

JOINT PUBLIC NOTICE

April 20, 2015

United States Army
Corps of Engineers
New Orleans District
Attn: Regulatory Branch
Post Office Box 60267
New Orleans, Louisiana 70160-0267

State of Louisiana
Department of Environmental Quality
Attn: Water Quality Certification Sec.
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

Project Manager: James W. Little, Jr.
(225) 342-3099 / fax: (225) 342-9439
james.little@usace.army.mil
Permit Application Number:
MVN-2014-02714-WII

Project Manager:
Elizabeth Hill
(225) 219-3225 / fax: (225) 219-3156
WQC Application Number:
WQC 150409-02

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the U.S. Army Corps of Engineers pursuant to: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

The application has also been mailed to the Louisiana Department of Environmental Quality, for a Water Quality Certification (WQC) in accordance with statutory authority contained in Louisiana Revised Statute 30:2074 A(3), and provisions of Section 401 of the Clean Water Act (P.L. 95-17).

AFTER-THE-FACT LEVEE MAINTENANCE AND PROPERTY CLEARING IN ACADIA PARISH

NAME OF APPLICANT: Dr. Timothy P. Croughan, c/o John Chance Land Surveys, Inc., Attn: Ms. Wendy Fiaschetti, 200 Dulles Drive, Lafayette, Louisiana 70506.

LOCATION OF WORK: Adjacent to and south of Bayou Plaquemine Brule, approximately 2.5 miles northeast of Crowley, Louisiana, in Acadia Parish. Located at 30.25066 N, -92.37421 W, Section 43, T9S – R1E. The proposed project is in Hydrologic Unit Code 08080201 – Mermentau Headwaters Watershed.

The work described below was completed prior to obtaining a Department of the Army permit and was in violation of Section 10 of the Rivers and Harbors Act of 1899. All legal issues concerning the unauthorized work have since been deferred.

CHARACTER OF WORK: After-the-Fact (ATF) clearing, grading, and fill for levee refurbishments and private property improvements. ATF work included impacts to approximately 9.19 acres of forested wetlands from clearing/thinning activities for property improvements and 0.26 acres of forested wetlands from excavating for material to refurbish the existing levees, all of which the applicant is proposing to restore. Work also included impacts to 1.35 acres of forested wetlands through widening of the existing levees, in which the applicant proposes to compensate through the use of an approved mitigation bank recommended by this office.

The applicant may be required to fully or partially restore the site to pre-project conditions if issuance of a permit is determined to be contrary to the public interest.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **20 days** from the date of this joint public notice. Written comments, including suggestions for modifications or objections to the proposed work, stating reasons thereof, are being solicited from anyone having interest in this permit and/or this WQC request and must be submitted so as to be received before or by the last day of the comment period. Letters concerning the Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and be forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH**. Individuals or parties may request an extension of time in which to comment on the proposed work by writing, faxing, or e-mailing the Corps of Engineers Project Manager listed above. Any request must be specific and substantively supportive of the requested extension, and received by this office prior to the end of the initial comment period. The Section Chief will review the request and the requestor will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous to the initial comment period and, inclusive of the initial comment period, will not exceed a total of 30 calendar days. Letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

Corps of Engineers Permit Criteria

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public, federal, state, and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to make, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New Orleans District is unaware of properties listed on the National Register of Historic Places near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, pre-historical, historical sites, or data. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

Our initial finding is that the proposed work would not affect any species, nor affect any habitat designated as critical to the survival and recovery of such species, listed as endangered by the U.S. Department of Commerce.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal may result in the destruction or alteration of N/A acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

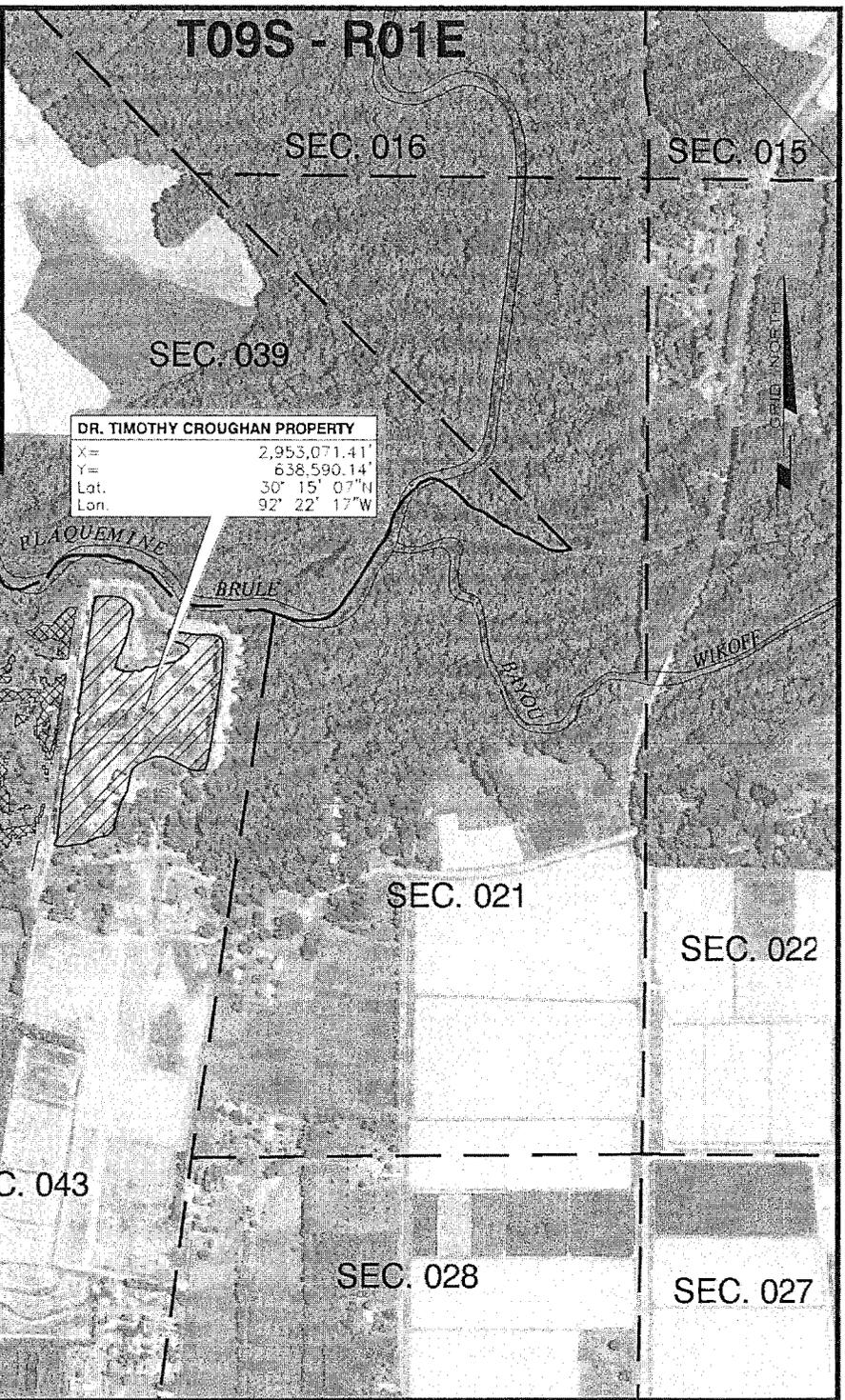
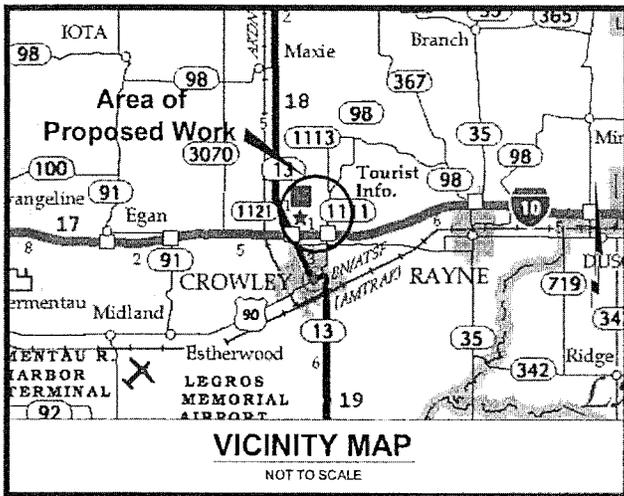
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, before a permit is issued.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Darrell S. Barbara
Chief, Western Evaluation Section
Regulatory Branch

Enclosure



LOCATION MAP

REPRODUCED FROM DOQQ AERIAL PHOTOGRAPH
 LOCATED APPROXIMATELY 2.5 MILES NORTHEASTERLY OF CROWLEY, LA.

NOTES:

LIMITED FIELD SURVEY CONDUCTED ON, 9-30-13 TO PREPARE THESE PLANS. INFORMATION WAS UTILIZED FROM PREVIOUS PLANS PERMITTED BY THE REGULATORY RESOURCE AGENCIES.

THESE PLANS WERE PREPARED EXCLUSIVELY FOR OBTAINING REGULATORY CLEARANCES, AND DO NOT PURPORT TO BE ENGINEERING DRAWINGS, OR SPECIFICATIONS. THESE PLANS DO NOT PURPORT TO ACCURATELY PORTRAY PROPERTY BOUNDARIES.

Dr. Timothy P Croughan

AFTER THE FACT PERMIT FOR ACTIVITIES ASSOCIATED WITH CEASE AND DESIST ORDER

MVN-2013-00852-SC

SECTION 043, T09S-R01E
 ACADIA PARISH, LOUISIANA

JOHN CHANCE
 LAND SURVEYS, INC.



GEODETTIC DATUM: NAD83
 PROJECTION: LOUISIANA SOUTH
 GRID UNITS: US SURVEY FEET

SCALE IN FEET 0 1,000'

Proj. Mgr.: APG
 Revised:
 Printed: 10/23/14

Job No.: 13-0400 Date: 10/23/14
 Drwn: ECD
 Dwgfile: L:\2013\130400\CAD\C130400

Chart: Of:
 1 6

T09S - R01E

SEC. 039

IMPOUNDMENT
AREA
(14.64 ACRES)

JURISDICTIONAL
UNIMPACTED
WETLANDS
(0.66 ACRES)

DR. TIMOTHY P. CROUGHAN PROPERTY

C=	2,853,071.41'
Y=	638,880.14'
Lat.	30° 15' 00"W
Lon.	92° 22' 17"W

SEC. 043

SEC. 021

LEGEND:

-  CURRENT LEVEE BOUNDARY
-  UNAUTHORIZED CUT AREA
(0.05 ACRES)
-  FILL AREA FROM UNAUTHORIZED CUT
(0.21 ACRES)
-  JURISDICTIONAL WETLAND IMPACTED BY LEVEE MAINTENANCE
(1.33 ACRES)
-  IMPOUNDMENT AREA
(14.64 ACRES)
-  JURISDICTIONAL MECHANICALLY THINNED AREA
(8.19 ACRES)
-  JURISDICTIONAL UNIMPACTED WETLANDS
(0.66 ACRES)

Proj. Mgr.: APD
 Reviewed:
 Printed: 10/23/14

Dr. Timothy P Croughan

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MVN-2013-00852-SC
 SECTION 043, T09S-R01E
 ACADIA PARISH, LOUISIANA

JOHN CHANCE
 LAND SURVEYS, INC.



GEOGRAPHIC DATUM: NAD83
 PROJECTION: LOUISIANA SOUTH
 GRID UNITS: US SURVEY FEET

SCALE 0 500'
 IN FEET

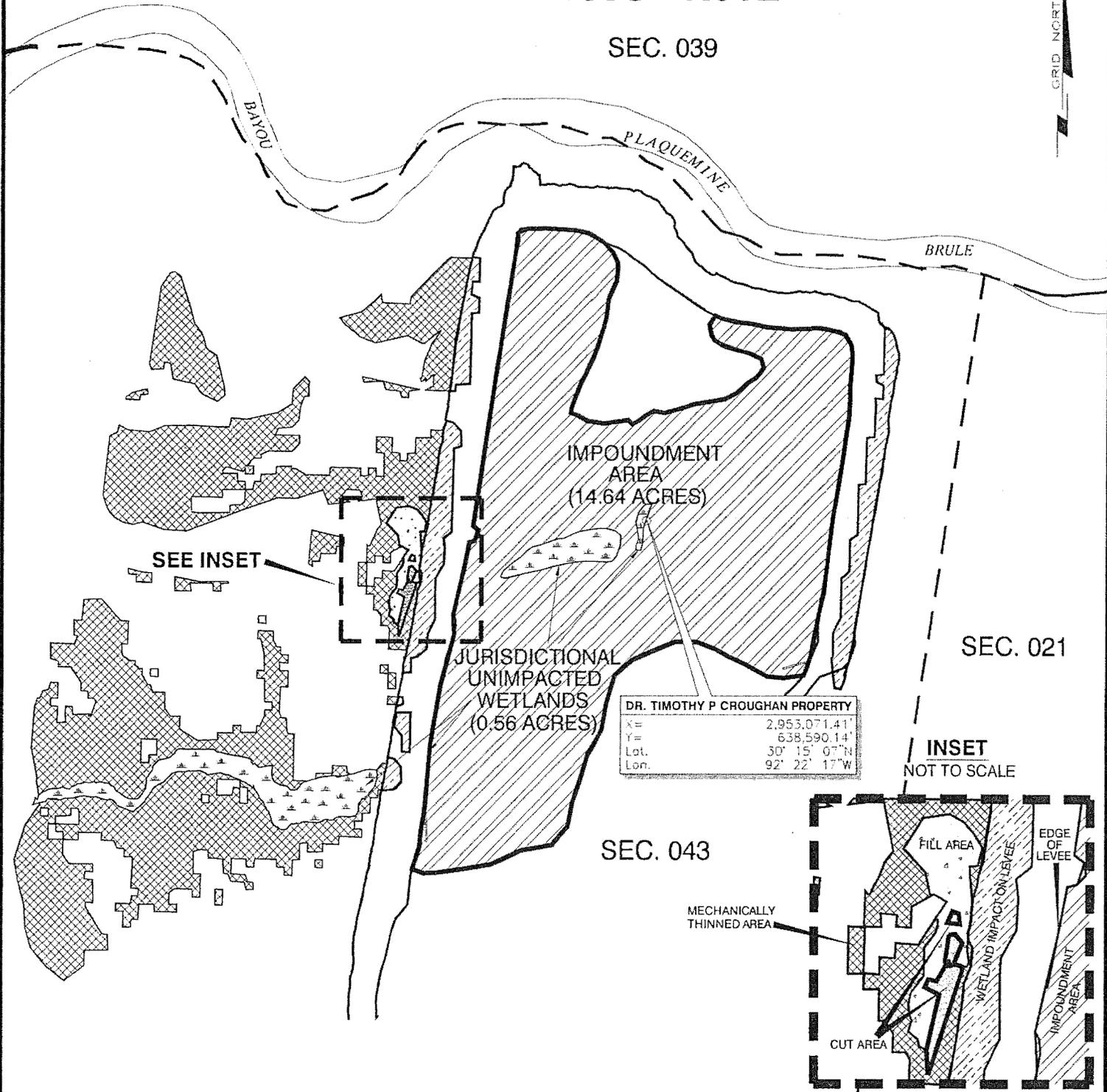
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Chart: 01:
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T09S - R01E

SEC. 039

GRID NORTH



DR. TIMOTHY P CROUGHAN PROPERTY
 X= 2,953,071.41'
 Y= 638,590.14'
 Lat. 30° 15' 07"N
 Lon. 92° 22' 17"W

INSET
NOT TO SCALE

LEGEND:

- CURRENT LEVEE BOUNDARY
- [Cross-hatched] UNAUTHORIZED CUT AREA (0.05 ACRES)
- [Dotted] FILL AREA FROM UNAUTHORIZED CUT (0.21 ACRES)
- [Diagonal lines /] JURISDICTIONAL WETLAND IMPACTED BY LEVEE MAINTENANCE (1.35 ACRES)
- [Diagonal lines \] IMPOUNDMENT AREA (14.64 ACRES)
- [Cross-hatched] JURISDICTIONAL MECHANICALLY THINNED AREA (9.19 ACRES)
- [Wavy lines] JURISDICTIONAL UNIMPACTED WETLANDS (0.56 ACRES)

Proj. Mgr.: APG
 Revised:
 Printed: 10/23/14

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 MVN-2013-00852-SC
 SECTION 043, T09S-R01E
 ACADIA PARISH, LOUISIANA

JOHN CHANCE
 LAND SURVEYS, INC.



GEODETTIC DATUM: NAD83
 PROJECTION: LOUISIANA SOUTH
 GRID UNITS: US SURVEY FEET

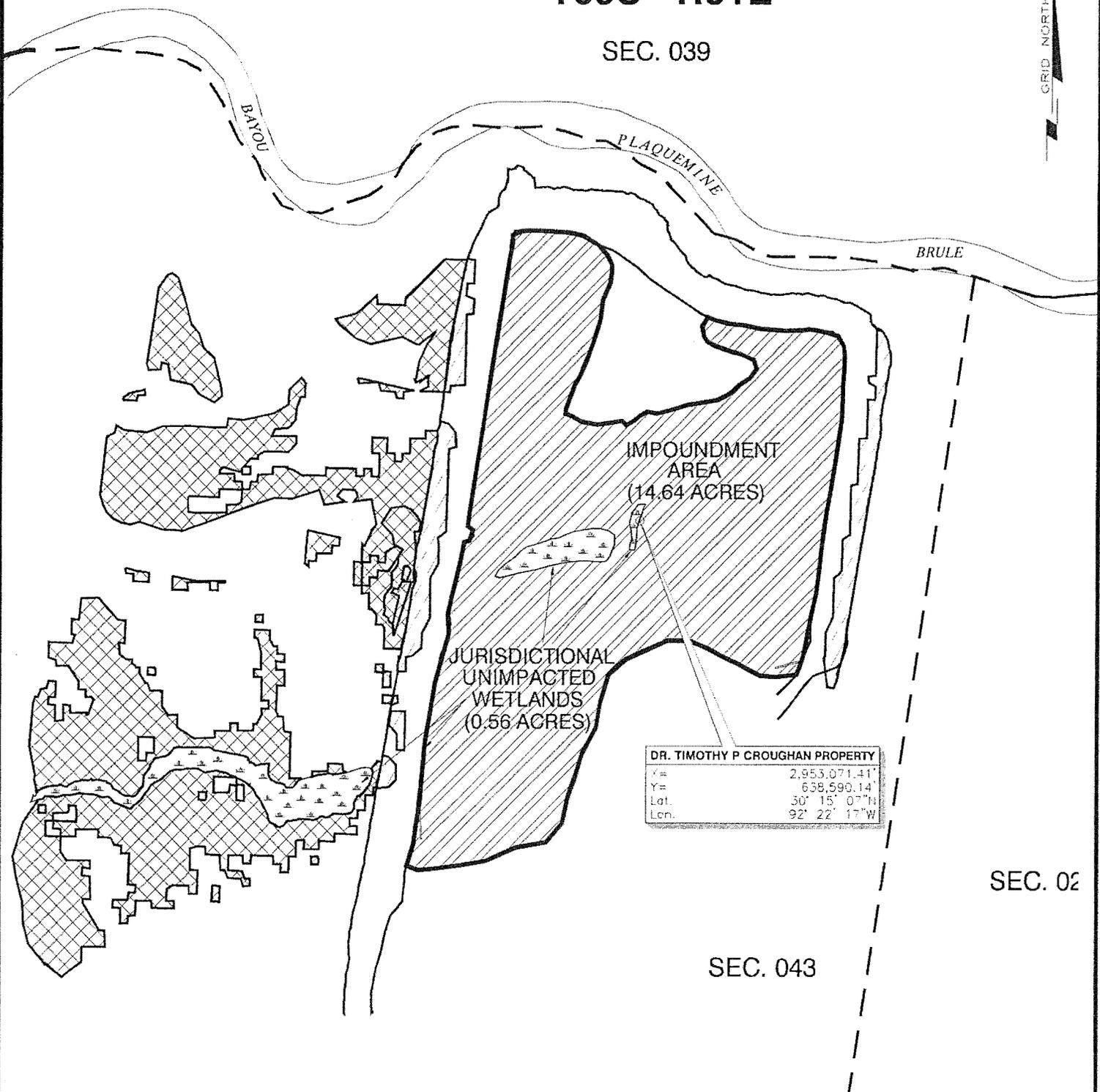
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T09S - R01E

SEC. 039

GRID NORTH



SEC. 02

SEC. 043

LEGEND:

- CURRENT LEVEE BOUNDARY
- WETLAND IMPACTED BY LEVEE MAINTENANCE (1.35 ACRES)
- IMPOUNDMENT AREA (14.64 ACRES)
- JURISDICTIONAL UNIMPACTED WETLANDS (0.56 ACRES)
- MECHANICALLY THINNED AREA TO BE PLANTED (9.19 ACRES)

Dr. Timothy P Croughan

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 MVN-2013-00852-SC
 SECTION 043, T09S-R01E
 ACADIA PARISH, LOUISIANA

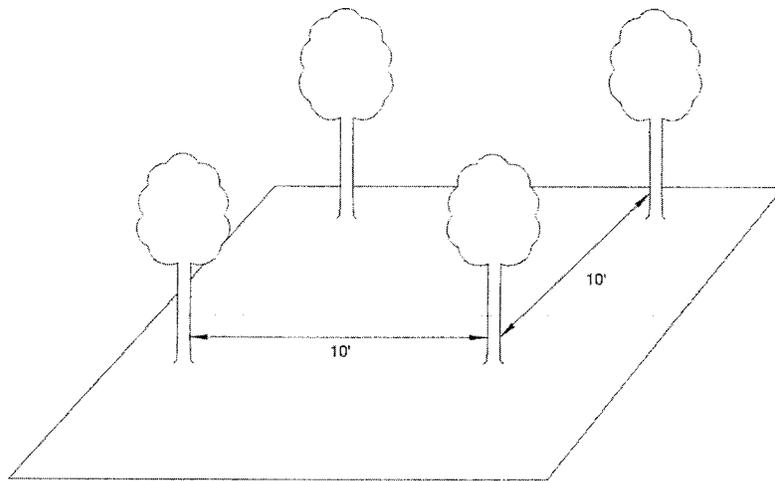
JOHN CHANCE
 LAND SURVEYS, INC.



GEODEIC DATUM: NAD83 PROJECTION: LOUISIANA SOUTH GRID UNITS: US SURVEY FEET	SCALE IN FEET
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TREE PLANTING ON 10' x 10' SPACING
NOT TO SCALE

Dr. Timothy P Croughan

**AFTER THE FACT PERMIT FOR ACTIVITIES
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SECTION 043, T09S-R01E
ACADIA PARISH, LOUISIANA

JOHN CHANCE
LAND SURVEYS, INC.



GEODETIC DATUM: NAD83
PROJECTION: LOUISIANA SOUTH
GRID UNITS: US SURVEY FEET

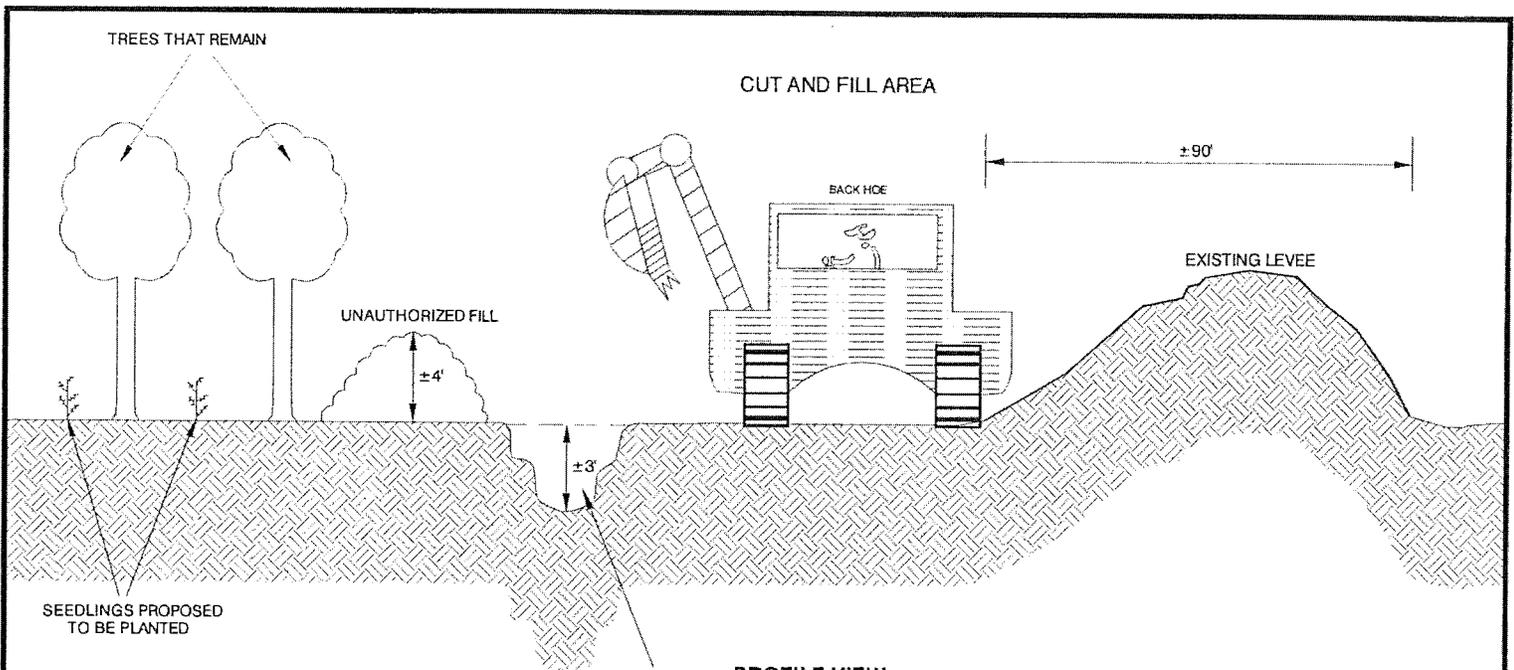
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Revised:
Printed: 10/23/14

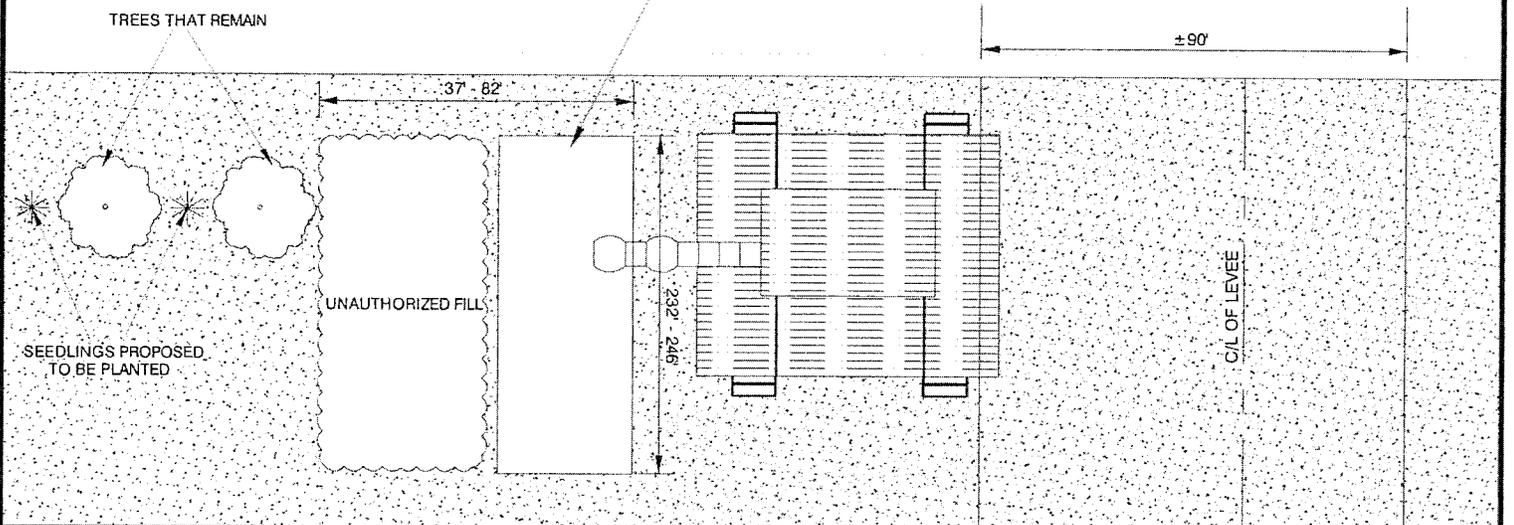
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Drwn: ECD

Chart: Of:
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PROFILE VIEW
NOT TO SCALE



PLAN VIEW
NOT TO SCALE

PROPOSED BACKFILLING
NOT TO SCALE

NOTE:

APPROX. 248 CU YDS (0.05 ACRES) OF MATERIAL TO BE DISPLACED.

APPROX. 0.21 ACRES TO BE IMPACTED BY TEMPORARY SPOIL.

FILL WILL BE RE-CONTOURED TO PRE-EXCAVATION ELEVATION CONDUCTIVE TO WETLAND DEVELOPMENT.

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GRID UNITS: US SURVEY FEET

NOT TO SCALE

Proj. Mgr.: APG
Revised:
Printed: 10/24/14

Job No.: 13-0400 Date: 10/24/14
Dwgfile: L:\2013\130400\CAD\C130400E

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