



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS, LA 70118-3651

August 29, 2022

Regulatory Division
Central Evaluation Branch

Project Manager
S. Gail Gainey
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Sandra.g.gainey@usace.army.mil

SUBJECT: MVN-2021-00907-CG

PUBLIC NOTICE

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: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344), and/or [] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

**CONSTRUCTION OF A RESIDENTIAL HOME SITE AND DRIVEWAY ADJACENT
TO THE AMITE RIVER IN LIVINGSTON PARISH**

NAME OF APPLICANT: Benjamin Held, 12508 Wyndy Avenue, Baton Rouge, LA 70816

LOCATION OF WORK: Adjacent to the Amite River in Section 4 Township 9 South Range 5 East, at 22433 Highway 22 in Maurepas, Louisiana, in Livingston Parish, within the Pontchartrain Basin in hydrologic unit (HUC 08070202), as shown on the attached drawings (Latitude 30.288083 N, Longitude - 90.708028 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. 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.

CHARACTER OF WORK: The applicant has requested Department of the Army authorization to clear, grade, excavate and deposit fill and/or aggregate material to construct and maintain a home site to include a driveway, deck, and parking space. Approximately 1,222 cubic yards of material would be excavated from the existing pond to both deepen the waterbody and provide on-site fill for the driveway and house site. An additional 183 cubic yards of gravel/limestone is proposed for the driveway to be placed over redeposited excavated fill material and logs cleared from the site. The proposed project is situated on an approximate 22-acre tract that has been determined to contain jurisdictional waters as well as forested and swamp wetland habitats. Approximately 0.05 acre of wetlands will be impacted for the home site and a total of approx. 1.14 wetland acres would be impacted for the driveway, of which approx. 1.03 acres has been cleared prior to authorization and will be evaluated after-the-fact. A maximum of 0.28 acre of waters within the onsite pond will be impacted by excavation and by the placement of tree stumps.

The applicant proposes to avoid additional direct impacts and minimize secondary impacts to the maximum extent practicable by avoiding the approx. 19 acres of remaining jurisdictional wetlands onsite, limiting the construction activity to the designated construction areas onsite, and remaining within the footprint of the roadbed when staging equipment and materials, installing two 24-inch culverts under the driveway for water exchange, and utilizing best management practices for erosion and siltation control during and after the construction phase of the project. If authorized, the project will receive approval from all appropriate local drainage authorities and sewerage agencies. As compensation for unavoidable wetland impacts, the applicant proposes to use a Corps approved mitigation bank within the watershed of impact

The comment period for the Department of Army will close in **20 days** from the date of this 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 must be mailed so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the applicant's name and the Permit Application Number and can be preferably emailed to the Corps of Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGC, S. Gail Gainey**. 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 Branch 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. This public notice is also available for review online at <https://go.usa.gov/xennJ>.

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 utilizes the National Register of Historic Places to identify properties listed on or near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. However, extent of coverage and impacts is undetermined at this time pending a National Historic Preservation Act compliance determination. Copies of this notice are made available 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. The New Orleans District has determined, utilizing the Information & Planning Consultation for Endangered Species in Louisiana protocol, dated January 27, 2020 between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office, the proposed work is not likely to adversely affect the West Indian Manatee or the Pallid Sturgeon as the excavation will be completed on an inland waterbody.

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 NA 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, 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.

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 (Louisiana Coastal Zone Application P20220029). 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.

JOHN M. HERMAN
Chief, Central Evaluation Branch
Regulatory Division

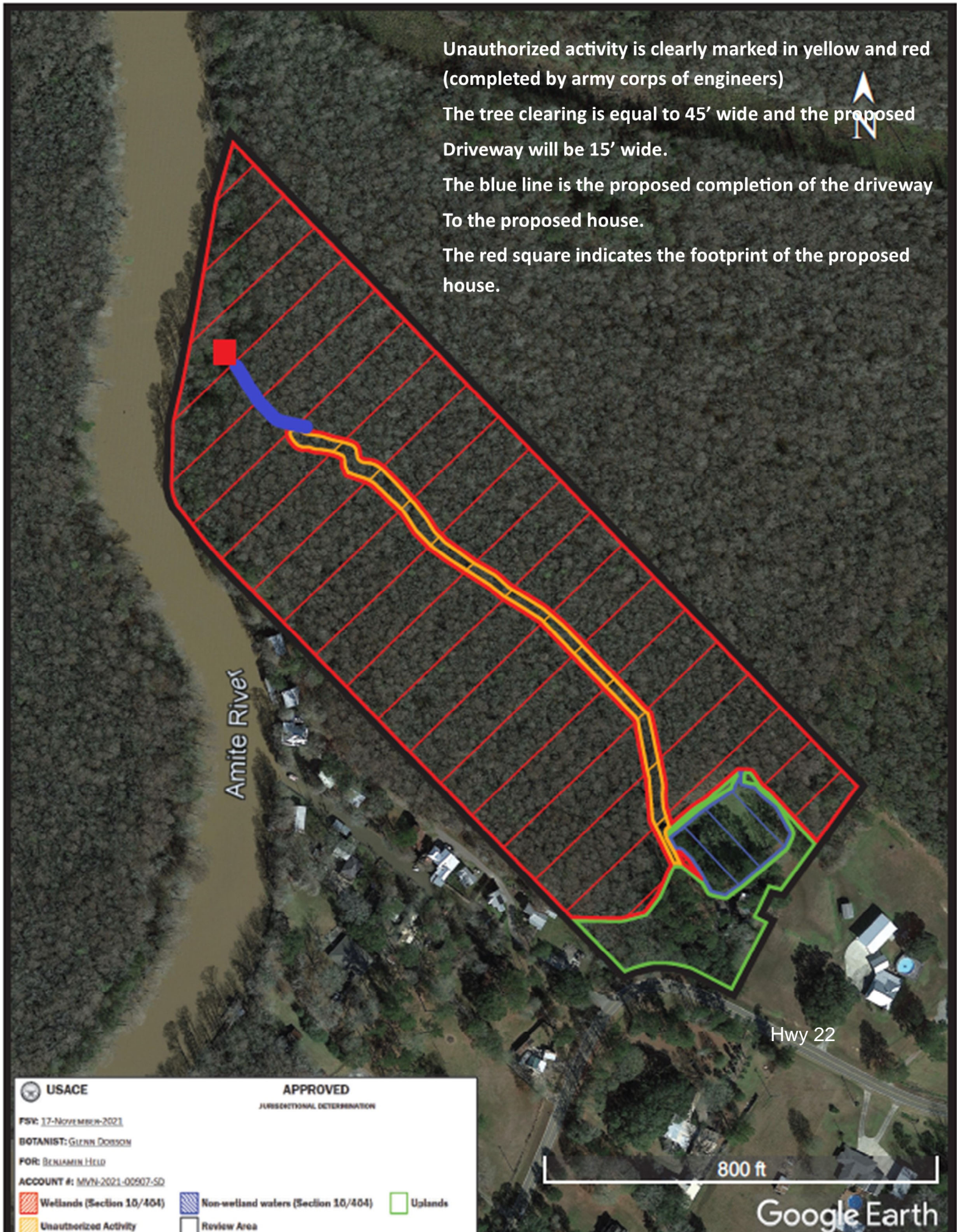
Enclosures

Unauthorized activity is clearly marked in yellow and red (completed by army corps of engineers)

The tree clearing is equal to 45' wide and the proposed Driveway will be 15' wide.

The blue line is the proposed completion of the driveway To the proposed house.

The red square indicates the footprint of the proposed house.



Amite River

Hwy 22

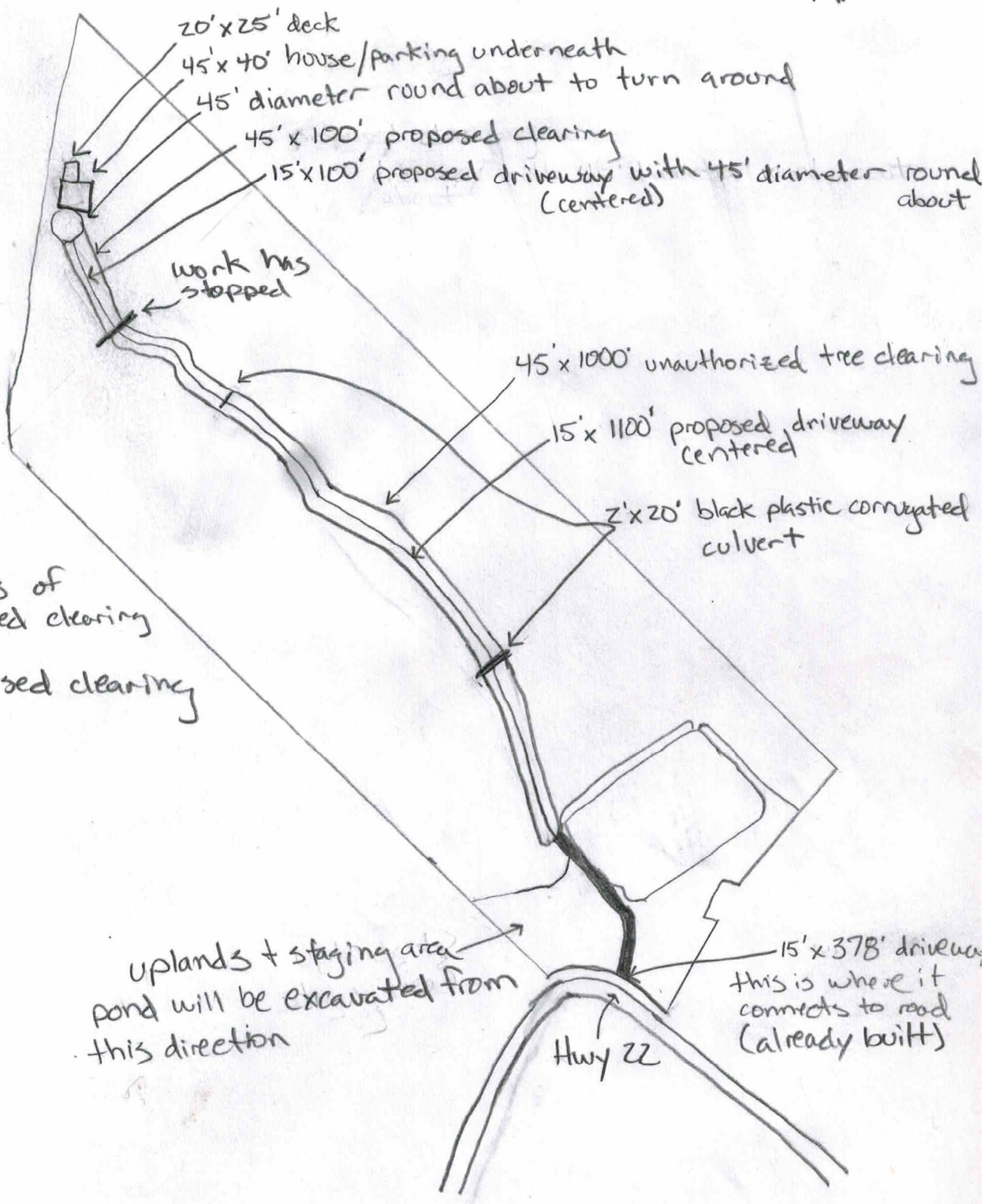
800 ft

USACE **APPROVED**
JURISDICTIONAL DETERMINATION

FSV: 17-NOVEMBER-2021
BOTANIST: GLENN DOBSON
FOR: BENJAMIN HEID
ACCOUNT #: MYN-2021-00507-SD

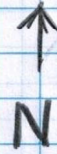
Wellands (Section 10/404)	Non-wetland waters (Section 10/404)	Uplands
Unauthorized Activity	Review Area	

Google Earth



Benjamin [Signature]

Ben Held
Benjamin Stof



River

river bank

.05 acre for
house + deck

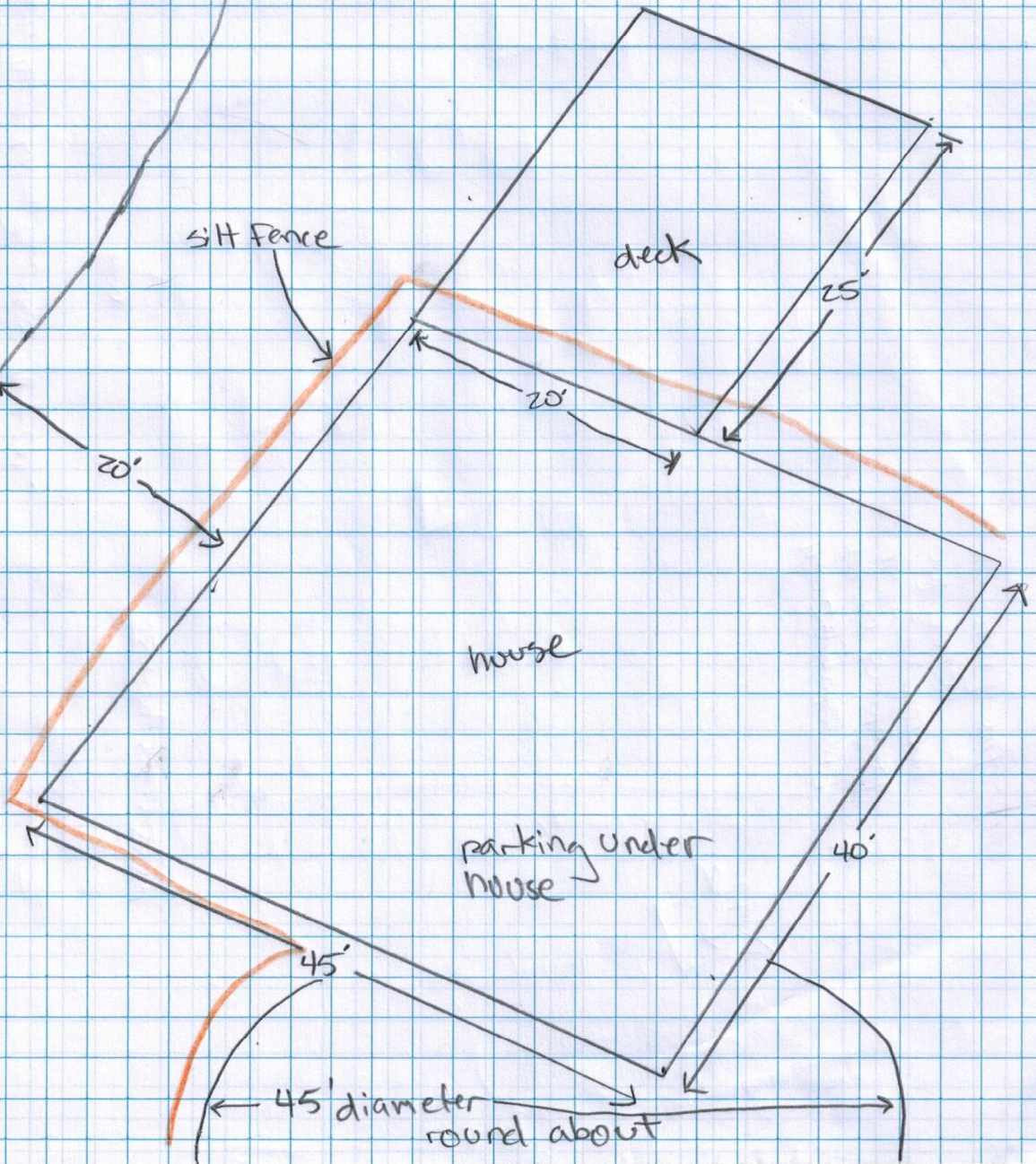
silt fence

deck

house

parking under
house

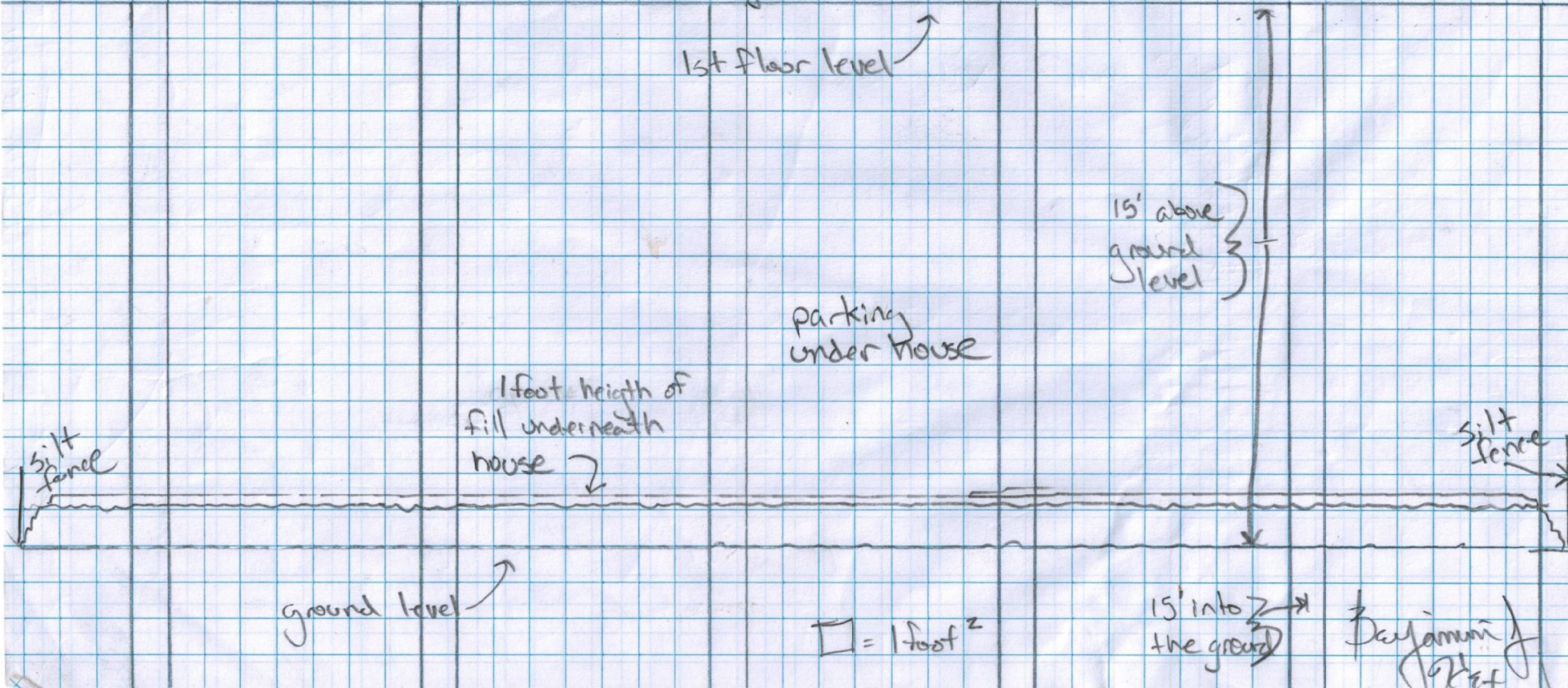
45' diameter
round about



elevation of house on pilings

- 20-25 pilings driven 15' minimum into ground
- 15' above ground level
- approximate dimensions of house 40' x 45' with 20' x 25' deck on floor level
- 67 yards will be placed for house. limited to equal with the footprint of house
- no clearing will take place for construction of house + deck, thanks to God + hurricane Ida
- silt fence will be placed around the house along w/ grass planted

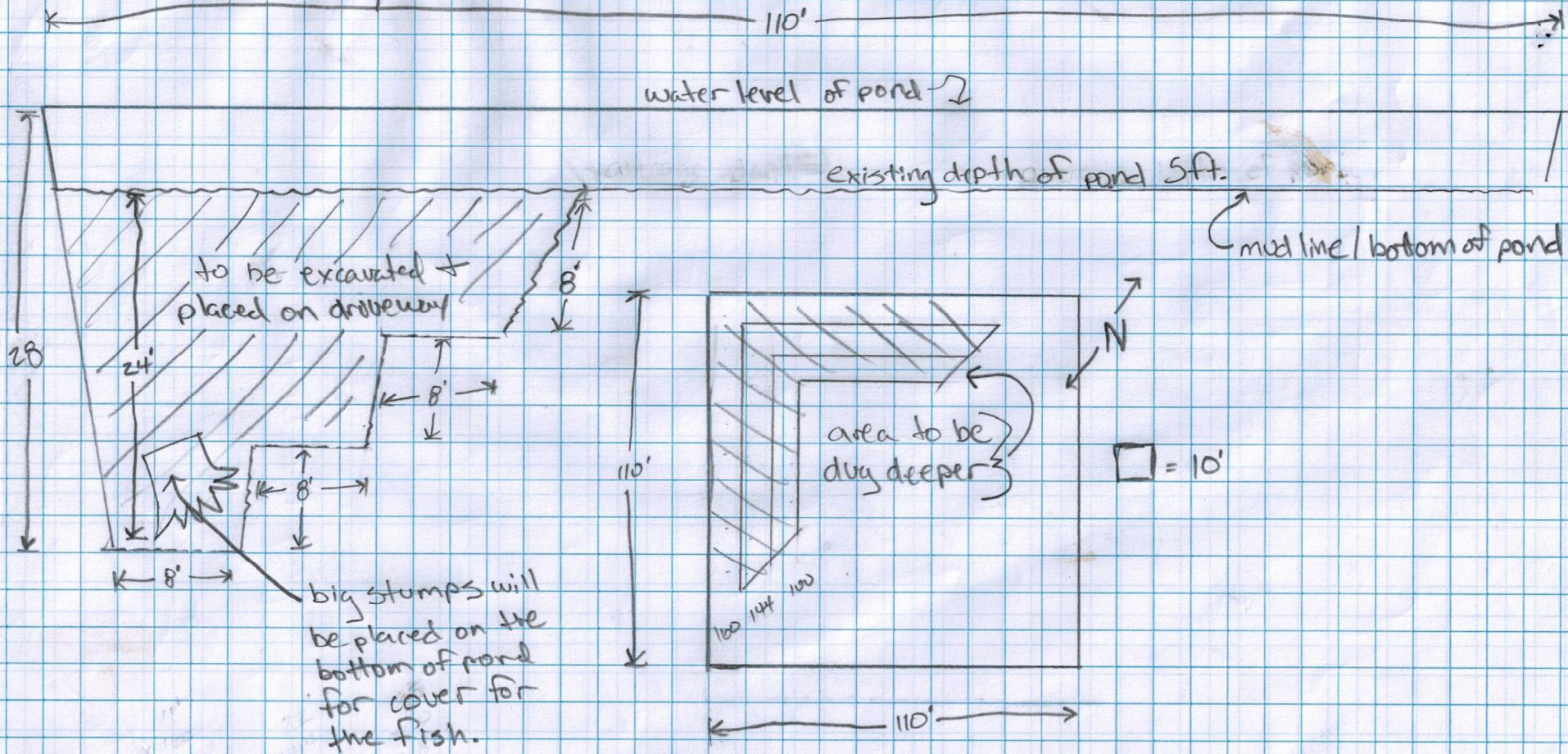
4x12" band on pilings



existing pond to be dug out deeper

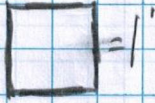
□ = 3/32 scale
Benjamin H. H. H.

- cross section of pond
- to be dug out on 2 sides, W + N sides of pond. will use the W side upland for staging area
- approx. 2,436 cubic yards of material can be excavated from pond. Should only need 1,222 cubic yards.

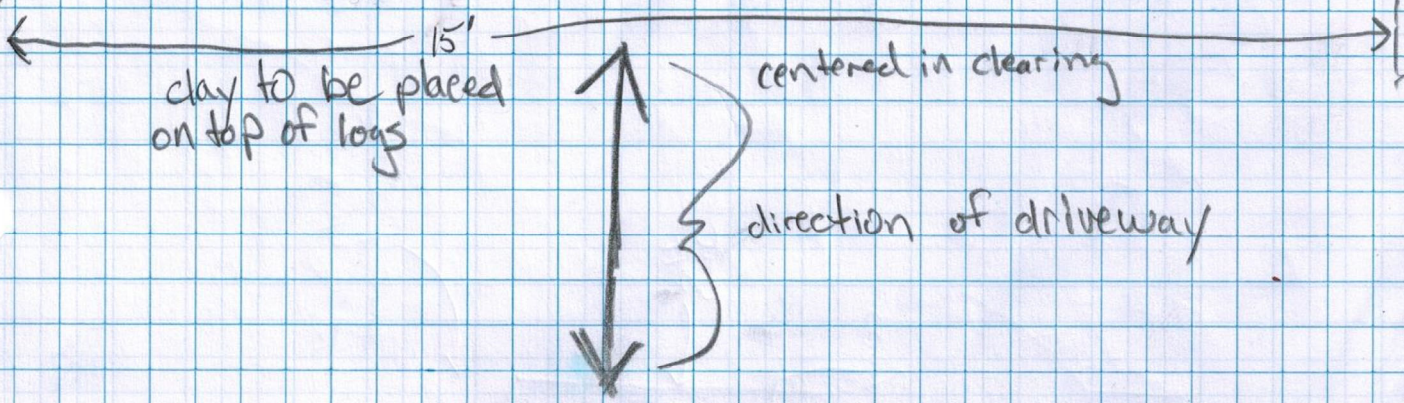
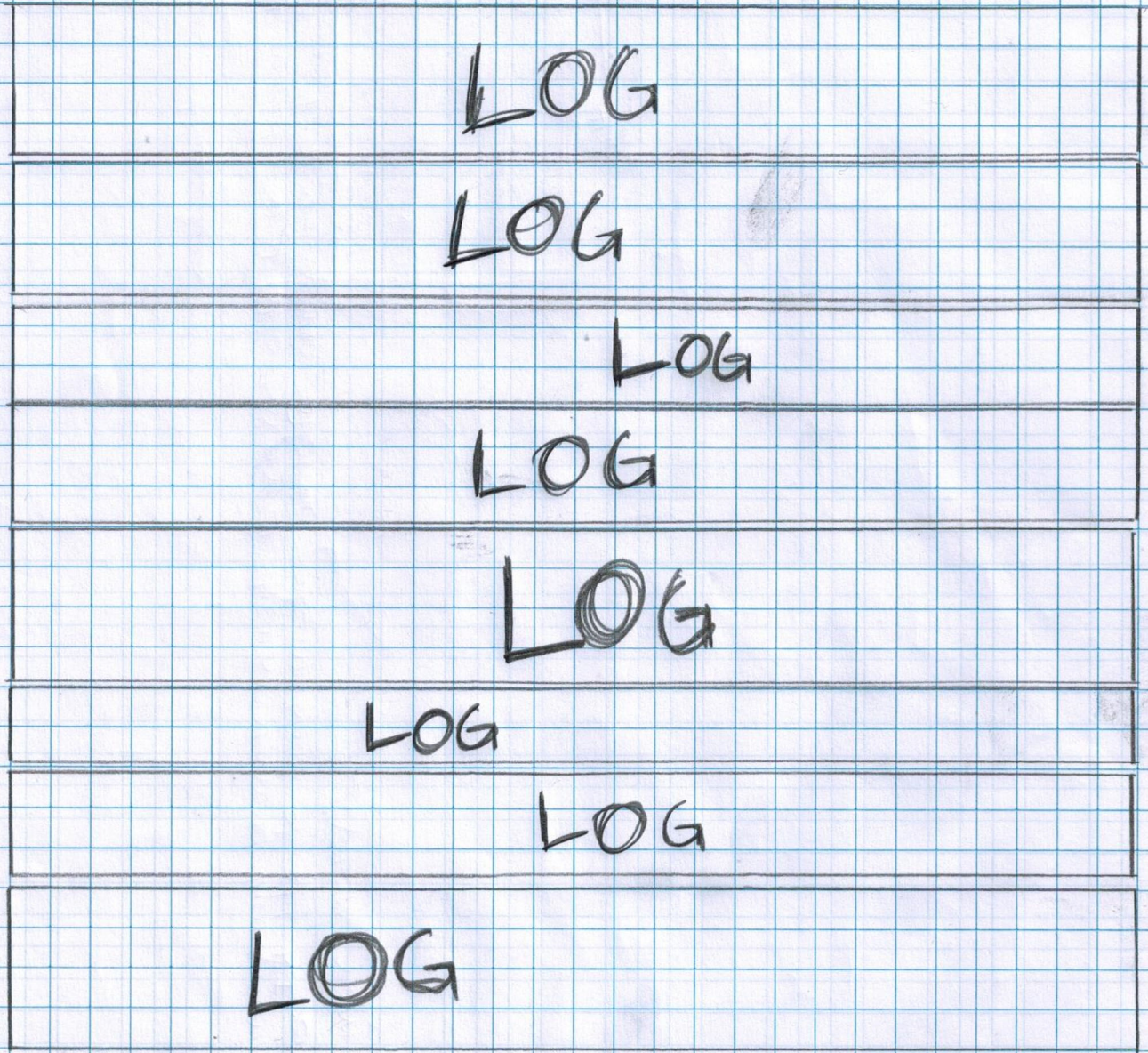


Ben Hill

Benjamin's Shop



- top view

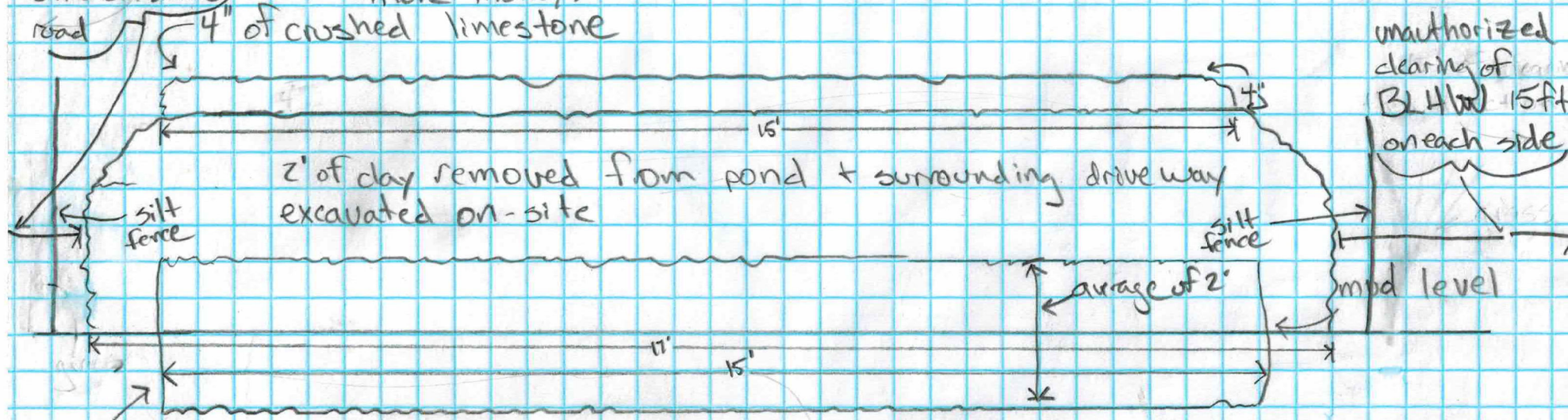


UNAUTHORIZED

Ben Held
Benjamin Held

- cross section of driveway
- house will be 15' above ground level with ^{fill} pilings
- 1222 cubic yards ^{fill} driveway + 183 cubic yards of limestone
- tree trunk logs will be layed horizontal next to each other (see new drawing)
- driveway will be centered with 15' on each side to be returned to how it was. I'd like to build roosting spots for snow egrets if it won't cost me more money.

unauthorized clearing of BLHW - 15 ft on each side of road



- tree trunk logs buried 1' deep in the mud
- excavated material will be placed on top of logs

- driveway already cleared 45' x 1000'
- driveway to be cleared 45' x 100'
- driveway to be constructed 15' x 1100'



Needs, Alternatives & Justification (NAJ)

1. Why is driveway not connected closer to the existing road?

That's the only location with access to the property. The property is surrounded by land owned by other people. There is a private road that would be closer but the owner will not allow me access.

2. Describe alternative locations of the home & driveway that were considered & why they are not proposed.

See answer above. Also alternative location is all the way NW on the river because it's close to a private existing road. The owners of the road won't let me use it after several attempts. I've also tried to purchase the last house on that road but they are not willing to sell.

3. Explain why the home is not proposed closer to or in the upland habitat at the back of the property.

The house isn't proposed to be on the uplands for several reasons. 1) I never intended on building my dream home next to a busy highway. 2) I want all the grass and space to play ball with my son. 3) I want to be next to the river on my own private piece of land with nature & fishing by my house.

Modifications to the Drawings Per Request

1. A vicinity map is attached (Image 1) in which I saved from google maps and marked up with ms paint.

2. All work will be done within the footprint of the proposed activity. Will be excavating from west side of the pond.

3. 15' wide driveway will be centered within the 45' wide clearing. Needed to clear 45' wide path in order to make a good solid base for the driveway. I intend for the remaining 30' to go back to the way it was with the exception of having sno egret roosting spots similar to the ones at Avery Island unless it will cost more money.

4. Silt fence will be placed to prevent encroachment of placed material.

5. Parking will be underneath house & a 45' diameter roundabout will be directly at the end of the driveway .

6. Hand drawing providing full length of driveway connected to Hwy 22 .

7. 1,222 cy is all the yardage I should need. 2,436 cy is how much I could excavate if needed.

8. All logs will be sourced on site. All logs will be used for something at some point. Nothing will go to waste. All brush & non-usable brush will be burned at the uplands and in various locations along the path. Larger stumps will be placed at the bottom of the pond after excavation to provide a nice environment for the fish. I'd like to start cleaning up brush immediately if that would be OK??

9. I re-did step 11(a) as instructed

10 & 11) 2 ea. 2' x 20' diameter culverts will be placed along the driveway and shown on my hand drawing. Silt fence and grass will be along driveway and house site to prevent encroachment.

On The Plan View Plats from letter

- a. I do not have any plans for water access currently.
- b. The proposed roundabout will not be cleared in the middle. The only parking will be the roundabout and under the house.