



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

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Regulatory Division  
Central Evaluation Branch

Project Manager  
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Application #: MVN-1997-05409-CM

## **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: [ ] Section 10 of the Rivers and Harbors Act of March 3, 1899 (30 Stat. 1151; 33 USC 403), [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).

### **EXCAVATION FOR A SAND AND GRAVEL MINING OPERATION ON THE AMITE RIVER IN ST. HELENA PARISH**

**NAME OF APPLICANT:** Tri-Parish Sand & Gravel. LLC, c/o G.E.C, Inc., Attn: Barry McCoy, 8282 Goodwood Blvd., Baton Rouge, Louisiana 70806.

**LOCATION OF WORK:** On the left descending bank of the Amite River (30.693016, -90.863598), approximately 6.4 miles west of Pine Grove, Louisiana in St. Helena Parish, within the Lake Pontchartrain Basin in Amite hydrologic unit (HUC 08070202), as shown on the attached drawings.

**CHARACTER OF WORK:** The applicant has requested Department of the Army authorization to modify and existing valid permit to an existing sand and gravel mining operation. The applicant proposes expand the sand and gravel excavation to the north. The material will be transferred on an established road within the site to then be deposited into an existing process plant area then sorted and washed and moved to an existing stockpile area. From the stockpile area, the material will be loaded on trucks for transport and sale. The tailings will be directed and pumped through 4 recirculation areas located within the project area. Approximately 410,000 cubic yards of sand and gravel has already been permitted to be excavated. The area of expansion is expected to yield an additional 211,000 cubic yards. The currently permitted excavation area is approximately 15.9 acres of jurisdictional non-wetland waters (NWW). The proposed expansion area is approximately 6.53 acres to NWW. A 75-foot no

work zone will be included between the river and a 100-foot no excavation buffer located adjacent to the excavation area.

A Preliminary analysis has determined that the proposed project would temporarily impact approximately 6.53 acres of jurisdictional NWW within the excavation area.

**MITIGATION:** The applicant stated that they have designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. The 175-foot buffer to the river has been included to reduce impacts to the Amite River and all wetlands within and near the project site have been avoided by project design.

The comment period for the requested Department of Army Permit will close in **20 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 Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGC, Neil Gauthier.** Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment must be specific and substantively supportive of the requested extension and received by this office prior to the end of the initial comment end of the initial comment period. The Branch Chief will review the request and the requester will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous and inclusive of the initial comment period and will not exceed a total of 30 calendar days. 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 is presently unaware of properties listed on the National Register of Historic Places 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.

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.

The New Orleans District has determined that the proposed project is located in waters known to be utilized by the inflated heelsplitter mussel (*Potamilus inflatus*) and concluded that the proposed activity is not likely to adversely affect the species using the Information & Planning Consultation for Endangered Species (IPaC) procedure, as signed on January 27, 2020, between the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service, Ecological Services Office. Consultation with the U.S. Fish and Wildlife Service (USFWS) was also conducted. The USFWS acknowledged that the inflated heelsplitter habitat is several miles away from the project site and the applicants proposed use of a 175-foot buffer to the river with stockpiling material above the Ordinary High Water Mark would allow a determination of Not Likely to Adversely Affect for the inflated heelsplitter.

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 up to 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 Department of Environmental Quality before a 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