

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

July 15, 2024

Regulatory Division Western Evaluation Branch

Project Manager: Brandon Gaspard (504) 862-1280 Brandon.D.Gaspard@usace.army.mil

Application #: MVN-2024-00132-MG

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

PORT OF LAKE CHARLES INDUSTRIAL CANAL <u>TURNING BASIN IMPROVEMENTS</u> <u>IN CALCASIEU PARISH</u>

<u>NAME OF APPLICANT</u>: Lake Charles Harbor and Terminal District, c/o: Southland Environmental, L.L.C., 510 Clarence Street, Lake Charles, Louisiana 70601.

LOCATION OF WORK: Located in Calcasieu Parish, located off LA Highway 384, in Lake Charles, Louisiana, (lat. 30.106181, long. -93.287439), as shown within the enclosed drawings. (Hydrologic Unit Code 08080206, Lower Calcasieu Watershed)

CHARACTER OF WORK: The applicant has requested Department of Army authorization for the installation of a sheet pile wall, four concrete loading platforms, multiple steel pipe piles, and ship channel dredging for improvements to the Port of Lake Charles Industrial Canal Turning Basin and Wharf in Calcasieu Parish. The purpose of the proposed development is to improve the loading facilities and infrastructure at the current Lake Charles Harbor and Terminal District property. The project will be located on an approximately 14 acre tract of land located west of Highway 384, within the Industrial Canal and Industrial Canal Turning Basin, and within the Industrial Canal and Calcasieu River Channel. The activities will impact an undetermined amount of jurisdictional wetland habitat through dredge disposal activities inside previously authorized Corps Disposal Facilities 12B and/or 13, and approximately 22 acres of Section 10 Waters of the United States through dredging and wharf

construction activities. The current ship berth dredging operations will include the relocation of approximately 746,750 cubic yards of dredged material into the Corps Disposal Facilities. The proposed ship berth will require the relocation of approximately 131,600 cubic yards of dredged material into the Corps Disposal Facilities.

<u>MITIGATION</u>: The applicant states that the proposed project was designed to avoid direct any secondary adverse impacts to the maximum extent practicable. Compensatory mitigation for dredge disposal activities is not required for any expected wetlands impacts within approved Corps Disposal Facilities which involve previous NEPA reviews and environmental clearance through the USACE Civil Works Program.

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, Brandon Gaspard. 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.

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:

a. 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.

b. 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.

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.

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 West Indian Manatee (Trichechus manatus) 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 the follow the IPaC mitigative conditions for the West Indian Manatee (Trichechus manatus).

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 <u>22 acres</u> 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 #P2024036). 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 Louisiana Department of Energy and 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.

Sincerely,

Darrell S. Barbara Chief, Western Evaluation Branch Regulatory Division

Enclosure







File: Q:\BR\230299 POLC Industrial Canal\20 CADD_Active_Permit Set\230299-PERMIT02; Plotted: 3/12/2024 1:53 PM by MOYA IGLESIAS, CRISTIAN; Saved: 1/3/2024 3:13 PM by CMOYAIGLESIAS

File: Q:\BR\230299 POLC Industrial Canal\20 CADD_Active_Permit Set\230299-PERMITO3; Plotted: 3/12/2024 1:53 PM by MOYA IGLESIAS, CRISTIAN; Saved: 3/6/2024 9:40 PM by CMOYAIGLESIAS







File: Q: \BR\230299 POLC Industrial Canal \20 CADD _Active _Permit Set \230299-PERMITO5; Plotted: 3/12/2024 1:54 PM by MOYA IGLESIAS, CRISTIAN; Saved: 12/28/2023 7:12 PM by CMOYAIGLESIAS



File: Q: \BR\230299 POLC Industrial Canal\20 CADD_Active_Permit Set\230299-PERMITO6; Plotted: 3/12/2024 1:54 PM by MOYA IGLESIAS, CRISTIAN; Saved: 3/12/2024 1:51 PM by CMOYAIGLESIAS



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File: 0: \BR\230299 POLC Industrial Canal\20 CADD_Active_Permit Set\230299-PERMITOB; Plotted: 3/12/2024 1:54 PM by MOYA IGLESIAS, CRISTIAN; Saved: 3/12/2024 1:51 PM by CMOYAIGLESIAS



File: Q: \BR\230299 POLC Industrial Canal\20 CADD_Active _Permit Set\230299-PERMIT09; Plotted: 3/12/2024 1:54 PM by MOYA IGLESIAS, CRISTIAN; Saved: 3/6/2024 9:41 PM by CMOYAIGLESIAS



File: Q: \BR\230299 POLC Industrial Canal\20 CADD_Active_Permit Set\230299-PERMITIO; Plotted: 3/12/2024 1:55 PM by MOYA IGLESIAS, CRISTIAN; Saved: 1/3/2024 3:38 PM by CMOYAIGLESIAS





