

JOINT PUBLIC NOTICE

September 15, 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
Project Manager
Jennifer Burkett
Permit Application Number
MVN 2014-1699 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 140911-01

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).

OYSTER FARMING BUSINESS ON EMPIRE CANAL IN PLAQUEMINES PARISH

NAME OF APPLICANT: Slavich Oyster Dock, LLC c/o Pivach, Pivach, Hufft, Thriffiley & Dunbar, LLC at 8311 Highway 23, Suite 104, Belle Chasse, Louisiana 70037.

LOCATION OF WORK: Empire Navigation Canal, south of Empire Boat Harbor at Latitude: 29.37602/Longitude: -89.59139, in Plaquemines Parish, Louisiana, as shown on the attached drawings.

HUC: 08090301; East – Central Louisiana Coastal

CHARACTER OF WORK: To clear, grade and fill to install and maintain a 178' bulkhead, two 60' docks, six 2-piling clusters, boat ramp, driveway, conveyor belts, forklifts, backhoes, bobcats, tractors, crushed concrete, refrigerators, trailers, and dry storage for boats, all to serve an oyster farming business. Project implementation will permanently impact 0.01 acre of non-vegetated water bottom, 0.01 acre of tidal marsh, and 0.03 acre of scrub-shrub wetlands. The boat structures will extend 65' into the waterway, which is 300' wide at this location. The applicant proposes to buy credits from a mitigation bank to offset any unavoidable losses to wetland functions caused by project implementation.

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 **0.02** 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



VICINITY MAP



PLAN VIEW (Driveway)

AREA OF OPERATION

Necessary area to be filled for Permittee to operate its business/profession as an oyster fisherman/harvester/farmer from this site (223' x 178' x 200' x 192')

-  → Wetlands to be filled
-  → Wetlands left in Natural state

- * Permittee will install 4" of limestone for the driveway and Area of Operation
- * Total Wetlands on Site \approx 0.1 acres
- * Wetlands left in natural state \approx 0.06 acres
- * Wetlands to be filled \approx 0.04 acres



LAT: 29° 22' 33.67"
 LONG: 89° 35' 29.02"
 MHW = +1MSL
 MLW = 0MSL

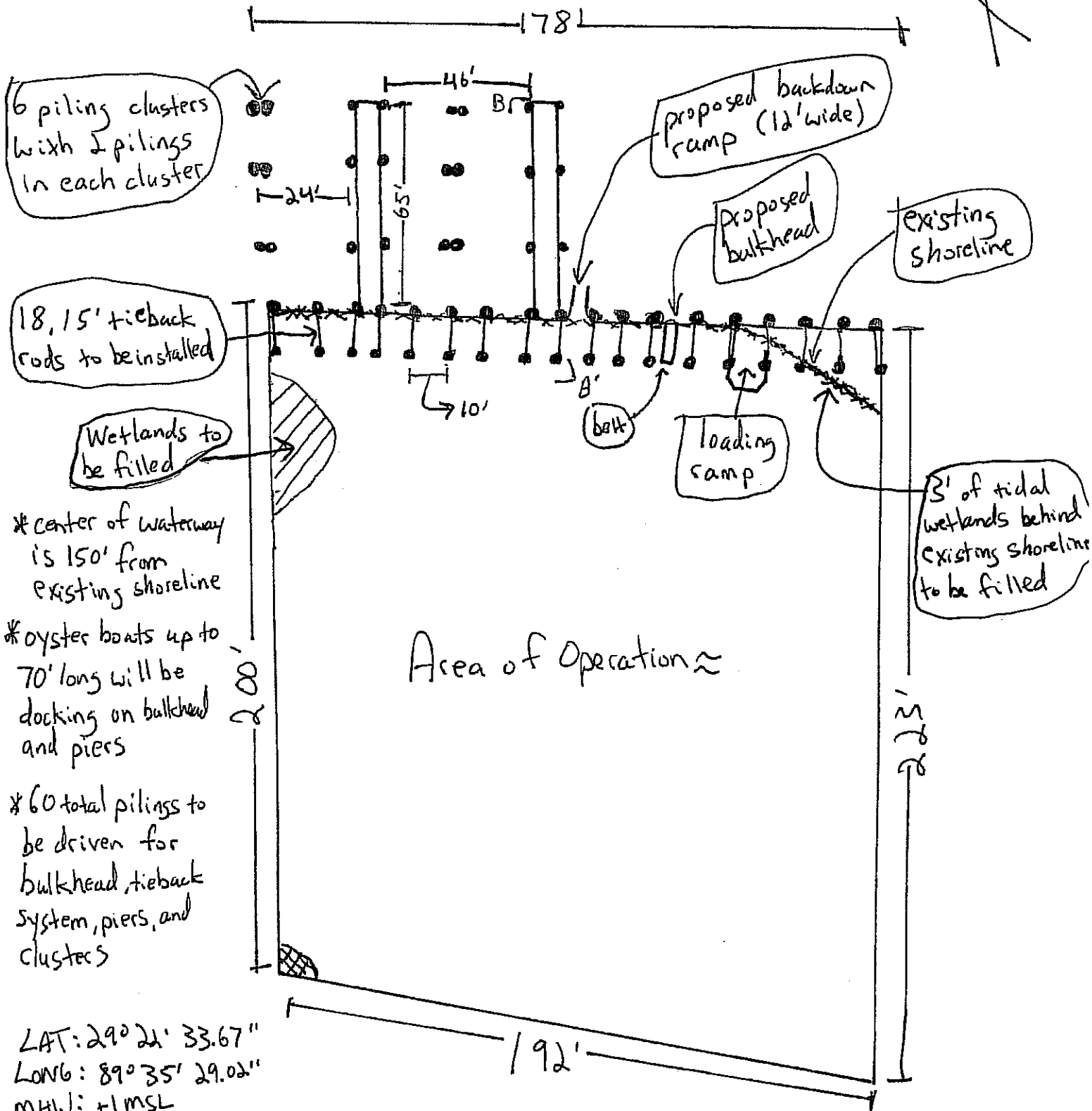
proposed 15' wide driveway

72' x 39' of non-impacted wetlands 0.06 acres

Access Road 15'
 87'

1" \approx 100'

PLAN VIEW (Area of Operation)



6 piling clusters
with 2 pilings
in each cluster

18, 15' tieback
rods to be installed

Wetlands to
be filled

* center of waterway
is 150' from
existing shoreline

* oyster boats up to
70' long will be
docking on bulkhead
and piers

* 60 total pilings to
be driven for
bulkhead, tieback
system, piers, and
clusters

LAT: 29° 21' 33.67"
LONG: 89° 35' 29.02"
MHW: +1MSL
MLW: 0MSL

proposed backdown
ramp (12' wide)

proposed
bulkhead

existing
shoreline

barge



loading
ramp

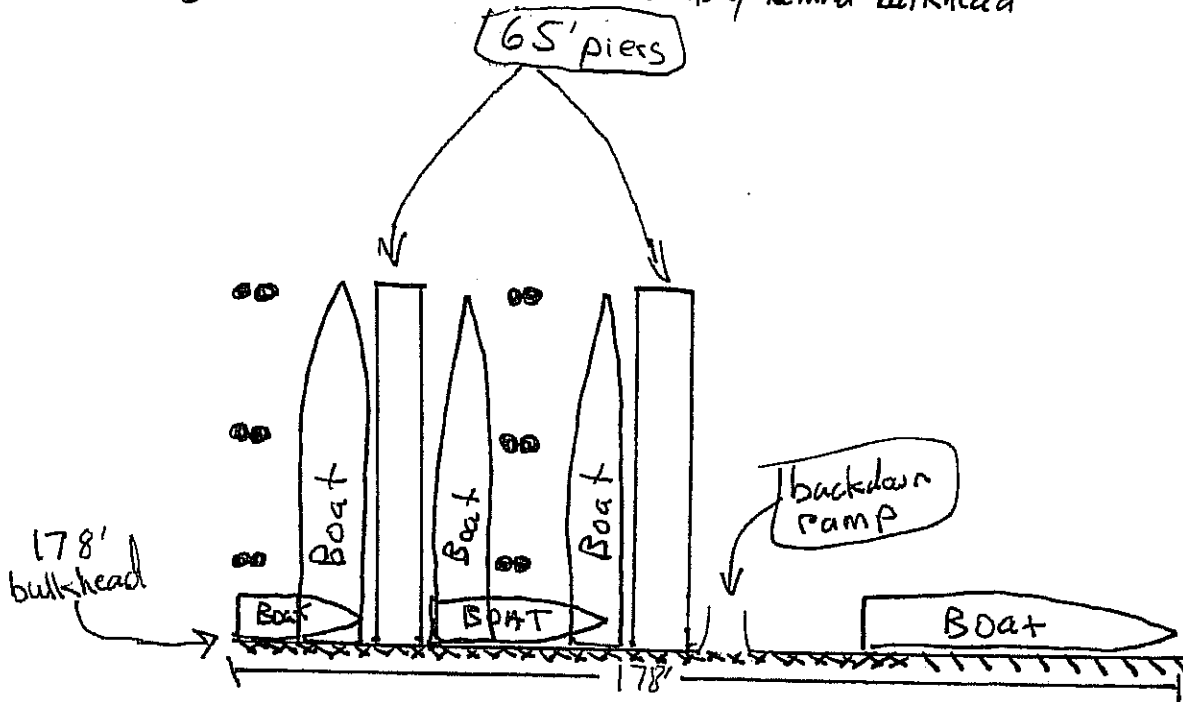
3' of tidal
wetlands behind
existing shoreline
to be filled

Area of Operation ≈

1" ≈ 30'

PLAN VIEW (boat mooring)

-  → tidal wetlands immediately behind bulkhead
-  → non-vegetated water bottoms immediately behind bulkhead



* oyster boats will be loaded/unloaded along the entire length of the bulkhead

LAT: 29° 22' 33.67"

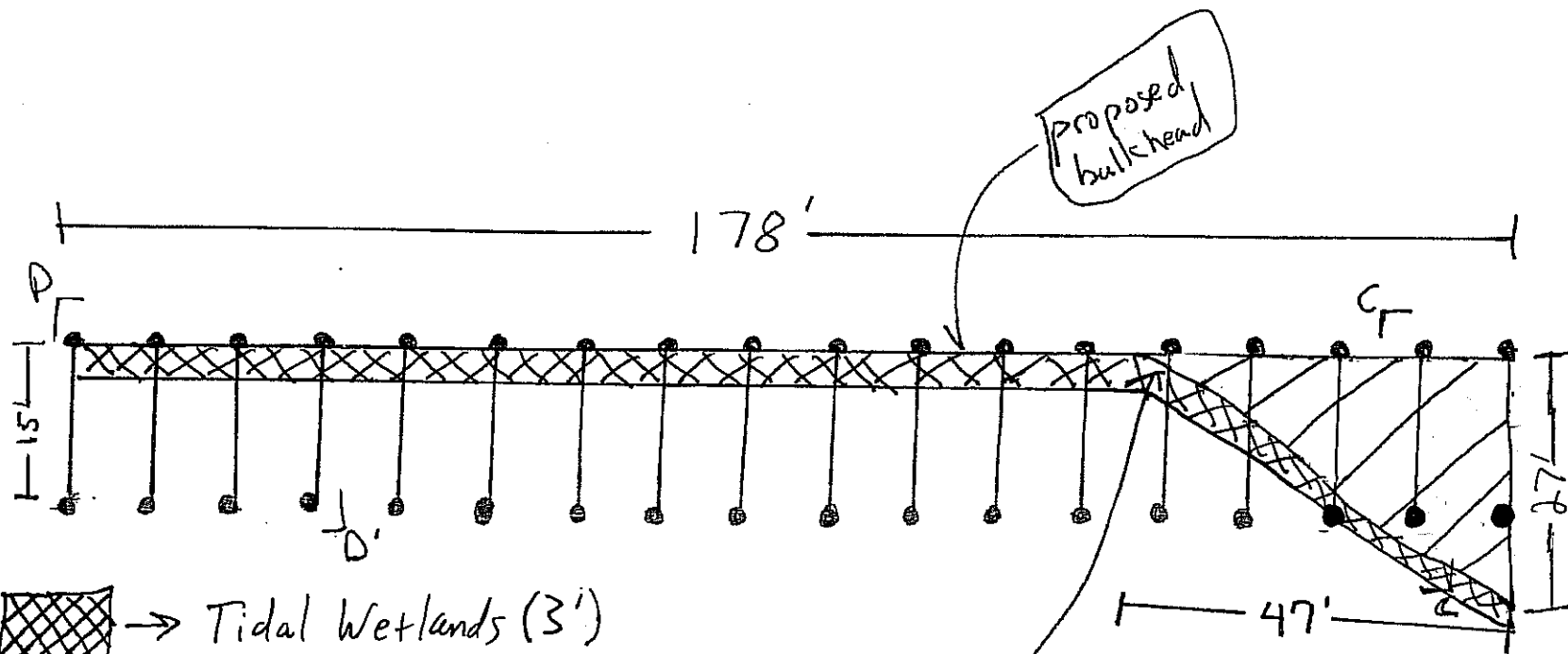
LONG: 84° 35' 29.02"



MHW: +1 MSL

MLW: 0 MSL

1' ≈ 30'

PLAN VIEW (Bulkhead)





-  → Tidal Wetlands (3')
-  → Non-vegetated Waterbottoms


LAT: $29^{\circ} 22' 33.67''$
LONG: $89^{\circ} 35' 29.02''$
MHW: +1 MSL
MLW: 0 MSL

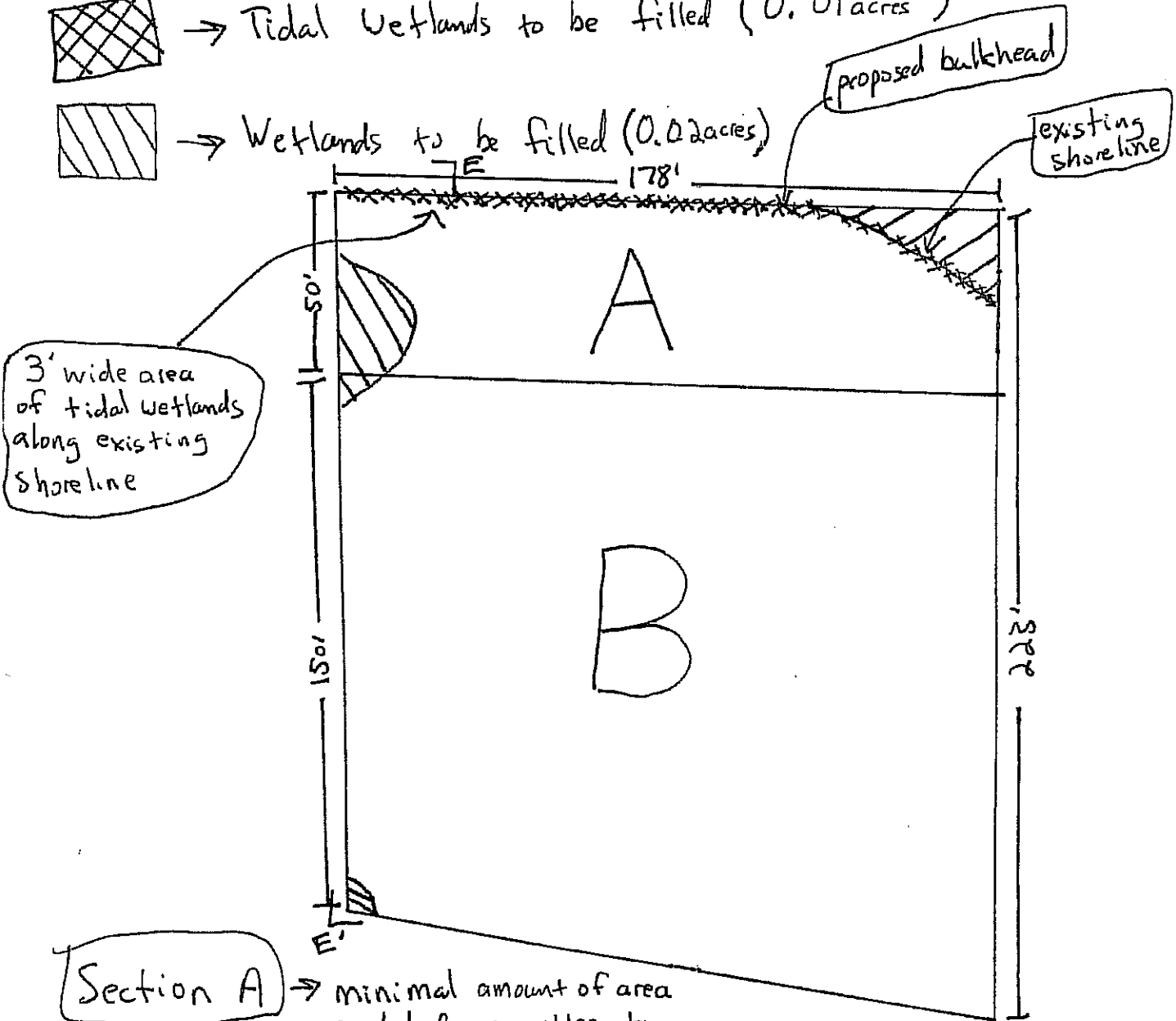
existing
shoreline

PLAN VIEW (Impacted Area of Operation)

 → Non-Vegetated water-bottoms to be filled (0.01 acres)

 → Tidal Wetlands to be filled (0.01 acres)

 → Wetlands to be filled (0.02 acres)



3' wide area of tidal wetlands along existing shoreline

Section A → minimal amount of area needed for permittee to operate along bulkhead

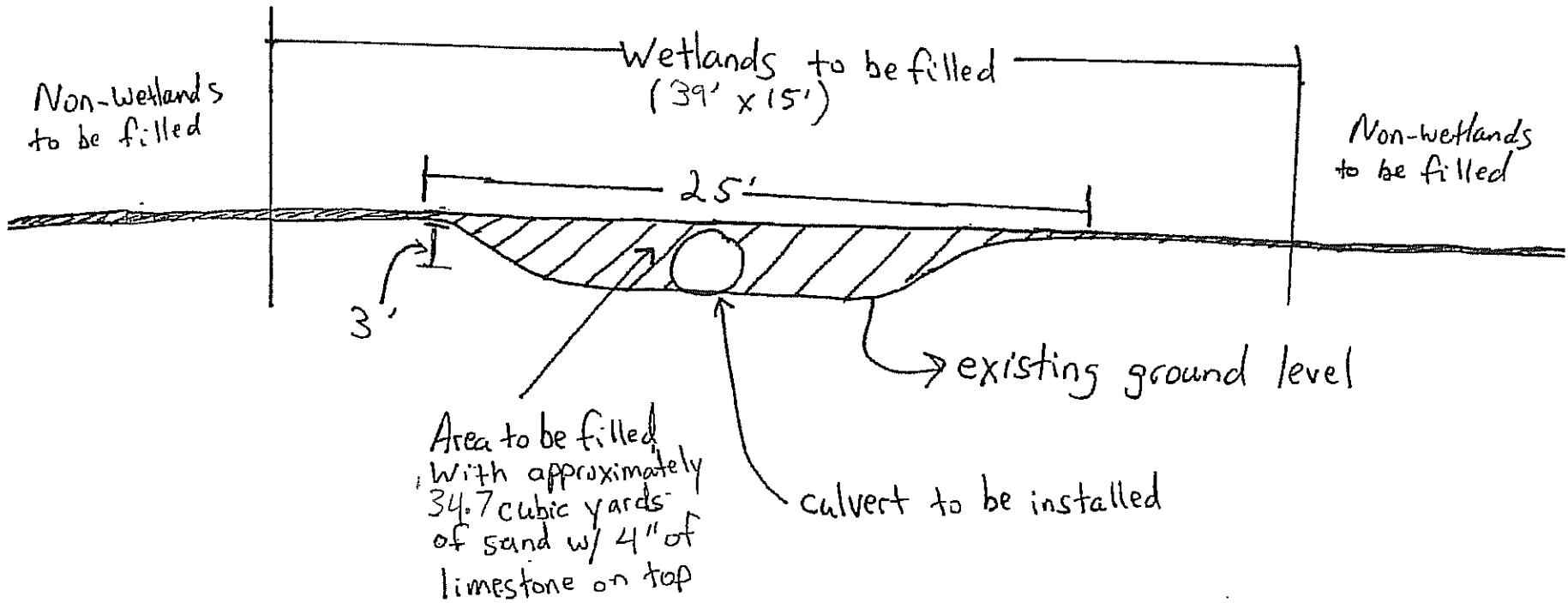
Section B → parking area and storage area

LAT: 29° 21' 33.67"
 LONG: 89° 35' 29.02"
 MHW: +1 MSL
 MLW: 0 MSL

1" ≈ 30'

Cross Section A-A'
(Driveway)

* Approximately 604 cubic yards of limestone will be installed for driveway and Area of Operation.



LAT: 29° 22' 33.67"
LONG: 89° 35' 29.02"

1" ≈ 5'

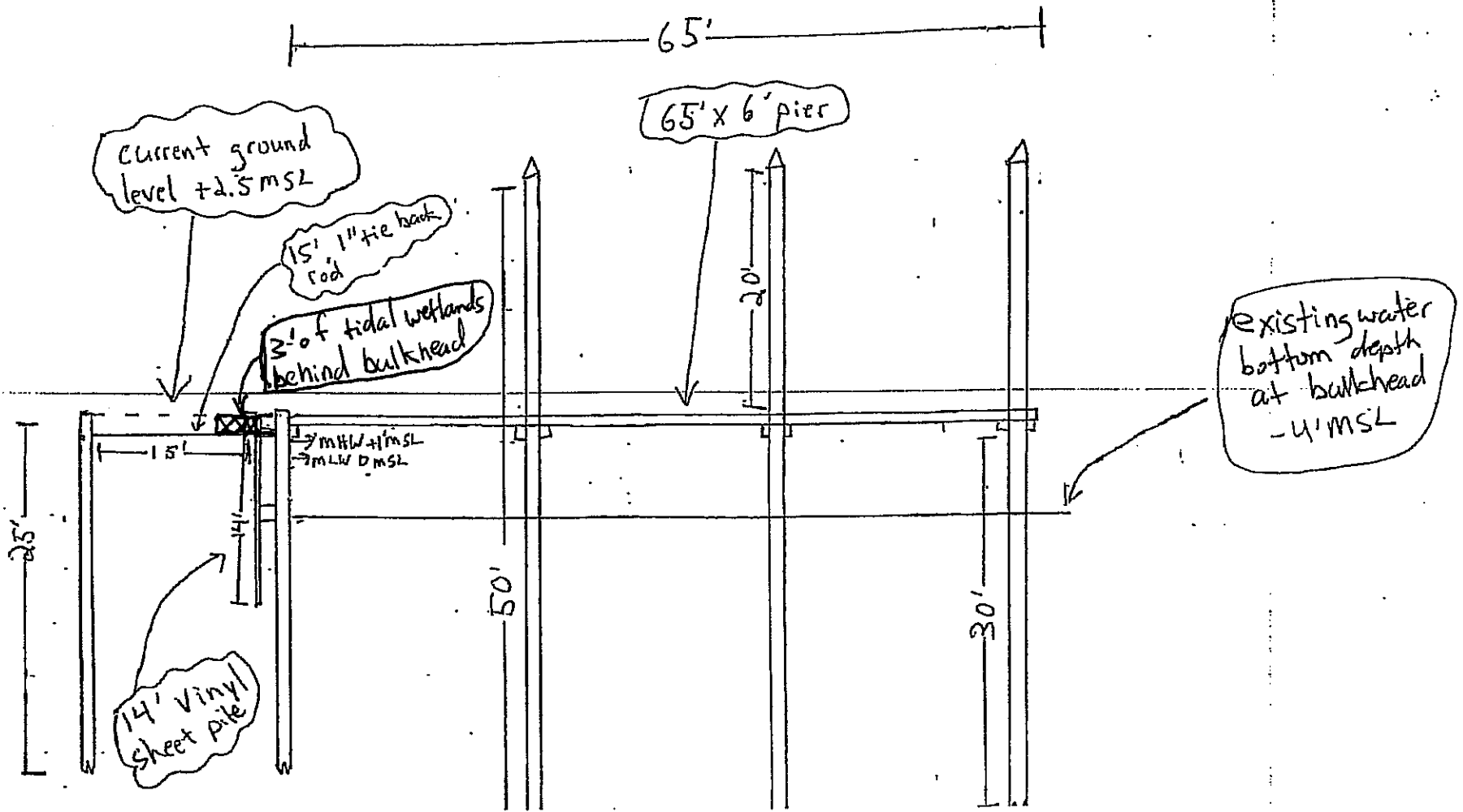
LAT: 29° 22' 33.67"

LONG: 89° 35' 29.02"

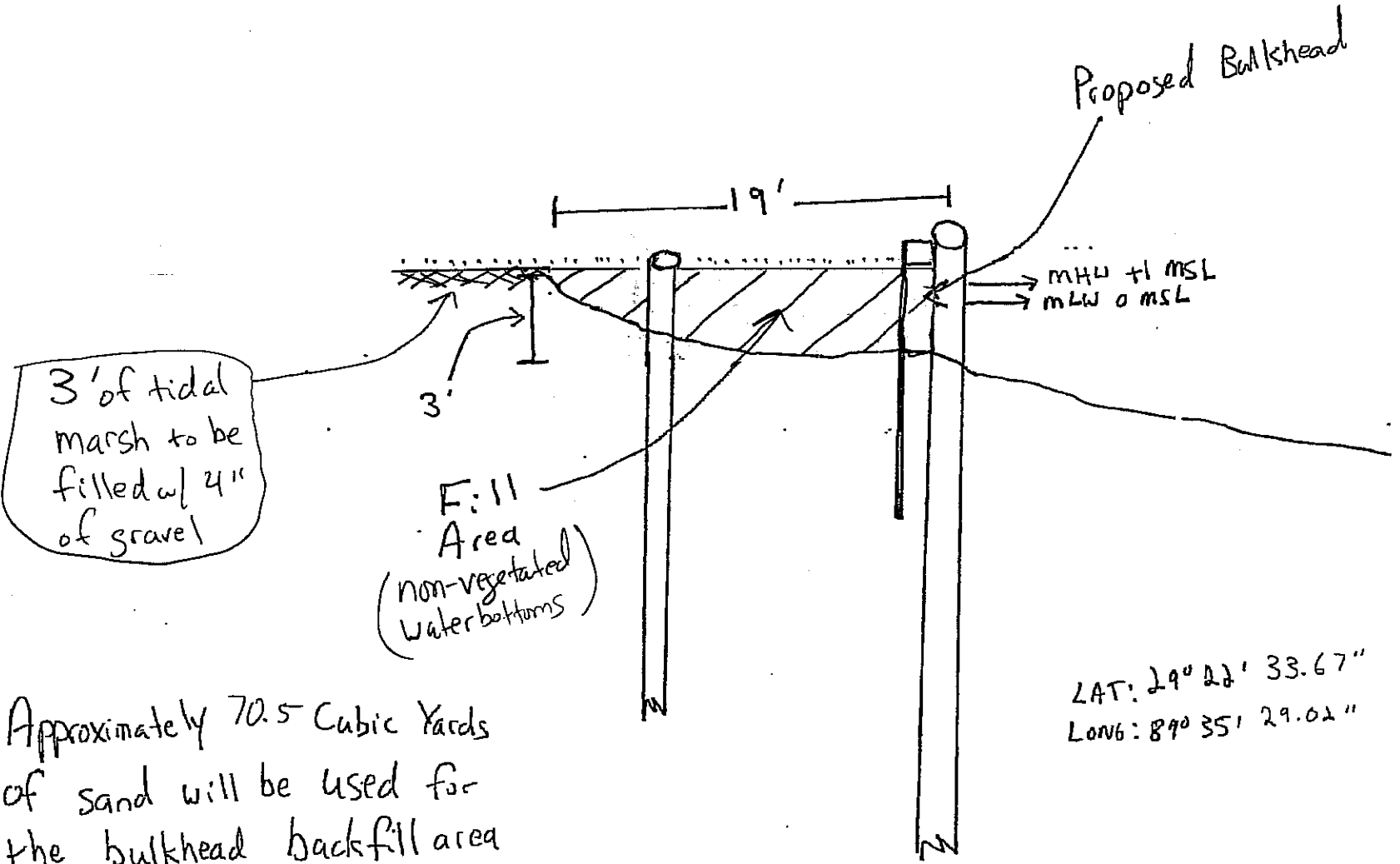
MHW = +1 MSL

MLW = 0 MSL

Cross Section B-B' (Area of operation)



Cross Section C-C'
(Bulkhead)

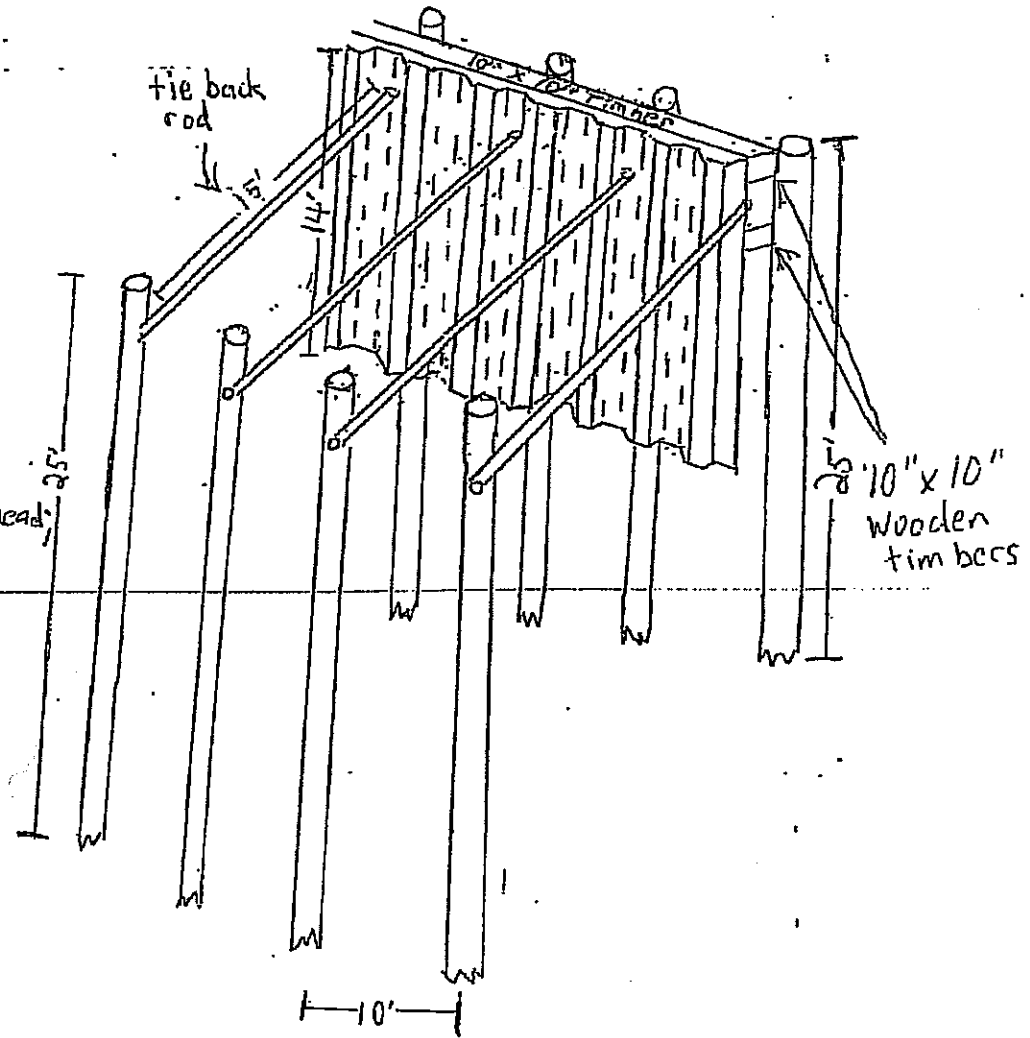


Approximately 70.5 Cubic Yards of sand will be used for the bulkhead backfill area $\frac{1}{2}(27' \times 47' \times .3')$ with 4" of gravel on top.

LAT: 29° 22' 33.67"
LONG: 89° 35' 29.02"

1" = 7'

Cross Section D-D'
(Bulkhead)






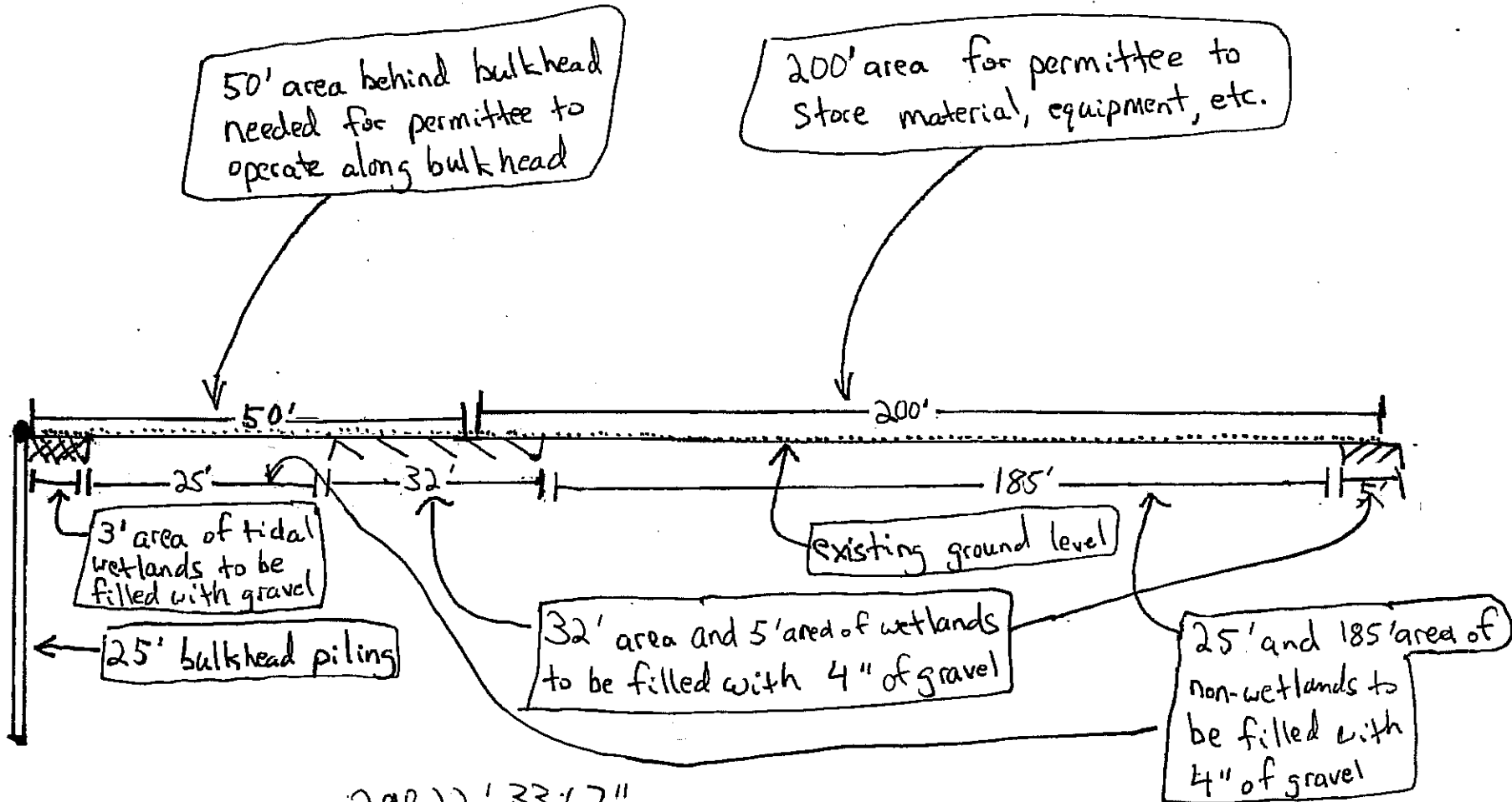
- 3' area behind bulkhead is tidal marsh
- 25' pilings will be used
- 14' vinyl sheet pile will be used for bulkhead;
- 15' 1" tie back rods will be used;

LAT: 29° 22' 33.67"
 LONG: 89° 35' 29.02"
 MHW = +1 MSL
 MLW = 0 MSL

1" ≈ .10'

Cross Section E - E'

-  → tidal wetlands
-  → Wetlands
-  → 4" of gravel



LAT: 29° 22' 33.67"
 LONG: 89° 35' 29.02"
 MHW: +1 MSL
 MCL: 0 MSL

1" ≈ 20'