

JOINT PUBLIC NOTICE

December 16, 2011

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

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

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

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CORPS REVIEWER:

Darrell Barbara

DEQ REVIEWER:

Jamie Phillippe

OCM REVIEWER:

Sharon Mccarthy

COE NUMBER:

MVN- 2009- 1353- EFF

WQC NUMBER:

111207- 02

CUP NUMBER:

P20111445

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. Via this notice, the public is invited to provide comment on the following application.

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 verify extent of impacts.

Approximately 777.00 acres of Essential Fish Habitat (EFH) utilized by various life stages of red drum and panaeid shrimp would be altered or destroyed by this project. This information is provided to initiate federal consultation requirements pertaining to EFH under the Magnuson-Stevens Fishery Conservation and Management Act.

NAME: COASTAL PROTECTION AND RESTORATION AUTHORITY

c/o MOFFATT & NICHOL
301 MAIN ST., SUITE 800
BATON ROUGE, LA 70825
Attn: Paul Tschirky

LOCATION: Jefferson, Plaquemines Parishes, LA; Wills Point Anchorage South Borrow Area - MP 66.7; Alliance Anchorage Borrow Area - MP 64.3; Alliance South Borrow Area MP 60.7; POB Reach 1 Pipeline Corridor: Lat. 29° 42' 03.65"N / Long. -89° 59' 01.44"W; POE Reach 5 Pipeline Corridor: Lat. 29° 36' 09.88"N / Long. -90° 04' 16.87"W; Marsh Creation Area (Pt. 11): Lat. 29° 36' 47.29"N / Long. -90° 03' 50.13"W; Section 14, T15S-R25E & R24E; crosses LA Hwy. 23 north of Alliance Refinery, near La Reussite, LA.

DESCRIPTION: Proposed Mississippi River Long Distance Sediment Pipeline, State Project BA-43 EB. Project includes the permitting of three borrow sources from the Mississippi River to a -90 elevation totaling +/- 251 acres (+/- 11.6 MCY), a total of +/- 10.78 miles of a 60' wide permanent pipeline access corridor (+/- 6.6 miles previously permitted under C20060090/MVN-2008-0345-EFF), and the creation of +/- 262 acres and nourishment of 109 acres emergent marsh and ridge habitat. Of the three borrow sources proposed, +/- 2.2 MCY of sediment from the Alliance Anchorage Borrow Area will be used to construct +/- 4.16 miles of the pipeline access corridor and to create/nourish the proposed emergent marsh and ridge habitat with a final elevation of +/- 3.0' +/- 0.5'. Also proposed is the dredging/backfilling of +/- 257,823 cubic yards for the +/- 3.4 mile access channel from the south shore of the Pen to Bayou Dupont, installation of four booster pumps, excavation of +/- 98,761 cubic yards for the construction of containment dikes, and placement of +/- 2,400 cubic yards of crushed stone/gravel and +/- 7,310 cubic yards of topsoil for the various crossings proposed. *Approximately 622.8 acres of non-vegetated waterbottom, 33 acres (permanent)/ 118.6 acres (temporary) of vegetated wetland, and 1.9 acres of upland habitats may be impacted as a result of the proposed activity.

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 the 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 mailed, faxed or emailed to the contact information listed above or uploaded to the record using our online database found at:

http://sonris-www.dnr.state.la.us/www_root/sonris_portal_1.htm

All comments must contain the applicant's name and appropriate application number and the commenter's full name and contact information.

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

In accordance with the Joint Public Notice Agreement between the Office of Coastal Management and the Office of Water Resources, notice is hereby given that the applicant has applied 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 A(3) and provision of Section 401 of the Clean Water Act (P.L. 95-217).

Comments concerning this application can be filed with the Office of Environmental Services within twenty days of this notice to the following address: Louisiana Department of Environmental Quality, Office of Environmental Services, P.O. Box 4313, Baton Rouge, Louisiana 70821-4313.

Additional information is on file with the above office, and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained upon payment of cost of printing.

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.

Attached Plats: 1) P20111445 Notice Plats 12/13/2011

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| 2) | P20111445 | Notice Plats | 12/13/2011 |
| 3) | P20111445 | Notice Plats | 11/22/2011 |

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 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**. 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. 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.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during 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 known to be 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 774.4 acres 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.

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.