

PUBLIC NOTICE

October 20, 2014

United States Army
Corps of Engineers
New Orleans District
Regulatory Branch
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Project Manager: Kyle Gordon

Permit Application Number: MVN-2014-02408-SA

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).

AFTER-THE-FACT CONSTRUCTION OF TWO BUTTERFLY NETS AND TWO PILE-SUPPORTED 12' X 14' PLATFORMS IN TERREBONNE PARISH, LOUISIANA

NAME OF APPLICANT: Percy Dardar, 1016 Highway 665, Montegut, Louisiana 70377

LOCATION OF WORK: Cut Off Canal near its intersection with Bayou Pointe au Chien at Latitude: 29.415828, Longitude -90.446794 in Terrebonne Parish, Louisiana. HUC: 08090302, West Central Louisiana Coastal.

The work described below was completed prior to obtaining a Department of the Army permit and was in violation of 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 construction of two butterfly nets and two pile-supported 12' x 14' platforms for private recreational use. Impacts to Waters of the U.S. include 0.008 acres to non-vegetated, navigable water bottoms. This project does not impact any special aquatic sites, including wetlands.

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 will close **15 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 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. 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 0.008 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.

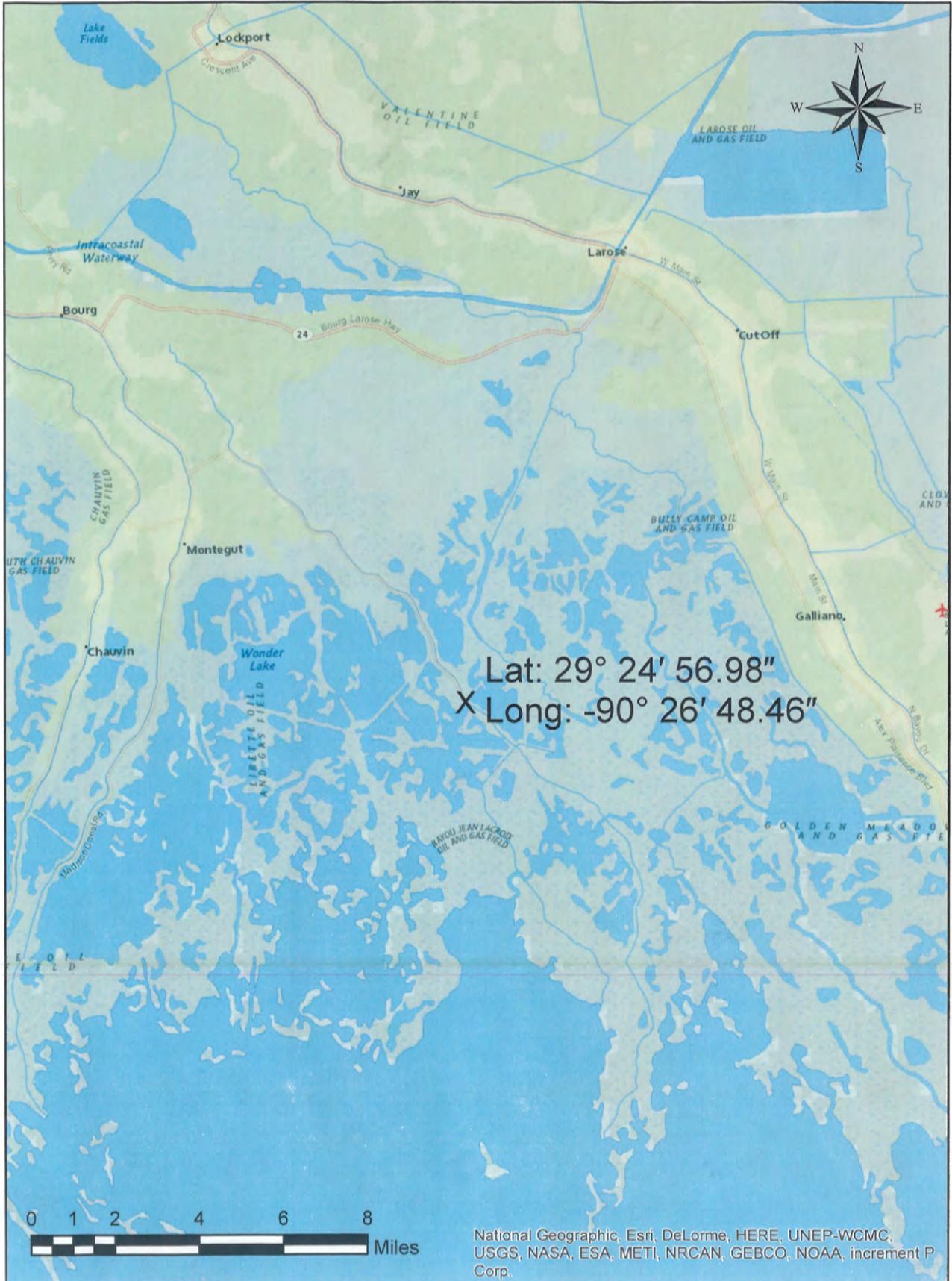
The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver 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, Western Evaluation Section
Regulatory Branch

Attachments

Vicinity Map: Percy Dardar

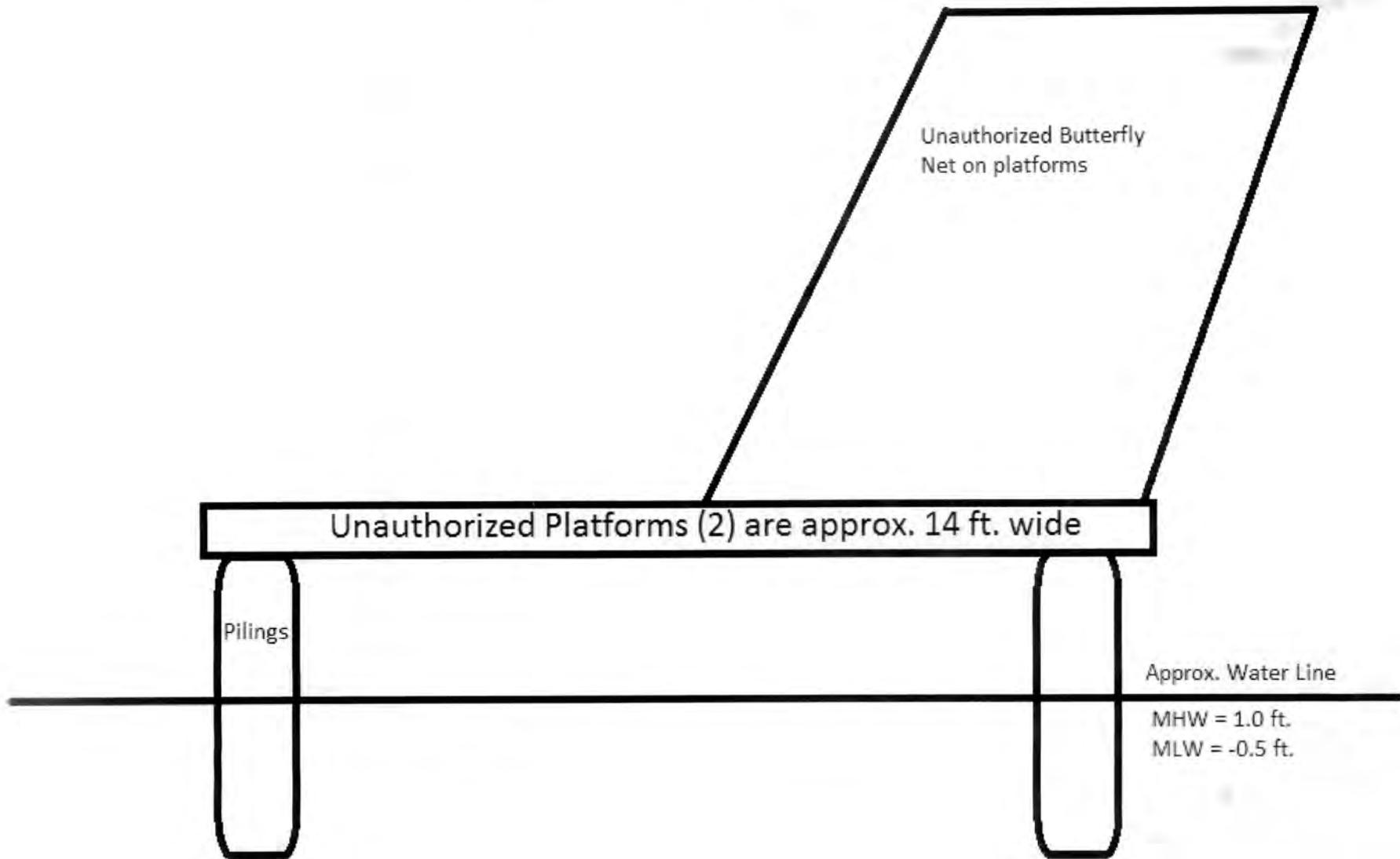


Percy Dardar



Forestry Standards

Cross Section Map: Percy Dardar



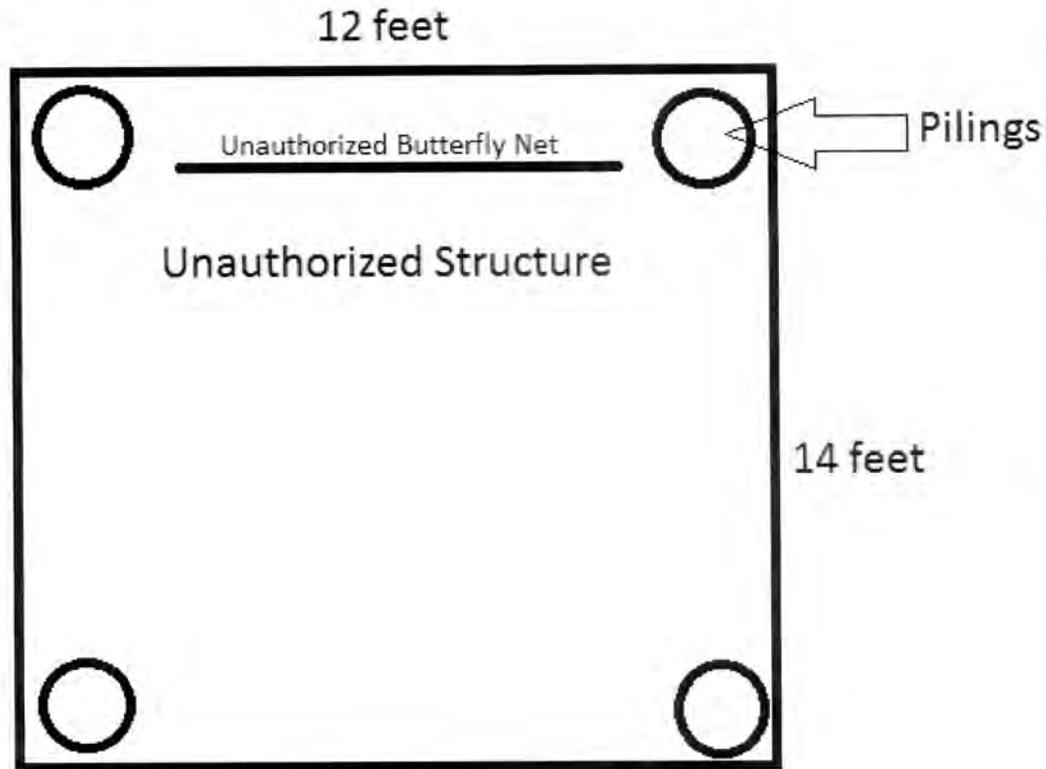
Approx. Water Line

MHW = 1.0 ft.
MLW = -0.5 ft.

Percy Dardar

Not drawn to scale

Plan View Map: Percy Dardar



Current bankline

Northern structure is approx. 20 feet from bankline

Southern structure is approx. 50 feet from bankline

Percy Dardar

Not drawn to scale