

# JOINT PUBLIC NOTICE

May 20, 2013

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

(504) 862-2041 FAX (504) 862-2117  
Project Manager  
Robert Tewis  
Permit Application Number  
MVN-1997-02940-ETT

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:  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 PILING AND RECONSTRUCT A RESTAURANT AT WEST END PARK, JEFFERSON AND ORLEANS PARISHES, LOUISIANA**

**NAME OF APPLICANT:** George R. Werner, 17287 Fredericks Road, Hammond, Louisiana 70401.

**LOCATION OF WORK:** Lake Pontchartrain shoreline on the east side of the 17<sup>th</sup> Street Canal outfall at 1922-A West End Park, within Orleans and Jefferson Parishes, Louisiana.

**CHARACTER OF WORK:** The applicant is requesting Corps authorization to reconstruct a restaurant at West End Park destroyed by Hurricane Katrina. The applicant proposes to install ±224 piling in addition to the existing undamaged pilings to construct a restaurant/museum building with entrance walkways, lake walkways and boat docks over non-vegetated tidal bottoms of Lake Pontchartrain. No wetland impacts are proposed and no mitigation has been proposed.

The comment period for the Department of the Army Permit will close **15 days** from the date of this 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 must be mailed so as to be received before or by the last day of the comment period. Letters concerning this 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.

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 receives approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

### **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 Corps of Engineers is unaware of any properties listed on the National Register of Historic Places at or near the proposed work site. 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.

The proposed activity may affect two species granted protection by the Endangered Species Act (ESA). The project site is located in an area designated as Gulf sturgeon (*Acipenser oxyrinchus desotoi*) "critical habitat" by the National Marine Fisheries Service (NMFS). The Corps will consult with the NMFS for the Gulf sturgeon via separate correspondence. The project site is also in area where the West Indian manatee (*Trichechus manatus*) may occur. The Corps will pursue consultation with the US Fish and Wildlife Service for the manatee via separate correspondence. The Corps is unaware of any other ESA listed species or designated critical habitat that may be affected by the proposed activity.

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 permanent alteration of approximately  $\pm 0.53$  acre of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action may have an 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 Louisiana 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 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.

Attachments