

PUBLIC NOTICE

US Army Corps of Engineers®

Applicant: Kerry Asteris Lake Charles LNG, LLC Published: April 28, 2025 Expires: May 8, 2025

New Orleans District (CEMVN) Permit Application No. MVN-2024-01575-BV

TO WHOM IT MAY CONCERN: The purpose of this notice is to advise the public that the United States (U.S.) Army Corps of Engineers, Mississippi Valley Division has established special emergency processing procedures in accordance with 33 CFR § 325.2(e)(4) for the National Energy Emergency established by Executive Order (E.O.) 14156, which was issued on January 20, 2025 under the President's legal authorities. including the National Emergencies Act (50 U.S.C. 1601 et seg) and section 301 of title 3, United States code. These special emergency processing procedures have been established pursuant to Sec. 4 of 14156 for activities associated with the identification, siting, production, transportation, refining, and generation of domestic energy sources, including energy infrastructure, that require Department of the Army authorization under Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and/or Section 103 of the Marine Research, Protection, and Sanctuaries Act of 1972, as amended. For the reasons stated in Sec. 1 of EO 14156, the President has found that these activities would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard permitting procedures.

The purpose of this public notice is to announce the establishment of the special emergency processing procedures for the purposes of E.O. 14156 and provide information to the public about those special emergency processing procedures. If you have any questions concerning these special emergency processing procedures, please contact Courtland Vice at 504-862-1349 or courtland.l.vice@usace.army.mil.

PERMITTEE: Kerry Asteris Lake Charles LNG, LLC 1300 Main Street Houston, Texas 77002

AGENT: Keith Suderman TRC Environmental Corporation 4155 Shackleford Road, Suite 225 Norcross, Georgia 30093

WATERWAY AND LOCATION: The project would affect waters of the United States and navigable waters of the United States associated with The Calcasieu River.

Liquefaction facilities are adjacent to the existing Lake Charles LNG Import Terminal near Lake Charles, within Calcasieu Parish, Louisiana and pipeline facilities are in Calcasieu and Jefferson Davis Parishes. Pipeline components will also occur in Calcasieu, Jefferson Davis, Acadia, Cameron, Allen, and Beauregard Parishes, Louisiana. (facility center point: Latitude 30.1210, Longitude -93.2890).

EXISTING CONDITIONS: Liquefaction facilities are at the existing Lake Charles LNG Import Terminal in Calcasieu Parish; pipeline facilities are in Calcasieu and Jefferson Davis Parishes, and pipeline components will also occur in Calcasieu, Jefferson Davis, Acadia, Cameron, Allen, and Beauregard Parishes, Louisiana. (facility center point: Latitude 30.1210, Longitude -93.2890).

PROJECT PURPOSE:

Basic: Permit time extension request for an industrial development

Overall: Permit time extension request to develop the Lake Charles LNG and its supporting facilities.

PROPOSED WORK: The permittee requests a time extension of its existing valid authorization to develop the Lake Charles LNG facility and its supporting proponents including a liquefaction facility, temporary construction docks, LNG carrier berth, pipelines, compressor stations, and meter stations.

Total Impacts: The Project will impact a total of 273.48 acres of jurisdictional wetlands. Of these, approximately 218.40 acres will be permanently filled for the liquefaction facilities, additional construction workspaces, and aboveground facilities; no permanent fill is associated with the pipelines. Construction of pipelines and aboveground facilities will temporarily disturb approximately 55.07 acres of wetlands. Approximately 4.14 acres of forested wetlands will be permanently converted to nonforested wetlands within the pipeline rights-of-way and aboveground facilities. No modifications or additional impacts to WOTUS are proposed with the requested extension of time to complete the project.

AVOIDANCE AND MINIMIZATION: The permittee has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

 Making use of the existing Terminal requires the new Liquefaction Facility to be located in close proximity to the LNG Terminal. Accordingly, the areas to the north, south, east, and west of the terminal were evaluated to determine which area would result in the least impacts. It was determined that the Liquefaction Facility site was the least damaging practicable alternative for meeting the Project's needs and purpose.

- The Temporary Construction Docks and associated dredging will be located within the Turning Basin, an industrial waterway that contains only unvegetated, frequently dredged substrate. Following construction of the Project, the TCDs will be removed, and the shoreline and contours restored.
- The total acreage for the site was minimized as allowable to meet siting and safety requirements (namely vapor dispersion and noise regulations). Following the site selection, approximately 286 acres of new property north of the LNG Terminal was evaluated for use for the permitted Project. All of this site was determined to be necessary for construction and operation of the Liquefaction Facility. Lake Charles LNG and Trunkline also worked with the front-end engineering design contractor to site temporary construction laydown areas, keeping in mind potential impacts on the environment and community.
- Where practical, Trunkline had proposed modifications to existing meter stations rather than construction of all new meter stations for this Project. At all meter stations, Trunkline has minimized the construction and operational workspaces within and near jurisdictional features.
- Trunkline has selected a site for the new compressor station, 203-A, in an area that has been previously disturbed by past and current agricultural practices and is in the immediate area of existing Trunkline facilities. Permitted work at the four existing compressor stations has been completed within areas previously disturbed during construction of those facilities and did not affect wetlands.
- Adverse effects on adjacent wetlands during construction of the Project will be mitigated by following the FERC's Plan and Procedures with approved alternative measures.
- Construction impacts on wetlands will be minimized by reducing the width of the construction right-of-way from 100-125' in uplands to 75' in wetlands. Following construction, the temporary construction right-of-way will be restored to preconstruction contours and allowed to revegetate except where a cleared right-ofway is required under U.S. Department of Transportation regulations (49 Code of Federal Regulations Part 192).
- The ALCOA Pipeline Relocation will use HDD during installation to avoid impacts on waterbodies. Where the existing ALCOA Pipeline passes under an existing waterbody (S103), the 3-inch pipeline will be cut and abandoned in place, rather than removed from the ground, to avoid impacts on this waterbody.

COMPENSATORY MITIGATION: The permittee offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The permittee compensated for unavoidable project-related wetland impacts through a Permittee-Responsible Mitigation (PRM) project in the Lower Calcasieu Watershed,

involving approximately 559 acres of coastal prairie and bottomland hardwood habitat restoration and credit purchases from USACE - approved Mitigation Banks. The PRM has been constructed and is ongoing monitoring.

CULTURAL RESOURCES: The Federal Energy Regulatory Commission (FERC) was considered the lead federal agency on the initial NEPA evaluation of the authorized project. The Corps evaluated FERC's assessment of cultural resources and that the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. Following FERC's determination, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially concurred with FERC's determination that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be <u>no historic properties affected</u>.

ENDANGERED SPECIES: FERC was considered the lead federal agency on the initial NEPA evaluation of the authorized project. The Corps concurred with FERC's assessment and also proactively performed an initial review of the application for Section 7 of the Endangered Species Act (ESA) compliance via the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), National Marine Fisheries Service (NMFS) Section 7 Mapper, and the NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a determination that the project will not affect any listed species or critical habitat

ESSENTIAL FISH HABITAT (EFH): FERC was considered the lead federal agency on the initial NEPA evaluation of the authorized project. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the permittee, consulted available species information, and furthermore concurred with FERC determination and findings.

The permittee's project would result in the destruction or alteration of 16.4 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 America.

NAVIGATION: The structures or activity is located in or adjacent to the Calcasieu River federal channel.

SECTION 408: The permittee may require a time extension on the permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408 or Section 408) because the activity, in whole or in part, would alter, occupy, or use a Corps Civil Works project.

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:

a. 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.

b. 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.

WATER QUALITY CERTIFICATION: A new Water Quality Certification may be required from the Louisiana Department of Environmental Quality and/or the Environmental Protection Agency.

If the 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 new certification that the activity will not violate applicable water quality standards may be required from the LA Department of Environmental Quality before a favorable DA permit time extension decision can be issued.

NOTE: This public notice is being issued based on information furnished by the permittee. This information has not been verified or evaluated to ensure compliance

with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

COASTAL ZONE MANAGEMENT ACT (CZMA): The permittee has certified that the activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program (Louisiana Coastal Zone Application P20240470).

EVALUATION: The decision whether to issue a permit time extension will be based on an evaluation of the probable impact 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 including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

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 extension for this proposal. To make this determination, comments are used to assess impacts to 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 Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New Orleans District will receive written comments on the proposed work, as outlined above, until May 8, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at https://rrs.usace.army.mil/rrs or to Courtland Vice at courtland.I.vice@usace.army.mil. Alternatively, you may submit comments in writing to the following address: U.S. Army Corps of Engineers, New Orleans District, Attention: Courtland Vice, 7400 Leake Avenue New Orleans, Louisiana 70118-3651. Please refer to the permit application number in your comments.

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 5 calendar days.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Appendix A. Figures A.1. Facility and Pipeline



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Appendix A. Figures A.2. Marine Facilities


































