



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT, CORPS OF ENGINEERS
ROBERT A. YOUNG BUILDING - 1222 SPRUCE ST.
ST. LOUIS, MISSOURI 63103-2833

January 31, 2012

Planning, Programs, and Project Management Division
Planning and Environmental Branch

Dear Reviewer:

A copy of the Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the "*Levee Repairs P.L. 84-99: Scott County Drainage & Levee District, Scott County, Illinois*" are enclosed for your review. Please note that the Draft Finding of No Significant Impact is unsigned. This document will be signed into effect only after having carefully considered comments received as a result of this 30-day public review. We invite your comments related to the technical content of the attached documents. Please address your comments or questions to Francis Walton, of the Planning and Environmental Branch (CEMVP-PD-C), at telephone number (314) 331-8102, facsimile number (314) 331-8606, or e-mail at <francis.j.walton@usace.army.mil>, by close of business on March 2, 2012.

Sincerely,

A handwritten signature in cursive script that reads "Timothy K. George".

Timothy K. George
Planning and Environmental Branch

DRAFT FINDING OF NO SIGNIFICANT IMPACT

LEVEE REPAIR (PL 84-99): SCOTT COUNTY DRAINAGE AND LEVEE DISTRICT SCOTT COUNTY, ILLINOIS

1. I have reviewed and evaluated the documents concerning the proposed repair of three breaches in the Scott Co. Drainage and Levee District, Scott County, Illinois. These damaged areas reduce the ability of the system to provide the authorized level of flood protection. The St. Louis District proposes work that involves excavation of the slide area to 1 – 2 feet deeper than the failure surface. Borrow material would then be placed and compacted to form the levee. All work will be performed within the footprint of the proposed levee and the levee built to Federal standard levee grades, cross sections, and alignments.

2. I have also evaluated other pertinent data and information on these repairs. As part of this evaluation, I have considered the following project alternatives.

- a. Providing Federal assistance with repairs to the levee system (Recommended Alternative).
- b. No Federal Action ("No Action" Alternative).
- c. The Non-Structural Alternative

3. The possible consequences of the three alternatives have been studied for physical, biological, and socioeconomic effects, as well as engineering feasibility. Significant factors evaluated as part of my review included the following:

a. If no repairs are accomplished, the levee system could deteriorate to the point that protection would be jeopardized during the next significant flood event. The Scott Co. DLD would remain in its damaged state and provide an estimated 2-year level of protection instead of the 40-year level it was designed to provide. This reduced level of protection would increase flood risk and threaten the livelihood of local landowners.

b. Repair activities will cause temporary erosion, noise, and air pollution. Proper construction and soil management techniques will minimize this effect. Upon completion, all construction equipment will be removed and exposed areas will be stabilized by compaction and seeding. Impacts will be short term and minor.

c. Levee vegetation will be lost and wildlife disturbed during repair. These impacts will be both minimal and temporary. Seeding will restore vegetation and wildlife disturbance will end after construction completion.

d. No Federally endangered or threatened species will be adversely impacted by the levee repairs.

e. The aesthetic quality of the area will be temporarily reduced by construction equipment and associated noise. Shortly after construction completion, aesthetic quality will return to pre-flood conditions.

f. Construction/repair activities associated with this project will have no effect upon significant archaeological remains or historic properties. As presently designed, earthmoving will be confined to areas previously disturbed during original levee construction or agricultural fields.

g. No adverse socioeconomic impacts from the proposed levee repairs were identified.

h. The repair work will not require the permanent placement of additional fill material below ordinary high water. As such, the public will not be notified of the action by Public Notice under Section 404 or 401 of the Clean Water Act.

4. Based on my analysis and evaluation of the alternative courses of action presented in the Environmental Assessment, I have determined that the implementation of the recommended plan will not have significant effects on the quality of the environment. Therefore, an Environmental Impact Statement will not be prepared prior to proceeding with this action.

Date

Christopher G. Hall
Colonel, U.S. Army
District Commander

ENVIRONMENTAL ASSESSMENT
WITH
DRAFT FINDING OF NO SIGNIFICANT IMPACT

LEVEE REPAIRS, PL84-99:
SCOTT COUNTY DRAINAGE AND LEVEE DISTRICT
SCOTT COUNTY, ILLINOIS

JANUARY 2012

U.S. Army Corps of Engineers
St Paul District, Environmental Compliance Branch
1222 Spruce St.
St. Louis, Missouri 63103

Contents	Page
I. Purpose of and Need for Action	
1.1 Introduction	1
1.2 Project Description	1
1.3 Need for Project	1
1.4 Issues and Concerns	4
1.5 Related Documentation	5
1.6 Project Objective	5
II. Alternatives	
2.1 Introduction	5
2.2 Recommended Alternative	7
III. Affected Environment	
3.1 Physical Resources	7
3.2 Biological Resources	7
3.3 Socioeconomic Description	8
IV. Environmental Impacts of Recommended Alternative	
4.1 No Action Alternative	9
4.2 Non-Structural Alternative	9
4.3 Preferred Alternative: Federal Assistance/Levee Repairs	10
V. Legal Disclosures	
5.1 Adverse Effects Which Cannot Be Avoided	12
5.2 Short-Term Use Versus Long-Term Productivity	13
5.3 Irreversible or Irretrievable Resource Commitments	13
VI. Coordination with State and Federal Agencies	13
VII. Relationship of Recommended Alternatives to Environmental Requirements	14
VIII. List of Preparers	15
IX. Literature Cited	15
Appendices	17

I Purpose of and Need for Action

1.1 Introduction: The Scott County D&LD is a Federal Agricultural Flood Control Work that protects 11,000 acres of agricultural lands. The Scott County Drainage and Levee District is located in Scott County, Illinois and is adjacent to the Illinois River between River Miles 56 to 63 on the west and by Mauvaise Terre Creek along the north. See Figure 1 for the project location.

The levee system protects primarily agricultural lands and provides protection from a 40-year flood with 2 feet of freeboard. The system consists of over 10 miles of levee constructed with a 10-foot crown width and 1 on 2.5 side slopes.

Flash flooding due to a 5-inch and subsequent 12-inch rainfall in the Mauvaise Terre Creek watershed during the 2011 summer damaged the Scott County Drainage and Levee District (SCDLLD) along the Mauvaise Terre Creek levee. Saturated soils caused much of the rainfall to become direct runoff. The damages sustained in the high water event as a result of overtopping consisted of three breaches on the northeast corner of the SCDLLD. Breach repairs are estimated to require approximately 20,000 cubic yards of borrow material in addition to the temporary repair material.

The SCDLLD is a Federal project that is active in the USACE Rehabilitation and Inspection Program (RIP) and is eligible for Flood Control and Coastal Emergency (FCCE) funding authorized by PL84-99. The total breach repair cost is estimated at \$1,716,000 with a benefit to cost ratio (BCR) of 6.4 to 1.

1.2 Project Description: The primary purpose of this project is to restore a fully functioning, up-to-date flood protection system within the area administered by the Scott County D&LD. Upon completion of the project, the U.S. Army Corps of Engineers will provide recertification that the levee meets 40-year flood criteria. Repairs to the levee along Mauvaise Terre Creek will include bringing approximately 1500 feet of levee inclusive of the breaches up to the federal standard as shown in Figure 2. The repairs will necessitate widening the footprint of the levee to attain the correct levee slope and dimensions.

1.3 Need for Project: Heavy rains throughout Illinois during the spring of 2011 caused flooding along the Mississippi River drainage system within the Corps' St. Louis District in Missouri and Illinois. Heavy rainfall in April and May saturated the Midwest causing much of the additional heavy rains in June to develop directly into runoff. Rainfall totals over Illinois and Missouri ranged from 4-12 inches during the months of May and June. The saturated soil combined with the heavy rains created near record river levels throughout the northern portion of the St. Louis District.

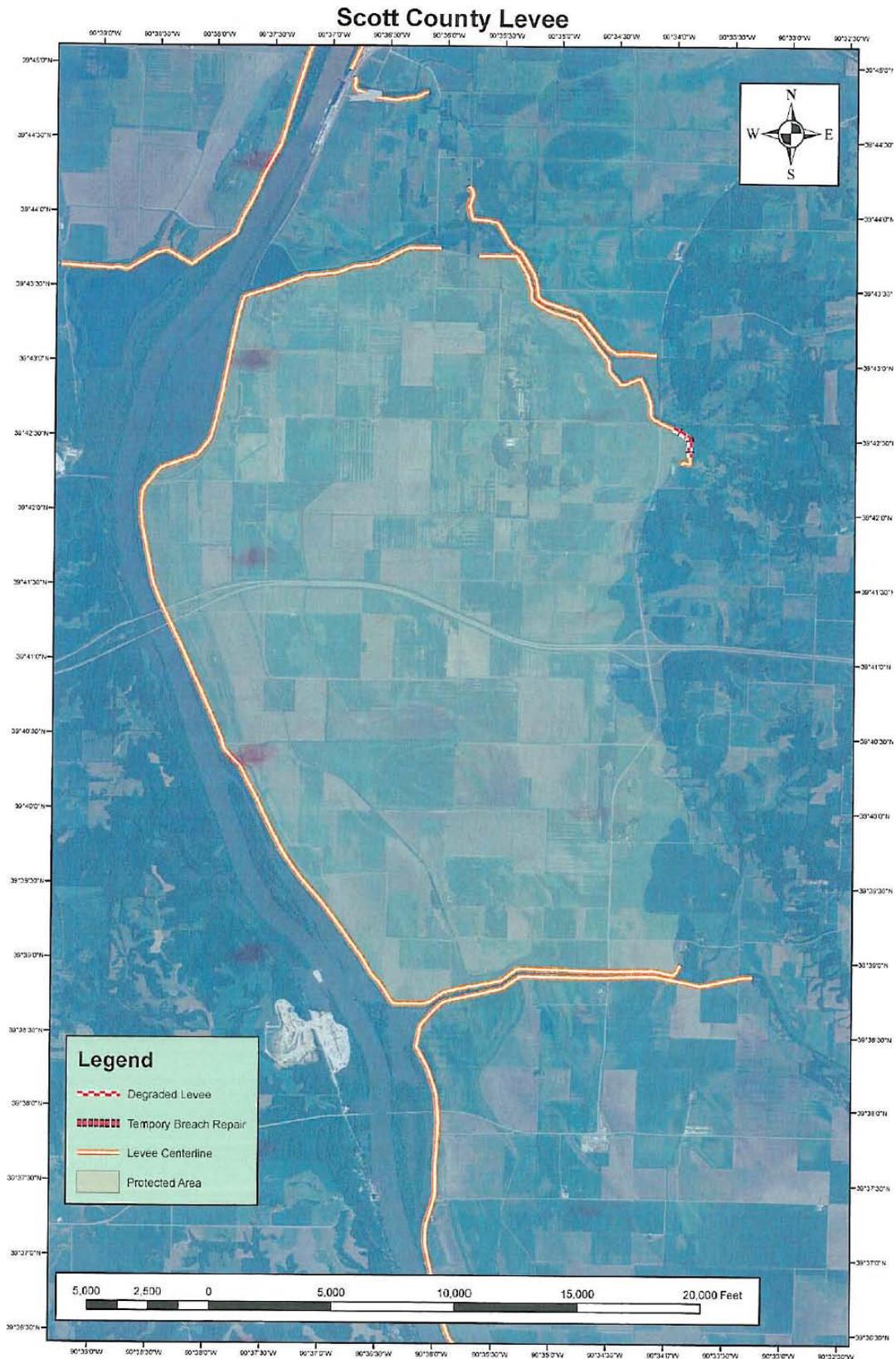


Figure 1- Scott County Drainage and Levee District

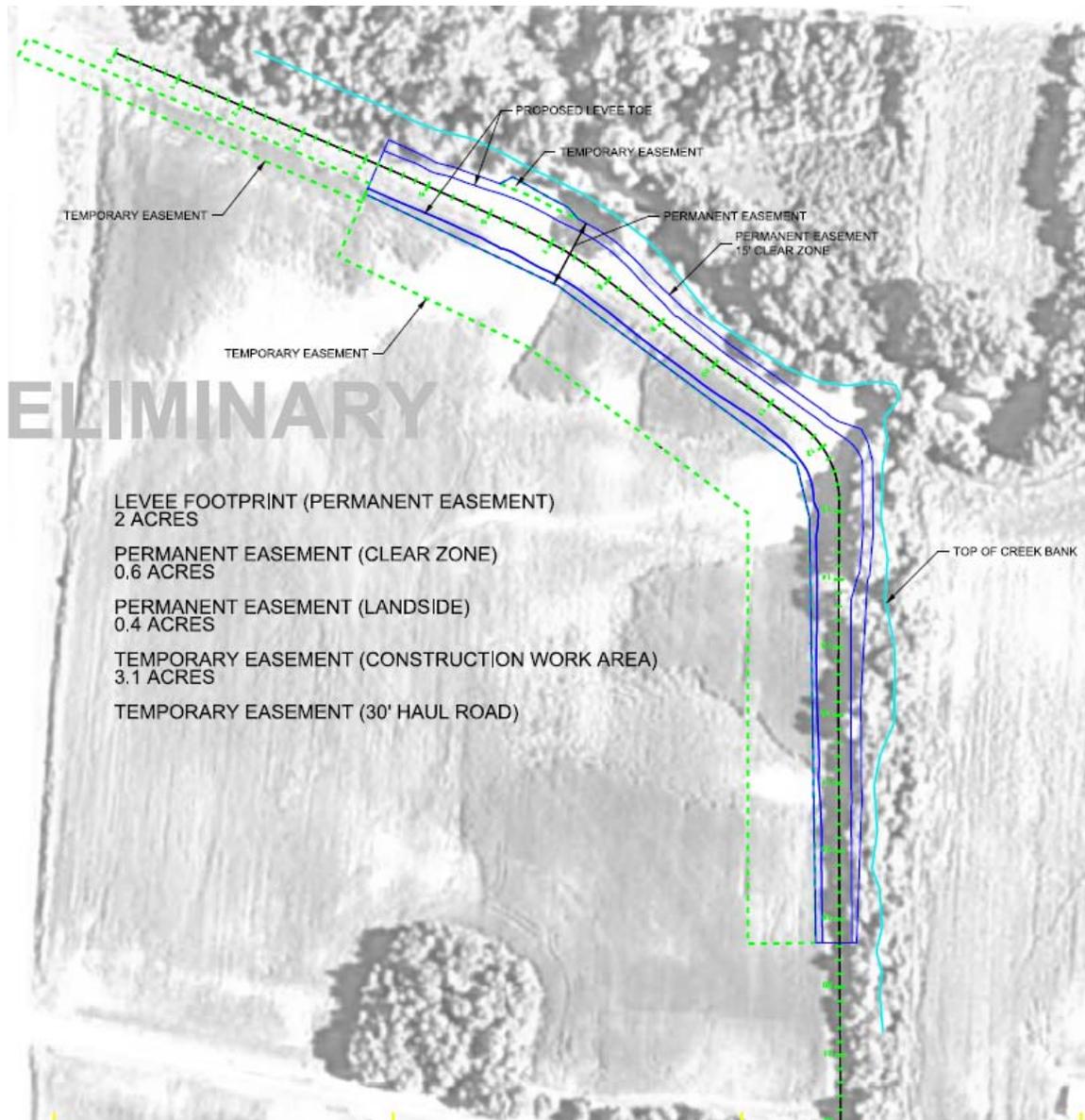


Figure 2 – Levee Repair Area

hackberry) greater than 3 inches in diameter will be removed to make room for the levee and the 15-foot clear zone at the toe of the levee. Consequently, the Corps, USFWS and the IDNR have concurred that no mitigation is necessary to complete this project.

1.5 Related Documentation:

a. Clean Water Act 404 Evaluation and 401 State Certification: After discussion of the project plans with the Corps Regulatory office, it was decided that a Section 404 permit would not be required unless final plans indicate staging or access areas would impact adjacent wetlands or the tributary creek to Mauvaise Terre Creek. No violation of State Water Quality Standards is expected as a result of construction activities associated with this project.

b. Hazardous and Toxic Wastes: No Phase I Environmental Site Assessment was completed because there were no areas where groundwater or soil contamination was suspected. If suspected hazardous or toxic substances are found during construction, the U.S. Army Corps of Engineers will notify the Illinois Department of Natural Resources, Office of Water Resources, Illinois Environmental Protection Agency (Illinois EPA) and the U.S. Environmental Protection Agency (U.S.EPA). Hazardous or toxic substances encountered during construction activities will be managed in accordance with all applicable environmental laws and transportation regulations.

c. Floodplain Management: In the plan formulation for this repair project, the Water Resources Council's eight-step process for addressing the basic requirements of Executive Order 11988 (Floodplain Management) was followed. Appendix A includes the Corps' compliance with each step.

1.6 Project Objective: The project objective is to restore the damaged section of the SCDLD to its original elevation and increase the slope to the federal standard of one on three.

II. ALTERNATIVES

2.1 Introduction: This section describes the alternatives, compares the alternatives in terms of their environmental impacts and achievement of objectives, and recommends an alternative.

a. Description

(1) No Action. This alternative consists of providing no emergency levee repairs under PL 84-99 authority or funding sources. The already completed temporary repairs in the levee do not provide the original level of protection (2-year versus 40-year) compromising the integrity of the levee system.

(2) Non-Structural Flood Recovery/Floodplain Management. This alternative consists of non-structural strategies generally involving change in land use

offered by other federal and state programs. Such strategies would include: (a) acquisition, relocation, elevation, and flood proofing existing structures; (b) rural land easements and acquisitions; and (c) restoration of wetland. See Appendix B for the local sponsor's written request declining the non-structural alternative.

(3) Structural Repair. This alternative consists of restoring the levee system to the pre-event/pre-disaster condition under the authorities of PL84-99. The repairs would be completed in one construction season. Two borrow areas for the project have been identified and are located in crop fields a few miles from the project site as shown in Figure 4.

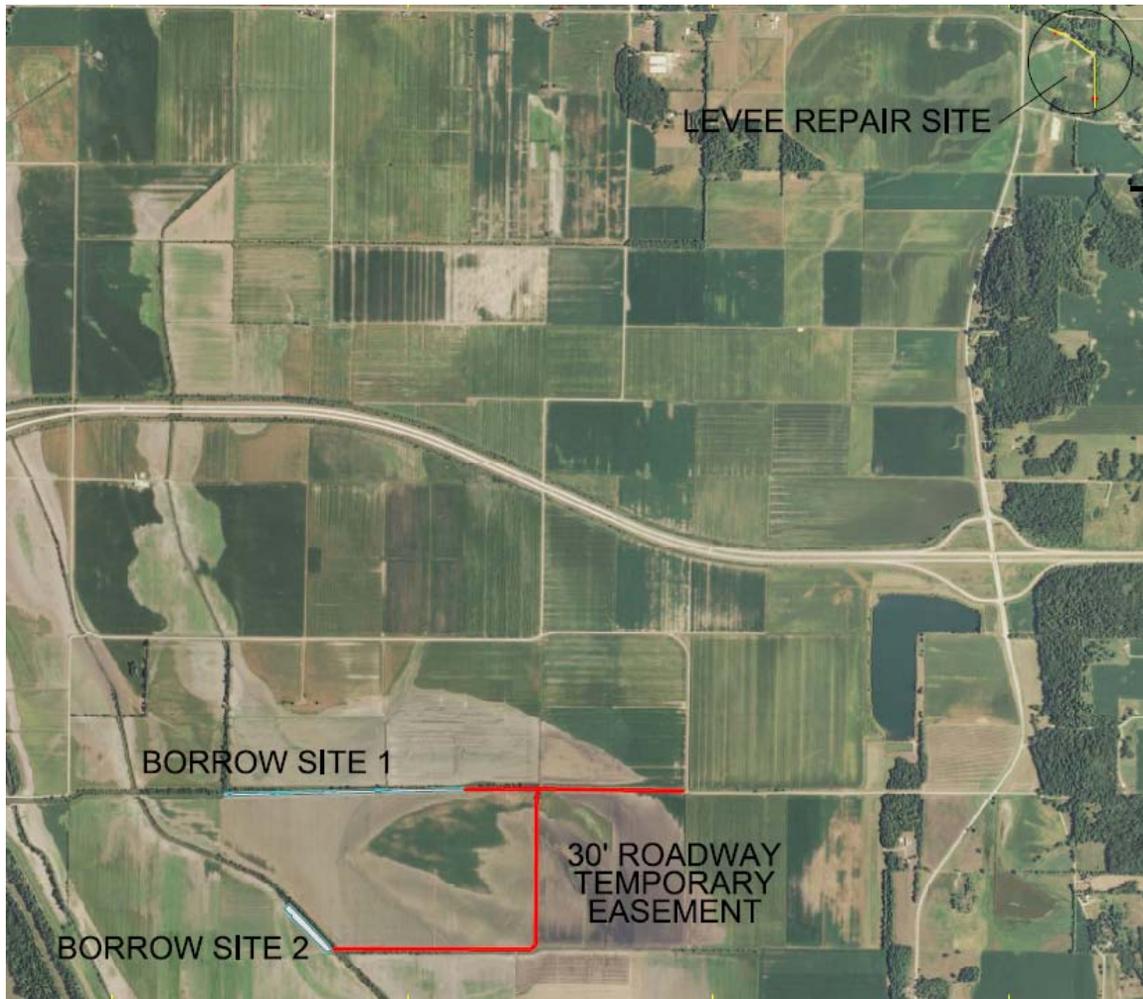


Figure 4 – Borrow Areas

b. Discussion

(1) The “No Action” alternative is not an acceptable alternative to the Sponsor because the sponsor would like the levee to be restored to pre-event conditions, minimizing potential impacts of future events.

(2) The non-structural flood recovery/floodplain management alternative is not acceptable to the sponsor because the present owners desire to continue agricultural use during high water events.

(3) The structural repair alternative restores the levee system to the pre-event condition and is fully supported and desired by the sponsor. If the repair is not done additional damage may occur during future flooding events.

2.2 Recommended Alternative: Alternative 3, structural repair of the SCDLD levee breaches, is the recommended alternative. A team including members of the St. Louis District's Design Branch and Geotechnical Branch were involved with developing the most economical and efficient design for repair. Structural repair will reconstruct the levee to the current federal levee standard for section and grade.

III. AFFECTED ENVIRONMENT

The SCDLD provides protection to 10,500 total acres (9,000 cropland acres) up to a 40-year flood event. The SCDLD is approximately 70 percent soybeans and 30 percent corn.

3.1. Physical Resources: The SCDLD is located on the floodplain of the Illinois River in a rural setting. Because of the fertility of the soil and moisture, the lands are prized for their agricultural productivity. Levees have been constructed to keep out flood waters up to a 40-year level flood and provide a reasonable amount of certainty of yearly crop production. Most of the area within the levee is considered prime farmland. Air quality is considered to be excellent due to the rural location of the project area. Mauvaise Terre Creek (below Town Brook) is considered an impaired stream due to the presence of fecal coliform bacteria that does not support primary contact use, i.e. swimming (IEPA 2011). Fish consumption and aquatic life are fully supported uses of this stream. Soils in the project area are Wakeland-Birds-Belknap (IL068) (IEPA 2007). The Wakeland series consists of the moderately permeable soils on bottomlands. These soils formed in silty alluvial sediments. Slopes range from 0 to 2 percent. Wakeland soils are similar to Belknap soils, but not as acidic. Birds soils have more clay in their subhorizons than Wakeland (USDA 1982). A small tributary stream is located along the northeastern side of the SCDLD adjacent to the project construction area.

3.2 Biological Resources:

a. Fish and Wildlife: Riparian zones adjacent to the Mauvaise Terre Creek and tributary support bottomland hardwood tree species such as cottonwood, black locust, dogwood, hackberry, silver maple, sycamore, and mulberry. The floodplain habitat and aquatic habitats support a variety of insects, crustaceans, reptiles, amphibians, fish, birds, and mammals. Typical terrestrial species that use this habitat include turkey, white-tailed deer, beaver, raccoon, opossum, wood duck, and many songbirds. Aquatic vertebrates include catfish, minnows, and sunfish. The borrow areas are located in existing

agricultural fields. The levees themselves are mowed grass areas that are managed to prevent shrub and tree growth and animals from making burrows. Federally listed species which may occur in Scott County include the Indiana bat, decurrent false aster and eastern prairie fringed-orchid.

b. Federally Threatened and Endangered Species:

In compliance with Section 7(c) of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers consulted the U.S. Fish and Wildlife Service (USFWS) Region III website on 4 January 2012 to obtain a listing of Federally

Scott County	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Decurrent false aster</u> (<i>Boltonia decurrens</i>)	Threatened	Disturbed alluvial soils
	<u>Eastern prairie fringed orchid</u> (<i>Platanthaera leucophaea</i>)	Threatened	Mesic to wet prairies

Table 1 – List of Federally Endangered and Threatened Species

threatened or endangered species, currently classified or proposed for classification, that may occur in the vicinity of the SCDLD levee repair. Three species were indicated as occurring in Scott County as shown in Table 1. The Illinois Department of Natural Resources Ecocat website was used to check the occurrence of any state-listed species in the immediate vicinity of the project site. The Ecocat website indicated there was no record of any State-listed threatened or endangered species, Illinois Natural Areas inventory sites, dedicated Illinois Nature Preserves or registered Land and Water Reserves.

3.3. Socioeconomic Description:

a. Economic: The main occupation in the SCDLD is farming and levees are of regional economic importance to maintain the agricultural productivity occurring in the floodplain. The SCDLD contains a few residential properties and farm related structures. It is estimated that the levee scour and breaches have reduced the degree of levee protection to a 2-year flood event for SCDLD.

b. Recreation: No developed recreational facilities are located in the proposed repair, borrow or staging areas of the SCDLD; however, some low-density recreation activities such as sightseeing, hunting, fishing and walking/hiking undoubtedly do occur.

c. Cultural: The project repair sites and staging areas are composed of recently deposited material and are not expected to include any culturally significant materials. Although cultural materials were found at one of the proposed borrow areas, the site can be avoided.

IV. ENVIRONMENTAL IMPACTS OF PROPOSED ALTERNATIVES

4.1 No Action Alternative:

a. Physical Resources: If the SCDLD levees were not repaired to the Federal standard there would be an increased flood risk and more physical damages would occur within the SCDLD such as erosion and sedimentation. Air quality and noise pollution would not be affected by this alternative.

b. Biological Resources: Due to the possibility of more frequent flooding of the SCDLD under this alternative, some vegetation would be destroyed and some wildlife would be more frequently displaced. There would also be some beneficial impacts if agriculture use diminished and a more diverse environment developed, especially for aquatic oriented wildlife.

c. Socioeconomic Description:

(1). Economic: The flood protection is reduced under this alternative to the 2-year protection level. A more frequent flood interval (every 2 years) would greatly diminish agriculture with negative regional economic impacts.

(2). Recreation: Recreational activities such as sightseeing, hunting, fishing and hiking/walking would be disrupted more often due to the possibility of more frequent flooding within the SCDLD.

(3). Cultural Resources: Although it is unlikely that erosion of the levee would expose any cultural material, any material that was exposed by flooding in the SCDLD could potentially be adversely impacted.

d. Cumulative Effects: Cumulative impacts are those “impacts which result from the incremental consequences of an action when added to other past and reasonably foreseeable future actions” (40 CFR 1508.7). It is assumed that the other drainage and levee districts would continue to maintain the integrity of the DLD as it has in the past; therefore, this alternative would not result in any major negative cumulative impacts to the Illinois River valley regional economy.

4.2. Non-structural Alternative:

Non-Structural Flood Recovery/Floodplain Management. This alternative consists of non-structural strategies generally involving a change in land use offered by

other federal and state programs. Such strategies would include: (a) acquisition, relocation, elevation, and flood proofing existing structures; (b) rural land easements and acquisitions; and (c) restoration of wetland. The non-structural solution would result in a more natural floodplain ecosystem with more frequent flooding and natural succession of vegetation. This would result in more natural conditions for wildlife and potentially improved opportunities for certain recreation activities when conditions permit. Agricultural activities of course would be subject to the whims of nature and productivity and profitability may suffer. The SCDLD has rejected this alternative. See Appendix B for the local sponsor's written request declining the non-structural alternative.

Cumulative Effects: It is assumed that the other drainage and levee districts would continue to maintain the levee system in the past; therefore, this alternative would not result in any major negative cumulative impacts to the Illinois River valley regional economy.

4.3. Preferred Alternative: Federal Assistance with Levee Repairs:

a. Physical Resources

(1). Air Quality: Construction activities could cause a slight increase in suspended particulates (i.e., dust). Emissions from construction equipment would increase the carbon monoxide and carbon dioxide levels in the vicinity of the construction site. The expected increases would be very negligible relative to local agricultural activities and cease after construction.

(2). Water Quality: Construction activities would occur on the mowed grass levee berms, agricultural land and a small riparian area that is not expected to adversely impact the water quality of the adjacent creek and stream if standard construction best management practices are in place. Runoff from levee repairs could cause a short-term increase in suspended solids in waterways at the immediate construction site if flooding or heavy rains occurred and the silt fences failed. All disturbed areas would be reseeded following construction to reduce the potential for erosion. Borrow removed from field areas may result in some sediment being released into the interior drainage system and turbidity, but not in significant quantities due to the presence of silt fences.

(3). Noise: Construction activities would cause an increase in local noise levels. The expected increase would be short-term and negligible relative to normal agricultural activities.

(4). Prime Farmland: All construction activities would occur on or near the levees or borrow areas. Borrow areas in prime farmland will be restored to agricultural production.

b. Biological Resources

(1). Fish and Wildlife: If heavy rain occurs during construction, washing soil into the rivers, there would be a short-term increase in turbidity in the immediate area, temporarily displacing fish and other mobile organisms. Following construction;

however, aquatic species would be expected to return. Only limited temporary impacts to fish and wildlife resources are expected.

(2). Wetlands/404 Permit Requirements: No wetlands would be impacted by the project.

(3). Federally Threatened or Endangered Species: Federally listed species which may be found in the SCDLD project area include the Indiana bat, decurrent false aster and the eastern prairie fringed-orchid.

There is no designated critical habitat in the project area at this time.

Indiana bat: The endangered Indiana bat has been noted as occurring in Scott County, Illinois. Indiana bats (*Myotis sodalis*) also winter in caves or mines, but none of these features are known in the vicinity of project site in Scott County. Females use trees in the summer months as nursery roosts, and forage for insects in the tree canopy. Trees preferred for maternity roosting in Illinois have included dead individuals with shaggy or loose bark, and diameters at breast height (dbh) greater than 9 inches. Species have included slippery elm, American elm, northern red oak, white oak, post oak, shagbark hickory, bitternut hickory, cottonwood, silver maple, green ash, white ash, and sycamore (Hofmann, 1994). Live shagbark hickory trees with loose bark or cavities are also used. Males have been known to roost in shingle oak, sassafras, and sugar maple (Hofmann, 1994). Some dead cottonwood, silver maple and sycamore greater than 9 inches dbh with cavities are present near the feeder tributary to Mauvaise Terre Creek. These trees are not scheduled to be removed, but if any tree felling associated with these projects will be restricted to the colder months when maternity roosting is known not to occur (October 1 through March 31) or the trees will be surveyed. Smaller, 6 to 12 inch dbh trees such as hackberry, mulberry, black locust, and dogwood will be removed to make room for the expanded footprint of the levee. The proposed project “may effect , but not likely to adversely affect” the Indiana bat.

Decurrent false aster: The threatened decurrent false aster (*Boltonnia decurrens*) is presently known from scattered localities on the floodplains of the Illinois River, and Mississippi River from its confluence with the Missouri River south to Madison County, Illinois. Its natural habitat is the shores of lakes and the banks of streams and it appears to require abundant light. Populations presently grow on stream banks and lake shores, but are more common in disturbed lowland areas where they appear to be dependent on human activity for survival. Habitat for this species does not occur in the impacted areas because they are for the most part located on elevated ground; therefore, the soil is too dry to support germination. This project will have “no effect” on the decurrent false aster.

Eastern prairie fringed-orchid: The threatened eastern prairie fringed-orchid (*Plantantera praeclara*) is presently known to occur in a wide variety of habitats, from mesic prairie to wetlands such as sedge meadows, marsh edges and even bogs. It requires full sun for optimum growth and flowering and a grassy habitat with little or no woody encroachment (USFWS 2004). Historic and current declines are primarily due to habitat loss. Historic declines were mainly due to conversion of natural habitats to cropland and pasture and current declines are mainly due to drainage and development of

wetlands. Other reasons include succession to woody vegetation, competition from non-native species and over-collection (USFWS 2004).

The eastern prairie fringed-orchid requires full sun and a grassy habitat with little or no woody encroachment. Historically, declines in the species resulted from natural habitat conversions to croplands and pastures. Currently, the land use within the project area is predominantly upland forest and open field. There are no mesic prairie or wetlands that will be disturbed at the project or borrow sites. Therefore, the proposed project would have “no effect” on the eastern prairie fringed-orchid.

c. Socioeconomic Description

(1). Economic Resources: Local agricultural and agri-businesses would benefit from levee repair and subsequent flood protection. The proposed initial levee repairs would not require residential displacement. No impacts to life, health, or safety would result from levee repair. The project yields a Benefit to Cost Ratio of 6.4 to 1.

(2). Recreation Resources: Low-density type recreation activities would continue to be available up to the 40-year flood events.

(3). Cultural Resources: It is very unlikely that adverse impacts to cultural resources would occur. The project area is recently deposited material that is regularly maintained. However, in the unlikely event that potentially significant archaeological/historic remains are discovered during construction activities, all earthmoving actions in the immediate vicinity of the remains would be held in abeyance until the potential significance of the remains is determined. The precise nature of such investigations would be developed by the SLD in concert with the State Historic Preservation Officer’s representatives in the Illinois Historic Preservation Agency.

d. Cumulative Impacts

For the purposes of this EA, the environmental baseline for the project area and the region is considered to be maintained drainage and levee districts. Impacts associated with past, present and future construction projects in the area have occurred and have maintained the economic vitality of the agricultural community with limited impacts to the present environment. Due to the limited impacts associated with the project addressed in this EA, it would be reasonable to assume the cumulative impacts for the repair alternative would be negligible.

V. LEGAL DISCLOSURES

5.1 Adverse Effects Which Cannot Be Avoided: Unavoidable temporary impacts include the noise and exhaust generated by heavy equipment during construction

5.2 Short-Term Use versus Long-Term Productivity: The recommended plan does not represent a short-term use of the environment, but a long-term or permanent solution to many problems with the original project. These levee problems could lead to a catastrophic levee failure and the damage to lives, property, and livelihoods of many people. The areas of impact, for the most part, have been utilized by the original project and the rehabilitation of the project will not affect any previously undisturbed areas.

5.3 Irreversible or Irretrievable Resource Commitments: Funds will be committed for labor and construction materials.

VI. COORDINATION WITH STATE AND FEDERAL AGENCIES

The proposed repairs will be coordinated with respective State and Federal agencies to include the following:

- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- Federal Emergency Management Agency
- Illinois State Historic Preservation Agency
- Illinois Department of Natural Resources

To assure compliance with the National Environmental Policy Act, Endangered Species Act and other applicable environmental laws and regulations, coordination with these agencies will continue as required throughout the planning and construction phases of the proposed levee repairs.

VII. RELATIONSHIP OF RECOMMENDED ALTERNATIVE TO ENVIRONMENTAL REQUIREMENTS

Table 2 - Relationship of Recommended Plan to Environmental Requirements Environmental Act/Executive Order	Compliance
Bald and Golden Eagle Protection Act, 42 USC 4151-4157	FC
Clean Air Act, 42 USC 7401-7542	FC
Clean Water Act, 33 USC 1251-1375	FC
Comprehensive Environmental Response, Compensation, and Liability Act, (HTRW) 42 USC 9601-9675	FC
Endangered Species Act, 16 USC 1531-1543	FC
Farmland Protection Policy Act, 7 (Prime Farmland)USC 4201-4208	FC
Fish and Wildlife Coordination Act, 16 USC 661-666c	FC
Food Security Act of 1985 (Swampbuster), 7 USC varies	FC
Land and Water Conservation Fund Act, (Recreation)16 USC 460d-4601	FC
National Environmental Policy Act, 42 USC 4321-4347	FC
National Historic Preservation Act, 16 USC 470 et seq.	FC
Noise Control Act of 1972, 42 USC 4901-4918	FC
Resource, Conservation, and Rehabilitation Act, (Solid Waste) 42 USC 6901-6987	FC
Rivers and Harbors Appropriation Act, (Sec. 10) 33 USC 401-413	FC
Water Resources Development Acts of 1986 and 1990 (Sec 906 – Mitigation; Sec 307 - No Net Loss - Wetlands)	FC
Floodplain Management (EO 11988 as amended by EO 12148)	FC
Federal Compliance with Pollution Control Standards (EO 12088)	FC
Protection and Enhancement of Environmental Quality (EIS Preparation) (EO 11991)	FC
Protection and Enhancement of the Cultural Environment (Register Nomination) (EO 11593)	FC
Protection of Wetlands (EO 11990 as amended by EO 12608)	FC

FC = Full Compliance, PC = Partial Compliance (on-going, will be accomplished before construction); Source: U.S. Army Corps of Engineers, St. Louis District.

Environmental Legal Constraints

The Preferred Alternative was subject to compliance review with all applicable environmental regulations and guidelines. The Preferred Alternative was determined to be in full compliance with all applicable acts and legislation (Table 3).

According to EO 11988 (Floodplain Management), the St. Louis District, Corps of Engineers has evaluated the levee repairs which occurred in the DLD during the spring flood of 2008. Based on the potential for property damage (roads, crops, and utilities) that currently exists, it is prudent to restore the levee to afford a level of flood protection that existed prior to the flooding event. By reducing the future risk of flood loss, minimizing the impacts on existing vegetation in the floodplain, and minimizing structural development in the floodplain, this proposed project is in full compliance with this Executive Order.

No environmental justice issues exist for any of the alternatives. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations, 59 Federal Register 7629 (1994), directs federal agencies to incorporate environmental justice in their decision making process. Federal agencies are directed to identify and address as appropriate, any disproportionately high and adverse environmental effects of their programs, policies, and activities on minority or low-income populations. No minority or low-income populations would be displaced or negatively affected in any way by the alternatives.

The St. Louis District, Corps of Engineers has evaluated the proposed levee repairs for the SCDLD. The proposed project involves the repair of three eroded areas. Two proposed borrow area would be necessary and will not create additional impacts. Therefore, the proposed levee repairs are in full compliance with Executive Order 11990 by not requiring impacts to any wetlands.

VIII. LIST OF PREPARERS

Mr. Curtis Moore, Civil Engineer	Role: Project Manager
Mr. Tyson Zobrist, Regulatory Specialist	Role: Regulatory Permits
Mr. Jim Barnes, District Archaeologist	Role: Archeological Compliance
Mr. Francis Walton, Biologist	Role: Environmental Assessment

IX. LITERATURE CITED

Hofmann, J. 1994. Letter dated June 30, 1994, from J. Hofmann, biologist, Illinois State Natural History Survey, Champaign, to J. Collins, U.S. Fish and Wildlife Service, Marion, Illinois.

Illinois Environmental Protection Agency. 2007. Mauvaise Terre Creek Watershed TMDL Report

Illinois Environmental Protection Agency. 2011. Mauvaise Terre Creek Watershed TMDL Report

U.S. Department of Agriculture. 1982. Soil Survey of Pike Co. Indiana

U.S. Fish and Wildlife Service. 2004. Prairie Fringed Orchid Fact Sheet Internet:
www.fws.gov/Midwest/Endangered/Plants/pdf/prairiefringedorchids.pdf

Appendix A

The Water Resources Council's Eight-Step Process for Addressing the Basic Requirements of Executive Order 11988 (Floodplain Management)

- Step 1. Determine if a proposed action is in the base floodplain. **Corps Action:** Yes, the authorized plan is in the base floodplain of the Illinois River.
- Step 2. Provide for public review. **Corps Action:** The Draft Environmental Assessment (EA) and Draft FONSI will be submitted for a 30-day agency review. The comments will be addressed in the Final EA.
- Step 3. Identify and evaluate practicable alternatives to locating in the base floodplain. **Corps Action:** Due to the nature of this Project, there were no alternatives located outside of the base floodplain. The projects involve correcting insufficiencies in a flood control system that is already in place. Therefore, all alternatives were located within the base floodplain.
- Step 4. Identify the impacts of the proposed action. **Corps Action:** Impacts have been identified in this document.
- Step 5. Minimize threats to life and property and to natural and beneficial floodplain values. Restore and preserve natural and beneficial floodplain values. **Corps Action:** The authorized plan directly addresses the potential threats to life and property.
- Step 6. Reevaluate alternatives. **Corps Action:** Alternatives have been evaluated throughout the entire planning process.
- Step 7. Issue findings and a public explanation. **Corps Action:** This document is being distributed to reviewing agencies and interested parties.
- Step 8. Implement the action.

Authority. Under Public Law 84-99, the Chief of Engineers is authorized, when requested by the non-Federal sponsor, to implement nonstructural alternatives (NSA's) to the rehabilitation, repair, or restoration of flood control works damaged by floods or coastal storms.

I, Randy Doler (name), Commissioner (title)

representing the Scott County Drainage & Levee Dist. (local sponsor) have been provided with information indicating that the option of pursuing a Non-Structural Alternative Project has been made available to the public entity that I represent.

The Scott County DELD (local sponsor) does not wish to pursue the option of a Non-Structural Alternative Project.

[Signature]
Corps of Engineers Representative
Providing Information on NSA

9/19/11
Date Information Provided

Scott County Drainage & Levee Dist.
Name of Local Sponsor

Randy Doler
Signature

Randy Doler
Name (Printed)

Commissioner
Title

9-22-11
Date

Appendix B – Sponsor Decline of Non-Structural Alternative

Applicant: Francis Walton
Contact: Francis
Address: USACE
St, Louis, MO 63103

IDNR Project #: 1205930
Date: 12/05/2011

Project: SC DLD
Address: NONE, Jacksonville

Description: Levee repair

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Scott
Township, Range, Section:
15N, 13W, 29 15N, 13W, 32



IL Department of Natural Resources Contact
Impact Assessment Section
217-785-5500
Division of Ecosystems & Environment

Local or State Government Jurisdiction
Other

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Appendix C – Illinois Department of Natural Resources Eco—CAT Results.