



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
7400 LEAKE AVE  
NEW ORLEANS LA 70118-3651

September 17, 2018

Operations Division  
Central Evaluation Section

Project Manager  
Patricia Clune  
(504) 862-1577  
[Patricia.R.Clune@usace.army.mil](mailto:Patricia.R.Clune@usace.army.mil)

SUBJECT: MVN 2018-00292-CE

## **PUBLIC NOTICE**

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the US 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).

### **MOORING OF A HOUSEBOAT AT THE CONFLUENCE OF THE BLOOD RIVER AND A CANAL IN LIVINGSTON PARISH**

**NAME OF APPLICANT:** Benjamin Cohen, 1506 Ellis Drive, Hammond, Louisiana, 70401.

**LOCATION OF WORK:** At the confluence of the Blood River and an existing canal that provides marine access to a residential community, in Livingston Parish, within the Tickfaw Basin in hydrologic unit (HUC 08070203), as shown on the attached drawings (Latitude 30.387778 N, Longitude -90.554611 W).

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 work described herein was completed without prior authorization. The applicant has requested an after the fact Department of the Army authorization to moor a houseboat at existing pilings located at the Warsaw Marina. It is presumed that the applicant has designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable.

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 for the Department of Army will close in **15 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 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 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.

### **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 US 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 US 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. 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 not affect any species, nor affect any habitat designated as critical to the survival and recovery of such species, listed as endangered by the U.S. Department of Interior. 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 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.

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 (Louisiana Coastal Zone Application P20180763). 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.

JOHN M. HERMAN  
Chief, Central Evaluation Section  
Regulatory Branch

Enclosures

# Warsaw Bar

## Legend

 31800 Tetannie Dr

 31800

Chad  
Ben  
Charlie

Google Earth

100 ft



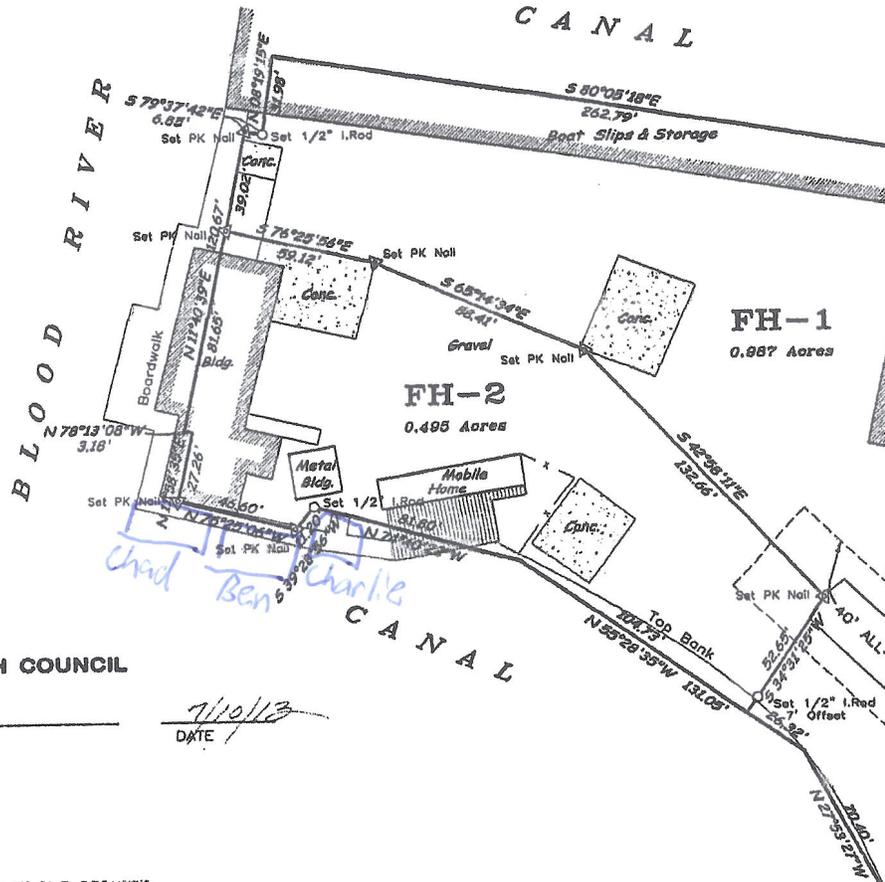
BASE BEARING: N 74°20'00"E (REF. #1)  
 FLOOD ZONE: "AE" BASE FLOOD ELEVATION: 7.50  
 F.E.M.A. F.I.R.M. PANEL NO. 220113 0300 E DATE: 4/03/12

**REFERENCE:**

1. MAP SHOWING SURVEY OF WARSAW LANDING MARINA LOCATED IN SECTION 38, T7S-R6E... FOR HOLLIS FIRMIN, J BY ALVIN FAIRBURN, JR., P.L.S., DATED 8-22-2000.

DRAWN BY:	CTM
CREW CHIEF:	DA5
TECHNICIAN:	CTM
CHECKED BY:	PA
CHECKED BY:	

A WETLANDS INVESTIGATION WAS NOT REQUESTED AND IS NOT A PART OF THIS SURVEY.  
 TOTAL NO. ACRES: 1.482 Acres  
 TOTAL NO. LOTS: 2  
 COUNCIL DISTRICT: 8  
 SET BACKS: FRONT - 25'  
 REAR - 20'  
 SIDELINES - 5'



**APPROVED:  
 LIVINGSTON PARISH COUNCIL**

*Tom Cicouani*  
 PLANNING DIRECTOR

*7/10/13*  
 DATE

THIS SURVEY WAS PREPARED AT THE REQUEST AND FOR THE EXCLUSIVE USE OF:  
**HOLLIS FIRMIN**

THIS FIRM WAS NOT CONTRACTED TO PERFORM A COMPLETE TITLE ABSTRACT OF THE PROPERTY SHOWN HEREON. BE AWARE THAT SERVITUDES SHOWN HEREON WERE TAKEN FROM REFERENCE DATA AND THAT OTHER SERVITUDES, ENCUMBRANCES OR RESTRICTIONS, EITHER VISIBLE OR NOT VISIBLE, MAY AFFECT THE SUBJECT PROPERTY.

**CERTIFICATION:**

THIS IS TO CERTIFY THAT THIS MAP IS MADE IN ACCORDANCE WITH LOUISIANA REVISED STATUTES 33:5051 AND CONFORMS TO ALL PARISH ORDINANCES GOVERNING THE SUBDIVISION OF LAND. THIS MAP IS MADE IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS FOR CLASS 1-C SURVEYS AND IT WAS THE INTENT TO SUBDIVIDE THE TRACT INTO THE PLATTED SUBDIVISION.

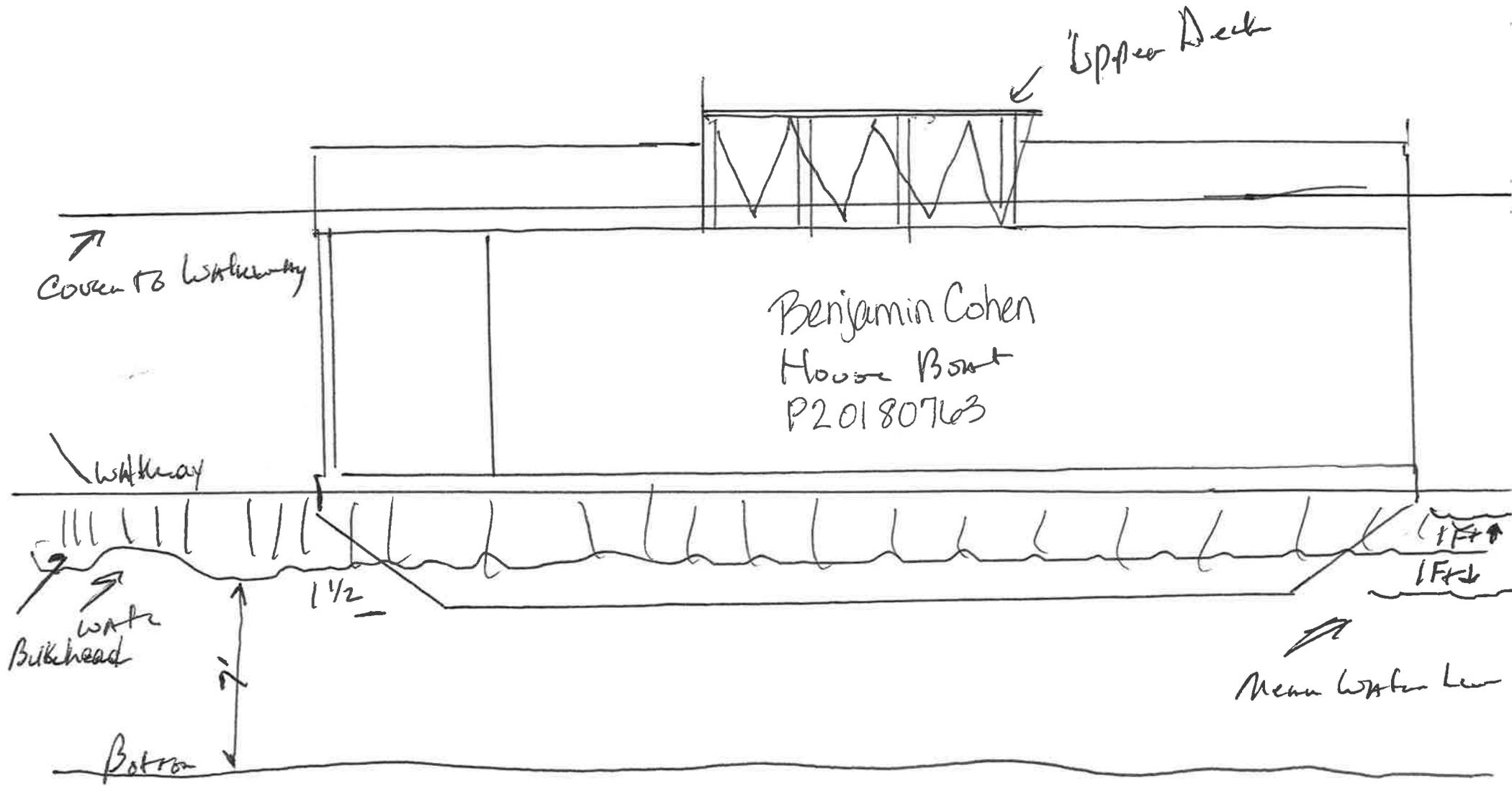
THIS CERTIFICATION IS SPECIFICALLY RESTRICTED TO THE CLIENT FOR THE REQUIRED SUBDIVISION OF PROPERTY ONLY, AND DOES NOT EXTEND TO THIRD PARTIES UNLESS THE PLAT IS PROPERLY REVISED BY THE CERTIFIER TO REFLECT SAME.

*Lester A. McLin, Jr.*  
 LESTER A. McLIN, JR.  
 PROFESSIONAL LAND SURVEYOR  
 McLIN & ASSOCIATES, INC.

*7/09/13*  
 DATE



# Benjamin Cohen Houseboat Project # P20180763



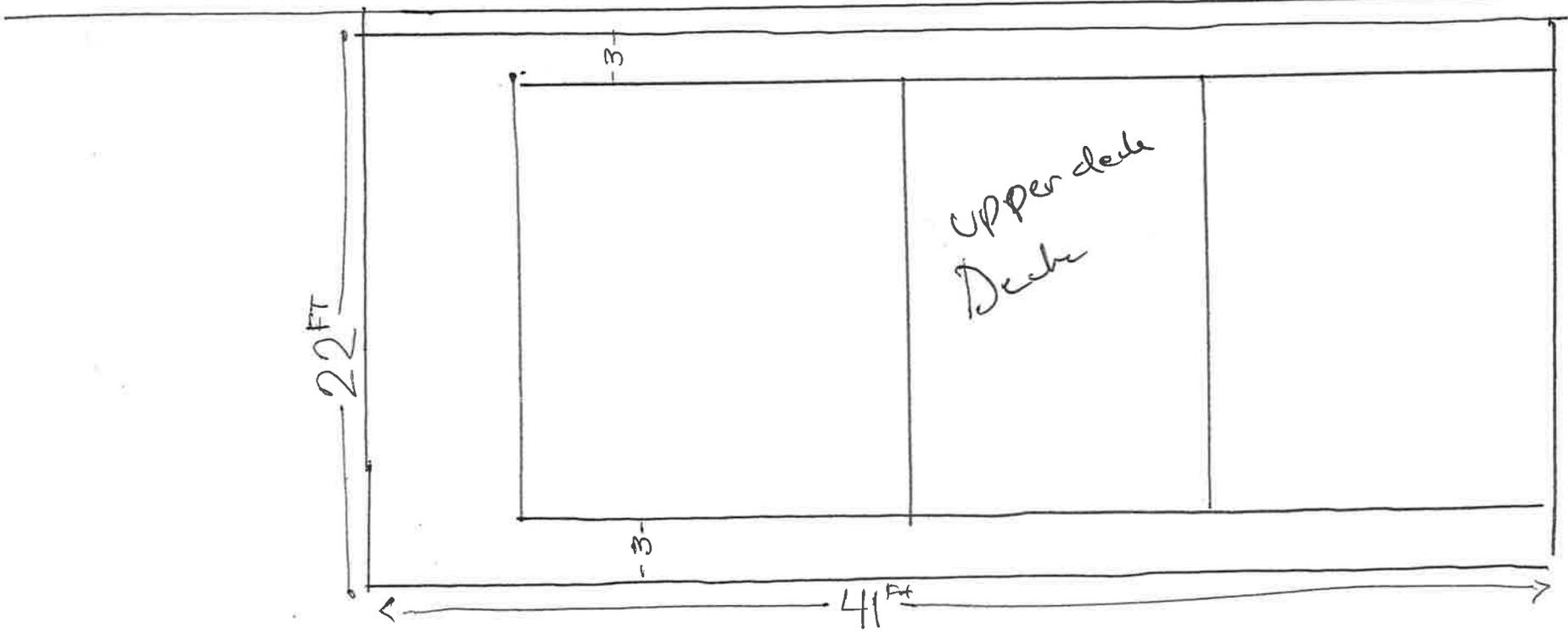
Pre-Existing Deck

Deck

Ramp To Land

Pre-Existing Covered Walkway

End of Dock



Benjamin Cohen Houseboat  
Project # P20180763