

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas 1
Texas LNG Brownsville LLC
Docket Nos. CP16-116-000

February 12, 2019

Reid Nelson, Director
ATTN: John Eddins
Office of Federal Agency Programs
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 20001-2637

Re: Notification of Adverse Effect for the Texas LNG Project

Dear Mr. Nelson:

Pursuant to Title 36 Code of Federal Regulations (CFR) Part 800.6(a)(1), the Federal Energy Regulatory Commission (FERC or Commission) is notifying the Advisory Council on Historic Preservation (ACHP) that the Texas LNG Project (Project) in the above-referenced docket would have an adverse effect on an historic property. The potentially affected historic property is archaeological site 41CF8 (Garcia Pasture Site) in Cameron County, Texas. We request that you advise us whether the ACHP intends to participate in the process of resolving adverse effects for this Project (in accordance with Part 800.6(a)(1)(iii)).

The Project consists of an liquefied natural gas (LNG) export terminal on the north side of the Brownsville Ship Channel, 2.5 miles southwest of the Town of Port Isabel. Texas LNG Brownsville LLC (Texas LNG) would construct the terminal within a 625-acre parcel owned by the Brownsville Navigational District, with an additional 27 acres outside that tract on the banks of the Brownsville Ship Channel to allow for deep water access. The terminal would have a final capacity to produce up to 4 million tonnes per annum of LNG for export to overseas foreign markets via LNG carriers. The Project would be constructed in two phases, each with a capacity of 2 million tonnes per annum.

The FERC issued a draft Environmental Impact Statement Assessment (EIS) for this Project on October 26, 2018. The draft EIS is available electronically online through the FERC internet web page (www.ferc.gov) on our eLibrary system (accession no. 20181026-3000). Section 4.10 of the EIS summarized the status of FERC's compliance with the National Historic Preservation Act for the Project.

The terminal parcel was inventoried by a consultant to Texas LNG (Natural Resources Group [NRG]). Archaeological site 41CF8 is the only historic property within the area of potential effect (Stanyard et al. April 2016). This site was originally located in 1917 by local collector A.E. Anderson. It was investigated in 1970 by the Texas State Historical Survey Committee (Prewitt 1974). The Garcia Pasture Site was listed on the National Register of Historic Places in 1972.

NRG further tested the site in 2015 (Stanyard et al. April 2016). In a May 27, 2015 letter from the State Historic Preservation Office (SHPO) within the Texas Historical Commission, reviewing the draft Phase I report, the SHPO concurred with NRG's recommendations that Areas 2, 3, and 4 of site 41CF8 do not contribute to its significance, while Areas 1 and 5 contain contributing elements. The SHPO requested a final survey report and a treatment plan that outlines data recovery strategies for Areas 1 and 5. A research design for data recovery was produced in August 2016 (Stanyard et al. August 2016), and copies were submitted to the SHPO, the U.S. Department of the Interior National Park Service (NPS), and the U.S. Army Corps of Engineers (COE). The SHPO reviewed the research design in a letter to Texas LNG dated August 24, 2016. The COE commented on the research design in a letter to Texas LNG dated February 21, 2017. The NPS requested to be a consulting party.

Texas LNG (through NRG) and the FERC staff contacted Indian tribes that may have an interest in the Project. No federally-recognized tribes expressed any concerns about site 41CF8; nor did any Indian tribes request to be a consulting party for this undertaking.

Appended to this letter, is additional documentation in support of our adverse effect finding, as required by Part 800.11(e). This includes copies of letters from the SHPO.

This Project is still under environmental review; and the Commission has not yet made a decision whether to authorize it. We expect to issue a final EIS in March 2019. After the issuance of the final EIS, the Commission would make its decision about the Project. If the Commission decides to authorize the Project, my staff will develop, in consultation with the consulting parties (ie., the SHPO, NPS), a Memorandum of Agreement (MOA) for this Project, under Part 800.6(c). The purpose of the MOA would be to resolve adverse effects on 41CF8 through the implementation of the treatment plan. If the ACHP decides to participate, you will be included as a Signatory to the MOA.

If we do not hear from you within 15 days of receipt of this letter, we will assume you do not want to participate further in the Section 106 process. A copy of any executed MOA, with the documentation required pursuant to 36 CFR 800.11(f), will be provided to the ACHP for the Texas LNG Project upon completion.

If you have any questions, call Kareem Monib, Project Manager, at telephone number 202-502-6265 (email kareem.monib@ferc.gov); or Paul Friedman, Project Archaeologist, at telephone number 202-502-8059 (email paul.friedman@ferc.gov). We appreciate your comments on this Project.

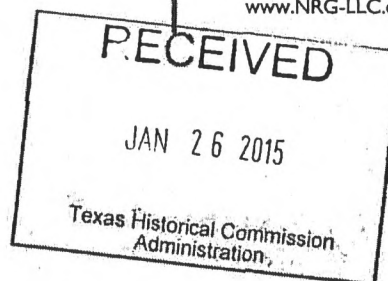
Sincerely,

Danny Laffoon, Chief
Gas Branch 1
Division of Gas – Environment and
Engineering

3300 Breckinridge Boulevard
Suite 300
Duluth, GA 30096



telephone (678) 781-1370
facsimile (678) 781-4470
www.NRG-LLC.com



January 22, 2015

David Camarena
Texas Historical Commission
1511 Colorado,
Austin, TX 78701

Subject: Section 106 Initial Consultation, Texas LNG Project, Cameron County, Texas

Dear Mr. Camarena,

I appreciate the opportunity we had to meet with you and Mark Denton at the Texas Historical Commission (THC) offices on January 6, 2015, to discuss approaches for investigating archaeological site 41CF8. The site is located on a tract in Cameron County that Texas LNG, LLC (Texas LNG) would like to use for their proposed natural gas export facility. The purpose of this letter is to summarize those discussions, and provide our plan for assessing the nature and extent of the cultural deposits that are located within the project area.

Introduction

Texas LNG is planning to construct a liquefied natural gas export facility on a tract of land in Cameron County, Texas. The parcel is approximately 625 acres, and located roughly 2 miles southwest of Port Isabel. It is bounded on the west by Highway 48, by tidal flats on the east and west, and the Brownsville Ship Channel to the southeast (Figure 1). A review of the Texas Historic Sites Atlas indicates that archaeological site 41CF8 is located on the tract, a site that is listed on the National Register of Historic Places (NRHP). This project would require authorization from the Federal Energy Regulatory Commission (FERC), and therefore be subject to Section 106 of the National Historic Preservation Act (NHPA). Texas LNG has retained Natural Resource Group, LLC (NRG) to assist in addressing the cultural resources requirements associated with federal permitting of the project.

Because site 41CF8 is already listed in the NRHP, there is no need for Phase II work to assess its eligibility for listing. However, no subsurface investigations have been conducted at 41CF8, and very little is actually known about its content and internal structure. During our meeting on January 6, 2015, we discussed possible approaches to learn more about the site in order to provide our client with possible options, and to obtain sufficient information to devise and implement a mitigation plan, should that become necessary. Pursuant to our discussions, we have devised a plan to move forward with the assessment phase. The plan is provided below and reflects the approach agreed upon at our meeting.

Background

Site 41CF8, also referred to as the Garcia Pasture Site, is thought to have been occupied during the late prehistoric and contact periods. It was identified by A.E. Anderson, a local collector, sometime between 1917 and 1935. The site was formally registered with the state in 1969, and a reconnaissance survey was conducted in 1970 by the Texas State Historical Survey Committee, under the auspices of the State Archeologist's office. The 1970 investigations were part of a broader survey that encompassed a large area within the Rio Grande Delta region and

Natural Resource Group, LLC is an Equal Opportunity/Affirmative Action Employer

Section 106 Consultation
January 22, 2015
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Reporting and Curation

A full Phase I technical report will be submitted that includes the results of the Phase I survey as well as the site-specific investigations at 41CF8. The report will comply with the Council of Texas Archaeologist's *Guidelines for Cultural Resource Management Reports*. We will coordinate with the Center for Archaeological Research at the University of Texas at San Antonio to develop a curation agreement for the project, where we anticipate project remains will be curated.

We appreciate your taking the time to meet with us and discuss our proposed methodology, and we look forward to continuing discussions on this project.

Sincerely,

Natural Resource Group, LLC



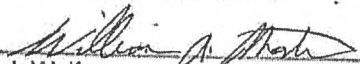
Brian W. Thomas, Ph.D.
Director, Cultural Resources Field Services

Enclosures: Figures 1-4

cc: Langtry Meyer, Texas LNG
David Glessner, Braemar Engineering, Inc.
Ross Hargrove, NRG

References:

Prewitt, Elton R.
1974 Preliminary Archeological Investigations in the Rio Grande Delta Area of Texas. *Bulletin of the Texas Archeological Society* 45:55-65.

CONCUR	
by	
for	Mark Wolfe
	State Historic Preservation Officer
Date	1/29/15
Track#	201504866

TEXAS HISTORICAL COMMISSION

real places telling real stories

May 27, 2015

David Glessner
Texas LNG
700 Louisiana Street
Houston, TX. 77002

Re: Project review under Section 106 of the National Historic Preservation Act:
*Draft report: Phase I Survey and Supplemental Investigations at 41CF8, Cameron County (FERC;
Tracking 201508317)*

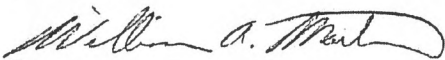
Dear Mr. Glessner:

Thank you for allowing us to review the report referenced above. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The Archeology review staff, led by David Camarena Garcés, has completed its review. We appreciate the opportunity to review and comment on this report. We concur that Areas 2, 3, and 4 of site 41CF8 contain non-contributing elements to the National Register of Historic Places that lack contextual integrity with few cultural deposits. We further concur that Areas 1 and 5 contain contributing elements to the overall significance of site 41CF8. They have the potential to yield important information for this region. Therefore, in order to mitigate the adverse effects that would be caused by construction of the proposed facility we concur that data recovery investigations be conducted within Areas 1 and 5 before any ground disturbing activities are initiated. Please submit the data recovery research design to this office for review.

We look forward to receiving the final copy of the report along with an electronic version in the form of a tagged PDF. Please also insure that a digital shapefile of the project area is forwarded to archeological_projects@thc.state.tx.us if you have not already done so. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If we may be of further assistance, please contact David Camarena Garcés at 512/463-6252 or david.camarena@thc.state.tx.us.

Sincerely,



for
Mark Wolfe
State Historic Preservation Officer



TEXAS HISTORICAL COMMISSION
real places telling real stories

August 24, 2016

David Glessner
General Manager - Permitting
Texas LNG Brownsville LLC
2800 North Loop West
Suite 910
Houston, TX 77092

Re: Project review under Section 106 of the National Historic Preservation Act of 1966
Research Design for Data Recovery Investigations at 41CF8.

Dear Mr. Glessner:

This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC).

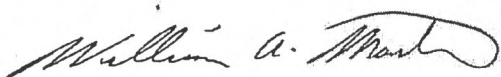
The review staff, led by Casey Hanson, reviewed your research design for 41CF8 and concurs with the proposed phased and integrated data recovery plan and finds the proposed research objectives, field methods, and laboratory methods acceptable. Although we agree with the general outline of the proposed research design we also recommend that the data recovery investigations include a more thorough examination of the A.E. Anderson collection for contextual and comparative purposes. Furthermore, as a mitigation effort, we recommend that ERM archeologists develop a public outreach component that includes:

- Consultation and collaboration with professional and avocational archaeologists that have experience at 41CF8 and/or clay dune landforms in South Texas.
- Traditional public outreach elements that engage the broader local community.

Please incorporate these recommendations into a draft Memorandum of Agreement (MOA) for review.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If we may be of further assistance, please call or email Casey Hanson of our staff at 512/463-5915 or Casey.Hanson@thc.state.tx.us.**

Sincerely,



for
Mark Wolfe, State Historic Preservation Officer

MW/cjh

cc: Langtry Meyer, COO Texas LNG
Ross Hargrove, ERM
Bill Stanyard, ERM





MEETING NOTES

NOTES BASED ON DISCUSSION

MEETING TOPIC:

Cultural Resources Treatment Plan for site 41CF8

DATE OF MEETING:

April 10, 2017

ATTENDEES:

Rolando Garza, National Park Service
Casey Hanson, Texas State Historic Preservation Office
Jerry Androy, U.S. Army Corps of Engineers
Bill Stanyard, ERM
Patti Trocki, ERM
Ross Hargrove, ERM

MEETING NOTES:

Bill Stanyard began the call by proposing a three-part public outreach program that would be included in the Treatment Plan for The Garcia Pasture Site (41CF8), including a pre-field presentation, post-field presentation, and public report. The Treatment Plan, once finalized, would be appended to a Memorandum of Agreement to be prepared by the Federal Energy Regulatory Commission. The goal of the pre-field presentation would be to explain the nature of the project, the findings that were obtained during the initial archaeological investigations by ERM, the methods to be employed during the data recovery excavation, and the types of information that would be collected during the data recovery excavation. The public presentation would include visual aids (to be determined) and would be followed by a question and answer period. A second public presentation would occur at the conclusion of the data recovery excavation. The goal of the post-field presentation would be to provide preliminary results of the excavation and would include visual aids that may include photographs, trifold posters, or a video of the excavation. The third part of the public outreach program would be a report summarizing the findings of the data recovery excavation for distribution to local archaeological organizations, historical societies, schools, local and regional libraries, and other public forums.

Casey Hanson, Rolando Garza, and Jerry Androy were receptive to the proposed outreach program and offered additional suggestions regarding public involvement, particularly for avocational archaeologists and school-aged children. All call participants agreed that for safety reasons, site visits by the general public during data recovery excavation would not be possible. In lieu of site visits, one suggestion was to make short videos of the excavation for public dissemination.

The locations for the public meetings prior to and after field investigations is still under discussion, but a few suggestions were offered, including coordination with sponsors of previously scheduled archaeological events such as an archaeological fair hosted by the NPS each October.



It was also suggested that a symposium of professional papers be presented at an annual Texas Archaeological Society meeting; and the papers published in the Bulletin of the Texas Archaeological Society.

Casey recommended that coordination with interested professional archaeologists should be pursued and could involve sharing the final report with them. He also suggested that we contact Juan Mancias, a representative of the Carizzo/Comecrudo Tribe of Texas. This Tribe is not federally recognized, but has expressed an interest in the Project.

Jerry did not have any specific requests or comments, but inquired about the Project schedule in general. Ross Hargrove noted that archaeological excavation would not occur during 2017 and would be more likely to occur in late 2018.

Document Content(s)

CP16-116 ACHPAdverseEffectLtr-2-12-19.PDF.....1-3

CP16-116 attachment SHPOltrs.PDF.....4-9