

US EPA ARCHIVE DOCUMENT



# United States Department of the Interior

**FISH AND WILDLIFE SERVICE**  
Coastal Ecological Services Field Office  
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Houston, Texas 77058  
281/286-8282 FAX 281/488-5882



May15, 2014

Alfred "AC" Dumauual  
Permitting Division  
U.S. Environmental Protection Agency R6  
1445 Ross Avenue, Suite 1200  
Dallas Texas 75202-2733

Dear Mr. Dumauual:

Consultation # 02ETCL00-2014-I-0031

Thank you for your letter dated March 13, 2014 received in the Coastal Ecological Services Field Office on March 19, 2014, requesting U.S. Fish and Wildlife Service (Service) concurrence with the U.S. Environmental Protection Agency (EPA) determination that issuance of Green House Gas (GHG) Prevention of Significant Deterioration (PDS) Permit for the Dow Chemical Company Light Hydrocarbon 9 (LHC-9) Facility, in Freeport, Brazoria County, Texas, is not likely to adversely affect the federally whooping crane *Grus americana*.

The project includes the construction of a new ethylene production unit LHC-9 in Freeport adjacent to the Oyster Creek Plant and the construction of a 78-mile pipeline from Freeport to Mont Belvieu, Texas. The area proposed for the LHC-9 is on a 35-acre empty lot within the existing Dow Chemical Freeport Oyster Creek facility. The proposed pipeline will be constructed within existing pipeline right-of-ways.

EPA, working with Dow Chemical, is proposing to issue a GHG PDS permit for the entire footprint which includes the construction of the LHC-9 facility and associated pipeline. A determination of no effect on the whooping crane has been made for the LHC-9 facility for project criteria pollutant air emissions. However, due to the location and timing of construction activities regarding the facility and pipeline, a may affect, is not likely to adversely affect determination was made for the whooping crane.

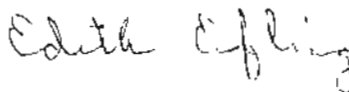
The Service concurs that the proposed project is not likely to adversely affect the endangered whooping crane. This concurrence is based upon a review of Service files, correspondence with Service refuge biologist, the biological assessment, additional information Dow Chemical Company provided via an e-mail dated May 6, 2014, and the implementation of the following mitigation measures to reduce potential impacts to whooping cranes.

- Dow will incorporate measures identified in the Service's guidance on the siting, construction, operation, and decommissioning of communication towers in the project design and for the use of construction cranes.
- At the time of construction, proposed structures will be at or below the height of existing towers at the Dow Freeport site.
- No support wires will be used to support proposed tall structures.
- Red strobe lights, rather than white, will be used to mark taller cranes if permitted by the Federal Aviation Administration.
  
- Security lighting will be restricted to the boundaries of the site and pointed down.
- All associated pipelines will be constructed within existing, disturbed pipeline corridors.
- The corridors will be returned to pre-existing conditions following construction.
- Any temporary lighting associated with pipeline construction will be restricted to the boundaries of the pipeline corridor and associated staging areas and pointed downwards.
- Any permanent lighting needed for the pipeline, such as meter stations, pump stations, or security features, will be restricted to the boundaries and pointed down toward the sites.

If the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered. Our comments are provided in accordance with the provisions of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 703 et seq.).

Please contact Moni Belton, staff biologist, at 281/286-8282 if you have questions or need further assistance.

Sincerely,



Edith Erling  
Field Supervisor