

# JOINT PUBLIC NOTICE

March 12, 2018

United States Army Corps of Engineers  
New Orleans District  
Regulatory Branch  
7400 Leake Avenue  
New Orleans, Louisiana 70118

State of Louisiana  
Department of Environmental Quality  
Water Permits Division  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(504) 862-1545  
Project Manager  
S. Gail Gainey  
[Sandra.G.Gainey@usace.army.mil](mailto:Sandra.G.Gainey@usace.army.mil)  
MVN-2006-03708-CG

(225) 219-3225  
Project Manager  
Elizabeth Hill  
WQC Application Number  
WQC # 080528-01

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the US 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 [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS 30:2074 A(3) and provisions of Section 401 of the Clean Water Act.

## **RESIDENTIAL SUBDIVISION IN LIVINGSTON PARISH**

**NAME OF APPLICANT:** Mr. Todd Berthelot, c/o GIS Engineering, LLC, Attn: Mohan Menon, 450 Laurel Street, Suite 1500, Baton Rouge, LA 70801.

**LOCATION OF WORK:** North of the Amite River Diversion Canal, Section 23, T9S-R4E, near Maurepas, Louisiana, in Livingston Parish, within the Pontchartrain Basin in hydrologic unit (HUC 08070204), as shown on the attached drawings (Latitude 30.250833 N, Longitude -90.775200 W).

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:** A portion of the work described herein was previously authorized under MVN-2006-03708-CQ issued to Todd Berthelot on October 23, 2012. The applicant has requested Department of the Army authorization to clear, grade, excavate and deposit fill and/or aggregate material to construct and maintain a residential subdivision (Mariner's Cove Subdivision) to include 85 residential lots, a canal system, bulkheads, roadways and utility infrastructure. Approximately 44,923 cubic yards of material would be excavated in approx. 3.48 acres to create a canal system and placed on site to achieve required grade elevation requirements over 17.92 acres. Approximately

5,162 linear feet of vinyl bulkhead will be installed and approx. 2,457 cubic yards of soil cement and 1,156 cubic yards of concrete would be placed for the roadways and infrastructure directly impacting 1.67 acres of forested wetlands. Additionally, clearing, grading and the placement of approx. 700 cubic yards of fill material has occurred 0.2 acre of forested wetlands for the construction of a permanent access road.

The applicant proposes to avoid additional direct impacts and minimize secondary impacts (to wetlands) by remaining within the project boundary of the subdivision, continuing to maintain the Conservation Servitude as appropriated in the previous authorization and by utilizing best management practices during and after the construction phase of the project. As compensation for the additional, unauthorized impacts, the applicant proposes to mitigate in-kind wetland credits from a Corps approved mitigation bank located in the watershed.

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 for the Department of Army will close in **20 days** from the date of this joint 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 and/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Letters concerning the 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**. Similar letters concerning the Water Quality Certification must reference the applicant's name and the WQC application number and be mailed to the Louisiana Department of Environmental Quality at the address above. Individuals or parties may request an extension of time in which to comment on the proposed work by writing or e-mailing the Corps of Engineers Project Manager listed above. 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 application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

### **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 US 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 US 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. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

The New Orleans District has determined that the proposed project is located in waters known to be utilized by the West Indian Manatee (*Trichechus manatus*). Utilizing Standard Local Operating Procedure for Endangered Species in Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office, the Corps has determined that with the inclusion of the Standard Manatee Conditions for In-Water Activities, proposed work is not likely to adversely affect the West Indian Manatee. Additionally, the proposed work has been determined not likely to adversely affect Pallid Sturgeon (*Scaphirhynchus albus*) as there will be no dredging activities associated with this project.

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 destruction or alteration of up to **0** 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 water quality standards will be

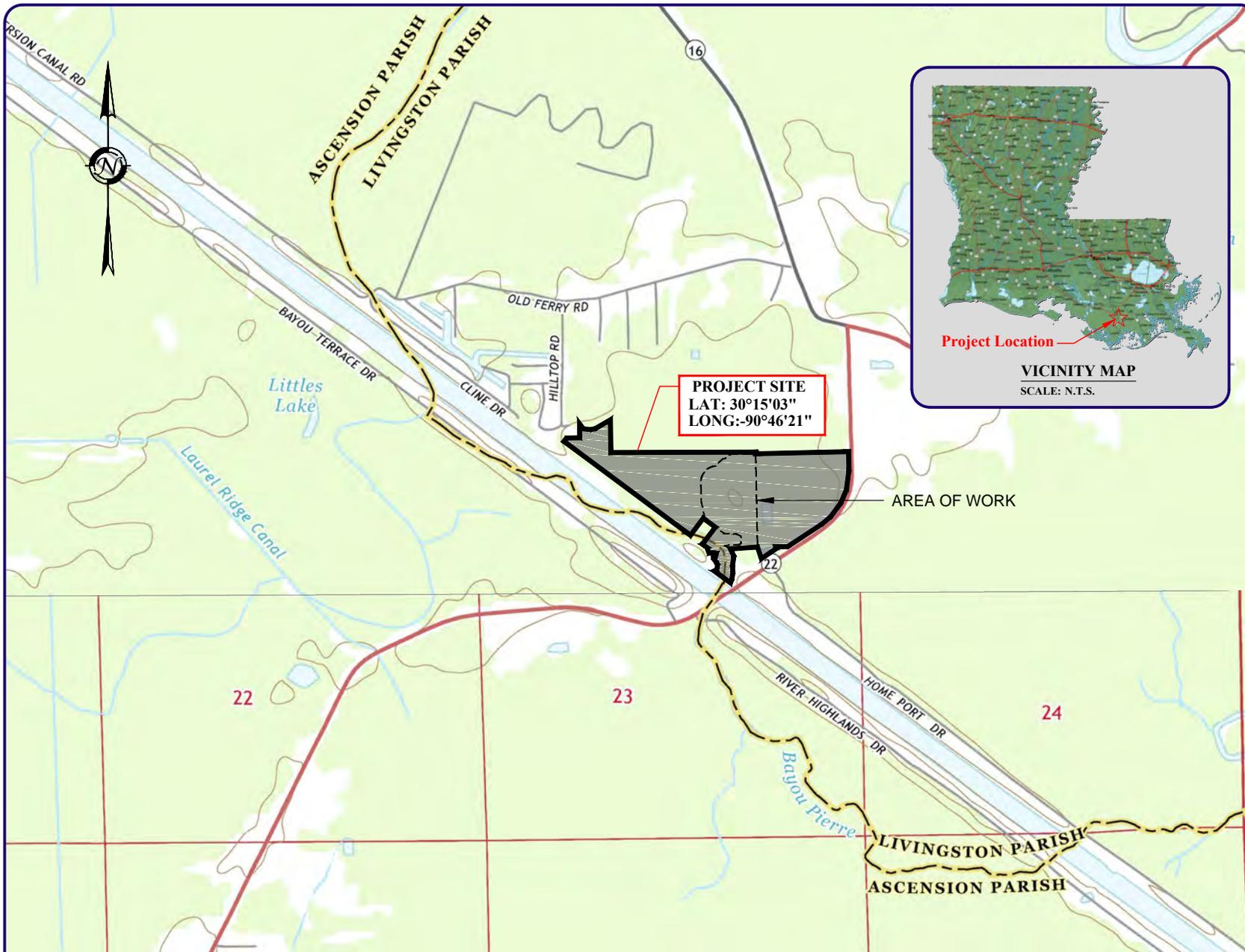
required from the Department of Environmental Quality, Office of Environmental Services before a permit is issued.

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.

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 (Louisiana Coastal Zone Application P20170465). The Department of the Army permit will not be issued unless the applicant received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

JOHN M. HERMAN  
Chief, Central Evaluation Section  
Regulatory Branch

Enclosures



**ENGINEERING LLC**  
 Coastal Design & Infrastructure  
 2503 Petroleum Dr. | Suite 110  
 Houma, LA 70363  
 O: (985) 219-1000 | F: (985) 475-7014  
 ENGINEERING • PLANNING • ENVIRONMENTAL CONSULTING

REVISIONS		
No.	Description	Date

**PRELIMINARY**

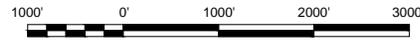
THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SALES OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT.  
 CHRISTOPHER J. JEANICE  
 LA LICENSE NO. 39647

**MARINER'S COVE SUBDIVISION**  
 A RESIDENTIAL DEVELOPMENT LOCATED IN  
 SECTION 23, T9S-R4E  
 LIVINGSTON PARISH, LOUISIANA

**SITE LOCATION**

Project number	XXXXXX
Date	MAY 2017
Designed by	XXX
Drawn by	MAC, JJS
Checked by	CJJ
Checked by	SP
Plot Date	June 7, 2017

NOTE: THE IMAGE ABOVE IS A GENERAL REPRESENTATION OF THE WORK AREA, ACTUAL FIELD CONDITIONS MAY DIFFER.





**ENGINEERING LLC**

Coastal Design & Infrastructure  
 2503 Petroleum Dr. | Suite 110  
 Houma, LA 70363  
 O: (985) 219-1000 | F: (985) 475-7014

ENGINEERING • PLANNING • ENVIRONMENTAL CONSULTING

**REVISIONS**

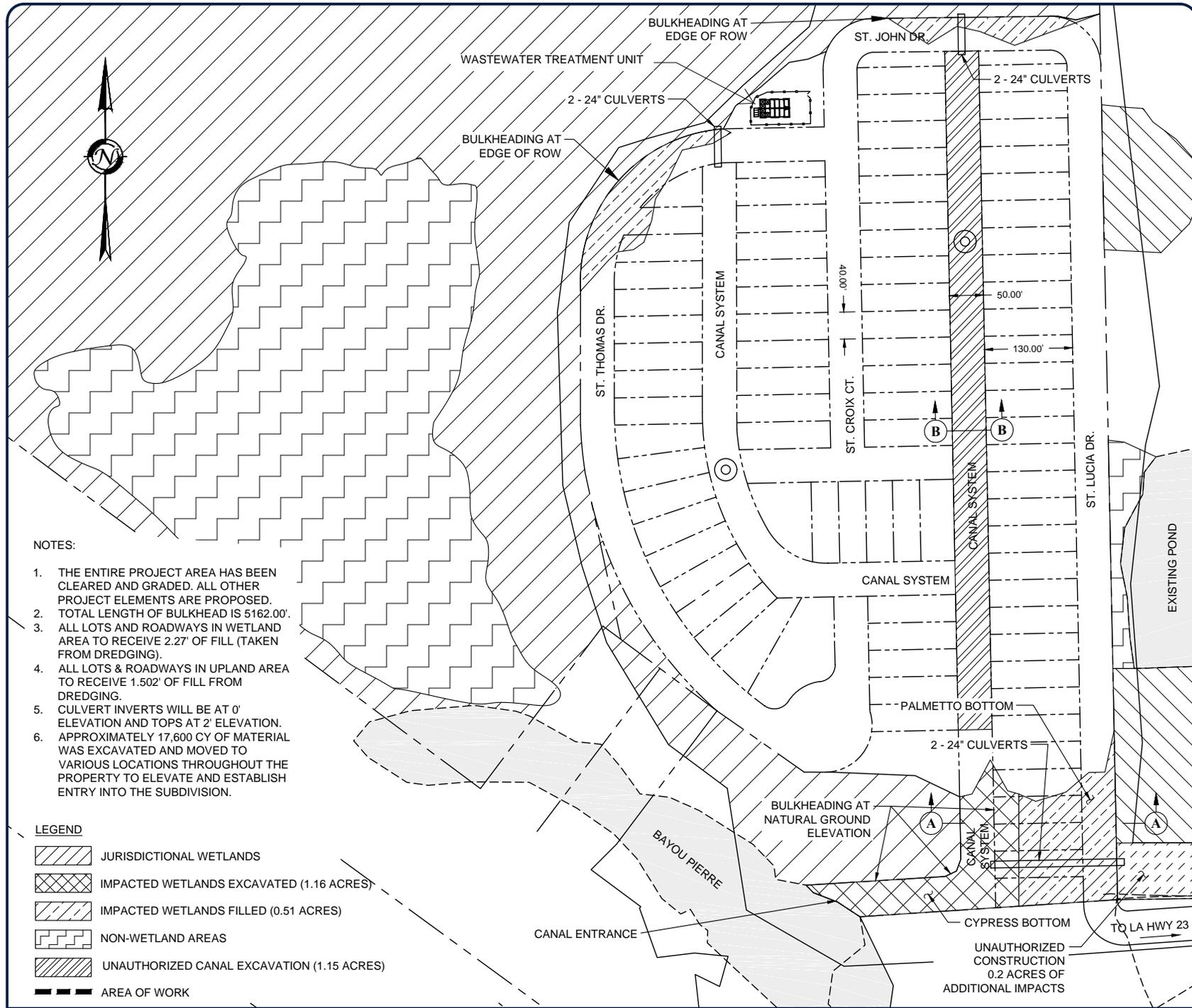
No.	Description	Date

**PRELIMINARY**  
THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SALES OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT.  
 CHRISTOPHER J. JEANICE  
 LA LICENSE NO. 39647

**MARINER'S COVE SUBDIVISION**  
 A RESIDENTIAL DEVELOPMENT LOCATED IN  
 SECTION 23, T9S-R4E  
 LIVINGSTON PARISH, LOUISIANA

**PROPOSED LAYOUT**

Project number	XXXXXX
Date	MAY 2017
Designed by	XXX
Drawn by	MAC, CJS
Checked by	CJJ
Checked by	SP
Plot Date	January 9, 2018



- NOTES:**
1. THE ENTIRE PROJECT AREA HAS BEEN CLEARED AND GRADED. ALL OTHER PROJECT ELEMENTS ARE PROPOSED.
  2. TOTAL LENGTH OF BULKHEAD IS 5162.00'.
  3. ALL LOTS AND ROADWAYS IN WETLAND AREA TO RECEIVE 2.27' OF FILL (TAKEN FROM DREDGING).
  4. ALL LOTS & ROADWAYS IN UPLAND AREA TO RECEIVE 1.502' OF FILL FROM DREDGING.
  5. CULVERT INVERTS WILL BE AT 0' ELEVATION AND TOPS AT 2' ELEVATION.
  6. APPROXIMATELY 17,600 CY OF MATERIAL WAS EXCAVATED AND MOVED TO VARIOUS LOCATIONS THROUGHOUT THE PROPERTY TO ELEVATE AND ESTABLISH ENTRY INTO THE SUBDIVISION.

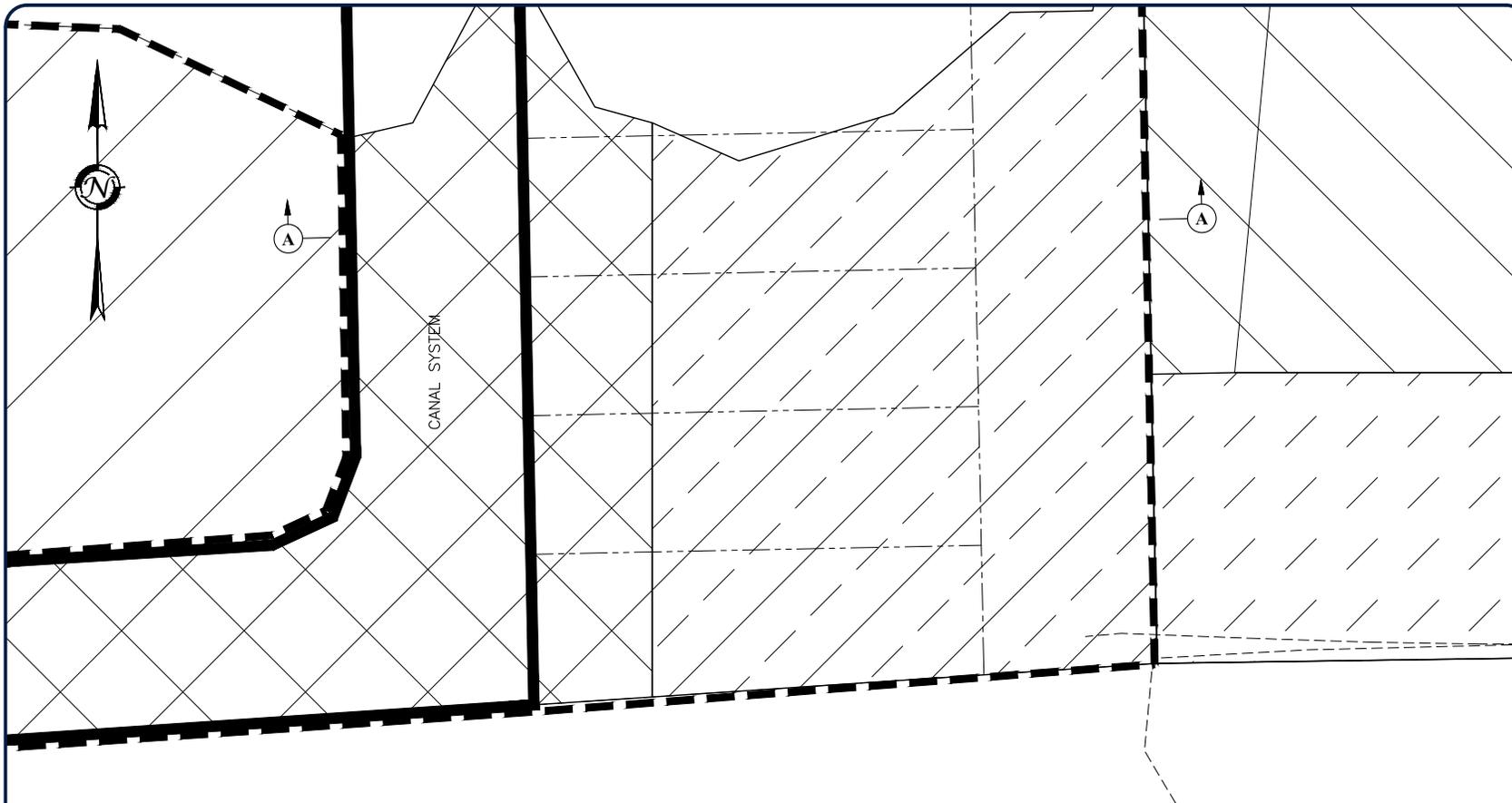
**LEGEND**

	JURISDICTIONAL WETLANDS
	IMPACTED WETLANDS EXCAVATED (1.16 ACRES)
	IMPACTED WETLANDS FILLED (0.51 ACRES)
	NON-WETLAND AREAS
	UNAUTHORIZED CANAL EXCAVATION (1.15 ACRES)
	AREA OF WORK

NOTE: THE IMAGE ABOVE IS A GENERAL REPRESENTATION OF THE WORK AREA, ACTUAL FIELD CONDITIONS MAY DIFFER.



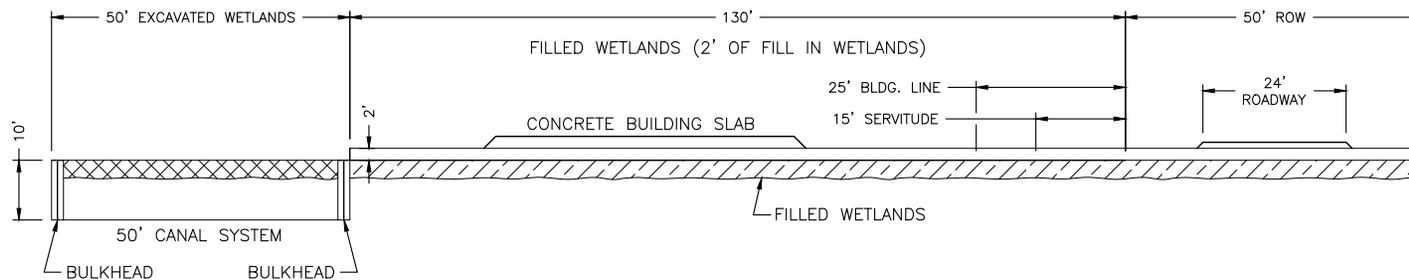
M:\Department\_39\Client\B001 - B0C Investments\39145-1805 BID Mariner's Cove Development\Drafting\COO\DWG\1 - Permit\Proposed Layout.dwg



NOTE: THE IMAGE ABOVE IS A GENERAL REPRESENTATION OF THE WORK AREA, ACTUAL FIELD CONDITIONS MAY DIFFER.

LEGEND

- WETLANDS EXCAVATED 1.16 ACRES
- WETLANDS FILLED, 0.51 ACRES
- AREA OF WORK



LEGEND

- WETLANDS EXCAVATED
- WETLANDS FILLED

**A SECTION**  
SCALE: 1/32" = 1'-0"



**ENGINEERING LLC**

Coastal Design & Infrastructure  
2503 Petroleum Dr. | Suite 110  
Houma, LA 70363  
O: (985) 219-1000 | F: (985) 475-7014

ENGINEERING • PLANNING • ENVIRONMENTAL CONSULTING

REVISIONS

No.	Description	Date

**PRELIMINARY**

THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SALES OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT.  
CHRISTOPHER J. JEANICE  
LA LICENSE NO. 39647

**MARINER'S COVE SUBDIVISION**  
A RESIDENTIAL DEVELOPMENT LOCATED IN  
**SECTION 23, T9S-R4E**  
LIVINGSTON PARISH, LOUISIANA

**SECTION A-A**

Project number	XXXXXX
Date	MAY 2017
Designed by	XXX
Drawn by	MAC, JJS
Checked by	CJJ
Checked by	SP
Plot Date	January 9, 2018

03

M:\Department\_39\Client\B001 - B02 Investments\39145-1805 Bid Mariner's Cove Development\Drafting\CAD\DWG\1 - Permit\Section A-A.dwg



**ENGINEERING LLC**

Coastal Design & Infrastructure  
 2503 Petroleum Dr. | Suite 110  
 Houma, LA 70363  
 O: (985) 219-1000 | F: (985) 475-7014

ENGINEERING • PLANNING • ENVIRONMENTAL CONSULTING

**REVISIONS**

No.	Description	Date

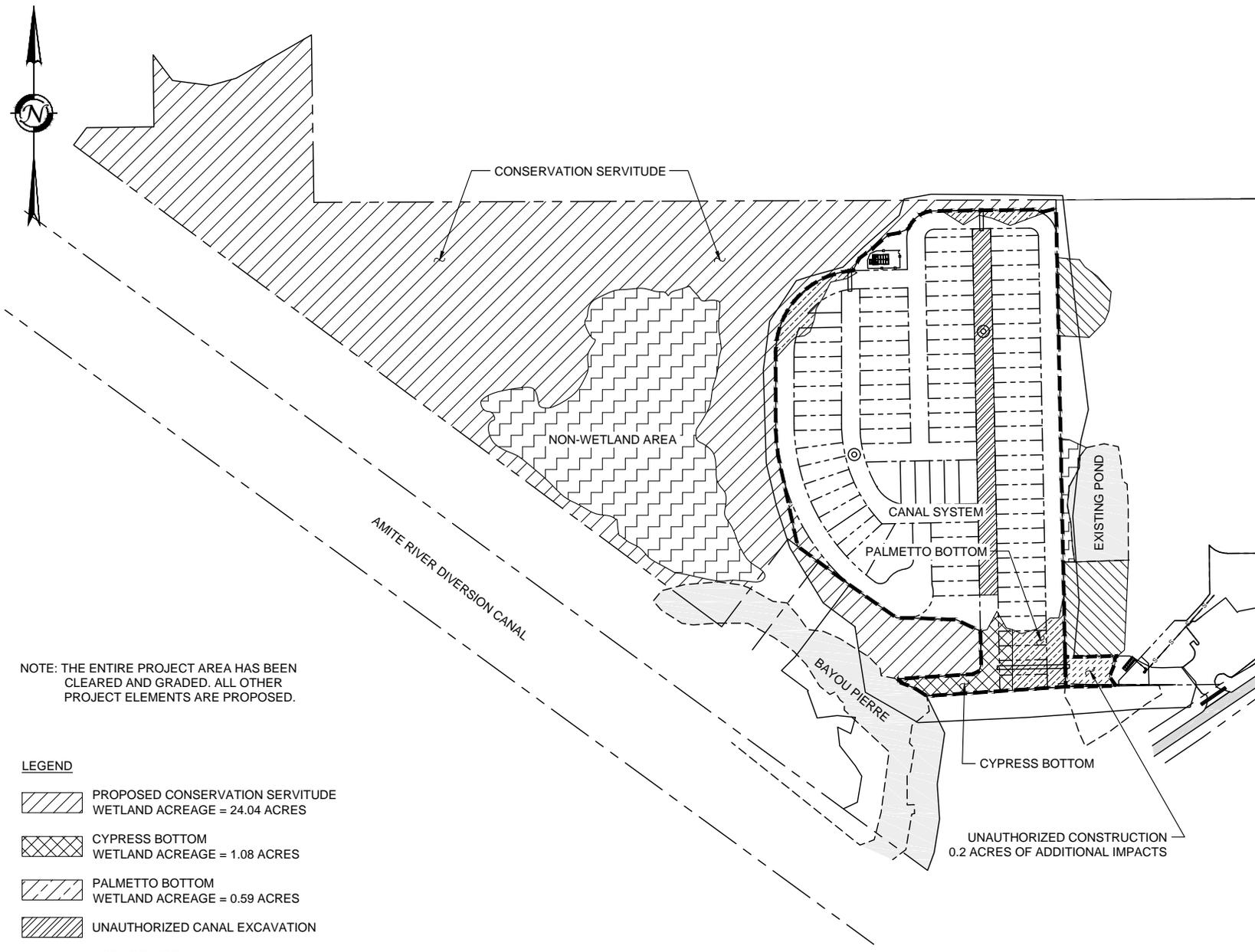
**PRELIMINARY**  
THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SALES OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT.  
 CHRISTOPHER J. JEANICE  
 LA LICENSE NO. 39647

**MARINER'S COVE SUBDIVISION**  
 A RESIDENTIAL DEVELOPMENT LOCATED IN  
 SECTION 23, T9S-R4E  
 LIVINGSTON PARISH, LOUISIANA

**CONSERVATION  
 SERVIDUTE LAYOUT**

Project number	XXXXXX
Date	MAY 2017
Designed by	XXX
Drawn by	MAC, JJS
Checked by	CJJ
Checked by	SP
Plot Date	January 9, 2018

04



NOTE: THE ENTIRE PROJECT AREA HAS BEEN  
 CLEARED AND GRADED. ALL OTHER  
 PROJECT ELEMENTS ARE PROPOSED.

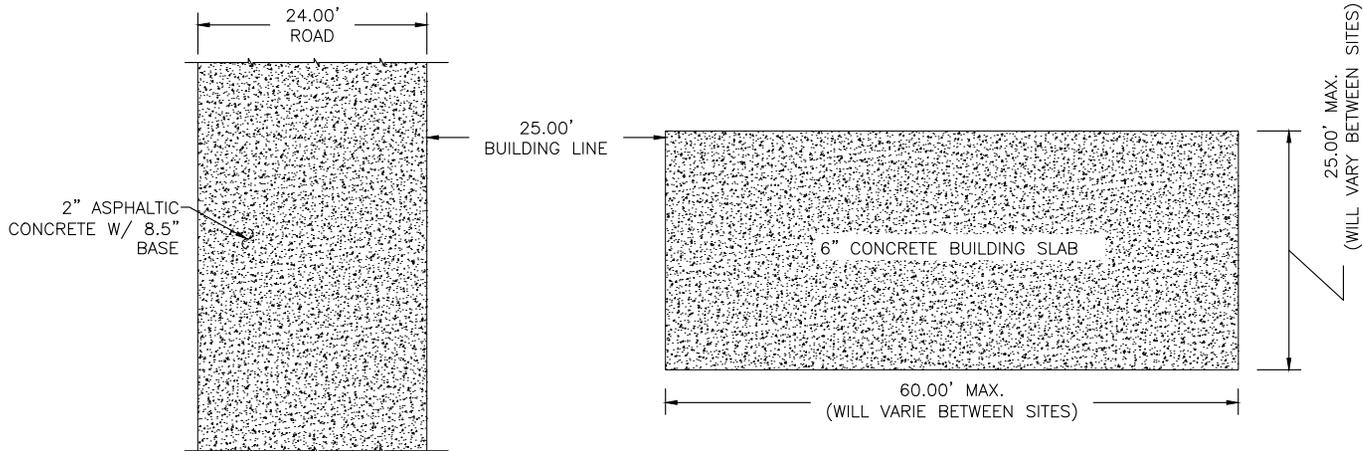
- LEGEND**
- PROPOSED CONSERVATION SERVIDUTE  
WETLAND ACREAGE = 24.04 ACRES
  - CYPRESS BOTTOM  
WETLAND ACREAGE = 1.08 ACRES
  - PALMETTO BOTTOM  
WETLAND ACREAGE = 0.59 ACRES
  - UNAUTHORIZED CANAL EXCAVATION
  - AREA OF WORK

NOTE: THE IMAGE ABOVE IS A GENERAL REPRESENTATION OF THE WORK AREA, ACTUAL FIELD CONDITIONS MAY DIFFER.

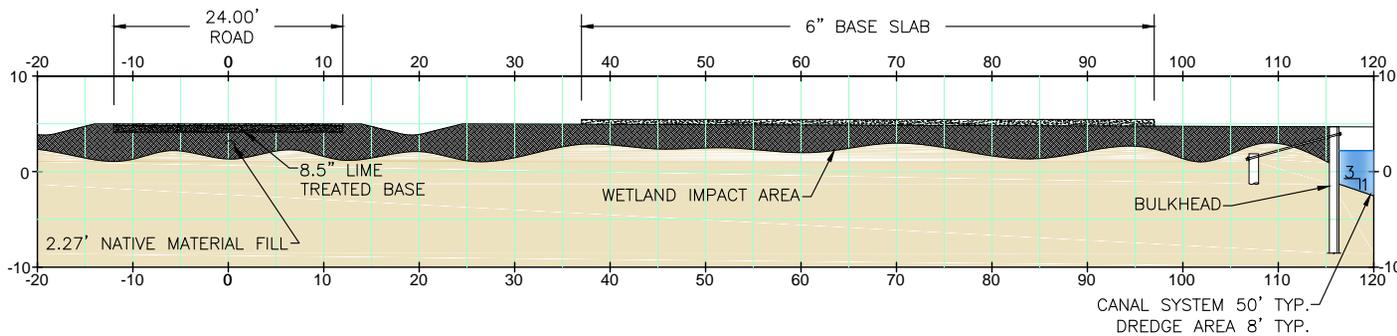
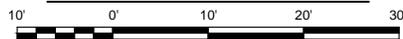


M:\Department\_39\Client\B001 - B02 Investments\39145-1085 BID Mariner's Cove Development\Drafting\COO\DWG\1 - Permit\CONSERVATION SERVIDUTE\_LAYOUT.dwg

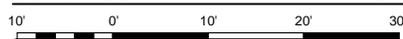




**CONSTRUCTION DETAIL PLAN**



**CONSTRUCTION DETAIL ELEVATION**



**ENGINEERING LLC**

Coastal Design & Infrastructure  
 2503 Petroleum Dr. | Suite 110  
 Houma, LA 70363  
 O: (985) 219-1000 | F: (985) 475-7014

ENGINEERING • PLANNING • ENVIRONMENTAL CONSULTING

**REVISIONS**

No.	Description	Date

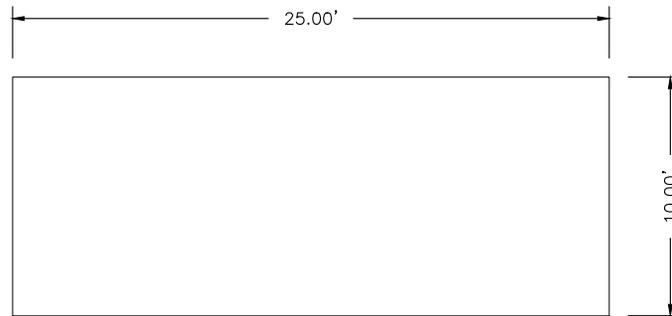
**PRELIMINARY**

THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, SALES OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT.  
 CHRISTOPHER J. JEANICE  
 LA LICENSE NO. 39647

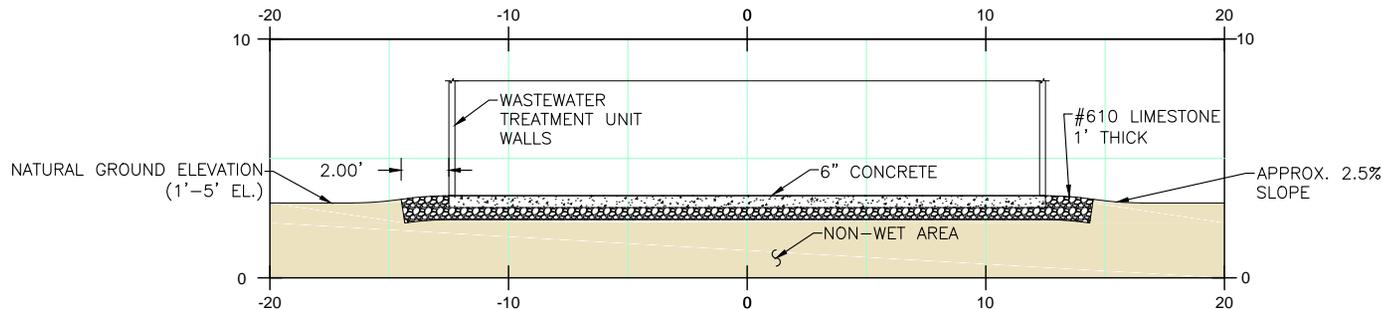
**MARINER'S COVE SUBDIVISION**  
 A RESIDENTIAL DEVELOPMENT LOCATED IN  
 SECTION 23, T9S-R4E  
 LIVINGSTON PARISH, LOUISIANA

**CONSTRUCTION  
 DETAILS**

Project number	XXXXXX
Date	MAY 2017
Designed by	XXX
Drawn by	MAC, JJS
Checked by	CJJ
Checked by	SP
Plot Date	June 7, 2017



**PLAN VIEW TREATMENT UNIT**



**WASTEWATER TREATMENT UNIT SECTION**



**ENGINEERING LLC**

Coastal Design & Infrastructure  
 2503 Petroleum Dr. | Suite 110  
 Houma, LA 70363  
 O: (985) 219-1000 | F: (985) 475-7014

ENGINEERING • PLANNING • ENVIRONMENTAL CONSULTING

**REVISIONS**

No.	Description	Date

**PRELIMINARY**  
 THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION,  
 BIDDING, RECORDATION, CONVEYANCE, SALES OR AS THE  
 BASIS FOR THE ISSUANCE OF A PERMIT  
 CHRISTOPHER J. JEANICE  
 LA LICENSE NO. 39647

**MARINER'S COVE SUBDIVISION**  
 A RESIDENTIAL DEVELOPMENT LOCATED IN  
 SECTION 23, T9S-R4E  
 LIVINGSTON PARISH, LOUISIANA

**WASTEWATER  
 TREATMENT PLAN AND  
 SECTION**

Project number	XXXXXX
Date	MAY 2017
Designed by	XXX
Drawn by	MAC, JJS
Checked by	CJJ
Checked by	SP
Plot Date	June 7, 2017