MAR 9 2004

JOINT PUBLIC NOTICE
March 16, 2004*

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT
CORPS OF ENGINEERS
REGULATORY FUNCTIONS
BRANCH
PO BOX 60267
NEW ORLEANS, LA 70160
Phone: (504) 862-1570
Fax: (504) 862-2117

COE REVIEWER:
Mike Brown

COE NUMBER:
CR-20-040-1699

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES
PO BOX 4313
BATON ROUGE, LA 70821-4313
Phone: (225) 219-3020
Fax: (225) 219-3156

DEQ REVIEWER:
Melanie Bauder

WQC NUMBER:
WQC# MB-040302-18

STATE OF LOUISIANA
DEPARTMENT OF NATURAL
RESOURCES
COASTAL MANAGEMENT DIVISION
PO BOX 44487
BATON ROUGE, LA 70804-4487
Phone: (225) 342-7953
Fax: (225) 342-9439

CMD REVIEWER:
C. S. Melton

CUP NUMBER:
P20040215

Interested parties are hereby notified that the Coastal Management Division of the Department of Natural Resources has received the following application for a Coastal Use Permit 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.

Additionally, interested parties are hereby notified that an application has 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), [X] Section 10 of the Rivers and Harbors 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 A(3) and Provisions of Section 401 of the Clean Water Act (P.,O. 95-217).

NAME: **Occidental Chemical Corporation**
c/o Miller Engineers & Associates, Inc., P. O. Box 223, Franklin, LA 70538, Attn: Glenn E. Miller.

LOCATION: **St. James Parish, LA**; **POB** - Lat. 29□ 56' 53"N, Long. 90□ 47' 49"W; **POE** - Lat. 29□ 57' 38"N, Long. 90□ 42' 43"W; Section 13, T13S-R16E and Sections 9, 10, 11, 16, 17 & 18, T13S-R17E.

DESCRIPTION: Installation of a ±28,086' - 12" pipeline to replace an existing 12" pipeline that has deteriorated. Approximately 25,000 cu. yds. of material will be excavated during the installation of the pipeline and backfilled upon completion. Approximately 35 acres of vegetated wetlands and approximately 0.22 acres of water bottoms will be impacted as a result of this activity**.

Approximately 10.56 acres of Essential Fish Habitat utilized by various life stages of red drum and penaeid shrimp would be altered or destroyed by this project. This information is provided to initiate federal consultation requirements pertaining to Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act.

*This date represents the beginning date of the Corps of Engineers public notice period. 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 Coastal Management Division will inform interested parties of the exact date of publication on request.

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 COASTAL MANAGEMENT DIVISION 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 Division, Department of Natural Resources, State Land and Natural Resources Building, 617 North 3rd Street, Room 1048, Baton Rouge, Louisiana. 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 this permit request. Comments to the State of Louisiana, Coastal Management Division 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 Coastal Management Division, 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

In accordance with the Joint Public Notice Agreement between Coastal Management Division 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 ten days of this notice to the following address: Louisiana Department of Environmental Quality, Office of Environmental Services P.O. Box 82135, Baton Rouge, Louisiana 70884.

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. A final decision on this application will be made within 60 days after publication of this notice.

Corps of Engineers Federal 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 benefits 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 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 Corps of Engineers to determine whether to issue, 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 the other public interest factors listed above. Comments are used in 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. Comments to the Corps of Engineers must be received up to and including 30 days from the date of the public notice and must be addressed to the Regulatory Functions Branch, U.S. Army Corps of Engineers, Post Office Box 60267, New Orleans, LA 70160-0267. All comment letters should contain both the applicant's name and the application number.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. 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 and coordination with the National Marine Fisheries Service.

No properties listed in the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archaeological, scientific, prehistorical, or historical sites or data. Copies of this notice are being sent to the State Archaeologist 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. Department of Interior nor affect any habitat designated as critical to the survival and recovery of any endangered species.

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 receives approval or waiver of the Coastal Use Permit by the Department of Natural Resources.

If the proposed work involves deposits of dredged or fill material into waters of the United States, the evaluation of the probable impacts will include the application guidelines established by the Administrator of the Environmental Protection Agency. 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.

You are requested to communicate the information contained in this letter to any other parties whom you deem likely to have interest in this matter.

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.