

Public Notice

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

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

Permission No.

OD-R 18-023

Public Notice Date

November 05, 2025

Expiration Date

December 05, 2025

Postmaster, Please Post Conspicuously Until:

JOINT PUBLIC NOTICE FROM THE ST. LOUIS DISTRICT READINESS BRANCH, THE ST. LOUIS DISTRICT REGULATORY DIVISION, AND THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work near federally constructed flood protection projects of the United States, a Department of the Army permit for certain work in waters of the United States, and a Department of the Army permit for structures or work in or affecting navigable waters of the United States, as described below and shown on the attached maps. The Illinois Environmental Protection Agency (IEPA) may use comments to this notice for Section 401 water quality certification decisions. The United States Coast Guard (USCG) will issue a separate public notice for their Section 9 of the Rivers and Harbors Act bridge permitting decision.

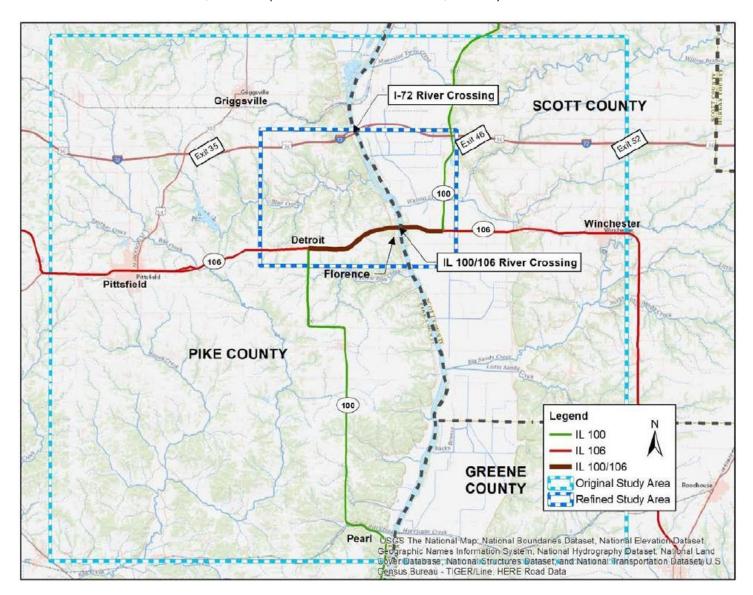
<u>COMMENTS AND ADDITIONAL INFORMATION</u>: Comments on the described work should reference the U.S. Army Corps of Engineers (USACE) Public Notice number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following addresses:

U.S. Army Corps of Engineers Readiness Branch 1222 Spruce Street St. Louis, Missouri 63103-2833 ATTN: Matthew J. Hartman, P.E. or Matthew.J.Hartman@usace.army.mil

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344) and Section 408 of the Rivers and Harbors Act (33 USC 408).

<u>REQUESTER</u>: The Illinois Department of Transportation (IDOT), Attention: Mr. Jay Wavering, P.E., 3215 Executive Park Drive, Springfield, IL 62703.

LOCATION: The site is located along and perpendicular to the Big Swan Levee System and across the Illinois River Navigation Channel. The work is located at the approximate coordinates 39°37′56″N 90°36′27″W near Florence, Illinois. (Pike and Scott Counties, Illinois).



PROPOSED ACTION: This project consists of removing and replacing the structure (SN 086-0001) that spans over the Illinois River and Ferry Lake as well as the reconstruction of the roadway approaches near Florence, IL. The proposed structure (SN 086-0506) will be built approximately 325 feet south (downstream) from the existing bridge and will have a total of 19 spans, consisting of 4 units, and will utilize steel web plate girders. Unit 1 will utilize 69" steel web plate girders, Unit 2 will utilize 130" steel web plate girders, and Units 3 & 4 will utilize 66" steel web plate girders. The substructures for Units #1, #2, and #3 will utilize drilled shaft foundations. The Unit #4 substructure will utilize large diameter open ended pipe pile. The total length of the structure will be 3,916.75 feet. The existing structure will be demolished after the proposed roadway and structure are constructed and opened to traffic. Riprap will be placed for erosion control and scour protection. Specifically, this Section 408 application details the portion of the project where the east end bridge abutment and bridge structure crosses the Big Swan Levee embankment and the bridge piers and revetment work occurring within the banks of the Illinois River.

LOCATION MAPS AND DRAWINGS: See Attached.

<u>ADDITIONAL INFORMATION</u>: Additional information may be obtained by contacting Matthew Hartman, P.E., St. Louis District 408 Coordinator, U.S. Army Corps of Engineers, at (314) 331-8568. Your inquiries may also be sent by e-mail to Matthew.J.Hartman@usace.army.mil.

Comments regarding water quality concerns may also be sent directly to Darren Gove, IEPA Office of Water Resources, at 217-782-3362. Your comments may also be sent to Darren.Gove@illinois.gov.

REGULATORY AUTHORITY: The Illinois Department of Transportation (IDOT), in cooperation with the Federal Highway Administration (FHWA) as the lead federal agency proposed the bridge replacement project. As part of the environmental review process, IDOT has submitted documentation addressing potential impacts on Waters of the United States, in addition to the Section 408 review.

The USACE, St. Louis District Regulatory Division conducted a preliminary review of the proposed project and determined that this activity requires a Department of the Army Permit under Section 404 of the Clean Water Act. The project will impact approximately the banks of the Illinois River and 7.18 acres of wetlands adjacent to the Illinois River due to the construction of erosion scour protection, temporary construction access, and concrete piers supporting the new bridge structure. Upon completion, the wetland and floodplain area beneath the new structure including Ferry Lake will be restored to provide open water, emergent, and early successional wetland habitats. Mitigation for wetland impacts will occur at a USACE approved IDOT Mitigation Bank.

Additionally, the U.S. Coast Guard is reviewing the bridge replacement under Section 9 of the Rivers and Harbors Act. Temporary construction fills, piers, and abutments associated with the approved bridge are authorized by Nationwide Permit #15. Any other construction fills or impacts to WOTUS not associated with the Coast Guard approved bridge will be authorized as a general or standard permit. Comments received from this public notice are incorporated into the decisions.

SECTION 401 WATER QUALITY CERTIFICATION: On July 22, 2025, IDOT provided a project application to the Illinois Environmental Protection Agency (IEPA). On October 1, 2025, IEPA provided a letter stating that IDOT's submitted documentation is considered a valid application for certification for dredge and fill activities pursuant to 35 III. Admin. Code Part 395. A valid application means; IEPA has been informed that a case-specific 401 certification has been determined to be necessary by the applicable federal permitting agency and that sufficient project information has been submitted to initiate a technical review of the activity. IEPA has also tentatively determined that, based on certain relevant factors, that a 120-calendar-day period, ending on Wednesday, November 19, 2025, is an appropriate reasonable period of time pursuant to CWA Section 401(a)(1). This date may be subject to revision or extension as determined appropriate by USCG or USACE. Based on a review of technical documentation in the application, IEPA determined that the application is complete and issued a public notice on October 29, 2025, therefore a public notice or final determination regarding water quality certification will be issued by IEPA in the near future.

<u>PUBLIC HEARING</u>: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

SECTION 408 EVALUATION: The decision whether to grant the requested permission for project modification under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

- Impair the Usefulness of the Project Determination. The review team will determine if the
 proposed alteration would limit the ability of the project to function as authorized, or would
 compromise or change any authorized project conditions, purposes, or outputs. The decision
 whether to approve a request for modification would be based on a determination of no
 impairments.
- 2. <u>Injurious to the Public Interest Determination</u>. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.
- 3. Environmental Compliance. A decision on a Section 408 request is a federal action and is therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the St. Louis District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. NEPA and other analysis completed to comply with the other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review is limited to the area of alteration and those adjacent areas that are directly or indirectly affected by the alteration.

In compliance with Section 7(c) of the Endangered Species Act of 1973, as amended, lists of species and critical habitat were acquired from the USFWS Information for Planning and Conservation (IPaC) website. The IPaC list included gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), higgins eye pearlymussel (*Lampsilis higginsi*), spectaclecase mussel (*Cumberlandia monodonta*), decurrent false aster (*Boltonia decurrens*), and eastern prairie fringed orchid (*Platanthera leucophaea*). On 14 November 2019, the applicant prepared a Biological Assessment to address the effects to the listed species. The applicant made a "no effect" determination for gray bat, higgins eye pearlymussel, spectaclecase mussel, and eastern prairie fringed orchid. The applicant made a "may affect, likely to adversely affect" determination for the Indiana bat, northern long-eared

bat, and decurrent false aster. On 9 March 2020, the USFWS issued a Biological Opinion for the proposed project. On 30 May 2023, IDOT requested additional review from the USFWS for the proposed endangered tricolored bat (*Perimyotis subflavus*) and the candidate monarch butterfly (*Danaus plexippus*). On 31 May 2023, USFWS responded to confirm that the 9 March 2020 Biological Opinion remained valid and focused review on the additional species. The USFWS concurred that the project is not likely to jeopardize the continued existence of the tricolored bat and monarch butterfly, and concurred with a revised "may affect, NOT likely to adversely affect" determination for the northern long-eared bat

On 19 September 2019, an EcoCAT report (#2002995) was obtained from the Illinois Department of Natural Resources (IDNR). The report listed the Burns Springs INAI site, the Florence Bridge Bed INAI site, the decurrent false aster, and the Illinois chorus frog. On 21 October 2019, the IDNR provided a consultation letter addressing the proposed impacts and proposed conservation measures to minimize impacts. IDNR will be invited to provide additional comment during the public notice period.

The Migratory Bird Treaty Act (MBTA) of 1918 provides protection for bird species native to North America. The project area is in the Mississippi Flyway, a bird migration route which follows the Mississippi River, the Missouri River, and the Lower Ohio River in the United States. A variety of migratory birds might occur in the project areas, some as migrants and some as breeders, depending on the time of year. Year-round residents would also be present. The construction disturbance could cause temporary minor adverse impacts.

Although the bald eagle (Haliaeetus leucocephalus) was removed from the federal list of threatened and endangered species in 2007, it continues to be protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (BGEPA). The BGEPA prohibits unregulated take of bald eagles, including disturbance. The U.S. Fish and Wildlife Service developed the National Bald Eagle Management Guidelines to provide landowners, land managers, and others with information and recommendations regarding how to minimize potential project impacts to bald eagles, particularly where such impacts may constitute disturbance. The nearest bald eagle nest is over a mile away, along the left descending bank of the Illinois River.

St. Louis District Archaeologists conducted a Historic Property Preliminary Review on 16 October 2024. This review found that the Federal Highways Administration (FHWA) is the Section 106 of the National Historic Preservation Act of 1966 (NHPA) lead for the project. FHWA found the Florence Bridge to be a historic property that will be adversely affected by the bridge replacement. A Memorandum of Agreement between the FHWA, Illinois State Historic Preservation Office, Illinois Department of Transportation, The Miami Tribe of Oklahoma, The Osage Nation, and The Peoria Tribe of Indians of Oklahoma was executed to resolve the adverse effects to the historic property.

All actions taken were in accordance with the NHPA. In the unlikely event that, earthmoving activities associated with the proposed work did impact potentially significant archeological/historic remains, all construction activities and earthmoving actions in the immediate vicinity of the remains would be held in abeyance until the potential significance of the remains could be determined. The precise nature of such investigations would be developed by the Saint Louis District in concert with the professional staff of the Illinois SHPO.

- 4. <u>Environmental Impact Statement</u>. A preliminary determination has been made that an environmental impact statement is not required for the proposed work.
- Technical Analysis. The St. Louis District is working closely with the requestor to ensure that all technical plans, maps, drawings, specifications are provided and complete. A District-led Technical Review is being conducted to determine any potential adverse impacts to the USACE flood protection system.

SOLICITATION OF COMMENTS: USACE is soliciting comments from the public; Federal, State, and Local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by USACE to determine whether to issue, modify, condition, or deny a permission 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 taken into consideration 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.

<u>SUMMARY</u>: It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the St. Louis District Corps of Engineers, Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so in writing no later than **December 05, 2025**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

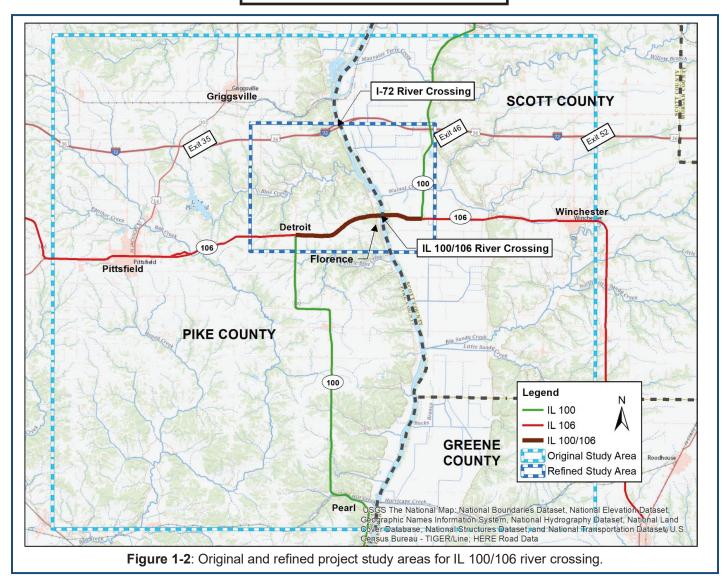
This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

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.

Attachment:

LOCATON MAP



Florence Bridge Replacement
Illinois Department of Transportation
Pike and Scott County, Illinois

