



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

June 3, 2024

Regulatory Division
Central Evaluation Branch

Project Manager:
Zach Steinkoenig
(504) 862-1288
Zachary.j.steinkoenig@usace.army.mil

Application #: MVN 2022-00190-CF

PUBLIC NOTICE

Interested parties are hereby notified that a permit application has been received by the U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN) pursuant to: [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

AFTER-THE-FACT (ATF) WETLAND CLEARING AND PROPOSED DREDGING OF MORLEY CANAL IN WEST BATON ROUGE PARISH

NAME OF APPLICANT: WBR Drainage Superintendent, Dane Aucoin, c/o GIS Engineering, 405 Laurel Street, Suite 1500, Baton Rouge, LA, 70454, Attn: Mohan Menon

LOCATION OF WORK: In Brusly, Louisiana, in West Baton Rouge Parish, (30.387667, -91.31192), within the Terrebonne Basin in hydrologic unit (HUC 08070300), as shown on the attached drawings.

The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have since been deferred.

CHARACTER OF WORK: The applicant has requested ATF Department of the Army authorization to clear forested wetlands and dredge waterbottoms of Morley Canal to improve drainage in the area and reduce flooding in residential and agricultural areas north near Choctaw Road. Approximately 11.27 acres of wetlands were cleared along the bank of Morley Canal. Approximately 12,538 cubic yards of material will be dredged within Morley Canal and placed along 2.57 acres of the adjacent bank within the footprint on the unauthorized clearance.

MITIGATION: The applicant claims that the proposed project has been designed to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. The placement of dredged material will be 50 feet apart to ensure the hydrology of the

area is not significantly impacted. Mitigation within the Terrebonne basin watershed may be required for the unauthorized clearing of forested wetlands.

The applicant may be required to restore the site fully or partially to pre-project conditions if issuance of a permit is determined to be contrary to the public interest.

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 CEMVN project manager listed above or forwarded to the CEMVN at the address above, **ATTENTION: REGULATORY DIVISION, RGC, Zach Steinkoenig**. This public notice is also available for review online at <https://go.usa.gov/xennJ>. 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 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.

USACE 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.

CEMVN is soliciting comments from area residents, 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 CEMVN 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 communities with environmental justice concerns, 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.

CEMVN 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 endangered species.

Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between CEMVN and the U.S. Fish and Wildlife Service, Ecological Services Office (USFWS), it has been determined that the project would have no effect to any species listed as endangered by the USFWS, 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 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



VICINITY MAP
SCALE: N.T.S.



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Coastal Design & Infrastructure
197 Elysian Drive
Houma, Louisiana 70363
Phone: 985.219.1000

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No.	Description	Date

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ENGINEER'S NAME
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**WEST BATON ROUGE PARISH
GOVERNMENT**

MORLEY CANAL DREDGING

VICINITY MAP

Project number	39145-1286
Date	MARCH 2023
Designed by	MCB
Drawn by	MCB
Checked by	JMH
Checked by	MM
Plot Date	May 16, 2024

NOTE: THE IMAGE ABOVE IS A GENERAL REPRESENTATION OF THE WORK AREA, ACTUAL FIELD CONDITIONS MAY DIFFER.





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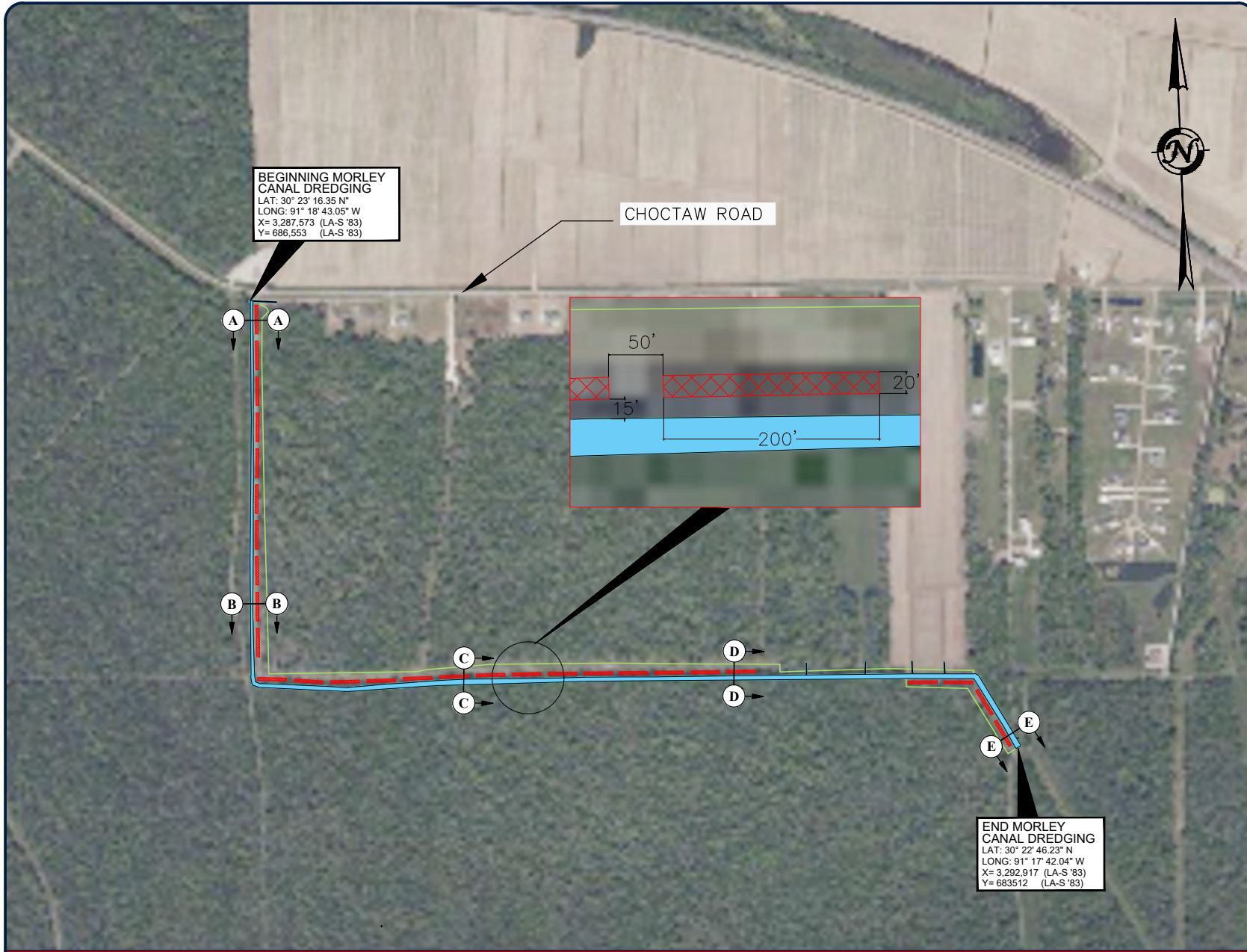
WEST BATON ROUGE PARISH GOVERNMENT

MORLEY CANAL DREDGING

PLAN VIEW

Project number	39145-1286
Date	MARCH 2023
Designed by	MCB
Drawn by	MCB
Checked by	JMH
Checked by	MM
Plot Date	May 17, 2024

02



BEGINNING MORLEY CANAL DREDGING
 LAT: 30° 23' 16.35" N
 LONG: 91° 18' 43.05" W
 X= 3,287,573 (LA-S '83)
 Y= 686,553 (LA-S '83)

CHOCTAW ROAD

END MORLEY CANAL DREDGING
 LAT: 30° 22' 46.23" N
 LONG: 91° 17' 42.04" W
 X= 3,292,917 (LA-S '83)
 Y= 683512 (LA-S '83)

NOTE: THE IMAGE ABOVE IS A GENERAL REPRESENTATION OF THE WORK AREA, ACTUAL FIELD CONDITIONS MAY DIFFER.

UNAUTHORIZED CLEARANCE DENOTED BY GREEN LINE, 22-102' OFFSET FROM MORLEY CANAL
 TOTAL ACREAGE OF CLEARANCE IS 14.76 ACRES

- LIMITS OF UNAUTHORIZED CLEARANCE
- PROPOSED DREDGE MATERIAL PLACEMENT AREAS
- CANAL WATERS



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CHOCTAW ROAD



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**WEST BATON ROUGE PARISH
GOVERNMENT**

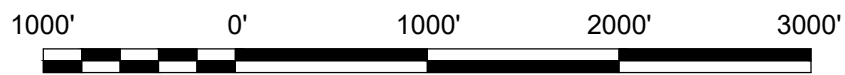
MORLEY CANAL DREDGE

**WETLAND
DISTRIBUTION**

Project number	39145-1286
Date	APRIL 2023
Designed by	MCB
Drawn by	MCB
Checked by	JMH
Checked by	MM
Plot Date	May 16, 2024

NOTE: THE IMAGE ABOVE IS A GENERAL REPRESENTATION OF THE WORK AREA. ACTUAL FIELD CONDITIONS MAY DIFFER.

- WETLAND AREA DELINEATED
- LIMITS OF UNAUTHORIZED CLEARANCE
- NON-WETLAND WATERS



14.76 ACRES OF UNAUTHORIZED CLEARANCE
 11.27 ACRES OF IMPACTED WETLANDS

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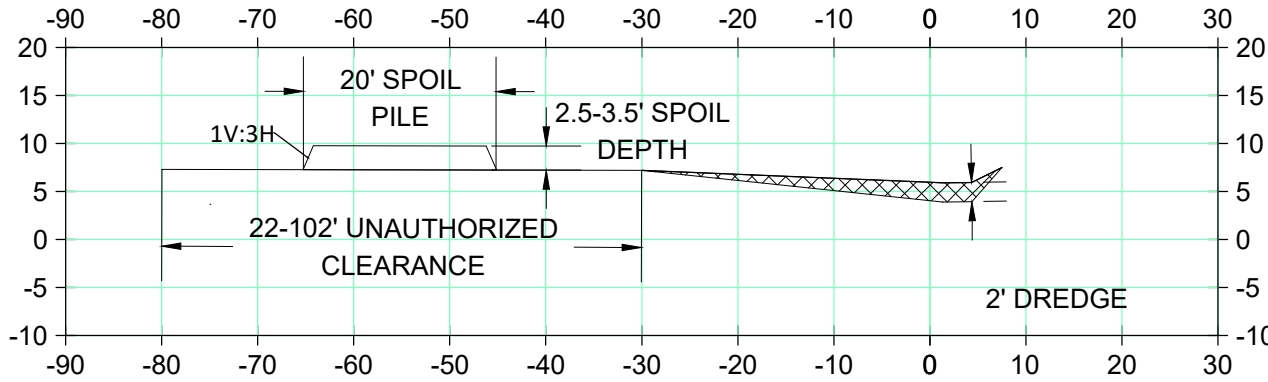
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GOVERNMENT

MORLEY CANAL DREDGING

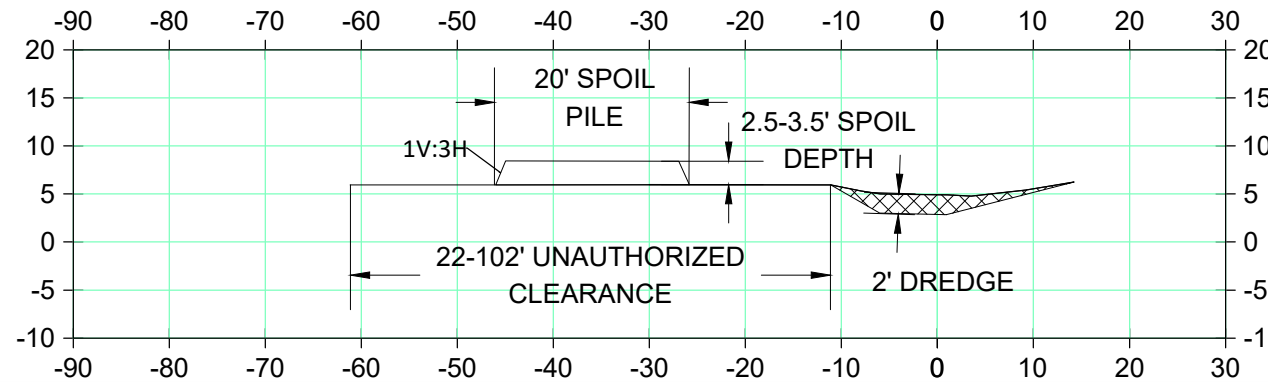
TYPICAL SECTIONS

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04



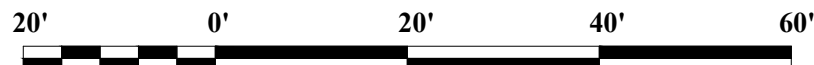
SECTION A



SECTION B

NOTE: THE IMAGE ABOVE IS A GENERAL REPRESENTATION OF THE WORK AREA. ACTUAL FIELD CONDITIONS MAY DIFFER.

MHW=+10', AS REPORTED BY USACE PORT ALLEN LOCKS
 MLW=+7', AS REPORTED BY USACE PORT ALLEN LOCKS
 THIS DRAINAGE CANAL IS UNMONITORED. WATER LEVELS
 WERE TAKEN FROM THE NEAREST USACE GAUGE



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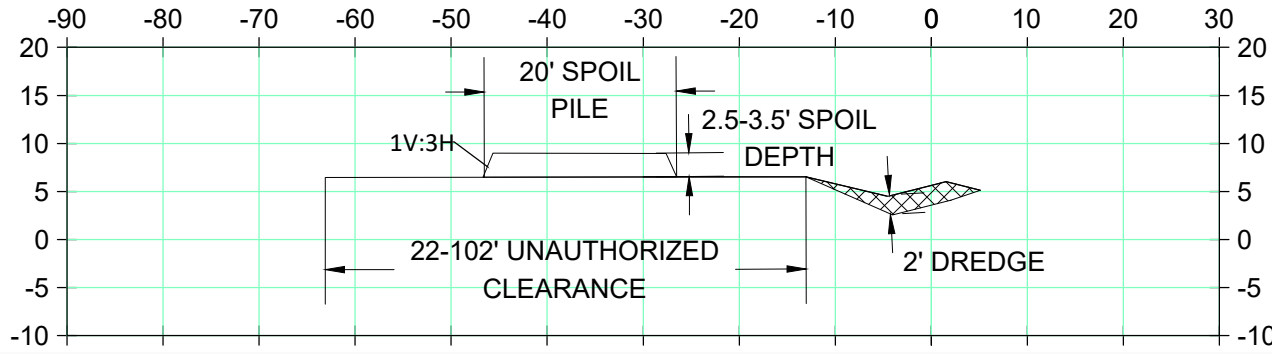
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MORLEY CANAL DREDGING

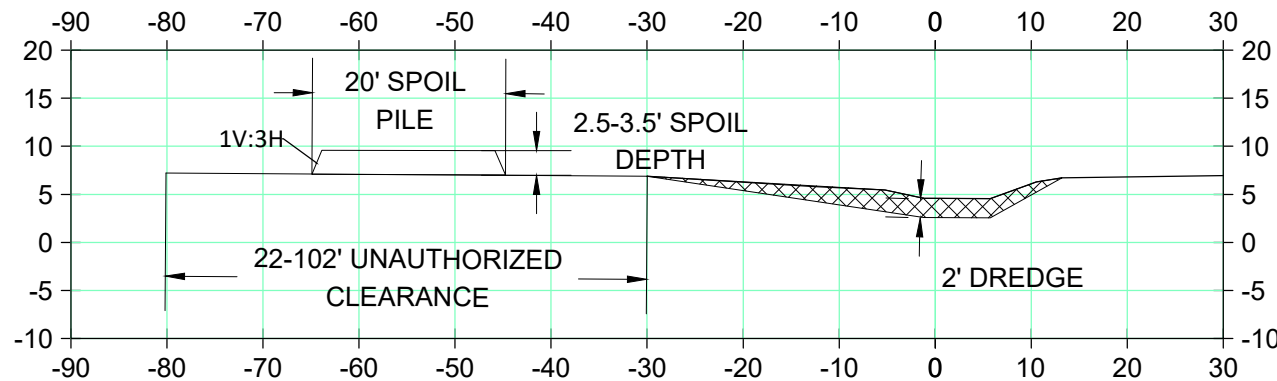
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05

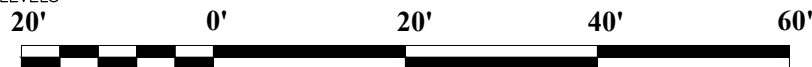


SECTION C



SECTION D

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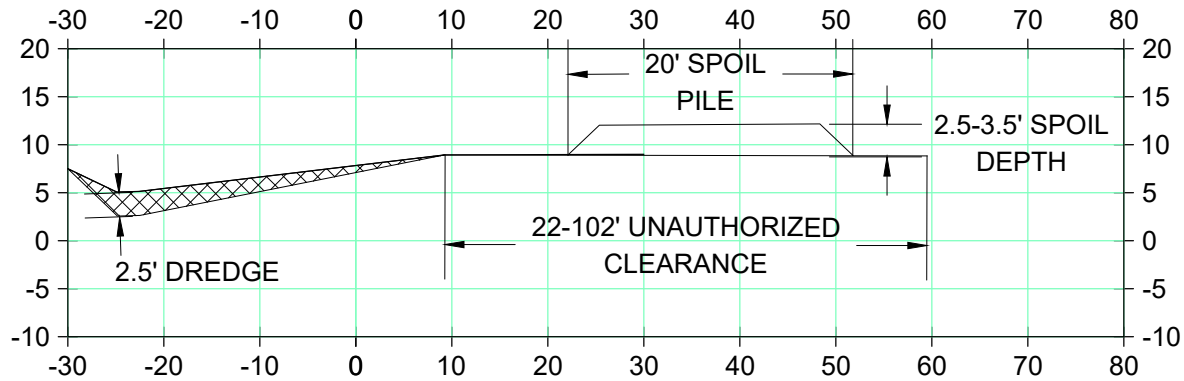
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MORLEY CANAL DREDGING

TYPICAL SECTIONS

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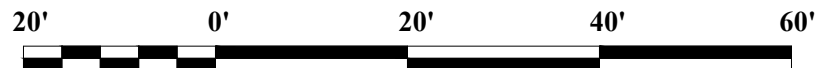
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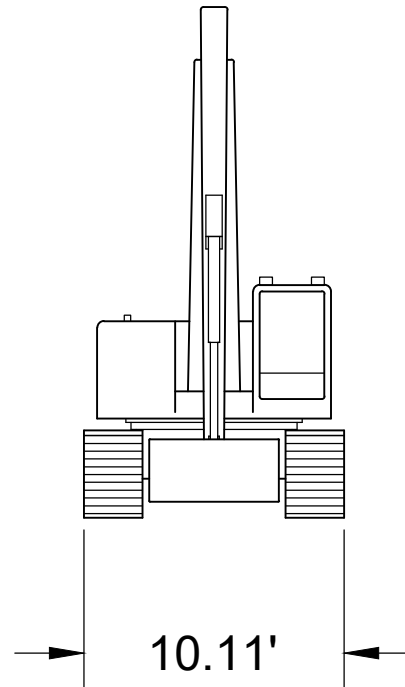
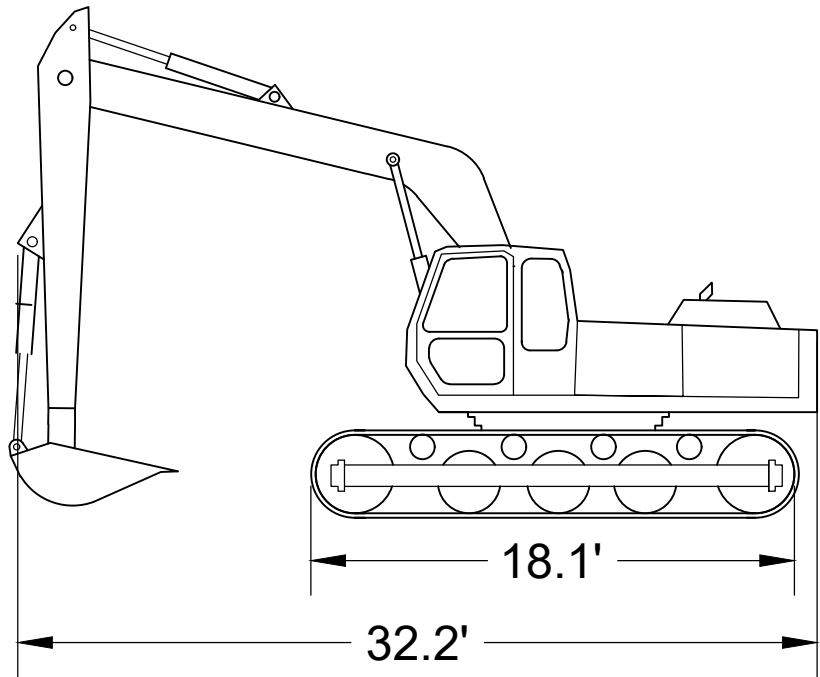


SECTION E

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Excavator

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WEST BATON ROUGE PARISH
GOVERNMENT

MORLEY CANAL DREDGING

EQUIPMENT

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07

