

# JOINT PUBLIC NOTICE

October 20, 2014

United States Army  
Corps of Engineers  
New Orleans District  
Regulatory Branch  
Post Office Box 60267  
New Orleans, Louisiana 70160-0267

(504) 862-2045  
[jennifer.e.burkett@usace.army.mil](mailto:jennifer.e.burkett@usace.army.mil)  
Project Manager  
Jennifer Burkett  
Permit Application Number  
MVN 2014-0434 EBB

State of Louisiana  
Department of Environmental Quality  
ATTN: Water Quality Certifications  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(225) 219-3225  
Project Manager  
Elizabeth Johnson  
WQC Application Number  
WQC 141017-01

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 for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

## **HOME SITE AND RAISED DECKS ON BAYOU LIBERTY IN ST. TAMMANY PARISH**

**NAME OF APPLICANT:** Dawn Pekarik c/o Lamulle Construction, LLC at 4978 Pontchartrain Drive, Slidell, Louisiana 70458.

**LOCATION OF WORK:** Baldwin Canal and Bayou Liberty, at 34205 Highway 433, Slidell, in St. Tammany Parish, Louisiana, as shown on the attached drawings.

**HUC:** 080090201; Liberty Bayou – Tchefoncté River

The work described below was completed prior to obtaining a Department of the Army permit and was in violation of Section 10 of the Rivers and Harbors Act and Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have been deferred.

**CHARACTER OF WORK:** To excavate in the canal to remove debris, and install and maintain 60' of bulkhead, a raised residence, a 16' x 16' deck, two access ramps to the land, a 20' x 20' cabana, and 470' of 5' raised walkway. The structures will extend 20' into the Bayou Liberty, which is 170' wide at this location. No special aquatic sites will be affected by this project; no mitigation is anticipated.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of a permit is determined not to be in the overall public interest.

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**. 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 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. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

Our initial finding is that the proposed activity is “not likely to adversely affect” the West Indian manatee (*Trichechus manatus*), 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 this 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 **N/A** acre 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 before a permit is issued.

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.

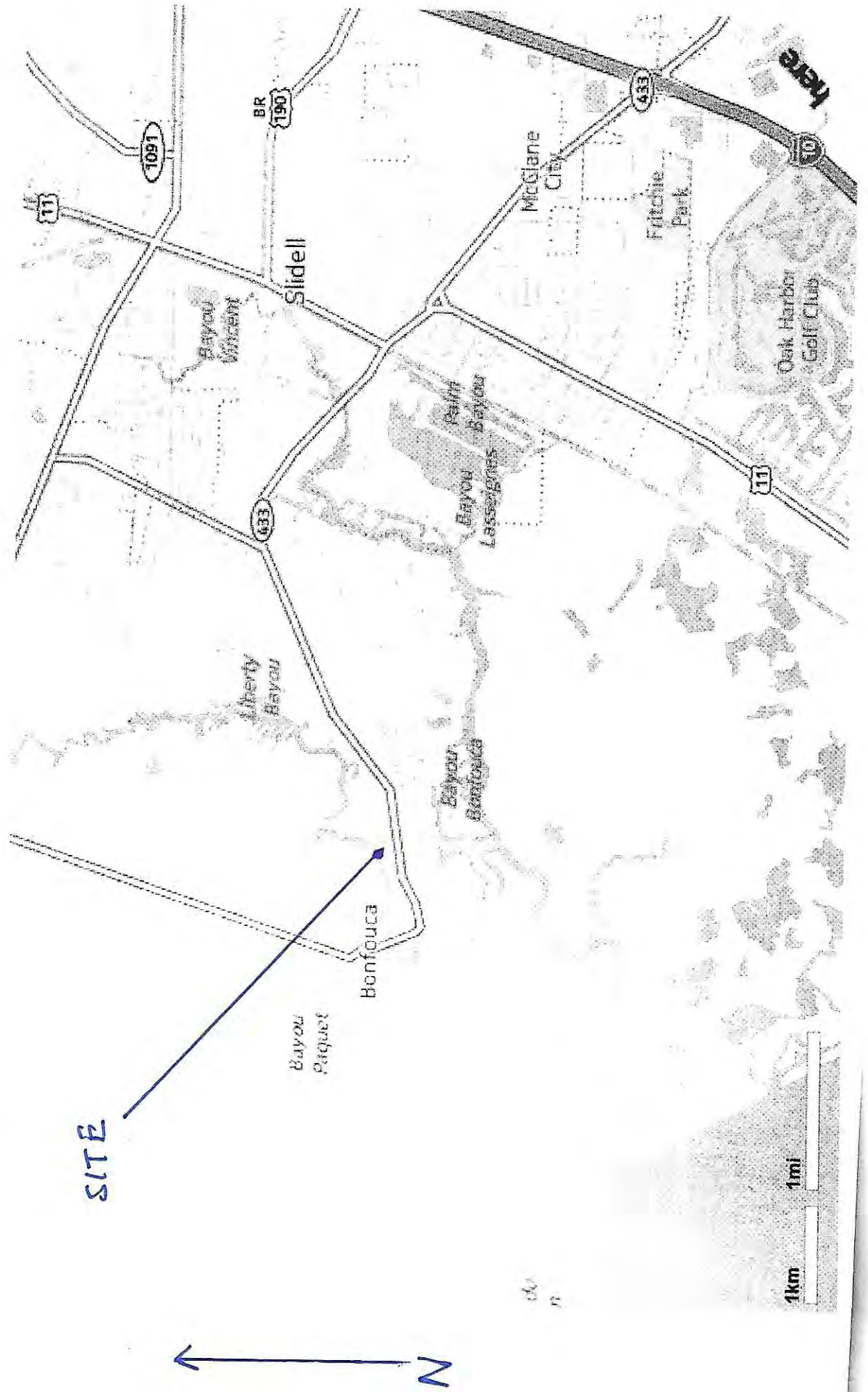
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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.

Michael V. Farabee  
Chief, Eastern Evaluation Section

Enclosures

# DAWN PEKARIK VICINITY MAP

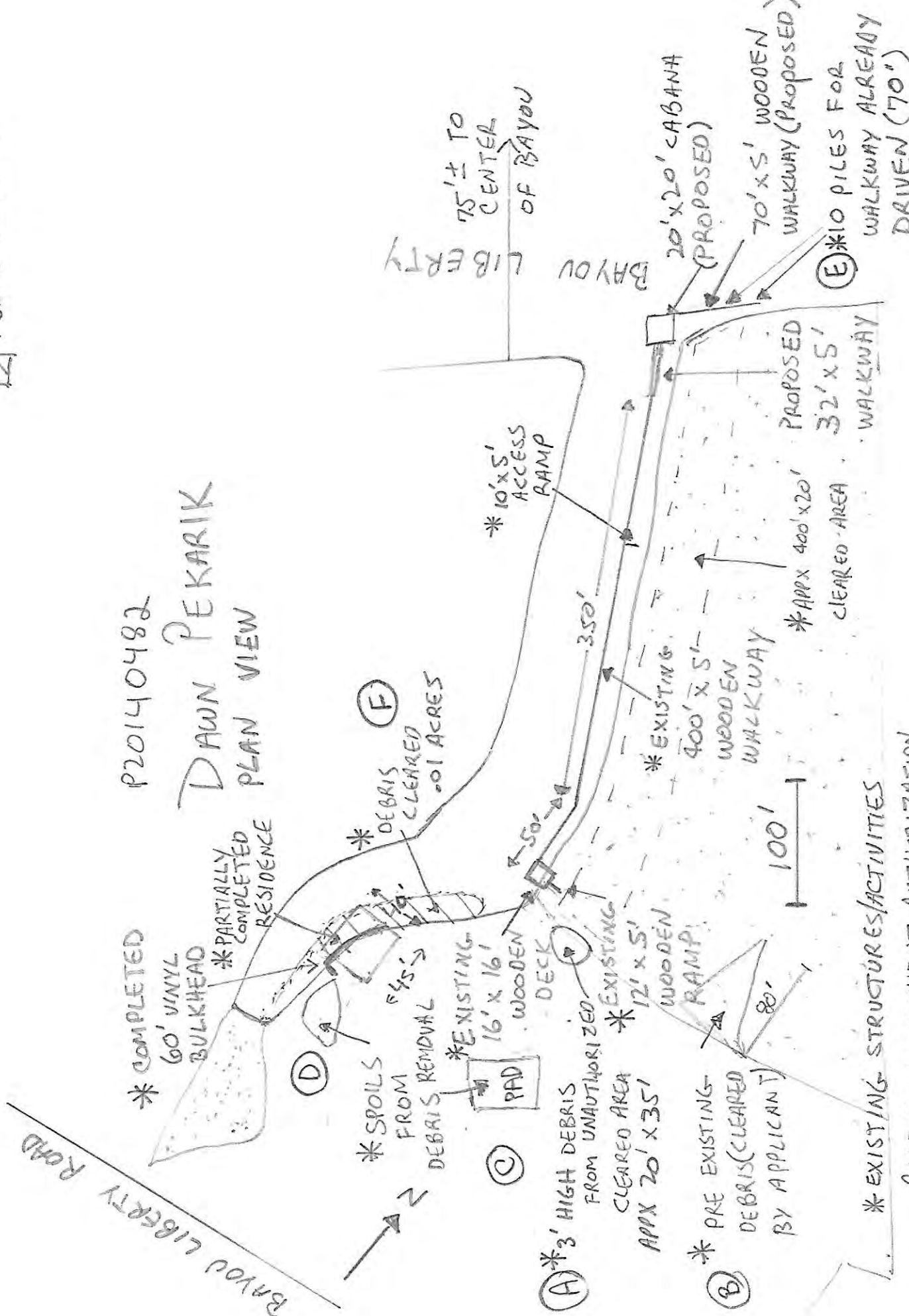


WETLANDS

DEBRIS CLEARED

P20140482

# DAWN PEKARIK PLAN VIEW



\* COMPLETED  
60' VINYL  
BULKHEAD

\* PARTIALLY  
COMPLETED  
RESIDENCE

\* DEBRIS  
CLEARED  
0.01 ACRES

\* SPOILS  
FROM  
DEBRIS REMOVAL

\* EXISTING  
16' x 16'  
WOODEN  
DECK

\* 3' HIGH DEBRIS  
FROM UNAUTHORIZED  
CLEARED AREA  
APPX 20' x 35'

\* PRE EXISTING  
DEBRIS (CLEARED  
BY APPLICANT)

\* 10' x 5'  
ACCESS  
RAMP

350'

\* EXISTING  
400' x 5'  
WOODEN  
WALKWAY

\* APPX 400' x 20'  
CLEARED AREA

PROPOSED  
32' x 5'  
WALKWAY

20' x 20' CABANA  
(PROPOSED)

70' x 5' WOODEN  
WALKWAY (PROPOSED)

\* 10 PILES FOR  
WALKWAY ALREADY  
DRIVEN (70")

75' ± TO  
CENTER  
OF BAYOU

BAYOU  
LIBERTY

100'

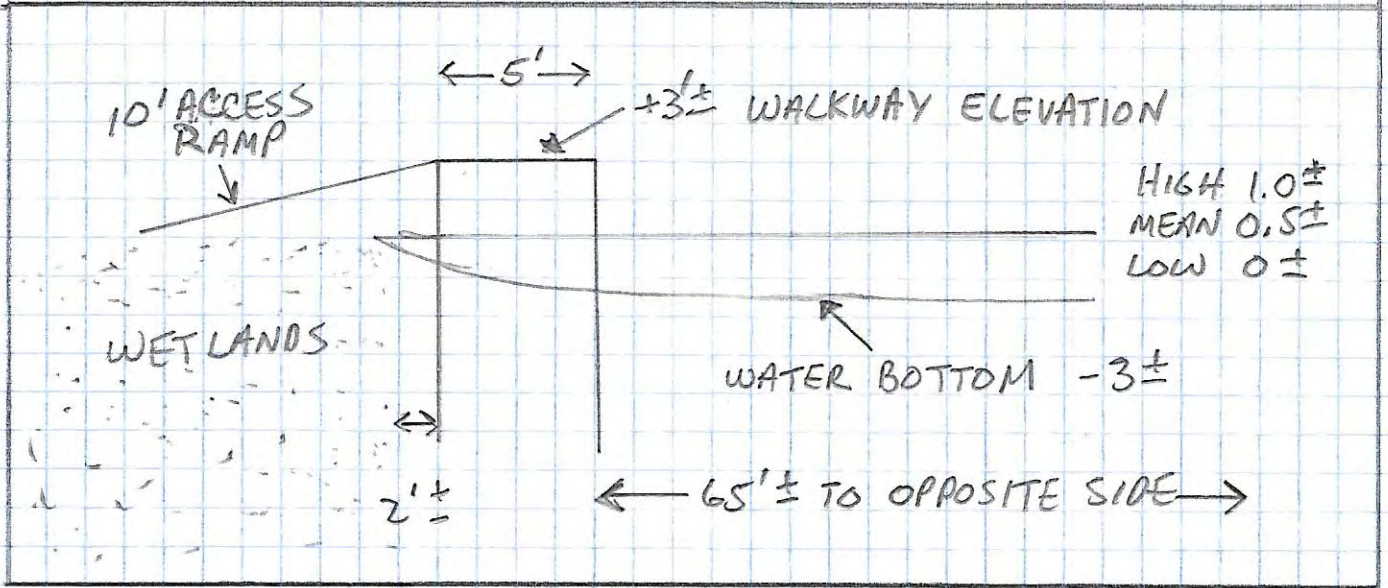
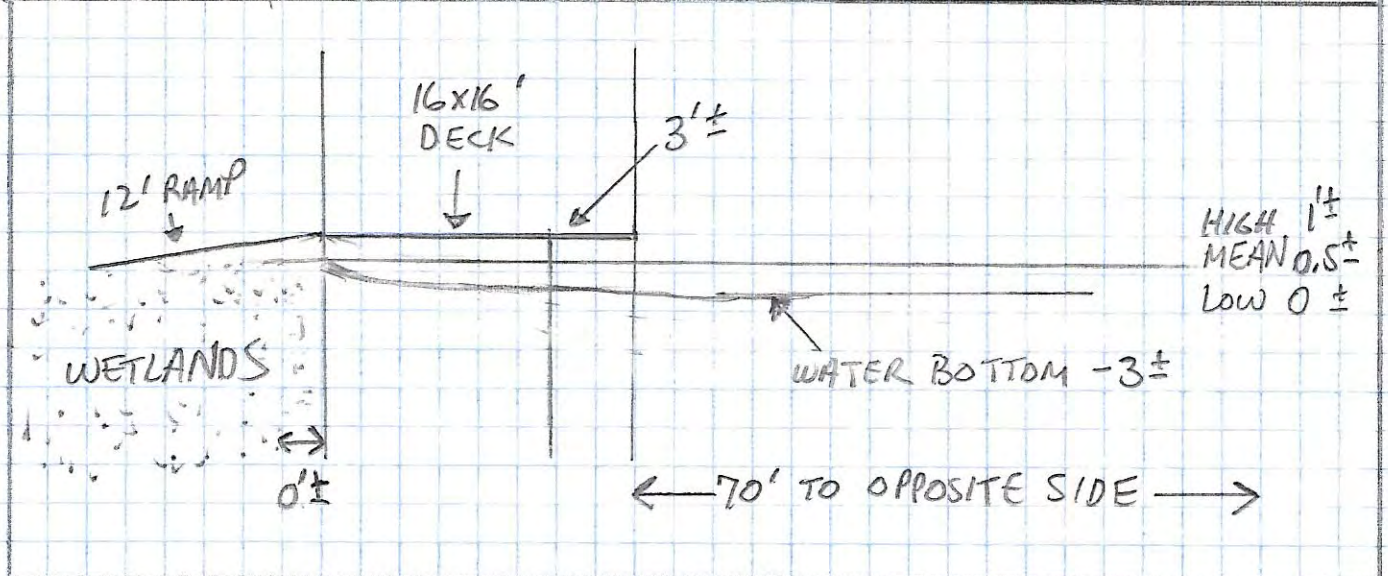
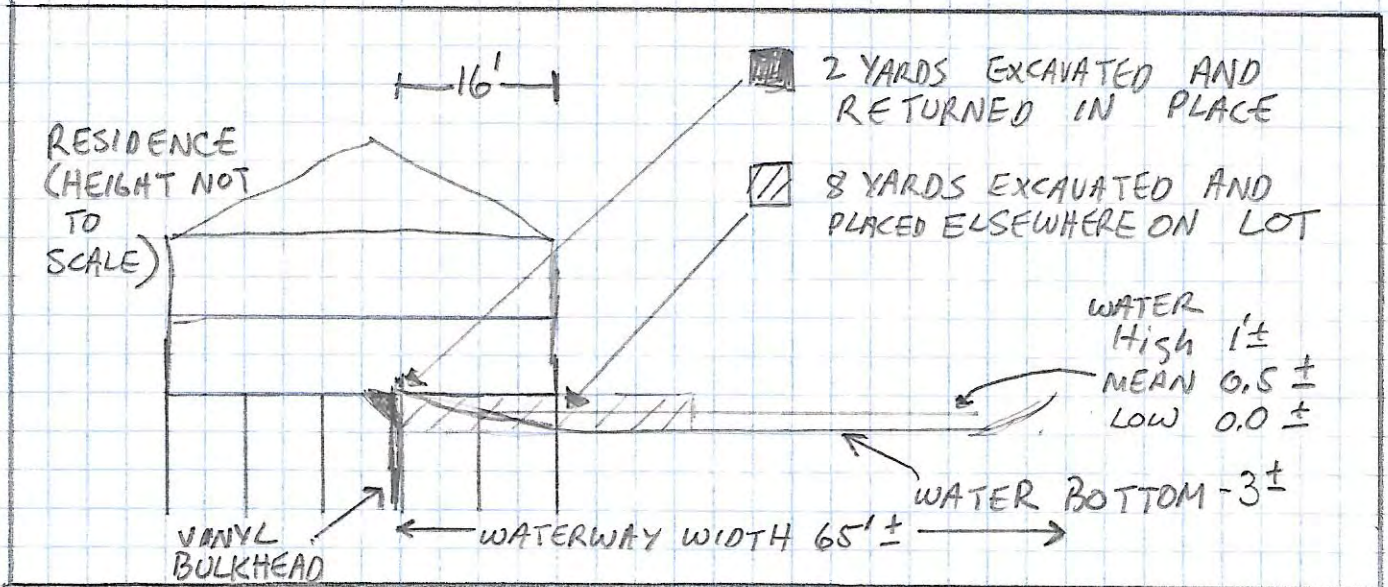
\* EXISTING STRUCTURES/ACTIVITIES  
PERFORMED WITHOUT AUTHORIZATION

BAYOU LIBERTY ROAD





DAWN PEKARIK  
 CROSS SECTIONS  
 P20140482





DAWN PEKARIK  
 CROSS SECTIONS / PLAN VIEW AT CABANA  
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