

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 24-015
Public Notice Date
July 12, 2024

Expiration Date
August 11, 2024

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: SMS Engineers Inc., on behalf of Madison County Mass Transit Attention: Mr. Coey Daniels, P.E.

LOCATION: The site is located along and perpendicular to the Lower Wood River Drainage and Levee District (WRDLD). The work is located on the Wood River Levee from approximately the intersection with Wood River Creek to West 7th Street in Hartford, IL. (Madison County, Illinois).

PROPOSED ACTION: The applicant is requesting to make alterations to the Wood River Levee embankment. SMS Engineers Inc. proposes to resurface the existing confluence trail that runs along the top of the Lower Wood River levee. The old surface and subsurface materials will be removed and replaced with new material. The trail will be paved with impervious material.

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 Division 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 Division determined that this activity does not trigger the need for a Department of the Army Permit under Section 404 of the Clean Water Act. If additional infrastructure plans are developed that include impacts to Waters of the U.S., then a permit application would need to be submitted to the Regulatory Division. It should be noted that although this proposal does not need a Section 404 permit based on submitted plans, any revisions to the applicant's proposal may be subject to permitting.

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.

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 on 03 July 2024 (Project Code: 2024-0111803) for the Proposed Action Area. The list of species included Indiana bat, northern long-eared bat, tricolored bat, eastern massasauga, pallid sturgeon, spectaclecase, monarch butterfly, and decurrent false aster.

The decision tree for Indiana bat consultations provided by the USFWS Missouri Ecological Field Office was used to assess impact from project activities. The work would not affect caves or mines where bats are known to hibernate, it would not alter the entrance or the environment of a hibernaculum, and it would not involve the installation or operation of wind turbines. No tree clearing is required. Therefore, the St. Louis District has made a “no affect” determination for the Indiana bat.

No tree clearing is anticipated and suitable summer roosting and foraging habitat would not be destroyed, fragmented, or otherwise directly adversely affected by the proposed construction activities. However, construction noise and vibration may affect NLEBs roosting nearby. The USACE St. Louis District has made a “may affect, not likely to adversely affect” determination for the northern long-eared bat and tricolored bat.

The proposed work in the levee right-of-way does not occur in suitable massasauga habitat and would not fragment existing habitat or serve as a barrier to movement. The USACE St. Louis District has made a “no effect” determination for eastern massasauga.

Impacts to pallid sturgeon could take the form of sedimentation pollution entering the Mississippi River. However, the project activities would take place in upland areas away from the river. Relevant erosion control BMPs would be utilized to prevent excessive sedimentation from entering the river. Furthermore, there are several open water areas between the work areas and the river, which would capture any erosion materials before they reached the river. The St. Louis District has made a “no effect” determination for the pallid sturgeon.

The work would take place in upland areas which is not suitable habitat for this spectaclecase. Any indirect effects, such as sedimentation pollution, would be *de minimus* through the use of best management practices to arrest soil movement and to restore vegetation cover. The USACE St. Louis District has made a “no effect” determination for the spectaclecase mussel.

The work areas are unsuitable habitat for monarch butterfly. The work along the levee crown is a previously disturbed area that is regularly mowed. The maintenance of the levee area would prevent a population of milkweed from becoming established. The nearby riparian corridor is not suitable habitat for milkweed or other nectar sources. The USACE St. Louis District has made a “not likely to jeopardize the continued existence of” determination for the Monarch Butterfly.

The Action Area is an open, previously disturbed area that is routinely mowed and maintained, which would prevent a population of decurrent false aster from becoming established. The USACE St. Louis District has made a “no effect” determination for decurrent false aster.

An EcoCAT report (IDNR Project Number 2500139) was obtained by USACE from the Illinois

Department of Natural Resources website on 02 July 2024. The report identified three species: the butterfly mussel (*Ellipsaria lineolata*), spectaclecase mussel (*Cumberlandia monodonta*), and Indiana bat. The proposed trail rehab will not occur below the ordinary high-water mark of any water body. Best management practices would be used to prevent soil erosion from contributing sedimentation pollution to nearby waterbodies. Adverse impacts to aquatic species are not anticipated. Impacts to Indiana bat were discussed in the previous section. On 03 July 2024, IDNR provided a response saying that adverse impacts are unlikely and terminated coordination. They also recommended a winter tree clearing restriction for the forest bat species and erosion control BMPs.

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 would cause temporary minor adverse impacts in the form of noise and vibration.

4. 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 known active bald eagle nests are across the river and further than 660 feet from any work area so a disturbance permit is not required. If a bald eagle nest is found in the project area, or in the vicinity of the project area, then the USFWS should be contacted and the National Bald Eagle Guidelines shall be implemented.

St. Louis District Archaeologists conducted a Historic Property Preliminary Review on June 27, 2024. This review determined that there are no known archeological sites within the project area. For these reasons, the USACE – St. Louis has made a “No Historic Properties Affected” determination for the project.

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.

5. Environmental Impact Statement. A preliminary determination has been made that an environmental impact statement is not required for the proposed work.
6. 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 11, 2024**. 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.

F.A. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
CONFLUENCE TRAIL IMPROVEMENTS		MADISON	19	1
	ILLINOIS	CONTRACT NO.		

Call Before You Dig

JULIE

County

MADISON

City / Township

VILLAGE OF HARTFORD &
CITY OF WOOD RIVER

Sec & 1/4 Sec No.

FRAC. S. 1/2 SECTION 28, T.5N., R.9W.
FRAC. SE. 1/4 SECTION 29, T.5N., R.9W.
FRAC. E. 1/2 SECTION 33, T.5N., R.9W.
FRAC. NE. 1/4 SECTION 4, T.4N., R.9W.

48 HOURS (2 working days) BEFORE YOU DIG

AGENCIES KNOWN TO HAVE FACILITIES WITHIN THE PROJECT AREA ARE AS FOLLOWS:

WATER AND SANITARY SEWER:
HARTFORD PUBLIC WORKS DEPT.
140 WEST HAWTHORNE
HARTFORD, IL 62048
(618) 251-2680

AT&T
203 GOETHE
COLLINSVILLE, IL 62234
(618) 346-6400

GAS:
AMEREN ILLINOIS
2600 N. CENTER STREET
MARYVILLE, IL 62062
(618) 346-1244

ELECTRIC:
AMEREN ILLINOIS
700 OAKWOOD AVENUE
ALTON, IL 62002
(800) 325-7002

CHARTER COMMUNICATIONS
4767 SIGNATURE INDUSTRIAL DRIVE
EDWARDSVILLE, IL 62025
(618) 307-5730

PETROLEUM PIPELINE:
VALERO ENERGY CORPORATION
201 E. HAWTHORNE ST.
HARTFORD, IL 62048
(618)251-2083
24 HOUR EMERGENCY NUMBER:
(866) 423-0898

CONFLUENCE TRAIL IMPROVEMENTS

MADISON COUNTY MASS TRANSIT DISTRICT
HARTFORD, ILLINOIS / WOOD RIVER, ILLINOIS
MADISON COUNTY
MCT NO. 24-1-21301

- INDEX TO SHEETS
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COVER SHEET
- 2

GENERAL NOTES, LEGENDS & BENCHMARKS
- 3

SUMMARY OF QUANTITIES
- 4-5

SCHEDULES
- 6

TYPICAL SECTIONS & DETAILS
- 7-17

PLAN & PROFILE SHEETS
- 18-19

DETAILS OF CONSTRUCTION

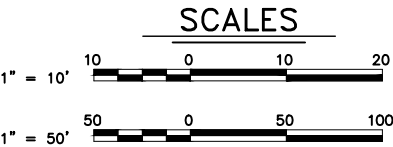
- HIGHWAY STANDARDS
- 424016-05
- 701006-05
- 701301-04
- 701801-06
- 701901-09
- 720001-01
- 720006-04
- 728001-01
- 780001-05

REFERENCE STANDARDS

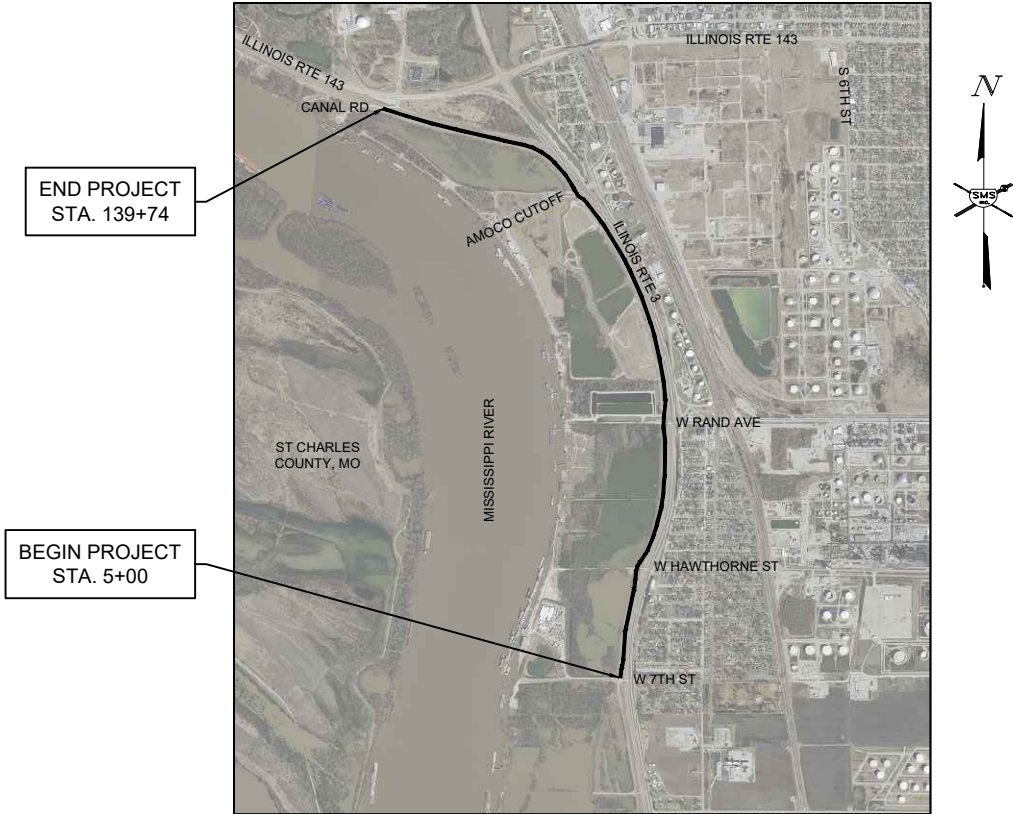
U.S. DEPARTMENT OF TRANSPORTATION, MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, 2009.

AMERICAN ASSOCIATION OF STATE HIGHWAYS AND TRANSPORTATION OFFICIALS, GUIDE FOR THE DEVELOPMENT OF BICYCLE FACILITIES, 2012.

ILLINOIS DEPARTMENT OF TRANSPORTATION, STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, JANUARY 1, 2022.



FULL SIZE PLANS HAVE BEEN PREPARED USING STANDARD ENGINEERING SCALES. REDUCED SIZED PLANS WILL NOT CONFORM TO STANDARD SCALES. IN MAKING MEASUREMENTS ON REDUCED PLANS THE ABOVE SCALES MAY BE USED.



LOCATION MAP

NOT TO SCALE

LENGTH OF PROJECT: 13,474 LIN. FT. = 2.552 MILES

SMS

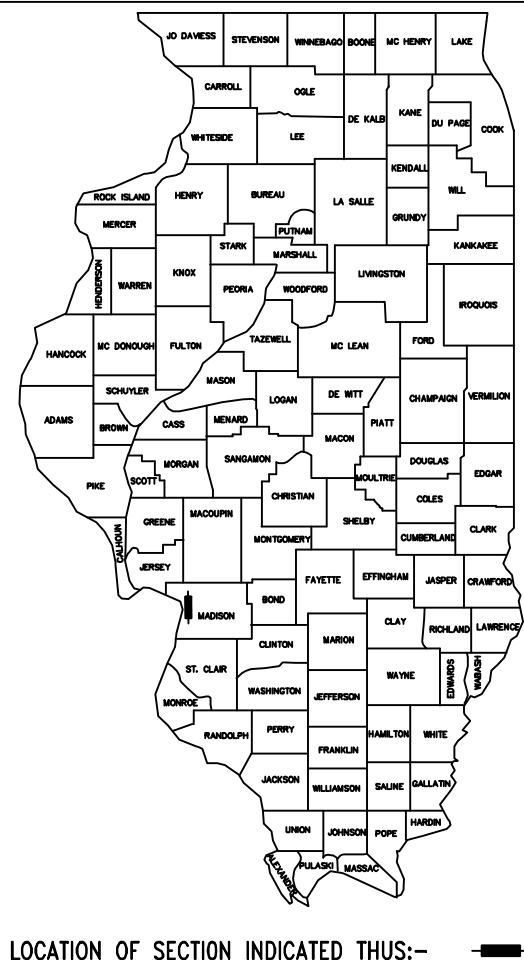
ENGINEERS

Sheppard, Morgan & Schwaab, Inc.

CONSULTING ENGINEERS AND LAND SURVEYORS

215 Market Street, Alton, IL 62002 618/462-9755 E-mail: mail@smsengineers.com

DESIGN FIRM # 184-000992



DATE SIGNED _____

EXPIRATION DATE 11/30/25