

# JOINT PUBLIC NOTICE

November 16, 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  
Water Quality Certifications Section  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(504) 862-1588  
Project Manager: Doris Terrell  
[Doris.Terrell@usace.army.mil](mailto:Doris.Terrell@usace.army.mil)  
Permit Application Number: MVN-2007-3527-CU

(225) 219-3225  
Project Manager: Elizabeth Hill  
WQC Application Number: WQC 151112-01

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 Louisiana Revised Statutes of 1950, Title 30, Chapter 11, Part IV, Section 2074 A(3) and provisions of Section 401 of the Clean Water Act (P.L.95-17).

## **DIRT PIT OPERATIONS ON THE MISSISSIPPI RIVER**

**NAME OF APPLICANT:** Beck-Stein Service, Inc., c/o Kee Environmental Services, L.L.C., ATTN: Earl Eues, Post Office Box 3236, Houma, Louisiana 70361

**LOCATION OF WORK:** In the Mississippi River and batture, right descending bank, Mile 152, within the Lower Mississippi River-Baton Rouge Basin (HUC 08070100), near Vacherie, Louisiana, in ST. JAMES PARISH, as shown on the attached drawings.

The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have been deferred.

**CHARACTER OF WORK:** Dredge for material and excavate areas on the Mississippi River batture to obtain commercial fill material and to expand an existing sand pit operation. The proposed work is a modification to existing work in and adjacent to the Mississippi River. The proposed dredging and pit excavation will consist of the removal of approximately 1,000,000 cubic yards of material, which will be stockpiled in existing, previously permitted sand pits. Preliminary review of the information furnished by the applicant indicates that approximately 24.97 acres of jurisdictional wetlands and other waters of the U.S. will be directly impacted by project implementation.

The applicant has designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable.

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 emailing the 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. 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 5:00 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.

The New Orleans District has determined that the proposed dredging is located in waters known to be utilized by the pallid sturgeon (*Scaphirhynchus albus*) and determined the activity is not likely to adversely impact 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 is issued, the applicant has agreed to the following conditions provided in the SLOPES manual: (1) The cutterhead shall remain completely buried in bottom material during dredging operations; (2) If pumping water through the cutterhead is necessary to dislodge material or to clean the pumps or cutterheads, etc., the pumping rate shall be reduced to the lowest rate possible until the cutterhead is at mid-depth, where the pumping rate can be increased; (3) During dredging, the pumping rates shall be reduced to the slowest speed feasible while the cutterhead descends to the bottom.

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 acre(s) 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.

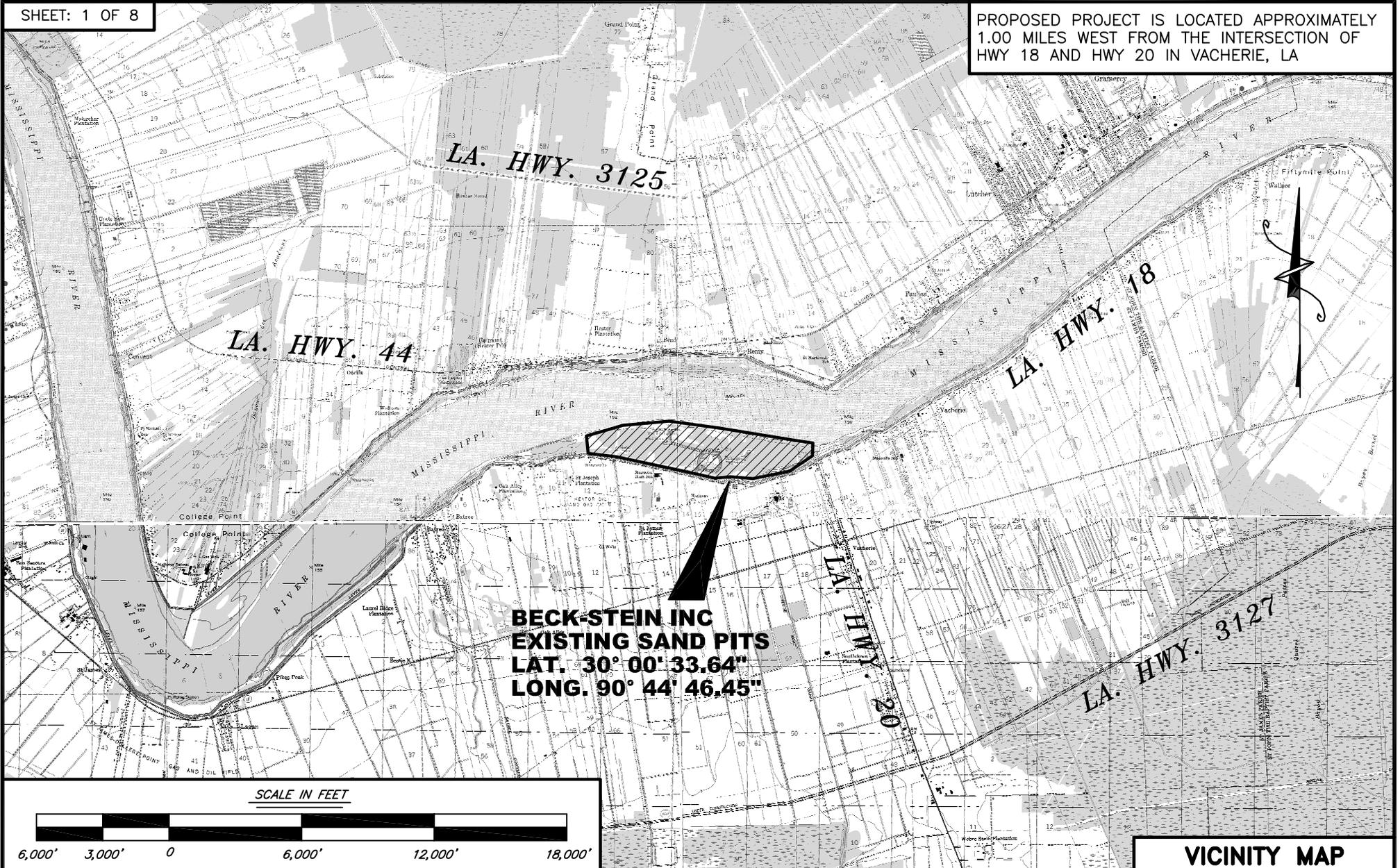
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, Water Quality Certifications Section, 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.

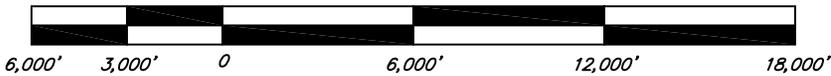
John M. Herman  
Chief, Central Evaluation Section

PROPOSED PROJECT IS LOCATED APPROXIMATELY 1.00 MILES WEST FROM THE INTERSECTION OF HWY 18 AND HWY 20 IN VACHERIE, LA



**BECK-STEIN INC  
EXISTING SAND PITS  
LAT. 30° 00' 33.64"  
LONG. 90° 44' 46.45"**

SCALE IN FEET



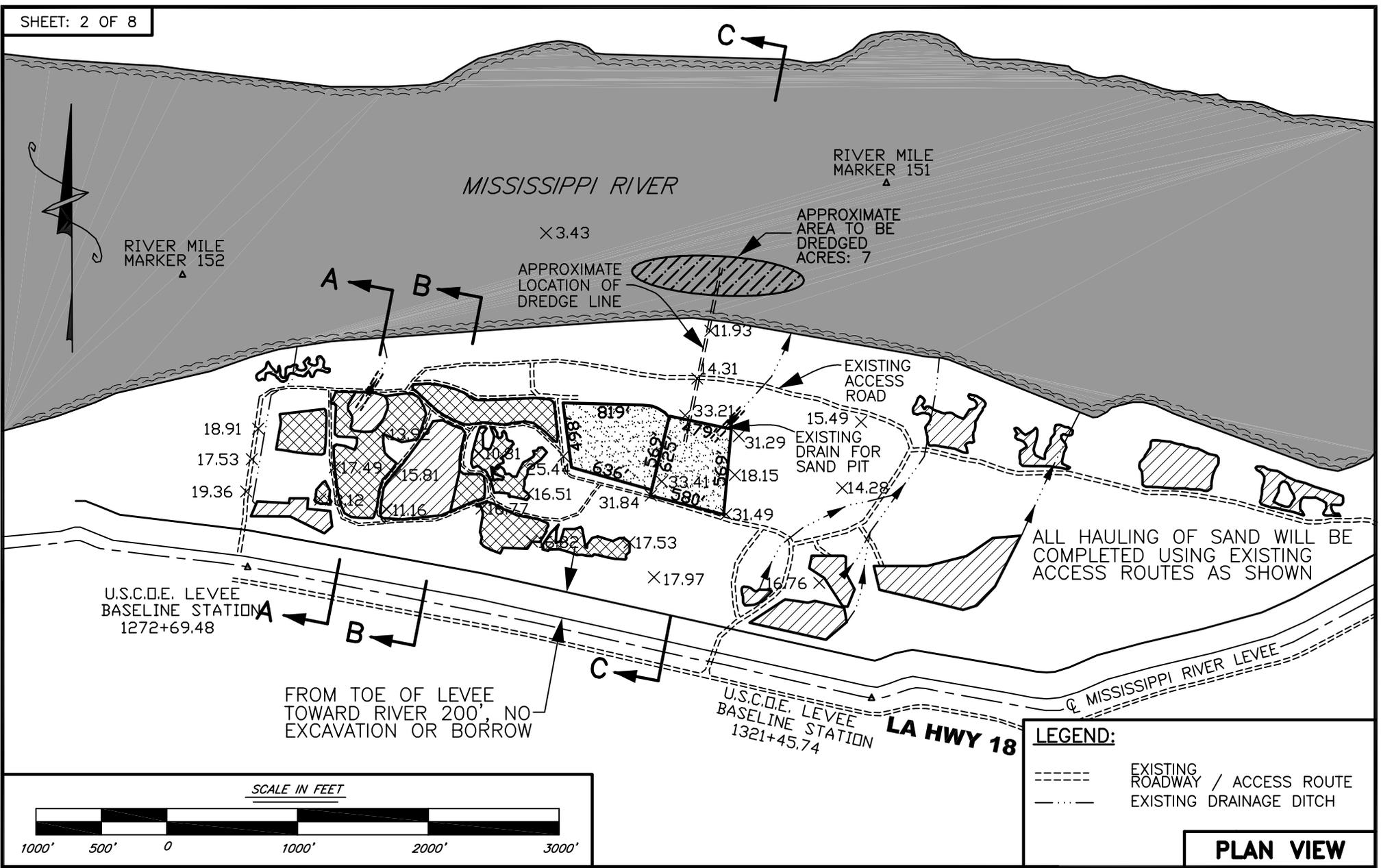
**VICINITY MAP**

**PURPOSE:** DREDGE SAND FROM THE MISSISSIPPI RIVER TO FILL EXISTING SAND PITS FOR MISCELLANEOUS CONSTRUCTION PROJECTS.



**LEONARD CHAUVIN P.E., P.L.S., INC.**  
**CIVIL ENGINEER - LAND SURVEYOR**  
 627 JACKSON STREET THIBODAUX, LA.  
 PHONE: (985) 449-1376

**PERMIT PLAT**  
 BECK-STEIN INC  
 DREDGING FOR SAND PITS  
 LOCATED IN SECTION 12  
 THROUGH 19 T12S-R17E  
 ST. JAMES PARISH, LOUISIANA  
**APPLICATION BY:** BECK-STEIN SERVICE  
**DATE:** AUGUST 21, 2015



**LEGEND:**  
 - - - - - EXISTING ROADWAY / ACCESS ROUTE  
 - · - · - EXISTING DRAINAGE DITCH

**PLAN VIEW**

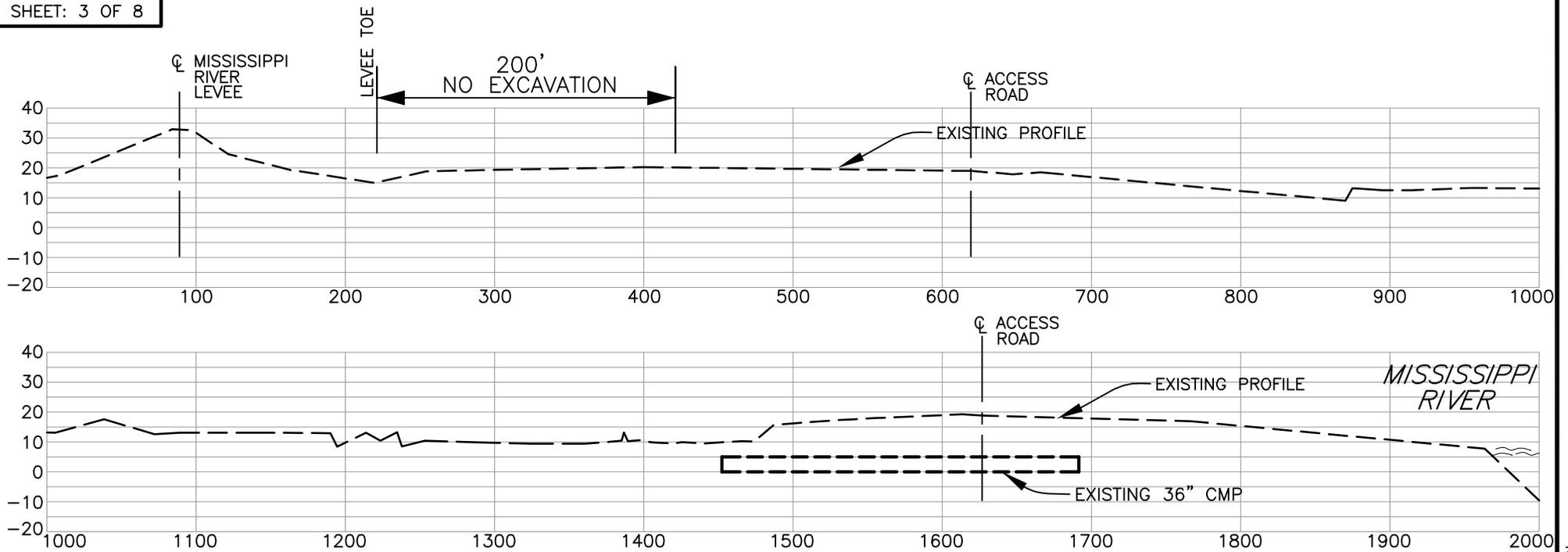
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- PREVIOUSLY PERMITTED (FEB. 26, 2009) BORROW PITS (34.93 ACRES)
- UNAUTHORIZED EXCAVATION (24.97 ACRES)
- PREVIOUSLY PERMITTED (APRIL 15, 2008) SAND PITS (17.15 ACRES)

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**SECTION A-A**

DATUM: N.G.V.D. 29

SCALE: HORIZONTAL SCALE 1" = 100'  
 VERTICAL SCALE 1" = 50'

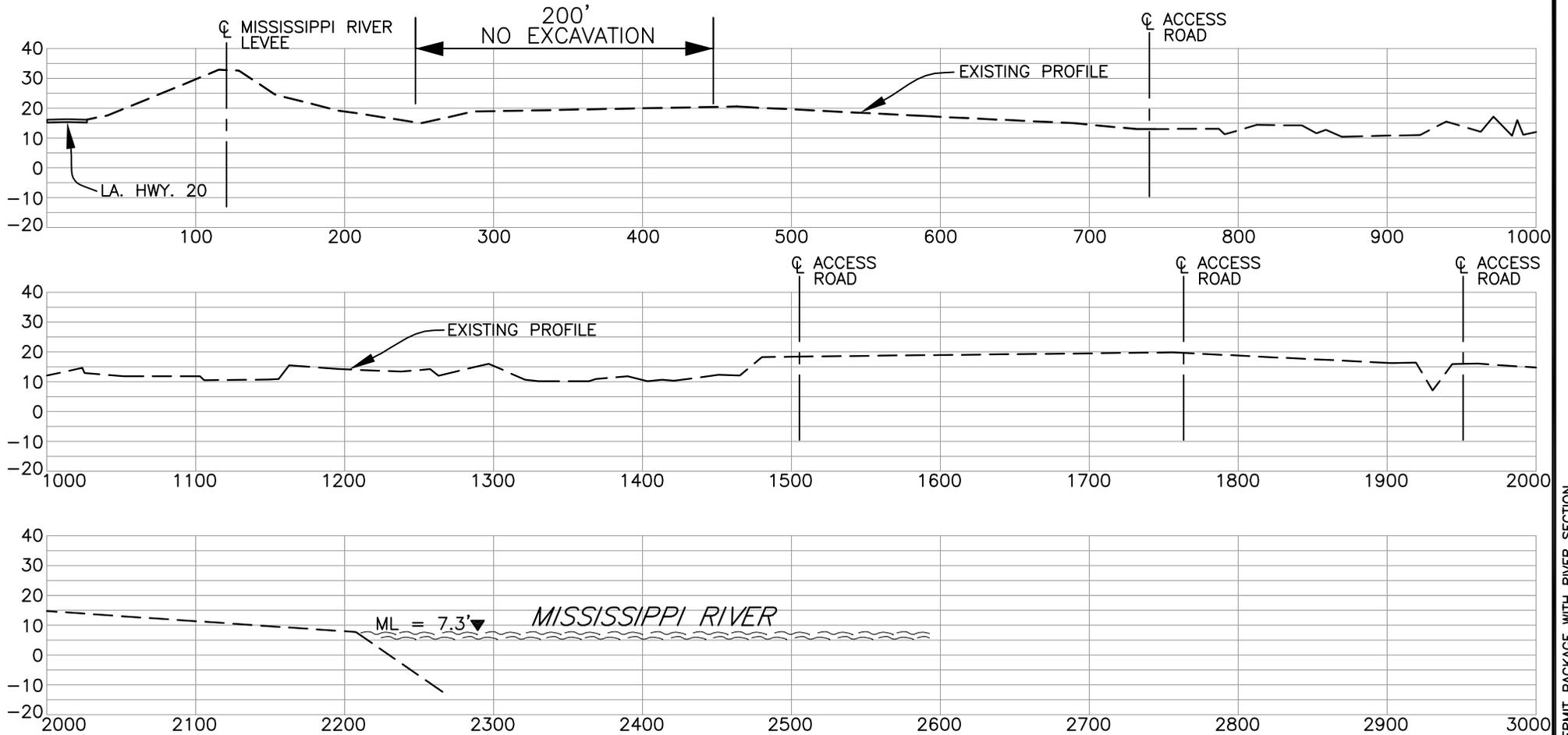
**PROFILE / SECTION**

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**SECTION B-B**

DATUM: N.G.V.D. 29

SCALE: HORIZONTAL SCALE 1" = 100'  
 VERTICAL SCALE 1" = 50'

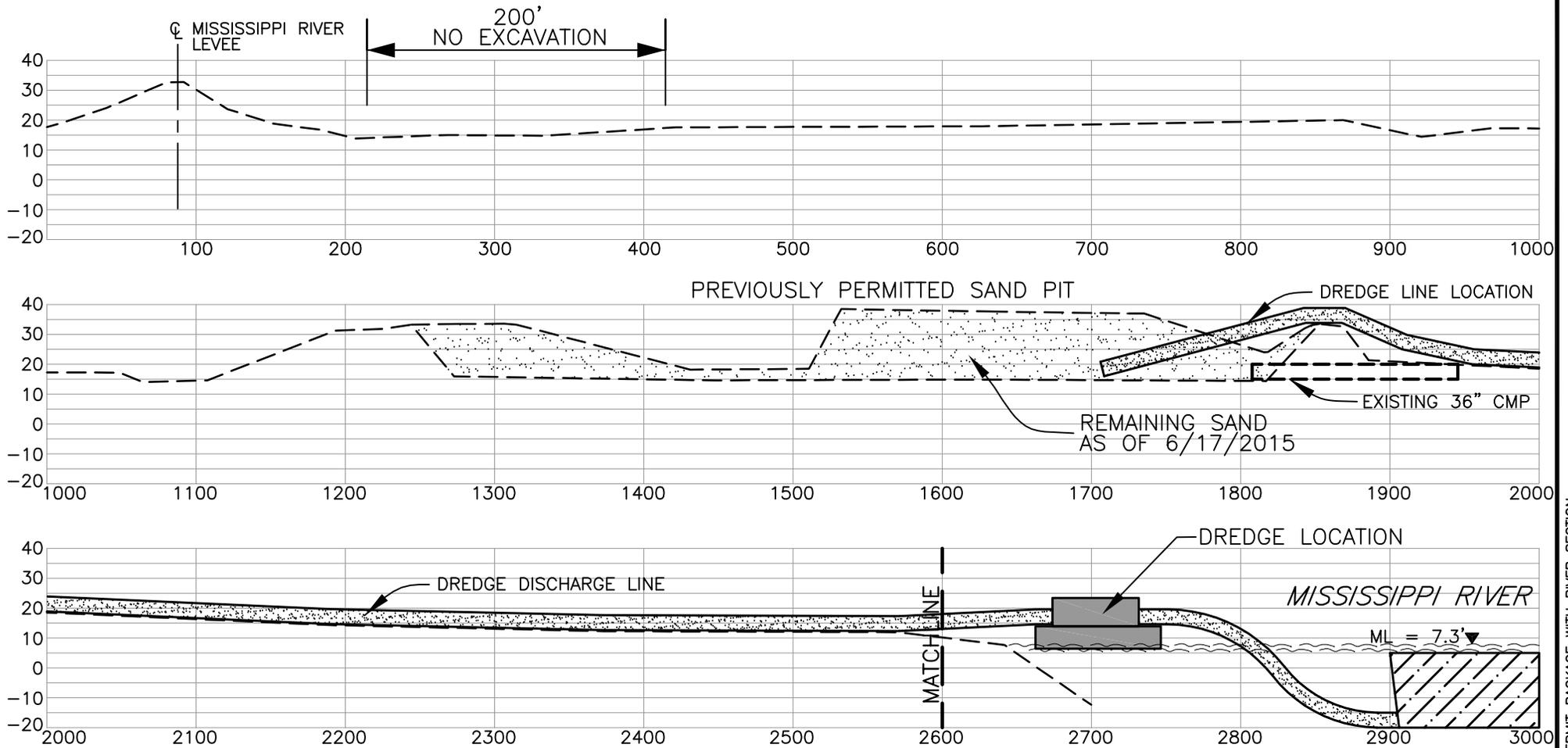
**PROFILE / SECTION**

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**SECTION C-C**

**LEGEND:**  
 - LIMITS/AREAS TO BE DREDGED

**PROFILE / SECTION**

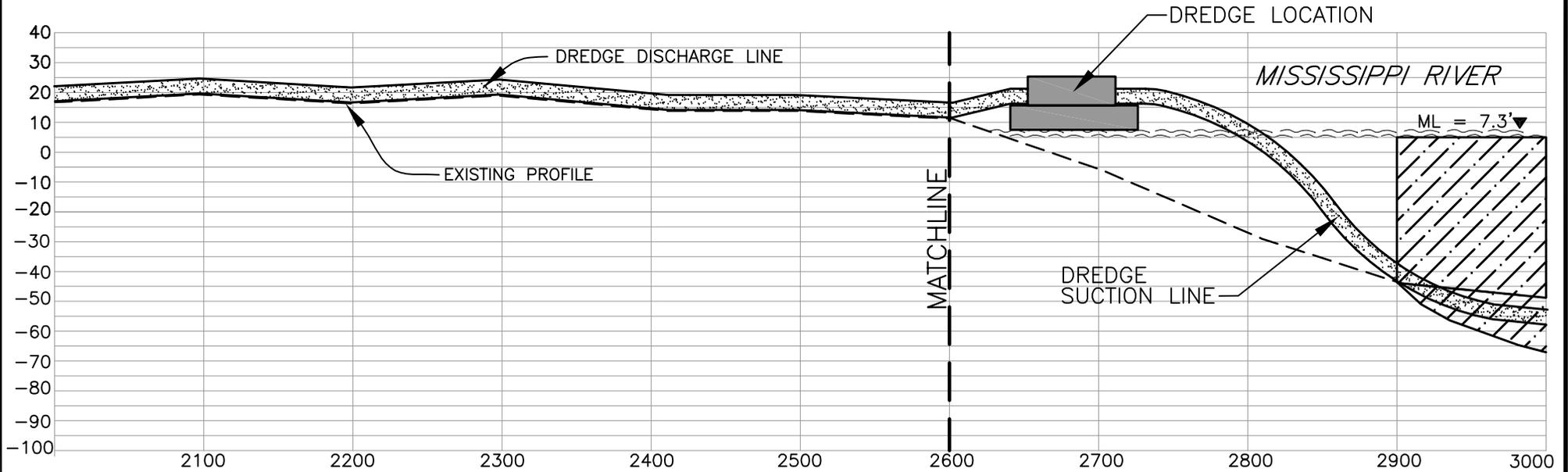
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**SECTION C-C**

MHW = 10.0'  
 MLW = 4.6'  
 MUDLINE = 7.3'  
 DATUM: N.G.V.D. 29  
 SCALE: HORIZONTAL SCALE 1" = 100'  
 VERTICAL SCALE 1" = 50'

**LEGEND:**

 - LIMITS/AREAS TO BE DREDGED

**PROFILE / SECTION**

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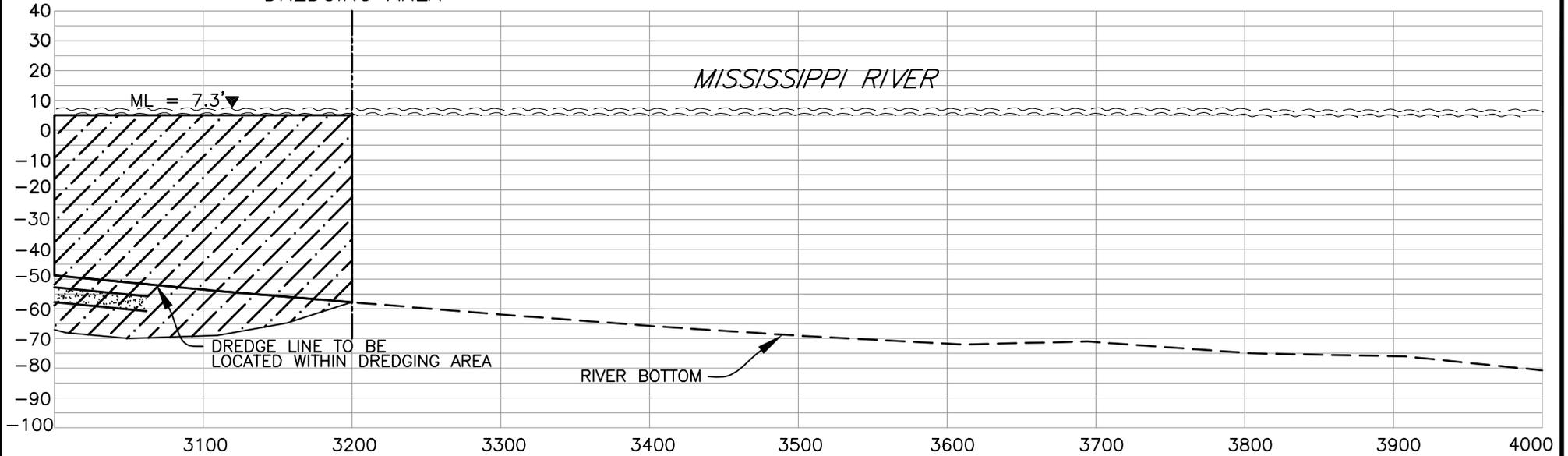


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APPROXIMATE  
LIMITS OF  
DREDGING AREA



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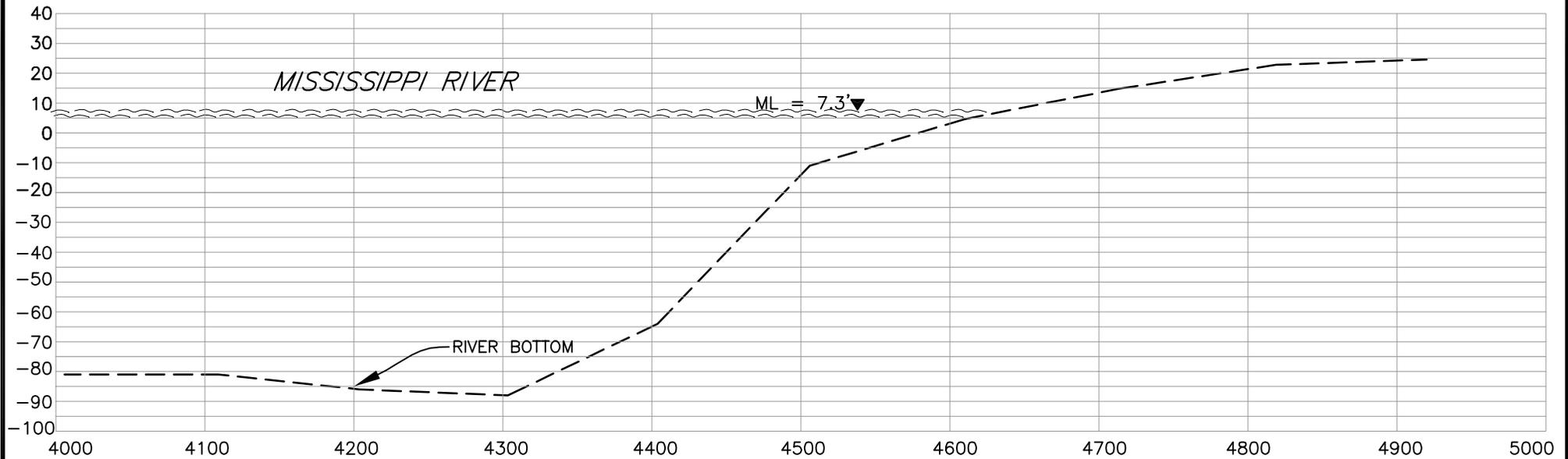
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## LNHP Notes

### **Louisiana Natural Heritage Program:**

The pallid sturgeon (*Scaphirhynchus albus*) may occur in water bodies near your proposed project. The pallid sturgeon is listed as endangered under the Endangered Species Act (16 U.S.C. 1531-1544) and occur in the Mississippi and Atchafalaya rivers in southern Louisiana, and the Red River. This species requires large, turbid, free-flowing riverine habitat and is adapted to living close to the bottom of large rivers with sand and gravel bars. Pallid sturgeon typically spawn from May-August, but successful reproduction has been severely reduced due to habitat modification. This includes the loss of habitat through the construction of dams that have modified flows, reduced turbidity and lowered water temperatures. We advise you to take the necessary measures to avoid the breeding season and any degradation of water quality in the Mississippi and Atchafalaya rivers. If you have any questions, please contact Beau Gregory at 337-491-2576.