

JOINT PUBLIC NOTICE

July 29, 2013

DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT
CORPS OF ENGINEERS
REGULATORY FUNCTIONS BRANCH
P.O. BOX 60267
NEW ORLEANS, LA 70160

STATE OF LOUISIANA DEPARTMENT
OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL
SERVICES
P.O. BOX 4313
BATON ROUGE, LA 70821-4313

STATE OF LOUISIANA
DEPARTMENT OF NATURAL
RESOURCES
OFFICE OF COASTAL MANAGEMENT
P.O. BOX 44487
BATON ROUGE, LA 70804-4487

Phone (504) 862-2224

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COE REVIEWER:

Bobby Quebedeaux

DEQ REVIEWER:

Jamie Phillippe

OCM REVIEWER:

Vickie Amedee

COE NUMBER:

MVN-2013-0880-WJJ

WQC NUMBER:

130708-03

CUP NUMBER:

P20130808

NAME: **ST. MARY LEVEE DISTRICT**
c/o T. BAKER SMITH, LLC
PO BOX 2266
HOUMA, LA 70361
Attn: Jason Kennedy

LOCATION: **Saint Mary, Terrebonne Parishes, LA;** P.O.B. @ Lat. 29° 40' 58.03"N, Long. 91° 10' 19.40"W; P.O.E. - Lat. 29° 36' 21.36"N, Long. 91° 05' 06.45"W; Sections 35, 36, 40, 41, 43, 45 & 47, T16S-R13E and Sections 1 & 12, T17S-R13E

DESCRIPTION: Proposed Bayou Chene Flood Protection Project which will include the elevation of approx. 33,634' of Avoca Road on Avoca Island (i.e., Avoca Road Levee) to approx. 8.5' elevation, approx. 9,822' of the Avoca Borrow Canal Levee to approx. 8' elevation, approx. 966' of the Bayou Chene East Levee to approx. 9.5' elevation and approx. 6,091' of the Tabor Canal Levee to approx. 9.5' elevation. A flood control structure will be installed at elevation 10.0' in Bayou Chene consisting of a barge gate at the center of the bayou with fixed flood walls extending outward to the bayou banks on either side. A weir structure will be installed in Tabor Canal consisting of steel gates. These structures will minimize high water induced flooding in St. Mary, Terrebonne, St. Martin, Assumption and Iberville Parishes due to high river stages in the Atchafalaya River. During normal Bayou Chene water levels the gate will be open to allow maritime traffic and water to pass through the opening. At the threat of impending high water events the barge gate will be deballasted to a floating condition, winched or placed by tug into position across Bayou Chene and ballasted into closed position against the receiving structure. Also, an existing weir structure will be removed and replaced on the Borrow Canal Levee, the existing temporary flood control structures used during the 2011 emergency closure will be removed from Bayou Chene and two existing pipelines within Tabor Canal will be crossed with reinforcement installed for pipeline protection. Approx. 470,810 cu. yds. of native material will be excavated from a proposed borrow pit and used for construction activities. An additional 47,798 cu. yds. of native material will be displaced during project activities. Approx. 17,091 cu. yds. of crushed stone/gravel and 19,601 cu. yds. of rock material will be required for project activities. A total of approx. 212.98 acres may be impacted as a result of this proposed activity (approx. 32.30 acres of wetlands and approx. 180.68 acres of non-wetlands/waterbottoms).

NOTICE the Louisiana Department of Natural Resources, Office of Coastal Management (OCM) has received the above application for a Coastal Use Permit (CUP) in accordance with the State and Local Coastal Resources Management Act of 1978, as amended, (Louisiana R.S. 49:214.21-214.41), and the rules and regulations of the Coastal Resources Program. Applications for the proposed work may be inspected at 617 North 3rd Street, Room 1078, Baton Rouge, LA or on the OCM web page at: <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=591>. Copies may be obtained upon payment of cost of copying. Written comments, including suggestions for modifications or objections to the proposed work and stating the reasons thereof, are being solicited from the public. Comments must be received within 25 days of the date of publication of this notice. Comments should be uploaded to our electronic record, but may be mailed, faxed or emailed to the designated OCM Reviewer. All comments must contain the appropriate application number and the commenter's full name and contact information.

Application also has been made to the Louisiana Department of Environmental Quality, Office of

Environmental Services for a Water Quality Certification in accordance with La. R.S. 30.2074(A)(93), and Section 401 of the Clean Water Act (P.L. 95-217). Additional information is on file with the above office, and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained upon payment of cost of copying. Comments concerning the application can be filed with the Office of Environmental Services within 20 days of this notice to the following address: Office of Environmental Services, P. O. Box 4313, Baton Rouge, LA 70821-4313.

The public comment period for Coastal Use Permit and Water Quality Certification applications begins on the date of publication of notice in the official journal (The Advocate), in accordance with LAC 43:I. 723(C)(5)(c). OCM will provide this date on request.

Additionally, interested parties are hereby notified that application has been received by the District Engineer for a Department of the Army permit to authorize the following pursuant to Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344) and/or Section 10 of the River and Harbor Act of 1899 (33 USC 403). The notice and notice policies of the Corps of Engineers - New Orleans District can be found on their webpage at: <http://www.mvn.usace.army.mil/ops/regulatory/publicnotices.asp>.

Any person may request, in writing, within the comment period specified in this notice, that a State or Federal public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing and must contain the name and contact information of the requester.

Attached Plats:	1)	P20130808	Notice Plats	06/20/2013
	2)	P20130808	Notice Plats	06/20/2013
	3)	P20130808	Notice Plats	06/20/2013
	4)	P20130808	Notice Plats	06/20/2013

Any unavoidable wetland impacts will be compensated for through the purchase of credits from an approved mitigation bank in the same hydrologic basin.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **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**. **Individuals or parties may request an extension of time in which to comment on the proposed work by writing to the project manager or clicking on the project manager's name on the public notice grid on the web page. 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.** 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.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined 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 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.

No properties listed on the National Register of Historic Places are 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.

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.

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 200 acre(s) 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. 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.

Darrell S. Barbara
Chief, Western Evaluation Section
Regulatory Branch

Enclosure