

JOINT PUBLIC NOTICE

January 23, 2012

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

(504) 862-2225
Project Manager
Brad LaBorde
Permit Application Number
MVN 2005-4407 EOO

State of Louisiana
Department of Environmental Quality
ATTN: Water Quality Certifications
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

(225) 219-3225
Project Manager
Jamie Phillippe
WQC Application Number
WQC 060118-01

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).

Application has also been made to the Louisiana Department of Environmental Quality, Water Quality Certifications, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

MODIFICATION/TIME EXTENSION FOR MAINTENANCE OF THE LAKE BORGNE SHORELINE PROTECTION PROJECT IN ST. BERNARD PARISH, LA

NAME OF APPLICANT: St. Bernard Parish, % Louisiana Coastal Protection and Restoration Authority, 450 Laurel Street, Baton Rouge, Louisiana 70801.

LOCATION OF WORK: At reaches 1 and 3 of the existing structure in Lake Borgne near Bayou Dupre and Bayou Yscloskey, reach 1: 29.958211/-89.847142, reach 3: 29.868792/-89.692417, in St. Bernard Parish, Louisiana, as shown on the enclosed drawings.

CHARACTER OF WORK: Placement of 5,507 cubic yards of rock rip-rap to elevate reaches 1 and 3 to an elevation of +4.0 (NAVD88). In addition, 67,650 square feet of fiberglass sheet pile will be constructed landward of the sunken portions of the rock breakwaters in order to maintain the structures purpose of reducing shoreline retreat at this area of Lake Borgne. For access, approximately 52,862 cubic yards of material would be excavated and placed on the lake side of the channel for a flotation channel not to exceed a 6.0 foot dredge depth. Maintenance to this existing structure would impact 22.5 acres of non-vegetated waterbottoms.

This action falls under the Coastal Wetlands Planning, Protection and Restoration Act or CWPPRA project PO-30 and has been designed to provide a net benefit to the southwestern portion of Lake Borgne's shoreline though the project's 20 year design life. No jurisdictional wetlands would be directly impacted as a result of this action; therefore, no compensatory mitigation has been proposed.

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**. **Similar 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. 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.

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.

All known properties listed on the National Register of Historic Places have been identified and avoided in the project drawings. 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.

It has been determined that this work takes place in waters that may impact the following Federally listed threatened and endangered species: Gulf sturgeon (*Acipenser oxyrinchus desotoi*) and its critical habitat, West Indian Manatee (*Trichechus manatus*), and five species of sea turtles, the green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and loggerhead (*Caretta caretta*). Each of the listed species is mobile and apt to avoid noise and disturbance created by the work activity. If required, the applicant has agreed to utilizing U.S. Fish and Wildlife's (USFWS) bucket drop method for sturgeon and adhering to NOAA's National Marine Fisheries Service (NMFS) '2006 Sea Turtle and Smalltooth Sawfish Construction Conditions'. With this information, the Corps' preliminary determination is that the project is "Not Likely to Adversely Affect" these seven species. Concurrence for this determination will be requested via an informal consultation with USFWS and/or NMFS.

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 **22.5** 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, Water Quality Certifications, 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

Enclosure