

JOINT PUBLIC NOTICE

March 4, 2013

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

(504) 862-2225
Project Manager
Brad LaBorde
Permit Application Number
MVN 2011-3319 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 120110-04

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, 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).

PERMIT MODIFICATION: GRAND LIARD MARSH AND RIDGE RESTORATION IN PLAQUEMINES PARISH, LA

NAME OF APPLICANT: National Marine Fisheries Service, % Coastal Protection and Restoration Authority (CPRA), Attn: Tye Fitzgerald, P.O. Box 44027, Baton Rouge, Louisiana, 70804.

LOCATION OF WORK: A 1,181 acre project area that includes the remnant ridge on the east bank of Bayou Grand Liard, and within Bastian Bay and the Gulf of Mexico near Triumph, Louisiana, in Plaquemines Parish, as shown on the enclosed drawings.

Latitude: 29.306231/Longitude: -89.474592, Hydrologic Unit Code: 08090301 – East Central Louisiana Coastal

CHARACTER OF WORK: The Grand Liard Marsh and Ridge Restoration Project was authorized to hydraulically dredge, transport, deposit, and maintain material to create a 432 acre marsh area and a 18,000 liner foot ridge. The applicant is proposing to modify the project with the following changes:

1. Relocation of the equipment access route to the Empire Waterway. No additional dredging or discharge fill will result.
2. Realignment of 20,000 feet of access channel and temporary disposal resulting in up to 106,215 cubic yards of additional dredging and disposal and a 57-acre increase in impacts to un-vegetated waterbottoms.
3. Increase of an additional 18,902 cubic yards of sand fill at the closure structures within the authorized project area.
4. Removal of 37 existing timber piles for construction access. No additional dredging is anticipated and the work takes place in the authorized access channel.
5. Removal of 3,400 feet of abandoned/orphaned flow lines within the limits of currently authorized work. Flowline removal activities would occur within the earthen ridge, containment dike, and marsh creation areas. No additional dredging or discharge of fill material is proposed with these activities.

The modification is illustrated on sheets 2, 4, 5, and 6 of the drawings. This action falls under the Coastal Wetlands Planning, Protection and Restoration Act or CWPPRA project BA-68 and has been designed to provide a net benefit of 370 acres though the project's 20 year design life. No additional compensatory mitigation measures have been proposed with this project at this time.

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 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.**

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 are 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.

The previous review determined that the proposed work may impact the Gulf sturgeon (*Acipenser oxyrinchus Desotoi*) and five species of sea turtles: green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and loggerhead (*Caretta caretta*). Our initial finding was that the work is Not Likely to Adversely Affect (NLAA) these species and/or their critical habitat. On March 16, 2012, NMFS responded to the Corps request for NLAA concurrence with the project-effect determinations under Section 7 of ESA. NMFS analyzed the potential effects of the project and the five ESA-listed species of sea turtles and the threatened Gulf Sturgeon and concurred with the NLAA provided NMFS' *Sea Turtle and Smalltooth Sawfish Construction Conditions* were included with the authorization.

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 **117.0** 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. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, ATTN: 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