

JOINT PUBLIC NOTICE

July 23, 2018

United States Army Corps of Engineers
New Orleans District
Regulatory Branch
7400 Leake Avenue
New Orleans, Louisiana 70118

State of Louisiana
Department of Environmental Quality
Water Permits Division
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

(504) 862-2675
Project Manager
Jamie Crowe
Jamie.M.Crowe@usace.army.mil
Permit Application Number
MVN 1998-02358-2 CO

(225) 219-3225
Project Manager
Elizabeth Hill
WQC Application Number
WQC 180719-02

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 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).

Application has also been made to the Louisiana Department of Environmental Quality, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

LOADING RAMP IN THE MISSISSIPPI RIVER

NAME OF APPLICANT: CEMUS, LLC, c/o ELOS Environmental, LLC, 4317 East Pleasant Ridge Road, Hammond, La 70403

LOCATION OF WORK: Within the Mississippi River Basin, in the Lower Mississippi River – Baton Rouge hydrologic unit (HUC 08070100), in the Mississippi River, left descending bank, mile 233.8, in Baton Rouge, Louisiana, in East Baton Rouge Parish.

The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have since been deferred.

CHARACTER OF WORK: The applicant has requested an after-the-fact authorization for the deposition and grading of fill material to construct three access ramps for barge loading. The loading ramps will provide the applicant with accessibility to the river during high water and low water conditions, thus, allowing the facility to operate without impediment by regular water level fluctuations in the river. The ramps will be removed and replaced, as needed, depending on river levels. Any unused fill material will be

stockpiled in a non-wetland area on-site. Approximately 10,809 cubic yards of clay fill material has been placed in the bature for ramp construction. Approximately 1.1 acres of forested bature were impacted by construction of the ramps.

The applicant stated that the impacted area has been minimized to the smallest footprint that will allow the goals of the project to be achieved. Best management practices will be employed during construction to minimize sediment excursion. To compensate for unavoidable impacts, the applicant has agreed to purchase mitigation credits from an approved mitigation bank.

The applicant may be required to fully or partially restore the site to pre-project conditions if issuance of a permit is determined to be contrary to the public interest.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **30 days** from the date of this joint 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/or this WQC request and must be mailed so as to be received before or by the last day of the comment period. Letters concerning the Corps of Engineers permit application must reference the applicant's name and the Permit Application Number, and be mailed to the Corps of Engineers at the address above, **ATTENTION: REGULATORY BRANCH** Letters concerning the Water Quality Certification must reference the applicant's name and the WQC Application number and be mailed to the Louisiana Department of Environmental Quality at the address above. The application for this proposed project is on file with the Louisiana Department of Environmental Quality and may be examined weekdays between 8:00 a.m. and 4:30 p.m. Copies may be obtained upon payment of costs of reproduction.

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.

The New Orleans District is unaware of properties listed on the National Register of Historic Places near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. Copies of this notice are being sent to the State Archeologist and State Historic Preservation Officer.

Our initial finding is that the proposed work would not affect any species, nor affect any habitat designated as critical to the survival and recovery of such species, listed as endangered by the U.S. Department of Commerce.

The New Orleans District has determined that the proposed project is not likely to adversely affect the pallid sturgeon (*Scaphirhynchus albus*) and will have no effect on other known species. These determinations are based on the Standard Local Operating Procedure for Endangered Species of Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service, Ecological Services Office.

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 n/a 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, Office of Environmental Services, before a permit is issued.

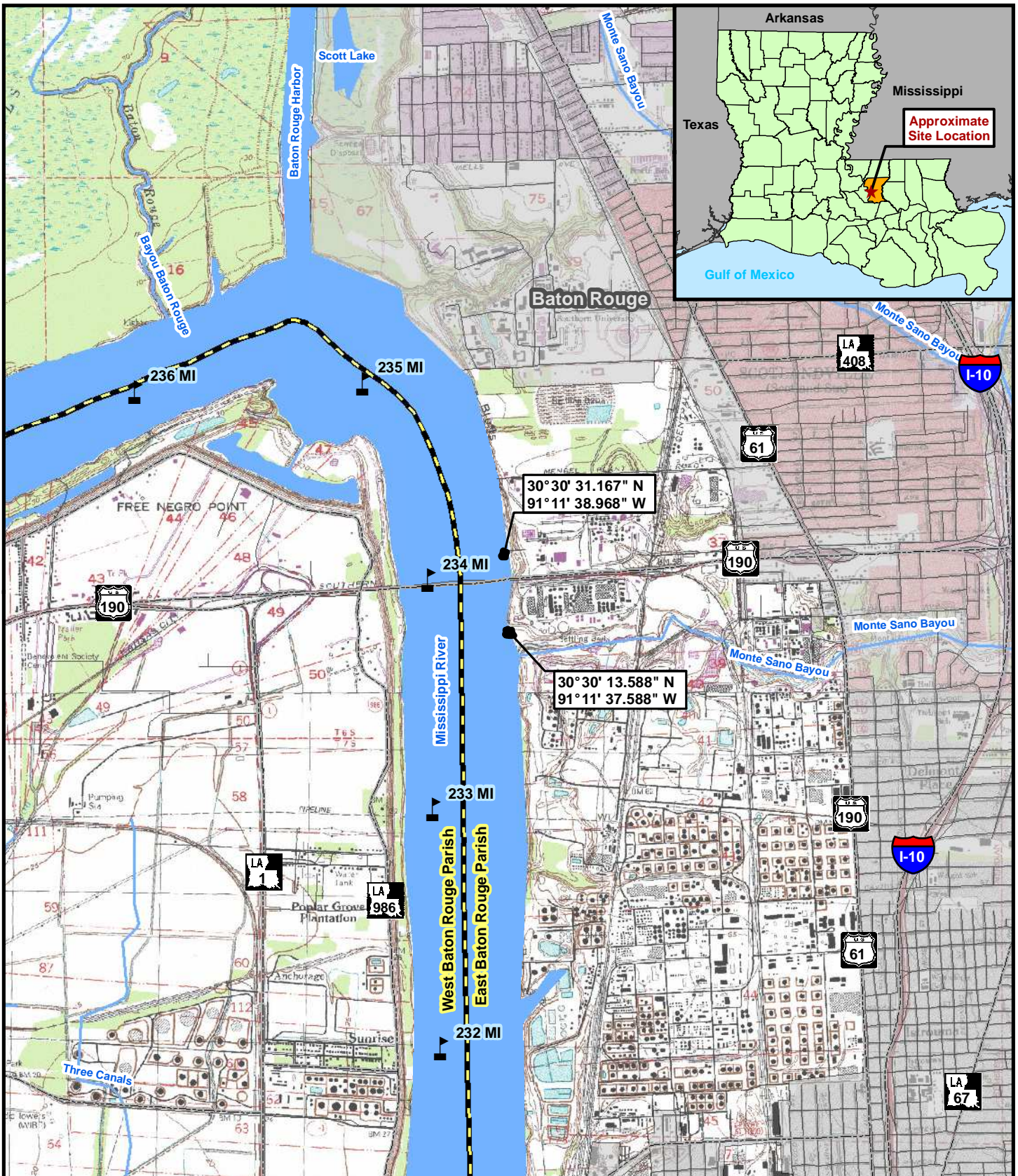
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. You are

requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

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John M. Herman
Chief, Central Evaluation Section
Regulatory Branch

Enclosure



ELOS
 environmental
<http://elosenv.com/>
 43177 East Pleasant Ridge Road
 Hammond, Louisiana 70403
 P. 985-662-5501, F. 985-662-5504

0 2,000 4,000 Feet

Figure 1: TopoVicinity Map

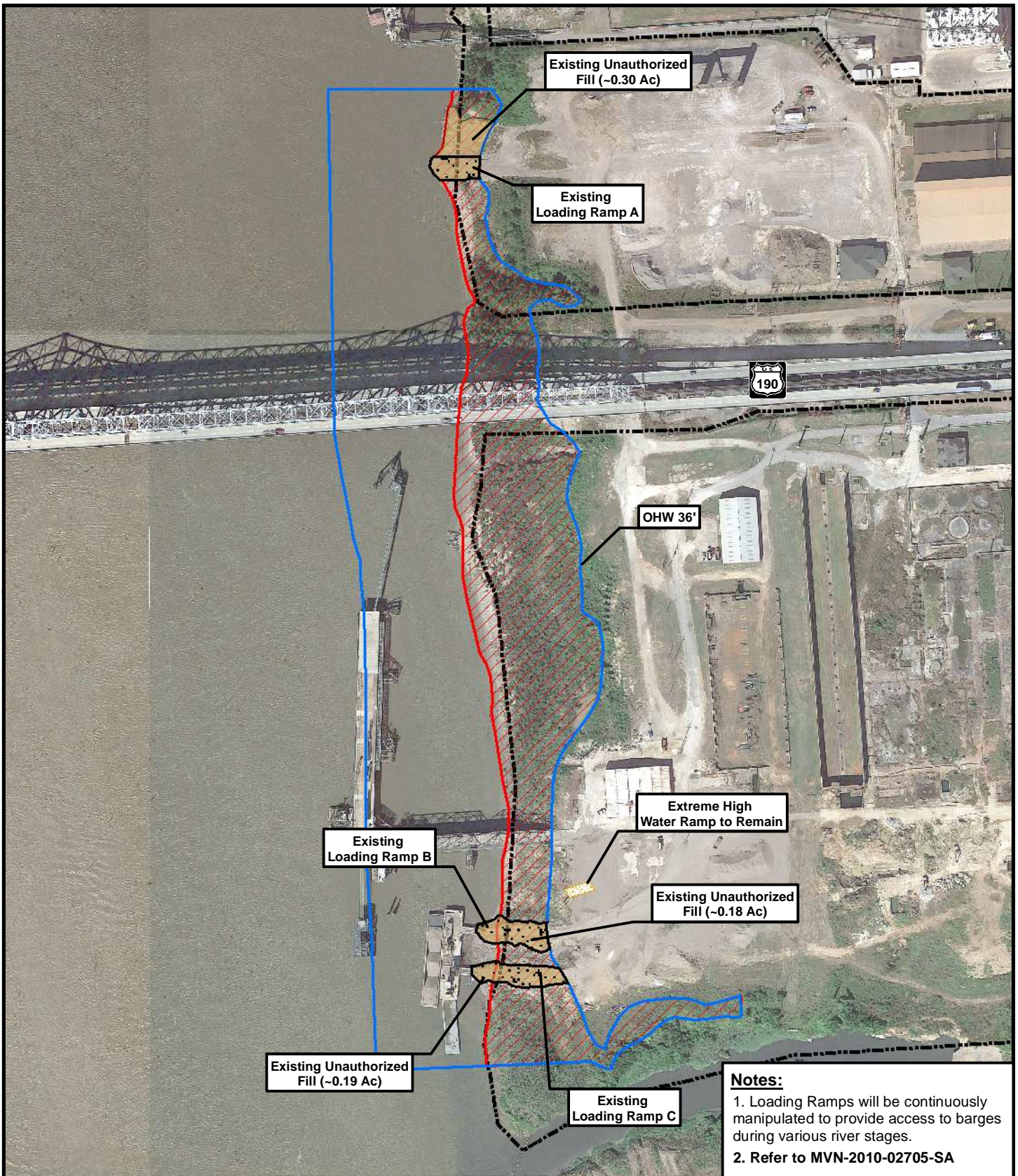
**CEMUS Loading Ramp
 Construction and Operation**

Legend:

- Project Location
- River Mile Markers
- Parish Boundary
- City/Town
- Highway
- Roadway
- Stream/River
- Waterbody

Sections: 37
 Township: 06 South
 Range: 01 West

This figure was prepared utilizing public and proprietary data. It should not be used to establish any legal boundaries or specific locations. ELOS Environmental, L.L.C., is not responsible for any usage of this figure contrary to its original, intended purpose.



Notes:

1. Loading Ramps will be continuously manipulated to provide access to barges during various river stages.
2. Refer to MVN-2010-02705-SA

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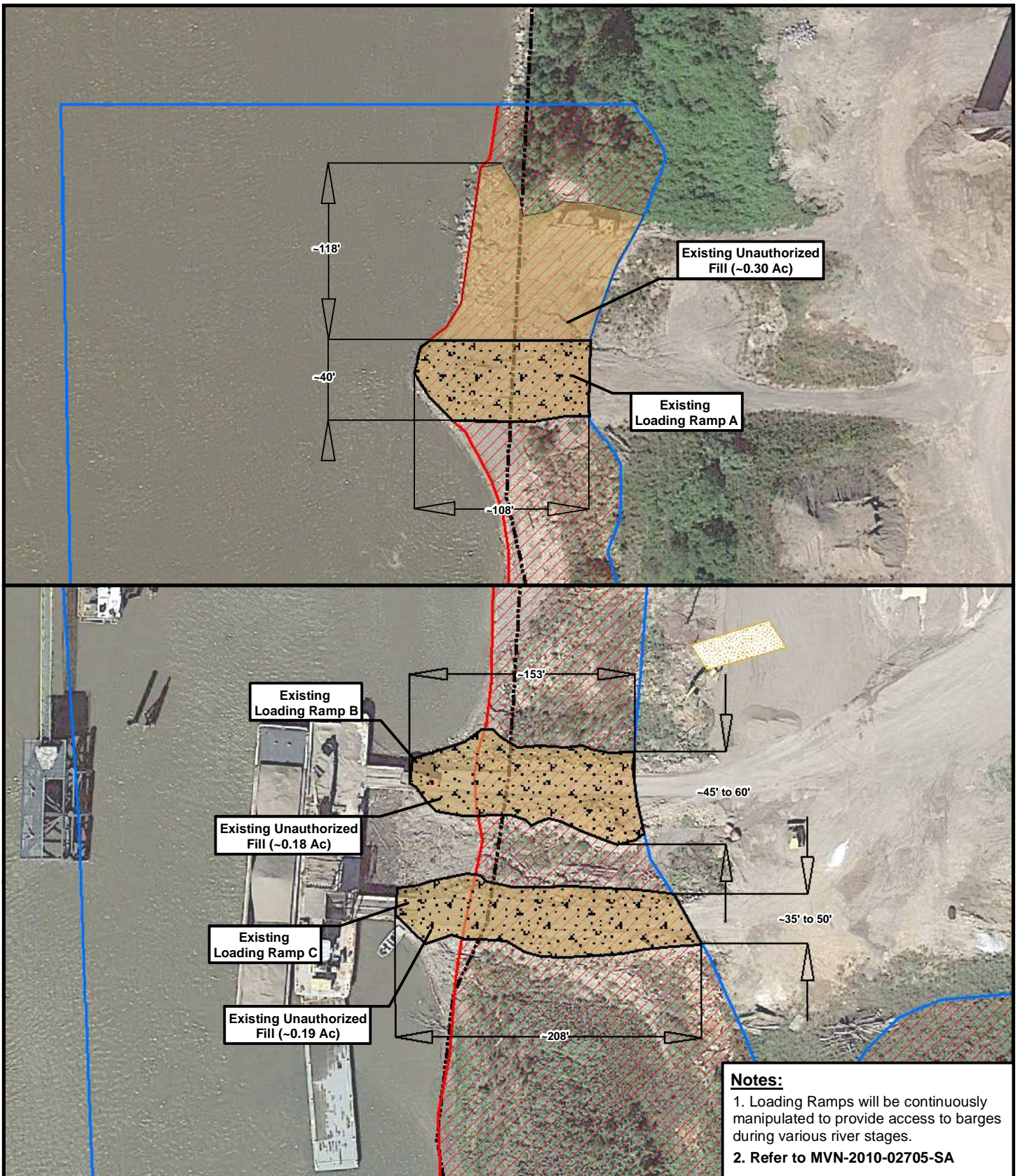
Figure 2: Existing Conditions

CEMUS Loading Ramp Construction and Operation

Legend:

- Property Boundary
- Existing Loading Ramp
- Unauthorized Fill Area
- Waters of the US
- Wetlands
- Extreme High Water Ramp

Map prepared from public and proprietary spatial data. ELOS Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.

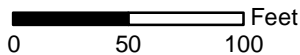


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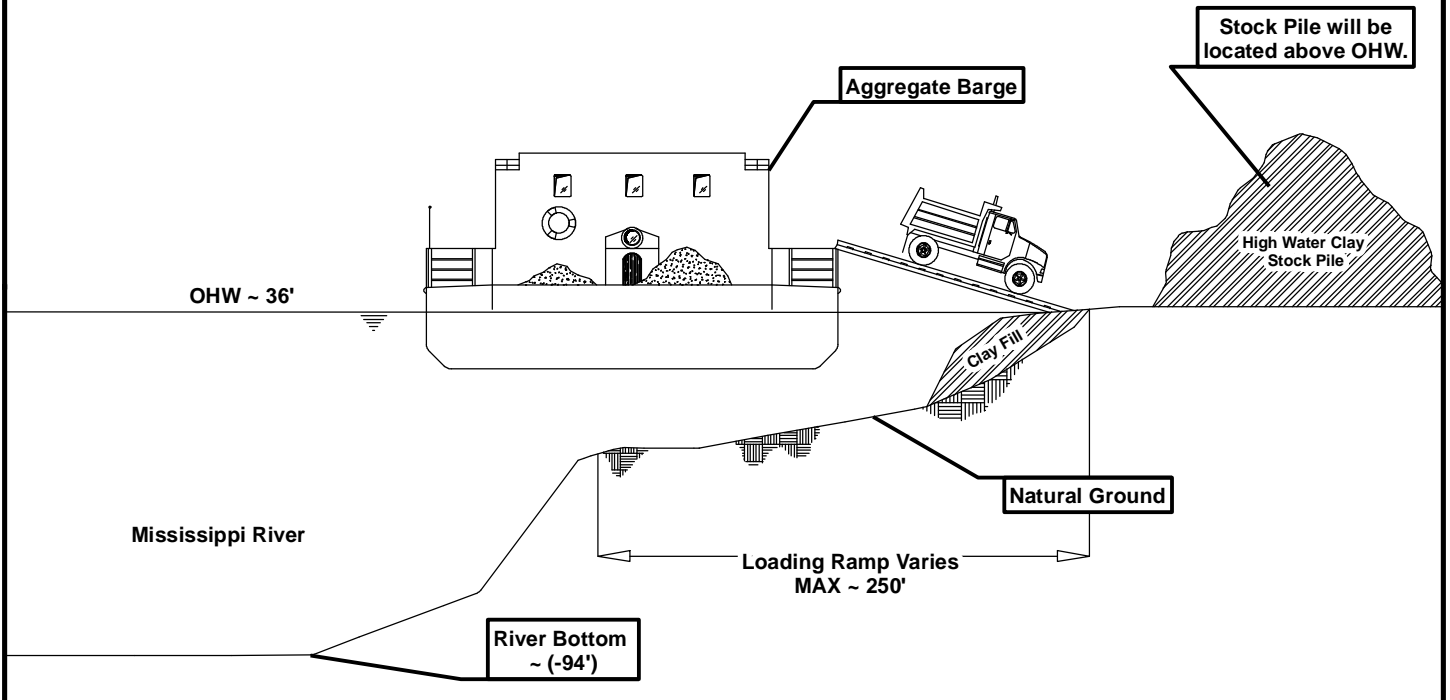
- Property Boundary
- Existing Loading Ramp
- Unauthorized Fill Area
- Waters of the US
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- Extreme High Water Ramp

Figure 3: Existing Conditions

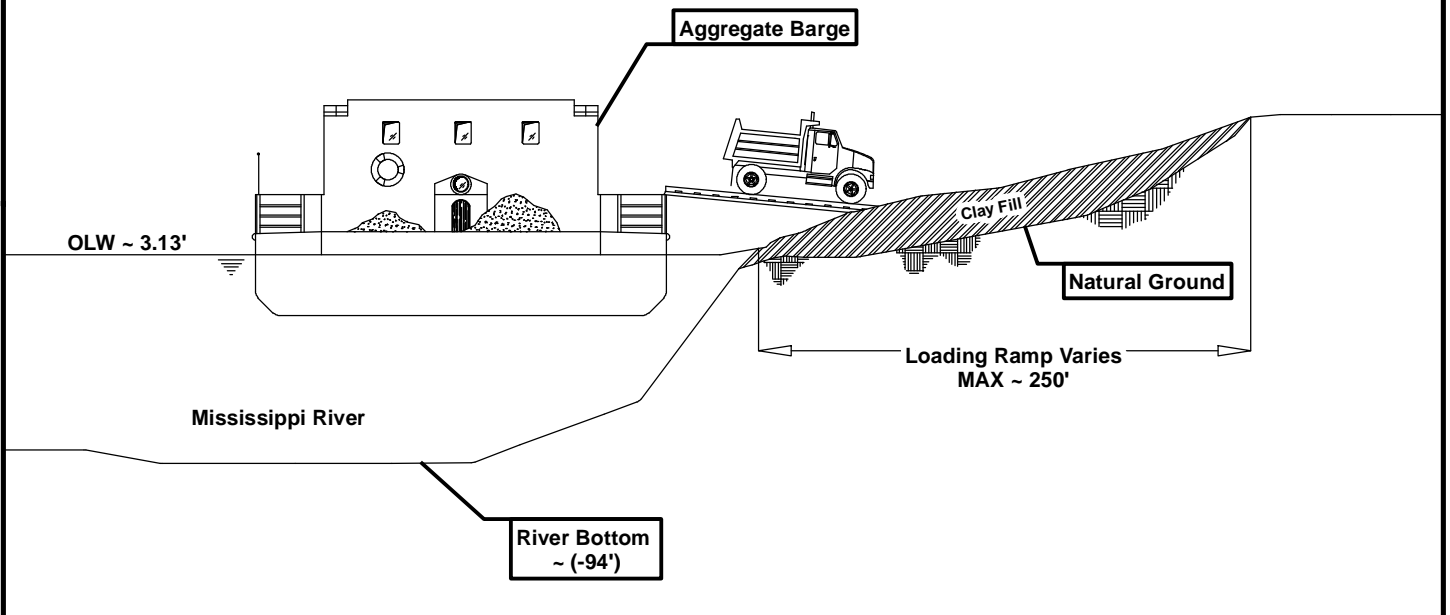
CEMUS Loading Ramp Construction and Operation


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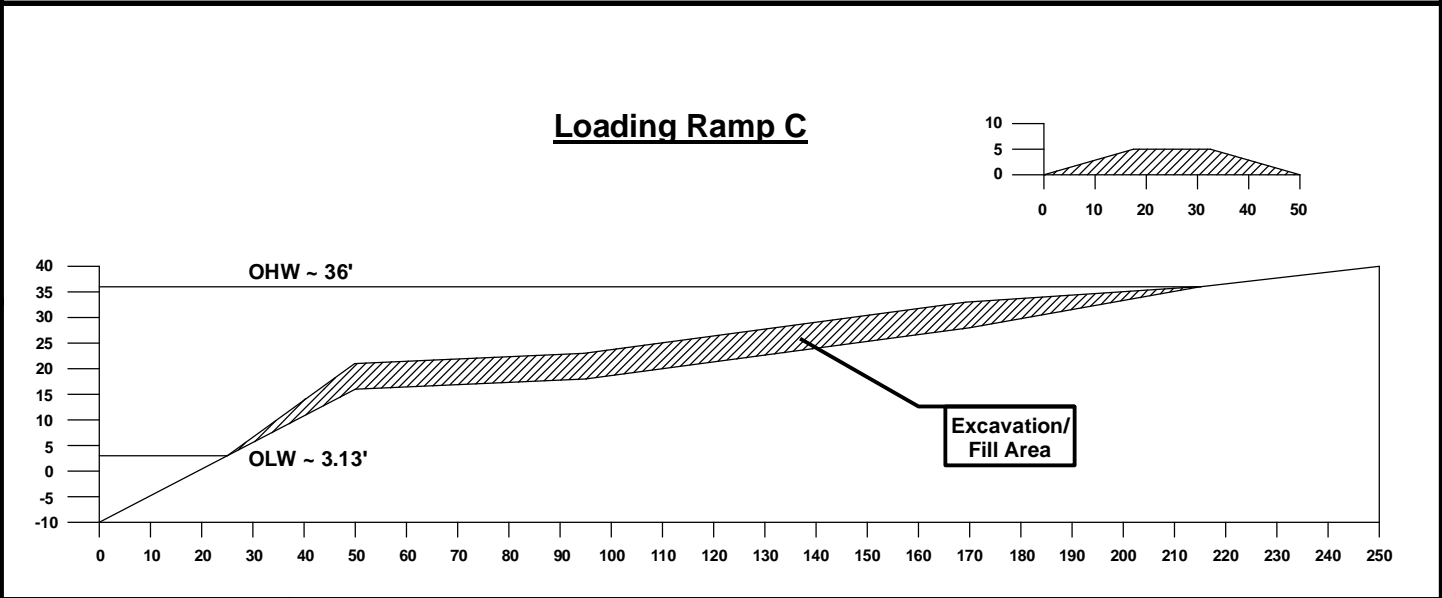
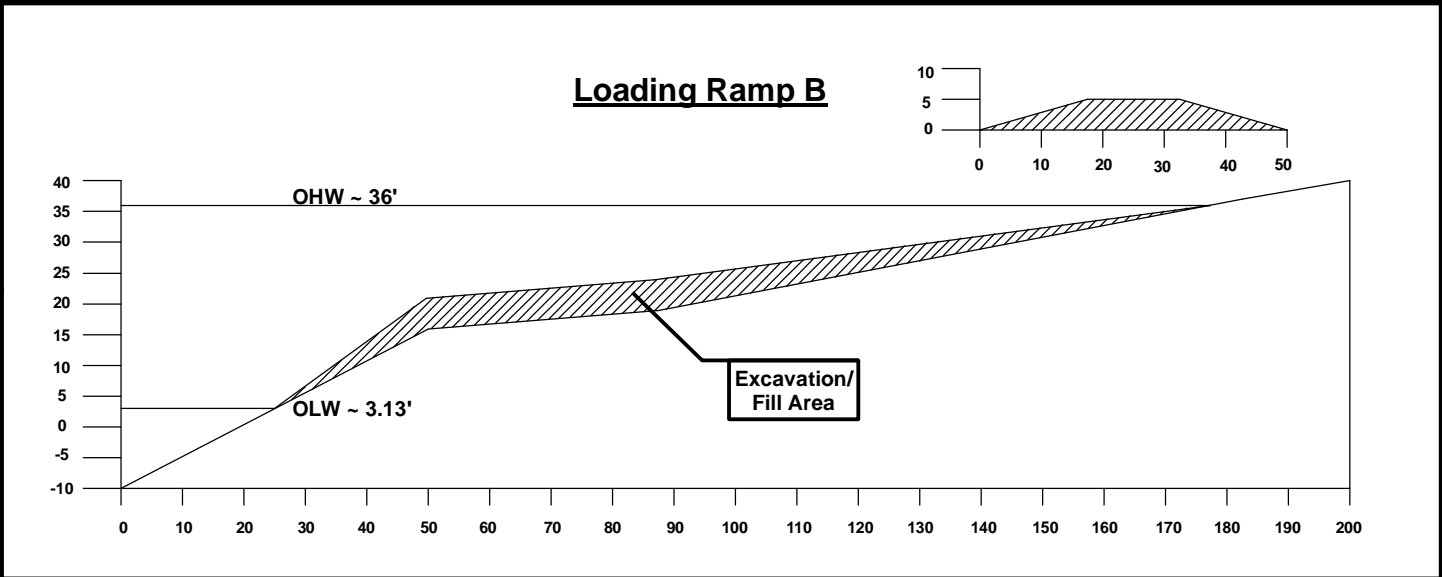
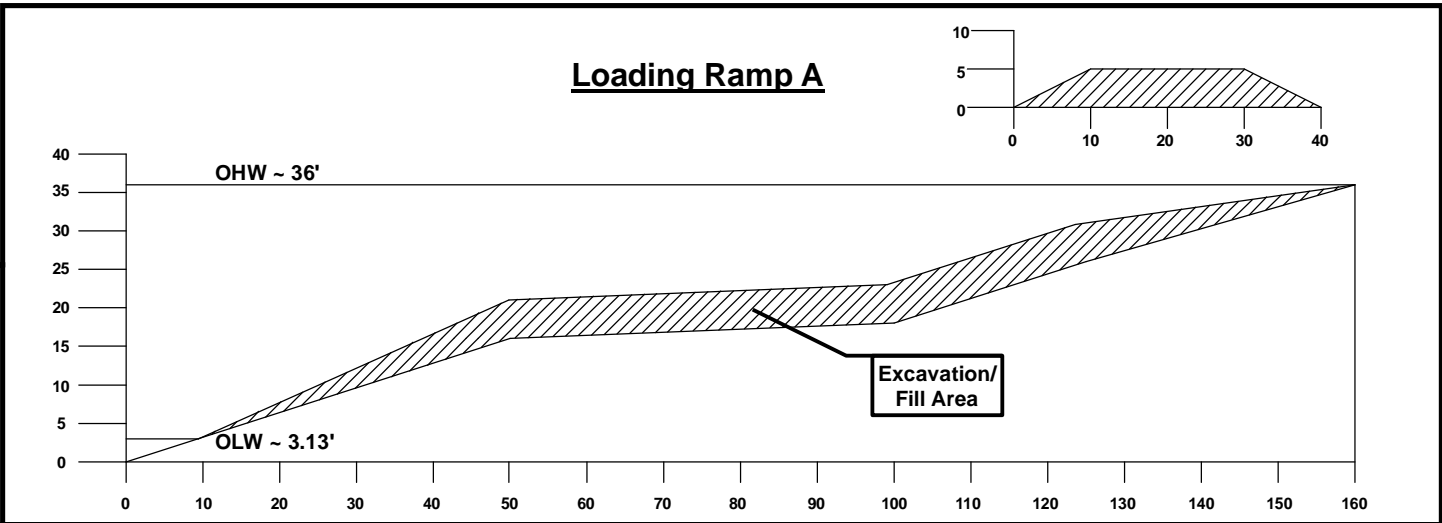
Typical High Water Loading Ramp




Typical Low Water Loading Ramp



 <p>environmental http://elosenv.com/ 43177 East Pleasant Ridge Road Hammond, Louisiana 70403 P. 985-662-5501, F. 985-662-5504</p>	<p>Scale = Not to Scale</p>	<p>Notes:</p> <ol style="list-style-type: none"> 1. Loading Ramps will be continuously manipulated to provide access to barges during various river stages. 2. Clay Fill 10,809 CY
	<p>Figure 4: Typical Sections</p>	
	<p>CEMUS Loading Ramp Construction and Operation</p>	<p>Map prepared from public and proprietary spatial data. ELOS Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.</p>



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	Figure 5: Loading Ramp Section	
	CEMUS Loading Ramp Construction and Operation	Map prepared from public and proprietary spatial data. ELOS Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.