

JOINT PUBLIC NOTICE

October 1, 2012

United States Army
Corps of Engineers
New Orleans District
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) 862-2543 FAX (504) 862-2117
Project Manager
Melissa Ellis
Permit Application Number
MVN-2012-1974-EQ

(225) 219-3225; Fax (225) 325-8250
Project Manager
Jamie Phillippe
WQC Application Number
WQC # 120928-01

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).

CONSTRUCT A RESIDENTIAL SUBDIVISION ON LAKE ST. CATHERINE IN ORLEANS PARISH, LOUISIANA

NAME OF APPLICANT: Calvin J. Minor, C/o: Cali and LaPlace Engineers, LLC, Post Office Box 7158, Metairie, Louisiana 70010.

LOCATION OF WORK: Off Highway 90 between 25944 & 26070 Chef Menteur Highway. On Lake St. Catherine at Latitude 30.14778, Longitude -89.74361, New Orleans, Orleans Parish, Louisiana as shown on the enclosed drawings.

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

EXISTING SITE CONDITIONS: The project site consists of 7.1 acres of marsh wetlands along the shore of Lake St. Catherine. Unauthorized impacts to onsite wetlands consist of 285 linear feet by 30 feet section of concrete riprap placed along the shoreline and 0.3 acre of wetlands filled along the western property line.

CHARACTER OF WORK: The applicant is proposing to excavate and fill approximately 3.7 acres of marsh wetlands with 18,250 cubic yards of fill in order to construct a residential subdivision consisting of five single family homes on concrete pads with a gravel access road, piers and associated infrastructure. The applicant is proposing to leave the unauthorized riprap in place and place an additional 120 linear feet by 30 feet of riprap along the shoreline and to excavate 8,000 cubic yards of material from the wetlands to construct a 40 foot wide by 8 feet deep dead end canal behind the subdivision. The applicant is proposing to stabilize the east bank of the canal with either riprap or a bulkhead wall and to slope the west bank to run out to natural grade. Excavated material is proposed to be used onsite as fill for the construction of the subdivision. The applicant has proposed to provide mitigation at an approved mitigation bank.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of a permit is determined not to be in the overall public interest.

THREATENED AND ENDANGERED SPECIES: The project site provides potential habitat for the federally endangered West Indian manatee (*Trichechus 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 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. **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.**

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.

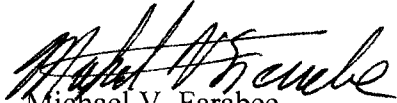
The Corps of Engineers is unaware of any properties listed on the National Register of Historic Places at or near the proposed work site. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

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 3.9 acres of EFH utilized by various life stages of red drum, blue crab and penaeid shrimp. Our initial determination is that the proposed action would not have an 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 V. Farabee
Chief, Eastern Evaluation Section
Regulatory Branch

Attachments