

APPENDIX C

PERMITS

JOINT PUBLIC NOTICE

July 21, 2009

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
COASTAL MANAGEMENT DIVISION
P.O. BOX 44487
BATON ROUGE, LA 70804-4487

Phone (504) 862- 2292

Fax (504) 862- 2574

Phone (225) 219-3462

Fax (225) 219-1039

Phone (225) 342-7358

Fax (225) 342-9439

Email ontarioj@dnr.state.la.us

CORPS REVIEWER:

Kenneth Ashworth

DEQ REVIEWER:

Jamie Phillippe

CMD REVIEWER:

Ontario James

COE NUMBER:

MVN 2008- 37 CZ

WQC NUMBER:

080923- 02

CUP NUMBER:

P20071098

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 (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.

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 Coastal Management Division 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 NO acres of Essential Fish Habitat (EFH) utilized by various life stages of red drum and parnaeid 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: GREATER LAFOURCHE PORT COMMISSION

c/o MORRIS P. HEBERT, INC.
10343 SIEGEN LANE, BUILDING 4-B
BATON ROUGE, LA 70810
Attn: Timothy Robertson

LOCATION: Lafourche Parish, LA; Lat. 29° 08' 21.61"N and Long. 90° 11' 49.00"W (in center of Phase II); Sections 2, 11, 12 & 35; T23S-R22E; Sections 34, 35, 36; T22S-R22E; Fourchon, LA.

DESCRIPTION: Proposed planned, phased expansion of Port Fourchon (Slip C development) consisting of dredging, fill, +/-8,613' x 10' rip-rap, mooring bits (+/-54), flotation canal, retainer levees, culvert re-location, Maritime Forest Ridge +/-5,095' x 126' and mitigation. The proposed project is a component of the Port's northern expansion (Phase II) which began in 1999. Slips A and B were permitted in Phase I and have been constructed. Slip A is complete and fully utilized. Slip B is dredged, over 75% is under lease and in facility construction with the remaining 25% planned to be developed in 2008-09 time frame. In order to have continued orderly development of the Port, it is necessary to begin Slip C development in early 2008 as it is at a minimum, a 2 year process to create port facilities out of what is now shallow open water. Approximately 519,826 cubic yards of wetlands will be excavated. Approximately 6,479,691 cubic yards of non-vegetated waterbottoms will be excavated. Approximately 157,500 cubic yards of non-wet areas will be excavated. Approximately 6,245,441 cubic yards of fill will be placed on non-vegetated waterbottoms. Approximately 747,676 cubic yards of fill will be placed in non-wet areas. Approximately 254,261 cubic yards of fill will be placed on wetlands. Approximately 7,157,017 cubic yards of fill material will be native material. Approximately 9,465 cubic yards of fill material will be rock.

Modification: 4 fish dips were added along the flotation canal shown on sheets 2 and 3. Riprap was added along the fish dips. This is shown on sheet 4. Cement revetment mats were added to prevent scouring along bankline as shown on sheet 14. A levee will be degraded. This detail is shown on sheet 15. *

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

Corps of Engineers Permit Criteria

The comment period for the Department of the Army Permit 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 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.**

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 near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistoric, historic 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.

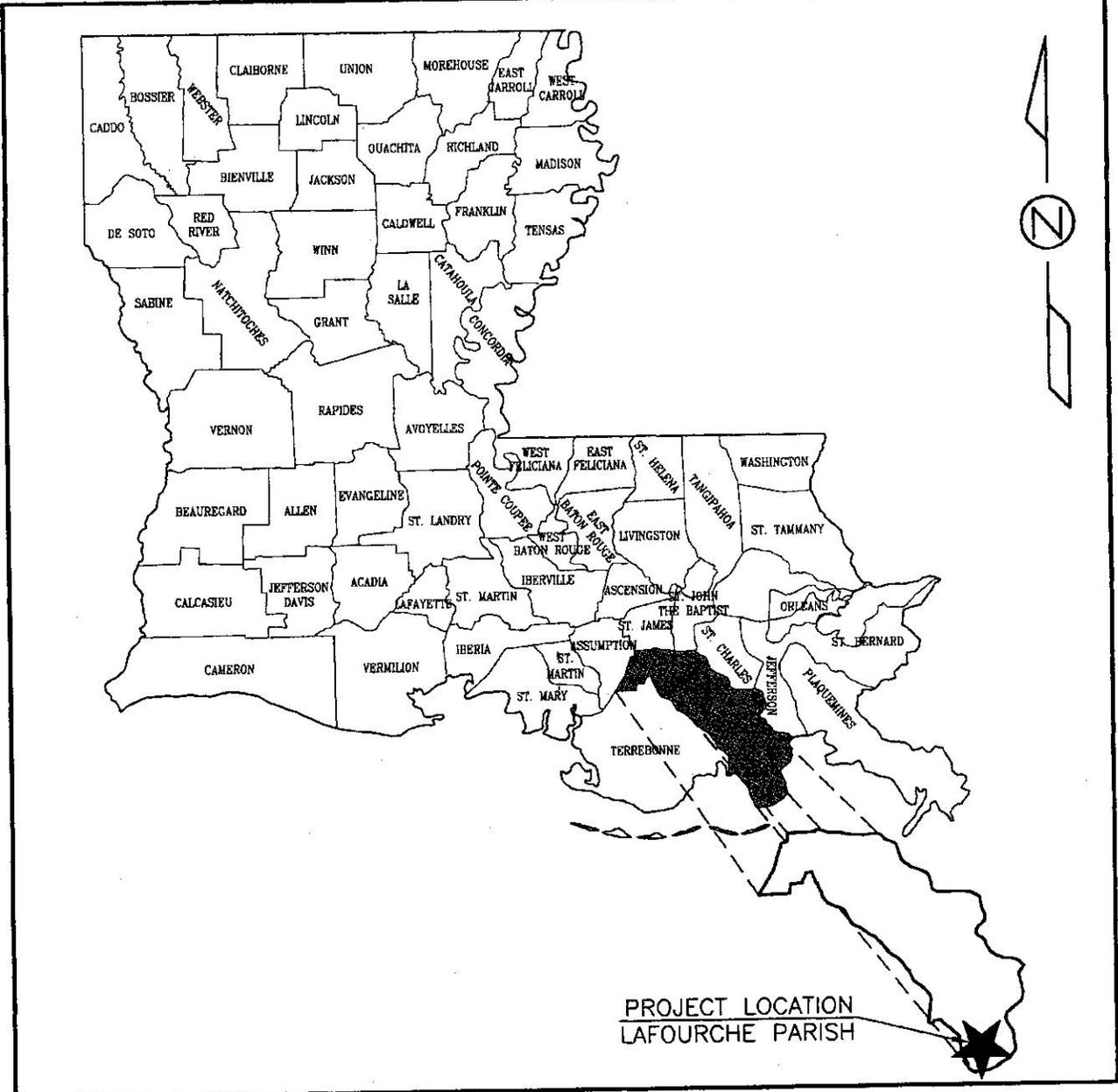
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal may result in the destruction or alteration of 9 acre(s) of EFH utilized by various life stages of red drum and penaeid shrimp. Our 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 Water Resources 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.

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STATE VICINITY MAP
NOT TO SCALE

NORTHERN EXPANSION – PHASE II

WORK TO BE PERFORMED: DREDGING, FILL, RIPRAP, MOORING BITS, FISH DIPS, LEVEE DEGRADATION, AND MITIGATION

APPLIED BY: GREATER LAFORCHE PORT COMMISSION

AREA: PORT FOURCHON, LOUISIANA



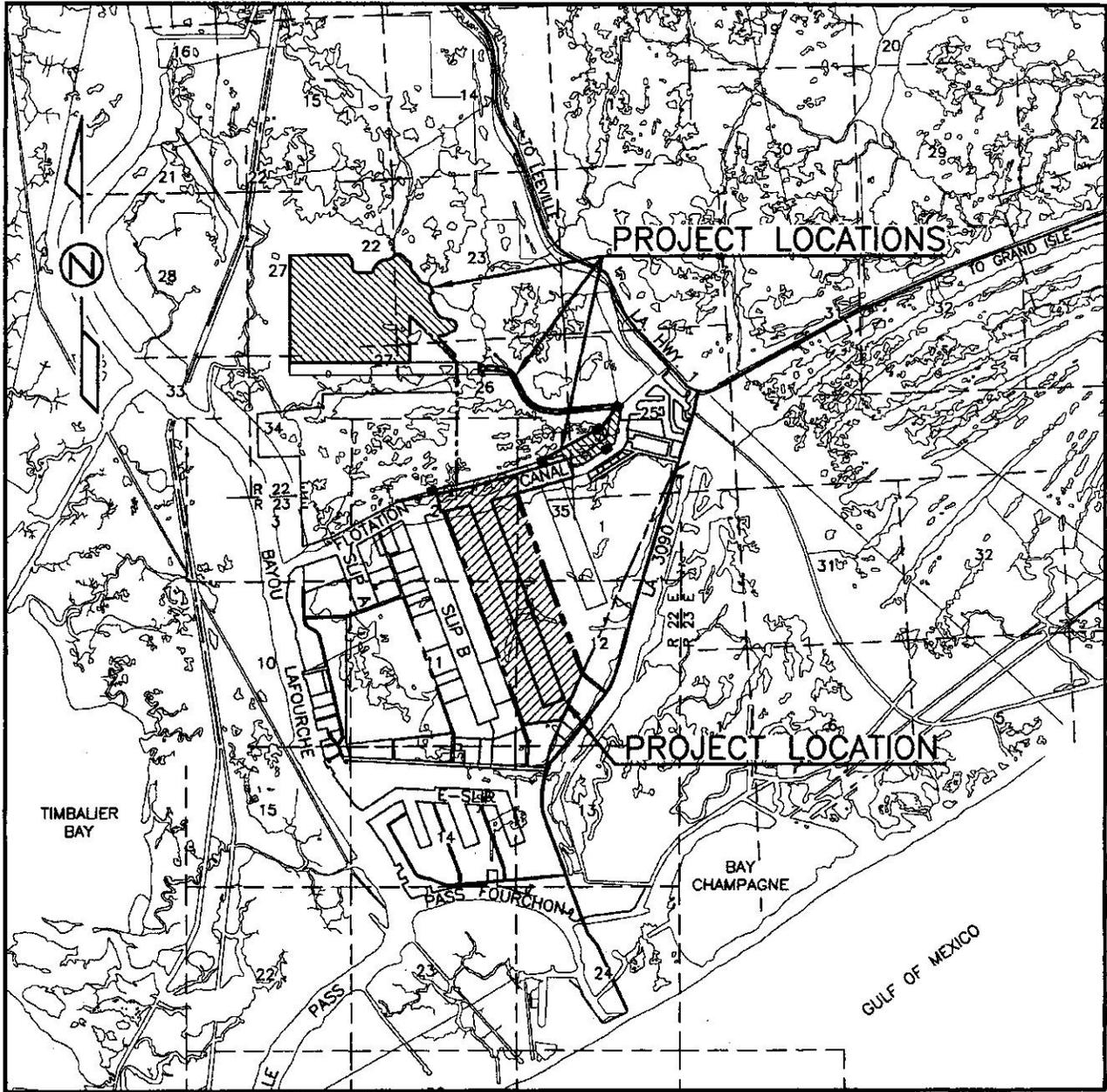
PICCIOLA & ASSOCIATES, INC.
CIVIL ENGINEERS NAVAL ARCHITECTS
LAND SURVEYORS MARINE ENGINEERS

P.O. BOX 687
CUT OFF LOUISIANA 70345
(888) 632-5766

REV: 6-15-09
DATE: 7-18-07

SHEET 1 OF 15

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LOCAL VICINITY MAP

SCALE: 1" = 5000'

WORK TO BE PERFORMED: PORT FOURCHON NORTHERN EXPANSION - PHASE 2

APPLIED BY: GREATER LAFOURCHE PORT COMMISSION

AREA: PORT FOURCHON, LA.

PROPERTY IS LOCATED IN SECTIONS 2, 11, 12, & 35 T-23-S, R-22-E

LATITUDE = 29° 08' 21.61"

LONGITUDE = 90° 11' 49.00"

(LAT. & LON. IS LOCATED APPROXIMATELY IN THE CENTER OF PHASE 2.)



PICCIOLA & ASSOCIATES, INC.
 CIVIL ENGINEERS NAVAL ARCHITECTS
 LAND SURVEYORS MARINE ENGINEERS

P.O. BOX 687
 CUT OFF, LOUISIANA 70345
 (988) 632-6786

REV: 6-15-09
 DATE: 7-18-07

SHEET 2 OF 15