



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

Public Notice

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

Public Notice No.
P-2424
Public Notice Date
July 9, 2004

Expiration Date
July 29, 2004

Postmaster Please Post Conspicuously Until:

File Number: 199606832

Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office 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:

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

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

a. To the USACE, St. Louis District Regulatory Branch for authorization to conduct Phase III of the Batchtown fish and wildlife rehabilitation and enhancement project. The applicant's proposal will be processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

b. To the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity 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-notices/. 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. (See paragraph 11 of this public notice for Corps address).

c. To the Illinois Department of Natural Resources, Office of Water Resources for state approval of the proposed work 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.

2. The St. Louis District, Corps of Engineers announces the availability of the Batchtown Environmental Assessment (<http://www.mvs.usace.army.mil/pm/batchtown/batchsuplea.pdf>). The purpose of the report is to present a detailed proposal for the restoration of fish and wildlife habitat resources at the Batchtown project area, which is located along the Mississippi River, from approximate river mile 241.0 to 248.0, in Calhoun County, Illinois.

3. This project is part of the Environmental Management Program for the Upper Mississippi River System, which was initially authorized in the 1985 Supplemental Appropriations Bill (PL 99-88). A more comprehensive authorization was provided by Section 1103 of the Water Resources Development Act of 1988 (PL 99-662).

4. The Batchtown project area is a 3,327-acre project consisting of about 989 acres of forested wetland, 224 acres of cropland, 13 acres of moist soil, 1,172 acres of non-forested wetland, and 929 acres of open water. This area is an important resting and feeding area for migratory waterfowl, and it provides important spawning, rearing, and wintering habitat for fish. The primary problems limiting management potential of the area is siltation from river floodwaters and upland watersheds, and fluctuation of water levels due to a direct connection with the river. A color version of the project features and location map is located on pages 3 and 4 of <http://www.mvs.usace.army.mil/pm/batchtown/batchsuplea.pdf>.

5. The preferred plan for the Phase III portion of the Batchtown project is the Corps alternative with the Turner Island Component (COE + Turner Island Component). Features of this preferred plan are displayed in Figure 1 of the Environmental Assessment (<http://www.mvs.usace.army.mil/pm/batchtown/batchsuplea.pdf>), and include:

- a. Levee/berm. About 6,600 feet of earthen levee/berm would be constructed to close off much of the Batchtown Unit from the river. This new berm would extend from the south end of the Phase II berm along the river to the bluff near Madison Creek Road. With a crown elevation of 436 feet NGVD, the structure would extend 1-2 feet above prevailing ground surfaces, and 2 feet above normal pool (434 feet NGVD). An access road would be placed along its top. Portions of the structure constructed in the water would be protected on the riverside and interior side with stone. An 875-foot long access road would be constructed near the mouth of Madison Creek to connect the levee/berm with Madison Creek Road. The footprint of the berm would be 6 acres, and 28,000 cubic yards of earthen material and 62,000 tons of stone would be used to build it and the access road.
- b. Water control structure. A water control structure consisting of two 40-foot wide spillway gates would be constructed in the levee/berm at the south (downriver) end of the project area. The gates would be pneumatically operated.
- c. Overflow spillway. A 1,500-foot long overflow spillway would be provided in the levee/berm to the west of the water control structure. The crown of this notch would have an elevation of 434.5 feet NGVD. It would be protected with stone, and have a driving surface consisting of an articulated concrete mattress.

- d. Pump station. A floating 130-cfs pump station would be placed adjacent to the existing water control structure at the upper end of the 70s channel. It would be used on either the riverside or interior side of the levee/berm. A boat-type ramp and fuel tank area would be provided for operation.
- e. Chevron dikes. Three chevron dikes would be constructed in the Turner Island side channel in a series descending from up- to downstream. They would have a height of 436.5 feet NGVD. Existing dike 245.7L, located just below the entrance to the 70s channel, would be modified by creating an opening where it ties into the left descending bankline.
- f. Channel excavations. Sand deposited by a series of floods in the 1990s would be removed from the upper portions of the 40s channel. Hydraulic dredging would remove about 24,000 cubic yards of sand from about 5,000 feet of channel, beginning at the channel's existing water control structures and continuing downstream. In the 70s channel, mechanical channel excavation would remove about 4,000 cubic yards of sediment from about 1,500 feet of channel; this reach extends downstream of a point about 2,700 feet downstream of the channel's existing water control structure. The 40s channel excavation would consist of a 50-foot wide cut down to el. 429 feet NGVD. The 70s channel excavation would consist of a 15-foot wide cut down to el. 429 feet NGVD. (In Figure 1 of the EA, areas displayed for Phase III channel excavation exceed what would actually occur.)
- g. Borrow area. Earthen material needed for the levee/berm would be acquired from an agricultural field located in the Batchtown Unit north of the Titus Hollow Public Access area. An average of two feet of earthen material would be taken from a 14-acre site.
- h. Disposal areas. Sand removed from the 40s channel by hydraulic dredging would be placed in the Turner Island side channel behind the chevron dikes. Sand mechanically excavated from the 70s channel would be placed in an agricultural field along the channel's left descending bank on a 3-acre site.
- i. Tree Planting. Seedlings of various mast tree species would be planted on 100 acres of existing public lands along the river in or adjacent to the Batchtown complex. Open areas or agricultural lands with ground elevations high enough to sustain mast tree species above levels of frequent river flooding would be used.

6. Activities within forty-three (43) acres of jurisdictional waters of the United States, which include wetlands and navigable waters, would be required to complete the above-mentioned activities. In summary, one (1.0) acre of wooded wetlands (bottomland hardwoods), four (4.0) acres of emergent wetlands and four (4.0) acres of shallow water wetlands would be directly impacted where the berm is constructed. Fourteen (14.0) acres of farmed wetlands would be utilized as a borrow area to construct the berm. The borrow site would be enhanced by deepening the area and increasing moist soil management conditions. Approximately three (3.0) acres of shallow water wetlands will be impacted in the footprint of the chevron dike construction area. Approximately eight (8.0) surface acres of sand material deposited by recent floods would be excavated from within the 40's and 70's channel to return channel function and original bottom contours. Materials excavated from the 40's channel would be discharged into a six (6.0) acre shallow water wetland area, located on the backside of the proposed chevron dikes. Discharging dredged sand material behind the chevron dikes would diversify aquatic habitat in the six (6.0) acre shallow water wetland area. Three (3.0) acres of farmed wetland would be temporarily impacted by placement of excavated materials side cast from the 70's channel. The side cast material would be spread thinly over the three (3.0) acre farmed wetland. The three (3.0) acre farmed wetland will remain in food plot production and retain its designated farmed wetland classification following project activities.

The design of the berm and associated structures that cross the lower end of the Batchtown unit would allow for the maintenance of adequate flows through the area. Overall, the preferred plan would restore functions of the 40s and 70s channels, enhance flows over an existing mussel bed, reduce siltation patterns and help prolong the viability of the Batchtown unit. These benefits, in conjunction with planting 100 acres of wooded wetlands, should compensate for any impacts to jurisdictional waters of the United States.

7. 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.

8. In preparation of the original Definite Project Report, <http://www.mvs.usace.army.mil/pm/EMP/pdf/batchtown%20rehab.pdf>, a Phase I archaeological and geomorphologic investigation of the 121 terrestrial acres to be impacted by the project construction (project footprint), as then envisioned, was conducted in June, 1994 by American Resources Group, Ltd., Carbondale, Illinois (Titus et al. 1995). The geomorphologic investigation indicated that the northwestern and southwestern portions of the project area were relatively recent landforms that were judged to have little or no potential for containing cultural deposits. Also, much of the project area was covered by thick (about 3 feet) of historic alluvium, which is deeper than most construction impacts. However, the central portion of the project area had older landforms with shallow historic alluvium where several surface archaeological sites were found during the survey. The older landforms also have the potential to contain buried sites.

Seven archaeological sites were recorded during the field survey, including three prehistoric sites (11-C-206, 11-C-208, 11-C-209), three historic sites (11-C-205, 11-C-207, 11-C-211) and one site containing both prehistoric and historic components (11-C-210). Four sites (11-C-207, 11-C-208, 11-C-209, 11-C-210) were evaluated as potentially eligible for listing on the National Register of Historic Places. The remaining three sites (11-C-205, 11-C-206, 11-C-211) were determined ineligible. The Illinois State Historic Preservation Officer (ISHPO) concurred with this determination in their letter dated July 19, 1995. (Slightly earlier, the Fish and Wildlife Service had determined site 11-C-205 to be ineligible and obtained ISHPO concurrence). The DPR stated plans called for the avoidance of all four potentially eligible sites. However, should plans change so that any of the eligible sites would be impacted, Phase II testing to determine eligibility would be conducted.

During Construction Phase I in 1999, slight plan modifications adding seven dredge disposal areas, one borrow/dredge disposal area and one sediment trap were made and additional new archaeological surveys were conducted for the areas of new impact. Details on the changes are available in Appendix D (correspondence) of the original DPR. Four new archeological sites were recorded during the 1999 survey. The District determined that sites 11-C-411 and 11-C-412 (houseplaces) were potentially eligible for listing on the NRHP. The District determined that sites 11-C-413 (possible houseplace) and 11-C-414 (prehistoric isolated find, 2 items) were ineligible. Plan changes were made to avoid project impacts to potentially eligible archaeological sites: 11-C-207, 11-C-208, 11-C-209 11-C-210 (previously recorded), 11-C-411, 11-C-412 (Appendix D of the original DPR).

During Construction of Phase II in 2001, additional archaeological surveys were deemed not necessary with ISHPO concurrence, April 16, 2001 (Appendix D of the original DPR). Therefore, the District determined that Construction Phase II had no effect upon potentially eligible cultural properties, and did not gain any additional information on possible archeological sites in the area.

9. The proposed project is within the range of one federally endangered and two federally threatened species. The endangered species is the Indiana Bat (*Myotis sodalis*). The Bald Eagle (*Haliaeetus leucocephalus*) and Decurrent False Aster (*Boltonia decurrens*) are threatened. Since the original DPR was written, the bald eagle has been proposed for delisting. These Federally threatened and endangered species are addressed in the biological assessment of the original DPR. A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that the proposed activities are not likely to adversely affect species

designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation, this public notice solicits comments from the Fish and Wildlife Service and other interested agencies and individuals.

10. 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 **July 29, 2004**. The decision whether to authorize Phase III activities 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, which 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. Project authorization will be granted only if it is found not contrary to the public interest.

11. 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 authorization 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.

12. 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: CO-F (Frerker), St. Louis, Missouri 63103-2833, or by electronic mail to *charles.frerker@mvs02.usace.army.mil*, on or before **July 29, 2004**.

Danny D. McClendon
Chief, Regulatory Branch

Attachment

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually posted for 21 days, **until July 29, 2004**.