



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

June 3, 2024

Regulatory Division
Central Evaluation Branch

Project Manager
Kenny Blanke
(504) 862-1217
Kenneth.G.Blanke@usace.army.mil

Application #: MVN-2022-00506-CQ

PUBLIC NOTICE

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 (USACE), New Orleans District (CEMVN) 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), and/or [] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

PROPOSED FOXTAIL RUN RESIDENTIAL DEVELOPMENT NEAR DENHAM SPRINGS IN LIVINGSTON PARISH

NAME OF APPLICANT: Tower Capital, c/o: Hydrik Wetlands Consultants, attn.: Mr. Michael Henry, 2323 LA Highway 190 E, Suite 2, Hammond, Louisiana 70401

LOCATION OF WORK: Located on an approximate 16.84-acre site located south and along Buddy Ellis Road, in Section 9, Township 7 South, Range 3 East, near Denham Springs, Louisiana, in Livingston Parish, within the Pontchartrain Basin in hydrologic unit (HUC 08070202), as shown on the attached drawings (Latitude 30.45714 N, Longitude -90.90786 W).

CHARACTER OF WORK: The applicant has requested a Department of the Army permit modification to previously authorized work to clear, grade, excavate and deposit fill to construct and maintain a 63-lot residential subdivision (Foxtail Run Residential Subdivision) to include infrastructure, greenspace, onsite detention ponds, utilities, and drainage infrastructure. Approximately 13,754 cubic yards of onsite material would be excavated and placed as fill material in jurisdictional areas. The project proposes to impact approximately 4.51 acres of jurisdictional forested wetlands (pine hardwood flatwoods habitat). Approximately 0.13 acre of jurisdictional Other Waters of the US would be directly impacted by fill placement as a result of the project.

MITIGATION: The applicant claims that the proposed project has been designed to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. Any further reduction in the project footprint would limit usage of the property and, therefore function deeming the project impracticable. The applicant proposes to utilize 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. To offset unavoidable impacts to jurisdictional wetlands, the applicant is proposing to purchase in kind within basin pine hardwood flatwoods credits an approved mitigation bank.

The comment period on the requested Department of the Army Permit will close **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 request and must be submitted 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 CEMVN project manager listed above or forwarded to the CEMVN at the address above, ATTENTION: REGULATORY DIVISION, RGC, Kenneth Blanke. Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment 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 requester will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous and inclusive of the initial comment period and will not exceed a total of 30 calendar days. This public notice is also available for review online at <https://go.usa.gov/xennJ>

USACE 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.

CEMVN is soliciting comments from area residents, 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 CEMVN 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 communities with environmental justice concerns, 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.

CEMVN is presently unaware of properties listed on the National Register of Historic Places at or near the proposed work but is pending further review in accordance with the National Historic Preservation Act. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this public notice will be sent to the State Archeologist, State Historic Preservation Officer, and federally listed tribes regarding potential impacts to cultural resources.

Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between CEMVN and the U.S. Fish and Wildlife Service, Ecological Services Office (USFWS), CEMVN has determined that the proposed project is located in an area which may be utilized by the Red-cockaded Woodpecker. CEMVN has requested a survey be completed to determine the presence of red-cockaded woodpecker at the project site to be coordinated with USFWS in order to avoid and minimize impacts to the species. CEMVN has determined that the proposed project would have no effect on any species listed as endangered by the U.S. Department of Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered 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, alteration, and/or disturbance of **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.

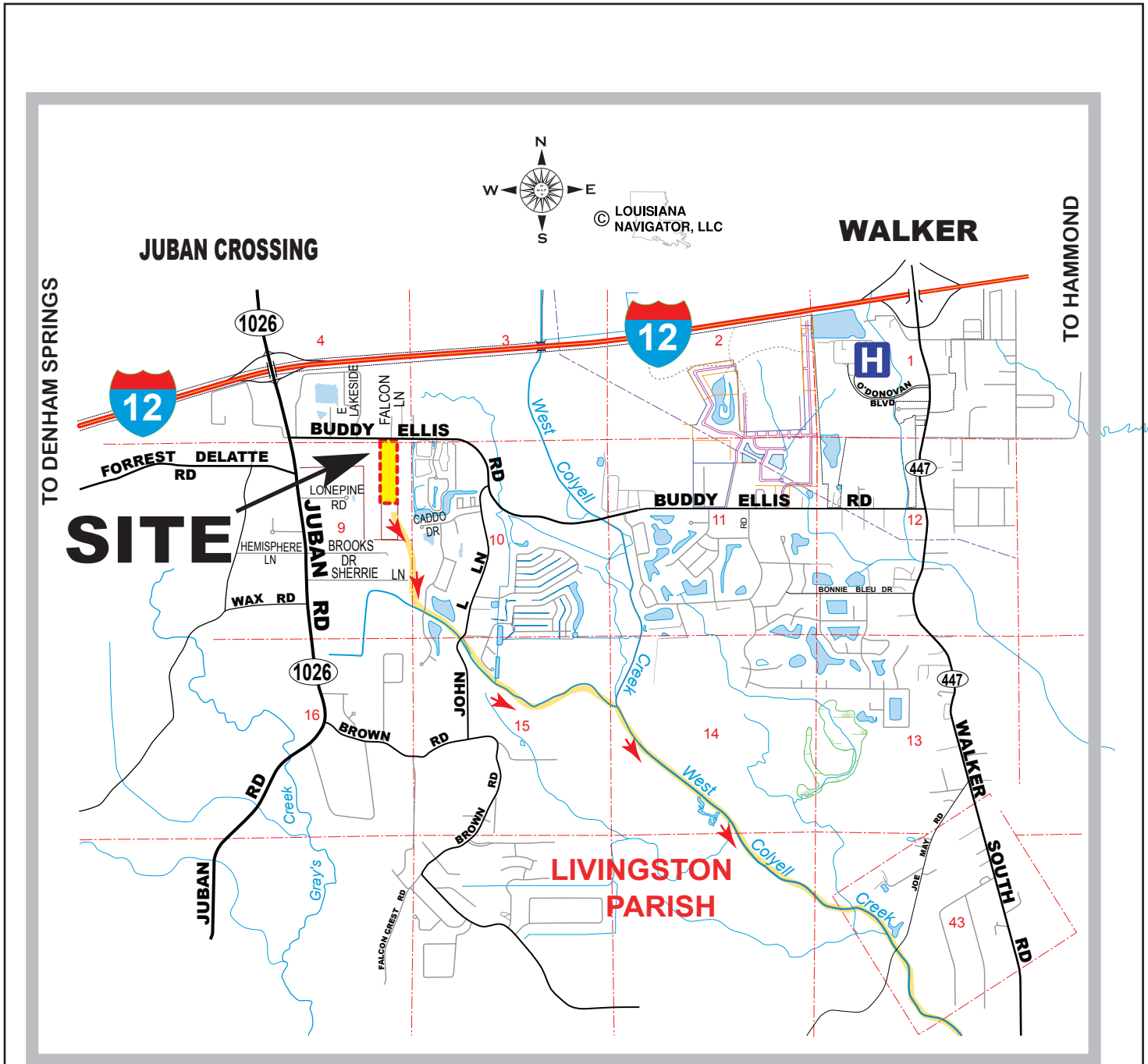
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. ***Also, a certification that the proposed activity will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

Any person may request, (preferably by email to the project manager, or 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.

John M. Herman
Chief, Central Evaluation Branch
Regulatory Division

Enclosures



0 1/2 1 Mile
SCALE - MILE

APPLICANT:

TOWER CAPITAL CORP.

SITE VICINITY

FOX TAIL RUN
RESIDENTIAL DEVELOPMENT
DENHAM SPRINGS
SECTION 9, T7S-R3E
LIVINGSTON PARISH, LA

SITE COORDINATES - CENTER

30.45714 N, -90.90786 W

PLEASE NOTE: MAP DATA IS FOR REFERENCE ONLY. THIS IS NOT A LEGAL SURVEY AND SHOULD NOT BE USED AS SUCH.

THIS SITE IS LOCATED IN FLOOD ZONE "X"
PER FEMA FLOOD INSURANCE RATE MAP
NUMBER: 22063C 0210E, DATED 4-03-2012.



HYDRIK

WWW.HYDRIK.COM

LEGEND:



= PROJECT SITE

= DRAINAGE DISCHARGE

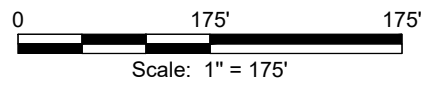
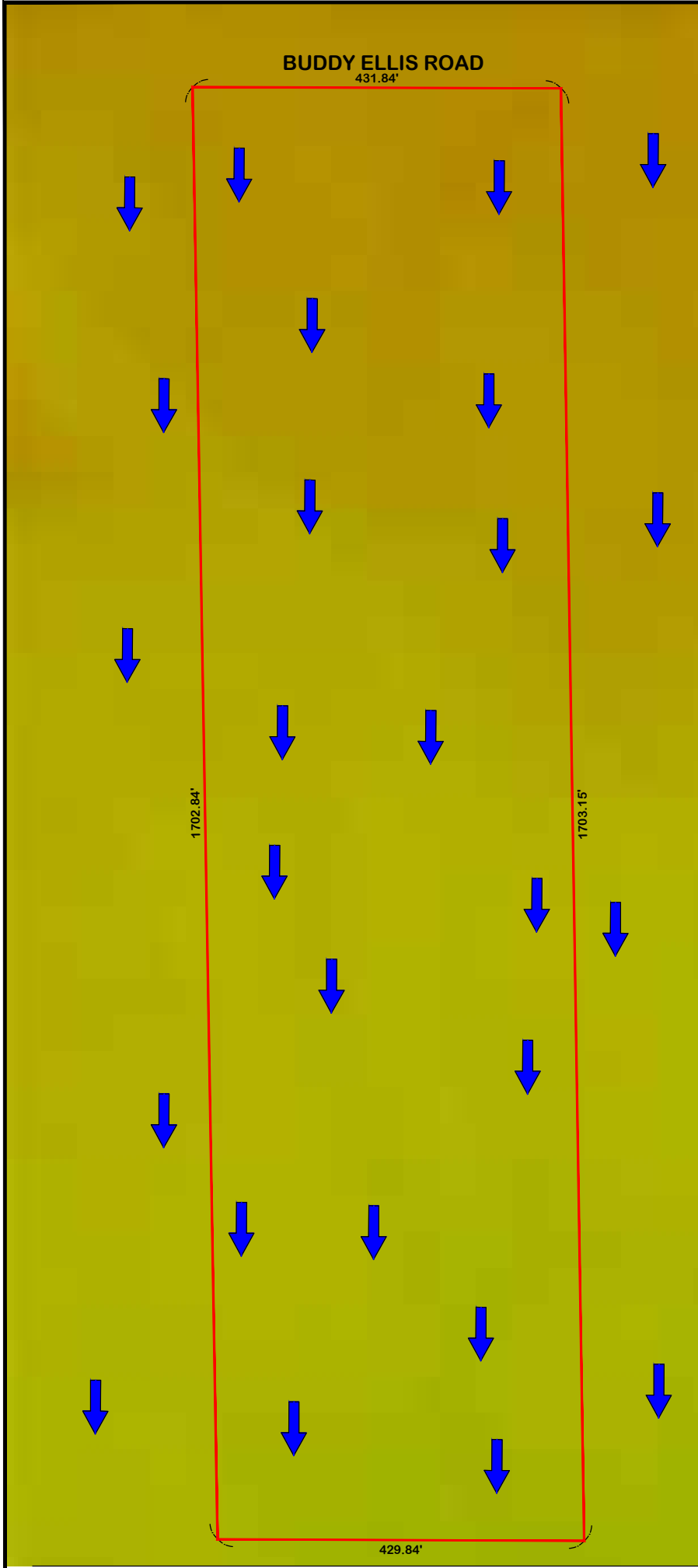
FIGURE

1



HF: 21145 ABC


DATE 3-30-2022

APPROVED:

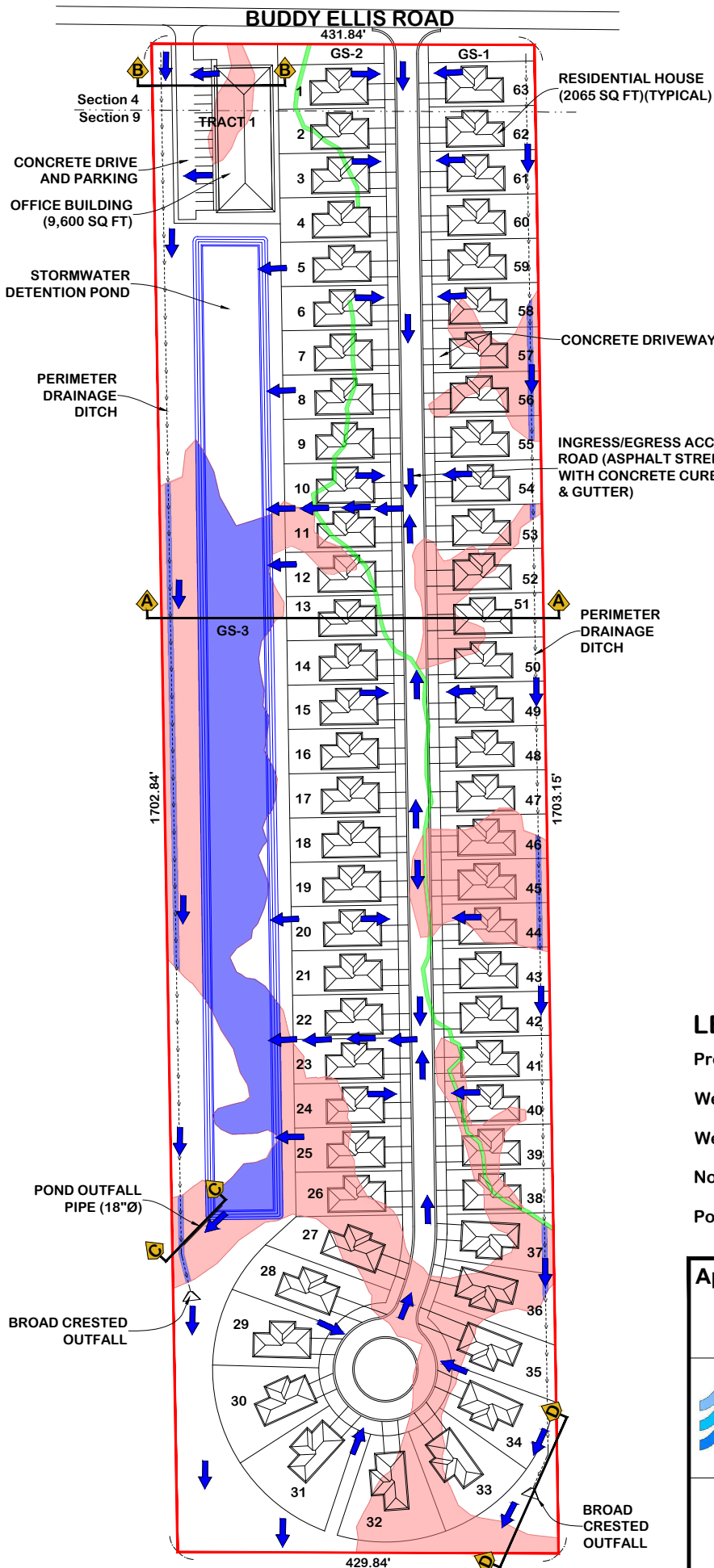


LEGEND

- Project Area (16.84 Acres) 
- Pre-Development Drainage Flow Arrow 

Applicant: Tower Capital Corporation		
 HYDRIK		
FOX TAIL RUN PRE DEVELOPMENT DRAINAGE Sections 4 & 9, T7S, R3E Livingston Parish, Louisiana		FIGURE 2
HF: 21145abc	DATE: 2024.01.30	APPROVED: --

PLEASE NOTE: MAP DATA IS FOR REFERENCE ONLY. THIS IS NOT A LEGAL SURVEY AND SHOULD NOT BE USED AS SUCH.



FILL QUANTITIES:

CONCRETE	2,032.27 CU YDS
SOIL CEMENT BASE	253.26 CU YDS
ASPHALT	63.32
EARTHEN MATERIAL	13,753.69 CU YDS

PROJECT DATA

PROJECT AREA	16.84 ACRES
TOTAL WETLAND ACRES	4.51 ACRES
TOTAL NON-WETLAND WATERS	0.13 ACRES
OFFICE	1 BUILDING
SINGLE FAMILY RESIDENCE	63 LOTS
COMMON AREAS	3 TRACTS

- STREET: 27' WIDE ASPHALT WITH CURB AND GUTTER
- POND: 2.17 ACRES

LEGEND

Project Area (16.84 Acres)	
Wetlands To Be Filled (3.10 Acres)	
Wetlands To Be Excavated (1.41 Acres)	
Non-Wetland Waters To Be Filled (0.13 Acres)	
Post Development Drainage Flows	

Applicant:

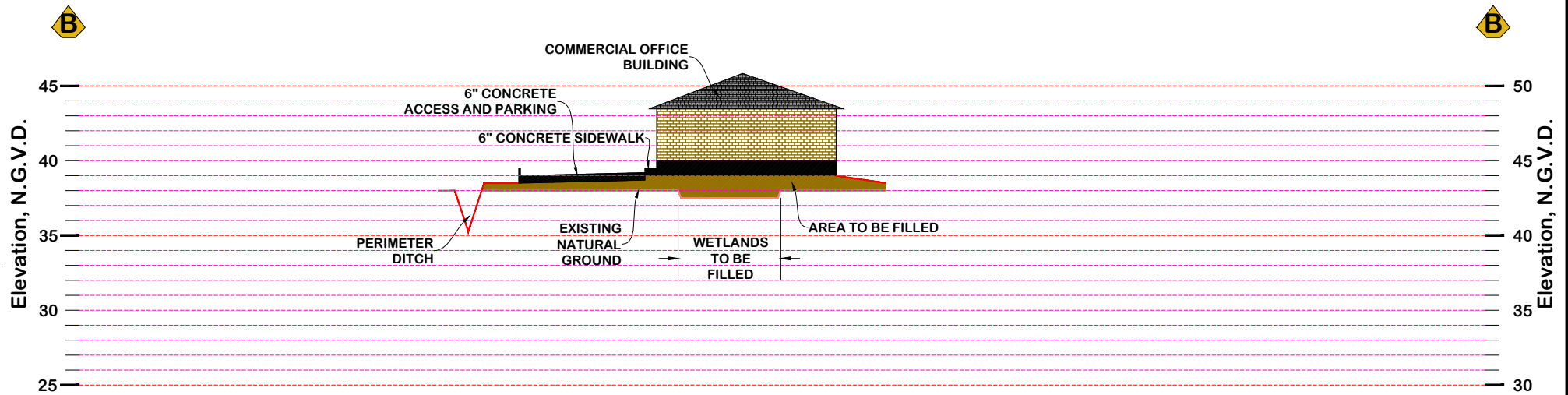
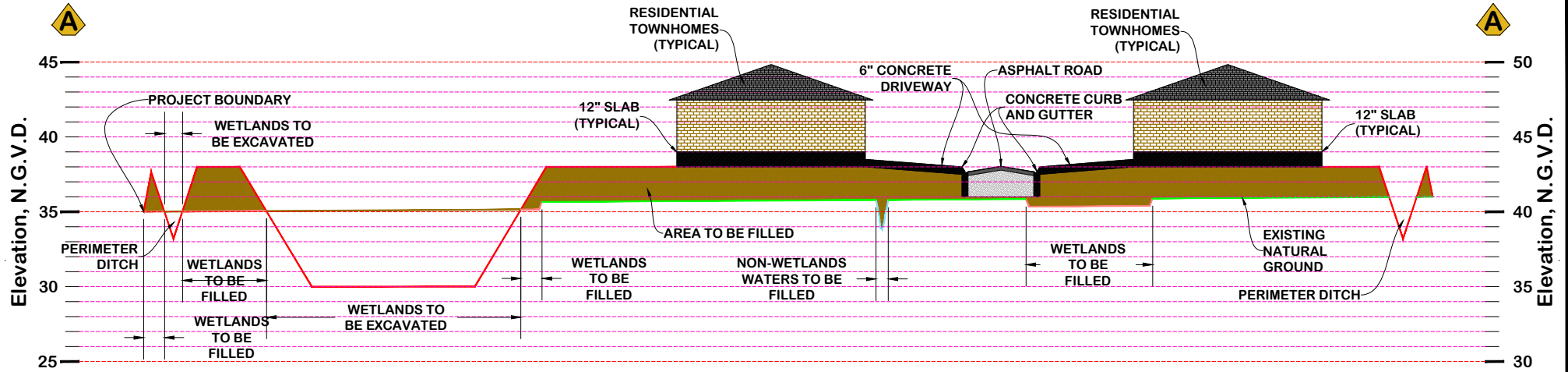
Tower Capital Corporation

**FOX TAIL RUN
DEVELOPMENT PLAN**
Sections 4 & 9, T7S, R3E
Livingston Parish, Louisiana

**FIGURE
3**

HF: 21145abc	DATE: 2024.01.30	APPROVED: --
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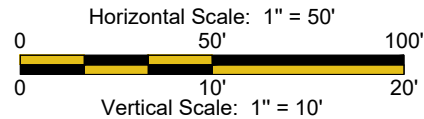
PLEASE NOTE: MAP DATA IS FOR REFERENCE ONLY. THIS IS NOT A LEGAL SURVEY AND SHOULD NOT BE USED AS SUCH.



LEGEND

- Proposed Concrete
- Soil Cement Base
- Proposed Fill
- Asphaltic Concrete

- Existing Natural Ground (Non-Wetland)
- Proposed Grade
- Wetlands To Be Filled
- Wetlands To Be Excavated
- Non-Wetland Waters Not To Be Filled



HF:
21145abc

DATE:
20223.10.23

APPROVED:
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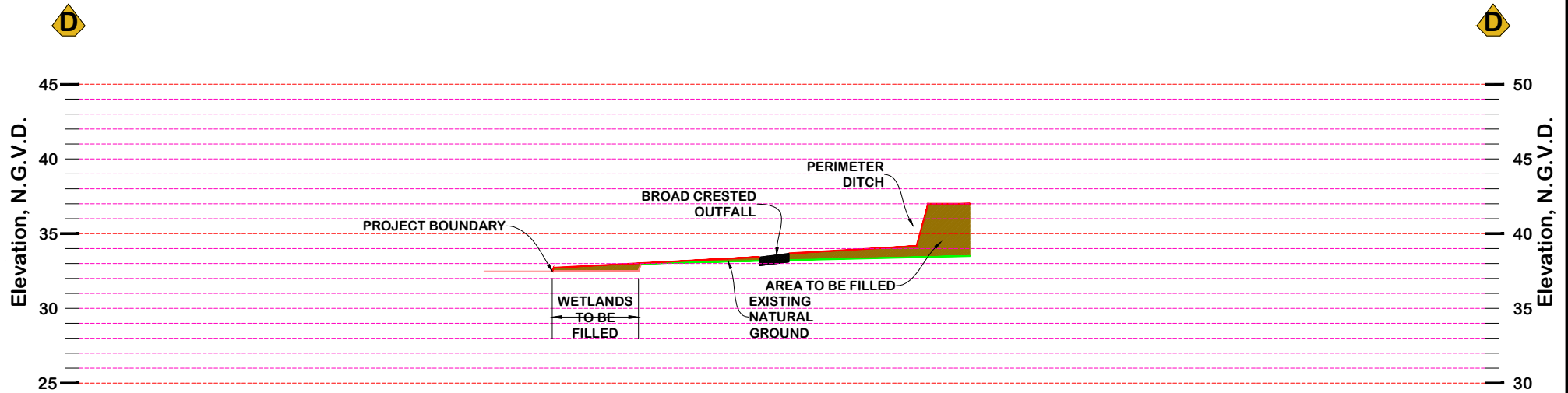
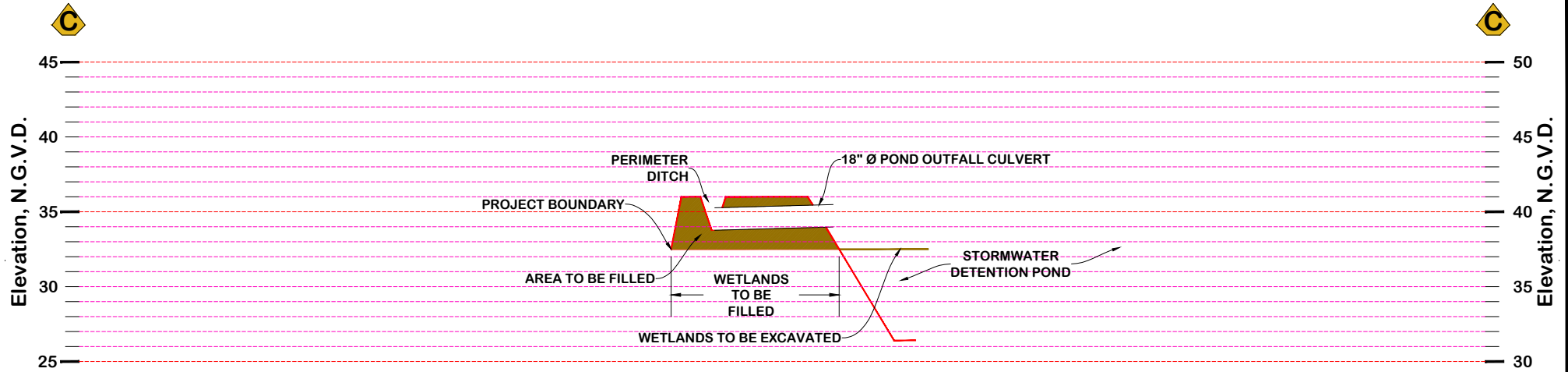
Applicant:

Tower Capital Corporation

Fox Tail Run
Cross Sections A-A and B-B
Sections 4 & 9, T7S, R3E
Livingston Parish, Louisiana

FIGURE

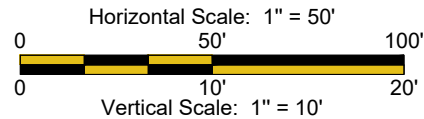
4



LEGEND

- Proposed Concrete
- Proposed Fill

- Existing Natural Ground (Non-Wetland)
- Proposed Grade
- Wetlands To Be Filled
- Wetlands To Be Excavated



HF:
21145abc

DATE:
20223.10.23

APPROVED:
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Applicant:

Standard Enterprises, Inc.

Fox Tail Run
Cross Sections C-C and D-D
Sections 4 & 9, T7S, R3E
Livingston Parish, Louisiana

FIGURE

5