

JOINT PUBLIC NOTICE

May 08, 2012

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:

Sharon Mccarthy

COE NUMBER:

MVN- 2011- 2935- EFF

WQC NUMBER:

120410- 01

CUP NUMBER:

P20120216

NAME: COASTAL PROTECTION AND RESTORATION AUTHORITY

450 LAUREL ST., SUITE 1200

BATON ROUGE, LA 70801

Attn: Chad Chauvin

LOCATION: Plaquemines Parish, LA; Shell Island East (Pt. 250): Lat 29° 16' 38.24"N / Long -89° 37' 43.91"W; Shell Island West (Pt. 240): Lat 29° 17' 49.45"N / Long -89° 39' 51.73"W; Borrow Areas/MR-A (Pt. 3): Lat 29° 26' 57.94"N / Long -89° 36' 11.43"W; MR-B (Pt. 13): Lat 29° 22' 52.80"N / Long -89° 34' 36.95"W; MR-E (Pt. 6): Lat 29° 21' 04.95"N / Long -89° 30' 07.18"W; 35E (Pt. 3): Lat 29° 12' 09.91"N / Long -89° 38' 36.53"W; Borrow Area 9 (Pt. 9): Lat 29° 12' 52.5"N / Long -89° 36' 49.7"W; Section 39-41, T20S-R28E; Section 16-21,26-28,34,35,13, 24, T21S-R28E; West of Empire Waterway within Bastian Bay area.

DESCRIPTION: Shell Island East Restoration Berm Enhancement Project and Shell Island West NRDA Restoration Project (BA-110/111) for the proposed creation of +/- 615 acres of beach/dune habitat and +/-343 acres of brackish marsh habitat along the Barataria Basin Barrier Shoreline. Project includes the dredging of +/-12.9 M c.y. of sediment from potential borrow areas MR-A, MR-B, MR-E, 35E, and 9 (MR-B and MR-E previously permitted under P20101416 - Scofield Island Restoration Project / BA-40). Conveyance of sediment within a submerged/buried 30" pipeline proposed from borrow sources MR-A, MR-B, and MR-E along an existing dredge pipeline corridor follows the Empire Waterway (previously permitted under P20101416) and from Areas 35E and 9 with estimated losses in sediment due to transfer anticipated. Proposed fill required for the creation of dune habitat is +/- 6.4M c.y. and +/- 1.8M c.y. for the creation of marsh habitat. Project also includes the excavation of +/- 467,900 c.y. for access channels and subsequent placement on both sides to a height conducive to marsh establishment, excavation of +/- 865,000 c.y. for the construction of the primary dikes for containment of marsh creation areas, the placement 250 c.y. of gravel for dredge pipeline levee crossings, and the excavation of +/- 21,400 c.y. for navigational crossings, booster pump locations, Empire Harbor Canal crossing, Highway 11 and 23 crossings, and the Empire Marsh crossing. **Approximately 2,291 ac. of non-vegetated waterbottom, 1.2 ac. of non-wet, and 132 ac. of vegetated wetland habitat may be impacted as a result of proposed activity.**

Approximately 1,832 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.*

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.

Application also has been made to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with La. R.S. 30.2074(A)(93), and Section 401 of the Clean Water Act (P.L. 95-217). Additional information is on file with the above office, and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained upon payment of cost of copying. Comments concerning the application can be filed with the Office of Environmental Services within 20 days of this notice to the following address: Office of Environmental Services, P. O. Box 4313, Baton Rouge, LA 70821-4313.

The public comment period for Coastal Use Permit and Water Quality Certification applications begins on the date of publication of notice in the official journal (The Advocate), in accordance with LAC 43:I. 723(C)(5)(c). OCM will provide this date on request.

Additionally, interested parties are hereby notified that application has been received by the District Engineer for a Department of the Army permit to authorize the following pursuant to Section 404 of the Clean Water Act (86 Stat. 816: 33 USC 1344) and/or Section 10 of the River and Harbor Act of 1899 (33 USC 403). The notice and notice policies of the Corps of Engineers - New Orleans District can be found on their webpage at: <http://www.mvn.usace.army.mil/ops/regulatory/publicnotices.asp>.

Any person may request, in writing, within the comment period specified in this notice, that a State or Federal public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing and must contain the name and contact information of the requester.

Attached Plats:	1)	P20120216	Notice Plats	05/03/2012
	2)	P20120216	Notice Plats	05/03/2012

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **30 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. 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 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 known to be 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 1832 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 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.

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.