

JOINT PUBLIC NOTICE

December 13, 2021

United States Army
Corps of Engineers
New Orleans District
Attn: Regulatory Division, RGW
7400 Leake Avenue
New Orleans, Louisiana 70118

Project Manager: Michael H. Herrmann Jr.
(504) 862-1954 / fax: (504) 862-2574
michael.h.herrmann@usace.army.mil
Permit Application Number:
MVN-2021-00810-WLL

State of Louisiana
Department of Environmental Quality
Attn: Water Quality Certification Sec.
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

Project Manager: Elizabeth Hill
(225) 219-3225 / fax: (225) 219-3156
Elizabeth.Hill@la.gov
WQC Application Number:
WQC WQC 211209-02

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).

VARIABLE CRESTED WATERCONTROL STRUCTURE TO PREVENT EROSION IN ST MARTIN PARISH

NAME OF APPLICANT: Kerkas, LLC 104 River Bend Circle, Lafayette, LA 70508

LOCATION OF WORK: Located in St. Martin Parish, of the Atchafalaya River 2.5 miles downstream from the Butte LaRose Boat Ramp, in Butte LaRose, Louisiana, (lat. 30° 17' 41.7", long. -91° 39' 03.4), as shown within the attached drawings.

CHARACTER OF WORK: Drive two rows of steel sheetpile for a distance of 100-linear feet across a drainage channel between Lost Lake and Atchafalaya River; place 510 cubic yards of dredged sediment between the sheet pile walls and install an adjustable 48-inch steel pipe through the structure to regulate water levels in St Martin Parish. The purpose of the proposed structure is to prevent further erosion of the drainage channel.

The proposed project will impact approximately 0.15 acres of jurisdictional scrub shrub habitat; 0.06 of an acre through filling activities and 0.09 acres through excavations of a borrow site. Fill operations will include the deposition of approximately 510 cubic yards of earthen material into wetlands, between the rows of sheet pile to construct the structure. If a Department of the Army permit is warranted, the applicant has proposed to mitigate unavoidable wetlands impacts at an approved and acceptable mitigation bank within the N.O. District.

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 BRANCH, RGW, Michael H. Herrmann Jr.** 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 would have no effect to any listed species.

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 **0.15 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.

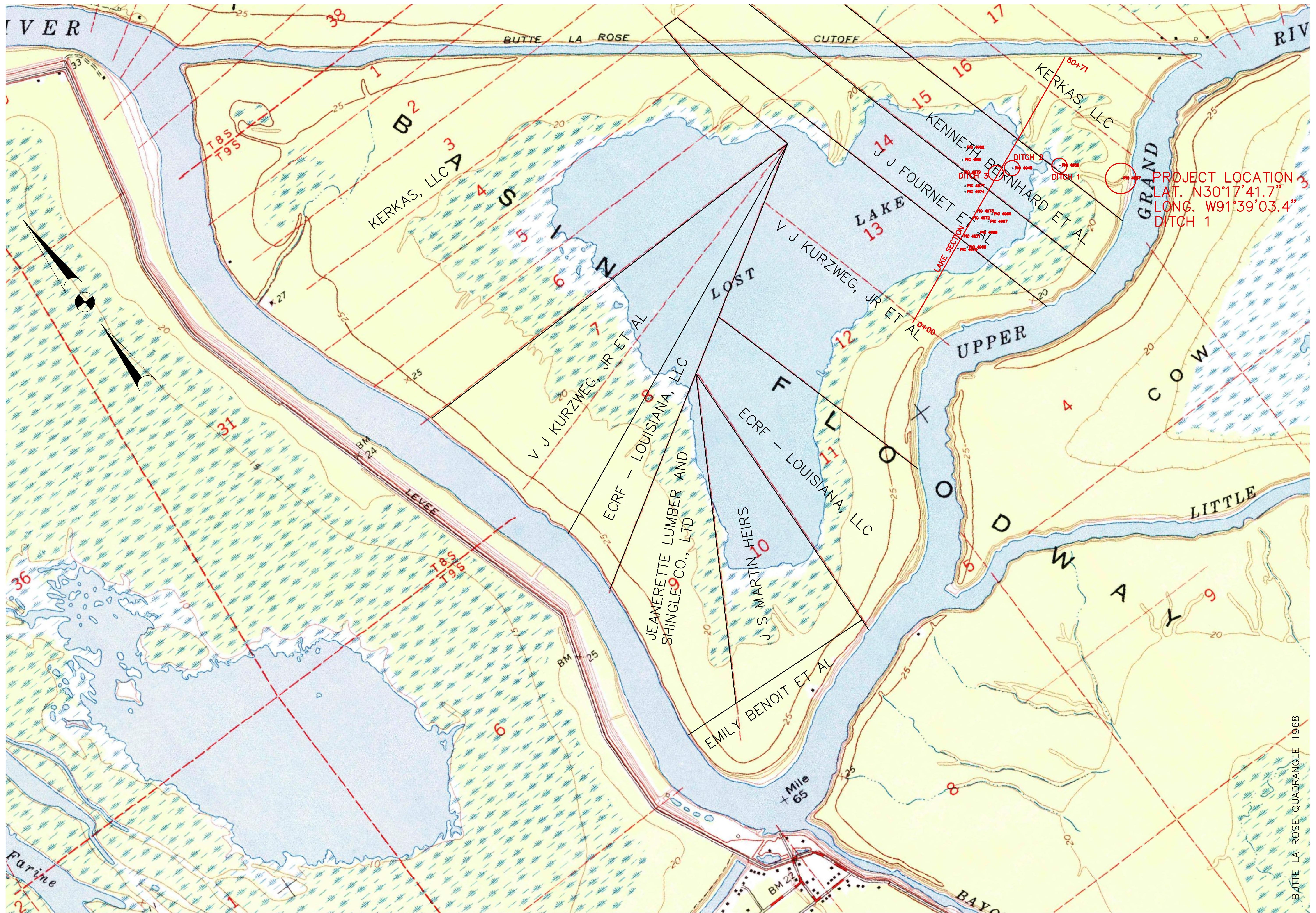
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not 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, 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.

Darrell S. Barbara
Chief, Western Evaluation Branch
Regulatory Division

Enclosures

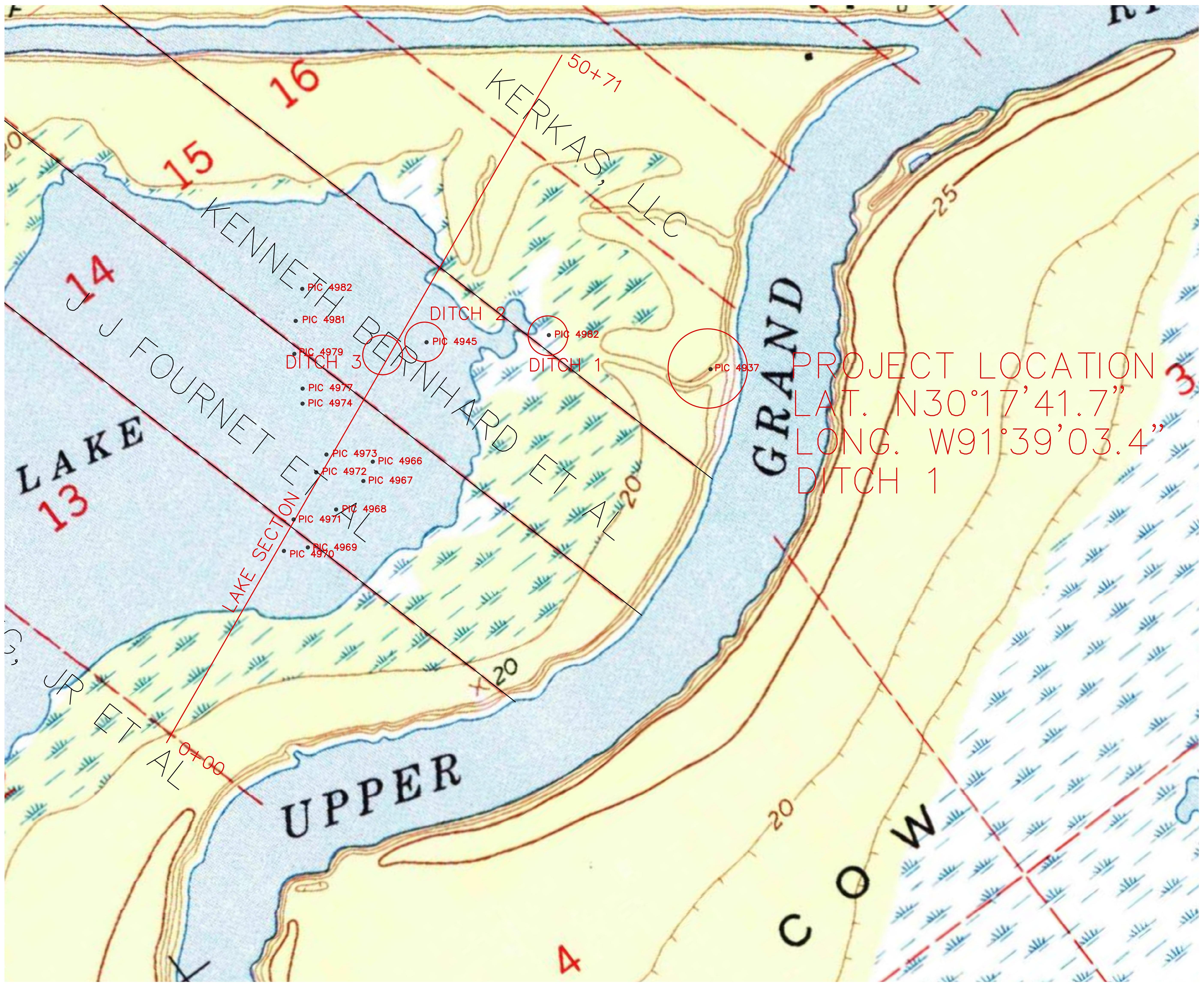


drawn RLW
scale 1" = 700'
checked RLW
date 6-15-21
project 20602

MORGAN GOUDEAU & ASSOCIATES

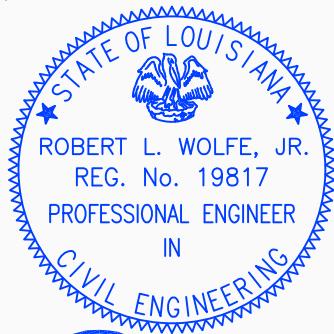
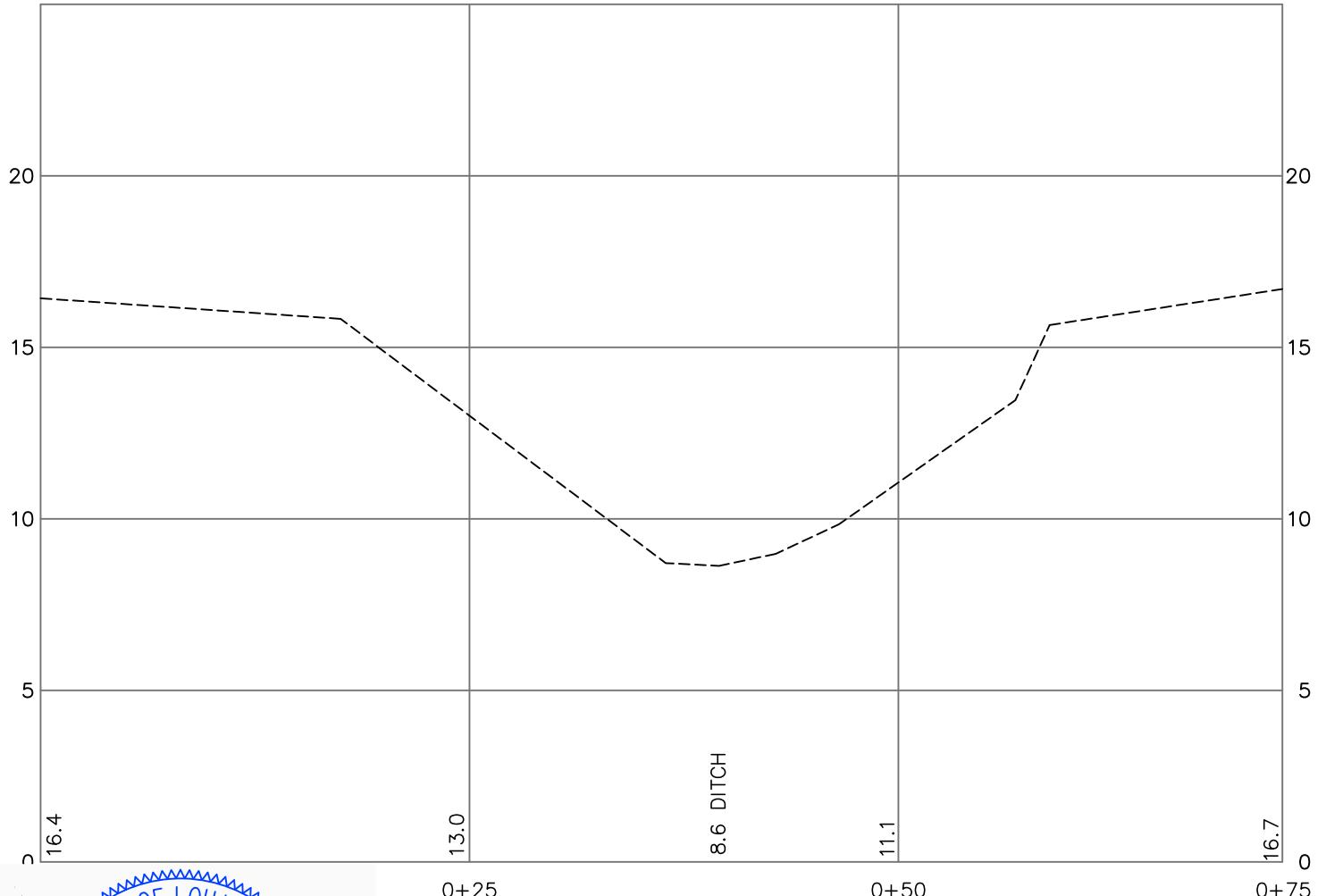
TOPOGRAPHIC AND PROPERTY INFORMATION
FOR KERKAS, LLC SHOWING THE LOST LAKE AREA IN THE
ATCHAFALAYA BASIN LOCATED IN SECTIONS 37-38, TOWNSHIP
8 SOUTH, RANGE 8 EAST AND SECTIONS 1-19, TOWNSHIP 9
SOUTH, RANGE 8 EAST, ST. MARTIN PARISH, LOUISIANA

BUTTE LA ROSE QUADRANGLE 1968



COUDEAU
&
ASSOCIATES

drawn
scale



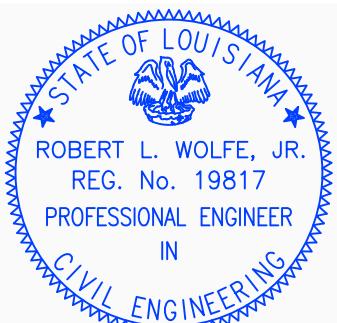
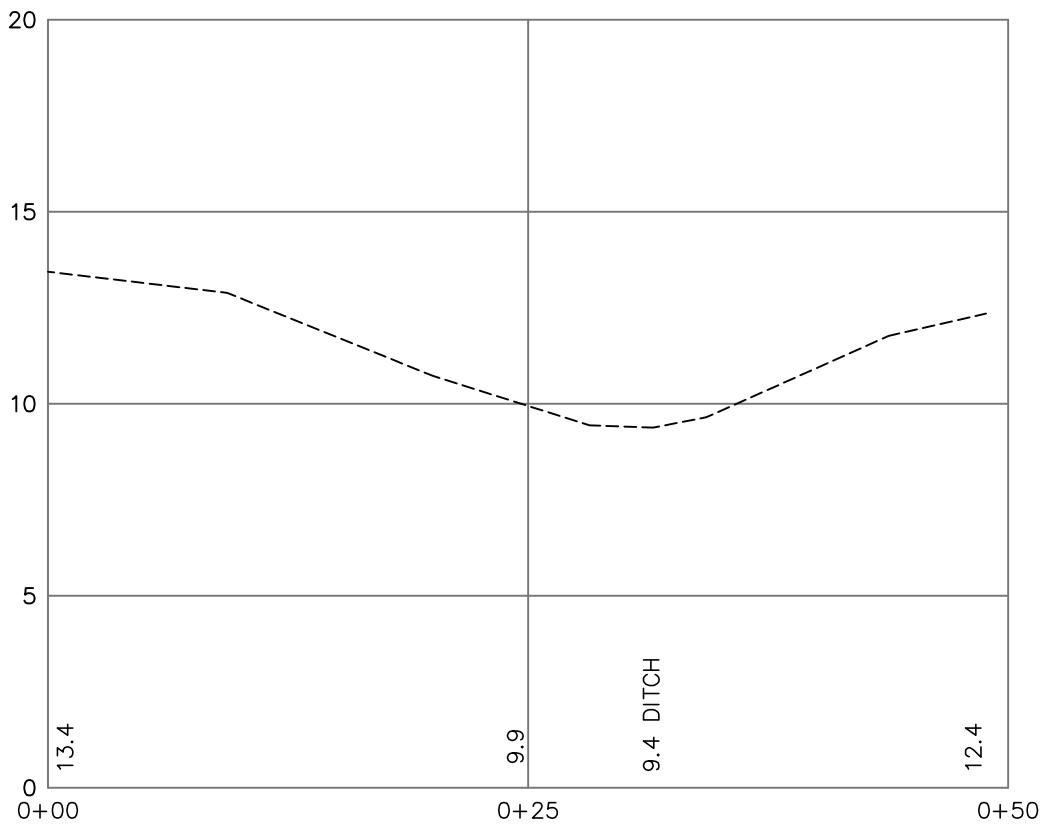
Robert Wolfe Jr.
10-26-21

HORIZ. SCALE: 1" = 10'
VERT. SCALE: 1" = 5'

DITCH 1 CROSS SECTION

FOR KERKAS, LLC
TOWNSHIP 9 SOUTH, RANGE 8 EAST
ST. MARTIN PARISH

SHEET
NO.
1



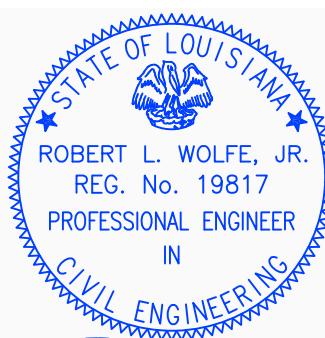
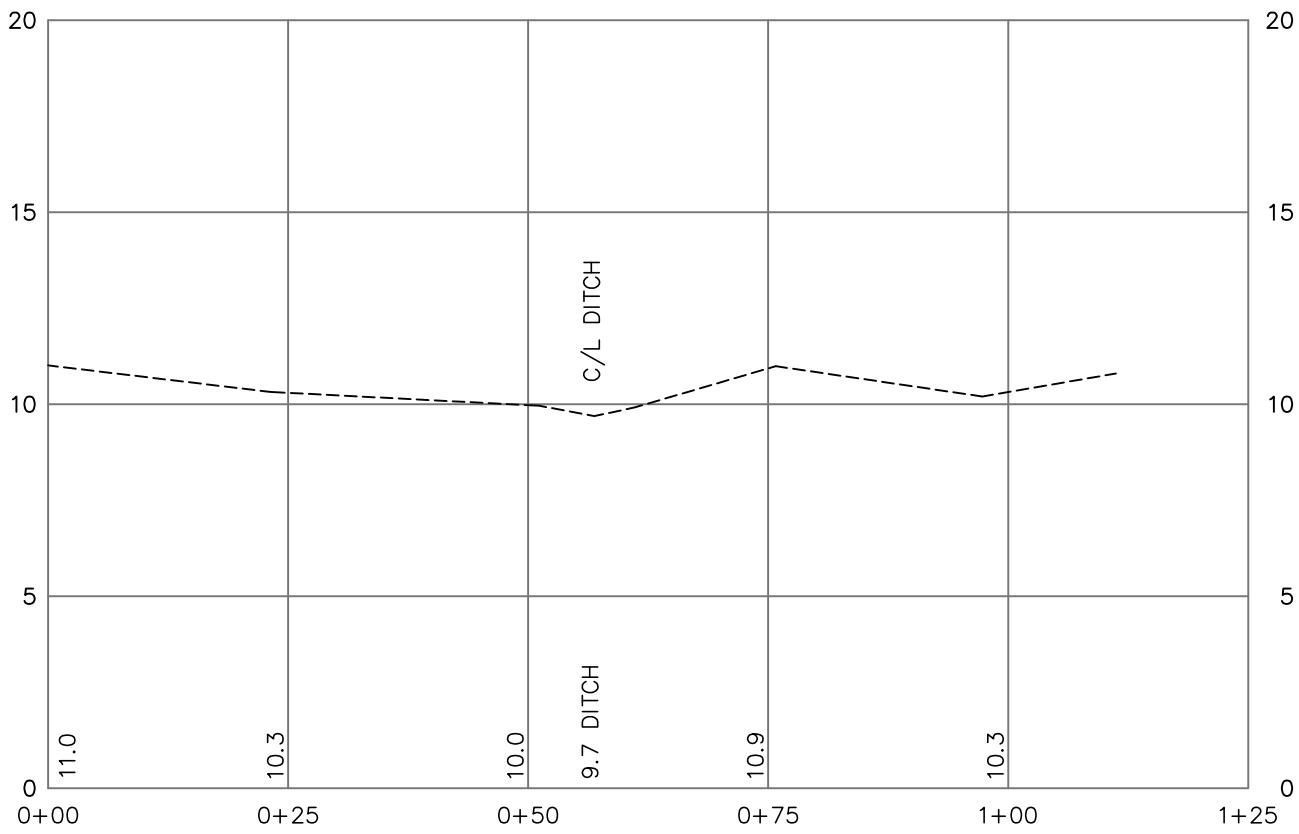
Robert Wolfe Jr.
10-26-21

HORIZ. SCALE: 1" = 10'
VERT. SCALE: 1" = 5'

DITCH 2 CROSS SECTION

FOR KERKAS, LLC
TOWNSHIP 9 SOUTH, RANGE 8 EAST
ST. MARTIN PARISH

SHEET
NO.
1



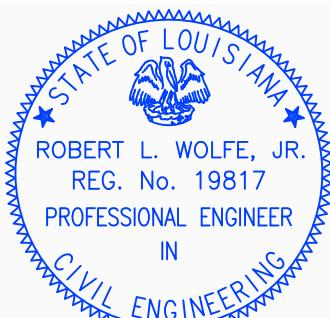
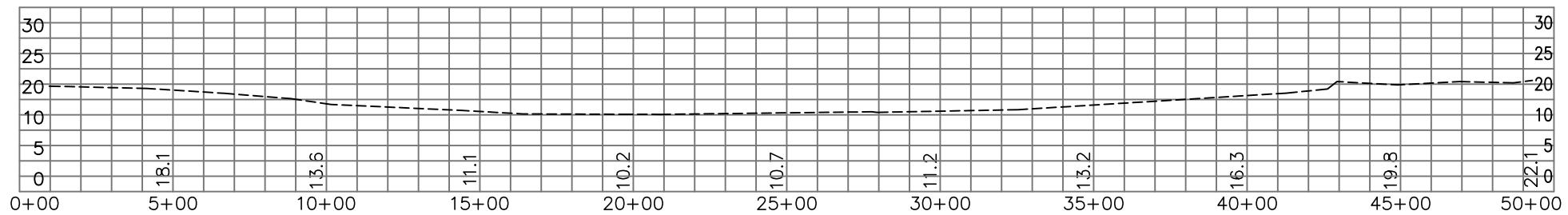
Robert Wolfe Jr.
10-26-21

HORIZ. SCALE: 1" = 20'
VERT. SCALE: 1" = 5'

DITCH 3 CROSS SECTION

FOR KERKAS, LLC
TOWNSHIP 9 SOUTH, RANGE 8 EAST
ST. MARTIN PARISH

SHEET NO.
1



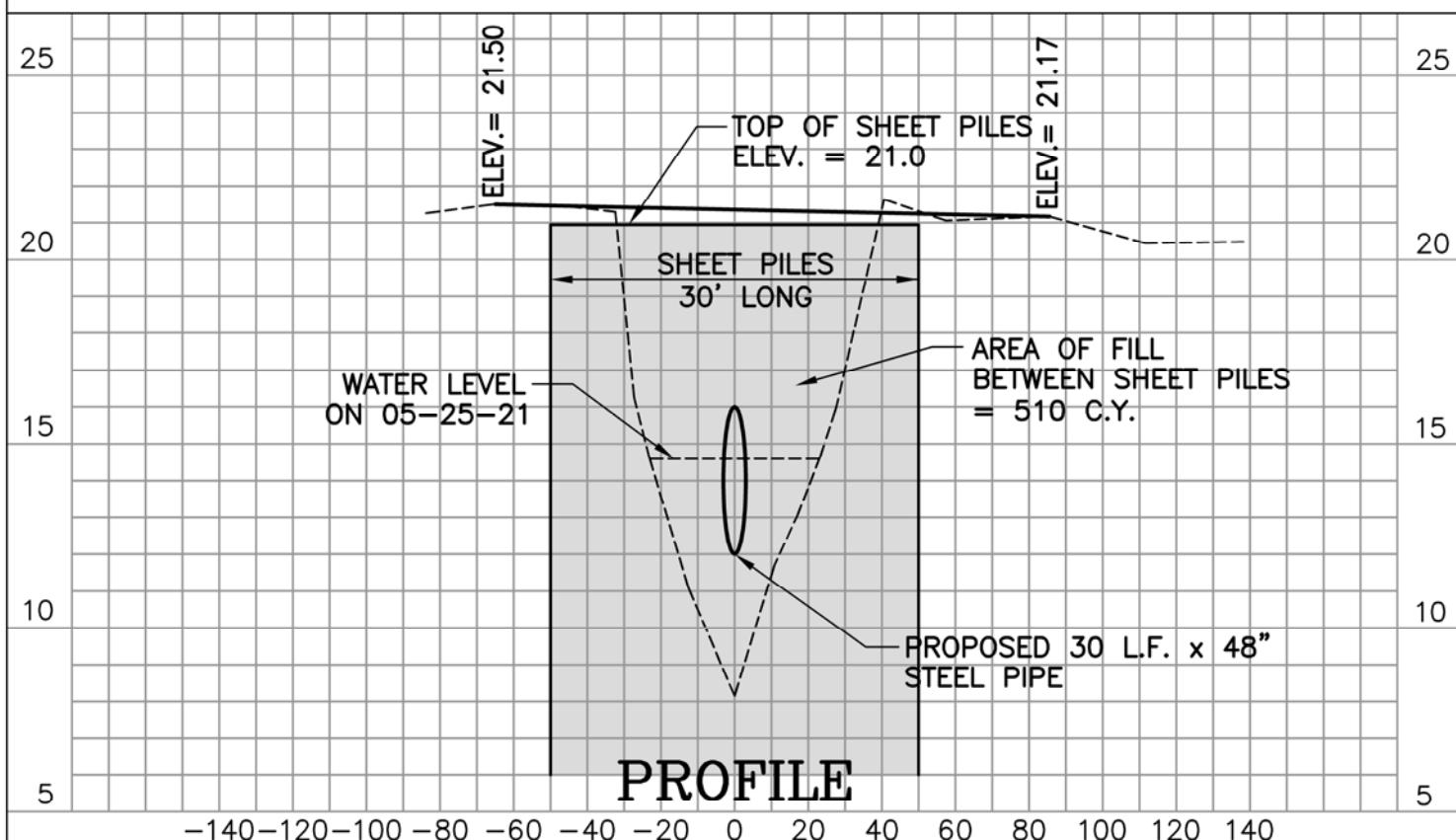
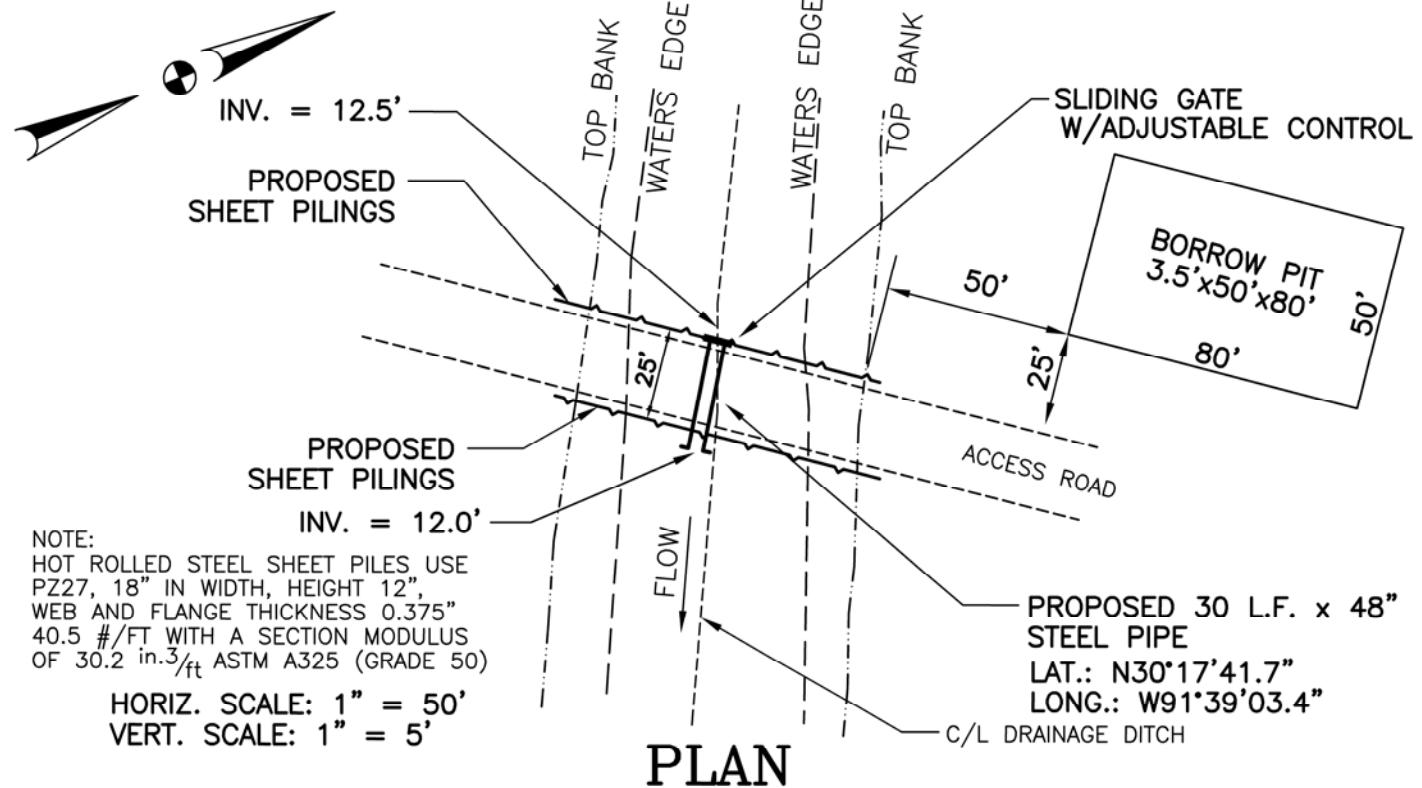
Robert Wolfe Jr.
10-26-21

HORIZ. SCALE: 1" = 500'
VERT. SCALE: 1" = 30'

LAKE CROSS CROSS SECTION

FOR KERKAS, LLC
TOWNSHIP 9 SOUTH, RANGE 8 EAST
ST. MARTIN PARISH

SHEET
NO.
1



DRAINAGE DITCH CROSSING

FOR KERKAS, LLC
TOWNSHIP 9 SOUTH, RANGE 8 EAST
ST. MARTIN PARISH

SHEET NO. 1