

JOINT PUBLIC NOTICE

January 30, 2017

United States Army
Corps of Engineers
New Orleans District
Regulatory Branch
Post Office Box 60267
New Orleans, Louisiana 70160-0267

(504) 862-1564

Stephanie.L.Castaing@usace.army.mil

Project Manager
Stephanie Castaing
Permit Application Number
MVN 2005-1628-EPP

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 170130-01

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).

TIME EXTENSION TO DREDGE AND STOCKPILE SAND AND AGGREGATE WITHIN AND ALONG THE MISSISSIPPI RIVER AT AN EXISTING FACILITY IN JEFFERSON PARISH

NAME OF APPLICANT: Beverly Industries, Inc., c/o the Trepagnier Law Firm, 331 Girod Street, Mandeville, Louisiana 70448.

LOCATION OF WORK: Project site is located on the right descending bank of the Mississippi River, at about 102.7 miles above Head of Passes, in Bridge City, Louisiana, in Jefferson Parish, as shown on the attached drawings.

Latitude: 29.933/Longitude: -90.1436 Hydrologic Unit Codes: 08090100 Lower Mississippi-New Orleans.

CHARACTER OF WORK: Dredge and stockpile sand and aggregate for commercial sales. Project implementation will require the excavation and deposition of 112,500 cubic yards of native material. The applicant has stated that no jurisdictional wetlands will be impacted; therefore, compensatory mitigation has not been proposed.

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.

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 proposed project is located in waters known to be utilized by the pallid sturgeon (*Scaphirhynchus albus*) and determined that the proposed activity is not likely to adversely affect the species based on the Standard Local Operating Procedure for Endangered Species of Louisiana (SLOPES), dated October 22, 2014, between the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service, Ecological Services Office.

Our initial finding is that the proposed work would not affect any species, nor affect any habitat designated as critical to the survival and recovery of such species, listed as endangered by the U.S. Department of Commerce.

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 **26.5** 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 Department of Environmental Quality, Water Quality Certifications, before a permit is issued.

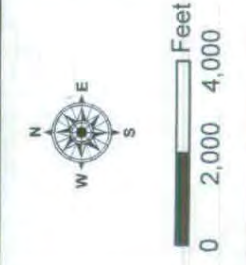
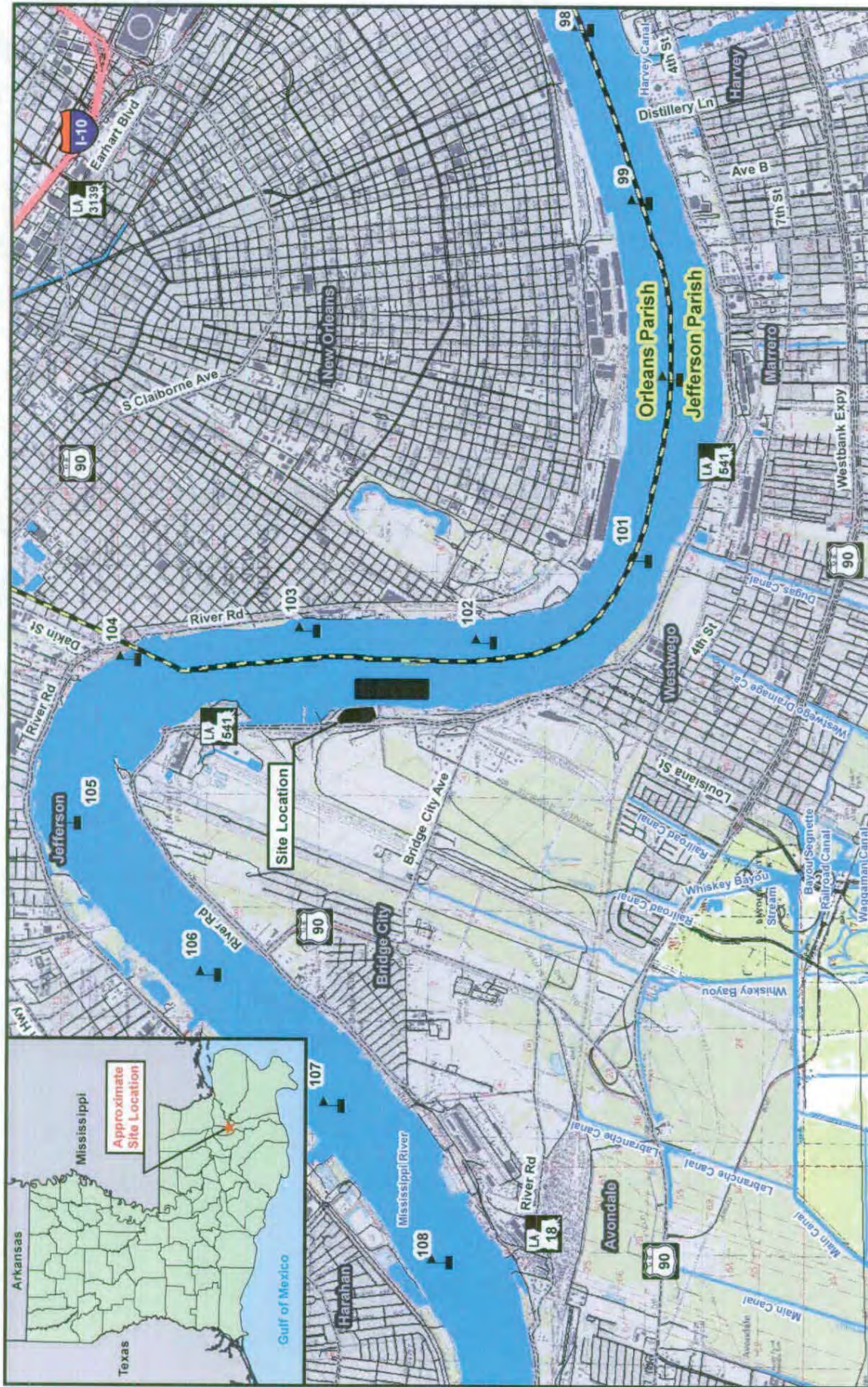
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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.

for
Michael V. Farabee
Chief, Eastern Evaluation Section

Enclosure



Legend:

	Site Location		Stream/River
	Interstate		Waterbody
	Highway		City/Town
	Roadway		Parish Boundary

Figure 1: TopoVicinity Map

Beverly Industries Dredge and Stockpile, Nine Mile Project

Map prepared from public and proprietary spatial data. ELOS Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.

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F:\KLEI\Beverly Industries Stockpile\GIS Maps\Nine Mile Project Site\Figure 1_TopoVicinity Map.mxd

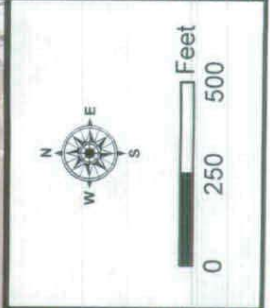
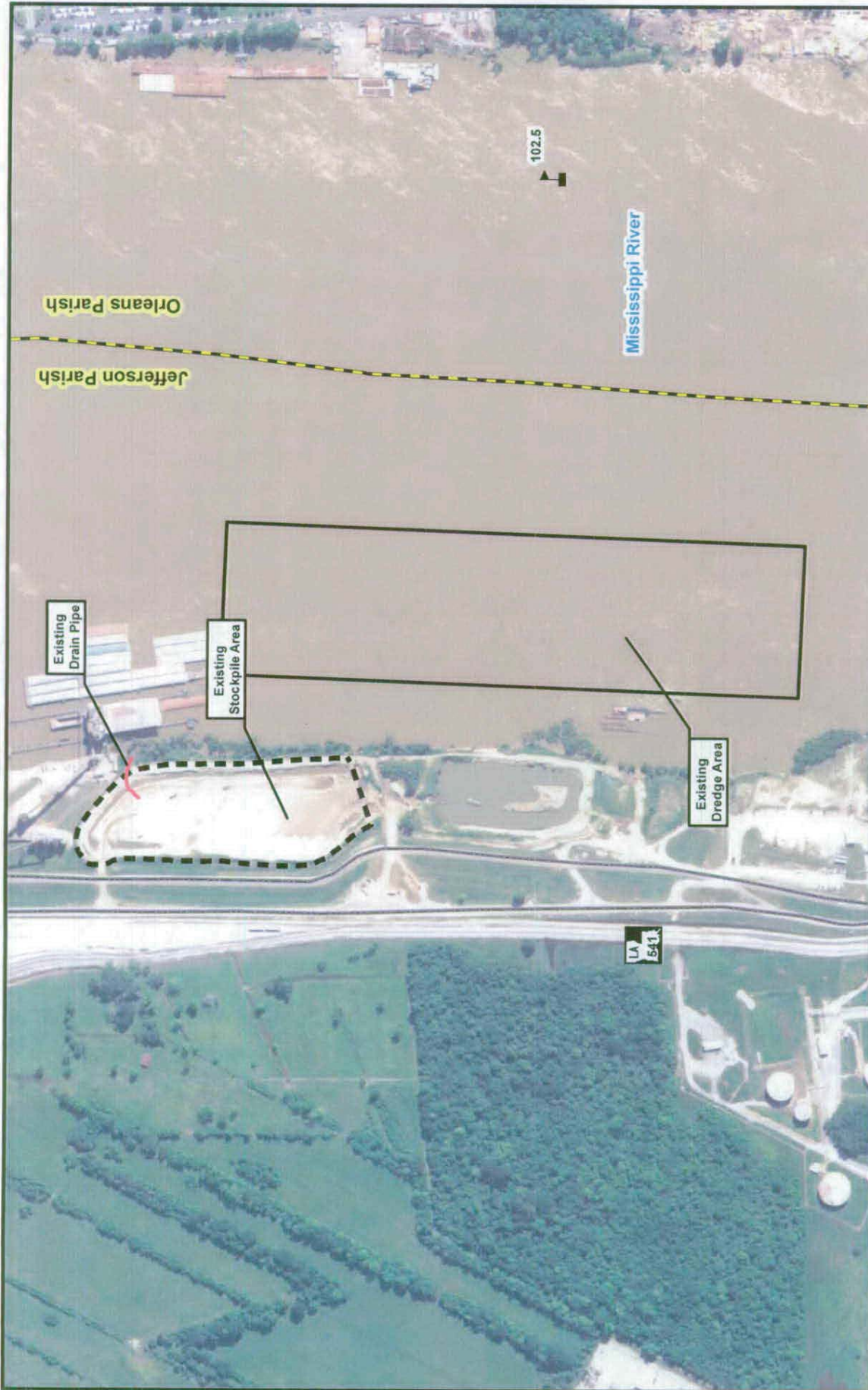
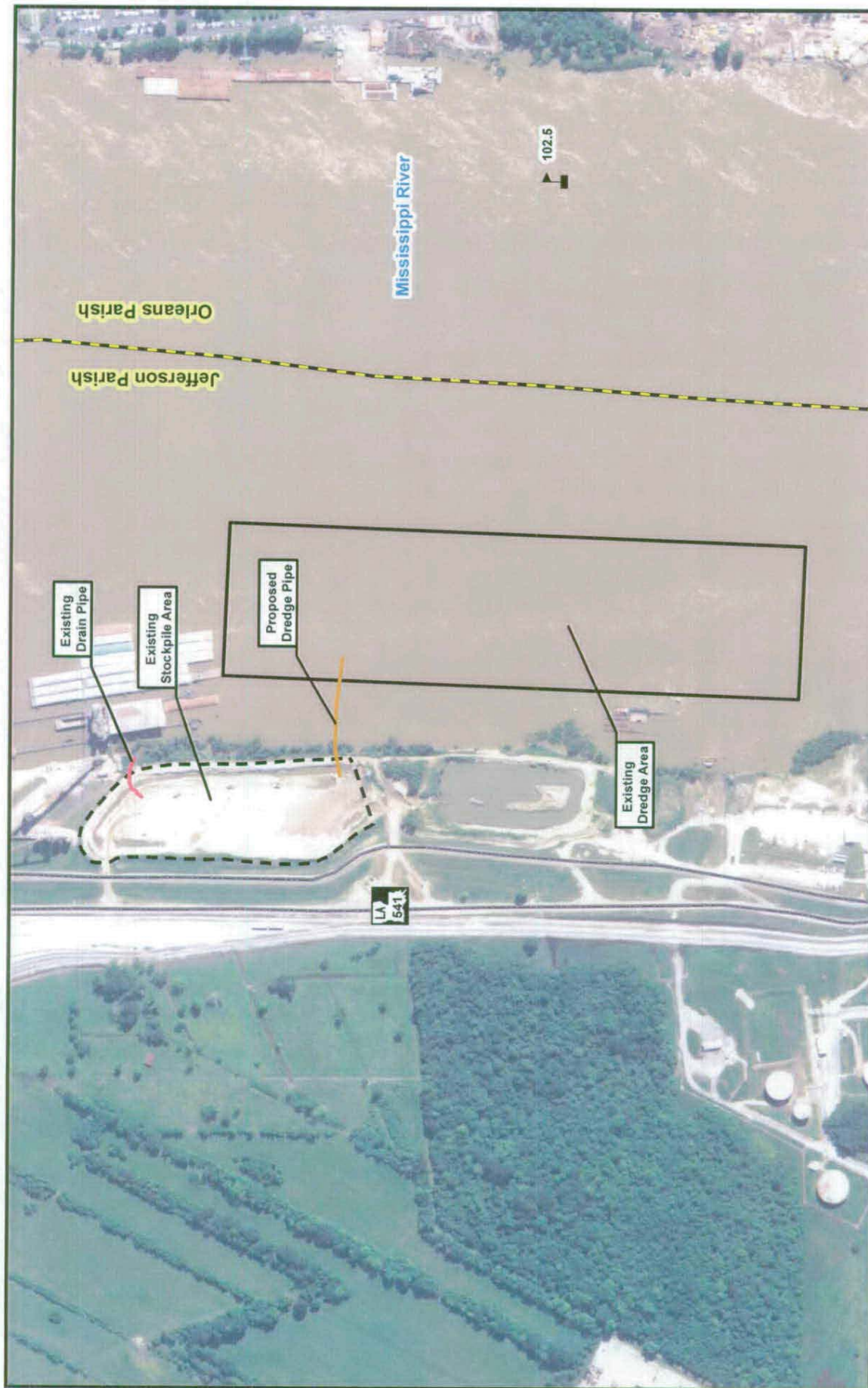


Figure 2: Existing Conditions
Beverly Industries Dredge and Stockpile, Nine Mile Project

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Legend:

- Existing Drain Pipe
- Proposed Dredge Pipe
- Existing Dredge Area
- Existing Stockpile Area
- Mile Marker
- Levee
- Highway
- Parish Boundary

Figure 3: Plan View

Beverly Industries Dredge and Stockpile, Nine Mile Project

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Typical Dredge

Scale = Not to Scale

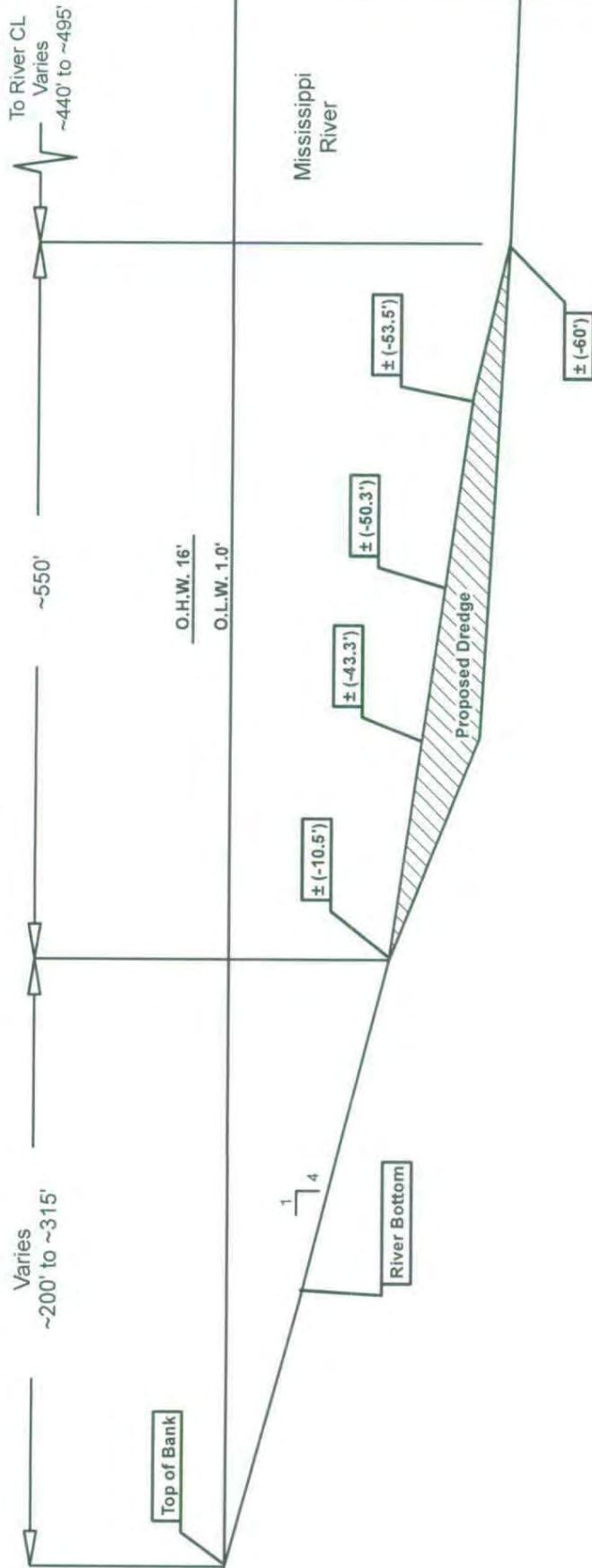


Figure 4: Typical Dredge Cross Section

Legend:
 Dredge Area

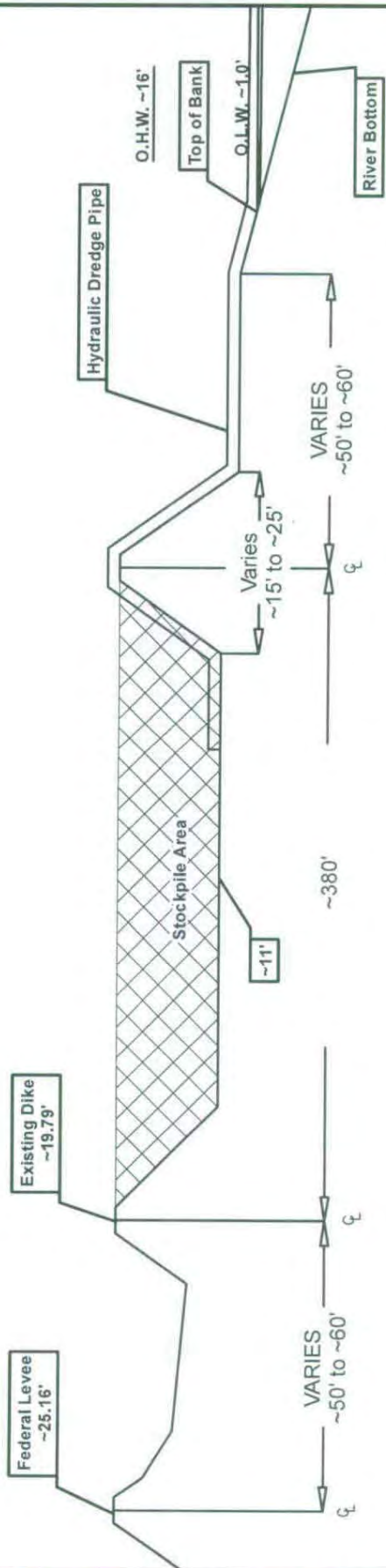
Beverly Industries Dredge and Stockpile, Nine Mile Project

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Typical Stockpile

Scale = Not to Scale



Legend:

☒ Stockpile Area

Figure 5: Typical Stockpile Cross Section

Beverly Industries Dredge and Stockpile, Nine Mile Project

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Project Information

All structures built under the authorization and conditions of this permit shall be removed from the site within 120 days of abandonment of the facilities for the herein permitted use, or when these structures fall into a state of disrepair such that they can no longer function as intended. This condition does not preclude the necessity for revising the current permit or obtaining a separate Coastal Use Permit, should one be required, for such removal activities.

Structures must be marked/lighted in accordance with U.S. Coast Guard regulations.

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.

The area where the project is located is part of the aboriginal homeland of the Chitimacha Tribe of La. As such, villages, burial sites and sacred sites were in place in that entire area. If during the course of the work any cultural properties are discovered, Permittee shall immediately contact Kimberly Walden or Melanie Aymond at 1(337)923-9923 or 1(337)923-4395.

The applicant still maintains a valid USACE, Regulatory permit (MVN-2005-1628-EKK and SE (Mississippi River) 762) and DEQ Water Quality Certification (WQC-050421-07/AI-28163/CER-20110001) for the project. The applicant is seeking a new time extension on the Regulatory permit and DEQ WQC.

In addition to the current Regulatory permit and DEQ Water Quality Certification, the project was previously authorized by a NDSI (P20110031) from the DNR, Office of Coastal Management and an amended permit (Permit 470) from the Southeast Louisiana Flood Protection Authority - West, West Jefferson Levee District.


The applicant has maintained dredging activities at this site since the initial project creation, under valid authorizations. The applicant is proposing to perform multiple dredge events in the river over the lifetime of the project's authorization. Each dredge event is proposed to only remove the maximum amount of material that the stockpile area can hold at a single time, ~112,500 cubic yards of material. During each proposed dredge event, the applicant will only remove enough material from the river to fill the stockpile area, while maintaining the stockpile within the bounds set forth for such stockpile activities by the "Limits of Permissible Stockpile on Riverbanks" drawing by the USACE, circa May 2002. Once the stockpile area is filled to capacity, the applicant will halt dredge activities and sell the stockpiled material. After all the stockpiled material has been sold, dredge activities will resume until the stockpile is replenished, with this process repeating for the lifetime of the project authorizations.

Louisiana National Heritage Program:

The pallid sturgeon (*Scaphirhynchus albus*) may occur in water bodies near your proposed project. The pallid sturgeon is listed as endangered under the Endangered Species Act (16 U.S.C. 1531-1544) and occur in the Mississippi and Atchafalaya rivers in southern Louisiana. This species requires large, turbid, free-flowing riverine habitat and is adapted to living close to the bottom of large rivers with sand and gravel bars. Pallid sturgeon typically spawn from May-August, but successful reproduction has been severely reduced due to habitat modification. This includes the loss of habitat through the construction of dams that have modified flows, reduced turbidity, and lowered water temperatures. We advise you to take the necessary measures to avoid the breeding season and any degradation of water quality in the Mississippi and Atchafalaya rivers. If there are any questions, please contact Beau Gregory at 337-491-2576.

No other impacts to rare, threatened, or endangered species or critical habitats are anticipated from the proposed project. No state or federal parks, wildlife refuges, wildlife management areas, or scenic rivers are known at the specified site or within 1/4 mile of the proposed project.

The Louisiana National Heritage Program (LNHP) reports summarize the existing information known at the time of request regarding the location in question. LNHP reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site survey required for environmental assessments. If at any time LNHP tracked species are encountered within the project area, please contact the biologist at 225-765-2643.

 <p>ELOS environmental http://elosenv.com/ 43177 East Pleasant Ridge Road Hammond, Louisiana 70403 P. 985-662-5501, F. 985-662-5504</p>	<p style="text-align: center;">Figure 6: Project Information</p> <hr/> <p style="text-align: center;">Beverly Industries Dredge and Stockpile, Nine Mile Project</p> <hr/> <p style="font-size: small; text-align: center;">Map prepared from public and proprietary spatial data. ELOS Environmental, LLC does not warrant its accuracy or completeness. This map should not be used to establish legal boundaries or specific locations.</p>
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