

# JOINT PUBLIC NOTICE

July 22, 2013

United States Army  
Corps of Engineers  
New Orleans District  
Regulatory Branch  
Post Office Box 60267  
New Orleans, Louisiana 70160-0267

(504) 862-2225  
[Brad.LaBorde@usace.army.mil](mailto:Brad.LaBorde@usace.army.mil)  
Project Manager  
Brad LaBorde  
Permit Application Number  
MVN 2013-1109 EOO

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

(225) 219-3225

Project Manager  
Jamie Phillippe  
WQC Application Number  
WQC 130718-01

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: [ ] 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).

## **After-the-fact (ATF) Shorebird Nesting Habitat Enhancement in Grand Isle, LA**

**NAME OF APPLICANT:** Barataria Terrebonne Estuary Foundation, % T. Baker Smith, LLC, ATTN: Kodi Babin, Post Office Box 1336, Thibodaux, Louisiana 70302.

**LOCATION OF WORK:** Eight test plots within a 13.3 acre site between Yacht Harbor Avenue and Loma Linda Road in Grand Isle, Louisiana, Jefferson Parish, as shown on the enclosed drawings.

Latitude: 29.2477/Longitude: -89.9781; Hydrologic Unit Code: 08090301 – East Central Louisiana Coastal

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:** This project includes ATF placement of 1,021 cubic yards of sandy grit material in 3 test plots and 1,038 cubic yards of oyster shell material at 3 proposed test plots for a shorebird habitat project/study. Fill material will be 2-inches thick within these 6 plots. No material will be placed in the 2 remaining control areas. Total jurisdictional wetland impacts are 7.7 acres, which includes 3.8 acres for ATF work and 3.9 acres for the remaining proposed work. The applicant has proposed to contract with a Corps approved mitigation bank to compensate for the unavoidable impacts to jurisdictional wetlands associated with the project.

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. Similar letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above.** 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.

No properties listed on the National Register of Historic Places were identified near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown

archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

Our initial finding is that the proposed work is Not Likely to Adversely 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.

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 **N/A** 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.

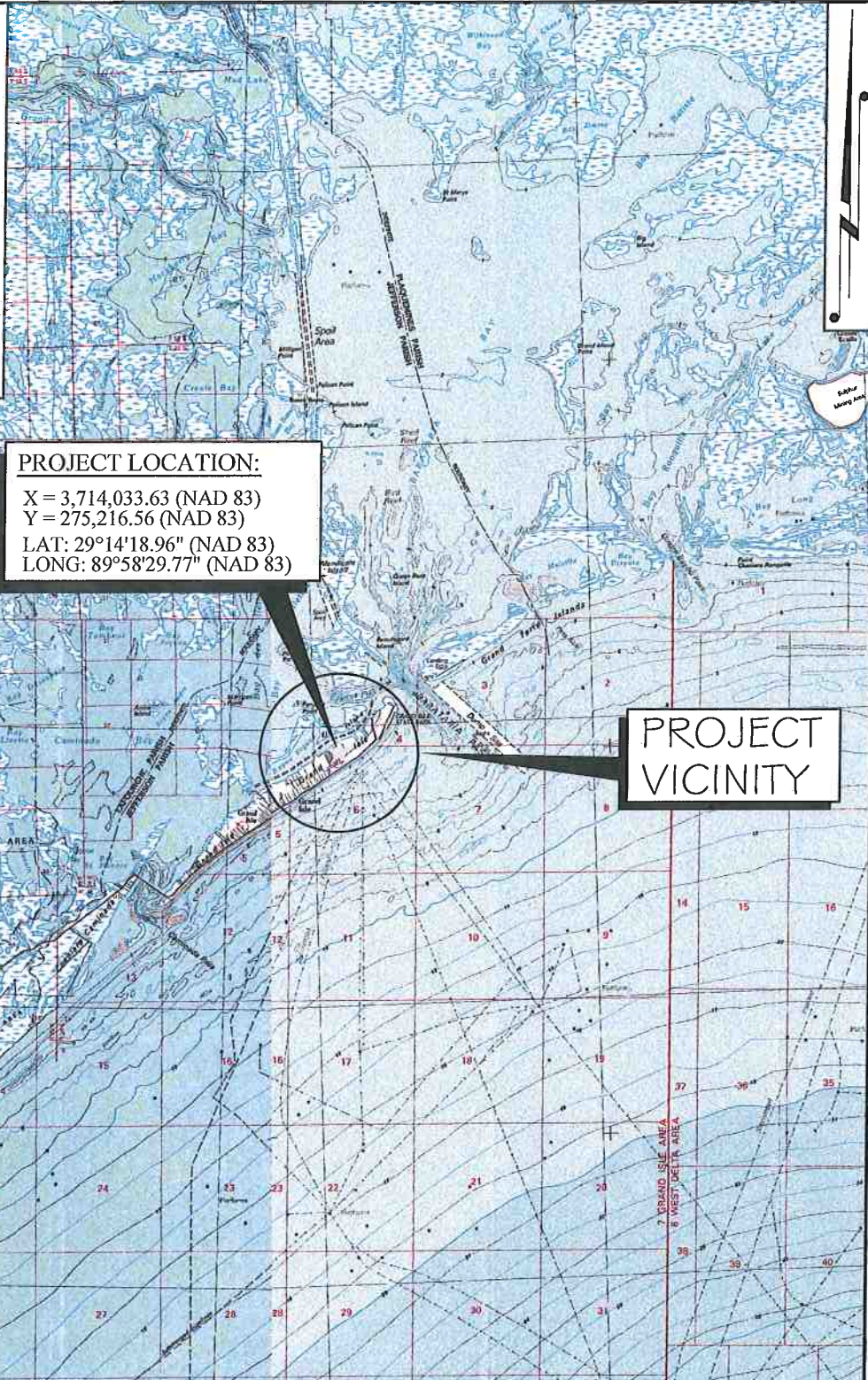
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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:**  
 X = 3,714,033.63 (NAD 83)  
 Y = 275,216.56 (NAD 83)  
 LAT: 29°14'18.96" (NAD 83)  
 LONG: 89°58'29.77" (NAD 83)

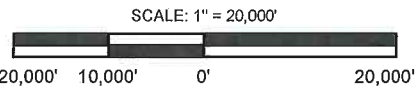
**PROJECT VICINITY**

DRAWN BY: LMB	APPROVED BY: KJB
DATE: 12/3/2012	JOB NO: 2012.1070
DRAWING NAME: VICINITY MAP.DWG	
SHEET NO: 1	
PROJECTION: LOUISIANA SOUTH GEO. DATUM: NAD83   VERT. DATUM: NAVD88 GRID UNITS: US SURVEY FEET	

**VICINITY MAP**

**BARATARIA - TERREBONNE NATIONAL ESTUARY PROGRAM**

WETLAND DELINEATION  
 LOCATED IN SECTION 32, T21S-R24E  
 JEFFERSON PARISH,  
 LOUISIANA

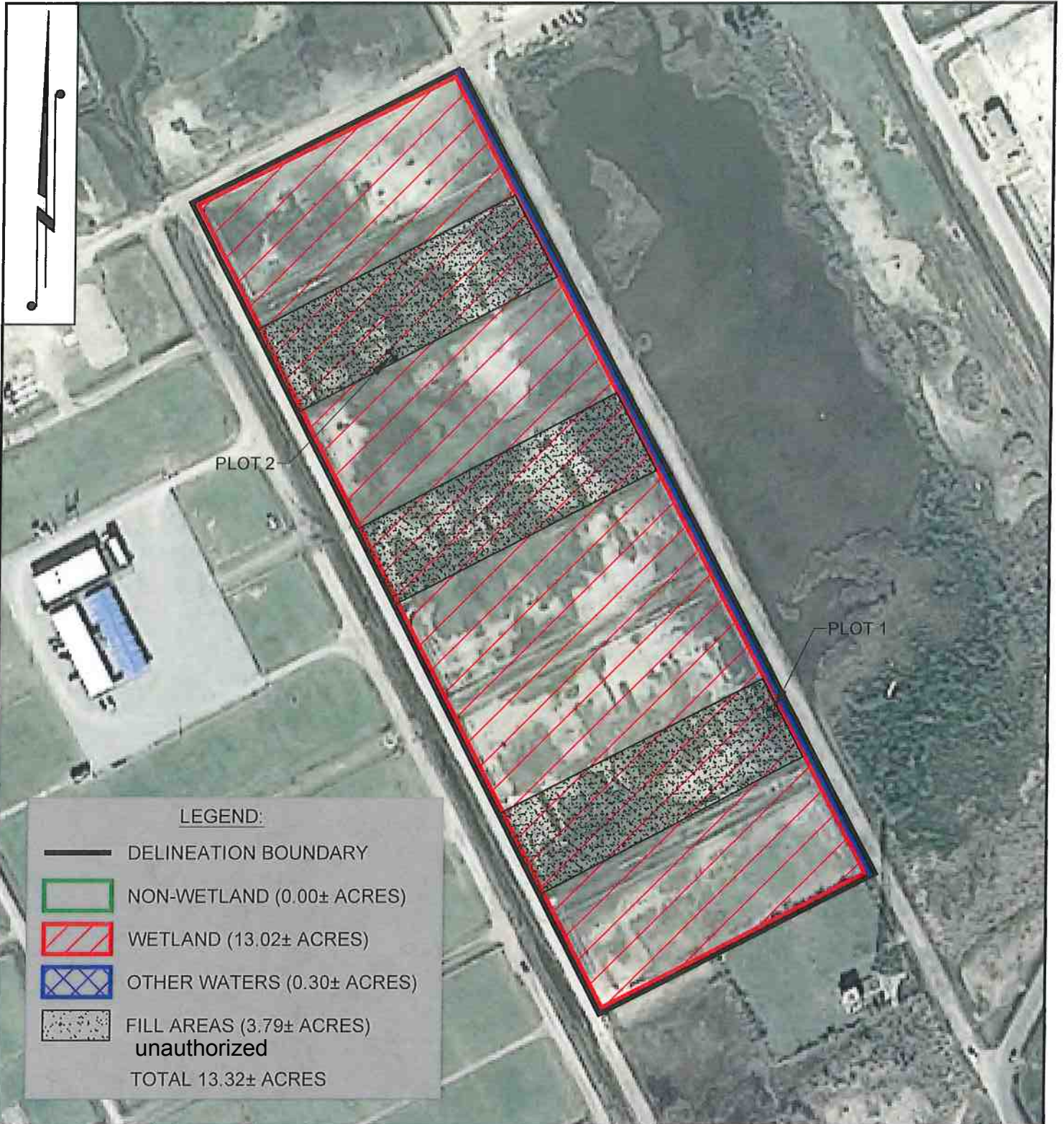


**T. BAKER SMITH** | 1913 2013  
 A CENTURY OF SOLUTIONS  
 412 South Van Ave, Houma, LA 70363  
 (985)868-1050 - tbsmith.com

REV. NO: 00	REV. DATE: --/--	REV. BY: --
REVISION DESCRIPTION:		

6/26/2013 - P:\Y-2012\1070\DWG\WETLAND DELINEATION\VICINITY MAP.DWG

6/26/2013 - P:\Y-2012\2012.1070\DWG\ENV\WETLAND DELINEATION\PLAN VIEW 06-26-2013.DWG



**LEGEND:**

- DELINEATION BOUNDARY
- NON-WETLAND (0.00± ACRES)
- WETLAND (13.02± ACRES)
- OTHER WATERS (0.30± ACRES)
- FILL AREAS (3.79± ACRES)  
unauthorized

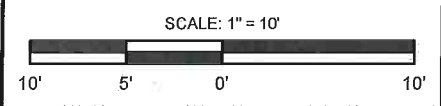
TOTAL 13.32± ACRES

**PLAN VIEW - AERIAL**

**BARATARIA - TERREBONNE NATIONAL ESTUARY PROGRAM**

WETLAND DELINEATION  
 LOCATED IN SECTION 32, T21S-R24E  
 JEFFERSON PARISH,  
 LOUISIANA

DRAWN BY:	LMB	APPROVED BY:	KJB
DATE:	12/3/2012	JOB NO:	2012.1070
DRAWING NAME:	PLAN VIEW 06-26-2013.DWG		
SHEET NO:	2		
PROJECTION: LOUISIANA SOUTH GEO. DATUM: NAD83   VERT. DATUM: NAVD88 GRID UNITS: US SURVEY FEET			



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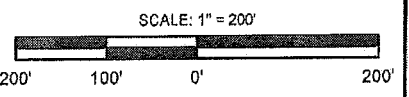
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REVISION DESCRIPTION: REVISED FILL AREA					



DRAWN BY: DPP	APPROVED BY: KJB
DATE: 1/24/2013	JOB NO: 2012.1070
DRAWING NAME: PLAN VIEW REV 1-24-13.DWG	
SHEET NO:	
PROJECTION: LOUISIANA SOUTH GEO. DATUM: NAD83   VERT. DATUM: NAVD88 GRID UNITS: US SURVEY FEET	

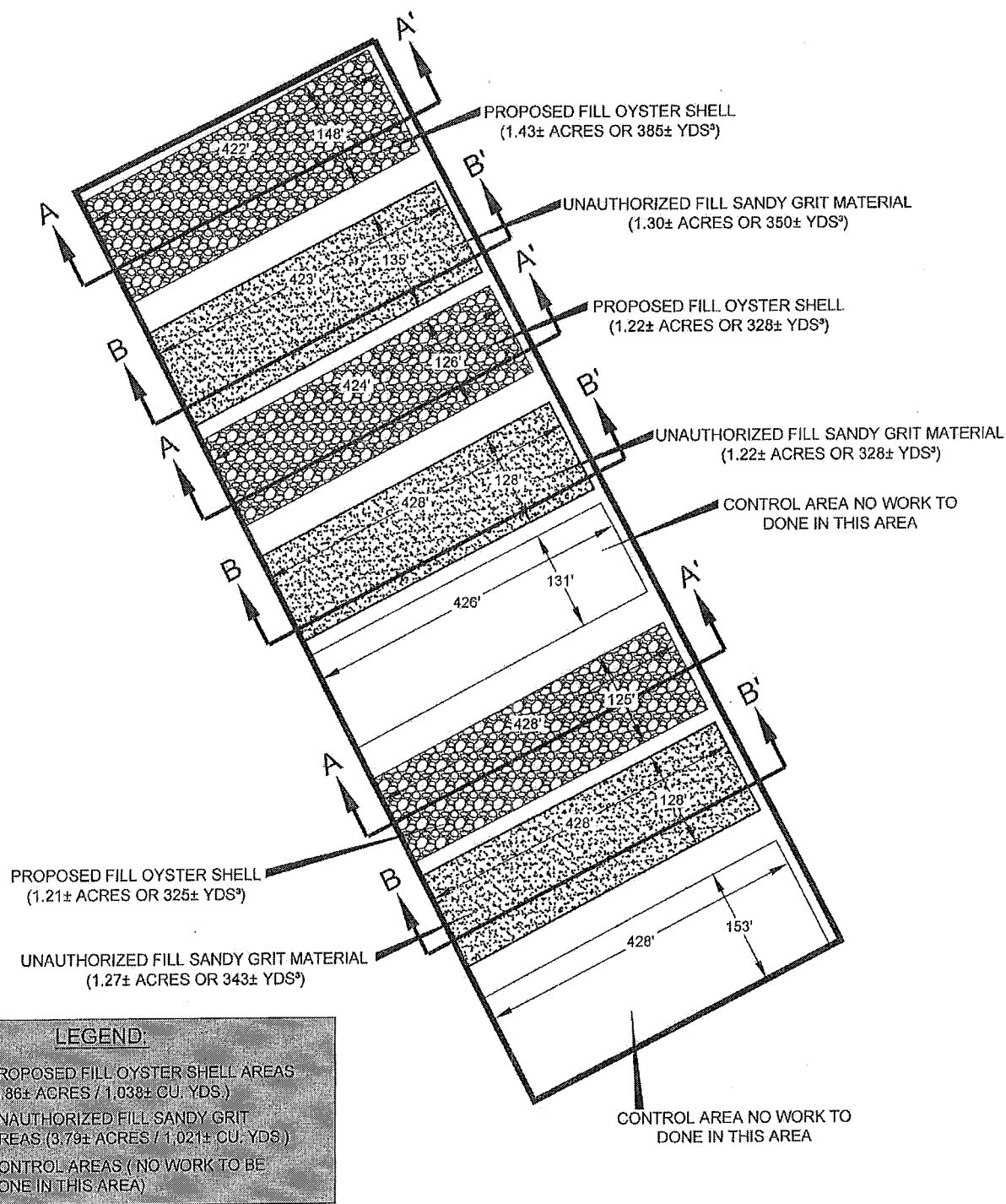
**PLAN VIEW - AERIAL**

**BARATARIA - TERREBONNE NATIONAL ESTUARY PROGRAM**  
 AFTER THE FACT PERMIT FOR THE PLACEMENT OF  
 SANDY GRIT FILL, GRAND ISLE, LOUISIANA  
 LOCATED IN SECTION 32, T21S-R24E  
 JEFFERSON PARISH,  
 LOUISIANA



**TBS** **T. BAKER SMITH** 1913  
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REVISION DESCRIPTION:		

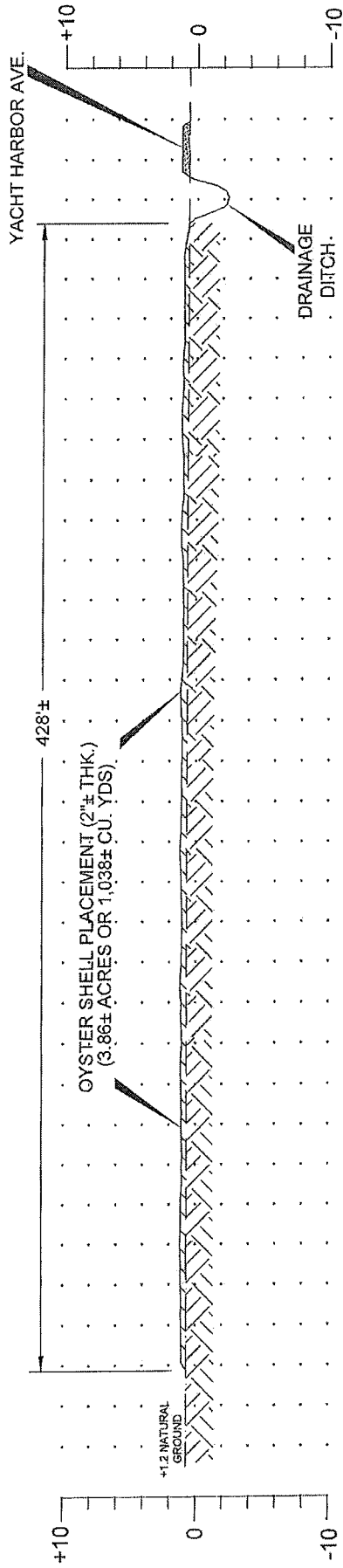


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DRAWING NAME: PLAN VIEW REV 1-24-13.DWG	
SHEET NO:	
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SCALE: 1" = 200'	

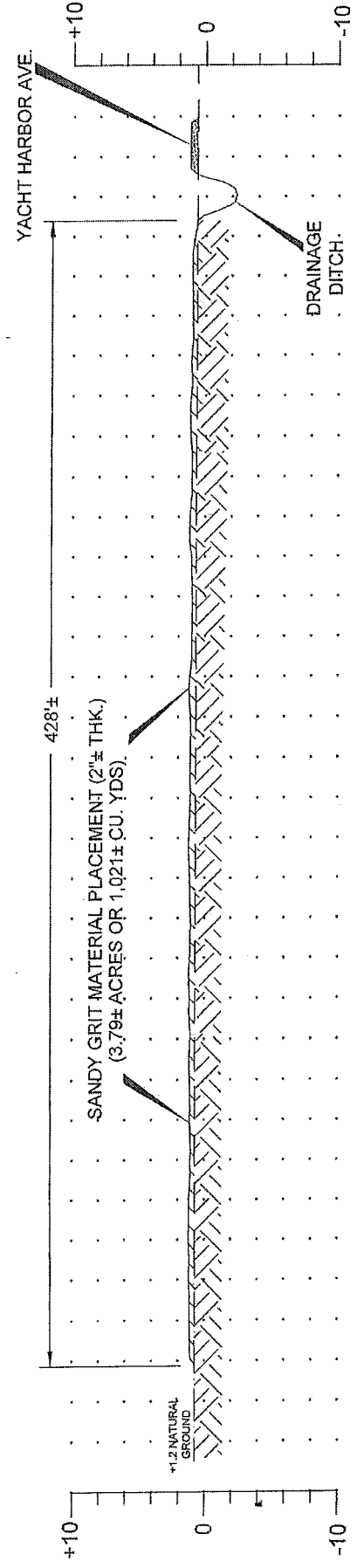
**PLAN VIEW**

**BARATARIA - TERREBONNE NATIONAL ESTUARY PROGRAM**  
 AFTER THE FACT PERMIT FOR THE PLACEMENT OF  
 SANDY GRIT FILL, GRAND ISLE, LOUISIANA  
 LOCATED IN SECTION 32, T21S-R24E  
 JEFFERSON PARISH,  
 LOUISIANA

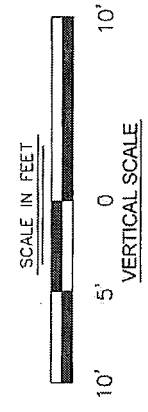
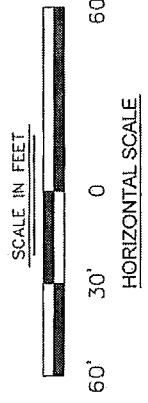
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REVISION DESCRIPTION:		



**CROSS-SECTION A-A'**



**CROSS-SECTION B-B'**



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REV. NO: 00 REV. DATE: --/-- REV. BY: --	REVISION DESCRIPTION:		



