

JOINT PUBLIC NOTICE

August 3, 2020.

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) 862-2675
Project Manager
Jamie Crowe
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Permit Application Number
MVN 2013-01375 CO

(225) 219-3225
Project Manager
Elizabeth Hill

WQC Application Number
WQC 200729-01

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 LRS30:2047 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

TIME EXTENSION FOR A BARGE FLEET AND ACCESS ROAD IN THE MISSISSIPPI RIVER IN ASCENSION PARISH

NAME OF APPLICANT: Hardtimes Plantation Investment, LLC, c/o The Trepagnier Law Firm, 331 Girod Street, Mandeville, LA 70448.

LOCATION OF WORK: Within the Mississippi River Basin, in the Lower Mississippi River – Baton Rouge hydrologic unit (HUC 08070100), in the Mississippi River, left descending bank, mile 180.5, near Darrow, Louisiana, in Ascension Parish.

CHARACTER OF WORK: The applicant currently holds a permit which authorizes a barge fleet and an access road. The barge fleet consists of four dead men and associated anchor chains, as well as monopile dolphins to anchor 4 tiers of barges (one tier 4 barges wide, one tier 6 barges wide, and 2 tiers 8 barges wide). In addition to the barge fleet, a 1,472 lf access road crossing the Mississippi River levee was authorized. To construct the road, approximately 417 cubic yards of material will be excavated and spread on-site, an additional 12,864 of earthen fill material and 1,636 cubic yards of limestone will be deposited on site to construct the road. The route of the road was chosen because the proposed access road will be placed on top of an abandoned

access road to minimize wetland impacts. Approximately 0.07 acres of forested batture will be impacted by construction of the road. As compensation for unavoidable wetland impacts the applicant purchased 0.2 acres of bottomland hardwood mitigation credits. To date, the construction has not begun. The applicant has requested a time extension to allow for construction completion.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC 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 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** 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 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 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 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.

This project was determined not likely to adversely affect the pallid sturgeon (*Scaphirhynchus albus*) or west Indian manatee (*Trichechus manatus*), and have no effect on other endangered species 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, 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.

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For: John M. Herman
Chief, Central Evaluation Section
Regulatory Branch

Enclosure