

# JOINT PUBLIC NOTICE

October 15, 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  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(504) 862-1301  
Project Manager  
Neil T. Gauthier  
[Neil.T.Gauthier@usace.army.mil](mailto:Neil.T.Gauthier@usace.army.mil)  
MVN 2009-00624-CM

(225) 219-3225  
Project Manager  
Elizabeth Hill  
WQC Application Number  
WQC 181005-02

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: [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 LRS 30:2074 A(3) and provisions of Section 401 of the Clean Water Act.

## **BARGE FLEET EXPANSION IN THE MISSISSIPPI RIVER IN EAST BATON ROUGE PARISH**

**NAME OF APPLICANT:** ACBL Transportation Services, c/o Gulf South Engineering & Testing Inc. Attn: Chad Poche, 2201 Aberdeen Street, Suite B, Kenner, LA 70062.

**LOCATION OF WORK:** On the left descending bank of the Mississippi River at MP 237, above head of passes near Baton Rouge, Louisiana, in East Baton Rouge Parish, within the Lower Mississippi River Basin- Baton Rouge in hydrologic unit (HUC 08070100), as shown on the attached drawings.

**CHARACTER OF WORK:** The applicant has requested Department of the Army authorization to expand an existing barge fleet by installing 104 3-pile mooring structures and adding two additional barge widths resulting in a fleeting footprint of 10 barges wide at 52 barges long for the most northern fleet location while the southern fleet location will include the addition of two additional barge widths and two additional barge lengths resulting in a fleeting footprint of 7 barges long by 7 barges wide. Approximately 0.007 acre of water bottoms will be impacted by the placement of the mooring pilings.

A Preliminary analysis has determined that the proposed project would directly impact approximately 0.007 acre of jurisdictional water bottoms.

The applicant stated that they have designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent practicable. Any further reduction would limit the ability to fleet barges safely and, therefore deem the project impracticable. There are no wetland impacts associated with this project and mitigation will not be required.

The comment period for the Department of Army will close in **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**. Similar 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 during 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 US 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 US 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.

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 Interior. Utilizing Standard Local Operating Procedure for Endangered Species in Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers, New Orleans and U.S. Fish and Wildlife Service, Ecological Services Office, the Corps has determined that the proposed activity is not likely to adversely affect the Pallid Sturgeon base on the nature of the activity.

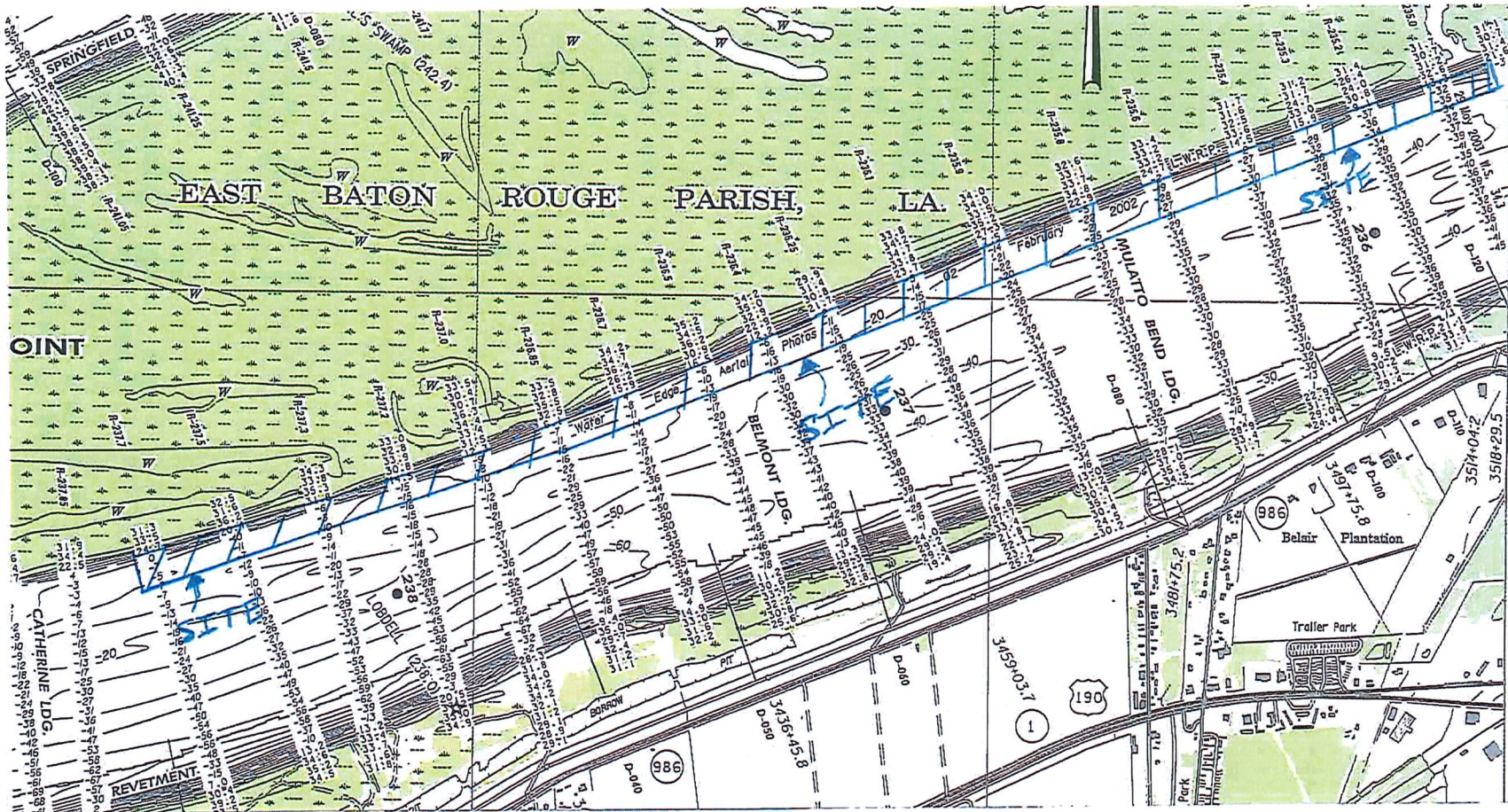
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of up to 0 acres of EFH utilized by various life stages of red drum and penaeid shrimp. 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 water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services before a permit is issued.

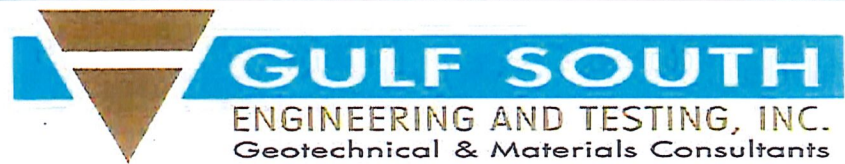
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

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.

JOHN M. HERMAN  
Chief, Central Evaluation Section  
Regulatory Branch



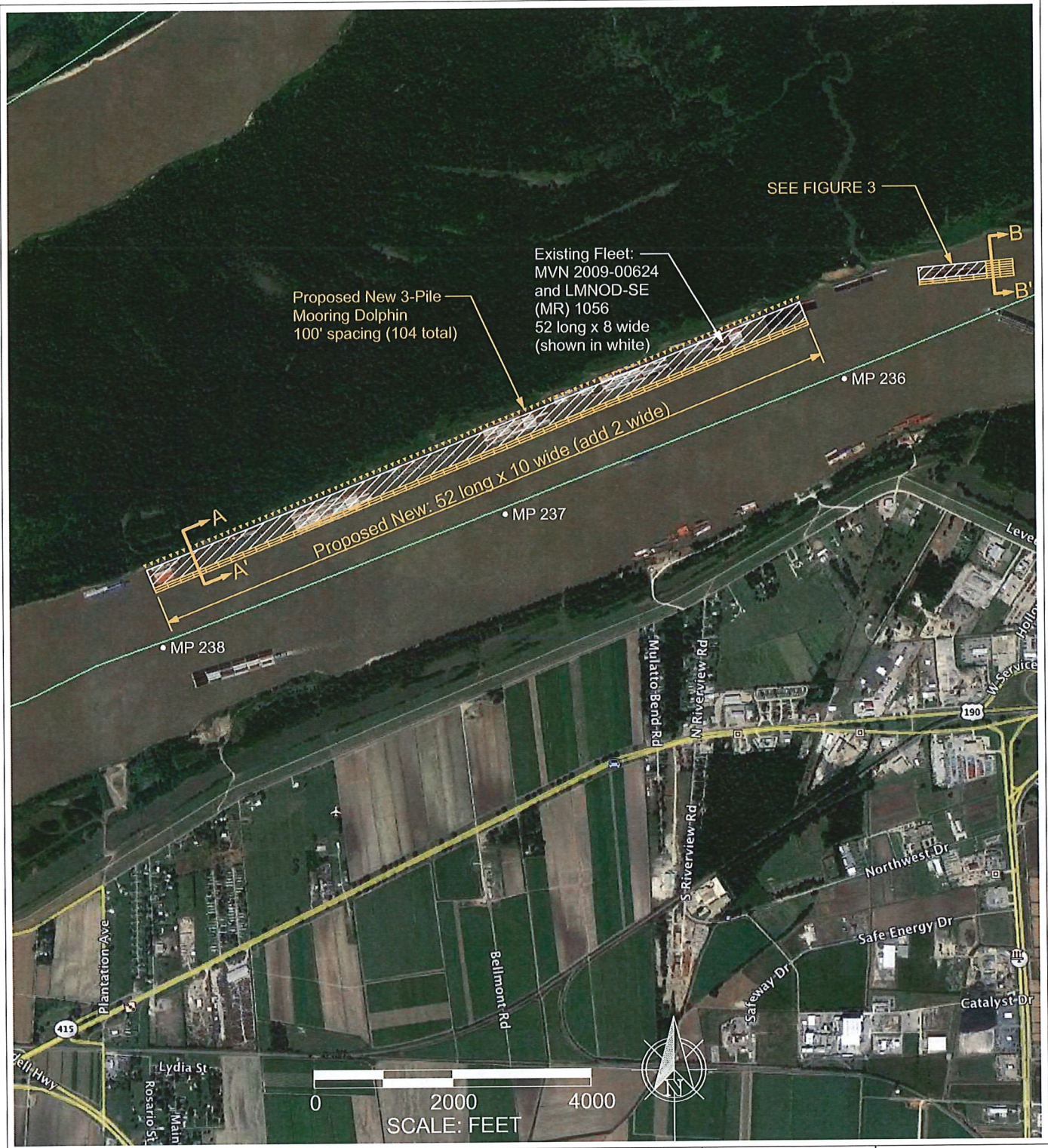
Gulf South File  
17-801



ACBL Transportation Services  
Fleet Expansion  
MP 237, MR, LDB  
Baton Rouge, LA

For  
ACBL Transportation  
Services  
New Orleans, LA

Vicinity Map  
Figure 1



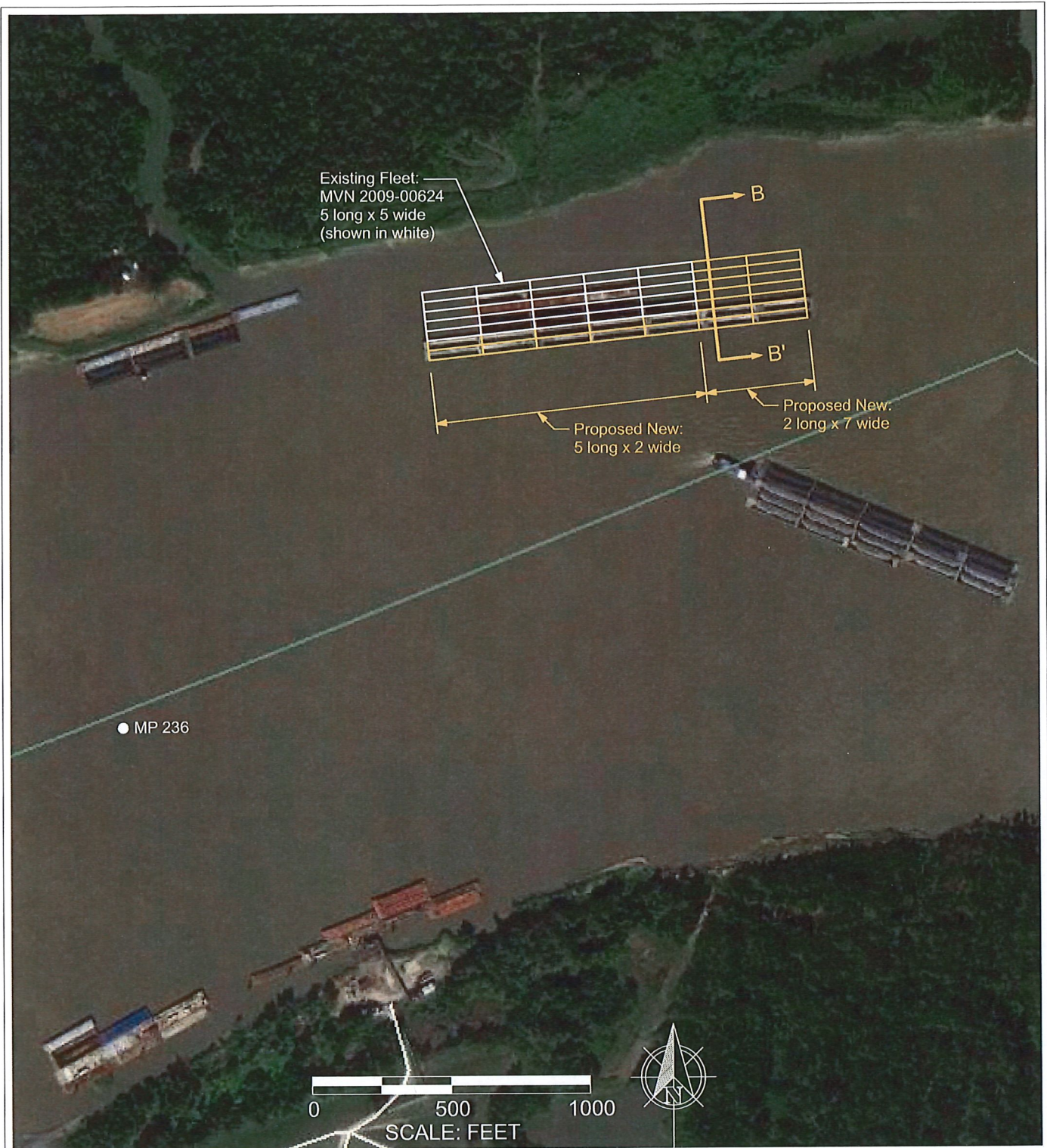
Project:  
 ACBL Transportation  
 Fleet Expansion  
 MP 237, MR, LDB  
 Baton Rouge, LA

File Number: 17-801	Date: 11/01/17
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Drawing Number: Figure 2
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For:  
 ACBL Transportation  
 New Orleans, LA

Drawing Name: Site Plan
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Project:  
ACBL Transportation  
Fleet Expansion  
MP 237, MR, LDB  
Baton Rouge, LA

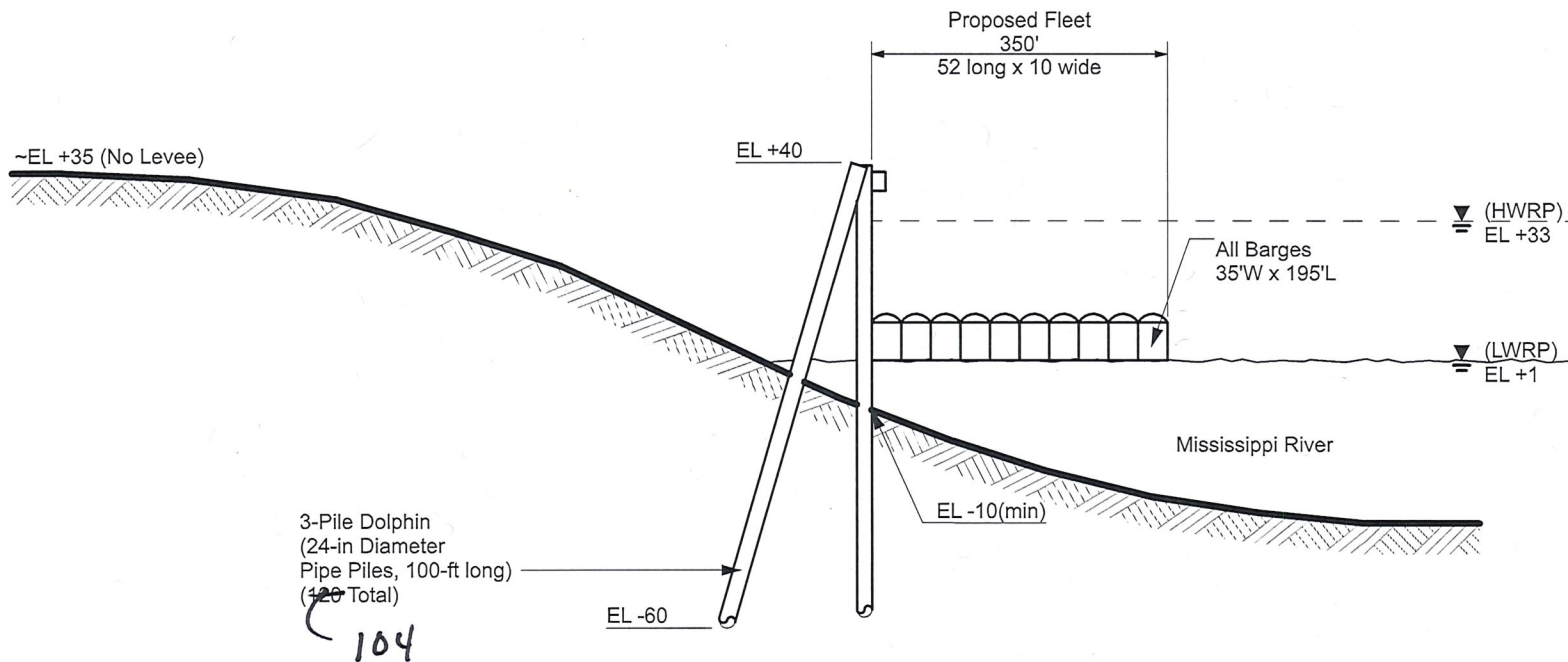
File Number:  
17-801

Date:  
11/01/17

Drawing Number:  
Figure 3

Drawing Name:  
Site Plan

For:  
ACBL Transportation  
New Orleans, LA



Project:  
ACBL Transportation  
Fleet Expansion  
MP 237, MR, LDB  
Baton Rouge, LA

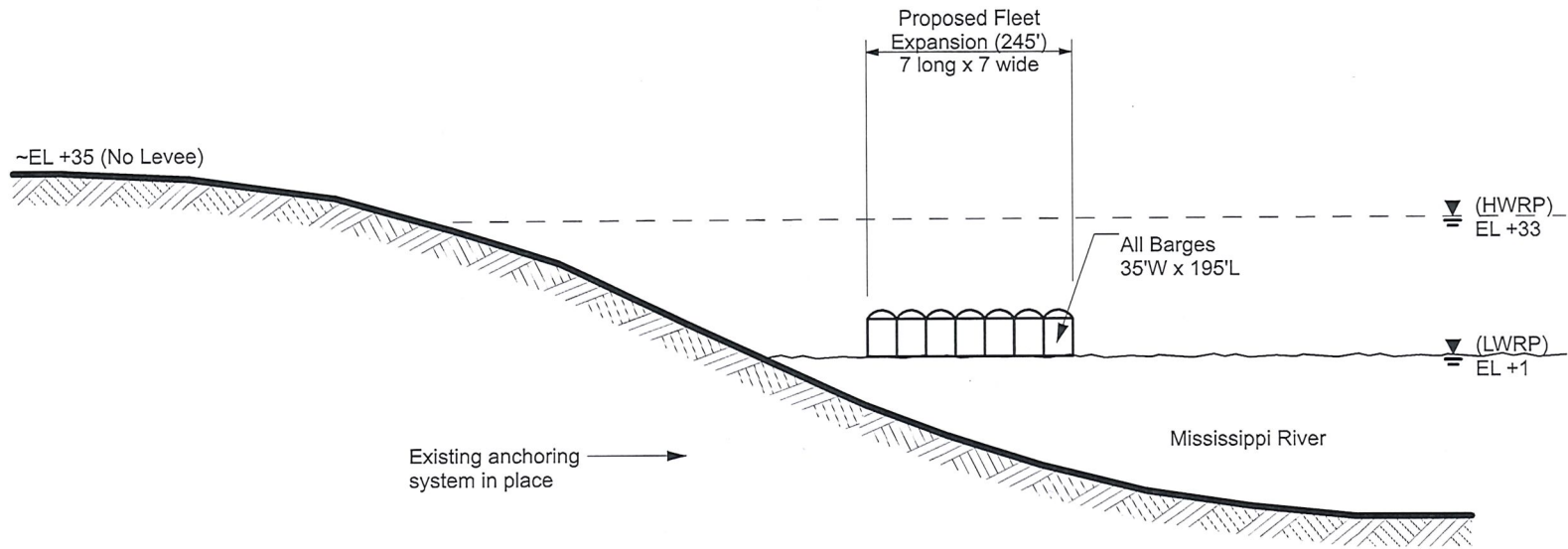
For:  
ACBL Transportation  
New Orleans, LA

Drawing Name:  
Section A=A'

Date:  
11/01/17

File Number:  
17-801

Drawing Number:  
Figure 4



Project:  
ACBL Transportation  
Fleet Expansion  
MP 237, MR, LDB  
Baton Rouge, LA

For:  
ACBL Transportation  
New Orleans, LA

Date:  
11/01/17

File Number:  
17-801

Drawing Name:  
Section B-B'

Drawing Number:  
Figure 5




**Notes**

1. The pallid sturgeon (*Scaphirhynchus albus*) may occur in water bodies near this proposed project. The pallid sturgeon is listed as endangered under the Endangered Species Act (16 U.S.C. 1531-1544) and is confined to the Mississippi and Atchafalaya Rivers in southern Louisiana. This species requires large, turbid, free flowing riverine habitat and is adapted to living close to the bottom of large rivers with sand and gravel bars. Pallid sturgeon typically spawn from May-August, but successful reproduction has been severely reduced due to habitat modification. This includes the loss of habitat through the construction of dams that have modified flows, reduced turbidity and lowered water temperatures. We will take the necessary measures to avoid the breeding season and any degradation of water quality in the Mississippi and Atchafalaya Rivers. If you have any questions, please contact Beau Gregory at 337-491-2576.

2. No impacts to rare, threatened or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas or scenic rivers are known at the specified site or within ¼ mile of the proposed project.

3. The Louisiana Natural Heritage Program (LNHP) reports summarize the existing information known at the time of the request regarding the location in question. LNHP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. If at any time LNHP tracked species are encountered within the project area, please contact our biologist at 225-


Date: 9/19/2017

<p><b>Gulf South File 17-801</b></p>	 <p><b>GULF SOUTH</b> ENGINEERING AND TESTING, INC. Geotechnical &amp; Materials Consultants</p>	
<p><b>ACBL Transportation Services Fleet Expansion MP 237, MR, LDB Baton Rouge, LA</b></p>	<p><b>For ACBL Transportation Services New Orleans, LA</b></p>	<p><b>Permit Notes</b></p> <hr/> <p><b>Figure 6</b></p>

**Notes**

1. The area where the project is located may be part of the aboriginal homelands of the Chitimacha Tribe of Louisiana. As such, large villages, burial sites, and sacred sites were in place in that entire area. If at any time during the course of the work, any traditional cultural properties are discovered, Permittee shall immediately contact Kimberly S. Walden (Cultural Director) or Melanie Aymond (Research Coordinator) at (337) 923-9923 or (337) 923-4395. Office hours are Monday through Thursday from 7:30 A.M. - 5:00 P.M. and on Friday between 7:30 A.M. - 11:30 A.M. If traditional cultural properties are discovered on the weekend or after business hours, the notification shall be made the next business morning.
2. As-built drawings will be submitted within 30 days of completion of this project to the Louisiana Department of Natural Resources, Office of Coastal Management, P. O. Box 44487, Baton Rouge, LA 70804-4487.
3. 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.
4. Structures must also be marked/lighted in accordance with U. S. Coast Guard regulations.
5. 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.
6. All work will be within the limits of the permittee's workspace and no equipment will go beyond those limits.

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