



**US Army Corps
of Engineers** ®
Memphis District

ISSUE DATE: May 20, 2024

EXPIRATION DATE: June 4, 2024

PUBLIC NOTICE

**U.S. Army Corps of Engineers
Memphis District**

U.S.C. Chapter 33, Section 408 Permission Evaluation

TITLE: Section 408 Permission Evaluation of piling installation for an existing barge fleet for ARTCO Fleeting Service, Cairo, Alexander County, Illinois.

INTRODUCTION: The authority to grant permission for temporary or permanent alterations of any U.S. Army Corps of Engineers (USACE) federally authorized civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899 and codified in 33 USC 408. The ARTCO Fleeting Service near Cairo, Alexander County, Illinois, has requested to install a piling on the right descending (western) bank of the Ohio River, at river mile 977, to act as an additional tie-off point for a barge fleet (Figure 1). ARTCO Fleeting Service also requests to replace their existing barge fleet with a new fleet, utilizing the same footprint permitted by USACE, Louisville Regulatory (ID #LRL-1979-00148).



Figure 1. Location of proposed piling installation at Ohio River Mile 977, Alexander County, Illinois.

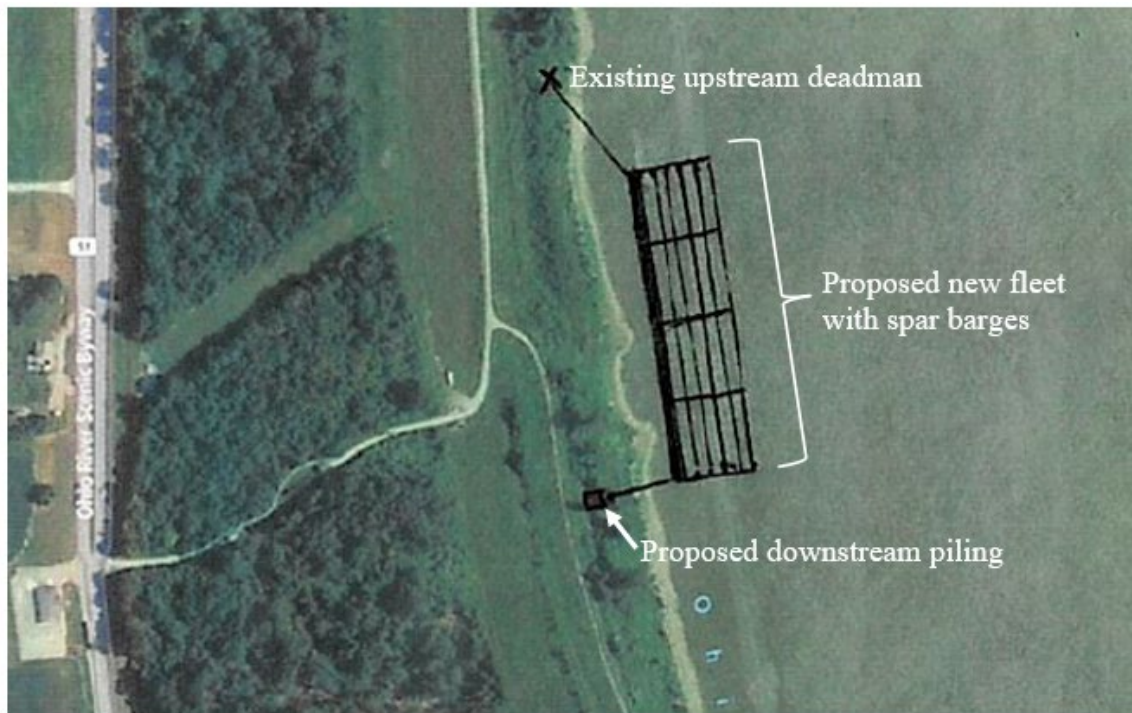


Figure 2. Proposed piling and new fleet location at mile 977 on Ohio River. The existing upstream deadman (mooring point) will be left in place.

PROJECT DESCRIPTION: Section 408 authorizes USACE to grant permission for the alteration or occupation or use of the project if USACE determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Mississippi River Channel Improvement Project, the federally authorized civil works project proposed for alteration, provides for channel improvement to increase flood carrying capacity and reduce flood heights, to stabilize alignment and prevent bank caving that would destroy the main line levees, and to provide an aligned navigation channel. The proposed request involves installing a single piling on the right descending bank of the Ohio River, mile 977, to add as a stern wire or breast wire for an existing barge fleet. This piling will replace a deadman that is in disrepair. There will be no change to the existing upstream deadman that is still functional. The footprint of the proposed piling is 2 x 2 feet. No trees will be removed to install the piling. There will be no change to the permitted fleet size/overall footprint. The proposed request also includes a new fleet of “dead” barges that will be 5 wide and 4 long, with spar barges, replacing the current fleet of 6 wide by 4 long “dead” barges (Figure 2).

ENVIRONMENTAL COMPLIANCE: A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review should be limited to the area of alteration and those adjacent areas that are directly or indirectly affected by the alteration. ARTCO Fleeting Service has requested a Section 408 evaluation on the proposed action from the Memphis District, and the Environmental Compliance Branch conducted preliminary determinations by reviewing the proposed work for the footprint of this project that may affect USACE interests. The following preliminary determinations were made: (1) the proposed activities would have no effect to threatened and endangered species or their critical habitats pursuant to Section 7 of the Endangered Species Act. (2) the proposed activities would have no effect to nesting bald eagles pursuant to the Bald and Golden Eagle Act. (3) The proposed activities would cause no effects to known historic properties, pursuant to Section 106 of the National Historic Preservation Act. A review of the Illinois archaeological database revealed no sites or surveys within the proposed project area. The USACE Louisville District, Regulatory Branch, determined the proposed activities are utilizing the same footprint as Permit ID #LRL-1979-00148, and no additional permit is needed pursuant to Section 404 of the Clean Water Act. The decision on

this Section 408 request is being analyzed in accordance with NEPA and is limited to the Section 408 boundaries described herein.

PUBLIC INTEREST REVIEW: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties. Comments received within 15 days of this publication would be used in the evaluation of potential impacts of the proposed action on important resources. All comments would be considered in preparing environmental documentation pursuant to NEPA. USACE has jurisdiction under 33 USC 408, only over the specific activities that have the potential to alter existing USACE projects. Please limit comments to the area of the alteration and those adjacent areas that are directly or indirectly affected by the alteration to the federally authorized civil works project described herein. **Comments may be submitted to kristina.l.mitchell@usace.army.mil and should be received by June 4, 2024.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Smith', with a stylized flourish extending to the right.

Mark Smith
Chief, Environmental Compliance Branch
Regional Planning and Environmental Division South