JOINT PUBLIC NOTICE

January 25, 2016

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

(504) 862-2284
Sara.B.Fortuna@usace.army.mil
Project Manager
Sara Fortuna
Permit Application Number
MVN-2015-00432-WKK

State of Louisiana
Department of Environmental Quality
ATTN: Water Quality Certifications
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

(225) 219-3225
Elizabeth.Hill@la.gov
Project Manager
Elizabeth Hill
WQC Application Number
WQC 151216-02

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: [ ] 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).

Application has also been made to the Louisiana Department of Environmental Quality, Water Quality Certifications, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

COMMERICAL DEVELOPMENT AND RESTORATION IN CALCASIEU PARISH

NAME OF APPLICANT: Mary Kay Hopkins, L.L.C., 120 Dr. Michael DeBakey Drive, Lake Charles, Louisiana 70601.

LOCATION OF WORK: Adjacent along I-210, 2200-2500 W. Prien Lake Road, Lake Charles, in Calcasieu Parish, Louisiana, as shown on the enclosed drawings.

Location: Latitude: 30°11'43.26 " N / Longitude: -93°15'25.46" W, Hydrologic Unit Code: 08080206 – Calcasieu Basin

The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have been deferred.

CHARACTER OF WORK: Conduct clearing and grading operations, construct a 50-foot wide by 80-foot long retention pond and a 30-foot wide by 60-foot long retention pond, remove 7,000 cubic yards of earthen material, and place approximately 12,000 cubic yards of hauled-in fill material and 2,000 cubic yards of concrete, and remove1,500 cubic yards of mulch fill material to prepare a 5.93 acre site (lots 1 and 2) for commercial development. Remove mulch fill material to restore 1.08 acres of jurisdictional wetland on lots 3 and 4 back to pre-project conditions. The mulch will either be placed in non-wetland portions of lots 3 and 4 where the material cannot be washed backed into wetland or hauled away to a non-wetland location. Approximately 1.81 acres of jurisdictional bottomland hardwood wetlands on lots 1 and 2 would be permanently impacted via project implementation. The

applicant agrees to compensate for wetland impacts by purchasing credits at a Department of the Army approved mitigation bank.

The applicant may be required to fully or partially restore the project site to preproject conditions, if issuance of a permit is determined to be contrary to the overall 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 mailed 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 mailed to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH**. **Similar 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.**

Individuals or parties may request an extension of time in which to comment on the proposed work by writing 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.

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, prehistorical, 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 neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species. Utilizing Standard Local Operating Procedure for Endangered Species in Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office, the Corps has determined that the proposed activity would have no effect on any listed species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would 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, Water Quality Certifications, 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

Enclosure

2200 W Prien Lake Rd

2200 W Prien Lake Rd, Lake Charles, LA 70605

Google

2200 W Prien Lake Rd

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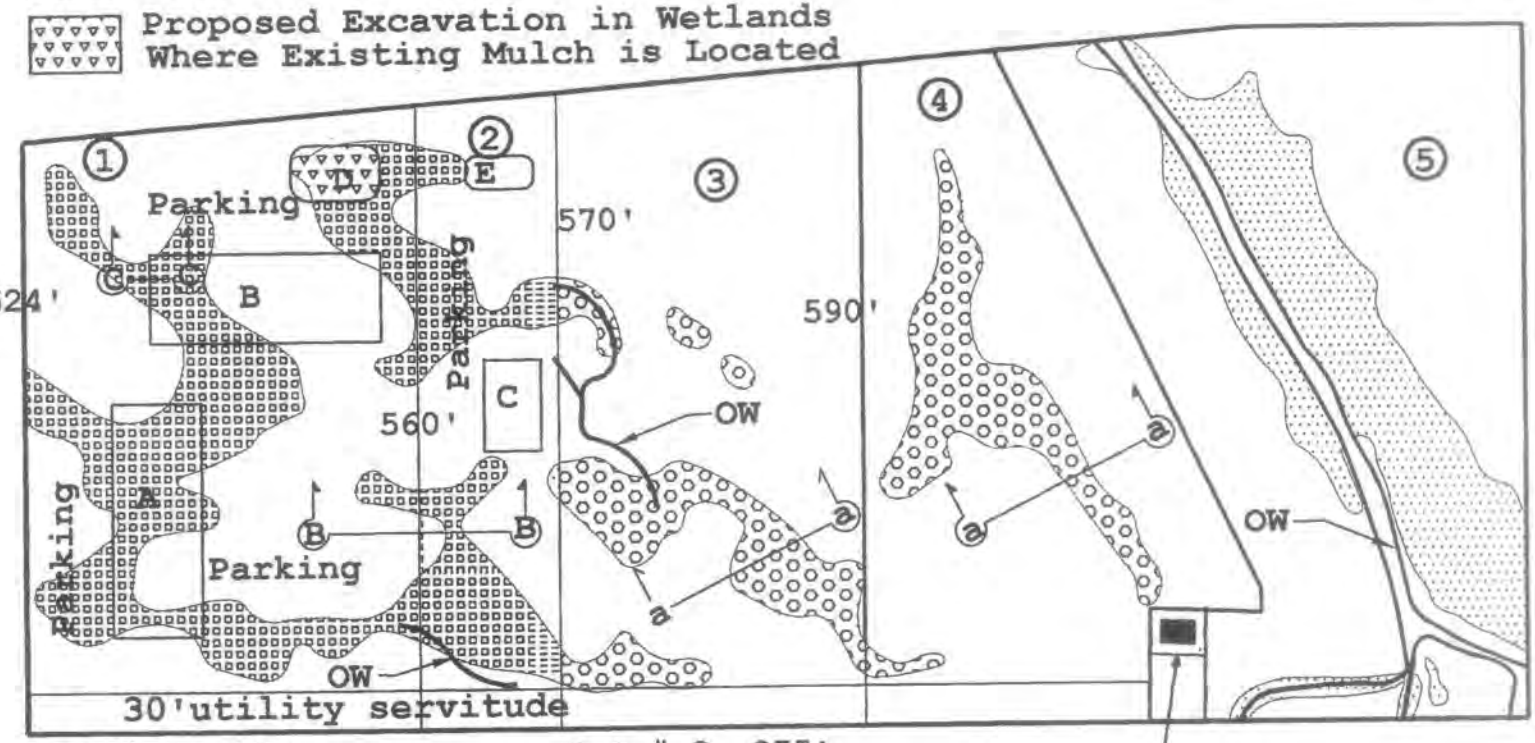
LEGEND

Existing Mulch in Wetlands

Proposed Fill in Wetlands Where Existing Mulch is Located

Proposed Excavation in Wetlands Where Existing Mulch is Located

Lot # 5 will not be developed except for the sewer lift station



Lot # 1, 350'
4.33 acres
1.332 acres wet

Lot # 3, 275'
3.60 acres
.548 acres wet

Sewer Lift Station

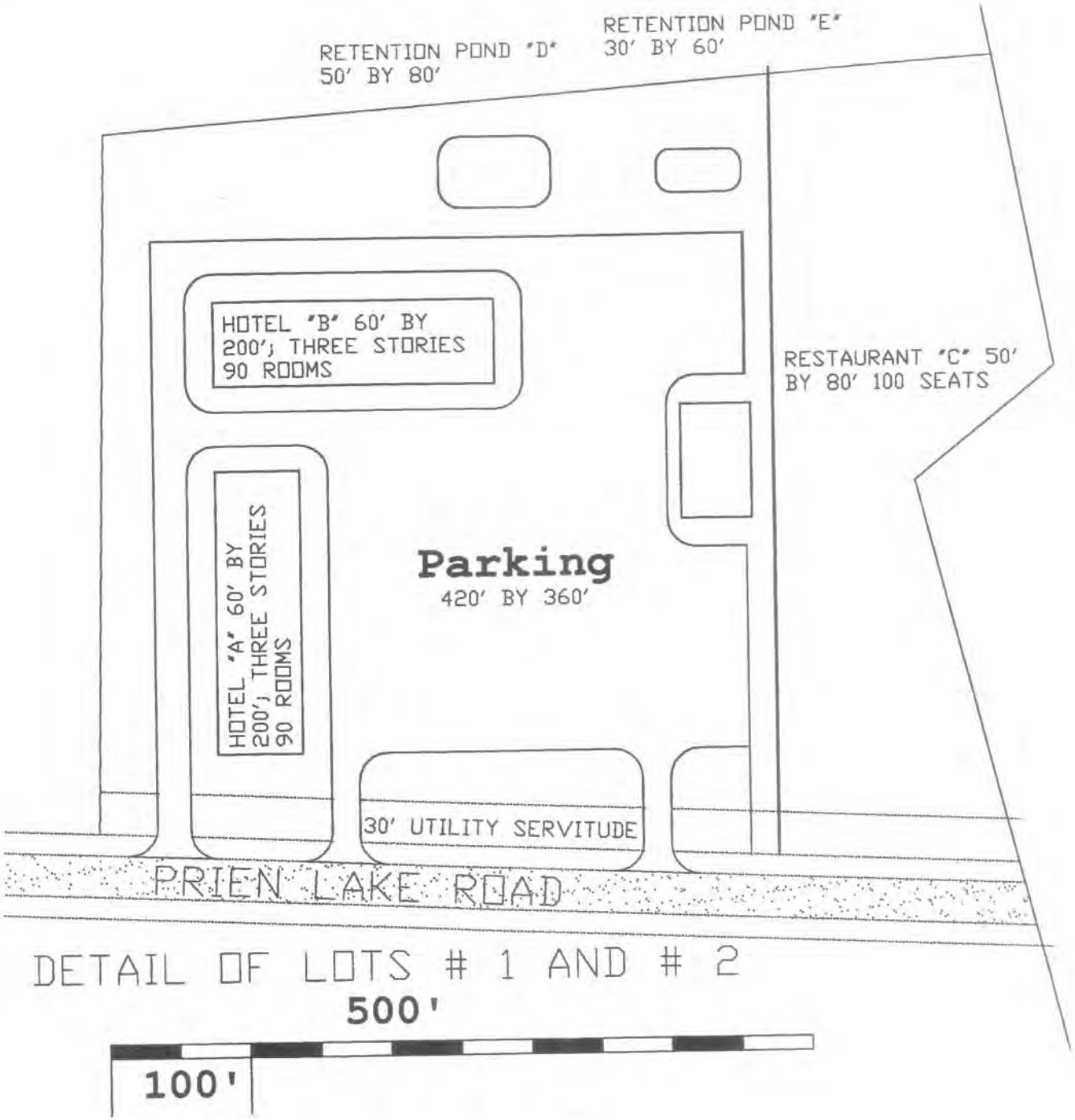
Lot # 2, 125'
1.60 acres
.478 acres wet

Lot # 4, 250'
3.32 acres
.527 acres wet

A-Hotel No. 1, 36,000 sq. ft.
B-Hotel No. 2, 36,000 sq. ft.
C-Restaurant, 4,000 sq. ft
D-Retention pond
E-Retention Pond

500'
100'

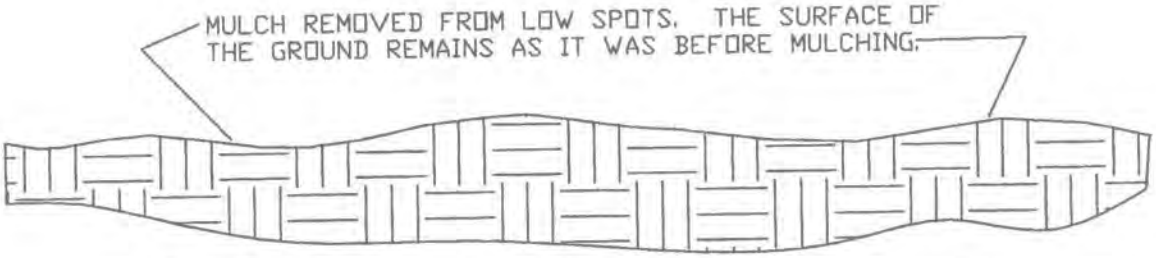
EXHIBIT NO. 1



DETAIL OF LOTS # 1 AND # 2

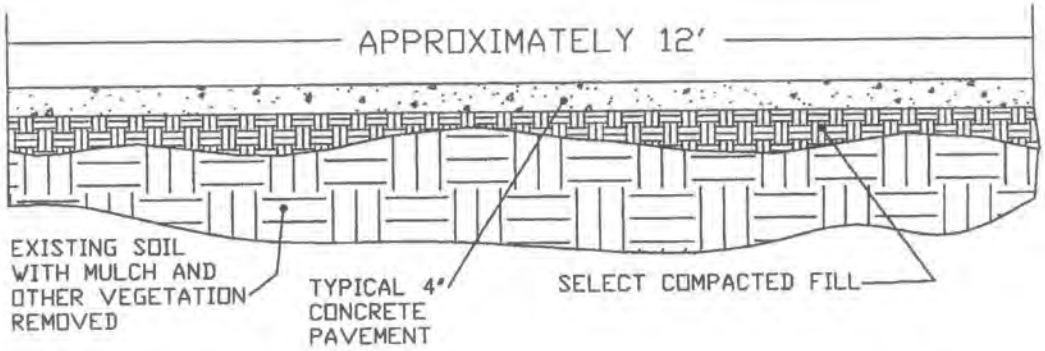
EXHIBIT 3A

CROSS SECTION "A-A"
MULCHED AREA

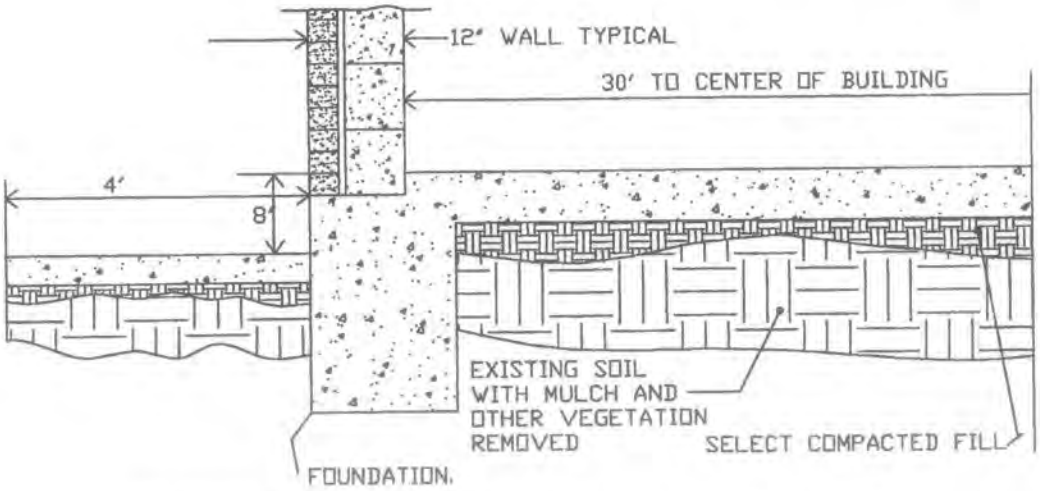


CROSS SECTION "A-A"
MULCHED AREA CLEANED

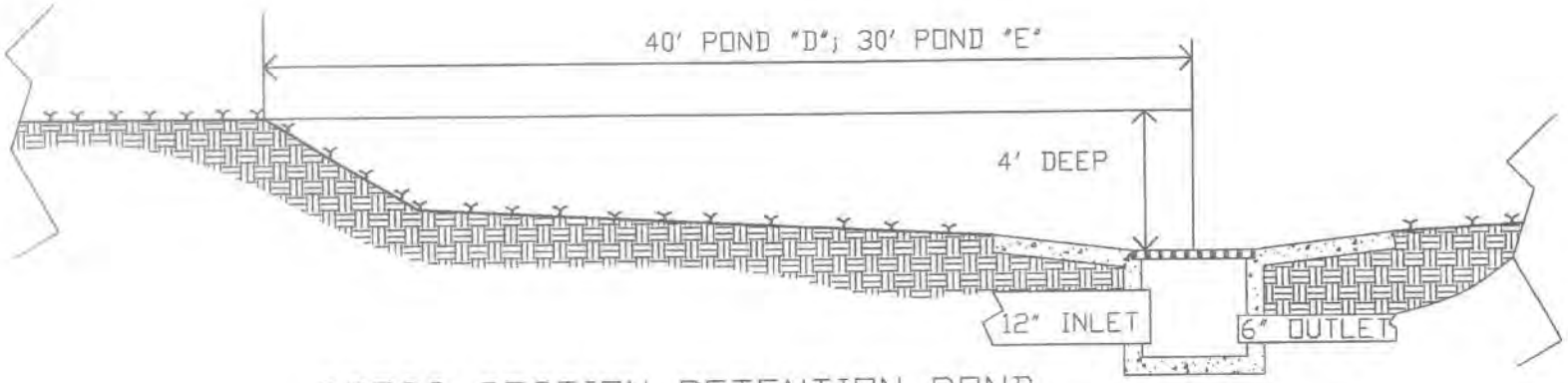
EXHIBIT 3B



CROSS SECTION "B-B"
PARKING LOT



CROSS SECTION "C-C"
BUILDING



CROSS SECTION RETENTION POND