



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

October 4, 2005

Operations Division
Regulatory

Ms. Traci T. Johnson
Louisiana Department of
Transportation and Development
Post Office Box 94245
Baton Rouge, Louisiana 70804-94245

COPIED FOR:
MR. JOHN SANDERS
PROJECT ENGINEER, C/O MR. JOHN SANDERS
MR. VINCENT RUSSO
MR. RICHARD SAVOIE
MR. CHAD WINCHESTER
MR. BILL FARR
ttj 10-12-05

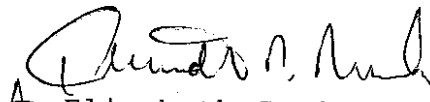
Dear Ms. Johnson:

In compliance with your request, we are enclosing a permit issued by authority of the Secretary of the Army (enclosure 1). Upon completion of the activity authorized by this permit, please sign the enclosed certification of compliance and return it to this office (enclosure 2).

Should you find that any material changes are necessary in the location or plans of the work, it will be necessary that you submit revised plans prior to commencement of the work.

Special attention should be paid to the General and Special Conditions (where applicable) of this permit. Please note the permit expiration date in General Condition 1.

Sincerely,


Elizabeth S. Guynes
Chief, Regulatory Branch

Enclosures



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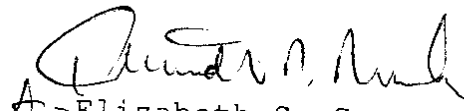
Dear Ms. Johnson:

In compliance with your request, we are enclosing a permit issued by authority of the Secretary of the Army (enclosure 1). Upon completion of the activity authorized by this permit, please sign the enclosed certification of compliance and return it to this office (enclosure 2).

Should you find that any material changes are necessary in the location or plans of the work, it will be necessary that you submit revised plans prior to commencement of the work.

Special attention should be paid to the General and Special Conditions (where applicable) of this permit. Please note the permit expiration date in General Condition 1.

Sincerely,


A-Elizabeth S. Guynes
Chief, Regulatory Branch

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee: Louisiana Department of
Transportation and Development

Permit No.: ASJ-MVK-2005-403

Issuing Office: CEMVK-OD-F

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: See maps and drawings (encl 1).

The project consists of constructing four new lanes of a divided, fully controlled access highway on a new alignment extending from Mira-Myrtis Road to the Arkansas state line, Caddo Parish, Louisiana. The new roadway would be constructed beginning 0.59 mile south of the Myra-Myrtis Road and would extend in a northerly direction to the Arkansas state line. The project length would be 5.88 miles.

Acres Impacted: 2.6 acres of wetlands; 6.32 acres of other waters of the United States (streams)

Acres Mitigated: 9 acres of wetlands; 6.32 acres (4040 LF) of other waters of the United States (streams)

Project Location: Sections 2 and 3 of T22N-R15W, and sections 3, 10, 15, 22, 27, and 34 of T23N-R15W, within the Red River drainage basin, Caddo Parish, Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on OCT 04 2010. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4, below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (encl 2).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. To minimize impacts to water quality, the permittee shall require use of erosion control measures throughout construction of the roadfill to prevent runoff into adjacent water columns.

2. As compensatory mitigation for the unavoidable loss of 2.6 acres of wetlands at the project site, the permittee shall provide funding for the restoration of 8 acres of degraded wetlands to bottomland hardwood wetlands in the Louisiana Department Wildlife and Fisheries' Buckhorn Wildlife Management Area tract. A map identifying the mitigation area will be provided to the Corps.

3. As compensatory mitigation for impacts to 1.43 acres of intermittent streams, the permittee shall restore 1.0 acre of

bottomland hardwood at the Buckhorn Wildlife Management Area operated by the Louisiana Department of Wildlife and Fisheries.

a. The mitigation site restoration shall be in the form of planting a mixture of not less than one year old (1.0), hard mast bottomland hardwood seedlings, no later than 31 March 2006.

b. A certified/registered forester shall select the species to be planted from the U.S. Department of the Interior Biological Report 88(26.2) National List of Plant Species That Occur in Wetlands: Southeast (Region 2). Indicator categories should range from Facultative+ to Obligate depending on site hydrology.

c. Seedlings shall be planted on 12- by 12-foot spacing. Within 30 days of the completed planting date, a Planting Report shall be provided to this office. The report shall state the date(s) of planting, species planted, and the number of each species planted.

d. After the first growing season (31 March 2006 through 15 August 2006), the permittee shall provide the Corps certification by a certified/registered forester of the survival rate of planted species on the mitigation site. The minimum required survival is 50 percent (150 seedlings per acre) or greater of the target species. This determination shall be made using standard forestry sampling techniques. The permittee shall provide the certified Survival Report to this office no later than 1 October 2006.

e. If a 50 percent survival rate of the target species (150 seedlings per acre) is not achieved after the first growing season, an appropriate number of seedlings shall be replanted during the period no later than 31 March 2007 to achieve the required 50-percent survival rate.

f. After the second growing season (31 March 2007 through 15 August 2007), the permittee shall provide the Corps certification by a certified/registered forester of the survival rate of planted species on the mitigation site. The minimum required survival is 50 percent (150 seedlings per acre) or greater of the target species. This determination shall be made using standard forestry sampling techniques. The permittee shall provide the certified Survival Report including the sampling technique employed to this office no later than 1 October 2007.

g. Replanting and providing certified Survival Reports shall continue until such a time that a minimum of 50 percent survival rate of the target species (150 seedlings per acre) is achieved for four consecutive years or until the permit is modified to accomplish appropriate mitigation.

h. Following establishment of a minimum of 50-percent survival rate of the target species (150 seedlings per acre) for four consecutive growing seasons, no actions to inhibit or prevent continued natural succession of the mitigation site shall be allowed. An exception to this condition would be the necessary control of invasive and/or exotic species. Control recommendations by a certified/registered forester must be approved by the Vicksburg District Regulatory Branch prior to initiation of control measures.

i. Planting and Survival Reports should be mailed to:

U.S. Army Corps of Engineers
Vicksburg District
Regulatory Branch, Attn: Compliance Officer
4155 Clay Street
Vicksburg, Mississippi 39183-3435

4. The mitigation site shall be restored to a wetland with the appropriate hydrology, soils, and vegetation as defined in the "U.S. Army Corps of Engineers Wetlands Delineation Manual" (Waterways Experiment Station Technical Report Y-87-1, January 1987). If deemed necessary by the Corps, the permittee shall provide to the Corps proof that all three wetland criteria are met. If the area is not successfully restored to a wetland meeting these three criteria at the end of four years, the permittee must provide alternative mitigation deemed appropriate by the Corps.

5. Six perennial streams measuring a total of 4040 linear feet (6.32 acres) shall be mitigated using a Corps-approved instrument provided by the Louisiana Department of Wildlife and Fisheries. The Corps-approved stream mitigation plan must be provided to this office within 60 days of issuance of the permit.

6. The permittee shall not begin construction activities within 500 feet of either side of four designated areas (Area 14 - STA. 52+598 to 53+302, Area 15 - STA. 54+648 to 55+152, Area 16 - STA. 55+248 to 55+802, and Area 17 - STA. 56+098 to 56+602) that require a Phase I cultural resource survey until submittal, review and concurrence of the Phase I report for these four areas is concluded by the SHPO and the Corps. No construction shall take place in these areas until such time as all cultural resources issues are resolved, including any additional research, consultation, or investigation that may be required, should the findings of the Phase I survey so warrant.

7. If borrow areas not previously approved by the Corps are required, the permittee shall notify the Corps and furnish all necessary information for the Corps to determine impacts to jurisdictional waters of the United States and/or cultural

resources sites eligible or potentially eligible for inclusion in the *National Register of Historic Places*. If permits or other clearances are required for the use of the borrow site, those approvals must be obtained by the landowner of the site of his agent prior to use of the site for borrow.

8. Prior to initiation of work, a letter from the Louisiana Department of Wildlife and Fisheries acknowledging and approving the provision of the mitigation must be received by this office.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4, above).

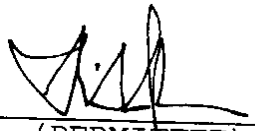
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



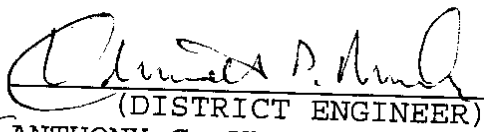
(PERMITTEE)

September 30, 2005

(DATE)

LOUISIANA DEPARTMENT OF
TRANSPORTATION AND DEVELOPMENT
Traci T. Johnson - Federal Permit Coordinator

This permit becomes effective when the Federal official,
designated to act for the Secretary of the Army, has signed
below.



(DISTRICT ENGINEER)
ANTHONY C. VESAY
Colonel, Corps of Engineers
District Engineer

October 4, 2005

(DATE)

When the structures or work authorized by this permit are still
in existence at the time the property is transferred, the terms
and conditions of this permit will continue to be binding on the
new owner(s) of the property. To validate the transfer of this
permit and the associated liabilities associated with compliance
with its terms and conditions, have the transferee sign and date
below.

(TRANSFEREE)

(DATE)



US Army Corps
of Engineers.
Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil



Public Notice

APPLICATION NO.:	ASJ-MVK-2005-403
EVALUATOR:	Ms. A. Susan Jarvis
PHONE NO.:	(601) 631-5146
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	June 20, 2005
EXPIRATION DATE:	July 11, 2005

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Louisiana Department of Environmental Quality, Office of Environmental Services are considering an application for a Department of the Army permit and State water quality certification for the work described herein. A water quality certification is required in accordance with statutory authority contained in the LRS 30:2074 A(3) and provisions of the Clean Water Act. Comments should be forwarded to the Vicksburg District, Attention: CEMVK-OD-F, at the above address, and the Louisiana Department of Environmental Quality, Office of Environmental Services, Post Office Box 4313, Baton Rouge, Louisiana 70821-4313.

The Louisiana Department of Environmental Quality has a copy of the application on file in their office in Baton Rouge and may be inspected at any time between 8:00 a.m. and 4:30 p.m. weekdays. Copies may be obtained from the Louisiana Department of Environmental Quality upon payment of cost of printing. The Louisiana Department of Environmental Quality will make a final decision on the water quality certification pertaining to this application within 30 days after expiration of this notice.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
Louisiana Department of
Transportation and Development
Post Office Box 94245
Baton Rouge, Louisiana 70804

Location of Work: Sections 2 and 3 of T22N-R15W; sections 3, 10, 15, 22, 27, and 34 of T23N-R15W, latitude 32°56'37" longitude 93°53'56", within the Red River drainage basin, Caddo Parish, Louisiana.

15 is located in the vicinity of STA. 55+715 to 55+740 and would impact approximately 0.70 acre of wetlands.

The dominant species of vegetation at the two delineated wetland sites include: *Acer rubrum*, *Arisema triphyllum*, *Carex howei*, *Carpus caroliniana*, *Cephalanthus occidentalis*, *Liquidambar styraciflua*, *Quercus michauxii*, *Quercus nigra*, *Quercus phellos*, *Salix nigra*, *Sapium sebiferum*, *Saururus cernuus*, and *Woodwardia virginica*.

A total of approximately 2.6 acres of jurisdictional wetlands would be impacted by the construction of the proposed project, including the cleared right-of-way. The applicant proposes to begin mitigation for the wetlands being impacted by construction activities for this project by minimizing impacts in accordance with their standard specifications. Unavoidably lost wetland functions and values would be appropriately mitigated.

A total of 20.92 acres of other waters of the United States would be impacted by the construction of the proposed project including the cleared right-of-way. Of the 16 delineated sites, 14 were identified as other waters of the United States. The locations, types, and amounts of impacts for these sites are shown in the Wetland Delineation Site Summary Table. Realignment of the stream and filling of the old channel would occur at an unnamed tributary to Mira Pond, located in the vicinity of STA. 49+795 to 49+800, an unnamed tributary to Flag Branch, located in the vicinity of STA. 52+435 to 52+490, an unnamed tributary to Hartman Branch, located in the STA. 53+500 to 53+660, Hartman Branch, located in the vicinity of 53+660 to 53+675, and an unnamed tributary to Nance Branch, located in the vicinity of STA. 54+850 to 54+890. Perennial and intermittent streams would be culverted with the appropriate culvert size to insure no interruption of the flow of the stream. Ponds and lakes are to be drained and filled.

Stream realignment and proposed bridges are planned for Flag Branch, located in the vicinity of STA. 52+660 to 52+725 and Nance Branch, located in the vicinity of STA. 55+700 to 55+705. Bridges would be concrete slab span structures.

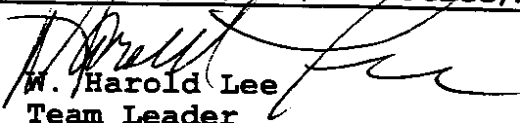
The placement of dredged and/or fill material in waters of the United States associated with the mechanized land clearing requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.


W. Harold Lee
Team Leader
Evaluation Section

WETLAND DELINEATION SITE SUMMARY TABLE
STATE PROJECT NO. 700-09-0117
I-49N – Mira-Myrtis Road – Arkansas State Line
Caddo Parish, Louisiana
Sites 1 - 16

Site	Station		Total Impacts (Acres)		Type
	Start	End	Wetlands	Other Waters	
1	49+310		--	0.07 (C)	IS
2	49+795	49+800	--	0.98 (C, R)	PS
3	50+360	50+435	--	2.44 (C)	PS
4	51+335	51+360	--	1.14 (C)	IS
5	51+740	51+750	--	1.14 (C)	PS
6	52+435	52+490	--	1.06 (C, R)	PS
7	52+660	52+725	--	1.34 (B, R)	FB
8	51+350	52+685	1.90	--	BLH
9	53+230	53+480	--	4.40 (F)	Lake
10	53+500	53+660	--	1.39 (C, R)	PS
11	53+660	53+675	--	0.89 (C, R)	HB
12	54+850	54+890	--	1.43 (C, R)/0.30 (F)	IS, Pond
13	55+500	55+560	--	2.60 (C)	IS
14	55+700	55+705	--	0.94 (B, R)	NB
15	55+715	55+740	0.70	-- f	BLH
16	56+579	56+614		0.80 (C)	Pond
Totals			2.60	20.92	

Legend: BLH – Bottomland Hardwood; FB – Flag Branch; HB – Hartman Branch; NB – Nance Branch; IS – Intermittent Stream; PS – Perennial Stream; (C) – Culvert; (F) – Fill; (B) – Bridge; (R) – Realignment

CEMVK-OD-FE ASJ-MVK-2005-403

LADOTD



State of Louisiana
Department of Environmental Quality

JUL 26 2005



KATHLEEN BABINEAUX BLANCO
GOVERNOR

MIKE D. McDANIEL, Ph.D.
SECRETARY

July 20, 2005

LA Department of Transportation & Development
P.O. Box 94245
Baton Rouge, LA 70804-9245

Attn: Traci T. Johnson, Federal Permit Coordinator

RE: Water Quality Certification (RL 050622-08 / AI 90874 / CER20050001)
Corps of Engineers Permit (ASK-MVK-2005-403)
Caddo Parish

Dear Mrs. Johnson:

The Department has received an application for the construction and maintenance of a four-lane highway extending from Mira-Myrtis Road to the Arkansas State Line in Caddo Parish, Louisiana.

The requirements for Water Quality Certification have been met in accordance with LAC 33:IX.1507.A-E. Based on the information provided in your application, we have determined that the placement of the fill material will not violate the water quality standards of Louisiana provided for under LAC 33:IX.Chapter 11. Therefore, the Department has no objection to this project.

Sincerely,

Thomas R. Griggs
Engineer Manager
Registrations and Certifications Section

TRG/rl

c: Corps of Engineers, New Orleans, LA



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OFFICE OF ENVIRONMENTAL SERVICES • P.O. BOX 4313 • BATON ROUGE, LOUISIANA 70821-4313

AN EQUAL OPPORTUNITY EMPLOYER

07-29-05 12:19 RCVD



ENCLOSURE 2

Certification of Compliance
With Department of the Army Permit

Permit Number: ASJ-MVK-2005-403

Name of Permittee: Louisiana Department of Transportation
And Development

Issued Date: October 4, 2005

Expiration Date: October 4, 2010

Upon completion of the activity authorized by this permit, sign this certification and return it to the following address:

USACE, Vicksburg District
ATTN: Regulatory Branch
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit modification, suspension, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit.

Date work was completed: _____

Signature of Permittee

Date Signed