

US Army Corps
of Engineers
Rock Island District

PUBLIC NOTICE

Applicant: Hendricks River Logistics, LLC

Date: February 15, 2013

Expires: March 7, 2013

CEMVR-OD-P-2013-0143

Section: 10

**Joint Public Notice
US Army Corps of Engineers
Illinois Environmental Protection Agency
Illinois Department of Natural Resources/Office of Water Resources**

1. **Applicant.** Hendricks River Logistics, LLC, 3254 Mississippi River Road, Keokuk, Iowa 52632.
2. **Project Location.** IL-Hamilton USGS quad sheet
 - Section 30, Township 66 North, Range 4 West; near Keokuk, Lee County, Iowa; approximate Mississippi River mile 371.1.
 - Datum NAD-83. UTM Zone 15, Northing 4 483 566.3042869, Easting 638 028.9012256.
 - Latitude: 40.491328. Longitude: -91.37127465.
3. **Project Description.**
 - a. Previous Authorization. In October 2003, Department of the Army authorization (CEMVR-OD-P-449880) was granted to perform maintenance dredging at the facility (previously Orba-Johnson Transshipment Company). This authorization expired December 31, 2012.
 - b. Current Request. The applicant proposes to perform maintenance dredging via mechanical means at the existing dock and barge fleeting area. Approximately 500 cubic yards of accumulated material will be removed via mechanical means annually. Approximately 2.7 feet of accumulated material will be removed to provide a water depth of 14 feet at normal pool. The area to be dredged measures approximately 2000 feet long and 150 feet wide to 500 feet wide. The excavated material will be hauled by truck and placed at an upland non-wetland area on the property previously used for the dredged material placement. There will be no return water from the dredged material placement site.
4. **Agency Review.**
 - a. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - b. State of Iowa. A copy of the application has been submitted to the Iowa Department of Natural Resources for review. The applicant has also applied for authorization of work in the floodplain pursuant to Chapter 455B of the Iowa Code and other applicable state permits.
5. **Historical/Archaeological.** The Corps of Engineers consulted with the District geographic information systems archeological site and survey databases and determined there were no previously identified historic properties at the location. The location has been maintenance dredged previously. In addition, the disposal site has been used previously as well. Therefore, it is the opinion of the Corps that issuance of the permit will have no effect on historic properties because "the nature, scope, and magnitude of the work, and/or structures to be permitted are such that there is little likelihood that a historic property exists or may be affected" (33 CFR Part 325, Appendix C.3.b).

6. Endangered Species. District staff have performed a preliminary review of this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. The following threatened or endangered species are listed by the United States Fish and Wildlife Service as occurring in Lee County, Iowa:

- Indiana Bat. The endangered Indiana bat (*Myotis sodalis*) is considered to potentially occur in any area with forested habitat in any county in Iowa, south of Interstate 80. Indiana bats migrate seasonally between winter hibernacula and summer roosting habitats. Winter hibernacula include caves and abandoned mines. Females form nursery colonies under the loose bark of trees (dead or alive) and/or cavities, where each female gives birth to a single young in June or early July. A single maternity colony may utilize a number of trees during the summer, typically a primary roost tree and several alternates. The species or size of tree does not appear to influence whether Indiana bats use a tree for roosting provided the appropriate bark structure is present. Since there are no potential roost trees were located in the project area to be affected by the project, there should be no effect on the Indiana bat.
- Prairie Bush Clover. The prairie bush clover (*Lespedeza leptostachya*) is considered to potentially occur statewide based on historical habitat and could potentially be found in any Iowa county. It occupies dry to mesic prairies with gravelly soil. There is no critical habitat designated for this species. Since there is no dry to mesic prairies with gravelly soil to be affected by the project, there should be no effect on the prairie bush clover.
- Western Prairie Fringed Orchid. The threatened western prairie fringed orchid (*Platanthera praeclara*) is considered to potentially occur statewide in Iowa based on historical records and habitat distribution. It occupies wet to mesic grassland habitats. Since there are no wet to mesic prairie remnants to be affected by the project, there should be no effect on the western prairie fringed orchid.
- Sheepnose Mussel. The freshwater sheepnose mussel (*Plethobasus cyphus*) is a Federal Candidate species. The sheepnose is known to occur within the Mississippi River in Lee County, Iowa. The sheepnose mussel is primarily a larger-stream species occurring mainly in shallow shoal habitats with moderate to swift currents over coarse sand and gravel but includes mud, cobble, and boulders as well. This includes larger rivers with deep runs, while those specimens found in streams occur mainly in stable flow refuges with little sediment turbidity. Since the project area does not contain appropriate habitat, there will be no impact to the sheepnose mussel.
- Spectaclecase Mussel. The Federal candidate spectaclecase mussel (*Cumberlandia monodonta*) is primarily a large river species occurring most often in riverine microhabitats sheltered from main currents. Substrates include mud to boulders in shallow riffles and shoals with slow to swift currents. Occurrences tend to be aggregated especially under slabs and bedrock shelves protected from the current. The spectaclecase mussel seldom moves and when found in streams, occurs mainly in flow refuges with little sediment turbidity. Since habitat for the spectaclecase mussel is not present in the project area, there will be no effect on the spectaclecase mussel.

The proposed project is being coordinated with the United States Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered species or their critical habitat will be considered in the final assessment of the proposed project. Accordingly, our preliminary determination is subject to change should further information become available.

7. Public Interest Review. The decision whether to issue the Corps permit will be based on an evaluation of the probable impact 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, cultural values, 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 production and, in general, the needs and welfare of the people.

8. **Who Should Reply.** The 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 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 the 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. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

9. **Public Hearing Requests.** Any person may request, 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. A request may be denied if substantive reasons for holding a hearing are not provided.

10. **Reply to the Corps of Engineers.** Comments concerning the Corps permit should be addressed to the District Engineer, U. S. Army Corps of Engineers, Rock Island District, ATTN: OD-P (Wayne Hannel), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. Wayne Hannel (309/794-5378)** may be contacted for additional information.

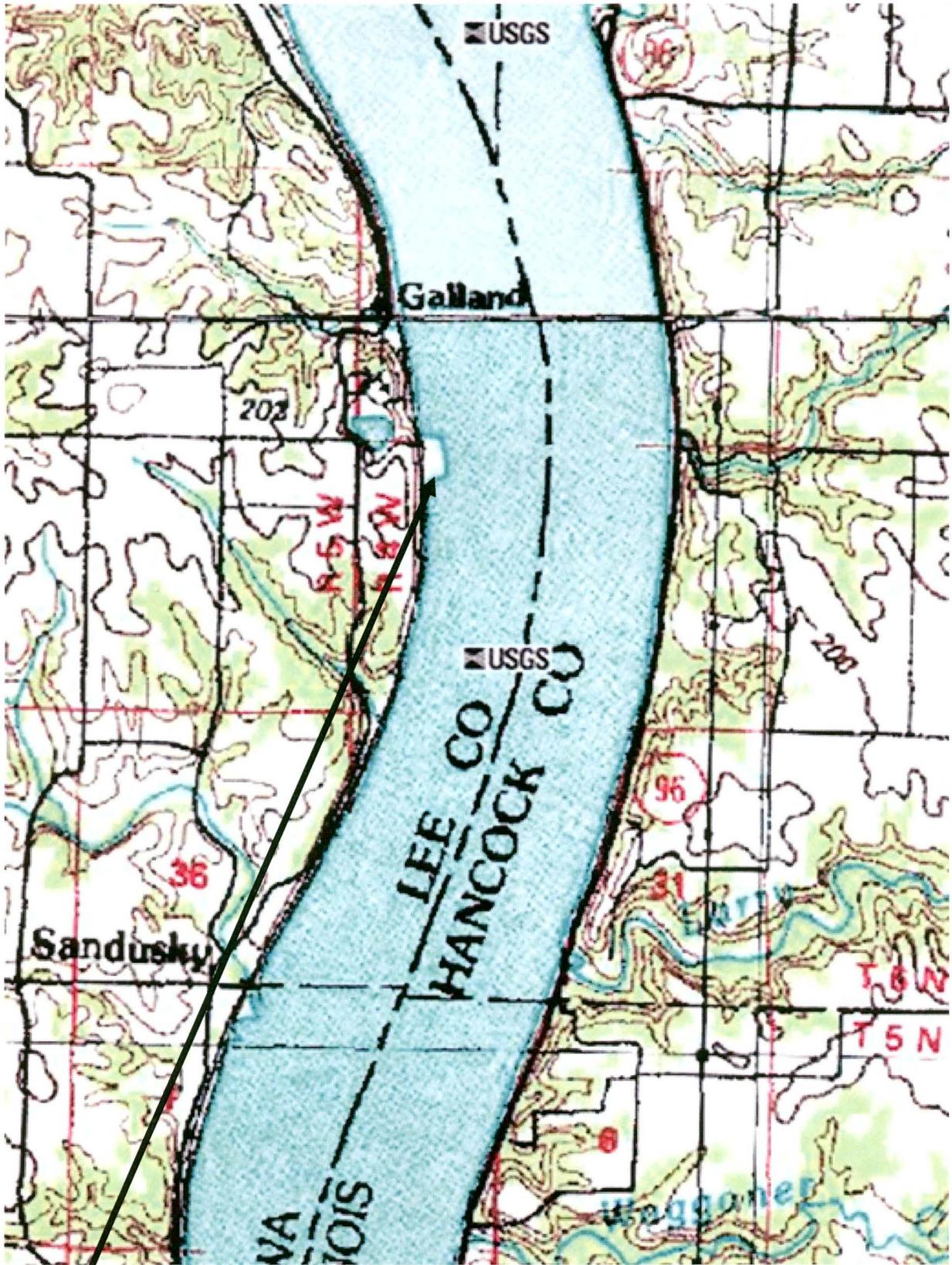
Attach
Plan



Wayne Hannel
Project Manager
Regulatory Branch

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Location

