



Public Notice

**US ARMY CORPS
OF ENGINEERS**
St. Louis District
Gateway to Excellence

**PROPOSAL TO ACCEPT FUNDS FROM
SPIRE STL PIPELINE LLC**

Comment Period: June 20, 2017 to July 5, 2017

Project Manager: Ed Rodriguez

Public Notice Number: OD-R 16-020-F001

This Public Notice announces the preliminary intent of the St. Louis District of the U.S. Army Corps of Engineers ("Corps") to accept funds contributed by Spire STL Pipeline LLC ("Spire"). The St. Louis District would allocate these funds internally and distribute funds to expedite the Department of Army Section 408 Authorization processing action in response to the natural gas utility's request for a modification to an existing Corps project, in accordance with 33 U.S.C. 408 (Section 408), subject to a series of limitations specified below. Spire STL Pipeline LLC proposes to construct approximately 65 miles of new, greenfield, 24-inch-diameter steel pipeline in two segments. The first segment (referred to as the "24-inch pipeline" portion of the project) will originate at a new interconnect with the Rockies Express Pipeline LLC ("REX") pipeline in Scott County, IL and extend approximately 59 miles through Greene and Jersey Counties in Illinois before crossing the Mississippi River and extending east through St. Charles County, MO. The potentially impacted federal projects due to the crossing is the Mississippi River Navigation Channel, an ecosystem restoration project, the Consolidated North County Levee System, and the Missouri River Navigation Channel.

The St. Louis District may accept and expend these funds pursuant to Section 214 of the Water Resources Development Act of 2000, as enacted in Public Law No. 106-541, as amended (codified in 33 U.S.C. § 2201), which provides that the Secretary of the Army, after public notice, may accept and expend funds contributed by a non-federal public entity or a natural gas company to expedite the evaluation of a permit of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army. In doing so, the Secretary must ensure that the use of such funds will not impact impartial decision making with respect to permits, either substantively or procedurally. Spire is considered a "natural gas company" as that term is defined in Section 214. The authority provided in Section 214 is in effect until June 10, 2021.

The Secretary of the Army delegated this responsibility for ensuring impartial decision-making to the Chief of Engineers and his authorized representatives, including district commanders of the U.S. Army Corps of Engineers. Authorized representatives of the district commander for the St. Louis District are negotiating an agreement with the natural gas company to accept and expend funds to expedite review and evaluations of Section 408 proposed modifications to the potentially impacted federal projects.

Definition of natural gas companies: A natural gas company is a company engaged in the

transportation of natural gas in intrastate or interstate commerce or the sale of such gas in interstate commerce for resale. The proposed Spire Pipeline meets this definition.

How the St. Louis District's acceptance of funds from Spire STL Pipeline LLC is expected to expedite the processing of the proposed pipeline crossings through Corps federal project?

The St. Louis District Corps of Engineers currently has insufficient funds to completely fund the technical and policy reviews required for the Chief of Engineers' approval of proposed pipeline crossings undertaken under Section 408. The St. Louis District would receive funds from Spire and in accordance with the provisions of Section 214 of WRDA 2000.

Activities for which funds will be expended: Funds would be expended primarily on the direct labor and overhead of Corps' Civil Works personnel evaluating the engineering plans and report prepared by engineering consultants to Spire. Such review and processing activities would include, but not be limited to, the following: technical analyses and writing, real estate evaluation, risk analysis, copying or other clerical/support tasks, acquisition of GIS data, site visits, training, travel, coordination activities, additional personnel (including support/clerical staff), technical contracting, environmental documentation preparation and review. Funds will not be used for drafting, negotiating, or issuing any necessary real estate instruments.

Any funds provided by Spire that remain unexpended at completion of the Section 408 review and approval process will be returned by the Corps to Spire.

Procedures to be used to ensure impartial decision-making: Approval of the Spire Pipeline Section 408 permit application has been determined to be at the District Commander level. To ensure the funds will not impact impartial decision-making, the following procedures would apply:

- a. No funds received under a Section 214 agreement shall be expended for the District Commander or the Division Commander's consideration and approval regarding the Spire Pipeline Section 408 permit application.
- b. Draft technical documents or draft decision documents resulting from the use of funds obtained from Spire under Section 214 will be reviewed by Corps of Engineers staff not funded by funds received under Section 214 for the proposed pipeline Section 408 permit application.
- c. All final permit decisions for cases where Section 214 funds are used will be made available on the St. Louis District webpage.
- d. The Corps will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- e. The Corps will comply with all applicable laws and regulations.
- f. Section 214 funds will only be expended to provide priority review of the participating natural gas company's permit application.

Consideration of Comments: The Corps is soliciting comments from the public; federal, state and local agencies; and other interested parties. Comments will be made part of the record, and they will be considered in determining whether it would be in the public interest to proceed with this action. If the St. Louis District Commander determines, after considering public comments, that the acceptance and expenditure of the funds is in compliance with Section 214 of WRDA 2000 and is not otherwise contrary to the general public interest, the St. Louis District will implement Section 214 of WRDA 2000

through a signed Memorandum of Agreement (“MOA”) and accept the funds from Spire STL Pipeline LLC. A second public notice will be issued regarding the final decision on this matter. Provided that the purpose for accepting funds remains the same as that described in this notice, a new public notice is not required in the event that the MOA is amended to extend the term of the agreement; to modify the list of priority projects identified in the MOA; or to adjust the terms of the annual advance payment contemplated under the MOA.

Submission of Comments: Interested parties may submit, in writing, any comments concerning this proposal. Comments should refer to Proposed Acceptance of Funds Spire and the date of this Public Notice, and be postmarked by the comment due date. Comments must be sent to the U.S. Army Corps of Engineers, St. Louis District, ATTN: Ed Rodriguez, 1222 Spruce Street, US Army Corps of Engineers Readiness Branch, St. Louis, MO 63103. Alternatively, comments can be sent electronically to: edward.c.rodriquezrobles@usace.army.mil. Comments will not be responded to individually but will be weighed in the District Commander’s decision to accept or not accept funds from Spire in this matter.

For additional information, please contact Ed Rodriguez, (314) 331-8568. This public notice is issued by the St. Louis District of the U.S. Army Corps of Engineers.