

# JOINT PUBLIC NOTICE

August 13, 2018

United States Army  
Corps of Engineers  
New Orleans District  
Regulatory Branch (OD-SE)  
7400 Leake Avenue  
New Orleans, Louisiana 70118

State of Louisiana  
Department of Environmental Quality  
ATTN: Water Quality Certifications  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(504) 862-2041

(225) 219-3225

[Benjamin.C.Sherman@usace.army.mil](mailto:Benjamin.C.Sherman@usace.army.mil)

Project Manager  
Benjamin Sherman  
Permit Application Number  
MVN 2010-02378 ES

Project Manager  
Elizabeth Hill  
WQC Application Number  
WQC 180803-01

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).

Application has also been made to the Louisiana Department of Environmental Quality, Water Quality Certifications, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

**Construction of Residential Camp, Driveway, Parking Area, Culvert, Walkway, Deck, and Gazebo and Placement of Rip Rap at 25866 Chef Menteur Highway New Orleans, Orleans Parish, Louisiana**

**NAME OF APPLICANT:** Sal Michel, Jr. c/o Coastal Environments, Inc., Attn: Ed Fike, 1260 Main Street, Baton Rouge, LA 70802

**LOCATION OF WORK:** Project site is located on Lake St. Catherine at 25866 Chef Menteur Highway, New Orleans, in Orleans Parish, Louisiana, as shown on the attached drawings.

Hydrologic Unit Code: 08090203 - Eastern Louisiana Coastal Location: Latitude: 30.14455, Longitude: -89.746215

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 been deferred.

**CHARACTER OF WORK:** The applicant proposes to place approximately 2065 cubic yards of fill material within approximately .20 acres of jurisdictional wetlands and .12 acres of jurisdictional other waters of the US and construct a 45' by 79' residential camp, 22' by 224' driveway, 40' by 49' parking area, 8' by 55' walkway, 20' by 20' gazebo, 8' by 29' fishing deck and install a 12' culvert adjacent to

Lake St. Catherine. If approved, compensatory mitigation measures will be required from an approved mitigation bank.

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

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **20 days** from the date of this joint 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 and/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Letters concerning the Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and be mailed to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH. Individuals or parties may request an extension of time in which to comment on the proposed work by writing or e-mailing the Corps of Engineers Project Manager listed above. Any request 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 to the initial comment period and, inclusive of the initial comment period, will not exceed a total of 30 calendar days.**

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

### **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 at this time. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation

Officer regarding potential impacts to cultural resources.

The New Orleans District has determined that the project footprint is located in waters known to be utilized by the West Indian manatee (*Trichechus manatus*) and determined the activity is “not likely to adversely affect” this species based on the Standard Local Operating Procedure for Endangered Species in Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office. If authorized, “The Standard Manatee Conditions for In-Water Activities” will be made part of the permit’s special conditions.

Our initial finding is that the proposed work would not affect any species, nor affect any habitat designated as critical to the survival and recovery of such species, listed as endangered by the U.S. Department of Commerce.

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 **0.32** 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, Water Quality Certifications, before a permit is issued.

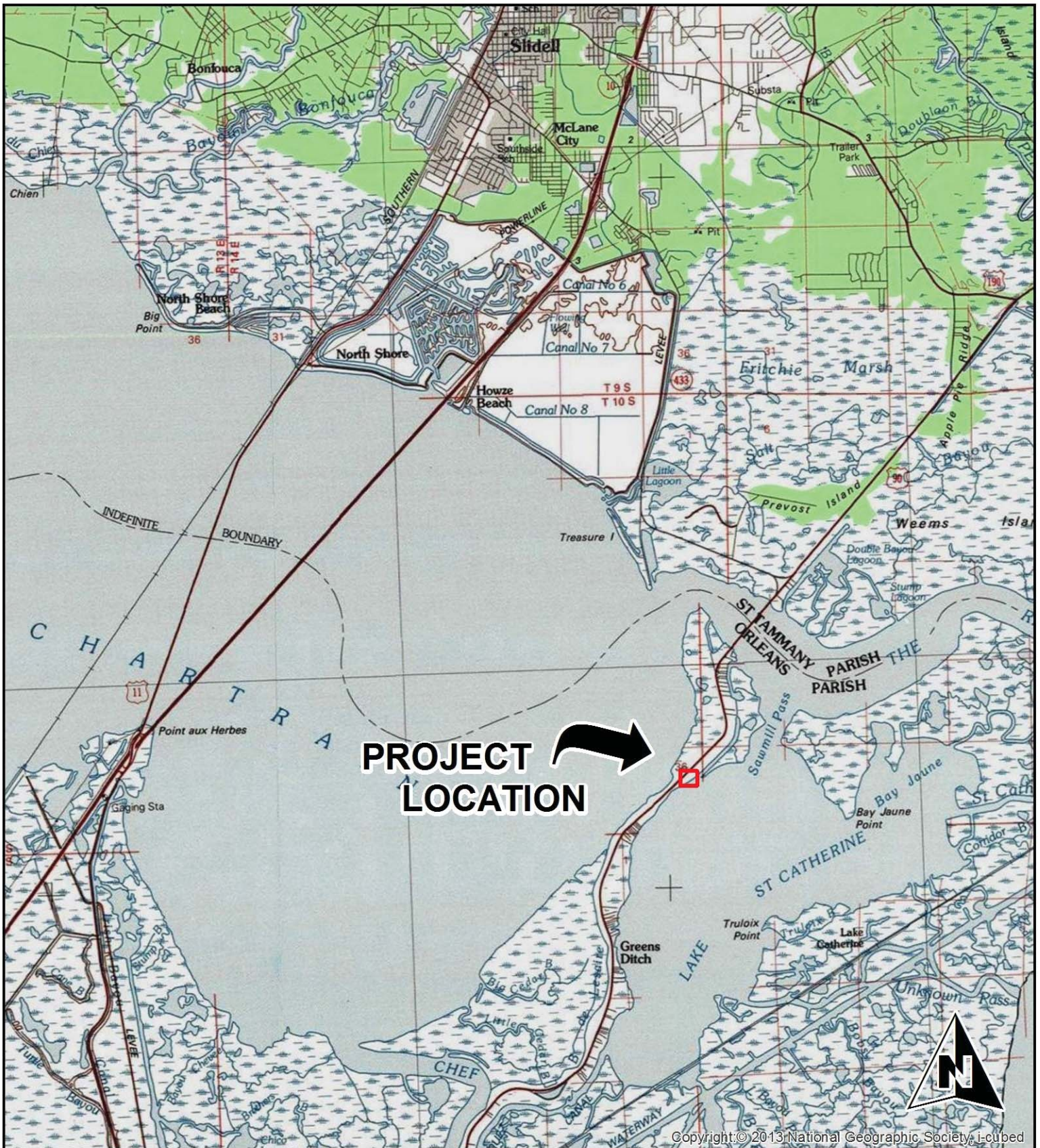
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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 received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Michael V. Farabee  
Chief, Eastern Evaluation Section

Enclosure



**PROJECT LOCATION**

**Figure 1**

PURPOSE: Permit Application  
 SOURCE: Client Provided Drawings & Survey  
 MAP BASE: Client Provided Survey & ESRI USA Topo Maps  
 DATUM: NAD83



**VICINITY MAP**

**Coastal Environments, Inc.**  
 Biloxi, MS.....228-385-5547

**Michel Permit Application**

Report Map for  
 +/- 0.57 acre Parcel

LOCATION: Section 3, T-10-S, R-14-E  
 PARISH: Orleans, LA  
 APPLICATION BY: Sal Michel  
 DATE: November 9, 2017

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LAKE SAINT CATHERINE

**UNAUTHORIZED CAMPSITE, ROADWAY AND DOCK TO BE PERMITTED**

Unauthorized Dock & Walkway

WATER

WATER

55'

115'

MHW = 1.5'  
MLW = 0.7'

Unauthorized Concrete Rip-Rap

Unauthorized Campsite

A ..... A'

Unauthorized Parking Area

B ..... B'

C ..... C'

478'

Proposed 12' Culvert Installation

Unauthorized Concrete Rip-Rap (2' wide from road edge)

Impact Dimensions	
Section 404 Impacts	
Driveway- 22'x224'	(0.11 ac)
Parking area- 40'x99'	(0.09 ac)
Section 10 Impacts	
Campsite- 45'x79'	(0.081 ac)
Riprap- 18'x86'	(0.036 ac)

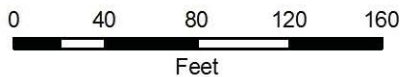
	Existing Bank Line w/ Riprap
	Existing Single Family Residence
	Deck/Steps
	Gravel/Concrete Driveway
	Existing Waters Edge
	Pre-2005 Shoreline
	Approximate Historic 1938 Shoreline
	Overhead Powerline
	Cross Section Location
	Potential Section 404 (+/- 0.201 ac.) Filled Wetland Areas (Soil & Concrete)
	Potential Section 10 (+/- 0.117 ac.) Filled 'Waters' Area (Soil & Concrete)
	Existing Wetlands (+/- 0.288 ac.) Section 404 Wetlands To Remain
	ROW Boundary (+/- 0.067 ac.)
	Property Boundary (+/- 0.611 ac.)



U.S. HIGHWAY 90 (AKA CHEF MENTEUR HIGHWAY)

**Figure 2**

PURPOSE: Permit Application  
SOURCE: Client Provided Drawings & Survey (McKay & Assoc.)  
MAP BASE: Client Provided Drawings & Survey (McKay & Assoc.)  
DATUM: NAD83



**SITE PLAN & CROSS SECTION LOCATION MAP**

**Coastal Environments, Inc.**  
Biloxi, MS.....228-385-5547

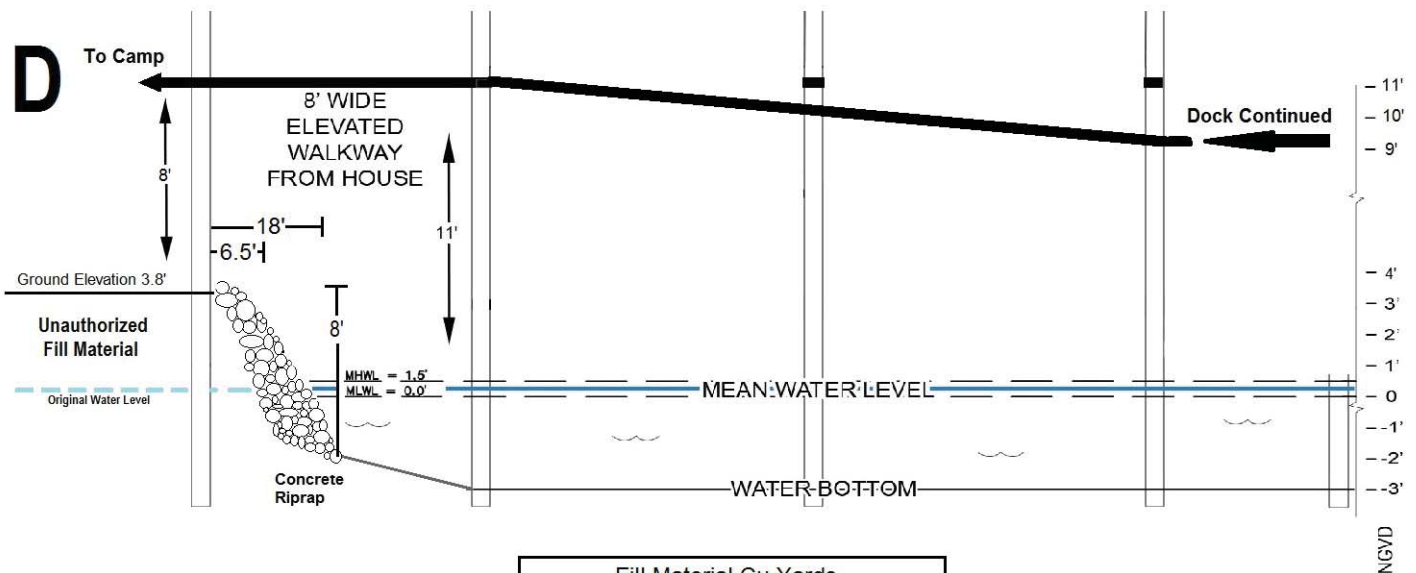
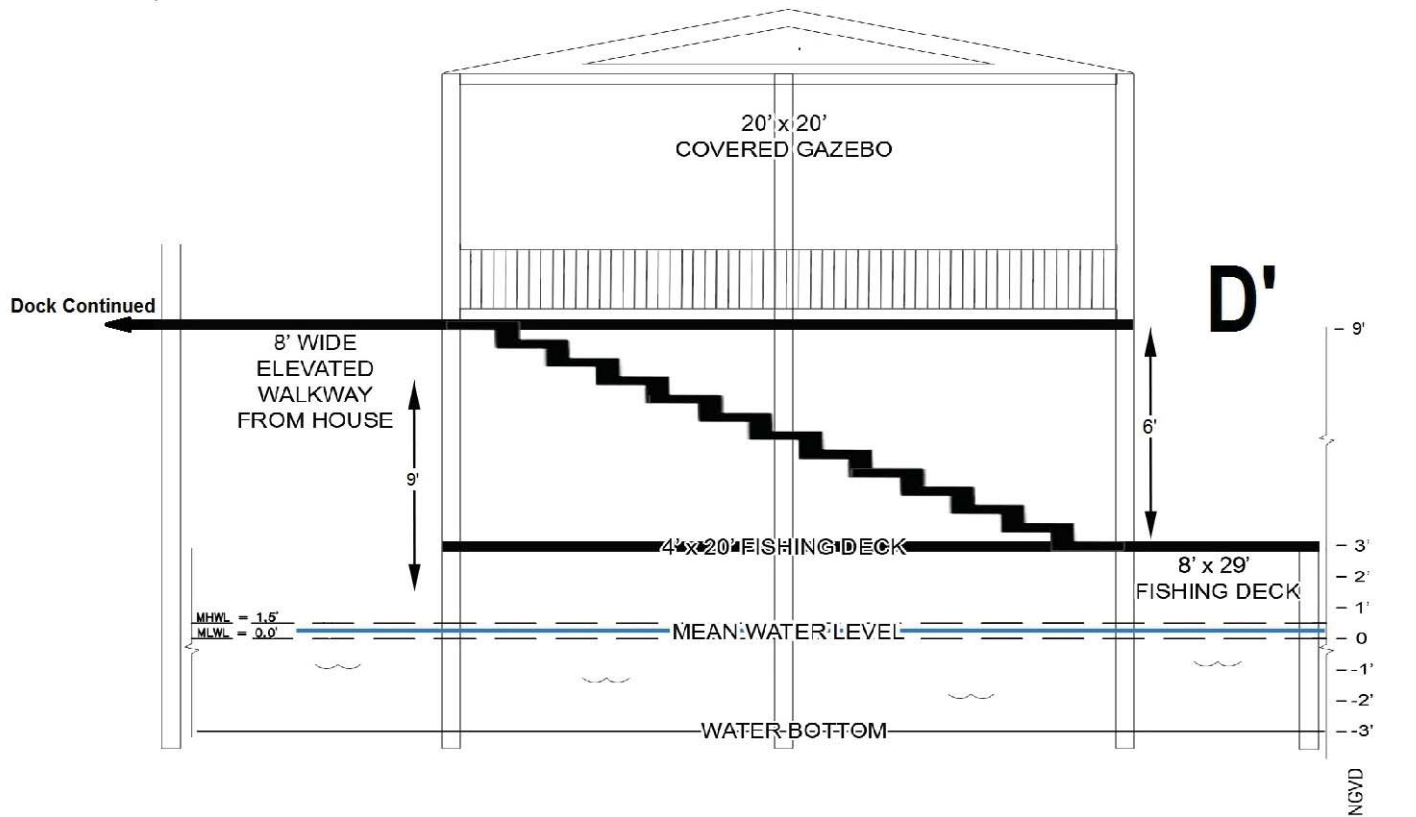
**Michel Permit Application**

Permit Map for +/- 0.611 acre Parcel at 25866 Chef Menteur Highway, New Orleans, LA 70129

LOCATION: Section 3, T-10-S, R-14-E  
PARISH: Orleans, LA  
APPLICATION BY: Sal Michel  
DATE: Revised April 2018

← To Camp (Northwest)

To Open Water (to Lake- Southeast) →



Fill Material Cu Yards	
Riprap-	387 cu yds
Section 10 Soil/rock Fill-	522 cu yds
Section 404 Soil/rock Fill-	1130 cu yds
Concrete Fill-	26 cu yds

NOTE: NOT TO SCALE

**Figure 5**

PURPOSE: Permit Application  
 SOURCE: Client Provided Drawings  
 MAP BASE: Client Provided Drawings  
 DATUM: NAD83

**Scale Varies**

## CROSS SECTION DRAWING DOCK AND RIPRAP

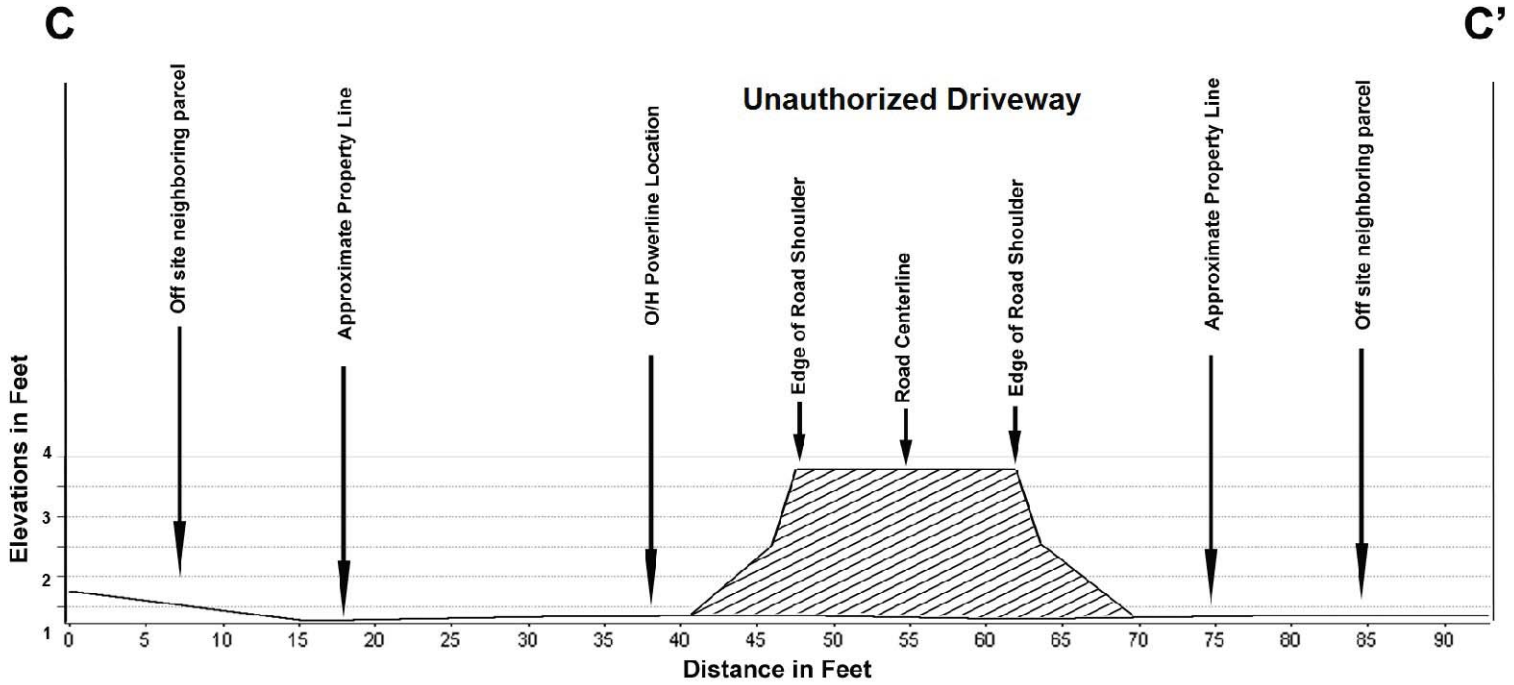
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### Michel Permit Application

Permit Map for +/- 0.611 acre Parcel  
 at 25866 Chef Menteur Highway,  
 New Orleans, LA 70129

LOCATION: Section 3, T-10-S, R-14-E  
 PARISH: Orleans, LA  
 APPLICATION BY: Sal Michel  
 DATE: Revised April 2018

TYPICAL CROSS SECTION OF PROPERTY FEATURES



Fill Material Cu Yards
Riprap- 387 cu yds
Section 10 Soil/rock Fill- 522 cu yds
Section 404 Soil/rock Fill- 1130 cu yds
Roadway Soil/roak Fill- 639 cu yds
Parking area/Campsite Soil/rock Fill- 491 cu yds
Concrete Fill- 26 cu yds

**Figure 4**

PURPOSE: Permit Application  
 SOURCE: Client Provided Drawings & Survey (McKay & Assoc.)  
 MAP BASE: Client Provided Drawings & 2001 USACE LIDAR DEM  
 LA FEMA Project Phase1  
 DATUM: NAD83

**Scale Varies**

**CROSS SECTION  
 DRAWING**

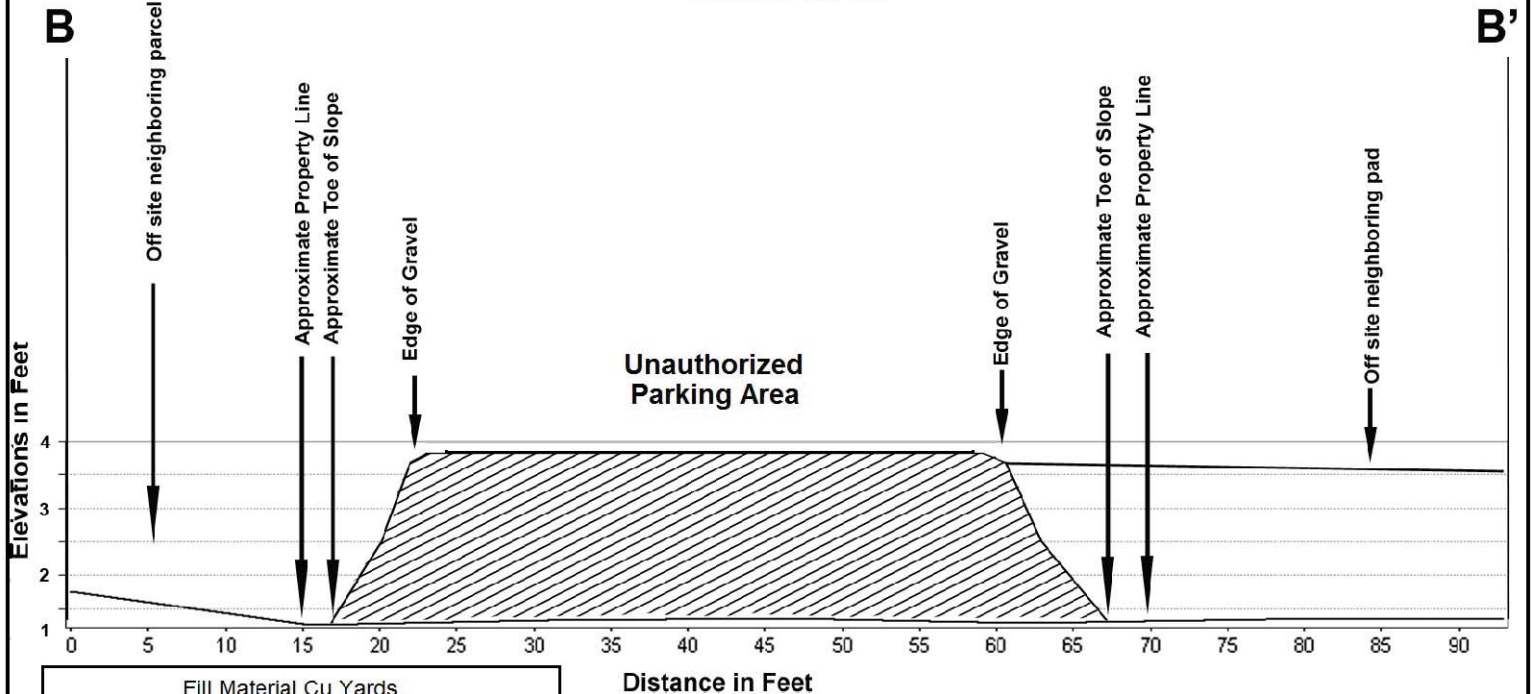
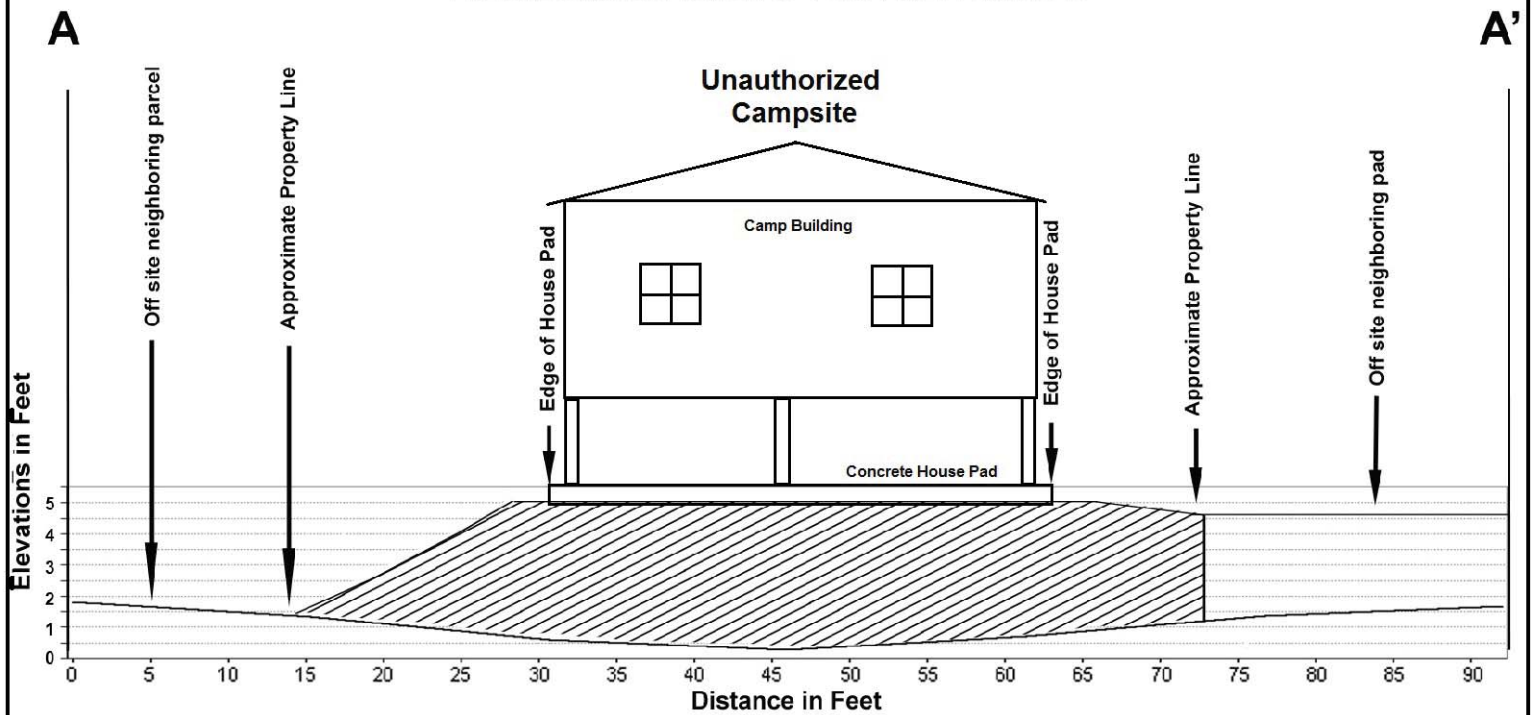
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 New Orleans, LA 70129

LOCATION: Section 3, T-10-S, R-14-E  
 PARISH: Orleans, LA  
 APPLICATION BY: Sal Michel  
 DATE: Revised April 2018

TYPICAL CROSS SECTION OF PROPERTY FEATURES



Fill Material	Cu Yards
Riprap	387 cu yds
Section 10 Soil/rock Fill	522 cu yds
Section 404 Soil/rock Fill	1130 cu yds
Roadway Soil/roak Fill	639 cu yds
Parking area/Campsite Soil/rock Fill	491 cu yds
Concrete Fill	26 cu yds

**Figure 3**

PURPOSE: Permit Application  
 SOURCE: Client Provided Drawings & Survey (McKay & Assoc.)  
 MAP BASE: Client Provided Drawings & 2001 USACE LIDAR DEM  
 LA FEMA Project Phase 1  
 DATUM: NAD83

**Scale Varies**

**CROSS SECTION DRAWING**

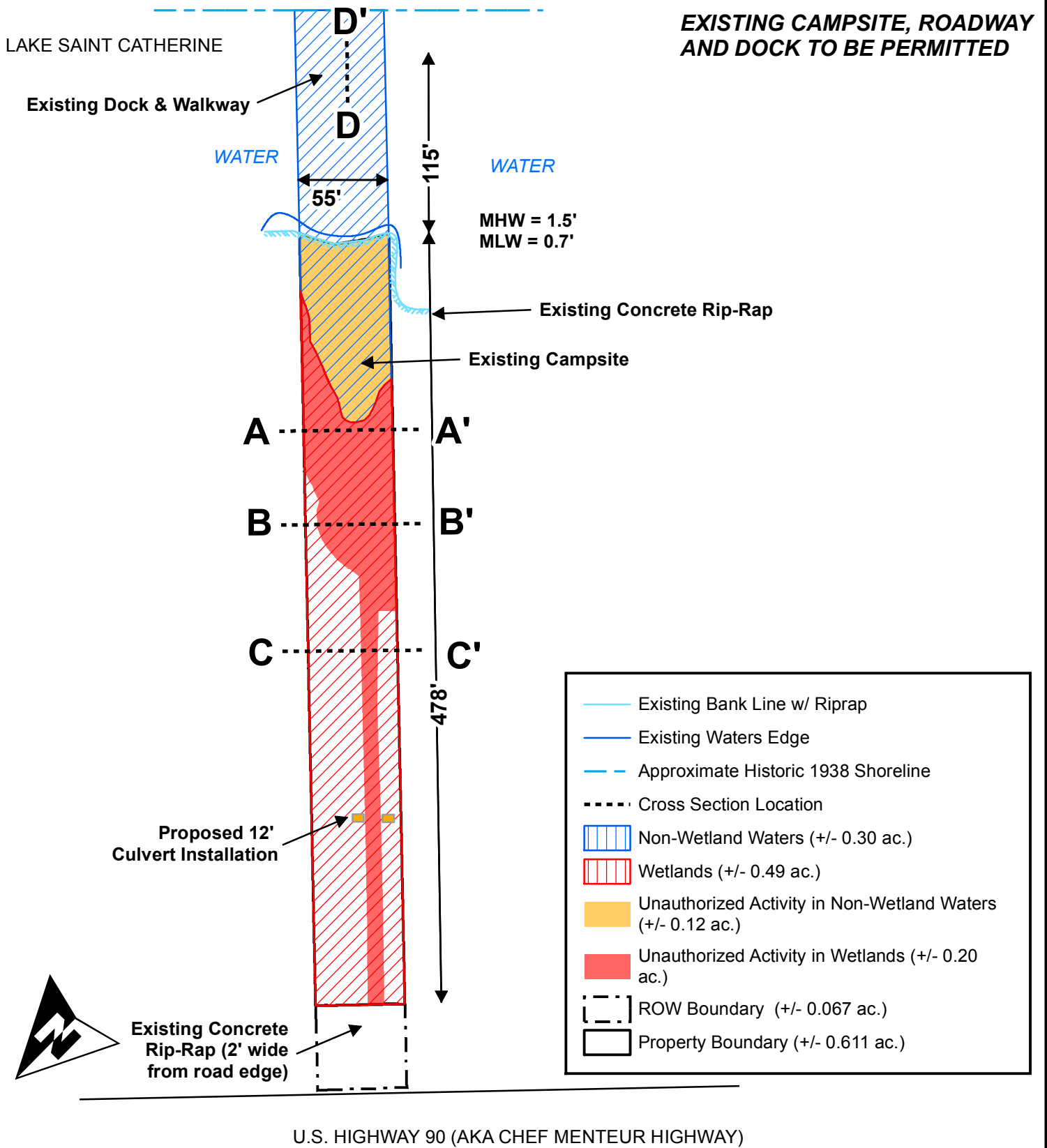
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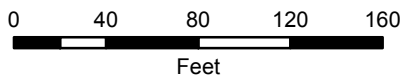
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 DATE: Revised April 2018





**Figure 2**

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**SITE PLAN & CROSS SECTION LOCATION MAP**

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 New Orleans, LA 70129

LOCATION: Section 3, T-10-S, R-14-E  
 PARISH: Orleans, LA  
 APPLICATION BY: Sal Michel  
 DATE: July 31, 2018