



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
7400 LEAKE AVENUE  
NEW ORLEANS LA 70118-3651

January 9, 2023

Regulatory Division  
Western Evaluation Branch

Project Manager:  
Amy Oestringer  
(504) 862-2272  
amy.l.oestringer@usace.army.mil

Application #: MVN-2012-02853-WQQ

## **PUBLIC NOTICE**

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), and/or [ ] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

### **LEJOLLIET APARTMENT COMPLEX IN CALCASIEU PARISH**

**NAME OF APPLICANT:** CM Charter Capital Corp c/o: T. Baker Smith, Attn: Claire LaBarbera, 17927 Old Jefferson Highway, in Prairieville, Louisiana 70769.

**LOCATION OF WORK:** located at the southeast corner of Power Center Pkwy and 5th Ave., in Lake Charles, Louisiana, in Calcasieu Parish (lat. 30.184615°, long. -93.186201°), as shown within the enclosed drawings. (Hydrologic Unit Code 08080206, Calcasieu River Watershed)

**CHARACTER OF WORK:** A permit was previously authorized under file No. MVN-2012-2853-WJJ, on April 17, 2013, approving the construction of a commercial complex to include retail stores, a hospital and parking lot. The permit authorized the clearing, grubbing, and grading of a 20 acre tract, including permanent wetland impacts. The development was not constructed prior to the expiration of the permit. The permittee requests to construct a residential apartment complex and parking area. The project will include excavation of a pond, removing approximately 7,744 cubic yards of native material and placing it onsite as fill. The work will impact approximately 2.9 acres of wetlands for construction and 2.2 acres permanently by fill. Approximately 1.73 acres of wetlands will be avoided and remain as green space, and BMPs such as silt-fence will be installed to avoid wetland impacts from construction activities outside the project area. A portion of wetland areas currently within the development footprint to be impacted have already been mitigated for in the previously issued permit (0.22 of an acre). If a Department of the Army permit is warranted, the applicant has proposed to mitigate the remaining unavoidable wetlands impacts at an approved and acceptable mitigation bank within the N.O. District.

The comment period on the requested Department of the Army Permit will close **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 request, and must be submitted so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the Applicant's Name and the Permit Application Number and can be preferably emailed to the Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGW, Amy Oestringer**. Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment 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 Branch 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 and inclusive of the initial comment period and will not exceed a total of 30 calendar days. This public notice is also available for review online at:  
<https://www.mvn.usace.army.mil/Missions/Regulatory/Public-Notices/>

### **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 presently unaware of properties listed on the National Register of Historic Places at or near the proposed work but is pending further review in accordance with the National Historic Preservation Act. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this

public notice will be sent to the State Archeologist, State Historic Preservation Officer, and federally listed tribes 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 Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, 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.

Our initial finding is that the proposed work would have no effect on any species listed as endangered by the U.S. Department of Commerce, nor affect any habitat designated as critical to the survival and recovery of any such 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, alteration, and/or disturbance of **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 applicable water quality standards will be required from the Louisiana Department of Environmental Quality before a Department of the Army permit could be issued.*

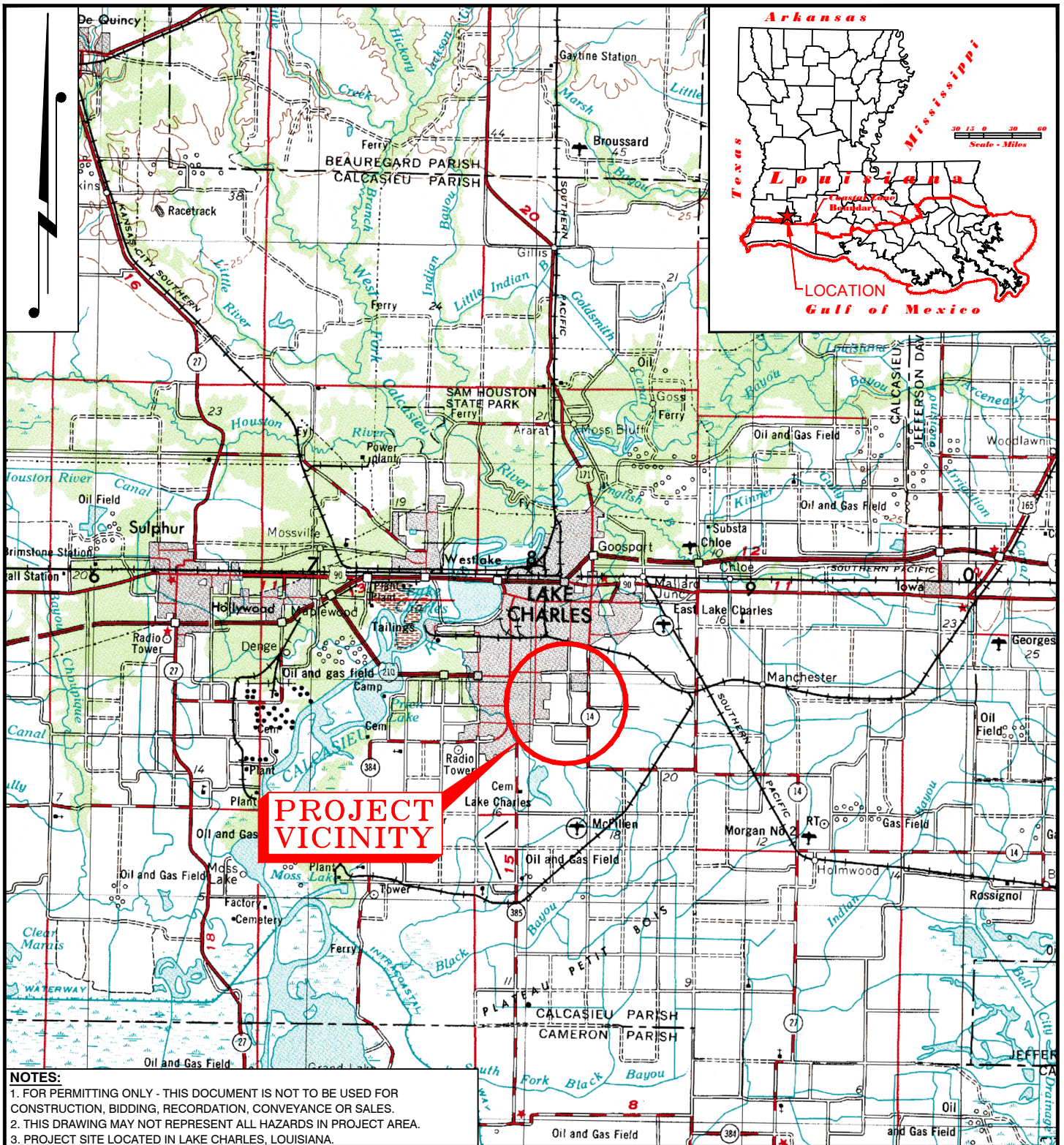
Any person may request within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing, and can be preferably emailed to the USACE project manager listed above or mailed to the address listed above.

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 Branch  
Regulatory Division

Enclosures



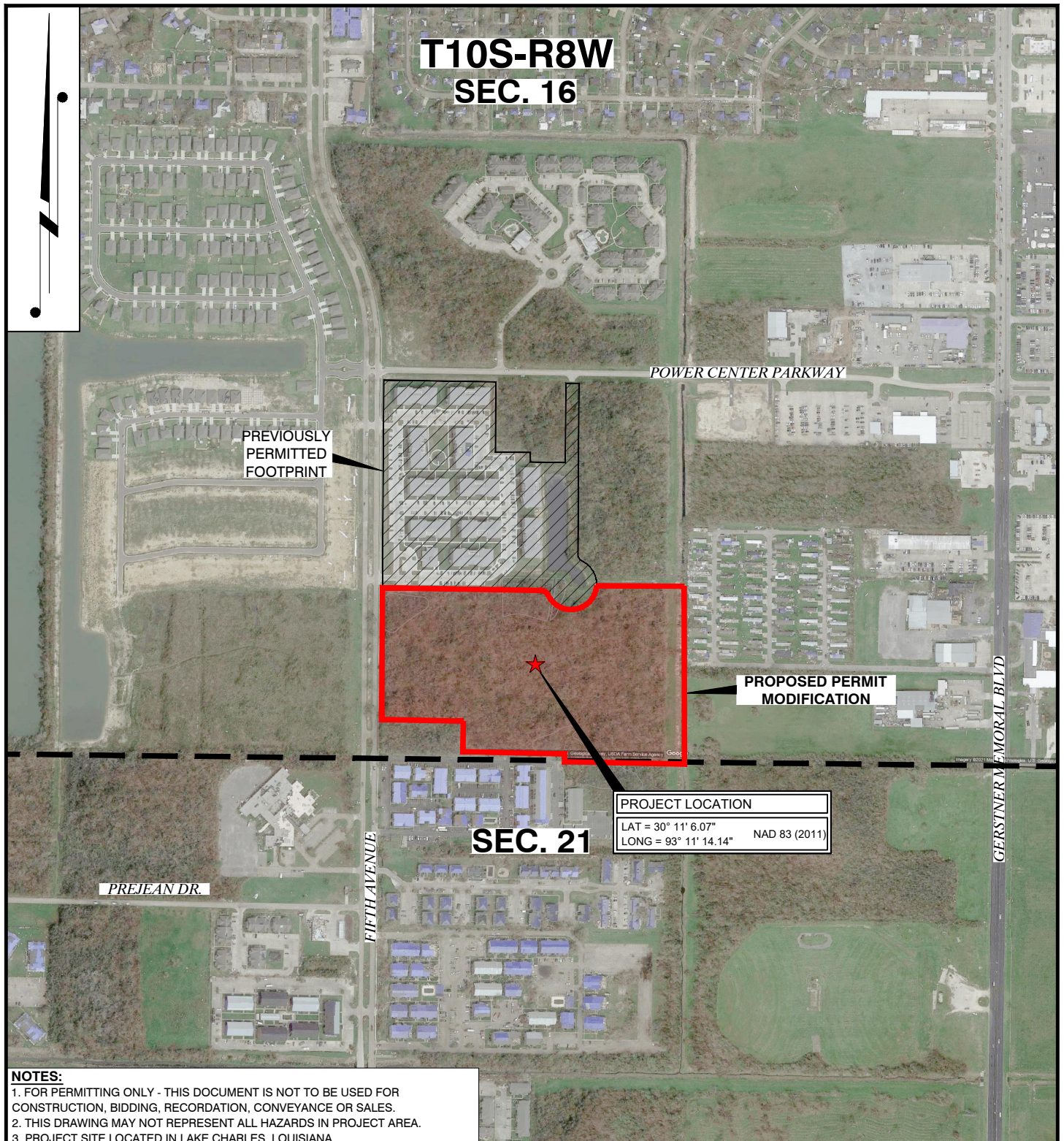


DRAWN BY:	RBT	APPROVED BY:	ADM
DATE:	11/02/2021	JOB NO:	2019.0536
DRAWING NAME:	20190536_VICINITY_REV2.DWG		
SHEET NO:	1	OF	4
PROJECTION: LOUISIANA SOUTH GEO. DATUM: NAD83   VERT. DATUM: NAVD88 GRID UNITS: US SURVEY FEET			
SCALE: 1" = 4 Miles			

<b>VICINITY MAP</b> <b>LDG DEVELOPMENT</b> <b>LE JOLLIET APARTMENT COMPLEX PHASE II</b> <b>POWER CENTER PARKWAY &amp; 5TH AVENUE</b> <b>CITY OF LAKE CHARLES</b> <b>LOCATED IN SECTION 16, T10S-R18W</b> <b>CALCASIEU PARISH, LOUISIANA</b>			
REV. NO:	2	REV. DATE:	10/25/22
REV. BY:	AZB	REVISION DESCRIPTION: REVISED WETLAND IMPACTS	





**NOTES:**

1. FOR PERMITTING ONLY - THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE OR SALES.
2. THIS DRAWING MAY NOT REPRESENT ALL HAZARDS IN PROJECT AREA.
3. PROJECT SITE LOCATED IN LAKE CHARLES, LOUISIANA.

DRAWN BY:	RBT	APPROVED BY:	ADM
DATE:	11/02/2021	JOB NO:	2019.0536
DRAWING NAME:	20190536_AREA_REV2.DWG		
SHEET NO:	2	OF	4
PROJECTION: LOUISIANA SOUTH GEO. DATUM: NAD83   VERT. DATUM: NAVD88 GRID UNITS: US SURVEY FEET			
SCALE: 1" = 600'			

**AREA MAP**

**LDG DEVELOPMENT**  
**LE JOLLIET APARTMENT COMPLEX PHASE II**  
**POWER CENTER PARKWAY & 5TH AVENUE**  
**CITY OF LAKE CHARLES**  
**LOCATED IN SECTION 16, T10S-R18W**  
**CALCUSIEU PARISH, LOUISIANA**

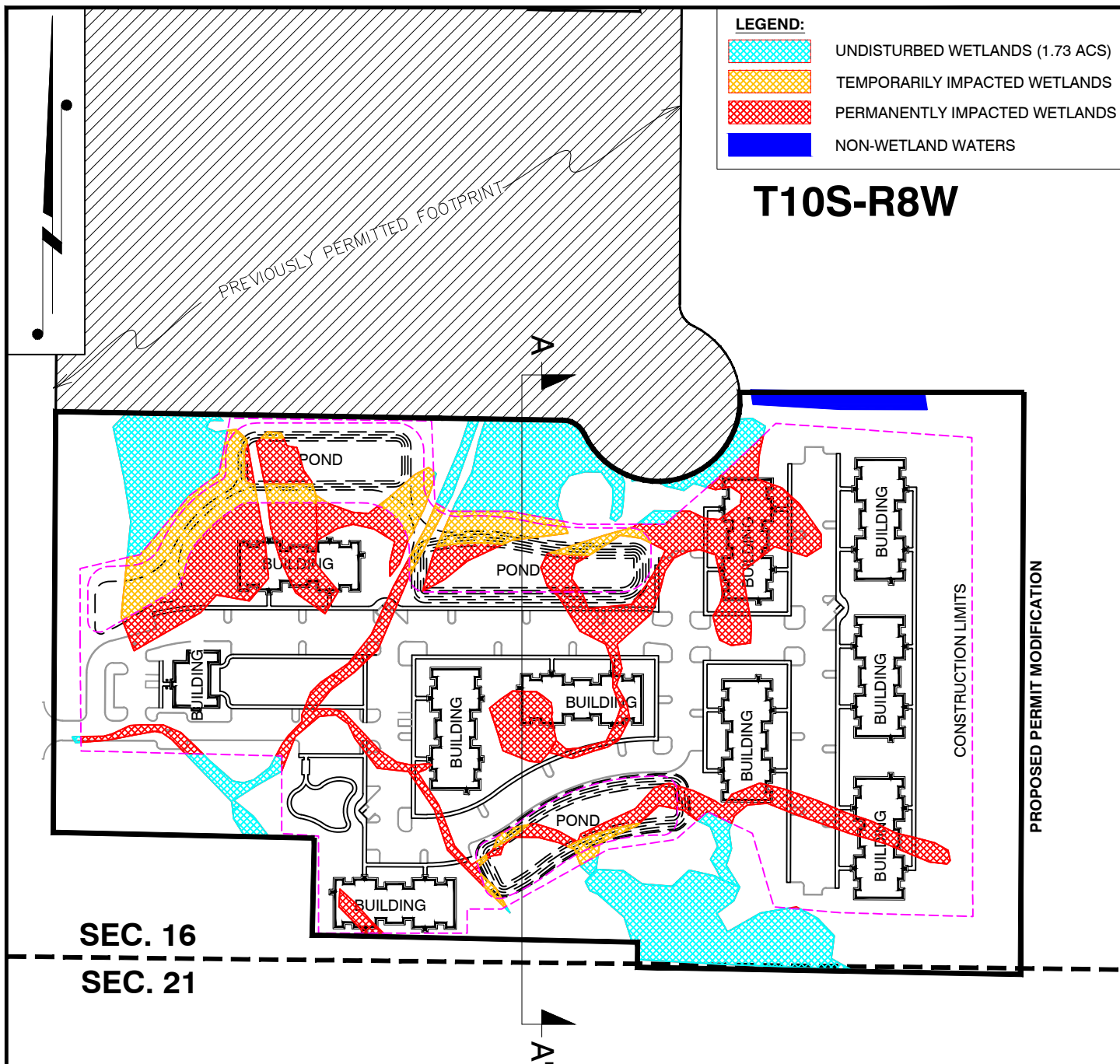


**T. BAKER SMITH**  
 A CENTURY OF SOLUTIONS  
 107 Global Circle, Lafayette, LA 70503  
 (337) 735-2800 - tbsmith.com

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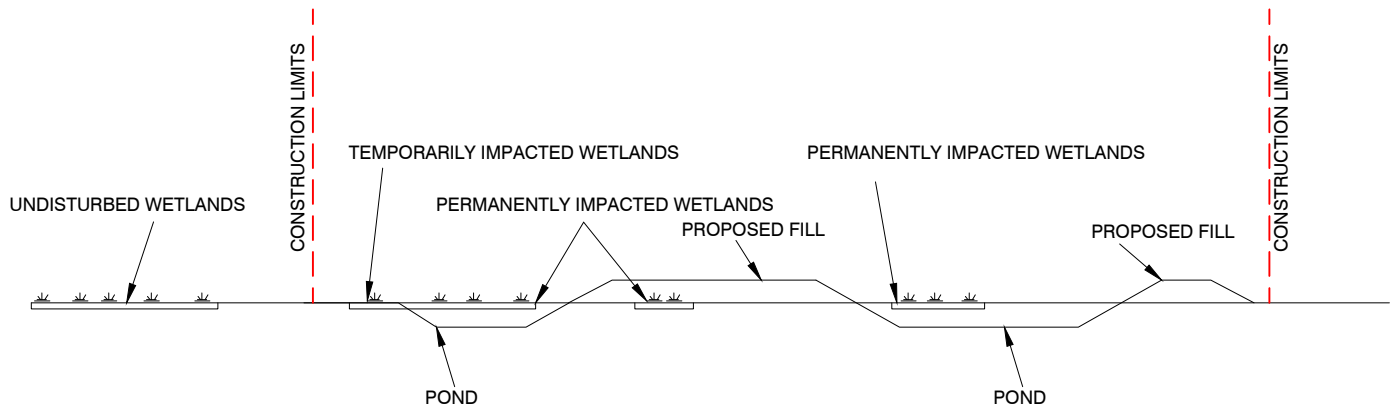
12/6/2022 - P:\Y-2019\2019.0536\DWG\COE\PLATS\REV 2\20190536\_PLAN VIEW\_REV2.DWG



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DRAWN BY: RBT	APPROVED BY: ADM	PLAN VIEW	
DATE: 11/02/2021	JOB NO: 2019.0536	LDG DEVELOPMENT	
DRAWING NAME: 20190536_PLAN VIEW_REV2.DWG		LE JOLLIET APARTMENT COMPLEX PHASE II	
SHEET NO: 3 OF 4		POWER CENTER PARKWAY & 5TH AVENUE	
PROJECTION: LOUISIANA SOUTH GEO. DATUM: NAD83   VERT. DATUM: NAVD88 GRID UNITS: US SURVEY FEET		CITY OF LAKE CHARLES	
SCALE: 1" = 200'		LOCATED IN SECTION 16, T10S-R18W	
200' 100' 0' 200'		CALCUSIEU PARISH, LOUISIANA	
		REV. NO: 2	REV. DATE: 10/25/22
<b>T. BAKER SMITH</b> A CENTURY OF SOLUTIONS 107 Global Circle, Lafayette, LA 70503 (337)735-2800 - tbsmith.com		REV. BY: AZB	REVISION DESCRIPTION: REVISED WETLAND IMPACTS



**CROSS-SECTION A-A'**  
NOT TO SCALE

**Acres Affected by the  
Le Joliet Apartment Complex Phase II Project**

	Impact Type (Acres)		Total Impacted Acreage
	Temporary	Permanent	
Scrub/Shrub Wetlands (PSS)	0.56	0.76	1.32
Wet Pasture (PEM)	0.13	1.46	1.58
<b>Wetland Subtotal</b>	<b>0.68</b>	<b>2.22</b>	<b>2.90</b>
Open Water	0.00	0.00	0.00
<b>Total</b>	<b>0.68</b>	<b>2.22</b>	<b>2.90</b>

Wetland ID	TYPE
WL-101	PSS
WL-102	PEM
WL-103	PSS
WL-104	PSS
WL-105	PSS
WL-106	PEM
WL-107	PEM
WL-108	PSS
WL-109	PSS
WL-110	PSS
WL-111	PSS

**PROPOSED PROJECT VOLUME CALCULATIONS:**

APPROXIMATELY 7,743.99 CU YDS OF EXCAVATION REQUIRED.  
APPROXIMATELY 10,857.72 CU YDS OF FILL MATERIAL REQUIRED.

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DATE: 11/02/2021	JOB NO: 2019.0536
DRAWING NAME: 20190536_PLAN VIEW_REV2.DWG	
SHEET NO: 4	OF 4
PROJECTION: LOUISIANA SOUTH GEO. DATUM: NAD83   VERT. DATUM: NAVD88 GRID UNITS: US SURVEY FEET	

**TYPICALS & NOTES**

**LDG DEVELOPMENT**  
**LE JOLLIET APARTMENT COMPLEX PHASE II**  
**POWER CENTER PARKWAY & 5TH AVENUE**  
**CITY OF LAKE CHARLES**  
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