

PUBLIC NOTICE

US Army Corps
of Engineers
Rock Island District

Applicant: American River Transportation Company

Date: December 17, 2008

Expires: January 15, 2009

CEMVR-OD-P-2008-1518

Section: 10

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

1. **Applicant.** American River Transportation Company, Post Office Box 585, Cassville, Wisconsin 53806.

2. **Project Location.**

- Sections 7 and 8, Township 91 North, Range 1 West; near Millville, Clayton County, Iowa; approximate Mississippi River mile 607.5.
- Datum NAD-83. UTM Zone 15, Northing 4 731 241.4975, Easting 663 351.6400.
- Latitude: 42.7163. Longitude: -91.0050.

3. **Project Description.**

a. Current Operation. Currently, the applicant fleets barges in the area. The barges are anchored by tying to deadmen buried along 4000 feet of shoreline on land leased from the US Government. The applicant has a lease agreement with the Corps of Engineers for use of the property. This authorization expires December 31, 2009.

b. Current Request. The applicant proposes to cease using the buried deadmen and to install structures in the river to secure the barges. Three fleeting areas will be established within the 4000-foot-long by 105-foot-wide footprint. This will allow for a maximum fleeting capacity of 60 barges in a 20 barges long by 3 barges wide configuration. Each fleeting area will have 2 anchors and 2 pilings to which fleeted barges will be moored.

- Two 15-ton ship anchors placed on the upstream end of the fleet section. Two 15-Ton ship anchors will be dropped at a point upstream from where the barges will be fleeted. Attached to each anchor will be a piece of chain of sufficient size and strength to hold barges in place. Each anchor chain will be attached to an anchor buoy which will hold the chain off the riverbed as much as possible. Another length of chain will attach from the buoy to the barge that will be placed at the inside head of the fleeting area.
- Two 7-cluster 12-inch pipe pilings, one positioned at the upstream end of the fleet area, and one at the lower end of the fleet area. They will be driven into the river bottom with enough pipe exposed above the water line to tie off barges. Several wraps of ½-inch steel wire will surround each cluster to hold the pipes together. The pipes will be filled with concrete. Attached to each cluster will be a cable/line to be tied to the barges as needed to hold them in place. These will be positioned to prevent fleeted barges from contacting the bank. One will be placed at the uppermost point in the fleet where the barge will be tied. The second will be placed at a point about 900 feet below.
- Construction will be phased as needed: The middle fleet will be installed first (start about May 2009). This will be followed by the upstream fleet and then the downstream fleet as needed.

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 did not consult with the District geographic information systems (GIS) archeological site and survey database. The ship anchors and pipe pilings are all in the active channel of the Mississippi River. Based on this information, the Corps finds that issuance of this 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 Clayton County, Iowa:

- 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 prairie bush clover.
- Iowa Pleistocene Snail. The endangered Iowa Pleistocene snail (*Discus macclintocki*) is found on north-facing slopes of the driftless area in Clayton County. It occupies algalic (cold producing) talus slopes at the outlet of underground ice caves along limestone bluffs within a narrow regime of soil moisture and temperature. Since habitat for the Iowa Pleistocene snail is not present in the project area, there will be no effect on the Iowa Pleistocene snail.
- Northern monkshood. The northern monkshood (*Aconitum novaboracense*) plant is listed as threatened in Clayton County. It occupies north-facing slopes in the driftless area of northeast Iowa. Since the project area does not contain appropriate habitat, there should be no effect on the northern monkshood.
- Mussels. The following mussels are listed as potentially occurring in Clayton County:
 - o Higgins' Eye Pearly Mussel (*Lampsilis higginsii*) endangered
 - o Spectaclecase Mussel *Cumberlandia monodonta* (Federal candidate)
 - o Sheepnose Mussel *Plethobasus cyphus* (Federal candidate)
 - o Mussel Survey. ARTCO conducted a mussel survey in 2002 as a requirement to renew the fleeting lease with the Iowa Department of Natural Resources. In that survey, no significant population of *Lampsilis higginsii* or other endangered mussels were present. The Iowa DNR lease was renewed in 2008, and no mussel survey was required.

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.

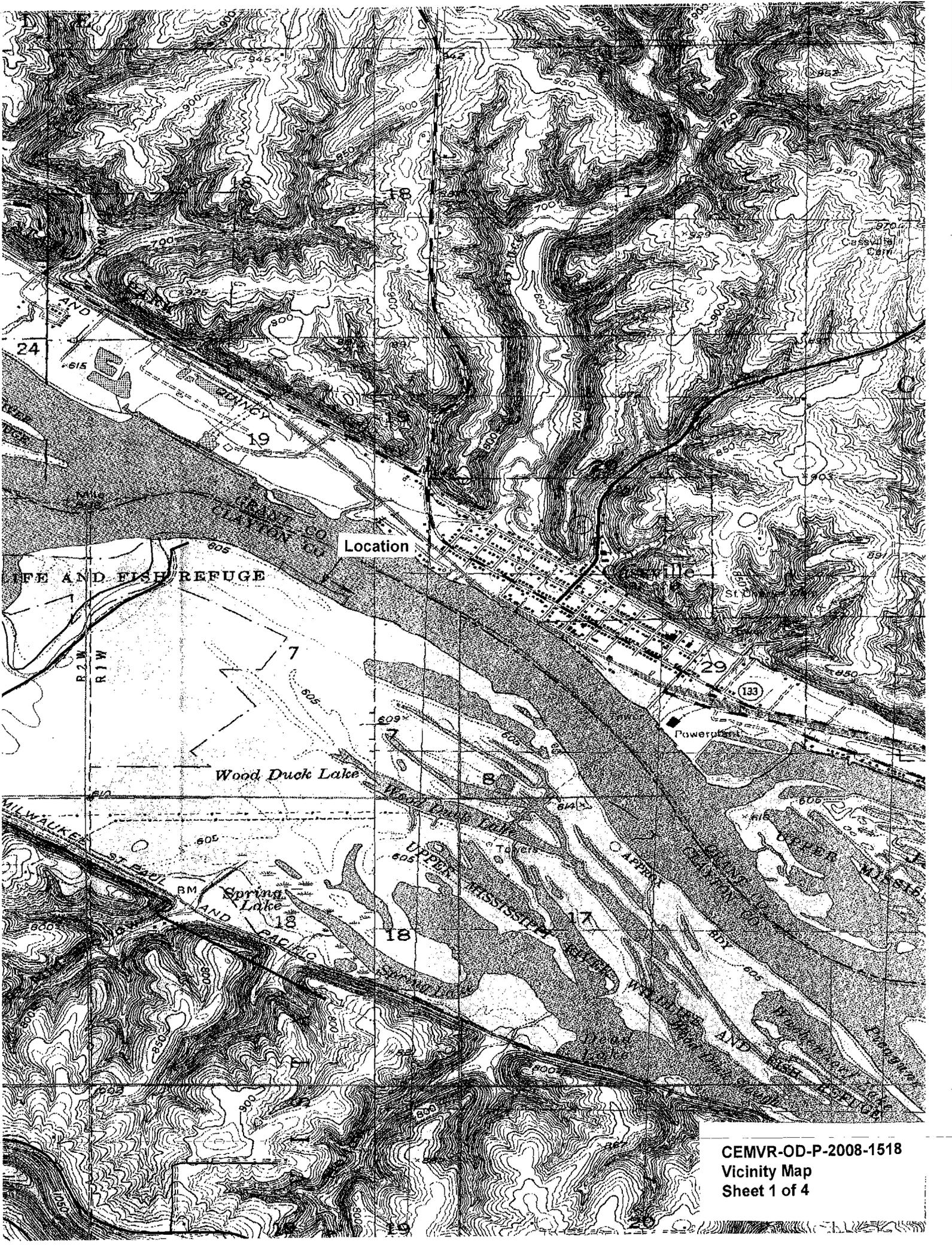


Wayne Hannel
Project Manager
Regulatory Branch

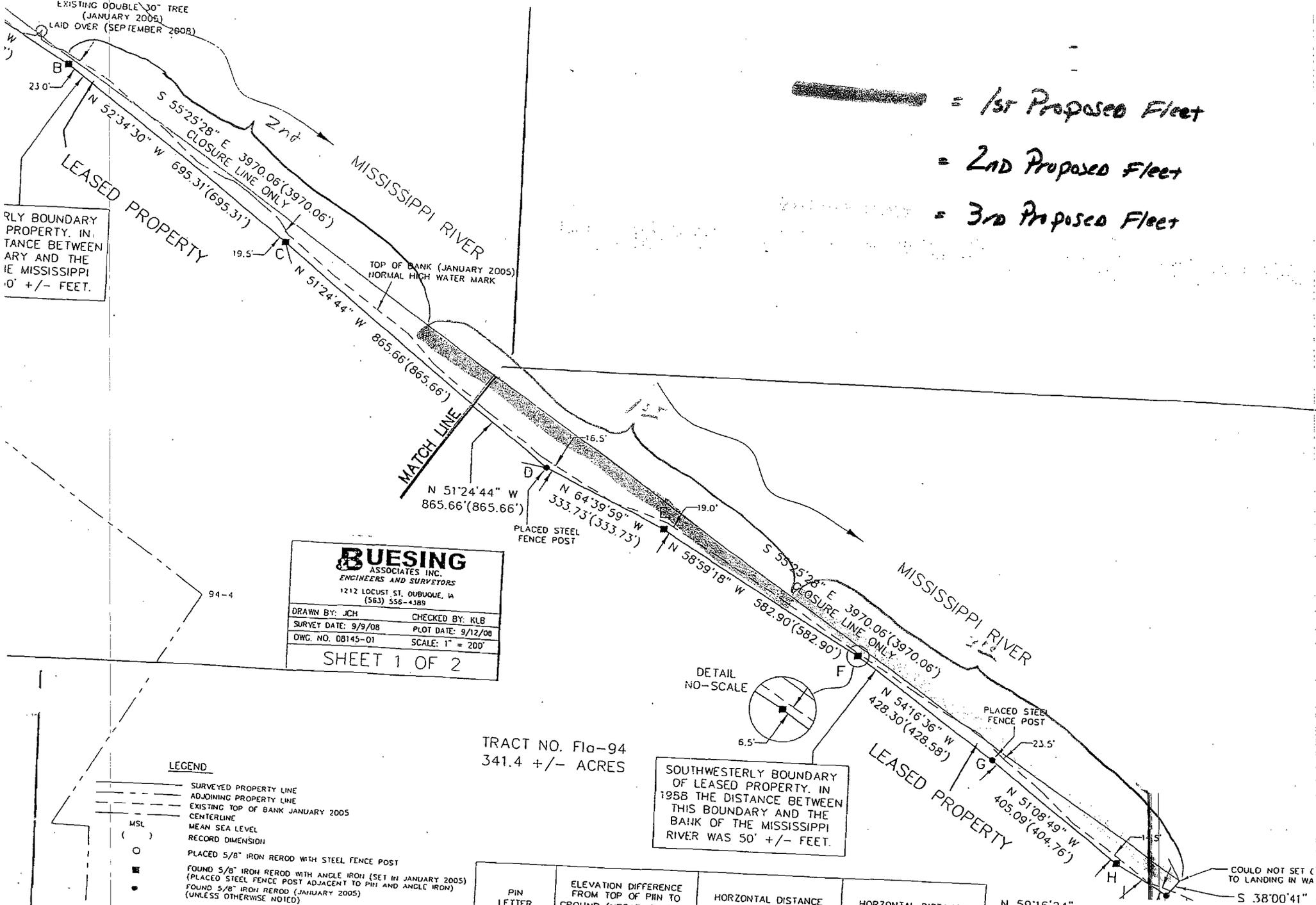
Attach
Plan

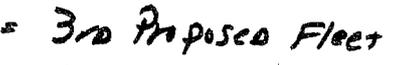
REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

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CEMVR-OD-P-2008-1518
Vicinity Map
Sheet 1 of 4



 = 1st Proposed Fleet
 = 2nd Proposed Fleet
 = 3rd Proposed Fleet

RLY BOUNDARY PROPERTY. IN
 TANCE BETWEEN
 ARY AND THE
 IE MISSISSIPPI
 0' +/- FEET.

BUESING
 ASSOCIATES INC.
 ENGINEERS AND SURVEYORS
 1212 LOCUST ST. OUBOUQUE, IA
 (563) 556-4389

DRAWN BY: JCH	CHECKED BY: KLB
SURVEY DATE: 9/9/08	PLOT DATE: 9/12/08
DWG. NO. 08145-01	SCALE: 1" = 200'

SHEET 1 OF 2

TRACT NO. Fla-94
 341.4 +/- ACRES

SOUTHWESTERLY BOUNDARY
 OF LEASED PROPERTY. IN
 1958 THE DISTANCE BETWEEN
 THIS BOUNDARY AND THE
 BANK OF THE MISSISSIPPI
 RIVER WAS 50' +/- FEET.

LEGEND

-  SURVEYED PROPERTY LINE
-  ADJOINING PROPERTY LINE
-  EXISTING TOP OF BANK JANUARY 2005
-  CENTERLINE
-  MEAN SEA LEVEL
-  RECORD DIMENSION
-  PLACED 5/8" IRON REROD WITH STEEL FENCE POST
-  FOUND 5/8" IRON REROD WITH ANGLE IRON (SET IN JANUARY 2005)
-  PLACED STEEL FENCE POST ADJACENT TO PIN AND ANGLE IRON
-  FOUND 5/8" IRON REROD (JANUARY 2005)
-  (UNLESS OTHERWISE NOTICED)

PIN LETTER	ELEVATION DIFFERENCE FROM TOP OF PIN TO GROUND (NEGATIVE MEANS PIN WAS BURIED)		HORIZONTAL DISTANCE FROM PIN TO TOP OF BANK		HORIZONTAL DISTANCE FROM PIN TO EDGE OF WATER	
	1/05	9/08	1/05	9/08	1/05	9/08
A	0.1'	0.0'	-5.5'	-15.0'		
B	0.1'	0.2'	23.0'	24.0'	N/A	11.0'
C	0.1'	0.2'			N/A	61.0'

N 59°16'24"
 154.65'(154.5)

CEMVR-OD-P-2008-1518
 Site Plan
 Sheet 2 of 4

SECTION 7.

ING

CROSSING

ESTIMATED POSITION
OF FIRST FLEET STRUCTURE
to be CONSTRUCTED

1000' x 165'

-- LEASE AREA

Exhibit C-4

