

Public Notice

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

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, Missouri 63103-2833

Public Notice No.
MVS-2023-186

Public Notice Date:
April 20, 2023

Expiration Date:
May 12, 2023

Postmaster Please Post Conspicuously Until:

File Number: MVS-2023-186

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Alan Edmondson

APPLICANT: Oakley's of St. Louis, Attn: Fred Taylor, 1 Angelica Street, St. Louis, Missouri, 63147

LOCATION: The project area is located on the right descending bank of Mississippi River mile 182.5, St. Louis County. Specifically, the site can be found in Township 3 North, Range 10 West, at approximate latitude 38.4002 and longitude -90.1112.

PROJECT DESCRIPTION: The applicant seeks authorization to leave in place a work area used for the reconstruction of the Merchants Bridge. The work area includes the previously authorized placement of a temporary work pad downstream of the Merchants Bridge span on the right descending bank of the river at approximate river mile 182.5. This portion of the project included a temporary workpad as well as the placement of mooring dolphins in the river. The authorization facilitated the mooring of barges at the site while the bridge replacement spans could be assembled before being maneuvered into place at the bridge location upstream.

Now that the Merchants Bridge project is complete, the applicant seeks to utilize the authorized fill and infrastructure for the operation of a liquid fertilizer dock. The project would involve altering the current configuration to allow for barges to protrude further away from the bank than the current configuration. The

newly proposed configuration will be vetted for navigational safety through the U.S. Coast Guard (USCG) and the River Industry Action Committee (RIAC). Details of the newly proposed project are as follows:

New construction will consist of a 20' x 20' working platform affixed to one of the 9' mooring piles with a walk bridge truss that will span from the mooring pile to the left descending bank. The walk bridge truss will support an 8" pipeline and personnel access from the riverbank to the barge. The pipeline will then continue upriver on elevated pipe stands, along the riparian bank, and tie into an existing levy crossover platform that is already in place.

The purpose for this river project is for transload of liquid fertilizer from barge to inland storage tanks. The tanks and landside pipeline network are already in place. The opportunity to re-utilize this marine infrastructure for unloading liquid fertilizer will allow for timely unloading of dedicated vessels and barges to meet the growing demand of the agriculture needs in the Midwest and beyond. Currently, vessels and barges are required to remain in queue until a slot is open at an existing transload pipeline. This project will decrease vessel standby demurrage, therefore creating less emissions and fuel consumption.

HISTORY: The Corps previously issued a Nationwide permit #33 (Temporary Construction, Access, and Dewatering) to TRRA in 2019 for the work pad and mooring dolphins used to facilitate the replacement of the Merchants Bridge. A Pre-Construction Notification (PCN) was sent to partnering agencies and RIAC in December of 2018, prior to issuance of the Nationwide permit. TRRA retains ownership of the site and intends to lease it to the applicant for the proposed project.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the project plans may be viewed in color and in more detail by visiting the Public Notice section of our website at:
<http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Alan Edmondson, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8811. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to alan.r.edmondson@usace.army.mil

AUTHORITY: This permit will be processed under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*), the northern long-eared bat (*Myotis septentrionalis*), the tri-colored bat (*Perimyotis subflavus*), pallid sturgeon (*Scaphirhynchus albus*), and Monarch butterfly that currently a threatened species and is a proposed candidate for endangered status. A preliminary determination, in compliance with the

Endangered Species Act as amended, has been made that this activity may affect the habitat of these listed species. The Corps is coordinating with the U.S. Fish and Wildlife Service and the applicant is taking measures to minimize potential effects of the project during construction. In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals. Coordination was conducted with the U.S. Fish and Wildlife Service during the initial Merchants Bridge replacement project, and informal coordination for this project has been initiated.

CULTURAL RESOURCES: The St. Louis District will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice. The Corps has reviewed information on known cultural resources and/or historic properties and found none are within or adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified to assure compliance with Section 106 of the National Historic Preservation Act. The Corps' determination of effect will be coordinated with the State Historic Preservation Officer independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people. Many of the concerns listed above including Air Quality are reviewed, evaluated, and permitted by the Missouri Department of Natural Resources through the State Land Reclamation Permitting Process.

SOLICITATION OF COMMENTS: The U.S. Army 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 the proposed activity. Any comments received will be considered by the U.S. Army 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 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.

Robert S. Gramke

Robert S. Gramke
Chief, Regulatory Branch


NOTICE TO POSTMASTERS:


It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

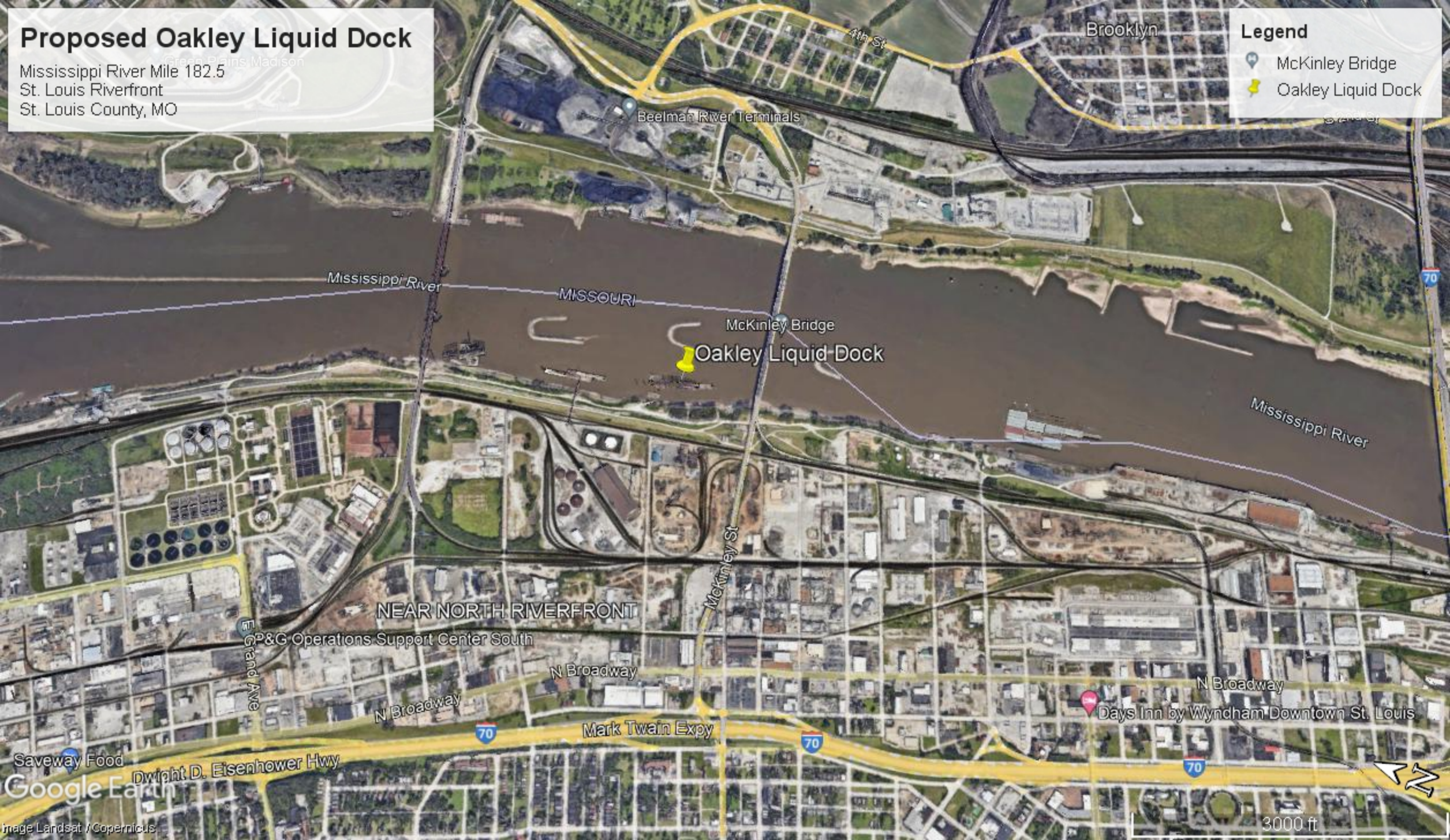
Proposed Oakley Liquid Dock

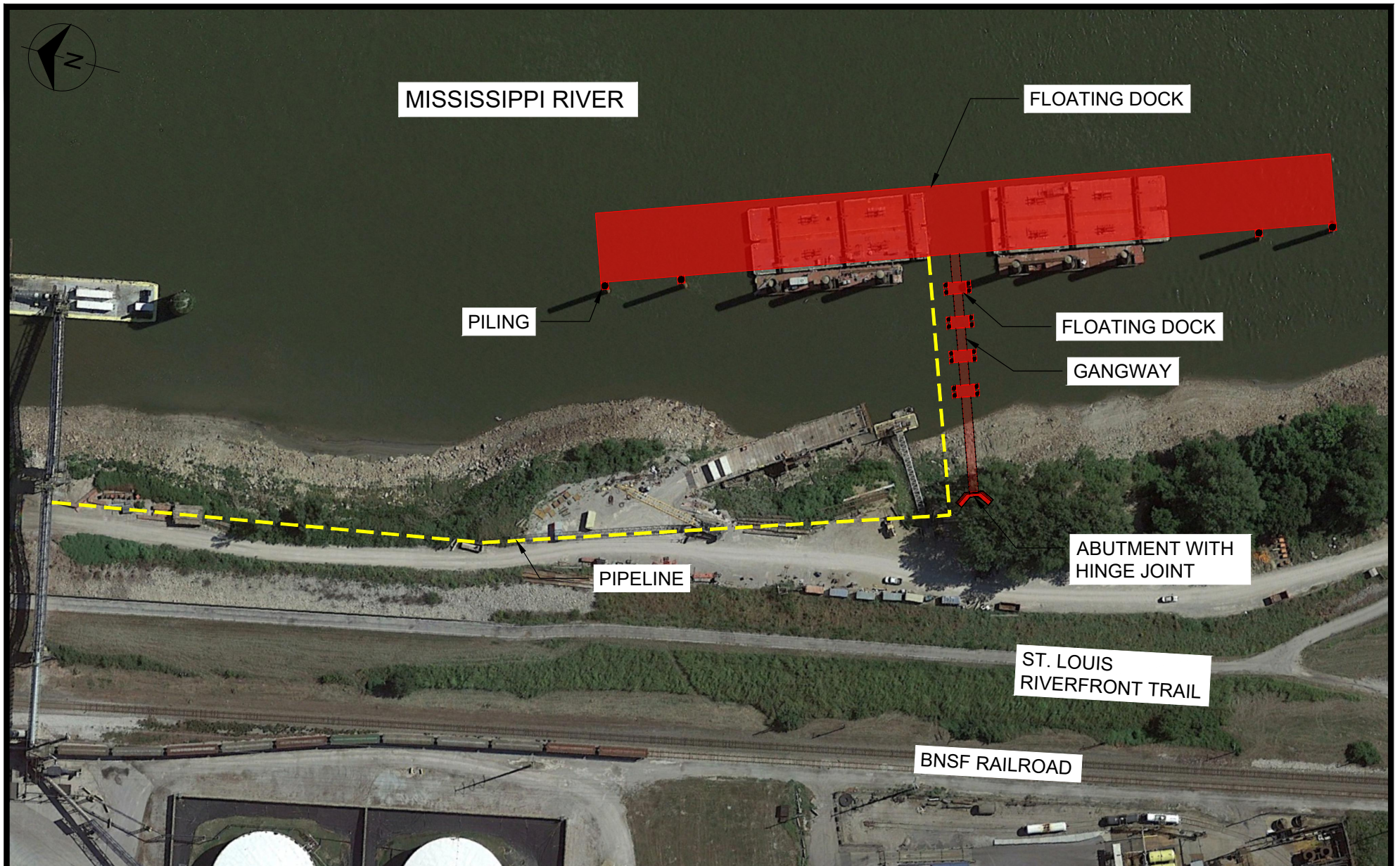
Mississippi River Mile 182.5
St. Louis Riverfront
St. Louis County, MO

Legend

 McKinley Bridge

 Oakley Liquid Dock





4/19/2023

**BURNS
MCDONNELL**

Oakley Transload Dock
Conceptual Layout
St. Louis Port
Mississippi River
Right Descending Bank Mile 182.5"