

JOINT PUBLIC NOTICE

May 16, 2011

United States Army
Corps of Engineers
New Orleans District
Regulatory Branch
Post Office Box 60267
New Orleans, Louisiana 70160-0267

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

(504) 862-2543 FAX (504) 862-2117
Project Manager
Melissa Ellis
Permit Application Number
MVN-2011-1058-EQ

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Project Manager
Jamie Phillippe
WQC Application Number
WQC 110510-01

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the U.S. Army Corps of Engineers pursuant to: [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).

Application has also been made to the Louisiana Department of Environmental Quality, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

EXPANSION OF AN EXISTING DRILLSITE IN THE ATCHAFALAYA NATIONAL WILDLIFE REFUGE IN ST. MARTIN PARISH, LOUISIANA

NAME OF APPLICANT: Dynamic Exploration, LLC, P.O. Box 52889, Lafayette, Louisiana 70505

LOCATION OF WORK: The proposed drill site is located approximately 11.3 miles northeasterly from Henderson, St. Martin Parish, Louisiana within Section 87, Township 7 South, Range 8 East, at Latitude 30.42306/Longitude -91.64889.

EXISTING SITE CONDITIONS: The project site is comprised of approximately 1.56 acres which consists entirely of bottomland hardwood wetlands. Approximately 0.41 acre of this site was previously impacted under Corps permit number 2010-1068 for the construction of the existing adjacent drill pad. The 0.41 acre is now a borrow ditch which was bottomland hardwood that was excavated for the construction of the existing drill pad ring levee. For the purpose of determining mitigation, this area is considered bottomland hardwood by the Corps.

CHARACTER OF WORK: The applicant has requested to clear, excavate, fill and grade 1.56 acres within the Atchafalaya National Wildlife Refuge for the construction, installation and maintenance of a drill pad with three closed mud system wells and associated infrastructure for a project known as "Happytown Prospect No. 1, 2, and 3 Wells". The applicant is requesting to fill 1.56 acres of bottomland hardwood wetlands with 6,775 cubic yards of material. The applicant has proposed to use existing access roads.

As mitigation for 1.56 acres of direct bottomland hardwood impacts, the applicant is proposing to pay the Atchafalaya National Wildlife Refuge \$53,200 for the Refuge to manage/restore/rehabilitate an unspecified area of the Atchafalaya National Wildlife Refuge habitat that is similar to that being disturbed.

THREATENED AND ENDANGERED SPECIES: The project site provides potential habitat for the federally threatened Louisiana black bear (*Ursus americanus luteolus*). The proposed project also occurs within the boundaries of critical habitat for the black bear. The Corps of Engineers has made a preliminary determination that the project “may affect, but is not likely to adversely affect” the black bear and its critical habitat because of the small amount of proposed impact, because the proposed impacts are adjacent to an existing and currently operational well site and because the applicant is proposing to use existing access roads. The Corps is requesting written concurrence from the US Fish and Wildlife Service with this determination.

The Corps of Engineers is not aware of any other threatened or endangered species on the project site.

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**. 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 during weekdays between 8:00 a.m. and 5:00 p.m. Copies may be obtained upon payment of costs of reproduction. **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.**

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 is unaware of any properties listed on the National Register of Historic Places at or near the proposed work site. 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.

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 acres of EFH utilized by various life stages of red drum, blue crab and penaeid shrimp. Our initial determination is that the proposed action would not have an 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.

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

Attachments