



ATTENTION OF

REPLY TO

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

December 7, 2015

Operations Division  
Eastern Evaluation Section

Project Manager  
Ben Sherman  
[Benjamin.C.Sherman@usace.army.mil](mailto:Benjamin.C.Sherman@usace.army.mil)  
(504) 862-2041

SUBJECT: MVN 2015-2338 ES

### **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).

#### **Alternative Oyster Culture Farm in Barataria Bay in Jefferson Parish, Louisiana**

**NAME OF APPLICANT:** Jules C. Melancon, P.O. Box 198 Grand Isle, LA 70358

**LOCATION OF WORK:** Project is a 14.9 acre open water site located in Barataria Bay 2 miles north of Grand Isle, Louisiana in Jefferson Parish, as shown on the enclosed drawings.

Latitude: 29.30144 Longitude: -89.936, Hydrologic Unit Code 08090301 – Lower Mississippi Region

**CHARACTER OF WORK:** Project would involve installing and maintain 800 on-bottom wire mesh oyster cages for oyster production. Each oyster cage will be attached to a floating line and a buoy. Additionally 4 lighted buoys will be placed on the corners of the oyster farm. Each cage will have approximately 20 feet of spacing between them. The open water site will allow for the installation of approximately 53 cages per acre. 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. **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.**

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during 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.

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 project footprint is located in waters known to be utilized by the West Indian manatee (*Trichechus manatus*) and determined the activity is "not likely to adversely affect" this species based on the Standard Local Operating Procedure for Endangered Species in Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office. If authorized, "The Standard Manatee Conditions for In-Water Activities" will be made part of the permit's special conditions.

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 **14.9** 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.

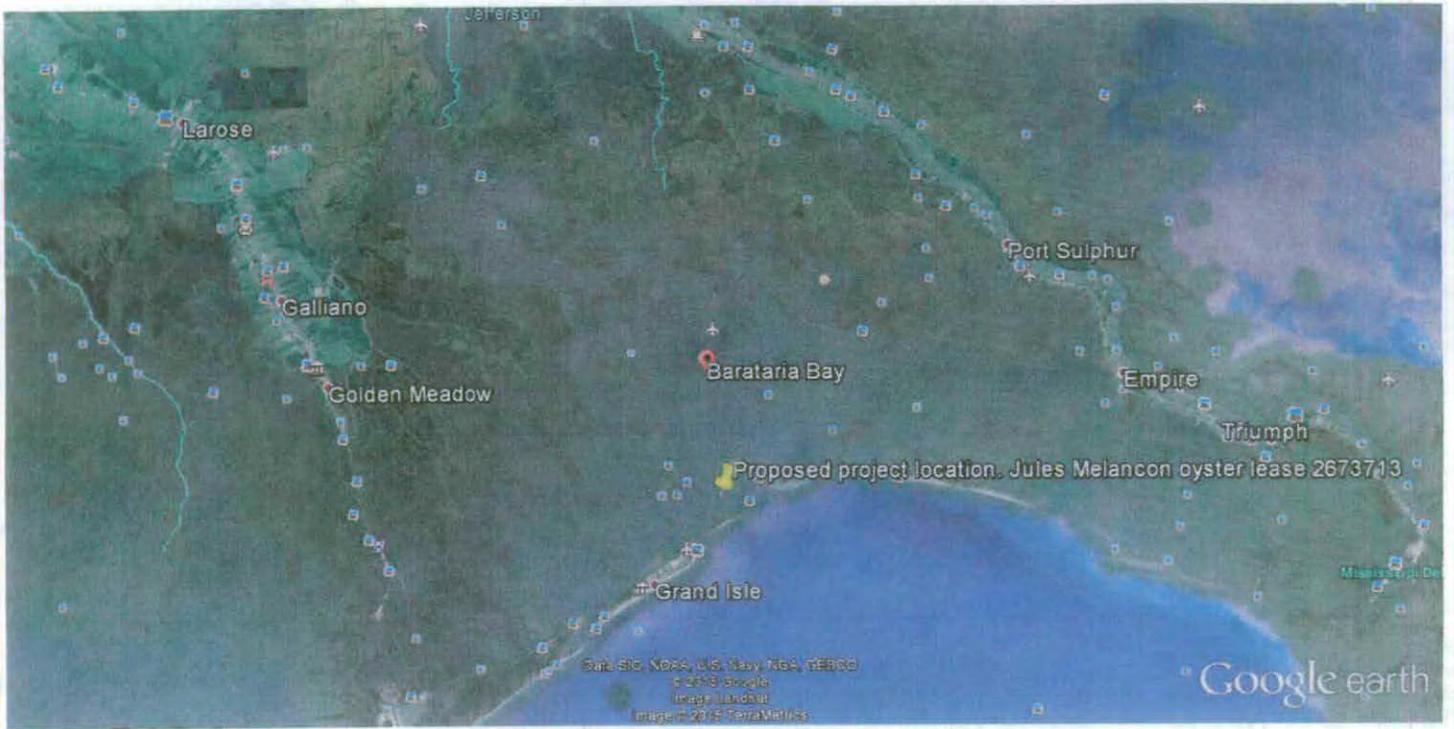
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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



Google earth



89°56'30"W



### Legend

- New\_Shapefile
- 58959.7856083144
- 142899.177971634

29°18'0"N

29° 18' 15.0006"  
-89° 56' 12.0588"

29° 18' 7.6788"  
-89° 56' 14.9388"

29° 18' 8.1"  
-89° 56' 6.8994"

780 ft

713

764 ft

29° 18' 0.36"  
-89° 56' 17.7606"

29° 18' 0"  
-89° 56' 6"

29° 18' 1.1982"  
-89° 56' 1.3812"

989 ft

29° 17' 58.1994"  
-89° 56' 6.5394"

29° 17' 56.4606"  
-89° 56' 17.16"

29° 17' 55.2006"  
-89° 56' 11.4606"

29°18'0"N



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89°56'30"W

89°56'0"W



89°56'30"W

Esri, DeLorme, GEBCO, NOAA  
 NGDC, and other contributors,  
 Sources: Esri, DeLorme, USGS,

Project

area

Cg Bowy on CORNERS  
with Lights.

POLES 20 FEET Bowy

APART on Lease

Every 75'

Legend

- New\_Shapefile
- 58959.7856083144
- 142899.177971634

29°18'0"N

29°18'0"N

29° 18' 15.0006"  
-89° 56' 12.0588"

29° 18' 7.6788"  
-89° 56' 14.9388"  
713

29° 18' 8.1"  
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Bowy

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Bowy

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★ 29° 17' 58.1994"  
-89° 56' 6.5394"  
lat/log

29° 17' 56.4606"  
-89° 56' 17.16"

29° 17' 55.2006"  
-89° 56' 11.4606"

780 ft

764 ft

989 ft

Pole 75'

Pole 20'

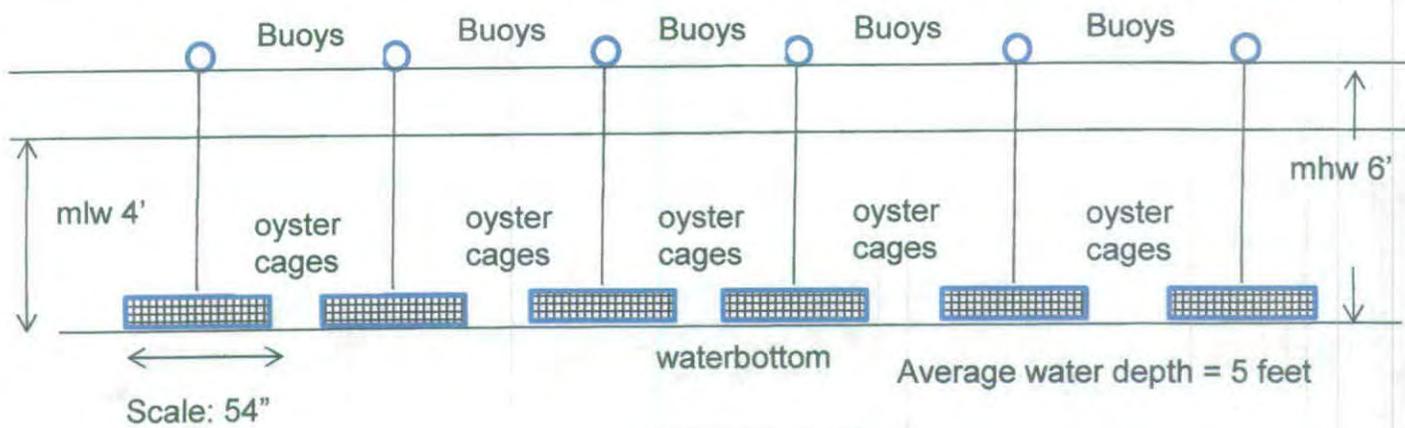


89°56'30"W

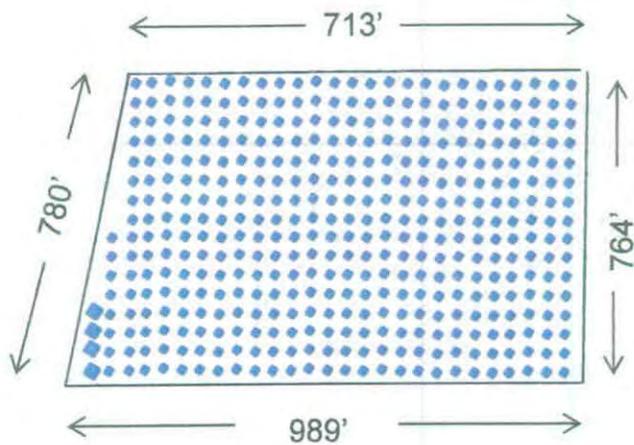
89°56'0"W

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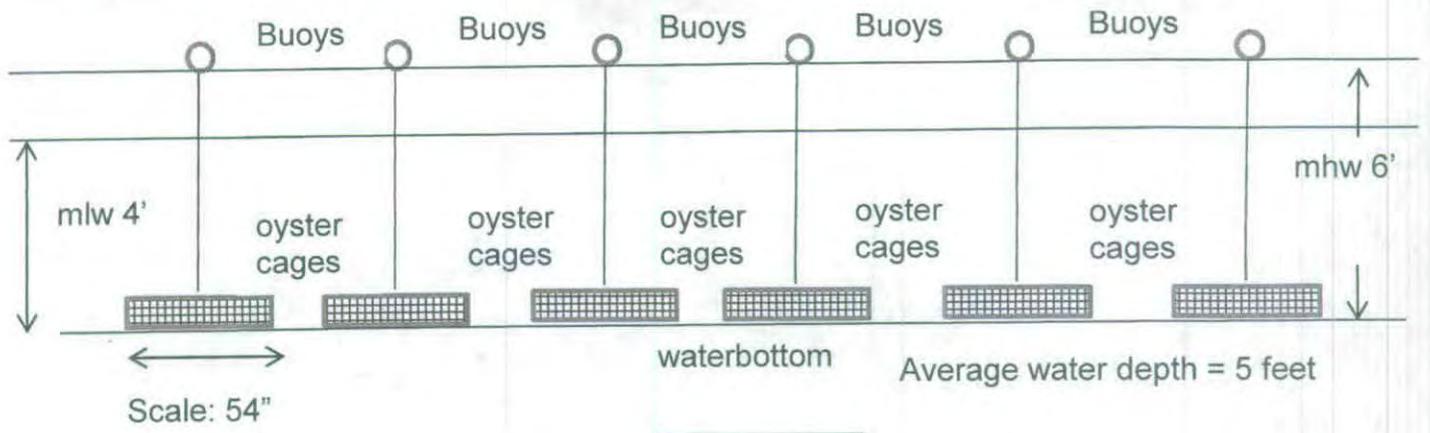


Cross Section View

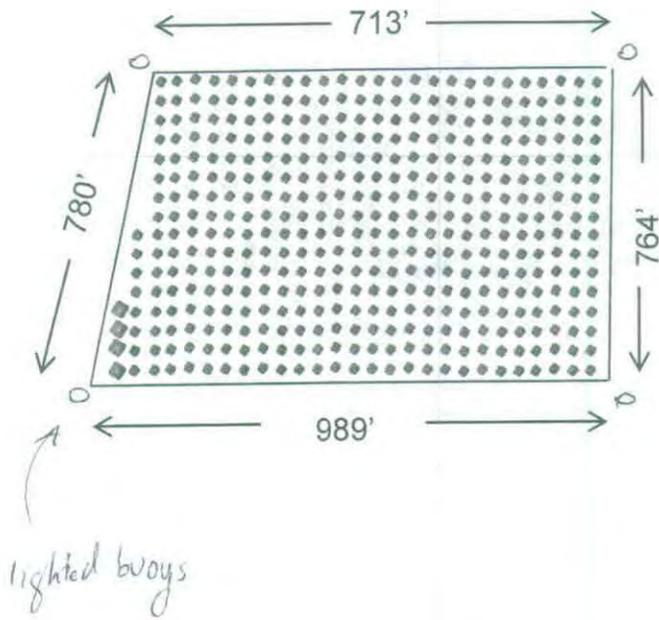


Plan View of AOC area of existing oyster lease with lines of deployed cages.

Total Number of cages = 800



Cross Section View



Plan View of AOC area of existing oyster lease with lines of deployed cages.

Total Number of cages = 800

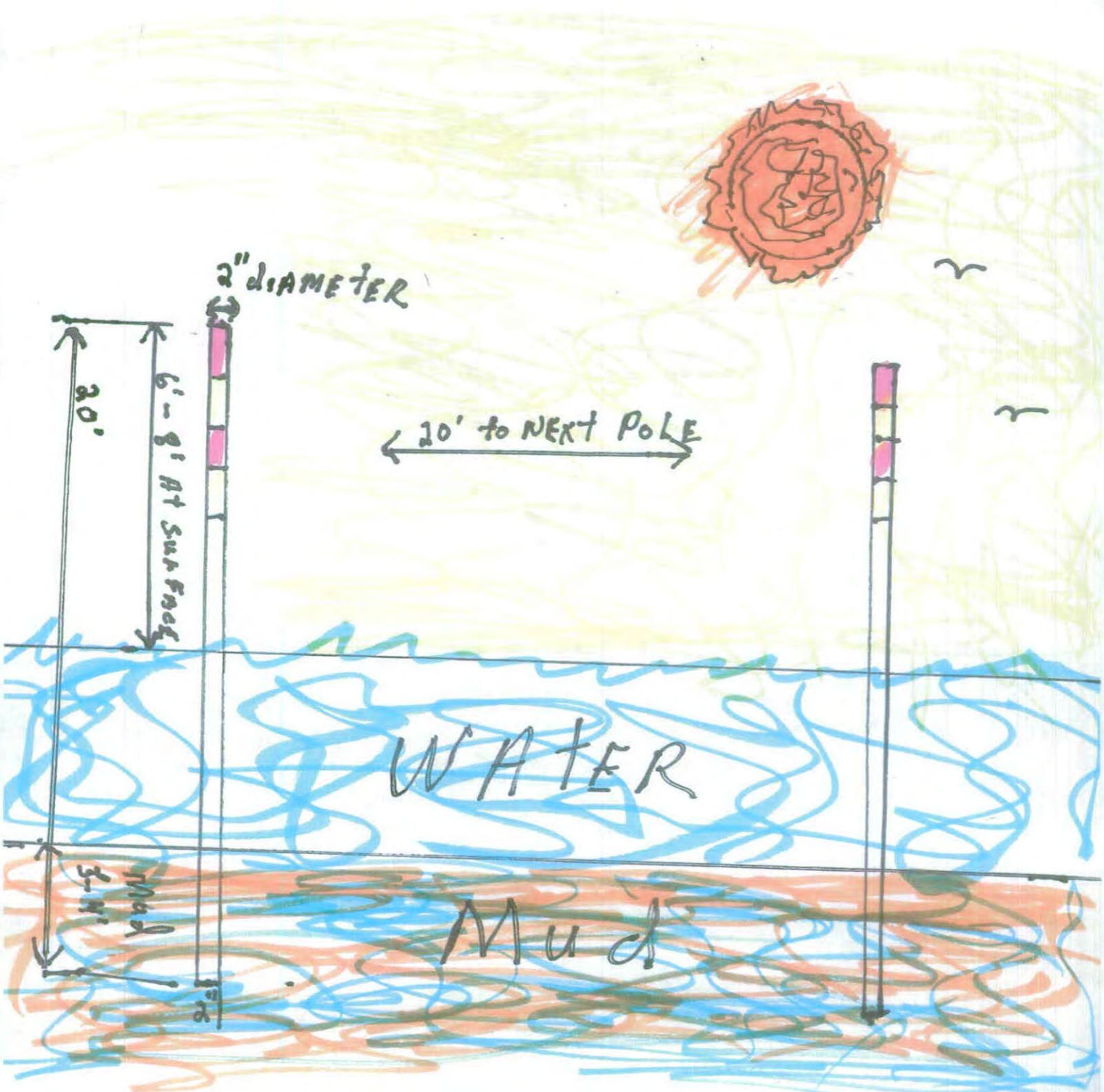


Two-tiered oyster cage made of 1" square PVC-coated wire mesh with guy ropes for lifting and shock cord for closures and 1/2" rope handline with buoy.

S-STEEL TAG  
WITH I.D. NO.

P-2015-1037 Jules Melancon

# OF POLES 163 PVC 2" PIPE



Bony  
Corner

