

JOINT PUBLIC NOTICE

January 26, 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) 862-1217
Project Manager
Kenny Blanke
Kenneth.G.Blanke@usace.army.mil
MVN 1999-0099-CQ

(225) 219-3225
Project Manager
Ms. Elizabeth Johnson
WQC Application Number
WQC 981028-01

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, 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).

TIME EXTENSION TO CONTINUE RIVER SAND MINING OPERATIONS IN THE MISSISSIPPI RIVER IN WEST BATON ROUGE PARISH

NAME OF APPLICANT: Bear Industries, Inc., c/o Foret Environmental Services, Inc., Attn: Mr. Glenn Foret, 9040 Briarwood Place, Baton Rouge, Louisiana 70809.

LOCATION OF WORK: Within the Mississippi River Basin, in the Lower Mississippi River-Baton Rouge hydrologic unit (HUC 08070100), on the Mississippi River bature, right descending bank, located approximately 234.9 miles above the Head of Passes, near Port Allen, Louisiana, in WEST BATON ROUGE Parish, as shown on the enclosed drawings (Latitude 30.5139 N Longitude -91.2083 W).

CHARACTER OF WORK: Extension of time for 3 years for the previously authorized project (authorized under MVN-1999-0099-EH on February 18, 1999; extended on October 2, 2006, and on February 9, 2012) to continue to excavate and stockpile material at an existing borrow pit on the Mississippi River bature for commercial sale, as shown on the attached drawings. Approximately 41,600 cubic yards of material is to be mined at the existing project site. No additional direct impacts to wetlands are proposed in the current time extension.

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.

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.

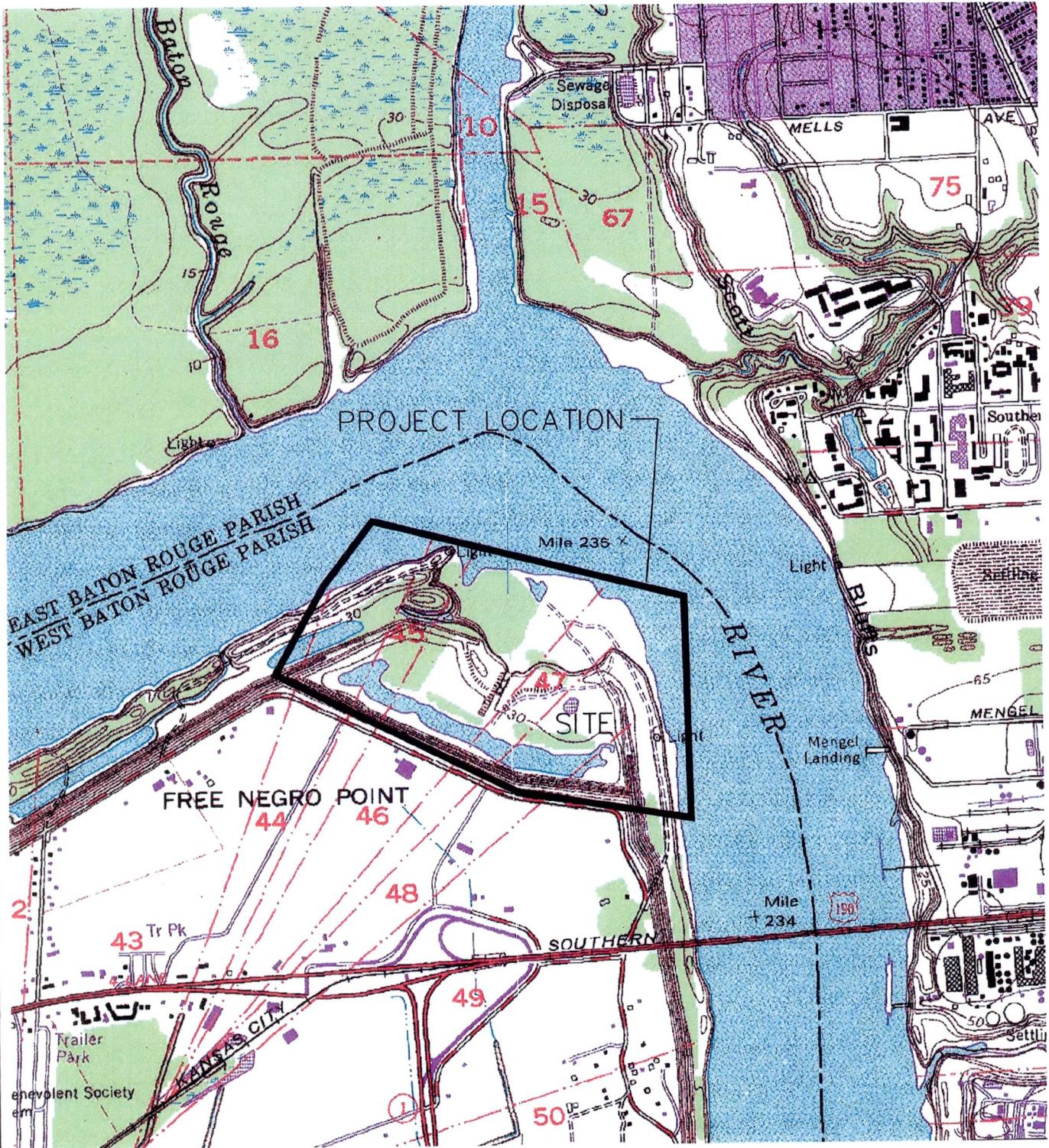
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of NA acres of EFH utilized by various life stages of red drum and penaeid shrimp. Our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



SITE COORDINATES:
 LATITUDE N 30°30'50"
 LONGITUDE W 91°12'14"

0A2011\11346 - Bear Industries Borrow_Prt\00d\Production_Plan\11346



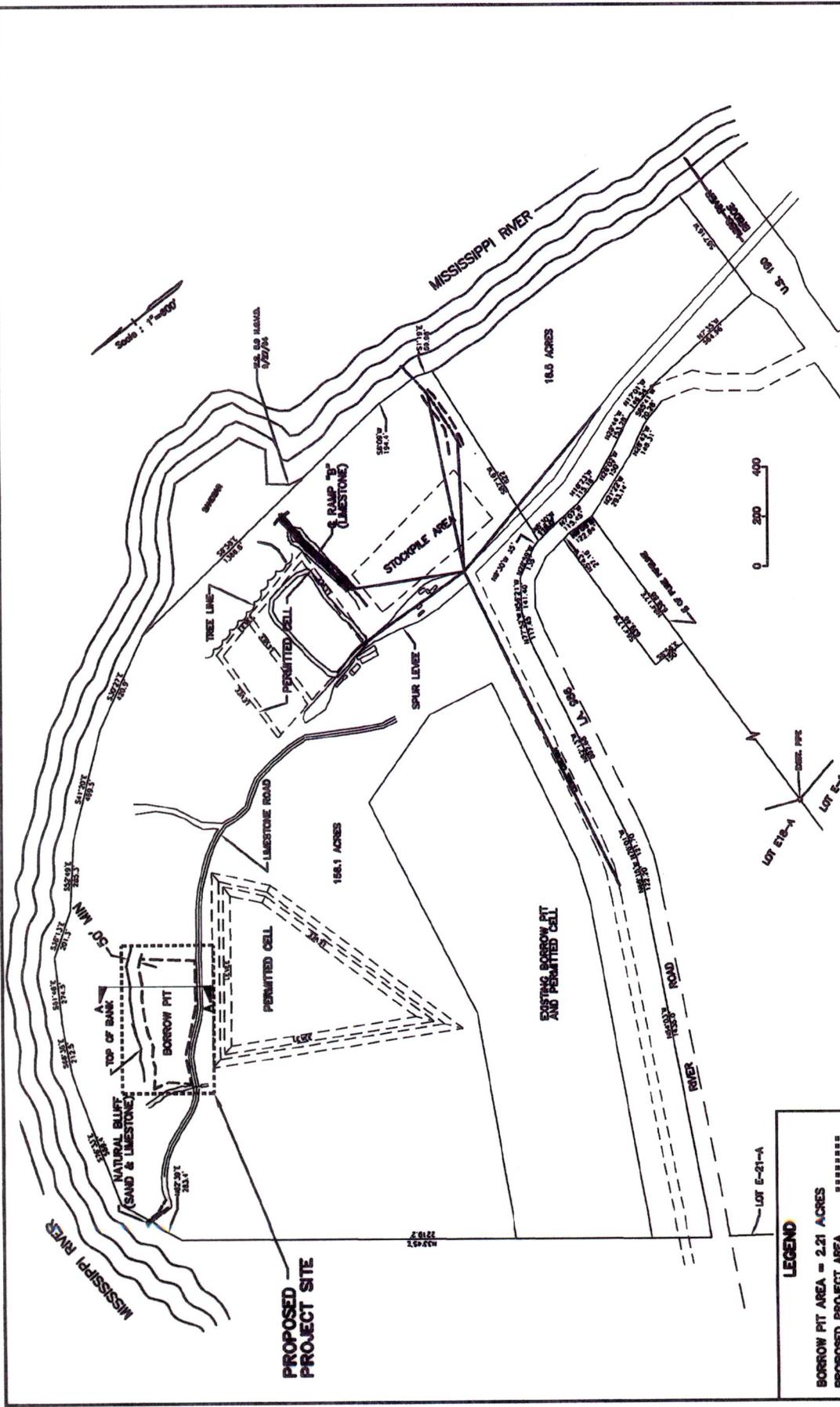
404 PERMIT
VICINITY MAP
 PORT ALLEN, LOUISIANA

DRAWN:	MJK	SCALE:	1" = 600'
CHECKED:	RJB	PROJ. NO.	11346
APPROVED:		DATE:	OCTOBER 2011
FIGURE:			1



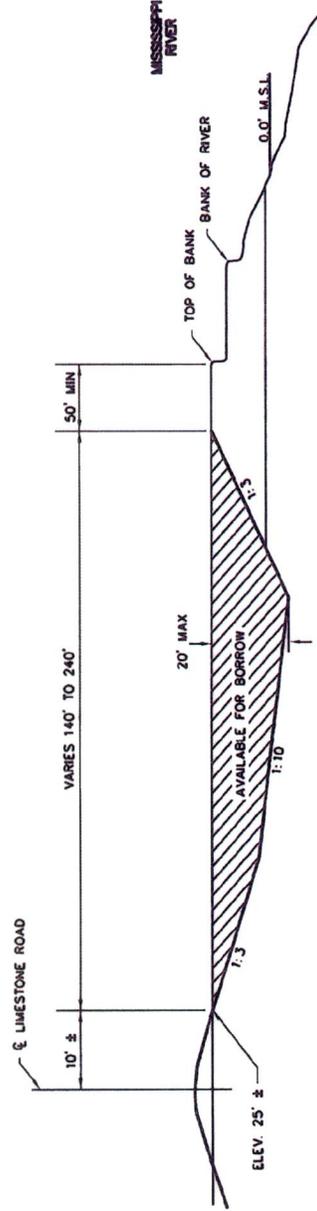
UNITED STATES CORPS OF ENGINEERS
 404 PERMIT
 BEAR INDUSTRIES, INC.
 BORROW PIT FIGURE 2

SITE LAYOUT



LEGEND
 BORROW PIT AREA = 2.21 ACRES
 PROPOSED PROJECT AREA

DRAWN BY:	C.A.B.
CHECKED BY:	R.J.B.
APPROVED BY:	A.F.T.
PROJECT NO:	11346
PARISH:	WEST BATON ROUGE
DATE:	10/11
SCALE:	1" = 600'
REVISION:	



BORROW PIT SECTION A-A
N.T.S.

NOTE:
THE EXCAVATED MATERIAL TO BE TEMPORARILY STOCKPILED IN THE PROJECT AREA AND ALONG LIMESTONE ROAD IN LOW RIVER STAGES. TEMPORARY STOCKPIPING WILL BE REMOVED PRIOR TO HIGH RIVER STAGES.

NOTE:
EXISTING BORROW PIT ON RIVER BANK APPROX. 500' LONG BY 190' WIDE. REMOVAL OF ANNUAL SILT DEPOSITS FOR COMMERCIAL SALE.

SECTION A-A

DRAWN BY:	C.A.B.
CHECKED BY:	R.J.B.
APPROVED BY:	A.F.T.
PROJECT NO:	11346
PARISH:	WEST BATON ROUGE
DATE:	10/11
SCALE:	N.T.S.
REVISION:	

UNITED STATES CORPS OF ENGINEERS
404 PERMIT
BEAR INDUSTRIES, INC.
BORROW PIT SECTION FIGURE 3

