



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 22-031
Public Notice Date
April 3, 2025
Expiration Date
April 17, 2025

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: Chad Olney, P.E.
or chad.a.olney@usace.army.mil

REQUESTER: Southwestern Illinois Flood Prevention District Council

LOCATION: The site is located on and near the Prairie du Pont Levee and Sanitary District. The proposed work is on the landside of the levee and follows the alignment between the approximate coordinates 38°33'2"N 90°12'10"W and 38°32'42"N 90°13'57"W in the Village of East Carondelet, Illinois (St. Clair County, Illinois).

PROPOSED ACTION: The applicant is requesting to install additional underseepage controls to a reach of the Prairie du Pont Levee and Sanitary District as part of a design deficiency correction. The project includes construction of seepage berms, ditches and piped collector systems, alterations to existing piezometers and relief wells, and abandonment of existing relief wells.

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 chad.a.olney@usace.army.mil.

REGULATORY AUTHORITY: The St. Louis District Regulatory Division has conducted a review of the proposed project and based upon review of the proposed activities and impacts to waters of the United States, the project will require the need for a Department of the Army Permit under Section 404 of the Clean Water Act. Currently, the project appears to meet the terms and conditions of Nationwide Permit #3 (Maintenance). A Section 404 permit will be issued in concurrence with the Section 408 approval..

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, an

updated list of species and critical habitat were acquired from the USFWS Information for Planning and Conservation (IPaC) website on 19 December 2024 (Project Code: 2023-0134808) for the Proposed Action Area. The IPaC list included three bat species: the gray bat, Indiana bat, and tricolored bat; one insect: monarch butterfly; one invertebrate: Illinois cave amphipod; and one plant: decurrent false aster. A “*may affect, not likely to adversely affect*” (NLAA) determination was made for gray bat, Indiana bat, tricolored bat, Illinois cave amphipod, and decurrent false aster and a “*not likely to jeopardize the continued existence*” determination for the monarch butterfly. In a letter dated 24 March 2025, the USFWS stated that based on information in the BA and public notice, the Service has no objection to the proposed project. They concurred that the proposed project is not likely to adversely affect the listed bat species, the pallid sturgeon, Illinois cave amphipod, and decurrent false aster and is not likely to jeopardize the continued existence of the monarch butterfly.

An EcoCAT report was obtained from IDNR on 3 July 2023. The report identified resources that may be in the vicinity of the project location including the false mallow and hydrobiid cave snail. In a letter dated 31 July 2023, IDNR concluded that adverse effects are unlikely and therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

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 approximately 0.5 miles away, along Prairie du Pont Creek. In a letter dated 24 March 2025, the USFWS stated that they were unaware of any bald eagle nests in the proposed project area.

USACE first contacted the Illinois SHPO office on the proposed undertaking in a letter dated November 14, 2011. Within the letter USACE outlined the findings of the Phase One Cultural Resource Investigations Prairie du Pont and Fish Lake Levee Improvements St. Clair County and Monroe County, Illinois (February 24, 2011) and the work plan proposed by AMEC Earth and Environmental, Inc. USACE found the work plan to be satisfactory but noted that modifications to the proposed construction activities might require its alteration. Illinois SHPO concurred with the USACE determination on November 29, 2011.

The levees’ modifications design was subsequently changed, and the Area of Potential Effect (APE) was greatly reduced. In October 2023 examination of the project APE along with a buffer of 50 feet identified two archaeological sites within the footprint that were previously identified by Phase I survey as requiring further examination to determine if they are eligible for listing on the National Register of Historic Places (NRHP). Eight other sites within the footprint have

previously been determined to be ineligible for listing.

Since that time, the APE has been further reduced due to landowner right of entry issues and one site no longer falls within it. A Phase II NRHP eligibility testing of the other site recommended the site as not eligible for inclusion. USACE reviewed the report and found it satisfactory. In a letter dated July 8, 2024, USACE notified Illinois SHPO of this determination to which they concurred in an email dated July 23, 2024. Twenty-five tribes that coordinate with USACE St. Louis District were similarly contacted. Two tribes replied without any objections to 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 St. Louis District in concert with the professional staff of the Illinois SHPO.

A review of all available Hazardous Toxic and Radioactive Waste (HTRW) records was conducted for this proposed work. Multiple Phase I Environmental Site Assessments (ESA) and other investigations of the proposed work area and adjacent areas were reviewed. Recognized Environmental Conditions (REC) were identified; however it is unlikely that these would impact the project. The requestor does not and cannot represent that the proposed work area contains no hazardous waste or material, oil (including petroleum products), or other latent condition beyond that observed during the site assessments. It is not anticipated that hazardous and or toxic materials would be encountered in soils and groundwater during construction, however if contamination is encountered sampling would be conducted to determine the type and extent of the contamination. If hazardous material is encountered during this project the applicant/requestor would coordinate the handling and disposal with the appropriate levee district, local municipality, and state agency.

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 **April 17th, 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.

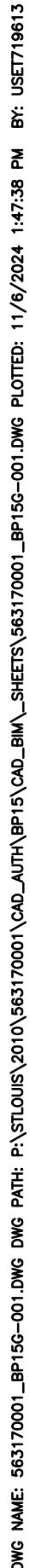
This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

Attachment

Chad Olney, PE
USACE-MVS Section 408 Coordinator

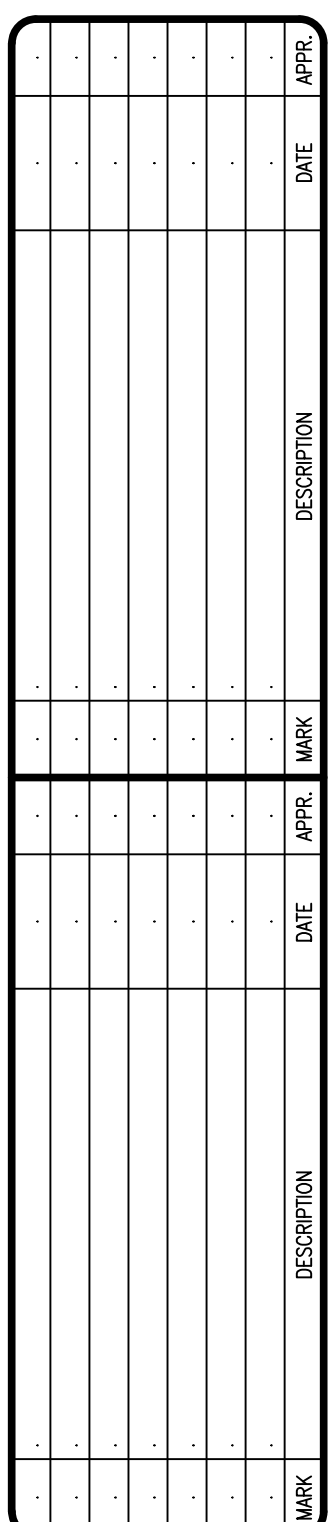
NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 14 days from the date of this issuance of this notice.



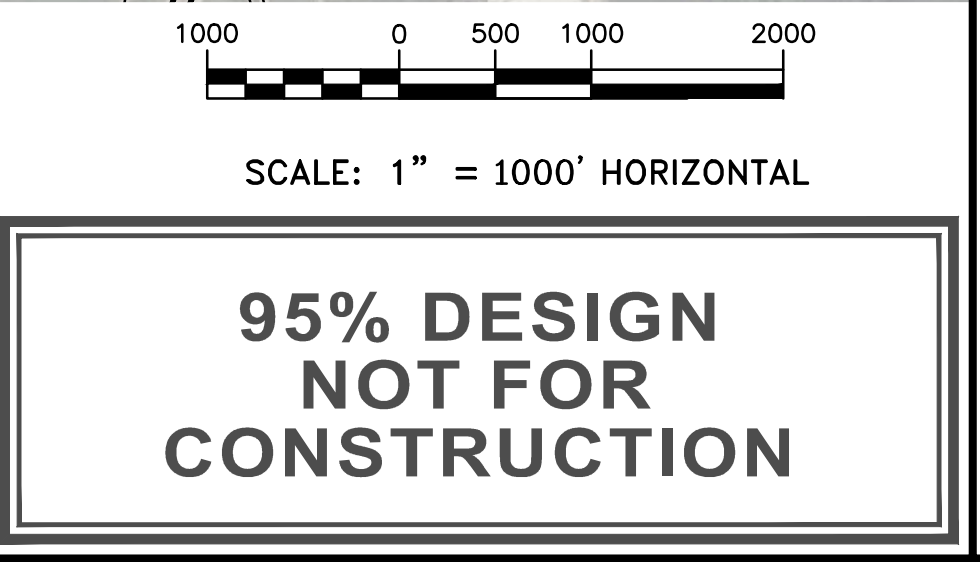
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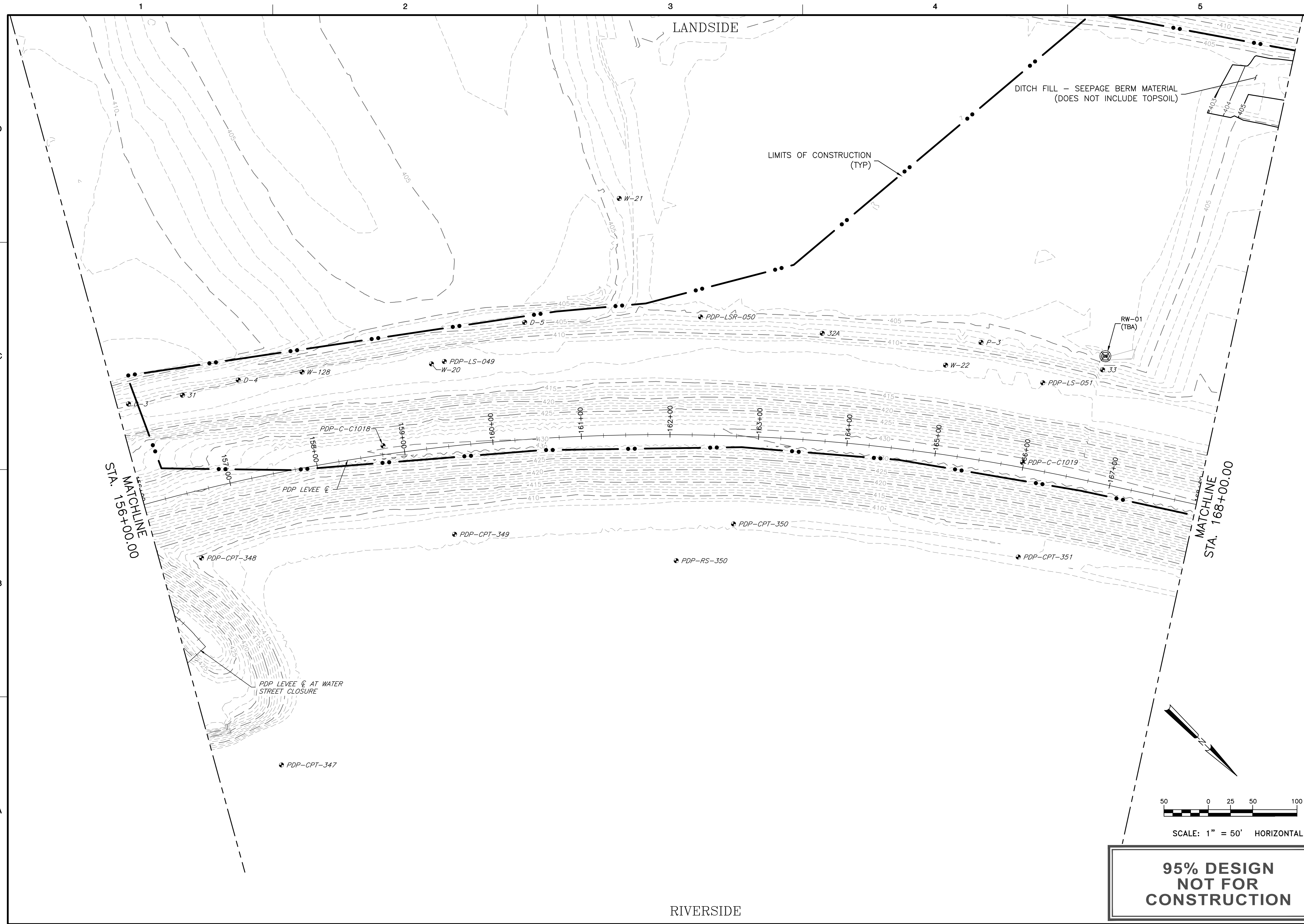
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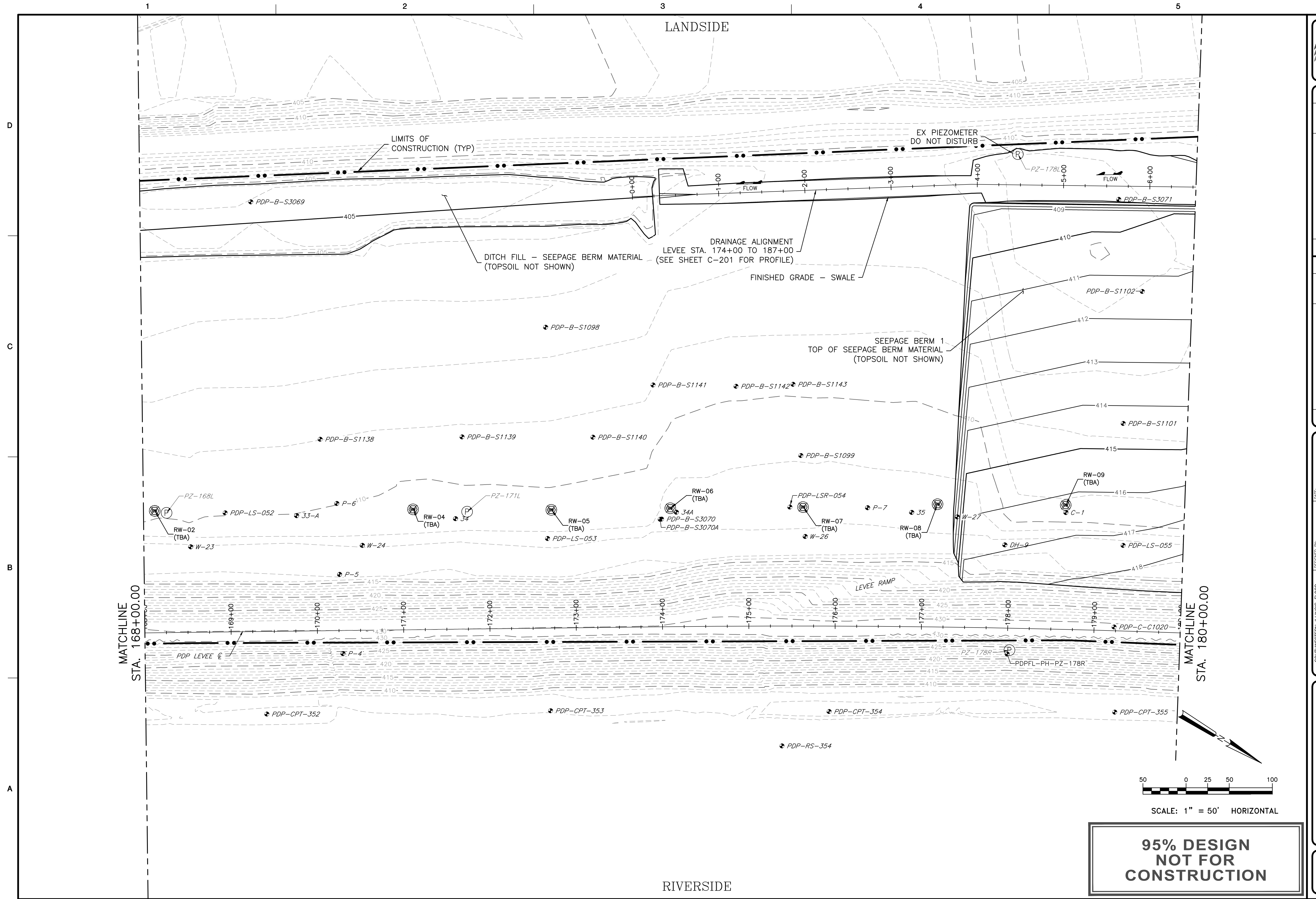


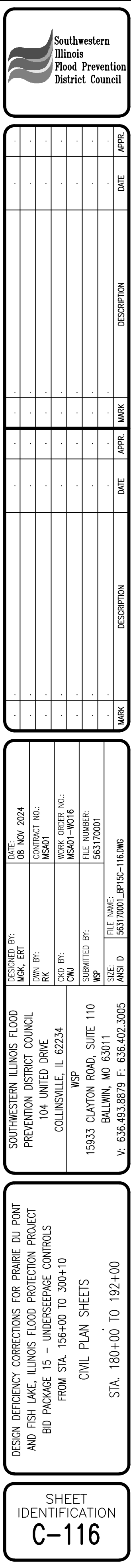
DESIGN DEFICIENCY CORRECTIONS FOR PRAIRIE DU PONT
AND FISH LAKE, ILLINOIS FLOOD PROTECTION PROJECT
BID PACKAGE 15 - UNDERSEEPAGE CONTROLS
FROM STA. 156+00 TO 300+10
GENERAL SHEETS
COVER SHEET

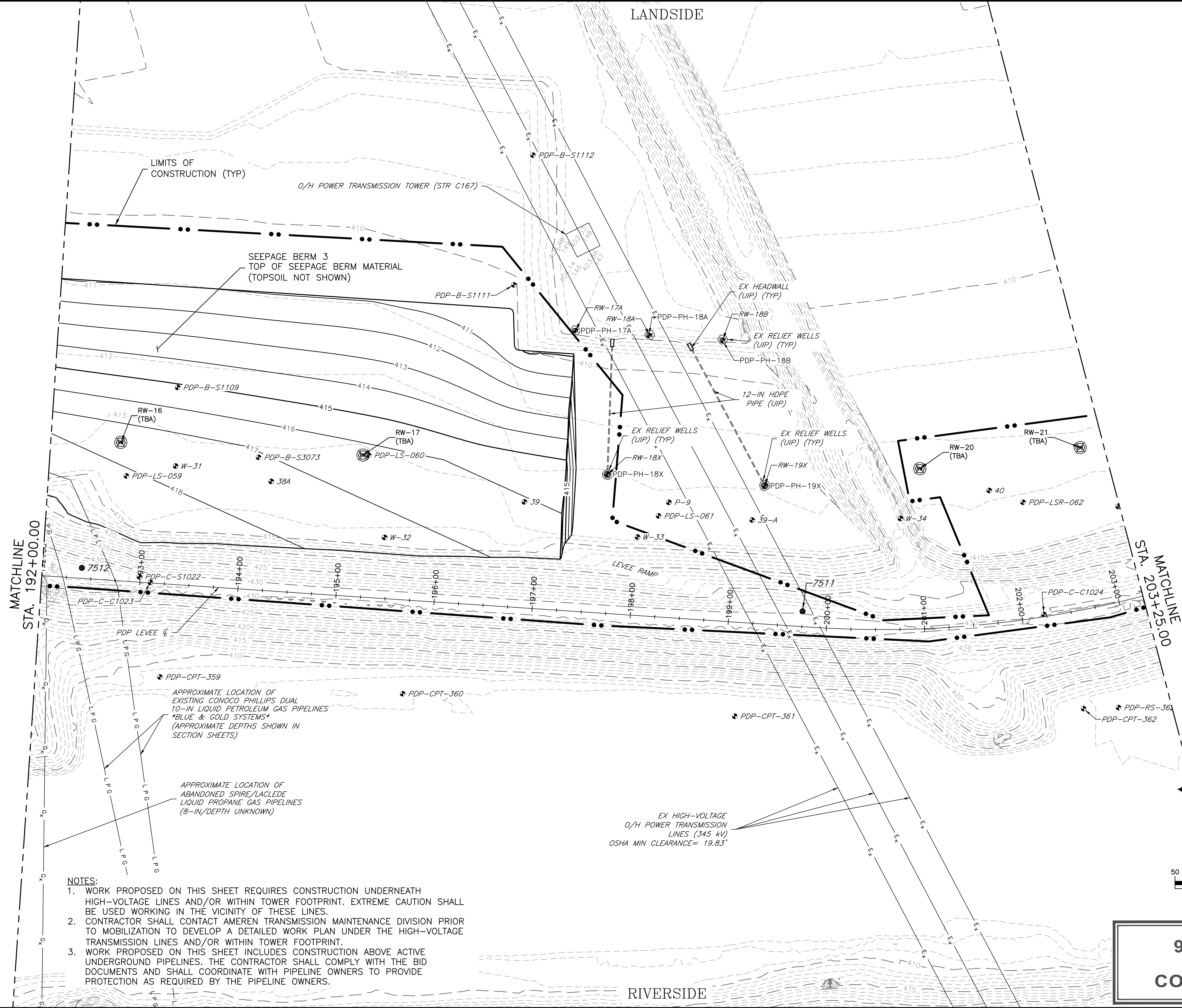
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LIMITS OF CONSTRUCTION (TYP)

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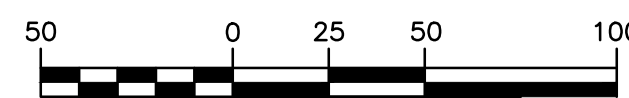
MATCHLINE
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NOTES:

1. WORK PROPOSED ON THIS SHEET REQUIRES CONSTRUCTION UNDERNEATH HIGH-VOLTAGE LINES AND/OR WITHIN TOWER FOOTPRINT. EXTREME CAUTION SHALL BE USED WORKING IN THE VICINITY OF THESE LINES.
2. CONTRACTOR SHALL CONTACT AMEREN TRANSMISSION MAINTENANCE DIVISION PRIOR TO MOBILIZATION TO DEVELOP A DETAILED WORK PLAN UNDER THE HIGH-VOLTAGE TRANSMISSION LINES AND/OR WITHIN TOWER FOOTPRINT.

RIVERSIDE

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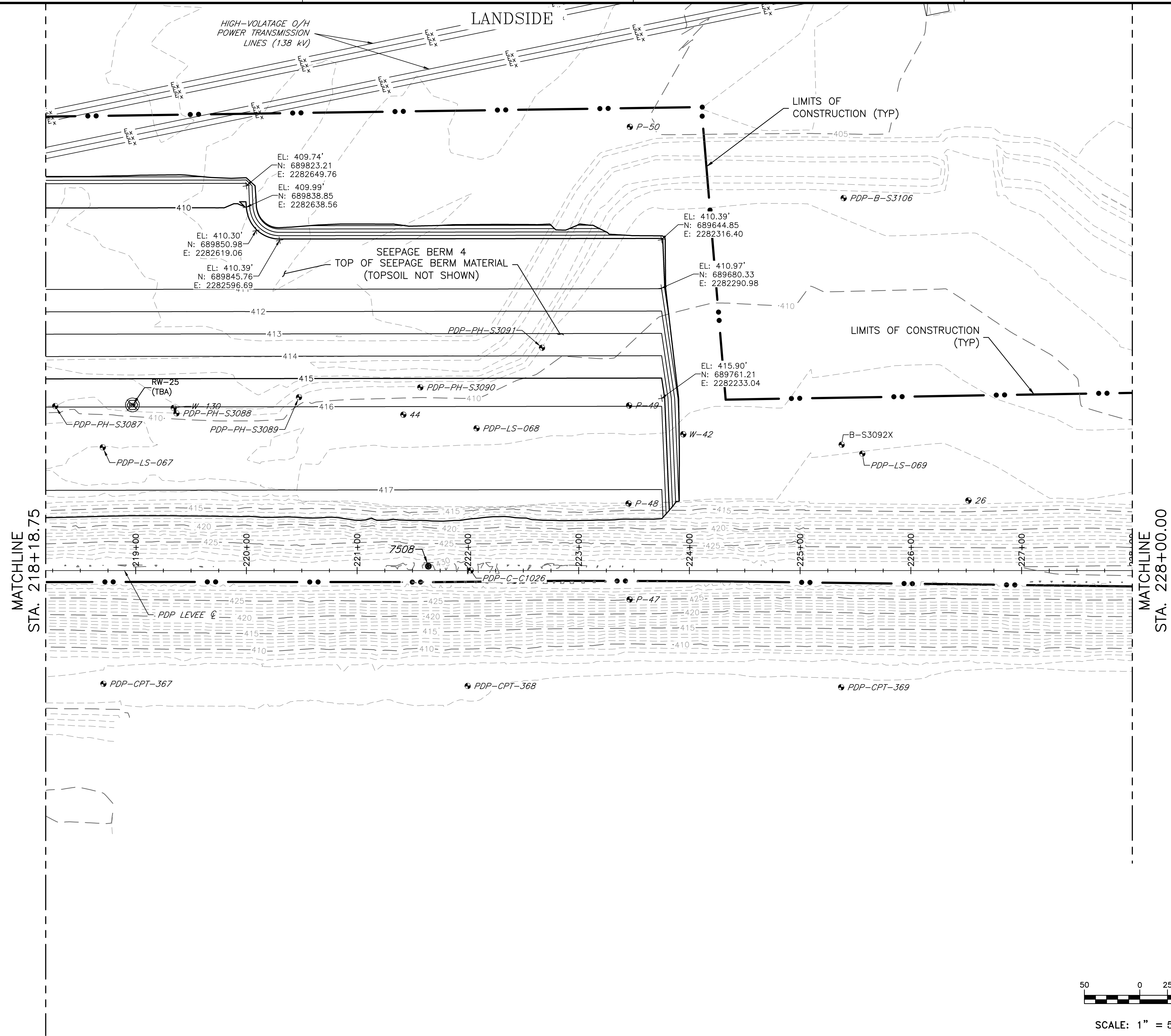


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DESIGN DEFICIENCY CORRECTIONS FOR PRAIRIE DU PONT AND FISH LAKE, ILLINOIS FLOOD PROTECTION PROJECT
BID PACKAGE 15 - UNDERPASSAGE CONTROLS
FROM STA. 156+00 TO 300+10
CIVIL PLAN SHEETS
STA. 203+25 TO 218+18.75

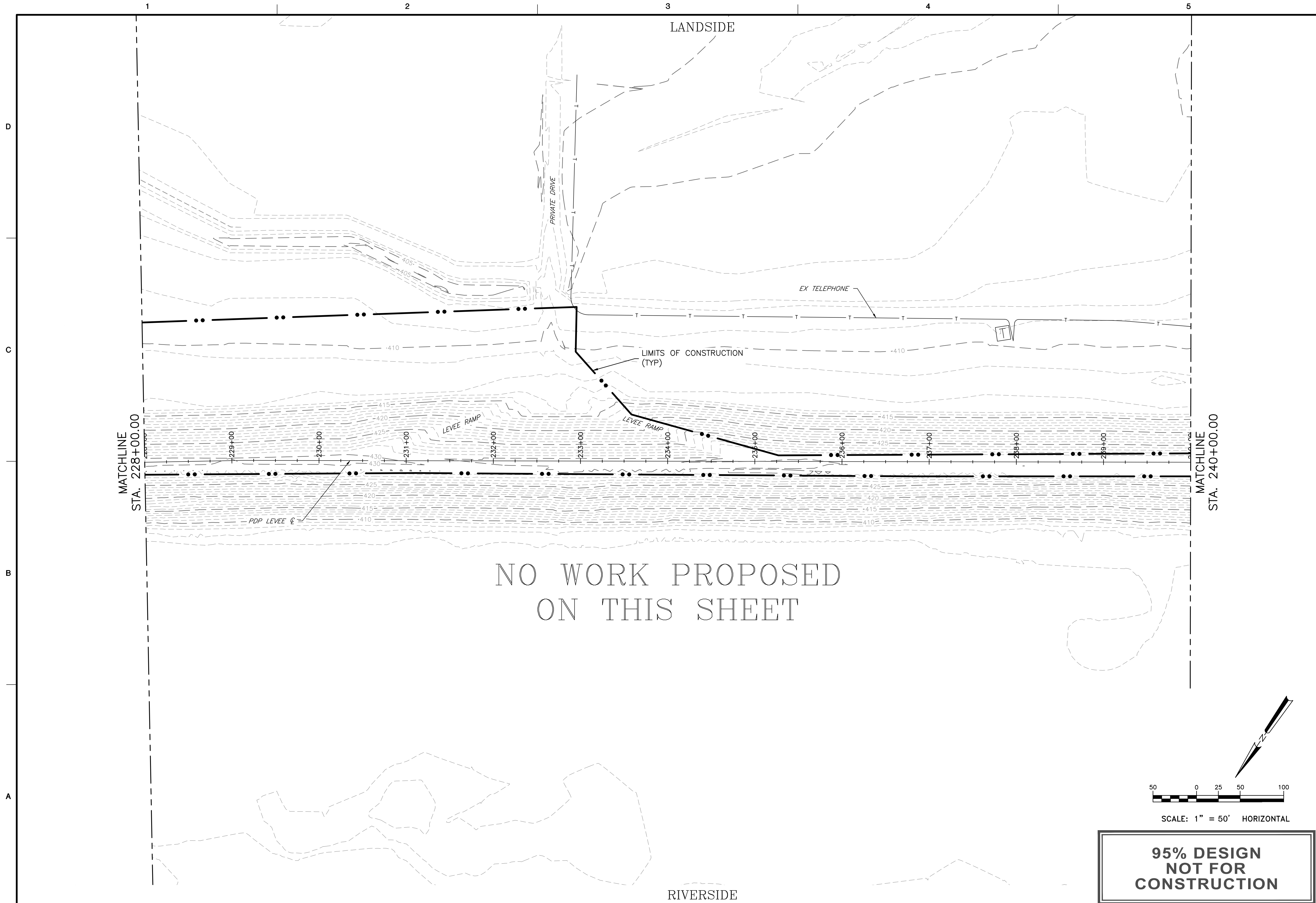
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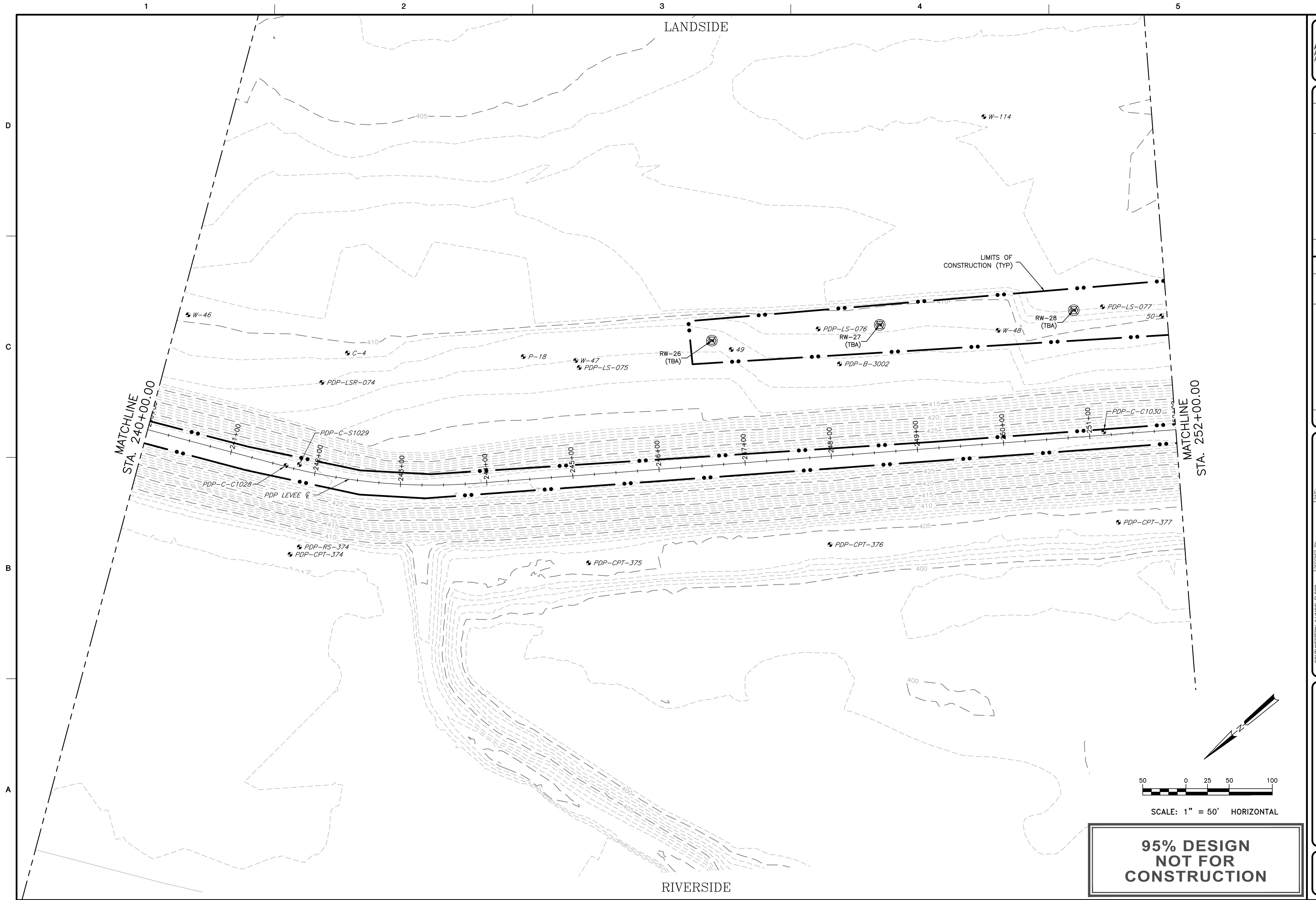


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2. CONTRACTOR SHALL CONTACT AMEREN TRANSMISSION MAINTENANCE DIVISION PRIOR TO MOBILIZATION TO DEVELOP A DETAILED WORK PLAN UNDER THE HIGH-VOLTAGE TRANSMISSION LINES AND/OR WITHIN TOWER FOOTPRINT.

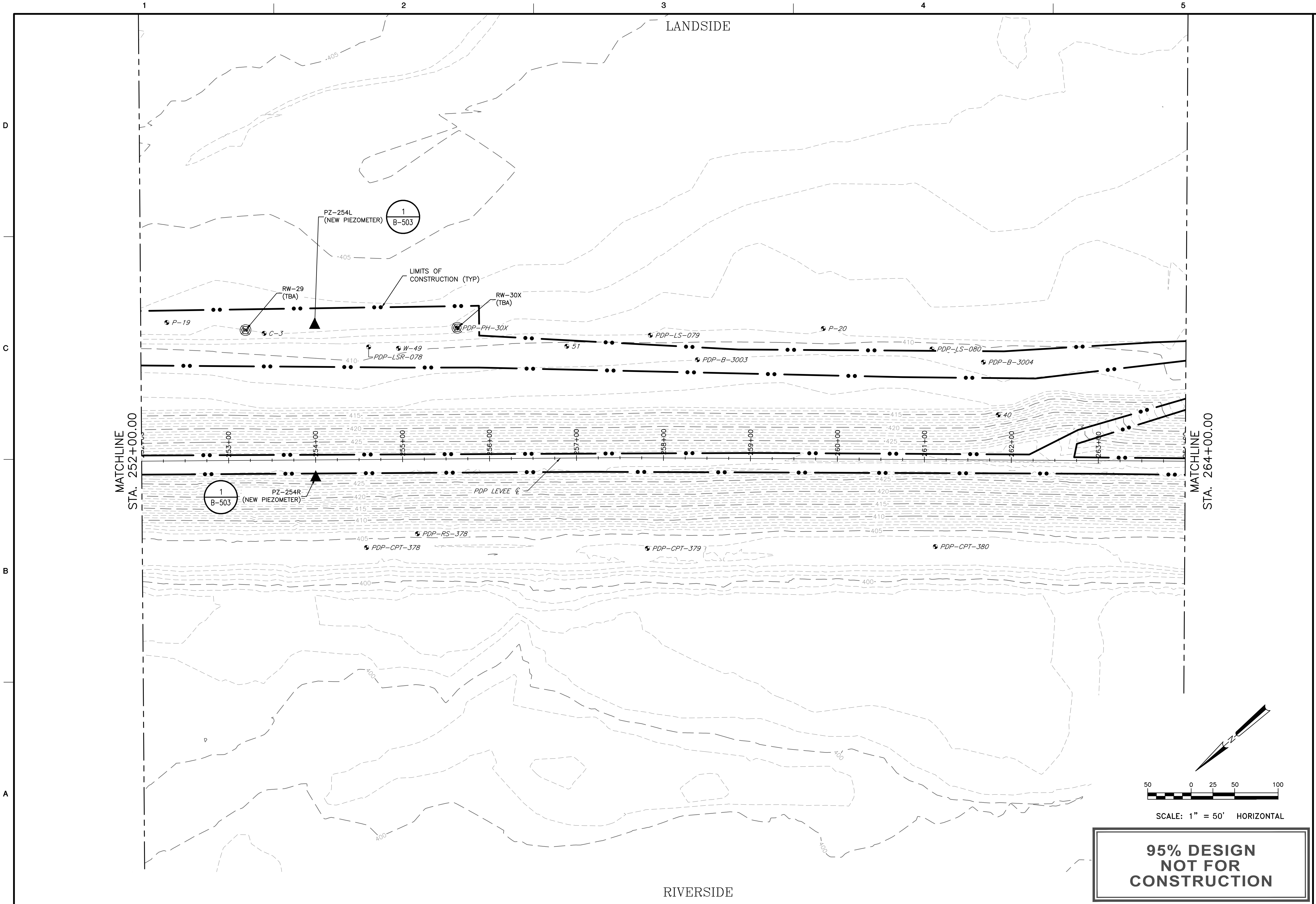
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| SOUTHWESTERN ILLINOIS FLOOD PREVENTION DISTRICT COUNCIL 104 UNITED DRIVE COLLINSVILLE, IL 62234 | WSP 15933 CLAYTON ROAD, SUITE 110 BALLWIN, MO 63011 V: 636.493.8879 F: 636.402.3005 |
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DESIGN DEFICIENCY CORRECTIONS FOR PRAIRIE DU PONT AND FISH LAKE, ILLINOIS FLOOD PROTECTION PROJECT
BID PACKAGE 15 - UNDERPASSAGE CONTROLS
FROM STA. 156+00 TO 300+10
CIVIL PLAN SHEETS
STA. 252+00 TO 264+00

SHEET IDENTIFICATION
C-122

