



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

PUBLIC NOTICE

August 8, 2022

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

Permit Application Number:
MVN-2007-2928-EPP
Project Manager:
Stephanie Castaing
504-862-1564
Stephanie.L.Castaing@usace.army.mil

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).

MODIFICATION/TIME EXTENSION FOR MAINTENANCE DREDGING AND STOCKPILING WITHIN/ALONG THE MISSISSIPPI RIVER IN ST. BERNARD PARISH.

NAME OF APPLICANT: Beverly Industries, Inc., c/o Carubba Engineering, Inc.,
Attention: Fara Pherigo, 3400 Hessmer Avenue, Metairie, Louisiana 70002.

LOCATION OF WORK: Located on the left descending bank of the Mississippi River, at about 87.0 miles above Head of Passes, at Emilie Oaks Street, in Meraux, Louisiana, in St. Bernard Parish, as shown on the attached drawings.

POB: Latitude: 29.9255 Longitude: -89.9405

Hydrologic Unit Codes: 08090100, Lower Mississippi-New Orleans

CHARACTER OF WORK: Dredge and stockpile sand within existing sandpit for commercial sales. Approximately 40.0 acres will be directly impacted by the proposed dredging and stockpiling. Project implementation would require the excavation/deposition of 505,875 cubic yards of native material. The applicant has stated that no new jurisdictional wetlands shall be impacted; therefore, compensatory mitigation has not been proposed.

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 Corps of Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGE, Stephanie Castaing.**

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 has determined that additional information is required for NHPA compliance review. 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 activity is not likely to adversely affect the West Indian Manatee and the Pallid Sturgeon, based on the Information & Planning Consultation for Endangered Species in Louisiana (IPaC), dated January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office.

Our initial finding is that the proposed work is Not Likely to Adversely Affect any species listed as endangered by the U.S. Departments of Commerce, nor affect any habitat designated as critical to the survival and recovery of such species.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal is not expected to result in the destruction or alteration of EFH utilized by various life stages of red drum and penaeid shrimp. Our initial determination is that the proposed action would have no 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.

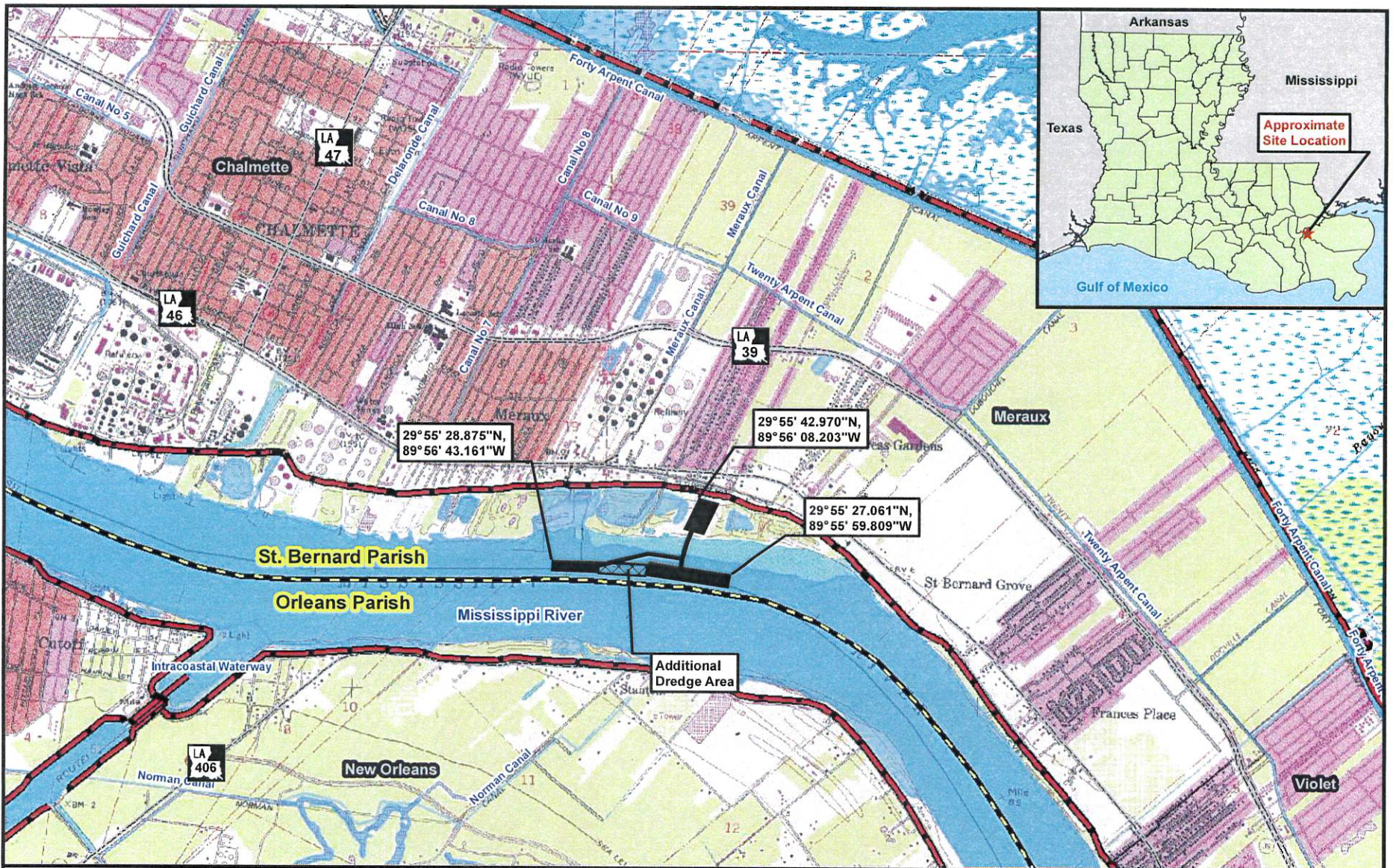
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver of the Coastal Use Permit by the Department of Natural Resources.

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.

Michael V. Farabee
Chief, Eastern Evaluation Branch

Enclosure



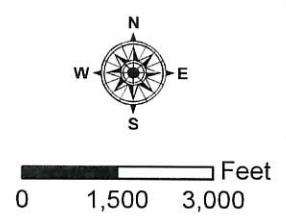

ELOS
environmental
<http://elosenv.com/>
43177 East Pleasant Ridge Road
Hammond, Louisiana 70403
P. 985-662-5501, F. 985-662-5504

Figure 1: TopoVicinity Map

Beverly Industries Dredge and Stockpile

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.

- Legend:**
-  Additional Dredge Area
 -  Existing Site Outline
 -  Levee
 -  Parish Boundary
 -  Highway
 -  Stream/River
 -  Waterbody
 -  City/Town



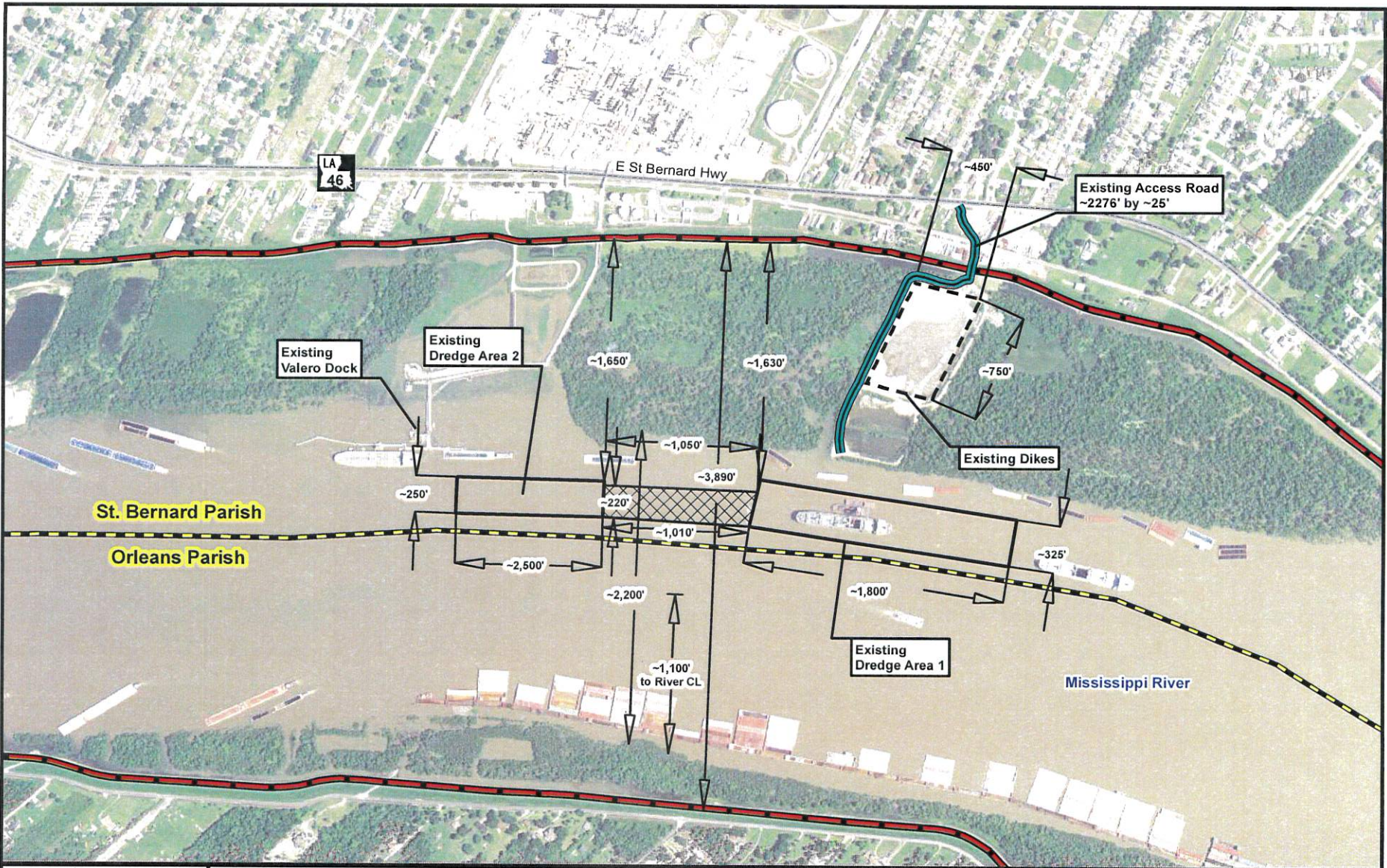


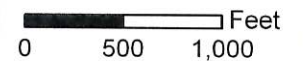
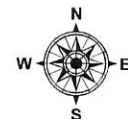
Figure 2: Existing Conditions

Beverly Industries Dredge and Stockpile

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.

Legend:

- Additional Dredge Area
- Levee
- Existing Dredge Area
- Existing Stockpile Area
- Existing Access Road
- Parish Boundary
- Highway




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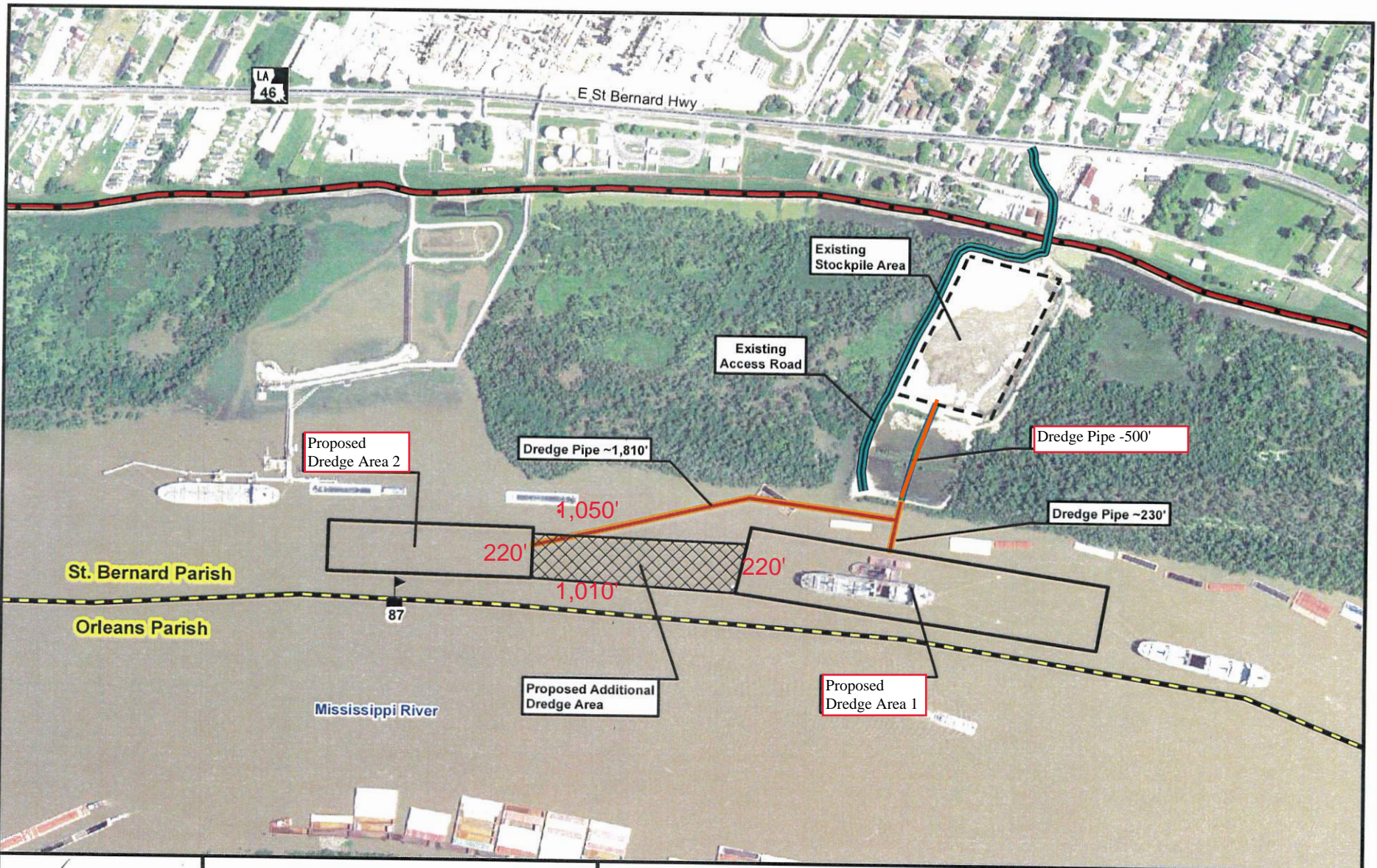


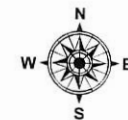
Figure 3: Plan View

Beverly Industries Dredge and Stockpile

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.

Legend:

- Mile Marker
- Additional Dredge Area
- Existing Dredge Area
- Existing Stockpile Area
- Dredge Pipe
- Hopper/Conveyor
- Existing Access Road
- Levee
- Parish Boundary
- Highway

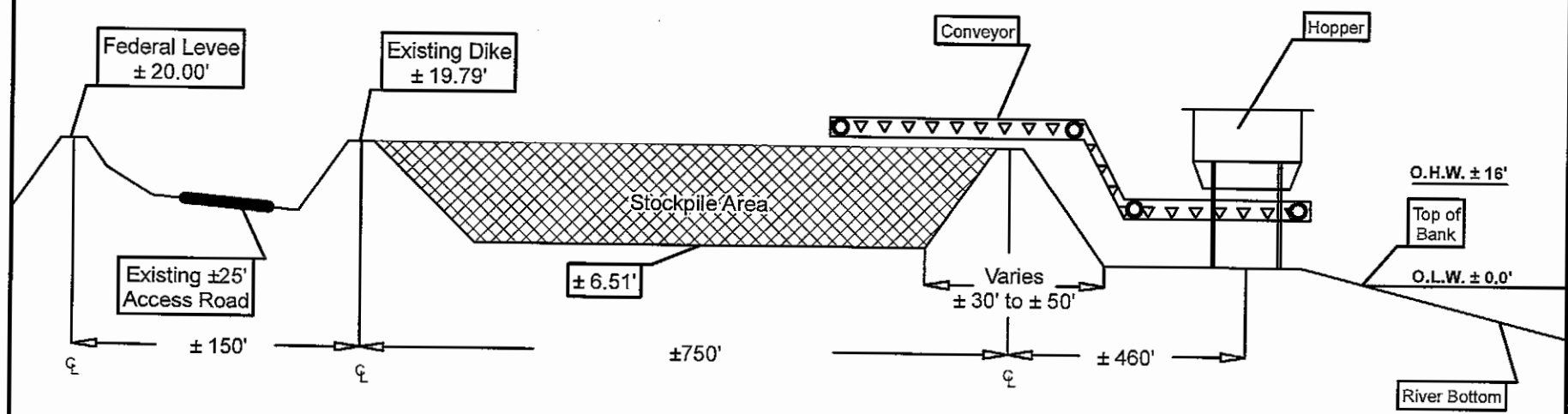


0 250 500 Feet

environmental
<http://elosenv.com/>
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 Hammond, Louisiana 70403
 P. 985-662-5501, F. 985-662-5504

Typical Stockpile

Scale = Not to Scale



Stockpile area shall be filled approximately three times over a two year timeframe for a total of +/- 505,875 cy.

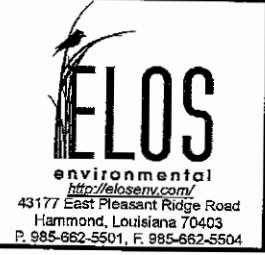


Figure 5: Typical Stockpile Cross Section

Beverly Industries Dredge and Stockpile

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- Legend:**
- Stockpile Area
 - Existing Access Road

Project Information

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.

Structures must be marked/lighted in accordance with U.S. Coast Guard regulations.

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.

The area where the project is located is part of the aboriginal homeland of the Chitimacha Tribe of La. As such, villages, burial sites and sacred sites were in place in that entire area. If during the course of the work any cultural properties are discovered, Permittee shall immediately contact Kimberly Walden or Melanie Aymond at 1(337)923-9923 or 1(337)923-4395.

The applicant still maintains a valid USACE, Regulatory permit (MVN-2007-2928-EPP and SE (Mississippi River) 1290) and DEQ Water Quality Certification (WQC-070904-11/AI-155856/CER-20110001) for the project. The applicant is seeking a new time extension on the Regulatory permit and DEQ WQC.

In addition to the current Regulatory permit and DEQ Water Quality Certification, the project was previously authorized by a NDSI (P20101564) from the DNR, Office of Coastal Management; a Letter of Permission (LEBLD LOP-0811-03-08-30-11) from the Lake Borgne Basin Levee District; a Letter of No Objection (LONO Number 11-182) from USACE, Completed Works; and a Letter of No Objection (dated: July 19, 2011) from LADOTD District Design, Water Resources and Development Section.

Applicant has maintained dredging activities at this site since initial project creation, under valid authorizations. The most recent dredge activity was in late 2015, approximately from 9/12/15 to 10/14/15, and the material excavated was estimated at ± 112,188 cubic yards.



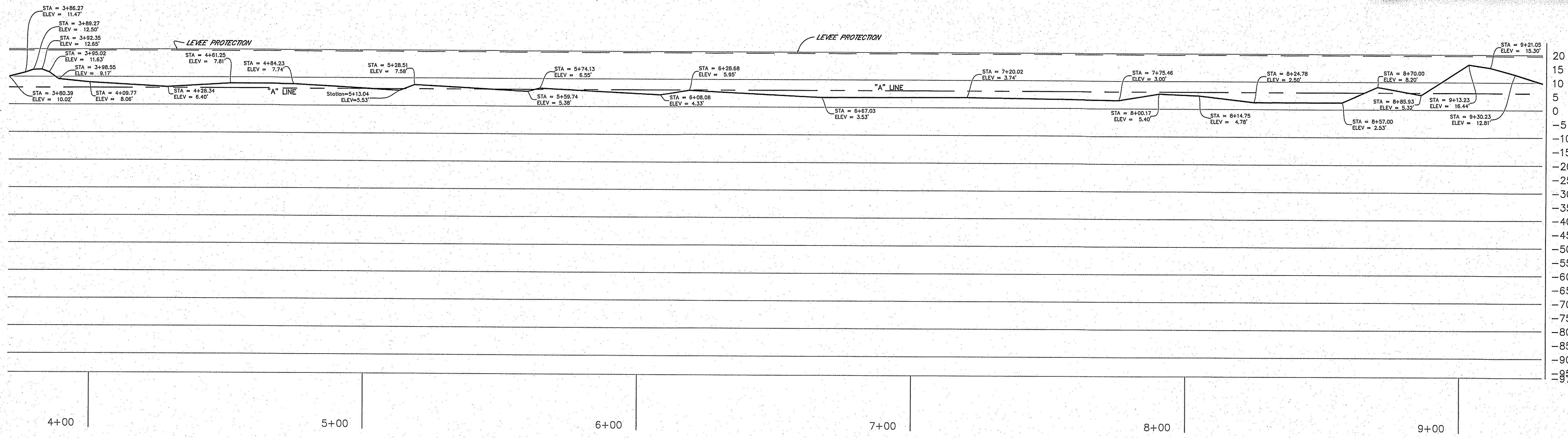
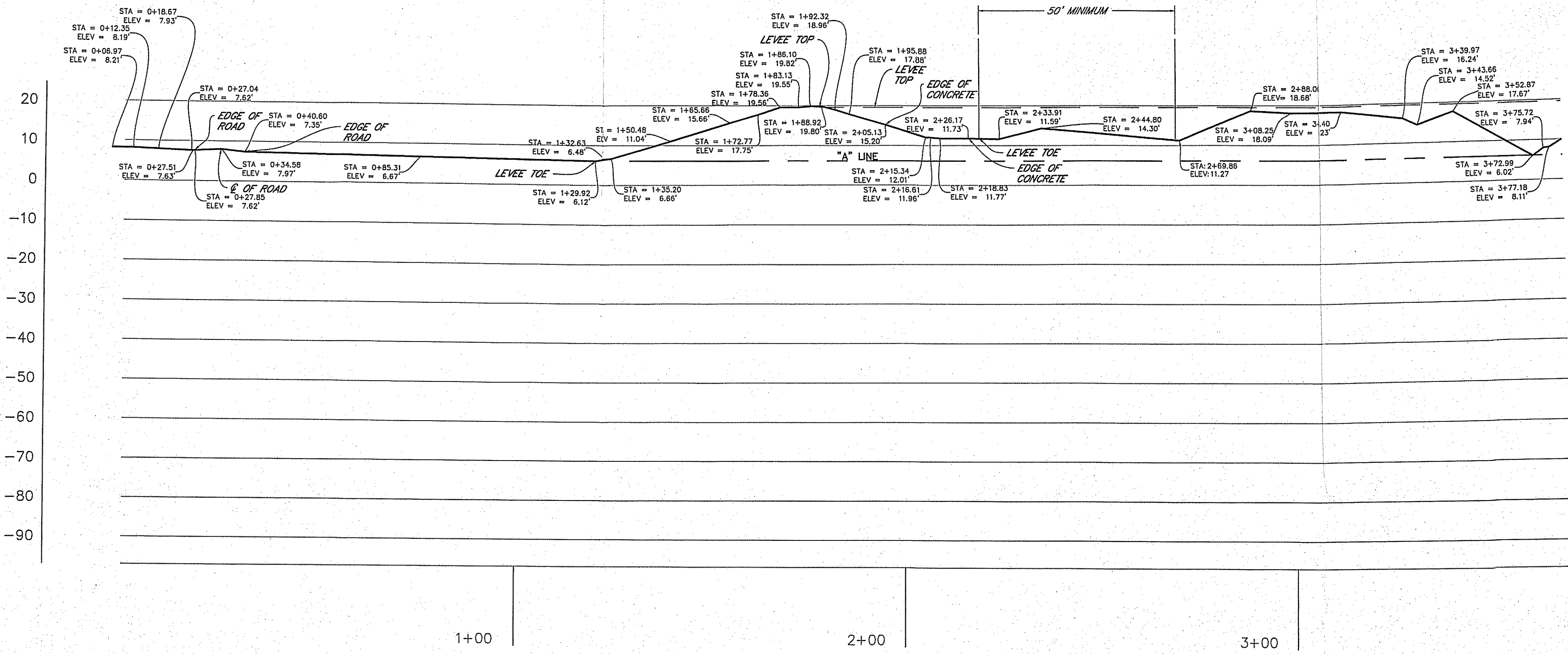
<http://www.eleosenv.com/>
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P. 985-862-5501 F. 985-862-5504

Figure 6: Project Information

Beverly Industries Dredge and Stockpile

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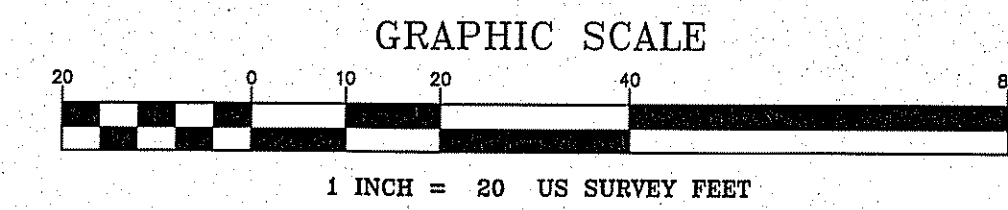
P:\9557 Meroux Sandpit At River Mile 86.5\DWG\9557.dwg



VERTICAL DATUM BASIS

ELEVATIONS SHOWN ON THIS SURVEY ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) UTILIZING GEOID 12B. THEY ARE DERIVED FROM GPS OBSERVATIONS REFERENCED TO THE LOUISIANA STATE UNIVERSITY CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS) NETWORK IN ACCORDANCE WITH LOUISIANA R.S. 50:173.1 COVERING VERTICAL CONTROL STANDARDS.

MISSISSIPPI RIVER LEVEE STA. 286+67
 MERAUX SANDPIT AT RIVER MILE 86.5
 (LOOKING DOWN RIVER)



BO
 RALPH P. FONTOUTBERA, JR.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 REGISTRATION NO. 4329

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 534 Williams Road, Metairie, Louisiana 70002
 (504) 885-8800 Fax (504) 467-0065
 www.bcmcorporation.com - info@bcmcorporation.com

**LEVEE CROSS SECTION AT
 MISSISSIPPI RIVER STA: 286+67,
 AT RIVER MILE 86.5,
 CITY OF MERAUX, PARISH OF ST. BERNARD,
 LOUISIANA**

I certify that this plan represents an actual record of a survey made by me or under my direction, and it does not conform to the requirements for the Minimum Standards for Property Boundary Surveys as found in Louisiana Administrative Code Title 46: I, Chapter 23 for a Class "C" survey.

TREPAGNIER LAW FIRM

REV.	DATE	BY	CHK'D	DESCRIPTION
3	09/21/17	JPT	SLB	REVISED PROFILES TO REFLECT UPDATED ELEVATIONS
2	07/10/17	SLB	THG	REVISED PROFILES PER ENGINEER'S COMMENTS
1	05/04/17	JPT	SLB	UPDATED ELEVATIONS
REV.				REVISION RECORD

SCALE:
 H: 1" = 20'
 V: 1" = 20'

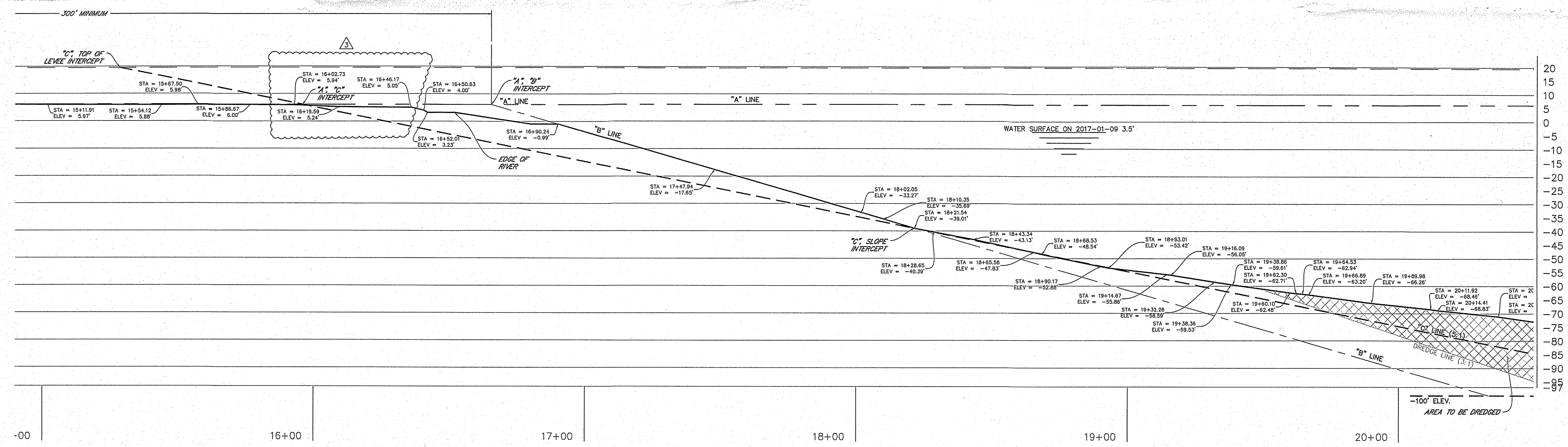
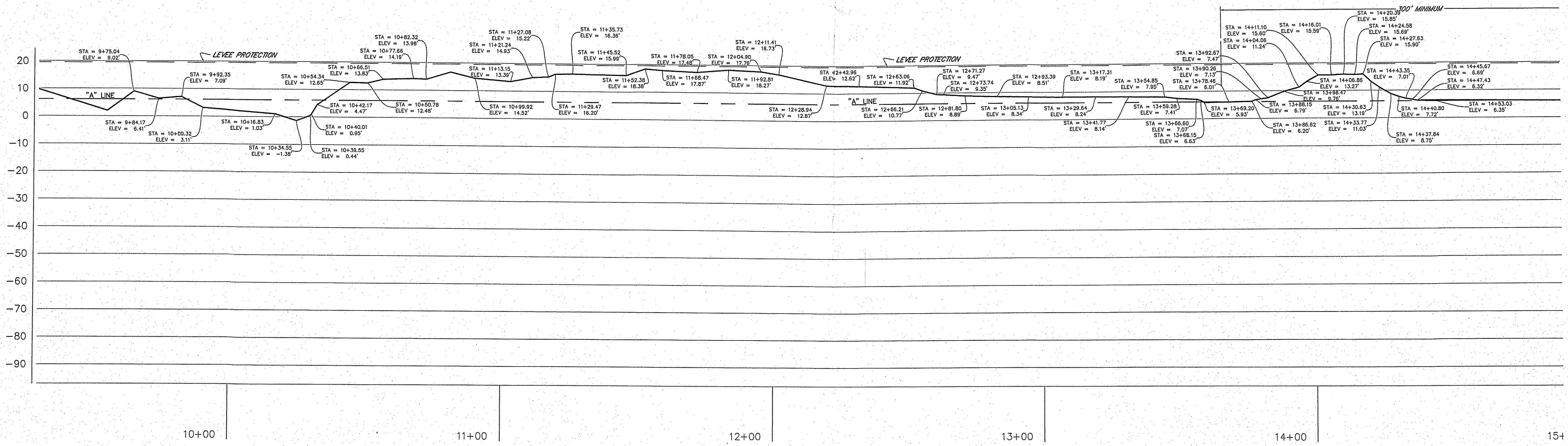
ORIGINAL ISSUE DATE: APRIL 24, 2017

DRAWN: JPT CHECKED: SLB

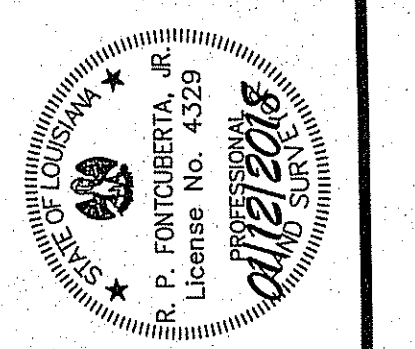
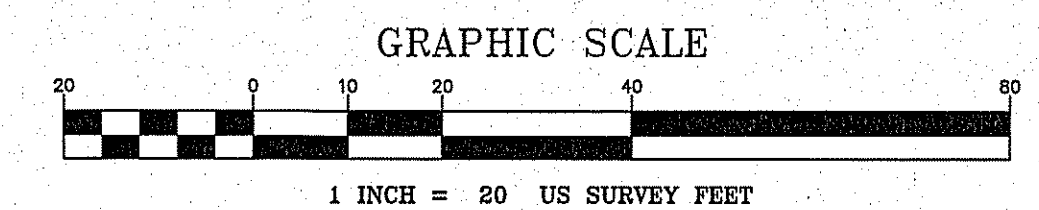
FILE No. 9557 PROJECT No. 9557

V-101

SHEET 1 OF 2



MISSISSIPPI RIVER LEVEE STA. 286+67
 MERAUX SANDPIT AT RIVER MILE 86.5
 (LOOKING DOWN RIVER)



P. Fontauberta, Jr.
 REGISTERED PROFESSIONAL LAND SURVEYOR
 RALPH P. FONTAUBERTA, JR.
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 www.bimcorporation.com - info@bimcorporation.com

LEVEE CROSS SECTION AT
 MISSISSIPPI RIVER STA: 286+67,
 AT RIVER MILE 86.5,
 CITY OF MERAUX, PARISH OF ST. BERNARD,
 LOUISIANA

I certify that this plot represents an actual ground survey made by me or under my direction, and it does not conform to the requirements for the minimum standards for property boundary surveys as set forth in Louisiana Administrative Code Title 10, Part 25, Chapter 25, Part 2, Subpart 2, Article 25.

REV.	DATE	BY	CHK'D	DESCRIPTION
3	09/21/17	JPT	SLB	REVISED PROFILES TO REFLECT UPDATED ELEVATIONS
2	07/10/17	JPT	SLB	REVISED PROFILES PER ENGINEER'S COMMENTS
1	05/04/17	JPT	SLB	UPDATED ELEVATIONS
REV.				REVISION RECORD

SCALE:	H: 1" = 20'
	V: 1" = 20'
ORIGINAL ISSUE DATE:	APRIL 24, 2017
DRAWN:	JPT
CHECKED:	SLB
FILE No.:	9557
PROJECT No.:	9557
V-102	
SHEET	2 OF 2

P:\9557 Meraux Sandpit At River Mile 86.5 (DWG)\9557.dwg

PROPERTY LINES SHOWN HEREON ARE FOR GRAPHICAL PURPOSES, AND DOES NOT REPRESENT A BOUNDARY SURVEY BY THIS OFFICE