



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

8 May 2009

CLEAN WATER ACT, SECTION 404
RIVERS AND HARBORS ACT, SECTION 10
PUBLIC NOTICE

**Individual Environmental Report Lake Pontchartrain and Vicinity,
Bayou Dupre Control Structure, St. Bernard Parish, Louisiana
IER #8**

Introduction. This Public Notice is issued in accordance with provisions of Title 33 CFR Parts 336.1(b)(1) and 337.1, which establish policy, practices, and procedures to be followed on Federal actions involving the disposal of dredged or fill material into waters of the United States (U.S.).

Project Authority. The Lake Pontchartrain and Vicinity (LPV) project was authorized under the Flood Control Act of 1965 (Public Law [PL] 89-298, Title II, Sec. 204), which amended, authorized a “project for hurricane protection on Lake Pontchartrain, Louisiana ... substantially in accordance with the recommendations of the Chief of Engineers in House Document 231, Eighty-ninth Congress.” The original statutory authorization for the LPV project was amended by the Water Resources Development Act of 1974 (PL 93-251, Title I, Sec. 92), 1986 (PL 99-662, Title VIII, Sec. 805), 1990 (PL 101-640, Sec. 116), 1992 (PL 102-580, Sec. 102), 1996 (PL 104-303, Sec. 325), 1999 (PL 106-53, Sec. 324), and 2000 (PL 106-541, Sec. 432); and the Energy and Water Development Appropriations Acts of 1992 (PL 102-104, Title I, Construction, General), 1993 (PL 102-377, Title I, Construction, General), and 1994 (PL 103-126, Title I, Construction, General).

The Department of Defense Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act of 2006 (3rd Supplemental – PL 109-148, Chapter 3, Construction, Flood Control and Coastal Emergencies) authorized accelerated completion of the project and restoration of project features to design elevations at 100 percent Federal cost. The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery of 2006 (4th Supplemental – PL 109-234, Title II, Chapter 3, Construction, and Flood Control and Coastal Emergencies) authorized construction of a 100-year level of protection. Additional Supplemental Appropriations include the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 H.R. 2206 (pg. 41-44), Title IV, Chapter 3, Flood Control and Coastal Emergencies (5th Supplemental), General Provisions, Sec. 4302.

Location. The proposed action is located where Bayou Dupre crosses the “Chalmette Loop” portion of the LPV HSDRRS in St. Bernard Parish, Louisiana, adjacent to the Mississippi River Gulf Outlet (MRGO) and the Central Wetlands Area. The latitude and longitude for the existing control structure at Bayou Dupre (LPV 144.02) is 524877.13 and 3754805.92. These coordinates are provided in North American Datum 1983, Universal Transverse Mercator Zone 15 North, meters.

Project Description. The proposed action consists of construction of a new flood control structure consisting of a steel sector gate and floodwall tie-ins to the existing levees, which would be constructed adjacent to the existing structure on the flood side, and a pontoon bridge that would be built on the protected side. The floodwalls (T-walls) that would tie-in to the adjacent levee reaches (LPVs 145 and 146) on each side of the bayou. The new flood control structure would be built to a height of approximately +31 feet (ft) North American Vertical Datum 1988 (NAVD88) to meet the 100-year elevation requirement for this reach. It would replace the existing structure which currently stands at a height of +15.4 ft (NAVD88). After completion of the new structure, the old structures would be de-authorized and left in the open position, unless the local sponsor chooses to maintain the old structure as an additional line of defense.

The centerline of the new gate at Bayou Dupre would cross the bayou approximately 130 ft to the flood side of the centerline of the existing sector gate. The new gate would operate in the same manner as the existing gate, remaining open except during storms and high tides. During a storm event, the gate would be closed to provide flooding risk reduction. In the absence of storm conditions, the gate would be closed when the tide rises to an elevation of +1.2 ft (NAVD88) and would be opened when the tide ebbs.

The pontoon bridge would be constructed parallel to the new gate, approximately 140 ft on the protected side of the existing structure. The pontoon bridge would consist of fixed concrete slab approach spans leading to the main bridge span on a pontoon barge, which would be flanked by steel tower anchor spans that move vertically up and down to provide access to the bridge. The barge would swing into place by means of electrical and mechanical equipment, strutted ore, cables, and anchor piers.

Approximately 0.3 acre of estuarine substrate in Bayou Dupre would be filled by placement of the flood control structure. No loss of wetlands would occur.

Due to the limited road access to the project area, the majority of the construction materials would be delivered by barge or boat. Staging areas may be established for the project and approximately 3 acres in the project vicinity on the flood side have been identified for this purpose. The proposed staging area occurs primarily on adjacent land formed from construction of the MRGO levee; however, a small portion occurs on the ripped area surrounding the existing control structure.

The proposed action itself consists of measures to minimize the adverse effects of storm water erosion and thus requires no separate measures or controls for compliance with the Clean Water Act (CWA) Section 402(p) and Louisiana Administrative Code 33:IX.2341.B.14.j.

Discharges by Others. The wetlands adjacent to the MRGO levee and within the Central Wetlands area are waters of the U.S. and navigable waters of the U.S., and are subject to the U.S. Army Corps of Engineers regulatory authority under Section 404 of the CWA for any dredge and fill activities.

Other Information. The *Joint Application for Work within the Louisiana Coastal Zone* for this project was submitted to the Louisiana Department of Natural Resources (LDNR) on February 15, 2008 and approval of the consistency determination C20080057 was issued April 17, 2008. A modification to the original consistency determination was requested on 21

November 2008 based on the changes to IER # 8, including the removal of the action proposed for Bayou Bienvenue and the modification of the proposed action at Bayou Dupre. The LDNR reviewed the proposed action for consistency with the Louisiana Coastal Resources Program and it was found to be consistent, as per a letter dated 26 January 2009.

Properties Adjacent to Disposal Sites. The area of St. Bernard Parish surrounding the project area is rural in nature, with the existing communities centered along the bayous and marshes. The primary urbanized areas of St. Bernard Parish are located along the East Bank of the Mississippi River within the current levee systems. In addition to St. Bernard Parish, the area protected by the Chalmette Loop portion of the HSDRRS includes part of Orleans Parish, consisting of the Lower Ninth Ward and adjacent undeveloped wetlands. The developed land closest to the project area is a small community comprised of fishing village residences along the banks of Bayou Dupre approximately 1000 ft west of the Dupre flood control structure.

Status of Environmental Assessment (EA) and Other Environmental Documents. The U.S. Army Corps of Engineers, Mississippi Valley Division, New Orleans District, has prepared an IER (IER # 8) to evaluate the proposed action and alternatives. The IER was distributed to the public on 8 May 2009. Numerous studies, reports, and projects have been conducted in the IER # 8 study area and are presented in Section 1.3 of the IER.

Environmental compliance for the proposed action would be achieved upon: coordination of the IER with appropriate agencies, organizations, and individuals for their review and comments; U.S. Fish and Wildlife Service (USFWS) confirmation that the proposed action would not be likely to adversely affect any endangered or threatened species; LDNR concurrence with the determination that the proposed action is consistent, to the maximum extent practicable, with the Louisiana Coastal Resources Program; receipt of a Water Quality Certificate from the State of Louisiana; public review of the Section 404(b)(1) Public Notice; signature of the Section 404(b)(1) Evaluation; receipt of the Louisiana State Historic Preservation Officer Determination of No Affect on cultural resources; receipt and acceptance or resolution of all USFWS Fish and Wildlife Coordination Act recommendations; receipt and acceptance or resolution of all Louisiana Department of Environmental Quality comments on the air quality impact analysis documented in the IER; and receipt and acceptance or resolution of all NMFS Essential Fish Habitat recommendations.

Coordination. The following is a partial list of agencies to which a copy of this notice is being sent:

- U.S. Environmental Protection Agency, Region VI
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service
- U.S. Coast Guard, Eighth District
- Louisiana Department of Environmental Quality
- Louisiana Department of Natural Resources
- Louisiana Department of Wildlife and Fisheries
- Louisiana Department of Transportation and Development
- Louisiana State Historic Preservation Officer

This notice is being distributed to these and other appropriate Congressional, Federal, state, and local interests, environmental organizations, and other interested parties.

Evaluation Factors. Evaluation includes application of the Section 404(b)(1) guidelines promulgated by the Administrator of the U.S. Environmental Protection Agency, through 40 CFR 230.

Public Involvement. Extensive public involvement has been sought on the proposed action. The LPV project analyzed in IER #8 was publicly disclosed and described in the Federal Register on March 13, 2007 and on the website, www.nolaenvironmental.gov. Scoping for IER #8 was initiated on March 13, 2007 through advertisements and public notices placed in *USA Today* and *The New Orleans Times Picayune*. Nine public scoping meetings were held throughout the New Orleans metropolitan area between March 27 and April 12, 2007. Public meetings have continued to be held in the metropolitan area to keep stakeholders advised of the project's status.

Interested parties may express their views on the disposal of material associated with the proposed action or suggest modifications. All comments postmarked on or before the expiration of the comment period for this notice will be considered.

Any person who has an interest that may be affected by deposition of excavated or dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by the proposed action.

You are requested to communicate the information contained in this notice to any parties who may have an interest in the proposed action.

For further information regarding the proposed action, please contact Mr. Gib A. Owen at (504) 862-1337. Mr. Owen's FAX number is (504) 862-2088 and his E-mail address is Gib.A.Owen@usace.army.mil.



Joan Exnicios
Acting Chief, Environmental Planning
and Compliance Branch

COMMENT PERIOD FOR THIS PUBLIC NOTICE EXPIRES: 6 Jun 09