



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

August 22, 2022

Regulatory Division
Central Evaluation Branch

Project Manager
S. Gail Gainey
(504) 862-1545
Sandra.g.gainey@usace.army.mil

SUBJECT: MVN-2022-00506-CG

PUBLIC NOTICE

Interested parties are hereby notified that an application has been received by the District engineer for a Department of the Army permit to authorize the following 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 () Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

PROPOSED MIXED-USE DEVELOPMENT IN LIVINGSTON PARISH

NAME OF APPLICANT: Tower Capital c/o Mike Henry of Hydrik, 2323 Highway 190 E, STE 2, Hammond, LA 70401

LOCATION OF WORK: On and south of Buddy Ellis Road, east of Juban Road, in Section 9, Township 7 South, Range 3 East, in Denham Springs, Louisiana, in Livingston Parish, within the Pontchartrain Basin in hydrologic unit (HUC 08070202), as shown on the attached drawings (Latitude 30.456972 N, Longitude -90.907897 W).

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 mixed-use development (Foxtail Run) to include a commercial business and parking lot, 62 homesites, roads, utilities, and drainage infrastructure. Approximately 45,443 cubic yards of earthen fill material would be excavated for a pond and redistributed to achieve required grade elevation requirements. The proposed project is situated on an approximately 17-acre tract and would impact approximately 4.4 acres of forested wetlands and approx. 0.13 acre of jurisdictional non-wetland waters of the US.

The applicant proposes to minimize secondary impacts to the maximum extent practicable by limiting the construction activity to the designated construction areas onsite, disposing of all removed fill and vegetation not approved as fill material to an off-site, non-jurisdictional location, 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 mitigate in-kind wetland credits from a Corps approved mitigation bank located in the watershed.

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 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 Section 404 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 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 not affect any species listed as endangered by the U.S. Department Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species.

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 New Orleans District has determined that the proposed project is located in an area which may be utilized by the red-cockaded woodpecker. The Corps has requested a survey be completed to determine the presence of red-cockaded woodpecker at the project site to be coordinated with the U.S. Fish and Wildlife Service in order to avoid and minimize impacts to the species.

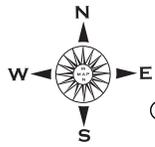
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of NA acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our 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.

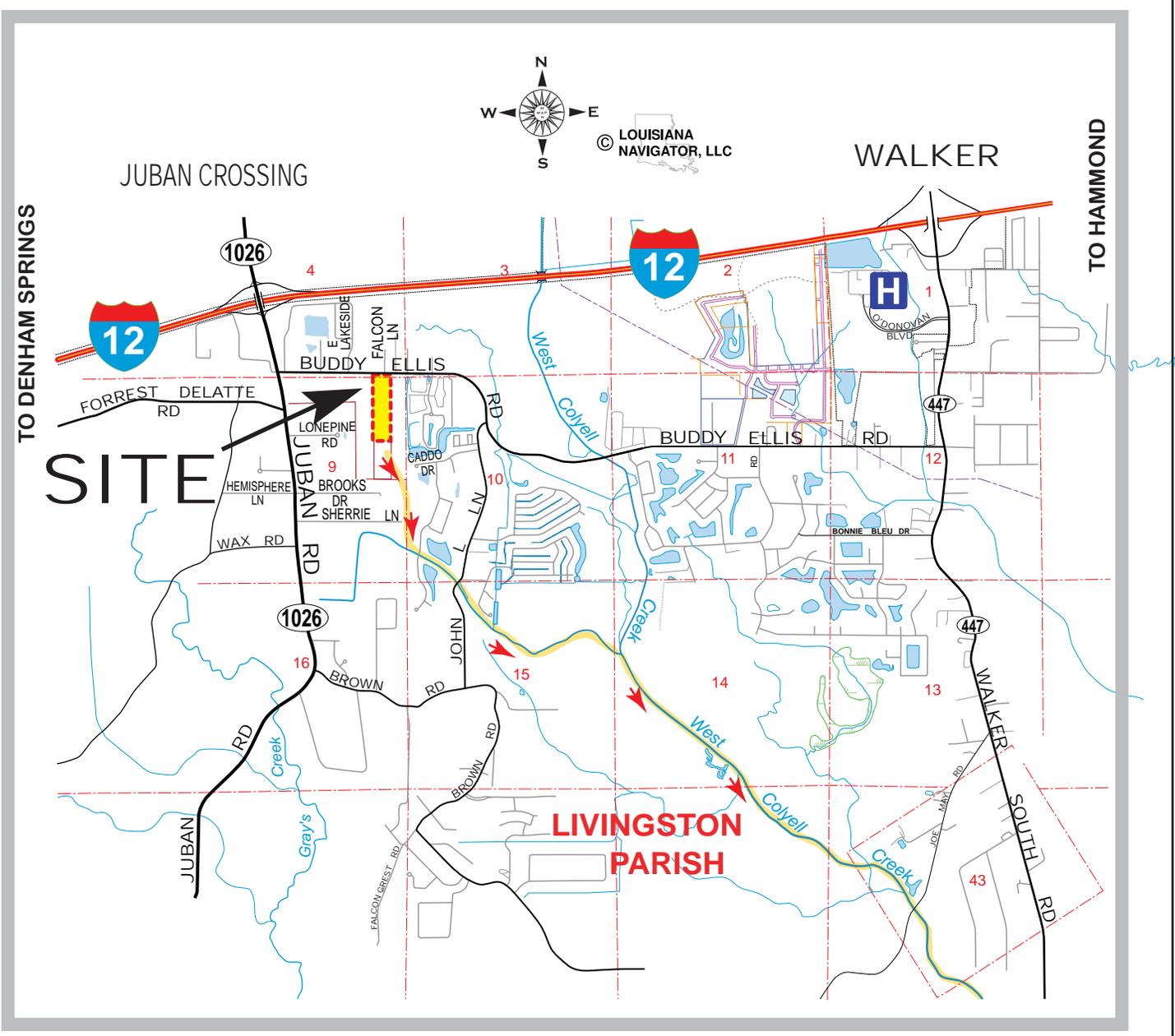
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

John M. Herman
Chief, Central Evaluation Branch
Regulatory Division

Enclosures



© LOUISIANA NAVIGATOR, LLC



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

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

HYDRIK
WWW.HYDRIK.COM

LEGEND:
 = PROJECT SITE
 = DRAINAGE DISCHARGE

FIGURE
1

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

HF: 21145 ABC

DATE: 3-30-2022

APPROVED:

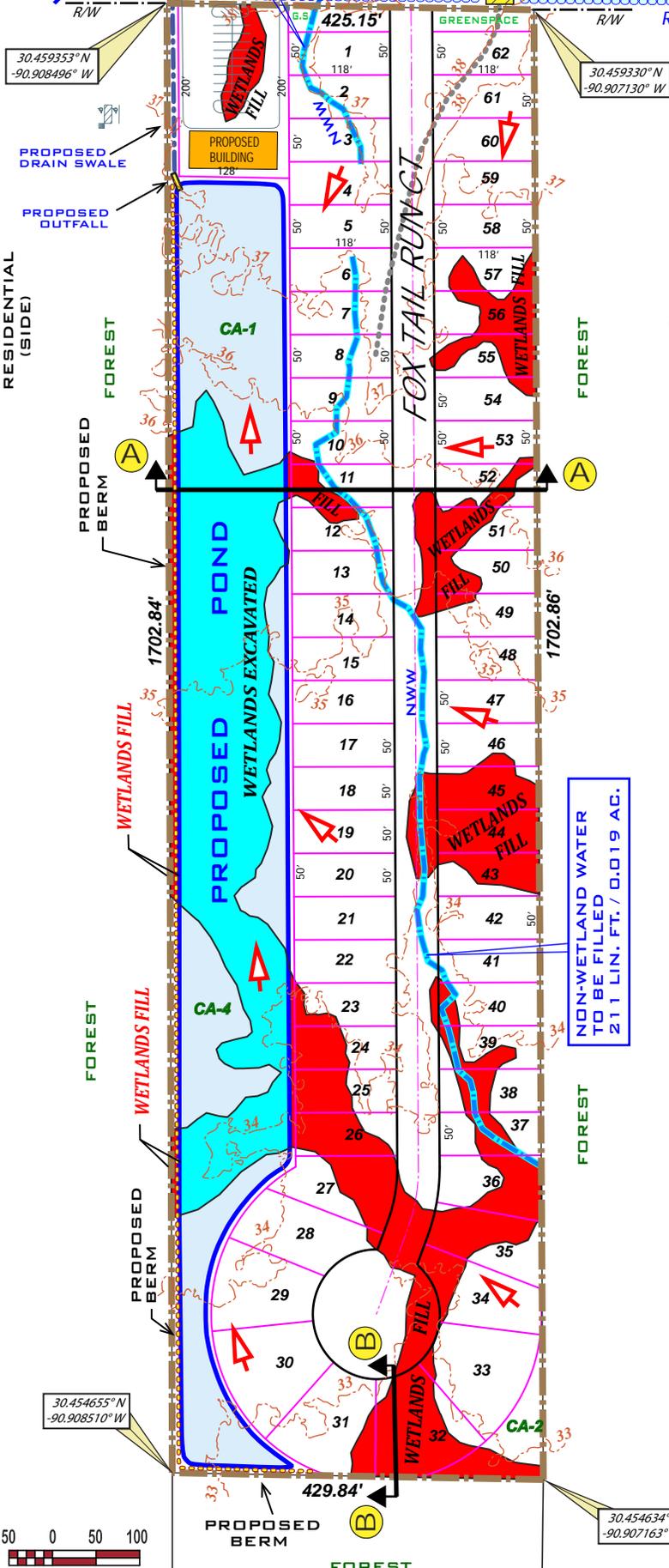
JUBAN RD (SIDE)

VILLAGE LN (SIDE)

NON-WETLAND WATER TO BE FILLED
211 LIN. FT. / 0.019 AC.

BUDDY ELLIS ROAD

FALCON LANE (SIDE)



PROJECT DATA

- TOTAL PROJECT AREA = 17.0 ACRES
- TOTAL WETLANDS = 4.40 ACRES
- RESIDENTIAL LOTS: 62
- COMMERCIAL TRACT: 1 (0.588 ACRE)
- COMMERCIAL BLDG. FOOTPRINT: 5,000 SQ. FT.
- COMMON AREAS: 4
- TOTAL LENGTH OF STREET: 1,550 LIN. FT. (50' R/W)
- DETENTION POND AREA: 3.75 ACRES

TOTAL VOLUME FILL:

- CLEAN SILT FROM ON SITE EXCAVATION = 54,443 CU. YDS.

LEGEND:

- SITE BOUNDARY (17.0 AC.)
- WETLANDS IMPACTED - VIA FILLING / GRADING: 2.522 AC.
- WETLANDS IMPACTED - VIA EXCAVATION: 1.878 AC.
- NON-WETLAND WATERS IMPACTED VIA FILLING/ GRADING: 1,405 LIN. FT / 0.13 AC.
- PROPOSED DETENTION POND - 3.75 ACRES
- DRAINAGE FLOW POST CONSTRUCTION
- PROPOSED BERM
- EXISTING ROADSIDE DRAIN
- EXISTING DIRT PATH
- EXISTING CULVERT

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

FOX TAIL RUN

MIXED-USE DEVELOPMENT
DENHAM SPRINGS
SECTION 9, T7S-R3E
LIVINGSTON PARISH, LA

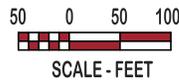
APPLICANT: TOWER CAPITAL CORPORATION

WWW.HYDRİK.COM

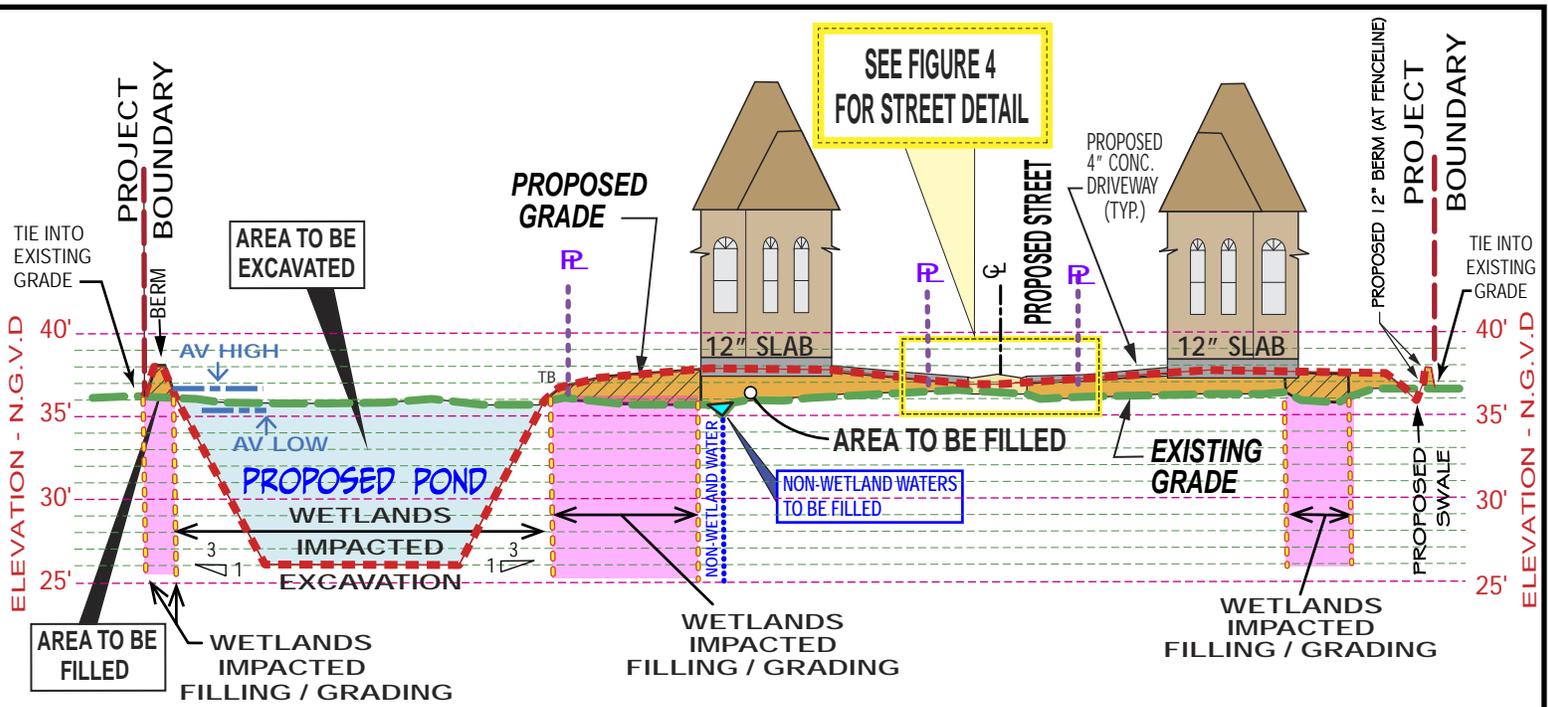
FIGURE 2

HF: 21145 ABC DATE: 3-30-2022

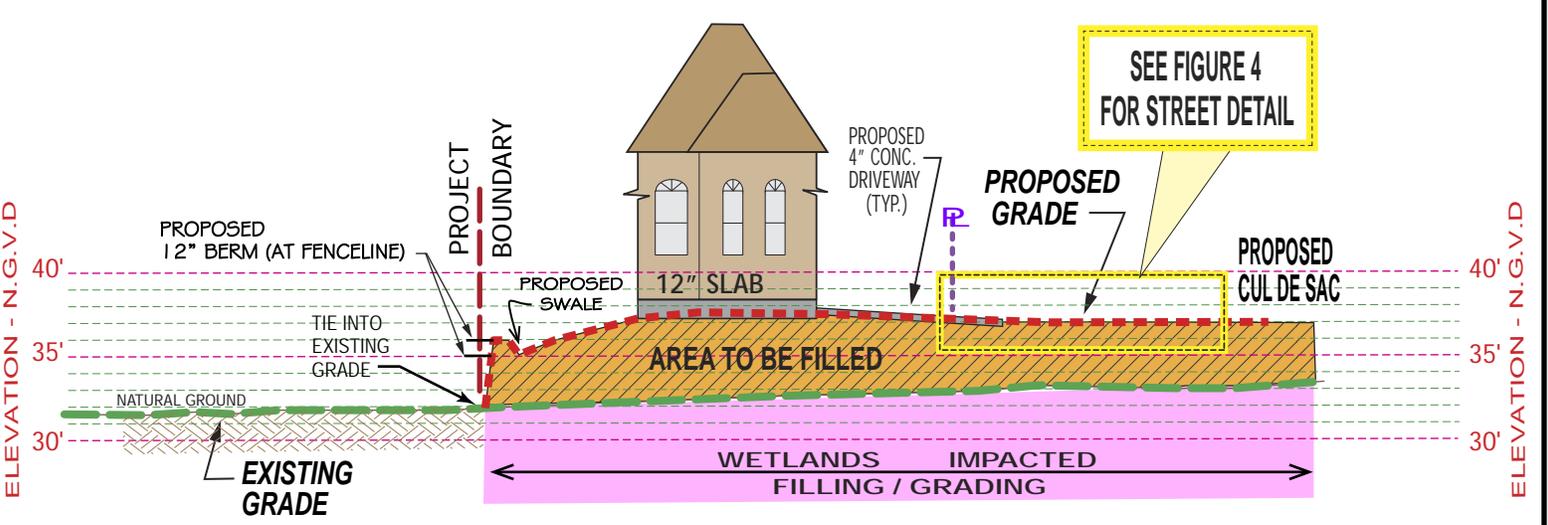
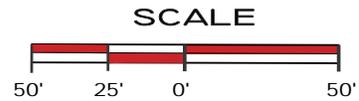
APPROVED:



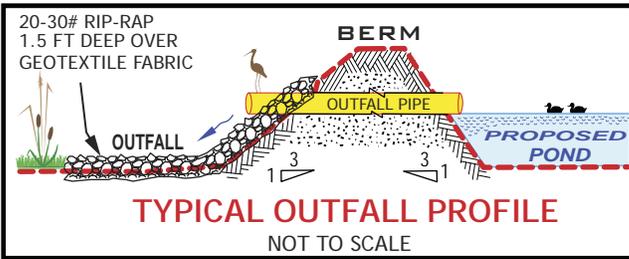
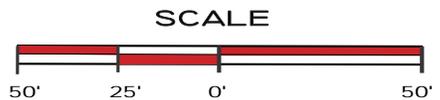
PLEASE NOTE: MAP DATA IS FOR REFERENCE ONLY. THIS IS NOT A LEGAL SURVEY AND SHOULD NOT BE USED AS SUCH.



SECTION A-A
PROFILE VIEW



SECTION B-B
PROFILE VIEW



LEGEND:

- EXISTING GRADE
- PROPOSED GRADE
- AREA TO BE FILLED
- NWW AREA TO BE FILLED
- PROPOSED CONCRETE
- AREA TO BE EXCAVATED

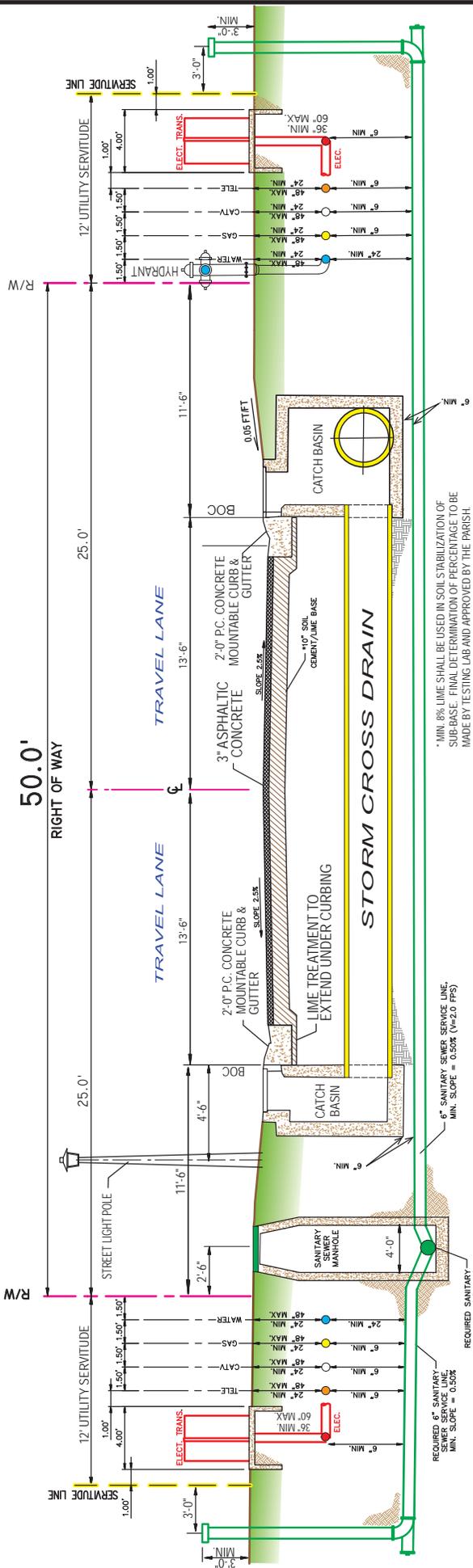
FOX TAIL RUN
MIXED-USE DEVELOPMENT
DENHAM SPRINGS
SECTION 9, T7S-R3E
LIVINGSTON PARISH, LA

APPLICANT: TOWER CAPITAL CORPORATION

HYDRIK
WWW.HYDRIK.COM

FIGURE
3

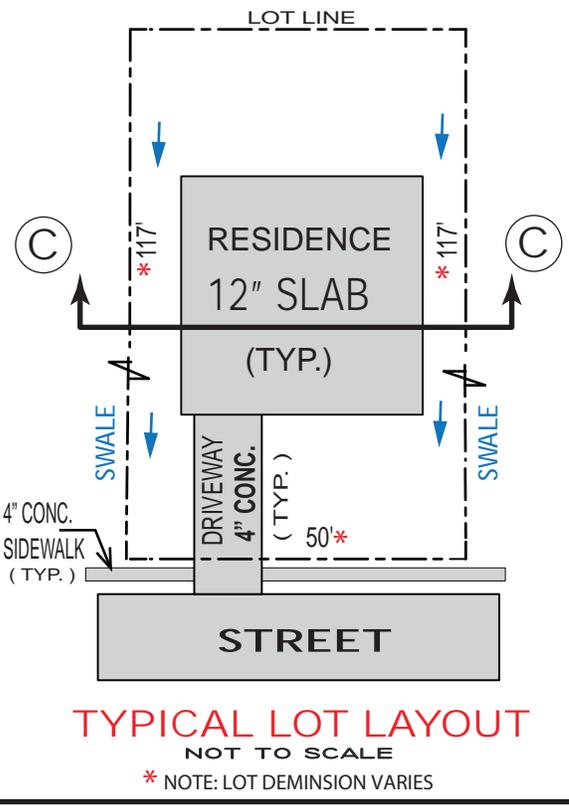
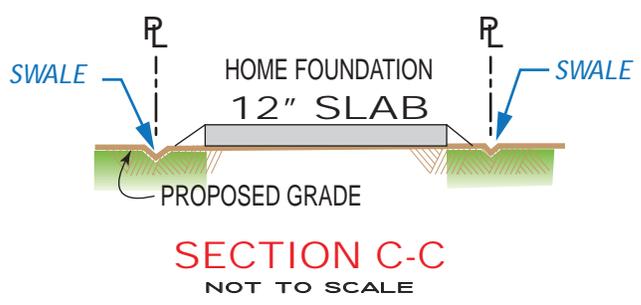
HF: 21145 ABC DATE: 3-30-2022 APPROVED:



* MIN. 8% LIME SHALL BE USED IN SOIL STABILIZATION OF SUB-BASE. FINAL DETERMINATION OF PERCENTAGE TO BE MADE BY TESTING LAB AND APPROVED BY THE PARISH

TYPICAL 50' STREET SECTION

SCALE: N.T.S.



FOX TAIL RUN

MIXED-USE DEVELOPMENT
DENHAM SPRINGS
SECTION 9, T7S-R3E
LIVINGSTON PARISH, LA

APPLICANT: TOWER CAPITAL CORPORATION

HYDRIK
WWW.HYDRIK.COM

FIGURE 4

HF: 21145 ABC

DATE: 3-30-2022

APPROVED: