

# Lake Pontchartrain Basin Foundation

## Habitat Protection Program

### Discussion Points for Public Comments on Environmental Permits – Part 1

**1. The proposed project is not water dependent.** *The project's main purpose is not to provide water access. Example: The project is not a boat dock or a marina.*

- Alternatives exist to siting this project in areas that are non-wet or are uplands.
- Site this project in area that is less prone to flooding/ outside the floodplain/ not in wetlands.
- Plan this project in an area that already has been impacted by development.
- There are more appropriate areas for siting this project that will have less of impact on environmental resources (i.e. wetlands, waterways) and/or will not diminish the pastoral/ rural atmosphere of the community.

**2. The applicant has failed to demonstrate a need for the project.**

- A similar development project(s) is being planned nearby/ a similar project already exists near the proposed site. *Include distance and a description of the similar project, if possible. Example: A discount shopping center is already located less than 1,000 feet away from this proposal.*
- The project will further degrade wetlands and/or water resources in the proposed project area.

**3. A public hearing must be held for the community.\***

- A public hearing must be held for this project because the issues it raises are substantial; namely, there is a valid public interest to be served by holding a public hearing, significant public opposition exists, and this project is a very controversial and involves significant economic, social, and environmental issues. *\*The agency must receive at least 24 written requests for a public hearing in order to consider holding such an event.*

**4. The project will destroy a significant amount of habitat.**

- It will cause increased stormwater runoff into nearby waterways. *Check with the Louisiana Dept. of Environmental Quality for water quality information ([www.deq.state.la.us](http://www.deq.state.la.us) or 225-219-3181) or LPBF ([www.saveourlake.org](http://www.saveourlake.org) or 504-836-2215).*
- The project will damage habitat that is experiencing serious decline in the Pontchartrain Basin. *For more info visit the Louisiana Natural Heritage Program at [www.wlf.state.la.us](http://www.wlf.state.la.us) or 225-765-2821.*
- It will destroy valuable habitat known as Essential Fisheries Habitat. *This will be listed on the notice. For more information see LPBF's "A Citizen's Guide to Protecting Wetlands".*
- This project is being proposed near a protected property/ refuge/ park.
- This project will permanently alter the natural hydrology of the area.
- Loss of wetland habitat will eliminate the area's ability to buffer and absorb water from storm events. This will result in increasing the frequency and severity of flooding in downstream and/or immediate areas.
- The habitat to be destroyed plays a substantial role in minimizing water pollution (e.g., stormwater filtration).

**5. The applicant has not minimized environmental impacts from the project.**

- Ample non-wet sites are available in other parts of [parish] that could accommodate this project without destroying quality habitat.
- Downsize the number of homes or buildings being sited in wetlands/ quality habitat and/or re-configure the lots to be smaller and more densely located.
- Reduce the footprint of the homes and/or incorporate different housing options (i.e. town homes, apartments, individual residences), so that the project destroys fewer wetlands and other habitat.

**(CONT. 5. The applicant has not minimized environmental impacts from the project.)**

- Build up instead of out so that less land is consumed but the amount of building space is not sacrificed.
- Develop parking garages instead of standard parking lots to accommodate parking needs.
- Use the untouched natural areas that remain on the property as selling points to future homebuyers or retailers that could provide low impact recreational such as trails or an interpretive center.
- The permitting agency should develop a legally-binding agreement with the applicant, namely a conservation easement, to ensure that all wetlands/ valuable habitat on the property that are not to be impacted by the proposal, are left in their natural state and will remain undeveloped and protected as such in perpetuity. Such an agreement will ensure that these areas cannot be developed in the future.

**6. The project involves a large volume of fill.**

- This volume of fill will have tremendous hydrologic and drainage impacts on the [waterway's] floodplain.
- The project should employ pilings or pier construction before any fill is used. If fill is used in this project, it should be restricted to under the house/ building pads, and nowhere else on the site. This will help in minimizing hydrologic alterations caused by the project.
- No fill should be placed in the [waterway's] floodplain.
- Any off-site fill used in a project must be verified to ensure that it comes from a clean, reliable source and obtained with minimal/no impacts on the environment.
- State of Louisiana Senate Bill 767 – 2004 Regular Session (Act 716), restricts dredging in Lake Pontchartrain for private commercial purposes (effective July 6, 2004). *For details visit [www.legis.state.la.us](http://www.legis.state.la.us).*

**7. The project will impact a Natural and Scenic waterway.**

- The Louisiana Dept. of Wildlife and Fisheries (LDWF) has included this waterway in the state's Natural and Scenic Rivers Program. Therefore, the continued maintenance and protection of this waterway is critical. The project applicant must pursue a Scenic River permit accordingly. *Visit LDWF at [www.wlf.state.la.us](http://www.wlf.state.la.us) or 318-343-4045 to determine if the waterway is in the Scenic Rivers program.*

**8. The project is incompatible with on-going coastal restoration efforts.**

- This project is totally incompatible with federal and state efforts to acquire millions of dollars worth of funding for coastal restoration and protection projects from our nation's taxpayers.

**9. The applicant must complete an Environmental Impact Statement.** *Applies only to the U.S. Army Corps of Engineers*

- Due to the scope and complexity of the proposed project, the Corps must require the applicant to complete an Environmental Impact Statement. *For more information see LPBF's "A Citizen's Guide to Protecting Wetlands".*

**10. The permit application lacks a mitigation plan.** *Applies only to the U.S. Army Corps of Engineers*

- Section 404 of the Clean Water Act requires a project applicant is to take steps to mitigate on-site adverse environmental damages. The applicant has failed to include a mitigation plan in this public notice. Before the Corps makes its final permitting decision, a mitigation plan for this project must be made available for review by other agencies and the public so as to evaluate the plan along with the proposed development. Since the applicant has failed to include such a plan, the Corps must deny this permit request.