



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

Regional Planning and
Environmental Division South
Environmental Compliance Branch

August 2, 2016

PUBLIC NOTICE
REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS
PROJECT PURSUANT TO 33 U.S.C. SECTION 408

PUBLIC NOTICE/FILE NUMBER: 15-857, Marathon Pipeline, LLC proposes to place two additional mooring piles near their dock in the Mississippi River near St. James Louisiana.

Interested parties are hereby notified that a request for permission to alter a U.S. Army Corps of Engineers (USACE) project pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408) has been received and will be evaluated by the New Orleans District. Written comments, including any objections to the proposed alteration, stating reasons therefor, are being solicited from anyone having an interest in the requested alteration. Comments must be mailed or emailed by or before the last day of the comment period and must reference the file number of this public notice. Comments will become part of the record and will be considered in the decision on the request. See below for contact information and address. The proposed action could alter the following federal projects: Mississippi River Levees, Mississippi River Channel Stabilization, and Mississippi River Deep Draft Navigation Channel.

COMMENT PERIOD EXPIRES: August 18, 2016

REQUESTED ALTERATION: Marathon Pipeline, LLC proposes to place two additional mooring piles near the St. James-Capline Dock along the right descending bank of the Mississippi River. The 72-inch diameter 200 foot long piles will be driven approximately 140-feet into the bed of the river. The attached figures provide the location and details of the proposed project.

REQUESTER: Marathon Pipeline, LLC, 539 South Main St., Findlay, OH 45840

PERMISSION AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any USACE civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army to grant permission for the alteration or occupation or use of a USACE project if the Secretary

determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project.

ADDITIONAL INFORMATION: Marathon Pipeline Company LP has submitted a Clean Water Act Section 404 and Rivers and Harbors Act Section 10 permit application to USACE requesting authorization for those portions of the project within USACE Section 404/10 jurisdictional areas. The USACE Regulatory Branch evaluation of the proposed action is a separate process from the evaluation of the request for permission to alter a USACE project. This Public Notice solicits comments only on the proposed alteration of the USACE project.

LOCATION OF PROPOSED ACTION: The proposed action is located at the St. James-Capline Dock on the right descending bank of the Mississippi River, near the St. James Community, St. James Parish, Louisiana near Latitude: 30° 0' 51", Longitude: -90° 50' 15" as shown on the attached drawings.

WRITTEN COMMENTS MAY BE MAILED TO:

Department of the Army
Corps of Engineers, New Orleans District
CEMVN-PDC
ATTN: Howard Ladner
P.O. Box 60267
New Orleans, Louisiana 70160-0267

WRITTEN COMMENTS MAY BE EMAILED TO: howard.w.ladner@usace.army.mil

ALL comments must contain the full name and address of the individual commenting and must be received by the USACE by the expiration of the public notice period.

EVALUATION: This request will be reviewed pursuant to Section 408 and USACE Engineering Circular (EC) 1165-2-216, which provides policy and procedural guidance for processing requests to alter USACE civil works projects.

The decision whether to grant permission for the requested alteration will be based on several factors. The benefits that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

- 1) Potential to Impair the Usefulness of the Project. Proposed alterations will be reviewed to determine whether the alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any

authorized project conditions, purposes or outputs. If USACE determines that the usefulness of the authorized project would be impaired, the request will be denied.

- 2) Potential to be Injurious to the Public Interest. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.
- 3) Environmental Compliance. A decision on a Section 408 request is a Federal action and is subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. USACE is preparing an Environmental Assessment to evaluate the potential impacts of the proposed alteration on important resources. Comments received on this public notice will be used in the evaluation. The EA will not be published for public comment as this notice fulfills NEPA requirements for public participation. Any comments regarding the proposed alteration should be submitted during the current public comment period.

While ensuring environmental compliance is the responsibility of USACE, the requester is responsible for providing all information that USACE identifies as necessary. Environmental compliance requirements that will be considered in this evaluation include but are not limited to the following:

- a. A preliminary review of the proposed action under Section 7 of the Endangered Species Act indicated the proposed action would not likely adversely affect listed species or designated critical habitat.
- b. The requester must provide proof the proposed action is consistent with the Coastal Zone Management Act to the maximum extent practicable prior to issuance of the Section 408.
- c. The requester will be required to provide proof of compliance with Section 401 of the Clean Water Act from the Department of Environmental Quality.
- d. The proposed action would not adversely impact areas designated as essential fish habitat under the Magnuson-Stevens Fishery Conservation and Management Act.
- e. Compliance with Clean Water Act, Section 404(b)(1) guidelines, as well as Section 10 of the Rivers and Harbors Act will be evaluated through a separate USACE permit review process. EC 1165-2-216 specifies that the Section 408 request must be evaluated independent of the above

referenced USACE permit evaluations.

- f. In accordance with Section 106 of the National Historic Preservation Act (NHPA), the USACE is required to take into account the effects of any permitted action to historic properties, which includes both archaeological resources on the surface or below ground, as well as historic buildings and structures that are listed in or are eligible for listing in the National Register of Historic Places. The USACE will also consult with Indian Tribes in accordance with Section 101(d)(6)(B) of the NHPA, the USACE Tribal Consultation Policy, and Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments."

All factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project. The review will consider the potential impact to the usefulness of the Federal project and whether the proposed alteration would be injurious to the public interest. Policy and legal compliance will also be considered.

USACE is soliciting comments from interested parties to evaluate the potential impacts of the proposed alteration. Comments will be considered to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used for environmental compliance coordination as required by NEPA.

COORDINATION: This public notice will be coordinated with the relevant State, Federal and Tribal entities as appropriate.

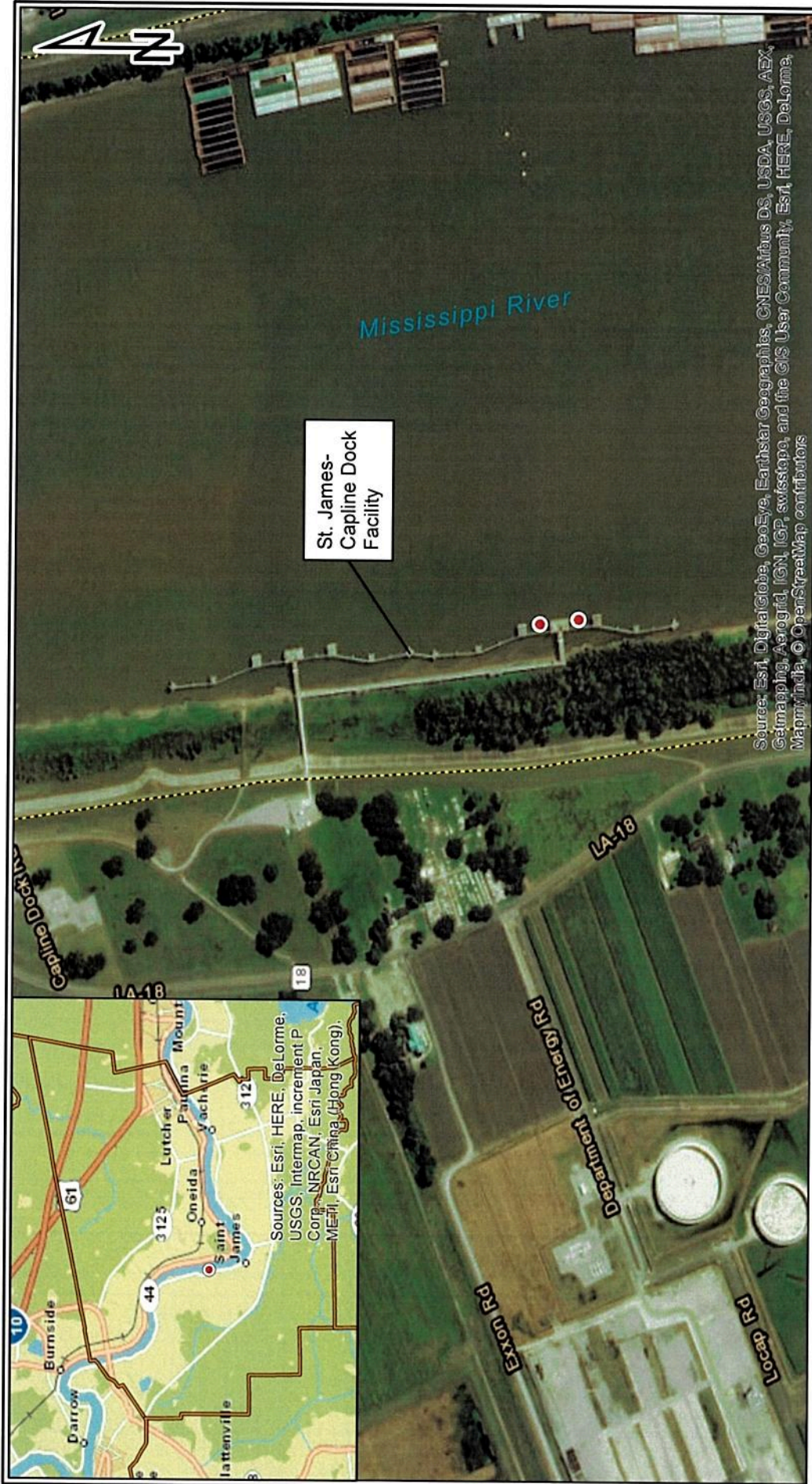
Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Howard Ladner, Project Manager, by telephone at 504-862-2021 or via email at Howard.W.Ladner@usace.army.mil.

FOR THE DISTRICT COMMANDER:

Enclosures

Sandra E. Stiles
Acting Chief, Environmental Planning Branch



- Monopile Installation Location
- ▭ Parish Boundary
- Levee Centerline

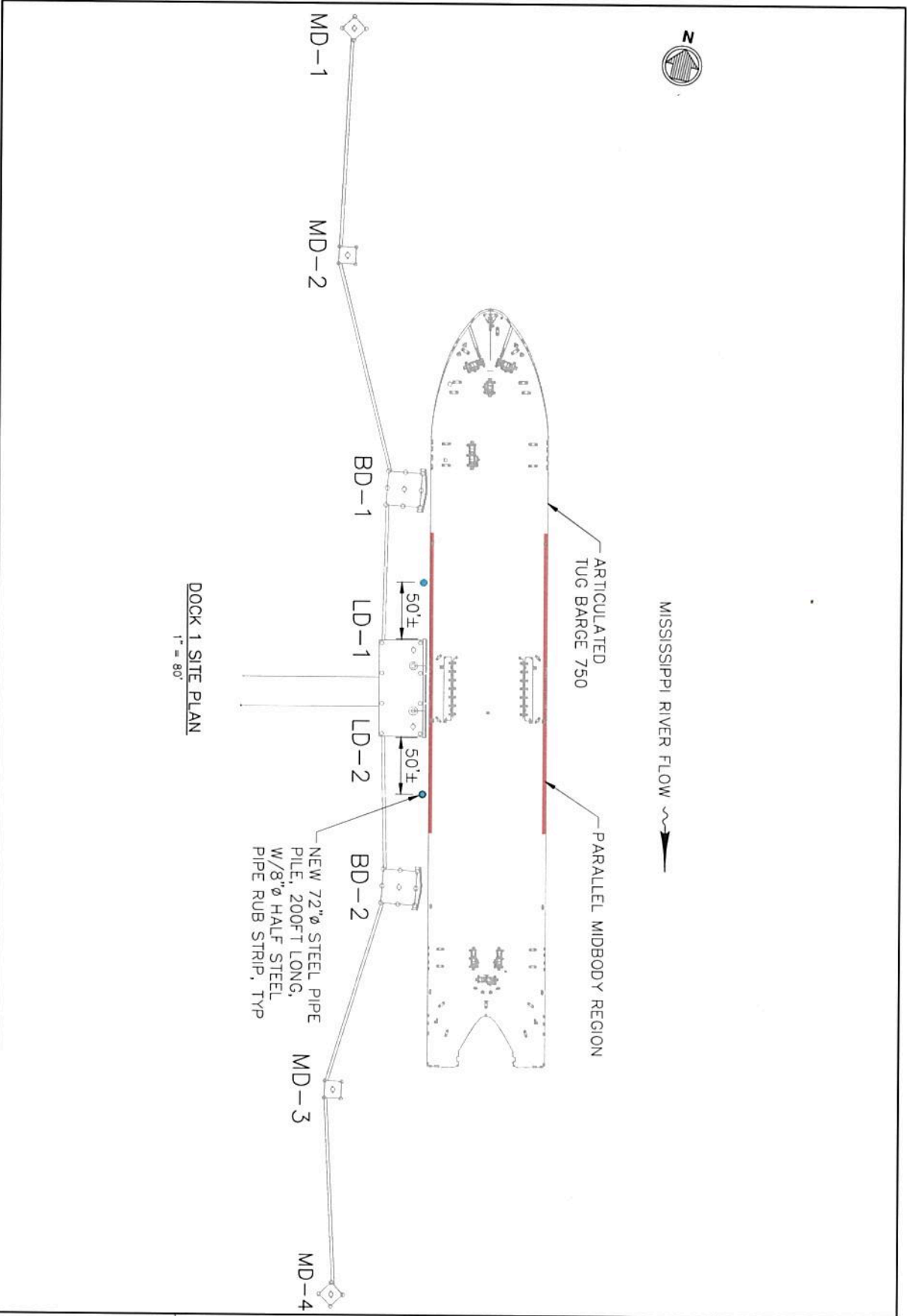
Marathon Pipe Line LLC
Findlay, Ohio

St. James-Capline Dock Monopile Installation

Vicinity Map



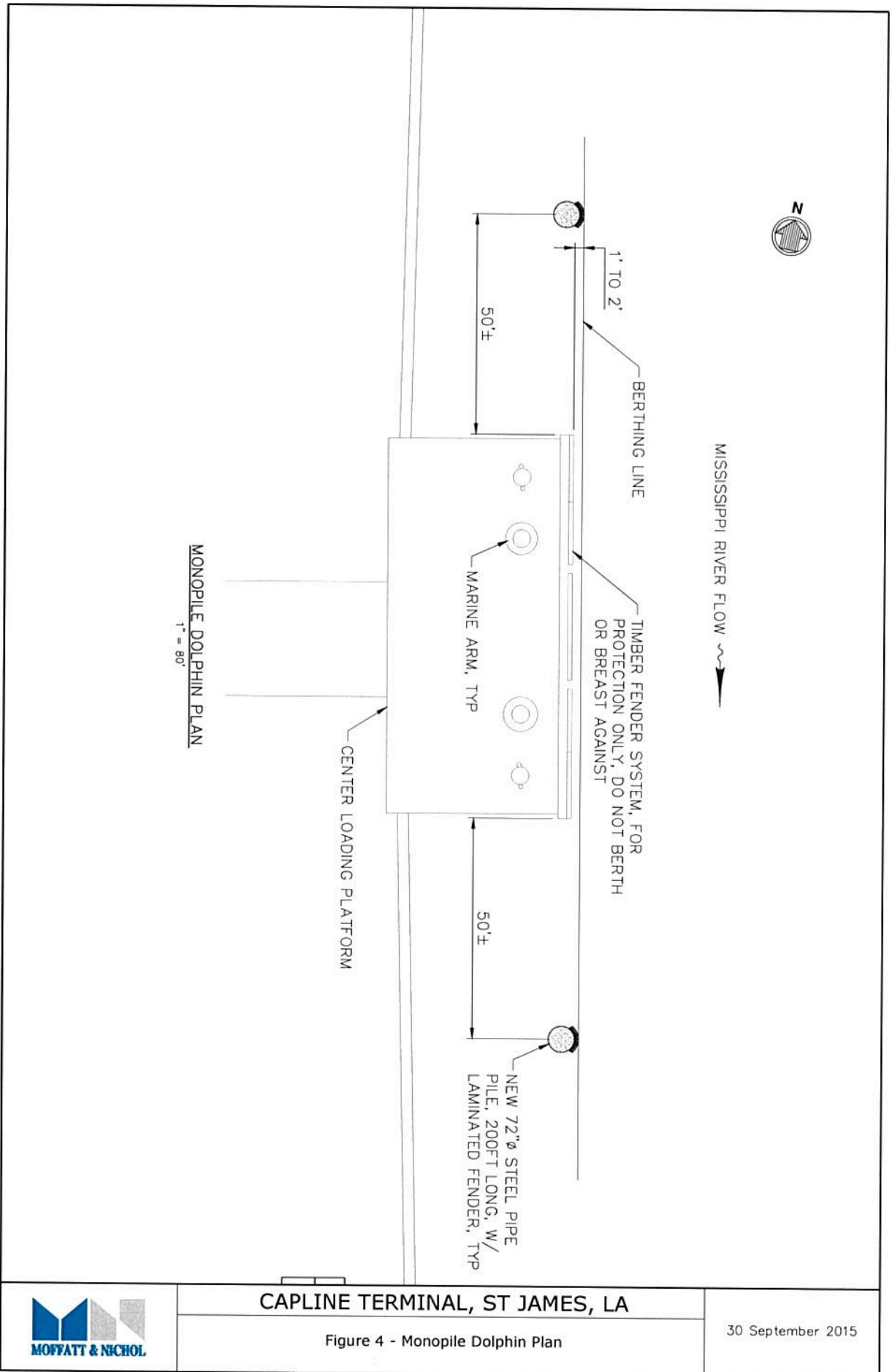
FIGURE | **1**



CAPLINE TERMINAL, ST JAMES, LA

Figure 3- Dock 1 Conceptual Dolphin Site Plan

16 JULY 2015



MISSISSIPPI RIVER FLOW

BERTHING LINE

TIMBER FENDER SYSTEM, FOR PROTECTION ONLY, DO NOT BERTH OR BREAST AGAINST

NEW 72" Ø STEEL PIPE PILE, 200FT LONG, W/ LAMINATED FENDER, TYP

50'±

50'±

1' TO 2'

MARINE ARM, TYP

CENTER LOADING PLATFORM

MONOPILE DOLPHIN PLAN
1" = 80'

CAPLINE TERMINAL, ST JAMES, LA

Figure 4 - Monopile Dolphin Plan

30 September 2015

