TETRA TECH

OxyChem Fractionation Facility and San Patricio Pipeline Corridor Project

National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Essential Fish Habitat Report

Prepared for:

Occidental Chemical Corporation

5 Greenway Plaza, Suite 110
Houston, TX, 77046
(713) 215-7000

Prepared by:

Tetra Tech

285 Ellicott Street
Buffalo, NY, 14203
(716) 849-9419
Tetra Tech Project No. 100-NRS-T27819.0001

June 24, 2013

Introduction and Project Description

Occidental Chemical Corporation (OxyChem) proposes to construct and operate a Fractionation Facility on 470-acres of land located approximately 2 miles west of the City of Ingleside along La Quinta Channel which adjoins Corpus Christi Bay (Fractionation Facility Site). The work also involves four hydrocarbon pipelines which will be located in an approximately 18.5-mile-long, 100-foot-wide construction right-of-way (ROW), referred to as the San Patricio Pipeline (SPP) Corridor. The SPP Corridor will commence at the Fractionation Facility Site and primarily crosses agricultural lands. The SPP Corridor is located in a northwesterly direction that parallels and is northeast of U.S. Highway 181. A Project location map is included in Appendix A.

The new Fractionation Facility will receive natural gas liquids (NGL) by pipeline and will fractionate these liquids into commercial grade ethane, propane, butanes, and natural gasoline. These products will be transferred to markets by pipeline, road tanker, railcar, and barge. In lieu of proposing new barge docks along the Fractionation Facility Site shoreline, OxyChem proposes minor modifications to the two existing barge docks located at their immediately adjacent OxyChem Facility. Use of the existing OxyChem barge docks eliminates the need for new barge docks and thereby avoids potential impacts to Essential Fish Habitat (EFH) resources from construction of new in-water facilities.

The modifications to the adjacent OxyChem Facility docks were discussed in the February 2012 pre-application meeting with the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS). At that time, the modifications included retrofitting the existing docks with new fuel loading arms (no in-water work) and associated pipe racks onshore to transport the fractionated hydrocarbon products to barges for loading. These modifications are still proposed. However, since the February 2012 meeting, structural engineers evaluated the existing OxyChem Facility barge docks for their capacity to safely accommodate the mooring of proposed Fractionation Facility barges. The structural engineers determined additional monopolies (total of two, one at each existing barge dock) would be necessary to accommodate safe mooring of the barges. The monopile work is the only Project activity proposed in Waters of the U.S. (WUS)/Section 10 Navigable Waters. A general Project location map showing the existing and proposed facilities, existing dock locations, and the pipe rack locations is included in Appendix B.

EFH Resources

Tetra Tech reviewed the National Marine Fisheries Service's (NMFS) *EFH Mapping Tool*, (located at http://www.habitat.noaa.gov/protection/efh/habitatmapper.html) to identify potential overlap with EFH resources in Corpus Christi Bay. A list of those EFH species, lifestages, and management units with the potential to occur in the Project area (the near shore waters of La Quinta Channel and Corpus Christi Bay) is included in Appendix C.

Affected EFH Resources

In February and April of 2012, Tetra Tech environmental scientists conducted wetland delineations on the 470-acre Fractionation Facility Site and the 18.5-mile-long SPP Corridor (survey included a 200-foot wide corridor encompassing all potential construction workspace). On July 9, 2012, a representative from the US Army Corps of Engineers (USACE) Corpus Christi Regulatory Field Office conducted a wetland jurisdictional determination of the Project. In their letter dated August 8, 2012 (copy included in Appendix D) the USACE determined that no wetlands or jurisdictional WUS/Section 10 Navigable Waters were present on the Project (*excluding the portion of the Fractionation Facility property that is adjacent to Corpus Christi Bay and below the distinct "bluff" near the property and bay interface*). As such, the proposed

facilities/activities within the 470-acre Fractionation Facility Site (landward of the "bluff") and SPP Corridor are not located in WUS or Section 10 Navigable waters, and therefore will not adversely affect EFH resources.

The Project's affected marine environment is limited to the USACE WUS located in the vicinity of the existing OxyChem Facility barge docks, La Quinta Channel, and Corpus Christi Bay. The barge docks and water depths in mooring areas of these docks were previously permitted by the USACE. The dredged area for the barge docks is immediately adjacent to the USACE-maintained La Quinta Channel.

Impact Assessment:
The Project involves construction of a Fractionation Facility Site (on 470-acres of land) and installation of four pipelines in the approximately 18.5-mile-long SPP Corridor. Both areas are devoid of USACE jurisdictional wetlands, WUS, or Section 10 Navigable Waters, and therefore will not adversely affect EFH resources.

Habitat – The proposed monopiles at the OxyChem Facility barge docks will be located in an area that was previously permitted by the USACE to be dredged and maintained in association with the existing OxyChem Facility barge docks. The barge docks are immediately adjacent to La Quinta Channel which is maintained at a depth of -45 feet at mean low water (MLW), deep enough for use by barge traffic along the shoreline. La Quinta Channel adjoins with the Corpus Christi Ship Channel (authorized dredge depth of -45 feet MLW) which extends to the deeper waters of the Gulf of Mexico via the Aransas Pass Entrance Channel (authorized dredge depths of -47' and -54 feet MLW) (Port Corpus Christi 2012). Use of the existing OxyChem Facility barge docks and Port Corpus Christi channels avoids the need for new dredging of submerged lands to accommodate deep draft barges, thereby avoiding new near shore impacts to potential EFH resources.

Vessel Traffic – The current vessel traffic from the OxyChem Facility barge docks is 25 to 50 barges per year and 120 to 180 ships per year. Statistics on vessel traffic for the Port of Corpus Christi in 2011 were 4,018 barges and 1,395 ships. OxyChem's current barge and ship traffic accounts for 1% and 13%, respectively, of the barge and ship traffic for the Port of Corpus Christ. No new ship traffic will result from the Project and therefore, no new impacts are expected from ship traffic.

The barge traffic associated with the proposed Project will result in an increase of approximately 88 barges per year with a single cargo of natural gasoline. The Project will account for a negligible increase in barge traffic, 88 barges or 2% of typical barge traffic for the Port of Corpus Christi. The Project increase in barge traffic will be negligible.

The barges will travel at slow speeds of 6 – 10 knots or 6.9 – 11.5 miles per hour (mph). Such slow speeds will result in minimal boat wake and therefore minimal disturbance to submerged resources outside the main navigation channels.

Vessel Size – The size of barges likely to use the docks for the Project are expected to be up to 300-feet in length and 55-feet in width. The deepest draft of a fully loaded barge will be approximately 12 feet. The mooring area is approximately -30 feet in depth at MLW and channel depths range from -45 feet at MLW to -54 feet at MLW resulting in 18-42 feet of clearance between the bottom of the barge and the bottom of the channels used by the barges (La Quinta Channel and Port of Corpus Christi Ship Channel). Barges will travel within the existing deep channels. The deepest draft of the barges will be 12 feet which results in well

over adequate distance between the deepest draft of the vessel and the bottom. Given this distance, the barges will not scour the bottom which could result in turbidity and secondary impacts to submerged resources (e.g., seagrasses, oyster beds).

In an electronic mail coordination with Ms. Heather Youngs on March 21, 2013 (see Appendix E), NMFS indicated the additional barge traffic (given the number of additional barges and their size) would have minimal effect on EFH resources.

Monopile Installation/Construction Methodologies – Although installation of the two monopiles involves in-water work, pile driving (instead of dredging/filling or jetting construction techniques) will minimize the area of disturbance to the submerged bottom, minimize turbidity generated from installation, and subsequently minimize degradation of water quality in EFH resources. No dredging or placement of fill will be necessary for this minor modification to the barge docks, therefore impacts to habitat will be avoided.

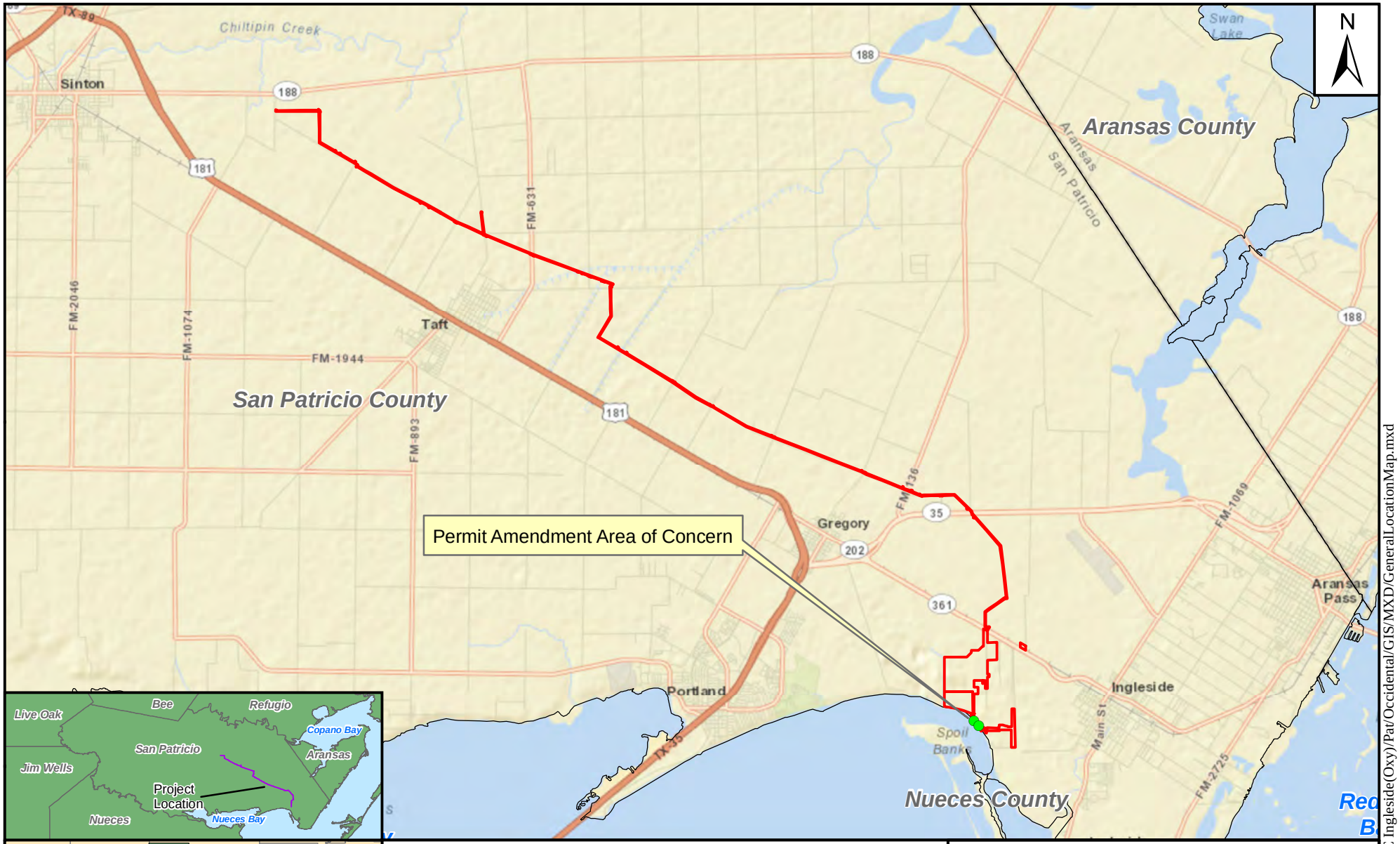
Water Quality (chemical) – To ensure the Project does not adversely affect EFH resources water quality, wastewater generated from the new upland Fractionation Facility will be treated prior to its discharge into the La Quinta Channel adjoining Corpus Christi Bay. The levels of contaminants discharged from the existing wastewater outfall/diffuser will be well below the levels authorized by the permit. The permitted discharge is considered protective of marine organisms. As such, discharges associated with the Proposed project will not adversely affect EFH resources.

In addition to the previously-mentioned actions to avoid and minimize impacts to EFH resources, OxyChem will use its existing local municipal water source and not surface waters associated with operation of the Fractionation Facility. Surface water withdrawals from La Quinta Channel/Corpus Christi Bay will not be necessary, thereby further avoiding impacts EFH resources. Temporary use waters will be treated prior to outfall to La Quinta Channel/Corpus Christi Bay.

Water Quality (thermal) – There is no thermal discharge associated with the Project and therefore, EFH resources will not be adversely affected by thermal discharges.

Conclusion:
The majority of the Project avoids EFH resources completely. The USACE determined the approximately 470-acre Fractionation Facility Site and the approximately 18.5-mile-long, 100-foot-wide SPP Corridor contain no jurisdictional wetlands, WUS, or Section 10 Navigable Waters. Given the above analysis, the Project will not adversely affect EFH resources.

Appendix A
General Location Map for the
OxyChem Fractionation Facility Project
San Patricio County, Texas



Source: World Street Map and County Boundaries from ESRI online mapping services. Available at http://services.arcgisonline.com/arcgis/services

LEGEND

- Monopole Locations
- Ingleside Fractionator Boundary

0 2 4 6 8 Miles

Scale = 1:150,000

Sheet 1 of 1

Figure 1. General Location Map for the OxyChem Fractionation Facility Project, San Patricio, Texas.

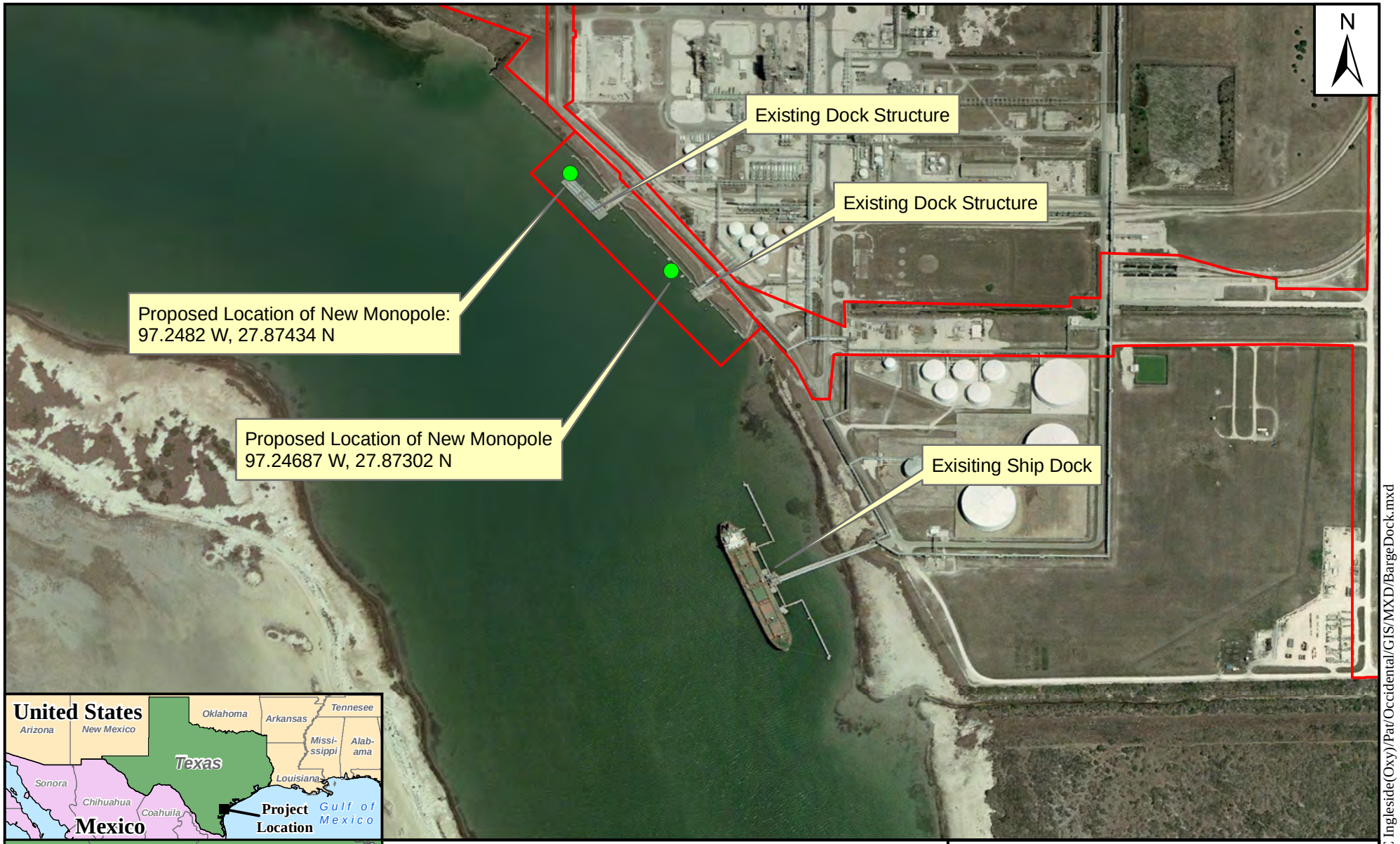
Prepared For: Occidental Chemical Corporation

Prepared By: TETRA TECH

Date: 04/13

P:100-NRS-T27819.0001 OEVC Ingleside(Oxy)/Pat/Occidental/GIS/MXD/GeneralLocationMap.mxd

Appendix B
Existing and Proposed Facilities at the OxyChem Fractionation Facility Project San Patricio County, Texas



Source: Aerials and Roads from NRCS Geospatial Data Giveaway, downloaded 2/12. Construction Data, Oxy, 2012.

LEGEND

- Monopole Locations
- Ingleside Fractionator Boundaries

0 500 1,000 1,500 2,000 Feet

Scale = 1:8,000

Sheet 1 of 1

Figure 2. Exisiting and Proposed Facilities at the Oxy-Chem Fractionation Facility Project, San Patricio, Texas.

Prepared For: Occidental Chemical Corporation

Prepared By: TETRA TECH

Date: 04/13

P:100-NRS-T27819.0001 OEVC Ingleside(Oxy)/Pat/Occidental/GIS/MXD/BargeDock.mxd

Appendix C
List of Species with Designated EFH in Corpus Christi Bay

Gulf of Mexico Fishery Management Council		
Common Name	**Species**	**Lifestages**
Gulf of Mexico Shrimp Fishery Management Plan		
Brown shrimp	*Farfantepenaeus aztecus*	All
Pink shrimp	*Farfantepenaeus duorarum*	All
Royal red shrimp	*Pleoticus robustus*	All
White shrimp	*Litopenaeus setiferus*	All
Gulf of Mexico Red Drum Fishery Management Plan		
Red drum	*Sciaenops ocellatus*	All
Reef Fish Resources of the Gulf of Mexico Fishery Management Plan		
Almaco jack	*Seriola rivoliana*	All
Anchor tilefish	*Caulolatilus intermedius*	All
Banded rudderfish	*Seriola zonata*	All
Black grouper	*Mycteroperca bonaci*	All
Blackfin snapper	*Lutjanus buccanella*	All
Blackline tilefish	*Caulolatilus cyanops*	All
Blueline tilefish	*Caulolatilus microps*	All
Cubera snapper	*Lutjanus cyanopterus*	All
Dog snapper	*Lutjanus jocu*	All
Dwarf sand perch	*Diplectrum bivittatum*	All
Gag	*Mycteroperca microlepis*	All
Goldface tilefish	*Caulolatilus chrysops*	All
Goliath grouper/jewfish	*Epinephelus itajara*	All
Gray snapper/mangrove snapper	*Lutjanus griseus*	All
Gray triggerfish	*Balistes capriscus*	All
Greater amberjack	*Seriola dumerili*	All
Hogfish	*Lachnolaimus maximus*	All
Lane snapper	*Lutjanus synagris*	All
Lesser amberjack	*Seriola fasciata*	All
Mahogany snapper	*Lutjanus mahogoni*	All
Misty grouper	*Epinephelus mystacinus*	All
Mutton snapper	*Lutjanus analis*	All
Nassau grouper	*Epinephelus striatus*	All
Queen snapper	*Etelis oculatus*	All
Red grouper	*Epinephelus morio*	All
Red hind	*Epinephelus guttatus*	All
Red snapper	*Lutjanus campechanus*	All
Rock hind	*Epinephelus adscensionis*	All
Sand perch	*Diplectrum formosum*	All
Scamp	*Mycteroperca phenax*	All
Schoolmaster	*Lutjanus apodus*	All
Silk snapper	*Lutjanus vivanus*	All
Snowy grouper	*Epinephelus niveatus*	All
Speckled hind	*Epinephelus drummondhayi*	All

Gulf of Mexico Fishery Management Council		
Common Name	**Species**	**Lifestages**
Tilefish	*Lopholatilus chamaeleonticeps*	All
Vermilion snapper	*Rhomboplites aurorubens*	All
Warsaw grouper	*Epinephelus nigritus*	All
Wenchman	*Pristipomoides aquilonaris*	All
Yellowedge grouper	*Epinephelus flavolimbatus*	All
Yellowfin grouper	*Mycteroperca venenosa*	All
Yellowmouth grouper	*Mycteroperca interstitialis*	All
Yellowtail snapper	*Ocyurus chrysurus*	All
National Marine Fisheries Service (Secretarial)		
Consolidated Highly Migratory Species Fishery Management Plan		
Billfish Fishery Management Unit		
Blue marlin	*Makaira nigricans*	Juvenile
Large Coastal Sharks Management Unit		
Blacktip shark	*Carcharhinus limbatus*	Adult, Juvenile, Neonate
Bull shark	*Carcharhinus leucas*	Adult, Juvenile, Neonate
Lemon shark	*Negaprion brevirostris*	Juvenile, Neonate
Scalloped hammerhead shark	*Sphyrna lewini*	Juvenile, Neonate
Spinner shark	*Carcharhinus brevipinna*	Juvenile, Neonate
Small Coastal Sharks Management Unit		
Atlantic sharpnose shark	*Rhizoprionodon terraenovae*	Adult, Juvenile, Neonate
Bonnethead shark	*Sphyrna tiburo*	Adult, Juvenile, Neonate
Finetooth shark	*Carcharhinus isodon*	Neonate

All EFH information obtained from the National Marine Fisheries Service's (NMFS) EFH Mapping Tool, located at http://www.habitat.noaa.gov/protection/efh/habitatmapper.html.

Appendix D
U.S. Army Corps of Engineers
Wetland Jurisdictional Determination
(August 8, 2012)
Ingleside Fractionator Project
San Patricio County, Texas

DEPARTMENT OF THE ARMY
CORPUS CHRISTI REGULATORY FIELD OFFICE
5151 FLYNN PARKWAY, SUITE 306
CORPUS CHRISTI, TEXAS 78411

August 8, 2012

REPLY TO
ATTENTION OF:

Corpus Christi Regulatory Field Office

SUBJECT: File No. SWG-2012-00496; Approved Jurisdictional Determination

Mark Evans
Occidental Chemical Corporation
PO Box CC
Ingleside, TX 78362-0710

Dear Mr. Evans:

This is in regard to your request, dated May 30, 2012, in which you requested that we review the jurisdictional status of a 470-acre tract of land and an 18.35-mile, 200-foot-wide pipeline corridor where your company intends to construct a natural gas liquids fractionator facility and associated pipeline. The review area begins at the fractionator site approximately 2 miles west of the City of Ingleside, and 1 mile south of State Highway 361, San Patricio County, Texas. The pipeline corridor originates at the fractionators site and is aligned in a generally northwest direction. The pipeline right-of-way ends approximately 4 miles east of the City of Sinton, approximately 0.25 mile south of State Highway 188 and 2 miles east of US Highway 181.

The Corps of Engineers regulates the discharge of dredged and/or fill material into waters of the United States under Section 404 of the Clean Water Act. The placement of dredged or fill material into these waters of the U.S. require a Department of the Army permit. Fill material is defined as material placed in waters of the United States where the material has the effect of replacing any portion of a water of the United States with dry land; or changing the bottom elevation of any portion of a water of the United States, as per 33 CFR 323.2(e)(1).

A representative from this office conducted a site visit on July 9, 2012. Based on that visit and a review of various maps and hydrological data, we have determined that all seven of the drainage ditches described by you as DD1 thru DD7, and the intermittent stream tributaries indentified as S1 and S2, depicted in the attached 8 sheets are considered non-jurisdictional. The basis for this determination is because all of these features were excavated out of uplands for the purpose of providing stormwater drainage to the OxyChem and DuPont industrial site(s). As such, a Department of the Army permit is not required for the construction of the fractionators facilities. Be advised that this determination does not include the portion of the property adjacent to Corpus Christi Bay below the distinct "bluff" near the property and bay interface. Please be aware that a Department of the Army permit is required for any discharge of fill material in waters of the U.S.

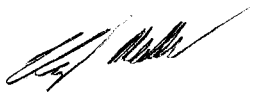
This determination is an approved jurisdictional determination; this approved determination is valid for 5 years from the date of this letter unless new information warrants a revision of the determination prior to the expiration date. Corps determinations are conducted to identify the limits of the Corps' Clean Water Act jurisdiction for particular sites. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.5. Also enclosed are a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA to the Southwestern Division Office at the following address:

Mr. Elliott Carman
Regulatory Appeals Officer
Southwest Division USACE (CESWD-PD-O)
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Telephone: 469-487-7061; FAX: 469-487-7199

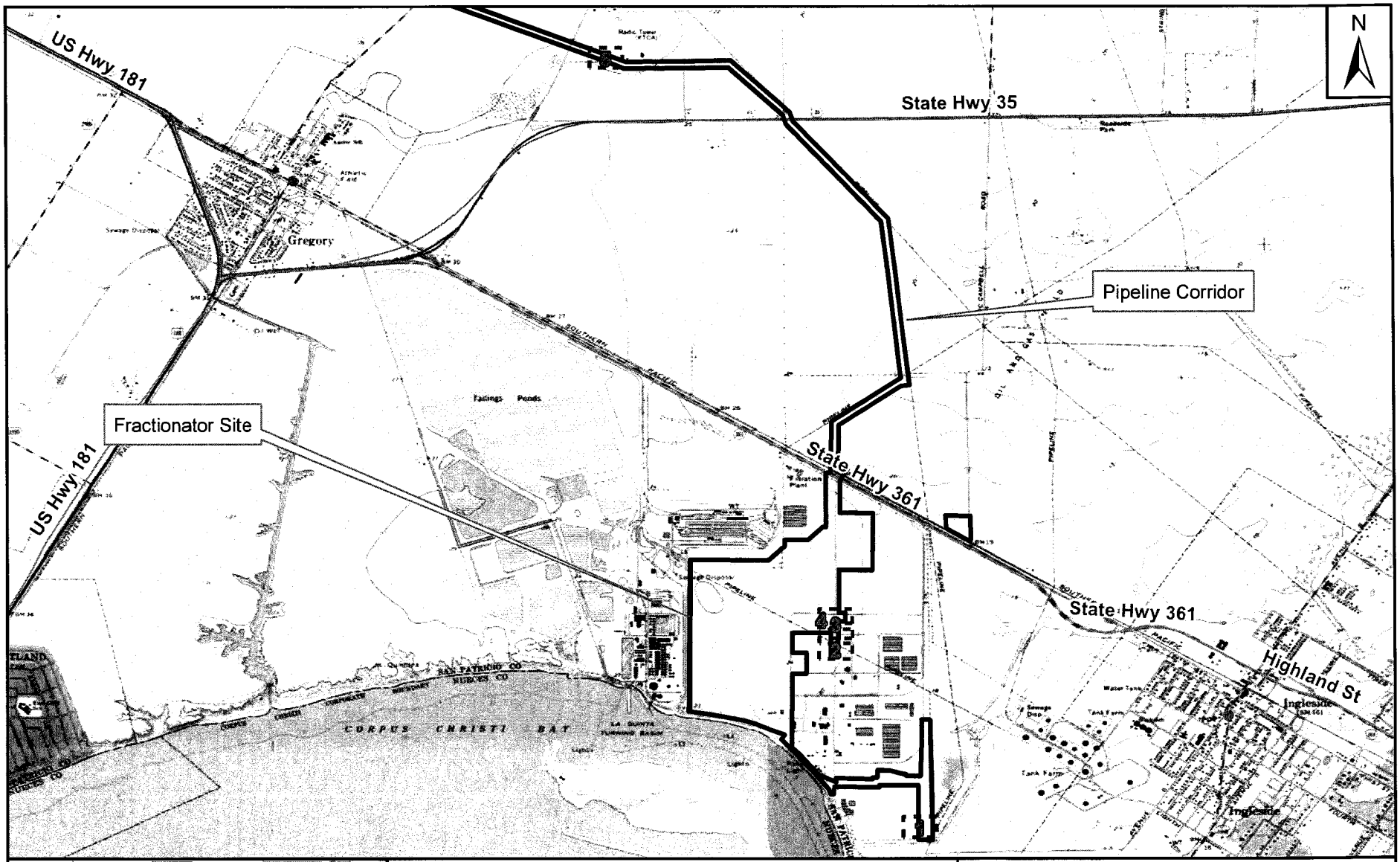
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit the RFA form, it must be received at the above address by October 9, 2012. It is not necessary to submit an RFA form to the Division office if you do not object to this determination. If you have any questions concerning this matter, please contact Reagan Richter at the letterhead address or by telephone at 361-814-5847, ext. 1005. To assist us in improving our service to you, please complete the survey found at http://per2.nwp.usace.army.mil/survey.html.

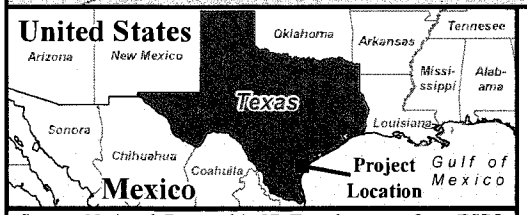
FOR THE DISTRICT COMMANDER:



Lloyd Mullins, Supervisor
Corpus Christi Regulatory Field Office

Copy Furnished:
Stephen Compton
TetraTech
2901 Wilcrest Drive, Suite 425
Houston, TX 77042





Source: National Geographic 2D Topo basemap from ESRI Online Mapping Services. Roads from NRCS Geospatial Data Giveaway, downloaded 2/12.

LEGEND

Sheet Boundary ● Cities

Project Facilities —— Roads

0 0.5 1 1.5 2 Miles

SCALE = 1:50,000 **Sheet 1 of 1**

Sheet Key for Appendix D. Close-up View of Delineated Wetlands on the Ingleside Fractionator Project, San Patricio, Texas.

Prepared For: Occidental Chemical Corporation

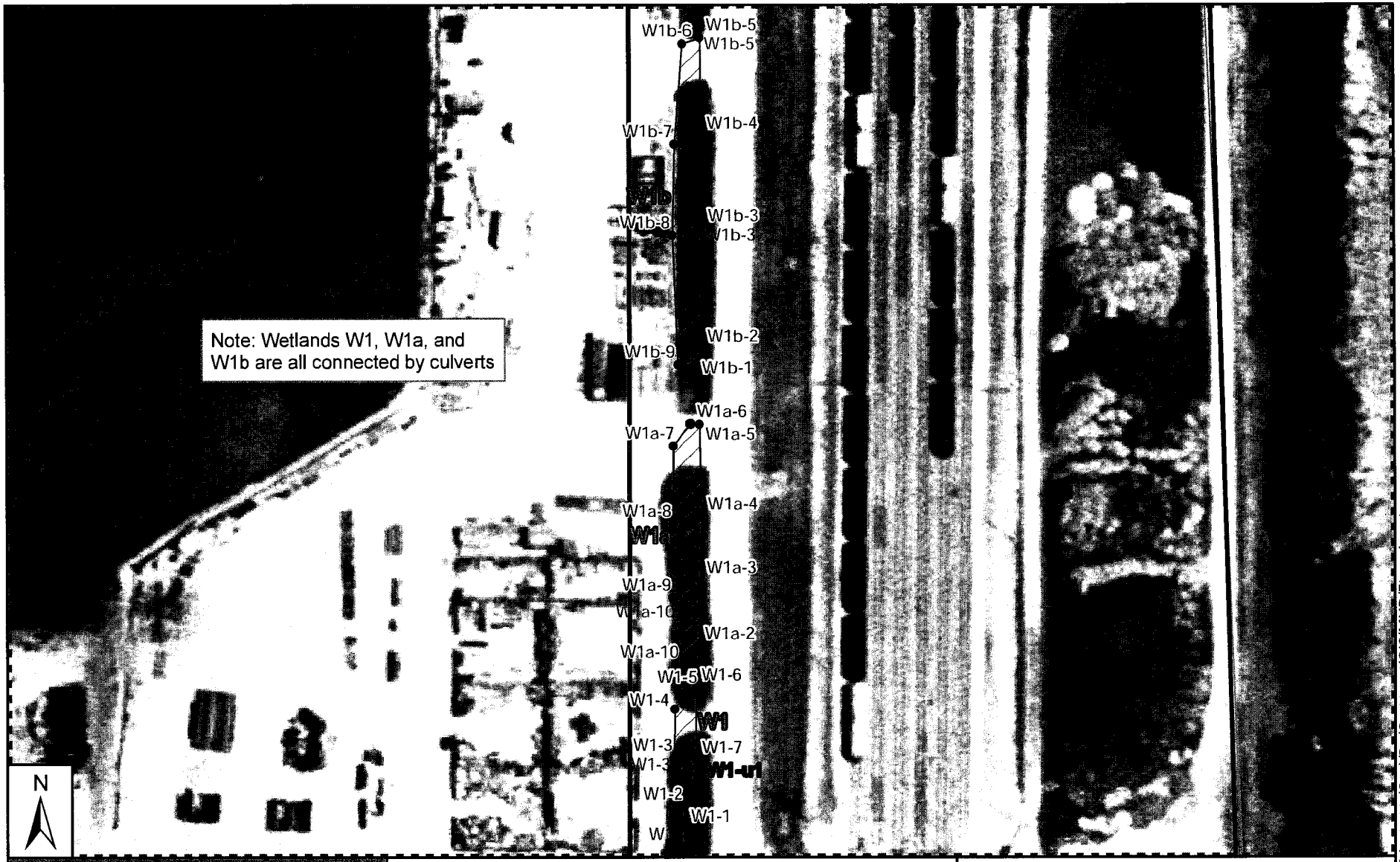
Prepared By: TETRA TECH

Date: 05/12

P:GIS/Projects

JUN 0 1 2012

SWG-2012-00496 Sheet 1 of 8



LEGEND

Sheet Boundary • Resample Points Wetlands

Project Facilities • Wetland Points • Test Plots

0 100 200 300 Feet

SCALE = 1:1,200

Source: Aerials and Roads from NRCS Geospatial Data Giveaway, downloaded 2/12. Streams, ditches, and wetlands, Tetra Tech, 2012.

Appendix D. Close-up View of Delineated Wetlands on the Ingleside Fractionator Project, San Patricio, Texas.

Prepared For: Occidental Chemical Corporation

Prepared By: TETRA TECH

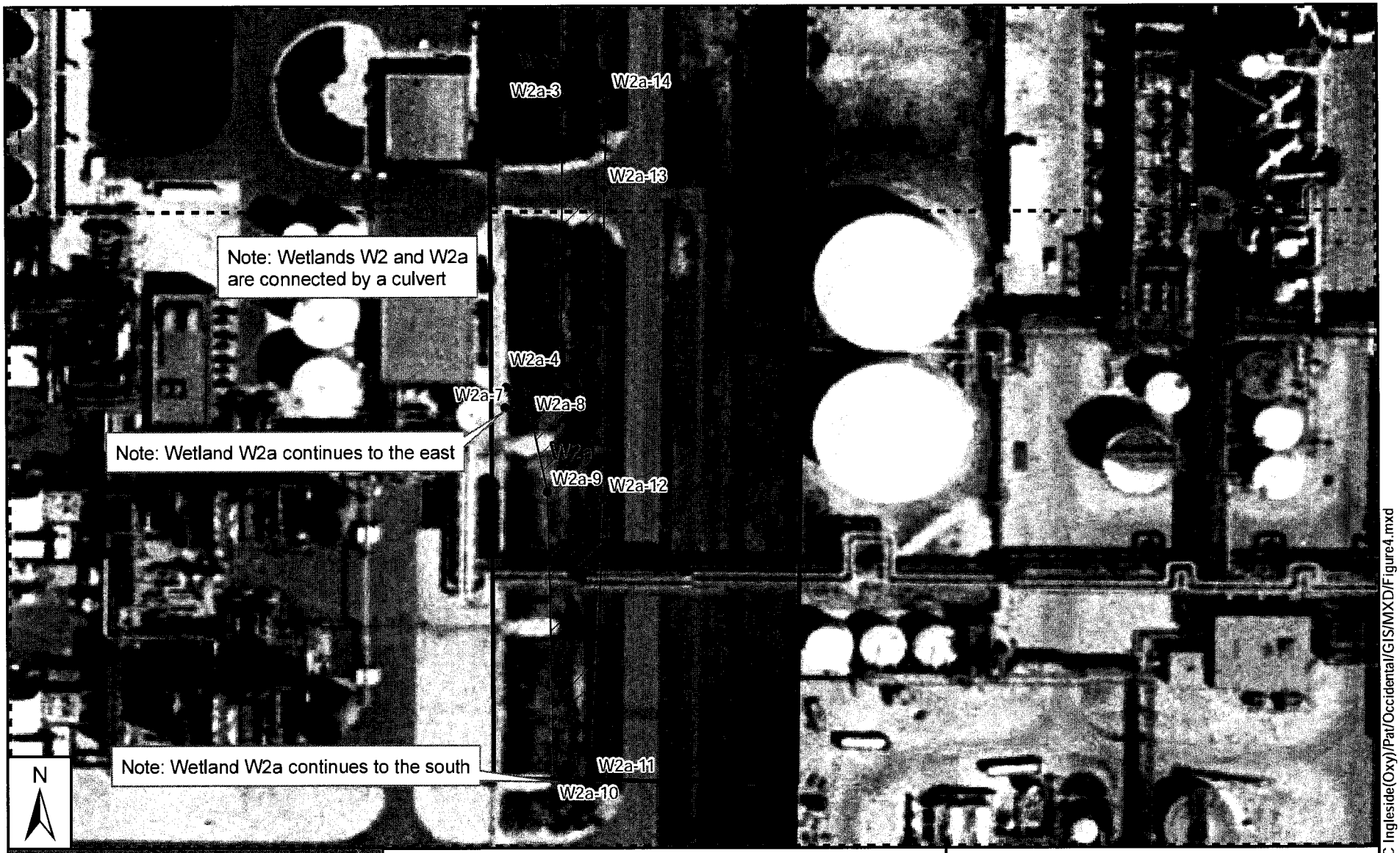
Date: 05/12

SWG-2012-00496

Sheet 2 of 8

P:\100-NRS-T27819.0001 OEVC Ingleside(Oxy)\Pat\Occidental\GIS\MXD\Figure4.mxd

JUN 01 2012



LEGEND

Sheet Boundary • Resample Points Wetlands

Project Facilities • Wetland Points • Test Plots

0 100 200 300 Feet

SCALE = 1:1,200

Source: Aerials and Roads from NRCS Geospatial Data Giveaway, downloaded 2/12. Streams, ditches, and wetlands, Tetra Tech, 2012.

Appendix D. Close-up View of Delineated Wetlands on the Ingleside Fractionator Project, San Patricio, Texas.

Prepared For: Occidental Chemical Corporation

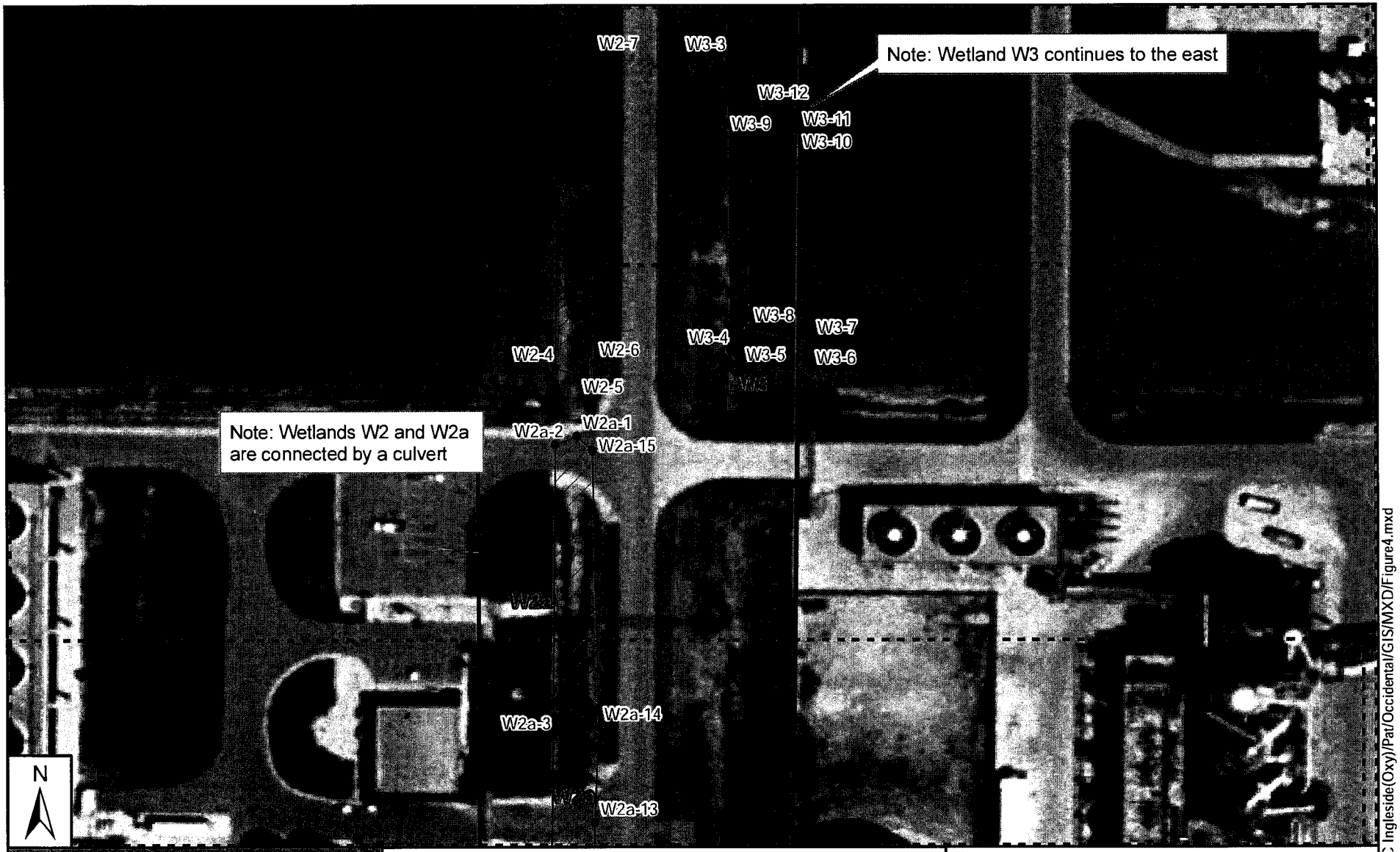
Prepared By: TETRA TECH

Date: 05/12

P:\100-NRS-T27819.0001 OEVC Ingleside(Oxy)\Pat\Occidental\GIS\MXD\Figure4.mxd

JUN 0 1 2012

SWG-2012-00496 Sheet 3 of 8



Source: Aerials and Roads from NRCS Geospatial Data Giveaway, downloaded 2/12. Streams, ditches, and wetlands, Tetra Tech, 2012.

LEGEND

Sheet Boundary • Resample Points Wetlands

Project Facilities • Wetland Points • Test Plots

0 100 200 300 Feet

SCALE = 1:1,200

Appendix D. Close-up View of Delineated Wetlands on the Ingleside Fractionator Project, San Patricio, Texas.

Prepared For: Occidental Chemical Corporation

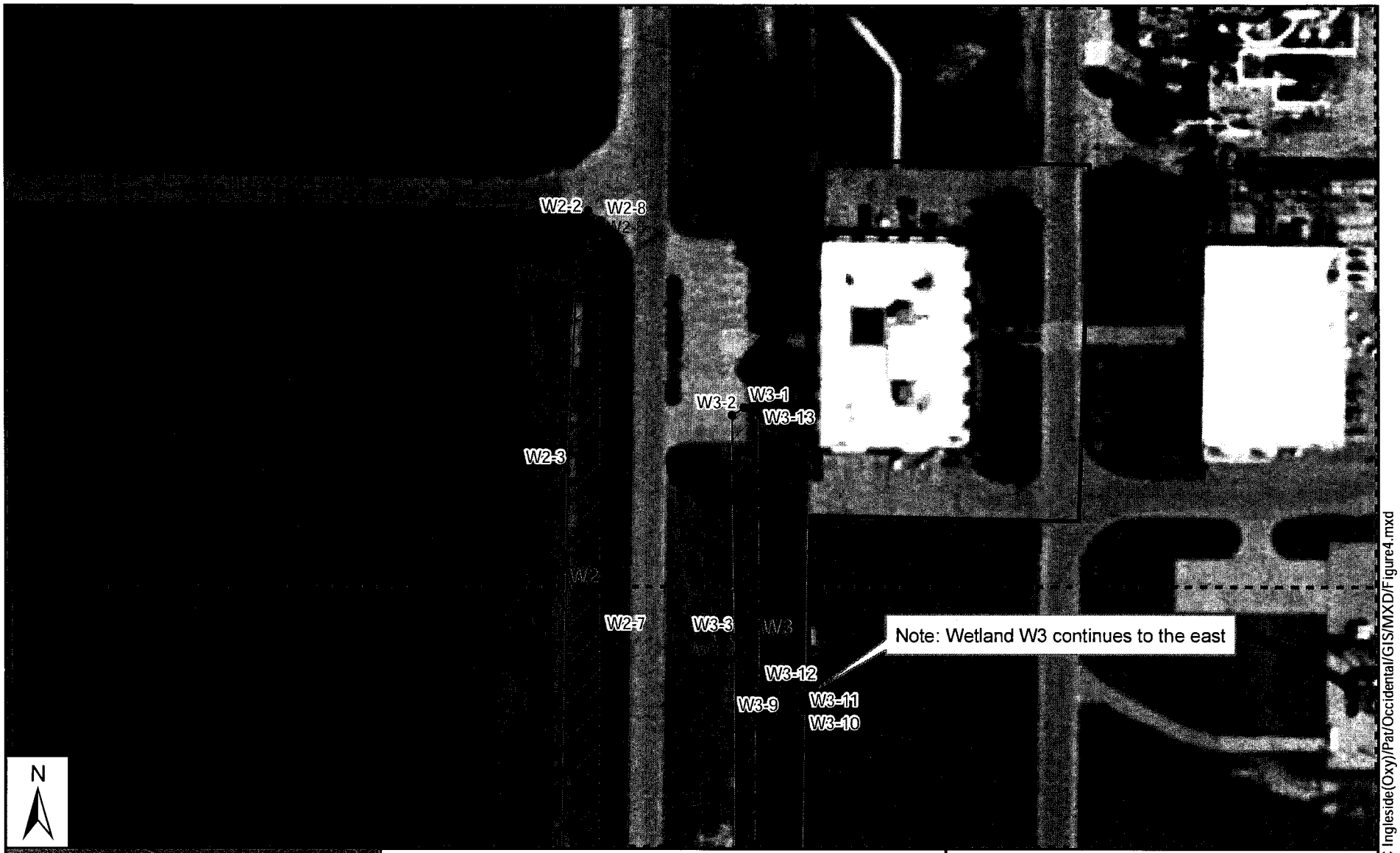
Prepared By: TETRA TECH

Date: 05/12

P:\100-NRS-T27819.0001 OEVC Ingleside(Oxy)\Pat\Occidental\GIS\MXD\Figure4.mxd

JUN 0 1 2012

SWG-2012-00496 Sheet 4 of 8



Source: Aerials and Roads from NRCS Geospatial Data Giveaway, downloaded 2/12. Streams, ditches, and wetlands, Tetra Tech, 2012.

LEGEND

Sheet Boundary • Resample Points Wetlands

Project Facilities • Wetland Points • Test Plots

0 100 200 300 Feet

SCALE = 1:1,200

Appendix D. Close-up View of Delineated Wetlands on the Ingleside Fractionator Project, San Patricio, Texas.

Prepared For: OXY Occidental Chemical Corporation

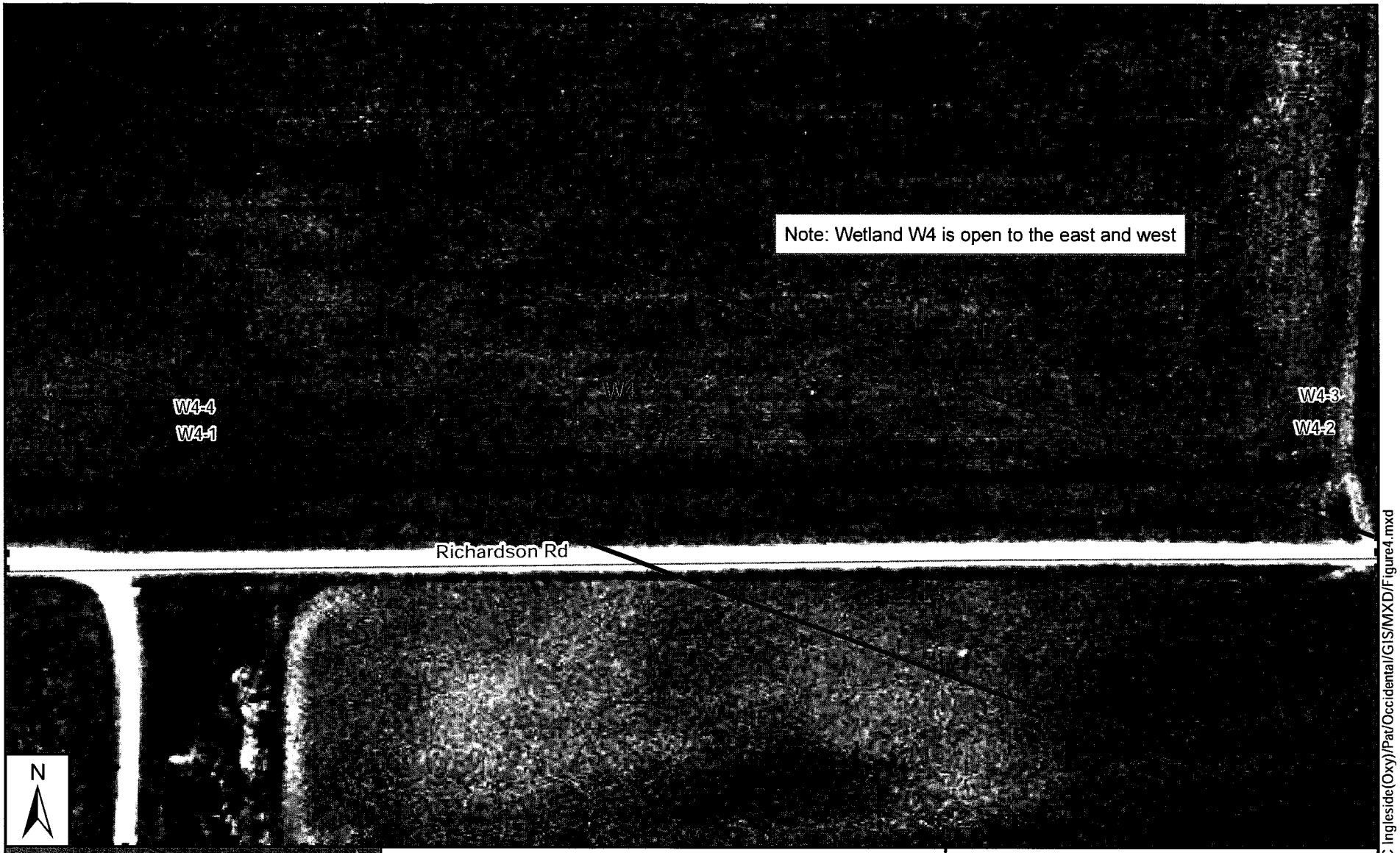
Prepared By: TETRA TECH

Date: 05/12

P:\100-NRS-T27819.0001 OEVC Ingleside(Oxy)\Pat\Occidental\GIS\MXD\Figure4.mxd

JUN 0 1 2012

SWG-2012-00496 Sheet 5 of 8



Source: Aerials and Roads from NRCS Geospatial Data Giveaway, downloaded 2/12. Streams, ditches, and wetlands, Tetra Tech, 2012.

LEGEND

Sheet Boundary • Resample Points Wetlands

Project Facilities • Wetland Points • Test Plots

0 100 200 300 Feet

SCALE = 1:1,200

Appendix D. Close-up View of Delineated Wetlands on the Ingleside Fractionator Project, San Patricio, Texas.

Prepared For: Occidental Chemical Corporation

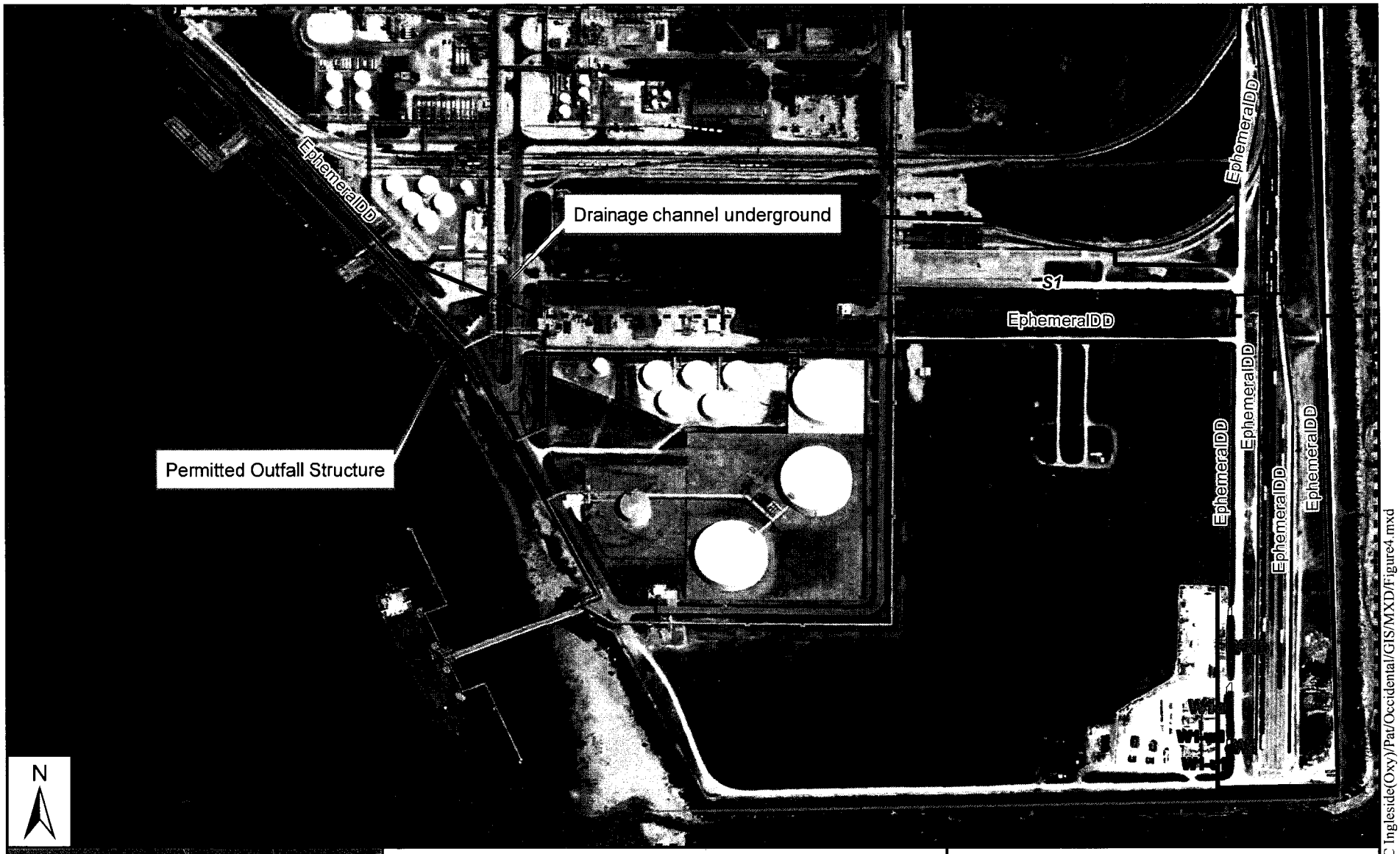
Prepared By: TETRA TECH

Date: 05/12

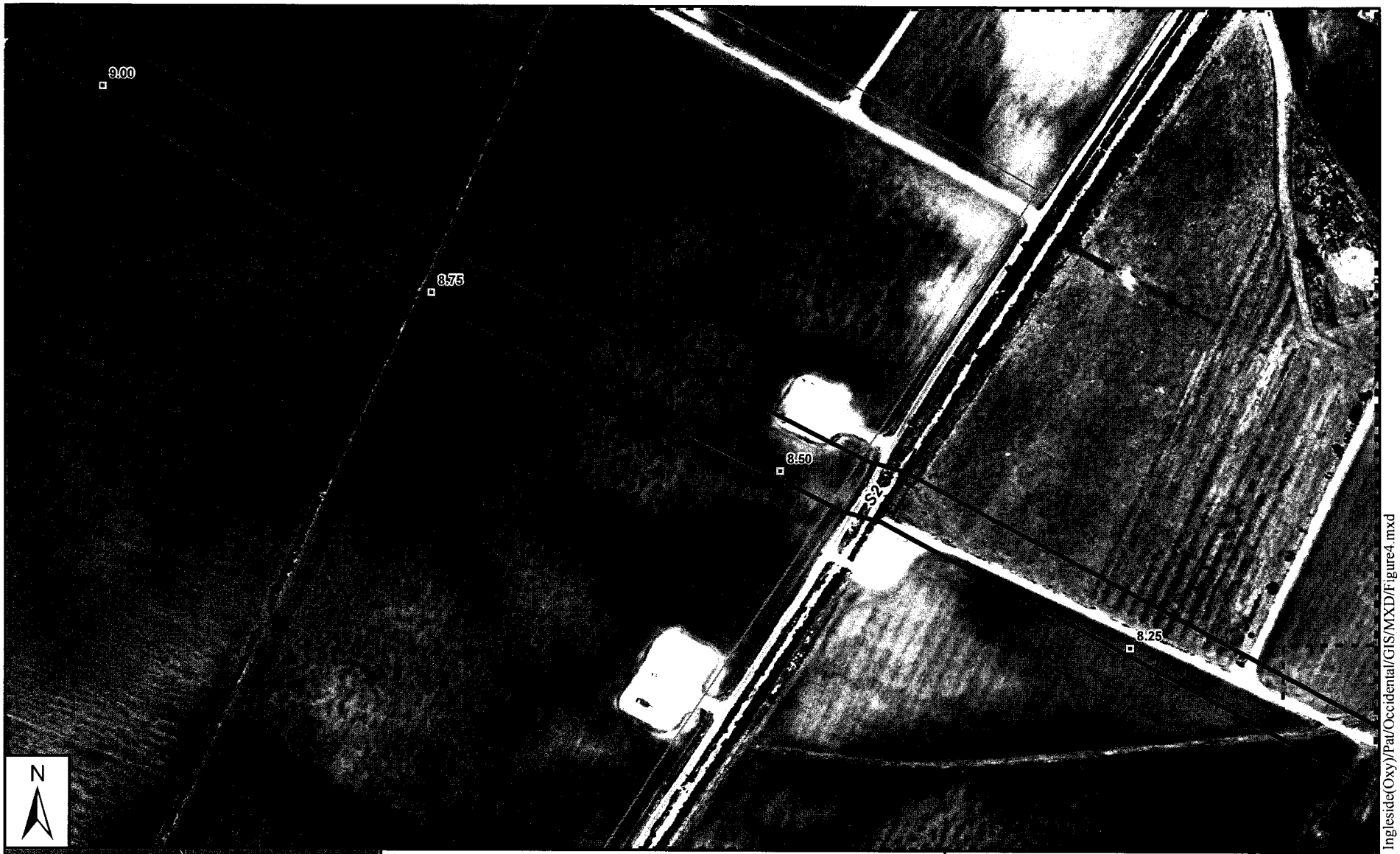
P:\100-NRS-T27819.0001 OEVC Ingleside(Oxy)\Pat\Occidental\GIS\MXD\Figure4.mxd

JUN 0 1 2012

SWG-2012-00496 Sheet 6 of 8


Drainage channel underground
Permitted Outfall Structure
EphemeralDD
EphemeralDD
EphemeralDD
EphemeralDD
EphemeralDD
EphemeralDD
EphemeralDD
EphemeralDD
S1
N
3
2
1
Source: Aerials and Roads from NRCS Geospatial Data Giveaway, downloaded 2/12. Streams, ditches, and wetlands, Tetra Tech, 2012.
LEGEND
Sheet Boundary
Ditches
Wetlands
Project Facilities
Streams
Sample Plots
0 375 750 1,125 1,500
Feet
SCALE = 1:6,000
SWG-2012-00496; Sheet 7 of 8
Figure 4. Aquatic Resources on the Ingleside Fractionator Project, San Patricio, Texas.
Prepared For: Occidental Chemical Corporation
Prepared By: TETRA TECH
Date: 05/12
P:\100-NRS-T27819.0001 OEVC Ingleside(Oxy)\Pat\Occidental\GIS\MXD\Figure4.mxd

JUN 0 1 2012



Source: Aerials and Roads from NRCS Geospatial Data Giveaway, downloaded 2/12. Streams, ditches, and wetlands, Tetra Tech, 2012.

LEGEND

Sheet Boundary — Ditches — Wetlands

Project Facilities — Streams • Sample Plots

0 375 750 1,125 1,500 Feet

SCALE = 1:6,000

SWG-2012-00496

Sheet 8 of 8

Figure 4. Aquatic Resources on the Ingleside Fractionator Project, San Patricio, Texas.

Prepared For: Occidental Chemical Corporation

Prepared By: TETRA TECH

Date: 05/12

P:\100-NRS-T27819.0001 OEVC Ingleside(Oxy)\Pat/Occidental/GIS/MXD/Figure4.mxd

JUN 0 1 2012

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Occidental Chemical Corporation	File #: SWG-2012-00496	Date: 8-Aug-12

Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/inet/functions/cw/cecwo/reg/ Or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved jurisdictional determination (JD) or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Lloyd Mullins, Supervisor
U.S. Army Corps of Engineers, CESWG-PE-RCC
Corpus Christi Regulatory Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
Telephone 361-814-5847; FAX 361-814-5912

If you only have questions regarding the appeal process you may also contact:

Elliott Carman, Appeal Review Officer
US Army Engineer Division, Southwestern
1100 Commerce Street, Suite 831
Dallas TX 75242-1317
Telephone: 469-487-7061; FAX: 469-487-7189
Email: Elliott.n.carman@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or authorized agent.		

Appendix E
Electronic Mail Correspondence from National Marine Fisheries Service Habitat Conservation Division (March 21, 2013)

Grant, Peggy

From: Heather Young - NOAA Federal <heather.young@noaa.gov>
Sent: Thursday, March 21, 2013 9:44 AM
To: Grant, Peggy
Subject: Re: FW: OxyChem Fractionation Facility and 18.5-mile pipeline

NMFS HCD believes the increased barge traffic proposed would have minimal effacts on EFH.
Thank you for the information.
Heather

On Wed, Mar 20, 2013 at 3:29 PM, Grant, Peggy <Peggy.Grant@tetratech.com> wrote:

Here is the e-mail with the referenced attached maps. Peggy

Peggy A. Grant | Environmental Project Manager

Main: 716.849.9419 -- Ext. 105 | Cell: 716.208.2425 | Fax: 716.849.9420

peggy.grant@tetratech.com

Tetra Tech, Inc. | Natural Resource Services

285 Ellicott Street | Buffalo, NY 14203 | www.tetratech.com

From: Grant, Peggy
Sent: Wednesday, March 20, 2013 4:04 PM
To: heather.young@noaa.gov
Subject: OxyChem Fractionation Facility and 18.5-mile pipeline

Good afternoon Heather,

Have a question that goes way back to the OxyChem project you discussed with the project team on February 14, 2012 last year. It is in regard to the Fractionation Facility and 18.5-mile pipeline OxyChem is proposing (site location map and habitat/land use map attached).

We have submitted the Biological Assessment on the project and USEPA wants us to contact you to confirm NMFS-HCD would not have concerns related to an increase in barge traffic associated with the

Project. OxyChem will be installing 2 mooring pilings at their existing docking facility (area with water depths of approximately 30' at MLW, unvegetated bottom) to accommodate barge use of the dock to transport materials generated from the Fractionation Facility. OxyChem estimates that barge use at the dock will increase by approximately 88 barges per year. The 2011 documented barge use in the Port of Corpus Christi was 4,018. The increase in barge traffic from the Project represents approximately a 2% increase in barge traffic in the Port of Corpus Christi. The barges when fully loaded would have a draft of approximately 12' and move at speeds of 6-10 knots (6.9-11.5 miles per hour). The barges would use the main dredged channels in the Port (La Quinta channel which is dredged to -45' MLW and Corpus Christi Boat Channel which is approximately -47' to -54' deep at MLW). Adequate clearance would exist between the deepest draft of the vessel and the bottom.

Could you please respond by e-mail or call me at my below office number to discuss so we can make certain there are no concerns or we've addressed concerns related to EFH.

Thank you so much – I greatly appreciate it.

Regards,

Peggy

Peggy A. Grant | Environmental Project Manager

Main: 716.849.9419 -- Ext. 105 | Cell: 716.208.2425 | Fax: 716.849.9420

peggy.grant@tetratech.com

Tetra Tech, Inc. | Natural Resource Services

285 Ellicott Street | Buffalo, NY 14203 | www.tetratech.com

--

Heather Young
NOAA National Marine Fisheries Service
Southeast Region, Habitat Conservation Division
Office Ph: (409)766-3699
Fax: (409) 766-3575
Email: heather.young@noaa.gov