

JOINT PUBLIC NOTICE

June 8, 2015

United States Army
Corps of Engineers
New Orleans District
Attn: Regulatory Branch
Post Office Box 60267
New Orleans, Louisiana 70160-0267

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

Project Manager: Bobby Quebedeaux
(504) 862-2224 / fax: (504) 862-2574
bobby.d.quebedeaux@usace.army.mil
Permit Application Number:
MVN-2013-3105-WJJ

Project Manager:
Elizabeth Johnson
(225) 219-3225 / fax: (225) 325-8125
WQC Application Number:
WQC 150505-04

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).

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).

CONSTRUCT A LEVEE AND INSTALL THREE CULVERTS IN ST. LANDRY PARISH

NAME OF APPLICANT: William P. Mills, c/o: Aux, LLC, Attn: Horace Thibodeaux, 214 Pamela Place, Thibodaux, Louisiana 70301

LOCATION OF WORK: Bayou Petite Prairie at 2048 Petite Prairie Road in Washington, Louisiana, in St. Landry Parish (30.80275, -92.04766, Hydrologic Unit Code 08080102, Bayou Teche Watershed).

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: Construct a levee (approximately 284 feet in length; approximately 3,087 cubic yards) to stop erosion of an existing levee around an existing pond and install three 24-inch diameter culverts: 2 existing unauthorized and 1 proposed with flap gates on each end to control beavers constructing dams in the area and thus allow water to flow in and out of an existing wet area. 10.54 acres (that were mechanically cleared bottomland hardwoods at seven locations) are to be restored and 1.04 acre of forested wetland permanently impacted by unauthorized activities from levee construction is to be compensated for through the purchase of credits from an approved mitigation bank in the same hydrologic basin.

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 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. 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 not affect 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 endangered 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.

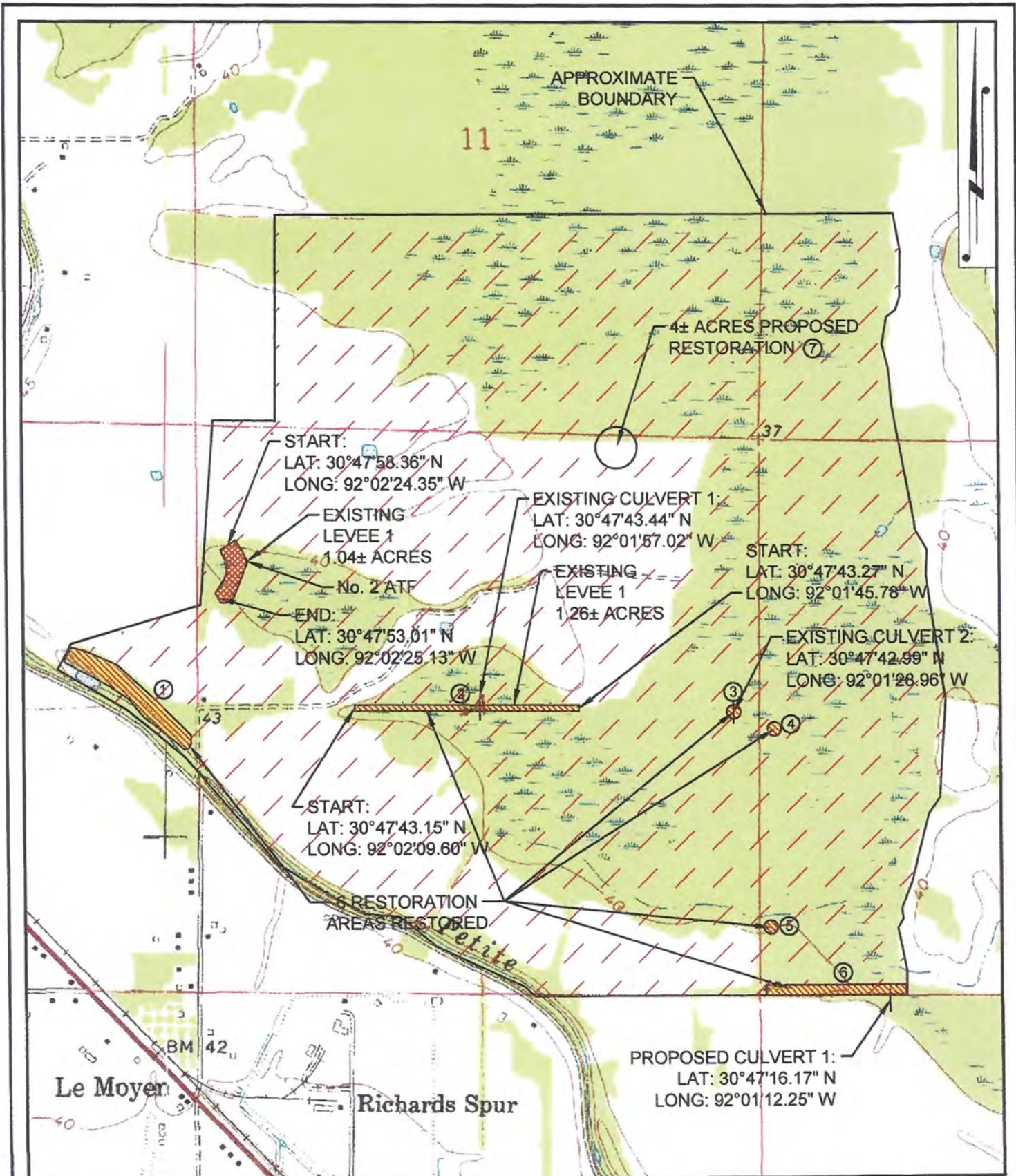
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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

Darrell S. Barbara
Chief, Western Evaluation Section
Regulatory Branch

Enclosure

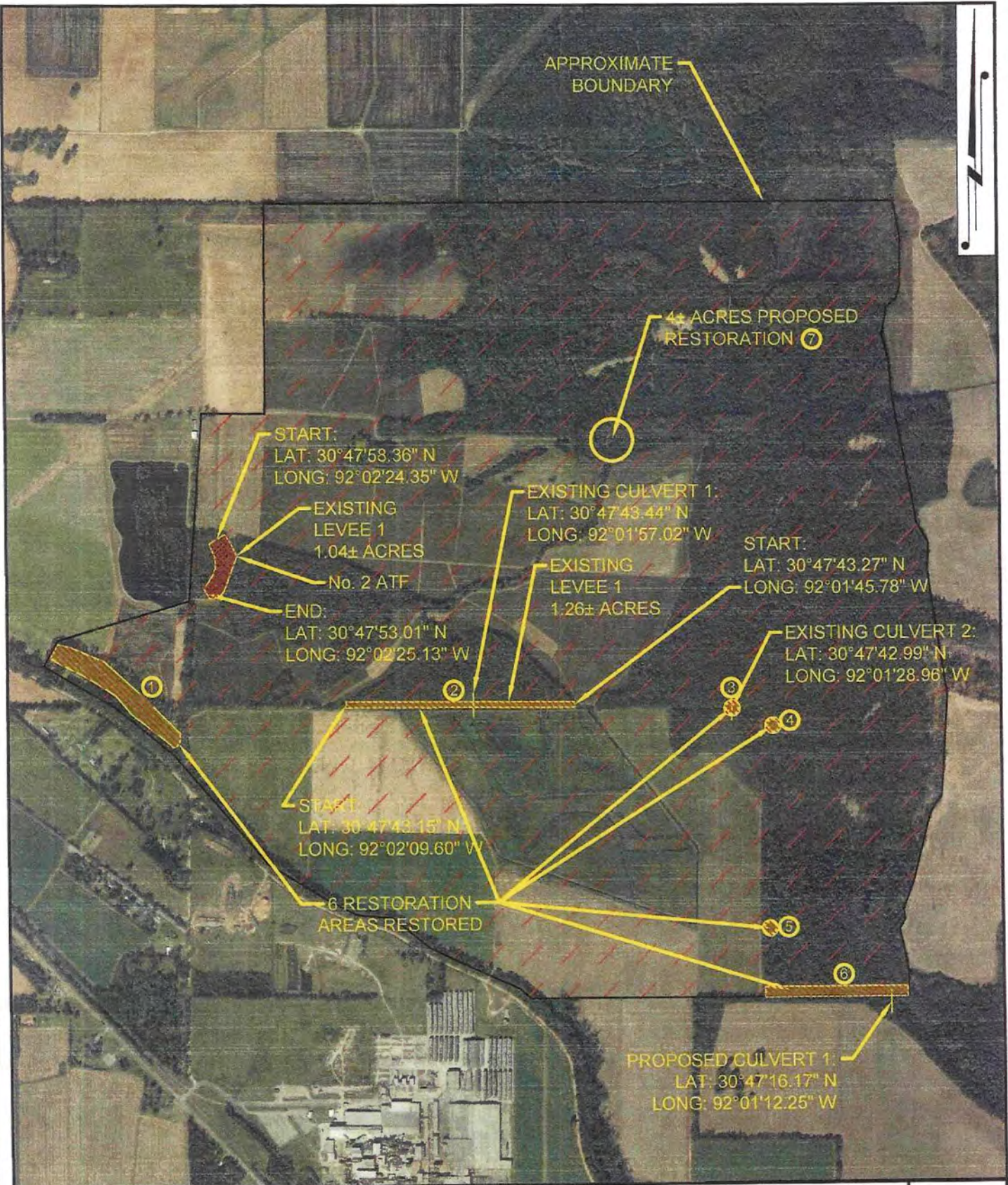



- SEC 404 WETLAND
- MIXED WET, NOT DELINEATED
- SEC 404 WATER
- PROPOSED RESTORATION AREAS
- UNAUTHORIZED ACTIVITY IN WETLAND

**VICINITY MAP &
PLAN VIEW**

SCALE: 1" = 1,200'


SHEET
1
OF
15



 SEC 404 WETLAND

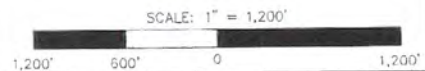
 MIXED WET, NOT DELINEATED

 SEC 404 WATER

 PROPOSED RESTORATION AREAS

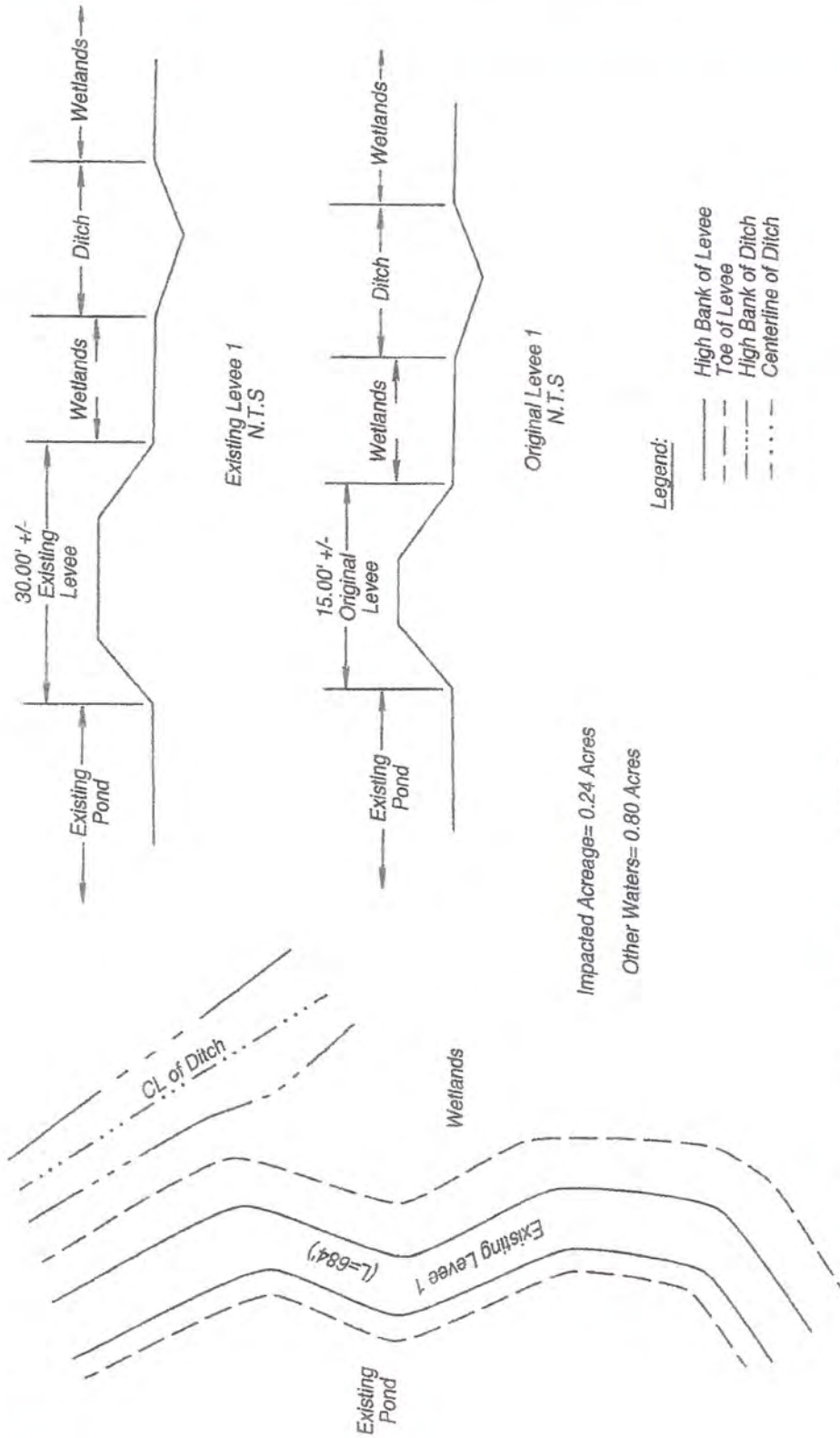
 UNAUTHORIZED ACTIVITY IN WETLAND

PLAN VIEW



SHEET
2
OF
15

Sheet: 3 of 15



N.T.S.

Revised: 2-13-2014 & 2-9-2015

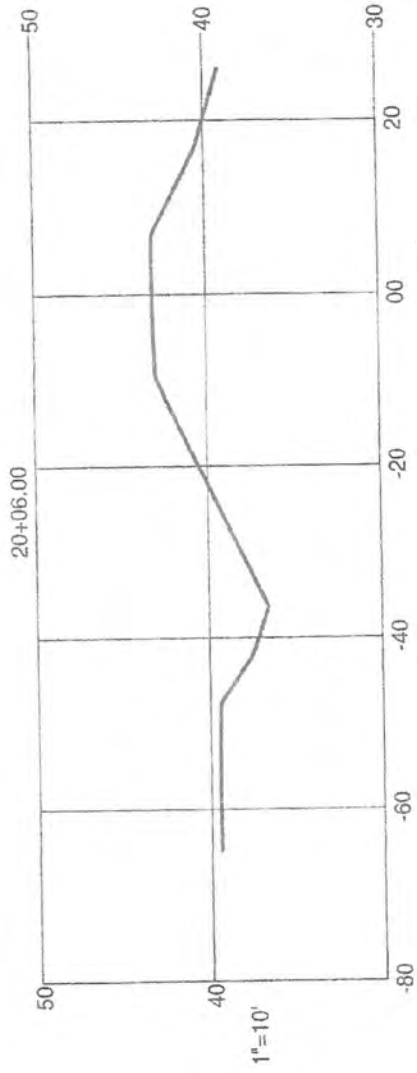
**Will Mills Property
After The Fact Permit Request**

**Typical for Levee 1
Stations 20+06.00 - 26+90.00**

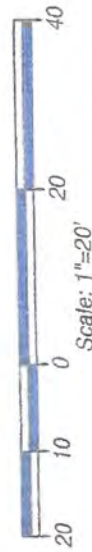
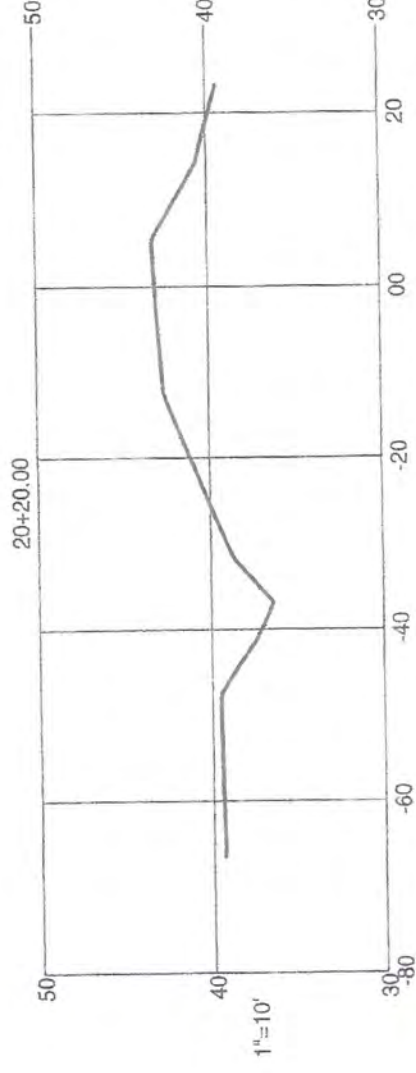


Jared A. Couvillon
Professional Land Surveyor
216 East Mark Street
Marksville, LA 71351
Phone: 318-253-7388

Sheet: 4 of 15



Scale: 1"=10'



Scale: 1"=20'

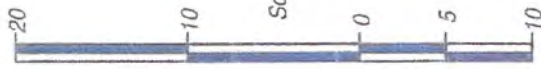


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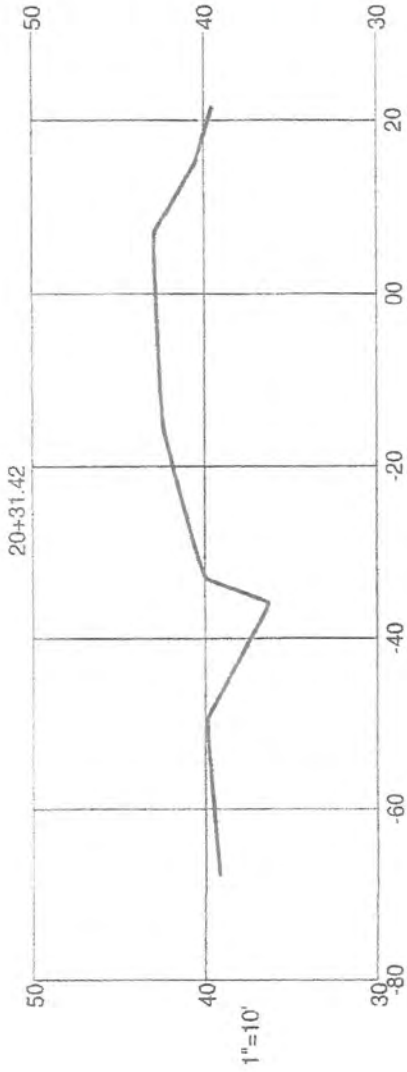
Stations 20+06.00 - 26+90.00
Land Owner: Will Mills

Cross Sections of Existing
Levee 1

Sheet: 5 of 15

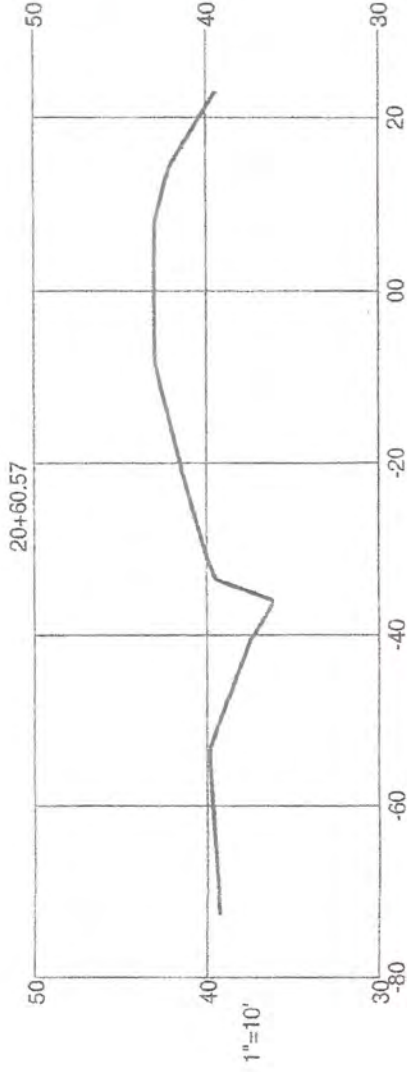


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1"=10'

1"=20'



1"=10'



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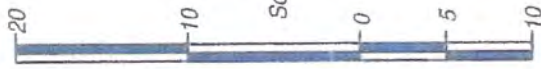
Cross Sections of Existing Levee 1

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Land Owner: Will Mills

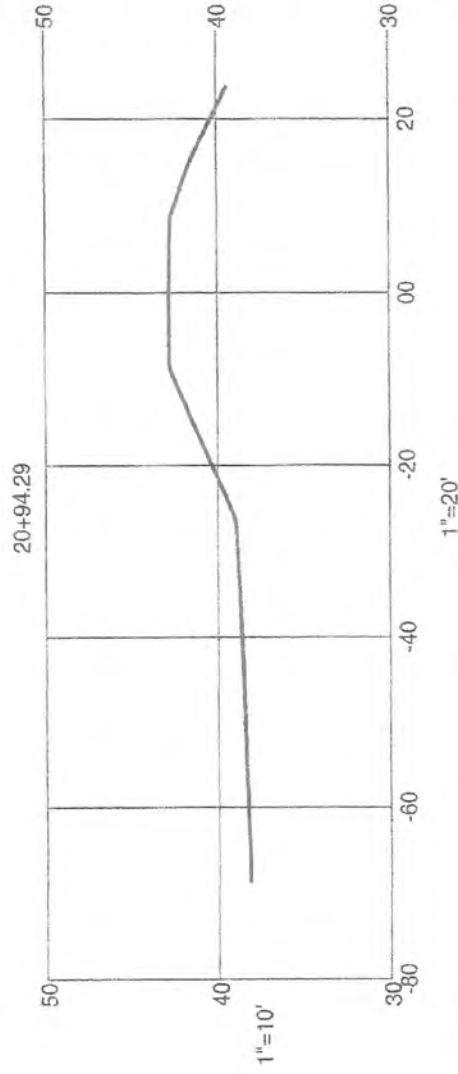
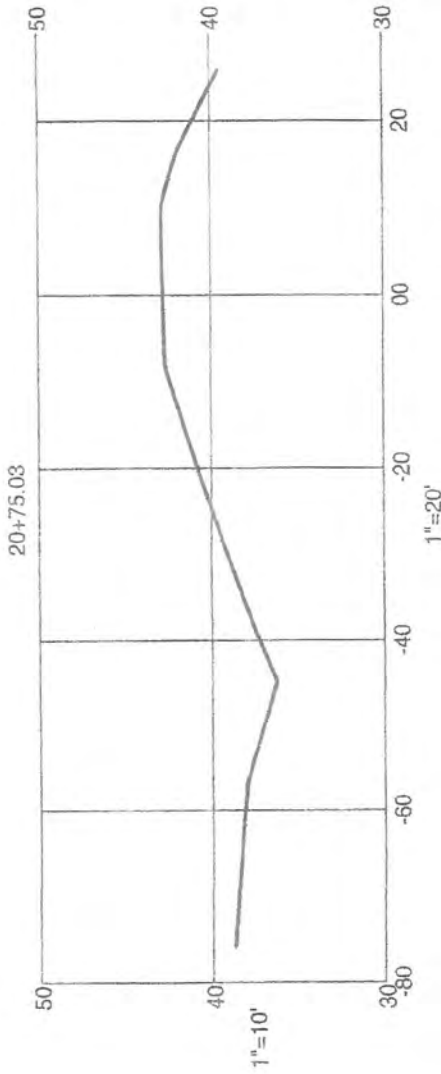


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Sheet: 6 of 15



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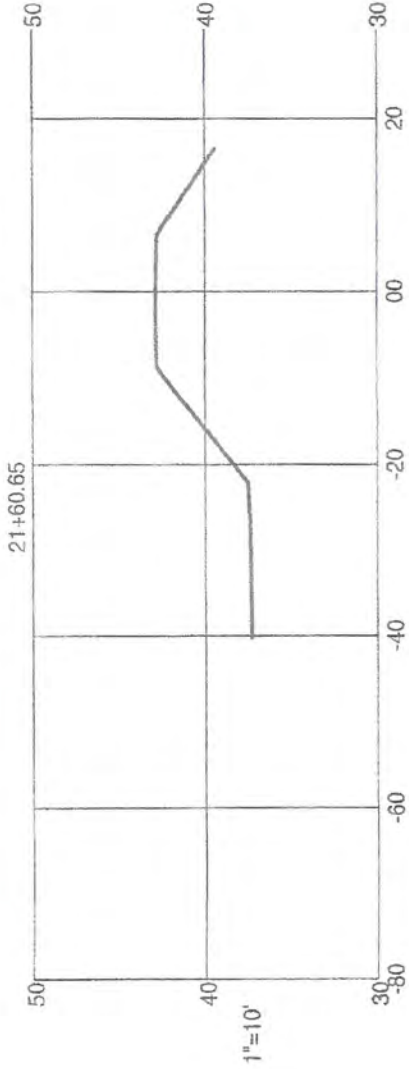
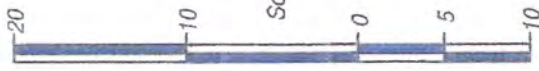
Cross Sections of Existing Levee 1



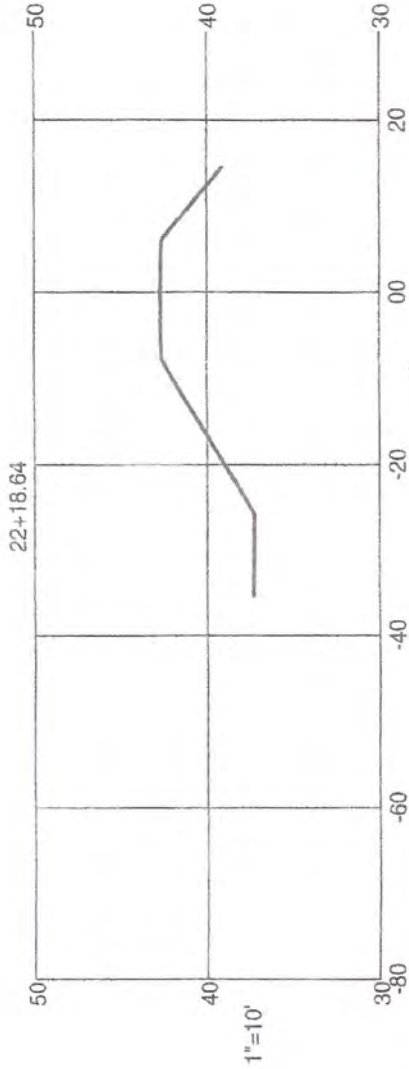
Jared A. Covillion
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216 East Mark Street
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Phone: 318-253-7386

Stations 20+06.00 - 26+90.00
Land Owner: Will Mills

Sheet: 7 of 15



1"=20'



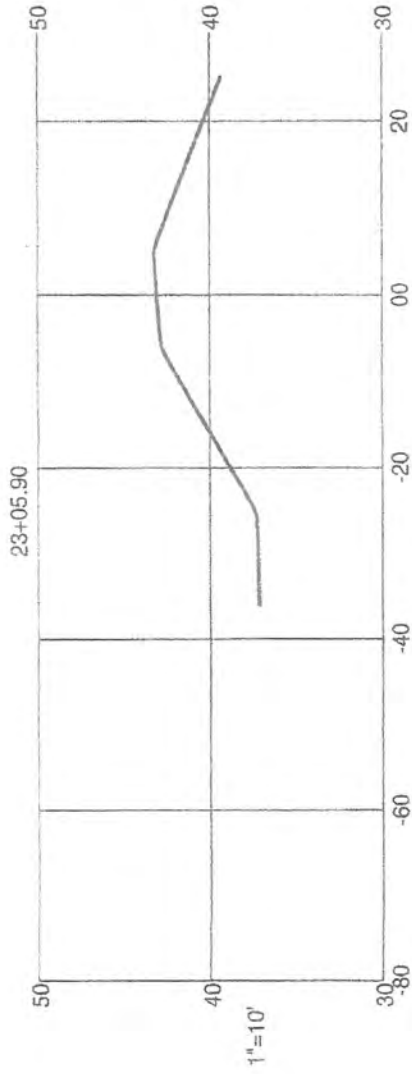
Cross Sections of Existing Levee 1

Stations 20+06.00 - 26+90.00
Land Owner: Will Mills



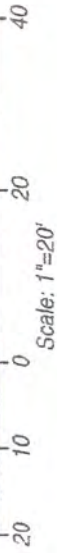
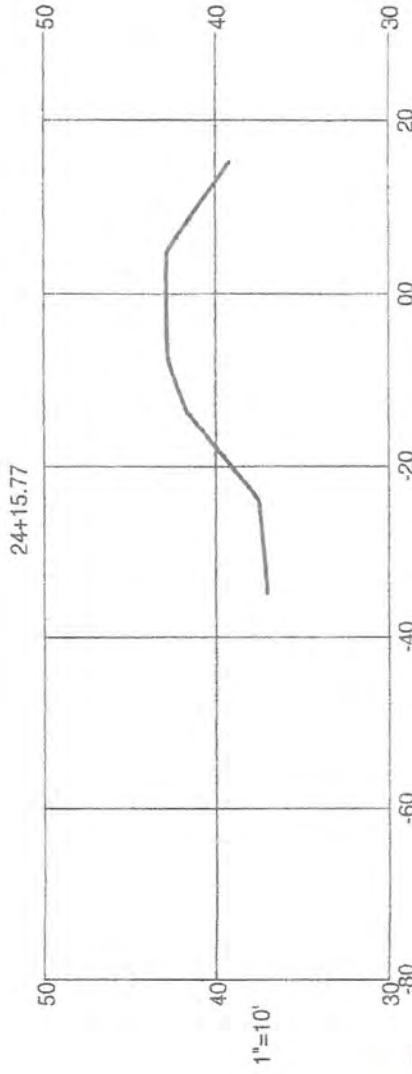
Jared A. Cavillion
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Sheet: 8 of 15



1"=20'

Scale: 1"=10'



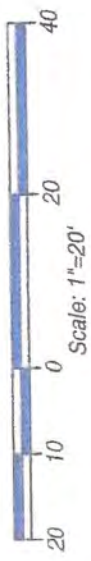
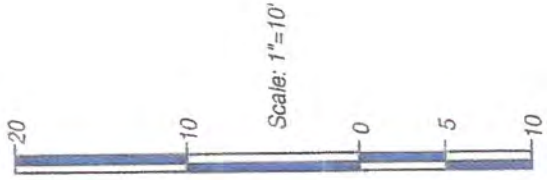
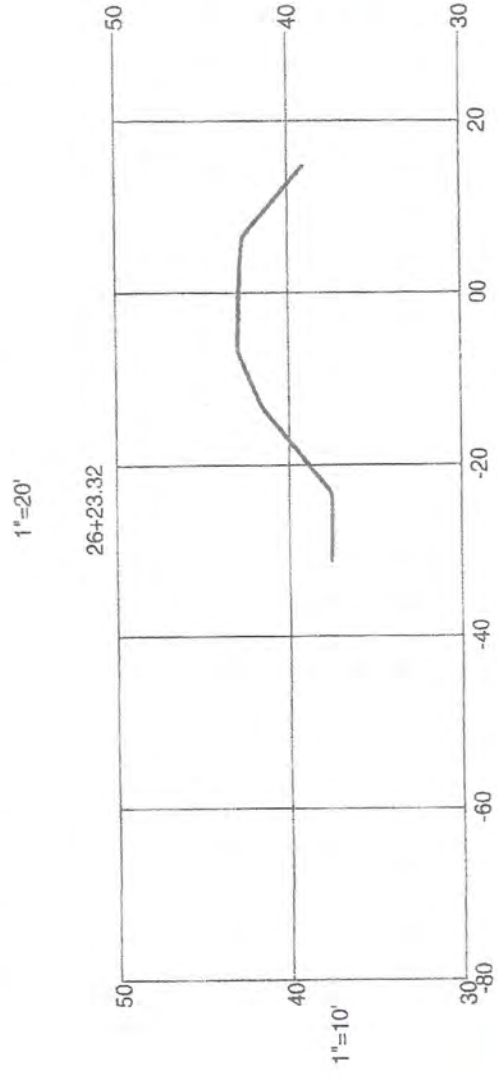
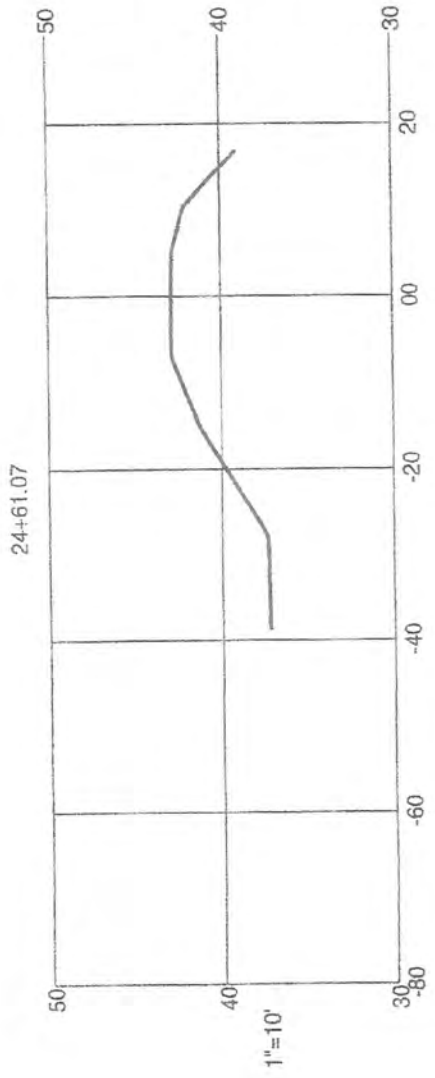
**Cross Sections of Existing
Levee 1**

**Stations 20+06.00 - 26+90.00
Land Owner: Will Mills**



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Sheet: 9 of 15



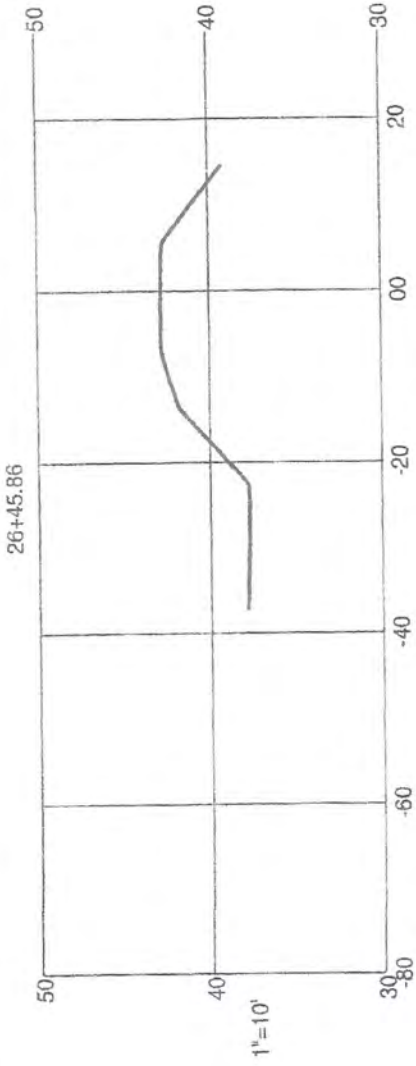
Cross Sections of Existing Levee 1

Stations 20+06.00 - 26+90.00
Land Owner: Will Mills



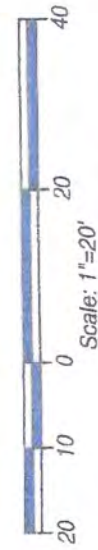
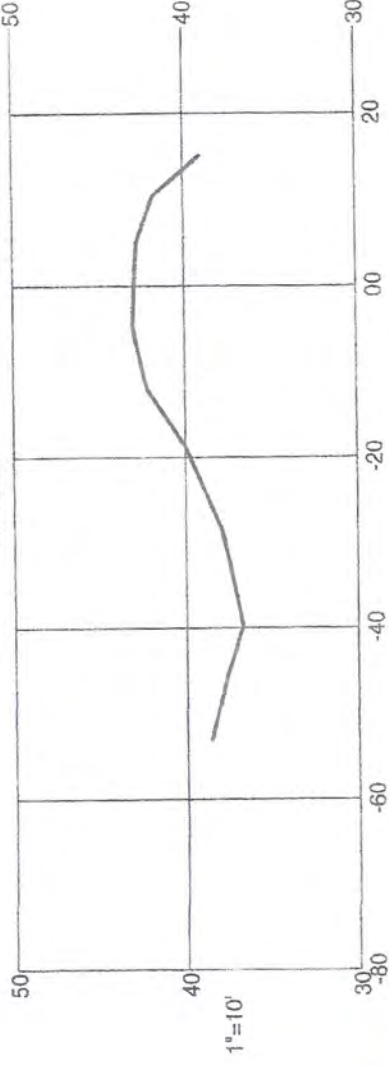
Jared A. Covillion
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Sheet: 10 of 15



1"=20'

26+73.88



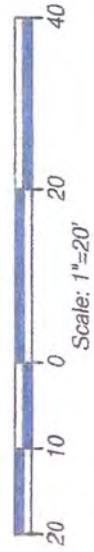
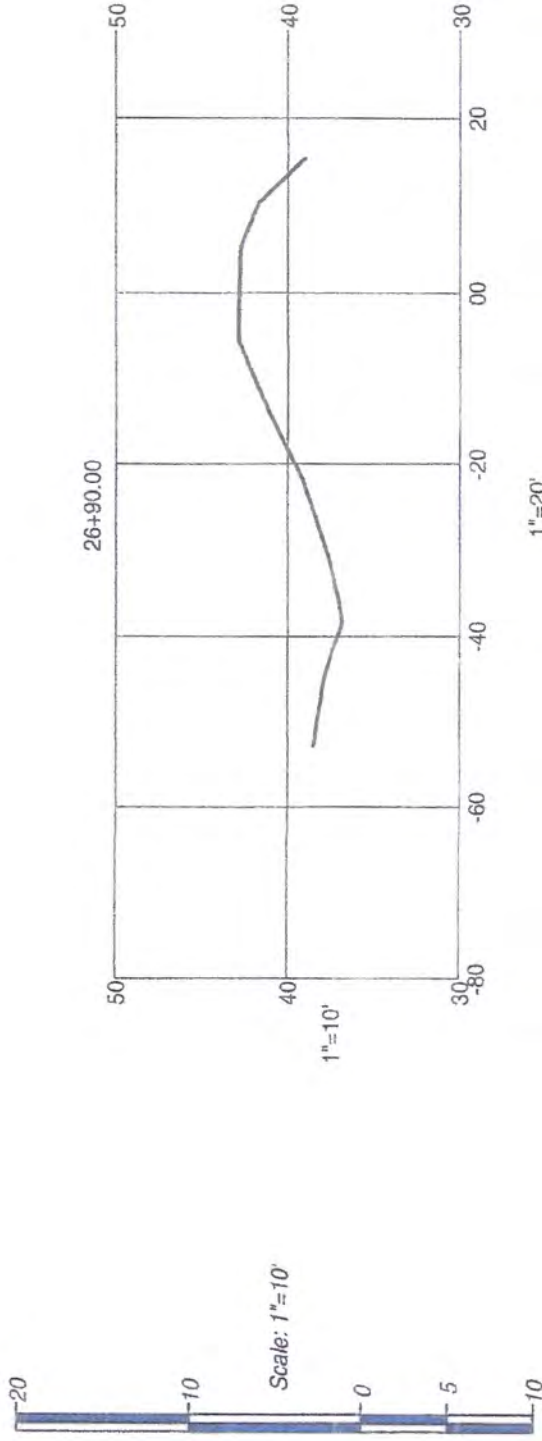
Cross Sections of Existing Levee 1

Stations 20+06.00 - 26+90.00
Land Owner: Will Mills



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Sheet: 11 of 15



Cross Sections of Existing Levee 1

Stations 20+06.00 - 26+90.00
Land Owner: Will Mills



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Sheet: 12 of 15

Cross Sections of Existing Levee 1

Stations 20+06.00 - 26+90.00

Volume of Fill: 3,087 cu.yd.

Volume of Cut: 151 cu.yd.

Net Fill: 2,936 cu.yd. Hauled in Soil Material

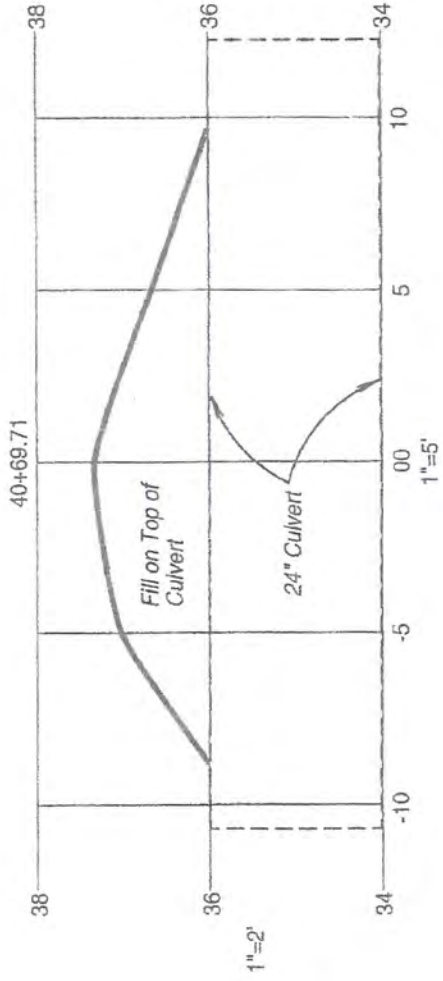
**Cross Sections of Existing
Levee 1**

**Stations 20+06.00 - 26+90.00
Land Owner: Will Mills**

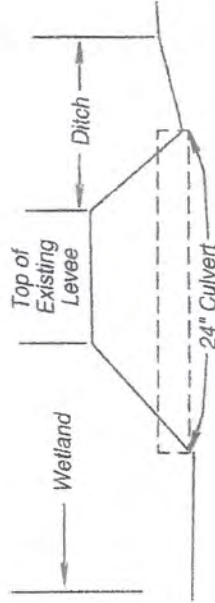


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Sheet: 13 of 15



Volume: 2.27 Cu. Yd.



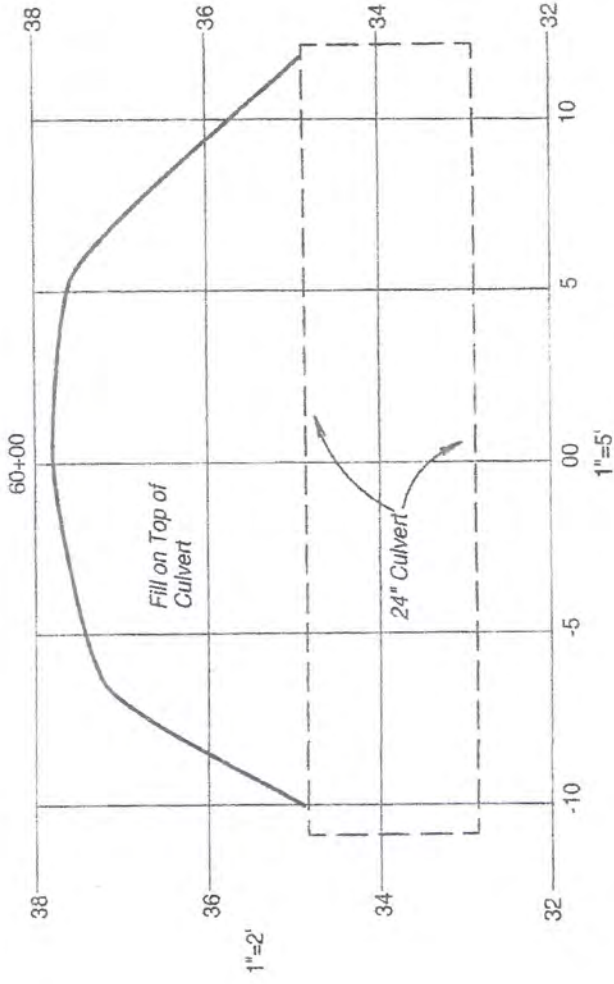
**Cross Sections of Existing
Culvert 1**

**Station 40+69.71
Land Owner: Will Mills**

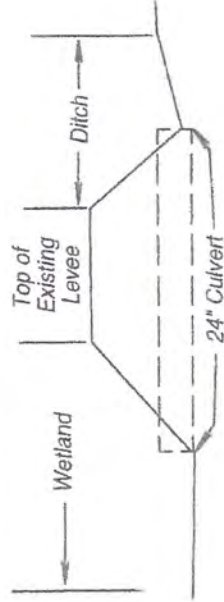


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Sheet: 14 of 15



Volume: 7.33 Cu. Yd.



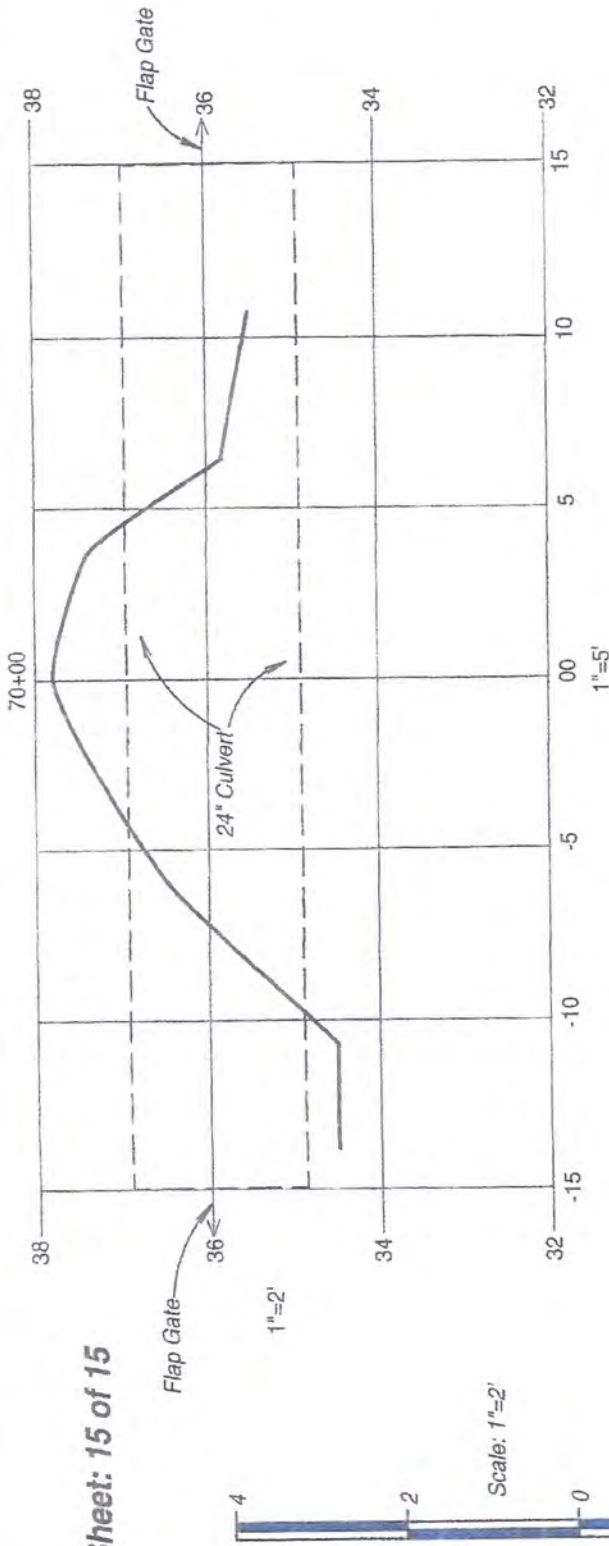
Cross Sections of Existing
Culvert 2

Stations 60+00.00
Land Owner: Will Mills

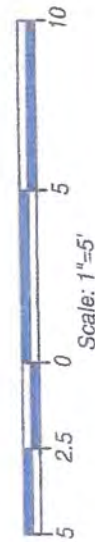
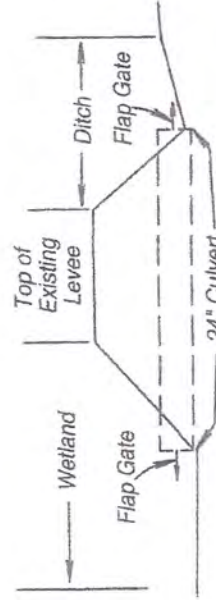


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Marksville, LA 71351
Phone: 318-253-7388

Sheet: 15 of 15



Volume: 0.74 Cu. Yd.



Cross Sections of
Proposed Culvert 1

Station 70+00.00
Land Owner: Will Mills



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Phone: 318-233-7368

Restoration Plan

Will Mills Property
Sections 11,12,13,14, Township 3S, Range 4E
St. Landry Parish, Louisiana

Prepared by

Jefferson Jackson CWB
FELICIANA WILDLIFE SERVICES

January 1 ,2015

PROPERTY OVERVIEW

This Plan is submitted for William Mills for use on USCOE Cease and Desist Order on Case number MVN-2012-01954-SC, issued 12/11/2012, for the purpose of restoration of certain areas of violations of Section 301 of the Clean Water Act on Sections 11 and 14, T3S, R4E, St. Landry Parish, Louisiana .

In February 2013, a field assessment of the above property was conducted for the purpose of assessing the Violations and composing a Restoration and Permitting Plan for 7 areas of concern.

The site evaluation revealed that several small areas on the above property had been mechanically cleared and graded in the recent past to serve as Forestry management roads, Food plots, and for a Fence right of Way.

Soil types are dominated primarily by Gallion Soils although areas containing Perry Clays were intruded upon. Perry Clay soils are considered poorly drained and hydric. The surrounding overstory types in the areas that were undisturbed revealed mixed Bottomland Hardwoods – Cypress Tupelo Gum forest types with predominant species on ridges being various Bottomland Oak Species and inundated areas being Cypress Tupelo Gum species.

Restoration and Permitting RX

AREA ONE:

This area was mechanically graded and brushed to be used as a right of way for a new fence. A portion of the clearing did actually encroach upon Wetlands. The fence right of way will be moved to a higher ridge and the disturbed area will be restored by replanting native mast trees on higher areas and Cypress in lower areas. Stocking rate shall be 538 trees / acre. The area is approximately 1.1 acres in size There was no fill deposited in Wet areas in area one.

AREA TWO

This area was mechanically cleared for the purpose of a permanent management road as well as for fence Right of Way the brush piles (3) were deposited into wetlands which is considered fill material. Burning or removal of these piles will add additional damage to wetlands so it is proposed that these three brush piles be left in place to rot and serve as wildlife habitat. The actual road is approximately 12 feet wide by 3/8th of one mile. This area will be measured and mapped by Registered Engineers and Land Surveyors, Delineated then Permitted and mitigated after the fact.

AREA THREE

This area will have an installed culvert Permitted after the fact.

AREA FOUR

This area is a small clearing that was mechanically cleared for a food plot. This area will be restored by replanting *Quercus Nuttallii* and *Quercus michauxii* seedlings.

AREA FIVE

Area five is in a food plot. The far end of the food plot is in wetlands so this area will be replanted in a mixture of soft mast and hard mast species.

AREA SIX

This area is along the old railroad grade and was mechanically cleared for food plots. The food plots will be delineated and those areas found to be wet will be reforested. The spoil piled of logs and brush should be left in place to rot and serve as Habitat for mammals, birds, and prey species. At the far north end drainage leaves Mr. Mills Property and continues off the property toward the east. Years ago there was a trestle at the site which has now rotted away. This is a problem area to the landowner as it is constantly plugged by beavers. The Landowner will apply for and Permit a water control structure at this location so that water can be held in the winter months and released in early spring. This would restore the area to natural activity. Further, there was a small area inside of the slough where the landowner mechanically cleared 1.5 acres of Chinese Tallow Trees (*Sapian sebiferum*). This area has a small pile of Tallow trees and brush which acts as fill. It was decided to let the tree/brush pile rot away naturally as there was no dirt present in the pile. Further control of Tallow trees will now be by Chemical means.

AREA SEVEN

Area seven is in part of the open fields and was overgrown with tallow trees. This area was cleared mechanically to benefit Waterfowl without permitting. The restoration plan for this +/- 4 acres is to replant the area in *Quercus nuttalli*, Nuttall Oak; *Quercus shumardii*, Shumard Oak; *Quercus pagoda*, Cherry Bark Oak; *Quercus michauxii*, Cow Oak; at a rate of 538 trees/acre.

