



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

June 17, 2024

Regulatory Division
Central Evaluation Branch

Project Manager
Kenny Blanke
(504) 862-1217
Kenneth.G.Blanke@usace.army.mil

Application #: MVN-1997-001606-CQ

PUBLIC NOTICE

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 (USACE), New Orleans District (CEMVN) 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), and/or [] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

EXTENSION OF TIME TO CONTINUE RIVER SAND MINING OPERATIONS IN THE MISSISSIPPI RIVER AND BATTURE PITS NEAR PORT ALLEN IN WEST BATON ROUGE PARISH

NAME OF APPLICANT: Bear Industries, c/o: Foret Permitting Services, LLC, attn.: Mr. Steven J. Foret, 9040 Briarwood Place, Baton Rouge, Louisiana 70809.

LOCATION OF WORK: Located along and within the Mississippi River, right descending bank, near river mile 234.5, near Port Allen, Louisiana, in West Baton Rouge Parish, within the Lower Mississippi River-Baton Rouge Basin in hydrologic unit (HUC) 08070100, as shown on the attached drawings (Latitude 30.51583 N, Longitude -91.20609 W).

CHARACTER OF WORK: The applicant has requested a Department of the Army permit time extension to continue to dredge, excavate, and stockpile material at existing borrow pits of the Mississippi River batture for commercial sale, as shown on the attached drawings. The project was originally authorized in a Department of the Army permit dated January 12, 1990, and received several time extensions to continue to perform authorized work. The current time extension expires on October 31, 2024.

MITIGATION: The applicant claims/states that the proposed project has been designed to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. The applicant proposes to utilize best management practices for erosion and siltation control during and after the construction phase of the project. All jurisdictional wetlands along the batture have been previously mitigated for in the original authorization.

The comment period on the requested Department of the Army Permit will close **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 request 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 can be preferably emailed to the CEMVN project manager listed above or forwarded to the CEMVN at the address above, ATTENTION: REGULATORY DIVISION, RGC, Kenneth Blanke. This public notice is also available for review online at <https://go.usa.gov/xennJ>

USACE 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.

CEMVN is soliciting comments from area residents, 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 CEMVN 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 communities with environmental justice concerns, 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.

CEMVN is presently unaware of properties listed on the National Register of Historic Places at or near the proposed work but is pending further review in accordance with the National Historic Preservation Act. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this public notice will be sent to the State Archeologist, State Historic Preservation Officer, and federally listed tribes regarding potential impacts to cultural resources.

Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between CEMVN and the U.S. Fish and Wildlife Service, Ecological Services Office (USFWS), it has been determined that the project may affect but not likely to adversely affect (NLAA) the pallid sturgeon. The applicant has stated that the dredging proposed for the sandbar mining will comply with USFWS recommended screen mesh sizes to help mitigate potential concerns to the pallid sturgeon. CEMVN has determined that the proposed project 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.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal may result in the destruction, alteration, and/or disturbance of **0 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.

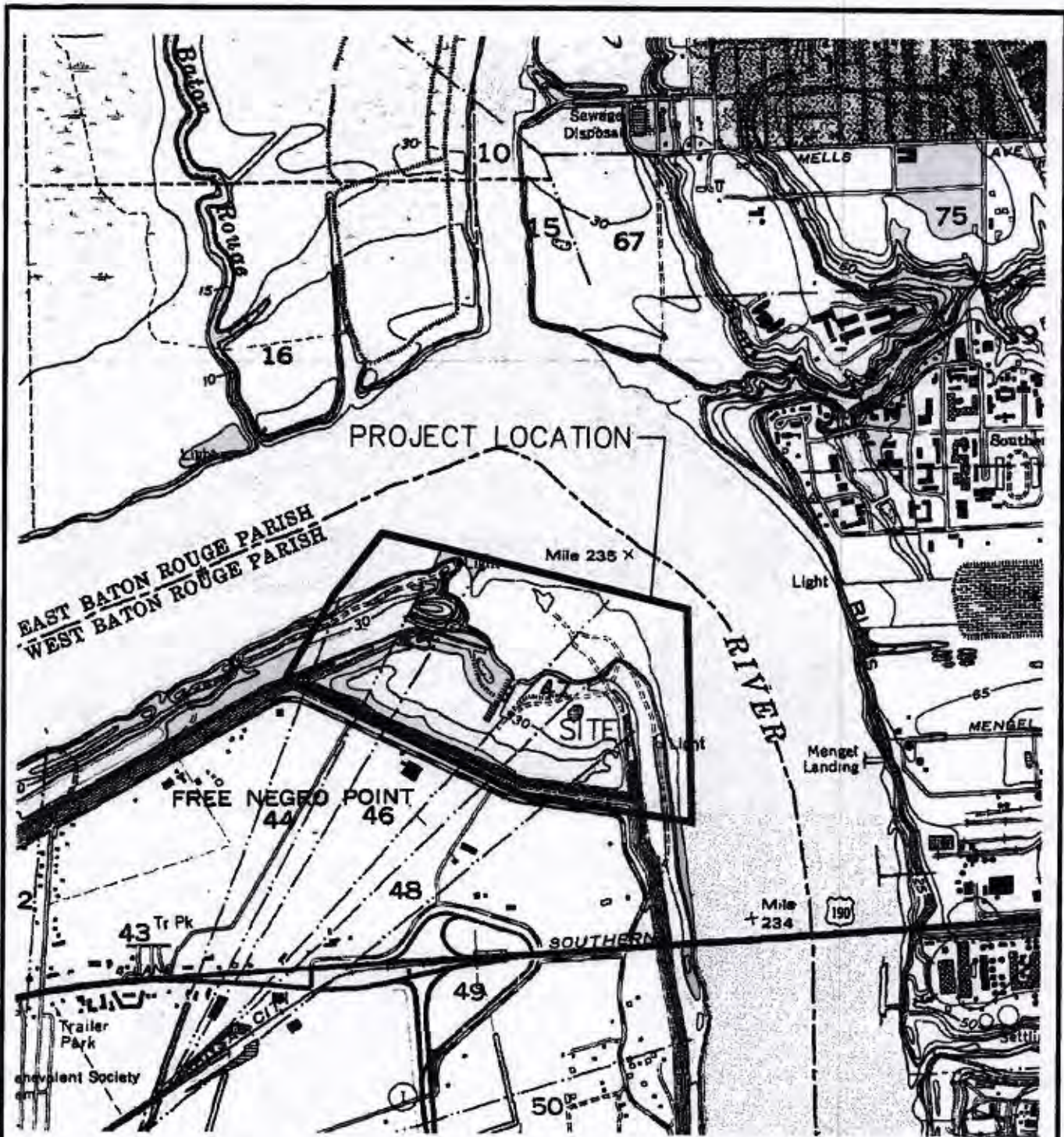
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. ***Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the LA Department of Environmental Quality before a Department of the Army permit is issued.***

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



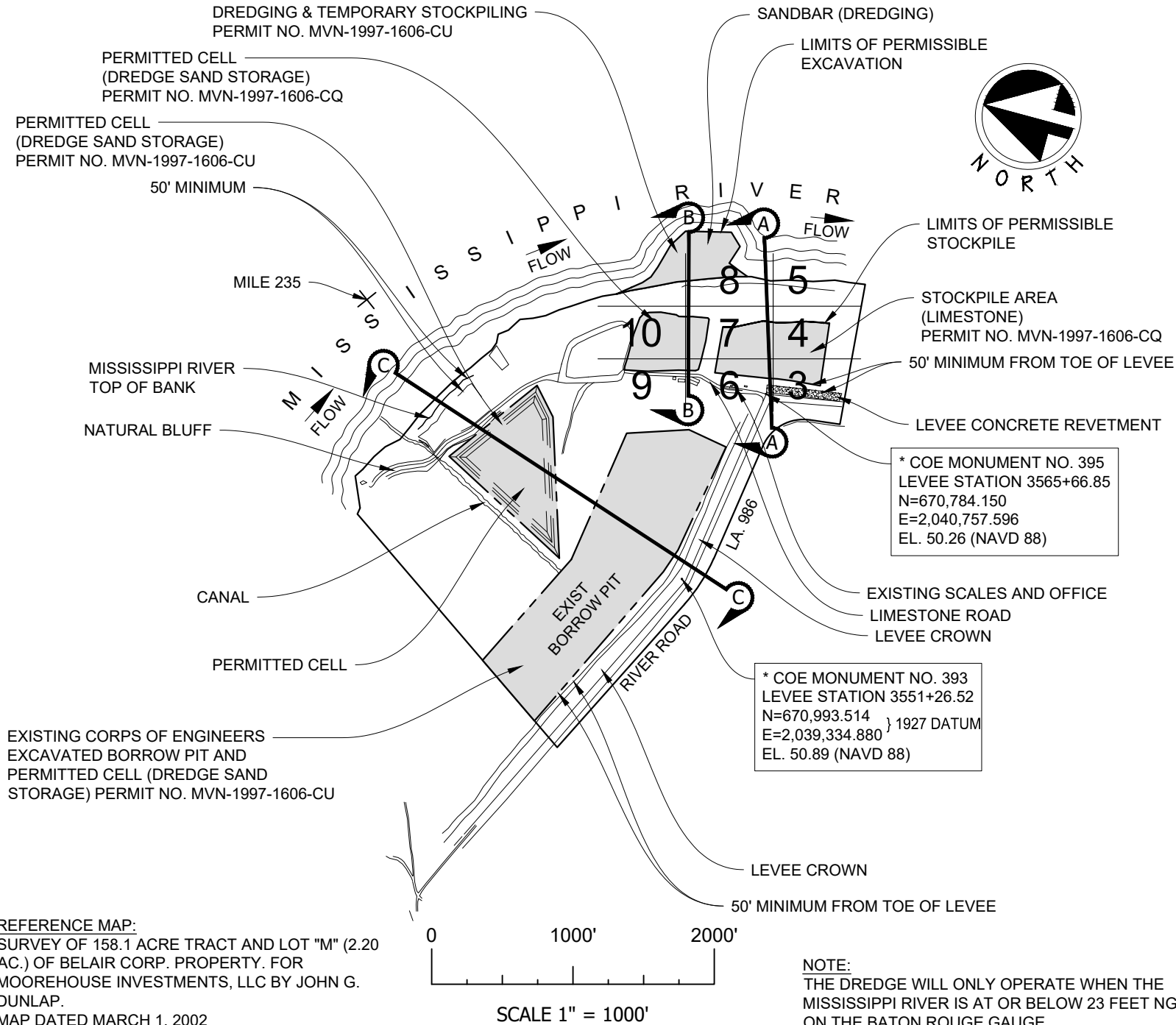
SITE COORDINATES:
 LATITUDE N 30°30'50"
 LONGITUDE W 91°12'14"

**FORTE
 TABLADA**

404 PERMIT
VICINITY MAP
 PORT ALLEN, LOUISIANA

DRAWN:	MJK	SCALE:	1" = 600'
CHECKED:	RJB	PROJ. NO.	89144
APPROVED:		DATE:	OCTOBER 2011
FIGURE:	1		

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NOTE:
THE DREDGE WILL ONLY OPERATE WHEN THE
MISSISSIPPI RIVER IS AT OR BELOW 23 FEET NGVD
ON THE BATON ROUGE GAUGE.



BEAR INDUSTRIES PERMIT RENEWAL

PORT ALLEN, LOUISIANA

BORROW PIT, STOCKPILE & EXCAVATION

DRAWN BY:	CHECKED BY:	APPR. BY:	DATE:
BJJ	MJK		APR 2024

SHEET TYPE: OVERALL LAYOUT

SHEET 1

CROSS SECTION A-A NOTES:

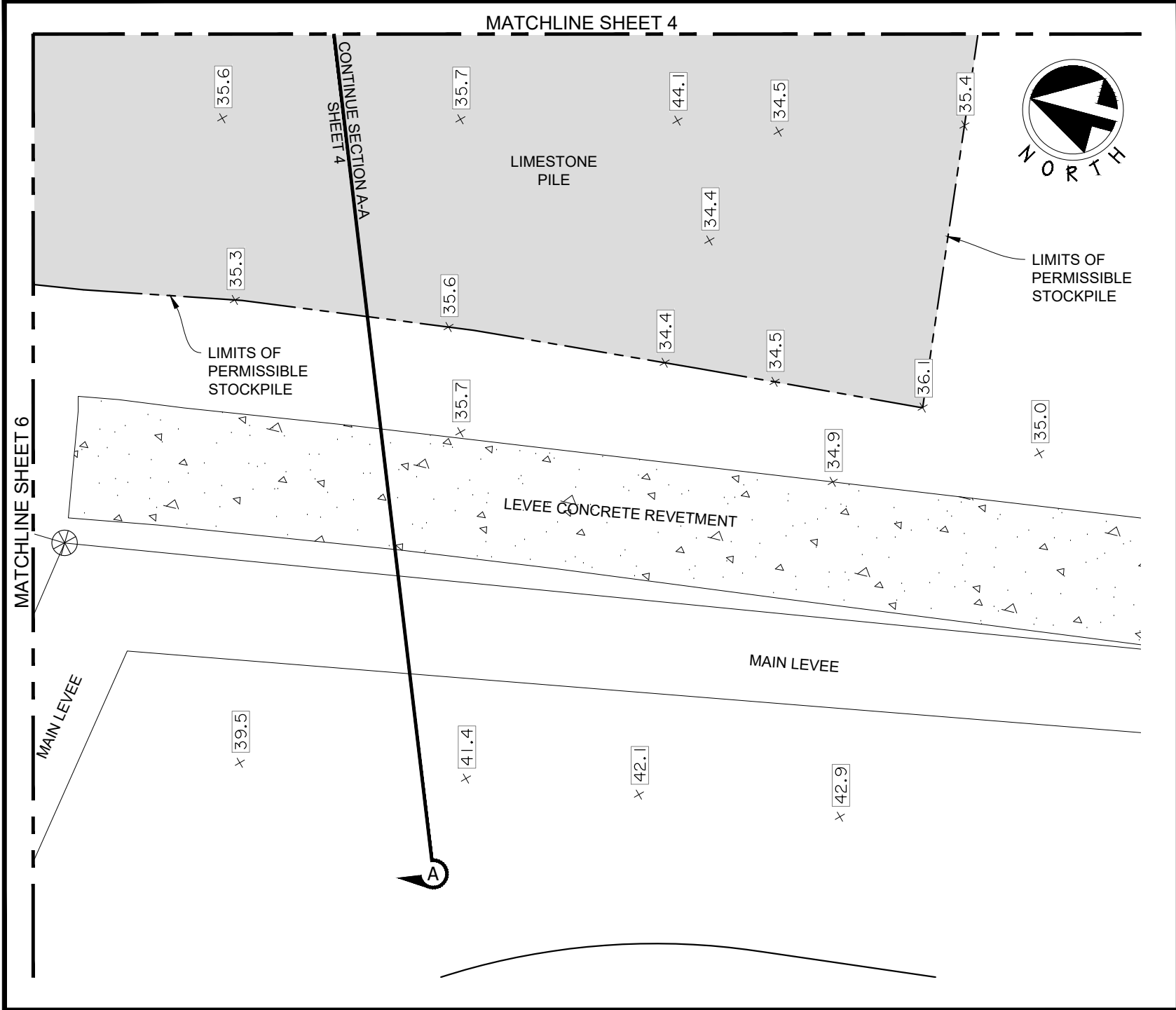
1. MATERIAL MAY BE STOCKPILED ONLY IN CROSSHATCHED AREA.
2. A - EL. PROJECTED FROM NATURAL GROUND AT L.S. OF LEVEE.
3. B - PROJECTED SLOPE OF EXISTING BANK OF RIVER.
4. C - PROJECTED LINE TANGENT TO EXISTING BANK - 1 ON 5 OR SAME AS LINE "B" WHICHEVER IS FLATTER.
5. h - HEIGHT OF MONOLITHIC STOCKPILE ABOVE LINE "A".
6. HEIGHTS OF CONICAL - SHAPED STOCKPILES MAY BE DOUBLED OVER THE CORRESPONDING HEIGHTS OF MONOLITHIC STOCKPILES. MORE THAN ONE CONICAL STOCKPILE MAY BE PLACED AT A SECTION, PROVIDED THE BASES OF THE STOCKPILES DO NOT OVERLAP ABOVE LINE "A".
7. NO STOCKPILE IS ALLOWED IF THE DISTANCE FROM THE ϵ OF THE LEVEE TO THE INTERSECTION OF LINES "A" AND "B" IS LESS THAN OR EQUAL TO 350 FEET.


CROSS SECTION C-C NOTES:

1. NORMALLY, DREDGING WILL NOT BE PERMITTED CLOSER THAN 4,000 FEET TO THE UPSTREAM SIDE BRIDGES CROSSING THE MISSISSIPPI RIVER.
2. DREDGE WILL ONLY OPERATE WHEN MISS. RIVER IS AT OR BELOW 23 FT. NGVD ON THE BR GAGE.
3. DREDGE WILL BE REMOVED WHEN THE RIVER STAGE AT BR GAGE IS 23FT. AND RISING.



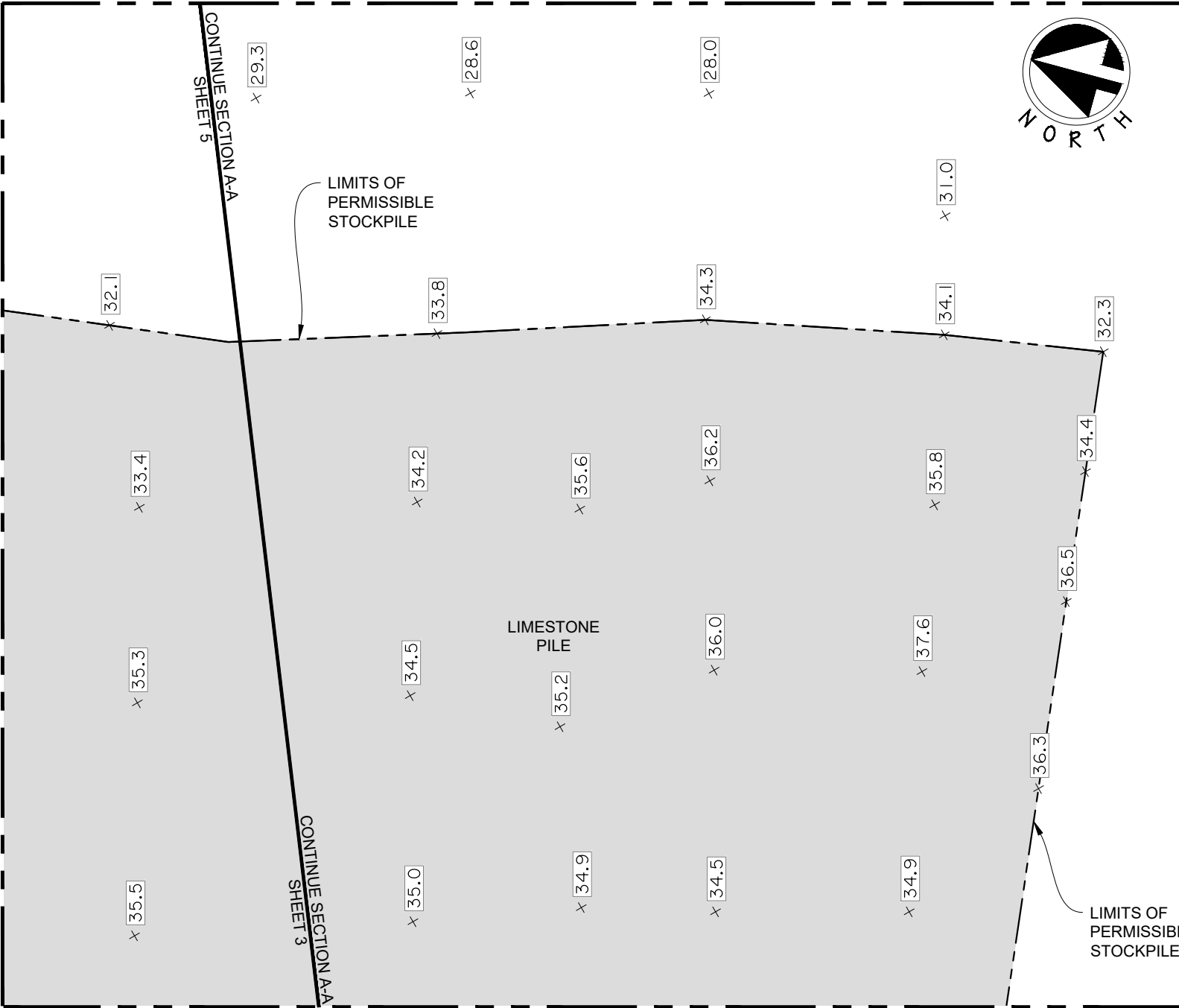
BEAR INDUSTRIES PERMIT RENEWAL			
PORT ALLEN, LOUISIANA			
BORROW PIT, STOCKPILE & EXCAVATION			
DRAWN BY: BJJ	CHECKED BY: MJK	APPR. BY:	DATE: APR 2024
SHEET TYPE:		NOTES	SHEET 2



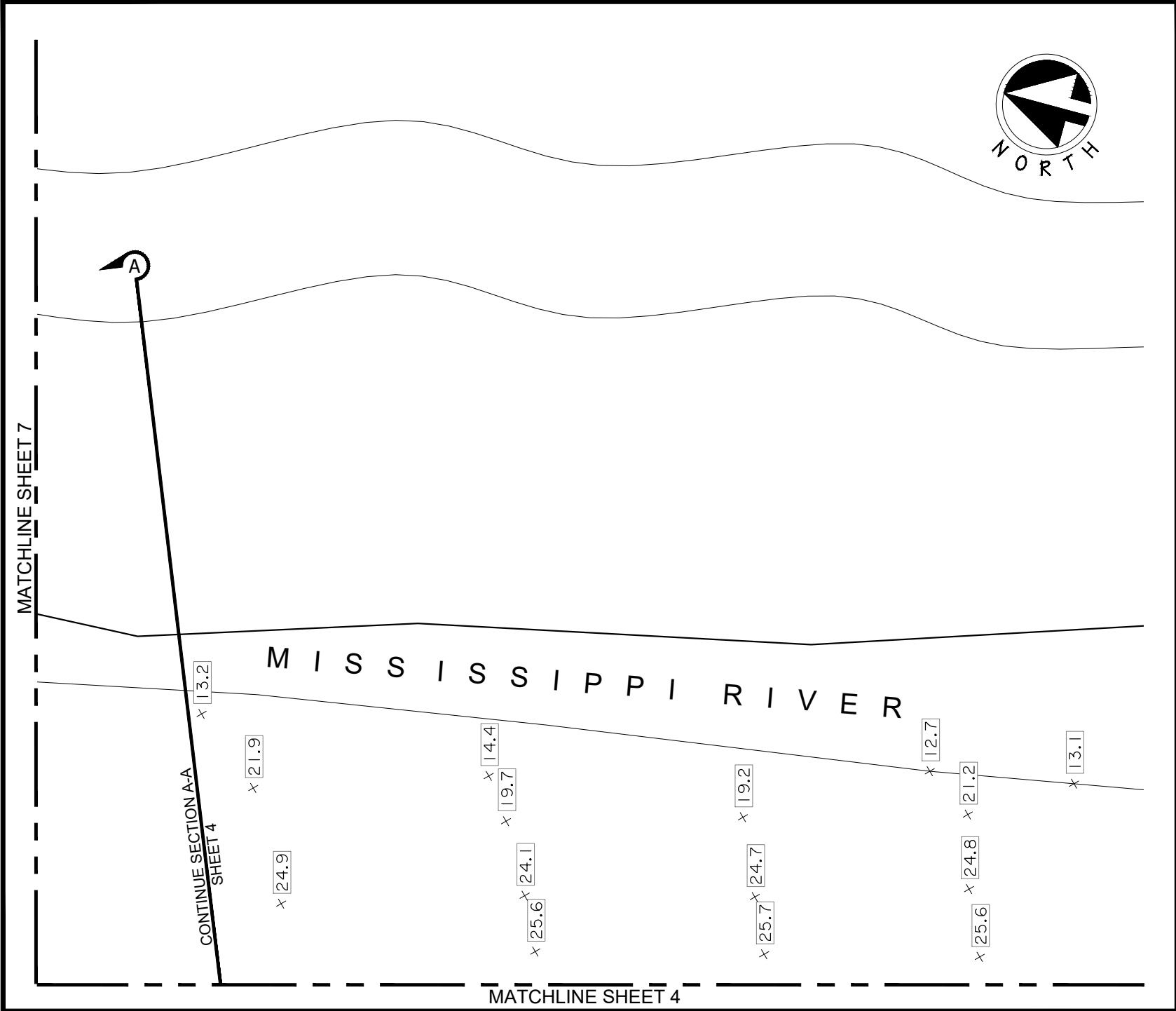
		BEAR INDUSTRIES PERMIT RENEWAL PORT ALLEN, LOUISIANA BORROW PIT, STOCKPILE & EXCAVATION		
DRAWN BY: BJJ	CHECKED BY: MJK	APPR. BY:	DATE: APR 2024	
SHEET TYPE: PLAN SHEET		SHEET	3	

MATCHLINE SHEET 7

MATCHLINE SHEET 5



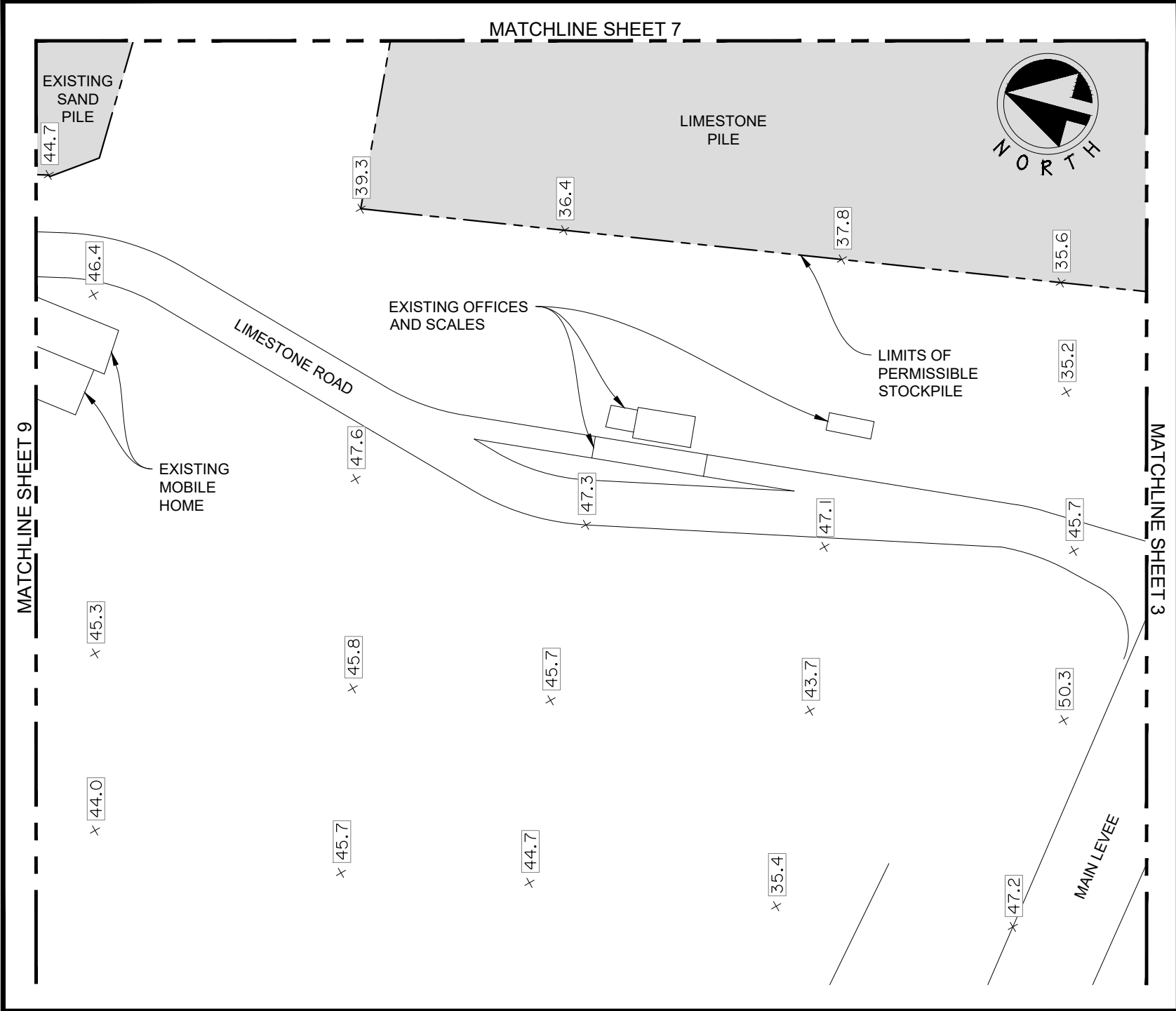
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PORT ALLEN, LOUISIANA			
BORROW PIT, STOCKPILE & EXCAVATION			
DRAWN BY: BJJ	CHECKED BY: MJK	APPR. BY:	DATE: APR 2024
SHEET TYPE: PLAN SHEET		SHEET	4



BEAR INDUSTRIES PERMIT RENEWAL
PORT ALLEN, LOUISIANA
BORROW PIT, STOCKPILE & EXCAVATION

DRAWN BY:	CHECKED BY:	APPR. BY:	DATE:
BJJ	MJK		APR 2024

SHEET TYPE:	PLAN SHEET	SHEET
		5



BEAR INDUSTRIES PERMIT RENEWAL			
PORT ALLEN, LOUISIANA			
BORROW PIT, STOCKPILE & EXCAVATION			
DRAWN BY: BJJ	CHECKED BY: MJK	DATE: APR 2024	SHEET TYPE: PLAN SHEET
			SHEET 6

MATCHLINE SHEET 10



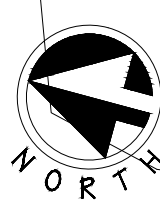
BEAR INDUSTRIES PERMIT RENEWAL

PORT ALLEN, LOUISIANA

BORROW PIT, STOCKPILE & EXCAVATION

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BJJ	MJK		APR 2024

SHEET TYPE:	PLAN SHEET	SHEET
		7



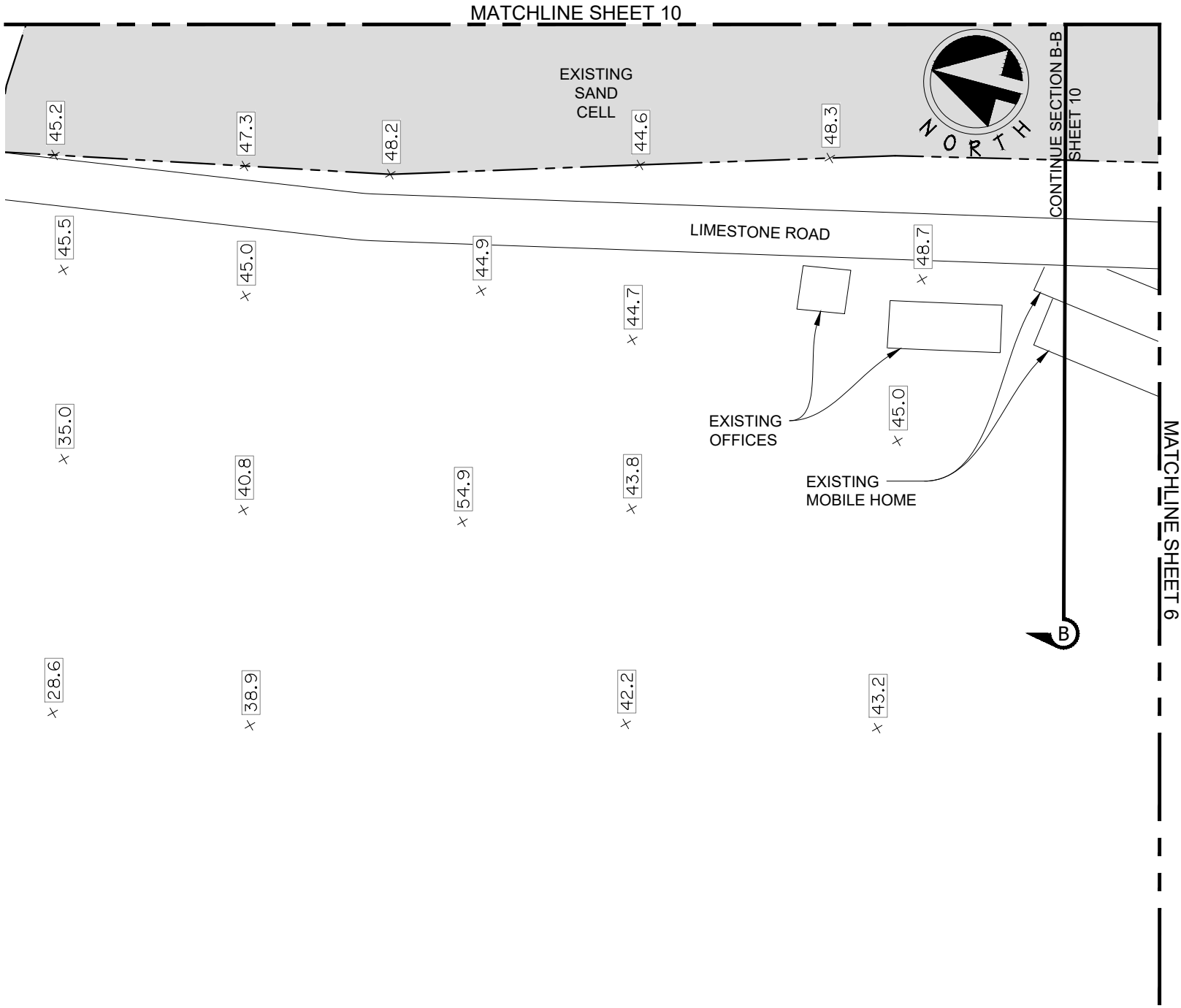
MATCHLINE SHEET 5


FORTE &
TABLADA

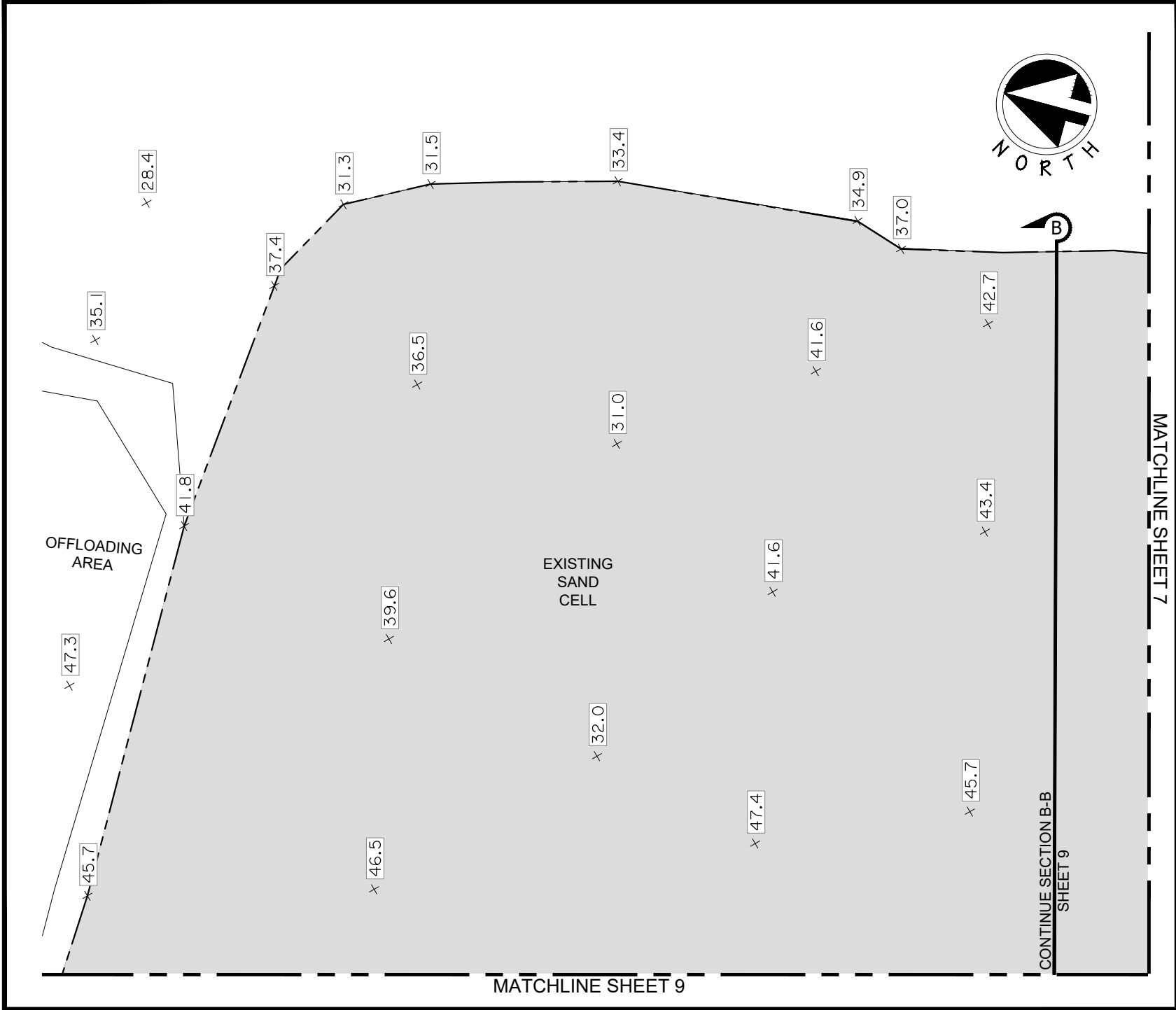
BORROW PIT, STOCKPILE & EXCAVATION

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BJJ	MJK		APR 2024

SHEET TYPE:	PLAN SHEET	SHEET	8
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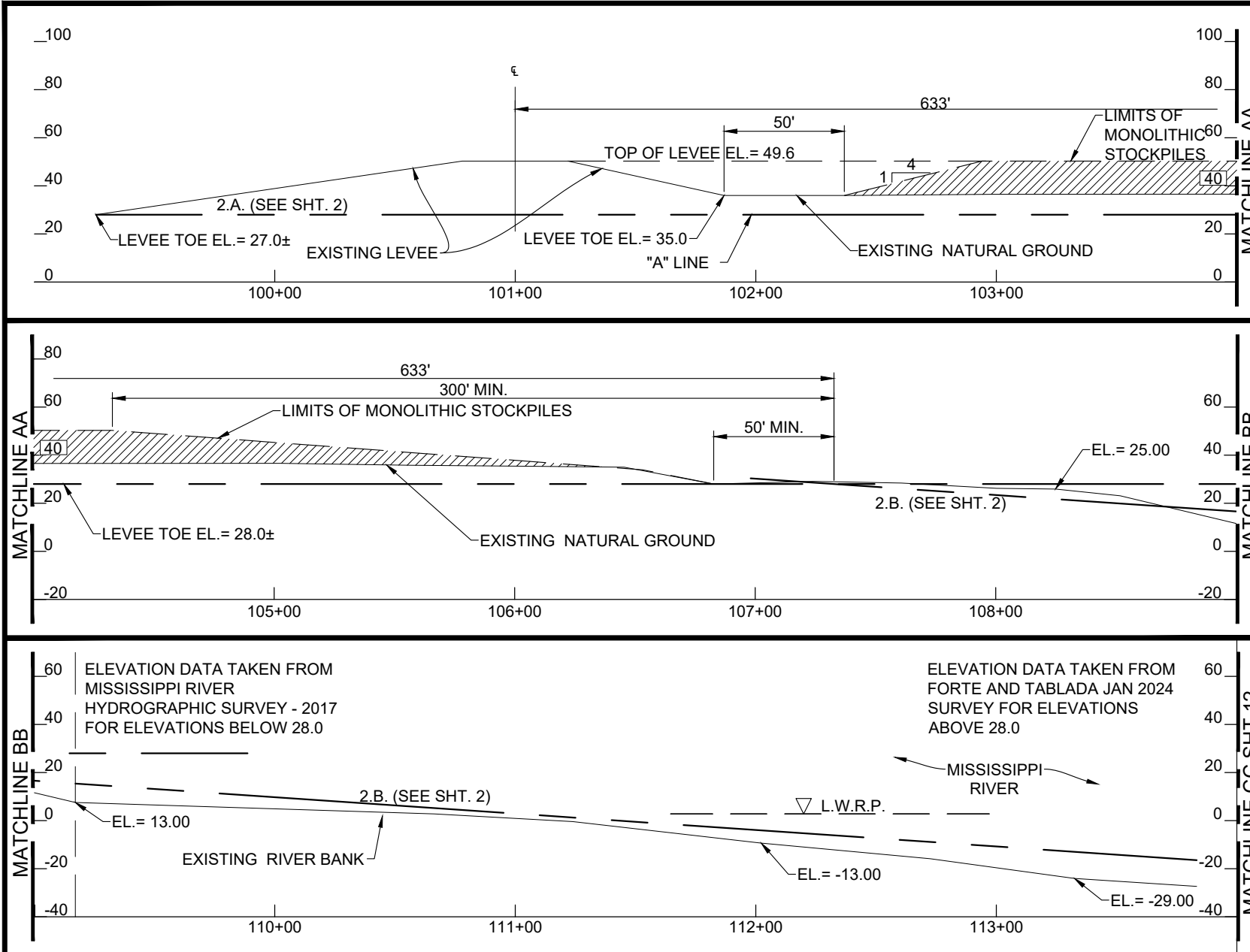



				BEAR INDUSTRIES PERMIT RENEWAL			
				PORT ALLEN, LOUISIANA			
				BORROW PIT, STOCKPILE & EXCAVATION			
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BJJ	MJK		APR 2024				



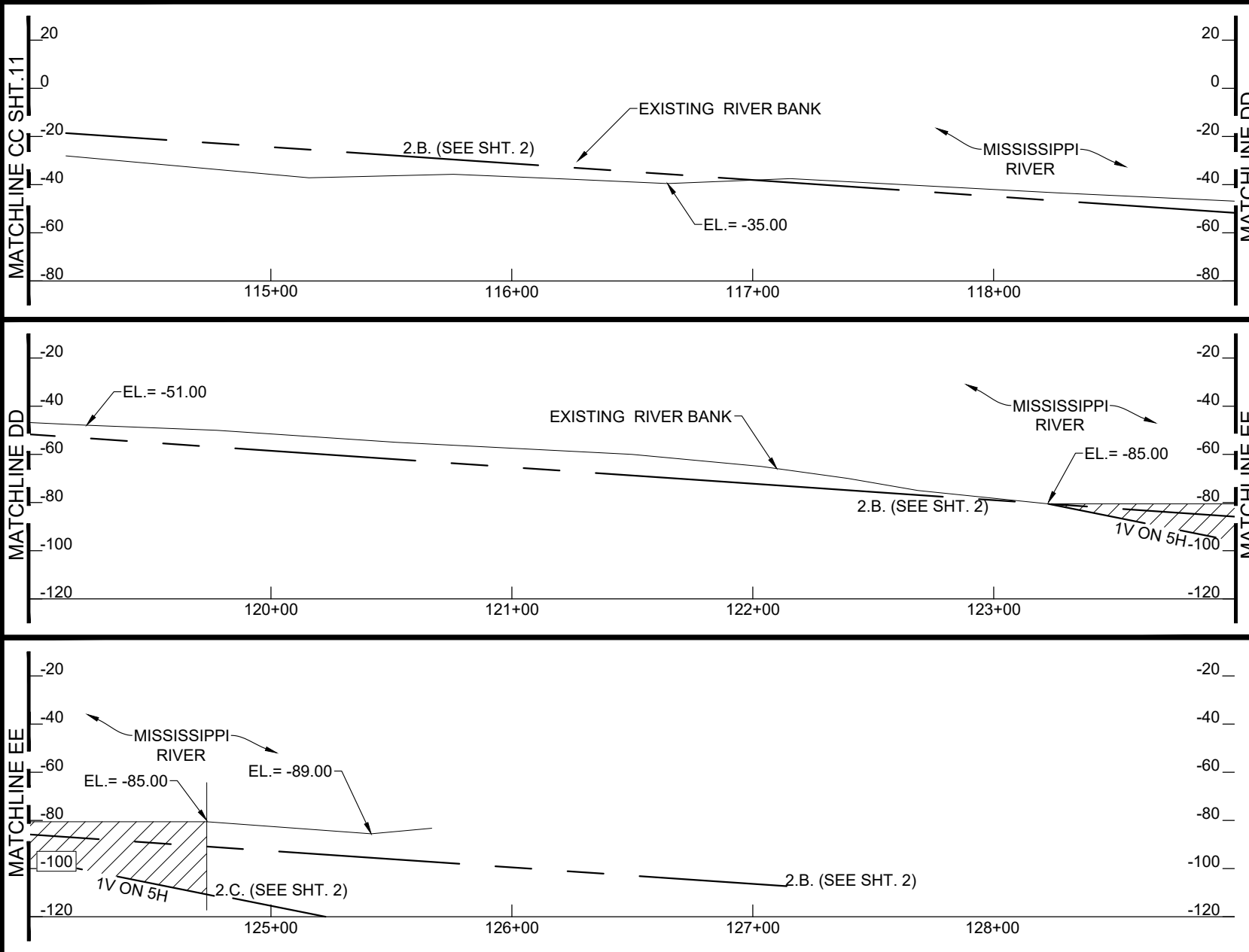
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PORT ALLEN, LOUISIANA			
BORROW PIT, STOCKPILE & EXCAVATION			
DRAWN BY:	CHECKED BY:	APPR. BY:	DATE:
BJJ	MJK		APR 2024
SHEET TYPE:		PLAN SHEET	10

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				BEAR INDUSTRIES PERMIT RENEWAL			
				PORT ALLEN, LOUISIANA			
				BORROW PIT, STOCKPILE & EXCAVATION			
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				SHEET TYPE:		SECTION A-A	
				SHEET		11	

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CROSS SECTION A-A PERMISSIBLE STOCKPILE

SCALE:

HORIZONTAL: 1" = 60'

VERTICAL: 1" = 60'



BEAR INDUSTRIES PERMIT RENEWAL

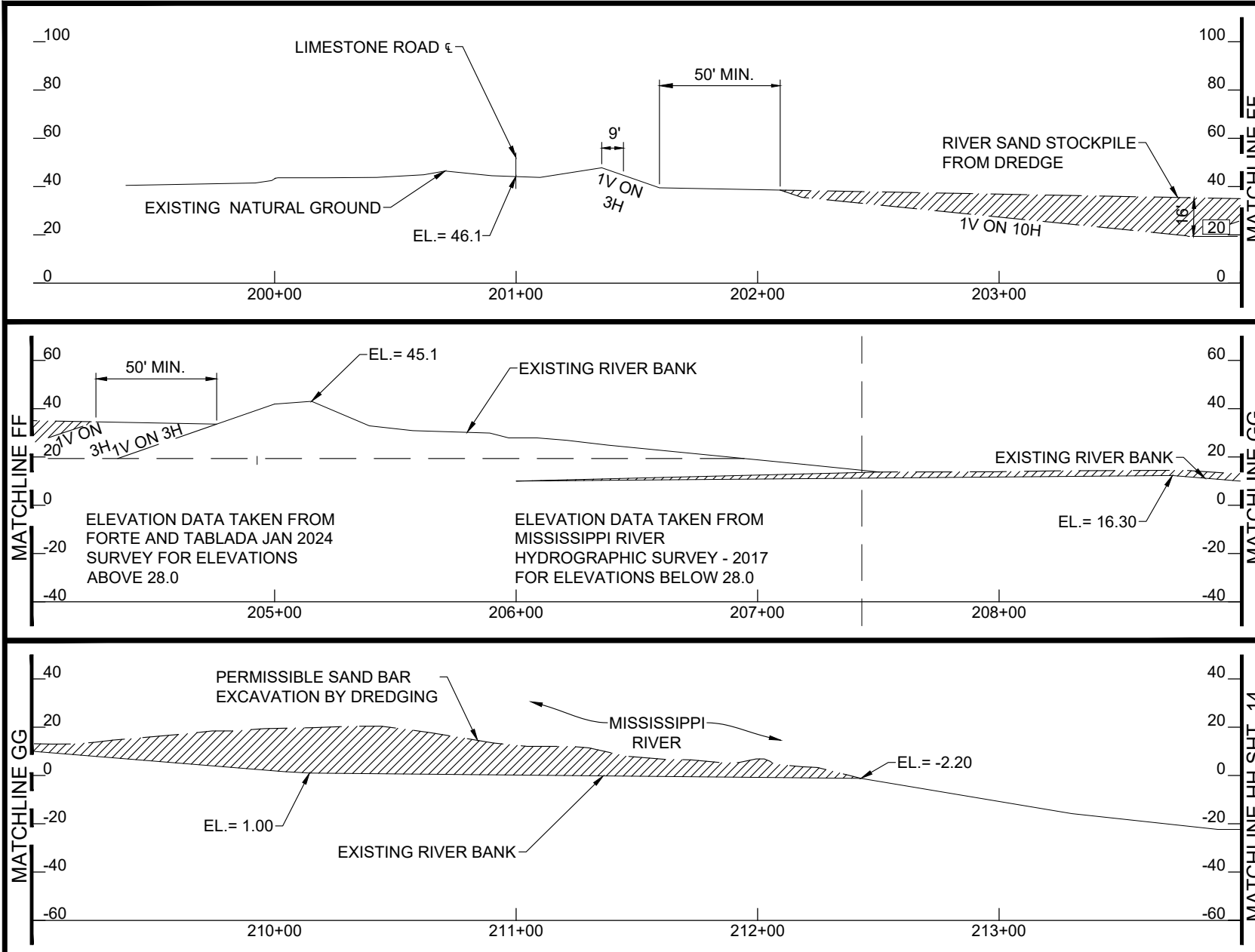
PORT ALLEN, LOUISIANA

BORROW PIT, STOCKPILE & EXCAVATION

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BJJ	MJK		APR 2024

SHEET TYPE:	SECTION A-A	SHEET	12
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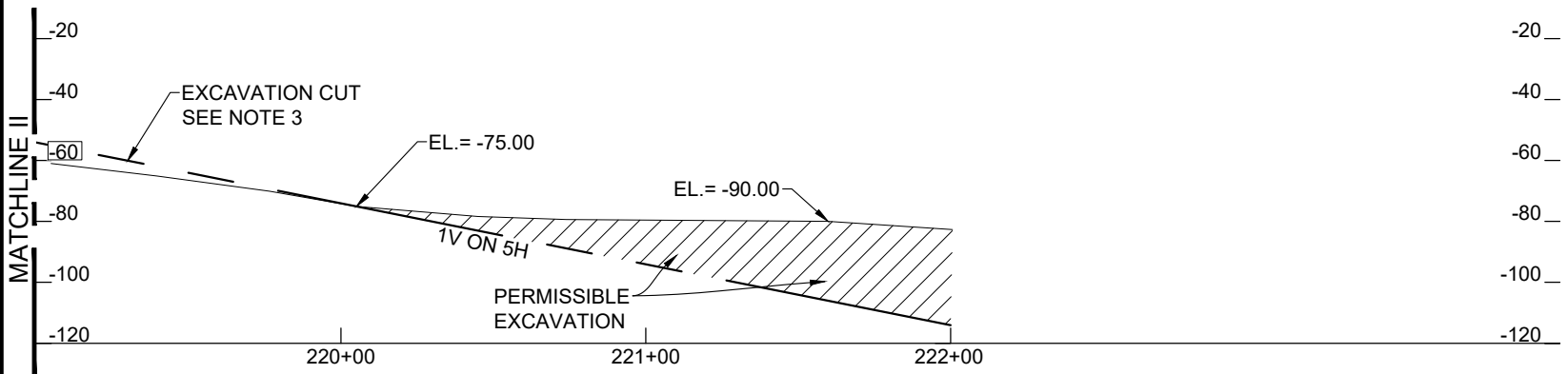
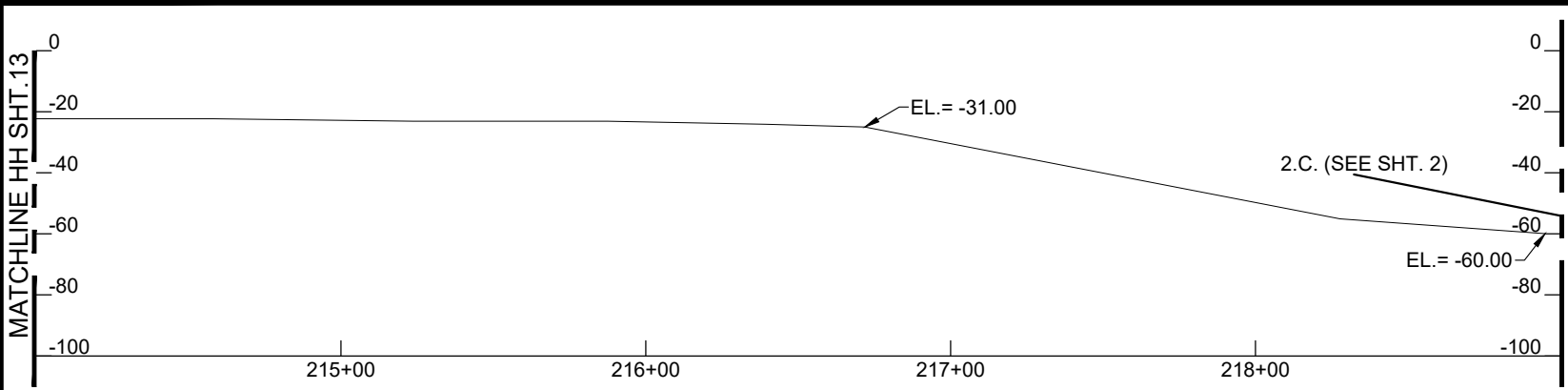
CROSS SECTION B-B PERMISSIBLE STOCKPILE

SCALE:
HORIZONTAL: 1" = 60'
VERTICAL: 1" = 60'

BEAR INDUSTRIES PERMIT RENEWAL			
PORT ALLEN, LOUISIANA			
BORROW PIT, STOCKPILE & EXCAVATION			
DRAWN BY:	CHECKED BY:	APPR. BY:	DATE:
BJJ	MJK		APR 2024
SHEET TYPE:		SECTION B-B	SHEET
			13



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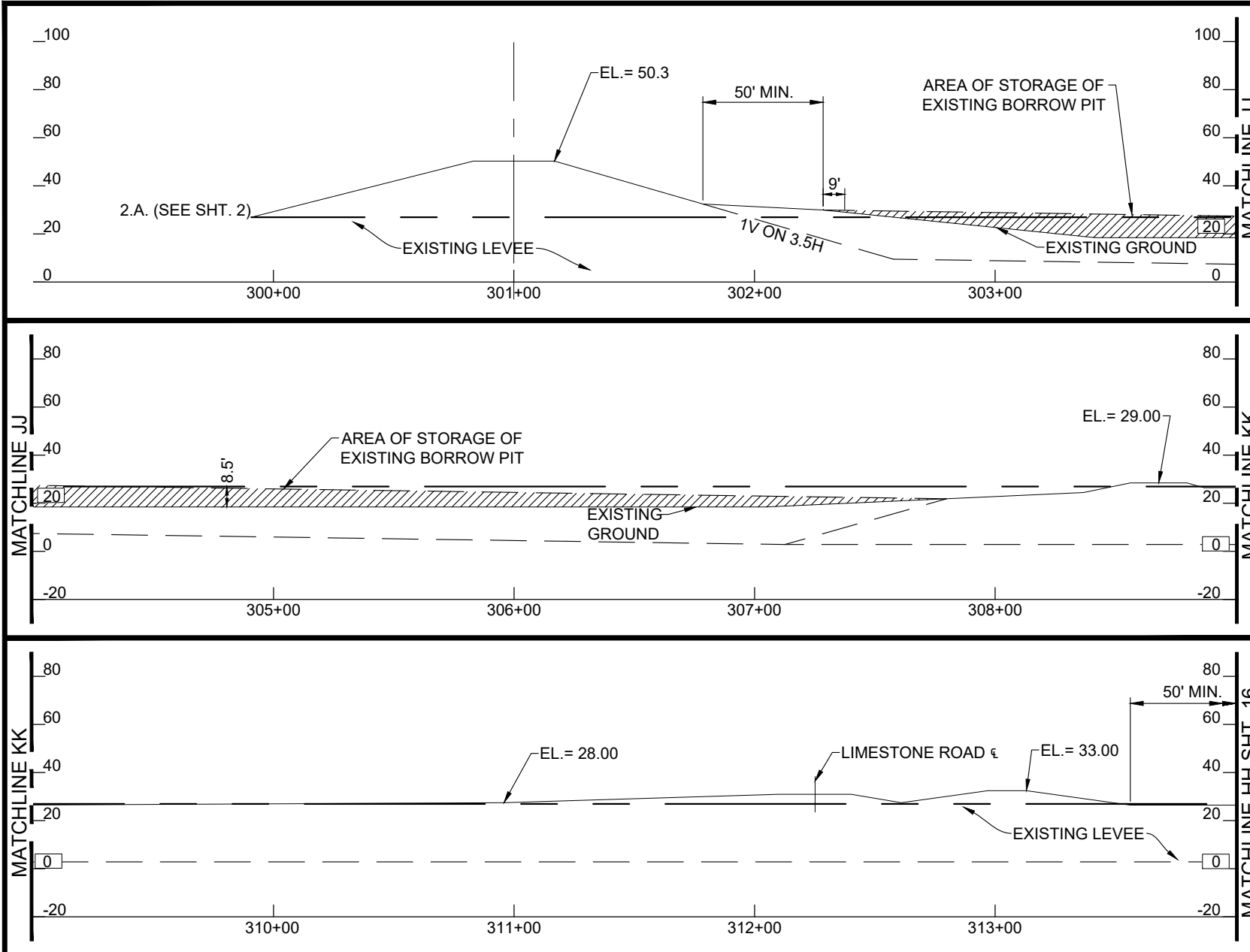
CROSS SECTION B-B PERMISSIBLE STOCKPILE

SCALE:
HORIZONTAL: 1" = 60'
VERTICAL: 1" = 60'



BEAR INDUSTRIES PERMIT RENEWAL			
PORT ALLEN, LOUISIANA			
BORROW PIT, STOCKPILE & EXCAVATION			
DRAWN BY: BJJ	CHECKED BY: MJK	APPR. BY:	DATE: APR 2024
SHEET TYPE: SECTION B-B		SHEET 14	

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CROSS SECTION C-C PERMISSIBLE STOCKPILE

SCALE:

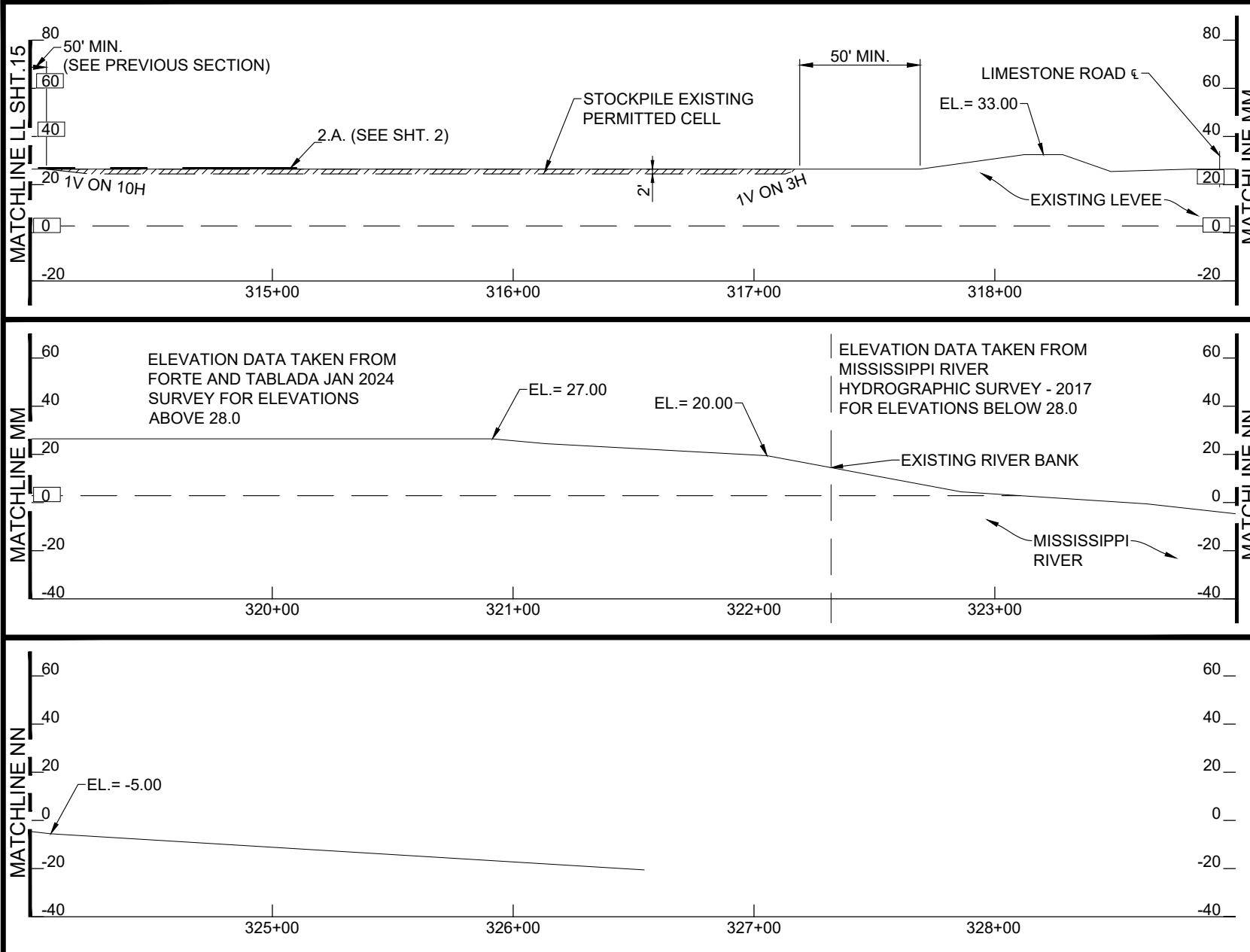
HORIZONTAL: 1" = 60'

VERTICAL: 1" = 60'

BEAR INDUSTRIES PERMIT RENEWAL			
PORT ALLEN, LOUISIANA			
BORROW PIT, STOCKPILE & EXCAVATION			
DRAWN BY:	CHECKED BY:	APPR. BY:	DATE:
BJJ	MJK		APR 2024
SHEET TYPE:		SECTION C-C	SHEET
			15



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CROSS SECTION C-C PERMISSIBLE STOCKPILE

SCALE:
HORIZONTAL: 1" = 60'
VERTICAL: 1" = 60'



BEAR INDUSTRIES PERMIT RENEWAL			
PORT ALLEN, LOUISIANA			
BORROW PIT, STOCKPILE & EXCAVATION			
DRAWN BY: BJJ	CHECKED BY: MJK	APPR. BY:	DATE: APR 2024
SHEET TYPE: SECTION C-C		SHEET 16	