



**To: Prospective Applicants for a Storm water General Permit Associated with Construction Activity Greater than 5 Acres**

Attached is a **Stormwater General Permit Associated with Construction Activity Greater than 5 Acres Notice of Intent (NOI) CSW-G**, for a Louisiana Pollutant Discharge Elimination System (LPDES) permit, authorized under EPA’s delegated NPDES program under the Clean Water Act.

Projects do not qualify for coverage under the general permit unless the NOI is complete and correct. To be considered complete, EVERY ITEM on the form must be addressed and the last page signed by an authorized company agent. If an item does not apply, please enter “NA” (for not applicable) to show that the question was considered.

Payment of the Annual Maintenance and Surveillance Fee(s) MUST be received with the NOI. Attach a check or money order to the NOI or go to <http://business.deq.louisiana.gov/> to create an online account.

**NOIs without payment are considered incomplete.**

Two copies (one original and one copy) of your completed and signed NOI should be submitted to:

**Mailing Address:**

Department of Environmental Quality  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, LA 70821-4313  
Attention: Water Permits Division

**Physical Address (if NOI is hand delivered):**

Department of Environmental Quality  
Office of Environmental Services  
602 N Fifth Street  
Baton Rouge, LA 70802  
Attention: Water Permits Division

Please be advised that completion of this NOI may not fulfill all state, federal, or local requirements for facilities of this size and type.

According to L. R. S. 48:385, any discharge to a state highway ditch, cross ditch, or right-of-way shall require approval from:

Louisiana DOTD  
Office of Highways  
Post Office Box 94245  
Baton Rouge, LA 70804-9245  
(225) 379-1927

AND

Louisiana DHH  
Office of Public Health  
Center for Environmental Services  
Post Office Box 4489  
Baton Rouge, LA 70821-4489  
(225) 342-7499

A copy of the LPDES regulations may be obtained from the Department’s website at <http://deq.louisiana.gov/resources/category/regulations-lac-title-33>.

After the review of the NOI, this Office will issue written notification to those applicants who are accepted for coverage under this general permit. For questions regarding this NOI please contact the Water Permits Division at (225) 219-9371. For help regarding completion of this NOI please contact DEQ, Small Business/Small Community Assistance at 1-800-259-2890.

**STATE OF LOUISIANA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Office of Environmental Services, Permits Division  
Post Office Box 4313  
Baton Rouge, LA 70821-4313  
PHONE#: (225) 219-9371

**LPDES NOTICE OF INTENT (NOI) TO DISCHARGE STORM WATER ASSOCIATED  
WITH CONSTRUCTION ACTIVITY GREATER THAN 5 ACRES**  
(Attach additional pages if needed.)

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by an LPDES permit issued for storm water discharges associated with construction activity in Louisiana. In order to be automatically authorized under General Permit LAR100000 you must submit a complete and accurate NOI to the LDEQ.

**EVERY ITEM MUST BE COMPLETED.**

Submission of this Notice of Intent also constitutes that implementation of the Storm Water Pollution Prevention Plan required under the general permit will begin at the time the permittee commences work on the construction project identified in Section I below.

**SECTION I - FACILITY INFORMATION**

**A. Permit is to be issued to the following:** (must be a party having operational control over construction plans and specifications and /or a party having day-to-day operational control over those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions LAC 33:IX.2501.B and LAC 33:IX.2503.A and B).

1. Legal Name of Applicant \_\_\_\_\_  
(Company, Partnership, Corporation, etc.)

Project Name \_\_\_\_\_

(NOTE: Only one NOI needs to be submitted to cover all of the permittee's activities on the common plan of development or sale (e.g., you do not need to submit a separate NOI for each separate lot in a **residential subdivision** or for two separate buildings being constructed on the same property, provided your SWPPP covers each area for which you are the operator.)

Mailing Address \_\_\_\_\_

Email: \_\_\_\_\_ Zip Code: \_\_\_\_\_

If the applicant named above is not also the owner, state owner name, phone # and address.

\_\_\_\_\_

Check status:  Federal     Parish     Municipal      
 State     Public     Private     Other: \_\_\_\_\_

2. Location of project. Provide a specific address, street, road, highway, interstate, and/or River Mile/Bank location of the project for which the NOI is being submitted. \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_ Parish \_\_\_\_\_

Front Gate Coordinates:

Latitude- \_\_\_ deg. \_\_\_ min. \_\_\_ sec. Longitude- \_\_\_ deg. \_\_\_ min. \_\_\_ sec.

Method of Coordinate Determination:

(*ex: <http://teraserver-usa.com/Quad Map>, Previous Permit, website, GPS*)

Is the facility located on Indian Lands?  Yes  No

**B. Storm water Pollution Prevention Plan Information.**

1. Has the Storm water Pollution Prevention Plan (SWPPP) been prepared? (NOTE: The SWPPP must be prepared prior to submittal of the NOI. Do **not** submit SWPPP with this NOI.)

Yes  No

2. Indicate address of location of SWPPP if different from Project Location. (N/A if SWPPP is located at the construction site.)

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**C. Location Information**

1. Estimated Construction Start Date: (mo/day/yr) \_\_\_\_\_

2. **Select how long the permit is needed:**

0 months - 1 year

2 years (not available after 9/30/2018)

3 years (not available after 9/30/2017)

4 years (not available after 9/30/2016)

5 years (not available after 9/30/2015)

**Note: Coverage cannot be granted beyond 9/30/2019 (the expiration date of the general permit). Therefore, 5 years is not available after 9/30/2015, 4 years is not available after 9/30/2016, etc. Instructions on extending coverage beyond 9/30/2019 will be provided at the time the master general is reissued.**

3. Estimate of area to be disturbed (to nearest acre) \_\_\_\_\_

4. Describe the project or facility being constructed, such as a subdivision, single home, business, road project, or retail development (be specific, if clearing land indicate if there are future plans to build a facility, subdivision, or retail development):

\_\_\_\_\_  
\_\_\_\_\_

5. Is the project part of a larger development or subdivision? (5 acres or greater)  Yes  No

If yes, provide the name of the development or subdivision. \_\_\_\_\_

#### D. Discharge Information

1. Indicate how the storm water run-off reaches state waters (named water bodies). This will usually be either *directly*, by *open ditch* (if it is a highway ditch, indicate the highway), or by *pipe*. Please specifically name all of the minor water bodies that your discharge will travel through on the way to a major water body. This information can be obtained from U.S.G.S. Quadrangle Maps. Maps can also be obtained online at <http://map.deq.state.la.us/> or [www.mytopo.com](http://www.mytopo.com). Private map companies can also supply you with these maps. If you cannot locate a map through these sources you can contact the Louisiana Department of Transportation and Development at the address on the first page of this form.

By \_\_\_\_\_ (effluent pipe, ditch, etc.);

thence into \_\_\_\_\_ (effluent pipe, ditch, etc.);

thence into \_\_\_\_\_ (Parish drainage ditch, canal, etc.);

thence into \_\_\_\_\_ (named bayou, creek, stream, etc.)

2.

Based on Appendix C, the Outstanding Natural Resource Water (ONRW) list, does your storm water run-off flow directly into a waterbody listed as an ONRW?

Yes  No

**NOTE:** If the discharge will ultimately enter a scenic stream, contact the Louisiana Department of Wildlife and Fisheries (LDWF) Scenic Stream Division at 318-343-4044 for direction regarding how to comply with their requirements.

3. Based on Appendix A, Endangered Species Guidance, are there any listed endangered or threatened species in the project area?

Yes  No

**NOTE:** Use the Endangered Species Guidance in Appendix A to determine if there are listed endangered or threatened species in the project area. Applicants should contact the U. S. Fish and Wildlife Service (address is in Appendix A) for guidance if they need assistance in making a determination.

4. Based on Appendix B, Historic Properties Guidance, are any historic properties listed or eligible for listing on the National Register of Historic Places located on the facility or in proximity to the discharge?

Yes  No

5. Was the State Historic Preservation Office (see Part I.A.3.f of the permit) involved in your determination of eligibility?

Yes  No

#### E. Additional Discharge Information

1. Will the project or facility expansion, post-construction, result in a discharge that will require a wastewater discharge permit such as treated sanitary wastewater from a subdivision or apartment complex, industrial storm water or process wastewater?

Yes  No (e.g. direct to city POTW or no post-construction discharge)

2. If yes, does the subdivision, complex, or facility have an LPDES water discharge permit?

Yes  No

If yes, what is the LPDES permit number?

3. If the facility has an LPDES water discharge permit, will the construction activity result in an increase to the permitted discharge?  
 No       Yes – Please explain: \_\_\_\_\_
4. If the facility **does not** have an LPDES permit or if the construction will result in an **increased discharge**, the party or developer responsible for construction plans and specifications must provide a Request for Preliminary Determination (RPD), Notice of Intent (NOI), or a request for permit modification within **14 days** of submittal of the Construction NOI to: DEQ, OES, P.O. Box 4313, Baton Rouge, LA 70821-4313, Attn: Water Permits Division. Failure to submit this information may result in denial of this and/or any future applications for discharge of wastewater to waters of the state. The “Request for Preliminary Determination of LPDES Permit Issuance” form requests the information referenced above and can be accessed on our web page <http://www.deq.louisiana.gov> under Water – Permits – LPDES Forms – LPDES Permit Application Forms.

**SECTION II – LAC 33.I.1701 REQUIREMENTS**

- A. Does the company or owner have federal or state environmental permits in other states that are identical to, or of a similar nature to, the permit for which you are applying? (This requirement applies to all individuals, partnerships, corporations, or other entities who own a controlling interest of 50% or more in your company, or who participate in the environmental management of the facility for an entity applying for the permit or an ownership interest in the permit.)
- Permits in Louisiana. List Permit Numbers or attach a list: \_\_\_\_\_
- Permits in other states (list states): \_\_\_\_\_
- No environmental permits.
- B. Do you owe any outstanding fees or final penalties to the Department?       Yes       No  
 If yes, please explain.  
 \_\_\_\_\_
- C. Is your company a corporation or limited liability company?       Yes       No  
 If yes, is the corporation or LLC registered with the Secretary of State?       Yes       No

## SECTION III - SIGNATURE

According to the Louisiana Water Quality Regulations, LAC 33:IX.2503, the following requirements shall apply to the signatory page in this application:

### Chapter 25. Permit Application and Special LPDES Program Requirements

#### 2503. Signatories to Permit Applications and Reports

- A. All permit applications shall be signed as follows:
1. For a corporation - by a responsible corporate officer. For the purpose of this Section, responsible corporate officer means:
    - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

**NOTE:** LDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in the Permit **Standard Permit Conditions, Part VI.G.1.a(1)** The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Permit **Standard Permit Conditions, Part VI.G.1a.(2)** rather than to specific individuals.

2. For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
3. For a municipality, state, federal or other public agency – by either a principal executive officer or ranking elected official. For the purposes of this section, a principal executive officer of a federal agency includes:
  - (a) The chief executive officer of the agency, or
  - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

## CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I also certify that a storm water pollution prevention plan, including both construction and post construction controls, has been prepared for the site in accordance with the permit and that such plan complies with approved State, Tribal and/or local sediment and erosion plans or permits and/or storm water management plans or permits. I am aware that signature and submittal of the NOI is deemed to constitute my determination of eligibility under one or more of the requirements of Permit Part I.A.3.e(1), related to the Endangered Species Act requirements. To the best of my knowledge, I further certify that such discharges and discharge related activities will not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage under Part I.A.3.f of the permit. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

**NOTE: SIGNATURE MUST COMPLY WITH REQUIREMENTS STATED ABOVE IN SECTION III.**

**Signature** \_\_\_\_\_

**Printed Name** \_\_\_\_\_

**Title** \_\_\_\_\_

**Company** \_\_\_\_\_

**Date** \_\_\_\_\_

**Telephone** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Federal Tax ID**  
**No.** \_\_\_\_\_

**\*\*\*ANY NOI THAT DOES NOT CONTAIN ALL OF THE REQUESTED INFORMATION  
WILL BE CONSIDERED INCOMPLETE. NOI PROCESSING CANNOT PROCEED UNTIL  
ALL REQUIRED INFORMATION HAS BEEN SUBMITTED.**

## FEES AND TERMINATION OF PERMIT

Permit Annual Fee:

All payments made by check, draft, or money order shall be made payable to the “Louisiana Department of Environmental Quality.” We **DO NOT** accept cash payments. For online payments, see <http://business.deq.louisiana.gov/>.

**Per LAG 33:IX.1309.E and 1309.N, you must submit the annual permit fee(s) as follows:**

If the NOI is received by LDEQ on or before 6/30/17:

- 0 months - 1 year – **\$264.00**
- 2 years – **\$528.00 (not available after 9/30/2018)**
- 3 years – **\$792.00 (not available after 9/30/2017)**
- 4 years – **\$1056.00 (not available after 9/30/2016)**
- 5 years – **\$1320.00 (not available after 9/30/2015)**

If the NOI is received by LDEQ on 7/1/17 or later:

- 0 months - 1 year – **\$291.00**
- 2 years – **\$582.00 (not available after 9/30/2018)**
- 3 years – **\$873.00 (not available after 9/30/2017)**
- 4 years – **\$1164.00 (not available after 9/30/2016)**
- 5 years – **\$1455.00 (not available after 9/30/2015)**

- Check / Money Order No. \_\_\_\_\_
- Amount of Check / Money Order \_\_\_\_\_
- Date of Check or Money Order \_\_\_\_\_
- Name on Check or Money Order \_\_\_\_\_
- Attach a copy of the e-receipt, if paid online.

See Section I.C for additional information on years of coverage.

### TERMINATION OF PERMIT COVERAGE

**Termination of coverage under the LAR100000 is automatic and no Notice of Termination (NOT) is required to be submitted to the Department of Environmental Quality. An NOT may be submitted prior to the pre-determined termination date due to a change of ownership or a change in operator, as coverage under the LAR100000 is not transferable.**

**All storm water discharges associated with construction activity from the portion of the facility or area identified on this NOI must cease by the termination date and the owner/operator must comply with all stabilization requirements contained in the general permit. The termination date will be determined by the number of years selected by the applicant and the date the Notice of Intent was received by the Water Permits Division. To clarify, a Notice of Intent that is received and processed on October 1, 2014 and where the applicant selected one year of coverage shall automatically terminate on September 30, 2014. The termination date will be noted on your letter of authorization. If continuation of this permit is needed beyond the selected number of years, please apply for a Notice of Extension 30 days before the termination date of your permit authorization expires. Please submit two copies (one original and one copy) of the completed and signed NOE Forms.**



**APPENDIX A**  
**ENDANGERED SPECIES GUIDANCE – LARGE CONSTRUCTION GP**

**I. INSTRUCTIONS**

A list of endangered and threatened species that the US Fish and Wildlife Service (USFWS) has determined may be affected by the activities covered by the Construction General Permit is available under LPDES Support Documents <http://deq.louisiana.gov/page/lpdes>. These species are listed by parish. In order to be eligible for coverage under this permit, operators must:

Determine whether any species listed in this Guidance or critical habitats are in proximity to the facility,

Pursuant to Permit Part I.A.3.e follow the procedures found in this Guidance to protect listed endangered and threatened species and designated critical habitat and determine that the storm water discharges and BMPs to control storm water run-off covered under this permit meet one or more of the eligibility requirements of Part I.A.3.e.(1) of this permit. Signature and submittal of the Notice of Intent form is deemed to constitute the Operator's compliance with eligibility requirements for permit coverage.

To determine permit eligibility and to avoid unauthorized impacts upon threatened or endangered species or on the critical habitat for those species, you must follow steps 1 through 4 (and 5 if applicable), below when completing the NOI form and when developing the pollution prevention plan.

NOTE: At any step in the determination, applicants may contact the USFWS for guidance. That request should be in writing and should include a description of the facility and a topographic map depicting the locations of the facility, the proposed construction activities, and the associated storm water discharges.

U.S. Fish and Wildlife Service  
646 Cajundome Blvd.  
Suite 400  
Lafayette, LA 70506  
(337) 291-3108

**STEP 1: DETERMINE IF THE CONSTRUCTION SITE OR ASSOCIATED STORM WATER DISCHARGES ARE WITHIN THE VICINITY OF FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES, OR THEIR DESIGNATED CRITICAL HABITAT.**

If either the proposed site or the path of storm water from the site to the receiving stream is in a parish included on the Endangered Species List, the applicant should proceed to Step 2 below. If, however, neither is located in a listed parish, then the applicant should enter “no” in Section I.D.3 of the NOI, and move on to the next item.

If no species are listed in the site’s parish or if a facility’s parish is not found on the list, the applicant is eligible for permit coverage and may indicate in the Notice of Intent that no species are found in the project area and certify that it is eligible for permit coverage by marking “No” on the NOI. Where a project is located in more than one parish, the lists for all parishes shall be reviewed.

**STEP 2: DETERMINE IF ANY SPECIES MAY BE FOUND “IN PROXIMITY” TO THE CONSTRUCTION ACTIVITY'S STORM WATER DISCHARGES:**

A species is in proximity to a construction activity's storm water discharge when the species is:

- Located in the path or immediate area through which or over which contaminated point

source storm water flows from construction activities to the point of discharge into the receiving water; or

- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters; or
- Located in the area of a site where storm water BMPs are planned or are to be constructed.

The area in proximity to be searched/surveyed for listed species will vary with the size and structure of the construction activity, the nature and quantity of the storm water discharges, and the type of receiving waters. Given the number of construction activities potentially covered by the permit, no specific method to determine whether species are in proximity is required for permit coverage. Instead, operators should use the method or methods which best allow them to determine to the best of their knowledge whether species are in proximity to their particular construction activities. These methods may include:

- Conducting visual inspections: This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal storm water collection systems.
- Contacting the nearest State or Tribal Wildlife Agency or USFWS offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to State, Tribal, or Federal wildlife agencies.
- Contacting local/regional conservation groups. These groups inventory species and their locations and maintain lists of sightings and habitats.
- Conducting a formal biological survey. Larger construction sites with extensive storm water discharges may choose to conduct biological surveys as the most effective way to assess whether species are located in proximity and whether there are likely adverse effects.
- Conducting an Environmental Assessment Under the National Environmental Policy Act (NEPA). Some construction activities may require environmental assessments under NEPA. Such assessments may indicate if listed species are in proximity. (Construction General Permit coverage does not trigger NEPA because it does not regulate any dischargers subject to New Source Performance Standards under Section 306 of the Clean Water Act. See CWA 511(c). However, some construction activities might require review under NEPA because of Federal funding or other Federal nexus.)

If no species are in proximity, an operator is eligible for Construction General Permit coverage under Permit Part I.A.3.E.(1)(a).

If listed species are found in proximity to a facility, operators must indicate the location and nature of this presence in the storm water pollution prevention plan and follow step 3 below.

**STEP 3: DETERMINE IF SPECIES OR CRITICAL HABITAT COULD BE ADVERSELY AFFECTED BY THE CONSTRUCTION ACTIVITY'S STORM WATER DISCHARGES OR BY BMPs TO CONTROL THOSE DISCHARGES.**

Scope of Adverse Effects: Potential adverse effects from storm water include:

- Hydrological. Storm water may cause siltation, sedimentation or induce other changes in the receiving waters such as temperature, salinity or pH. These effects will vary with the amount

of storm water discharged and the volume and condition of the receiving water. Where a storm water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.

- Habitat. Storm water may drain or inundate listed species habitat.
- Toxicity. In some cases, pollutants in storm water may have toxic effects on listed species.

The scope of effects to consider will vary with each site. Operators must also consider the likelihood of adverse effects on species from any BMPs to control storm water. Most adverse impacts from BMPs are likely to occur from the construction activities. However, it is possible that the operation of some BMPs (for example, larger storm water retention ponds) may affect endangered and threatened species.

If adverse effects are determined to be not likely, then the operator is eligible for permit coverage under Part I.A.3.e.(1)(a).

If adverse effects are likely, operators should follow step 4 below.

**STEP 4: DETERMINE IF MEASURES CAN BE IMPLEMENTED TO AVOID ANY ADVERSE EFFECTS:**

If an operator determines that adverse effects cannot be ruled out or are likely, it can receive coverage if appropriate measures are undertaken to avoid or eliminate any actual or potential adverse effects prior to applying for permit coverage. These measures may involve relatively simple changes to construction activities such as re-routing a storm water discharge to bypass an area where species are located, relocating BMPs, or limiting the size of construction activity that will be subject to storm water discharge controls.

At this stage, operators must contact the USFWS (or the National Marine Fisheries Service if referred to that Service by USFWS) to see what appropriate measures might be suitable to avoid or eliminate adverse impacts to listed species and/or critical habitat (see 50 CFR 402.13(b)). This can entail the initiation of informal consultation with the USFWS (and/or NMFS, if appropriate) which is described in more detail below at step 5.

If operators adopt measures to avoid or eliminate adverse effects, they must continue to abide by them during the course of permit coverage. These measures must be described in the storm water pollution prevention plan and may be enforceable as permit conditions.

If appropriate measures to avoid the likelihood of adverse effects are not available to the operator, the operator should follow step 5 below.

**STEP 5: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF PART I.A.3.E.(1)(b)-(e) CAN BE MET.**

Where adverse effects are likely, the operator must contact USFWS. Operators may still be eligible for permit coverage if any likelihood of adverse effects is addressed through meeting the criteria of Part I.A.3.e.(1)(b)-(e) of the permit if:

- I.A.3.e.(1)(b). The operator's activity has received previous authorization through an earlier Section 7 consultation or issuance of a Endangered Species Act (ESA) Section 10 permit (incidental taking permit) and that authorization addressed storm water discharges and/or BMPs to control storm water runoff (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the ESA).

OR

- I.A.3.e.(1)(c). The operator's activity was previously considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species and /or critical habitat under Section 7 or Section 10 of the Endangered Species Act which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and Section 10 permit is issued which addresses impacts from construction activities including those from storm water or a NEPA review is conducted which incorporates ESA Section 7 procedures).

OR

- I.A.3.e.(1)(d). Consultation with the USFWS (or NMFS, if appropriate) for the operator's storm water discharges and BMPs to control storm water runoff results in either: 1) FWS/NMFS written concurrence with a finding of no likelihood of adverse effects (see 50 CFR 402.13) or 2) issuance of a biological opinion in which USFWS (or NMFS) finds that the action is not likely to jeopardize the continued existence of listed endangered or threatened species or result in the adverse modification or destruction of critical habitat (see 50 CFR 403.14(h)).

Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the pollution prevention plan. As noted above, operators must initiate consultation during Step 4 above (upon becoming aware that endangered and threatened species are in proximity to the facility).

OR

- I.A.3.e.(1)(e). The operator's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site when it developed a SWPPP and that permittee met the eligibility requirements stated in items I.A.3.e.(1)(a), (b), (c), or (d) of the permit (e.g., owner was able to determine there would be no adverse impacts for the project as a whole under item (a), so contractor meets the eligibility requirements stated in item (e)). Utility companies applying for area-wide permit coverage meet the eligibility requirements stated in item (e) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative LPDES permit for the areas of the site where utilities installation activities will occur.

The determination of eligibility under the conditions of permit Parts I.A.3.e.(1)(b)-(e) shall be documented in the facility's SWPPP and copies of all applicable documents, such as USFWS approval letters, included in the SWPPP. The operator must comply with any terms and conditions imposed under the eligibility requirements of permit Parts I.A.3.e. (1)(a), (b), (c), (d), (e) to ensure that storm water discharges or BMPs to control storm water runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the operator's storm water pollution prevention plan.

If the eligibility requirements of Part I.A.3.e.(1)(a)-(e) cannot be met then the operator may not receive coverage under this permit. Operators should then consider applying to LDEQ for an individual permit.

This permit does not authorize any taking (as defined under Section 9 of the Endangered Species Act) of endangered or threatened species unless such takes are authorized under Sections 7 or 10 the Endangered Species Act. Operators who believe their construction activities may result in takes of listed endangered and threatened species should be sure to get the necessary coverage for such takes through an individual

consultation or Section 10 permit.

This permit does not authorize any storm water discharges or BMPs to control storm water runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of designated critical habitat.

## **II. ENDANGERED SPECIES PARISH LIST**

See <http://deq.louisiana.gov/page/lpdes>. Click on U.S. Fish and Wildlife Service [Endangered Species Act \(ESA\) and Migratory Bird Treaty Act \(MBTA\) Project Review](#) under LPDES Support Documents.

## APPENDIX B HISTORIC PROPERTIES GUIDANCE

Applicants must determine whether their facility's storm water discharge has the potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers who do not need to construct BMPs for permit coverage, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for facilities which are new storm water dischargers, applicants should conduct further inquiry to determine whether historic properties may be affected by the storm water discharge or BMPs to control the discharge. In such instances, applicants should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are "eligible for listing").

Due to the large number of entities seeking coverage under this permit and the limited number of personnel available to the State Historic Preservation Officer to respond to inquiries concerning the location of historic properties, it is suggested that applicants first access the "National Register of Historic Places" information listed on the Louisiana Office of Cultural Development's web page at the address listed below. The address for the Louisiana State Historic Preservation Officer is also listed below. Applicants may also contact city, parish or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

The following scenarios describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

- (1) If historic properties **are not identified** in the path of a facility's storm water discharge or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), or

if historic properties **are identified** but it is determined that they will not be **affected** by the discharge or construction of BMPs to control the discharge

then the applicant has met the permit eligibility criteria under Part I.A.3.f.

- (2) If historic properties **are identified** in the path of a facility's storm water discharge or where construction activities are planned to install BMPs to control such discharges, and it is determined that **there is the potential** to adversely affect the property, the applicant can still meet the permit eligibility criteria if he/she obtains and complies with a written agreement with the State Historic Preservation Officer which outlines measures the applicant will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the facility's storm water pollution prevention plan.

In situations where an agreement cannot be reached between an applicant and the State Historic Preservation Officer, applicants should contact the Advisory Council on Historic Preservation listed below in this addendum for assistance.

The term "adverse effects" includes but is not limited to damage, deterioration, alteration or destruction of the historic property or place. LDEQ encourages applicants to contact the Louisiana State Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

Applicants are reminded that they must comply with all applicable State and local laws concerning the protection of historic properties and places.

## **I. Internet Information on the National Register of Historic Places**

An electronic listing of the “National Register of Historic Places,” as maintained by the Louisiana Office of Cultural Development, Division of Historic Preservation, can be accessed on the Internet at <http://www.crt.state.la.us/hp/historicplacesprogram.asp>. Remember to use small case letters when accessing Internet addresses.

## **II. Louisiana State Historic Preservation Officer (SHPO)**

Louisiana, SHPO, Office of Cultural Development, P.O. Box 44247, Baton Rouge, LA 70804-4247. For questions contact the Section 106 Review Coordinator, Telephone: (225) 342-8170.

## **III. Advisory Council on Historic Preservation**

Advisory Council on Historic Preservation, 12136 W. Bayaud Ave., Suite 330, Lakewood, CO 80228, Telephone (303) 969-5110, Fax: (303) 969-5115, Email: [achp@achp.gov](mailto:achp@achp.gov)

**APPENDIX C**  
**Outstanding Natural Resource Waters**

**ATCHAFALAYA RIVER BASIN:**

None

**BARATARIA BASIN:**

Bayou Des Allemands – from Lac Des Allemands to old US 90

Bayou Des Allemands – fro Hwy. 90 to Lake Salvador

**CALCASIEU RIVER BASIN:**

Calcasieu River – from LA Highway 8 to the Rapides/Allen Parish line

Calcasieu River – from Rapides-Allen Parish line to Marsh Bayou

Calcasieu River – from Marsh Bayou to saltwater barrier

Whiskey Chitto Creek – from the southern boundary of Fort Polk Military Reservation to the Calcasieu River

Six Mile Creek – East and West Forks from the southern boundary of Fort Polk Military Reservation to Whiskey Chitto Creek

Ten Mile Creek – from headwaters to Whiskey Chitto Creek

**LAKE PONTCHARTRAIN BASIN:**

Comite River – from Wilson-Clinton Highway to entrance of White Bayou

Amite River – from Mississippi State Line to LA Highway 37

Blind River – from the Amite River Diversion Canal to the mouth at Lake Maurepas

Blind River – from headwaters to Amite River Diversion Canal

Tickfaw River – from the Mississippi State Line to LA Highway 42

Tangipahoa River – from the Mississippi State Line to I-12

Chappepeela Creek – from Louisiana Highway 1062 to Tangipahoa River

Tchefuncte River – from headwaters to Bogue Falaya River, includes tributaries

Lower Tchefuncte River – from Bogue Falaya River to LA Highway 22

Bogue Falaya River – from headwaters to Tchefuncte River

Bayou Lacombe – from the headwaters to U.S. Highway 190

Bayou Lacombe – from U.S. Highway 190 to Lake Pontchartrain

Bayou Cane – from the headwaters to U.S. Highway 190

Bayou Cane – from U.S. Highway 190 to Lake Pontchartrain

Bayou Labranche – from headwaters to Lake Pontchartrain

Bayou Trepagnier – from Norco to Bayou Labranche

Bayou St. John

Bayou Chaperon

Bashman Bayou – from headwaters to Bayou Dupre

Bayou Dupre – from Lake Borgne Canal to Terre Beau Bayou

Lake Borgne Canal – from the Mississippi River siphon at Violet to Bayou Dupre; also called Violet Canal

Pirogue Bayou – from Bayou Dupre to New Canal

Terre Beau Bayou – from Bayou Dupre to New Canal

Bayou Bienvenue – from Bayou Villere to Lake Borgne

**MERMENTAU RIVER BASIN:**

None

**VERMILION-TECHE RIVER BASIN:**

Spring Creek – from headwaters to Cocodrie Lake

Bayou Cocodrie – from U.S. Highway 167 to the Bayou Boeuf-Cocodrie Diversion Canal



**MISSISSIPPI RIVER BASIN:**

None

**OUACHITA RIVER BASIN:**

Bayou Bartholomew – from Arkansas State Line to Ouachita River  
Bayou de L’Outre – from the Arkansas State Line to the Ouachita River  
Bayou D’Arbonne – from Bayou D’Arbonne Lake to the Ouachita River  
Corney Bayou – from the Arkansas State Line to Corney Lake  
Corney Bayou – from Corney Lake to Bayou D’Arbonne Lake  
Middle Fork of Bayou D’Arbonne – from headwaters to Bayou D’Arbonne Lake  
Little River – from Bear Creek to Catahoula Lake  
Fish Creek – from headwaters to Little River  
Trout Creek – from headwaters to Little River  
Big Creek – from the headwaters to Little River

**PEARL RIVER BASIN:**

Holmes Bayou – from Pearl River to West Pearl River  
West Pearl River – from headwaters to Holmes Bayou  
West Pearl River – from Holmes Bayou to The Rigolets; includes the east and west mouths)  
Morgan River – from Porters River to West Pearl River  
Wilson Slough – from Bogue Chitto to West Pearl River  
Bradley Slough - from Bogue Chitto to West Pearl River  
Pushepatapa Creek – from headwaters and tributaries at Mississippi State Line to Pearl River flood plain  
Bogue Chitto River – from Mississippi State Line to Pearl River Navigation Canal

**RED RIVER BASIN:**

Bayou Dorcheat – from Arkansas State Line to Lake Bistineau  
Black Lake Bayou – from one mile north of Leatherman Creek to Black Lake  
Saline Bayou – from headwaters near Arcadia to Saline Lake  
Kisatchie Bayou – from its Kisatchie National Forest to Old River  
Saline Bayou – from Larto Lake to Saline Lake  
Bayou Cocodrie – from Little Cross Bayou to Wild Cow Bayou

**SABINE RIVER BASIN:**

Pearl Creek – from headwaters to Sabine River

**TERREBONNE BASIN:**

Bayou Penchant – from Bayou Chene to Lake Penchant