



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

February 13, 2023

Regulatory Division
Eastern Evaluation Branch

Project Manager:
Jennifer Burkett
(504) 862-2045
jennifer.e.burkett@usace.army.mil

Application #: MVN-2021-01280-EBB

PUBLIC NOTICE

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 [] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344), and/or [] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

BOATHOUSE ON TCHEFUNCTE RIVER IN ST. TAMMANY PARISH

NAME OF APPLICANT: John Kilpatrick c/o Lamulle Construction, LLC, Attention: John Lamulle, 4978 Pontchartrain Drive, Slidell, Louisiana 70458.

LOCATION OF WORK: On the Tchefuncte River, at 115 Ann Street, Covington, in St. Tammany Parish, Louisiana, (lat./long: 30.45303, -90.113082), as shown on the attached drawings. (Hydrologic Unit Code: 08090201; Liberty Bayou – Tchefuncte River).

CHARACTER OF WORK: The proposed project is to install and maintain a 6' x 100' raised walkway and 30' x 40' boathouse with piers. Work will be accomplished from land and water, and no work will take place in the wetland crossing. Pile-driving in the wetland area will proceed from upland areas. The project as proposed would temporarily impact 0.004 acres of wetlands. No trees will be removed, the walkway will be raised four feet, and no fill is required. These proposed recreational structures are to serve the existing residence.

MITIGATION: The applicant proposes to avoid direct impacts and minimize secondary impacts to wetlands and waters to the maximum extent practicable. No permanent adverse impacts to special aquatic sites are proposed; no compensatory mitigation is anticipated at this time.

The comment period on the requested Department of the Army Permit will close **15 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 request, and must be submitted so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the Applicant's Name and the Permit Application Number and can be preferably emailed to the Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGE, Jennifer Burkett**. Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment 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 Branch Chief will review the request and the requester will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous and inclusive of the initial comment period and will not exceed a total of 30 calendar days. This public notice is also available for review online at <https://go.usa.gov/xennJ>

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. Further, all factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project.

The New Orleans District is presently unaware of properties listed on the National Register of Historic Places at or near the proposed work but is pending further review in accordance with the National Historic Preservation Act. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this public notice will be sent to the State Archeologist, State Historic Preservation Officer, and federally listed tribes regarding potential impacts to cultural resources.

Our initial finding is that the proposed work would have no effect on any species listed as endangered by the U.S. Department of Commerce, nor affect any habitat designated as critical to the survival and recovery of any such species.

The New Orleans District has determined that the project will have no effect on the gopher tortoise (*Gopherus polyphemus*), West Indian manatee (*Trichechus manatus*), and red-cockaded woodpecker (*Picoides borealis*), and is not likely to adversely affect Louisiana quillwort (*Isoetes louisianensis*), based on the Information and Planning and Consultation for Endangered Species in Louisiana (IPaC), dated January 27, 2020, for Section 7 of the ESA.

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 N/A 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, (preferably by email to the project manager, or 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 (Louisiana Coastal Zone Application P20220917). 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.

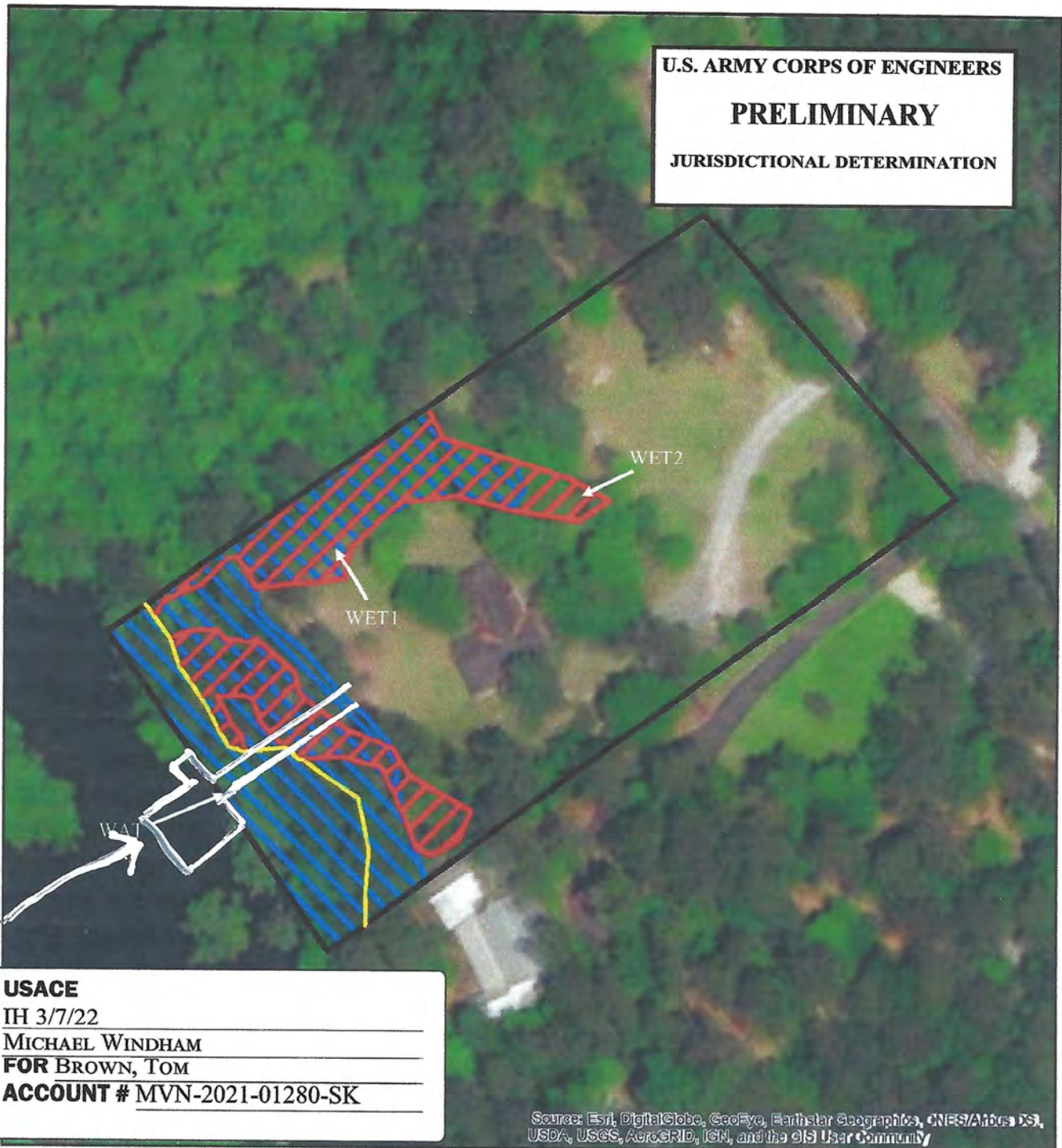
Brad P. LaBorde
Chief, Eastern Evaluation Branch
Regulatory Division

Enclosures

KILPATRICK VICINITY MAP



Figure 7. Aquatic Resources Map: ± 1.75 Acres on Ann St.
Mr. Jeff Kilpatrick



Biological Surveys, Inc.
P.O. Box 94

Covington, LA 70434

Date: November 11, 2021

**Note this is NOT a boundary survey
and should not be utilized as one.

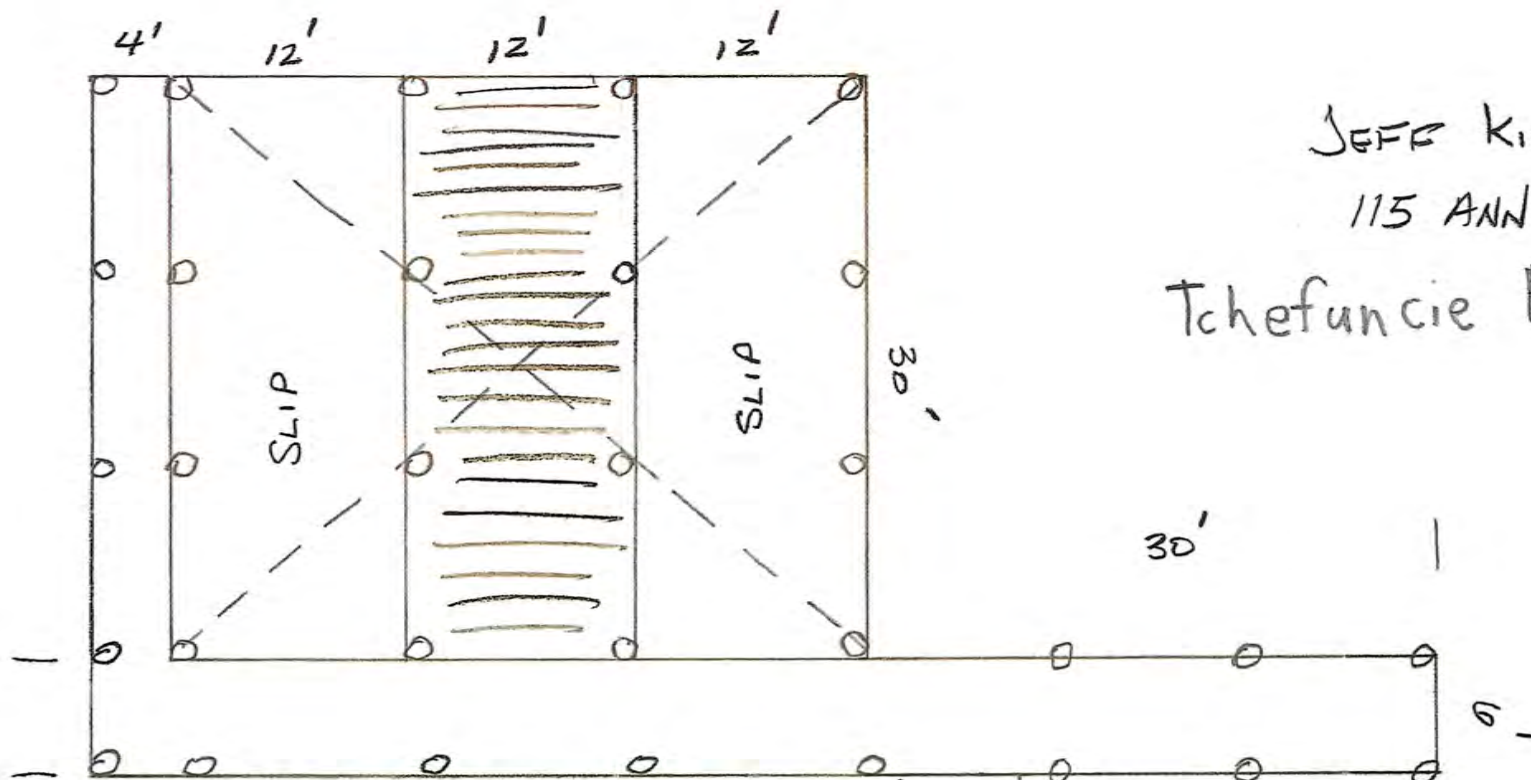
Legend

- Review Area
- Wetland ± 0.25 Acres
- Non-Wetland Waters ± 0.48 Acres
- Approximate Bank Line

0 37.5 75 150 Feet



PROPOSED PROJECT AREA



JEFF KILPATRICK

115 ANN ST

Tchefuncie River



200'±
across
waterway

APPROXIMATE
WETLANDS IMPACT =
 $30' \times 6' = 180 \text{ sq ft} =$
0.005 ACRES

Approx 100'

Bank line

9'

KILPATRICK CROSS SECTION

