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# Public Notice

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**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 19-003  
Public Notice Date  
January 28, 2021  
  
Expiration Date  
February 27, 2021**

**Postmaster Please Post Conspicuously Until:**

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## **REQUEST FOR PERMISSION TO MODIFY A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408**

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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, as described below and shown on the attached maps.

**COMMENTS AND ADDITIONAL INFORMATION:** Comments on the described work should reference the U.S. Army Corps of Engineers 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 address:

U.S. Army Corps of Engineers  
Readiness Branch  
1222 Spruce Street  
St. Louis, Missouri 63103-2833  
ATTN: Eric Piel,  
or [Eric.M.Piel@usace.army.mil](mailto:Eric.M.Piel@usace.army.mil)

**REQUESTER:** Missouri Department of Transportation, Attention: Ms. Lisa Kuntz, P.E.

**LOCATION:** The site is located along U.S. Highway 67, extending West from the Clark Bridge for approximately 1.2 miles. The project intersects the Consolidated North County Levee system at approximate Sta. 1058+90. (Consolidated North County Levee District, St. Charles, Missouri)

**PROPOSED ACTION:** The applicant is requesting to shift approximately 1 mile of U.S. Highway 67 southbound lanes onto the existing northbound embankment. The existing northbound lanes will sift slightly south/southeast on the existing embankment to accommodate the additional southbound

lanes. The northbound lane shift will require a small widening of the existing embankment that will tie-in at the toe of the levee connection. The purpose of the project is to raise a portion of southbound U.S. Highway 67 out of the floodplain, reducing flood related road closures.

**LOCATION MAPS AND DRAWINGS:** See Attachment

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Eric M. Piel, St. Louis District 408 Coordinator, U.S. Army Corps of Engineers, at (314) 331-8568. Your inquiries may also be sent by electronic facsimile to (314) 331-8725 or by e-mail to Eric.M.Piel@usace.army.mil.

**REGULATORY AUTHORITY:** This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408). This activity does not require a Section 10 (Rivers and Harbors Act), but based on a review of the submitted plans, a Section 404 (Clean Water Act) permit would be required. The applicant has avoided and minimized impacts during the design process, and has proposed to mitigate for the remaining impacts to waters of the U.S. associated with the project.

**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 U.S. Army Corps of Engineers technical review team considering the following factors:

1. **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. **Injurious to the Public Interest Determination.** 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 U.S. Army Corps of Engineers project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular 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 therefore subject to the National Environmental Policy Act (NEPA) and other environmental

compliance requirements. While ensuring compliance is the responsibility of USAGE, 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 US Army Corps of Engineers 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. Any substantial project design changes not covered in prior NEPA documents will be addressed in a supplemental NEPA document that will include potential impacts limited to the Consolidated North County Levee System.

4. Environmental Impact Statement. A preliminary determination has been made that an environmental impact statement is not required for the proposed work.
5. 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 US Army Corps of Engineers flood protection system.

**SOLICITATION OF COMMENTS:** The U.S. Army Corps of Engineers 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 the U.S. Army Corps of Engineers 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.

**SUMMARY:** 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 **February 27, 2021**. 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.

**ORIGINAL SIGNED**

JOHN L. OSTERHAGE, P.E.  
Chief, Readiness Branch

Attachment

**NOTICE TO POSTMASTERS:**

It is requested that this notice be conspicuously and continually placed for 15 days from the date of this issuance of this notice.



