

Dated: August 11, 2004.

**C. Stewart Verdery, Jr.,**

*Assistant Secretary (Border and Transportation Security Policy and Planning), Department of Homeland Security.*

**Timothy E. Skud,**

*Deputy Assistant Secretary (Tax, Trade, and Tariff Policy), Department of the Treasury.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[USCG-2004-18474]

#### Pearl Crossing LNG Terminal LLC Liquefied Natural Gas Deepwater Port License Application; Preparation of Environmental Impact Statement

**AGENCY:** Coast Guard, DHS; and Maritime Administration, DOT.

**ACTION:** Notice of intent; notice of public meeting; and request for public comments.

**SUMMARY:** The U.S. Coast Guard and the Maritime Administration ("MARAD") announce that the Coast Guard intends to prepare an environmental impact statement ("EIS") as part of the environmental review of the license application for the proposed Pearl Crossing LNG Terminal deepwater port, to be located approximately 41 miles (66 kilometers) southeast of Cameron, Louisiana, with its associated onshore and offshore components. Onshore components include pipelines, pipeline shore crossings, and a graving dock. Proposed locations for the graving dock are near Corpus Christi, Texas, and Freeport, Texas. Publication of this notice begins a public scoping process that will help determine the scope of issues to be addressed in the EIS and identify the significant environmental issues related to this license application. Finally, this notice solicits public involvement in the scoping process, and announces public meetings and a public comment period to facilitate that involvement.

**DATES:** The public meetings will be held August 30 and 31, and September 1 and 2, 2004, from 3 p.m. to 7 p.m. in Lake Charles, Louisiana; Orange, Texas; Lake Jackson, Texas; and Port Aransas, Texas, respectively. Each meeting will consist of an informational open house, from 3 p.m. to 4:30 p.m., and a public scoping

meeting, from 5 p.m. to 7 p.m. All meeting spaces will be wheelchair-accessible. Comments and related material must reach the docket on or before September 15, 2004.

**ADDRESSES:** *The Lake Charles informational open house and public meeting will be held at:* Lake Charles Civic Center, Contraband Room, 900 Lakeshore Drive, Lake Charles, Louisiana 70602; (337) 491-1256.

*The Orange, Texas informational open house and public meeting will be held at:* Thomen Community Center, 1413 North 20th Street, Orange, Texas 77630; (409) 883-1017.

*The Lake Jackson, Texas informational open house and public meeting will be held at:* Brazosport College, Room K-101, 500 College Drive, Lake Jackson, Texas 77566; (979) 230-3000.

*The Port Aransas, Texas informational open house and public meeting will be held at:* City of Port Aransas Civic Center, 710 W. Avenue A, Port Aransas, Texas 78373; (361) 749-4111.

You need not attend the meetings in order to comment. You may also submit comments identified by docket number USCG-2004-18474 to the Docket Management Facility at the U.S. Department of Transportation. *To avoid duplication, please use only one of the following methods:*

(1) Electronically through the Web site for the Docket Management System, at <http://dms.dot.gov>.

(2) By mail to the Docket Management Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001.

(3) By fax to the Docket Management Facility at (202) 493-2251.

(4) By delivery to Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329.

(5) By the Federal eRulemaking Portal at <http://www.regulations.gov/>.

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public will become part of this docket and will be available for inspection or copying in Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, from 9 a.m. to 5 p.m. Monday through Friday, except Federal holidays. This docket may also be found on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on the application,

or the meetings, or if you want to be notified when the draft and final environmental impact statements become available, contact Lieutenant Ken Kusano, U.S. Coast Guard, at (202) 267-1184 or e-mail at [Kkusano@comdt.uscg.mil](mailto:Kkusano@comdt.uscg.mil). If you have questions regarding the National Environmental Policy Act ("NEPA") process, contact Joan Lang, at (202) 267-2498 or e-mail at [jlang@comdt.uscg.mil](mailto:jlang@comdt.uscg.mil). If you have questions on viewing or submitting material to the docket, call Andrea M. Jenkins, Program Manager, Docket Operations, telephone (202) 366-0271.

#### SUPPLEMENTARY INFORMATION:

##### Scoping Meetings and Request for Comments

We seek public review of and comment on this license application, particularly with respect to the environmental review discussed in this notice. Public input on environmental concerns related to the application, suggested sources of relevant data, and suggested methods for environmental analysis are especially welcome.

The Coast Guard will hold informational open houses and scoping meetings for interested members of the public, as described under **DATES** and **ADDRESSES**. Meeting facilities are wheelchair accessible. If you need other special assistance in order to participate in these sessions (for example, sign language interpretation), please contact the person named in **FOR FURTHER INFORMATION CONTACT**, and we will try to make reasonable accommodation for your needs. We ask that you make such requests at least three (3) business days before the scheduled meeting. Include a contact person's name and telephone number, your specific need, and (for persons with hearing impairments) a TDD number.

If you submit comments or related material to the docket (*see DATES and ADDRESSES*), please make your comment as specific as possible and give us the reasons for each comment. If you mail or hand-deliver printed documents, please submit them unbound and in a format suitable for copying and electronic filing, no larger than 8½ by 11 inches. If you submit comments or material by mail and want confirmation that it has reached the facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. All comments received will be posted, without change, to <http://dms.dot.gov/> and will include any personal information you have provided.

Anyone can search the electronic form of all comments received into any of the Department of Transportation ("DOT") dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov/>.

### Environmental Review

Deepwater ports for the transportation, storage, or further handling of oil, liquefied natural gas ("LNG") or natural gas must be licensed in accordance with the Deepwater Port Act of 1974, as amended, 33 United States Code (U.S.C.) 1501 *et seq.* ("the Act"). The Coast Guard and MARAD jointly process applications for deepwater port licenses. A notice of application for the Pearl Crossing LNG Terminal liquefied natural gas deepwater port was published in the **Federal Register** on July 21, 2004 (69 FR 43618). That notice contains a fuller description of the proposed deepwater port. The application, including environmental documentation provided by the applicant, is available in the public docket. The approximately 64-mile (103 kilometers) onshore portion of this pipeline beyond the mean high water line falls under the jurisdiction of the Federal Energy Regulatory Commission ("FERC") and must receive a separate authorization from FERC. As required by their regulations, FERC will also maintain a docket. Comments sent to the FERC docket will be incorporated into the DOT docket and EIS to ensure consistency with the NEPA process. Additional information about the onshore segment of the project is available on the FERC Internet Web site (<http://www.ferc.gov>) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number excluding the last three digits in the Docket Number field (*e.g.*, CP04-374-000, CP04-375-000 and CP04-376-000). Be sure you have selected an appropriate date range. For assistance with eLibrary, the eLibrary helpline can be reached at 1-866-208-3676, TTY (202) 502-8659, or email FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov).

As required by their regulations the U.S. Army Corps of Engineers ("ACOE") will maintain a permit file. Comments sent to the ACOE will be incorporated into the DOT docket and the EIS to ensure consistency with the NEPA process.

In addition to analyzing the locations for the siting of the Port, this EIS will also analyze six potential locations for the construction of the coastal graving dock site to build the gravity-based, deepwater port structure. The site locations are: Freeport Site, Freeport, Texas; Kiewit Site, Ingleside, Texas; Welder Site, Ingleside, Texas; McDermott Site, Harbor Island, Texas; Zachary Site, Harbor Island, Texas; and Campamento Fabrication Facility Site, Algeciras, Spain. The graving dock site will be at least 75 acres (30 hectares) in size. The Campamento Fabrication Facility Site is a previously developed site. For construction of any of the other proposed graving docks, the applicant proposes to excavate a basin large enough to accommodate the 590 feet (180 meters) long by 295 feet (90 meters) wide deepwater port structure and construct offices, utilities, roads, a concrete batch plant, and other fabrication infrastructure.

The Act establishes a licensing process for proposed deepwater ports, and that process includes review of the proposed port's natural and human environmental impacts. Consistent with the Act, this environmental review must comply with the National Environmental Policy Act of 1969, 42 U.S.C. 4332, and with the following authorities: Coast Guard regulations in 33 Code of Federation Regulations ("CFR") part 148, Council on Environmental Quality regulations in 40 CFR parts 1500-1508, DOT Order 5610.1C (Procedures for Considering Environmental Impacts), and Coast Guard Commandant's Instruction ("COMDTINST") M16475.1D. Environmental review includes public involvement, and consultation with States deemed adjacent to the proposed port (in this case, Louisiana). The Coast Guard is the lead agency for determining the required scope of environmental review, and in this case the Coast Guard has determined that an EIS must be prepared. The EIS is a Coast Guard document with several agencies, including the ACOE and FERC, acting as cooperating agencies in the NEPA process as described by 40 CFR 1501.6. The Coast Guard is the lead Federal agency in the preparation of the EIS for the LNG terminal, graving dock facility, and the offshore pipeline. The joint document will satisfy the requirements of the Act. The ACOE will assist in the preparation of the EIS for permits pursuant to Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). FERC will assist in the preparation of the EIS for approximately

0.5 mile of offshore pipelines and the approximately 64-mile-long (103 kilometers) onshore pipeline. Even though an affiliate of Pearl Crossing LNG Terminal LLC must separately apply for and receive an authorization from FERC for the onshore pipeline, and from the ACOE for appropriate Section 10 and 404 permits, this EIS will assess the environmental impacts of both the onshore and offshore portions of the project. We have consulted with FERC and understand that the affiliate applied to FERC for onshore pipeline authorization under Docket Number CP04-374-000, CP04-375-000 and CP04-376-000. Therefore, we are publishing the notice of intent described in 40 CFR 1508.22, to announce our intention to prepare and consider an EIS, and to describe our proposed action and possible alternatives, describe the scoping process required by 40 CFR 1501.7, and provide contact information. All comments related to this project, including the onshore pipeline and ACOE permits, may be submitted in accordance with the guidance under **ADDRESSES**. Contact information is provided above, under **FOR FURTHER INFORMATION CONTACT**.

The proposed action requiring environmental review is the Federal licensing of the Pearl Crossing LNG Terminal LLC deepwater port application. The alternatives to licensing approval are licensing with conditions (including conditions designed to mitigate environmental impact), and denying the application, which for purposes of environmental review is the "no-action" alternative.

Public scoping is an early and open process for determining the scope of issues to be addressed in an EIS and for identifying the significant issues related to a proposed action. The scoping process begins with publication of this notice, extends through the public comment period (*see DATES*), and ends when the Coast Guard completes the following actions:

- Invites the participation of Federal, State, and Local agencies, any affected Indian tribe, the applicant and other interested persons;
- Determines the actions, alternatives and impacts described in 40 CFR 1508.25;
- Identifies and eliminates from detailed study those issues that are not significant or that have been covered elsewhere;
- Allocates responsibility for preparing EIS components;
- Indicates any related environmental assessments or environmental impact statements that are not part of the EIS;

- Identifies other relevant environmental review and consultation requirements;

- Indicates the relationship between timing of the environmental review and other aspects of the application process; and,

- \* At its discretion, exercises options provided in 40 CFR 1501.7 (b).

Once the scoping process is complete, the Coast Guard will prepare a draft EIS, and we will publish a **Federal Register** notice announcing its public availability. If you want to be mailed or emailed the draft EIS notice of availability, please contact the person named in **FOR FURTHER INFORMATION CONTACT**. We will provide the public with an opportunity to review and comment on the draft EIS. After the Coast Guard considers those comments, we will prepare the final EIS and similarly announce its availability and solicit public review and comment.

Dated: August 9, 2004.

**Howard L. Hime,**

*Acting Director of Standards, Marine Safety, Security, and Environmental Protection, U.S. Coast Guard.*

**H. Keith Lesnick,**

*Senior Transportation Specialist, Deepwater Ports Program Manager, U.S. Maritime Administration.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[FEMA-1535-DR]

#### Kansas; Amendment No. 1 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA-1535-DR), dated August 3, 2004, and related determinations.

**EFFECTIVE DATE:** August 9, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Kansas is hereby amended to include the following areas among those areas determined to have been adversely

affected by the catastrophe declared a major disaster by the President in his declaration of August 3, 2004:

Butler, Cherokee, Ellis, Graham, Jewell, Labette, Lyon, Mitchell, Osborne, Phillips, Rush, Russell, Smith, and Trego Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

**Michael D. Brown,**

*Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[FEMA-1537-DR]

#### Kentucky; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA-1537-DR), dated August 6, 2004, and related determinations.

**EFFECTIVE DATE:** August 6, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated August 6, 2004, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the Commonwealth of Kentucky, resulting from severe storms and flooding on July 13-15, 2004, is of sufficient

severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the Commonwealth of Kentucky.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the Commonwealth, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Jesse F. Munoz, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Kentucky to have been affected adversely by this declared major disaster:

Adair, Allen, Barren, Breckinridge, Butler, Clinton, Cumberland, Daviess, Edmonson, Grayson, Green, Hancock, Hardin, Hart, Larue, Meade, Metcalfe, Monroe, Nelson, Ohio, Russell, Spencer, Taylor, Warren, Washington, and Wayne Counties for Public Assistance.

All counties within the Commonwealth of Kentucky are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance