

PUBLIC NOTICE

May 3, 2021

United States Army
Corps of Engineers
New Orleans District
Operations Division
7400 Leake Avenue
New Orleans, Louisiana 70118-3651

(504) 862-2675
Jamie.M.Crowe@usace.army.mil
Project Manager
Jamie Crowe
Permit Application Number
MVN 2002-01131 CO
408# 2018-0629

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) and [X] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

DOCK MODIFICATIONS IN THE MISSISSIPPI RIVER IN IBERVILLE PARISH

NAME OF APPLICANT: Bear Industries, c/o Lanier & Associates Consulting Engineers, Inc., 4101 Magazine Street., New Orleans, Louisiana 70115.

LOCATION OF WORK: Latitude: 30.214611/Longitude: -91.087449 Hydrologic Unit Codes: 08070100 – Lower Mississippi-New Orleans and 08070202 – Amite River, in the Mississippi River, left descending bank, mile 189, near St. Gabriel, Louisiana, in Iberville 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 been deferred.

CHARACTER OF WORK: By permit dated May 13, 2003, and subsequent modifications/time extensions dated October 7, 2003, May 15, 2006, and November 19, 2008, the applicant was authorized to dredge an area and install a parking area, access

ramp, conveyor, breasting dolphins, anchor piles, chains, and buoys for a ship dock and rock transfer terminal. A proposed modification was advertised via public notice dated July 9, 2018. The applicant has since modified their proposal to shift the existing marine facility away from the deep draft navigation channel and to allow for safe mooring of vessels. The applicant proposes to remove two existing monopile breasting dolphins and four existing monopile mooring dolphins and replace them with two captive piles and 6 mooring buoys with anchor chains approximately 1300' upstream. In addition, a pile supported hopper and truss will be installed to transport material to the proposed stockpile area. The proposed stockpile will impact approximately 6.2 acres of jurisdictional wetlands, which were previously impacted by an unauthorized activity. To stabilize the bank near the proposed docking structures, the applicant is proposing degrade approximately 1.3 acres of forested batture wetlands and install approximately 2,200 cubic yards of rip rap in this area. An additional 1.6 acres of forested batture will be temporarily impacted by construction.

To minimize impacts to wetlands, the applicant will install the dock structures from the waterway. The construction corridor will be restored to pre-project elevations and allowed to restore naturally. During construction, the applicant will implement appropriate best management practices to minimize impacts to adjacent wetlands and waters. To compensate for unavoidable wetland impacts, the applicant proposes to purchase wetland credits from a Corps approved mitigation bank located in the watershed.

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 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 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.**

Corps of Engineers Permit Criteria

The decision whether to issue a 10/404 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.

This request will also be reviewed pursuant to Section 408 and USACE Engineering Circular (EC) 1165-2-220, 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.

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 Section 408 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.

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. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

The New Orleans District has determined that the proposed project is not likely to adversely affect pallid sturgeon (*Scaphirhynchus albus*). No other known endangered/threatened species will be impacted by the proposed activity. These determinations are based on Information & Planning Consultation for Endangered Species in Louisiana (IPaC) agreement dated January 27, 2020 between the US Army Corps of Engineers, New Orleans District and US 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, Water Quality Certifications, before a permit is issued.

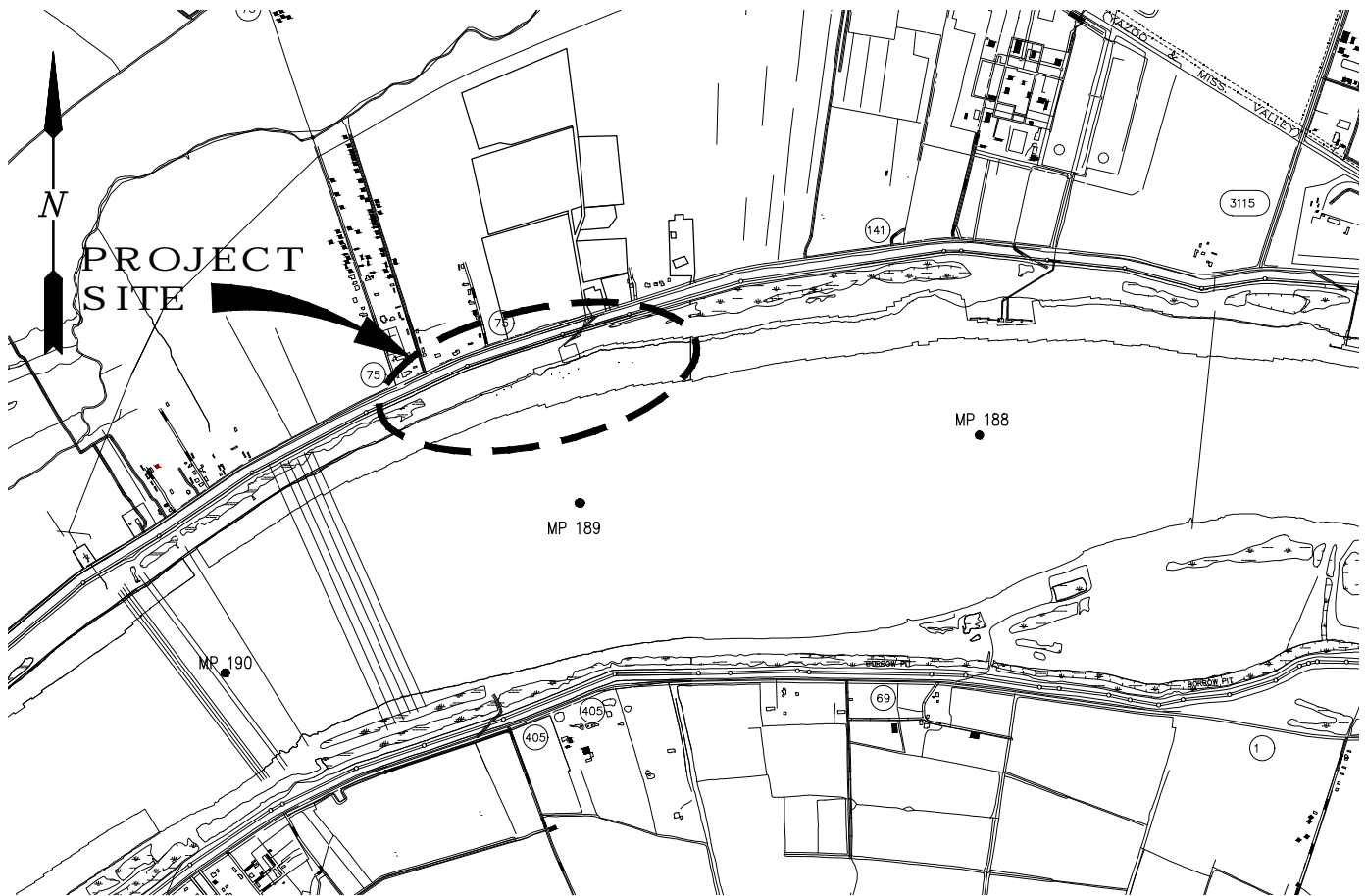
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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.

John M. Herman
Chief, Central Evaluation Section
Regulatory Branch

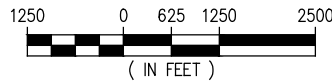
Enclosure

\\PRYTANIA\PROJECTS\9000S\9238 BEAR PERMITTING\DRAWINGS\18-03-19 - PERMIT\9238-P1.DWG

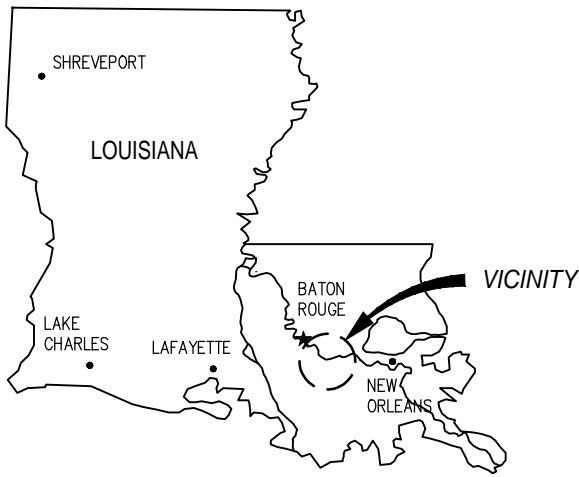


VICINITY MAP

SCALE: 1" = 2500'



IBERVILLE PARISH
LAT. 30° 12' 51" N
LONG. 91° 05' 23" W



AREA MAP

JOSEPH E. JACQUAT
LA PE # 21953
LANIER & ASSOCIATES
CONSULTING ENGINEERS INC.

GENERAL NOTES:

1. 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.
2. ALL STRUCTURES, FACILITIES, WELL AND PIPELINES/FLOWLINES OCCURRING IN OPEN WATER AREAS OR IN OILFIELD CANALS OR SLIPS SHALL BE REMOVED WITHIN 120 DAYS OF ABANDONMENT OR THE FACILITIES FOR THE HEREIN PERMITTED USE UNLESS PRIOR WRITTEN APPROVAL TO LEAVE SUCH STRUCTURES IN PLACE IS RECEIVED FROM THE COASTAL MANAGEMENT DIVISION. THIS CONDITION DOES NOT PRECLUDE THE NECESSITY FOR REVISING THE CURRENT PERMIT OR OBTAINING A SEPARATE COASTAL USE PERMIT, SHOULD ONE BE REQUIRED.
3. STRUCTURES WILL BE MARKED/LIGHTED IN ACCORDANCE WITH U.S. COAST GUARD REGULATIONS.
4. IN ORDER TO ENSURE THE SAFETY OF ALL PARTIES, THE PERMITEE 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.
5. ALL ELEVATIONS REFER TO NAVD 88 UNLESS NOTED OTHERWISE.

PRELIMINARY - FOR PERMIT PURPOSES ONLY

9238-P1

LANIER & ASSOCIATES
CONSULTING ENGINEERS
INCORPORATED
LA: C-1120 F-2981
NEW ORLEANS, LA • BEAUMONT, TX

IBERVILLE PARISH LOUISIANA

BEAR INDUSTRIES

MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
VICINITY MAP & GENERAL NOTES

DATE JULY 2019
DESIGN CLO
DRAWN RNW
CHECK NPL
CONTRACT 9238
SHEET No.
1 OF 16



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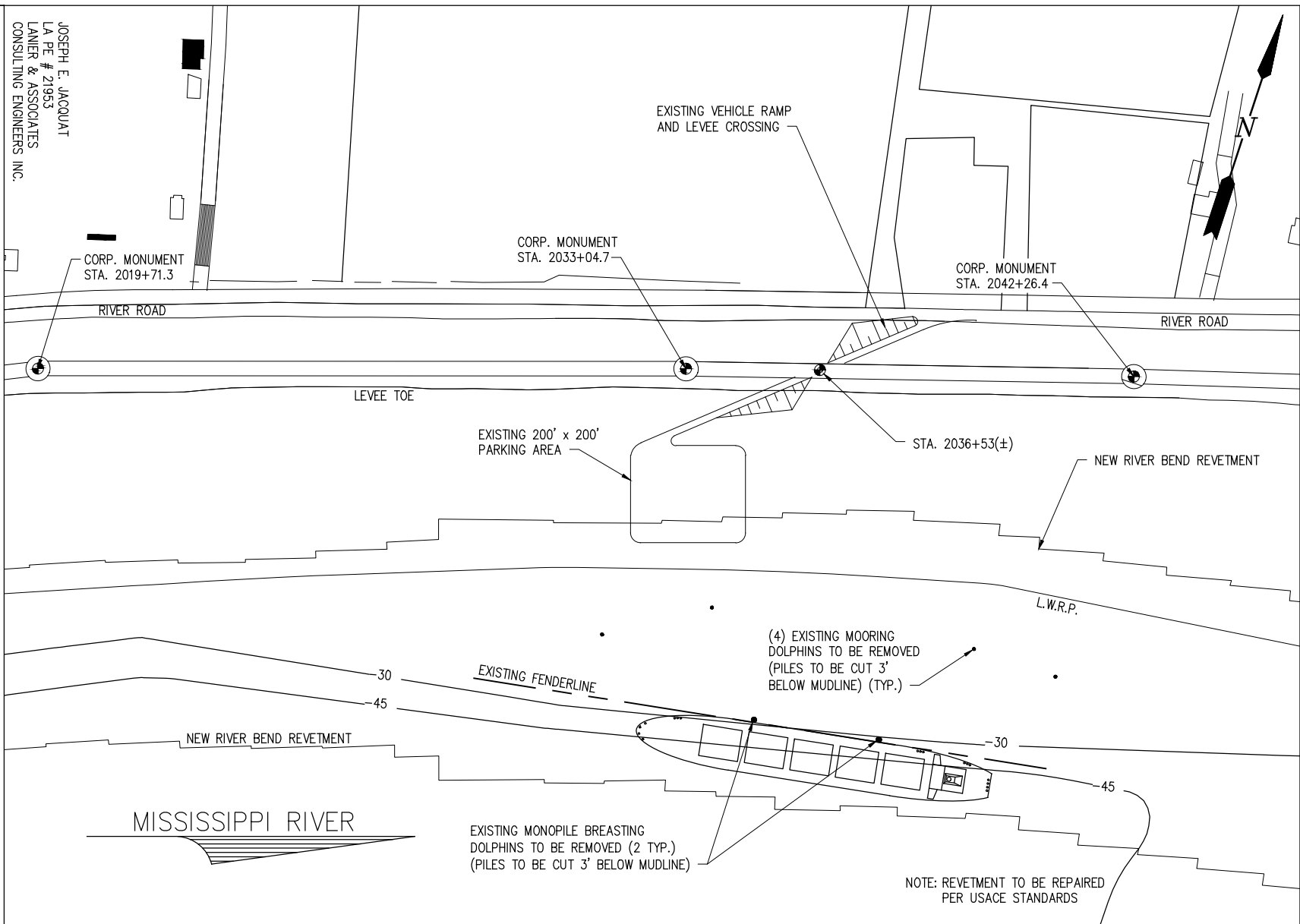
JOSEPH E. JACQUAT
LA PE # 21953
LANIER & ASSOCIATES
CONSULTING ENGINEERS, INC.

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IBERVILLE PARISH BEAR INDUSTRIES **LOUISIANA**

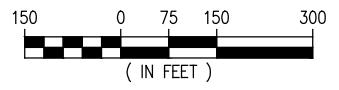
MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
EXISTING SITE PLAN & DEMOLITION PLAN

DATE JULY 2019
DESIGN CLO
DRAWN SJA
CHECK NPL
CONTRACT 9238
SHEET No. **2** OF **16**



EXISTING SITE PLAN & DEMOLITION PLAN

SCALE: 1" = 300'



9238-P2



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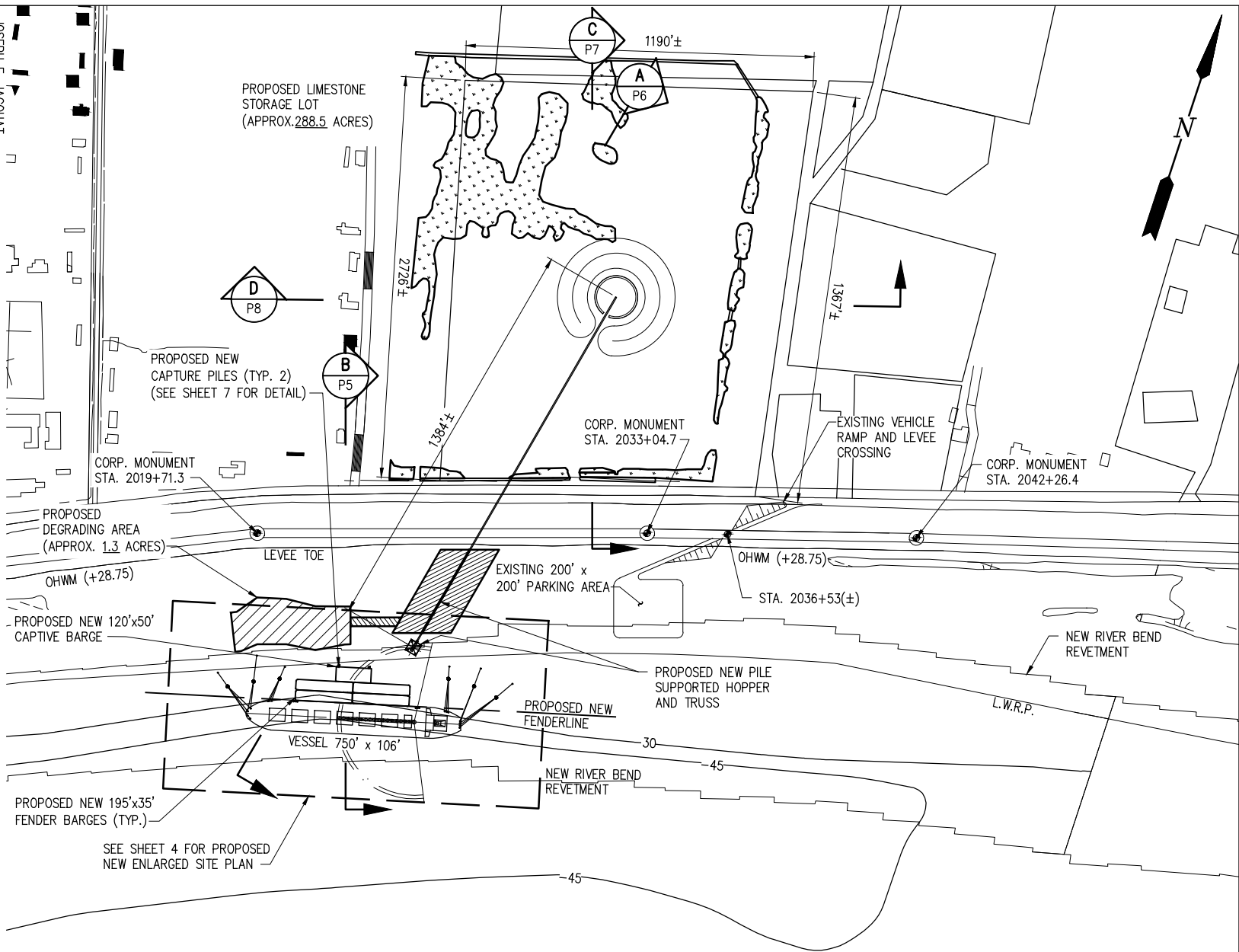
PRELIMINARY - FOR PERMIT PURPOSES ONLY

JOSEPH E. JACQUAT
LA PE # 21963
LANIER & ASSOCIATES
CONSULTING ENGINEERS INC.

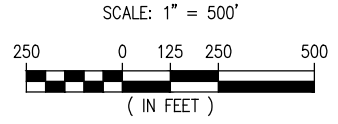
IBERVILLE PARISH
BEAR INDUSTRIES
LOUISIANA


MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
PROPOSED NEW SITE PLAN

DATE JULY 2019
DESIGN CLO
DRAWN SJA
CHECK NPL
CONTRACT 9238
SHEET No. **3** OF **16**



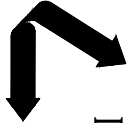
PROPOSED NEW SITE PLAN



 IMPACTED WETLANDS AS PER
JD # MVN 2002-01131-1-SQ.
APPROX. 6.2 ACRES

9238-P3

MISSISSIPPI RIVER



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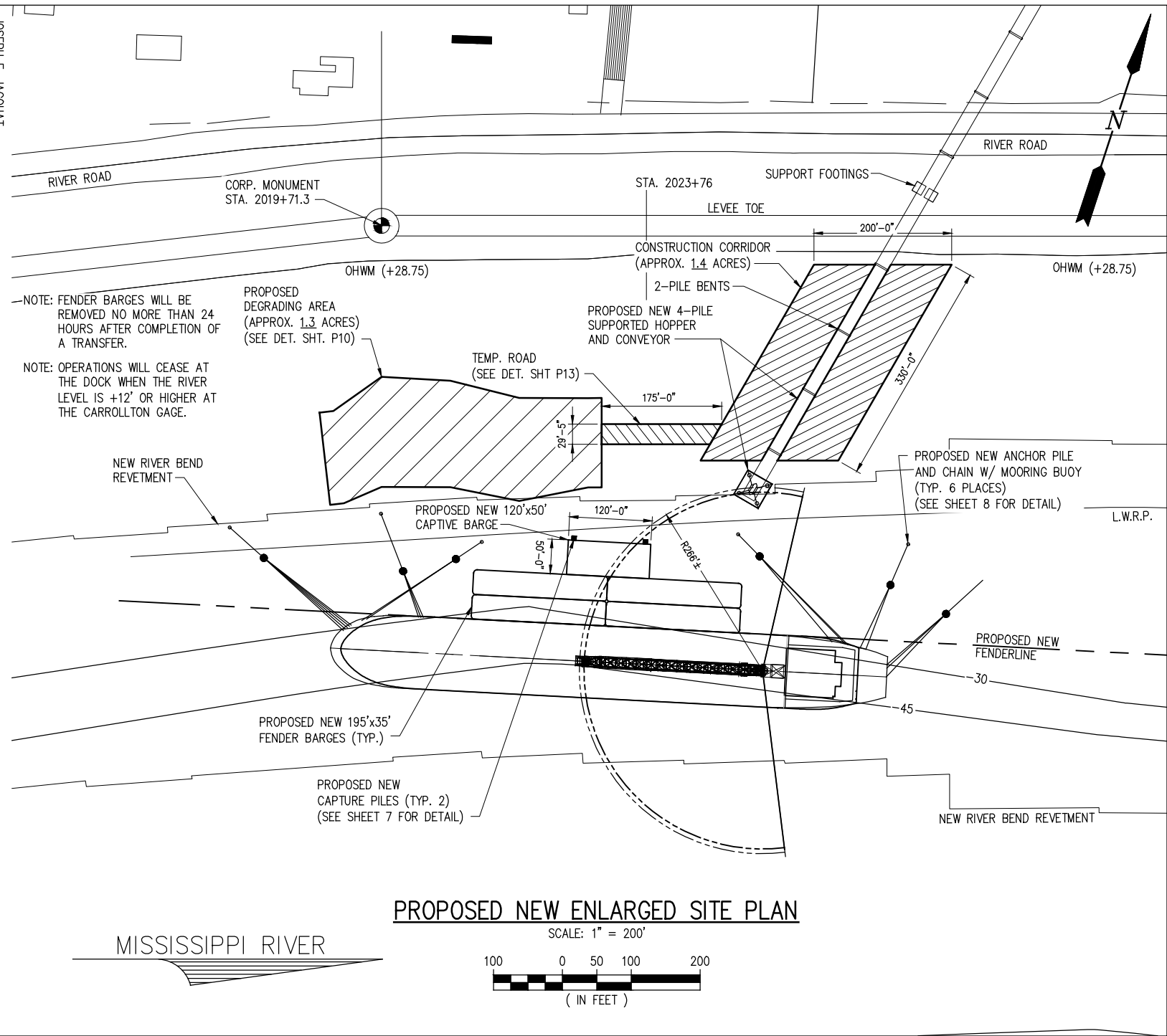
BERNILLE PARISH BEAR INDUSTRIES LOUISIANA

MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
ENLARGED SITE PLAN

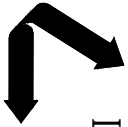
DATE JULY 2019
DESIGN CLO
DRAWN SJA
CHECK NPL
CONTRACT 9238
SHEET No. 4 OF 16

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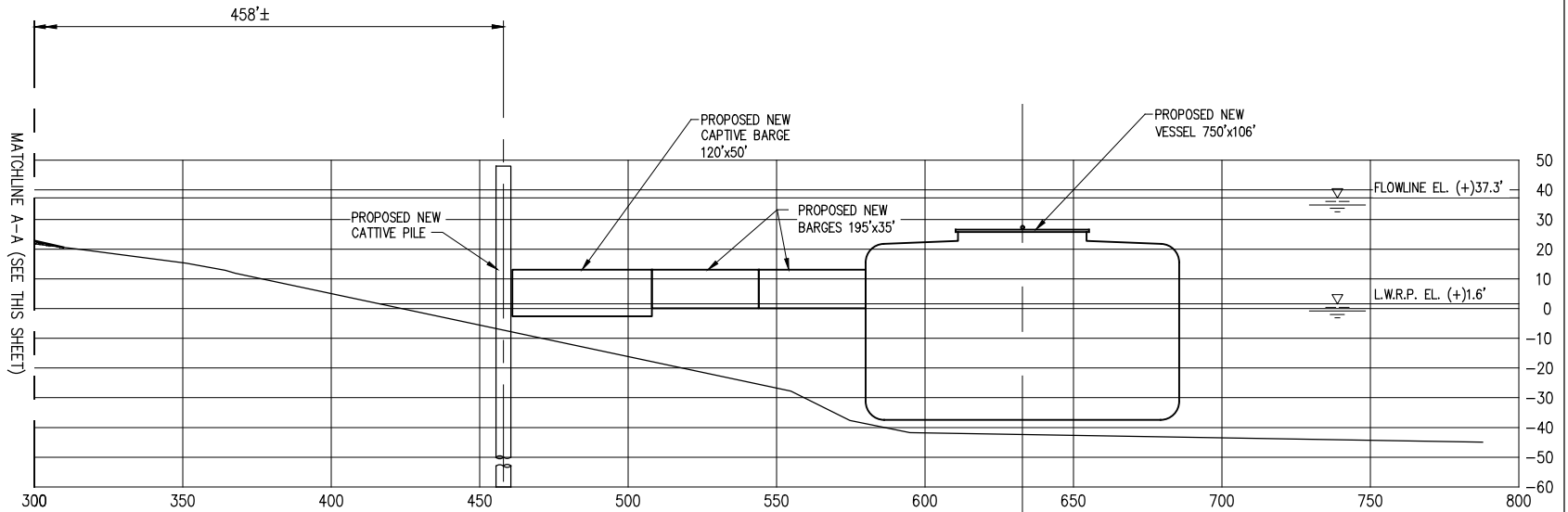
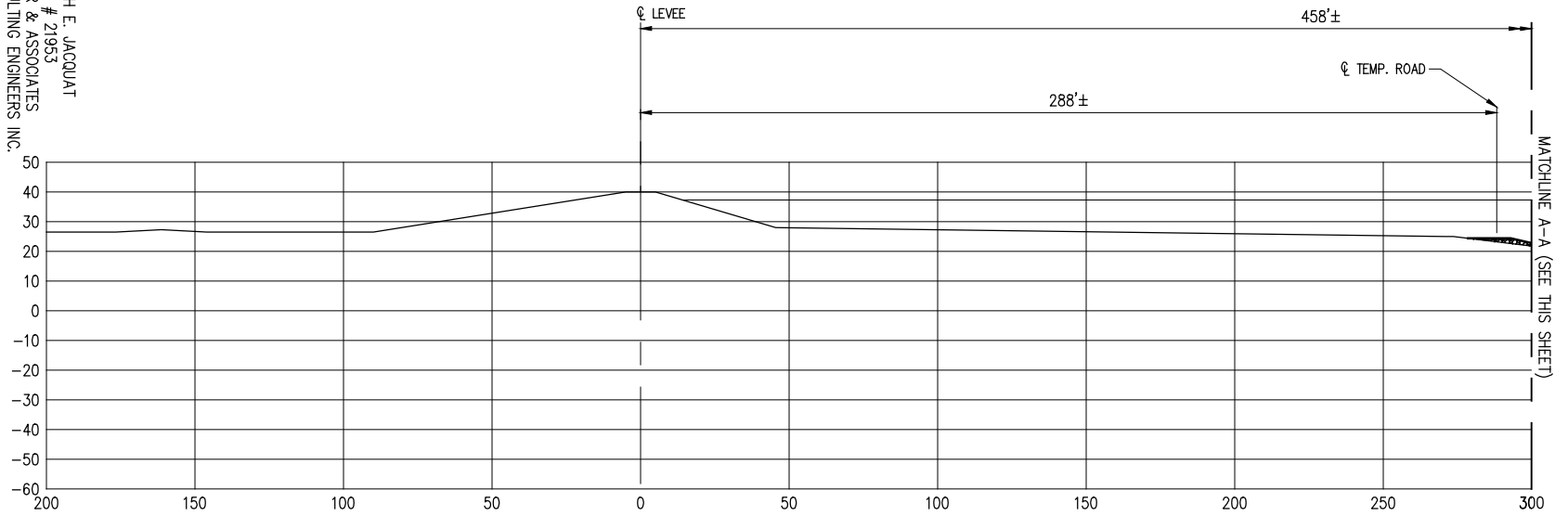
9238-P4



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 LA PE # 21953
 LANIER & ASSOCIATES
 CONSULTING ENGINEERS INC.



SECTION AT STA. 2023+76(±)

SCALE: 1" = 60'

B
P3

IBERVILLE PARISH

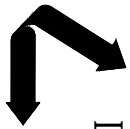
BEAR INDUSTRIES

LOUISIANA

MODIFICATIONS TO EXISTING FACILITY
 MISSISSIPPI RIVER MILE 189
SECTION AT STA. 2023+76(±)

9238-P5

DATE JULY 2019
 DESIGN CLO
 DRAWN SJA
 CHECK NPL
 CONTRACT 9238
 SHEET No. **5** OF **16**



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IBERVILLE PARISH

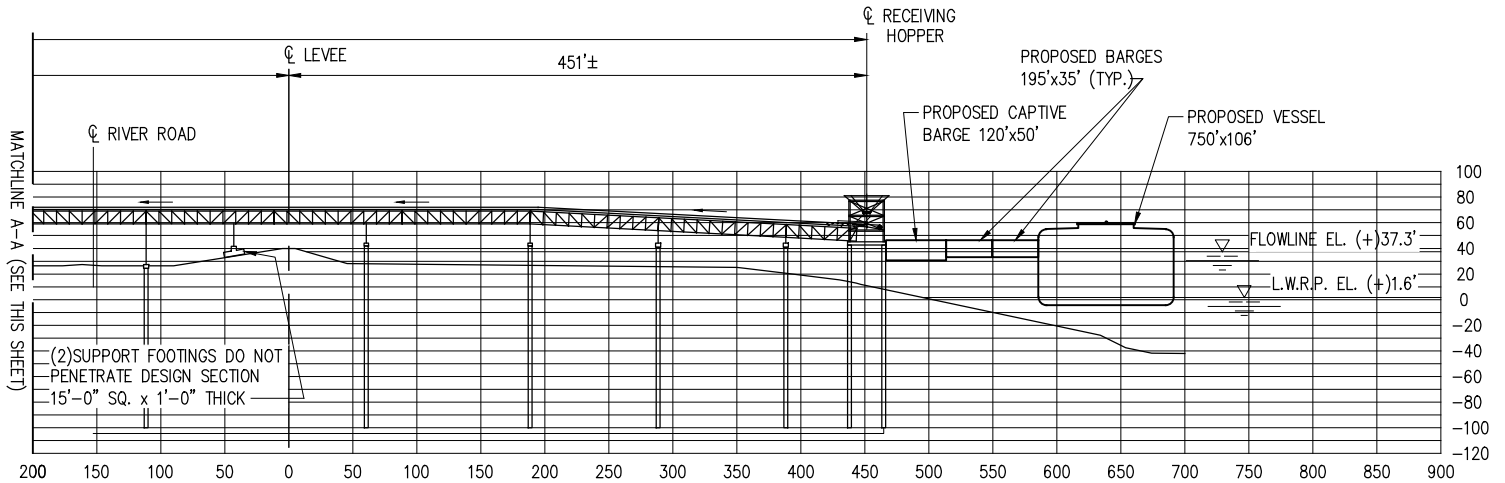
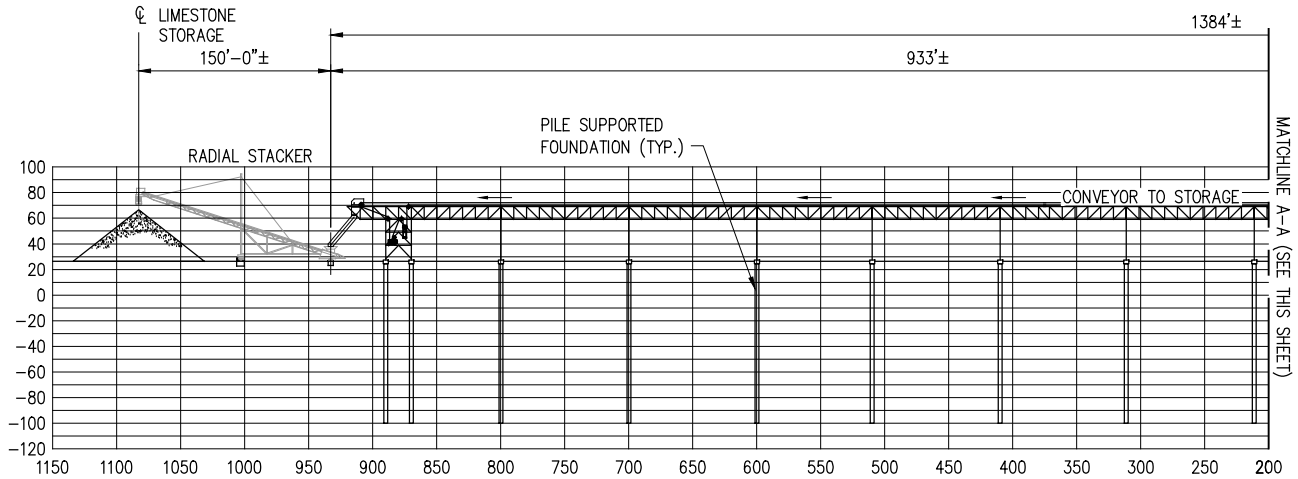
BEAR INDUSTRIES

LOUISIANA

MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
SECTION

DATE: JULY 2019
DESIGN: CLO
DRAWN: SJA
CHECK: NPL
CONTRACT: 9238
SHEET No. **6** OF **16**

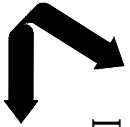
9238-P6



SECTION

SCALE: 1" = 150'

A
P3



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IBERVILLE PARISH

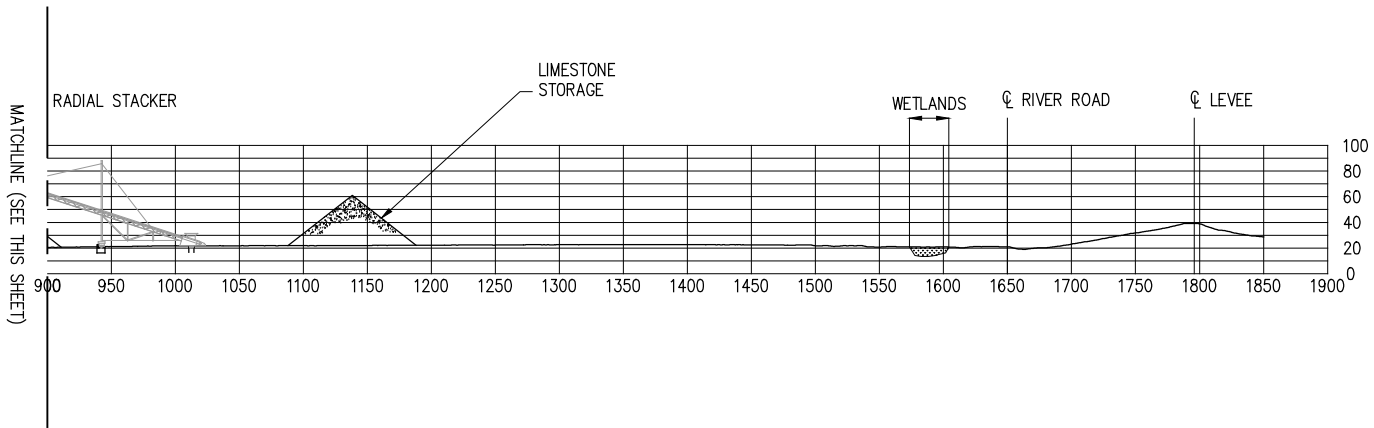
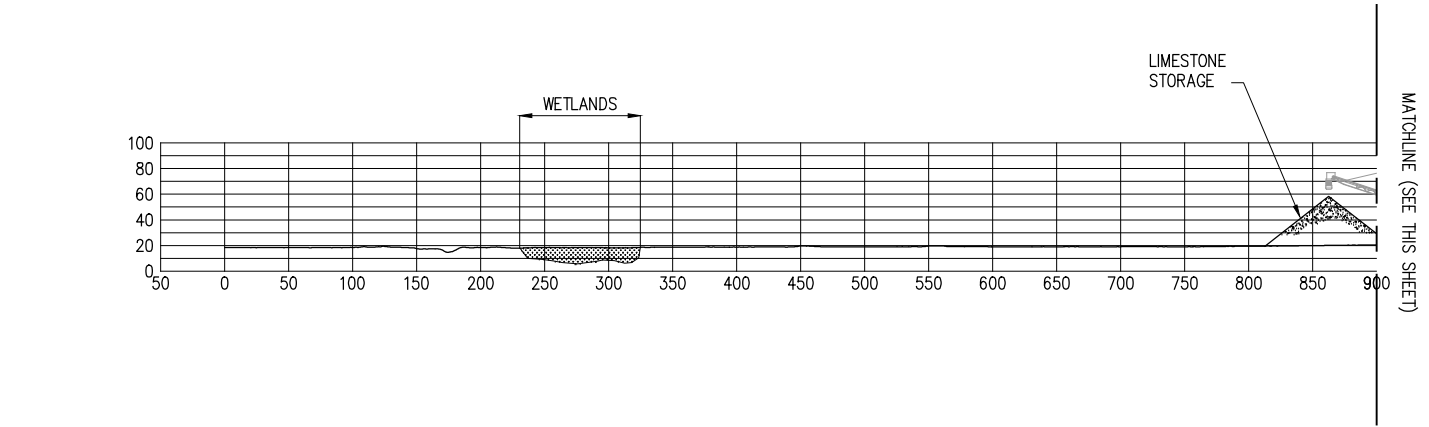
BEAR INDUSTRIES

LOUISIANA

MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
SECTION

DATE JULY 2019
DESIGN CLO
DRAWN SJA
CHECK NPL
CONTRACT 9238
SHEET No. **7** OF **16**

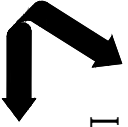
9238-P6



SECTION

SCALE: 1" = 150'

C
P3

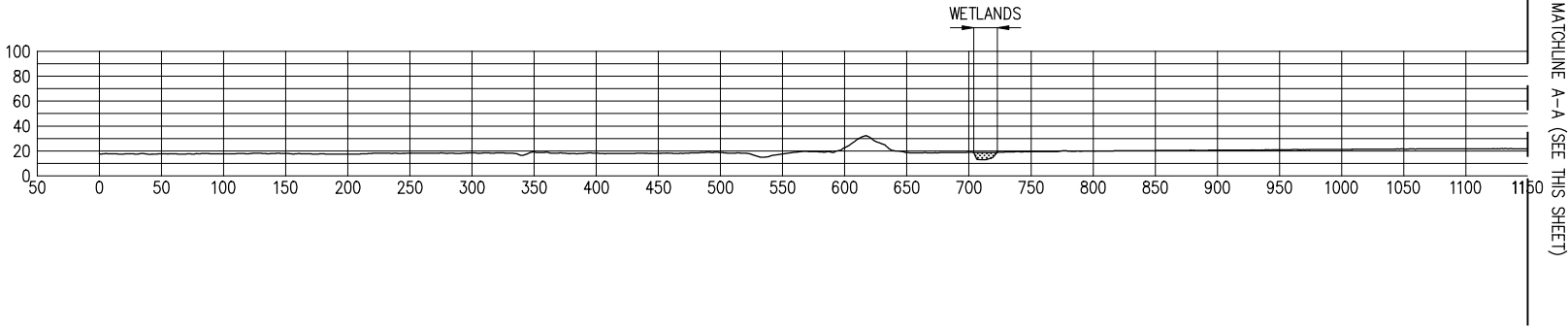


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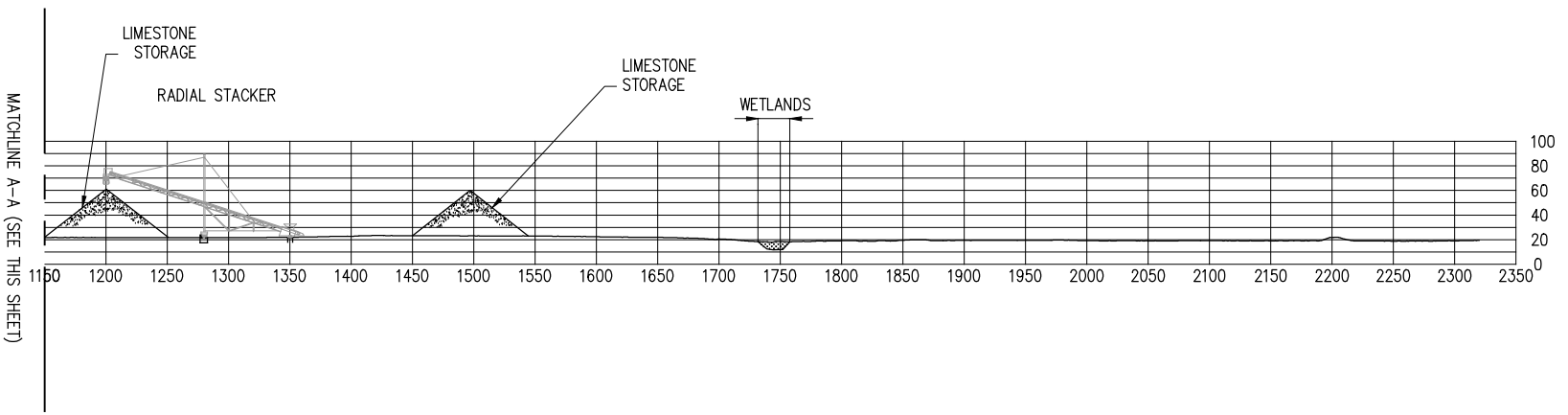
LA: G-1120 NEW ORLEANS, LA
TX: F-2981 BEAUMONT, TX

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LA PE # 21953
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MATCHLINE A-A (SEE THIS SHEET)



MATCHLINE A-A (SEE THIS SHEET)

SECTION

SCALE: 1" = 150'



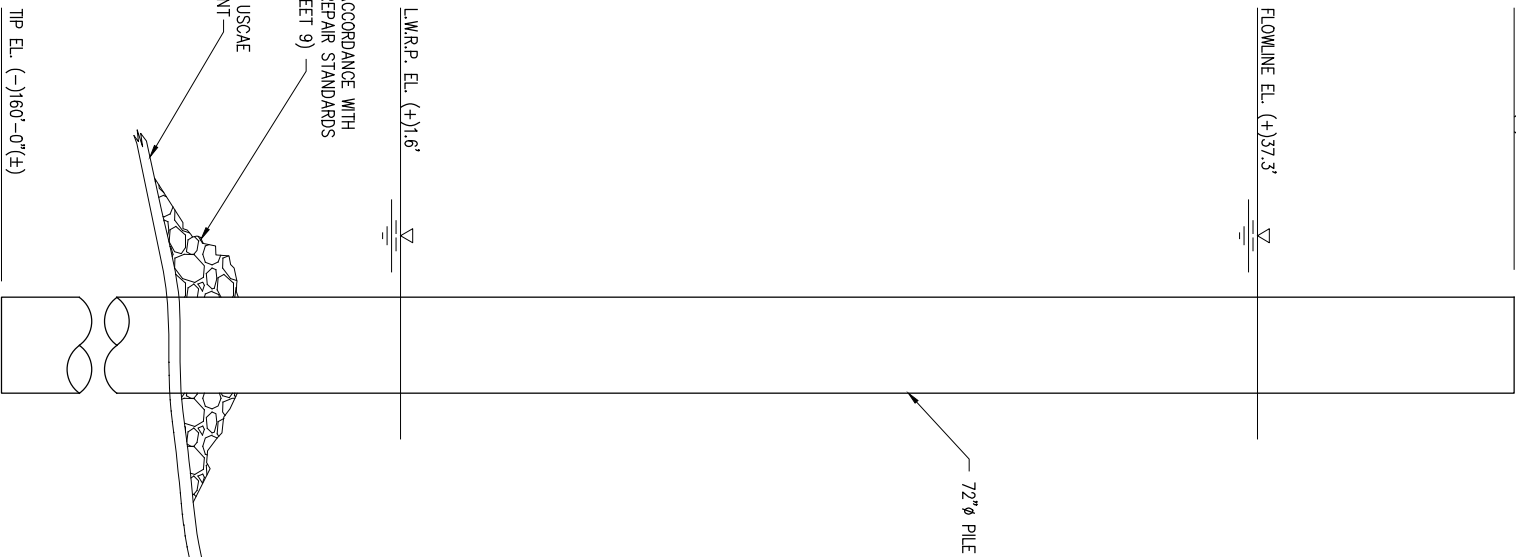
IBERVILLE PARISH BEAR INDUSTRIES **LOUISIANA**
MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
SECTION

DATE JULY 2019
DESIGN CLO
DRAWN SJA
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CONTRACT 9238
SHEET No. **8** OF **16**

9238-P8

T.O. PILE EL. (+)48'-0"

FLOWLINE EL. (+)37.3'



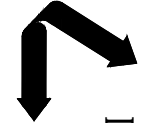
CAPTURE PILE DETAIL

SCALE: 1/8" = 1'-0"

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 LA PE # 21953
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9238-P7

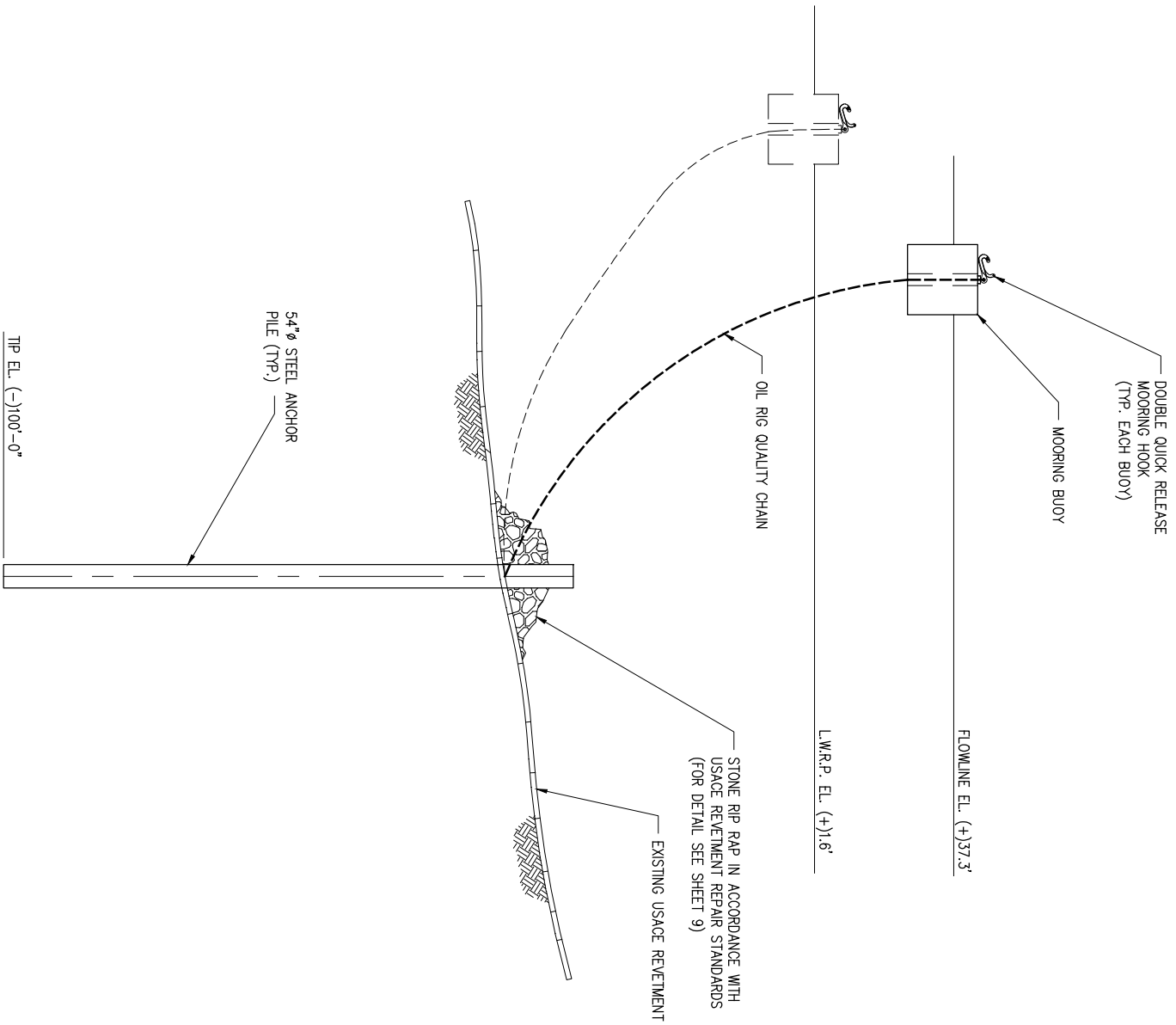


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BERNILLE PARISH BEAR INDUSTRIES LOUISIANA

MODIFICATIONS TO EXISTING FACILITY
 MISSISSIPPI RIVER MILE 189
 CAPTURE PILE DETAIL

DATE JULY 2019
 DESIGN CLO
 DRAWN SJA
 CHECK NPL
 CONTRACT 9238
 SHEET No. **9** OF **16**



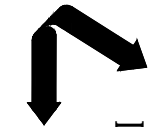
JOSEPH E. JACQUAT
 LA PE # 21953
 LANIER & ASSOCIATES
 CONSULTING ENGINEERS, INC.

BUOY MOORING DETAIL

SCALE: N.T.S.

PRELIMINARY - FOR PERMIT PURPOSES ONLY

9238-P8



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 LA-C-1120 F-2981
 NEW ORLEANS, LA • BEAUMONT, TX

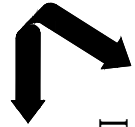
IBERVILLE PARISH

BEAR INDUSTRIES

LOUISIANA

MODIFICATIONS TO EXISTING FACILITY
 MISSISSIPPI RIVER MILE 189
 BUOY MOORING DETAILS

DATE	JULY 2019
DESIGN	CLO
DRAWN	SJA
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CONTRACT	9238
SHEET No.	10 OF 16



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 INCORPORATED
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JOSEPH E. JACQUAT
 LA PE # 21963
 LANIER & ASSOCIATES
 CONSULTING ENGINEERS INC.

PRELIMINARY - FOR PERMIT PURPOSES ONLY

CITY

COMPANY

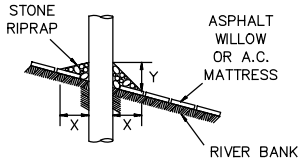
STATE

MODIFICATIONS TO EXISTING FACILITY
 MISSISSIPPI RIVER MILE 189
 REVETMENT REPAIR

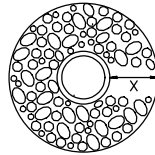
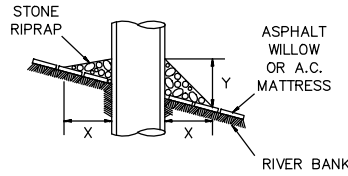
9238-P9

DATE: JULY 2019
 DESIGN: CLO
 DRAWN: TAC
 CHECK: NPL
 CONTRACT: 9238
 SHEET No. **11** OF **16**

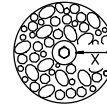
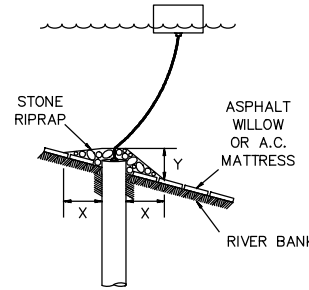
PILE



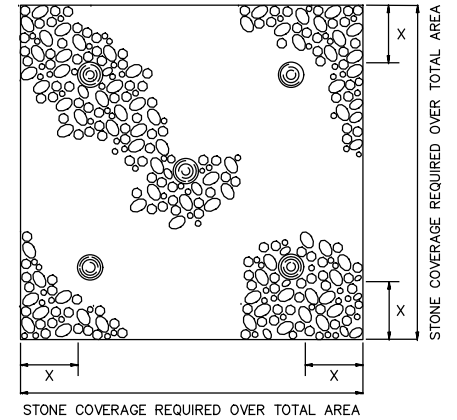
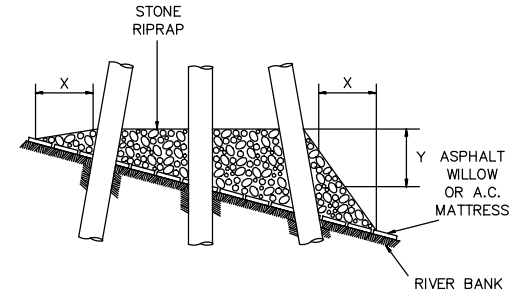
CAISSON



SPUD PILE (BUOY AND ANCHOR CHAIN)



PILE CLUSTER



DEPTH OF WATER IN FEET AT POINT OF PENETRATION AT TIME OF STONE PLACEMENT	DIMENSIONS IN FEET FOR PROTECTION AREA REQUIRED							
	PILE		CAISSON		SPUD PILE (BUOY AND ANCHOR CHAIN)		PILE CLUSTER	
	X	Y	X	Y	X	Y	X	Y
1' - 10'	3	1.5	5	2			3	1
11' - 40'	5	2	8	3	7	3	6	2
41' - 60'	8	3	12	4	12	4	10	3

NOTES:

1. SIZE OF RIPRAP TO VARY BETWEEN 6 POUNDS AND 125 POUNDS WITH 40 PERCENT TO 60 PERCENT OF THE STONE WITHIN THE RANGE OF 25 POUNDS TO 75 POUNDS.
2. WHEN PENETRATING THE UPPER BANK PAVING IN A REVETMENT AREA WITH PILES, CAISSONS AND/OR PILE CLUSTERS, A 10 INCH THICK RIPRAP STONE LAYER SHALL BE PLACED OVER ALL AREAS WHERE THE BANK PAVING IS DISTURBED BY DRIVING OPERATIONS.
3. WHEN USING AN ANCHOR CHAIN AND BUOY SYSTEM, THE ANCHOR CHAIN MUST BE ATTACHED AT THE TOP OF THE PILE TO MINIMIZE REVETMENT DAMAGE.



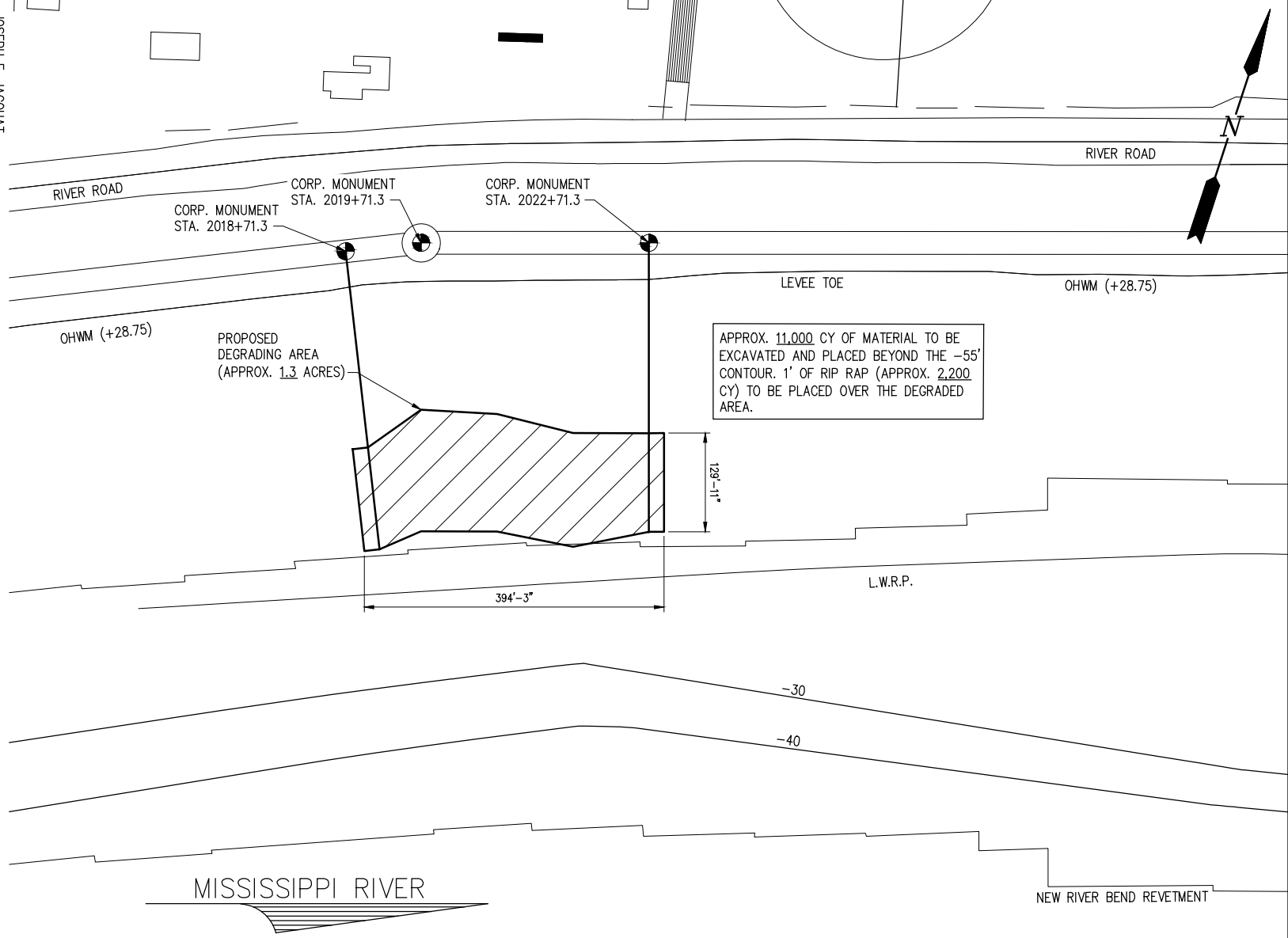
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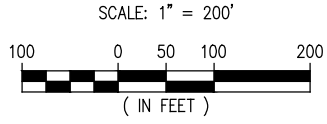
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IBERVILLE PARISH BEAR INDUSTRIES **LOUISIANA**
MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
PROPOSED BATTURE DEGRADING PLAN

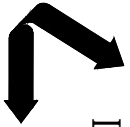
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DRAWN TAC
CHECK NPL
CONTRACT 9238
SHEET No. **12** OF **16**



PROPOSED BATTURE DEGRADING PLAN



9238-P10



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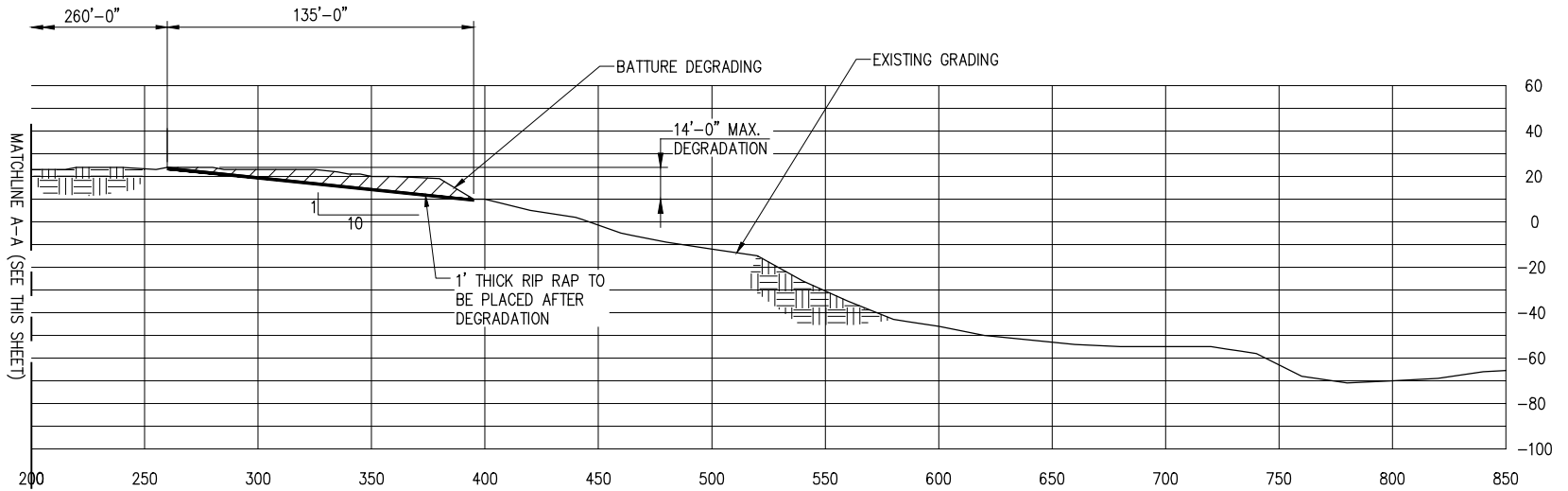
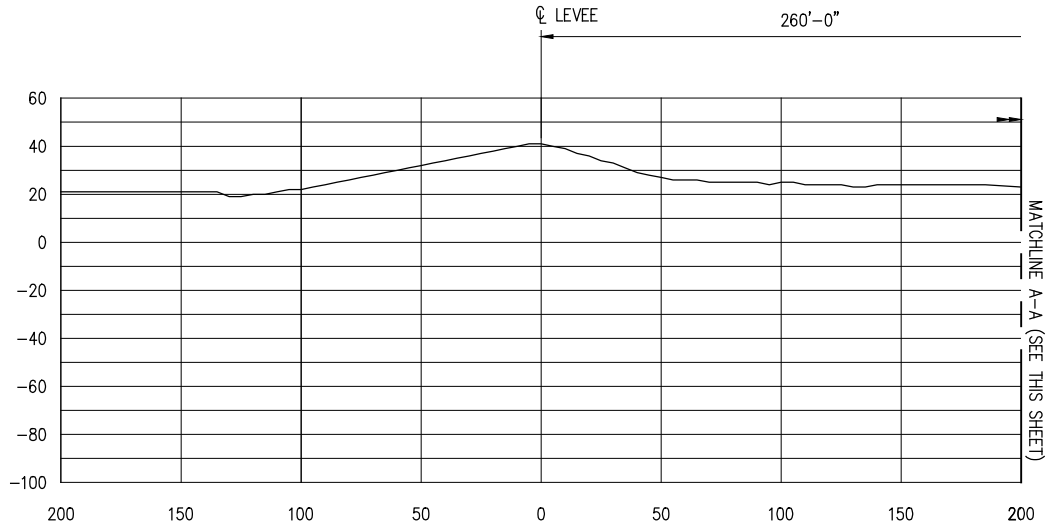
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LOUISIANA

MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
SECTION AT STA. 2018+71

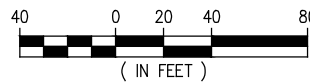
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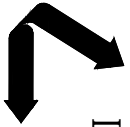
DATE JULY 2019
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SHEET No. **13** OF **16**



SECTION AT STA. 2018+71

SCALE: 1" = 80'





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IBERVILLE PARISH

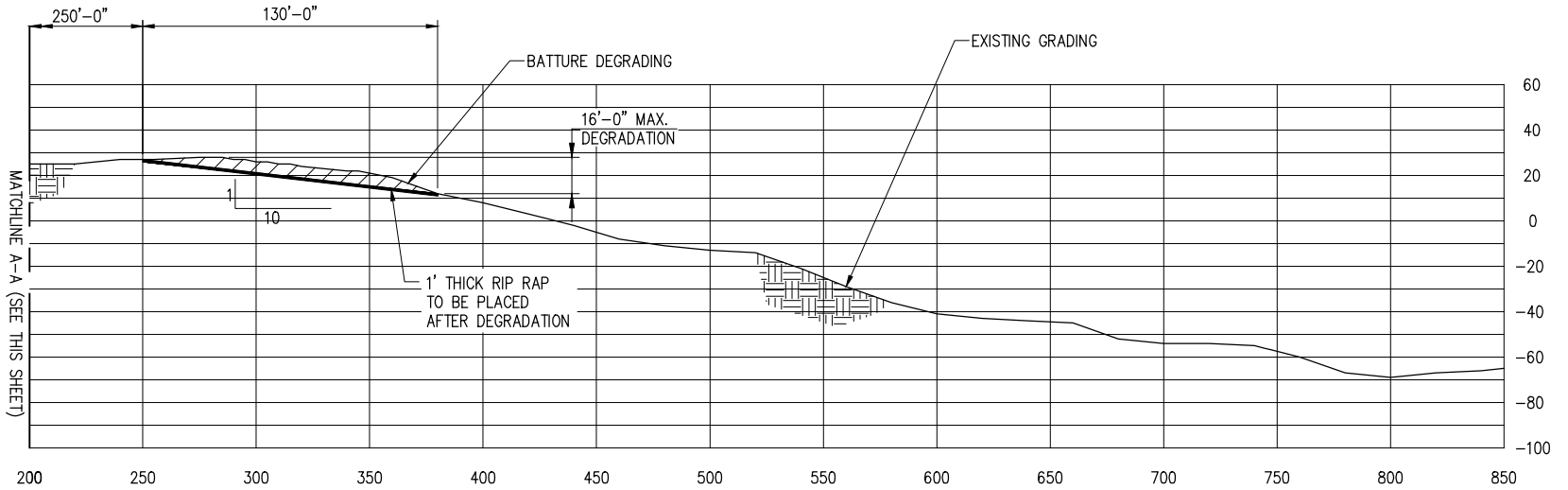
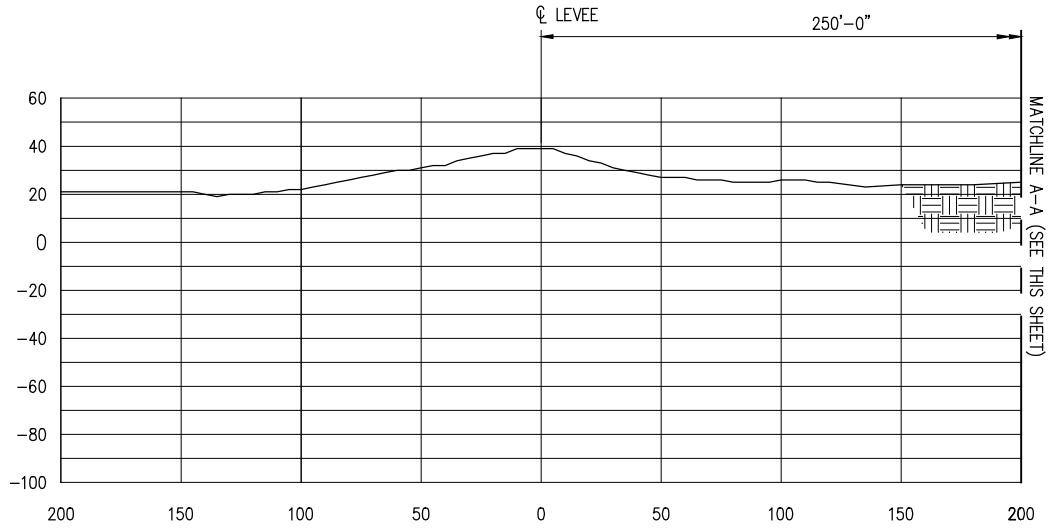
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LOUISIANA

MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
SECTION AT STA. 2022+71

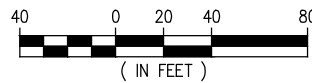
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CONTRACT 9238
SHEET No. **14** OF **16**

9238-P12

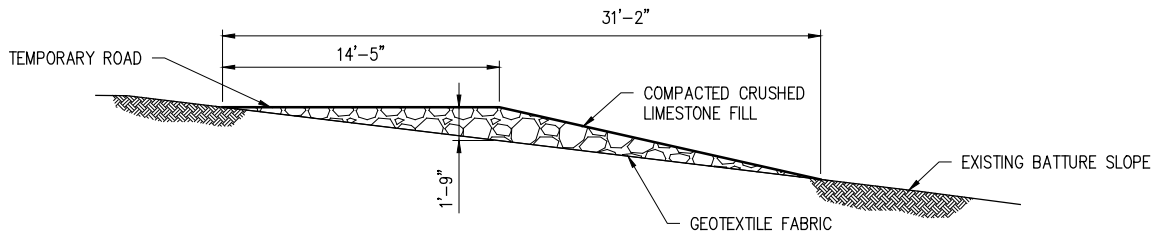


SECTION AT STA. 2022+71

SCALE: 1" = 80'



\\PRYTANIA\PROJECTS\9000S\9238 BEAR PERMITTING\DRAWINGS\18-03-19 - PERMIT\9238-P15.DWG



TEMPORARY ROAD CROSS-SECTION

SCALE: 1" = 10'

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9238-P13

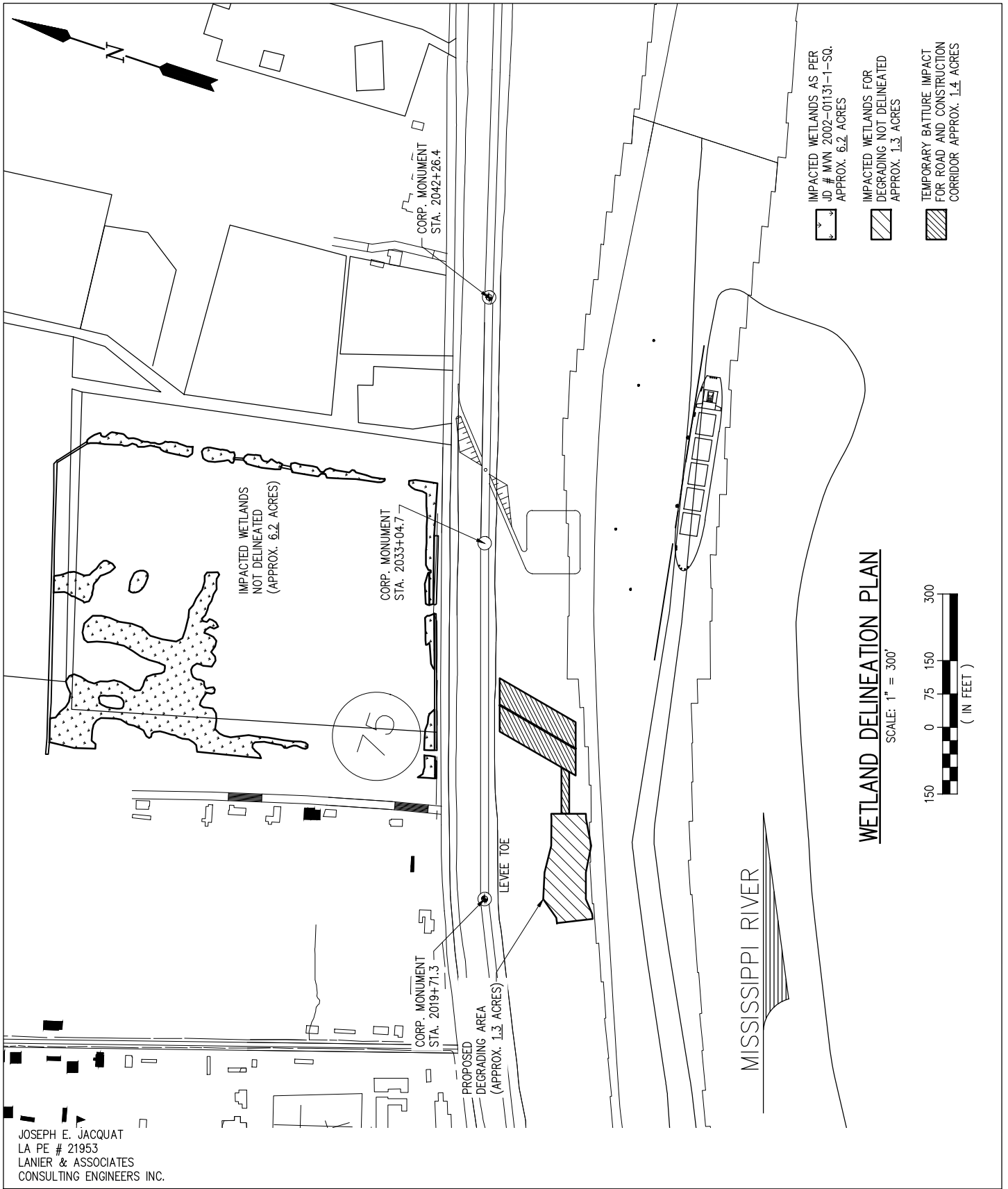
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 IBERVILLE PARISH LOUISIANA

MODIFICATIONS TO EXISTING FACILITY
 MISSISSIPPI RIVER MILE 189
 TEMPORARY ROAD CROSS-SECTION

DATE	FEB 2019
DESIGN	CLO
DRAWN	JDM
CHECK	NPL
CONTRACT	9238
SHEET No.	
15	OF 16

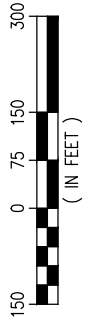
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-  IMPACTED WETLANDS AS PER JD # MWN 2002-01131-1-SQ. APPROX. 6.2 ACRES
-  IMPACTED WETLANDS FOR DEGRADING NOT DELINEATED APPROX. 1.3 ACRES
-  TEMPORARY BATTLE IMPACT FOR ROAD AND CONSTRUCTION CORRIDOR APPROX. 1.4 ACRES

WETLAND DELINEATION PLAN

SCALE: 1" = 300'



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MODIFICATIONS TO EXISTING FACILITY
MISSISSIPPI RIVER MILE 189
WETLAND DELINEATION PLAN

DATE	JULY 2019
DESIGN	CLO
DRAWN	SJA
CHECK	NPL
CONTRACT	9238
SHEET No.	
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