



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

October 16, 2023

Regulatory Division
Central Evaluation Branch

Project Manager
Neil Gauthier
(504) 862-1301
Neil.T.Gauthier@usace.army.mil
Application Number: MVN-1997-04590-CM

PUBLIC NOTICE

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the US Army Corps of Engineers pursuant to: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403), [] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

PERMIT MODIFICATION TO INSTALL PILINGS FOR A SHIP MOORING IN THE MISSISSIPPI RIVER IN ST. JAMES PARISH

NAME OF APPLICANT: American Commercial Barge Line, c/o Lanier & Associates Engineers, Attn: John Maurin, 4101 Magazine St., New Orleans, LA 70115.

LOCATION OF WORK: In the Mississippi River, left descending bank, river mile 159 (30.017777, -90.832222) near Convent, Louisiana, in St. James Parish, within the Lower Mississippi- Baton Rouge Basin in hydrologic unit (HUC 08070100), as shown on the attached drawings.

CHARACTER OF WORK: The applicant has requested Department of the Army authorization to modify an existing permit issued to install and maintain 28, 3-pile mooring dolphins to expand an existing barge fleet operation. The modification includes installation of 5 anchor piles with chains and buoys on the river side of the existing barge fleet to create a ship mooring location. The work will be performed with a barge mounted crane. When there is a ship in berth, the barge fleet will be temporarily reduced from 8-wide to 5-wide. The project included structures in Section 10 waters only. There are no Section 404 impacts associated with this project.

MITIGATION: The applicant proposes to avoid additional direct impacts and minimize secondary impacts to the maximum extent practicable. The proposed activity does not affect wetland resources; therefore, no mitigation is required.

The comment period for the Department of Army will close in **30 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 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 preferably emailed to the Corps of Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGC, Neil Gauthier**. 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. Further, all factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project.

The New Orleans District utilizes the National Register of Historic Places to identify properties listed on or near the proposed work and is presently unaware of non-listed eligible properties near the project site.

The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. However, extent of impacts is undetermined at this time pending a National Historic Preservation Act compliance determination. As deemed necessary, copies of this notice are made available to the State Archeologist and the State Historic Preservation Officer, and federally recognized Native American 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 endangered species.

Utilizing the Information & Planning Consultation for Endangered Species in Louisiana protocol, as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans District (CEMVN) and the U.S. Fish and Wildlife Service, CEMVN has determined that the proposed project is located in waters known to be utilized by the West Indian Manatee (*Trichechus manatus*) and the Pallid Sturgeon (*Scaphirhynchus albus*); however, the proposed work has been determined not likely to adversely affect these species as there will be no dredging activities associated with the work and the work will be completed in a time period which the Manatee is not expected to be in the area.

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 0 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.

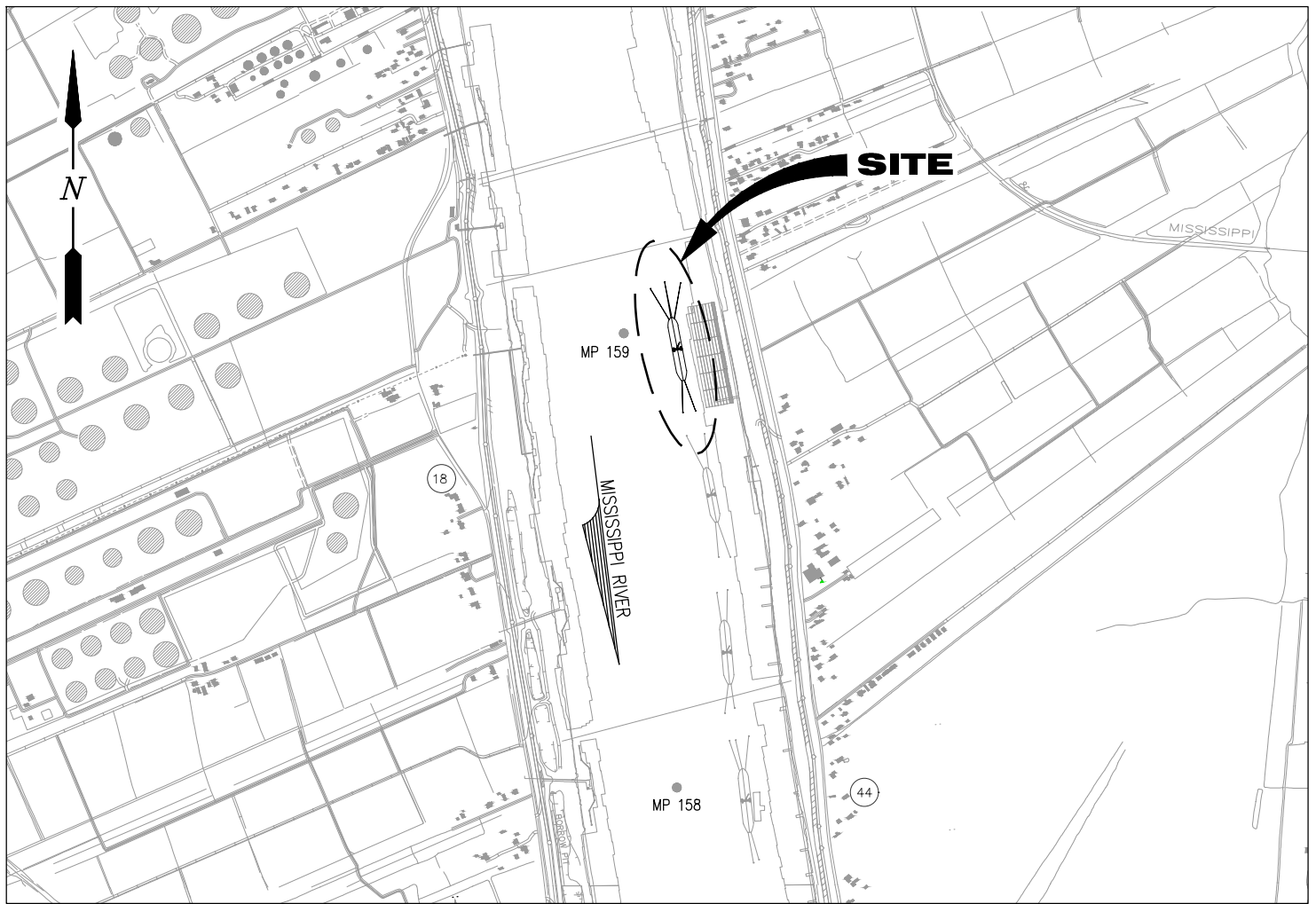
Any person may request, (preferably by email to the project manager, or in writing), within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program (Louisiana Coastal Zone Application P20230631). The Department of the Army permit will not be issued unless the applicant received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

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.

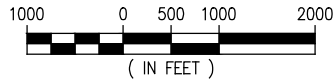
John M. Herman
Chief, Central Evaluation Branch
Regulatory Division

Enclosures

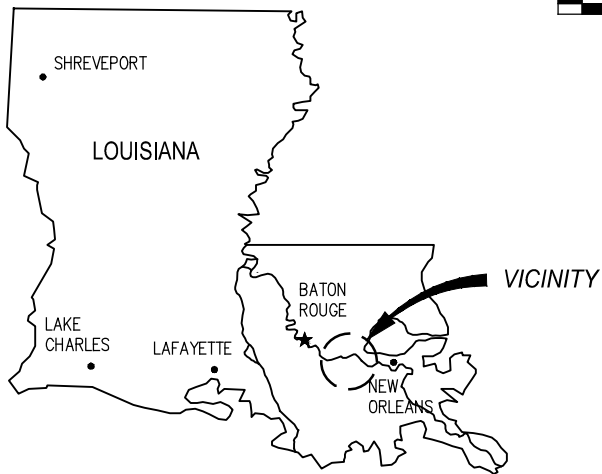


VICINITY MAP

SCALE: 1" = 2000'



ST. JAMES PARISH
LAT. 30° 01' 04" N
LONG. 90° 49' 56" W



AREA MAP

JACOB P. MCWILLIAMS
LA PE #46856

PRELIMINARY - FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION

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INCORPORATED

LA: EF-1120 TX: F-2981
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AMERICAN COMMERCIAL BARGE LINE
CONVENT LOUISIANA

PROPOSED NEW MIDSTREAM SHIP BERTH
VICINITY MAP AND AREA MAP

DATE AUG. '23
DESIGN JPM
DRAWN ADG
CHECK JDM
JOB NO 12392
SHEET No.
1 OF 6

NOTES

1. NO IMPACTS TO RARE, THREATENED OR ENDANGERED SPECIES OR CRITICAL HABITATS ARE ANTICIPATED FROM THE PROPOSED PROJECT. NO STATE OR FEDERAL PARKS, WILDLIFE REFUGES, WILDLIFE MANAGEMENT AREAS OR SCENIC RIVERS ARE KNOWN AT THE SPECIFIED SITE OR WITHIN ¼ MILE OF THE PROPOSED PROJECT. THE WILDLIFE DIVERSITY PROGRAM (WDP) REPORTS SUMMARIZE THE EXISTING INFORMATION KNOWN AT THE TIME OF THE REQUEST REGARDING THE LOCATION IN QUESTION. WDP REPORTS SHOULD NOT BE CONSIDERED FINAL STATEMENTS ON THE BIOLOGICAL ELEMENTS OR AREAS BEING CONSIDERED, NOR SHOULD THEY BE SUBSTITUTED FOR ON-SITE SURVEYS REQUIRED FOR ENVIRONMENTAL ASSESSMENTS. IF AT ANY TIME WPD TRACKED SPECIES ARE ENCOUNTERED WITHIN THE PROJECT AREA, PLEASE CONTACT OUR BIOLOGIST AT 225-763-3554.
2. 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.
3. 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.
4. STRUCTURES MUST ALSO BE MARKED/LIGHTED IN ACCORDANCE WITH U. S. COAST GUARD REGULATIONS.
5. 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.
6. ALL ELEVATIONS REFER TO NAVD 88 UNLESS NOTED OTHERWISE.

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PROPOSED NEW MIDSTREAM SHIP BERTH
NOTES

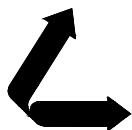
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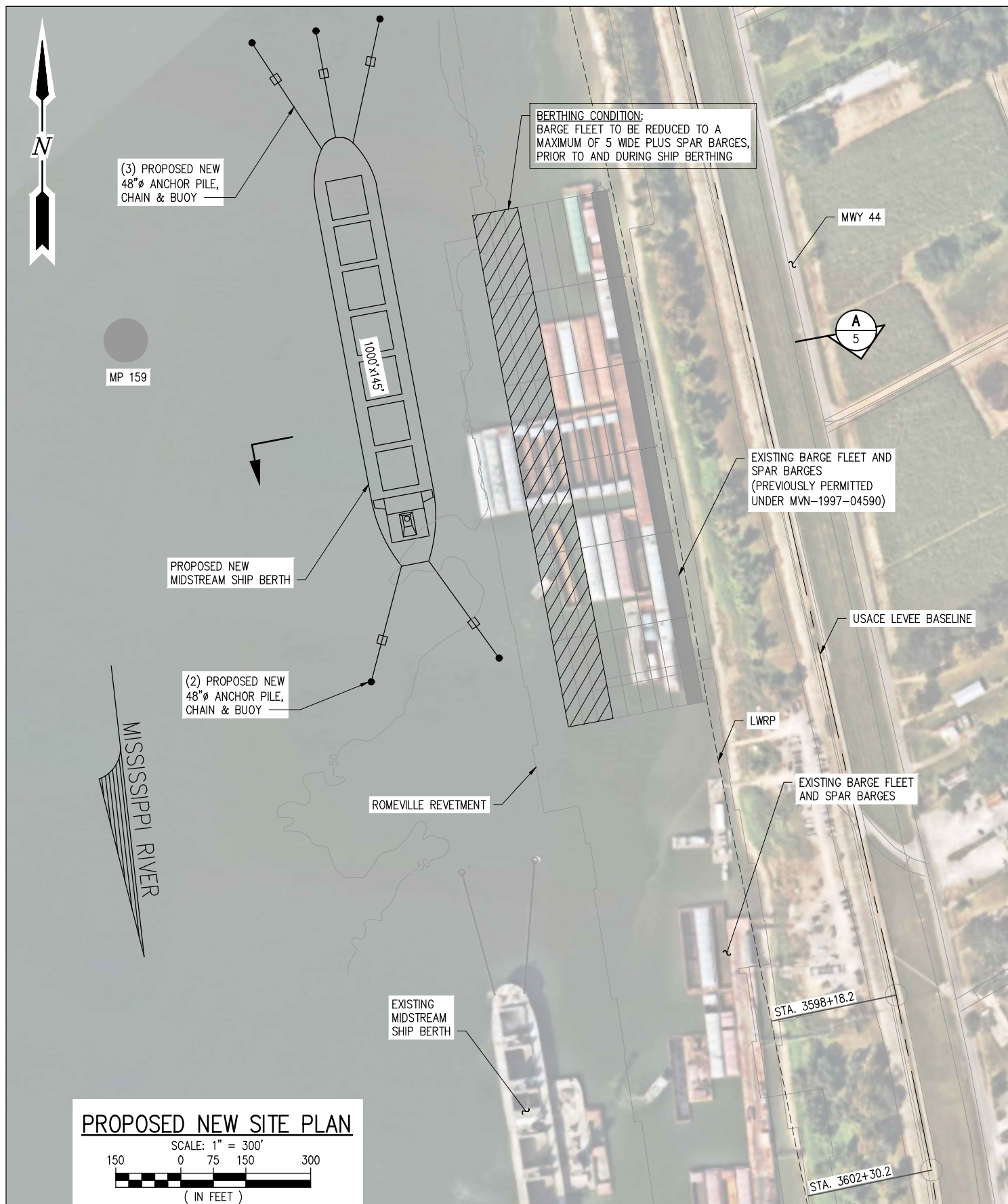
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PROPOSED NEW MIDSTREAM SHIP BERTH
EXISTING SITE PLAN

DATE AUG. '23
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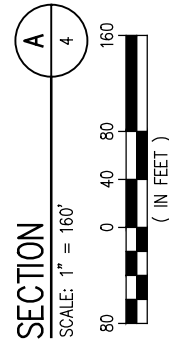
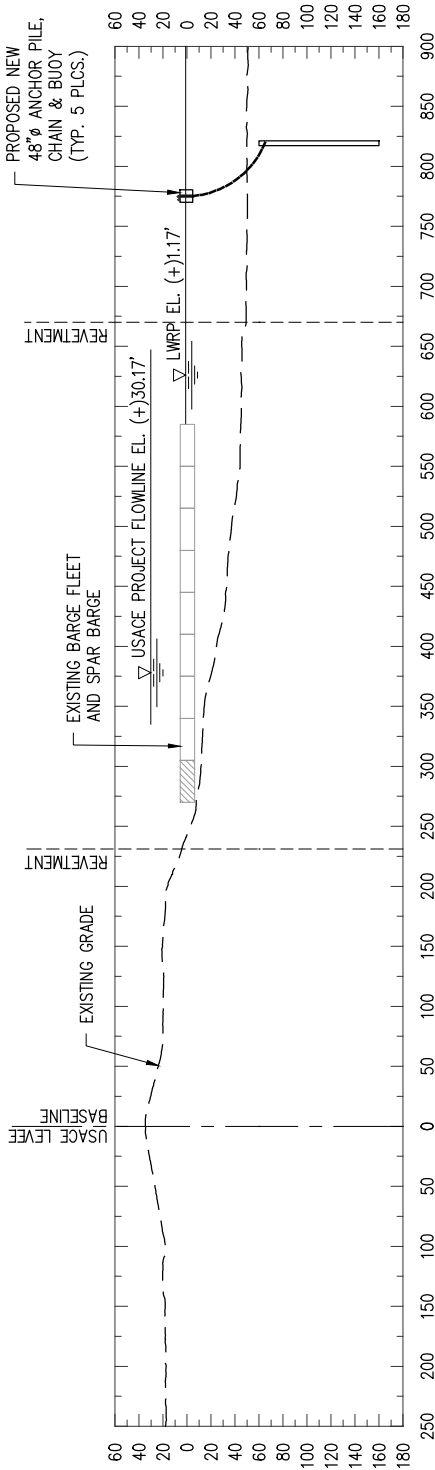
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PROPOSED NEW MIDSTREAM SHIP BERTH
PROPOSED NEW SITE PLAN

DATE AUG. '23
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SHEET No.

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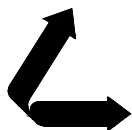
NOTES

1. HYDROGRAPHIC SURVEY PERFORMED BY USACE IN 2022.
2. TOPOGRAPHIC SURVEY DATA REFERENCES LIDAR DATA COLLECTED BY USACE IN 2016.
3. HORIZONTAL DATUM REFERENCE TO NAD83 ZONE 1702 LOUISIANA SOUTH, FEET.
4. ALL ELEVATIONS ARE EXPRESSED IN FEET AND TENTHS AND REFERENCED TO NAVD 88.

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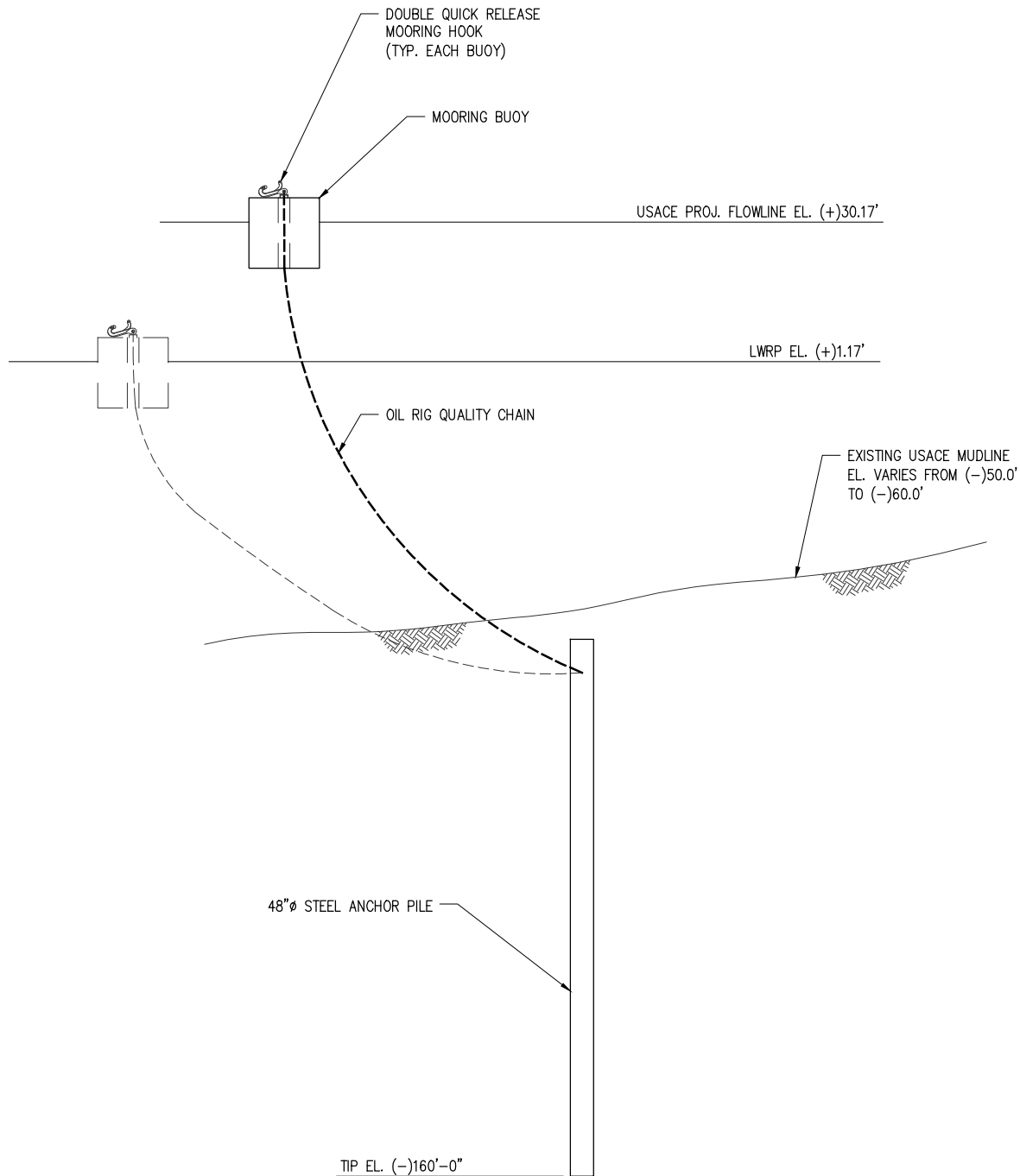
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PROPOSED NEW MIDSTREAM SHIP BERTH
CROSS SECTION

DATE AUG. '23
DESIGN JPM
DRAWN ADG
CHECK JDM
JOB NO 12392
SHEET No.
5 OF **6**



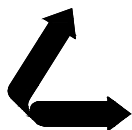
BUOY ANCHOR PILE – DETAIL

SCALE: N.T.S.

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PROPOSED NEW MIDSTREAM SHIP BERTH
BUOY ANCHOR PILE - DETAIL

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6 OF 6