

JOINT PUBLIC NOTICE

March 25, 2013

United States Army
Corps of Engineers
New Orleans District
Regulatory Branch
Post Office Box 60267
New Orleans, Louisiana 70160-0267

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

(504) 862-1217
Project Manager
Kenny Blanke
Permit Application Number
MVN 2008-0623-CQ

(225) 219-3225
Project Manager
Mr. Jamie Phillippe
WQC Application Number
WQC 080411-01

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, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2074 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

MIXED USE DEVELOPMENT, AMERICANA TRADITIONAL NEIGHBORHOOD DEVELOPMENT, IN EAST BATON ROUGE PARISH

NAME OF APPLICANT: Daigle Americana Development, LLC, c/o Conestoga-Rovers & Associates, Attn: Mr. Charles Jones, 5551 Corporate Blvd., Suite 200, Baton Rouge, LA 70808.

LOCATION OF WORK: In Sections 60, 61, 75, & 76, Township 4 South, Ranges 1 West, located approximately 0.5 mile west of the intersection of LA Highway 64 and LA Highway 964, on the southern side of LA 64, in Zachary, Louisiana, in EAST BATON ROUGE PARISH, 30.64549 N and -9.20999 W, as shown on the enclosed drawings. This project is located in USGS Hydrologic Unit Code (HUC) 08070202-Amite River.

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 since been deferred.

CHARACTER OF WORK: Project was previously advertised under a different applicant name (New Towne Development Group, LLC) in a Joint Public Notice, dated July 14, 2008. The previous project proposed to directly impact approximately 78.6 acres of wetlands. The proposed project has been reconfigured to minimize direct impacts to onsite wetlands. Additionally, a request to modify the jurisdictional determination to possibly reflect a reduction in jurisdictional areas onsite has also been proposed and is currently in review.

The applicant has requested Department of the Army authorization to implement the Americana Traditional Neighborhood Development (TND). The proposed TND will consist of residential housing, shopping centers, health care facilities, grocery stores, offices, and other amenities to meet the needs of residents. The TND will include 1,765 housing units of various types: single-detached homes, townhouses, condominiums, live and work unites, and homes for senior citizens. Approximately 520,000 square feet of commercial and retail establishments are proposed with the project which includes: an

indoor commercial amusement facility, a 60,000 square foot grocery store, a movie theater, a YMCA, a civic building, and other appurtenances. Approximately 98.55 acres of potentially jurisdictional wetlands and approximately 4.3 acres of Other Waters of the U.S. are located on the 417.37-acre site. Approximately 10.13 acres of potentially jurisdictional forested wetlands and approximately 4.3 acres of Other Waters of the U.S. are to be directly impacted via fill placement as a result of project implementation. There is a pending jurisdictional determination request awaiting verification. If the project is found to impact additional wetland/OWOUS acreage(s), an addendum incorporating the appropriate additions to this public notice will be advertised. Approximately 21,473 cubic yards of fill material will be placed onsite as a result of project implementation. The applicant proposes to contract with an approved compensatory mitigation bank to offset impacts associated with the project.

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**. Individuals or parties may request an extension of time in which to comment on the proposed work by writing to the project manager or clicking on the project manager's name on the public notice grid on the web page. 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. 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 4:30 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.

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 NA 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, Office of Environmental Services, 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.

JOHN M. HERMAN
Chief, Central Evaluation Section
Regulatory Branch

Enclosure