



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

March 6, 2023

Regulatory Division
 Western Evaluation Branch

Project Manager:
 Sara Fortuna
 (504) 862-2284
sara.b.fortuna@usace.army.mil

Application #: MVN-2007-01897 WKK

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).

PROPOSED COMMERCIAL BORROW PIT IN CALCASIEU PARISH

NAME OF APPLICANT: Five-S Group, c/o: Pangaea Conservation and Compliance, L.L.C., 1952 East Flonacher Road, Zachary, Louisiana 70791. A DA permit transfer was completed in December 2022, assigning rights from the original permittee (GNL) to the present applicant (Five -S Group).

LOCATION OF WORK: Located in Calcasieu Parish, located at the intersection of LA Highway 384 and West Tank Farm Road, in the community of Lake Charles, Louisiana, (Latitude North: 30.122829° N, Longitude West: -93.279282° W), as shown within the enclosed drawings. (Hydrologic Unit Code 08080206, Calcasieu Basin).

CHARACTER OF WORK: Work consists of converting a 42.20-acre site (Tract 3) into a commercial borrow pit with a 50-foot buffer, equaling approximately 6.11 acres, surrounding the area and installing two 24-inch diameter culverts within two 26-foot wide by 48-foot-long areas for entry access. (Tract 2) would be used as a laydown area and no work would be done in (Tract 1), and these areas include a total of 11.4 acres. The project site was previously mitigated and permitted for a development including commercial and industrial buildings and associated infrastructure. The proposed purpose of this previously permitted site has changed from a commercial building development to a proposed borrow pit and it is anticipated that the project would permanently impact approximately 5.0 acres of forested wetlands via excavation

operations and temporarily impact 0.056 of an acre of non-wetland waters via culvert installation. The applicant has not proposed a compensatory mitigation plan since the site was previously mitigated under the original DA permit for the site.

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, Sara Fortuna.** 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 have no effect on any species listed as endangered by the U.S. Department of Commerce, nor affect any habitat designated as critical to the survival and recovery of any 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 may result in the destruction, alteration, and/or disturbance of N/A acre 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.

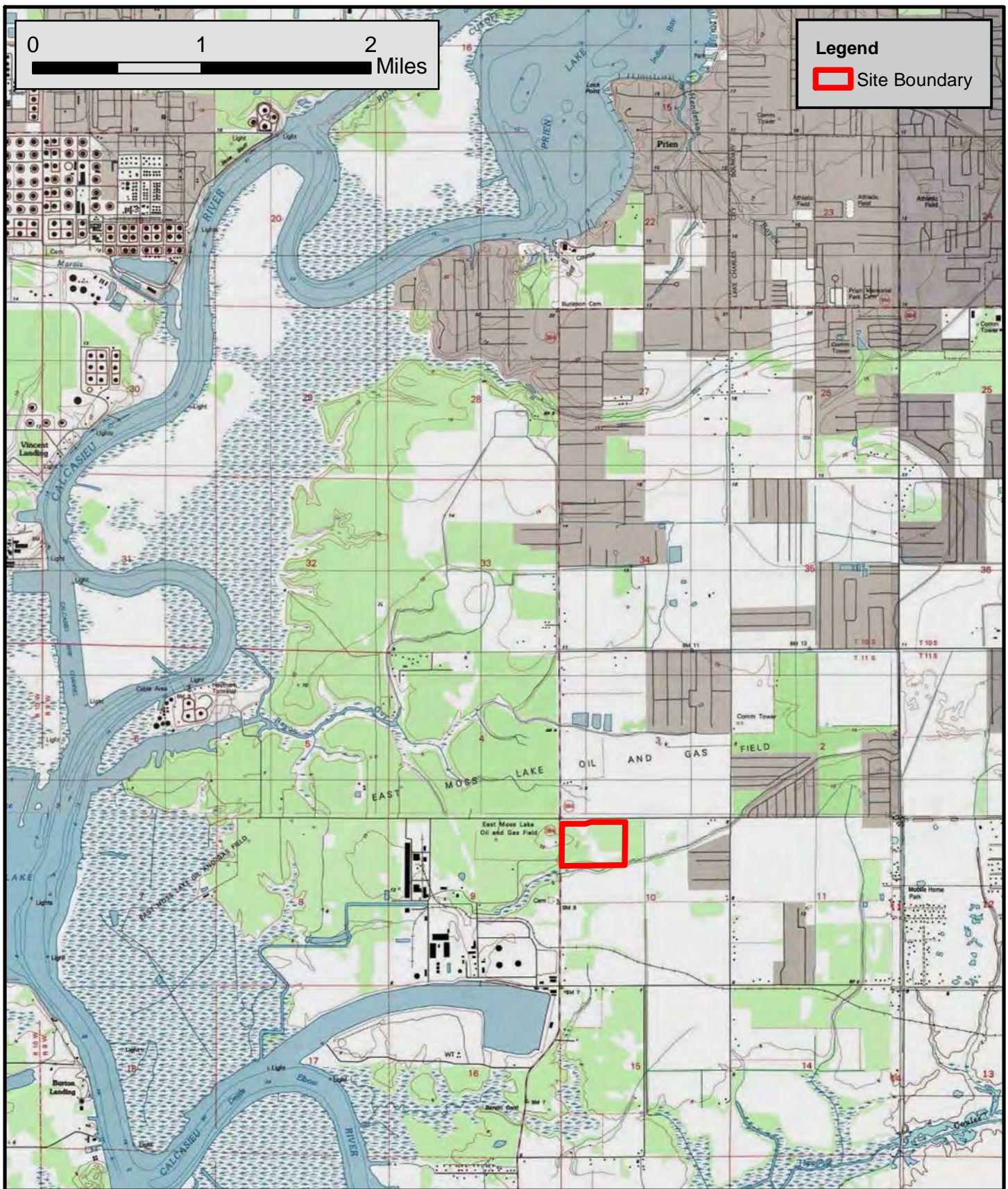
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not 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



VICINITY MAP

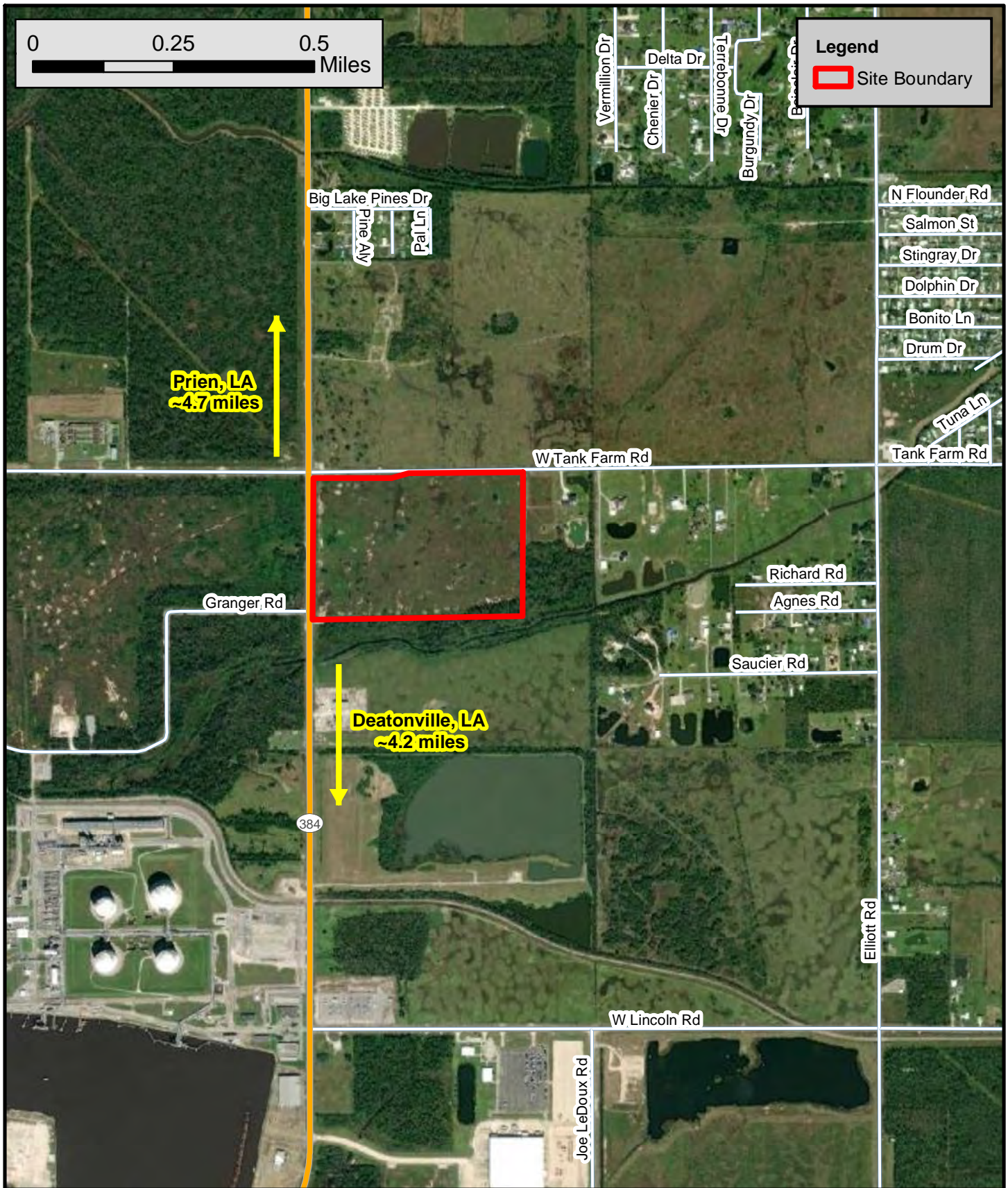
Five-S - Proposed Borrow Pit
Lake Charles, Louisiana



Figure: 1

Date: November 2022

Scale: 1:50,000



2021 AERIAL MAP

Five-S - Proposed Borrow Pit
Lake Charles, Louisiana



PANGAEA
Conservation and Compliance, LLC

Figure: 2

Date: November 2022

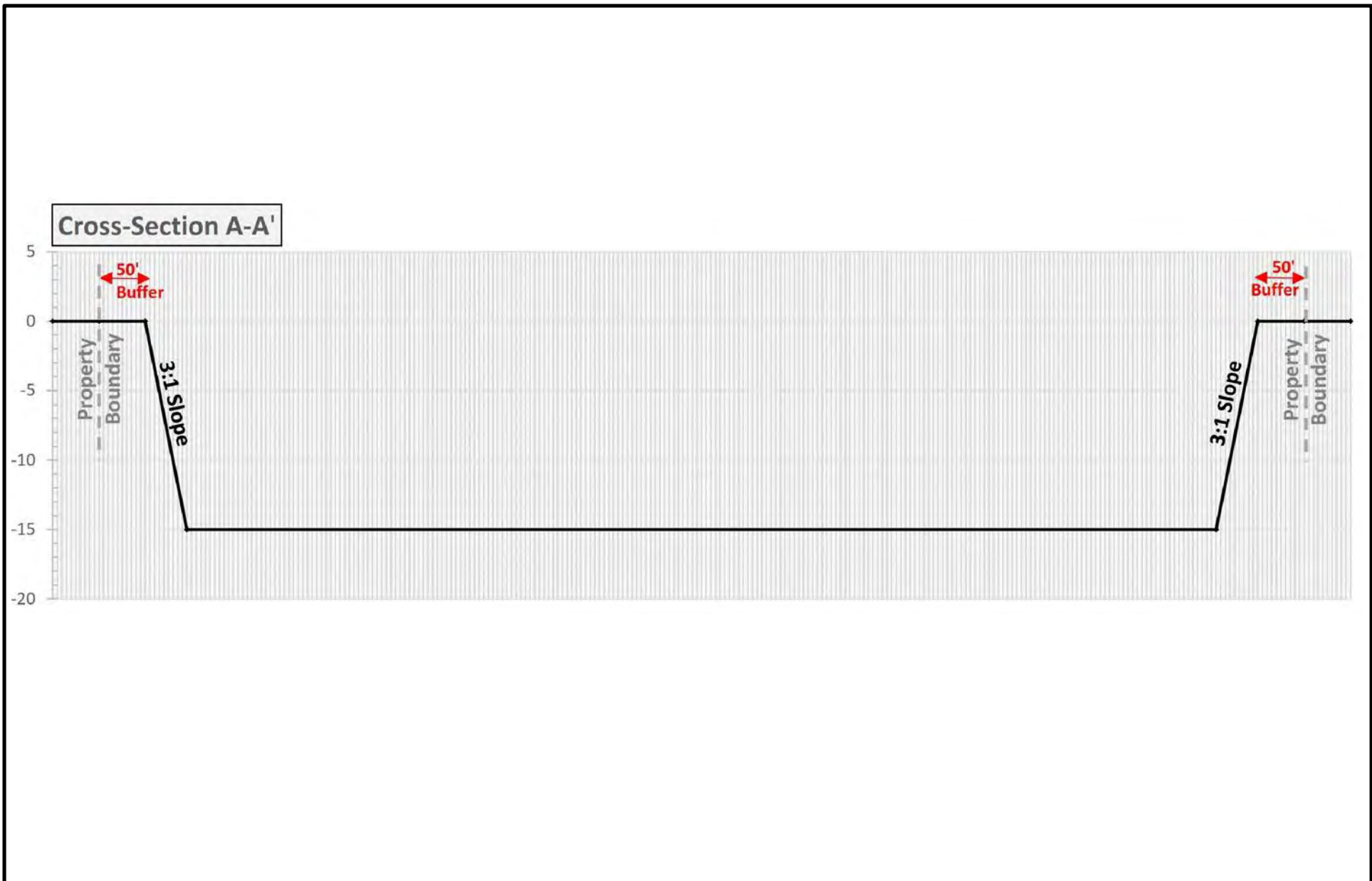
Scale: 1:15,000

Figure 3

*Distances represent approximations



Designed		Drawn		CR		09/22	
LCLP		Commercial Site		Five-S Group		Approved	
Title		Date		Date		Date	
REVISIONS		Description		Approved		Date	
File No.		LCLPCommercial		Site.dwg		Scale	
Sheet 1		of 1		1:1000			



CROSS-SECTION A-A'

Five-S - Proposed Borrow Pit
Lake Charles, Louisiana



Figure: A

Date: November 2022

Scale: NTS

Attachment A: Ribits Ledger



RIBITS

Regulatory In-lieu Fee and Bank Information Tracking System

Log In » [Banks & Sites](#) » [Bank](#) » [Ledger](#) » [Transaction Details](#)

« Collapse

TRACKING

- ☐ Mitigation
- ☐ WQT
- ☐ Both

MENU

Mitigation

- Banks & Sites
- ILF Programs
- Umbrella Instruments
- NRDA Projects
- Public Notices

Knowledge

- Related Resources
- Credit Classifications
- Bank & ILF Establishment
- Mitigation Concepts

Tools

- Reporting
- Assessment Tools
- Find Credits

Training

- Help / User Guides

FILTER

- ☐ USACE District
- ☐ State
- ☐ FWS Field Office
- ☐ NOAA Fisheries Region

New Orleans ▼

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Clear Creek

Transaction Details

There is no subledger for this transaction.

Transaction ID: 17694

Date: 07/31/2007

Type: Withdrawal

Bank\Site: Clear Creek

Credits: 7

Quantity: 7 Acres

Project Name:

Assessment Method: Ratio

Credit Type: Wetland

Credit Classification: Pine Flatwoods/Savanna

All Permits: 20071897

Impact HUC:

Impact Quantity:

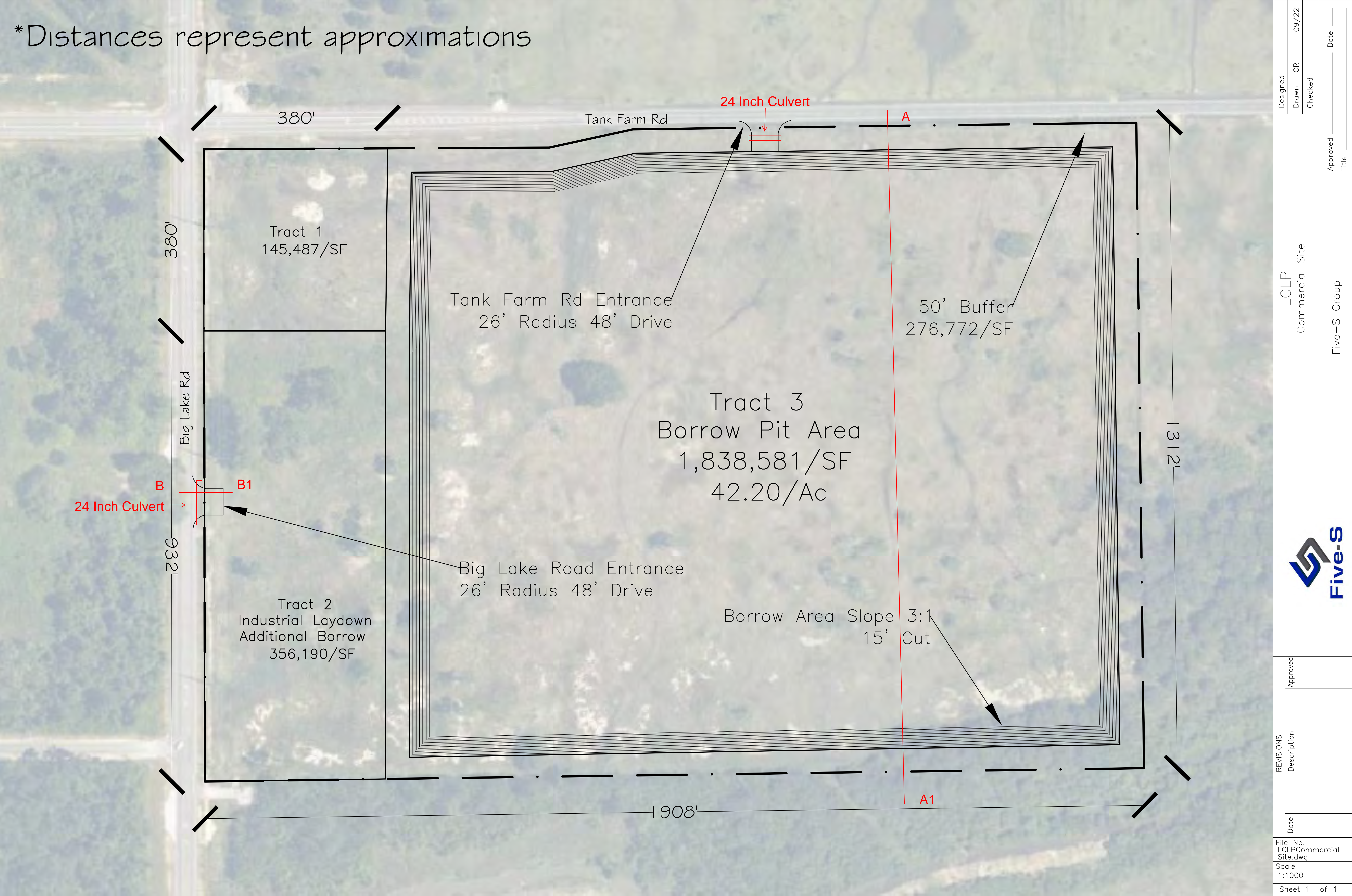
Impact Information:

Comment:

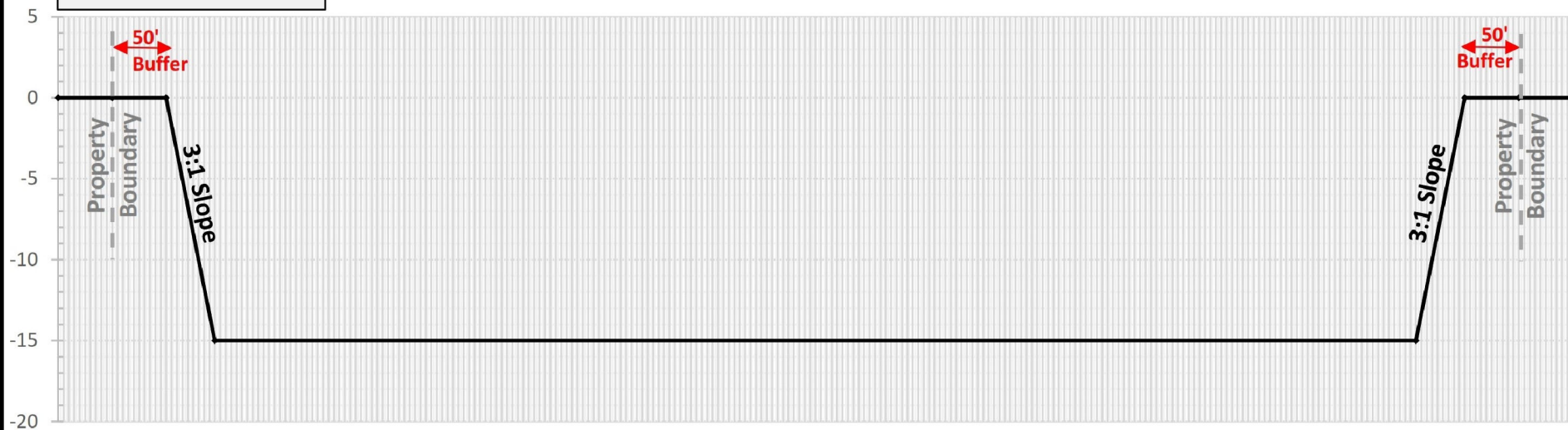
Lat/Long:

Figure 3

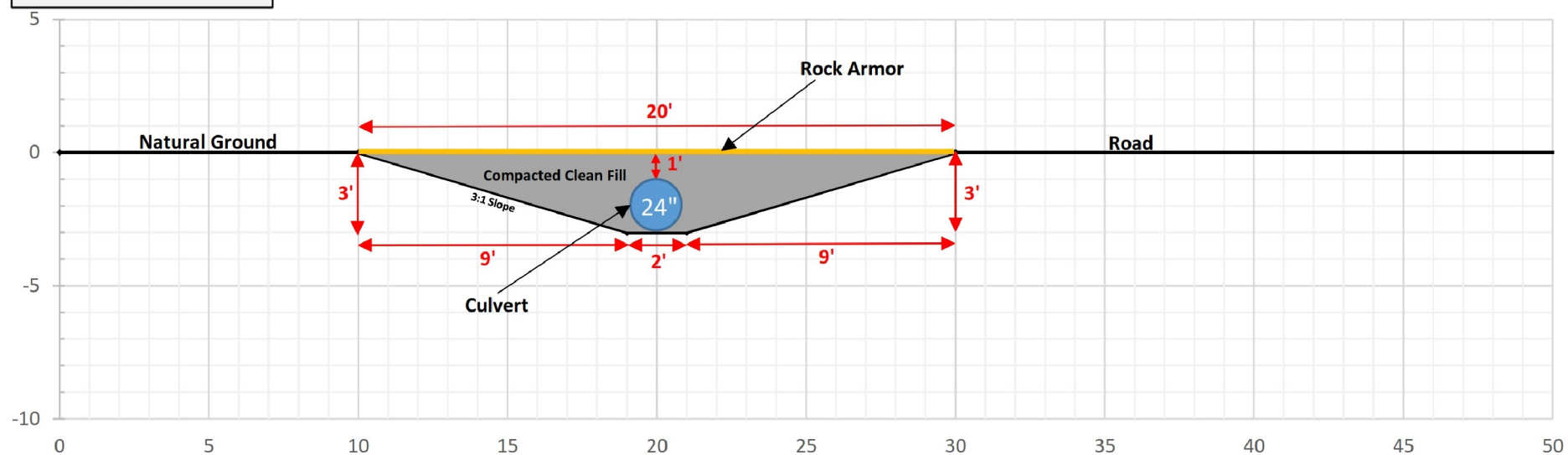
*Distances represent approximations



Cross-Section A-A'



Cross-Section B-B'



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

Five-S - Proposed Borrow Pit
Lake Charles, Louisiana



Figure: A

Date: December 2022

Scale: NTS