

JOINT PUBLIC NOTICE

March 28, 2016

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) 862-1217
Project Manager
Kenny Blanke
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MVN 2015-0328-CQ

(225) 219-3225
Project Manager
Ms. Elizabeth Johnson
WQC Application Number
WQC 160321-02

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 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, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2074 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

CLAY BORROW PIT OPERATIONS AND BARGE LOADING AREA ADJACENT TO THE MISSISSIPPI RIVER NEAR PORT HUDSON IN EAST BATON ROUGE PARISH

NAME OF APPLICANT: Phylway Construction, LLC, c/o Auburn Wessman, Post Office Box 494, Geismar, Louisiana 70734.

LOCATION OF WORK: Located in Sections 44, 47, 48, and 49, Township 5 South, Range 2 West, and in Sections 68, 69, and 80, Township 5 South, Range 1 West, located off of Salvant Road, within the Mississippi River Basin, in the Lower Mississippi River- Baton Rouge hydrologic unit (HUC 08070100), adjacent to the Mississippi River, left descending bank, located near Mississippi River mile 253, near Port Hudson, Louisiana, in EAST BATON ROUGE Parish, as shown on the enclosed drawings (Latitude 30.617361 N Longitude -91.2720278 W).

CHARACTER OF WORK: Install a spud barge and earthen loading ramp at the Mississippi River shoreline interface to allow for loading of excavated clay borrow material for commercial sale. The project consists of clay borrow pit mining operations along upland habitat adjacent to an existing access road. All jurisdictional wetlands will be avoided and will have a minimum undisturbed buffer of 50 feet between the bermed upland area pits and wetlands. Approximately 7,085 linear feet of Other Waters of the U.S. are to be impacted as a result of excavation of borrow pits and or fill placement from the pits' perimeter berms. Approximately 30,000,000 cubic yards of borrow material would be excavated in the three proposed pits. Approximately 500 cubic yards of hauled in aggregate material and 1,750 cubic yards of native material would be placed as fill material for berm and/or access road construction. Approximately 296 cubic yards of native material would be utilized as fill for the earthen ramp approach to be constructed along the Mississippi River bank for barge loading of borrow material. The applicant has proposed all runoff from disturbed areas to be channelized into

sedimentation basins with outfall structures. 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**. 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 not affect any species, nor affect any habitat designated as critical to the survival and recovery of such species, listed as endangered by the U.S. Department of Commerce.

The proposed activity is located in areas known to be utilized by the pallid sturgeon (*Scaphirhynchus albus*). Utilizing 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, the Corps has

determined that the proposed activity is not likely to adversely affect this species.

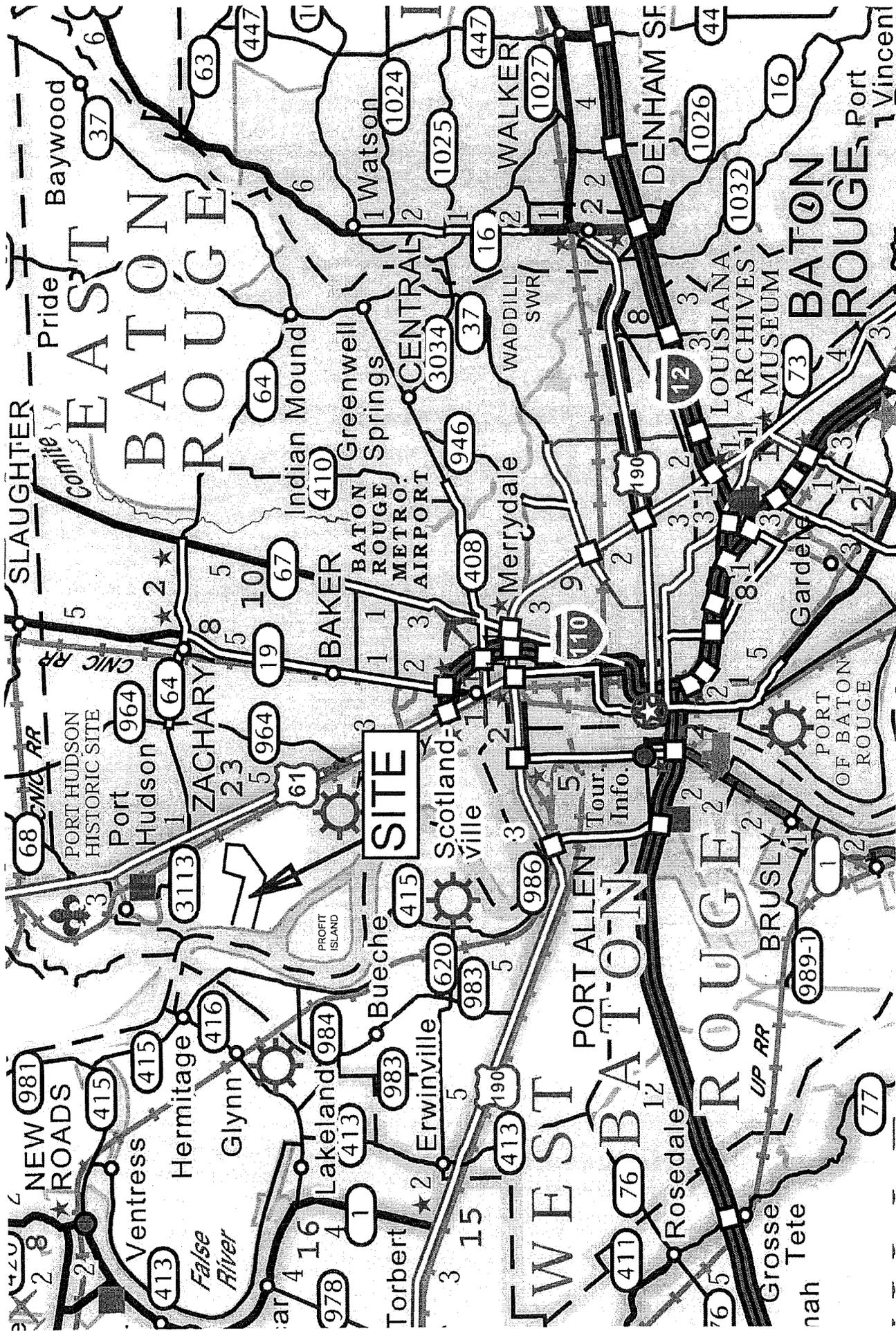
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of NA acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our 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, Office of Environmental Services, before a permit is issued.

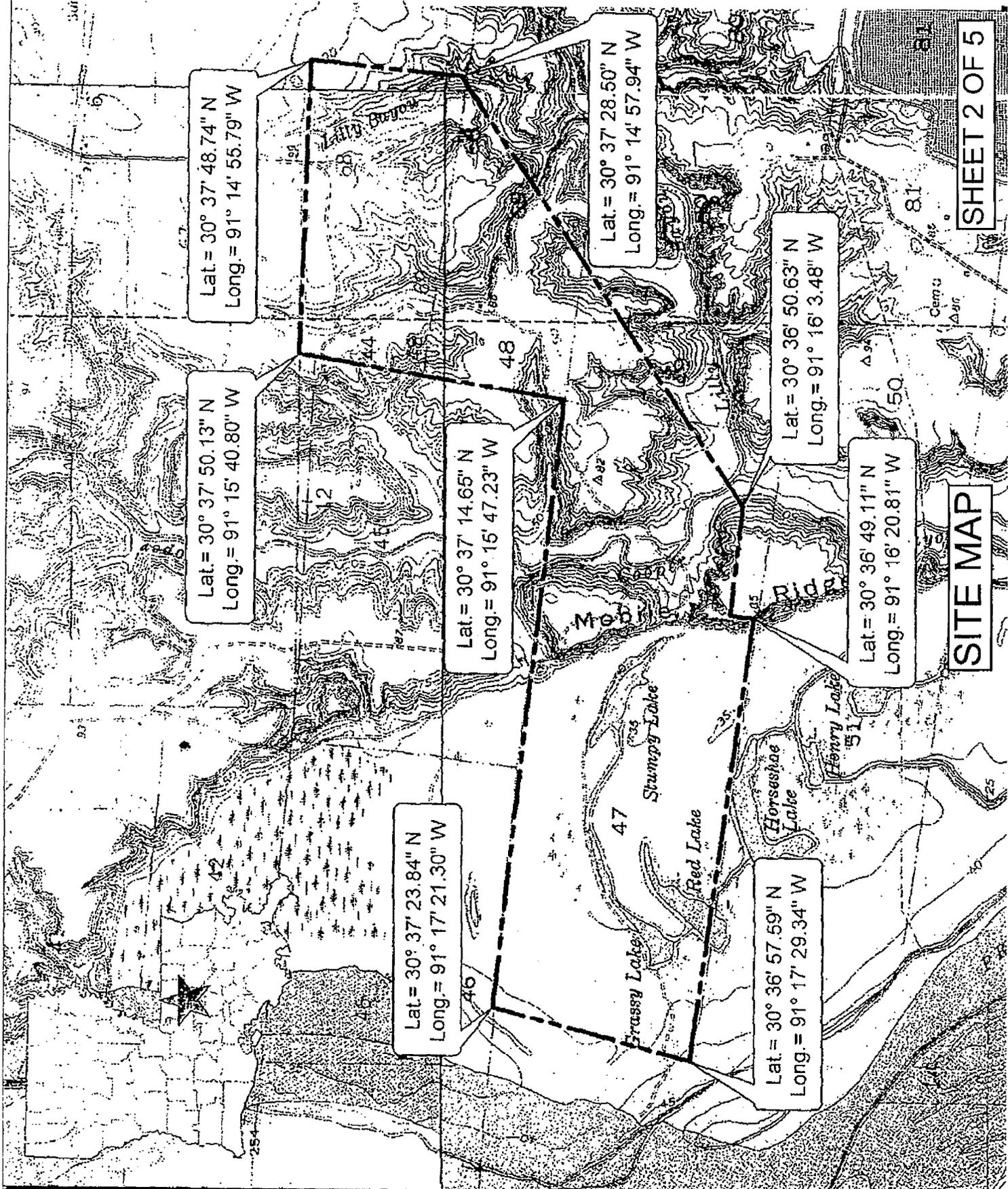
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

JOHN M. HERMAN
Chief, Central Evaluation Section
Regulatory Branch

Enclosure



VICINITY MAP



Lat = 30° 37' 48.74" N
Long = 91° 14' 56.79" W

Lat = 30° 37' 50.13" N
Long = 91° 15' 40.80" W

Lat = 30° 37' 14.65" N
Long = 91° 15' 47.23" W

Lat = 30° 37' 28.50" N
Long = 91° 14' 57.94" W

Lat = 30° 36' 50.63" N
Long = 91° 16' 3.48" W

Lat = 30° 36' 49.11" N
Long = 91° 16' 20.81" W

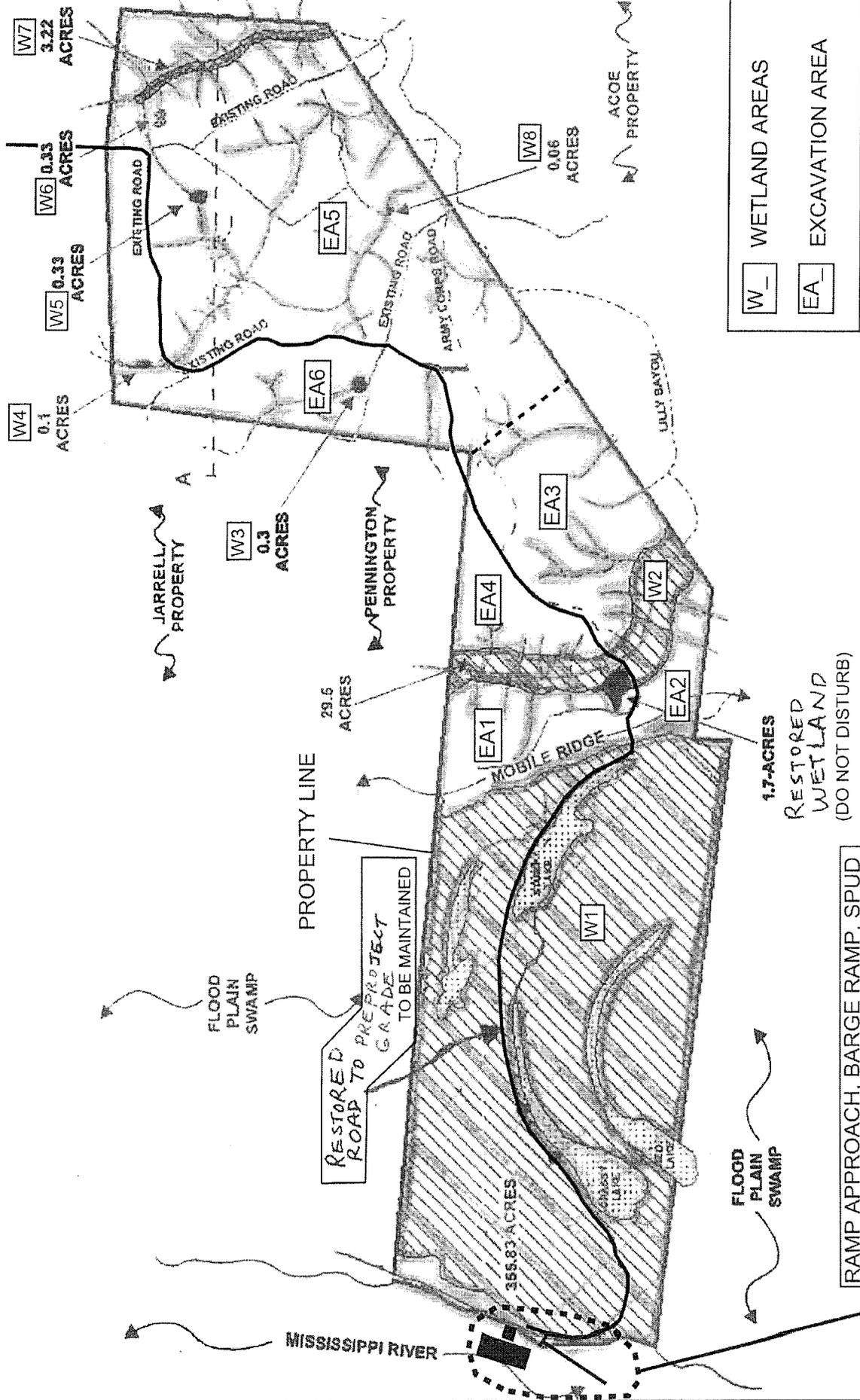
Lat = 30° 37' 23.84" N
Long = 91° 17' 21.30" W

Lat = 30° 36' 57.59" N
Long = 91° 17' 29.34" W

SHEET 2 OF 5

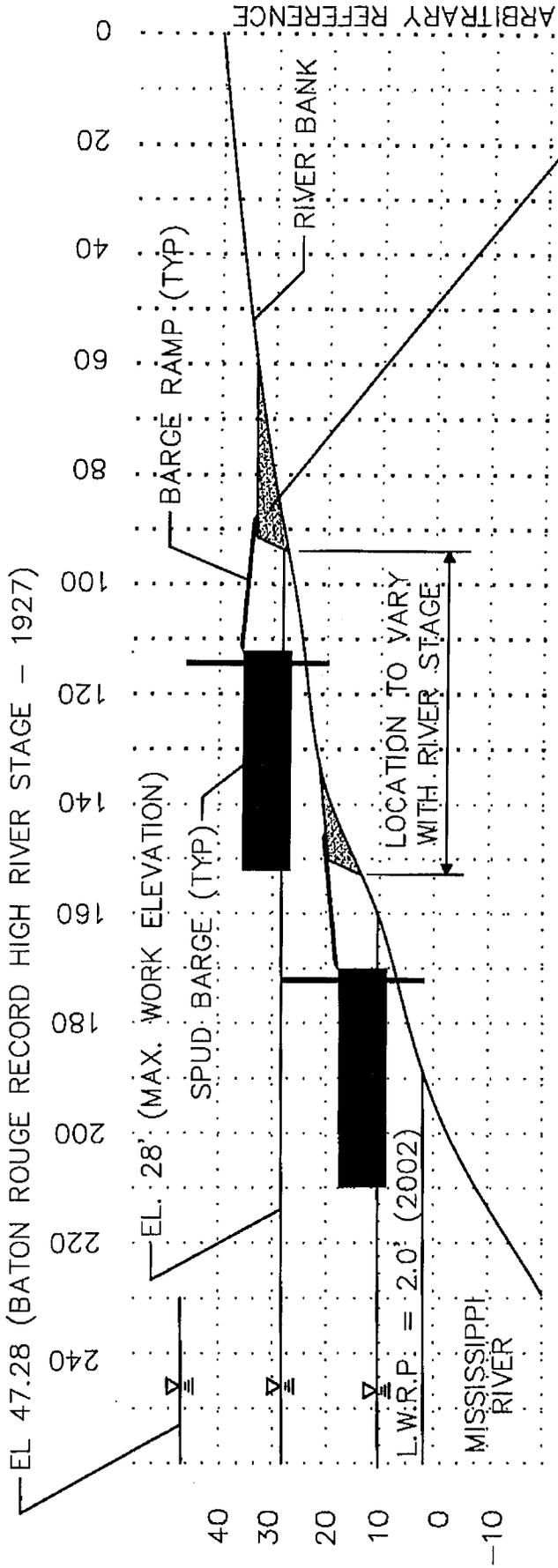
SITE MAP

NOTE: 1. A 100' "DO NOT DISTURB" AREA TO BE ESTABLISHED ADJACENT TO WETLANDS.
 2. NO EXCAVATION TO OCCUR WITHIN 50' OF PROPERTY LINES.



RAMP APPROACH, BARGE RAMP, SPUD BARGE, AND DEADMAN ANCHOR (SEE SHEET 3 OF 3 FOR DETAILS)

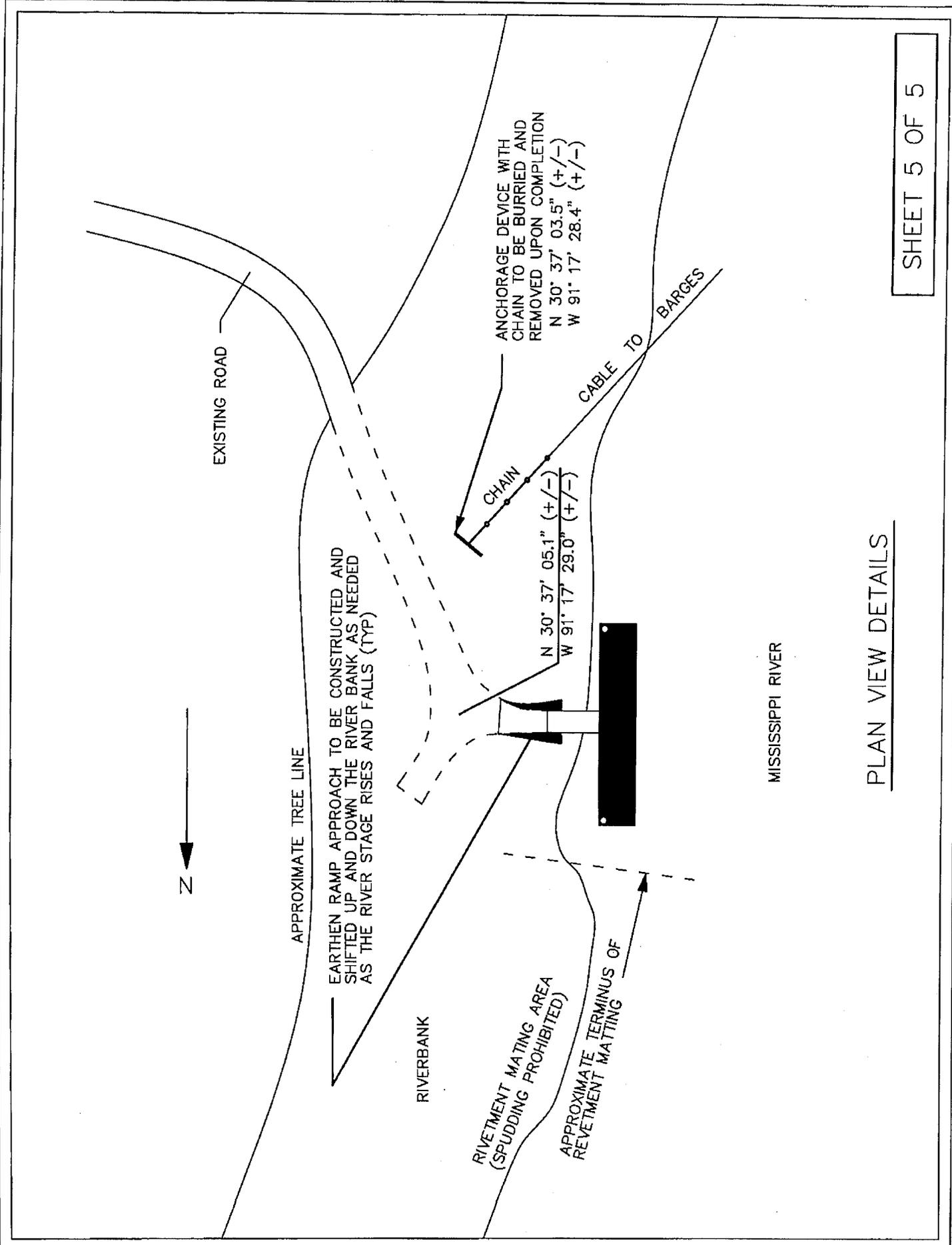
SITE ACTIVITY PLAN



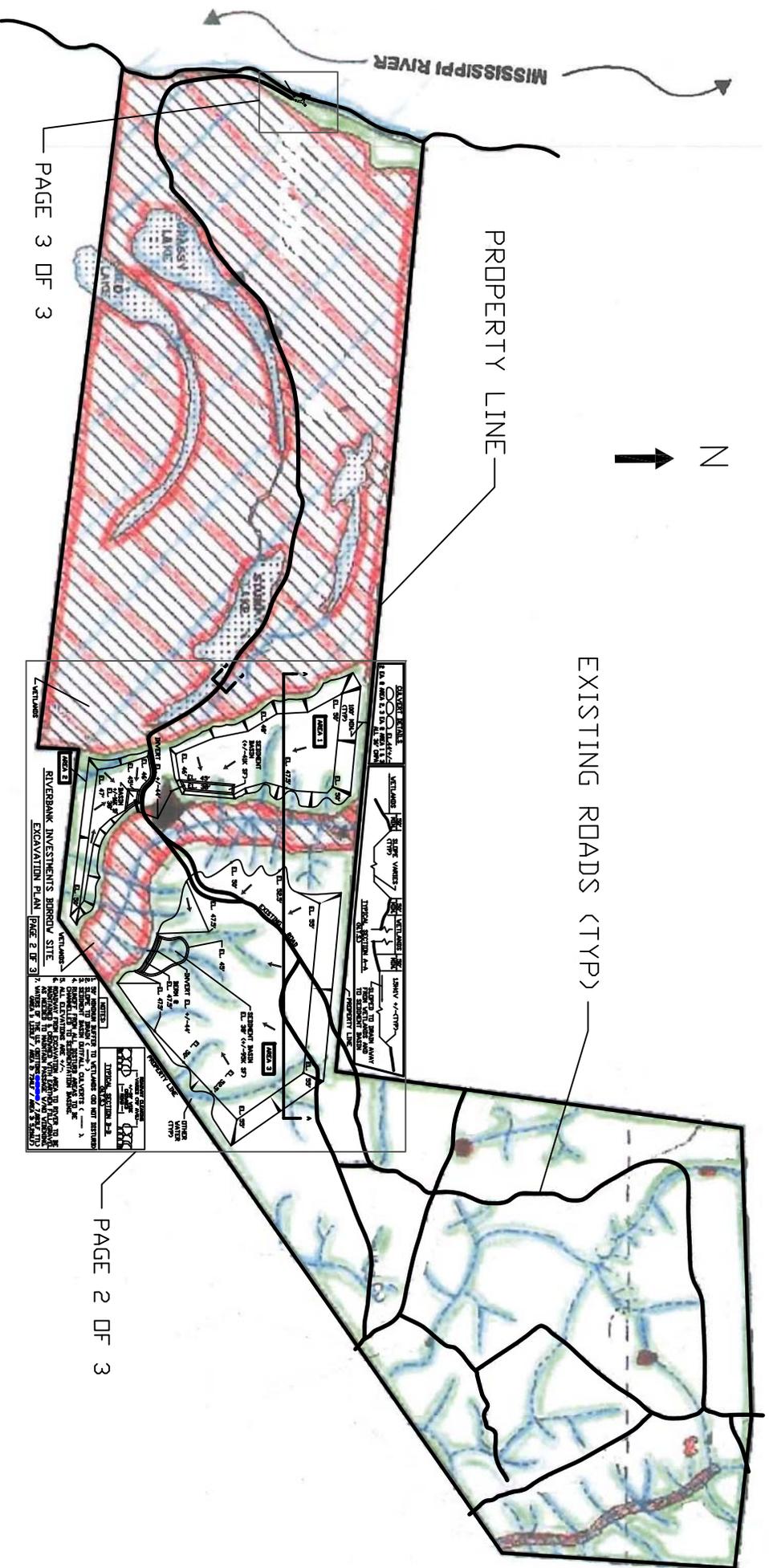
EARTHEN RAMP APPROACH TO BE CONSTRUCTED AND SHIFTED UP AND DOWN THE RIVER BANK AS NEEDED AS THE RIVER STAGE RISES AND FALLS (TYP)

TYPICAL PROFILE

NEAR MP 253
 N 30° 37' 05.1" (+/-)
 W 91° 17' 29.0" (+/-)



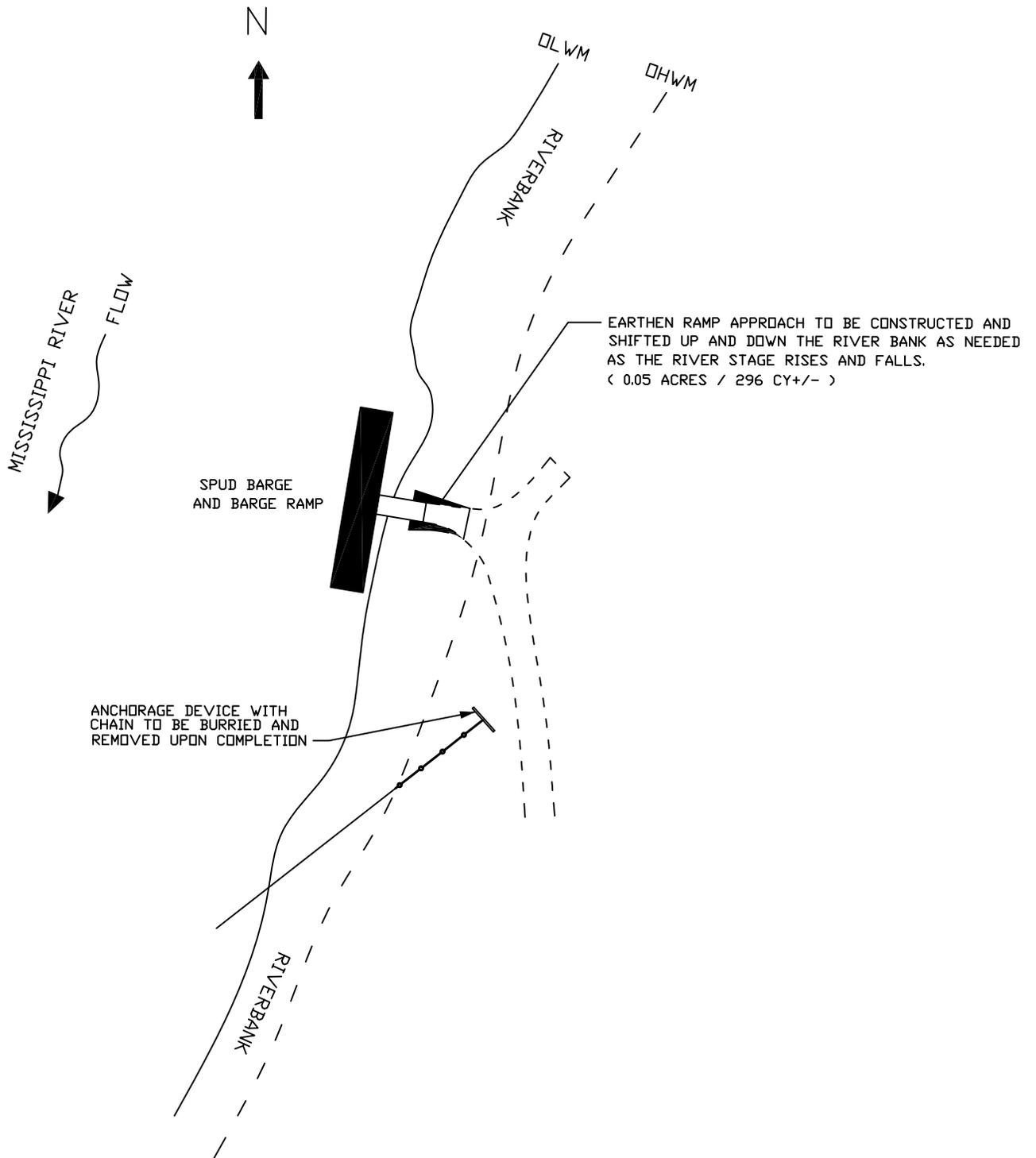
PLAN VIEW DETAILS



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RIVERBANK INVESTMENTS BORROW SITE
EXCAVATION PLAN



ORDINARY HIGH WATER MARK (OHWM):	ELEV. 35' +/- (BASED UPON FIELD ESTIMATE) (ESTIMATED BASED UPON INSPECTION)
ORDINARY LOW WATER MARK (OLWM):	ELEV. 2' +/- (ESTIMATED BASED UPON LWRP/2002 HYDROGRAPH; FILE NO. H-5-55630)