

JOINT PUBLIC NOTICE

May 6, 2019

United States Army Corps of Engineers
New Orleans District
Regulatory Branch
7400 Leake Avenue
New Orleans, Louisiana 701118

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
MVN-2011-01439-CM

(225) 219-3225
Project Manager
Elizabeth Hill
WQC Application Number
WQC 110629-03

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.

REQUEST TO CONTINUE SAND DREDGING AND STOCKPILING IN THE MISSISSIPPI RIVER IN ST. JAMES PARISH

NAME OF APPLICANT: Fill Materials, LLC, 10557 Airline Hwy Saint Rose, Louisiana 70087.

LOCATION OF WORK: In the Mississippi River, left descending bank, at a point 164.8 miles above Head of Passes, at Convent, Louisiana, in St. James Parish, within the Mississippi River Basin in hydrologic unit (HUC 08090100), as shown on the attached drawings.

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 Department of the Army (DOA) authorization to extend an existing DOA permit which will allow for continued dredge and fill operations using a cutterhead hydraulic dredge for the removal of approximately 180,100 cubic yards of sand from the Mississippi River within an 11.6 acre area. The material will be stockpiled in the batture at a previously permitted location and sold. The dredging operation is to be located within an area approximately 1,260 feet long and 400 feet wide, extending lengthwise parallel to the mean low water shoreline, the outer edge to

be about 400 feet channelward therefrom. The applicant continued to work in the pit moving sand and loading sand onto trucks for sale during the time that a Department of the Army (DA) Permit application was under review in 2017- 2018. The applicant was issued a Cease and Desist order and has agreed to stop work until they are authorized to continue.

A preliminary analysis has determined that the proposed project would directly impact approximately 11.6 acres of jurisdictional water bottoms which will not require mitigation.

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 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. 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 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 located in waters known to be utilized by the pallid sturgeon (*Scaphirhynchus albus*) and determined that the proposed activity is not likely to adversely affect the species 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.

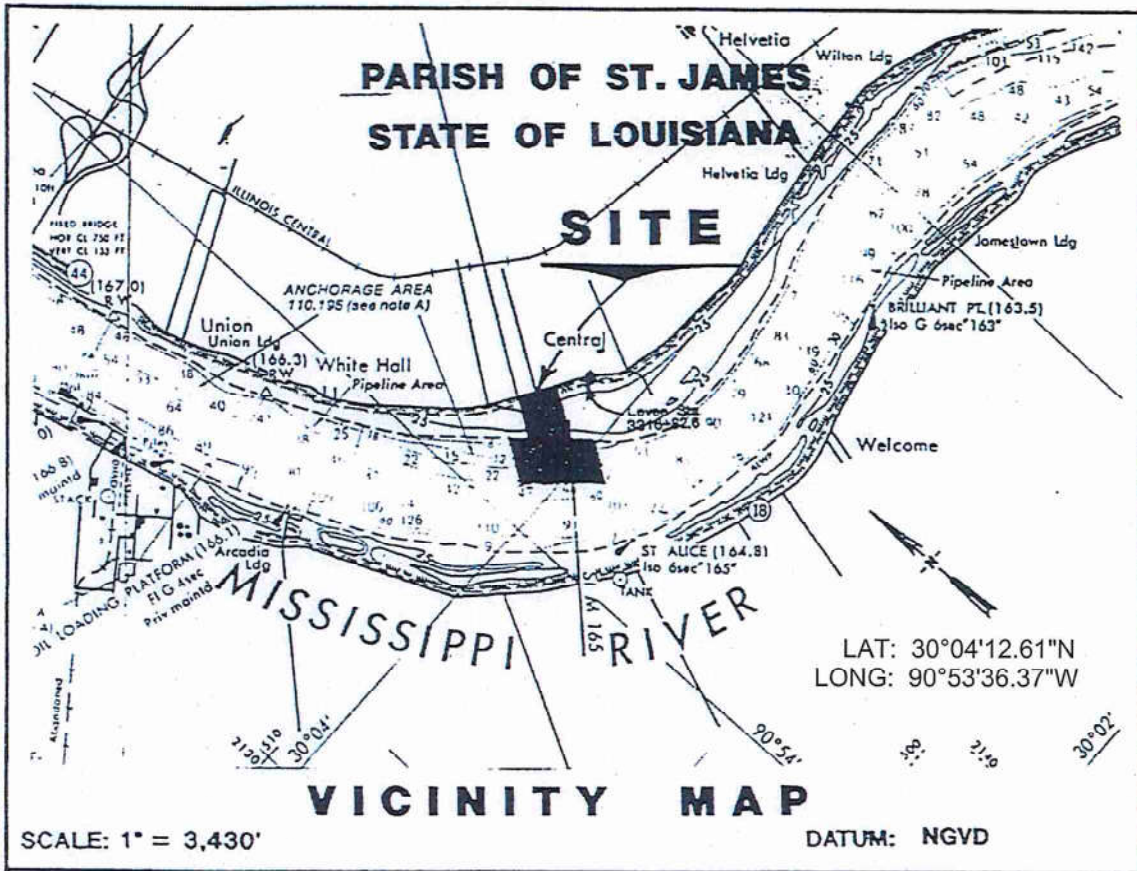
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of up to 0 acres of EFH utilized by various life stages of red drum and penaeid shrimp. 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



**EXISTING
MATERIALS HANDLING FACILITY**

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300+38 TO LEVEE STATION 3309+62

RIVER MILE POINT 165

CENTRAL, LOUISIANA

PARISH OF ST. JAMES

STATE OF LOUISIANA

APPLICATION BY: **FILL MATERIALS, LLC**

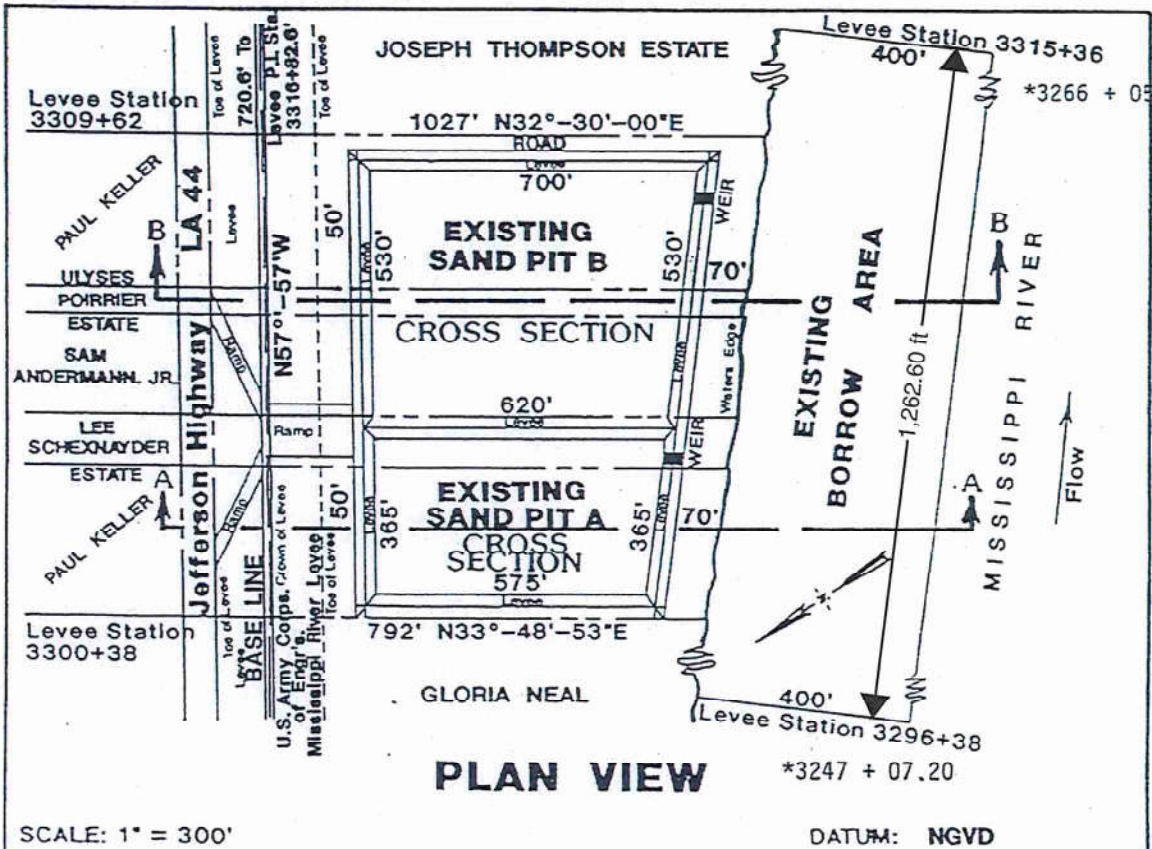
PURPOSE: PUMPING, STOCKPILING & HAULING COMMERCIAL SAND

SHEET 1 OF 13

DATE: NOVEMBER 24, 1989

REVISED: June 24, 2011 REVISED: June 14, 2017





EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
 LEVEE STATION 3300+38 TO LEVEE STATION 3309+62
 * (3251 + 07.16) * (3260 + 31.06)
 RIVER MILE POINT 165

CENTRAL, LOUISIANA

PARISH OF ST. JAMES

STATE OF LOUISIANA

APPLICATION BY: **FILL MATERIALS, LLC**

PURPOSE: PUMPING, STOCKPILING & HAULING COMMERCIAL SAND

SHEET 2 OF 13

DATE: NOVEMBER 24, 1989

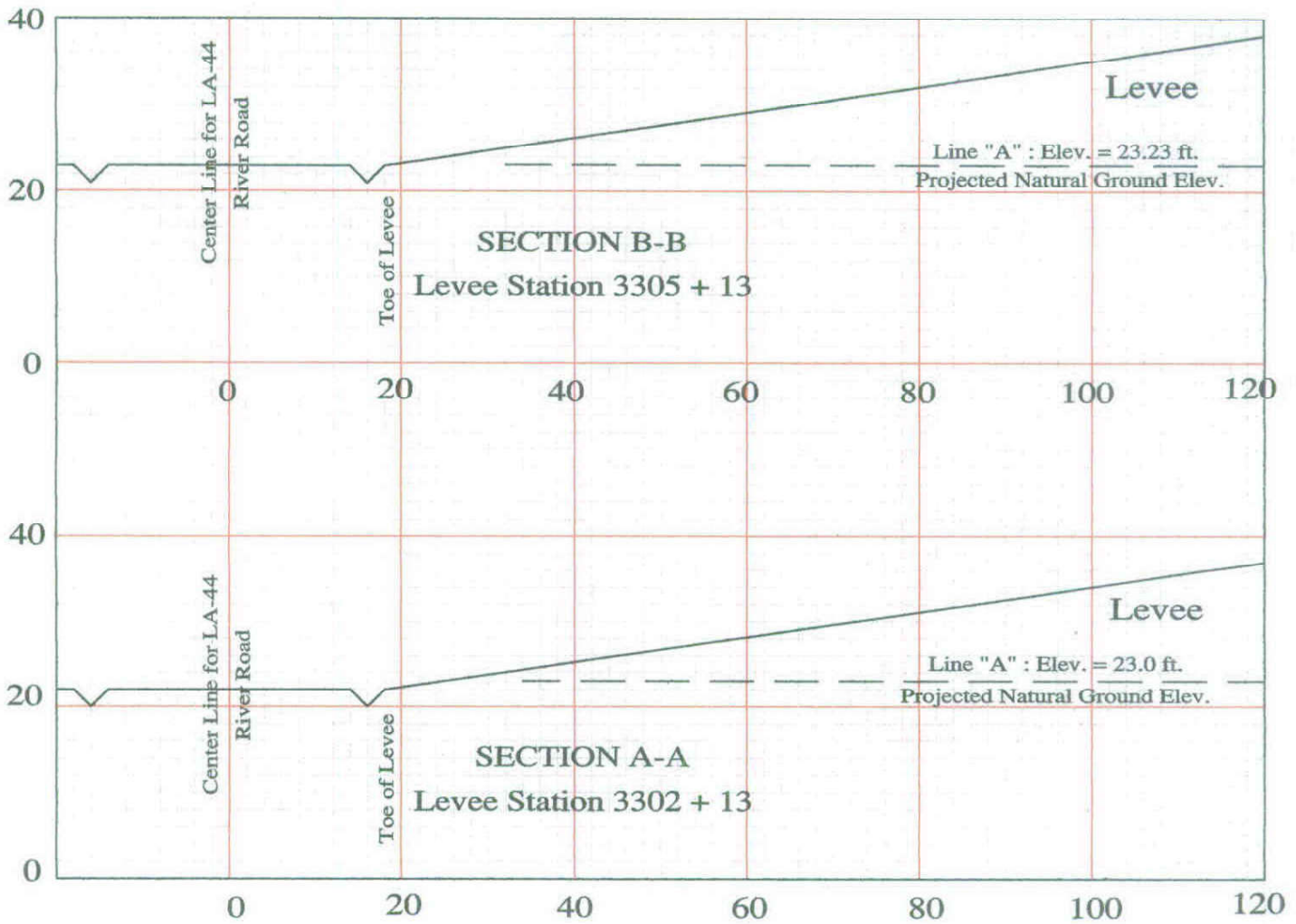
REVISED: **June 24, 2011**

REVISED: June 14, 2017

* Revision of February 26, 1990 – Second Order Baseline Stations, all other levee stations mentioned are referenced to third order baselines.

Revision of June 24, 2011 – Company name revised from **GW-Contractors** to **Fill Materials**





CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
 LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
 CENTRAL LOUISIANA



PAUL A. ENSMINGER, P.E.
 LA. REG. NO. 25706

PARISH of ST. JAMES
 APPLICATION BY : FILL MATERIALS, LLC

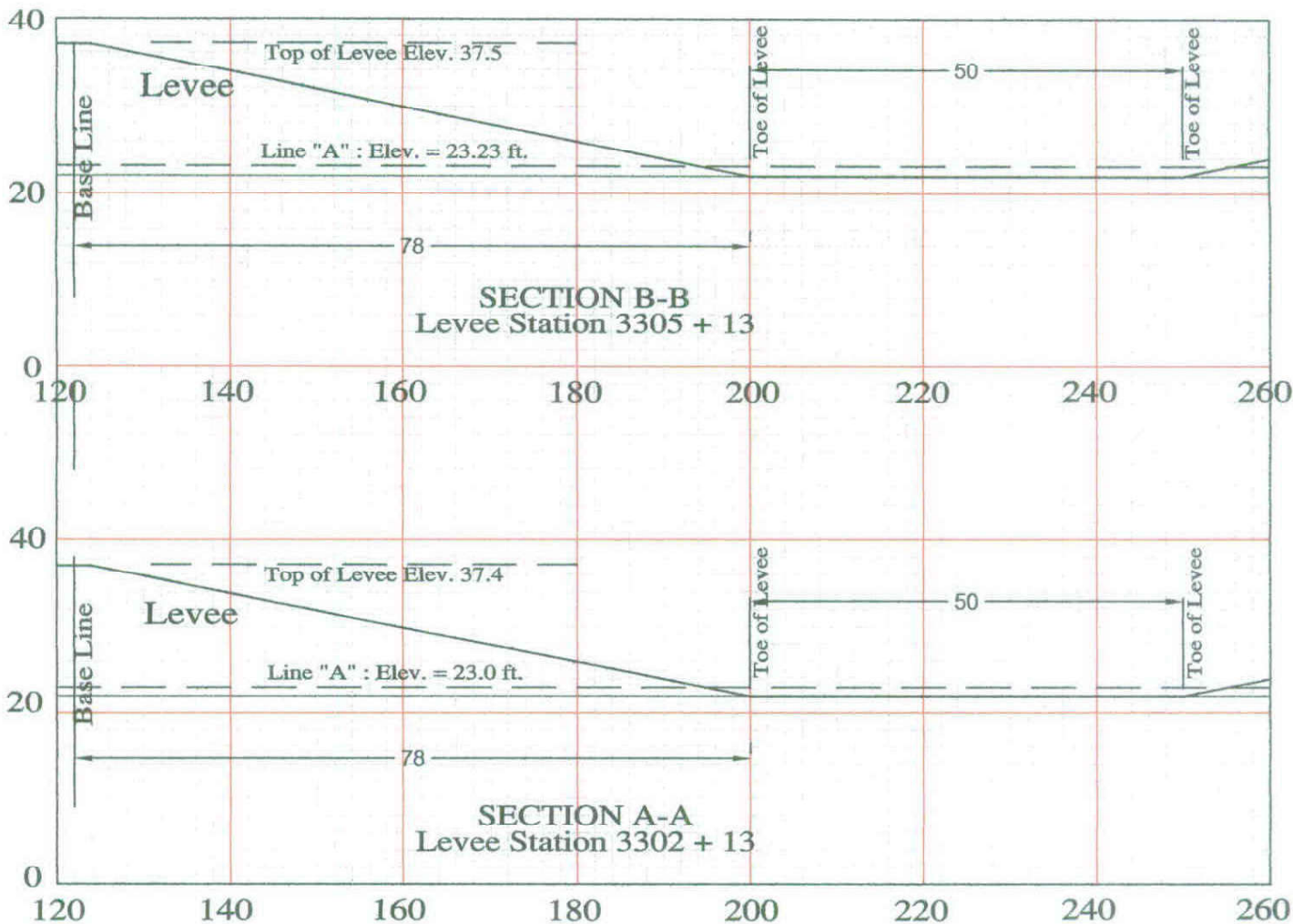
STATE OF LOUISIANA

PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

SHEET: 3 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989



CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
CENTRAL LOUISIANA

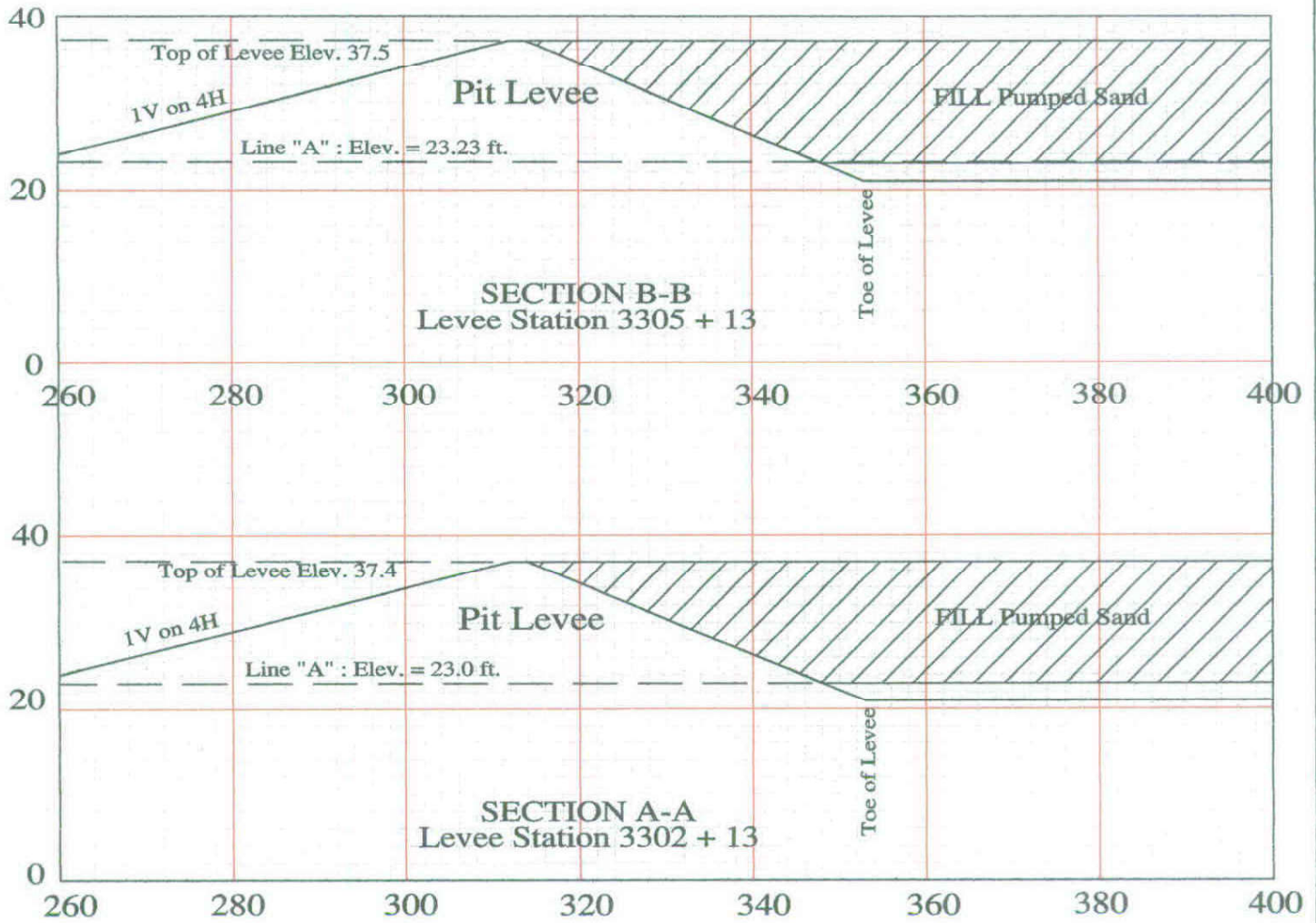
PARISH of ST. JAMES
APPLICATION BY : FILL MATERIALS, LLC
PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

STATE OF LOUISIANA

SHEET: 4 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989



CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
CENTRAL LOUISIANA

PARISH of ST. JAMES
APPLICATION BY : FILL MATERIALS, LLC

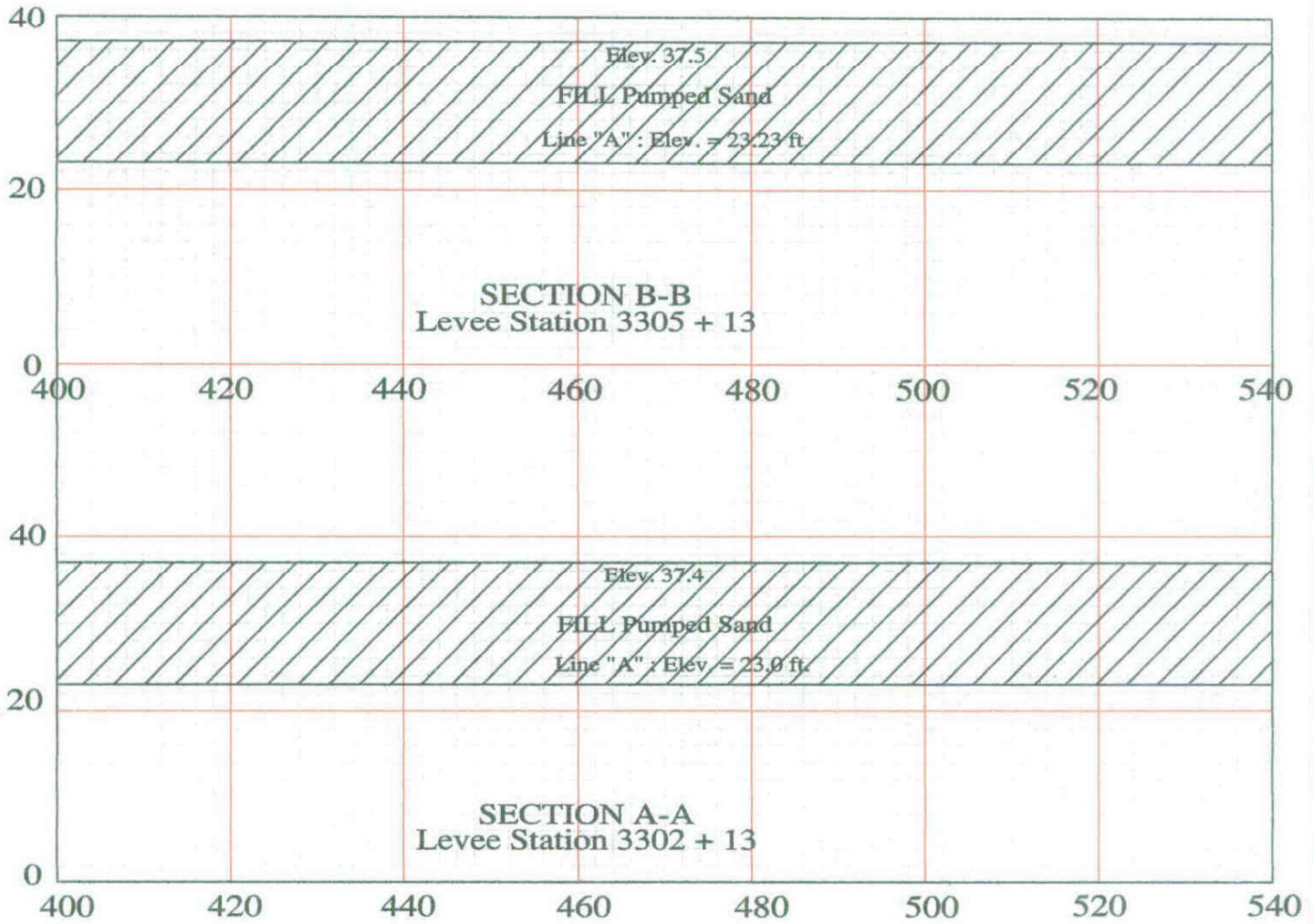
STATE OF LOUISIANA

PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

SHEET: 5 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989



CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
CENTRAL LOUISIANA

PARISH of ST. JAMES

STATE OF LOUISIANA

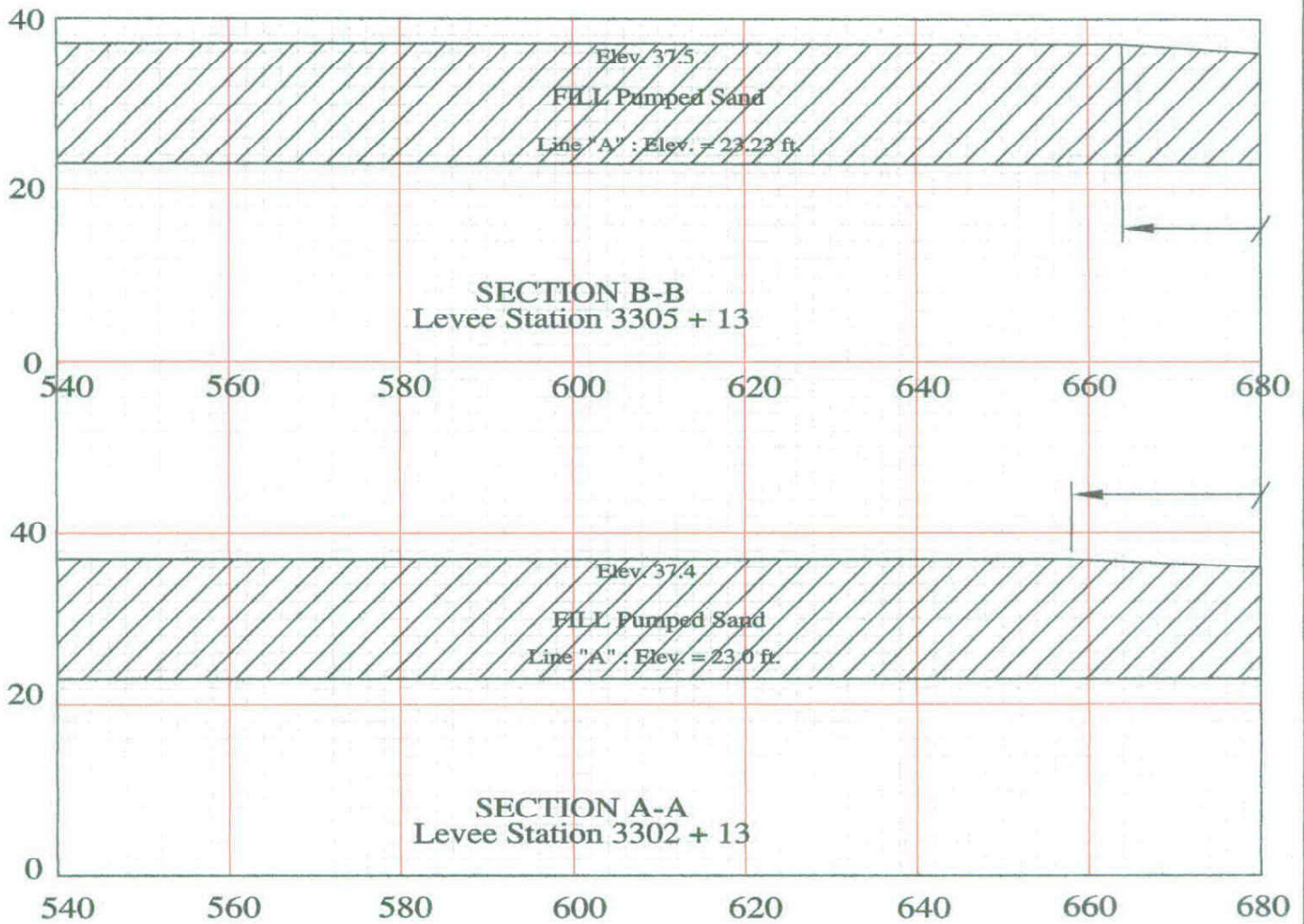
APPLICATION BY : FILL MATERIALS, LLC

PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

SHEET: 6 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989



CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
CENTRAL LOUISIANA

PARISH of ST. JAMES

STATE OF LOUISIANA

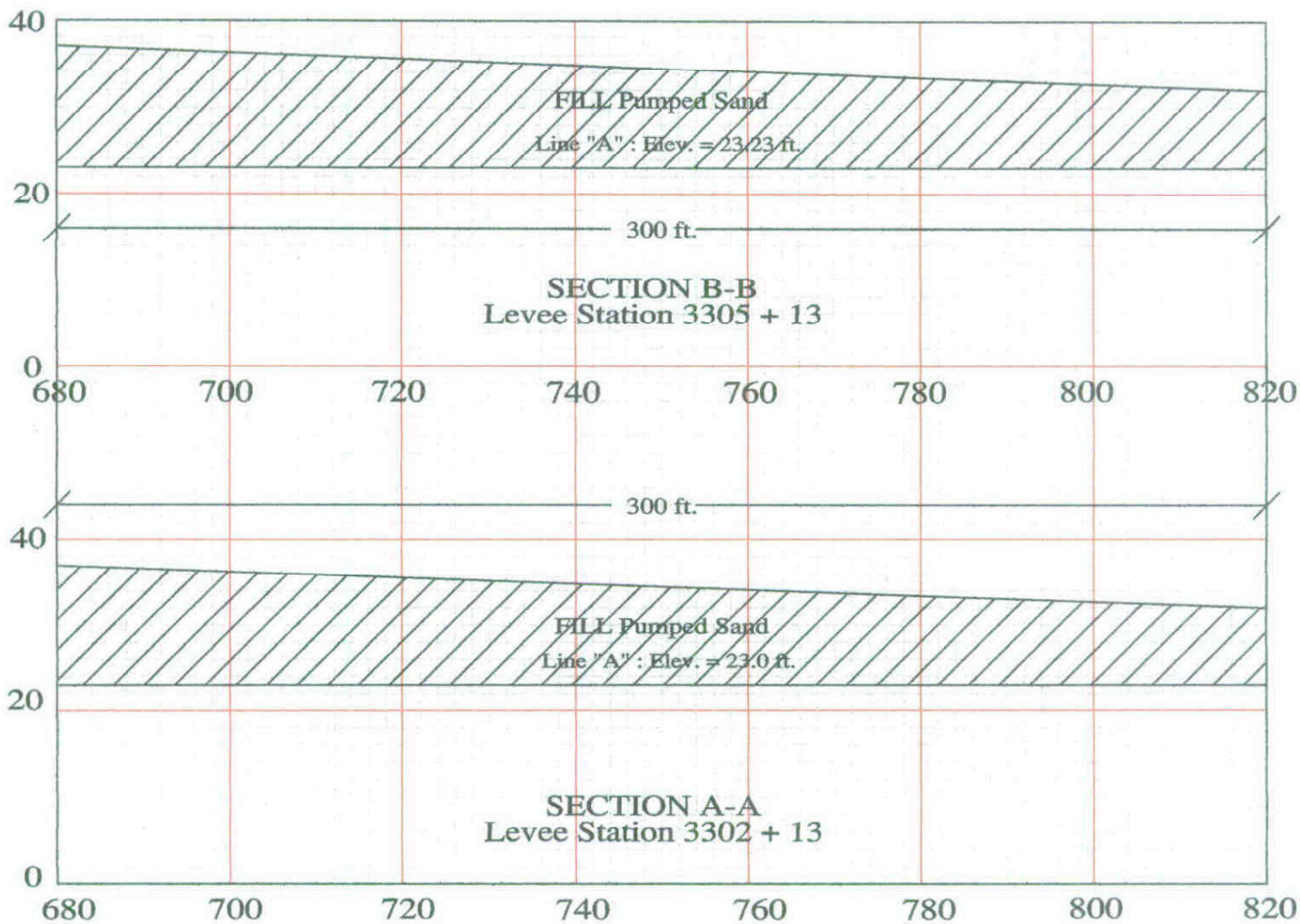
APPLICATION BY : FILL MATERIALS, LLC

PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

SHEET: 7 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989



CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
CENTRAL LOUISIANA

PARISH of ST. JAMES

STATE OF LOUISIANA

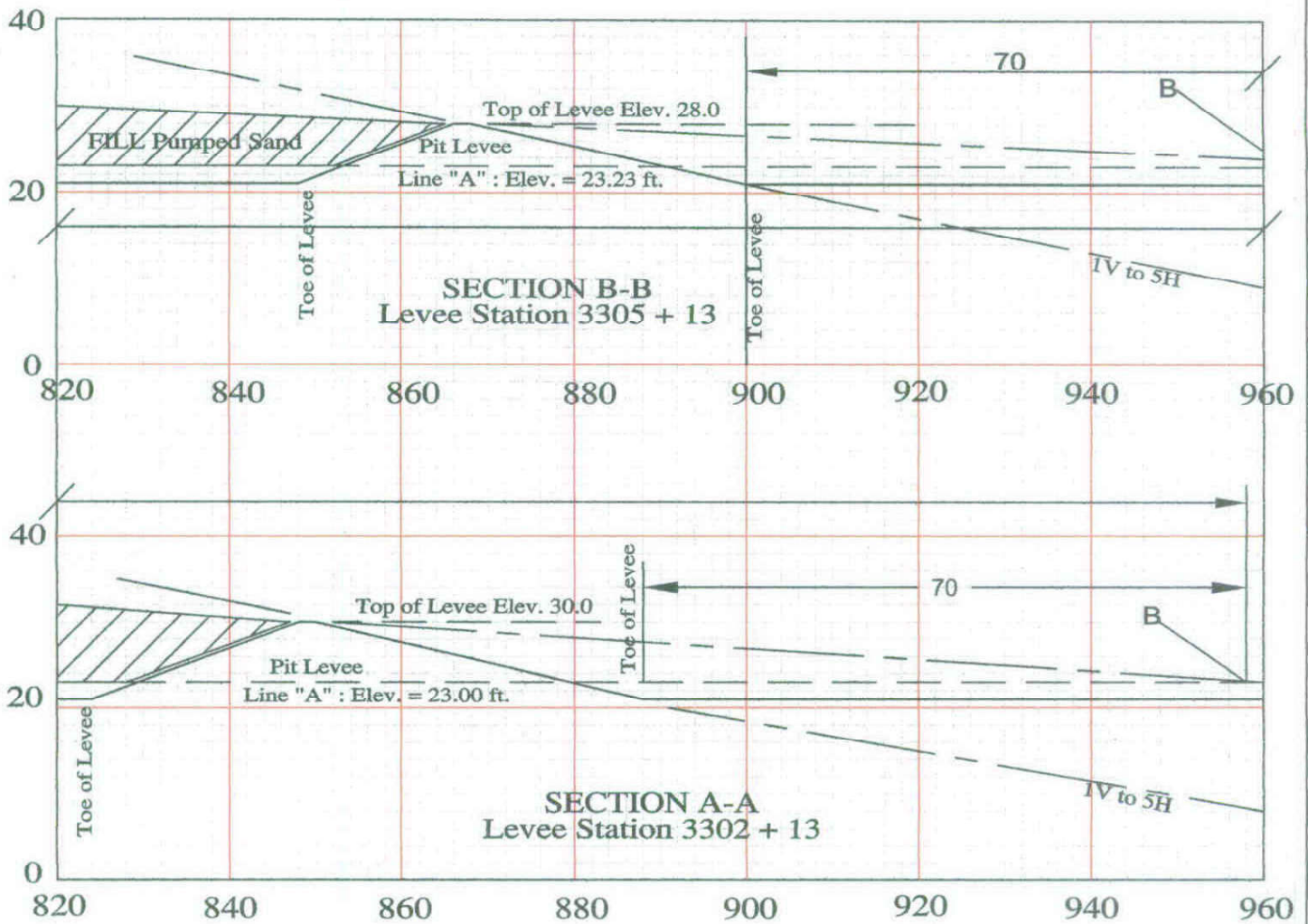
APPLICATION BY : FILL MATERIALS, LLC

PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

SHEET: 8 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989



CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
CENTRAL LOUISIANA

PARISH of ST. JAMES
APPLICATION BY : FILL MATERIALS, LLC

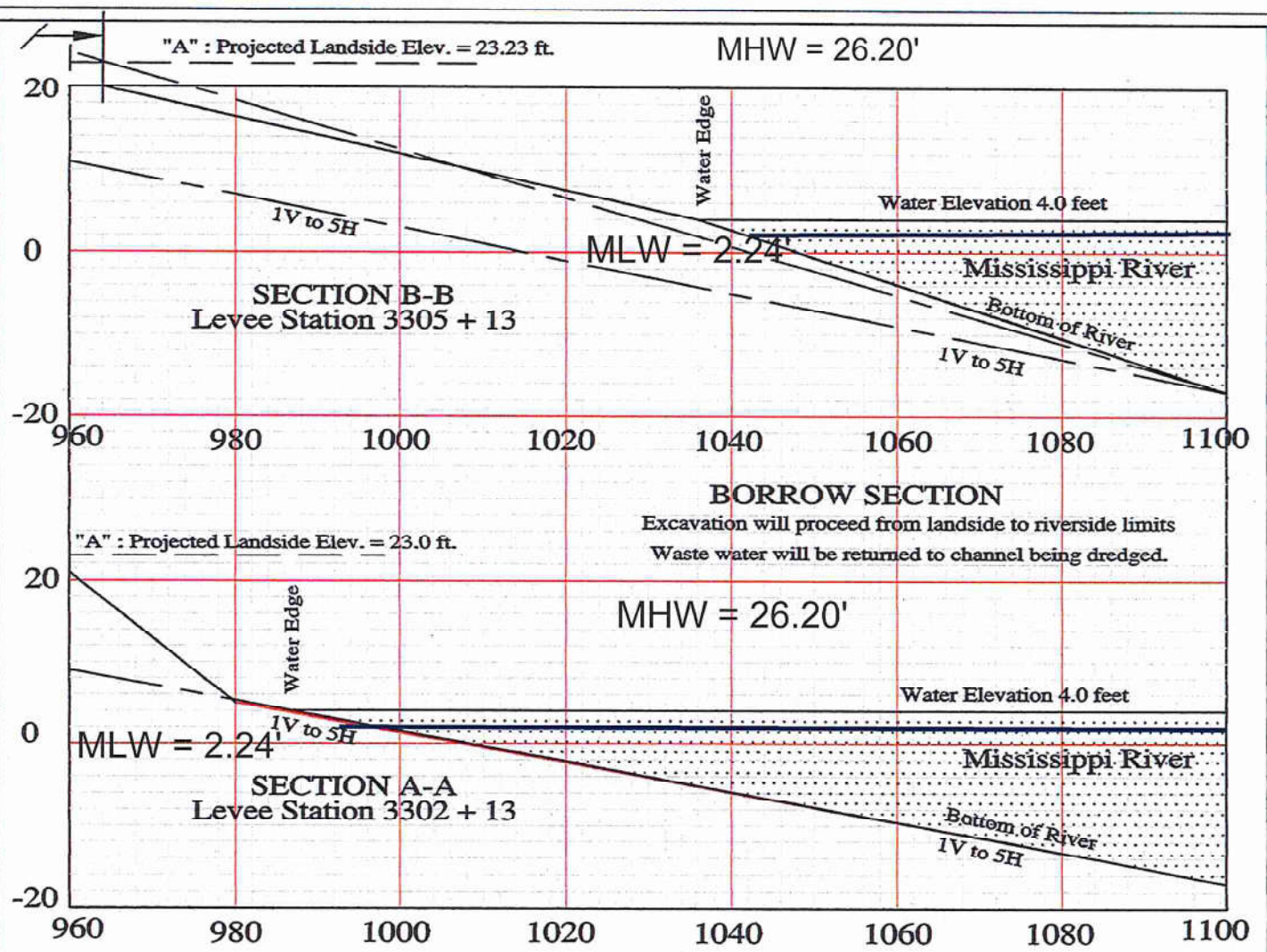
STATE OF LOUISIANA

PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

SHEET: 9 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989



**BORROW SECTION
CROSS SECTIONS**

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

**EXISTING
MATERIALS HANDLING FACILITY
LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62**

RIVER MILE POINT 165
CENTRAL LOUISIANA

PARISH of ST. JAMES
APPLICATION BY :FILL MATERIALS, LLC
PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

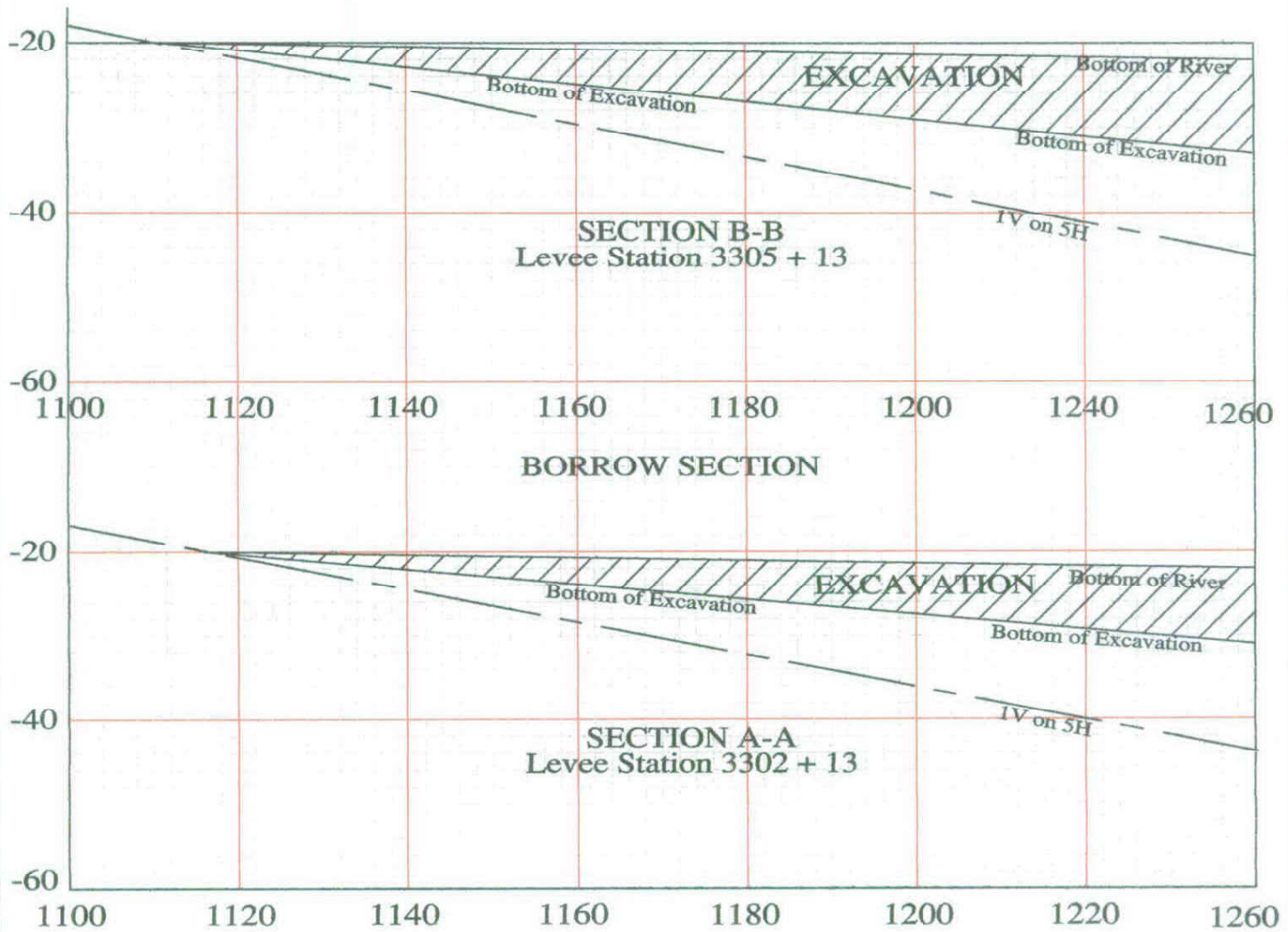
STATE OF LOUISIANA

SHEET: 10 OF 13

REVISED: JUNE 17, 2011

DATE : NOVEMBER 24, 1989

REVISED: JUNE 14, 2017



CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
CENTRAL LOUISIANA

PARISH of ST. JAMES
APPLICATION BY : FILL MATERIALS, LLC

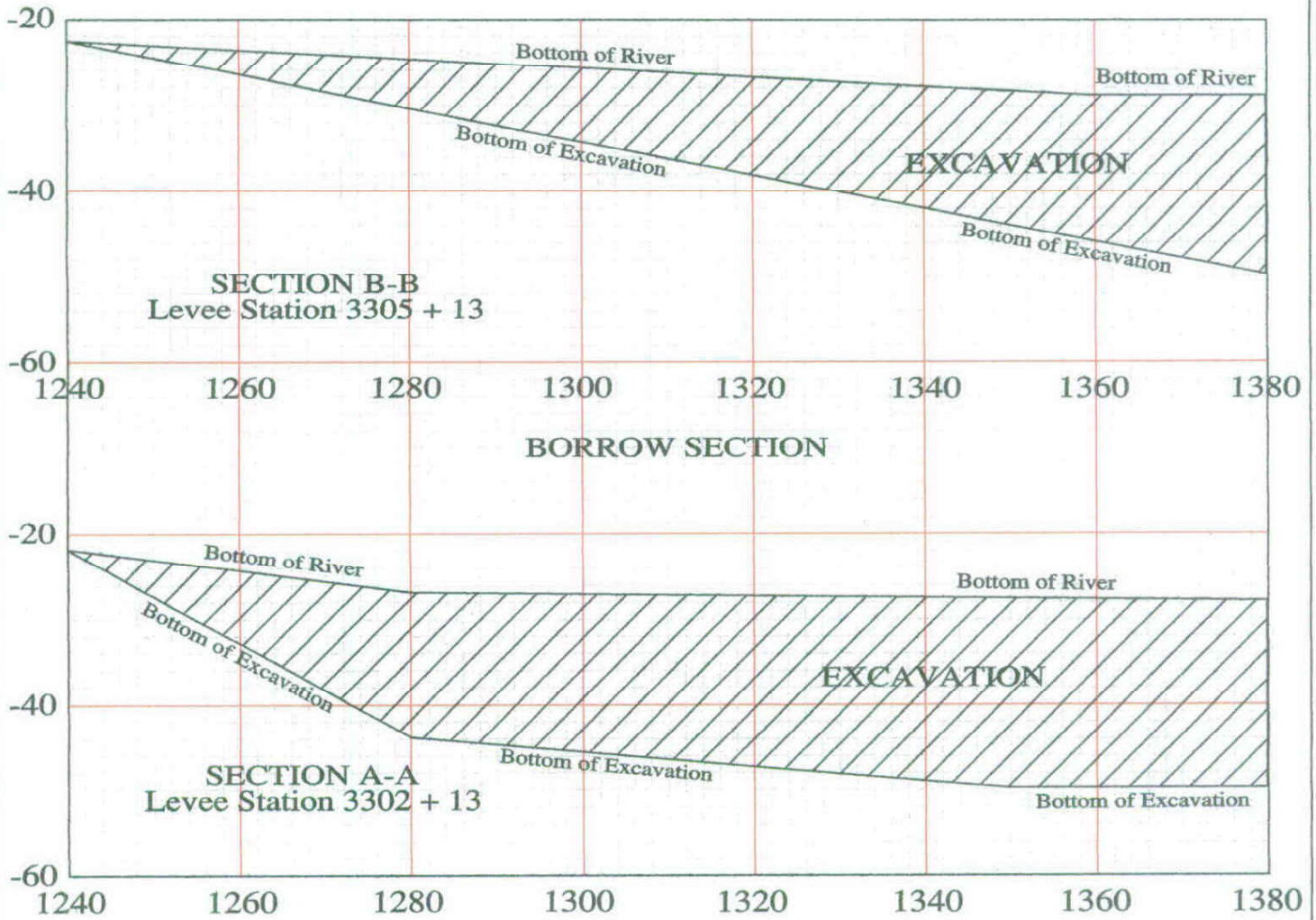
STATE OF LOUISIANA

PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

SHEET: 11 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989



CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 62 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
CENTRAL LOUISIANA

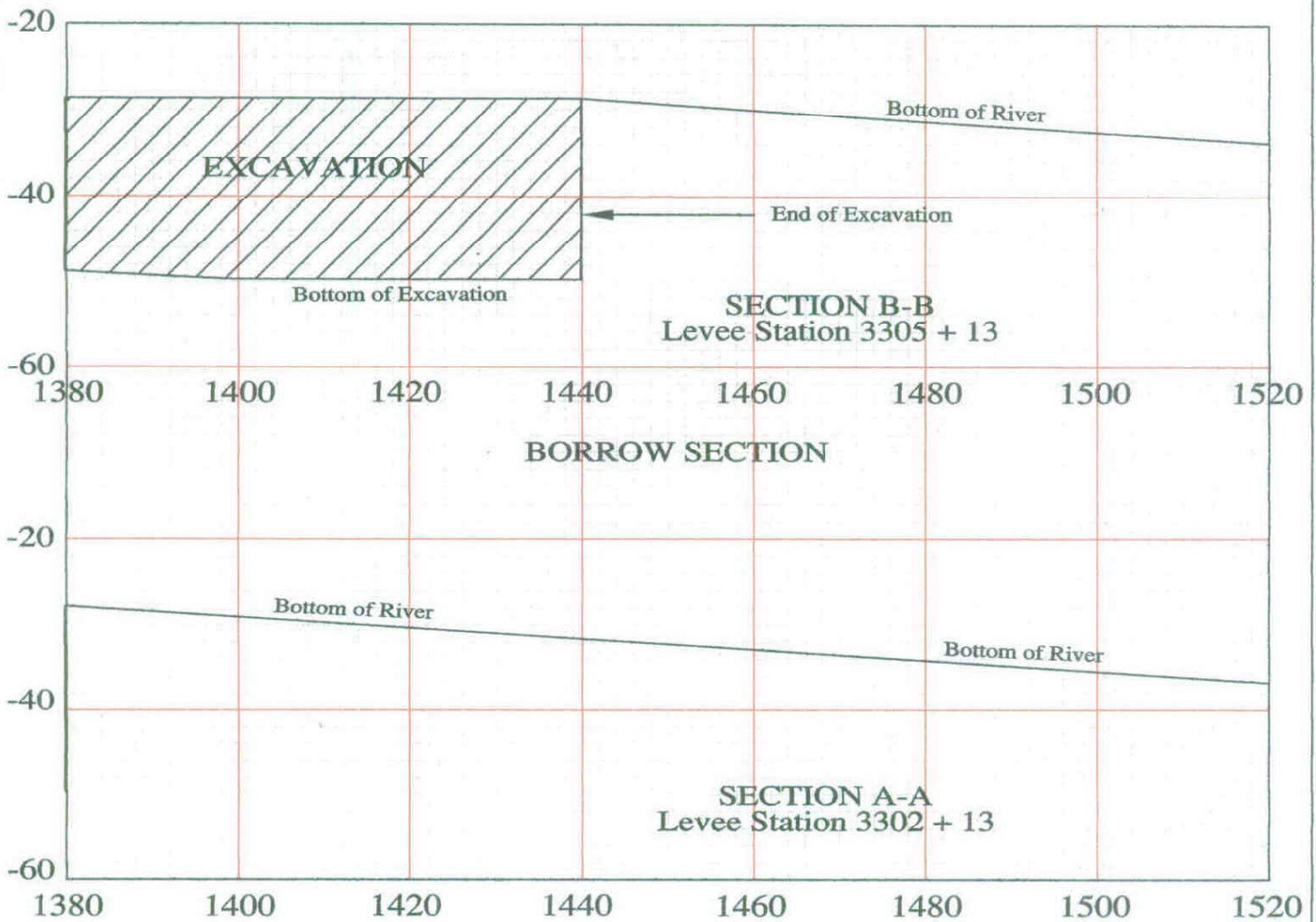
PARISH of ST. JAMES
APPLICATION BY : FILL MATERIALS, LLC
PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

STATE OF LOUISIANA

SHEET: 12 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989



CROSS SECTIONS

SCALE 1"=20'

Datum = NGVD 1929



PAUL A. ENSMINGER, P.E.
LA. REG. NO. 25706

EXISTING MATERIALS HANDLING FACILITY

LEFT DECENDING BANK - MISSISSIPPI RIVER
LEVEE STATION 3300 + 38 TO LEVEE STATION 3309 + 62

RIVER MILE POINT 165
CENTRAL LOUISIANA

PARISH of ST. JAMES
APPLICATION BY : FILL MATERIALS, LLC

STATE OF LOUISIANA

PURPOSE: PUMPING, STOCKPILING AND HAULING COMMERCIAL SAND

SHEET: 13 OF 13

REVISED: JUNE 24, 2011

DATE : NOVEMBER 24, 1989