

US Army Corps of Engineers. Vicksburg District 4155 Clay Street Vicksburg, MS 39183-3435 www.mvk.usace.army.mil



Public Notice

APPLICATION NO.: EVALUATOR: PHONE NO.: E-MAIL: DATE: EXPIRATION DATE: MVK-2017-451 Mr. Andy Sanderson (601) 631-5083 Andy.Sanderson@usace.army.mil July 9, 2018 July 29, 2018

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District is considering an application for a Department of the Army permit for the work described herein. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Application also has been made to the Louisiana Department of Environmental Quality, Office of Environmental Services for a Water Quality Certification in accordance with La. R.S. 30.2074(A)(93), and Section 401 of the Clean Water Act (P.L. 95-217). 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 copying. Comments concerning the application can be filed with the Office of Environmental Services within 20 days of this notice to the following address: Office of Environmental Services, Post Office Box 4313, Baton Rouge, Louisiana 70821-4313.

<u>Law Requiring a Permit</u>: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged and / or fill material into waters of the United States.

Name of Applicant:	Name of Agent:
Mr. Eddie Bailey	Mr. Ronny Haisty
143 Properties, L.L.C.	RCH Company, Inc.
Post Office Box 1996	208 Louisville Avenue
West Monroe, Louisiana 71294	Monroe, Louisiana 71201

<u>Location of Work</u>: Section 29, T18N- Range 3E, Latitude 32.5177, Longitude -92.1767, within the Tupawek Bayou-Ouachita River watershed in the Lower Ouachita River Drainage Basin (8-digit USGS HUC: 08040207), Ouachita Parish, Louisiana. <u>Description of Work</u>: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for an after-the-fact Department of the Army permit for the discharge of dredged and/or fill material into jurisdictional wetlands and streams for the purpose of constructing a residential subdivision. The subdivision would consist of 39 lots, an access road, and a stormwater pond approximately 1.00 acre in size.

The project site is approximately 9.9 acres in size. Within the area of impact there are approximately 1.58 acres of wetlands and 1,031 linear feet (If) of intermittent streams. Approximately 0.45-acre of wetlands were filled to create subdivision lots and in grading for the pond, approximately 0.04-acre of additional wetlands were cleared, and approximately 0.09-acre of wetlands would be impounded for the creation of the stormwater pond. Approximately 462 If of actively eroding intermittent stream was rerouted, and approximately 315 If would be impounded to create the stormwater pond. Total discharge of fill into streams and wetlands would be approximately 35,000 cubic yards.

The vegetative communities within the project area are dominated by Eupatorium sp., Chinese tallow, Water oak, Red maple, Chinese privet, Sweetgum, Cherrybark oak, Black gum, and Ironwood. Soil within the project site is dominated by Providence silt loam and Guyton-Rosebloom complex with a hydric rating of 0 and 80 percent respectively.

The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from an USACE approved mitigation bank that services the project area.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

<u>State Water Quality Permit</u>: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

<u>Cultural Resources</u>: The Regulatory Archaeologist has reviewed the latest published version of the <u>National Register of Historic Places</u>, state 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 proposed undertaking upon these properties. The permit area has been so extensively modified that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

Endangered Species: Based on information provided by the applicant, our initial finding is that the proposed work may affect the Northern long-eared bat but will not result in prohibited incidental take pursuant to the final 4(d) rule. Utilizing the Standard Local Operating Procedure for Endangered Species (SLOPES) as signed on December 1, 2014, between the U.S. Army Corps of Engineers, Vicksburg District and the U.S. Fish and Wildlife Service, the Corps has determined that the proposed activity would have no effect on the Red-cockaded woodpecker. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

<u>Floodplain</u>: In accordance with 44 CFR Part 60 (Floodplain Management and Use), participating communities are required to review all proposed development to determine if a floodplain development permit is required. Floodplain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements. Portions of the proposed project site are within the 100 year floodplain.

<u>Evaluation Factors</u>: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact 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 may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

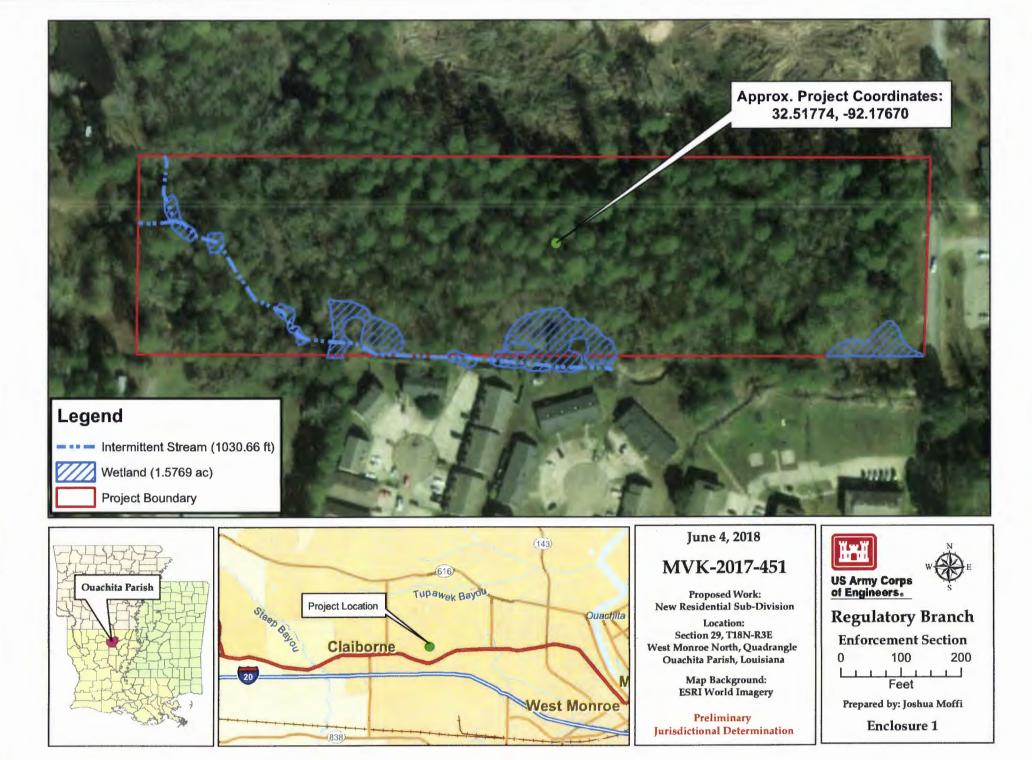
<u>Public Involvement</u>: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

<u>Opportunity for a Public Hearing</u>: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

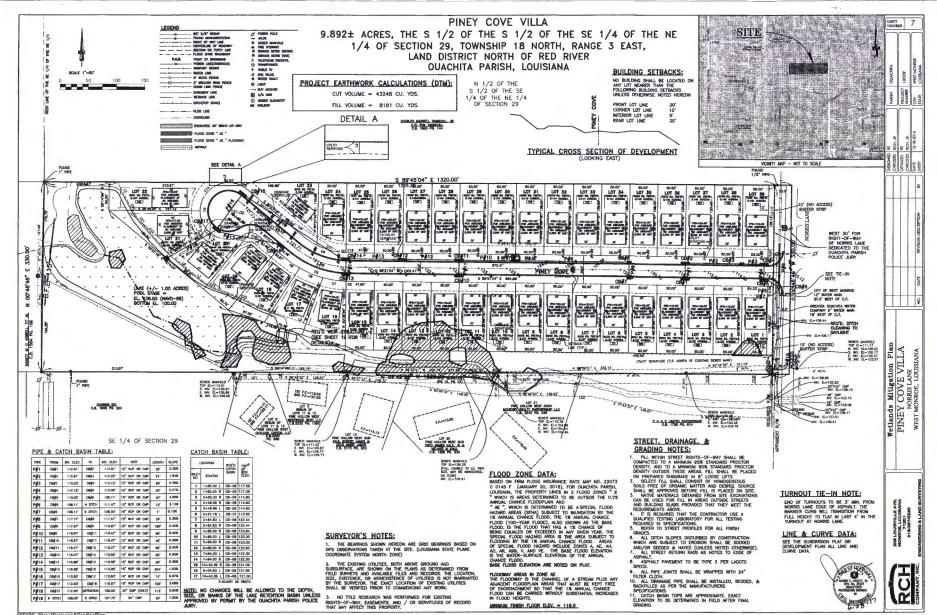
<u>Notification of Final Permit Actions</u>: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <u>http://www.mvk.usace.army.mil/Missions/Regulatory.aspx</u>.

Thomas A. McCabe

Thomas A. McCabe Chief, Evaluation Section Regulatory Branch







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