



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

AUGUST 12, 2024

Regulatory Division  
Western Evaluation Branch

Project Manager:  
Johnny J. Duplantis  
(504) 862-2548  
[johnny.j.duplantis@usace.army.mil](mailto:johnny.j.duplantis@usace.army.mil)

Application #: MVN-2022-00760-WPP

## **PUBLIC NOTICE**

Interested parties are hereby notified that a permit application has been received by the U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN) 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), and/or [ ] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408).

### **SAND DREDGING OPERATION ON THE ATCHAFALAYA RIVER IN SAINT MARTIN PARISH**

**NAME OF APPLICANT:** Maxim Doucet, c/o: C.L. Jack Stelly & Associates, Inc., 143 Wall Street, Lafayette, Louisiana 70506.

**LOCATION OF WORK:** Located near Butte La Rose, in St. Martin Parish, Louisiana, centered at Longitude 30.32417, Latitude -91.68945, as shown within the enclosed drawings. (Hydrologic Unit Code 08080101, Atchafalaya River Watershed)

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:** A Standard Permit MVN-2005-00611-WB was issued to Tex Angelle May 19, 2005, to construct an access road in order to access and dredge an Atchafalaya River sand bar formation. The permit included 0.26 acres of impacts to wetlands which were mitigated by the purchase of mitigation bank credits. The property was sold to Maxim Doucet in 2022 and the existing permit was not transferred. The new landowner has applied for a permit to utilize the site in order to continue removing sand from a sand bar in the Atchafalaya River that has formed over time. Sand would be removed from an approximately 100' X 200' sand bar pit by utilizing an excavator

operated from the riverbank. Review of historical satellite imagery shows that an unauthorized site expansion (including an approximately 1 acre unauthorized borrow pit) began on or about the year 2005. A total of approximately 3.75 acres of jurisdictional wetlands has been permanently impacted as a primary result of this unauthorized activity.

**MITIGATION:** The applicant states the proposed project was designed to avoid direct and secondary adverse impacts to the maximum extent practicable. To compensate for unavoidable wetland impacts, the applicant proposes to use a CEMVN approved mitigation bank within the watershed of impact.

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 requested Department of Army Permit will close **20** days 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 request, and must be submitted 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 CEMVN's project manager listed above or forwarded to the CEMVN at the address above, **ATTENTION: REGULATORY DIVISION, RGW, Johnny Duplantis**. Individuals or parties may also request an extension of time in which to comment on the proposed work by mail or preferably by emailing the specified project manager listed above. Any request for an extension of time to comment 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 Branch Chief will review the request and the requester will be promptly notified of the decision to grant or deny the request. If granted, the time extension will be continuous and inclusive of the initial comment period and will not exceed a total of 30 calendar days. This public notice is also available for review online at <https://go.usa.gov/xennJ>

### **USACE 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.

CEMVN is soliciting comments from area residents, 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 CEMVN 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 communities with environmental justice concerns, 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.

CEMVN is presently unaware of properties listed on the National Register of Historic Places at or near the proposed work but is pending further review in accordance with the National Historic Preservation Act. The possibility exists that the proposed work may damage or destroy presently unknown archeological, scientific, prehistorical, historical sites, or data. As deemed necessary, copies of this public notice will be sent to the State Archeologist, State Historic Preservation Officer, and federally listed tribes regarding potential impacts to cultural resources.

Our initial finding is that the proposed work would have no effect on 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 any such species.

Based on the Information Planning and Consultation (IPaC) tool for Endangered Species in Louisiana, as signed on January 27, 2020, between the U.S. Army Corps of Engineers, New Orleans and the U.S. Fish and Wildlife Service, it has been determined that the project is located in waters known to be utilized by the Western Indian Manatee and determined that the activity is not likely to adversely affect this species. If the DA permit is approved, the permittee will be required to follow the IPaC mitigative conditions for the Western Indian Manatee.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal may result in the destruction, alteration, and/or disturbance of **0.5** 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 LA Department of Environmental Quality before a Department of the Army permit is issued.

Any person may request, (preferably by email to the project manager, or 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.

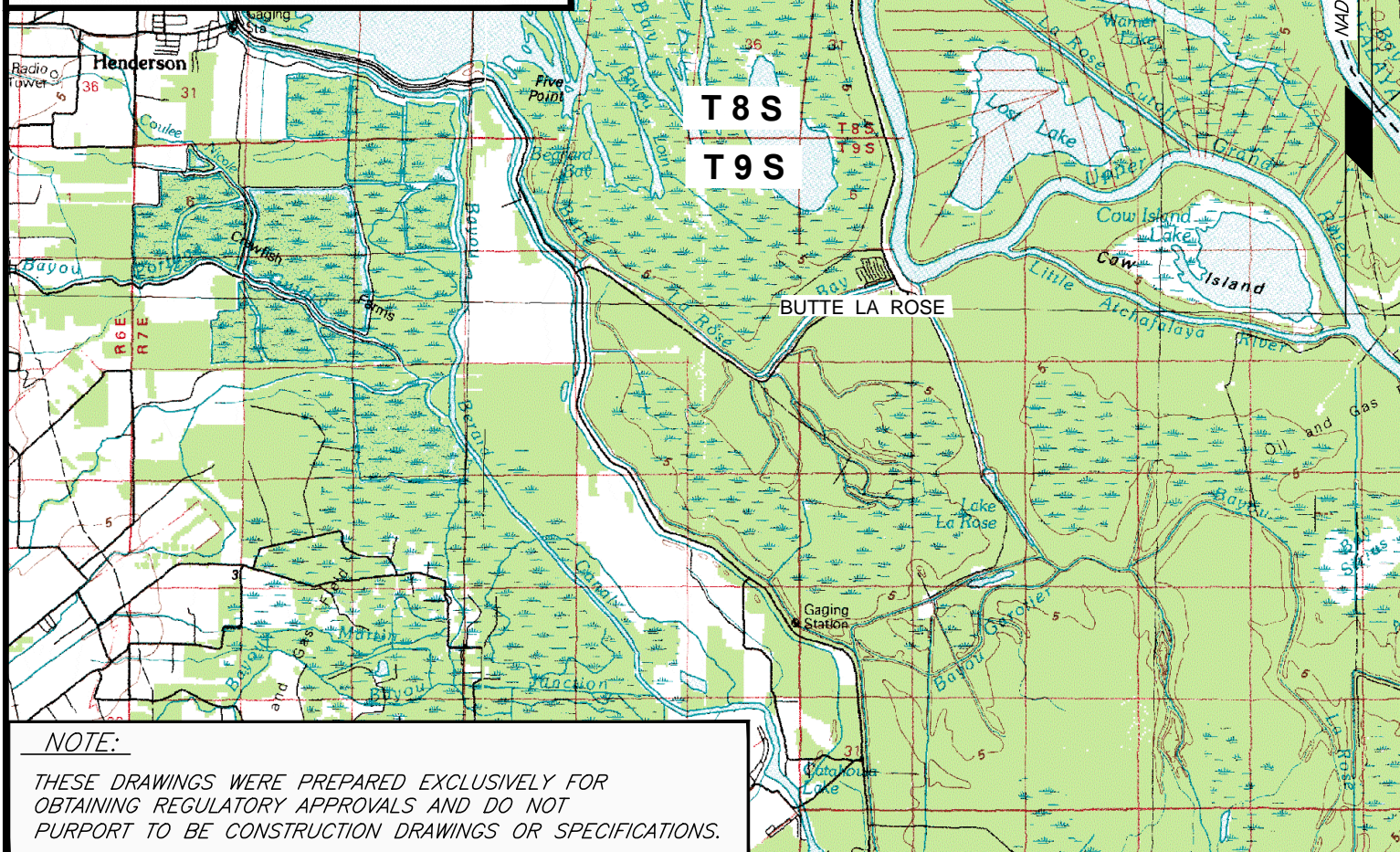
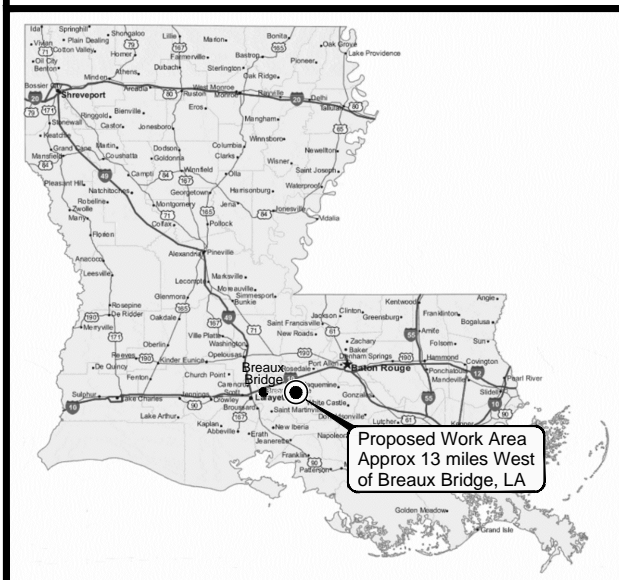
You are invited to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Sincerely,

Darrell S. Barbara  
Chief, Western Evaluation Branch  
Regulatory Division

Enclosure



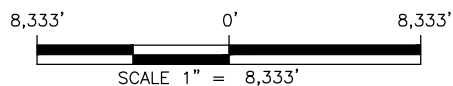


*NOTE:*

THESE DRAWINGS WERE PREPARED EXCLUSIVELY FOR  
OBTAINING REGULATORY APPROVALS AND DO NOT  
PURPORT TO BE CONSTRUCTION DRAWINGS OR SPECIFICATIONS.

## VICINITY MAP

REPRODUCED FROM USGS; "BATON ROUGE" LA.  
1 : 100,000 QUADRANGLE.



SCALE 1" = 8,333'

PREPARED BY:  
C. L. JACK STELLY & ASSOCIATES, INC.  
143 WALL STREET, LAFAYETTE, LA 70506  
PH. (337) 237-0746  
FILE NO. 15872-19664-C1-R1.DWG

## SAND MINING - ST. MARTIN

SEC. 30, T 8 S - R 8 E; BUTTE LA ROSE FIELD

ST. MARTIN PARISH, LOUISIANA

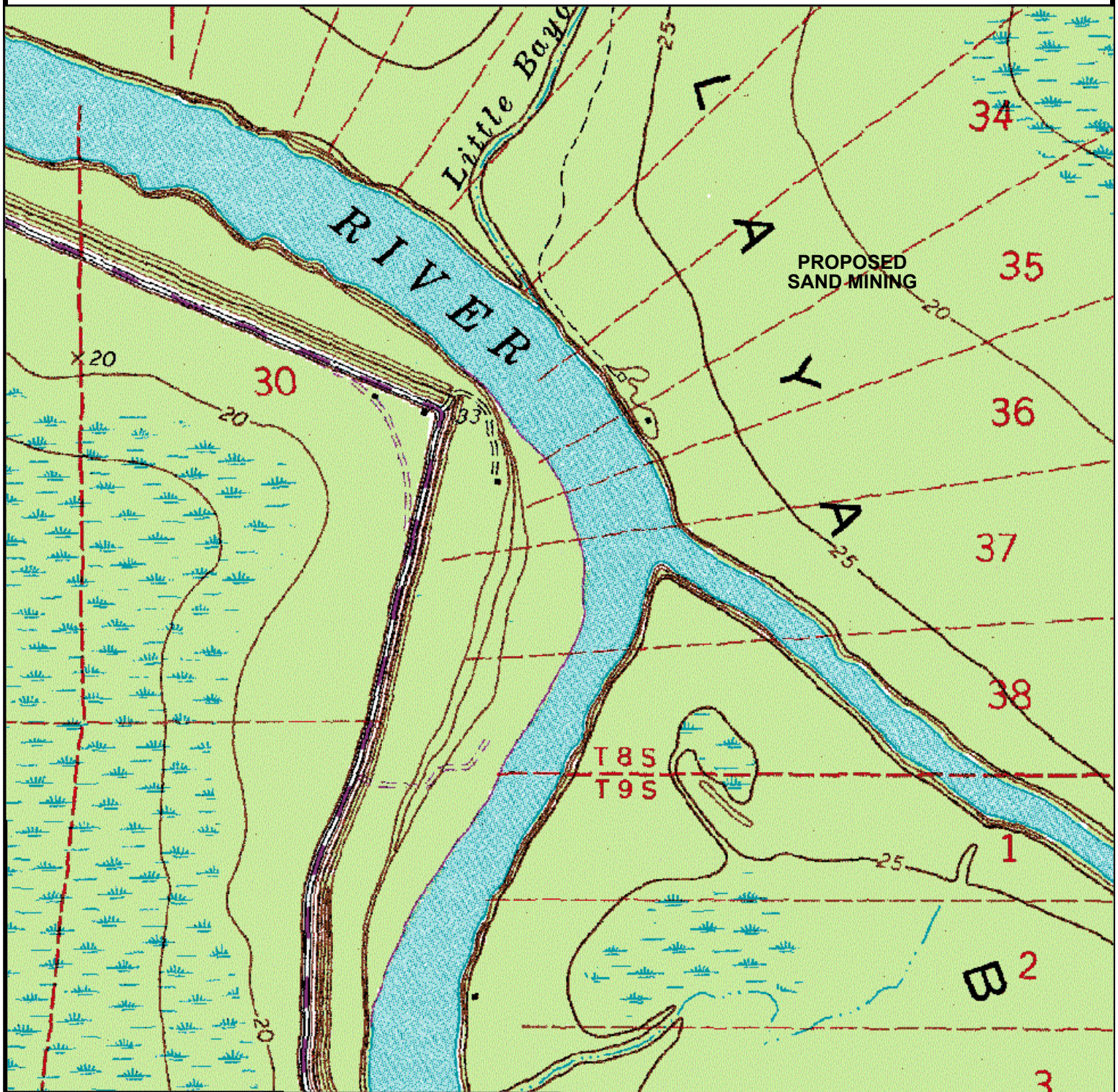
APPLICATION BY:  
JANUARY 18, 2023

MAXIM DOUCET  
BUTTE LA ROSE, LOUISIANA

REVISIONS:  
MARCH 27, 2024

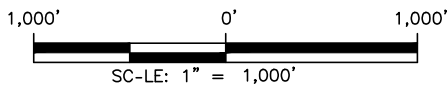
SHEET 1 OF 5





## LOCATION MAP

REPRODUCED FROM USGS "BUTTE LA ROSE", L- 7.5' QU-D.



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SHEET 2 OF 5



MVN-2022-00760-WPP

R 5 E

Sec. 37

ATCHAFALAYA  
RIVER

Previously  
Impacted Area  
4 Acres

Area to be used for equipment tracking  
for materials from river to stockpile.

201'±

70'±

(Area for Sand Mining)  
1.3 Acres

T

10

S

Existing  
Access Road

170'  
STOCK  
PILE

90'

774'±

Area to be used  
for equipment storage

759'±

766'±

766'±

MVN-2022-00760-WPP  
(Maxim Doucet - Sand Mining - St. Martin)

(TEMPORARY IMPACTED AREA)  
AREA WILL BE CHIPPED FOR DRAG LINE PATH  
2.0 Acres

294'±

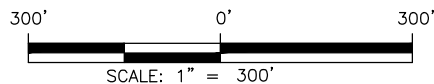
94±

N-D 1983 (L-SOUTH ZONE)

NOTE:

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PLAN



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SAND MINING - ST. MARTIN

SEC. 30, T 8 S - R 8 E; BUTTE LA ROSE FIELD

ST. MARTIN PARISH, LOUISIANA

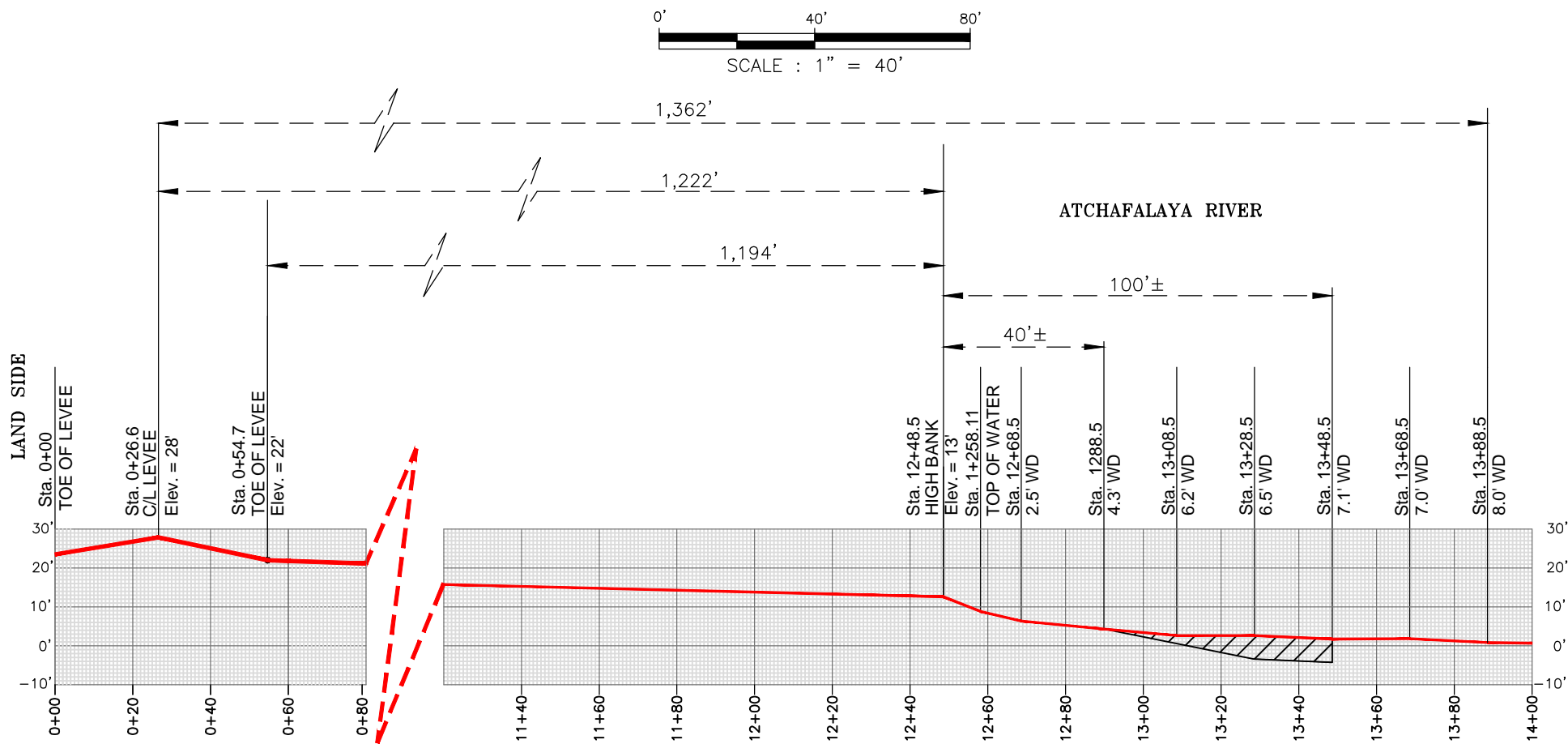
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SHEET 3 OF 5





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## SAND MINING – ST. MARTIN

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ST. MARTIN PARISH, LOUISIANA

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SHEET 4 OF 5

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GENERAL NOTES:

- 1.) Sand mining will take place during low water season.
- 2.) Previously Impacted Area 4 Acres.
- 3.) Area for Sand Mining 1.3 Acres
- 4.) Temporary Impacted Area 2.0 Acres.  
Area will be chipped for drag line path.
- 5.) In order to ensure the safety of all parties, the permittee shall contact the LOUISIANA ONE CALL at (1-800-272-3020) a minimum of 48 hours prior to the commencement of any excavation or demolition activity.

**SAND MINING - ST. MARTIN**

SEC. 30, T 8 S – R 8 E; BUTTE LA ROSE FIELD

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SHEET 5 OF 5

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