Public Notice

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

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

Public Notice No.
MVS-2023-611
Public Notice Date
March 7, 2024
Expiration Date
March 21, 2024

Postmaster Please Post Conspicuously Until:

JOINT PUBLIC NOTICE

Interested parties are hereby notified that an application has been received for Department of the Army Section 408 permission (OD-R 2024-007) for certain work near federally constructed flood protection and navigation projects of the United States and for a Department of the Army Section 10 Rivers and Harbors Act permit modification to install additional structures for the expansion of an existing barge loading facility in navigable waters of the United States, as described below, and shown on the attachments.

APPLICANT: Bunge-SCF Grain, LLC, c/o Mr. Mike Tate, 1391 Timberlake Manor Parkway, Chesterfield, Missouri 63017.

LOCATION: The existing barge loading dock and conveyor system proposed for structural modification and expansion of operations is located near the left descending bank of the Mississippi River at approximate river mile 181.1. The address of the existing landside grain facility and the proposed second conveyor structure extending over the MESD levee is located at Bunge-SCF Grain LLC, 651 North Front Street, Fairmont City, IL 62201 (See attached location map).

PROPOSED ACTION: Bunge-SCF Grain, LLC, proposes to add a third barge loading lane on the riverward side of their existing permitted barge loading dock. The third loading lane would allow a maximum of three additional hopper barges to be periodically arranged in a 3-long by 1-wide configuration during loading operations. A second proposed conveyor system and an associated second barge loadout tower is proposed to be installed parallel to the applicant's existing barge loading conveyor and loadout tower, previously authorized by Department of the Army permit MVS-2010-690 (P-2780). Support structures for the proposed second conveyor system would be installed adjacent to the existing permitted barge loading conveyor. Two additional work deck barges would be installed between the existing permitted second barge loading lane and the proposed third barge loading lane. Twelve pipe pile structures, each measuring 96 inches in diameter, would be installed for mooring support of the third barge loading lane. The proposed barge loading dock modification would expand facility operations 64 feet riverward from the existing permitted barge loading dock. The same or similar construction methods and materials used for the previously approved structures would be used for the proposed activities.

LOCATION MAPS AND DRAWINGS: See attachments. In addition, the project plans may be viewed in more detail by visiting the Public Notice section of our website at: http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx

AUTHORITIES: The requested activities will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

COMMENTS AND ADDITIONAL INFORMATION: Please submit comments and additional information requests related to activities requiring Section 408 permission to Jeffery Wells, P.E., St. Louis District 408 Coordinator, U.S. Army Corps of Engineers, at jeffrey.m.wells@usace.army.mil. Comments and additional information requests related to Section 10 permit modifications may be submitted to Charles Frerker, Regulatory PM, U.S. Army Corps of Engineers, at Charles.F.Frerker@usace.army.mil.

EVALUATION: The decision whether to grant the requested permission for project modification under Section 408 (OD-R 2024-007) 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 particular 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 and a Section 10 request is a federal action, and 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 and Section 10 review is limited to the area of alteration, modifications and those adjacent areas that are directly or indirectly affected by the proposals.

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.

CULTURAL RESOURCES: The proposed second overhead conveyor and supports would be constructed adjacent to the existing authorized overhead conveyor system, within the previously cleared and constructed landside and river corridor to the existing barge loading dock and modification area. The St. Louis District Archaeologist evaluated the proposed activities and made the determination, "No Historic Properties or Structures Affected", based on the disturbed site conditions, limited proposed ground disturbance activities and a review of Archaeological Surveys 19531 and 19113 in the project area. The St. Louis District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. However, we 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, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

ENDANGERED SPECIES: The activity area is within range of the endangered Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*), pallid sturgeon (*Scaphirhynchus albus*), the proposed endangered tricolored bat (*Perimyotis subflavus*), the threatened decurrent false aster (*Boltonia decurrens*), and the candidate monarch butterfly (*Danaus plexippus*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that the proposed barge loading dock modifications and the addition of another overhead conveyor adjacent and within the existing cleared, mowed and maintained conveyor corridor will have no effect on the above-mentioned bat species, the monarch butterfly or decurrent false aster. The proposed barge loading modification structures and activities will extend operations 64 feet riverward into slightly deeper water. The proposed modifications at the existing barge loading dock would not result in noticeable changes to operational noise, light or vessel movement levels, which should cause no effect on pallid sturgeon. There are no designated critical habitats in the project area for any of the above-mentioned species. The St. Louis District will comply with Section 7 of the Endangered Species Act. To further complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: The periodic relocation of accumulated river deposits from areas beneath the water surface of the Mississippi River to an adjacent submerged river disposal site would not introduce new or additional fill material in the floodplain of the Mississippi River. The activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That

decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, 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 and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The 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 this proposed activity. Any comments received will be considered by the 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 the other public interest factors listed above. Comments are used in 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.

ENVIRONMENTAL JUSTICE: In accordance with E.O. 12898, E.O. 14008, and E.O. 14096, the Corps of Engineers will specifically consider the effects of the proposed action on communities with environmental justice concerns, including economically disadvantaged communities, communities of color, and other socioeconomic groups that could be disproportionately affected by environmental and other effects. Following our initial screening of the project, our preliminary determination is that the project will have no effect upon communities having environmental justice concerns. As part of our environmental justice review, the Corps of Engineers seeks additional information from the public, community leaders, local officials and others regarding issues of environmental justice as related to the proposed action.

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 to consider and evaluate the impacts of the proposed activities. 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, and phone number with your statement of request to be added to the Public Notice mailing list.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

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 15 days from the date of this issuance of this notice.