

# JOINT PUBLIC NOTICE

April 23, 2018

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) 862-2675  
Project Manager  
Jamie Crowe  
Jamie.M.Crowe@usace.army.mil  
Permit Application Number  
MVN 2009-03087 CO

(225) 219-3225  
Project Manager  
Elizabeth Hill

WQC Application Number  
WQC 180418-03

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 LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

## **RESIDENTIAL SUBDIVISION IN LIVINGSTON PARISH**

**NAME OF APPLICANT:** First Horizon, LLC, c/o Michael Henry, Hydrik, 2323 Highway 190 East, Suite 2, Hammond, Louisiana 70401.

**LOCATION OF WORK:** Within the Lake Pontchartrain Basin, in the Amite River hydrologic unit (HUC 08070202); located adjacent to and south of US Highway 190, approximately 0.9 mile east of its intersection with Louisiana Highway 16, near Denham Springs, Louisiana within Livingston Parish.

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 authorization to clear, grade and fill a 58.1-acre tract to allow for construction of 221-lot residential subdivision, known as Middlebrook Place Subdivision. Approximately 110,221 cubic yards of native material will be excavated and placed on-site. A total of 9.3 acres of forested wetlands

will be impacted by the proposed development. Of the 9.3 acres, 0.5 acre was mechanically cleared without authorization.

According to the applicant, the project has been designed to avoid and minimize direct and indirect wetland impacts to the maximum extent practicable. Any further reduction, would not meet construction standards and Parish requirements. As compensation for unavoidable wetland impacts the applicant proposes to purchase 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 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**. The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction. 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. 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.

### **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.

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.

The New Orleans District has determined that the proposed project is located in waters known to be utilized by the west Indian manatee (*Trichechus manatus*) and determined that the proposed activity is not likely to adversely affect the species. This determination is based on the Standard Local Operating Procedure for Endangered Species of Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service, Ecological Services Office.

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

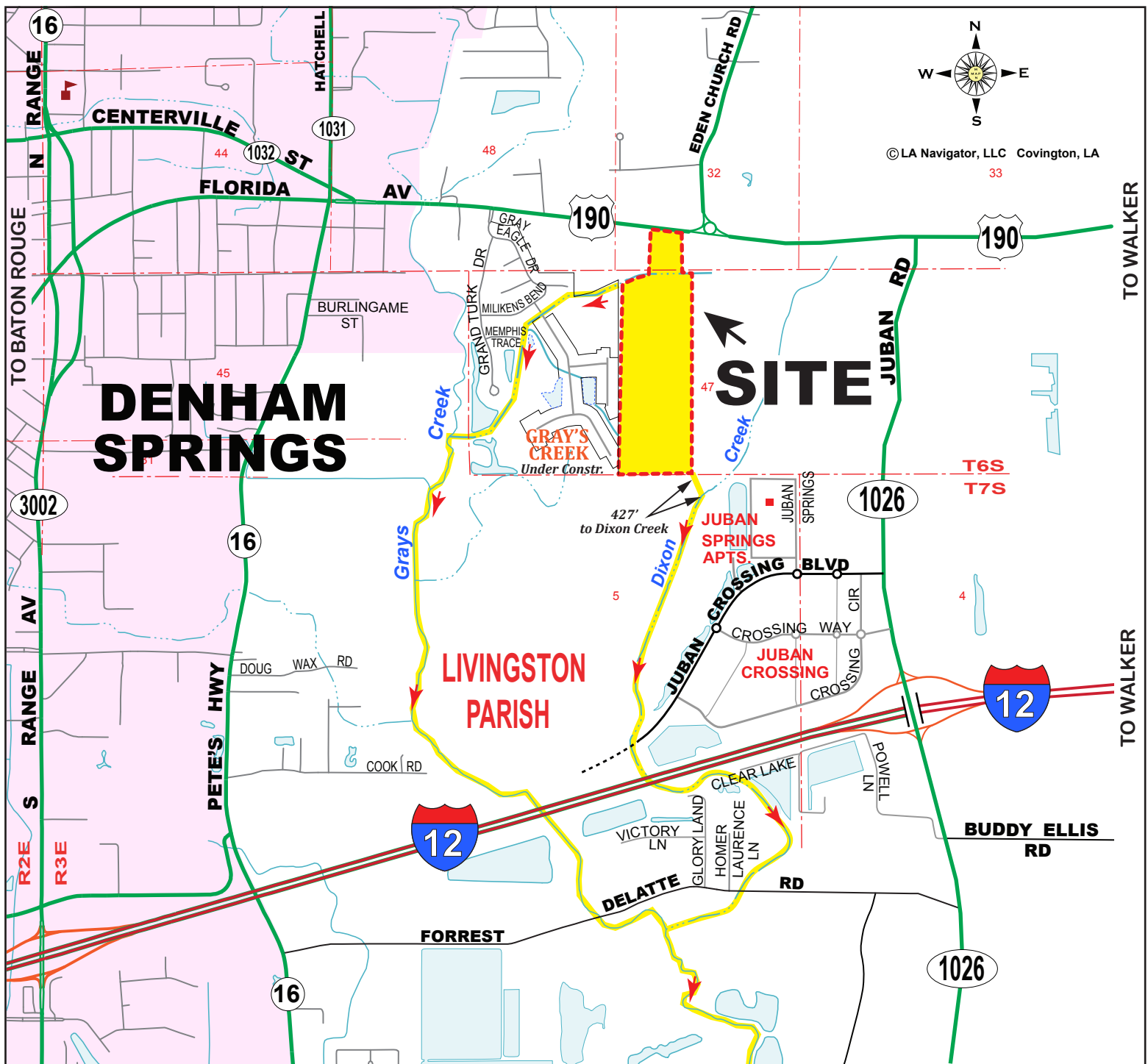
will be required from the Department of Environmental Quality, Office of Environmental Services, before a permit is issued.

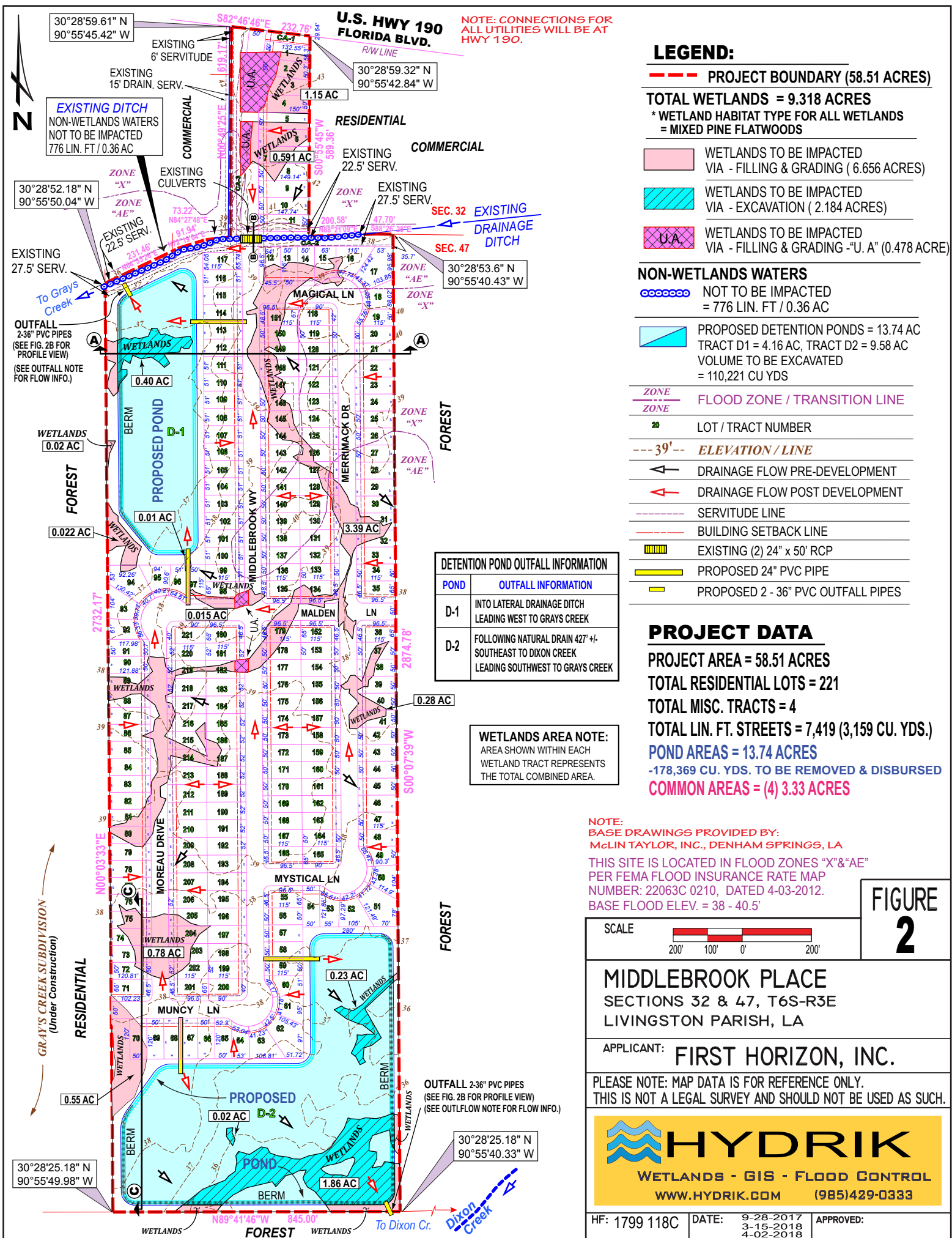
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

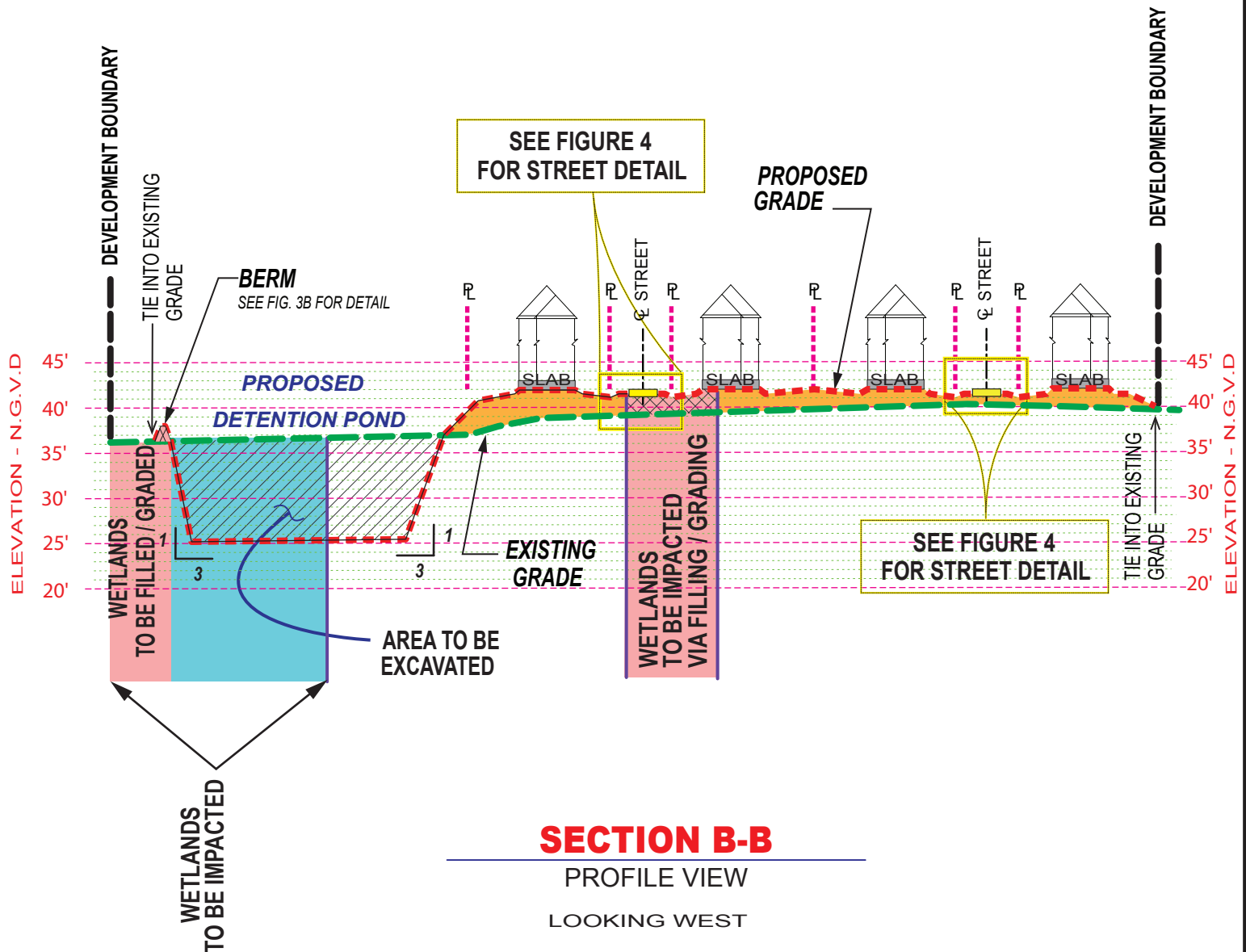
You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

John M. Herman  
Chief, Central Evaluation Section  
Regulatory Branch

Enclosure







**FIGURE  
3A**

**MIDDLEBROOK PLACE**  
SECTIONS 32 & 47, T6S-R3E  
LIVINGSTON PARISH, LA

**APPLICANT:**  
**FIRST HORIZON, INC.**



**HYDRİK**

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

HF: 1799 118C

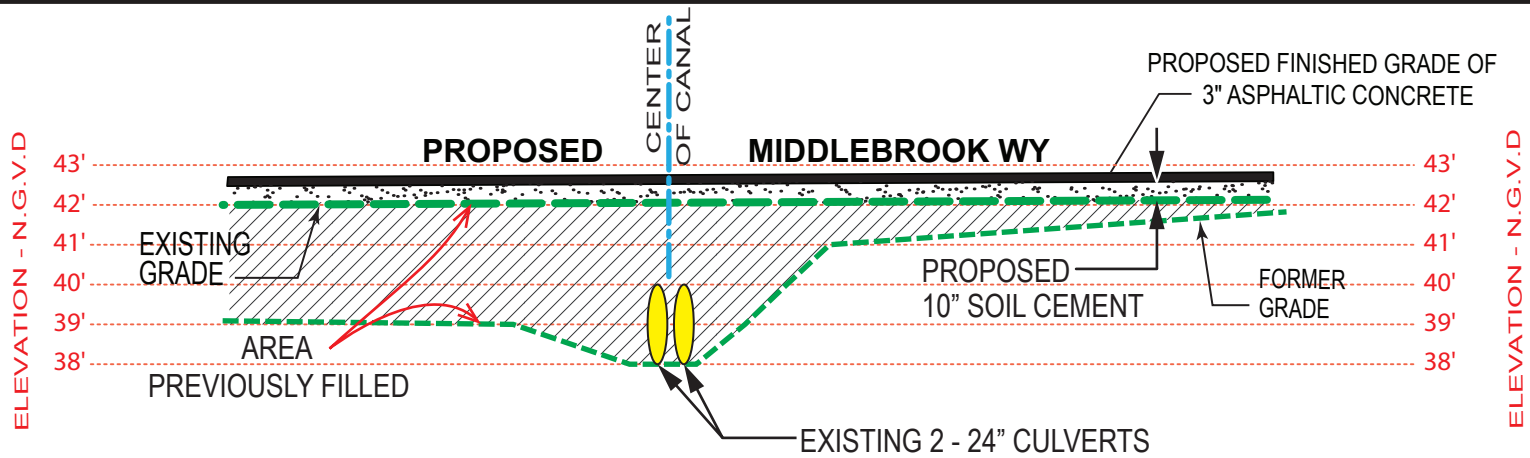
DATE: 3-15-2018

APPROVED:







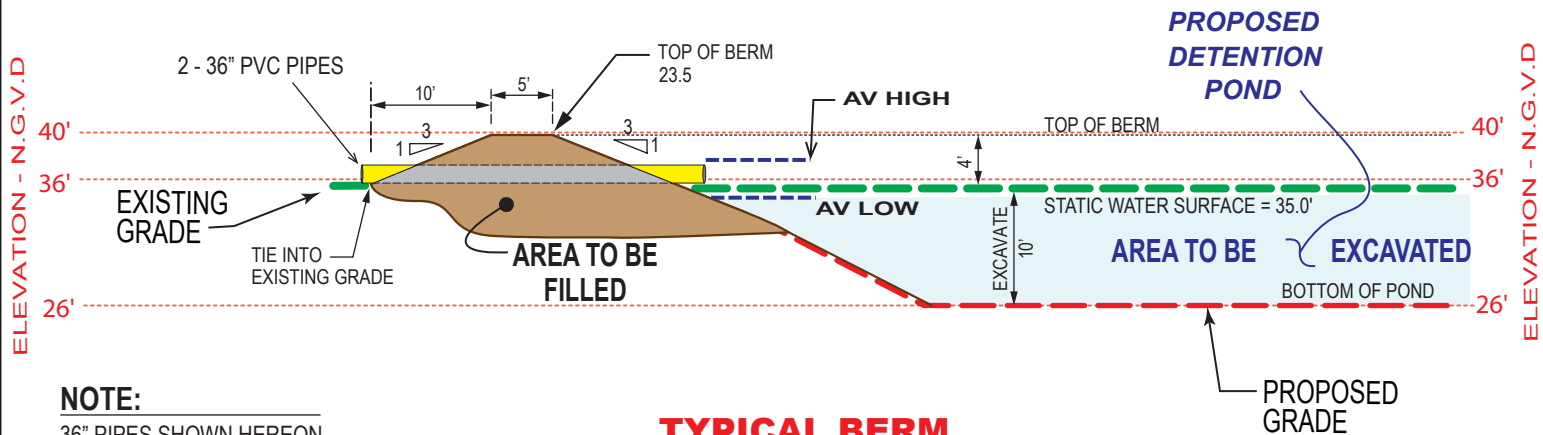


## SECTION B-B EXISTING CULVERT - MIDDLEBROOK STREET CROSSING

PROFILE VIEW

### NOTES:

- AREA OF FILL = 0.064 AC
- VOLUME OF FILL PLACED = 206 CU. YDS.



### NOTE:

36" PIPES SHOWN HEREON ONLY TO BE INSTALLED AT SPECIFIED LOCATIONS AS INDICATED ON PLAN VIEW

## TYPICAL BERM DETENTION POND OUTFALL

NOT TO SCALE

### LEGEND:

- EXISTING GRADE
- PROPOSED GRADE
- PROPOSED 10" SOIL CEMENT
- AREA PREVIOUSLY FILLED U.A.
- CULVERT / PIPE - SIZE INDICATED ABOVE
- PROPOSED BERM FILL AREA

FIGURE  
3B

MIDDLEBROOK PLACE  
SECTIONS 32 & 47, T6S-R3E  
LIVINGSTON PARISH, LA

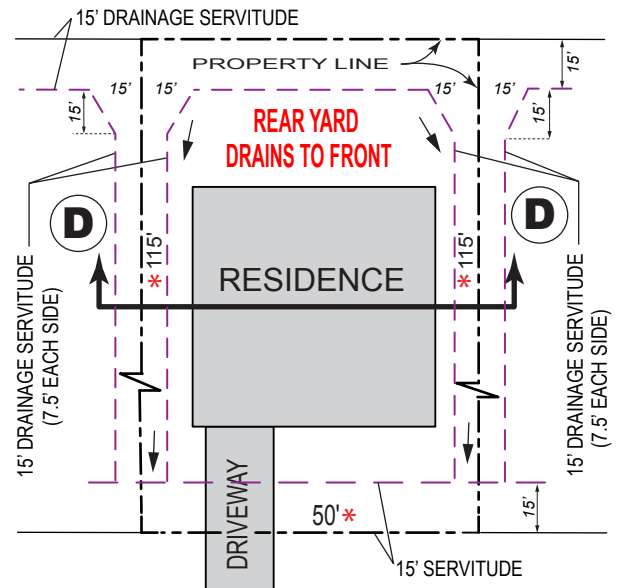
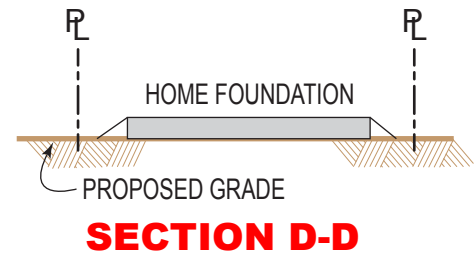
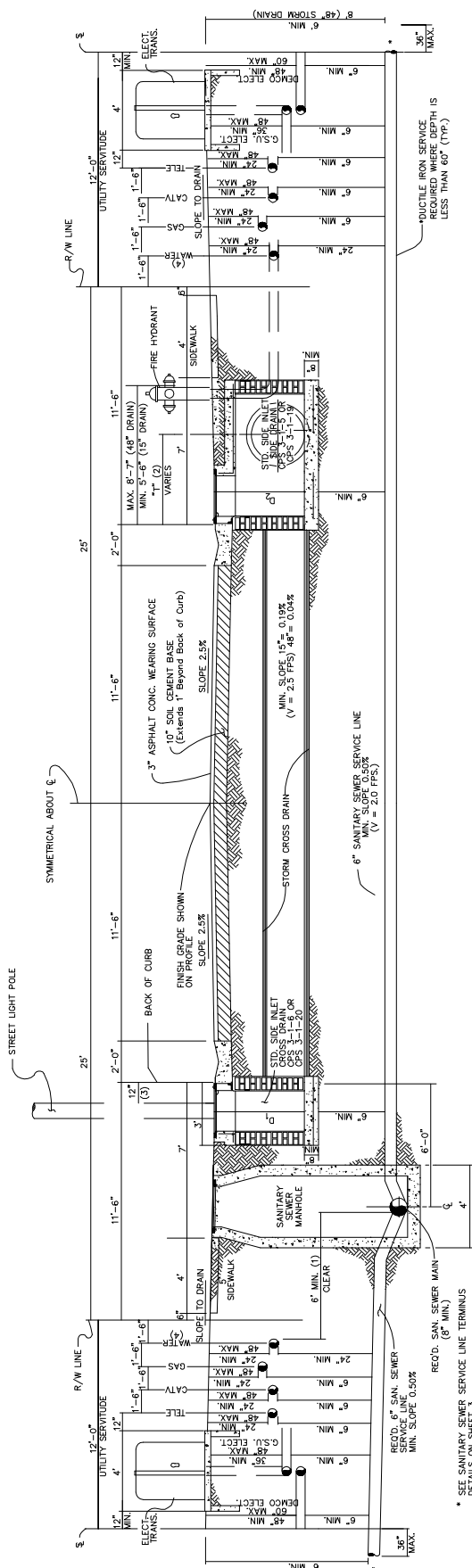
APPLICANT:  
FIRST HORIZON, INC.



**HYDRIK**

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

HF: 1799 118C | DATE: 3-15-2018 | APPROVED:



## CONC. STREET DATA

**RESIDENTIAL STREETS - 7,419 LIN. FT. x 23 FT  
TOTAL 3,159 CU. YDS.**

## TYPICAL STREET / LOT PROFILE

**APPLICANT:**

FIRST HORIZON, INC.

**MIDDLEBROOK PLACE**  
SECTIONS 32 & 47, T6S-R3E  
LIVINGSTON PARISH, LA

FIGURE  
4

HF: 1799 118C

DATE:	9-28-2017 3-15-2018
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APPROVED: