



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
7400 LEAKE AVENUE  
NEW ORLEANS, LA 70118

**February 28, 2024**

**PUBLIC NOTICE  
REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS  
PROJECT PURSUANT TO 33 U.S.C. SECTION 408**

**PUBLIC NOTICE/FILE NUMBER: Olivier Plantation, LLC. (23-0228)**

Interested parties are hereby notified that a request for permission to alter a U.S. Army Corps of Engineers (USACE) project pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408) has been received and will be evaluated by the New Orleans District. Written comments, including any objections to the proposed alteration, stating reasons therefor, are being solicited from anyone having an interest in the requested alteration. Comments must be mailed or emailed by or before the last day of the comment period and must reference the file number of this public notice. Comments will become part of the record and will be considered in the decision on the request. See below for contact information and address. The proposed action could alter the Lake Pontchartrain and Vicinity (LPV) Hurricane and Storm Damage Risk Reduction System (HSDRRS).

**COMMENT PERIOD EXPIRES: March 14, 2024**

**REQUESTED ALTERATION:** Olivier Plantation, LLC. is requesting authorization, to construct a 10-slip boat shed, deck and parking area on the flood side of the Lake Pontchartrain and Vicinity-Hurricane and Storm Damage Risk Reduction System (LP&V-HSDRRS) floodwall and along the bank of the Mississippi River-Gulf Outlet Canal (MRGO). The 10-slip boat shed will have an elevated deck approximately 200' leading to the slips. The parking area and driveway will be constructed using TrueGrid Root Grass pavers to keep the appearance the same.

**REQUESTER:** McKay & Associates, LLC, on behalf of Olivier Plantation, LLC.

**PERMISSION AUTHORITY:** The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project.

**LOCATION OF PROPOSED ACTION:** The proposed action is located on the flood side of the Lake Pontchartrain and Vicinity-Hurricane and Storm Damage Risk Reduction

System (LP&V-HSDRRS) floodwall and along the bank of the Mississippi River-Gulf Outlet Canal (MRGO), vicinity of baseline station 995+00, near Toca, LA, in St. Bernard Parish.

**WRITTEN COMMENTS MAY BE MAILED TO:**

Department of the Army  
Corps of Engineers, New Orleans District  
ATTN: Samantha Martin (CEMVN-PDC)  
7400 Leake Ave.  
New Orleans, Louisiana 70118

**WRITTEN COMMENTS MAY BE EMAILED TO:** [Samantha.C.Martin@usace.army.mil](mailto:Samantha.C.Martin@usace.army.mil)

ALL comments must contain the full name and address of the individual commenting and must be received by the USACE by the expiration of the public notice period.

**EVALUATION:** This request will be reviewed pursuant to Section 408 and USACE Engineering Circular (EC) 1165-2-220, which provides policy and procedural guidance for processing requests to alter USACE civil works projects.

The decision whether to grant permission for the requested alteration will be based on several factors. The benefits that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

- 1) Potential to Impair the Usefulness of the Project. Proposed alterations will be reviewed to determine whether the alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. If USACE determines that the usefulness of the authorized project would be impaired, the request will be denied.
- 2) Potential to be Injurious to the Public Interest. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

- 3) Environmental Compliance. A decision on a Section 408 request is a Federal action and is subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. USACE is preparing an Environmental Assessment to evaluate the potential impacts of the proposed alteration on important resources. Comments received on this public notice will be used in the evaluation. The EA will not be published for public comment as this notice fulfills NEPA requirements for public participation. Any comments regarding the proposed alteration should be submitted during the current public comment period.

While ensuring environmental compliance is the responsibility of USACE, the requester is responsible for providing all information that USACE identifies as necessary. Environmental compliance requirements that will be considered in this evaluation include but are not limited to the following:

- a. Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) directs all Federal agencies to ensure that any action they authorize, fund, or carry-out does not jeopardize the continued existence of an endangered or threatened species including adverse modification of their critical habitat.
- b. In accordance with Section 106 of the National Historic Preservation Act (NHPA), the USACE is required to take into account the effects of any permitted action to historic properties, which includes both archaeological resources on the surface or below ground, as well as historic buildings and structures that are listed in or are eligible for listing in the National Register of Historic Places. If determined necessary, the USACE will also consult with Indian Tribes in accordance with Section 101(d)(6)(B) of the NHPA, the USACE Tribal Consultation Policy, and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments."
- c. The Coastal Zone Management Act ("CZMA") requires that "each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

All factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project. The review will consider the potential impact to the usefulness of the Federal project and whether the proposed alteration would be injurious to the public interest. Policy and legal compliance will also be considered.

USACE is soliciting comments from interested parties to evaluate the potential impacts of the proposed alteration. Comments will be considered to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used for environmental compliance coordination as required by NEPA.

**COORDINATION:** This public notice will be coordinated with the relevant State, Federal and Tribal entities as appropriate.

Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Samantha Martin, Project Manager, by telephone at 504-862-2207 or via email at [Samantha.C.Martin@usace.army.mil](mailto:Samantha.C.Martin@usace.army.mil).

FOR THE DISTRICT COMMANDER:



For Mr. Eric Williams  
Chief, Environmental Planning Branch

Enclosures