



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
7400 LEAKE AVE  
NEW ORLEANS, LA 70118-3651

May 8, 2023

Regulatory Division  
Central Evaluation Branch

Project Manager  
S. Gail Gainey  
(504) 862-1545  
Sandra.G.Gainey@usace.army.mil  
Application Number: MVN-1999-00007-CG

## **PUBLIC NOTICE**

Interested parties are hereby notified that a permit application has been received by the New Orleans District of the US 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), [ ] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344).

### **PERMIT MODIFICATION FOR A BARGE FLEET IN THE MISSISSIPPI RIVER, RDB AT RM 199 IN IBERVILLE PARISH**

**NAME OF APPLICANT:** Devall Fleeting, LLC, c/o John Maurin of Lanier & Associates Consulting Engineers, Inc., 4101 Magazine Street, New Orleans, LA 70115

**LOCATION OF WORK:** In the Mississippi River, RDB at RM 199 off of Louisiana Highway 405 (River Road) in Plaquemine, Louisiana, in Iberville Parish, within the Mississippi River Basin in hydrologic unit (HUC 08070100), as shown on the attached drawings (Latitude 30.24048 N, Longitude -91.123643 W).

**CHARACTER OF WORK:** The barge fleet location described herein was previously authorized as LMNOD-SE Mississippi River 1414 on November 18, 1985 to New Orleans Gulf Harbor Service and subsequently transferred to MPV Investments with the most recent action authorized on April 6, 2016, extended on June 27, 2019. The applicant requests transfer of the previous permit and Department of the Army authorization to modify, operate, and maintain a barge fleet to include a vehicle ramp, two deck barges, four (4) capture piles, and a 25-barge block supported by 10 pipe piles. Approximately 8.90 acres of traditionally navigable waterways would be impacted by the fleet. It is anticipated that the proposed action would have minimal impact on adjacent wetlands as all work will be performed from vessels in the waterway and access to or from the fleet by land will utilize an existing access road through the batture.

**MITIGATION:** The applicant proposes to avoid additional direct impacts and minimize secondary impacts to the maximum extent practicable by avoiding all adjacent wetlands, limiting the activity to the designated over-water work areas at the site of the proposed

fleet, and through compliance with all U.S. Coast Guard navigational requirements. No compensatory mitigation has been proposed as this project does not include impacts to wetlands.

The comment period for the Department of Army will close in **30 days** from the date of this 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 must be submitted so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the applicant's name and the Permit Application Number and preferably emailed to the Corps of Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGC, S. Gail Gainey**. This public notice is also available for review online at <https://go.usa.gov/xennJ>.

### **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. Further, all factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project.

The New Orleans District utilizes the National Register of Historic Places to identify properties listed on or near the proposed work and is presently unaware of non-listed eligible properties near the project site. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. However, extent of impacts is undetermined at this time pending a National Historic Preservation Act compliance determination. As deemed necessary, copies of this notice are made available to the State Archeologist and the State Historic Preservation

Officer, and federally recognized Native American tribes regarding potential impacts to cultural resources.

Our initial finding is that the proposed work would have no effect on 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 any endangered species under their jurisdiction.

Utilizing the Information & Planning Consultation (IPaC) tool for Endangered Species in Louisiana protocol, as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans District (CEMVN) and the U.S. Fish and Wildlife Service, CEMVN has determined that the proposed project is located in waters known to be utilized by the West Indian Manatee (*Trichechus manatus*) and the Pallid Sturgeon (*Scaphirhynchus albus*); however, it has been determined that there will be no effect for the West Indian Manatee while the proposed work will not likely adversely affect Pallid Sturgeon as no dredge or water intake structures are proposed.

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.

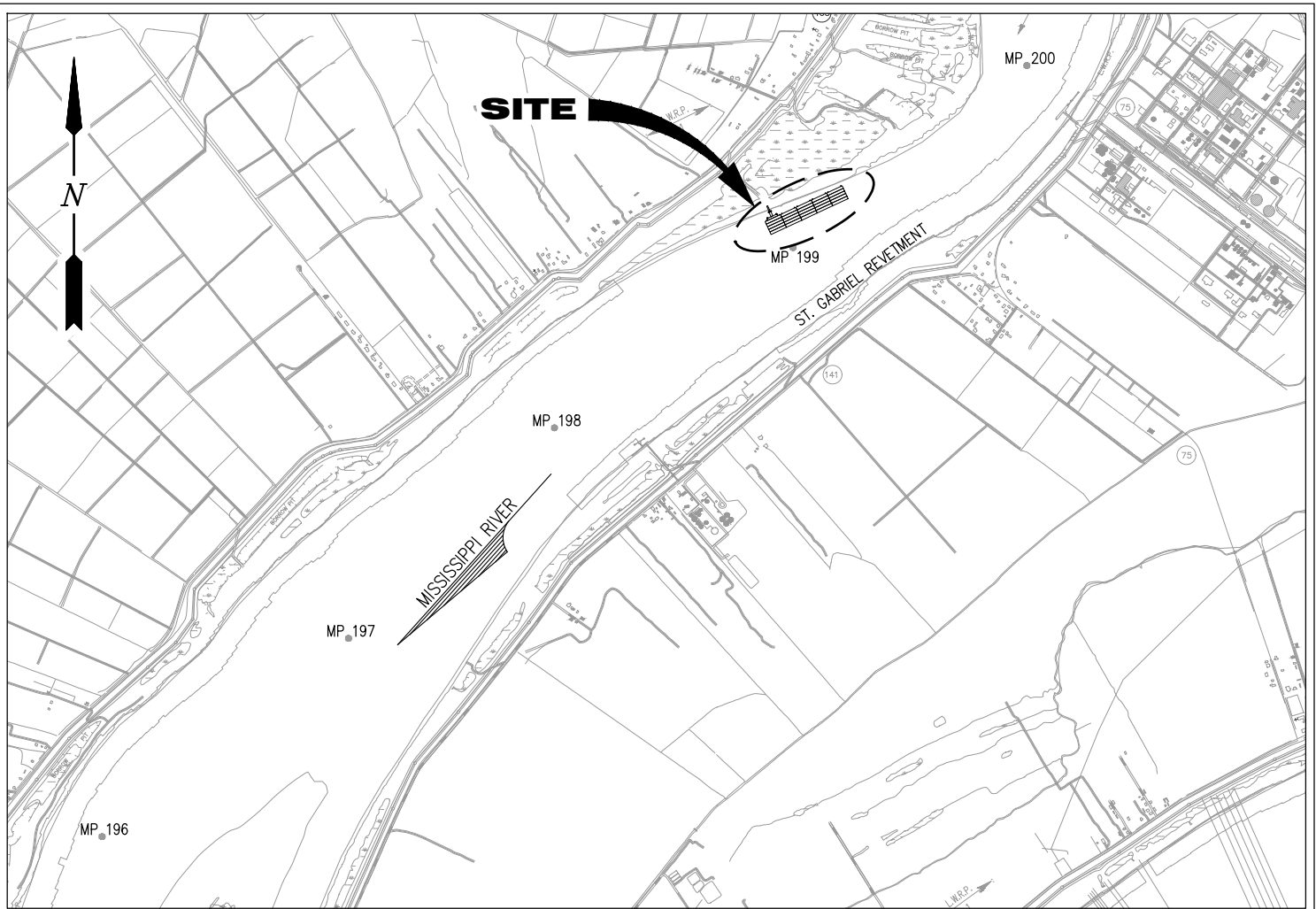
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency.

Any person may request, (preferably by email to the project manager, or 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 invited to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

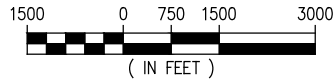
John M. Herman  
Chief, Central Evaluation Branch  
Regulatory Division

Enclosures

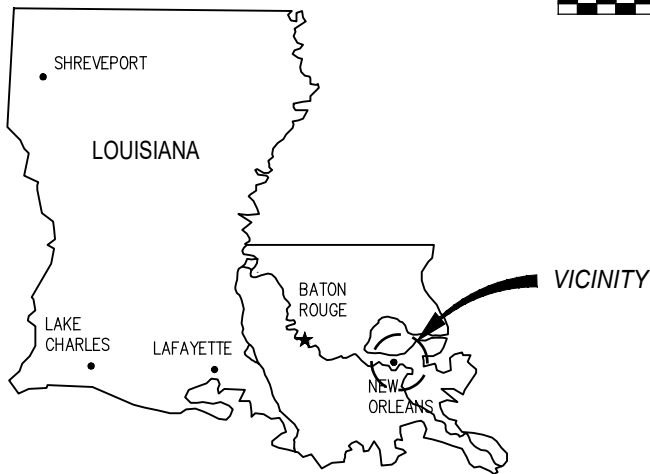


**VICINITY MAP**

SCALE: 1" = 3000'



IBERVILLE PARISH  
LAT. 30° 14' 23" N  
LONG. 91° 07' 30" W

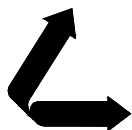


**AREA MAP**

JOSEPH E. JACQUAT P.E.  
LA PE #21953

**PRELIMINARY - FOR PERMIT PURPOSES ONLY**

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CONSULTING ENGINEERS  
INCORPORATED

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**DEVALL FLEETING, LLC**  
PLAQUEMINE LOUISIANA

**PROPOSED BARGE FLEET MODIFICATION  
VICINITY MAP & AREA MAP**

DATE NOV. '22  
DESIGN ARF  
DRAWN ADG  
CHECK JEJ  
JOB NO 12369  
SHEET No.

1 OF 7

**NOTES**

1. NO IMPACTS TO RARE, THREATENED OR ENDANGERED SPECIES OR CRITICAL HABITATS ARE ANTICIPATED FROM THE PROPOSED PROJECT. NO STATE OR FEDERAL PARKS, WILDLIFE REFUGES, WILDLIFE MANAGEMENT AREAS OR SCENIC RIVERS ARE KNOWN AT THE SPECIFIED SITE OR WITHIN ¼ MILE OF THE PROPOSED PROJECT. THE WILDLIFE DIVERSITY PROGRAM (WDP) REPORTS SUMMARIZE THE EXISTING INFORMATION KNOWN AT THE TIME OF THE REQUEST REGARDING THE LOCATION IN QUESTION. WDP REPORTS SHOULD NOT BE CONSIDERED FINAL STATEMENTS ON THE BIOLOGICAL ELEMENTS OR AREAS BEING CONSIDERED, NOR SHOULD THEY BE SUBSTITUTED FOR ON-SITE SURVEYS REQUIRED FOR ENVIRONMENTAL ASSESSMENTS. IF AT ANY TIME WPD TRACKED SPECIES ARE ENCOUNTERED WITHIN THE PROJECT AREA, PLEASE CONTACT OUR BIOLOGIST AT 225-763-3554.
2. AS-BUILT DRAWINGS AND/OR PLATS SHALL HAVE WRITTEN ON THEM THE DATE OF COMPLETION OF SAID ACTIVITIES AND SHALL BE SUBMITTED TO THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF COASTAL MANAGEMENT, P. O. BOX 44487, BATON ROUGE, LA 70804-4487 WITHIN 30 DAYS FOLLOWING PROJECT COMPLETION.
3. 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.
4. STRUCTURES MUST ALSO BE MARKED/LIGHTED IN ACCORDANCE WITH U. S. COAST GUARD REGULATIONS.
5. 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.
6. ALL ELEVATIONS REFER TO NAVD 88 UNLESS NOTED OTHERWISE.

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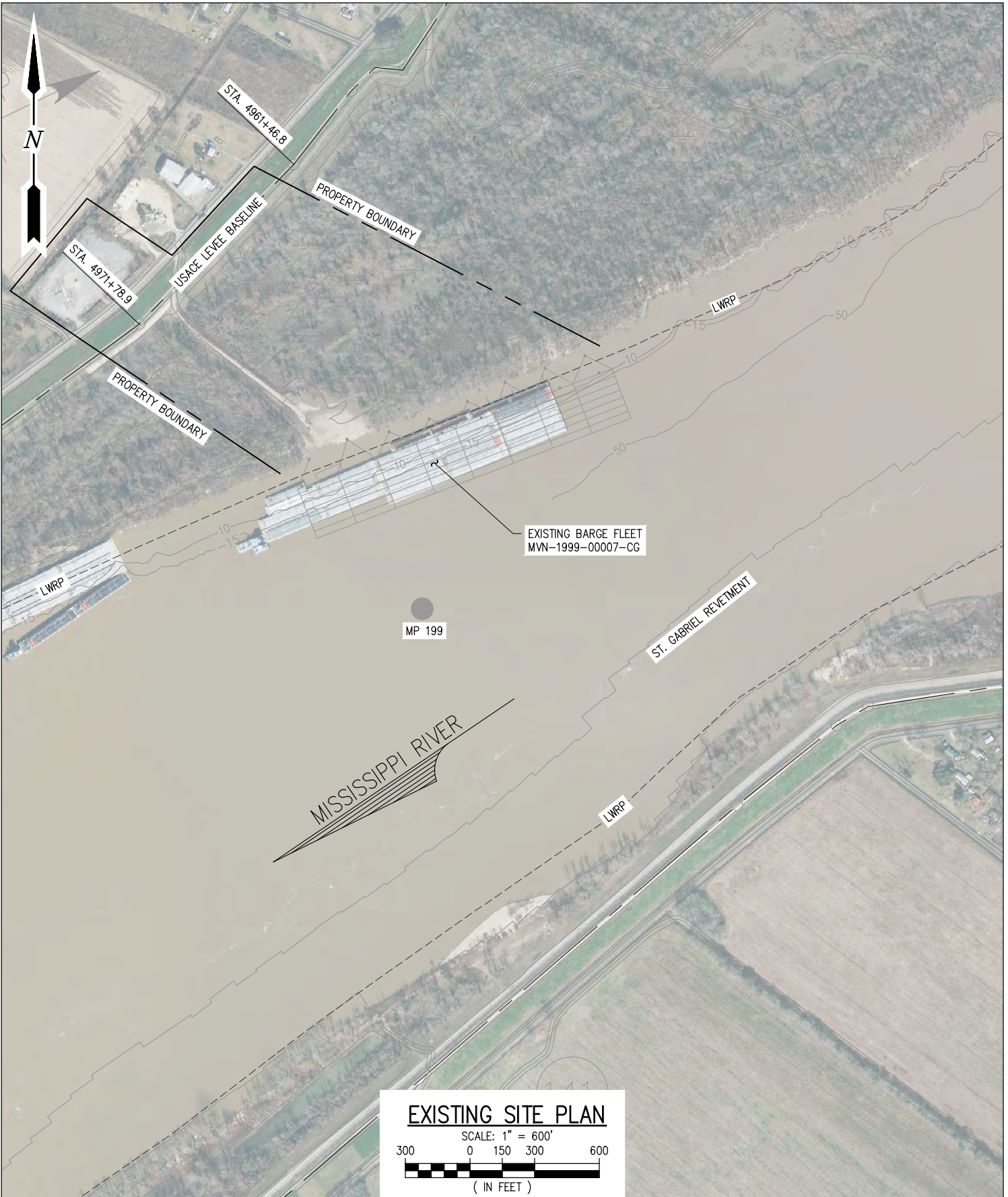


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**DEVALL FLEETING, LLC**  
PLAQUEMINE LOUISIANA

**PROPOSED BARGE FLEET MODIFICATION  
NOTES**

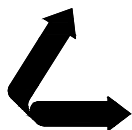
DATE NOV. '22  
DESIGN ARF  
DRAWN ADG  
CHECK JEJ  
JOB NO 12369  
SHEET No.  
**2** OF **7**



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LA PE #21953

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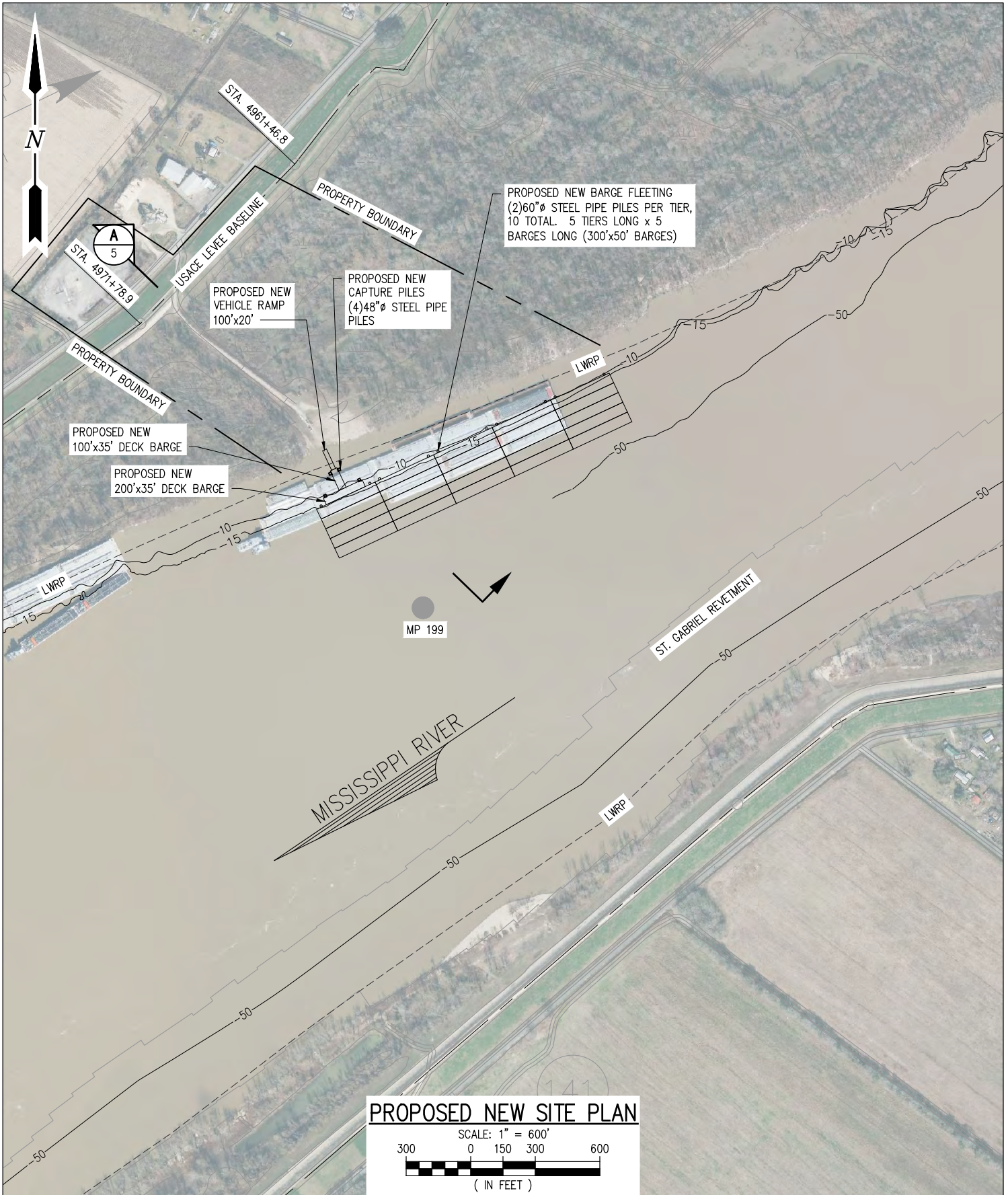


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**SOUTHERN DEVALL**  
 PLAQUEMINE LOUISIANA

**PROPOSED BARGE FLEET MODIFICATION**  
**EXISTING SITE PLAN**

DATE NOV. '22  
 DESIGN ARF  
 DRAWN ADG  
 CHECK JEJ  
 JOB NO 12369  
 SHEET No.  
**3 OF 7**



**PROPOSED NEW SITE PLAN**  
 SCALE: 1" = 600'  
 300 0 150 300 600  
 ( IN FEET )

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 LA PE #21953

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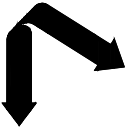


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**SOUTHERN DEVALL**  
 PLAQUEMINE LOUISIANA

**PROPOSED BARGE FLEET MODIFICATION**  
**PROPOSED NEW SITE PLAN**

DATE JAN. '23  
 DESIGN ARF  
 DRAWN ADG  
 CHECK JEJ  
 JOB NO 12369  
 SHEET No.  
 4 OF 7



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 LA PE #21933

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PLAQUEMINE

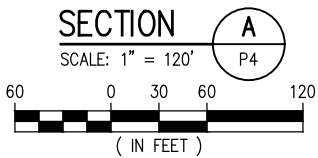
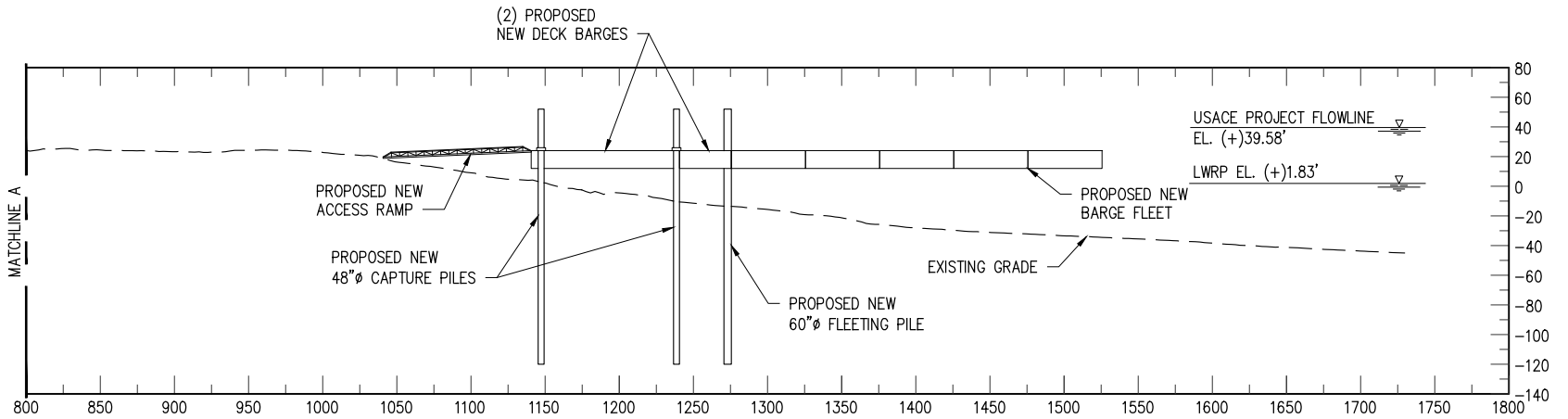
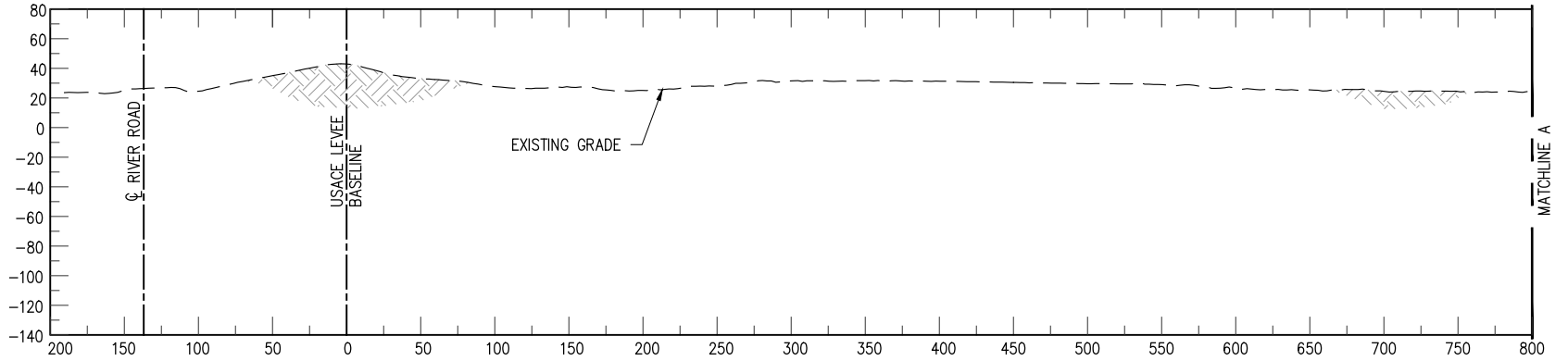
**SOUTHERN DEVAL**

LOUISIANA

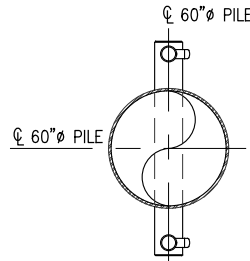
**PROPOSED BARGE FLEET MODIFICATION  
 CROSS SECTION**

DATE	JAN. '23
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DRAWN	ADG
CHECK	JEJ
JOB NO.	12369
SHEET No.	5 OF 7

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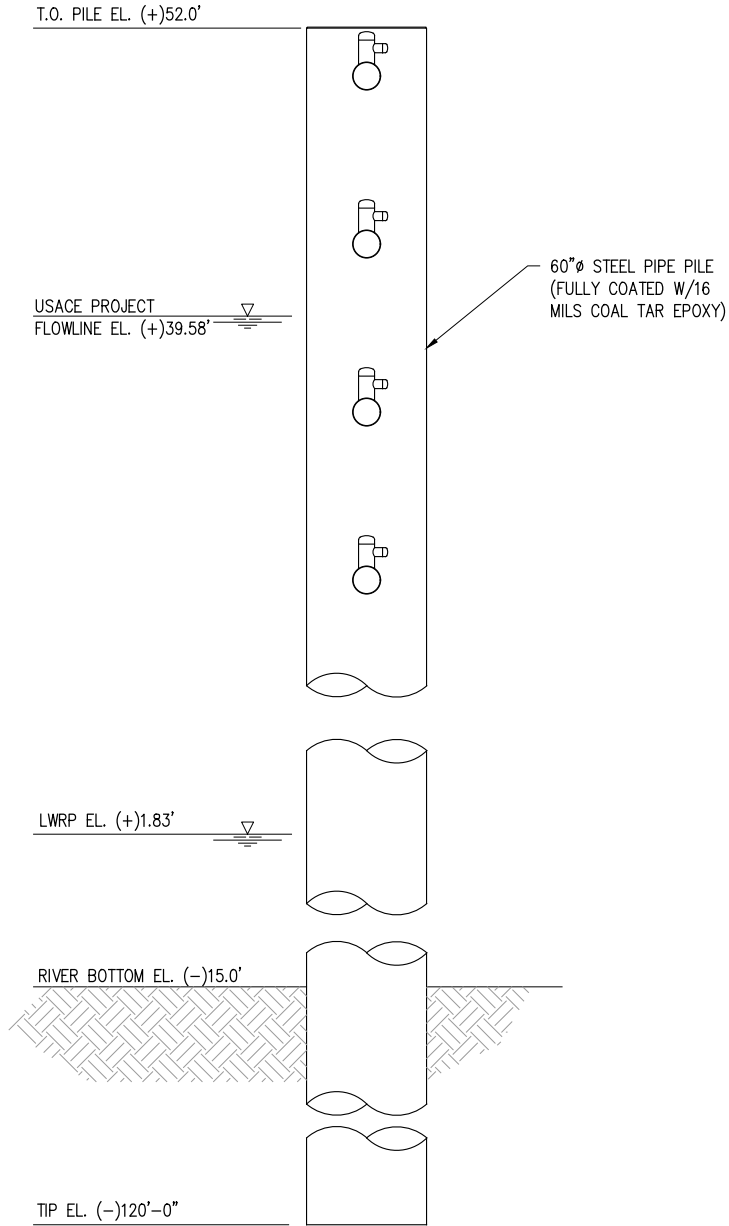






### BARGE FLEETING MONOPILE PLAN

SCALE: 1/8" = 1'-0"  
(14 REQUIRED)



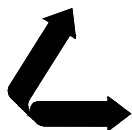
### BARGE FLEETING MONOPILE ELEVATION

SCALE: 1/8" = 1'-0"  
(14 REQUIRED)

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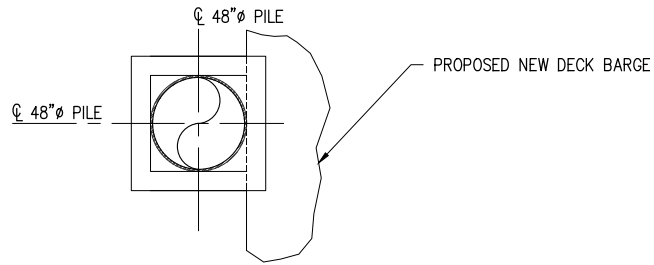
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**SOUTHERN DEVALL**  
PLAQUEMINE LOUISIANA

**PROPOSED BARGE FLEET MODIFICATION  
BARGE MONOPILE PLAN AND ELEVATION**

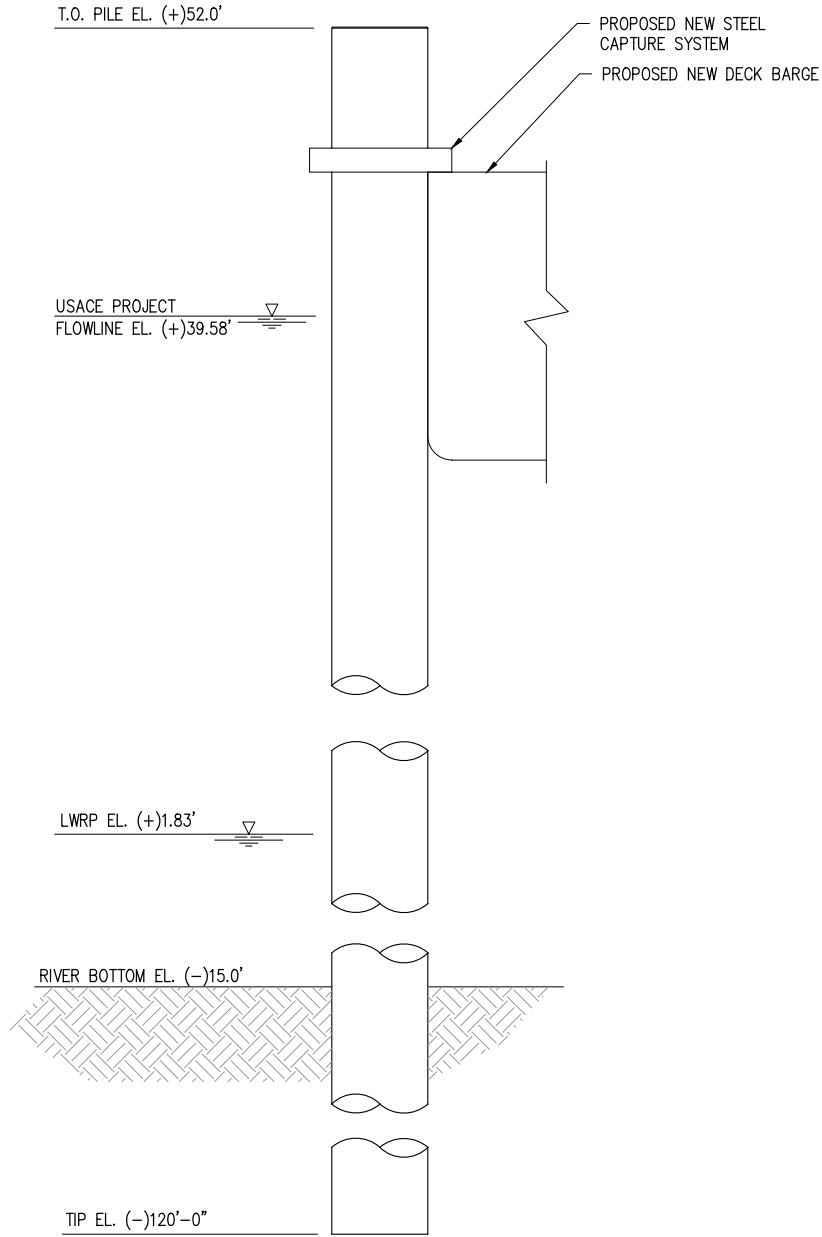
DATE NOV. '22  
DESIGN ARF  
DRAWN ADG  
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JOB NO 12369  
SHEET No.

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### CAPTURE PILE PLAN

SCALE: 1/8" = 1'-0"  
(4 REQUIRED)



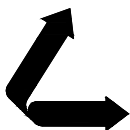
### CAPTURE PILE ELEVATION

SCALE: 1/8" = 1'-0"  
(4 REQUIRED)

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**PROPOSED BARGE FLEET MODIFICATION  
CAPTURE PILE PLAN AND ELEVATION**

DATE NOV. '22  
DESIGN ARF  
DRAWN ADG  
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