



**US Army Corps
of Engineers**

Louisville District ®

Public Notice

Public Notice No.
LRL-2023-00637

Date:
08 DEC 2023

Closing Date:
07 JAN 2024

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Darrin Parrent CELRL-RDS
6855 State Road 66
Newburgh, Indiana 47630

Email: lrl.regulatorypubliccomment@usace.army.mil

Phone: 812-853-7632

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act:

APPLICANT: Illinois Department of Transportation
2801 West Murphysboro Road
Carbondale, Illinois 62901

LOCATION: Unnamed tributary streams and associated wetlands of Bear Creek,
Highway U.S. 45, White and Gallatin Counties, Illinois.

Latitude: 37.93731 °N
Longitude: -88.34438 °W
7.5 Minute Quad: Norris City

PURPOSE: To provide safety improvements along a 2.12-mile section of Highway
U.S. 45.

DESCRIPTION OF WORK: The proposed 2.12-mile U.S. 45 safety improvement project would involve the widening of shoulders, flattening side slopes of the roadway embankments, and highway drainage improvements. Four existing concrete box culverts would be extended with rock inlet and outlet protection.

The proposed activity would necessitate the filling of three palustrine emergent (PEM) wetlands totaling 2.43 acres, and one palustrine forested (PFO) wetland totaling 0.03 acres. Impacts are also proposed to 47 linear feet (LF) of an unnamed perennial tributary of Bear Creek, and to 125 LF of unnamed intermittent tributaries of Bear Creek. The total length of stream impact would be 172 LF and the total amount of fill placed below the OHWM would be 0.026 acres.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The applicant proposes to utilize erosion control following IDOT Standard Specifications for Road and Bridge Construction.

The wetland impacts have been minimized as a result of using a 4:1 slope to the clear zone and then steepening the slope beyond that to 3:1. Impacts have also been minimized by improving the safety of the existing alignment by installing rumble strips instead of realigning the road.

Permittee Responsible Mitigation is proposed for wetland impacts and the mitigation plan is currently being developed by the applicant. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Illinois Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant, by this notice, hereby applies for State certification from the Illinois Environmental Protection Agency (ILEPA).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice or by other means, of specific archaeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 – Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The 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 this proposed activity. It is presumed that all interested parties and agencies will wish to

respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the 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 the 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.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory/Public-Notices/>. All comments regarding this proposal should be addressed to Mr. Darrin Parrent, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2023-00637.

If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2023-00637.

Example:

Subject: LRL-2023-00637

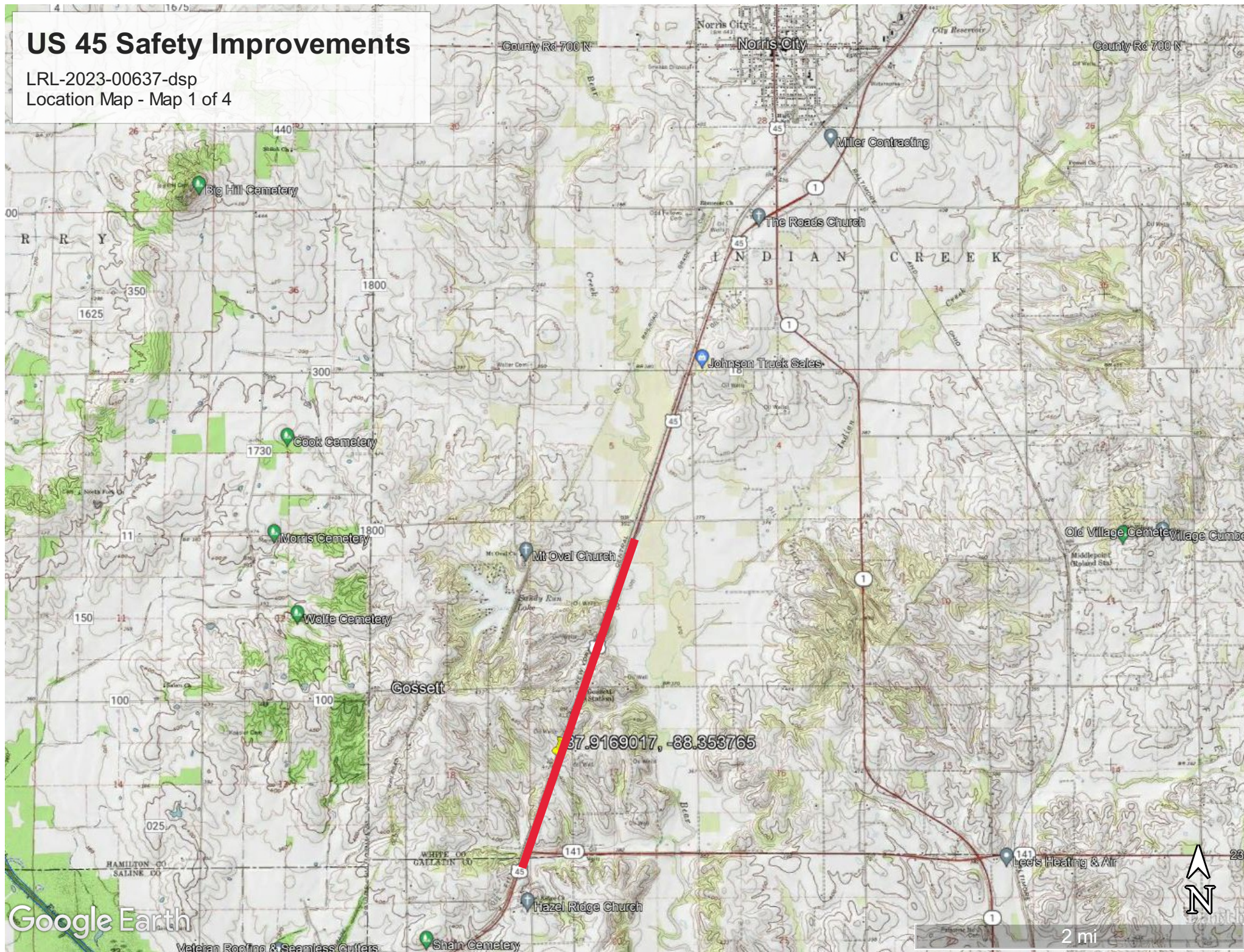
- b) Provide your physical mailing address and telephone number.

- c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil

- d) If you are sending attachments greater than 10 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

LRL-2023-00637-dsp
Location Map - Map 1 of 4

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Location Map - Map 1 of 4





US 45 Safety Improvements
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Project Map - Map 2 of 4

Project MAP

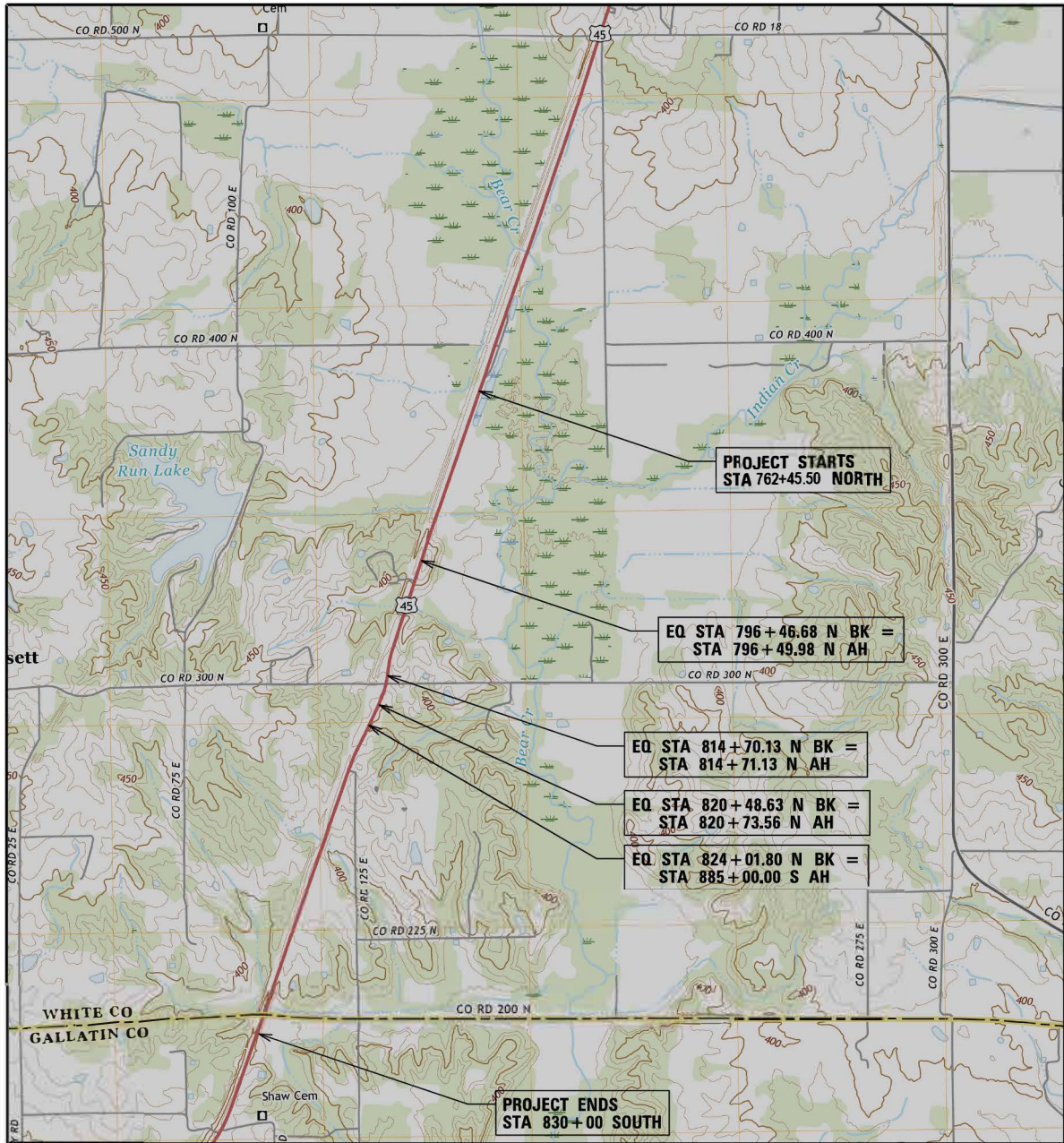
US 45 (FAP 332)
 WHITE AND GALLATIN COUNTIES

DESIGNED -	REVIEWED -
DRAWN -	REVIEWED -
CHECKED -	REVIEWED -
DATE -	REVIEWED -

STATE OF ILLINOIS
 DEPARTMENT OF TRANSPORTATION

LOCATION MAP

DATE	NOTES	COUNTY
3/23		WHITE
		CONTACT NO 78789



LRL-2023-00637 Aerial



E 400 North Rd

US Highway 45

45

N 110 East Rd

Gossett

300 N

CR-30 E

CR-75 E

US Highway 45

N 125 East Rd

E 225 North Rd

Highway 141

Project_Boundary



Source: Esri, USDA FSA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

LRL-2023-00637 US 45 AJD

