## JOINT PUBLIC NOTICE

**February 4, 2019** 

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) 862-1217 Project Manager Kenny Blanke Kenneth.G.Blanke@usace.army.mil MVN 2010-00509-CQ (225) 219-3225
Project Manager
Ms. Elizabeth Hill
WQC Application Number
WQC 190130-02

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).

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 LRS30:2074 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

## AFTER-THE FACT LEVEE ALONG CHOCTAW ROAD IN LAFOURCHE PARISH

**NAME OF APPLICANT**: Lafourche Parish Government, c/o Picciola & Associates, Inc., Attn: Joseph Picciola, Post Office Box 687, Cut Off, Louisiana 70345.

**LOCATION OF WORK**: Located on an approximate 33.2-acre site, in Sections 8 & 17, Township 14 South, Range 17 East, along and northeast of Choctaw Road, approximately 2.15 miles southwest of its intersection with Louisiana Highway 20, near Choctaw, Louisiana, located in Lafourche Parish, as shown on the enclosed drawings (Latitude 29.8679 N Longitude -90.76198 W). This project is located in the Barataria Basin (East Central Coastal HUC 08090203).

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 been deferred.

CHARACTER OF WORK: The applicant is requesting an after-the-fact Department of the Army permit authorization to clear, grade, excavate, place and maintain fill material for the construction of an earthen levee and borrow canal, near Choctaw, Louisiana, within Lafourche Parish. The applicant had previously constructed an approximate 5,162-linear foot levee and 5,060 linear borrow canal prior to obtaining a Department of the Army permit totaling approximately 9.7 acres of direct impacts to tidally influenced jurisdictional swamp wetland habitat and approximately 19.9 acres of indirect impacts from preventing hydrologic connectivity to tidally influenced wetland habitat due to the unauthorized levee construction. The applicant is proposing to degrade and fill approximately 6.9 acres of unauthorized levee and associated borrow canal and to replant the site with native swamp species. The applicant is proposing

approximately 22.0 acres of project restoration to areas that were either indirectly impacted (15.1 acres of hydrological isolated wetland habitat) or directly impacted from levee and borrow canal construction (6.9 acres of jurisdictional swamp). The applicant is proposing that approximately 1.4 acres of levee to remain in place and that a new 0.3-acre levee be constructed perpendicular to the remaining section and terminating at Choctaw Road. To maintain flood protection south of the new levee's intersection with the road, the applicant is proposing to raise a 3.400-linear foot section of Choctaw Road to +3.50 foot elevation. Approximately 18,550 cubic yards of native material was excavated as a result of the unauthorized borrow canal construction and placed as fill during levee construction. Approximately 12,900 cubic yards of native fill material was hauled in and placed as fill in jurisdictional areas. Approximately 1,200 cubic yards of native material would be hauled onsite as placed as fill for the proposed, approximate 260-foot new section of levee. Approximately 9.0 acres of jurisdictional wetlands would be impacted as a result of project implementation including the proposed remaining portions of the levee and borrow canal that were constructed prior to the applicant obtaining a Department of the Army permit. The applicant has claimed that the project has been designed to avoid and minimize direct and secondary adverse wetland impacts to the maximum extent practicable. The applicant is proposing to utilize best management practices during and after the construction phase of the project. The applicant is proposing to compensate for the unavoidable impacts by submitting a Permittee Responsible Mitigation Plan (PRMP). The applicant is still in development of a PRMP and will submit for review.

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

The comment period for the Department of Army Permit and the Louisiana Department of Environmental Quality 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 State Historic Preservation Officer.

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. 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 the proposed activity would have no effect on any listed species.

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 <u>0</u> 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.

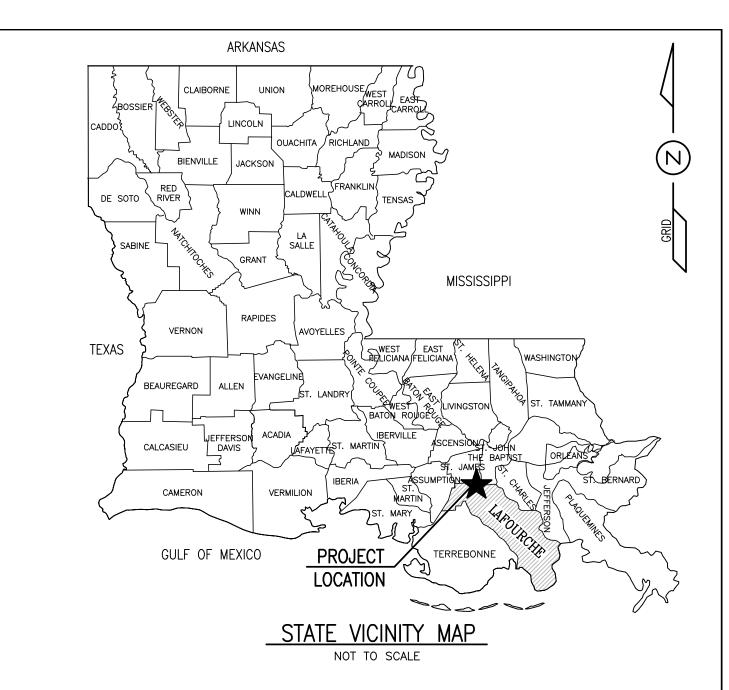
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the 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. 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

Enclosure



## EARTHEN LEVEE, ROADWAY ELEVATION AND WETLAND RESTORATION PLAN

## BANANE PUMP STATION TO ST. JAMES CANAL CHOCTAW, LAFOURCHE PARISH, LOUISIANA

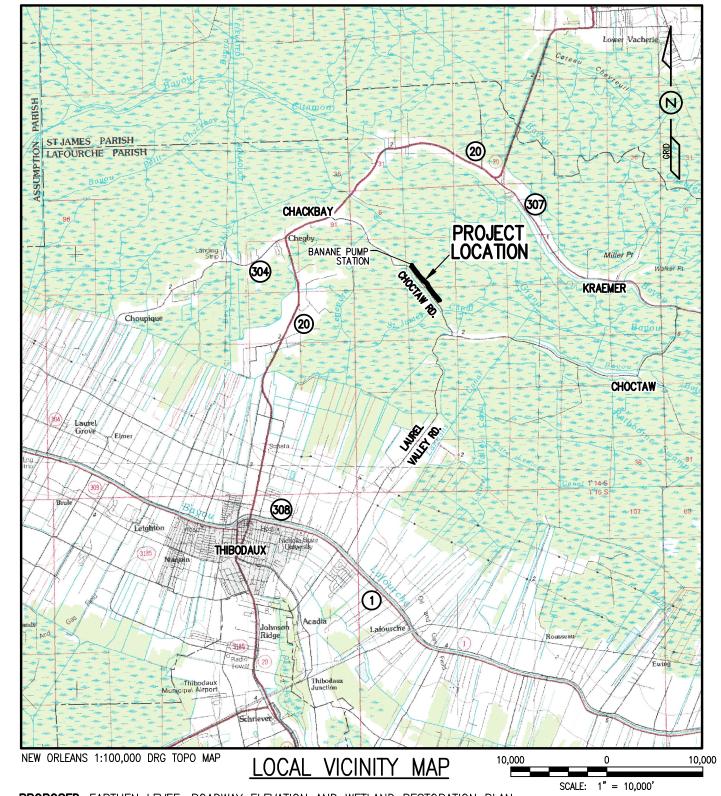
JN: 0902-1601

**PROPOSED:** EARTHEN LEVEE, ROADWAY ELEVATION AND WETLAND RESTORATION PLAN

BANANE PUMP STATION TO ST. JAMES CANAL

APPLIED BY: LAFOURCHE PARISH GOVERNMENT AREA: CHOCTAW, LAFOURCHE PARISH, LOUISIANA





**PROPOSED:** EARTHEN LEVEE, ROADWAY ELEVATION AND WETLAND RESTORATION PLAN BANANE PUMP STATION TO ST. JAMES CANAL

JN: 0902-1601

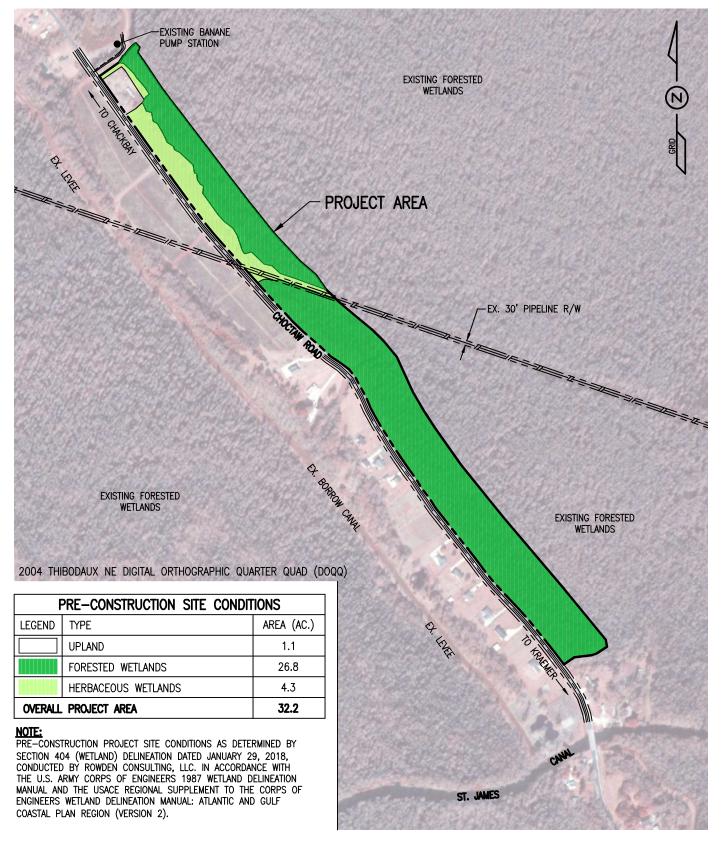
APPLIED BY: LAFOURCHE PARISH GOVERNMENT
AREA: CHOCTAW, LAFOURCHE PARISH, LOUISIANA
PROJECT IS LOCATED IN SECTIONS 8 & 17, T-14-S, R-17-E

LATITUDE = 29° 52' 11.98" LONGITUDE = 90° 45' 48.90" LAT. & LONG. IS LOCATED AT LEVEE BASELINE STATION 100+00

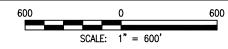


REV D: 11-19-2018 DATE: 04-03-2018

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## PRE-CONSTRUCTION CONDITIONS SITE PLAN





PICCIOLA & ASSOCIATES, INC.

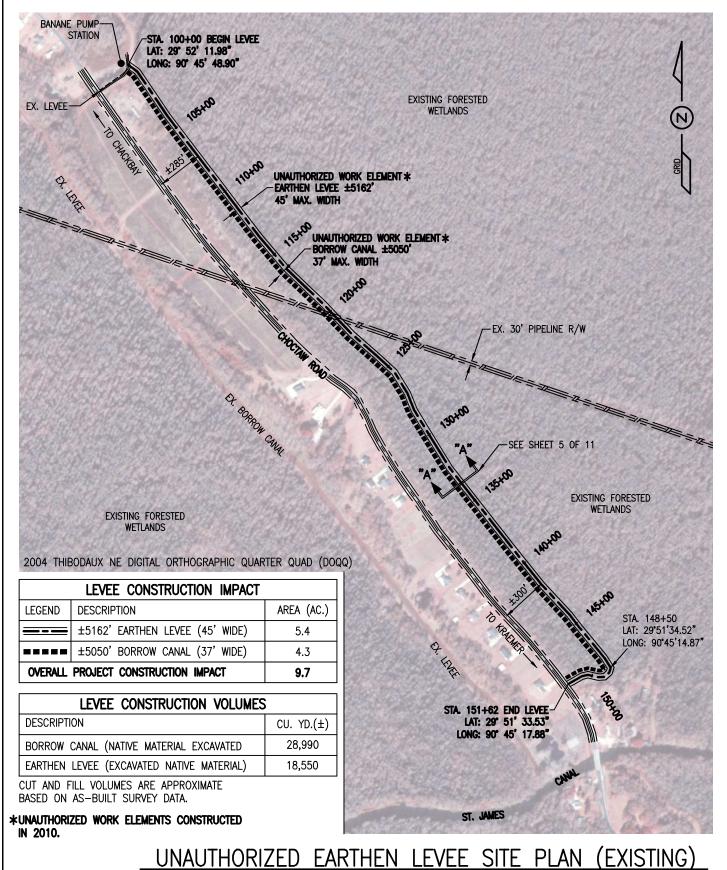
CIVIL ENGINEERS
LAND SURVEYORS

P.O. BOX. 687
CUT OFF. LOUISIANA 70345
(690.02-5708) 600-25708

JN: 0902-1601

REV D: 11-19-2018 DATE: 04-03-2018

SHEET **3** OF **11** 







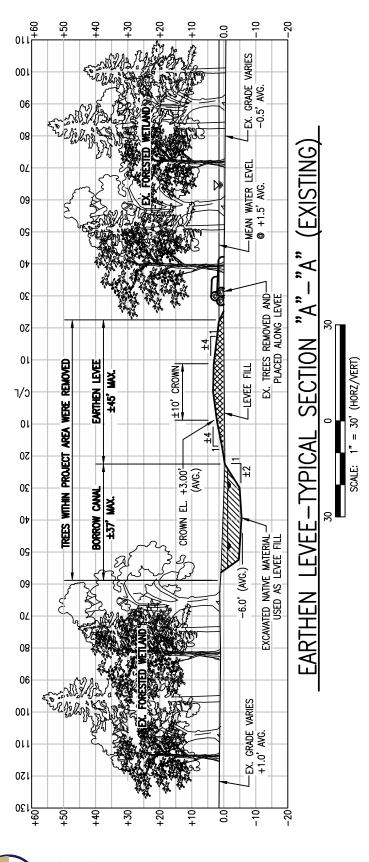
PICCIOLA & ASSOCIATES, INC. CIVIL ENGINEERS LAND SURVEYORS NAVAL ARCHITECTS MARINE ENGINEERS

P.O. BOX, 687 CUT OFF, LOUISIANA 70345 (985) 632-5786

JN: 0902-1601

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SHEET 4 OF 11



## YD.(±) 28,990 18,550 . U (EXCAVATED NATIVE MATERIAL) (NATIVE MATERIAL EXCAVATED) LEVEE CONSTRUCTION VOLUMES BORROW CANAL EARTHEN LEVEE DESCRIPTION LEGEND

CUT AND FILL VOLUMES REPRESENT APPROXIMATE NET AS-BUILT LEVEE AND BORROW CANAL SECTIONS. VOLUME DIFFERENCE BASED ON ±1.5 AND BORROW CANAL COMPACTION FACTOR.

## NOTES:

- THE EARTHEN LEVEE WAS CONSTRUCTED USING EXCAVATED BORROW MATERIAL PARALLELING THE LEVEE ALICNMENT AS SHOWN.
  EQUIPMENT ACCESS WAS LIMITED TO THE FOOTPRINT OF THE EARTHEN LEVEE AND BORROW CANAL.
  EXISTING TREES WITHIN THE LEVEE AND BORROW CANAL ALIGNMENT WERE REMOVED AND DISCARDED ALONG THE FLOOD SIDE OF THE EARTHEN LEVEE. AVERAGE MEAN WATER LEVEL (+)1.5' N.A.V.D., PROVIDED BY OTHERS.

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## EXISTING SITE CONDITIONS

- THE HEREIN DESCRIBED EARTHEN LEVEE AND BORROW CANAL ARE EXISTING FEATURES CONSTRUCTED BY THE LAFOURCHE PARISH GOVERNMENT IN RESPONSE TO A 2009 FLOOD EVENT.

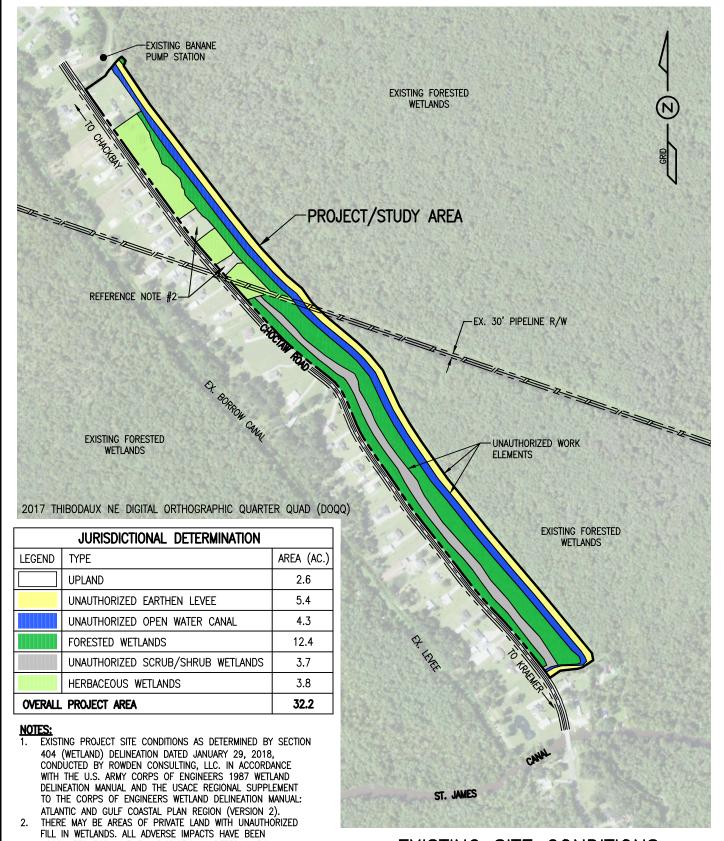
  THE DISTURBED WETLAND AREAS WITHIN THE PROJECT LIMITS, BORROW CANAL AND EARTHEN LEVEE SHALL BE RESTORED AS OUTLINED IN THE FOLLOWING WETLAND RESTORATION PLAN.
  - 7

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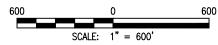
SHEET 5 OF 11

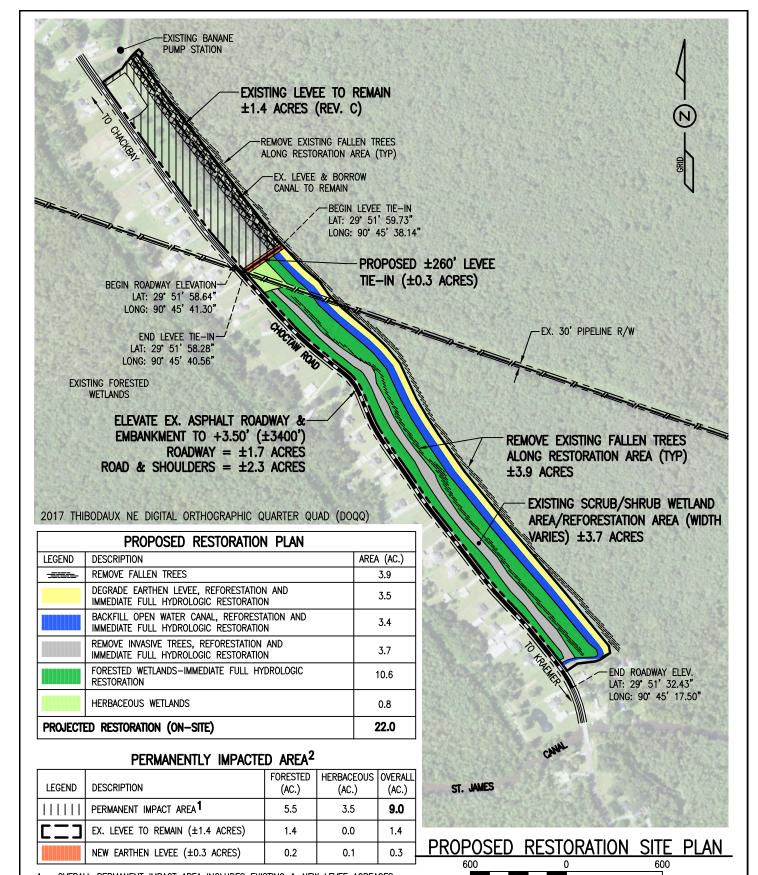


ACCOUNTED FOR IN THE JURISDICTIONAL DETERMINATION, INCLUDING THE CONVERSION OF WETLANDS TO UPLANDS.

PICCIOLA & ASSOCIATES, INC.

## **EXISTING SITE CONDITIONS**





OVERALL PERMANENT IMPACT AREA INCLUDES EXISTING & NEW LEVEE ACREAGES.
 PERMANENT IMPACT AREA SHALL BE MITIGATED FOR THROUGH DEVELOPMENT OF

OFF-SITE PERMITTEE-RESPONSIBLE MITIGATION (PRM) PROJECT.

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JN: 0902-1601

REFERENCE SHEETS 8-11 FOR MORE INFORMATION ON PROPOSED SITE RESTORATION METHODS, LEVEE TIE-IN AND ROADWAY ELEVATION.

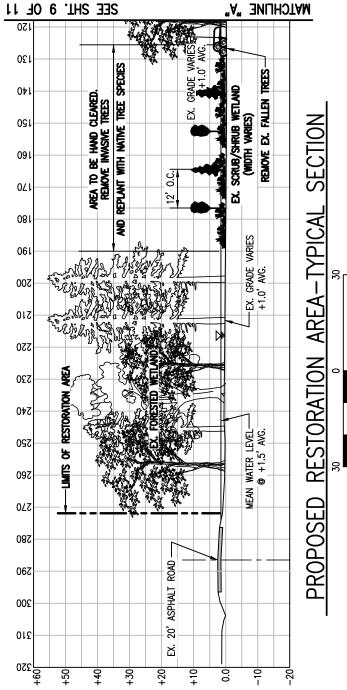
1" = 600'

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**NOTES:** 

SCALE:

SHEET **7** OF **11** 



## EXISTING FALLEN TREE REMOVAL

ALL EXISTING FALLEN TREES RESULTING FROM LEVEE CONSTRUCTION ALONG THE SCRUB/SHRUB WETLAND AREA AND ALONG THE EXISTING EARTHEN LEVEE SHALL BE REMOVED AND DISPOSED OF OFF—SITE IN A NON—WETLAND AREA, NATIVE TREES IN THE FORESIED WETLAND AREAS WILL NOT BE DAMAGED DURING THESE ACTIVITIES.

# 10.6 AC. FORESTED WETLAND RESTORATION

EXISTING FORESTED METLAND AREAS SHALL BE RESTORED THROUGH IMMEDIATE AND FULL HYDROLOGIC RESTORATION BY DEGRADING THE EXISTING EARTHEN LEVEE AND BACKFILLING THE EXISTING BORROW CANALNATIVE TREES IN THE FORESTED WETLAND AREAS WILL NOT BE DAMAGED DURING THESE ACTIVITIES.

# 3.7 AC. SCRUB/SHRUB WETLAND RESTORATION:

THE EXISTING SCRUB/SHRUB WETLAND AREA SHALL BE RESTORED THROUGH SELECTIVE REMOVAL OF EXISTING INVASIVE TREE SPECIES, PLANTING OF NATIVE TREES AND THE IMMEDIATE AND FULL HYDROLOGIC RESTORATION BY DEGRADING THE EXISTING EARTHEN LEVEE AND BACKFILL THE EXISTING BARROW CANAL. NATIVE TREES IN THE OPRESIED WETLAND AREAS WILL NOT BE DAMAGED DURING THESE ACTIVITIES.

## PROPOSED REFORESTATION:

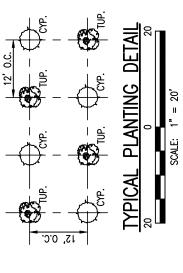
1" = 30' (HORZ/VERT)

SCALE:

THE SCRUB/SHRUB WETLAND AREA SHALL BE SELECTIVELY HAND CLEARED & REPLANTED WITH NATIVE TREE SPECIES AS FOLLOWS:

- A. SAID AREA SHALL BE PLANTED WITH AN APPROXIMATE 50:50 RATIO OF BALD CYPRESS (TAXODIUM DISTICHUM) AND TUPELO—GUM (NYSSA AQUATICA) TREES.
  - B. TREES SHALL BE PLANTED ON A 12'x12' SPACING, WHEN APPLICABLE.
- WHEN APPLICABLE.

  C. PLANTING AREA SOILS AND ELEVATIONS WILL BE SHAPED & PREPARED TO MATCH NATURAL CONDITIONS AND HYDROLOGY. ANY REQUIRED BORROW TO BE TESTED & APPROVED PRIOR TO PLACEMENT.



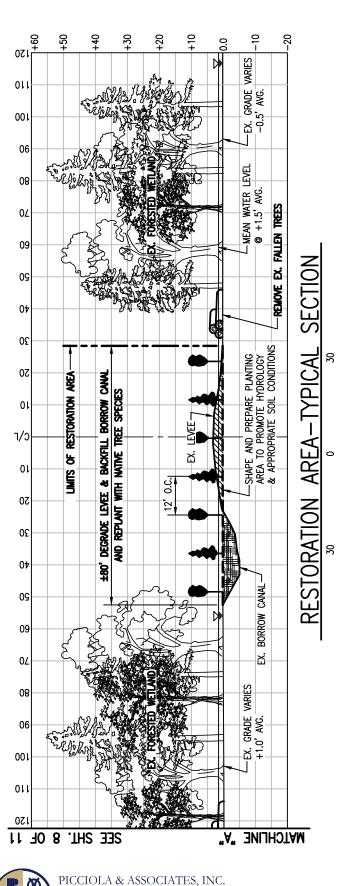
PICCIOLA & ASSOCIATES, INC.

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REV D: 11-19-2018 DATE: 04-03-2018

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CIVIL ENGINEERS LAND SURVEYORS

P.O. BOX, 687 CUT OFF, LOUISIANA 70345 (985) 632-5786

NAVAL ARCHITECTS MARINE ENGINEERS

## EXISTING FALLEN TREE REMOVAL

FALLEN TREES RESULTING FROM LEVEE BE REMOVED AND DISPOSED OF OFF-SITE IN CONSTRUCTION ALONG THE SCRUB/SHRUB WETLAND area and along the existing eárthen leyee Shall be removed and disposed of off—siti a non—wetland area. **EXISTING** 

# 10.6 AC. FORESTED WETLAND RESTORATION:

EXISTING FORESTED WETLAND AREAS SHALL BE RESTORED THROUGH IMMEDIATE AND FULL HYDROLOGIC RESTORATION BY DEGRADING THE EXISTING EARTHEN LEVEE AND BACKFILLING THE EXISTING BORROW CANAL.

## Proposed reforestation;

SCALE: 1" = 30' (HORZ/VERT)

CU. YD.(±)

Material volumes

18,550 28,990

PERMANENT SPOIL PLACEMENT

LEVEE EXCAVATION

TPE

LEGEND

JN: 0902-1601

SEE BORROW CANAL BACKFILL NOTE #3.

THE SCRUB/SHRUB WETLAND AREA, BORROW CANAL, AND EARTHEN LEVEE RESTORATION AREAS SHALL BE REPLANTED WITH NATIVE TREE SPECIES AS FOLLOWS:

- SAID AREAS SHALL BE PLANTED WITH AN APPROXIMATE 50:50 RATIO OF BALD CYPRESS (TAXODIUM DISTICHUM) AND TUPELO-GUM (NYSSA AQUATICA) TREES. ż
- TREES SHALL BE PLANTED ON A 12'x12' SPACING. PLANTING AREA SOILS AND ELEVATIONS WILL BE SHAPED ت ھ
  - REQUIRED BORROW TO BE TESTED & & PREPARED TO MATCH NATURAL CONDITIONS AND APPROVED PRIOR TO PLACEMENT HYDROLOGY. ANY

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## Ŝ || |-SCALE: TYPICAL

## AC. BORROW CANAL BACKFILL:

- ±2988' OF THE EXISTING BORROW CANAL SHALL BE BACKFILLED WITH NATIVE MATERIAL GENERATED FROM THE DEGRADING OF THE EXISTING EARTHEN LEVEE PARALLELING THE BORROW CANAL.
  - SAID AREA SHALL THEN BE PLANTED WITH NATIVE TREES AND SHALL RECEIVE IMMEDIATE & FULL HYDROLOGIC RESTORATION. ANY ADDITIONAL BORROW MATERIAL REQUIRED FOR BACKFILLING SHALL BE PROVIDED BY AN APPROVED OFF—SITE BORROW SOURCE AND SHALL BE TESTED AND APPROVED PRIOR TO 7 ĸ.

REV D: 11-19-2018 DATE: 04-03-2018

DEGRADED TO MATCH ADJACENT NATURAL GROUND ELEVATIONS. SAID AREA SHALL THEN BE PLANTED WITH NATIVE TREES AND

OF THE EXISTING EARTHEN LEVEE ED TO MATCH ADJACENT NATURAL (

AC. LEVEE DEGRADING:

3.5

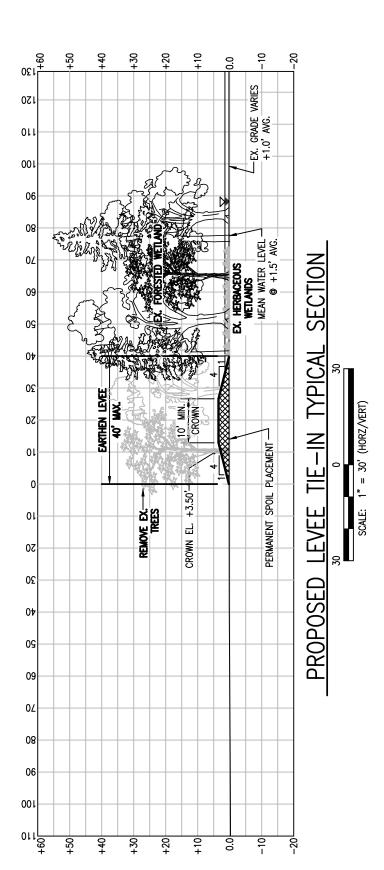
SHALL RECEIVE IMMEDIATE AND FULL HYDROLOGIC

RESTORATION.

SHEET 9 OF

11

PLACEMENT.



YD.(±) 1,200

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TIE-IN (±0.3 AC.)

LEVEE

**\*\*\*** LEGEND

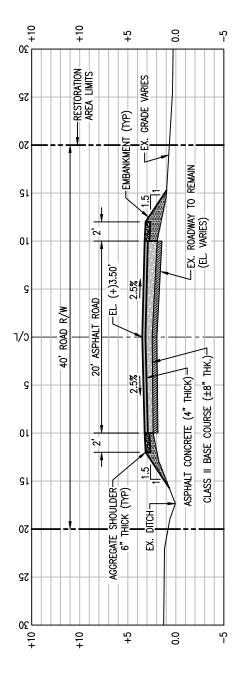
Material volumes

1. THE EARTHEN LEVEE SHALL BE CONSTRUCTED BY USING BORROW MATERIAL FROM A CORPS. APPROVED OFF—SITE BORROW PIT.

2. EQUIPMENT ACCESS SHALL BE ALONG THE PROPOSED EARTHEN LEVEE. CONSTRUCTION EQUIPMENT SHALL NOT BE ALLOWED TO OPERATE OUTSIDE THE PROPOSED LEVEE FOOTPRINT.

3. EXISTING TREES WITHIN THE LEVEE ALIGNMENT SHALL BE REMOVED AND HAULED OFF—SITE AND DISPOSED OF IN A NON—WETLAND AREA.





## TYPICAL SECTION PROPOSED ROADWAY ELEVATION SCALE: 1" = 10' (HORZ/VERT)

## 1700 CUYD 7556 SQYD 1260 CUYD 252 CUYD QTY.(±) THK.) (SHOULDER) ROADWAY ELEVATION VOLUMES CLASS II BASE COURSE (8" THICK) **.**9) ASPHALT CONCRETE (4" THICK) COURSE AGGREGATE SURFACE **EMBANKMENT** TPE LEGEND

LOCAL, 35 MPH DESIGN SPEED

NOTES:

1. THE PROPOSED ASPHALT ROADWAY ELEVATION SHALL BE CONFINED WITHIN THE EXISTING PARISH RIGHT—OF—WAY AND SHALL NOT IMPACT ADJACENT WETLAND AREAS.

2. THE ROADWAY ELEVATION SHALL PROVIDE FLOOD PROTECTION FROM THE ST. JAMES CANAL TO THE LEVEE TIE—IN LOCATION AS SHOWN ON SHEET 7 OF 11.

3. REQUIRED EMBANKMENT MATERIAL SHALL BE PROVIDED FROM A CORPS. APPROVED OFF—SITE BORROW PIT

PICCIOLA & ASSOCIATES, INC. CIVIL ENGINEERS LAND SURVEYORS NAVAL ARCHITECTS MARINE ENGINEERS P.O. BOX. 687 CUT OFF, LOUISIANA 70345 (985) 632-5786