JOINT PUBLIC NOTICE

May 29, 2017

U.S. Army Corps of Engineers
New Orleans District
Regulatory Branch
7400 Leake Avenue
New Orleans, Louisiana 70118

Project Manager:
Michael H. Herrmann
(504) 862-1954/ (504) 862-2574 fax
michael.h.herrmann@usace.army.mil
Permit Application Number:
MVN-2015-01482-WLL

State of Louisiana
Department of Environmental Quality
Water Quality Certification Section
Post Office Box 4313
Baton Rouge, LA 70821-4313

Project Manager:
Elizabeth Hill
(225) 219-3225 / (504) 219-1039 Fax
WQC Application Number:
WQC 170403-02

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 U.S.C. 403); and/or [**X**] Section 404 of the Clean Water Act (86 Stat. 816; 33 U.S.C. 1344).

Application has also been made to the Louisiana Department of Environmental Quality for a Water Quality Certification (WQC) in accordance with statutory authority contained in La. R.S. 30:2074(A)(3) and provisions of Section 401 of the Clean Water Act (P.L. 95-217; 33 U.S.C. 1341).

MECHANIZED CLEARING AND LEVEE CONSTRUCTION FOR WATER MANAGEMENT IN POINTE COUPEE PARISH, LOUISIANA

Name of Applicant: Ray Forrest, C/O: EDI Environmental., ATTN: Ben Summerlin, POB 60726, Lafayette, Louisiana, 70596.

Location of Work: Off Highway 1 in Morganza, Louisiana, Calcasieu Parish, as shown on the attached drawings. (Lat 30.757939, Long -91.620726), within the Morganza Floodway of the Atchafalaya Basin Watershed.

A portion of the work described below was started prior to obtaining a Department of the Army permit and was in violation of Section 404 of the Clean Water Act. All legal issues concerning the unauthorized work have since been deferred.

Character of Work: Clear, grub and grade an 11.58 acre area along with the deposition of 15,634 cubic yards of hauled-in fill material associated with the construction of 10 earthen levees and culverts for the purpose of creating a water management project, with the establishment and maintenance of forested wetland habitat that will also function as crawfish ponds.

Project will impact approximately 11.58 acres of low quality forested wetlands (Willow and Tallow) converted to herbaceous wetlands due to mechanized clearing, and 3.86 acres of permanent impacts to forested wetlands due to deposition of fill associated with levee construction. The applicant proposes to offset wetland impacts through the restoration and

enhancement of onsite wetlands.

A portion of the work described below was started prior to obtaining a Department of the Army permit and was in violation of Section 404 of the Clean Water Act. All legal issues concerning the unauthorized work have since been deferred.

The comment period for the Department of the Army (DA) permit application 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 DA permit and WQC request and must be mailed, so as to be received before or by the last day of the comment period. Letters concerning the DA permit application must reference the applicant's name and the DA Permit Number, and be mailed to the U.S. Army Corps of Engineers at the address above. Similar letters concerning the WQC must reference the applicant's name and the WQC 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 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 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 these being: 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. Based on the South Louisiana Operating Procedure for Endangered Species (SLOPES), as signed on October 22, 2014, 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.

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 will be forwarded to the State Archaeologist and State Historic Preservation Officer to solicit comments 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. Departments of Interior or 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 would result in the destruction or alteration 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.

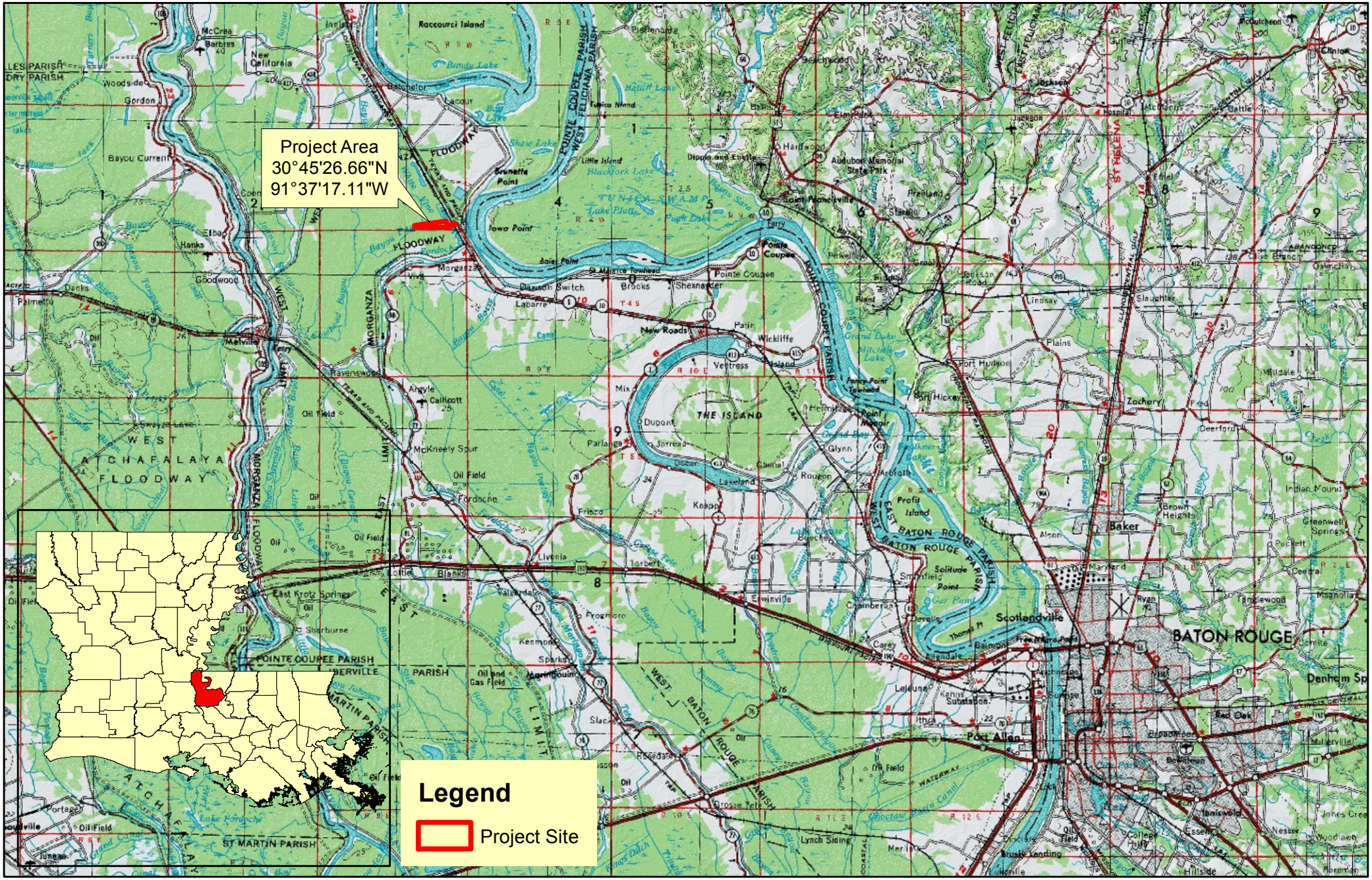
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the U.S. Environmental Protection Agency. Also, a certification that the proposed activity will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



Data Type:ArcGIS Map Service
Connection: Internet Server:
https://services.arcgisonline.com/
ArcGIS/services Name: ESRI USA TOPO

EDI ENVIRONMENTAL SERVICES

Ray John Forrest
Site Location Map
Point Coupee Parish, LA

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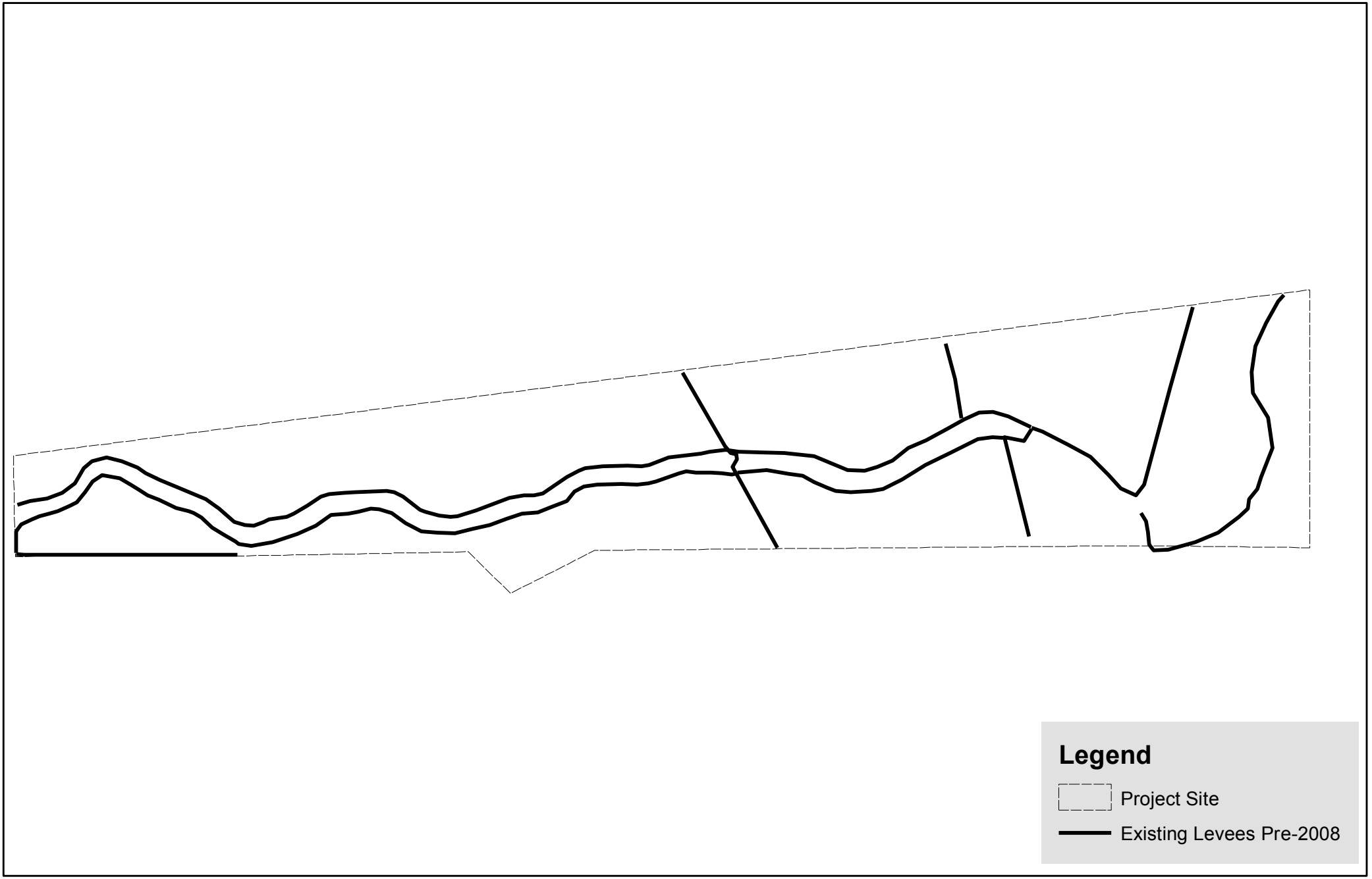
0 3.5 7 14 21 28 Miles

Figure 1

Date: 5/22/2017

Drawn by: LCP/ArcMap 10.0
Checked by:JBS



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Service Name:N/A
Connection: Internet
Server: https://gis.apfo.usda.gov/arcgis/services

EDI ENVIRONMENTAL SERVICES

Ray John Forrest
Existing Conditions Pre – 2008
Point Coupee Parish, LA

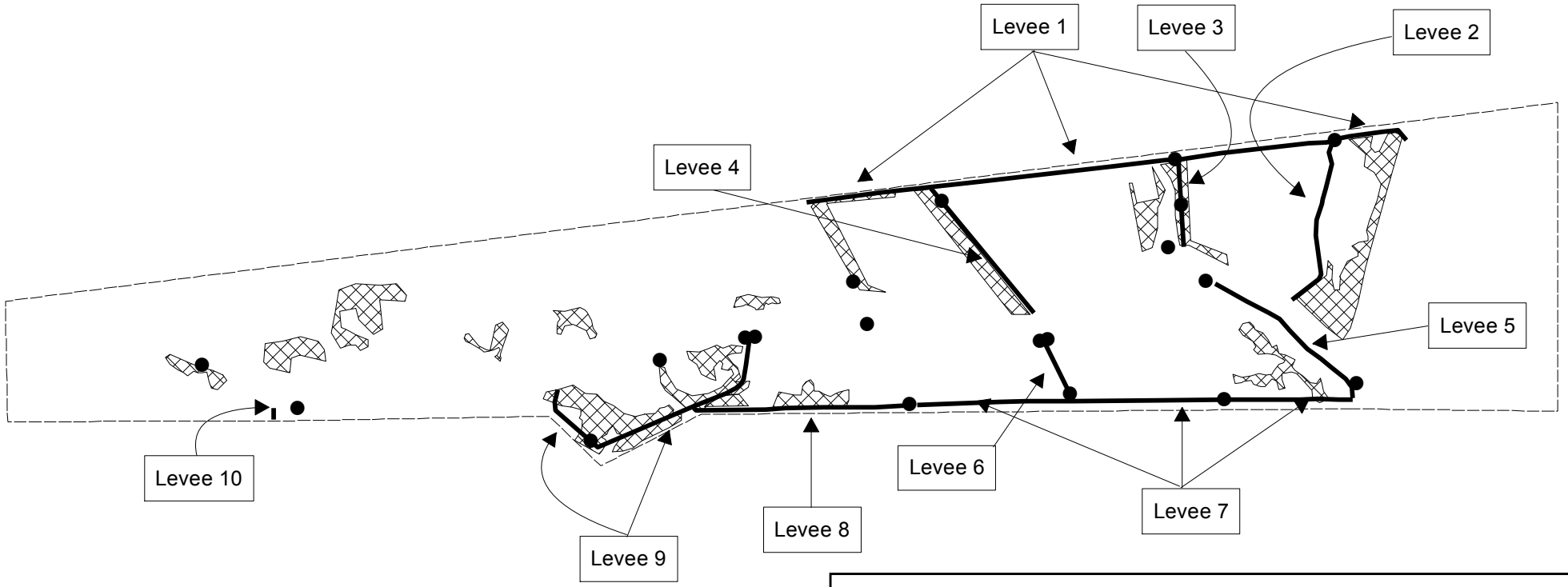
0 0.075 0.15 0.3 0.45 0.6 Miles

N S

Figure 2

Date: 5/22/2017

Drawn by: LCP -ArcMap 10.0
Checked by:JBS



Legend

- Project Site
- Levees/Permanent Impact (3.86 ac.)
- Wetlands Converted from Forested to Herbaceous (11.58 ac.)
- Drop Pipes

Data Type:ArcGIS Map Service
Connection: Internet Server:
https://services.arcgisonline.com/

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Ray John Forrest Impacted Wetlands Point Coupee, LA

0 0.075 0.15 0.3 0.45 0.6 Miles

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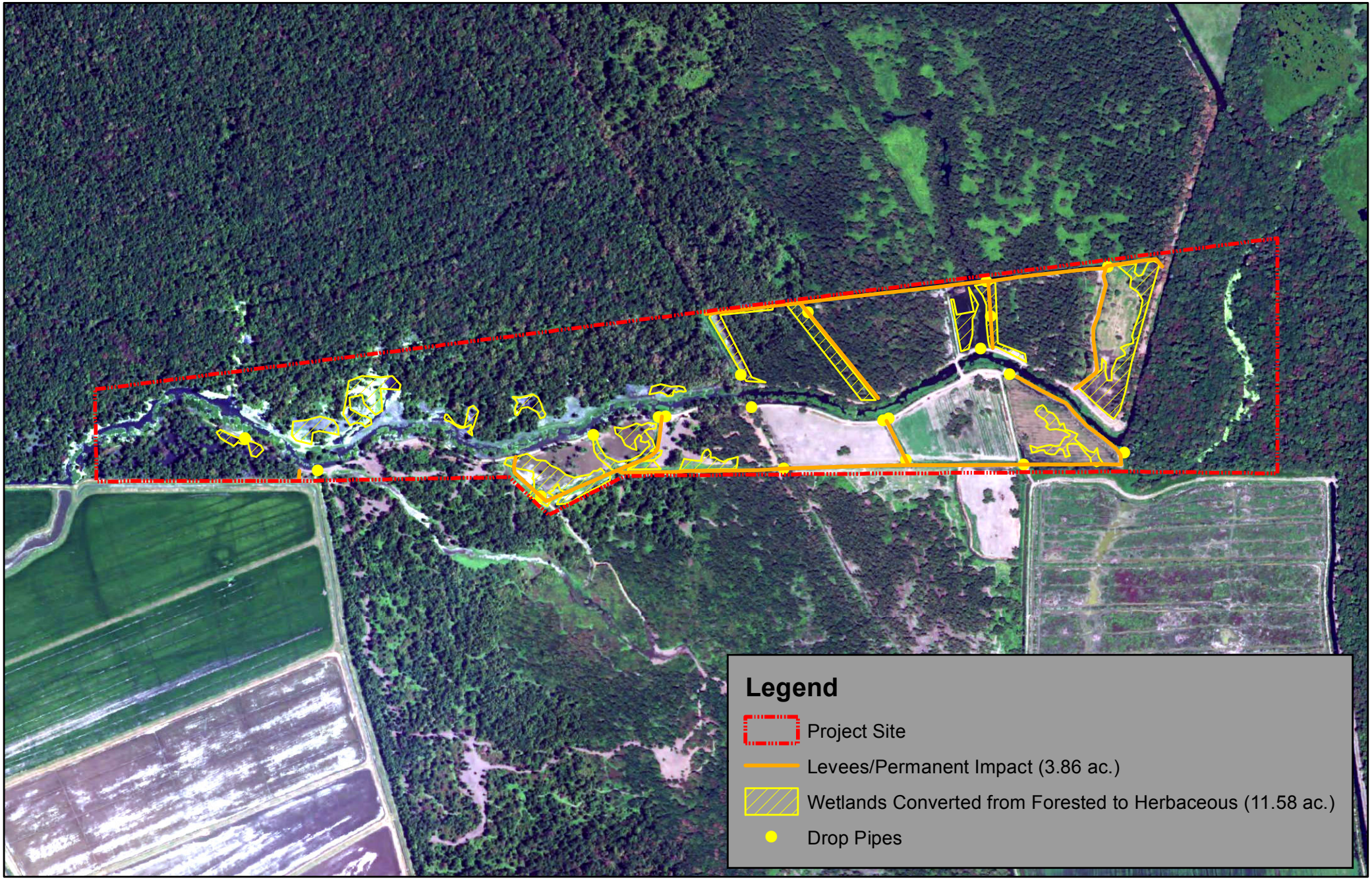
Figure 3

Date: 5/22/2017

Drawn by: LCP -ArcMap 10.0
Checked by:JBS



Data Type:ArcGIS Map Service
Connection: Internet Server:
https://services.arcgisonline.com/
ArcGIS/services Name:USGS NAIP -2015

EDI ENVIRONMENTAL SERVICES

Ray John Forrest Impacted Wetlands 2015 Aerial Imagery Point Coupee, LA

0 0.075 0.15 0.3 0.45 0.6 Miles

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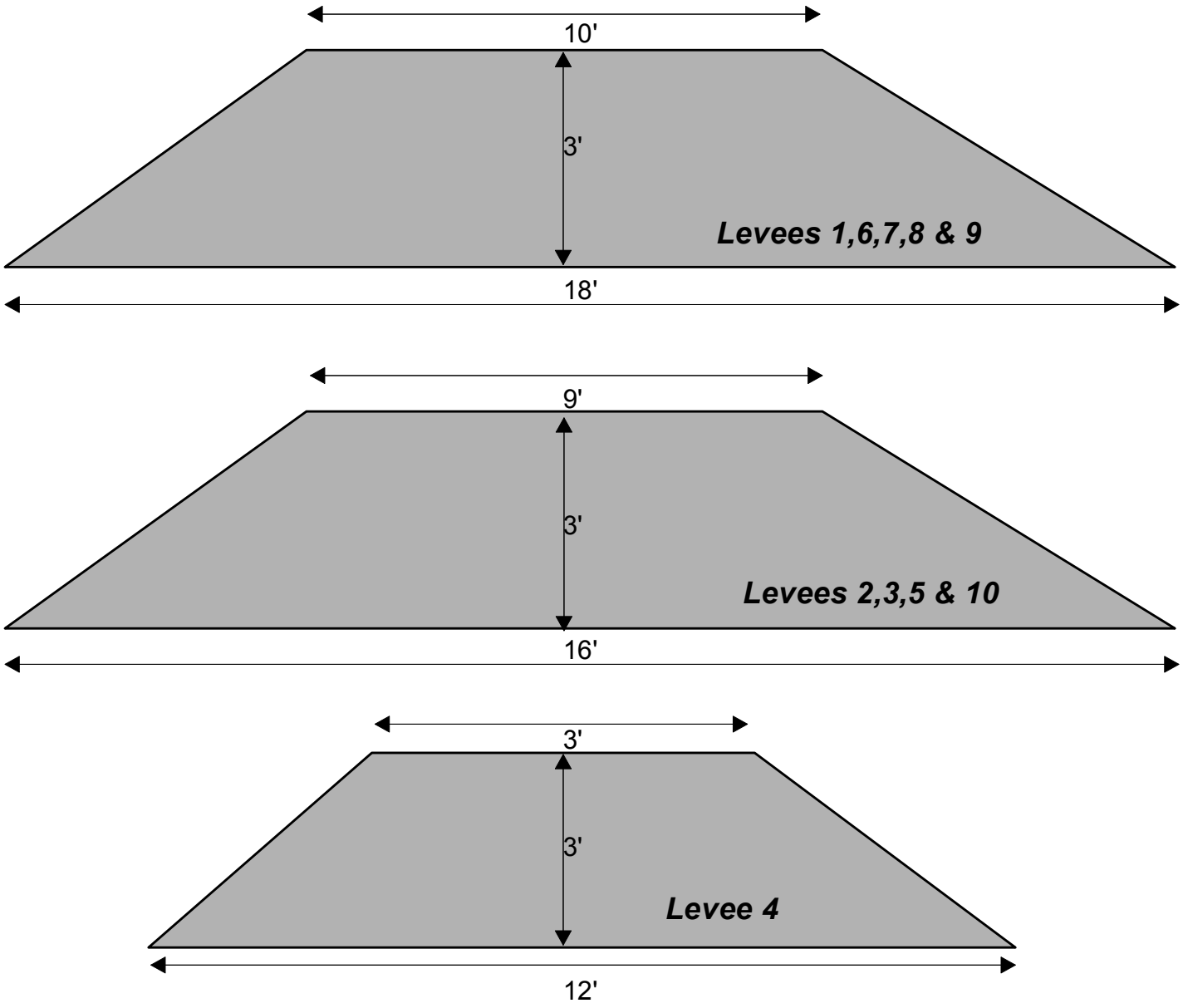
Figure 4

Date: 5/22/2017

Drawn by: LCP -ArcMap 10.0
Checked by:JBS

Typical Levee Cross Sections



Data Type:ArcGIS Map Service
Connection: Internet Server:
https://services.arcgisonline.com/
ArcGIS/services N/A

EDI ENVIRONMENTAL SERVICES

Ray John Forrest
Levee Detail
Point Coupee, LA

N
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Figure 5

Date: 5/22/2017

Drawn by: LCP -ArcMap 10.0
Checked by:JBS

148-A Easy Street, Lafayette, Louisiana 70506
PO Box 60726, Lafayette, Louisiana 70596-0726
Phone: (337) 264-9810 Fax: (337) 264-9816

May 22, 2017

Department of the Army
New Orleans District, Corps of Engineers
Western Evaluation Section
Attn: Mr. Michael Herrmann
7400 Leake Avenue
New Orleans, Louisiana 70118-3651

RE: Draft Restoration Plan for After the Fact Permit No. MVN-2015-01482-WLL for Levee Construction and Drop Pipe Installation Near Morganza, Louisiana in the Morganza Spillway. EDI Project No. 16-543

Dear Mr. Herrmann:

EDI Environmental Services (EDI), as agent for Ray John Forrest (Permittee) offers the following Restoration Plan for the above referenced USACE Permit. This Restoration Plan is in response to an email request sent by your office on April 6, 2017.

Site History and Conditions – During high water events on the Mississippi River, water becomes trapped on approximately 4800 acres of farmland within the Morganza Spillway fore bay area. An additional structure or pumps would allow some of the water to be returned from the fore bay area to the Mississippi River when the river level drops. A structure or pumps on the fore bay side would provide better management of water. This would allow much of the water to be quickly returned to the Mississippi River while allowing a more moderate flow through the sluice gate structure and diversion into Cowhead Bayou. A dual system would benefit landowners on both the tail bay and fore bay sides of the Morganza Spillway. Structures and pumps have been proposed before, however, no such system currently exists. Therefore, to remove water from the 4800 acres of farmland, water is diverted through a sluice gate structure and diversion canal, at the Morganza Spillway. The diversion canal empties into Cowhead Bayou on the tail bay side of the Morganza Spillway.

The current sluice gate and Cowhead Bayou diversion system used to drain the fore bay inundates areas of the tail bay and beyond for prolonged periods of time. The inundation often occurs during the growing season when it is harmful to crops and forest health downstream of the structure. Prolonged inundation on the site has caused the overall ecosystem to transition from a high quality bottomland hardwood (BLH) to a low quality forested system or in some areas to scrub shrub or herbaceous wetlands. In many areas high quality hardwoods have been replaced by black willow (*Salix nigra*). The frequency and duration of inundation during the growing season has led to an overall reduction in the productivity of some areas on the tail bay side of the Morganza Spillway, including the Permittee's site. Additionally, it should be noted

that when the USACE has the sluice open and is removing large amounts water from the fore bay area, a 550 acre leveed section of land, including the permittees site, often goes completely underwater. The site was also heavily inundated for many days when the larger Morganza Spillway structure was opened in 1973 and 2011 to prevent flooding of Baton Rouge and other areas downstream.

Beginning in 2008 the Permittee began clearing willow trees and constructing levees to help better manage his property. Any high quality mast producing trees that have survived the aforementioned flood events were left in place to benefit wildlife. Most of the clearing and levees, constructed by the Permittee, fall within two larger levee systems. The entire tail bay area, including the project site, is bordered by the east and west guide levees of the Morganza Spillway system. Between 1952 and 1963 the USACE cleared approximately 1250 acres of BLH immediately west of the Morganza Spillway control structure in the tail bay area. Based on the historical aerials (Years: 1952, 1963, 1978 and 1985, Attachment A) additional lands to the south and southwest of the project site were cleared between 1963 and 1978. Additionally, sometime between 1963 and 1978 a large portion of the project site and a portion the 1250 acre area cleared by the USACE was captured inside a second smaller levee system that encompassed approximately 550 acres of land. Those levees have been maintained and are still currently being used by the Permittee and other landowners to manage their properties.

The Permittee constructed a total of ten levees. Eight of the ten levees fall inside the existing 550 acre area that was leveed prior to 1978. These eight levees do not take any additional land into the existing levee system. They simply allow the Permittee to manage his property independently from other landowners inside the existing 550 acre leveed area. Only two of the ten levees fall outside of the existing 550 acre area. Those two levees encircle approximately 10 acres. Portions of that 10 acre area were cleared of willow trees and the remaining areas are still forested. The Permittee is proposing to restore all cleared areas and the non-forested herbaceous areas within that 10 acres area, as part of the restoration plan presented below.

Proposed Restoration Activities – The Permittee is proposing to restore 19.53 acres of swamp habitat for impacts to wetlands associated with the referenced permit. It is the Permittee's belief that until a dual drainage system (mentioned above) is put in place to help remove floodwater from the fore bay and to reduce prolonged inundation of tail bay areas, attempts at restoring BLH species will be unsuccessful. Therefore, the Permittee is proposing to use a swamp species mix instead of a BLH mix for the site restoration. The swamp species mix will still include hard mast and soft mast species; however, the swamp mix will be more suitable for areas that experience frequent and prolonged inundation and soil saturation when the fore bay is being dewatered. The attached Restoration Plan Map (Attachment B) shows the proposed location of areas to be planted in high quality swamp species.

The swamp planting area will include a mixture of both soft mast and hard mast species. The soft mast species (approximately 60-70 percent of stand) will consists of baldcypress (*Taxodium*

distichum), swamp tupelo (*Nyssa aquatic*), Drummond red maple (*Acer rubrum* var. *drummondii*), green ash (*Fraxinus pennsylvanica*), buttonbush (Cephalanthus occidentalis) and mayhaw (*Crataegus opaca*). The hard mast species (approximately 30 – 40 percent of stand) consists of overcup oak (*Quercus lyrata*), bitter pecan (*Carya × lecontei*), water hickory (*Carya aquatica*). The exact species and quantities for planting will be determined by the availability of such species from commercial nurseries.

Seedlings will be initially planted at a density of 538 seedlings per acre (9ft. x 9ft. spacing). Site preparation will be conducted prior to planting where needed, by mechanical and/or chemical means such as mowing, disking, ripping, shredding, and herbicidal application. Seedlings will be planted during the non-growing season (i.e., December - March) following plan approval by your office.

Targeted Success Criteria

Year 1 – Permittee will perform a pedestrian survey of the planted areas to tally the survival following the end of the second spring (Year 1). Initial targeted survival of planted seedlings is 250 seedlings per acre. This survival criteria will apply to initial plantings, as well as, any subsequent replanting that may be needed to meet this requirement.

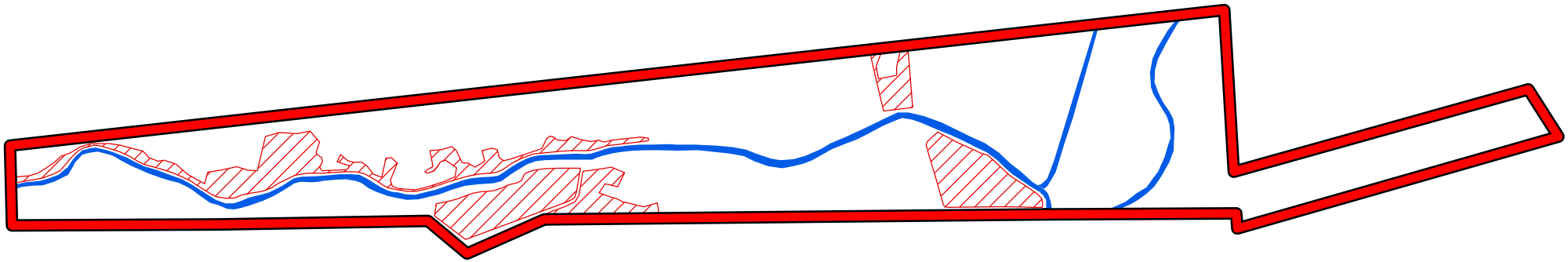
Year 5 – Targeted Year 5 success criteria is to have the areas that were planted, continue to function as a wetland ecosystem that contains the three criteria needed for an area to be classified as a wetland (wetland hydrology, hydric soils, and a dominance of hydrophytic vegetation). No additional work is expected to be required in order for the restoration areas to return to a forested wetland community. Success will be determined through a pedestrian survey of the restoration areas in Year 5 documenting species composition and abundance. The Permittee will include species established through natural recruitment in this tally.

If during your review, you or members of your staff have any questions, or require any additional information, please do not hesitate to call me at 225-252-5917 or by e-mail at ben.s@edienvironmental.com.

Sincerely,
EDI Environmental Services

Ben Summerlin
Project Manager

Attached: As stated



Legend

- Project Site
- Areas to be Restored (19.32 ac.)
- Non-Wetland Waters (7.46 ac.)

DATA TYPE: ARCGIS SHAPEFILES
SERVICE NAME: NONE
CONNECTION: INTERNET
SERVER: NONE

RAY JOHN FOREST
DRAFT RESTORATION PLAN
POINT COUPEE PARISH, LA

0 0.075 0.15 0.3 0.45 0.6 0.75
Miles

N
S

FIGURE -

DATE: 05/22/2017

DRAWN BY: JCB ARCMAP 10.3
CHECKED BY: JBS