JOINT PUBLIC NOTICE

July 13, 2009

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

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

(504)862-2260 / Fax: (504)862-2117
Project Manager: Darrell Barbara
(darrell.barbara@usace.army.mil)
Permit Application Number:
MVN-2009-1447-EFF

(225)219-3459 / Fax :(225)219-1039
Project Manager:
Jamie Phillippi
WQC Application Number:
WQC- 090612-02

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 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).

The application has also been mailed to the Louisiana Department of Environmental Quality, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in Louisiana Revised Statutes 30:2074 A(3) and provisions of Section 401 of the Clean Water Act.

INDUSTRIAL PARK IN ORLEANS PARISH

NAME OF APPLICANT: Newport Environmental Services, c/o: Compliance Solutions Group, 16851 Jefferson Highway, Suite 6D, Baton Rouge, Louisiana 70817.

LOCATION OF WORK: In Orleans Parish, Section 17 & 20, T12S-R13E, located at the intersection of Bayou Bienvenue and the Mississippi River Gulf Outlet (MRGO), off of LA Highway 47, near Chalmette, Louisiana, as shown on the attached drawings.

CHARACTER OF WORK: Clear, grade, excavate and deposit fill to construct the *Newport Industrial Development* in Orleans Parish off of the MRGO. The proposed project is comprised of an industrial park development that includes roadways, drainage improvements, manufacturing facilities and other commercial activities. The cornerstone of the commercial park includes a shipbuilding complex that will manufacture large scale motor yachts and is expected to create approximately 250 manufacturing jobs within the New Orleans East area. The site is located on a tract that was previously utilized as a dredge disposal area for maintenance of the Mississippi River Gulf Outlet and Gulf Intracoastal Waterway. The project area thus includes a history of man-made alteration since 1965 through the placement of dredged materials, perimeter containment berms, on-site drainage manipulations, and borrow canals. A preliminary site visit assessed that the area contains a mostly wooded habitat in which Chinese tallow tree (Sapium sebiferum) appears to be the primary vertical species. Project construction will have permanent impacts to approximately 57.09 acres of these jurisdictional forested wetlands and approximately 4.0 acres of jurisdictional Waters of the US. Associated fill operations will include the deposition of approximately 321,408 cubic yards of fill material used as foundation for the development and is associated services.

NOTE: On June 23, 2006, this subject site was included in a Joint Public Notice as part of a proposed C & D landfill project. However, that formerly proposed venture was chosen to be withdrawn by the applicant. The base-file number for that project was (MVN-2006-0334-EFF).

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **20 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 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.

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 **4.0** 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 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.

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.

The applicant has certified that the project complies with, and will be conducted in a manner that is consistent with, the Louisiana Coastal Management Program.

Michael V. Farabee
Chief, Eastern Evaluation Section
Regulatory Branch

Enclosure