

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.
P-3112, P-3113, P-3114

Public Notice Date:
August 11, 2021

Expiration Date:
August 29, 2021

Postmaster Please Post Conspicuously Until:

File Numbers: 2018-704 (P-3112), 2018-705 (P-3113) and 2018-706 (P-3114)

Interested parties are hereby notified that a new permit application has been received for Department of the Army permits to conduct barge fleeting and river terminal activities in navigable waters of the United States, as described below and shown in the attachments.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers (USACE) file numbers 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 can be e-mailed to charles.f.freker@usace.army.mil or mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch (OD-F)
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Charles Freker

APPLICANT: Cave City Sand, c/o Mr. Josh Lehde, 211 N Broadway Suite 2850, St Louis, Missouri 63102.

LOCATION: The proposed Mississippi River activities are in Sections 14, Township 39 North, Range 7 East, at approximate latitude 38.09125, longitude -90.219677, in Ste. Genevieve County, Missouri. More specifically, the proposed river activities are near the right descending bank of the Mississippi River, between approximate river miles 137.3 to 136.8.

PROJECT DESCRIPTION: A public notice for this same area was posted on June 6, 2019 at this link: <https://www.mvs.usace.army.mil/Missions/Regulatory/Public-Notices/Article/1868755/p-3112/>. The previous permit review was discontinued when the applicant submitted a permit withdrawal request on April 29, 2021, associated with regulation changes in the *Navigable Waters Protection Rule* (<https://www.epa.gov/wotus/navigable-waters-protection-rule-factsheets>) and receipt of an approved jurisdictional determination in August 2020. The *Navigable Waters Protection Rule* published April 21, 2020 (33 CFR 328) identifies Ephemeral Features (b)(3) as being excluded from the definitions of “waters of the United States”. Therefore, the applicant’s new proposal no longer requests Section 404 Permit authorization for any water features subject to Corps of Engineers (Corps) jurisdiction West of the rail line along the

Mississippi River bluff. The original impacts proposed to the five ephemeral features no longer require Section 404 permit authorization from the Corps of Engineers. The applicant's new Section 10 permit application only requests authorization for two barge fleeting areas and a river terminal as follows:

The applicant proposes two Mississippi River barge fleeting areas containing 20 barges each. Each fleet would include one captive barge held in a permanent position at the most upstream, landward corner. Each captive barge would maintain its position by affixing three anchor chains to associated anchors. Two chains would be connected at the bow and the third chain would be attached at a midpoint connection on the port (landward) side of the barge. Each of the chains would be connected to marine grade wire and related hardware affixed to engineer designed anchor structures. Each anchor, chain and cable size would be designed to securely hold the weight of a loaded 20 barge fleet under high flow conditions. When each fleet is in its maximum 20 barge configuration, two additional anchors, chains and cable devices would be affixed to a midpoint connector on the port (landward) side of the barges in the third and fifth rows of each fleet for additional mooring integrity, as shown in the attached barge fleet drawings. The most upstream fleet is assigned pending permit number **P-3112** (2018-704). This 20-barge fleet would be configured in a 4 barge wide by 5 barge long arrangement, located near the right descending bank of the Mississippi River at approximate river mile 137.3. The most downstream fleet is assigned pending permit number **P-3113** (2018-705). This 20-barge fleet would be configured in a 4 barge wide by 5 barge long arrangement, located near the right descending bank of the Mississippi River at approximate river mile 137.1. The river terminal and associated conveyor structure is assigned pending permit number **P-3114** (2018-706) and would be located near the right descending bank of the Mississippi River at approximate river mile 136.8. Vessels and infrastructure associated with the proposed barge loading terminal include two permanent deck barges measuring 35 feet wide by 195 feet long and one permanent deck barge measuring 45 feet wide by 195 feet long. The larger deck barge would be positioned in the center of the terminal to support the pivoting portion of the conveyor loading tower. The riverward side of the deck barges would be in approximately the same alignment with the loading terminal mooring cells. Empty barges configured no more than two barges wide would be delivered to the river terminal from the upstream barge fleets and attach to a cable push/pull system to aid in controlled loading procedures.

The river terminal includes 12 proposed mooring dolphins. Each mooring dolphin would include a vertical 54-inch-diameter, steel pipe pile and two 24-inch-diameter battered support pilings arranged as tripod dolphin mooring structures. An approximate 35-foot-diameter sheet pile cell located near the center of the river terminal would support the last horizontal portion of the conveyor before it transitions to the pivoting loading tower. The proposed river structures and associated fleeting activities will be evaluated under Section 10 of the Rivers and Harbors Act. Landside activities are no longer under direct evaluation by the Corps of Engineers as the permit applicant has designed features to avoid jurisdictional areas regulated under Section 404 of the Clean Water Act.

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

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Charles Frerker, Project Manager, U.S. Army Corps of Engineers, at charles.f.frerker@usace.army.mil or (314) 331-8583.

AUTHORITY: The pending permits will be evaluated under provisions of Section 10 of the Rivers and Harbors Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposed river activities. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: The proposed project is within range of the federally endangered Indiana bat (*Myotis sodalis*), gray bat (*Myotis grisescens*), pallid sturgeon (*Scaphirhynchus albus*) and the threatened northern long-eared bat (*Myotis septentrionalis*). The permit applicant coordinated directly with the U.S. Fish and Wildlife Service (FWS) prior to submitting the original permit application to the U.S. Army Corps of Engineers Regulatory Branch. The applicant requested and received permission from the FWS to hand cut approximately 70 acres of riparian corridor in potential bat habitat areas outside of the typical tree clearing restricted timeframe. Prior to receiving FWS approval, the applicant hired a qualified consultant who coordinated and completed bat mist net surveys in approved FWS areas. No federally listed bat species were captured during the surveys. However, the applicant offered habitat compensation by providing money towards the Conservation Fund's in-lieu-fee program and placing a conservation easement on 100 acres of existing forest near the northern portion of their property. The applicant also hired a qualified consultant to conduct surveys for potential freshwater mussels and pallid sturgeon in the proposed fleeting, river terminal and riverside conveyor activity areas. The survey results found no mussels, pallid sturgeon or habitat known to be suitable for pallid sturgeon spawning. The applicant also hired divers to perform a survey of approximately 1.6 miles of river frontage in the proposed fleeting, river terminal and conveyor area to determine if pallid sturgeon, mussels or suitable habitat were present. The applicant's coordinated efforts with the FWS concluded negative results for both the presence and habitat of pallid sturgeon and listed mussel species. Based on the findings, we have determined the proposed activities are not likely to adversely affect listed species or their habitats. To finalize our evaluation, written comments were solicited during the original public notice comment period from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

CULTURAL RESOURCES: The St. Louis District will evaluate any additional information provided by the State Historic Preservation Officer, Native American Tribes, and the public in response to this public notice. The Corps will continue to coordinate the proposed actions within the Mississippi River with SHPO and Native American Tribes as appropriate.

EVALUATION: The decision whether to issue permits will be based on an evaluation of the probable impacts including cumulative impacts of the described activities 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. 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; flood plain 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. Several of the public interest factors listed above, including land use, reclamation, air quality, mineral needs, consideration of property ownership/impact and other potential quarry related activities are evaluated and permitted under more direct authority by the Missouri Department of Natural Resources through their mines, mineral and reclamation permit evaluation process.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers solicits any new comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties as a result of the updated project scope in order to consider and evaluate the impacts of the proposed updated activities within the Mississippi River. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny permits for this updated 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.



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.





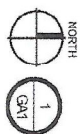
VAA
Planners and Engineers
 2300 Berkshire Lane N, Suite 200
 Plymouth, MN 55441

763.559.9100

www.vaaeng.com
info@vaaeng.com

CLIENT: CAVE CITY SAND LLC 662 COLILINS DR FESTUS, MO	DATE: 08/20/18
	DRAWN: MAF
	DESIGNED: KRF

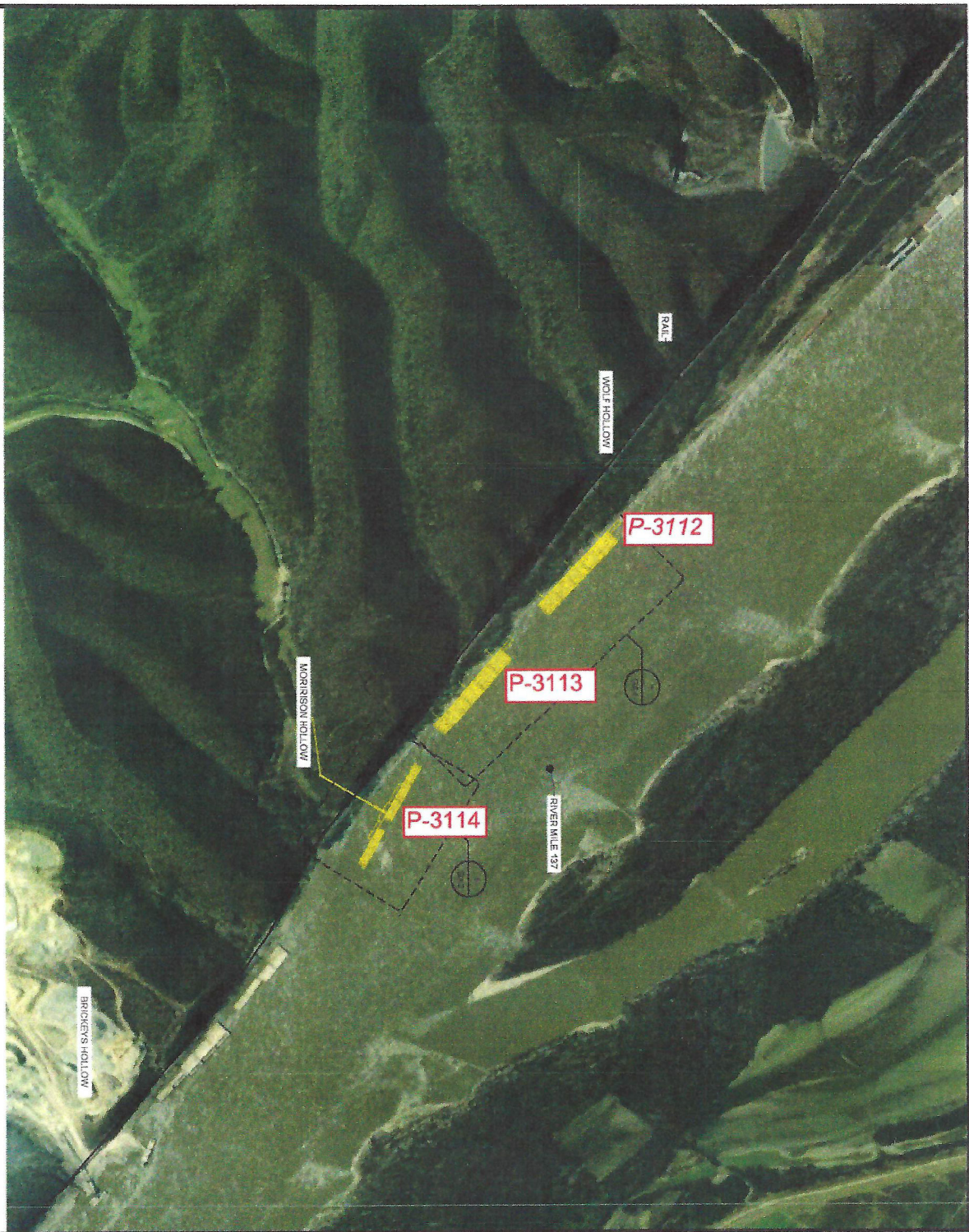
PROJECT: CAVE CITY SAND - MISSOURI BLOOMSDALE, MO
DRAWING NO.: <div>GA1</div>
PROJECT #: 170684



OVERALL SITE PLAN

MTS

PRELIMINARY
 NOT FOR CONSTRUCTION





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2300 Berkshire Lane N, Suite 200
Plymouth, MN 55441

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www.vaaeng.com
info@vaaeng.com

CLIENT:

CAVE CITY SAND LLC
662 COLILINS DR
FESTUS, MO

DATE:

08/20/18

DRAWN:

MAF

DESIGNED:

KRF

PROJECT:

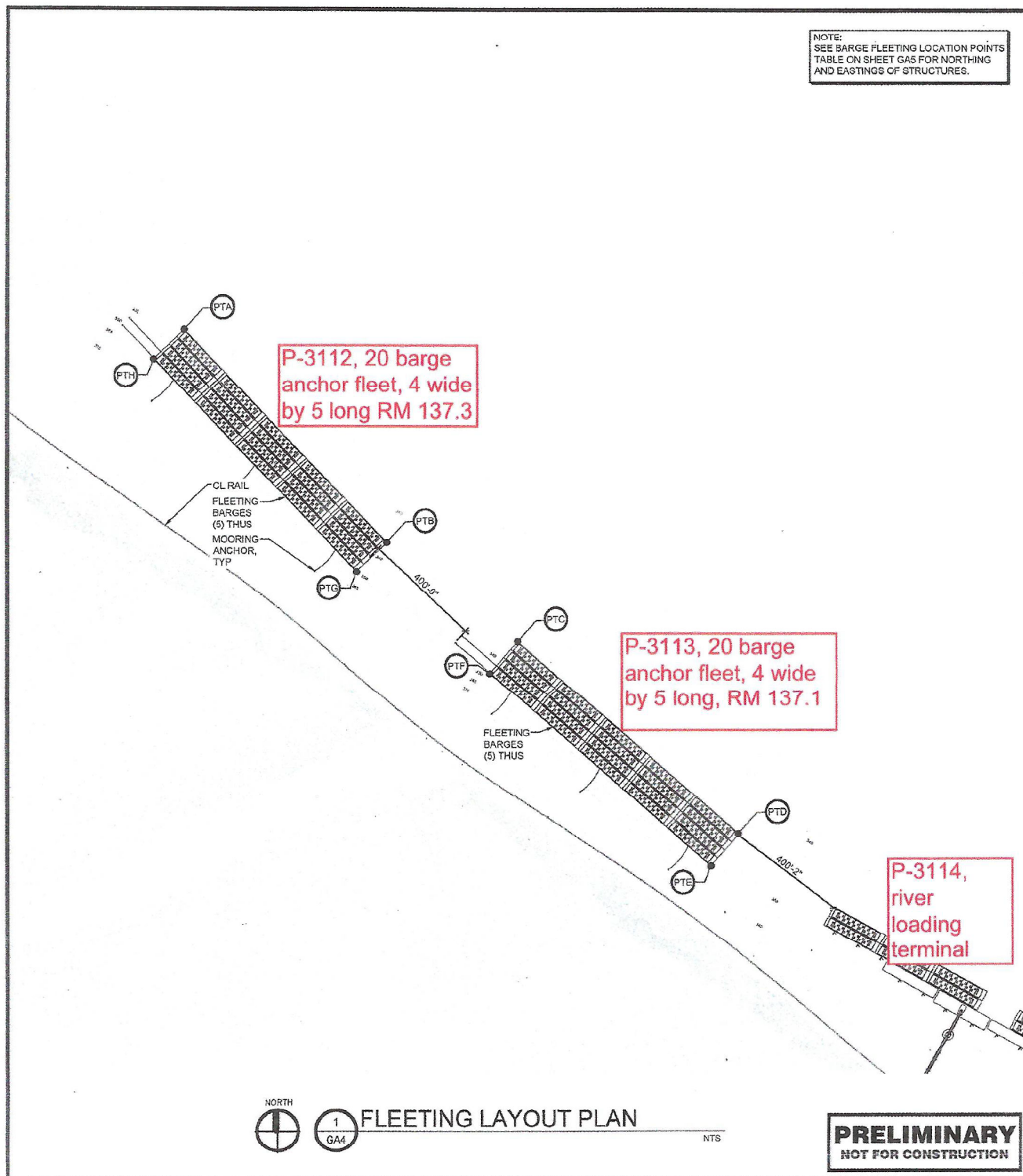
CAVE CITY SAND - MISSOURI
BLOOMSDALE, MO

DRAWING NO.:

GA4

PROJECT #: 170684

NOTE:
SEE BARGE FLEETING LOCATION POINTS
TABLE ON SHEET GA5 FOR NORTHING
AND EASTINGS OF STRUCTURES.



Planners and Engineers 763.559.9100
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CLIENT:
CAVE CITY SAND LLC
662 COLILINS DR
FESTUS, MO

DATE: 08/20/18

DRAWN:
MAF

DESIGNED.
KRF

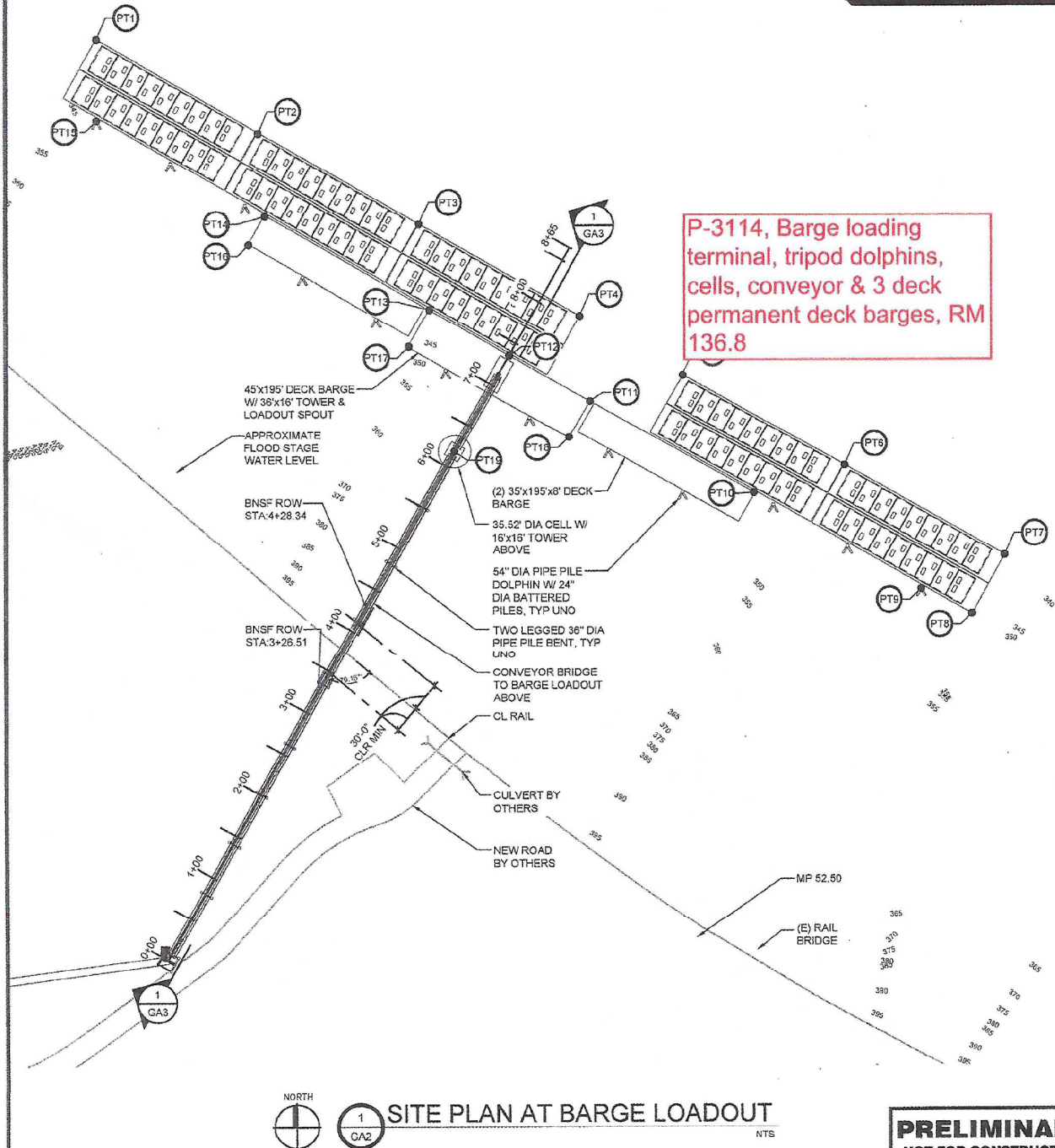
PROJECT:
CAVE CITY SAND - MISSOURI
BLOOMSDALE, MO

DRAWING NO.:

GA2

PROJECT # 170684

NOTE:
SEE BARGE LOADOUT LOCATION POINTS
TABLE ON SHEET GA5 FOR NORTHING
AND EASTINGS OF STRUCTURES.



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