



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 25-006
Public Notice Date
March 27, 2025
Expiration Date
April 26, 2025

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: Chad Olney, P.E.
or chad.a.olney@usace.army.mil

REQUESTER: Enterprise Products Operating LLC (Enterprise)

LOCATION: The site is located adjacent to the North Alexander Drainage and Levee District, part of the Big Five Levee System. The proposed work is on the riverside of the levee and near the approximate coordinates 38°19'49.19"N, 89°52'26.77"W in Alexander County, IL.

PROPOSED ACTION: The applicant is requesting to perform repair activities. The proposed Project will include excavating to expose the pipeline, performing additional inspections and repairs, backfilling the excavation, and restoring all areas disturbed by the project. The anomaly is located immediately adjacent to the toe of the levee. The levee road will be used by equipment and personnel to access the site. A small excavator will be offloaded on the levee road adjacent to the project area and traverse down the levee to access the site. The excavation area will be approximately 20 feet wide, 30 feet long, and 6 feet deep. Once the pipeline is exposed it will be inspected and the appropriate repairs will be made. Upon completion of the repairs, the area will be backfilled with the

excavated soil, reseeded, and erosion controls will be installed. All disturbances in the area resulting from the Project will be temporary in nature and will be restored to the pre-Project condition upon completion of the work. All work is expected to be completed within 1-3 days.

LOCATION MAPS AND DRAWINGS: See Attachment

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Chad Olney, 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 chad.a.olney@usace.army.mil.

REGULATORY AUTHORITY: Section 404 of the Clean Water Act assigns responsibility to the Secretary of the Army to administer a permit program to regulate the placement of dredged or fill material into waters of the United States. The placement of any dredged or fill material into waters of the United States below ordinary high water elevation, or in wetlands adjacent to these waters, must be authorized by a Section 404 permit.

Based upon review of the project activity description, as well as the location of the work, the St. Louis District 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. Any impacts to waters of the U.S. are to be avoided otherwise subsequent authorization will be required from the Regulatory Branch.

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, an updated list of species and critical habitat were acquired from the USFWS Information for Planning and Conservation (IPaC) website on 14 March 2025 (Project Code: 2025-0069148) for the Proposed Action Area. The IPaC list included three bat species: Indiana bat, northern long-eared bat, and tricolored bat; one reptile: the alligator snapping turtle; and one insect: the monarch butterfly. A “*may affect, not likely to adversely affect*” (NLAA) determination was made for the bat species and a “*not likely to jeopardize the continued existence*” determination for the alligator snapping turtle and monarch butterfly.

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 construction disturbance could cause temporary minor adverse impacts.

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 USFWS 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 USFWS is not aware of a bald eagle nest in the vicinity of the proposed project area. However, if a nest is located then USFWS will be contacted and the guidelines implemented.

The project was reviewed on 11 March 2025. The project is limited in scope, in a disturbed area, that was previously surveyed. No artifacts or evidence of an archaeological site were found. For these reasons, the St. Louis District Archaeologist found “No Potential to Affect Historic Properties” for the project.

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.

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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 **April 26th, 2025**. 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.

Chad Olney
USACE-MVS Section 408 Coordinator

Attachment: Site Map


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.

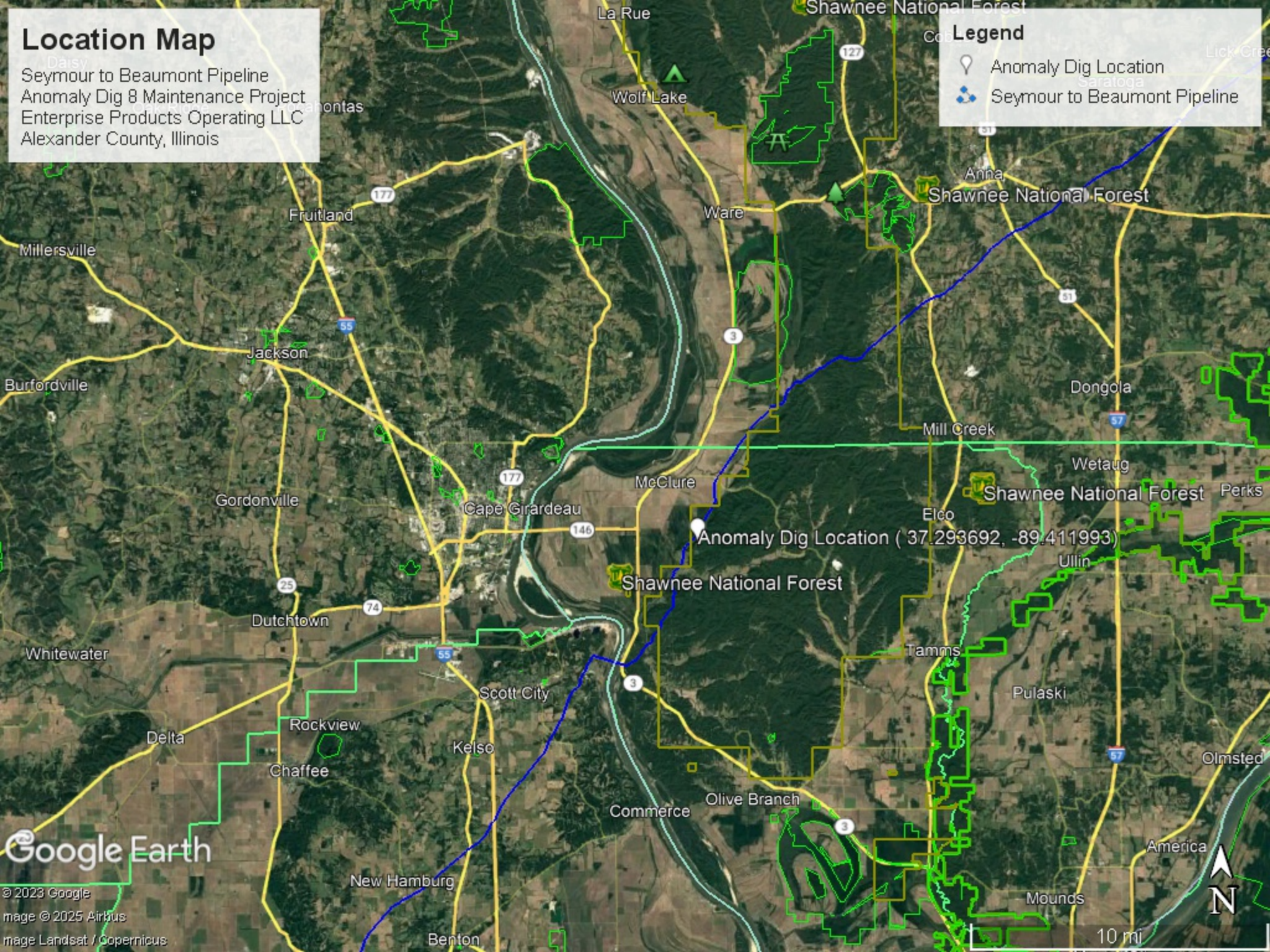
Location Map

Seymour to Beaumont Pipeline
Anomaly Dig 8 Maintenance Project
Enterprise Products Operating LLC
Alexander County, Illinois

Legend

 Anomaly Dig Location







 Seymour to Beaumont Pipeline



Workspace Map

Seymour to Beaumont Pipeline
Anomaly Dig 8 Maintenance Project
Enterprise Products Operating LLC
Alexander County, Illinois

Legend

-  Access Road
-  Anomaly Dig Location
-  Excavation Area
-  Seymour to Beaumont Pipeline
-  Soil Stockpile
-  Temporary Workspace

Pipeline Anomaly