

JOINT PUBLIC NOTICE

September 10, 2018

United States Army Corps of Engineers
New Orleans District
Regulatory Branch
7400 Leake Avenue
New Orleans, Louisiana 70118

State of Louisiana
Department of Environmental Quality
Water Permits Division
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

(504) 862-2675
Project Manager
Kenny Blanke
Kenneth.G.Blanke@usace.army.mil
Permit Application Number
MVN 2018-0727-CQ

(225) 219-3225
Project Manager
Elizabeth Hill
WQC Application Number
WQC 180815-03

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, Office of Environmental Services, 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).

SHIP MOORING IN THE MISSISSIPPI RIVER, BORROW PIT EXPANSION, DREDGING ALONG BATTURE NEAR CONVENT IN SAINT JAMES PARISH

NAME OF APPLICANT: Mr. Randy Anny, Post Office Box 367, Sorrento, La 70778

LOCATION OF WORK: Within the Mississippi River Basin, in the Lower Mississippi River – Baton Rouge hydrologic unit (HUC 08070100), in the Mississippi River, left descending bank, mile 164.6, in Convent, Louisiana, in Saint James Parish.

CHARACTER OF WORK: The applicant has requested a Department of the Army permit authorization for the installation and maintenance of five (5) midstream mooring piles to accommodate an approximate 656' x 106' midstream fleeting area for ship mooring and 2 crane barges. The applicant is also proposing to expand an existing borrow pit (measuring approximately 220' x 800') to an approximate 460' x 800' pit to use as a multi-purpose stockpiling area for many different material typed (river pump sand, aggregate, stone, grain, fertilizers). A new haul road is also proposed for the pit expansion. The project purpose is to transfer dry bulk products from oceangoing vessels to river barges and vice versa, as well as to fill sand pits on the batture for stockpiling for commercial sale. Portions of the existing and proposed batture pit have

been previously mitigated from previous authorizations. A jurisdictional determination for the batture expansion area is pending with the Corps' Surveillance and Enforcement Section. The project also entails the dredging of sand material from the Mississippi River and the placement of dredged material into the proposed and existing borrow pit. Approximately 545,185 cubic yards of sand material would be hydraulically dredged from the river bottom and would be placed in the batture pit for stockpiling. Approximately 4.4 acres of potentially jurisdictional wetlands would be impacted by expansion of the batture pit. Based on the previous mitigation associated with the batture pit, the current expansion may require additional compensatory mitigation depending upon the pending jurisdictional determination.

The applicant stated that the impacted area has been minimized to the smallest footprint that will allow the goals of the project to be achieved. Best management practices will be employed during construction to minimize sediment excursion. To compensate for unavoidable impacts, the applicant has agreed to purchase mitigation credits from an approved mitigation bank.

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** 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 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. Copies of this notice are being sent to the State Archeologist and State Historic Preservation Officer.

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.

The New Orleans District has determined that the proposed project is not likely to adversely affect the pallid sturgeon (*Scaphirhynchus albus*) and will have no effect on other known species. These determinations are 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.

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 **n/a 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.

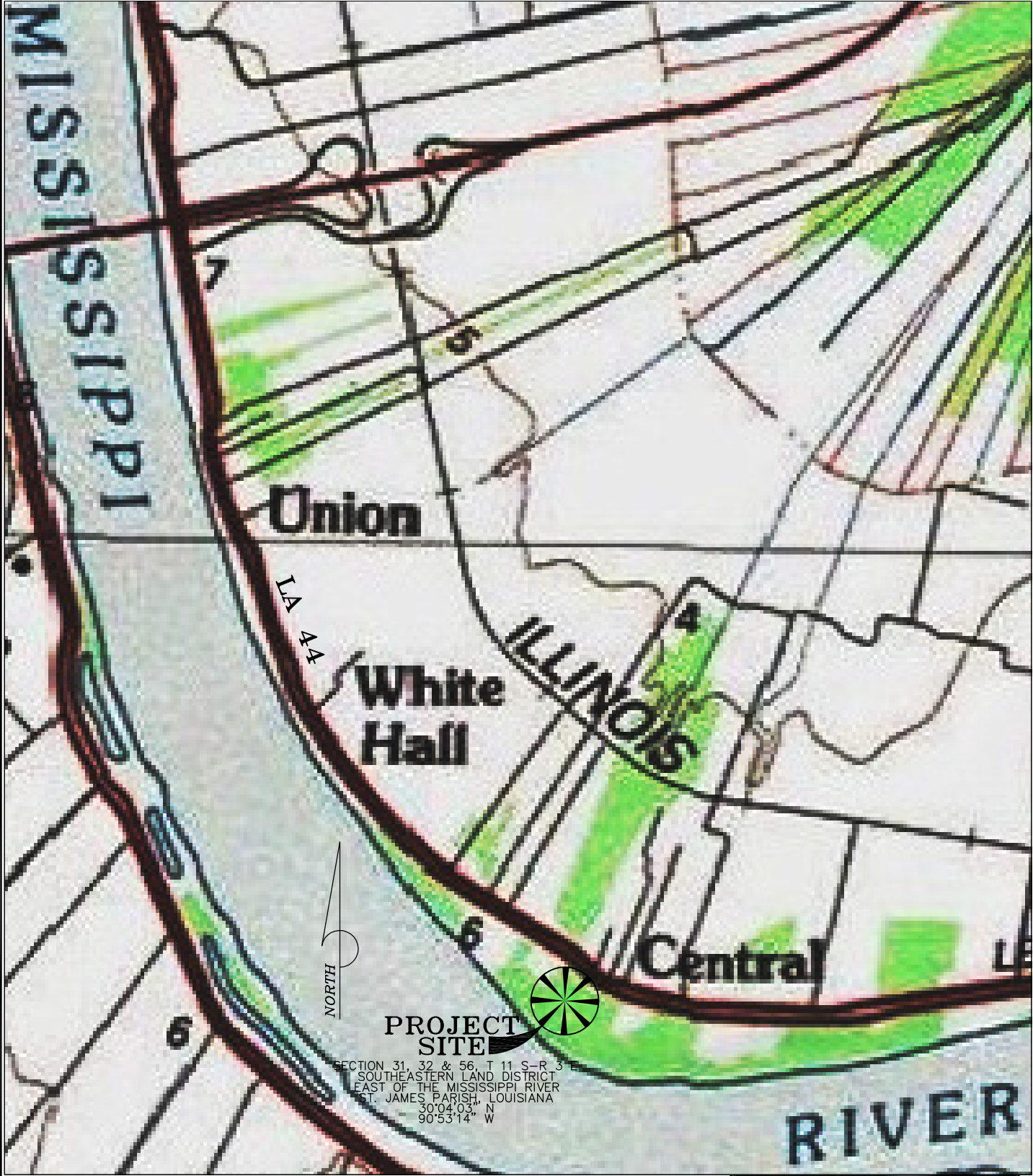
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not 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.

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 Section
Regulatory Branch

Enclosure



VICINITY MAP
 1" = 2000'



McLin Taylor, Inc.
 Engineering and Land Surveying

28330 FROST ROAD LIVINGSTON, LA 70754 (225)886-1444

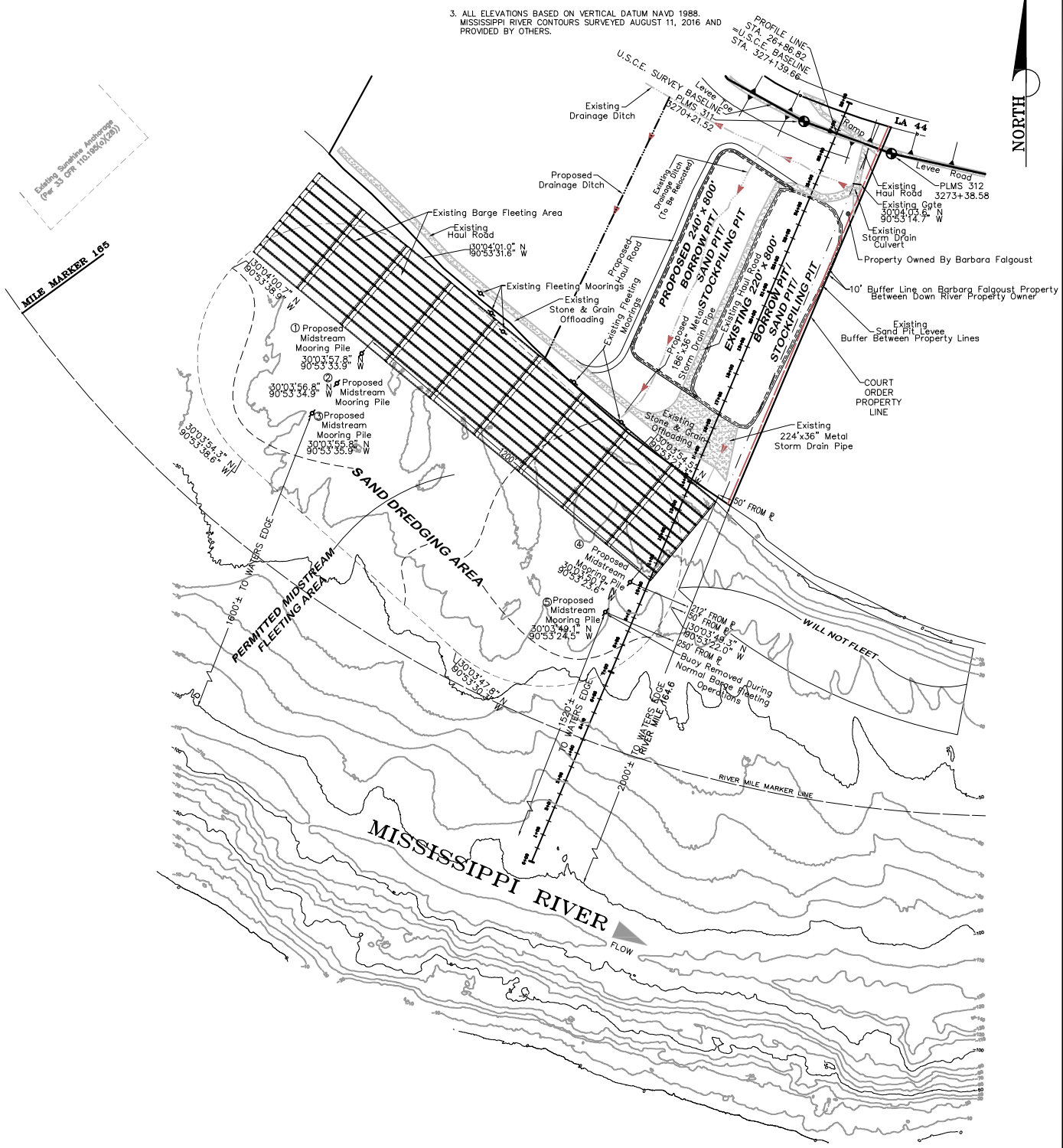
GENERAL NOTES:

1. PERMITTEE SHALL BE RESPONSIBLE FOR NOTIFICATION OF UTILITY COMPANIES AND DETERMINING THE LOCATION OF VARIOUS UTILITY LINES, AND ANY DAMAGE THERE TO. NO PERSON SHALL EXCAVATE OR DEMOLISH WITHOUT FIRST ASCERTAINING THE LOCATION OF UNDERGROUND UTILITIES BY SERVING TELEPHONIC NOTICE TO LOUISIANA ONE CALL (FORMERLY DOTTE). IN ORDER TO SERVE NOTICE OF EXCAVATION, THIS PROGRAM CAN BE REACHED BY CALLING 1-800-272-3020.
2. THIS IS NOT A BOUNDARY SURVEY.
3. ALL ELEVATIONS BASED ON VERTICAL DATUM NAVD 1988. MISSISSIPPI RIVER CONTOURS SURVEYED AUGUST 11, 2016 AND PROVIDED BY OTHERS.

500 0 500



GRAPHIC SCALE - FEET



PHASE 1: NORMAL BARGE FLEETING OPERATIONS

PLAN VIEW
FOR A

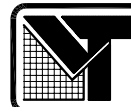
U.S.C.E. PERMIT

LOCATED IN SECTION 31, 32 & 56, T 11 S-R 3 E
SOUTHEASTERN LAND DISTRICT
EAST OF THE MISSISSIPPI RIVER
ST. JAMES PARISH, LOUISIANA
FOR

RANDY ANNY

06/28/2018

SHEET 1 OF 8



McLin Taylor, Inc.

Engineering and Land Surveying

2839 FROST ROAD LIVINGSTON, LA 70764 (225)688-1444

500 0 500

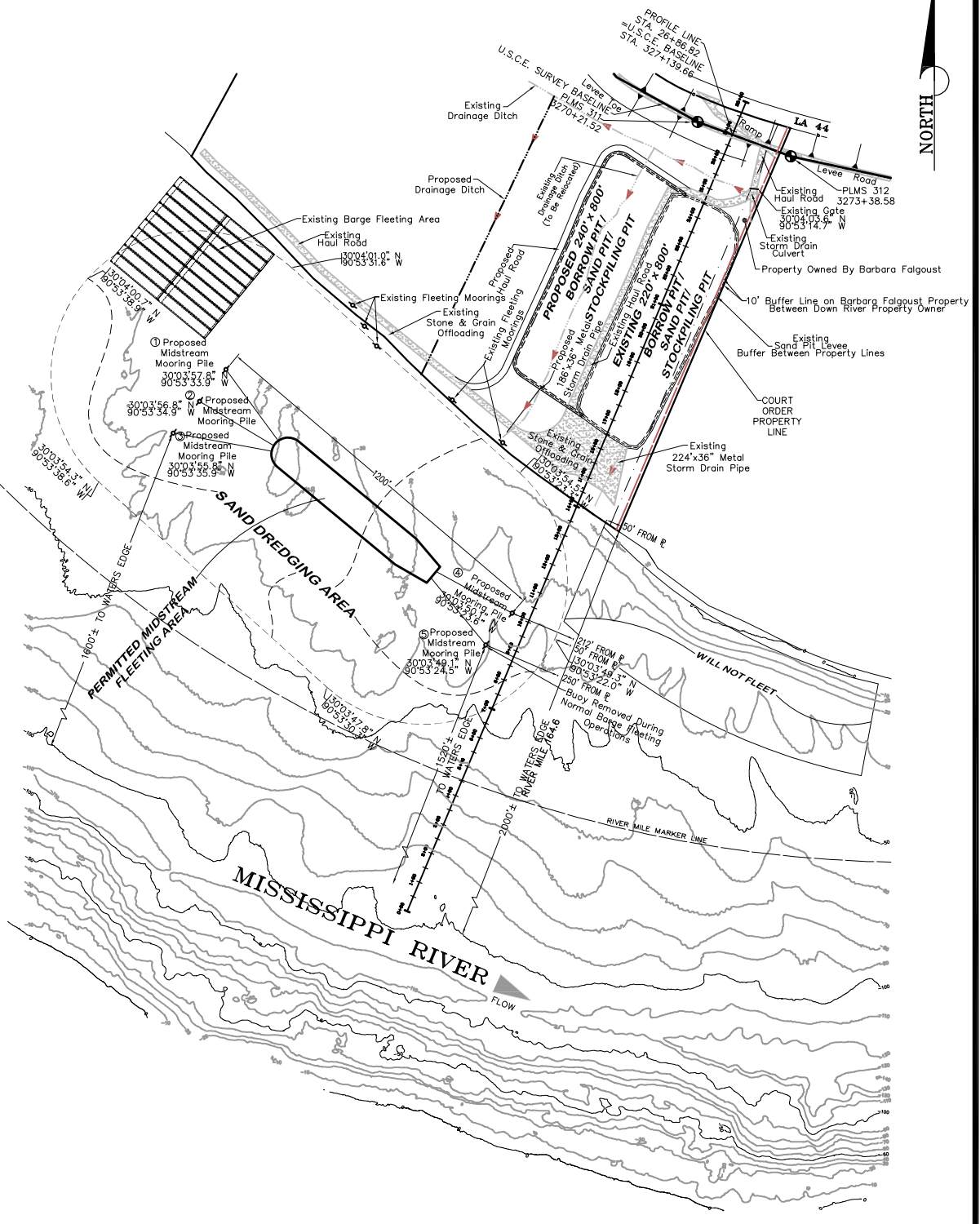


GRAPHIC SCALE - FEET



Existing Surveyed Property
(Per '83 CTR 110.10(6)(2B))

RAIL MILE MARKER 185



PHASE 2: SHIP IN POSITION ON BUOYS

SHEET 2 OF 8

McLin Taylor, Inc.
Engineering and Land Surveying

2839 FROST ROAD LIVINGSTON, LA 70754 (225)688-1444

06/28/2018

X:\IP-16\2161531_52.786 ACRES LA HWY 44 PERMIT DRAWINGS\2. CORPS PERMIT_PHASE 2.DWG JUN-28-2018 PAUL

500 0 500

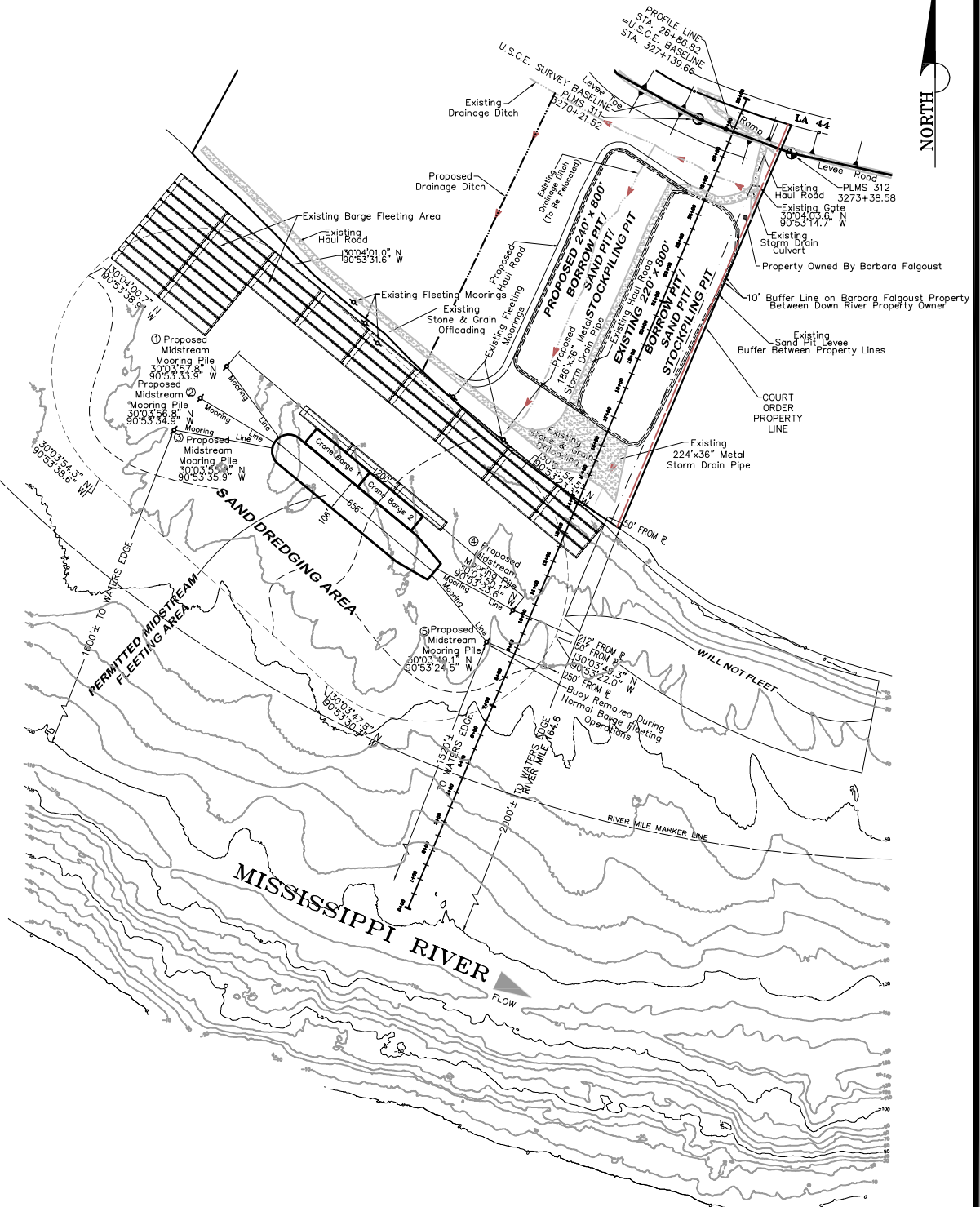


GRAPHIC SCALE - FEET



Existing Boundary Indicators
(Per 33 CFR 110.089(a)(28))

MILE MARKER 165



PHASE 3: SHIP MOORING OPERATIONS

SHEET 3 OF 8

McLin Taylor, Inc.
Engineering and Land Surveying

2839 FROST ROAD LIVINGSTON, LA 70754 (225)696-1444

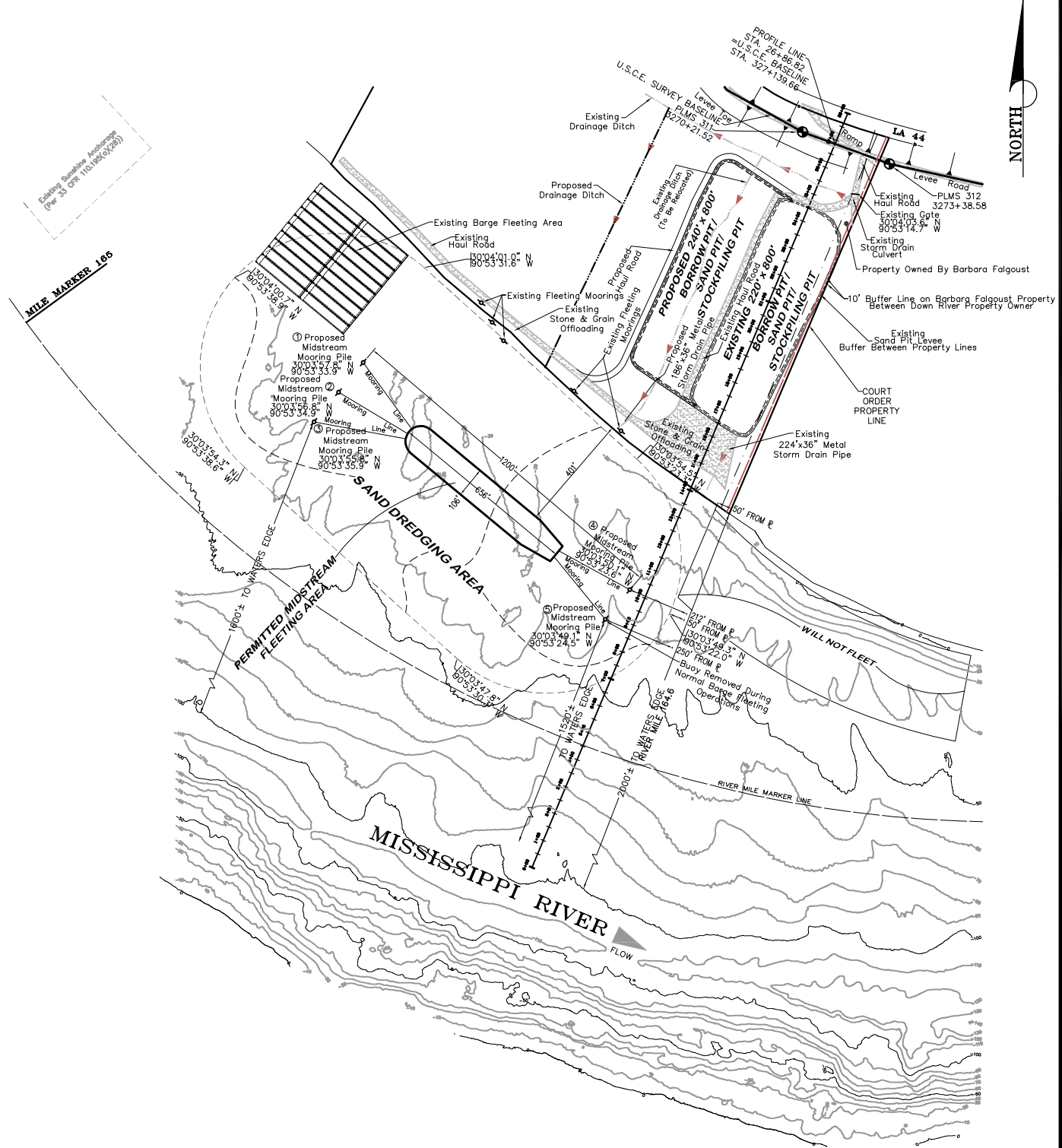
06/28/2018

X:\P-16\2161531_52.786 ACRES LA HWY 44\PERMIT DRAWINGS\3. CORPS PERMIT_PHASE 3.DWG JUN-28-2018 PAUL

500 0 500

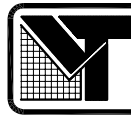


GRAPHIC SCALE - FEET



**PHASE 4: SHIP LOADED OR UNLOADED
AND READY TO BE REMOVED FROM OPERATION**

SHEET 4 OF 8



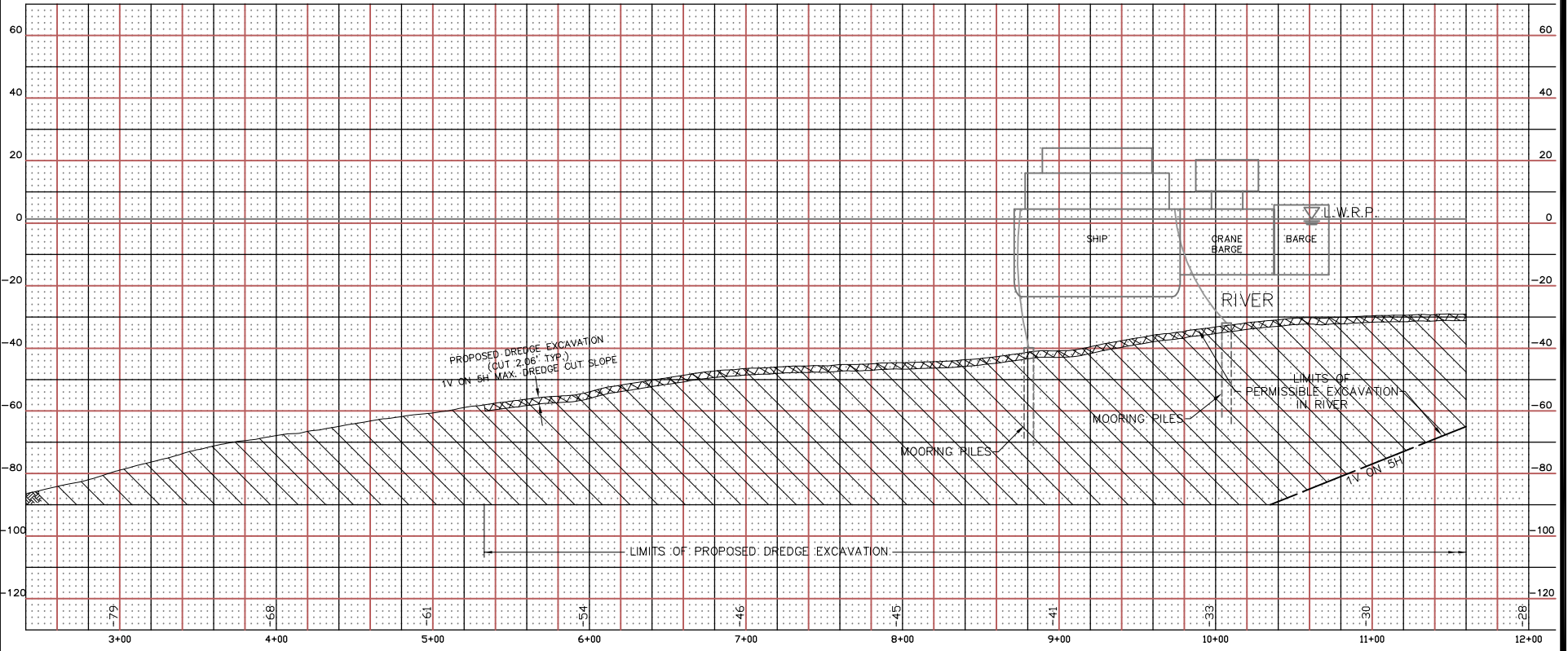
McLin Taylor, Inc.

Engineering and Land Surveying

2839 FROST ROAD LIVINGSTON, LA 70754 (828)688-1444

06/28/2018

X:_LP-16\2161531_52.786 ACRES LA HWY 44\PERMIT DRAWINGS\4. CORPS PERMIT_PHASE 4.DWG JUN-28-2018 PAUL



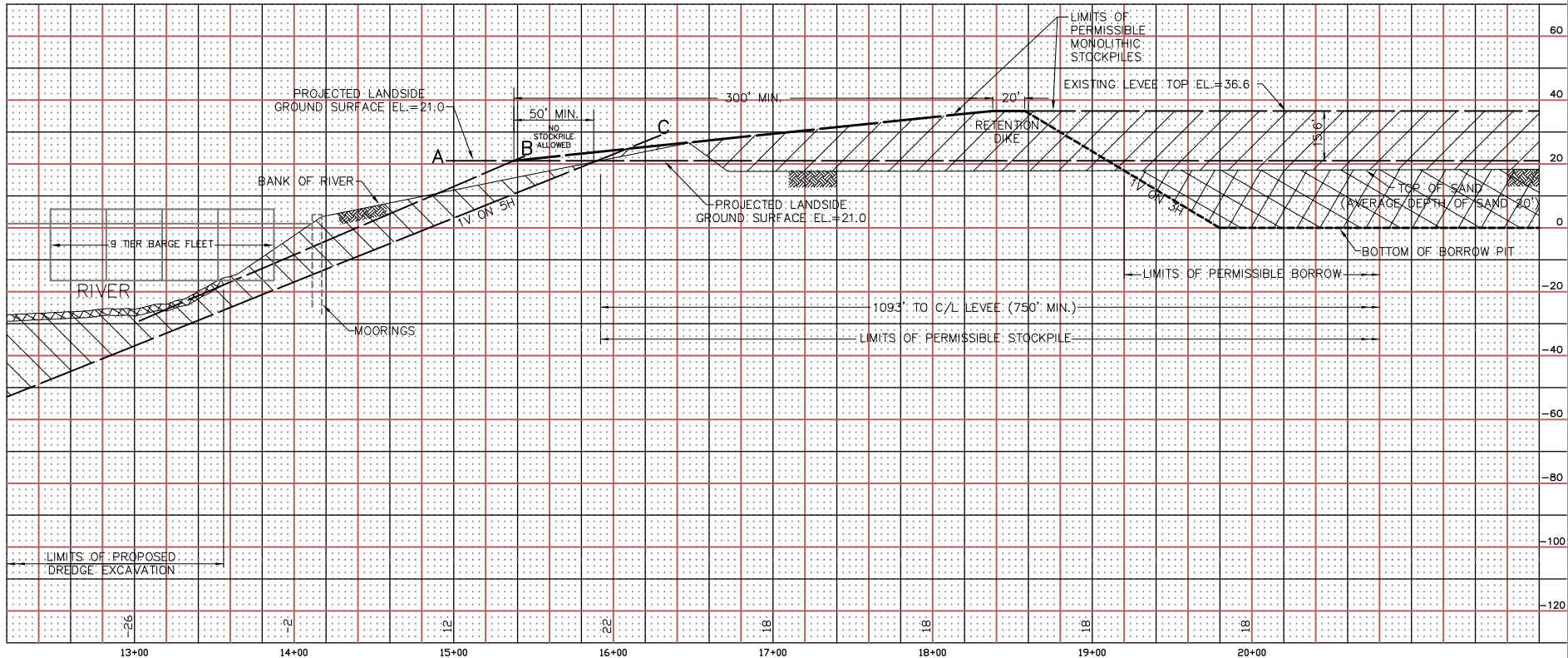
SCALE: 1"=100' HORIZONTAL
 SCALE: 1"=50' VERTICAL
 SHEET 5 OF 8



McLin Taylor, Inc.
 Engineering and Land Surveying

28339 FROST ROAD LIVINGSTON, LA 70754 (225)686-1444

06/28/2018



SCALE: 1"=100' HORIZONTAL
 SCALE: 1"=50' VERTICAL
 SHEET 6 OF 8



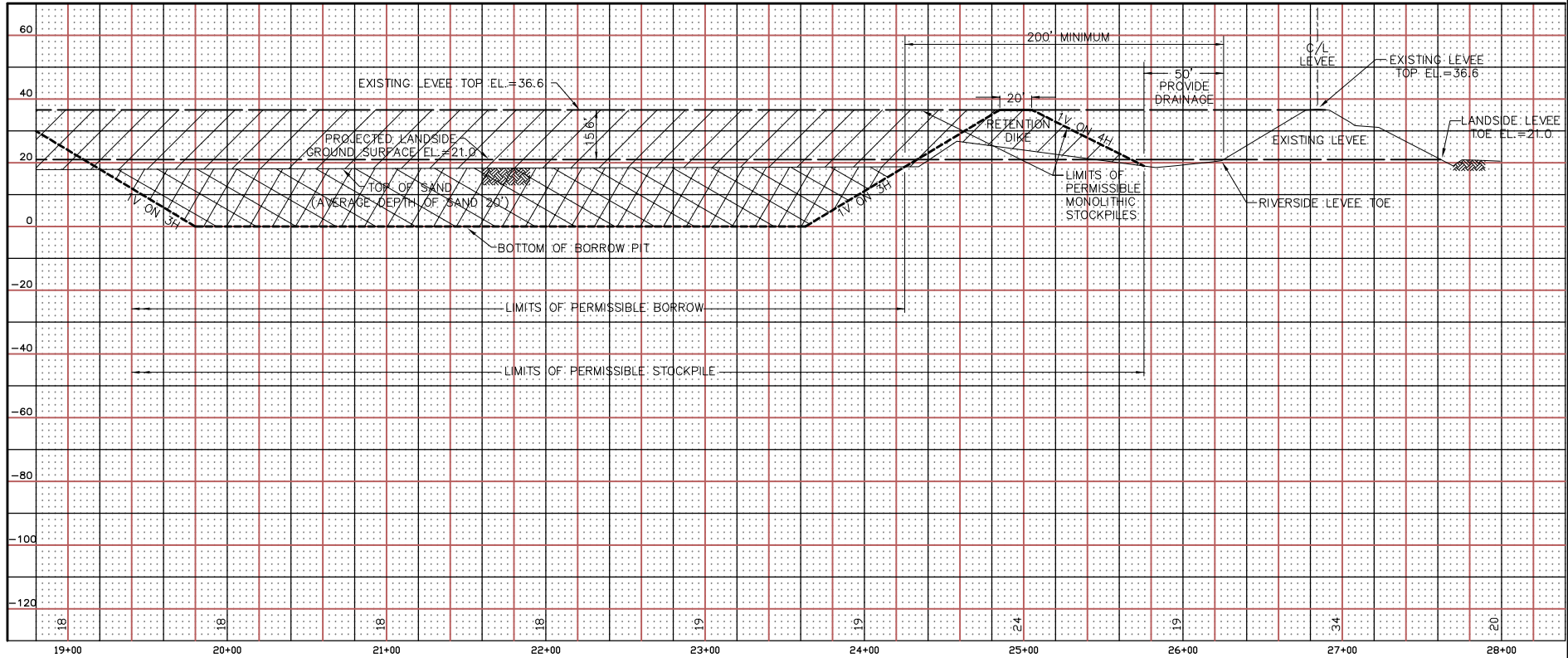
McLin Taylor, Inc.
 Engineering and Land Surveying

28339 FROST ROAD LIVINGSTON, LA 70754 (225)686-1444

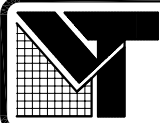
06/28/2018

RIVERSIDE

LANDSIDE



SCALE: 1"=100' HORIZONTAL
SCALE: 1"=50' VERTICAL
SHEET 7 OF 8



McLin Taylor, Inc.
Engineering and Land Surveying

28339 FROST ROAD LIVINGSTON, LA 70754 (225)686-1444

06/28/2018

Mississippi River Navigation Permit Conditions:

1. The dredge and all associated dredging equipment including anchoring structures will remain within the boundaries of the approved dredge areas as shown on the drawing.
2. The applicant will maintain and have on site a tender boat of sufficient horsepower at all times to move the dredge in case of an emergency. At no time should the dredge be in operation without a tender boat. When the dredge is not operational or a tender boat is not onsite, the dredge and all associated dredging equipment will be safely moored outside of the navigable water and away from traffic.
3. There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein. The applicant will, at his or her expense, install and maintain any safety light, signals, and signs prescribed by the United States Coast Guard, through regulations or otherwise, on authorized facilities or on equipment used in performing work under the authorization.
4. If the proposed project involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.) in the waterway, the applicant is advised to notify the appropriate Captain of the Port so that a Notice to Mariners, if required, may be provided about one month before you plan to start work. Contact information for the local Captain of the Port's offices may be located at <https://homeport.uscg.mil> under "port directory". In addition, a copy of your permit approval and drawings should be mailed to the Commander, Eight Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, or emailed to D08-DG-District-DPW@uscg.mil.
5. In addition to item 4 above, for projects located within the Mississippi River from Port Hudson Light at MM 254.5 about twenty miles above Baton Rouge, Louisiana to twelve miles off Southwest Pass Light into the Gulf of Mexico, the applicant is advised to notify the United States Coast Guard, Sector New Orleans Vessel Traffic Services at 504-365-2230, prior to the start and upon completion of each interim dredging operation.
6. The applicant understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said work shall cause unreasonable obstruction to the free navigation of the navigable waters, the applicant will be required upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Additional Notes:

1. As-built drawings and/or plats shall be 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 oilfield canals or ships shall be removed within 120 days of abandonment or 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. 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 to the commencement of any excavation (digging, dredging, jetting, etc.) or demolition activity.
4. The pallid sturgeon is listed as endangered under the Endangered Species Act (16U.S.C. 1531-1544 and is confined to the Miss. & Atchafalaya Rivers in Southern La. The pallid sturgeon may occur in water bodies near this proposed project. This species requires large, turbid, free-flowing riverine habitat and is adapted to living close to the bottom of large shallow rivers with sand and gravel bars. Pallid sturgeon typically spawns from July-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. The permittee will take necessary measures to avoid the breeding season and any degradation of water quality in the Miss. River.
5. The long-tailed weasel is considered rare in La. The species is found in habitats usually near water. Habitats include brush land, open woodlands, field edges, riparian grassland, swamps & marshes. Dens are in abandoned burrows of other mammals, rock crevices, brush piles, stump hollows or spaces among tree roots. Research indicates that the weasel may be sensitive to agriculturally induced fragmentation of habitat, showing the importance of maintaining landscape connectivity for the conservation of this species.
6. The area where the project is located is part of the aboriginal homeland of the Chitimacha Tribe of La. As such, villages, burial sites & 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 Walderi or Melanie Aymond at 337-923-9923 or 337-923-4395.
7. A portion of the outside barges of the 10th row will be used as the loading or unloading barges, instead of loading barges on the outside of the crane, where they would be placed in between the permitted fleet. This is to pull the midstream closer to the permitted barge fleet to give navigational traffic more room to move.
8. The midstream crane operation will be done on the starboard side of the ship where two cranes will be located to load or unload the ship. This also gives more room for navigational traffic and less chance for accidents on the port side of the ship. This also eliminates shifting of barges to and from the crane that would have been on the portside of the ship, which again reduces river traffic and considerably reduces the chance of accidents.
9. The stern Portside Buoy will be removed when the midstream is not in operation to give the line tugs less objects to maneuver around and give more clearance for navigational traffic.
10. The midstream will not operate once the river levels reach 15 feet at Carrollton. The flood stage at Carrollton is 17 feet.
11. The ship size was also reduced from 1000 feet vessels to 750 feet vessels or less.
12. 7-tiers of barges 10 wide will be removed from the permitted 9-tier 10 wide fleet and the stern portside buoy will be attached before the ship will be placed on to the buoy system. This will give the harbor tugs 401 feet of clearance in width and 1500 feet in length of maneuverability between the midstream ship and the bank (This is another change from the midstream having cranes and work barges on both sides and where this would have been on the outside of the fleet).
13. All barge and midstream mooring piles will be a minimum of 200 feet from the Court ordered property line.
14. There is a ten (10) foot buffer created on applicant's side of the court ordered property line to be used as a buffer zone that has no new proposed permitted activity, only existing levee will remain as part of the 10 foot buffer.
15. No, major drainage either from the levee or the proposed projected area will not drain into the down river property owner of Barbara Falgoust's property.

SHEET 8 OF 8



28330 FRONT ROAD LIVINGSTON, LA 70754 (225)988-1444

06/28/2018

X:\LP-16\2161531_52.786 ACRES LA HWY 44\PERMIT DRAWINGS\8. NOTES.DWG JUN-28-2018 PAUL