

# JOINT PUBLIC NOTICE

March 16, 2015

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

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

(504) 862-1217  
Project Manager  
Kenny Blanke  
[Kenneth.G.Blanke@usace.army.mil](mailto:Kenneth.G.Blanke@usace.army.mil)  
MVN 2014-2055-CQ

(225) 219-3225  
Project Manager  
Ms. Elizabeth Johnson  
WQC Application Number  
WQC 150310-01

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, Office of Environmental Services, for a Water Quality Certification (WQC) in accordance with statutory authority contained in LRS30:2074 A(3), and provisions of Section 401 of the Clean Water Act (P.L.95-17).

## **AFTER THE FACT MINING OPERATIONS IN THE MISSISSIPPI RIVER BATTURE IN WEST BATON ROUGE PARISH**

**NAME OF APPLICANT:** Grace Family Farm, c/o Pangea Conservation and Compliance, Attn: Mr. Leonard McCauley, Post Office Box 2171, Denham Springs, Louisiana 70727

**LOCATION OF WORK:** On an approximate 438.5-acre project site, within the Mississippi River Basin, in the Lower Mississippi River- Baton Rouge hydrologic unit (HUC 08070100), on the Mississippi River batture, right descending bank, located approximately 221 miles above the Head of Passes, near Morrisonville, Louisiana, in WEST BATON ROUGE Parish, as shown on the enclosed drawings (Latitude 30.3338888 N Longitude -91.2219444 W).

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 been deferred.

**CHARACTER OF WORK:** The applicant is requesting an after-the-fact Department of the Army permit to clear, grade, excavate, place and maintain fill material for the construction and operations of a dirt pit mining site. Approximately 41.3 acres of jurisdictional batture wetlands would be impacted as a result of project implementation. The applicant is proposing to excavate borrow pits to an approximate depth of 20 feet below existing grade. The pit will maintain a minimum 200 foot buffer from the Mississippi River and a 100 foot buffer from the levee borrow ditch located along the western boundary of the project site. Borrow pit slopes will be maintained at a 3:1 ratio slope and are anticipated to recharge by natural deposition of material from the Mississippi River during high water events. The applicant has designed the project to avoid and minimize direct and secondary adverse impacts to the maximum extent

practicable. As compensation for unavoidable wetland impacts, the applicant is proposing to preserve an approximate 397.1-acre tract of forested batture that is located immediately adjacent to the south and east of the project impact site as a Permittee Responsible Mitigation (PRM) plan, as shown on the enclosed drawings.

The applicant may be required to fully or partially restore the project site to pre-project conditions, if issuance of a permit is determined to be contrary to the overall public interest.

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

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 NA 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.

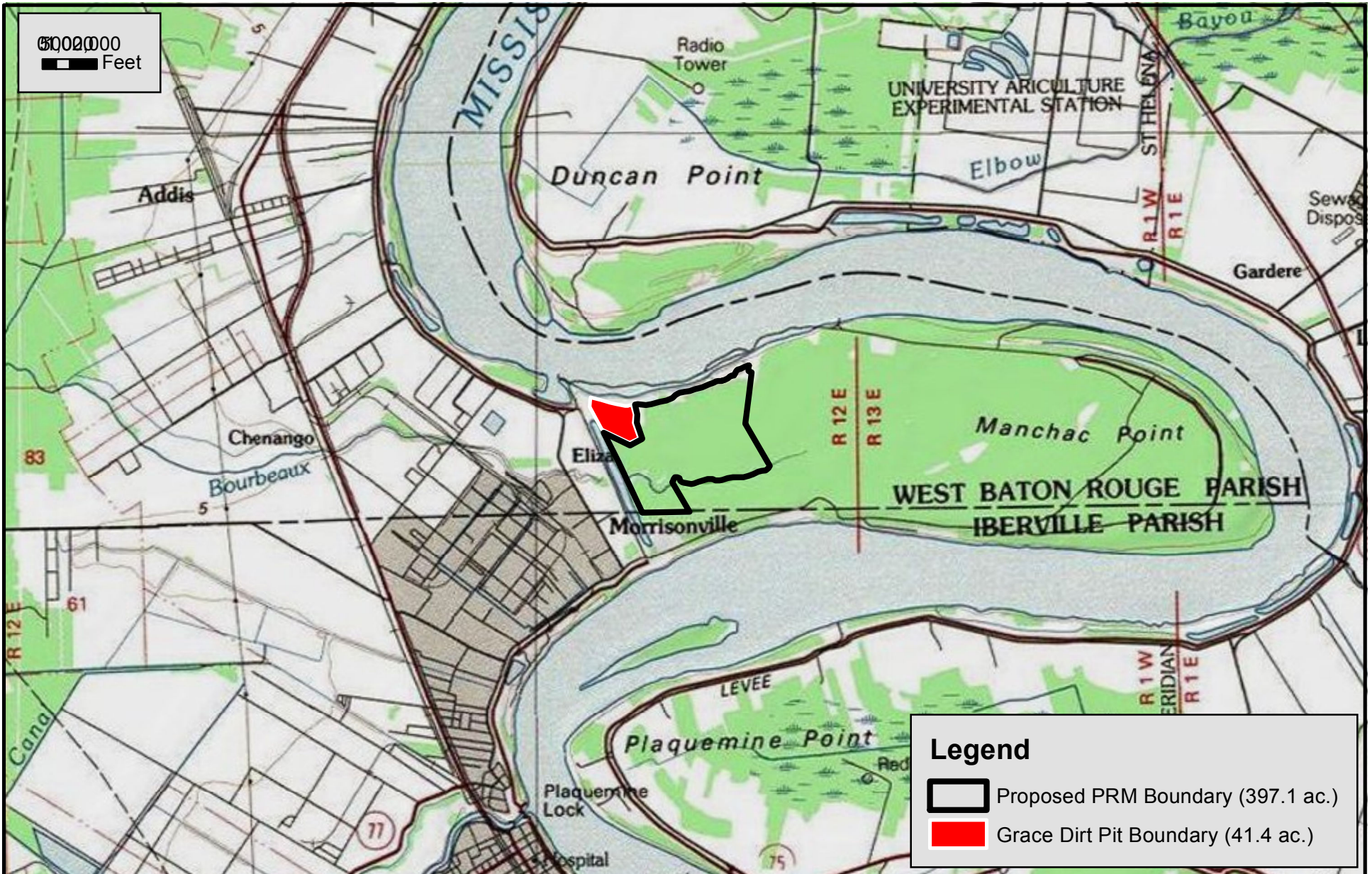
If the proposed work involves deposits of dredged or fill material into navigable waters, the evaluation of the probable impacts will include the application of guidelines established by the Administrator of the Environmental Protection Agency. Also, a certification that the proposed activity will not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

JOHN M. HERMAN  
Chief, Central Evaluation Section  
Regulatory Branch

Enclosure





**PERMITTEE RESPONSIBLE MITIGATION - VICINITY**

Grace Family Partnership Property  
 Plaquemines, West Baton Rouge Parish, LA



Figure: 3  
 Date: January 2015  
 Scale: 1:60,000





**PERMITTEE RESPONSIBLE MITIGATION BOUNDARY**

Grace Family Partnership Property  
 Plaquemines, West Baton Rouge Parish, LA

**Legend**



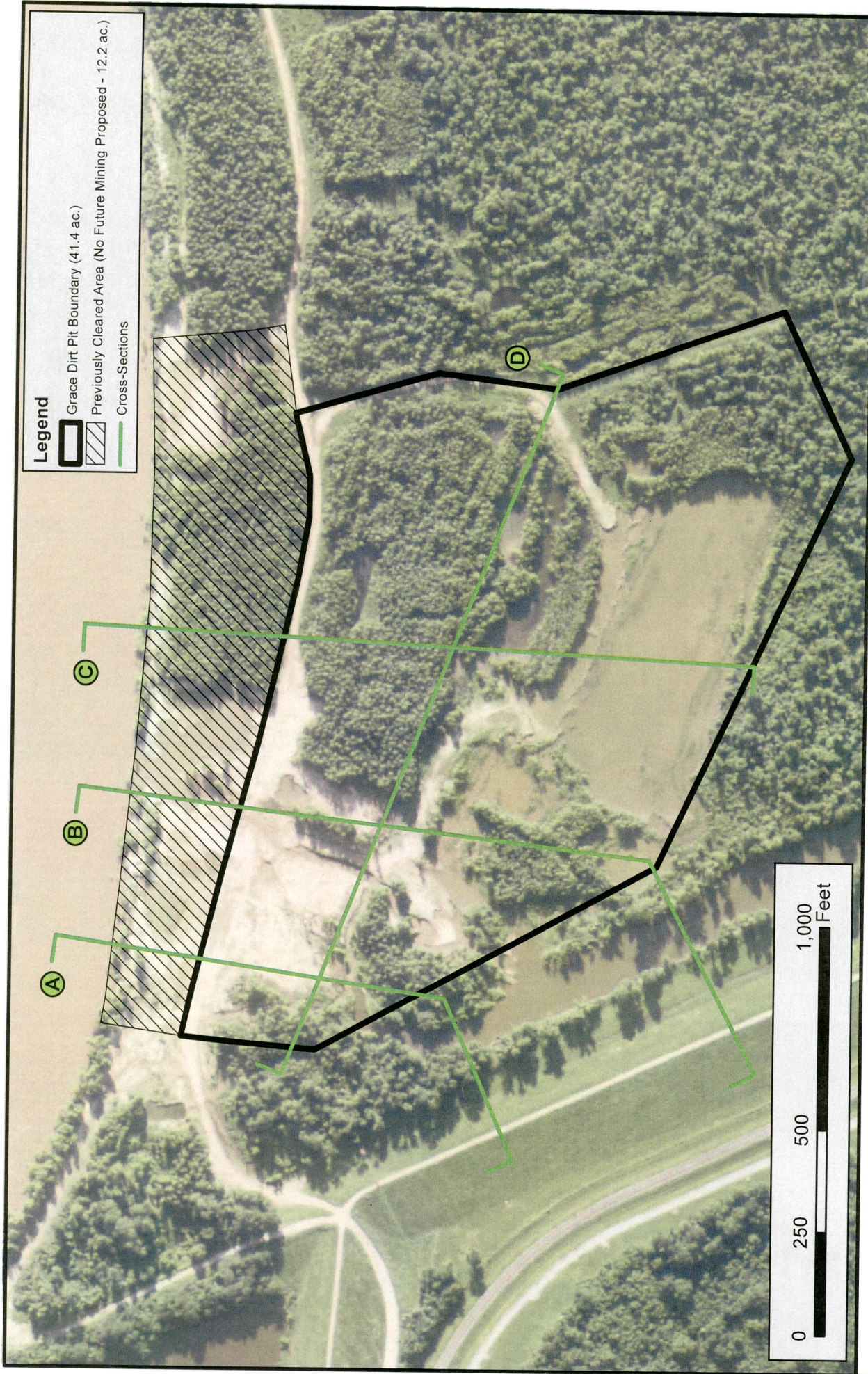
-  Proposed PRM Boundary (397.1 ac.)
-  Grace Dirt Pit Boundary (41.4 ac.)






Figure: 4  
 Date: January 2015  
 Scale: 1:12,000





**Legend**

-  Grace Dirt Pit Boundary (41.4 ac.)
-  Previously Cleared Area (No Future Mining Proposed - 12.2 ac.)
-  Cross-Sections

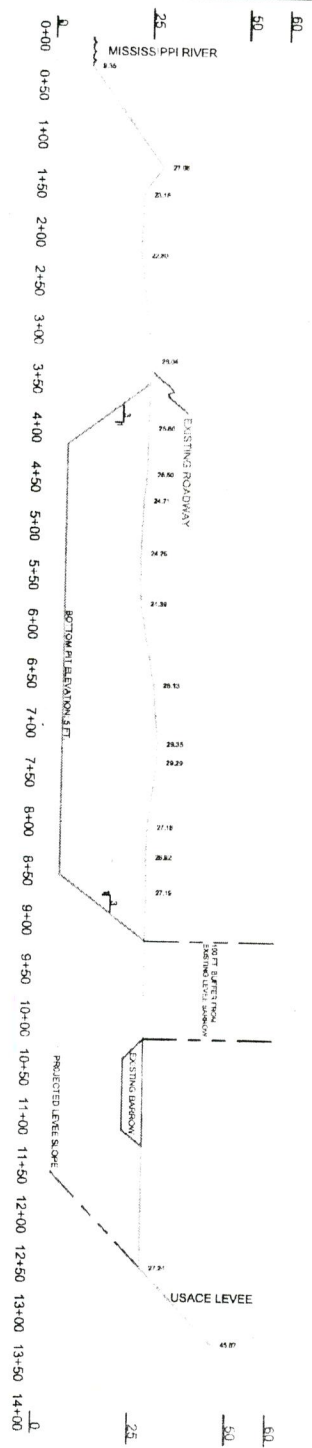
**DIRT PIT - MAP (2012 AERIAL)**  
 Grace Family Partnership Property  
 Plaquemines, West Baton Rouge Parish, LA



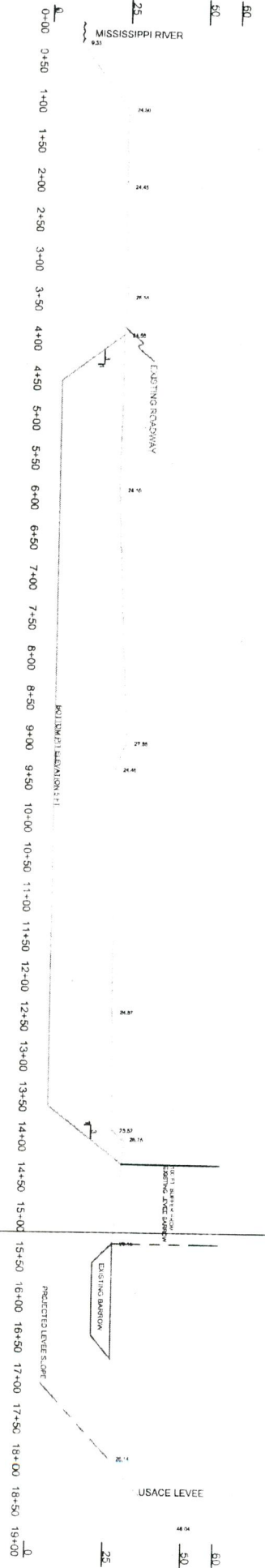
Figure: 1  
 Date: January 2015  
 Scale: 1:4,000



# CROSS-SECTION A-A'




# CROSS-SECTION B-B'

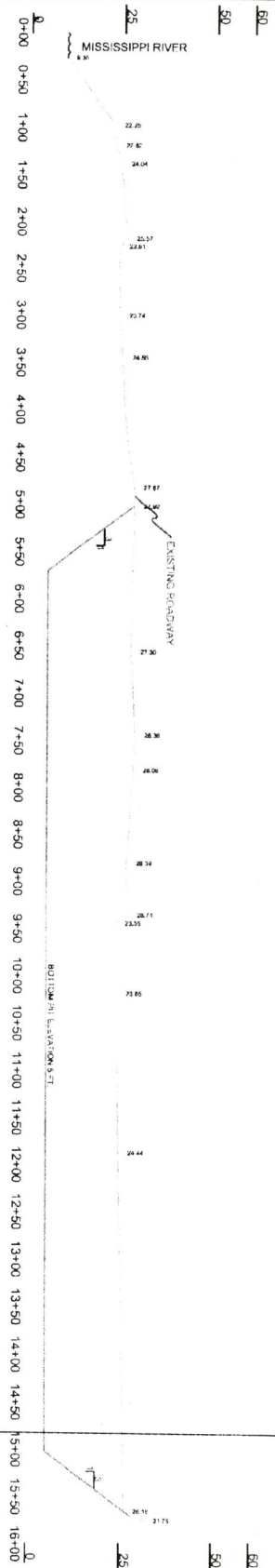


## CROSS-SECTIONS

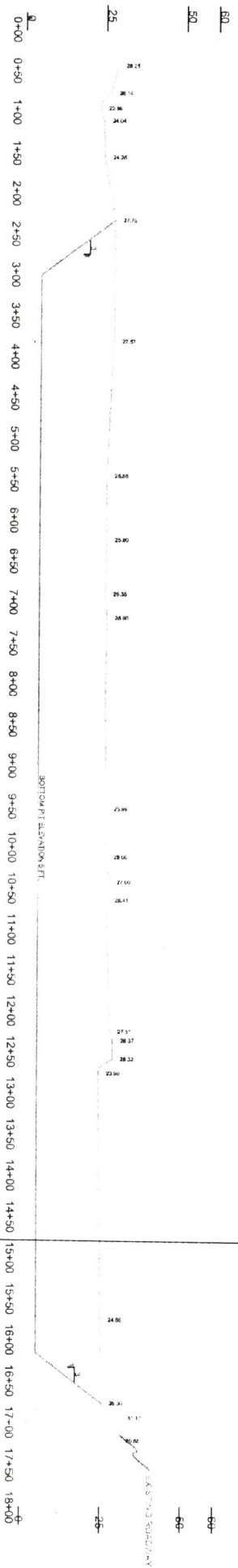
Grace Family Partnership Property  
 Plaquemines, West Baton Rouge Parish, LA


**PANGAEA**  
 CONSULTING ENGINEERS, LTD.  
 Figure 2a  
 Date: January 2015  
 Scale: NTS

# CROSS-SECTION C-C'



# CROSS-SECTION D-D'



## CROSS-SECTIONS

Grace Family Partnership Property  
 Plaquemines, West Baton Rouge Parish, LA

Figure 2b  
 Date: January 2015  
 Scale: NTS