



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

May 10, 2021

Operations Division
Central Evaluation Section

Project Manager
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SUBJECT: MVN-2012-00926-CG

PUBLIC NOTICE

Interested parties are hereby notified that an application has been received by the District engineer for a Department of the Army permit to authorize the following 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).

PERMIT MODIFICATION FOR THE BAYOU L'OURS TERRACING PROJECT IN LAFOURCHE PARISH

NAME OF APPLICANT: Lafourche Parish Government, c/o Leslie Suazo of Ducks Unlimited, Inc., 806 Bayou Black Drive, Houma, LA 70360.

LOCATION OF WORK: In Bayou L'Ours, Section 49 T19S-R22E and Section 19 T19S-R23E, in Galliano, Louisiana, in Lafourche Parish, within the Barataria Basin in hydrologic unit (HUC 08090301), as shown on the attached drawings (Latitude 29.416682 N, Longitude -90.1733700 W).

CHARACTER OF WORK: A portion of the work described herein was previously authorized under an Individual Permit (MVN-2012-00926-WPP) issued to Lafourche Parish Government on November 15, 2012 and modified as MVN-2012-00926-CG on November 5, 2018. The applicant has requested modification to the Department of the Army authorization to dredge and redistribute the material in shallow open water areas to construct and maintain the Bayou L'Ours marsh terraces. The previous authorization included an expansion for the creation of the excavation and redistribution of fill material to create a total of 164,047 linear feet of terraces impacting a total of 425.5 acres. The proposed modification includes a layout alteration in Terrace Field 1 (previously authorized as Area 5) with no new impacts. However, the additional work in Terrace Field 2 will include excavation and placement of 21,560 cubic yards of material to construct 4,900 linear feet of terraces adding approximately 21.3 acres of impacts to waterbottoms.

It is presumed that the applicant has designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. Any further reduction would limit function, deeming the project impracticable. The intended purpose of the project is to prevent local erosion via reduced tidal amplitude and wave action.

The comment period for the Department of Army will close in **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 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, ODR-C, S. Gail Gainey**. 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.

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. Copies of this notice are made available 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 the Information & Planning Consultation for Endangered Species in Louisiana protocol, dated January 27, 2020 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.

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 400 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 (Louisiana Coastal Zone Application P2020204). 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