



**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

Public Notice

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, MO 63103-2833

Public Notice No.
P-2714
Public Notice Date
May 1, 2009

Expiration Date
May 15, 2009

Postmaster Please Post Conspicuously Until:

Interested parties are hereby notified that an application has been received for Department of the Army permit to construct a barge way, temporary cofferdam structure and to perform periodic maintenance and debris removal from the Mississippi River, as described below and shown on the attached figures.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CEMVS-OD-F (Charles Frerker)
1222 Spruce Street
St. Louis, Missouri 63103-2833

APPLICANT: Mr. Jay Luhr, Luhr Bros., Inc, Post Office Box 250, Sand Bank Road, Columbia, Illinois 62236 (618-281- 4106).

LOCATION: The proposed activity site is located at 2249 East State Highway AB, in Scott City, Scott County, Missouri, along the right descending bank of the Mississippi River, at approximate river mile 47.3. (See Attached Figures).

PROJECT DESCRIPTION: The applicant seeks authorization to install a temporary sheet pile cofferdam to facilitate the construction of a barge way repair facility. The proposed bank line construction area would be filled with approximately 9,700 cubic yards of quarried/crushed limestone, covering approximately 0.8 acre, to establish a 4:1 side slope. The rock-stabilized slope would extend from the existing high bank to the existing riverbed. A concrete base with embedded steel rail would be installed on the established side slope where a steel trolley would pull barges up the incline using a multipart cable and winch system. The barge way will allow barges and marine equipment to undergo vital repairs above the river's water level. The applicant anticipates normal accumulations of sediment, debris and other river materials settling within the barge way. The applicant seeks approval to perform periodic maintenance removal of this material. All removed material would be hauled to adjacent upland areas where it would be disposed in the quarry backfill area. Due to the unknown schedule of maintenance excavation needs, the applicant seeks a 10-year permit authorization period to allow periodic removal on an as needed basis.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting the applicant or Mr. Charles Frerker, at the U.S. Army Corps of Engineers Regulatory Branch at either (314) 331-8583 or at electronic mail address *charles.f.frerker@usace.army.mil*

AUTHORITY: This permit will be processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: By issuance of this public notice, the project plans are considered submitted to the Missouri Department of Natural Resources, Water Protection Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, with copy provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

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

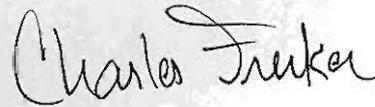
ENDANGERED SPECIES: The project area is located within the range of the federally endangered Pallid sturgeon (*Scaphirhynchus albus*), Indiana bat (*Myotis sodalis*), Gray bat (*Myotis grisescens*) and the threatened Bald eagle (*Haliaeetus leucocephalus*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this activity is not likely to adversely affect the mentioned threatened or endangered species or adversely affect their critical habitat. The proposed project is within a highly disturbed quarry operation area and a long standing barge loading and offloading area. In order to complete our evaluation, comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity 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, flood plain values, land use, navigation, shoreline erosion, and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration 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 these proposed activities. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, 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.

In accordance with 33 CFR 325.3, it is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project.

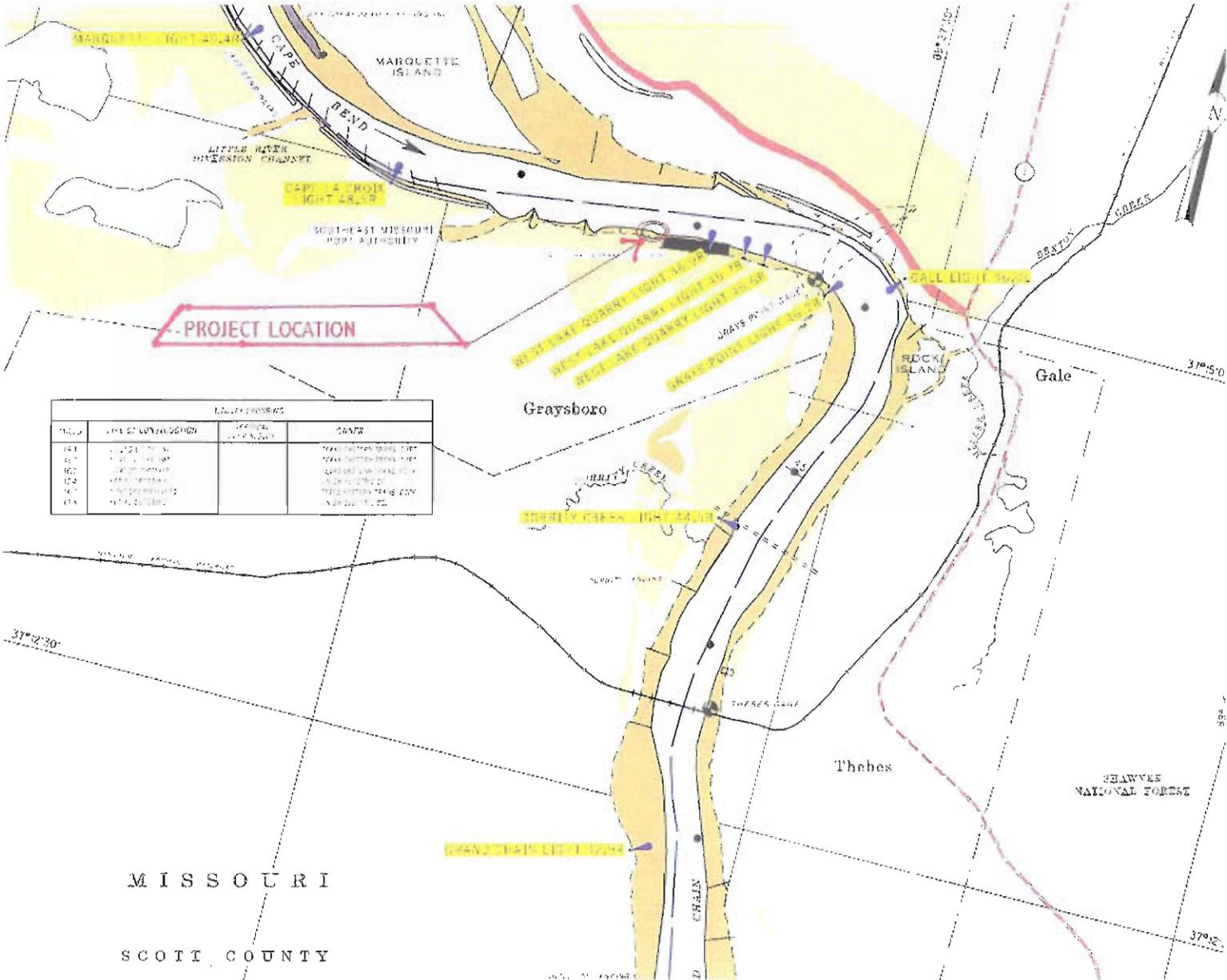


DD Danny D. McClendon
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 15 days from the date of this issuance of this notice.



PROPOSED BARGE WAY - REPAIR FACILITY
 BANK STABILIZATION AND ROCK FILL
 LUHR BROS., INC.
 SCOTT CITY, MO

MISSISSIPPI

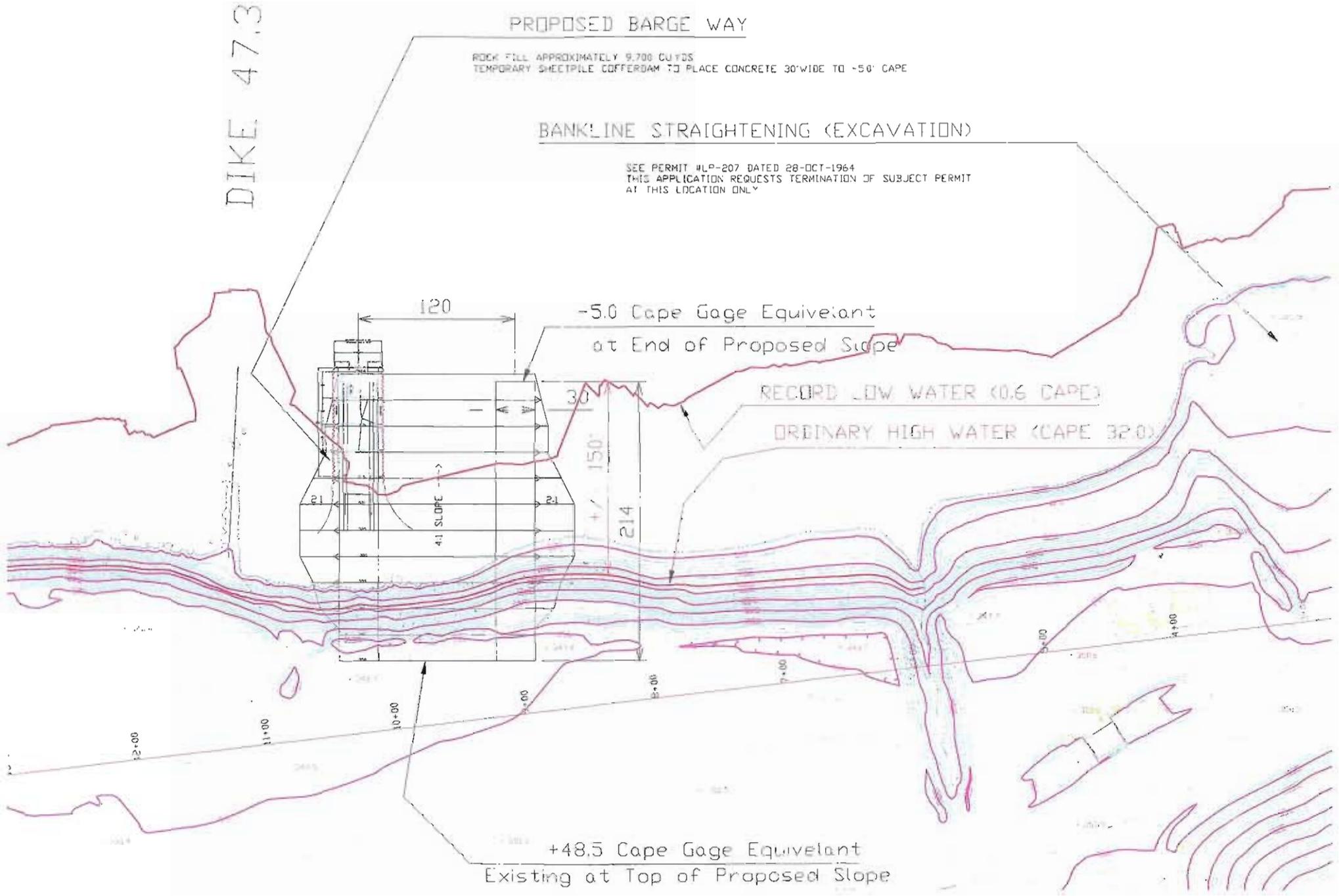
DIKE 47.3 R +

PROPOSED BARGE WAY

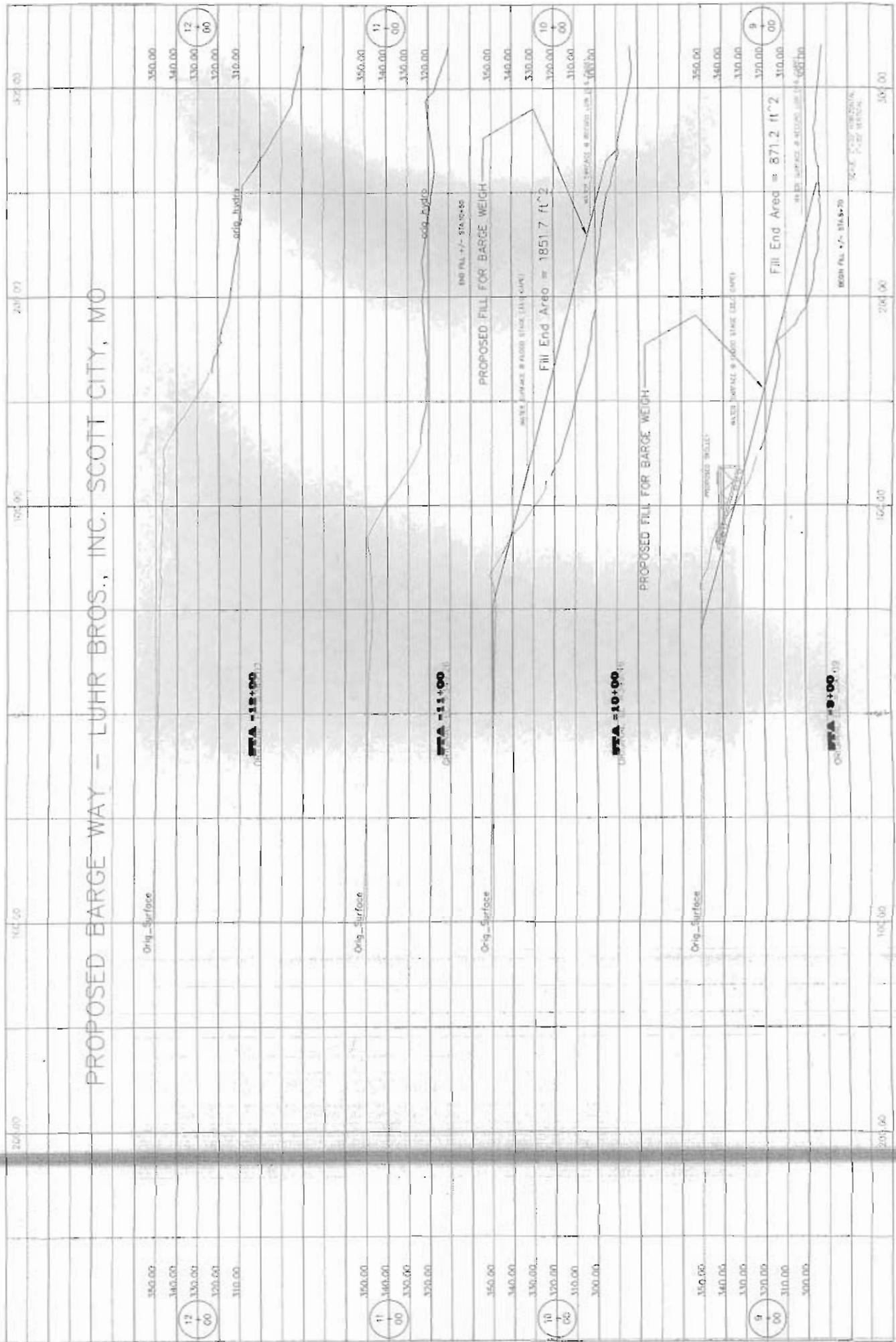
ROCK FILL APPROXIMATELY 9,700 CU YDS
TEMPORARY SHEETPILE COFFERDAM TO PLACE CONCRETE 30' WIDE TO -5.0' CAPE

BANKLINE STRAIGHTENING (EXCAVATION)

SEE PERMIT #LP-207 DATED 28-OCT-1964
THIS APPLICATION REQUESTS TERMINATION OF SUBJECT PERMIT
AT THIS LOCATION ONLY



PROPOSED BARGE WAY - LUHR BROS., INC. SCOTT CITY, MO



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PROPOSED FILL FOR BARGE WEIGH

PROPOSED FILL FOR BARGE WEIGH

Fill End Area = 871.2 ft²

Fill End Area = 1851.7 ft²

STA -12+00

STA -11+00

STA -10+00

STA -9+00

Orig. Surface

Orig. Surface

Orig. Surface

Orig. Surface

PROPOSED WALL

WATER SURFACE @ 1000' STAGE (SEE SHEET)

END FILL +/- STA 204+00

WATER SURFACE @ 1000' STAGE (SEE SHEET)

END FILL +/- STA 224+00

SCALE: 1" = 20' HORIZONTAL
1" = 2' VERTICAL

204+00

162+00

102+00

204+00

322+00

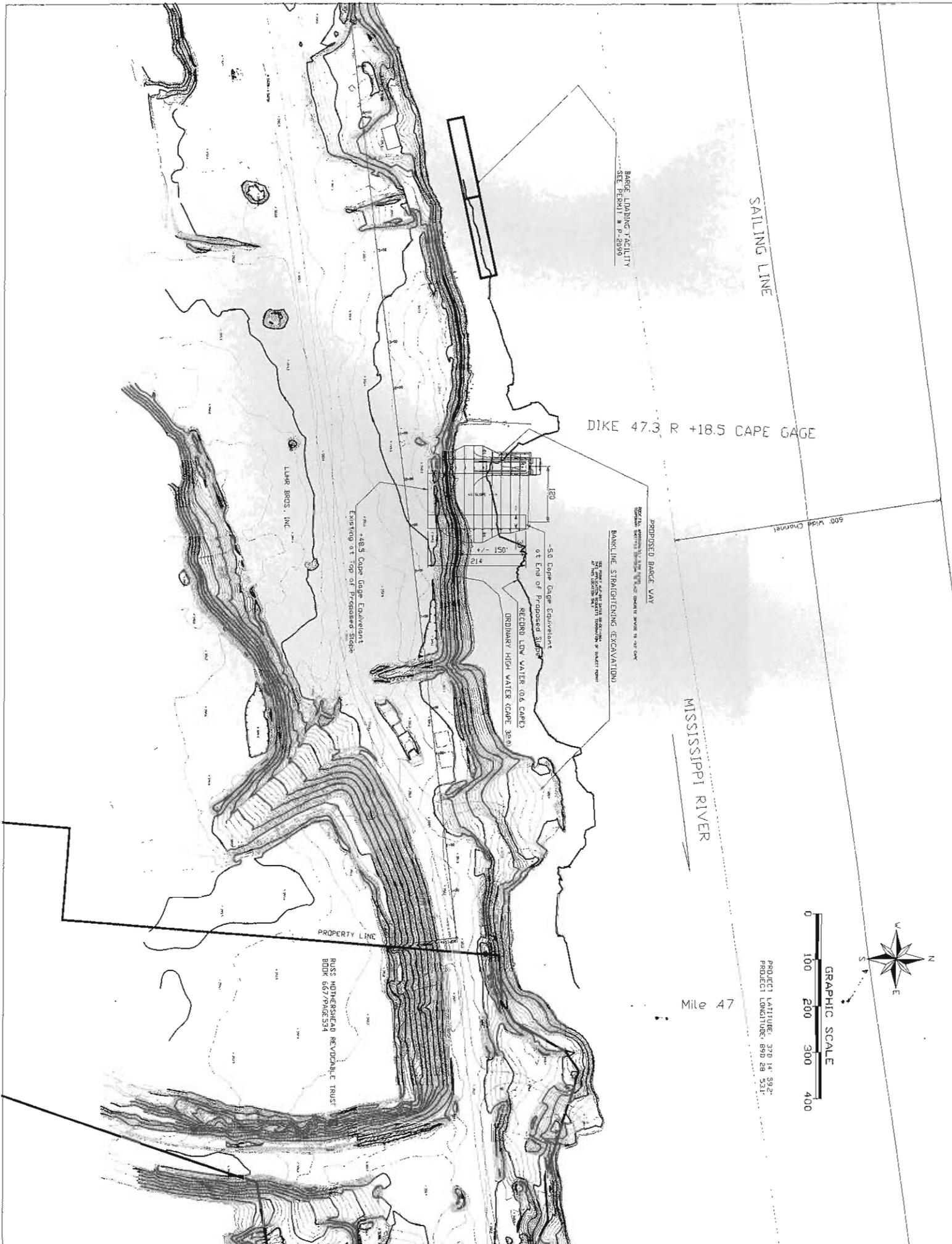
204+00

162+00

102+00

204+00

304+00



BARGE LOADING FACILITY
SEE PLAN M P-4295

SAILING LINE

DIKE 47.3 R +18.5 CAPE GAGE

PROPOSED BARGE WAY

BANKLINE STRAIGHTENING EXCAVATION
SEE NOTES AND PLAN M P-4295 FOR EXCAVATION DEPTH, TOPOGRAPHY & BARGE WAY

-50' Cape Gage Equivalent
at End of Proposed Slope
RECORD LOW WATER (0.6 CAPD)
ORDINARY HIGH WATER (0.6 CAPD)
+48.5' Cape Gage Equivalent
Existing at Top of Proposed Slope

PROPERTY LINE

BUSS HATHERSHEAD REVOCABLE TRUST
BOOK 667/748354

LUHR BROS., INC.

MISSISSIPPI RIVER

Mile 47



PROJECT LATITUDE: 37° 14' 39.2"
PROJECT LONGITUDE: 89° 28' 53.1"