

JOINT PUBLIC NOTICE

September 24, 2012

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

(504) 862-2041 FAX (504) 862-2117
Project Manager
Robert Tewis
Permit Application Number
MVN-2008-03033-ETT

Interested parties are hereby notified that a application to modify an existing Department of Army (DA) permit 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 ☐ Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

ADDITIONAL MOORING IN THE RIVER AND ADDITIONAL WORK AREA IN THE EMPIRE WATERWAY FOR THE SCOFIELD ISLAND RESTORATION PROJECT, PLAQUEMEINES PARISH, LOUISIANA

NAME OF APPLICANT: State of Louisiana, Coastal Protection and Restoration Authority (CPRA)
Attention: Kenneth Bahlinger, PO Box 44027, Baton Rouge, Louisiana 70804.

LOCATION OF WORK: Along the right descending bank of the Mississippi River upstream of mile 27 up to mile 28 "Above the Head off Passes" and in the Empire Waterway, Plaquemines Parish, Louisiana.

EXISTING CONDITIONS: A DA permit was issued on July 25, 2011, to CPRA, to hydraulically dredge in the Mississippi River and deliver that dredged material via pipeline along the Empire Waterway to restore approximately 668 acres of Scofield Island. A borrow site in the Gulf of Mexico was also authorized by the DA permit.

CHARACTER OF WORK: This modification request is for an additional temporary mooring station approximately 2100 feet in length extending approximately 550 feet towards the river channel (from the shoreline) located between mile 27 and mile 28 "Above the Head of Passes". The applicant is also requesting to expand two authorized temporary work stations in the Empire Waterway. No wetland impacts are proposed by this modification.

The comment period for the Department of the Army Permit will close **30 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 modification request and must be mailed so as to be received before or by the last day of the comment period. Letters concerning this Corps of Engineers permit modification 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**.

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

Water Quality Certification (WQC) was issued to CPRA by the Louisiana Department of Environmental Quality, prior to issuance of the original DA permit, 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).

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 Corps of Engineers is unaware of any properties listed on the National Register of Historic Places at or near the proposed work site. 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 would neither 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 EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would result in the destruction or alteration of a minimal amount of EFH utilized by various life stages of red drum, blue crab and penaeid shrimp. Our initial determination is that the proposed action may 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 NMFS.

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.

Attachments