



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

May 16, 2011

REPLY TO  
ATTENTION OF:

Operations Division  
Eastern Evaluation Section  
Project Manager  
Melissa Ellis  
(504) 862-2543

SUBJECT: MVN-2011-0094-EQ

**PUBLIC NOTICE**

Interested parties are hereby notified that an application has been received by the District engineer for a Department of the Army permit to authorize the following pursuant to (X) Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or () Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

**CONSTRUCT DOCK AND DREDGE IN LAKE PONTCHARTRAIN**

**NAME OF APPLICANT:** Pontchartrain Express Ferry, 3045 East Causeway Approach, Mandeville, Louisiana 70448

**LOCATION OF WORK:** Along the north shore of Lake Pontchartrain behind Sunset Point at 200 Massena Street, in Sections 46 and 47, Township 8 south, Range 11 east at Latitude 30.36262, Longitude -90.08481, Mandeville, St Tammany Parish, Louisiana as shown on the enclosed drawings.

**EXISTING SITE CONDITIONS:** The project site on the north shore consists of 3.37 acres of uplands with a bulkhead protected shoreline and waters in a harbor behind Sunset Point. The associated site on the south shore at 7400 Lakeshore Drive, New Orleans is already developed with a dock and does not require a Corps permit. The harbor entrance on the North shore contains concrete and rebar most likely left over from the construction of the Causeway Bridge in the early 1950s.

**CHARACTER OF WORK:** A Public Notice was originally published for this project on 14 February 2011. Since then the applicant has revised the project and is now proposing to install a 864 square foot fixed dock with twenty-eight pilings along the shoreline of the north shore docking facility for the purpose of mooring an express ferry that is proposed to provide passenger service between the north shore and the south shore. The applicant is also proposing to dredge approximately 4,630 cubic yards of material from 0.57 acre of lake bottom at the entrance to the harbor on the north shore. The dredged material is proposed to be stockpiled onsite. No wetland impacts are proposed; therefore no compensatory mitigation is anticipated.

**THREATENED AND ENDANGERED SPECIES:** The project site provides potential habitat for the federally endangered West Indian manatee (*Tricheus manatus*). The Corps of Engineers has made a preliminary determination that the project “may affect, but is not likely to adversely affect” the manatee and is requesting written concurrence with this determination via separate letter to the US Fish and Wildlife Service.

The project site also provides potential habitat for the federally threatened gulf sturgeon (*Acipenser oxyrinchus desotoi*) and is located within its critical habitat. The Corps of Engineers has made a preliminary determination that the project “may affect, but is not likely to adversely affect” the sturgeon and is requesting written concurrence with this determination via separate letter to the National Marine Fisheries Service.

The Corps of Engineers is not aware of any other threatened or endangered species on the project site.

The comment period will close **15 days** from the date of this public notice advertisement. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons therefore, are being solicited from anyone having interest in this permit request. Letters must reference the applicant’s name and the subject number, be addressed and mailed to the above address, 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.**

The decision whether to issue a permit will be based on an evaluation of the probable impact 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, consideration of property ownership and, in general, the needs and welfare of the people.

The 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 Corps of Engineers to determine whether to issue, 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 the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or 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 in 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 or historical sites or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnus-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of 0.57 acre 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.

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.

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.



Michael Farabee  
Chief, Eastern Evaluation Section

Enclosure