

JOINT PUBLIC NOTICE

September 2, 2019

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:
Darlene Herman
(504) 862-2287
Darlene.C.Herman@usace.army.mil
Application #: MVN-2018-1512-WB

Project Manager:
Elizabeth Hill
(225) 219-3225
WQC Application Number:
WQC-190509-01

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).

AFTER-THE-FACT RESIDENTIAL SUBDIVISION IN ST. MARY PARISH

NAME OF APPLICANT: Atchafalaya River Estates, LLC, c/o Kee Environmental Services, LLC, Post Office Box 322, Houma, Louisiana 70361.

LOCATION OF WORK: Located in St. Mary Parish, Section 7 and 28, Township 15 South, Range 12 East, off of Fairview Drive in Berwick, Louisiana. (Lat. 29.723311, Long.-91.231833), as shown on the attached drawings. Located within Hydrologic Unit 08080101, Atchafalaya Basin.

The work described below was partially 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:

Note: An original Department of the Army (DA) permit (MVN-2008-03277-WW) was issued to Dreamscape Developers, LLC on June 15, 2009, and extended on September 5, 2014 and April 5, 2018, for a residential development which included this parcel of land within the permitted site. This portion of the project area was sold to Atchafalaya River Estates, LLC (ARE) who initiated construction of their residential venture within the approximate center of the overall development site. The work initiated by ARE deviated and exceeded the scope of the permitted activity authorized to Dreamscape Developers, LLC, consisting of unauthorized drainage laterals to the Lower Atchafalaya River and mechanized clearing of previously avoided upland forested areas along the river. Since an official transfer of this portion of the original DA permit was never completed, ARE is thereby obligated to acquire a DA permit for their

residential development. Additionally, processing of the original permit to Dreamscape Developers, LLC was not located within the Louisiana Coastal Zone, however, the subject area is now situated within the (2012' revised) LA Coastal Zone boundary.

PROPOSED WORK: After-the-fact permit application to clear, grade, excavate and deposit fill for constructing a 25.5 acre single family residential development with 37 lots, underground utilities, paved streets, subsurface drainage and right of ways, and three drainage laterals to the Lower Atchafalaya River, for the purpose of supplying necessary housing to citizens in the Berwick area. Of the three proposed drainage laterals, the northern lateral will be obstructed with pile timbers to prevent water bound vessel access, and the lower two laterals will be unrestricted and open to the river, as shown within the attached drawings. Approximately 3.035 acres of jurisdictional bottomland hardwoods and 1.266 acres of other waters will be impacted through project construction. Should a Department of the Army permit be warranted, the applicant has proposed to mitigate any unavoidable wetlands impacts at an approved and acceptable mitigation bank within the New Orleans District.

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 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 the West Indian Manatee.

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 **0.0 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 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.

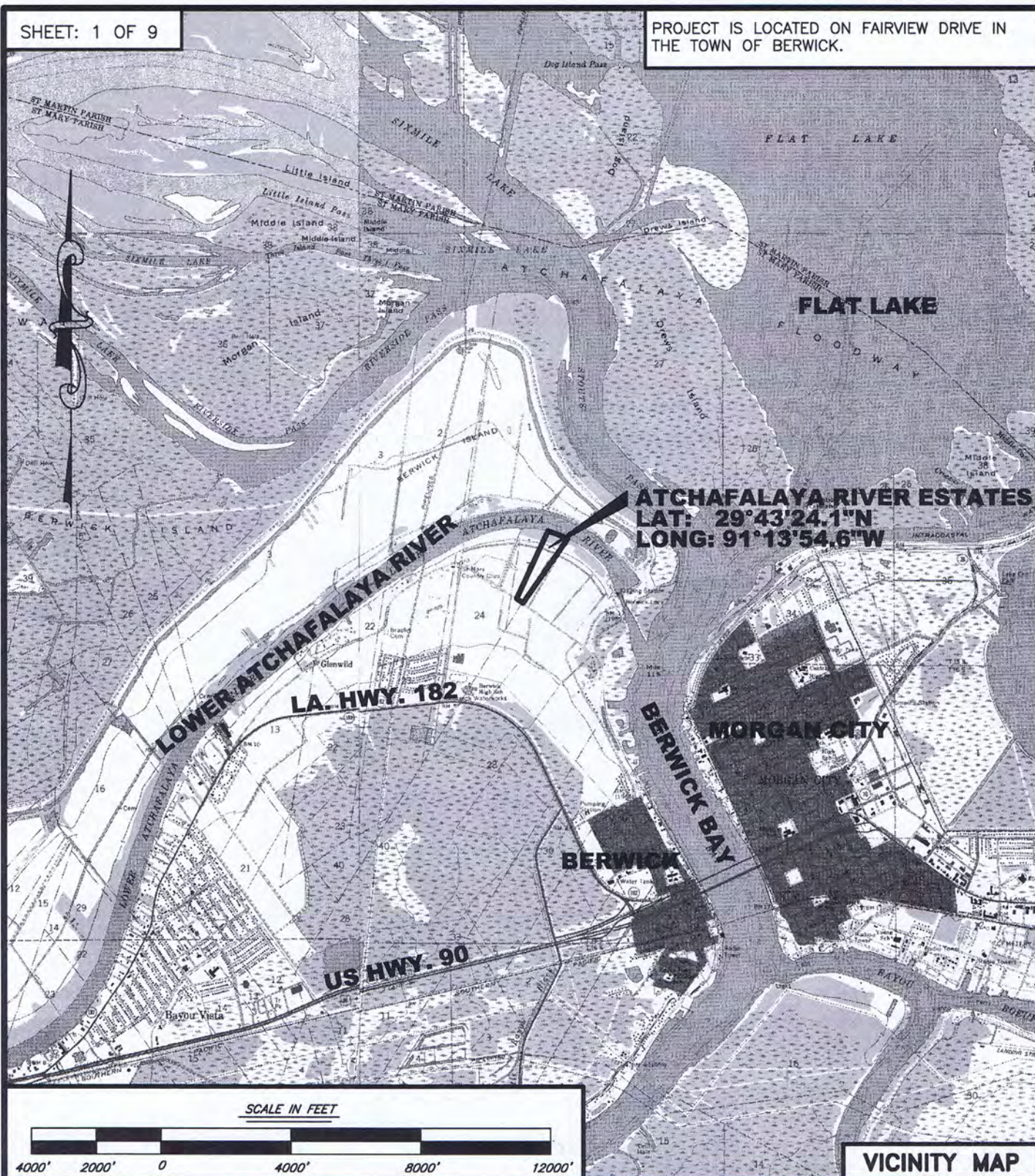
The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

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

PROJECT IS LOCATED ON FAIRVIEW DRIVE IN
THE TOWN OF BERWICK.



LEONARD CHAUVIN P.E., P.L.S., INC.
CIVIL ENGINEER - LAND SURVEYOR

627 JACKSON ST. THIBODAUX, LA.
 REVISED: MAY 31, 2019

**AFTER THE-FACT
 PERMIT PLAT**

ATCHAFALAYA RIVER ESTATES
PROPOSED RESIDENTIAL DEVELOPMENT
LOCATED IN SECTIONS 7 & 28 T15S-R12E
ST. MARY PARISH, LOUISIANA

APPLICATION BY: ATCHAFALAYA RIVER ESTATES, LLC
DATE: JANUARY 15, 2019 **REVISED: FEBRUARY 11, 2019**
REVISED: JUNE 19, 2019 **REVISED: JULY 26, 2019**

GENERAL NOTES:

1. THE PURPOSE OF THIS PROJECT IS TO PERMIT PARTIALLY COMPLETED WORK BY ATCHAFALAYA RIVER ESTATES, L.L.C. (A.R.E.) MORE SPECIFICALLY AS FOLLOWS:
 - A. EXCAVATION OF APPROX. 40,000 CUBIC YARDS OF NATIVE MATERIAL ON THE SITE FOR USE AS FILL MATERIAL TO ELEVATE THE LOTS ON THE PROPOSED RESIDENTIAL DEVELOPMENT.
 - B. INSTALLATION OF DRAINAGE IMPROVEMENTS, SUCH AS DITCHES AND DRAIN PIPE, TO ENSURE PROPER DRAINAGE OF THE PROPERTY.
 - C. INSTALLATION OF APPROXIMATELY 1,650 CUBIC YARDS OF PORTLAND CEMENT CONCRETE PAVEMENT FOR STREETS OF PROPOSED DEVELOPMENT.
 - D. INSTALLATION OF UTILITIES INCLUDING, GAS, WATER, SEWER, AND ELECTRICAL.
2. ALL WORK SHOWN FOR A.R.E.'S DEVELOPMENT HAS BEEN COMPLETED.
3. A.R.E. PURCHASED A PORTION OF PROPERTY OWNED BY DREAMSCAPE IN AUGUST OF 2016.
4. PERMITS FOR A.R.E.'S PORTION OF PROPERTY WERE NEVER TRANSFERRED FROM DREAMSCAPE.
5. MEAN HIGH WATER STAGE: +4.3' (NAVD88)
MEAN LOW WATER STAGE: -0.5' (NAVD88)
6. ALL ELEVATIONS SHOWN ARE REFERENCED TO NAVD 88 GEOID 12B.

CONSTRUCTION ACTIVITY COMPARISON TABLE

| ITEM | DESCRIPTION | QUANTITIES |
|------|----------------------------|------------------|
| | | A.R.E. |
| 1 | EXCAVATED NATIVE MATERIAL | 40,000 CUB. YDS. |
| 2 | IMPACTED WETLANDS | 3.035 ACRES |
| 3 | WATER OF THE UNITED STATES | 1.266 ACRES |
| 4 | CONCRETE PAVEMENT | 1,650 CUB. YDS. |
| 5 | TOTAL DEVELOPMENT ACREAGE | 25.5 ACRES |
| 6 | AREA OF EXCAVATION | 2.54 ACRES |
| 7 | AREA OF FILL | 23.0 ACRES |

PROJECT NOTES

LEONARD CHAUVIN P.E., P.L.S., INC.
 CIVIL ENGINEER – LAND SURVEYOR
 627 JACKSON ST. THIBODAUX, LA.

REVISED: MAY 31, 2019

**AFTER THE-FACT
 PERMIT PLAT**

ATCHAFALAYA RIVER ESTATES
 PROPOSED RESIDENTIAL DEVELOPMENT
 LOCATED IN SECTIONS 7 & 28 T15S-R12E
 ST. MARY PARISH, LOUISIANA

APPLICATION BY: ATCHAFALAYA RIVER ESTATES, LLC

DATE: JANUARY 15, 2019

REVISED: JUNE 19, 2019

REVISED: FEBRUARY 11, 2019

REVISED: JULY 26, 2019

T15S-R12E

MHW 4.3' (NAVD 88)
MLW -0.5' (NAVD 88)

CAJUN SUNRISE LLC.

EXISTING UNAUTHORIZED
DRAINAGE DITCHES

1084'

SECTION 24
SECTION 7 F
SECTION 7
SECTION 28LIMITS OF
FILL PLACEMENT
(A.R.E. 25.537 AC.)

BERWICK, L.L.C.

LEGENDLIMITS OF EXCAVATION
(A.R.E.) (2.545 ACRES)JURISDICTIONAL WETLANDS
(3.035 AC.)WATERS OF THE U.S.
SECTION 404 (1.266 AC.)

DRAINAGE DITCH

SCALE IN FEET

ATCHAFALAYA
RIVERSECTION 7
SECTION 2875' VEGETATIVE
BUFFER**PLAN VIEW****LEONARD CHAUVIN P.E., P.L.S., INC.**
CIVIL ENGINEER - LAND SURVEYOR
627 JACKSON STREET THIBODAUX, LA.
PHONE: (985) 449-1376

REVISED: MAY 31, 2019

**AFTER THE-FACT
PERMIT PLAT****ATCHAFALAYA RIVER ESTATES**
PROPOSED RESIDENTIAL DEVELOPMENT
LOCATED IN SECTIONS 7 & 28 T15S-R12E
ST. MARY PARISH, LOUISIANA

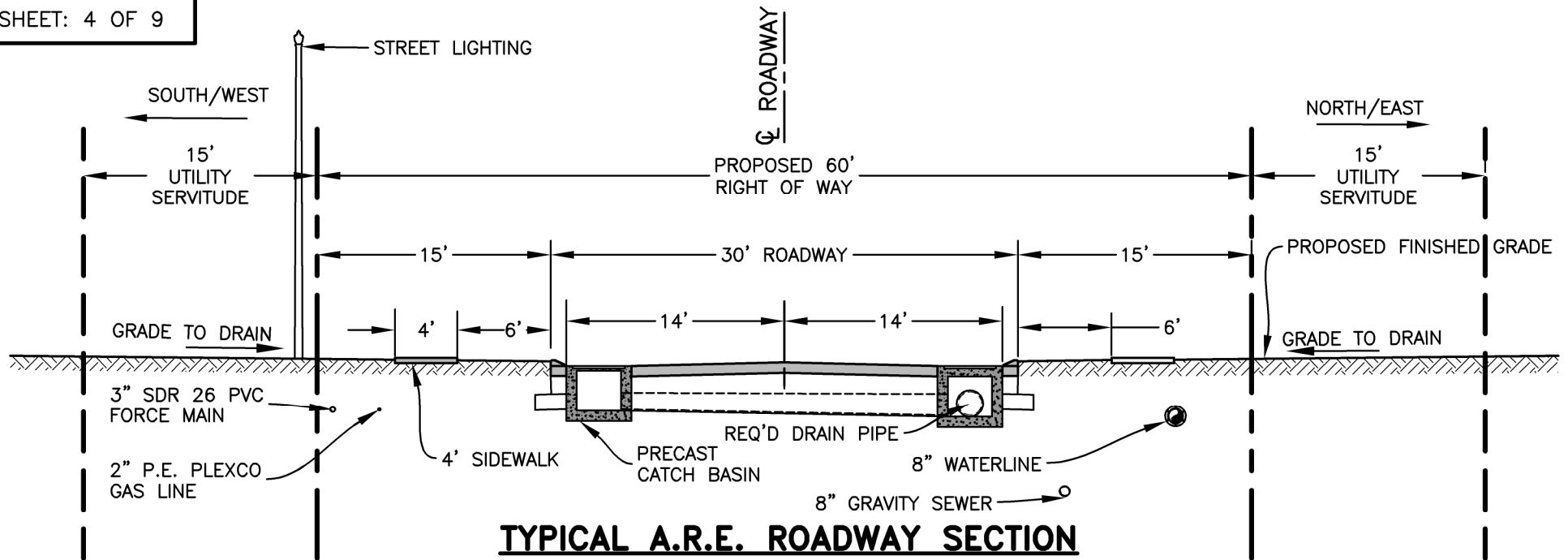
APPLICATION BY: ATCHAFALAYA RIVER ESTATES, LLC

DATE: JANUARY 15, 2019

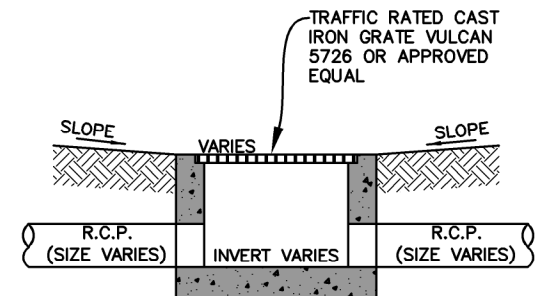
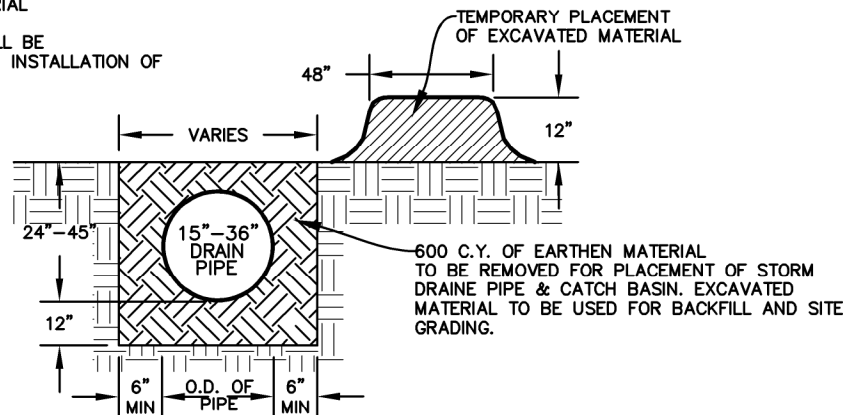
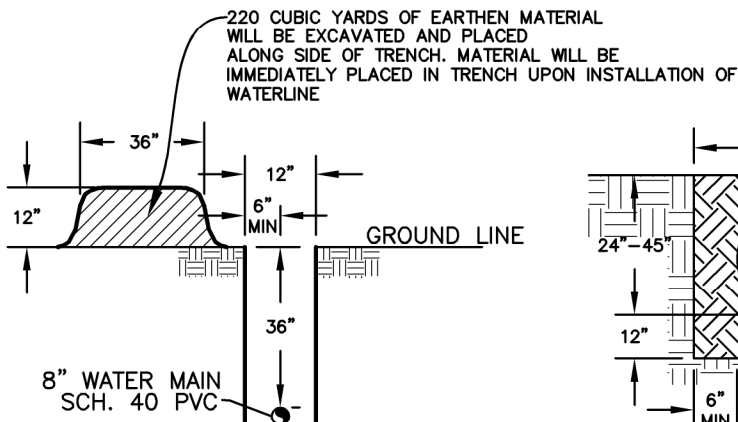
REVISED: FEBRUARY 11, 2019

REVISED: JUNE 19, 2019

REVISED: JULY 26, 2019



SCALE: 1"=10'



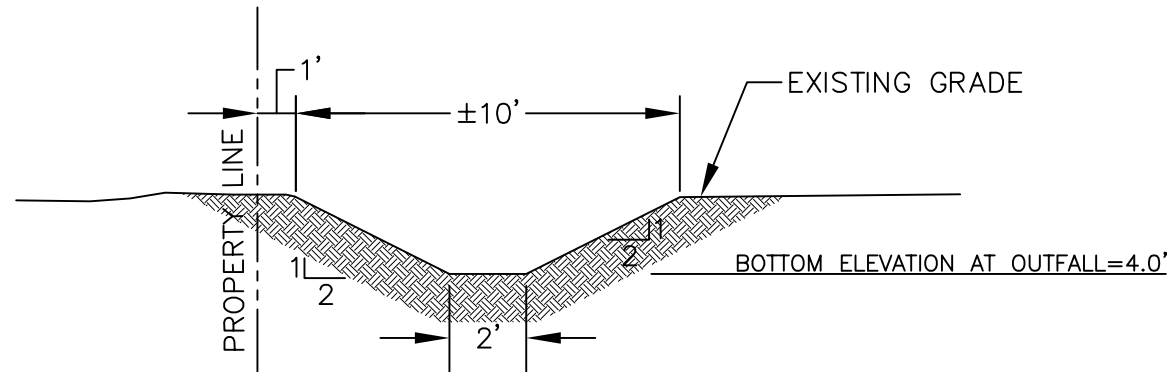
WATERLINE TRENCH DETAIL

TYPICAL TRENCH DETAIL

TYPICAL ROADWAY SECTIONS

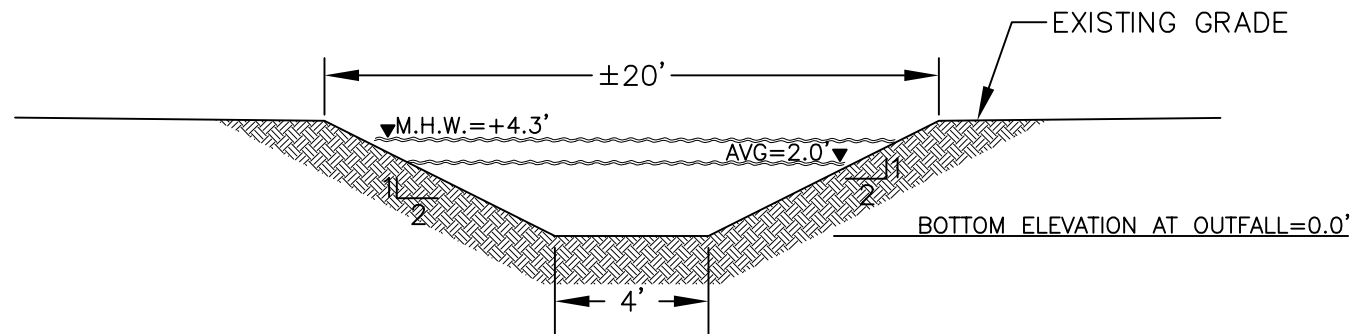
AFTER THE-FACT PERMIT PLAT

ATCHAFALAYA RIVER ESTATES
PROPOSED RESIDENTIAL DEVELOPMENT
LOCATED IN SECTIONS 7 & 28 T15S-R12E
ST. MARY PARISH, LOUISIANA
APPLICATION BY: ATCHAFALAYA RIVER ESTATES, LLC
DATE: JANUARY 15, 2019 **REVISED: FEBRUARY 11, 2019**
REVISED: JUNE 19, 2019 **REVISED: JULY 26, 2019**



DITCH SECTION A-A

SCALE: 1"=5'



DITCH SECTION D-D

SCALE: 1"=5'

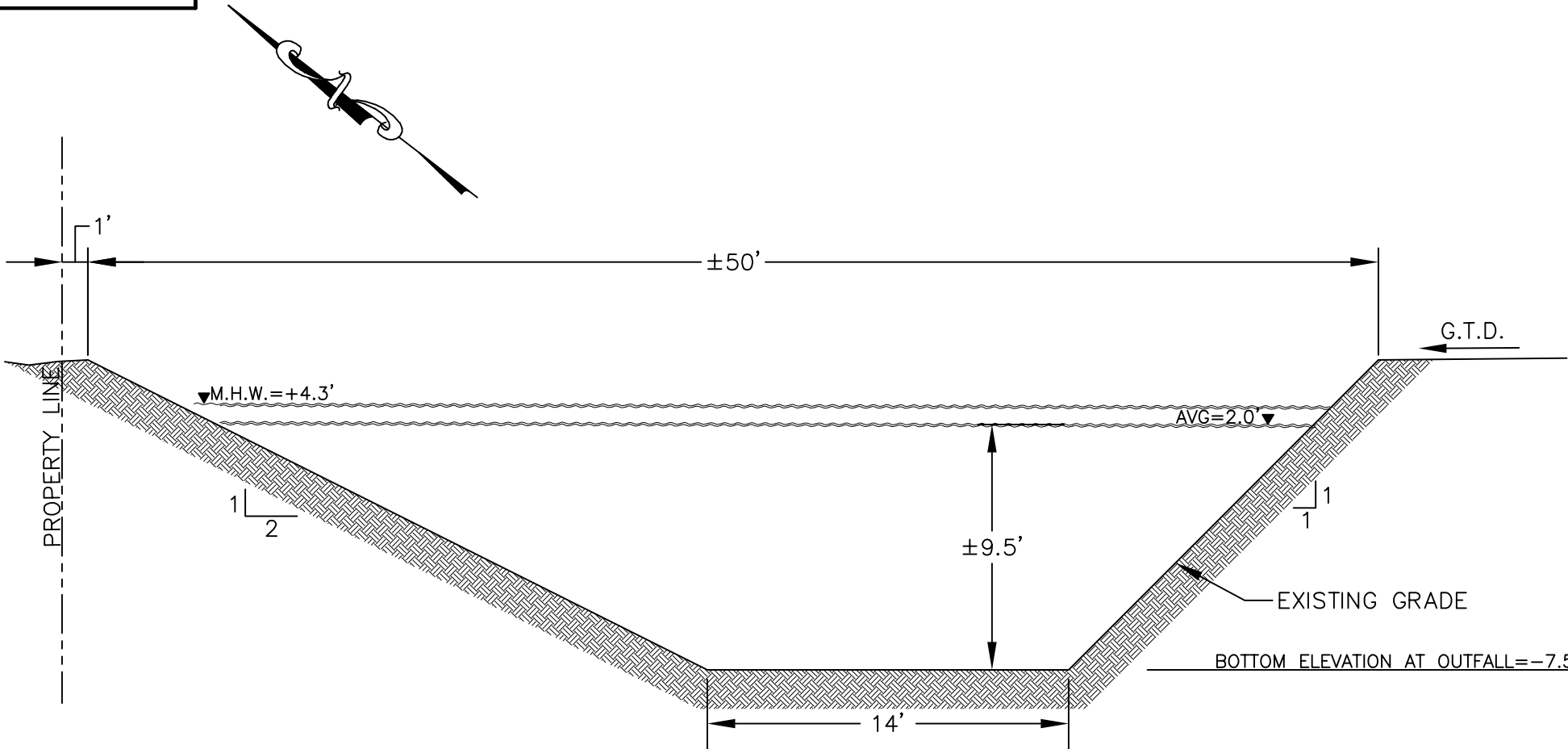
TYPICAL SECTION



LEONARD CHAUVIN P.E., P.L.S., INC.
CIVIL ENGINEER - LAND SURVEYOR
627 JACKSON STREET THIBODAUX, LA.
PHONE: (985) 449-1376

REVISED: MAY 31, 2019

**AFTER THE-FACT
 PERMIT PLAT**
ATCHAFALAYA RIVER ESTATES
PROPOSED RESIDENTIAL DEVELOPMENT
LOCATED IN SECTIONS 7 & 28 T15S-R12E
ST. MARY PARISH, LOUISIANA
APPLICATION BY: ATCHAFALAYA RIVER ESTATES, LLC
DATE: JANUARY 15, 2019 **REVISED: FEBRUARY 11, 2019**
REVISED: JUNE 19, 2019 **REVISED: JULY 26, 2019**



DITCH SECTION B-B

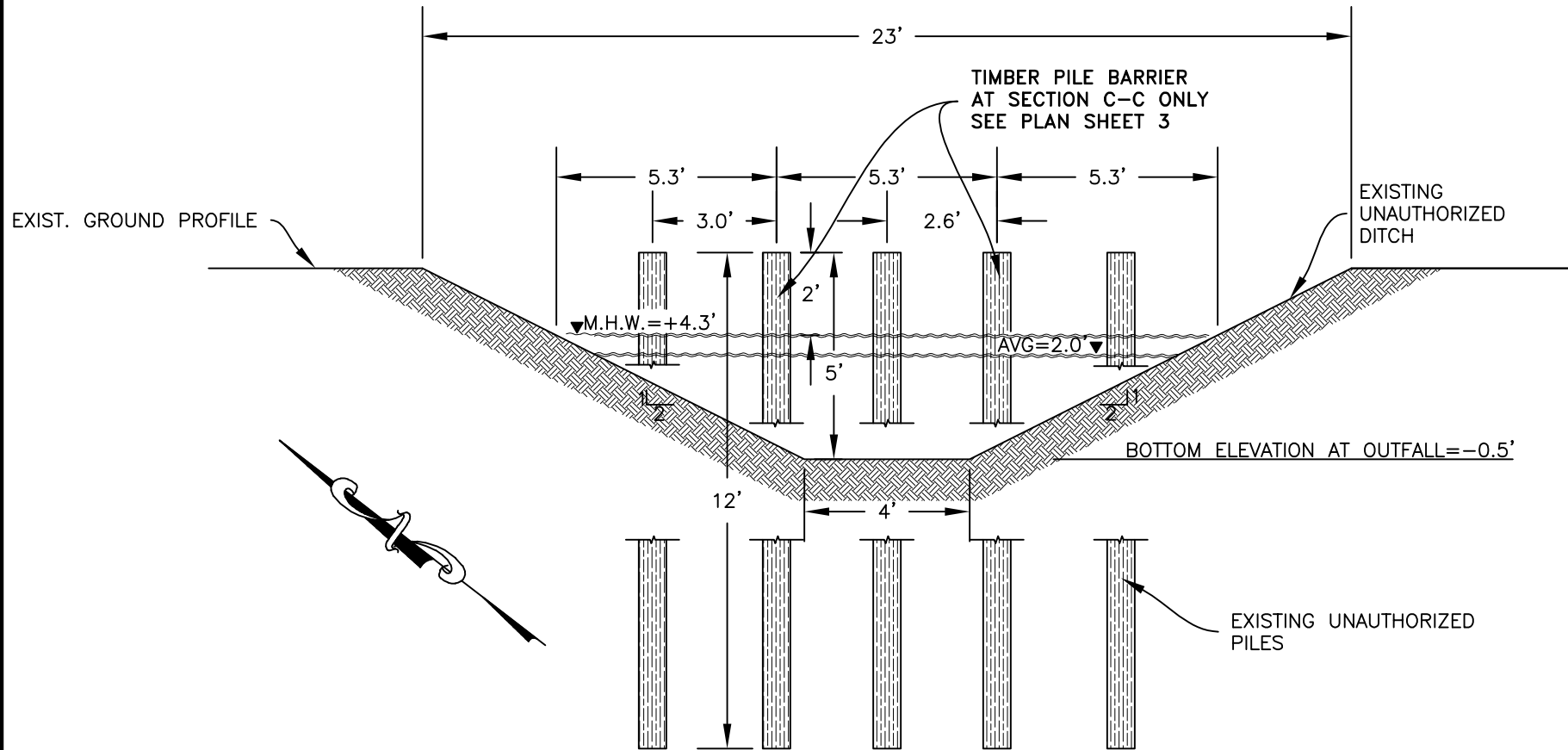
SCALE: 1"=6'

TYPICAL SECTION

LEONARD CHAUVIN P.E., P.L.S., INC.
CIVIL ENGINEER - LAND SURVEYOR
627 JACKSON STREET THIBODAUX, LA.
PHONE: (985) 449-1376

REVISED: MAY 31, 2019

**AFTER THE-FACT
PERMIT PLAT**
ATCHAFALAYA RIVER ESTATES
**PROPOSED RESIDENTIAL DEVELOPMENT
LOCATED IN SECTIONS 7 & 28 T15S-R12E
ST. MARY PARISH, LOUISIANA**
APPLICATION BY: ATCHAFALAYA RIVER ESTATES, LLC
DATE: JANUARY 15, 2019 **REVISED:** FEBRUARY 11, 2019
REVISED: JUNE 19, 2019 **REVISED:** JULY 26, 2019



TYPICAL SECTION C-C

SCALE: 1"=4'

TYPICAL SECTION



LEONARD CHAUVIN P.E., P.L.S., INC.
CIVIL ENGINEER - LAND SURVEYOR
627 JACKSON STREET THIBODAUX, LA.
PHONE: (985) 449-1376

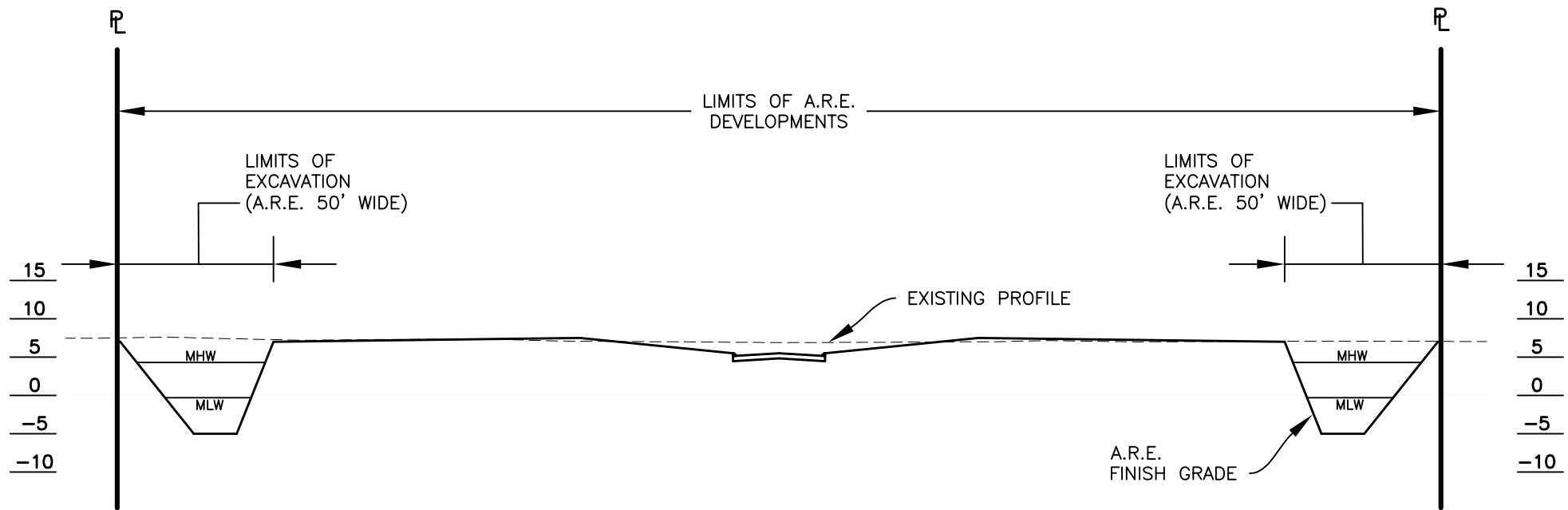
AFTER THE-FACT PERMIT PLAT

ATCHAFALAYA RIVER ESTATES
PROPOSED RESIDENTIAL DEVELOPMENT
LOCATED IN SECTIONS 7 & 28 T15S-R12E
ST. MARY PARISH, LOUISIANA

APPLICATION BY: ATCHAFALAYA RIVER ESTATES, LLC

DATE: JANUARY 15, 2019 REVISED: FEBRUARY 11, 2019

REVISED: FEBRUARY 14, 2019 REVISED: MAY 31, 2019 REVISED: JUNE 19, 2019 REVISED: JULY 26, 2019



TYPICAL SECTION E-E

HORZ. SCALE: 1"=50'
VERT. SCALE: 1"=2'

LEGEND

———— A.R.E. FINISH GRADE
----- EXIST. PROFILE

MHW 4.3' (NAVD 88)
MLW -0.5' (NAVD 88)

TYPICAL SECTION A-A



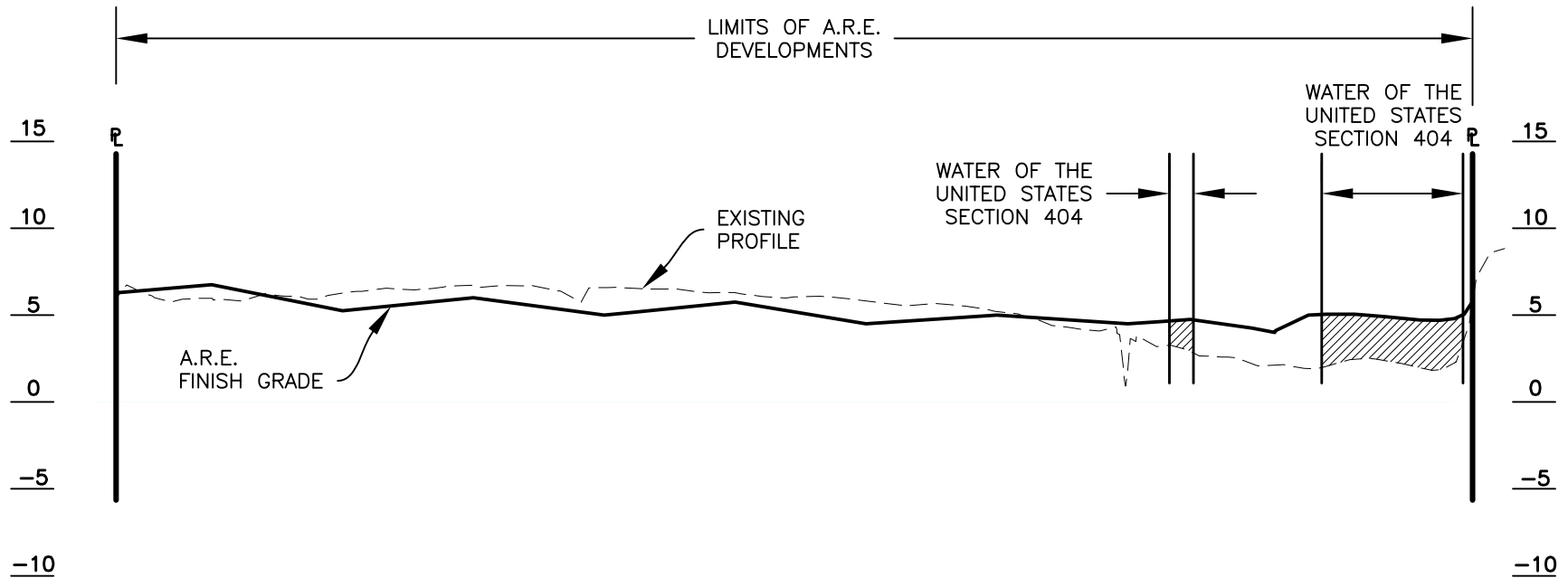
LEONARD CHAUVIN P.E., P.L.S., INC.
CIVIL ENGINEER - LAND SURVEYOR
627 JACKSON STREET THIBODAUX, LA.
PHONE: (985) 449-1376

REVISED: MAY 31, 2019

AFTER THE-FACT PERMIT PLAT

ATCHAFALAYA RIVER ESTATES
PROPOSED RESIDENTIAL DEVELOPMENT
LOCATED IN SECTIONS 7 & 28 T15S-R12E
ST. MARY PARISH, LOUISIANA

APPLICATION BY: ATCHAFALAYA RIVER ESTATES, LLC
DATE: JANUARY 15, 2019 REVISED: FEBRUARY 11, 2019
REVISED: JUNE 19, 2019 REVISED: JULY 26, 2019



TYPICAL SECTION F-F

HORZ. SCALE: 1"=300'
VERT. SCALE: 1"=1'

LEGEND

———— A.R.E. FINISH GRADE
----- EXIST. PROFILE

MHW 4.3' (NAVD 88)
MLW -0.5' (NAVD 88)

TYPICAL SECTION B-B



LEONARD CHAUVIN P.E., P.L.S., INC.
CIVIL ENGINEER - LAND SURVEYOR
627 JACKSON STREET THIBODAUX, LA.
PHONE: (985) 449-1376

REVISED: MAY 31, 2019

AFTER THE-FACT PERMIT PLAT

ATCHAFALAYA RIVER ESTATES
PROPOSED RESIDENTIAL DEVELOPMENT
LOCATED IN SECTIONS 7 & 28 T15S-R12E
ST. MARY PARISH, LOUISIANA

APPLICATION BY: ATCHAFALAYA RIVER ESTATES, LLC
DATE: JANUARY 15, 2019 REVISED: FEBRUARY 11, 2019
REVISED: JUNE 19, 2019 REVISED: JULY 26, 2019