

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

February 5, 2024

Regulatory Division Central Evaluation Branch

Project Manager: Jeremy Rodriguez (504) 862-1577 Jeremy.D.Rodriguez@usace.army.mil

Application #: MVN-2021-00583-CR

PUBLIC NOTICE

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the US Army Corps of Engineers pursuant to: [] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403), [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).

AFTER-THE-FACT EMERGENCY FLOOD RELIEF DRAINAGE WORK in ASCENSION PARISH

<u>NAME OF APPLICANT</u>: Ascension Parish Government, c/o ELOS Environmental, LLC., 607 West Morris Avenue, Hammond, Louisiana 70403.

LOCATION OF WORK: This project is located approximately 0.5 mile southwest of the intersection of LA 74 and LA 928, within the town of Geismar, Louisiana, in Ascension Parish, within the Mississippi River Basin in hydrologic unit (HUC 08070202 and 08070204), as shown on the attached drawings. Coordinates: 30.247756, -91.014278.

CHARACTER OF WORK: The applicant has requested Department of the Army authorization for after the fact clearing, grading, excavation, and deposition of fill that occurred during emergency flood relief work. The applicant has also requested authorization for proposed excavation and grading of fill material to restore the wetland impacts that resulted from the original authorization. The original emergency flood relief authorization was granted in June of 2021 for the excavation of a new cut and shallow excavation (mucking) of an existing relic channel to facilitate drainage of excess flood waters that accumulated within Bluff Swamp. The cut connected Bluff swamp to the relic channel to allow excess flood waters to drain south into New River. The project area measures approximately 5.22 acres in total. Approximately 9,266 cubic yards of material was excavated during the construction of the cut and mucking of the relic channel. Approximately 0.18 acres of temporary impacts to wetlands were proposed in the original emergency authorization, but the actual work performed impacted 0.44 acre of jurisdictional wetlands. The attached drawings show that the work area exceeded the

originally permitted footprint and is proposed to be restored. It is anticipated that the proposed action would have minimal impact on adjacent wetlands. A preliminary analysis has determined that the proposed project would temporarily impact approximately 0.44 acres of forested wetlands. If additional wetland impacts are determined to have occurred, this public notice we be updated and re-issued for public comment.

<u>MITIGATION</u>: The applicant states that they will minimize wetland impacts to the greatest extent possible by restoring the previously impacted wetland areas to pre-project grade and replanting the impacted areas. If the restoration proposed by the applicant is determined to be insufficient or unsuccessful, additional mitigation may be assessed and collected by the Corps of Engineers.

The comment period for the requested Department of Army Permit will close in 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, RGC, Jeremy Rodriguez. 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 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 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 District (CEMVN) and the U.S. Fish and Wildlife Service, CEMVN has determined that the project would have no effect to any species listed as endangered by the U.S. Fish and Wildlife Service, nor affect any habitat designated as critical to the survival and recovery of any such species.

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 up to $\underline{0}$ 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 Department of Environmental Quality before a 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.

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.

John M. Herman Chief, Central Evaluation Branch Regulatory Division

Enclosures





F: KLE\Ascension Parish Drainage\Emergency Authorization-Flood Relief(GIS Maps\Permit\Flood Relief Emergency Authorization\Figure 2_Existing Conditions













