



**US ARMY CORPS  
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# Public Notice

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

Public Notice No.  
**P-2846**  
Public Notice Date  
April 5, 2013

Expiration Date  
April 25, 2013

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**Postmaster Please Post Conspicuously Until:**

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File Number: 770311291

Interested parties are hereby notified that a reauthorization request has been received for a Section 10 Rivers and Harbors Act Department of the Army permit to conduct maintenance excavation activities at an existing river terminal, with associated upland disposal, near the left descending bank of the Illinois River, at approximate river mile 64.6, as described below and shown on the attached figure.

**COMMENTS AND ADDITIONAL INFORMATION:** Comments on the described work should reference the U.S. Army Corps of Engineers Public Notice Number **P-2846** 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. Harold Maltby, Consolidated Grain and Barge Company, Main & Carroll Streets, Naples, Illinois 62665 (217-754-3331 extension 260).

**LOCATION:** The project area is located at the existing Consolidated Grain and Barge Company's barge terminal facility, along the left descending bank of the Illinois River, approximately 64.6 miles above the mouth of the Illinois River's confluence with the Mississippi River, in Scott County, Illinois. (See Figure).

**PROJECT DESCRIPTION:** The project proposal is to reauthorize previously approved Department of the Army permit P-2445, which on November 4, 2005, granted authority to the Consolidated Grain and Barge Company to periodically excavate up to 5,000 cubic yards of accumulated river deposits from an area surrounding and beneath their existing barge terminal facility. The excavated material would be removed with a clamshell crane and bucket. The contained excavated material would be loaded on a truck and hauled to one of the applicant's existing upland disposal cells. This method of contained excavation and upland disposal triggers the need for a Section 10 Rivers and Harbor Act permit. No permits under Section 401 or Section 404 of the Clean Water Act apply to the proposed activity.

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting the applicant, Harold Maltby at 217-754-3331, extension 260, or Mr. Charles Frerker, Regulatory Project Manager, U.S. Army Corps of Engineers at (314) 331-8583 or at electronic mail [charles.f.frerker@usace.army.mil](mailto:charles.f.frerker@usace.army.mil)

**AUTHORITY:** This permit will be processed under the provisions of Section 10 of the Rivers and Harbor Act.

**STATE PERMIT:** Issuance of this joint public notice also solicits comments from the Illinois Department of Natural Resources, Office of Water Resources for state approval of the proposed work in accordance with the Rivers, Lakes and Streams Act of the State of Illinois (615 ILCS 5). Written comments concerning possible impacts to waters of Illinois should be addressed to Mike Diedrichsen, Illinois Department of Natural Resources, Office of Water Resources, One Natural Resources Way, Springfield, Illinois 62702-1271, with a 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.

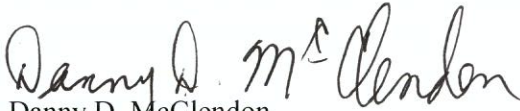
**ENDANGERED SPECIES:** The proposed project is within the range of the endangered Indiana bat (*Myotis sodalis*), the threatened decurrent false aster (*Boltonia decurrens*) and the threatened eastern prairie fringed orchid (*Platanthera leucophaea*). A preliminary determination, in compliance with 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 any information provided by the State Historic Preservation Officer and the public in response to this public notice. In addition, issuance of this proposed action would prompt renewal of previously established requirements to avoid and protect a known cultural resource site in vicinity of the project area. Additional reconnaissance surveys of the project area may be required if warranted.

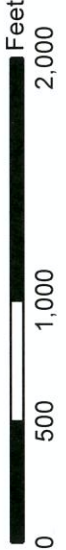
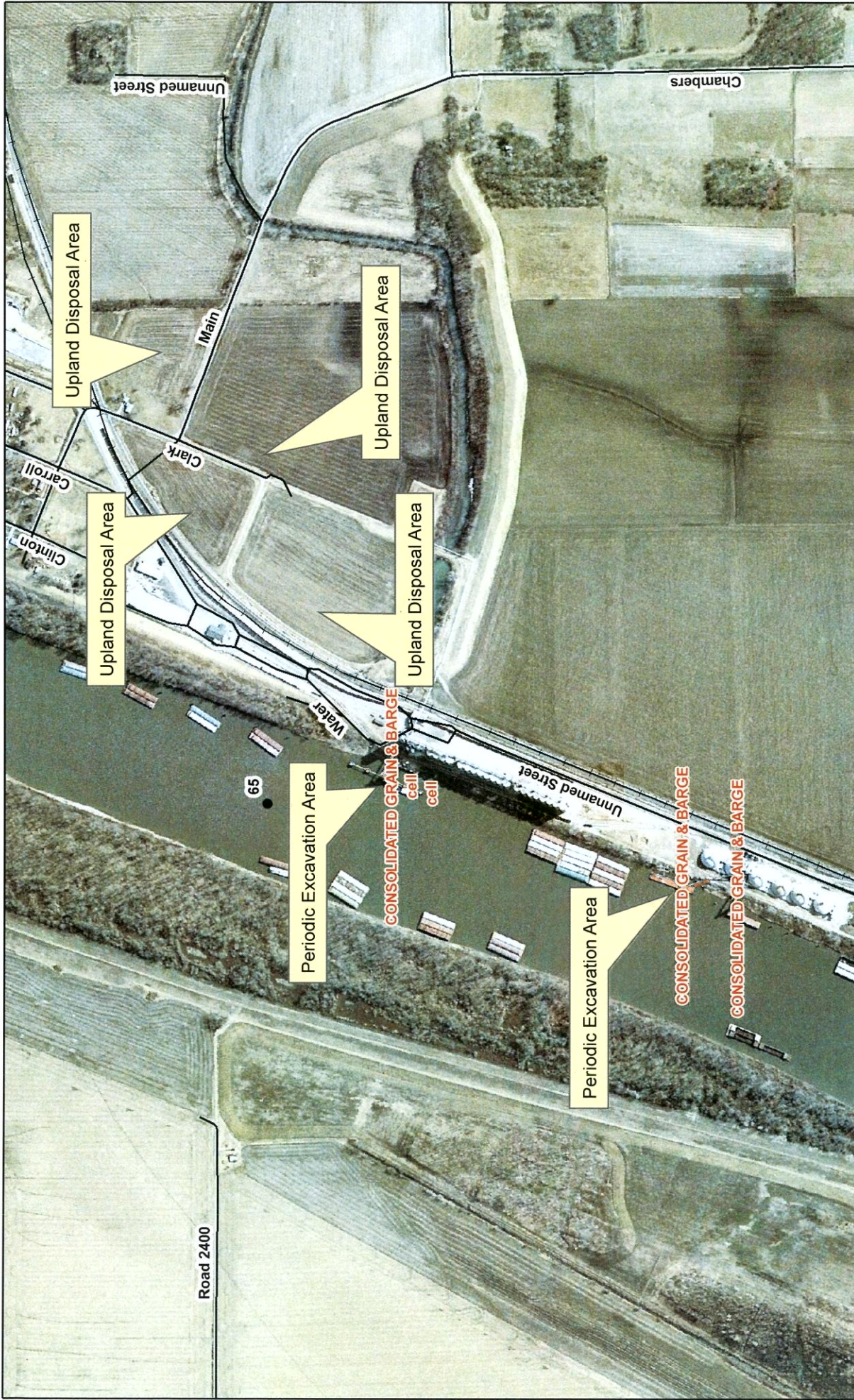
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit 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.

  
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.



**P-2846 Consolidated Grain & Barge  
Periodic Excavation with Upland Disposal  
Naples, Scott County, Illinois**

Illinois River, Left Descending Bank, Approx River Mile 64.6