

# JOINT PUBLIC NOTICE

June 4, 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 Office  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(504) 862-1217  
Project Manager  
Kenny Blanke  
[Kenneth.G.Blanke@usace.army.mil](mailto:Kenneth.G.Blanke@usace.army.mil)  
MVN 2009-2757-CQ

(225) 219-3225  
Project Manager  
Ms. Elizabeth Hill  
WQC Application Number  
WQC 091020-05

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 LRS30:2074 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

## **COMMERCIAL SAND MINING OPERATION IN THE COMITE RIVER IN EAST BATON ROUGE PARISH**

**NAME OF APPLICANT:** Ms. Nettie T. Payne, Inc., 2362 Walnutwood Drive, Attn: David Baton Rouge, Louisiana 70816.

**LOCATION OF WORK:** In Section 44, Township 6 South, Range 1 East, along the right descending bank of the Comite River, located at 6855 Joor Road, near Baton Rouge, Louisiana, located in East Baton Rouge Parish, as shown on the enclosed drawings (Latitude 30.5162 N Longitude -91.0768 W). This project is located in the Pontchartrain Basin (Amite River HUC 08070202).

**CHARACTER OF WORK:** The applicant is requesting a five year extension of time to continue operations under a previously authorized Department of the Army Permit for the excavation and stockpiling of sand for commercial sale at the Higginbotham and Payne Dirt Pit. Approximately 33,000 cubic yards per year of sand material would be excavated and pushed above the bank via bulldozers and trucked for sale. Approximately 0.3 acre of jurisdictional waterbottoms would be impacted directly as a result of the commercial mining activities. This mining operation was originally authorized and has been extended under MVN-1997-1469. The original permit had lapsed in April 2006. The current application number was assigned and processed after a violation was discovered in 2008-2009. The current permit application (MVN-2009-2757-CQ) was authorized in April 2010 and extended in May 2015. The applicant has claimed that the project has been designed to avoid and minimize direct and secondary adverse wetland impacts to the maximum extent practicable. The applicant is proposing to utilize best management practices during and after the mining operations timeframe of the project. The project is not anticipated to directly impact any jurisdictional wetlands and it is not anticipated

that compensatory mitigation would be required.

The comment period for the Department of Army Permit and the Louisiana Department of Environmental Quality will close in **20 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. Individuals or parties may request an extension of time in which to comment on the proposed work by writing or e-mailing the Corps of Engineers Project Manager listed above. Any request must be specific and substantively supportive of the requested extension, and received by this office prior to the end of the initial comment period. The Section Chief will review the request and the requestor will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous to the initial comment period and, inclusive of the initial comment period, will not exceed a total of 30 calendar days.

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 neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species. 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 would have no effect on any listed species.

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

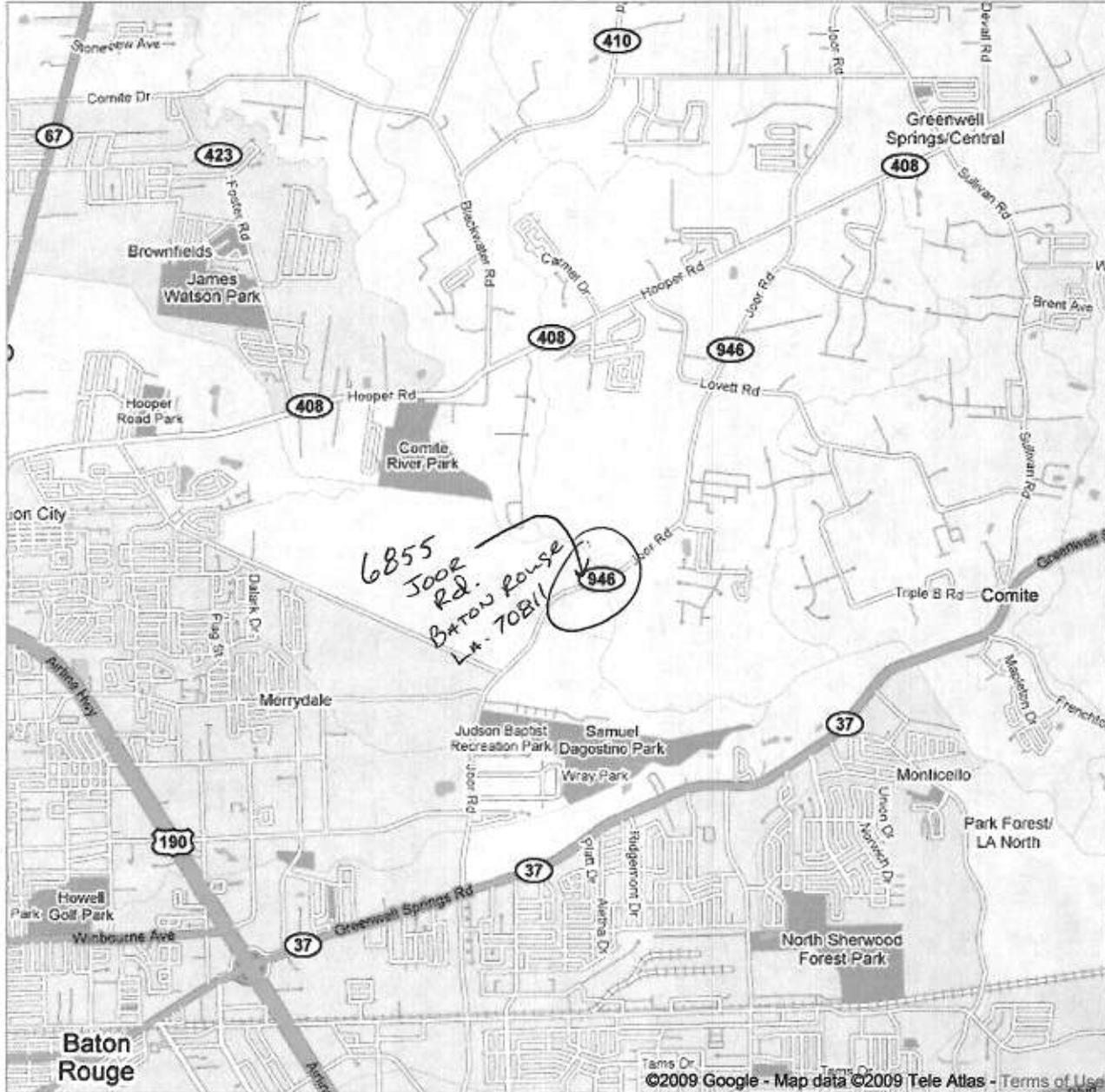
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. You are requested to communicate the information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

JOHN M. HERMAN  
Chief, Central Evaluation Section  
Regulatory Branch

Enclosure



Get Google Maps on your phone  
Text the word "GMAPS" to 466453

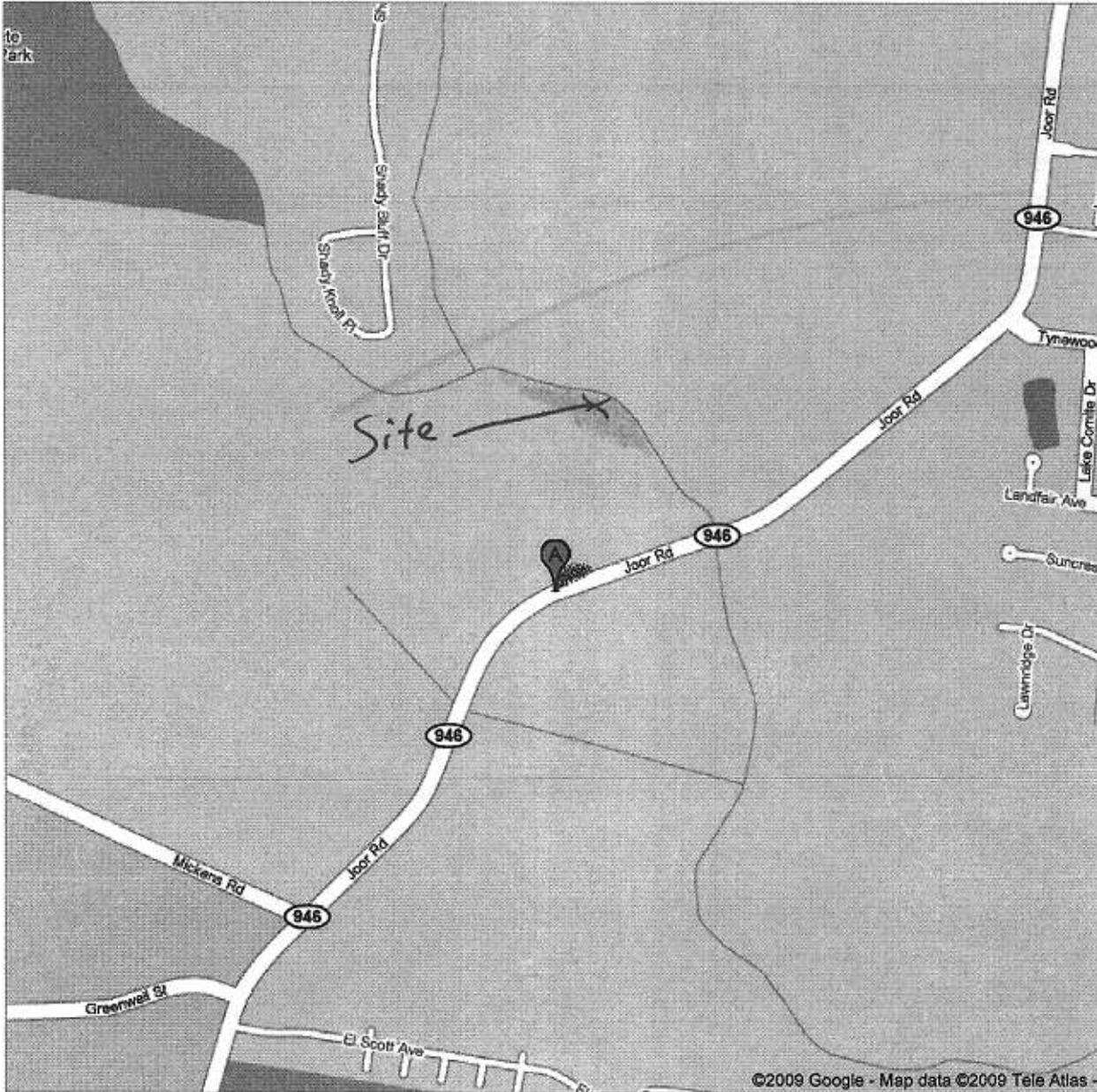


Google maps

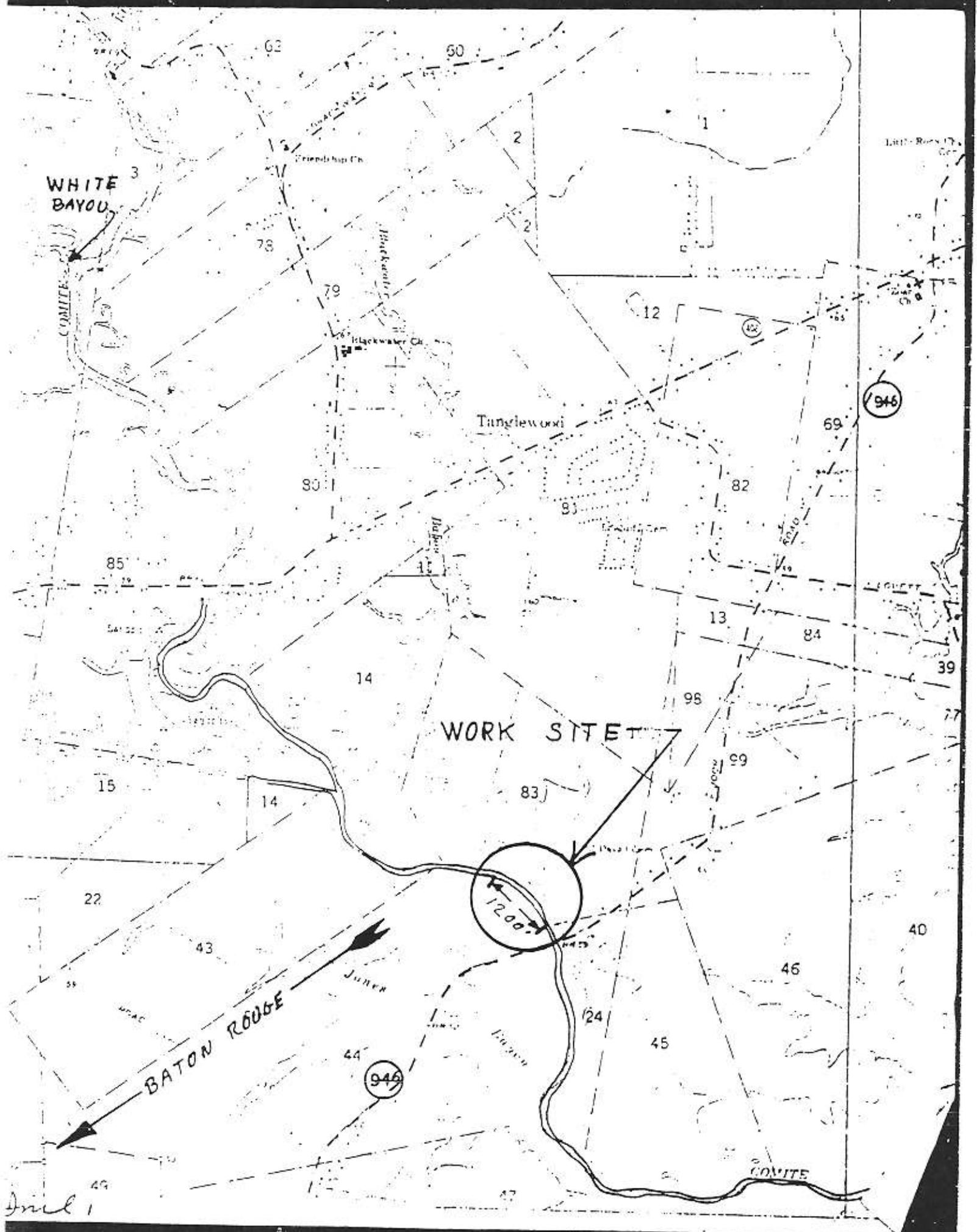
Address 6855 Joor Rd  
Baton Rouge, LA 70811

Get Google Maps on your phone

Text the word "GMAPS" to 466453



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WHITE BAYOU

COMITE

Friendship Ch.

Blackwater Cr.

Blackwater Cr.

Tanglewood

Jules

WORK SITE

BATON ROUGE

Jules

COMITE

1200'

946

946

Incl 1

HIGGINBOTHAM, INC.

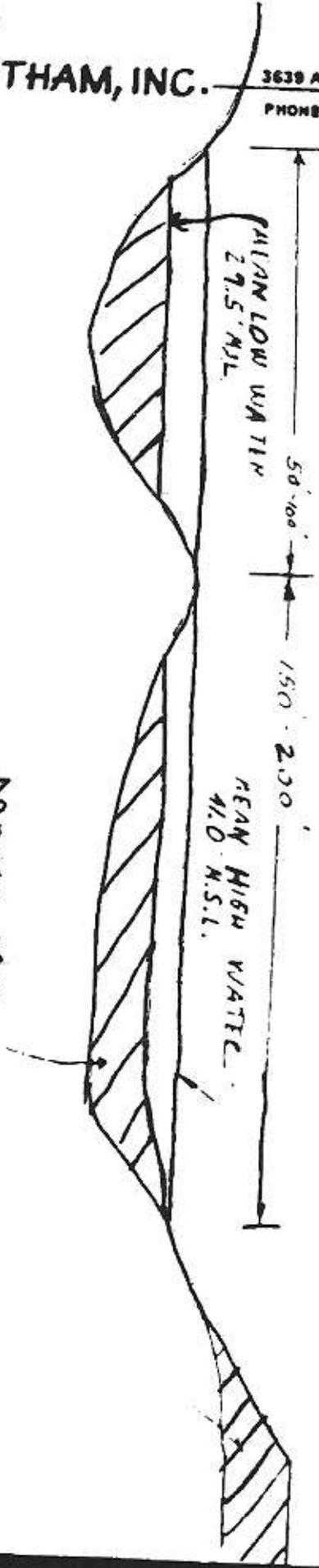
3639 ALETHA STREET  
PHONE 275-8394 or 333-9581

BATON ROUGE, LOUISIANA 70814  
D12-2667 UNIT 5719

TYPICAL CROSS SECTION

DREDGE AREA

TEMPORARY STOCKPILE  
ALERT



SCALE 1" = 40'

COMITE RIVER

RIGHT DESCENDING  
BANK

