



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

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# Public Notice

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

Public Notice No.  
**P-2738 to P-2740**

Public Notice Date  
**October 29, 2009**

Expiration Date  
**November 29, 2009**

**Postmaster Please Post Conspicuously Until:**

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Comments on the described work should reference the U.S. Army Corps of Engineers File Numbers shown above and must reach this office no later than the above expiration date to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CEMVS-OD-F ([Charles Frerker](#))  
1222 Spruce Street  
St. Louis, Missouri 63103-2833

1. The U.S. Army Corps of Engineers, River Engineering Section (USACE), 1222 Spruce Street, St. Louis, Missouri 63103-2833 has applied:

a. To the St. Louis District, Corps of Engineers, Regulatory Branch for Department of the Army authorization under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act to construct new river training structures and alter existing river training structures to provide environmental enhancement to a homogeneous stretch to the Mississippi River. The proposed activities would occur in three locations known as the Herculaneum Side Channel Restoration Project. The projects are located on the Middle Mississippi River between river miles 156.5 to 149.5 in Jefferson County, Missouri and Monroe County, Illinois, near the town of Herculaneum, Missouri. The project is broken into three reaches; each assigned a "P" permit number, for easier discussion and identification purposes. The three projects propose the following activities:

**P-2738:** Creation of a side channel complex on the left descending bank of the Mississippi River from river mile 155.4 to 154.5. The proposal includes the placement of four stone blunt-nosed chevrons, the shortening of one existing dike and the notching of one existing dike.

**P-2739:** Creation of a side channel complex on the right descending bank of the Mississippi River from river mile 154.4 to 153.7. The proposal includes the placement of three stone blunt-nosed chevrons and the shortening of one existing dike.

**P-2740:** Creation of a side channel complex on the left descending bank of the Mississippi River from river mile 153.2 to 151.0. The proposal includes the placement of five stone blunt-nosed chevrons, the notching of four existing dikes and the uprooting of one existing dike (i.e. removing the portion of the dike nearest the bankline)

The implementation of the proposed project features would result in the restoration of 4.1 miles of side channel habitat and enhancement of 1,647 acres of Middle Mississippi River fish and wildlife habitat. The site-specific evaluation was initiated as a follow on component of the Upper Mississippi River and Illinois Waterway System Navigation Feasibility Study, which was a General Investigation study authorized by

Section 216 of the Flood Control Act of 1970. Subsequent authorization was received in the Water Resources Development Act (WRDA) of 2007, Title VIII. Section 8004 of Title VIII authorizes implementation of Ecosystem Restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River.

b. To the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, **for the proposed open water discharge of stone material associated with P-2738 and P-2740, to conduct environmental enhancement activities in Monroe County, Illinois**, in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at [www.epa.state.il.us/public-notice/](http://www.epa.state.il.us/public-notice/). In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below. Written comments specifically concerning possible impacts to water quality should be addressed to: Illinois Environmental Protection Agency, Bureau of Water, Watershed Management Section, 1021 N. Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276, with copy provided to the Corps of Engineers.

c. To the Illinois Department of Natural Resources, Office of Water Resources for state approval **to open water discharge stone material associated with P-2738 and P-2740, for environmental enhancement activities in Monroe County, Illinois**, in accordance with "an Act in relation to the regulation of the rivers, lakes and streams of the State of Illinois" (Ill. Rev. Stat.; Chap. 19, par 52 et seq.). Written comments concerning possible impacts to waters of Illinois should be addressed to Mr. Mike Diedrichsen, Illinois Department of Natural Resources, One Natural Resource Way, Springfield, Illinois, 62702-1271, with copy provided to the Corps of Engineers.

d. By issuance of this public notice, the project plans have been submitted to the Missouri Department of Natural Resources, Water Pollution Control Program for state certification **for the proposed open water discharge of stone material associated with P-2739, to conduct environmental enhancement activities in Jefferson County, Missouri**, in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, with copy provided to the Corps of Engineers.

2. The St. Louis District announces the availability of the ***DRAFT***, "PROJECTIMPLEMENTATION REPORT WITH INTEGRATED ENVIRONMENTAL ASSESSMENT for the HERCULANEUM SIDE CHANNEL RESTORATION PROJECT". The purpose of the report is to present a detailed proposal for the restoration of fish and aquatic resources at the project areas. The document will be available for electronic viewing on the St. Louis District's web page. Please visit <http://www.mvs.usace.army.mil/permits/pn.htm> and click on the link to P-2738 through P-2740. A hard copy of the documents is also available for viewing at the St. Louis District Regulatory Branch in the Robert A. Young Federal Building, at 1222 Spruce Street, St. Louis, Missouri.

3. Based on our initial processing of the applicant's proposal, the action is not expected to result in any significant adverse effects on the quality of the human environment. However, a final determination of the need for an environmental impact statement will not be made until the St. Louis District has completed its

full review of this application. The review will include our evaluation of any written responses received as a result of this public notice.

4. The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area

5. The following federally threatened, endangered and candidate species occur within the project area:

**Indiana bat – Endangered.** Indiana bats winter in caves or mines which satisfy their highly specific needs for cold temperatures during hibernation. No caves or mines would be impacted by the proposed project. During summer, female Indiana bats use trees in floodplains and upland areas as nursery roosts and forage for insects in the tree canopy. Males also roost in trees. No terrestrial habitat would be impacted by the project. The project is not expected to impact Indiana bats.

**Gray bat – Endangered.** Gray bats utilize caves for both winter hibernation and summer roosting locations. Foraging occurs in riparian forest canopy and over water along river and lake edges. No caves would be impacted by the proposed project. Construction activities would take place along the river edge, but the localized nature of this activity is not expected to impact the gray bat. The project is not expected to impact gray bats.

**Pallid sturgeon – Endangered.** Pallid sturgeon are large-river fish found in the Missouri River and the Mississippi River below the Missouri River confluence. Pallid sturgeon are adapted to braided channels, irregular flow patterns, flooding of terrestrial habitat, extensive microhabitat diversity, and turbid waters (Mayden and Kahajda 1997). The Herculaneum Project is designed to modify the homogeneous flow, scour, and depositional patterns currently existing within the project area to more closely resemble the habitat to which pallid sturgeon are adapted. The ecosystem benefit analysis (See referenced Environmental Assessment) concluded that the recommended plan would result in 272.2 average annual habitat units for the shovelnose sturgeon, a closely related species. The pallid sturgeon likely occurs within the project area, but no catch records exist. The project is expected to benefit the pallid sturgeon.

**Least tern – Endangered.** Least terns nest on sparsely vegetated sand and gravel bars or islands in or adjacent to rivers, lakes, gravel pits, and cooling ponds. It forages in shallow water along river banks and backwater areas. There are no recent records of least terns nesting in the Herculaneum Project vicinity. Since there are no sand or gravel bars within the project site, with the exception of main channel border sand bars which don't appear to provide adequate habitat, the project is not expected to negatively impact least terns. There is the possibility that sediment deposition associated with project chevron placements and dike modifications could result in sand bar formation. During low water events, these sand bars could be utilized as nesting sites by least terns.

**Illinois cave amphipod – Endangered.** The Illinois cave amphipod occurs only in underground streams in Monroe and St. Clair Counties, Illinois. No underground streams would be impacted by the project. The project is not expected to impact Illinois cave amphipods.

**Pink mucket pearly mussel – Endangered.** The pink mucket pearly mussel typically inhabits medium to large rivers with strong currents. However, no records exist for the presence of this mussel in the Mississippi River in the Herculaneum Project vicinity, and the species is believed to be extirpated altogether from the main stem Upper Mississippi River. Records for Jefferson County, Missouri exist due to the mussel's presence in the Meramec and other smaller Missouri rivers. The project is not expected to impact pink mucket pearly mussels.

**Scaleshell mussel – Endangered.** Scaleshell mussels prefer stable channels and good water quality in medium to large rivers. No records exist for the presence of this mussel in the Mississippi River in the Herculaneum Project vicinity, and the species is believed to be extirpated altogether from the main stem Upper Mississippi River. Records for Jefferson County, Missouri exist due to the mussel's presence in the Meramec River basin. The project is not expected to impact scaleshell mussels.

**Sheepnose mussel – Candidate.** The sheepnose mussel prefers medium to large rivers with gravel or mixed sand/gravel substrate. No records exist for the presence of this mussel in the Middle Mississippi River. Records for Jefferson County, Missouri exist due to the mussel's presence in the Meramec and other smaller Missouri rivers. The project is not expected to impact sheepnose mussels.

**Spectaclecase mussel – Candidate.** The spectaclecase mussel prefers large rivers with swiftly flowing water and a stable bottom of large rocks or boulders. No records exist for the presence of this mussel in the Middle Mississippi River. Records for Jefferson County, Missouri exist due to the mussel's presence in the Meramec and other smaller Missouri rivers. The project is not expected to impact spectaclecase mussels.

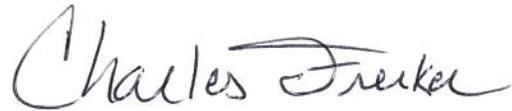
In order to complete our evaluation, this public notice solicits comments from the Fish and Wildlife Service and other interested agencies and individuals.

6. Any interested parties, particularly navigation interests, Federal and state agencies for the protection of environmental and cultural resources, and the officials of any state, town, or local associations whose interest may be affected by this work, are invited to submit to this office written facts, arguments, or objections on or before **November 29, 2009**. The decision whether to issue a permit will be based on an evaluation of the probable impact, including 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 that 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; among those 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. A permit will be issued only if it is found not contrary to the public interest.

7. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; 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 also used to determine the overall public interest of the proposed activity.

8. Any person may request that a public hearing be held to consider the applicant's proposal, provided such request identifies significant issues that would warrant additional public review and comment. All replies to this public notice must be submitted in writing and sent to the U.S. Army Corps of Engineers, St. Louis District, 1222 Spruce Street, Attn: OD-F (Frerker), St. Louis, Missouri 63103-2833, or by electronic mail to [charles.f.frerker@usace.army.mil](mailto:charles.f.frerker@usace.army.mil), on or before **November 29, 2009**.

9. In accordance with 33 CFR 325.3, it is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project.



Danny D. McClendon  
Chief, Regulatory Branch



Attachments

**NOTICE TO POSTMASTERS:**

It is requested that this public notice be conspicuously and continually placed for 30 days from the date of issuance of this public notice.

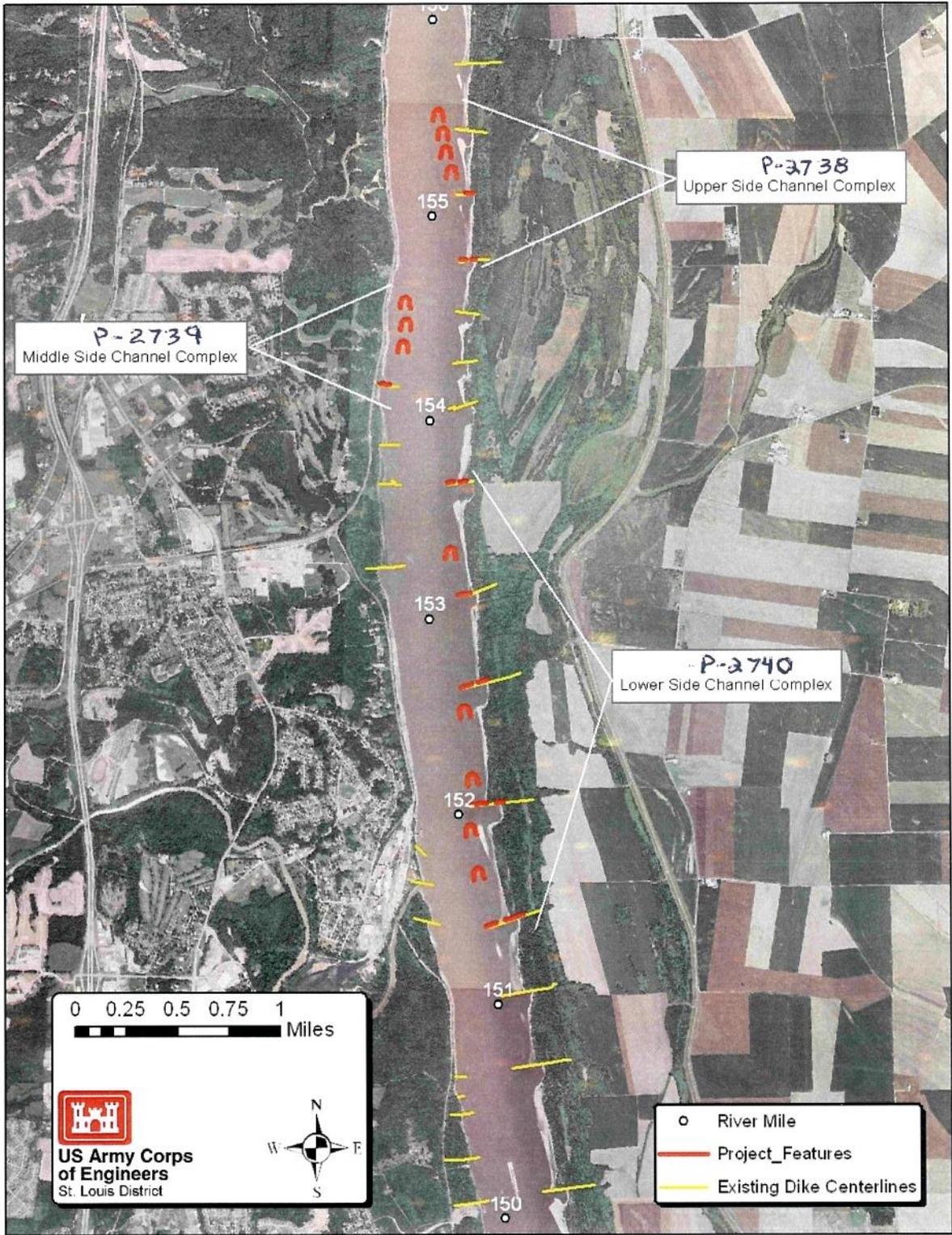


Figure 3. Proposed project features.