

JOINT PUBLIC NOTICE

February 24, 2014

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

State of Louisiana
Department of Environmental Quality
Post Office Box 4313
Baton Rouge, LA 70821-4313

(504) 862-1879
Project Manager
Angelle Greer
Permit Application Number
MVN-2007-03027-WMM

(225) 219-3225
Project Manager
Elizabeth Johnson
WQC Application Number
WQC 070813-01

SPECIAL PUBLIC NOTICE

PROPOSED TIME EXTENSION OF THE GENERAL PERMIT FOR ACTIVITIES WITHIN THE COINCIDENTAL BOUNDARIES OF THE LOUISISANA COASTAL ZONE AND THE NEW ORLEANS DISTRICT

General permit NOD-19 was originally issued on September 24, 1982, and last expired on September 30, 2012. NOD-19 has proven to be an effective method to authorize public boat launch facilities within the New Orleans District in a timely manner without the need for a public notice and its related costs. Evaluating applications under the general permit procedures for projects that qualify because of their minor impacts allows for better use of personnel resources, yet still allows adequate impact review. A copy of the general permit is attached.

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 LRS 30:2074 A(3) and provisions of Section 401 of the Clean Water Act.”

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **30 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. Individuals or parties may request an extension of time in which to comment on the proposed work by writing to the project manager or clicking on the project manager's name on the public notice grid on the web page. 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.** 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.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

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.

No properties listed on the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species.

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 0.0 acre(s) 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 Department of Environmental Quality 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 a time extension for this general permit. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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 S. Barbara
Chief, Western Evaluation Section

Enclosures

February 24, 2014

Operations Division
Regulatory Branch

SUBJECT: (General Permit) NOD-19

GENERAL PERMIT

TIME EXTENSION OF THE GENERAL PERMIT
FOR PUBLIC BOAT LAUNCH FACILITIES

ORIGINAL EFFECTIVE DATE: 24 September 1982

PROPOSED EXPIRATION DATE: 28 February 2019

Under authorization granted by applicable sections of Parts 320 through 330 of Title 33, Code of Federal Regulations, and delegated authority from the Commander, U.S. Army Corps of Engineers, the District Commander at New Orleans has determined that it is not contrary to the public interest to issue a general permit time extension to:

Perform work in or affecting navigable waters of the United States, pursuant to Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

This general authorization for the above cited work is granted subject to the following conditions:

- a. This general permit is applicable throughout the New Orleans District.
- b. This general permit is only applicable for public boat launch facilities applied for by local governing bodies, state, and federal agencies.
- c. Under this general permit, applicants are allowed to place sand, gravel, riprap, shell, and concrete for boat ramps; dredge as necessary to install the ramps; place dredged material, hauled shell and/or clean fill to construct parking areas; place erosion control structures along the shoreline; and perform minor dredging necessary for installation of the erosion control works.
- d. Dredge and/or fill material is permitted in wetlands for the parking area provided no more than two (2) acres of wetlands are filled and provided that there are no practical nearby available non-wet sites.
- e. Only dredging necessary to allow construction of the boat ramp and erosion protection devices is allowed under this approval. Dredging of an access channel to serve the boat ramps is not authorized under this general permit.

f. No fill for parking is allowed channelward of the ordinary high water of mean high water shoreline, whichever is applicable.

g. Authority under this general permit does not include approval of access roads to the parking and boat launch facilities.

h. No domestic waste handling facilities are allowed at boat ramps unless approved by the appropriate state or local agency responsible for permitting domestic waste treatment facilities.

i. No work may be performed within 500 feet of a state scenic stream without the written approval of the Louisiana Department of Wildlife and Fisheries.

j. No work may be performed within one mile of a site listed or eligible to be listed on the national Register of Historic Places, or within one-half mile of a known archaeological site, or within one-half mile of any known cultural resource site.

k. No work may be performed in the proximity of a public water supply intake.

l. No work may be performed within any area leased by the Louisiana Department of Wildlife and Fisheries for harvesting oysters without the specific authorization of the leaseholder. Additionally, no work may be performed in public oyster grounds or seed beds.

m. No work may be performed within the boundaries of a national or state wildlife refuge, game management area, or similar area without specific authorization by the manager of the facility or appropriate official at the managing agency.

n. No work may be performed within 1,500 feet of a levee or other flood control facility constructed or maintained with federal funds, or owned and operated by agencies of state or local governments without the written consent of the appropriate agency or governing body.

o. No work may be performed within 500 feet of a weir or other type of water control structure, or in a tidal pass narrower than 30 feet.

p. No activity that is within 0.5 mile of a bald eagle's nest is authorized under this general permit.

q. No work may be performed within 1,500 feet of any known seabird or wading bird nesting colony.

r. Applicants wishing to perform work under authority of this general permit must make written application to the Regulatory Branch of this district office and receive written authorization before commencing work.

Written requests must include a map showing the location of the proposed work and sufficient letter-sized drawings to illustrate the work to be done. Additionally, the applicant should include a report on other sites with no or less wetland acreage that were investigated, and why the other proposed sites were not found to be feasible.

s. This general permit may be suspended, modified, or revoked by the District Commander any time it is found to be in the public interest to do so.

t. The District Commander may choose not to grant approval under this general permit and require the applicant to go through regular permit processing procedures when he finds that such action is in the public interest.

u. Public notice will be advertised for comment any time this permit is modified, revoked, or suspended.

v. If cultural artifacts are discovered at a work site, work must be suspended and notification given by the permittee to the State Historic Preservation Officer. Work may not resume until proper provisions are made for study, preservation, or recovery of the artifacts.

w. Applicable provisions of the regular Department of the Army permit (ENG 1721) are made part of this general permit. A copy of the form is attached.

x. The character of the work authorized by this general permit is illustrated on the attached drawing of a typical installation.

y. Additional conditions may be added to this permit any time it is found to be in the public interest to do so.

z. No work may be performed within an area where mitigation has been implemented as a requirement of a permit action.

aa. The applicant agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, special aquatic sites (including wetlands), and natural environmental values.

bb. The applicant shall permit the District Commander or his authorized representative(s) or designee(s) to make periodic inspections of the project site(s) and disposal site(s) at any time deemed necessary in order to assure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

cc. The authorization to perform work under this general permit does not convey any property rights, either in real estate of material, or any exclusive privileges; and it does not authorize any injury to property, invasion of rights, or any infringement of federal, state, or local laws or

regulations, nor does it obviate the requirement to obtain a coastal use permit from the Louisiana Department of Natural Resources, Coastal Management Division, or other state or local assent required by law for the activity authorized herein.

dd. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein. The applicant will, at his or her expense, install and maintain any safety lights, signals, and signs prescribed by the United States Coast Guard, through regulations or otherwise, on authorized structures or facilities or on equipment used in performing work under the authorization.

ee. Wetlands that are not part of the project site, but that are disturbed during construction, including the temporary crossing of wetland areas, will be restored to their preproject elevations and conditions coincidental to completion of the proposed project.

ff. When work is done by heavy equipment or heavy materials are temporarily stored in wetland areas, mats will be utilized and activities confined to matted areas. When work is complete, the mats will be removed and the site restored to preproject conditions as needed.

gg. The applicant agrees to prosecute the construction of work authorized by this general permit in a manner so as to minimize any degradation of water quality.

hh. Any modification, suspension, or revocation of this general permit shall not be the basis for any claim for damages against the United States.

ii. The applicant assures that any dredged and/or fill material will be, to the best of the applicant's knowledge, free of contaminants.

jj. No activity that is likely to adversely affect federally listed threatened or endangered species, or a species proposed for such designation, or that is likely to destroy or adversely modify the critical habitat of such species, is authorized under this general permit.

kk. Individual approvals granted under this general permit allow 5 years from the date of the approval to complete the project.

ll. This District office will require compensatory mitigation for loss of wetlands, as appropriate.

mm. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or

alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

nn. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.) in a federally maintained waterway, you are advised to notify the Eighth Coast Guard District so that a Notice to Mariners, if required, may be prepared. Notification with a copy of your permit approval and drawings should be mailed to the Commander (dpw), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, about 1 month before you plan to start work. Telephone inquiries can be directed to the Eighth Coast Guard District, Waterways Management at (504) 671-2107.

Procedures to be followed in administering this general permit are as follows:

a. Initial contact may be made in person or by telephone. Persons to be contacted and their telephone numbers are:

(1) Chief, Western Evaluation Section
(504) 862-2261

(2) Chief, Central Evaluation Section
(504) 862-2276

(3) Chief, Eastern Evaluation Section
(504) 862-2292

b. Permittee will supply all information necessary to establish a complete file.

c. Written approval will be granted after all necessary information has been provided.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Martin S. Mayer
Chief, Regulatory Branch
For
Richard L. Hansen
Colonel, U.S. Army
District Commander