



REPLY TO
ATTENTION OF

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

Regional Planning and
Environmental Division South
Environmental Compliance Branch

March 23, 2018

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: 16-314; SLFPA-E and CPRAB propose to lift Lake Pontchartrain and Vicinity Hurricane Reach LPV 109 prior to armoring.

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 Lakefront Floodwall, a federal project.

COMMENT PERIOD EXPIRES: April 3, 2018

REQUESTED ALTERATION: The Southeast Louisiana Flood Protection Authority – East Bank (SLFPA-E) previously, with the Coastal Protection and Restoration Authority Board of Louisiana (CPRAB), jointly requested permission from the United States Army Corps of Engineers (USACE) to construct alterations to portions of Lake Pontchartrain and Vicinity (LPV) Hurricane and Storm Damage Risk Reduction System (HSDRRS) Orleans Parish LPV 109 levee reach (Figure 1) to increase the system's current level of hurricane and storm damage risk reduction. Since that request, it was determined that additional portions of the LPV 109 levee reach require alteration to increase the system's current level of hurricane and storm damage risk reduction.

Based upon information provided by SLFPA-E and developed internally, the USACE, Mississippi Valley Division, New Orleans District (CEMVN) is ensuring compliance with applicable Federal laws, executive orders, regulations, policies and ordinances, and in that capacity is soliciting input regarding the requested additional alteration.

The requestor originally proposed to raise two portions of LPV 109 totaling 2.7 miles, as described in EA #553. The requestor now proposes to alter a total of 6.3 miles of the existing LPV 109 levee reach, including the originally proposed and approved 2.7 miles (Figure 2).

The requestor proposes to raise the elevation of LPV 109 to 19.5 feet NAVD88 between Station 725+00, just south of Interstate 10, to Station 939+58, just north of Chef Menteur Highway. From Station 944+28, just south of Chef Menteur Highway, to Station 1056+26, where the levee intersects with the CSX Railroad, the requestor proposes to raise the levee to 25.5 feet NAVD.88. The existing levee crown varies in elevation throughout the reach, having settled to a range of approximately 18.0 feet to 24.0 feet NAVD88 (Figure 3).

The work to be completed on the additional portion of LPV 109 is the same as that described for the originally planned alteration. Existing turf would be cleared and existing embankment foundation cavities and depressions would be broken down to flatten out the slope. The entire area of embankment to be raised would be broken to a depth of six inches in order to place and compact new embankment material. A total of 178,000 cubic yards of fill material, which is 128,200 cubic yards of additional fill above the 49,800 cubic yards originally disclosed in EA #553 would be hauled to the site from off-site borrow sources and placed as embankment on the levee section. Existing surfacing and any underlying fabric on existing ramps would be removed prior to placement of new fill material. Fabric will be disposed of in a permitted landfill; any crushed stone to be re-used on raised ramps would be stored temporarily within the staging areas. Existing slope pavement would be removed and replaced on the new construction grade.

All construction and staging areas would occur within already disturbed areas within the existing levee authority right-of-way, and all ingress and egress to this project location would occur on existing access roads.

REQUESTER: Southeast Louisiana Flood Protection Authority-East, 6001 Stars and Stripes Blvd, New Orleans, Louisiana 70126

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.

ADDITIONAL INFORMATION: This Public Notice solicits comments only on the proposed alteration of the USACE project.

LOCATION OF PROPOSED ACTION: The revised portions of LPV 109 to be altered are located in Orleans Parish, adjacent to Bayou Sauvage National Wildlife Refuge, and would extend from Station 725+00, just south of Interstate 10, to Station 1058+00, just north of the CSX Railroad.

WRITTEN COMMENTS MAY BE MAILED TO:

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

WRITTEN COMMENTS MAY BE EMAILED TO: howard.w.ladner@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) 1165-2-216, 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 insure 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. To facilitate efficient Section 7 ESA consultation for actions authorized under the Clean Water Act, Section 404(b)(1) guidelines, as well as Section 10 of the Rivers and Harbors Act, the USACE, New Orleans District and the U.S. Fish and Wildlife Service, Louisiana Ecological Field Services Office (USFWS) developed Standard Local Operating Procedures for Endangered Species in Louisiana (SLOPES) which became effective on October 22, 2014. This process (SLOPES) was expanded, with minor modifications, to include USACE review of Section 408 permission requests on June 13, 2016 (and again by USFWS on October 21, 2016). Under the provisions of the SLOPES agreement, a determination of no effect on listed species or designated critical habitats was made. No further coordination under Section 7 of the ESA is necessary.
- b. A Coastal Use Permit was received for LPV 109 (P20160474) on June 6, 2016.
- c. The proposed activity would have no adverse effect to Essential Fish Habitat.
- d. No impacts to waters of the U.S. will occur within the limits of the Federal Project. Activities outside the limits of the Federal Project will be evaluated by Regulatory Functions Branch to determine the need for a Section 10, Rivers and Harbors Act and/or Section 404, Clean Water Act authorization.

- e. 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."

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 Howard Ladner, Project Manager, by telephone at 504-862-2021 or via email at Howard.W.Ladner@usace.army.mil.

FOR THE DISTRICT COMMANDER:



Marshall K. Harper
Chief, Environmental Planning Branch

Enclosures

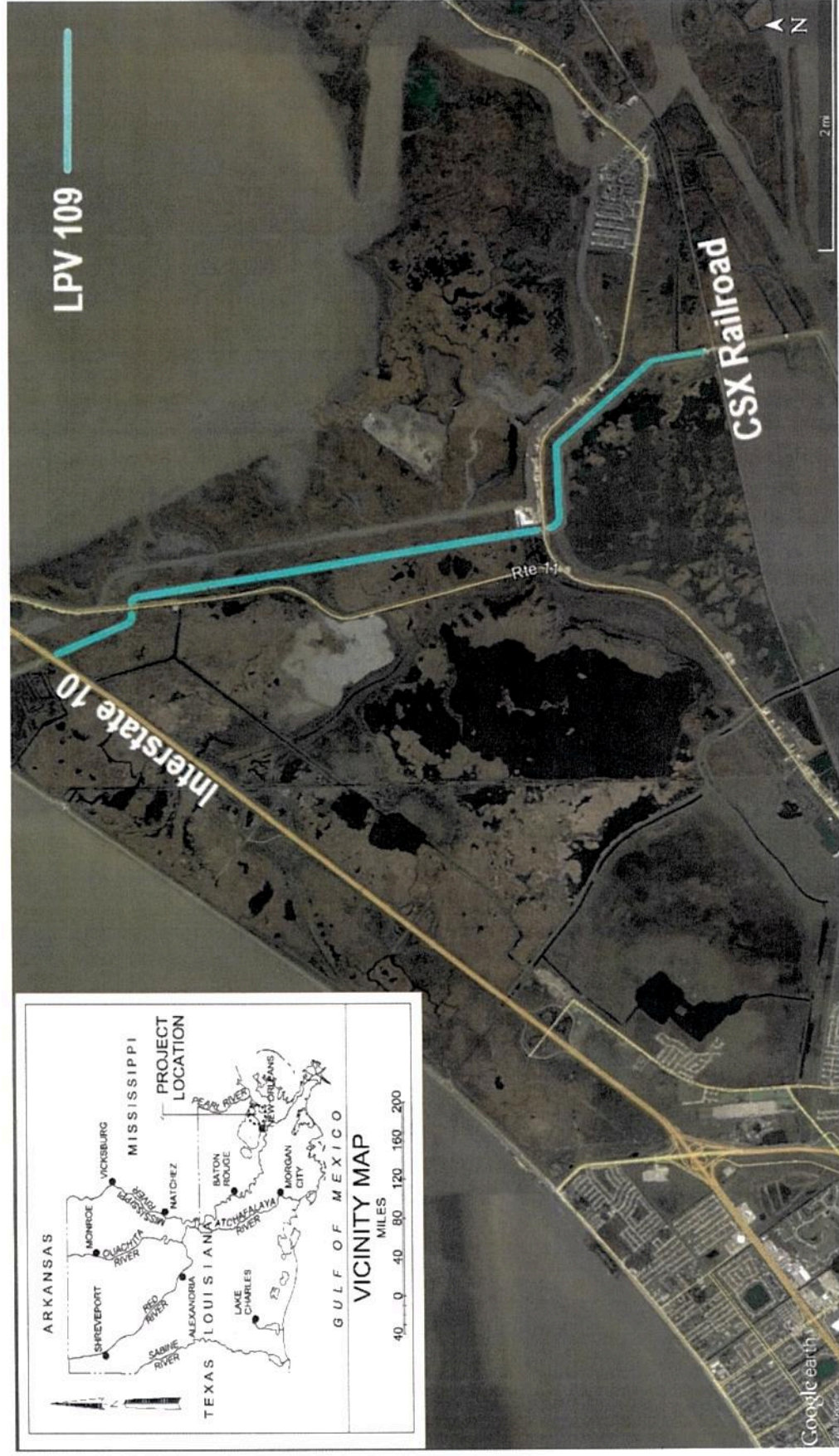


Figure 1: Vicinity and Location Map



Figure 2: Portions of LPV 109 originally proposed for alteration, as described in EA #553 (shown in red). Revised proposed action includes portion of LPV 109 shown in green, as described in forthcoming Supplemental EA #553.a.

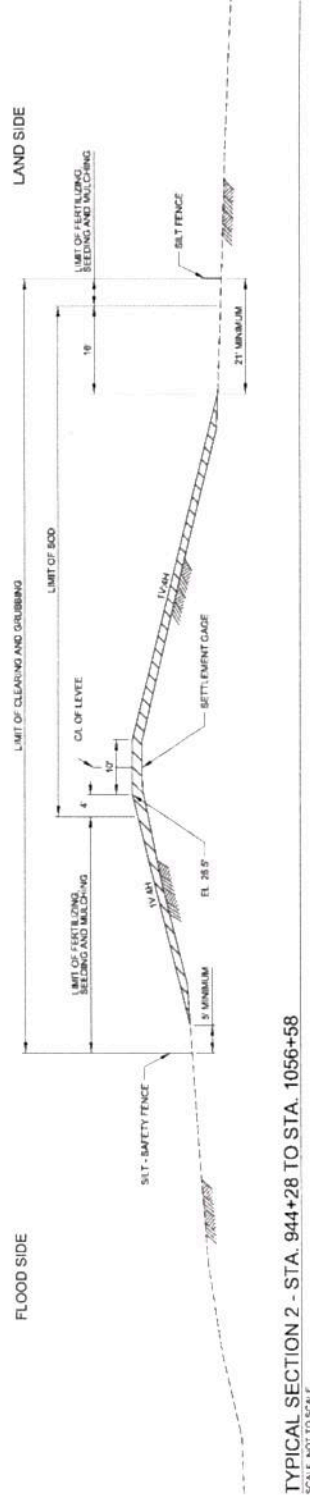
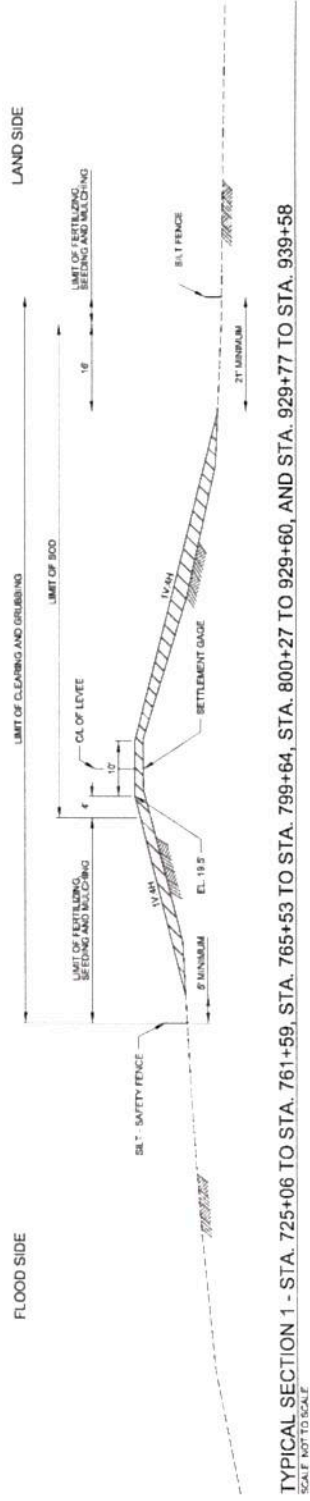


Figure 3: Typical cross-sections for proposed LPV 109 levee lift