



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

October 17, 2022

Regulatory Division
Western Evaluation Branch

Project Manager:
Johnny Duplantis
(504) 862-2548
johnny.j.duplantis@usace.army.mil

Application #: MVN-2015-00485-WPP

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 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).

BORROW PIT AND RESTORATION PROJECT IN CALCASIEU PARISH

NAME OF APPLICANT: Five S Industrial, co: Hydrik, 2323 190 East, Suite 2, Hammond, LA 70401.

LOCATION OF WORK: Project located at Latitude 30.11217, Longitude -93.36420, in the community of Sulphur, in Calcasieu Parish, Louisiana,

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 been deferred.

CHARACTER OF WORK: This proposal was previously placed on Public Notice on April 1, 2019, which did not result in a DA permit being issued. The applicant proposes construction of a borrow pit to supply local and parish levels with a new source of borrow material for upcoming projects. The borrow pit proposal will consist of clearing the vegetation and topsoil and installing infrastructure to accommodate the mining of clay materials from an approximately 90-acre site near Sulphur, Louisiana. The proposal would permanently impact 10.6 acre of jurisdictional forested wetlands. The applicant proposes the restoration of approximately 33.99 acres of previously impacted wetlands which occurred during previously unauthorized construction of the borrow pit. A site restoration plan is included in this Public Notice. The applicant proposes to purchase required in-kind credits from an approved mitigation bank to offset any unavoidable losses to wetland functions caused by project implementation, should a DA permit be issued.

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 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 Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGW, Johnny Duplantis**. 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>

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 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.

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. Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and the U.S. Fish and Wildlife Service, it has been determined that the project would have no effect to any listed 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 **0.0 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.

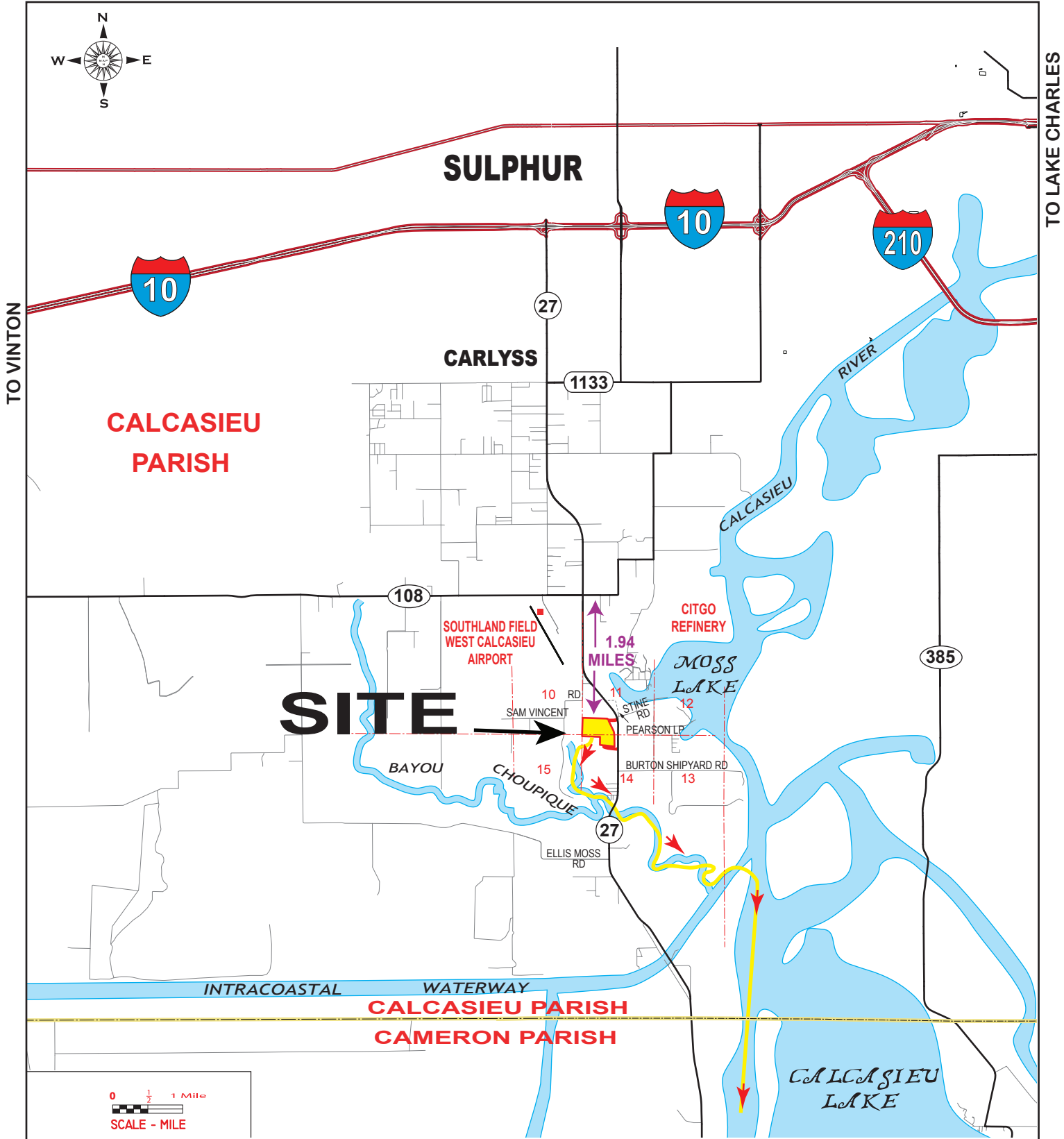
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. *Also, a certification that the proposed activity will not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

Any person may request 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, and can be preferably emailed to the USACE project manager listed above or mailed to the address listed above.

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.

Darrell S. Barbara
Chief, Western Evaluation Branch
Regulatory Division

Enclosures



SITE VICINITY

LAWTON TRACT
 SECTIONS 10, 11 & 14, T11S-R10W
 CALCASIEU PARISH, LA




HYDRIK
 WETLANDS - GIS - FLOOD CONTROL
 WWW.HYDRIK.COM (985)429-0333

APPLICANT:

FIVE S INDUSTRIAL

LEGEND

 = PROJECT SITE


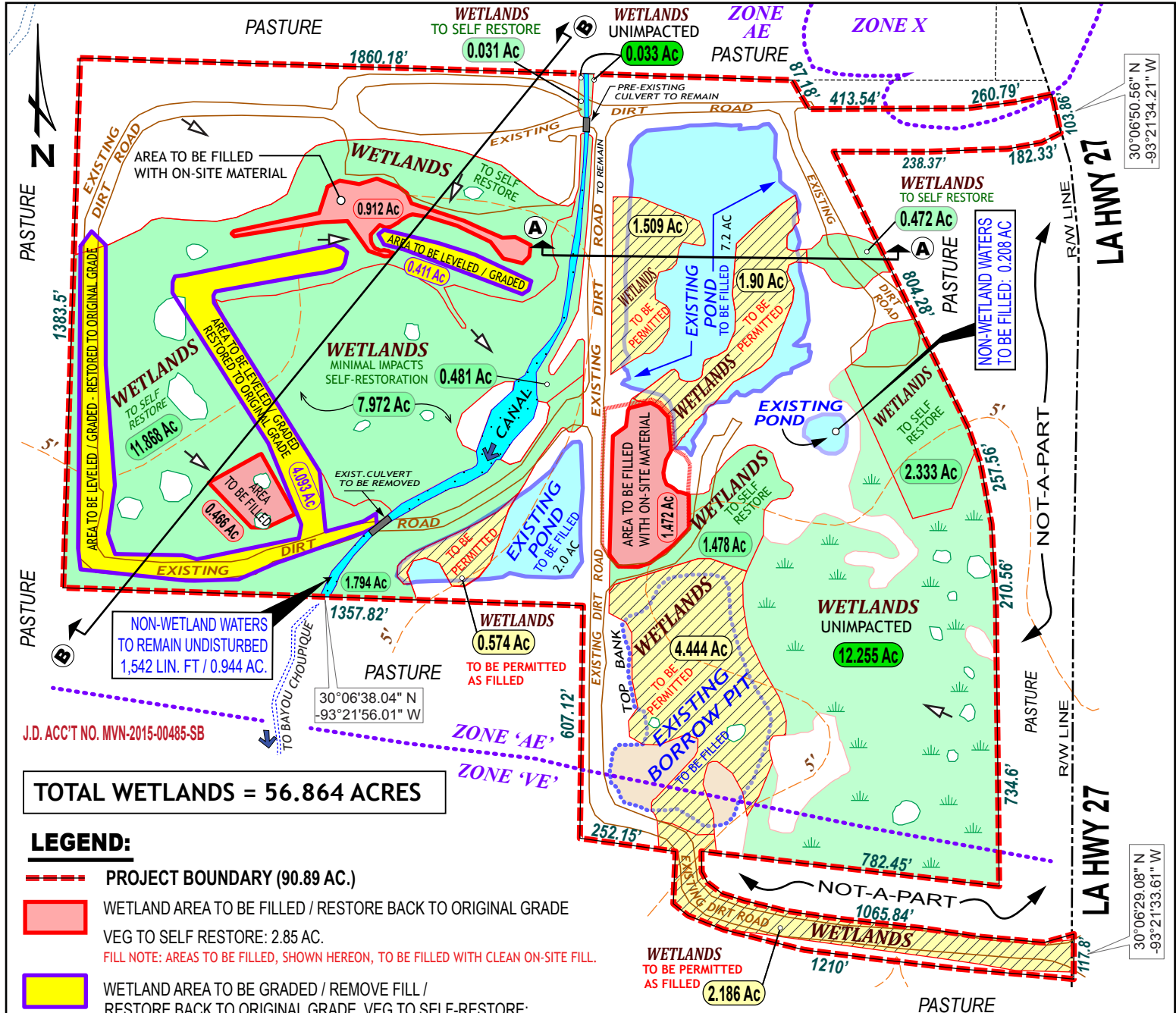
 = DRAINAGE DISCHARGE

FIGURE
1

SITE COORDINATES
 30.11217 N, -93.36420 W

PLEASE NOTE: MAP DATA IS FOR REFERENCE ONLY. THIS IS NOT A LEGAL SURVEY AND SHOULD NOT BE USED AS SUCH. HF: 1799 175C DATE 9-26-2018 APPROVED:



TOTAL WETLANDS = 56.864 ACRES

LEGEND:

- PROJECT BOUNDARY (90.89 AC.)
- WETLAND AREA TO BE FILLED / RESTORE BACK TO ORIGINAL GRADE
VEG TO SELF RESTORE: 2.85 AC.
FILL NOTE: AREAS TO BE FILLED, SHOWN HEREON, TO BE FILLED WITH CLEAN ON-SITE FILL.
- WETLAND AREA TO BE GRADED / REMOVE FILL / RESTORE BACK TO ORIGINAL GRADE, VEG TO SELF-RESTORE: 4.504 AC.
- WETLANDS UNDISTURBED
12.255 ACRES
- WETLANDS W/ MINIMAL IMPACTS
26.462 ACRES (SELF RESTORATION) U.A.
- WETLANDS IMPACTED VIA FILL/GRADED
10.613 ACRES (TO BE PERMITTED) U.A.
- NON-WETLAND WATERS**
- TO REMAIN / NOT IMPACTED:
1,542 LIN. FT / 0.944 AC
- EXISTING POND TO BE FILLED (9.20 AC.)
- EXISTING BORROW PIT (4.35 AC.)
- ▶ DRAINAGE FLOW
- 5' ELEVATION / LINE

THIS SITE IS LOCATED IN FLOOD ZONES "AE", "VE" & "X" PER FEMA FLOOD INSURANCE RATE MAP NUMBER: 22019C 0630 F, DATED 2/18/2011; COMMUNITY NO. 220037; BASE FLOOD ELEV. = 9'-11"



SCALE

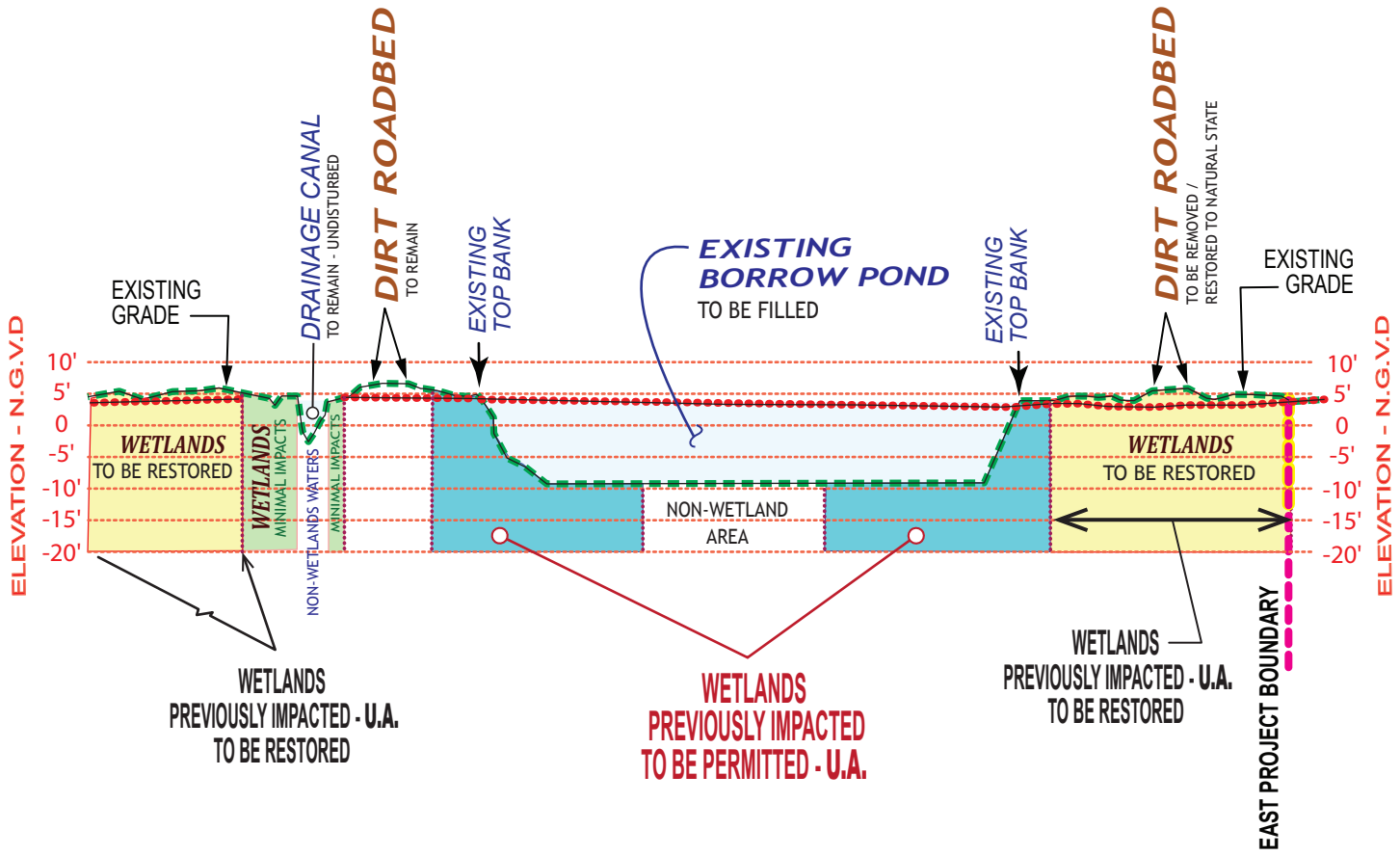
WETLANDS SUMMARY	
WETLANDS TO BE RESTORED (U.A.)	33.996 AC.
WETLANDS TO BE PERMITTED (U.A.)	10.613 AC.
WETLANDS UNDISTURBED	12.255 AC.

APPLICANT:
FIVE S INDUSTRIAL

LAWTON TRACT
SECTIONS 10, II & 14, TIIS-RIOW
CALCASIEU PARISH, LA

FIGURE
2

WETLANDS - GIS CONSULTING
WWW.HYDRİK.COM (985)429-0333



SECTION A-A

WETLANDS RESTORATION PROFILE VIEW

PROFILE VIEW
LOOKING NORTH

LEGEND:

- EXISTING GRADE
- PROPOSED GRADE - RETURN TO NATURAL GRADE
- WETLANDS W/ MINIMAL IMPACTS (U.A.) SELF RESTORATION
- WETLANDS IMPACTED (U.A.) TO BE RESTORED
- WETLANDS IMPACTED (U.A.) TO BE PERMITTED
- EXISTING WATER BODY

NOTE:

DEPTH OF EXISTING BORROW PIT SHOWN HEREON IS APPROXIMATE, DEPTH UNKNOWN.

PROFILE VIEW

LAWTON TRACT
SECTIONS 10, 11 & 14, T11S-R10W
CALCASIEU PARISH, LA

APPLICANT: **FIVE S INDUSTRIAL**

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WETLANDS - GIS CONSULTING
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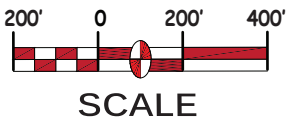


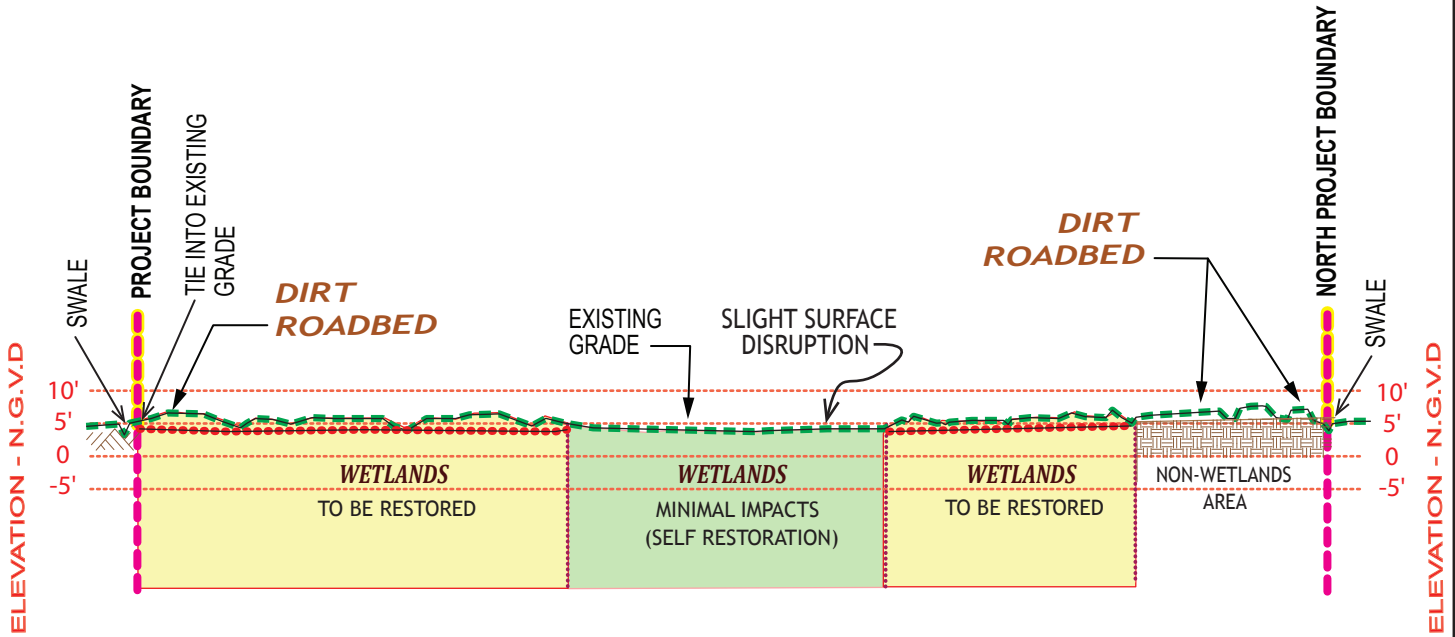
FIGURE 3A

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HF: 1799 175C

DATE: 11-01-2018
6-04-2020

APPROVED:



SECTION B-B WETLANDS RESTORATION PROFILE VIEW

PROFILE VIEW
LOOKING NORTHWEST

LEGEND:

- EXISTING GRADE
- PROPOSED GRADE - RETURN TO NATURAL GRADE
- WETLANDS W/ MINIMAL IMPACTS (**U.A.**) SELF RESTORATION
- WETLANDS IMPACTED (**U.A.**) TO BE RESTORED

PROFILE VIEW

LAWTON TRACT
SECTIONS 10, II & 14, T1IS-RIOW
CALCASIEU PARISH, LA

APPLICANT: **FIVE S INDUSTRIAL**



HYDRİK
WETLANDS - GIS - FLOOD CONTROL
WWW.HYDRİK.COM (985)429-0333

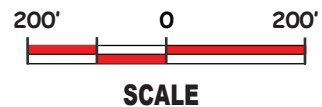


FIGURE
4

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HF: 1799 175C

DATE: 11-01-2018

APPROVED: