



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

January 17, 2023

Regulatory Division
Eastern Evaluation Branch

Project Manager:
Carrie Schott
(504) 862-1153
Carrie.G.Schott@usace.army.mil

Application #: MVN-2021-01327-ECS

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 [X] 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)

COMMERCIAL BOAT SHED WITH FOUR BOAT SLIPS IN SAINT BERNARD PARISH

NAME OF APPLICANT: Mr. Ricky Sellers, c/o: McKay & Associates, LLC, attn.: Mr. Charles McKay, 208 West Judge Perez, Chalmette, LA 70043.

LOCATION OF WORK: Located on the Shell Beach Canal, Section 38, Township 14S, Range 15E, in Saint Bernard Parish, Louisiana, (lat. 29.848333, long. -89.683889), as shown within the attached drawings. (Hydrologic Unit Code 080902030702, Bayou Terre Aux Boeufs Watershed).

CHARACTER OF WORK: The proposed project is to construct a boat shed with four (4) slips for commercial activity. The project as proposed would permanently impact approximately 0.019 acre of waterbottoms from excavation activities. It is not anticipated that there will be any permanent or temporary impacts to wetlands as spoils will be hauled offsite to an approved facility.

MITIGATION: Compensatory mitigation is not required because the project scope is related to Section 10 structures and spoils will be hauled offsite to an approved facility.

The comment period on the requested Department of the Army Permit will close 20 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, Carrie Schott**. 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.

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 reviewed 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.

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.

Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and the U.S. Fish and Wildlife Service, and the provided the determination of a “may affect, not likely to adversely affect (NLAA)” was concluded for the threatened West Indian Manatee.

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 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 LA Department of Environmental Quality before a Department of the Army permit is issued.

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 P20210742). 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 LaBorde
Chief, **Eastern Evaluation Branch**
Regulatory Division

Enclosures

PROJECT:
PRIVATE BOAT SHED

OWNER:
RICK SELLERS

VICINITY MAP

SURVEY OF
LOT 7, SQUARE "S"
DOULLUT SUBDIVISION
TO ALLUVIAL CITY
ST. BERNARD PARISH, LA



SHEET 1 OF 6

NOT TO SCALE

 **McKay & Associates, L.L.C.**
ENGINEERING ~ LAND SURVEYING
208 W. Judge Perez Dr., Ste. 2, Chalmette (504) 509-7603

8/6/2021

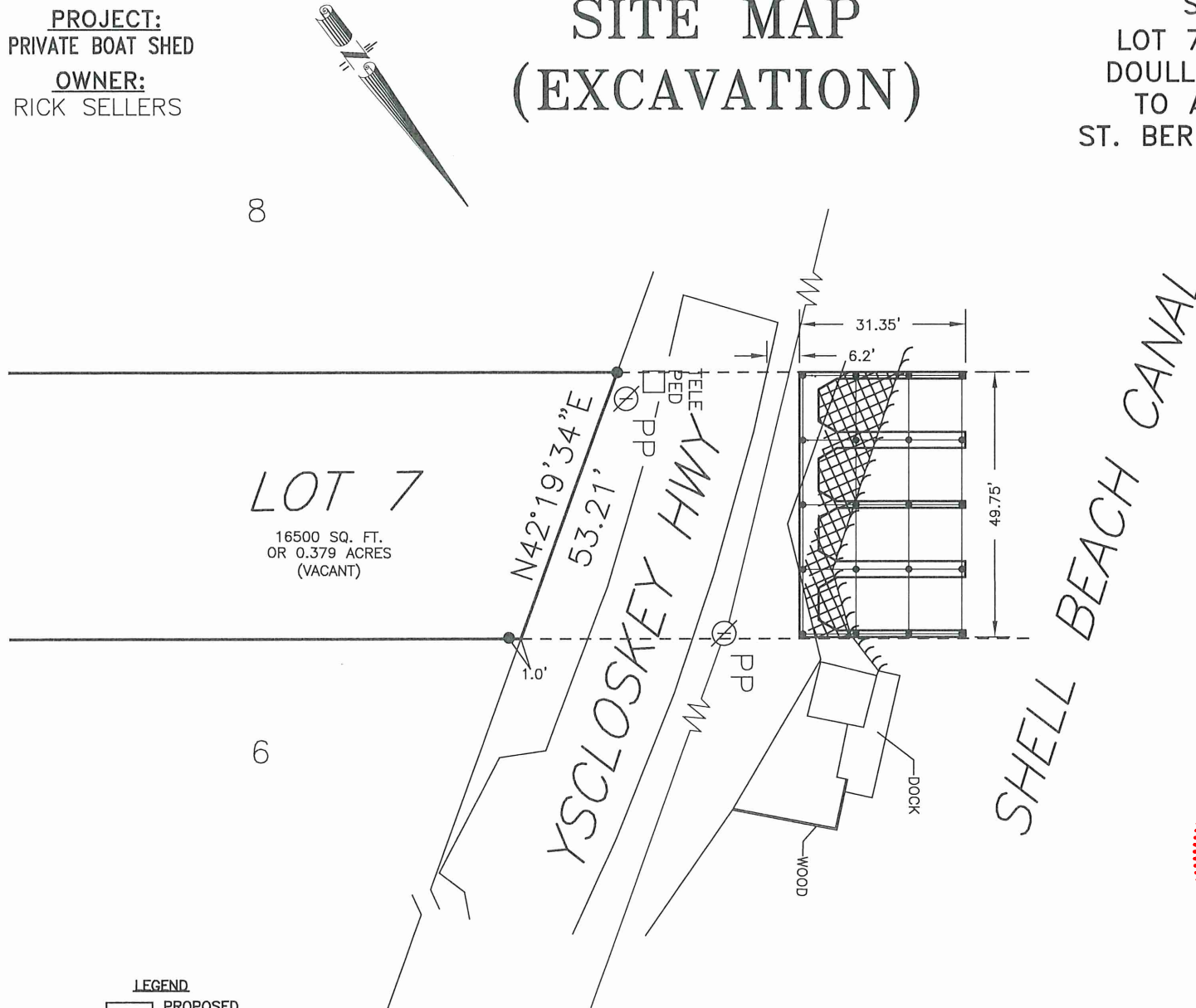
20-238, JDW

PROJECT:
PRIVATE BOAT SHED

OWNER:
RICK SELLERS

SITE MAP (EXCAVATION)

SURVEY OF
LOT 7, SQUARE "S"
DOULLUT SUBDIVISION
TO ALLUVIAL CITY
ST. BERNARD PARISH, LA



LOT 7
16500 SQ. FT.
OR 0.379 ACRES
(VACANT)

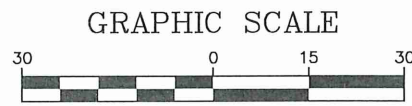
SHELL BEACH CANAL

LEGEND

— PROPOSED ELEVATION

— EXISTING ELEVATION

▨ AREA TO BE EXCAVATED = 270 S.F.
EXCAVATED VOLUME = 30 C.Y.



(IN FEET)
1 inch = 30 ft.



Charles A. McKay, Jr.

SHEET 4 OF 6

McKay & Associates, L.L.C.
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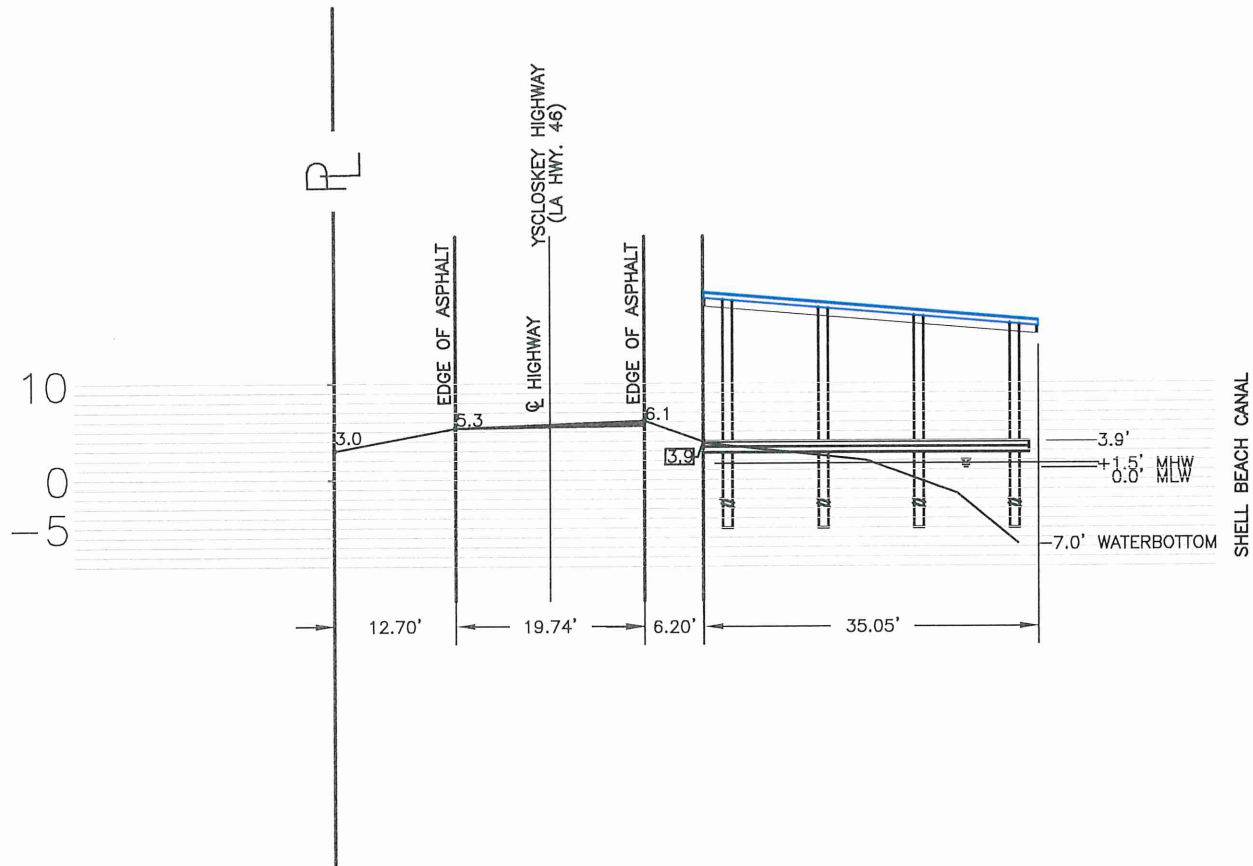
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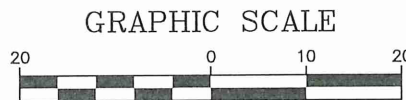
PROJECT:
PRIVATE BOAT SHED
OWNER:
RICK SELLERS

SECTION VIEW

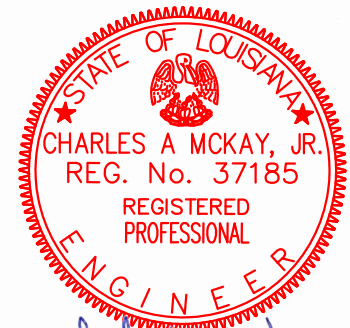
SURVEY OF
LOT 7, SQUARE "S"
DOULLUT SUBDIVISION
TO ALLUVIAL CITY
ST. BERNARD PARISH, LA



LEGEND
 PROPOSED ELEVATION
 EXISTING ELEVATION



(IN FEET)
1 inch = 20 ft.



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SHEET 3 OF 6

McKay & Associates, L.L.C.
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PROJECT:
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OWNER:
RICK SELLERS

SITE MAP

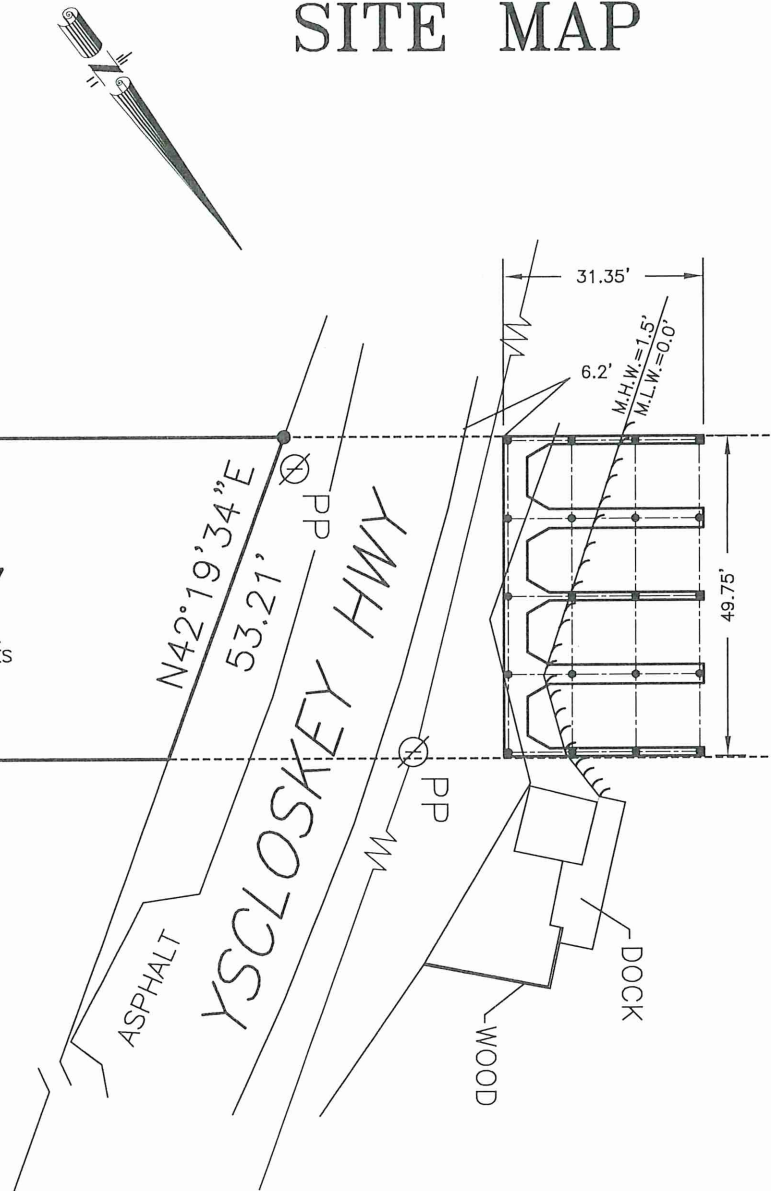
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8

LOT 7

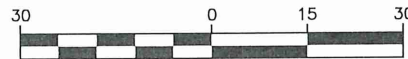
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OR 0.379 ACRES
(VACANT)

6

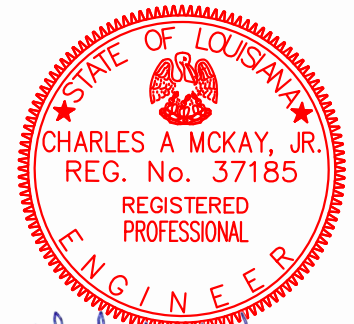


SHELL BEACH CANAL

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



Charles A. McKay, Jr.

SHEET 2 OF 6

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ENGINEERING ~ LAND SURVEYING

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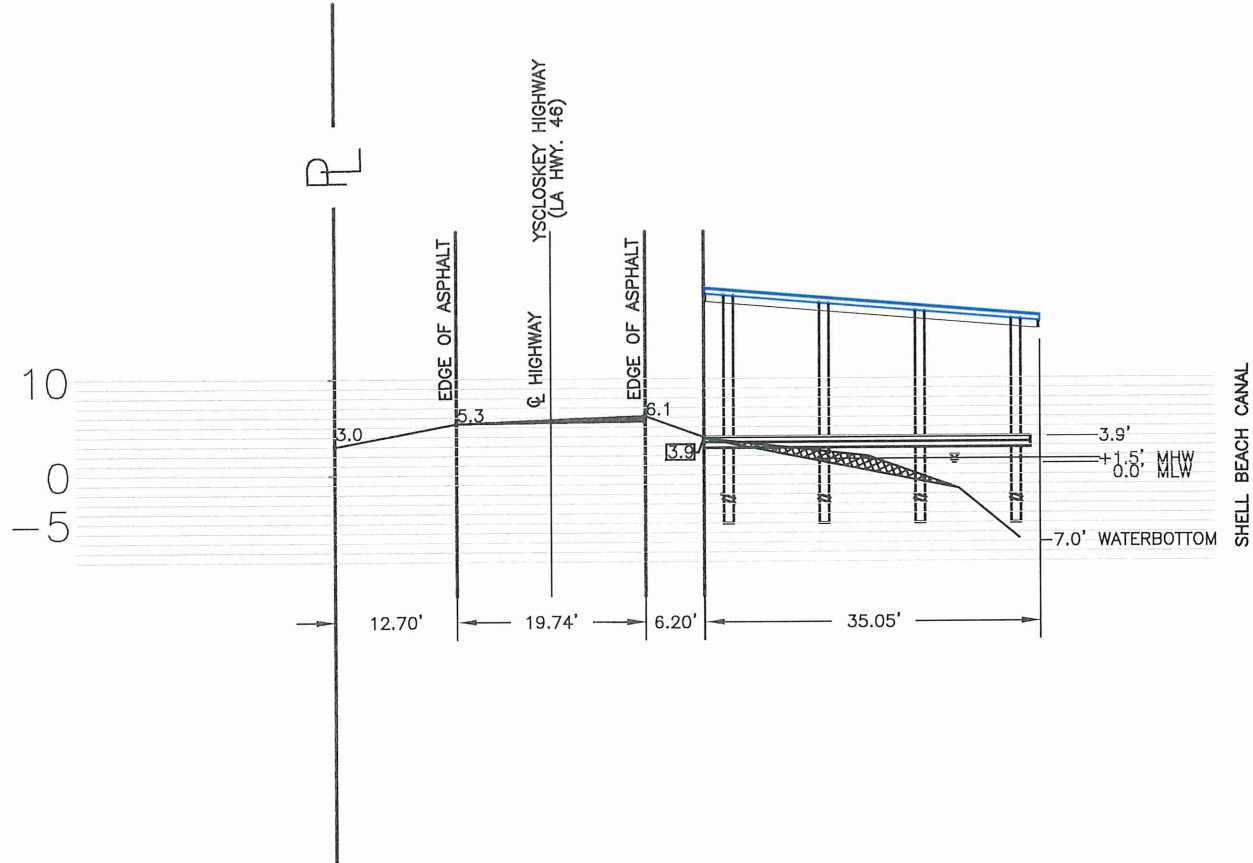
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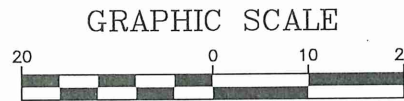
OWNER:
RICK SELLERS

SECTION VIEW (EXCAVATION)

SURVEY OF
LOT 7, SQUARE "S"
DOULLUT SUBDIVISION
TO ALLUVIAL CITY
ST. BERNARD PARISH, LA



LEGEND
— PROPOSED ELEVATION
— EXISTING ELEVATION
▨ AREA TO BE EXCAVATED = 270 S.F.
EXCAVATED VOLUME = 30 C.Y.



(IN FEET)
1 inch = 20 ft.



SHEET 5 OF 6

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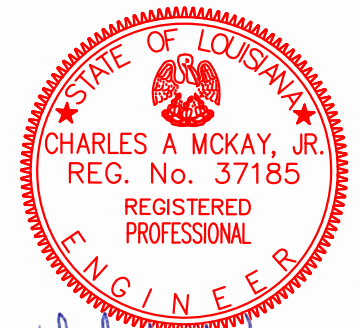
PROJECT:
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OWNER:
RICK SELLERS

NOTES

SURVEY OF
LOT 7, SQUARE "S"
DOULLUT SUBDIVISION
TO ALLUVIAL CITY
ST. BERNARD PARISH, LA

1. CERTAIN FEATURES, I.E., FENCES, WALLS, ETC. MAY BE EXAGGERATED IN SCALE FOR CLARITY. DIMENSIONS SHOW ACTUAL LOCATION.
2. ALL STRUCTURES BUILT UNDER THE AUTHORIZATION AND CONDITIONS OF THIS PERMIT SHALL BE REMOVED FROM THE SITE WITHIN 120 DAYS OF ABANDONMENT OF THE FACILITIES FOR THE HEREIN PERMITTED USE, OR WHEN THESE STRUCTURES FALL INTO A STATE OF DISREPAIR SUCH THAT THEY CAN NO LONGER FUNCTION AS INTENDED. THIS CONDITION DOES NOT PRECLUDE THE NECESSITY FOR REVISING THE CURRENT PERMIT OR OBTAINING A SEPARATE COASTAL USE PERMIT, SHOULD ONE BE REQUIRED, FOR SUCH REMOVAL ACTIVITIES.
3. STRUCTURES MUST BE MARKED/LIGHTED IN ACCORDANCE WITH U. S. COAST GUARD REGULATIONS.
4. IN ORDER TO ENSURE THE SAFETY OF ALL PARTIES, THE PERMITTEE SHALL CONTACT THE LOUISIANA ONE CALL SYSTEM (1-800-272-3020) A MINIMUM OF 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION (DIGGING, DREDGING, JETTING, ETC.) OR DEMOLITION ACTIVITY.
5. M.H.W. AND M.L.W. BASED ON STATION ID. 8761305 (SHELL BEACH, LA)



Charles A. McKay, Jr.

SHEET 6 OF 6



8/6/2021

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