

JOINT PUBLIC NOTICE

21 January 2013

United States Army
Corps of Engineers
New Orleans District
Regulatory Branch
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New Orleans, Louisiana 70160-0267

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Project Manager
Melissa A. Ellis
Permit Application Number
MVN-2000-02083-EQ

State of Louisiana
Department of Environmental Quality
Attn: Water Quality Certification
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

(225) 219-3225; FAX (225) 325-8250
Project Manager
Jamie Phillippe
WQC Application Number
WQC 050513-03

SPECIAL PUBLIC NOTICE

CONSIDERATION OF GRANTING A TIME EXTENSION FOR AND MODIFICATION TO
(GENERAL PERMIT) NOD-28
FOR MAINTENANCE DREDGING IN INDIVIDUAL OIL AND/OR GAS WELL CANALS
AND SLIPS, WELL STRUCTURES AND PRODUCTION FACILITIES IN OPEN WATERS OR
MANMADE CANALS, AND CONSTRUCTION AND MAINTENANCE OF WATERWAY CLOSURES OR
FIXED CREST WEIRS IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES IN THAT
PART OF THE NEW ORLEANS DISTRICT OUTSIDE OF THE LOUISIANA COASTAL ZONE

PROPOSED MODIFICATIONS TO ATTACHED GENERAL PERMIT

1. CONDITION "F" CHANGED TO INCREASE DISTANCE TO LEVEE FROM 1000 FEET TO 1500 FEET.

2. CONDITION "Y" ADDED TO ALLOW SHELL/LIMESTONE PADS AND ASSOCIATED FACILITIES FOR USE IN THE PRODUCTION OF OIL/GAS.

Interested parties are requested to review the enclosed time extension and modification of the General Permit for the public to conduct oil and gas activities and water control structures in or affecting navigable waters of the United States in that part of the New Orleans District outside of the Louisiana Coastal Zone.

Application has also been made to the Louisiana Department of Environmental Quality for a Water Quality Certification (WQC) in accordance with statutory contained in Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provisions of Section 401 of the Clean Water Act (P.L. 95-217).

Specific legislation requiring Department of the Army permits for work of this nature are: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **30 days** from the date of this joint public notice. Written comments, including suggestions for modifications or objections to granting a time extension stating reasons thereof, are being solicited from anyone having interest in this permit and/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Comment letters must reference the Permit Number, and be mailed to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH**. Similar letters concerning the Water Quality Certification must reference the permit number and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above.

The time extension and modification request is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 5:00 p.m. Copies may be obtained upon payment of costs of reproduction.

Corps of Engineers Permit Criteria

The decision whether to grant a time extension and modification will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public, federal, state, and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to grant or deny a time extension and modification for the General Permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The possibility exists that work conducted under this General Permit may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer for review and comment.

Authorization would not be granted under the General Permit for proposed work that would affect any species listed as endangered by the U.S. Departments of Interior or Commerce, or affect any habitat designated as critical to the survival and recovery of any endangered species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that actions authorized under the General Permit would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

If work proposed, under this General Permit involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality before a permit is issued.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.



Michael V. Farabee
Chief, Eastern Evaluation Section
Regulatory Branch

Enclosure