

JOINT PUBLIC NOTICE

September 16, 2019

United States Army Corps of Engineers
New Orleans District
Regulatory Branch
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

(504) 862-1301
Project Manager
Neil T. Gauthier
Neil.T.Gauthier@USACE.army.mil
MVN 2006-02841-CM

(225) 219-3225
Project Manager
Elizabeth Hill
WQC Application Number
WQC 190110-01

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, Water Quality Certifications Section, 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.

PROPOSED CONSTRUCTION OF A RESIDENTIAL SUBDIVISION (FOXGLOVE) IN LIVINGSTON PARISH

NAME OF APPLICANT: DR Horton, Gulf Coast, c/o Hydrik Wetlands Consultants, Attn: Mike Henry, 2323 Hwy. 190 East, Suite 2, Hammond, LA 70401.

LOCATION OF WORK: Approximately 1.6 miles north of Hwy 190, on Duff Rd. in Walker Louisiana, in Livingston Parish, within the Lake Pontchartrain 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 clear, grade, excavate, and place fill and aggregate material for the construction of a residential subdivision (Foxglove) to include 322 residential lots, 4 storm water detention ponds, 2 recreational areas, drainage and utility improvements, roadways, green space, 3 concrete culverts, a sewerage treatment plant, and ingress egress. Approximately 280,000 cubic yards of excavated fill from onsite and concrete aggregate material will be deposited to complete the project. The proposed project is situated on and approximately 142-acre tract that has been determined to contain approximately 23.5

acres of forested wetlands. Approximately 16.7 acres of wetlands will remain undisturbed, approximately 6.8 acres of forested wetlands will be permanently impacted, and approximately 0.34 acres of other waters of the U.S. will be permanently impacted. An earlier permit was issued at this site on April 20, 2007 with the same Corps permit number for this subdivision (Foxglove) to Weyerhaeuser Real Estate Development Company ('Weyerhaeuser'). Weyerhaeuser received two time extensions on their permit, April 18, 2012 and October 2, 2015. Presently, the only work performed was the installation of three concrete road crossing culverts within the development. Weyerhaeuser subsequently transferred their permit to DR Horton, Gulf Coast in October of 2018. DR Horton, Gulf Coast has requested a modification to the original authorization and a time extension to complete work. Changes include an increase in the number of home lots, detention ponds, and impacts to wetlands onsite. The original authorization permitted impacts to approximately 2.43 acres of forested wetlands which compensatory mitigation was provided. The new subdivision plan and lay out will add an additional 4.2 acres of forested wetland impacts making the total impacts to forested wetlands 6.8 acres. During the permit modification and time extension process the applicant started work on the property with the intention of working only in non-jurisdictional areas. The applicant impacted wetlands that were not already permitted and mitigated for with the original authorization. Approximately 1.14 acres of jurisdictional forested wetlands were impacted prior to receiving proper permitting and proposed compensation for the loss of wetland resources. The applicant was asked to stop work for which they complied and have agreed to continue with the permit process.

The applicant stated that the proposed project has been designed to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. Any further reduction would limit usage of the property 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 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 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**. 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 requester 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. 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.

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. Copies of this notice are being sent to the State Archeologist and the State Historic Preservation Officer.

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.

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 Interior. 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 there are no endangered species in or around the project area.

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 0 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.

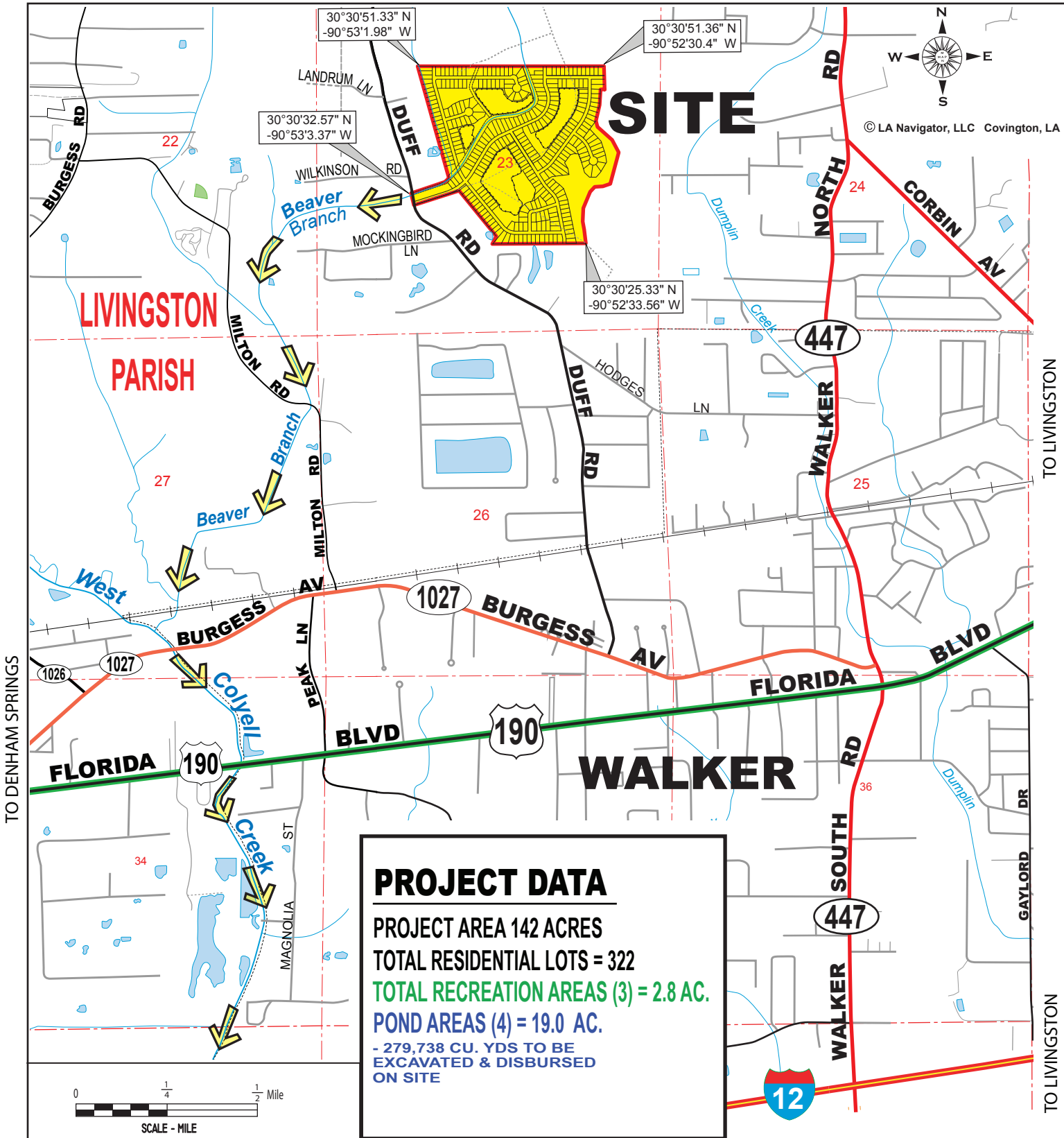
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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



SITE VICINITY

FOXGLOVE SUBD.
 SECTION 23, T6S-R3E
 LIVINGSTON PARISH, LA

APPLICANT: D.R. HORTON, INC. - GULF COAST

SITE COORDINATES
 30°30'32.57" N, -90°53'3.37" W

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

HYDRIK
 WETLANDS - GIS - FLOOD CONTROL
 WWW.HYDRIK.COM (985)429-0333

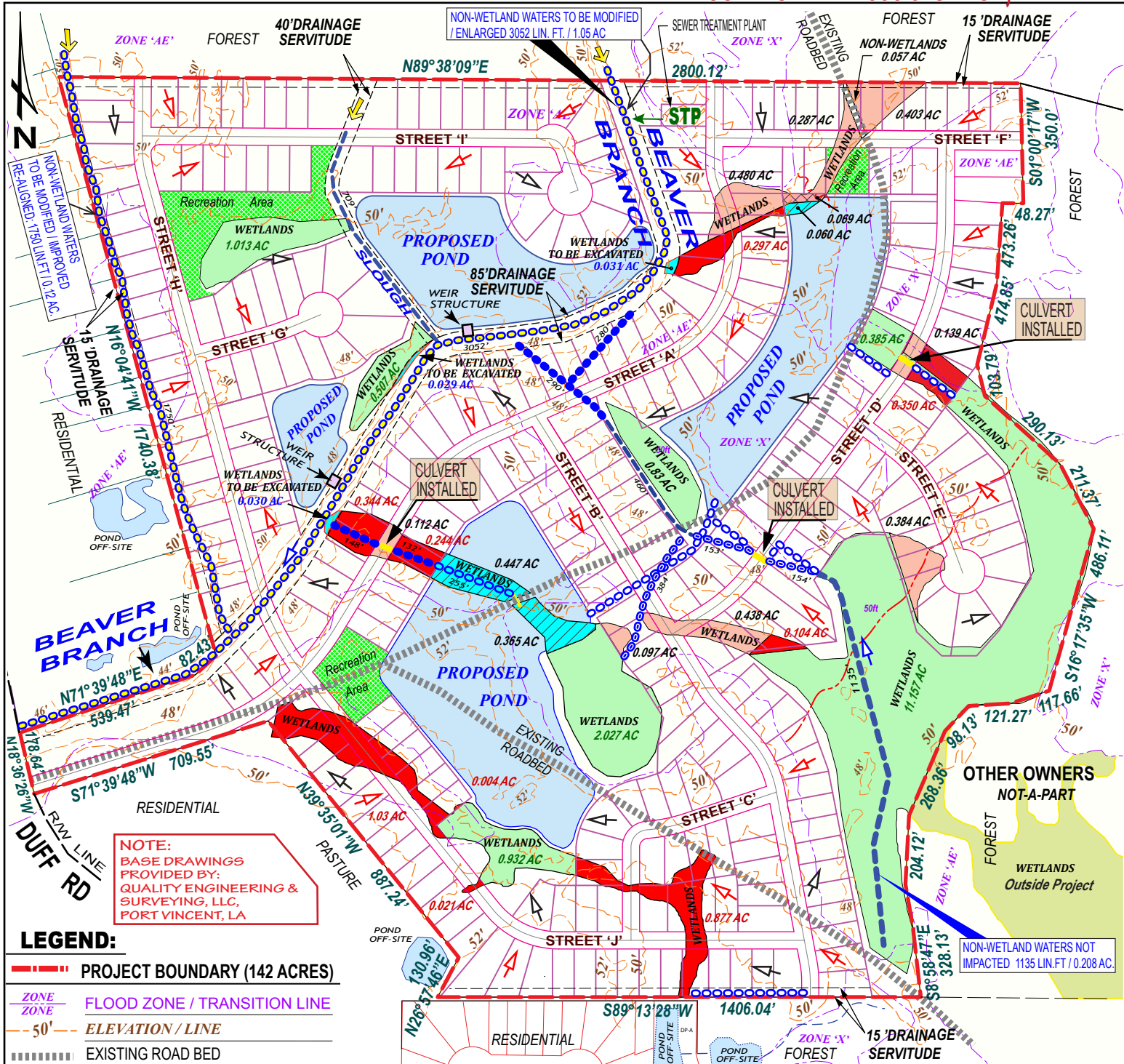
LEGEND

= PROPOSED DEVELOPMENT

↙ = DRAINAGE DISCHARGE DIRECTION

FIGURE
1

HF: 1865 C DATE: 8-30-2018 APPROVED:



NOTE:
BASE DRAWINGS
PROVIDED BY:
QUALITY ENGINEERING &
SURVEYING, LLC,
PORT VINCENT, LA

LEGEND:

- PROJECT BOUNDARY (142 ACRES)
- FLOOD ZONE / TRANSITION LINE
- ELEVATION / LINE
- EXISTING ROAD BED
- EXISTING CULVERT

TOTAL WETLANDS = 23.50 ACRES

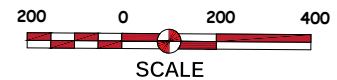
- WETLANDS TO REMAIN PRESERVED 16.851
- PERMITTED AS FILLED TO REMAIN IMPACTED VIA FILL / GRADING: 2.243 AC
- PERMITTED AS EXCAVATED TO REMAIN IMPACTED VIA EXCAVATION: 0.189 AC
- CHANGES TO IMPACTED AREAS (4.221 AC.):
 - PERMITTED AS PRESERVED TO BE IMPACTED VIA EXCAVATION: 0.881 AC
 - PERMITTED AS FILLED TO BE IMPACTED VIA EXCAVATION: 0.069 AC
 - PERMITTED AS PRESERVED TO BE IMPACTED VIA FILL / GRADING: 3.271 AC

CULVERT WORK PERFORMED TO DATE
3 CROSS CULVERTS INSTALLED

THIS SITE IS LOCATED IN FLOOD ZONES "AE" & "X" PER FEMA FLOOD INSURANCE RATE MAP NUMBERS: 22063C 0120E & 0140E, DATED 4/03/12. BASE FLOOD = 50'-52'

NON-WETLAND WATERS

- TO REMAIN / NOT IMPACTED: 1,595 LIN. FT / 0.335 AC
- TO BE MODIFIED / RELOCATED: 691 LIN. FT / 0.109 AC
- TO BE MODIFIED / IMPROVED / ENLARGED: 4,802 LIN. FT / 1.171 AC
- RE-ROUTED DRAIN: 446 LIN. FT / 0.031 AC
- TO BE FILLED: 850 LIN. FT / 0.195 AC
- PROPOSED DETENTION PONDS (4) 19 AC.
- DRAINAGE FLOW - PRE-DEVELOPMENT
- DRAINAGE FLOW - POST DEVELOPMENT
- SEWER DISCHARGE



APPLICANT:

D.R. HORTON, INC. - GULF COAST

FOXGLOVE SUBD.
SECTION 23, T6S-R3E
LIVINGSTON PARISH, LA

FIGURE
2



WETLANDS - GIS - FLOOD CONTROL
WWW.HYDRIK.COM (985)429-0333

NOTE: J.D. ACC'T NO. MVN-2005-2972-SY WETLANDS TOTAL = 34.04 AC (10.54 AC OUTSIDE THIS PROJECT)

HF: 1865 C

DATE: 8-30-2018

APPROVED:

PERMIT MODIFICATION APPLICATION
ACCOUNT NO. MVN-2006-02841-CA
 Permit Issued 4/20/2007, Extended 10/2/2015

FOXGLOVE SUBD.
 SECTION 23, T6S-R3E
 LIVINGSTON PARISH, LA

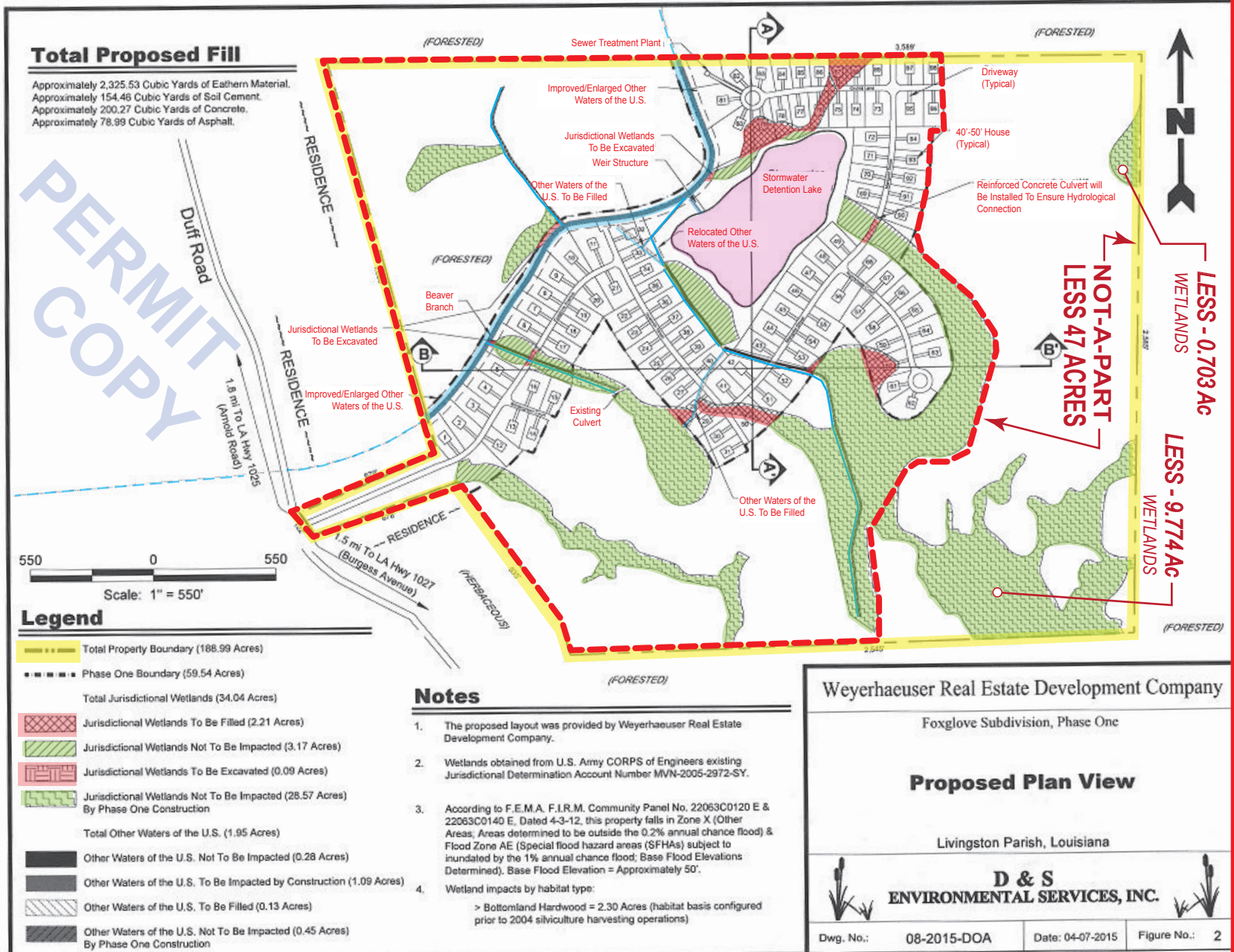
APPLICANT:
 J.D. ACC'T NO. MVN-2005-2972-SY
 D.R. HORTON, INC. - GULF COAST

HF: 1865 C DATE: 8-30-2018 APPROVED:

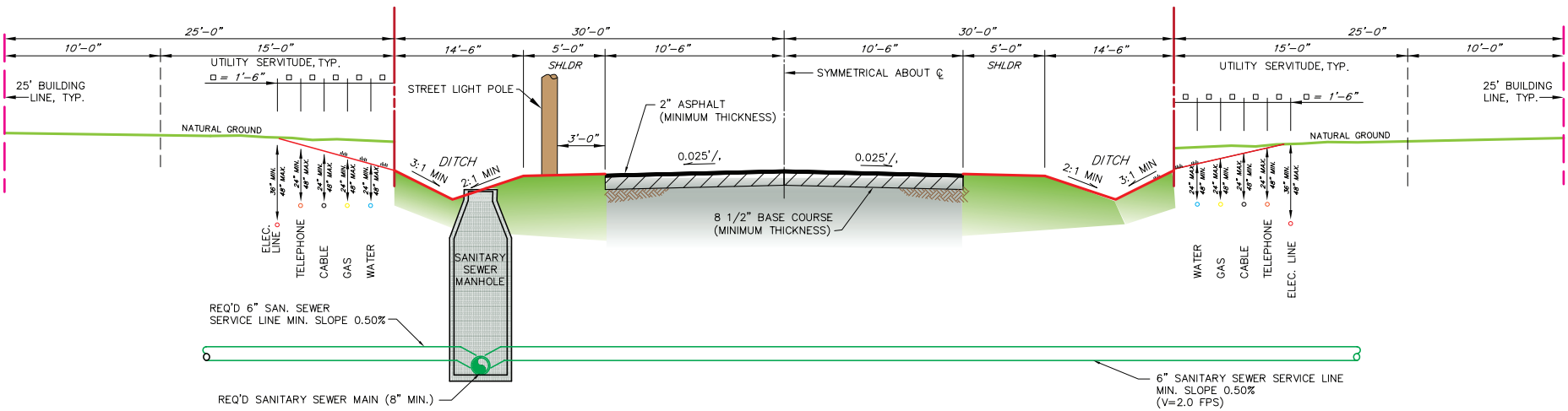
HYDRIK
 WETLANDS - GIS - FLOOD CONTROL
 WWW.HYDRIK.COM (985)429-0333

--- LIMITS OF THIS MODIFICATION

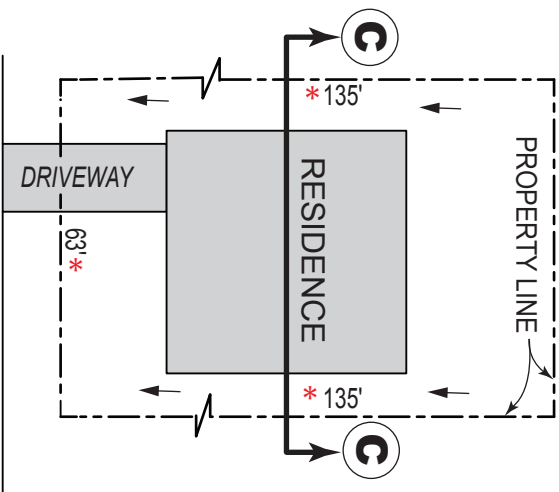
FIGURE 3



PERMIT ORIGINAL COPY OF PERMIT DOCUMENT
 DATED APRIL 07,2015 (MVN-2006-02841-CA)
 ENHANCED FOR THIS APPLICATION



TYPICAL 60' STREET SECTION
21' ROADWAY SURFACE
 SCALE: N.T.S.



TYPICAL LOT LAYOUT
 NOT TO SCALE
 * NOTE: LOT DEMINION VARIES

STREET DATA

FUTURE RESIDENTIAL STREETS - PHASES 1 & 2 = 14,420 LIN. FT.

TYPICAL STREET / LOT PROFILE

APPLICANT:
 D.R. HORTON, INC. - GULF COAST

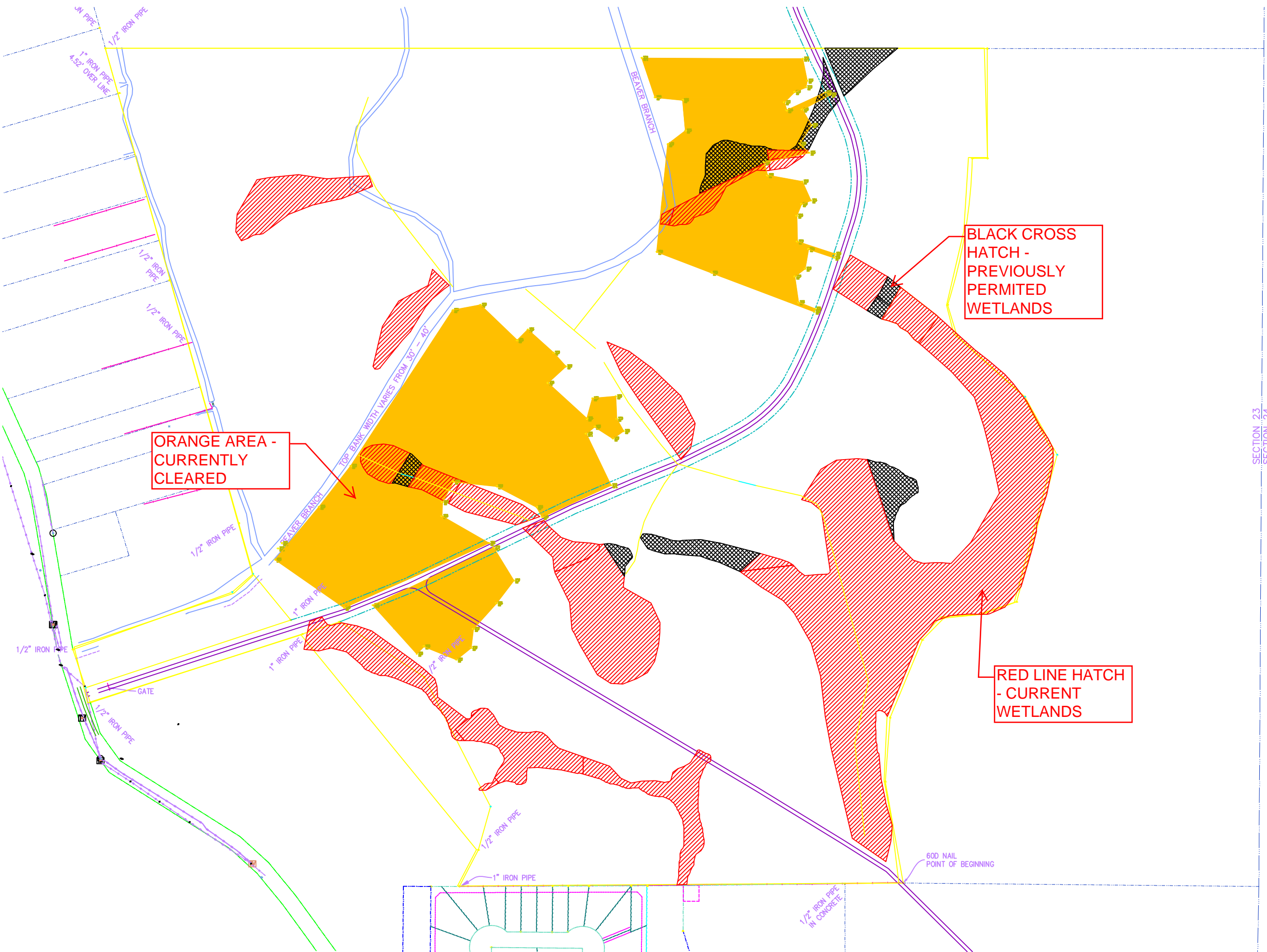


FOXGLOVE SUBD.
 SECTION 23, T6S-R3E
 LIVINGSTON PARISH, LA

FIGURE 4

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

HF: 1865 C DATE 8-20-2018 APPROVED:



ORANGE AREA -
CURRENTLY
CLEARED

BLACK CROSS
HATCH -
PREVIOUSLY
PERMITTED
WETLANDS

RED LINE HATCH
- CURRENT
WETLANDS

SECTION 23
SECTION 24