

JOINT PUBLIC NOTICE

January 30, 2012

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

(504) 862-2675 FAX (504) 862-2574
Project Manager
Jamie Crowe
Permit Application Number
MVN 2011-2903 CO

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

(225) 219-3225 FAX (225) 325-8250
Project Manager
Jamie Phillippe
WQC Application Number
WQC 111117-02

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, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS 30:2074 A(3) and provisions of Section 401 of the Clean Water Act.

HYDROGEN PIPELINE EXPANSION IN ASCENSION, ST JAMES, ST. JOHN THE BAPTIST, AND ST. CHARLES PARISHES

NAME OF APPLICANT: Praxair, Inc., c/o Ecology and Environment, Inc., 11550 Newcastle Ave., Suite 250, Baton Rouge, Louisiana 70816.

LOCATION OF WORK: Within a 51 mile pipeline corridor beginning in Geismar, Louisiana, proceeding southeast to Convent, Louisiana, where the route turns east crossing Maurepas Swamp Wildlife Management Area, the Blind River, and the Bonnet Carre Spillway before terminating in Norco, Louisiana, as shown in the attached drawings. The proposed work will take place in Ascension, St. James, St. John the Baptist, and St. Charles Parishes.

CHARACTER OF WORK: Clear and grade rights of way, trenching operations, bores and horizontal directional drill operations, all as necessary to install 51 miles of 12-inch H₂ pipeline and 0.7 mile of 12-inch lateral pipeline along with associated main valves and side valves for future interconnects. Fourteen access roads are proposed for use during construction, one of which is a new road that will be constructed utilizing temporary board mats that will be removed following construction. The applicant proposes a 60' construction right-of-way and a 10' permanent right of way. To the maximum extent

practicable, the applicant is proposing expansion of existing rights-of-way for construction. Approximately 291,489 cubic yards of native material will be temporarily stockpiled on site and used as backfill. Approximately 14.8 acres of bald cypress swamp, 119.5 acres of bald cypress tupelo swamp, 3.1 acres of bottomland hardwood forest, and 17 acres of tupelo blackgum swamp will be permanently converted to emergent vegetation by the proposed activity; while approximately 82.9 acres of freshwater marsh, 1.3 acres of mud flat, 4.3 acres of shrub swamp, 0.5 acre of submerged vegetation, and 7.5 acres of wetland meadow will be temporarily impacted by the proposed pipeline installation. As compensatory mitigation, the applicant is proposing fee title acquisition and transfer to the Louisiana Department of Wildlife and Fisheries approximately 4,950 acres of similar habitat for inclusion in a wildlife management area and/or purchasing appropriate compensatory mitigation banking credits from an approved mitigation bank.

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. 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.

Six cultural resources were identified along the proposed pipeline route. Four of these sites were previously recommended as not eligible for the National Register of Historic Places (NRHP), while two have not been evaluated for NRHP eligibility. The applicant is coordinating with the State Historic Preservation Officer regarding potential impacts to cultural resources. No properties listed on the NHRP 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.

Of all the water bodies crossed by the proposed route, the Blind River would be likely to support Gulf Sturgeon. The applicant proposes to avoid impacts to the gulf sturgeon by using Horizontal Directional Drill under the river. There are three records of bald eagles nests in proximity to the proposed corridor. The applicant has begun consultation with US Fish and Wildlife Service to regarding potential impacts to these nests. 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/Aacre(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.

Martin S. Mayer
Chief, Central Evaluation Section

Enclosures