

## JOINT PUBLIC NOTICE

September 22, 2011

DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT  
CORPS OF ENGINEERS  
REGULATORY FUNCTIONS BRANCH  
P.O. BOX 60267  
NEW ORLEANS, LA 70160

STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL  
QUALITY  
OFFICE OF ENVIRONMENTAL  
SERVICES  
P.O. BOX 4313  
BATON ROUGE, LA 70821-4313

STATE OF LOUISIANA  
DEPARTMENT OF NATURAL  
RESOURCES  
OFFICE OF COASTAL MANAGEMENT  
P.O. BOX 44487  
BATON ROUGE, LA 70804-4487

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**CORPS REVIEWER:**

**Cathy Slumber**

**DEQ REVIEWER:**

**Jamie Phillippe**

**OCM REVIEWER:**

**Sharon Mccarthy**

**COE NUMBER:**

**MVN 2003- 4164 CT**

**WQC NUMBER:**

**040310- 02**

**CUP NUMBER:**

**P20111053**

Interested parties are hereby notified that the Office of Coastal Management of the Department of Natural Resources has received the following application for a Coastal Use Permit (CUP) in accordance with the State and Local Coastal Resources Management Act of 1978, as amended, (Louisiana R.S. 49, Sections 214.21-214.41), and the rules and regulations of the Coastal Resources Program. Via this notice, the public is invited to provide comment on the following application.

Additionally, interested parties are hereby notified that applications have been received by the District Engineer for a Department of the Army permit to authorize the following pursuant to: [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344) and/or [X] Section 10 of the River and Harbor Act of 1899 (33 USC 403).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A93) and Provisions of Section 401 of the Clean Water Act (P.O. 95-217).

The official date of the beginning of the public comment period for Coastal Use Permit and Water Quality Certification applications begins on the date of publication of the notice in the official state journal (The Advocate), in accordance with the Rules and Procedures for Coastal Use Permits, §723.C.5.c. The Office of Coastal Management will inform interested parties of the exact date of publication on request.

\*Habitat impacts are based on available in-house data and may not represent actual conditions. Field reconnaissance may be required verify extent of impacts.

Approximately .20 acres of Essential Fish Habitat (EFH) utilized by various life stages of red drum and panaeid shrimp would be altered or destroyed by this project. This information is provided to initiate federal consultation requirements pertaining to EFH under the Magnuson-Stevens Fishery Conservation and Management Act.

**NAME:** **CYPRESS POINT HOA**  
c/o CYPRESS POINT HOA  
PO BOX 413  
FRENCH SETTLEMENT, LA 70733  
Attn: Scott Thomas

**LOCATION:** **Livingston Parish, LA;** Lat 30° 17' 45"N / Long -90° 49' 28"W; Section Livingston TN RW; Section Livingston TN RW; Lot# 27 and 28; Cypress Point Subdivision, Lot 27 & 28; French Settlement, 70733.

**DESCRIPTION:** Proposed construction of a 120' bulkhead, two 16' x 29' open decks, and a covered 24.5' x 29' boat slip with a center 29' x 2'6" walkway. Project also includes the excavation of a 120' L x 20' W x 4' D areas in front of the bulkhead resulting in approximately 178 cubic yards of backfill material to be placed behind the bulkhead.  
\*Approximately 0.06 acres of nonvegetated waterbottom and 0.06 acres of vegetated habitat may be impacted as a result of this proposed activity.

THE APPLICANT MUST SECURE A STATE COASTAL USE PERMIT PLUS A DEPARTMENT OF THE ARMY PERMIT OR A GENERAL PERMIT AUTHORIZATION FROM THE CORPS OF ENGINEERS. INDEPENDENT EVALUATIONS AND DECISIONS WILL BE MADE BY THE OFFICE OF COASTAL MANAGEMENT AND THE CORPS OF ENGINEERS.

#### **State of Louisiana Coastal Use Permit Criteria**

Plans for the proposed work are now on file and may be inspected at the Office of the Coastal Management, Department of Natural Resources, LaSalle Building, 617 North 3rd Street, Room 1048, Baton Rouge, LA . Written comments, including suggestions for modifications or objections to the proposed work and stating the reasons thereof, are being solicited from anyone having an interest in the matter. Comments to the State of Louisiana, Office of Coastal Management must be received within 25 days of the date of official journal publication of this notice. Comments may be mailed, faxed or emailed to the contact information listed above or uploaded to the record using our online database found at:

[http://sonris-www.dnr.state.la.us/www\\_root/sonris\\_portal\\_1.htm](http://sonris-www.dnr.state.la.us/www_root/sonris_portal_1.htm)

All comments must contain the applicant's name and appropriate application number and the commenter's full name and contact information.

The decision on whether or not to issue a Coastal Use Permit will be based on an evaluation of the probable impacts of the proposed activity in accordance with the state policies outlined in R.S. 49:214.22. The decision will reflect the national concern for both protection and utilization of important resources. The decision must be consistent with the state program and approved local programs for affected parishes and must represent an appropriate balancing of social, environmental and economic factors. All factors which may be relevant to the proposal will be considered; among these are flood and storm hazards, water quality, water supply, feasible alternative sites, drainage patterns, historical sites, economics, public and private benefits, coastal water dependency, impacts on natural features, compatibility with the natural and culture setting and the extent of long term benefits or adverse impacts.

Certification that the proposed activity will not violate applicable water and air quality laws, standards and regulations will be required before a permit is issued.

#### **State of Louisiana Water Quality Certification Criteria**

In accordance with the Joint Public Notice Agreement between the Office of Coastal Management and the Office of Water Resources, notice is hereby given that the applicant has applied to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provision of Section 401 of the Clean Water Act (P.L. 95-217).

Comments concerning this application can be filed with the Office of Environmental Services within twenty days of this notice to the following address: Louisiana Department of Environmental Quality, Office of Environmental Services, P.O. Box 4313, Baton Rouge, Louisiana 70821-4313.

Additional information is on file with the above office, and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained upon payment of cost of printing.

#### **Corps of Engineers Federal Permit Criteria**

The notice and notice policies of the Corps of Engineers - New Orleans District can be found on their web page at <http://www.mvn.usace.army.mil/ops/regulatory/publicnotices.asp>.

#### **Public Hearings**

Any person may request, in writing, within the comment period specified in this notice, that a State or Federal public hearing be held to consider this application. Request for public hearings shall state, with particularity, the reasons for holding a public hearing.

Attached Plats: 1) P20111053 Notice Plats 09/16/2011

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.

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.

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 **n/a** 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 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.

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.