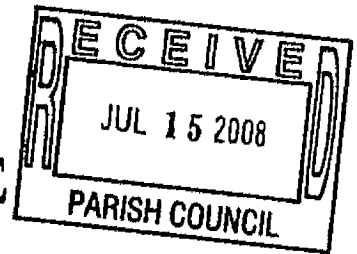


# JOINT PUBLIC NOTICE

July 14, 2008



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

(504) 862-2041 FAX (504) 862-2117  
Project Manager  
Robert Tewis  
Permit Application Number  
MVN-1999-866-ETT

State of Louisiana  
Department of Environmental Quality  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

(225) 219-3469 FAX (225) 219-1039  
Project Manager  
Jamie Phillippe  
WQC Application Number  
WQC JP 080709-03

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).

## EXPAND A BARGE FLEETING FACILITY IN ST. CHARLES PARISH, LOUISIANA

**NAME OF APPLICANT:** Magnolia Fleet, LLC, c/o Richard Wright & Associates, Inc., 1013 Colony Place, Metairie, Louisiana 70003.

**LOCATION OF WORK:** Along the left descending bank of the Mississippi River at approximately 123 miles above the Head of Passes, within Section 01, Township 13 South, Range 08 East, and Section 12, Township 12 South, Range 08 East, St. Charles Parish, Louisiana.

**EXISTING SITE CONDITIONS:** The project site is an existing permitted barge fleeting facility (Corps Permit No. EM-19-990-0866) authorized to fleet 13 tiers of barges. Commencing at the downstream border the current permit authorizes one tier 8 barges wide, followed by one tier 7 barges wide, followed by one tier 6 barges wide, followed by one tier 5 barges wide and the remaining nine tiers are authorized to be 4 barges wide.

The work described below was partially completed prior to obtaining a Department of the Army permit and was in violation of Section 10 of the Rivers and Harbors Act of 1899 and Section 301 of the Clean Water Act. All legal issues concerning the unauthorized work have been deferred.

**CHARACTER OF WORK:** Clear, grade and deposit fill to construct an access road and parking area for the existing barge fleeting facility. The project would discharge 823.8 cubic yards of clean fill into 0.51 acre of combined riverine wetlands and other waters of the United States. The project would also construct 9 mooring dolphins for the purpose of installing 17 longbarges, in tandem, between the shoreline and the existing barge fleeting facility. Each barge would be 35 feet wide by 195 feet long. The project would result in extending the existing fleeted barges 35 feet channelward. Compensatory mitigation for wetland impacts has not been proposed.

The comment period for the Department of the Army Permit and the Louisiana Department of Environmental Quality WQC will close 20 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 5:00 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 Corps of Engineers is unaware of any properties listed on the National Register of Historic Places at or near the proposed work site. 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 the State Historic Preservation Officer.

Our initial finding is that the proposed work would neither affect any species listed as endangered by the U.S. Departments of Interior or Commerce, nor affect any habitat designated as critical to the survival and recovery of any endangered species.

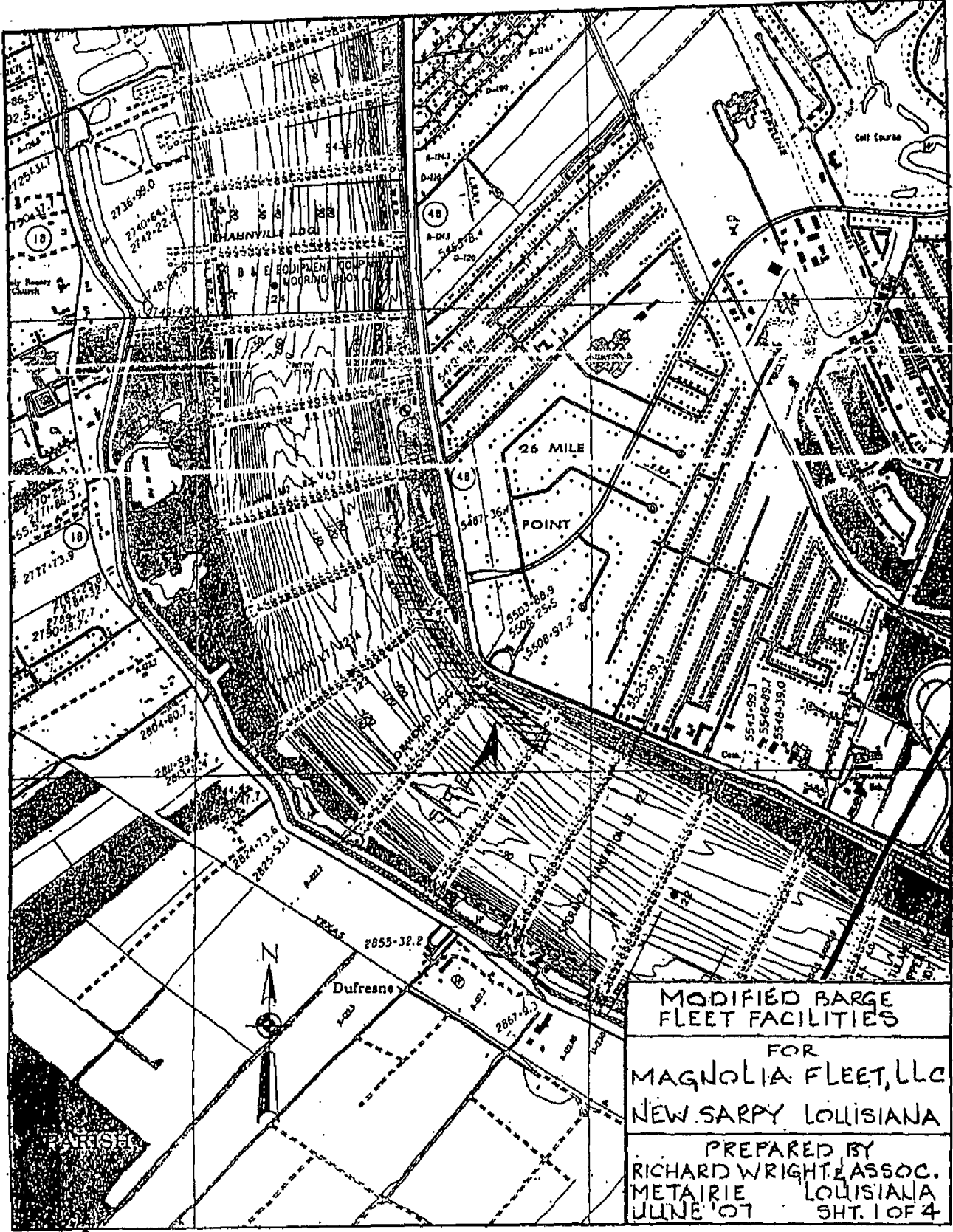
This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The applicant's proposal would result in the destruction or alteration of N/A acre of EFH utilized by various life stages of red drum, blue crab and penaeid shrimp. Our initial determination is that the proposed action would not have an 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.

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.

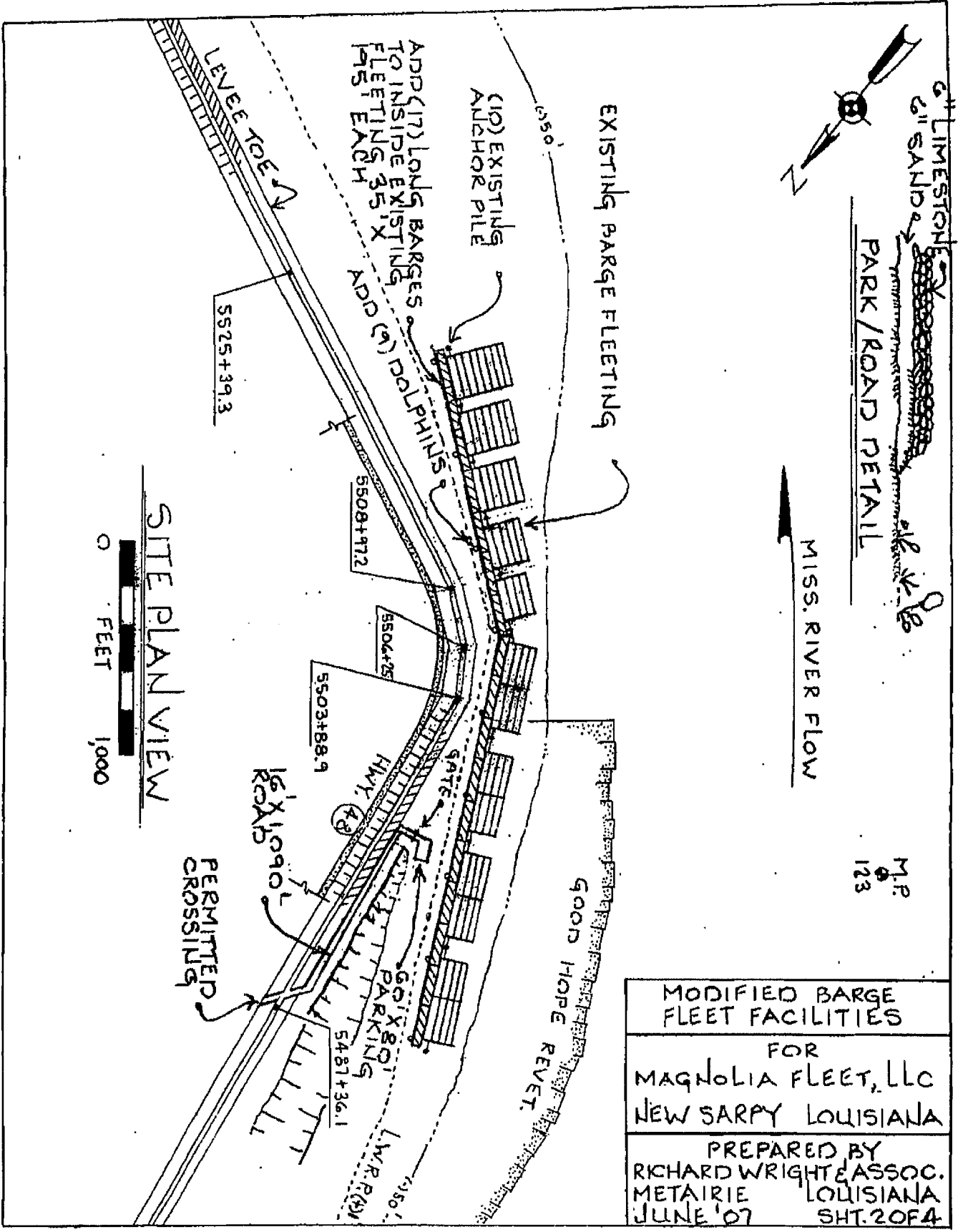
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

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.

Attachments



MODIFIED BARGE  
 FLEET FACILITIES  
 FOR  
 MAGNOLIA FLEET, LLC  
 NEW SARPY, LOUISIANA  
 PREPARED BY  
 RICHARD WRIGHT & ASSOC.  
 METAIRIE, LOUISIANA  
 JUNE '07 SHT. 1 OF 4



6" LIMESTONE SANDS  
 PARK / ROAD DETAIL

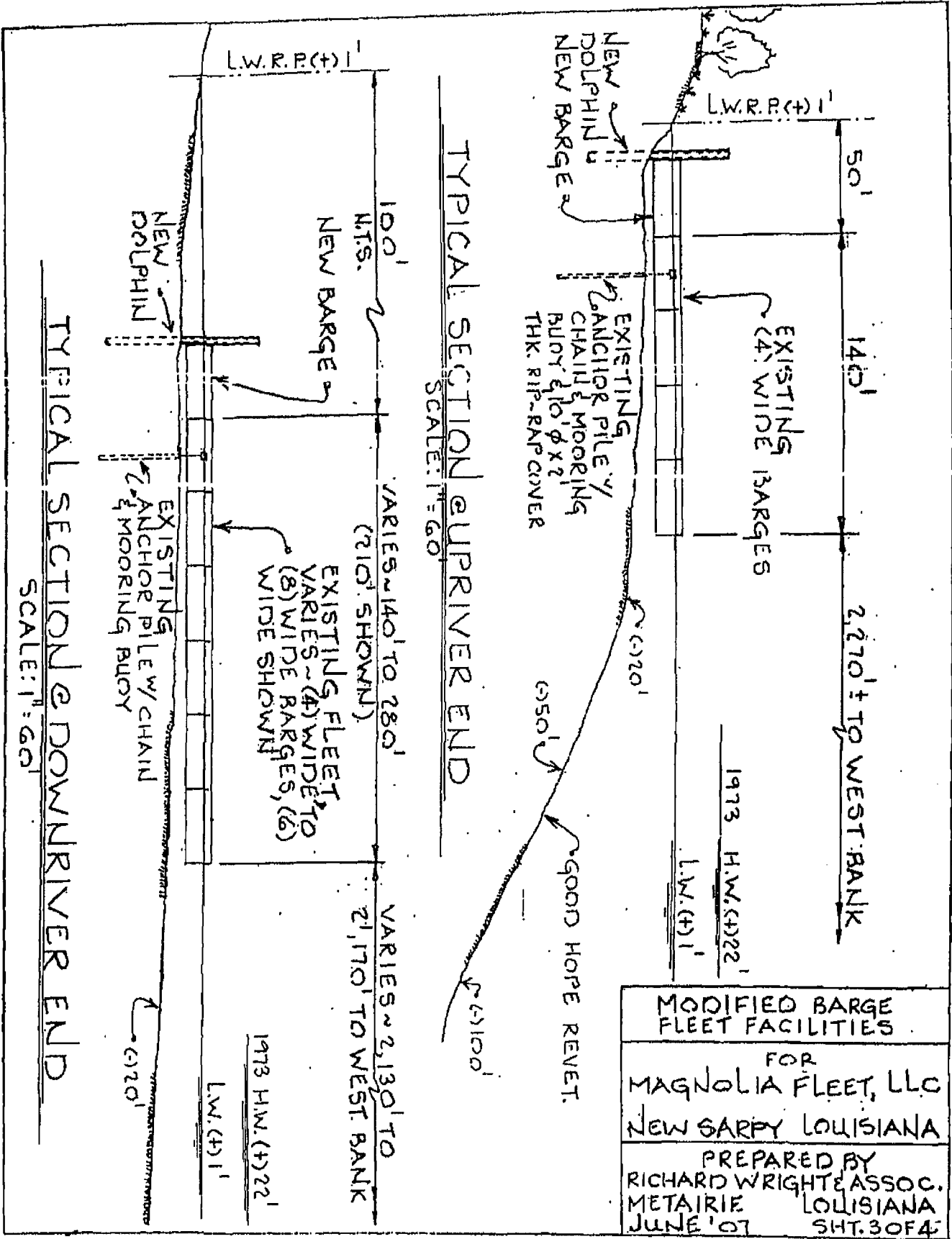
MISS. RIVER FLOW

M.P. 123

MODIFIED BARGE FLEET FACILITIES	
FOR MAGNOLIA FLEET, LLC NEW SARPY LOUISIANA	
PREPARED BY RICHARD WRIGHT & ASSOC. METAIRIE LOUISIANA JUNE '07	
SHT. 2 OF 4	

SITE PLAN VIEW

0 FEET 1000



MODIFIED BARGE FLEET FACILITIES	
FOR MAGNOLIA FLEET, LLC NEW SARP Y LOUISIANA	
PREPARED BY RICHARD WRIGHT & ASSOC. METAIRIE LOUISIANA JUNE '07	
SHT. 30 OF 4	

As-built drawings will be submitted within 30 days of completion of this project to the Louisiana Department of Natural Resources, Office of Conservation, Pipeline Division, P. O. Box 94275, Baton Rouge, LA 70804, and to the Louisiana Department of Natural Resources, Coastal Management Division, P. O. Box 44487, Baton Rouge, LA 70804-4487

All structures, facilities, well and pipelines/flowlines occurring in open water areas or in oilfield canals or slips 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.

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

In order to ensure the safety of all parties, the permitted 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 pallid sturgeon is listed as endangered under the Endangered Species Act and is confined to the Miss. & Atchafalaya Rivers in southern La. The species requires large, free-flowing riverine habitat and is adapted to living close to the bottom of large, shallow rivers with sand and gravel bars. The sturgeon typically spawns from July-August, but successful reproduction has been reduced due to habitat modification including loss of habitat through the construction of dams that modify flow, reduce turbidity, and lower water temperatures. Necessary measures will be taken to avoid the breeding season and degradation of water quality in the Miss. River.

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.

MODIFIED BARGE  
FLEET FACILITIES

FOR  
MAGNOLIA FLEET, LLC  
NEW SARRY LOUISIANA

PREPARED BY  
RICHARD WRIGHT & ASSOC.  
METAIRIE LOUISIANA  
JUNE '07 SHT. 4 OF 4