

JOINT PUBLIC NOTICE
February 11, 2013

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT
CORPS OF ENGINEERS
REGULATORY FUNCTIONS
P.O. Box 60267
NEW ORLEANS, LA 70160

Phone (504) 862-1445
Fax (504) 862-2574

CORPS REVIEWER:
Donald Rodrigue

CORPS NUMBER:
MVN-2013-00266-WOO

STATE OF LOUISIANA
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT
P.O. BOX 44487
BATON ROUGE, LA 70804-4487

Phone (225) 219-9530
Fax (225) 342-9439

OCM REVIEWER:
Jessica Williamson

CUP NUMBER:
P20121652

STATE OF LOUISIANA
DEPT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES
P.O. BOX 4313
BATON ROUGE, LA 70821-4313

Phone (225) 219-3462
Fax (225) 219-1039

DEQ REVIEWER:
Jamie Phillippe

WQC NUMBER:
130206-01

BUREAU OF OCEAN ENERGY MANAGEMENT
OFFICE OF ENVIRONMENT
1201 ELMWOOD PARK BLVD.
NEW ORLEANS, LA 70123

Phone (504) 736-2656
Fax (504) 736-2502

BOEM REVIEWER:
Kenneth Ashworth
Michael Miner

Interested parties are hereby notified that the Office of Coastal Management of the Department of Natural Resources has received the following application for a Coastal Use Permit (CUP) in accordance with the State and Local Coastal Resources Management Act of 1978, as amended, (Louisiana R.S. 49, Sections 214.21-214.41), and the rules and regulations of the Coastal Resources Program. 120906-01

Additionally, interested parties are hereby notified that applications have been received by the District Engineer for a Department of the Army permit to authorize the following pursuant to: [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344) and/or [X] Section 10 of the River and Harbor Act of 1899 (33 USC 403).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950 (Title 30, Chapter 11, Part IV, Section 2074 A93) and Provisions of Section 401 of the Clean Water Act (P.O. 95-217).

The official date of the beginning of the public comment period for Coastal Use Permit and Water Quality Certification applications begins on the date of publication of the notice in the official state journal (The Advocate), in accordance with the Rules and Procedures for Coastal Use Permits, §723.C.5.c. The Office of Coastal Management will inform interested parties of the exact date of publication on request.

*Habitat impacts are based on available in-house data and may not represent actual conditions. Field reconnaissance may be required to verify the extent of impacts.

Approximately 760 acres of Essential Fish Habitat (EFH) utilized by various life stages of red drum and penaeid shrimp would be altered or destroyed by this permit. This information is provided to initiate federal consultation requirements pertaining to EFH under the Magnuson-Stevens Fishery Conservation and Management Act.

APPLICANT: COASTAL PROTECTION AND RESTORATION AUTHORITY OF LOUISIANA

Attn: Chad Chauvin
P.O. Box 44027
Baton Rouge, LA 70804

LOCATION: TERREBONNE PARISH; Lat. 29° 02' 47.76"N, Long. 90° 48' 19.44"W; Ship Shoal Borrow Area @ Lat. 28° 55' 28.80"N, Long. 90° 55' 16.14"W; Whiskey 3A Borrow Area @ Lat. 29° 01' 11.57"N, Long. 90° 44' 36.24"W; Sections 2, 3, & 10; T24S-R16E; Whiskey Island, LA.

DESCRIPTION: Proposed mining of sand from the Whiskey 3A borrow area (2,920' x 1,300') and Ship Shoal Lease Block 88 (6,959' x 4,375') to create a beach and dune marsh habitat on Whiskey Island (TE-100). Mined sediment will be transported via a 30" sediment pipe. A 500' wide conveyance corridor will be required from each of the borrow areas. No dredging will be required for the corridors. For the beach and dune restoration; material will be placed along approximately 23,500' of shoreline. The dune will be constructed with a typical width of 232' at the base and 100' at the crest. The beach fill will be placed approximately 464' wide along the length of the shoreline. A dike will be constructed to contain fill material and a sand fence will be installed. For the marsh restoration; approximately 972,000 cu. yds. of mixed sediment will be placed and planted within a 5,500' x 1,000' area surrounded by primary and secondary containment dikes to prevent fill from entering the adjacent mangroves on the bay side of the island. All proposed containment dikes will be constructed by excavating borrow channels adjacent to the dikes. Approximately 447,800 cu. yds. of material will be excavated and used for construction of the dikes.

HABITAT IMPACT: Approximately 651 acres of non-vegetated waterbottom may be impacted at the Ship Shoal borrow site, approximately 8.2 miles from the restoration project and approximately 77 acres of non-vegetated waterbottom may be impacted at the Whiskey 3A borrow site, approximately 4.2 miles from the restoration project. Approximately 858.4 acres of non-vegetated waterbottom may be impacted by the placement of sediment to create/restore approximately 847.5 acres of beach, dune, and marsh habitat. Approximately 35.7 acres of wetlands may be impacted by the creation of 35.7 acres beach, dune, and marsh habitat. Approximately 203.4 acres of supratidal habitat may be impacted by the creation of 203.4 acres of beach, dune, and marsh habitat.

THE APPLICANT MUST SECURE A STATE COASTAL USE PERMIT PLUS A DEPARTMENT OF THE ARMY PERMIT OR A GENERAL PERMIT AUTHORIZATION FROM THE CORPS OF ENGINEERS. INDEPENDENT EVALUATIONS AND DECISIONS WILL BE MADE BY THE OFFICE OF COASTAL MANAGEMENT AND THE CORPS OF ENGINEERS.

State of Louisiana Coastal Use Permit Criteria

Plans for the proposed work are now on file and may be inspected at the Office of Coastal Management, Department of Natural Resources, LaSalle Building, 617 North 3rd Street, Room 1048, Baton Rouge, LA. Written comments, including suggestions for modifications or objections to the proposed work and stating the reasons thereof, are being solicited from anyone having an interest in the matter. Comments to the State of Louisiana, Office of Coastal Management must be received within 25 days of the date of official journal publication of this notice. Comments may be faxed to us at (225)342-9439 or may be emailed to us at the email address listed above. All comment letters should contain both the applicant's name and the appropriate application number and should be mailed to the Office of Coastal management, Louisiana Department of Natural Resources, P.O. Box 44487, Capitol Station, Baton Rouge, Louisiana 70804-4487.

The decision on whether or not to issue a Coastal Use Permit will be based on an evaluation of the probable impacts of the proposed activity in accordance with the state policies outlined in R.S. 49:214.22. The decision will reflect

the national concern for both protection and utilization of important resources. The decision must be consistent with the state program and approved local programs for affected parishes and must represent an appropriate balancing of social, environmental and economic factors. All factors which may be relevant to the proposal will be considered; among these are flood and storm hazards, water quality, water supply, feasible alternative sites, drainage patterns, historical sites, economics, public and private benefits, coastal water dependency, impacts on natural features, compatibility with the natural and culture setting and the extent of long term benefits or adverse impacts.

Certification that the proposed activity will not violate applicable water and air quality laws, standards and regulations will be required before a permit is issued.

State of Louisiana Water Quality Certification Criteria

Louisiana Department of Environmental Quality (LDEQ) water quality certification is required. Concurrent with processing of this application, the LDEQ is reviewing this application under Section 401 of the Clean Water Act and in accordance with Louisiana Revised Statute of 1950, Title 30, Chapter 11, Part IV, Section 2074.A.3 to determine if the work would comply with State water quality standards and other applicable provisions of the CWA. By virtue of an agreement between the USACE and the LDEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the LDEQ a decision on water quality certification under such act. Comments concerning this application for water quality certification in Louisiana must be submitted, using the applicant's name, to: State of Louisiana, Department of Environmental Quality, Attn: Jamie Phillippe, P.O. Box 4313, Baton Rouge, LA 70821-4313. The public comment period extends 20 days from the publication date of this notice. A copy of the public notice with a description of the work is available for review between 8:00 a.m. and 4:30 p.m. weekdays at the LDEQ office at 602 North 5th Street, Baton Rouge, Louisiana 70802. Copies may be obtained upon payment of the cost of printing. The LDEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester; or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

Corps of Engineers Federal Permit Criteria

The notice and notice policies of the Corps of Engineers- New Orleans District can be found on their web page at <http://www.mvn.usace.army.mil/ops/regulatory/publicnotices.asp>.

Public Hearings

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

Bureau of Ocean Energy Management (BOEM): A lease for sand from Ship Shoal Lease Block 88 is required from BOEM. If you have any questions concerning the lease application, you may contact Kenneth Ashworth at Kenneth.Ashworth@boem.gov (504)736-2656 or Michael Miner at Michael.Miner@boem.gov (504)736-2700 or by fax at 504-736-2502. Please furnish BOEM a copy of all Public Notice comments. Copies can be mailed to Joseph Christopher, Regional Supervisor, Office of Environment, Bureau of Ocean Energy Management, 1201 Elmwood Park Blvd, New Orleans, LA 70123.

NOTE: The Bureau of Ocean Energy Management (BOEM) has sole regulatory authority over the use of Outer Continental Shelf (OCS) sand resources from Ship Shoal Lease Block 88, under the OCS Lands Act. The U.S. Army Corps of Engineers (Corps) requires a permit for all other aspects of the project, including dredging of any state water borrow areas, as well as conveyance and placement of sand resources. BOEM and the Corps are working collaboratively to ensure effective implementation of the required National Environment Act (NEPA) process, the required Endangered Species Act (ESA) Section 7 consultations, the Magnuson-Stevens Fishery and Conservation Management Act Essential Fish Habitat consultation (Section 305); the National Historic Preservation Act Section 106 process; and the Coastal Zone Management Act Section 307 consistency determination.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **20 days** from the date of this joint public notice. Written comments, including suggestions for modifications or objections to the proposed work, 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. Letters concerning the Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and be mailed to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH**. Individuals or parties may request an extension of time in which to comment on the proposed work by writing to the project manager or clicking on the project manager's name on the public notice grid on the web page. Any request must be specific and substantively supportive of the requested extension and received by this office prior to the end of the initial comment period. The Section Chief will review the request and the requestor will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous to the initial comment period and, inclusive of the initial comment period, will not exceed a total of 30 calendar days. Similar letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

Corps of Engineers Permit Criteria

The decision whether to issue a permit 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 make, modify, condition, or deny a permit for this proposal. 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.

No properties listed on the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work 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.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor 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. The applicant's proposal would result in the destruction or alteration of **760 acre(s)** of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action 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 the proposed work 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 water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services 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.

The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

Darrell S. Barbara
Chief, Western Evaluation Section
Regulatory Branch

Enclosure