

PUBLIC NOTICE

June 29, 2020

United States Army
Corps of Engineers
New Orleans District
Attn: Regulatory Branch
7400 Leake Ave.
New Orleans, Louisiana 70118-3651

Project Manager:
Sara Fortuna
(504) 862-2284
Sara.B.Fortuna@usace.army.mil
Application #: MVN-2020-00561-WKK

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: Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

DREDGING OPERATIONS AND BULKHEAD IN TERREBONNE PARISH

NAME OF APPLICANT: The Original Zack's Frozen Yogurt, 8311 Highway 23, Suite 104, Belle Chasse, Louisiana 70037.

LOCATION OF WORK: Located in Terrebonne Parish, Section 21, Township 16S and Range 14E, located in Bayou Black off of Bayou Black Drive, in Gibson, Louisiana, (Latitude North: 29.663633°N, Longitude West: -91.029136°W), as shown in the attached drawings. (Hydrologic Unit Code 08090302, Terrebonne Basin).

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: Conduct dredging operations within an existing partially constructed boat slip, remove a 100-foot long earthen plug, install approximately 1,895 feet of bulkhead around the boat slip, and place approximately 36,000 cubic yards of dredged fill material within two 20-foot wide by 600-foot long areas depicted as non-wetland areas onsite. The purpose of the dredging operations is to deepen and extend the boat slip for vessel mooring. Approximately 0.66 of an acre of non-wetland waters would be temporarily impacted via project implementation.

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 the Army Permit will close **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 request and must be submitted 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 forwarded 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 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. Copies of this public notice are being sent to the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

Our initial finding is that the proposed work would neither affect any species 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 any endangered species. Based on the Information & Planning Consultation (IPaC) for Endangered Species, 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 is located in waters known to be utilized by the West Indian Manatee (*Trichechus manatus*) and determined that the activity is not likely to adversely affect 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 may result in the destruction, alteration, and/or disturbance of **0.66** of an 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.

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

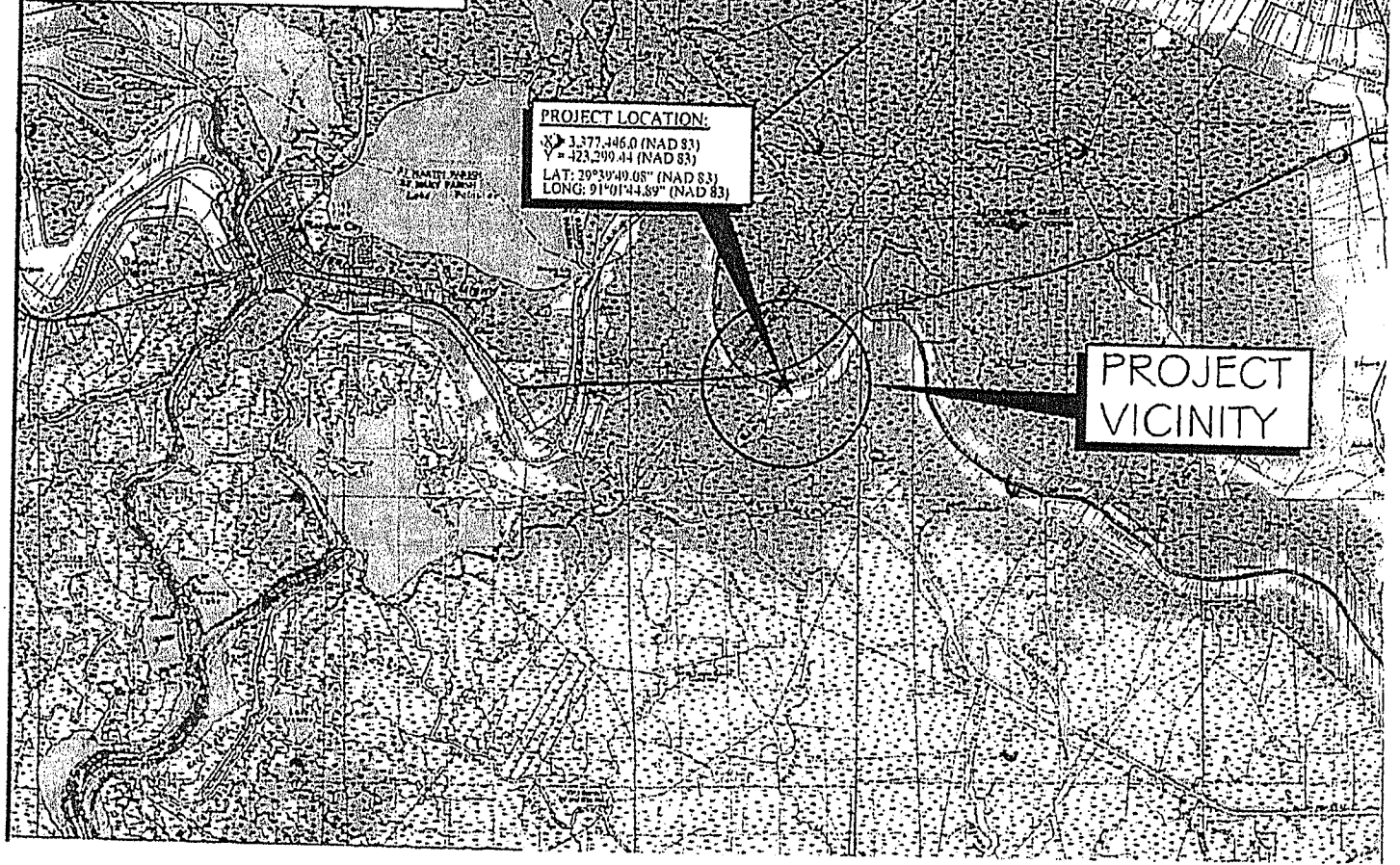
Darrell S. Barbara
Chief, Western Evaluation Section
Regulatory Branch

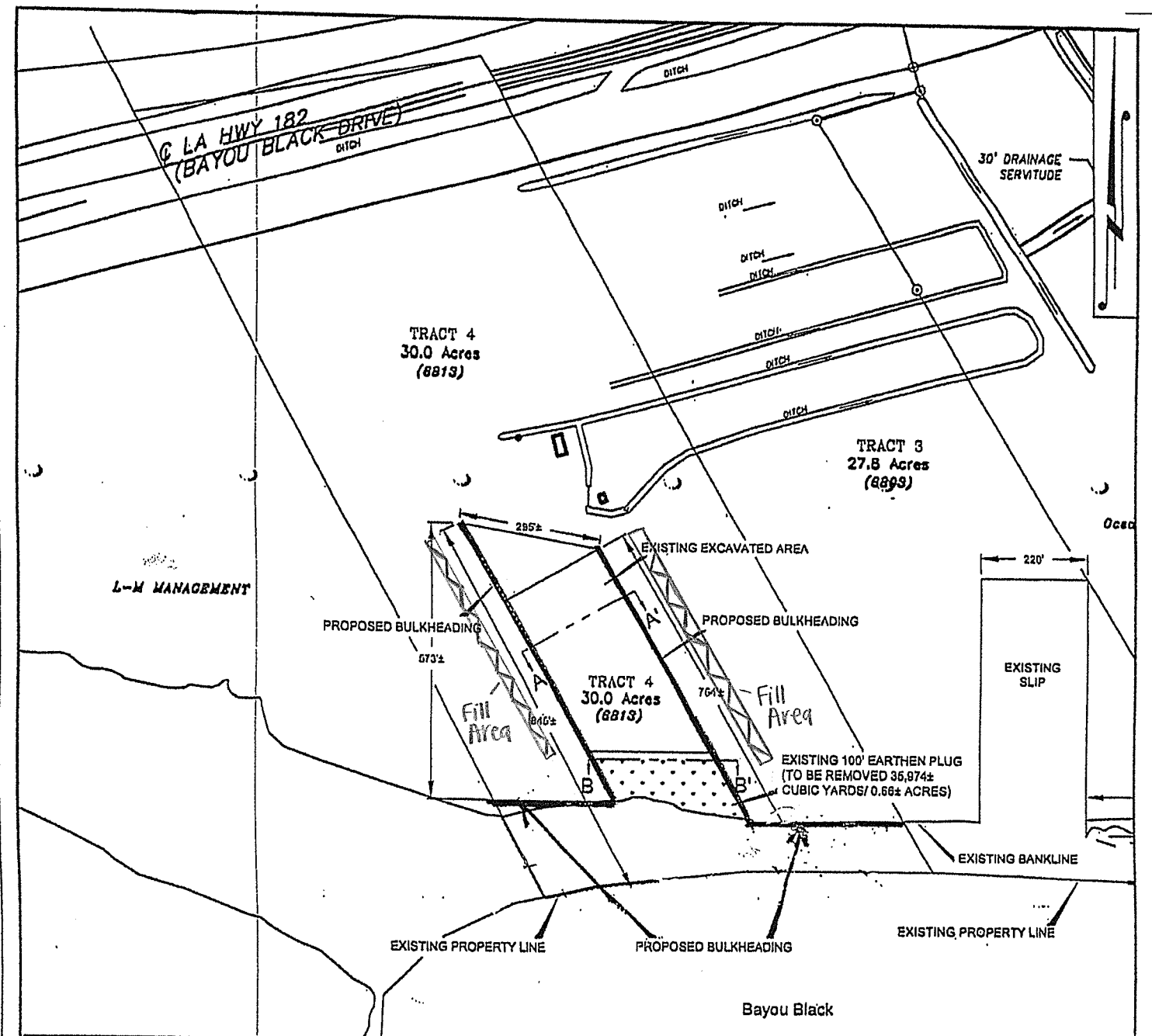
Enclosure



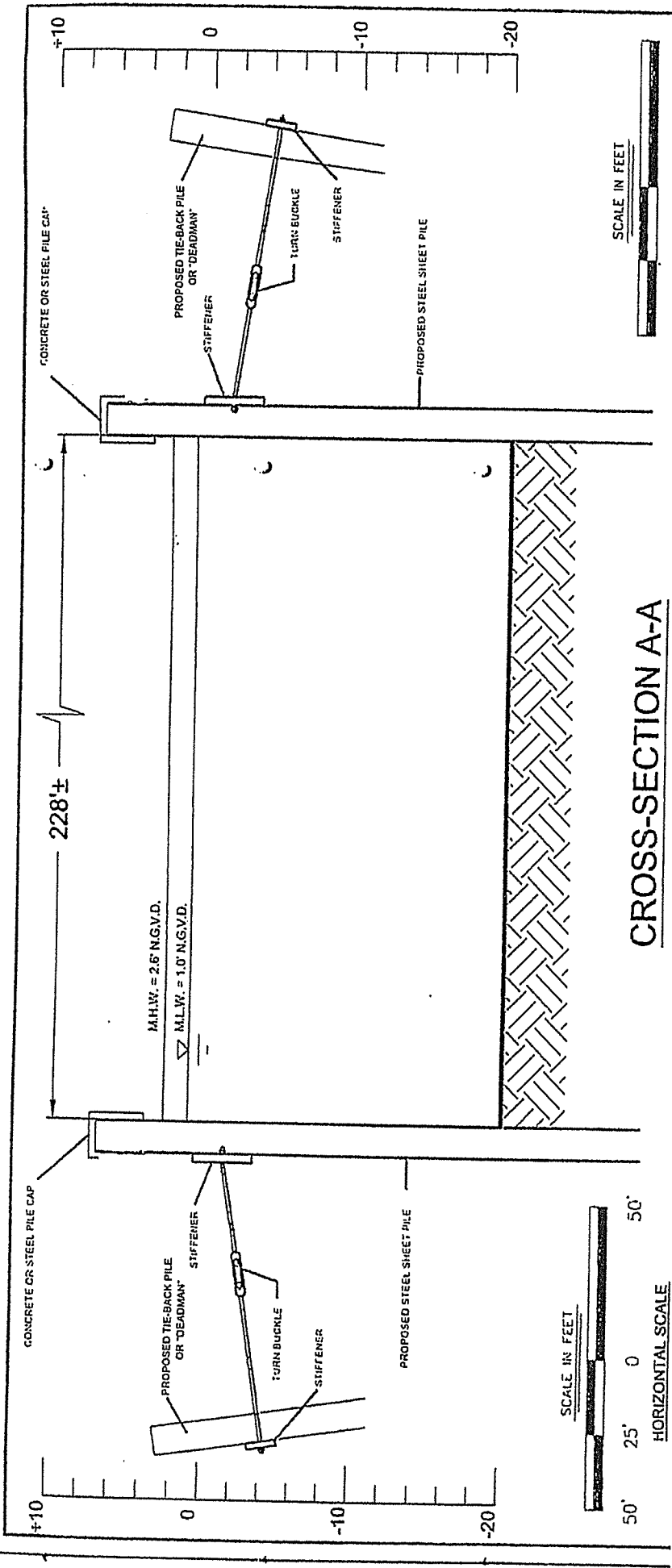
PROJECT LOCATION:
X 3,377,446.0 (NAD 83)
Y = 423,299.44 (NAD 83)
LAT: 29°39'49.05" (NAD 83)
LONG: 91°01'44.89" (NAD 83)

PROJECT VICINITY





Fill Area is depicted
on cross-section
B-B'

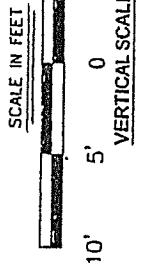
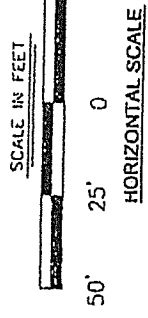


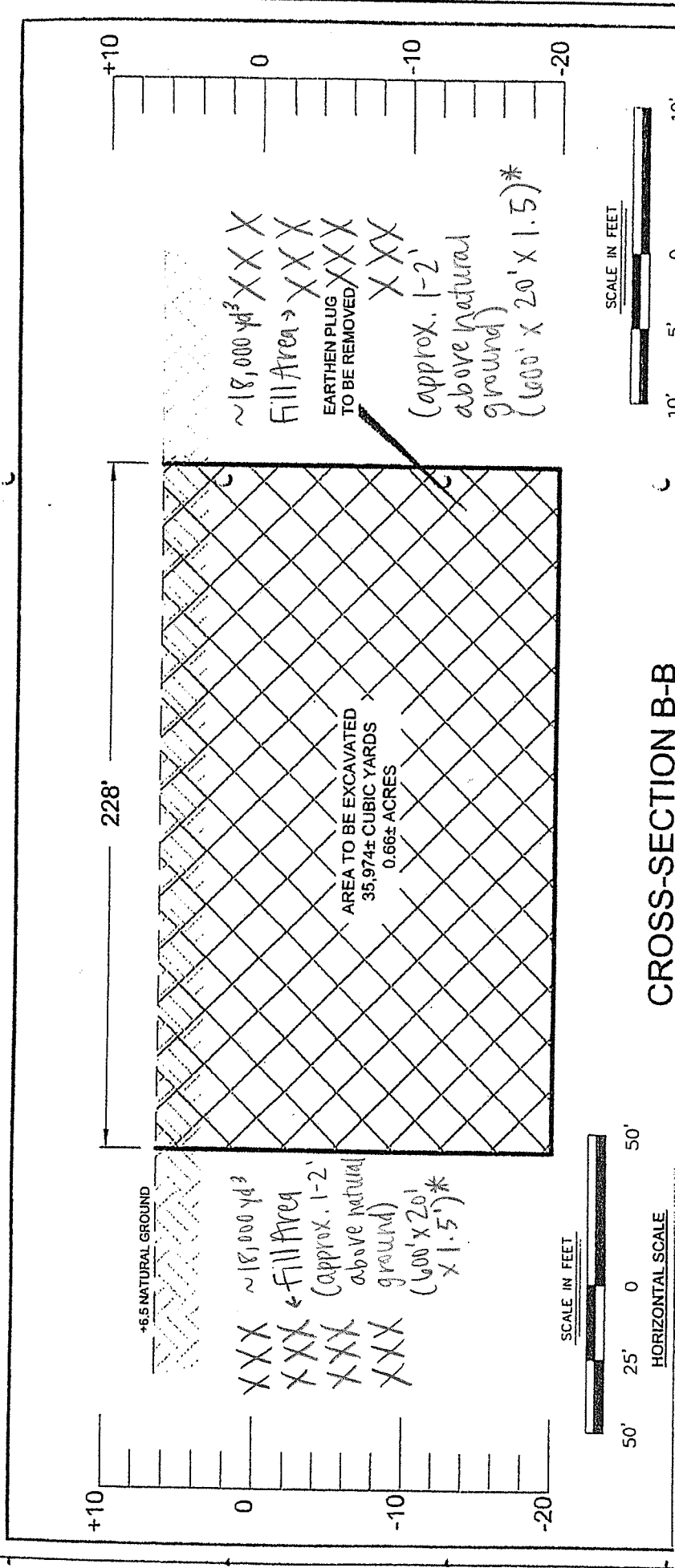
CROSS-SECTION A-A

CROSS SECTION

M.H.W. = 2.5' N.G.V.D.
 M.L.W. = 1.0' N.G.V.D.

228±





CROSS-SECTION B-B

* fill will be placed on non-wetland area and not in water