



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

December 5, 2022

Regulatory Division  
Eastern Evaluation Branch

Project Manager:  
Jennifer Burkett  
(504) 862-2045  
jennifer.e.burkett@usace.army.mil

Application #: MVN-2014-01914-EBB

## **PUBLIC NOTICE**

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), and/or [ ] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

### **MARINA EXPANSION ON SELLERS CANAL IN ST. CHARLES PARISH**

**NAME OF APPLICANT:** Marsh Investment, c/o Trusted Compliance, Attention: Rhett Francois, 104 Innisbrook Drive, Broussard, Louisiana 70518.

**LOCATION OF WORK:** Located within Sellers Canal, at 10090 US Highway 90, Westwego, in St. Charles Parish, Louisiana, (lat. 29.91364, long. -90.274291), as shown on the attached drawings. (Hydrologic Unit Code: 08090301; East – Central Louisiana Coastal).

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 proposed project is to clear, grade, and install and maintain fill to expand an existing marina. The purpose of the project is to meet the need for additional parking and storage to serve the Pier 90 Marina. The project as proposed would permanently impact 1.57 acres of forested wetlands and discharge 806 cubic yards of earthen fill and 459 cubic yards of crushed gravel into Section 10/404 waters.

**MITIGATION:** The applicant proposes to avoid direct impacts and minimize secondary impacts (to wetlands) to the maximum extent practicable. For compensation for unavoidable wetland impacts, the applicant proposes to use a Corps approved mitigation bank within the watershed of impact.

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 on the requested Department of the Army Permit will close **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 request, and must be submitted 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 can be preferably emailed to the Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGE, Jennifer Burkett**. Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment 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 requester will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous and inclusive of the initial comment period and 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. Further, all factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project.

The New Orleans District is presently unaware of properties listed on the National Register of Historic Places at or near the proposed work but is pending further review in accordance with the National Historic Preservation Act. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this public notice will be sent to the State Archeologist, State Historic Preservation Officer, and federally listed tribes regarding potential impacts to cultural resources.

Our initial finding is that the proposed work would have no effect on 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 such species.

Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and the U.S. Fish and Wildlife Service, it has been determined that the project would have no effect to any species listed as endangered by the U.S. Fish and Wildlife Service, nor affect any habitat designated as critical to the survival and recovery of any such species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal may result in the destruction, alteration, and/or disturbance of 1.57 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 LA Department of Environmental Quality before a Department of the Army permit is issued.

Any person may request, (preferably by email to the project manager, or 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.

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 P20210726). 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.

You are invited to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Brad P. Laborde  
Chief, Eastern Evaluation Branch  
Regulatory Division

Enclosures



MARSH INVESTMENT  
 2709 Ridge Lake Dr, Suite 100  
 Metairie, LA 70002

PIER 90 MARINA, WESTWEGO, LA 70094  
 ST. CHARLES PARISH, LOUISIANA  
 29°54'50.37"N, 90°16'28.32"W  
 SECTION 4, T 13 S - R 22 E

REV	DATE	DESCRIPTION	DWN



Coordinate System: GCS WGS 1984  
 Datum: WGS 1984  
 Units: Degree

VERTEX ID	X COORD.	Y COORD.
0	-90.2740620	29.9141930
1	-90.2741270	29.9141050
2	-90.2740530	29.9139910
3	-90.2740500	29.9138810
4	-90.2740980	29.9136480
5	-90.2740930	29.9135270
6	-90.2741810	29.9133840
7	-90.2742170	29.9131930
8	-90.2743310	29.9131170
9	-90.2742480	29.9129480
10	-90.2740960	29.9128600
11	-90.2739310	29.9129030
12	-90.2737770	29.9131030
13	-90.2736700	29.9131480
14	-90.2735630	29.9132580
15	-90.2735600	29.9135220
16	-90.2736170	29.9136340
17	-90.2735670	29.9137150
18	-90.2735700	29.9138100
19	-90.2737220	29.9139380
20	-90.2739030	29.9141050

Notes:  
 ±0.57 acres of wetlands filled with ±459yd<sup>3</sup> of aggregate  
 ±1.0 acres of wetlands filled with ±806yd<sup>3</sup> of earthen fill  
 ±1.57 acres of total wetland impact

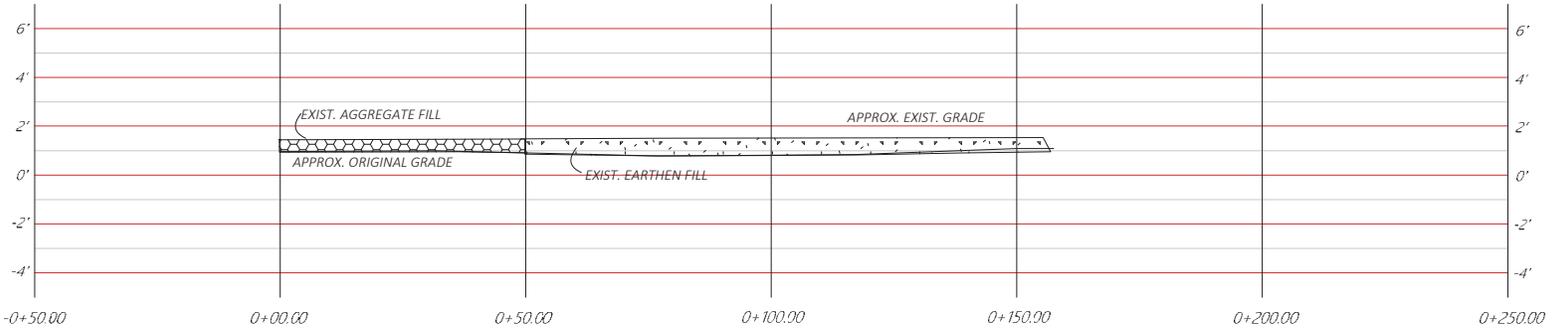
MARSH INVESTMENT  
 2709 Ridge Lake Dr, Suite 100  
 Metairie, LA 70002

PIER 90 MARINA, WESTWEGO, LA 70094  
 ST. CHARLES PARISH, LOUISIANA  
 29°54'50.37"N, 90°16'28.32"W  
 SECTION 4, T 13 S - R 22 E

DETAIL

REV	DATE	DESCRIPTION	DWN R/F

# SECTION A-A'



As-built drawings and/or plats shall have written on them the date of completion of said activities and shall be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management, P.O. Box 44487, Baton Rouge, LA 70804-4487 within 30 days following project completion.

All structures, facilities, well and pipelines/flowlines occurring in open water areas or in oilfield canals or slips shall be removed within 120 days of abandonment or the facilities for the herein permitted use unless prior written approval to leave such structures in place is received from the Office of Coastal Management. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required.

In order to ensure the safety of all parties, the permittee shall contact the Louisiana One Call System (1-800-272-3020 OR 811) a minimum of 48 hours prior to the commencement of any excavation (digging, dredging, jetting, etc.) or demolition activity.

These drawings are intended exclusively for the acquisition of regulatory/environmental permits from the LA Department of Natural Resources, Coastal Management Division and the US Army Corps of Engineers, New Orleans District as required by Section 404 of the Clean Water Act (33 U.S.C. 1344) and LAC 43:I.1.C. Coastal Use Permits and Mitigation.

These drawings do not constitute a civil and/or hazard survey. Therefore, field data may be required in order to legally and safely conduct the operations being proposed herein.

MARSH INVESTMENT 2709 RIDGE LAKE DR, SUITE 100 METARIE, LA 70002	PIER 90 MARINA, WESTWEGO, LA 70094 ST. CHARLES PARISH, LOUISIANA 29°54'50.37"N, 90°16'28.32"W SECTION 4, T 13 S - R 22 W	NOTES	REV #	DATE	DESCRIPTION