



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

# PUBLIC NOTICE

**FILE NUMBER: MVS-2022-69**

**PUBLIC NOTICE DATE: April 11, 2023**

**EXPIRATION DATE: May 1, 2023**

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps. The purpose of the public notice is to inform you of a proposal for work in which you may be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest.

**COMMENTS AND ADDITIONAL INFORMATION:** Comments on the described work should reference the U.S. Army Corps of Engineers 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 [Kamren.Metzger@usace.army.mil](mailto:Kamren.Metzger@usace.army.mil):

U.S. Army Corps of Engineers  
Regulatory Branch  
1222 Spruce Street  
St. Louis, Missouri 63103-2833  
ATTN: Kamren Metzger

**APPLICANT:** Lakeview Lakes Farm, LLC, P.O. Box 426, Edwardsville, Illinois 62025

**LOCATION:** The *Lakeview Commerce Center Lot B Development Project* (the Project) is located at the southwest corner of the intersection of Illinois Route 111 and New Poag Road near Edwardsville, Illinois. Approximate geographic coordinates for the site are 38.7959°, -90.0729°.

**AUTHORITY:** Section 404 of the Clean Water Act (33 USC 1344)

**PROJECT DESCRIPTION:** The Project includes an approximately 1.3 million square foot warehouse and associated support facilities including entrance roads, parking, and a guard shack. Roadway access will be provided to the development from Lakeview Corporate Drive. The purpose of the Project is to support continued economic development within Lakeview Commerce Center and the surrounding area. To construct the development, the Applicant proposes to fill and relocate 1,927 linear feet (1.19-acre) of tributary (County Ditch) around the development in a new 3,000 linear foot open-channel.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND MITIGATION:** Minimization of impacts to aquatic resources was considered in the layout of the commerce center expansion. Complete avoidance of the stream impacts was not feasible for this project due the size of the warehouse building needed to support maximum economic development and revenue potential. The existing location of County Ditch in the center of the property greatly limits the size of the warehouse building that can be constructed on the parcel of land without re-locating the stream. Construction of two buildings to create the same amount of warehouse space is not economically practical and was not considered as a reasonable alternative. Two reasonable alternatives, including the No-Build Alternative, were identified, and evaluated in accordance with NEPA, Council on Environmental Quality (CEQ) guidance and the Section 404(B)(1) Guidelines of the Clean Water Act. Since this project involves expansion of facilities on an existing project site, alternative sites were not considered as they

are non-practicable. Acquisition of land to accommodate this development would be an unreasonable expense. Minimization of impacts is being achieved through the relocation of County Ditch around the proposed development in a 3,000 linear foot open-channel ditch. Additionally, compensatory mitigation will be achieved through the purchase of 7,280 stream credits from an approved mitigation provider.

**EXISTING CONDITIONS AND APPLICABLE PROJECT HISTORY:** An approved jurisdictional determination was completed under the pre-2015 regulatory regime on February 3, 2022, for the proposed development. The project area's current land-use is primarily row-crop agriculture, but also supports a small concrete batch plant.

**STATE SECTION 401 WATER QUALITY CERTIFICATION:** 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 applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has not yet submitted a certification request to the Illinois Environmental Protection Agency (IEPA) (certifying authority). In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period for the certifying agency to act upon the certification and provide written notification. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

**THREATENED AND ENDANGERED SPECIES:** A review of the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation website was conducted, and the following threatened and endangered species were identified to potentially be present in the project vicinity: Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*), Tricolored bat (*Perimyotis subflavus*), Eastern Massasauga (*Sistrurus catenatus*), Spectaclecase (*Cumberlandia monodonta*), Decurrent False Aster (*Boltonia decurrens*), and the Eastern Prairie Fringed Orchid (*Platanthera leucophaea*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this activity may affect, but is not likely to adversely affect the three listed bat species. The Corps will coordinate the determinations with the USFWS. To further complete our evaluation, written comments are solicited by this public notice from USFWS and other interested agencies and individuals.

**CULTURAL RESOURCES:** The St. Louis District will evaluate input by the State Historic Preservation Office (SHPO), Tribe designated representatives, and the public in response to this public notice. The proposed project area was inventoried for archaeological resources on November 22, 2022, by SCI Engineering, Inc. The results of the Phase I Cultural Resources Survey and the Corps' determination of effect will be coordinated with the SHPO, and the Tribes as appropriate. Any adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

**LOCATION MAPS AND DRAWINGS:** See attached. In addition, the project plans may be viewed by visiting: <http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity 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. The impact of the activity 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 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; 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 this application. 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 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](mailto: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.

*Robert S. Gramke*

Robert S. Gramke  
Chief, Regulatory Branch

## **Attachments**

## **NOTICE TO POSTMASTERS:**

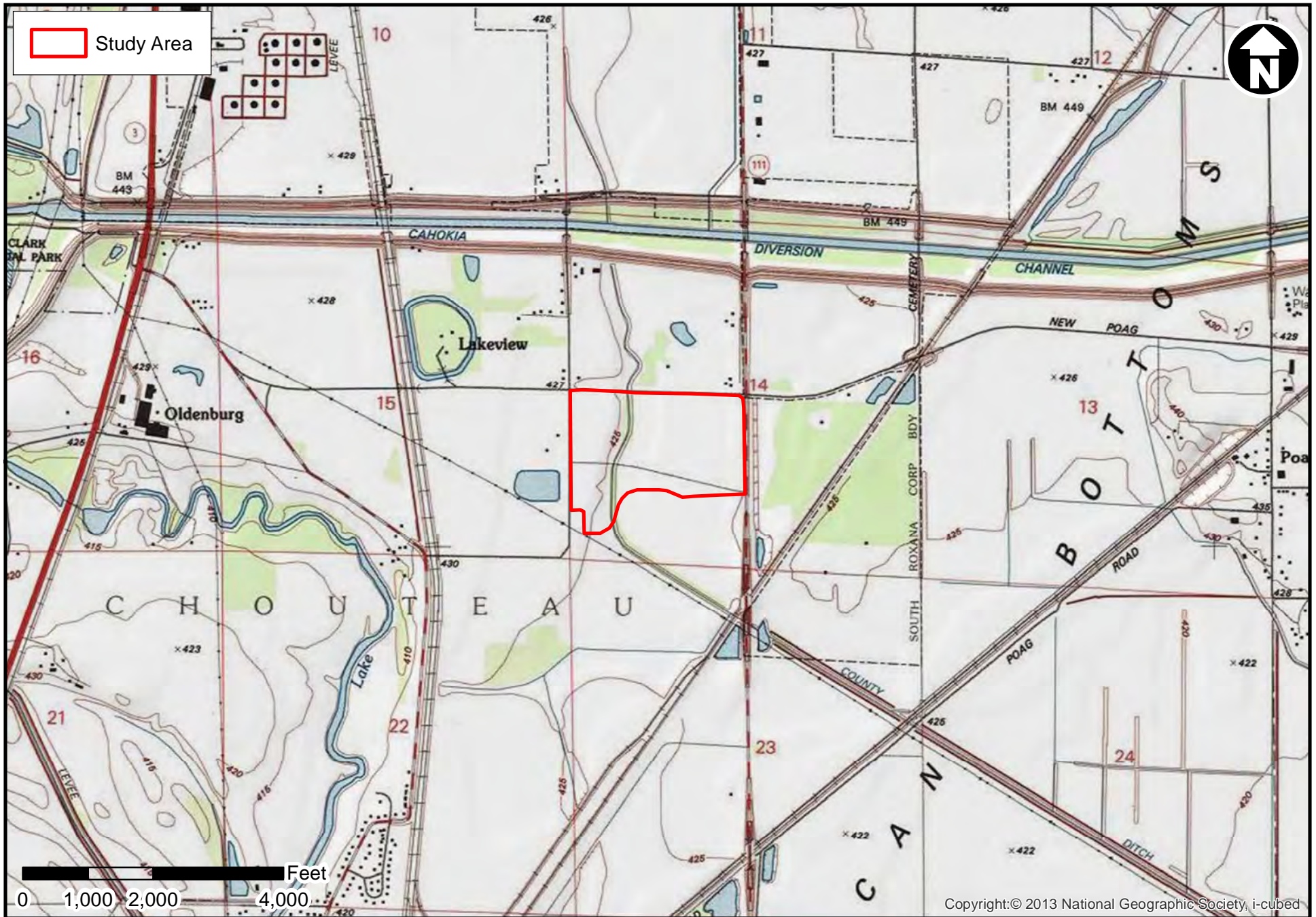
It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice, until the expiration date shown on Page 1.



# Lakeview Commerce Center Lot B Development Project

## Aerial Map

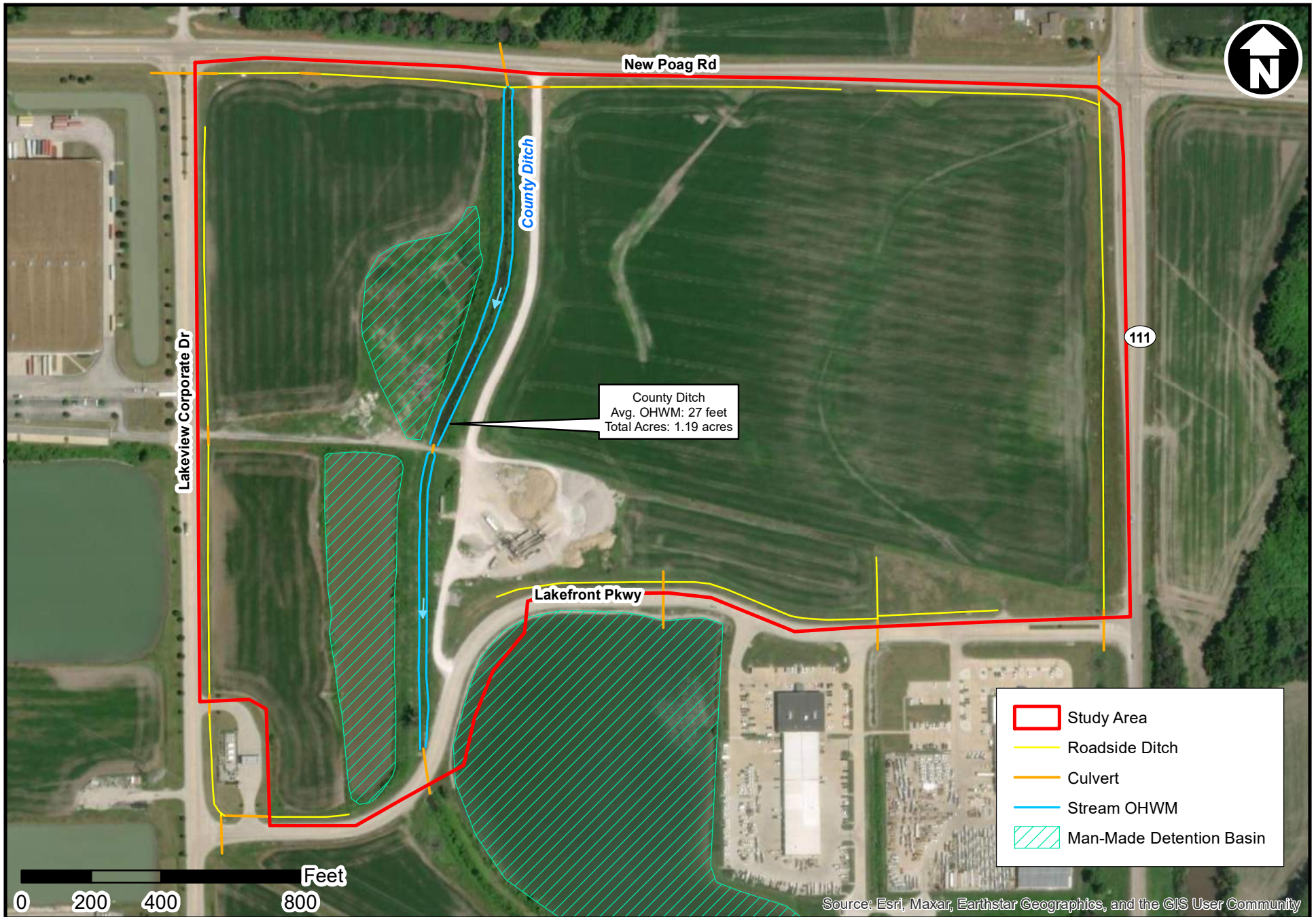




# Lakeview Commerce Center Lot B Development Project

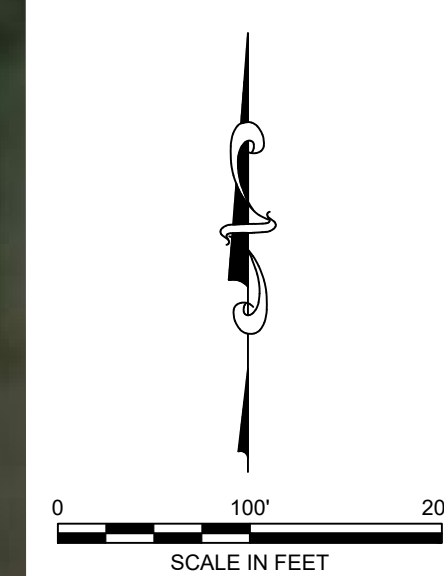
## USGS Topographic Map - Wood River, IL Quadrangle





# Lakeview Commerce Center Lot B Development Project Water Resources Map



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