

# JOINT PUBLIC NOTICE

June 14, 2021

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

Project Manager:  
Johnny J. Duplantis.  
(504) 862-2548  
Johnny.J.Duplantis@usace.army.mil  
Application # MVN-2020-00490-WPP

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).

## **LEEVE AND POND CONSTRUCTION IN JEFFERSON DAVIS PARISH**

**NAME OF APPLICANT:** Matt Miller c/o: JESCO, Post Office Box 1324, Jennings, LA 70546.

**LOCATION OF WORK:** The work is to take place along River Oak Drive, at Latitude 30.227475, Longitude -92.631449, in the City of Jennings in the Parish of Jefferson Davis, LA. The project is located within Hydrologic Unit Code 08080201 and the Mermentau Watershed.

***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:** The applicant has requested a Department of the Army (DA) authorization to develop a pond on the property for cattle, recreation, and stormwater control. The applicant developed the project to control stormwater while developing a pond. During construction, the levee impounded and slowed down the flow of stormwater which reduced erosion. Approximately 125,000 cy of native material was excavated from the north side of the levee in the area of an unnamed ditch using a track excavator, and material was then deposited to construct the levee (maximum measurements: 18-foot-high, 75-foot-wide, and 500-foot-long) in wetlands and across the unnamed ditch. The levee was built with a stormwater overflow, to allow stormwater past the levee. The new levee is allegedly damming/ponding water in the ditch up stream. As proposed, the project is anticipated to permanently impact 0.635 of an acre of PFO wetlands due to the work activities and placement of fill. The applicant proposes to offset unavoidable wetland impacts by purchasing mitigation credits from a Corps-approved mitigation bank within the New Orleans District, if a DA permit is warranted.

***The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of a permit as proposed 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 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 must be submitted so as to be received before or by the last day of the comment period. Comments concerning the Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and be emailed to the USACE project manager listed above, or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH**. 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 Section 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.

### **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 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 public notice are being sent to the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

Based on the Information & Planning Consultation for Endangered Species in Louisiana (IPaC), as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and the U.S. Fish and Wildlife Service, the proposed project was evaluated under the determination key on March 8, 2021 and it has been determined that the proposed project will have “No Effect” on any known Threatened or 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 or disturbance of **N/A** 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.

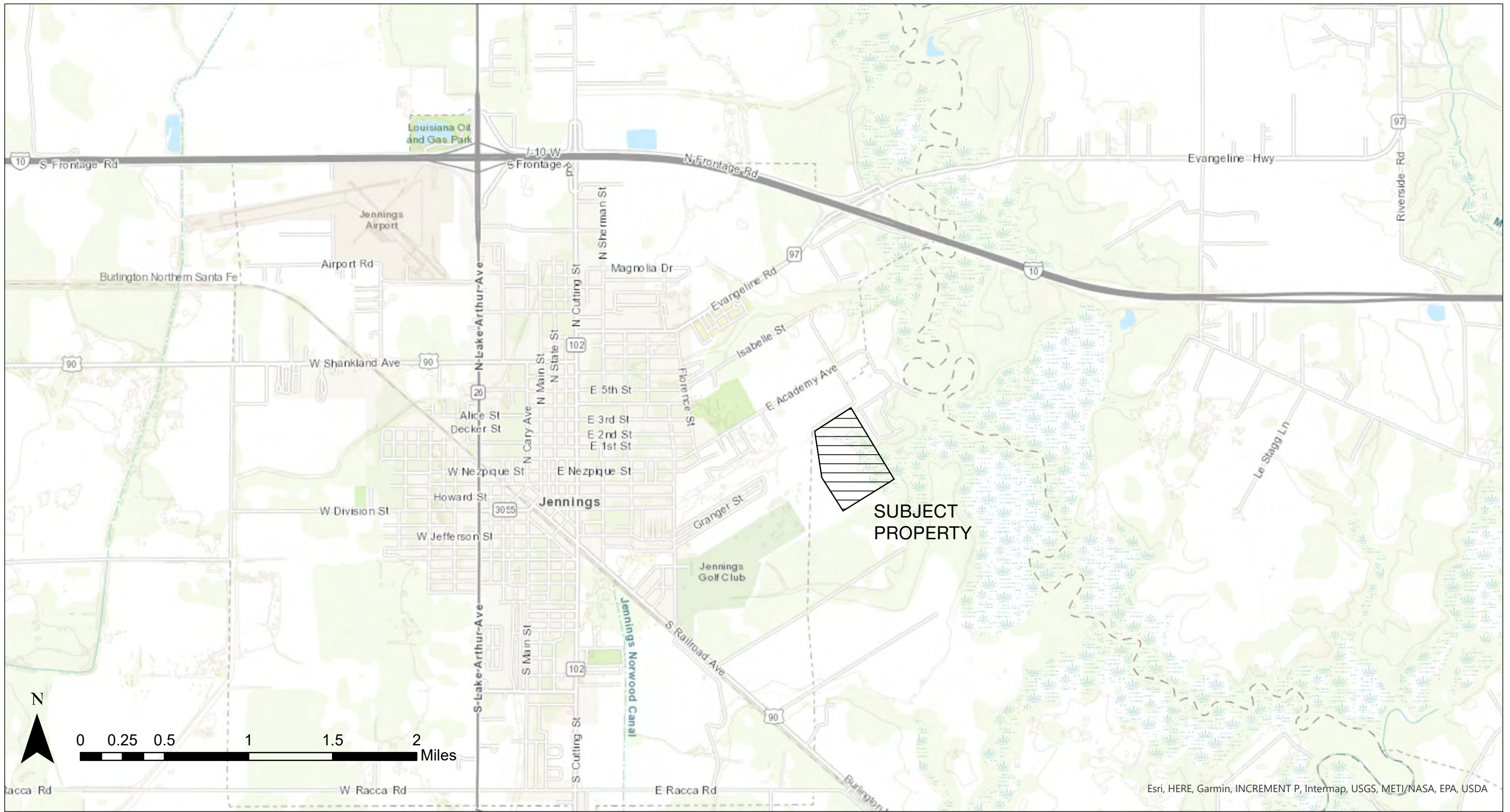
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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

Enclosure



NOTES

STAMP

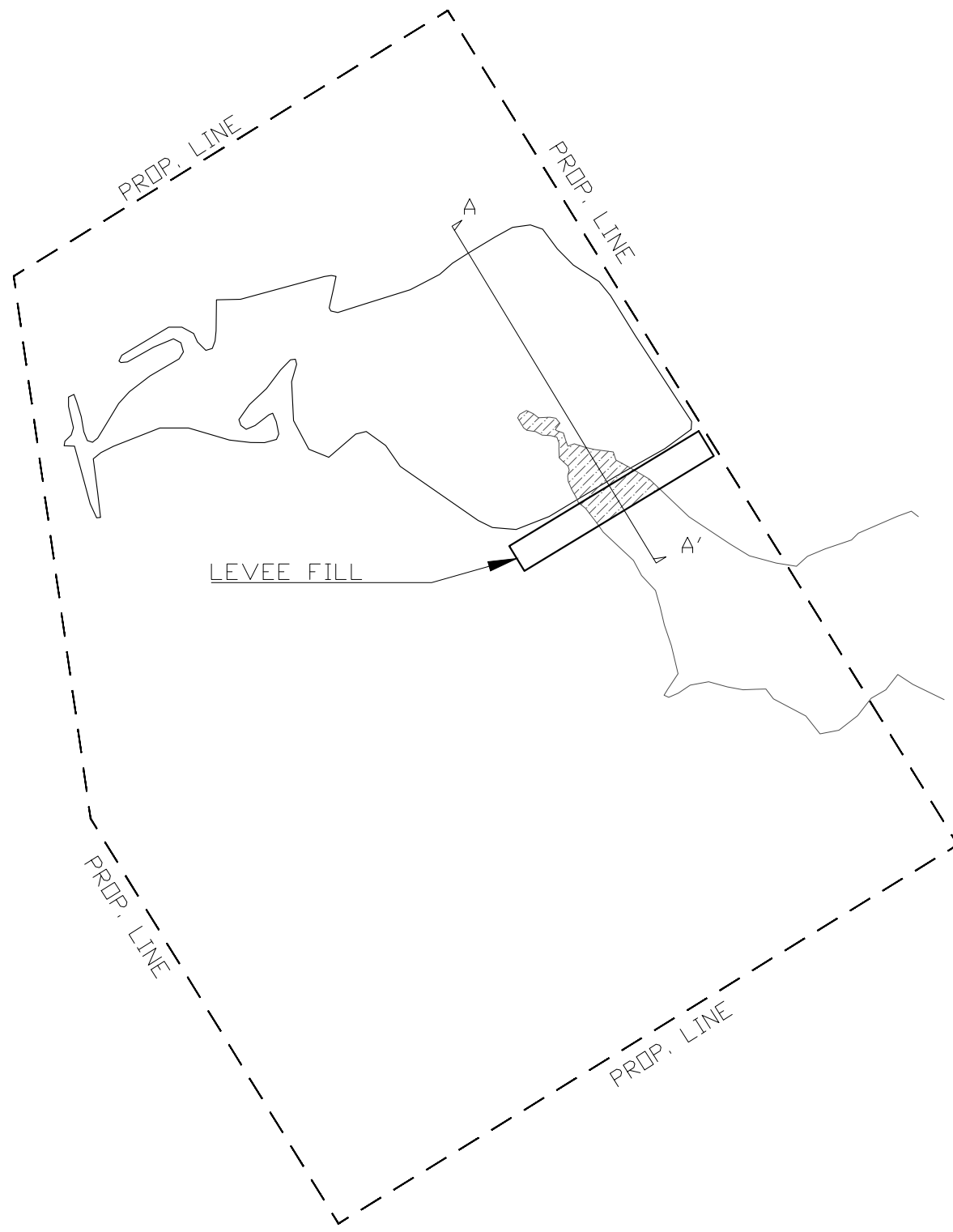
APP. BY		
CHK. BY		
DRN. BY	JO	12/28/2020

PREPARED FOR

**FIGURE 01**

MILLER POND  
Location Map

SHEET  
NUMBER



 WETLAND (.635 acres)

NORTH 

SITE PLAN: 1" = 400'



NOTES

STAMP

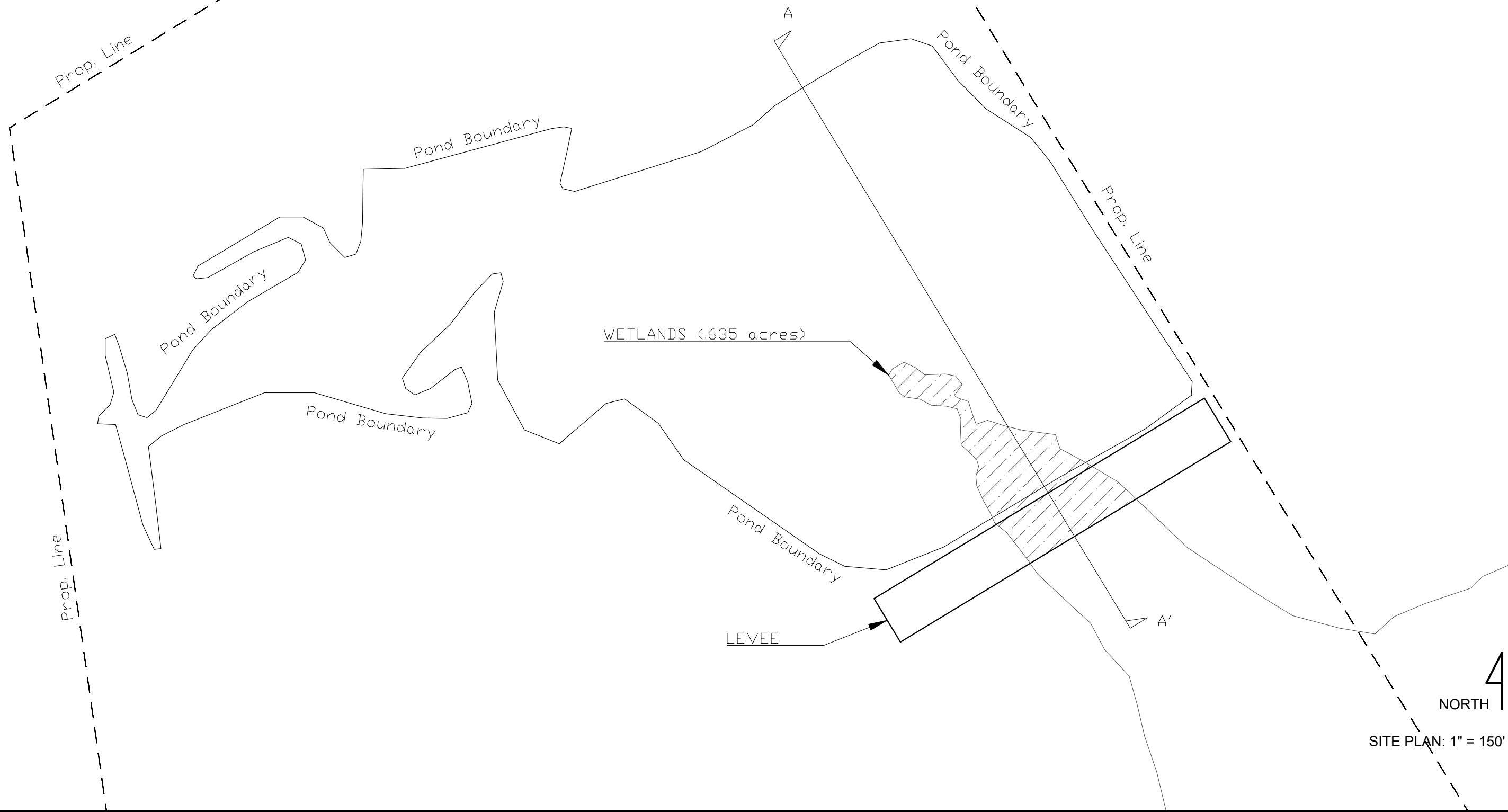
APP. BY		
CHK. BY		
DRN. BY	JO	12/28/2020

PREPARED FOR

FIGURE 02

MILLER POND  
Subject Property Map  
1" = 400.00'

SHEET  
NUMBER



NOTES

STAMP

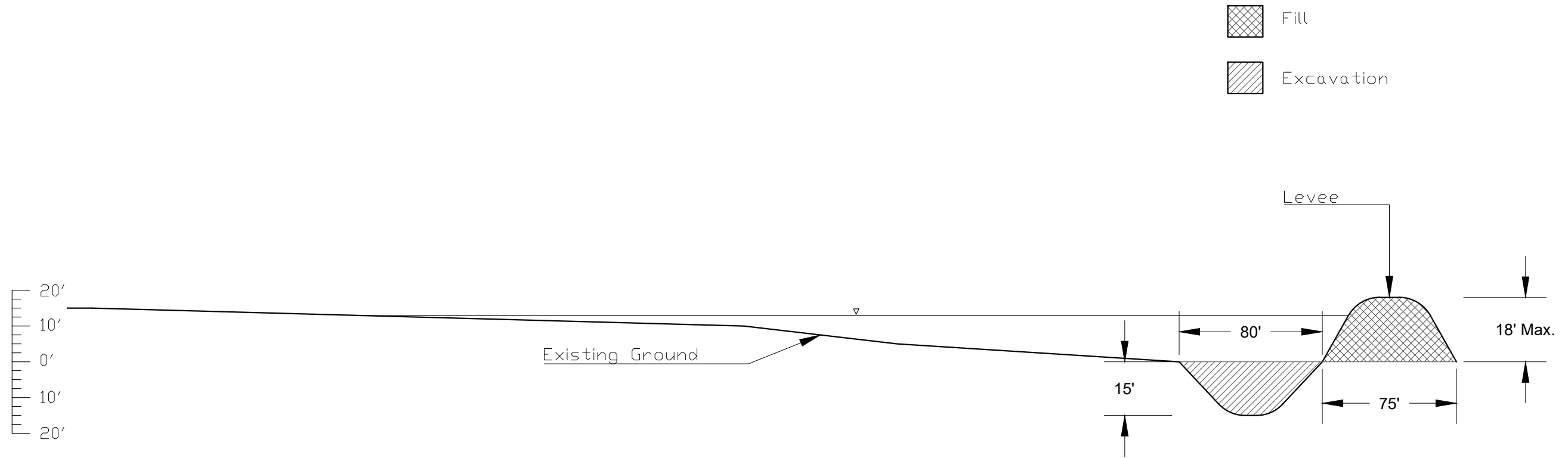
APP. BY		
CHK. BY		
DRN. BY	JO	12/28/2020

PREPARED FOR

FIGURE 03

MILLER POND  
SITE PLAN  
1" = 150.00'

SHEET  
NUMBER



Cross Section A - A'  
 1/64" = 1'  
 Vertical Scale Exaggerated By 2

JESCO

NOTES

STAMP

APP. BY		
CHK. BY		
DRN. BY	JO	12/28/2020

PREPARED FOR

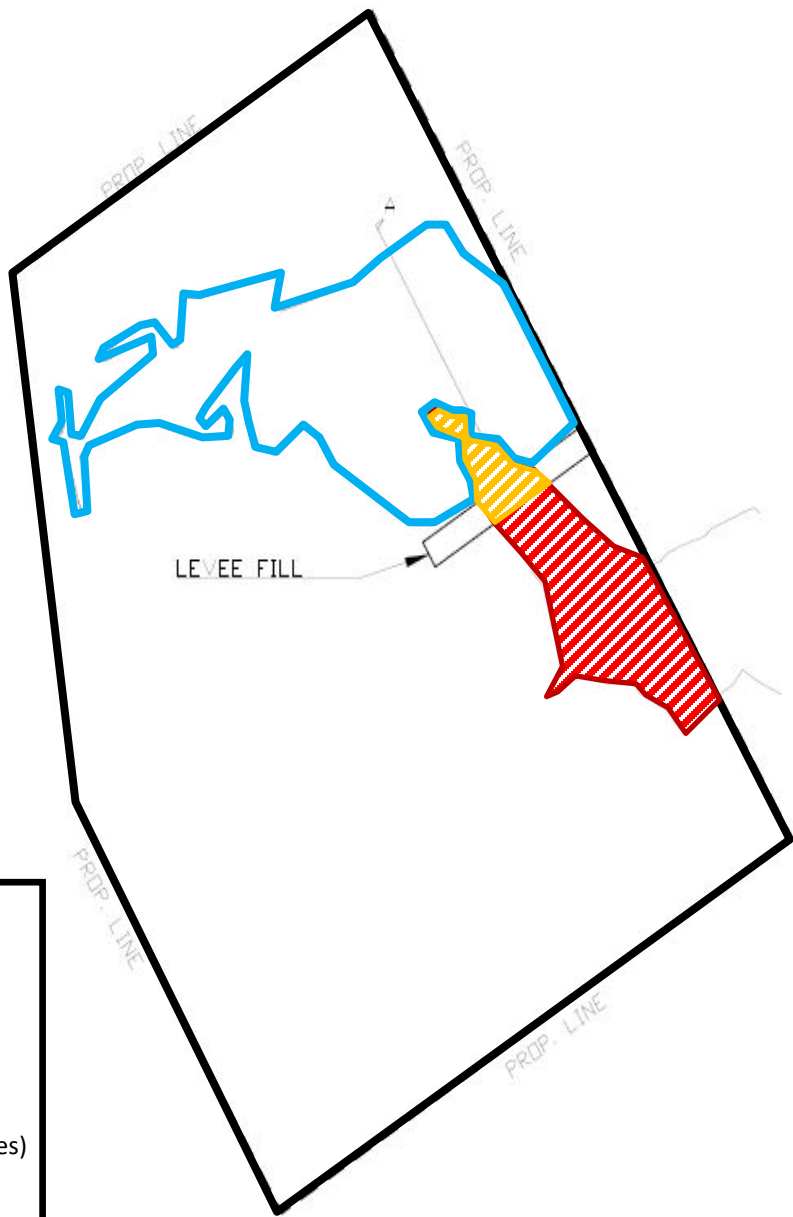
FIGURE 04





MILLER POND  
 CROSS SECTION

SHEET  
 NUMBER

USACE  
 (FSV) / IH Date: May 20, 2020  
 Botanist: Aris Anthony Harris  
 Requestor: Mat Miller  
 # MVN- 2020-00490-SS

**PRELIMINARY**  
 JURISDICTIONAL DETERMINATION



	JD Review Area
	Wetland
	Impacted Wetlands (0.635 acres)
	Non-Wetland Water

NORTH  
 SITE PLAN: 1" = 400'



NOTES

STAMP

APP. BY		
CHK. BY		
DRN. BY	JO	12/28/2020

PREPARED FOR

**FIGURE 02**  
 MILLER POND  
 Subject Property Map  
 1" = 400.00'

SHEET NUMBER	
--------------	--