



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS LA 70118-3651

May 13, 2024

Regulatory Division
Eastern Evaluation Branch

Project Manager:
Scott Kennedy
(504) 862-2259
Scott.N.Kennedy@usace.army.mil

Application #: MVN-2023-00526 EMM

PUBLIC NOTICE

Interested parties are hereby notified that a permit application has been received by the U.S. Army Corps of Engineers, New Orleans District (CEMVN) 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), and/or [X] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

INSTALL AND MAINTAIN A NEW HOMESITE, BULKHEAD WITH BACKFILL, DOCK, BOATHOUSE, AND BOAT SLIP IN THE BOGUE FALAYA RIVER SAINT TAMMANY

NAME OF APPLICANT: RT McDaniel, c/o Brunet Wetlands, 230 Queen Ann Drive, Slidell, Louisiana 70460.

LOCATION OF WORK: Located at 2316 S. America Street on the Bogue Falaya River. Section 9, Township 7 South, Range 11 East, in Covington, Louisiana, in Saint Tammany Parish, as shown on the attached drawings.

Hydrologic Unit Code: 08090201: Lower Mississippi – Liberty Bayou - Tchefuncta
Latitude: 30.450451 Longitude: -90.108337

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

CHARACTER OF WORK: The proposed project is to construct a new residential development. The proposed work will be accomplished by installing and maintaining a residence, driveway, bulkhead with backfill, boathouse, and boat slips. The site is approximately 5.0 acres. The project as proposed would permanently impact approximately 0.79 acres of jurisdictional wetlands and 0.05 acres of Other Waters of

the U.S. Approximately 0.20 acres of jurisdictional wetlands and 0.05 acres of Other Waters of the U.S. were previously filled.

MITIGATION: The applicant states that the proposed project has been designed to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. The applicant has proposed to compensate for any unavoidable impacts to jurisdictional wetlands by utilizing a Corps approved mitigation bank within the watershed.

The applicant may be required to fully or partially restore the site to pre-project conditions if issuance of a permit is determined to be contrary to the public interest.

The comment period for the DA Permit will close **20 days** from the date of this 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 request, and must be submitted so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the Applicant's Name and the Permit Application Number, and can preferably emailed to the Corps of Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGE, Mr. Scott Kennedy**. Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by e-mailing the specified Project Manager listed above. Any request for an extension of time 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 Branch 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. This public notice is also available for review online at <https://go.usa.gov/xennJ>.

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.

This request will also be reviewed pursuant to Section 408 and U.S. Army Corps of Engineers (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.

CEMVN 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 CEMVN 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. Further, all factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project. The Section 408 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.

CEMVN is presently unaware of properties listed on the National Register of Historic Places at or near the proposed work but is pending further review in accordance with the National Historic Preservation Act. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this public notice will be sent to the State Archeologist, State Historic Preservation Officer, and federally listed tribes regarding potential impacts to cultural resources.

Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between CEMVN and U.S. Fish and Wildlife Service, Ecological Services Office, CEMVN has determined that the proposed project footprint is located in habitat known to be utilized by the Gopher Tortoise (*Gopherus polyphemus*), Red-cockaded Woodpecker (*Picoides borealis*), Louisiana Quillwort (*Isoetes louisianensis*), and the West Indian Manatee (*Trichechus manatus*). CEMVN has determined that the proposed project would have No Effect to the Gopher Tortoise, Red-cockaded Woodpecker, and West Indian Manatee and May Affect the Louisiana Quillwort. Consultation with the U.S. Fish and Wildlife Service has been initiated.

Our initial finding is that the proposed work would have no effect on any species listed as endangered by the U.S. Department of Commerce, nor affect any habitat designated as critical to the survival and recovery of any such species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal may result in the destruction, alteration, and/or disturbance of [0.0] acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in 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.

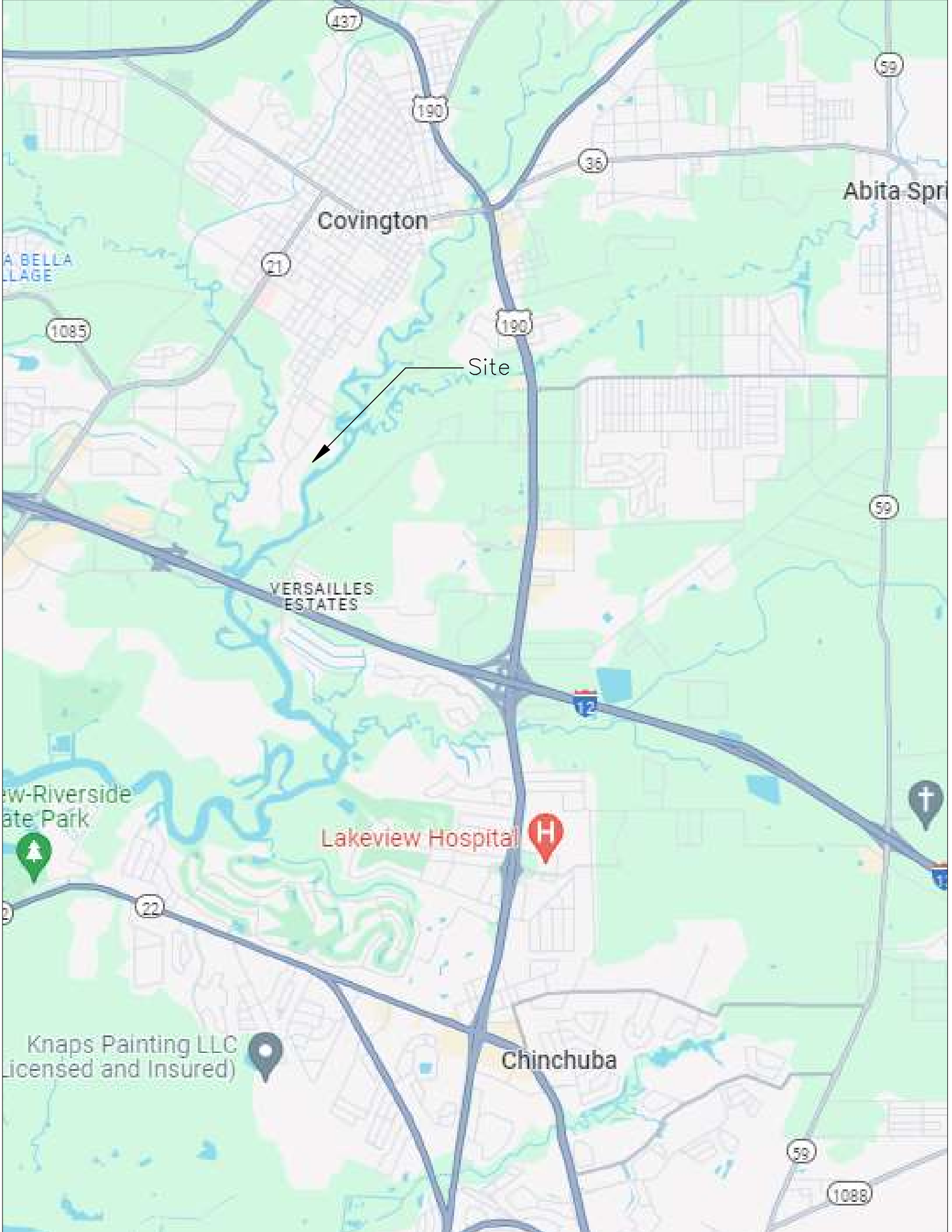
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the LA Department of Environmental Quality before a Department of the Army permit is issued.

Any person may request, preferably by email to the project manager or 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.

You are invited to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Brad P. LaBorde
Chief, Eastern Evaluation Branch
Regulatory Division

Enclosures



Covington

Abita Spr

Site

VERSAILLES
ESTATES

Lakeview Hospital

Chinchuba

Knaps Painting LLC
(licensed and insured)

New-Riverside
Gate Park

A BELLA
VILLAGE

437

190

36

59

21

190

1085

59

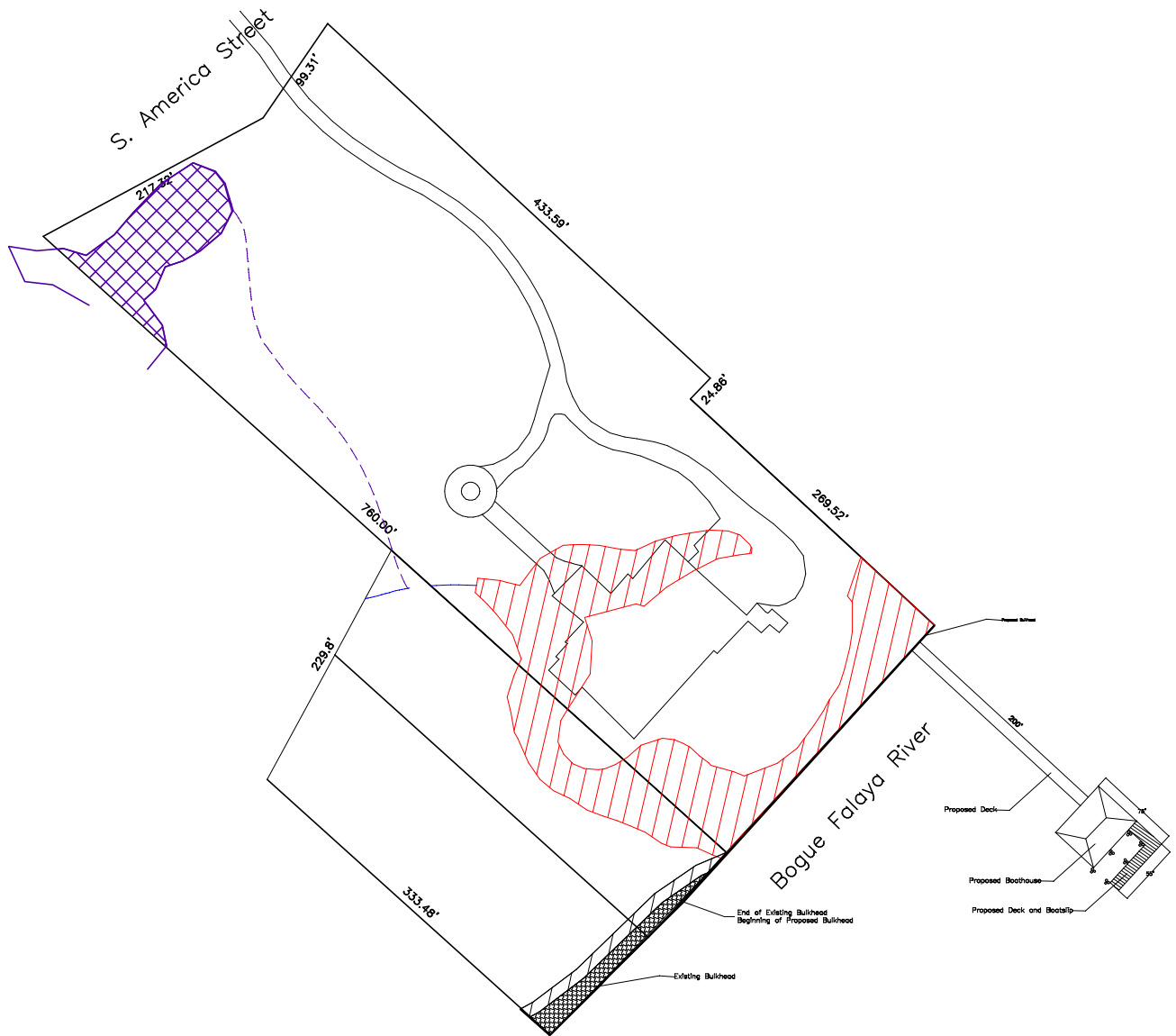
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






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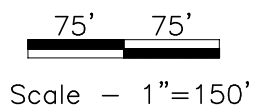
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Plan View



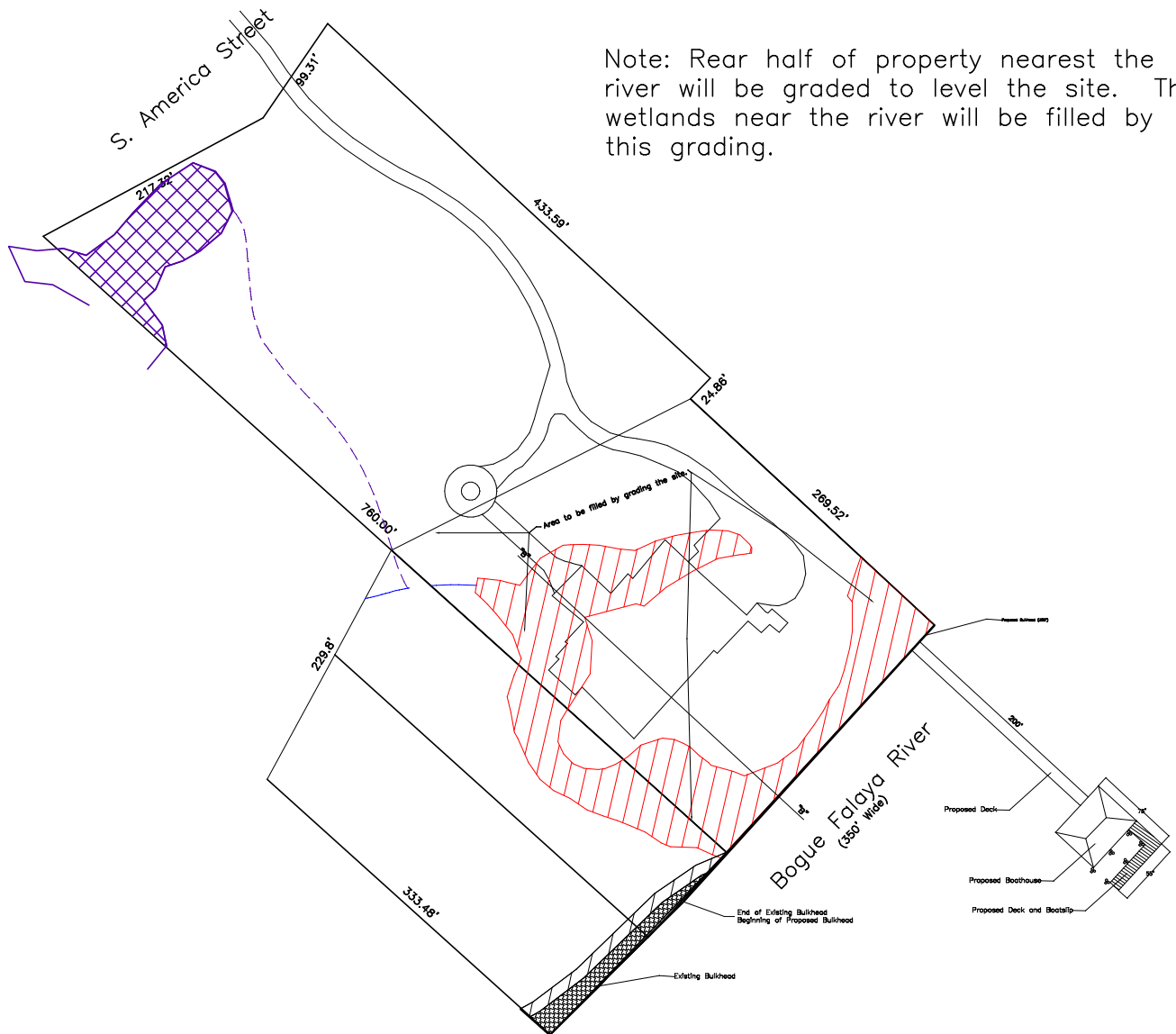
-  Unauthorized Fill (Wetlands)(0.04 Ac)
-  Unauthorized Fill (Water) (0.05 Ac)
-  Intermittent Tributary (98 l.f.)
-  Ephemeral Tributary (373 l.f.)
-  Isolated Wetlands (0.2 acres)
-  Wetlands (0.75 Acres)
-  Non-Wetlands










Plan View



Note: Rear half of property nearest the river will be graded to level the site. The wetlands near the river will be filled by this grading.

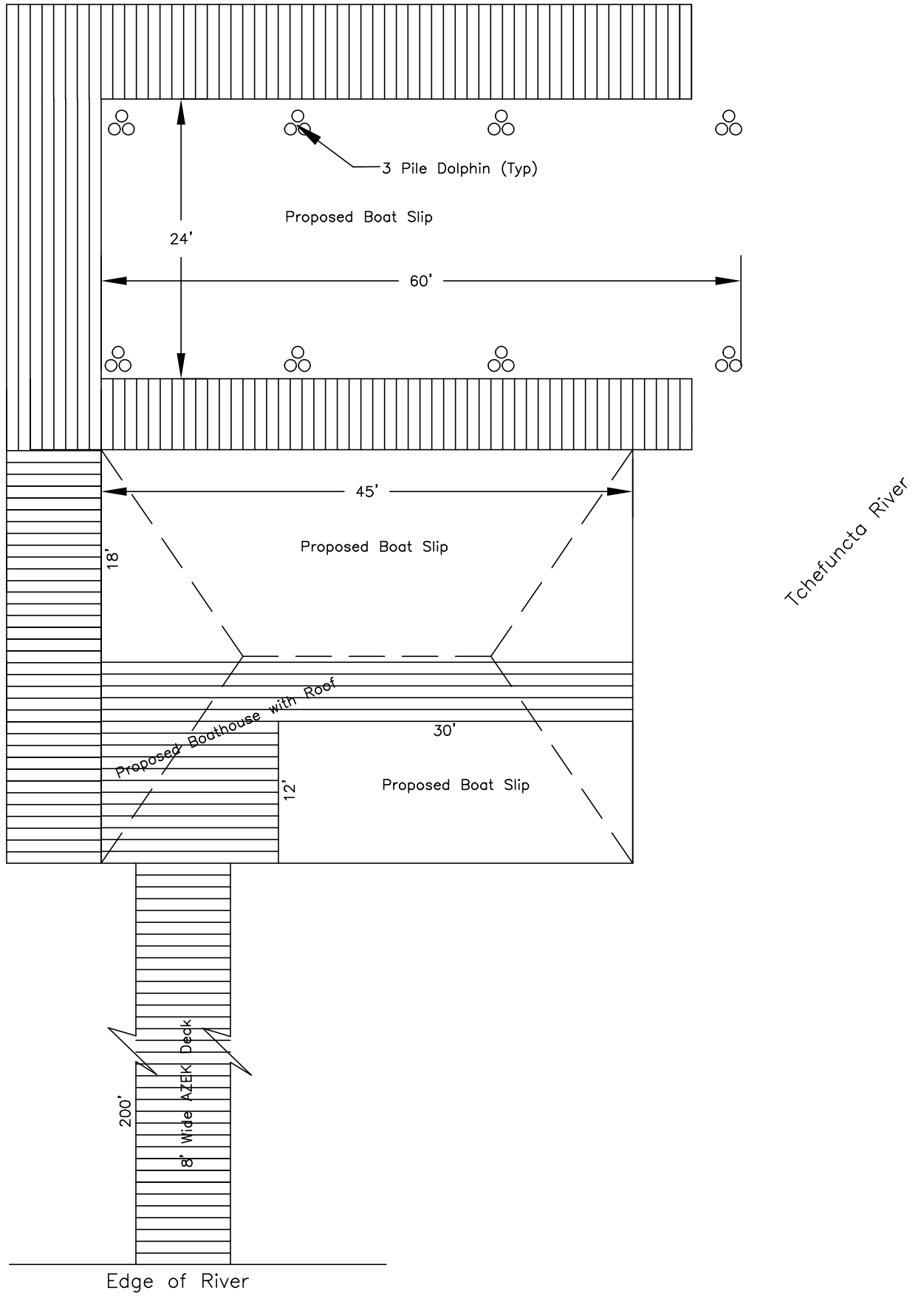


-  Unauthorized Fill (Wetlands)(0.04 Ac)
-  Unauthorized Fill (Water) (0.05 Ac)
-  Intermittent Tributary (98 l.f.)
-  Ephemeral Tributary (373 l.f.)
-  Isolated Wetlands (0.2 acres)
-  Wetlands to be filled (0.75 Acres)
-  Non-Wetlands

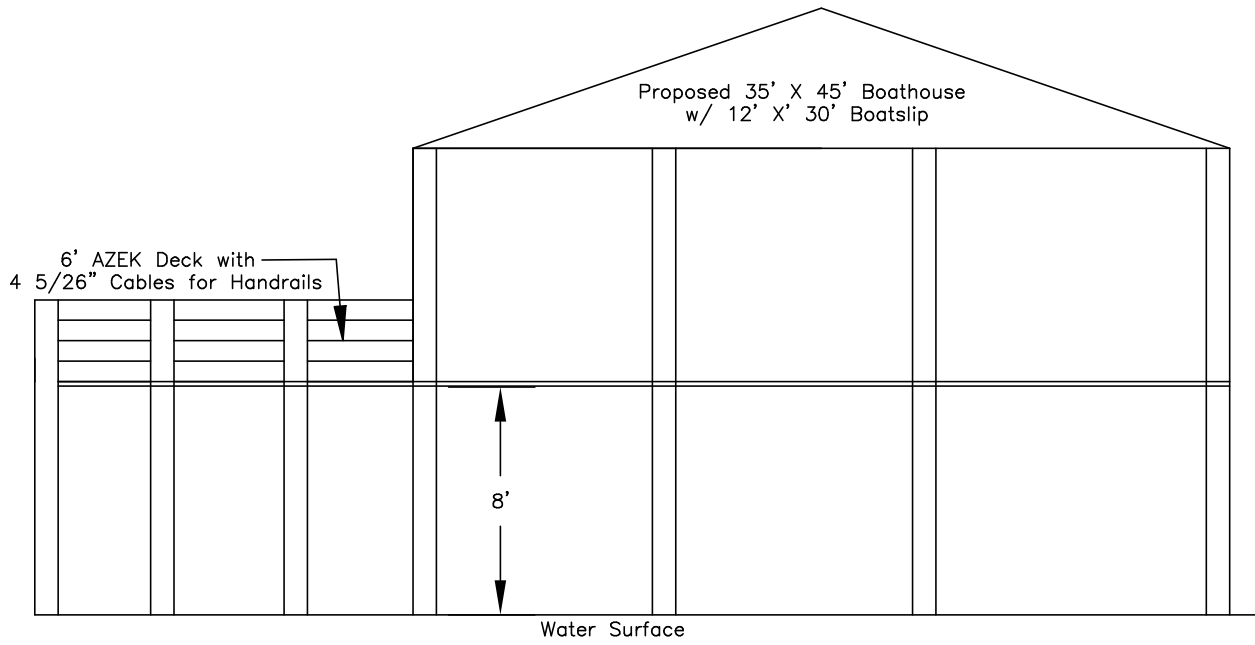


Scale - 1"=150'

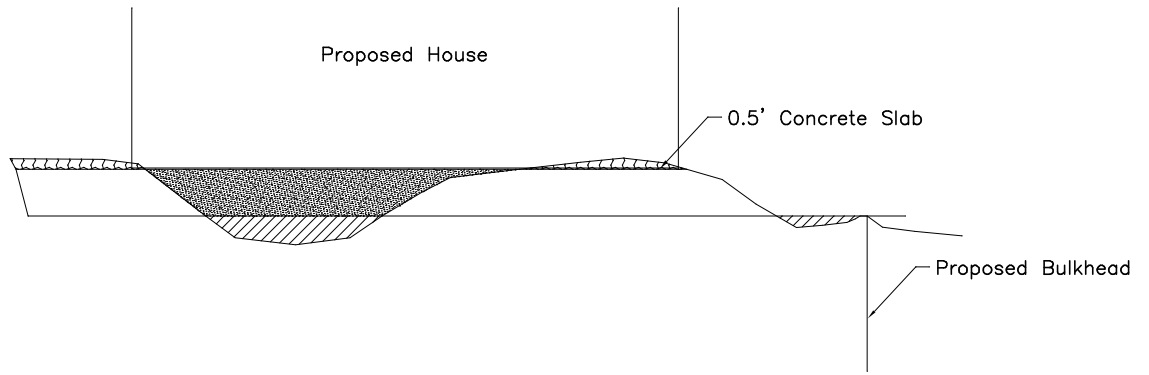
Plan View



Profile View



Profile View "B"



-  Area of Excavation
-  Area of Fill
-  Wetlands

Profile View

