



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

April 19, 2021

Operations Division  
Central Evaluation Section

Project Manager  
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SUBJECT: MVN-2020-00774-CG

### **PUBLIC NOTICE**

Interested parties are hereby notified that an application has been received by the District engineer for a Department of the Army permit to authorize the following 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); and (X) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

### **PROPOSED CONSTRUCTION OF A MIXED-USE DEVELOPMENT ON THE MISSISSIPPI RIVER LDB RM 229.4 IN EAST BATON ROUGE PARISH**

**NAME OF APPLICANT:** Front Street LLC, c/o Hydrik Wetlands Consultants, Attn: Mike Henry, 2323 Hwy 190 East, Suite 2, Hammond, LA 70401.

**LOCATION OF WORK:** At River Mile 229.4 on the left descending bank of the Mississippi River, in Sections 49 and 50, Township 7 South, Range 1 West, at the Interstate 10 Bridge in Baton Rouge, Louisiana, in East Baton Rouge Parish, within the Mississippi River Basin in hydrologic unit (HUC 08070100), as shown on the attached drawings (Latitude 30.44084 N, Longitude -91.19104 W).

**CHARACTER OF WORK:** The applicant has requested Department of the Army authorization to clear, grade, excavate and deposit fill and/or aggregate material to construct and maintain a mixed use development (Bridgeport) to include apartment towers, parking decks, landscaping, and appurtenant infrastructure. Approximately 30,000 cubic yards of silt fill material would be hauled in and deposited to achieve required grade elevation requirements. The proposed project is situated on an approximately 19.6-acre tract that has been determined to comprise navigable waters and emergent wetlands. Although a preliminary analysis has determined wetlands to be present at the project site, the extent of coverage and impacts is undetermined at this time pending wetland delineation.

The applicant has designed the project to minimize direct and secondary adverse impacts by designing the structures in the batture to be elevated and by proposing construction areas to be temporary. The applicant is proposing to utilize best management practices during and after the construction phase of the project and that the project will receive approval from all appropriate drainage and sewage agencies. As compensation for unavoidable wetland impacts, the applicant proposes to mitigate in-kind wetland credits from a Corps approved mitigation bank located in the watershed.

The comment period for the Department of Army will close in **30 days** from the date of this 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 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, ODR-C, S. Gail Gainey.**

### **Corps of Engineers Permit Criteria**

The decision whether to issue a Section 10/404 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.

This request will also be reviewed pursuant to Section 408 and USACE Engineering Circular (EC) 1165-2-220, which provides policy and procedural guidance for processing requests to alter USACE civil works projects. The decision whether to grant permission for the requested alteration will be based on several factors. The benefits that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be evaluated by a USACE technical review team considering the following factors:

- 1) Potential to Impair the Usefulness of the Project. Proposed alterations will be reviewed to determine whether the alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. If USACE determines that the usefulness of the authorized project would be impaired, the request will be denied.

2) Potential to be Injurious to the Public Interest. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

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. Further, all factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project. The Section 408 review will consider the potential impact to the usefulness of the Federal project and whether the proposed alteration would be injurious to the public interest. Policy and legal compliance will also be considered.

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 made available to the State Archeologist and the State Historic Preservation Officer.

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. The New Orleans District has determined that the proposed project is located in waters known to be utilized by the West Indian Manatee (*Trichechus manatus*). Utilizing the Information & Planning Consultation for Endangered Species in Louisiana protocol, dated January 27, 2020 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 with the inclusion of the Standard Manatee Conditions for In-Water Activities, proposed work is not likely to adversely affect the West Indian Manatee. Additionally, the proposed work has been determined not likely to adversely affect Pallid Sturgeon (*Scaphirhynchus albus*) as there will be no dredging activities associated with this project.

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 NA 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 applicable water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services, 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. 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.

JOHN M. HERMAN  
Chief, Central Evaluation Section  
Regulatory Branch

Enclosures