

PUBLIC NOTICE

FILE NUMBER: MVS-2024-270
PUBLIC NOTICE DATE: May 29, 2024
EXPIRATION DATE: June 27, 2024

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 solicit comments and information from interested parties to better enable us to make a reasonable decision on factors affecting the public interest.

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

APPLICANT: Illinois Department of Transportation (IDOT) - Region 5 / District 9

LOCATION: The project involves the westerly extension of TR 93(Herrin Road) from the roundabout at Cambria Road near Blairsville, Illinois to the roundabout near the Walker's Bluff Casino Resort and County Line Road. The center of the project alignment is at Latitude 37.8091° and Longitude -89.1404° and is located within Section 19, Township 8 South, Range 1 East, Williamson County, Illinois.

PROJECT DESCRIPTION: The project generally consists of the westerly extension of Herrin Road approximately 1.66-miles from its current terminus at the Cambria Road roundabout through an agricultural setting and across a tributary to the Big Muddy River and its associated floodplain to just east of the Jackson County line at the roundabout associated with the Walker's Bluff Casino Resort. The typical section consists of a two-lane road with open drainage ditches, on-road bicycle lanes as well as curb and gutter. To construct the project, three (3) wetlands and one (1) unnamed tributary to the Big Muddy River will be impacted. Discharge of fill material into wetlands to facilitate the construction of the roadway embankment total 1.656-acres. Temporary impacts to the unnamed tributary will occur to facilitate construction access and workspace for the installation of the bridge.

The overall extension was evaluated as part of the 2016 Southern Illinois Metropolitan Planning Organization's (SIMPO) East-West Corridor Study, which ultimately recommended that Herrin Road be extended to Reed Station Road for a total length of about 3.25 miles. The extension of Herrin Road would provide an additional east-west route north of IL 13 and south of the Big Muddy River between rural areas of Williamson County and Jackson County.

LOCATION MAPS AND DRAWINGS: The project plans are attached but may also be viewed by visiting our website at: https://www.mvs.usace.army.mil/Missions/Regulatory/Public-Notices/.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: Three alternatives were evaluated based on engineering and environmental considerations. As part of the design, the alignments were adjusted to avoid or minimize environmental, and property impacts to the extent feasible. Two alternatives were presented during a virtual public information meeting in 2021, which was followed by additional analysis and identification of the preferred alternative (the Project). Based on the proposed design, 1.656 acres of wetland are anticipated to be impacted. As such, IDOT proposes to purchase 7.54-wetland credits to satisfy compensatory mitigation requirements associated with Section 404 of the Clean Water Act and the Illinois Wetland Policy Act.

SECTION 401 WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Improvement Rule (2023 Rule, 40 CFR 121), effective November 27, 2023, 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. The applicant submitted a pre-filing meeting request to the Illinois Environmental Protection Agency (certifying authority) with copy to the Corps on May 7, 2024. In accordance with 2023 Rule part 121.6, the Corps and Certifying Authority will coordinate the reasonable period of time for the certifying agency to act upon the certification request following the certification request date. 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 Information for Planning and Consultation (iPaC) website was conducted, and the following threatened and endangered species may be present within the vicinity of the Project: Five species were identified by iPaC including the Indiana Bat, Northern Long-eared Bat, Tricolored Bat (Proposed), Whooping Crane, and the Monarch Butterfly (Candidate). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this activity may affect the listed bat species. The Corps will coordinate these determinations with the USFWS. In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

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. The Corps will review information on known cultural resources and/or historic properties within and adjacent to the project area. The Corps will also consider the potential effects of the project on any properties that have yet to be identified to assure compliance with Section 106 of the National Historic Preservation Act. As part of its initial project due diligence, IDOT contracted a Phase I Cultural Resources Survey for the alternatives. The results of this survey and further testing requirements are under review and 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, or approval, of the work in connection with this project.

ENVIRONMENTAL JUSTICE: In accordance with E.O. 12898, E.O. 14008, and E.O. 14096, the Corps of Engineers will specifically consider the effects of the proposed action on communities with environmental justice concerns, including economically disadvantaged communities, communities of color, and other socioeconomic groups that could be disproportionately affected by environmental and other effects. Following our initial screening, our preliminary determination is that the project will have no effect upon communities with environmental justice concerns. As part of our environmental justice review, the Corps of Engineers seeks additional information from the public, community leaders, local officials, and others regarding issues of environmental justice as related to the proposed action.

SECTION 408: Section 408 authorization is not required because there are no federal projects in or near the vicinity of the proposal.

EVALUATION FACTORS: 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.

<u>PUBLIC HEARING REQUESTS</u>: 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. 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 MVS-Regulatory@usace.army.mil:

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

<u>REQUEST FOR ADDITIONAL INFORMATION:</u> Additional information may be obtained by contacting Kamren Metzger, Project Manager, U.S. Army Corps of Engineers, at (314)-331-8574 or by e-mail to Kamren.Metzger@usace.army.mil.

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 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 Division

Attachments

NOTICE TO POSTMASTERS:

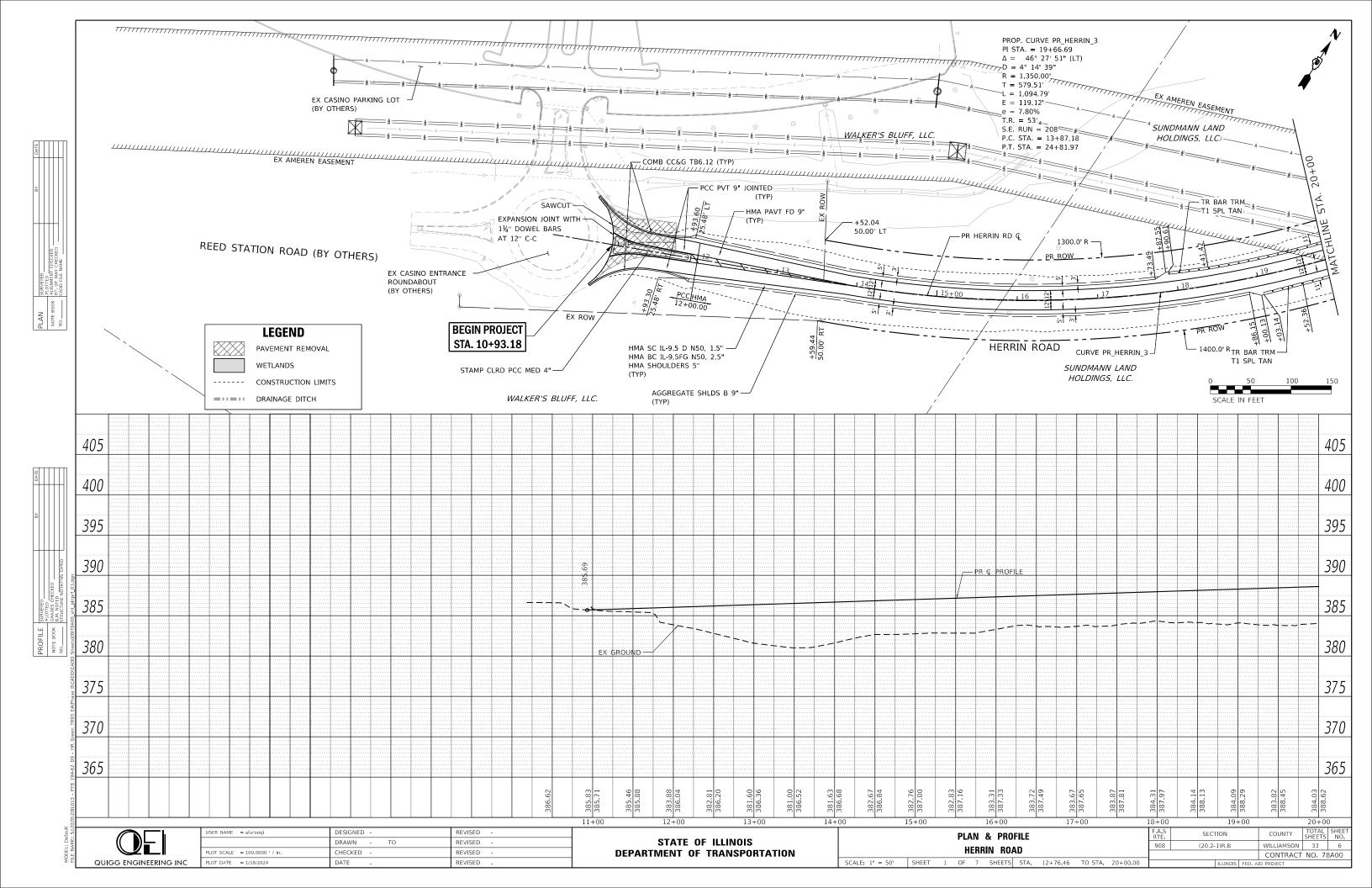
It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice, until the expiration date shown on Page 1.

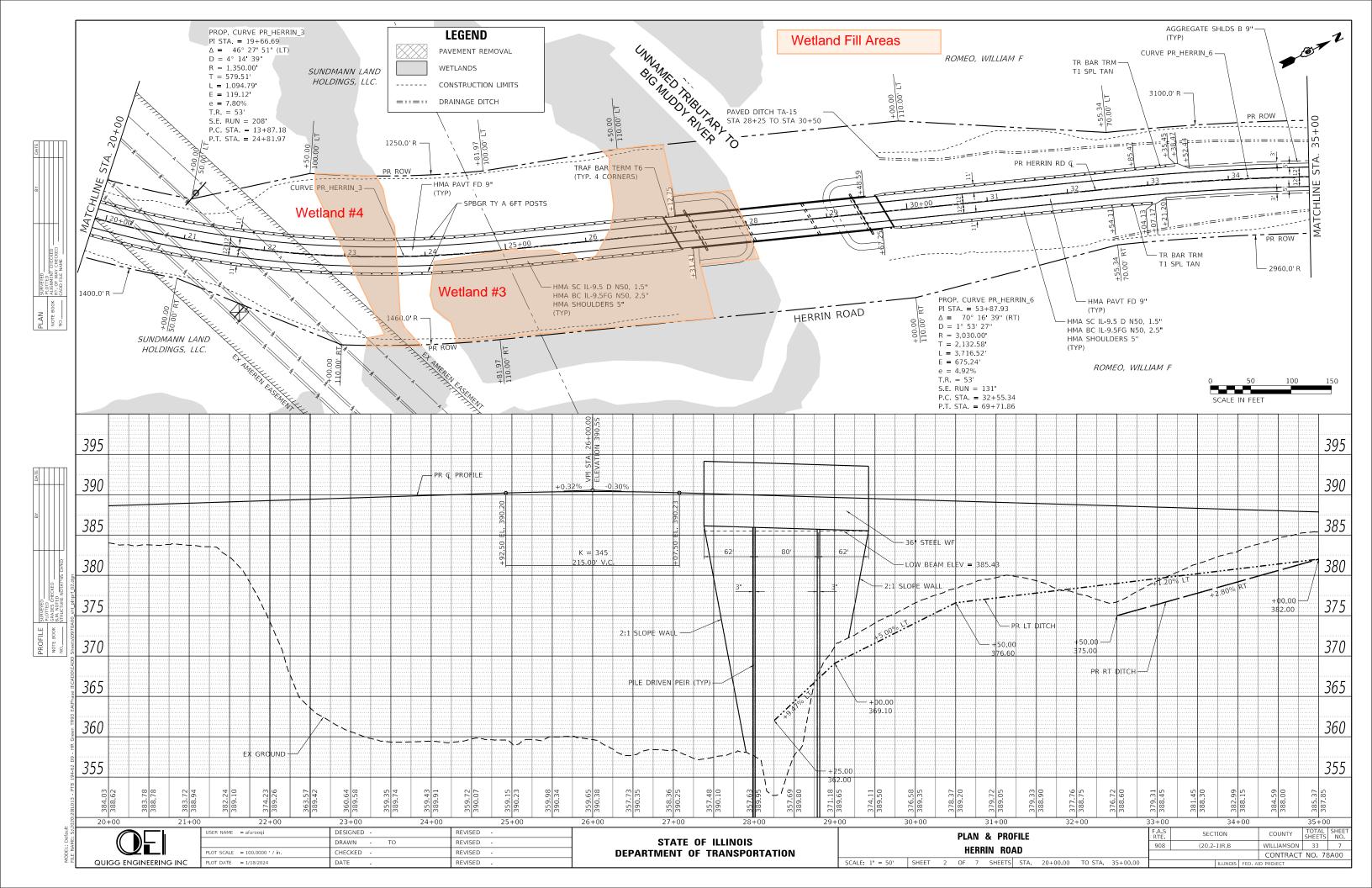
TR 93 (HERRIN ROAD) EAST OF COUNTY LINE ROAD TO CAMBRIA ROAD, WILLIAMSON COUNTY LOCATION MAP

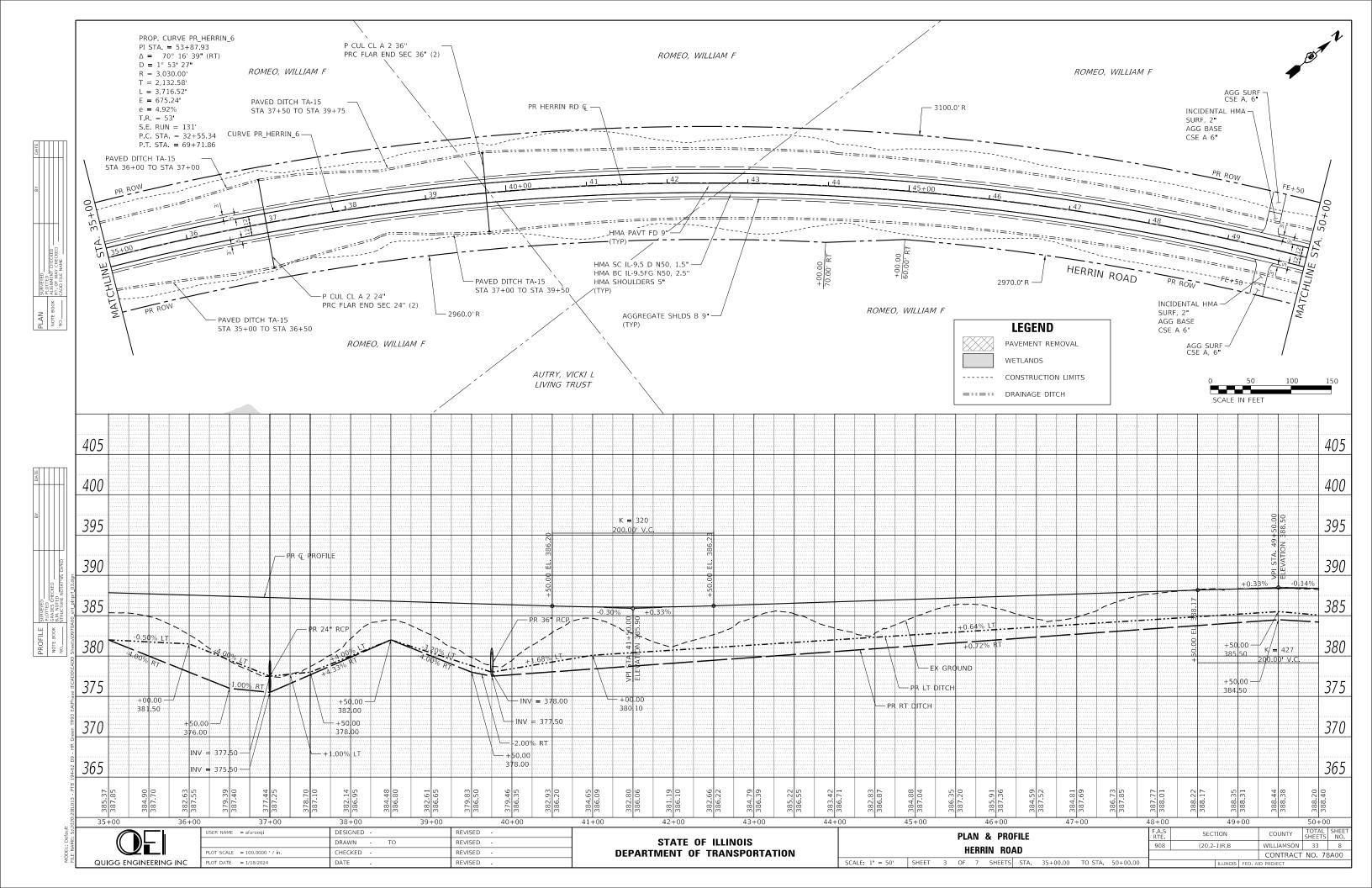


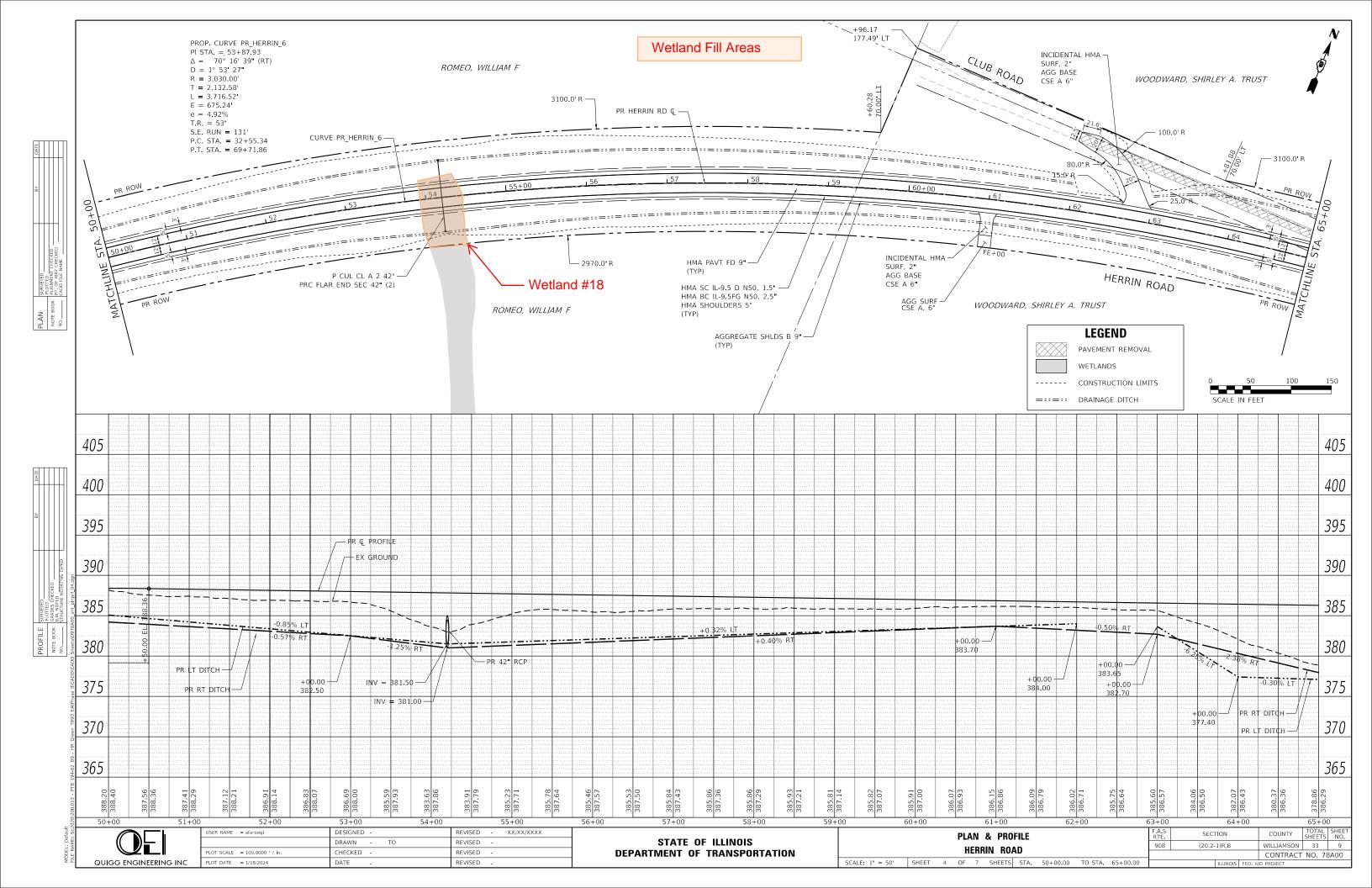


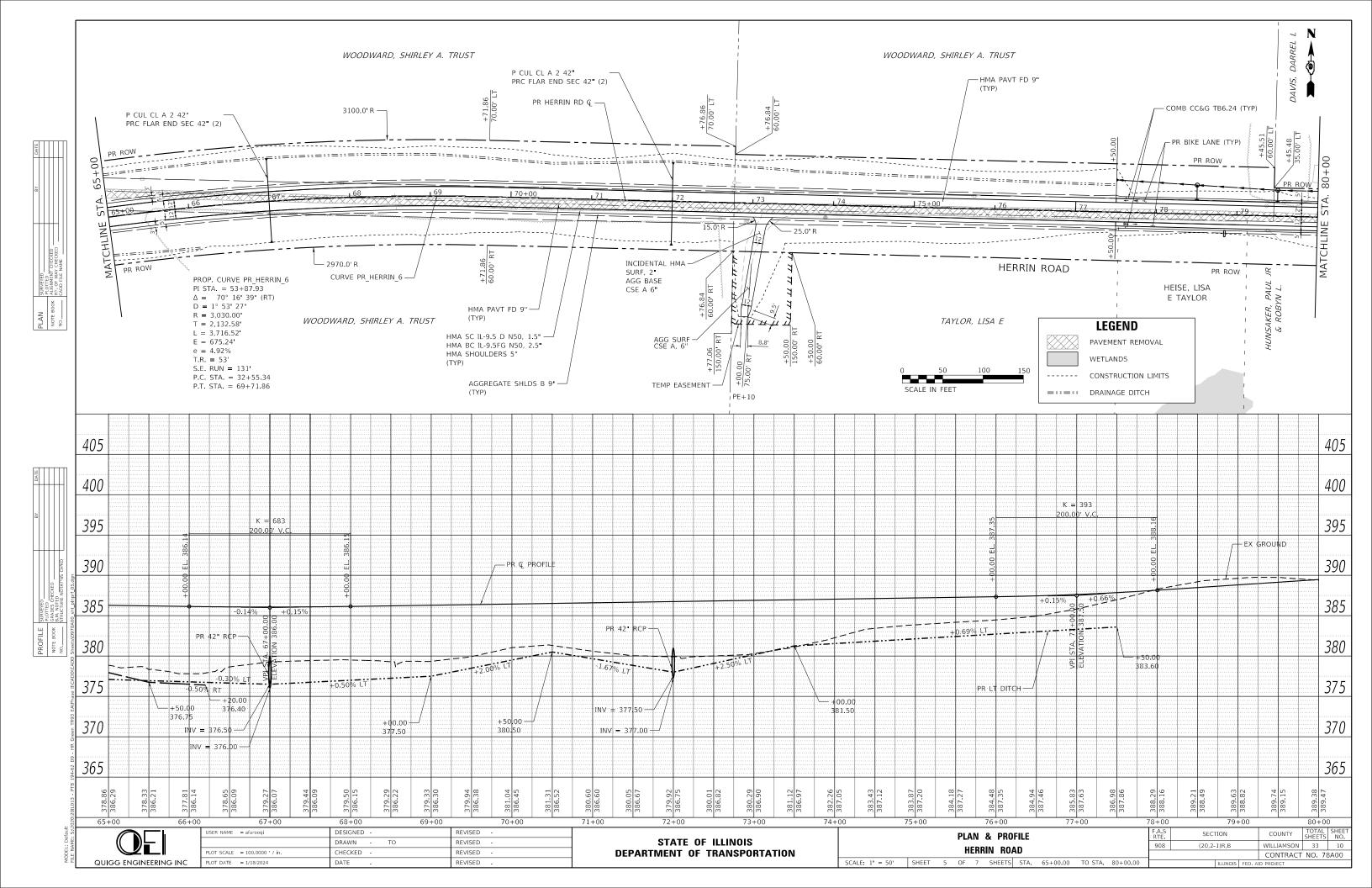


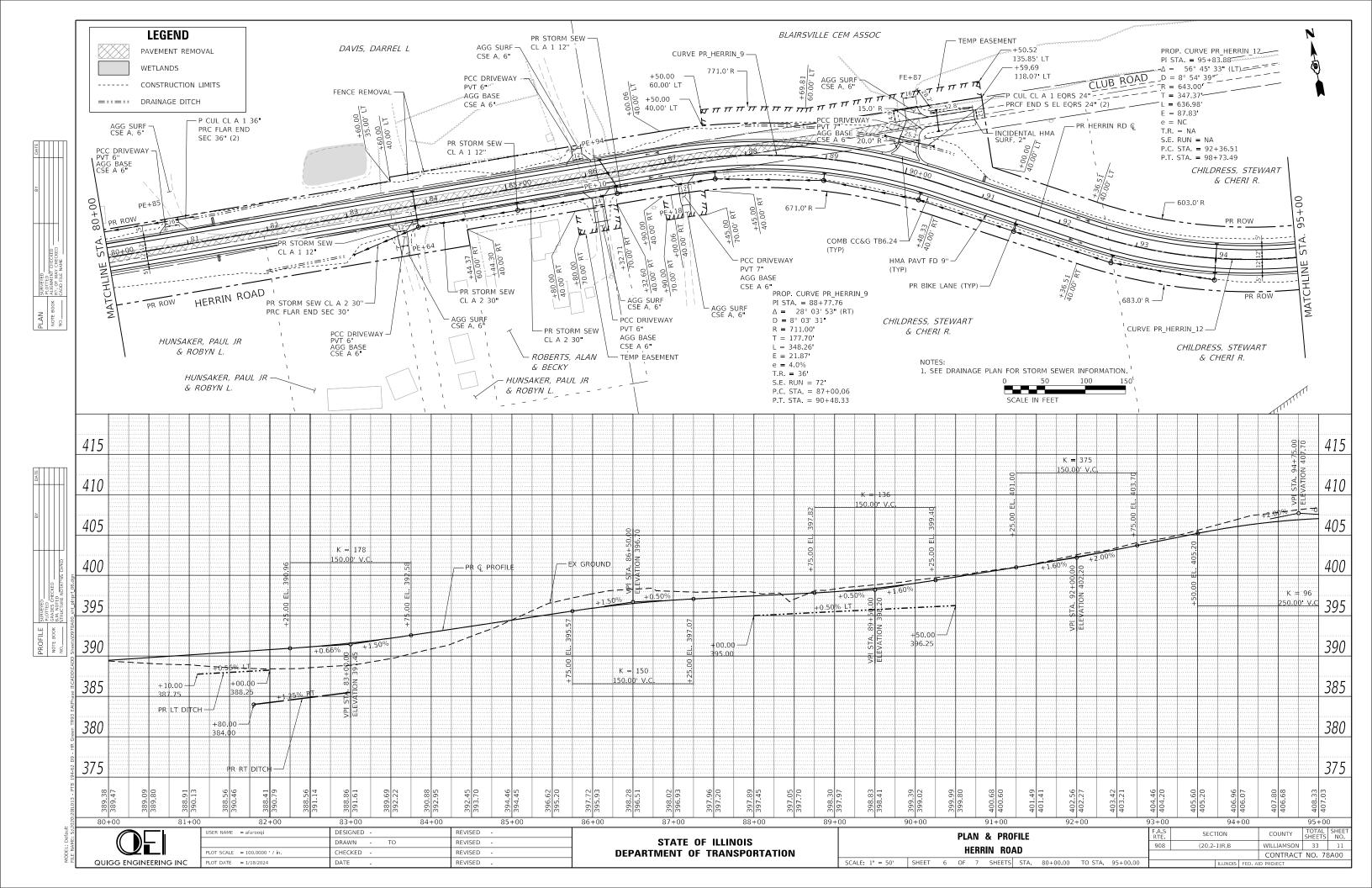


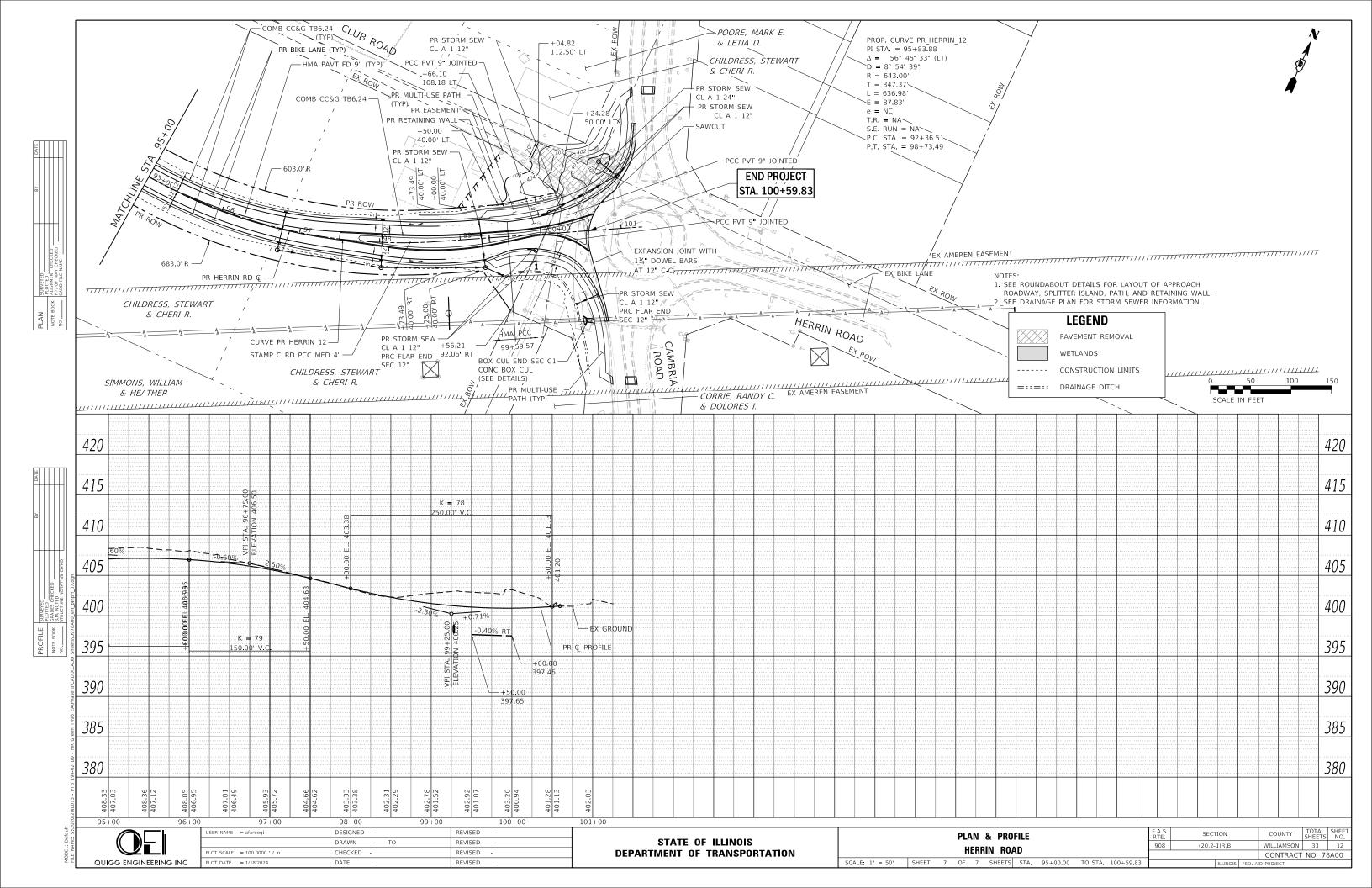


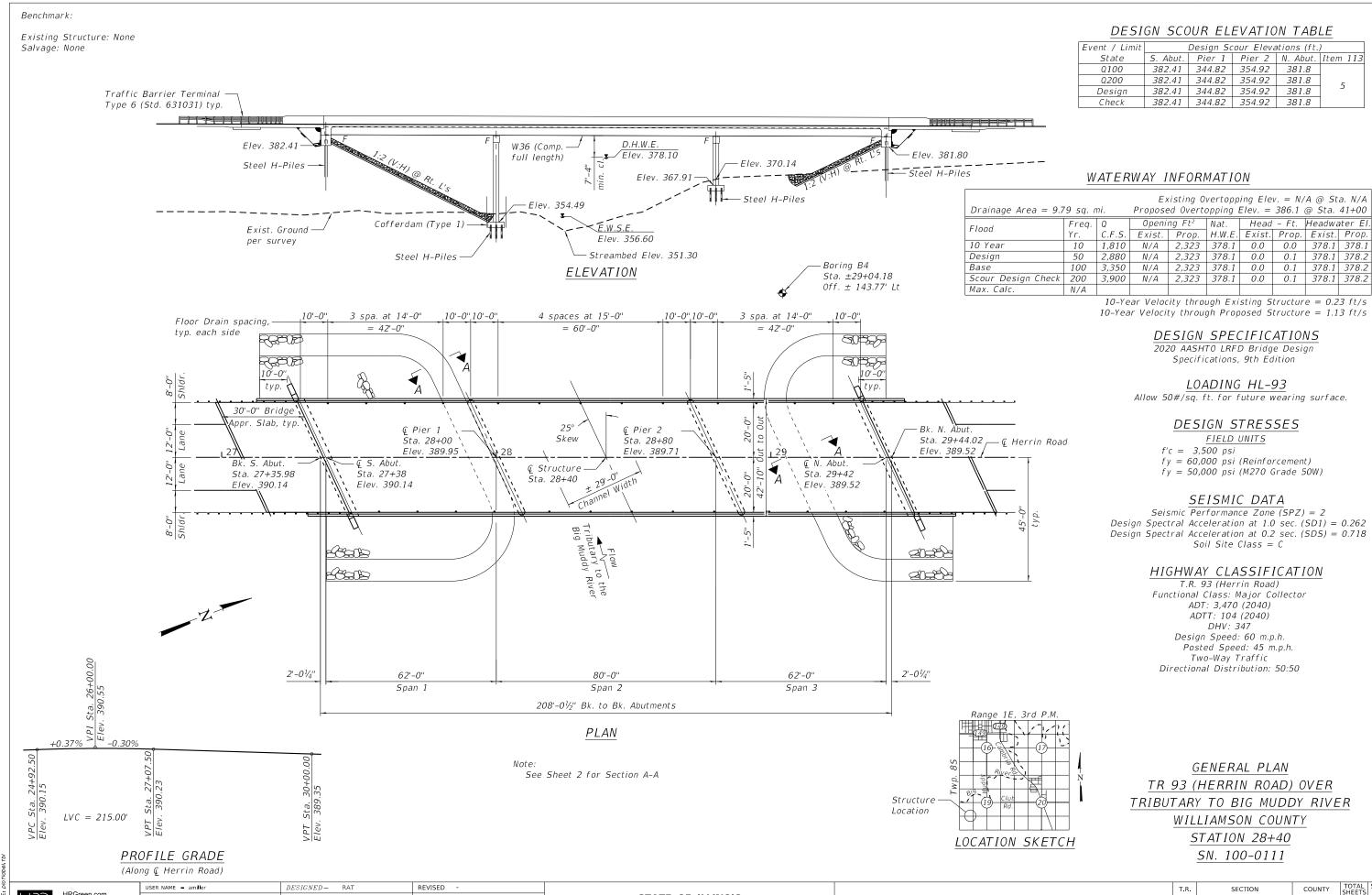






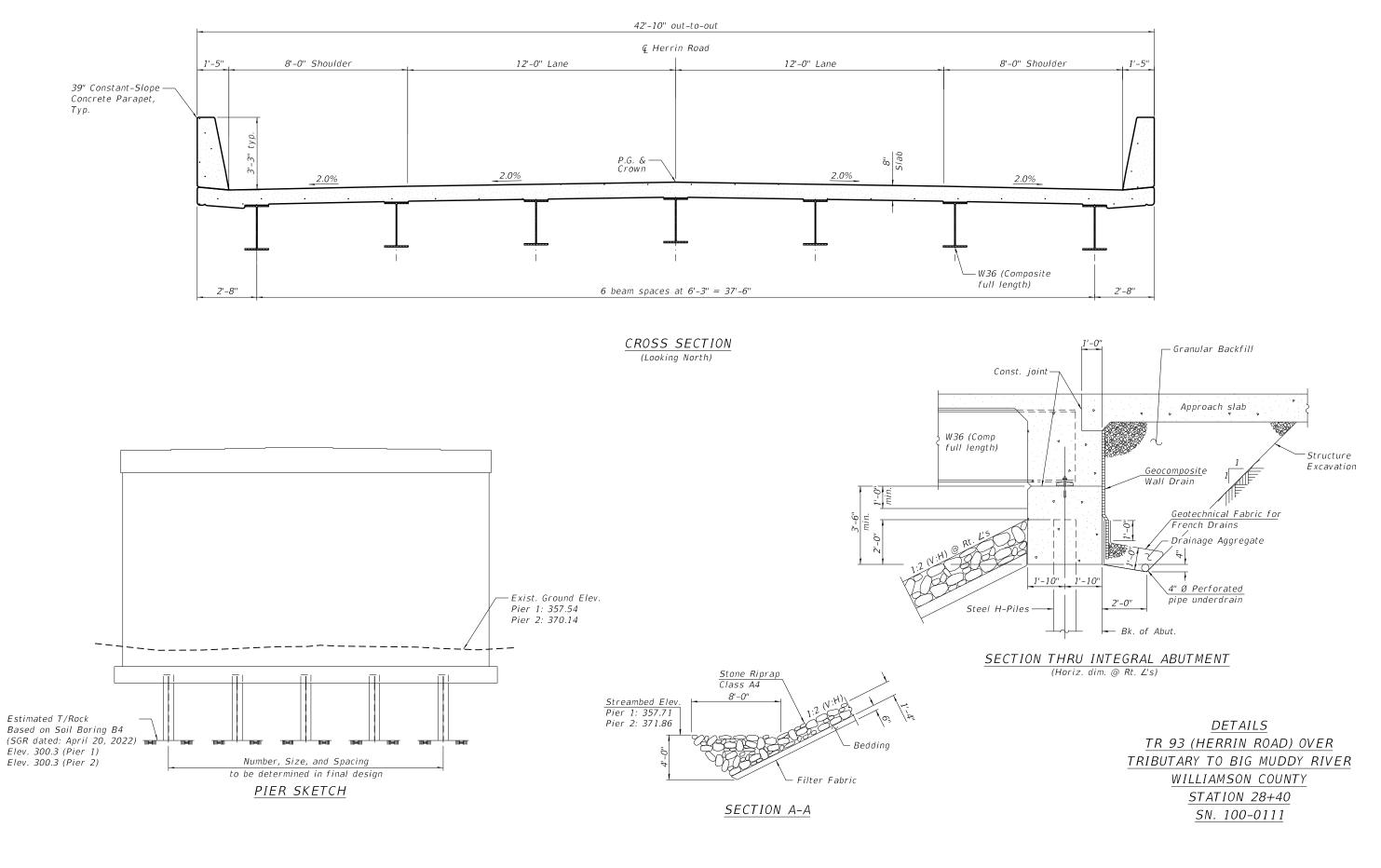






HRGreen

SHEET NO. 1 OF 2 SHEETS



HGC PROJECT NO., 2002/0
HRC PROJ. CONTACT:
FILE NAME. 2002/0. TSL. 02.dgn
PLOT DRIVER: IL. .odf. .bw.pitcfg
PEN TABLE: plot/dobe/.tb/

HRGreen.com
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#184-001322

	USER NAME - whood	DESIGNED -	RAT	REVISED -
		CHECKED -	AEU	REVISED -
	PLOT SCALE =	DRAWN -	WJH	REVISED -
	PLOT DATE = 1/26/2023	CHECKED -	AEU	REVISED -

STATE OF ILLINOIS						
DEPARTMENT OF TRANSPORTATIO	N					

T.R.	SECTION		COUNTY	TOTAL SHEETS	SHEET NO.	
93	D9FY20-2			WILLIAMSON	2	1
			CONTRACT NO.			
		ILLINOIS	FED. A	ID PROJECT		

SHEET NO. 2 OF 2 SHEETS