



**US Army Corps
of Engineers**

Vicksburg District
4155 Clay Street

Vicksburg, MS 39183-3435

www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	<u>CPM-MVK-2012-521</u>
EVALUATOR:	<u>Ms. Charlene Mosley</u>
PHONE NO.:	<u>(801) 831-5284</u>
FAX NO.:	<u>(801) 831-5459</u>
E-MAIL:	<u>Charlene.P.Mosley@usace.army.mil</u>
DATE:	<u>June 13, 2014</u>
EXPIRATION DATE:	<u>July 7, 2014</u>

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District and the Louisiana Department of Environmental Quality (LADEQ), Office of Environmental Services are considering an application for a Department of the Army permit and State water quality certification for the work described herein. A water quality certification is required in accordance with statutory authority contained in the Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A (93) and provisions of Section 401 of the Clean Water Act (P.L. 95 217). Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and must reach this office by the cited expiration date. Also, comments concerning the application can be filed with the LADEQ, 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.

The Louisiana Department of Environmental Quality has additional information on file in their office in Baton Rouge which may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained from the Louisiana Department of Environmental Quality upon payment of cost of printing.

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

Name of Applicant:
Mr. David Spillers
Post Office Box 387
Choudrant, Louisiana 71227

Name of Agent:
Mr. Tom R. Bourland
Tom Bourland and Associates, LLC
9847 Neesonwood Drive
Shreveport, Louisiana 71106

Location of Work: Section 20, T18N-R1W, latitude 32.5273N, longitude -92.49713W within the Bayou D'Arbonne drainage basin, in Lincoln Parish, Louisiana.

Description of Work: (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 associated with the construction of two fish ponds and a levee.

The proposed 16.81-acre project site consists of approximately 7.31 acres of wetlands all of which have been impacted. The site has been cleared and land leveled using material on-site. The land was leveled to minimize erosion and to enhance a pasture. The construction of two fish ponds has been completed. Each fish pond was approximately 850 feet in length and 85 feet in width. Oak, Red oak, and Cypress seedlings were planted on the banks of the fish ponds for aesthetics.

The construction of the levee has also been completed. The levee is approximately 300 feet in length with a 10-foot top width, 30-foot base width, 12-inch height, and a minimum of 2:1 side slopes. A 30-foot pipe drain and a 35-foot pipe drain were placed on opposite ends of the levee for drainage control. Approximately 45,000 cubic yards of red clay and 10,000 cubic yards of top soil were used as fill material.

Vegetation growing in the wetland area includes Juncus, Winged elm, Panic grass, Red maple, Carex, Willow oak, Water oak, and Sweet gum. Hydric soil within this project consists of Loamy Clayey Soils.

The applicant proposes to mitigate for the unavoidable loss of wetland functions and values by performing on-site permittee responsible mitigation.

The placement of dredged and/or fill material in waters of the United States associated with the mechanized land clearing and commercial development requires a Department of the Army Permit.

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.

State Water Quality Permit: 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.

Cultural Resources: Copies of the public notice have been sent to the Louisiana State Historic Preservation Office, Federally-recognized Tribes and other interested parties for comment on potential effects to historic properties that could result from the proposed activity.

Endangered Species: Our initial finding is that the proposed work would not likely to adversely affect any endangered species or their critical habitats. 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.

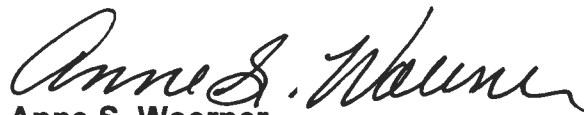
Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: 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.

Public Involvement: 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.

Opportunity for a Public Hearing: 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.

Notification of Final Permit Actions: 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, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at [http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/Monthly Notice/pnmain.asp](http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp).



Anne S. Woerner
Chief, Evaluation Section
Regulatory Branch



Approx. Project Coordinates:
32.5268 -92.4956

Legend

- Data Points
- ▭ Approx. Project Boundary
- ▨ Wetlands/7.31ac



January 2014
MVK-2012-521
 Applicant:
 Lamar Spillers
 Proposed Work:
 Commercial/Recreational Development
 Location:
 Sections 20, T18N-R1W
 Downsville South, Quadrangle
 Lincoln Parish, LA
 Map Background:
 NAIP Aerial Imagery (2013)
Preliminary
Jurisdictional Determination
 Prepared by:
 Robert G. Ulmer, Jr.

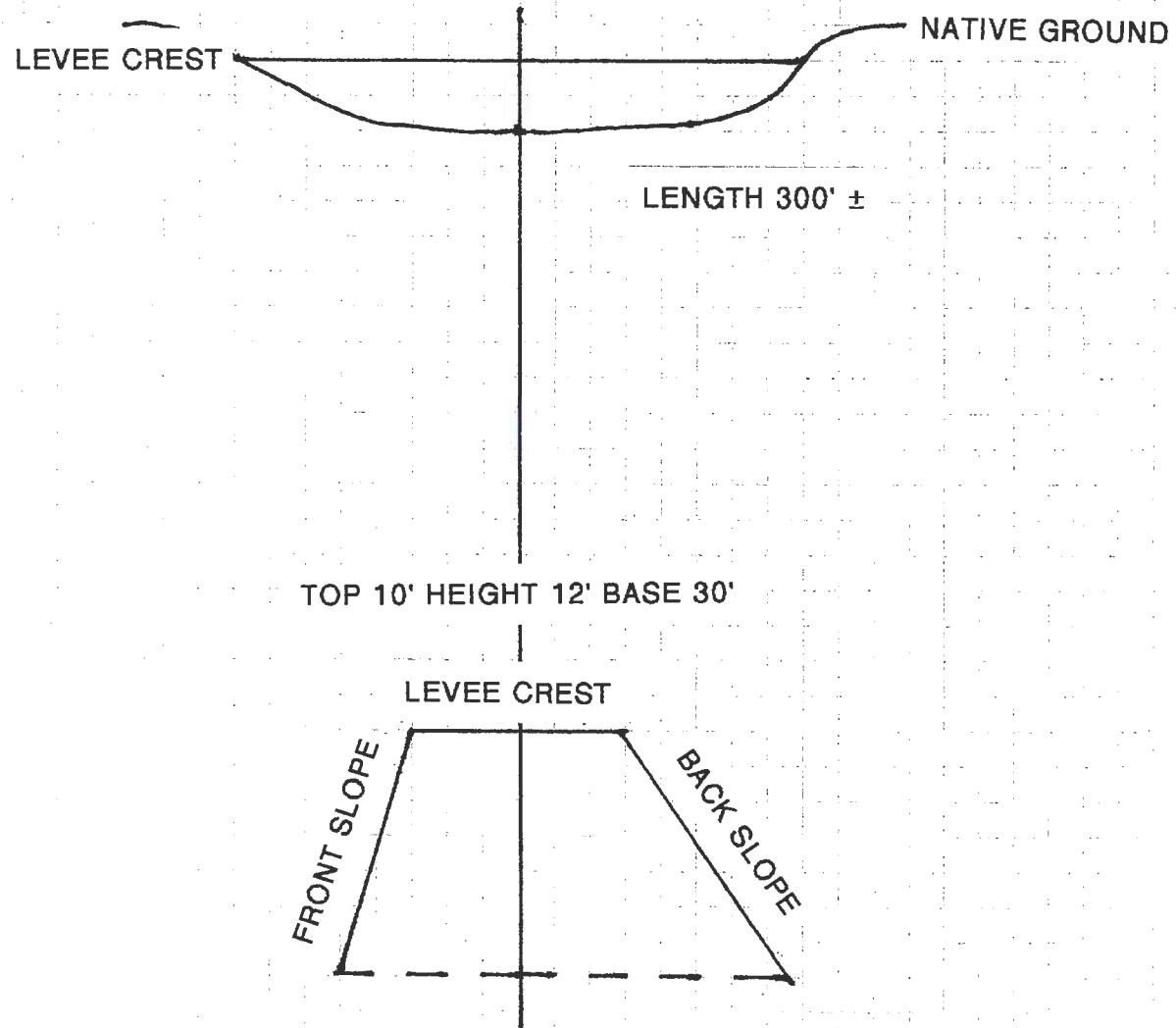
**US Army Corps
of Engineers**

Regulatory Branch
Enforcement Section

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 Feet

LAMAR SPILLERS MVK-2012-521

LEVEE PROFILE (NOT TO SCALE)

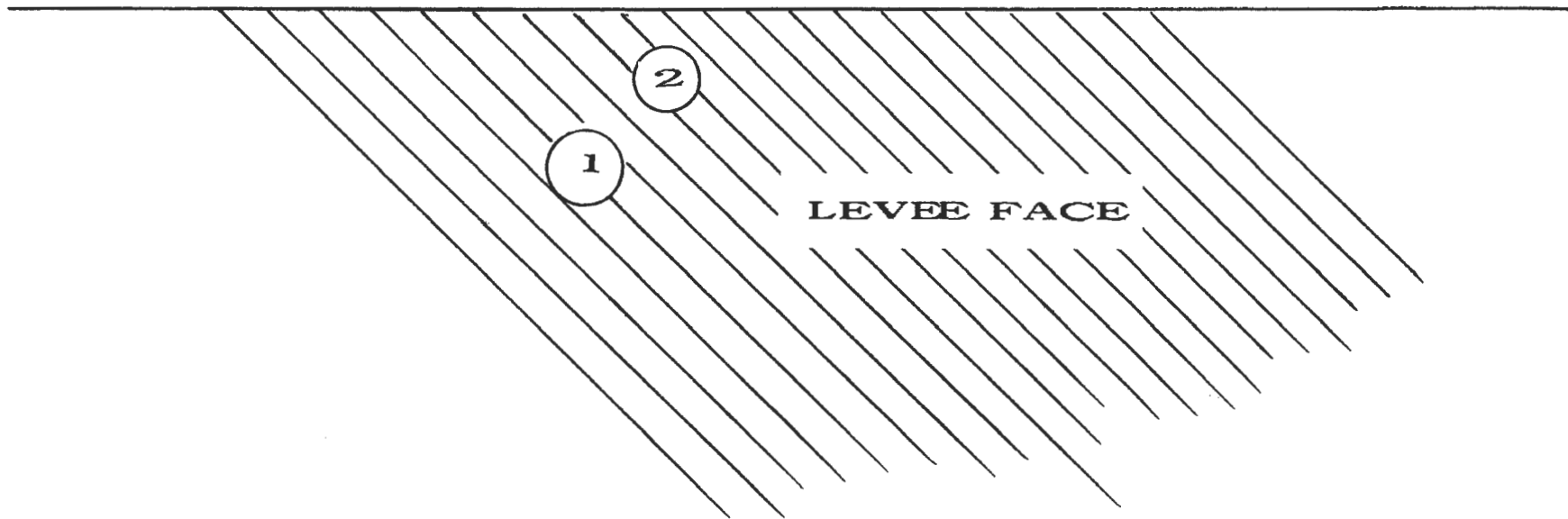


CEMVK-OD-FE CPM-MVK-2012-521

MR DAVID LAMAR SPILLERS
MCLAIN PROPERTY

LAMAR SPILLERS

MVK-2012-521



1 - 24" DIAMETER X 30' PLASTIC CULVERT

2 - 20" DIAMETER X 22' STEEL

CEMVK-OD-FE CPM-MVK-2012-521

MR DAVID LAMAR SPILLERS
MCLAIN PROPERTY