



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

June 6, 2016

REPLY TO
ATTENTION OF

Operations Division
Eastern Evaluation Section

Project Manager
Stephanie Castaing
Stephanie.L.Castaing@usace.army.mil
(504) 862-1564

SUBJECT: MVN 2016-0705-EPP

PUBLIC NOTICE

Interested parties are hereby notified that an application has been received by the District engineer for a Department of the Army permit to authorize the following pursuant to (X) Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or () Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

Install and maintain piles for longlines for oyster harvesting, near Bay Joe Wise, in Plaquemines Parish, Louisiana

NAME OF APPLICANT: Shelley Farms Premium Oyster Company, % Simon, Peragine, Smith & Redfern, LLP, Attn: Andrew Wilson, 1100 Poydras Street, New Orleans, Louisiana 70163.

LOCATION OF WORK: Located near Bay Joe Wise, in Port Sulphur, Louisiana, in Plaquemines Parish, as shown on the enclosed drawings.

Latitude: 29.31452/Longitude: -89.73055, Hydrologic Unit Code 08090301 – East Central Louisiana Coastal.

CHARACTER OF WORK: Install and maintain piles for 20-250' longlines for 72 oyster bags. No dredging and/or fill activities are proposed. The applicant maintains that no jurisdictional wetlands would be directly affected by this action, thus no compensatory mitigation is anticipated.

The comment period will close **15 days** from the date of this public notice advertisement. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons therefore, are being solicited from anyone having interest in this permit request. Letters must reference the applicant's name and the subject number, be addressed and mailed to the above address, ATTENTION: REGULATORY BRANCH.

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 New Orleans District has determined that the proposed project is located in waters known to be utilized by the West Indian Manatee (*Trichechus manatus*) and determined that the proposed activity is not likely to adversely affect the species based on the Standard Local Operating Procedure for Endangered Species of Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service, Ecological Services Office.

Our initial finding is that the proposed work would not affect any species, nor affect any habitat designated as critical to the survival and recovery of such species, listed as endangered by the U.S. Department of Commerce

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of up to N/A 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 water quality standards will be required from the Department of Environmental Quality, Water Quality Certifications Section before a permit is issued.

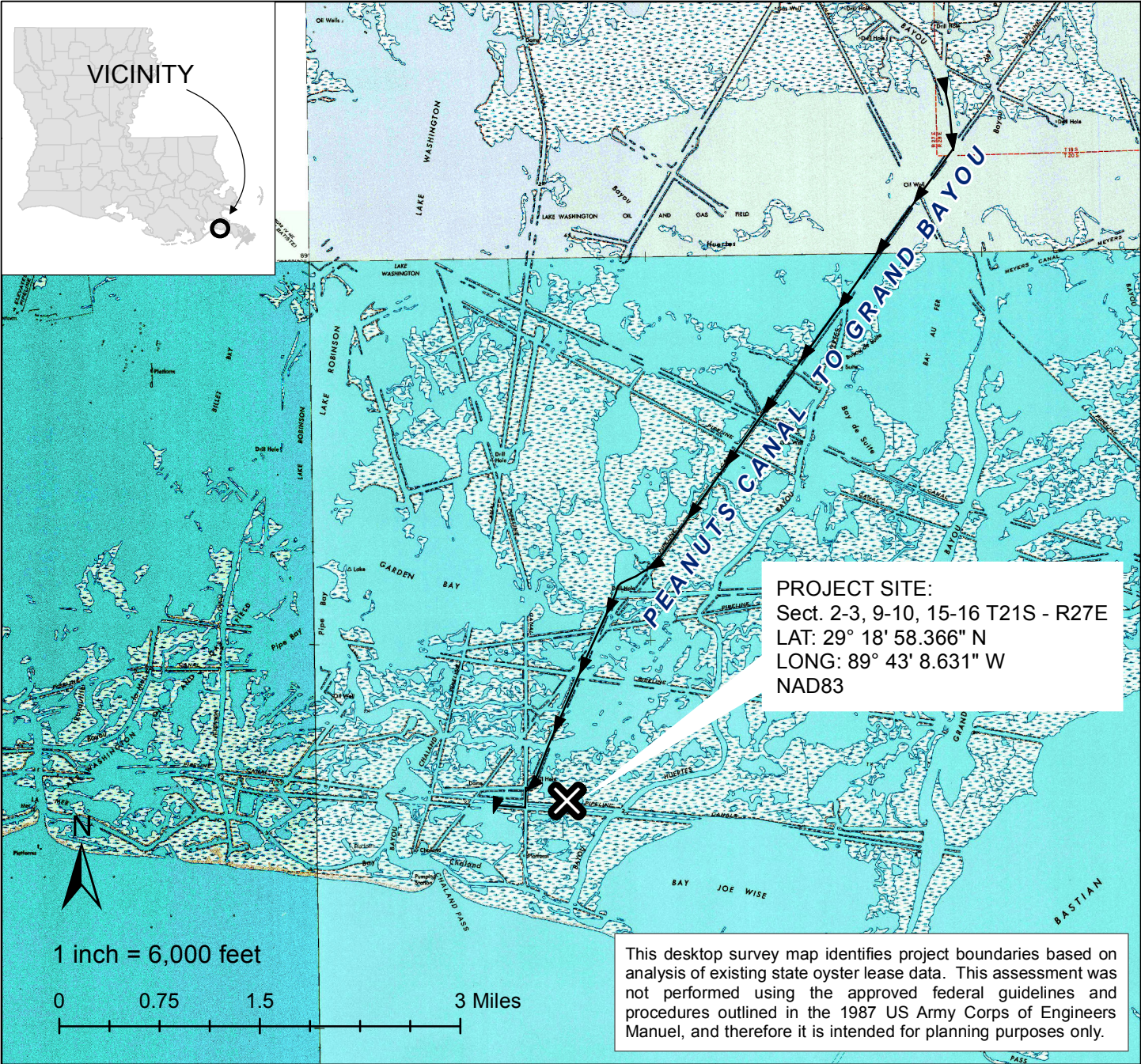
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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.

Michael V. Farabee
Chief, Eastern Evaluation Section

Enclosures



PARISH: PLAQUEMINES
 T/R/S: T21S R27E Sec.2, 3, 9, 10, 11, 15, & 16.
 LATITUDE: 29° 18' 58.366" N
 LONGITUDE: 89° 43' 8.631" W

VICINITY MAP

**OYSTER FARM FACILITY
 SITE VICINITY MAP**

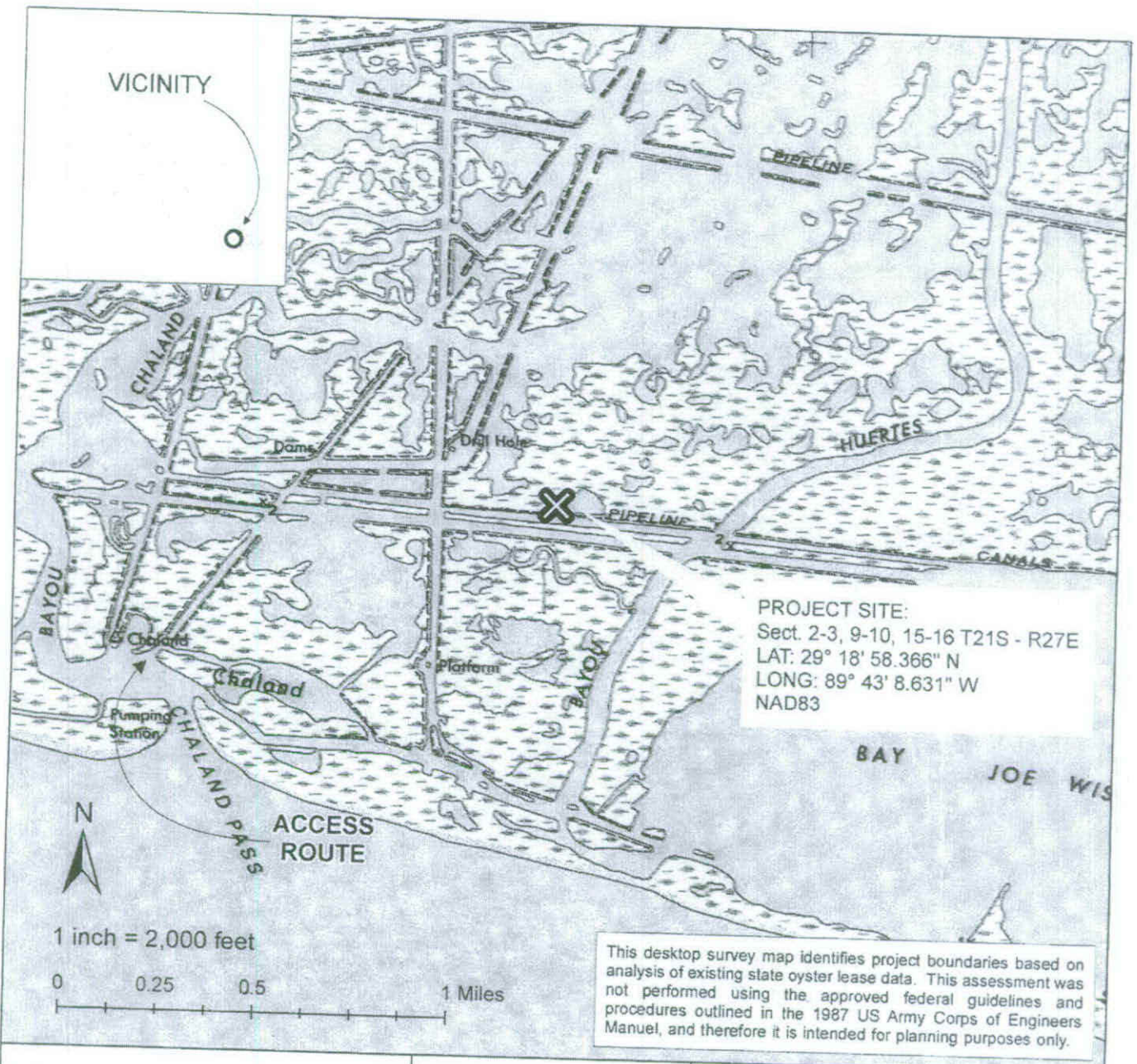
BASTIAN BAY, LOUISIANA

 **COASTAL ENVIRONMENTS, INC.**
 BATON ROUGE, LA., 70802 225-383-7455

APPLICATION BY: SHELLEY FARMS PREMIUM
 OYSTER COMPANY LLC
 PURPOSE: COASTAL USE PERMIT
 MAP SOURCE: USGS QUADS 1993-94
 MAP DATE: 02 OCT 2015

SHEET NO. _____ OF _____

1. As-built drawings and/or plats shall have written on them the date of completion of said activities and shall be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management, P. O. Box 44487, Baton Rouge, LA 70804-4487 within 30 days following project completion.
2. All structures built under the authorization and conditions of this permit shall be removed from the site within 120 days of abandonment of the facilities for the herein permitted use, or when these structures fall into a state of disrepair such that they can no longer function as intended. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.
3. Structures must also be marked/lighted in accordance with U. S. Coast Guard regulations.
4. In order to ensure the safety of all parties, the permittee shall contact the Louisiana One Call System (1-800-272-3020) a minimum of 48 hours prior to the commencement of any excavation (digging, dredging, jetting, etc.) or demolition activity



PARISH: PLAQUEMINES
 T/R/S: T21S R27E Sec. 2, 3, 9, 10, 11, 15, & 16.
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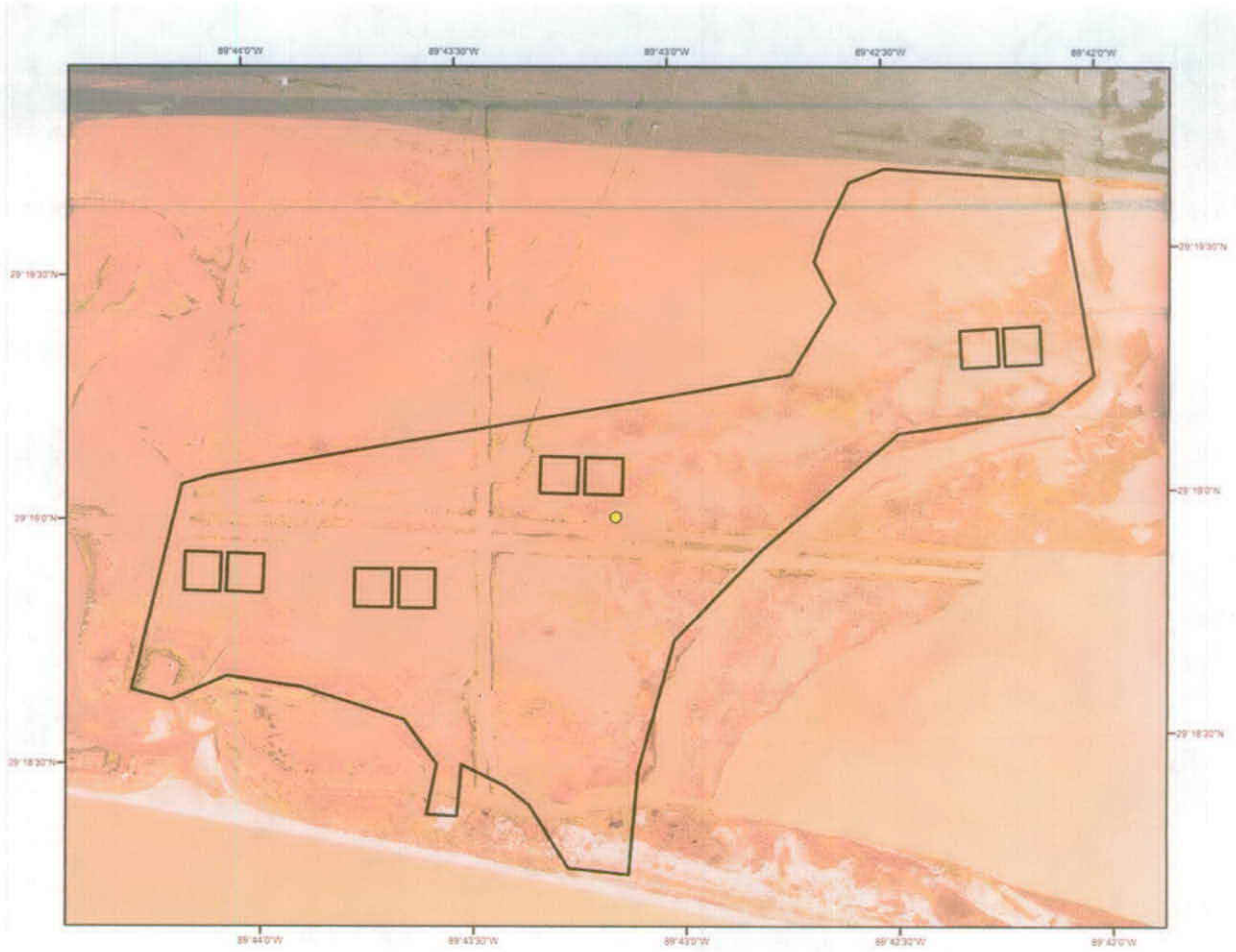
 **COASTAL ENVIRONMENTS, INC.**
 BATON ROUGE, LA 70802 225-383-7488

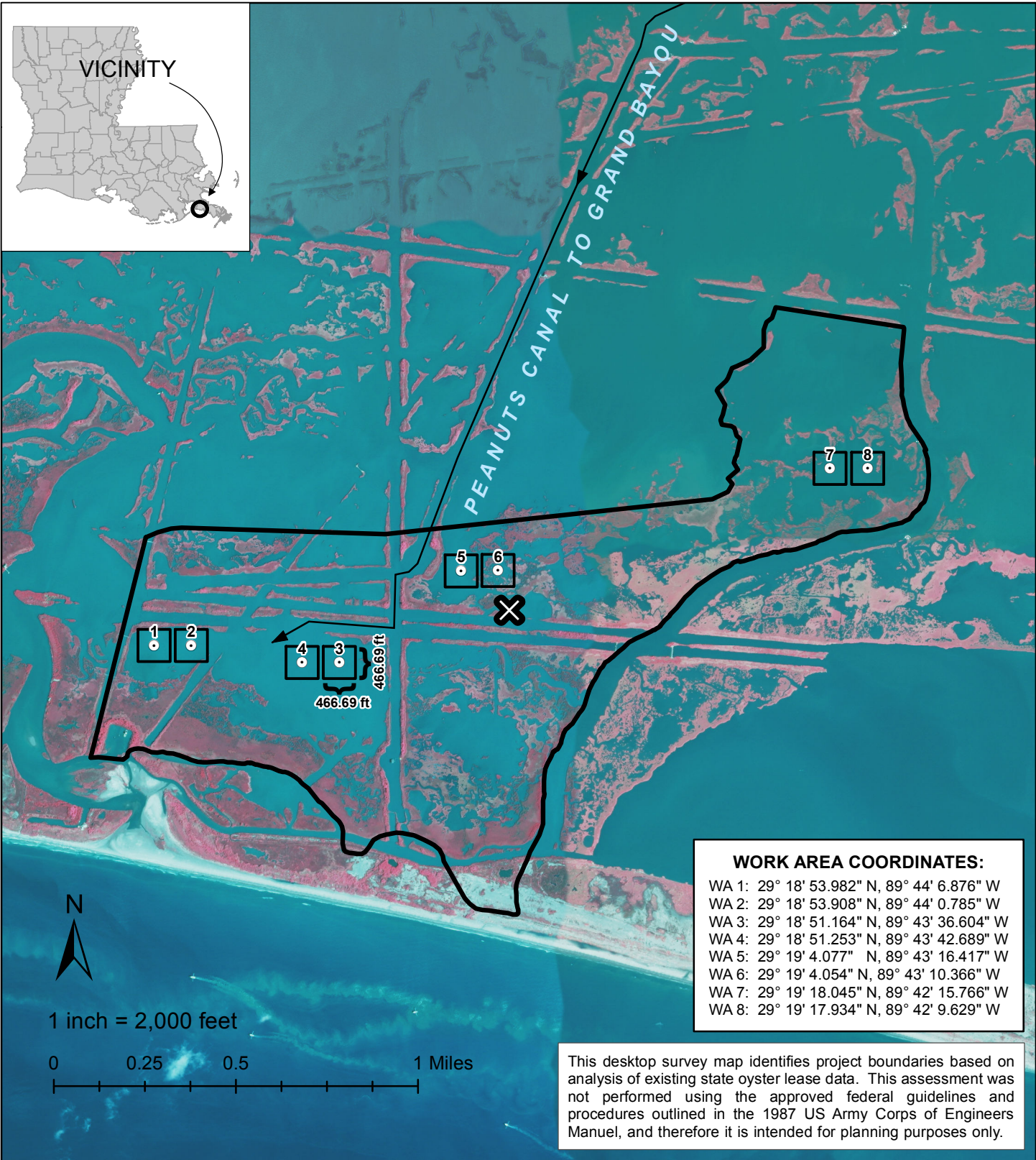
APPLICATION BY: SHELLEY FARMS PREMIUM OYSTER COMPANY LLC
 PURPOSE: COASTAL USE PERMIT
 MAP SOURCE: USGS QUAD BASTIAN BAY, 1993
 MAP DATE: 24 AUG 2015

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Map depicting 5 acre plots for deployment of oyster culture gear.





WORK AREA COORDINATES:

WA 1:	29° 18' 53.982" N, 89° 44' 6.876" W
WA 2:	29° 18' 53.908" N, 89° 44' 0.785" W
WA 3:	29° 18' 51.164" N, 89° 43' 36.604" W
WA 4:	29° 18' 51.253" N, 89° 43' 42.689" W
WA 5:	29° 19' 4.077" N, 89° 43' 16.417" W
WA 6:	29° 19' 4.054" N, 89° 43' 10.366" W
WA 7:	29° 19' 18.045" N, 89° 42' 15.766" W
WA 8:	29° 19' 17.934" N, 89° 42' 9.629" W

This desktop survey map identifies project boundaries based on analysis of existing state oyster lease data. This assessment was not performed using the approved federal guidelines and procedures outlined in the 1987 US Army Corps of Engineers Manual, and therefore it is intended for planning purposes only.

LOCATION MAP

PARISH: PLAQUEMINES
 T/R/S: T21S R27E Sec.2, 3, 9, 10, 11, 15 & 16
 LATITUDE: 29° 18' 58.366" N
 LONGITUDE: 89° 43' 8.631" W

- COORDINATE LOCATION
- ACCESS ROUTE
- PROPOSED WORK AREA (+/- 5.00 ac.)
- SUBJECT PROPERTY (+/- 901.75 ac.)

**OYSTER FARM FACILITY
 SITE LOCATION MAP**

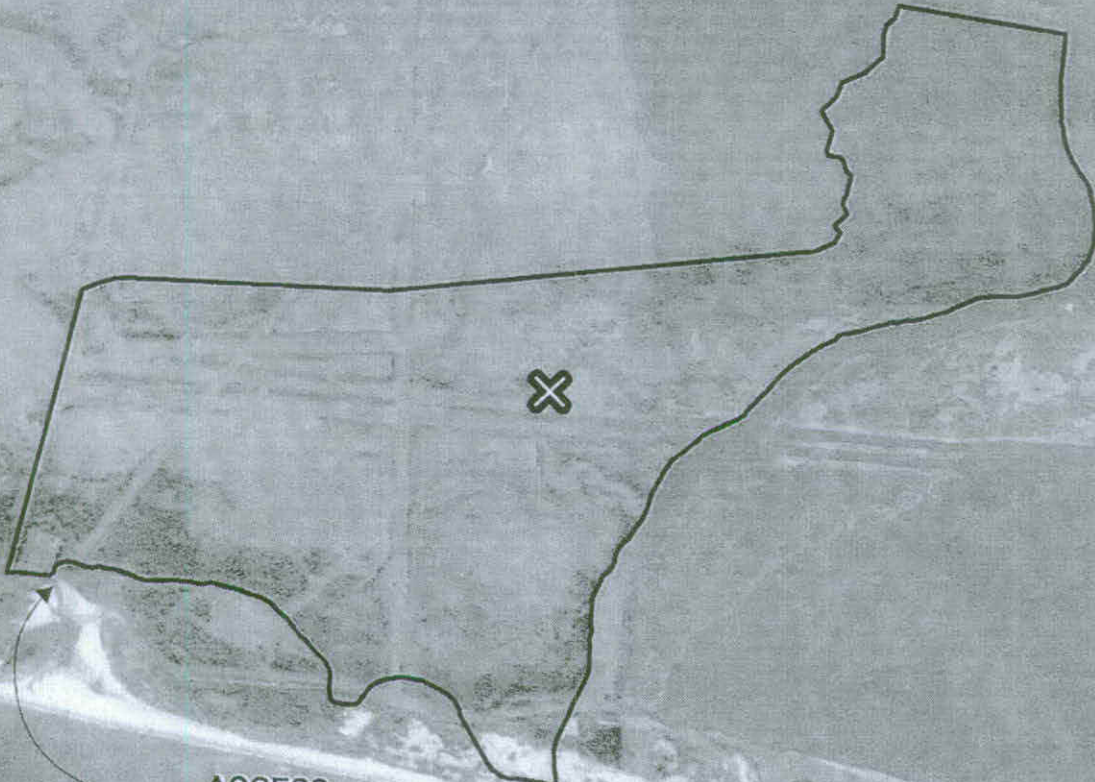
BASTIAN BAY, LOUISIANA



APPLICATION BY: SHELLEY FARMS PREMIUM OYSTER COMPANY LLC
 PURPOSE: COASTAL USE PERMIT
 MAP SOURCE: USDA NAIP 2013
 MAP DATE: 31 MAR 2016

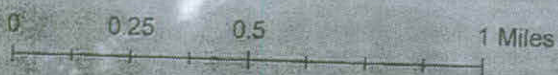
SHEET NO. _____ OF _____

VICINITY



ACCESS ROUTE

1 inch = 2,000 feet



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COORDINATE LOCATION



SUBJECT PROPERTY
(+/- 901.75 ac.)

**OYSTER FARM FACILITY
SITE LOCATION MAP**

BASTIAN BAY, LOUISIANA



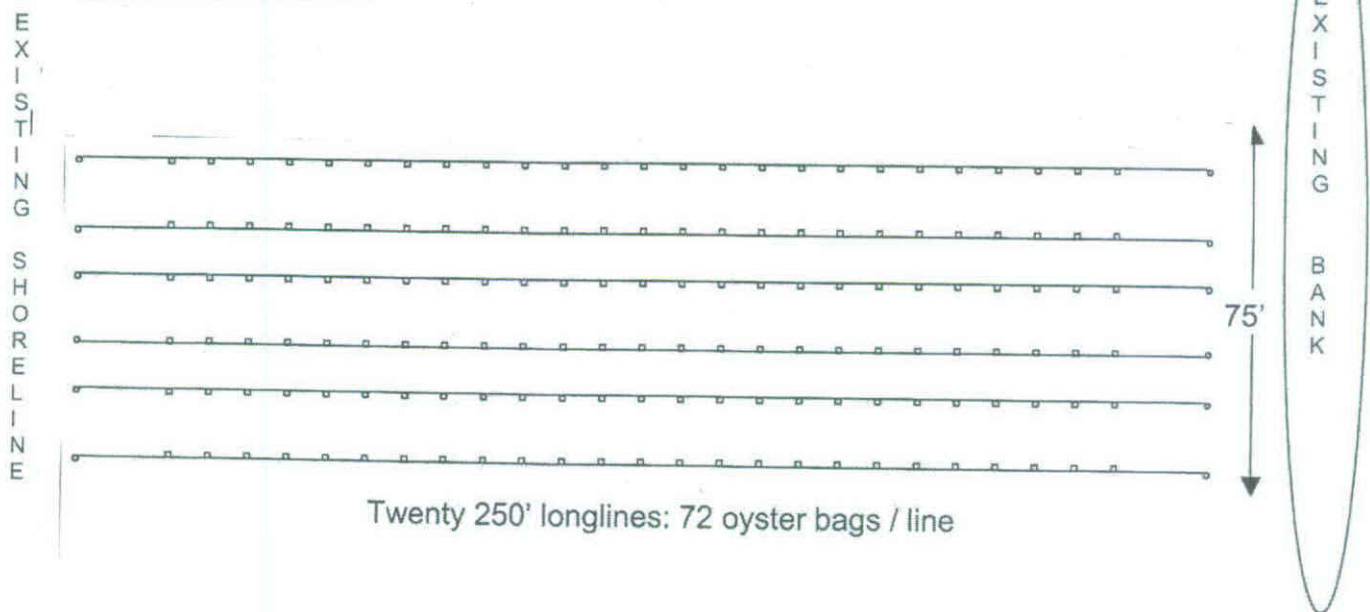
COASTAL ENVIRONMENTS, INC.
BATON ROUGE, LA 70802 225-360-7485

APPLICATION BY: SHELLEY FARMS PREMIUM OYSTER COMPANY LLC
PURPOSE: COASTAL USE PERMIT
MAP SOURCE: ESRI, ET AL., 2013
MAP DATE: 24 AUG 2015

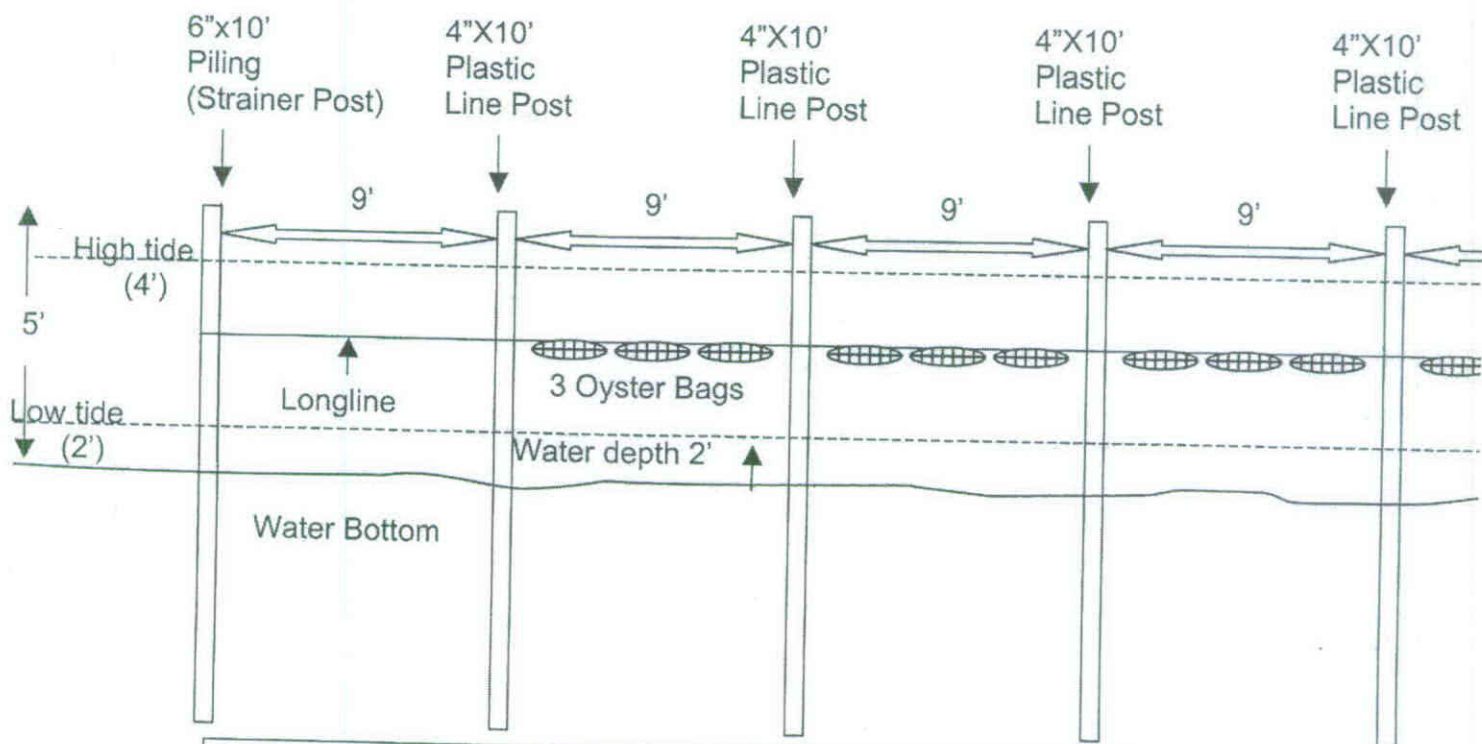
SHEET NO. _____ OF _____

Schematic of Shelley Premium Oyster Farm

Overhead view



Side view



Strainer posts are 6" x 10' pressure and chemical treated pilings.
 Line posts are 4" x 4" x 10' plastic posts with plastic clips down one side to support longlines
 Oyster bags are 2' 6" long plastic mesh (12mm openings) held on to cable with two plastic clips.