

# JOINT PUBLIC NOTICE

July 2, 2018

United States Army  
Corps of Engineers  
New Orleans District  
Attn: Regulatory Branch  
7400 Leake Ave.  
New Orleans, Louisiana 70118-3651

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

Project Manager:  
Bobby Quebedeaux  
(504) 862-2224  
bobby.d.quebedeaux@usace.army.mil  
Application #: MVN-2017-1509-WJJ

Project Manager:  
Elizabeth Hill  
(225) 219-3225  
WQC Application Number:  
WQC-180621-01

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).

## **MIXED-USE COMMERCIAL & RESIDENTIAL DEVELOPMENT IN CALCASIEU PARISH**

**NAME OF APPLICANT:** K & V Realty, LLC, c/o: Rowden Consulting, LLC, Attn: Jeremy Rowden, P.O. Box 978, Bullard, Texas 75757

**LOCATION OF WORK:** Located southwest of Maplewood Drive and Post Oak Road in Sulphur, Louisiana, in Calcasieu Parish (30.2250, -93.3533, Hydrologic Unit Code 08080206, Lower Calcasieu Watershed), as shown within the attached drawings.

**CHARACTER OF WORK:** Clear, grade and deposit fill within an approximately 38.5 acres site to construct a mixed-up commercial & residential subdivision; fill operations will include the deposition of approximately 30,000 cubic yards of earthen material. Project implementation would impact approximately 17.9 acres of pine-hardwoods flatwoods wetlands. If a Department of the Army permit is warranted, the applicant has proposed to mitigate any unavoidable wetlands impacts at an approved and acceptable mitigation bank within the N.O. District.

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. Copies of this public notice are being sent to the State Archeologist and State Historic Preservation Officer 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 South Louisiana **Standard Local 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.

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.

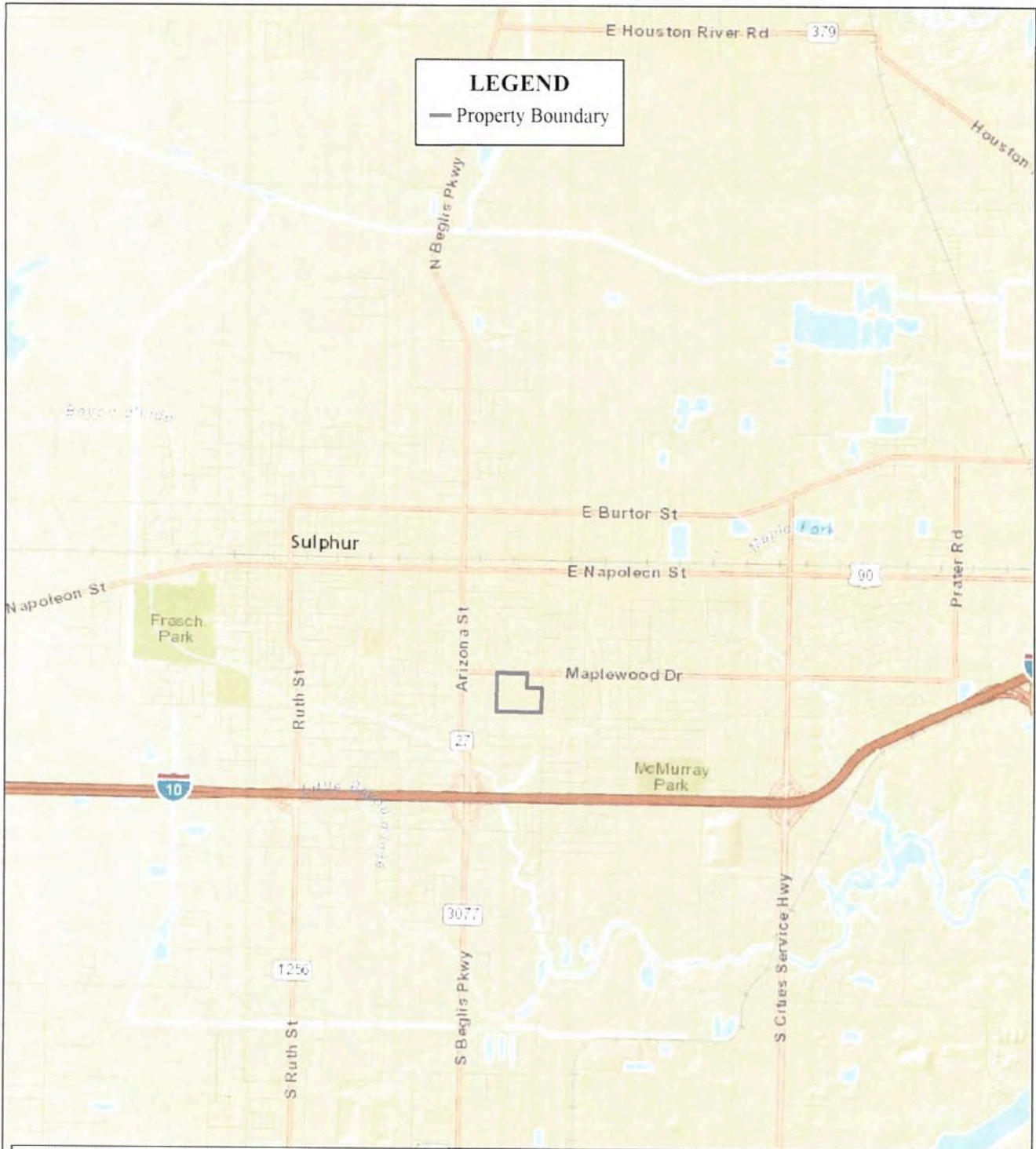
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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

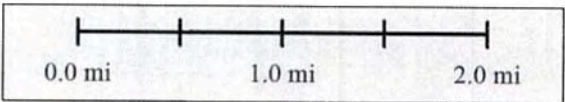
Enclosure



**LEGEND**  
 — Property Boundary





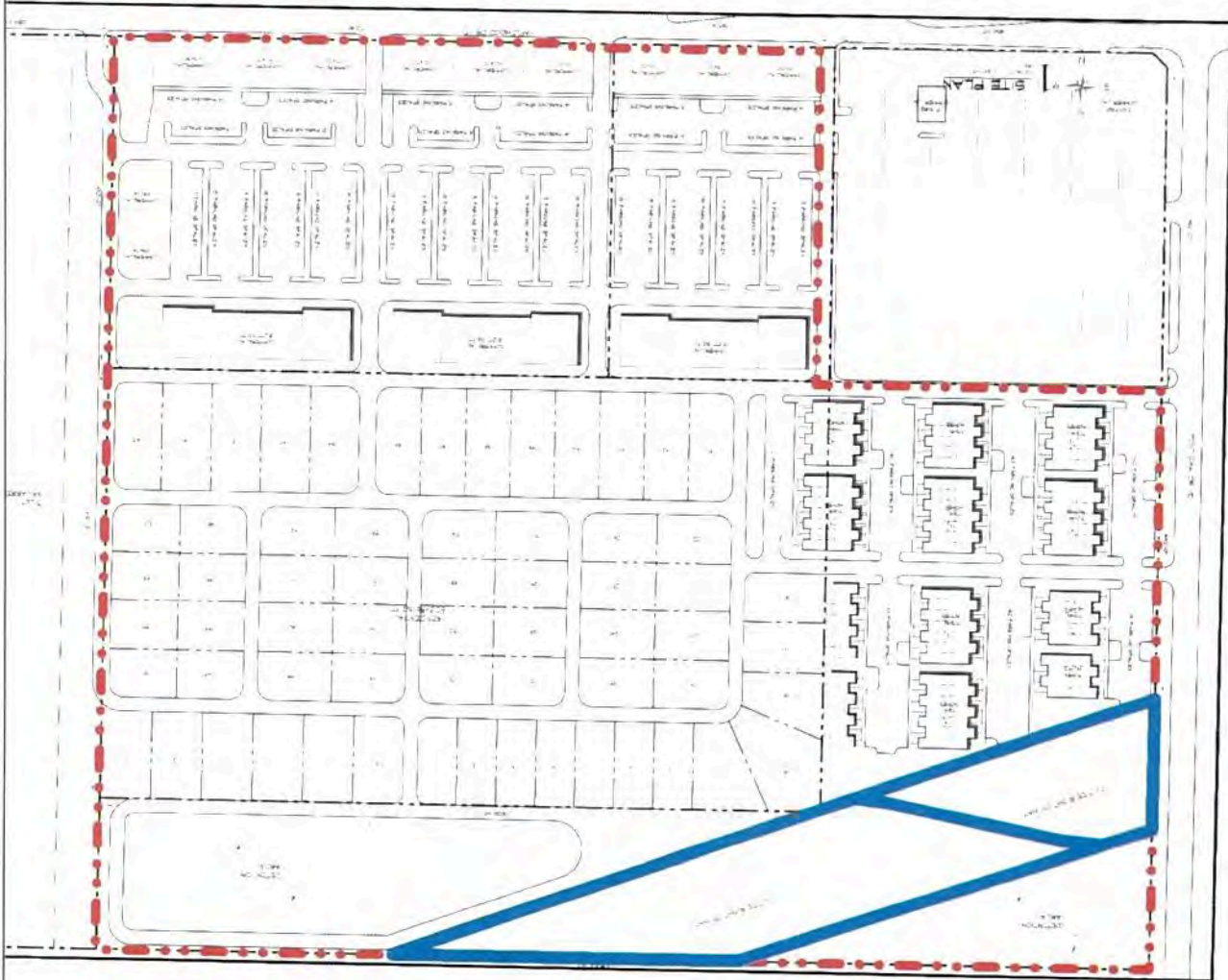
Project Number MVN-2017-1509-WJJ  
 Exhibit 1 - Vicinity Map  
 June 2018



**Rowden Consulting, LLC**  
 Environmental Services

**LEGEND**

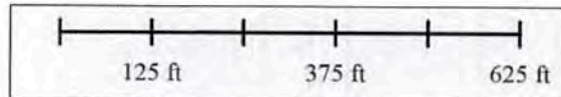
-  Wetlands Avoidance Area
-  Property Boundary



Note that the site plan is a conceptual plan subject to modification by future engineering requirements, tenant needs, etc. While conceptual, areas planned for development will result in 100% of wetland loss in those areas, and areas designated as avoidance areas will be protected from disturbances.











Project Number MVN-2017-1509-WJJ  
Exhibit 2 - Site Plan  
June 2018



Rowden Consulting, LLC  
Environmental Services

### LEGEND

-  Integrated Parcel - 43% Wetland
-  Non-Floodplain Zone - 49% Wetland
-  Transitional Zone - 23% Wetland
-  Wetlands Avoidance Area
-  100% Wetland
-  500-Year Floodplain Zone - 65% Wetland
-  Property Boundary
-  Section

### Summary of Acreage

Non-Floodplain Zone (14.5 acres):  
Wetland acreage = 14.5 acres \* 0.49 = 7.1 acres

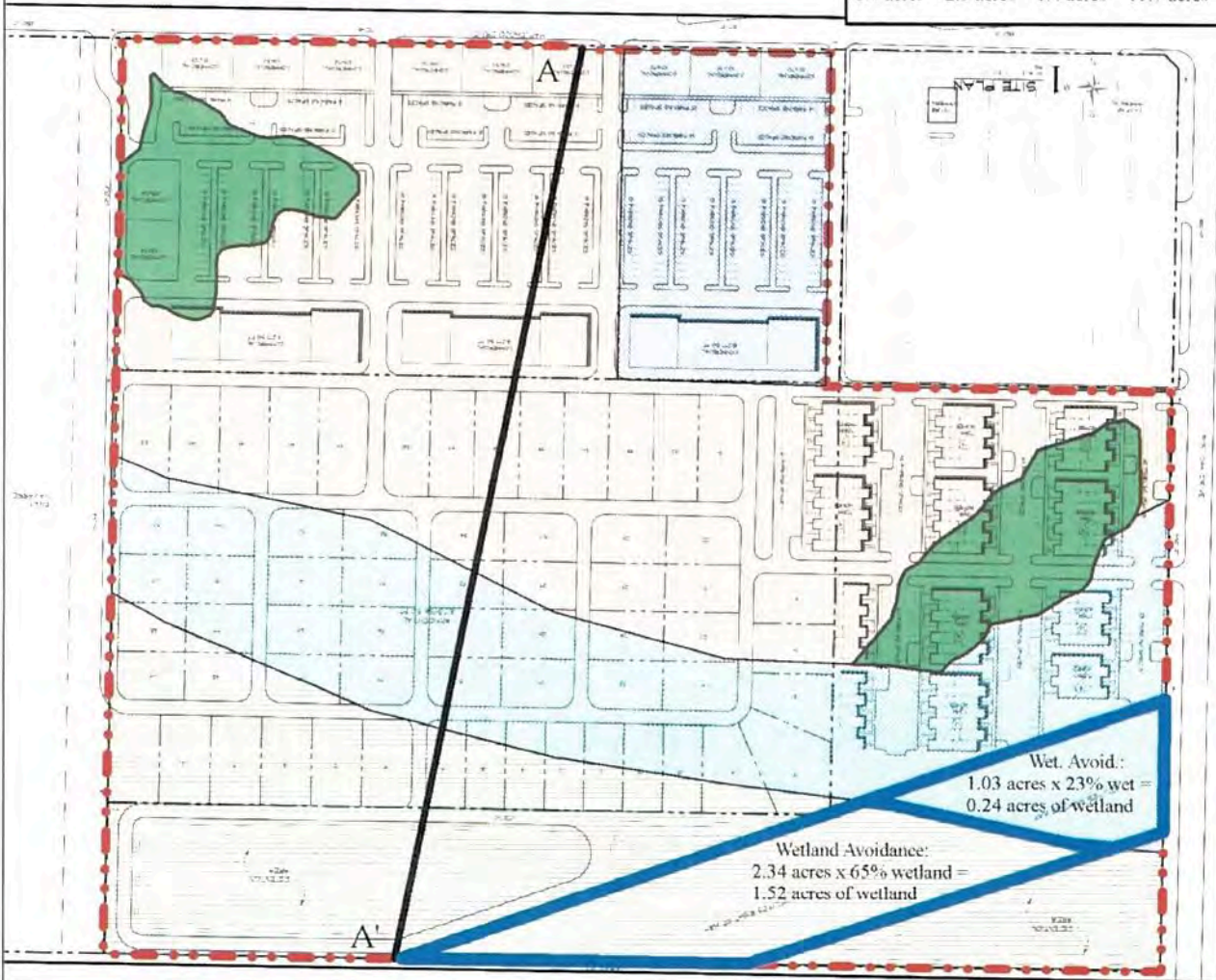
Transitional Zone (8.1 acres):  
Wetland acreage = 8.1 acres \* 0.23 = 1.9 acres

500-Year Floodplain Zone (9.8 acres)  
Wetland acreage = 9.8 acres \* 0.65 = 6.4 acres

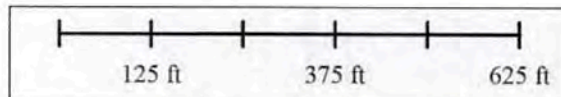
100% Wetland Flats (two areas) = 2.9 acres

Integrated Parcel (3.2 acres):  
Wetland acreage = 3.2 acres \* 0.43 = 1.4 acres

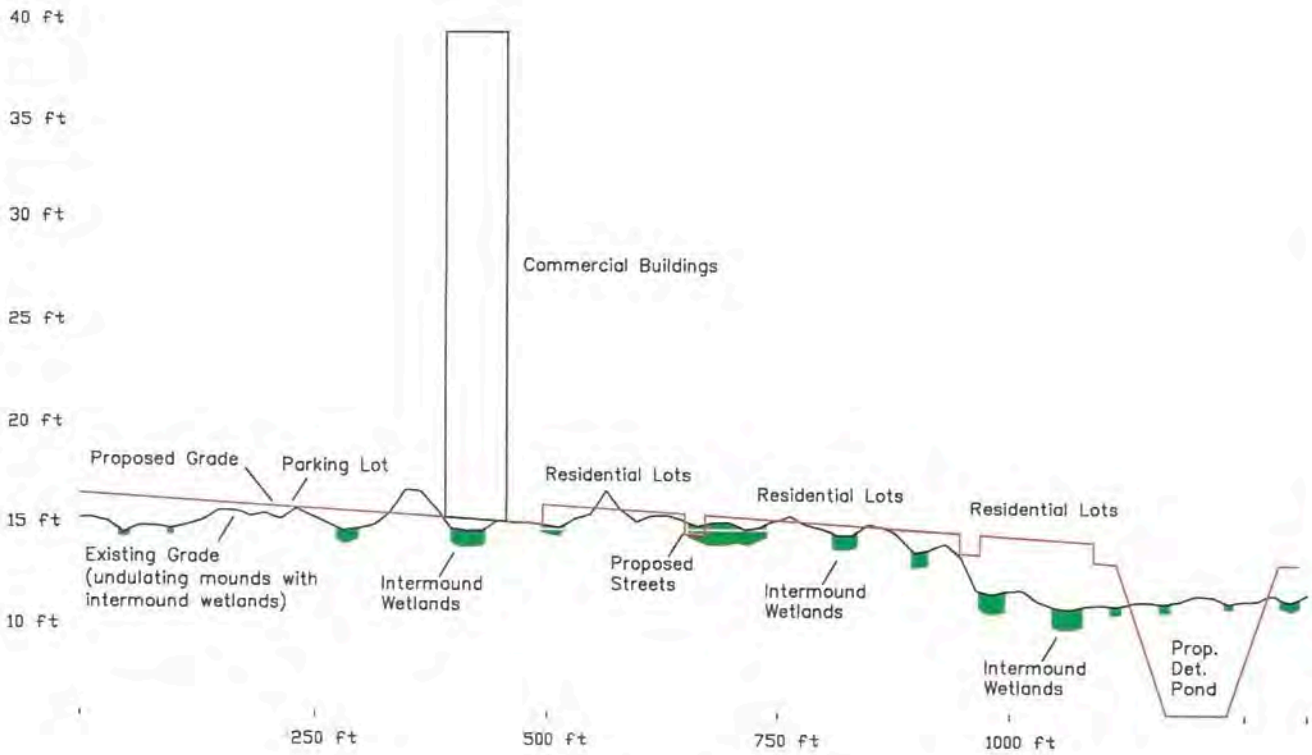
Total wetland acreage = 7.1 acres + 1.9 acres +  
6.4 acres + 2.9 acres + 1.4 acres = 19.7 acres



Project Number MVN-2017-1509-WJJ  
Exhibit 3 - Site Plan Overlay  
June 2018



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SCALE: 1" = 200'  
(22X Vert.)

Section A - A'



**Rowden Consulting, LLC**  
Environmental Services  
P.O. Box 978 • Bullard, TX • 75757

PROJECT NO.  
17.063

DATE  
June 2018

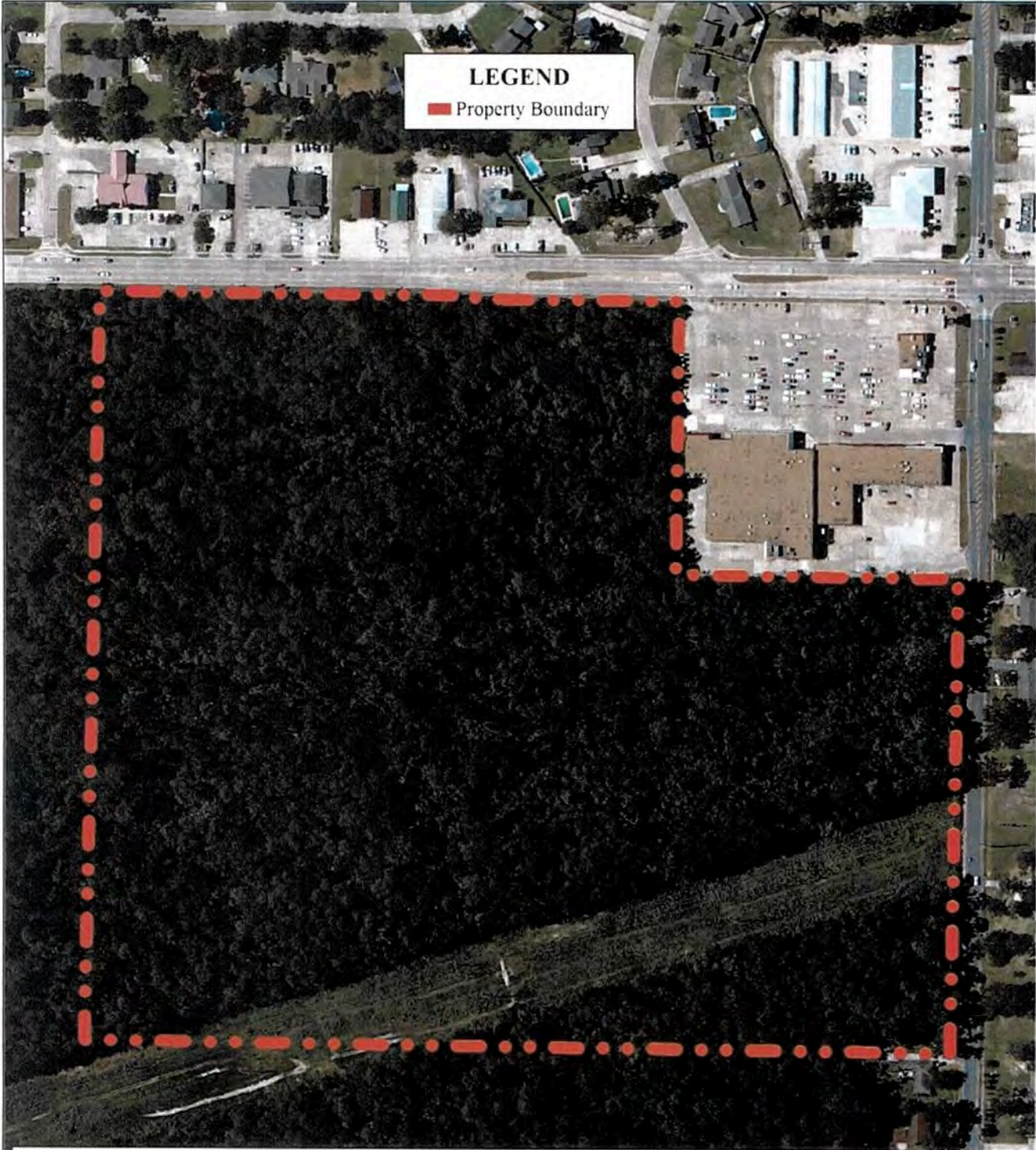
PROJECT MGR.  
jwr

PROJECT TECH  
jwr

FIGURE NO.

4

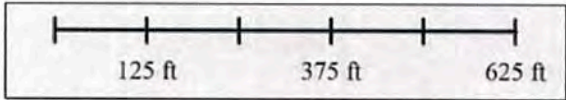
Project Number MVN-2017-1509-WJJ  
Exhibit 4 - Section  
June 2018



**LEGEND**  
■ Property Boundary

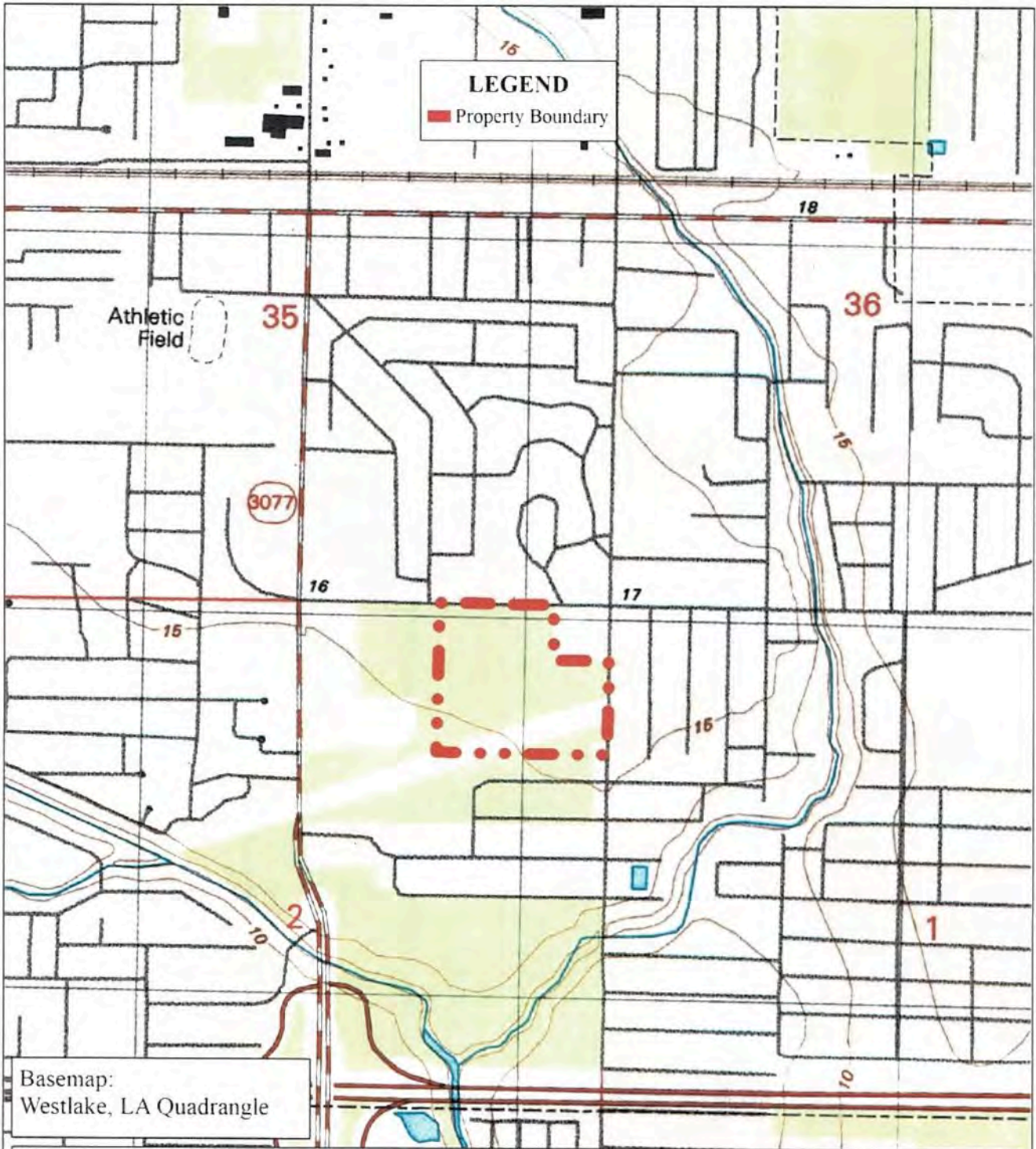


Aerial Photo



**Rowden Consulting, LLC**  
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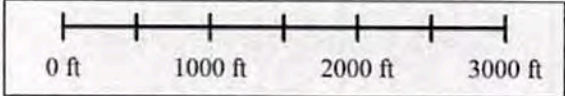




Basemap:  
Westlake, LA Quadrangle









USGS Topographic Map



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**LEGEND**

-  Integrated Parcel - 43% Wetland
-  Non-Floodplain Zone - 49% Wetland
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-  500-Year Floodplain Zone - 65% Wetland
-  Property Boundary

USACE

FSV / IH

Date: 5-29-18

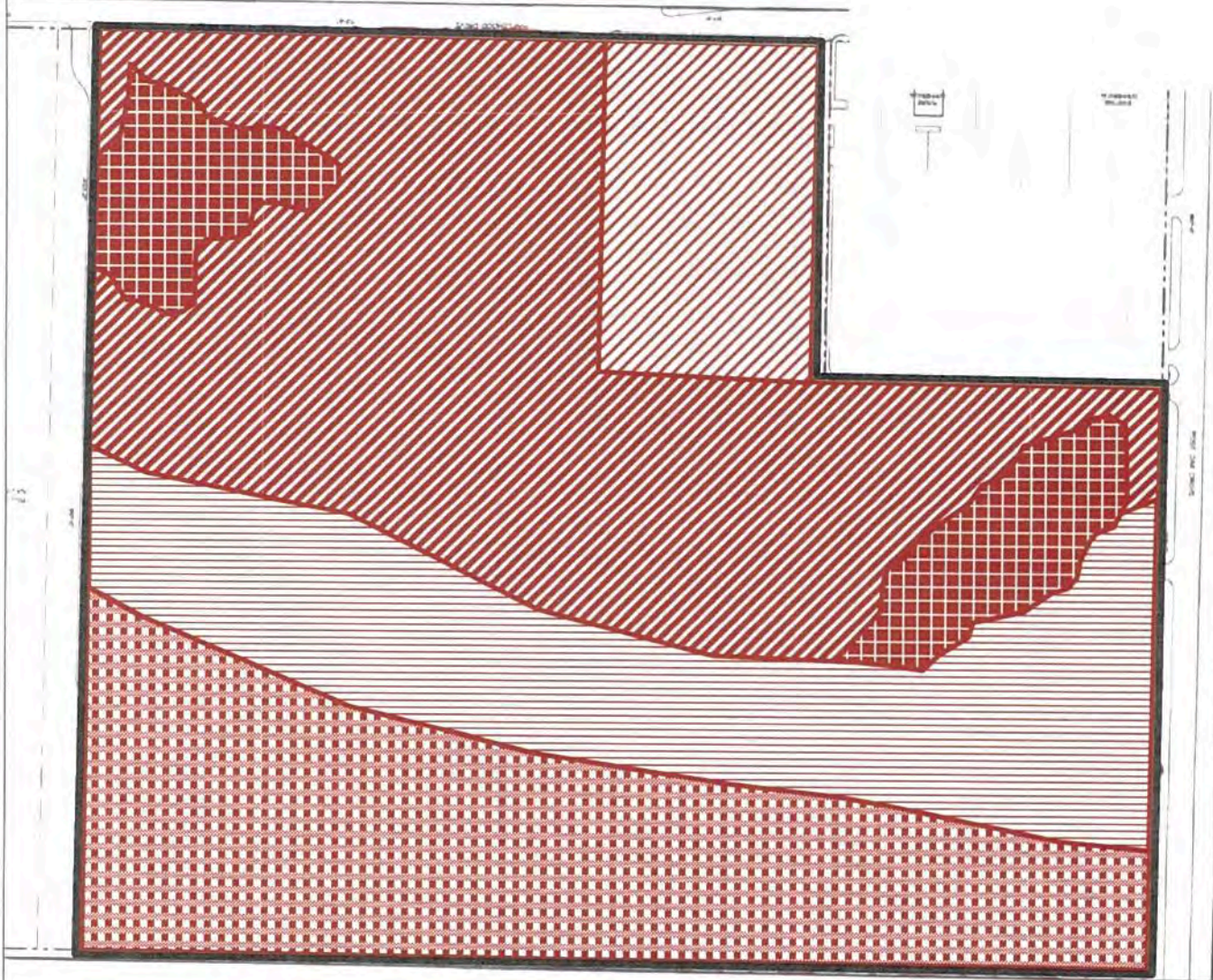
Botanist: Rosie Schwamenfeld

Requestor: Jeremy Rowden

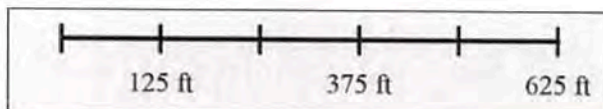
# MVN-2017-01509-SR

**PRELIMINARY**

JURISDICTIONAL DETERMINATION



Site Plan Overlay



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