

# JOINT PUBLIC NOTICE

September 14, 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  
Water Quality Certifications Section  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(504) 862-1217  
Project Manager  
Kenny Blanke  
[Kenneth.G.Blanke@usace.army.mil](mailto:Kenneth.G.Blanke@usace.army.mil)  
MVN 2015-1782-CQ

(225) 219-3225  
Project Manager  
Ms. Elizabeth Johnson  
WQC Application Number  
WQC 150910-04

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, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2074 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

## **AFTER-THE-FACT DRAINAGE IMPROVEMENTS TO BO HARVEY LATERAL IN LIVINGSTON PARISH**

**NAME OF APPLICANT:** Livingston Parish Gravity Drainage District No. 2, c/o D & S Environmental Services, Inc., Attn: Mr. David Templet, Post Office Box 510, French Settlement, Louisiana 70733.

**LOCATION OF WORK:** On an approximate 6.05-acre project site, within the Amite River hydrologic unit (HUC 08070202), located in Sections 33 & 34, Township 5 South, Range 3 East, beginning at the intersection of Bo Harvey Lateral and Perkins Road proceeding westerly and terminating at Molar Bayou, near Denham Springs, Louisiana, in LIVINGSTON Parish, as shown on the enclosed drawings (Latitude 30.57660 N Longitude -90.89389 W).

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:** The applicant is requesting an after-the-fact Department of the Army permit to clear, grade, excavate, place and maintain fill material to implement the Bo Harvey Lateral drainage improvement project. The project areas totals approximately 8,289 linear feet of Bo Harvey Lateral. The project proposes to clear impeding vegetation within a 15-foot wide maintenance corridor, to install crushed concrete material within jurisdictional wetlands, as well as connecting lateral ditches within the corridor, and to de-silt(clean out) and reshape Bo Harvey Lateral. The placement of concrete fill material will be accomplished by the excavation of the top 6 inches of native material and the backfilling with concrete to an elevation that will ensure hydrological flow and connectivity to adjacent wetlands. Approximately 0.75

acre of jurisdictional wetlands and 2.29 acres of Other Waters of the United States would be impacted as a result of project implementation. Approximately 0.23 acre of jurisdictional wetlands and 0.01 acre of Other Waters of the United States would be avoided. Excavated materials will be distributed in non-wetlands onsite with any excess being redistributed in an approved upland location. Approximately 606 cubic yards of hauled in concrete material would be placed in jurisdictional areas during construction activities. The applicant is proposing to utilize appropriate erosion control methods and best management practices (BMPs) to be implemented onsite during and after the construction phase of the project. The applicant has designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. As compensation for unavoidable wetland impacts, the applicant is proposing to contract with a Corps approved mitigation bank.

The applicant may be required to fully or partially restore the project site to pre-project 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**. 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, 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.

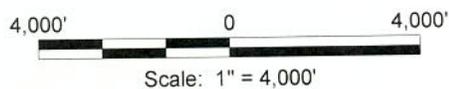
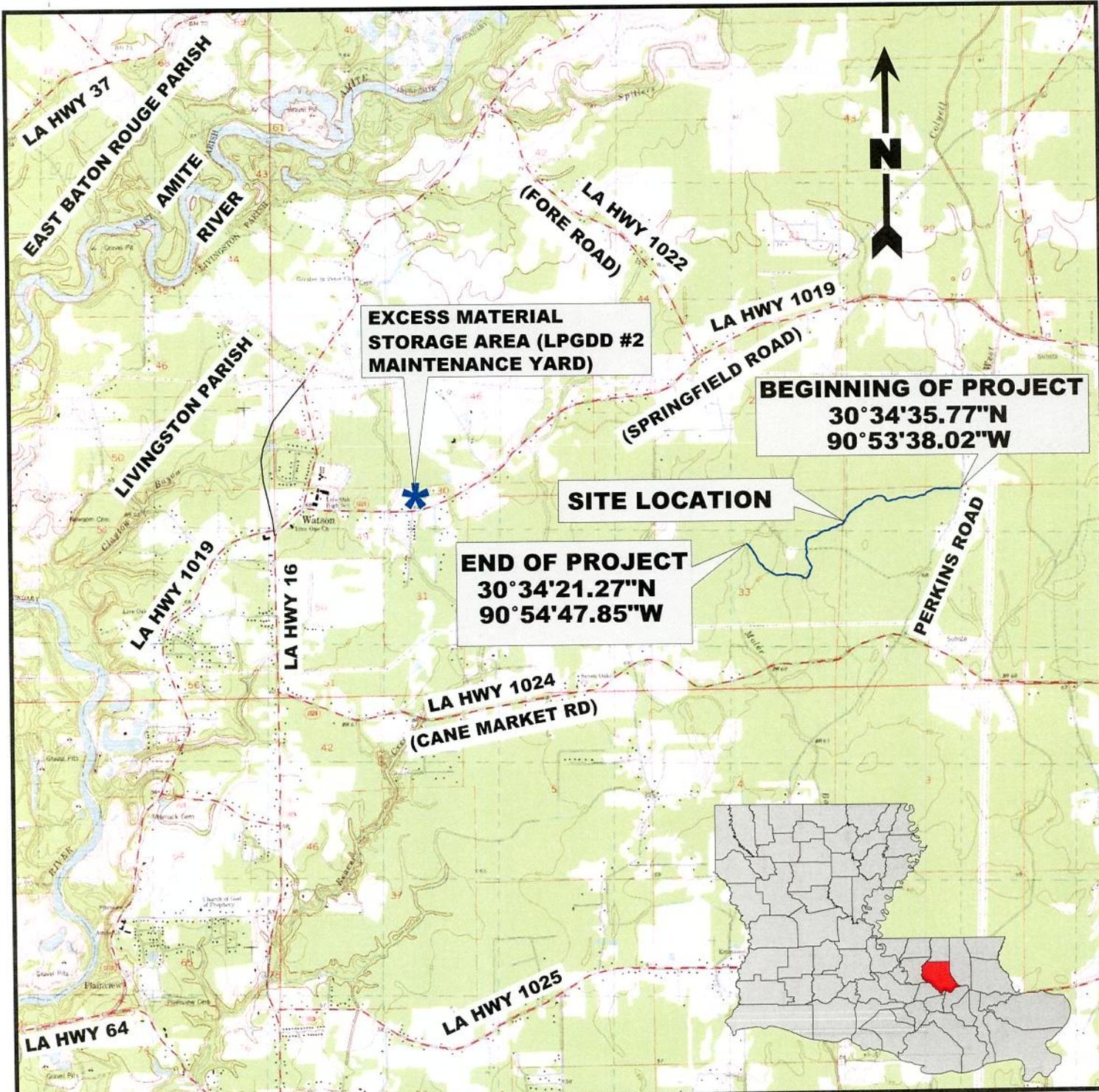
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of NA acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our 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 applicable 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

Enclosure



**Notes**

Property is located in Sections 33 & 34 T5S-R3E

Beginning of Project: Latitude:  $30^{\circ}34'35.77''N$  Longitude:  $90^{\circ}53'38.02''W$   
 End of Project: Latitude:  $30^{\circ}34'21.27''N$  Longitude:  $90^{\circ}54'47.85''W$

**Reference**

Base map comprised of U.S.G.S. 7.5 minute topographic map "Watson, LA".

**Livingston Parish Gravity Drainage District No. 2**

**Bo Harvey Lateral Maintenance Project**

**Vicinity Map**

Livingston Parish, Louisiana



**D & S ENVIRONMENTAL SERVICES, INC.**





END OF PROJECT  
 30°34'21.27"N  
 90°54'47.85"W

MOLER BAYOU

34'

EXTENT OF PROJECT  
 ACTIVITY

BO HARVEY LATERAL

15' MAINTENANCE  
 CORRIDOR

**Total Proposed Fill**

Approximately 605.32 Cubic Yards of Crushed Concrete.

- Legend**
- Jurisdictional Determination Boundary (6.05 Acres)
  - Non-Wetlands (2.77 Acres)
  - Total Jurisdictional Wetlands (0.98 Acres)
  - ▨ Jurisdictional Wetlands Not To be Impacted (0.23 Acres)
  - ▤ Jurisdictional Wetlands To Be Excavated / Filled (0.75 Acres)
  - Total Other Waters Of The US (2.30 Acres)
  - Other Waters Of The US Not To Be Impacted (0.01 Acres)
  - Other Waters Of The US To Be Excavated (2.29 Acres)

MATCH LINE - SEE FIGURE 4



**Notes**

1. The Proposed layout was provided by Livingston Parish Gravity Drainage District No. 2.
2. Jurisdictional Wetlands & Other Waters Of The U.S. obtained from U.S. Army CORPS of Engineers Jurisdictional Determination Account Number MVN-2014-02657-SQ.
3. According to F.E.M.A. F.I.R.M. Community Panel No. 22063C0125 E Dated 4-3-2012, this property falls in Flood Zone AE (Special flood hazard areas (SFHAs) subject to inundation by the 1% annual chance flood; Base Flood Elevations Determined). Base Flood Elevation = 69' N.G.V.D.
4. Wetland impacts by habitat type:
  - >Bottomland Hardwood = 0.29 Acres
  - >Herbaceous = 0.14 Acres
  - >Scrub/Shrub = 0.32 Acres
5. Excavated material will be redistributed in non-wetlands on-site. Any excess excavated material will be transported off-site to the maintenance yard for Livingston Parish Gravity Drainage District #2 located off LA Hwy 1019 (Springfield Road)(see Vicinity Map).
6. Wetland impacts shall consist of mechanized clearing of impeding vegetation, excavating (mucking out) the upper 6" and refilling with crushed concrete to a correlating elevation, which will ensure hydrological flow and connectivity to adjacent wetlands thereof.



**Livingston Parish Gravity Drainage District No. 2**

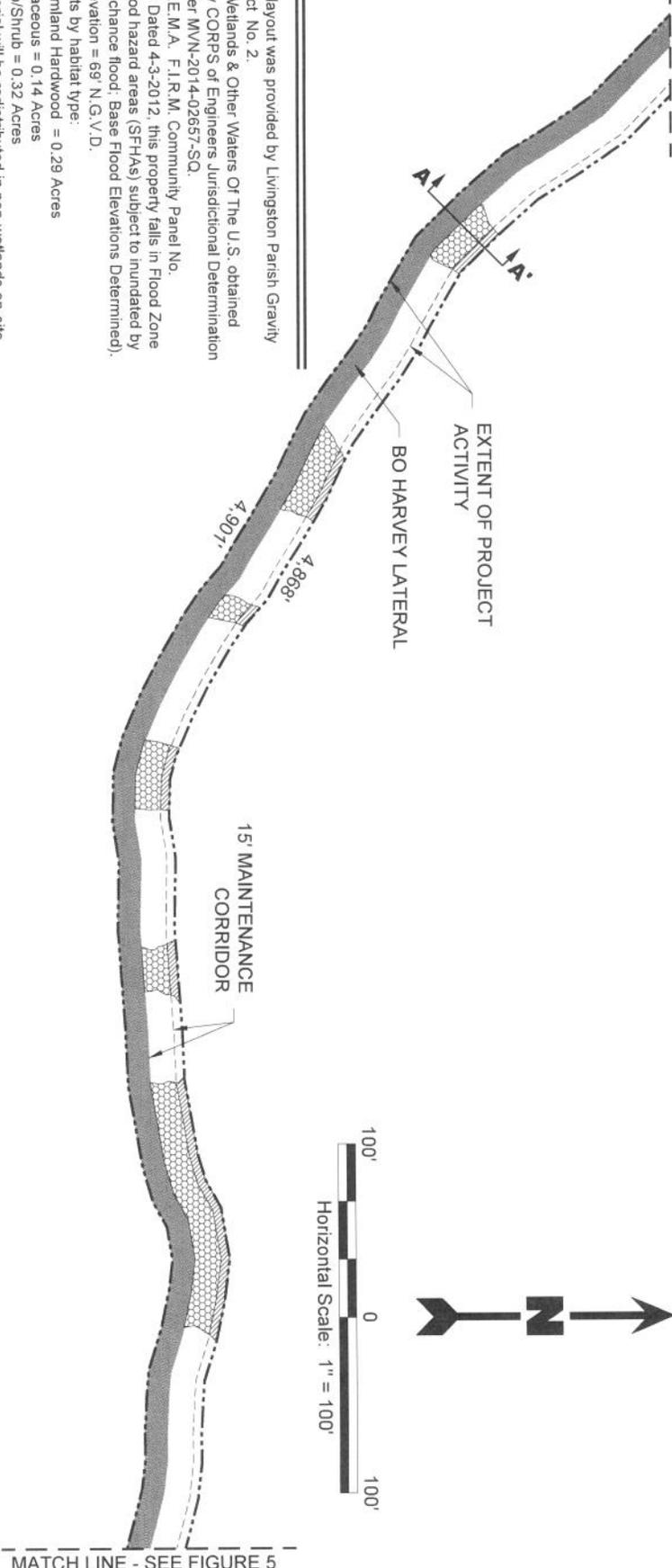
**Bo Harvey Lateral Maintenance Project**

**Proposed Plan View**

Livingston Parish, Louisiana



MATCH LINE - SEE FIGURE 3



**Notes**

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**Legend**

- Jurisdictional Determination Boundary (6.05 Acres)
- Non-Wetlands (2.77 Acres)
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- Total Other Waters Of The US (2.30 Acres)
- Other Waters Of The US Not To Be Impacted (0.01 Acres)
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**Total Proposed Fill**

Approximately 605,32 Cubic Yards of Crushed Concrete.

<b>Livingston Parish Gravity Drainage District No. 2</b>	
<b>Bo Harvey Lateral Maintenance Project</b>	
<b>Proposed Plan View</b>	
Livingston Parish, Louisiana	
<b>D &amp; S ENVIRONMENTAL SERVICES, INC.</b>	
Project No.: 19-2015-DOA	Date: 7-6-2015
Figure No.: 4	

MATCH LINE - SEE FIGURE 4

EXISTING BRIDGE

EXISTING UNIMPROVED TRAIL

EXTENT OF PROJECT ACTIVITY

15' MAINTENANCE CORRIDOR

BO HARVEY LATERAL

Approximately 605,32 Cubic Yards of Crushed Concrete.

### Total Proposed Fill

SEE FIGURE 2

### Notes

Project No.: 19-2015-DOA	Date: 7-6-2015	Figure No.: 5
<b>D &amp; S ENVIRONMENTAL SERVICES, INC.</b>		
Livingston Parish, Louisiana		
<b>Proposed Plan View</b>		
Bo Harvey Lateral Maintenance Project		
<b>District No. 2</b>		
<b>Livingston Parish Gravity Drainage</b>		



JURISDICTIONAL WETLANDS TO BE EXCAVATED AND FILLED

EXISTING UNIMPROVED ROAD

EXISTING CULVERT

JURISDICTIONAL WETLANDS NOT TO BE IMPACTED

- Non-Wetlands (2.77 Acres)
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MATCH LINE - SEE FIGURE 6

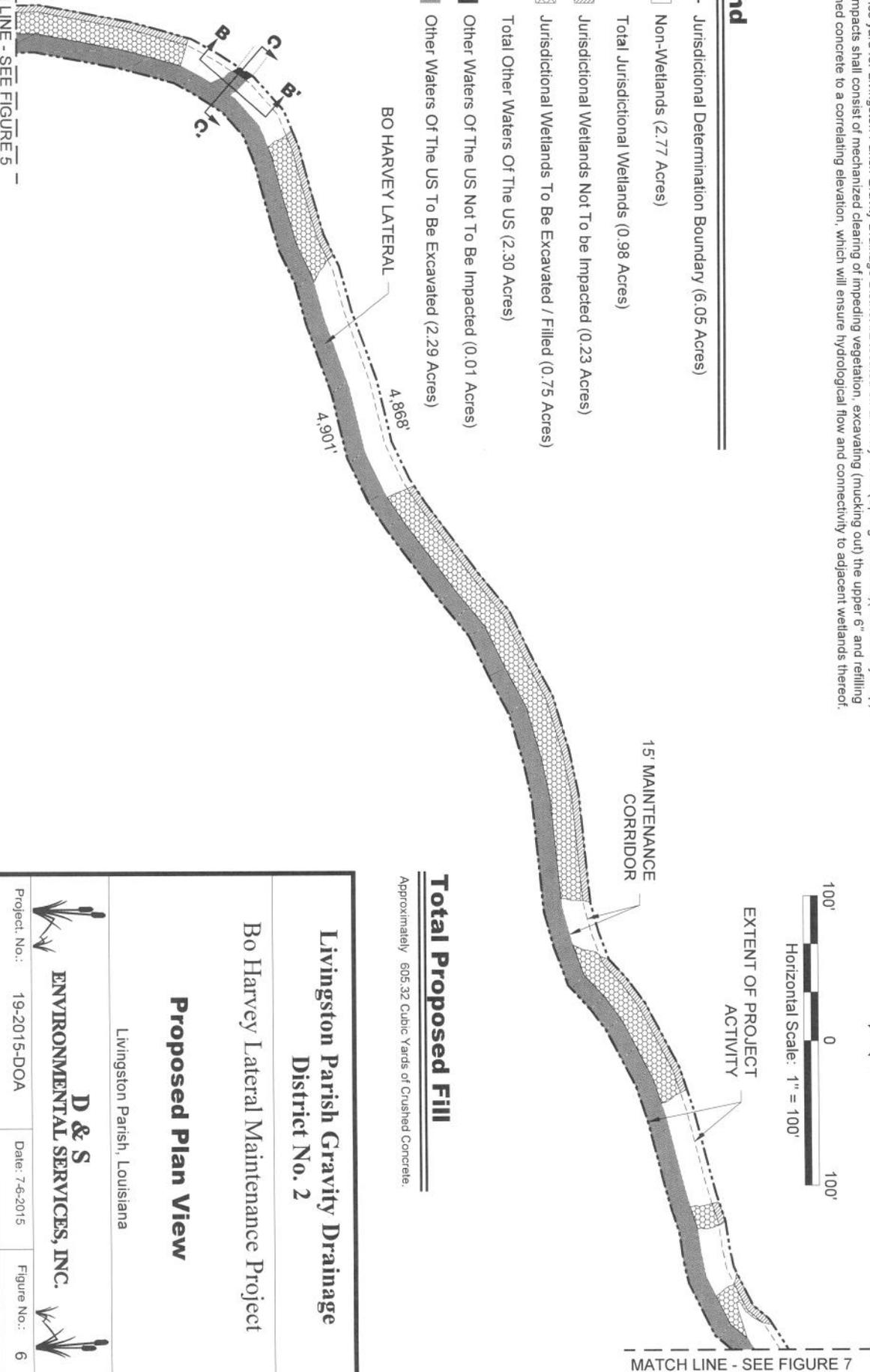
### Legend

**Notes**

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**Livingston Parish Gravity Drainage District No. 2**

**Bo Harvey Lateral Maintenance Project**

**Proposed Plan View**

Livingston Parish, Louisiana



Project No.:

19-2015-DOA

Date: 7-6-2015

Figure No.: 6

MATCH LINE - SEE FIGURE 5

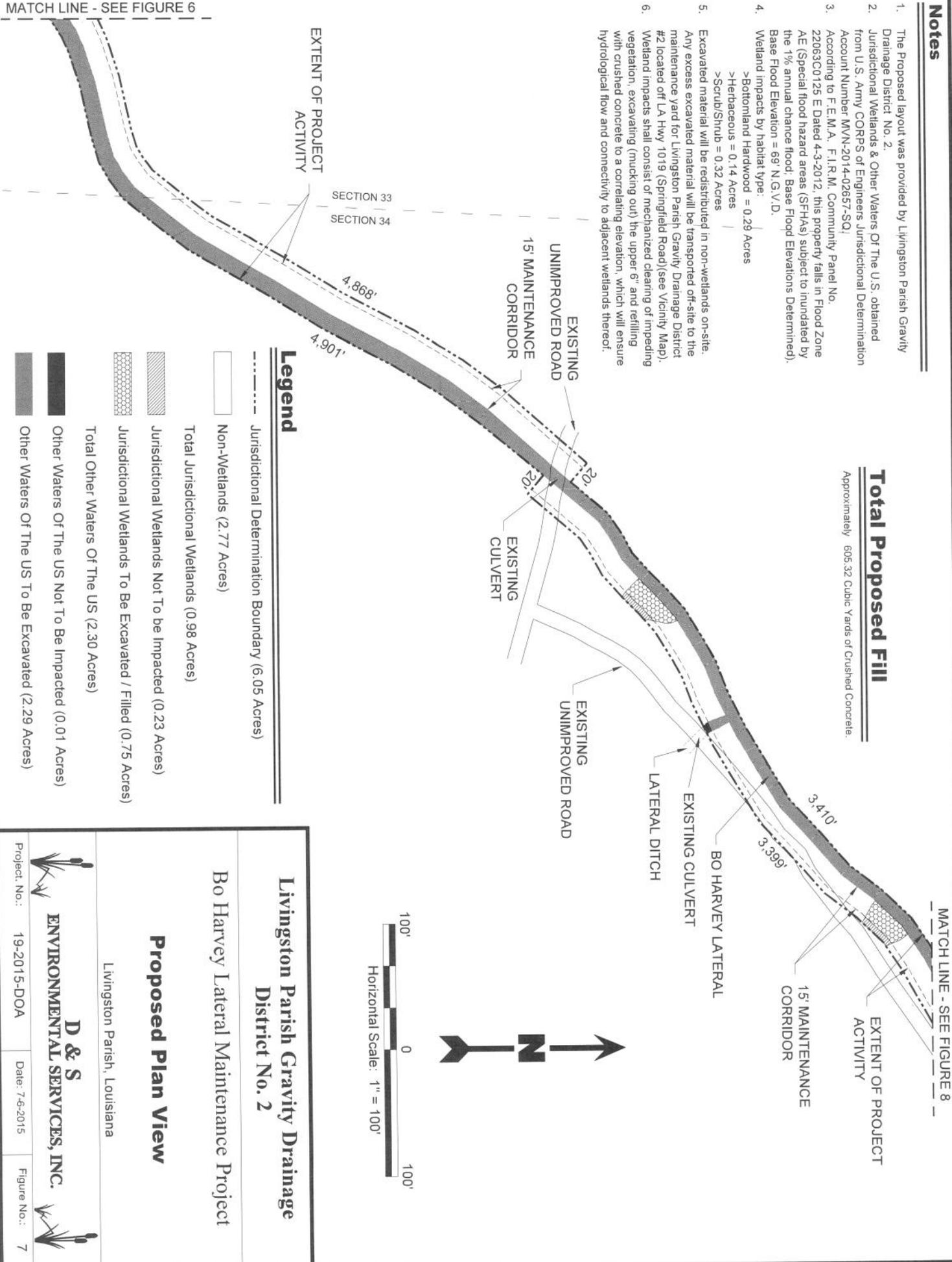
MATCH LINE - SEE FIGURE 7

**Notes**

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2. Jurisdictional Wetlands & Other Waters Of The U.S. obtained from U.S. Army CORPS of Engineers Jurisdictional Determination Account Number MVN-2014-02657-SQ1
3. According to F.E.M.A. F.I.R.M. Community Panel No. 22063C0125 E Dated 4-3-2012, this property falls in Flood Zone AE (Special flood hazard areas (SFHAs) subject to inundation by the 1% annual chance flood; Base Flood Elevations Determined). Base Flood Elevation = 69' N.G.V.D.
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- 6.

**Total Proposed Fill**

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**Legend**

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**Livingston Parish Gravity Drainage District No. 2**

**Bo Harvey Lateral Maintenance Project**

**Proposed Plan View**

Livingston Parish, Louisiana



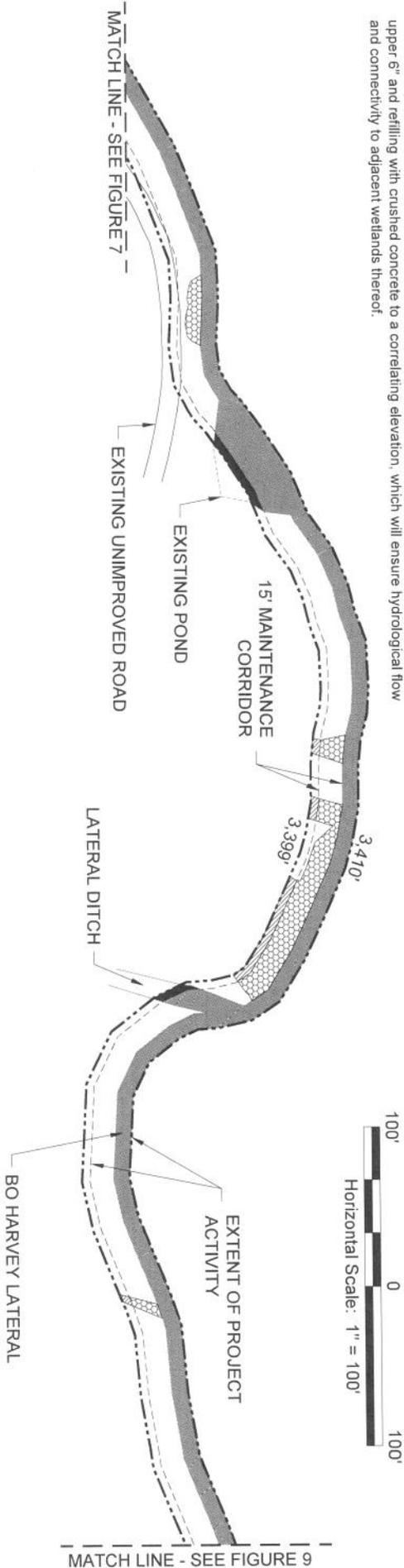
Project No.: 19-2015-DOA Date: 7-6-2015 Figure No.: 7

**Notes**

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**Livingston Parish Gravity Drainage District No. 2**

**Bo Harvey Lateral Maintenance Project**

**Proposed Plan View**

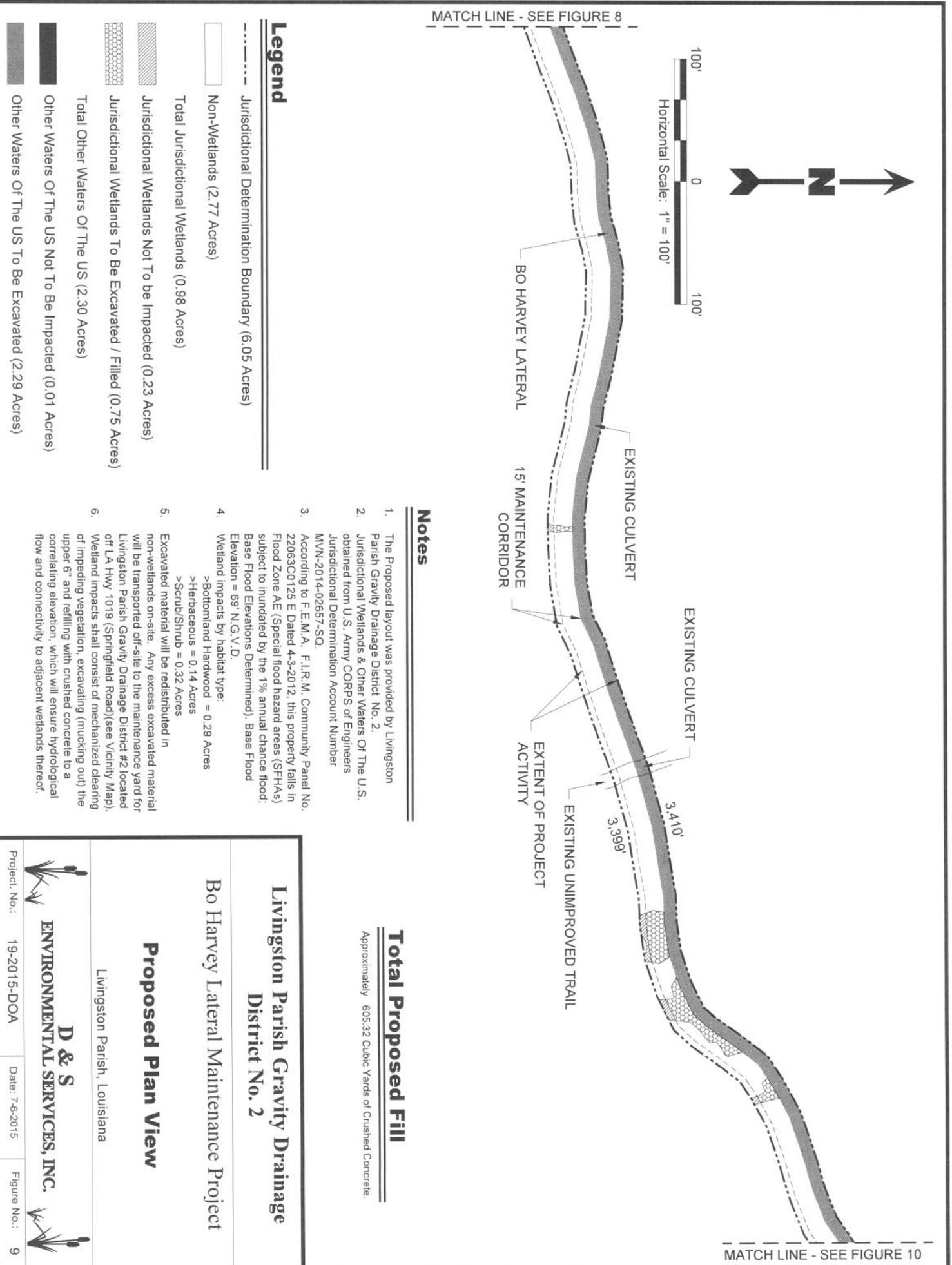
Livingston Parish, Louisiana



**D & S**  
**ENVIRONMENTAL SERVICES, INC.**



Project No.: 19-2015-DOA      Date: 7-6-2015      Figure No.: 8



MATCH LINE - SEE FIGURE 8

MATCH LINE - SEE FIGURE 10

BO HARVEY LATERAL

EXISTING CULTVERT

EXISTING CULTVERT

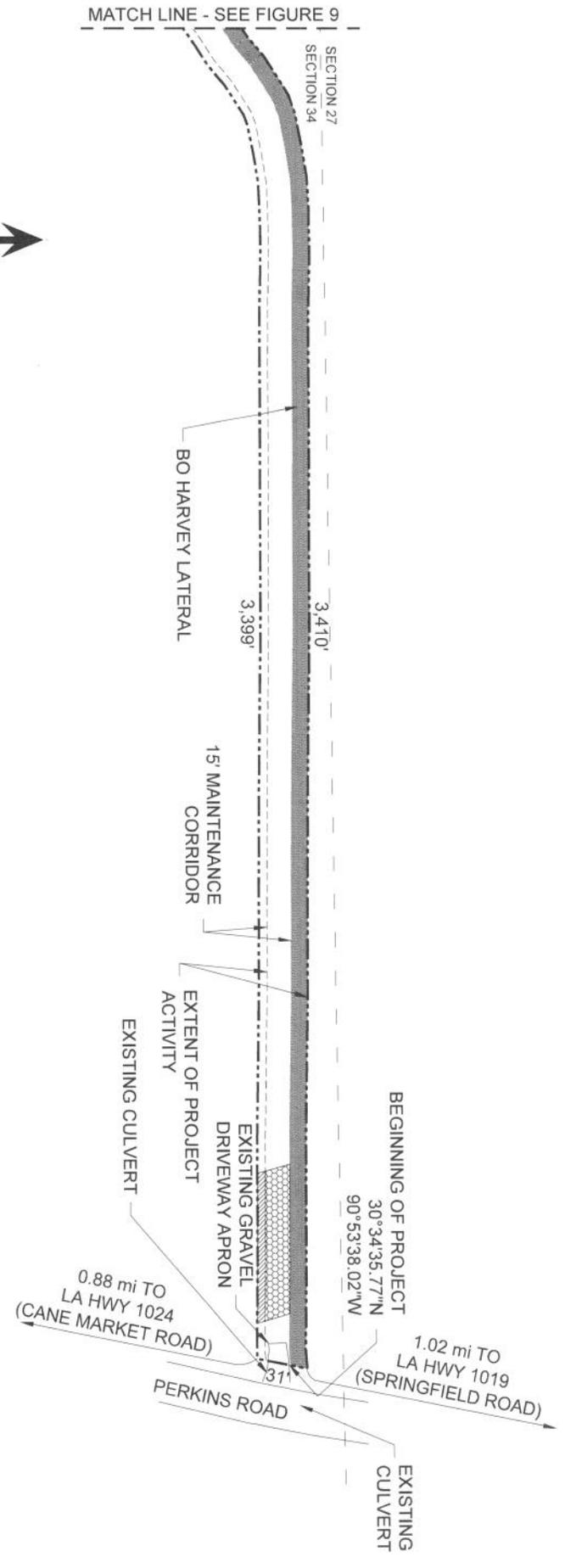
15' MAINTENANCE CORRIDOR

EXISTING UNIMPROVED TRAIL

EXTENT OF PROJECT ACTIVITY

3,410'

3,399'



**Notes**

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**Total Proposed Fill**

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**Livingston Parish Gravity Drainage District No. 2**

**Bo Harvey Lateral Maintenance Project**

**Proposed Plan View**

Livingston Parish, Louisiana



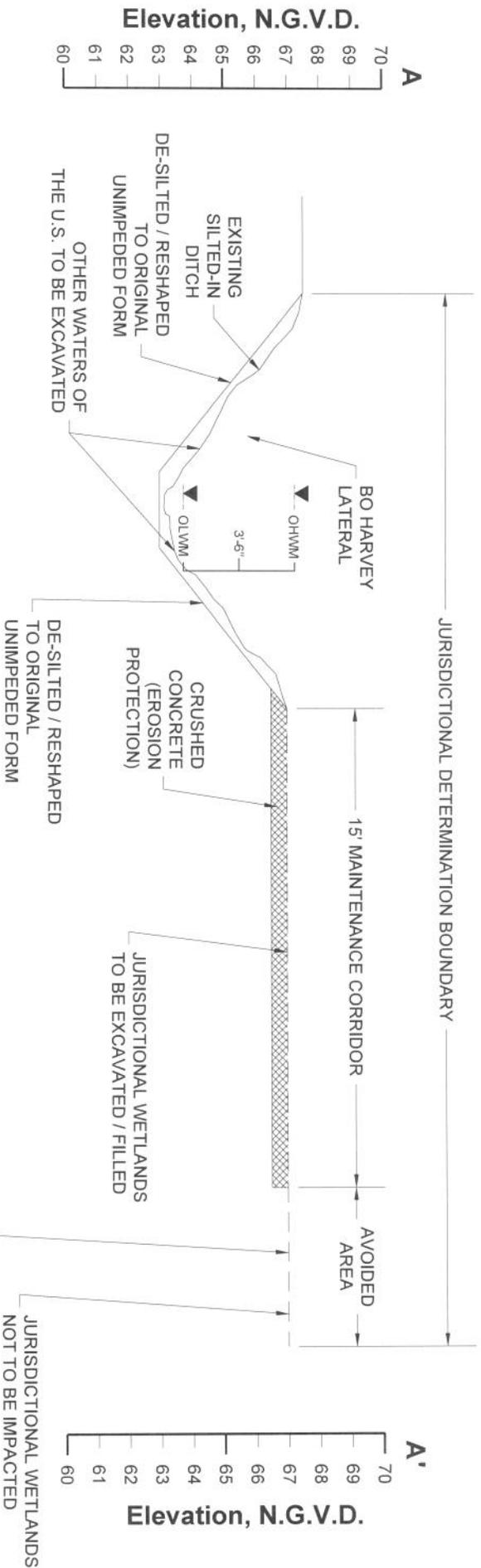
**D & S ENVIRONMENTAL SERVICES, INC.**



Project No.: 19-2015-DOA Date: 7-6-2015 Figure No.: 10

**Legend**

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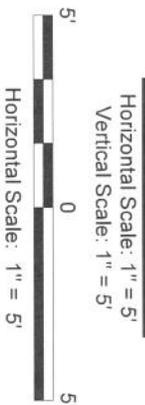
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4. Non-wetland ground elevations average 67'6" N.G.V.D. Elevation data was obtained from USGS Quad Maps.
5. Natural ground elevations in existing Jurisdictional Wetlands are approximately 6" lower than non-wetland ground elevations.

**Legend**

-  Crushed Concrete
-  Ordinary High Water Mark (OHWM)
-  Ordinary Low Water Mark (OLWM)

**Section A-A'**



**Livingston Parish Gravity Drainage District No. 2**

**Bo Harvey Lateral Maintenance Project**

**Section View A-A'**

Livingston Parish, Louisiana

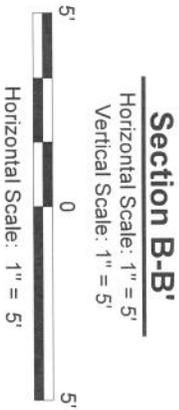
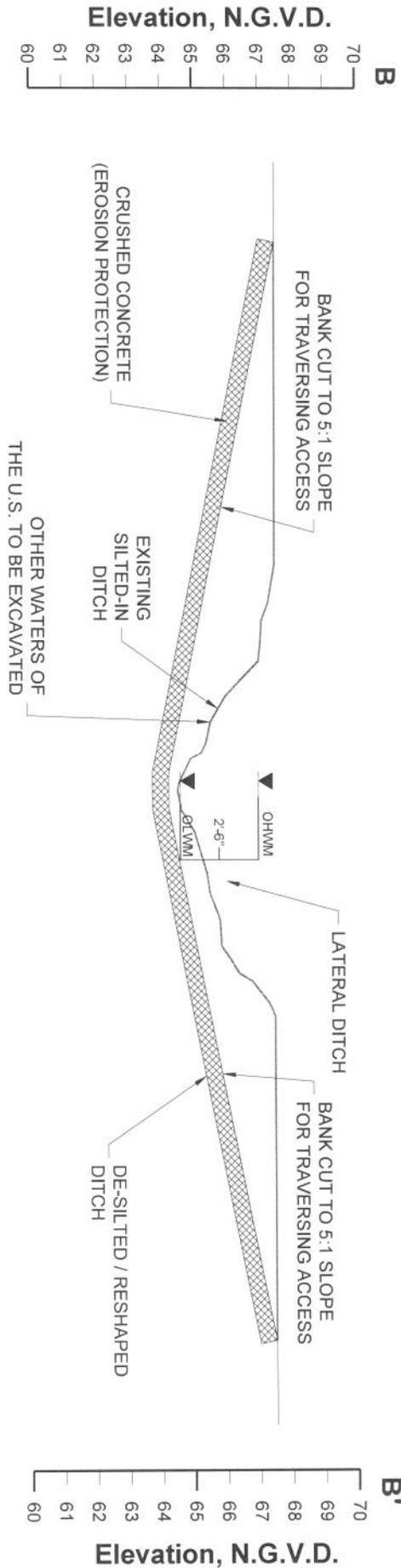


Project No.:

19-2015-DOA

Date: 7-6-2015

Figure No.: 11



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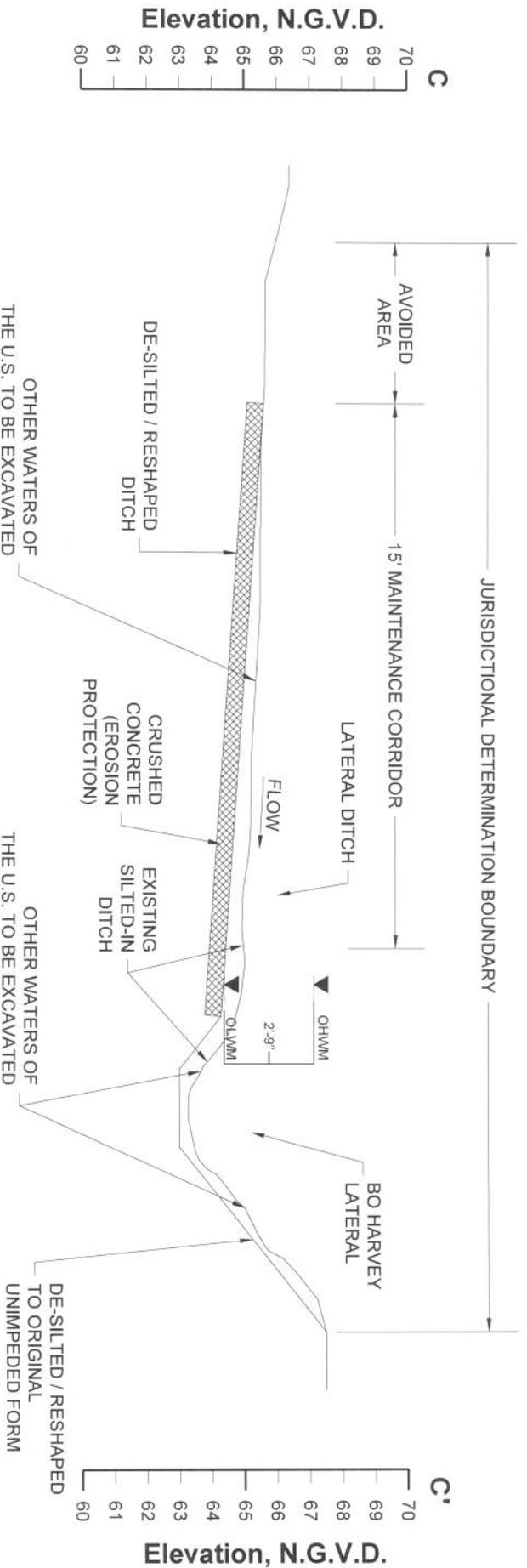
	Crushed Concrete
	Ordinary High Water Mark
	Ordinary Low Water Mark

**Livingston Parish Gravity Drainage District No. 2**

Bo Harvey Lateral Maintenance Project

**Section View B-B'**

Livingston Parish, Louisiana



**Section C-C'**

Horizontal Scale: 1" = 5'  
Vertical Scale: 1" = 5'



**Notes**

1. The Proposed layout was provided by Livingston Parish Gravity Drainage District No. 2.
2. Jurisdictional Wetlands & Other Waters Of The U.S. obtained from U.S. Army CORPS of Engineers Jurisdictional Determination Account Number MVN-2014-402657-SQ.
3. According to F.E.M.A. F.I.R.M. Community Panel No. 22063C0125 E Dated 4-3-2012, this property falls in Flood Zone AE (Special flood hazard areas (SFHAs) subject to inundation by the 1% annual chance flood; Base Flood Elevations Determined). Base Flood Elevation = 69' N.G.V.D.
4. Non-wetland ground elevations average 67'6" N.G.V.D. Elevation data was obtained from USGS Quad Maps.
5. Natural ground elevations in existing Jurisdictional Wetlands are approximately 6" lower than non-wetland ground elevations.

**Legend**

	Crushed Concrete
	Ordinary High Water Mark
	Ordinary Low Water Mark

**Livingston Parish Gravity Drainage District No. 2**

**Bo Harvey Lateral Maintenance Project**

**Section View C-C'**

Livingston Parish, Louisiana

**D & S ENVIRONMENTAL SERVICES, INC.**