch

Project Manager: Michael H. Herrmann Jr. (504) 862-1954 michael.h.herrmann@usace.army.mil

Application #: MVN-2018-00250-WLL

# **PUBLIC NOTICE ADDENDUM**

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the U.S. Army Corps of Engineers pursuant to: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344), and/or [X] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

#### DREDGE MATERIAL MANAGEMENT PLAN, SEDIMENT PIPELINE AND STORMWATER WEIR STRUCTURE IN CAMERON PARISH

**NAME OF APPLICANT:** Commonwealth LNG, LLC, c/o TRC Environmental Corporation, Attn: Ms. Cindi Sedberry, One Riverway, Suite 500, Houston Texas 77056.

**LOCATION OF WORK:** In Cameron Parish, Louisiana; LNG Facility located at North 29.7705, West -93.3527, at 500 Gulf Beach Highway, Cameron, LA, on the Calcasieu Ship Channel near the mouth of the channel and the Gulf of Mexico. The site is situated along the west bank of the Calcasieu River, between mile markers 0 and 1. The Dredged Material Management Site (DMMS) is located on the east side of the Calcasieu Ship Channel near the south shoreline of Calcasieu Lake in the Cameron Prairie National Wildlife Refuge. The temporary dredged slurry pipeline will traverse from the berthing and turn around area northeast up the Calcasieu Ship Channel to the Cameron Loop Channel, pass under Hwy 27, then follow existing uplands to the DMMS site within the Cameron Prairie National Wildlife Refuge (NWR). Hydrologic Unit Code 08080206 Lower Calcasieu Basin.

**<u>CHARACTER OF WORK</u>**: The purpose of this addendum is to advertise changes regarding the proposed Commonwealth LNG - Dredge Material Management Plan (DMMP) for the disposal of approximately 1.73 million cubic yards of dredged material and to provide additional details for the proposed stormwater channel and weir at the proposed facility.

The May 11, 2020 Corps of Engineers public notice advertised, initially described that the applicant's plans included offsetting project related wetland impacts with a 479.7 acre Beneficial Use of Dredged Material (BUDM) marsh creation site on the west side of the Calcasieu Shipping Channel near Oyster Lake, by using the 1.73 million cubic yards of dredged material incorporated into a marsh creation & nourishment project.

Currently, the applicant has proposed to mitigate project related unavoidable wetland impacts at approved and acceptable mitigation banks within the N.O. District, should DA permit approval be found in the public interest.

Additionally, a new DMMP disposal site is proposed to accept the 1.73 million cubic yards of dredged materials and is located on the east side of the Calcasieu Shipping Channel within the Cameron Prairie NWR. An approximate <u>640-acre</u> site consisting of open water and tidal marsh will be enclosed with containment berms and will receive the dredged materials which are expected to nourish the existing marsh and add sediment to the open water areas to a maximum settled target elevation of 1.0-foot at 5 years. Dredged material from the cutterhead suction dredge will be transported as a slurry in a temporary, 30-inch pipeline (slurry pipeline) to the DMMP Area. The alignment of the temporary slurry pipeline begins at the dredge within the proposed dredged area, crosses along the bottom of the Calcasieu Ship Channel (anchored as necessary to prevent disruption by flow and interference with navigation), proceeds northeast within the Cameron Loop Channel, exits the Cameron Loop Channel and passes under Highway 27, then follows existing uplands (e.g., roadbeds, levees) east and northeast, then uses temporary timber matting to be placed over previously impacted marsh, and finally turns north to the DMMP Area.

The comment period on the requested Department of the Army Permit will close <u>20</u> <u>days</u> from the date of this public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit request, and must be submitted so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the Applicant's Name and the Permit Application Number and can be <u>preferably</u> emailed to the Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, <u>ATTENTION: REGULATORY DIVISION, RGW, Michael H, Herrmann Jr</u>. Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment must be specific and substantively supportive of the requested extension and received by this office prior to the end of the initial comment period. The Branch Chief will review the request and the requester will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous and inclusive of the initial comment period and will not exceed a total of 30 calendar days. This public notice is also available for review online at <a href="https://go.usa.gov/xennJ">https://go.usa.gov/xennJ</a>

#### **Corps of Engineers Permit Criteria**

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 benefit 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 including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

This request will also be reviewed pursuant to Section 408 and USACE Engineering Circular (EC) 1165-2-220, which provides policy and procedural guidance for processing requests to alter USACE civil works projects. The decision whether to grant permission for the requested alteration will be based on several factors. The benefits that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

1) Potential to Impair the Usefulness of the Project. Proposed alterations will be reviewed to determine whether the alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs. If USACE determines that the usefulness of the authorized project would be impaired, the request will be denied.

2) Potential to be Injurious to the Public Interest. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

The Section 408 review will consider the potential impact to the usefulness of the Federal project and whether the proposed alteration would be injurious to the public interest. Policy and legal compliance will also be considered.

The U.S. Army Corps of Engineers 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 U.S. Army Corps of Engineers to determine whether to make, 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 other public interest factors listed above. Comments are used in the preparation of an Environmental 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.

The applicant has conducted Phase I cultural resource investigations in compliance with Section 106 of the National Historic Preservation Act and guidelines set forth by the Louisiana Division of Archaeology (LDOA) to identify cultural resource sites within the project footprint and to assess any potential impacts by the project to historic properties or other sensitive cultural resources. The Draft Phase I Archaeological Survey of the Commonwealth LNG Project Report (submitted March 14, 2019), Addendum 1: Phase I Cultural Resources Assessment of the Commonwealth LNG Project, Cameron Parish, Louisiana (submitted October 8, 2019), Proposed Pipeline Associated with the Commonwealth LNG Project, Cameron Parish, Louisiana (submitted October 8, 2019), and Proposed Dredge Area, Slurry Pipeline, and Beneficial Use of Dredge Material Area Associated with the Commonwealth LNG Project, Cameron Parish, Louisiana (submitted December 10, 2019), which provide a detailed analysis of the results of the investigation, were submitted to the LDOA. The LDOA issued letters concurring with the applicant's determinations that the project will have no impact on any historic properties listed or eligible for listing on the National Register of Historic Places on September 12, 2019, November 27, 2019, September 28, 2019, and January 12, 2020, respectively.

Additional Section 106 coordination specific to the additional DMMP site has been initiated on October 4, 2022. A final decision is pending.

The applicant submitted concurrence request letters pertaining to the proposed DMMP site to the U.S. Fish and Wildlife Service (USFWS) on September 28, 2022. On September 28, 2022, the applicant received a letter from the USFWS indicating that the agency concurred with the May Affect, Not Likely to Adversely Affect determinations for West Indian manatee and the Eastern Black Rail.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act, relevant the subject changes and updates noted herein. The applicant's proposal may result in the destruction, alteration, and/or disturbance of **up to 644 acres** of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the

proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico due to the project's design to ensure that the proposed DMMP site will not exceed settled fill elevations that would convert the affected areas into habitats unsupportive to EFH resources. 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.

If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Louisiana Department of Environmental Quality before a Department of the Army permit could be issued.

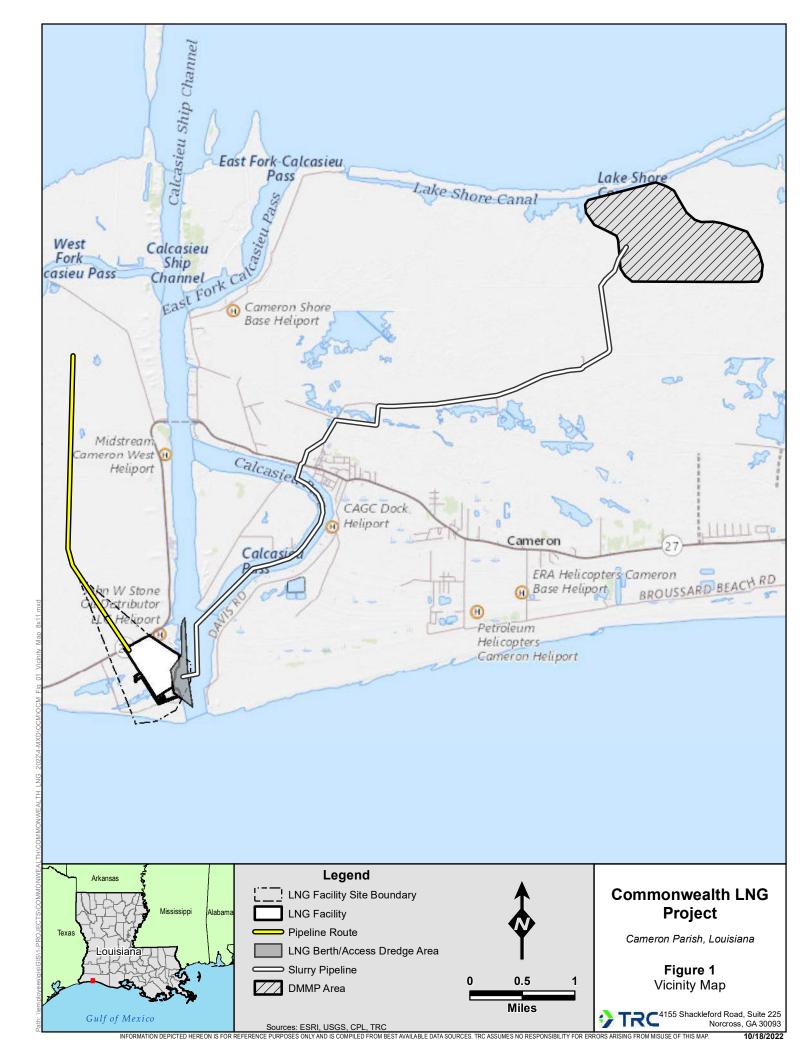
Any person may request within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing, and can be <u>preferably</u> emailed to the USACE project manager listed above or mailed to the address listed above.

The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Department of Natural Resource's Coastal Resources Program (Application # P2019-0900). The Department of the Army permit will not be issued unless the applicant receives approval or a waiver of the Coastal Use Permit by the Louisiana Department of Natural Resources.

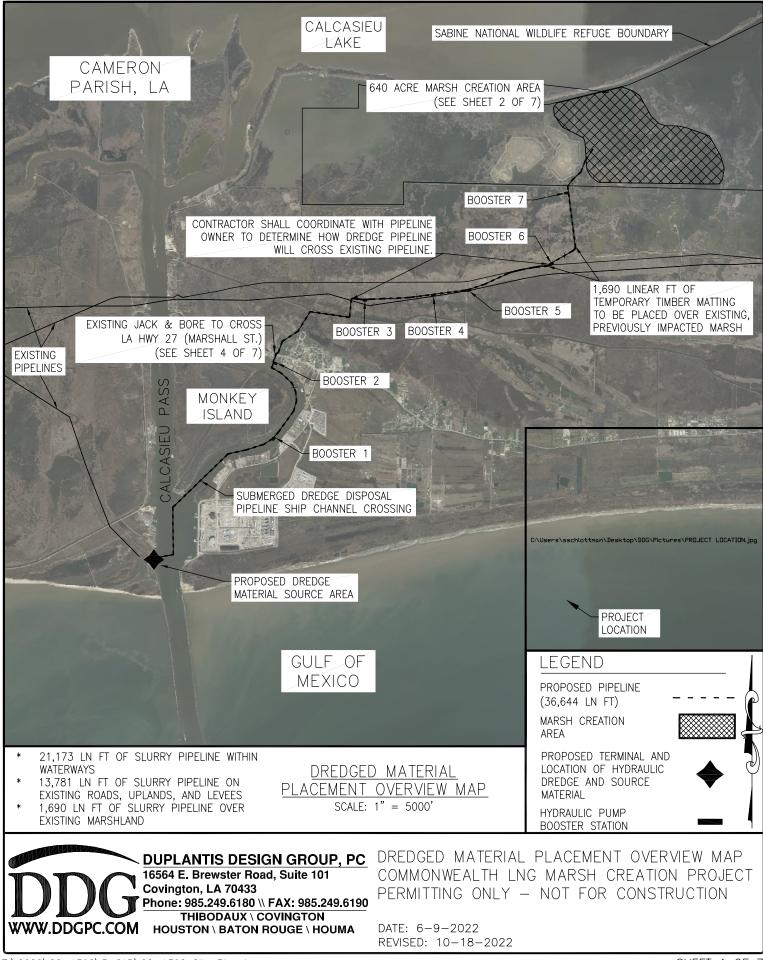
You are invited to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

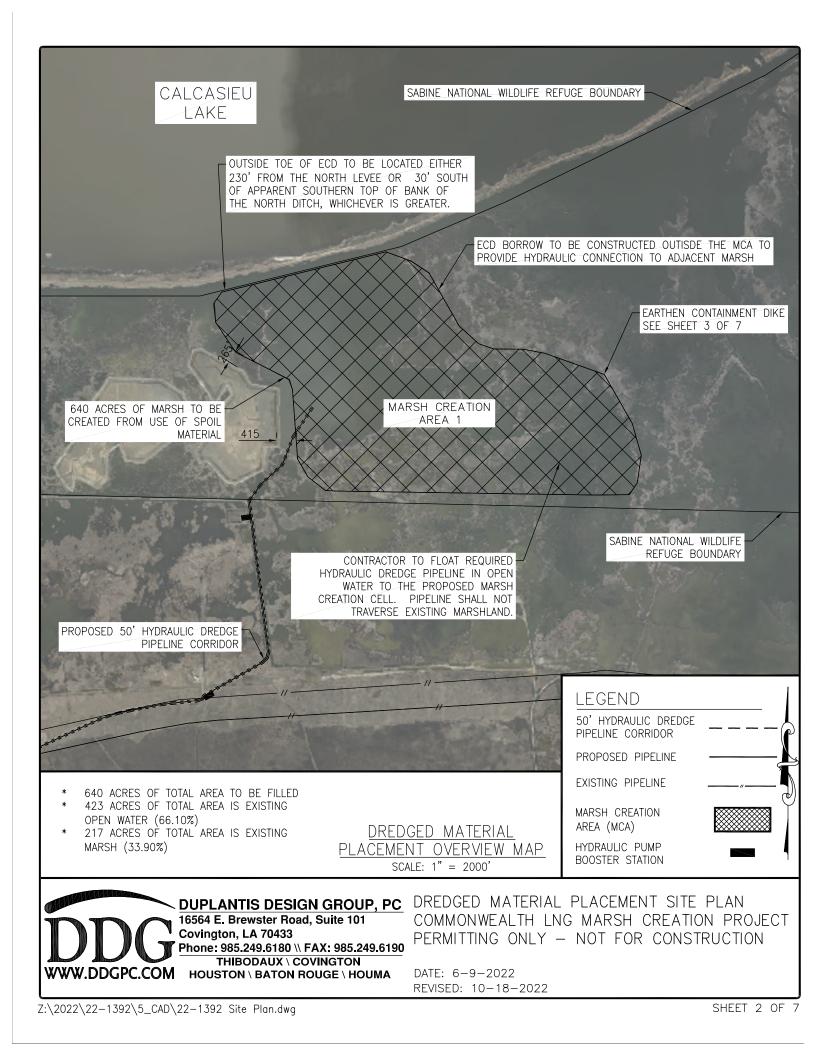
Darrell S. Barbara Chief, Western Evaluation Branch Regulatory Division

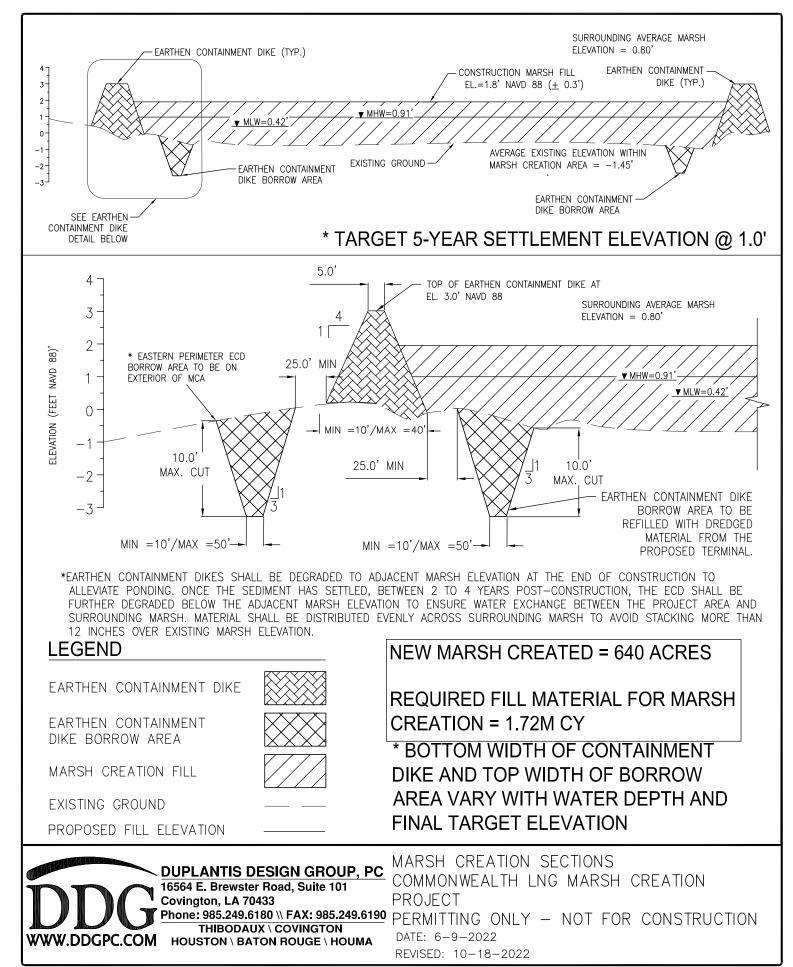
Enclosures

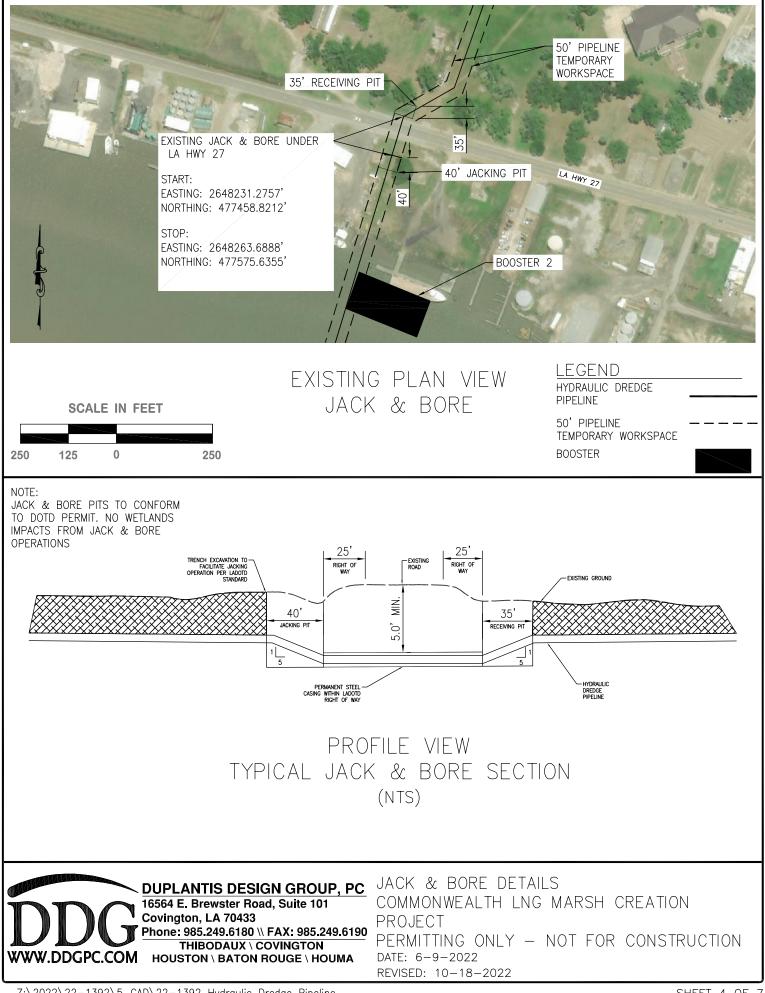


DMMP Area Figure Set (Sheets 1-7)



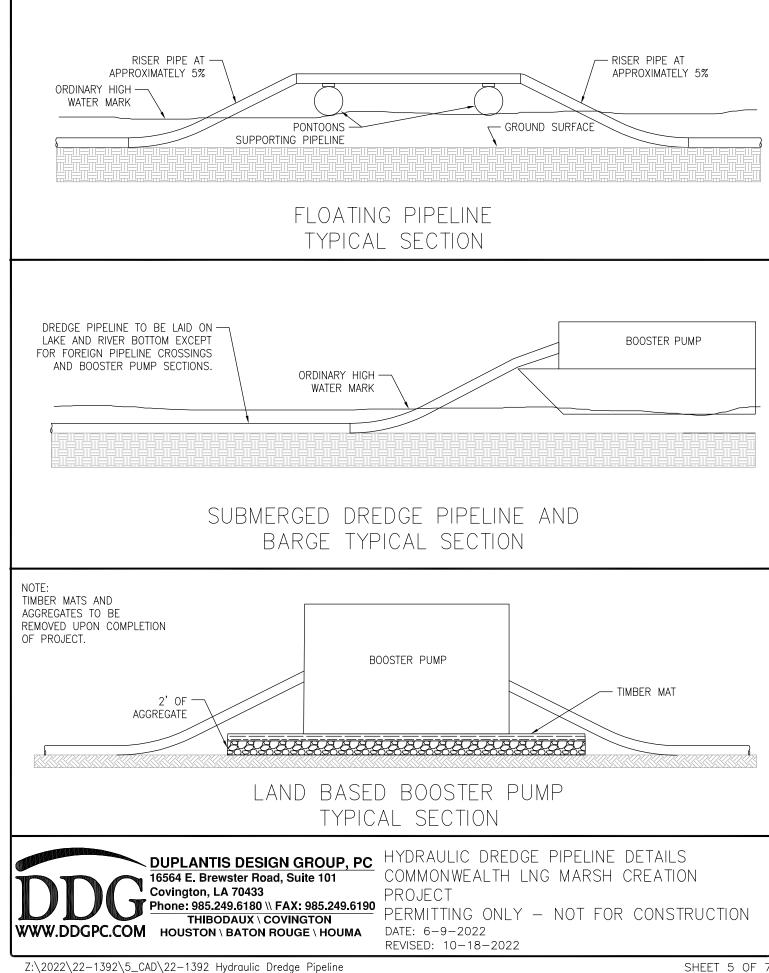


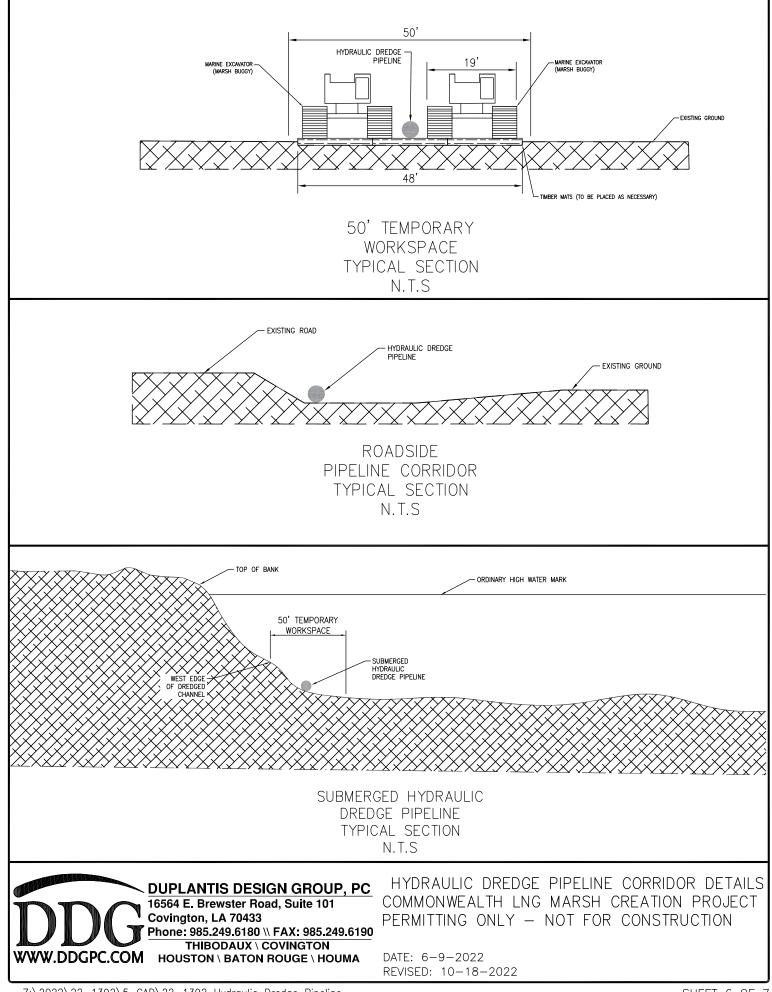




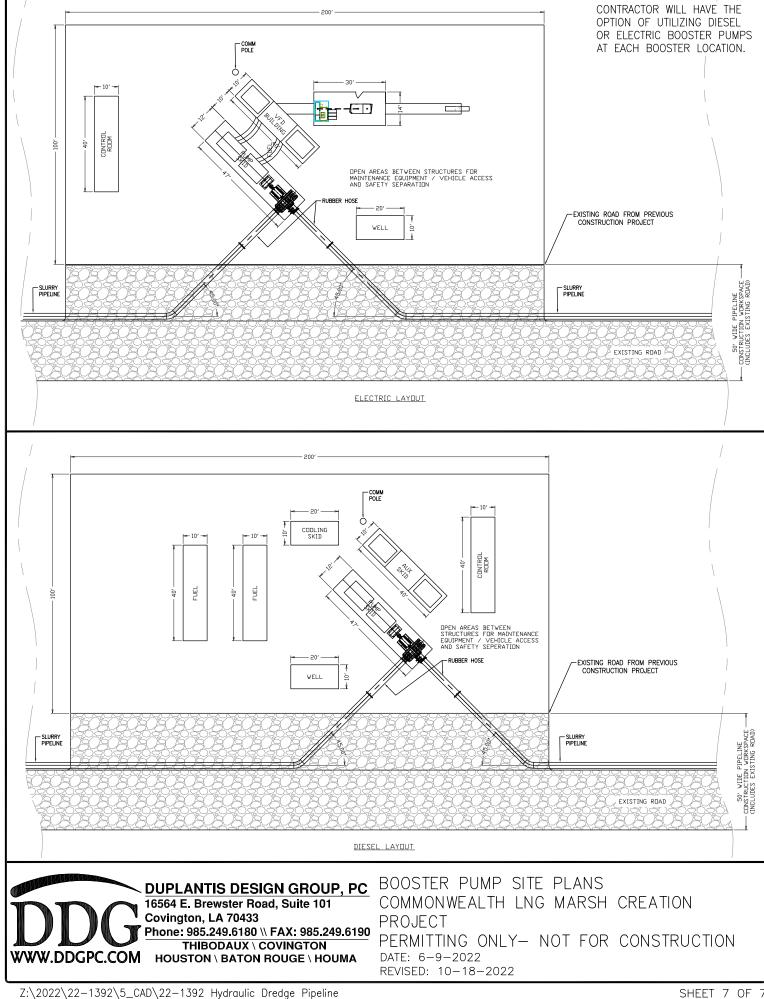
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SHEET 4 OF 7



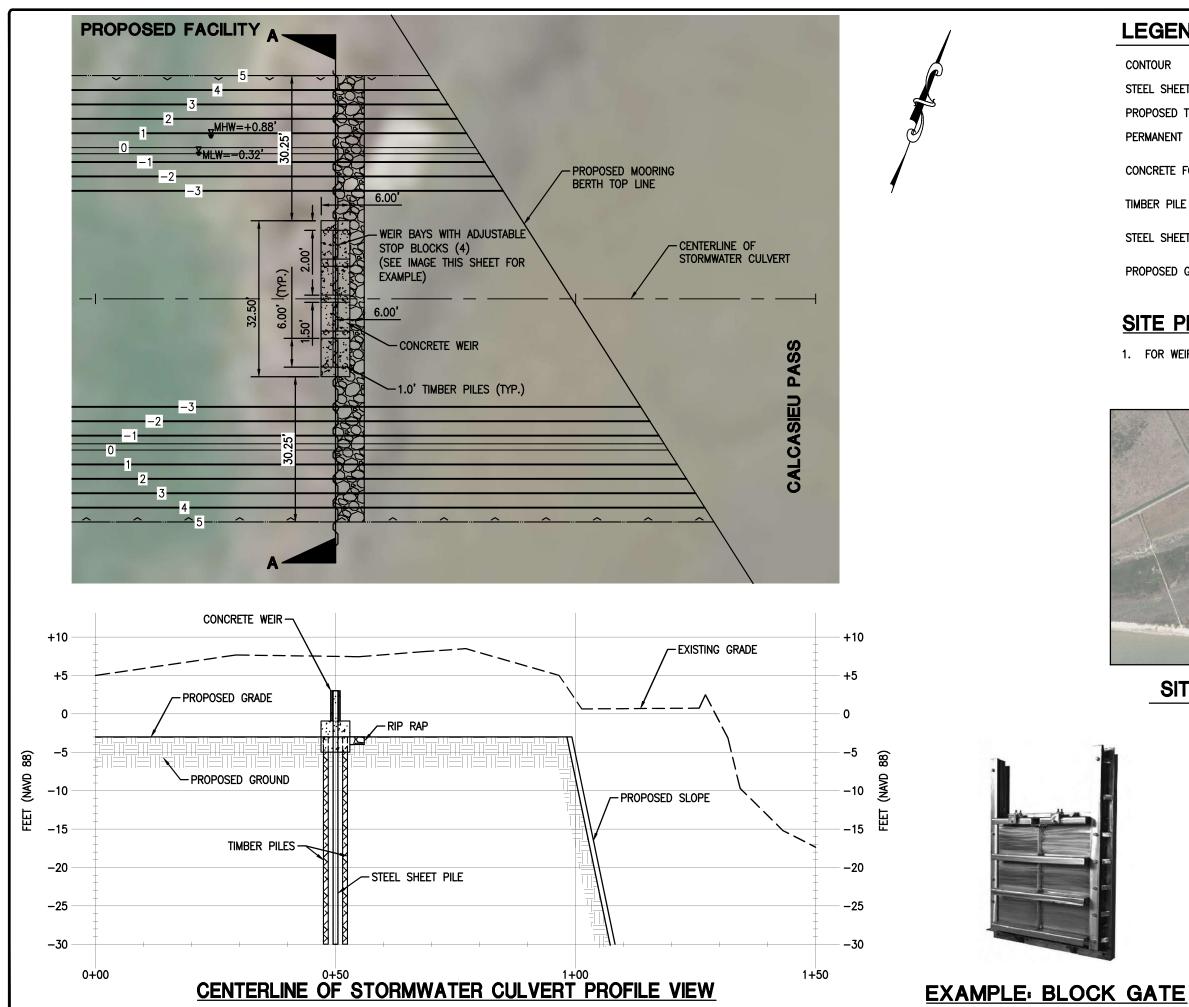


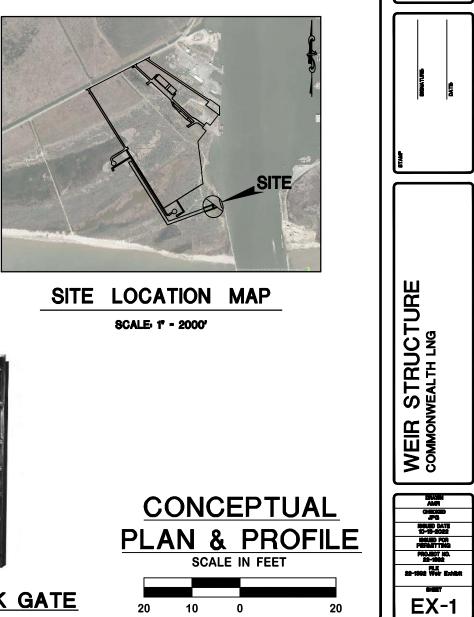
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Details.dwg

Weir Structure Exhibits (Sheets 1-2)





PROPOSED TIMBER PILE

STEEL SHEET PILE

PERMANENT RIP RAP

CONCRETE FOUNDATION

TIMBER PILE

### LEGEND

CONTOUR

STEEL SHEET PILE

PROPOSED GROUND

## SITE PLAN NOTES:

1. FOR WEIR CROSS SECTION, REFER TO SHEET EX-2.

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EX-2.

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