

**US Army Corps  
of Engineers**  
Louisville District ®

# Public Notice

Public Notice No.  
LRL-2018-784-JMG

Date:  
27 Sep 2018

Closing Date:  
29 Oct 2018

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Justin Garrett, CELRL-RDS  
6855 State Road 66  
Newburgh, IN 47630

Phone: 812-853-7632

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).

**APPLICANT:** Bart Mulzer  
Mulzer Crushed Stone, Inc.  
PO Box 3596  
Evansville, IN 47734

**AGENT:** Dwayne Clemons  
American Engineers, Inc.  
2500 Nelson Miller Parkway  
Louisville, KY 40223

**LOCATION:** Right descending bank at Ohio River Mile 746.0 near Rockport,  
Spencer County, Indiana.

Latitude: 37.900660° N  
Longitude: -87.040459° W  
7.5 Minute Quad: Rockport Quadrangle, Indiana-Kentucky

**PURPOSE:** The purpose of constructing the additional cells, and increasing the size of the existing cell is to provide more stability and better anchorage for the barges tied at the site. The purpose for adding five additional barge fleeting spaces is for increase capacity for material handling at this site.

**DESCRIPTION OF WORK:** The proposed project includes adding five, six foot diameter cells, and increasing this existing 20 foot diameter cell to a diameter of 30 feet. The cells will be filled with No. 2 stone and capped with one foot of concrete. The project will also add 5 new barge fleeting spaces to the existing 25 barge fleeting spaces that will result in a new fleeting area that is five barges long by six barges wide. This project will result in a riverward encroachment of one additional barge width (one space wide by five spaces long) for the fleeting area. Commodities to be present in the fleeting area include limestone, sand, and gravel materials. No red flag barges will be using the fleeting area. No maintenance dredging for this site is being proposed. The newly proposed 6' cells and the existing 20' cell are located entirely within the State of Indiana, and

subsequently, the only discharge of fill material is with the State of Indiana. The five proposed fleeting spaces are located within the waters of the Commonwealth of Kentucky.

**AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES:** The applicant is maximizing the use of other existing structures (cells and deadman anchors) to assist in keeping the barges in proper positions, and therefore minimizing the number of proposed additional structures. There is no shoreline disturbance with the project and total fill impact of the new cells and the enlargement of the existing cell equal 0.039 acres. There currently is no proposed compensatory mitigation for these impacts.

**REVIEW PROCEDURES:** A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Indiana Section 401 Water Quality Certification (WQC) from the Indiana Department of Environmental Management (IDEM) is on file in this office or it is considered waived. This Public Notice may constitute the application for the 401 certification. IDEM will review this proposal for compliance with the applicable provisions of Section 301, 302, 303, 306 and 307 of the CWA, including the state water quality standards currently set forth at 327 IAC 2. They will consider comments regarding this proposal postmarked by the closing date of this notice. Comments to IDEM should be addressed to: IDEM, Office of Water Quality, Section 401 WQC Program, 100 N. Senate Avenue Room N1255, Indianapolis, Indiana 46204. The applicant is responsible for obtaining the certification from IDEM.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on information by the applicant, and a review of the Information for Planning and Consultation (IPAC) website, <https://ecos.fws.gov/ipac/>, the following federally-listed species are known to or believed to occur in the area to be affected (directly or indirectly) by the proposed action:

List of Species

Interior Least Tern	( <i>Sterna antillarum</i> )
Rabbitsfoot	( <i>Quadrula cylindrica cylindrica</i> )
Sheepnose	( <i>Plethobasus cyphus</i> )

The Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7(a) 2 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered, or any designated critical habitat. A copy of this notice is being furnished to the USFWS for their review. Per this notification, we request comments from the USFWS concerning potential impact to threatened and/or endangered species. After receipt of comments, the USACE will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat and initiate consultation with USFWS, if required.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which have been directly affected by the work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historic, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665, as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits 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; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

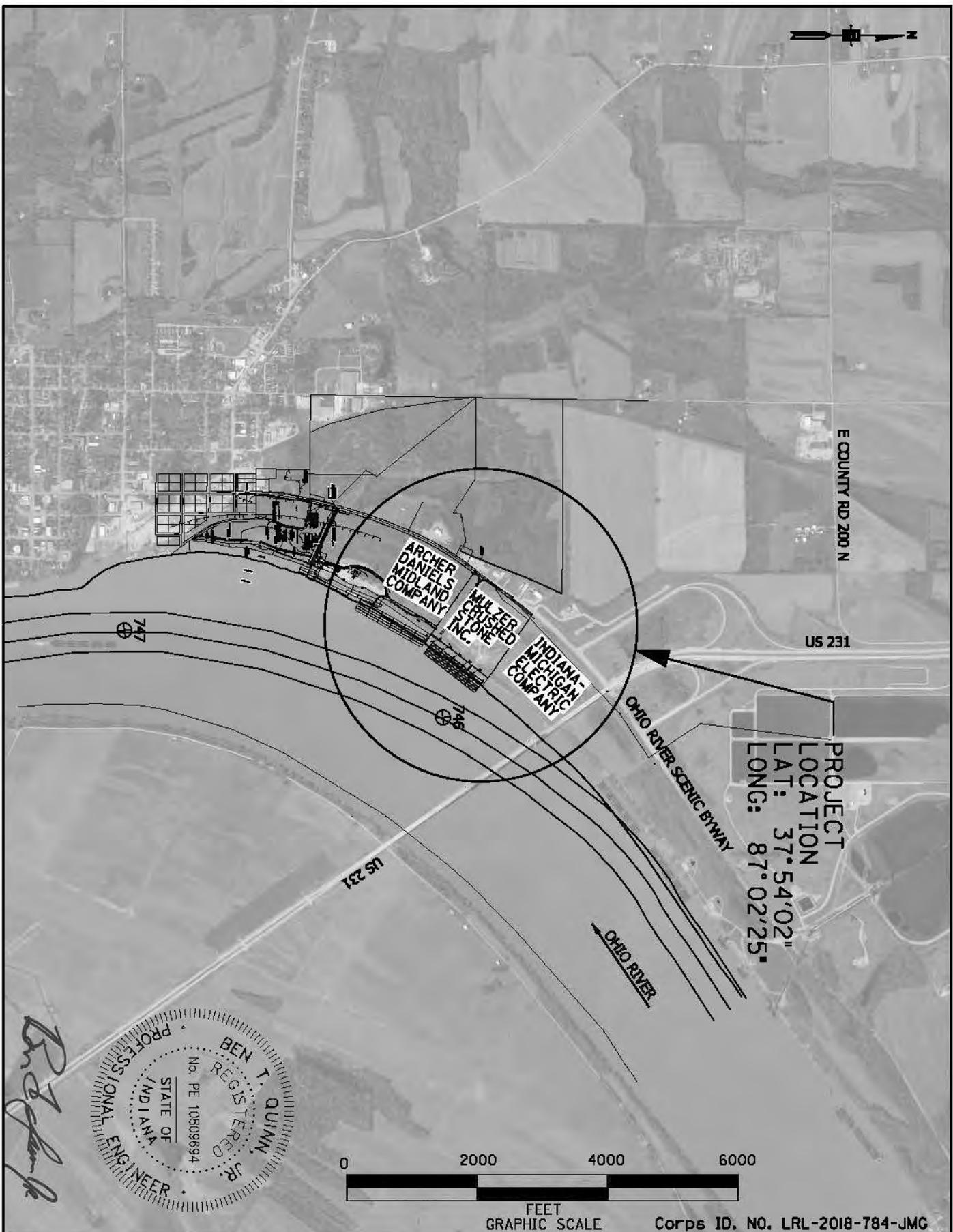
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. 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.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

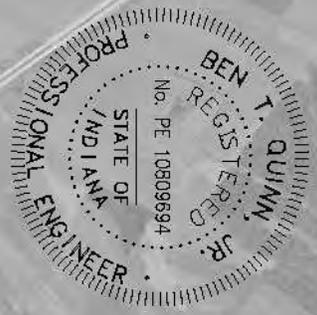
Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory/Public-Notices/>. All comments regarding this proposal should be addressed to Justin Garrett, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2018-784.

If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2018-784.
- b) Provide your physical mailing address and telephone number.
- c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil)
- d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



**PROJECT LOCATION**  
 LAT: 37°54'02"  
 LONG: 87°02'25"



*Ben T. Quinn*



Corps ID. NO. LRL-2018-784-JMG

JOB PROJECT NO.: <b>217-330</b>	
REVISIONS	DATE
1	Vertical Items
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**PROJECT NAME:**  
**MULZER STONE**  
**ROCKPORT UPPER YARD**  
 OHIO RIVER  
 RIVER MILE 746.0  
 SPENCER COUNTY  
 ROCKPORT, INDIANA

**PREPARED FOR:**  
  
**MULZER CRUSHED**  
**STONE, INC.**  
 PO Box 3596  
 EVANSVILLE, IN 47734  
 PH: (812) 457-8277

**VICINITY**  
**MAP**

**AEI**  
**AMERICAN ENGINEERS, INC.**  
 2000 Nelson Miller Parkway  
 Louisville, KY 40203  
 (502) 246-3010  
 Fax: (502) 246-3014  
 www.aei-co.com



**SITE NOTES**

NOTE: PROPERTY LINES SHOWN HEREON ARE GRAPHICAL REPRESENTATIONS AS BASED ON MAPPING IN THE REPRESENTATIVE COUNTIES OF THE PROJECT PROVIDED BY MULZER STONE, INC.

THIS DRAWING DOES NOT CONSTITUTE A BOUNDARY SURVEY OF ANY KIND, AND AS SUCH SHALL NOT BE DEEMED A PLAT NOR SHALL THE DRAWING BE USED FOR LEGAL PROPERTY CONVEYANCE. THIS DRAWING SHALL NOT BE RECORDED. THIS DRAWING SHALL NOT BE ALTERED IN ANY MANNER.

NEWBURGH LOCKS & DAM IS APPROX. 30.1 MILES DOWNSTREAM OF PROJECT.

CANNELTON LOCKS & DAM IS APPROX. 25.3 MILES UPSTREAM OF PROJECT.

POLITICAL JURISDICTIONS: SPENCER COUNTY, INDIANA

ALL EXISTING AND PROPOSED CABLES FROM DEADMEN ARE 1" DIA. STEEL CABLES.

- ① - DENOTES FLEETING AREA ONE
- Ⓐ - PROP. 6' DIA. CELL FILLED WITH #2s
- Ⓑ - PROP. 30' DIA. CELL FILLED WITH #2s (REPLACES EX. PERMITTED 20' DIA. CELL)
- Ⓒ - EX. PERMITTED DEADMEN
- Ⓓ - PROP. MATERIAL BARGES (35'x195')

ARCHER DANIELS MIDLAND COMPANY

MULZER CRUSHED STONE INC.

INDIANA-MICHIGAN ELECTRIC COMPANY

APPROX. STATE LINE

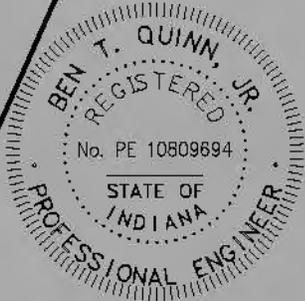
INDIANA  
KENTUCKY

**PROJECT LOCATION**  
 LAT: 37°54'02"  
 LONG: 87°02'25"

(25) EX. PERMITTED MATERIAL BARGES (35'x195')  
 (5) PROP. MATERIAL BARGES (35'x195')

746

OHIO RIVER



*Ben T. Quinn, Jr.*



FEET GRAPHIC SCALE

Corps ID. NO. LRL-2018-704-JMG

 AMERICAN ENGINEERS, INC. 2300 Newburg Road Evansville, IN 47714 Phone: (812) 284-9114 Fax: (812) 284-9114 www.aed.com	<b>SITE PLAN</b>	
	PREPARED FOR: MULZER CRUSHED STONE, INC. PO Box 3596 EVANSVILLE, IN 47734 PH: (812) 457-8277	
PROJECT NAME: MULZER STONE UPPER YARD OHIO RIVER RIVER MILE 746.0 SPENCER COUNTY ROCKPORT, INDIANA	REGISTERED 1 2 3 4 5 6 7 8 9 10 11 12 MONTHS	DATE 12-01-18
AS DRAWN BY: <b>DAS</b> CHECKED BY: <b>DAS</b> DATE: <b>08/04/2018</b> SHEET: <b>2 OF 4</b>		



APPROX. STATE LINE

INDIANA  
KENTUCKY

B

PROP. 30' DIA. CELL  
FILLED WITH #2S  
(REPLACES EX. 20' DIA CELL)

(1) PROP. 6' DIA. CELL  
FILLED WITH #2S

(1) PROP. 6' DIA. CELL  
FILLED WITH #2S

(5) EX. PERMITTED DEADMAN

(3) PROP. 6' DIA. CELL  
FILLED WITH #2S

A

(25) EX. PERMITTED  
MATERIAL BARGES  
(35'x195')

PROJECT  
LOCATION  
LAT: 37°54'02"  
LONG: 87°02'25"

(5) PROP. MATERIAL BARGES  
(35'x195')

A

OHIO RIVER



Corps ID. NO. LRL-2018-784-JMG



FLEETING  
AREA 1  
PLAN

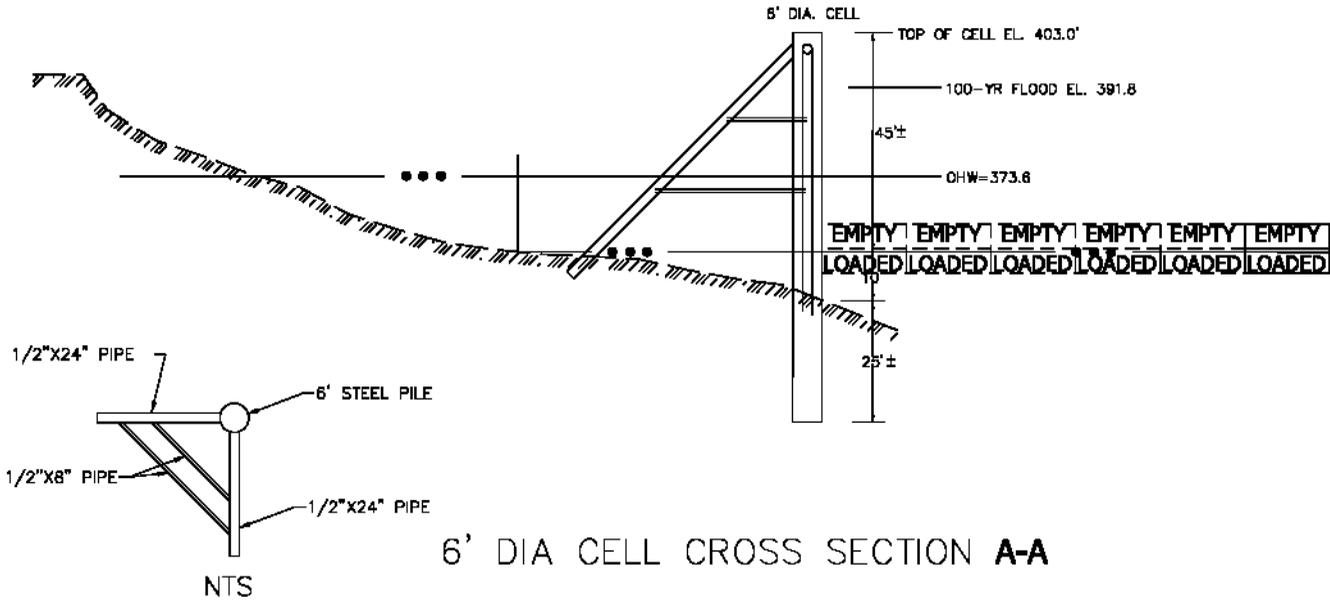
PREPARED FOR:  
MULZER CRUSHED  
STONE, INC.  
PO Box 3596  
EVANSVILLE, IN 47734  
PH: (812) 457-8277

PROJECT NAME:  
MULZER UPPER YARD  
ROCKPORT, INDIANA  
RIVER MILE 746.0  
SPENCER COUNTY,  
ROCKPORT, INDIANA



*Ben T. Quinn, Jr.*

AS DRAWN BY:	DATE:
217-330	1-30-16
DESIGNED BY:	REVISIONS:
DAS	1
DATE:	2
08/04/2018	3
SHEET:	4
11-2001	3 OF 4



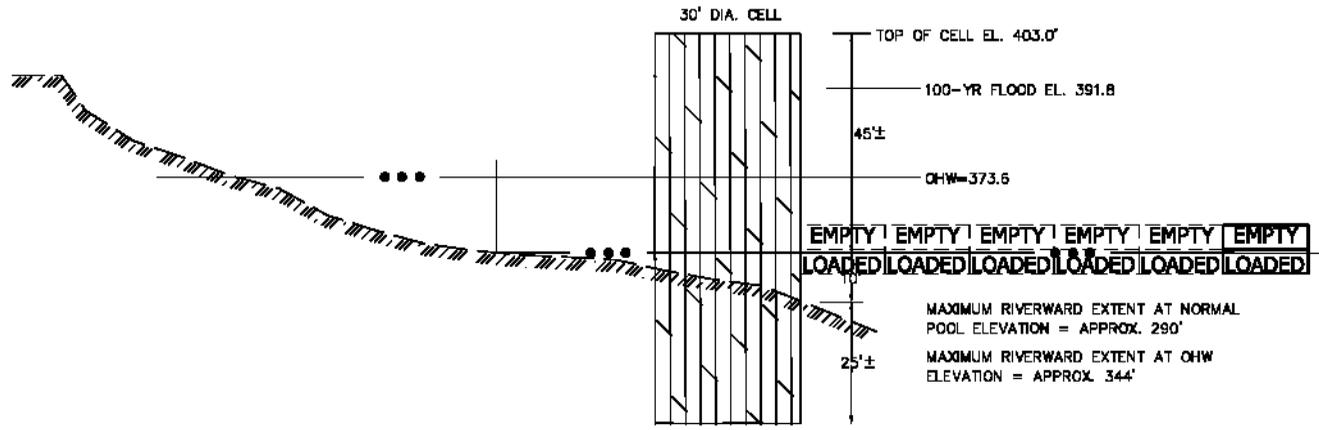
6' DIA CELL CROSS SECTION A-A

EMPTY EMPTY EMPTY EMPTY EMPTY EMPTY  
 LOADED LOADED LOADED LOADED LOADED LOADED

NORMAL POOL  
 358.0

MAXIMUM RIVERWARD EXTENT AT NORMAL  
 POOL ELEVATION = APPROX. 284'

MAXIMUM RIVERWARD EXTENT AT OHW  
 ELEVATION = APPROX. 338'



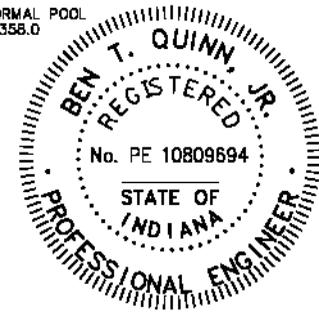
30' DIA. CELL-CROSS SECTION B-B

EMPTY EMPTY EMPTY EMPTY EMPTY EMPTY  
 LOADED LOADED LOADED LOADED LOADED LOADED

NORMAL POOL  
 358.0

MAXIMUM RIVERWARD EXTENT AT NORMAL  
 POOL ELEVATION = APPROX. 290'

MAXIMUM RIVERWARD EXTENT AT OHW  
 ELEVATION = APPROX. 344'



*Ben T. Quinn, Jr.*

CORPS. ID. LRL-2018-784-JMG



CELL  
 DETAIL  
 SHEET

PREPARED FOR:  
 MULZER CRUSHED  
 STONE, INC.  
 PO Box 3596  
 EVANSVILLE, IN 47734  
 PH: (812) 437-8277

PROJECT NAME:  
 MULZER STONE  
 UPPER YARD  
 ROCKPORT  
 CARO RIVER  
 RIVER MILE 745.0  
 SPENCER COUNTY  
 ROCKPORT, INDIANA

NO. PROJECT NO.	DATE	REVISION	DATE
217-330	3-27-18		
DESIGNER	CHECKED	DATE	
BAS	DCG		
DATE			
09/04/2018			
SCALE	SHEET		
N/A	4 OF 4		