To: Gray, David[gray.david@epa.gov]
Cc: Dwyer, Stacey[Dwyer.Stacey@epa.gov]
From: Garcia, David
Sent: Wed 2/7/2018 11:20:33 PM
Subject: Consultation on Magnuson Stevens Act: LOOP permit

David,

Just a short update on consultation on Magnus Stevens Act with NOAA regarding the LOOP permit. We had a good meeting with Brandon Howard and Twila Cheatwood of NOAA, in Baton Rouge. We consulted and discussed LOOP outfalls and discharges consistent with the draft LOOP NPDES permit. Following our meeting NOAA concluded continued operation of the outfalls would not substantially adversely affect essential fish habitat. NMFS Habitat Conservation Division does not object to the issuance of the permit as proposed.

Tomorrow we meet with USFW service.

David F. Garcia, P.E.

Acting Director

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From: Brandon Howard - NOAA Federal [mailto:brandon.howard@noaa.gov]
Sent: Wednesday, February 07, 2018 4:14 PM
To: Dwyer, Stacey <Dwyer.Stacey@epa.gov>
Cc: twila.cheatwood@noaa.gov; rusty.swafford@noaa.gov; Garcia, David <Garcia.David@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>; Lawrence, Rob

<Lawrence.Rob@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>
Subject: Re: EPA request to meet in person to discuss consultation on Magnuson Stevens Act

Hi Everyone.

Thanks for meeting with us today. Below I've grouped the outfalls based on the essential fish habitat (EFH) present and federally managed fishery species potentially present.

Offshore outfalls 001, 002, 015, and 029

These discharges from these outfalls could effect marine water column identified as EFH by the Gulf of Mexico Fisheries Management Council (GMFMC). Species present and life history stage may include:

- All life history stages of blue marlin, swordfish, white marlin, sailfish, cobia, and many fish within the Reef Fish Fishery Management Plan
- Adult, eggs, and larval brown and white shrimp

Nearshore outfall 004

Discharge from this outfall could effect marine water column and drift algae identified as EFH by the GMFMC. Species present and life history stage may include:

- All life history stages cobia
- Adult, eggs, and larval brown and white shrimp
- Adult gray snapper
- Larval and juvenile red snapper
- Juvenile and adult king mackerel, red drum, and lane snapper

All other estuarine outfalls

Discharge from these outfalls could effect estuarine water column, mud bottom, and salt marsh identified as EFH by the GMFMC. Species present and life history stage may include:

- All life history stages of red drum and gray snapper
- Post larval and juvenile lane snapper
- Juvenile white and brown shrimp

The Environmental Protection Agency is co-permittee for the reauthorization and continued operation of these outfalls which is a federal action triggering consultation on EFH. These

outfalls and discharges are in place and include brine, stormwater, potable water, seawater, small boat testing and wash water, and pumping platform water. Continued operation of these outfalls would not substantially adversely affect EFH as discussed in the meeting. **NMFS Habitat Conservation Division does not object to the issuance of the permit as proposed.** Further consultation or an EFH Assessment are not necessary unless modifications to the project are made that could substantially adversely affect EFH. Please feel free to contact me if further information is needed.

Brandon

On Wed, Jan 31, 2018 at 9:49 AM, Dwyer, Stacey <Dwyer.Stacey@epa.gov> wrote:

Good morning Brandon and Twila,

I am Stacey Dwyer, Acting Deputy Director in the Water Division at the US EPA in Dallas, Texas. I talked with Rusty Swafford this morning and he recommended that I follow up with the both of you.

EPA is in the process of working with the State of Louisiana in drafting a joint NPDES permit (renewal) for the LOOP facility (Deepwater port). LOOP has outfalls discharging to State waters (concentrated brine discharge from 8 salt caverns) and outfalls in Federal waters (Oil/water separator, sewage treatment & non-contact cooling water). In the proposed permit, LOOP has asked for EPA to include a new outfall in Federal waters for discharges from a desalination unit. I have attached a schematic provided by LOOP to this email.

To ensure that EPA meets all the consultation requirements, we are requesting a face to face meeting with you next week in Baton Rouge. It is important that EPA understands the type of analysis required and discuss timeframes. In addition, it is possible that the US Coast Guard and MIRAD would like to attend this meeting with us to ensure that they are meeting all consultation requirements.

I understand that you may have availability to meet with us on either Tuesday, February 6th or Thursday, February 8th in Baton Rouge. Please email me as soon as possible to let me know your availability on these days.

Thank you,

Stacey B. Dwyer, P.E.

Acting Deputy Director

Water Division

U.S. EPA Region 6

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