



Public Notice

U.S. Army Corps Of Engineers	Permit Application No: _____	SWG-2017-00093
	Date Issued: _____	13 February 2020
	Comments _____	
Galveston District	Due: _____	16 March 2020

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

APPLICANT: Chris Richard
730 Jefferson Street
Lafayette, Louisiana 70501
POC: Chris Richard
Telephone: 337-234-5505
Email:

AGENT: C.H. Fenstermaker & Associates, LLC
135 Regency Square
Lafayette, Louisiana 70508
POC: Nicholas Gaspard
Telephone: 337-237-2200
Email: nicholas@fenstermaker.com

LOCATION: The project site is located in tributaries and tidal marsh near Black Bayou, at approximately 9.5 miles east of Groves, Texas, in Cameron Parish, Louisiana. The project can be located on the U.S.G.S. quadrangle map titled: WEST OF GREENS BAYOU and GREENS BAYOU, Louisiana.

LATITUDE & LONGITUDE (NAD 83):

Work Area 1 Latitude: 29.995558° North;	Longitude: 093.758069° West
Work Area 2 Latitude: 29.996483° North;	Longitude: 093.756294° West

Work Area 3 Latitude: 29.980497° North; Longitude: 093.714625° West
Work Area 4 Latitude: 29.987564° North; Longitude: 093.737831° West

PROJECT DESCRIPTION: The applicant proposes to excavate 5,789 cubic yards of native material from 1.98 acres of tributaries and waters surrounding Black Bayou and discharge that 5,789 cubic yards of native material, plus 24 cubic yards concrete revetment mats, into 1.36 acres of tributaries and waters within four work areas surrounding Black Bayou. The proposed work includes construction of earthen plugs with concrete revetment matting, terraces, and borrow channels for the Sabine Outback South Hydrological Restoration project, in Cameron Parish, Louisiana.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by conducting the project in open water and using existing access routes. Fully loaded draft vessels shall not exceed 3 feet in order to avoid disturbing waterbottoms. Marsh buggy will only be used in shallow water areas and not in vegetated areas. No impacts to vegetated wetlands is anticipated and no fill shall be placed in vegetated wetlands.

MITIGATION: The applicant has not proposed to mitigate for the proposed impacts because all impacts will be to unvegetated bottoms and there will be no discharge into any special aquatic sites.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of privately-owned marshland just north of the Sabine National Wildlife Refuge and adjacent to Black Bayou. Black Bayou is a tributary to Sabine Lake, is approximately 3-8 feet deep, and will be used for vessel access during project construction activities. The project site has brackish water conditions and subject to the ebb and flow of the daily tides due to its proximity and connection to Sabine Lake. Trenasses have been cut through the herbaceous marsh within the project site by fishermen and hunters over the years, and erosion and widening of the trenasses has occurred over time.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 7 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS:

State of Louisiana Coastal Zone Management Consistency is also required.

Louisiana Department of Environmental Quality (LDEQ) water quality certification is required. Concurrent with processing of this application, the LDEQ is reviewing this application under Section 401 of the CWA and in accordance with LRS 30:2074A(3) to determine if the work would comply with State water quality standards and other applicable provisions of the CWA. By virtue of an agreement between the Corps and the LDEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the LDEQ a decision on water quality certification under such act. Comments concerning this application should be filed within 30 days from the date of this notice with the Office of Environmental Services using the above permit application number as reference. Comments should be sent to: Louisiana Department of Environmental Quality, Office of Environmental Services, Attn: Water Quality Certifications, P.O. Box 4313, Baton Rouge, LA 70821-4313. Additional information is on file with LDEQ, 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 printing. A final decision on this application will be made within 60 days after the date of this notice. The LDEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area is composed of low-lying wetlands with no existing or subsided natural levee landforms and has a low potential for containing cultural deposits that may be eligible for inclusion in the National Register of Historic Places. No cultural resource survey is warranted.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat 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.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. 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 benefits, 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: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps 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 Corps to determine whether to issue, 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 the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS 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.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **16 March 2020**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2017-00093**, and should be submitted to:

North Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229
409-766-3869 Phone
409-766-3931 Fax
swg_public_notice@usace.army.mil

DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS