



**US Army Corps  
of Engineers**

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



# Public Notice

APPLICATION NO.:	<u>MVK-2020-377</u>
EVALUATOR:	<u>Ms. Tarmiko Graham</u>
PHONE NO.:	<u>(601) 631-5540</u>
E-MAIL:	<u>Tarmiko.V.Graham@usace.army.mil</u>
DATE:	<u>July 26, 2021</u>
EXPIRATION DATE:	<u>August 15, 2021</u>

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 Clay Street, Vicksburg, Mississippi 39183-3435.

The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a 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 agency. As of the date of this public notice, the applicant has not submitted a certification request to the Louisiana Department of Environmental Quality (certifying authority). In accordance with Certification Rule part 121.6, once the applicant submits a certification request, the Corps of Engineers will notify the certifying agency of the reasonable period of time for them to act upon the certification.

**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. John R. Bowman, III  
176 India Drive  
Shreveport, Louisiana 71115

**Location of Work:** Section 2, Township 19 North, Range 14 West, Latitude 32.668949°; Longitude -93.863832°, within the Cross Bayou Drainage Basin (8-digit USGS HUC 11140304), Caddo 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 to conduct regulated activities in jurisdictional wetlands for the purpose of constructing two (2) moist soil units designed by the USDA Natural Resources Conservation Service Office in Caddo Parish, Louisiana.

The proposed project would involve the construction of two (2) small earthen dams with water control structures to capture surface water between November and February within each moist soil unit.

The two (2) proposed dams would impact approximately 0.43 acre of jurisdictional wetlands that were previously clear cut. Approximately 2,900 cubic yards of native onsite fill material would be placed in the jurisdictional areas. This material would be excavated from within the moist soil units and surrounding ridges. Each dam would have a water control structure to regulate the surface depth and could be opened to allow water to flow out. The moist soil units were clear cut during a normal timber harvest and about half of the harvest areas were replanted in the winter of 2021 and the remainder is scheduled to be replanted in the winter of 2022, except for the two (2) dams that would be maintained and bushhogged annually. All replanting is being done on approximately 12-foot by 12-foot spacing using mixed bottomland hardwoods bare-root seedlings. The moist soil units would also be replanted using bald cypress, water oak, and willow oak.

Dominant vegetation includes Winged elm, Green ash, Sugarberry, Giant ragweed, Annual marsh elder, Blunt broom sedge, Fairwell summer, Brome-like sedge, Virginia wild rye, and other species. Soil within the project areas are Buxin clay, rarely flooded.

The project has been designed to minimize impacts to jurisdictional wetlands. The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from a 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.

**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 Project Manager has reviewed the latest published version of the National Register of Historic Places KMZ file 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.

**Endangered Species:** Threatened and Endangered Species for this area include the Northern long-eared bat, Geocarpon minimum and the Red-cockaded Woodpecker. Utilizing the Information and Planning Consultation 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 these species.

**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 is not located within the 100-year floodplain.

**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/Missions/Regulatory.aspx>.

**Bryan Williamson  
Team Lead, Permit and Evaluation Branch  
Regulatory Division**