



**DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
7400 LEAKE AVENUE  
NEW ORLEANS, LA 70118**

**March 11, 2019**

**PUBLIC NOTICE  
REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS  
PROJECT PURSUANT TO 33 U.S.C. SECTION 408**

**PUBLIC NOTICE/FILE NUMBER:** 18-1041, South Louisiana Flood Protection Authority – East (SLFPA-E)

Interested parties are hereby notified that a request for permission to alter a U.S. Army Corps of Engineers (USACE) project pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408) has been received and will be evaluated by the New Orleans District. Written comments, including any objections to the proposed alteration, stating reasons therefor, are being solicited from anyone having an interest in the requested alteration. Comments must be mailed or emailed by or before the last day of the comment period and must reference the file number of this public notice. Comments will become part of the record and will be considered in the decision on the request. See below for contact information and address. The proposed action could alter the 17<sup>th</sup> Street Canal Levee, the Orleans Avenue Canal Levees, the London Avenue Canal Levees, and the Lake Pontchartrain and Vicinity Lakefront levee. All of these levees are considered Federal Projects.

**COMMENT PERIOD EXPIRES: March 26, 2019**

**REQUESTED ALTERATION:** SLFPA-E proposes to install concrete slope pavement on the protected side of the LPV – 17th St. Canal East floodwall; on the protected sides of the LPV - Orleans Avenue Canal West and East floodwalls; on both sides of the LPV - London Avenue Canal West floodwall at multiple locations; on the protected side of the LPV - London Avenue Canal East floodwall; and on the protected side of the LPV - Lakefront levee. This evaluation is accomplished through the Section 408 review process as provided for in USACE Engineering Circular (EC) 1165-2-220.

The attached figures provide the details of the proposed project. This Section 408 review only evaluates the portion of the proposed action potentially altering the Federal Project.

**REQUESTER:** South Louisiana Flood Protection Authority – East, New Orleans, Louisiana

**PERMISSION AUTHORITY:** The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE civil works project is contained

in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project.

**ADDITIONAL INFORMATION:** Approximately 1,034 total cubic yards of concrete will be used for the proposed project sites, and the proposed concrete slope paving would impact an approximate total of 5,324 square yards (1.1 acres) of levee slope.

**LOCATION OF PROPOSED ACTION:** The proposed action would take place along the protected side of the Lake Pontchartrain and Vicinity (LPV) – 17<sup>th</sup> Street Canal East floodwall, in the vicinity of baseline station 626+72; on the protected side of the LPV - Orleans Avenue Canal West floodwall, vicinity of baseline station 104+93; on the protected side of the LPV - Orleans Avenue Canal East floodwall, vicinity of baseline stations 118+22 and 92+32; on both sides of the LPV - London Avenue Canal West floodwall, vicinity of baseline station 224+77; on the protected side of the LPV - London Avenue Canal West floodwall, vicinity of baseline stations 128+76, 125+53 & 120+97; on the protected side of the LPV - London Avenue Canal East floodwall, vicinity of baseline stations 119+17, 4+23 & 83+45; and on the protected side of the LPV - Lakefront levee, vicinity of levee station 136+12, at New Orleans, Louisiana, in Orleans Parish.

**WRITTEN COMMENTS MAY BE MAILED TO:**

Department of the Army  
Corps of Engineers, New Orleans District  
ATTN: Howard Ladner (CEMVN-PDC)  
7400 Leake Ave.  
New Orleans, Louisiana 70118

**WRITTEN COMMENTS MAY BE EMAILED TO:** [howard.w.ladner@usace.army.mil](mailto:howard.w.ladner@usace.army.mil)

ALL comments must contain the full name and address of the individual commenting and must be received by the USACE by the expiration of the public notice period.

**EVALUATION:** This request will be reviewed pursuant to Section 408 and USACE Engineering Circular (EC) 1165-2-220, which provides policy and procedural guidance for processing requests to alter USACE civil works projects.

The decision whether to grant permission for the requested alteration will be based on several factors. The benefits that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

- 1) Potential to Impair the Usefulness of the Project. Proposed alterations will be

reviewed to determine whether the alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. If USACE determines that the usefulness of the authorized project would be impaired, the request will be denied.

- 2) Potential to be Injurious to the Public Interest. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.
- 3) Environmental Compliance. A decision on a Section 408 request is a Federal action and is subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. USACE is preparing an Environmental Assessment to evaluate the potential impacts of the proposed alteration on important resources. Comments received on this public notice will be used in the evaluation. The EA will not be published for public comment as this notice fulfills NEPA requirements for public participation. Any comments regarding the proposed alteration should be submitted during the current public comment period.

While ensuring environmental compliance is the responsibility of USACE, the requester is responsible for providing all information that USACE identifies as necessary. Environmental compliance requirements that will be considered in this evaluation include but are not limited to the following:

- a. Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) directs all Federal agencies to insure that any action they authorize, fund, or carry-out does not jeopardize the continued existence of an endangered or threatened species including adverse modification of their critical habitat. To facilitate efficient Section 7 ESA consultation for actions authorized under the Clean Water Act, Section 404(b)(1) guidelines, as well as Section 10 of the Rivers and Harbors Act, the USACE, New Orleans District and the U.S. Fish and Wildlife Service, Louisiana Ecological Field Services Office (USFWS) developed Standard Local Operating Procedures for Endangered Species in Louisiana (SLOPES) which became effective on October 22, 2014. This process (SLOPES) was

expanded, with minor modifications, to include USACE review of Section 408 permission requests on June 13, 2016 (and again by USFWS on October 21, 2016). Under the provisions of the SLOPES agreement, a determination of “no effect” to listed species or designated critical habitats was made. No further coordination under Section 7 of the ESA is necessary.

- b. In accordance with Section 106 of the National Historic Preservation Act (NHPA), the USACE is required to take into account the effects of any permitted action to historic properties, which includes both archaeological resources on the surface or below ground, as well as historic buildings and structures that are listed in or are eligible for listing in the National Register of Historic Places. A determination of no potential to cause effect to historic properties (cultural resources) has been made for the proposed alteration.
- c. The proposed action is not located within jurisdictional waters of the United States as defined in 33 CFR Part 328. Therefore, no evaluation relative to Section 404 and subsequently Section 401 of the Clean Water Act is required.
- d. The requester must provide proof the proposed action is either exempt from the requirements of the Coastal Zone Management Act (CZMA) or consistent with the CZMA to the maximum extent practicable prior to construction of the proposed action.

All factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project. The review will consider the potential impact to the usefulness of the Federal project and whether the proposed alteration would be injurious to the public interest. Policy and legal compliance will also be considered.

USACE is soliciting comments from interested parties to evaluate the potential impacts of the proposed alteration. Comments will be considered to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used for environmental compliance coordination as required by NEPA.

**COORDINATION:** This public notice will be coordinated with the relevant State, Federal and Tribal entities as appropriate.

Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Joseph Musso, Project Manager, by telephone at 504-862-2280 or via email at [joseph.r.musso@usace.army.mil](mailto:joseph.r.musso@usace.army.mil).

FOR THE DISTRICT COMMANDER:

Enclosures

Marshall K. Harper  
Chief, Environmental Planning Branch

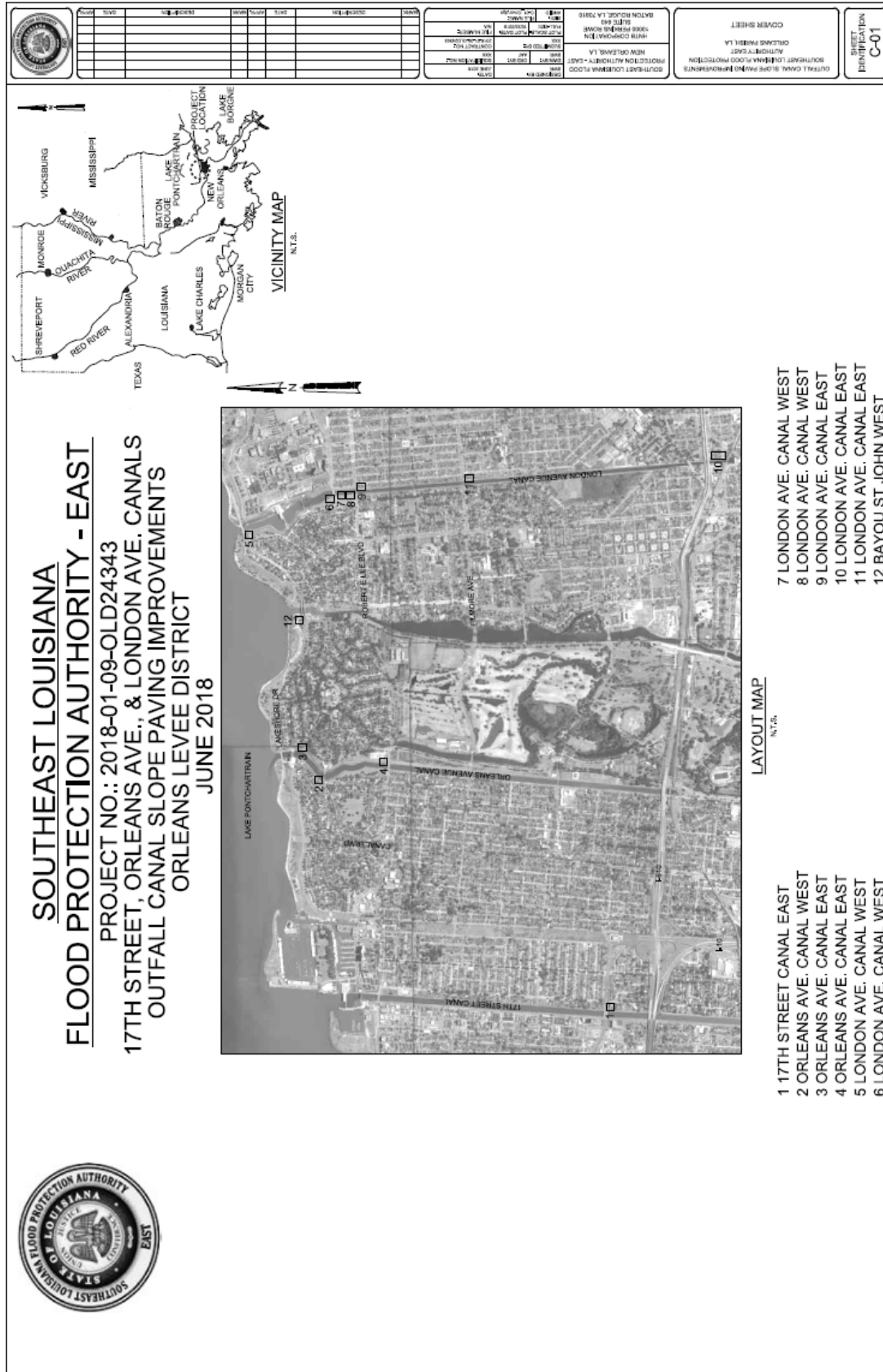


Figure 1: Vicinity Map of the Proposed Areas for Slope Paving



Figure 3: Site 1





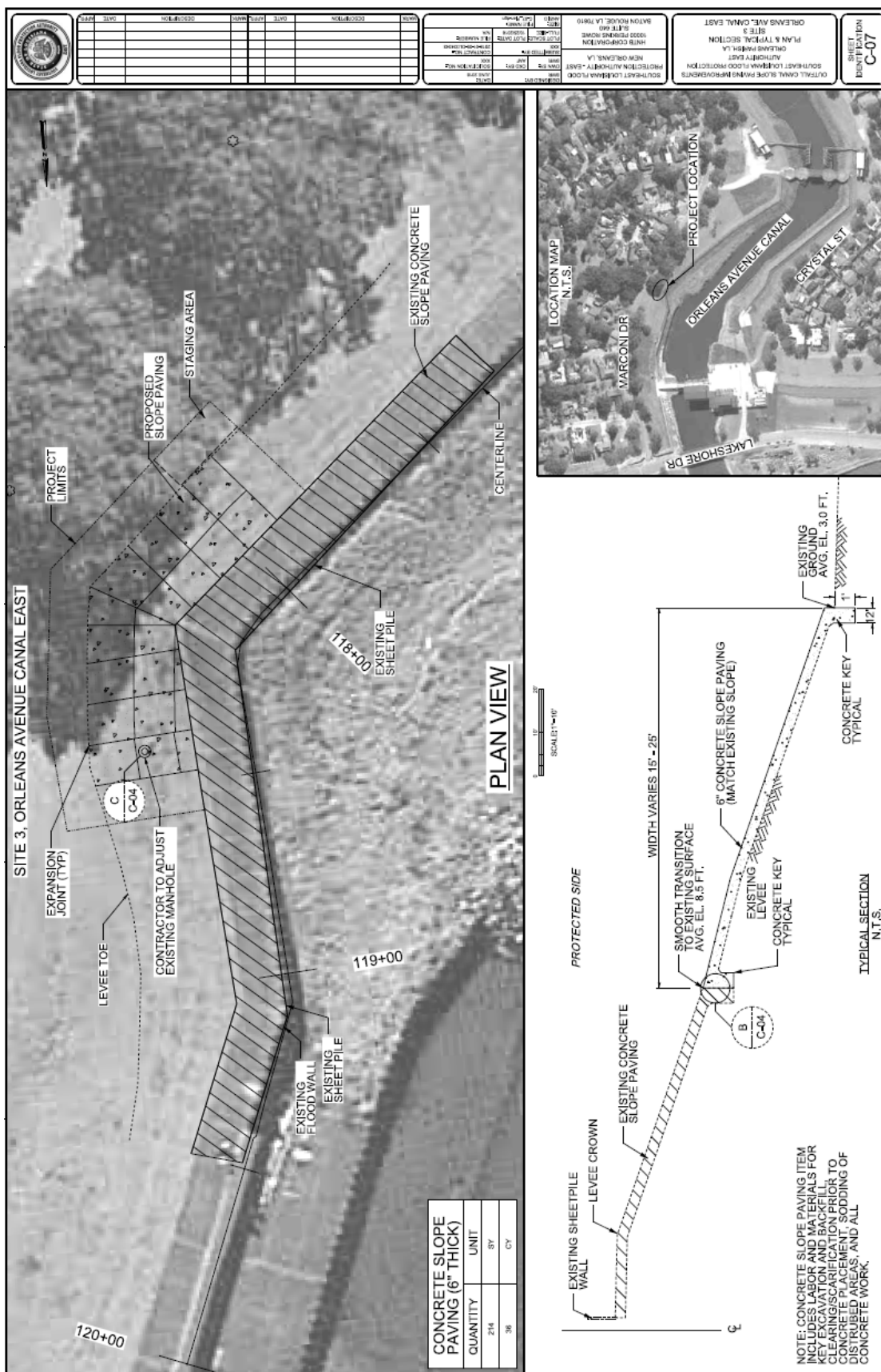


Figure 5: Site 3

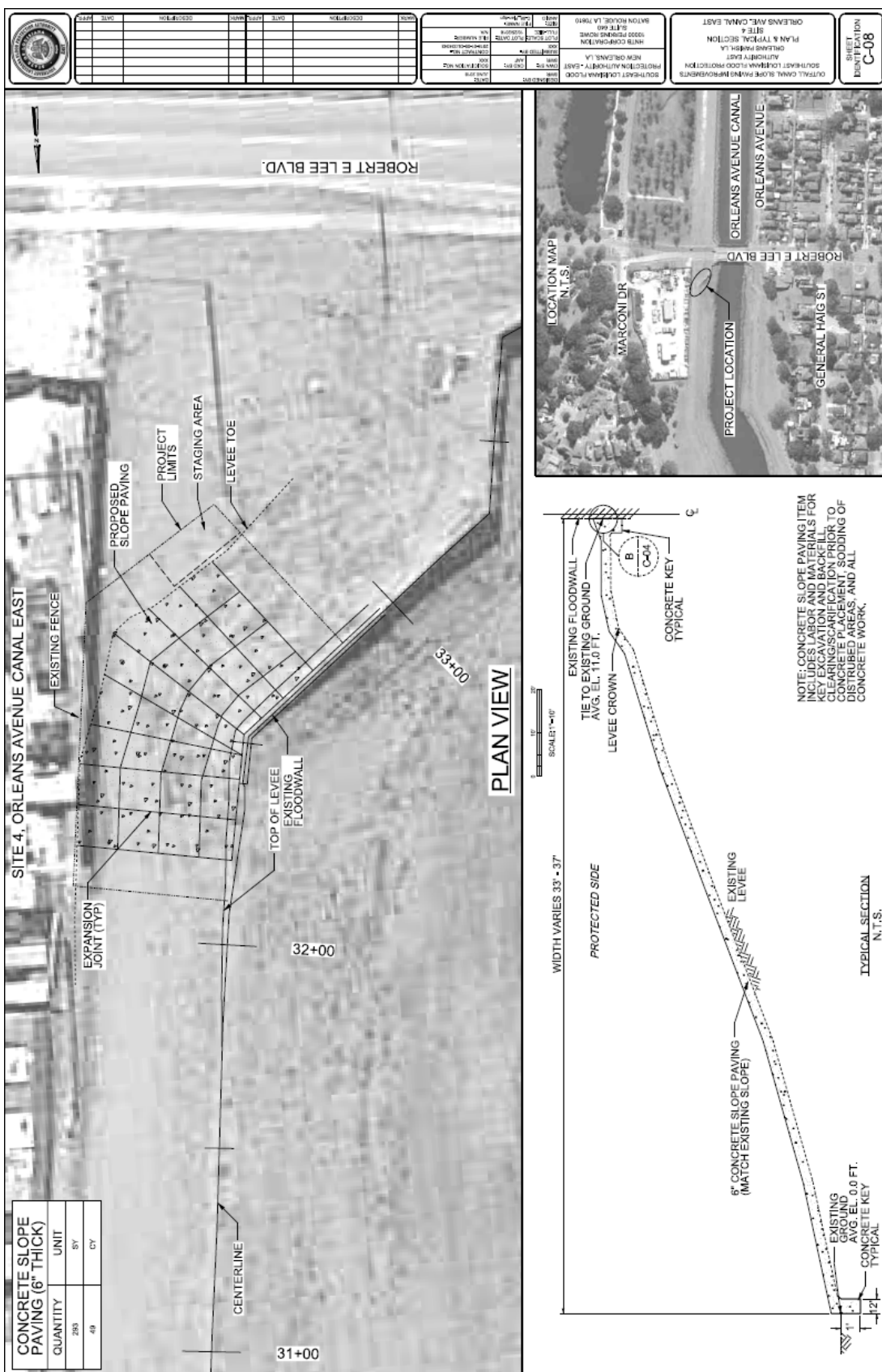


Figure 6: Site 4

Figure 7: Site 5

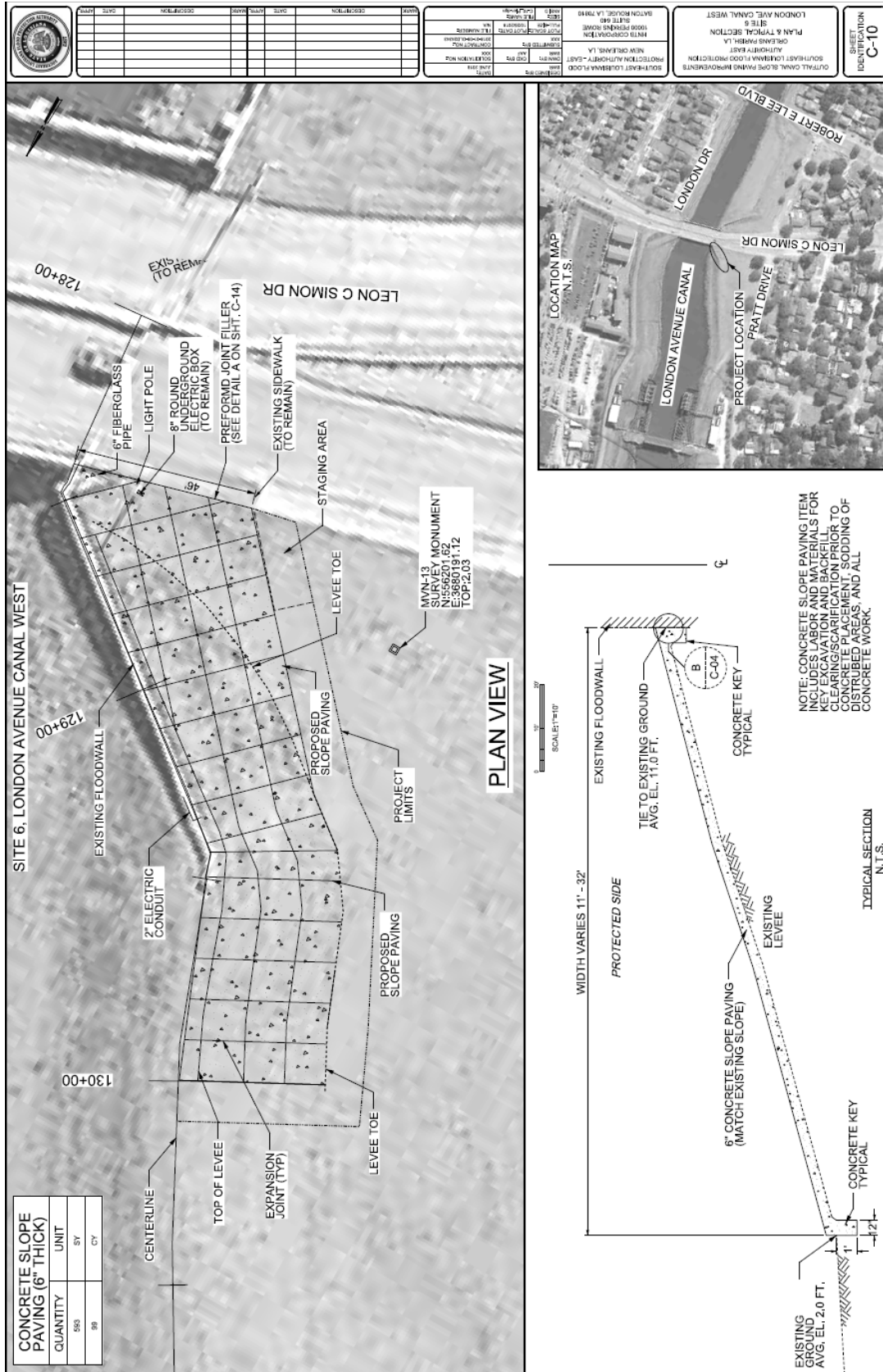


Figure 8: Site 6



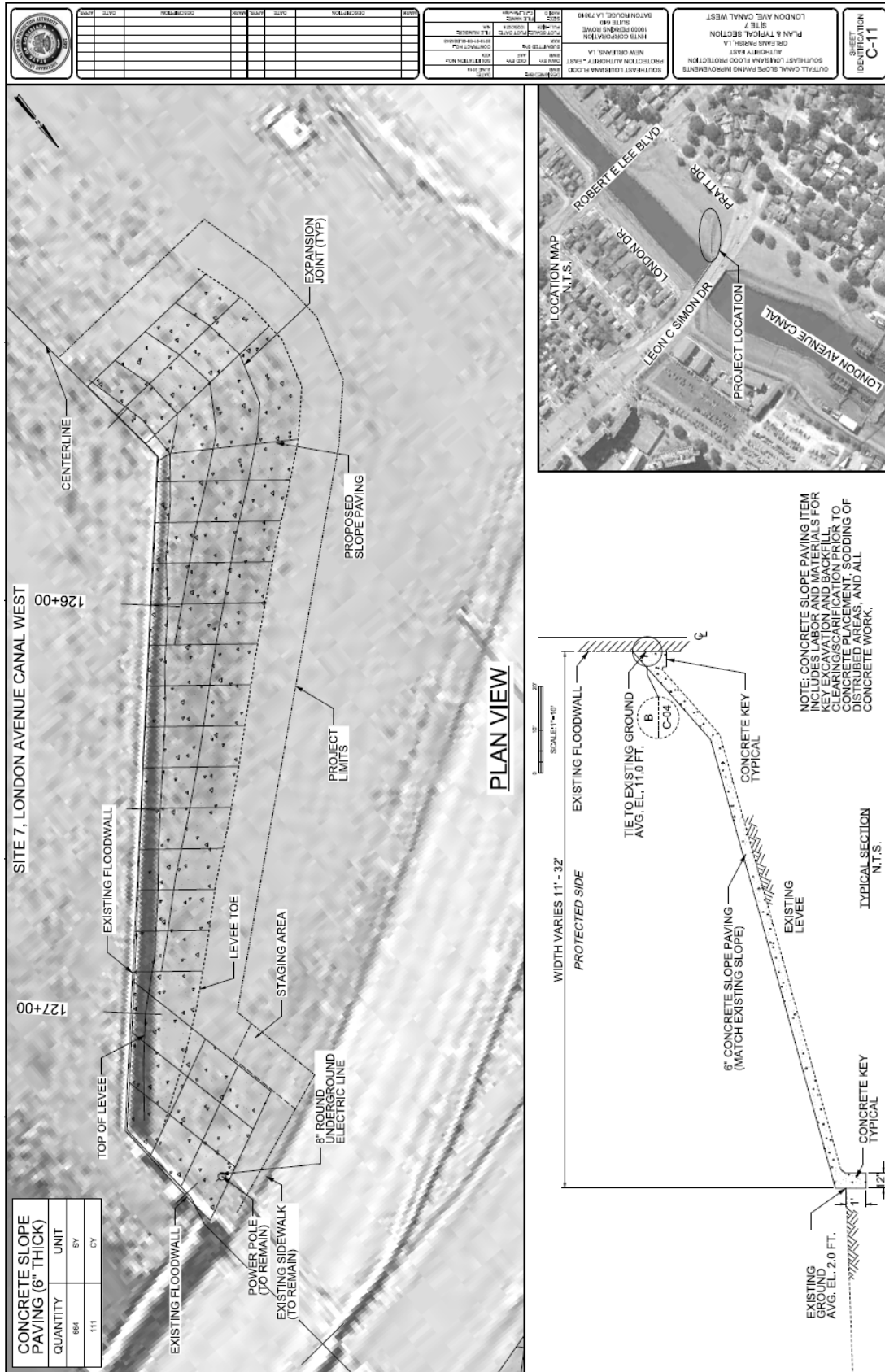


Figure 9: Site 7



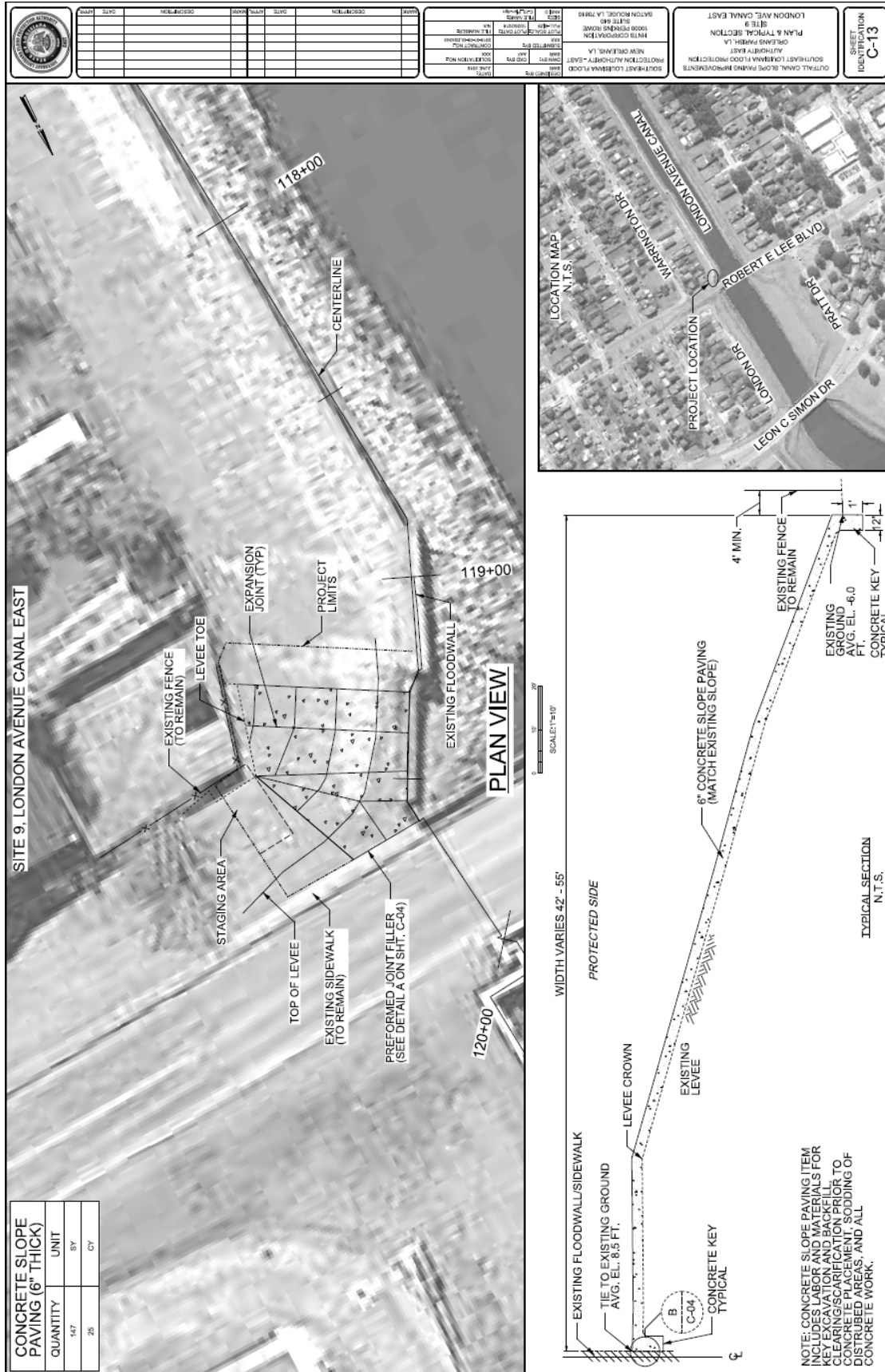


Figure 11: Site 9



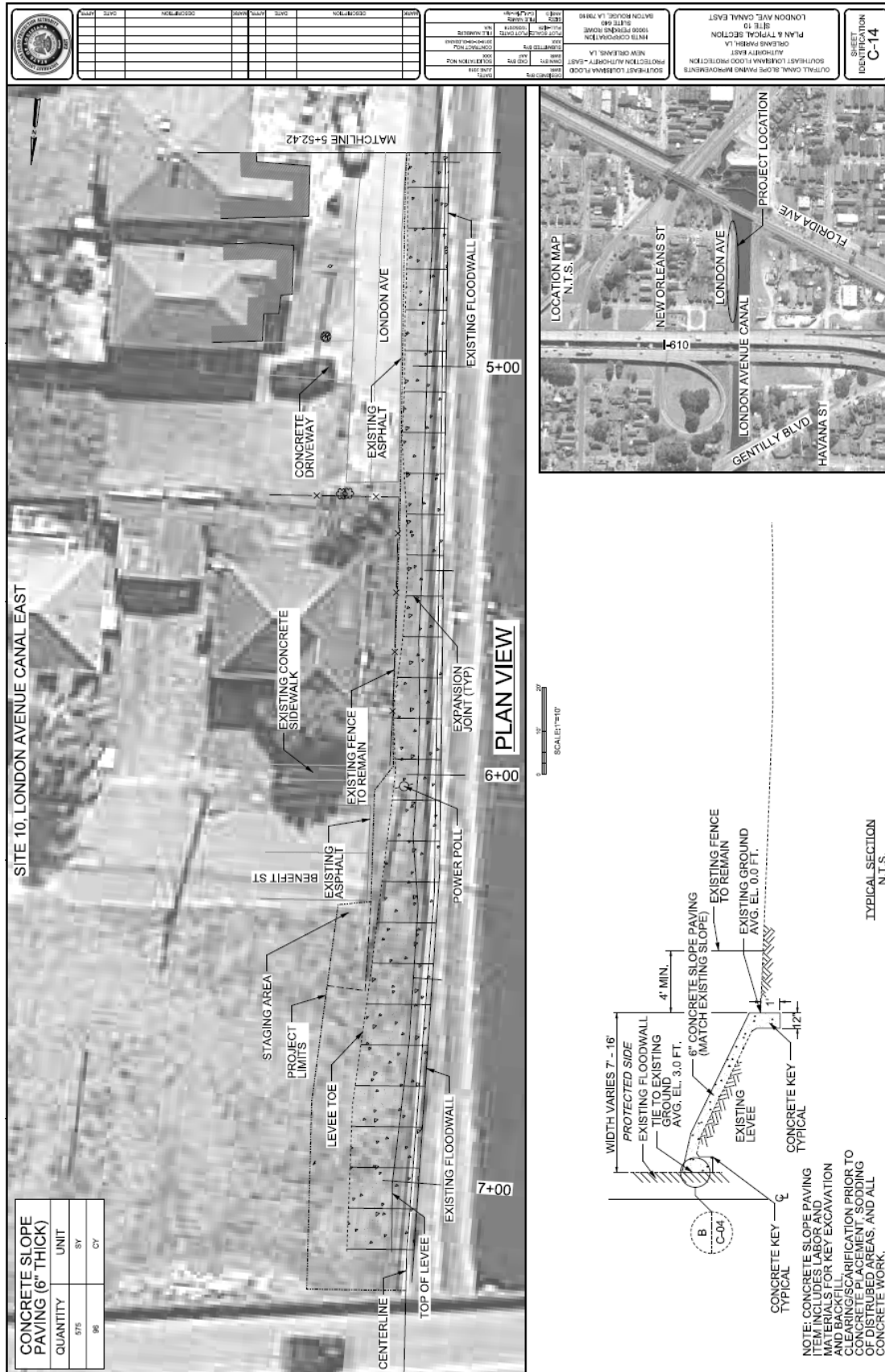


Figure 12: Site 10, Diagram 1

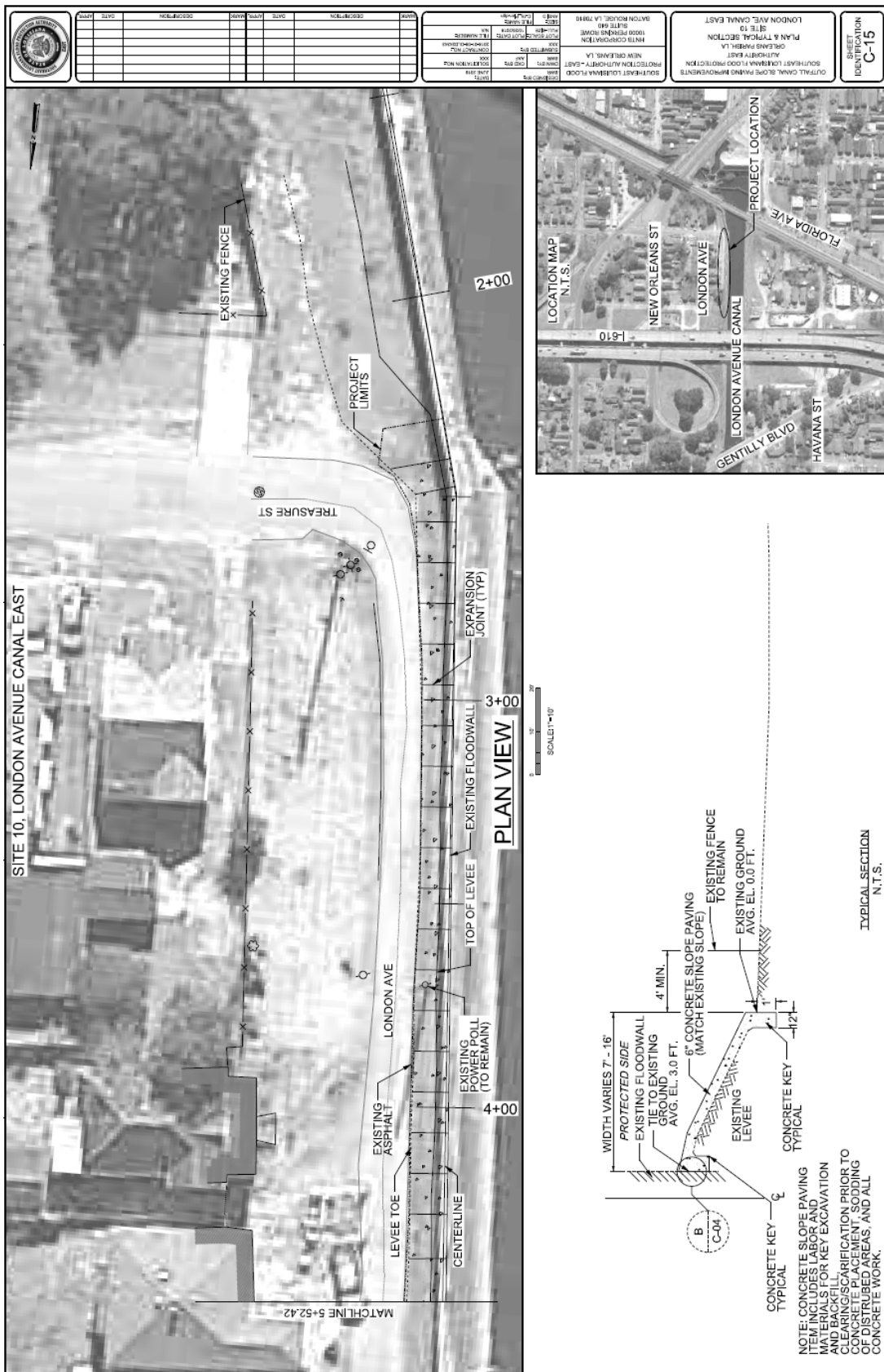


Figure 13: Site 10, Diagram 2

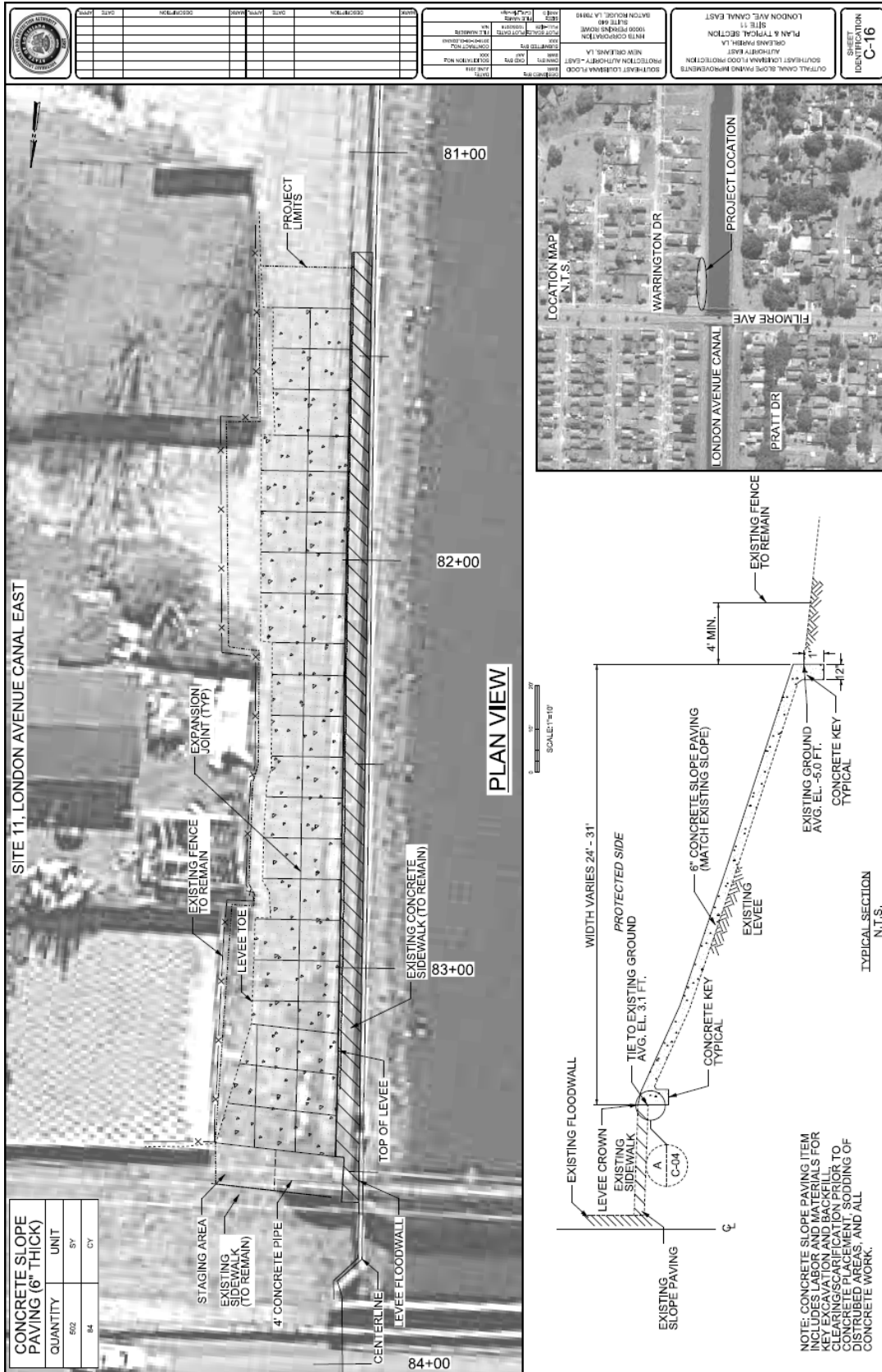


Figure 14: Site 11

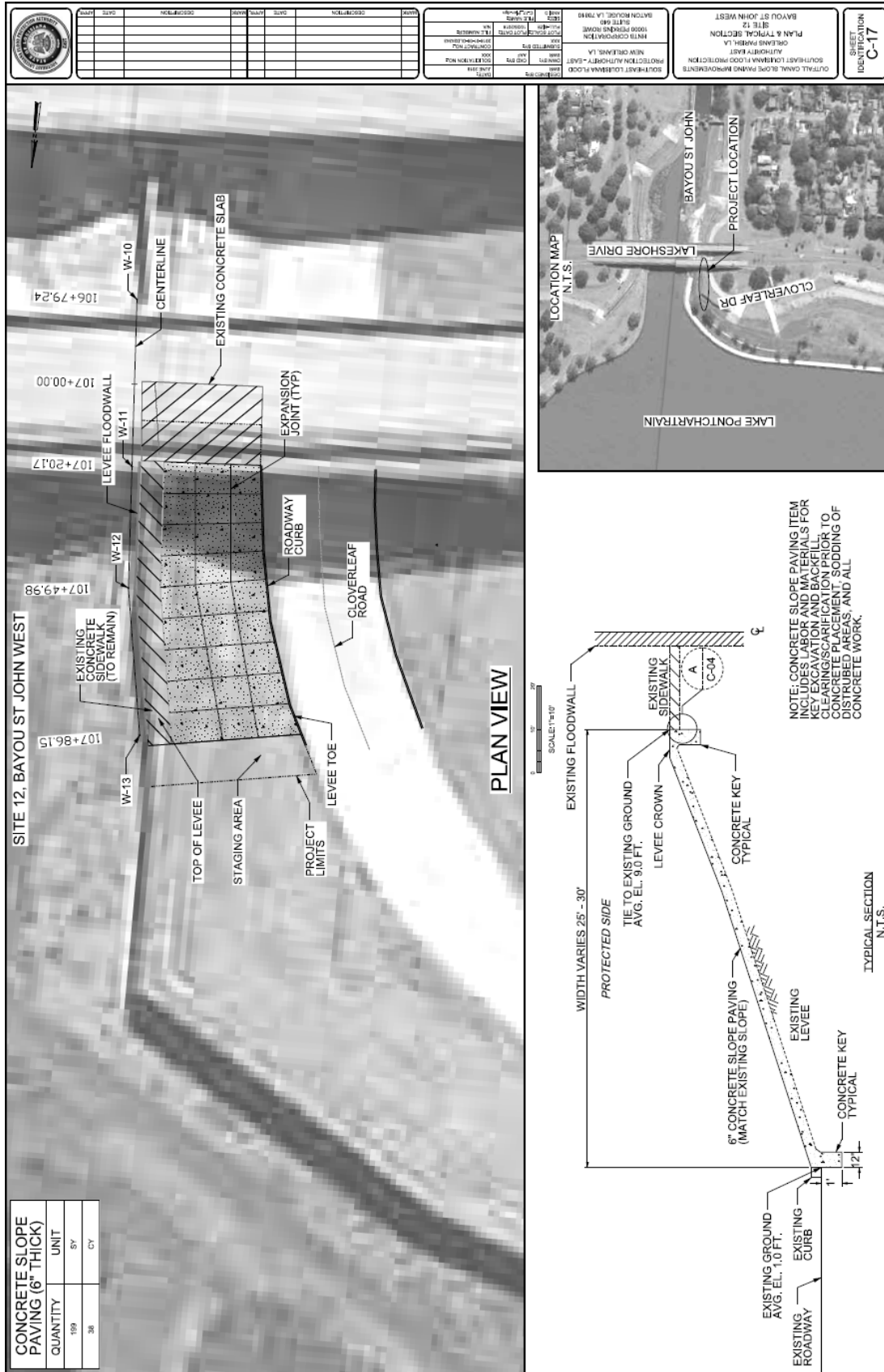


Figure 15: Site 12