

# JOINT PUBLIC NOTICE

February 4, 2013

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-2012-01645-ETT

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

(225) 219-3225; Fax (225) 325-8250  
Project Manager  
Jamie Phillippe  
WQC Application Number  
WQC JP # 130124-03

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, 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).

## **MARSH CREATION ALONG LAKE PONTCHARTRAIN SHORELINE IN ST. TAMMANY PARISH, LOUISIANA**

**NAME OF APPLICANT:** US fish and Wildlife Service c/o Louisiana Coastal Protection Authority  
Attention; Kenneth Bahlinger, P.O. Box 44027, Baton rouge, Louisiana 70804.

**LOCATIONS OF WORK:** Along the Lake Pontchartrain shoreline at the confluence of Bayous Bonfouca and Liberty at Latitude 30.2458, Longitude 89.8571 within St. Tammany Parish, Louisiana.

**CHARACTER OF WORK:** Dredge, fill and grade for a CWPPRA marsh nourishment and creation project. The project proposes to hydraulically dredge  $\pm 7,752,608$  cubic yards of materials from  $\pm 331$  acres of non-vegetated lake bottoms and discharge those materials into 4 areas totaling  $\pm 2089$  acres of lake shoreline located at the confluence and mouth of Bayous Liberty and Bonfouca. The project proposes to transport the dredged materials from the borrow site in the lake to the fill areas via pipeline. Equipment to be used for the project is: hydraulic cutter-suction head dredge, airboat, marsh buggy, and bulldozer/grader. No mitigation is proposed.

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 to the project manager or clicking on the project manager's name on the public notice grid on the web page. 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. 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. 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 5:00 p.m. Copies may be obtained upon payment of costs of reproduction

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.

#### **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.

The West Indian manatee (*Trichechus manatus*) is known to occur in Lake Pontchartrain. The project's in-water work will last for approximately nine to ten months. The applicant has agreed to comply with US Fish and Wildlife's (FWS) "Standard Manatee Conditions for In-water Work" of 2009; therefore, the Corps' preliminary determination is that the project as proposed "may affect, but is not likely to adversely affect" the manatee. By this public notice the Corps is requesting concurrence from the FWS for that determination.

The project site is located in an area designated as "critical habitat" for the Gulf sturgeon (*Acipenser oxyrinchus desotoi*) an ESA listed species. Although the project will result in temporary adverse impacts to the sturgeon's critical habitat, upon completion the project will provide improved essential fish habitat and critical habitat for the sturgeon long term. All proposed dredging will be conducted with hydraulic cutter-suction head dredge. No hopper dredging is proposed therefore, the Corps' preliminary determination is that the project "may affect, but is not likely to adversely affect" the Gulf sturgeon and its critical habitat and will seek concurrence from the NMFS, with that determination, via separate correspondence. The Corps is unaware of any other ESA listed species or of any other ESA designated critical habitat that may be affected by this project.

This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would result in temporary impacts to ±331 acres of EFH and the nourishment and creation of ±2,089 acres of EFH utilized by various life stages of red drum, blue crab and penaeid shrimp. Our initial determination is that the proposed actions may have a temporary adverse impact on EFH but the long term effects that would be derived upon project completion will be beneficial for EFH and federally managed fisheries of 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