



Public Notice

**U.S. Army Corps
Of Engineers**

Galveston District

Permit Application No: SWG-2023-00194

Date Issued: 3 October 2023

Comments

Due: 3 November 2023

U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. The U.S. Army Corps of Engineers (Corps) is not the entity proposing or performing the proposed work, nor has the Corps taken a position, in favor or against the proposed work.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act (CWA).

APPLICANT: Fontainebleau Operating, LLC
P.O. Box 565
Shreveport, Louisiana 71162-0565
POC: Scott Stroud
Telephone: 318-425-0101
Email: sstroudexploration.com

AGENT: Tim Morton and Associates
500 South Morgan Avenue
Broussard, Louisiana 70518-4763
POC: Jarrod Grandon
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Email: jgrandon@mortoninc.com

LOCATION: The project site is located in wetlands adjacent to an unnamed tributary to the Sabine River, at approximately 0.85-mile southeast of the intersection of US Highway 190 and the Sabine River, west of Merryville, in Beauregard Parish, Louisiana. The project can be located on the U.S.G.S. quadrangle map titled: Merryville South, Louisiana.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 30.736667° North; **Longitude:** 093.599167° West

PROJECT DESCRIPTION: The applicant proposes to discharge approximately 2,100 cubic yards of fill material into 2.28 acres of palustrine forested wetlands for the purpose of constructing a ring levee, access road and oil and gas drilling pad.

AVOIDANCE AND MINIMIZATION: The applicant has stated that they have avoided and minimized the environmental impacts by attempting to directionally drilling the well three times from an upland area. Due to subsurface geological issues the well was unable to be completed from uplands. The project utilizes existing access roads to the extent possible. The remaining access road and drill site within the wetland area has been reduced to the smallest practical size in order to drill at this location.

MITIGATION: The applicant proposed to mitigate for the proposed impacts through the purchase of functional credit units at an existing mitigation bank. The project lies within the secondary service area of an approved mitigation bank.

CURRENT SITE CONDITIONS: The project site is currently an undeveloped tract of land surrounded by forest and forested wetland areas. The project site lies within the Floodplains and Low Terraces ecoregion of the South Central Plains. This ecoregion is nearly level with natural levees, oxbow lakes, meander scarring, and swales capped by a veneer of Holocene alluvium. Vegetation tends to be forested wetlands, typically bottomland hardwood forests containing oak, gum, red maple, and American elm trees. Soils tend to be somewhat poorly drained to very poorly drained and are clayey and loamy. Elevations in the project area are generally 60-65 ft above mean sea level.

NOTES: This public notice is being issued based on information furnished by the applicant. This project information has not been verified by the Corps. The applicant's plans are enclosed in 10 sheets.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the CWA.

OTHER AGENCY AUTHORIZATIONS: The project site is not located within the Louisiana Coastal Zone and therefore, does not require State of Louisiana Coastal Zone Management Consistency.

Louisiana Department of Environmental Quality (LDEQ) water quality certification is required. Concurrent with processing of this application, the LDEQ will review this application under Section 401 of the Clean Water Act and in accordance with LRS 30:2074A(3) to determine if the work would comply with State water quality standards and other applicable provisions of the Clean Water Act. By virtue of an agreement between the Corps and the LDEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the LDEQ a decision on water quality certification under such act. Comments concerning this application should be filed within 30 days from the date of this notice with the Office of Environmental Services using the above permit application number as reference. Comments should be sent to: Louisiana Department of Environmental Quality, Office of Environmental Services, Attn: Water Quality Certifications, P.O. Box 4313, Baton Rouge, LA 70821-4313. Additional information is on file with LDEQ and may be inspected at any time between 8:00 A.M. and 4:30 P.M. weekdays. Copies may be obtained upon payment of cost of printing. A final decision on this application will be made within 60 days after the date of this notice. The LDEQ may conduct a public meeting to consider all comments concerning water quality if requested in writing. A request for a public meeting must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest. The applicant has not yet reached out to the LDEQ to initiate the Section 401 CWA process.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

An archaeological survey has been conducted. No historic properties were present. Therefore, this project will have no effect on historic properties.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. 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 benefits, 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: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps 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 Corps to determine whether to issue, 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 the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an EIS 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.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: The purpose of a public hearing is to solicit additional information to assist in the evaluation of the proposed project. Prior to the close of the comment period, any person may make a written request for a public hearing, setting forth the particular reasons for the request. The District Engineer will determine if the reasons identified for holding a public hearing are sufficient to warrant that a public hearing be held. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this public notice must reach this office on or before **3 November 2023**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should reference our file number, **SWG-2023-00194**, and should be submitted to:

North Evaluation Unit
Regulatory Division, CESWG-RDE
U.S. Army Corps of Engineers
Galveston District
2000 Fort Point Road
Galveston, Texas 77550
409-766-3869 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS