



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

**April 24, 2017**

**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:** 16-221, Southeast Louisiana Flood Protection Authority – East proposes to construct a drain line approximately 840-foot long about 130 feet offset from the centerline of the Lake Pontchartrain and Vicinity – Lakefront Levee between levee stations 810+00 and 820+00 in Kenner, Jefferson Parish, Louisiana.

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 levees, a federal project.

**COMMENT PERIOD EXPIRES: May 9, 2017**

**REQUESTED ALTERATION:** The Southeast Louisiana Flood Protection Authority – East proposes to construct an 840-foot long, 48-inch round drain line approximately 130 feet from the centerline of the Lake Pontchartrain and Vicinity – Lakefront Levee in Kenner, Louisiana to improve drainage near the levee. The drain line would begin east of the St. Gabriel Subdivision behind Royal Palm Drive and travel southeast for approximately 350 feet. It would then change direction and travel southwest for approximately 170 feet before turning south for approximately 320 feet to discharge into the Duncan Canal. The drainage dike and swale for the levee will be adjusted to follow the contour of the new pipes. The attached figures provide the location and details of the proposed project.

**REQUESTER:** Southeast Louisiana Flood Protection Authority – East, 6001 Stars and Stripes Blvd., Suite 225, 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.

**LOCATION OF PROPOSED ACTION:** West-northwest of the Duncan Pump Station along the protected side of the Lake Pontchartrain and Vicinity – Lakefront levee in Kenner, Jefferson Parish, Louisiana between levee stations 810+00 and 820+00 near Latitude: 30°2'26.64"N, Longitude: 90°14'48.10"W, as shown on the attached drawings.

**WRITTEN COMMENTS MAY BE MAILED TO:**

Department of the Army  
Corps of Engineers, New Orleans District  
CEMVN-PDC  
ATTN: Joseph Musso  
7400 Leake Ave.  
New Orleans, Louisiana 70118

**WRITTEN COMMENTS MAY BE EMAILED TO:** joseph.r.musso@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 factors 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” to listed species is appropriate for the proposed Section 408 action. Further, the proposed project area does not contain critical habitat for listed species. No further

coordination under Section 7 of the ESA is necessary.

- 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 proposed action is not located within jurisdictional waters of the United States as defined in 33 CFR Part 328. Therefore, no evaluation relative to Section 404 and subsequently Section 401 of the Clean Water Act is required.
- d. The requester must provide proof the proposed action is consistent with the Coastal Zone Management Act to the maximum extent practicable prior to construction of the proposed action.

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 Joseph Musso by telephone at 504-862-2280 or via email at joseph.r.musso@usace.army.mil.

FOR THE DISTRICT COMMANDER:

A handwritten signature in blue ink that reads "Marshall K. Harper". The signature is written in a cursive, flowing style.

Marshall K. Harper  
Chief, Environmental Planning Branch

Enclosures

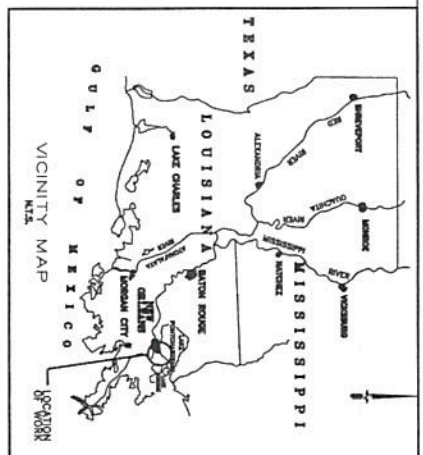
# INDEX TO SHEETS

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7	STEEL PIPE INSTALLATION DETAILS
8 - 10	CROSS SECTIONS
11	DEMOLITION PLAN AND SECTIONS

# GABRIEL RUNOFF CONTROL PIPING KENNER, LA. SLFPA-E PROJECT NO. XXXXX



PROJECT LOCATION MAP  
SCALE = N.T.S.



TYPE OF WORK:  
PIPE INSTALLATION & REMOVAL, DRAINAGE STRUCTURES  
INSTALLATION & REMOVAL, EARTHWORK



BURK-KLEINPETER, INC.

4176 CANAL STREET NEW ORLEANS, LA. 70119

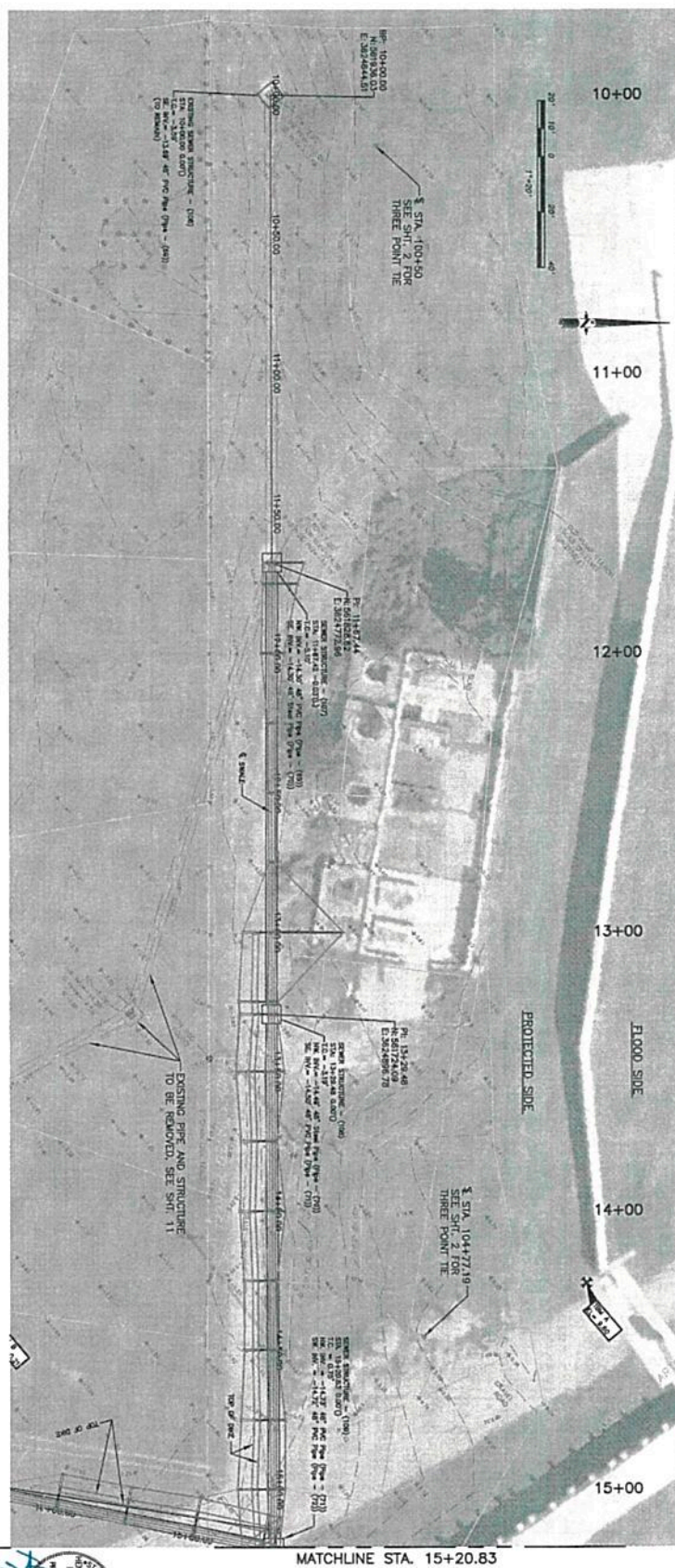
JOB # NO.15.029

APPROVED  
*Michael Jackson*  
MICHAEL C. JACKSON, EXECUTIVE VICE PRES.  
BURK-KLEINPETER, INC.  
DATE FEB 18, 2016

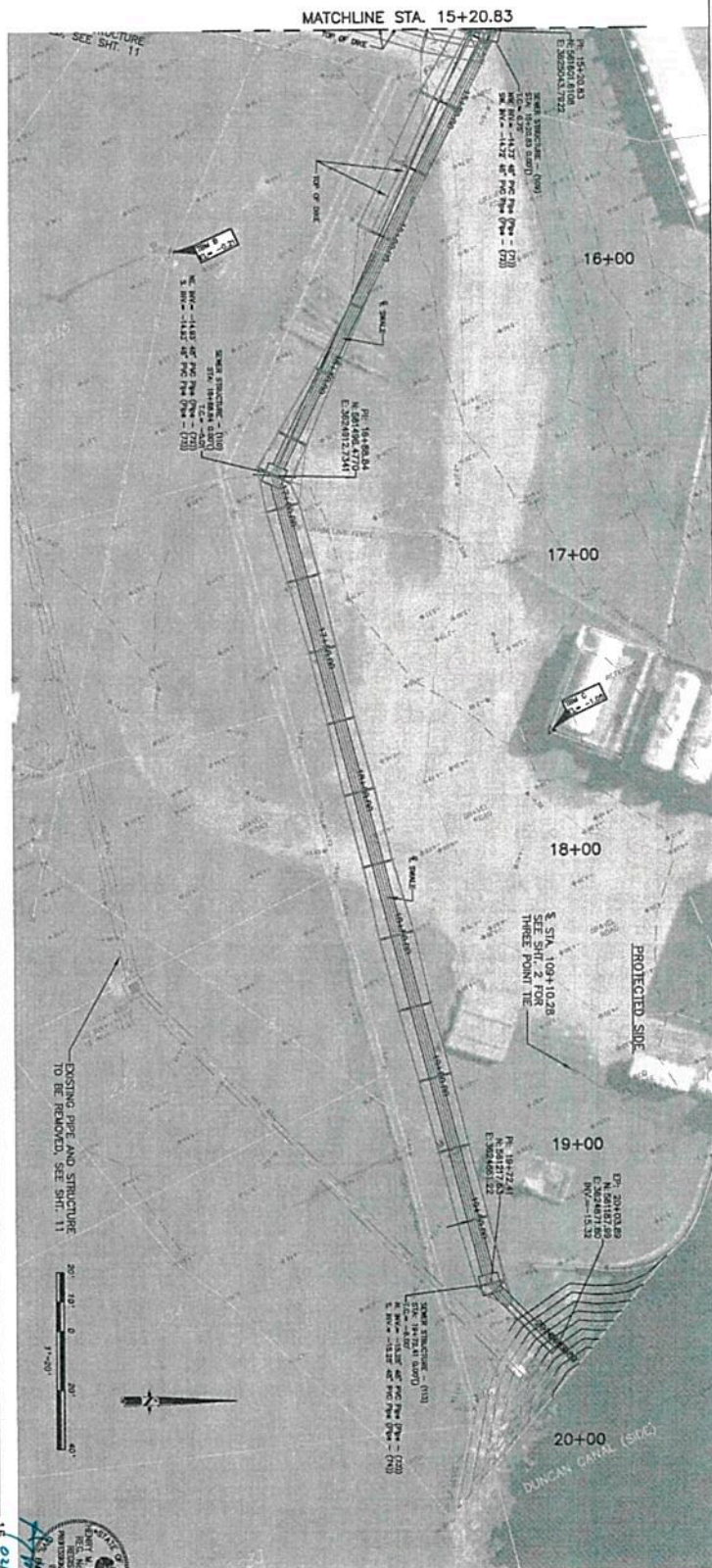
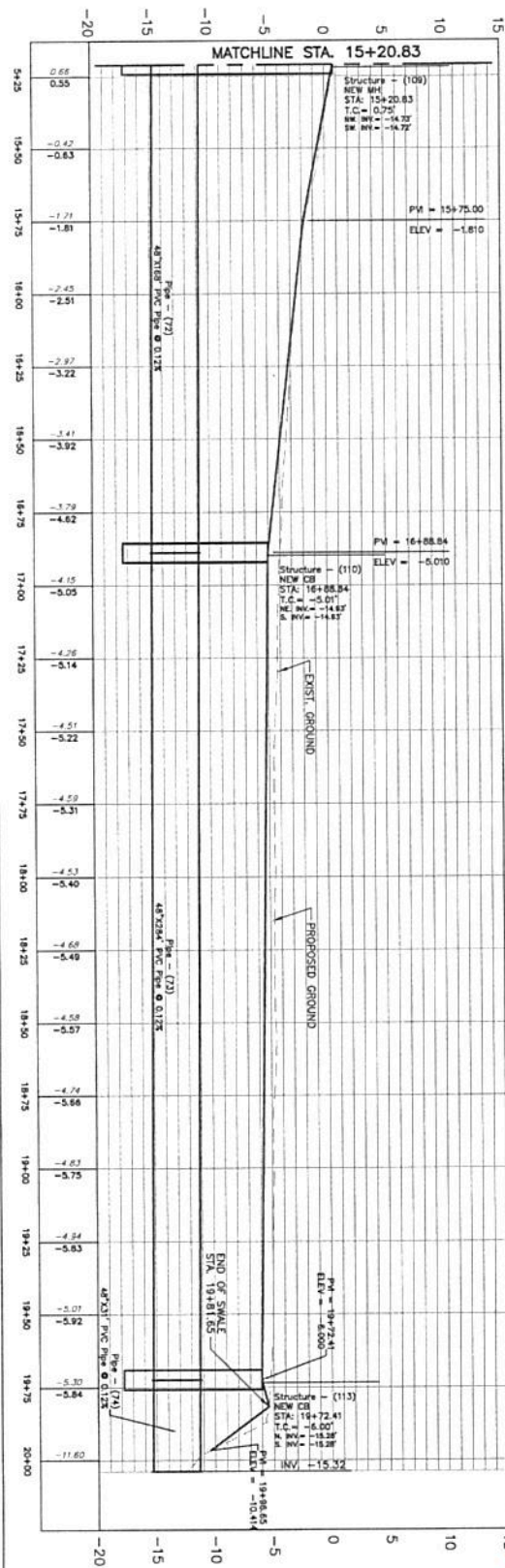


<div><div>BKI</div><div></div><div>LOUISIANA</div></div>	<div><div></div><div>GABRIEL RUNOFF CONTROL PIPING KENNER, LA.</div></div>	<div><div>NO.</div><div>DATE</div><div>REVISION DESCRIPTION</div><div>BY</div></div>	DESIGNED	R.A.C.N	PATCH	JEFFERSON	<div><div>1</div><div>OF 1</div></div>
			CHECKED	H.M.P.			
			DESIGNED	G.A.D.	SLFPA-E	XXXX	
			CHECKED	R.A.C.N	PROJECT		
			DATE	OCT. 2015	S&L	NO.15.029	
			SHEET	1 OF 1			
	PLANS	TITLE AND PROJECT LOCATION					









GABRIEL RUNOFF  
CONTROL PIPING  
KENNER, LA.



NO.	DATE	REVISION DESCRIPTION	BY
1			
2			
3			
4			

DESIGNED	D.E.B.	PURCH	JEFFERSON
CHECKED	H.A.P.		
DESIGNED	D.A.D.		
CHECKED	D.E.B.		
DATE	AUG. 2012	BAU PROJECT	NO.15.029
SHEET	X OF 14		

SHEET  
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