



Public Notice

US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, Missouri 63103-2833

Public Notice/File No.
MVS-2020-739

Public Notice Date:
July 12, 2022

Expiration Date:
August 2, 2022

Postmaster Please Post Conspicuously Until:

File Number: MVS-2020-739

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters 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 File 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
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Christopher J. Hopfinger

APPLICANT: Missouri Department of Transportation (C/o Travis Koestner), 105 West Capitol, Jefferson City, Missouri 65102

LOCATION: The bridge replacement project (Bridge K0294) is located where Commercial Boulevard (US 61) crosses over Joachim Creek between Scenic Drive and Herky Horine Road intersections within the city of Herculaneum, Jefferson County, Missouri. Specifically, located within Section 19, Township 41 North, Range 6 East, Latitude: N 38.2644, Longitude: W -90.3897.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344)

PROJECT DESCRIPTION: The applicant seeks authorization to conduct grading and filling operations within waters of the United States in order to facilitate the demolition of an old bridge and provide a new roadway alignment associated with construction and placement of a new bridge structure. The original bridge was built in 1933. Geotechnical analysis of the substrate below the bridge revealed unstable material. The new alignment was chosen to avoid full closure of this segment of Route 61 and to address the substrate issues. The existing bridge can be inundated during flood events.

New road slopes will be constructed, and the old bridge and road slopes will be demolished. Fill will be placed to construct the new roadway embankment up to the new bridge. Temporary impacts will be required to construct the new roadway embankment and new bridge. The roadway will be raised approximately 10 feet in elevation to reduce flooding effects from the Mississippi River and alleviate subsequent road closures during those events.

The new alignment will include unavoidable impacts to emergent wetlands to create road slopes to match the elevation of Route 61. Permanent fill material will be placed within the wetlands for roadway construction. Temporary fill material will be used to create a causeway across Joachim Creek to facilitate construction of the new bridge.

The project is receiving funding from the Federal Highways Administration (FHWA), Federal Project Number: J6S3289. The Missouri Department of Transportation (MODOT) is the designated non-federal representative for FHWA, is responsible for the project’s National Environmental Policy Act (NEPA) review.

Impact Area	Acres	Fill Material	Amount (Cubic Yards)
Wetland (permanent)	3.44	Soil	82,100
		Rock Base	17,720
		Rock Blanket	10,940
Joachim Creek (permanent)	.02	Bridge Pier Fill	
Joachim Creek (temporary)	.55	Causeway Fill	12,800

APPLICANT’S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:

The applicant has incorporated avoidance and minimization measures into the design proposal to the maximum extent practicable. The permanent wetland impacts will not extend to the edge of the new road slopes. Additionally, the removal of the road slopes from the old alignment will lead to new wetland areas on-site.

The applicant has researched alternatives and has attempted to minimize impacts to the waters. However, the applicant has stated that the impacts area unavoidable due the unstable geotechnical substrate within the existing alignment and need to provide for a safe and practicable alternative by avoidance of traffic lane closures. The applicant proposes to compensate for unavoidable wetland impacts through the purchase of credits from an In-Lieu Fee provider.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the project plans may be viewed in more detail by visiting the Public Notice section of our website at:

<http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

WATER QUALITY CERTIFICATION: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. The applicant is responsible for requesting certification and providing required information to the certifying agency. As of the date of this public notice, the applicant has submitted a certification request to the MDNR (certifying authority). In accordance with Certification Rule part 121.6, once the applicant submits a certification request the Corps will determine the reasonable period of time for the certifying agency to act upon the certification and provide written notification. In accordance with Certification Rule part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received a Department of the Army (DA) permit application and the related certification. The Administrator is responsible for determining if the discharge may affect water quality in a neighboring jurisdiction. The DA permit may not be issued pending the conclusion of the Administrator's determination of effects on neighboring jurisdictions.

ENDANGERED SPECIES: The proposed project is within the range of the federally endangered Indiana bat (**Myotis sodalis**) and the northern long-eared bat (**Myotis septentrionalis**) currently a threatened species and is a proposed candidate for endangered status. Approximately .09 acres forested habitat is planned to be removed per project design proposal.

This FHWA project may rely on the concurrence provided in the February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 *et seq.*), per information provided by MoDOT. MoDOT has concluded that the Proposed Action is within the scope and adheres to the criteria of the PBO, including the adoption of applicable avoidance and minimization measures, and may affect, but is not likely to adversely affect (NLAA) the endangered Indiana bat (*Myotis sodalis*) and/or the threatened Northern long-eared bat (*Myotis septentrionalis*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made by the Corps, that the proposed activities are not likely to adversely affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: An archaeological survey was conducted by MoDOT staff in October of 2020 within the project area. MoDOT has provided a Missouri State Historic Preservation Office project concurrence letter that indicated "no historic properties will be affected" within the surveyed area, SHPO Project No. 001-JE-19. However, the project proposal includes the replacement of bridge number K0294 over Joachim Creek, built in 1933 and considered eligible for listing on the National Register of Historic Places (NRHP) in addition to architectural resources within the area of potential effects (APE). A project Memorandum of Agreement (MOA) dated March/April of 2021, between the FHWA, SHPO and Missouri Highways and Transportation Commission (MHTC) has been developed to address the impacted resources within the APE. All parties agree that the undertaking will be implemented in accordance with stipulations in order to take into account the effect of the undertaking on historic properties. FHWA, with the assistance of MoDOT, shall ensure the measures outlined within the MOA are carried out by, or under the direction of, a professional who meets or exceeds the Secretary of the Interior's Professional Qualifications Standards for History and/or Architectural History per 36 CFR Part 61). Any final permit decision will include the applicant's adherence to the MOA. Any

adverse effects on historic properties will be resolved prior to the Corps authorization, or approval, of the work in connection with this project.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general, the needs and welfare of the people.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review. A request may be denied in writing by the Corps if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; 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 permit 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 used 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. Additional information may be obtained by contacting Christopher J. Hopfinger, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8171 or by e-mail to Christopher.J.Hopfinger@usace.army.mil.

To join our public notice mailing list and receive all of our Public Notices electronically, please email your request to: MVS-Regulatory@usace.army.mil and include your name, email, and phone number with your statement of request to be added to the Public Notice mailing list.

Robert S. Gramke

Robert S. Gramke
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

Project Location Map



