



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

January 12, 2009

REPLY TO  
ATTENTION OF:

Operations Division  
Regulatory Branch  
Project Manager  
Brian W. Breaux  
(504) 862-1938

SUBJECT: MVN-2008-03138-MB

**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 () 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).

**CYPRESS BAYOU MITIGATION BANK  
IN EAST BATON ROUGE PARISH**

**NAME OF APPLICANT:** Cypress Bayou Mitigation Bank, LLC, c/o Providence Engineering and Environmental Group, Attention: Charles E. Jones, 1201 Main St, Baton Rouge, Louisiana 70802.

**LOCATION OF WORK:** In Sections 10, 11, 12 & 58; Township 5 South, and Range 1 West; near Zachary, Louisiana, in East Baton Rouge Parish, as shown on the attached drawings.

**CHARACTER OF WORK:** The proposed bank lands total approximately 350 acres consisting of 323.4 acres of pasture lands, 18.4 acres of existing forest, 7.5 acres of pipeline right-of-way, and 0.7 acres of open water ponds. The applicant/sponsor proposes to convert existing pasture lands to a natural vegetative community consisting of bottomland hardwood species. The proposal consists of approximately 190.6 acres of rehabilitation, 18.4 acres of enhancement, and 132.8 acres of establishment activities including both vegetative and hydrologic components. Also included in the project area are 7.5 acres of pipeline right-of-way and 0.7 acres of open water pond. Attached for review is the mitigation banking prospectus.

The comment period will close **30 days** from the date of this public notice advertisement. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons therefore, are being solicited from anyone having interest in this permit request. Letters must reference the applicant's name and the subject number, be addressed and mailed to the above address, ATTENTION: REGULATORY BRANCH.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 that 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, consideration of property ownership and, in general, the needs and welfare of the people.

The 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 Corps of Engineers to determine whether to issue, 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 the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or 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 in the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, pre-historical or 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 would neither affect any species listed as endangered by the U.S. Department of Interior 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 Magnus-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of 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 and certification that the proposed activity will not violate applicable water quality standards will be required from the Louisiana Department of Environmental Quality, Office of Water Resources, 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.

Pete Serio  
Chief, Regulatory Branch