

JOINT PUBLIC NOTICE

February 19, 2011

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT CORPS OF
ENGINEERS PERMITS SECTION
P.O. BOX 60627
NEW ORLEANS, LA 70160

Phone (504) 862- 1954
Fax (504) 862- 2574

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
Email jessica.williamson@la.gov

CORPS REVIEWER:
Mike Herrmann

OCM REVIEWER:
Jessica Williamson

COE NUMBER:
MVN- 2011- 0200- WLL

COASTAL USE PERMIT NUMBER:
P20110053

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).

The official date of the beginning of the public comment period for Coastal Use Permit 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 extent of impacts.

Approximately NO acres of Essential Fish Habitat (EFH) utilized by various life stages of red drum and panfish 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: **APACHE CORPORATION**
P. O. BOX 206
HOUMA, LA 70361-0206
Attn: Timothy J. Allen

LOCATION: **Terrebonne Parish, LA;** Lat. 29° 25' 11"N, Long. 90° 53' 59"W; Section 14, T19S-R15E; Liner Canal, LA.

DESCRIPTION: Proposed removal of an existing, deteriorated water control structure and construction and maintenance of a 71' x 60' replacement water control structure to enhance freshwater flow and prevent saltwater intrusion. Approximately 185 cu. yds. of rock will be used as fill. No other excavation or fill will be required. *Approximately 0.1 ac. of non-vegetated water bottom may be impacted as a result of this activity.

0.1 acres of non-vegetated waterbottoms will be impacted through placement of rock and watercontrol structure in the Liner Canal in Terrebonne Parish, Louisiana.

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.

The Corps of Engineers has been notified of the presence of cultural resources near the proposed work. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer. Permit issuance will be coordinated accordingly with 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 N/A 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 applicable 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.

Ronnie W. Duke
Chief, Western Evaluation Section

Enclosures: