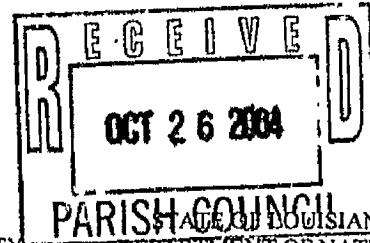


JOINT PUBLIC NOTICE  
October 26, 2004\*



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT  
CORPS OF ENGINEERS  
REGULATORY FUNCTIONS  
BRANCH  
PO BOX 60267  
NEW ORLEANS, LA 70160  
Phone: (504) 862-2259  
Fax: (504) 862-2117

STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL SERVICES  
PO BOX 4313  
BATON ROUGE, LA 70821-4313

Phone: (225) 219-3469  
Fax: (225) 219-3156

STATE OF LOUISIANA  
DEPARTMENT OF NATURAL  
RESOURCES  
COASTAL MANAGEMENT DIVISION  
PO BOX 44487  
BATON ROUGE, LA 70804-4487  
Phone: (225) 342-7953  
Fax: (225) 342-9439  
Email [Timr@dnr.state.la.us](mailto:Timr@dnr.state.la.us)

COE REVIEWER:  
Beatrice Perez

DEQ REVIEWER:  
Robert Lott

CMD REVIEWER:  
Tim R. Robertson

COE NUMBER:  
MVN-2004-4249-EDD

WQC NUMBER:  
RL 041018-03

CUP NUMBER:  
P20041107

Interested parties are hereby notified that the Coastal Management Division of the Department of Natural Resources has received the following application for a Coastal Use Permit in accordance with the State and Local Coastal Resources Management Act of 1978, as amended, (Louisiana R.S. 49, Sections 214.21-214.41), and the rules and regulations of the Coastal Resources Program.

Additionally, interested parties are hereby notified that an application has been received by the District Engineer for a Department of the Army permit to authorize the following pursuant to: [ X ] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344), [ X ] Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and Provisions of Section 401 of the Clean Water Act (P.O. 95-217).

**NAME AND ADDRESS:** Joseph Bernstein  
c/o Realtors of St. Charles  
P.O. Box 503  
Boutte, LA 70039

**LOCATION:** St. Charles Parish, LA: Lat. 29°54'51"N, Long. 90°17'40"W; Secs. 37 and 59, T13S-R20E; off Highway 90; Bernstein Subdivision; Lot 2; Tract A.

**PROJECT DESCRIPTION:** Proposal to construct a five lot subdivision with a boat launch area. The combined size of the lots will be approximately 928.57' X 405.95'. Each lot will have a 150' X 100' area with a 20' X 40' driveway to be filled in with 3,400 cu. yds. of hauled in fill material. The boat launch area will consist of a 24' X 40' boat slip/launch and a 300' X 242' parking area. Approximately 10,750 cu. yds. of material will hauled in for the parking area. A 1,328' X 30' road will be constructed to access the home sites and boat launch area. Approximately 1,778 cu. yds. of material will be hauled in for the construction of the access road. The access road will have thirteen, 18" culverts. Each lot will have a 100' bulkhead installed and the boat launch will have a 300' bulkhead installed. Approximately 4.36 acres of bottomland hardwood habitat may be impacted by this project.\*\*

Approximately N/A acres of Essential Fish Habitat utilized by various life stages of red drum and penaeid shrimp would be altered or destroyed by this project. This information is provided to initiate federal consultation requirements pertaining to Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Conservation and Management Act.

\*This date represents the beginning date of the Corps of Engineers public notice period. The official date of the beginning of the public comment period for Coastal Use Permit and Water Quality Certification applications begins on the date of publication of the notice in the official state journal (The Advocate), in accordance with the Rules and Procedures for Coastal Use Permits, §723.C.5.c. The Coastal Management Division will inform interested parties of the exact date of publication on request.

THE APPLICANT MUST SECURE A STATE COASTAL USE PERMIT PLUS A DEPARTMENT OF THE ARMY PERMIT OR A GENERAL PERMIT AUTHORIZATION FROM THE CORPS OF ENGINEERS. INDEPENDENT EVALUATIONS AND DECISIONS WILL BE MADE BY THE COASTAL MANAGEMENT DIVISION AND THE CORPS OF ENGINEERS.

#### State of Louisiana Coastal Use Permit Criteria

Plans for the proposed work are now on file and may be inspected at the office of the Coastal Management Division, Department of Natural Resources, State Land and Natural Resources Building, 617 North 3rd Street, Room 1048, Baton Rouge, Louisiana. Written comments, including suggestions for modifications or objections to the proposed work and stating the reasons thereof, are being solicited from anyone having an interest in this permit request. Comments to the State of Louisiana, Coastal Management Division must be received within 25 days of the date of official journal publication of this notice. Comments may be faxed to us at (225) 342-9439 or may be emailed to us at the email address listed above. All comment letters should contain both the applicant's name and the appropriate application number and should be mailed to the Coastal Management Division, Louisiana Department of Natural Resources, P.O. Box 44487, Capitol Station, Baton Rouge, Louisiana 70804-4487.

The decision on whether or not to issue a Coastal Use Permit will be based on an evaluation of the probable impacts of the proposed activity in accordance with the state policies outlined in R.S. 49:214.22. The decision will reflect the national concern for both protection and utilization of important resources. The decision must be consistent with the state program and approved local programs for affected parishes and must represent an appropriate balancing of social, environmental and economic factors. All factors which may be relevant to the proposal will be considered; among these are flood and storm hazards, water quality, water supply, feasible alternative sites, drainage patterns, historical sites, economics, public and private benefits, coastal water dependency, impacts on natural features, compatibility with the natural and culture setting and the extent of long term benefits or adverse impacts.

Certification that the proposed activity will not violate applicable water and air quality laws, standards and regulations will be required before a permit is issued.

#### State of Louisiana Water Quality Certification Criteria

In accordance with the Joint Public Notice Agreement between Coastal Management Division and the Office of Water Resources, notice is hereby given that the applicant has applied to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provision of Section 401 of the Clean Water Act (P.L. 95-217).

Comments concerning this application can be filed with the Office of Environmental Services within ten days of this notice to the following address: Louisiana Department of Environmental Quality, Office of Environmental Services P.O. Box 82135, Baton Rouge, Louisiana 70884.

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 printing. A final decision on this application will be made within 60 days after publication of this notice.

#### Corps of Engineers Federal 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 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 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 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 Corps of Engineers 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 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. Comments to the Corps of Engineers must be received up to and including 30 days from the date of the public notice and must be addressed to the Regulatory Functions Branch, U.S. Army Corps of Engineers, Post Office Box 60267, New Orleans, LA 70160-0267. All comment letters should contain both the applicant's name and the application number.

This notice initiates the Essential Fish Habitat (EFH) 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 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 and coordination with the National Marine Fisheries Service.

No properties listed in the National Register of Historic Places are near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archaeological, scientific, prehistorical, or historical sites or data. Copies of this notice are being sent to the State Archaeologist 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. Department of Interior nor affect any habitat designated as critical to the survival and recovery of any endangered species.

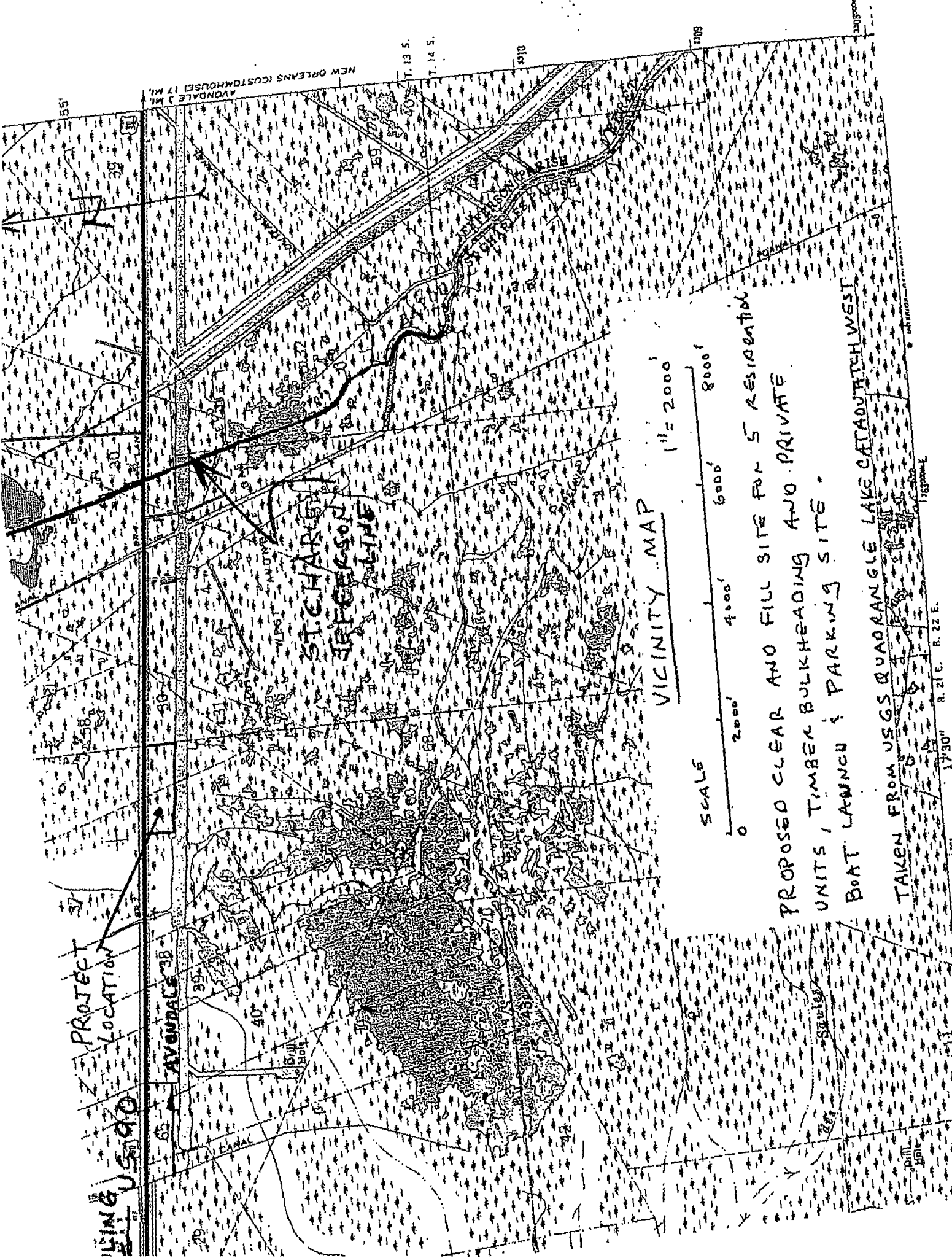
The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant receives approval or waiver of the Coastal Use Permit by the Department of Natural Resources.

If the proposed work involves deposits of dredged or fill material into waters of the United States, the evaluation of the probable impacts will include the application guidelines established by the Administrator of the Environmental Protection Agency. 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.

You are requested to communicate the information contained in this letter to any other parties whom you deem likely to have interest in this matter.

#### **Public Hearings**

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. Request for public hearings shall state, with particularity, the reasons for holding a public hearing.



U.S. 90

PROJECT LOCATION

AVOUDALE 38

AVOUDALE 39  
NEW ORLEANS (CUSTOMHOUSE) 17 MI.

ST. CHARLES  
JEFFERSON  
TALINE

VICINITY MAP

1" = 2000'



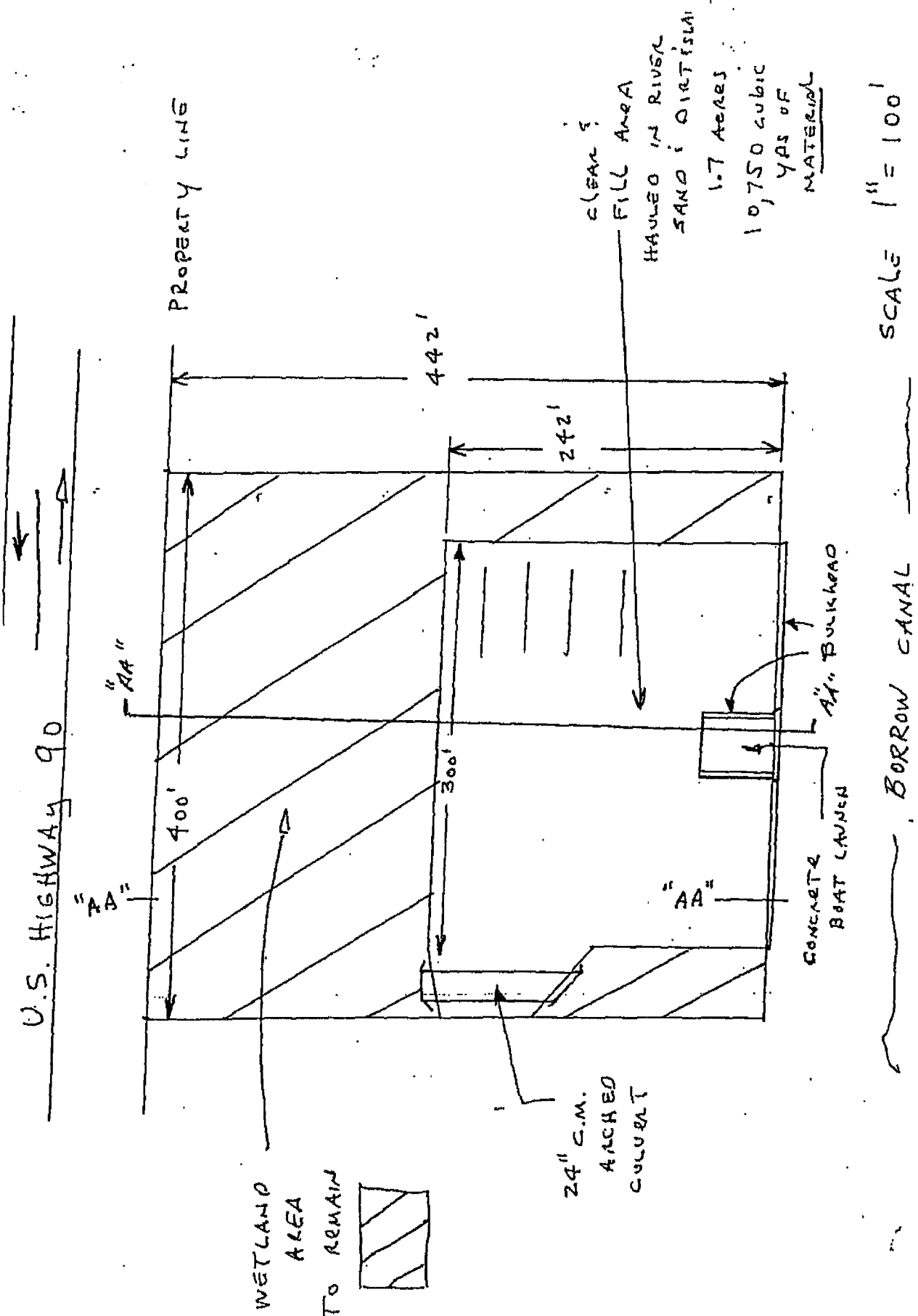
PROPOSED CLEAR AND FILL SITE FOR 5 RESIDENTIAL  
UNITS, TIMBER BULKHEADING AND PRIVATE  
BOAT LANCHEE & PARKING SITE.

LAKE CATADOUCHÉ WEST

TAKEN FROM USGS QUADRANGLE

1730' R. 21 E. R. 22 E.

1961



CLEAR ?  
 FILL AREA  
 HAULED IN RIVERS  
 SAND & DIRT ISLAND  
 1.7 ACRES  
 10,750 CUBIC  
 YDS OF  
 MATERIAL

SCALE 1" = 100'

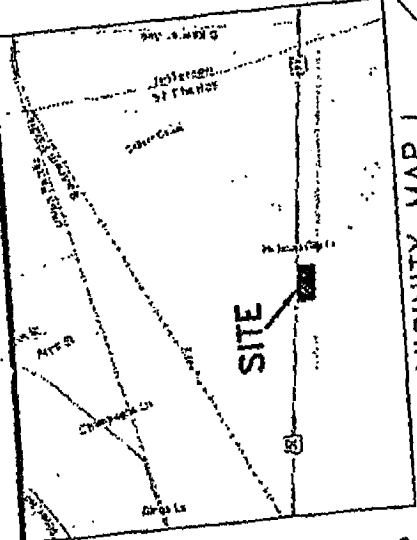
BORROW CANAL

BOAT LAUNCH PLAN VIEW

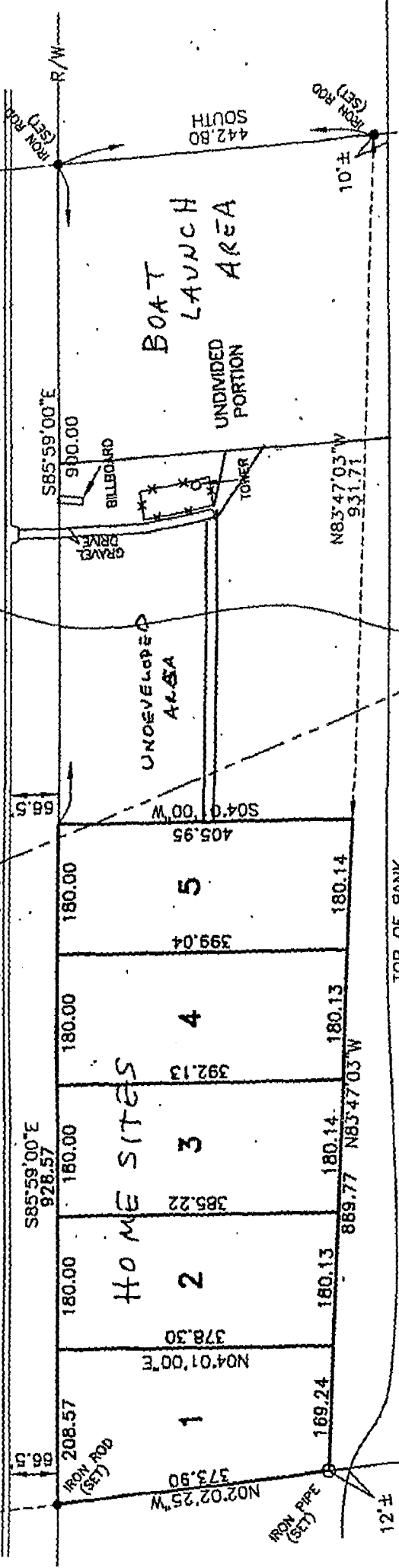
IMPROVED PRIVATE BOAT LAUNCH & PARKING AREA

OVERALL LAYOUT

LOT	SQ. FT.	ACRES
1	70,763.30	1.6245
2	68,716.71	1.5775
3	69,960.99	1.6061
4	71,205.27	1.6348
5	72,449.55	1.6632



U.S. HIGHWAY NO. 90  
(200' R/W)

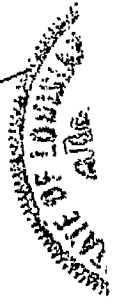


ESUBDIVISION OF A PORTION OF  
LOT NO. 2 OF TRACT A  
LOCATED IN  
SECTIONS 37 & 59, T13S-R21E  
INTO LOTS 1 THRU 5  
PLANNING SUBDIVISION

BORROW (475± WIDE) CANAL

BOAT LAUNCH  
UNDIVIDED PORTION  
AREA

REVISED OCTOBER 3, 2003  
METARIE, LA.



SECTION 59  
SECTION 58

T13S-R21E  
T13S-R22E

10'±

12'±

573.90

208.57

1

N04°01'00"E

1

2

3

4

5

405.95

S04°0'00"W

UNDEVELOPED AREA

GRAVE DRIVE

BILLBOARD

TONER

S85°59'00"E

930.00

UNDIVIDED PORTION

BOAT LAUNCH AREA

442.80 SOUTH

R/W

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

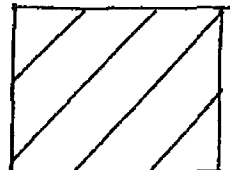
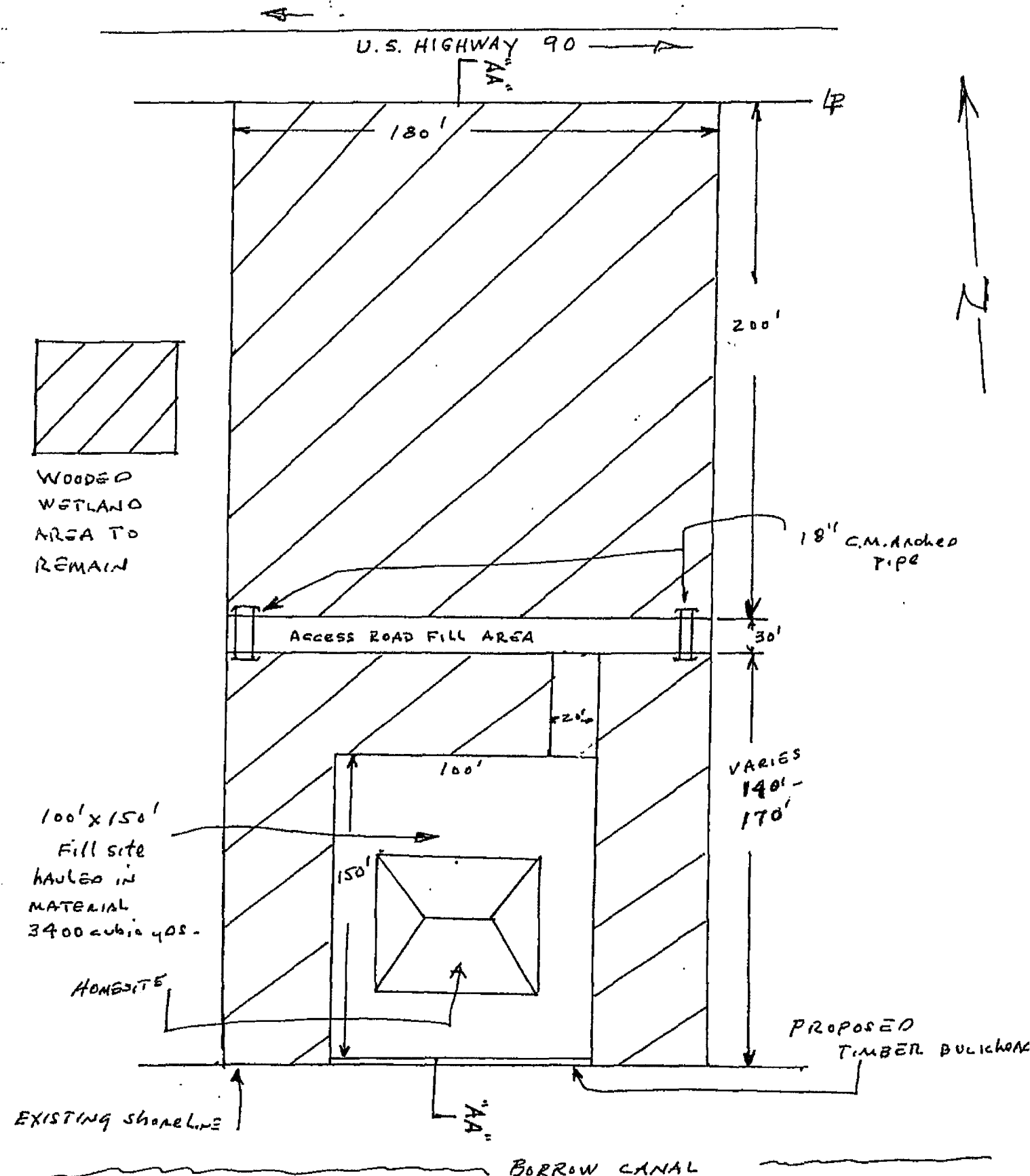
IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")

IRON PIPE (6")

IRON PIPE (8")



WOODED  
WETLAND  
AREA TO  
REMAIN

100' x 150'  
Fill site  
HAULED IN  
MATERIAL  
3400 cubic yds.

HOMESITE

18" C.M. ANCHORED  
PIPE

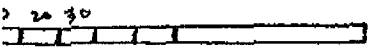
ACCESS ROAD FILL AREA

VARIES  
140' -  
170'

BORROW CANAL

PROPOSED  
TIMBER BULWARK

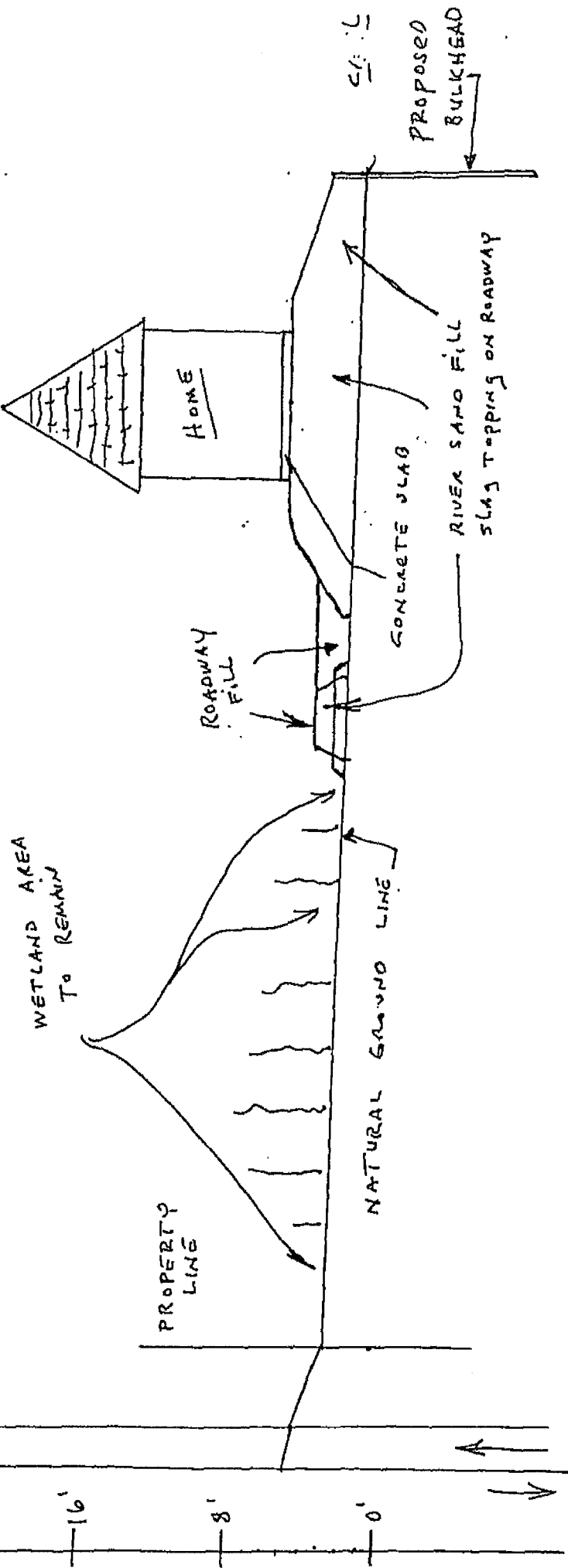
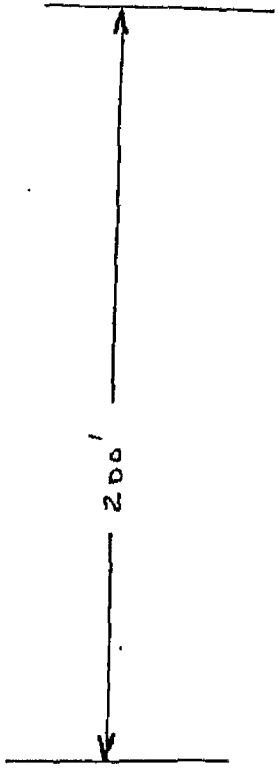
EXISTING SHOARELINE



SCALE 1" = 50'

PLAN VIEW (TYPICAL LOTS 1-5)

VERTICAL SCALE  $\frac{1}{8}'' = 1'$

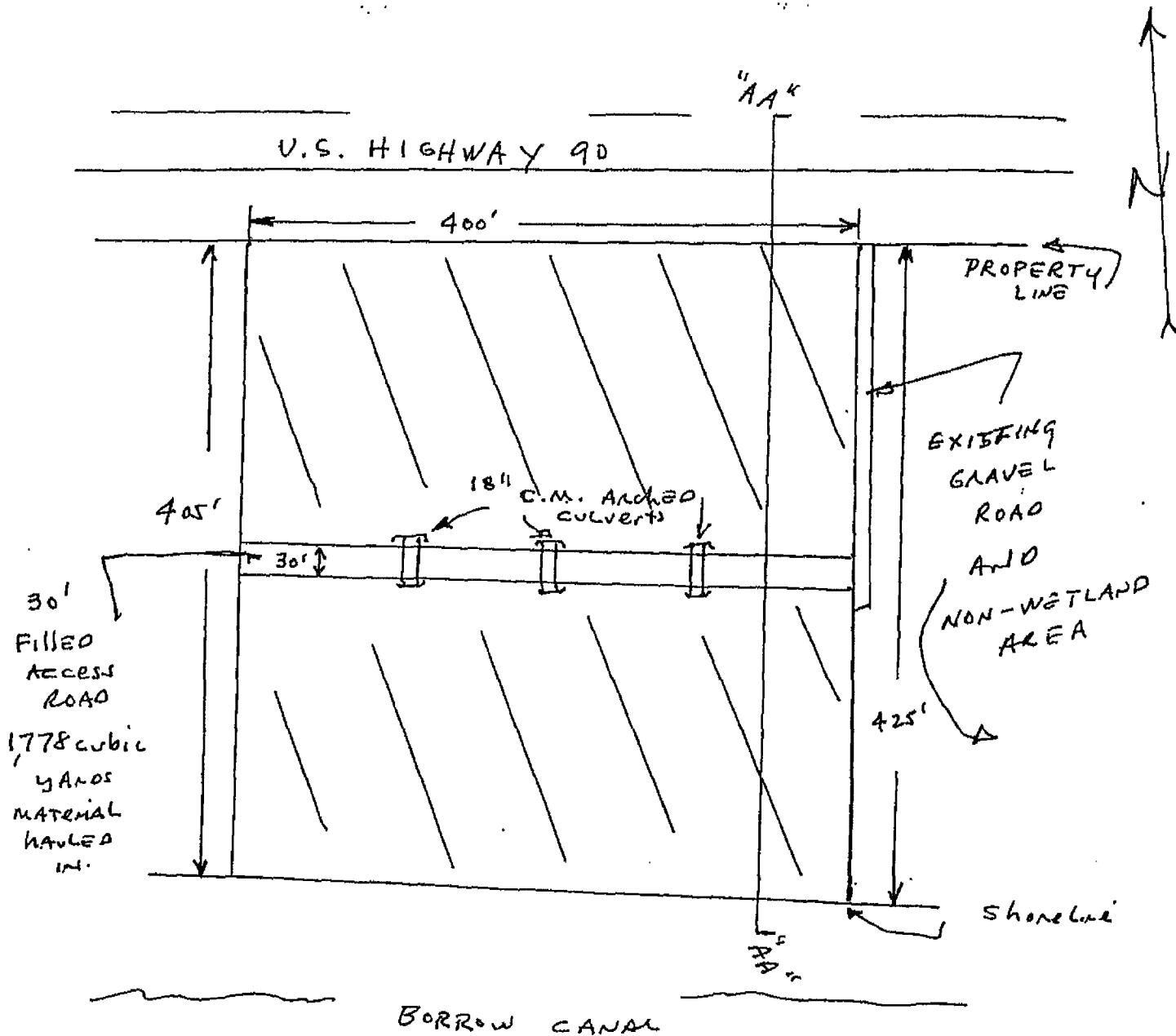


U.S. 90 0 50' 100' 200' 350' 400'

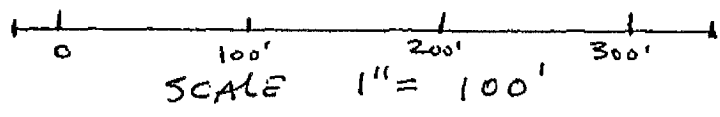
HORIZONTAL SCALE  $1'' = 50'$

"AA" SECTION VIEW TYPICAL (LOTS 1-5)

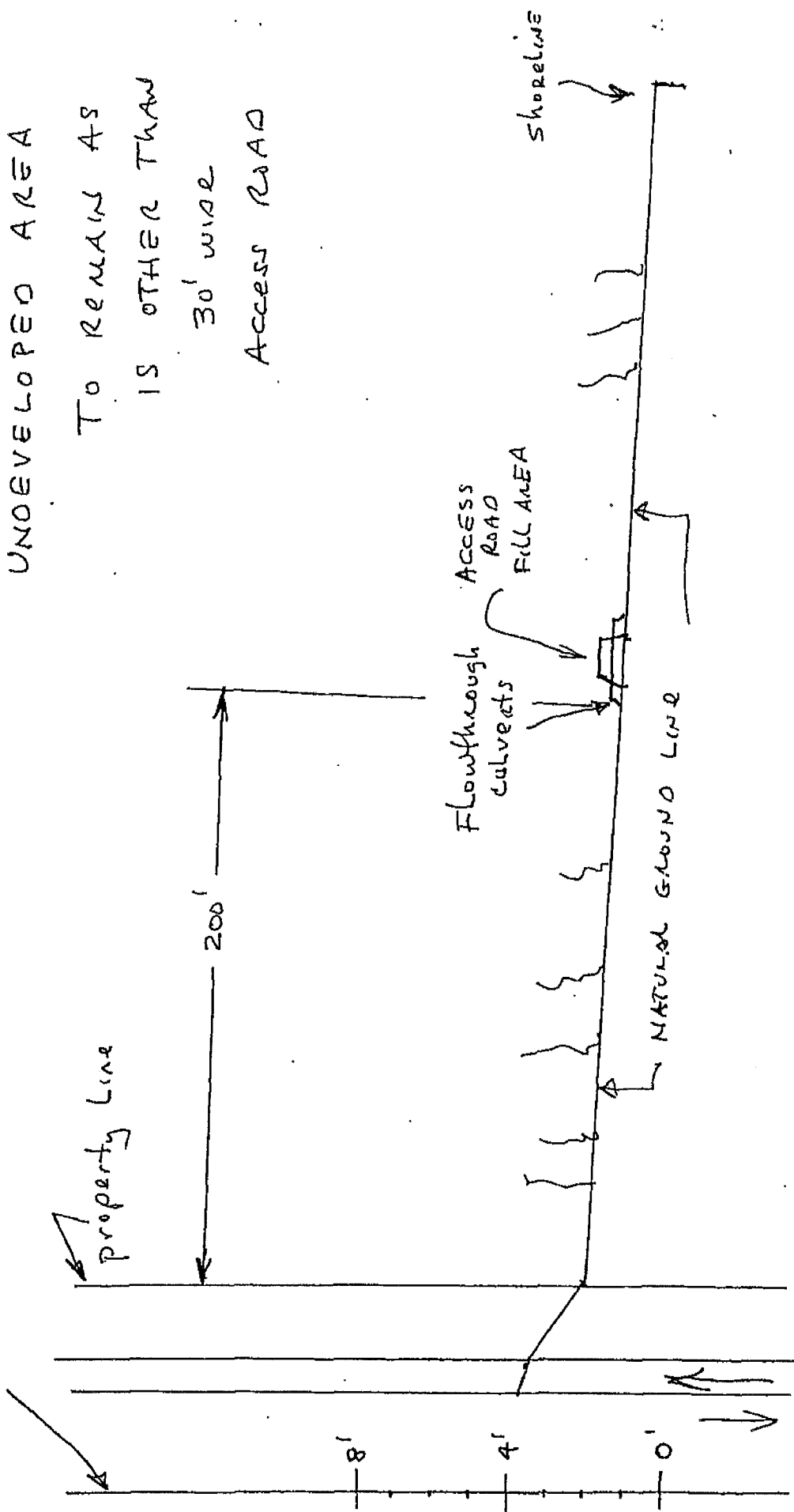




PLAN VIEW UNDEVELOPED AREA



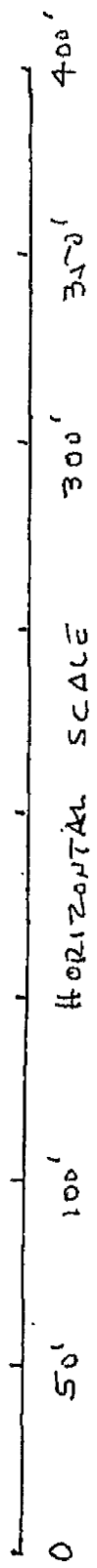
VERTICAL SCALE 1/4" = 10'



UNDEVELOPED AREA  
 TO REMAIN AS  
 IS OTHER THAN  
 30' WIDE  
 ACCESS ROAD

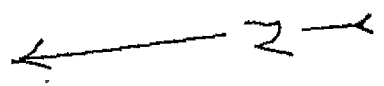
05.90

1" = 100'



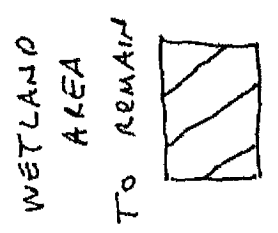
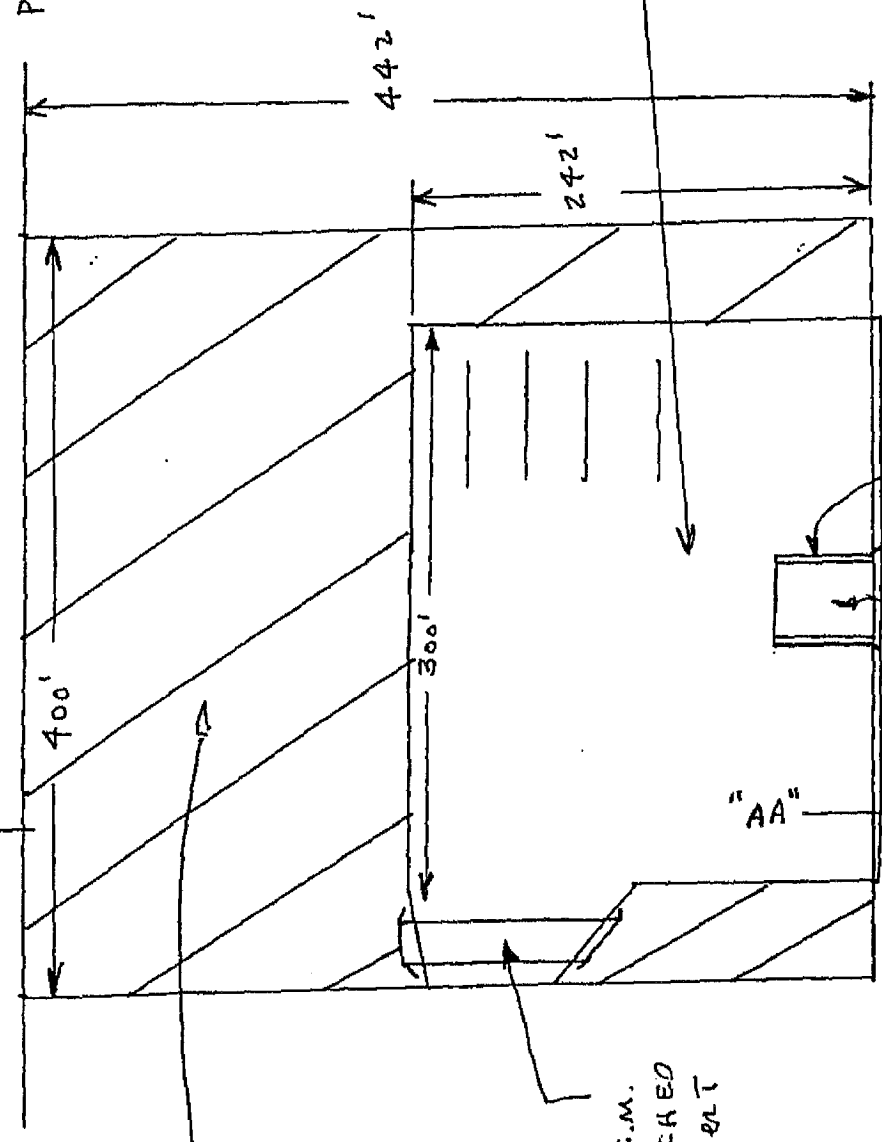
"AA" SECTION VIEW

U.S. HIGHWAY 90



"AA"

PROPERTY LINE



24" C.M. ARCHED CULVERT

CLEAR ?  
 FILL AREA  
 HAULED IN RIVER SAND & DIRT IS 1.7 ACRES  
 10,750 cubic yds of MATERIAL

CONCRETE BOAT LAUNCH  
 BULKHEAD

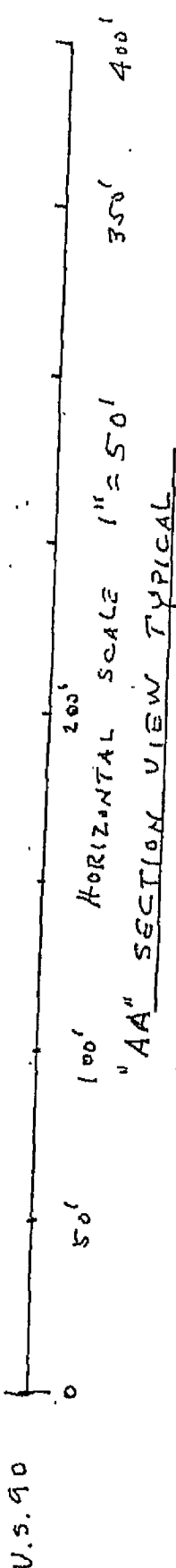
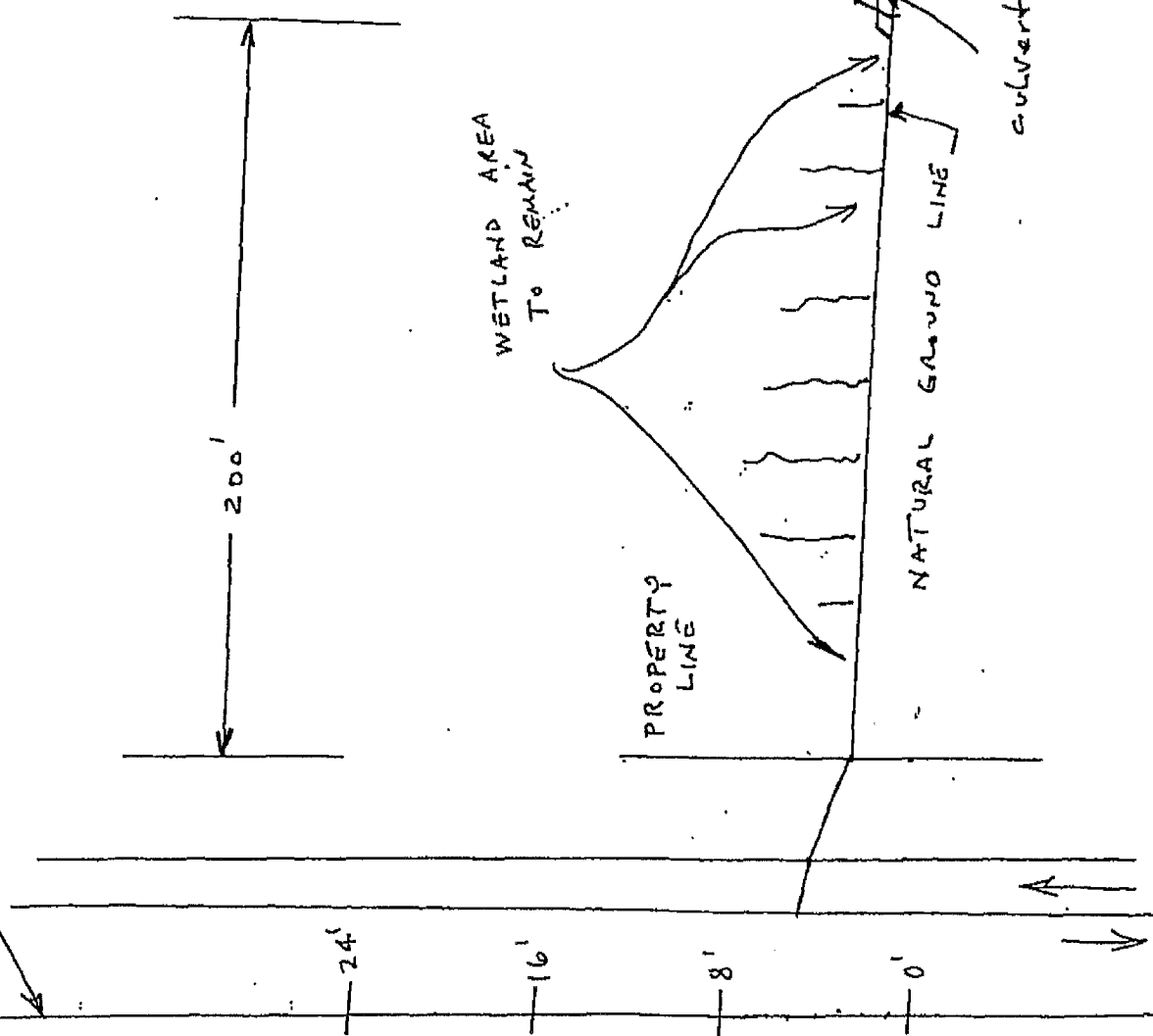
BORROW CANAL

SCALE 1" = 100'

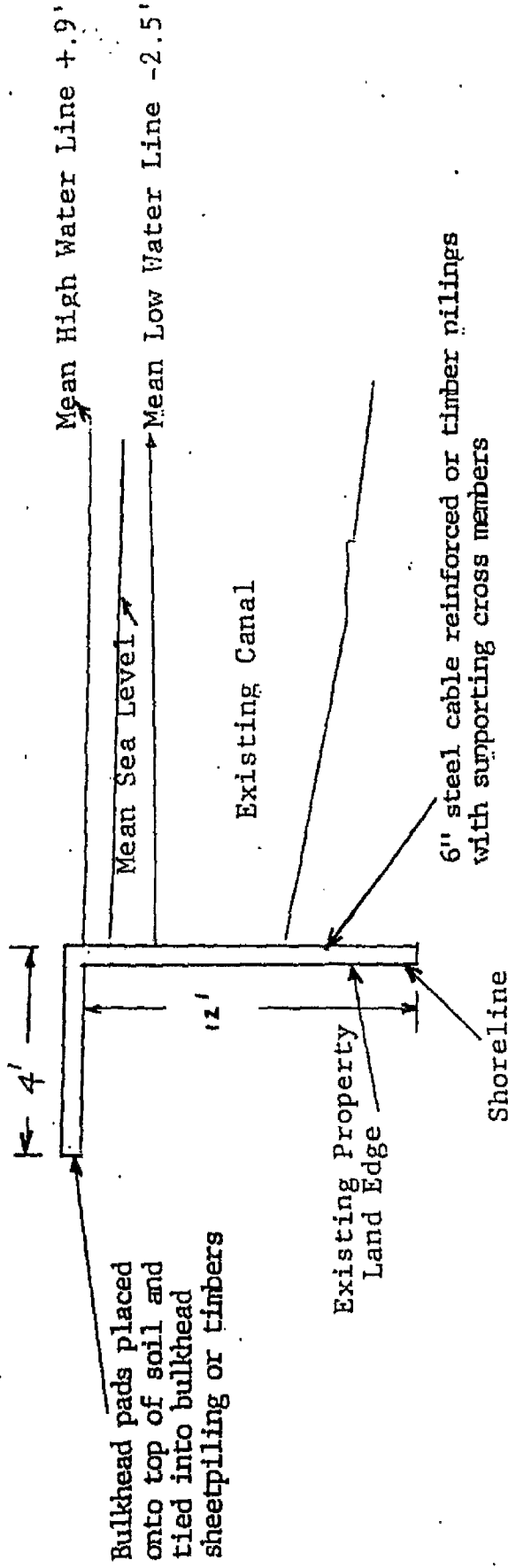
BOAT LAUNCH PLAN VIEW

VERTICAL SCALE  $\frac{1}{8}'' = 1'$

PRIVATE BOAT LAUNCH  
& PARKING AREA

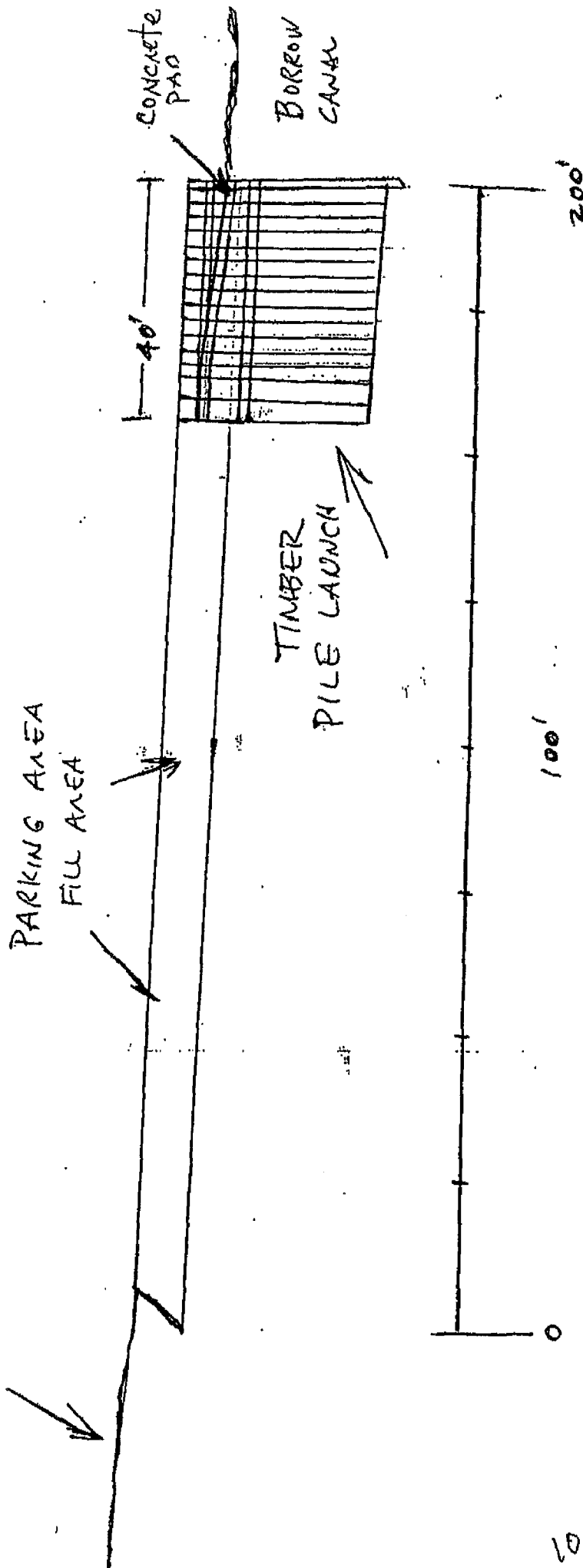


Typical Bulkhead Installation--Bulkheads to be installed by each individual property owner as each lot is developed



US  
90  
SIDE  
→

WETLAND AREA  
TO REMAIN



Response to your Application checklist of August 2, 2004

I. Application Form:

II. C. Plan View: Total Length of the Roadway

Across the residential lots-760'

Across the undeveloped site—400'

From the non-wetland portion to the boat  
launch/parking area-50'

Dimensions of the boat slip (launch)

24' along the waterway

40' in length

Length of the bulkhead

On each residential site-100'

Along the boatlaunch site-300'

Will the roadway go into the boatlaunch site?

Yes, a short distance of about 50' from  
the non-wetland area to the parking area.

D. Cross Section of Boat Launch

Provided with new drawing