



**US Army Corps
of Engineers.**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

Public Notice

APPLICATION NO.:	MVK-2023-384
EVALUATOR:	Ms. Camryn Willoughby
PHONE NO.:	(601) 631-5478
E-MAIL:	Camryn.E.Willoughby@usace.army.mil
DATE:	December 20, 2023
EXPIRATION DATE:	January 9, 2024

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-RD, 4155 East Clay Street, Vicksburg, Mississippi 39183-3435 and must reach this office by the cited expiration date.

The Clean Water Act (CWA) Section 401 Water Quality Certification Improvement Rule (Certification Improvement Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that has the potential to result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a potential discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying authority. As of the date of this public notice, the Louisiana Department of Environmental Quality has issued the Section 401 certification dated October 10, 2023.

Law Requiring a Permit: 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:
Mr. Jerry Nelson
PA Prospect Corporation
1655 1st Avenue S #5
Columbus, Montana 59019

Name of Agent:
Mr. Matthew Haverland
Whitenton Group, Incorporated
3413 Hunter Road
San Marcos, Texas 78666

Location of Work: Section 4, T9N-R9E, Latitude 31.800340N, Longitude -93.289913W within the Bayou Pierre Drainage Basin (8-digit USGS HUC: 11140206), Natchitoches Parish, Louisiana.

Description of Work: (See enclosed maps 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 a Department of the Army permit to conduct regulated activities within jurisdictional waters of the United States (U.S.) for the purpose of constructing a saltwater disposal (SWD) facility and access road for the segregation, separation, and containment of approved E&P (Exploration & Production) Waste Fluids. The proposed SWD facility will be approximately 13.6 acres and the access road will be approximately 2,850 feet x 30 feet (approximately 3.7 acres), 3.4 acres of which will be within the facility footprint, proximal to the city of Allen, Natchitoches Parish, Louisiana.

In order to construct the aforementioned items, the proposed site would need to be graded to achieve the design elevations for the proposed facility. In doing so, some jurisdictional wetlands would be impacted by impoundment for the construction of retention basins and others would be excavated or filled by the onsite grading.

The following is a breakdown of the identified aquatic resources found within the project site:

- Forested wetlands - 5.7 acres
- Scrub/Shrub wetlands – 2.6 acres
- Emergent wetlands – 2.2 acres

No streams were observed within the project footprint. Within the project area, 1.64 acres of forested wetlands, 0.94 acres of scrub/shrub wetlands and 0.7 acres of emergent wetlands will be impacted by fill. Approximately 9,300 cubic yards of clean material from on-site would be placed within jurisdictional wetlands.

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

The majority of the proposed site is in oak forest, Baccharis shrubland and mixed pine-hardwood forest. Primary hydrology indicators observed on site include saturation and a depleted matrix. The dominant wetland vegetation within the project area consists of Nuttall's oak, Torrey's rush, Cherokee sedge, Slender Woodoats, and willow oak.

Soil within the project area consists of Dorcheat silt loam and Keithville loam with NRCS hydric soil ratings of 46.3% and 53.7% respectively.

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: The Regulatory Archaeologist has reviewed the latest published version of the National Register of Historic Places, 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: A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area or affected area.

Copies of this public notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, and other interested parties for comment on potential effects to historic properties that could result from the proposed activity.

Endangered Species: The Threatened and Endangered Species list for the project area includes the Red Cockaded Woodpecker and the Northern Long-eared Bat. Utilizing the Information for Planning and Consultation tool for Endangered Species in Louisiana (as per Memorandum of Agreement, signed on January 14, 2020, between the U.S. Army Corps of Engineers, Vicksburg District and the U.S. Fish and Wildlife Service, Louisiana Ecological Services Office), the Corps has determined that the proposed activity would have no effect on the Red Cockaded Woodpecker or the Northern Long-eared Bat.

Floodplain: 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. The project area is not located within the 100-year floodplain.

Evaluation Factors: The decision 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/Missions/Regulatory.aspx>.

Andy
Sanderson

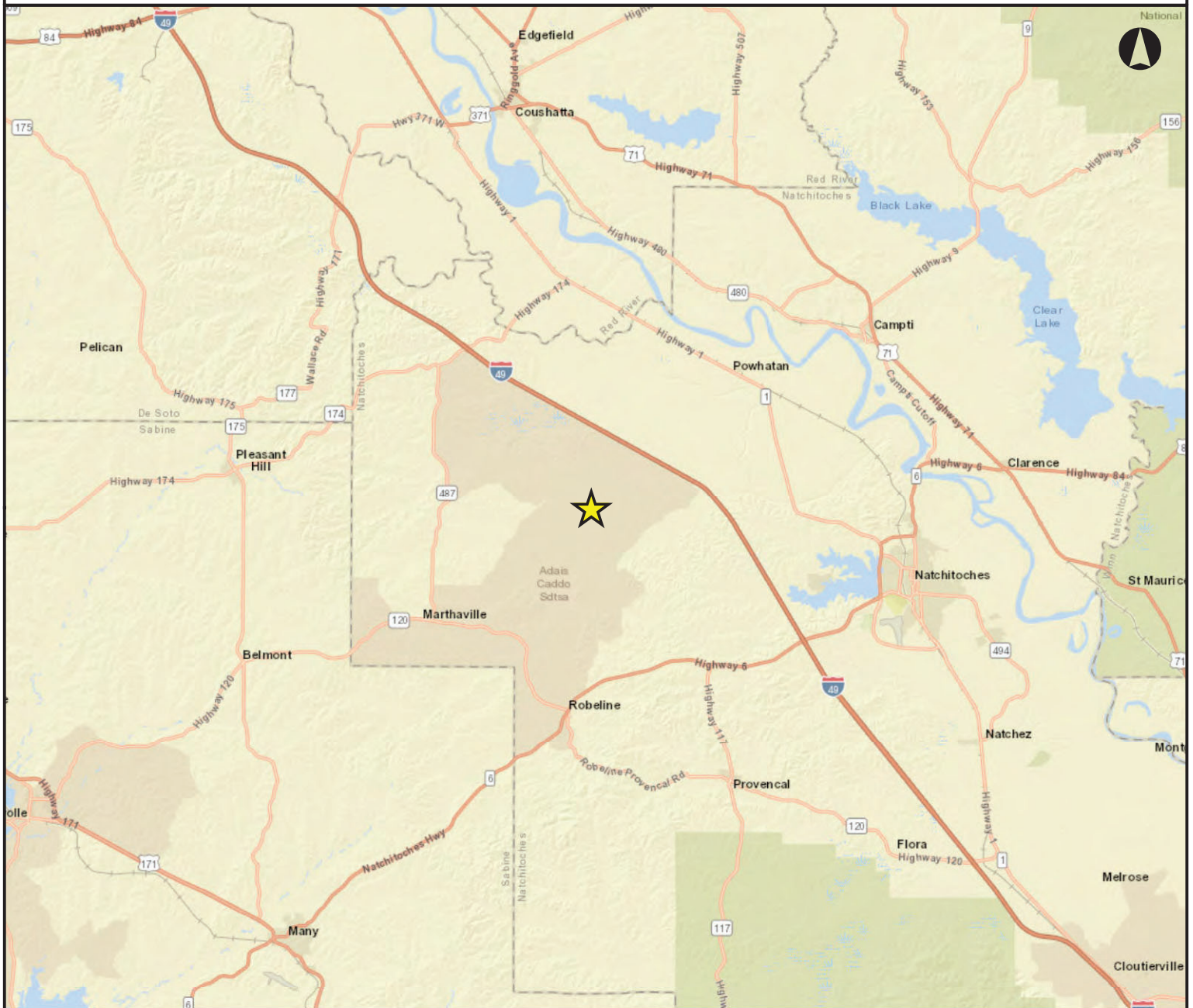
Digitally signed by
Andy Sanderson
Date: 2023.12.20
13:26:42 -06'00'

Andy Sanderson
Chief, Louisiana Branch
Regulatory Division



Figure 1-1. Vicinity Map with the Location of the Project Area

Figure 1 Project Location Allen Commercial SWD Facility Project Natchitoches Parish, Louisiana



Project Location



Natchitoches Parish

Background Resources:
ESRI Streets Basemap

Surveyor(s):
Sam Young AWB, WPIT
Nathan Pfluger

Project Number and Information:
220271

USACE Permit Application

Allen Commercial SWD Facility Project

PA Prospect Corporation

GPS and Coordinate System:
Trimble Geo 7x Series
UTM NAD 1983
Zone 15 North

Map Created:
05/03/2023 by M. Haverland

WHITENTON
group environmental consultants

3413 Hunter Road San Marcos Texas 78666

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Legend

- Project Boundary (~15 acres)
- Non Relatively Permanent Waters
- Non-jurisdictional Erosional Feature (~76.8 feet)
- Relatively Permanent Waters
- Jurisdictional PEM Wetlands (2.2 acres)
- Jurisdictional PSS Wetlands (~2.6 acres)
- Jurisdictional PFO Wetlands (~5.7 acres)

29 November 2023

MVK-2023-384
PA Prospect Corporation
Allen Commercial SWD
Facility Project

Approved
Jurisdictional Determination

Prepared by
William McFarland

US Army Corps of Engineers®

Regulatory Division
Louisiana Branch

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Project Location

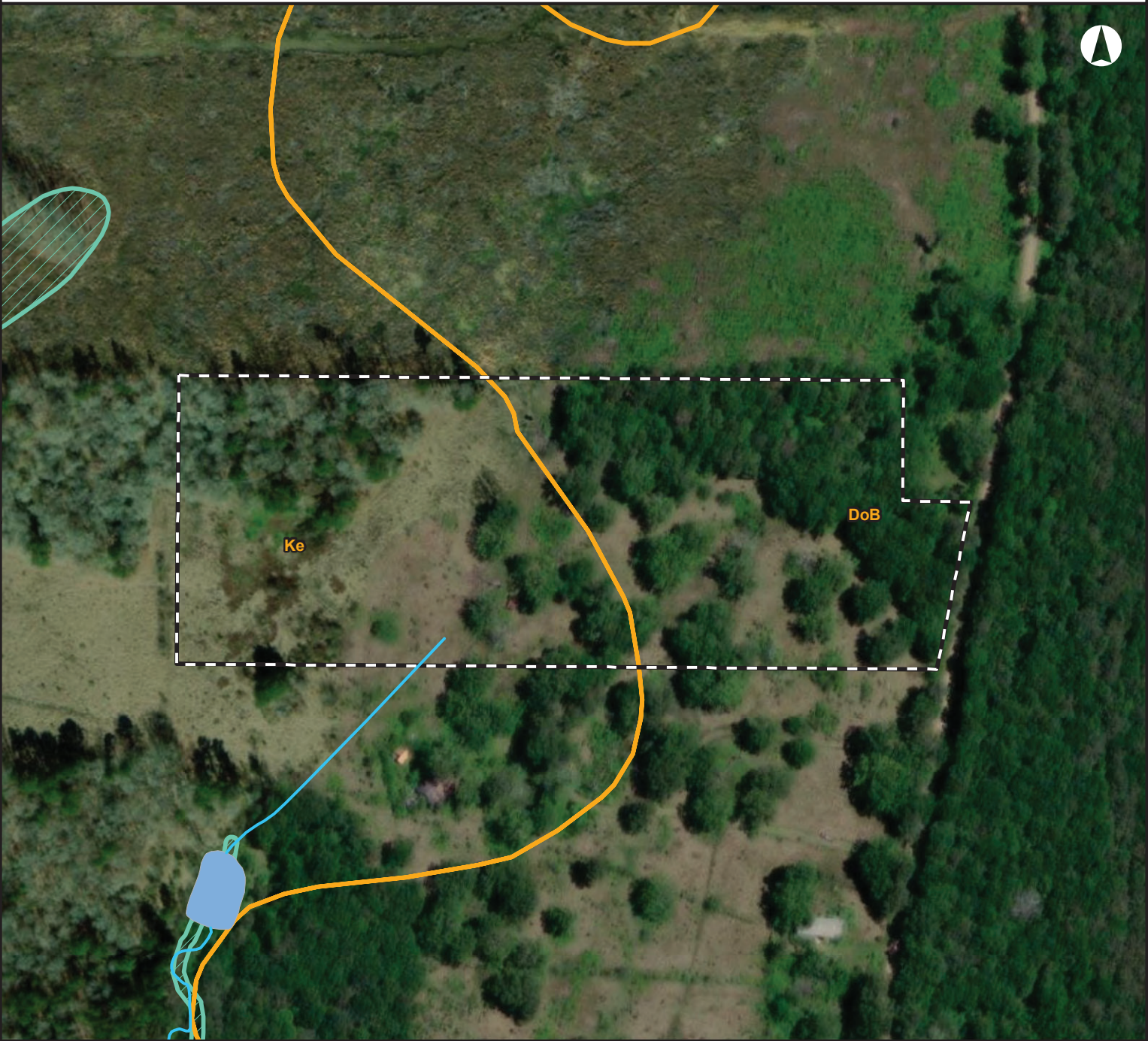
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Natchitoches Parish, Louisiana



Figure 5
Natural Resource Background Data
Allen Commercial SWD Facility Project
Natchitoches Parish, Louisiana



Survey Area (15.0 Acres)



NHD Lake/Pond



Soil Map Unit Boundary



NHD Stream/River



NWI Polygon

DoB - Dorcheat silt loam
Ke - Keithville loam

Background Resources:
 ESRI Aerial Imagery, USGS NHD,
 USFWS NWI, NRCS Soil Data,
 FEMA floodplain data

Surveyor(s):
 Sam Young CWB, WPIT
 Nathan Pfluger

Project Number and Information:
 220271
 Environmental Resources Assessment
 Allen Commercial SWD Facility Project
 PA Prospect Corporation

GPS and Coordinate System:
 Trimble Geo 7x Series
 UTM NAD 1983
 Zone 15 North

Map Created:
 03/14/2023 by N. Pfluger



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