



**US Army Corps
of Engineers**®

St. Louis District

PUBLIC NOTICE

FILE NUMBER: 2013-112

PUBLIC NOTICE DATE: April 25, 2023

EXPIRATION DATE: May 15, 2023

Interested parties are hereby notified of a permit reauthorization request to continue periodic excavation of accumulated river deposition material from within the Mississippi River, in and adjacent to an existing river terminal, as described below and shown on the attachments.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must be received or be post marked 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 or submitted electronically to charles.f.frerker@usace.army.mil:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Charles Frerker

APPLICANT: Massman Construction Company, c/o: Mr. Mark Schnoebelen, 12412 Rott Road, St. Louis, Missouri 63127.

LOCATION: The activity site is located near Massman's existing river terminal, situated at 11618 Riverview Drive, near the right descending bank of the Mississippi River, at approximate river mile 191.3, in St. Louis, St. Louis County, Missouri. (See Attached Location Map).

AUTHORITY: Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403)

SECTION 408: The need for a Section 408 authorization, for work to alter a Corps civil works project, has not yet been determined by the appropriate non-Regulatory office. An alteration is defined as any action that builds upon, alters, improves, moves, occupies, or otherwise affects the usefulness, or the structural or ecological integrity of a Corps federally authorized project.

PROJECT DESCRIPTION: The applicant seeks permit reauthorization to continue periodic maintenance excavating of accumulated river deposition material using a crane mounted on a barge. The maintenance excavation activities would continue to be conducted on an as needed basis from the same previously authorized two acre project footprint in and adjacent to the applicant's existing river terminal. The activity was previously authorized on June 10, 2013, by Department of the Army permit P-2843. A total of up to 30,000 cubic yards of river deposition material would be excavated over a 10 year authorization period to allow the applicant to maintain 9-foot river depths, based on river stage readings of 5.0 at the St. Louis river gage, to ensure uninterrupted facility operations and vessel access. Excavated material would continue to be placed within a bermed disposal area at the applicant's existing landside construction equipment staging area.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the same attachments may be viewed by visiting the Public Notice section of our website at:

<http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

THREATENED AND ENDANGERED SPECIES: A review of the U.S. Fish and Wildlife Service's Information for Planning and Consultation website (IPAC) was conducted on April 22, 2023 (IPAC Project Code: 2023-0072751) and the following endangered, threatened and candidate species were identified to potentially be present in the project vicinity: gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), tricolored bat (*Perimyotis subflavus*), pallid sturgeon (*Scaphirhynchus albus*), decurrent false aster (*Boltonia decurrens*) and the monarch butterfly (*Danaus plexippus*). In compliance with the Endangered Species Act, a preliminary determination has been made that reauthorizing periodic excavation to continue in the highly disturbed and busy setting of the applicant's industrialized river terminal area and continuing to periodically dispose the excavated material in bermed portions of the applicant's existing cleared and industrialized staging yard should continue to have no affect on the above listed species. The IPAC review also determined there are no critical habitats within the project area. The previous permit was authorized with permit special condition, "In order to comply with the U.S. Fish and Wildlife Service, excavation shall not occur from April 15th to June 30th in order to avoid impacts during the primary time frame for fish spawning. In case of emergency excavation needs, you may contact this office to initiate coordination with the U.S. Fish and Wildlife Service." The same permit special condition would be required if the proposed reauthorization is granted.

CULTURAL RESOURCES & TRIBAL TRUST: The St. Louis District 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 Corps will review information on known cultural resources and/or historic properties within and adjacent to the previously authorized excavation and disposal areas. The Corps will also consider the potential effects of the project reauthorization on any properties that have yet to be identified to assure compliance with Section 106 of the National Historic Preservation Act. No cultural resource surveys appear to be necessary based on previous SHPO and Tribal coordination. The activity should result in no impacts to known cultural resources and/or historic properties based on the applicant's request to conduct the same previously authorized excavation and disposal activities in the same previously approved locations.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; 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; consideration of property ownership; and in general the needs and welfare of the people.

PUBLIC HEARING REQUESTS: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reason for the hearing, and must be based on issues that would warrant additional public review. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

SOLICITATION OF 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 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 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 and include your name, email address, and phone number with your statement of request to be added to the Public Notice mailing list.

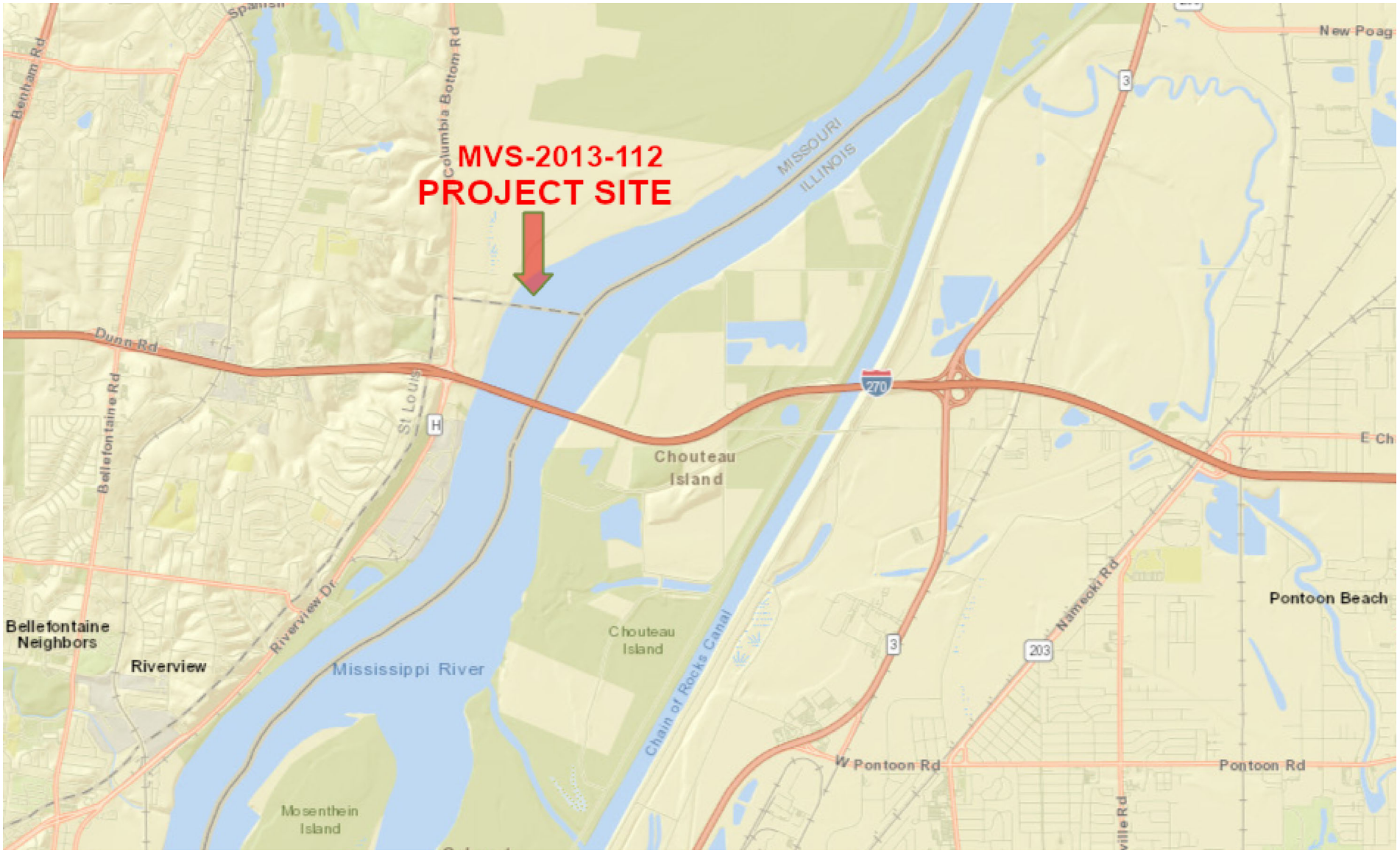
Robert S. Gramke

Robert S. Gramke
Chief, Regulatory Branch

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.





Find address or place



Disposal Area

Excavation Area

MVS-2013-112 Reauthorization Request

600ft

-90.166 38.777 Degrees

