JOINT PUBLIC NOTICE

July 16, 2018

United States Army Corps of Engineers New Orleans District Regulatory Branch 7400 Leake Avenue New Orleans, Louisiana 70118

(504) 862-1577 Project Manager Patricia Clune <u>Patricia.R.Clune@usace.army.mil</u> MVN 2018-00175-CE State of Louisiana Department of Environmental Quality Water Permits Division Post Office Box 4313 Baton Rouge, Louisiana 70821-4313

(225) 219-3225 Project Manager Elizabeth Hill WQC Application Number WQC # 180706-02

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 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 Permits Division, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

AFTER THE FACT PERMIT FOR A DRAINAGE IMPROVEMENT PROJECT IN LIVINGSTON PARISH

NAME OF APPLICANT: Livingston Parish Gravity Drainage District No. 2, c/o D&S Environmental Services, Inc., P.O. Box 510, French Settlement, Louisiana 70733.

LOCATION OF WORK: In Reinninger Lateral and adjacent wetlands beginning 15,000 feet north of Highway 1019 (Springfield Road) (Latitude: 30.625494, Longitude: - 90.870797) and south to the intersection of West Colyell in Livingston Parish, within the Amite River basin in hydrological unit (HUC 08070202), as shown on the attached drawings in Sections 12, 13, 14, 23, 24, 26, 34 and 35, Township 5 South, Range 3 East.

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.

<u>CHARACTER OF WORK</u>: The applicant has requested a Department of the Army permit to construct and maintain a 20' wide x 28,700' long access and maintenance corridor along Reinninger Lateral. The project will entail the filling of 4.24 acres of wetlands and the excavation of 17.46 aces of Reinninger Lateral totaling 3,444 cubic

yards of material. The applicant stated that the proposed project was designed to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable.

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 the Army Permit modification 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 mailed so as to be received before or by the last day of the comment period. Letters concerning the Corps of Engineers permit modification 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 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 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 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 the proposed activity would have no effect on 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 would not result in the destruction or alteration 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.

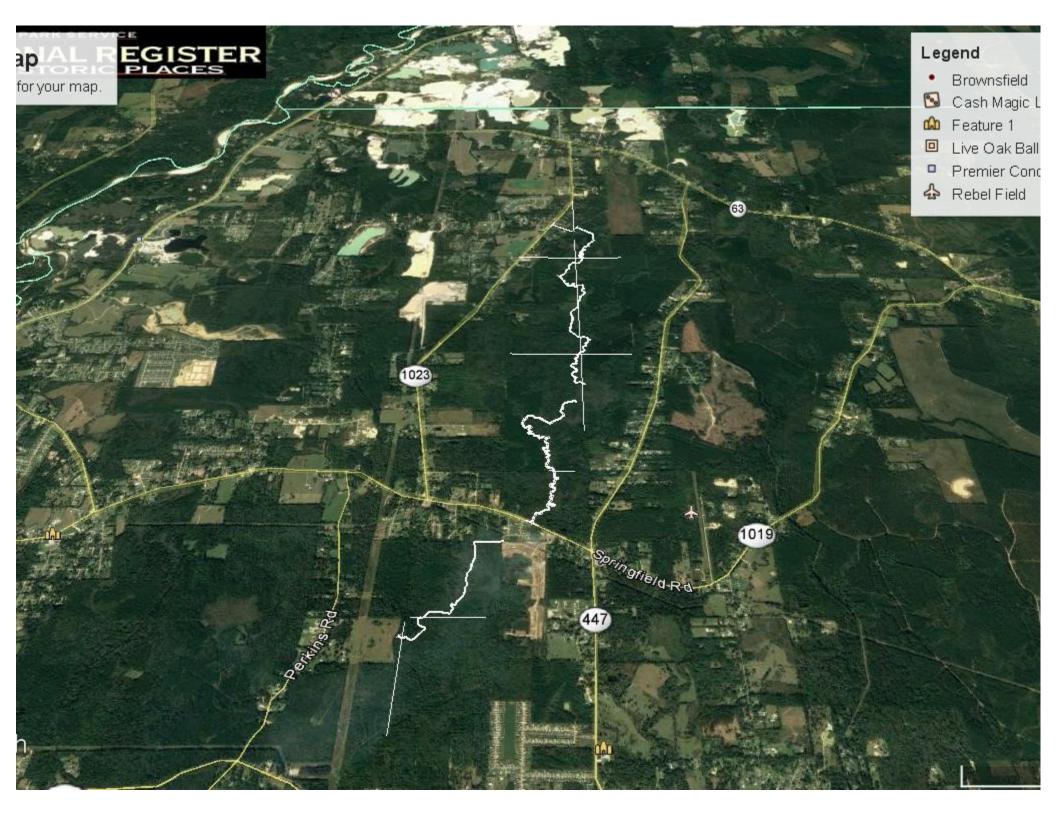
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards has been issued from the Department of Environmental Quality, Water Quality Certifications Section under permit number WQC-180706-02.

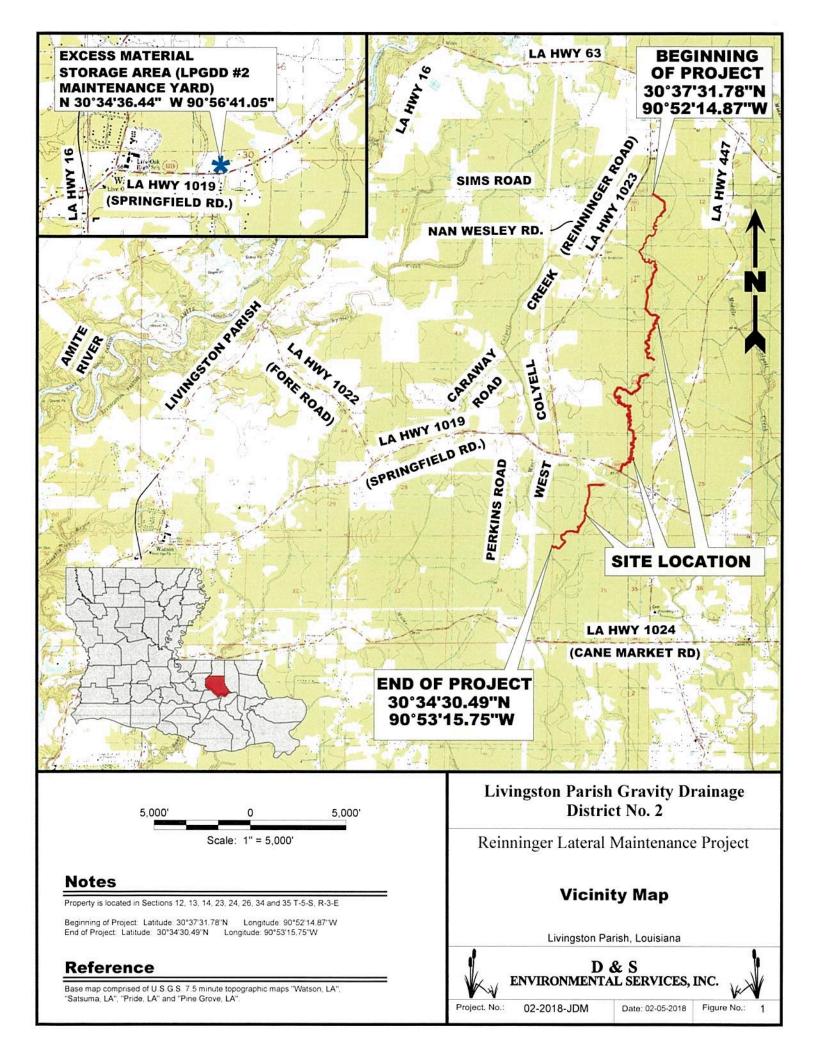
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. You are

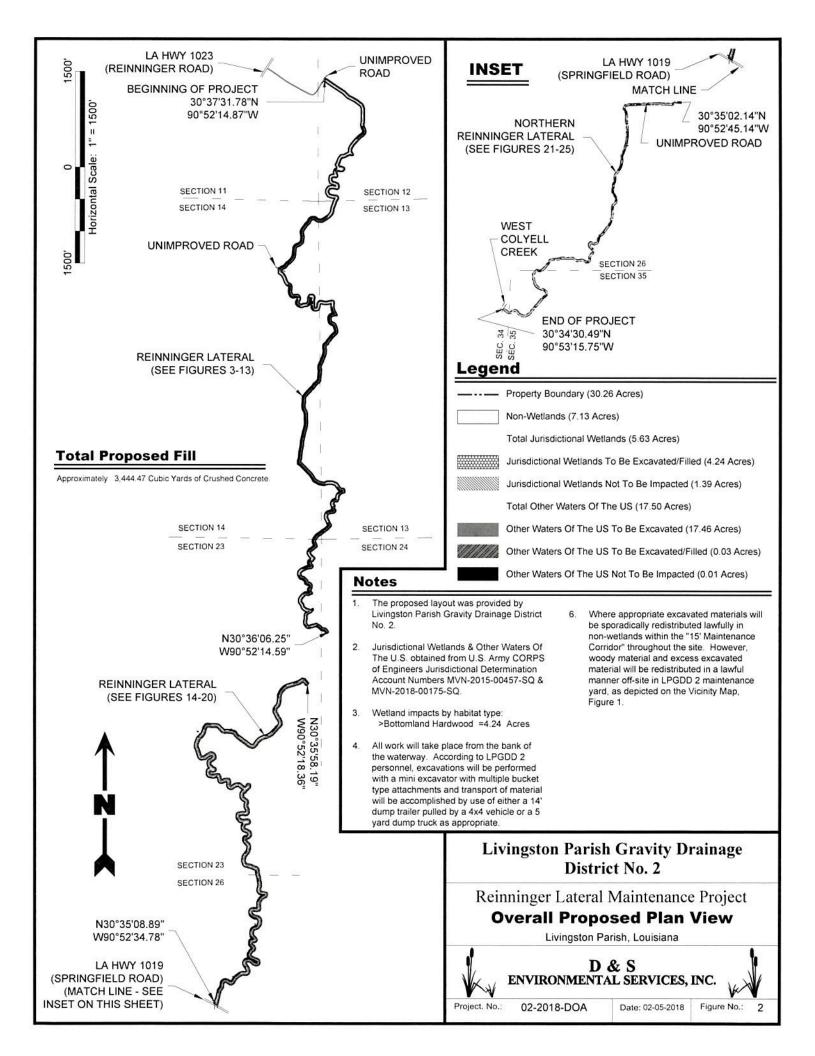
requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

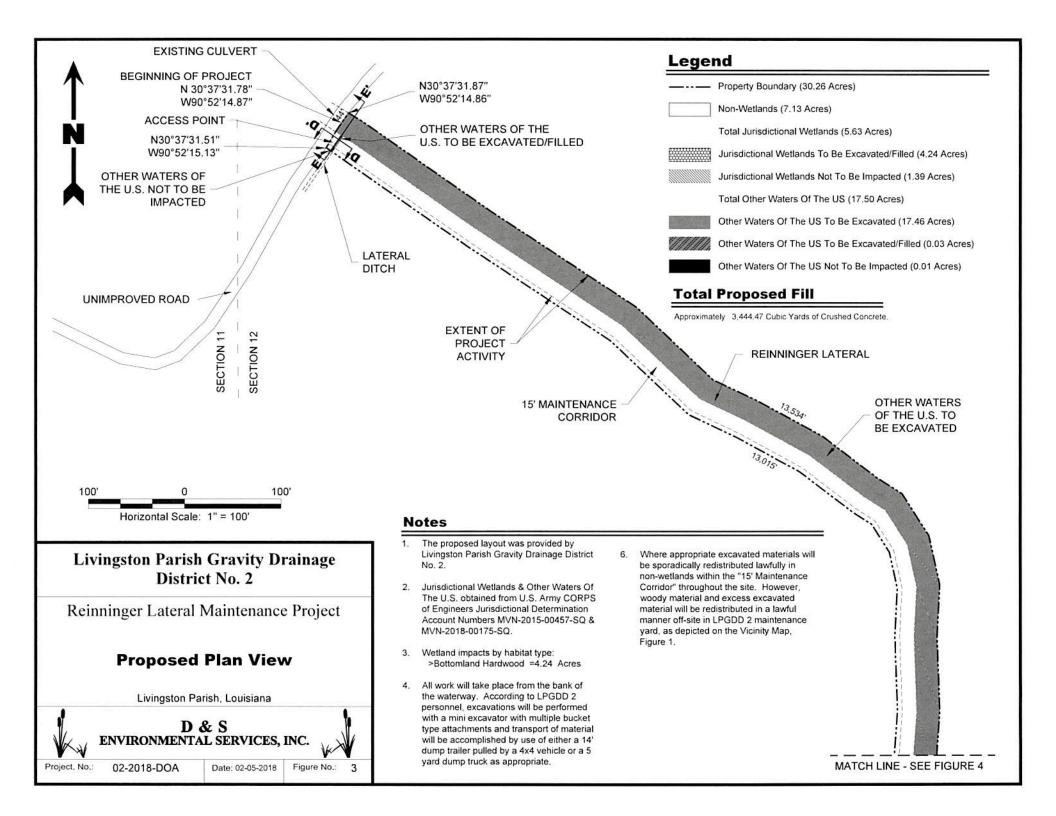
John M Herman Chief, Central Evaluation Section Regulatory Branch

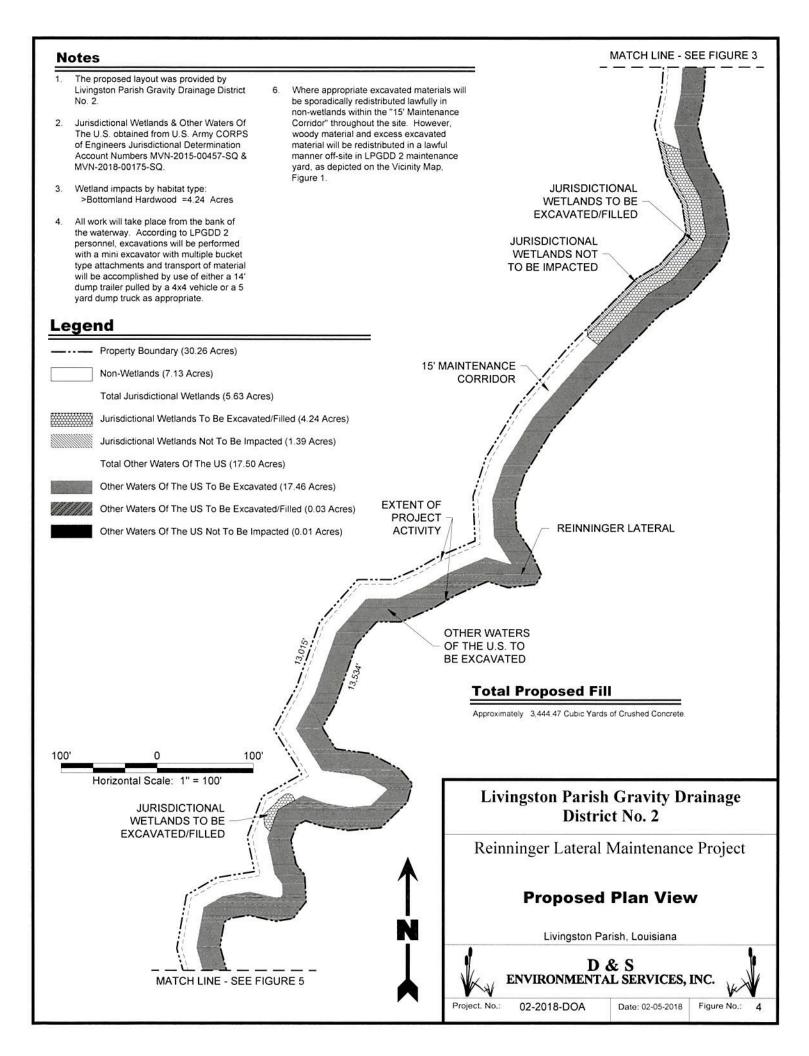
Enclosure

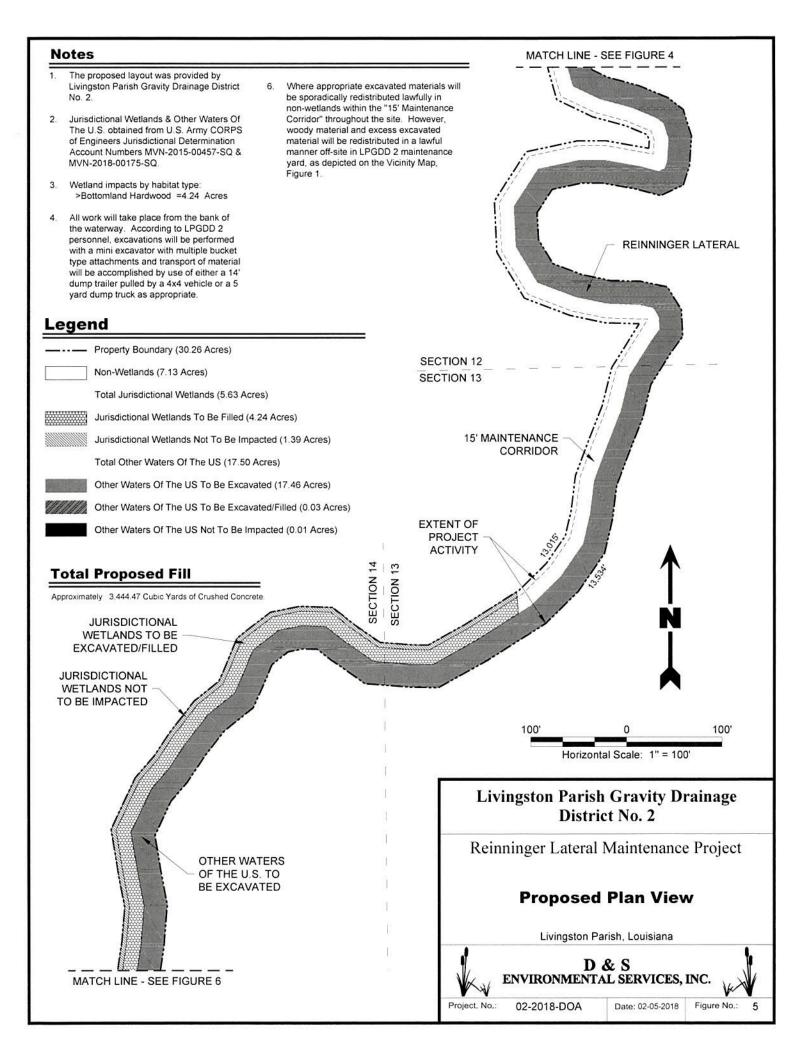


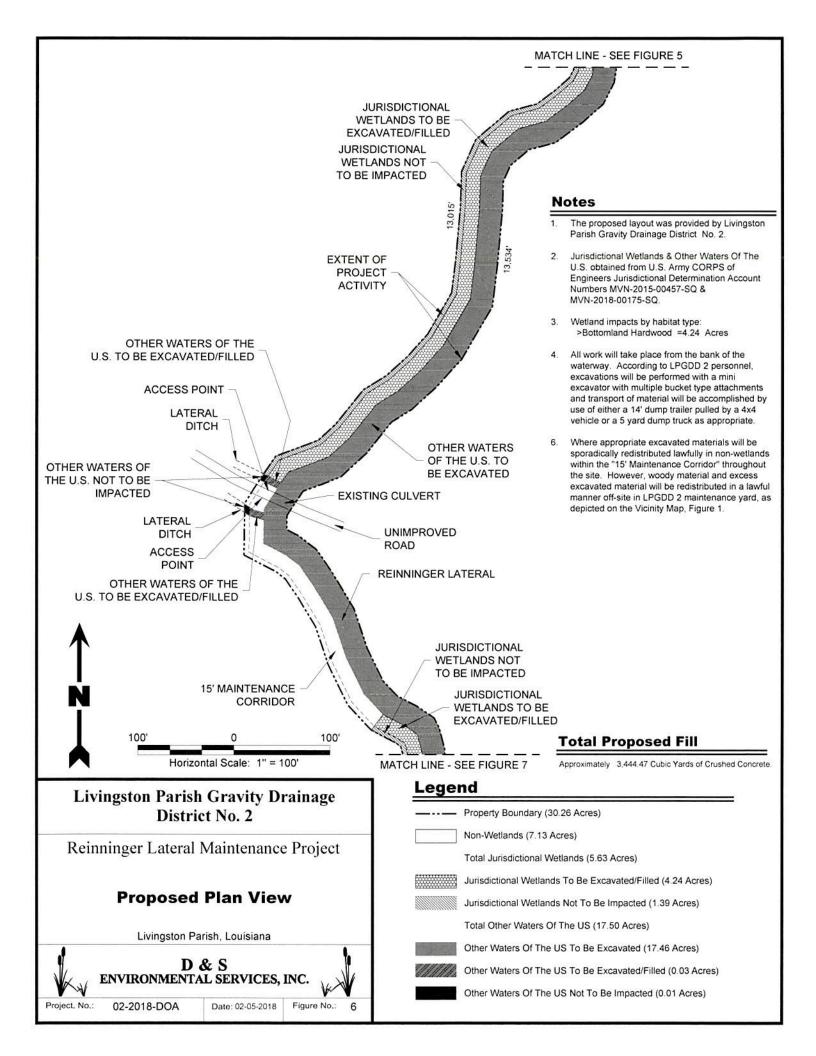


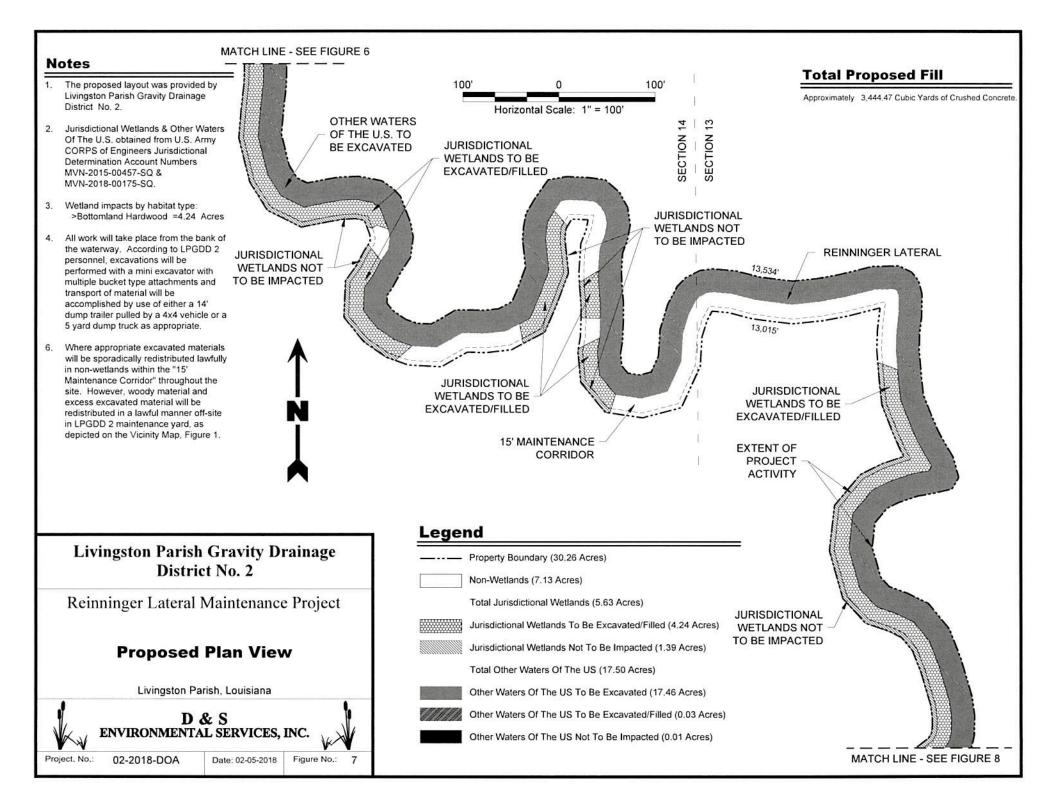


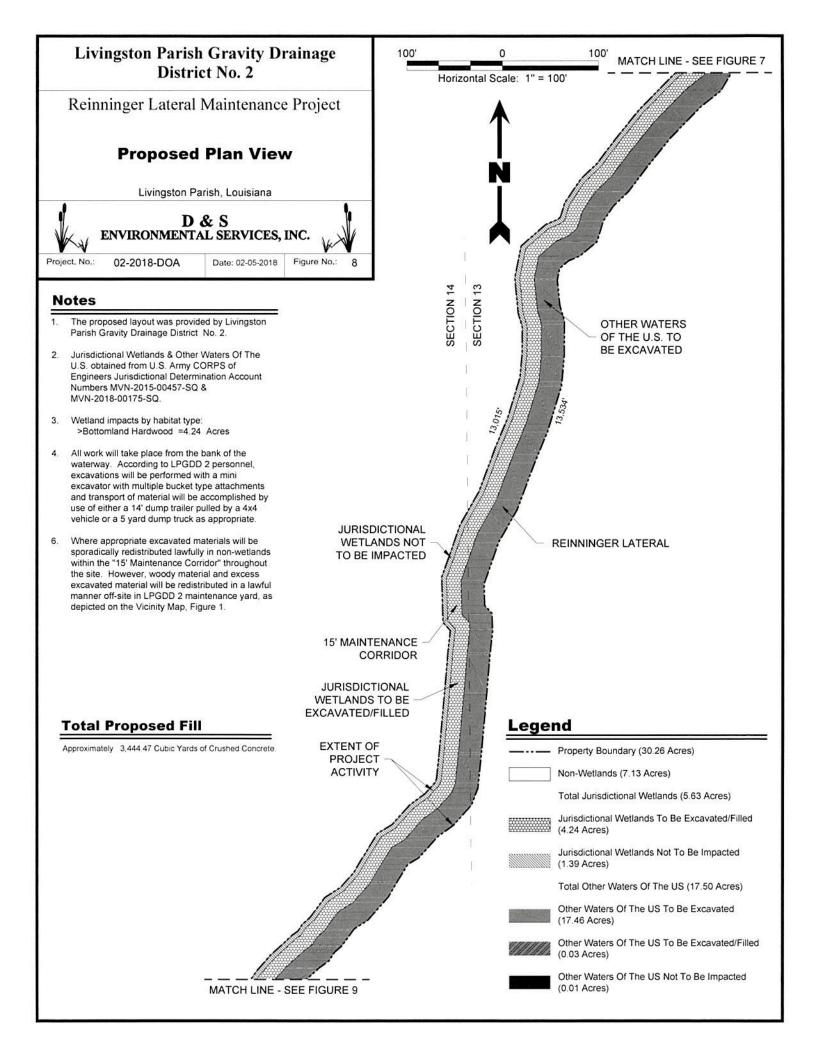


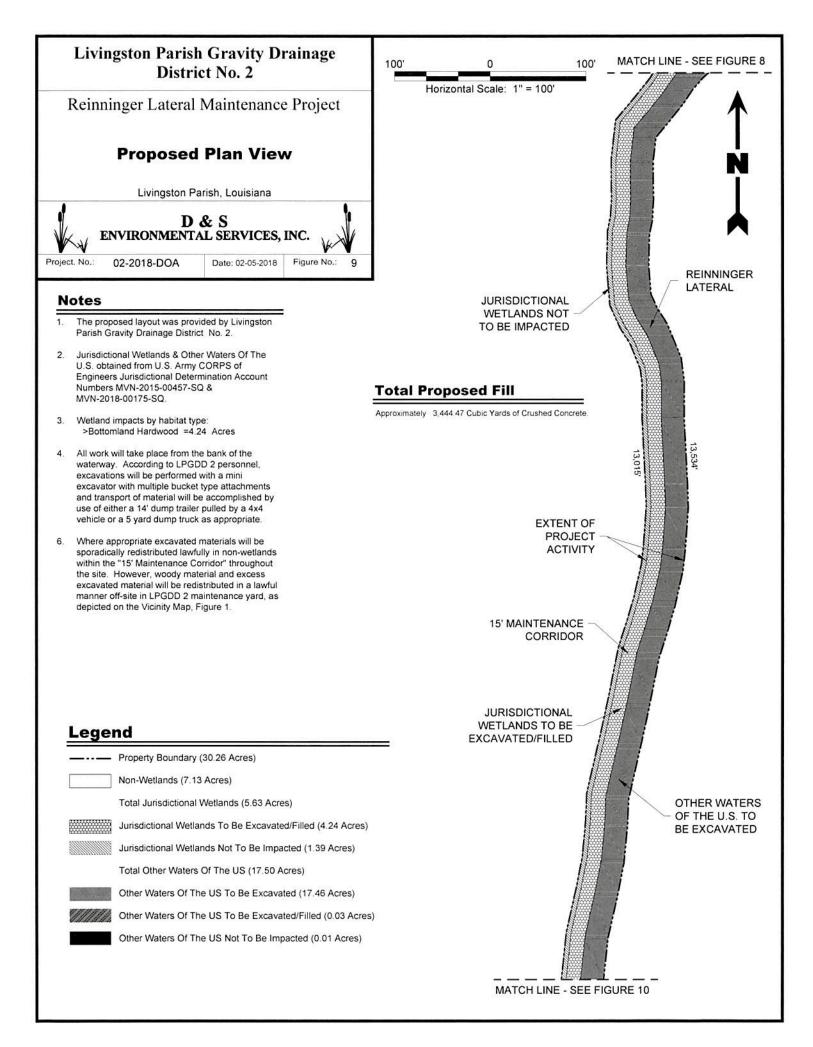


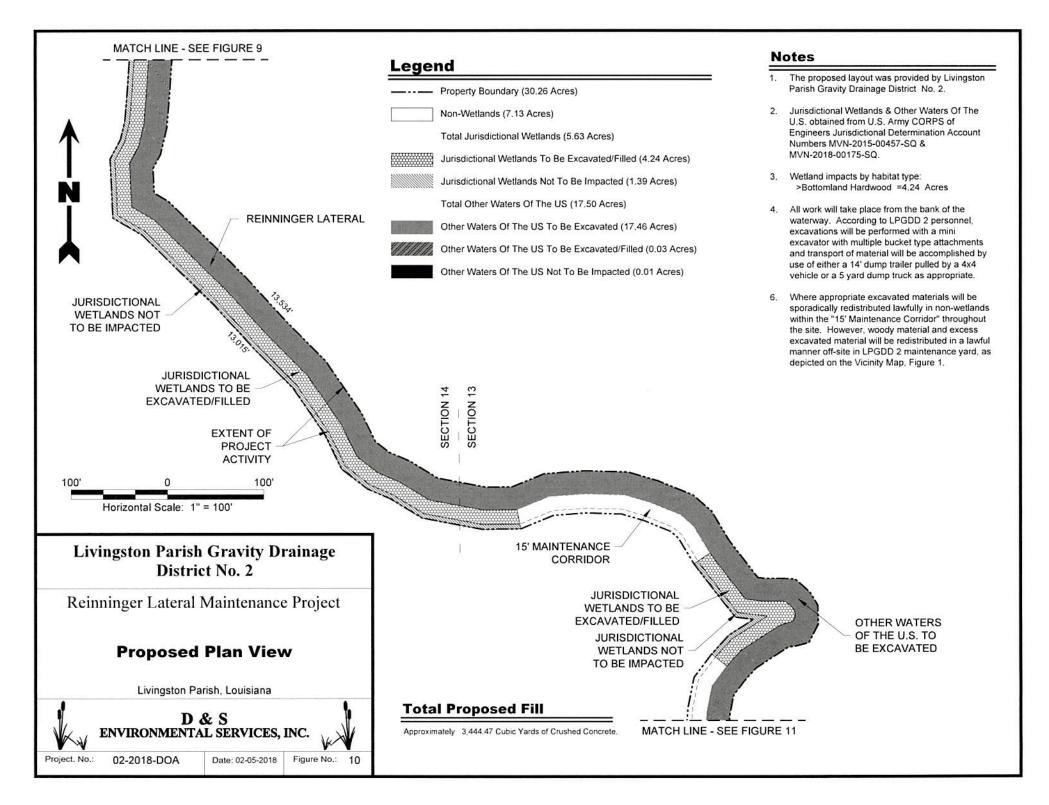


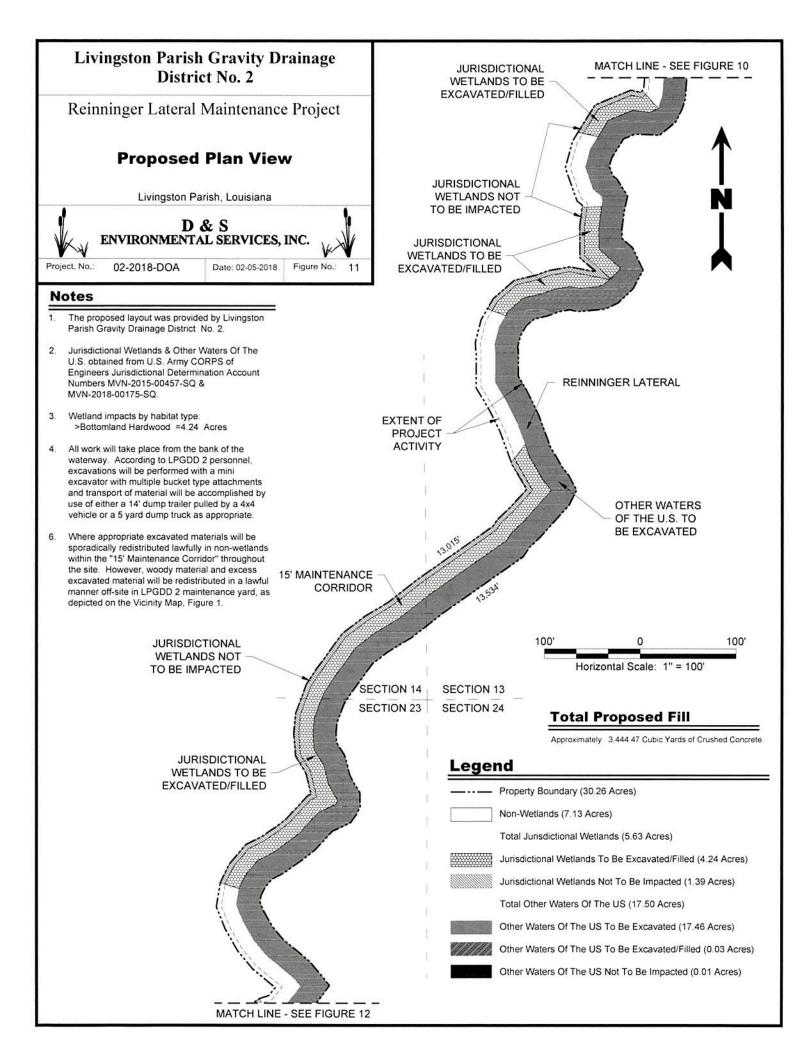


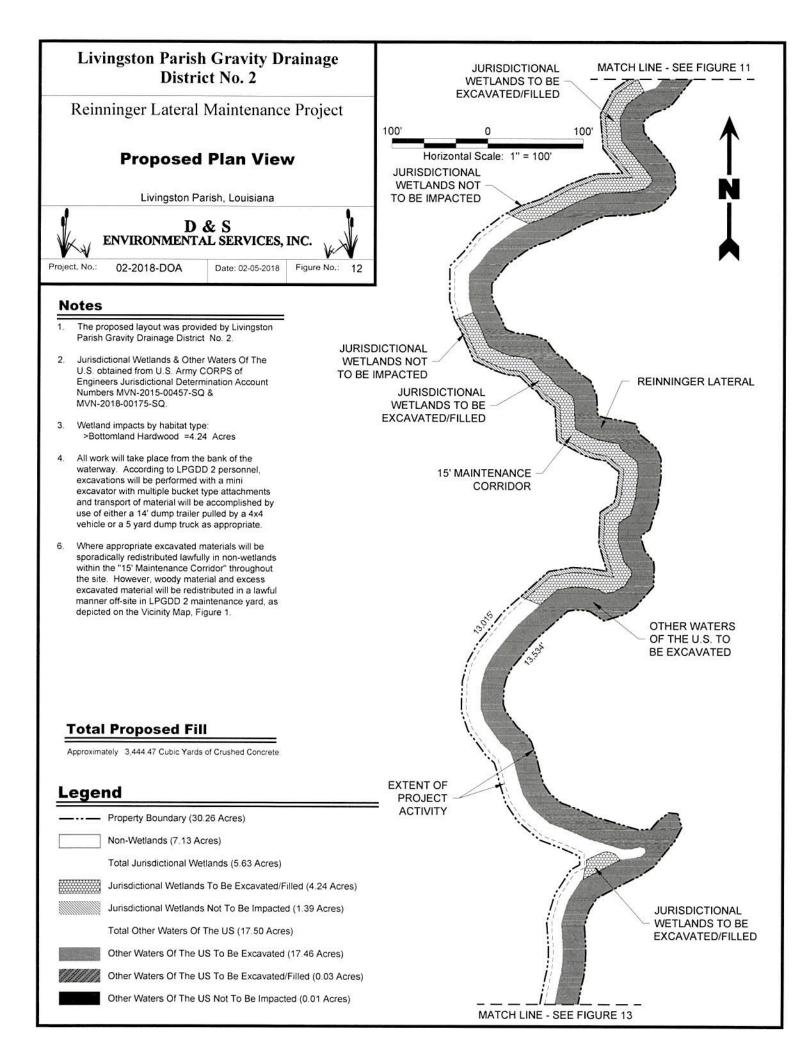


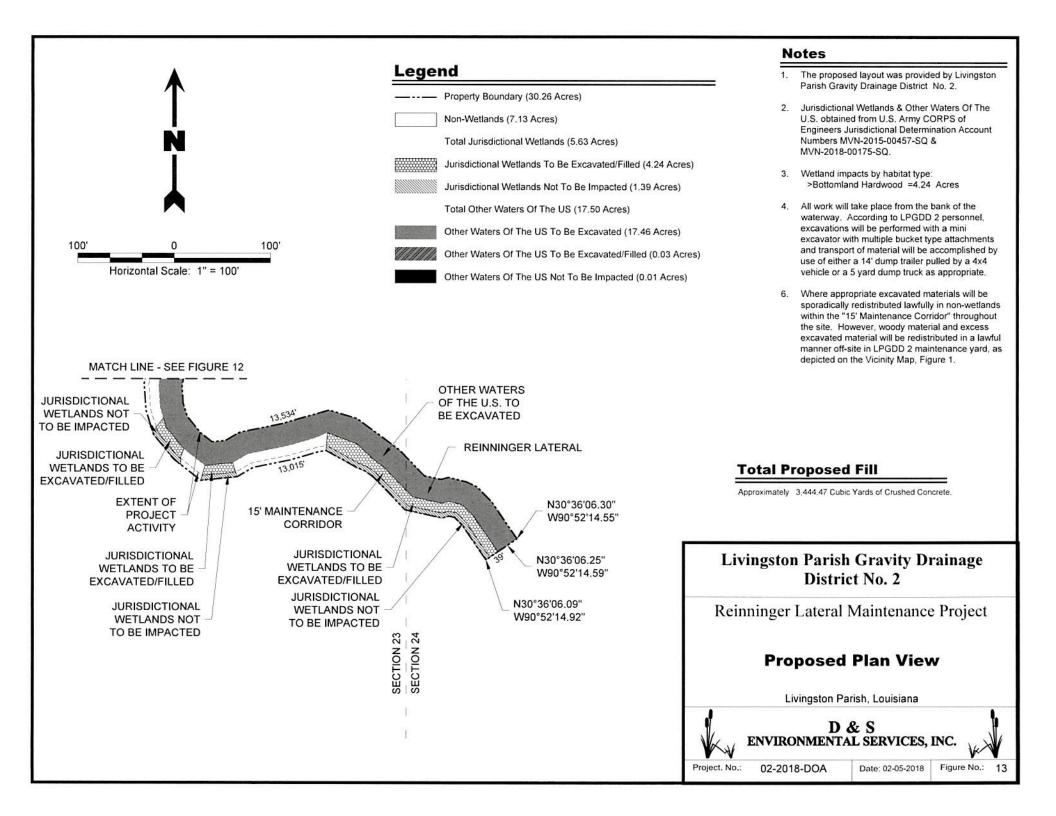


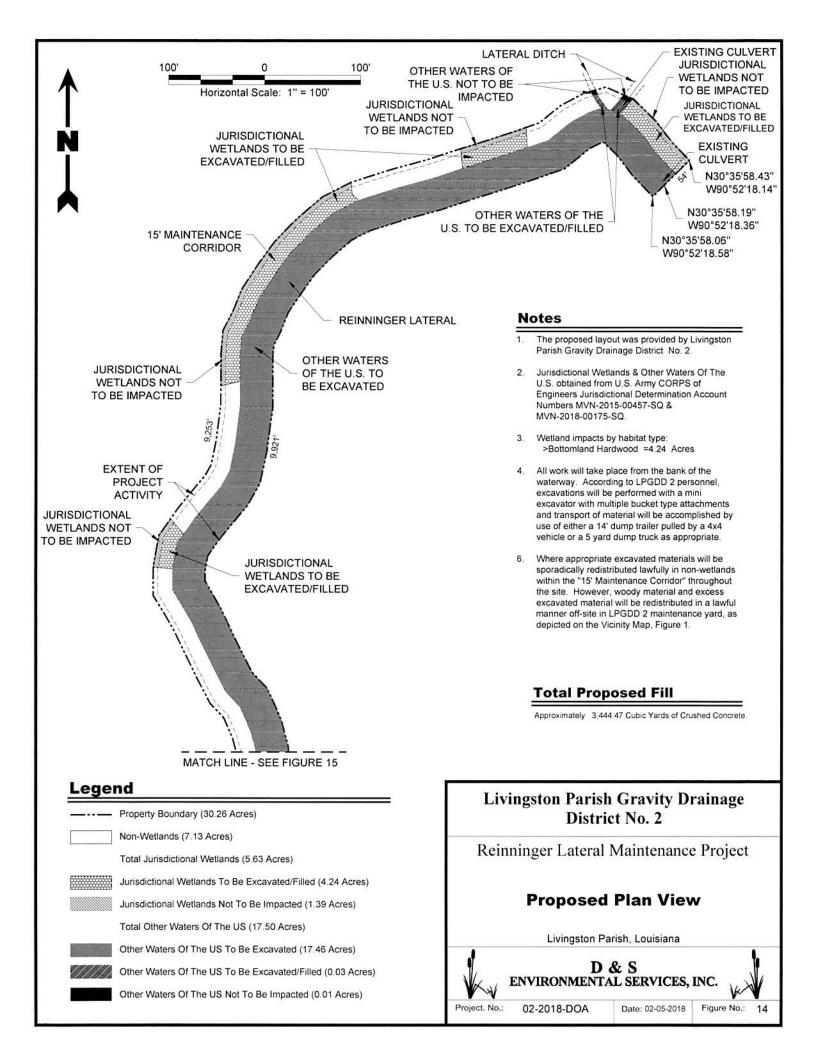


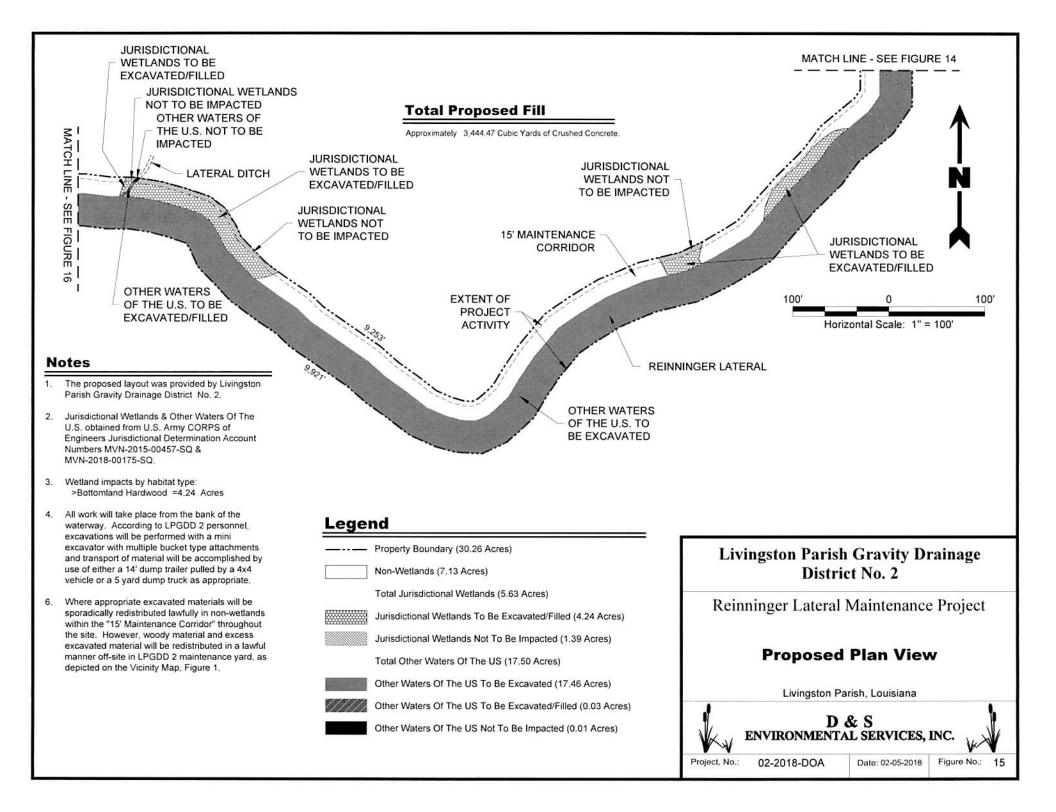


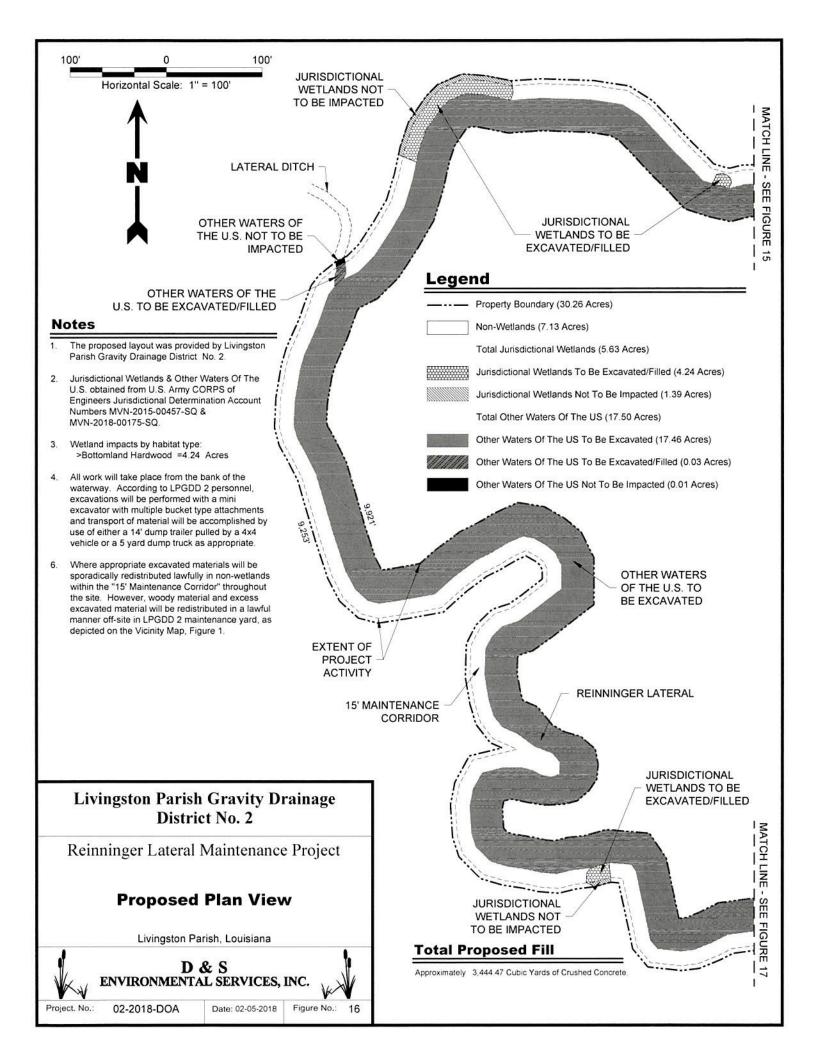


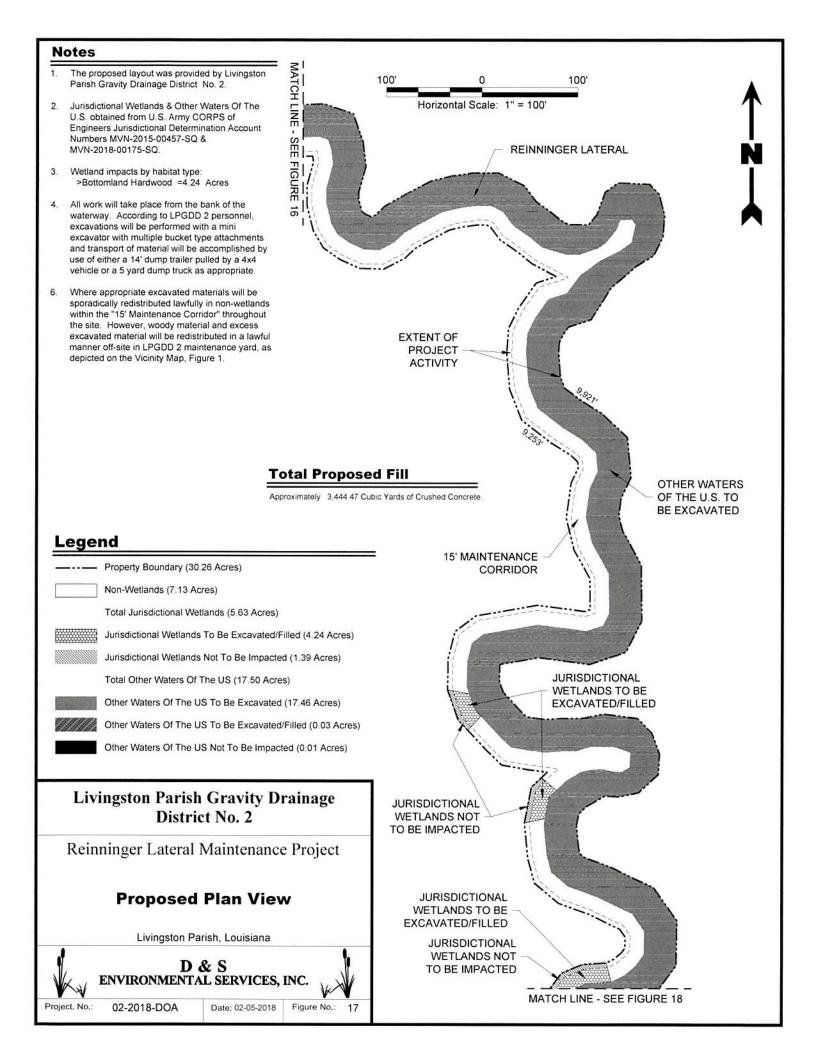


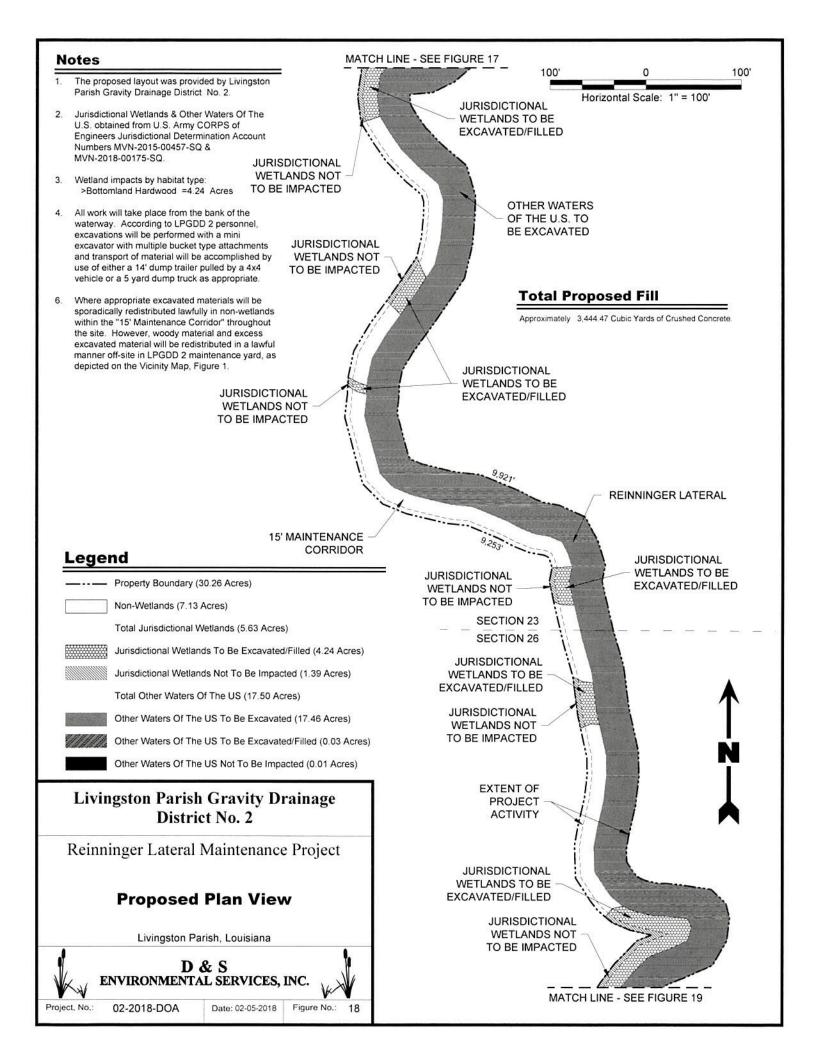


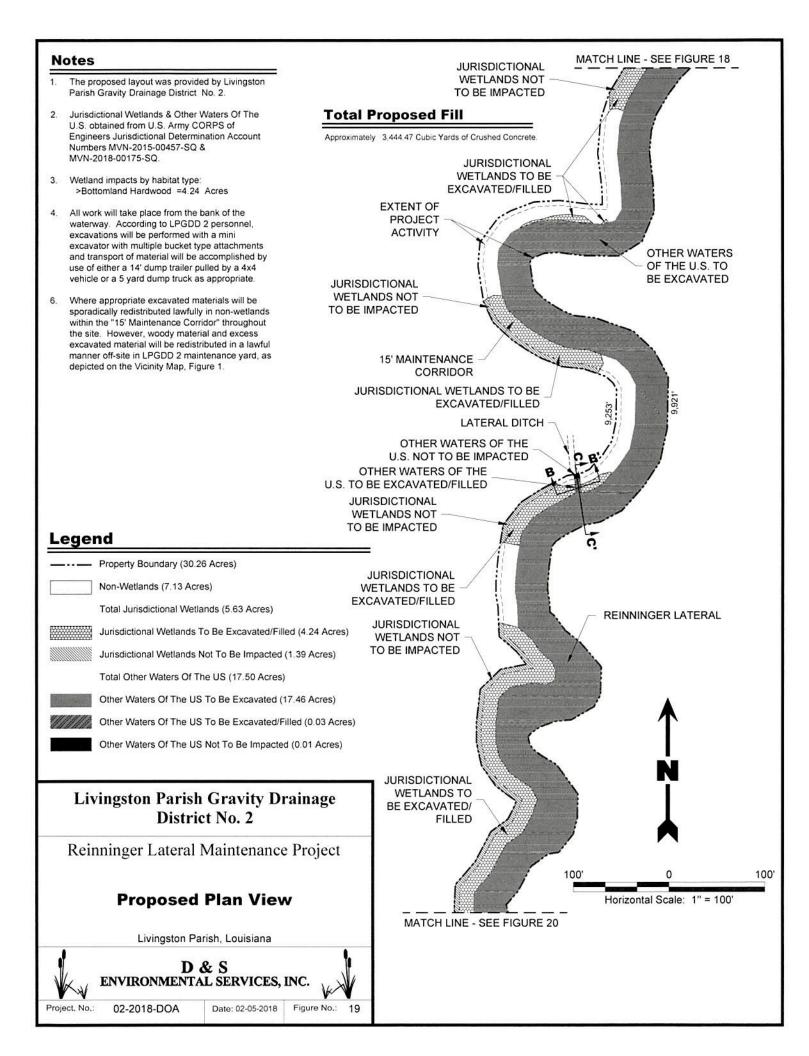


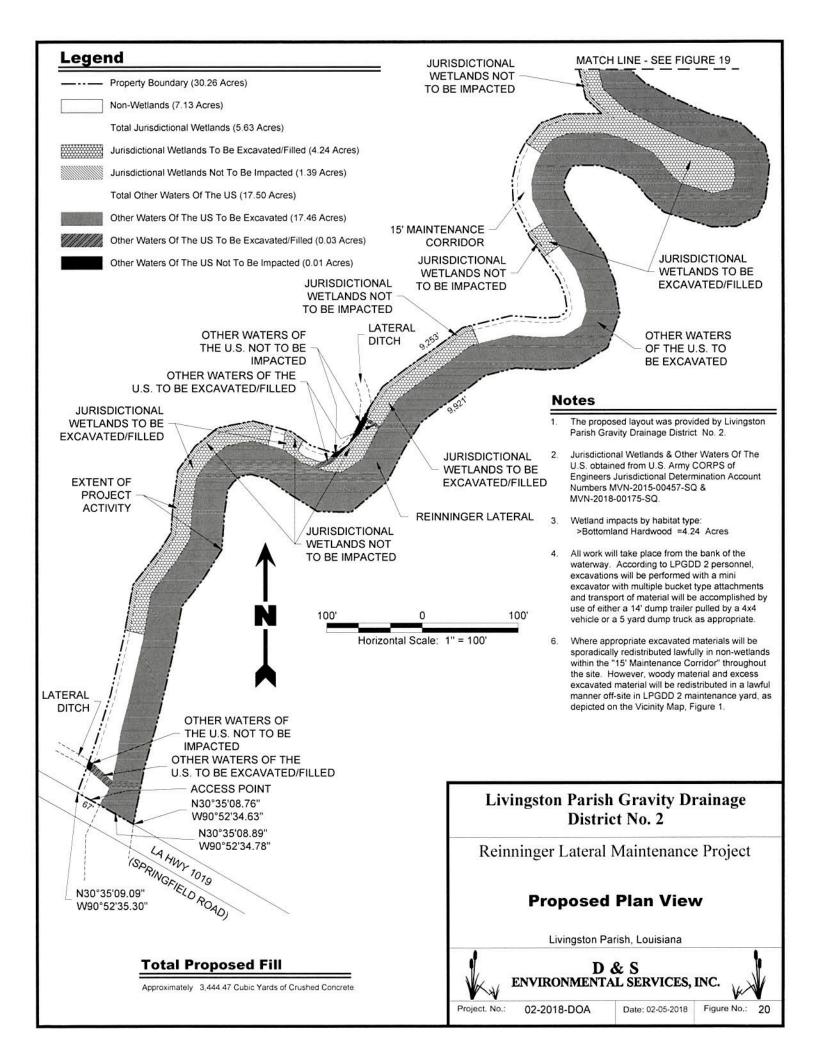


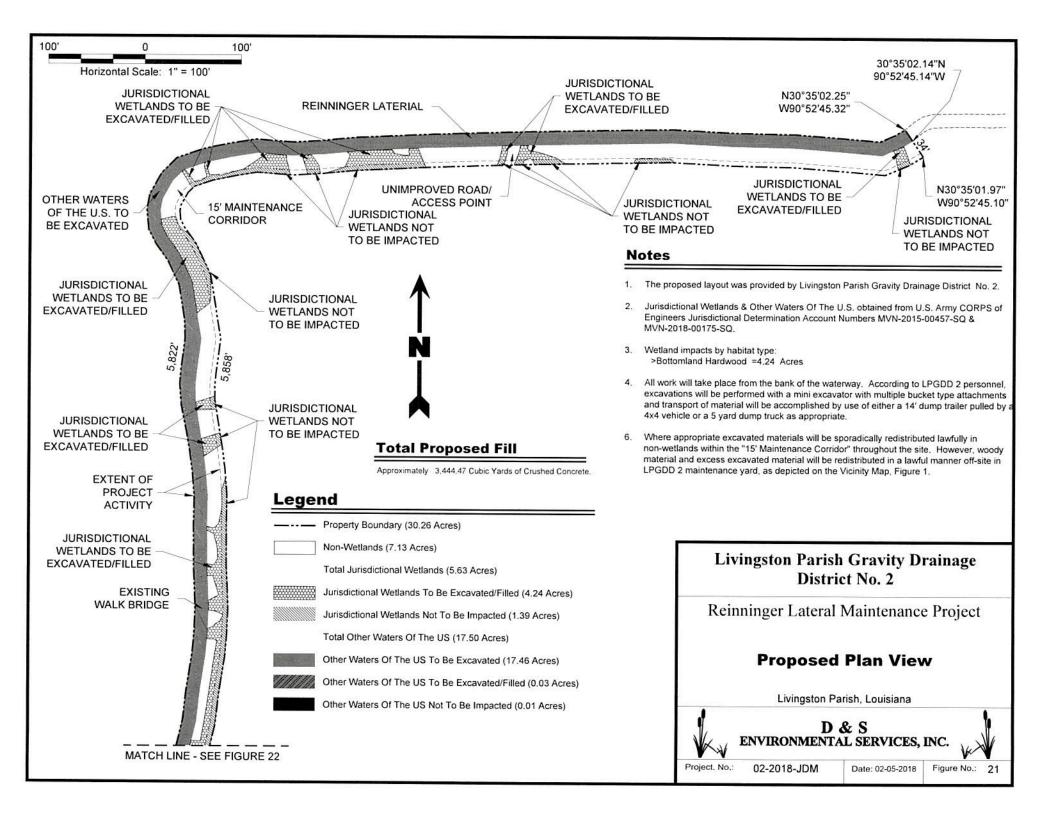


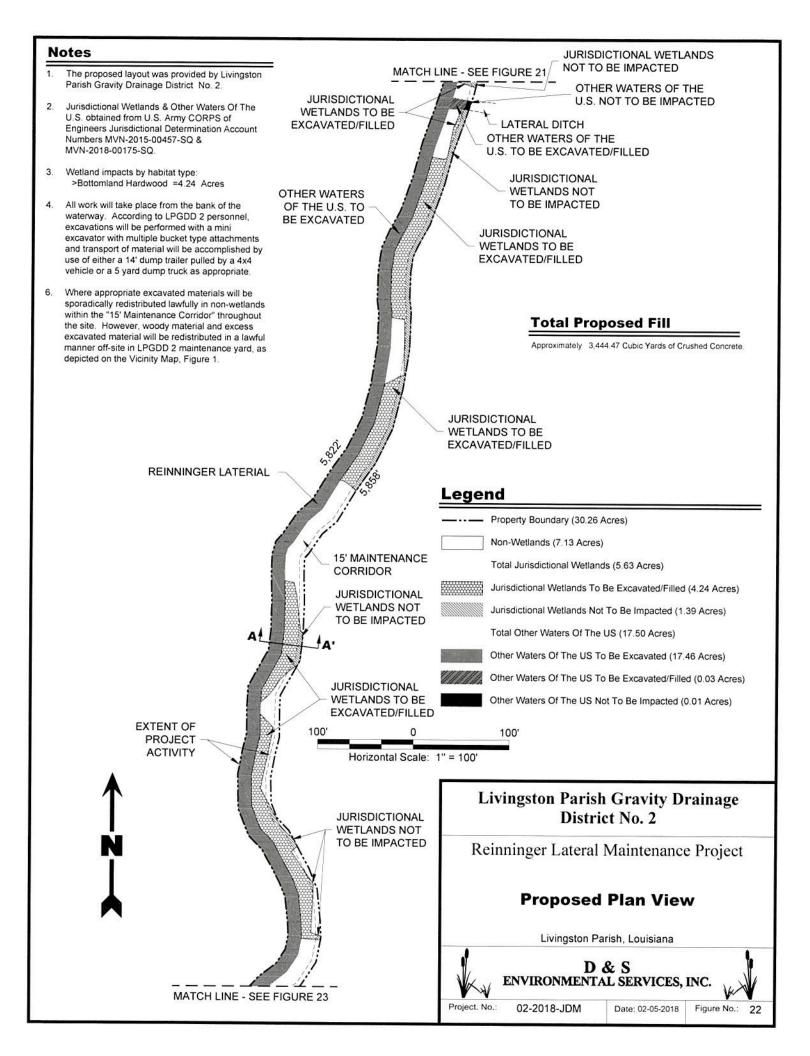








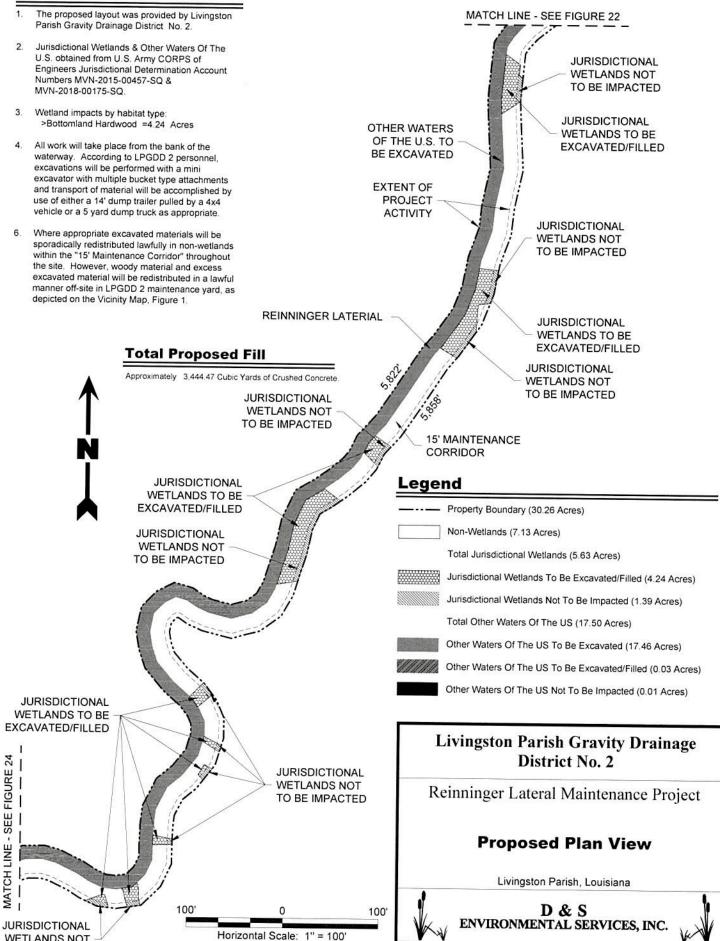




Notes

WETLANDS NOT

TO BE IMPACTED



Project. No .:

02-2018-JDM

Date: 02-05-2018

Figure No.:

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