

JOINT PUBLIC NOTICE

January 9, 2012

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

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

(504) 862-2041 FAX (504) 862-2117
Project Manager
Robert Tewis
Permit Application Number
MVN-2011-03148-ETT

(225) 219-3225; Fax (225) 325-8250
Project Manager
Jamie Phillippe
WQC Application Number
WQC JP 111220-02

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).

DREDGE IN GULF OF MEXICO TO ENHANCE AND RESTORE CHENIER RONQUILLE ISLAND, PLAQUEMINE PARISH, LOUISIANA

NAME OF APPLICANT: National Marine Fisheries Service c/o State of Louisiana, Coastal protection and restoration Authority (CPRA) Attention: Anna Wojtanowics, PO Box 44027, Baton Rouge, Louisiana 70804.

LOCATION OF WORK: Chenier Ronquille Barrier Island at Latitude 29.31879, Longitude -89.79077, Barataria Bay, Plaquemine Parish, Louisiana. Four borrow sites adjacent to each other are located southwest of Chenier Ronquille and seaward of Quatre Bayou Pass in state waters of the Gulf of Mexico (Gulf).

EXISTING CONDITIONS: The US Army Corps of Engineers, New Orleans District (CEMVN) previously authorized the use of proposed borrow areas for other restoration projects located in proximity to this project site (permits #'s EDD 20-040-0451 and MVN-2008-0334-EFF).

CHARACTER OF WORK: The applicant is requesting Corps authorization to dredge, excavate, fill, and grade in waters of the US. The proposed four borrow sites, comprised of 832 acres of non-vegetated tidal bottoms, contain approximately 11,073,000.00 cubic yards of materials. A minimum of 2,932,000.00 cubic yards of those materials would be hydraulically dredged and delivered to the restoration site, via pipelines. The applicant proposes to use airboats, barge mounted bucket dredges, bulldozers and hydraulic cutterhead dredges during the reconstruction of Chenier Ronquille. No permanent wetland impacts are proposed; therefore, no mitigation is proposed.

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 5:00 p.m. Copies may be obtained upon payment of costs of reproduction

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.

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 is unaware of any properties listed on the National Register of Historic Places at or near the proposed work site. 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.

Threatened and Endangered Species: The project is located within waters of the Gulf inhabited by Federally listed threatened and endangered species including the Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), loggerhead (*Caretta caretta*), and green (*Chelonia mydas*) sea turtles as well as the Gulf Sturgeon (*Acipenser oxyrinchus desotoi*); all are known to occur in coastal Louisiana. The project will use a cutter-head dredge at the offshore borrow sites and deliver the dredge materials (to the restoration area) via pipeline. All five species are mobile and are apt to avoid noise and disturbance that would be created by the work activity at both the offshore borrow site and restoration area. Therefore the Corps preliminary determination is that this project "may affect, but is not likely to adversely affect" the Ridley, green, loggerhead and leatherback sea turtles, and the Gulf sturgeon. The Corps will request concurrence for those determinations, from the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS), for these five species via a separate letter.

The West Indian manatee (*Trichechus manatus*) is known to inhabit various regions of the Gulf including coastal Louisiana. Manatees are herbivores that feed opportunistically on a wide range of marine, estuarine and freshwater plants including submerged and emergent vegetation. Manatees travel primarily near the surface and would tend to distance themselves from the noise and disturbance, during construction. Manatees are capable of moving relatively fast to avoid a perceived threat and are likely to search for foraging away from the project activity. Therefore, the Corps determined that the project "may affect, but is not likely to adversely affect" the manatee.

Piping plovers (*Charadrius melodus*) winter in coastal areas of the US, from Carolina to Texas. Some birds begin arriving at their wintering grounds in early July with some late nesting birds arriving in September. The corps believes that foraging and roosting plovers would avoid the project site due to the noise and disturbance resulting from the construction activity. Upon completion, the project would create additional roosting, nesting and foraging habitat for the plover. Therefore, the Corps determined that the project "may affect, but is not likely to adversely affect" the piping plover. The Corps will request concurrence for the piping plover and manatee determinations from the US Fish and Wildlife Service, via a separate letter.

Essential Fish Habitat (EFH): This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would result in the destruction or alteration of approximately 1,364 acres of EFH utilized by various life stages of red drum, blue crab and penaeid shrimp. Our initial determination is that the proposed action may 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 NMFS.

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.

Michael V. Farabee
Chief, Eastern Evaluation Section
Regulatory Branch

Attachments