

# JOINT PUBLIC NOTICE

June 25, 2018

United States Army  
Corps of Engineers  
New Orleans District  
Regulatory Branch  
7400 Leake Avenue  
New Orleans, Louisiana 70118

(504) 862-2259  
Project Manager  
Scott N. Kennedy  
scott.n.kennedy@usace.army.mil  
Permit Application Number  
MVN 2017-00777 EMM

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 Hill  
WQC Application Number  
WQC 170914-01

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, Water Quality Certifications, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS 30:2074 A(3) and provisions of Section 401 of the Clean Water Act.

## **INSTALL AND MAINTAIN A BULKHEAD, BACKFILL, DECK, TWO BOATHOUSES, HOMESITE, AND DRIVEWAY IN SAINT TAMMANY PARISH**

**NAME OF APPLICANT:** Joseph Mesa c/o JV Burkes & Associates, 1805 Shortcut Highway, Slidell, Louisiana 70458

**LOCATION OF WORK:** Section 45, Township 9 South, Range 13 East, in Lacombe, Louisiana, in Saint Tammany Parish, as shown on the attached drawings.

HUC: 0809020: Liberty Bayou – Tchefuncte River  
Latitude: 30.293611 Longitude: -89.93045

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 been deferred.

**CHARACTER OF WORK:** Install and maintain a 40'x40' boathouse and a 250' vinyl bulkhead with approximately 272 cubic yards of excavated material and topsoil used as backfill in Bayou Lacombe, install and maintain a 12'x32' boathouse and an 80'x26' deck in an unnamed canal, and fill for a homesite and driveway in Lacombe, Louisiana. Approximately 0.79 acres are to be filled with native material, topsoil, and concrete and approximately 0.31 of these acres are wetlands. The impacts are proposed to be mitigated for at an approved off-site mitigation bank.

This application was previously put on notice September 18, 2017, but did not address proposed impacts to jurisdictional wetlands.

The applicant may be required to fully or partially restore the project site to pre-project conditions if issuance of the permit is determined to be contrary to 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 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 the public notice solicits input from the State Archeologist and State Historic Preservation Office regarding potential impacts to cultural resources.

The New Orleans District has determined that the proposed work would neither affect any species or critical habitat listed as endangered by the U.S. Department of Commerce.

Utilizing Standard Local Operating Procedure for Endangered Species in Louisiana (SLOPES), dated October 22, 2014, 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 the proposed activity would have no effect on any listed 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 up to 0.1 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 water quality standards will be required from the Department of Environmental Quality, Water Quality Certifications, 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.

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.

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 Farabee  
Chief, Eastern Evaluation Section

Enclosures



PROPOSED BULKHEAD & ADJACENT BACKFILL AUTHORIZED BY CUP P20170358 DATED 11-7-17

LOT 118

277' LF VINYL BULKHEAD

BAYOU LACOMBE

UNAUTHORIZED FILLED AREA

UNAUTHORIZED CLEARING, GRADING & PARTIAL FILLING (± 10 CY) OF FRINGE WETLAND. NOTE: TALLOWES REMOVED

40' x 40' BOATHOUSE

OHW 0.87' EL.  
MHW 1.50± EL.  
MLW 0.00± EL.  
BAYOU LACOMBE AT LACOMBE HARBOR

40' x 40' AREA OF EXCAVATION  
1,600 SF, 296 CY

AREA OF FILL APPROX  
277' x 9.5' = 2,570 SF  
(296 CY)

PROPOSED BOATHOUSE AUTHORIZED BY CUP P20170358 DATED 11-7-17

PROPOSED DRIVEWAY

LOT 117

EXIST 8" LIVE OAK

NO DREDGING & FILLING FOR CONSTRUCTION OF DOCK

EXIST. 24" PINE

PROPOSED CYPRESS (TYP)

REGRADE HIGH SPOTS AND REMOVE EXCESS SOILS (± 10 CY) AS NEEDED TO ALLOW REGENERATION OF FRINGE WETLAND TO PLANT 7 CYPRESS (20' O.C.)

MODIFY BOATHOUSE AND DECK AUTHORIZED BY CUP P20170358 DATED 11-7-17

TOTAL AREA = 1.24 ACRES  
WETLANDS = 0.31 ACRES

-  PARTIALLY FILLED FRINGE WETLAND (0.06 ACRES)
-  WETLANDS (0.21 ACRES)
-  NON-WETLANDS (0.67 ACRES) ± 678 CY FILL
-  FILLED WETLANDS (0.10 ACRES) ± 176 CY SANDY CLAY

SHEET 1

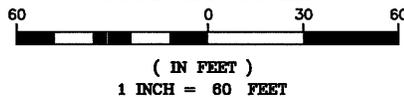
LOT 116

EXCAVATION: 362 CY ONSITE SOILS	FILL: 110 CY CONCRETE 854 CY SANDY CLAY 362 CY ONSITE SOILS
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NOTES: SITE SELECTIVELY CLEARED, FILLED AND GRADED. BEST MANAGEMENT PRACTICES (BMP'S) DURING CONSTRUCTION WOULD BE UTILIZED TO REDUCE SEDIMENTATION AND EROSION POTENTIAL. REMOVED SOILS HAULED OFF TO A COMMERCIAL DISPOSAL FACILITY. INDIVIDUAL SANITARY SEWER APPROVAL WOULD BE OBTAINED FROM THE APPROPRIATE AGENCY AS REQUIRED

UNAUTHORIZED FILLED AREA	
NON WETLANDS	= 0.67 ACRES ± 678 CY FILL
WETLANDS	= 0.10 ACRES ± 176 CY FILL
FRINGE WETLANDS	= 0.06 ACRES ± 10 CY

GRAPHIC SCALE



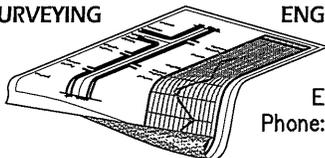
FOR PERMITTING ONLY - THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE OR SALES

DATE:  
REV. (5/15/2018)  
02/20/2018  
REV. (4/16/2018)

SCALE:  
1" = 60'

**J.V. Burkes & Associates, Inc.**

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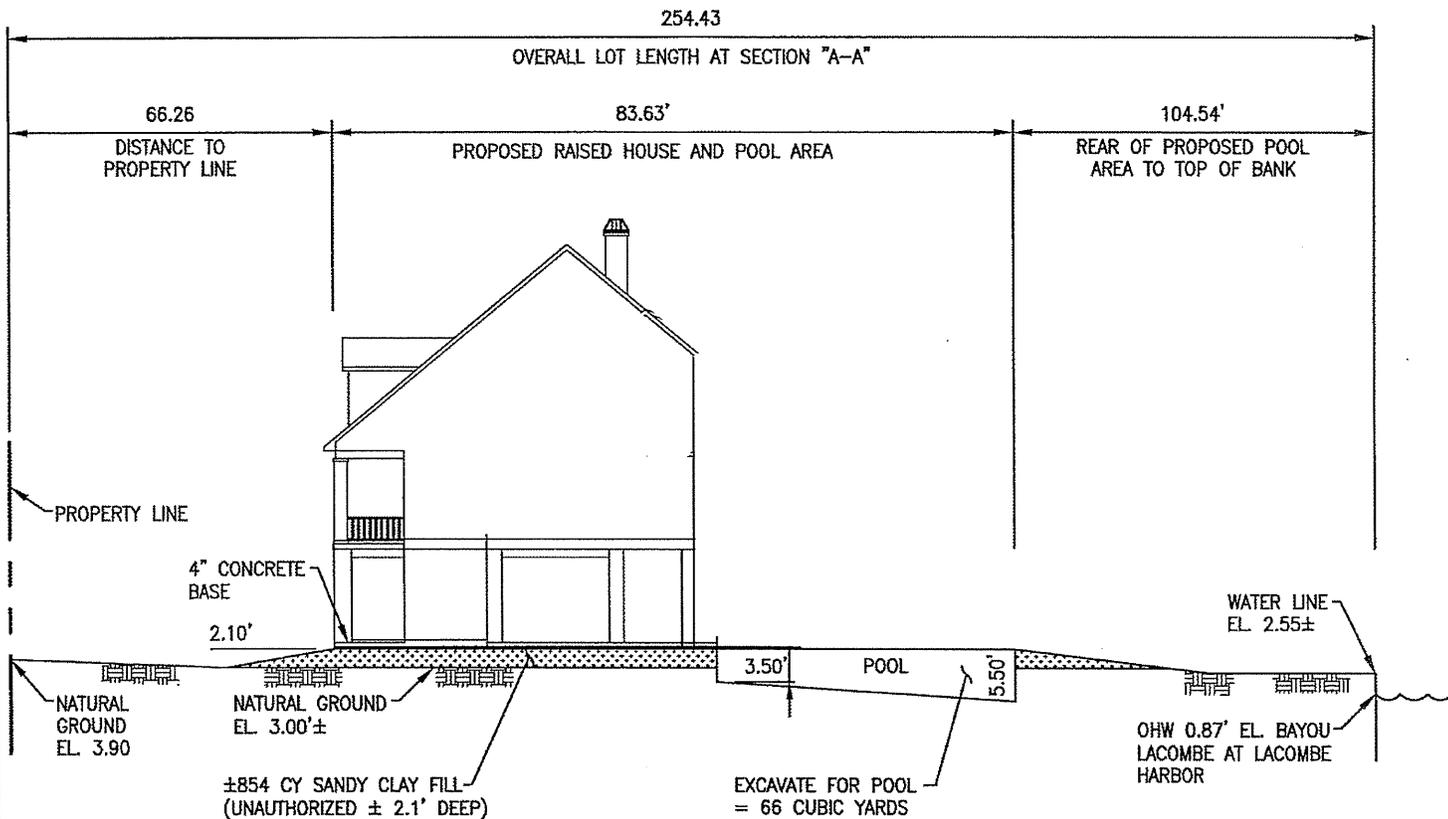
1805 Shortcut Highway  
Slidell, Louisiana 70458

E-mail: jvbassoc@jvburkes.com  
Phone: 985-649-0075 Fax: 985-649-0154

**MESA SITE PLAN FOR LOT 117  
LACOMBE HARBOR IN  
SEC 45, T9S - R13E  
ST TAMMANY PARISH  
LOUISIANA**

# TYPICAL LOT PROFILE "A-A"

N.T.S.

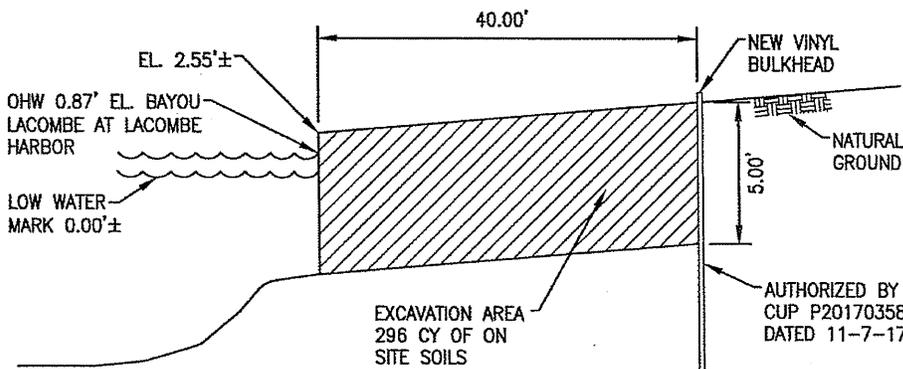


**UNAUTHORIZED FILLED AREA**

NON WETLANDS	= 0.67 ACRES
	± 678 CY FILL
WETLANDS	= 0.10 ACRES
	± 176 CY FILL
FRINGE WETLANDS	= 0.06 ACRES
	± 10 CY

EXCAVATION:	FILL:
362 CY ONSITE SOILS	110 CY CONCRETE
	854 CY SANDY CLAY
	362 CY ONSITE SOILS

NOTES: SITE SELECTIVELY CLEARED, FILLED AND GRADED. BEST MANAGEMENT PRACTICES (BMP'S) DURING CONSTRUCTION WOULD BE UTILIZED TO REDUCE SEDIMENTATION AND EROSION POTENTIAL. REMOVED SOILS HAULED OFF TO A COMMERCIAL DISPOSAL FACILITY. INDIVIDUAL SANITARY SEWER APPROVAL WOULD BE OBTAINED FROM THE APPROPRIATE AGENCY AS REQUIRED



## TYPICAL PROFILE "B-B"

N.T.S.

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SHEET 2

DATE: Rev 5-15-18

02/28/2018  
REV. (4/16/2018)

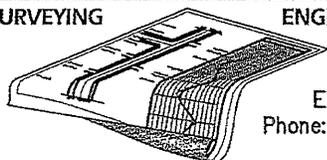
SCALE:

N.T.S.

## J.V. Burkes & Associates, Inc.

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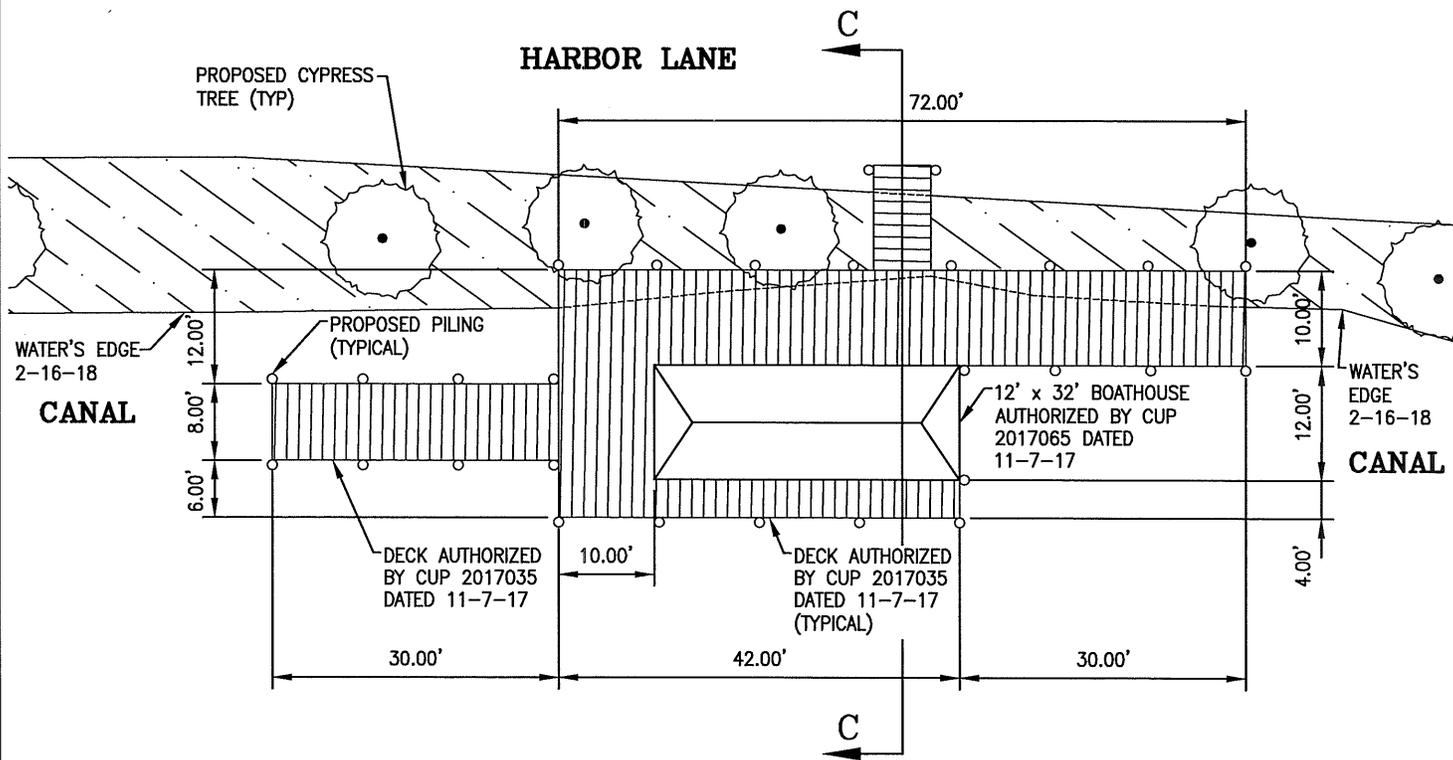
1805 Shortcut Highway  
Slidell, Louisiana 70458

E-mail: jvbassoc@jvburkes.com

Phone: 985-649-0075 Fax: 985-649-0154

**MESA TYPICAL PROFILE FOR LOT 117**

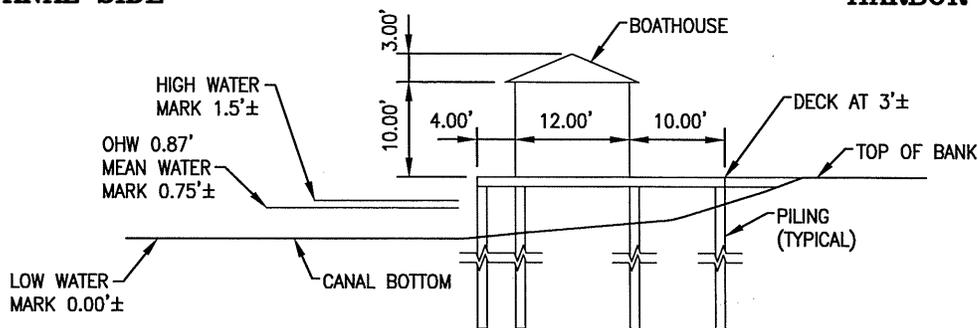
**LACOMBE HARBOR IN  
SEC 45, T9S - R13E  
ST TAMMANY PARISH  
LA**



**12' x 32' BOATHOUSE  
PLAN VIEW**

**CANAL SIDE**

**HARBOR LANE SIDE**



**12' x 32' BOATHOUSE  
SECTION "C-C"**

NO FILL  
NO EXCAVATION

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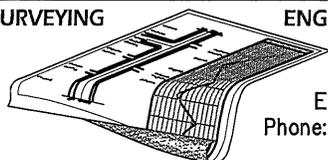
SHEET 3

DATE:  
REV. (5/15/2018)  
**02/28/2018**  
REV. (4/16/2018)

SCALE:  
**N.T.S.**

**J.V. Burkes & Associates, Inc.**

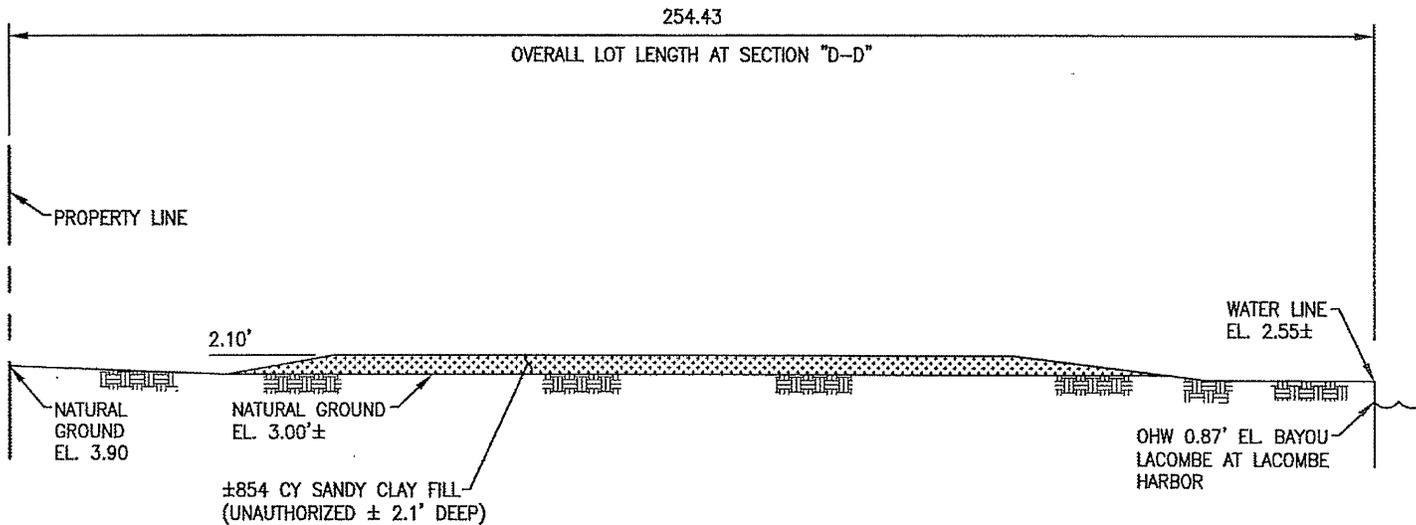
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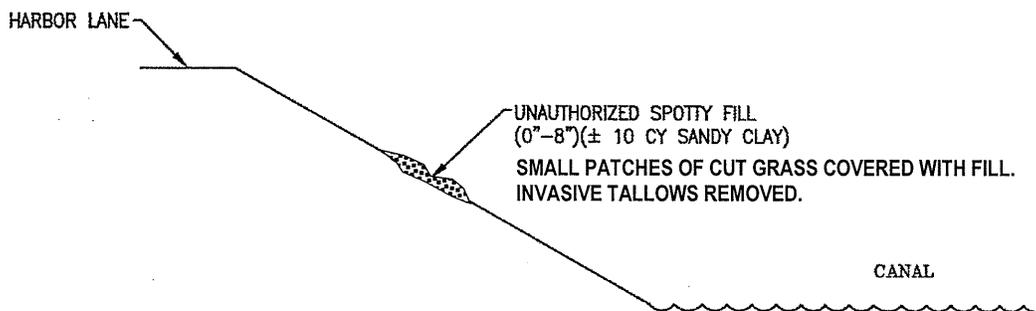
1805 Shortcut Highway  
Slidell, Louisiana 70458  
E-mail: jvbassoc@jvburkes.com  
Phone: 985-649-0075 Fax: 985-649-0154

**MESA 12' x 32' BOATHOUSE FOR  
LOT 117 LACOMBE HARBOR IN  
SEC 45, T9S - R13E  
ST TAMMANY PARISH  
LA**

**TYPICAL LOT 117 PROFILE**  
**EXISTING UNAUTHORIZED FILL "D-D"**  
 N.T.S.



**WETLAND TYPICAL PROFILE FRINGE WETLAND**  
**EXISTING UNAUTHORIZED FILL "E-E"**  
 N.T.S.



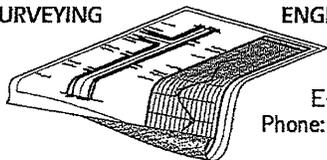
SHEET 4

DATE:  
 05/15/2018

SCALE:  
 N.T.S.

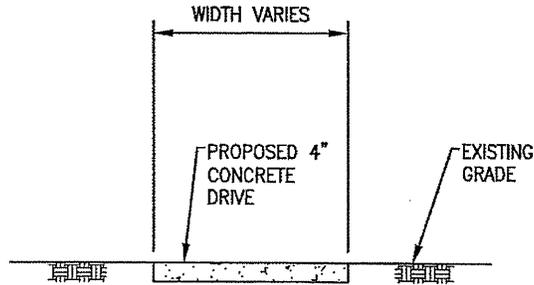
**J.V. Burkes & Associates, Inc.**

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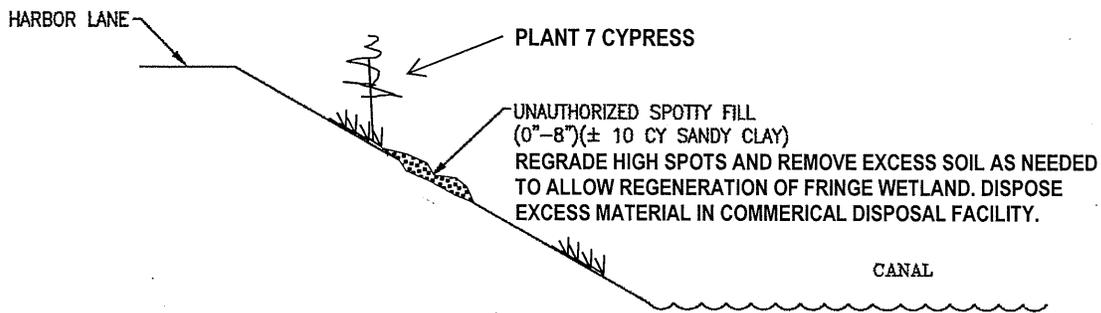
1805 Shortcut Highway  
 Slidell, Louisiana 70458  
 E-mail: jvbassoc@jvburkes.com  
 Phone: 985-649-0075 Fax: 985-649-0154

**MESA TYPICAL PROFILE**  
**EXISTING UNAUTHORIZED FILL**  
**LOT 117 LACOMBE HARBOR**  
**IN SEC 45, T9S - R13E**  
**ST TAMMANY PARISH, LA**



**DRIVEWAY SECTION "F-F"**  
N.T.S.

**TYPICAL FRINGE WETLAND RESTORATION PROFILE "G-G"**  
N.T.S.



SHEET 5

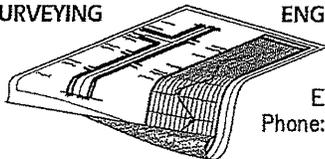
DATE:  
REV. (5/15/2018)  
02/28/2018  
REV. (4/16/2018)

SCALE:  
N.T.S.

**J.V. Burkes & Associates, Inc.**

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1805 Shortcut Highway  
Slidell, Louisiana 70458  
E-mail: jvbassoc@jvburkes.com  
Phone: 985-649-0075 Fax: 985-649-0154

**MESA TYPICAL DETAIL PROFILE  
LOT 117 LACOMBE HARBOR IN  
SEC 45, T9S - R13E  
ST TAMMANY PARISH  
LA**