



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

December 25, 2023

Regulatory Division
Eastern Evaluation Branch

Project Manager:
Carrie Schott
(504) 862-1153
Carrie.G.Schott@usace.army.mil

Application #: MVN-2023-00607-ECS

PUBLIC NOTICE

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), and/or [X] Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 408)

CLAY BORROW PIT AND ASSOCIATED INFRASTRUCTURE IN SAINT BERNARD PARISH

NAME OF APPLICANT: Ollivier Real Estate Holdings, c/o: AIMS GROUP, INC., Mr. Lee Patterson, 4421 Zenith Street, Metairie, Louisiana 70001.

LOCATION OF WORK: Located off the levee adjacent to the New Canal on Louisiana Highway 46, in Saint Bernard Parish Louisiana, (lat. 29.86777, long. -89.76644), as shown within the attached drawings. (Hydrologic Unit Code 080902030302, Mississippi River Gulf Outlet Canal-Frontal Lake Borgne Watershed).

CHARACTER OF WORK: The proposed project is to construct a 50 acre borrow pit, access roads, drainage ditches, and a staging area. The project purpose is to provide a cost-effective source of fill material for projects in the area. The project as proposed would permanently impact approximately 58 acres of jurisdictional wetlands.

MITIGATION: The applicant proposed to contract with an approved mitigation bank in order to offset the adverse impact to jurisdictional wetlands, should a DA permit be issued.

The comment period on the requested Department of the 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 Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, **ATTENTION: REGULATORY DIVISION, RGE, Carrie Schott**. 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>

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 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, provided the

determination of a “may affect” to the threatened Eastern Black Rail and a “no effect” to the threatened West Indian Manatee. Further consultation with the Louisiana Ecological Services Office is necessary for the threatened Eastern Black Rail.

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 58 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.

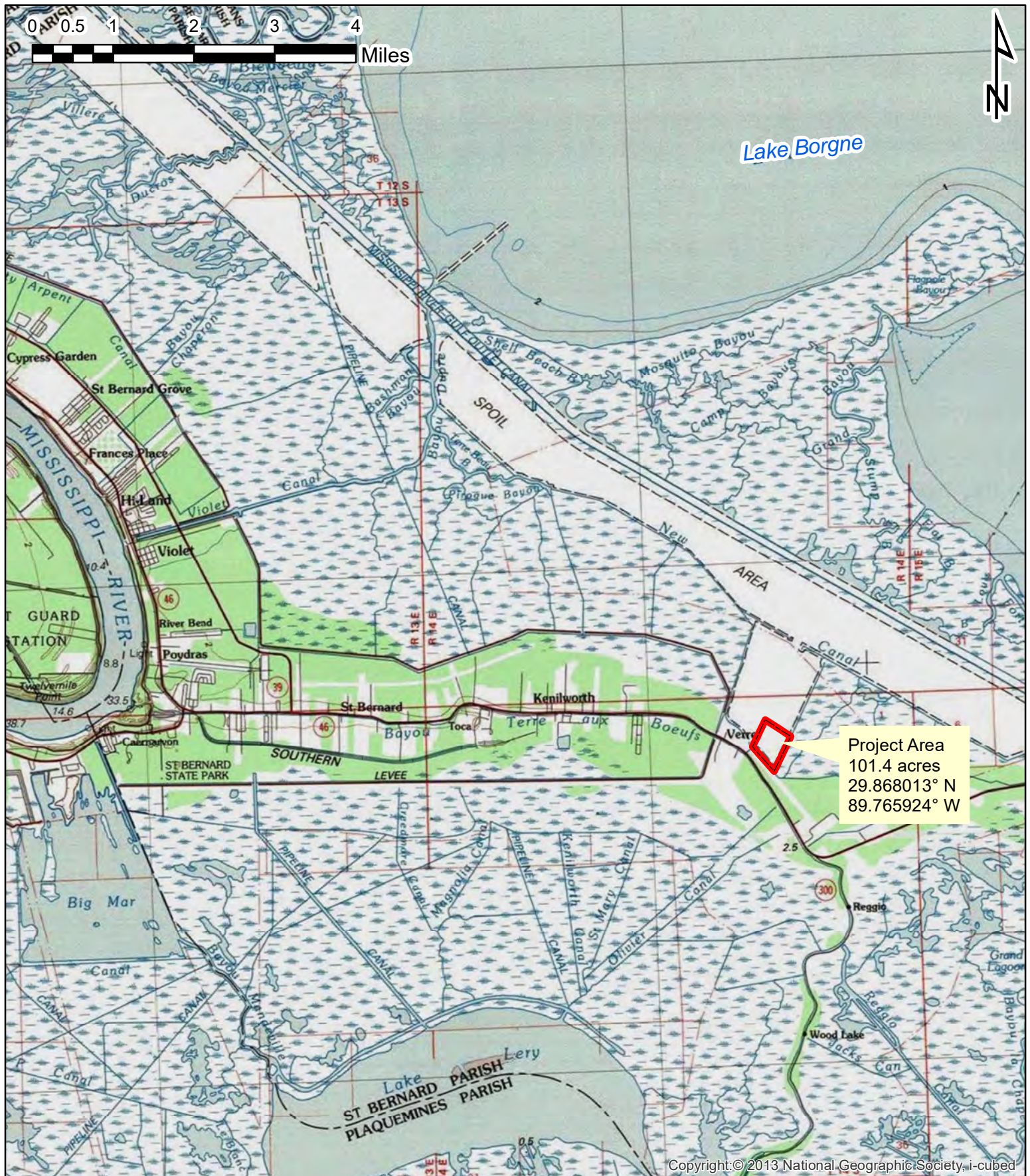
Any person may request, (preferably by email to the project manager, or in writing), within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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 (Louisiana Coastal Zone Application P20230770). 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 invited to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter.

Brad LaBorde
Chief, Eastern Evaluation Branch
Regulatory Division

Enclosures



VICINITY MAP

ST. BERNARD BORROW PIT
OLIVIER REAL ESTATE HOLDINGS
ST. BERNARD PARISH

DRAWN BY: ELP



AIMS Group, Inc.
Consulting Engineers

4421 Zenith Street
Metairie, LA 70001

Ph. 504.887.7045
Fax. 504.887.7088

PROJECT #: A23-005

8/29/2023

FIGURE #1



CULVERT UNDER
ROAD

PHASE 1
(12.4 ACRES)








PHASE 2
(12.4 ACRES)

PHASE 3
(12.6 ACRES)

PHASE 4
(12.6 ACRES)

0 120 240 480 720 960
Feet

Legend

-  Project Area (101.4 acres)  Silt Fence
-  Borrow Area (50.0 acres)  Check Dam
-  Access Road (3.0 acres)
-  Drainage Ditch (2.8 acres)
-  Staging Area (2.2 acres)

PLAN VIEW MAP (B+W)

ST. BERNARD BORROW PIT
OLIVIER REAL ESTATE HOLDINGS
ST. BERNARD PARISH

DRAWN BY: ELP



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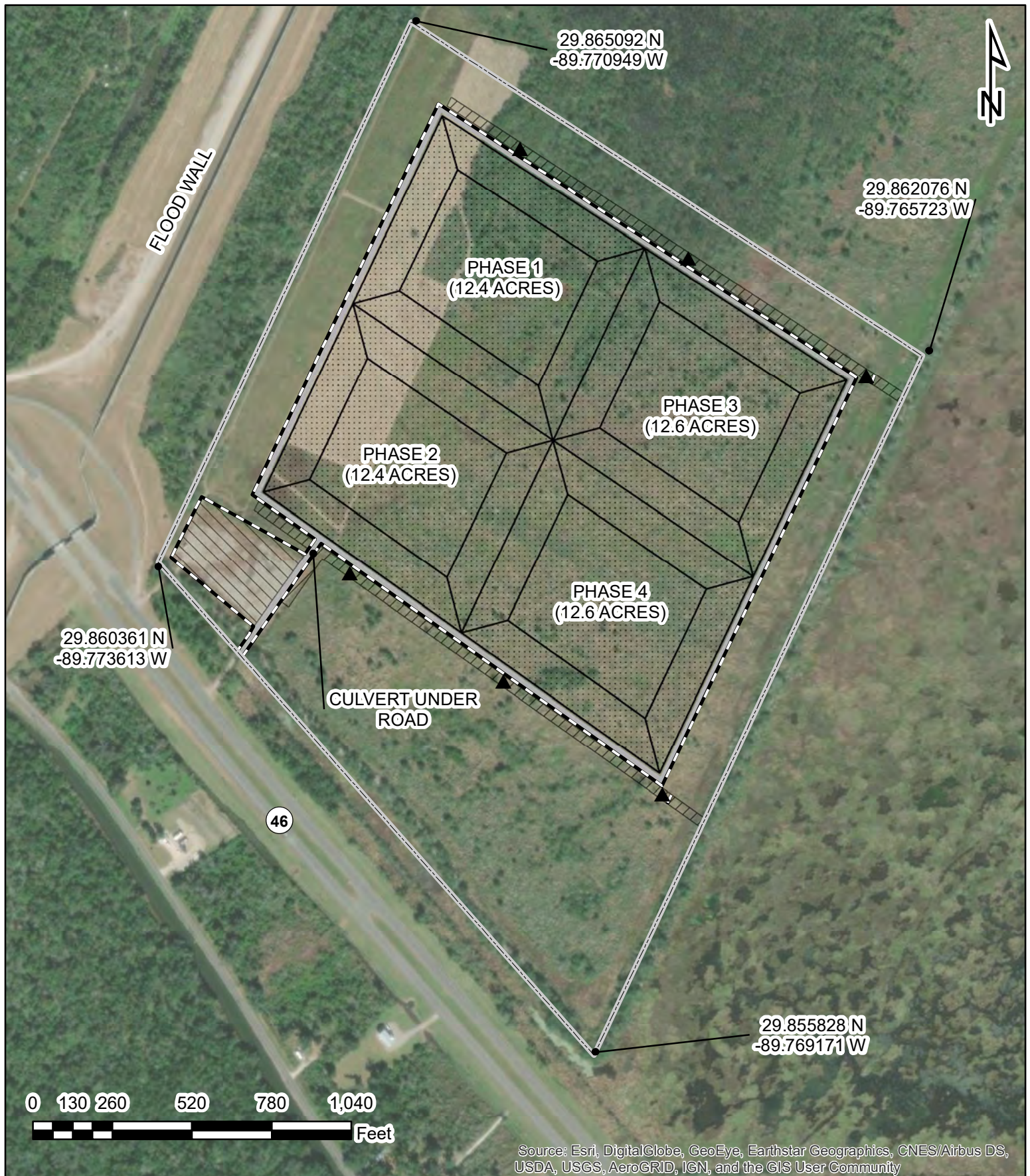
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FIGURE #2



Legend

- Project Area (101.4 acres) Silt Fence
- Borrow Area (50.0 acres) Check Dam
- Access Road (3.0 acres)
- Drainage Ditch (2.8 acres)
- Staging Area (2.2 acres)

PLAN VIEW MAP (AERIAL)

ST. BERNARD BORROW PIT
OLIVIER REAL ESTATE HOLDINGS
ST. BERNARD PARISH

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

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FIGURE #3



Legend

-  Project Area (101.4 acres)
-  Excavations (52.7 acres)
-  Fill (5.2 acres)

EXCAVATION/FILL MAP

ST. BERNARD BORROW PIT
OLIVIER REAL ESTATE HOLDINGS
ST. BERNARD PARISH

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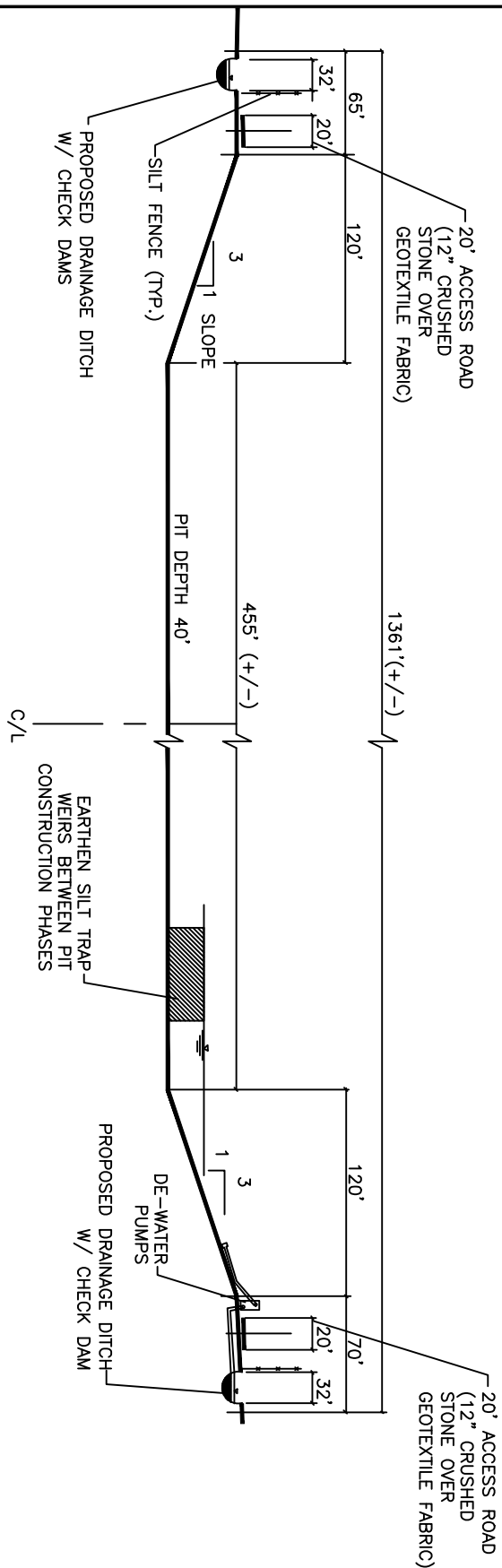
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FIGURE #4



SCALE: 1"=100'

TYPICAL SECTION THROUGH CLAY PIT

ST. BERNARD BORROW PIT
OLIVIER REAL ESTATE HOLDINGS
ST. BERNARD PARISH

DRAWN BY: RMH



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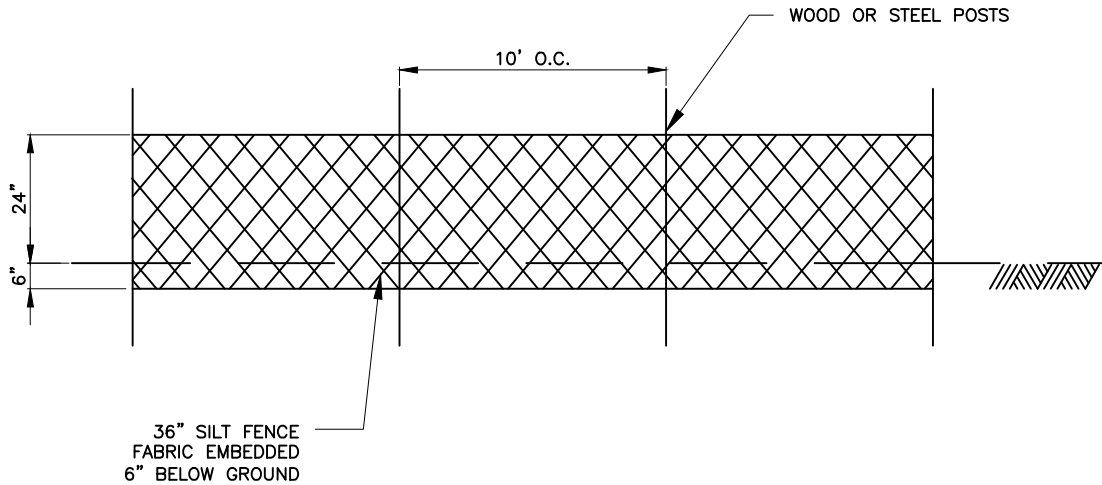
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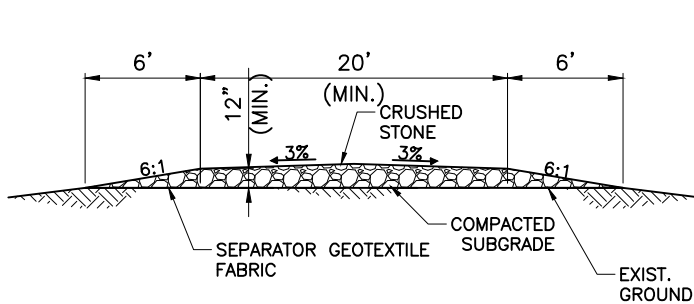
PROJECT # A23-005

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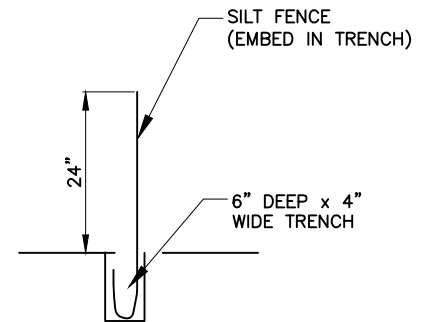
FIGURE #5



EROSION CONTROL SILT FENCE
N.T.S



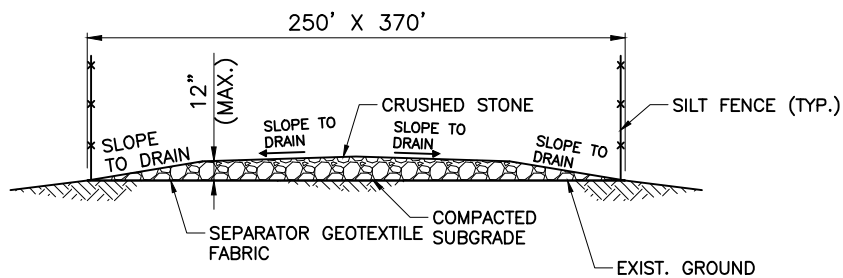
TEMPORARY ACCESS ROADWAY
N.T.S



SILT FENCE PROFILE
N.T.S

NOTES:

1. TEMPORARY ACCESS ROAD TO THE SITE TO BE REMOVED UPON CLOSURE OF BORROW PIT.



CONSTRUCTION STAGING AREA
N.T.S

NOTES:

1. CONSTRUCTION STAGING AREA TO BE REMOVED UPON CLOSURE OF BORROW PIT.
2. THE CONSTRUCTION STAGING AREA CRUSHED STONE THICKNESS SHALL NOT EXCEED 12".
3. SEE SHEET 1 FOR LIMITS OF STAGING AREA.

TYPICAL SECTIONS AND DETAILS

ST. BERNARD BORROW PIT
OLIVIER REAL ESTATE HOLDINGS
ST. BERNARD PARISH

DRAWN BY: RMH



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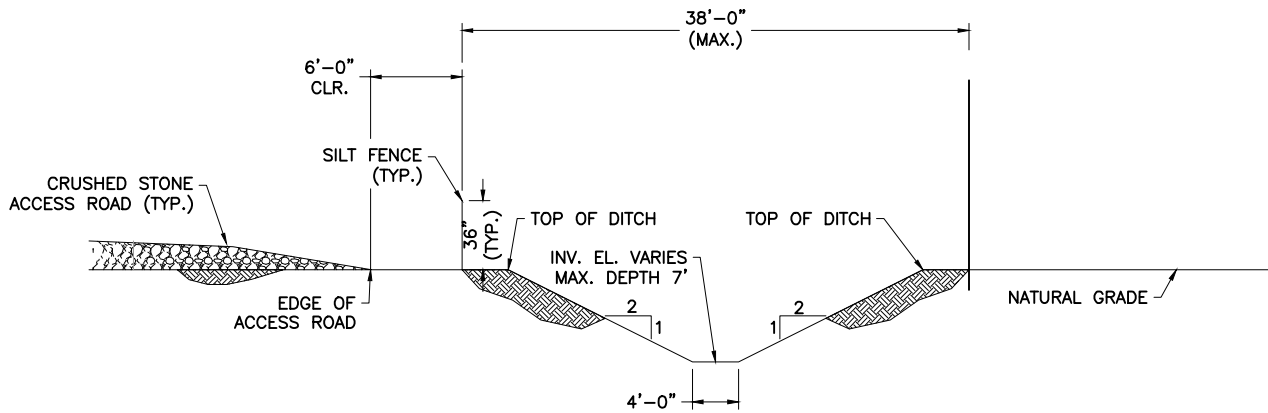
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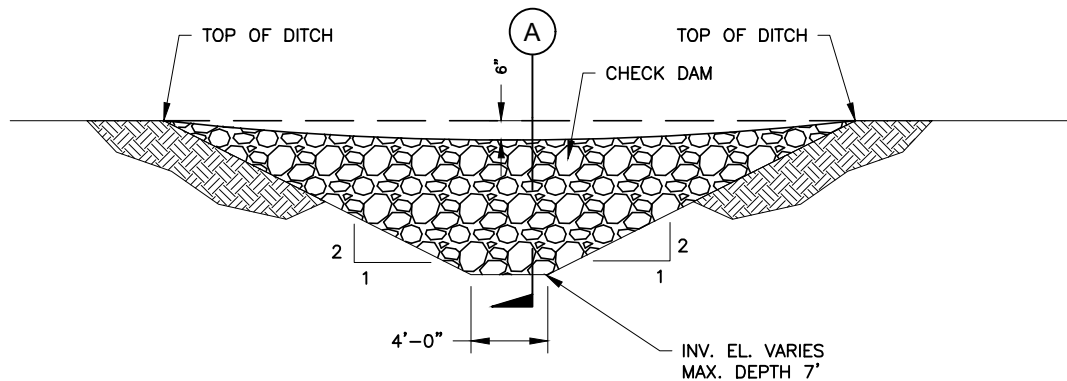
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FIGURE #6



DITCH DETAIL

SCALE: 1" = 100'

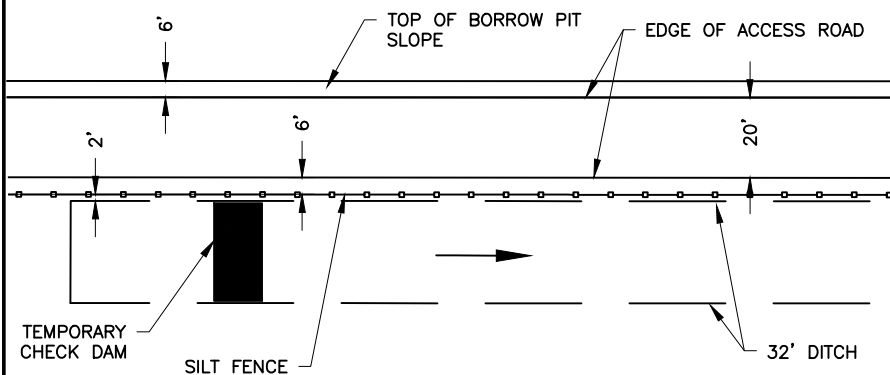


CHECK DAM DETAIL

SCALE: 1" = 60'

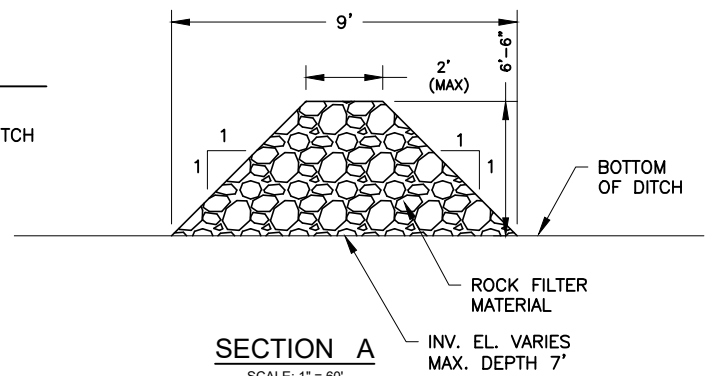
NOTES:

A STONE CHECK DAM IS A SMALL TEMPORARY DAM CONSTRUCTED ACROSS A DITCH OR DRAINAGE DITCH. THE PURPOSE OF THIS MEASURE IS TO REDUCE THE VELOCITY OF CONCENTRATED STORM WATER FLOWS, THEREBY REDUCING EROSION OF THE DITCH OR DITCH. THE STONE CHECK DAM WILL TRAP SMALL AMOUNTS OF SEDIMENTS GENERATED IN THE DITCH ITSELF. FOR STONE SPECIFICATIONS, SEE PROJECT SPECIFICATIONS FOR RIPRAP, (CLASS 2 LB.)



PLAN VIEW

SCALE: 1" = 60'



SECTION A

SCALE: 1" = 60'

TYPICAL SECTIONS DETAILS

ST. BERNARD BORROW PIT
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ST. BERNARD PARISH

DRAWN BY: RMH



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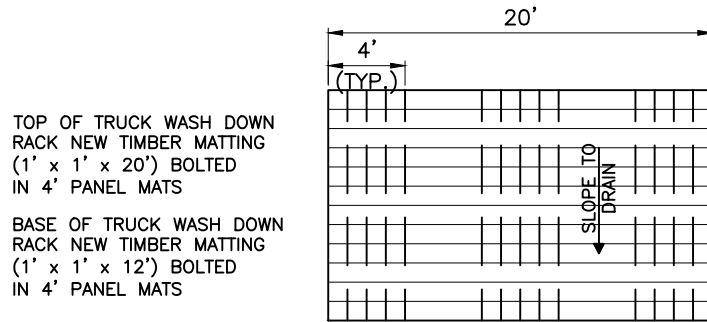
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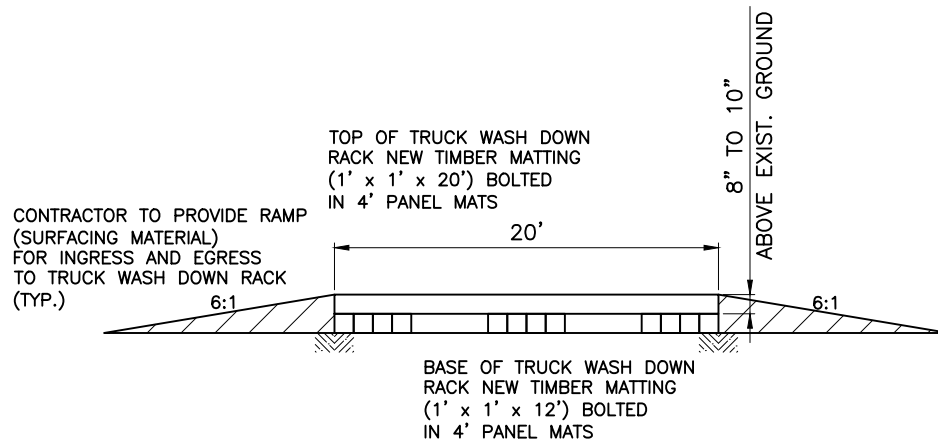
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FIGURE #7



PLAN VIEW
(ACCESS/HAUL ROAD)
N.T.S



PROFILE
N.T.S

NOTES:

1. SLOPE TIMBER MATTING TO DRAIN TOWARDS DITCH/CANAL.
2. DISPOSE OF MUD AS DIRECTED.
3. REMOVE TIMBER MATTING AFTER WORK COMPLETION.
4. LOCATION TO BE DETERMINED BY CONTRACTOR.

TRUCK WASH DOWN RACK
N.T.S

TYPICAL SECTIONS AND DETAILS

ST. BERNARD BORROW PIT
OLIVIER REAL ESTATE HOLDINGS
ST. BERNARD PARISH

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FIGURE #8