

# JOINT PUBLIC NOTICE

August 5, 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) 862-1545  
Project Manager  
S. Gail Gainey  
[Sandra.G.Gainey@usace.army.mil](mailto:Sandra.G.Gainey@usace.army.mil)  
MVN 2019-00080-CG

(225) 219-3225  
Project Manager  
Elizabeth Hill  
WQC Application Number  
WQC # 190307-01

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, Office of Environmental Services, 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.

## **CLEAN-OUT AND PARTIAL RELOCATION OF A MUDDY CREEK DRAINAGE CONVEYANCE IN ASCENSION PARISH**

**NAME OF APPLICANT:** Ascension Parish Government, c/o Flynn Daigle of ELOS Environmental, LLC, 43177 East Pleasant Ridge Road, Hammond, LA 70403.

**LOCATION OF WORK:** At Muddy Creek, Section 45, T8S-R3E, just north of LA Highway 42 in Prairieville, Louisiana, in Ascension Parish, within the Pontchartrain River Basin in hydrologic unit (HUC 08070202), as shown on the attached drawings (Latitude 30.329076 N, Longitude -90.936282 W).

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:** The applicant has requested Department of the Army authorization to clear, grade, excavate, and deposit fill to remove debris from a drainage conveyance of Muddy Creek and construct and maintain a re-route of the northern portion of the conveyance. Approximately 578.67 cubic yards of clay material would be hauled in and deposited within the conveyance to achieve required grade elevation requirements. Additionally, fill material has been placed within 0.08 acre of wetlands and waters of the US prior to authorization. The proposed project is situated on approximately 11.3 acres

and proposes impacts to approx. 0.86 acre of waters of the US and 0.13 acre of associated wetlands. Of that, approx. 0.05 acre of wetland impacts and 0.03 acre of impacts to non-wetland waters were the result of unauthorized activity performed by the previous landowner.

The applicant has designed the proposed project to avoid and minimize direct and secondary adverse impacts by conducting all work from upland locations and by utilizing best management practices during and after the construction phase of the project. Any further reduction would limit function, deeming the project impracticable. As compensation for unavoidable wetland impacts and the previously conducted work resulting in unauthorized impacts to wetlands, 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, 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 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.

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, including the Inflated Heelsplitter (*Potamilus inflatus*).

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 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 water quality standards will be required from the

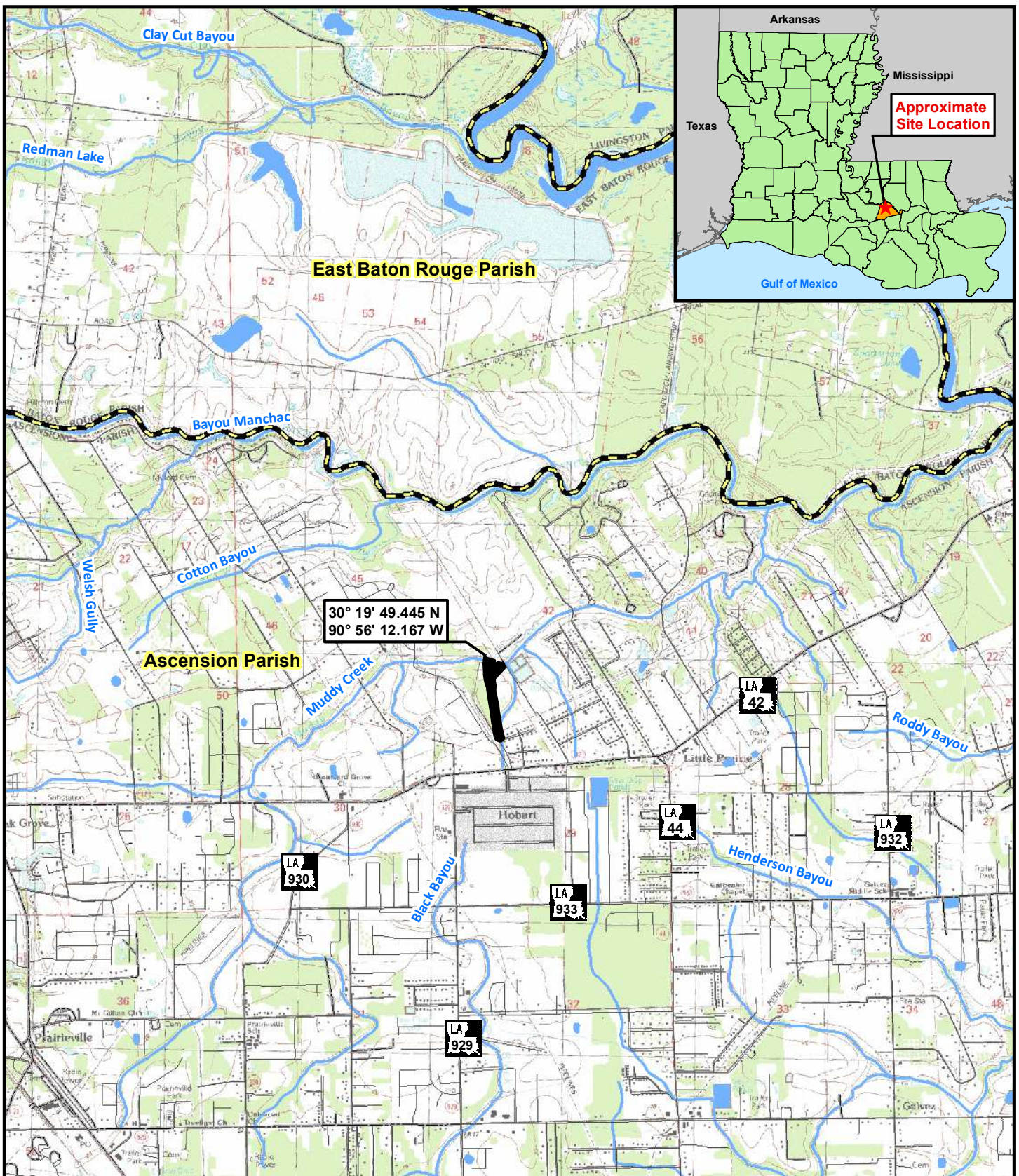
Department of Environmental Quality, Office of Environmental Services before a permit is issued.

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





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Hammond, Louisiana 70403  
P. 985-662-5501, F. 985-662-5504

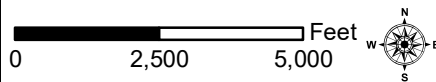


Figure 1: TopoVicinity Map

## Ditch Relocation

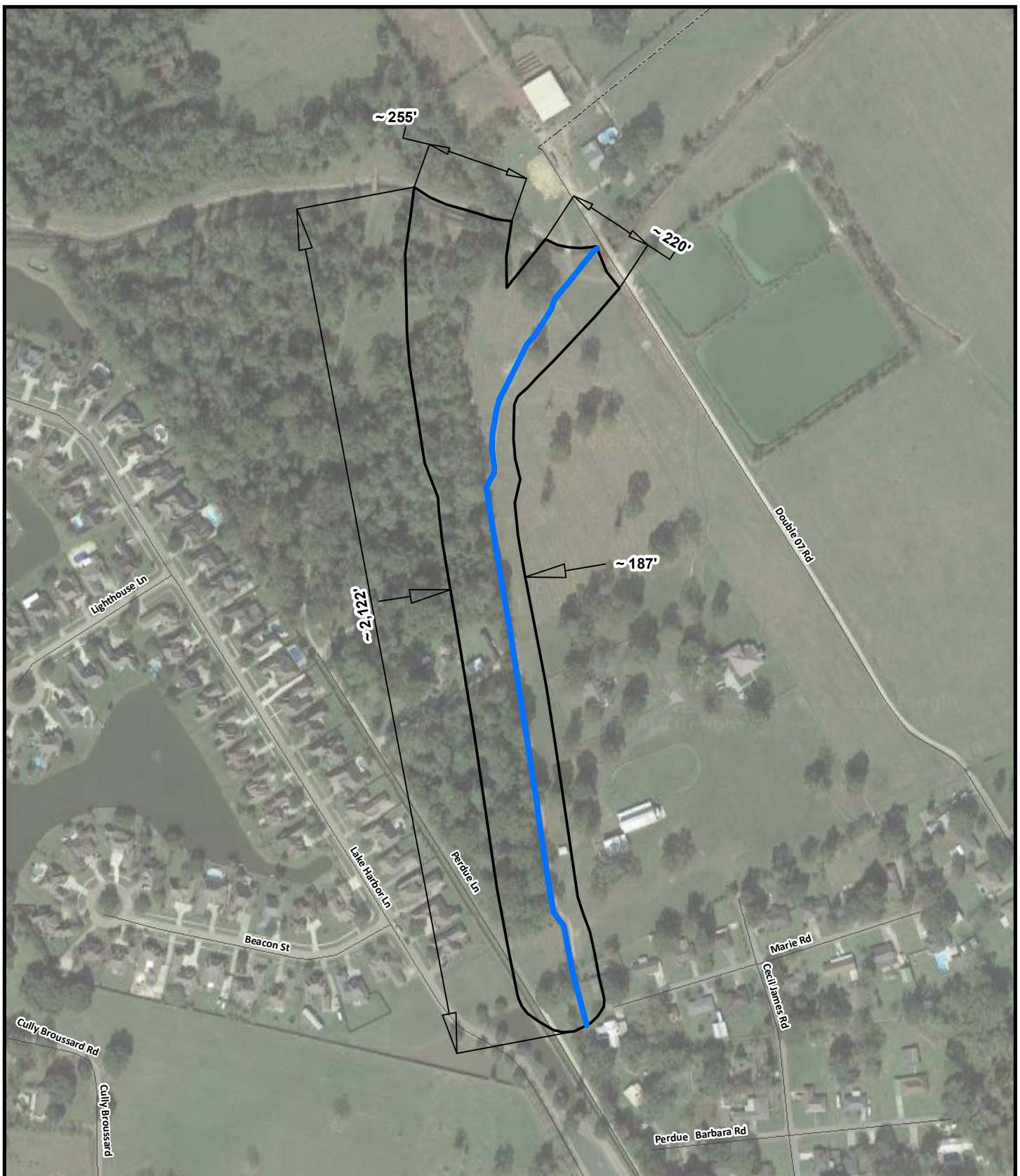
### Legend:

- Site Outline
- Parish Boundary
- Highway
- Roadway
- Stream/River
- Waterbody

Section: 45  
Township: 08 South  
Range: 03 East

This figure was prepared utilizing public and proprietary data. It should not be used to establish any legal boundaries or specific locations. ELOS Environmental, L.L.C., is not responsible for any usage of this figure contrary to its original, intended purpose.





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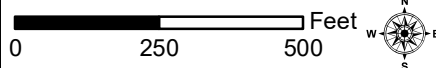


Figure 2: Existing Conditions

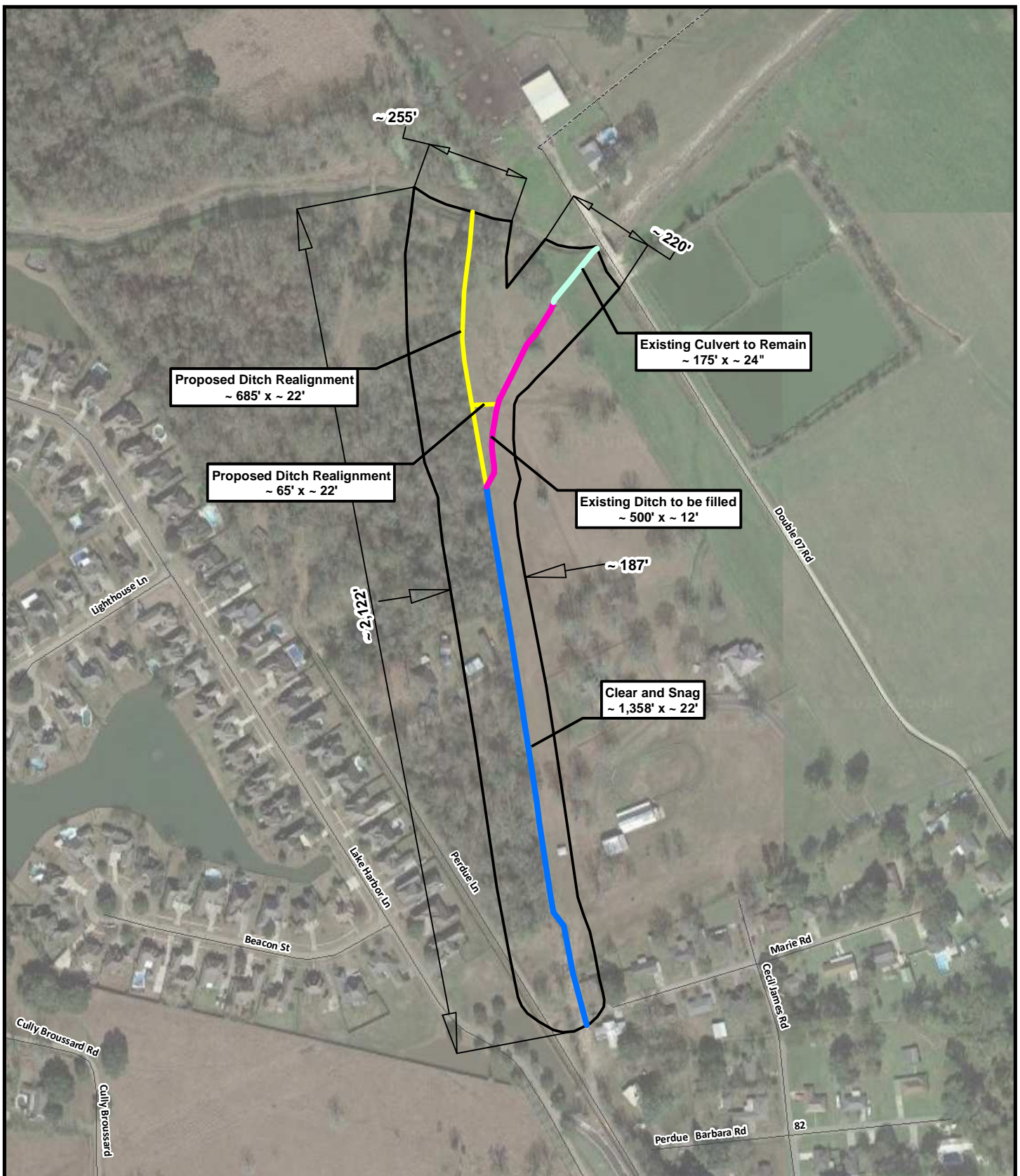
### Ditch Relocation


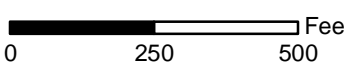



















#### Legend:

- Site Outline
- Roadway
- Existing Ditch

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 <p>43177 East Pleasant Ridge Road Hammond, Louisiana 70403 P. 985-662-5501, F. 985-662-5504</p>	 	<p><b>Legend:</b></p> <table border="0"> <tr> <td></td> <td>Site Outline</td> <td></td> <td>Existing Ditch</td> </tr> <tr> <td></td> <td>Proposed Ditch Realignment</td> <td></td> <td>Existing Culvert to Remain</td> </tr> <tr> <td></td> <td>Existing Ditch to be Filled</td> <td></td> <td>Roadway</td> </tr> </table>		Site Outline		Existing Ditch		Proposed Ditch Realignment		Existing Culvert to Remain		Existing Ditch to be Filled		Roadway
		Site Outline		Existing Ditch										
		Proposed Ditch Realignment		Existing Culvert to Remain										
	Existing Ditch to be Filled		Roadway											
<p><b>Figure 3: Plan View</b></p>														
<p><b>Ditch Relocation</b></p>	<p>This figure was prepared utilizing public and proprietary data. It should not be used to establish any legal boundaries or specific locations. ELOS Environmental, L.L.C., is not responsible for any usage of this figure contrary to its original, intended purpose.</p>													

## Proposed Impacts

Site Outline	~11.29 Acres
Non-Impacted Wetlands	~00.01 Acres
Impacted Wetlands	~00.08 Acres
Impacted Other Waters	~00.15 Acres
Non-Impacted Other Waters	~00.57 Acres
Temporary Work Area	~10.16 Acres
Unauthorized Activities	~0.08 Acres
Unauthorized Wetlands Activities	~0.05 Acres
Unauthorized Other Waters Activities	~0.03 Acres
Excavation Area	~00.32 Acres
Fill Area	~00.12 Acres
Clay Fill	~578.67 CY

30° 19' 49.445"N,  
90° 56' 12.167"W

Proposed Ditch

Non-Impacted  
Wetlands ~0.01 Acres  
Other Waters ~0.001 Acres  
Culvert to Remain

Double 07 Rd

Ln

Lake Harbor Ln

Perdue Ln

Beacon St

Marie Rd

Cecil James Rd



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0 190 380 Feet



Figure 4: Proposed Impacts

## Ditch Relocation

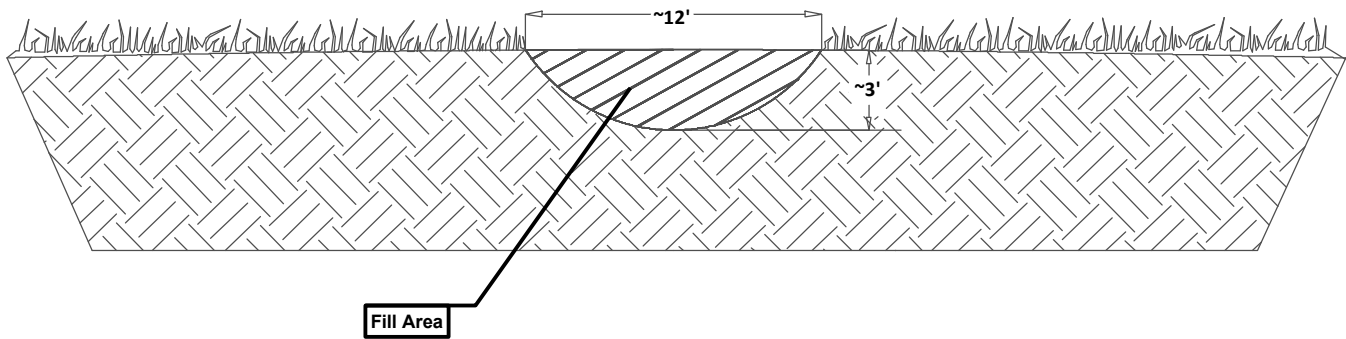
### Legend:

Site Outline	Temporary Work Area
Excavation	Other Waters
Fill	Wetlands
Clear and Snag	Roadway

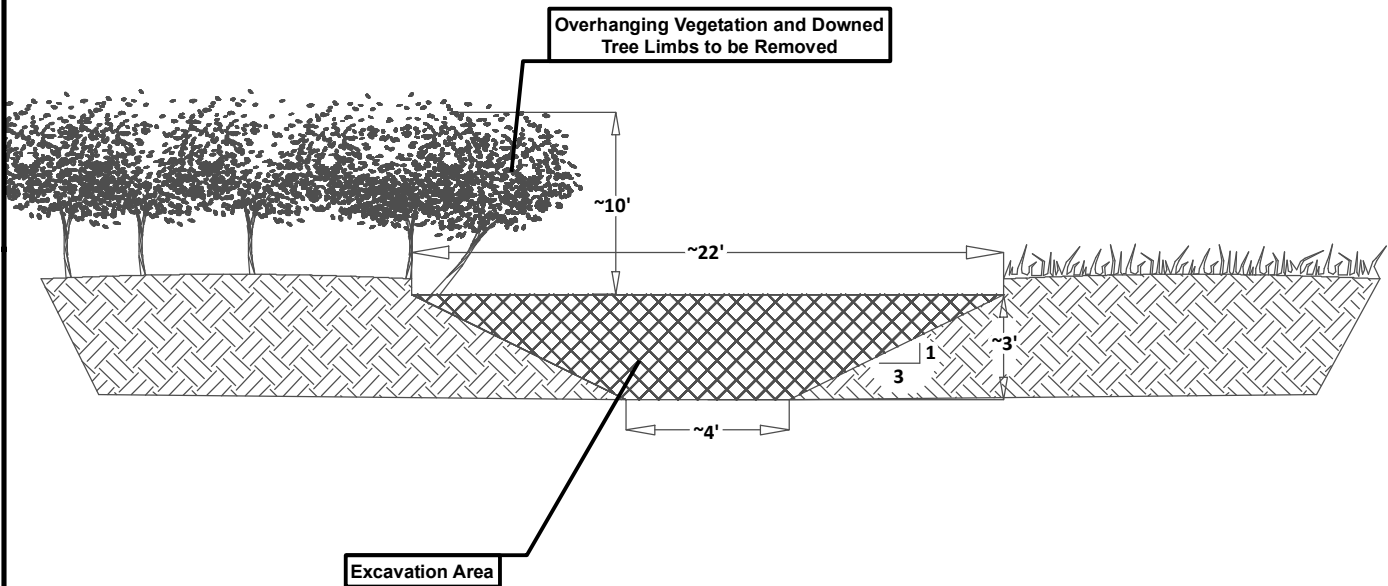
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### Typical Ditch Fill



### Typical Ditch Excavation



<http://elosenv.com/>  
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**Scale = Not to Scale**

**Figure 5: Typical Section**

**Ditch Relocation**

**Notes:** 1) All work to be performed from an upland location.  
2) All excavated clay will either be used as fill for existing ditch or be hauled off site to a non wetland location.  
3) Overhanging vegetation and downed tree limbs to be removed.

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