

# JOINT PUBLIC NOTICE

April 8, 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 2014-02541-CM

(225) 219-3225  
Project Manager  
Elizabeth Hill  
WQC Application Number  
WQC 190402-01

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.

## **AFTER-THE-FACT HUNTING LODGE IN WEST BATON ROUGE PARISH**

**NAME OF APPLICANT:** River Bottom Whitetails, LLC, c/o Bottomland Consulting, LLC, Attn: Brandon Melville, 2194 South Fieldspan Road, Duson, Louisiana 70529.

**LOCATION OF WORK:** Approximately 0.5 mile south of Choctaw Road and approximately 1.9 miles east of the Gulf Intra-Coastal Waterway in Brusly, Louisiana, (30.38156, -91.29261), within West Baton Rouge Parish, as shown on the enclosed drawings, within Hydrologic Unit Code 08070300, Lower Grand River.

The work described below was 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 resolve an unauthorized activity which included work to perform mechanized land clearing of forested wetlands and deposit fill for the construction of a recreational hunting camp/lodge and parking. Approximately 600 cubic yards of aggregate, limestone, and concrete has been deposited on site to achieve required elevation for construction of the building and parking. The project site contains approximately 5.15 acres of forested wetlands which were all mechanically cleared and 0.5 acre of the 5.15 were filled to include the construction of a camp/lodge building and

parking prior to issuance of a permit. The applicant is currently restoring 4.65 acres of the cleared forested wetlands by allowing natural regeneration, planting of new trees, and enhancement by eliminating invasive species under the guidance of the Corps Regulatory Surveillance and Enforcement Section.

A preliminary analysis has determined that the proposed project would permanently impact approximately 0.5 acre of forested wetlands.

The applicant has agreed to restore impacted wetlands that they have determined are not needed for this project and they have stated that the 0.5 acre area designated for the lodge construction and parking is the minimum needed for the success of this project. The applicant also claims that once restoration is complete, the project will 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 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**. 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. 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.

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 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.

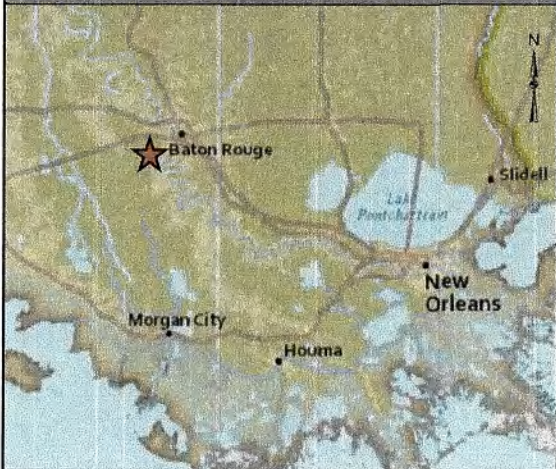
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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

JOHN M. HERMAN  
Chief, Central Evaluation Section  
Regulatory Branch

Enclosures





**NOTES**

- 1) All Structures, Facilities, well and pipelines/flowlines shall be removed within 120 days of abandonment of the facilities for the herein permitted use. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.
- 2) All structures will be marked and lighted in accordance with US Coast Guard regulations.
- 3) As-Built drawings shall be submitted within 30 days of completion of this project to the Louisiana Department of Natural Resources, Office of Pipeline Safety, PO Box 94275, Baton Rouge, LA 70804, and to the Louisiana Department of Natural Resources, Office of Coastal Management, PO Box 44487, Baton Rouge, LA 70804-4487.
- 4) Permittee shall contact Louisiana ONE CALL at 1-800-272-3020 forty-eight hours prior to excavation or demolition.

**RIVER BOTTOM WHITETAILS, LLC**

**After the Fact Permit for Lodge/Bulding and Wetland Restoration Area**  
**SEC 79 T08S-R12E**  
**West Baton Rouge Parish, Louisiana**

<b>FOR PERMITTING ONLY</b>	Rev: (date:initial)	Created by:	KFM
		Date:	07/17/2018
		Page	1 of 3






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2. No survey or engineering data was collected as a part of this application submittal.





-  Permanent Fill of Wetlands for Lodge/Bulding Pad (± 0.50 Acres)
-  Permitted Wetlands MVN-2014-01999-CM (±0.54 Acres)
-  Regenerate Naturally/Mature Trees Still Present (± 0.61 Acres)
-  Wetlands Regenerate Naturally (± 2.80 Acres)
-  Wetlands To Be Restored (± 1.24 Acres)

**RIVER BOTTOM WHITETAILS, LLC**

**After the Fact Permit for Lodge/Bulding  
and Wetland Restoration Area**

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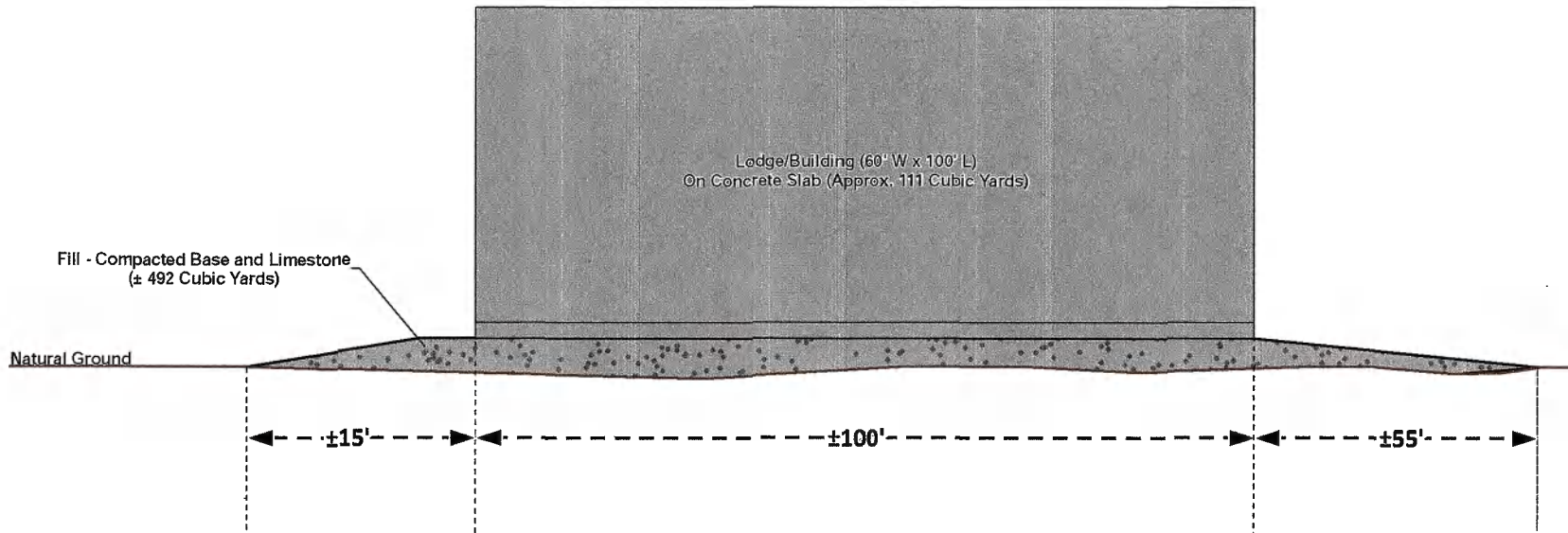


# Cross Section A - A' Equipment Shed

No Scale

A

A'



## RIVER BOTTOM WHITETAILS, LLC

After the Fact Permit for Lodge/Building  
and Wetland Restoration Area

SEC 79 T08S-R12E

West Baton Rouge Parish, Louisiana

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-  Permanent Fill of Wetlands to File ATF Permit ±0.50 Acres
-  Regenerate Naturally/Mature Trees Still Present ±0.61
-  Previously Permitted Wetlands ±0.54 Acres
-  Wetlands Regenerate Naturally ±2.80 Acres
-  Wetlands To Be Restored ±1.24 Acres

### Wetland Restoration and Monitoring Plan Proposal

West Baton Rouge Parish, LA

<b>" PRELIMINARY DETAIL "</b>	Rev: (date:initial)	Created by:	BPM
	Date:	03/27/2018	
	Job #	14009	
	"Preliminary"		

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 2. Soil Data acquired from Web Soil Survey. Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>





**Restoration and Monitoring**

**Areas Naturally Regenerating**

Approximately 2.8 acres of wetlands where timber harvesting occurred will be allowed to regenerate naturally. Portions of this area contains mature trees. Advanced regeneration of like species is occurring. In order to insure adequate regeneration, a regeneration survey will be conducted utilizing a ±2.5% sample taken along transects. Trees will be tallied within 12" either side of the transect by species and size. The area will be considered fully stocked if the number of desirable tree species regenerating is 100-200 trees per acre and that the area contains no more than 3% of Chinese tallow-tree.

**Wetlands to be Restored**

Approx. 1.27 acres will be planted at 9 x 9 spacing = 683 seedlings. Planting will occur during the first nongrowing season, herein defined as December 15 through March 15, following plan approval. Notification in writing of the date the restoration was initiated. Seedlings should be obtained

from a licensed Louisiana nursery grower. You must obtain certification from the contracting nursery that plant material are of the Louisiana ecotype species and have been acclimated to Louisiana climatic and habitable conditions prior to planting. 60/40 hard mast to soft mast is recommended to be planted randomly to promote biodiversity.

Site prep prior to plantings may include application of appropriate/ approved herbicides, and/ or mowing, disking shall be conducted as necessary prior to planting activities to eradicate or reduce competition from woody and herbaceous vegetation that could adversely affect seedling survival and / or growth. Chemicals shall be applied according to label. The site may be maintained by approved mechanical controls (mowing), approved chemical controls or a combination thereof on an as needed basis to reduce invasive species, such as, Chinese tallow (*Triadica sebiferum*) and Chinese privet (*Ligustrum sinense*).

**Monitoring**

Following plantings you must notify USACE of the completed restoration work.

One year following replanting, an additional site visit will be required to monitor 1 year success criteria.

1 year success criteria are defined as:

1. A minimum of 50% seedling survival (296), total stems can include natural recruitment of desirable species through the end of the first growing season.
2. < 3% Invasive species within restoration area.

Additional monitoring will be conducted at year 3 and 5 to document percent survival rate.

If any portion of the restoration site is destroyed or adversely impacted by activities and/ or occurrences other than Acts of God, you will promptly notify USACE and implement the adaptive management plan.

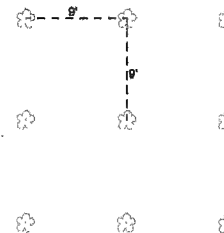
**Adaptive Management**

If 1 year monitoring reveals that the site has failed to meet the criteria set forth additional plantings and invasive control measures will be conducted to correct the deficiency. A 2nd monitoring will be performed 1 year following the adaptive management to assess criteria once again. If criteria still unsuccessful Additional adaptive management or modification of the plan and 1 year follow up will be required until success criteria are met.

The ±1.27 Acres will be replanted with an assemblage of species representative of bottomland hardwood forest as defined by Natural Communities of Louisiana Published in 2009 by the Louisiana Department of Wildlife and Fisheries and the Louisiana Natural Heritage Program.

**Acceptable Species:**

- Quercus nigra
- Quercus michauxii
- Quercus nuttallii
- Carya illinoensis
- Liquidambar styraciflua
- Cletis laevigata
- Ulmus americana
- Fraxinus pennsylvanica



**Typical 9' x 9' Planting  
No Scale**

**Wetland Restoration and Monitoring Plan Proposal**

**West Baton Rouge Parish, LA**

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Acres:	2.8	EF:	31.11	
Species	Tally	Expanded TPA	% Comp	
water oak	1	31.11	11.11071	4.545455
sweet pecan	8	248.88	88.88571	36.36364
green ash	6	186.66	66.66429	27.27273
American elm	3	93.33	33.33214	13.63636
American sycamore	2	62.22	22.22143	9.090909
Hackberry	1	31.11	11.11071	4.545455
tallow	1	31.11	11.11071	4.545455
		684.42	244.4357	100



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Permanent Fill of Wetlands to File ATF Permit ±0.50 Acres  
 Regenerate Naturally/Mature Trees Still Present ±0.61  
 Previously Permitted Wetlands ±0.54 Acres  
 Wetlands Regenerate Naturally ±2.80 Acres  
 Wetlands To Be Restored ±1.24 Acres  
 Monitoring Transects  
 (0.09 acres of sample; 1' each side of transect, 1977' of sample, 3.2% sample)

0 100 200 400 600 Feet

**RBW, LLC**

**Monitoring of ±2.8 Acres  
of Wetlands to Regenerate Naturally**

**West Baton Rouge Parish, LA**

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