

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 25-007
Public Notice Date
May 20, 2025
Expiration Date
June 20, 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: America's Central Port

LOCATION: America's Central Port in Granite City, Il. The project crosses the Chain of Rock's levee near 38°42'36.41"N, 90°10'19.26"W

PROPOSED ACTION: The project will involve upgrades and replacements of existing equipment, buildings, and facilities located at the America's Central Port in Granite City, Illinois. Two replacement activities will require the addition of a marine bent and loading tower that will require in-water work. Improvements include:

- Update Rail Served Buildings and Facilities at two locations of Norfolk Southern (NS) track to accommodate fall protection for worker safety and service expansion to meet customer demands for inspection of longer railcars.

- Replace Product Receiving System with Belt System to meet efficiency standards for grain by-product volumes and Class I railroad turn times. Replacement will include the addition of a landside bent, marine bent, and loading tower. The installation of the marine bent and loading tower will involve in water work. The proposed cell will be 40' in diameter. The proposed bents will consist of a 20' wide concrete bent cap and 36" pipe piles. The land and marine bents will be located 240 and 281 feet from the levee, respectively.
- Replace Barge Loading System not currently capable of handling full customer production for export, doubling the capacity for agricultural products.

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: The St. Louis District Regulatory Division 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 Division 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 Division. 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 27 December 2021. A separate IPaC report was generated for the work on the Missouri side of the river (Consultation Code: 03E14000-2022-SLI-0570, Event Code: 03E14000-2022-E-01796) and for the Illinois side of the river (Consultation Code: 03E18100-2022-SLI-0173, Event Code: 03E18100-2022-E-00418). Section 7 consultation was coordinated with the Marion, IL field office as is typical for projects along the Mississippi. The IPaC lists included, cumulatively, the following species: Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), eastern massasauga (*Sistrurus catenatus*), pallid sturgeon (*Scaphirhynchus albus*), spectaclecase mussel (*Cumberlandia monodonta*), monarch butterfly (*Danaus plexippus*), Illinois cave amphipod (*Gammarus acherondytes*), decurrent false aster (*Boltonia decurrens*), and eastern prairie fringed orchid (*Platanthera leucophaea*). A “no effect” determination was made for each species. The USFWS responded on 6 January 2022 with no objection to the proposed plans and, given the no effect determination, determined that further action was precluded.

An automated EcoCAT report was obtained from Illinois Department of Natural Resources (IDNR) on 15 May 2025 (IDNR Project Number 2513162). The report included two fish species: the lake sturgeon (*Acipenser fulvescens*) and pallid sturgeon (*Scaphirhynchus albus*). As all in-stream work would take place on existing structures, impacts to these species are unlikely. IDNR will be invited to comment on the project during the Public Notice period and any comments will be considered prior to the permit being issued.

On 15 May 2025, a Heritage Report was obtained from the Missouri Department of Conservation for the portion of the project taking place in Missouri. This report included a discussion of how to minimize impacts to gray bat (*Myotis grisescens*), bald eagle (*Haliaeetus leucocephalus*), pallid sturgeon. It also included suggestions how to avoid impacts to karst features and wetlands and streams. MDC was invited to comment on the proposed project on 15 May 2025.

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 U.S. Fish and Wildlife Service (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 USACE is not aware of a bald eagle nest in the vicinity of the proposed project areas. However, if a nest is located, the USFWS will be contacted, and guidelines will be implemented.

St. Louis District Archaeologists conducted a Historic Property Preliminary Review on 11 March 2025. The project is adjacent to a previously surveyed area where nothing was found and the area has been previously disturbed. The applicant sent the project to SHPO who responded with a "No Historic Properties Affected" finding. For these reasons, the USACE – St. Louis has made a "No Potential to Affect Historic Properties" 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 **June 20, 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.

Attachment

Chad Olney
USACE-MVS Section 408 Coordinator

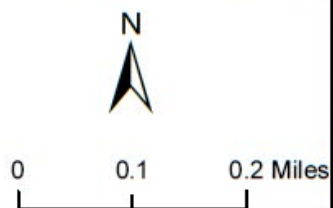
NOTICE TO POSTMASTERS:

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



- Proposed Foundation
- Project Locations
- Emergent Wetland
- Forested/Shrub Wetland
- Pond
- Lake
- Riverine

**Figure 3:
NWI/NHD Map**



TRANSYSTEMS

January 2025

**St. Louis Bi-State Ports Improvements
Project - American Central Port**

Granite City, IL

Aerial Source: NAIP Aerial Imagery
Madison County, Illinois (2023)