

# JOINT PUBLIC NOTICE

October 5, 2015

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

State of Louisiana  
Department of Environmental Quality  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(504) 862-1301  
Project Manager  
Neil T. Gauthier  
Neil.T.Gauthier@USACE.army.mil  
MVN 2015-01462-CM

(225) 219-3225  
Project Manager  
Elizabeth Hill  
WQC Application Number  
150924-03

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the US 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, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS 30:2074 A(3) and provisions of Section 401 of the Clean Water Act.

## **FILL FOR PROPOSED COMMERCIAL DEVELOPMENT SHADOWBROOK LAKES II IN EAST BATON ROUGE PARISH**

**NAME OF APPLICANT:** Shadowbrook Lakes II, LLC, c/o ELOS Environmental, LLC, Attn: Kristin Broom, 43177 East Pleasant Ridge Road, Hammond, Louisiana 70403.

**LOCATION OF WORK:** South Harrells Ferry Road, in Baton Rouge, Louisiana, in East Baton Rouge Parish, within the Amite River Basin, in hydrologic unit (HUC 08070202), as shown on the attached drawings.

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 since been deferred.

**CHARACTER OF WORK:** The applicant has requested Department of the Army authorization to deposit approximately 4,453 cubic yards of clay fill and concrete to achieve required grade elevation requirements for the construction and maintenance of a commercial development, roadways, drainage infrastructure, and utilities. The proposed project is situated on an approximately 8.4-acre parcel that includes 0.35 acre of jurisdictional herbaceous wetlands and approximately 0.53 acre of "other waters of the US" which have already been filled as part of an unauthorized activity. The proposed project will permanently impact approximately 0.35 acre of herbaceous wetlands and 0.53 acre of

“other waters of the US”. It is anticipated that the proposed action would have minimal impact on adjacent wetlands. The applicant has designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. Any further reduction would limit usage of the property and function, therefore deeming the project impracticable. As compensation for unavoidable wetland impacts, the applicant proposes to mitigate in-kind wetland credits from a Corps approved mitigation bank located in the watershed.

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 Army will close in **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 US 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 US 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.

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.

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 up to 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.

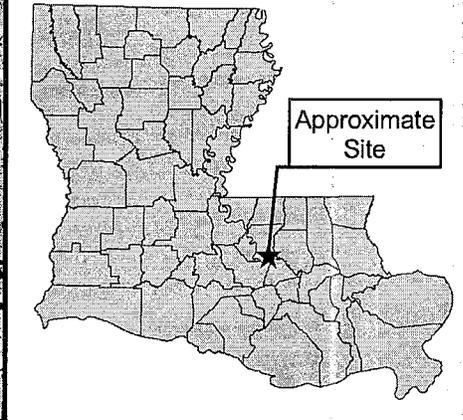
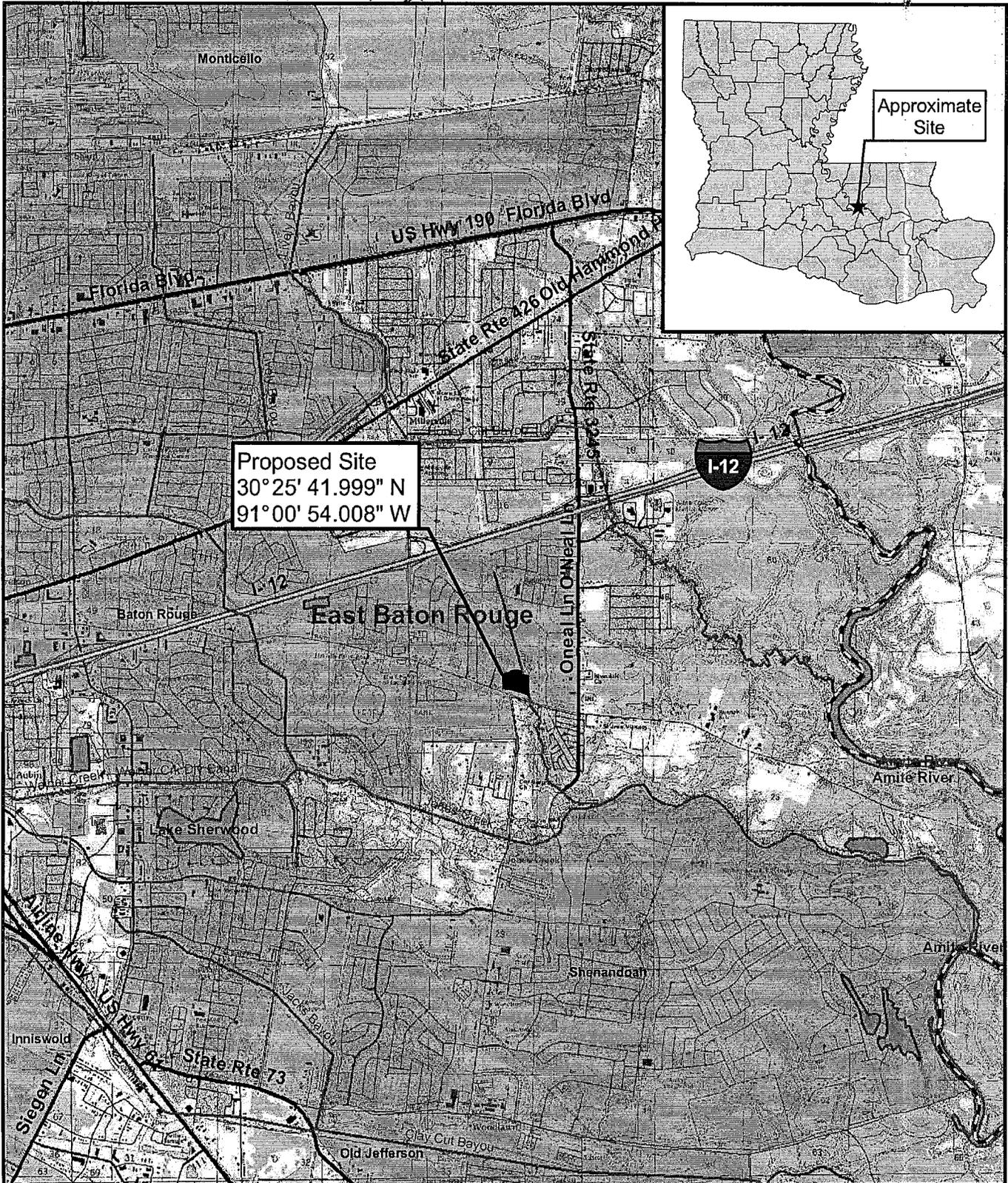
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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

JOHN M. HERMAN  
Chief, Central Evaluation Section  
Regulatory Branch

Enclosures

East Baton Rouge Parish  
Baton Rouge, Louisiana



Proposed Site  
30°25' 41.999" N  
91°00' 54.008" W

**ELOS**  
environmental  
43177 East Pleasant Ridge Road  
Hammond, Louisiana 70403  
P. 985-662-5501, F. 985-662-5504

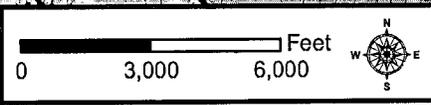


Figure 1: TopoVicinity Map

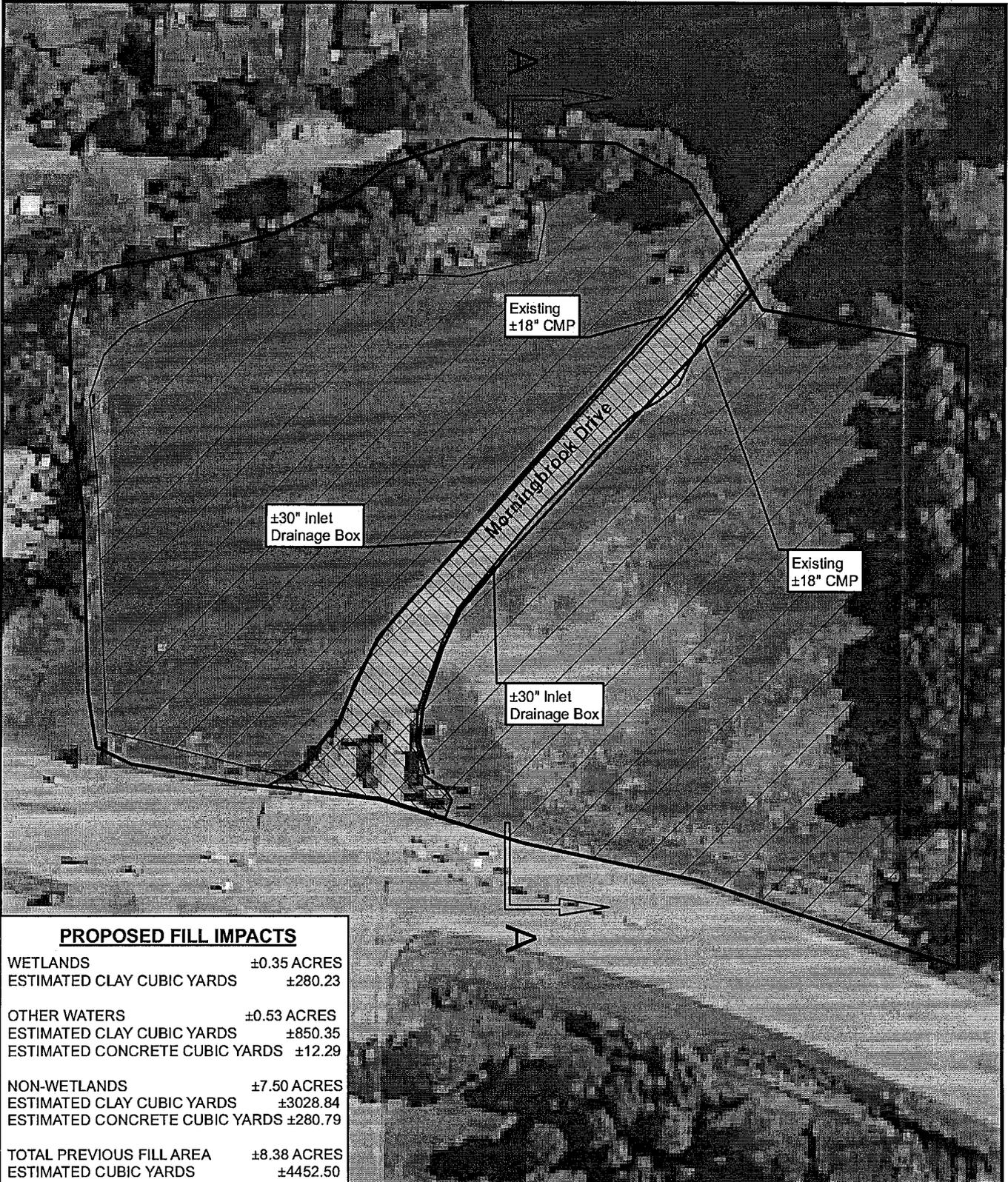
**Shadowbrook Lakes**

**Legend:**

|                       |              |            |
|-----------------------|--------------|------------|
| Proposed Site Outline | Waters       | Interstate |
| Parish Boundary       | Stream/River | Hwy        |
| Cities/Towns          |              |            |

Map prepared from public and proprietary spatial data. Elos Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.

1 of 7



**PROPOSED FILL IMPACTS**

|                                |             |
|--------------------------------|-------------|
| WETLANDS                       | ±0.35 ACRES |
| ESTIMATED CLAY CUBIC YARDS     | ±280.23     |
| OTHER WATERS                   | ±0.53 ACRES |
| ESTIMATED CLAY CUBIC YARDS     | ±850.35     |
| ESTIMATED CONCRETE CUBIC YARDS | ±12.29      |
| NON-WETLANDS                   | ±7.50 ACRES |
| ESTIMATED CLAY CUBIC YARDS     | ±3028.84    |
| ESTIMATED CONCRETE CUBIC YARDS | ±280.79     |
| TOTAL PREVIOUS FILL AREA       | ±8.38 ACRES |
| ESTIMATED CUBIC YARDS          | ±4452.50    |

**ELOS**

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 43177 East Pleasant Ridge Road  
 Hammond, Louisiana 70403  
 P. 985-662-5501, F. 985-662-5504



Figure 2: Existing Conditions

**Shadowbrook Lakes**

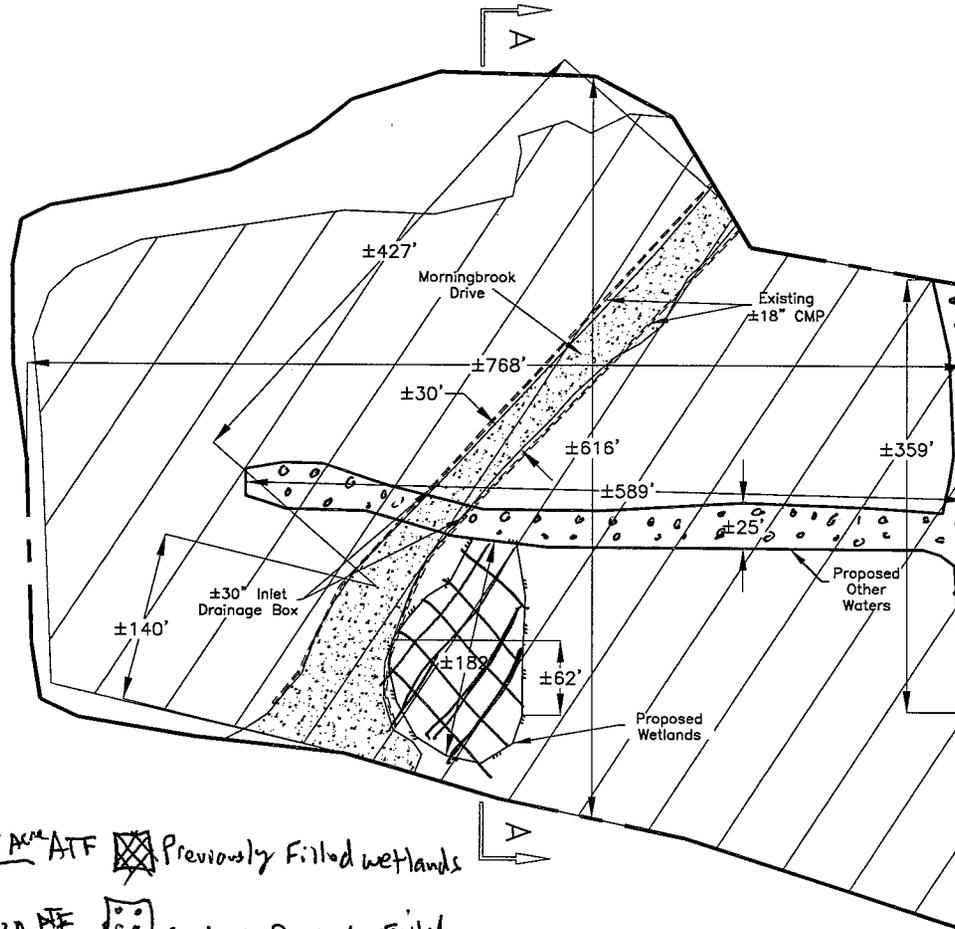
**Legend:**

- Proposed Site Outline
- Morningbrook Drive
- Previous Clear/Fill Area

Map prepared from public and proprietary spatial data. Elos Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.

# EXISTING CONDITIONS

SCALE = NOT TO SCALE



**NOTES:**

THESE DRAWINGS ARE ONLY INTENDED FOR USACE APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT PROCESS.

THESE DRAWINGS ARE NOT INTENDED FOR ENGINEERING, CONTRACTING, SURVEYING, PARISH APPROVAL, OR ANY OTHER USES.

PERMIT DRAWINGS ARE SUBJECT TO FIELD MODIFICATIONS AND CONSTRUCTION DRAWINGS.

**NOTES:**

WETLAND FINDING SHOWN ON MAP ARE PRELIMINARY AND MAY BE SUBJECT TO CHANGE UNTIL THE USACE MAKES A JURISDICTIONAL DETERMINATION ON THE SITE.

0.35 AC<sup>±</sup> ATF Previously Filled Wetlands  
 0.53 AC<sup>±</sup> ATF OWUS Previously Filled

**LEGEND:**

- PROPOSED SITE OUTLINE
- WETLANDS
- OTHER WATERS
- PREVIOUS CLEAR/FILL AREA
- MORNINGBROOK DRIVE

**PROPOSED FILL IMPACTS**

|                                 |                      |
|---------------------------------|----------------------|
| WETLANDS                        | ±0.35 ACRES          |
| ESTIMATED CLAY                  | ±280.23 CUBIC YARDS  |
| OTHER WATERS                    | ±0.53 ACRES          |
| ESTIMATED CLAY                  | ±850.35 CUBIC YARDS  |
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| <b>TOTAL PREVIOUS FILL AREA</b> | <b>±8.38 ACRES</b>   |
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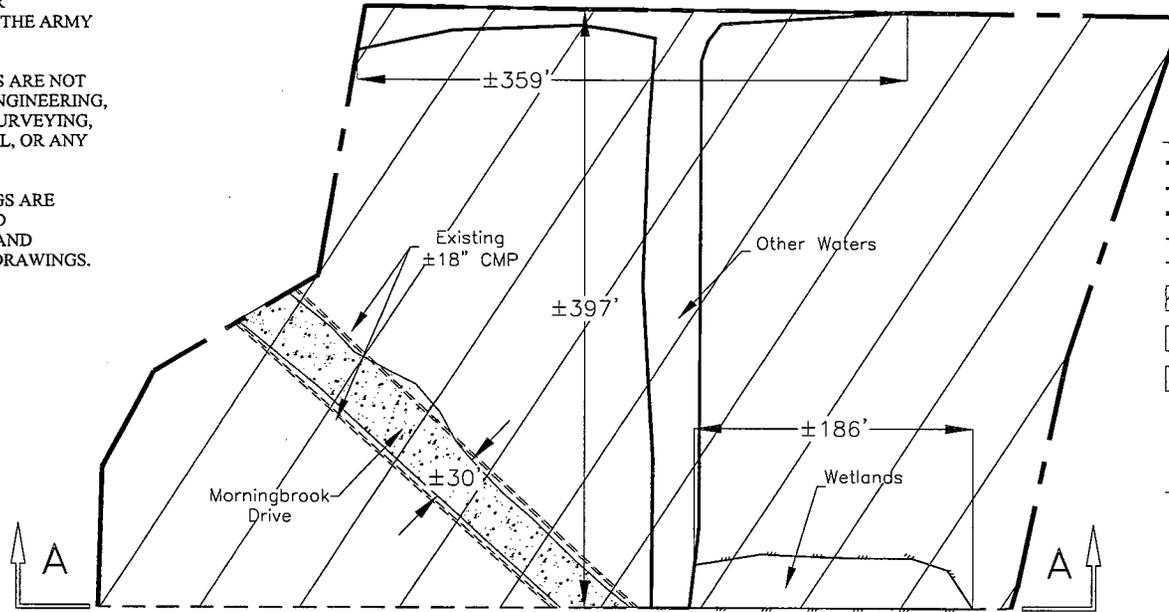
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### CROSS SECTION A-A

SCALE = NOT TO SCALE

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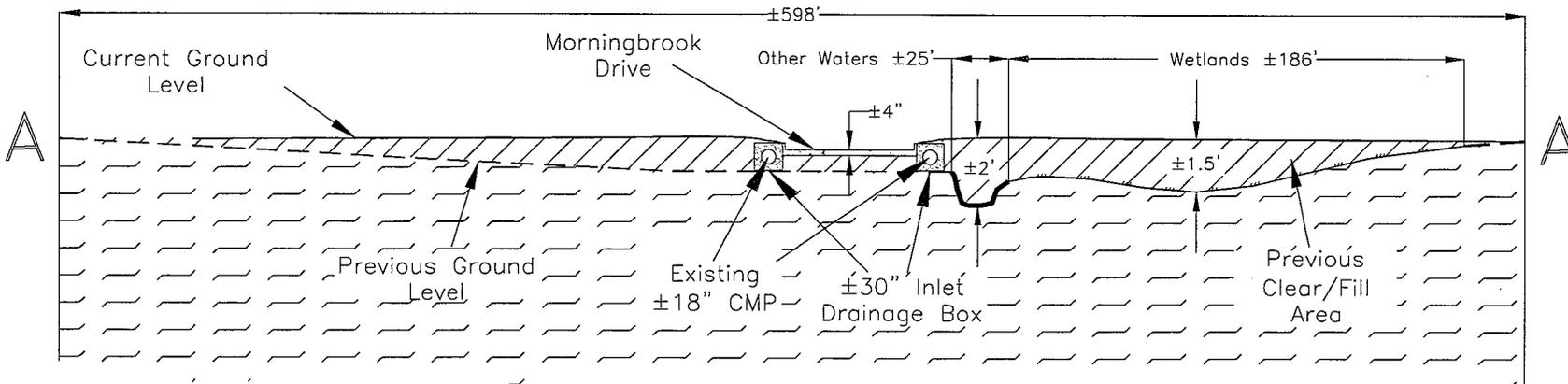


LEGEND:

- PROPOSED SITE OUTLINE
- WETLANDS
- OTHER WATERS
- CURRENT GROUND LEVEL
- PREVIOUS GROUND LEVEL
- PREVIOUS CLEAR/FILL AREA
- MORNINGBROOK DRIVE
- NATIVE MATERIAL

PROPOSED FILL IMPACTS

|                          |                      |
|--------------------------|----------------------|
| WETLANDS                 | ±0.35 ACRES          |
| ESTIMATED CLAY           | ±280.23 CUBIC YARDS  |
| OTHER WATERS             | ±0.53 ACRES          |
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| TOTAL PREVIOUS FILL AREA | ±8.38 ACRES          |
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Shadowbrook Lakes

• FOREST MANAGEMENT  
• ENVIRONMENTAL MONITORING  
• MITIGATION CONSULTATION

ELOS ENVIRONMENTAL, LLC

• WETLAND DELINEATION  
• PERMIT APPLICATIONS  
• ENDANGERED SPECIES SURVEY

Office 985-662-5501 Fax 985-662-5504  
43177 East Pleasant Ridge Road, Hammond, LA 70403

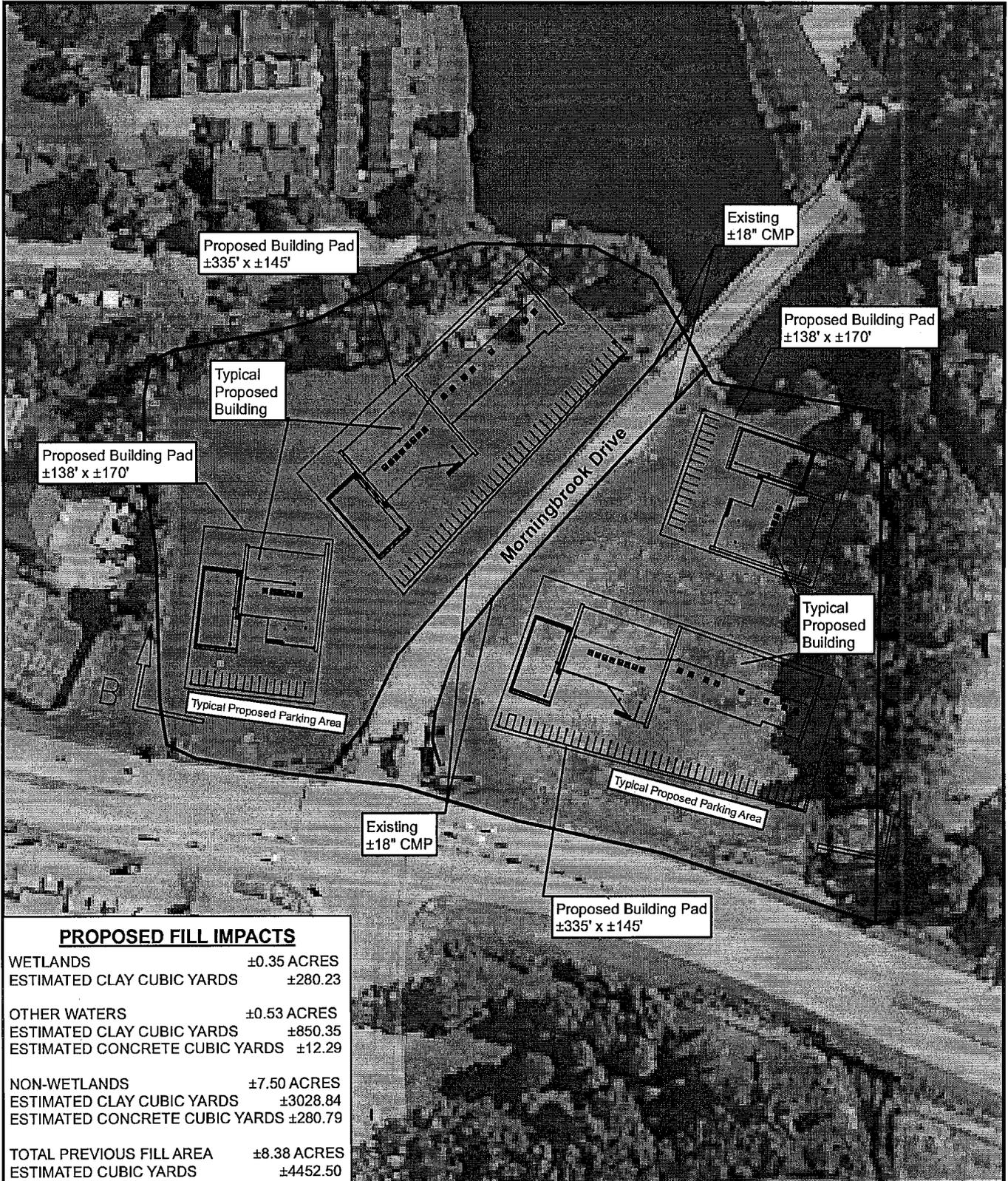
DATE: 4/9/15

Dwn. Chk.  
J.M. Rev.  
Date

Figure 4 of 7

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**PROPOSED FILL IMPACTS**

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**ELOS**  
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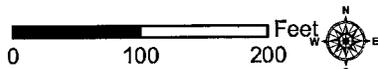


Figure 5: Plan View

**Shadowbrook Lakes**

**Legend:**

□ Proposed Site Outline

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# CROSS SECTION B-B

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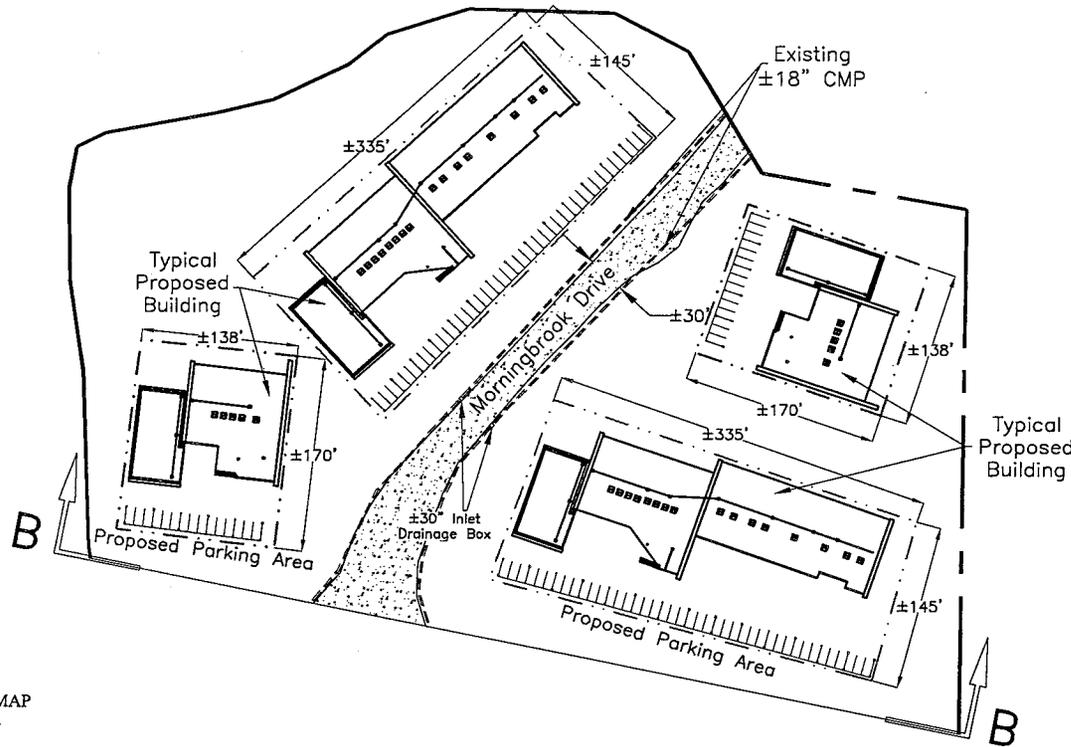


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**LEGEND:**

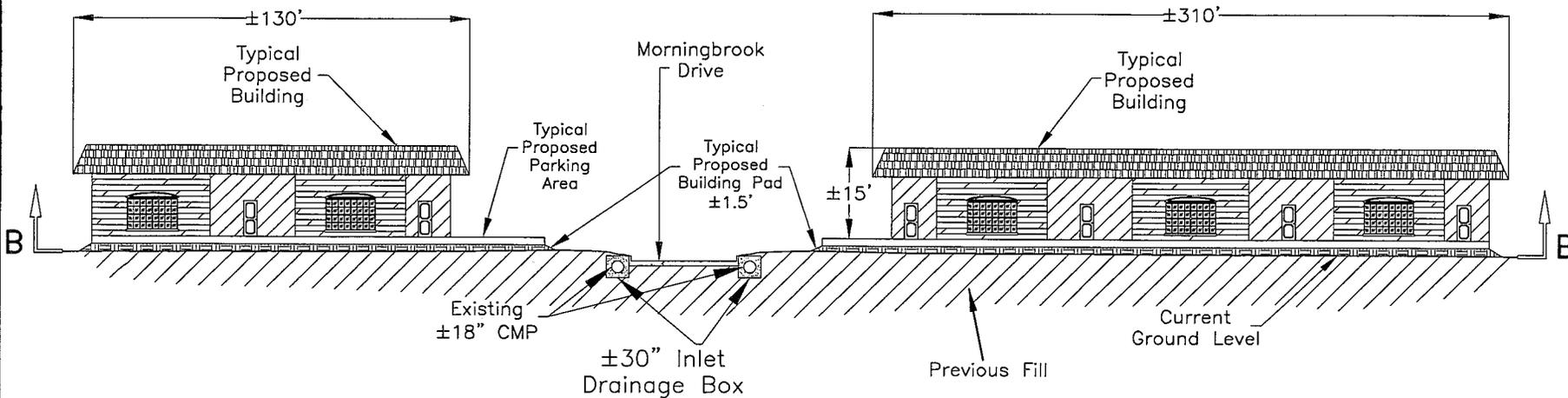
- PROPOSED SITE OUTLINE
- PROPOSED BUILDING PAD
- MORNINGBROOK DRIVE
- PREVIOUS FILL

**PROPOSED FILL IMPACTS**

|                                 |                             |
|---------------------------------|-----------------------------|
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Shadowbrook Lakes

- \*FOREST MANAGEMENT
- \*ENVIRONMENTAL MONITORING
- \*MITIGATION CONSULTATION

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|              |      |
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| DATE: 4/9/15 | Chk. |
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| J.M.         |      |
| Date         |      |

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environmental

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Hammond, Louisiana 70403  
P. 985-662-5501, F. 985-662-5504



Figure 7: Drainage Flow

**Shadowbrook Lakes**

**Legend:**

- Proposed Site Outline
- Approx. Drainage Flow
- Collection Area

Map prepared from public and proprietary spatial data. Elos Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.