



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

Public Notice

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

Public Notice No.

P-2432

Public Notice Date

July 29, 2004

Expiration Date

August 19, 2004

Postmaster Please Post Conspicuously Until:

File Number: 200402800

Interested parties are hereby notified that an application has been received for an After-The-Fact Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps. The applicant has reached an agreement with the Environmental Protection Agency for unauthorized activities conducted in April of 2004, and is now given the opportunity to request an after-the-fact permit for the activity.

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-CO-F (Alan Edmondson)
1222 Spruce Street
St. Louis, Missouri 63103-2833

APPLICANT: Mr. Daniel Francis, 5700 Monticello Road, Imperial, Missouri 63052.

LOCATION: The project is located on the right descending bank of Mississippi River mile 159. The proposed activity is located in Kimmswick, Jefferson County, Missouri, bordered by the Rock Creek Sewer District to the north, Rock Creek to the south, the Mississippi River to the east, and CL Union Pacific Railroad to the west.

PROJECT DESCRIPTION: The applicant seeks after-the-fact authorization to construct permanent mooring facilities at the above location. Prior to the applicant receiving a Cease and Desist Order on April 23, 2004, from the Corps of Engineers, the applicant enhanced a pre-existing access road which measured 12 feet wide.

The applicant increased the width of the road by 8 lineal feet. The amount of slope added to the sides of the pre-existing road is approximately 5 feet on each side. The current width of the base of the road is 18 feet. The road transects a wetland slough and is approximately 210 feet long. (210 LF in length X 18 Lf = 0.087 acres of wetland impact.) A 30 inch diameter corrugated metal culvert pipe was placed in the road to facilitate water flows. Approximately 80 cubic yards of rip rap rock material was placed below the ordinary high water mark of the Mississippi river. The rip rap was placed along 150 LF of Mississippi River bankline, resulting in approximately 0.05 acres of waterbody impacts. The applicant poured two concrete ramps on the bank to provide support of the gangplank offloading apparatus. Other site preparation which took place above the ordinary high water mark and in non-wetland areas includes the installation of 5 concrete deadmen along the top of bank of the Mississippi River, the applicant placed rock material to form a rock mound base at the top of bank for propane tanks used for the Robert E. Lee. In addition to the previously completed work the applicant now proposes to extend the concrete ramps 10 LF further into the river to better support the vessel at periods of low water. This pouring of concrete takes place over the existing rip rap placed in the river by the applicant. The applicant also proposes to install a wastewater line from the Robert E. Lee, through the wetland slough, to an existing sewer line previously installed by the local sewer district. The temporary impact incurred by the pipeline installation is approximately 0.01 acres. (150 LF X 3 LF)

DRAWINGS: See Attached

ADDITIONAL INFORMATION: Additional information may be obtained by telephoning Mr. Alan Edmondson, Project Manager, U.S. Army Corps of Engineers at (314) 331-8811 or at electronic mail address: Alan.R.Edmondson@mvs02.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: The project plans have been submitted to the Missouri Department of Natural Resources, Water Pollution Control Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and 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 Pollution Control Program, Post Office Box 176, Jefferson City, Missouri, 65102-0176, with a copy provided to the Corps of Engineers.

A copy of all written comments should also be provided to the Corps of Engineers. If you have any questions please contact the IEPA at (217) 782-3362.

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 proposed project is within the range of the endangered Indiana bat (Myotis sodalis), Gray bat (Myotis grisescens), Pallid sturgeon (Scaphirhynchus albus) and the threatened Bald eagle (Haliaeetus leucocephalus). 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, which 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.

Danny D. McClendon
Chief, Regulatory Branch

Attachments:

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.



NOTE

Plan adapted from 7.5 minute U.S.G.S. maps for Valmeyer, Illinois-Missouri and Herculaneum and Oakville, Missouri- Illinois and Maxville, Missouri Quadrangles, last revised in 1991, 1979, 1991 and 1982, respectively.

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| Drawn By: MAS | Ck'd By: JCV | App'vd By: DTK |
| Date: 7-13-04 | Date: 7-13-04 | Date: 7-13-04 |

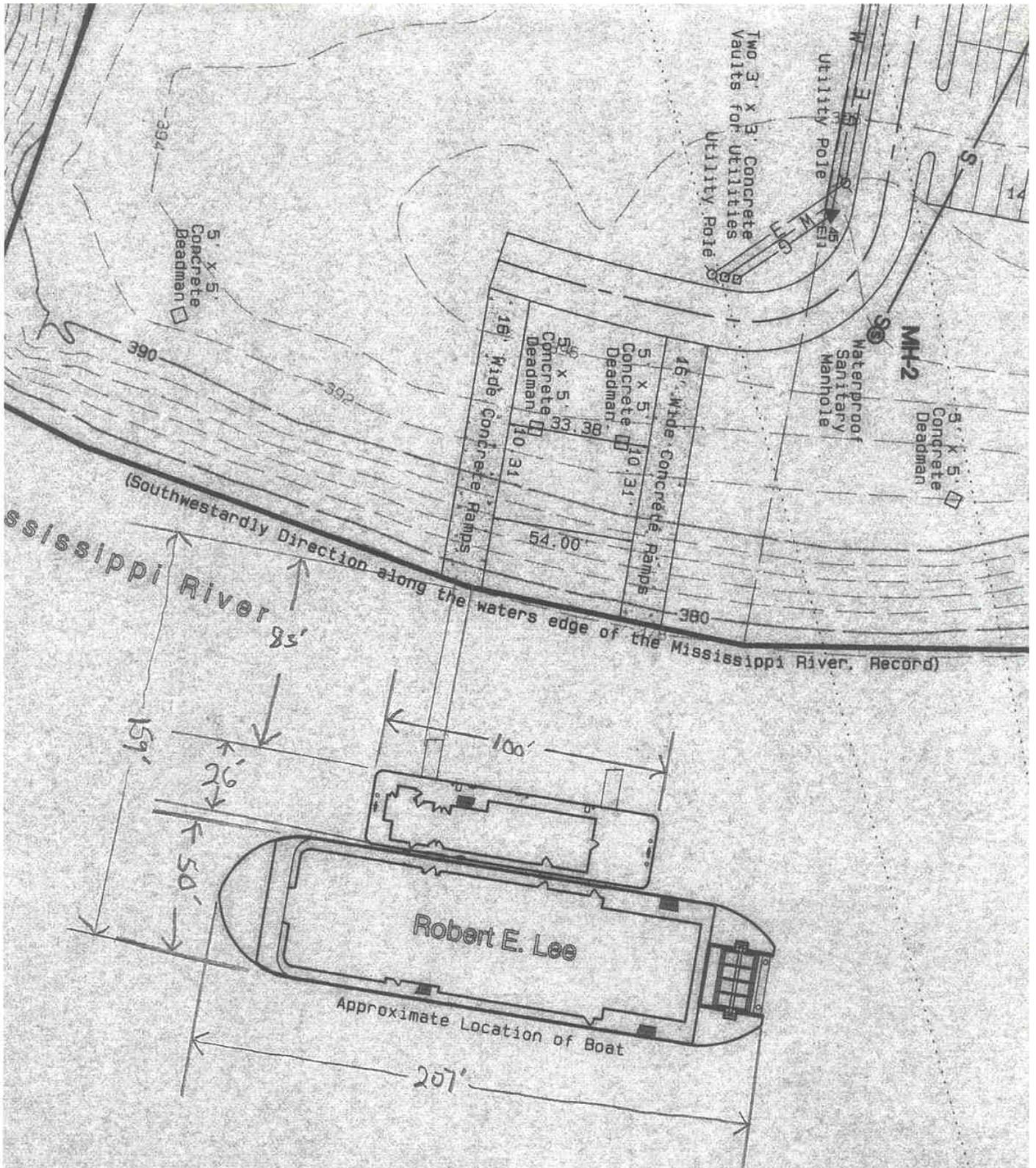
GEOTECHNOLOGY INC.
ENGINEERING AND ENVIRONMENTAL SERVICES
ST. LOUIS • COLLINSVILLE • KANSAS CITY

Robert E. Lee - Restaurant Facility
Kimmswick, Missouri

**SITE LOCATION
AND TOPOGRAPHY**

Project Number
0755701.41TW

PLATE 1



Robert E. Lee Mooring Site
 File No. 2004002800
 P-2432
 Right Descending Bank of
 Mississippi River Mile 159
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