



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

Public Notice

Public Notice No.
LRL-2018-785-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.

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 746.6 near Rockport,
Spencer County, Indiana.

Latitude: 37.894747° N
Longitude: -87.045246 ° W
7.5 Minute Quad: Rockport Quadrangle, Indiana-Kentucky

PURPOSE: The purpose of adding four additional barge fleeting spaces is to provide tie off spaces for the tow boats and/or switch boats when not in use, and provide a place to stage a boat from the land based fuel tank on shore.

DESCRIPTION OF WORK: The proposed project includes adding four new fleeting spaces for tow boats and/or switch boats to the middle yard fleeting area at this site, bringing the number of fleeting spaces to five total spaces. Boats in the four new additional spaces would be tied to the existing, currently permitted spud barge. This addition will require the fleeting area to encroach riverward by two barge spaces. No discharge of dredged or fill material is proposed for this site. 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 entirety of this project, lies solely within waters of the State of Indiana.

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

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-2018-785.

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-2018-785.
- b) Provide your physical mailing address and telephone number.
- c) Send your email to: 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.



- ① MULZER CRUSHED STONE
- ② MULZER BARGE TRANSPORTATION, LLC
- ③ MULZER LAND GROUP, LLC

WASHINGTON ST

STAMORE ST

N 5TH ST

PROJECT
LOCATION
LAT: 37° 53' 40"
LONG: 87° 02' 43"

ARCHER DANIELS MIDLAND COMPANY

MULZER CRUSHED STONE INC.

INDIANA-MICHIGAN ELECTRIC COMPANY

US 231

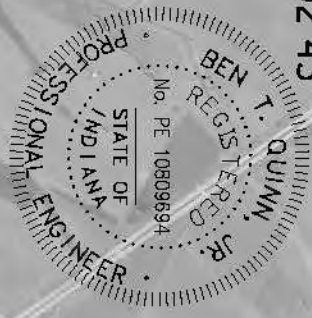
OHIO RIVER SCENIC BYWAY

OHIO RIVER

US 231

747

746





Ben T. Quinn, Jr.



FEET GRAPHIC SCALE

Corps ID. NO. LRL-2018-785-JMG

A/E PROJECT NO.: 217-330		REVISIONS DATE 1 2 3 4 5 6 7 8 9 10	PROJECT NAME: MULZER STONE ROCKPORT MIDDLE YARD OHIO RIVER RIVER MILE 746.6 SPENCER COUNTY ROCKPORT, INDIANA	PREPARED FOR:  MULZER CRUSHED STONE, INC. PO Box 3596 EVANSVILLE, IN 47734 PH (812) 457-8277	VICINITY MAP	 AMERICAN ENGINEERS, INC. <small>2500 Indian Hill Parkway Lexington, KY 40503 (502) 245-5011 Fax (502) 245-5014 www.aei.com</small>
DRAWN BY: DAS	CHECKED BY: DCC	DATE: 9-04-2018	SCALE: 1"=2000'	SHEET: 1 OF 4		



SITE NOTES

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

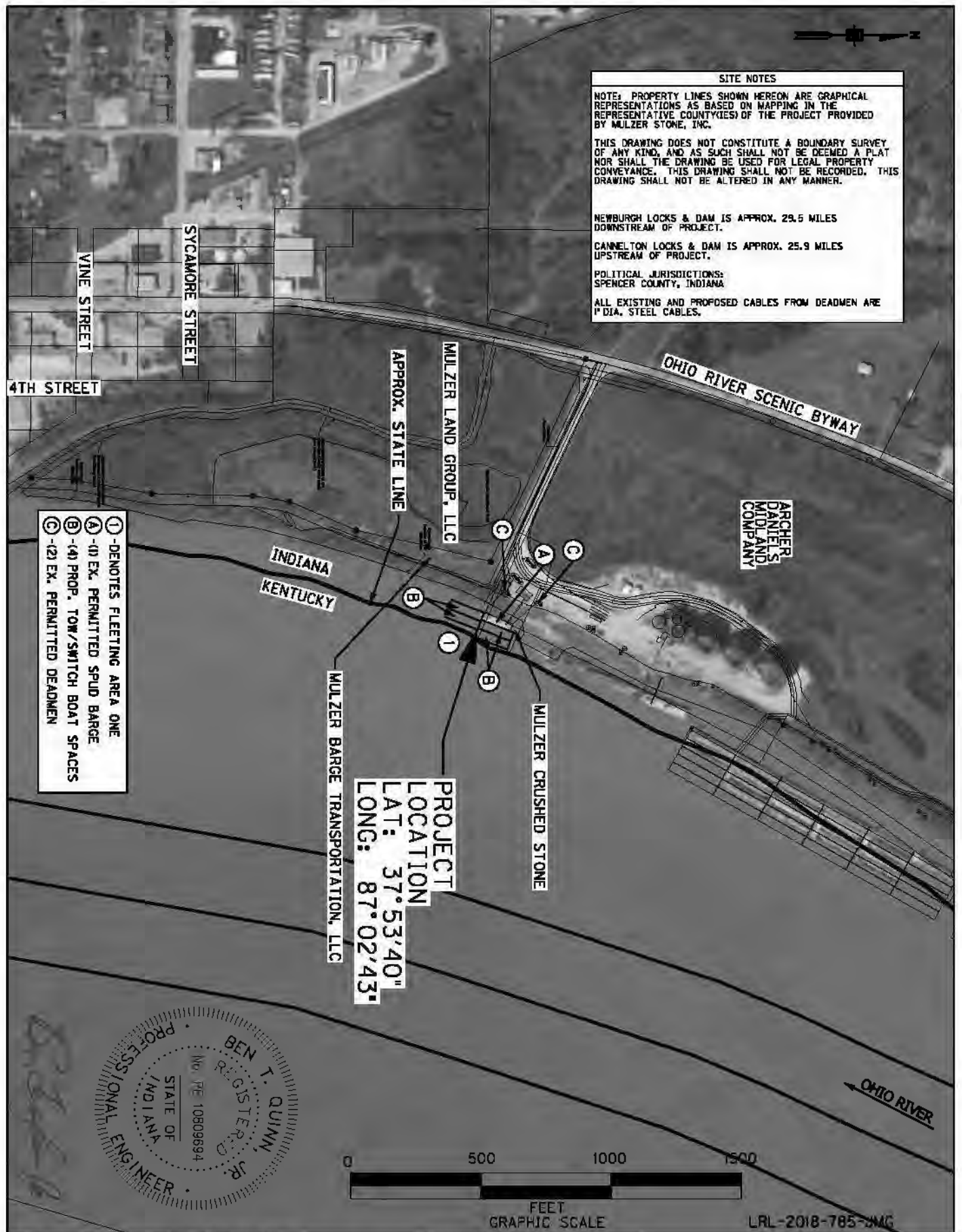
THIS DRAWING DOES NOT CONSTITUTE A BOUNDARY SURVEY OF ANY KIND, AND AS SUCH SHALL NOT BE DEEMED A PLAT NOR SHALL THE DRAWING BE USED FOR LEGAL PROPERTY CONVEYANCE. THIS DRAWING SHALL NOT BE RECORDED, THIS DRAWING SHALL NOT BE ALTERED IN ANY MANNER.

NEWBURGH LOCKS & DAM IS APPROX. 29.5 MILES DOWNSTREAM OF PROJECT.

CANNELTON LOCKS & DAM IS APPROX. 25.9 MILES UPSTREAM OF PROJECT.

POLITICAL JURISDICTIONS:
SPENCER COUNTY, INDIANA

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





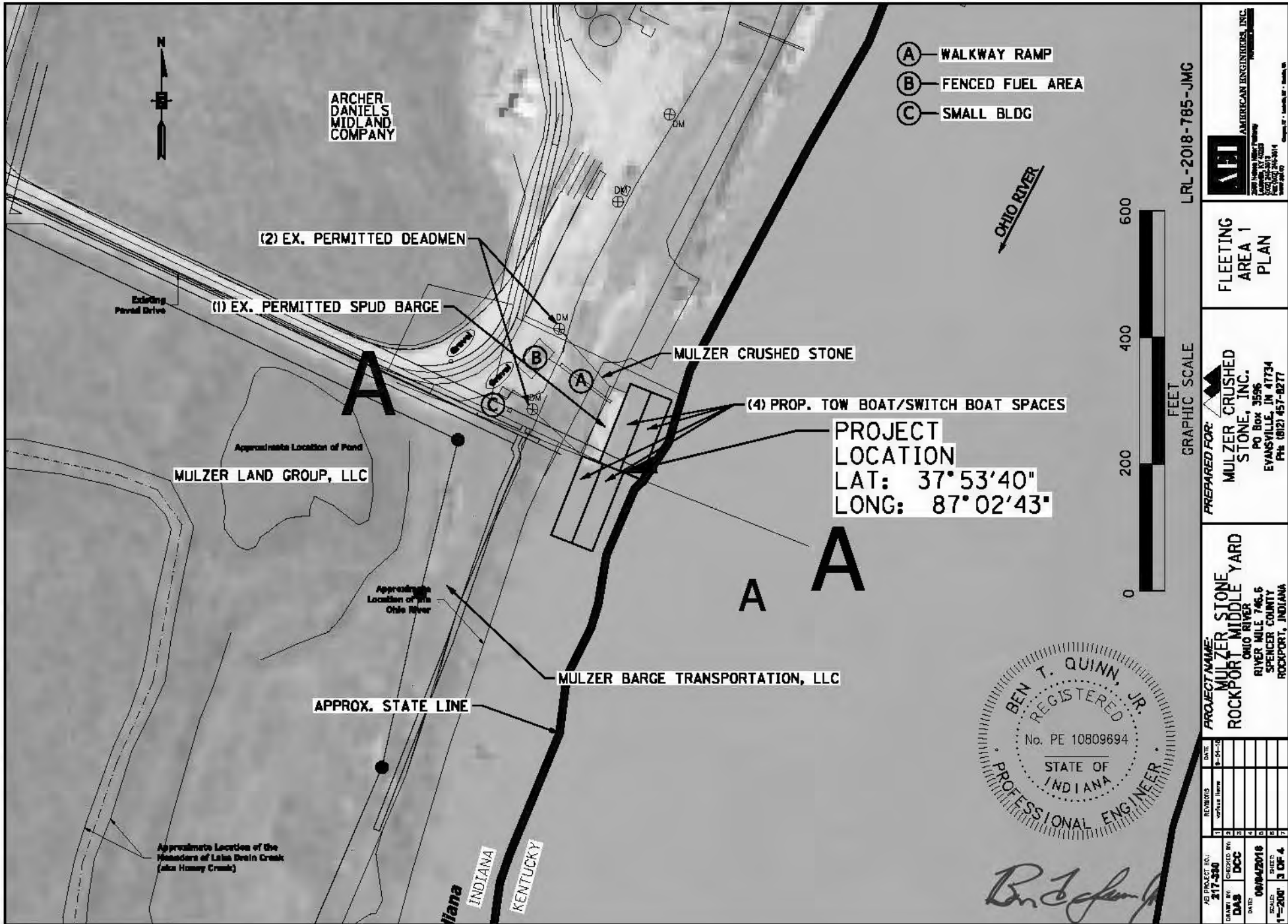
- ① - DENOTES FLEETING AREA ONE
- Ⓐ - (A) EX. PERMITTED SPUD BARGE
- Ⓑ - (B) PROP. TOW/SWITCH BOAT SPACES
- Ⓒ - (C) EX. PERMITTED DEADMEN

PROJECT LOCATION
 LAT: 37° 53' 40"
 LONG: 87° 02' 43"



LRL-2018-785-JMG

PROJECT NO: 217-330		REVISIONS DATE: 3-09-18	PROJECT NAME: MULZER STONE ROCKPORT MIDDLE YARD OHIO RIVER RIVER MILE 746.6 SPENCER COUNTY ROCKPORT, INDIANA	PREPARED FOR:  MULZER CRUSHED STONE, INC. PO Box 3596 EVANSVILLE, IN 47734 PH: (812) 457-8277	SITE PLAN	 AMERICAN ENGINEERS, INC. <small>2500 Northern Middle Parkway Evansville, IN 47624 765-241-5011 Fax: (812) 243-8114 www.aeci.com</small>
CHECKED BY: DCC	DATE: 03/04/2018	SCALE: 1"=500'	SHEET: 2 OF 4			



- (A) WALKWAY RAMP
- (B) FENCED FUEL AREA
- (C) SMALL BLDG



LRL-2018-785-JMC

AEI
 AMERICAN ENGINEERS, INC.
 2001 Newberry Street
 Evansville, IN 47714
 Phone: (812) 294-9114
 Fax: (812) 294-9114

FLEETING AREA 1 PLAN

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

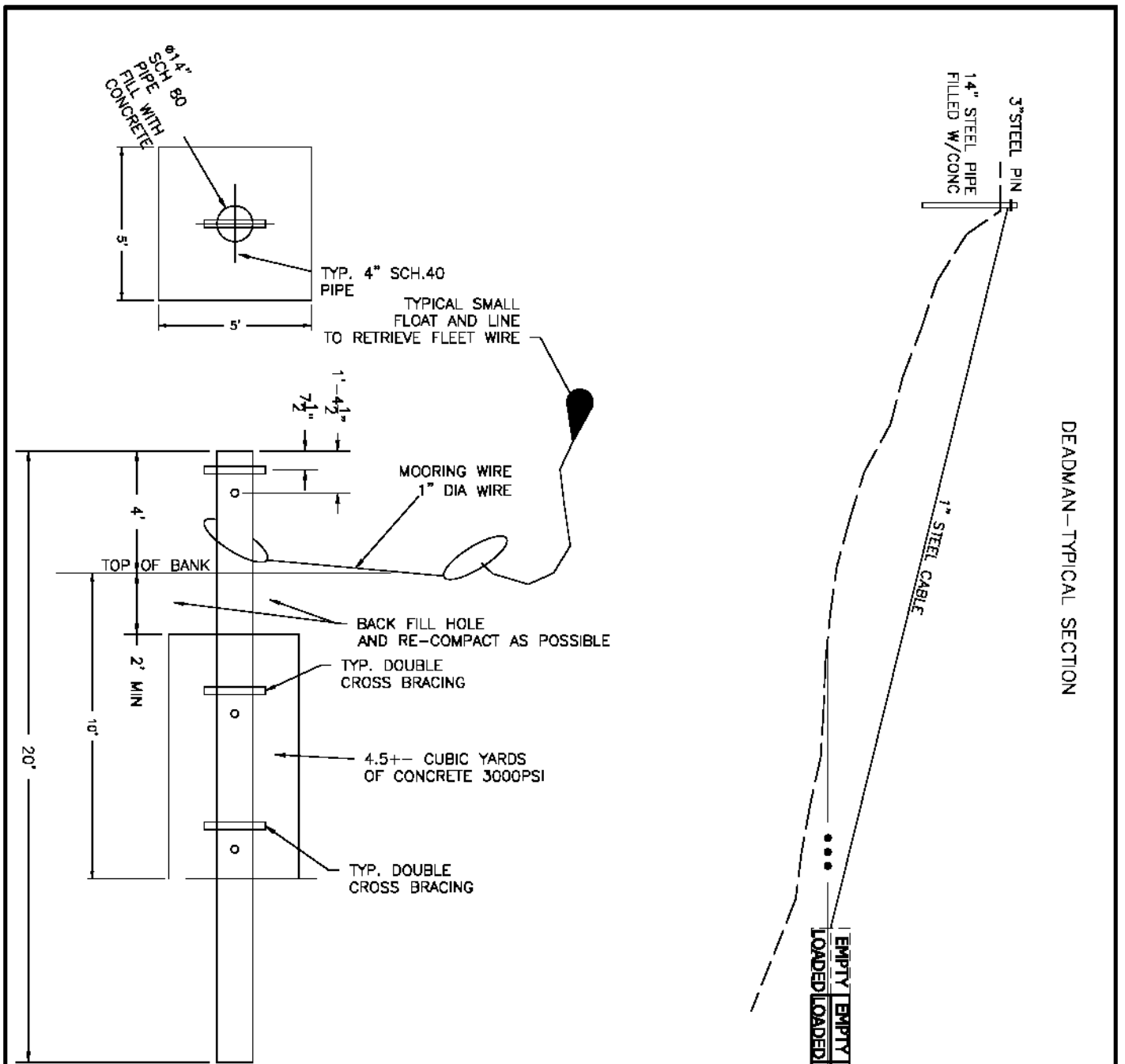
PROJECT NAME:
**MULZER STONE YARD
 ROCKPORT MIDDLE YARD**
 RIVER MILE 7.66 S
 SPENCER COUNTY,
 ROCKPORT, INDIANA



Ben T. Quinn, Jr.

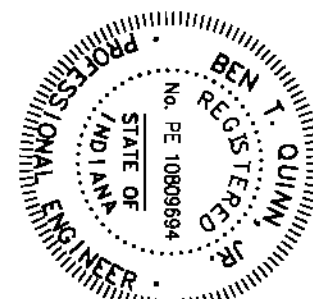
AS DRAWN BY	DATE	REVISIONS	DATE
DAS	DEC	1	12-20-18
DAS	DEC	2	
DAS	DEC	3	
DAS	DEC	4	
DAS	DEC	5	
DAS	DEC	6	
DAS	DEC	7	
DAS	DEC	8	
DAS	DEC	9	
DAS	DEC	10	

DATE: 08/04/2018
 DRAWN BY: DAS
 SHEET: 3 OF 4
 11-2001



DEADMAN-TYPICAL SECTION

Handwritten signature



MAX RIVERWARD EXTENT AT NORMAL POOL ELEVATION = APPROX. 141'

MAX RIVERWARD EXTENT AT OHW ELEVATION = APPROX. 195'

OHW=EL. 373.6

100-YR FLOOD EL. 391.8

NORMAL POOL EL. 358.0

EMPTYP LOADED LOADED LOADED LOADED

Corps. ID, LRL-2018-785-JMG

NO. PROJECT NO. 217-330		REVISIONS	DATE	PROJECT NAME:	PREPARED FOR:	DEADMEN DETAIL SHEET	 <small>2001 Nelson Hill Parkway Lisle, IL 60532 708.248.8100 Fax 708.248.8104 www.aet.com</small>
DRAWN BY: DAS	CHECKED BY: DCC	1	Various Items	0-04-18	MULZER STONE ROCKPORT MIDDLE YARD OHIO RIVER RIVER MILE 746.6 SPENCER COUNTY ROCKPORT, INDIANA		
DATE: 09/04/2018	SCALE: NA	2					
	SHEET: 4 OF 4	3					