



**US Army Corps  
of Engineers**®  
Rock Island District

# PUBLIC NOTICE

Applicant: Legacy Marine

Date: November 21, 2022

Expires: December 20, 2022

CEMVR-RD-2022-1089

Section: 10

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## Joint Public Notice US Army Corps of Engineers Iowa Department of Natural Resources

1. **Applicant.** Legacy Marine, POC Blake Enloe, 16322 Barstow Road, East Moline, Illinois 61244.

2. **Project Location.**

- Near the city of Bettendorf, Iowa
- In Scott County, Iowa
- Section 33, Township 78 North, Range 4 East
- Mississippi River (RM 486.8)
- UTM NAD-83, Zone 15
- Latitude 41.5214, Longitude -90.4942
- Drawing 1 of 2 – Vicinity Map
- Drawing 2 of 2 – Plan Details

3. **Project Description.** The applicant proposes to place floating dock facility for repair and maintenance of towboats and floating equipment. A ramp walkway will be set on top of the levee for access to the floating barges. The barges will be held in place via spud poles. See Plan Details attachment.

4. **Agency Review and Where to Reply.**

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 (33 U.S.C. 403). This application is also being reviewed under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408) due to proximity for certain work at or near a federally-authorized flood risk management project of the United States.

b. State of Iowa. The project plans have been submitted to the Iowa Department of Natural Resources for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Department's opinion that the proposed activity will comply with Iowa's water quality standards (Chapter 61 IAC). Written

comments concerning possible impacts to waters of Iowa should be addressed to: Iowa Department of Natural Resources, 502 East 9<sup>th</sup> Street, Des Moines, Iowa 50319-0034. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 11. of this public notice for address).

## 5. Historical/Archaeological.

a. The District Archaeologist consulted with the Iowa I-Sites geographic information systems archeological site and survey databases online. In addition, the District consulted “*An Investigation of Submerged Historic Properties in the Upper Mississippi River and Illinois Waterway*” (October 1997) prepared by American Resources Group, Ltd. for the Corps (Contract No. DACW25-93-D-0012, Delivery Order No. 37).

b. The permit area is located in the Mississippi River. There are no shipwrecks or other historic properties identified in the proposed permit area. In addition, the terrestrial portion has been previously disturbed by construction of the existing facilities. Therefore, it is the recommendation of the District Archaeologist that there is **no potential to effect** historic properties by the issuance of the permit 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:

a. District staff has 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 (FWS) as occurring in Scott County, Iowa:

- Northern Long-eared Bat, Indiana bat, Monarch Butterfly and Rusty Patched Bumble Bee
- Eastern Prairie Fringed Orchid,
- Higgins Eye Pearly Mussel, Spectaclecase and Sheepsnose Mussel

b. According to plans, designs and information provided by the applicant, there will be no tree removal and no work performed on land as part of this project, therefore there will be **no effect** on the mammals, insects, and plants. Coordination with the USFWS is ongoing to determine if there will be any effect on the mussels.

7. **Dredge/Fill Material Guidelines.** The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

8. **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: 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.

**9. Who Should Reply.** The Corps of Engineers is soliciting comments from the: public, Federal, state, 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 or 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.

**10. 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.

**11. Reply to the Corps.** Comments concerning the Corps permit should be addressed to the US Army Corps of Engineers, Rock Island District, ATTN: RD (Hardy), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. I can be contacted for additional information at (309) 794-5378 or email at [donna.r.hardy@usace.army.mil](mailto:donna.r.hardy@usace.army.mil).

Attach  
Plans

*Donna Hardy*  
Mrs. Donna R. Hardy  
Project Manager Western Branch  
Regulatory Division

**REQUEST TO POSTMASTERS:** Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

**NOTICE TO EDITORS:** This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.

Legacy Marine Dock  
Location. MM486.7

Project Location  
LAT: 41°31'17.32"N  
LON: 90°29'39.54"W

Legacy Marine Dock.  
MM 486.7

Project Location  
LAT: 41°31'17.32"N  
LON: 90°29'39.54"W

Ramp

W = 20'-0"  
H = 90'-0"

Barge with 2 12"  
Spuds

W = 26'-0"  
H = 126'-0"

W = 150'-0"  
H = 35'-0"

W = 200'-0"  
H = 40'-0"

Deck Barge with 2  
18" Spuds

Barge with 3 18"  
Spuds