



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: _____ SWG-2019-00268
Date Issued: _____ 14 January 2020
Comments _____
Due: _____ 14 February 2020

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act (CWA).

APPLICANT: Key Operating Company
315 Audubon Boulevard
Lafayette, Louisiana 70503
POC: Jerry Wetzel
Telephone: 337-233-9445
Email: jwetzel@sierra-hamilton.com

AGENT: Tim Morton Associates, Inc.
730 East Kaliste Saloom Road
Lafayette, Louisiana 70508
POC: Donna Hollier
Telephone: 337-735-3882
Email: dhollier@mortoninc.com

LOCATION: The project site is located in wetlands approximately 4 miles east of the Sabine River at a location approximately 3.4 miles southeast of Starks, in Calcasieu Parish, Louisiana. The project can be located on the U.S.G.S. quadrangle map titled: STARKS, Louisiana.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.269250° North; Longitude: 093.641006° West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 333 cubic yards of native material excavated at the project site into 1.14 acres of wetlands in pine flatwoods/savanna in order to construct a 194-foot by 255-foot ring levee around the perimeter of an oil well drill site. Temporary boards will be laid on the ground to construct the drill pad and also placed over 0.02 acre of wetlands within the access road to the project site. If the well site is productive, approximately 610 cubic yards of limestone will be placed in the drill pad area. Limestone will also be added to the surface of the access road, including the 0.02 acre of herbaceous wetlands within the access road. This is a second public notice due to a revision in the wetland delineation of the project site, which resulted in increased impacts to waters of the US.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by proposing the well is directionally drilled to eliminate the need for a new access road. The original site of the drill pad (the applicant's preferred straight hole location) would have necessitated the construction of an access road. However, the surface location was moved northeasterly to be located adjacent to an existing road, thus eliminating the need to construct a new access road and minimizing the impacts to wetlands. In addition, the size of the drill pad was reduced to the dimensions of 194' by 255'. A ring levee with dimensions of 350' by 350' is normally required for directionally drilled wells.

MITIGATION: The applicant proposed to mitigate for the 1.16 acres of wetlands that will be permanently impacted by purchasing 2.1 credits of pine flatwoods/savanna from the Calcasieu Mitigation Bank. The owner of the bank stated to the applicant that 290 credits are currently available for purchase as of 5 September 2019. The proposed amount of credits to be purchased from this bank was calculated by the applicant using the Louisiana Wetland Rapid Assessment Method (LRAM).

CURRENT SITE CONDITIONS: The project site is located within mechanically site-prepared, pine plantations containing early successional species of shrubs, trees, grasses, and herbaceous vegetation. Dominant vegetation includes slash pine (*Pinus elliottii*), willow oak (*Quercus phellos*), wax myrtle (*Morella cerifera*), and woolly rosette grass (*Dichanthelium scabriusculum*).

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. As of the date of this public notice, the Corps has received but not yet verified the wetland delineation. The applicant's plans are enclosed in 6 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS:

The project site is not located within the Louisiana Coastal Zone and therefore, does not require State of Louisiana Coastal Zone Management Consistency.

Louisiana Department of Environmental Quality (LDEQ) water quality certification is required. Concurrent with processing of this application, the LDEQ is reviewing this application under Section 401 of the CWA and in accordance with LRS 30:2074A(3) to determine if the work would comply with State water quality standards and other applicable provisions of the CWA. By virtue of an agreement between the Corps and the LDEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the LDEQ a decision on water quality certification under such act. Comments concerning this application should be filed within 30 days from the date of this notice with the Office of Environmental Services using the above permit application number as reference. Comments should be sent to: Louisiana Department of Environmental Quality, Office of Environmental Services, Attn: Water Quality Certifications, P.O. Box 4313, Baton Rouge, LA 70821-4313. Additional information is on file with LDEQ, 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 the date of this notice. The LDEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The U.S. Army Corps of Engineers, Galveston District (Corps) Staff Archeologist has reviewed the draft report titled, *A Phase I Cultural Resources Survey for the Proposed Olympia Minerals No. 1 Well and Ring Levee in Calcasieu Parish, Louisiana*, prepared for Key Operating Company by TerraXplorations, Inc., and dated June 2019. The draft report was prepared in anticipation to our initial request for a cultural resource investigation of the permit area. As documented in the report, no historic properties were found in the permit area and further investigation is not justified. The report was also provided to the Louisiana State Historic Preservation Officer (SHPO) and a letter of concurrence that no historic properties were found at the project site was issued on 19 July 2019.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. 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: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps 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 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 the preparation of an Environmental Impact Assessment and/or an EIS 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.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **14 February 2020**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2019-00268**, and should be submitted to:

North Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
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