



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

APR 16 2012

REPLY TO
ATTENTION OF

Operations Division
Western Evaluation Section

Project Manager: John C. Price (504) 862-2272
Subject: MVN-2012-00398-WNN

PUBLIC NOTICE

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 U.S.C. 403); and/or [] Section 404 of the Clean Water Act (86 Stat. 816; 33 U.S.C. 1344).

TIMBER WALKWAY AND WHARF IN VERMILION PARISH

Name of Applicant: Lonnie Malcombe, c/o Delcambre Consulting, Inc., Post Office Box 311, Delcambre, Louisiana 70528

Location of Work: Boston Canal, Lat 29.83423°, Lon -92.05626°, Section 9, T14S-R04E, approximately 8.7 miles south of Erath, Vermilion Parish, Louisiana, as shown on the attached drawings.

The work described below was partially completed prior to obtaining a Department of the Army permit, and was in violation of Section 10 of the Rivers and Harbors Act of 1899 and/or Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have been deferred.

Character of Work: Construct a 3' x 18' timber walkway and 10' x 20' timber wharf for private recreational use. A 90' x 100' camp site on the adjacent existing spoil bank was determined to not be located in wetlands. No dredging of the canal or deposition of fill into wetlands or other waters of the U.S. is being requested. Project implementation would impact approximately 0.01 acres of non-vegetated water bottoms.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of a permit is determined to be contrary to the overall public interest.

Written comments, including suggestions for modifications or objections to the proposed work, stating reasons therefor, are being solicited from anyone having interest in this permit request. The comment period will close **15 days** from the date of this public notice advertisement. Letters must reference the applicant's name and the subject number, and be mailed to the letterhead address so as to be received before or by the last day of the comment period.

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 these being: 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, prehistoric, or 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 0.0 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 U.S. Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Louisiana 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.

Ronnie W. Duke
Chief, Western Evaluation Section
Regulatory Branch

Enclosure