



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVENUE
NEW ORLEANS, LOUISIANA 70118

Regional Planning and
Environmental Division South
Environmental Compliance Branch

January 25, 2017

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: 16-1325, Board of Commissioners of the Port of New Orleans (Port), Poland Avenue Terminal Bank Stability and Wharf Substructure Repair, Berths 4 and 5, Mississippi River, New Orleans, 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 therefore, 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 USACE projects: Mississippi River Levees, Mississippi River Channel Improvement (Revetments) and Mississippi River Deep Draft Navigation Channel.

COMMENT PERIOD EXPIRES: February 10, 2017

REQUESTED ALTERATION: The proposed project would stabilize the bank and refurbish the existing wharf at the Poland Avenue Terminal, Berths 4 and 5. The Poland Avenue Wharf is located immediately upstream on the Mississippi River from the Inner Harbor Navigation Canal (Industrial Canal). The purpose of the proposed action is the stabilization of the existing bank and the repair of the substructure associated with the existing wharf. This work would alleviate the weight and associated forces that act to de-stabilize the bank line soils by installing a combination of sheet piling and pilings. Specifically, the work proposed involves the construction and installation of a relieving platform that consists of concrete, 148 pipe pilings, and 724 linear feet of sheet piles adjacent to the wharf on the land side. This proposed work also involves the repair of existing columns and replacement of fenders and mooring bits; dredging of approximately 19,629 cubic yards material from underneath the wharf to be deposited beyond the 35 foot contour of the Mississippi River via hydraulic dredge; and removal of

approximately 1,500 cubic yards of material associated with construction of the bank stabilization to an upland disposal site.

The attached figures provide the location and details of the proposed project.

REQUESTER: Board of Commissioners of the Port of New Orleans (Port), 1350 Port of New Orleans Place, New Orleans, Louisiana, 70130

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: The Port has submitted an application for a Rivers and Harbors Act Section 10/404 permit to the USACE Regulatory Branch for the proposed action. That evaluation (MVN-2015-1848-EBB) will be 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.

The purpose of the proposed action is the stabilization of the existing bank, including the box levee, and the repair of the substructure at Poland Avenue Berths 4 and 5, to allow for the extension of the wharf's lifespan. This would support and continue current general maritime usage of the wharf. The bank stabilization component would create a relieving platform to mitigate the existing failure planes in the current soil stratigraphy.

This wharf has been in near continual use for commercial activity to current day and has no history of industrial activity or spills associated with the site use. The future focus of this wharf includes general maritime operational use only, with no heavy industrial activity. Utilizing the guidance set forth in the *Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. – Testing Manual*, otherwise referred to as the Inland Testing Manual (ITM) of 1998, the dredged material is suitable for open water disposal based upon the lack of spill history at the site, the lack of industrial use associated with the site, and coupled with the fact that the soils on the Mississippi River side of the wharf are routinely dredged and allowed to be disposed of beyond the docking facility.

The project area has established independent utility for commercial activity associated with general maritime use and has functioned as such for decades. While the need for continued general maritime cargo dockage is purported to be the general driver for this wharf repair, it is within the realm of possibility that a variety of general maritime uses of this area could continue, including the potential for future construction of a cruise ship terminal. While cruise ships have docked at this wharf in previous years, the construction of a terminal for exclusive cruise ship activity would likely require further alteration of the wharf which would require additional evaluation by USACE. That evaluation would afford an opportunity for public input specific to that alteration.

USACE EC1165-2-216 states, "...the use of the term "alteration" in this document also includes "occupation" and "use." For purposes of this document, the words "alteration" or "alter" refers to any action by any entity other than USACE that builds upon, alters, improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity, of a USACE project..."

LOCATION OF PROPOSED ACTION: 1 Poland Avenue Wharf at Berths 4 and 5 and a portion of the Pauline Street Wharf Apron, and the area landside of the Poland Avenue Wharf, along the Mississippi River at Mile 93.25 AHP (Ahead of Passes) near the Inner Harbor Navigation Canal (IHNC) in New Orleans, Orleans Parish, Louisiana near Latitude: 29° 57' 34.12"N, Longitude: -90° 02' 10.12"W as shown on the attached drawings.

WRITTEN COMMENTS MAY BE MAILED TO:

Department of the Army
Corps of Engineers, New Orleans District
ATTN: CEMVN-PDC (Howard Ladner)
7400 Leake Ave.
New Orleans, Louisiana 70118

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 factors that will be considered in this evaluation include, but are not limited to the following:

- a. Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) directs all Federal agencies to insure that any action they authorize, fund, or carry-out does not jeopardize the continued existence of an endangered or threatened species including adverse modification of their critical habitat. To facilitate efficient Section 7 ESA consultation for actions authorized under the Clean Water Act, Section 404(b)(1) guidelines, as well as Section 10 of the Rivers and Harbors Act of 1899, the U.S. Army Corps of Engineers, New Orleans District (USACE) and the U.S. Fish and Wildlife Service, Louisiana Ecological Field Services Office (USFWS) developed Standard Local Operating Procedures for Endangered Species in Louisiana (SLOPES) which became effective on October 22, 2014. This process (SLOPES) was expanded, with minor modifications, to include USACE review of Section 408 permission requests on June 13, 2016. Under the provisions of the SLOPES agreement, a determination of “not likely to adversely affect” listed species (Pallid sturgeon, West Indian Manatee) or critical habitat is appropriate for the proposed Section 408 action. The appropriate cutterhead/suction dredge recommendations and manatee protection conditions shall be included as special conditions. No further coordination under Section 7 of the ESA act is necessary.
- b. Compliance with Clean Water Act, Section 404(b)(1) guidelines, as well as Section 10 of the Rivers and Harbors Act of 1899 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.

- c. The requester has a Coastal Use Permit from Department of Natural Resources (DNR). In correspondence dated November 2, 2016, DNR found the proposed project to be covered under the General Consistency Certification for Routine Port Activities Outside of Wetland Areas (C20130061). The General Consistency Certification was issued on April 14, 2013 and effective through April 14, 2018.
- d. 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. If determined necessary, 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.

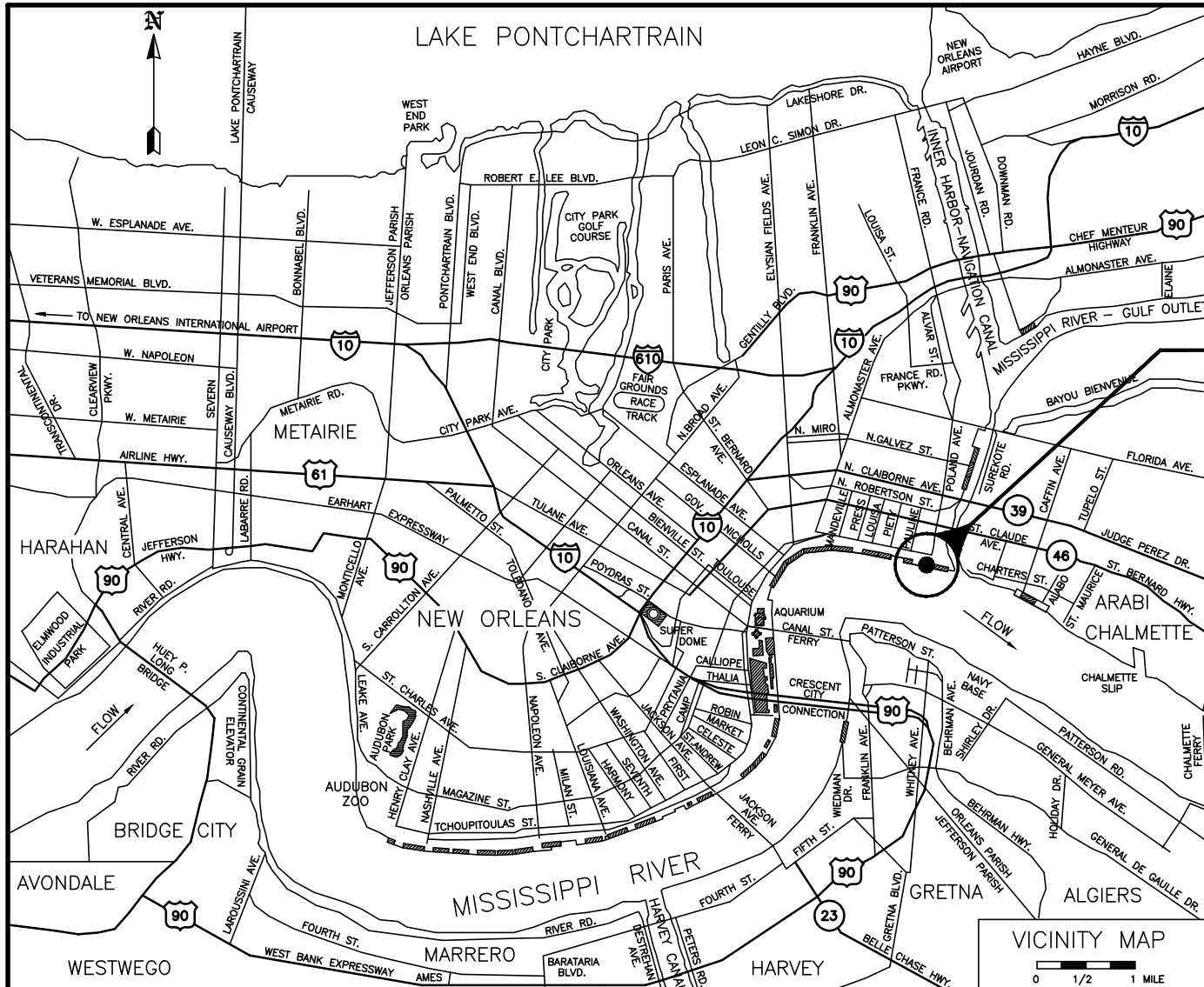
If you have any questions, please contact Howard Ladner, Project Manager, by telephone at 504-862-2021 or via email at Howard.W.Ladner@usace.army.mil.

FOR THE DISTRICT COMMANDER:



Edward P. Lambert
Chief, Environmental Compliance Branch

Enclosures



LOCATION OF WORK

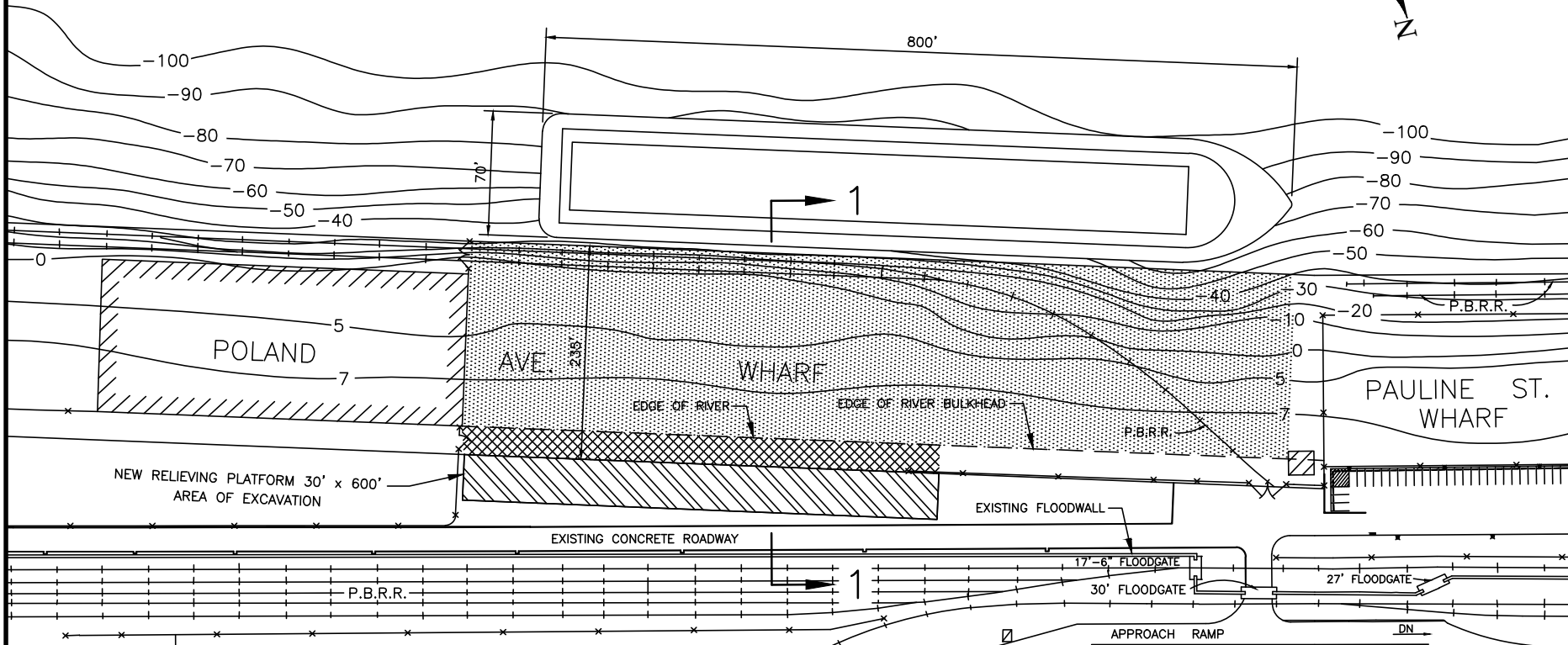
**BOARD OF COMMISSIONERS
PORT OF NEW ORLEANS**

MISSISSIPPI RIVER
 POLAND AVENUE WHARF
 BANK STABILITY AND WHARF REPAIR
 VICINITY MAP

SCALE: N.T.S. DATE 1/10/17
 DRAWN K.J.C.

PROJECT SITE LOCATION: LAT. 29°57'33"
 LONG. 90°02'07"

MISSISSIPPI RIVER



POLAND

AVE.

WHARF

PAULINE ST. WHARF

NEW RELIEVING PLATFORM 30' x 600'
AREA OF EXCAVATION

EXISTING CONCRETE ROADWAY

EXISTING FLOODWALL

P.B.R.R.

APPROACH RAMP

DN

CHARTRES

ST.

POLAND AVE

LESSEPS ST.

FRANCE ST.

MAZANT ST.

ROYAL

ST.

LEGEND



UNDER WHARF EXCAVATION BY DREDGE 4.72 AC.

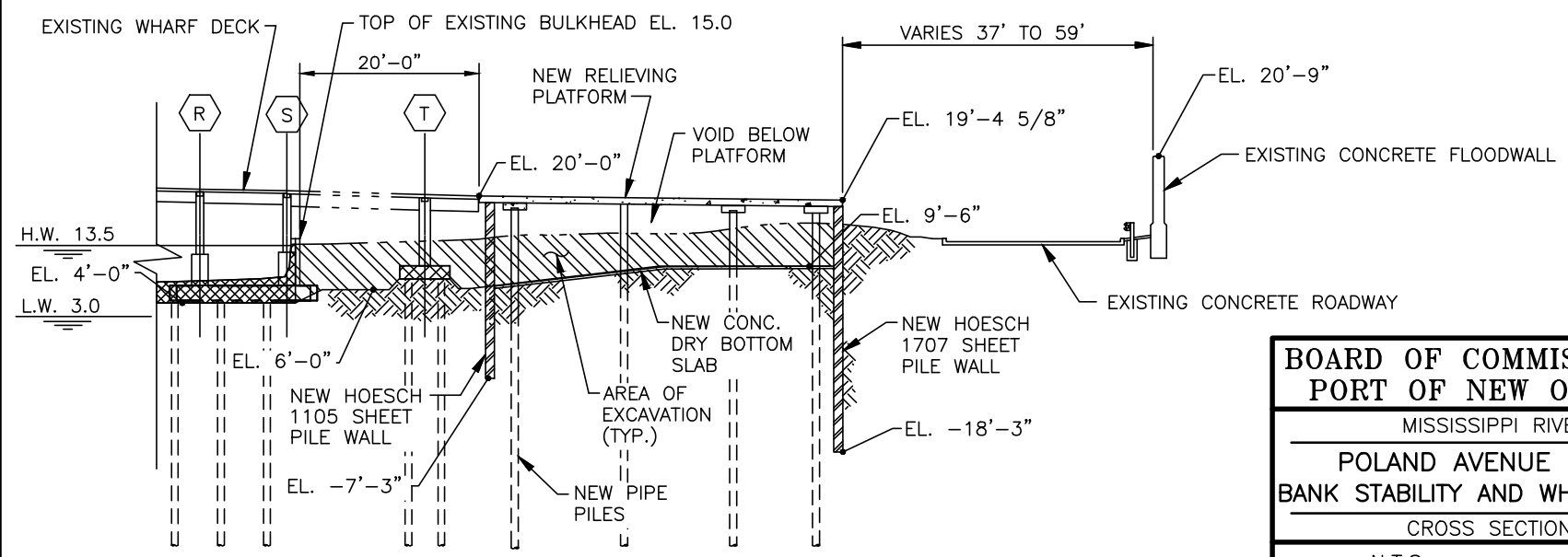
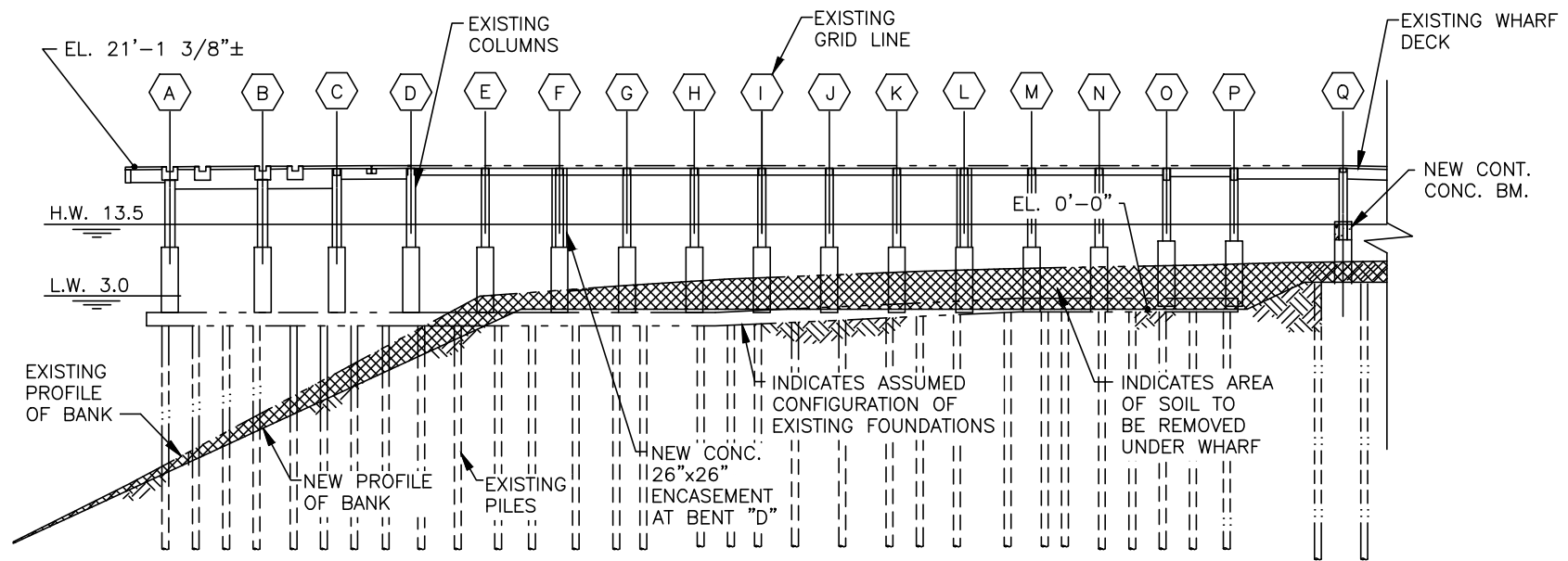


UNDER WHARF EXCAVATION AND HAUL 0.28 AC.



EXCAVATION AND FILL - RELIEVING PLATFORM 0.41 AC.

BOARD OF COMMISSIONERS PORT OF NEW ORLEANS	
MISSISSIPPI RIVER	
POLAND AVENUE WHARF BANK STABILITY AND WHARF REPAIR	
SITE PLAN	
SCALE: N.T.S.	DATE 12/5/16
	DRAWN K.J.C.
SHEET 2 OF 3	



SECTION 1-1

BOARD OF COMMISSIONERS PORT OF NEW ORLEANS	
MISSISSIPPI RIVER	
POLAND AVENUE WHARF BANK STABILITY AND WHARF REPAIR	
CROSS SECTIONS	
SCALE: <u>N.T.S.</u>	DATE <u>1/10/17</u>
	DRAWN <u>K.J.C.</u>
SHEET 3 OF 3	