



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 23-018
Public Notice Date
July 31, 2023

Expiration Date
August 18, 2023

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: Hanson Professional Services Inc. on behalf of The Nature Conservancy Attention: Mr. Tony Comerio, P.E. CFM.

LOCATION: The site is located along and perpendicular to the Little Creek Levee. The work is located at the approximate coordinates 39°53'16.26"N 90°34'48.93"W in Versailles, IL. (Little Creek Drainage District, Brown County, Illinois).

PROPOSED ACTION: The applicant is requesting to make alterations to the Little Creek Levee in Brown County, Illinois. The proposed alterations include the repair of two levee breaches that occurred during the 2013 flood. Embankment from local borrow sources is proposed for the repair section and the breach section of the levee. A permanent drainage structure is also proposed in the breach section. The proposed drainage structure is a 72-inch diameter concrete pipe with a water control system that will allow for fish passage. The drainage structure will also include a sampling structure.

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 will trigger the need for a Department of the Army Permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The proposed project involves a discharge into the Illinois River via the placement of a new outfall structure at the site. The St. Louis District Regulatory Branch intends to issue a Department of the Army Nationwide Permit #27 (Aquatic Habitat Restoration, Enhancement, and Establishment Activities) for the proposed actions (MVS-2022-308).

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 work area falls completely within the scope of the Regulatory Branch review. Thus, a separate review by the Environmental Compliance Section is not warranted.

St. Louis District Archaeologists conducted a Historic Property Preliminary Review on 3 May 2022. There are no known archeological sites within the project area. A 2002 geomorphological study of the area indicated cultural resources may be present at deep depths within adjacent parts of the bottomlands; however, the project area was in an area with lower potential for deeply buried deposits. The USACE-St. Louis District requested a Phase 1 Survey with deep testing be performed for the project to ensure no deeply buried deposits were located in the area. Prairie Archaeology and Research, LTD performed the cultural resource survey that included mechanical excavation of trenches to 3.3 feet below the surface. No cultural resources were found. A determination of "No Historic Properties Affected" was found for the project. The Illinois SHPO concurred with this determination.

All actions taken were in accordance with the National Historic Preservation Act of 1966, as amended (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.

The St. Louis District consulted with 23 federally recognized Indian tribes that have an interest within this area on June 2, 2023. Three nations replied with no objections to the project, but requested to be contacted if cultural significant remains are identified during construction.

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 **August 18, 2023**. 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.

1. "IDOT STANDARD SPECIFICATIONS", WHERE REFERENCED IN THE PLANS OR TECHNICAL SPECIFICATIONS, REFERS TO THE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" LATEST EDITION, AND THE "SUPPLEMENTAL SPECIFICATIONS AND RECURRING SPECIAL PROVISIONS" LATEST EDITION, BOTH PUBLISHED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT).
2. ALL SECTIONS, DETAILS, AND NOTES SHOWN ON THE DRAWINGS ARE INTENDED TO BE TYPICAL AND SHALL APPLY TO SIMILAR SITUATIONS ELSEWHERE, UNLESS OTHERWISE SHOWN.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS BEFORE STARTING WORK. IF CONDITIONS VARY FROM THOSE INDICATED ON THE DRAWINGS, THE OWNER SHALL BE NOTIFIED AND NO WORK SHALL BE DONE IN THE AREA WITHOUT HIS APPROVAL.
4. THE CONTRACTOR SHALL COORDINATE WORK AND COOPERATE WITH OTHER SUBCONTRACTORS ON ADJACENT AND CONCURRENT WORK.
5. SCALE FOR THE DRAWINGS IS FOR GENERAL INFORMATION ONLY. LOCATIONS AND DIMENSIONS SHALL BE TAKEN AS SHOWN AND NOT SCALED.
6. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ASCERTAIN EXISTING FIELD CONDITIONS BEFORE BIDDING ON THIS PROJECT, ORDERING MATERIALS, OR BEGINNING CONSTRUCTION.
7. CONTRACTOR'S WORK ACTIVITIES SHALL BE RESTRICTED TO AREAS WITHIN THE LIMITS OF CONSTRUCTION. CONTRACTOR'S ACTIVITIES AND VEHICLES SHALL NOT BE ALLOWED OUTSIDE OF THESE LIMITS UNLESS APPROVED BY THE OWNER.
8. DISTURBED EARTH SURFACES SHALL BE SEEDDED PER THE PROJECT SPECIFICATIONS.

1. WHERE SECTION, SUB-SECTION, SUBDIVISION, OR PROPERTY MONUMENTS ARE ENCOUNTERED, THE ENGINEER SHALL BE NOTIFIED BEFORE SUCH MONUMENTS ARE REMOVED. THE CONTRACTOR SHALL PROTECT AND PRESERVE ALL PROPERTY MARKERS UNTIL AN OWNER OR AUTHORIZED SURVEYOR HAS WITNESSED OR REFERENCED THEIR LOCATION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RE-ESTABLISHING ANY PROPERTY MONUMENTS THAT BECOME DAMAGED OR DESTROYED DURING CONSTRUCTION ACTIVITIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER ALIGNMENT (VERTICAL AND HORIZONTAL) AT ALL INTERFACES BETWEEN NEW AND EXISTING WORK TO ASSURE PROPER INSTALLATION AND USAGE.

1. THE CONTRACTOR WILL BE RESPONSIBLE FOR REPAIRS TO ANY UTILITY LINES AND EXISTING IMPROVEMENTS TO REMAIN THAT ARE DAMAGED AS A RESULT OF THE WORK.
2. THE CONTRACTOR WILL BE RESPONSIBLE FOR REPAIRS TO ANY EXISTING FIELD TILE DAMAGED AS A RESULT OF THE WORK.
3. ALL WORK AND EXCAVATIONS NEAR AND AROUND EXISTING STRUCTURES AND UTILITIES SHALL BE BY HAND METHODS.

THE CONTRACTOR AND HIS SUBCONTRACTORS SHALL FOLLOW THE STORM WATER POLLUTION PREVENTION PLAN INCLUDED IN THE SPECIFICATIONS.

1. CONTRACTOR IS RESPONSIBLE FOR THE SITE RESTORATION WITHIN THE CONSTRUCTION LIMITS.
2. ALL OPEN EXCAVATION WORK SHALL BE PERFORMED IN ACCORDANCE WITH OSHA 29 CFR 1926, SUBPART P- "EXCAVATIONS". THE SUBCONTRACTOR SHALL DESIGNATE A QUALIFIED "COMPETENT PERSON" AS DEFINED IN OSHA SECTION 1926.650(b) PRIOR TO THE COMMENCEMENT OF ANY EXCAVATION ACTIVITIES.
3. NO BACKFILL SHALL BE PLACED AGAINST CAST-IN-PLACE CONCRETE STRUCTURES UNTIL THE CONCRETE HAS ATTAINED ITS SPECIFIED 28 DAY DESIGN COMPRESSIVE STRENGTH.
4. BACKFILL SHALL BE PLACED AND COMPACTED IN UNIFORM HORIZONTAL LAYERS IN ACCORDANCE WITH THE SPECIFICATIONS.

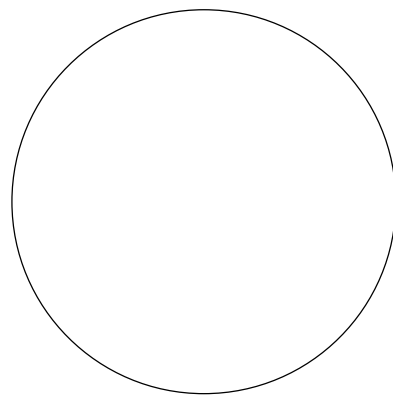
MR. K. DOUGLAS BLODGETT, DIRECTOR OF RIVER CONSERVATION
THE NATURE CONSERVANCY - ILLINOIS CHAPTER
(309) 547-2730

HANSON PROFESSIONAL SERVICES, INC.
TONY COMERIO, PE - PROJECT MANAGER
(217) 747-9425



CONSULTANTS

PRELIMINARY DESIGN
ISSUED FOR REVIEW
ONLY - NOT FOR
CONSTRUCTION



SIGNED: MM/DD/YYYY

EXPIRES: MM/DD/YYYY

SPUNKY BOTTOMS LEVEE / WATER REPAIR

THE NATURE
CONSERVANCY

ILLINOIS

[illegible]

ISSUE:	7-22-2021
PROJECT NO:	21G0005
CAD FILE:	
DESIGN BY:	DBH
DRAWN BY:	SKB
REVIEWED BY:	AKC

SHEET TITLE

GENERAL CIVIL NOTES

C001

SHEET 1 OF 6