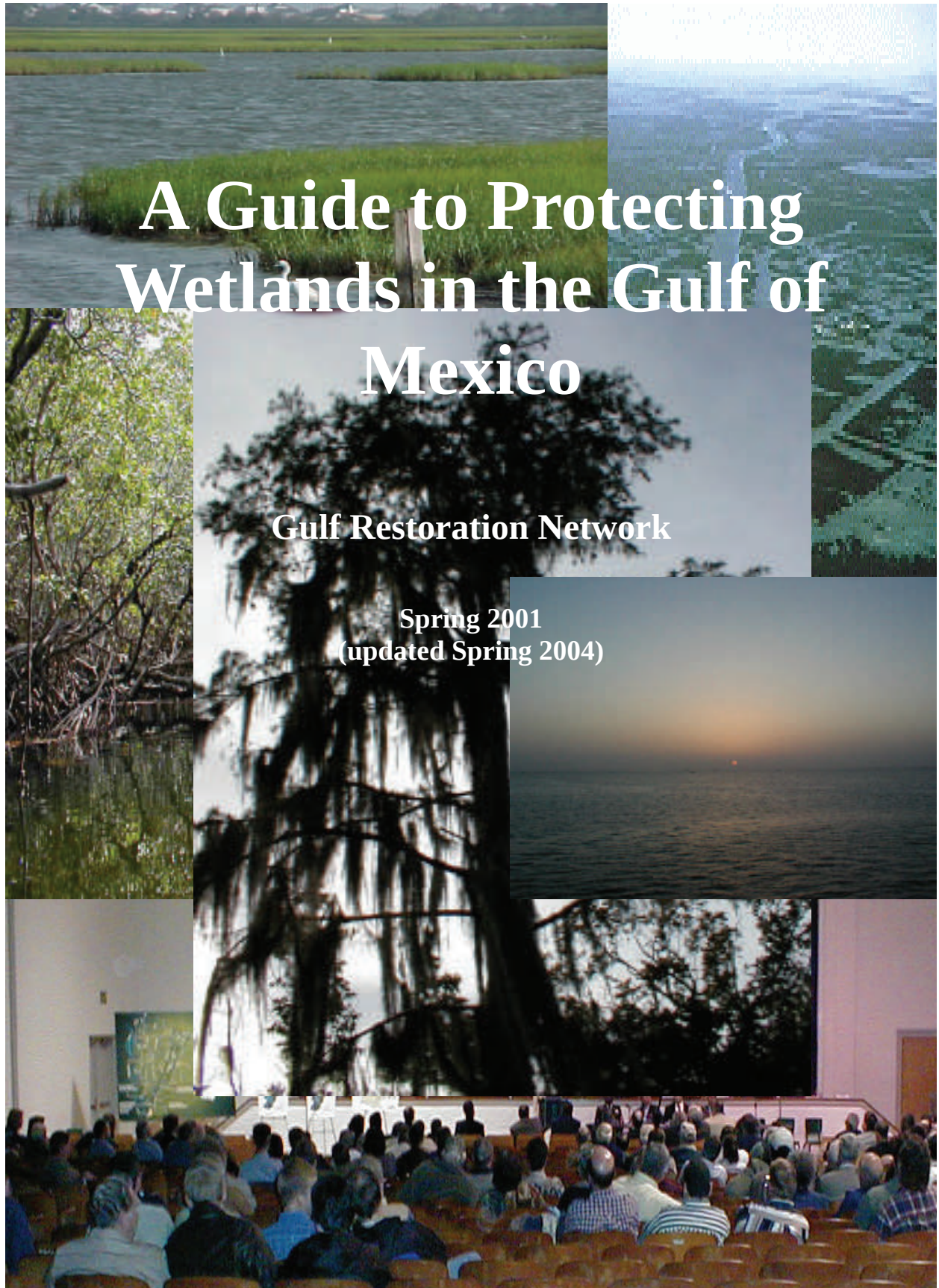




A Guide to Protecting Wetlands in the Gulf of Mexico

Gulf Restoration Network

Spring 2001
(updated Spring 2004)

Introduction



Local Citizens Lead an Environmental Victory

There was a time when Clara and Jerry Crawford did not know about state and federal wetland protection programs. They lived in a small home in the Big Branch community just east of Mandeville in St. Tammany Parish, Louisiana. Jerry was a commercial fisherman; he knew the waters of Lake Pontchartrain like the back of his hand. Clara also grew up along the shores of Pontchartrain, fostering a deep appreciation for the local lands and waters.

The Crawfords did not attend public meetings- and they would not have dreamed of making speeches. But in the spring of 1990, a newspaper article transformed the Crawfords from commercial fishermen to citizen activists. The article revealed that a developer proposed to construct a 24-lot subdivision directly across the road from their home. In addition, the developer wanted to dredge a small nearby stream deeper so that future homeowners could moor boats.

The subdivision was to be built on a 24-acre tract of wetlands along Bayou Cane, a waterway recognized by the state's Scenic Streams Program. Jerry and Clara knew the proposed development spelled trouble for the bayou and Lake Pontchartrain. They knew runoff from the subdivision would pollute the pristine bayou. The area was ecologically important, and the land clearing and dredging would destroy wetlands that provided important wildlife habitat. For the Crawfords, the proposed development threatened their livelihood and

their community.

To voice their opposition, the Crawfords and their neighbors got a quick lesson in citizen involvement. They taught themselves how to become active in the process of state and federal natural resource management. They collected names of concerned citizens on petitions at local festivals, and took photographs of the pristine wetlands for environmental resource agencies and newspaper articles.

What the Crawfords and their neighbors learned helped them voice their opposition to the project, and eventually, the plan for the subdivision was halted. The developer began speaking with the community to learn about their concerns. Soon an agreement was reached with the owner to buy the 24-acre tract. This purchase ultimately led to the creation of the 16,000-acre Big Branch National Wildlife Refuge. The Crawford's success was a victory for all citizens of the Lake Pontchartrain Basin.

The Need for Public Participation

The Crawford's experience demonstrates the importance of public participation. It is a lesson that everyone should learn. The lands and waters that make the Gulf of Mexico so special and diverse. The lakes, rivers, bayous, and wetlands- belong to everyone. However, with the "ownership" of these precious public resources, comes responsibility and the need for proper stewardship.

Thus, it is important for fishermen, boaters, outdoor enthusiasts, developers, and all citi-

zens to have their say in how these resources are managed. While each of us has the right to use and enjoy these resources, the rights of all must be respected and considered. Yet, to have a voice, citizens must make the effort to educate themselves about natural resource protection. To make their concerns known, citizens must attend public hearings, write letters to state and federal agencies, and call their elected officials.

Citizen involvement helps to make environmental laws more effective in a number of ways: by ensuring that regulatory agencies have access to all relevant information, by drawing attention to violations of the law, and by monitoring the agencies charged with implementing the laws.

Public participation is key to protecting resources throughout the Gulf. Now, as more and more people make the Gulf their home and enjoy the area's rich natural resources, it is important for citizens to ensure that the wetlands in the Gulf are protected.

The Purpose of This Guide

There are many opportunities for you to help protect wetlands, and this guide is designed to provide a general understanding of how you can get involved in the process. For example, you can write a letter to a regulatory official expressing your concerns, attend planning and zoning meetings, or organize a neighborhood group to help stop a destructive development project. We encourage you to use this guide as a tool to get involved in wetlands protection, and be a part of the solution. Citizens play an important role in the regulatory process - you are powerful and can make a difference.

This guide attempts to present the citizens' role in the regulatory process in a simple, straightforward manner. Chapter 1 is devoted to familiarizing citizens with what wetlands are and why they are important. Chapter 2 discusses the laws and regulations that govern wetland protection, including a section on how local land use regulations can influence this protection. Citizen involvement is the core of this guide and the focus of the final chapter. This chapter will introduce you to key tools that you can use to influence the process. Finally, the accompanying appendices contain resource information to help you participate in the regulatory process and allow you to stay up-to-date with wetland issues.

This guide is a powerful tool to help you protect the natural treasures in your community. Your involvement ensures that decisions affecting public resources - the rivers, wetlands, bayous, and lakes - are made on behalf of all citizens. Use the concepts and ideas presented in this guide to join in the exciting effort to restore and protect the Gulf of Mexico.



Bald Cypress trees at Mandalay National Wildlife Refuge, LA

Chapter 1



Wetlands and Their Importance

What is a Wetland?

Unfortunately, there is no simple answer to this question. “Wetland” is a general term used to describe a variety of natural systems, including marshes, bottomland hardwood forests, and swamps, among others. Although each is different, these systems share certain characteristics. For example, some wetlands may be saltwater dependent and located near the ocean, while others may be located inland, near freshwater lakes and rivers. Some wetlands may have shrubs, some may have trees, and others may have no vegetation at all.

What do all wetlands have in common? The official definition of wetlands stated in the Code of Federal Regulations (33 CFR 328.3(b)) is as follows:

*The term “**wetlands**” means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.*

In other words, there are three basic characteristics that most wetlands share:

1. **SOIL CONDITIONS**; the presence of hydric soils (soils that remain waterlogged long enough to create low oxygen or no oxygen conditions);
2. **PRESENCE OF WATER**; a specific hydrologic regime (presence of water at or above the ground for more than

seven consecutive days in the growing season); and

3. **PLANT TYPES**; hydrophytic plants (plants that are adapted to growing in waterlogged hydric soils).^{1,2}

Although these characteristics may appear relatively straightforward, it is not always easy to identify a wetland. For example, some types of wetlands may appear wet, inundated, or “saturated,” for most of the year, while other wetland types such as bottomland hardwood forests may only become wet during the spring when a nearby river overflows. If you were to observe a bottomland hardwood forest during a dry winter, when the river is not flooding, you might mistake it for a mixed hardwood forest that is not subject to laws created to protect wetland systems. However, if the system matches the characteristics listed above, the dry forest you see in the winter is subject to the same federal wetland laws as a wetland that is wet all year round.

Types of Wetlands in the Gulf of Mexico

There are two very broad classifications of wetlands: inland and coastal. Both types are found throughout the Gulf of Mexico region. Inland wetlands generally include freshwater ecosystems such as bottomland hardwood forests, swamps, prairie potholes, playa lakes, pocosins, vernal pools, freshwater mangrove swamps, and freshwater marshes. Inland wetlands are commonly found in the floodplains along rivers and streams, in isolated depressions surrounded by dry land, and in other low-lying areas. Coastal wetlands are found at the interface

of the ocean and the land, and are comprised of plant species that have adapted to a saltwater habitat. The most common coastal wetlands include saltwater mangrove swamps, saltwater marshes, and non-vegetated areas such as sand bars, mud flats, and shoals. Saltwater marshes can be further subdivided based on the salinity of the water. They can be classified as intermediate (more fresh than salty), brackish (part freshwater, part saltwater), or saltwater (entirely saltwater) marshes.^{3, 4}

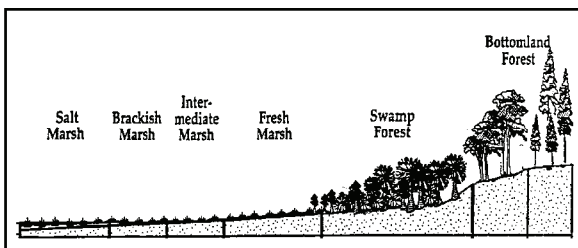


Figure 1: Six wetland types found in the Gulf of Mexico. Modified from the *Louisiana Coastal Wetlands Restoration Plan*, Main Report. November 1993. Pp. 15.

Both inland and coastal wetlands are characterized by the type of vegetation that grows within the wetland. Salinity, elevation (the height above sea level), and soil type are the most important factors that determine the types of vegetation that can survive in a particular wetland system.

For example, a salt-tolerant grass species, *Spartina alterniflora*, can be found in many of coastal Louisiana's salt marshes. Simi-

larly, an oak tree, a species that cannot survive in water with high salt concentrations, will not be found in a saltwater marsh but may be found in a bottomland hardwood forest. Therefore, by looking at the types of vegetation that grow in a particular wetland, it is possible to identify and classify that wetland.

For more information about the wetland types named above, including where they are found and characteristic vegetation types, please refer to Appendix 1.

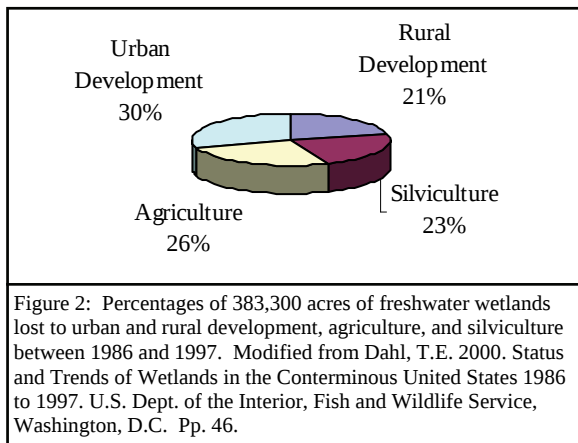
Why Are Wetlands Important?

Wetlands are dynamic ecosystems that provide a number of benefits to society, ranging from supporting the seafood industry to protecting communities from the disastrous effects of flooding associated with hurricanes. Wetlands provide an array of commercial, cultural, recreational, and environmental benefits to people, fish, and wildlife.

Despite the fact that the importance of wetlands is well established, millions of acres of wetlands have been lost throughout the nation. Recent studies show that over 644,000 acres of wetlands were lost in the conterminous U.S. between 1986 and 1997.⁵ From 1780 to 1980, the Gulf region lost nearly 50% of its coastal and freshwater wetlands.⁹ Coastal wetlands are being lost at an alarming rate of 20,000 to 25,000

State	Percentage of Wetlands Lost (1780-1980)	Remaining Acres of Wetlands	Annual Loss
Alabama	50%	3.8 million	-
Florida	46%	11 million	-
Louisiana	46%	8.8 million	25-35 sq. miles
Mississippi	59%	4.1 million	-
Texas	52%	7.6 million	1,600 acres

acres per year in the state of Louisiana alone.¹⁰ If the current rate of wetland loss continues, Louisiana will lose more than one million acres of coastal wetlands, an area larger than the state of Rhode Island, by the year 2050.¹¹ Table 1 presents total wetland loss in the five Gulf states.



Natural events such as sea level rise or subsidence may contribute to wetland loss. However, an estimated 51% of freshwater wetland loss and 43% of coastal wetland loss between 1986 and 1997 can be attributed to urban and rural development.¹²

Although wetlands constitute only 5% of the land area in the lower 48 states, the functions and values that they provide are immeasurable.¹³ At the current rate of wetland loss, it is critical that citizens recognize the many benefits provided by wetlands, and join in the effort to preserve these special areas for all to enjoy.

Water Quality

In the Gulf of Mexico, many bodies of water do not meet water quality safety standards for humans, fish, and wildlife. Pollution from point and non-point sources reaches these waters, harms aquatic life, and leaves the water un-swimmable or un-fishable.

Point sources of pollution are those that have an easily identifiable source, such as a discharge pipe from an industrial facility. Non-point source pollution does not come from an identifiable, single source, but rather from multiple or unknown sources. For instance, nitrogen from fertilizer application on farms, which runs off the land into streams or estuaries would be an example of non-point source pollution.

Wetlands can protect water quality by filtering out pollutants and excess nutrients. Wetlands protect the shoreline of rivers, lakes, estuaries, and oceans from erosion, thereby decreasing the amount of sediment and other pollutants entering these water-bodies. Wetland vegetation helps by absorbing and filtering out the nutrient-rich, polluted water through its roots, acting as a natural cleansing system to promote clean water for the entire Gulf.

Flood & Storm Surge Protection

Wetlands have the natural ability to act like sponges and store tremendous amounts of water. As a result, wetlands help to prevent flooding from heavy rains or storm surges associated with tropical storms and hurricanes.



Figure 3: Flooding can threaten human safety. Picture from LACoast website: <http://www.lacoast.gov/cwppra/slideshow/Washington/sld004.htm>

Research has shown that for every mile of vegetative wetlands, the height of a storm surge can be reduced by one foot.¹⁴ Wetlands can also withstand the repeated impact of waves, absorbing substantial

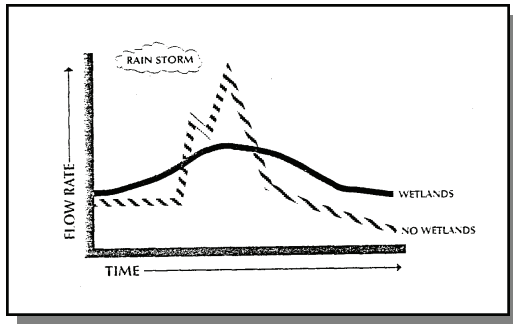


Figure 4: Wetlands reduce flood peaks and flow rates. From *Michigan Wetlands: Yours to Protect*. Second ed. 1992. Tipp of the Mitt Watershed Council. Michigan.

amounts of wave energy and minimizing shoreline erosion. In short, wetlands protect human safety and the integrity of coastlines in the face of damaging tropical storms and hurricanes.

Aquifer Recharge

In addition to playing an important role in ensuring clean water, wetlands are also critical in maintaining the quantity or volume of our water resources. Aquifers, underground geologic formations, hold large quantities of groundwater. The water absorbed by wetlands moves through the soil to replenish aquifers and groundwater that is used for drinking, agricultural, and industrial purposes. Research has shown that as much as 20% of the water found in a wetland may contribute to aquifer recharge.¹⁵ Wetlands also help to maintain water levels in streams and rivers during low water periods and droughts. They do this by storing precipitation and surface water and then slowly releasing the water into nearby rivers and lakes. Wetland vegetation, soil type, and degree of soil saturation are some

factors that determine the quantity of water a wetland may release to nearby rivers, lakes, streams, and groundwater systems.

Wildlife and Plant Habitat

Wetlands support enormous amounts of plant and animal life by providing essential habitat for a variety of mammals, birds, fish, reptiles, and amphibians. These habitats are used for breeding, feeding, and nesting grounds by animals. For example, wetland marshes offer important resting and feeding areas for migratory waterfowl such as geese and ducks. Wetlands also provide habitat for plant species such as submerged aquatic vegetation (SAV), which is one of the most productive plant communities in the world. SAV provides food and habitat to young, developing marine life. Simply put, SAV contributes significantly to the \$2.8 billion that Gulf fisheries generate each year.¹⁶



Figure 5: Migratory waterfowl make use of the food and shelter that wetlands provide. From <http://www.lacoast.gov/cwppra/slideshow/Washington/sld010.htm>.

Wetlands in the Gulf of Mexico are also home to many endangered and threatened plants and animals, such as the West Indian manatee, bald eagle, Gulf sturgeon, loggerhead sea turtle, and the humpback whale. Go to <http://fwie.fw.vt.edu/WWW/macsis/index.htm> for a listing of bird, fish, invertebrate, mammal, reptile, and amphibian species that may be found in the Gulf.

Commercial Fishing

Commercial fishing contributes significantly to the economies of the Gulf states. The Gulf is home to the largest and most valuable shrimp fishery in the U.S. In 1997, Gulf fishermen harvested billions of pounds of fish and shellfish worth more than \$750 million at dockside. The Gulf also provides 41% of the total U.S. oyster harvest.



Figure 6: Shrimp boats like this would go out of business without wetlands. From <http://www.lacoast.gov/cwppra/slideshow/Washington/sld010.htm>

In the United States as a whole, as much as 98% of the commercial fishing market consists of species that use coastal wetland areas at some point during their lifecycle.¹⁷ The coastal wetlands surrounding the Gulf serve as valuable habitat for developing marine life such as blue crabs, shrimp, and the nearly 50 different species of fish and shellfish that are harvested from the Gulf of Mexico each year.

Aesthetics & Recreation

The public most often recognize wetlands for the recreational values they offer. Recreational activities that utilize wetlands range from hunting and fishing to ecotourism. As noted earlier, wetlands provide critical habitat for numerous game and non-game species including waterfowl and fish. The economic market created by recrea-

tional hunting and fishing opportunities is a significant part of the economy of the five Gulf states. In fact, the Gulf states support an estimated one-third of the nation's recreational marine fishing.

In more recent years, ecotourism has emerged as a significant component of the Gulf's economy. Ecotourism is tourism associated with environmental resources and can include activities such as canoeing, hiking, bird watching, and nature photography. Ecotourist activities generally do not greatly disturb the natural environment, which helps to preserve the delicate ecology of the resource and promotes further ecotourism.

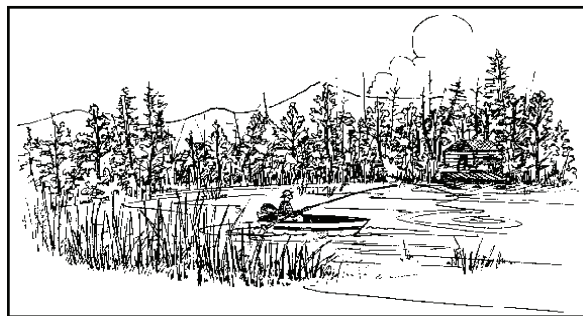


Figure 7: Wetlands provide many recreational opportunities in the Gulf. Picture courtesy of EPA.

Cultural Values

Wetlands have played a major role in shaping the history and culture of the Gulf of Mexico. The original settlers relied on the swamps and bayous for food, shelter, and other necessities. These critical ties to wetlands influenced the lifestyle and livelihood of the Gulf's early communities, allowing the Gulf region to develop and cultivate a culture all its own. Now visitors from all over the world flock to the region to experience and appreciate this unique, rich heritage.

Economic Values

As with most environmental resources, it can be very difficult to attach a dollar value to the benefits that wetlands offer. While there have been many attempts to calculate the monetary worth of a wetland, there is no universally accepted dollar amount. Recent research has recognized that, based on the services they provide to society, coastal marshes are valued at over \$4,000 an acre per year as compared to \$1,000 an acre per year for a tropical rain forest.¹⁸ Understanding the economic value of a wetland is important when an agency, such as the U.S. Army Corps of Engineers, issues a permit for an activity that will impact wetlands. If

a more appropriate monetary value of wetlands is included in the required economic analyses, less wetlands may be allowed to be destroyed through permitted activities. Accurate analyses may very well prove that the wetlands being lost are worth more monetarily than the proposed activity.

Clearly wetlands offer an array of important ecological, economic, cultural, and recreational benefits to communities throughout the Gulf of Mexico. By recognizing these values and using the tools for protecting wetlands described later in this guide, you can help to ensure that citizens throughout the Gulf region continue to benefit from and enjoy these valuable resources.



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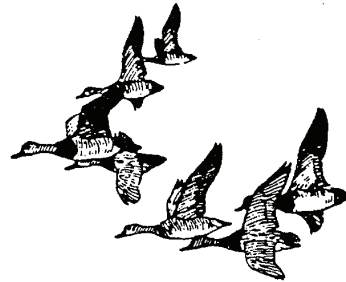
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Chapter 2



Laws That Protect Wetlands

The use of wetlands is regulated by federal, state, and local governments. There are four general types of laws, including those specifically directed at:

- wetlands (administered by the U.S. Army Corps of Engineers (Corps) and U.S. Environmental Protection Agency (EPA));
- water quality (administered by EPA and the states);
- the protection of our nation's coasts (administered by EPA, the National Oceanic and Atmospheric Administration (NOAA), and the states); and
- local land uses (administered by states or local governments).

Each area of the law has its own permitting process, government administrators, and opportunity for public input. Therefore, it is important to have a general knowledge of each of these four areas of the law when dealing with any specific project or development. This chapter presents a brief overview of these laws and how they are related to wetland protection. Chapter Three will then provide instruction on how to become involved in the permit process under these laws.



I. Federal Laws and Regulations

The Clean Water Act (33 U.S.C. Section 1251 et seq.)

In 1972, Congress passed the Water Pollution Prevention and Control Act— known commonly as the Clean Water Act— to protect the quality of the nation's surface and ground waters including oceans, lakes, rivers and streams, aquifers, coastal areas, and wetlands. The Clean Water Act sets out broad rules for protecting the waters of the United States and gives the Corps and EPA the power to write more specific rules governing activity in or on water and wetlands. These more specific rules are known as 'regulations' and can be found in the Code of Federal Regulations. Sections 404 and 401 are two parts of the Clean Water Act that apply directly to wetlands protection. While Section 404 regulates activities that affect the filling of wetlands, Section 401 is concerned with maintaining good water quality in wetlands. More information on the Clean Water Act can be obtained at your local law library or at <http://www4.law.cornell.edu/uscode/33/ch26.html>.

Section 404 of the Clean Water Act

Section 404 of the Clean Water Act (often

referred to as ‘Section 404’ or simply ‘404’) forbids the unpermitted "discharge of dredge or fill material" into waters of the United States. Section 404 does not regulate every activity in wetlands, but requires anyone seeking to ‘fill’ a wetland to first obtain a permit from the Corps. For example, if a person wishes to construct a building or other development and wetlands need to be filled to complete the project,

Types of Permits under Section 404 of the Clean Water Act

There are two types of permits that may be issued under Section 404 of the Clean Water Act: *individual permits*, those permits

issued for a specific activity on a case-by-case basis; and *general permits*, those permits that authorize a category or categories of activity in specific geographic regions or nationwide. The opportunity for public participation in the Corps’ decision-making process differs between the two types of permits.

I. Individual Permits

An individual permit is required any time a person wishes to place soil or other material (called ‘fill’) on a wetland or construct a building that will destroy wetlands associated with "waters of the United States," unless the activity falls within a *general*

Box 1. Federal Agency Roles in the Section 404 Permitting Process

U.S. Environmental Protection Agency (EPA): Responsible for protecting the nation’s wetlands, water quality, public health, and fish and wildlife resources. The EPA sets standards that govern the U.S. Army Corps of Engineers’ issuance of Section 404 permits, works with the Corps to define the areas covered by Section 404, and reviews permits issued by the Corps. If the EPA finds that a permit will have substantial and unacceptable impacts on waters or wetlands, it has the authority to ‘elevate’ the permit to Corps and EPA Headquarters for review. Additionally, if EPA determines that the permit will cause unacceptable harm to municipal water supplies, shellfish beds, fisheries (including spawning and breeding areas), wildlife or recreational areas, it has the power to undo (or ‘veto’) the Corps’ decision to issue a permit.

U.S. Army Corps of Engineers (Corps): Has primary responsibility for the regulation of all dredge and fill activities. The Corps administers the regulatory program for wetlands, reviews Section 404 permit applications, accepts written and oral comments, holds public hearings, and decides whether or not to issue a permit.

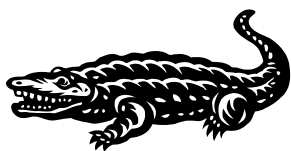
U.S. Fish and Wildlife Service (FWS): Responsible for the protection and management of fish, wildlife, and their associated habitat. The FWS receives notice of Section 404 permits and may file comments regarding potential damage to fish and wildlife and their habitat. The FWS also enforces the provisions of the federal Endangered Species Act. The Corps must ‘consult’ with the FWS before issuing any permit that could jeopardize an endangered or threatened species, including destruction of their habitat.

U.S. National Marine Fisheries Service (NMFS): Manages, conserves, and protects marine resources, including marine commercial fisheries, marine mammals, and essential fish habitat (habitat needed by fish for spawning, breeding, feeding, and growth). Under the Sustainable Fisheries Act, the NMFS must receive notice of Section 404 permit applications that may impact essential fish habitat and has the right to submit comments concerning those impacts.

permit (discussed below). Examples of activities that require an individual Section 404 permit include building a store, subdivision or shopping center; constructing a road; and installing a bulkhead in a wetland. The EPA has declared some practices exempt from a Section 404 permit. These activities include many normal farming, ranching, and silviculture (forestry) activities as long as they are part of regular, ongoing operations, and the construction of farm ponds, irrigation ditches, or the maintenance of existing drainage ditches.

Generally, a landowner will contact the Corps to ask whether a permit is necessary before an activity begins. The Corps will seek to determine whether wetlands falling within their authority under Section 404 exist on the property. On larger or more complicated projects, an environmental consultant is often hired by the landowner to examine the property to find out whether or not wetlands exist, the number of acres, and their location. The Corps will review the consultant's data as part of its initial permit review to determine whether wetlands on a property fall under federal jurisdiction (i.e. if it meets the Corps' definition of a wetland) and whether the consultant's estimate of the number of acres of wetlands on the property is accurate.

If the Corps determines that wetlands to be filled are under their jurisdiction, the applicant will be required to submit an application for a Section 404 permit. Box 2 and Figure 8 present the general process that is followed after the application is submitted to the Corps.



Box 2. The Section 404 Permit Application Process

- Once an application is complete, the Corps will do an initial review of the environmental impacts (called an 'Environmental Assessment' or 'EA') of the proposed activity and make a preliminary finding of significant impact or a preliminary finding of no significant impact.
- The Corps issues a public notice of the permit application, which indicates the preliminary findings of their Environmental Assessment, and accepts written comments from concerned members of the public. The Corps is also required by law to solicit comments from state and federal agencies that are involved in wetland permitting and water quality issues.
- Depending on the size and scope of the project, the comment period can last anywhere from 10 to 30 days (including weekends).
- Once the comment period ends, the Corps reviews all public comments received and forwards copies of the comments to the applicant.
- The Corps then decides, based on the submitted comments, whether a public hearing is necessary. Public hearings are rarely granted. If granted, notice of the public hearing is posted by the Corps at least 30 days before the hearing takes place. The public has an opportunity to submit additional comments at the public hearing and during a designated comment period after the public hearing is held.
- At the close of the comment period, the Corps evaluates all written and oral comments that were submitted.
- If the comments raise concerns

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regarding significant environmental impacts of a project, the Corps may determine that an Environmental Impact Statement ('EIS') is necessary, and the permit will be placed on hold until the EIS is completed. Once the EIS is completed, the Corps will either make a 'Finding of No Significant Impact' (called a 'FONSI'), or it will conclude that the permit will have a significant impact on the environment.

- If the Corps decides the project is not in the public's interest, as a result of the findings of the EIS or otherwise, or violates the 404(b)(1) guidelines, the Section 404 permit is denied. At this point, the applicant can revise and resubmit a project application or terminate the proposed project.
- If the permit is found to be in the public interest, as a result of a FONSI or otherwise, the permit is issued.
- Under the law, EPA has the right to ask for review of a permit decision by Corps Headquarters (called 'elevation') and, under certain circumstances, can veto or undo any Section 404 permit issued by the Corps.

How the Corps Reviews Individual Permits

In reviewing a Section 404 permit application, the Corps tries to determine if the public interest in the project outweighs any reasonably foreseeable harm, often referred to as public interest review, and complies with EPA's Section 404(b)(1) guidelines.

(a) Public Interest Review

Public interest review involves an evaluation of the possible impacts of a project,

including the combined or *cumulative impacts* of a single project and any other projects in the area, to determine if the project is in the 'public interest'. The Corps must balance any benefits that may result from the project against any foreseeable harm that may flow from the project. Corps regulations provide that no permit should be granted unless the benefits of altering a wetland outweigh the damage to that wetland resource. In completing this review, the Corps is required by law to consider:

- (1) the relative extent of public and private need for the project;
- (2) whether it is practical to use an alternative location or methods to accomplish the purpose of the project; and
- (3) the extent and permanence of the good/ useful and damaging effects that the project will have on public and private uses of the area in which the project is located.

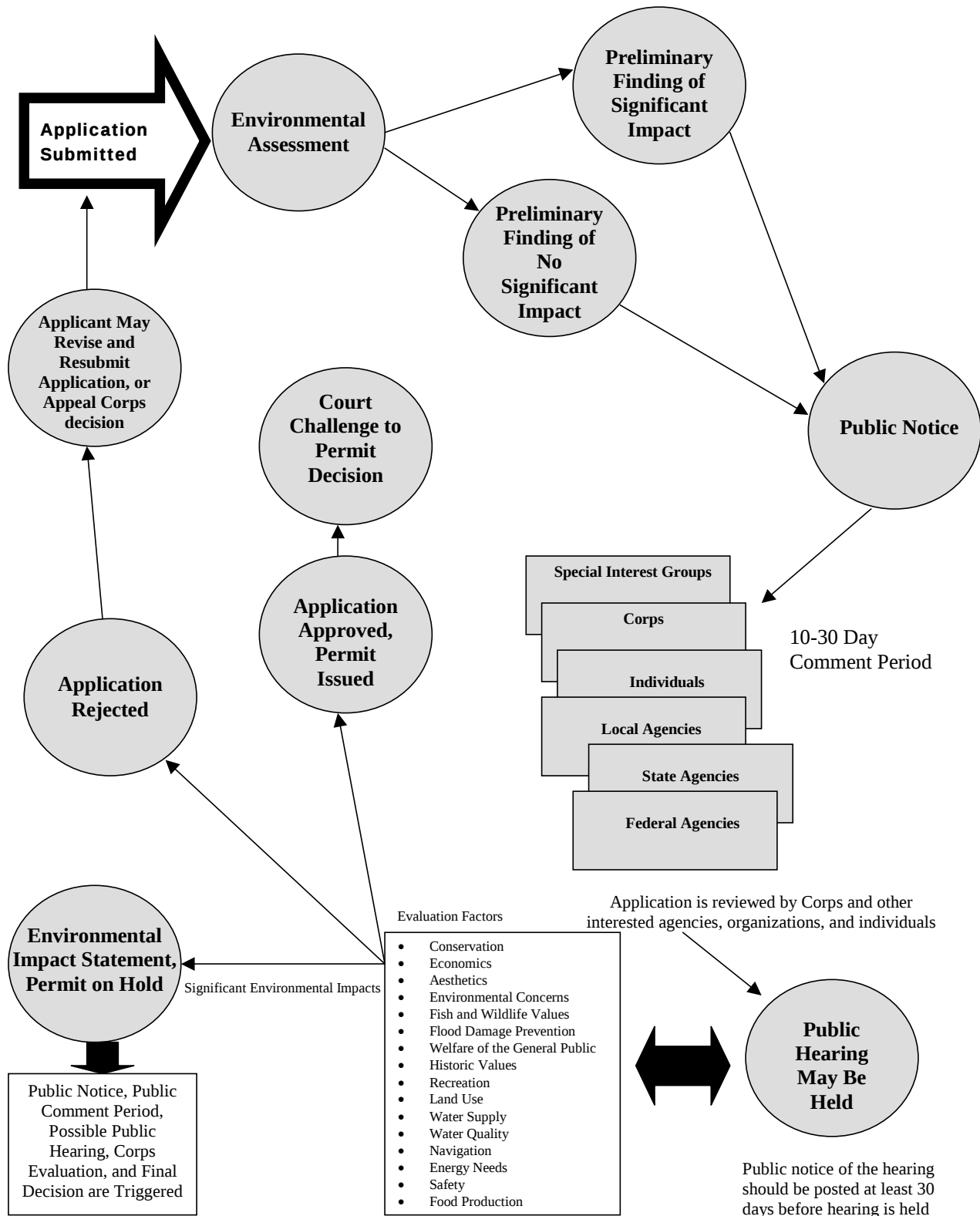
Factors the Corps must evaluate during the public interest review include economics, aesthetics, general environmental concerns, historic properties, fish and wildlife values, land use, navigation, flood hazards, wetlands, recreation, water supply, water quality, safety, energy needs, and in general, the needs and welfare of the public.

(b) Section 404(b)(1) Guideline Review

The Corps must also ensure that a project complies with the EPA's Section 404(b)(1) guidelines governing the issuance of Section 404 permits. In determining whether the project meets these guidelines, the Corps must consider several things:

- whether an alternative(s) to the project

Figure 8: Corps of Engineers Section 404 Individual Permit Review Process



exists that would not negatively affect wetlands, i.e. can the project be built in an area that would not negatively impact wetlands? If there are practical alternatives, the permit should not be issued;

- whether the project is water-dependent (requires access to, proximity, or siting within a wetland or waterbody to fulfill its basic purpose). If it is not, then it is assumed that there are alternative sites for the project that are not in a wetland;
- whether or not the project has been designed in a way that avoids and reduces the impacts to the environment. Compensation for wetlands destruction may be required under 33 CFR Part 320(r).

Refer to Box 3 for more information about mitigation; and

- whether the project will cause a violation of state water quality standards; jeopardize federally-listed endangered or threatened species; negatively affect municipal water supplies, fish, and shellfish; reduce the ability of a wetland to absorb nutrients, purify water, or reduce wave energy; or reduce the recreational, aesthetic, or economic value of the site.



Box 3.

Mitigation

Whenever a project is approved that will negatively impact wetlands, the project applicant is required by law to first avoid and minimize the impacts to wetlands. For all ‘unavoidable’ impacts to wetlands, the applicant must compensate or *mitigate* for the wetlands and wetland functions that were destroyed. There are several ways for an applicant to do this.

The applicant may restore, create, or enhance an area of wetlands comparable to the ones that were destroyed. The ratio of impacted wetlands to required mitigated wetlands depends on the quality and quantity of the habitat impacted and is determined on a case-by-case basis. If the applicant chooses this method, he/she is responsible for the implementation and success of the mitigation.

The applicant may also give money to a ‘sponsor,’ (in most cases, a land owner) who is responsible for restoring, creating, or enhancing an area of wetlands comparable to the ones that were impacted. This is called *mitigation banking*, and it allows an applicant to purchase credits from a sponsor for wetlands that have already been restored, created, or enhanced. With mitigation banking, the sponsor, not the applicant, is responsible for the implementation and success of the mitigation.

Under recent federal guidance, applicants are required to submit a mitigation plan that describes, in detail, how the applicant will compensate for the wetlands that are destroyed. The plan should include, among other things, goals of the mitigation, success criteria, and a monitoring plan to ensure success of the mitigation project.

It is important to note that there is no way the project applicant can *completely* compensate for the wetlands destroyed because the mitigation will most likely take place away from the project site—sometimes even in a different state!—and may not prove successful in fully replacing the wetland functions that were destroyed by the project.

II. General Permits

The Clean Water Act authorizes the Corps to issue *general permits* that grant authorization for broad categories of activities in a specific geographic area if they have only minimal impacts on the environment. For example, the New Orleans District of the Corps issued a general permit that authorizes installation and maintenance of flow-lines (small pipelines, with diameters ranging from two to six inches used to transport petroleum, natural gas, fuel, air, water, brine, and similar fluids within an oil and/or gas field) in man-made oil fields canals in the coastal zone. Therefore, until this permit expires on April 30, 2005, any project matching this description will be authorized under this general permit and will not have to apply for an individual Section 404 permit, as described in the previous section.

General permits include *regional permits*, issued by district offices of the Corps that apply only to a specific state or region, and *nationwide permits*, issued by Corps headquarters that apply nationwide (see Box 4 for details on nationwide permits). Once a general permit is in place, an individual permit is not needed for any project that meets the conditions set in that general permit. The public is only given the opportunity to comment on general permits when they are first written and when they are being considered for renewal. There is no opportunity for public comment on specific activities that fall under a general permit, and there is little or no review by the Corps of site-specific concerns.

Corps districts can override general permits on a case-by-case basis if there is sufficient reason to be concerned about the effects of the project (i.e. when several projects that qualify under a general permit are having a

negative effect on a small geographic area). However, this is very rarely done.

To learn about regional and nationwide permits that affect your community, contact your local Corps district. Contact information is provided in Appendix 2.

Box 4. Nationwide Permits

The Corps reissued Nationwide Permits (NWP) established in 2000 effective March 18, 2002. All of the reissued NWPs will expire on March 19, 2007. These NWPs allow development of up to one-half acre of wetlands and most require that the Corps be notified of activities impacting more than one-tenth of an acre of wetlands. The NWPs also provide additional protections to 'critical resource waters', 100-year floodplains, and streams. Nevertheless, there is still significant concern about the cumulative impact of these permits to the remaining wetland acreage in the Gulf states. To learn more about NWPs, go to <http://www.epa.gov/owow/wetlands/regs/> or contact your local Corps District office.



Section 401 of the Clean Water Act

Section 401 of the Clean Water Act requires that an applicant for a Section 404 permit obtain a certificate that the activity will not negatively impact water quality. The certificate (called ‘Section 401 Water Quality Certification’, ‘401 Certification’, and ‘Water Quality Certification’) is issued by the state departments of environmental quality or environmental protection (see Appendix 5 for the state agency that issues 401 Certification in your state). Projects that will increase levels of pollutants such as pesticides, heavy metals, and sediments above acceptable levels, should not be issued a 401 Certification because the quality of the water may endanger the health of the public, fish, and wildlife that depend on that water. It should be noted, however, that acceptable pollutant levels have not been established for many wetlands. As a result, it is difficult for state agencies to determine if new projects will harm water quality, thus 401 Certifications are often

issued without full consideration of a project’s impact on water quality.

An applicant for a Section 404 dredge and fill permit must provide the state with information regarding how a project might affect water quality. *A Section 404 wetlands permit cannot be issued if the state refuses to issue a 401 water quality certification.* If a state fails to respond to a 401 Certification application within a reasonable time (no longer than one year), the requirement for a 401 water quality certification is automatically waived and the Corps can issue the 404 permit.

While the Section 401 Water Quality Certification process is separate from the Section 404 permit process, they often undergo agency review at the same time and may be listed together under a single public notice called a ‘Joint Public Notice.’ To learn more about public notices, see Chapter 3. Box 5 describes the general Section 401 Water Quality Certification process.

Box 5. The Section 401 Water Quality Certification Process

- An application for Water Quality Certification (WQC) is submitted to a state agency by an individual, organization, or business intending to carry out an activity that may impact water quality.
- The state agency reviews the application to make sure the quality of water resources in the project area will not be degraded, adversely affected, or violate water quality standards.
- A public comment period is held to gather comments from the general public that may have an interest in the project.
- After reviewing submitted comments, the state agency decides whether or not to hold a public hearing to obtain more information about the project. Hearings are *not* generally held unless requested by the public or other agencies, and even then only rarely.
- Following a review of written and oral comments, the agency can either grant the WQC, issue a WQC with conditions necessary to protect water quality, deny the WQC, or waive its certification authority.

Section 10 of The Rivers and Harbors Act (33 U.S.C. Section 403)

The Rivers and Harbors Act was created in 1899 to prevent navigable waters of the United States from being obstructed.¹ Section 10 of the Act requires that anyone wishing to dredge, fill, or build a structure in any navigable water and associated wetlands obtain a permit from the Corps. An activity that will affect wetlands may require a Section 404 and Section 10 permit, thus both sections are often included in a permit notice. Additionally, in certain circumstances a project that merely dredges a wetland but does not require the placement of fill in that wetland will require only a Section 10 permit. The permit process under Section 10 is virtually the same as that under section 404.

The Coastal Zone Management Act (16 U.S.C. Section 1456(c))

In 1972, Congress passed the Coastal Zone Management Act (CZMA) to protect the nation's coasts by helping states regulate activities in the coastal zone. The CZMA encourages states to develop a Coastal Zone Management Plan (CZMP) in which they define permissible land and water uses within the state's coastal zone. The coastal zone generally extends 3 miles seaward and inland as far as necessary to protect the coast. States with approved CZMPs receive federal funding to help them protect and improve the quality of their coastal areas. All five states bordering the Gulf of Mexico have approved CZMPs. See Appendix 3 for the agency in your state who can provide you with your state's CZMP and the location of your state's coastal zone).

The CZMA requires that an applicant for a permit to conduct an activity that may affect the natural resources (land, water, or other natural resource) of a state's coastal zone must obtain a determination from the state that the activity is consistent with its CZMP. No Section 404 permit that may affect a coastal zone can be issued unless the state certifies that the activity is consistent with that plan. The decision of whether or not a project is consistent with the state's CZMP is called a *consistency determination*. Each state has a review process for obtaining a CZMP consistency determination, which includes an opportunity for public comment. If a state fails to act on an application for a consistency determination within 6 months, it is presumed that the activity is consistent with the CZMP.

The Coastal Wetlands Planning, Protection, and Restoration Act (Public Law 101-646, Title III)

The Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) of 1990 sets aside millions of dollars every year for voluntary wetland restoration projects in coastal states. The state of Louisiana receives approximately 70% of the funding from CWPPRA, while other states may receive money through wetland conservation grants from the U.S. Fish and Wildlife Service, or from the Secretary of the Interior under the North American Wetlands Conservation Act.² In Louisiana, a task force made up of federal, state, and local agencies and organizations is responsible for implementing the program. Citizens can take part in the CWPPRA process by proposing projects of local concern, providing input on proposed restoration projects by writing to a CWPPRA task force member, or attending public hearings held by the

CWPPRA task force. Contact your local Corps District office and your regional Fish and Wildlife Service office to find out about current projects being funded under CWPPRA.

The National Environmental Policy Act (42 U.S.C. Sections 4321-4347)

The National Environmental Policy Act (NEPA), passed in 1969, seeks to ensure that proper consideration is given to the environment before undertaking major federal action that could significantly affect the environment or the public.³ The requirements of NEPA include preparation of an Environmental Assessment or Environmental Impact Statement. These are triggered whenever a federal agency, such as the U.S. Department of Transportation or the Corps, considers any large activity that may impact the environment, such as the issuance of a permit or the construction of a new highway, airport, or port facility.

Environmental Assessments

Corps regulations require that the Corps prepare an Environmental Assessment (EA) to evaluate the potential environmental impacts of a project, as well as any alternatives to the project. The EA determines if a project or activity will have negative environmental impacts and, if so, whether they will be significant. If an EA finds that a project or activity will not have significant impacts on the environment, the Corps will issue a Finding of No Significant Impact (FONSI). If, however, the EA finds that a project or activity may have significant impacts on the environment, the Corps *must* prepare an Environmental Impact State-

Environmental Impact Statements

An Environmental Impact Statement (EIS) must contain a broad description of the proposed action to be taken, alternatives to the proposed project or activity, and a detailed assessment of the environmental effects of the project or activity. When completing an EIS, the Corps must hold hearings and solicit comments from other federal agencies and the general public. Both oral and written comments are used to formulate the final version of the EIS.

The Sustainable Fisheries Act (16 U.S.C. Sections 1801-1883)

The Sustainable Fisheries Act of 1996 (SFA) includes provisions to protect habitat in the Gulf of Mexico essential to fishery resources. Pursuant to the SFA, all of the coastal wetlands of the Gulf region have been designated as essential fish habitat (EFH). The SFA requires that federal agencies (such as the Corps) that authorize, fund, or undertake actions which may adversely impact EFH consult with the National Marine Fisheries Service (NMFS) to assess and minimize those impacts. Under the requirements of the law, the Corps must complete an assessment that includes: (1) a description of the proposed action; (2) an analysis of the effects, including cumulative effects, of the proposed action on EFH, all life stages of managed species and associated species, such as major prey species; (3) the Corps' views regarding the effects of the action on EFH; and (4) proposed mitigation, if applicable. NMFS then reviews the project and recommends ways that the project can be modified to protect EFH. If the Corps disagrees with NMFS' recommendations and decides to issue the permit, it must state why they do not agree to take actions recommended by NMFS to reduce

the impacts on EFH. For more information about EFH, go to http://www.nmfs.noaa.gov/ess_fish_habitat.htm.

The Fish and Wildlife Coordination Act (16 U.S.C. 661, 666c)

The Fish and Wildlife Coordination Act protects the quality of the aquatic environment needed for fish and wildlife resources. Any time the Corps reviews a permit for an activity that will change any body of water, including their associated wetlands, the Corps must first consult with the FWS or NMFS to ensure that the environmental value of that water or wetland is taken into account in the decision-making process. The consultation is generally initiated when the Corps sends the FWS or NMFS a public notice of a Section 404 permit. FWS or NMFS may file comments on the permit stating their concerns about any negative impact the activity will have on the environment and will usually suggest measures to reduce that negative impact.

The Endangered Species Act (16 U.S.C. Section 1531 et seq.)

The Endangered Species Act (ESA) protects animals and plants threatened with extinction. Once a species is listed by the Secretary of the Department of the Interior, the ESA prohibits the ‘taking’ of that species, which includes harming that species through destruction of habitat that is important for its survival. When a proposed project affects a threatened or endangered (also called ‘listed’) species, the ESA requires the Corps to consult with the FWS prior to issuing a permit or taking any other action that would harm the listed species. Consultation between the Corps and FWS and NMFS will be initiated whenever a 404

permit application is received, or an agency receives information from an independent source, that indicates that a permit may affect a threatened or endangered species. The FWS and NMFS will then complete a formal consultation report to determine the impact of the project on that species and recommend measures, including possible denial of the permit, to reduce or eliminate the threat posed by the project or activity.

Overview of Federal Laws

As you can see, there are numerous federal laws that are related to projects that impact wetlands! The descriptions above are meant to inform you of what federal and state agencies are *required* to do by law. However, agencies may not follow these procedures exactly due to time and money constraints. It is important, therefore, for wetland activists like you to demand that the Corps, other federal agencies, and the state regulatory agencies follow the law and protect our valuable wetland resources.

II. State Laws and Regulations

State Wild and Scenic Rivers Acts

Many Gulf states have laws that protect rivers designated by the state’s legislature as ‘Wild and Scenic.’ These laws are intended to preserve, protect, and enhance the wilderness qualities, scenic beauty, and ecology of free-flowing rivers, streams, and bayous. States generally consider a number of factors when determining whether a waterbody should be designated as a Wild and Scenic River, including fish and wildlife habitat; the presence of protected, rare, endangered, or threatened species; water quality; historic and archaeological features; scenic value; and recreation. Generally, a river that has been designated receives in-

creased protection from environmentally harmful activities. States usually require that proposed activities be reviewed to ensure that those activities will not unduly harm a designated river or stream. Some states require that a permit be obtained before the activity can proceed. Appendix 4 provides a listing of state Wild and Scenic River programs.

Permits Issued by the State

When a project involves the disruption of wetlands, project applicants may be required to obtain permits from state regulatory agencies in addition to the required federal permits. The permits issued by the state may fall under two categories:

- 1) The state may be given the responsibility to issue permits that fall under federal laws. For instance, the Section 401 Certification and coastal permits under the Coastal Zone Management Act are issued by state agencies in all five Gulf states. These are issued according to each state's own requirements for projects that impact coastal or inland wetlands.
- 2) The state may issue permits through separate state or local wetland permit processes.

Most of the permits issued by the state are issued in conjunction with the Corps' Section 404 permit. The project is usually reviewed for consistency with the state permit. If the state finds that the project does not comply with the state permit, the project cannot proceed. On the other hand, if the project is consistent with the state's permits, the project will likely proceed. Contact your state environmental protection agency to find out about state laws and pro-

grams that are concerned with wetland protection (see Appendix 5).

III. Local Land Use Regulations and Policies

The manner in which land is used, maintained, and developed is an important component of promoting and ensuring the integrity of land and water resources. Many areas throughout the Gulf have experienced significant declines in water quality and suffered substantial losses of important wetlands. Much of this loss can be attributed to the failure of local communities to sufficiently plan for growth, allowing development to occur unheeded, and in a way that does not protect important natural resources.

Local land use regulations, policies, and ordinances direct the way land can be developed by mandating the appropriate lot sizes in a subdivision, identifying areas suitable for commercial development, and establishing appropriate management practices for construction activities. Regulations can also identify unique open space areas that should be protected and remain undeveloped, or establish a requirement that buildings must be constructed a specific distance from a wetland or waterway, in order to protect sensitive habitat and water quality. Thus, local land use regulations *can* have a major impact on the quality of environmental resources.

Citizens have the potential to influence land use and zoning regulations. By participating in local planning efforts and commenting on local land use ordinances and policies, informed citizens can help ensure that regulations are developed to protect important environmental resources.

References

¹ California Wetlands Information System. *Summary of Section 10 of the Rivers and Harbors Act*. http://ceres.ca.gov/wetlands/permitting/RHA_summary.html. March 14, 2001.

² Phone conversation. Wes McQuoiddy. EPA Region 6. Monday, April 23, 2001.

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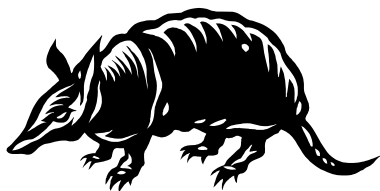
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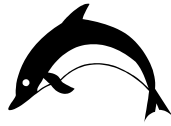
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U.S. Army Corps of Engineers. Regulatory Program Homepage. <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>. May 3, 2000.



Chapter 3



Public Involvement in Wetland Protection

Protecting Wetlands Through the Permitting Process

The destruction of wetlands is more common than you may think. The construction of docks, piers, boat launches, residential subdivisions, oil exploration structures, maintenance dredging, and gas pipeline installation, are all projects which involve the dredging and filling of wetlands. Yet, as described in Chapter 2, any project that may destroy wetlands requires permits from both federal and state agencies. When deciding whether or not to issue a permit, these agencies are required by law to ask for public input to determine if the project is in the public's interest. Thus, one of the most effective ways to protect wetlands is to get involved in the permitting process. By providing your viewpoints on a proposed project, you may help stop the destruction of valuable wetlands.

As you learned in the previous chapter, there are many laws and regulations that require the applicants of projects to obtain permits before they begin a project that may affect wetlands. This chapter will provide you with tools to help you effectively participate in the permitting process.

Public Notice of a Permit Application

The Corps and some state agencies are required by law to publish a public notice of a permit application in the newspaper whenever a large project involving destruction of valuable natural resources is being proposed. Since you may not read the

newspaper each and every day, you can stay informed of projects that destroy wetlands by placing your name on a public notice mailing list that is maintained by state and federal regulatory agencies that are involved in wetland-related projects. Unfortunately, there is not just one single source of permit application notices; the Corps, the state water quality agencies, and the state coastal agencies are each in charge of reviewing applications for activities that affect wetlands.

State Permits or Certificates

In order to receive free copies of public notices for Section 401 Water Quality Certification, you must call your state's water quality agency and request to be placed on their public notice mailing list. It is important to note that not all state water quality agencies maintain public notice mailing lists. Still, if you want more information about the 401 Certification of a project, get in touch with your state water quality agency. Contact information for these agencies is included in Appendix 5. For more information about permits that are issued by your state for wetland-related activities in the coastal zone or to be placed on their mailing list, write or call the agencies listed in Appendix 6.

Federal Permits

To receive free copies of public notices for Section 404 permits, write or call the Regulatory Division of the Corps of Engineers District in which you live or where the wetlands of concern are located and request to be placed on their public notice mailing list.

Each state is governed by one or more Corp districts, thus, it is important to determine which district oversees your region. For example, if you live in the state of Texas, there are four different Corps districts that are concerned with wetlands in your state: Tulsa, Fort Worth, Galveston, and Albuquerque. Refer to Appendices 7A-7E to determine the Corps district in which you live.

The federal register is another place to find permit public notices. The federal register is a daily publication of all federal government public notices. It is published by the National Archives and Records Administration and can be accessed at your local law library or at [http://](http://www.federalregister.gov)

www.environmentallawnet.com/fed_reg.html.

The permit application public notices that you will receive will look similar to the one shown on pages 25 and 26. Note that this is only an *example* of a Section 404 Permit and Section 401 joint public notice from Louisiana; the format of these notices can vary from state to state. See Appendices 8A-8D to find examples of permit public notices from other Gulf States.

When reviewing the permit, there are several things you should consider: Who is applying for the permit? Where will the project take place? What is the nature and size of the project? How many acres of wetlands will be directly and indirectly impacted? Box 6 presents an information key

Box 6. Public Notice Information Key

1. Date the notice was released for public comment.
2. Corps district handling the permit application.
3. Addresses of agencies to which you should send your comments.
4. Application numbers for both the Corps 404 permit and State Water Quality Certification. Always include these numbers in your written comments!
5. Section describing the laws and permits that are applicable to the proposed project. Refer to Chapter 2 to learn more about the requirements of these laws.
6. Name of applicant and/or the company they represent appear in this section. Make sure to include this name in your comments!
7. Location of Work. This section gives a detailed description of where the project will take place.
8. Character of Work. This presents a general overview of the project and will normally indicate the amount of wetlands and waterways that will be impacted as a result of the project.
9. Expiration date. Your comments must be postmarked or delivered no later than the expiration date or, if no expiration date is listed, the number of days you are given to submit comments will be listed in the public notice. In this example, comments are due 20 days from the date of the notice. This section also directs you to which agency you should submit comments.
10. Section that provides direction on the subject of your comments, the scope of comments, and parties that are being solicited for comments.
11. Other reviews that are or have been initiated in the application process.
12. How to request a public hearing.
13. This section references the coastal use permit review required under Louisiana law.
14. Maps are usually attached to the back of the public notice that indicate the location of the proposed project.

Figure 9: Example of Joint Public Notice Issued by the New Orleans District Corps of Engineers

JOINT PUBLIC NOTICE

March 27, 2001

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

2 (504) 862-2292 FAX (504)862-2117
Project Manager
Michael Farabee
Permit Application Number
EC-20-010-0492

3 State of Louisiana
Department of Environmental Quality
Office of Environmental Services
Post Office Box 82135
Baton Rouge, Louisiana 70884-2135

4 (225) 765-0664 FAX (225) 765-0888
Project Manager
Melanie Bauder
WQC Application
WQC # 010215-03

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: () Section 10 of the Rivers and Harbors Act of March 3, 1999 (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 Water Resources, for a Water Quality Certification (WQC) in accordance with statutory authority contained in 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.L.95-117).

5 **MULTI-FAMILY RESIDENTIAL AND RETAIL/COMMERCIAL SUBDIVISION IN ST. TAMMANY PARISH**

6 **NAME OF APPLICANT:** Stirling Mandeville, L.L.C., c/o Solutions, Inc., Post Office Box 820127, Vicksburg, Mississippi, 39182-0127.

7 **LOCATION OF WORK:** In St. Tammany Parish, near Covington, Louisiana, as shown on the attached drawings.

8 **CHARACTER OF WORK:** Clear, grade, excavate and place earthen and aggregate fill as necessary to construct access roads, building slabs, parking areas, detention ponds, utilities and other appurtenances all to implement a new high density residential, and retail/commercial subdivision (Mandeville Commercial Development). The proposed project site is approximately 111 acres in size of which approximately 103.1 acres are jurisdictional pine savannah wetlands.

9 The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of a permit is determined not to be in the overall public interest.

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

-2-

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.

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.

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 archaeological, scientific, prehistorical, historical 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 would result in the destruction or alteration of N/A acres(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

10

11

Figure 9 (continued): Example of Joint Public Notice Issued by the New Orleans District Corps of Engineers

-3-

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.

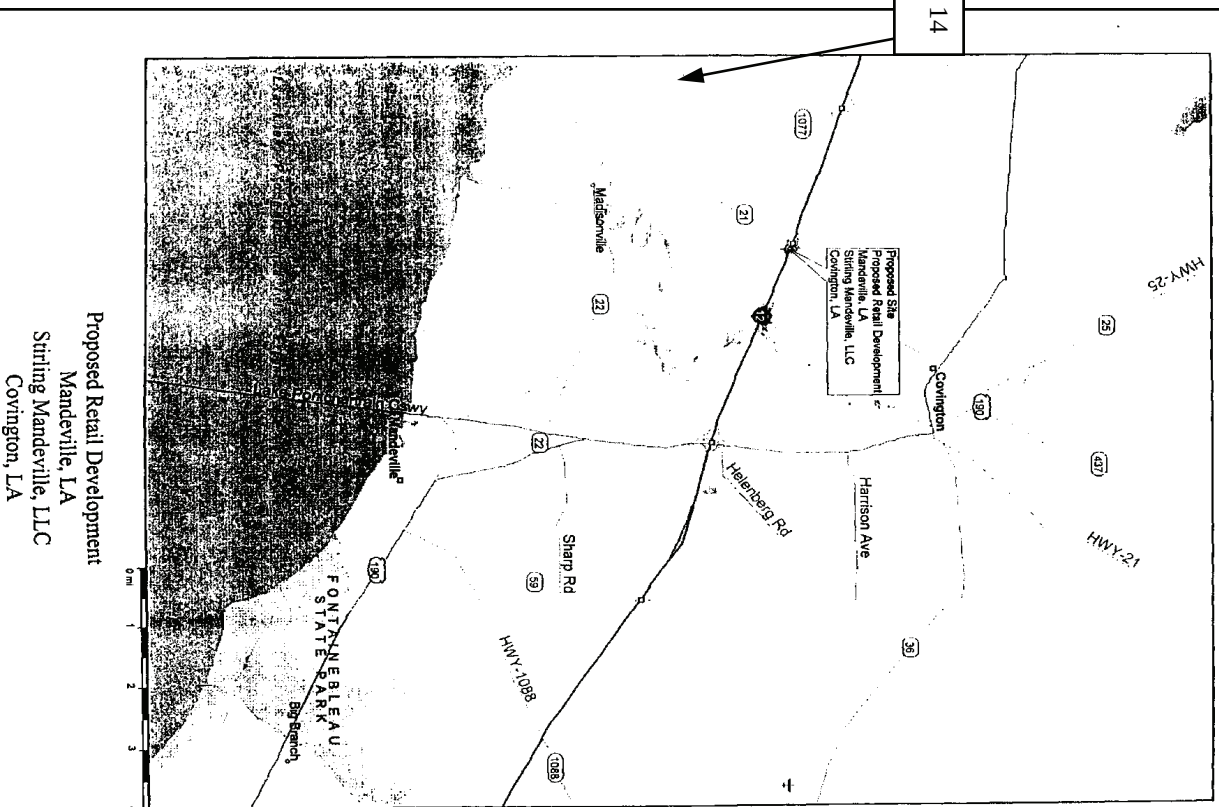
The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army Permit will not be issued unless the applicant received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

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.

Ronnie W. Duke
Ronnie W. Duke
Chief, Regulatory Branch

Attachments

14



Proposed Retail Development
Mandeville, LA
Sitting Mandeville, LLC
Covington, LA

Freedom of Information Act (FOIA)

As a citizen activist, it is important that you have access to all information regarding wetland projects in your area. You can use information in government documents to submit stronger comments, speak knowledgeably with regulatory agencies, and accurately inform the media about the specifics of a proposed project. The Freedom of Information Act (FOIA) gives citizens the right to obtain and inspect copies of federal government documents. See Appendix 9 for a sample FOIA request letter. For instance, you may want to write a FOIA request to gather all comments that have been submitted to the Corps for a particular project by other federal agencies, such as the U.S. Fish and Wildlife Service and National Marine Fisheries Service.

A request for this information must be made to the agency in writing. After receiving a written request, the federal agency has twenty days in which to respond to you. The response may only be an acknowledgement of receipt of your request and a statement that the information you requested will be sent to you. You are required to pay for the cost of copying the documents you request, unless you are requesting information in the public interest. For example, let us say you would like to obtain a copy of the final permit issued for a project located on a tract of wetlands that your local community uses to fish and boat. The FOIA request you submit would be considered to be in the public interest because the permitted project may degrade water quality and ultimately threaten public health.

Certain states along the Gulf, including Louisiana, have statutes similar to FOIA that give citizens the right to request and

receive state government documents in return for covering the copying costs. If you are not mailed a notice of the agency's final permit decision, a records request can be used to obtain this information.

Making Oral and Written Comments



Written comments are used to present your views on a permit application to the reviewing agency. Your comments should include the permit application's file number and applicant's name that appears on the public notice. A public comment period extends from 10-30 days (including weekends) after a permit notice is posted. Therefore, it is important to read public notices carefully to determine when written comments are due to the regulatory agency.

Remember that the purpose of submitting comments is to build the public record of information on a particular project. Your comments should be based on and include facts, scientific evidence, personal experiences, photographs, and newspaper articles that illustrate the importance of wetlands that will be impacted. Also make use of historical stories and cultural activities that relate to the wetlands that will be affected. For example, if you know that your great-grandfather used a certain area of wetlands for fishing and hunting, it is important that you inform the Corps of this historic use of the wetland when they consider a permit application. The views that you offer may provide new insight for the permitting agency.

By submitting comments, you are building the public record and, in doing so, the case against the project. If you believe that the project is complicated and destructive

enough for the agency to hold a public hearing, you should request that one be held. Be sure to clearly explain why you feel a hearing is necessary and how the agency and public will benefit from it. You may also request an extension of the written comment period if you feel more time is needed for completing comments or if you received the notice close to the comment deadline. Extensions are not always granted, but some agencies may give you an additional 7-10 days to comment when a request is made.

There are several opportunities for you to make written comments during the permitting process:

- During the comment period after the permit is posted for public notice;
- At a *scoping meeting*. A scoping meeting is a meeting at which the Corps determines what issues will be covered in the formulation of an Environmental Impact Study. A

scoping meeting is only held if the Corps determines that there is a preliminary “finding of significant impact;”

- After the Corps determines there is a preliminary “finding of no significant impact” and, therefore, the project does not require an Environmental Impact Statement (EIS). At this point, you can submit expert scientific or legal facts that support the need to complete an EIS;
- After the notice of availability has been published on the draft or final EIS;
- At a public hearing; and
- After a public hearing is held, there may be additional time for you to submit written comments.

There are several specific issues you should focus on when making comments on a project that affects wetlands (See Box 7). Keep in mind that these guidelines may be used for both written and oral comments.

Box 7. Types of Issues to Address in Written and Oral Comments

- **Do feasible and practical alternatives to this project exist? If you know of any alternatives that may avoid wetland destruction, submit them as alternatives to the proposed project and explain why they are less damaging to wetlands.**
- **Is the project water dependent? Does it need to be located in or near water?**
- **Is the project being proposed with the public’s interest in mind? In other words, would the project benefit the surrounding community?**
- **Are there public and private resources that may be disturbed? For example, are there local fisheries or recreational fishermen who would be affected by this project? Is there a nursery ground for fish or shellfish that would be impacted?**
- **Are there threatened, endangered, or other important plant and animal species nearby that would be impacted by this project? (Go to http://ecos.fws.gov/tess_public/TESSWebpageUsaLists?state=all to find out which species are listed in your state.)**

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- **Are the impacts to the wetlands as small as possible (i.e. minimized)?**
- **Are the negative impacts to the environment being compensated for by the applicant (i.e. wetland mitigation)?**
- **Will the project degrade the water quality of water resources nearby?**
- **Have there been other projects that destroyed wetlands concentrated in the same geographical area (cumulative impacts)? If other projects have been permitted, the new project will only increase the amount of wetlands destroyed in the region.**
- **Will the project have a significant impact on wetland resources? If you think it will, you should demand that an Environmental Impact Study (EIS) be completed before the Corps issues a Section 404 permit.**

Written comments should be sent to the regulatory agency that is considering the permit. The name and address of the agency representative who should receive your comments will be listed on the public notice for the permit. Be sure to include the permit application number or other reference number listed on the permit in your letter. You can also carbon copy (cc) your comments to the head of the agency, your elected officials, the media, and other organizations or individuals that may have an interest in the project. Refer to Appendix 10 to view a sample comment letter.

You may also write to the other federal organizations that are involved in the decision of whether or not a permit is issued. As outlined in Chapter 2, the U.S. Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service (FWS), and the U.S. National Marine Fisheries Service (NMFS) all are given an opportunity to submit comments to the Corps for projects requiring a 404 permit. You should write or call these agencies and encourage them to submit comments that oppose projects that would unnecessarily destroy wetlands.

See Appendix 11 for contact information for the federal agency offices in your area.

Public Hearings

The purpose of a public hearing is for the regulatory agency to obtain more information about the proposed project. Because of the time and expense associated with hosting a hearing, agencies are more likely to hold a hearing when the project is large, complicated, and there is controversy surrounding the permitting of the project. However, if a large number of people raise concerns about a project or request a hearing in their written comments to the regulatory agency, the agency may hold a hearing to give citizens and organizations an opportunity to submit oral comments. Here are some things to keep in mind about public hearings:

- The public hearing is usually held two weeks to 30 days after a public notice of the hearing has been issued.
- During the hearing, those who sign up to speak are allowed anywhere

from 3 to 15 minutes to present their viewpoints, depending on the number of people who have signed up to speak.

- If you do not wish to speak, you may submit written comments at the hearing.
- In general, written comments may be accepted by the agency for 10 to 30 days after the hearing. Since the hearing will most likely be recorded, it is important to request that an agency representative state on the record the deadline for sending written comments on the project.

Box 8. Oral comments

Oral comments presented at a public hearing should be considerably shorter than written comments because of the time restrictions you have when speaking. It is a good idea to speak briefly and concisely about your concerns at the hearing and support your testimony with detailed, comprehensive comments in writing about the proposed project.

If a request for a public hearing is not granted, citizens are free to organize their own public meeting. Such public meetings are important to share ideas and information about the project of concern. They may also be used to inform people in a community that may not otherwise know about a project that could negatively affect them. Make sure you have an agenda, rules for discussion, a designated leader, and a place to hold the meeting. In order to encourage as much participa-



tion as possible, use flyers, press releases, phone trees, and public service announcements to advertise the event.

Appealing Improper Decisions on a Permit

Both federal and state laws allow citizens to appeal a permit for which they feel an improper permitting decision was made. You can appeal a decision after the Corps has issued a permit, denied a permit, or ruled that no wetlands would be involved in the project. Concerned members of the public must appeal a permit in the federal court that presides over the area where the project will take place. You have 60 days to send the Corps a notice of intent-to-sue with information detailing the reasons for the appeal.

If you think that the project you are concerned about will require legal action, it is a good idea to get in touch with a lawyer before the permit is approved in order to get help in preparing your comments and to assist in the process of appealing a Corps permit decision. Refer to Appendix 12 for a listing of non-profit environmental law firms and for-profit law firms that work on wetlands-related issues in your state that may be able to assist you at little or no cost.

Monitoring the Activities of the Permit Applicant

Whether or not the permit is issued to the applicant, it is important to keep a watchful eye on the proposed project area. If a permit is granted, it is important to make sure that the applicant is following the rules or conditions stated in the permit. If the permit was denied, you should monitor the project site to ensure that the project does not move forward anyway. If you see any

unauthorized activity taking place in a project area, immediately contact the permitting agency so that they can investigate your concern.

Enforcement and After-the-Fact Permits

If you think a wetland has been filled without a permit or you see a discharge of pollutants in your local wetlands that you do not think is being regulated, contact the appropriate regulating agency as soon as possible. Refer to Appendix 13 for agencies to whom you should report a problem. It may turn out that a project that has not been permitted is contributing to these problems. Follow the guidelines outlined in Box 8 when reporting a problem.

After receiving a report of a problem, the agency will check to see if the activities in the area are covered by permits. If the agency finds that an activity is unauthorized and requires a permit, an investigation will be completed to determine what, if any, penalties are necessary. In many cases, an investigation may take as long as several months. If the activity continues while the investigation is being completed, you can ask the agency to issue a cease and desist order. A cease and desist order demands that the project be stopped immediately and

threatens to fine and imprison the violator if the activity is continued.

If a cease and desist order is issued, it is important to keep up-to-date on the status of the case. Contact the regulatory agency every few weeks to receive updates on the case. Find out if the landowner or developer has applied for an *after-the-fact permit*. After-the-fact permits are used when the applicant is applying for the permit *after* the activity has already begun and have public comment periods just like other Section 404 permits. The applicant may or may not receive penalties for unpermitted activities. Whether or not penalties are assigned, the applicant may continue with his or her activities once an after-the-fact permit has been applied for and issued.

If the agency refuses to issue a cease and desist order, you may file a *citizen enforcement action* to stop a project. A citizen enforcement action allows a private citizen to stop dredge and fill activities in wetland areas that have not been permitted, nor stopped by the EPA or the Corps. It is important to proceed carefully with a citizen enforcement action. Before proceeding, contact a lawyer or an organization that specializes in environmental litigation. See Appendix 12 for legal organizations in the Gulf states.

Box 9. Guidelines for Reporting a Problem with Wetland Use

- Provide as much information as possible. The more information you can pass along to the agency, the faster the agency can respond to the problem.
- Provide the exact location of the problem. Use landmarks such as buildings, roads, highways, or river mile markers. Take photographs to document the problem. If possible, indicate the location on a map.
- Provide specific details. Tell the agency about on-going activities in the area such as: the type of materials dredged or dumped, the time and dates of the action, and the names of possible violators.
- Inform your community. Tell members of your community about the problem and urge them to report the activity to the regulatory agency.

Protecting Wetlands Outside of the Permitting Process

While citizen involvement in the permitting process can be an effective way to protect wetlands, there are other approaches that you may use to try to stop environmentally-destructive projects.

The Media

The media can be a very effective tool for informing the public about a particular project. A project may be brought to the attention of interested politicians, local government agencies, and other organizations and citizens through television, radio, and newspaper reports. The media can be your ally or it can be your enemy depending on how wisely you use the publicity it gives to you and/or your organization. If your position on a project is not well developed and lacks scientific or cultural facts to support it, your credibility with both the media and the public could be damaged. However, by developing a credible relationship with newspapers, TV, and radio stations, you can provide the public with valuable facts and perspectives that are presented thoroughly and accurately.

There are several ways to make use of the media. You can:

- Use public service announcements on radio and television to announce public hearing dates, comment deadlines, or public meetings for a proposed project. Public service announcements are usually free and need to be only 2-3 sentences long;
- Use a press release to inform the media of the ‘who, what, where,

why, and when’ of a project and to explain how it relates to you and your community. A press release is a written statement, not more than one page long. Be sure to include your contact information at the top of the press release so that the media can reach you if they need more information (see Appendix 14 for a sample press release); or

- Use media events to give short presentations about the project and your views and question-answer sessions. Be sure to send an advisory to the media at least seven days prior to an event, or fax it three days prior to the event. A media advisory describes the time, location, and the nature of the event. Media events will attract more attention than a press release so it is important to use them when you have a lot of community support or have new information to share regarding a project.

For more ideas about how to make the best use of the media, attend media workshops sponsored by regional or national environmental groups and organizations. These workshops are often free and open to local activists.



Support Programs that Help to Protect Wetlands

There are a number of ways wetlands can be protected within and outside the regulatory arena. Keep in mind that both regulatory and non-regulatory approaches should be used to protect and restore wetlands. No one strategy is the sole solution to preserve these important habitats. All approaches should be used to complement one another. Some of these strategies are outlined below.

Local Programs

There are several different wetland protection programs that have been put into place by local, state, or federal policy makers. On the local level, zoning regulations or ordinances may exist to protect against the development of wetland areas. If local ordinances are not in place, you can meet with local policy makers and explain to them the need and support that exists for local wetlands protection.

There is a direct and critical link between land use and the quality of our environmental resources. Only by becoming aware and involved can citizens make sure that our lands and waters are improved and protected for this and future generations. There are a number of ways in which you can get involved in guiding the development of land use regulations and local land use decisions. Here are some ideas for you to consider:

- Learn more about and promote alternatives to unplanned development.
- Participate in planning efforts in your community. Become familiar with the planning and development processes and standards of your town, parish, or

county.

- Ask your local officials to establish and support planning and zoning regulations.
- Make your voice heard! Get involved in local planning and zoning decisions. Testify at public hearings on specific development projects (good and bad) that may significantly affect water quality or promote unplanned development.
- Encourage your local officials to develop erosion and sediment control ordinances.
- Become an active member of a local organization that advocates environmentally sound growth and development.
- Encourage your local officials to support development projects that are environmentally sensitive and that promote low-impact recreation.
- When purchasing a home, avoid properties in rural locations that are not officially designated as growth areas by the local government.

Federal Programs

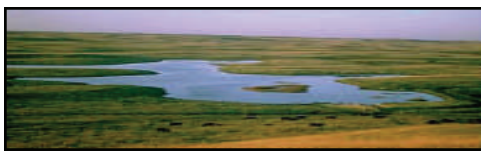
Non-regulatory federal programs for wetlands protection have also been created and are available to citizens on a voluntary basis. These programs include the Wetlands Reserve Program (WRP) and the Conservation Reserve Program (CRP), both of which are administered by the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service. WRP allows interested landowners to develop a conservation easement or enter into a cost-share restora-

tion agreement with USDA to protect and restore lands.

CRP is another voluntary approach whereby landowners commit to establishing various long-term conservation practices for a 10 to 15 year period. Participating landowners receive annual rental payments for the land and cost-share assistance in return for protecting land through the CRP. Additional approaches to protect wetlands include donating land; using conservation easements, deed restrictions, or mutual covenants; land purchases; having the state assume ownership of a land parcel (known as eminent domain); and wetland restoration programs. Citizens can take part in these federal non-regulatory programs by contacting their state agencies to encourage their involvement.

Land Trusts

Land trusts are nonprofit, voluntary organizations that work with landowners to place land in protective programs using a number of different conservation tools. Land trusts often focus on protecting open space that is being threatened by development through conservation easements that permanently restrict the uses of land, land donations and purchases, and strategic estate planning. Throughout the country, local, regional, and national land trusts abound, working to preserve and protect open spaces, including wetlands, wildlife habitat, shorelines, forests, farms, historic estates, and recreational areas. Land trusts target all types and sizes of open space. See Appendix 15 for information on local, state, and national land



Prairie Potholes in Texas. Photo courtesy of the U.S. Fish and Wildlife Service.

Form a Wetland Monitoring Group

If you determine there is a need to form a group to protect and monitor wetlands in your community, it is a good idea to contact larger environmental organizations that are already established to determine:

- 1) If a local group is already operating in your area. You may want to join and/or volunteer for this group. See Appendix 16 for organizations that work on wetland issues in the Gulf region.
- 2) If no local group exists, existing organizations may be able to provide structure, guidance, and possible financial assistance to create your group. Also ask about workshops or training sessions that may be available for citizens who are interested in protecting local wetlands.

When establishing a group it is important to focus on a small geographic area that all your members are directly interested in (i.e., a watershed, river, or stream). A small geographic region will allow your group to monitor wetlands more closely and frequently. Being aware of new projects in that area will enable you to be *proactive* and organized about wetland protection, rather than *reacting* to a project that is already well into the permitting process.

Simple Ideas to Protect Wetlands

Whether you are part of a local wetland protection group or you are just someone concerned about the destruction of wetlands, you can help protect wetlands with these simple efforts:

- Receive and review public notices and submit comments when appropriate.

- Develop a network of contacts including, but not limited to, landowners, elected officials, regulatory agencies, citizen groups, environmental groups, and fishermen and sportsmen groups. Educate them about wetland projects in your area and what they can do to help protect wetlands.
- Monitor wetlands in your community on a regular basis. This will help you recognize projects that have not been permitted. (See the section entitled “Enforcement and After-the-Fact Permits” in this chapter for more information about what to do if you discover a new project in your area.)
- Gather information concerning the historical, cultural, and economic functions and values of the wetlands in your region. For example, were the waters historically used in baptism ceremonies? Are there commercial or recreational fishing opportunities in these wetlands? This will give you an information base that can be used when writing comments or speaking at a public hearing.
- Keep track of cumulative wetlands loss. In other words, if several projects have been permitted which each destroy a small area of wetlands, remember that the combination of all wetland losses may be quite significant. You can talk about cumulative impacts in written or oral comments that you submit to the regulatory agencies.

By following these simple guidelines, you can contribute to the protection and preservation of the Gulf’s valuable wetland resources. Use this guide as a powerful resource to ensure that you and your children continue to enjoy the myriad of benefits that wetlands provide.



References

A variety of sources was used in the creation of this chapter. They include:

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Public Involvement in Environmental Permits: A Reference Guide. August 2000. United States Environmental Protection Agency: Office of Solid Waste and Emergency Response.

Acronyms Used in this Guide

CRP – Conservation Reserve Program. Established by Congress in 1985, the Conservation Reserve Program (CRP) pays farmers to use agricultural land for conservation activities for a ten to fifteen year period. The program is administered by the USDA, and seeks to achieve a variety of environmental aims, including improvements in water quality, reduction of soil erosion and restoration of habitat for wildlife.

CWA – The Clean Water Act (33 U.S.C. Sections 1251-1387). The CWA is the law that was passed by Congress that sets a goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters. The CWA establishes a regulatory framework to protect water quality throughout the United States.

CWPPRA – The Coastal Planning, Protection, and Restoration Act. CWPPRA is federal legislation that funds coastal restoration projects. The majority of the funds (70%) go to the state of Louisiana for use by federal, state, or local agencies for projects dedicated to coastal restoration. The remaining 30% of the funds are divided evenly between Fish and Wildlife Service projects and the Secretary of the Interior for projects under the North American Wetlands Conservation Act. CWPPRA projects in Louisiana are designed for each basin and are approved by an inter-agency task force before they can be funded.

CZMA - The Coastal Zone Management Act (16 U.S.C. Sections 1451-1464). The CZMA seeks to obtain state coastal land use planning by providing monetary assistance to states to develop and implement management programs consistent with standards set forth in the Act. Once a state plan has been approved by the Secretary of the Department of Commerce, the Act requires that federal agencies, permittees, and licensees show that any proposed activity in or directly affecting a states coastal zone are, to the maximum extent practicable, consistent with that states' management plan.

CZMP (or CMP). – Coastal Zone Management Plan. The CZMP is a coastal land use plan created by states under the Coastal Zone Management Act. These plans are submitted to the Secretary of the Department of Commerce for approval.

EA – Environmental Assessment. The initial review by a federal agency, required under the National Environmental Policy Act, to determine if an activity will have significant impacts on the environment.

EFH- Essential Fish Habitat. EFH has been defined by Congress in the Sustainable Fisheries Act as "those waters and substrate necessary for [marine] fish for spawning, breeding, feeding, or growth to maturity."

EIS - Environmental Impact Statement. An EIS is a public document, required under the National Environmental Policy Act, which provides a full and fair discussion of environmental impacts of a federal action (including issuance of a permit) and alternatives to the proposed action.

EPA- The Environmental Protection Agency. The EPA is the agency charged with enforcing the Clean Water Act. Under Section 404 of the Act, the EPA is given the authority to establish guidelines (known as the 404(b) (1) guidelines), for issuance of Section 404 permits. The EPA has authority to review U.S. Army Corps of Engineers permitting decisions and can veto (overturn) a permit decision if it finds that the permit will have unacceptable impacts.

ESA- Endangered Species Act (16 U.S.C. Section 1536). The ESA protects animals and plants that are threatened with extinction. To be protected under the Act as species must first be "listed" (designated as endangered or threatened) by the Secretary of the Department of Interior (through the FWS).

FOIA- The Freedom of Information Act. FOIA gives citizens the right to inspect and obtain copies of many kinds of federal government documents, including those having to do with wetland decisions.

FONSI – Finding of No Significant Impact. A FONSI is a finding by a federal agency, after completion of an Environmental Assessment, that an activity will not have a significant impact on the environment and, therefore, no further environmental analysis of the activity is needed.

FWS – The U.S. Fish and Wildlife Service, a division of the Department of Interior. The mission of the FWS is to conserve, protect, and enhance fish, wildlife, and plants and their habitat for the benefit of the public. The FWS enforces federal wildlife protection laws, such as the Endangered Species Act (ESA). Their major responsibilities involve migratory birds, endangered species, certain marine mammals, and freshwater and anadromous fish.

NEPA – The National Environmental Policy Act. The NEPA is an Act adopted by Congress in 1969 intended to help federal officials make decisions that are based on an understanding of the environmental consequences of their actions. The goal of NEPA is to require an interdisciplinary consideration of environmental impacts of federal actions and alternatives to the proposed action(s).

NMFS – The National Marine Fisheries Service, also known as the National Oceanic and Atmospheric Administration (NOAA) Fisheries, a division of the U.S. Department of Commerce. The agency is responsible for managing and sustaining most living marine resources and their habitats in U.S. waters by: (1) rebuilding and maintaining sustainable fisheries; (2) promoting the recovery of threatened and endangered species; and (3) working with other federal agencies to protect and maintain the health of marine and anadromous fish habitats.

SAV- Submerged Aquatic Vegetation. SAV, one of the most productive plant communities in the world, is adapted to living in shallow, subtidal estuarine or marine environments and provides important habitat for nursery areas for fish and shellfish, plays an important role in nutrient cycling, and decreases shoreline erosion. SAV is found in all five Gulf states.

SFA- Sustainable Fisheries Act. The SFA, passed in 1996 to reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act, sets strict requirements for the NMFS to stop overfishing, rebuild overfished stocks, minimize bycatch (the incidental take of non-target species), and protect essential fish habitat.

USDA – The United States Department of Agriculture. The USDA is the agency charged with administering laws and policies of the United States that govern agriculture.

WRP – Wetlands Reserve Program. The WRP, established by Congress in 1990, allows owners of farm land to receive payments for the establishment of permanent or long-term conservation easements. The program is administered by the USDA and is intended to restore the hydrology and vegetation on wetlands that have been converted to farmland.

Glossary of Terms

aquifer: underground geologic formations that hold large quantities of groundwater.

after-the-fact permits: permits that are issued after an activity has already begun.

cease and desist order: an order issued by a regulatory agency to immediately stop an activity that has not been permitted.

citizen enforcement action: a mechanism through which citizens may stop dredge and fill activities that are being considered for an after-the-fact permit.

Clean Water Act: the law that was passed by Congress that sets a goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters. The CWA establishes a regulatory framework to protect water quality throughout the United States.

coastal wetlands: a broad category of wetlands that are found at lower elevations than inland wetlands, on the interface of the ocean and the land, and generally include all saltwater and brackish wetlands. Examples include saltwater and brackish marshes, and saltwater mangrove swamps.

Coastal Wetlands Planning, Protection, and Restoration Act: federal legislation that funds coastal restoration projects. The majority of the funds (70%) go to the state of Louisiana for use by federal, state, or local agencies for projects dedicated to coastal restoration. The remaining 30% of the funds are divided evenly between Fish and Wildlife Service projects and the Secretary of the Interior for projects under the North American Wetlands Conservation Act. CWPPRA projects in Louisiana are designed for each basin and are approved by an inter-agency task force before they can be funded.

Coastal Zone Management Act: a federal law which seeks to obtain state coastal land use planning by providing monetary assistance to states to develop and implement management programs consistent with standards set forth in the Act. Once a state plan has been approved by the Secretary of the Department of Commerce, the Act requires that federal agencies, permittees, and licensees show that any proposed activity in or directly affecting a states coastal zone are, to the maximum extent practicable, consistent with that states' management plan.

Coastal Zone Management Plan: a coastal land use plan created by states under the Coastal Zone Management Act. These plans are submitted to the Secretary of the Department of Commerce for approval.

comment period: the amount of time given to members of the public to submit written comments on a particular project. A comment period usually lasts for 10-30 days.

conservation easement: a legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. It allows landowners to own and use the land and to sell it or pass it on to heirs.

Conservation Reserve Program: established by Congress in 1985, the Conservation Reserve Program pays farmers to use agricultural land for conservation activities for a ten to fifteen year period. The program is administered by the USDA, and seeks to achieve a variety of environmental aims, including improvements in water quality, reduction of soil erosion and restoration of habitat for wildlife.

consistency determination: a determination that a project is consistent with the rules and regulations of state

and federal laws or programs, specifically state Coastal Zone Management Plans.

Corps: short for the U.S. Army Corps of Engineers, the Corps is responsible for the regulation of dredge and fill activities in the waters of the United States, among other duties. These responsibilities include, but are not limited to, reviewing Section 404 permit applications, accepting and reviewing oral and written comments, and deciding whether or not to issue a Section 404 permit.

cultural values: those values associated with the historical and cultural uses of a wetland. Culture values may include the use of a creek for baptisms or a favorite fishing hole that has been used by a family for several generations.

cumulative impacts: the combined impacts of a proposed activity and any similar activities in the area. For example, the total amount of wetland acreage lost that results from the issuance of two or more permits.

deed restrictions: terms placed in the deed to a piece of property that restrict certain uses of the land by subsequent owners.

ecotourism: tourism associated with the use of environmental resources, including activities such as canoeing, hiking, and bird watching.

elevation: the height above sea level. The elevation of a wetland influences the type of plants and wildlife that can survive in a particular wetland.

elevation: the transfer of the permit review responsibilities to a level within an agency that has greater authority, such as the headquarters of EPA and the Corps.

eminent domain: the assumption of ownership of a piece of land by the state.

Endangered Species Act: a federal law that protects animals and plants that are threatened with extinction. To be protected under the Act, species must first be "listed" (designated as endangered or threatened) by the Secretary of the Department of Interior (through the FWS).

Environmental Assessment: the initial review by a federal agency, required under the National Environmental Policy Act, to determine if an activity will have significant impacts on the environment.

Environmental Impact Statement: a document, required under the National Environmental Policy Act, which provides a full and fair discussion of environmental impacts of a federal action (including issuance of a permit) and alternatives to the proposed action.

Environmental Protection Agency: the agency charged with enforcing the Clean Water Act. Under Section 404 of the Act, the EPA is given the authority to establish guidelines (known as the 404(b)(1) guidelines), for issuance of Section 404 permits. The EPA has authority to review U.S. Army Corps of Engineers permitting decisions and can veto (overturn) a permit decision if it finds that the permit will have unacceptable impacts.

essential fish habitat: defined by Congress in the Magnuson Stevens Fishery Conservation and Management Act as "those waters and substrate necessary for [marine] fish for spawning, breeding, feeding, or growth to maturity."

federal jurisdiction: a determination that a particular waterbody is subject to the rules and regulations set forth by the federal government.

federal register: a daily publication of all federal government public notices. It is published by the National Archives and Records Administration and can be accessed at your local law library or on the internet.

Finding of No Significant Impact: a finding by a federal agency, after completion of an Environmental Assessment, that an activity will not have a significant impact on the environment and, therefore, no further environmental analysis of the activity is needed.

Fish and Wildlife Service: A division of the Department of Interior. The mission of the FWS is to conserve, protect, and enhance fish, wildlife, and plants and their habitat for the benefit of the public. The FWS enforces federal wildlife protection laws, such as the Endangered Species Act (ESA). Their major responsibilities involve migratory birds, endangered species, certain marine mammals, and freshwater and anadromous fish.

Freedom of Information Act request: a written request made by citizens to a federal agency to inspect and obtain copies of federal government documents, including those having to do with wetland decisions.

general permits: permits that authorize a category or categories of activity in a specific geographic region. Activities that fall under these permits are not available for public review and comment.

groundwater: water that moves through the soil and replenishes aquifers.

habitat: the areas that provide breeding, feeding, and nesting grounds for animals and plants.

hydric soils: Soils that remain waterlogged long enough to create low oxygen or no oxygen conditions.

hydrologic regime: the amount and duration of water in a system. In wetlands, the hydrologic regime generally consists of the presence of water at or above the ground for more than seven consecutive days in the growing season.

hydrophytic plants: plants that are adapted to growing in hydric soils.

individual permits: permits that are issued by an agency on a case-by-case basis, are reviewed individually, and are available for public comment.

inland wetlands: a broad category of wetlands that are found at higher elevations than coastal wetlands, and generally includes all freshwater wetlands. Examples include bottomland hardwood forests, cypress-tupelo swamps, and prairie potholes.

intent-to-sue: a letter sent to the Corps at least 60 days prior to filing suit that contains specific information about the Corps' alleged violation of the CWA, NEPA, or any other statute.

joint public notice: a public notice issued jointly by two or more agencies for a permit application for a particular project. For example, Alabama Department of environmental quality and the Mobile Corps District may issue a joint public notice for a Section 401 water quality certification and a Section 404 dredge and fill permit, respectively.

land donation: a conservation strategy for a landowner to use if they do not wish to pass the land on to heirs; own property they no longer use; own highly appreciated property; have substantial real estate holdings and wish to reduce estate tax burdens; or would like to be relieved of the responsibility of managing and caring for land.

land trusts: non-profit, voluntary organizations that work with landowners to protect land using a number of different conservation tools such as conservation easements, land donations, and strategic estate planning.

local land use regulations, policies, and ordinances: rules that direct the way land is developed in a local community. For instance, land use regulations can prohibit business development in a certain area, identify unique spaces that should be protected, or establish appropriate management practices for construction activities.

mitigation: the requirement that permit applicants must “replace” all unavoidable losses of wetlands and wetland functions.

mutual covenants: an agreement by several land owners to restrict the uses of their land. This agreement is not necessarily binding to future owners of the land.

National Environmental Policy Act: adopted by Congress in 1969 intended to help federal officials make decisions that are based on an understanding of the environmental consequences of their actions. The goal of NEPA is to require an interdisciplinary consideration of environmental impacts of federal actions and alternatives to the proposed action(s).

National Marine Fisheries Service: a division of the U.S. Department of Commerce. The agency is responsible for managing and sustaining most living marine resources and their habitats in U.S. waters by: (1) rebuilding and maintaining sustainable fisheries; (2) promoting the recovery of threatened and endangered species; and (3) working with other federal agencies to protect and maintain the health of marine and anadromous fish habitats.

nationwide permits: a type of general permit for a category or categories of activities, which have “minimal environmental consequences”, that applies to the entire United States.

non-point source: a source of pollution that does not come from a single, easily identifiable source. Instead, it is very difficult to determine where the pollution is coming from. Examples include agricultural runoff and atmospheric deposition.

nutrients: substances such as nitrogen and phosphorous that encourage plant growth. While nutrients are good in small amounts, the application of excess amounts of nutrients can severely disrupt a wetland system.

oral comments: comments submitted verbally at a public hearing held by a regulatory agency for a proposed project. Oral comments are added to the administrative record for a particular project.

point source: a source of pollution that comes from a single, easily identifiable source (i.e. a pipe).

pollutants: substances released into the environment that originate from human-related activities. Pollutants range from heavy metals to pesticides to excess nutrient concentrations.

press conference: a meeting with media representatives for the purposes of sharing a position and information on a particular project.

press release: a written statement that provides the media with a position and information on a particular project.

public hearing: a meeting, usually held by a regulatory agency, to allow the public to comment on a particular project. The information gathered at the hearing is used to decide whether a permit application should be approved, rejected, modified, or if an EIS should be completed.

public interest review: an evaluation of the possible impacts of a project, including cumulative impacts, by the Corps. The Corps must balance the public and private need for the project with the damaging effects the project will have on such things as aesthetics, environmental quality, fish and wildlife values, and the safety of the public.

public notice: a notice that is normally printed in the business section of the newspaper, among other places, to inform the public about an application that has been submitted for a proposed project. Public notices give a summary of the permit application and solicit comments from the public on the proposed project.

public notice mailing list: a mailing list maintained by the Corps, EPA, other federal agencies, and some state regulatory agencies, whose members receive mailings of public notices of proposed projects and/or agency activities.

public service announcements: announcements on the radio and television that can be used to inform the public about public hearings, comment deadlines, or public meetings for a proposed project. Public service announcements are usually free and are approximately 2-3 sentences long.

regional permits: a type of general permit that applies to a specific state or region of the country.

salinity: the degree of saltiness in the water. The salinity of the water influences the type of plants and wildlife that can survive in a particular wetland.

scoping meeting: a meeting at which the Corps determines what issues will be covered in the development or the analysis of an Environmental Impact Statement.

Section 404 permit: an agency sanctioned "discharge of dredge or fill material" into waters of the United States. Section 404 of the Clean Water Act requires anyone seeking to "fill" a wetland to first obtain a permit from the Corps of Engineers. Involvement in the Section 404 permit process is one of the most effective ways members of the public can reduce wetland destruction in their area.

Section 404(b)(1) Guideline Review: guidelines the Corps must follow when issuing Section 404 permits. Under these guidelines, the Corps must consider alternatives to the project that do not impact wetlands, whether or not the activity is "water-dependent", impacts water quality, and mitigates for the lost wetlands and wetland functions.

Section 401 Certification: certification issued by state departments of environmental quality or environmental protection that a proposed activity will not negatively impact the water quality of the state. A Section 404 permit can not be issued until a Section 401 Certification has been granted or waived.

Section 10: a Section of the Rivers and Harbors Act of 1899, that requires anyone wishing to dredge, fill, or build a structure in any navigable water and associated wetlands to obtain a permit from the Corps. Section 10 permits are often applied for and issued at the same time as a Section 404 permit.

shoreline erosion: the removal of land from the shoreline by wave action.

subsidence: the natural settling of the land to a lower elevation, thus deepening the water and significantly changing the characteristics of a wetland.

submerged aquatic vegetation: one of the most productive plant communities in the world. SAV is adapted to living in shallow, subtidal estuarine or marine environments and provides important habitat for nursery areas for fish and shellfish, plays an important role in nutrient cycling, and decreases shoreline erosion. SAV is found in all five Gulf states.

Sustainable Fisheries Act: passed in 1996 to reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act, sets strict requirements for the NMFS to stop overfishing, rebuild overfished stocks, minimize bycatch (the incidental take of non-target species), and protect essential fish habitat.

water dependent: a project that requires access to, proximity, or siting within a wetland or waterbody to fulfill its basic purpose.

water quality standards: levels of pollution in the water that are considered safe for humans, plants, fish, and wildlife.

waters of the United States:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - i. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - iii. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (s)(1) through (4) of this section;
6. The territorial sea;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (s)(1) through (6) of this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

wetlands: those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands Reserve Program: established by Congress in 1990, allows owners of farm land to receive payments for the establishment of permanent or long-term conservation easements. The program is administered by the USDA and is intended to restore the hydrology and vegetation on wetlands that have been converted to farmland.

Wild and Scenic Rivers Program: laws protecting rivers that are designated by the legislature as "wild and scenic" rivers. These laws are intended to preserve, protect, and enhance the wilderness qualities, scenic beauty, and ecology of the state's free-flowing rivers, streams, and bayous.

written comments: comments submitted in writing to a regulatory agency that explain why a proposed project should or should not be approved. Written comments are added to the administrative record for a particular project.

Appendix 1

Wetland Types in the Gulf

Inland Wetland Types

Type	General Description	Common Plant Types	Location
Bottomland Hardwood Forests	Forested wetlands found along rivers.	Broad-leaved and needle-leaved deciduous trees: Gum and Oak species, Bald Cypress	Found in all of the Gulf states.
Swamps	Forested wetlands found along rivers, streams, or lakes.	Bald Cypress, Tupelo Gum	Found in all of the Gulf states.
Prairie Potholes	Wetlands with few trees, warm, dry climatic conditions, and dominated with prairie plants that serve as vital habitat for migratory birds.	Drought-resistant plants, floating aquatic plants in deepwater, bulrushes and cattails close to shore	Primarily found in Texas.
Playa Lakes	Wetlands found amid prairie grass and croplands that serve as vital habitat for migratory birds.	Diverse assemblage of non-woody plant species (annuals): pink smartweed, ragweed, cheeseweed, blue sunflower, evening primrose	Primarily in the panhandle of Texas.

Pocosins	A wetland known as a “swamp on a hill”, that is a seemingly flat area slightly raised at its center. The floor is covered with sphagnum moss and the soils are acidic and low in nutrients.	Several herbaceous species, evergreen shrubs, loblolly pines, holly, sphagnum moss, bay and pond pines, venus fly trap	Found in Northern Florida to Mississippi.
Vernal Pools	Naturally occurring depressional wetlands lacking a permanent above ground outlet. These wetlands are covered by shallow water for variable periods from winter to spring, but may be completely dry for all of the summer and fall.	Wildflowers, drought-resistant plants that remain dormant during the dry season	Vernal Pools are found in the gently sloping plains of grasslands, flooded meadows, and upland forests.

Coastal Wetland Types

Type	General Description	Plant Types	Location
Mangrove Swamps	Forested wetlands that are primarily comprised of Mangrove trees.	Red, Black, and White Mangrove trees	Mostly found in Florida, in salty waters of tidal estuaries.
Saltwater Marshes	These wetlands are found along the Gulf and have salinity concentrations that range from 0.5-25 ppt.	Grasses adapted to salt and brackish water such as smooth cordgrass	Found in all of the Gulf states.

Appendix 2

Corps of Engineers District Offices

The U.S. Army Corps of Engineers can put you on their mailing list to notify you of Section 404 permits that have been applied for in your area. Each state in the Gulf Region is covered by more than one Corps of Engineers District Office (see below). To identify the Corps district that covers your region, refer to the maps in Appendices 7A-7E. To learn more about the Corps, visit their main website at: <http://www.usace.army.mil/>.

Alabama

MOBILE District

U.S. Army Corps of Engineers
Mobile District
Attention: REGULATORY BRANCH
P.O. Box 2288
Mobile, AL 36628-0001
Phone: 251-690-2658
FAX: 251-690-2660
<http://www.sam.usace.army.mil/>
Public notices can be accessed at <http://www.sam.usace.army.mil/op/reg/public.htm>

NASHVILLE District

U.S. Army Corps of Engineers
Nashville District
Attention: REGULATORY BRANCH
3701 Bell Road
Nashville, TN 37214
Phone: 615-369-7500
FAX: 615-736-7145

<http://www.orn.usace.army.mil/>
Public notices can be accessed at <http://www.lrn.usace.army.mil/cof/notices.htm>

Florida

JACKSONVILLE District

U.S. Army Corps of Engineers
Jacksonville District
Attention: CESAJ-RD
P.O. Box 4970
Jacksonville, FL 32232-0019
Phone: 904-232-1666
FAX: 904-232-1684
<http://www.saj.usace.army.mil/>
Public notices can be accessed at http://www.saj.usace.army.mil/permit/public_notices/public_notices.htm

MOBILE District

U.S. Army Corps of Engineers
Mobile District
Attention: REGULATORY BRANCH
P.O. Box 2288
Mobile, AL 36628-0001
Phone: 251-690-2658
FAX: 251-690-2660
<http://www.sam.usace.army.mil/>
Public notices can be accessed at <http://www.sam.usace.army.mil/op/reg/public.htm>

Louisiana

NEW ORLEANS District

U.S. Army Corps of Engineers
New Orleans District
Attention: REGULATORY BRANCH
P.O. Box 60267
New Orleans, LA 70160-0267
Phone: 504-862-2255
FAX: 504-862-2289
<http://www.mvn.usace.army.mil/index.asp>
Public notices can be accessed at <http://www.mvn.usace.army.mil/ops/regulatory/publicnotices.asp>

VICKSBURG District

U.S. Army Corps of Engineers
Vicksburg District
Attention: CEMVK-OD-F
4155 Clay Street
Vicksburg, MS 39183-3435
Phone: 601-631-5276
FAX: 601-631-5459
<http://www.mvk.usace.army.mil/>
Public notices can be accessed at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/pnmain.asp>

Mississippi

VICKSBURG District

U.S. Army Corps of Engineers
Vicksburg District
Attention: CEMVK-OD-F
4155 Clay Street
Vicksburg, MS 39183-3435
Phone: 601-631-5276
FAX: 601-631-5459
<http://www.mvk.usace.army.mil/>
Public notices can be accessed at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/pnmain.asp>

MEMPHIS District

U.S. Army Corps of Engineers
Memphis District
Attention: REGULATORY BRANCH
167 North Main Street
Room B-202
Memphis, TN 38103-1894
Phone: 901-544-0736
FAX: 901-544-3266
<http://www.mvm.usace.army.mil/>
Public notices can be accessed at <http://www.mvm.usace.army.mil/regulatory/public-notices/pn.htm>

MOBILE District

U.S. Army Corps of Engineers
Mobile District
Attention: REGULATORY BRANCH
P.O. Box 2288
Mobile, AL 36628-0001
Phone: 251-690-2658
FAX: 251-690-2660
<http://www.sam.usace.army.mil/>
Public notices can be accessed at <http://www.sam.usace.army.mil/op/reg/public.htm>

NASHVILLE District

U.S. Army Corps of Engineers
Nashville District
Attention: REGULATORY BRANCH
3701 Bell Road
Nashville, TN 37214
Phone: 615-369-7500
FAX: 615-736-7145
<http://www.orn.usace.army.mil/>
Public notices can be accessed at <http://www.lrn.usace.army.mil/cof/notices.htm>

Texas

GALVESTON District

U.S. Army Corps of Engineers
Galveston District
Attention: CESWG-PE-R
P.O. Box 1229
Galveston, TX 77553-1229
Phone: 409-766-3930
FAX: 409-766-3931
<http://www.swg.usace.army.mil/>
Public notices can be accessed at <http://www.swg.usace.army.mil/reg/pn.asp>.

FT. WORTH District

U.S. Army Corps of Engineers
Ft. Worth District
Attention: CESWF-PER-R
P.O. Box 17300
Ft. Worth, TX 76102-0300
Phone: 817-866-1731
FAX: 817-866-6493
<http://www.swf.usace.army.mil/>
Public notices can be accessed at <http://www.swf.usace.army.mil/pubdata/regulatory/monthlypn.asp>.

TULSA District

U.S. Army Corps of Engineers
Tulsa District
Attention: CESWT-PE-R
1645 South 101 East Avenue
Tulsa, OK 74121-0061
Phone: 918-669-7401
FAX: 918-669-4306
<http://www.swt.usace.army.mil/>
Public notices can be accessed at <http://www.swt.usace.army.mil/PERMITS/Permits.cfm>.

ALBUQUERQUE District

U.S. Army Corps of Engineers
Albuquerque District
Attention: CESPA-OD-R
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435
Phone: 505-342-3283
FAX: 505-342-3498
<http://www.spa.usace.army.mil/>
Public notices can be accessed at <http://www.spa.usace.army.mil/reg/default.htm>
(Click on 'Public Notices')

Appendix 3

Coastal Zone Management Plans and Coastal Zone Boundaries

All five states in the Gulf have adopted Coastal Management Plans. These plans give additional protections to wetlands in the coastal zone. Write or call the agencies listed below to receive a copy of your state's Coastal Zone Management Plan (CMP).

Alabama

Alabama Department of Conservation & Natural Resources
State Lands Division, Coastal Section
Stonebrook Executive Complex
23210 US Hwy. 98, Suite B-1
Fairhope, Alabama 36532

To request a hard copy of the Alabama CMP call (251) 929-0900

Location of Coastal Zone:

Extends from the continuous ten foot topographic contour line (ten feet above mean sea level) to the limit of the state's territorial waters (three miles offshore)

Florida

Florida Department of Environmental Protection
Coastal Management Program
3900 Commonwealth Blvd. MS 47
Tallahassee, Florida 32399-3000

To request a hardcopy of the Florida

Coastal Program Guide call (850) 245-2161 or (850) 245-2163

An electronic version of the FL Coastal Program Guide may be found at <http://www.dep.state.fl.us/cmp/publications/programguide98/index.htm>

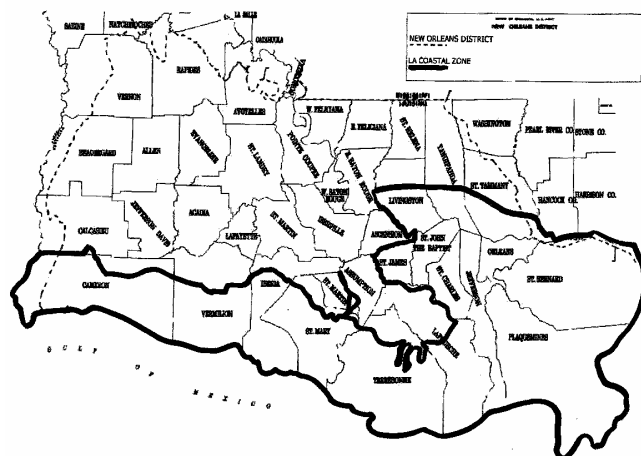
Location of Coastal Zone:

The entire state of Florida

Louisiana

Louisiana Department of Natural Resources
Coastal Management Division
P.O. Box 44487
Baton Rouge, LA 70804
(225) 342-8918

Location of Coastal Zone:



Mississippi

Department of Marine Resources (DMR)
1141 Bayview Avenue
Suite 101
Biloxi MS 39530
To request a hardcopy of the Mississippi
CMP call (228) 374-5000 and ask for the
Coastal Ecology Section

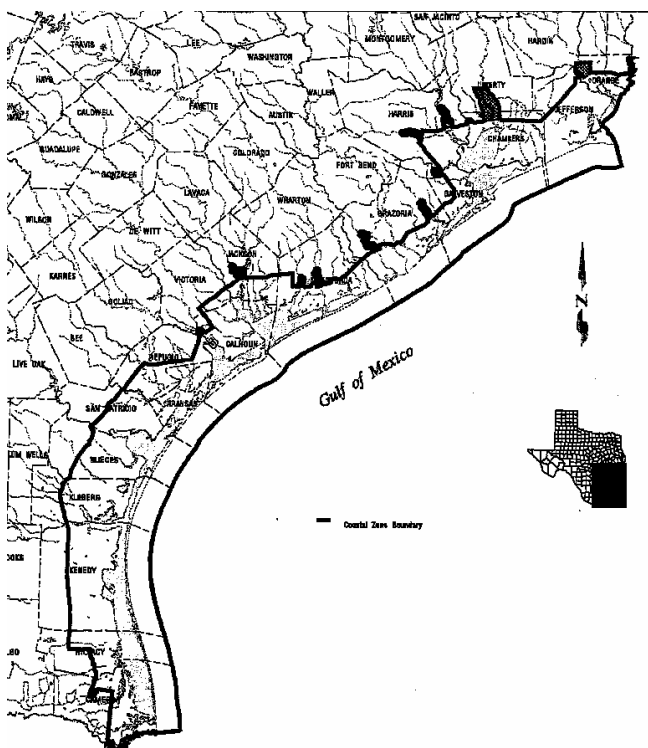
Location of Coastal Zone:

Harrison, Hancock, and Jackson counties

Texas

Texas General Land Office (GLO)
PO Box 12873
Austin, TX 78711-2873
To request a hardcopy of the Texas CMP
call (512) 463-5385 or 1-800-998-4GLO
An electronic version is available on the
GLO website at [http://www.glo.state.tx.us/
coastal/cmpguide.html](http://www.glo.state.tx.us/coastal/cmpguide.html)

Location of Coastal Zone:



Appendix 4

Wild and Scenic Rivers Programs

State and National Wild and Scenic Rivers Programs are listed below. For more information on State Wild and Scenic River Programs, including full text of the relevant state statutes, go to <http://www.amrivers.org/wsrtk.html>. Each state program is different; some are modeled off of the National Wild and Scenic Rivers Program and some are entirely different than the national program. In most cases, it is the state Department of Environmental Protection that oversees the State Wild and Scenic Rivers Program and would be a good source of information.

Alabama

State Program: No state program

National Program: Sipsey Fork of the West Fork River (61.4 miles)

Florida

State Program: Florida Wild and Scenic Rivers Program (2 rivers)

National Program:
Loxahatchee River (7.6 miles)
Wekiva River (67 miles)

Louisiana

State Program: Natural and Scenic Rivers System (52 rivers)

National Program: Saline Bayou (19 miles)

Mississippi

State Program: Scenic Rivers and Streams Program (non-regulatory, voluntary and incentive-based program)

National Program: Black Creek (21 miles)

Texas

State Program: No state program

National Program: Rio Grande (196 miles)

Appendix 5

State Water Quality Agency Contact Information

NOTE: Several State Water Quality Agencies have BRANCH offices within their regional or district offices. Therefore, it is important to say what county you are calling from so your call can be directed to the appropriate office.

Alabama

Agency: Alabama Department of Environmental Management (ADEM):

Public Notices: There is no separate public notice mailing list for Section 401 Water Quality Certifications. A public notice for Section 401 Certification is issued jointly with the Corps on wetland-related projects. If you would like more information about a 401 Certification for a particular project, ask to speak to the 401 coordinator at your regional ADEM office listed below:

Main Office, Montgomery (334) 271-7700
Regional Offices:
Region 1, Mobile (334) 450-3400
Region 2, Birmingham (205) 942-6168
Region 3, Decatur (256) 353-1713
Coastal Office, Mobile (334) 432-6533
<http://www.adem.state.al.us/>

Florida

Agency: Florida Department of Environmental Protection (FDEP)

State office: (850) 488-1554 call this number to find out which district office you need to call.

Public Notices: Water Quality Certificates are not issued as individual documents and there is no public notice mailing list that you can join to receive notice of Water Quality Certification. In Florida, Water Quality Certification is “folded in” to Corps Section 404 Dredge and Fill Permits and DEP Wetland Resource and Environmental Resource Permits for wetland projects. If you would like more information about a 401 Certification for a particular project, contact your FDEP district offices listed below:

Northwest District, Pensacola
(850) 595-8300
Northeast District, Jacksonville
(904) 448-4300
Southwest District, Tampa
(813) 744-6100 or 1-800-774-5866
Central District, Orlando
(407) 894-7555
South District, Fort Myers
(941) 332-6975
Southeast District, West Palm Beach
(561) 681-6600
<http://www.dep.state.fl.us/>

Louisiana

Agency: Louisiana Department of Environmental Quality (LDEQ) (225) 765-0741

Public Notices: Call (225) 765-0908 and ask to be placed on the Water Quality Certification public notice mailing list.

If you would like more information about a 401 Certification for a particular project, contact your LDEQ regional office listed below:

Region 1, Lafayette	(337) 262-5584
Region 2, Monroe	(318) 362-5439
Region 3, Shreveport	(318) 676-7476
Region 4, Baton Rouge	(225) 765-2682
Region 5, New Orleans	(504) 736-7701
Region 6, Lake Charles	(337) 475-8644

<http://www.deq.state.la.us/>

Mississippi

Agency: Mississippi Department of Environmental Quality (MDEQ)

Public Notices: There is no separate public notice mailing list for Section 401 Water Quality Certification. Water Quality Certification is issued jointly with the Corps' Section 404 permits. If you would like more information about a 401 Certification for a particular project, contact your MDEQ regional office listed below:

Main Office: Jackson	(601) 961-5171
Regional Offices:	
Region 1, Oxford	(662) 234-3733
Region 2, Pearl	(601) 664-3904
Region 3, Biloxi	(228) 432-1056

<http://www.deq.state.ms.us/>

Texas

Agency: Texas Natural Resources Conservation Commission (TNRCC)

Public Notices: TNRCC does not maintain a mailing list for notice of Section 401 Certification. A public notice for Section 401 Certification is issued jointly with the Corps on wetland-related projects. If you would like more information about a 401 Certification for a particular project, ask to speak to the 401 coordinator at your regional TNRCC office listed below:

Region 1, Amarillo	(806) 353-9251
Region 2, Lubbock	(806) 796-7092
Region 3, Abilene	(915) 698-9674
Region 4, Arlington	(817) 469-6750
Region 5, Tyler	(903) 535-5100
Region 6, El Paso	(915) 834-4949
Region 7, Midland	(915) 570-1359
Region 8, San Angelo	(915) 655-9479
Region 9, Waco	(254) 751-0335
Region 10, Beaumont	(409) 898-3838
Region 11, Austin	(512) 339-2929
Region 12, Houston	(713) 767-3500
Region 13, San Antonio	(210) 490-3096
Region 14, Corpus Christi	(361) 825-3100
Region 15, Harlingen	(956) 425-6010
Region 16, Laredo	(956) 791-6611

<http://www.tnrcc.state.tx.us/>

Appendix 6

Coastal Permit Information and Contact Agencies

Alabama

Agency: Department of Environmental Management (ADEM)

Contact:
Department of Environmental Management
Coastal Program Office
4171 Commanders Drive
Mobile, AL 36615
(251) 432-6533

Coastal Permits: ADEM does not issue separate permits for coastal projects in the state of AL, but instead includes a consistency determination within the Corps 404 permits to ensure that the project complies with the state's Coastal Management Plan and that coastal resources are properly protected. Exception: ADEM does issue a coastal use permit for a development greater than 5 acres. When such developments affect wetlands, the permit requires, through deed restrictions, that the developers have sufficient upland areas and/or buffer zones so that wetlands will not be negatively impacted.

Florida

Agency: Department of Environmental Protection (DEP)

Contact: Determine the DEP district that the project is located in by calling the Bureau of Submerged Lands main number: (850) 488-0130. Refer to Appendix 5 for DEP district contact information. Also call the corresponding Water Management District office. Contact information for these offices is located in Appendix 6A.

Coastal Permits: The Office of Beaches and Coastal Systems, Environmental Permitting Section of FDEP occasionally issues permits that involve destruction of wetlands on the coast (for example, navigational dredging projects that affect wetlands).

FDEP and the Florida Water Management Districts issue permits for dredge and fill activities in waters of the state. For projects located in coastal counties, these permits also serve as the state's consistency review under the federal consistency provisions of the Coastal Zone Management Act:

- 1) **Wetland Resource Permit (WRP):** A "dredge and fill" permit similar to the Corps' Section 404 permit: This permit only applies to counties in the Panhandle of Florida within the jurisdiction of the NW Florida Water Management District. (Note: for various political, tax, economic reasons, when the Environmental Resource Permit program was created

in the mid 1990s, it was not adopted in the panhandle as it was in the rest of the state).

- 2) **Environmental Resource Permit (ERP):** A permit that is issued for the dredging and filling of wetlands in the remainder of the state. This permit combines the requirements of the Wetland Resource Permit with the requirements of the permits for Management and Storage of Surface Waters (i.e., stormwater).

Public notices of Section 404 permits and ERP/WRP permits are not issued jointly. In many cases, projects on the coast that require a Section 404 permit will also require either an ERP or a WRP.

Public Notices: DEP does not maintain a public notice list for the issuance of the ERP and WRP. Individuals may, however, call their regional FDEP office and Water Management District office to obtain information on specific projects that impact coastal wetlands.

Louisiana

Agency: Louisiana Department of Natural Resources (DNR)

Contact:
Department of Natural Resources
Coastal Management Division
P.O. Box 44487
Baton Rouge, LA 70804

Coastal Permits: A Coastal Use Permit (CUP) is issued for projects in Louisiana's coastal zone in accordance with the State and Local Coastal Resources Management Act of 1978 (Louisiana R.S. 49, Sections 214.21-214.41) and the rules and regula-

tions of the Louisiana Coastal Resources Program (LCRP), the name given to Louisiana's Coastal Management Plan under the Coastal Zone Management Act.

Public Notices: To get on DNR's mailing list for Coastal Use Permits, call (225) 342-7591 or 1-800-267-4019 and indicate the parishes for which you would like to receive public notices. For more info on coastal use permits go to <http://www.dnr.state.la.us/crm/coastmgt/cup/cup.ssi>

Local coastal programs can also be found at <http://www.savelawetlands.org/>

Mississippi

Agency: Department of Marine Resources (DMR)

Contact:
Department of Marine Resources
1141 Bayview Avenue
Suite 101
Biloxi MS 39530
1-800-374-3449
<http://www.dmr.state.ms.us/Default.htm>

Coastal Permits: Depending on the size of the project, the DMR will either issue a joint Corps permit that includes a consistency determination that states the project is consistent with the state's Coastal Management Plan, or it will issue a separate permit in addition to the Corps' Section 404 permit.

Public Notices: To get on DMR's mailing list for coastal permits call (228) 374-5000, Wetlands Permitting Section.

Texas

Agency: Texas General Land Office (GLO)
Coastal Coordination Council: multi-agency review board for CMP

Contact:

Texas General Land Office
Coastal Resources Program
P.O. Box 12873
Austin, TX 78711-2873
(512) 463-5385
<http://www.glo.state.tx.us>

Coastal Permits: TNRCC does not issue separate permits for coastal projects in the state of Texas. Instead, applications for projects that require Section 404 permits are subject to review for consistency with the Texas Coastal Management Plan.

Appendix 6A

Water Management Districts in Florida

The Water Management Districts (WMDs) in the state of Florida are responsible for issuing permits for certain projects involving wetlands. The five WMDs in Florida are listed below:

Northwest Florida Water Management District:

81 Water Management Drive
Havana, Florida 32333
(850) 539-5999
<http://sun6.dms.state.fl.us/nwfwmd/>

St. Johns River Water Management District:

P.O. Box 1429
Palatka, FL 32178-1429
(386) 329-4500
<http://sjr.state.fl.us/>

South Florida Water Management District:

3301 Gun Club Road
West Palm Beach, Florida 33416-4680
(561) 686-8800 or 1-800-432-2045 (FL only)
<http://www.sfwmd.gov/>

Southwest Florida Water Management District:

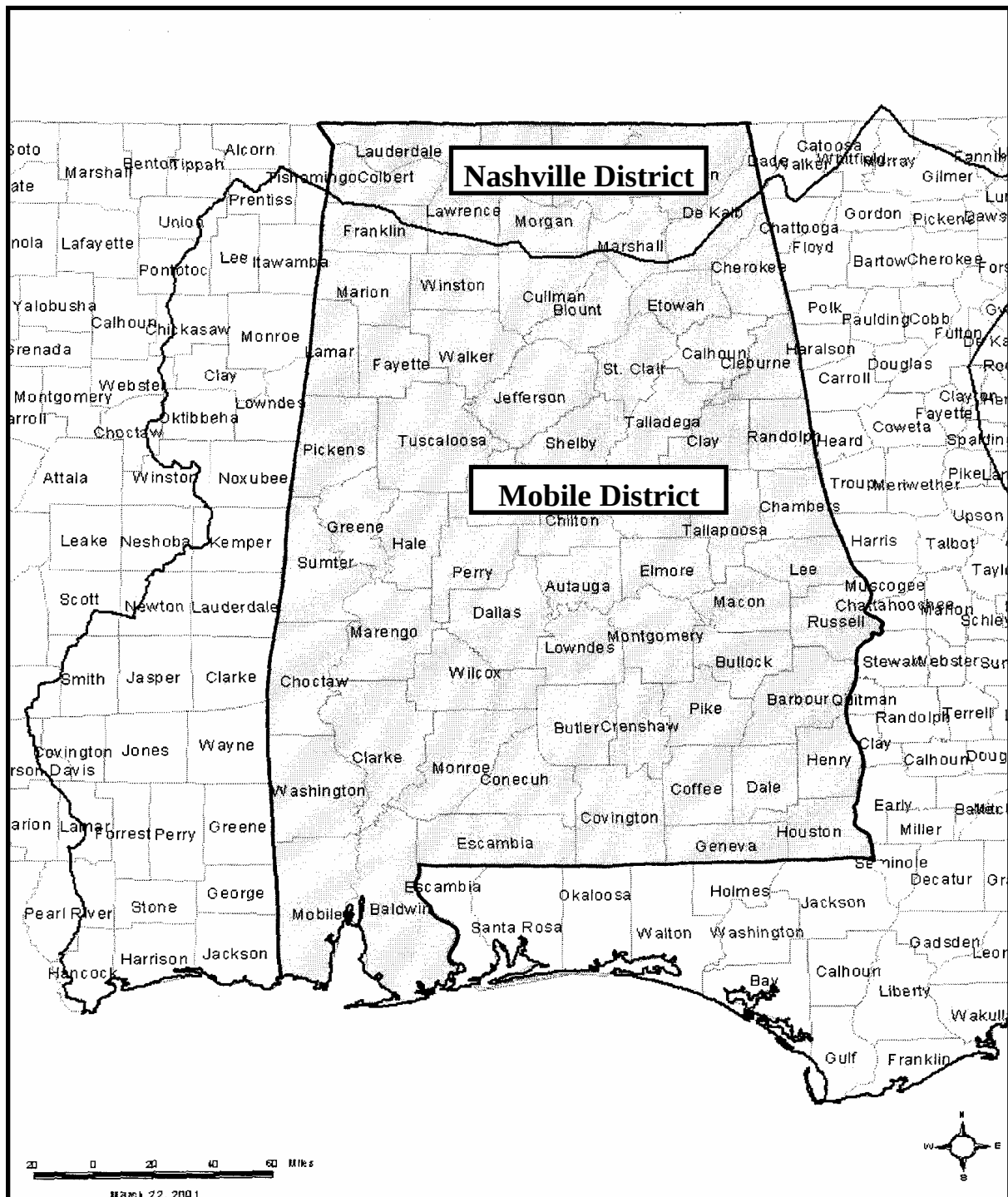
2379 Broad Street
Brooksville, FL 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
<http://www.swfwmd.state.fl.us/>

Suwannee River Water Management District:

To inquire about a project, call (386) 362-1001 or 1-800-226-1066 and ask to speak to an environmental specialist in the Department of Resource Management.
<http://www.srwmd.state.fl.us/>

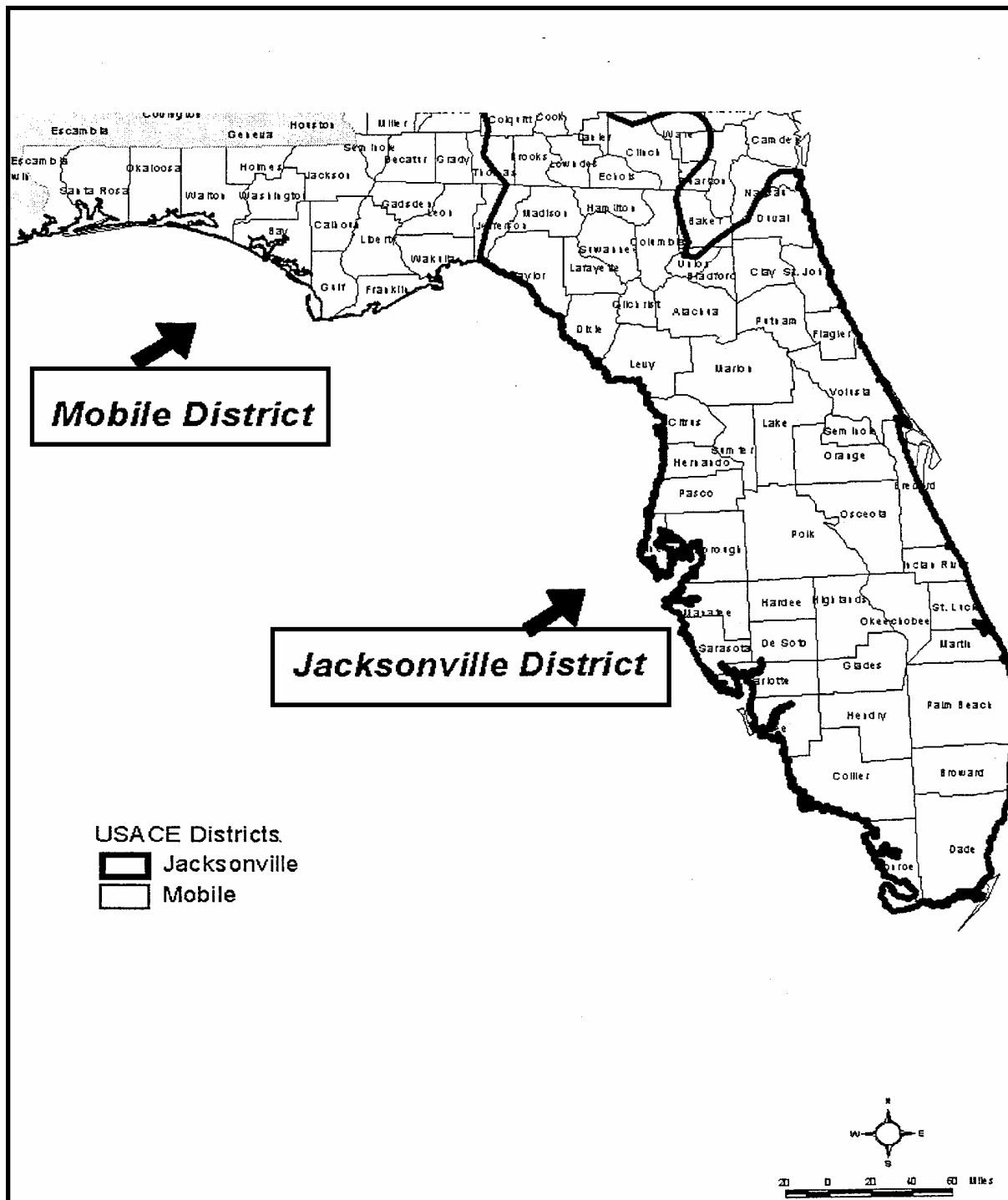
Appendix 7A

Corps of Engineers District Boundaries in Alabama



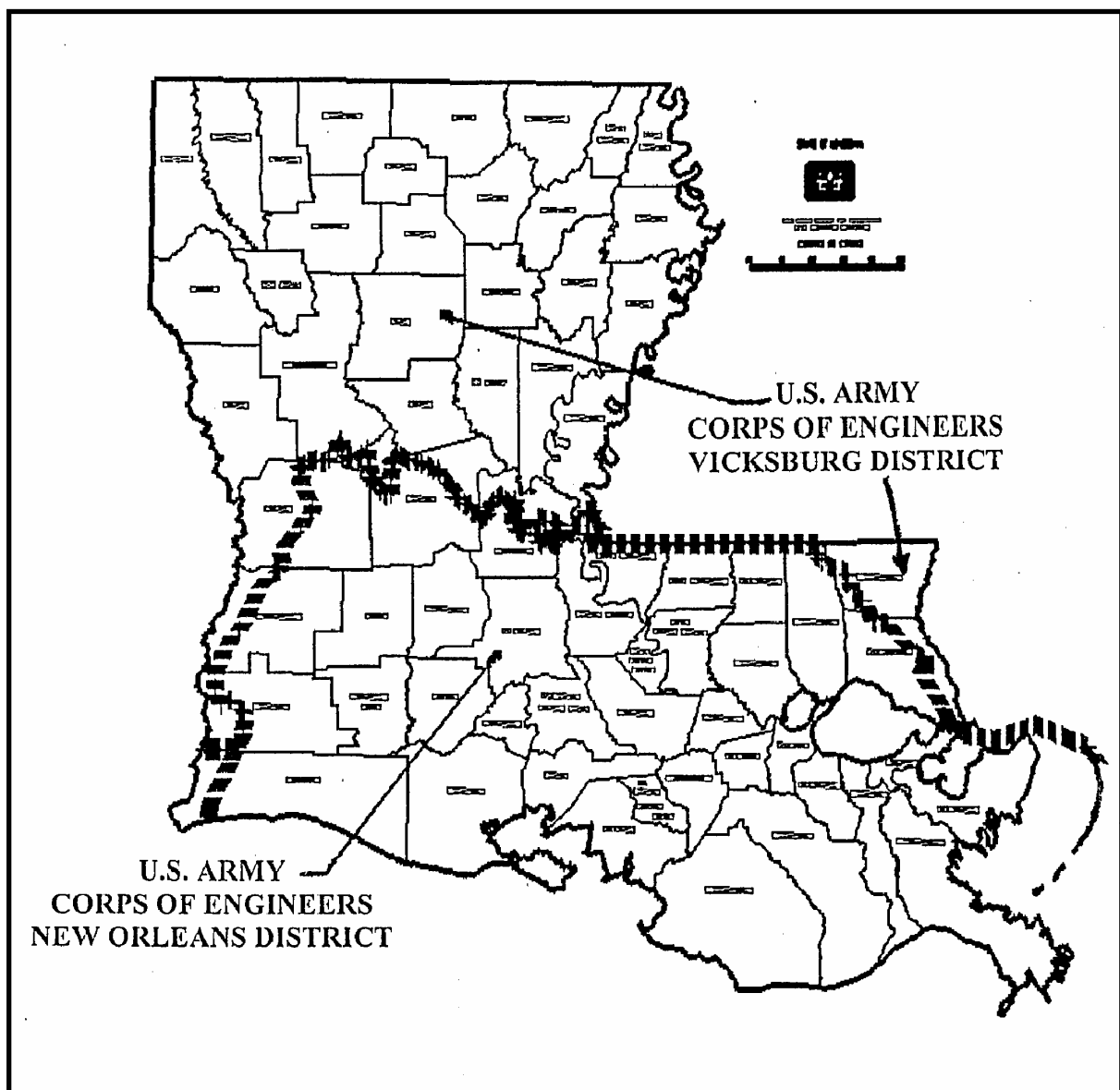
Appendix 7B

Corps of Engineers District Boundaries in Florida



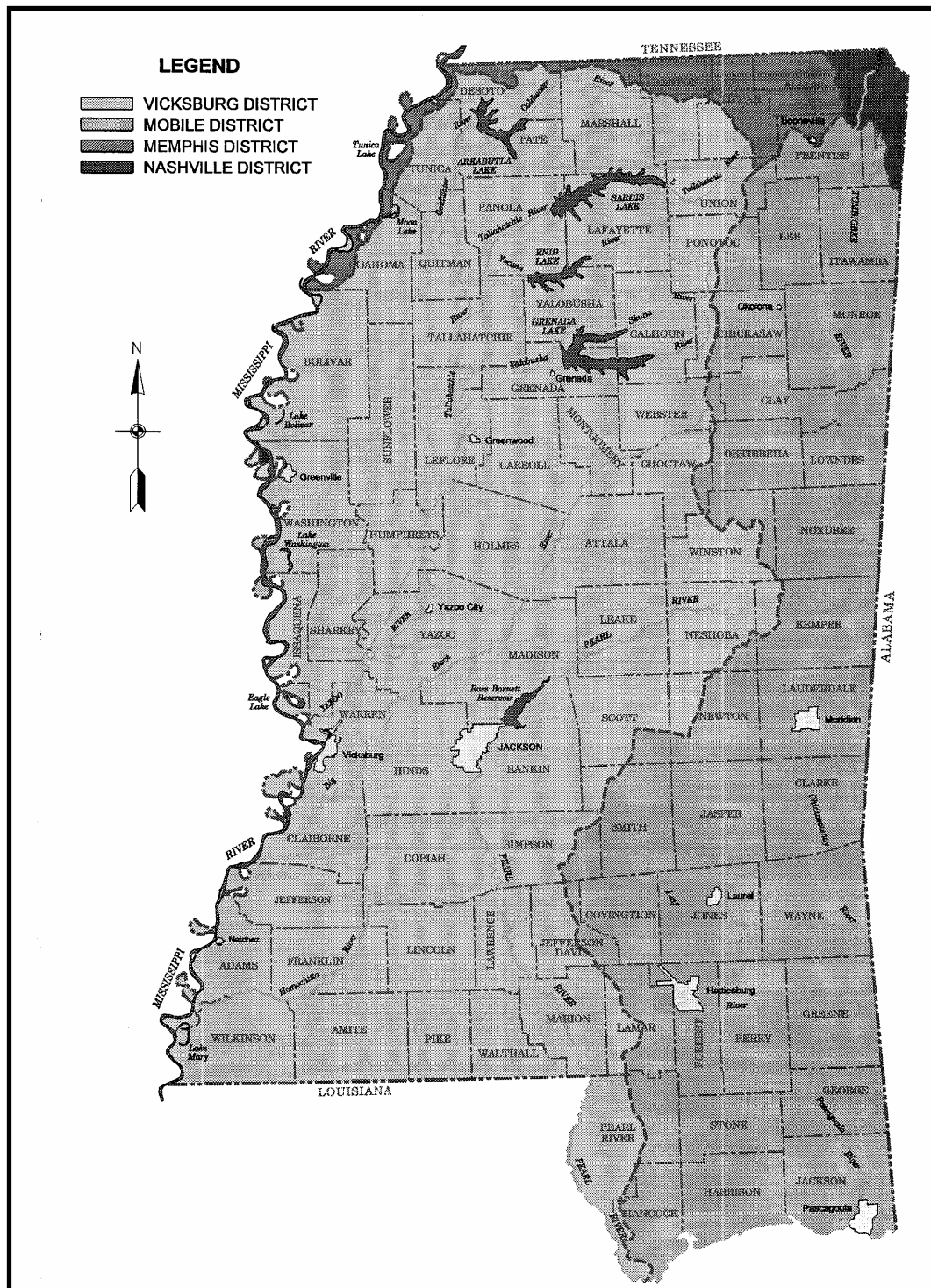
Appendix 7C

Corps of Engineers District Boundaries in Louisiana



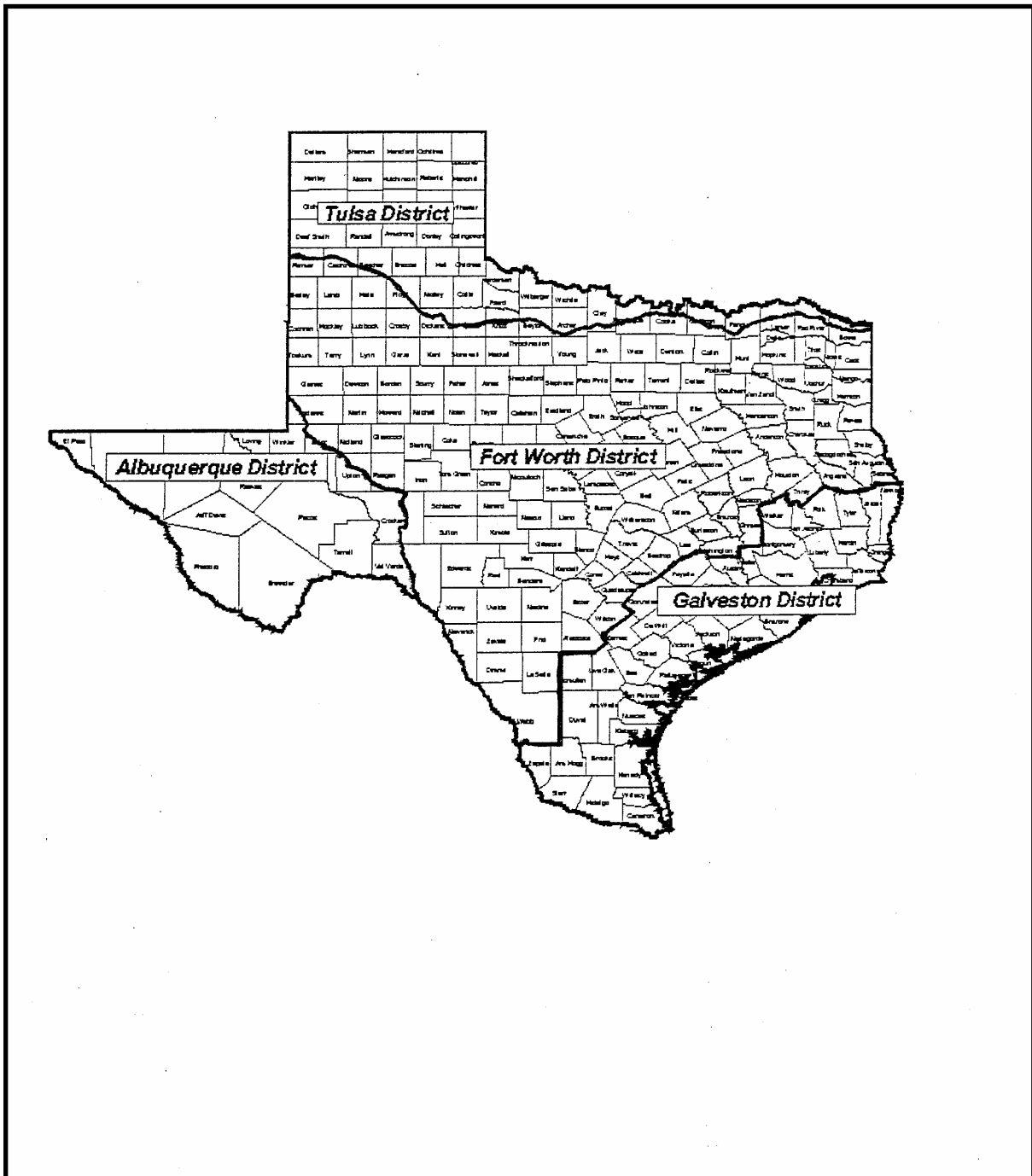
Appendix 7D

Corps of Engineers District Boundaries in Mississippi



Appendix 7E

Corps of Engineers District Boundaries in Texas



Appendix 8A

Alabama Sample Public Notice



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
100 BOX 608
MOBILE, ALABAMA 36628-0001

REPLY TO:
CESAM-OP-S
PUBLIC NOTICE NO. AL00-03884-U

12 December 2000

JOINT PUBLIC NOTICE
U.S. ARMY CORPS OF ENGINEERS
AND
STATE OF ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FILL, WETLANDS FOR EXPANSION OF IRON OXIDE IMPOUNDMENTS,
KERR-MCGEE SYNTHETIC NITRILE FACILITY,
THEODORE, MOBILE COUNTY, ALABAMA

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: Kerr-McGee Chemical LLC
Post Office Box 625
Theodore, Alabama 36590

WATERWAY: Whiskey Branch, Theodore, Mobile County, Alabama.

WORK: The applicant proposes to fill 12 acres of moderate quality pine woods wetlands in order to construct two new iron oxide impoundments. The impoundments will be 7 and 8 acres respectively, and will share common dikes with existing impoundments. To mitigate for impacts to wetlands the applicant has proposed to enhance 24 acres of on-site pine savanna wetlands by controlled burns and control of nuisance species such as cogongrass.

The applicant has applied for certification from the State of Alabama in accordance with Section 401(a)(1) of the Clean Water Act, and upon completion of the required advertising, a determination relative to certification will be made.

This public notice is being distributed to all known interested persons in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers can 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. The decision whether to issue a permit will be based on an evaluation of the probable impact, including

CESAM-OP-S
PUBLIC NOTICE NO. AL00-03884-U

12 December 2000

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, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

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 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.

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.

Evaluation of the probable impacts involving deposits of dredged or fill material into waters of the United States will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known to exist which would be affected by the proposed work. A cultural resources survey of the site was performed in September 2000, and filed with the Alabama Historical Commission. No sites were located. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received.

2

CESAM-OP-S
PUBLIC NOTICE NO. AL00-03884-U

12 December 2000

documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

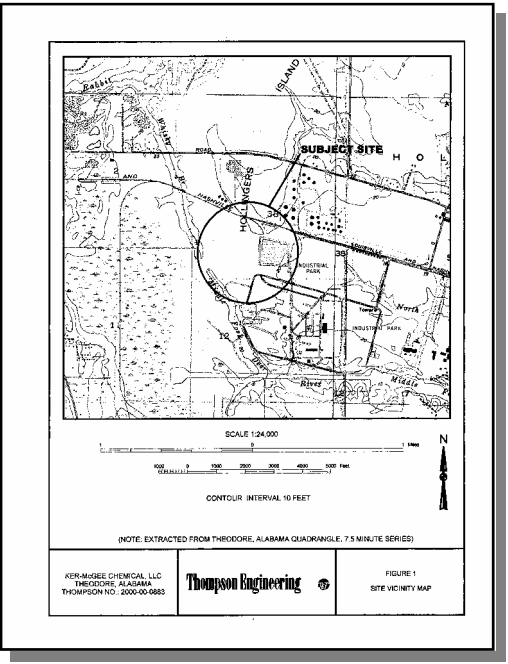
A survey of the site for species on U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicates that the proposed activity will not affect listed endangered or threatened species, or their critical habitat. The survey will be coordinated with the U.S. Fish and Wildlife Service.

Correspondence concerning this Public Notice should refer to Public Notice Number AL00-03884-U and should be directed to the District Engineer, U.S. Army Engineer District, Mobile, Post Office Box 2288, Mobile, Alabama 36628-0001. Attention: Regulatory Branch, with a copy to the Alabama Department of Environmental Management, 4171 Commadore Drive, Mobile, Alabama 36615, in time to be received prior to 12 January 2001.

If you have any questions concerning this publication, you may contact this office, Mr. John B. McFadyen, telephone number (334) 690-3261. Please refer to the above Public Notice number.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures



Appendix 8B

Florida Sample Public Notice

DEPARTMENT OF THE ARMY

Page 1 of 3



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32208-0970

MNR 09 2001

PUBLIC NOTICE

Permit Application No. 20C034782(IP-3L)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act, as describe below:

APPLICANT:

Bartram Trading Company, Ltd.
Attn: J. Thomas Dodson
13361 Atlantic Boulevard
Jacksonville, Florida 32225

WATERWAY & LOCATION: Wetlands associated with Durbin and Julington Creeks in Sections 19, 24, 25, 26, 27, 28, 30, 33, and 36, Township 4 South, Range 27 and 28 East in southern Jacksonville, Duval County and northern St. Johns County, Florida. Latitude & Longitude: 30° 07'47"N, 81° 32' 46" W.

WORK & PURPOSE: The applicant proposes to impact 26.51 acres of wetlands for the construction of a multi-use development. The development would consist of single-family and multi-family residential units, an elementary school, a hotel, and two Town Center commercial areas, with associated roads, and stormwater ponds. The wetland impacts consist of 0.33 acres of bayheads, 3.08 acres of stream and lake swamps, 2.79 acres of coniferous forest, 2.62 acres of cypress wetlands, and 17.69 acres of mixed forested wetlands. The applicant has requested a **25-year permit**. As mitigation, the applicant proposes to restore 1.35 acres of wetlands and preserve 598.01 acres of wetlands and 131.63 acres of uplands. The mitigation would occur on-site.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

AUTHORIZATION FROM OTHER AGENCIES: St. John's River Water Management District application number is 4-032-23600-2.

DEPARTMENT OF THE ARMY

Page 2 of 3

Comments regarding the application should be submitted in writing to the District Engineer at the above address or via the internet at beverlee.a.lawrence@usace.army.mil within 30 days from the date of this notice. If you have any questions concerning this application, you may contact Bev Lawrence of this office by telephone at (904) 232-2337.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Service, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally provides participant and concerned information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. However, unknown archeological, scientific, prehistoric, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. This 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 proposed action, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof among these 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 resources, consideration of property ownership, and, if unusual, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the National Environmental Policy Act, and Section 102 of the National Historic Preservation 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 U.S. Army Corps of Engineers (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 of Engineers to determine whether to issue, modify, condition or deny a permit. For this purpose, to make or deny 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 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.

COASTAL ZONE MANAGEMENT CONSIDERATION: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Conference is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management

DEPARTMENT OF THE ARMY

Page 3 of 3

Plan:

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

/s/
John R. Hall
Chief, Regulatory Division

BACK TO PUBLIC NOTICE

Appendix 8C

Mississippi Sample Public Notice

 Public Notice	
US Army Corps of Engineers Memphis District ATTN: JAMES P. SWANSON/MS02, USACE, ARMY, MS	REPLY TO: ATTN: Tom Swanson U.S. Army Corps of Engineers 167 North Main Street, Room 8-202 Memphis, Tennessee 38103-1894 Telephone (901) 544-1866 Fax (901) 544-2264 DRA: James P. Swanson/MS02, USACE, ARMY, MS
PUBLIC NOTICE NO: Mississippi River 01-001 (1a)	
PUBLIC NOTICE DATE: January 22, 2001	
EXPIRATION DATE: February 21, 2001	
POSTMASTER PLEASE POST UNTIL: February 21, 2001	
Joint Public Notice Corps of Engineers and State of Mississippi	
AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act and Section 1 of the Rivers and Harbors Act of 1899.	
APPLICANT: W. O. Lockett, Jr. River View Land Company, Inc. P.O. Drawer 1052 Clarksdale, Mississippi 38614 (662) 624-2591	
LOCATION: The project is located near Clarksdale, (Section 3) Township 37N Range 9W in Coahoma County, Mississippi, at approximate latitude 34° 19' 3.122" and longitude 90° 48' 45.471" on the Scale 7.5 minute quadrangle map now attached map.	
PURPOSE: The creation of a moist soil area for waterfowl management.	
DESCRIPTION OF WORK: The applicant proposes to mechanically clear approximately 11 acres within a 15 acre natural depression. The depression floods annually and is vegetated with small, approximately 5 inch DBH, cotton bush and bulrush bulrush. Approximately 5 acres of natural vegetation will be left within the depression as shown on the attached drawing. After clearing the area will be bulldozed or disked as needed to control, woody vegetation.	
WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Mississippi Department of Environmental Quality, Office of Pollution Control, that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1361(a)(1) of the Clean Water Act and any State laws and regulations promulgated pursuant thereto. Such certification of compliance of water quality must be submitted prior to the issuance of a Corps of Engineers permit. Commenters are requested to also furnish a copy of their comments to the Mississippi Department of Environmental Quality, Office of Pollution Control, P.O. Box 10100, Jackson, MS 39208-0100. The Department will consider all written comments in the decision to grant or deny water quality certification for the proposed activity. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 401(c) of the Clean Water Act.	

President W. O. Lockett, Jr. Mississippi River 01-001 (1a)	-2- 20010121
ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comment they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in the evaluation of the described work.	
CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed in the register which will be affected by the work. The consultation of the National Register will constitute the full extent of cultural resources investigation by this office unless we are made aware as a result of comments received in response to the notice or by other means of the existence of specific structures or sites which might be affected by the work. Copies of the notice are being sent to the State Archaeologist and the State Historic Preservation Officer.	
PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest. The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. The 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 project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economic, aesthetic, 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 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.	
PUBLIC HEARING: 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 a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial, and whether a hearing is needed for making a decision.	

Appendix 10

Sample Comment Letter on Joint Public Notice



Working to Protect and Preserve the Gulf of Mexico

839 St. Charles Ave., Suite 309 · New Orleans, LA 70130
Mailing Address: P.O. Box 2245 · New Orleans, LA 70176
Phone: (504) 525-1528 · Fax: (504) 525-0833

April 3, 2001

United States Army
Corps of Engineers
New Orleans District
ATTENTION: Regulatory Branch
P.O. Box 60267
New Orleans, LA 70160-0267

**Re: Multi-family Residential and Retail/Commercial Subdivision in St. Tammany
Parish: Permit Application Number EG-20-010-0492**

To Whom it May Concern:

I am writing to you on behalf of the Gulf Restoration Network, a non-profit environmental organization that is dedicated to the protection and preservation of the Gulf of Mexico, and the rivers, lakes, and streams that feed into the Gulf. The recent application submitted by Stirling Mandeville to obtain a Section 404 permit for the clearing, grading, and filling of over 103 acres of pine savannah wetlands for construction of the Mandeville Commercial Development should be denied for the following reasons:

Flood Hazards and Water Quality

Wetlands serve a vital role in protection of shorelines during heavy wave action, absorption and storage of water during storm surges, and in the filtration and cleansing of polluted and nutrient-laden water. The destruction of approximately 103 acres of pine savannah wetlands will severely reduce the capabilities of the wetlands in St. Tammany Parish to perform these beneficial functions.

Not only will the Mandeville Commercial Development have increased exposure to the high winds and damaging storm surges during storm events, but the increased amount of impermeable surfaces (resulting from the construction of access roads and parking areas) will result in an increased amount of polluted runoff entering the nearby wetlands. When such a significant amount of wetlands are destroyed, the ability of the remaining wetlands to deal with the increased flow of polluted runoff is diminished, resulting in poor water quality for the people, fish, and wildlife in the region.

Project does not Comply with Section 404(b)(1) Guidelines

Before a Section 404 permit can be issued to the project applicant, the Corps must ensure that the project complies with Section 404(b)(1) guidelines. These guidelines indicate that the project cannot destroy wetlands if an alternative exists. Therefore, upland alternatives *must* be taken into consideration for the construction of The Mandeville Commercial Development in order to avoid unnecessary impacts to over 103 acres of forested wetlands.

Section 404(b)(1) guidelines also require the Corps to consider whether the project is water-dependent. The Mandeville Commercial Development is described as "a new high density residential and retail/commercial subdivision." Because residential and retail/commercial developments do not require access to, proximity, or siting within a wetland or waterbody, the project is *not* water-dependent and alternatives to the destruction of 103 acres of pine savannah wetlands *must* be considered.

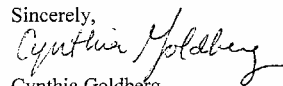
Finally, Section 404(b)(1) guidelines require the applicant to compensate for, or mitigate, the damages resulting from the destruction of 103 acres of wetlands, if the Section 404 permit is issued. In the public notice dated March 27, 2001, the applicant does not propose any mitigation for the 103 acres of pine savannah wetlands that will be destroyed by the construction of the Mandeville Commercial Development.

Cumulative Impacts of Wetland Loss in St. Tammany Parish

A recent newspaper article in the Times-Picayune documented the explosive growth rate in St. Tammany Parish over the last ten years. With this population growth comes increased residential and commercial development that has replaced large tracts of valuable wetlands. The cumulative impact of wetland loss must be taken into consideration when the application for the Mandeville Commercial Development project is reviewed. Hundreds of acres of wetlands have been lost as a result of construction projects such as this in St. Tammany Parish. The total effects of this wetland loss on water quality and storm buffering capabilities pose a risk to human health and human safety in the Mandeville/St. Tammany region.

Please consider these comments in your review of the Section 404 permit application submitted by Stirling Mandeville.

Sincerely,



Cynthia Goldberg
Gulf Restoration Network

cc: Louisiana Department of Environmental Quality

Appendix 11

EPA, FWS, and NMFS Contact Information

U.S. Environmental Protection Agency (EPA)

Alabama, Florida, and Mississippi:

EPA Region 4 Main Office
Water Management Division
Wetlands Section
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104
(404) 562-9900
(404) 562-9233, Wetlands Section Chief

Florida:

Collier, Lee, and Monroe counties

EPA South Florida Office
400 North Congress Ave., Suite 120
West Palm Beach, FL 33401
(561) 616-8867

Louisiana and Texas:

EPA Region 6
Water Quality Protection Division
Ecosystems Protection Branch, Marine and
Wetlands Section
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202
(214) 665-6444, Ecosystems Protection Br.

Louisiana Field Office:

CWPPRA issues

707 Florida Street, Room B21
Baton Rouge, LA 70801
(225) 389-0735

U.S. Fish and Wildlife Service (FWS)

Region 4: Alabama, Florida, Louisiana, and Mississippi

U.S. Fish & Wildlife Service
Southeast Regional Office
Century Center
1875 Century Boulevard
Atlanta, GA 30345
(404) 679-4000
<http://southeast.fws.gov>

Alabama

U.S. Fish & Wildlife Service
Ecological Services Office
Daphne Field Office
P.O. Box 1190
Daphne, AL 36526
(251) 441-5181
<http://daphne.fws.gov>

Florida

U.S. Fish & Wildlife Service
Ecological Services Office
Jacksonville Field Office
6620 Southpoint Drive South, Suite 310
Jacksonville, FL 32216-0958
(904) 232-2580
<http://northflorida.fws.gov/>

U.S. Fish & Wildlife Service
Ecological Services Office
Panama City Field Office
1601 Balboa Ave.
Panama City, FL 32405-3792
(850) 769-0552

U.S. Fish & Wildlife Service
Ecological Services Office
Vero Beach Field Office
1339 20th Street
Vero Beach, FL 32960-3559
(772) 562-3909

Louisiana

U.S. Fish & Wildlife Service
Ecological Services Office
Lafayette Field Office
646 Cajun Dome Blvd.
Suite 400
Lafayette, LA 70506-4290
(337) 291-3139

Mississippi

U.S. Fish & Wildlife Service
Ecological Services Office
Jackson Field Office
6578 Dogwood View Parkway, Suite A
Jackson, MS 39213
(601) 965-4900
<http://southeast.fws.gov/jackson/index.html>

Region 2: Texas

U.S. Fish & Wildlife Service
Southwest Regional Office
500 Gold Ave. SW
Albuquerque, New Mexico 87102
For general questions, contact the External
Affairs office at 505-248-6911.
<http://southwest.fws.gov/contact.html>

Texas Field Offices:

Arlington Ecological Services Field Office
Stadium Center Building

711 Stadium Drive, Suite 252
Arlington, TX 76011-6247
(817) 277-1100
<http://arlingtontexas.fws.gov>

Austin Ecological Services Field Office
Compass Bank Building, 10711 Burnet
Road, Suite 20
Austin, TX 78758
(512) 490-0057
<http://ifw2es.fws.gov/AustinTexas/>

Corpus Christi Ecological Services Field
Office
c/o Texas A&M University At Corpus
Christi
6300 Ocean Dr, Campus Box 338
Corpus Christi, TX 78412-5599
(361) 994-9005
<http://ifw2es.fws.gov/CorpusChristiTexas/>

Houston Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, TX 77058-3051
(281) 286-8282
<http://ifw2es.fws.gov/ClearLakeTexas/>

U.S. National Marine Fisheries Service (NMFS)

Southeast Regional Office
National Marine Fisheries Service
9721 Executive Center Drive North
St. Petersburg, FL 33702
<http://caldera.ser.nmfs.gov>

Alabama, Florida, and Mississippi

Panama City Field Office
National Marine Fisheries Service
Habitat Conservation Division
3500 Delwood Beach Road
Panama City, FL 32408
(850) 234-5061
<http://sero.nmfs.noaa.gov/dhc/habitat/pnc/pnchome.htm>

Louisiana

Baton Rouge Field Office
National Marine Fisheries Service
Habitat Conservation Division
c/o Louisiana State University
Baton Rouge, LA 70803-7535
(225) 389-0508
[http://sero.nmfs.noaa.gov/dhc/habitat/brg/
brhome.htm](http://sero.nmfs.noaa.gov/dhc/habitat/brg/brhome.htm)

Texas

Galveston Field Office
National Marine Fisheries Service
Habitat Conservation Division
4700 Avenue U
Galveston, TX 77551-5997
(409) 766-3699
[http://sero.nmfs.noaa.gov/dhc/habitat/gal/
galhome.htm](http://sero.nmfs.noaa.gov/dhc/habitat/gal/galhome.htm)

Appendix 12

Non-profit and For profit Legal Services

Alabama

Non-profit

Wildlaw
8116 Old Federal Road, Suite C
Montgomery, AL 36117
(334) 396-4729
e-mail: wildlaw@aol.com
www.wildlaw.org

Southern Environmental Law Center
Deep South Office
The Candler Building
127 Peachtree St, Suite 605
Atlanta, GA 30303-1800
(404) 521-9900
www.southernenvironment.org

For profit

Byron Bart Slawson
Slawson, Esq. PC
1776 Independence Ct., Suite 204
Birmingham, AL 35216
Ph. (205) 870-1997
Fax (205) 868-6928

Alabama Environmental Council, Inc.
Attn: Byron Bart Slawson
2717 7th Ave. South- Suite 207
Birmingham, AL 35233
email: byron.slawson@gte.net

Florida

Non-profit

Earth Justice Legal Defense Fund
Tallahassee Office
111 S. Martin Luther king Jr. Blvd.
Tallahassee, FL 32301
(850) 681-0031
<http://www.earthjustice.org>

Louisiana

Non-profit

Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, LA 70118
(504) 865-5787
<http://www.tulane.edu/~telc>

For profit

Hugh Penn
4706 Canal Street
New Orleans, LA 70119
(504) 865-5789
e-mail: hpenn@home.com

Rolland & Carter, LLP
3701 Canal Street, Suite G
New Orleans, LA 70119
(504) 588-7722

Mississippi

For profit

Reilly Morse
P.O. Box 1528
Gulfport, MS 39502
(228) 864-4525
e-mail: reimo1@bellsouth.net

Robert Wiygul
Walter and Associates
178 Main Street, Suite 103
Biloxi, MS 39530
(228) 374-0700

Texas

For profit

Blackburn and Carter, PC
2900 Wesleyan, Suite 400
Houston, TX 77027
(713) 524-1012

Rick Lowerre
David Frederick
Henry, Lowerre & Frederick
4006 Speedway
Austin, TX 78751
(512) 454-3050

National

Non-profit

Environmental Defense
National Headquarters
257 Park Avenue South
New York, NY 10010
(212) 505-2100
<http://www.environmentaldefense.org/home.cfm>.

Natural Resource Defense Council
Headquarters
40 West 20th Street
New York, NY 10011
(212) 727-2700
<http://www.nrdc.org>

Natural Resource Defense Council
Washington, D.C. Regional Office
1200 New York Ave., NW, Suite 400
Washington, D.C. 20005
(202) 289-6868
<http://www.nrdc.org>

Appendix 13

Agencies To Whom Citizens Should Report Problems

Dredging, filling, or dumping in wetlands:

Corps District	Branch/Division/Office	Phone Number
Albuquerque	Regulatory Division	(505) 342-3283
Fort Worth	Regulatory Division	(817) 866-1731
Galveston	Regulatory Division	(409) 766-3930
Jacksonville	Regulatory Division	(904) 232-1666
Memphis	Regulatory Division	(901) 544-3471
Mobile	Regulatory Division	(251) 690-2658
Nashville	Regulatory Field Office	(615) 369-7500
New Orleans	Regulatory Division	(504) 862-1288 or 1-800-267-4019 if in coastal zone
Tulsa	Regulatory Division	(918) 669-7401
Vicksburg	Regulatory Division	(601) 631-5289

Discharges of pollutants into wetland areas:

State	Agency	Phone Number
Alabama	Alabama Department of Environmental Management, Mining and Nonpoint Source Section	(334) 394-4311
Florida	Florida Department of Environmental Protection	1-877-272-8335 (environmental crimes toll free hotline throughout state of FL) or 1-800-320-0519
Louisiana	Department of Environmental Quality Surveillance Team	(225) 219-3640 or (225) 342-1234 (24-hour hotline)
Mississippi	Regional Department of Environmental Quality Agencies	Refer to regional DEQ phone numbers in Appendix 5
Texas	Texas Natural Resource Conservation Commission	1-888-777-3186 or email cmplaint@tceq.state.tx.us

Appendix 14

Press Release Template

**YOUR
LOGO**

News Release

FOR IMMEDIATE RELEASE:

Date

CONTACT:

Name and Phone Number

HEADLINE

Lead Paragraph: Who, What, Where, When, and Why.

Second Paragraph: More essential information.

Third Paragraph: Include a quote here from a spokesperson about the proposed project.

Fourth and Additional Paragraphs: More detail, consider using bullets to highlight key data.

Last Paragraph: Strong closing statement. Use a soundbite or summary information.

Short one-sentence description of your group (in smaller print size) and include address, phone number, and fax number.

Appendix 15

Local, State, Regional, and National Landtrusts

Alabama

Alabama Forest Resources Center
169 Dauphin Street, Suite 302
Mobile, AL 36602
(251) 433-2372

Alabama Land Trust
226 Old Ladiga Road N
Piedmont, AL 36272
(256) 447-1006 or (256) 447-0028
www.allandtrust.org

Black Warrior-Cahaba Rivers Land Trust
2121 8th Avenue North, Room 802
Birmingham, AL 35203
(205) 214-8613
www.jeffcointouch.com/jeffcointouch/CahabaBW

The Land Trust of East Alabama
P.O. Box 225
Auburn, AL 36831
(334) 737-2088
<http://ltea.org>

The Land Trust of Huntsville & North Alabama
907 Franklin Street
Huntsville, AL 35801
(256) 534-5263
<http://www.landtrust-hsv.org/>

The Nature Conservancy of Alabama
2100 1st Avenue North, Suite 500
Birmingham, AL 35203
(205) 251-1155

Florida

Alachua Conservation Trust, Inc.
12 West University Avenue, Suite 201
Gainesville, FL 32601
(352) 373-1078
www.alachuaconservationtrust.org

Apalachee Land Conservancy
926 E. Park Ave
Tallahassee, FL 32301-2647
(850) 668-1870

Barrier Island Trust
PO Box 37310
Tallahassee, FL 32315-7310
(850) 922-2948

Bay County Conservancy
120 E. 2nd Place
Panama City, FL 32401
(850) 872-8260

Calusa Land Trust and Nature Preserve of Pine Island
P.O. Box 216
Bokeelia, FL 33922-0216
(239) 334-8866
www.calusalandtrust.org

Conservancy of Southwest Florida
1450 Merrihue Dr
Naples, FL 34102-3449
(239) 262-0304
www.conservancy.org

Conservation Trust for Florida
P.O. Box 134
Micanopy, FL 32667-0134
(352) 466-1178
www.conserveflorida.org

CREW Land & Water Trust
23998 Corkscrew Rd.
Estero, FL 33928
(239) 657-2253
www.crewtrust.org

Florida Communities Trust
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
(850) 922-2207
<http://www.dca.state.fl.us/ffct/>

Florida Keys Land and Sea Trust
P.O. Box 500536
Marathon, FL 33050-0536
(305) 743-3900
www.cranepoint.org

Florida's Nature Coast Conservancy
P.O. Box 401
Cedar Key, FL 32625-0401
(352) 543-6352

Florida Trail Land Trust, Inc.
P.O. Box 13708
Gainesville, FL 32604-1708
(352) 383-5318

Friends of the Scrub
502 E New Haven Ave
Melbourne, FL 32901-5427
(407) 726-4126

Gasparilla Island Conservation & Improvement Association, Inc.
P.O. Box 446
Boca Grande, FL 33921-0446
(239) 964-2667

The Great Outdoors Conservancy
4311 Manatee Avenue West, Suite 210
Bradenton, FL 34209
(941) 708-3456
www.thegreatoutdoors.org

Green Horizon Land Trust
P.O. Box 2445
Lake Wales, FL 33859-2445
(863) 678-1237
www.greenhorizon.org

Gulf Coast Conservancy
P.O. Box 738
Aripeka, FL 34679-0738
(727) 862-6553

Indian River Land Trust
350 US Highway 1
Vero Beach, FL 32962-2906
(561) 794-0701

Land Preservation Trust of
Palm Beach County
3111 S Dixie Hwy Ste 222-48
West Palm Beach, FL 33405-1557
(561) 833-1101

Land Trust of Dade County
P.O. Box 331811
Coconut Grove, FL 33132
(305) 325-0045

Lemon Bay Conservancy, Inc.
P.O. Box 508
Englewood, FL 34295-0508
(941) 475-9021
www.lemonbayconservancy.org

Longboat Key Conservation Trust
6841 Pine St.
Longboat Key, FL 34228-1219

Martin County Regional Land Trust
1129 Alamanda Lane
Stuart, FL 34996-3619
(561) 287-4360

Myakka Conservancy
P.O. Box 49271
Sarasota, FL 34230
(941) 954-5920
www.myakkaconservancy.com

North Florida Land Trust
428A Osceola Avenue
Jacksonville Beach, FL 32250
(904) 247-7881
www.nflt.org

Northwest Marion Land Trust
P.O. Box 949
Micanopy, FL 32667-0949
(352) 466-4136

Orange-Seminole Land Trust
33 E Pine St
Orlando, FL 32801-2607
(407) 843-6552

Osceola Land Trust
600 N Thacker Ave # O
Kissimmee, FL 34741-4892
(407) 870-2200

Panhandle Land Conservancy
36468 Emerald Coast Pkwy Ste 2201
Destin, FL 32541-3723
(904) 837-9166

Red Hills Conservation Program/
Tall Timbers Research, Inc.
13093 Henry Beadel Dr
Tallahassee, FL 32312-0918

(850) 893-4153
www.talltimbers.org

Redland Conservancy
4181 Malaga Avenue
Miami, FL 33133-6324
(305) 740-9007

Regional Land Trust for the Indian
River Lagoon
P.O. Box 22892
Melbourne, FL 32902
(407) 504-4500

Sanibel-Captiva Conservation Foundation
P.O. Box 839
Sanibel, FL 33957-0839
(239) 472-2329
www.sccf.org

Santa Fe Land Trust, Inc
2312 NW 177th Avenue
Gainesville, FL 32609-4264

Sarasota Conservation Foundation
P.O. Box 902
Osprey, FL 34229
(941) 918-2100
www.sarasotaconservation.org

Southwest Florida Land Preservation Trust
P.O. Box 2721
Naples, FL 34106-2721
(239) 597-1001

Tampa Bay Conservancy, Inc.
P.O. Box 3308
Riverview, FL 33568-3308
(813) 924-8252
www.tampabayconservancy.org

The Nature Conservancy, FL Field Office
222 S Westmonte Dr., Suite 300
Altamonte Springs, FL 32714-4269
(407) 682-3664

Volusia County Land Trust
P.O. Box 2491
Daytona Beach, FL 32115-2491
(904) 255-8171

Louisiana

Delta Land Trust
P.O. Box 2052
Madison, MS 39130-2052
(601)-981-3865
www.deltalandtrust.org

Edward Wisner Donation Advisory
Committee
1300 Perdido Street, Room 2W86
New Orleans, LA 70112
(504) 565-6406

Tensas Conservancy Coalition
P.O. Box 51367
Shreveport, LA 71135-1367
(318) 797-6700

The Nature Conservancy, LA Field Office
340 Saint Joseph's
Baton Rouge, LA 70802
(225) 338-1040

Mississippi

Delta Land Trust
P.O. Box 2052
Madison, MS 39130-2052
(601) 981-3865
www.deltalandtrust.org

Land Trust for the Mississippi Coastal Plain
P.O. Box 328
Sumrall, MS 39482-0328
(601) 758-4970

The Nature Conservancy, MS Chapter Office
964 N. Jefferson Street
Jackson, MS 39202
(601) 713-3355

The Nature Conservancy, Ocean Springs
Field Office
1709 Government St.
Ocean Springs, MS 39564
(228) 872-8452

The Nature Conservancy, Camp Shelby
Field Office
CSTS-ENV, Building 6678
Camp Shelby, MS 39407-5500
(601) 558-2931

Wolf River Conservation Society, Inc.
c/o R.E. Fairbank
Pass Christian, MS 39571-0447
(228) 865-5515

Texas

Bexar Land Trust
550 Grandview Place
San Antonio, TX 78209-5408
(210) 222-8430
www.bexarlandtrust.org

Big Thicket Natural Heritage Trust
P.O. Box 1701
Jasper, TX 75951
(903) 566-8939

Buffalo Bayou Partnership
Vine Street Studios
1113 Vine Street Suite 200
Houston, TX 77002
(713) 752-0314
www.buffalobayou.org

Cibolo Conservancy
25 Spring Creek Rd
Boerne, TX 78006-8234
(210) 699-9290

Coastal Bend Land Trust
723 N Upper Broadway, Suite 411
Corpus Christi, TX 78401-1928
(361) 882-5624
www.coastalbendlandtrust.org

Connemara Conservancy
P.O. Box 793808
Dallas, Texas 75379
(214) 351-0990
www.connemaraconservancy.org

Cradle of Texas Conservancy
121 Hickory
Lake Jackson, TX 77566-5643
(979) 238-5001

Galveston Bay Foundation
17324-A Highway 3
Webster, TX 77598-4133
(281) 332-3381
www.galvbay.org

Guadalupe-Blanco River Trust
933 East Court St.
Seguin, TX 78155
(800) 413-4130 or (830) 379-5822
www.gbrtrust.org

Hill Country Conservancy
3345 Bee Cave Road, Suite 120
Austin, TX 78746-5496
(512) 328-2481 or (866) 497-4150
www.hillcountryconservancy.org

Hill Country Land Trust
570 S. Broadway Street
Fredericksburg, TX 78624-6171
(830) 997-0027

Hudspeth Directive for Conservation
P.O. Box 636
Dell City, TX 79837-0636
(915) 964-2426

Katy Prairie Conservancy
3015 Richmond Ave, Ste 230
Houston, TX 77098-3114
(713) 523-6135
www.katyprairie.org

Legacy Land Trust
P.O. Box 980816
Houston, TX 77098-0816
(713) 524-2100

Native Prairies Association of Texas
P.O. Box 210
Georgetown TX 78627-0210
www.texasprairie.org

Natural Area Preservation Association
P. O. Box 162481
Austin, TX 78716-2481
(512) 804-1981
www.napa-texas.org

Parks & Wildlife Foundation of Texas
P.O. Box 191207
Dallas, Texas 75219
(214) 720-1478
www.pwftx.org

Pines and Prairies Land Trust
P.O. Box 1526
Bastrop, TX 78602
(512) 308-1911

Rock Art Foundation
4833 Fredericksburg Road
San Antonio, TX 78229-3627
(210) 525-9907 or (888-762-5278)
www.rockart.org

Save Open Space
1916 Brooks St, Ste 352
Dallas, TX 75367
(406) 549-6083

Texas Cave Conservancy
P. O. Box 1163
Cedar Park, TX 78613
(512) 249-2283

Texas Land Trust Council
4200 Smith School Rd
Austin, TX 78744-3218
(512) 389-4779

Texas Ornithological Society
6338 N. New Braunfels Ave.
San Antonio, TX 78209-3826
(830) 895-4875
www.texasbirds.org

Texas Parks & Recreation Foundation
2100 E. Campbell Rd., Ste 100
Richardson, TX 75082
(972) 744-4595

The Nature Conservancy, TX Field Office
P.O. Box 1440
San Antonio, TX 78295-1440
(210) 224-8774

Valley Land Fund
2400 N. 10th Street, Suite A
McAllen, TX 78501-4072
(956) 686-6429
www.valleylandfund.com

Wetlands Habitat Alliance of Texas
118 E Hospital Street, Suite 208
Nacogdoches, TX 75961-5246
(936) 569-9428

National

American Land Conservancy
1388 Sutter Street, Suite 810
San Francisco, CA 94109
(415) 749-3010
www.alcnet.org

Civil War Preservation Trust
1331 H St., NW Suite 1001
Washington, D.C. 20005-4706
(202) 367-1861
(Emphasis on civil war battle locales)
www.civilwar.org

Ducks Unlimited, Inc.
One Waterfowl Way
Memphis, TN 38120
1-800-45DUCKS or 901-758-3825
www.ducks.org

Land Trust Alliance
1331 H Street, NW, Suite 400
Washington, D.C. 20005-4734
(202) 638-4725
www.lta.org

The Humane Society of the United States
Wildlife Land Trust
2100 L Street, NW
Washington, D.C. 20037
1-800-729-SAVE
www.wlt.org

The Nature Conservancy
<http://nature.org/>

Trust for Public Land
Southeast Regional Field Office
306 North Monroe St.
Tallahassee, FL 32301
(850) 222-7911
www.tpl.org

Appendix 16

Wetland Resources and Contact Information: Local, State, and National

Alabama

Local & State Environmental and Conservation Groups

Alabama Environmental Council
2717 7th Avenue South, Suite 207
Birmingham, AL 35233
(205) 322-3126
www.aeonline.ws

Alabama Environmental Council,
Jubilee Chapter
166 Montclair Loop
Fairhope, AL 36532
(334) 626-2935

Alabama Rivers Alliance
2027 2nd Avenue North, Suite A
Birmingham, AL 35203
(205) 322-6395
www.alabamarivers.org

Audubon Society, Alabama Chapter Offices:
Contact Lynn Teneffoss
Chapter Services Office
Building 30
Fort Missoula Road
Missoula, MT 59804
1-800-542-2748

Alabama Wildlife Federation
3050 Lanark Road
Millbrook, AL 36054
1-800-822-WILD (9453)
www.alabamawildlife.org

Cahaba River Society
2717 7th Avenue South, Suite 205
Birmingham, AL 35233
(205) 322-5326
www.cahabariversociety.org

Chattahoochee Riverkeeper
P.O. Box 1492
Columbus, GA 31902
(706) 317-4837
www.theriverwatch.org

Dog River Clearwater Revival
c/o Linda Stefan
1953 River Road
Mobile, AL 36605
(251) 460-7573
www.usouthal.edu/geography/fearn/480page/dogriver.html

Friends of Perdido Bay
10738 Lillian Highway
Pensacola, FL 32506
(850) 453-5488
www.friendsofperdidobay.com

The Nature Conservancy of Alabama
2100 1st Avenue North, Suite 500
Birmingham, AL 35203
(205) 251-1155

Sierra Club / Alabama Chapter
1330 21st Way South, Suite 110
Birmingham AL 35205
<http://alabama.sierraclub.org>

Weeks Bay Watershed Protective Association
12725 River Creek Dr.
Fairhope, AL 36532
(334) 928-5719

Florida

Local & State Environmental and Conservation Groups

Audubon Society, Florida State Chapter
444 Brickell Ave., Suite 850
Miami, FL 33131
305-371-6399
www.audubonofflorida.org

Florida Defenders of the Environment
4424 NW 13th Street, Suite C-8
Gainesville, FL 32609
(352) 378-8465
www.fladefenders.org

Florida Wildlife Federation
P.O. Box 6870
Tallahassee, FL 32314
(850) 656-7113
www.flawildlife.org

Hillsborough River Greenways Task Force
410 Ware Blvd., Ste 702
Tampa, FL 33619
(813) 272-5940
www.plancom.org

The Nature Conservancy, Florida Field Office
222 South Westmonte Drive, Suite 300
Altamonte Springs, FL 32714
(407) 682-3664

Pensacola Gulf Coastkeeper
811 W. Garden Street
Pensacola, FL 32501
(850) 429-8422
www.coastkeepers.org

Sierra Club, Florida Chapter
475 Central Ave. Ste M-1
St. Petersburg, FL 33701

(727) 824-8813
www.florida.sierraclub.org

St. John's Riverkeeper
Jacksonville University
2800 University Blvd. N
Jacksonville, FL 32211
(904) 256-7591
www.stjohnsriverkeeper.org

Research Centers

University of Florida: Center for Wetlands
www.cfw.ufl.edu

Louisiana

Local & State Environmental and Conservation Groups

Atchafalaya Basinkeeper
32675 Gracie Lane, Unit D
Plaquemine, LA 70764
(225) 659-2499

Audubon Society, Louisiana Chapter Offices:
Contact Lynn Tennefoss
Chapter Services Office
Building 30
Fort Missoula Road
Missoula, MT 59804
(800) 542-2748

Barataria-Terrebonne
National Estuary Program Office
Nicholls State University Campus
P.O. Box 2663
Thibodaux, LA 70310
1-800-259-0869 or 985-447-0868
www.btnep.org

Bayou Liberty Association, Inc.
P.O. Box 6862
Slidell, LA 70469

Citizens for a Clean Tangipahoa (CFACT)
P.O. Box 784
Hammond, LA 70404

Coalition to Restore Coastal Louisiana (CRCL)
746 Main Street #B101
Baton Rouge, LA 70802
(225) 344-6555 or (888) LACOAST
www.crcl.org

Gulf Restoration Network
P.O. Box 2245
New Orleans, LA 70176
(504) 525-1528
www.gulfrestorationnetwork.org

LaBranche Wetlands Coalition
7607 Hampson Street
New Orleans, LA 70118

Lake Maurepas Society
Contact Ben Taylor at (504) 542-6266
www.stjohnparish.com/lakemaurepas/

Lake Pontchartrain Basin Foundation
P.O. Box 6965
Metairie, LA 70009
(504) 836-2215
www.saveourlake.org

League of Women Voters of Louisiana
728 North Boulevard
Baton Rouge, LA 70802
(225) 344-3326 or (800) 288-VOTE
www.lwvla.org

Little Tchefuncte River Association
P. O. Box 1466
Folsom, LA 70437

Louisiana Audubon Council, Inc.
355 Napoleon Street
Baton Rouge, LA 70802
www.louisianaaudubon.org

Louisiana Wildlife Federation
P.O. Box 65239
Baton Rouge, LA 70896-5239
(225) 344-6762
www.lawildlifefed.org

Mississippi River Basin Alliance
P.O. Box 4268
New Orleans, LA 70178
(504) 588-9008
www.mrba.org

Revive New River
P.O. Box 1948
Gonzales, LA 70707
www.revivenewriver.org

Save Our Wetlands, Inc.
542 Saint Peter Street
New Orleans, LA 70116
(504) 524-0028

Save St. Tammany
Contact John Lopez at jlopez@gs.verio.net

Sierra Club, Delta Chapter
P.O. Box 19469
New Orleans, LA 70179-0469
(504) 836-3062
www.louisianasierraclub.org

St. Bernard Sportsmen's League
P. O. Box 890
Chalmette, LA 70044
<http://sbsl.cjb.net>

St. Bernard Wetlands Foundation, Inc.
P.O. Box 1694
Meraux, LA 70075
(504) 271-2837

The Nature Conservancy,
Louisiana Field Office
P.O. Box 4125
Baton Rouge, LA 70821
(225) 338-1040

Tulane Green Club
c/o the Office of Student Programs
Tulane University Center
New Orleans, LA 70118
(504) 862-3198

Washington Area Restoration Network
(WARN), Lynn Palazzo
P.O. Box 1312
Bogalusa, LA 70429-1312
(985) 735-8148 or (985) 735-0203 or (985)
735-7707

Research Centers

U.S. Geological Survey
National Wetlands Research Center
700 Cajundome Blvd.
Lafayette, LA 70506
(337) 266-8500
www.nwrc.usgs.gov

University of New Orleans
Coastal Research Laboratory,
Wetlands Education Program
Department of Geology and Geophysics
2000 Lakeshore Dr.
New Orleans, LA 70148
(504) 280-6325
www.coastal.uno.edu

Southeastern Louisiana University Wetlands
Restoration Laboratory:
[www.selu.edu/Academics/Depts/Biology/
research/wetlab/swrlpage.htm](http://www.selu.edu/Academics/Depts/Biology/research/wetlab/swrlpage.htm)

Louisiana State University,
Wetland Biogeochemistry Institute:
www.wetlandbiogeochemistry.lsu.edu

Mississippi

Local & State Environmental and Conservation Groups

Gulf Island Conservancy, Inc.
Contact Terese Collins
825 Howard Avenue
Biloxi, MS 39530
(228) 435-1099

Mississippi Wildlife Federation
855 S. Pear Orchard Rd., Suite 500
Ridgeland, MS 39157-5138

(601) 206-5703
www.mswildlife.org

National Audubon Society,
Mississippi State Office
285 Plains Road
Holly Springs, MS 38635
(662) 252-1155

The Nature Conservancy,
MS Chapter Office
964 N. Jefferson Street
Jackson, MS 39202
(601) 713-3355

The Nature Conservancy,
Ocean Springs Field Office
1709 Government St.
Ocean Springs, MS 39564
(228) 872-8452

The Nature Conservancy,
Camp Shelby Field Office
CSTS-ENV, Building 6678
Camp Shelby, MS 39407-5500
(601) 558-2931

Sierra Club, Mississippi Chapter
P.O. Box 4335
Jackson, MS 39296-4335
(601) 352-1026
www.mississippi.sierraclub.org

Wetlands Watch
22370 Meadowlark Dr.
Pass Christian, MS 39571
Contact Millie Bryant at (228) 452-2381

Texas

Local & State Environmental and Conservation Groups

Audubon Texas
901 S. Mopac, Bldg. 2, Ste. 410
Austin, Texas 78746
(512) 306-0225
www.tx.audubon.org

Bayou Preservation Association
P.O. Box 131563
Houston, TX 77219-1563
(713) 529-6443
www.bayoupreservation.org

Friends of Clear Creek
P.O. Box 580206
Nassau Bay, TX 77258
(281) 335-7194

Galveston Bay Conservation and Preservation
Association
P.O. Box 323
Seabrook, TX 77586
(281) 326-3343
www.gbcpa.org

Galveston Bay Foundation
17324-A Highway 3
Webster, TX 77598
(281) 332-3381
www.galvbay.org

Gulf States Natural Resource Center
National Wildlife Federation
44 East Avenue, Suite 200
Austin, TX 78701
(512) 476-9805

Lone Star Chapter, Sierra Club
P.O. Box 1931
Austin, TX 78767
(512) 477-1729
www.texas.sierraclub.org

Matagorda Bay Foundation
3131 Eastside, Suite 450
Houston, TX 77098

The Nature Conservancy of Texas
P.O. Box 1440
San Antonio, TX 78295
(210) 224-8774

Texas Committee on Natural Resources
1301 South IH 35, Ste 301
Austin, TX 78741
(512) 441-1122
<http://tconr.home.texas.net/>

National

American Rivers
1025 Vermont Ave., NW, Suite 720
Washington, D.C. 20005
(202) 347-7550
www.americanrivers.org

Clean Water Network
1200 New York Ave., NW, Suite 400
Washington, D.C. 20005
(202) 289-2395
www.cwn.org

Coast Alliance
333 1/2 Pennsylvania Avenue, SE
Washington, D.C. 20003
(202) 546-9554
<http://ca.mycontent.org/>

Environmental Defense
257 Park Avenue South
New York, NY 10010
(212) 505-2100
www.environmentaldefense.org

Izaak Walton League of America
Save Our Streams Program
707 Conservation Lane
Gaithersburg, MD 20878
(301) 548-0150 or (800) IKE-LINE (453-5463)
www.iwla.org

Natural Resources Defense Council
Headquarters
40 West 20th Street
New York, NY 10011
(212) 727-2700
www.nrdc.org

Oceana
2501 M Street, NW, Suite 300
Washington, D.C. 20037-1311
(202) 833-3900 or
1-877-7-OCEANA or 1-800-8-OCEAN-0
www.oceana.org

The Ocean Conservancy
1725 DeSales Street NW, Suite 600
Washington, D.C. 20036
(202) 429-5609
www.oceanconservancy.org

River Network
520 SW 6th Ave., #1130
Portland, OR 97204
(503) 241-3506 or (800) 423-6747
www.rivernetwork.org

U.S. Geological Survey
National Wetlands Research Center
700 Cajundome Blvd.
Lafayette, LA 70506
(337) 266-8500
www.nwrc.usgs.gov

Additional web resources:

Wetlands Information

Audubon Society Wetlands Campaign:
www.audubon.org/campaign/wetland

Constructed wetlands bibliography:
[www.nal.usda.gov/wqic/
Constructed_Wetlands_all/index.html](http://www.nal.usda.gov/wqic/Constructed_Wetlands_all/index.html)

Constructed Wetlands page, University of
South Alabama:
[www.eng.usouthal.edu/civil/usace/wetland/
wetland-index.htm](http://www.eng.usouthal.edu/civil/usace/wetland/wetland-index.htm)

Environmental Wetlands Laboratory:
www.wes.army.mil/el/wetlands/wetlands.html

General wetland links:
www.mindspring.com/~rbwinston/wetland.htm

Gulf of Mexico Program homepage:
www.epa.gov/gmpo

National Wildlife Federation: Wetlands
www.nwf.org/wetlands

Texas General Land Office coastal wetlands
information:
www.glo.state.tx.us/coastal/wetlands.html

Texas General Land Office WetNet:
www.glo.state.tx.us/wetnet

TX Parks and Wildlife Wetlands Education:
[www.tpwd.state.tx.us/expltx/eft/bbsp/wetl/
index.htm](http://www.tpwd.state.tx.us/expltx/eft/bbsp/wetl/index.htm)

U.S. EPA Office of Wetlands, Oceans,
and Watersheds:
www.epa.gov/owow

U.S. EPA Wetlands Education System:
[http://agen521.www.ecn.purdue.edu/
AGEN521/epadir/wetlands/start.html](http://agen521.www.ecn.purdue.edu/AGEN521/epadir/wetlands/start.html)

U.S. EPA Wetland Fact Sheets:
[www.epa.gov/owow/wetlands/facts/
contents.html](http://www.epa.gov/owow/wetlands/facts/contents.html)

U.S. EPA Region 6,
Ecosystems Protection Branch, Marine and
Wetlands Section:
www.epa.gov/earth1r6/6wq/ecopro

U.S. EPA Surf Your Watershed:
www.epa.gov/surf

U.S.G.S. National Wetlands Research Center:
www.nwrc.usgs.gov

Wetlands International Homepage:
www.wetlands.org

Wetland Conservation Programs

NRCS Wetlands Reserve Program:
www.nrcs.usda.gov/programs/wrp

U.S. Fish and Wildlife Service, National
Coastal Wetlands Conservation Grant Program:
www.fws.gov/cep/cwgcover.html

Wetland Geology and Soils

USGS Center for Coastal Geology:
<http://coastal.er.usgs.gov/wetlands/index.html>

Wetland Plants and Wildlife

Division of Bird Habitat Conservations,
U.S. Fish and Wildlife Service:
<http://birds.fws.gov/>

National Wetlands Inventory Center,
U.S. Fish and Wildlife Service:
www.nwi.fws.gov

Natural Resource Conservation Service,
National Plants Database:
<http://plants.usda.gov/>

U.S. Fish and Wildlife Service, National List of
Plant Species that Occur in Wetlands
www.nwi.fws.gov/plants.htm

U.S.G.S. Southern Wetland Flora, Field Office
Guide to Plant Species
www.npwrc.usgs.gov/resource/1999/soutflor/soutflor.htm

Wetland Regulations

The Wetlands Regulation Center:
www.wetlands.com/regs/tlpge00a.htm

Wetland Scientists

Gulf Estuarine Research Society:
www.gers.org

NRCS Wetlands Science Institute:
www.pwrc.usgs.gov/wli

Society of Wetland Scientists:
www.sws.org

Appendix 8D

Texas Sample Public Notice



U.S. Army Corps
Of Engineers
Galveston District

Permit Application No.: 22295
Date Issued: 23 March 2001
Comments Due: 23 April 2001

Public Notice

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. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1890 and Section 404 of the Clean Water Act.

APPLICANT: Kern-McBee Oil & Gas Corporation
16996 Northchase
Houston, Texas 77060
Telephone: 281-4519-6338
POC: Cary Bradford

LOCATION: The project is located in the Gulf of Mexico in the Gulf Safety Fairway of Federal Block 605 offshore from Matagorda Island, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Offshore, Texas. Approximate UTM Coordinates: Zone 18; Easting: 2921085; Northing: 115301.

PROJECT DESCRIPTION: The applicant proposes to install a 4-inch natural gas pipeline between two existing platforms and across a fairway within Federal Block 605. The 12,291-foot (2.33-mile) pipeline will cross the fairway parallel to an existing 6-inch pipeline between the two existing platforms. The pipeline will be buried at a minimum of 10 feet. The water depth at this location is 92 to 100 feet deep. The applicant's plans are enclosed in 2 sheets.

NOTE: This public notice is being issued based on information furnished by the applicant. The Corps of Engineers has not verified this information.

The decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on navigation and national security within the fairway area.

The remainder of the pipeline/structure is authorized under Nationwide 8 for oil and gas structures and will be evaluated by the Minerals Management Service. Environmental aspects have been considered in the final Environmental Impact Statement prepared by the Minerals Management Service, U.S. Department of the Interior.

NATIONAL REGISTER OF HISTORIC PLACES: The District Engineer 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 State tracts proposed for work under this permit application are not included in the Texas Historical Commission's list of tracts containing State Archaeological Landmarks. Therefore, the proposed permit activities are not likely to affect pre-20th Century sidewalks.

CLOSE OF COMMENT PERIOD: Any comments you have to make regarding the proposed work from the standpoint of navigation must reach this office on or before **23 April 2001**. 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 be submitted to:

Ryan Fordyce
Regulatory Branch, C&SWQ-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-765-3114 Phone
409-765-6501 Fax

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS

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Appendix 9

Sample FOIA Request Letter

(Reprinted with permission from *The Citizen's Guide to Environmental Activism*, Tulane University Environmental Law Clinic, New Orleans, 1991, p. 3-12.)

Date _____

Freedom of Information Officer
Name and Address of Government Agency

Re: Freedom of Information Request for _____

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, I hereby request a copy of (access) to all records pertaining to (clearly describe what you want. Include identifying material, such as names, places, and the period of time about which you are inquiring. If you think they will help to explain your request, attach news clips, reports, and other documents describing the subject of your request.)

If any expenses in excess of \$_____ are incurred in connection with this request, please obtain my approval *before* any such charges are incurred.

OR

I request a waiver of any fees connected with this request, because (your group) is a non-profit organization and this request is made in the public interest and furnishing this information can be considered as primarily benefiting the general public. This information will be used by (your group) to (explain what the information will be used for and why the release of this information will benefit the public.) This information will *not* be used for the financial or commercial benefit of (your group) or any of its members. If for any reason my request for information cannot be sent free of charge, I request that I be notified immediately of the reasons behind the denial and the cost that will be involved prior to any copying. I do not give up my right to appeal any denial.

Should you decide the requested material is not to be disclosed, please describe the material withheld and specify in detail the statutory or administrative basis for withholding it. All segregable, non-exempt parts of the document should be provided.

I expect a response within ten days as required by law. If you have any questions or require clarification of this request, please contact me at the phone number listed below. Thank you for your prompt attention to this matter.

Your Name

Return address/Phone number

cc: (name of the agency employee who you have spoken to, who you think has the documents, or who has helped you with a similar request in the past.)