

# JOINT PUBLIC NOTICE

April 1, 2019

United States Army  
Corps of Engineers  
New Orleans District  
Regulatory Branch  
7400 Leake Avenue  
New Orleans, LA 70118-3651

State of Louisiana  
Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, LA 70821-4313  
Attn: Water Quality Certifications

(504) 862-2548/ FAX (504) 862-2574  
Project Manager  
Johnny Duplantis  
Permit Application Number  
MVN-2015-00485-WPP

(225) 219-3225/FAX (225) 325-8125  
Project Manager  
Elizabeth Hill  
WQC Application Number  
WQC # 190327-01

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).

Application has also been made to the Louisiana Department of Environmental Quality, for a Water Quality Certification (WQC) in accordance with statutory authority contained in Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provisions of Section 401 of the Clean Water Act (P.L.95-17).

## **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:** 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.**

**DESCRIPTION:** 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 8.1 acre of jurisdictional forested wetlands. The applicant proposes the restoration of approximately 27.84 acres 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 for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **20 days** from the date of this joint 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 and/or this WQC 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**. Similar letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 5:00 p.m. Copies may be obtained upon payment of costs of reproduction.

### **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.

No properties listed on the National Register of Historic Places are 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 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. Utilizing Standard Local Operating Procedure for Endangered Species in Louisiana (SLOPES), dated October 22, 2014, 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 would have no effect on 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 would result in the destruction or alteration of 0.0 acre(s) 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.

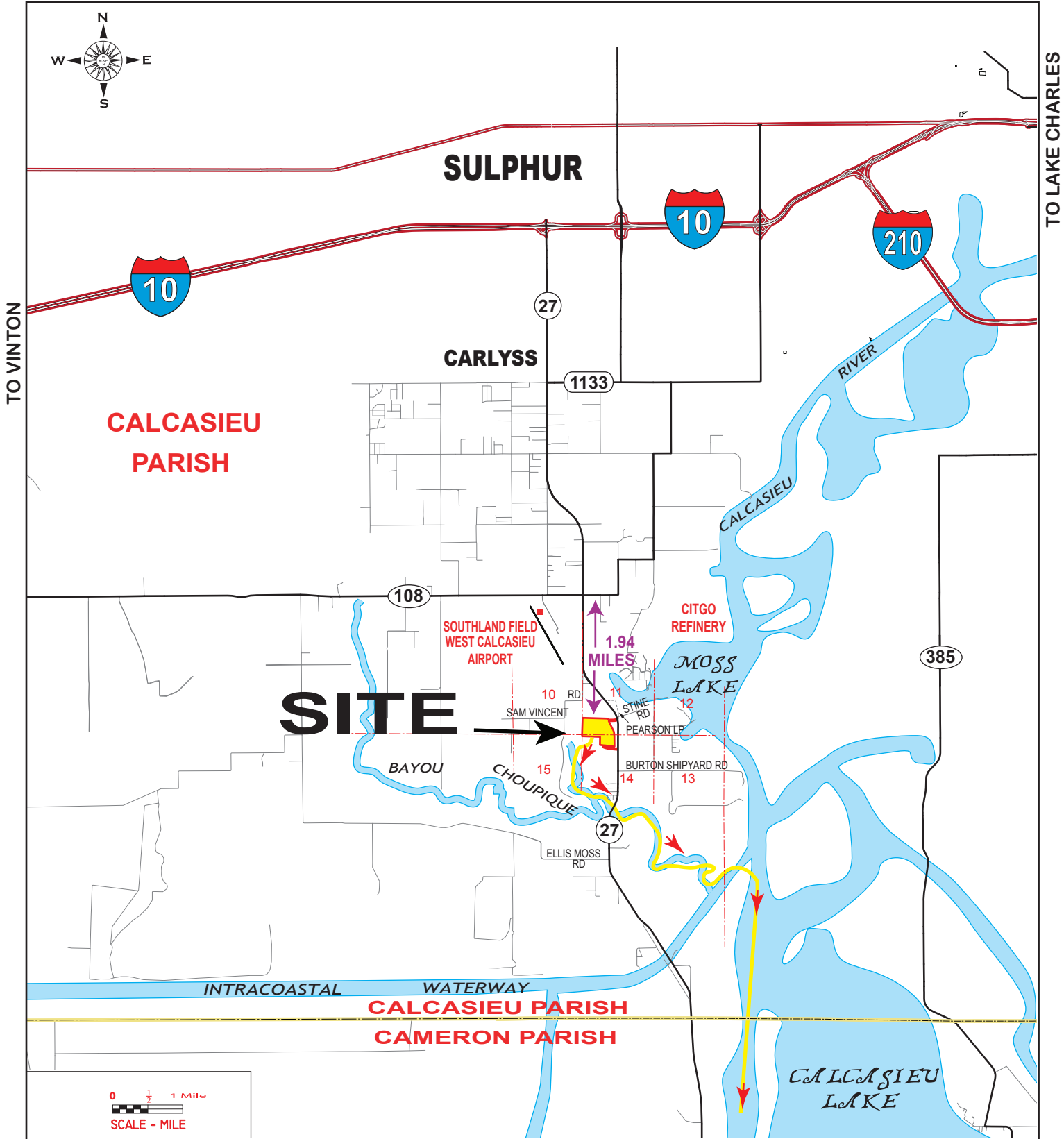
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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

Darrell S. Barbara  
Chief, Western Evaluation Section  
Regulatory Branch

Attachments



**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

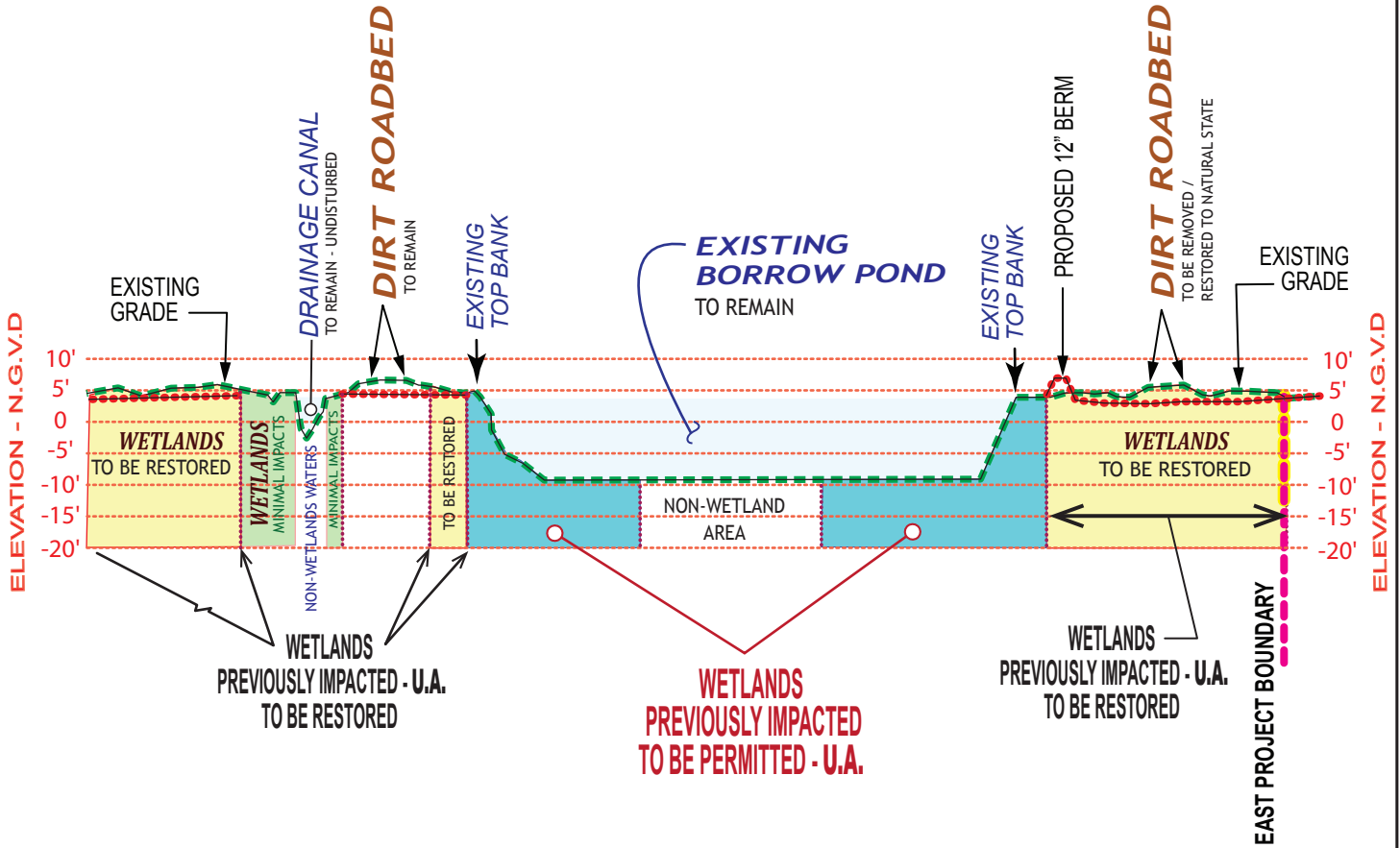
**FIGURE**  
**1**

**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:





  
**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 PERMITTED
- WETLANDS IMPACTED (U.A.) TO BE RESTORED
- EXISTING WATER BODY

**NOTE:**

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

PROFILE VIEW

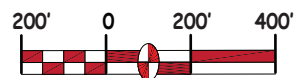
**LAWTON TRACT**  
 SECTIONS 10, 11 & 14, T11S-R10W  
 CALCASIEU PARISH, LA

APPLICANT: **FIVE S INDUSTRIAL**



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WETLANDS - GIS - FLOOD CONTROL  
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**SCALE**

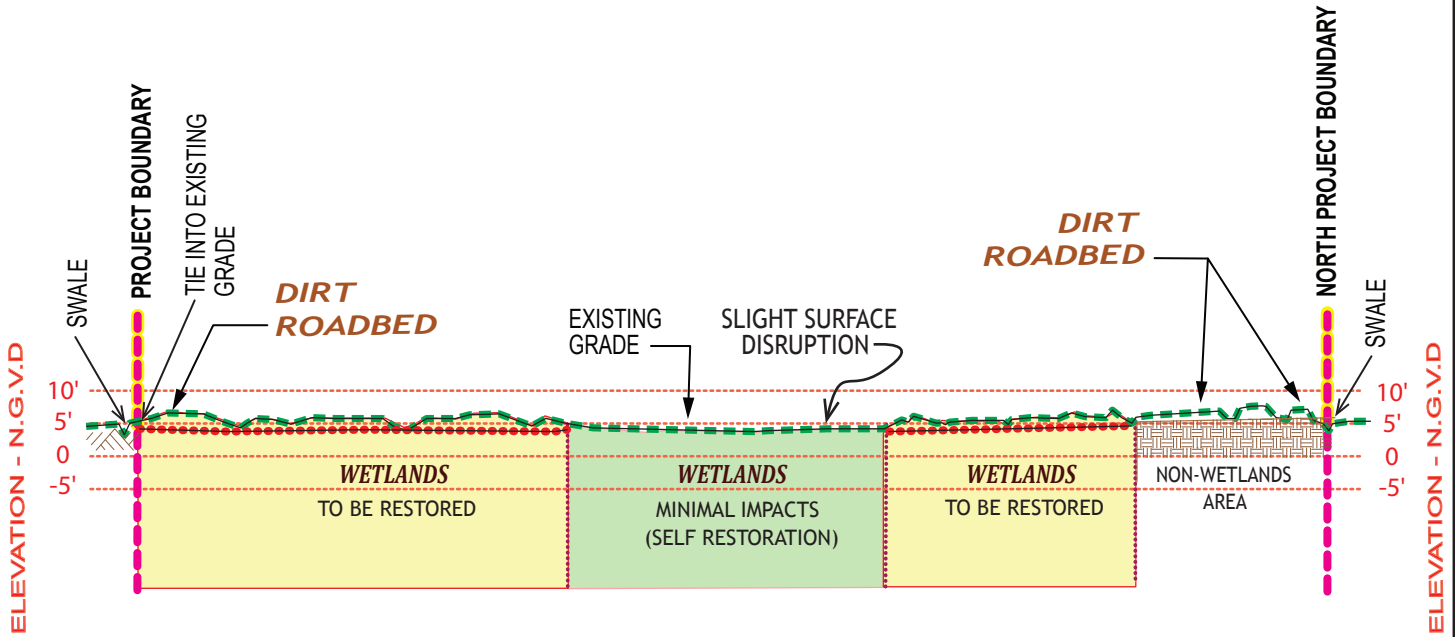
FIGURE  
3

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HF: 1799 175C

DATE: 11-01-2018

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, 11 & 14, T11S-R10W  
CALCASIEU PARISH, LA

APPLICANT: **FIVE S INDUSTRIAL**



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

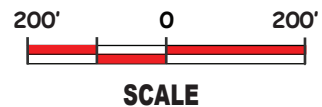


FIGURE  
4

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DATE: 11-01-2018

APPROVED: