



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 22-023
Public Notice Date
November 2, 2022

Expiration Date
December 1, 2022**

Postmaster, Please Post Conspicuously Until:

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

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: Jeffrey Wells, P.E.
or Jeffrey.M.Wells@usace.army.mil

REQUESTER: ADB Companies Attention: Mr. JD Hecht

LOCATION: The project site is located along and perpendicular to the East St Louis Flood Protection System Levee in Illinois and the City of St Louis Flood Protection System Flood Wall in Missouri. On the Illinois side of the Mississippi River, the project site is located approximately 600 ft north of the Martin Luther King Bridge along W Missouri Ave. in East St. Louis and on the Missouri side of the river the project site is located near the intersection of Carr St. and N. 2nd St.

PROPOSED ACTION: The applicant is requesting to make alterations to the East St Louis Flood Protection System Levee, the City of St Louis Flood Protection System, and the Mississippi River Navigation Channel. The proposed alterations include the installation of a directionally drilled steel casing that will house a fiber optic communications line that will be installed under East St Louis

Flood Protection System Levee, the City of St Louis Flood Protection System, and the Mississippi River Navigation Channel.

LOCATION MAPS AND DRAWINGS: See Attachment

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jeffrey Wells, 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 Jeffrey.M.Wells@usace.army.mil.

REGULATORY AUTHORITY: The St. Louis District Regulatory Branch has conducted a preliminary review of the proposed project. Based upon review of the project activity description, as well as the location of the work, the Regulatory Branch determined that this activity does trigger the need for a Department of the Army Permit under Section 10 and Section 404 of the Clean Water Act.

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 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 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. The proposed project is not expected to involve significant impacts to endangered species, important fish and wildlife resources, water quality, floodplains, or other natural and cultural resources. The environmental effects of this project are minor. The project is not anticipated to involve tree clearing; however in the event that the contractor deems it necessary to remove trees ≥ 3 " diameter breast height (dbh), such tree removal shall be limited to the period when federally-listed bat species are usually in their hibernacula (1 November to 31 March). Vegetative clearing would be required to prepare the exit and stringing workspaces for construction; although unlikely, inadvertent drilling fluid surface releases may occur during HDD. 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 for the Proposed Action Area on 29 September 2022 (Project Code: 2022-0090391). The listed species included Indiana Bat, Northern Long-eared Bat, Pallid Sturgeon, Monarch Butterfly, and Decurrent False Aster. A "*may effect, but not likely to adversely affect*" determination was made for the Indiana Bat, Northern Long-eared Bat, Pallid Sturgeon, and Decurrent False Aster; and a "*not likely to jeopardize the continued existence*" determination was made for the Monarch Butterfly. Thus, per Section 7(c) of the Endangered Species Act of 1973, as amended, USACE has initiated consultation with the USFWS. The Missouri Department of Conservation provided a Natural Heritage Review Report on 6 October 2022, which stated that no state-listed endangered species and no state-ranked species/natural communities were recorded within the project area. An EcoCAT report dated 29 September 2022 was obtained by USACE from the Illinois Department of Natural Resources. The report stated that 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.

4. Environmental Impact Statement. A preliminary determination has been made that an environmental impact statement is not required for the proposed work.
5. Cultural Resources. St. Louis District Archaeologists conducted a Historic Property Preliminary Review on 8 August 2022. The project area overlaps archaeological site 23SL4 in Missouri. Missouri SHPO had made the determination of no adverse effect to historic properties, with the condition that all ground disturbing activities are monitored by an archaeologist. Illinois SHPO has determined no historic properties affected for the project and recommended no further work in Illinois. USACE—St. Louis District concurs with the Illinois and Missouri SHPOs recommendations. Archaeological monitoring for all ground disturbance and a report detailing the findings is needed in Missouri and no archaeological work is needed in Illinois. USACE—St. Louis District has made a "No Adverse Effect" with the condition that archaeological monitoring will be performed for all ground disturbance in Missouri and a report of findings will be submitted to USACE after monitoring is completed.
6. Tribal Coordination. All actions taken would be in accordance with the National Historic Preservation Act of 1966, as amended (NHPA). Tribal consultation pertaining to these monitoring plans will take place within five (5) business days.
7. 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 **December 1, 2022**. 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.

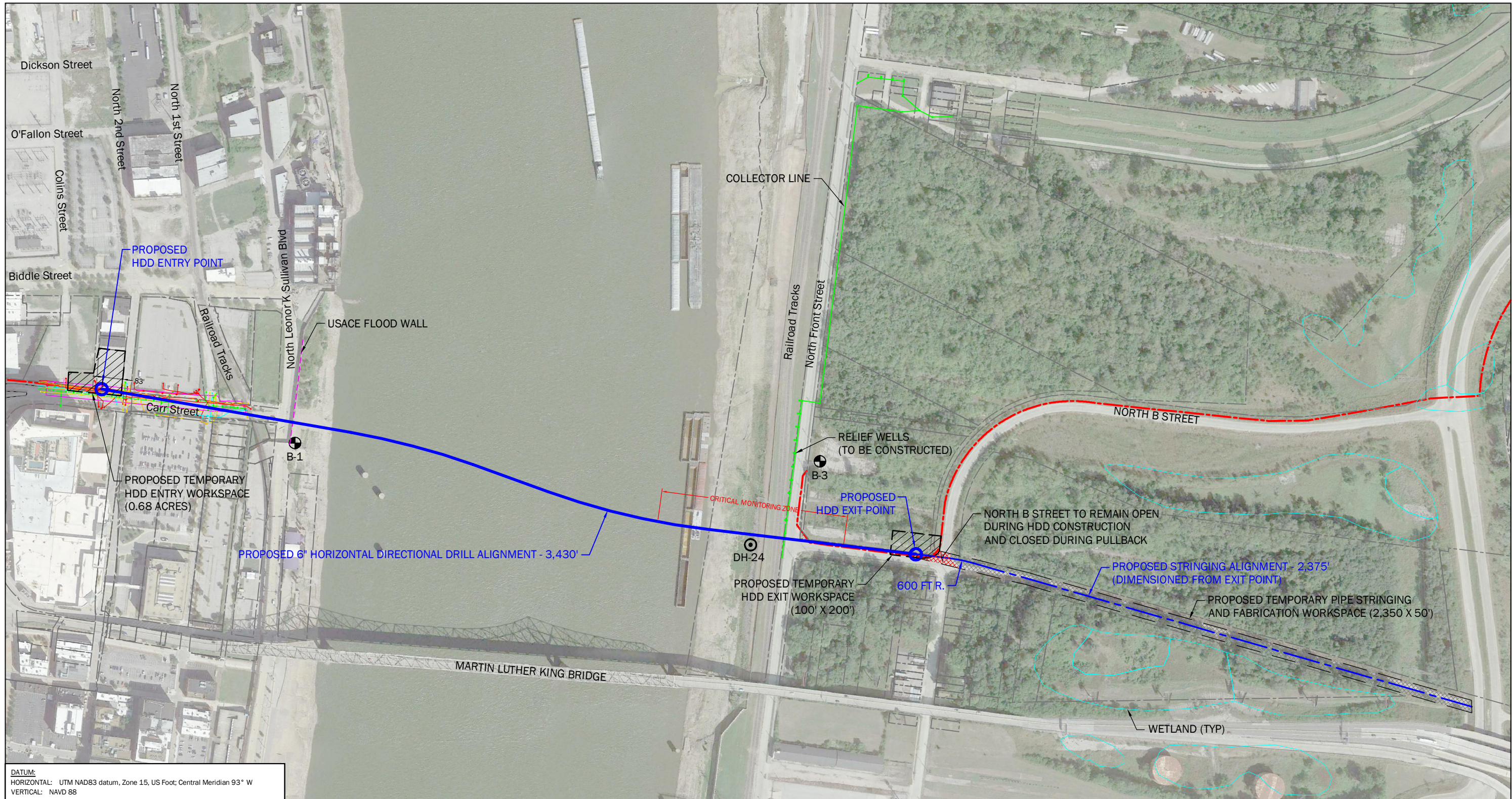
ORIGINAL SIGNED

John L. Osterhage
Chief, Readiness Branch

Attachment

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.



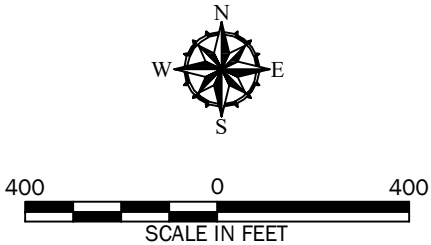
DATUM:
HORIZONTAL: UTM NAD83 datum, Zone 15, US Foot; Central Meridian 93° W
VERTICAL: NAVD 88

- Notes:
1. The locations of all features shown are approximate.
 2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.
 3. GeoEngineers, Inc. has not verified the field location of the existing utilities.

reference: Aerial image taken from Google Earth Pro © 2022, licensed to GeoEngineers, Inc., image dated 09/25/21.

Legend

- BORING LOCATION
- USACE BORING LOCATION
- PROPOSED PIPELINE ALIGNMENT
- ELECTRIC LINE
- WATER LINE
- STORM DRAIN
- COMMUNICATION LINE



ADB Companies Site Plan	
Mississippi River Fiber Optic Installation Mississippi River HDD St. Louis County, Missouri & St. Clair County, Illinois	
	Figure 2