MEETING MINUTES

Texas COLT Project

(MARAD-2019-0012)

Monthly Interagency Conference Call

DATE: April 30, 2019 11:00 AM (EST)

Call Information

- Next call: Tuesday, May 28, 2019 at 11:00 AM (EST)

Attendees

Federal Agencies	
BOEM	**BSEE**
- N/A	• Jarvis Abbott – HQ • Jay Welsch • Alicia Robinson
EPA Region 6	**MARAD**
• Aimee Wilson - Air Permits/Modeling • Ashley Mohr - Air Permits/Modeling • Keith Hayden - NEPA • Maria Okpala - Water Permits • Melanie Magee - Air Permits/Modeling • Paul Kaspar - Wetlands/Coastal • Rob Lawrence - Policy Advisor, Energy Issues • Tina Alvarado - NEPA Legal	• Bernadette Brennan – HQ, Office of Chief Counsel • Linden Houston – HQ, Program Office • Yvette Fields – HQ, Program Office
NOAA - NMFS	**PHMSA**
• Katherine Renshaw – Office of General Counsel • Michael Tucker - Protected Resources Division, St. Petersburg • Adam Brame - Protected Resources Division, St. Petersburg	• Zaid Obeidi - Engineering & Research
USACE	**U.S. Coast Guard**
• Steven Walls – Regulatory Branch, Galveston District	• Brad McKitrick - HQ • Curtis Borland - HQ • Efrain Lopez - HQ • Ken Smith - HQ • Melissa Perera – HQ • Tim O'Brien - HQ • Rani Cauble – Sector Houston-Galveston

USDA	USFWS
• N/A	• Denise Ruffino - Houston Field Office Biologist
State Agencies & 3rd Party Contractor	
TCEQ	**Tetra Tech (3rd Party Contractor)**
• N/A	• Julia Lewis - Deputy Project Manager • Manuela Elizondo - Support Staff • Sean Sparks - Project Manager
THC	**TPWD**
• N/A	• Dennis Gissell – Wildlife Division
TX GLO	**TX RRC**
• Allison Buchtien - Upper Coast Permit Service Center, Natural Resource Specialist • Carver Wray - Natural Resource Specialist • Dianna Ramirez – Senior Coastal Biologist • Erin McGiven. • Scottie Aplin – Staff Attorney	• David Cooney - Oil and Gas Division, Environmental Regulation • Leslie Savage - Oil and Gas Division, Chief Geologist

Agenda

1. Introductions (All)
2. Initial review of the application (USCG) - If reviewed, has USCG/MARAD received your comments? If not reviewed, all are invited to review and comment, but please be mindful of the Deepwater Port Act (DWPA) timeline.
3. DWPA timeline and near term deadlines (USCG)
4. Need for alignment of public comment period with comment period required, if any, for permits (Federal cooperating agencies)
5. ESA, MMPA and EFH consultations (NMFS and USFWS)
6. State of Texas concerns for assessments included in the Environmental Impact Statement (EIS) (State agencies)
7. Any other concerns?

Administrative Items

- USCG conducted roll call.
- The purpose of the monthly interagency calls are to update everyone on the processing of the Texas COLT Deepwater Port Application (Application) and the status of the NEPA review.

Discussion Items

Initial Review of the Application for Completeness

- If reviewed, has USCG/MARAD received your comments? If not reviewed, all are invited to review and comment, but please be mindful of the DWPA timeline.
    - Both USACE (Steven Walls) and TX RRC (Leslie Savage) indicate that they will respond next week whether or not they will have comments regarding the Application. USACE stated that as part of their process, the application goes through internal review of all offices for comment. This review will not address completeness but rather identify issues or concerns such as requirements for Section 408 permits. USACE plans to begin their internal review process either this week or next.
    - TX GLO (Scottie Aplin) is currently reviewing however, they are following internal procedures as related to the Texas Deepwater Port Procedures Act. They will be providing comments at a later time.
    - Region 6 EPA (Rob Lawrence) raised concerns about previous comments regarding the Project's placeholder air applications. EPA anticipates a revised air application and the potential for the platform to be expanded. There is no timeline as to when this revised submission will occur. The USCG and EPA have discussed this concern with the Applicant and are currently evaluating what it means for their Application.
    - TX GLO (Scottie Aplin) asked whether a modification or change to the Project would trigger a restart of the application process.
        - USCG responded that it would depend on the new scope of work. It is reviewed on a case by case basis. USCG used the EPA's concern about a larger platform as an example. Depending on its extent, modifications to the scope of work would need to be addressed through a comprehensive supplemental filing and be distributed to participating agencies to confirm completeness and whether that is significant effect. If deemed significant, that could trigger a reopening of the scoping and public comment period, stop clock, or reset of the Project. USCG also clarified that it would not necessarily include holding a new scoping meeting, but will notify federal and state agencies as well as the public of those changes.
        - USACE (Steven Walls) clarified that if elements of the Project were amended as a result of agencies requirements, public comments, etc. and it changed the character of the work, USACE would need to at a minimum go out with a 15 day interagency notice. If there is a change in size or impacts, USACE may go out with their own public notice.
        - USCG stated that an amendment of an application may be filed with changes. For ease of review, USCG requests an applicant provide a matrix that documents where changes were made in application. This matrix will be distributed as a handy reference along with a supplemental filing.

DWPA Timeline and Near Term Deadlines

- USCG explained that the DWPA Application is an expedited process and they encourage all agencies submit comments as soon as possible. Currently, work has begun on the Preliminary Draft EIS (PDEIS) with a USCG deadline of Sunday, 5/19 (more likely on Monday 5/20).
    - Following 2 weeks of USCG review, the interim draft will be provided to cooperating agencies on 6/10. Agencies will be given 2 weeks to review and provide comments by 6/24. The third party contractor (Tetra Tech) will publish/distribute the revised DEIS by 7/8 with an anticipated notice of availability by 7/15. USCG anticipates holding public meetings at the end of July or into early August.

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- USCG will provide a timeline of the DWPA process with estimated dates for review along with the interagency call meeting minutes.
- Expect the EIS schedule to potentially slide to a degree. It was noted that a number of data gaps were identified by cooperating agencies and the third party contractor (Tetra Tech) and will need to be filed prior to completing the DEIS. The technical nature of some of the data gaps may cause delays. USCG is trying to streamline sections of the EIS to make it easier for team to review. For example, onshore and offshore impacts will be combined into one chapter. Please contact Ken Smith and Brad McKitrick of the USCG with comments, concerns, or information requirements.

Alignment of NEPA Public Comment Period with Other Federal Permit Public Comment Periods

- USACE (Steven Walls) has been discussing the public notice comment period related to Section 404 permits with an applicant on a different project. They are trying to discern what may be most efficient: 1) having the USACE public notice running concurrently with the DEIS and provide a direct link in their public notice or 2) proceed with the public notice. The later may raise public comments that may be complimentary to the development of the DEIS and better inform the USCG.
  - USCG responded stating that they would like to increase efficiency and minimize public confusion. If agency requirements indicate that the notice be published earlier, they recommend the agency state that a parallel process occurring and that an EIS is in development.
  - USACE indicated that one of the standard comments is that there are a lot of data gaps. But USACE does not want to sit on the application. USACE prefers to submit the public notice as quickly as possible. If public notice comments require a change in scope of work (more than minor), they may need to submit another public notice.
  - USCG has no issue with USACE submitting a public notice prior to publishing the DEIS.
- TX RRC (Leslie Savage) stated that historically, they have always seen the EIS first followed by the Section 404 public notice. They have concerns whether or not they will have all the information needed to issue Section 401 WQC and Coastal Zone Management Certification for the USACE permit if submitted prior to the EIS. TX RRC asked if the USACE public notice was issued before the DEIS, how long before the USACE has to issues the permit or take action?
  - TX GLO (Allison Buchtien) has asked the applicant to withdraw their application because they are lacking information based on impacts provided. They also have issues with the USACE permit.
  - USACE (Steven Walls) responded to the TX RRC question stating that their departments have performance goals but will hold the applicant as long as it takes to have a complete assessment. There is no obligation for a certain time period and will likely not approve the Section 404 permit before the DEIS is out.
  - TX GLO (Allison Buchtien) indicated that they are not comfortable confirming consistency without the DEIS.
  - USACE (Steven Walls) proposed that agencies make an informal statement to the USACE as a response to the public notice, via email with data gaps as comments. USACE cannot issue anything without consistency. Following review of the published DEIS, then agencies may be able to issue consistency. It is after the USACE receives this consistency that USACE will have that portion of the application complete. Any agency may issue certification before the DEIS is published if they believe it meets their requirements.

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  - EPA Region 6 (Rob Lawrence) asked whether the USACE would re-coordinate an alternatives analysis or mitigation plan afterwards. The USACE confirmed that they would address all comments made by the public and cooperating agencies.
- EPA Region 6 (Paul Kaspar) asked whether there will be monthly follow up with routine calls for project schedule and workload planning. The USCG confirmed that they are always open to a line of communication. If agencies want a month call, that is something they can look into.
- USACE (Steven Walls) requested clarification on a federal decision that requires cooperating federal agencies provide concurring points. The USCG indicated that it is their understanding that it does not apply to DPWA. USACE, USCG and MARAD will discuss offline.

ESA, MMPA and EFH consultations (NMFS and USFWS)

- USCG indicated that they asked their third party contractor (Tetra Tech) complete a Biological Assessment (BA) in order to provide a copy to the NMFS in early May. The purpose would be to begin ESA consultations prior to publishing the DEIS and moving the process along.
  - USFWS (Denise Ruffino) concurred and gave confirmation to send the BA to her office so that they may begin the process.
  - NMFS (Mike Tucker) questioned whether this would be a draft or final BA. There was no preference whether it is for technical assistance or informal consultation until they submit a formal request. Mike noted that there is a large programmatic consultation occurring with the NOAA, BOEM, and BSEE with oil and gas across the Gulf of Mexico. Not sure of how much analysis of air quality or spill issues my overlap with the Project. May be beneficial to confirm so that no one is double analyzing impacts.
  - NMFS (Adam Brame) provided the contact information for the head of programmatic consultation – Allison Hernandez (base in DC).
  - EPA Region 6 (Rob Lawrence) indicated that they provided EPA BA guidelines during the call on air dispersion last week.

State of Texas Concerns for Assessments Included in the EIS (State Agencies)

- USCG asked the TX GLO that if during compliance phase of the Texas Deepwater Port Procedures Act they are receiving reports from jurisdictional agencies, that information in those reports be distributed to the USCG as it informs the EIS. While the reports are not directly distributed to USCG or MARAD, the information may be useful to the EIS could be culled out. USCG asked to notify TX GLO's internal management so that they are aware USCG would like to have access to internal information.
  - TX GLO (Scottie Aplin) will clarify internally and share with the team. They are not sure if they have gotten very far in any of these processes but will try to coordinate as they have the same goal of a complete review. They expect to be receiving information from other agencies in the next month. These monthly calls may serve as a platform to orally provide information that may be beneficial for the development of the EIS.
  - TX RRC (Leslie Savage) stated that they generally provide all their comments to the TX GLO.

Action Items

Action	Point of Contact	Due Date	Status
Provide DWPA general timeline as an attachment to the meeting minutes	USCG	5/8	

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Provide Comments Response	USACE TX RRC	5/10	
TX GLO to discuss internally the distribution of information with USCG	TX GLO	5/28	

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