



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS, NEW ORLEANS DISTRICT

P.O. BOX 60267

NEW ORLEANS LA 70160-0267

Regional Planning and
Environment Division South

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 16-054/16-021

**PROJECT TITLE: LAKE PONTCHARTRAIN AND VICINITY
(LPV) – LEVEE LIFTS PRIOR TO ARMORING - LPV 1.1,
LPV 2.2 LPV 19.2, LPV 20.1, JEFFERSON PARISH,
LOUISIANA**

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.

COMMENT PERIOD EXPIRES: 6/8/16

REQUESTED ALTERATION: The Southeast Louisiana Flood Protection Authority – East Bank (SLFPA-E) and the Coastal Protection and Restoration Authority Board of Louisiana (CPRAB) (referred to collectively as the requester) have jointly requested permission from the USACE to construct alterations to portions of Lake Pontchartrain and Vicinity (LPV) Hurricane and Storm Damage Risk Reduction System (HSDRRS) Jefferson Parish projects to increase the system's current level of hurricane and storm damage risk reduction. Based upon information provided by SLFPA-E, the USACE, Mississippi Valley Division, New Orleans District (CEMVN) is ensuring compliance with applicable Federal laws, executive orders, regulations, policies and ordinances, and in that capacity is soliciting input regarding the requested alteration.

The requester proposes to alter four existing levee reaches (approximately 7 miles), which are part of the larger LPV HSDRRS, located on the south shore of Lake Pontchartrain in Jefferson Parish, Louisiana (Figure 1). These levee reaches are referred to as LPV 01.1, LPV 02.2, LPV 19.2, and LPV 20.1 Existing turf would be cleared and existing embankment foundation cavities and depressions would be broken down to flatten out the slope. The entire area of embankment to be raised would be broken to a depth of 6 inches in order to place and compact new embankment material. Approximately 68,763 cubic yards of fill material would be hauled to the site locations from off-site borrow sources and placed as embankment on the levee sections.

The requester proposes to raise the elevation of the LPV Levee Reach 01.1 and Levee Reach 02.2 to elevation 17.0 ft NAVD88. The existing levee crown varies in elevation throughout these two levee reaches, ranging from approximately elevation +15.5 ft to +16.8 ft. All construction and staging areas would occur within already disturbed areas within the existing levee authority right-of-way, and all ingress and egress to this project location would occur on existing access roads at the end of Williams Boulevard, Erlanger Boulevard and Clearview Parkway (See Figures 2 and 3 for typical levee lift cross sections).

The requester proposes to raise the elevation of the LPV Levee Reach 19.2 and Levee Reach 20.1 to elevation 17.0 ft NAVD88. The existing levee crown varies in elevation throughout the two levee reaches, ranging from approximately elevation +15.5 ft to +18.0 ft. All construction and staging areas would occur within previously disturbed areas within existing levee authority right-of-way, and all ingress and egress to this project location would occur on existing access roads at the end of Severn Avenue, Ridgelake Drive, Bonnabel Boulevard, and ramps in the vicinity of the Coast Guard station (See Figure 4 for typical levee lift cross sections).

LOCATION OF PROPOSED ACTION: The levee lift for LPV Reach 01.1 would extend from Station 836+87, just east of Duncan Pump Station No. 4, to Station 915+22, just west of Elmwood Pump Station No. 3. The levee lift for LPV Reach 02.2 would extend from Station 925+68, just east of Elmwood Pumping Station No. 3, to Station 1043+27, just west of Suburban Pumping Station No. 2. The levee lift for LPV Reach 19.2 would extend from Station 342+90, just east of the northern terminus of the Suburban Canal, to Station 419+53, just west of N. Causeway Boulevard. The levee lift for LPV Reach 20.1 would extend from Station 424+80, just east of N. Causeway Boulevard, to Station 521+42, just west of the northern terminus of the 17th Street Canal.

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.

WRITTEN COMMENTS MAY BE MAILED TO:

Department of the Army
Corps of Engineers, New Orleans District
CEMVN-PDC
ATTN: Sandra.E.Stiles
P.O. Box 60267
New Orleans, Louisiana 70160-0267

WRITTEN COMMENTS MAY BE EMAILED TO: to Sandra.E.Stiles@usace.army.mil

All comments must contain the full name and address of the individual commenting and must be mailed and/or emailed by the expiration of the public notice period.

EVALUATION: This request will be reviewed pursuant to Section 408 and USACE Engineering Circular (EC) 1165-2-216, 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 and whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. 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 404 and 401 of the Clean Water Act and Section 10 of the Rivers and Harbor Act.* No Waters of the U.S. or navigable waterways would be impacted by this action.
- b. *Section 402 of the Clean Water Act.* A Stormwater Pollution Prevention Plan will be prepared in conjunction with the National Pollutant Discharge Elimination System (NPDES) permitting process prior to construction. The requester will minimize non-point discharge water quality impacts and will comply with all requirements of the Clean Water Act, as amended, for the construction of this proposed levee lift, and will include all specifications and best management practices (BMPs) necessary for control of erosion and sedimentation due to construction related activities.
- c. *Coastal Zone Management Act.* A Coastal Use Permit for LPV 19.2 and 20.1 (P20160047) was issued on March 8, 2016. A Coastal Use Permit application was submitted for LPV 1.1 and 2.2 (P20160266) on March 22, 2016. Section 408 evaluation will not be completed until the proposed action is found to be consistent with the Coastal Zone Management Act to the maximum extent practicable.
- d. *Section 106 of the National Historic Preservation Act.* The proposed action would have no impacts on historic or cultural resources. The Section 106 process for the proposed undertakings has been completed. If any previously unidentified cultural resources are determined to exist within the proposed project boundaries, either prior to or during construction, additional consultation with the SHPO and Indian Tribes would be required.
- e. *Endangered Species Act.* In correspondence dated January 9, 2016 The US Fish and Wildlife Service stated that the proposed project is not an activity that would affect a federally listed threatened or endangered species; nor is there proposed or designated critical habitat present within Jefferson Parish.
- f. *Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act):* The proposed action would not result in impacts to fishery habitat.
- g. *Hazardous, Toxic, and Radioactive Waste (HTRW) Assessment.* An ASTM E 1527-05 Phase 1 Environmental Site Assessment (ESA) update, HTRW 15-01 dated December 8, 2015, has been completed for the proposed project area. Because the proposed activity would not impact any RECs, the probability of encountering HTRW in the project area is low.
- h. *Clean Air Act.* The Project area is within a parish that is currently in attainment of NAAQS. The Louisiana Department of Environmental Quality

is not required by the CAA and Louisiana Administrative Code, Title 33 to grant a general conformity determination.

- i. *Borrow Source Compliance.* Fill material would be provided from one or more borrow sources, which were previously assessed in prior NEPA documents and that are in compliance with all applicable permits and regulations.

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 whether the proposed alteration would be injurious to the public interest and its potential impact to the usefulness of the Federal project. Policy and legal compliance will also be considered.

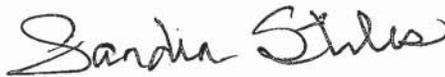
The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. Comments received within 15-days of this publication will be in the evaluation of potential impacts of the proposed action on important resources. All comments will be considered and used in our Environmental Assessment.

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 Sandra Stiles by telephone at 504-862-1583 or via email at Sandra.E.Stiles@usace.army.mil.

FOR THE DISTRICT COMMANDER:



Sandra Stiles
Acting Chief, Environmental Planning Branch

Enclosures



Figure 1. LPV 01.1, LPV 02.2, LPV 19.2, and LPV 20.1 Project Locations

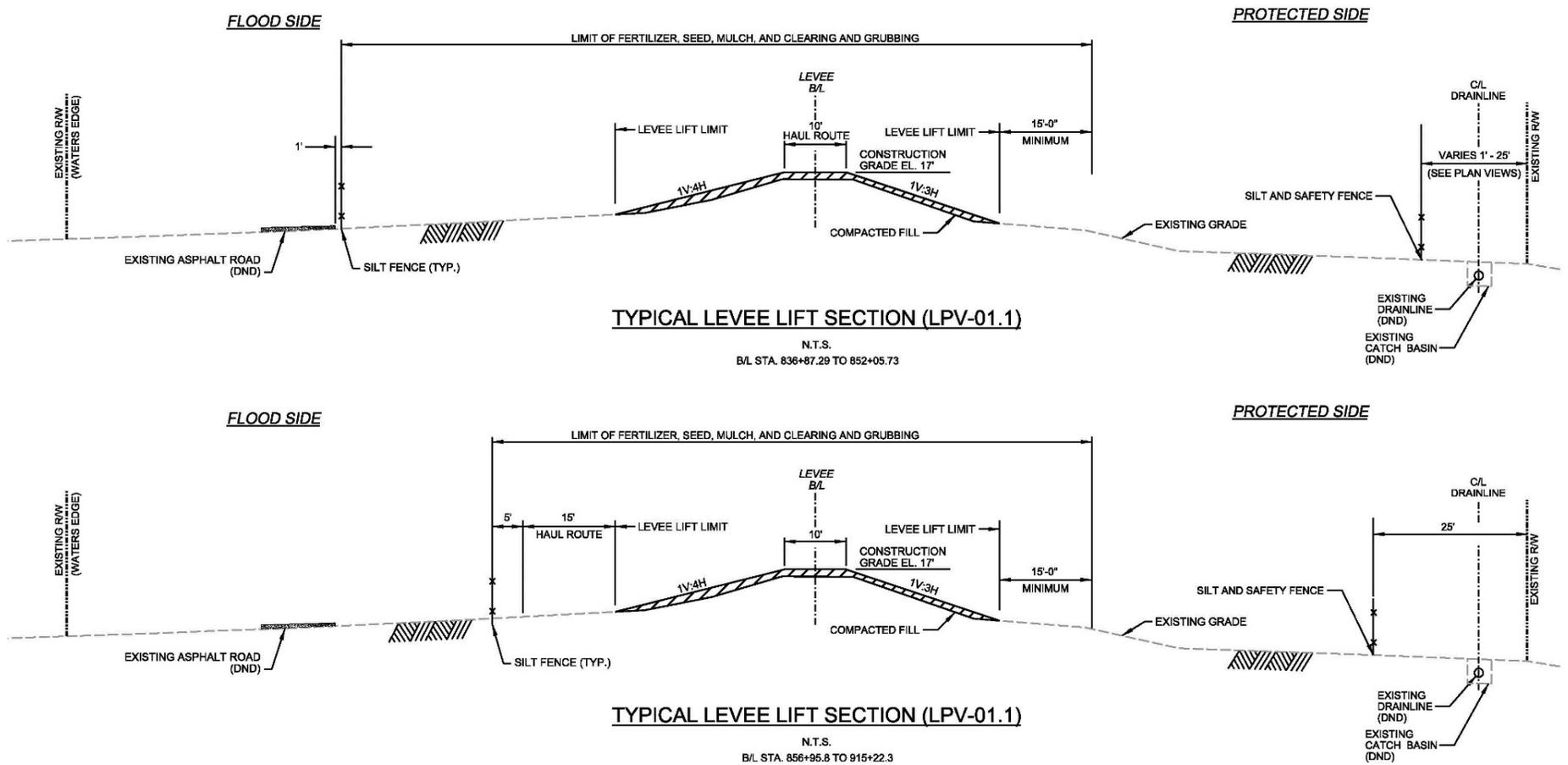


Figure 2. Typical Levee Cross Sections, LPV 1.1

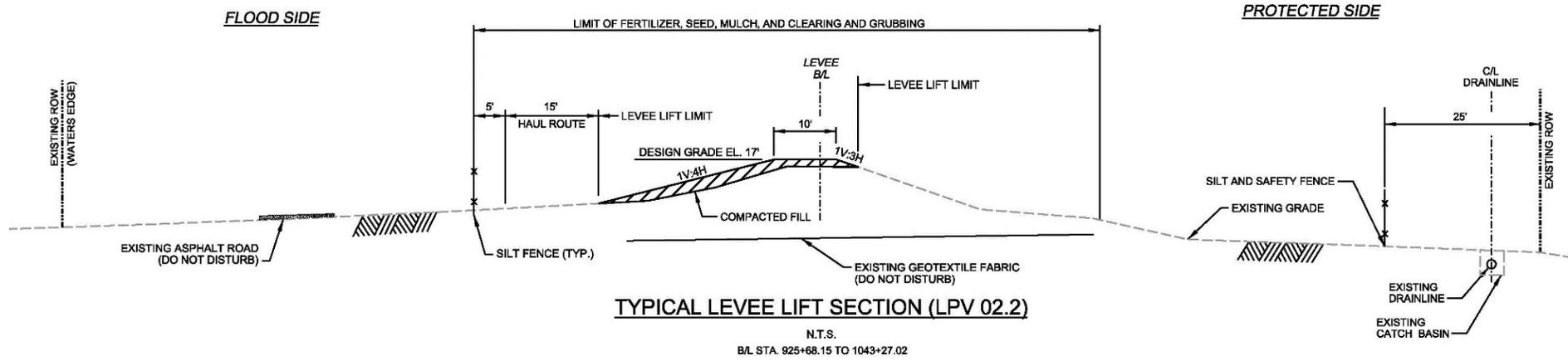


Figure 3. Typical Levee Cross Section, LPV 2.2

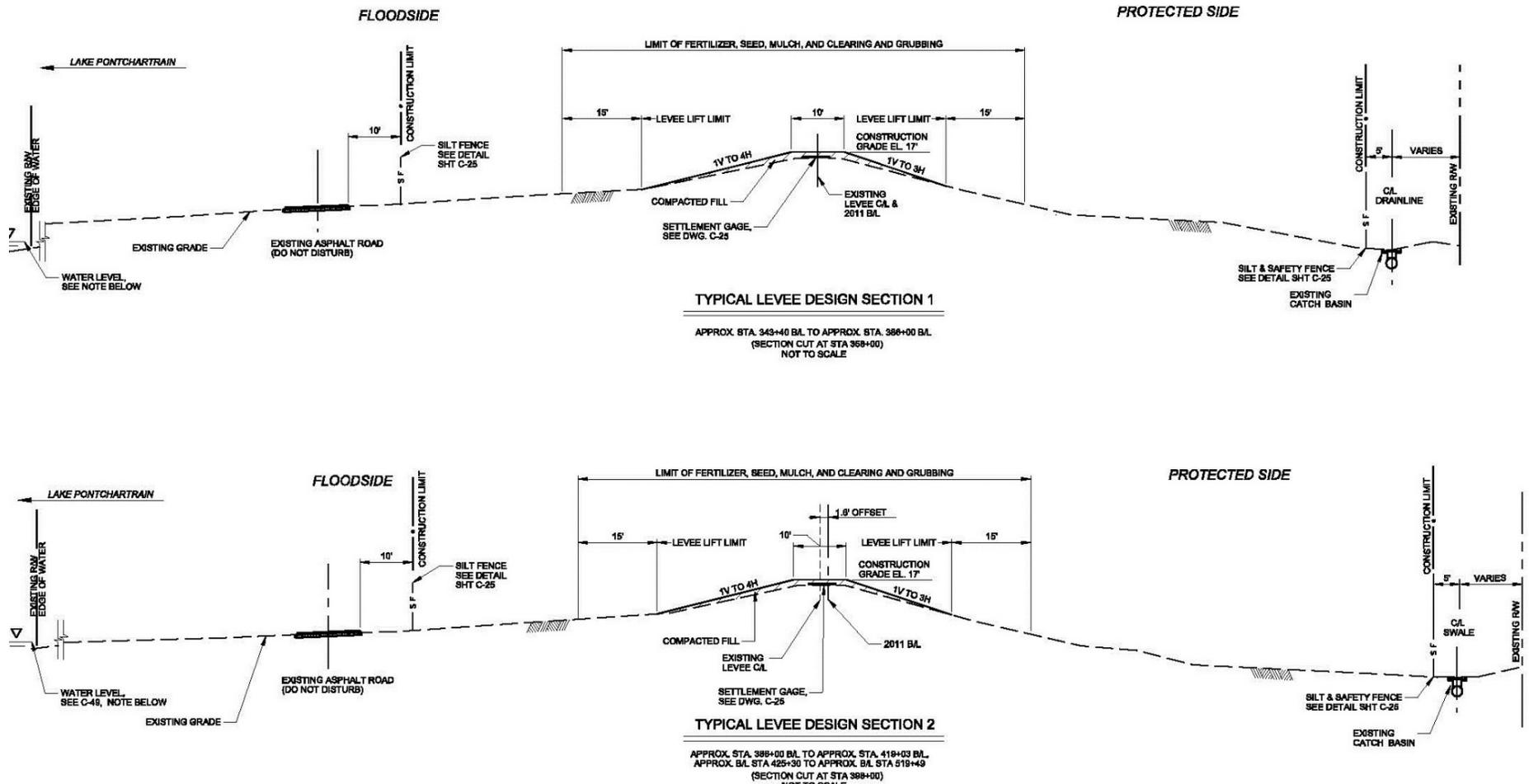


Figure 4. Typical Levee Cross Section, LPV 19.2 and 20.1