

# JOINT PUBLIC NOTICE

September 29, 2014

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

State of Louisiana  
Department of Environmental Quality  
Attn: Water Quality Certification  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(504) 862-1627, FAX: (504) 862-2574  
[kyle.b.gordon@usace.army.mil](mailto:kyle.b.gordon@usace.army.mil)  
Project Manager  
Kyle Gordon  
Permit Application Number  
MVN-2001-03591-SA

(225) 219-3225  
FAX: (225) 219-3156  
Project Manager  
Elizabeth Johnson  
WQC Application Number  
WQC-140922-01

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 (Corps) pursuant to: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (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 for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

## **DREDGE BAYOU LAFOURCHE AND EXPAND EXISTING FACILITY IN LAFOURCHE PARISH, LOUISIANA**

**NAME OF APPLICANT:** Harvey Gulf International Marine, LLC, c/o Picciola & Associates, Inc., ATTN: Brad Adams, Post Office Box 68, Cut Off, Louisiana 70345.

**LOCATION OF WORK:** East of Old Highway 1 and adjacent to Bayou Lafourche at Latitude: 29.250875, Longitude -90.211011 in Lafourche Parish, Louisiana. HUC: 08090302, West Central Louisiana Coastal.

The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 301 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. All legal issues concerning the unauthorized work have been deferred.

**CHARACTER OF WORK:** This project includes after-the-fact excavation of approximately 0.17 acres of jurisdictional wetlands and after-the-fact placement of dredged material into approximately 1.43 acres of jurisdictional wetlands. The project also includes proposed dredging of approximately 2.69 acres of Bayou Lafourche, placement of additional fill in 1.43 acres of impacted wetlands, and placement of fill in an additional 0.24 acres of jurisdictional wetlands. The applicant proposes to compensate for unavoidable wetland impacts that would result from this proposal by purchasing the appropriate credits from a Corps approved mitigation bank.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of the permit is determined to be contrary to 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 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. Individuals or parties may request an extension of time in which to comment on the proposed work by writing or e-mailing the Corps of Engineers Project Manager listed above. Any request must be specific and substantively supportive of the requested extension, and received by this office prior to the end of the initial comment period. The Section Chief will review the request and the requestor will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous to the initial comment period and, inclusive of the initial comment period, will not exceed a total of 30 calendar days.

### **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.

The New Orleans District is unaware of properties listed on the National Register of Historic Places near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

The Corps is unaware of any Endangered Species Act (ESA) listed species that may be adversely affected by the proposed activity. Our initial finding is that the proposed work would neither affect any ESA listed species nor affect any habitat designated as critical to the survival and recovery of any ESA listed species.

This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would result in temporary adverse impacts to 1.84 acres of EFH utilized by various life stages of red drum, blue crab and penaeid shrimp. Our initial determination is that the proposed action may have adverse impacts on EFH or federally managed fisheries of the Gulf of Mexico. Our final determination relative to project impacts and 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 Environmental Services, before a permit is issued.

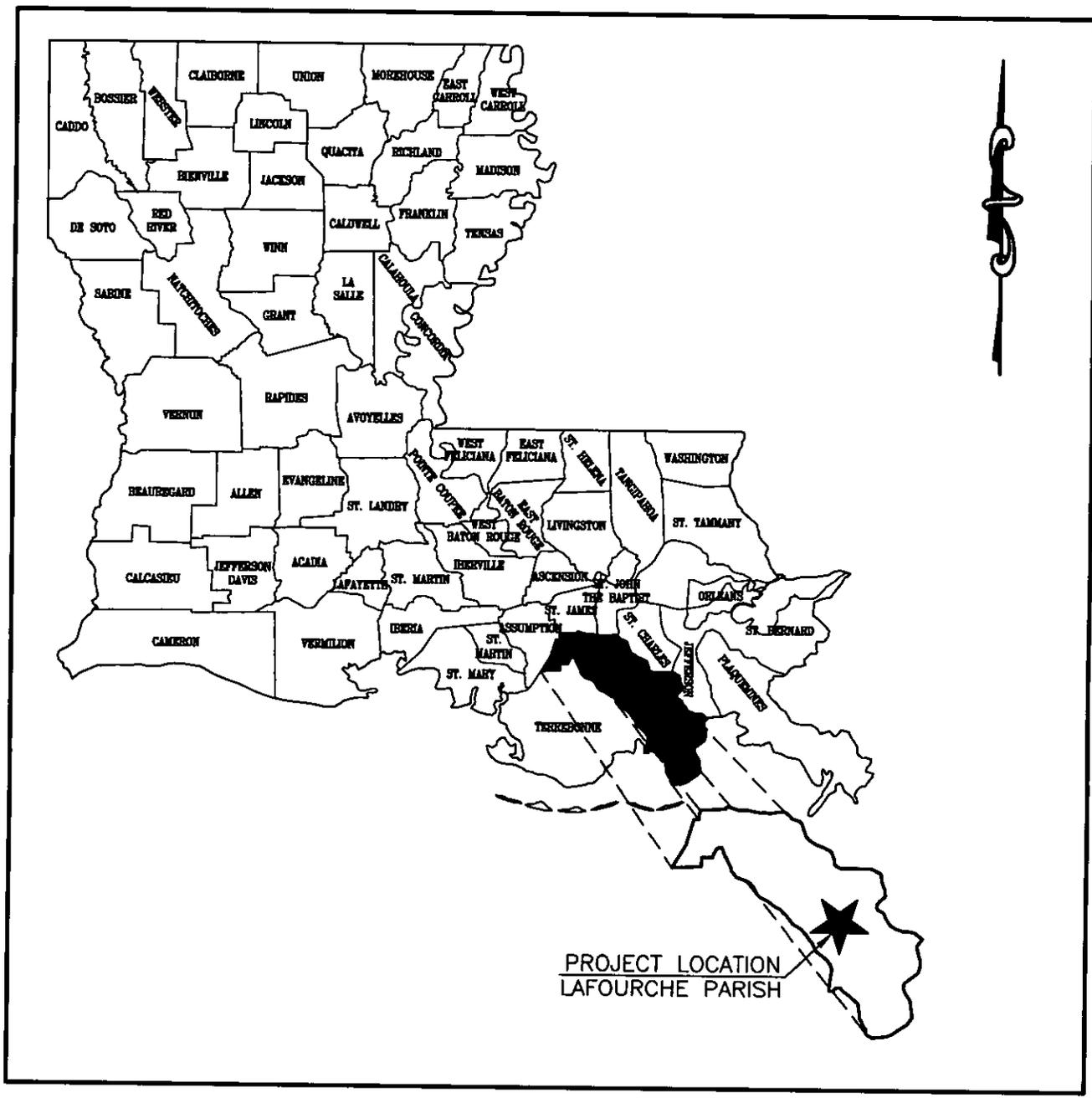
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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.

Darrell Barbara  
Chief, Eastern Evaluation Section  
Regulatory Branch

Attachments



**STATE VICINITY MAP**  
NOT TO SCALE

**HARVEY GULF INTERNATIONAL MARINE, LLC**  
**LEEVILLE SHIPYARD**

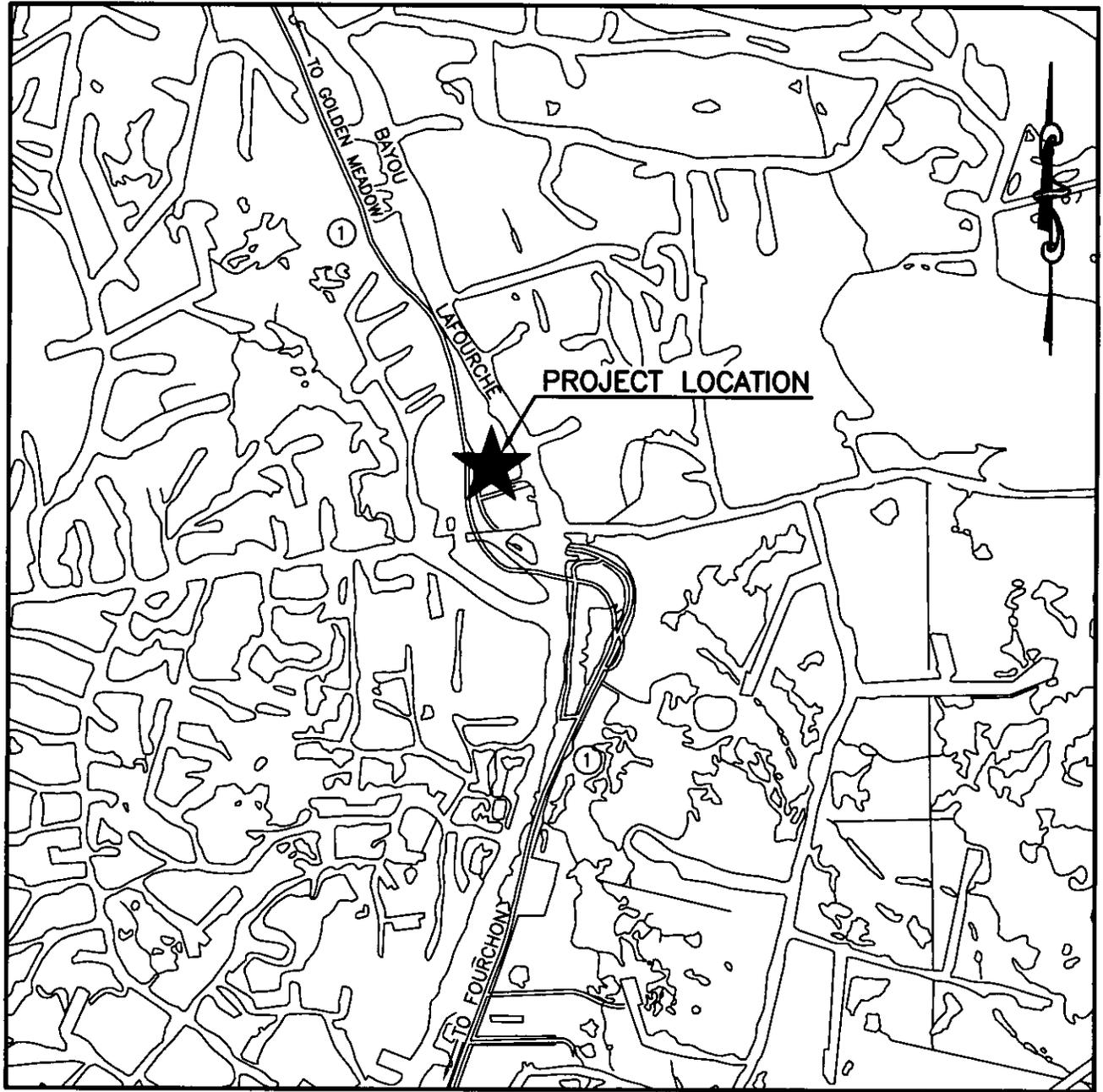
**PROPOSED:** MAINTENANCE DREDGE AND FILL AREA  
**APPLIED BY:** HARVEY GULF INTERNATIONAL MARINE, LLC  
**AREA:** LEEVILLE, LOUISIANA



**PICCIOLA & ASSOCIATES, INC.**  
CIVIL ENGINEERS      NAVAL ARCHITECTS  
LAND SURVEYORS      MARINE ENGINEERS  
P.O. BOX 687  
CUT OFF, LOUISIANA 70348  
(985) 632-5786

P20141047  
J.N.: 0203-1403

REV: 8-18-14  
REV: 7-28-14  
DATE: 6-17-14



LEEVILLE/MINK BAYOU QUAD. MAP

SCALE: 1" = 2000'

LOCAL VICINITY MAP

PROPOSED: MAINTENANCE DREDGE AND FILL AREA  
APPLIED BY: HARVEY GULF INTERNATIONAL MARINE, LLC  
AREA: LEEVILLE, LOUISIANA  
 PROPERTY IS LOCATED IN SECTION 23, T-21-S, R-22-E

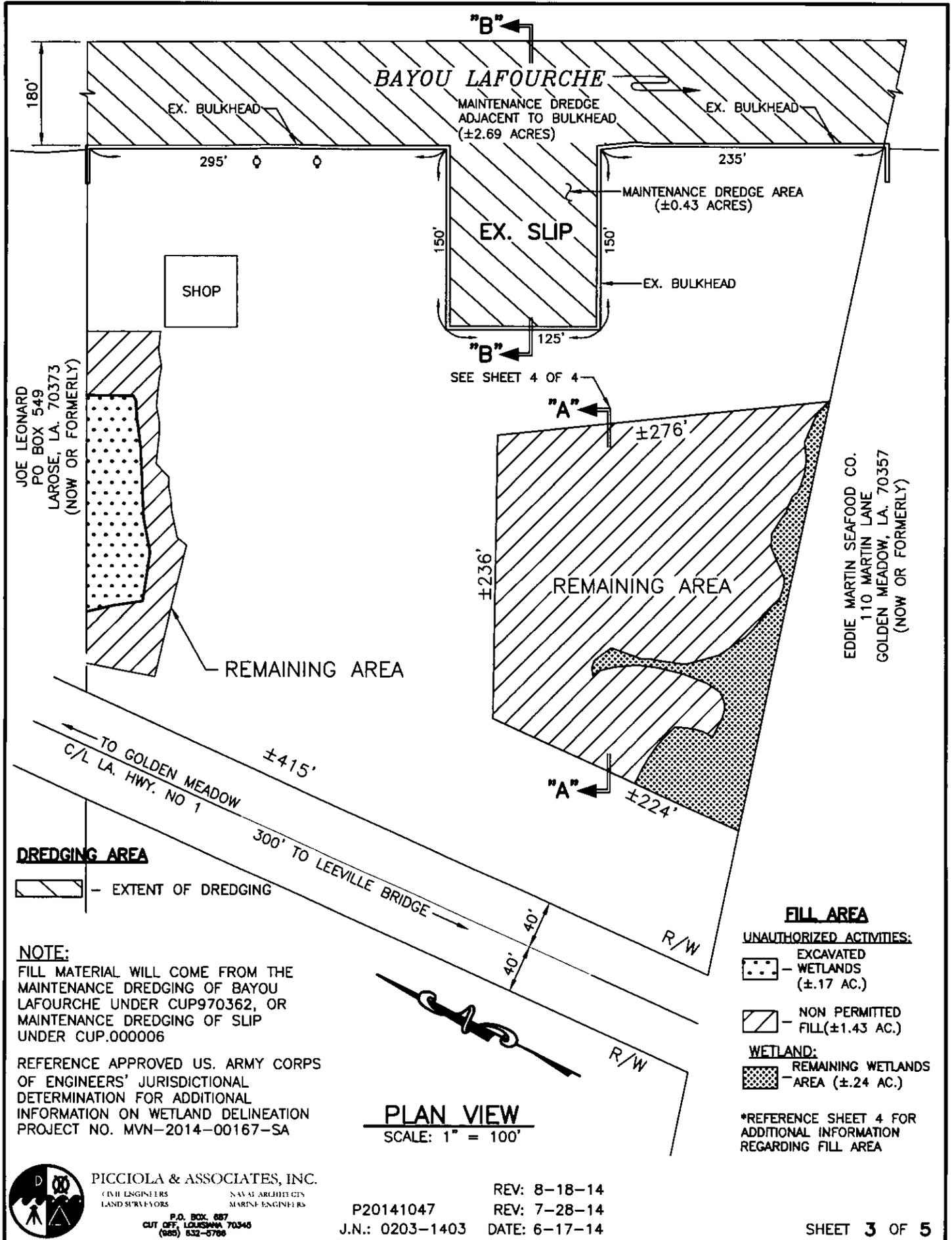
LATITUDE = 29° 15' 03.15"  
 LONGITUDE = 90° 12' 39.64"  
 (LAT. & LON. IS LOCATED APPROXIMATELY IN THE CENTER OF THE PROJECT AREA.)



PICCIOLA & ASSOCIATES, INC.  
 CIVIL ENGINEERS      NAVAL ARCHITECTS  
 LAND SURVEYORS      MARINE ENGINEERS  
 P.O. BOX 687  
 CUT OFF, LOUISIANA 70348  
 (985) 632-8788

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PICCIOLA & ASSOCIATES, INC.

CIVIL ENGINEERS NAVAL ARCHITECTS  
LAND SURVEYORS MARINE ENGINEERS

P.O. BOX 887  
CUT OFF, LOUISIANA, 70346  
(986) 632-5786

P20141047

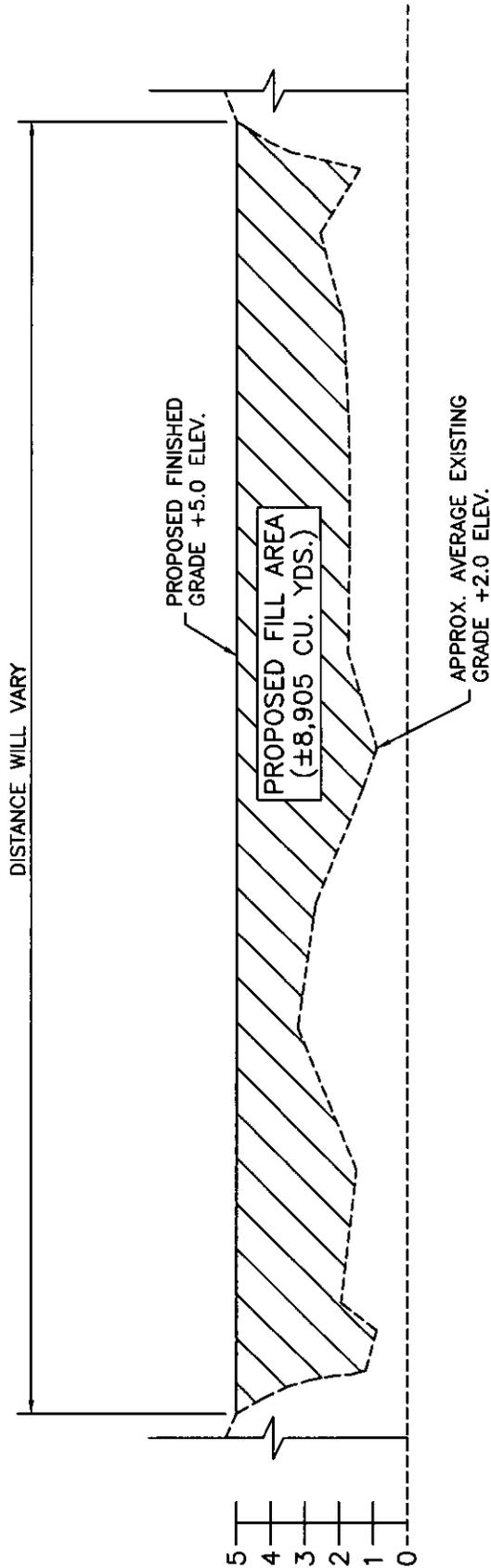
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SHEET 4 OF 5



### SECTION "A" - "A"

SCALE: HORZ. - 1"=40'  
VERT. - 1"=5'

#### WETLAND DELINEATION:

1. REFERENCE WETLAND DELINEATION PERFORMED BY COASTAL ENVIRONMENTS IN REPORT DETAILED FEBRUARY 21, 2014.
2. REFERENCE APPROVED U.S. ARMY CORPS OF ENGINEERS' JURISDICTIONAL DETERMINATION FOR ADDITIONAL INFORMATION ON WETLAND DELINEATION PROJECT NO. MVN-2014-0D167-SA
3. LOCATION AND FILL AREA INFORMATION PROVIDED ON SHEET 3 WAS OBTAINED FROM CORPS J.D. AND COASTAL ENVIRONMENTAL WETLAND DELINEATION.

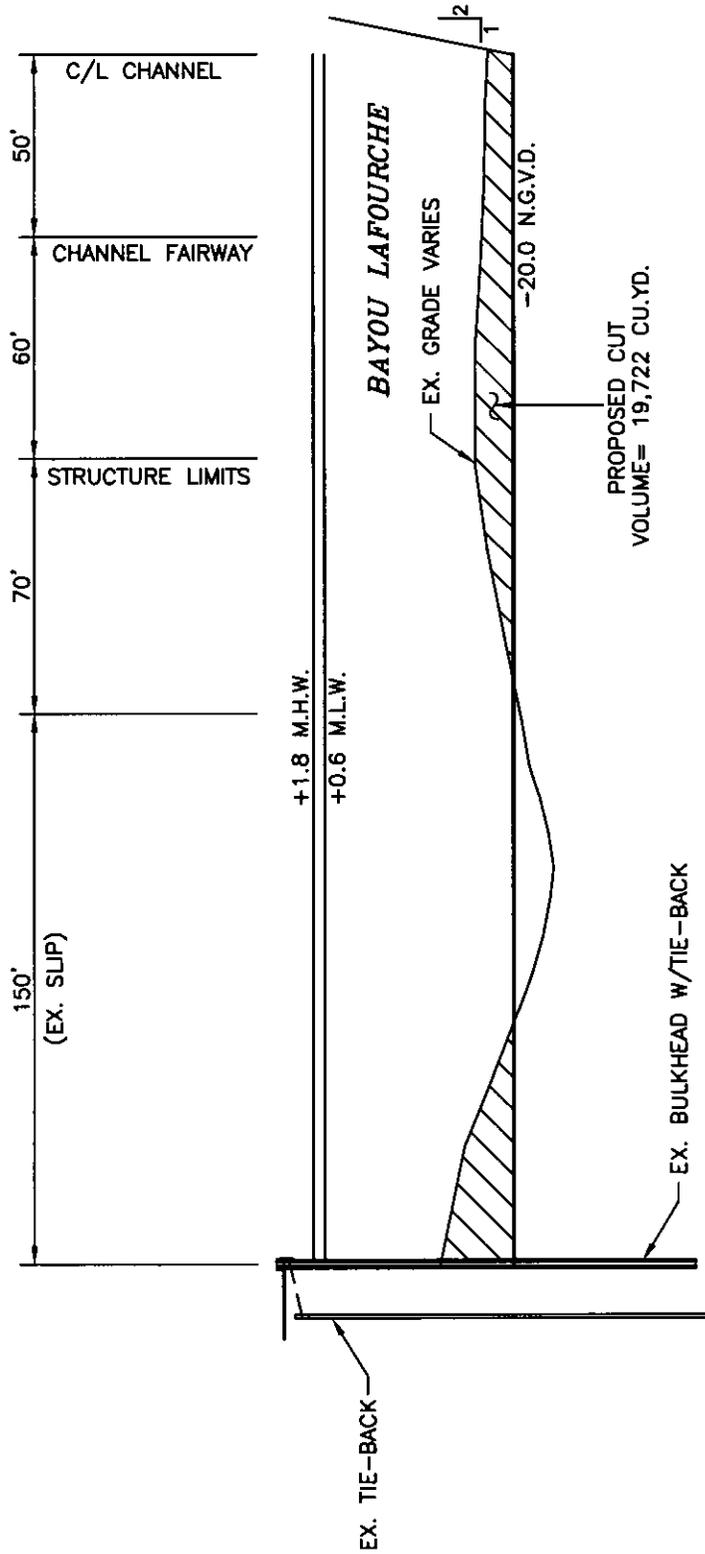
#### ESTIMATED FILL VOLUMES:

UNAUTHORIZED FILL  
= ±6,921 CU. YDS.

PROPOSED REMAINING FILL  
= ±1,984 CU. YDS.

#### NOTE:

1. FILL MATERIAL WILL BE PLACED WITHIN REMAINING AREAS WHICH INCLUDE AREAS WHERE UNAUTHORIZED ACTIVITIES HAVE TAKEN PLACE AND REMAINING WETLAND AREA. (TOTAL ±1.84)
2. EXCESS DREDGED MATERIAL WILL BE HAULED OFF SITE TO AN APPROVED, NON-WETLAND SITE.



**TYPICAL SECTION "B" - "B"**

SCALE: 1" = 50' HORIZ.  
1" = 20' VERT.



**PICCIOLA & ASSOCIATES, INC.**

CIVIL ENGINEERS      NAVAL ARCHITECTS  
LAND SURVEYORS      MARINE ENGINEERS

P.O. BOX 687  
CUT OFF, LOUISIANA 70346  
(504) 632-5768

P20141047

J.N.: 0203-1403

REV: 8-18-14

REV: 7-27-14

DATE: 6-17-14

SHEET 5 OF 5



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF

MAY 20 2014

Operations Division  
Surveillance and Enforcement Section

Mr. Dustin Johnson  
Coastal Environments, Inc.  
2619B Executive Place  
Biloxi, Mississippi 39531

Dear Mr. Johnson:

Reference is made to your request, on behalf of Harvey Gulf International Marine, LLC, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 23, Township 21 South, Range 22 East, Lafourche Parish, Louisiana (enclosed map). Specifically, this property is identified as the Leeville Shipyard WD and is located on and east of Louisiana Highway 1.

Based on review of recent maps, aerial photography, soils data, the information provided with your request, and a field inspection on January 22, 2014, we have determined that part of the property is wetland and subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the enclosed map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into this wetland. Additionally, Bayou Lafourche and the tidal wetlands are navigable waterways and subject to Corps' jurisdiction under Section 10 of the Rivers and Harbors Act. A DA Section 10 permit will be required prior to any work in these waters.

You and your client are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Additionally, federal projects are known to exist in this area that may require your proposal to undergo further engineering review. For more information, please contact Mr. Donald Schneider of our Operations Division at (504) 862-1828.

Please be advised that this property is in the Louisiana Coastal Zone and a Coastal Use Permit may be required prior to initiation of any activities on this site. For additional information, contact Ms. Christine Charrier, Office of Coastal Management, Louisiana Department of Natural Resources at (225) 342-7953.

Should there be any questions concerning these matters, please contact Mr. Kyle Gordon at (504) 862-1627 and reference our Account No. MVN-2014-00167-SA. If you have specific questions regarding the permit process or permit applications, please contact our Western Evaluation Section at (504) 862-2261. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

*William M. Hethery*  
for Martin S. Mayer  
Chief, Regulatory Branch

Enclosures

US ARMY CORPS OF ENGINEERS  
**APPROVED**  
 JURISDICTIONAL DETERMINATION

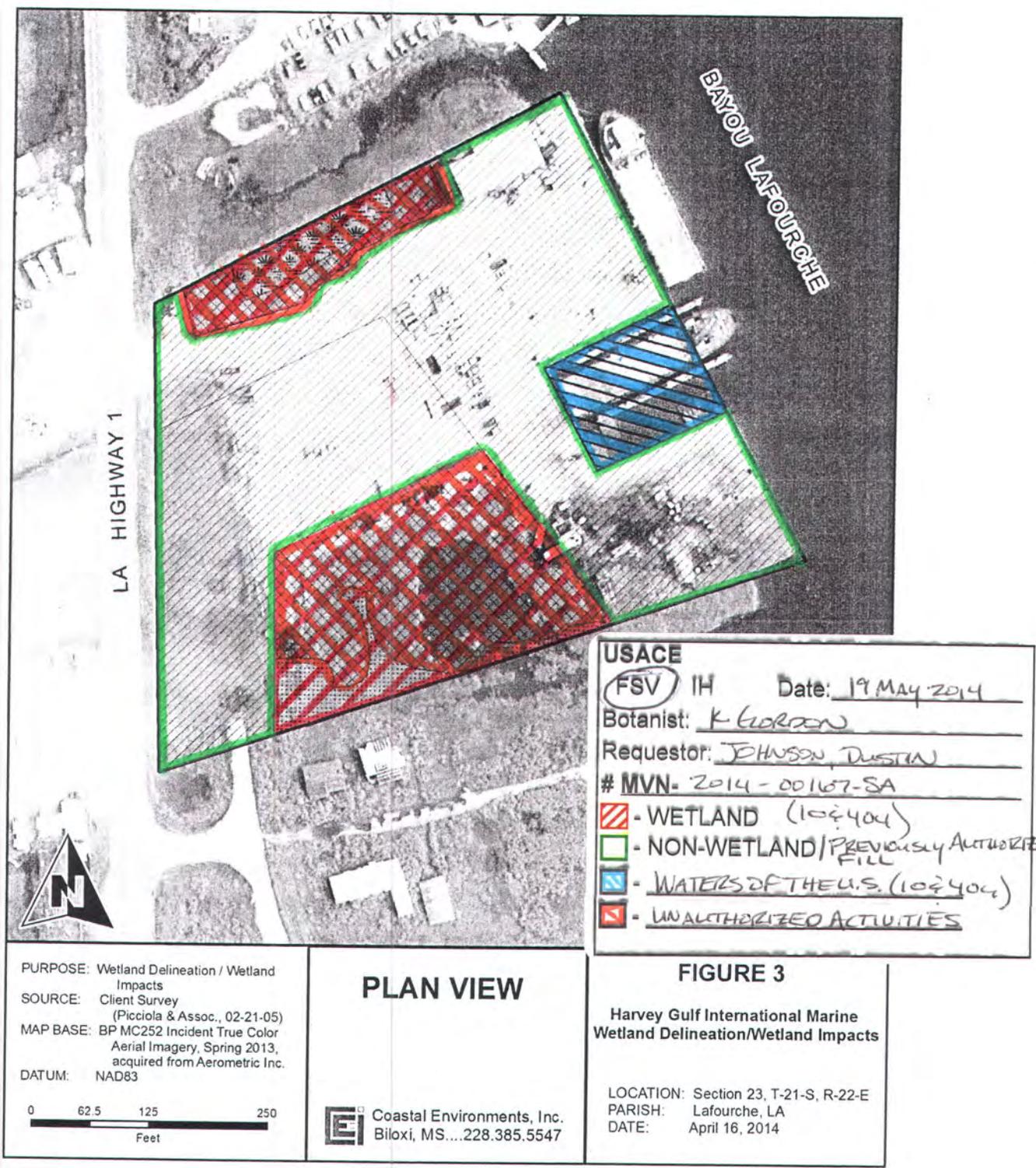


Figure 3. Location of sample site on Leeville Shipyard WD area, Leeville, LA.

Edited APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

To view the unedited version of the form go to: <http://www.mvn.usace.army.mil/regulatory/finalform.htm>.

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 19 May 2014**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2014-00167-SA**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Louisiana County/parish/borough: Lafourche City: Leeville  
Center coordinates of site (lat/long in degree decimal format): Lat. 29.251088° N, Long. 90.210976° W.  
Universal Transverse Mercator:

Name of nearest waterbody: Bayou Lafourche

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Bayou Lafourche

Name of watershed or Hydrologic Unit Code (HUC): 08090302 West Central Louisiana Coastal

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date:
- Field Determination. Date(s): 22 January 2012

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
- Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain: Bayou Lafourche was historically and is currently used to transport interstate and foreign commerce.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):**

- TNWs, including territorial seas
- Wetlands adjacent to TNWs

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: N/A linear feet: N/A width (ft) and/or 0.43 acres.  
Wetlands: 1.84 acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual**

Elevation of established OHWM (if known):

**2. Non-regulated waters/wetlands (check if applicable):**

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain:

