

# JOINT PUBLIC NOTICE

May 11, 2015

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

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

(504) 862-2045  
[jennifer.e.burkett@usace.army.mil](mailto:jennifer.e.burkett@usace.army.mil)  
Project Manager  
Jennifer Burkett  
Permit Application Number  
MVN 2004-3775 EBB

(225) 219-3225  
Project Manager  
Elizabeth Hill  
WQC Application Number  
WQC 150511-03

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 pursuant to: [X] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403); and/or [X] 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).

## **MAINTENANCE DREDGING OF SHIPPING DOCKS ON MISSISSIPPI RIVER IN ST. CHARLES PARISH**

**NAME OF APPLICANT:** Dow Chemical Company – St. Charles c/o Lemoine Industrial Group, LLC at 24870 Highway 405, Plaquemine, Louisiana 70764.

**LOCATION OF WORK:** Right descending bank of the Mississippi River, approximately 127.8 miles above Head of Passes, in St. Charles Parish, Louisiana, as shown on the attached drawings.

**HUC:** 08090100; Lower Mississippi River – New Orleans

**CHARACTER OF WORK:** To dredge 3.2 acres of non-vegetated water bottom to maintain navigation and an acceptable factor of safety along the batture behind Dow's Dock 2/3 and Dock 4. A hydraulic dredge will be used to remove 50,800 cubic yards of material which will be disposed of in the Mississippi River Channel beyond the -55.0' contour. This project was previously permitted on January 12, 2009. No adverse impacts to special aquatic sites are proposed; no compensatory mitigation is anticipated at this time.

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.

The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined during weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

### **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.

Our initial finding is that the proposed work would neither affect critical habitat nor any species listed as endangered by the U.S. Department of Commerce. The New Orleans District has determined that the 3.2 acre dredge footprint is located in waters known to be utilized by the pallid sturgeon (*Scaphirhynchus albus*) and determined the activity is not likely to adversely affect this species based on the Standard Local Operating Procedure for Endangered Species in Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office. If this permit modification/time extension is issued, the applicant has agreed to follow the pallid sturgeon conditions provided in the SLOPES manual.

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 **3.2** acre 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.

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 before a permit is issued.

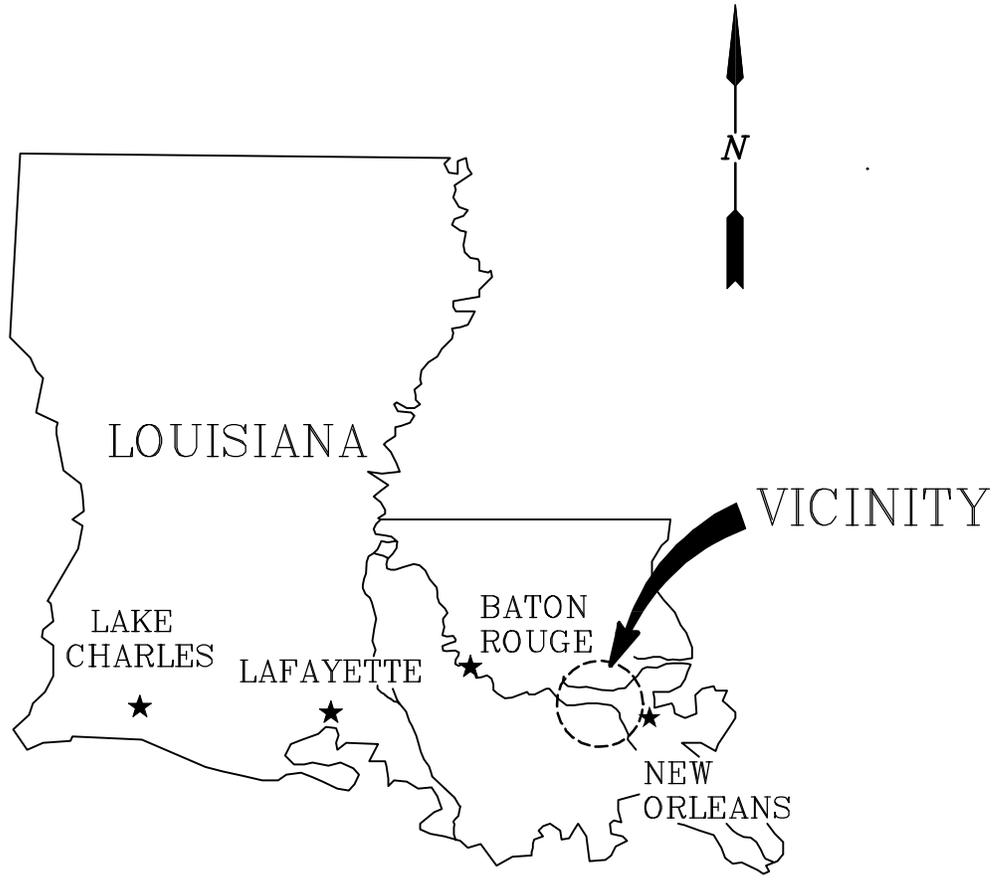
The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver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

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.

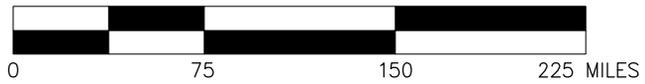
You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Michael V. Farabee  
Chief, Eastern Evaluation Section

Enclosures



LOCATION MAP



7909-P1



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 CONSULTING ENGINEERS  
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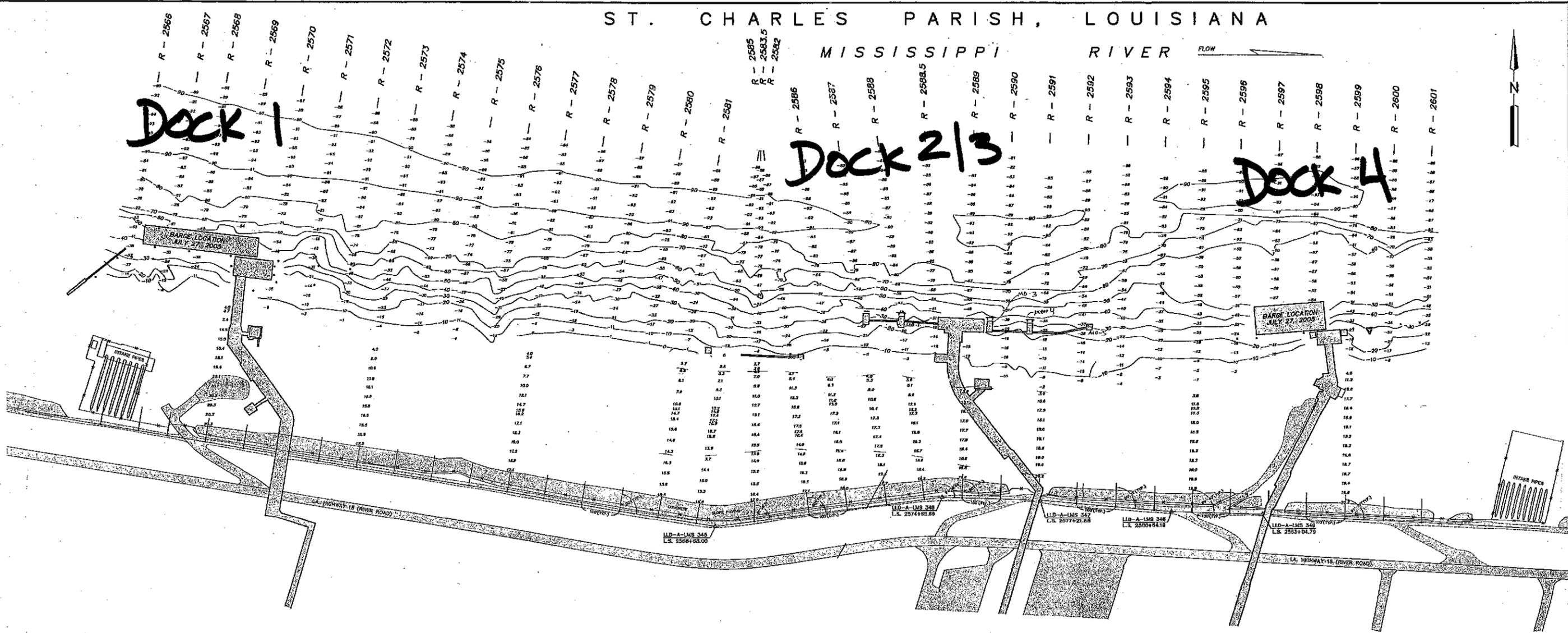
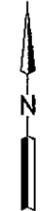
<b>DOW CHEMICAL COMPANY</b>	
TAFT	LOUISIANA
<b>DOW CHEMICAL - ST. CHARLES OPERATION        PROPOSED MAINTENANCE DREDGING        LOCATION MAP</b>	

DATE	JULY 08
DESIGN	JEJ
DRAWN	TDJ
CHECK	JEJ
CONTRACT	7909
SHEET No.	
	1 OF 4

ST. CHARLES PARISH, LOUISIANA

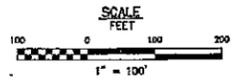
MISSISSIPPI RIVER

FLOW



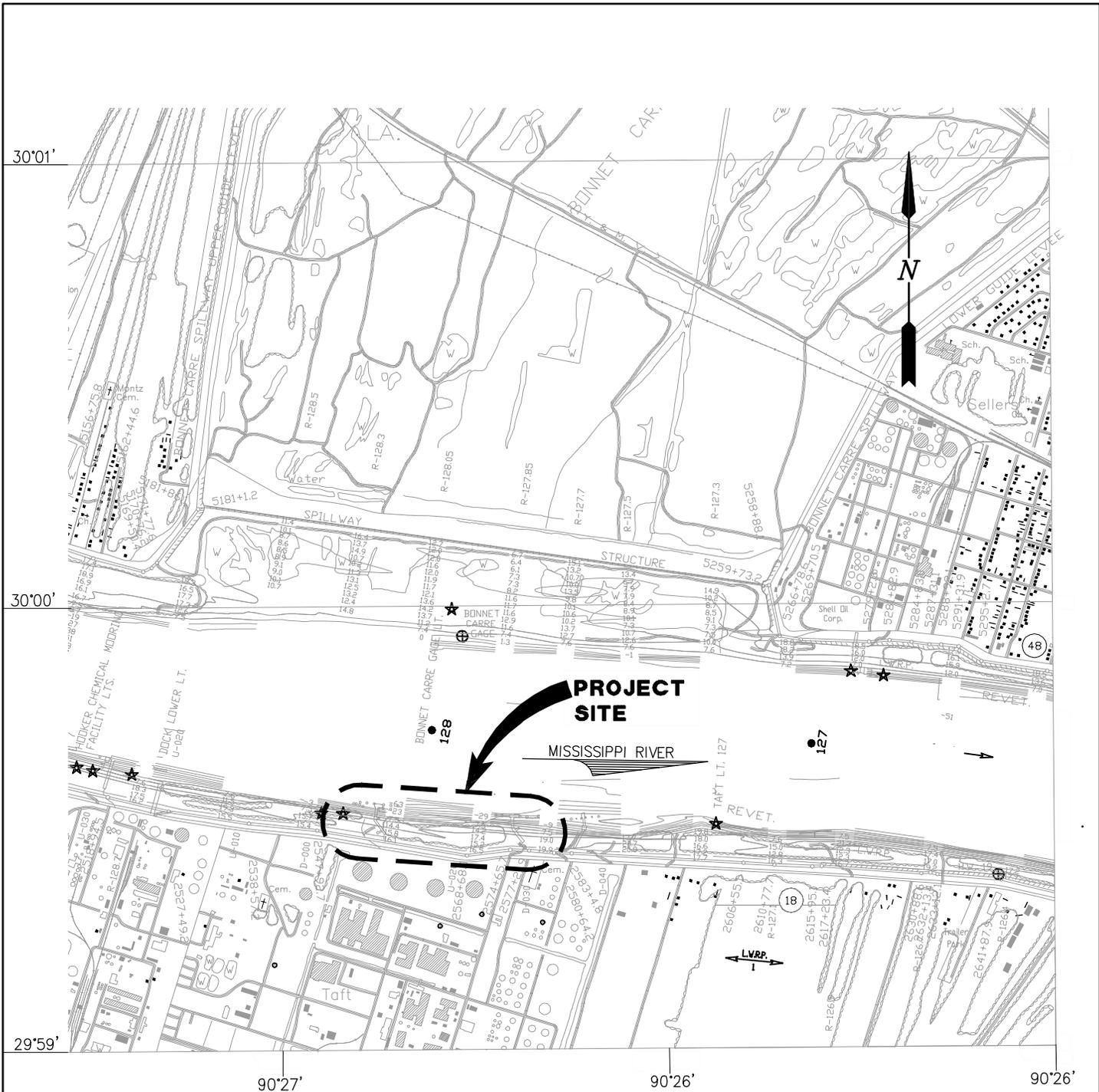
NOTES:  
 NORTH ARROW REFERS TO THE LOUISIANA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83) BASED ON TIES TO U.S. ARMY, CORPS OF ENGINEERS (U.S.C.E.) LEVEE TRANSVERSE MONUMENTS.  
 VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM (NAVD. 88) BASED ON U.S. ARMY, CORPS OF ENGINEERS GAGE LOCATED AT BONNET CARRE SPILLWAY.  
 DOCK STRUCTURES AND OTHER PLANNING FEATURES SHOWN HEREIN WERE TAKEN FROM THE REFERENCED AERIAL PHOTOGRAPH.  
 SURVEY BARGE LOCATIONS TAKEN FROM REFERENCED AERIAL PHOTOGRAPH.  
 DRAWING.  
 DISTANCES ARE IN FEET BY HORIZONTAL MEASUREMENT.  
 LOW WATER REFERENCE PLANE = 1 FOOT.  
 DATES OF SURVEY: JULY 27, 2005.  
 WATER SURFACE ELEVATION: 3.5 FT. (7/27/05)

REFERENCES:  
 FIELD BOOK NO. 1068, 1157 & 1208.  
 SOUNDING CHARTS DATED JULY 27, 2005.  
 U.S. ARMY, CORPS OF ENGINEERS LEVEE TRANSVERSE DATA.  
 AERIAL PHOTOGRAPH TAKEN AUGUST 22, 2003.  
 DRAWING NO. 1001983-08, SHEETS 1-3 OF 13.



THIS DRAWING WAS PREPARED SOLELY FOR USE BY DOW CHEMICAL COMPANY IN CONNECTION WITH THE SPECIFIC PROJECT DESCRIBED IN THE TITLE BLOCK. USE FOR ANY OTHER PURPOSE, OR USE BY ANY OTHER PARTY, SHALL BE AT USER'S SOLE RISK WITHOUT LIABILITY TO DOW CHEMICAL COMPANY.  
 THIS DRAWING IS THE PROPERTY OF DOW CHEMICAL COMPANY AND ANY REVISIONS MADE TO THIS DRAWING WITHOUT THE WRITTEN AUTHORIZATION OF THE SUPERVISOR PROFESSIONAL WILL VOID THE SEAL, WHICH HE HAS PLACED HEREON.

DOW CHEMICAL CO. TAFI, LOUISIANA	
UNION CARBIDE DOCK FACILITY, MISSISSIPPI RIVER MILE 127.8 A.M.E.	
HYDROGRAPHIC SURVEY OF JULY 27, 2005	
BATON ROUGE, LOUISIANA	
DATE	DRAWN MEG JR
DATE	CHECKED DRD
DATE	APPROVED MEG JR
DATE	DATE AUGUST 1, 2005
DWG. NO.	E21-230-05



**SITE MAP**

SCALE: 1" = 2,000'

TOWNSHIP: 12S  
 RANGE: 20E  
 LONGITUDE: 90°26'36"  
 LATITUDE: 29°59'33"

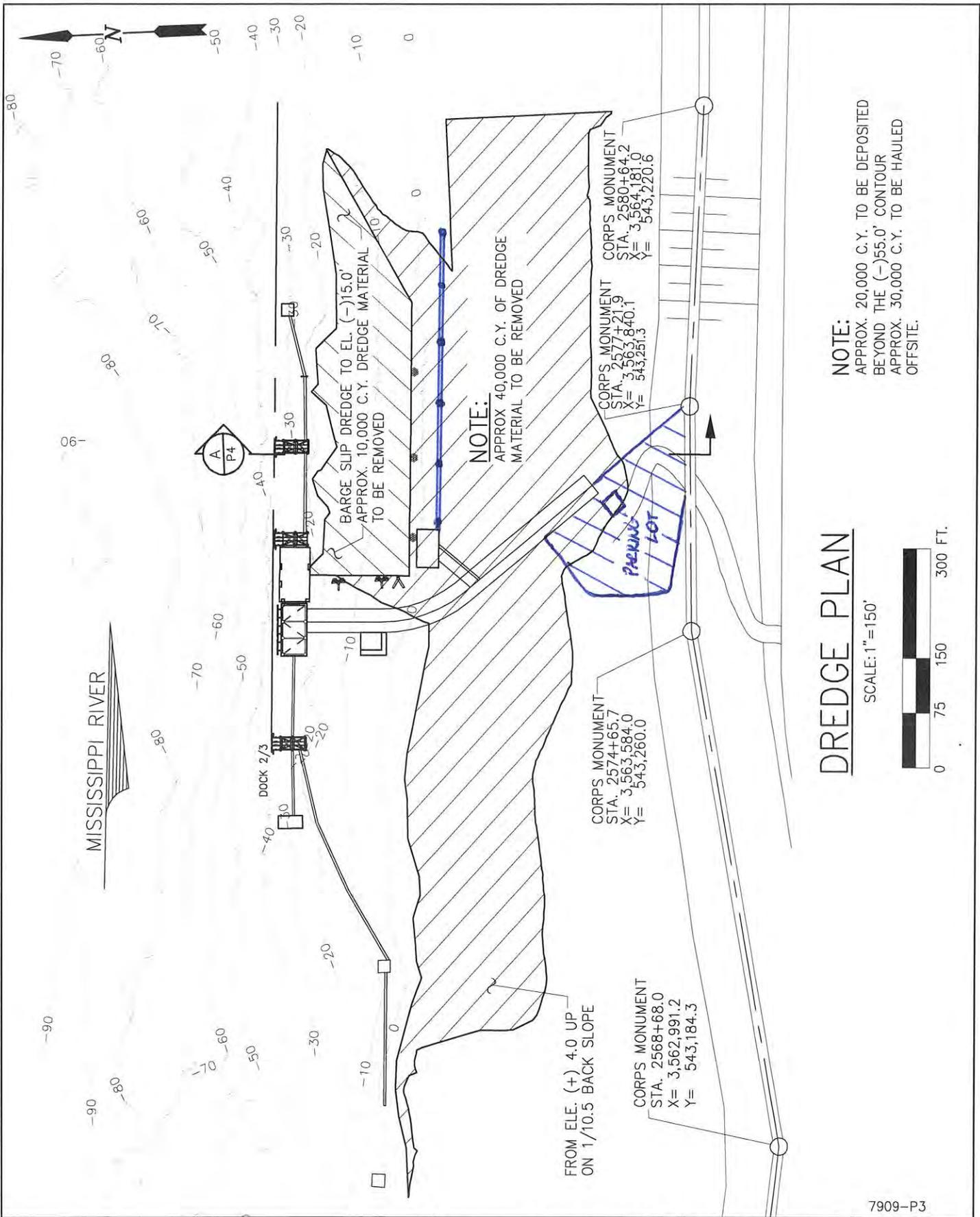


7909-P2

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 INCORPORATED  
 NEW ORLEANS, LA      BEAUMONT, TX

**DOW CHEMICAL COMPANY**  
 TAFT      LOUISIANA  
**DOW CHEMICAL - ST. CHARLES OPERATION**  
**PROPOSED MAINTENANCE DREDGING**  
**SITE MAP**

DATE	JULY 08
DESIGN	JEJ
DRAWN	TDJ
CHECK	JEJ
CONTRACT	7909
SHEET No.	
	2 OF 4



**NOTE:**  
APPROX. 20,000 C.Y. TO BE DEPOSITED BEYOND THE (-)55.0' CONTOUR  
APPROX. 30,000 C.Y. TO BE HAULED OFFSITE.

# DREDGE PLAN

SCALE: 1" = 150'



7909-P3



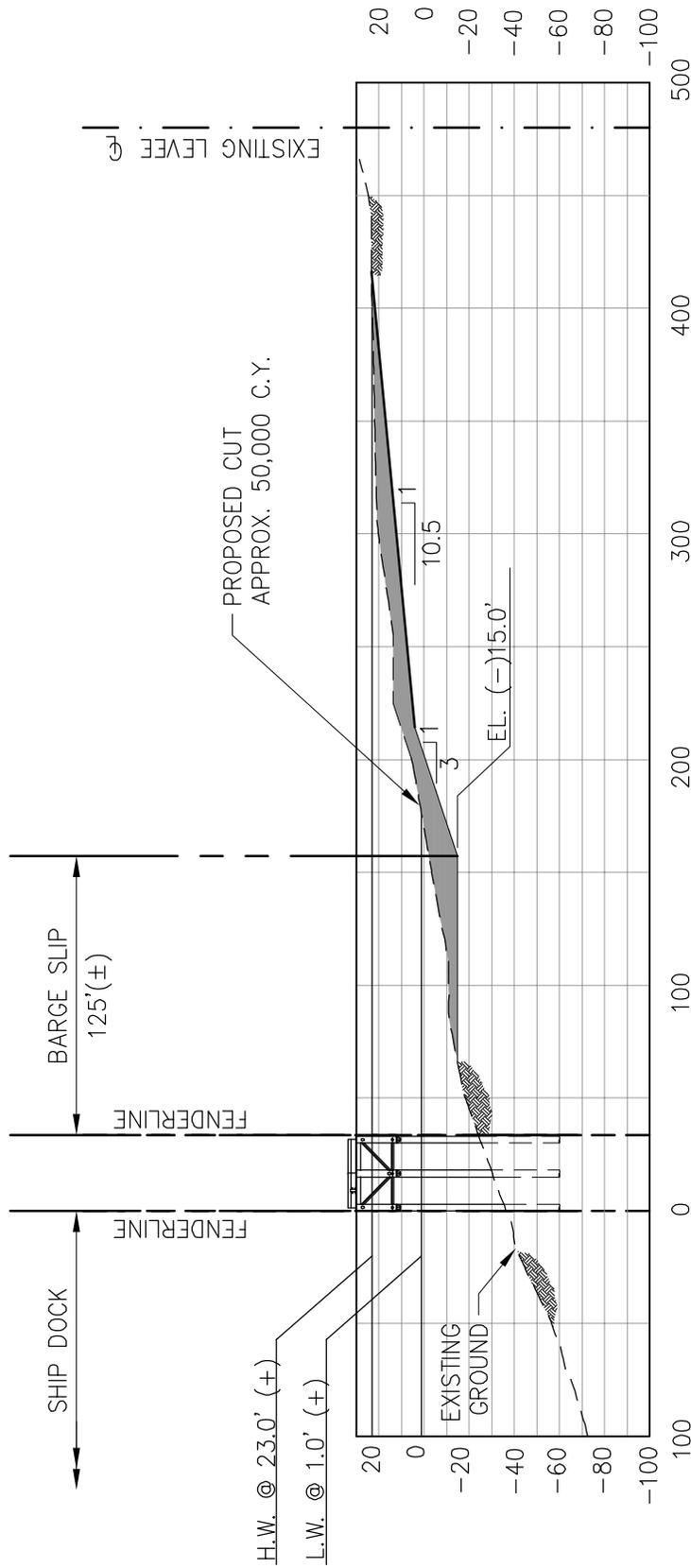
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INCORPORATED

NEW ORLEANS, LA      BEAUMONT, TX

TAFT      **DOW CHEMICAL COMPANY**      LOUISIANA

**DOW CHEMICAL - ST. CHARLES OPERATION**  
**PROPOSED MAINTENANCE DREDGING**  
**LOCATION MAP**

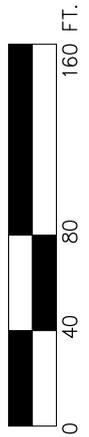
DATE	JULY 08
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CHECK	JEJ
CONTRACT	7909
SHEET No.	3 OF 4



A  
P3

TYPICAL SECTION

SCALE: 1"=80'



7909-P4



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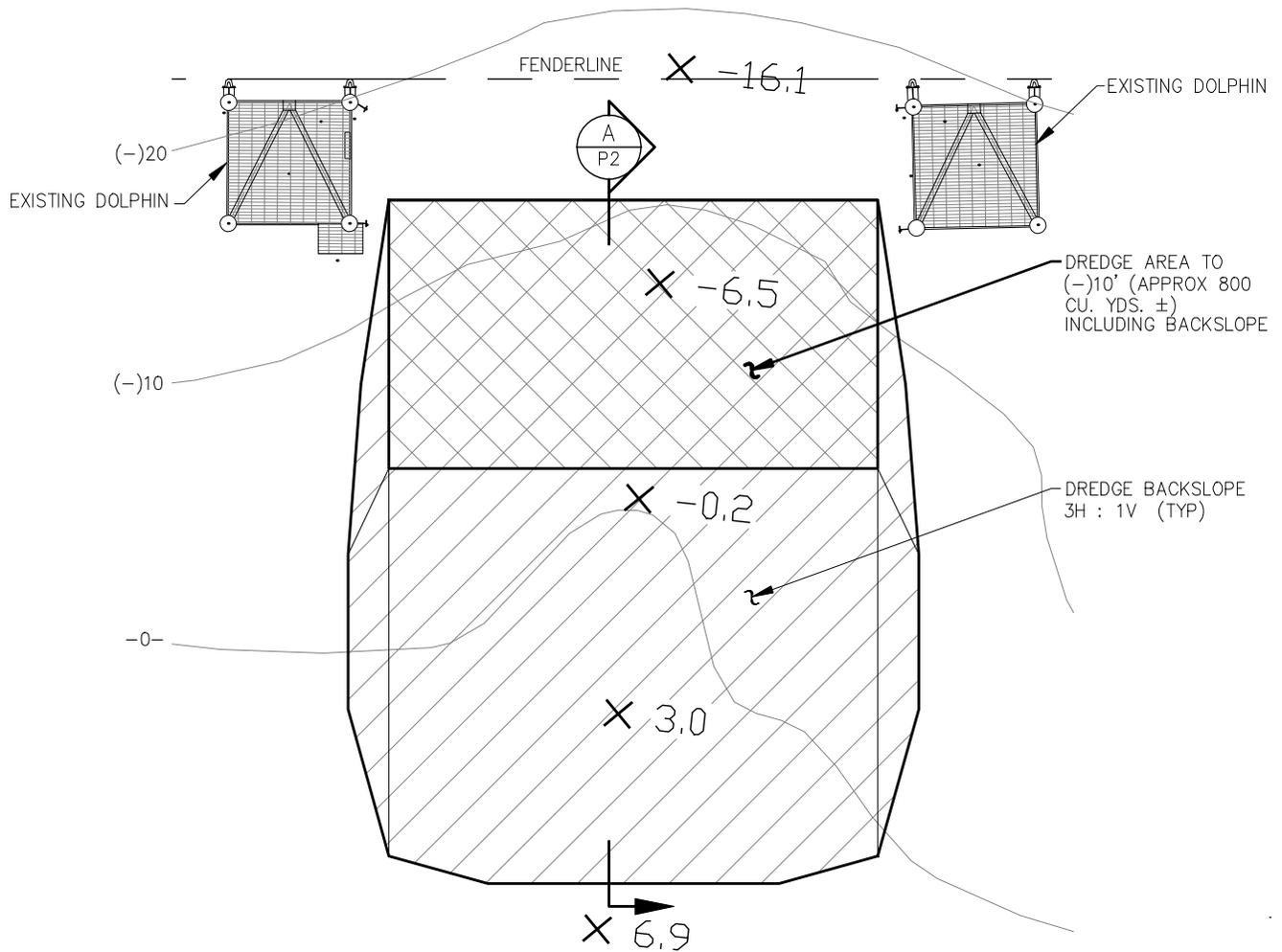
**DOW CHEMICAL COMPANY**

LOUISIANA

**DOW CHEMICAL - ST. CHARLES OPERATION**  
**PROPOSED MAINTENANCE DREDGING**  
**SECTION**

DATE JULY 08  
DESIGN JEJ  
DRAWN TDJ  
CHECK JEJ  
CONTRACT 7909  
SHEET No.

4 OF 4



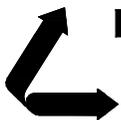
## DREDGE PLAN

SCALE: 1"=20'-0"

### NOTES:

1. HYDROGRAPHIC SURVEY PERFORMED BY LANIER & ASSOCIATES ON 18 JUNE 2008.
2. ALL ELEVATIONS ARE EXPRESSED IN FEET AND TENTHS AND ARE REFERENCED TO N.G.V.D.
3. ELEVATION GRID PATTERN GENERALLY 100' x 25'.
4. THE AREA SHOWN ON THIS DRAWING IS SUBJECT TO SILTING. THE ACTUAL ELEVATIONS FOLLOWING THE DATE OF THE SURVEY MAY DIFFER FROM THE ELEVATIONS SHOWN.

7605-P1



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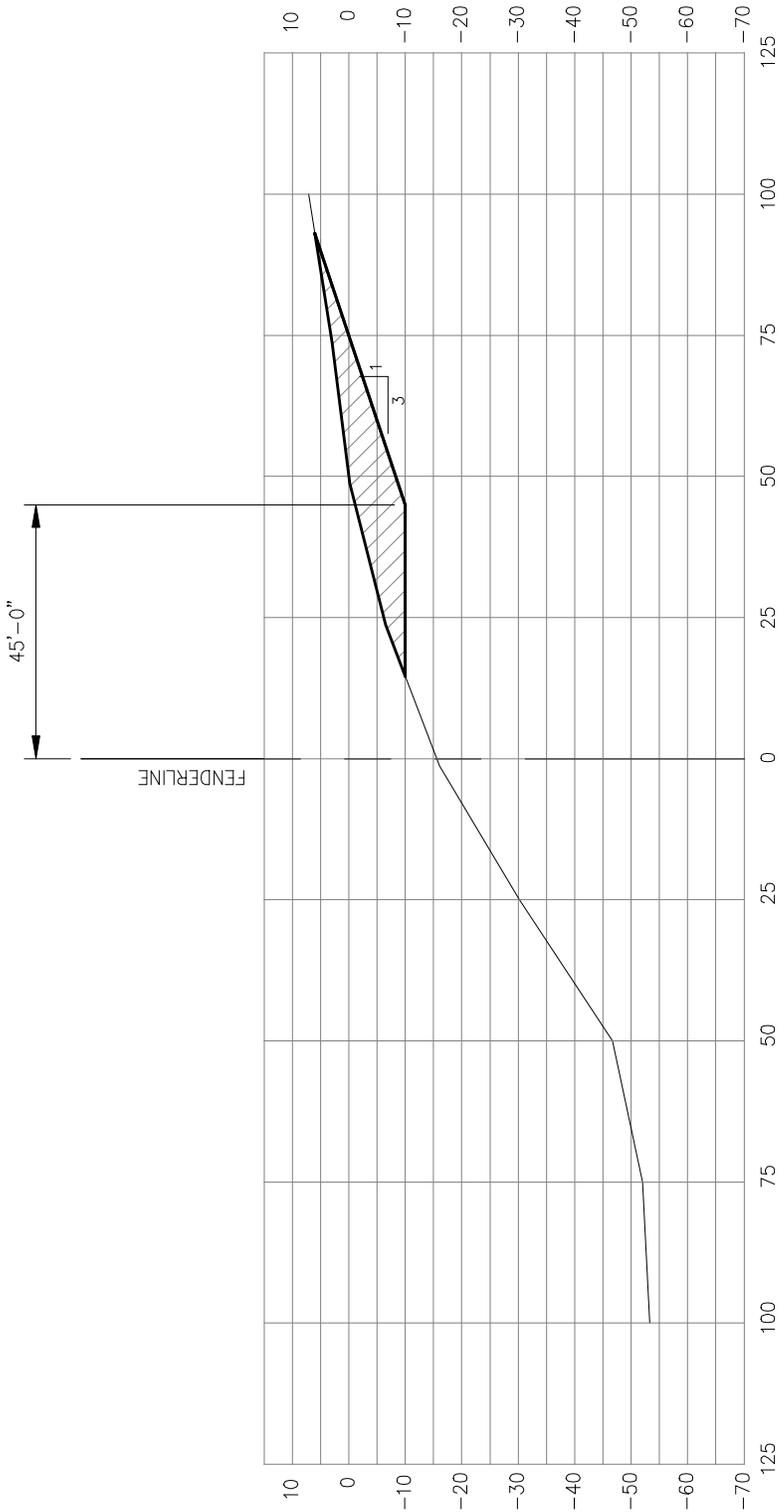
**DOW CHEMICAL**

LOUISIANA

**DREDGE DOCK # 4**  
**DREDGE PLAN**

DATE JULY 08  
DESIGN MAY  
DRAWN TDT  
CHECK MAY  
CONTRACT 7605  
SHEET No.

1 OF 2



A  
P1

SECTION  
SCALE: NTS

7605-P2



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**DOW CHEMICAL**

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**DREDGE DOCK # 4  
SECTION**

DATE JULY 08  
DESIGN MAY  
DRAWN TDT  
CHECK MAY  
CONTRACT 7605  
SHEET No.

2 OF 2