



REPLY TO
ATTENTION OF

Regional Planning and
Environment Division South
Environmental Compliance Branch

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

PUBLIC NOTICE

REQUEST FOR PERMISSION TO MODIFY A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

PUBLIC NOTICE/FILE NUMBER: 14-1211

COMMENT PERIOD BEGINS: April 5, 2016
COMMENT PERIOD EXPIRES: April 20, 2016

REQUESTER:

CCI Port Nickel LLC
811 Main Street
Suite 3500
Houston, TX 77002

PROPOSED ACTION:

CCI Port Nickel, LLC, seeks to repair and to improve an existing dock facility by installing five new breasting structures and two 72-inch mooring dolphin monopiles. Each breasting structure would require two 54-inch pilings and one cell fender attached to the double piling structure.

LOCATION OF PROPOSED ACTION:

The project is located in the Mississippi River near 3607 English Turn Road, Braithwaite, Louisiana.

NOTICE:

Interested parties are hereby notified that a request for permission to modify a Federal project has been received for the activity described herein and as shown on the attached drawings. You are invited to provide your comments by the expiration date above. Your comments will become part of the record and will be considered in the decision on the request. Permission will be issued or denied under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

Written comments shall be mailed to:

Department of the Army
Corps of Engineers, New Orleans District
CEMVN-PDC
ATTN: Howard Ladner
P.O. Box 60267
New Orleans, Louisiana 70160-0267

Electronic comments may be sent to:

Howard.W.Ladner@usace.army.mil

It should be noted that ALL comments received by this office (via hard copy or electronic) will only be accepted with the full name and address of the individual commenting, and must be received by the expiration of the public notice period.

AUTHORITY:

This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899.

EVALUATION FACTORS:

The decision whether to grant the requested permission for project modification under Section 408 will be based on several factors. 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. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

- 1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.
- 2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider

information received from the interested parties, including tribes, agencies, and the public. The decision whether to approve the requested modification will be determined by the consideration of whether benefits are commensurate with risks associated with the proposed modification. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

- 3) Environmental Compliance. A decision on a Section 408 request is a Federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is responsible for providing all information that the USACE district identifies as necessary. Specifically, the other environmental compliance requirements which will be considered in this evaluation include, but are not limited to the following:
- a. A review of the proposed action under Section 7 of the Threatened and Endangered Species Act has indicated “no effect” to listed species or their critical habitat is likely except for West Indian Manatee. While manatee are not likely to be adversely affected by the proposed action, it is possible that they may be found in the project area. Therefore, standard Manatee protection conditions will be incorporated into the Section 408 permission letter.
 - b. The proposed action has been found to be consistent with the Coastal Zone Management Act to the maximum extent practicable. The applicant will be required to provide proof of a coastal use permit if applicable.
 - c. The applicant will be required to provide proof of compliance with Section 401 of the Clean Water Act from the Department of Environmental Quality.
 - d. The proposed project will not have adverse impacts to Essential Fish Habitat.
 - e. The proposed permit action will be analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It is likely that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153.
 - f. Compliance with Clean Water Act, Section 404(b)(1) guidelines, as well as Section 10 of the Rivers and Harbors Act will be evaluated through a separate USACE permit review process. EC 1165-2-216 specifies the Section 408 request be evaluated independent of the above referenced USACE permit evaluations.
 - g. With implementation of the proposed action, no historic or cultural resources will be affected. A determination of “no historic properties affected” is currently being coordinated with the Louisiana SHPO and federally recognized Tribes with an interest in the MVN. The proposed action would not be allowed to proceed until coordination has been completed.

All factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project. The review will consider whether the proposed project is injurious to the public interest, and its potential impact to the usefulness of the Federal project. Policy and legal compliance will also be considered.

The USACE is also soliciting comments from the public, Federal, state and local agencies, Indian tribes, and other interested parties in order to consider and evaluate the potential impacts of the proposed activity. Once this office completes a review of the comments received, it will determine whether to provide permission to modify the project under Section 408.

To prepare this decision, comments are taken into consideration to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used in the preparation of environmental compliance documentation as required by NEPA.

COORDINATION: This public notice will be coordinated with the relevant State, Federal and Tribal entities as appropriate.

SUMMARY:

Interested parties wishing to comment on the proposed activity must do so in writing no later the above expiration date. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Howard Ladner, Project Manager, by telephone at 504-862-2021 or via email at Howard.W.Ladner@usace.army.mil.

FOR THE DISTRICT COMMANDER:


For Joan M. Exnicios
Chief, Environmental Planning Branch

encls



Louisiana Department of Natural
Resources
Office of Coastal Management
(OCM)

Joint Permit Application

For Work Within the Louisiana
Coastal Zone



U.S. Army Corps Of Engineers
(COE)
New Orleans District

[Print Application](#)

Permit Number: P20151309

Date Received: 12/29/2015

Step 1 of 15 - Applicant Information

Applicant/Company Name: CCI Port Nickel LLC

Applicant Type: INDUSTRY/OTHER

Mailing Address: 811 Main Street
Suite 3500
Houston, TX 77002

Contact Information: Leann Plagens

Daytime: 281 378 1257 **Fax:** 281 378 1152 **Contact Email:** Leann.Plagens@cci.com

Step 2 of 15 - Agent Information

Company Name: Schneider Engineering

Mailing Address: 323 23rd Street
Galveston, TX 77550

Contact Information: Jene Adler

Daytime: 409 771 0937 **Fax:** 813 342 8266 **Contact Email:** jadler@schneiderrec.com

Step 3 of 15 - Permit Type

- Coastal Use Permit (CUP) Solicitation of Views (SOV) Request for Determination (RFD)

Step 4 of 15 - Pre-Application Activity

a. Have you participated in a Pre-Application or Geological Review Meeting for the proposed project?

No Yes**Date meeting was held:** 12/10/2015Leann Plagens/Jason IlgKarl Morgan/Christine Charrier**Attendees:**(Individual or Company Rep)(OCM Representative)(COE Representative)**b. Have you obtained an official wetland determination from the COE for the project site?** No Yes**JD Number:**

MVN-2014-01187

c. Is this application a mitigation plan for another CUP? No Yes**OCM Permit Number:**

Step 5 of 15 - Project Information

a. Describe the project:

CCI proposes to store dry bulk commodities on the existing cement slab and receive vessels at the existing dock. The proposed vessel draft will be approximately 31.8 feet. The existing dock would not be able to safely accommodate the proposed lateral loads from berthing and mooring, therefore, the proposed dock repair/rehabilitation will entail the installation of five new breasting structures and two 72-inch mooring dolphin monopiles. Each breasting structure will require two 54-inch piles and one cell fender attached to the double piling structure. This technology is more effective and cost efficient than replacing existing structures.

b. Is this application a change to an existing permit? No Yes**OCM Permit Number:****c. Have you previously applied for a permit or emergency authorization for all or any part of the proposed project?** No YesAgency NamePermit NumberDecision StatusDecision Date

OCM

COE

Other

Step 6 of 15 - Project Location

a. Physical Location**Street:** 3607 English Turn Road

City: Braithwaite **Parish:** PLAQUEMINES **Zip:** 70040

Water Body: Mississippi River

b. Latitude and Longitude

Latitude: 29 51 34.33 **Longitude:** -89 58 22.03

c. Section, Township, and Range

Section #: 1 **Township #:** 14S **Range #:** 12E

Section #: 2 **Township #:** 14S **Range #:** 12E

d. Lot, Tract, Parcel, or Subdivision Name

Lot #: 1 & 2 **Parcel #:** 1B

Tract #: **Subdivision Name:** St. Clair Plantation

e. Site Direction:

Take IH 10 east to New Orleans. Take I-610 East to Slidell. Take Exit 4 (Franklin Ave.) and turn right for 0.8 mile. Turn left onto N. Galvez Street for 1.2 mile the turn right onto Poland Street for 0.5 mile. Turn left onto LA -39S/N Robertson Street for 2.1 mile. Turn right onto West Center Street for 0.3 mile, turn left onto LA-46 East for 9.8 miles and take slight right toward LA -39 S/St. Bernard Park Way for 3.8 mile and then a slight right onto LA-3137 for 2.3 miles and the destination will be on your left.

Step 7 of 15 - Adjacent Landowners

Adjacent Landowner : Burton and Paula Melerine

Mailing Address: 1940 Michelle Drive
St. Bernard, , LA 70085

Adjacent Landowner : Robert and Lisa Landry

Mailing Address: P.O. Box 1464
Braithwaite, , LA 70040

Adjacent Landowner : Elaine Orlando

Mailing Address: 31 Forest Green Drive
Mandeville, , LA 70448

Adjacent Landowner : John Todi

Mailing Address: 2513 Creely Drive
Chalmette, , LA 77043

Step 8 of 15 - Project Specifics

a. Project Name and/or Title: CCI Bulk Storage Facility

b. **Project Type:** Non-Residential

c. **Source of Funding:** Private

d. **What will be done for the proposed project?**

- Bridge/Road
 Home Site/Driveway
 Pipeline/Flow Line
 Rip Rap/Erosion Control
 Bulkhead/Backfill
 Levee Construction
 Plug/Abandon
 Site Clearance
 Drainage Improvements
 Dredging
 Production Barge/Structure
 Subdivision
 Drill Barge/Structure
 Prop Washing
 Vegetative Plantings
 Wharf/Pier/Boathouse
 Drill Site
 Pilings
 Remove Structures
 Fill
 Marina
 Major Industrial/Commercial
 Other: Rehabilitation/repair of existing breasting structures.

e. **Why is the proposed project needed?**

The proposed project is needed to repair a dock that will provide for loading and unloading of vessels for a bulk storage facility to satisfy market need.

Step 9 of 15 - Project Status

a. **Proposed project start date:** 02/01/2016 **Proposed project completion date:** 08/31/2016

b. **Is any of the project work in progress?**

No Yes

c. **Is any of the project work complete?**

No Yes

Step 10 of 15 - Structures, Materials, and Methods for the Proposed Project

a. **Excavations**

yd³ Acres

b. **Fill Areas**

yd³ Acres

c. **Fill Materials**

- | | | | |
|--|-----------------|--|-----------------|
| <input type="checkbox"/> Concrete: | yd ³ | <input type="checkbox"/> Rock: | yd ³ |
| <input type="checkbox"/> Crushed Stone or Gravel: | yd ³ | <input type="checkbox"/> Sand: | yd ³ |
| <input type="checkbox"/> Excavated and placed onsite: | yd ³ | <input type="checkbox"/> Hauled in topsoil/Dirt: | yd ³ |
| <input type="checkbox"/> Excavated and hauled offsite: | yd ³ | | |
| <input type="checkbox"/> Other: | yd ³ | | |

d. What equipment will be used for the proposed project?

- | | | |
|--|--|--|
| <input type="checkbox"/> Airboat | <input type="checkbox"/> Bulldozer/Grader | <input type="checkbox"/> Marsh Buggy |
| <input type="checkbox"/> Backhoe | <input type="checkbox"/> Dragline/Excavator | <input type="checkbox"/> Other Tracked or Wheeled Vehicles |
| <input type="checkbox"/> Barge Mounted Bucket Dredge | <input type="checkbox"/> Handjet | <input type="checkbox"/> Self Propelled Pipe Laying Barge |
| <input checked="" type="checkbox"/> Barge Mounted Drilling Rig | <input type="checkbox"/> Land Based Drilling Rig | <input type="checkbox"/> Tugboat |
| <input type="checkbox"/> Other: | | |

Step 11 of 15 - Project Alternatives

a. Total acres of wetlands and/or waterbottoms filled and/or excavated.

0.0 acres

b. What alternative locations, methods, and access routes were considered to avoid impact to wetlands and/or waterbottoms?

No alternative location was considered due to the use of existing facility site.

c. What efforts were made to minimize impact to wetlands and/or waterbottoms?

Using existing dock structure and existing concrete slab to store bulk items.

d. How are unavoidable impacts to vegetated wetlands to be mitigated?

There will not be any impacts to vegetated wetlands.

Step 12 of 15 - Permit Type and Owners

a. Are you applying for a Coastal Use Permit?

- No Yes

b. Are you the sole landowner/oyster lease holder?

- No Yes

- The applicant is an owner of the property on which the proposed described activity is to occur.
- The applicant has made reasonable effort to determine the identity and current address of the owner(s) of the land on which the proposed described activity is to occur, which included, a search of the public records of the parish in which the proposed activity is to occur.
- The applicant hereby attests that a copy of the application has been distributed to the following landowners/oyster lease holders:

c. Does the project involve drilling, production, and/or storage of oil and gas?

No

Yes

Step 13 of 15 - Maps and Drawing Instructions

[CCIPortNickelLLC_LaDNRJointPermitApplication_122915_EXHIBITSA-G.pdf](#) 12/29/2015 03:16:08 PM

Step 14 of 15 - Payment

The fee for this permit is: \$100.00

Step 15 of 15 - Payment Processed

Applicant Information

Applicant Name: CCI Port Nickel LLC
Address: 811 Main Street
Suite 3500
City/State/Zip: Houston, TX 77002

Application Information

Permit Type: CUP

To the best of my knowledge the proposed activity described in this permit application complies with, and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. If applicable, I also certify that the declarations in Step 12c, oil spill response, are complete and accurate.

[View Comments related to this project](#)



New Orleans

Mississippi River

428

Timberlane

406

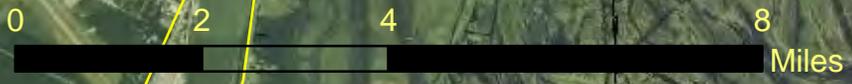
407

3137

Belle Chasse

29°51'34.33"N, 89°58'22.03"W

● Proposed Project Site

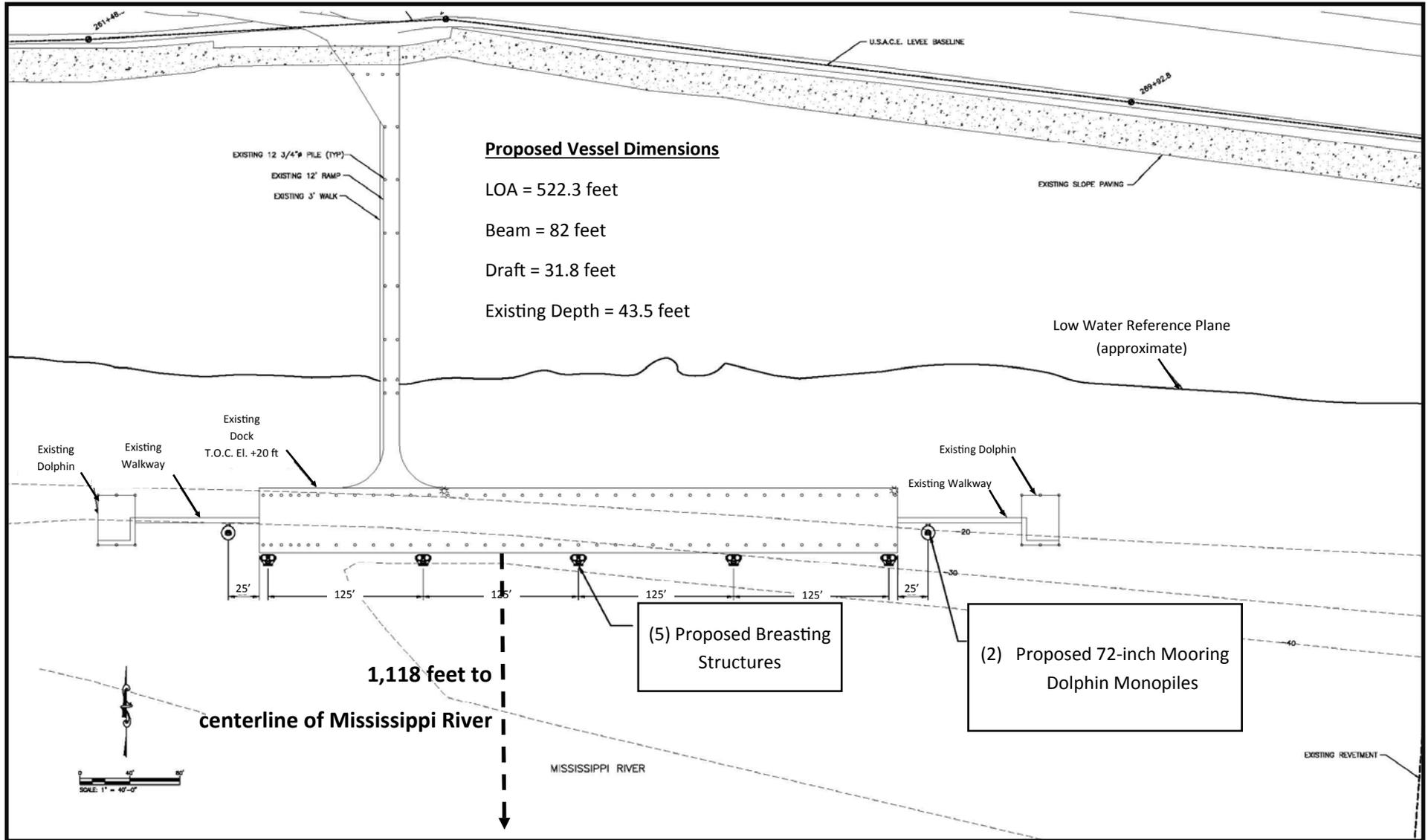


USDA, SDMI

Exhibit A
Vicinity Map

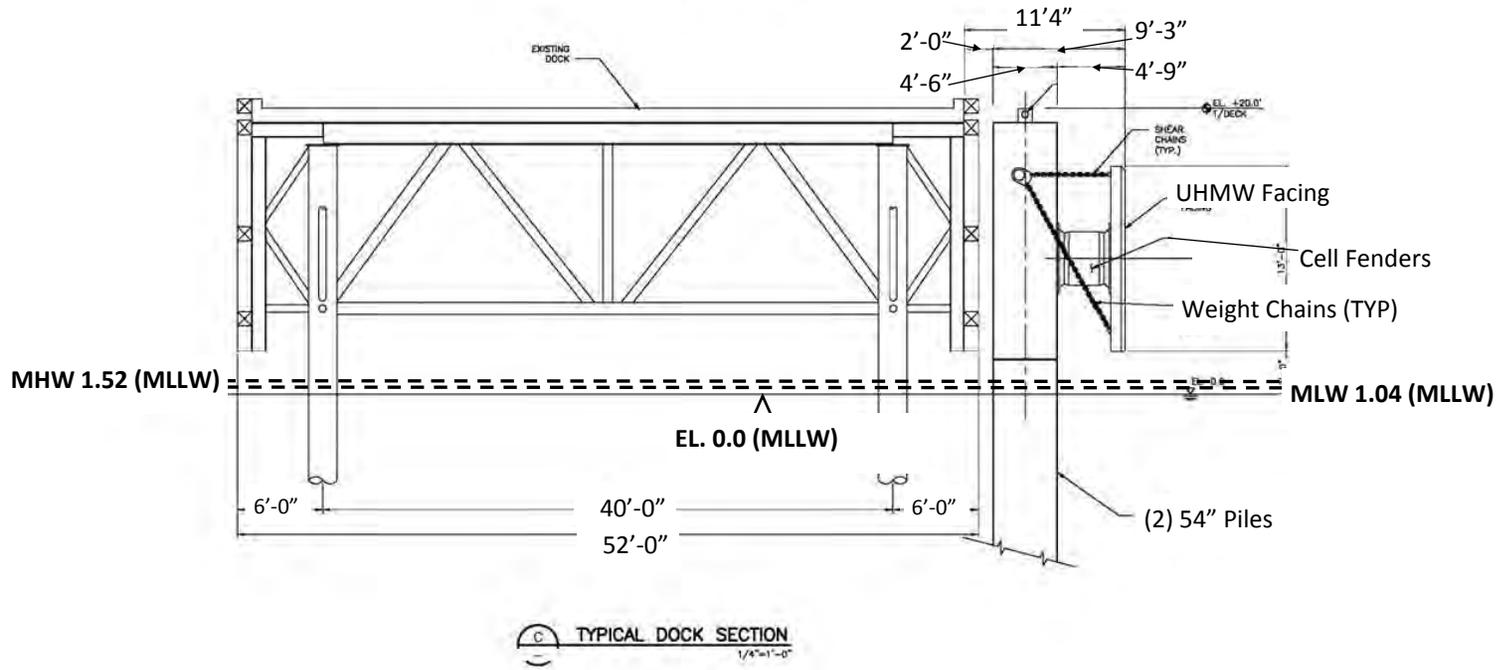
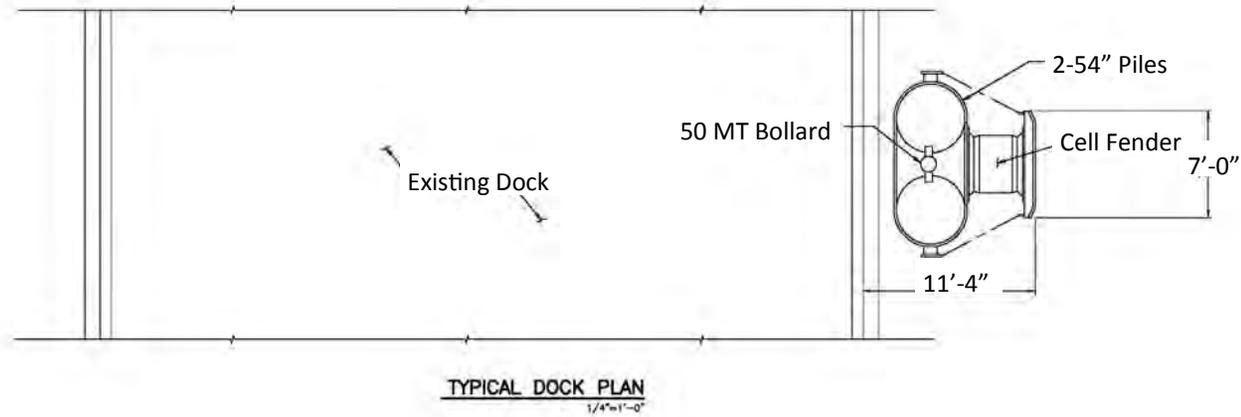
**Castleton Commodities
International
Plaquemines Parish, LA**
December 29, 2015

SCHNEIDER
ENGINEERING & CONSULTING
323 23rd Street, Galveston, TX 77550
www.schneiderrec.com



<p>Exhibit B</p> <p>Proposed Site Plan</p>	<p>Castleton Commodities International</p> <p>Plaquemines Parish, LA</p>	 <p>323 23rd Street, Galveston, TX 77550</p> <p>www.schneiderrec.com</p>
	<p><i>December 29, 2015</i></p>	

Proposed Breasting Structures (5)



<p>Exhibit C</p> <p>Typical Section of Breasting Structure</p>	<p>Castleton Commodities International</p> <p>Plaquemines Parish, LA</p>	 <p>323 23rd Street, Galveston, TX 77550 www.schneiderrec.com</p>
	<p><i>December 29, 2015</i></p>	

Proposed Mooring Dolphin Monopiles (2)

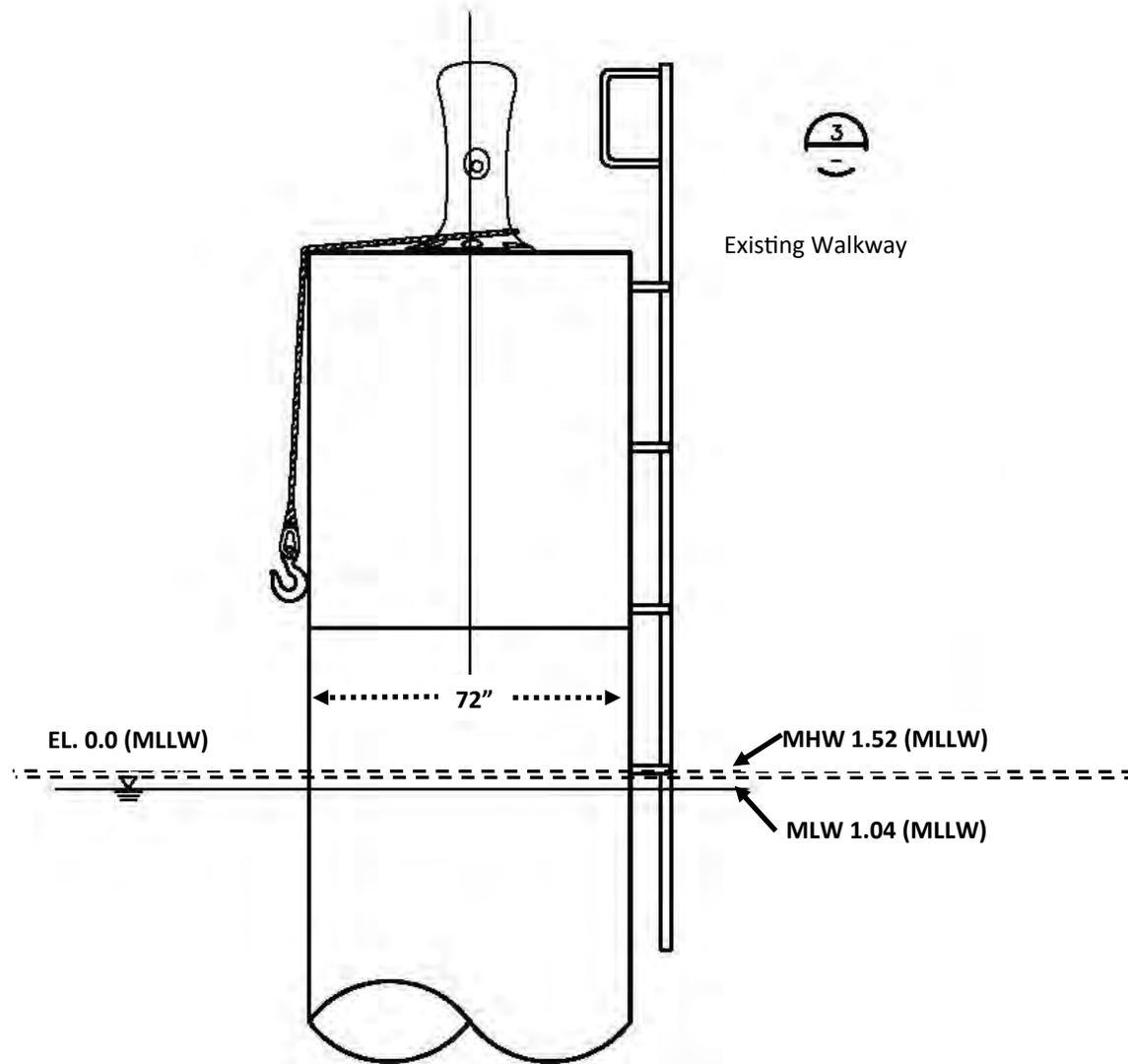


Exhibit D Typical Section of Mooring Dolphin Monopile	Castleton Commodities International Plaquemines Parish, LA	 323 23rd Street, Galveston, TX 77550 www.schneiderrec.com
	<i>December 29, 2015</i>	

No Detrimental or Significant Impact (NDSI) Conditions

Notes to be added to permit plats

1. As-built drawings and/or plats shall have written on them the date of completion of said activities and shall be submitted to the Louisiana Department of Natural Resources, Office of Coastal Management, P. O. Box 44487, Baton Rouge, LA 70804-4487 within 30 days following project completion.
2. All structures built under the authorization and conditions of this permit shall be removed from the site within 120 days of abandonment of the facilities for the herein permitted use, or when these structures fall into a state of disrepair such that they can no longer function as intended. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.
3. Structures must also be marked/lighted in accordance with U. S. Coast Guard regulations.
4. In order to ensure the safety of all parties, the permittee shall contact the Louisiana One Call System (1-800-272-3020) a minimum of 48 hours prior to the commencement of any excavation (digging, dredging, jetting, etc.) or demolition activity.

Exhibit E NDSI Conditions	Castleton Commodities International Plaquemines Parish, LA	 323 23rd Street, Galveston, TX 77550 www.schneiderrec.com
	<i>December 29, 2015</i>	