



**US Army Corps  
of Engineers**®  
St. Louis District

# PUBLIC NOTICE

**FILE NUMBER: MVS-2023-394**  
**PUBLIC NOTICE DATE: May 17, 2024**  
**EXPIRATION DATE: June 15, 2024**

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## **Proposed Issuance of Regional General Permit 36 Maintenance and Emergency Dredging**

In accordance with Federal regulations published in the November 13, 1986 Federal Register, under 33 CFR Parts 325.1 to 325.10, the St. Louis District proposes to issue Regional General Permit (RGP) 36, which would authorize maintenance dredging for certain navigation-related dredging projects and emergency dredging operations performed during low-water and/or after high-water events within the St. Louis District for the Mississippi River in the States of Illinois and Missouri, and for the Illinois and Kaskaskia Rivers within the State of Illinois. The RGP could be used by the General Public or Government Agencies and would be issued for a period of 5-years.

**JOINT PUBLIC NOTICE:** This public notice is issued jointly with the Missouri Department of Natural Resources, Water Protection Program. The Department of Natural Resources will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

**AUTHORITY:** Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344)

**LOCATION:** This RGP would authorize work to be performed within the Mississippi River, Illinois River, and the Kaskaskia River within the U.S. Army Corps of Engineers, St. Louis District's Area of Review (AOR) (Mississippi River miles 0 to 301.2, Illinois River miles 0 to 80, Kaskaskia River miles 0.85 to 35.5).

### **ELIGIBLE ACTIVITIES:**

(Also outlined in attached draft permit)

- A. Maintenance Dredging – Upland Disposal:** The removal of accumulated sediment for maintenance of existing docks, loading facilities, and harbors as well as barge fleeting and mooring areas to previously authorized depths or controlling depths for ingress/egress, whichever is less. All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Maintenance dredging with upland disposal is preferred over open river disposal.
  
- B. Maintenance Dredging - Open River Disposal:** The removal of accumulated sediment for maintenance of existing docks, loading facilities, and existing harbors as well as barge fleeting and mooring areas to previously authorized depths or controlling depths for ingress/egress, whichever is less and the disposing of the material in the navigable waters of the US. The removal and deposition of dredged material shall not exceed 75,000 cubic yards per RGP verification. Additional conditions on disposal location and timing of activities are outlined in the conditions below.

### **C. Emergency Dredging Operations during Low-Water Events or after High-Water Events:**

Work performed to respond to low-water conditions, or similar situations which would result in an imminent safety hazard and/or elimination of navigation required for continued use of operating facilities. Dredging activities performed should be the minimum amount necessary to facilitate safe navigation. Estimated low-water and high-water events based on river gage data are outlined in the proposed RGP 36 attached.

A copy of the proposed RGP 36, with conditions, is included with this public notice as an attachment, but may also be viewed by visiting our website at:

<https://www.mvs.usace.army.mil/Missions/Regulatory/Public-Notices/>.

**AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:** Generally, compensatory mitigation will not be required for the eligible activities covered by the RGP; however, each project will be reviewed on a case-by-case basis.

**SECTION 401 WATER QUALITY CERTIFICATION:** The RGP is being coordinated with MDNR and IEPA for water quality certification for the proposed activity in accordance with Section 401 of the Clean Water Act. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The Corps is responsible for requesting certification and providing required information to the certifying agency regarding the issuance of the RGP. As of the date of this public notice, the Corps has not yet submitted a certification request to the Illinois Environmental Protection Agency (IEPA) or Missouri Department of Natural Resources (the certifying authorities).

**DURATION OF RGP 36:** This RGP would expire five years from the date of issuance, unless it is modified, revoked, or specifically extended, and the time limit for completing the authorized work ends on this date. Upon its expiration, the RGP would be considered for renewal. The RGP may be modified, suspended, or revoked, in whole or in part, at any time if it is determined that the cumulative effects of the activities would have a significant environmental impact or are otherwise not in the public interest. All individual verifications under this RGP would expire upon expiration of the RGP. This date would be noted on the RGP if it is issued. Therefore, the maximum dredging period for any operations would be limited to 5 years. Prior to its expiration, the RGP would be considered for renewal. If it is determined that reissuance of the RGP is in the public interest, a determination would be made to consider any on-going operations previously authorized by the soon-to-be expired RGP. Applicants with on-going operations would likely be required to either reapply or may be allowed to proceed with their operation by conforming to the conditions of the renewed permit.

**THREATENED AND ENDANGERED SPECIES:** No activity is authorized under the RGP which “may affect” a listed species or critical habitat, unless ESA Section 7 consultation addressing the effects of the proposed activity has been completed, and a RGP verification letter is issued. No activity will be authorized under this RGP which is likely to jeopardize the continued existence of a federally threatened or endangered species directly or indirectly or a species proposed for such designation, as identified under the Endangered Species Act (ESA), 50 CFR 402, or which will directly or indirectly destroy or adversely modify the critical habitat of such species. Direct effects are the immediate effects on listed species and critical habitat caused by the RGP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the RGP activity and are later in time, but still are reasonably certain to occur.

**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. Upon approval of the RGP, the Corps will review information on known cultural resources and/or historic properties within and adjacent to each individual project area proposed to be authorized by the RGP. The Corps will also consider the potential effects of each project on any properties that have yet to be identified to assure compliance with Section 106 of the National Historic Preservation Act. No activity which may affect historic properties listed or potentially eligible for listing on the National Register of Historic Places is authorized until the requirements of Section 106 of the National Historic Preservation Act (Section 106) have been fulfilled. The results of this review and the Corps' determination of effect will be coordinated with the State Historic Preservation Officer and Tribes, as appropriate and independent of this public notice. Any adverse effects on historic properties will be resolved prior to the Corps' authorization of projects under RGP 36.

**SECTION 408:** A permittee is not authorized to begin any regulated activities described in this RGP if activities will alter or temporarily or permanently occupy or use a Corps federally authorized civil works project, unless the appropriate Corps office issues Section 408 permission to alter, occupy, or use the Corps civil works project (pursuant to 33 U.S.C. 408), and the Corps issues a written RGP verification. Examples of federal projects include but are not limited to works that were built by the Corps and are locally maintained (such as local flood control projects) or operated and maintained by the Corps (such as locks and dams).

**EVALUATION FACTORS:** The decision whether to approve RGP 36 will be based on an evaluation of the probable impact of the proposed permit 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 issuance of the proposed RGP must be balanced against its reasonably foreseeable detriments. The impact of the approved activities authorized by RGP 36, 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 dredging activities 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 the use of this RGP within the St. Louis District AOR. 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 Corps 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. Comments on the RGP should reference the 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 [MVS-Regulatory@usace.army.mil](mailto:MVS-Regulatory@usace.army.mil):

U.S. Army Corps of Engineers  
Regulatory Division  
1222 Spruce Street  
St. Louis, Missouri 63103-2833  
ATTN: Tyson Zobrist

**REQUEST FOR ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Tyson Zobrist, Project Manager, U.S. Army Corps of Engineers, at 314-331-8578 or by e-mail to [Tyson.J.Zobrist@usace.army.mil](mailto:Tyson.J.Zobrist@usace.army.mil). -----

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*Robert S. Gramke*

Robert S. Gramke  
Chief, Regulatory Division

Attachments:  
RGP 36

**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, until the expiration date shown on Page 1.