Public Notice

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

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

Public Notice No.
P-2744
Public Notice Date
December 11, 2009
Expiration Date
December 31, 2009

Postmaster Please Post Conspicuously Until:

File Number: MVS-2009-212

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

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
(Regulatory Branch)
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Alan Edmondson

APPLICANT: First Missouri Terminals, Inc., P.O. Box 1717, Cape Girardeau, Missouri, 63702, (573) 651-0988. (ATTN: Mr. Tom Miller)

LOCATION: The project is located on the right descending bank of Mississippi River at approximate mile(s) 46.3 to 46.7. Specifically, the project is located on the McClure USGS quadrangle maps, Section 32, Township 14 South, Range 03 West.

PROJECT DESCRIPTION: The applicant requests authorization to conduct fleeting operations, i.e. anchor empty and loaded barges, at the above location to load and unload the barges up-river at mile 46.8 and at Southeast Missouri Port at mile 48.0. A previously issued permit, LOP-156, authorized the construction of a loading dock in and along the right descending bank at approximate river mile 46.1. A second permit, LOP-207, authorized the construction of four barge loading facilities between mile 46.5 and 47.4. The applicant has recently purchased the property and has requested that all previously authorized permits from the previous owners be transferred to the applicant. A review of the files for this location by the St. Louis District Regulatory Branch disclosed no known permit that would authorize the loading/offloading of materials. This public notice serves to notify the public that ongoing operations at the site will continue at two of the barge fleeting locations. The first fleet will measure 4 barges wide by 6 barges long, and the barges at the second location will measure 4 barges wide by 5 barges long.

LOCATION MAPS AND DRAWINGS: See attached.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Alan Edmondson, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8811. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to *Alan.Edmondson@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).

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: The proposed project is within the range of the endangered Pallid sturgeon (**Scaphirhycchus albus**). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this proposed activity is not likely to affect species designated as threatened or endangered, or adversely affect critical habitat. 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 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 activity described, will be considered including the cumulative effects. Among factors considered 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.

SOLICITATION OF COMMENTS: 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 the proposed activity. 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.

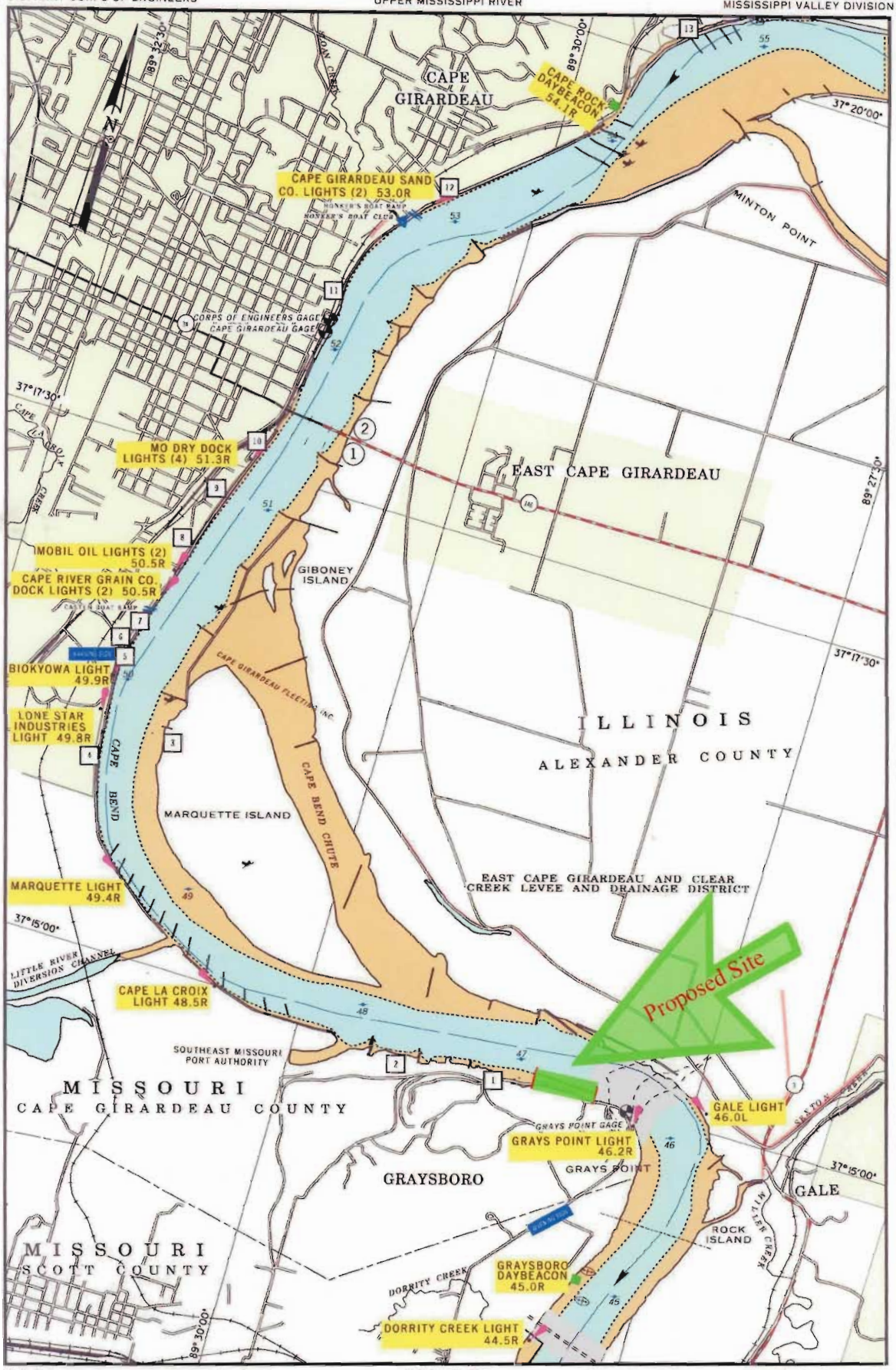
Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Danny D. McClendon

DANNY D. MCCLENDON
Chief, Regulatory Branch

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



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SCALE 1:31,680
1 INCH = 1/2 MILE

1 1/2 0 1 MILE

1 .5 0 1 KILOMETERS

MAP NO. 113

RIVER MILE 45 TO 55

VICINITY MAP

FIRST MISSOURI TERMINALS INC.

PLAN VIEW of PROPOSED FLEETING

FIRST MISSOURI TERMINALS INC.