

# Public Notice

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

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

**Permission No.**  
**OD-R 22-008**  
**Public Notice Date**  
**February 28, 2023**  
**Expiration Date**  
**March 29, 2023**

**Postmaster, Please Post Conspicuously Until:**

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## **REQUEST FOR PERMISSION TO MODIFY A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408**

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work near federally constructed flood protection projects 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 Public Notice 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  
Readiness Branch  
1222 Spruce Street  
St. Louis, Missouri 63103-2833  
ATTN: Jeffrey Wells, P.E.  
or Jeffrey.M.Wells@usace.army.mil

**REQUESTER:** Spire Energy, Attention: Mr. Daniel Wheaton.

**LOCATION:** The site is located along and perpendicular to the Monarch-Chesterfield Levee. The work is located at the approximate coordinates 38°40'15.66"N 90°40'29.14"W in Chesterfield, MO. (Monarch-Chesterfield Levee and Drainage District, St. Louis County, Missouri).

**PROPOSED ACTION:** The applicant is requesting to make alterations to the Monarch-Chesterfield Levee and the Levee Seepage Berm. The proposed alterations include the installation of an 8-inch plastic pipeline for natural gas distribution in St. Louis County, Missouri. Specifically, this Section 408 application details the drilling plan and installation of the natural gas pipeline within the seepage berm and over the seepage berm for the portion located within the roadway embankment.

**LOCATION MAPS AND DRAWINGS:** See Attachment

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Jeffrey Wells, P.E., St. Louis District 408 Coordinator, U.S. Army Corps of Engineers, at (314)-331-8568. Your inquiries may also be sent by e-mail to Jeffrey.M.Wells@usace.army.mil.

**REGULATORY AUTHORITY:** The St. Louis District Regulatory Branch has conducted a preliminary review of the proposed project. Based upon review of the project activity description, as well as the location of the work, the Regulatory Branch determined that this activity does not trigger the need for a Department of the Army Permit under Section 404 of the Clean Water Act. If additional infrastructure plans are developed that include impacts to Waters of the U.S., then a permit application would need to be submitted to the Regulatory Branch. It should be noted that although this proposal does not need a Section 404 permit based on submitted plans, any revisions to the applicant's proposal may be subject to permitting.

**EVALUATION:** The decision whether to grant the requested permission for project modification under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a U.S. Army Corps of Engineers technical review team considering the following factors:

1. **Impair the Usefulness of the Project Determination.** The review team will determine if the proposed alteration would limit the ability of the project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.
2. **Injurious to the Public Interest Determination.** Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the U.S. Army Corps of Engineers project may have on the public interest requires a careful weighing of all those factors that are relevant in each case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.
3. **Environmental Compliance.** A decision on a Section 408 request is a federal action and is therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the St. Louis District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. NEPA and other analysis completed to comply with the other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the US Army Corps of Engineers project. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review is limited to the area of

alteration and those adjacent areas that are directly or indirectly affected by the alteration. The proposed pipeline replacement is not expected to involve significant impacts to endangered species, important fish and wildlife resources, water quality, floodplains, or other natural and cultural resources. The environmental effects of this project are minor. In compliance with Section 7(c) of the Endangered Species Act of 1973, as amended, lists of species and critical habitat were acquired from the USFWS Information for Planning and Conservation (IPaC) website on 14 Feb 2023 (Project Code: 2023-0045331) for the Proposed Action Area. The listed species included Gray Bat, Indiana Bat, Northern Long-eared Bat, Tricolored Bat, Monarch Butterfly, and Decurrent False Aster. A “no effect” determination is anticipated to be made for the Gray Bat, Indiana Bat, and Northern Long-eared Bat; a “not likely to jeopardize the continued existence of” determination is anticipated to be made for the Tricolored Bat and Monarch Butterfly, and a “may affect, not likely to adversely affect” determination is anticipated for the Decurrent False Aster. The project would involve no clearing of suitable roost trees > 3” dbh, no impacts to caves, mines or other potential hibernacula, and the site is currently a disturbed area along a busy paved roadway with a mowed and maintained shoulder. Consultation with the U.S. Fish and Wildlife Service is in progress, though concurrence is not required for a “no effect” determination. An automated MDC Heritage Database Report was generated on 14 Feb 2023. MDC was invited to provide comments and concerns regarding the proposed pipeline replacement.

St. Louis District Archaeologists conducted a Historic Property Preliminary Review on 2 February 2023. There are no known archeological sites within the project area; however, the project area is in a culturally significant location. For this reason, the USACE-St.Louis has required that an archaeologist monitor construction activities and provide a report of findings. A determination of “No Historic Properties Adversely Affected” was found for the project. The Missouri SHPO was notified of this determination.

All actions taken would be in accordance with the National Historic Preservation Act of 1966, as amended (NHPA). In the unlikely event that, earthmoving activities associated with the proposed work did impact potentially significant archeological/historic remains, all construction activities and earthmoving actions in the immediate vicinity of the remains would be held in abeyance until the potential significance of the remains could be determined. The precise nature of such investigations would be developed by the Saint Louis District in concert with the professional staff of the Missouri SHPO.

4. Environmental Impact Statement. A preliminary determination has been made that an environmental impact statement is not required for the proposed work.
5. Technical Analysis. The St. Louis District is working closely with the requestor to ensure that all technical plans, maps, drawings, specifications are provided and complete. A District-led Technical Review is being conducted to determine any potential adverse impacts to the US Army Corps of Engineers flood protection system.

**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 permission 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 taken into consideration 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.

**SUMMARY:** It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the St. Louis District Corps of Engineers, Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so in writing no later than **March 29, 2023**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

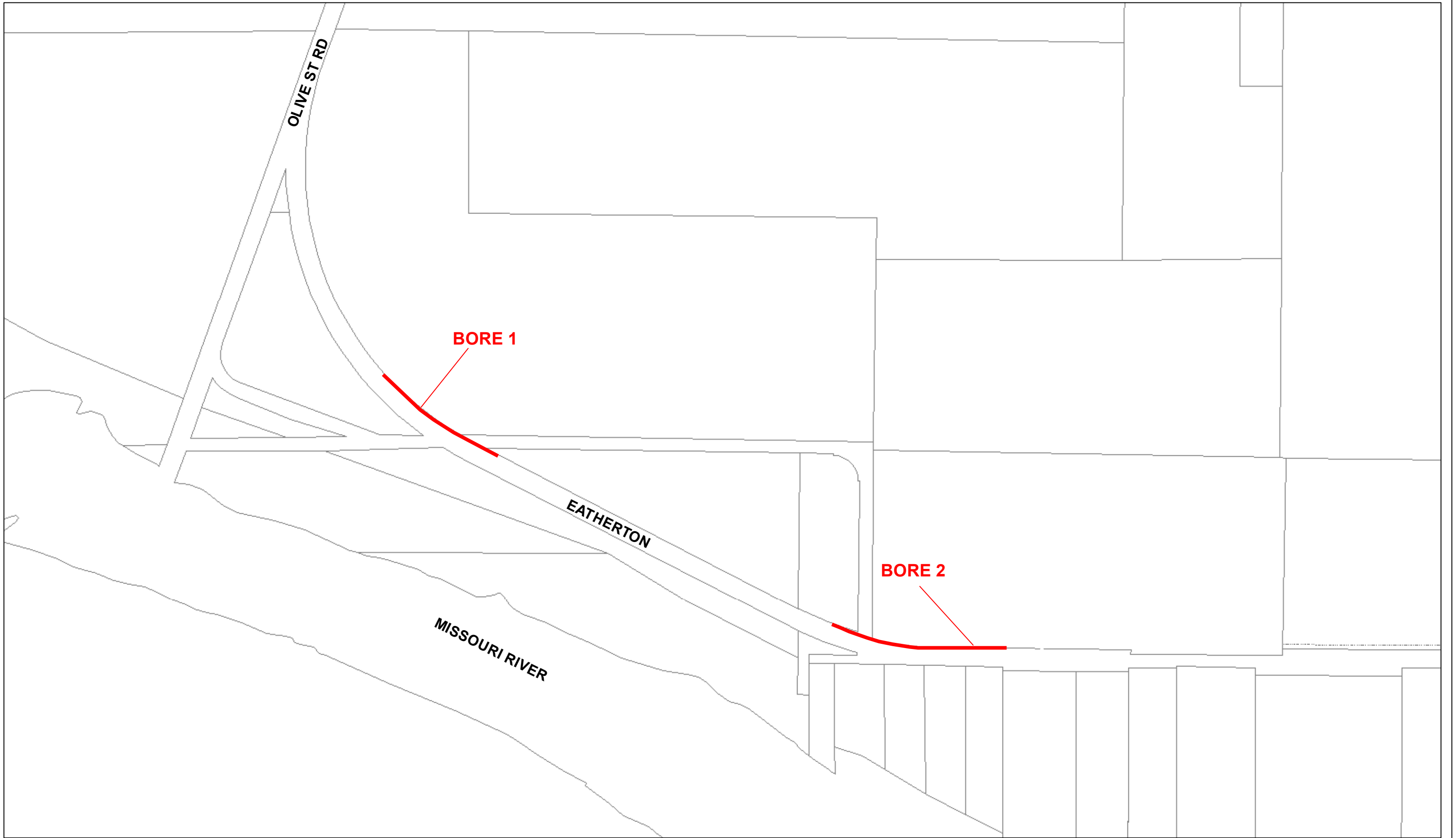
#### **ORIGINAL SIGNED**

John L. Osterhage  
Chief, Readiness Branch

Attachment

#### **NOTICE TO POSTMASTERS:**

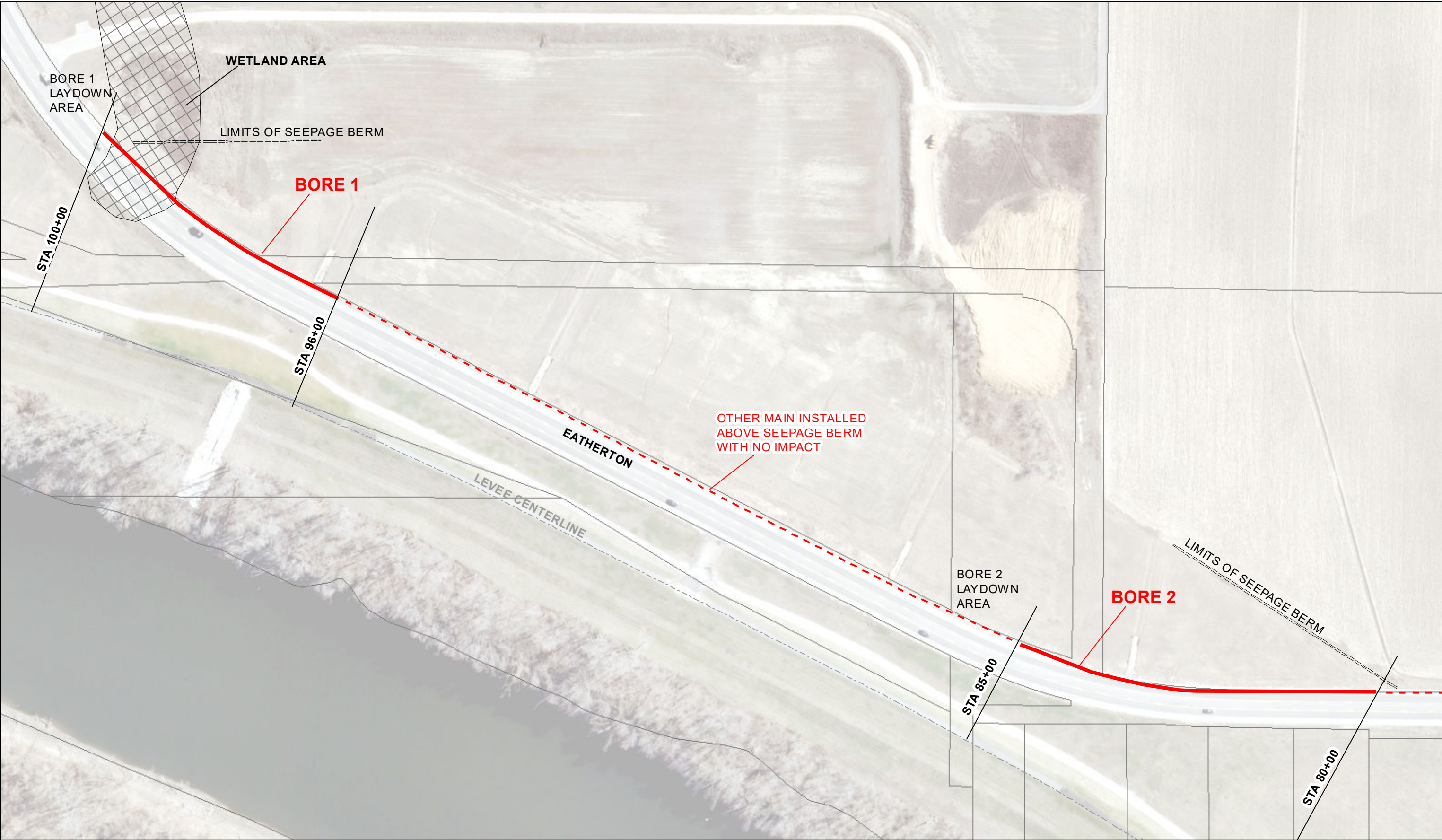
It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.



Monarch Seepage Berm Crossing  
Exhibit A

0 200 400 800 Feet





Monarch Seepage Berm Crossing  
Exhibit B

