



**US Army Corps  
of Engineers®**

St. Louis District

# PUBLIC NOTICE

**FILE NUMBER: MVS-1996-12860**

**PUBLIC NOTICE DATE: August 01, 2024**

**EXPIRATION DATE: August 22, 2024**

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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. The purpose of the public notice is to inform you of a proposal for work in which you may be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

**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

**JOINT PUBLIC NOTICE:** This public notice is issued jointly with the Missouri Department of Natural Resources, Water Protection Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources by email at [wpsc401cert@dnr.mo.gov](mailto:wpsc401cert@dnr.mo.gov) or by mail at P.O. Box 176, Jefferson City, Missouri 65102.

**APPLICANT:** John's Boat Harbor  
Attn: Mr. Pat Eberhard  
2407 Hwy C  
St. Charles, Missouri 63301

**PROJECT LOCATION:** The proposed project site is located in St. Charles County at the St. Louis Harbor at Mississippi River mile 231.5. Specifically, the proposed work would occur in Section 36, Township 48 North, Range 03 East, at approximate Latitude 38.876 and Longitude -90.622 (See attached aerial photo for project location).

**AUTHORITY:** Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344)

**ACTIVITY:** John's Boat Harbor is an existing harbor facility which offers wet/dry slips, mechanical & refinishing service, boat restoration, and a ship store. The applicant seeks authorization to conduct maintenance dredging operations within the harbor, as multiple high water events, specifically the flood event of 2019, have caused the re-deposition of fine materials within the harbor. Previous permitting authorized the construction of the harbor, as well as subsequent permitting that authorized the placement of materials into the Mississippi River in an open water disposal site just outside the harbor's mouth. The project purpose is to reissue the maintenance dredging permit previously authorized to maintain the harbor in such a condition that recreational vessels have a safe ingress and egress to the site. The proposed dredging will only remove material deposited by the river and will not alter the previously authorized contours of the Harbor. The applicant anticipates dredging up to 4,500 cubic yards annually. The applicant seeks reauthorization to continue with periodic maintenance by placing dredged material into the river just outside the harbor entrance at river mile 231.5. (See attached drawings).

**WETLANDS/AQUATIC HABITAT:** The maintenance dredging will occur within a pre-existing harbor connected to the Mississippi River. The disposal location outside the mouth of the harbor is a deep portion of the river channel.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:** The proposed disposal site was reviewed by the St. Louis District Hydraulics Branch and verified to be a deep part of the Mississippi Riverbed. The site has also been reviewed by the USFWS and the proposed disposal location would avoid impacts to shallow water threatened and endangered species. Upland dredge disposal sites have been utilized under previously permitted dredging activities as well.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by contacting Alan Edmondson, St. Louis District Regulatory Division, 1222 Spruce Street, St. Louis, Missouri, 63103. All comments to this public notice should be sent to [alan.r.edmondson@usace.army.mil](mailto:alan.r.edmondson@usace.army.mil)

**CULTURAL RESOURCES:** The St. Louis District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We 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 St. Louis District Archeologist has made a preliminary determination of "no effect to historic properties". If warranted, we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties.

**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*), gray bat (*Myotis grisecens*), Spectaclecase (mussel) (*Cumberlandia monodonta*), Monarch butterfly (*Danaus plexippus*) that currently is a threatened species and is a proposed candidate for endangered status, and the threatened Decurrent False aster (*Boltonia decurrens*). In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. 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. Informal coordination for this project has been initiated.

**FLOODPLAINS:** This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

**WATER QUALITY CERTIFICATION:** The Clean Water Act (CWA) Section 401 Water Certification Improvement Rule (Certification Rule, 40 CFR 121), effective November 27, 2023, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope for CWA Section 401 certification by the certifying authority shall evaluate whether the activity will comply with applicable water quality requirements. The certifying authority's evaluation is limited to the water quality-related impacts from the activity subject to the Federal license or permit, including the activity's construction and operation. The applicant is solely responsible for requesting certification and providing required information to the certifying agency. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

**PUBLIC INTEREST REVIEW:** The decision to issue a permit will be based on an evaluation of the probable impact including the 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 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 including the cumulative effects thereof; among those are conservation, economics, esthetics, 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 and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). 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 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.

**ENVIRONMENTAL JUSTICE:** In accordance with E.O. 12898, E.O. 14008, and E.O. 14096, the Corps of Engineers will specifically consider the effects of the proposed action on communities with environmental justice concerns, including economically disadvantaged communities, communities of color, and other socioeconomic groups that could be disproportionately affected by environmental and other effects. Following our initial screening of the project, our preliminary determination is that the project will have no effect upon communities having environmental justice concerns. As part of our environmental justice review, the Corps of Engineers seeks additional information from the public, community leaders, local officials and others regarding issues of environmental justice as related to the proposed action.

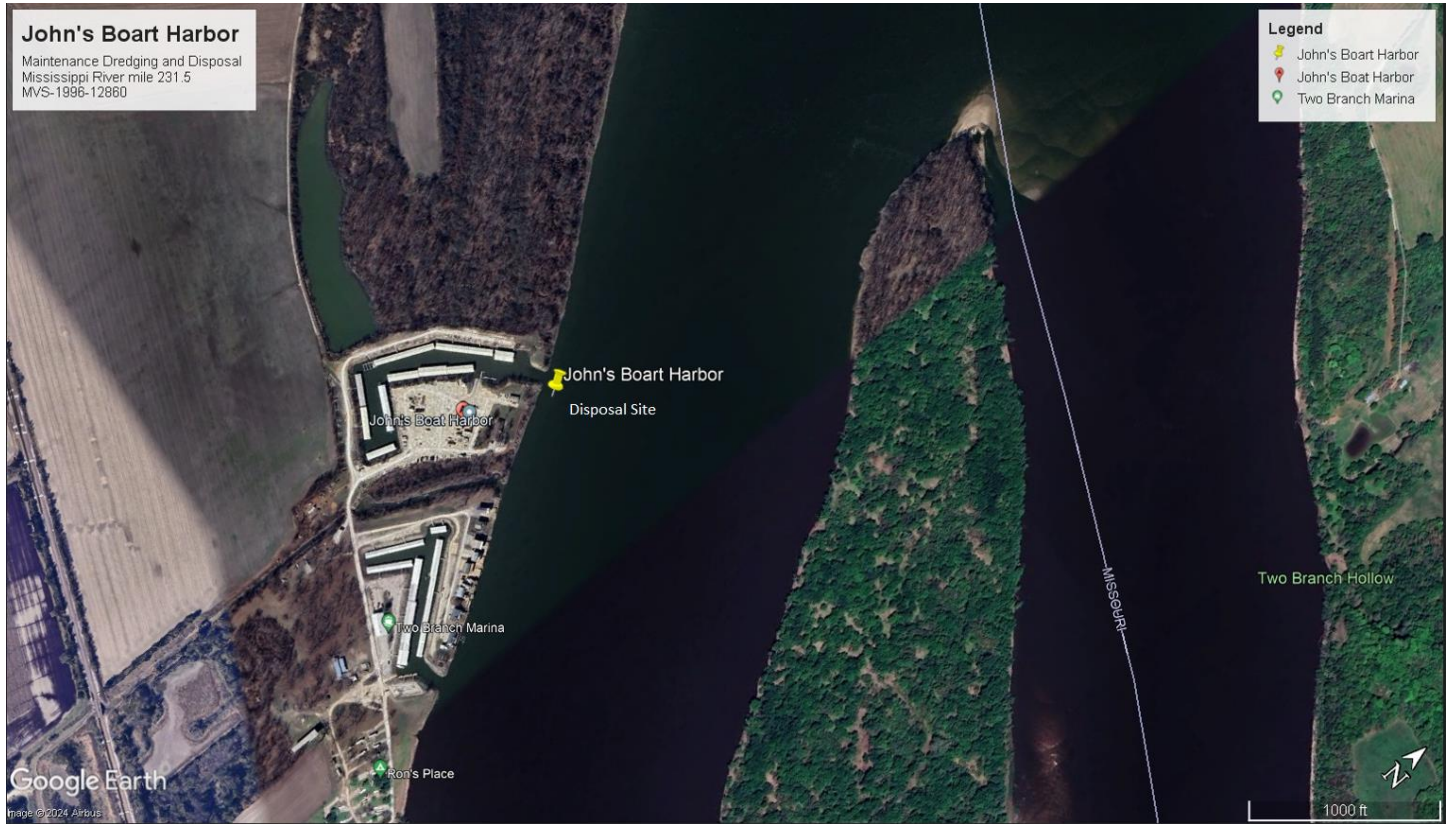
**COMMENTS:** The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Tribes; and other interested parties to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps 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.

To join our public notice mailing list and receive all of our Public Notices electronically, please email your request to: [MVS-Regulatory@usace.army.mil](mailto:MVS-Regulatory@usace.army.mil) and include your name, email, and phone number with your statement of request to be added to the Public Notice mailing list.

**PUBLIC HEARING:** Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

  
Jaynie G. Doerr  
Chief, Regulatory Branch, Acting

## Attachments:







**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.