



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

August 22, 2022

Regulatory Division  
Central Evaluation Branch

Project Manager  
S. Gail Gainey  
(504) 862-1545  
Sandra.g.gainey@usace.army.mil

SUBJECT: MVN-2012-01477-CG

### **PUBLIC NOTICE**

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: [ X ] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344), and/or [ ] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

### **PERMIT MODIFICATION OF AN EXISTING RESIDENTIAL SUBDIVISION IN LIVINGSTON PARISH**

**NAME OF APPLICANT:** John Henry, 32899 Cypress Drive, Springfield, LA 70462.

**LOCATION OF WORK:** On the Tickfaw River, Section 11, T8S-R6E, on Henry Road in Killian, Louisiana, in Livingston Parish, within the Pontchartrain Basin in hydrologic unit (HUC 08070203), as shown on the attached drawings (Latitude 30.372896 N, Longitude -90.566914 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:** The work described herein to develop the residential subdivision was partially completed under previous authorizations issued as LMNOD SE Tickfaw River 138A on May 2, 1994 and modified on August 19, 1994. The applicant has requested Department of the Army authorization to clear, grade, excavate and deposit fill and/or aggregate material to complete the development of Lots 47, 49, 50, and 51, to include bulkheads with backfill, driveways, homesites, and a dock. Additionally, unauthorized modifications to the permitted subdivision have occurred which include the construction of an 80-foot bulkhead and a 490 SF dock on Lot 50, a 340 SF boat slip on Lot 47, and the adjustment of the roadway from a road with cul-de-sac to a road with a 104 linear feet circle drive terminus. Approximately 559.12 cubic yards of fill material would be deposited to complete the development. The previous permit

authorized impacts to approx. 4.3 acres of jurisdictional wetlands. The proposed modification would impact an additional approx. 0.05 acre of traditionally navigable waterways.

The applicant states that the project was designed to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. The applicant is proposing to utilize best management practices during and after the construction phase of the project and the project will receive approval from all appropriate drainage and sewage agencies. Compensatory mitigation requirements for the impacts to jurisdictional wetlands have been met under the previous authorization. No additional compensatory mitigation will be required for the completion of the project.

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 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 and/or comments concerning the subject permit application must reference the applicant's name and the Permit Application Number and preferably emailed to the Corps of Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGC, 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 Branch 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. This public notice is also available for review online at <https://go.usa.gov/xennJ>.

#### 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 utilizes the National Register of Historic Places to identify properties listed on or near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. However, extent of coverage and impacts is undetermined at this time pending a National Historic Preservation Act compliance determination. Copies of this notice are made available to the State Archeologist and the State Historic Preservation Officer.

Our initial finding is that the proposed work would not affect any species listed as endangered by the U.S. Department of Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species. 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 NA 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.

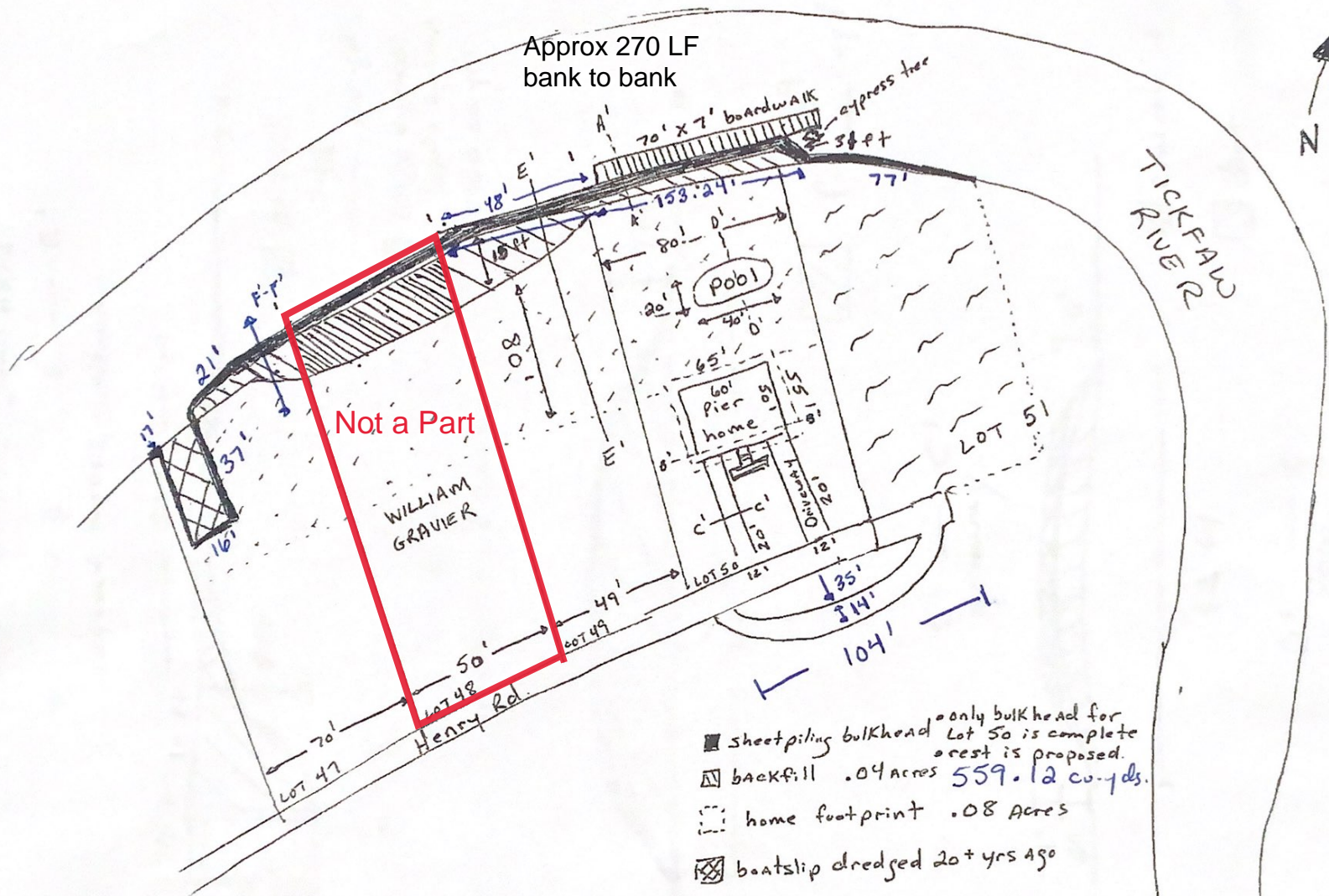
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. You are requested to communicate the information 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 P20190538). 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 Branch  
Regulatory Division

Enclosures





Approx 270 LF  
bank to bank

Not a Part

WILLIAM  
GRAVIER

TICKFAW  
RIVER



- sheet piling bulkhead only bulkhead for Lot 50 is complete crest is proposed.
- ▣ backfill .04 acres 559.12 cu-yds.
- ⋯ home footprint .08 Acres
- ▨ boatslip dredged 20+ yrs ago
- ▩ cypress/tupelo filled .46
- ▭ portion of LOT 51 previously permitted under #9810796
- ▮ boardwalk in progress
- ▩ bulkhead: backfill for lot 48 to be completed by Gravier.

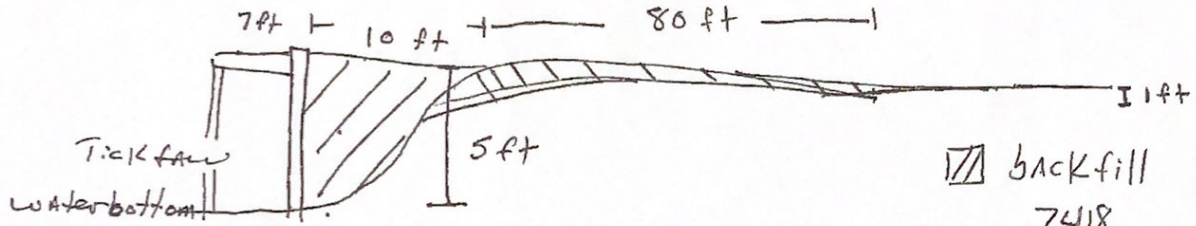
note: mitigation performed under USACE permit 138 A

Lot 47 boat slip, Lot 50 boardwalk and bulkhead, and roadway modification to be evaluated ATF

not to scale

CROSS-SECTION JOHN HENRY

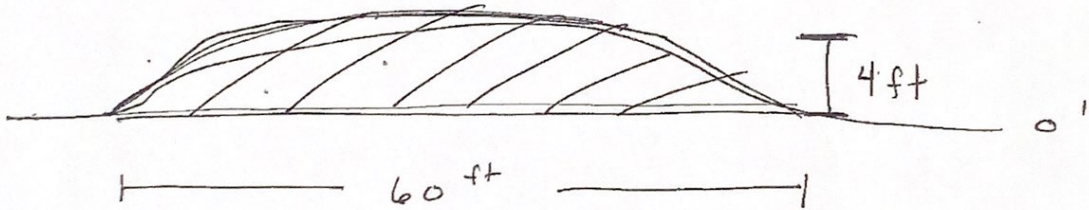
A' — A'      E' — E'  
 bulkhead, backfill, walkway



backfill  
 7418  
 cu. yds.

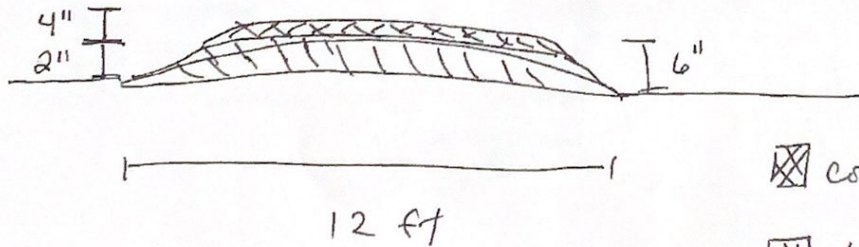
fill in cypress/  
 tupelo swamp  
 2160 cu. yds.

B' — B'  
 footprint of home



fill <sup>529</sup> ?  
 cu. yds

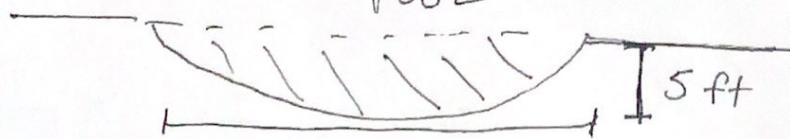
C' — C'  
 driveway



concrete <sup>?</sup> 2 cu. yds

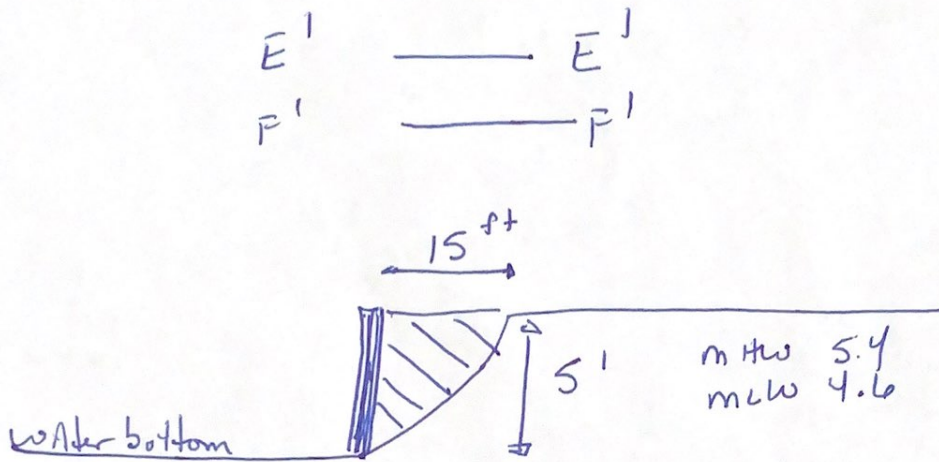
dirt <sup>?</sup> 6 cu. yds.

D' — D'  
 POOL




excavated  
 148.15  
 cu. yds.

J. Henry P2019 0538



250' to  
opposite bank.

 BACKFILL  
141.12 cu. yds