

PUBLIC NOTICE

18 July 2022

United States Army
Corps of Engineers
New Orleans District
Regulatory Division (RGE)
7400 Leake Avenue
New Orleans, Louisiana 70118

Permit Application Number:
MVN-2005-02393-EG
Project Manager:
Angelle Greer
(504) 862-2279
angelle.v.greer@usace.army.mil

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).

TIME EXTENSION FOR RESIDENTIAL DEVELOPMENT IN ST. TAMMANY PARISH

NAME OF APPLICANT: Berner's Construction, c/o Hydrik Wetland Consultants, Attn: Michael Henry, 2323 Highway 190 East, Suite 2, Hammond, LA 70401 or mike@hydrik.com

LOCATION OF WORK: At approximately Latitude: 30.439483, Longitude: -90.065326, off of Helenberg Rd., in Covington, Louisiana, in St. Tammany Parish, as shown on the enclosed drawings. Hydrologic Unit Code: 08090201 (Lower Mississippi- Lake Pontchartrain)

CHARACTER OF WORK: Clear, grade, and place approximately 3,500-cubic yards of hauled-in earthen material to continue the construction of a previously authorized residential development to include single-family home sites, roads, drainage features, and appurtenant structures. Compensation for unavoidable project-related impacts to approximately 7.14-acres of jurisdictional wetlands has been satisfied under a previous authorization (MVN-2005-02393-EFF) through the purchase of wetland credits from a Corps' approved mitigation bank within the appropriate watershed, however the work was not previously completed.

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 and 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 can be 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, RGE, Angelle Greer.

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.

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 any 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. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

The New Orleans District has determined that the project footprint is located in an area that may

be known to be utilized by the Red-Cockaded Woodpecker and the Gopher Tortoise. It has been determined that the activity will have no effect on the Red-Cockaded Woodpecker, the Gopher Tortoise, or the Louisiana Quillwort based on 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.

Our initial finding is that the proposed work is Not Likely to Adversely Affect any species listed as endangered by the U.S. Departments of Commerce, nor affect any habitat designated as critical to the survival and recovery of such species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal is not expected to result in the destruction or alteration of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would have no 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.

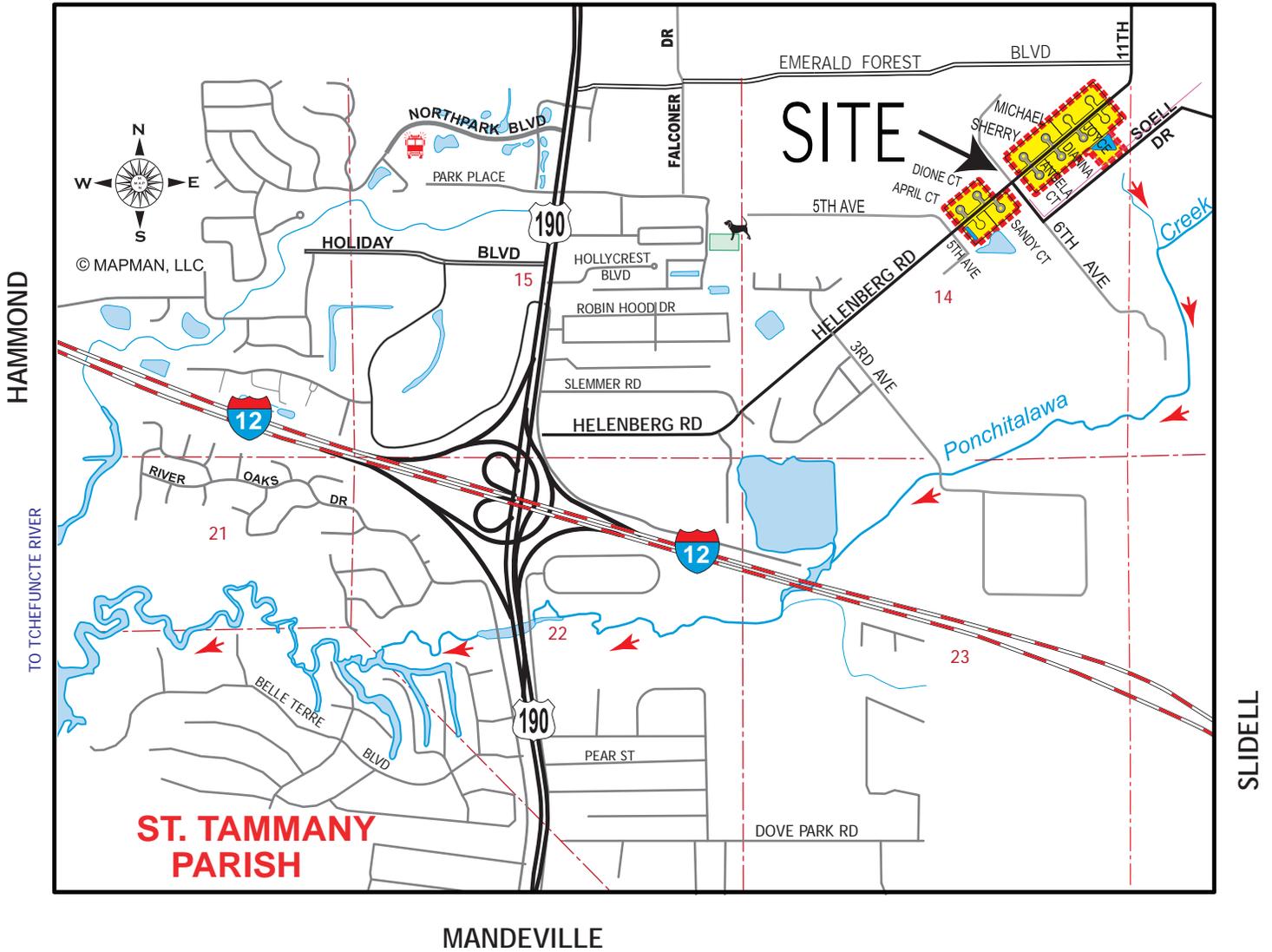
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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

Michael V. Farabee
Chief, Eastern Evaluation Branch

COVINGTON



SCALE - MILE

LEGEND:

-  = PROJECT LOCATION
-  = DRAINAGE DISCHARGE

APPLICANT:
BERNERS CONSTRUCTION CO., INC.

PERMIT MODIFICATION / EXTENSION
PERMIT NO. MVN-2005-2393-EFF

ANGELIC ESTATES
WITHIN THE BIRG BLVD. SUBD. (CENTRAL DIV.)
SQUARES 11 THRU 16
SECTION 14, T7S-R11E
ST. TAMMANY PARISH, LA



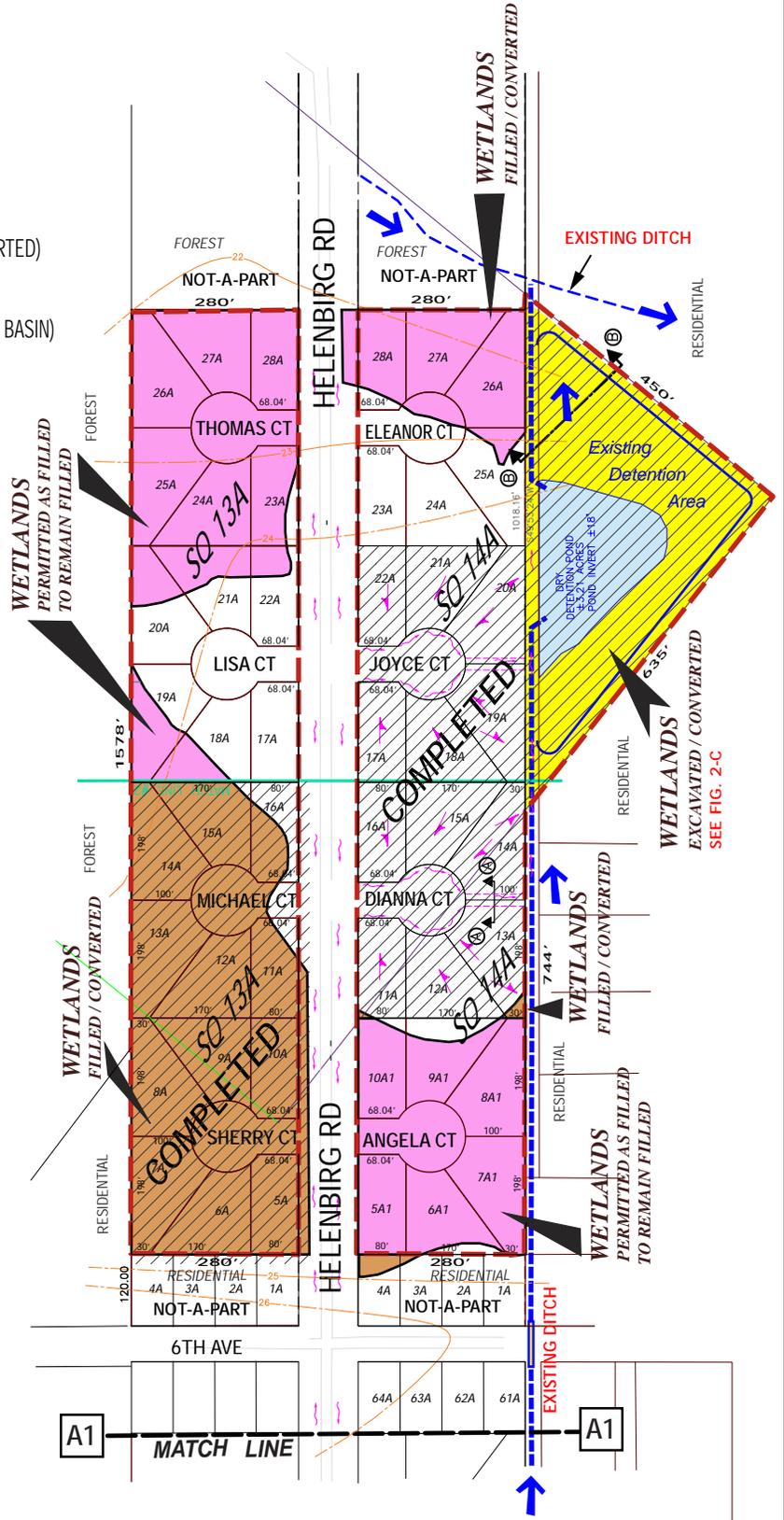
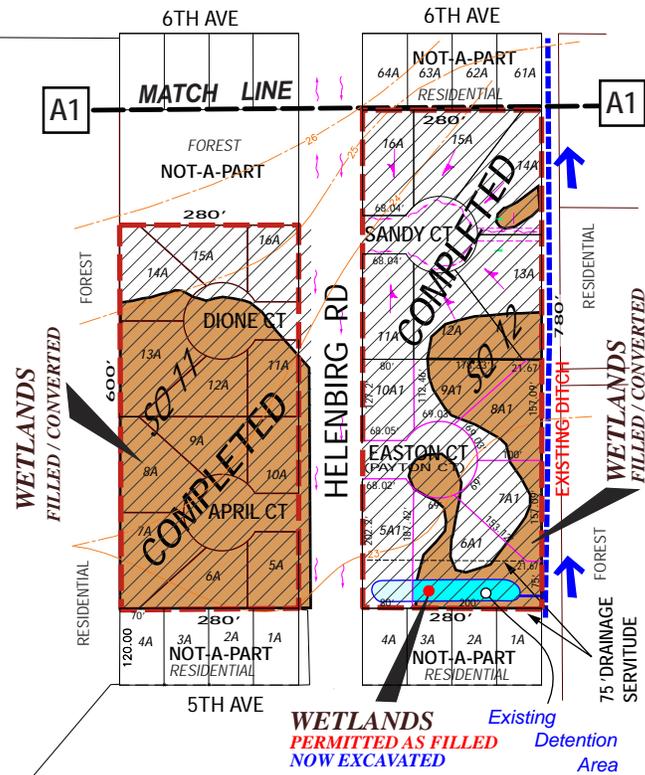
FIGURE
1

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ACC'T NO. MVN-2005-2393-EFF

LEGEND:

-  SITE BOUNDARY (31.88 AC.)
-  PERMITTED FILLED AREA (CONVERTED) MVN-2005-2393-EFF TO REMAIN FILLED: 9.46 AC.
-  PERMITTED AS FILLED - MVN-2005-2393-EFF - NOW EXCAVATED (CONVERTED) 75' DETENTION AREA: 0.139 AC.
-  PERMITTED AS EXCAVATED (CONVERTED) - PERMIT MVN-2005-2393-EFF REMAIN EXCAVATED: 1.68 AC. (SEE FIGURE 2-C FOR DETAIL -DETENTION BASIN)
-  PERMITTED AS FILLED PERMIT - MVN-2005-2393-EFF (NOT CONVERTED) TO REMAIN FILLED: 7.141 AC.
-  AREA CONSTRUCTION COMPLETED / ALL AREA CONVERTED
-  ELEVATION / CONTOUR
-  DRAINAGE FLOW: POST CONSTRUCTION



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WITHIN THE BIRG BLVD. SUBD. (CENTRAL DIV.)
SQUARES 11 THRU 16
SECTION 14, T7S-R11E
ST. TAMMANY PARISH, LA

REFERENCE MAP FILE: 5952-B



FIGURE
2

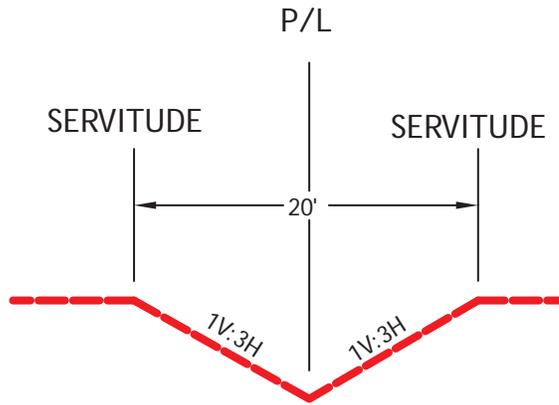
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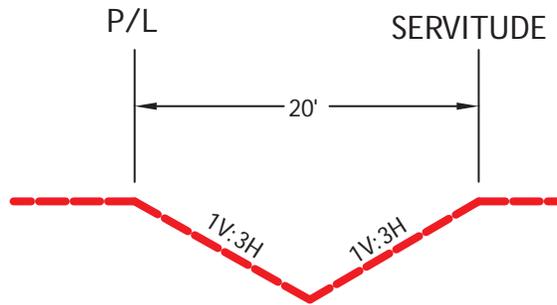
ACC'T NO. MVN-2005-2393-EFF



**TYPICAL 20' DRAINAGE SERVITUDE
BETWEEN TWO LOTS**

NOT TO SCALE

SECTION A-A



**TYPICAL 20' DRAINAGE SERVITUDE
AT REAR OF LOTS**

NOT TO SCALE

SECTION A-A

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**FIGURE
3**

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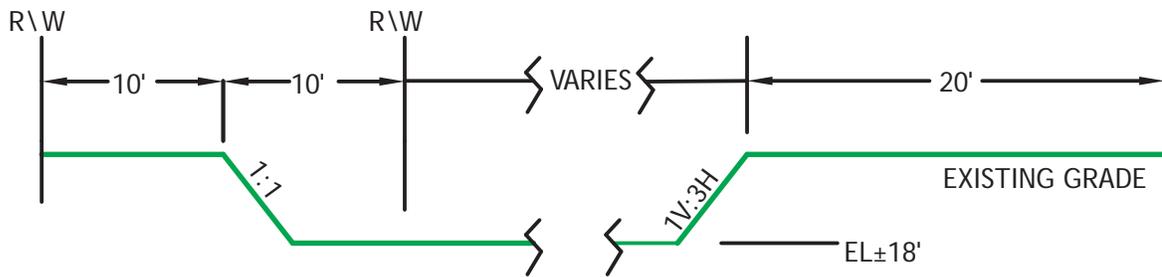
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DRY DETENTION STORAGE POND



TYPICAL DETENTION POND SECTION

NOT TO SCALE

SECTION B-B

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**FIGURE
4**

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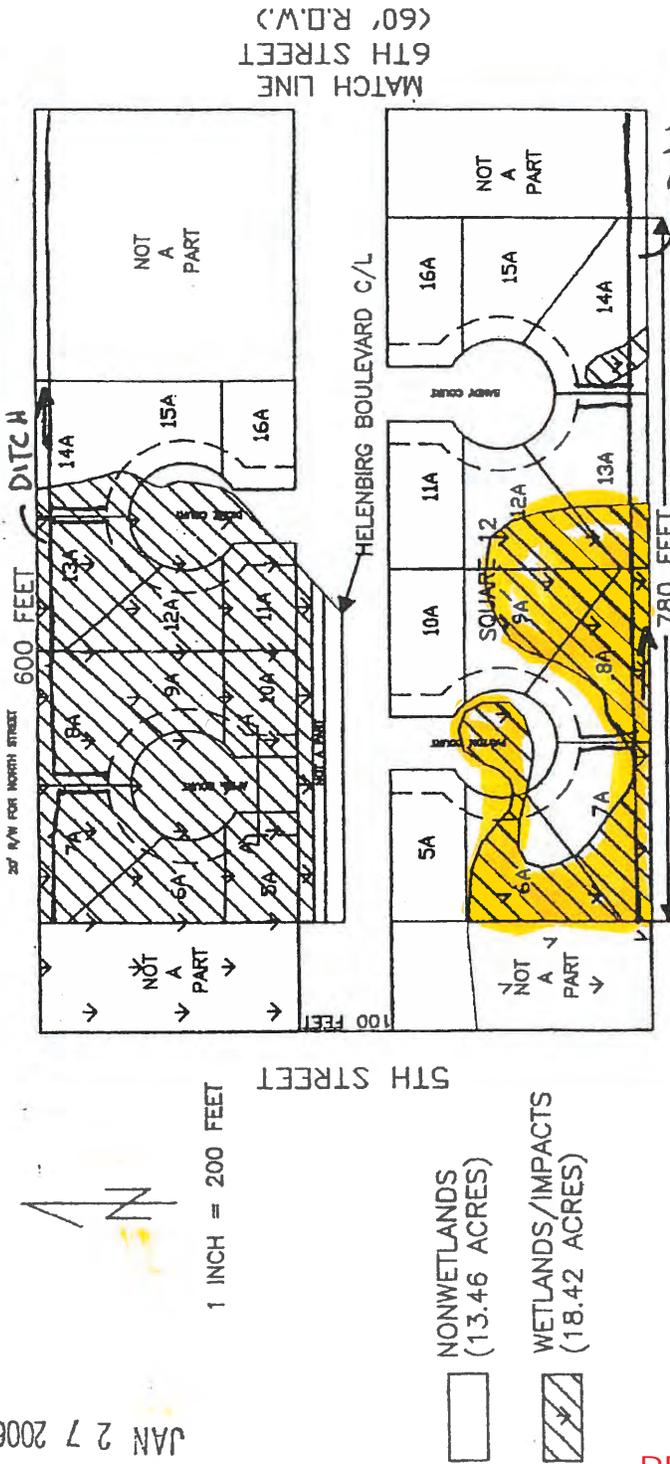
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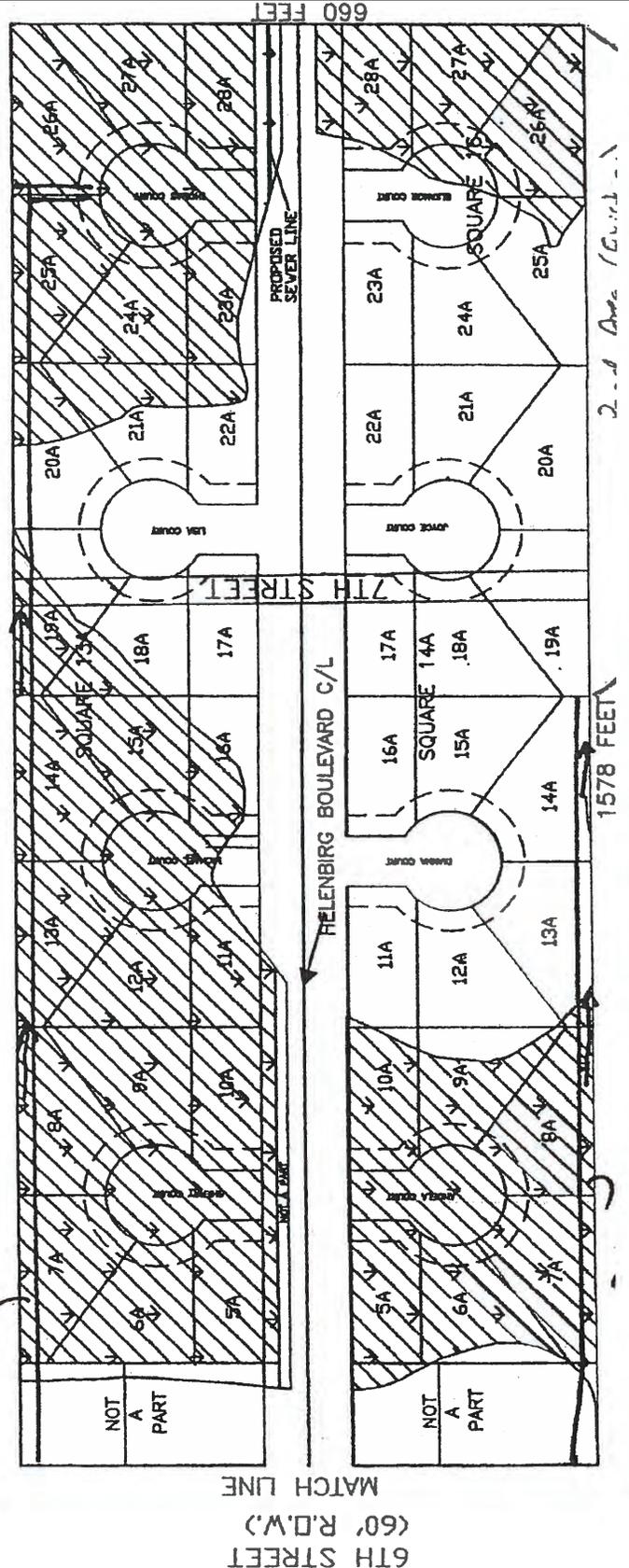
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FIGURE 2: ANGELIC SUBDIVISION



[SEE FIGURE 3 FOR DETAIL OF CUL-DE-SACS]



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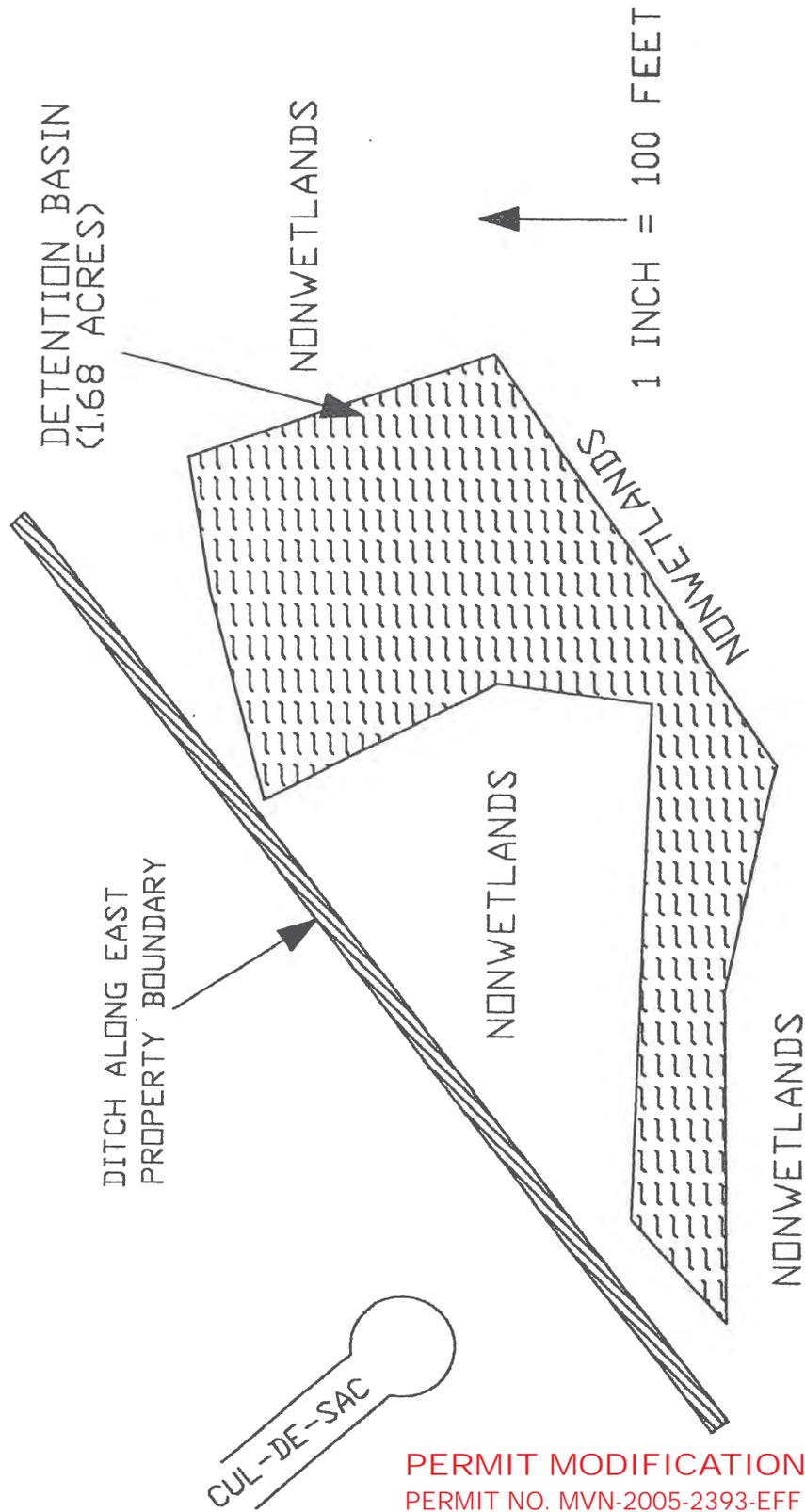
FIGURE
 2A

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DETENTION BASIN AVAILABLE FOR USE BY ANGELIC ESTATES SUBDIVISION



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FIGURE
2B

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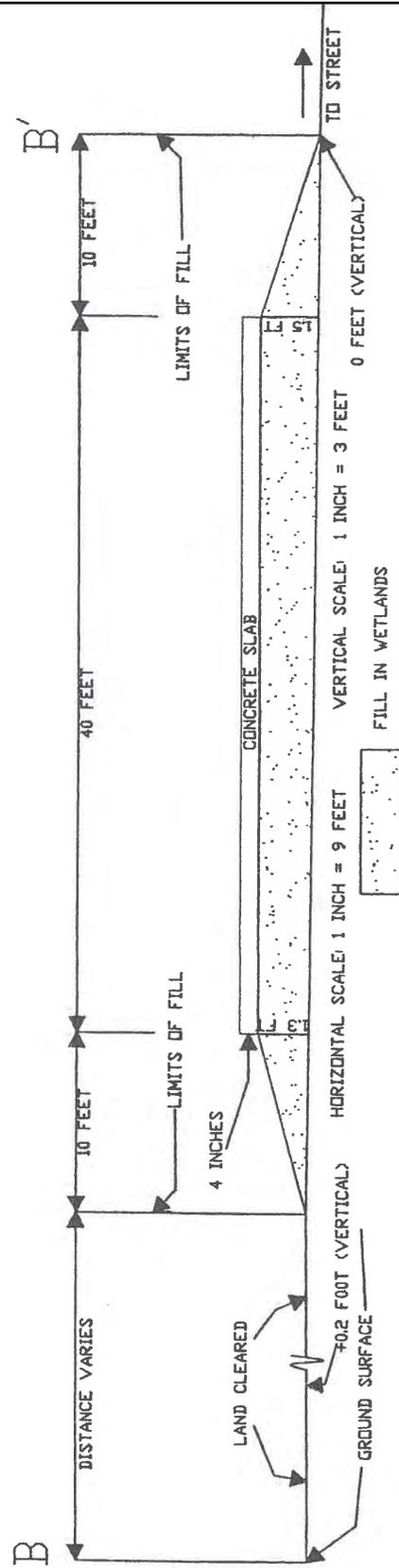
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FIGURE 6. TYPICAL LOT CROSS-SECTION (B-B' IN WETLANDS)



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FIGURE
 2C

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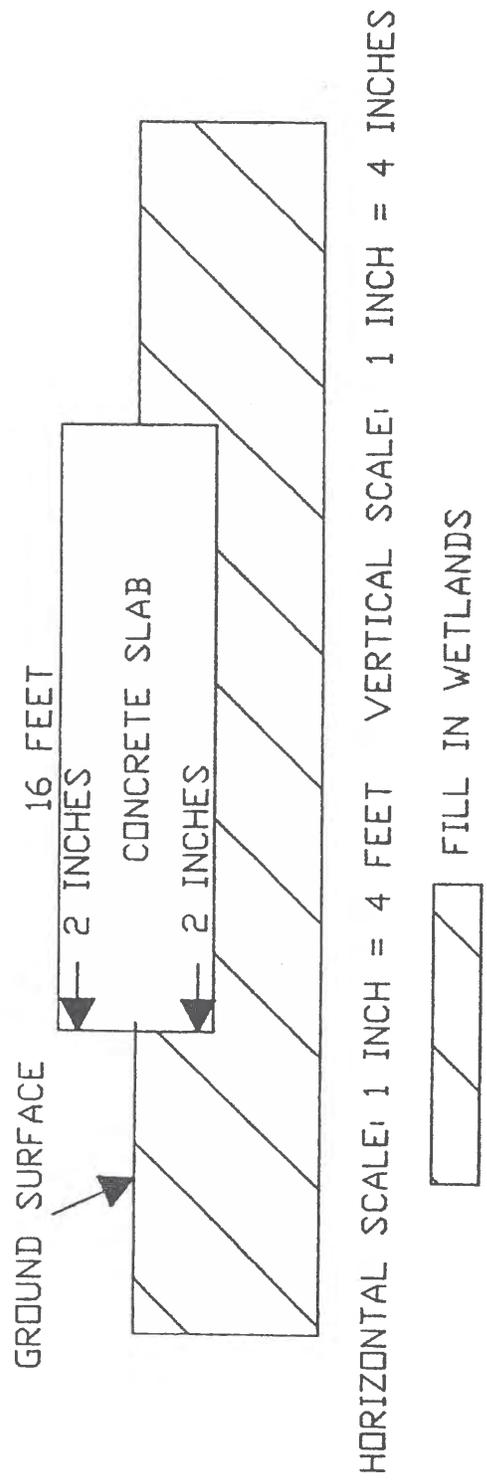
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FIGURE 7. TYPICAL DRIVEWAY CROSS-SECTION
 IN WETLANDS.



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FIGURE
2D

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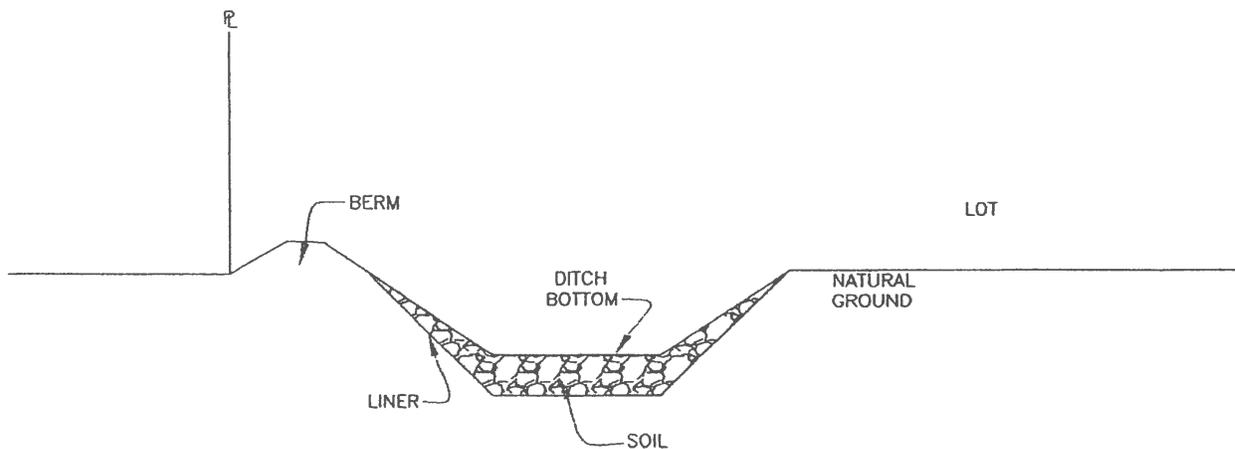
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JAN 27 2006



DITCH CROSS SECTION

SCALE
1" = 4'

APPLICANT:
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FIGURE
2E

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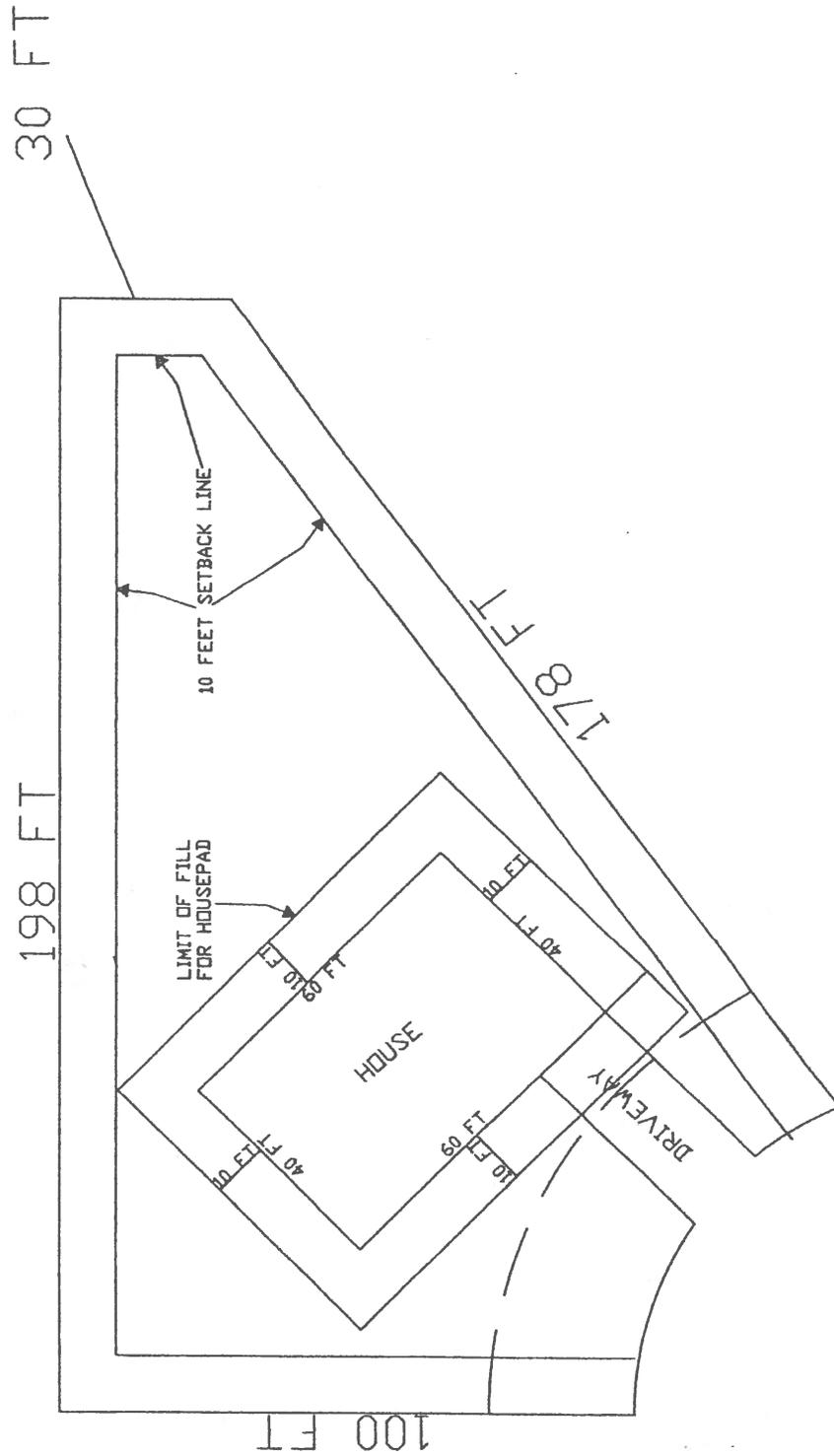
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FIGURE 5. TYPICAL PLAN VIEW OF LOT



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FIGURE
2F

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