



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
7400 LEAKE AVE  
NEW ORLEANS, LA 70118-3651

# PUBLIC NOTICE

August 22, 2022

United States Army  
Corps of Engineers  
New Orleans District  
Attn: Regulatory Division, RGW  
7400 Leake Ave.  
New Orleans, Louisiana 70118-3651

Project Manager:  
Michael H. Herrmann Jr.  
(504) 862-1954  
Michael.h.herrmann@usace.army.mil  
Application #: MVN-1999-00206-WLL

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).

## **MARINA IMPROVEMENTS AND EXTEND A RIP-RAP SHORELINE INTO BAYOU POINTE AUX CHENE IN TERREBONNE PARISH**

**NAME OF APPLICANT:** J&M Pointe Aux Chene Marina, 4266 Hwy 665, Montegut, LA 70377.

**LOCATION OF WORK:** The work is to take place on Bayou Pointe Aux Chene, (29 25 02, -90 26 52) in the City Montegut along Hwy 665, in Terrebonne Parish, Louisiana, as shown in the attached drawings.

*The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have since been deferred.*

**CHARACTER OF WORK:** The applicant has requested Department of the Army (DA) authorization to conduct improvements to a marina and parking lot; including placement of approximately 1,300 cubic yards of rip-rap and aggregate materials in a 0.70 acre area along the shoreline of Bayou Pointe Aux Chene. Approximately 70 cubic yards of limestone will be placed over a 0.76 acre area for parking and appurtenances, which is expected to be in non-wetlands. As proposed, the project is anticipated to permanently impact 0.70 of an acre of waterbottoms due to the rip rap placement.

*The applicant may be required to fully or partially restore the site to pre-project conditions if issuance of a permit is determined to be contrary to the public interest.*

The comment period on the requested Department of the Army Permit will close **20 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 request, and must be submitted so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the Applicant's Name and the Permit Application Number and can be preferably emailed to the Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGW, Michael H. Herrmann Jr.** Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment 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 Branch Chief will review the request and the requester will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous and inclusive of the initial comment period and will not exceed a total of 30 calendar days.

### **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 New Orleans District is unaware of properties listed on the National Register of Historic Places near the proposed work. The possibility exists that the proposed work

may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this public notice will be sent to the State Archeologist, State Historic Preservation Officer, and federally listed tribes regarding potential impacts to cultural resources.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species. Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and the U.S. Fish and Wildlife Service, it has been determined that the project is located in waters known to be utilized by the West Indian manatee (*Trichechus manatus*) and determined that the proposed activity is not likely to adversely affect the species based on the Information & Planning Consultation for Endangered Species (IPaC) procedure, as signed on January 27, 2020, between the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal may result in the destruction, alteration, and/or disturbance of **0.70 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 Louisiana Department of Environmental Quality before a Department of the Army permit could be issued.*

Any person may request, (preferably by email to the project manager, or 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 receives approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

You are invited to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Darrell S. Barbara  
Chief, Western Evaluation Branch  
Regulatory Division

Enclosure

P20200318

Montegut

55

665

665

Project Location

29 25 02, -90 26 52

Google Earth







3 mi



P20200318

Plan View

Legend

-  Cross Sections
-  Distance to Opposite Bank: 136'
-  Existing Bankline: 700'
-  Existing Rock to be Pushed & Replaced (0.17 ac)
-  Proposed Rock Fill (0.53 ac.)
-  Unapproved Fill (70 cy of limestone on 0.76 ac.)



Cutoff Canal

Bayou  
Pointe Aux  
Chene

Lower Hwy 665

Paw Paw Ct

Paw Paw Ct

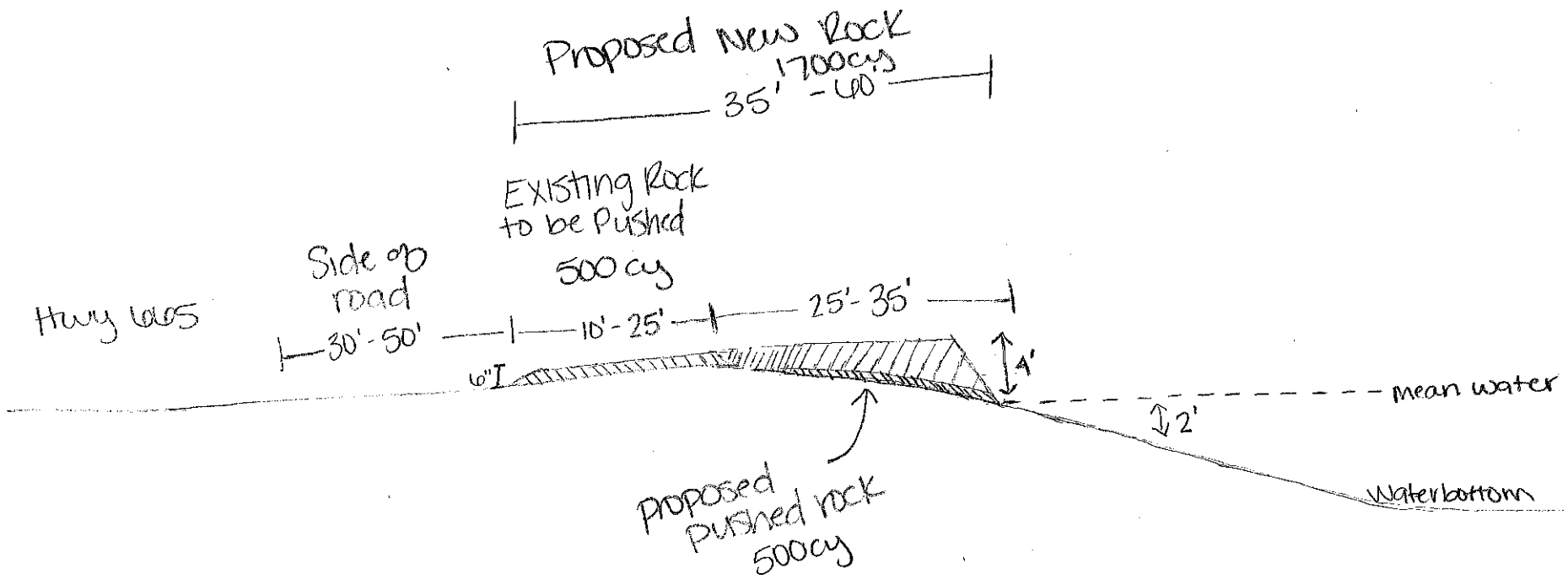
B

B

A

A

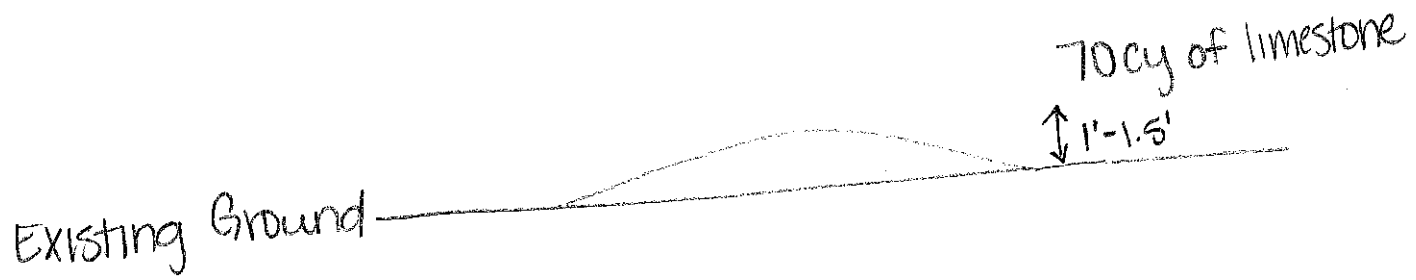
# Cross Section A-A



MHW: +2.0'  
MLW: -1.5'

Not to Scale

# Cross Section B-B



Not to Scale