

JOINT PUBLIC NOTICE

March 8, 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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COE REVIEWER:

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DEQ REVIEWER:

Jamie Phillippe

OCM REVIEWER:

Regina Stone

COE NUMBER:

MVN 2007- 3430 CQ

WQC NUMBER:

070824- 07

CUP NUMBER:

**P20070616 (Amended, Extended,
Revised)**

NAME: **MAYER, MICHAEL**
c/o HYDRIK WETLANDS CONSULTANTS
604 WEST CHARLES STREET
HAMMOND, LA 70401
Attn: Michael Henry

LOCATION: **Livingston Parish, LA;** Killian, LA; Section 12, T8S-R6E; Lat. 30° 22' 01"N / Long. 90° 33' 53"W.

DESCRIPTION: Proposed subdivision including 97 lots, a dry dock/storage/boat repair area, fuel dock/restaurant area and a water well area with additional parking. An approximate 400' x 70' canal will be dredged off the Tickfaw River to access the proposed project. In addition, three 100' wide canals will be dredged to allow for waterfront access for the majority of the lots. Approximately 89,700 cubic yards of native material will be dredged for the canals and used as fill for the proposed project. In addition, approximately 11,300 cubic yards of concrete will be utilized as fill. No additional dredge or fill is required for this project. Approximately 2.9 acres of cypress swamp, 9.4 acres of tupelo cypress swamp and 5.6 acres of non-wetland area may be impacted by this proposed project. **MODIFIED IMPACT STATEMENT:** Approximately 4.62 acres of cypress swamp and tupelo cypress swamp, as well as 18.62 acres of non-wetland area may be impacted by this project.

AMENDMENT 1: Requested amendment of permit conditions to reflect changing the mitigation bank from High Point Mitigation Bank to Timberton Mitigation Bank. No changes to the project are requested.

REVISION 2: Extension Request

REVISION 3: Proposed revision to project location and layout (now 140 lots with a boat storage, fuel/service station with water well and additional parking). Revised project will now be constructed on the adjacent property (Lat. 30° 22' 8.02"N / Long. 90° 33' 39.29"W) directly east of the original project location. The canal that will be dredged off the Tickfaw River has been reduced to 25' x 70'. Approximately 85,000 cubic yards of native material will be dredged for the canals (three 100' wide canals will be dredged to allow for waterfront access) and used as fill for the proposed project. In addition, approximately 10,000 cubic yards of concrete will be utilized as fill. Approximately 24.75 acres of an upland area and 0.04 acres of cypress/tupelo swamp may be impacted as a result of this project.

NOTICE the Louisiana Department of Natural Resources, Office of Coastal Management (OCM) has received the above 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. 49:214.21-214.41), and the rules and regulations of the Coastal Resources Program. Applications for the proposed work may be inspected at 617 North 3rd Street, Room 1078, Baton Rouge, LA or on the OCM web page at:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=591>. Copies may be obtained upon payment of cost of copying. Written comments, including suggestions for modifications or objections to the proposed work and stating the reasons thereof, are being solicited from the public. Comments must be received within 25 days of the date of publication of this notice. Comments should be uploaded to our electronic record, but may be mailed, faxed or emailed to the designated OCM Reviewer. All comments must contain the appropriate application number and the commenter's full name and contact information.

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**. 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. 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 NA 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 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.

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.