



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 23-046
Public Notice Date
January 4, 2024

Expiration Date
February 3, 2024

Postmaster, Please Post Conspicuously Until:

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: Design Nine, Inc. Attention: Mr. Kurt M. Schulte, P.E.

LOCATION: The site is located along the St Louis Flood Protection Project System. The work is located at the approximate coordinates 38°41'2.50"N 90°11'52.35"W in St. Louis, MO. (St. Louis City, Missouri).

PROPOSED ACTION: The applicant is requesting to make alterations to the St Louis Flood Protection Project System Levee embankment. The proposed alterations include the installation of a track at the ADM facility located at 105 East Prairie Ave. Specifically, this Section 408 application details the track being installed directly adjacent to the St Louis Flood Protection Project System Levee that will require the placement of ballast material on the levee 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.

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 3 January 2023 (Project Code: 2024-0031931) for the proposed action area. The IPaC included the following species: Indiana bat, northern long-eared bat, tricolored bat, pallid sturgeon, and monarch butterfly. The St. Louis District has made a “may affect, not likely to adversely affect” (NLAA) determination for the Indiana bat, northern long-eared bat, tricolored bat, and pallid sturgeon. The St. Louis District has made a “not likely to jeopardize the continued existence” determination for the monarch butterfly. USFWS will be invited to comment on these effects determinations during this Public Notice period.

An automated Heritage Report was obtained from MDC on 6 December 2023. The report identified resources that may be in the vicinity of the project location including the bald eagle, gray bat, pallid sturgeon, and karst features. The project would not require tree clearing, so any potential impact to gray bat would be temporary and minor. Karst features like caves, springs, and sinkholes would not be impacted by the proposed actions. MDC will be invited to comment on the proposed action during this Public Notice period.

The Migratory Bird Treaty Act (MBTA) of 1918 provides protection for bird species native to North America. The project area is in the Mississippi Flyway, a bird migration route which follows the Mississippi River, the Missouri River, and the Lower Ohio River in the United States. A variety of migratory birds might occur in the project areas, some as migrants and some as breeders, depending on the time of year. Year-round residents would also be present. The proposed action would cause temporary minor adverse impacts via construction disturbance.

Although the bald eagle (*Haliaeetus leucocephalus*) was removed from the federal list of threatened and endangered species in 2007, it continues to be protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (BGEPA). The BGEPA prohibits unregulated take of bald eagles, including disturbance. The U.S. Fish and Wildlife Service developed the National Bald Eagle Management Guidelines to provide landowners, land managers, and others with information and recommendations regarding how to minimize potential project impacts to bald eagles, particularly where such impacts may constitute disturbance. The nearest known active bald eagle nest is along the left descending bank of the Mississippi River just across from the railyard. This nest is further than 660 feet from any work area so a disturbance permit is not required. If a bald eagle nest is found in the project area, or in the vicinity of the project area, then the USFWS should be contacted and the National Bald Eagle Guidelines shall be implemented.

St. Louis District Archaeologists conducted a Historic Property Preliminary Review on 30 November 2023. This review determined that there are no known archeological sites within the project area and that the northern portion of the project area was previously surveyed. The area has been previously disturbed for construction of the existing levee embankment and railway. For these reasons, the USACE – St. Louis has made a “No Historic Properties Affected” determination.

All actions taken were 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 Illinois 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 **February 3, 2024**. 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:

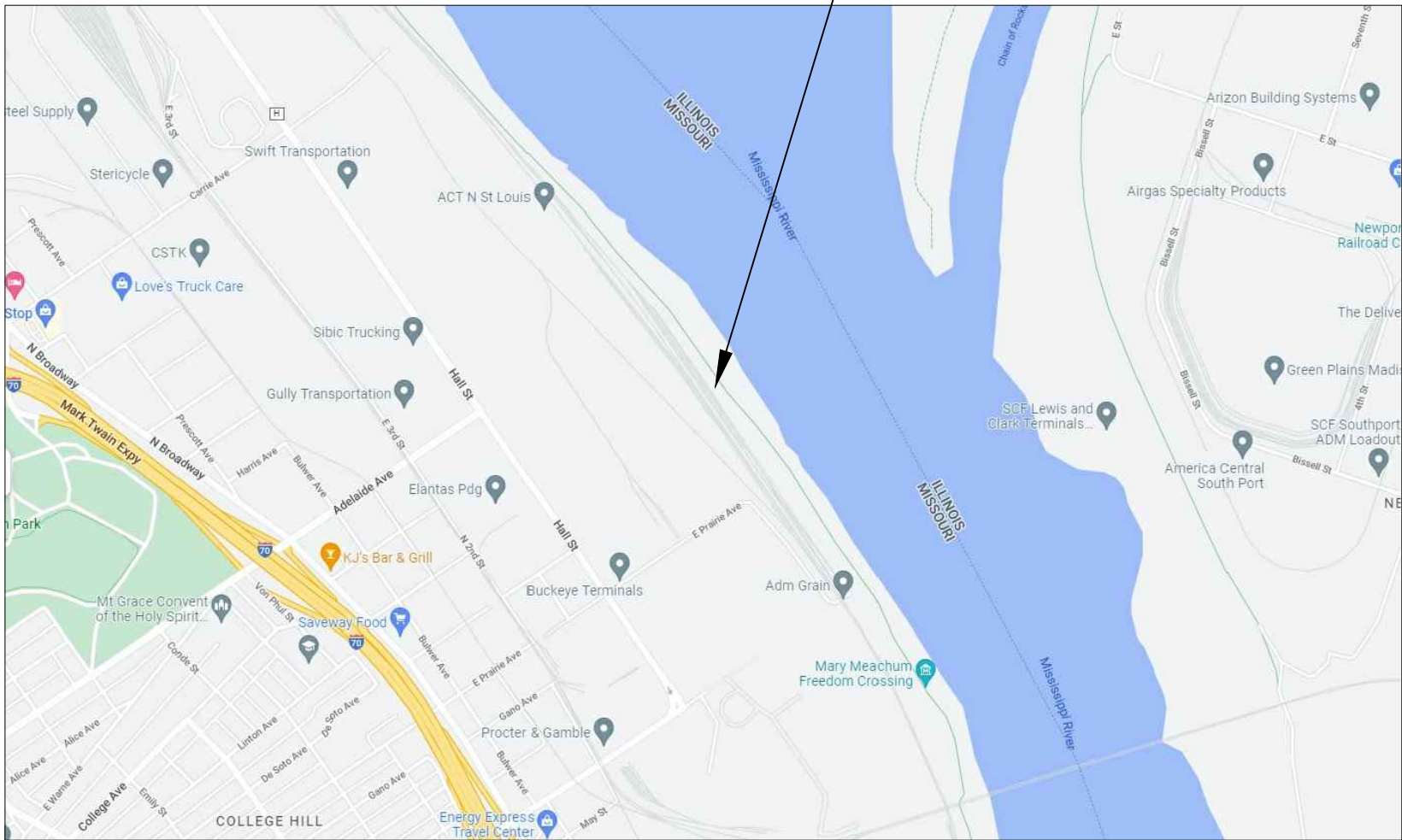
It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.

PROPOSED TRACKAGE FOR ADM GRAIN

105 EAST PRAIRIE AVENUE

ST LOUIS, MISSOURI

PROJECT LOCATION



SHEET INDEX


1. COVER SHEET
2. PRO TRACK A PLAN / PROFILE STA 0+00 - STA 7+35
3. PRO TRACK A PLAN / PROFILE STA 7+35 - STA 18+58
4. T/RAIL PROFILES
5. T/RAIL PROFILES
6. GENERAL NOTES & T/RAIL PROFILES
7. CROSS SECTIONS STA 0+00 - STA 4+00
8. CROSS SECTIONS STA 4+50 - STA 7+75
9. CROSS SECTIONS STA 8+00 - STA 12+00
10. CROSS SECTIONS STA 12+50 - STA 16+00
11. CROSS SECTIONS STA 16+50 - STA 18+51.9
12. EARTHWORK QUANTITIES

30% DESIGN
REV #3 (12-18-23)

ISSUED FOR
USACE REVIEW

BNSF CALL BEFORE YOU DIG
NUMBER 1-800-533-2891
MISSOURI ONE CALL (1-800-344-7483)



 11166 TESSON FERRY ROAD SUITE 100 ST. LOUIS MO, 63123-6966 (314) 729-7600 ENGINEERING SERVICES FOR RAILROADS AND INDUSTRY	Drawn By: KMS	Scale: NONE	COVER SHEET	3	12-18-23	REVISED DRAWING PER USACE COMMENTS FROM 12-12-23 EMAIL	KMS	PROPOSED TRACKAGE FOR ADM GRAIN 105 EAST PRAIRIE AVE ST. LOUIS, MISSOURI	MP 6.78, LINE SEGMENT 14, HANNIBAL SUBDIVISION TRACKAGE TO SERVE ARCHER DANIELS MIDLAND
	Checked By: RSS	Sheet 1 of 13		2	11-21-23	ADDED GRAPHICAL OPERATING PLAN	KMS		
	Drawing: 22050-1	Date: 10-12-23		1	10-23-23	REVISED DRAWING PER BNSF COMMENTS FROM 10-23-23 EMAIL	KMS		
				NO.	DATE	REVISION (THIS DRAWING IS INTENDED TO BE PLOTTED ON 11 x 17 INCH PAPER)	BY		

