

DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT 7400 LEAKE AVE NEW ORLEANS, LA 70118-3651

August 15, 2022

Regulatory Division Central Evaluation Branch

Project Manager S. Gail Gainey (504) 862-1545 Sandra.g.gainey@usace.army.mil

SUBJECT: MVN-2021-01219-CG

PUBLIC NOTICE

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); [X] Section 404 of the Clean Water Act (86 Stat. 816; 33 USC 1344), and/or [X] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

CONSTRUCTION OF AN AIR SEPARATION UNIT COMPLEX, WATER INTAKE STRUCTURES AND CLARIFIERS ON THE MISSISSIPPI RIVER LDB AT RM 185 IN ASCENSION PARISH

NAME OF APPLICANT: Linde, Inc. c/o CK Associates, 8591 United Plaza Blvd., Suite 300, Baton Rouge, LA 70809.

LOCATION OF WORK: In the Mississippi River at RM 185, left descending bank, in Section 50, Township 9 South, Range 2 East and Sections 3 & 11, Township 10 South, Range 2 East, on LA Highway 30 in Geismar, Louisiana, in Ascension Parish, within the Pontchartrain and Mississippi River Basins in hydrologic units (HUC 08070204 and 08070100), as shown on the attached drawings (Latitude 30.21119 N, Longitude -91.003002 W).

CHARACTER OF WORK: The applicant has requested Department of the Army authorization to clear, grade, excavate and deposit fill and/or aggregate material to construct and maintain an air separation unit complex (Linde Geismar ASU Utility Island) to include parking lots, utilities, a water intake structure, clarifiers, pipelines, and appurtenant support structures. Approximately 28,600 cubic yards of material would be excavated and backfilled to install the pipelines and approx. 10,425 cubic yards of fill material will be hauled in to achieve required grade elevation requirements. The proposed project is situated on an approximately 81.2 acres that has been determined to contain forested and emergent wetlands and waters of the US. Of this, approximately 49.3 acres of wetlands and approx. 4.52 acres of waters of the US would be directly impacted in construction of the facility.

The applicant proposes to avoid additional direct impacts and minimize secondary impacts to the maximum extent practicable by avoiding 13.26 acres of jurisdictional aquatic resources, limiting

the construction activity to the designated construction areas onsite, disposing of all cleared vegetation from the pipeline construction workspace by chipping to be spread within the pipeline construction workspaces not to exceed a depth of 2-inches, and utilizing best management practices for erosion and siltation control during and after the construction phase of the project. As compensation for unavoidable wetland impacts, the applicant proposes to use a Corps approved mitigation bank within the watershed of impact.

The comment period for the Department of Army will close in <u>30 days</u> from the date of this 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 must be mailed so as to be received before or by the last day of the comment period. Letters and/or comments concerning the subject permit application must reference the applicant's name and the Permit Application Number and can be preferably emailed to the Corps of Engineers project manager listed above or forwarded to the Corps of Engineers at the address above, <u>ATTENTION:</u> <u>REGULATORY DIVISION, RGC, S. Gail Gainey</u>. This public notice is also available for review online at https://go.usa.gov/xennJ.

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.

This request will also be reviewed pursuant to Section 408 and USACE Engineering Circular (EC) 1165-2-220, which provides policy and procedural guidance for processing requests to alter USACE civil works projects.

The decision whether to grant permission for the requested alteration will be based on several factors. The benefits that reasonably may be expected to accrue from the proposal will be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

- 1) Potential to Impair the Usefulness of the Project. Proposed alterations will be reviewed to determine whether the alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. If USACE determines that the usefulness of the authorized project would be impaired, the request will be denied.
- 2) Potential to be Injurious to the Public Interest. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may

include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

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. Further, all factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project. The Section 408 review will consider the potential impact to the usefulness of the Federal project and whether the proposed alteration would be injurious to the public interest. Policy and legal compliance will also be considered.

The New Orleans District utilizes the National Register of Historic Places to identify properties listed on or near the proposed work. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. However, extent of coverage and impacts is undetermined at this time pending a National Historic Preservation Act compliance determination. Copies of this notice are made available to the State Archeologist and the 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.

The New Orleans District has determined that the proposed project is located in waters known to be utilized by the West Indian Manatee (*Trichechus manatus*) and the Pallid Sturgeon (*Scaphirhynchus albus*). Utilizing the Information & Planning Consultation for Endangered Species in Louisiana protocol, dated January 27, 2020 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 with the inclusion of the Standard Manatee Conditions for In-Water Activities, proposed work is not likely to adversely affect the West Indian Manatee. Additionally, the proposed work has been determined not likely to adversely affect Pallid Sturgeon (*Scaphirhynchus albus*) as the project meets the 316(b) guidelines pertaining to impingement, entrainment, and entrapment.

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 <u>0.25</u> 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

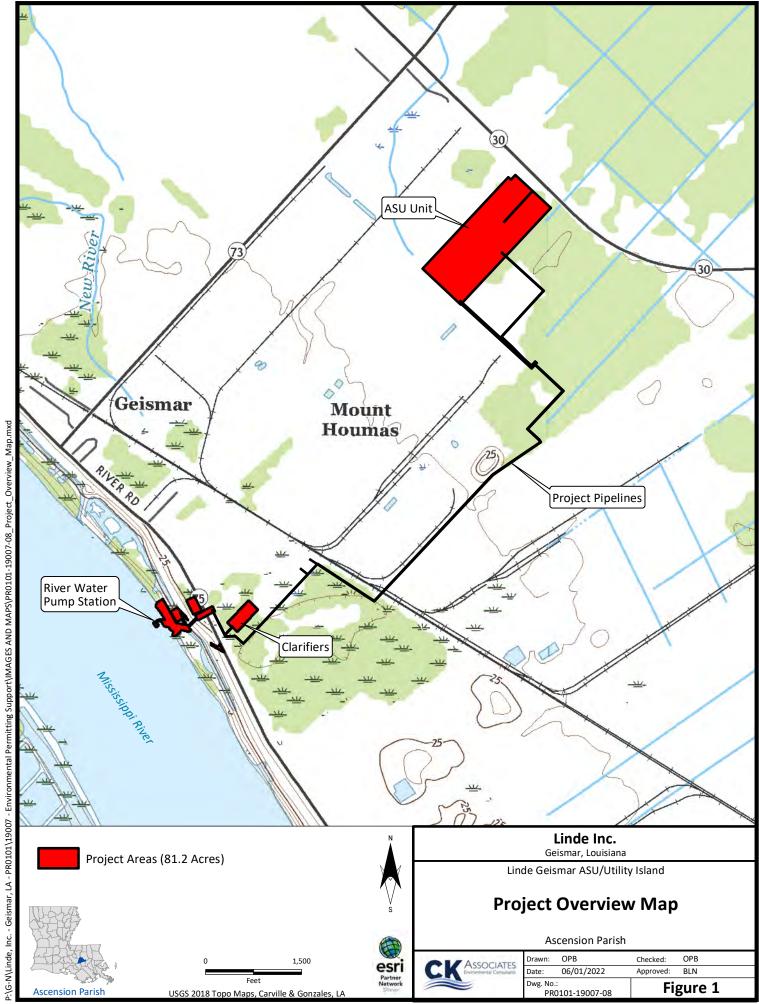
substantial adverse impact on EFH or federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

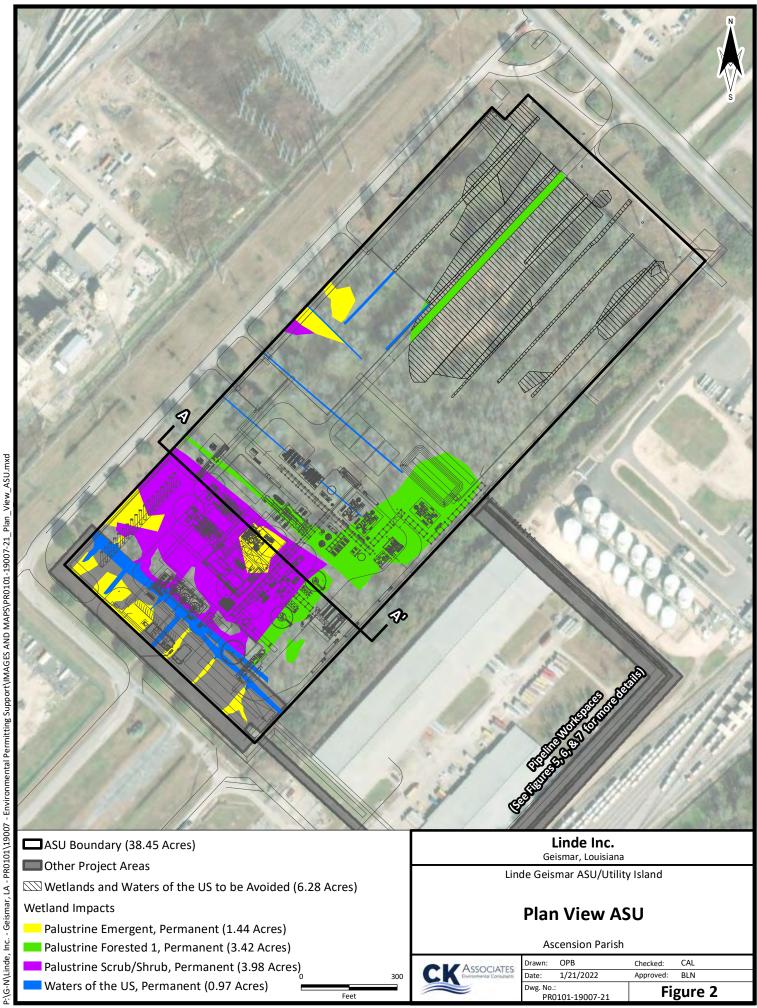
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not violate applicable water quality standards will be required from the Department of Environmental Quality, Office of Environmental Services, before a permit is issued.

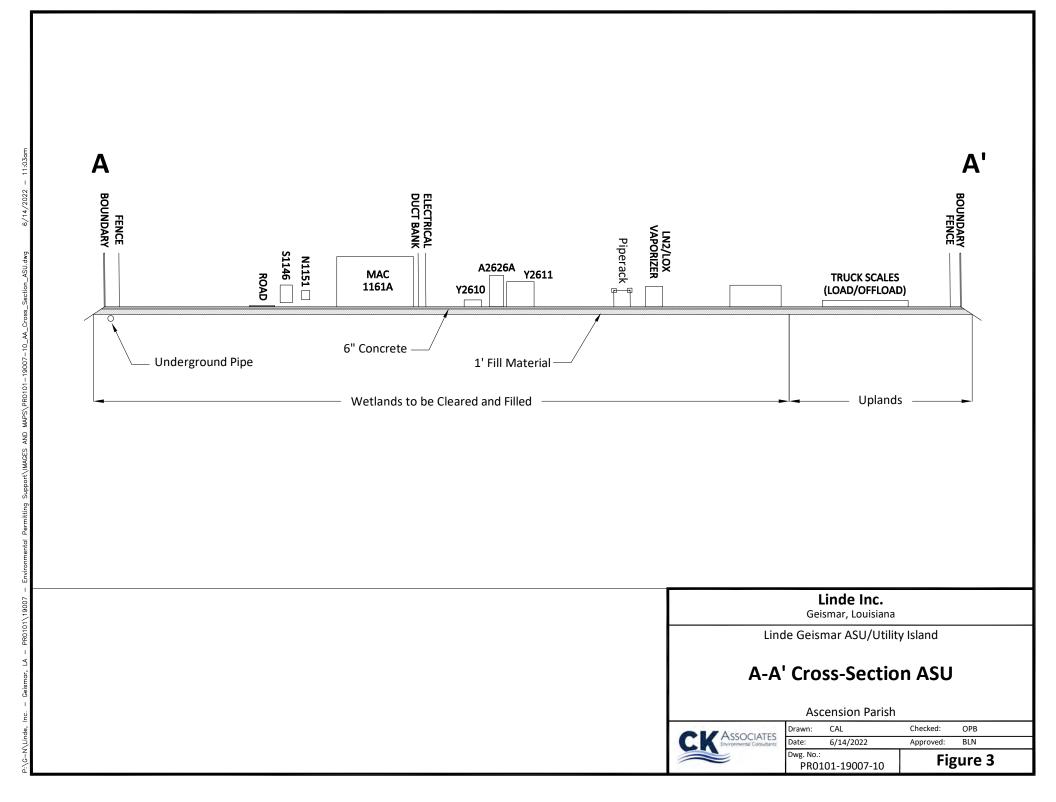
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. You are requested to communicate the information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

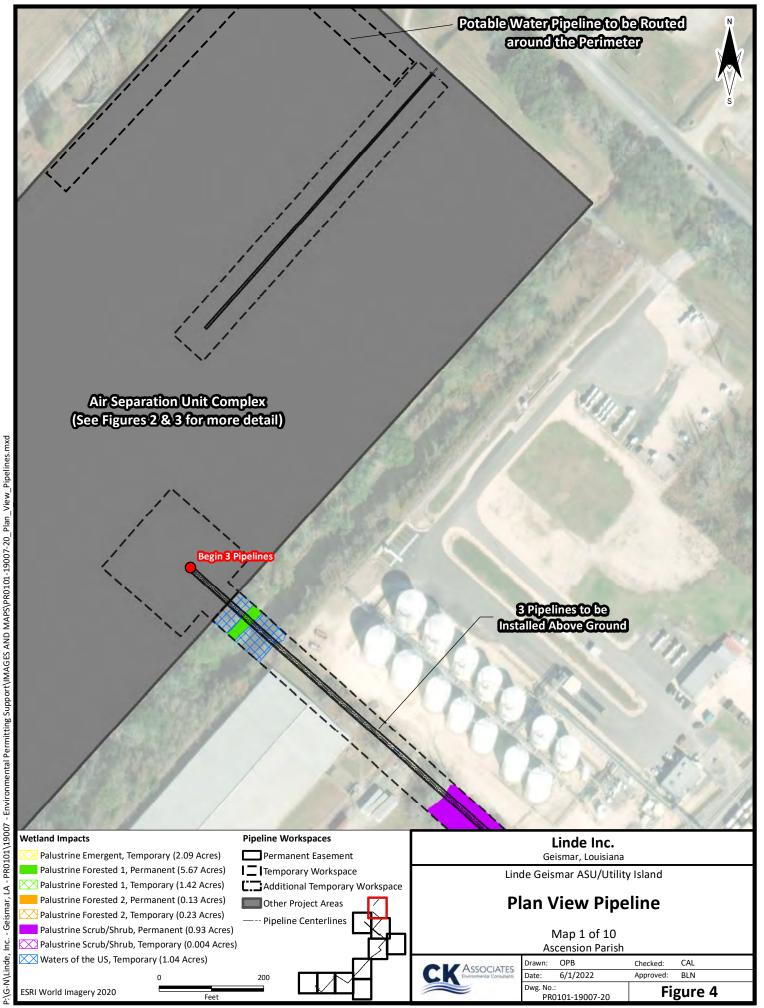
JOHN M. HERMAN Chief, Central Evaluation Branch Regulatory Division

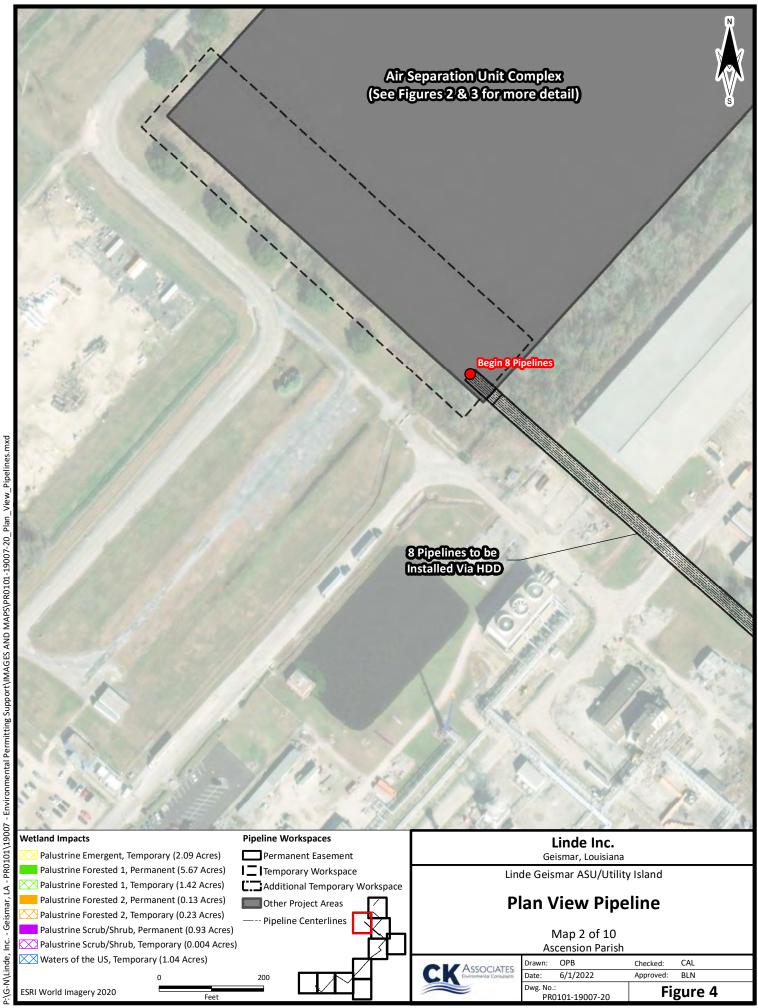
Enclosures

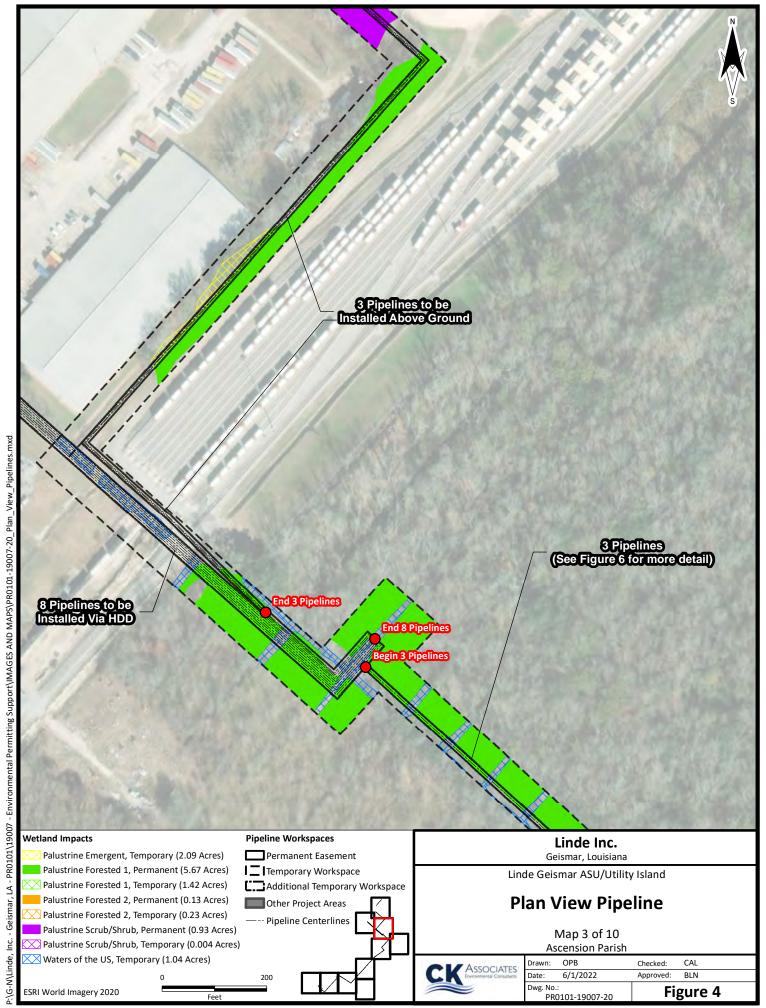


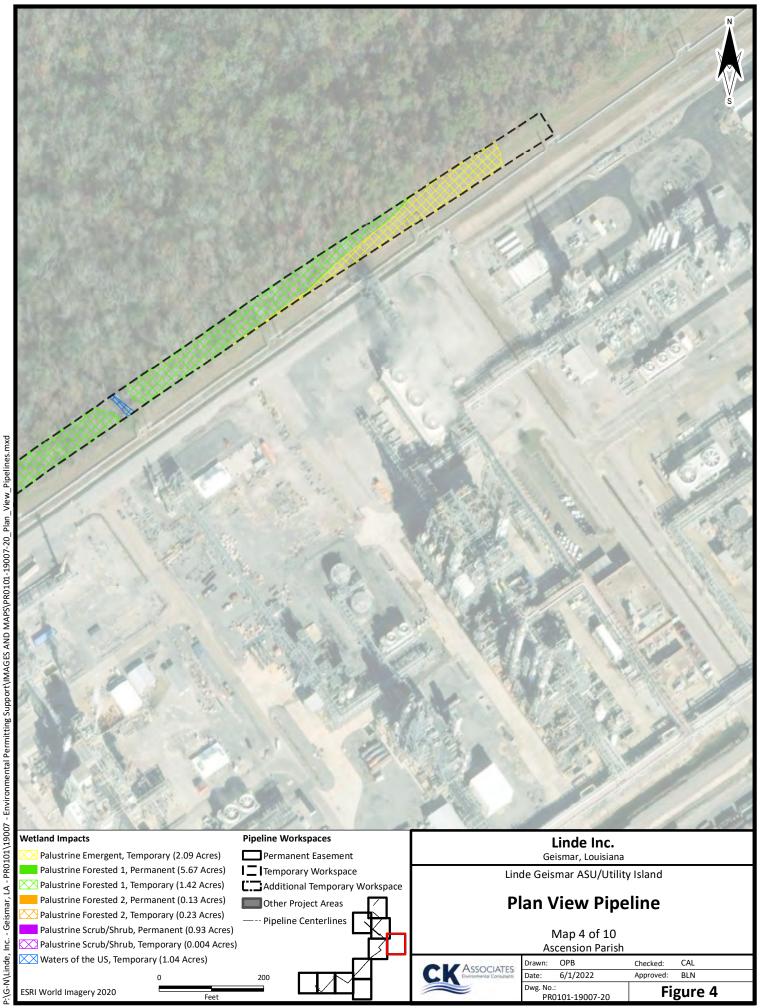


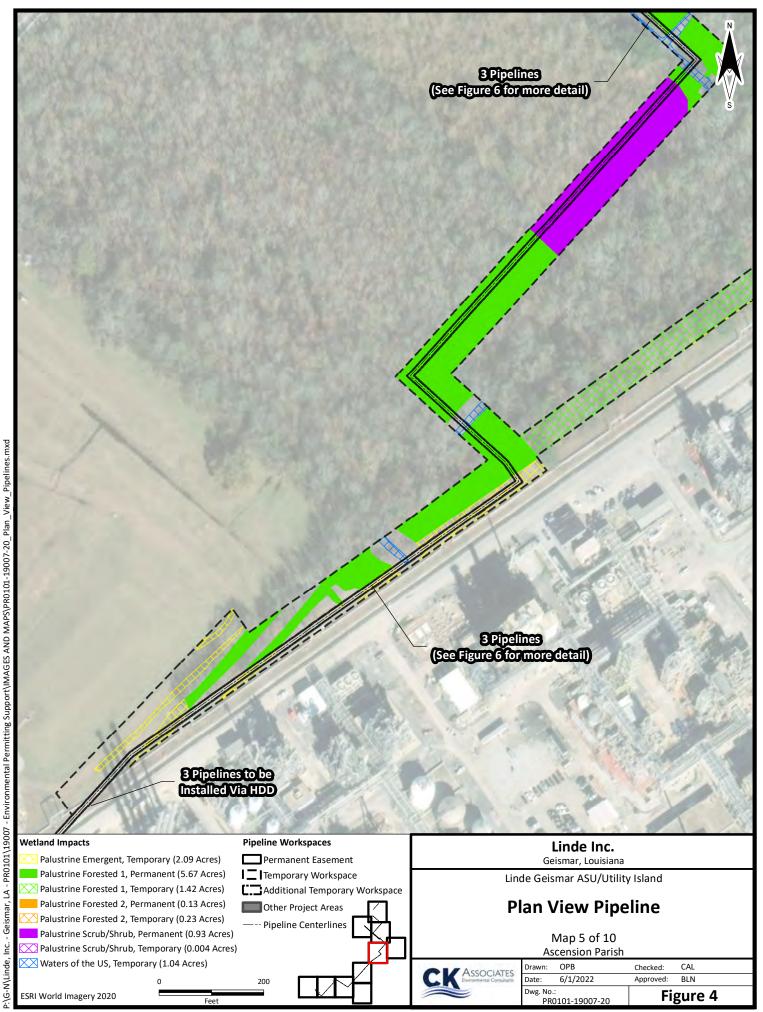


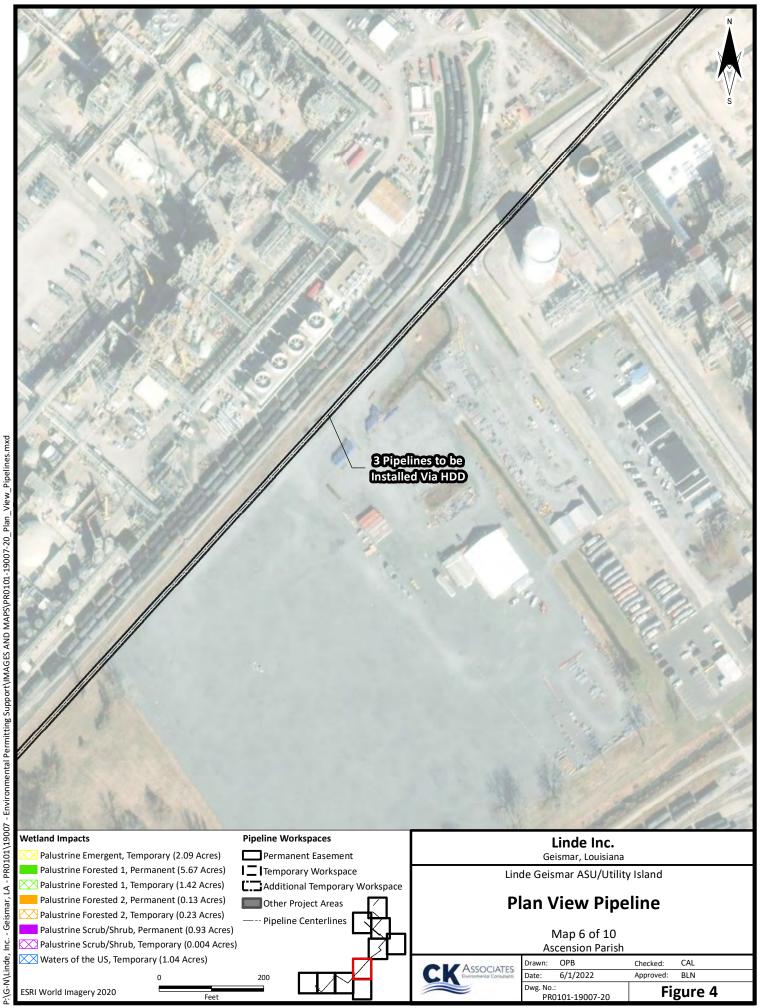


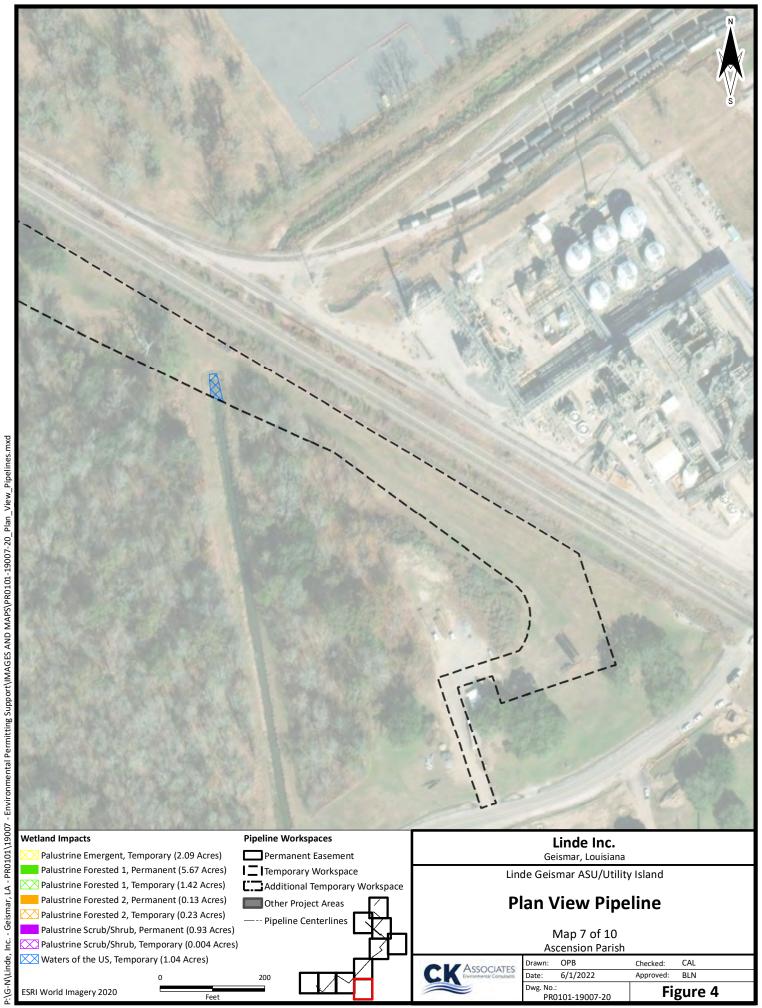


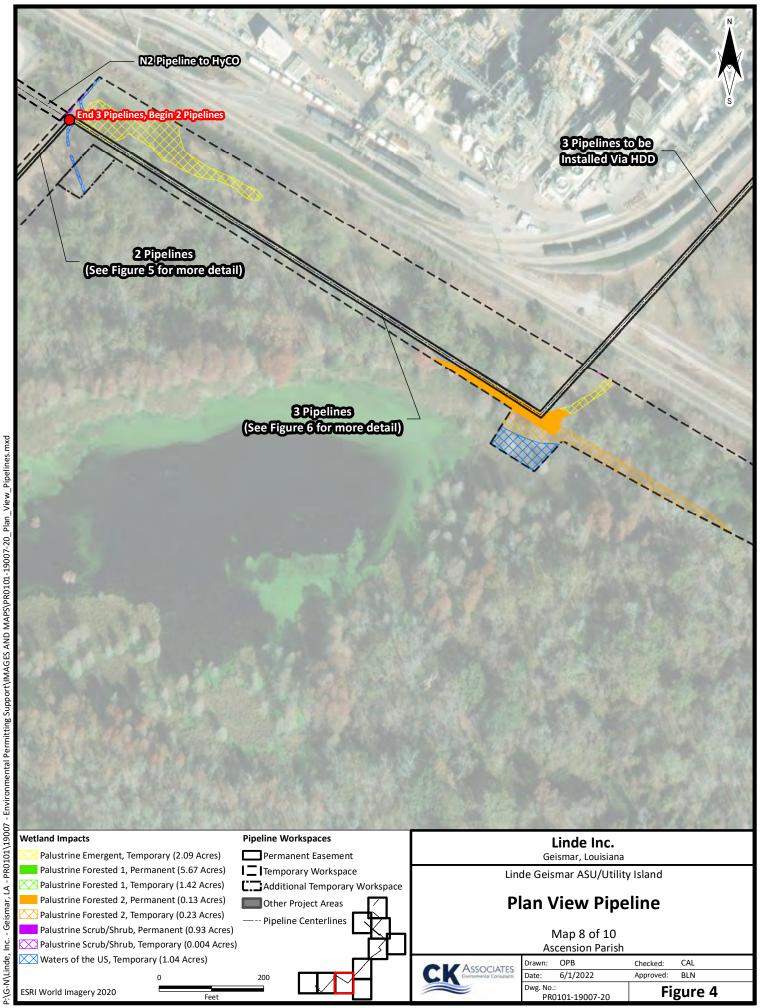


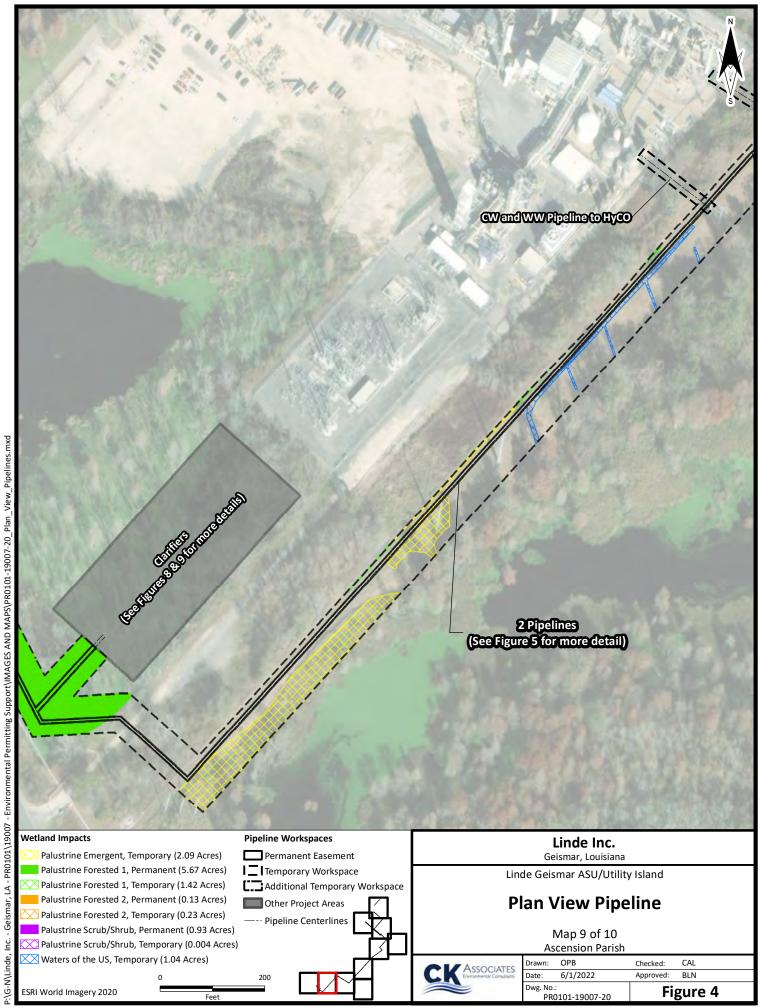


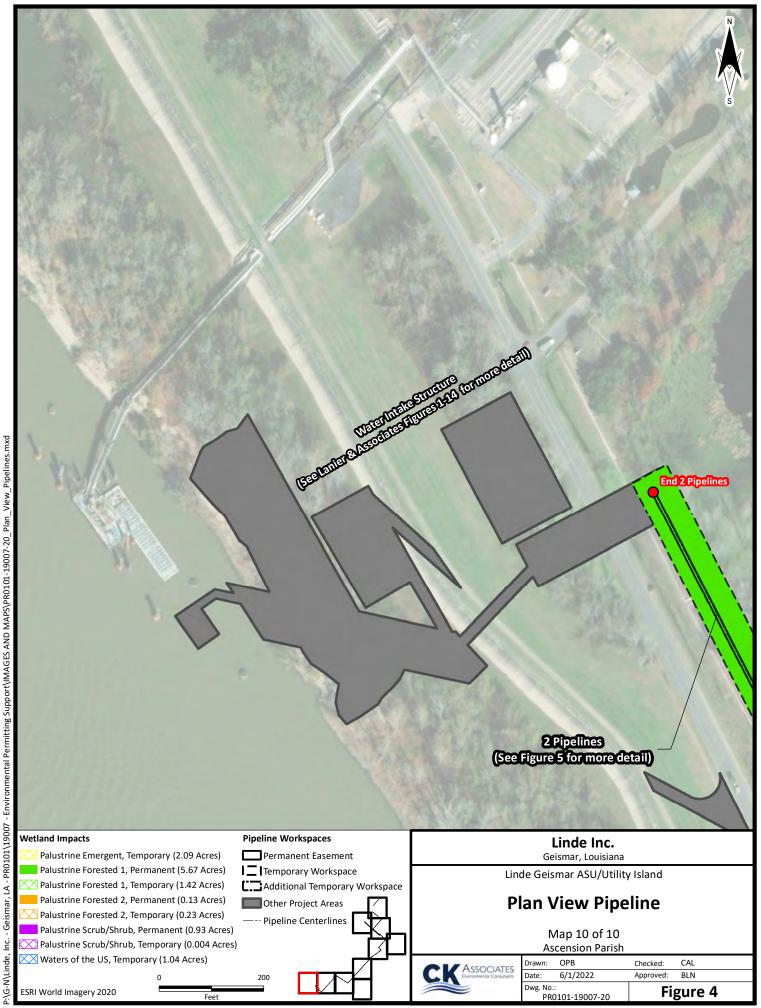


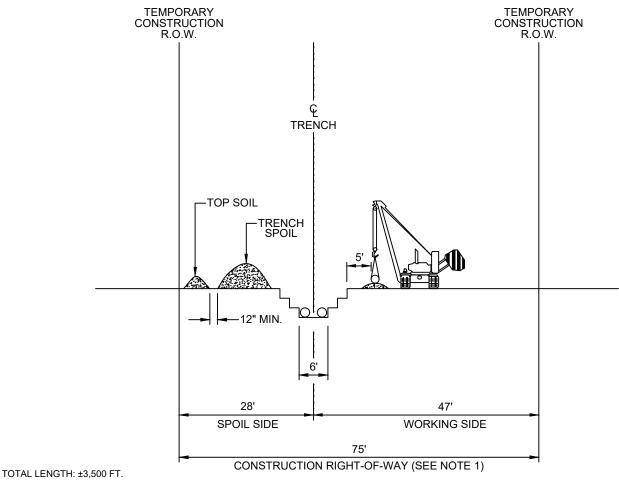












TOTAL VOLUME: ±7,800 CU. YDS.

PROFILE

NOTES:

- 1. CONSTRUCTION RIGHT-OF-WAY WILL TYPICALLY BE 75 FEET.
- 2. UTILIZE THE "TRENCH ONLY" TOPSOIL SALVAGE METHOD AT LOCATIONS SUCH AS RIPARIAN AREAS OR UNMANAGED WOODLAND, WHERE IDENTIFIED ON THE CONSTRUCTION DRAWINGS, OR AS DIRECTED BY THE LINDE INSPECTOR.
- 3. FOR TRENCH ONLY STRIPPING, THE STRIPPED AREA SHALL BE WIDE ENOUGH TO ACCOMMODATE TRENCHING EQUIPMENT.
- 4. DEPTH OF TOPSOIL STRIPPING NOT TO EXCEED 12 INCHES.
- 5. STOCKPILE TOPSOIL AS SHOWN OR IN ANY CONFIGURATION APPROVED BY THE LINDE INSPECTOR. KEEP TOPSOIL AND SPOIL PILES CLEAN OF ALL CONSTRUCTION DEBRIS. MAINTAIN A MINIMUM 12 INCHES OF SEPARATION BETWEEN TOPSOIL AND TRENCH SPOIL PILES.

A ISSUE FOR PRELIMINARY REVIEW 01/25/22 NJF HG NJF MB

- 6. LEAVE GAPS IN TOPSOIL AND SPOIL PILES AT OBVIOUS DRAINAGES. DO NOT PUSH UPLAND SOILS INTO CREEKS OR WETLANDS. DO NOT USE TOPSOIL FOR PADDING.
- 7. AVOID SCALPING VEGETATED GROUND SURFACE WHEN BACKFILLING SPOIL AND TOPSOIL PILES.
- 8. TEMPORARILY SUSPEND TOPSOIL HANDLING OPERATIONS DURING INORDINATELY WINDY/WET CONDITIONS UNTIL MITIGATIVE MEASURES TO MINIMIZE WIND/WATER EROSION CAN BE IMPLEMENTED.
- 9. TOPSOIL AND TRENCH SPOIL RELATIVE POSITIONS CAN, AS DIRECTED BY THE LINDE INSPECTOR, BE REVERSED.



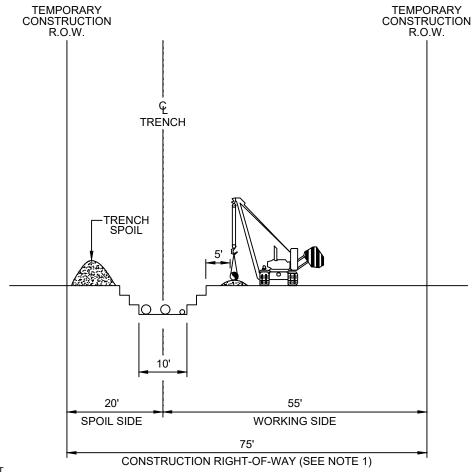
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1 OF 3

N.T.S.

LINDE - GEISMAR PIPELINES 2 PIPELINE TYPICAL CONSTRUCTION R.O.W. **ASCENSION PARISH, LOUISIANA**

PROJECT NO. DRAWING NO. Figure 5 10.007113.0000



TOTAL LENGTH: ±6,400 FT. TOTAL VOLUME: ±20,000 CU. YDS.

PROFILE

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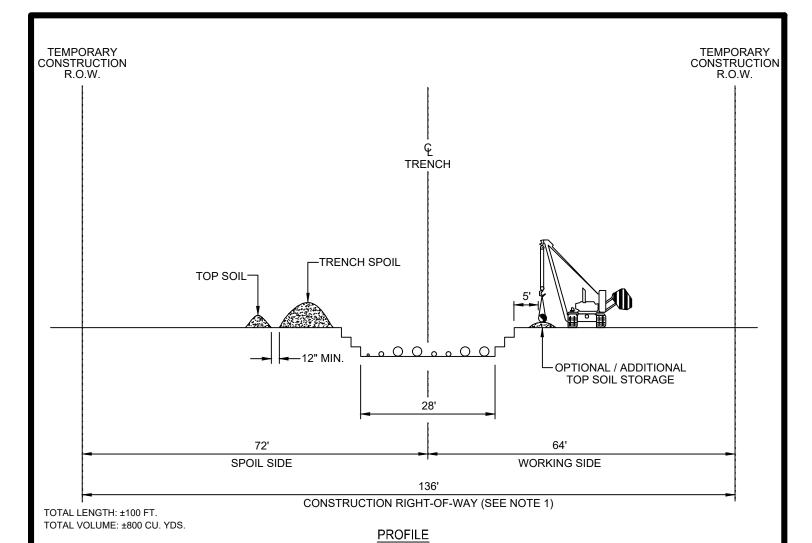
2 OF 3

N.T.S.

LINDE - GEISMAR PIPELINES 3 PIPELINE TYPICAL CONSTRUCTION R.O.W.

ASCENSION PARISH, LOUISIANA

PROJECT NO.	DRAWING NO.
10.007113.0000	Figure 6



NOTES:

- 1. CONSTRUCTION RIGHT-OF-WAY WILL TYPICALLY BE 75 FEET.
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A ISSUE FOR PRELIMINARY REVIEW 01/25/22 NJF HG NJF MB

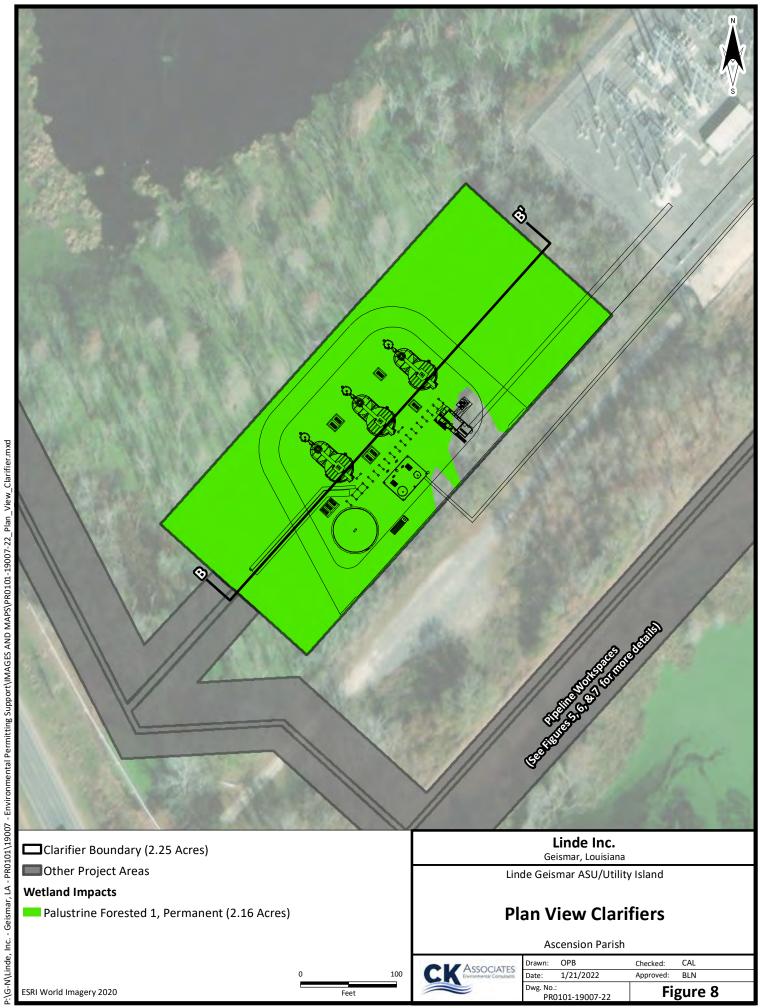
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Α	ISSUE FOR PRELIMINARY REVIEW	01/25/22	NJF	HG	NJF	MB	3 OF 3	N.T.S.

LINDE - GEISMAR PIPELINES 8 PIPELINE TYPICAL CONSTRUCTION R.O.W. ASCENSION PARISH, LOUISIANA

PROJECT NO.	DRAWING NO.
10.007113.0000	Figure 7



Note: All clearing, staging, and construction workspaces are included within B-B'.

Linde Inc. Geismar, Louisiana

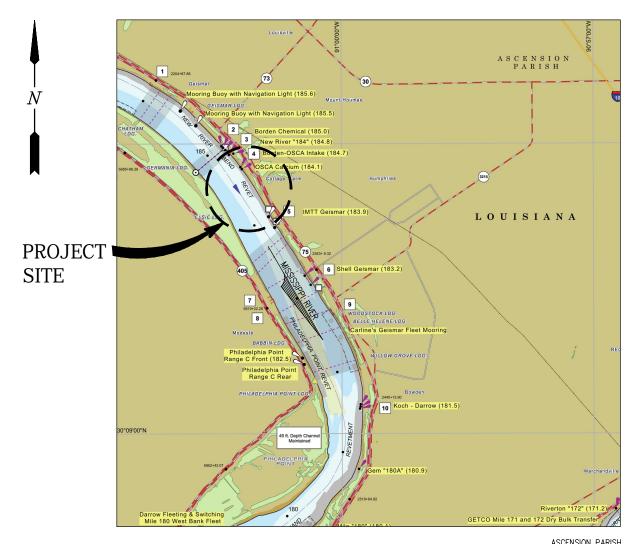
Linde Geismar ASU/Utility Island

B-B' Cross-Section Clarifiers

Ascension Parish



Dwg. No.: Figure	0
Date: 6/1/2022 Approved: BLN	
Drawn: CAL Checked: OPB	



VICINITY MAP

ASCENSION PARISH LAT. 30° 11' 36" N LONG. 91° 01' 06" W





GENERAL NOTES

- 1. AS-BUILT DRAWINGS AND/OR PLANS SHALL HAVE WRITTEN ON THEM THE DATE OF COMPLETION OF SAID ACTIVITIES AND SHALL BE SUBMITTED TO THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF COASTAL MANAGEMENT, P.O. BOX 44487, BATON ROUGE, LA 70804-4487 WITHIN 30 DAYS FOLLOWING PROJECT COMPLETION.
- 2. ALL STRUCTURES, FACILITIES, WELL AND PIPELINES/FLOWLINES OCCURRING IN OPEN WATER AREAS OR IN OILFIELD CANALS OR SLIPS SHALL BE REMOVED WITHIN 120 DAYS OF ABANDONMENT OF THE FACILITIES FOR THE HEREIN PERMITTED USE UNLESS PRIOR WRITTEN APPROVAL TO LEAVE SUCH STRUCTURES IN PLACE IS RECEIVED FROM THE COASTAL MANAGEMENT DIVISION. THIS CONDITION DOES NOT PRECLUDE THE NECESSITY FOR REVISING THE CURRENT PERMIT OR OBTAINING A SEPARATE COASTAL USE PERMIT, SHOULD ONE BE REQUIRED.
- 3. STRUCTURES MUST ALSO BE MARKED/LIGHTED IN ACCORDANCE WITH U.S. COAST GUARD REGULATIONS.
- 4. 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.
- 5. ALL ELEVATIONS REFER TO NAVD 88 UNLESS NOTED OTHERWISE.

ALAN J. ELMER, JR. LA PE #40800

PRELIMINARY - FOR PERMIT PURPOSES ONLY

GEISMAR

LOUISIANA

DATE JUNE 2022 AJE DESIGN. DRAWN CAP JEJ CHECK 11848 JOB NO.

PROPOSED NEW RAW WATER INTAKE STRUCTURE VICINITY MAP AND AREA MAP

LINDE, INC.

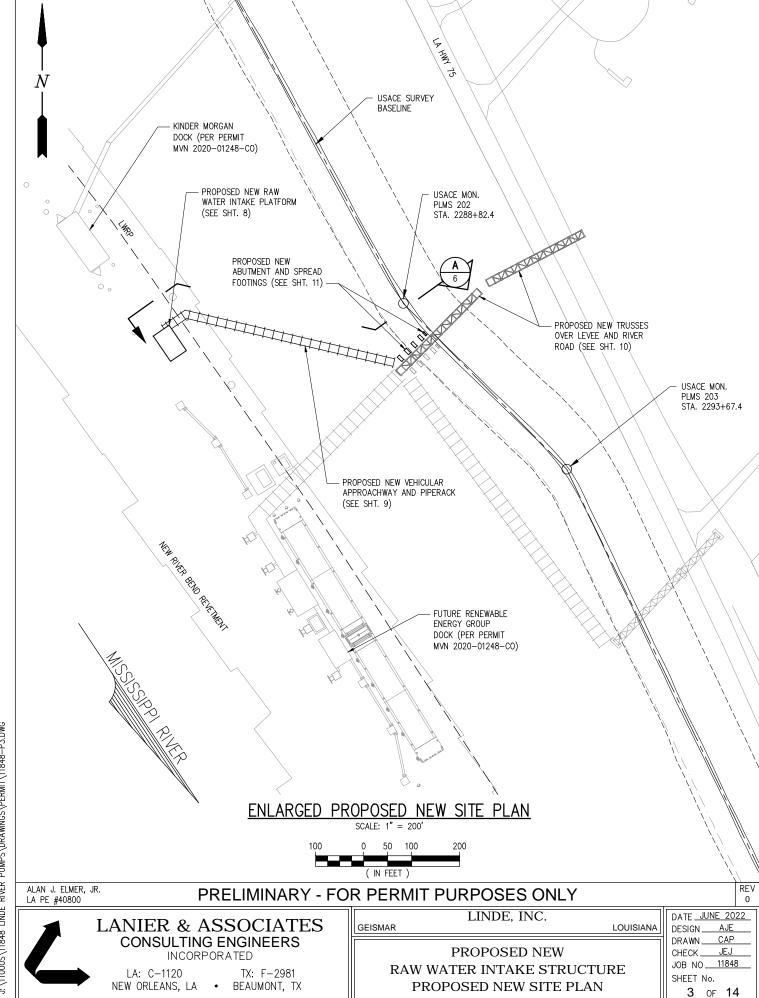
SHEET No. 1 14 OF

LANIER & ASSOCIATES **CONSULTING ENGINEERS INCORPORATED**

LA: EF-1120 TX: F-2981

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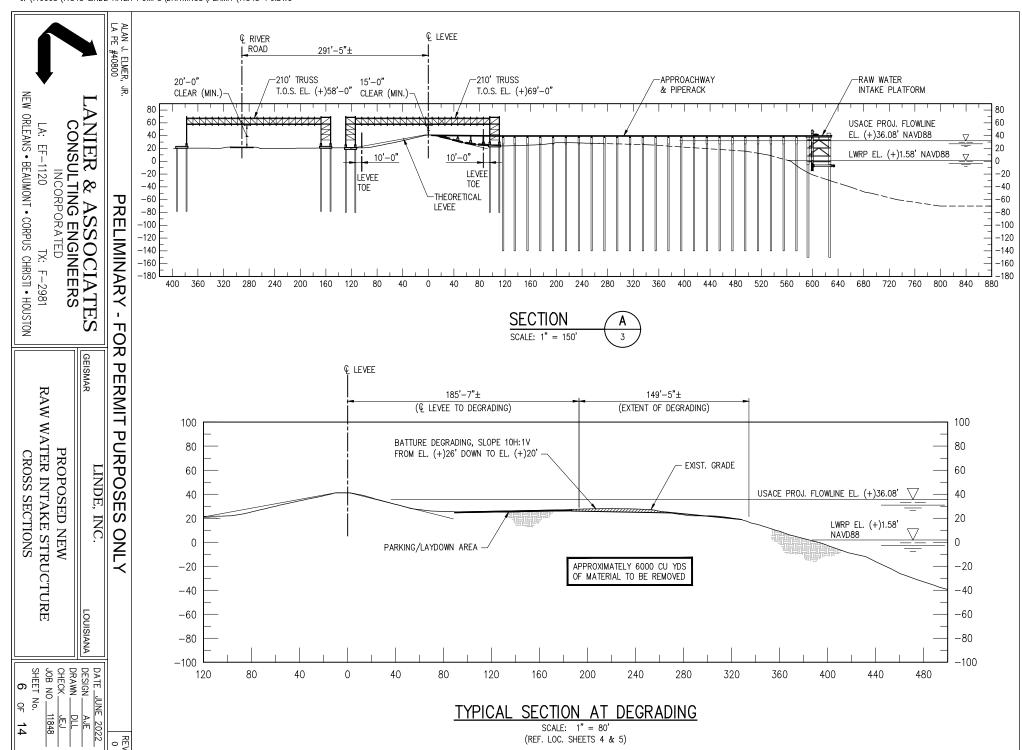
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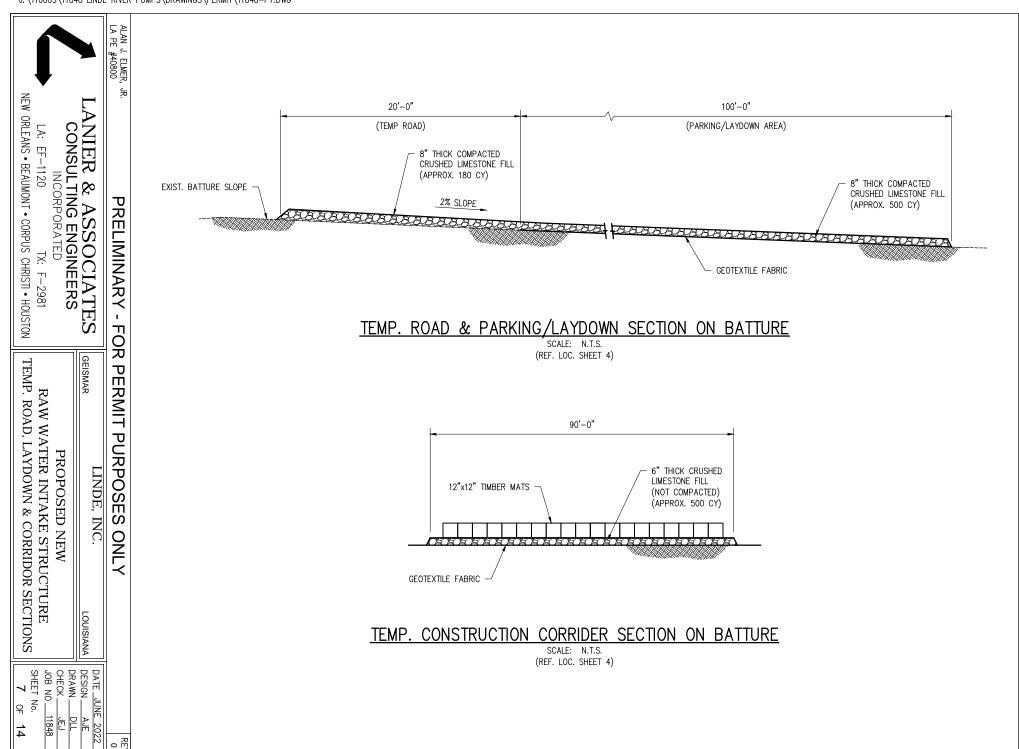


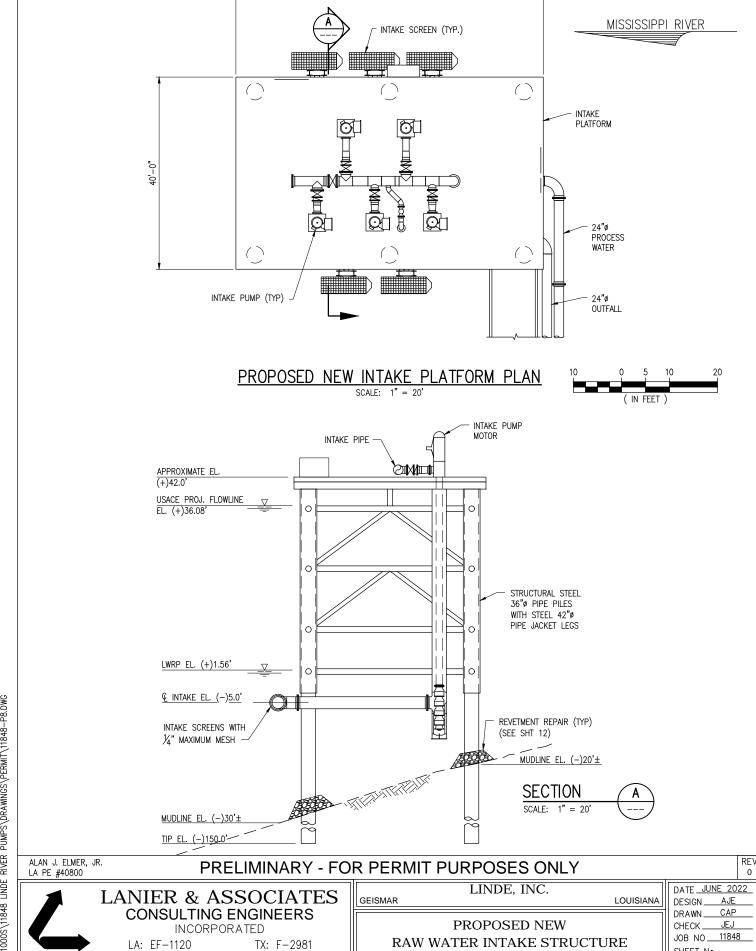
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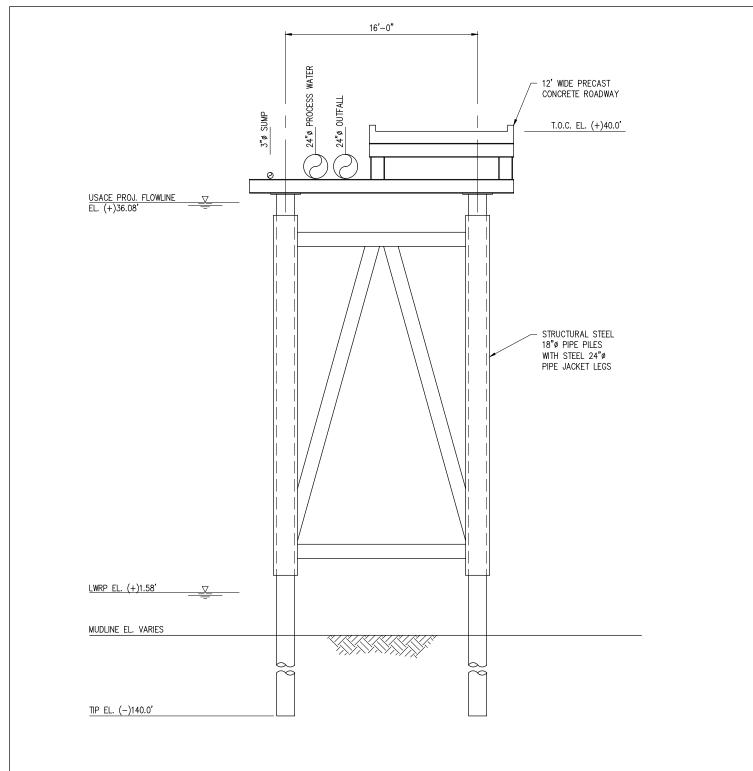
8 OF 14

PROPOSED NEW INTAKE PLATFORM

64'-0"

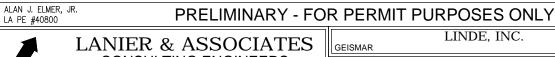
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NEW ORLEANS • BEAUMONT • CORPUS CHRISTI • HOUSTON



TYPICAL APPROACHWAY & PIPERACK ELEVATION SCALE: 1/8" = 1'-0"

(REF. LOC. SHEET 3) (IN FEET)



CONSULTING ENGINEERS INCORPORATED

LA: EF-1120 TX: F-2981 NEW ORLEANS • BEAUMONT • CORPUS CHRISTI • HOUSTON

GEISMAR

LINDE, INC.

LOUISIANA

DATE JUNE 2022 AJE DESIGN_ CAP DRAWN. CHECK JEJ 11848 JOB NO_

PROPOSED NEW RAW WATER INTAKE STRUCTURE TYP. APPROACHWAY & PIPERACK ELEVATION

SHEET No. 9 of 14

25'-0"

6'-8"

6'-8"

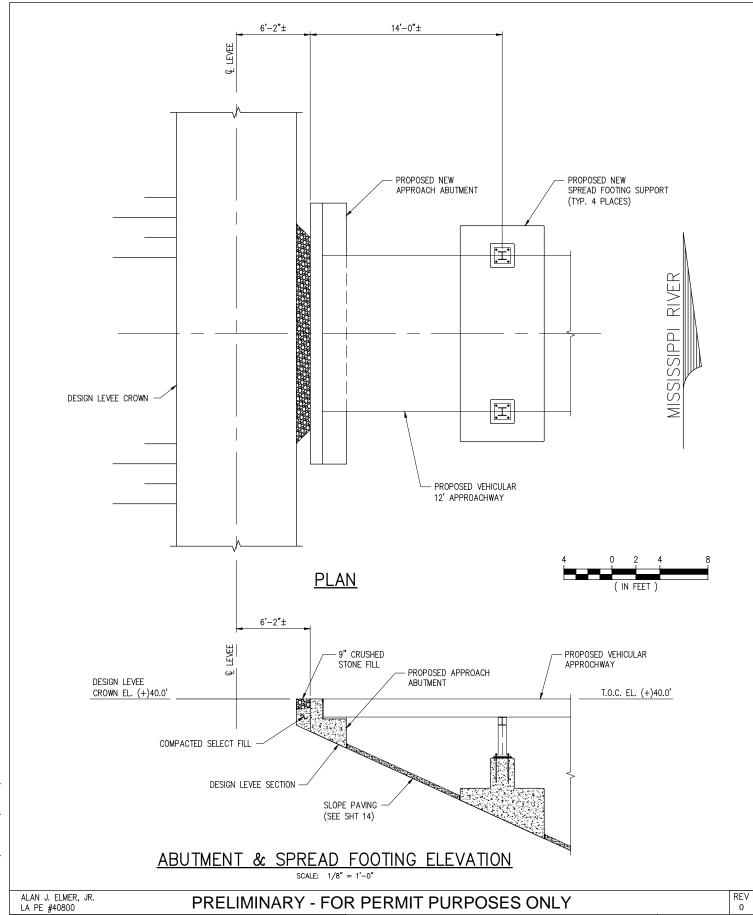
2'-6"

PROPOSED NEW CONC. PILE CAP

6'-8"

2'-6"

9'-0"



LANIER & ASSOCIATES CONSULTING ENGINEERS

INCORPORATED

LA: EF-1120 TX: F-2981

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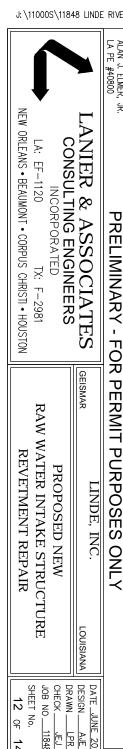
LINDE, INC.

PROPOSED NEW RAW WATER INTAKE STRUCTURE ABUTMENT & SPREAD FOOTING PLAN & ELEVATION

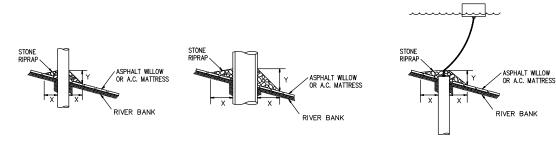
DATE JUNE 2022
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SHEET No.

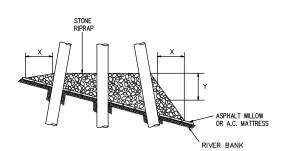
LOUISIANA

11 of 14



PILE CAISSON SPUD PILE (BUOY AND ANCHOR CHAIN)



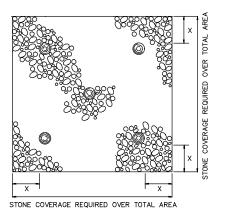


PILE CLUSTER







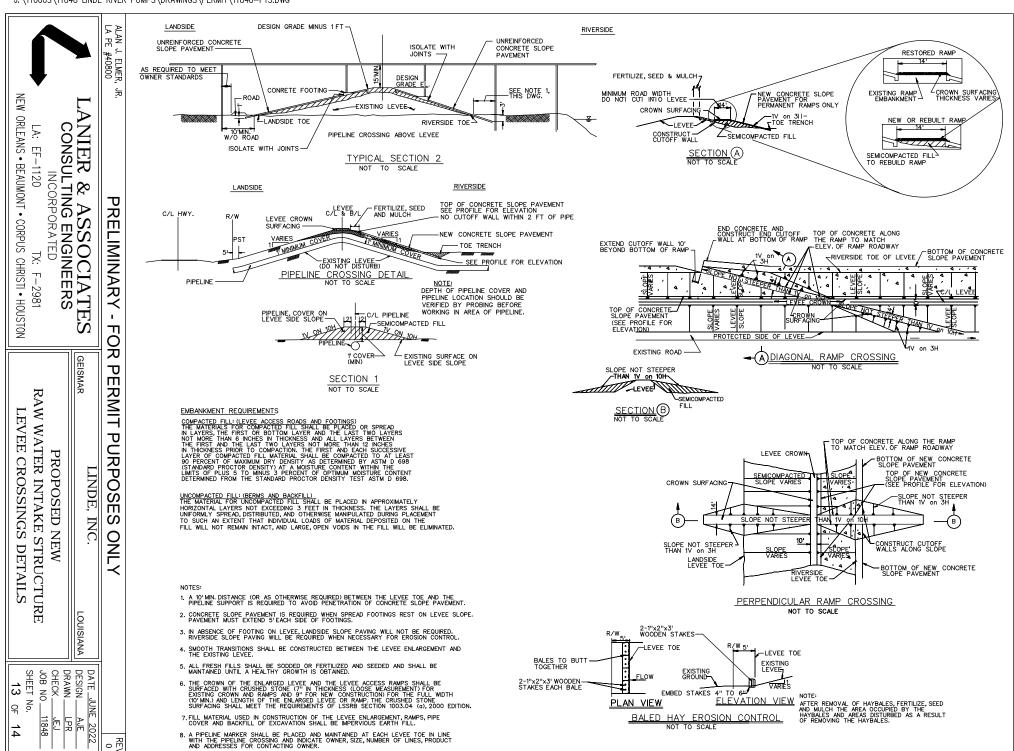


TOTAL AREA OF STONE RIPRAP = APPROX. 0.02 ACRES TOTAL VOLUME OF STONE RIPRAP = 60 CU. YDS.

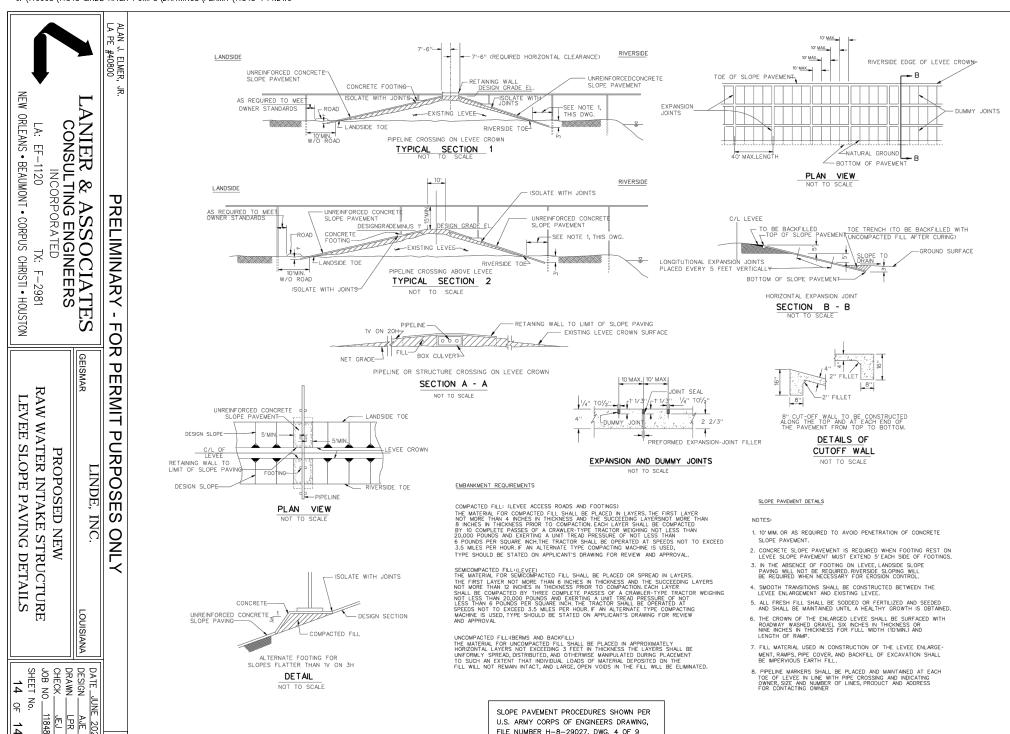
		DIM	ensions in	FEET FOR F	ROTECTION	AREA REQUI	RED	
DEPTH OF WATER IN FEET AT POINT OF PENETRATION AT TIME OF STONE PLACEMENT	PI	LE	CAIS	SON	SPUD PILE (BUOY AND ANCHOR CHAIN)		PILE CLUSTER	
	X	Υ	X	Y	Х	Υ	Х	Y
1' - 10'	3	1.5	5	2			3	1
11' - 40'	5	2	8	3	7	3	6	2
41' - 60'	8	3	12	4	12	4	10	3

NOTES

- SIZE OF RIPRAP TO VARY BETWEEN 6 POUNDS AND 125 POUNDS WITH 40 PERCENT TO 60 PERCENT OF THE STONE WITHIN THE RANGE OF 25 POUNDS TO 75 POUNDS.
- 2. WHEN PENETRATING THE UPPER BANK PAVING IN A REVETMENT AREA WITH PILES, CAISSONS AND/OR PILE CLUSTERS, A 10 INCH THICK RIPRAP STONE LAYER SHALL BE PLACED OVER ALL AREAS WHERE THE BANK PAVING IS DISTURBED BY DRIVING OPERATIONS.
- WHEN USING AN ANCHOR CHAIN AND BUOY SYSTEM, THE ANCHOR CHAIN MUST BE ATTACHED AT THE TOP OF THE PILE TO MINIMIZE REVETMENT DAMAGE.



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