

# JOINT PUBLIC NOTICE

22 April 2019

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  
ATTN: Water Quality Certifications  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(504) 862-2045  
[jennifer.e.burkett@usace.army.mil](mailto:jennifer.e.burkett@usace.army.mil)  
Project Manager  
Jennifer Burkett  
Permit Application Number  
MVN 2013-3042-2 EBB

(225) 219-3225  
Project Manager  
Elizabeth Hill  
WQC Application Number  
WQC 190404-01

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: [ ] 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 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).

## **BULK LIQUID STORAGE FACILITY EXPANSION IN JEFFERSON PARISH**

**NAME OF APPLICANT:** Blackwater Harvey, LLC c/o Lanier & Associates, Attention: Price Lanier, at 4101 Magazine Street, New Orleans, Louisiana 70015.

**LOCATION OF WORK:** At 1805 4<sup>th</sup> Street, Harvey, in Jefferson Parish, Louisiana, as shown on the attached drawings.

Hydrologic Unit Code: 08090301; East – Central Louisiana Coastal  
Latitude: 29.910381, Longitude: -90.077253

The work described below was 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 been deferred.

**CHARACTER OF WORK:** To clear, grade, excavate, and fill in order to install and maintain roads, containment walls, berms, piperacks, pipelines, and twenty new storage tanks with appurtenances, all to expand an existing bulk liquid storage facility. Project implementation will require permanent impacts to 6.43 acres of forested wetlands. The applicant proposes to purchase credits from a mitigation bank to offset any unavoidable losses to wetland functions caused by project implementation.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of a permit is determined not to be in the overall public interest.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close **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 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. Issuance of this public notice solicits input from the State Archeologist and State Historic Preservation Officer regarding potential impacts to cultural resources.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Department of Commerce, nor affect any habitat designated as critical to the survival and recovery of such 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 **N/A** acre 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 before a permit is issued.

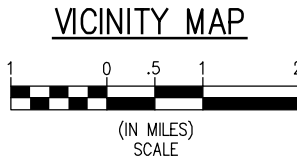
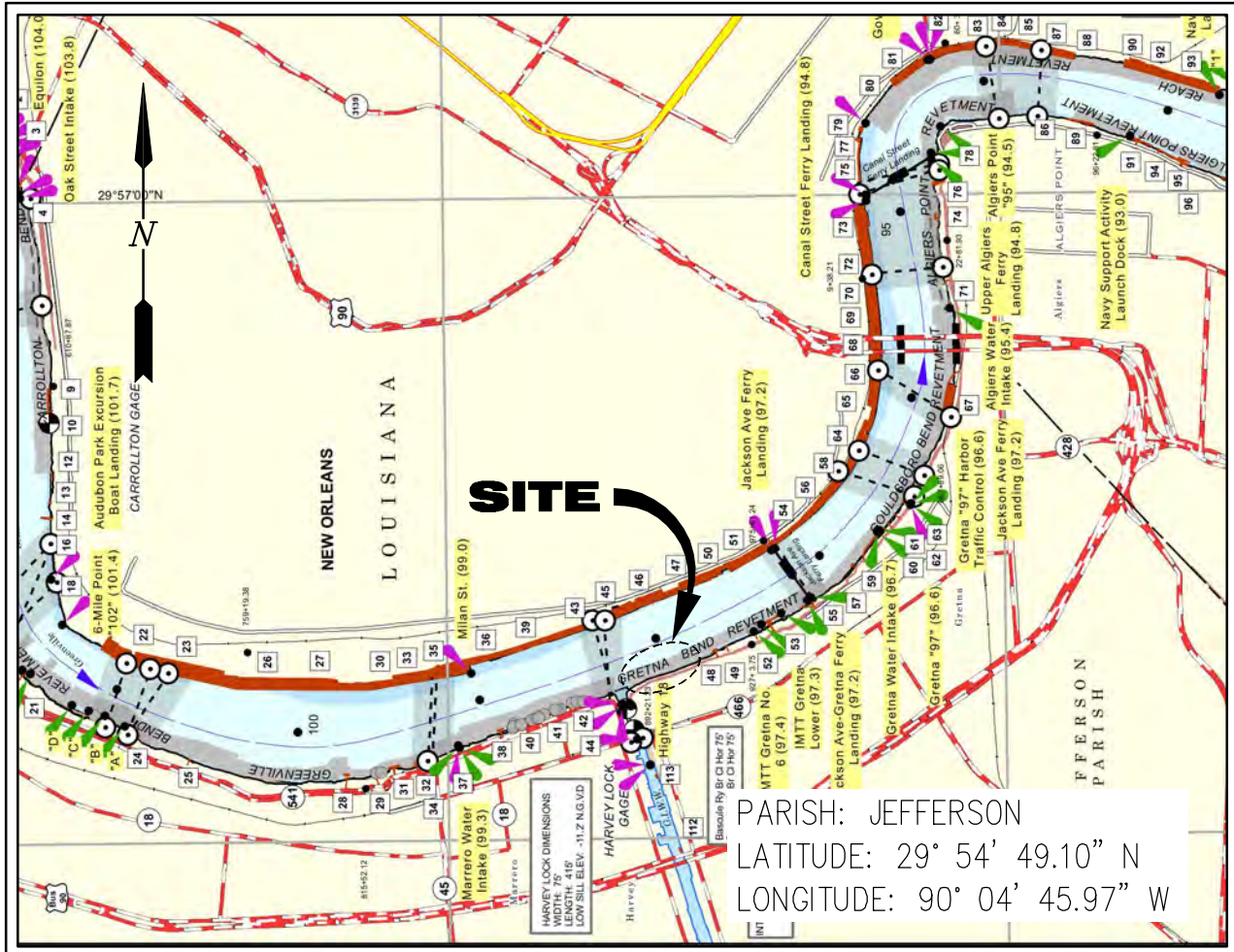
The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver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

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.

Michael V. Farabee  
Chief, Eastern Evaluation Section

Enclosures



RICHARD M. MESTAYER  
LANIER & ASSOCIATES  
LA P.E. # 34732

**PRELIMINARY - FOR PERMIT PURPOSES ONLY**  
01 APRIL 2019

**GENERAL NOTES:**

1. 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.
2. STRUCTURES MUST ALSO BE MARKED/LIGHTED IN ACCORDANCE WITH U.S. COAST GUARD REGULATIONS.

3. 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.
4. 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. THE LOUISIANA NATURAL HERITAGE PROGRAM (LNHP) HAS COMPILED DATA ON RARE, ENDANGERED, OR OTHERWISE SIGNIFICANT PLANT AND ANIMAL SPECIES, PLANT COMMUNITIES, AND OTHER NATURAL FEATURES THROUGHOUT THE STATE OF LOUISIANA. 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 225-765-2643.

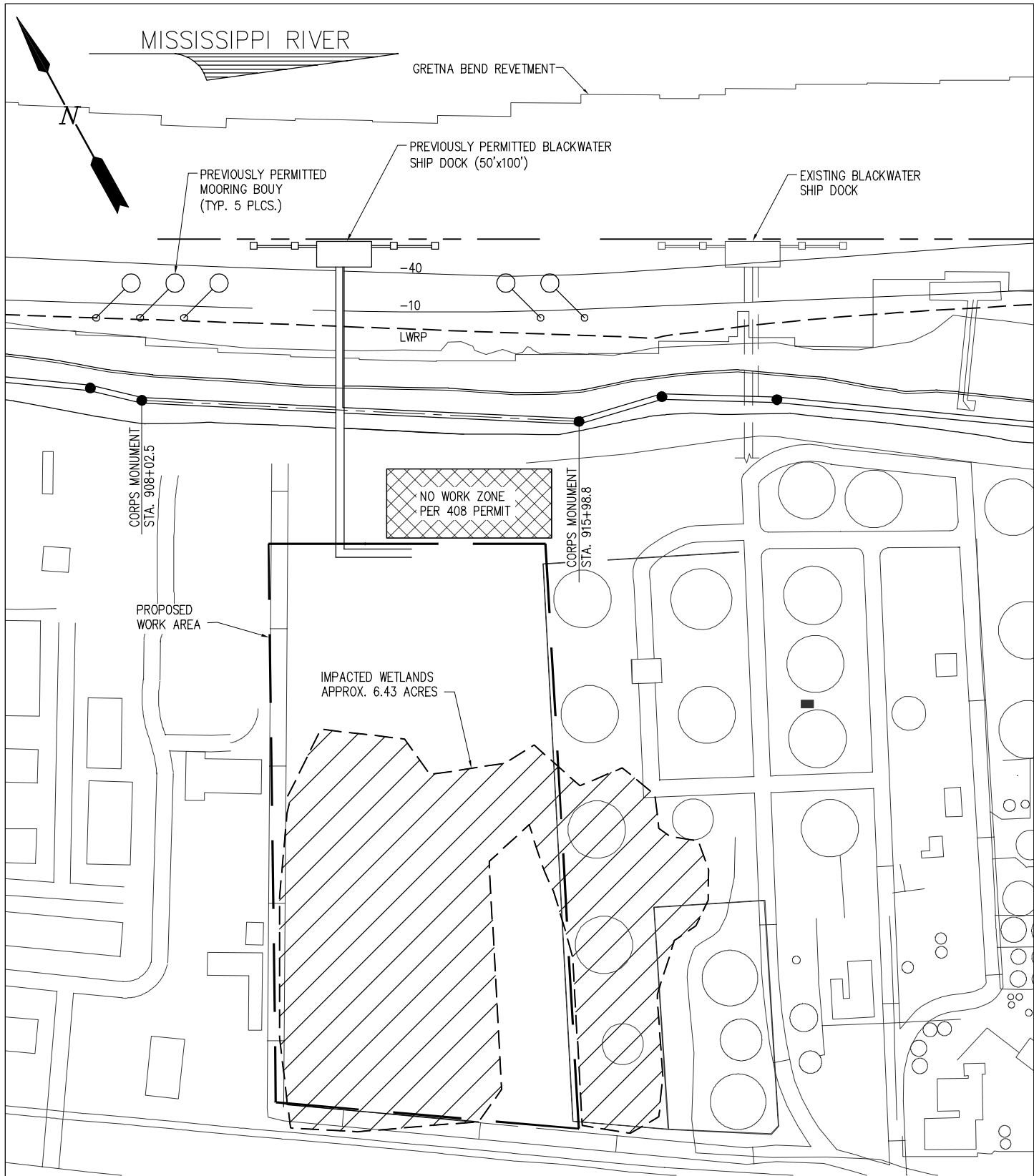
11060-P1

**LANIER & ASSOCIATES**  
CONSULTING ENGINEERS  
INCORPORATED  
LA: C-1120 F-2981  
NEW ORLEANS, LA BEAUMONT, TX

**BLACKWATER, L.L.C.**  
LOUISIANA  
**NEW PROPOSED TANK FARM EXPANSION**  
**VICINITY MAP**

DATE	MAY '16
DESIGN	NPL
DRAWN	JDM
CHECK	BNF
CONTRACT	11060
SHEET	No.
<b>1 OF 6</b>	

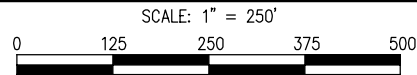
J:\110005\11060 BLACKWATER LANDSIDE PERMITTING SUPPORT\DRAWINGS\PERMIT\11060-P2.DWG



EXISTING SITE PLAN AND WETLANDS IMPACT

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01 APRIL 2019

RICHARD M. MESTAYER  
LANIER & ASSOCIATES  
LA P.E. # 34732



11060-P2

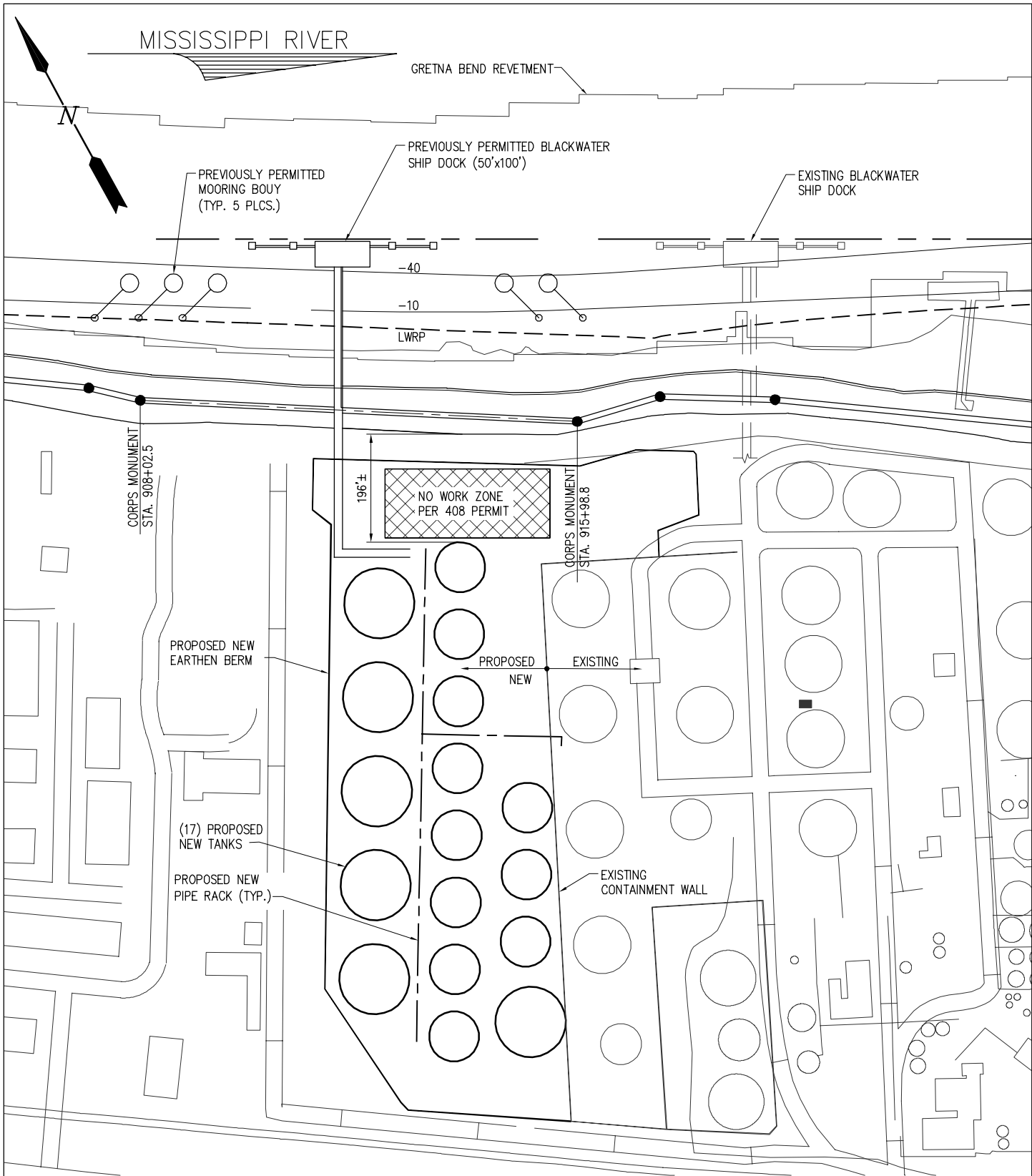
**LANIER & ASSOCIATES**  
CONSULTING ENGINEERS  
INCORPORATED  
LA: C-1120 F-2981  
NEW ORLEANS, LA BEAUMONT, TX

**BLACKWATER, L.L.C.**  
HARVEY LOUISIANA

**PROPOSED NEW TANK FARM EXPANSION  
EXISTING SITE PLAN  
WETLANDS IMPACTS**

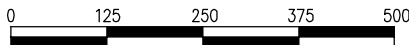
DATE	MAR. 19'
DESIGN	NPL
DRAWN	JDM
CHECK	BNF
CONTRACT	11060
SHEET No.	
<b>2 OF 6</b>	

J:\110005\11060 BLACKWATER LANDSIDE PERMITTING SUPPORT\DRAWINGS\PERMIT\11060-P3.DWG



### PROPOSED NEW SITE PLAN

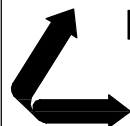
SCALE: 1" = 250'



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11060-P3

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 LA P.E. # 34732



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 INCORPORATED

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HARVEY

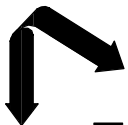
**BLACKWATER, L.L.C.**

LOUISIANA

**PROPOSED NEW TANK FARM EXPANSION**  
**PROPOSED NEW SITE PLAN**

DATE MAR. 19'  
 DESIGN NPL  
 DRAWN JDM  
 CHECK BNF  
 CONTRACT 11060  
 SHEET No.

3 OF 6



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 INCORPORATED  
 LA: C-1120 F-2981  
 NEW ORLEANS, LA BEAUMONT, TX

HARVEY

**BLACKWATER, L.L.C.**

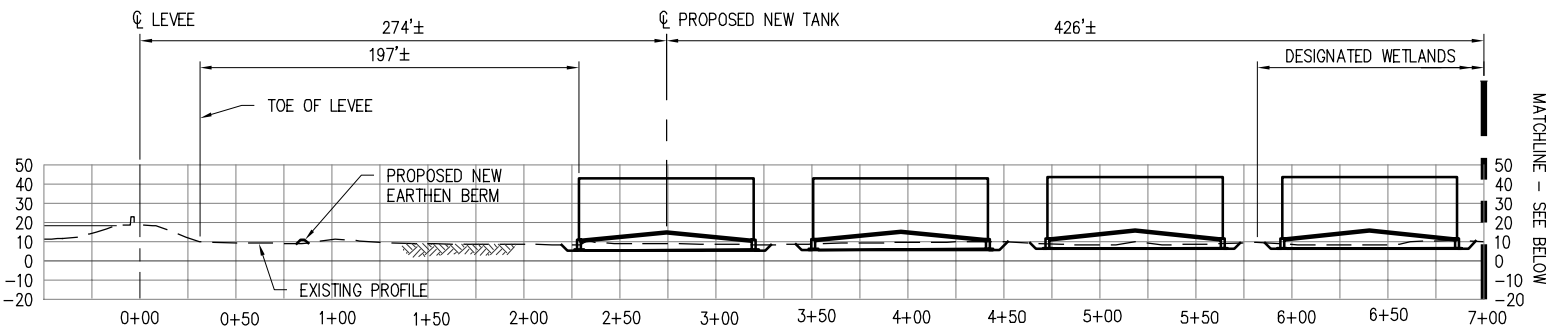
LOUISIANA

**PROPOSED NEW TANK FARM EXPANSION  
 TANK SUPPORT  
 CROSS SECTION**

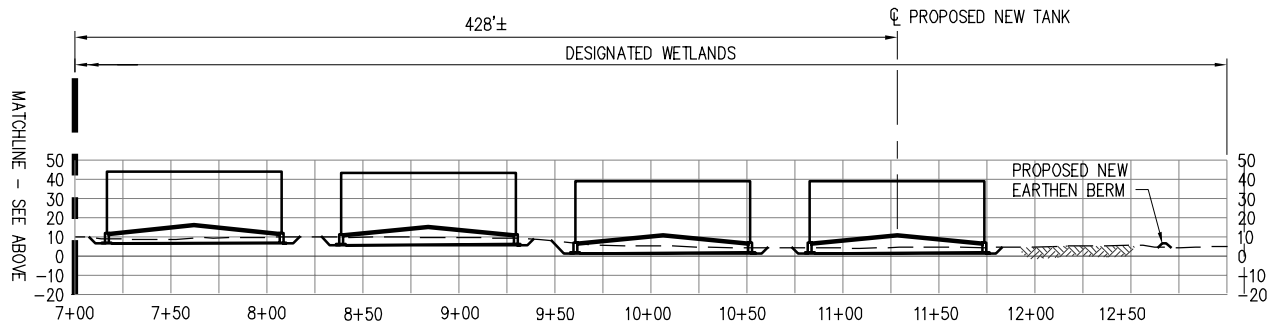
**PRELIMINARY - FOR  
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 01 APRIL 2019

11060-P4

DATE: MAR. 19'  
 DESIGN: JEU  
 DRAWN: TAC  
 CHECK: \_\_\_\_\_  
 CONTRACT: 11060  
 SHEET NO. 4 OF 6



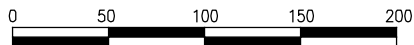
MATCHLINE - SEE BELOW



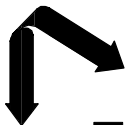
MATCHLINE - SEE ABOVE

**CROSS SECTION AT STA. 913+90±**

1"=100'



RICHARD M. MESTAYER  
LANIER & ASSOCIATES  
LA P.E. # 34732



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NEW ORLEANS, LA BEAUMONT, TX

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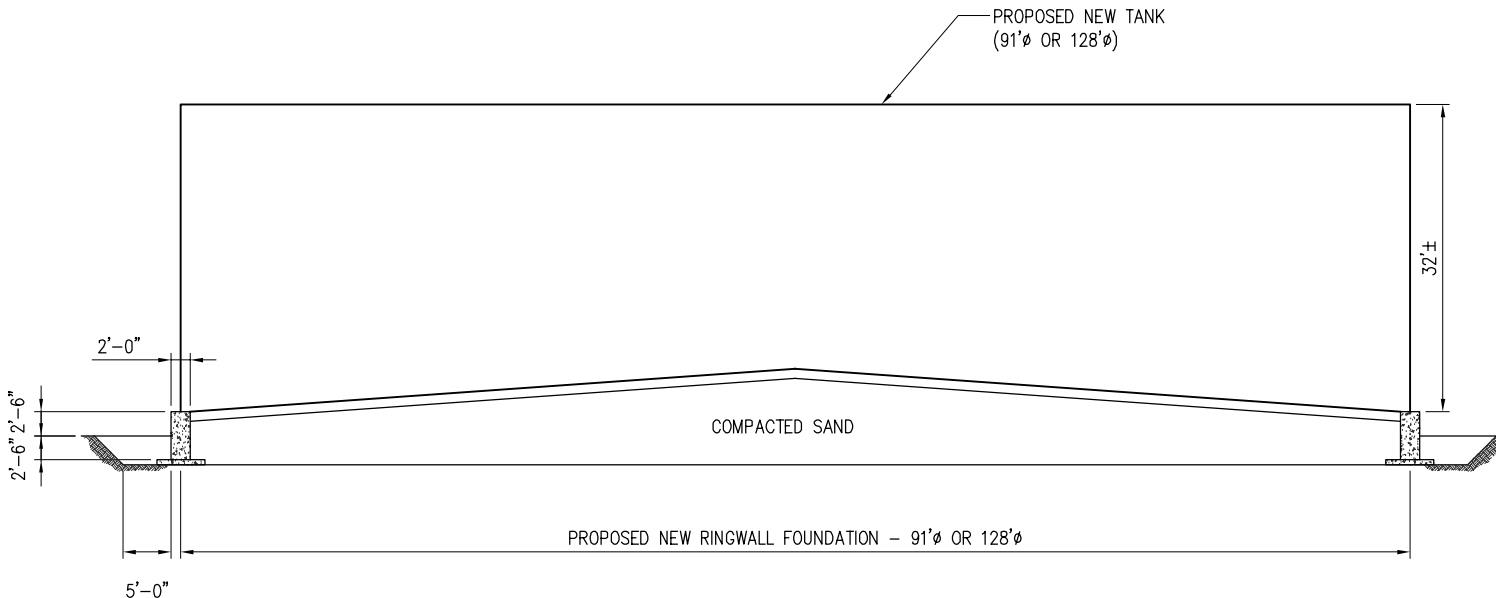
**BLACKWATER, L.L.C.**

LOUISIANA

**PROPOSED NEW TANK FARM EXPANSION**  
**PROPOSED NEW TANK FOUNDATION**  
**ELEVATION**

**PRELIMINARY - FOR PERMIT PURPOSES ONLY**  
01 APRIL 2019

11060-P7



**PROPOSED NEW TANK FOUNDATION – ELEVATION**

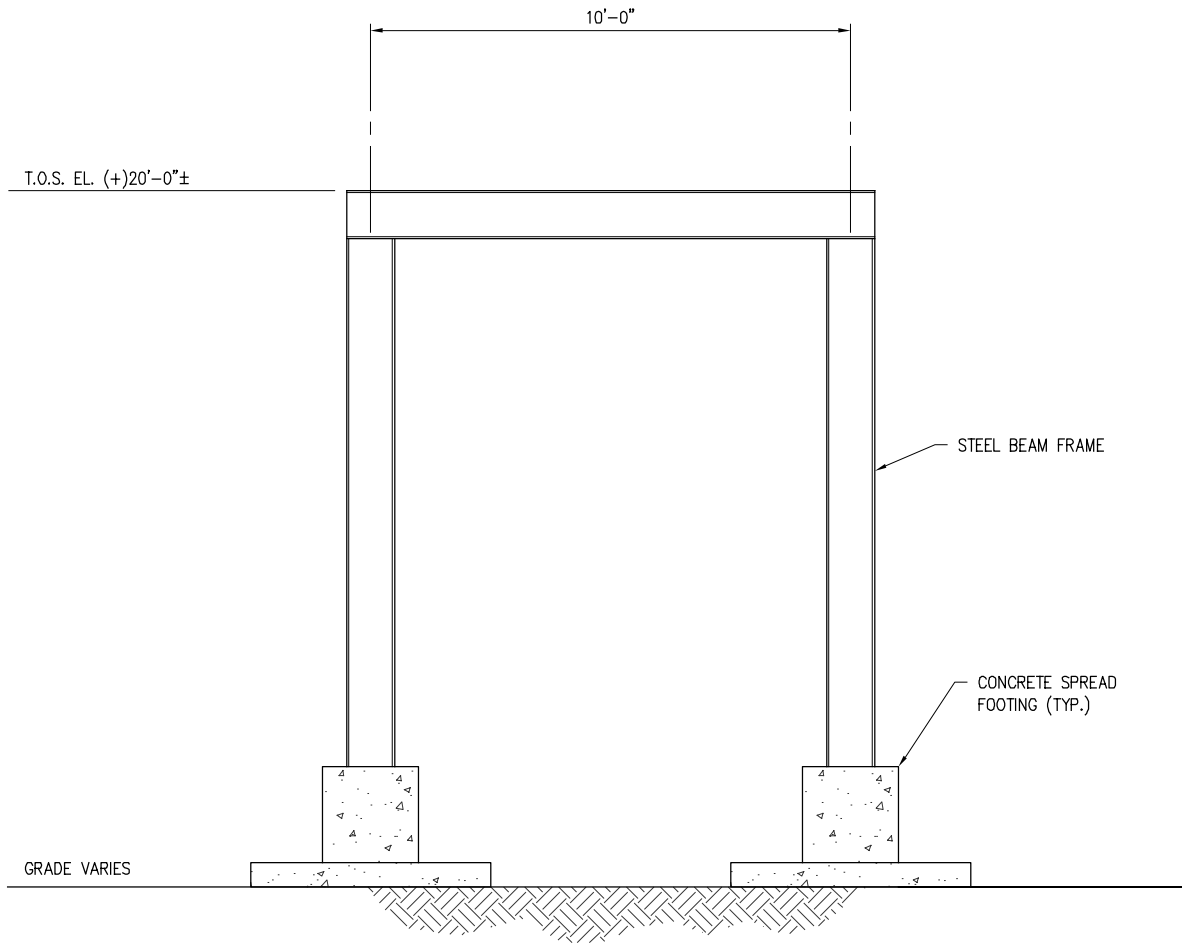
SCALE: 1" = 20'  
(11) 91'Ø TANKS AND (6) 128'Ø TANKS



DATE	MAR. 19'
DESIGN	NPL
DRAWN	TAC
CHECK	BNE
CONTRACT	11060
SHEET NO.	5 OF 6



J:\11000S\11060 BLACKWATER LANDSIDE PERMITTING SUPPORT\DRAWINGS\PERMIT\11060-P6.DWG



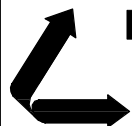
### TYPICAL PROPOSED NEW PIPERACK BENT ELEVATION

SCALE: 1/4"=1'-0"  
(APPROXIMATELY 67 REQUIRED)

**PRELIMINARY - FOR  
PERMIT PURPOSES ONLY**  
01 APRIL 2019

11060-P7

RICHARD M. MESTAYER  
LANIER & ASSOCIATES  
LA P.E. # 34732



**LANIER & ASSOCIATES**  
CONSULTING ENGINEERS  
INCORPORATED

LA: C-1120 F-2981  
NEW ORLEANS, LA BEAUMONT, TX

HARVEY

**BLACKWATER, L.L.C.**

LOUISIANA

**PROPOSED NEW TANK FARM EXPANSION  
PROPOSED NEW PIPERACK BENT  
ELEVATION**

DATE MAR. 19'  
DESIGN NPL  
DRAWN TAC  
CHECK BNF  
CONTRACT 11060  
SHEET No.

**6 OF 6**