

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

November 20, 2023

Regulatory Division Central Evaluation Branch

Project Manager: Kenny Blanke (504) 862-1217 Kenneth.G.Blanke@usace.army.mil

Application #: MVN-2023-000647-CQ 408 Application #: 2023-0680

## **PUBLIC NOTICE**

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

## MARINE TERMINAL IN MISSISSIPPI RIVER, HEAVY HAUL ROAD, AND INDUSTRIAL FACILITY FOR CLEAN HYDROGEN AND AMMONIA PRODUCTION IN ASCENSION PARISH

**NAME OF APPLICANT:** Clean Hydrogen Works, c/o CK Associates, Attn: Ms. Olivia Barry, 8591 United Plaza Blvd., Suite 300, Baton Rouge, Louisiana 70809.

**LOCATION OF WORK:** On an approximate 1,700-acre site, located within and along the right descending bank of the Mississippi River, near river mile 180, located at 5323 LA Highway 405, near Donaldsonville, in Ascension Parish, Louisiana, (lat. 30.143889, long. -91.038056), as shown within the attached drawings. (Hydrologic Unit Code 08090302, Lower Mississippi River Basin, West Central Coastal Louisiana Watershed).

**CHARACTER OF WORK:** The applicant is proposing to clear, grade, place and maintain fill material for the construction of an industrial hydrogen/ammonia facility which includes a heavy haul road, marine terminal, and associated infrastructure. The project will utilize a natural gas pipeline to feed up to six ammonia trains each with a 3,600 metric tons per day capacity. The proposed project targets to capture approximately 98% of the generated carbon dioxide exporting it via pipeline and storing it in subterranean formations. The generated ammonia is being proposed to be exported via a new marine terminal to provide end market applications of marine fuel, power, fertilizer, and hydrogen generation. The proposed project is designed to generate 21,600 metric tons per day of liquid ammonia. The product ammonia is

proposed to be stored onsite tankage for ship export and the carbon dioxide produced with be compressed and fed into the nearby Denbury pipeline. The project proposes to impact approximately 53.9 acres of Mississippi River waterbottoms via dredging for marine terminal construction. The dredged waterbottoms would be disposed below the -55-foot contour within the Mississippi River downstream of the project site. The project proposes to directly approximately 15.61 acres of Mississippi River batture forested jurisdicitonal wetlands, and 30.8 acres of jurisdictional Other Waters of the US (Mississippi River and protected side waters). Approximately 68,000 cubic yards of hauled in material would be placed as fill in jurisdictional areas for the heavy haul and pipe rack installation, 31,000 cubic yards of steel piles placed in jurisdictional areas for the proposed marine terminal installation, and 2,500 cubic yards of fill material for the proposed facility. Approximately 2,615,000 of native material in the Mississippi River and 150,000 cubic yards of native material from the batture area would be excavated for the proposed marine terminal construction. Approximately 100,000 cubic yards of native material from the protected side of the levee would be excavated from jurisdictional areas for the proposed facility and its associated infrastructure.

**MITIGATION:** The applicant proposes to avoid direct impacts and minimize secondary impacts to wetlands to the maximum extent practicable. The applicant is proposing to avoid approximately 501.94 acres of jurisdictional wetlands located on the protected side of the project area, 171.54 acres of jurisdictional Mississippi River batture forested wetlands, and 39.5 acres of jurisdictional Other Waters of the US. For compensation for unavoidable wetland impacts, the applicant proposes to use a Corps approved mitigation bank within the watershed of impact.

The comment period on the requested Department of the Army Permit will close **30** 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 Corps of Engineer's project manager listed above or forwarded to the Corps of Engineers at the address above, ATTENTION: REGULATORY DIVISION, RGC, **Kenny Blanke**. This public notice is also available for review online at <a href="https://go.usa.gov/xennJ">https://go.usa.gov/xennJ</a>

## **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.

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:

1) 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.

2) 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.

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. 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 New Orleans District is presently unaware of properties listed on the National Register of Historic Places at or near the proposed work but is pending further review in accordance with the National Historic Preservation Act. 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 affect 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 may affect but not likely to adversely affect (NLAA) the pallid sturgeon. The applicant has stated that the water intake structure proposed for the marine terminal will comply with USFWS recommended screen mesh sizes to help mitigate potential concerns to the pallid sturgeon.

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 **0** 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 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.

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.

for John M. Herman Chief, Central Evaluation Branch Regulatory Division

Enclosures





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Image: set of the US (2.71 Acres)	Mississippi River	Data Obtained From: LED Listing: CK Associates Wetland Data Report - Belle Grove Plantation Site October 2016
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Image: Site Boundary       Image: Site Boundary         Image: Site B		
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Clean Hydrogen Works, La-1, L.L.C. Donaldsonville, Louisiana Ascension Clean Energy Project Environmental Permitting Belle Grove Site Ascension Parish Date: 6/6/2023 Approved: CMC Dug. Na.: CDB 1000 Figure 6A		Contraction of the second seco
Site Boundary Non-wetland Waters of the US (9.71 Acres) Wetlands (21.44 Acres)  Ascension Clean Energy Project Environmental Permitting Belle Grove Site  Ascension Parish  Interviewer State  Interviewer	N. L	Clean Hydrogen Works, La-1, L.L.C. Donaldsonville, Louisiana
Wetlands (21.44 Acres) S Belle Grove Site Ascension Parish Drawn: CAL Checked: RAG Date: 6/6/2023 Approved: CMC Dwg. No.: CDB 1900AS Figure 6A	Site Boundary Non-wetland Waters of the US (9.71 Acres)	Ascension Clean Energy Project Environmental Permitting
Imagery: Vivid Maxar 3/31/2022, ESRI LIS Feet LIS Feet	Wetlands (21.44 Acres)	Belle Grove Site
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200	LF - U/G CONDUIT (SITE PLAN AREA)				
2,500	CY - DITCH BACKFILL				
	SITE GRADING CUT AND FILL				
2,775,054	CY - FILL - (SITE PLAN AREA)				
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ANGLE FRAME FOR BOLT POCKET VOID IN EXTERIOR WALLS GRATING <u>---7</u> <u>-,--≻</u> – MALE LAP JOINT FEMALE LAP JOINT 2 PLAN VIEW - TRENCH CONNECTION DETAIL BEFORE ASSEMBLY SCALE: N.T.S. ANGLE FRAME FOR BOLT POCKET VOID IN GRATING EXTERIOR WALLS ------==+----FEMALE LAP JOINT - MALE LAP JOINT 3 **ELEVATION VIEW - TRENCH CONNECTION DETAIL BEFORE ASSEMBLY** SCALE: N.T.S. FEMALE LAP JOINT ANGLE FRAME FOR GRATING 4 BOLT POCKET VOID IN EXTERIOR WALLS MALE LAP JOINT **ISOMETRIC VIEW - BEFORE ASSEMBLY** SCALE: N.T.S. 5 TYPICAL TRENCH DETAILS 6 SCALE: N.T.S. (SEE PLOT PLAN FOR LOCATION) THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF: REVIEW IT IS NOT TO BE USED FOR: CONSTRUCTION, BIDDING, PRELIMINARY RECORDATION, CONVEYANCE, SALES OR AS THE BASIS FOR THE ISSUANCE OF A PERMIT UNDER THE AUTHORITY OF: PE NAME: CLAY WILLIS PE STATE: LOUISIANA PE NUMBER: 38253 ISSUE DATE: 02/17/23 FEB 17, 2023 wood. WOOD GROUP USA, INC. TEXAS REGISTERED ENGINEERING FIRM F-2999 PROJECT NO: 256128 CALE ASCENSION CLEAN ENERGY PROJECT NOTED PROJECT 256128 GENERAL DETAILS FILE NAME (aka) DOCUMENT NUMBER ACE-256128-0CS-DWG-0002 GEISMAR, LA Κ













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## PRELIMINARY - FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION

CLEAN HYDROGEN WORKS

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LA-1 AMMONIA PROJECT PROPOSED NEW MARINE TERMINAL PROPOSED NEW APPROACH CROSS SECTION 5M















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