

PUBLIC NOTICE

March 8, 2021

United States Army
Corps of Engineers
New Orleans District
Regulatory Branch
7400 Leake Avenue
New Orleans, Louisiana 70118

(504) 862-1217
Project Manager
Kenny Blanke
Kenneth.G.Blanke@usace.army.mil
MVN 2014-01360-CQ

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: [X] 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).

AFTER-THE-FACT ACCESS ROADS, SHOP AREA, CULVERTS, LAYDOWN YARD, AND DOCK AREA FOR RESIDENTIAL LOT NEAR PORT ALLEN, LOUISIANA IN WEST BATON ROUGE PARISH

NAME OF APPLICANT Sunset Farms, LLC., c/o Pangea Conservation & Compliance, LLC, Attn: Leonard McCauley, P.O. Box 40345, Baton Rouge, Louisiana 70835

LOCATION OF WORK: On an approximate 121.69-acre tract, located along and south of Rosedale Road, and along and north of Bayou Choctaw, within the Lower Mississippi River Basin, Lower Grand hydrologic unit (HUC 08070300), near Port Allen, Louisiana, in West Baton Rouge Parish (Latitude 30.4739 N, Longitude -91.3783 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 and Section 10 of the Rivers and Harbors Act of 1899. All legal issues concerning the unauthorized work have been deferred.

CHARACTER OF WORK: The applicant has requested an after-the-fact permit for the installation and maintenance of access roads, laydown areas, and culverts for access to an existing shop area on a residential lot. The application also requests an after-the-fact permit for the construction of an approximate 50-foot x 12-foot dock, with an attached 3-foot x 20-foot pier and 12-foot x 10-foot access walkway. Approximately 11.0 acres of jurisdictional forested wetlands were impacted prior to obtaining a Department of the Army permit authorization. Of these wetland impacts, approximately 7.7 acres are proposed to be restored and replanted with appropriate wetland tree species. The New Orleans District's Surveillance and Enforcement Section has accepted the applicant's restoration and replanting plan. Approximately 3.8 acres of jurisdictional forested wetlands (3.7 acres impacted without a permit and 0.1 acre of new forested wetland impacts) are to be impacted as a result of project implementation. Approximately 120 cubic yards of native onsite material and 60 cubic yards of hauled in gravel material would be placed as fill material in jurisdictional areas. Five (5) 24-inch, two (2) 18-inch, one (1) 16-inch, and seven (7) 12-inch culverts have been installed along the existing access roads through wetland areas to maintain hydrologic connectivity. The proposed project

purpose is for access to an existing residential lot, Bayou Choctaw, and existing shop along the upland area along the spoil bank of Bayou Choctaw.

The applicant stated that the impacted area has been minimized through the proposed restoration and replanting of approximately 7.7 acres of the forested wetland habitat areas that were impacted without a Department of the Army permit. The applicant has stated that any unavoidable impacts to jurisdictional wetlands would be compensated through the purchasing of appropriate wetland credits at a Corps approved mitigation bank.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of a permit is determined to be contrary to the overall public interest

The comment period for the 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 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.**

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 State Historic Preservation Officer.

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 Commerce.

Utilizing the Information & Planning Consultation for Endangered Species in Louisiana

(IPaC), 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 Corps has determined that the proposed activity will have no effect on any known 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 Section
Regulatory Branch

Enclosure



Legend

Site Boundary (121.69 ac.)

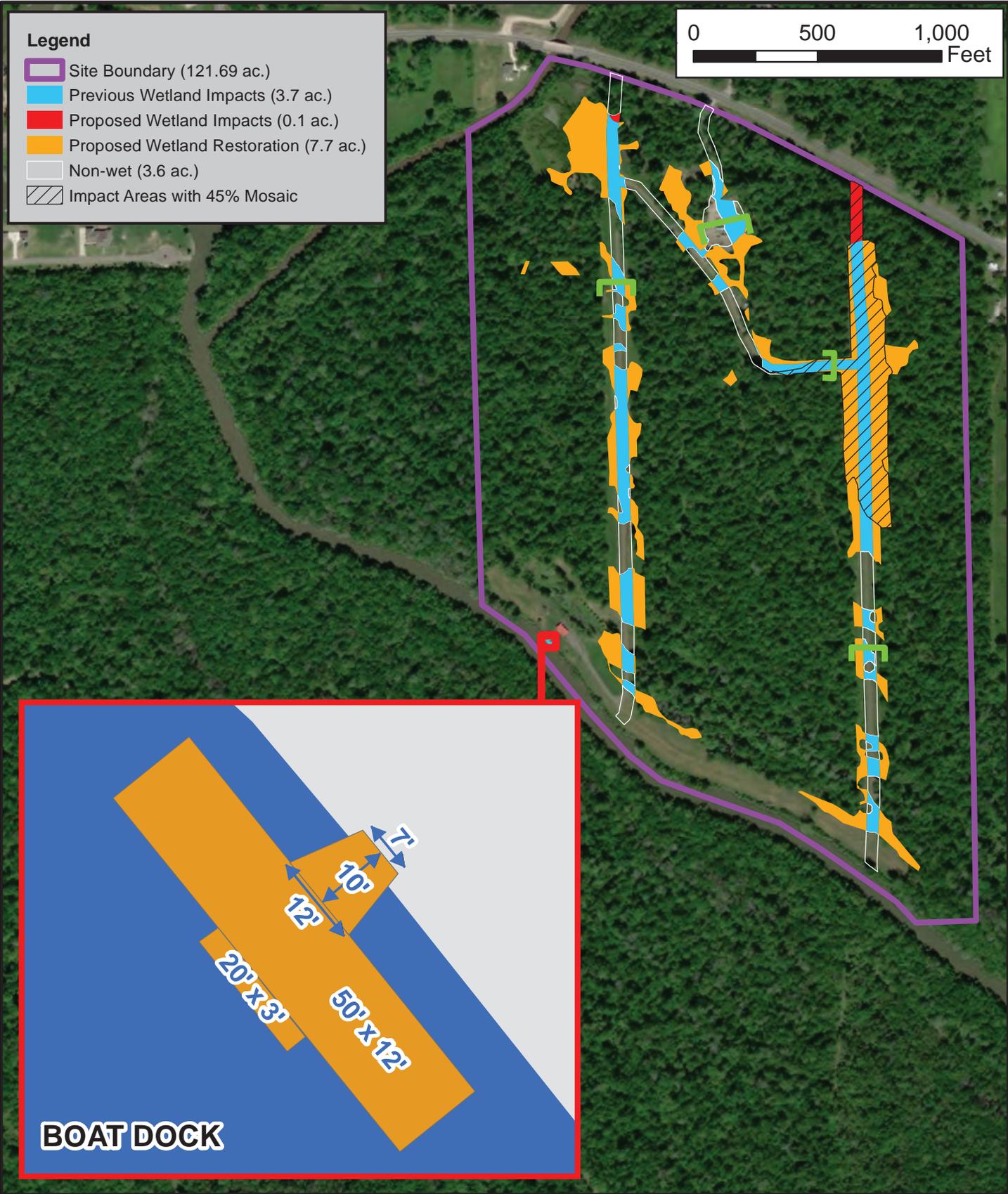


Sunset Farms - Topographic Vicinity Map

West Baton Rouge Parish, LA



Figure: 1
 Date: September 2020
 Scale: 1:130,000



Sunset Farms - Proposed Wetland Impacts

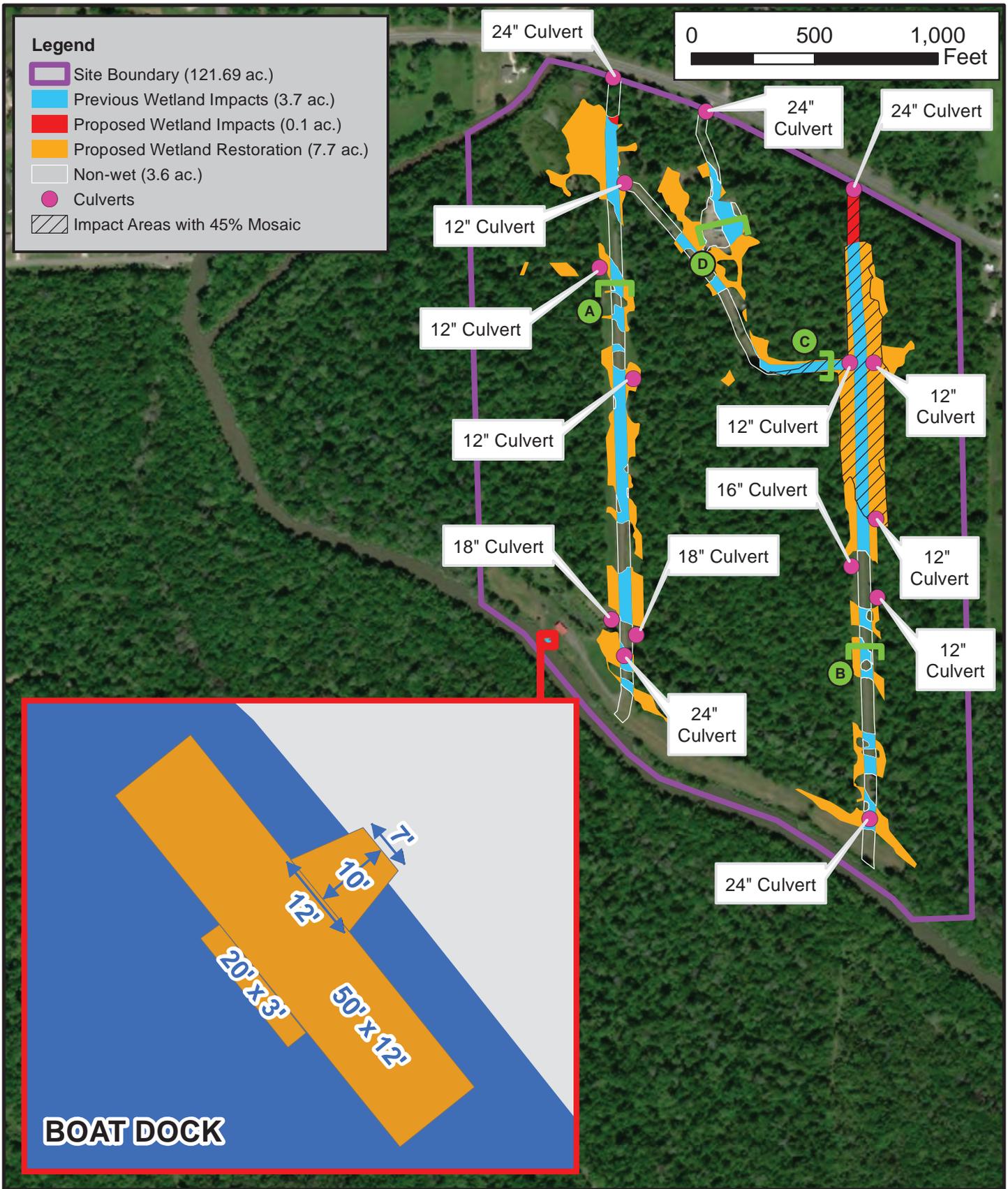
West Baton Rouge Parish, LA



Figure: 2

Date: February 2021

Scale: 1:6,500



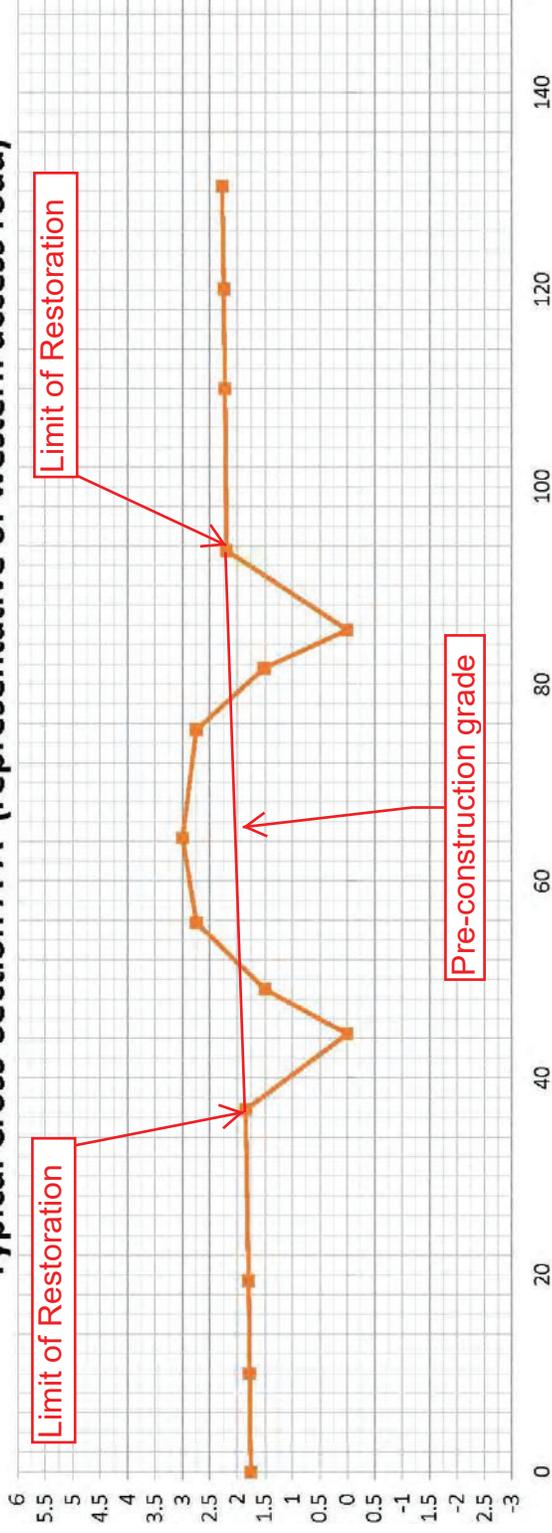
Sunset Farms - Plan View of Cross-Section Locations

West Baton Rouge Parish, LA

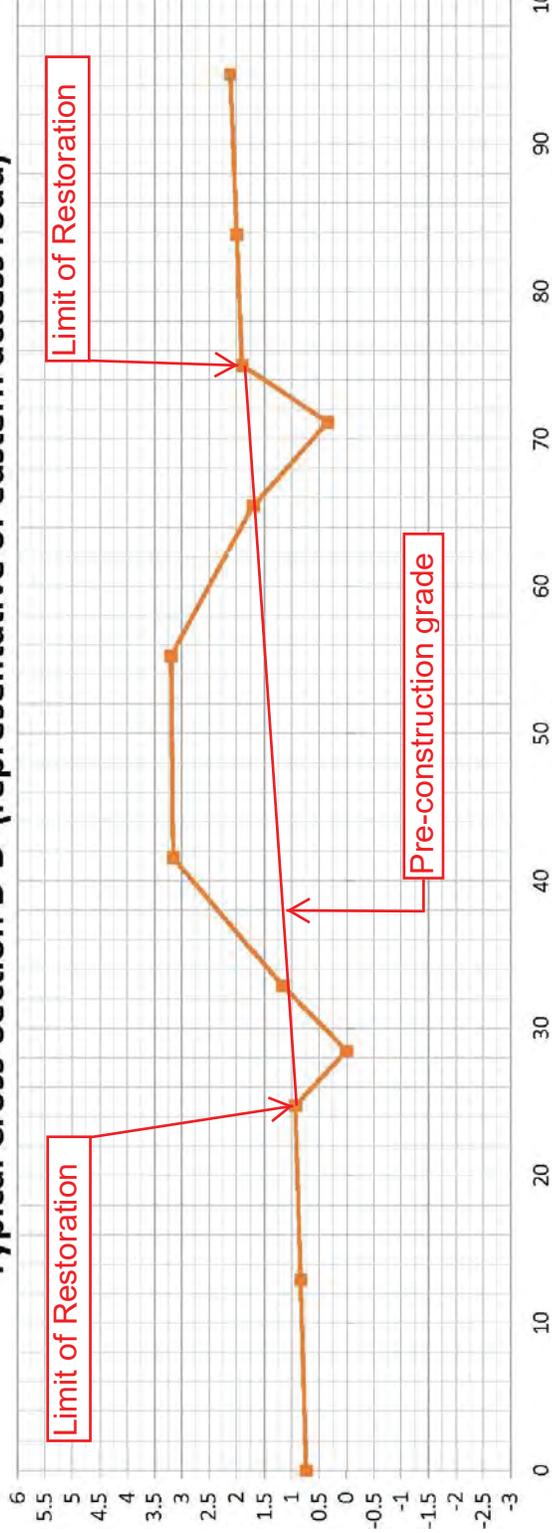


Figure: 3
 Date: February 2021
 Scale: 1:6,500

Typical Cross-Section A-A' (representative of western access road)



Typical Cross-Section B-B' (representative of eastern access road)



Note:
Elevations are in linear ft (y-axis).
Distances shown are in linear ft (x-axis).

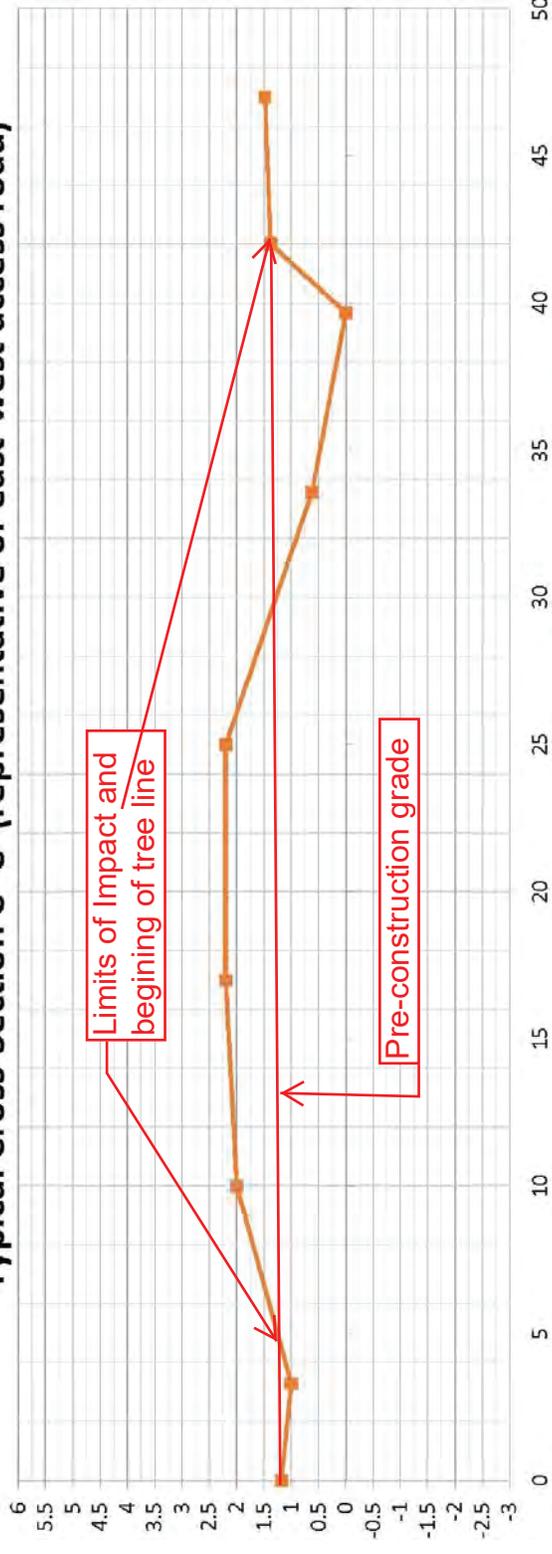
TYPICAL CROSS-SECTIONS A-A' & B-B'

Sunset Farms
West Baton Rouge Parish, Louisiana

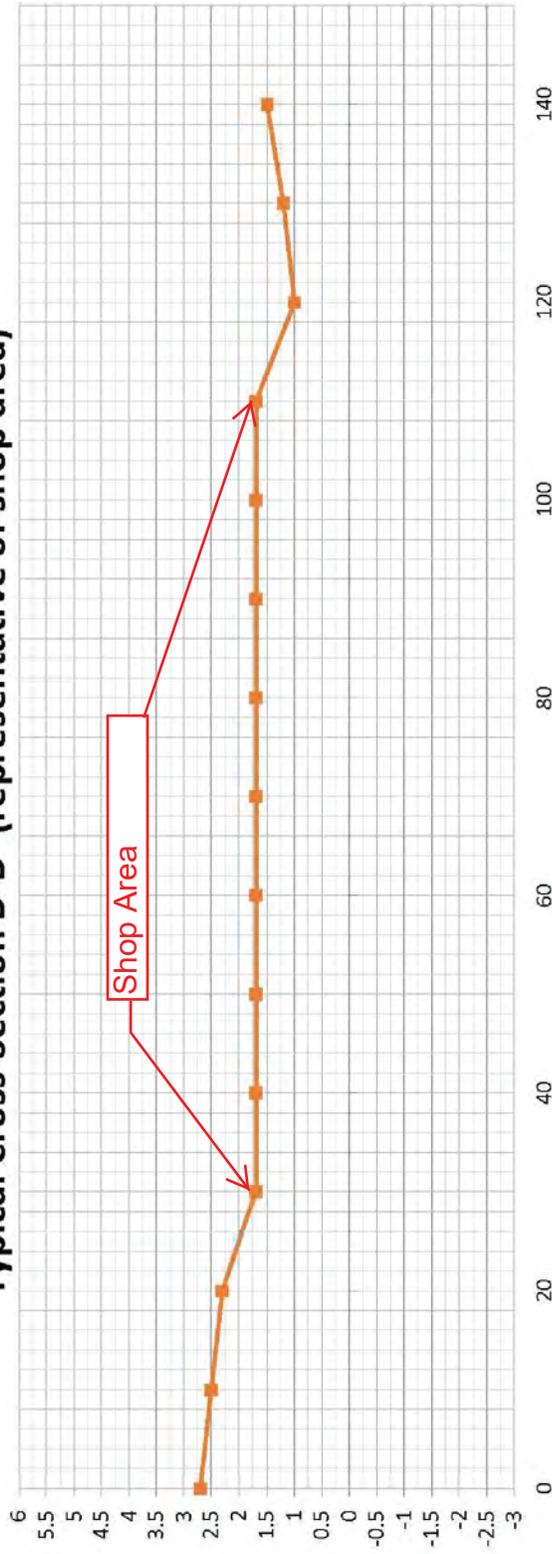


Figure: 3a
Date: November 2020
Scale: N/A

Typical Cross-Section C-C' (representative of east-west access road)



Typical Cross-Section D-D' (representative of shop area)



Note:
Elevations are in linear ft (y-axis).
Distances shown are in linear ft (x-axis).

TYPICAL CROSS-SECTIONS C-C' & D-D'

Sunset Farms
West Baton Rouge Parish, Louisiana



Figure: 3b
Date: November 2020
Scale: N/A