



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
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WASHINGTON DC 20310-0108

SACW

AUG 18 2021

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY CORPS OF ENGINEERS

SUBJECT: Formosa Group Chemical Plant Environmental Impact Statement (EIS) and Referral for Decision

1. I am directing the Commanding General of the U.S. Army Corps of Engineers (USACE) to direct the district engineer of the New Orleans District to refer the Formosa Group (Formosa) Chemical Plant permit suspension decision as to whether to modify, reinstate, or revoke the permit to the division engineer of the Mississippi Valley Division (MVD) for resolution (33 C.F.R. 325.8(b)(4)).
2. I am also directing USACE to prepare an EIS in order to assess the proposed project's potential impacts on the quality of the human environment in the region and to support its final decision to modify, reinstate, or revoke the permit.
3. Background: Formosa is proposing to construct a petrochemical complex and marine facility on approximately 2,300 acres along the west bank of the Mississippi River between Baton Rouge and New Orleans in St. James Parish, Louisiana. The proposal involves the construction of chemical complexes, ship and barge docks, intake and discharge lines, rail connection, power generation, pipelines, power lines, and a wastewater treatment plant and affects approximately 62 acres of jurisdictional wetlands and 56 acres of other jurisdictional waters. In September 2019, USACE New Orleans District (District) issued a standard Department of Army (DA) permit for the proposed project pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The DA permit was challenged and during court proceedings the District informed the court that it would suspend the permit and re-analyze its alternatives. The DA permit remains suspended while the District is gathering and reviewing supplemental information.
4. As a result of information received to date and my commitment for the Army to be a leader in the federal government's efforts to ensure thorough environmental analysis and meaningful community outreach, I conclude an EIS process is warranted to thoroughly review areas of concern, particularly those with environmental justice implications. The EIS process will provide opportunities for voices to be heard in an open, transparent, and public way. I have complete confidence that USACE will properly complete the NEPA process providing a thorough EIS which rigorously explores and objectively evaluates all potential impacts and reasonable alternatives.
5. Questions regarding this memorandum may be directed to Stacey Jensen, at stacey.m.jensen.civ@mail.mil or 703-695-6791.

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A handwritten signature in black ink, appearing to read 'Jaime A. Pinkham', with a long horizontal flourish extending to the right.

JAIME A. PINKHAM
Acting Assistant Secretary of the Army
(Civil Works)