

JOINT PUBLIC NOTICE

February 28, 2022

United States Army Corps of Engineers
New Orleans District
Regulatory Division
7400 Leake Avenue
New Orleans, Louisiana 70118

State of Louisiana
Department of Environmental Quality
Water Permits Division
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

Project Manager:
Kenny Blanke
(504) 862-1217
Kenneth.G.Blanke@usace.army.mil
Application #: MVN 2021-01147-CQ

Certification Analyst:
Elizabeth Hill
(225) 219-3225
WQC Application Number:
WQC 20220216-03

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), [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 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 (P.L. 95-17).

PROPOSED COMMERCIAL DEVELOPMENT in LIVINGSTON PARISH

NAME OF APPLICANT: Mr. Don Kelly, c/o Hydrik Wetlands Consultants, Attn: Mike Henry, 2323 Hwy 190 East, Suite 2, Hammond, LA 70401.

LOCATION OF WORK: In an approximate 5-acre site located along and west of Juban Road, in Section 47, Township 6 South, Range 7 East, near Denham Springs, Louisiana, in Livingston Parish, within the Pontchartrain Basin in hydrologic unit (HUC 08070202), as shown on the attached drawings (Latitude 30.47622 N, Longitude -90.92021 W).

CHARACTER OF WORK: The applicant has requested Department of the Army authorization to clear, grade, excavate and deposit fill to construct and maintain a commercial retail development (Oaks at Juban) to include 2 commercial retail development buildings, parking areas, utilities and drainage infrastructure. Approximately 3,828 cubic yards of hauled in clean clay fill material, 1,628 cubic yards of concrete, and 750 cubic yards of asphalt would be placed as fill material in jurisdictional areas. Approximately 0.9 acre of jurisdictional forested wetlands would be directly impacted as a result of project implementation. The applicant claims that the proposed project has been designed to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. The applicant is proposing to utilize best management practices for erosion and siltation control during and after the construction phase of the project. If authorized, the project will receive approval from all appropriate local drainage authorities and

sewerage agencies. As compensation for unavoidable wetland impacts, the applicant proposes to use a Corps approved mitigation bank within the watershed of impact.

The comment period for the Department of Army Permit and the Louisiana Department of Environmental Quality WQC 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 and/or comments concerning the subject permit application must reference the applicant's name and the Permit Application Number and preferably emailed to the Corps of Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGC, Kenny Blanke**. 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 Branch 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. This public notice is also available for review online at <https://go.usa.gov/xennJ>.

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. Copies of this notice are being sent to 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.

Utilizing the Information & Planning Consultation for Endangered Species in Louisiana (IPaC), dated January 27, 2020, 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 will have no effect on any known species.

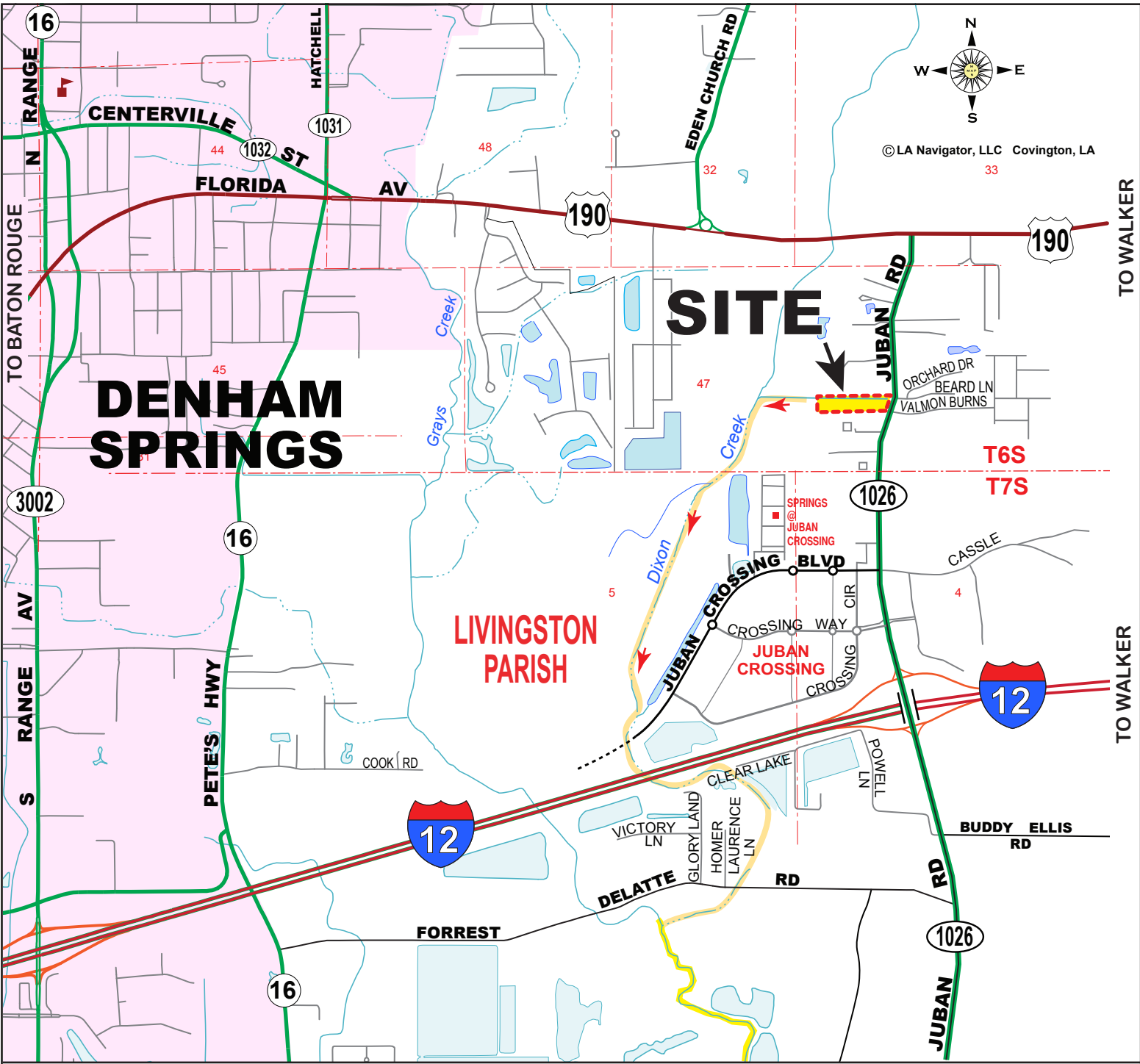
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of NA acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our 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 Louisiana Department of Environmental Quality, Office of Environmental Services before a Department of the Army permit can be 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 Branch
Regulatory Division

Enclosures



LEGEND:



= PROJECT SITE



= DRAINAGE DISCHARGE



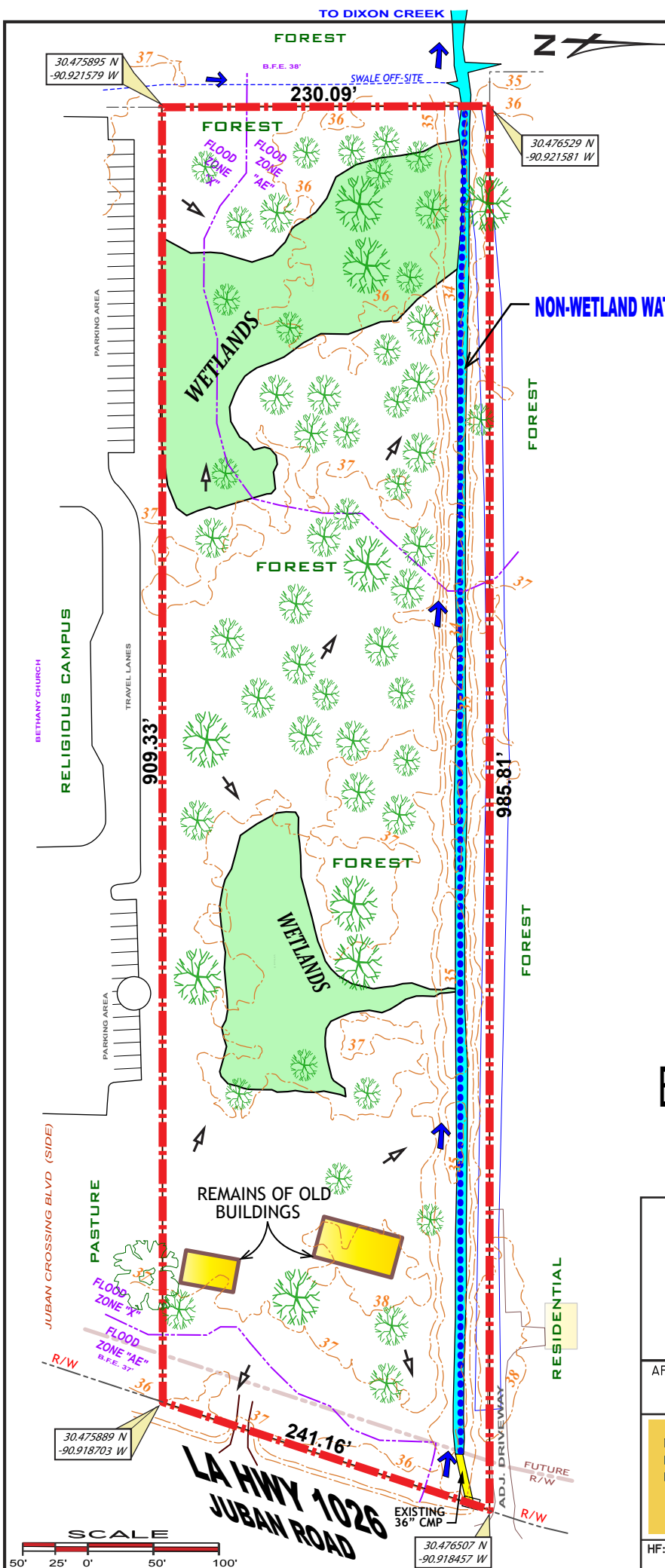
OAKS @ JUBAN SPRINGS - COMMERCIAL
SECTION 47, T6S-R7E
DENHAM SPRINGS
LIVINGSTON PARISH, LA

FIGURE
1

APPLICANT:
DON KELLY

SITE COORDINATES
30.47622 N, -90.92021 W

HF: 21061 ABC DATE: 8-19-2021 APPROVED:



LEGEND:

- SITE BOUNDARY (5.00 AC.)

- WETLANDS: 0.89 AC.

- NON-WETLANDS WATERS**
- TOTAL: 940 LIN. FT / 0.335 AC.
- EXISTING DRAINAGE FLOW

- FLOOD ZONE / TRANSITION LINE
- THIS SITE IS LOCATED IN FLOOD ZONES "A" & "X" PER FEMA FLOOD INSURANCE RATE MAP No. 22063C 0210E DATED 4/03/2012 B.F.E. = 37.0' - 38.0'

- ELEVATION / CONTOUR

EXISTING DRAINAGE FEATURES & SITE IMPROVEMENTS

OAKS @ JUBAN SPRINGS - COMMERCIAL
 SECTION 47, T6S-R7E
 DENHAM SPRINGS
 LIVINGSTON PARISH, LA

APPLICANT: **DON KELLY**

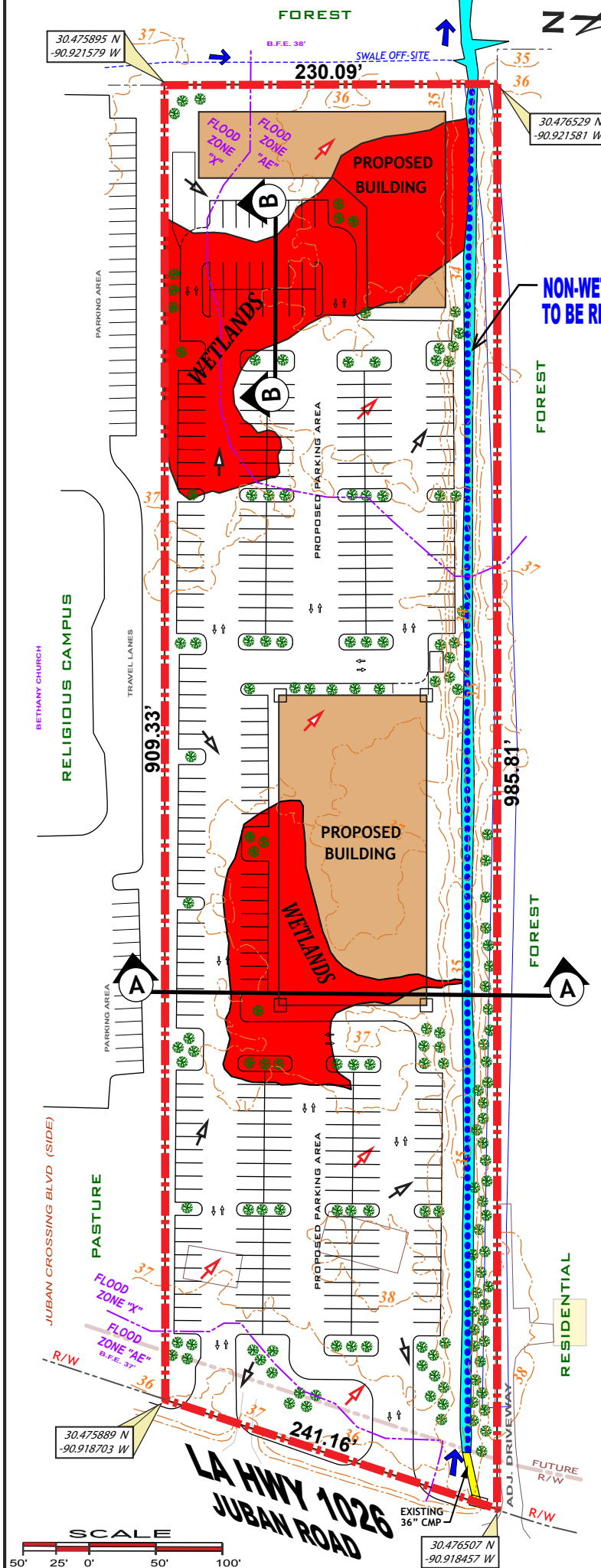
HYDRIK

WWW.HYDRIK.COM

FIGURE
1A

HF: 21061 ABC DATE: 8-19-2021, 10-25-2021 APPROVED:

PLEASE NOTE: MAP DATA IS FOR REFERENCE ONLY. THIS IS NOT A LEGAL SURVEY AND SHOULD NOT BE USED AS SUCH.



PROJECT DATA

TOTAL PROJECT AREA = 5.00 ACRES
 TOTAL WETLANDS = 0.89 ACRES
 COMMERCIAL BUILDING UNITS: 2
 TOTAL BLDG. AREA (FOOTPRINT): 37,150 SQ. FT.

TOTAL VOLUMES:

- CLEAN CLAY FROM OFF SITE = 3,828 CU. YDS.
- 12" CONCRETE (SLABS): 1,628 CU. YDS.
- 3" ASPHALT (PARKING): 750 CU. YDS.

LEGEND:

- SITE BOUNDARY (5.00 AC.)
- WETLANDS IMPACTED - FILLED / GRADED: 0.89 AC.
- NON-WETLANDS WATERS**
- TO REMAIN: 940 LIN. FT / 0.335 AC.
- DRAINAGE FLOW: POST CONSTRUCTION
- DRAINAGE FLOW: PRE CONSTRUCTION
- FLOOD ZONE / TRANSITION LINE
- ELEVATION / CONTOUR

NOTES:

ADDITIONAL IMPROVEMENTS THAT MAY EXIST WITHIN THIS PROPERTY, IF ANY, ARE NOT SHOWN HEREON.

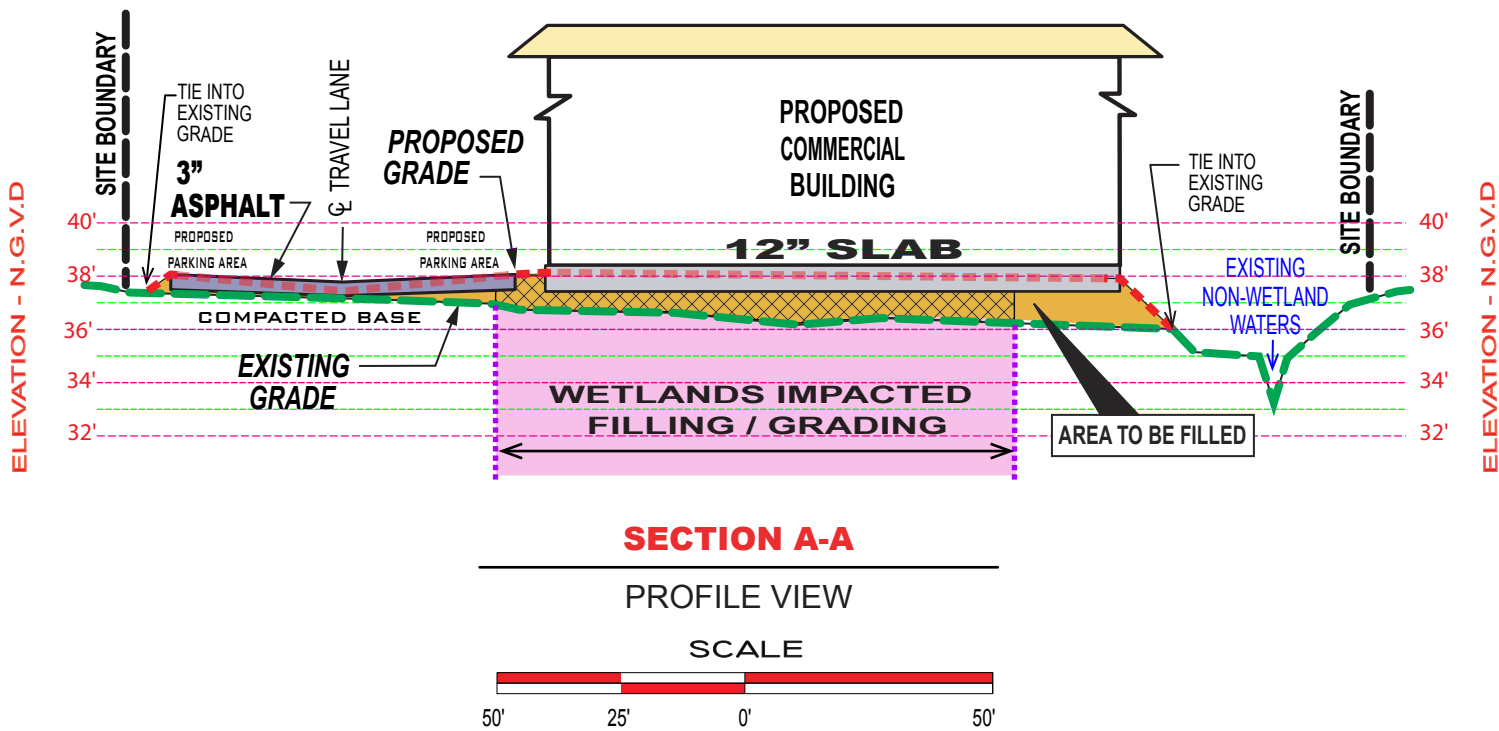
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OAKS @ JUBAN SPRINGS - COMMERCIAL
 SECTION 47, T6S-R7E
 DENHAM SPRINGS
 LIVINGSTON PARISH, LA

APPLICANT: **DON KELLY**

FIGURE
2

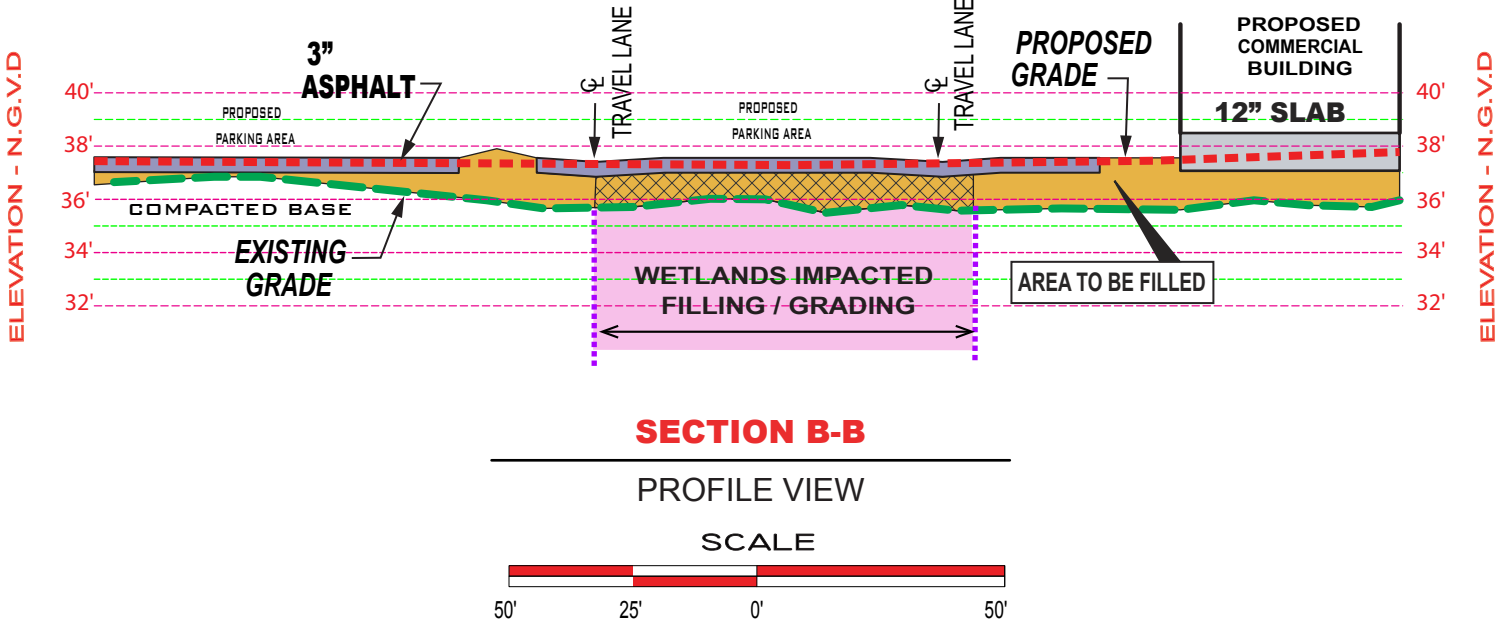
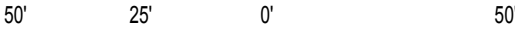
HF: 21061 ABC DATE: 8-19-2021, 10-25-2021 APPROVED:



SECTION A-A

PROFILE VIEW

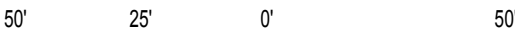
SCALE



SECTION B-B

PROFILE VIEW

SCALE



LEGEND:

- EXISTING GRADE
- PROPOSED GRADE
- PROPOSED CONCRETE
- AREA TO BE FILLED
- WETLANDS IMPACTED VIA FILLING / GRADING

OAKS @ JUBAN SPRINGS - COMMERCIAL
 SECTION 47, T6S-R7E
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APPLICANT: **DON KELLY**

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FIGURE
3

HF: 21061 ABC DATE: 8-19-2021, 10-25-2021 APPROVED:

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