JOINT PUBLIC NOTICE

April 25, 2016

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

(504) 862-2041
Benjamin.C.Sherman@usace.army.mil
Project Manager
Benjamin Sherman
Permit Application Number
MVN 2007-2928-ES

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

(225) 219-3225

Project Manager
Elizabeth Hill
WQC Application Number
WQC 160420-01

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, Water Quality Certifications, 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).

TIME EXTENSION TO DREDGE AND STOCKPILE WITHIN THE MISSISSIPPI RIVER IN ST. BERNARD PARISH

NAME OF APPLICANT: Beverly Industries, Inc c/o Chris Trepaginer, 331 Girod Street Mandeville, LA 70448.

LOCATION OF WORK: Project site is located on the left descending bank of the Mississippi River, at Mile Marker 86.5 above Head of Passes, off of LA Hwy 46, Meraux, Louisiana, in St. Bernard Parish, as shown on the attached drawings.

Latitude: 29.92556 /Longitude: -89.94889 Hydrologic Unit Codes: 08090100 Lower Mississippi-New Orleans.

CHARACTER OF WORK: Project will involve dredging and placing fill in permitted stockpile pit on the Mississippi River batture. Approximately 1,008,206 cubic yards of material are proposed to be dredged. No impacts to jurisdictional wetlands are anticipated, as such, no compensatory mitigation has been 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.

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.

The New Orleans District has determined that the project 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 authorized, “The Standard Conditions for Pallid Sturgeon” will be made part of the permit’s special conditions.

Our initial finding is that the proposed work would neither affect 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 those species.

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 **0.0** 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.

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, before a permit is issued.

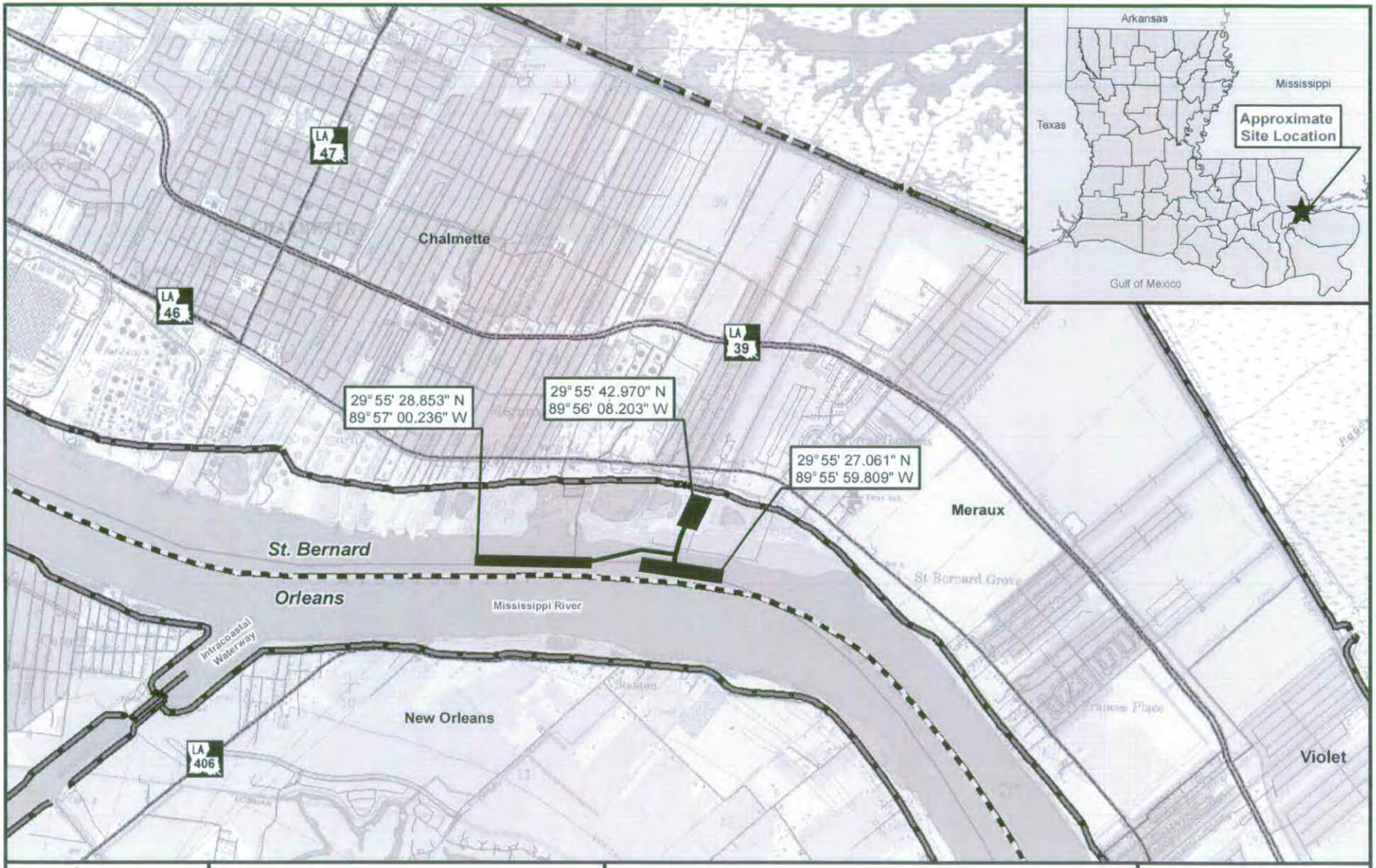
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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.

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

Enclosure



ELOS environmental
http://elosenv.com/
43177 East Pleasant Ridge Road
Hammond, Louisiana 70403
P. 985-662-5501, F. 985-662-5504

Figure 1: TopoVicinity Map

Beverly Industries Dredge and Stockpile

Map prepared from public and proprietary spatial data. ELOS Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.

Legend:

- Site Outline
- Parish Boundary
- City/Town
- Hwy
- Levee
- Water

N W E S

Feet
0 1,500 3,000

F:\KLE\Beverly Industries Stockpile\GIS Maps\Permit\Figure 1_TopoVicinity Map

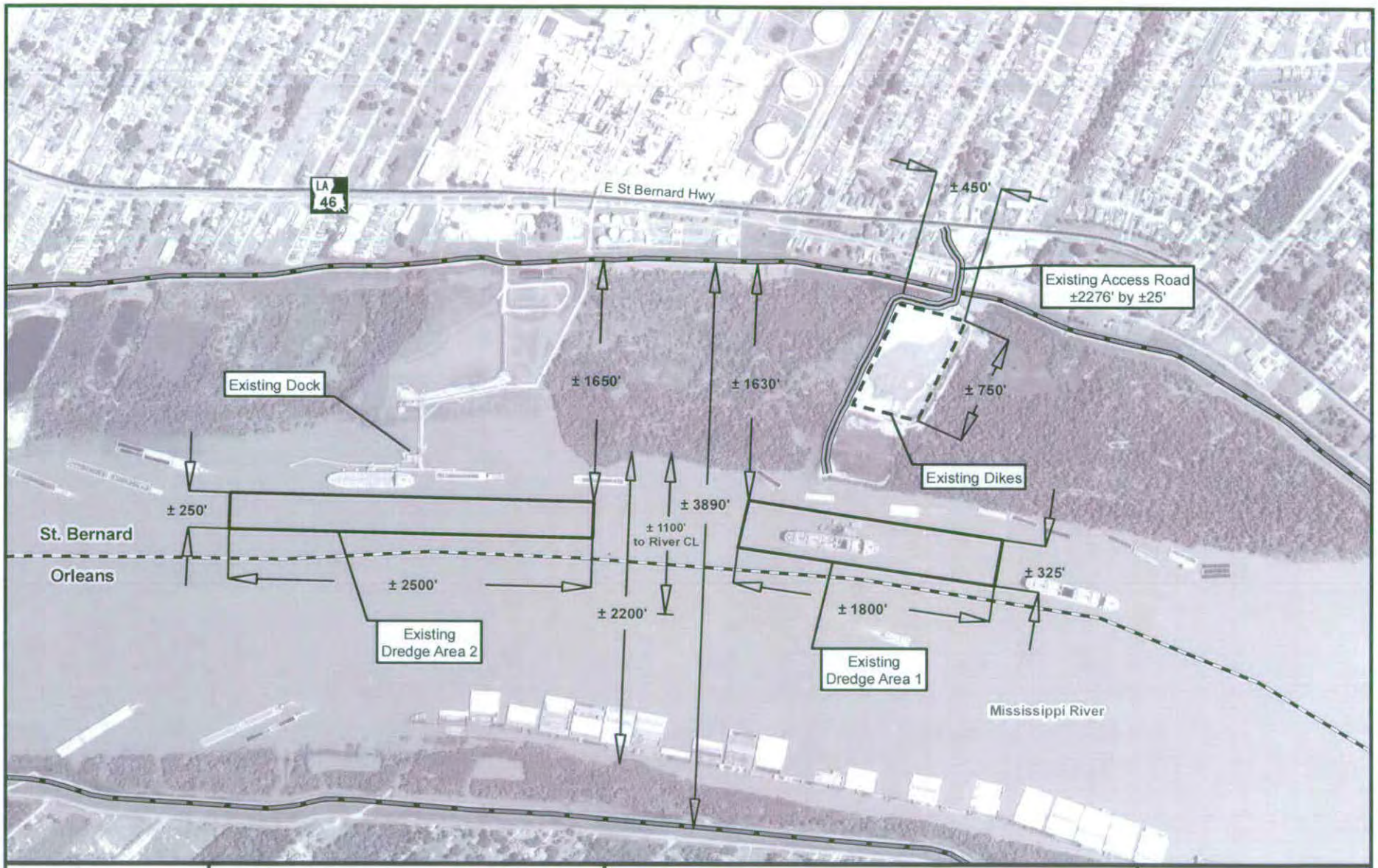


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Figure 2: Existing Conditions

Beverly Industries Dredge and Stockpile

Map prepared from public and proprietary spatial data. ELOS Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.

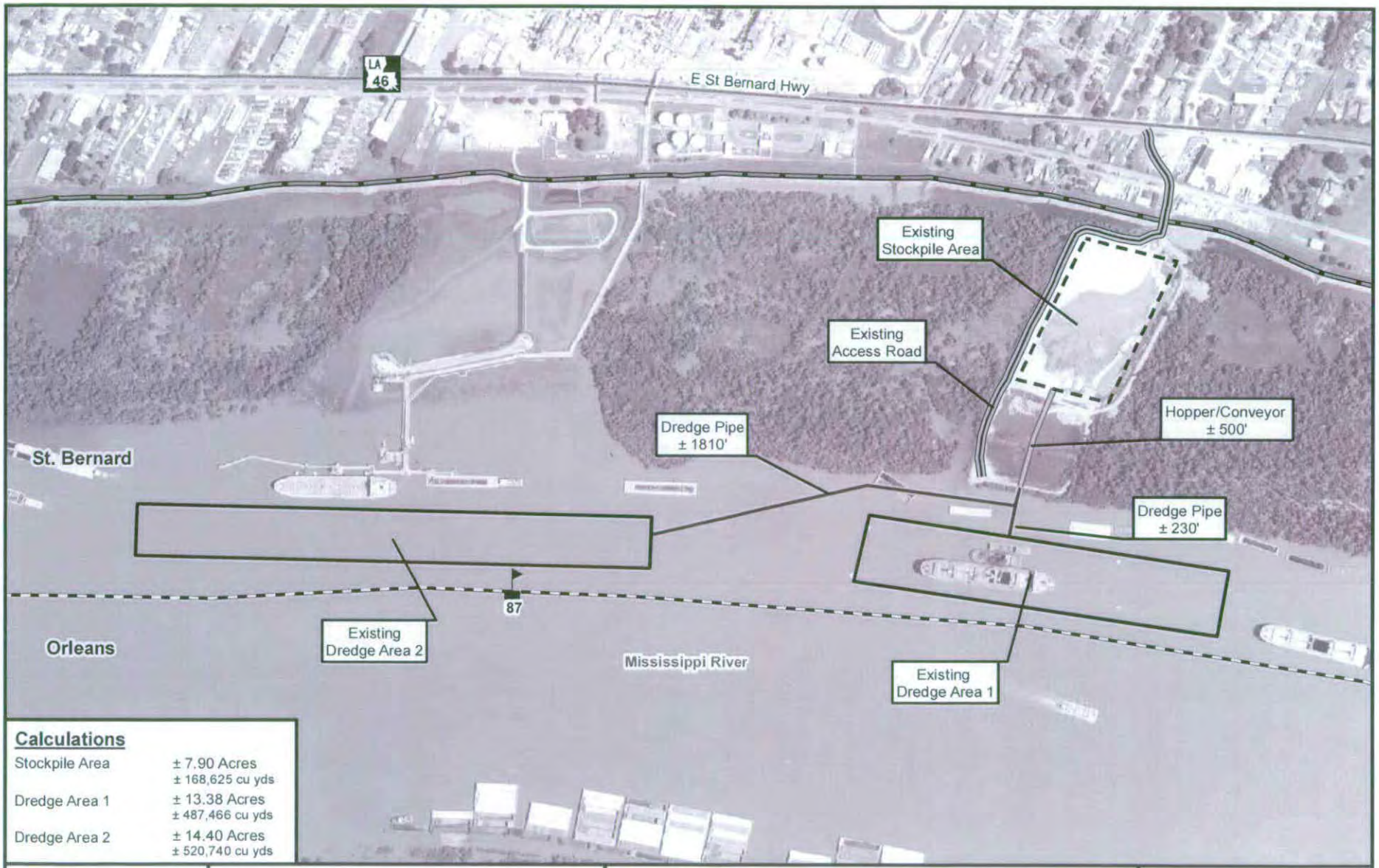
Legend:

- Existing Dredge Area
- Existing Stockpile Area
- Existing Access Road
- Levee
- Hwy
- Parish Boundary

N W E S

Feet
0 500 1,000

F:\KLE\Beverly Industries Stockpile\GIS Maps\Permit\Figure 2_Existing Conditions



Calculations

Stockpile Area	± 7.90 Acres ± 168,625 cu yds
Dredge Area 1	± 13.38 Acres ± 487,466 cu yds
Dredge Area 2	± 14.40 Acres ± 520,740 cu yds

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Figure 3: Plan View

Beverly Industries Dredge and Stockpile

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Legend:

- Existing Dredge Area
- Existing Stockpile Area
- Dredge Pipe
- Hopper/Conveyor
- Existing Access Road
- Levee
- Hwy
- Parish Boundary
- Mile Marker

N W E S

0 300 600 Feet

F:\KLE\Beverly Industries Stockpile\GIS Maps\Permit\Figure 3_Plan View

Typical Dredge

Scale = Not to Scale

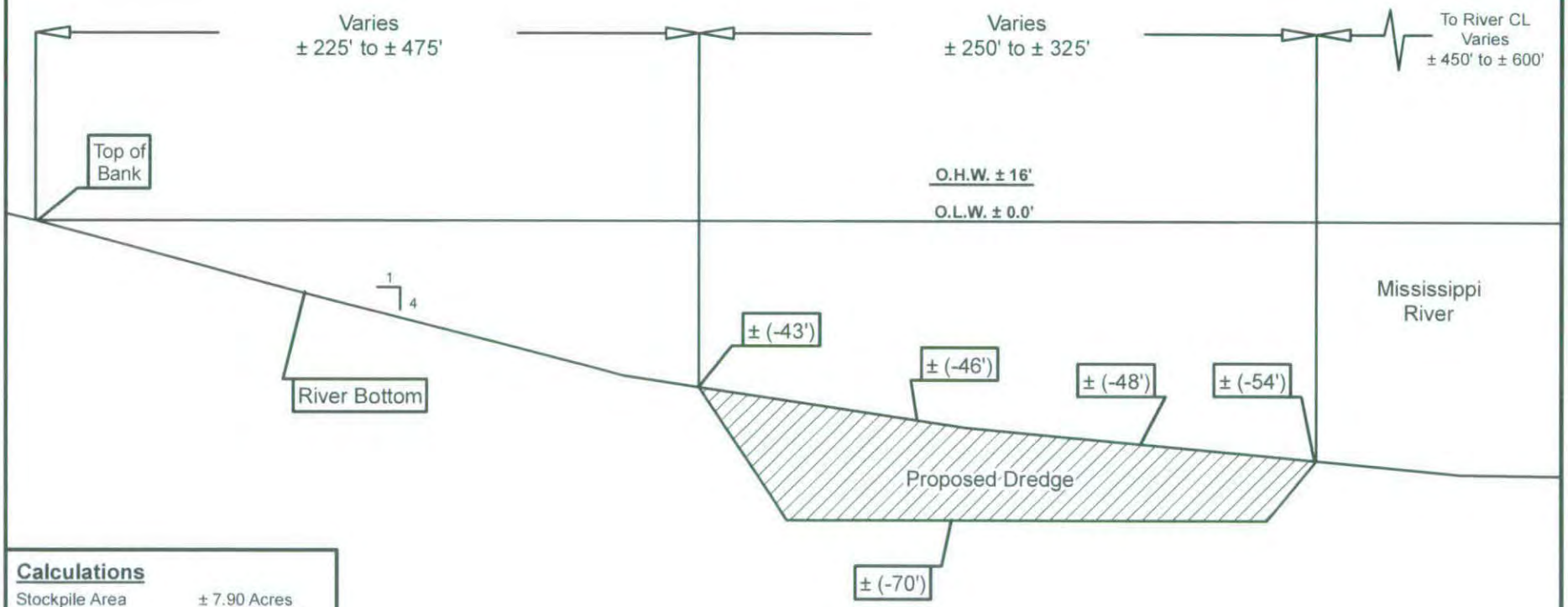

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Figure 4: Typical Dredge Cross Section

Beverly Industries Dredge and Stockpile

Map prepared from public and proprietary spatial data. ELOS Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.

Legend:

Dredge Area

F:\KLE\Beverly Industries Stockpile\GIS Maps\Permit\Figure 4_Typical Dredge Cross Section

Typical Stockpile

Scale = Not to Scale

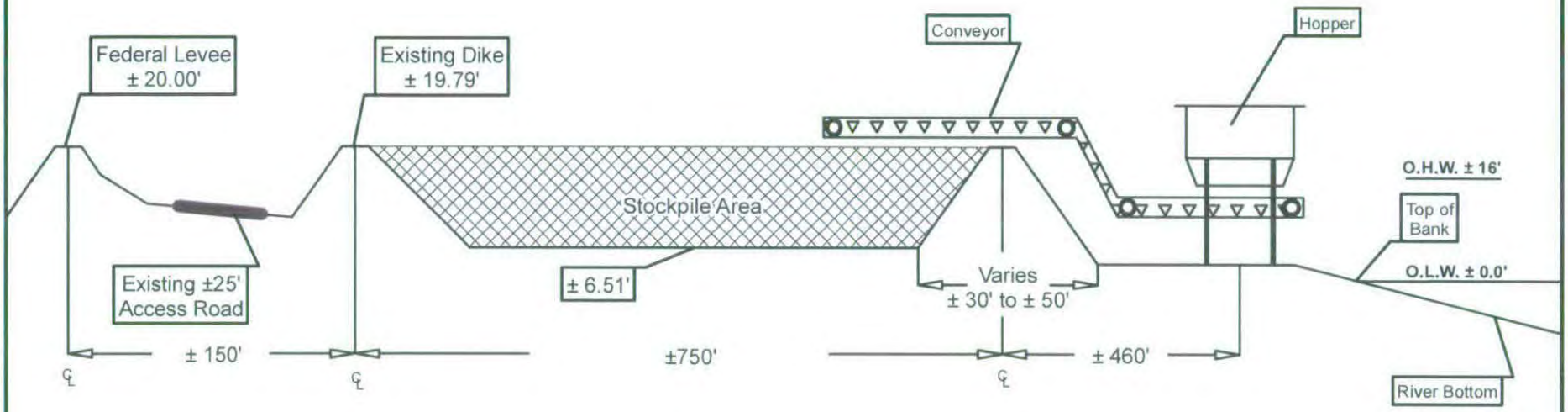

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Figure 5: Typical Stockpile Cross Section

Beverly Industries Dredge and Stockpile

Map prepared from public and proprietary spatial data. ELOS Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.

Legend:

- Stockpile Area
- Existing Access Road

F:\KLE\Beverly Industries Stockpile\GIS Maps\Permit\Figure 5_Typical Stockpile Cross Section

Project Information

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.

Structures must be marked/lighted in accordance with U.S. Coast Guard regulations.

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.

The area where the project is located is part of the aboriginal homeland of the Chitimacha Tribe of La. As such, villages, burial sites and sacred sites were in place in that entire area. If during the course of the work any cultural properties are discovered, Permittee shall immediately contact Kimberly Walden or Melanie Aymond at 1(337)923-9923 or 1(337)923-4395.

The applicant still maintains a valid USACE, Regulatory permit (MVN-2007-2928-EPP and SE (Mississippi River) 1290) and DEQ Water Quality Certification (WQC-070904-11/AI-155656/CER-20110001) for the project. The applicant is seeking a new time extension on the Regulatory permit and DEQ WQC.

In addition to the current Regulatory permit and DEQ Water Quality Certification, the project was previously authorized by a NDSI (P20101564) from the DNR, Office of Coastal Management; a Letter of Permission (LBBLD LOP-0811-03-08-30-11) from the Lake Borgne Basin Levee District; a Letter of No Objection (LONO Number 11-182) from USACE, Completed Works; and a Letter of No Objection (dated: July 19, 2011) from LADOTD District Design, Water Resources and Development Section.

Applicant has maintained dredging activities at this site since initial project creation, under valid authorizations. The most recent dredge activity was in late 2015, approximately from 9/12/15 to 10/14/15, and the material excavated was estimated at ± 112,188 cubic yards.

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Figure 6: Project Information

Beverly Industries Dredge and Stockpile

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F:\KLE\Beverly Industries Stockpile\GIS Maps\Permit\Figure 6_Project Information