

# JOINT PUBLIC NOTICE

1 July 2019

United States Army  
Corps of Engineers  
New Orleans District  
Regulatory Branch (ODR-E)  
7400 Leake Avenue  
New Orleans, Louisiana 70118

(504) 862-2279  
[angelle.v.greer@usace.army.mil](mailto:angelle.v.greer@usace.army.mil)  
Project Manager  
Angelle Greer  
Permit Application Number  
MVN-2019-00595-EG

State of Louisiana  
Department of Environmental Quality  
ATTN: Water Quality Certifications  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(225) 219-3225  
Project Manager  
Elizabeth Hill  
WQC Application Number  
WQC 190621-01

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, Water Quality Certifications, 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).

## **DREDGING IN MISSISSIPPI RIVER (MILE 141.6) FOR FILL MATERIAL IN ST. JOHN THE BAPTIST PARISH**

**NAME OF APPLICANT:** Fill Materials, LLC C/O ELOS Environmental, LLC, Attention: Flynn Daigle, 43177 East Pleasant Ridge Rd., Hammond, LA 70403

**LOCATION OF WORK:** At approximately Latitude: 30.041886, Longitude: -90.61245, off of LA Highway 44, and within the Mississippi River, left descending bank, at Mile 141.6, in Garyville, in St. John the Baptist Parish, Louisiana, as shown on the enclosed drawings.  
Hydrologic Unit Code: 08070100 (Lower Mississippi- Baton Rouge)

The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. All legal issues concerning the unauthorized work have been deferred.

**CHARACTER OF WORK:** Dredging of an approximate 1132-foot by 781-foot area within the Mississippi River, left descending bank, at Mile 141.6, and stockpiling of excavated material within an existing sand pit for commercial purposes. No permanent wetland impacts are anticipated as a result of the project, therefore no compensatory mitigation is proposed.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of the permit is determined to be contrary to the overall public interest.

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**. **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.

The New Orleans District has determined that the project footprint is located in an area known to be utilized by the West Indian Manatee, Pallid Sturgeon and Inflated Heelsplitter. It has been determined that the activity is not likely to adversely affect the Pallid Sturgeon (with inclusion of permit special conditions) or the West Indian Manatee, and the activity will have no effect on the Inflated Heelsplitter based on the 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.

Our initial finding is that the proposed work is Not Likely to Adversely 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.

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 20.29 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, Water Quality Certifications, 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.

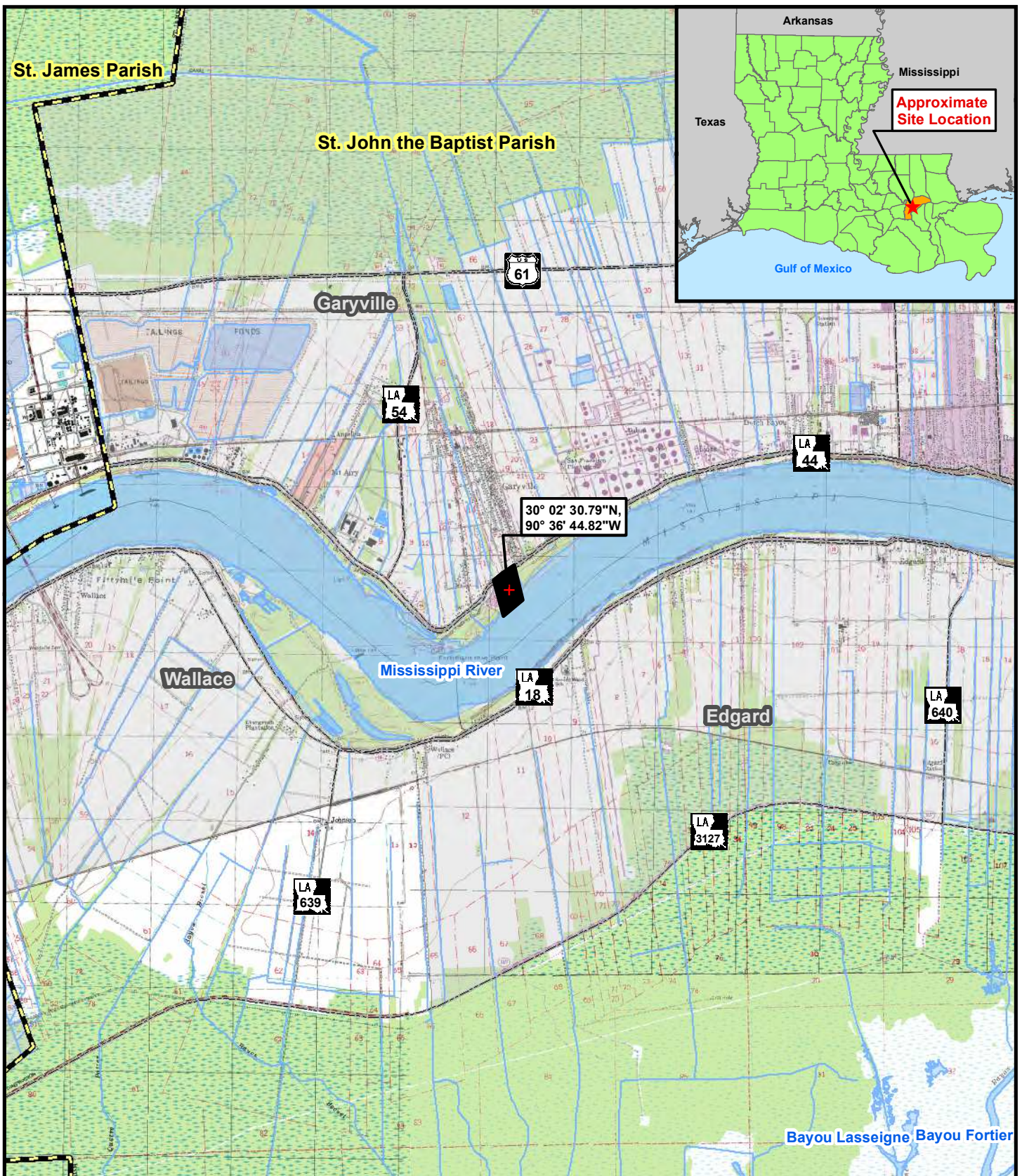
The applicant has certified that the proposed activity described in the application complies with and will be conducted in a manner that is consistent with the Louisiana Coastal Resources Program. The Department of the Army permit will not be issued unless the applicant received approval or a waiver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



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

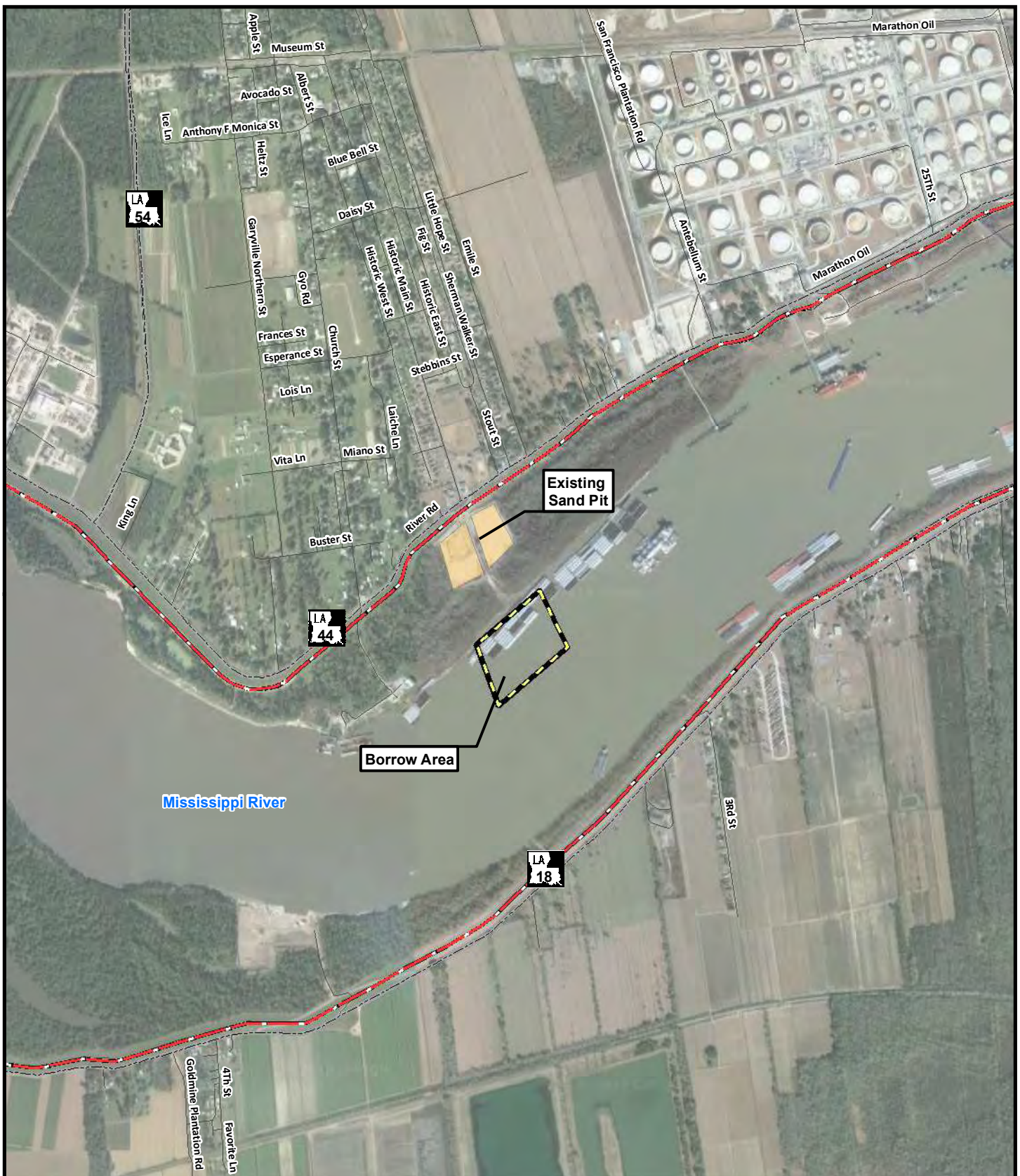
Enclosure


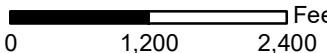




















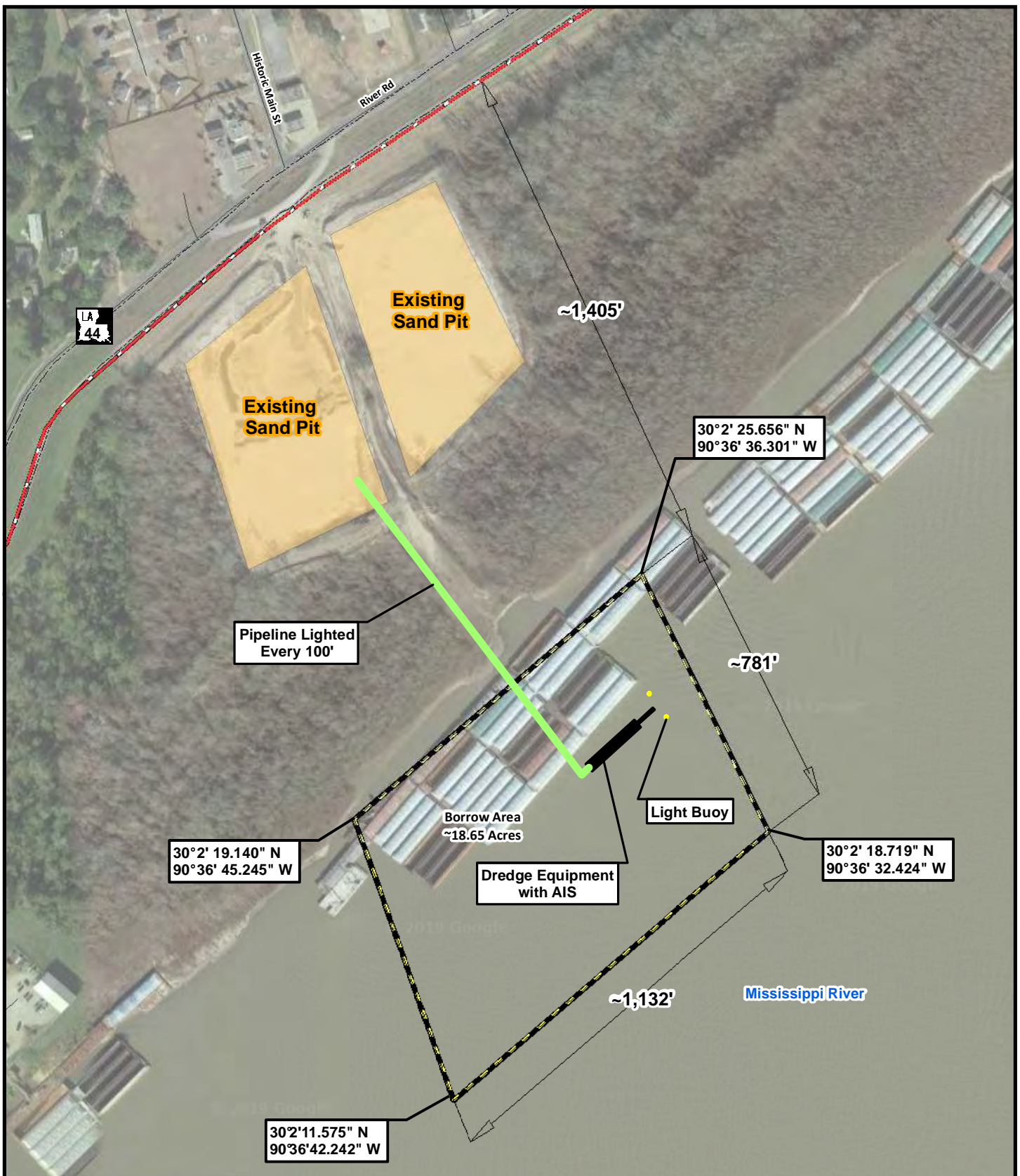
 <p> <a href="http://elosenv.com/">http://elosenv.com/</a>            43177 East Pleasant Ridge Road            Hammond, Louisiana 70403            P. 985-662-5501, F. 985-662-5504         </p>	<p>0 3,875 7,750 Feet</p> 		<p><b>Legend:</b></p> <table border="0"> <tr> <td> Site Outline</td> <td> Center Point</td> <td> Stream/River</td> </tr> <tr> <td> City/Town</td> <td> Roadways</td> <td> Waterbody</td> </tr> <tr> <td> Parish Boundary</td> <td> Highway</td> <td></td> </tr> </table>		Site Outline	Center Point	Stream/River	City/Town	Roadways	Waterbody	Parish Boundary	Highway	
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Parish Boundary	Highway												
<p><b>Figure 1: TopoVicinity Map</b></p>													
<p><b>Fill Materials, LLC Garyville Sand Pit</b></p>		<p>This figure was prepared utilizing public and proprietary data. It should not be used to establish any legal boundaries or specific locations. ELOS Environmental, L.L.C., is not responsible for any usage of this figure contrary to its original, intended purpose.</p>											





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	 Existing Sand Pit	 Highway						
	 Borrow Area	 Roadway						
 Mississippi River Levee								
<p align="center"><b>Figure 2: Site Location</b></p>								
<p align="center"> <b>Fill Materials, LLC</b>  <b>Garyville Sand Pit</b> </p>	<p>This figure was prepared utilizing public and proprietary data. It should not be used to establish any legal boundaries or specific locations. ELOS Environmental, L.L.C., is not responsible for any usage of this figure contrary to its original, intended purpose.</p>							





43177 East Pleasant Ridge Road  
Hammond, Louisiana 70403  
P. 985-662-5501, F. 985-662-5504

0 250 500 Feet



Figure 3: Borrow Area

**Fill Materials, LLC  
Garyville Sand Pit**

**Legend:**

- Site Outline
- Borrow Area
- Existing Sand Pit
- Mississippi River Levee
- Highway
- Roadway

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GARYVILLE SAND PIT FACILITY  
141 MILES ABOVE HEAD OF PASSES  
GARYVILLE  
ST. JOHN THE BAPTIST PARISH  
LOUISIANA  
EXISTING CONDITIONS

NOTES:

1. STATIONING BASED ON USACE BASELINE.

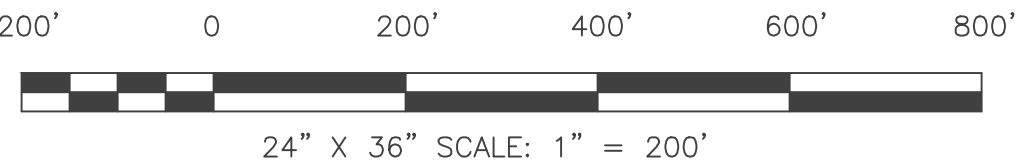
2. THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY. IT IS INTENDED TO SHOW EXISTING CONFIGURATION AND ELEVATIONS OF THE EXISTING FILL MATERIALS LLC SAND PIT IN GARYVILLE, LOUISIANA. THIS DRAWING DOES NOT MEET MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF LOUISIANA.

3. HYDROGRAPHIC DATA SHOWN IS FROM USACE 2013 HYDROGRAPHIC SURVEY MAPS, MISSISSIPPI RIVER, BLACK HAWK, LOUISIANA TO THE GULF OF MEXICO, MILE 324 AHP TO MILE 23 BHP.

LEGEND			
	EXIST. GUY WIRE	EXIST. SMH	EXISTING SEWER MANHOLE
	EXIST. DRAIN LINE		EXIST. SEWER MANHOLE
	EXIST. CONC. AREA		EXIST. DRAIN MANHOLE
	EXIST. GRAVEL		EXIST. SIGN
	EXIST. RIP-RAP		EXIST. POWER OR TELEPHONE POLE
	OVERHEAD UTILITY		EXIST. TREE
	EXIST. BOUNDARY LINE		HOSE BIB
	CONCRETE		LIGHT POLE
	WATER METER		EXIST. DITCH
	GAS METER		EXIST. MAILBOX
	GAS VALVE		EXIST. TRAFFIC LIGHT
	WATER VALVE		EXIST. FIRE HYDRANT
	DENOTES RAILROAD SPIKE FOUND		EXIST. DROP INLET
	DENOTES IRON ROD FOUND		EXIST. SEWER CLEAN OUT
	DENOTES IRON ROD SET		DENOTES CROSS CUT FOUND
	EXIST. UG ELECTRIC LINE		TITLE
	EXIST. UG TELEPHONE LINE		ACTUAL
	EXIST. GRAVITY SEWER LINE		PORTION
	EXIST. WATER LINE		OVERALL
	EXIST. GAS LINE		POINT OF BEGINNING
	EXIST. CHAINLINK FENCE		LINE NOT TO SCALE
	DENOTES CROSS CUT SET		
	SLOPE ARROW		



PROPOSED DREDGING LIMITS SKETCH





GARYVILLE SAND PIT FACILITY  
141 MILES ABOVE HEAD OF PASSES  
GARYVILLE  
ST. JOHN THE BAPTIST PARISH  
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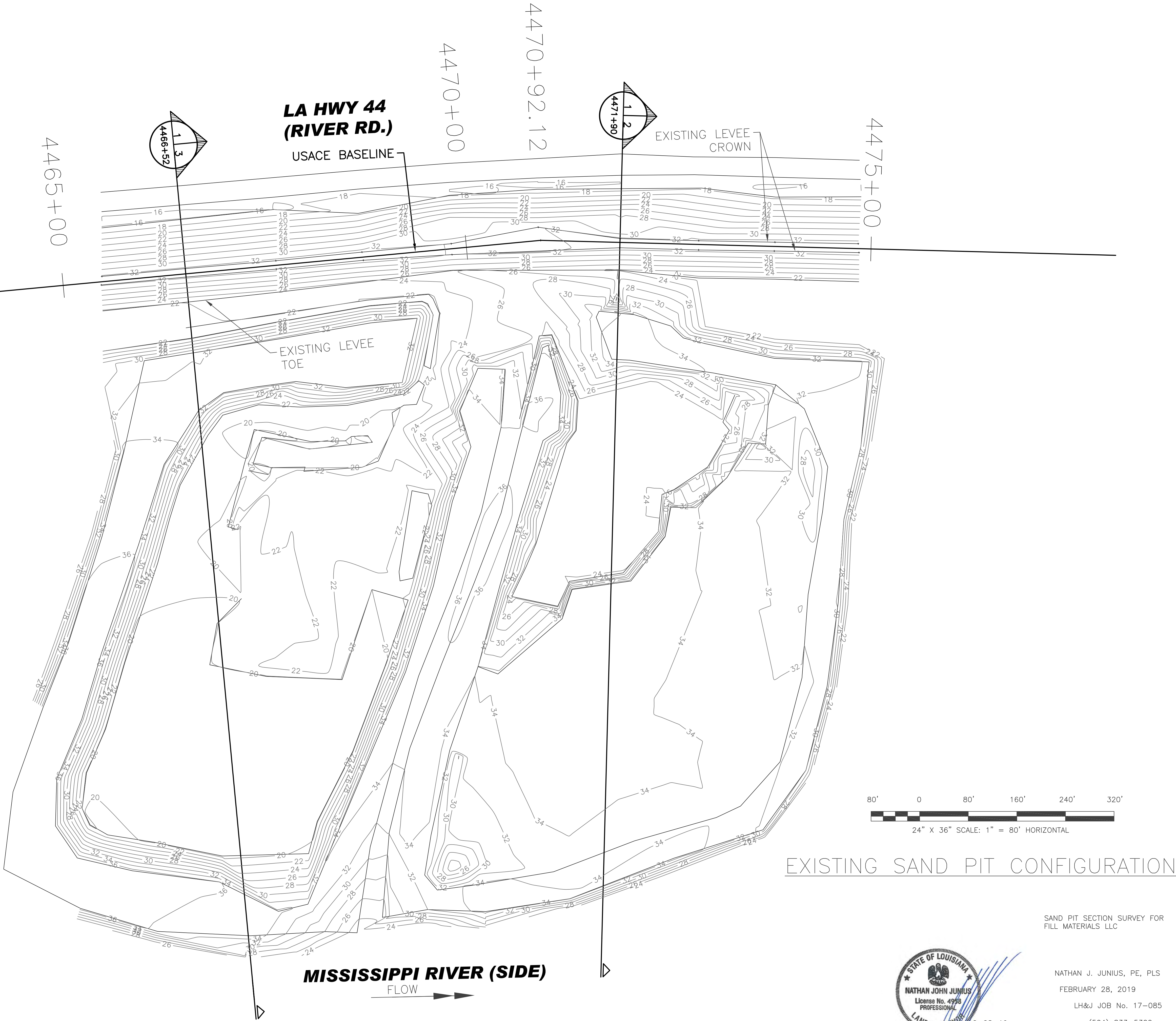
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	SLOPE ARROW		

 **LINFIELD, HUNTER & JUNIUS, INC.**  
PROFESSIONAL ENGINEERS, ARCHITECTS,  
LANDSCAPE ARCHITECTS AND SURVEYORS  
3608 18th Street, Suite 200  
Metairie, Louisiana 70002

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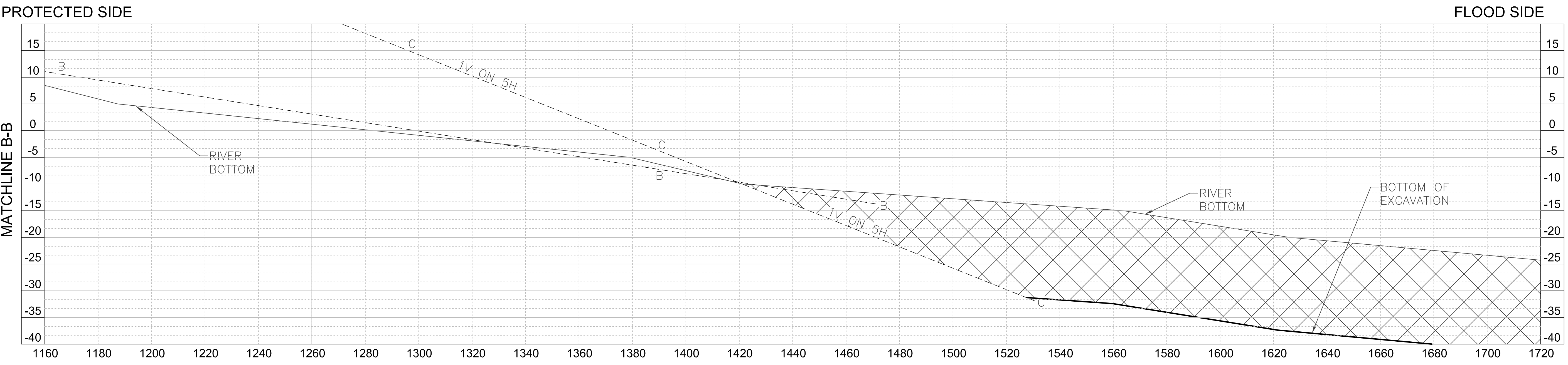
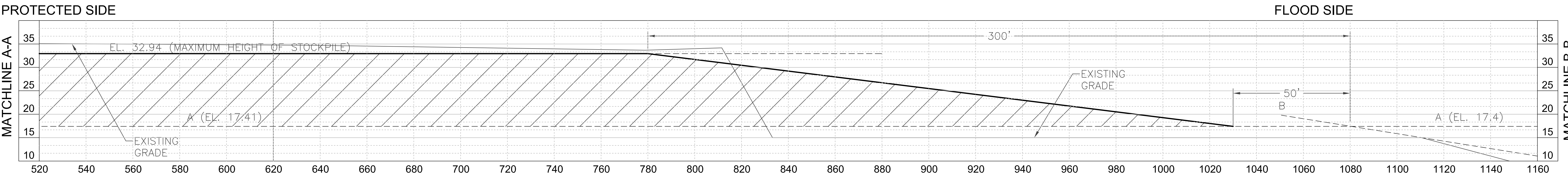
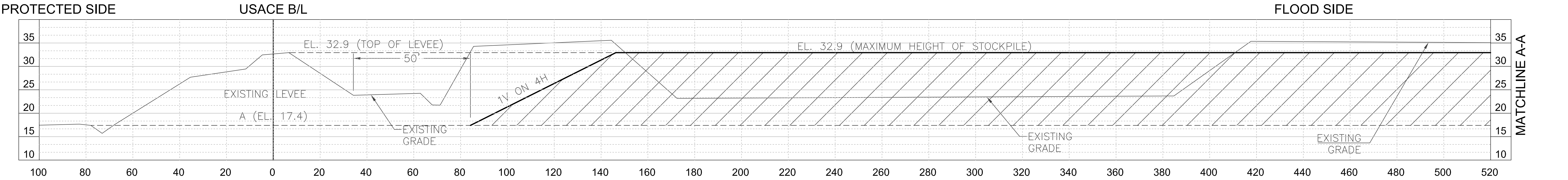


EXISTING SAND PIT CONFIGURATION

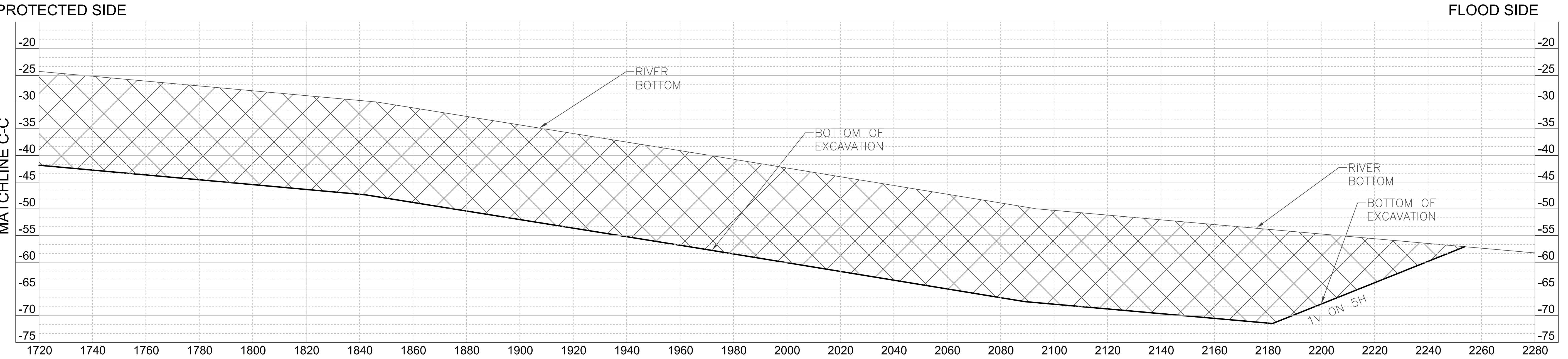
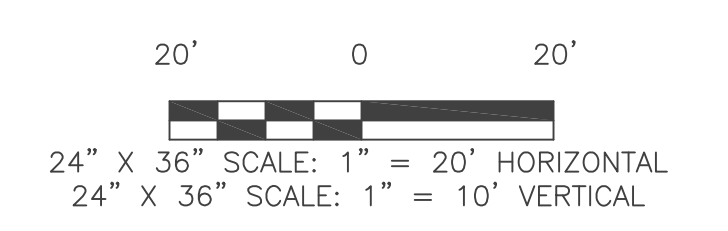
STATE OF LOUISIANA  
NATHAN JOHN JUNIUS  
License No. 4998  
PROFESSIONAL  
LAND SURVEYOR

SAND PIT SECTION SURVEY FOR  
FILL MATERIALS LLC  
NATHAN J. JUNIUS, PE, PLS  
FEBRUARY 28, 2019  
LH&J JOB No. 17-085  
(504) 833-5300





REVISED 3-29-19 TO SHOW LIMITS OF EXCAVATION IN RIVER.  
NO FIELD VISIT WAS PERFORMED.



FILL MATERIALS SAND PIT  
141 MILES ABOVE HEAD OF PASSES  
GARYVILLE  
ST. JOHN THE BAPTIST PARISH  
LOUISIANA

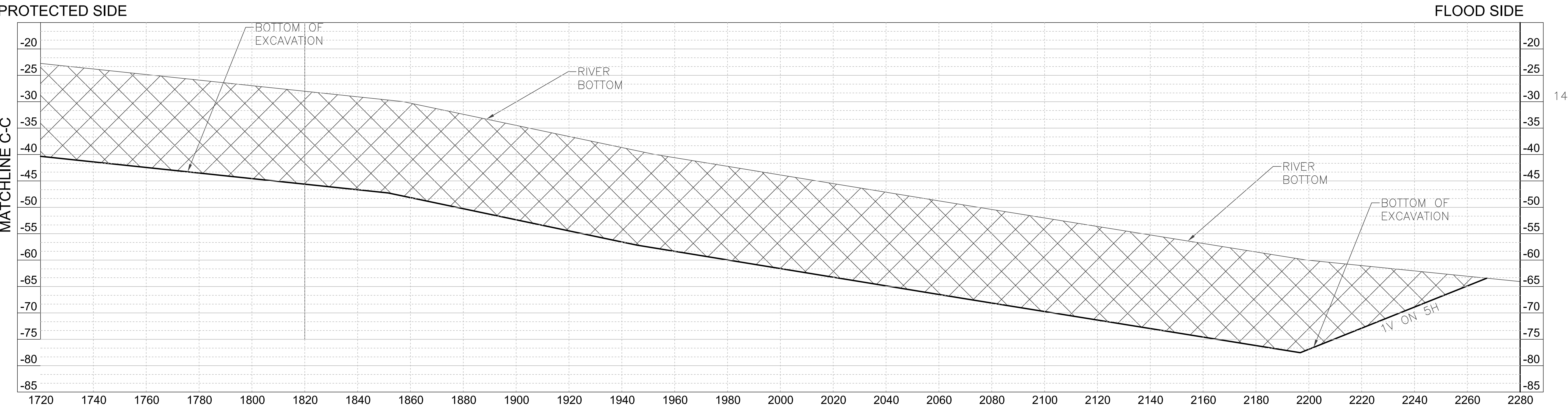
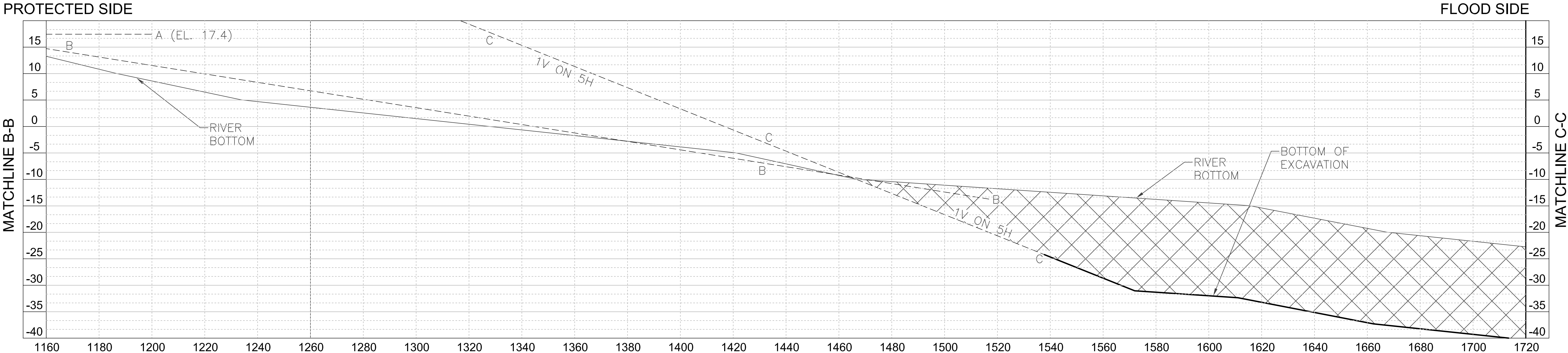
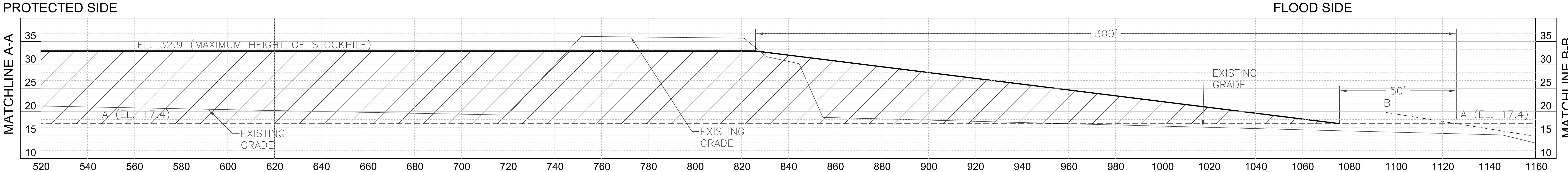
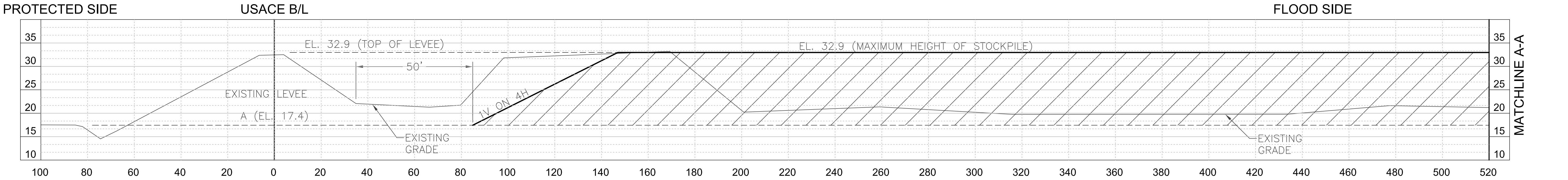


SAND PIT SECTION SURVEY FOR  
FILL MATERIALS LLC

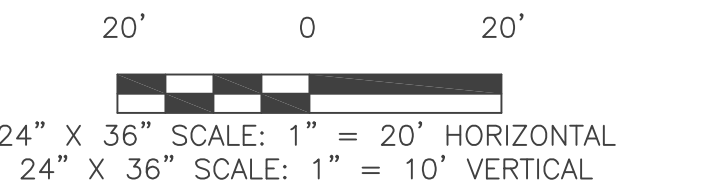
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CROSS SECTIONS STA. 4471+90

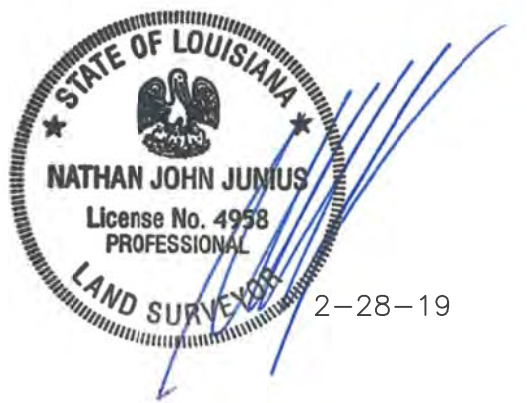




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CROSS SECTIONS STA. 4466+52