

# JOINT PUBLIC NOTICE

December 23, 2013

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

(504) 862-2225  
[Brad.LaBorde@usace.army.mil](mailto:Brad.LaBorde@usace.army.mil)  
Project Manager  
Brad LaBorde  
Permit Application Number  
MVN 2013-2611 EOO

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

(225) 219-3225  
Project Manager  
Jamie Phillippe  
WQC Application Number  
WQC 131213-01

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).

## **After-the-fact (ATF) Single Family Homesite in Folsom, LA**

**NAME OF APPLICANT:** Kelo McKay, % Bottomland Consulting, LLC, ATTN: Brandon Melville, 2194 S. Fieldspan Road, Duson, Louisiana 70529.

**LOCATION OF WORK:** Lot 24 within the Oak Hill Estates subdivision in Folsom, Louisiana, Saint Tammany Parish, as shown on the enclosed drawings.

Latitude: 30.60797/Longitude: -90.22672; Hydrologic Unit Code: 08090201 – Liberty Bayou Tchefuncte

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:** ATF request to clear, grade, excavate, and deposit fill for a pond and single family residence. Pond construction resulted in 546 cubic yards of material to be excavated, of which, 404 cubic yards of material was placed in jurisdictional wetlands to serve as a berm along a portion of the pond. A total of 0.9 acres of jurisdictional wetlands were impacted at the site. Approximately 0.30 acres were excavated and filled during pond construction. The remaining 0.61 acres were cleared. The applicant has proposed to contract with a Corps approved mitigation bank to compensate for pond construction (0.30 acres). A restoration plan has been approved by this office to restore the remaining cleared areas (0.61 acres) with Willow oak, Laurel oak, blackgum, and mayhaw.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of the 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 is Not Likely to Adversely 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 **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.

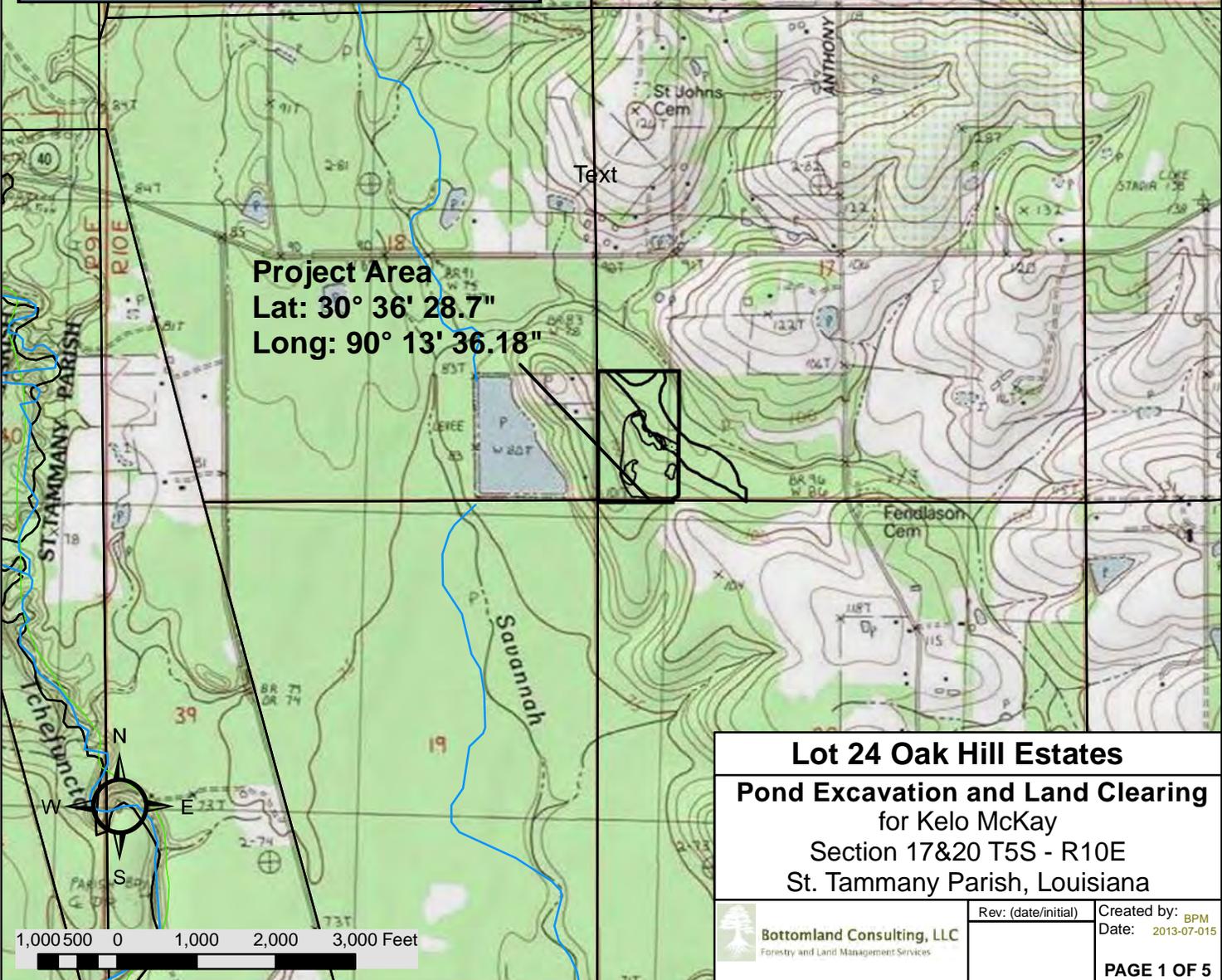
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not 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.

Michael V. Farabee  
Chief, Eastern Evaluation Section

Enclosure



**Lot 24 Oak Hill Estates**  
**Pond Excavation and Land Clearing**  
 for Kelo McKay  
 Section 17&20 T5S - R10E  
 St. Tammany Parish, Louisiana

<b>Bottomland Consulting, LLC</b> Forestry and Land Management Services	Rev: (date/initial)	Created by: <b>BPM</b>
		Date: 2013-07-015

Notes:  
 Total Wetlands Filled = 0.167 Acres  
 Total Wetlands Excavated = 0.113 Acres  
 Total Wetlands Cleared = 0.62 Acres  
 Total Wetlands Impacted = 0.9 Acres

Wetlands Cleared  
 0.01 Acres  
 30° 36' 32.413" N  
 90° 13' 35.506" W

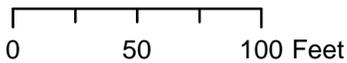
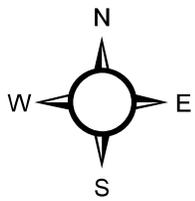
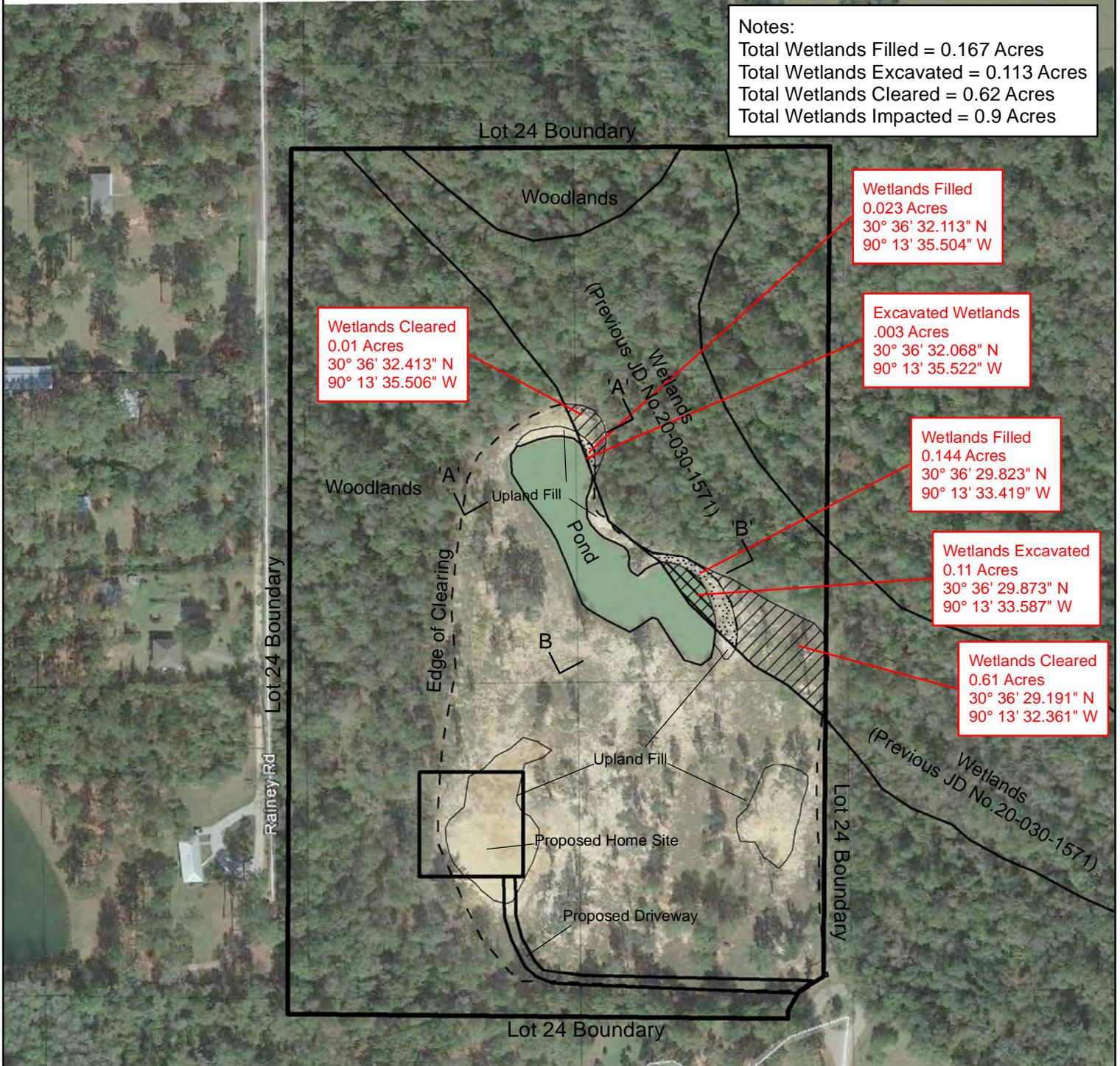
Wetlands Filled  
 0.023 Acres  
 30° 36' 32.113" N  
 90° 13' 35.504" W

Excavated Wetlands  
 .003 Acres  
 30° 36' 32.068" N  
 90° 13' 35.522" W

Wetlands Filled  
 0.144 Acres  
 30° 36' 29.823" N  
 90° 13' 33.419" W

Wetlands Excavated  
 0.11 Acres  
 30° 36' 29.873" N  
 90° 13' 33.587" W

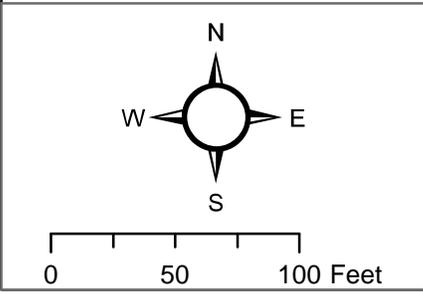
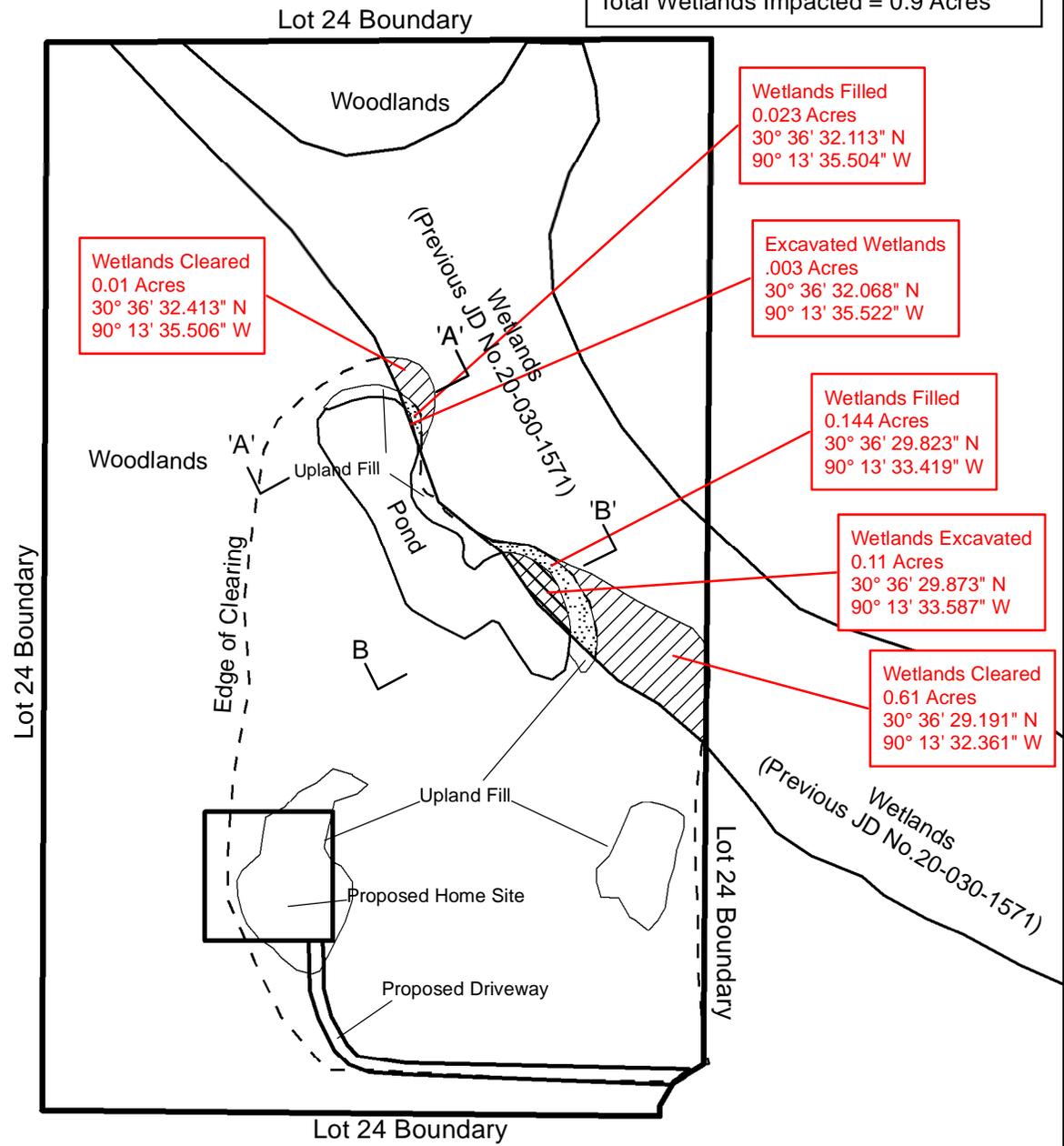
Wetlands Cleared  
 0.61 Acres  
 30° 36' 29.191" N  
 90° 13' 32.361" W



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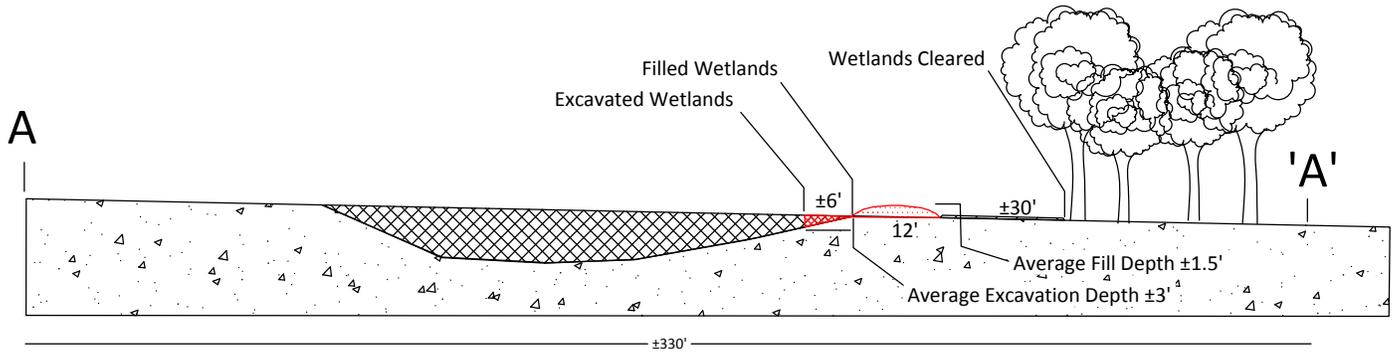
<b>Lot 24 Oak Hill Estates</b>		
<b>Pond Excavation and Land Clearing</b>		
for Kelo McKay		
Section 17&20 T5S - R10E		
St. Tammany Parish, Louisiana		
 Bottomland Consulting, LLC Forestry and Land Management Services	Rev: (date/initial)	Created by: <b>BPM</b>
		Date: 2013-07-015
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Notes:  
 Total Wetlands Filled = 0.167 Acres  
 Total Wetlands Excavated = 0.113 Acres  
 Total Wetlands Cleared = 0.62 Acres  
 Total Wetlands Impacted = 0.9 Acres

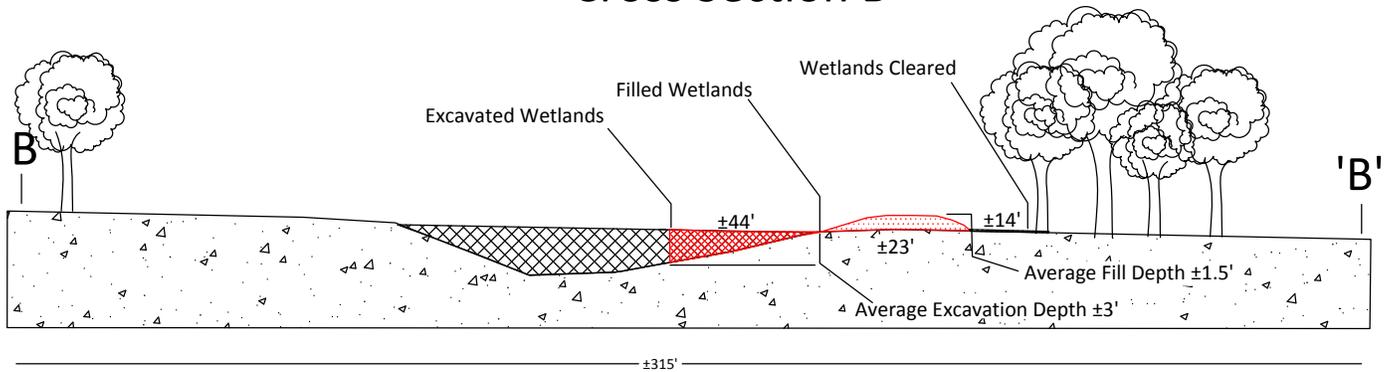


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 <b>Bottomland Consulting, LLC</b> Forestry and Land Management Services	Rev: (date/initial)	Created by: <b>BPM</b>
		Date: 2013-11-12
<b>PAGE 3 OF 5</b>		

## Cross Section A



## Cross Section B



### NOTES:

Total Excavation in Wetlands = 546.92 cubic yards  
 Total Fill in Wetlands = 404.14 cubic yards

### NOTES:

- 1) Permittee shall contact Louisiana ONE CALL at 1-800-272-3020 forty-eight hours prior to excavation or demolition.dfg

## Lot 24 Oak Hill Estates

### Pond Excavation and Land Clearing

for Kelo McKay  
 Section 17&20 T5S - R10E  
 St. Tammany Parish, Louisiana

**Bottomland Consulting, LLC**  
 Forestry and Land Management Services

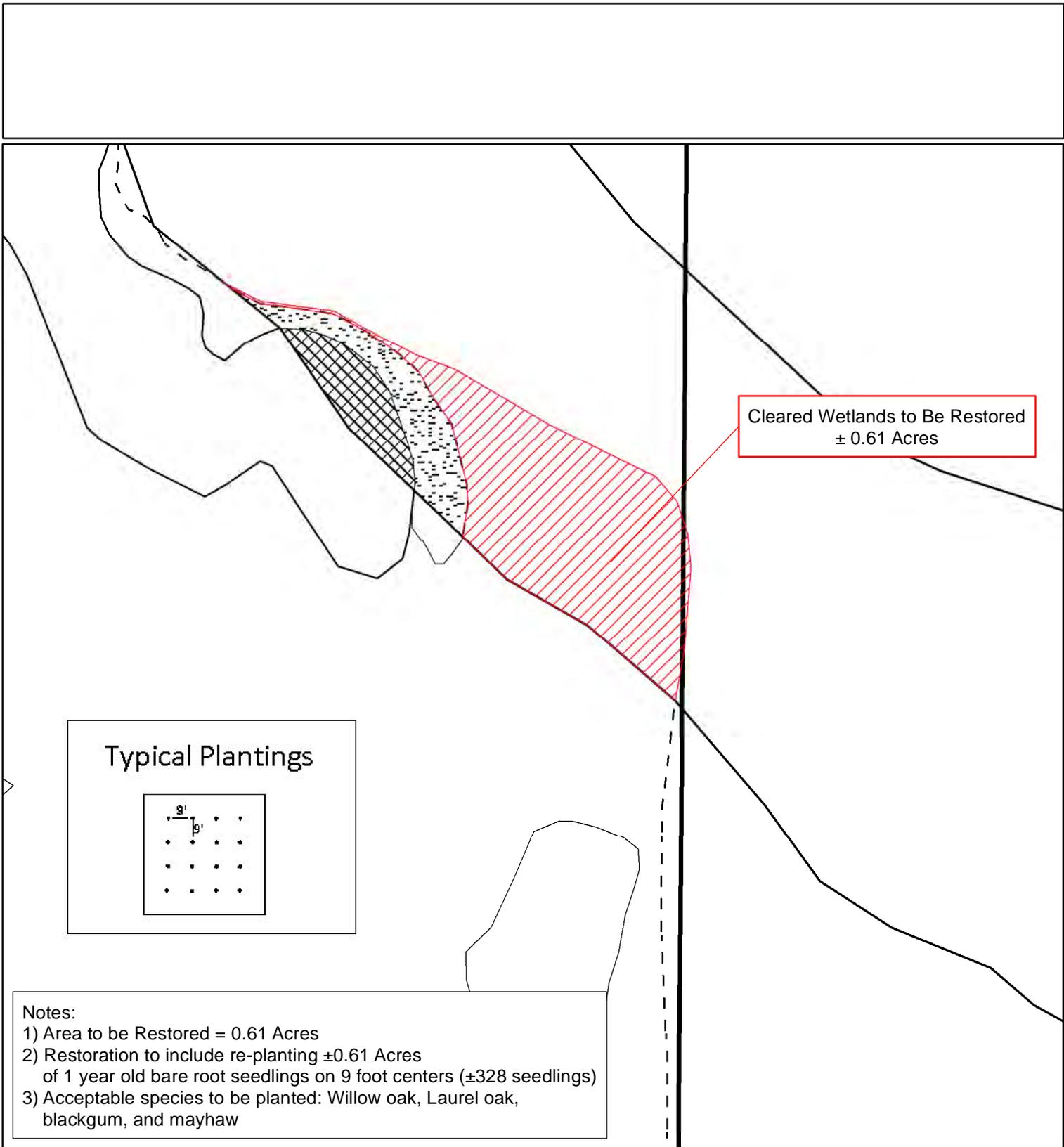
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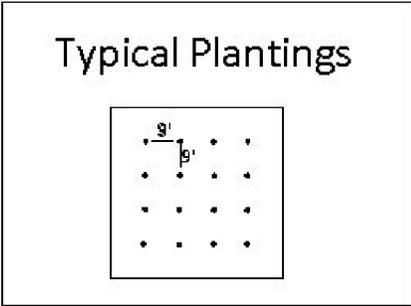
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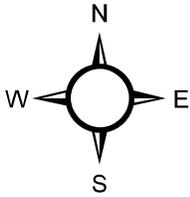
*The contents of these plans are intended exclusively for the purpose of obtaining environmental compliance permits and are not construction drawings.*



Cleared Wetlands to Be Restored  
± 0.61 Acres



Notes:  
 1) Area to be Restored = 0.61 Acres  
 2) Restoration to include re-planting ±0.61 Acres of 1 year old bare root seedlings on 9 foot centers (±328 seedlings)  
 3) Acceptable species to be planted: Willow oak, Laurel oak, blackgum, and mayhaw



No Scale

<b>Lot 24 Oak Hill Estates</b>		
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