

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

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Regulatory Division Central Evaluation Branch

Project Manager Neil Gauthier (504) 862-1301 <u>Neil.T.Gauthier@usace.army.mil</u>

SUBJECT: MVN-2016-01163-CM

## PUBLIC NOTICE

Interested parties are hereby notified that an application has been received by the District engineer for a Department of the Army permit to authorize the following 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).

## PROPOSED ECOLOGICAL SWAMP ENHANCEMENT PROJECT (EAST GRAND LAKE) IN THE ATCHAFALAYA BASIN, IN IBERVILLE PARISH

**NAME OF APPLICANT**: Coastal Protection and Restoration Authority (CPRA), Attn: Sydney Dobson, 150 Terrace Ave., Baton Rouge, LA 70802.

**LOCATION OF WORK**: Within the Atchafalaya Basin, to include Bayou Sorrel, the Gulf Intracoastal Waterway, and the Florida Pipeline Canal, approximately 20 miles east of Donaldsonville, Louisiana, near the town of Bayou Sorrel, in Iberville Parish, within the Atchafalaya Basin in hydrologic unit (HUC 08080101), as shown on the attached drawings.

**<u>CHARACTER OF WORK</u>**: The applicant has requested Department of the Army authorization to clear, grade, excavate, and place fill to improve the north to south hydrologic flow in Bayou Sorrel during moderate river stages for improved circulation and ecological function throughout the back swamp of the East Grand Lake Area of the Atchafalaya Basin. Additional enhancement and restoration features proposed, include the deposit of excavated material to create marsh and provide nourishment for forested areas within the project site. With-in the nourishment areas non-native tallow trees will be removed and native trees will be planted. Approximately 18,261 cubic yards of native material will be excavated and re-deposited to complete the project. The applicant proposes that the area of benefit through hydrologic restoration would be approximately 5,560 acres of swamp habitat.

A preliminary analysis has determined that the proposed project would convert approximately 4.4 acres of forested wetlands to "other waters of the U.S.", create 2.25 acres of fresh marsh, and enhance 3.6 acres of bottomland hardwood wetlands.

The applicant has designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. Any further reduction in the design would prevent the project from achieving its goal of hydrologic restoration. The applicant proposes that this project will enhance and improve existing forested wetlands and they expect the benefit gained in enhancement will offset any wetland losses associated with the construction of this project.

The comment period for the Department of Army will close in <u>20 days</u> from the date of this public notice, which is available for review online at https://go.usa.gov/xennJ. 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 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 preferably emailed to the Corps of Engineers project manager listed above or mailed to the Corps of Engineers at the address above, <u>ATTENTION: REGULATORY DIVISION, RG-C, Neil Gauthier</u>. 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 Branch 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.

## 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 possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are made available to the State Archeologist and the State Historic Preservation Officer regarding potential impacts to cultural resources.

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 Interior. Utilizing the Information & Planning Consultation for Endangered Species (IPaC) procedure, as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, the Corps has determined that the proposed activity would have no effect on 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 would result in the destruction or alteration of <u>0</u> 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, Office of Environmental Services, 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. 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.

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 (Louisiana Coastal Zone Application P20220132). 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.

> JOHN M. HERMAN Chief, Central Evaluation Branch Regulatory Division





























