

## JOINT PUBLIC NOTICE

February 11, 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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OCM REVIEWER:  
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COE NUMBER:  
MVN- 2011- 0184- WLL

WQC NUMBER:  
110131- 01

CUP NUMBER:  
P20110034

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 NO 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:** ST MARY PARISH GOVERNMENT  
c/o SHAW COASTAL, INC.  
197 ELYSIAN DRIVE  
HOUMA, LA 70363  
Attn: Charlotte Liner

**LOCATION:** Saint Mary Parish, LA; Deer Island, LA; Lower Atchafalaya River & Deer Island Pass. Sections 19 & 30; T18S-R12E. Marsh Creation Area: Lat. 29° 29' 04.5"N, Long. 91° 15' 48.2"W; Dredge Area POB: Lat. 29° 28' 39.5"N, Long. 91° 16' 17.5"W; POE: Lat. 29° 28' 10.5"N, Long. 91° 15' 56.9"W.

**DESCRIPTION:** Proposed dredging of a channel (3,500' x 305" x 12') across the shallow flat at the mouth of Deer Island Pass. The dredge material will be beneficially placed along the bank of the Lower Atchafalaya River to create 13 acres of marsh. This project will allow improved water and sediment flow through Deer Island Pass. This project will decrease erosion in the Lower Atchafalaya Bay. The maximum draft of any vessel used for this activity will be 6 feet. Approximately 210,000 cy of material will be dredged from the pass to recreate a channel. This material will be placed within the marsh creation area to fill the containment dike (4,710') dredge areas creating marsh. An additional 33,000 cy of material will be dredged for the containment dike. \*Approximately 43.5 acres of habitat may be impacted as a result of this project.

47.5 acres of non-vegetated waterbottoms will be impacted through dredging and placement of spoil within the Atchafalaya River.

### **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 has been notified of the presence of cultural resources near the proposed work. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer. Permit issuance will be coordinated accordingly with 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 acre(s) 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, 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.

Ronnie W. Duke  
Chief, Western Evaluation Section

Enclosures: