

# PUBLIC NOTICE

August 9, 2021

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

Project Manager:

Sara Fortuna

(504) 862-2284

[sara.b.fortuna@usace.army.mil](mailto:sara.b.fortuna@usace.army.mil)

Application #: MVN-2021-00554 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).

## **DOCKS, BULKHEAD, AND FILL IN VERMILION PARISH**

**NAME OF APPLICANT:** Joseph Spell, c/o: Tim Morton and Associates, 500 S. Morgan Avenue, Broussard, Louisiana 70518.

**LOCATION OF WORK:** Located in Vermilion Parish, located in a private canal and off bend of the Vermilion River, on Live Oak Road, in the community of Abbeville, Louisiana, (Latitude North: 29.865639° N, Longitude West: -92.127472° W), as shown within the attached drawings. (Hydrologic Unit Code 08080103, Vermilion-Teche Basin).

**CHARACTER OF WORK:** Along the bend of the Vermilion River, work consists of installing a 28-foot wide by 50-foot long boat dock with an attached 10-foot wide by 42-foot long fixed deck, a 125-foot long bulkhead, and place approximately 17 cubic yards of hauled-in fill material behind the bulkhead. It is anticipated that approximately 0.01 of an acre of forested wetlands would be permanently impacted and 0.03 of an acre of non-wetland waters would be temporarily impacted via project implementation. Along the private canal, work consists of installing a 25-foot wide by 105-foot long boat dock containing four boat slips. It is anticipated that approximately 0.06 of an acre of non-wetland waters would be temporarily impacted via project implementation. Mitigation has not been proposed since the wetland impacts are under 0.1 of an acre.

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 emailed to the Corps of Engineers project manager listed above, or forwarded to the Corps of Engineers at

the address above, **ATTENTION: REGULATORY DIVISION, REG-W, Sara Fortuna.** Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or 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 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 and inclusive of the initial comment period and 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 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. As 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 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 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, 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. If this permit is issued, the permittee will be required to follow special conditions.

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 **0.09 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.

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.

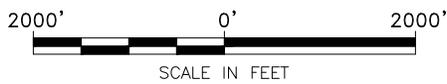
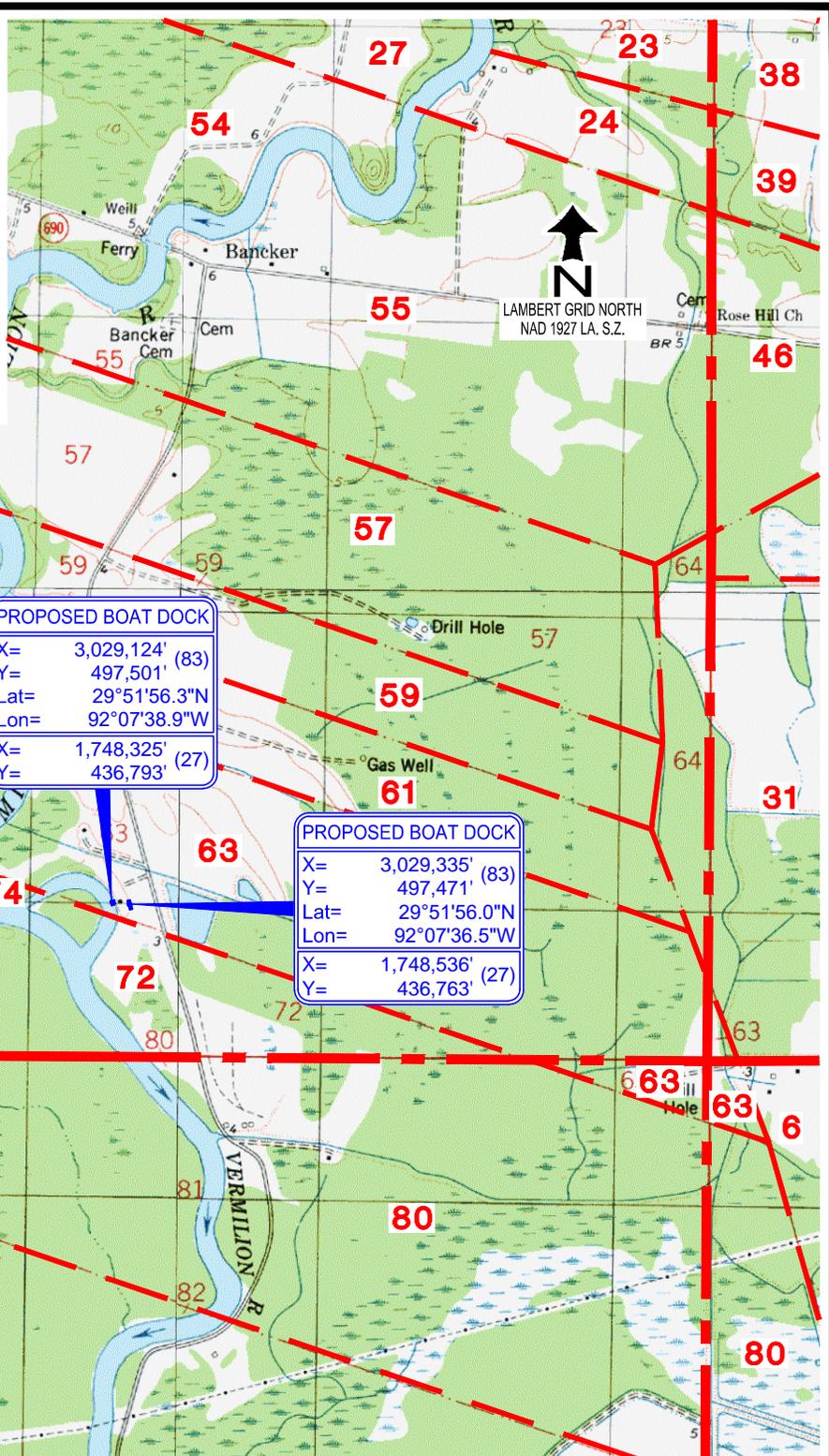
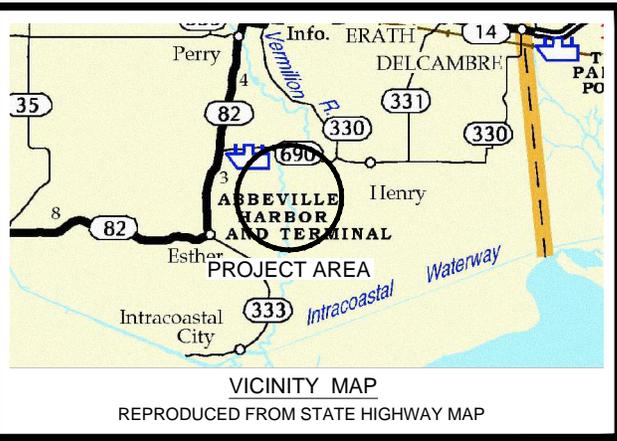
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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 receives 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

Enclosures



REFERENCE: BASE MAP FROM U.S.G.S. QUADRANGLE MAPS  
 "INTRACOASTAL CITY, HEBERT LAKE, ABBEVILLE WEST AND  
 ABBEVILLE EAST, LA" 1975, AT A SCALE OF 1:24000.

PREPARED BY:



**TIM MORTON & ASSOCIATES, INC.**  
 REGULATORY & ENVIRONMENTAL CONSULTANTS

**FIGURE 1**

**JOSEPH L. SPELL**  
 LAFAYETTE, LOUISIANA

**VICINITY PLAT**  
**PROPOSED BOAT DOCKS AND BULKHEAD**  
 THE COVE AT LIVE OAK  
 VERMILION PARISH, LOUISIANA

MAP NO. FIG1

MAY 6, 2021

JOB NO. 21-035



PROPOSED BOAT DOCK	
X=	3,029,124' (83)
Y=	497,501' (83)
Lat=	29°51'56.3"N
Lon=	92°07'38.9"W
X=	1,748,325' (27)
Y=	436,793' (27)

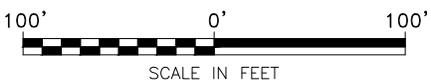
THREE PINE TREES AND UNDER GROWTH  
TO BE CLEARED AND HAULED OFFSITE (0.01 ACRE)

PROPOSED BOAT DOCK	
X=	3,029,336' (83)
Y=	497,471' (83)
Lat=	29°51'56.0"N
Lon=	92°07'36.5"W
X=	1,748,537' (27)
Y=	436,763' (27)

PROPOSED 125' BULKHEAD  
AND WOODEN DECK

50' TO  
C/L OF  
OXBOW

Section 63  
Section 72



JOSEPH L. SPELL  
LAFAYETTE, LOUISIANA

PROPOSED BOAT DOCKS AND BULKHEAD  
THE COVE AT LIVE OAK  
VERMILION PARISH, LOUISIANA

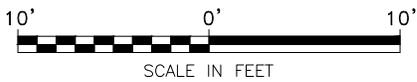
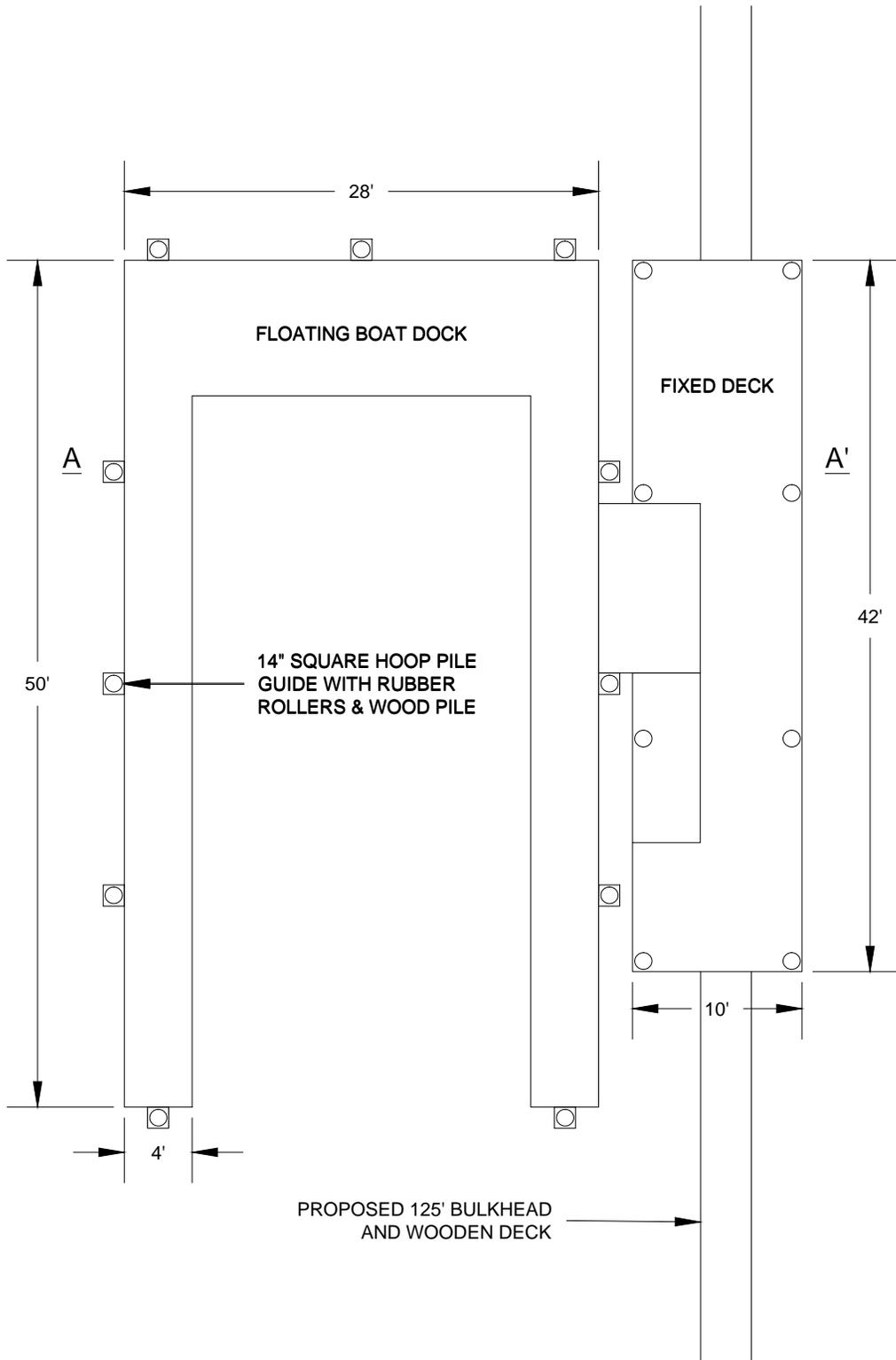
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**FIGURE 2**

MAP NO. FIG2

MAY 6, 2021

JOB NO. 21-035



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JOB NO. 21-035

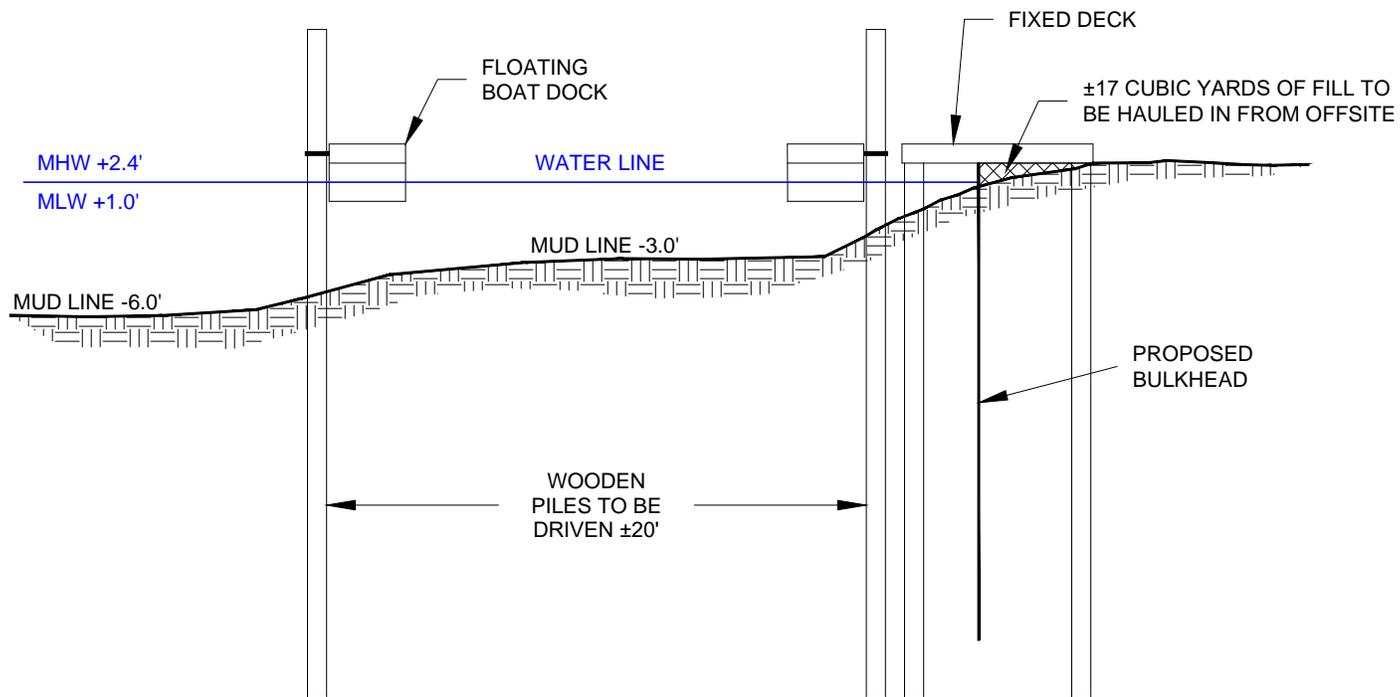
**FIGURE 3**

**JOSEPH L. SPELL**  
LAFAYETTE, LOUISIANA

**PROPOSED FLOATING BOAT DOCK AND BULKHEAD**  
**THE COVE AT LIVE OAK**  
**VERMILION PARISH, LOUISIANA**

MAP NO. FIG3

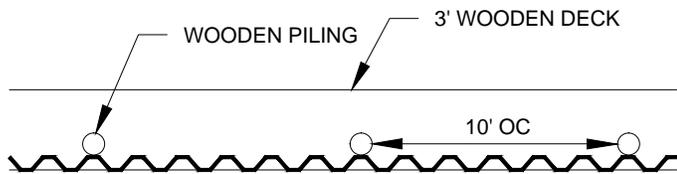
MAY 6, 2021



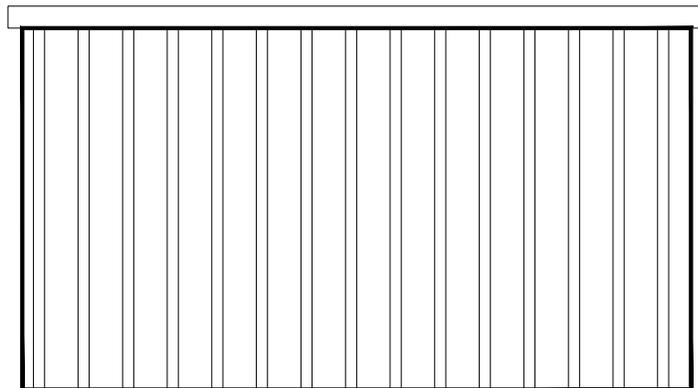
**SECTION A - A'**

**BULKHEAD DETAIL**

NOT TO SCALE



**TOP VIEW**



**FRONT VIEW**

**JOSEPH L. SPELL**  
LAFAYETTE, LOUISIANA

**PROPOSED FLOATING BOAT DOCK AND BULKHEAD**  
**THE COVE AT LIVE OAK**  
**VERMILION PARISH, LOUISIANA**

PREPARED BY:



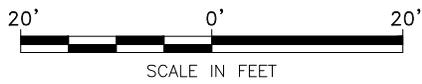
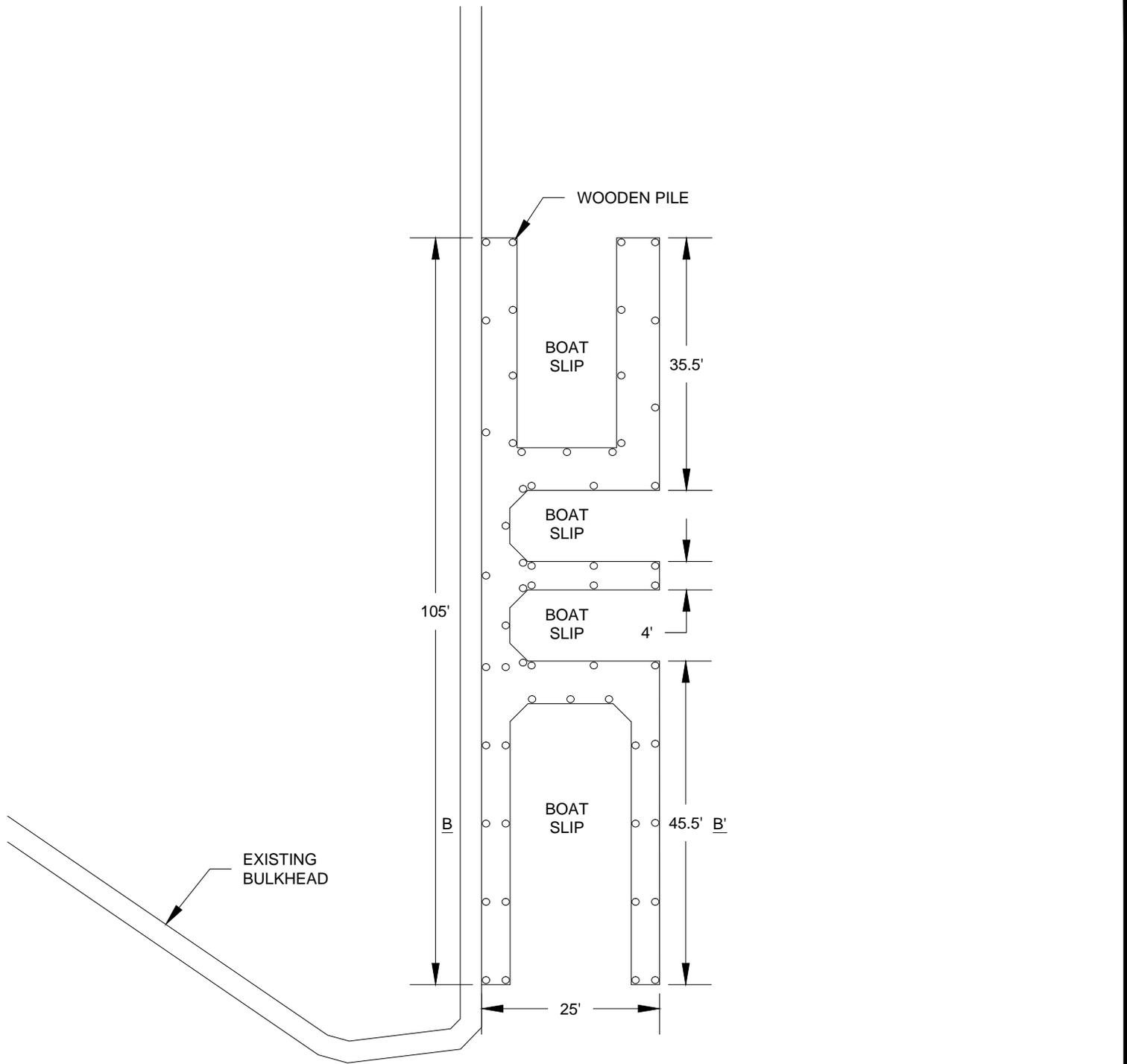
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JOB NO. 21-035

**FIGURE 4**

MAP NO. FIG4

MAY 6, 2021



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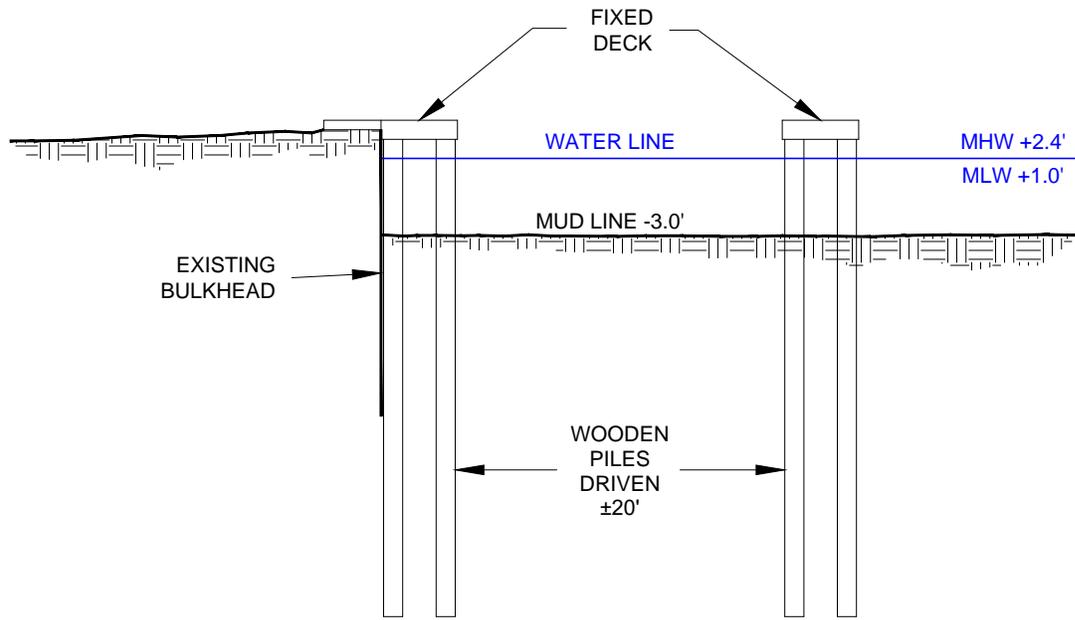
**FIGURE 5**

**JOSEPH L. SPELL**  
LAFAYETTE, LOUISIANA

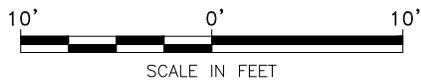
**PROPOSED BOAT DOCK**  
**THE COVE AT LIVE OAK**  
**VERMILION PARISH, LOUISIANA**

MAP NO. FIG5

APRIL 27, 2021



SECTION B -B'



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JOB NO. 21-035

**FIGURE 6**

**JOSEPH L. SPELL**  
LAFAYETTE, LOUISIANA

**PROPOSED BOAT DOCK**  
**THE COVE AT LIVE OAK**  
**VERMILION PARISH, LOUISIANA**

MAP NO. FIG6

APRIL 27, 2021