

JOINT PUBLIC NOTICE

April 14, 2014

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

(504) 862-2041 FAX (504) 862-2117
robert.m.tewis2@usace.army.mil
Project Manager
Robert Tewis
Permit Application Number
MVN-1999-04159-ETT

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

(225) 219-3225;
Fax (225) 219-3156
Project Manager
Elizabeth Johnson
WQC Application Number
WQC 0701011-02

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 (Corps) pursuant to: Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or 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 for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

EXTEND THE EXPIRATION DATE OF AN EXISTING PERMIT FOR COMMERCIAL DREDGING, IN MISSISSIPPI RIVER, JEFFERSON PARISH, LOUISIANA

NAME OF APPLICANT: Luhr Bros., Inc., Attention: Michael A. Luhr, 250 W. Sand Bank Road, Columbia, Illinois

LOCATION OF WORK: Along the left descending bank of the Mississippi River, at 5900 River Road, Harahan, Jefferson Parish, Louisiana.

EXISTING CONDITIONS: Corps permit # EE-19-990-4159-1 was previously issued authorizing commercial dredging and stockpiling at this facility.

CHARACTER OF WORK: Continue commercial dredging from approximately 13.78 acres of non-vegetated Mississippi River bottoms and stockpiling the dredged materials in existing storage areas of the river bature at the location referenced above. No impacts to wetlands are proposed.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **30 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**. Similar 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. Individuals or parties may request an extension of time in which to comment on the proposed work by writing or e-mailing the Corps of Engineers Project Manager listed above. 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.

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. The Department of the Army permit will not be issued unless the applicant receives approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

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.

The New Orleans District is unaware of properties listed on the National Register of Historic Places near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Issuance of this public

notice solicits input from the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

The project site is located in a US Fish and Wildlife Service (FWS) designated pallid sturgeon (*Scaphirhynchus albus*) consultation zone, an Endangered Species Act (ESA) listed species. The sturgeon is a bottom-oriented fish that inhabits large river systems from Montana to Louisiana. In Louisiana it occurs in the Atchafalaya and Mississippi Rivers, and below Lock and Dam # 3 on the Red river. The pallid sturgeon is adapted to large, free-flowing, turbid rivers with a diverse assemblage of physical characteristics that are in constant state of change. The pallid sturgeon is believed to utilize Louisiana riverine habitat during reproductive stages of its life cycle. The applicant has agreed to follow “Special Operational Conditions” specified by the FWS to minimizing potential adverse impacts to the pallid sturgeon that may occur during the hydraulic dredge operations proposed; therefore, the Corps determined that the project, as proposed, is “not likely to adversely affect” the pallid sturgeon.

This notice initiates the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would result in temporary adverse impacts to N/A acres of EFH utilized by various life stages of red drum, blue crab and penaeid shrimp. Our initial determination is that the proposed action may have temporary adverse impacts on EFH or federally managed fisheries of 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 NMFS.

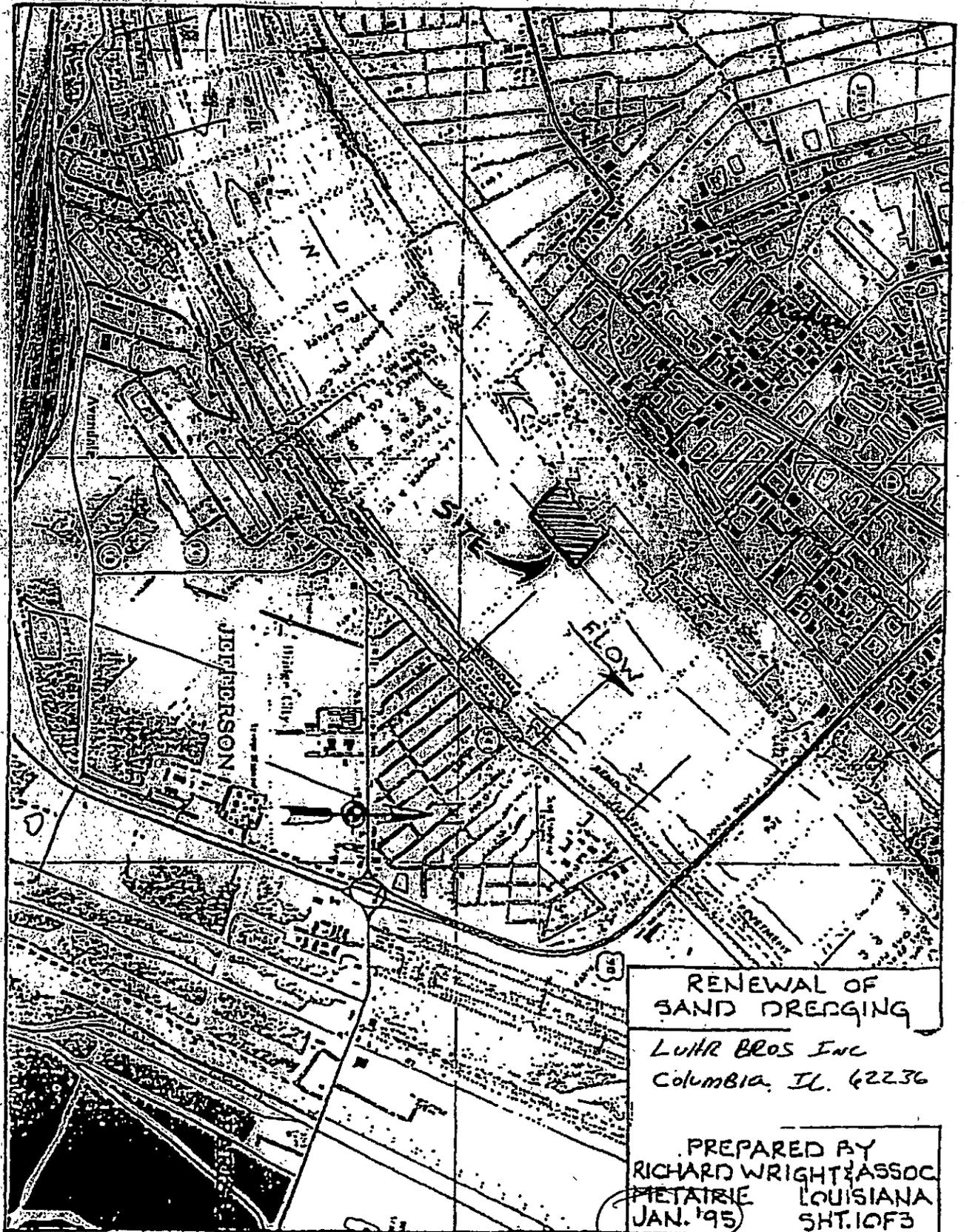
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not 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.

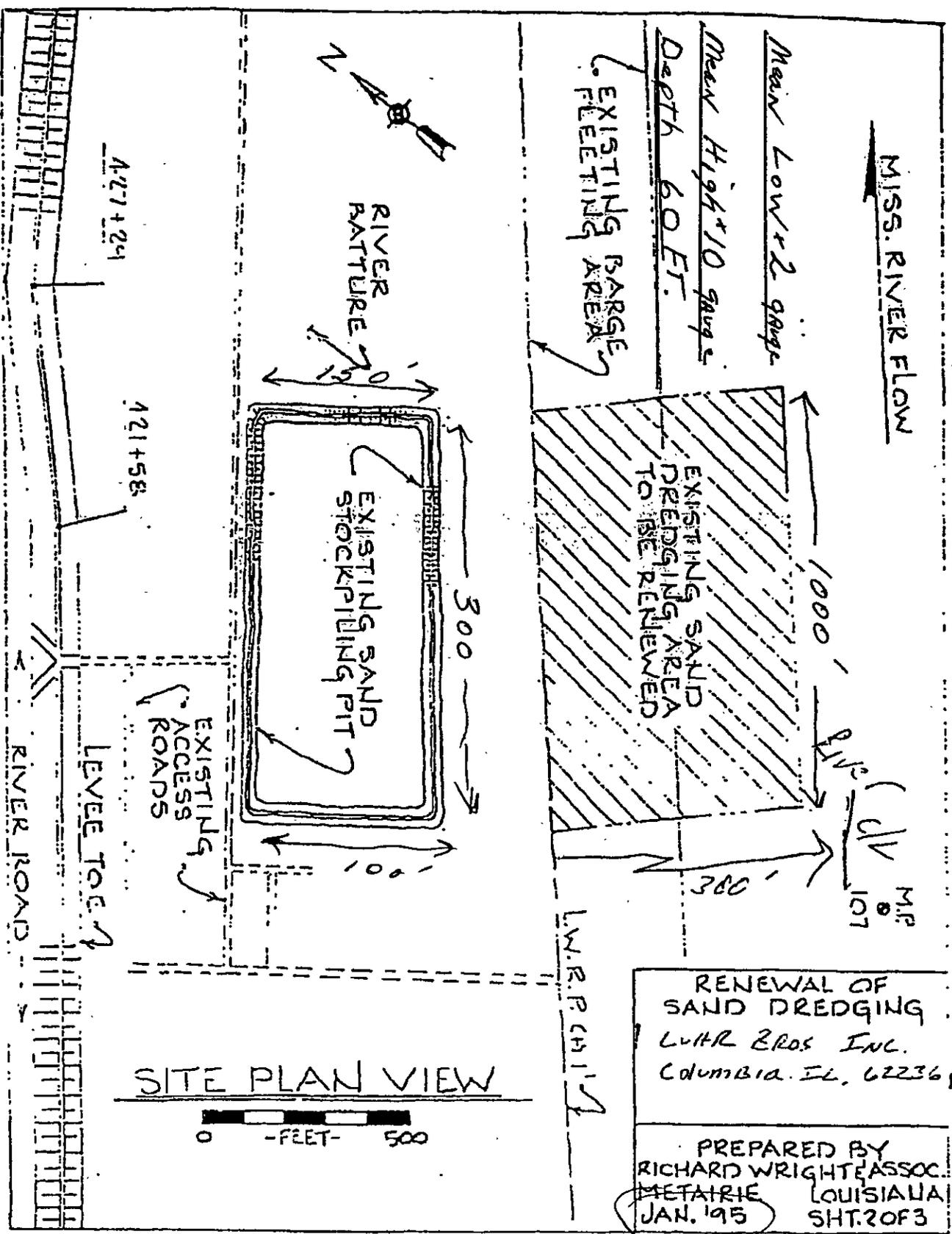
Michael V. Farabee
Chief, Eastern Evaluation Section
Regulatory Branch

Attachments



RENEWAL OF
SAND DREDGING
LUTHR BROS Inc
Columbia, IL. 62236

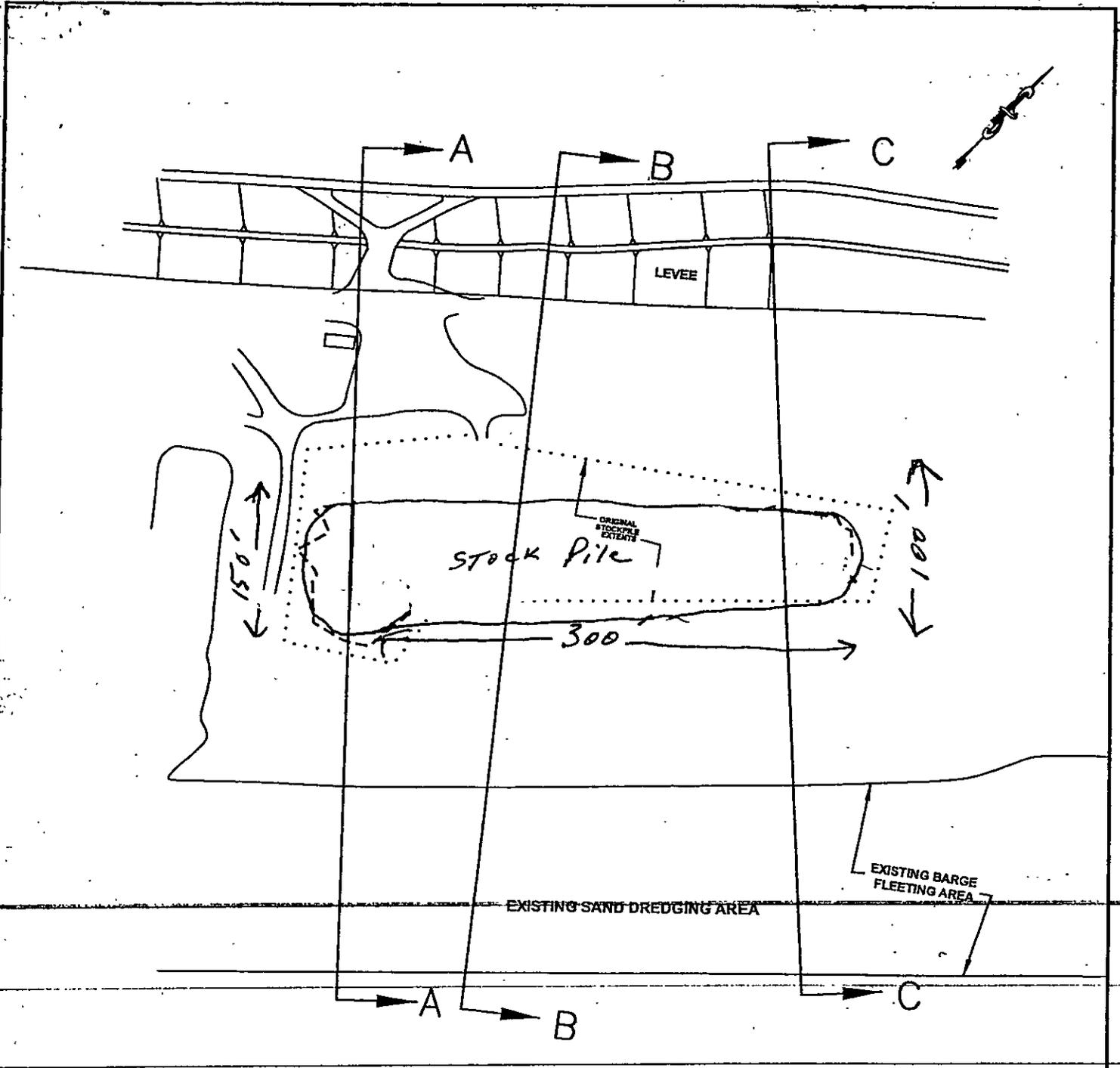
PREPARED BY
RICHARD WRIGHT & ASSOC
METATRIE LOUISIANA
JAN. '95 SHT. 10F3



RENEWAL OF
SAND DREDGING
LWTR BROS INC.
Columbia, IL, 62236

PREPARED BY
RICHARD WRIGHT ASSOC.
METAIRIE LOUISIANA
JAN. 1955 SHT. 2 OF 3

05/19/2008 - 12:34:56 P&O FILE: G:\CAD\ICAD\14-782 LUHR BROS WATERFRONT\DATA\May 06 2008\14-782_06-06-2008.dwg [Login: balmpam]

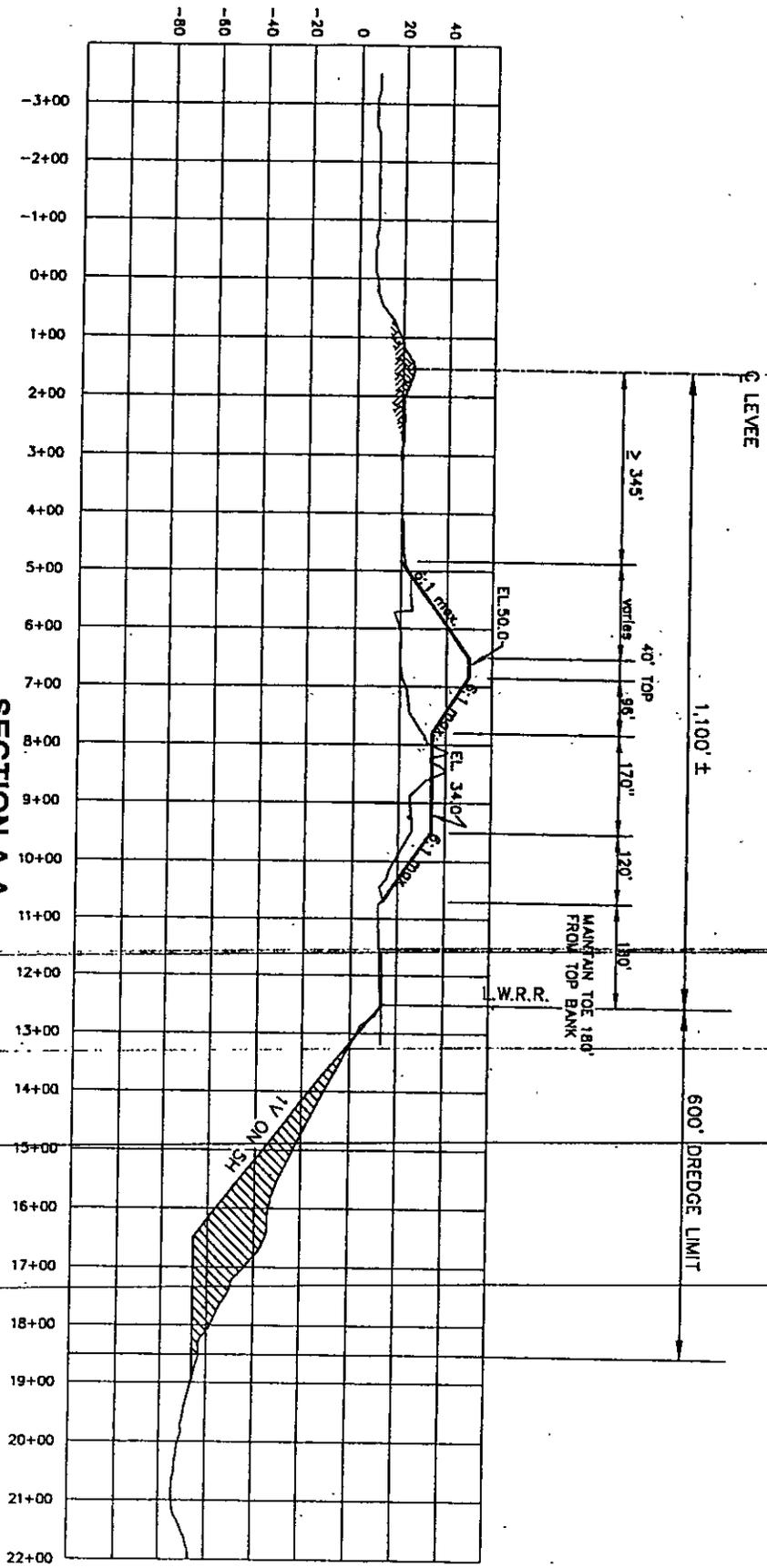


MISSISSIPPI RIVER

BY	LUHR-BROS, INC. COLUMBIA, ILLINOIS		
	RENEWAL OF SAND DREDGING PERMIT SITE MAP		
DATE	PYBURN & ODOM/MCA BATON ROUGE, LOUISIANA		CONSULTING ENGINEERS
	DRAWN BY: PLV	CHECKED BY: J.V.	APPROVED BY: H.R.
	DATE: 05/28/08	CLIENT PROJECT NO. 14-782	

LEGEND:
 ——— MAXIMUM FILL LIMITS (as per Geotechnical Report dated March 18, 2009)
 ——— EXISTING GROUND OR EXISTING STOCKPILE FILL

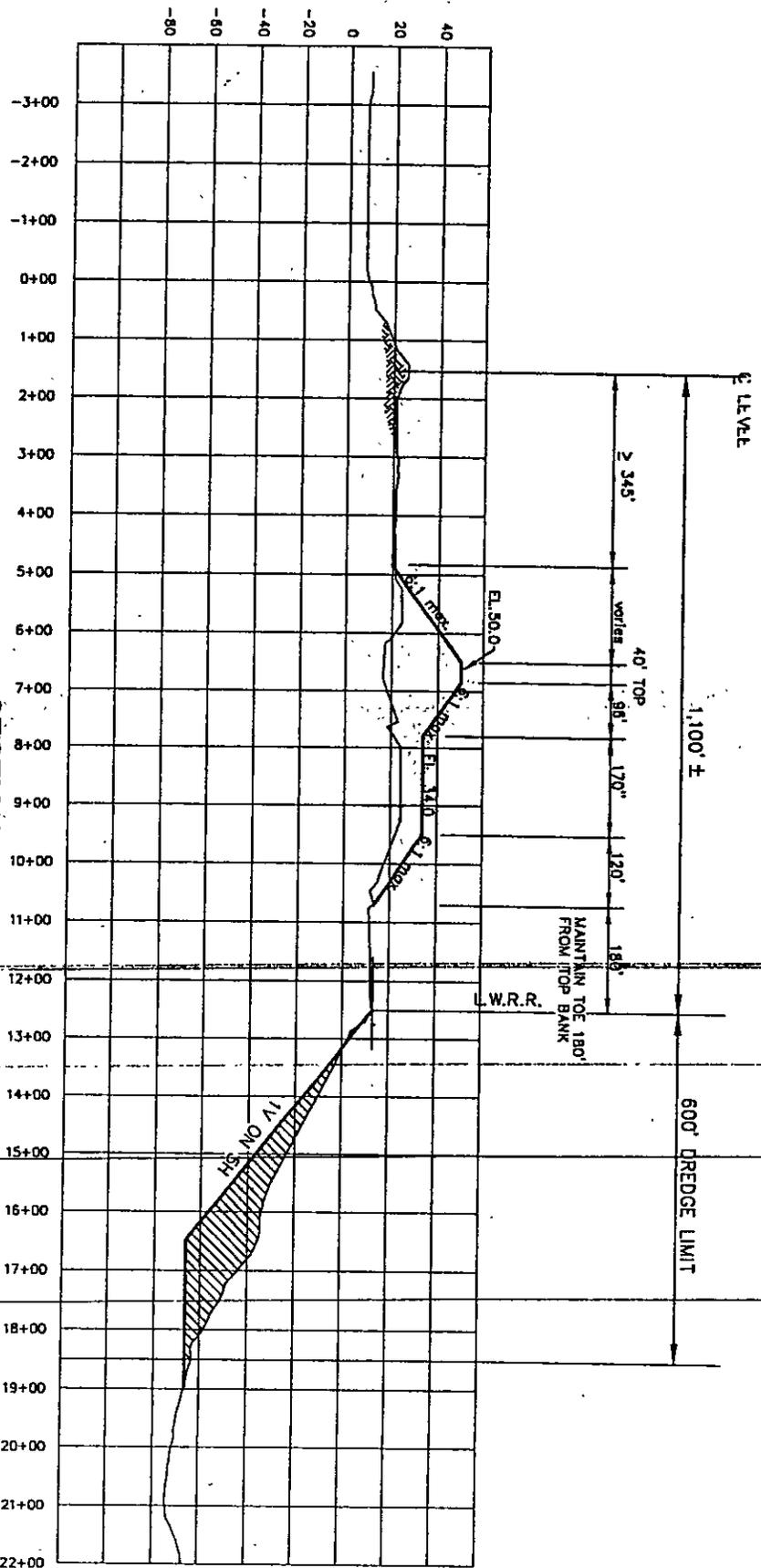
SECTION A-A



DATE	REVISIONS	BY
DATE: 14/04/09		
PYBURN & ODOM/MCA CONSULTING ENGINEERS BATON ROUGE, LOUISIANA CHECKED BY: J.V. APPROVED BY: CMO CLIENT PROJECT NO. 14-782		
LUHR-BROS, INC. COLUMBIA, ILLINOIS		
RENEWAL OF SAND DREDGING PERMIT SECTION A-A		

LEGEND:
 ——— MAXIMUM FILL LIMITS (as per Geotechnical Report dated March 18, 2009)
 - - - - - EXISTING GROUND OR EXISTING STOCKPILE FILL

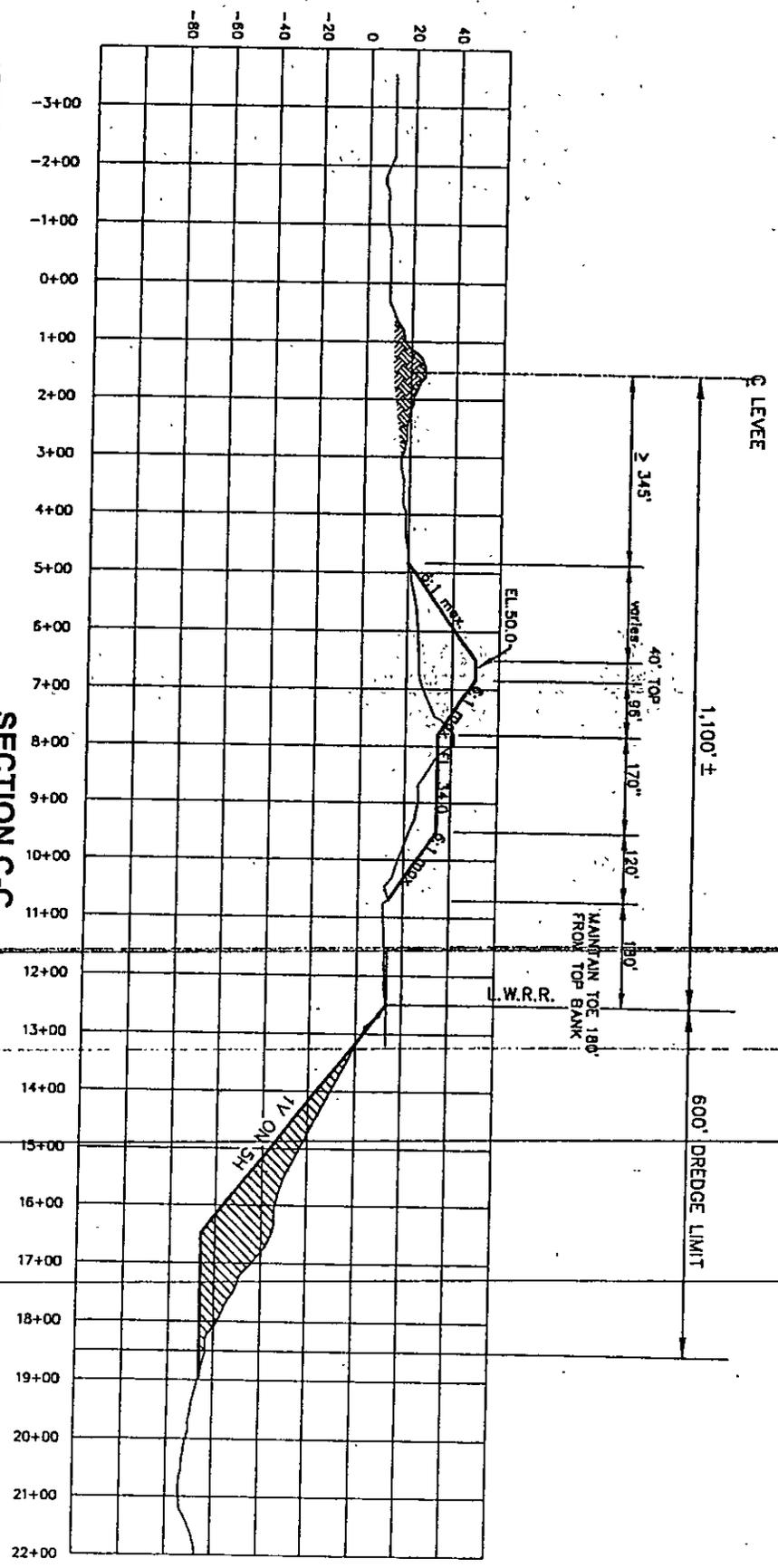
SECTION B-B



DATE	REVISIONS	BY
DATE: 14/04/09		
PYBURN & ODOM/MCA BATON ROUGE, LOUISIANA CONSULTING ENGINEERS		LUHR-BROS, INC. COLUMBIA, ILLINOIS
RENEWAL OF SAND DREDGING PERMIT SECTION B-B		
DRAWN BY: KWM CHECKED BY: J.V. APPROVED BY: CMO	CLIENT PROJECT NO. 14-782	

LEGEND:
 ——— MAXIMUM FILL LIMITS (as per Geotechnical Report dated March 18, 2009)
 ——— EXISTING GROUND OR EXISTING STOCKPILE FILL

SECTION C-C



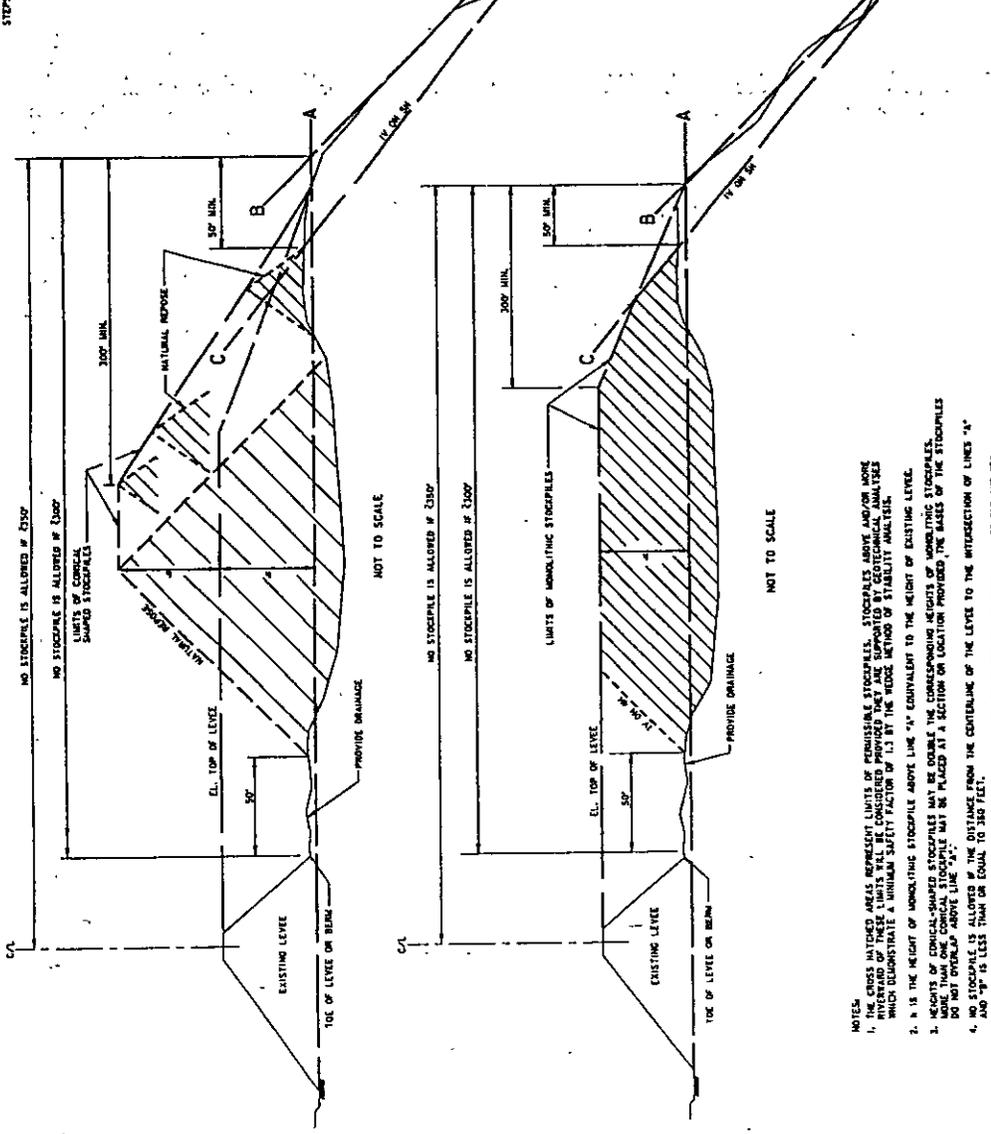
RENEWAL OF SAND DREDGING PERMIT SECTION C-C

LUHR-BROS, INC.
 COLUMBIA, ILLINOIS

DATE	REVISIONS	BY
DATE: 14/04/09		
P. BURN & ODOM/MCA BATON ROUGE, LOUISIANA CONSULTING ENGINEERS APPROVED BY: CMO CLIENT PROJECT NO. 14-782		

STEPS REQUIRED TO DETERMINE THE STOCKPILE LIMITS

- DETERMINE SURFACE THAT ARE REPRESENTATIVE OF ALL CONDITIONS THAT EXIST AT THE SITE, PERFORMED BY A REGISTERED LAND SURVEYOR. THE SURVEY SHOULD EXTEND FROM THE LOWEST LEVEL TO THE UNRESTRICTED TOP OF THE HORIZONTAL SLOPE AND BE PLOTTED TO A SCALE OF 1" = 20 FT. IN BOTH THE HORIZONTAL AND VERTICAL DIRECTIONS.
- ANY PROPOSED DRAINAGE SHOULD BE SUPERIMPOSED ON THE ABOVE SURVEY CROSS-SECTION. REFER TO STANDARD DRAWING P-4-015.
- PROJECT THE LANDSIDE NATURAL GROUND ELEVATION AT THE LEVEL OF THE HORIZONTAL TOWARDS THE RIVER. THIS DETERMINES THE "A" LINE.
- DRAW A HORIZONTAL STRAIGHT LINE THROUGH THE POINTS OF THE HORIZONTAL SURVEY CROSS-SECTION. THE HORIZONTAL INTO WHICH THIS LINE IS DRAWN TO REPRESENT THE HORIZONTAL SLOPE FROM TOP TO THE TOP OF THE HORIZONTAL, AND REQUIRED ADJUSTMENT TO DRAW THIS IS THE "B" LINE.
- NOT TAKE A STRAIGHT EDGE ANGLED TO A VERTICAL ON A HORIZONTAL SLOPE AND CLIP THIS FROM THE LEVEL TOWARDS THE "B" LINE. WHEN THIS STRAIGHT EDGE FIRST TOUCHES ANY POINT OF THE SURVEY CROSS-SECTION, IT IS CALLED INTO FACED. ANY PROPOSED DRAINAGE IN THE LINE ALONG THE STRAIGHT EDGE. THIS IS THE "C" LINE. SHOULD THIS POINT BE TO THE HORIZONTAL SURVEY CROSS-SECTION, THE STOCKPILE IS ALLOWED WITHIN 50' OF THE INTERSECTION OF THE "A" AND "B" LINES.
- PROJECT A LINE THROUGH THE TOP OF THE LEVEL TOWARDS THE RIVER AND PARALLEL TO THE "A" LINE STOPPING AT A POINT 300 FEET FROM THE INTERSECTION OF THE "A" AND "B" LINES. DRAW A STRAIGHT LINE FROM THIS POINT TO THE POINT OF INTERSECTION OF THE "A" AND "B" LINES.
- NO STOCKPILE IS ALLOWED WITHIN 50 FEET OF THE INTERSECTION LEVEL. FOR HORIZONTAL STOCKPILES, DRAW A VERTICAL OR A HORIZONTAL LINE UP FROM THIS POINT UNTIL IT INTERSECTS THE LINE THROUGH THE TOP OF THE LEVEL. FOR CONICAL SHAPED STOCKPILES, DRAW A NATURAL ANGLE OF REPOSE LINE FOR THE MATERIAL TO BE STOCKPILED FROM THIS POINT TO THE INTERSECTION OF THE "A" AND "B" LINES. DRAW A STRAIGHT LINE FROM THIS POINT TO THE POINT OF INTERSECTION OF THE "A" AND "B" LINES.
- WITHIN THE APPROPRIATE AREA DETERMINED BY THE ABOVE, DRAW IN YOUR PROPOSED STOCKPILE CONFIGURATION.



NOTES

- AREAS INTERFERED BY PERMISSIBLE STOCKPILES, STOCKPILES ABOVE AND/OR MORE INTERFERED BY THESE LIMITS WILL BE CONSIDERED PROVIDED THEY ARE SUPPORTED BY GEOTECHNICAL ANALYSES WHICH DEMONSTRATE A MINIMUM SAFETY FACTOR OF 1.3 BY THE WEDGE METHOD OF STABILITY ANALYSIS.
- "A" IS THE HEIGHT OF HORIZONTAL STOCKPILE ABOVE LINE "A" EQUIVALENT TO THE HEIGHT OF EXISTING LEVEL.
- HEIGHTS OF CONICAL SHAPED STOCKPILES MAY BE DOUBLE THE CORRESPONDING HEIGHTS OF HORIZONTAL STOCKPILES. MORE THAN ONE CONICAL STOCKPILE MAY BE PLACED AT A SECTION ON LOCATION PROVIDED THE BASES OF THE STOCKPILES DO NOT OVERLAP ABOVE LINE "A".
- NO STOCKPILE IS ALLOWED IF THE DISTANCE FROM THE CENTERLINE OF THE LEVEL TO THE INTERSECTION OF LINES "A" AND "B" IS LESS THAN OR EQUAL TO 350 FEET.
- NO STOCKPILE IS ALLOWED FOR A MINIMUM OF 50 FEET LANDWARD OF THE INTERSECTION OF LINES "A" AND "B".

LIMITS OF PERMISSIBLE STOCKPILE ON RIVERBANK

U.S. ARMY ENGINEER DISTRICT, NEW ORLEANS
CORPS OF ENGINEERS
NEW ORLEANS, LOUISIANA

DATE: JULY 1957
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: [Scale]
PROJECT: [Project Name]

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, facilities, well and pipelines/flowlines occurring in open water areas or in oilfield canals or slips shall be removed within 120 days of abandonment or the facilities for the herein permitted use unless prior written approval to leave such structures in place is received from the Office of Coastal Management. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required.
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.