

JOINT PUBLIC NOTICE

November 13, 2017

United States Army
Corps of Engineers
New Orleans District
Attn: Regulatory Branch
7400 Leake Ave.
New Orleans, Louisiana 70118-3651

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

Project Manager:
Bobby Quebedeaux
(504) 862-2224
bobby.d.quebedeaux@usace.army.mil
Application #: MVN-2005-1624-WJJ

Project Manager:
Elizabeth Hill
(225) 219-3225
WQC Application Number:
WQC-170914-02

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).

The application has also been mailed to the Louisiana Department of Environmental Quality, for a Water Quality Certification (WQC) in accordance with statutory authority contained in Louisiana Revised Statute 30:2074 A(3), and provisions of Section 401 of the Clean Water Act (P.L. 95-17).

RESIDENTIAL SUBDIVISION IN CALCASIEU PARISH

NAME OF APPLICANT: East Prien Lake Road Subdivision, LLC, c/o: Spooner & Associates, Inc., Attn: Scott Spooner, P.O. Box 12685, Lake Charles, Louisiana 70612

LOCATION OF WORK: Located on East Prien Lake Road in Lake Charles, Louisiana, in Calcasieu Parish (30.20261, -93.160614, Hydrologic Unit Code 08080206, Lower Calcasieu Watershed), as shown within 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: Clear, grade and deposit fill on approximately 70 acres to construct a residential subdivision; fill operations will include the deposition of approximately 36,000 cubic yards of earthen material, 24,000 cubic yards of clay and 40,000 cubic yards of concrete. Project implementation would impact approximately 13.8 acres of bottomland hardwood wetlands and 180 linear feet of non-wetland waters. If a Department of the Army permit is warranted, the applicant has proposed to mitigate any unavoidable wetlands impacts at an approved and acceptable mitigation bank within the N.O. District.

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 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 submitted 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 forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH.** Individuals or parties may request an extension of time in which to comment on the proposed work by writing, faxing, 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. 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. Copies of this public 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 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. Based on the South Louisiana **Standard Local Operating Procedure for Endangered Species (SLOPES)**, as signed on October 22, 2014, between the U.S. Army Corps of Engineers, New Orleans and the U.S. Fish and Wildlife Service, it has been determined that the project would have no effect to 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 may 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.

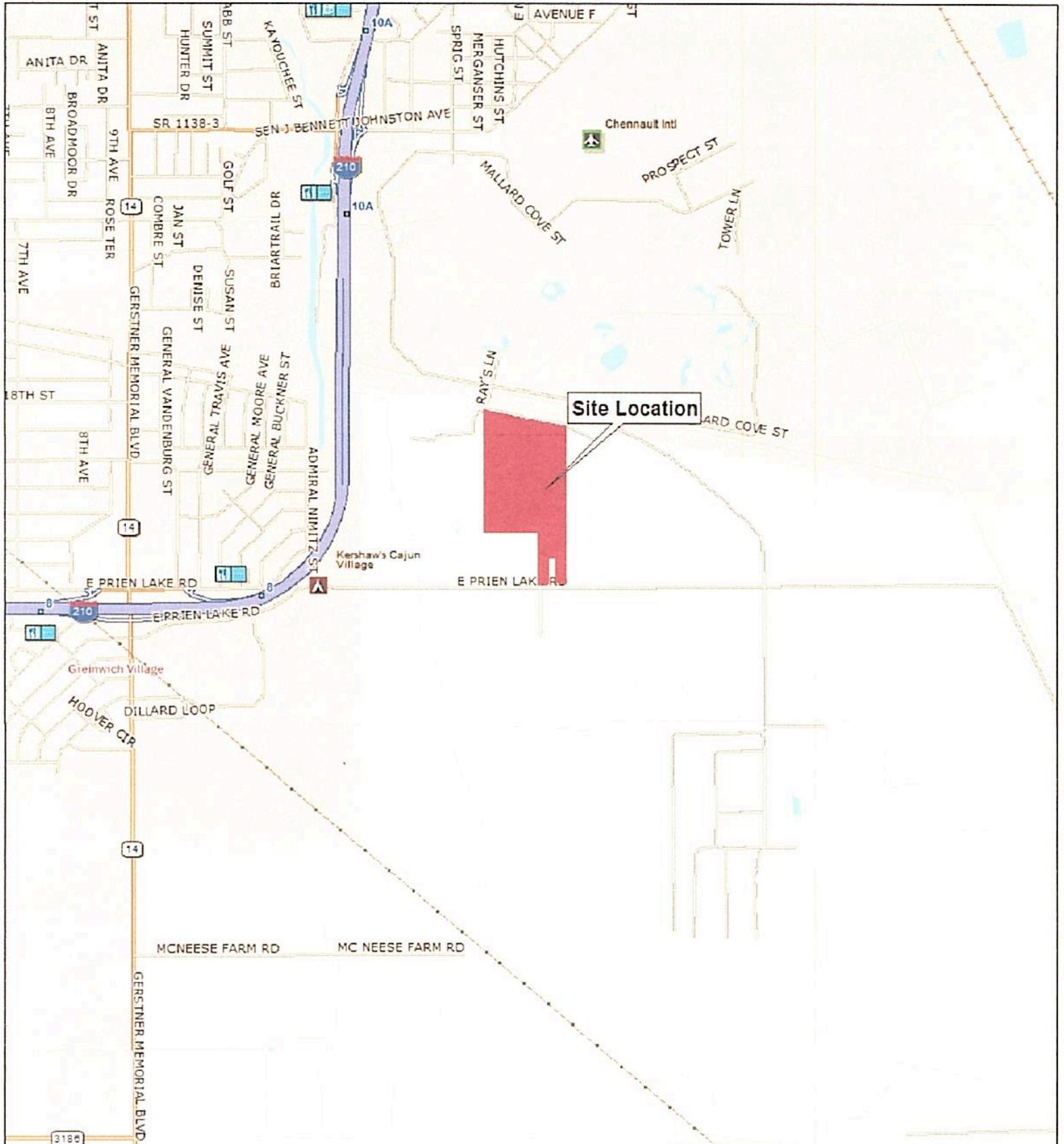
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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

Enclosure



Site Location



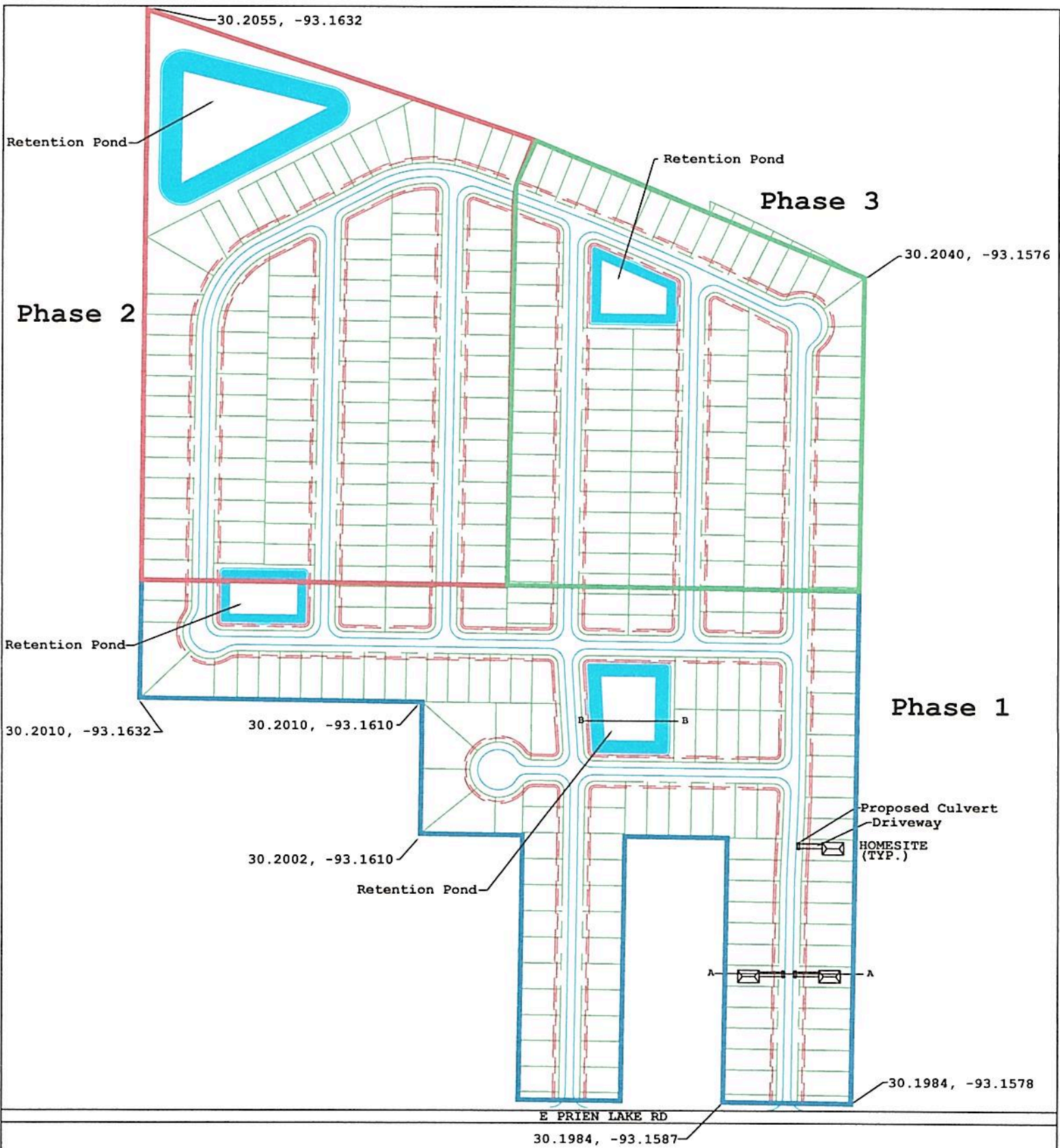
T10S R8W SEC 11
 N 30.1986
 W 93.1584

**Audubon Place Subdivision
 LAKE CHARLES, LOUISIANA**

**AFTER THE FACT 404 APPLICATION
 SITE LOCATION**

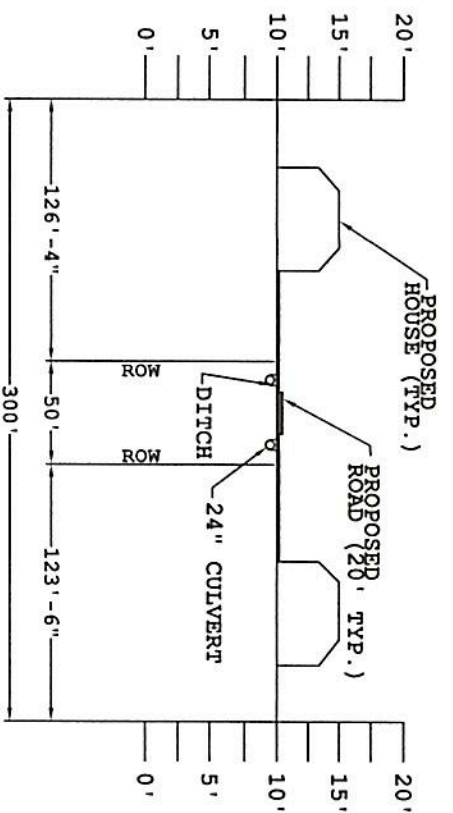
DRAWN BY: RT	JOB #317980
CHECKED BY: SS	FIGURE 1
DATE: 3/16/17	



SPOONER & ASSOCIATES, INC.
 ENVIRONMENTAL CONSULTANTS



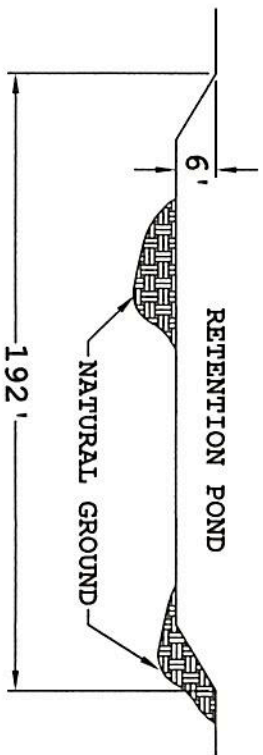
T10S R8W SEC 11
 N 30.1986
 W 93.1584

Audubon Place Subdivision LAKE CHARLES, LOUISIANA	
AFTER THE FACT 404 APPLICATION PROPOSED SUBDIVISION	
DRAWN BY: RT	JOB #317980
CHECKED BY: SS	FIGURE 2
DATE: 3/16/17	
SPOONER & ASSOCIATES, INC. ENVIRONMENTAL CONSULTANTS	



 FILL AREA
 CUT AREA

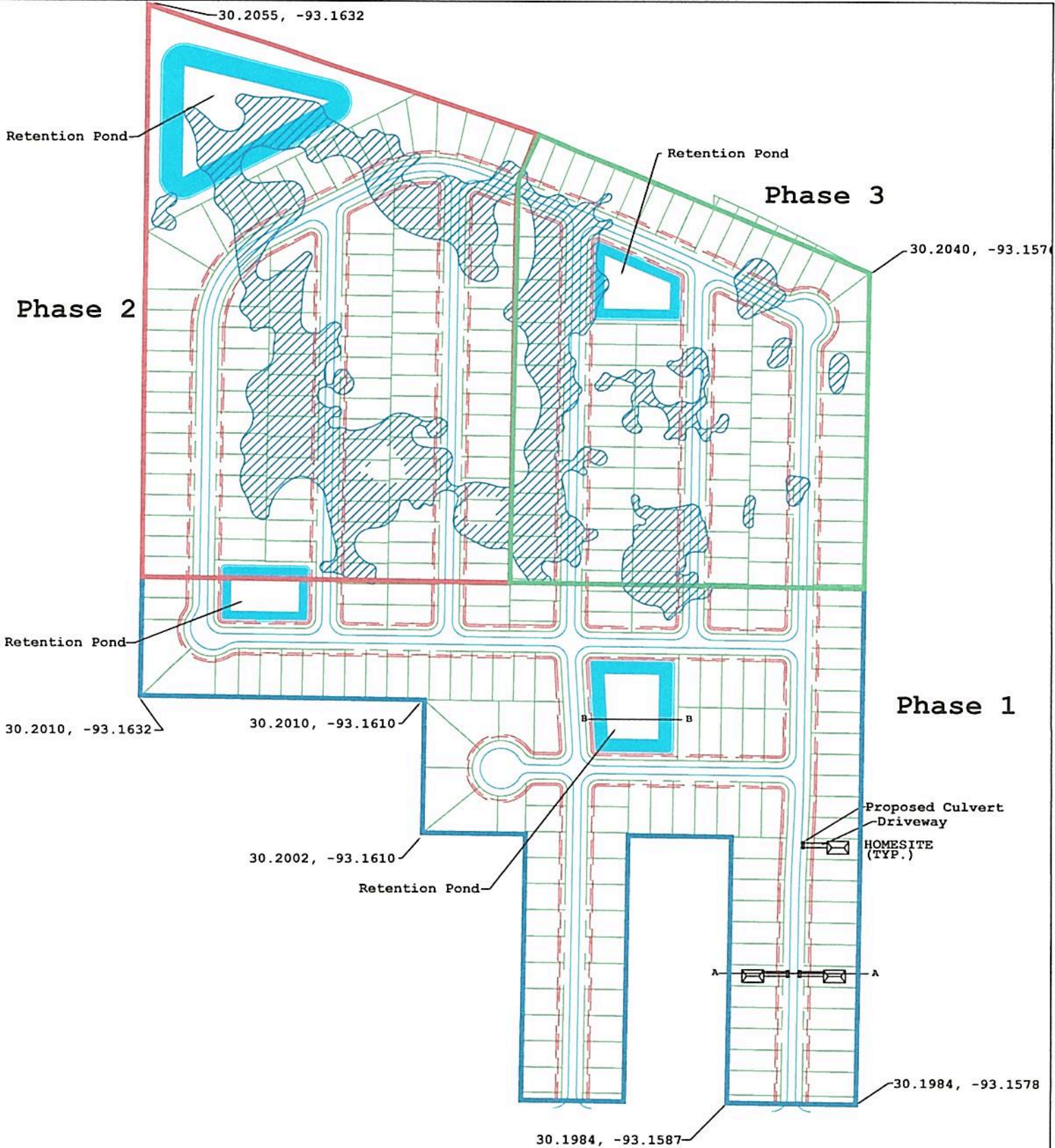
CROSS SECTION A-A'



CROSS SECTION B-B'






Audubon Place Subdivision	
LAKE CHARLES, LOUISIANA	
AFTER THE FACT 404 APPLICATION	
CROSS SECTION	
DRAWN BY: RT	JOB # 317980
CHECKED BY: SS	FIGURE 3
DATE: 3/16/17	
SPOONER & ASSOCIATES, INC.	
ENVIRONMENTAL CONSULTANTS	



T10S R8W SEC 11
 N 30.1986
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12.2 Acres Wet

-  100% WET
-  NON-WET
-  SAMPLE POINT

Audubon Place Subdivision LAKE CHARLES, LOUISIANA	
AFTER THE FACT 404 APPLICATION WETLAND DELINEATION MAP	
DRAWN BY: RT	JOB #317980
CHECKED BY: SS	FIGURE 4
DATE: 3/16/17	
SPOONER & ASSOCIATES, INC. ENVIRONMENTAL CONSULTANTS	