

JOINT PUBLIC NOTICE

March 14, 2011

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

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

(504) 862-2227 FAX (504) 862-1697
Project Manager
Stephen Pfeffer
Permit Application Number
MVN-2010-02966-MS

(225) 219-3003 FAX (225) 325-8250
Project Manager
Jamie Phillippe
WQC Application Number
110307-01

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).

PROPOSED OLD RIVER MITIGATION BANK IN CALCASIEU PARISH

NAME OF APPLICANT: Stream Wetland Services, LLC Post Office Box 40, Lake Charles, Louisiana 70602.

LOCATION OF WORK: The proposed Old River Mitigation Bank is located between the west end of Lyle Peters Rd. and the Calcasieu River channel, bound to the north by the Old Calcasieu River channel and to the south by an existing tidal marsh. The project center is located at Latitude N30 9' 54.4" Longitude W93 18' 12.8". The project can be found within Township 10S Range 9W Sections 20 & 29 of Calcasieu Parish.

CHARACTER OF WORK: The Sponsor proposes to construct 3,550 linear feet of man-sized rock and 7,400 linear feet of earthen containment dikes. The containment dikes will be constructed to an elevation of +5.0' NAVD88. Two 36" weir board structures will be installed to control water elevations within the project area. Hydraulically pumped dredged materials will be placed across 165 acres of open water using a HDPE discharge pipe. The Sponsor projects that an additional 55 acres of broken emergent marsh will be enhanced. Depending on the composition of the dredged spoil material, hydraulic placement will likely be at a pre-settlement elevation of +1.5' - +3.0' NAVD88. The targeted settled elevation will be +1.2 NAVD88 with a tolerance of $\pm 0.5'$. It is expected that the material will experience rapid consolidation within the first year after each dredging cycle. During this period, existing vegetation from the adjacent wetlands will begin to colonize the project site. In addition to natural colonization, vegetative plantings through sprigging will be performed in accordance with an approved mitigation plan. The Sponsor proposes to construct the project over a 10 year period as maintenance dredging is conducted in the Calcasieu River. Construction of the containment dikes will occur during year one. Placement of dredged material will occur in increments of 50,000 to 100,000 cubic yards per dredge cycle over the 10 year period. Surface acreage created during each dredge cycle will range from 10-25 acres based on the volume of material placed.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC 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 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, inclusive of the initial comment period, and 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.

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.

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 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 220 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, 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.

James Barlow
Chief, Special Projects and Policy Section
Regulatory Branch

Attachments