



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

January 30, 2023

Regulatory Division  
Central Evaluation Branch

Project Manager:  
Zachary Steinkoenig  
(504) 862-1288  
Zachary.j.steinkoenig@usace.army.mil.  
Application #: MVN 2014-00271-CF

## **PUBLIC NOTICE**

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 [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344),

### **PROPOSED "MOSS SIDE TOWNHOMES" RESIDENTIAL DEVELOPMENT IN EAST BATON ROUGE PARISH**

**NAME OF APPLICANT:** DKA SEVEN LLC c/o Hydrik, 2323 Hwy 190 E, Ste 3, Hammond, Louisiana 70401.

**LOCATION OF WORK:** Southeast corner of Perkins Road and Moss Side Lane in Baton Rouge, Louisiana, in East Baton Rouge Parish, Latitude 30.4123, Longitude -91.1329, within the Mississippi River Basin in hydrologic unit (HUC 08070202), as shown on the attached drawings.

**CHARACTER OF WORK:** The applicant has requested Department of the Army authorization to clear, grade, excavate and deposit fill and/or aggregate material in wetlands to construct and maintain residential development (Moss Side Townhomes) to include residential units, residential road, playground recreational area, utilities and drainage infrastructure. Approximately 10,407 cubic yards of dirt material excavated from the detention pond will be deposited on site to achieve required grade elevation requirements. The proposed project is situated on an approximately 4.79-acre tract of which a preliminary analysis has determined that approximately 1.46 acres of wetlands and impact 45 linear feet of a tributary to Dawson Creek would be impacted. It is anticipated that the proposed action would have minimal impact on adjacent wetlands with required best management practices to reduce runoff and erosion.

**MITIGATION:** The applicant states that they will mitigate in-kind wetland credits from a Corps approved mitigation bank located in the watershed and that they have made an effort has been made to incorporate a buffer along Dawson Creek by reducing the potential project footprint.

The comment period for the requested Department of Army Permit 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 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, RGC, Zachary Steinkoenig**. 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 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://go.usa.gov/xennJ>

### **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. Further, all factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project.

The New Orleans District is presently unaware of properties listed on the National Register of Historic Places 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.

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 District (CEMVN) and the U.S. Fish and Wildlife Service, CEMVN has determined that the project would have no effect to any species listed as endangered by the U.S. Fish and Wildlife Service, 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 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 applicable water quality standards will be required from the Department of Environmental Quality before a permit is issued.

Any person may request, (preferably by email to the project manager, or 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.

John M. Herman  
Chief, Central Evaluation Branch  
Regulatory Division

Enclosures



# BATON ROUGE

## SITE

SECT. 94

EAST BATON ROUGE PARISH

### LEGEND:

-  = PROJECT SITE
-  = DRAINAGE DISCHARGE

0 1/2 1 Mile

0 1/2 1 Mile  
SCALE - MILE

LEGEND  
 = PROPOSED DEVELOPMENT

SITE COORDINATES  
30.4123, -91.132971

APPLICANT: **DKA SEVEN, LLC**

MOSS SIDE TOWNHOMES CITY OF BATON ROUGE SECTION 94, T7S-RIE EAST BATON ROUGE PARISH, LA	<b>FIGURE 1</b>
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HF: 22097 C    DATE: 10/20/22    APPROVED:

ACC'T No. 2014-0027

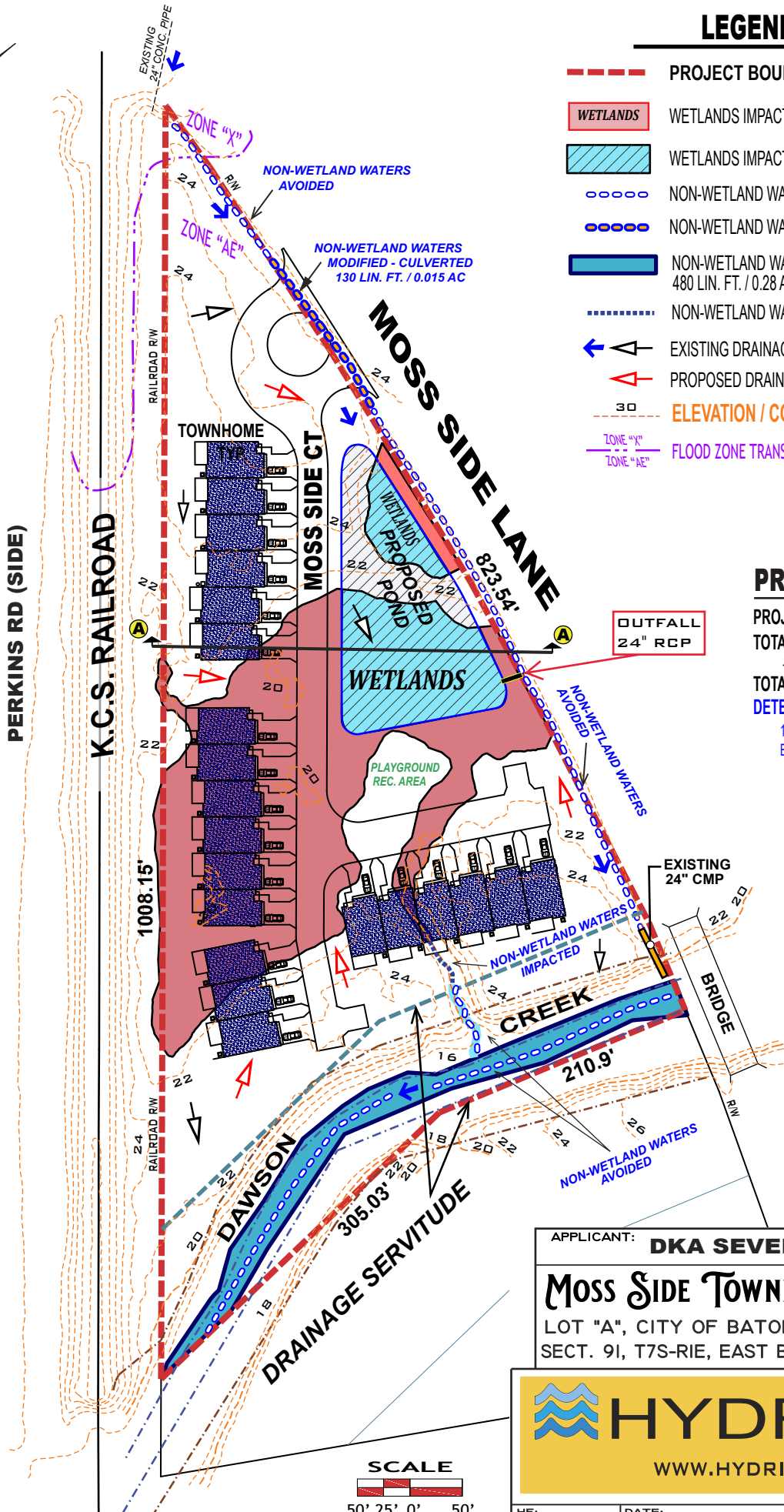


# LEGEND:

- PROJECT BOUNDARY 4.79 ACRES
- WETLANDS
- WETLANDS IMPACTED VIA FILLING / GRADING: 1.107 AC.
- WETLANDS IMPACTED VIA EXCAVATION: 0.353 AC.
- NON-WETLAND WATERS AVOIDED: 738 LIN. FT. / 0.012 AC.
- NON-WETLAND WATERS MODIFIED: 130 LIN. FT. / 0.003 AC.
- NON-WETLAND WATERS AVOIDED - DAWSON CREEK: 480 LIN. FT. / 0.28 AC.
- NON-WETLAND WATERS FILLED: 45 LIN. FT. / 0.005 AC.
- ← EXISTING DRAINAGE FLOW
- ← PROPOSED DRAINAGE FLOW
- ELEVATION / CONTOUR
- ZONE "X"  
ZONE "AE" FLOOD ZONE TRANSITION LINE

## PROJECT DATA

PROJECT AREA = 4.79 ACRES  
 TOTAL LOTS / UNITS: 21  
 -TOTAL FOOTPRINT ALL BLDG'S: 549,927 SQ. FT.  
 TOTAL LENGTH OF STREET = 4,155 LIN. FT.  
 DETENTION POND = 0.50 ACRE  
 10,407 CU. YDS. CLEAN SITE FROM ON SITE  
 EXCAVATION TO BE DISBURSED ON SITE.



OUTFALL  
24" RCP

NOTE:  
THIS SITE IS LOCATED IN FLOOD ZONES "AE" & "X"  
PER FEMA FLOOD INSURANCE RATE MAP  
No.'s 22033C 0245E, DATED 5-02-2008;  
B.F.E.: 25.8'

APPLICANT: **DKA SEVEN, LLC**

## Moss Side Townhomes

LOT "A", CITY OF BATON ROUGE  
 SECT. 9I, T7S-RIE, EAST BATON ROUGE PARISH, LA

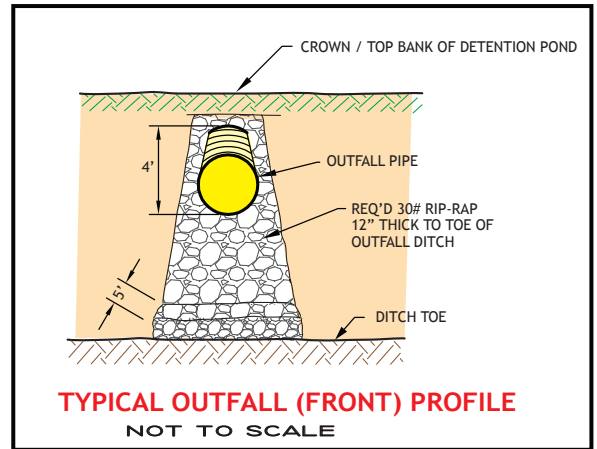
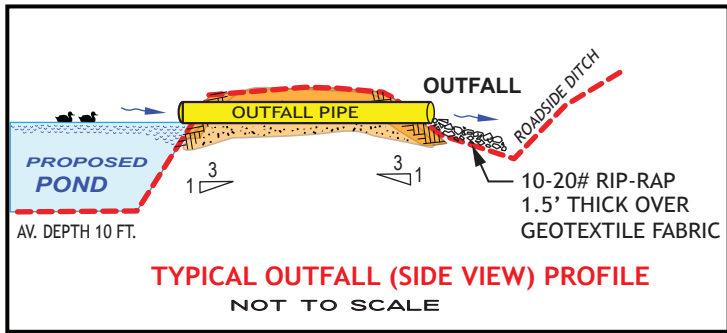
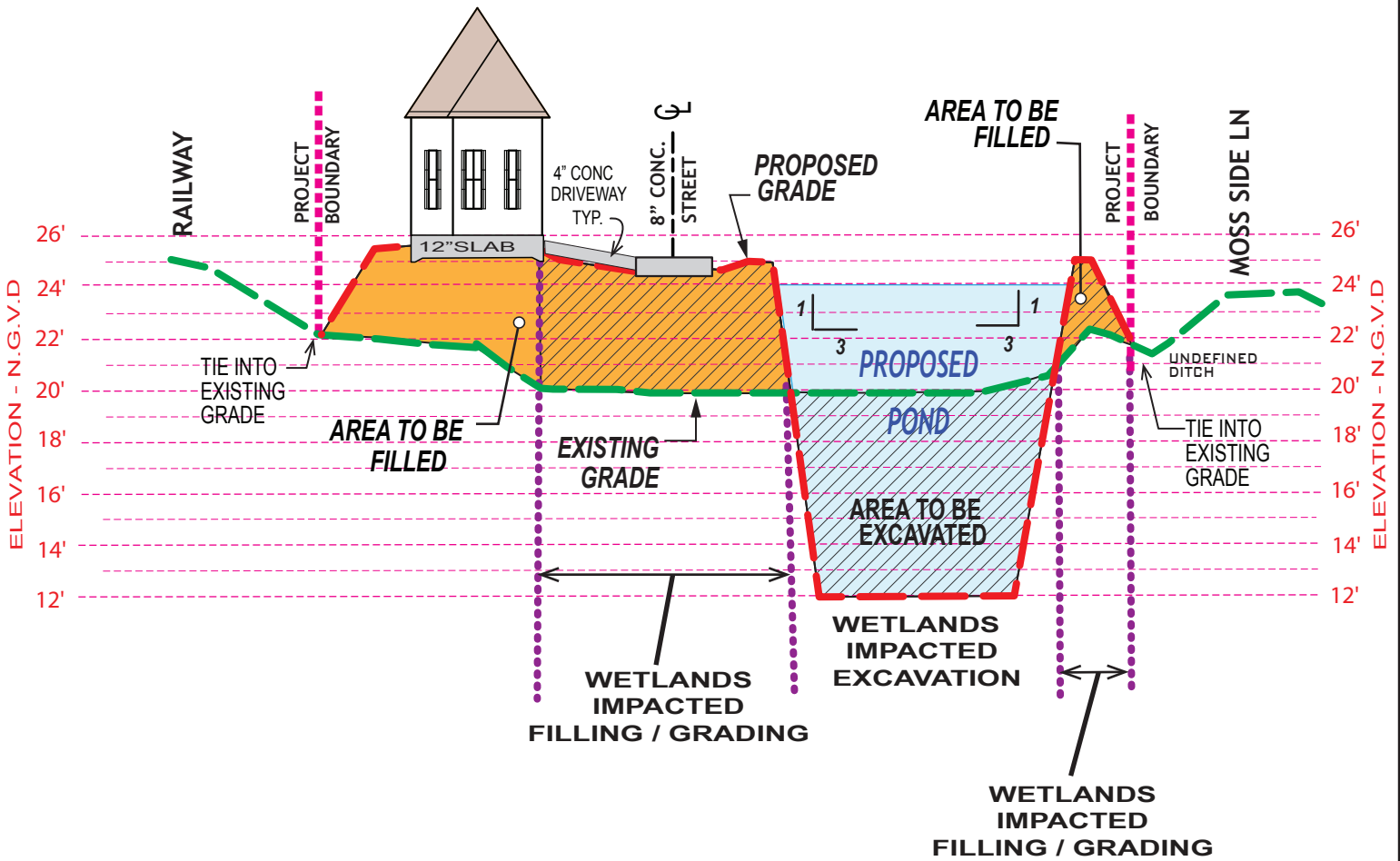


FIGURE  
**2**



HF: 22097 C      DATE: rev 12 02 22      APPROVED:

# A-A



## LEGEND:

- EXISTING GRADE
- PROPOSED GRADE
- AREA TO BE FILLED / GRADED
- WETLANDS IMPACTED VIA FILL / GRADING
- WETLANDS IMPACTED VIA EXCAVATION  
AREA TO BE EXCAVATED
- PROPOSED CONCRETE

APPLICANT:

**DKA SEVEN, LLC**

## Moss Side Townhomes

LOT "A", CITY OF BATON ROUGE  
SECT. 91, T7S-RIE, EAST BATON ROUGE PARISH, LA



**HYDRIK**

WWW.HYDRIK.COM

FIGURE

**3**

HF: 22097 C

DATE: 10/24/2022

APPROVED: