



US Army Corps
of Engineers®
Little Rock District

PUBLIC NOTICE

CORPS OF ENGINEERS

Application Number: SWL-2021-00025

Date: April 3, 2023

Comments Due: April 28, 2023

TO WHOM IT MAY CONCERN: Comments are invited on the work described below.
Please see the Public Involvement section for details on submitting comments.

Point of Contact. If additional information is desired, please contact the regulator, Michael Gala, telephone number: (870) 886-3610, mailing address: Little Rock District Corps of Engineers, Regulatory Division, PO Box 867, Little Rock, Arkansas 72203-0867, email address: Michael.R.Gala@usace.army.mil.

Project Information. Pursuant to Section 404 of the Clean Water Act (33 U.S. Code 1344), notice is hereby given that

Missouri Department of Transportation (MoDOT)
601 West Main Street
Jefferson City, Missouri 65101

MoDOT, in cooperation with Federal Highway Administration (FHWA) has requested authorization for the discharge of fill material in waters of the United States associated with the Phase 1B and Phase 2 upgrade of U.S. Route 67 (R67) to create Interstate 57 (I-57). The proposed project will discharge fill material below the Ordinary High Water Mark (OHWM) of approximately 0.90 acre of one (1) open water pond, approximately 15.85 acres of twelve (12) wetland complexes, and convert approximately 1,513.1 linear feet of five (5) channelized streams into piped streams along R67 that flow into the Little Black River, in the borderline of section 15/16, 21/22, 27/28, and 33/34, T. 23 N., R. 5 E., south of Harvell on R67, Butler County, Missouri. This is a federally funded project through FHWA. Therefore, MoDOT is the designated non-federal lead agency for T&E and Section 106 determinations.

| Impact Type Totals | Wetland Impact (Acres) | Stream Impact (Linear Feet) |
|-----------------------|------------------------|-----------------------------|
| Wetland (Forested) | 10.35 | |
| Wetland (Emergent) | 5.5 | |
| Stream (Intermittent) | | 689.7 |
| Stream (Perennial) | | 823.4 |

The applicants stated purpose and need for this segment of R67 from 0.5 mile south of the Route 160/158 interchange 0.5 miles south of the intersection of Route 67 and County Road 352 (CR352) is part of a larger initiative to extend I-57 through southeast Missouri and into Arkansas to make a connection between Chicago, Illinois and Little Rock, Arkansas. The project will reduce traffic congestion, accident rates, roadway deficiencies, and improve system continuity along R67.

Phase 1B of the R67 realignment project covers 2 miles from 8.5 miles south of Poplar Bluff, Missouri, and west of existing MO 67. The first mile (35.8 acres) is located in the Ozark Highlands topography, while the second mile (35 acres) is within the Mississippi River's Alluvial floodplain. The Ozark Highlands are heavily forested rolling hills. Land use in the project area is a mixture of commercial and residential, upland forest and pastureland. The 35 acres within the Mississippi Alluvial floodplain impacted by this phase of the project consists of 14 acres of crop land and 7 residential structures on approximately 15.5 acres. This section of the project crosses three streams and will impact a 1-acre pond. Depicted water features within the preferred alternative alignment, from the intersection of Route 67 and CR 338 southward include: Taft Ditch and associated wetlands; an unnamed tributary to Taft Ditch.

Phase 2 of the R67 realignment project covers 2.5 miles from County Road 338 to approximately 0.5 miles south of the intersection of Route 67 and County Road 352. Phase 2 is 2.75 miles north of Neelyville, Missouri. The re-alignment will take place directly west, and parallel to the existing US 67. The existing US 67 will be converted to the East Outer Road. Phase 2 is located within the Mississippi Alluvial Floodplains with approximately 45.41 acres of crop land, 2 residents and one storage facility. In this section of road realignment, an estimated 13.88 acres of wetlands will be filled for the new road. Harviell Ditch and two unnamed tributaries to Harviell ditch will also be impacted by this project.

Multiple Road alignments were reviewed to balance cost and avoid and minimize impacts on the aquatic environment. To mitigate aquatic resource impacts, MoDOT proposes to conduct permittee responsible mitigation by converting current cropland to a mixed forested and emergent wetland and enhancing the Jacks Fork Rivers secondary channel. The impacts, preservation, conversion, and enhancement debit to credit ratios were calculated utilizing the Missouri Mitigation Methodology. The following are the debit to credit calculations for mitigation:

Permittee Responsible Mitigation

| Impact Name | Debits Required | Wetland Credits Forested (acres) | Wetland Credits Emergent (acres) | Riparian Credits | Riverine Credits Enhancement (Linear Feet) |
|-------------------|-------------------|-------------------------------------|-------------------------------------|------------------|---|
| Wetland | 108.02 acres | | | | |
| Riverine | 5,604 linear feet | | | 4,352.45 | 3,342 |
| Riparian Corridor | 0 | 83.52 | 38.18 | | |
| Totals | | 121.7 | | 7,694.45 | |

The location, general plan for the proposed work, and the mitigation plan are shown on the enclosed sheets.

Water Quality Certification. The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 Code of Federal Regulations (CFR) Part 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. The applicant submitted a certification request to the Water Quality Planning Branch of the Missouri Department of Natural Resources, Water Protection Program (certifying authority) with copy to the Corps on March 22, 2023. In accordance with Certification Rule Part 121.6, the Corps has determined the reasonable period of time for the certifying agency to act upon the certification request is 60 days. In accordance with Certification Rule Part 121.12, the Corps will notify the U.S. Environmental Protection Agency Administrator when it has received the subject 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.

Cultural Resources. FHWA is the lead Federal agency for this project. MoDOT, on the behalf of FHWA, has initiated consultation with the Missouri State Historic Preservation Officer (SHPO). On January 12, 2022, SHPO concurred that modern architecture is not National Register of Historic Places (NRHP) eligible, and this proposed project would have no effect on historic properties. Comments are solicited from Tribes, the State Historic Preservation Officer and any other entity or member of the public who may have information concerning cultural resources at this project site, and also on the Corps plan to adopt the FHWA lead agency documentation.

Endangered Species. FHWA is the lead Federal agency for this project. MoDOT on behalf of FHWA, has initiated consultation with the U.S. Fish and Wildlife Service (USFWS). In compliance with the Endangered Species Act, MoDOT had determined that the described work is within the geographic range of the federally endangered Gray bat, Indiana bat, Curtis Pearlymussel, federally threatened Northern Long-eared bat, and federal candidate Monarch butterfly. MoDOT has determined that the project "may affect, not likely to adversely affect" determination for gray Bats, and a "no effect" determination for Indiana, Northern Long-eared bats, and Curtis Pearlymussel. Per guidance received from USFWS on 1/5/2021, conferencing for monarchs is not required unless MoDOT is receiving funding from the USFWS. Since that is not the case with this project, MoDOT has not made an effects determination for this species. MoDOT requested concurrence from USFWS on September 9, 2020. The USFWS concurred with this determination on September 15, 2020.

In order to complete our evaluation of this activity, comments are solicited from the USFWS and other interested agencies and individuals.

Floodplain. We are providing copies of this notice to appropriate floodplain officials in accordance with 44 Code of Federal Regulations (CFR) Part 60 (Floodplain Management Regulations Criteria for Land Management and Use) and Executive Order 11988 on Floodplain Management.

Section 404(b)(1) Guidelines. The evaluation of activities to be authorized under this permit, which involves the discharge of dredged or fill material will include application of guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. These guidelines are contained in 40 Code of Federal CFR 230.

Public Involvement. Any interested party is invited to submit to the above-listed POC written comments or objections relative to the proposed work on or before **April 28, 2023**. Substantive comments, both favorable and unfavorable, will be accepted and made a part of the record and will receive full consideration in determining whether this work would be in the public interest. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. 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. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

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. 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.

Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

NOTE: The mailing list for this Public Notice is arranged by state and county(s) where the project is located and includes any addressees who have asked to receive copies of all public notices. Please discard notices that are not of interest to you. If you have no need for any of these notices, please advise us so that your name can be removed from the mailing list.

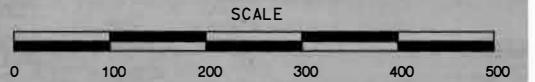
Enclosures

Approximate Coordinates of Project Center

Latitude: **36.625752°N** Longitude: **90.520404°W**

Action Number: SWL-2021-00025
 MoDOT, US Route 67 Expansion
 Center of Section 21, T. 21N, R. 5E
 Butler County
 April 2023

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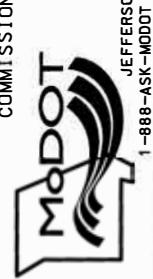
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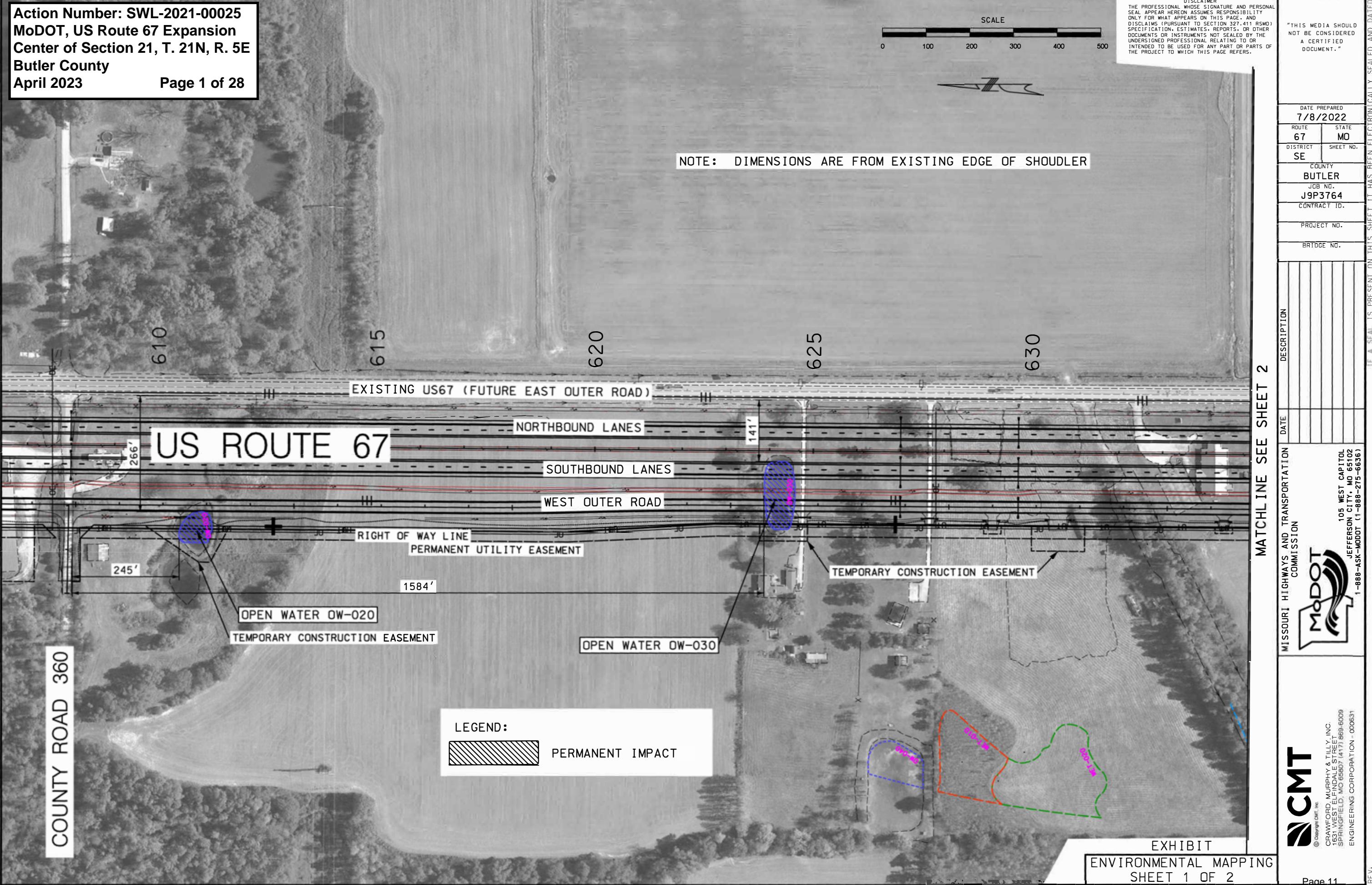
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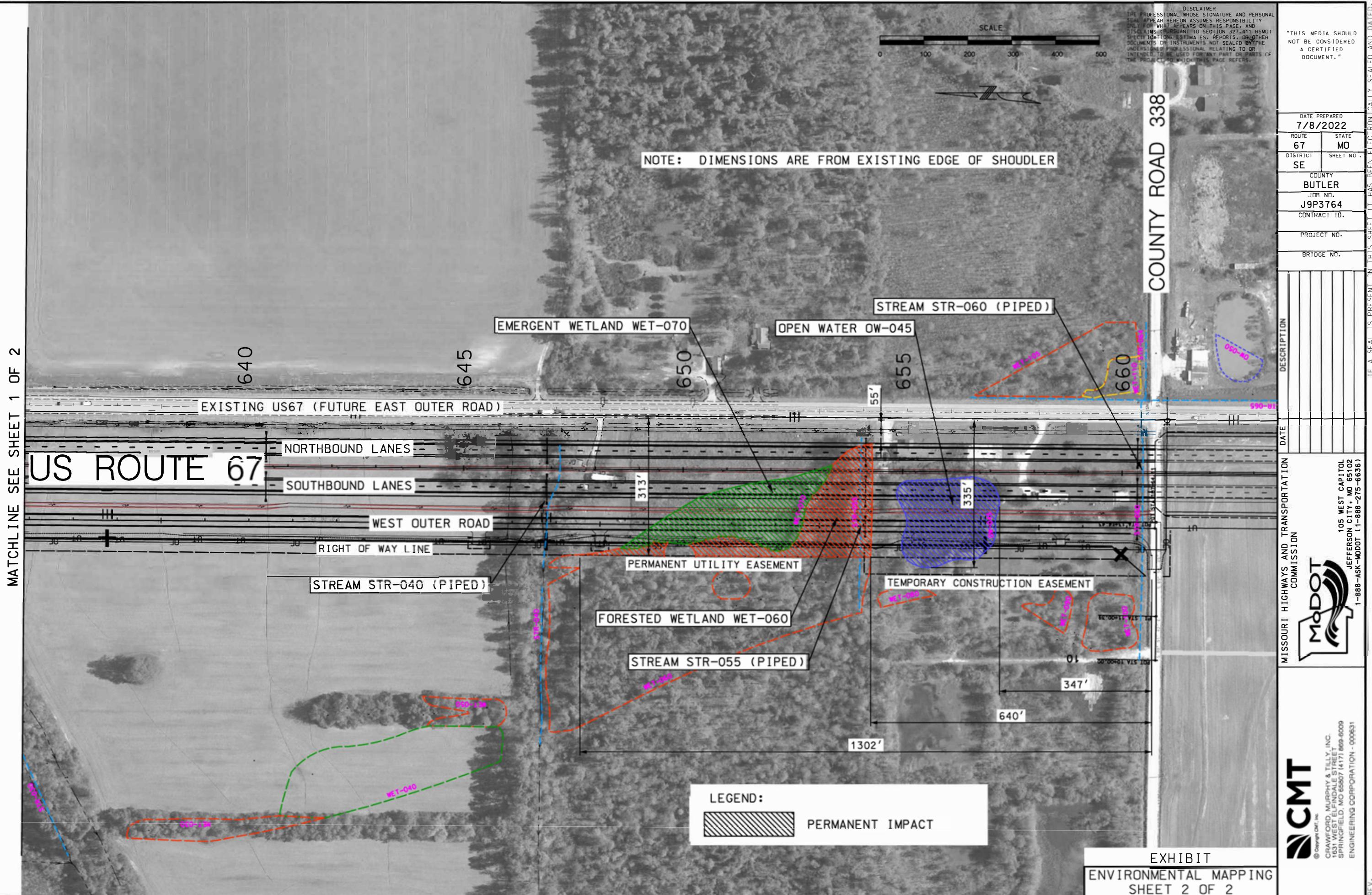


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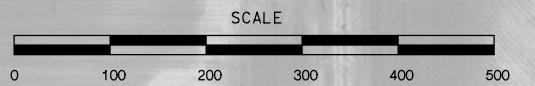
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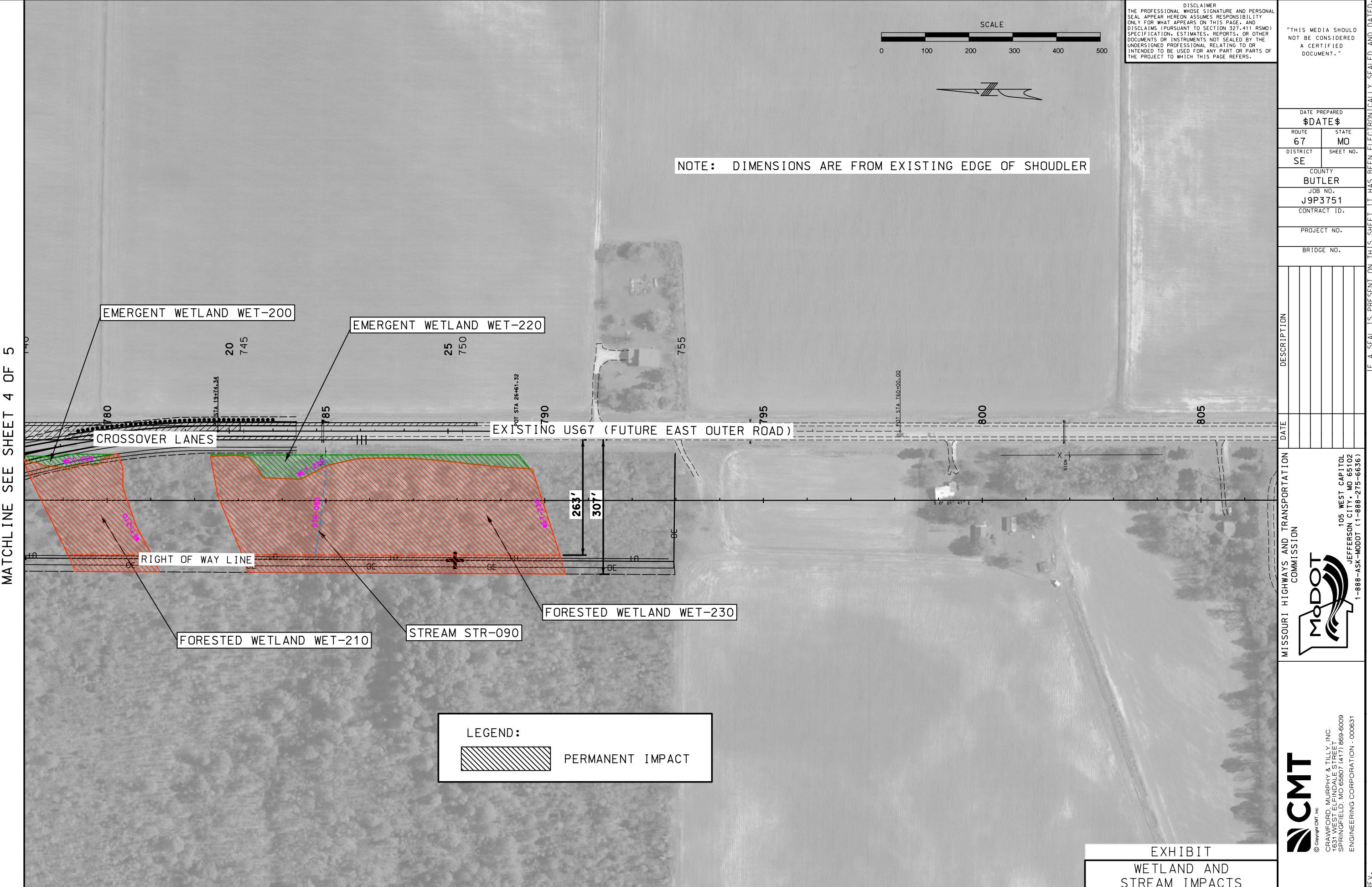
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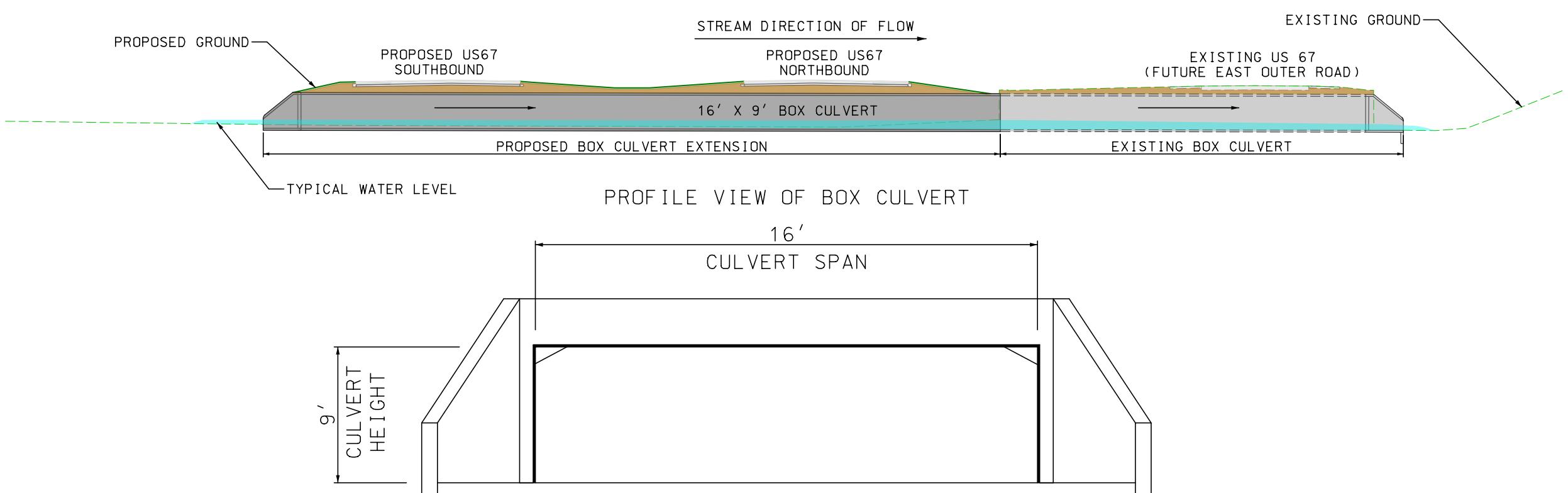
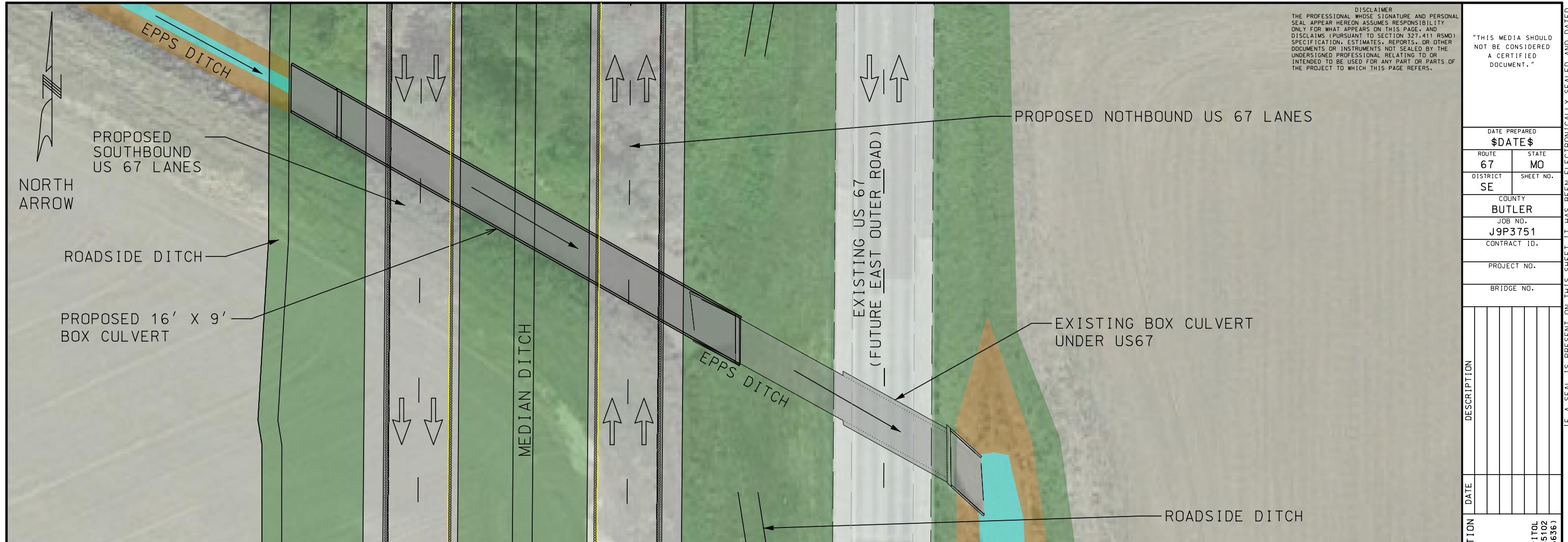
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VIEW LOOKING ALONG LENGTH OF BOX CULVERT

ROUTE 67

EPPS DITCH
16'X9' BOX CULVERT

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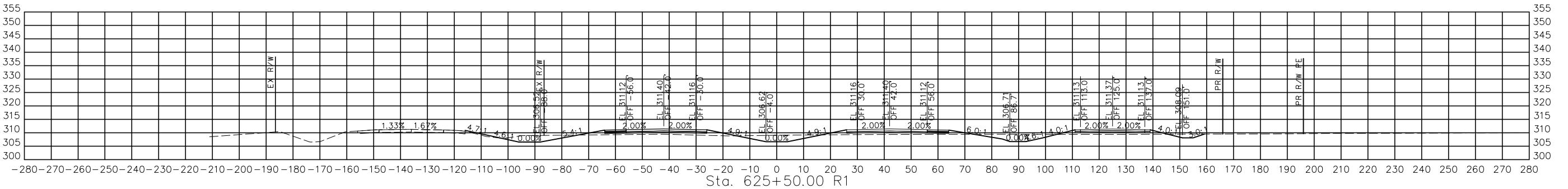
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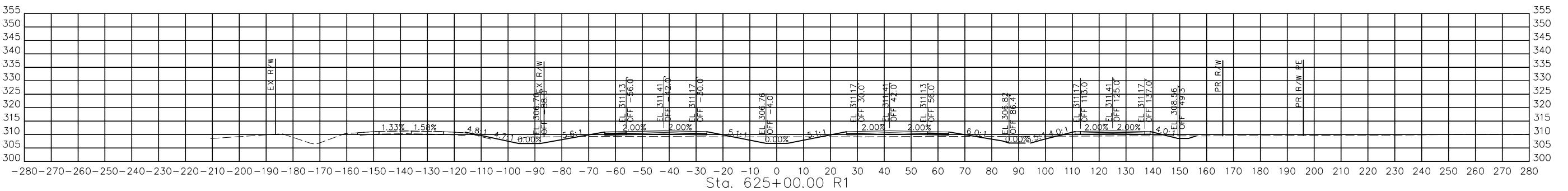
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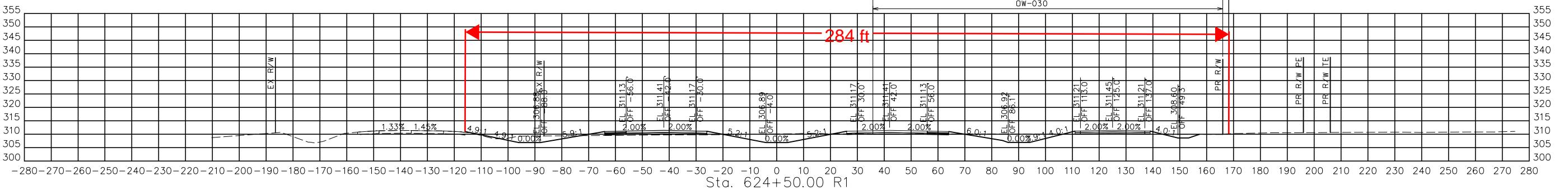
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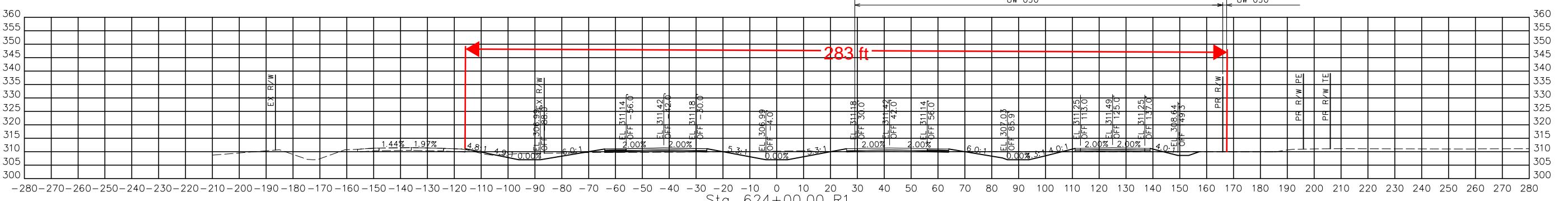
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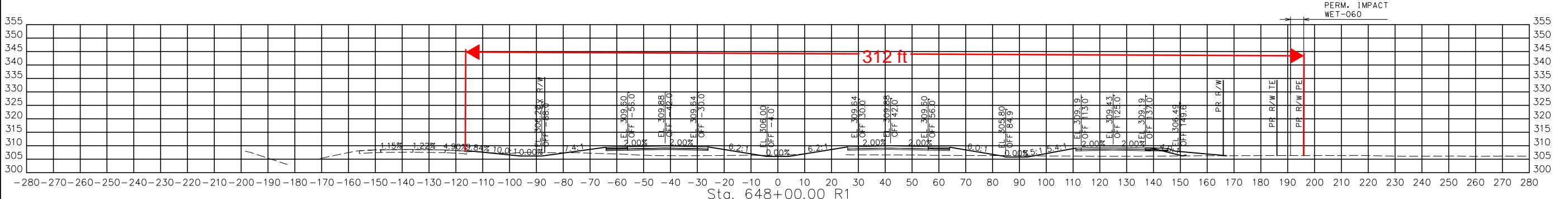
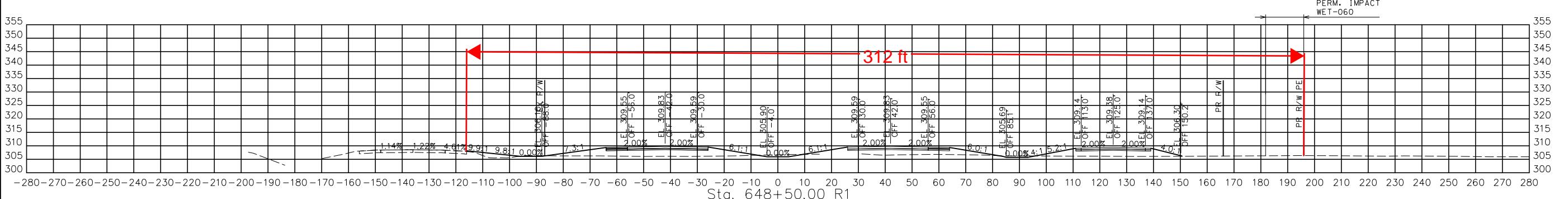
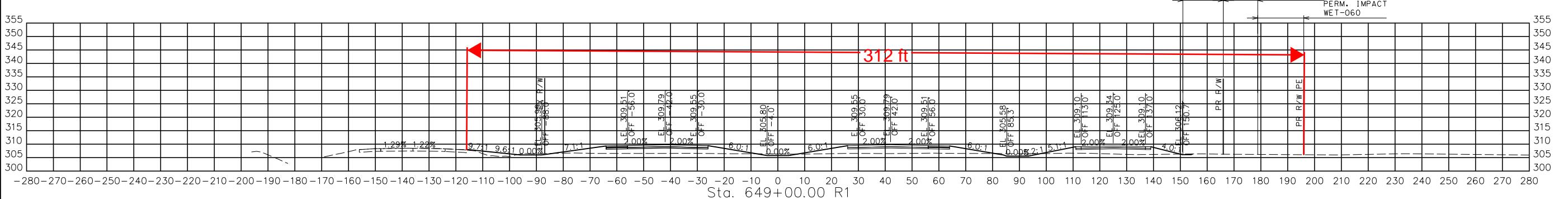
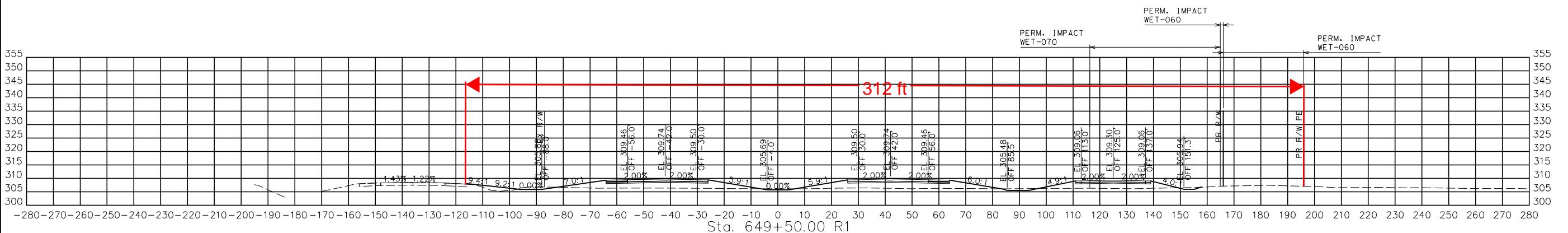
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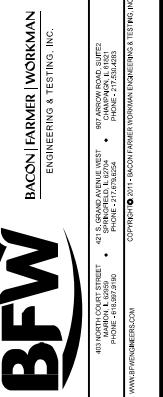
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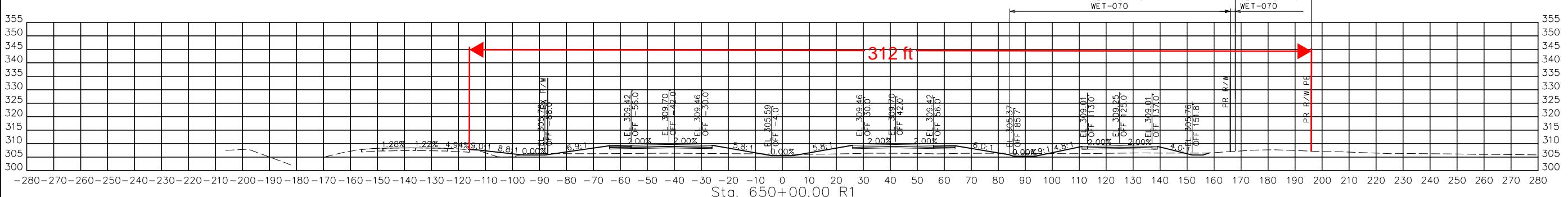
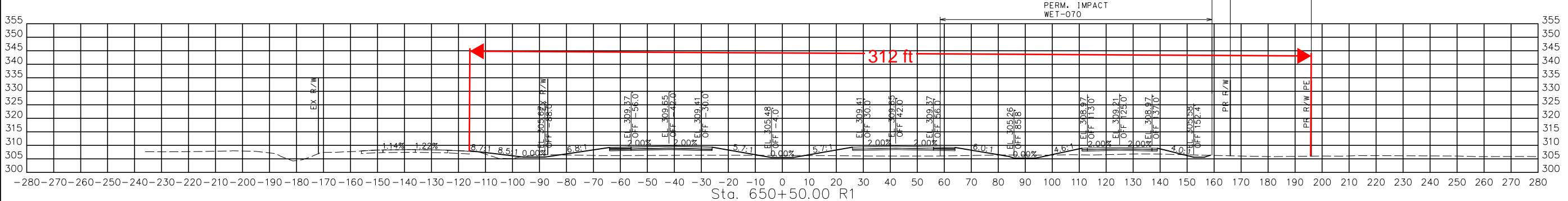
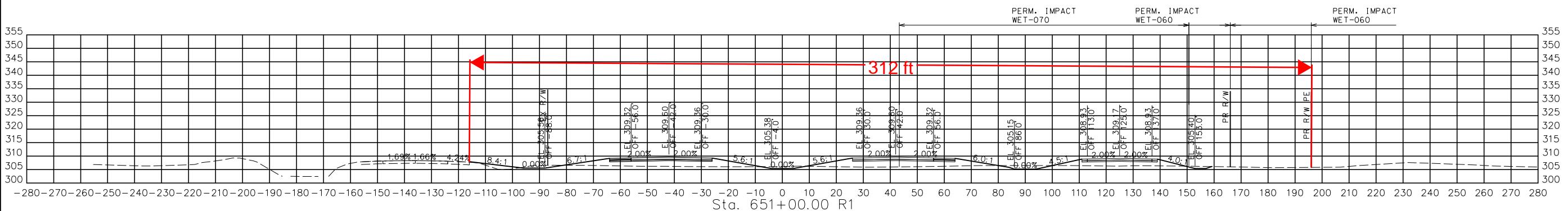
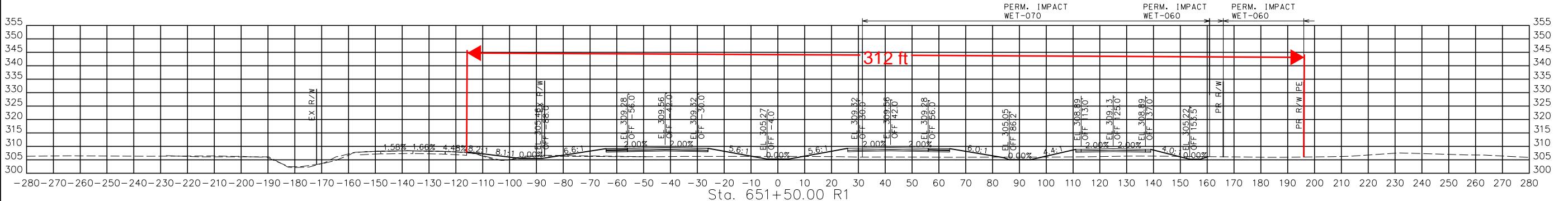
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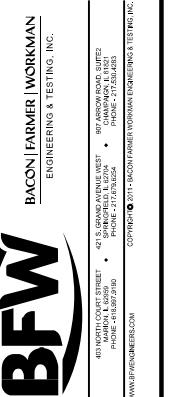
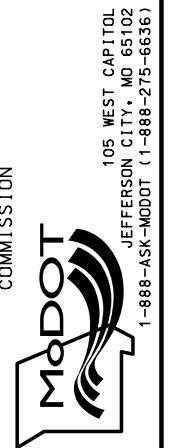
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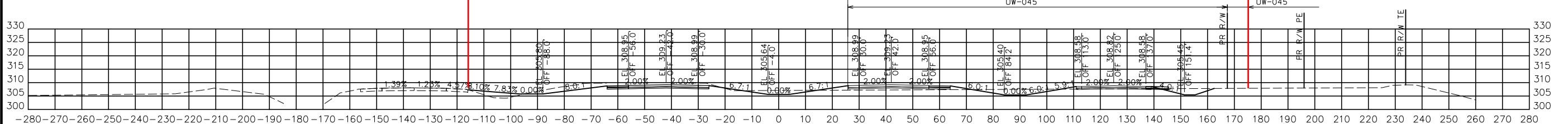
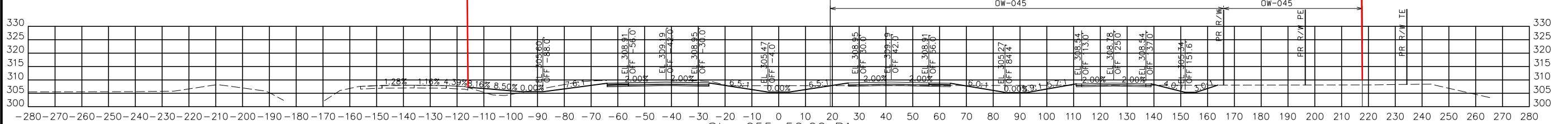
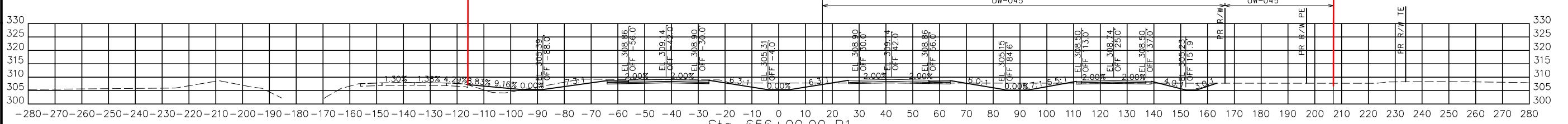
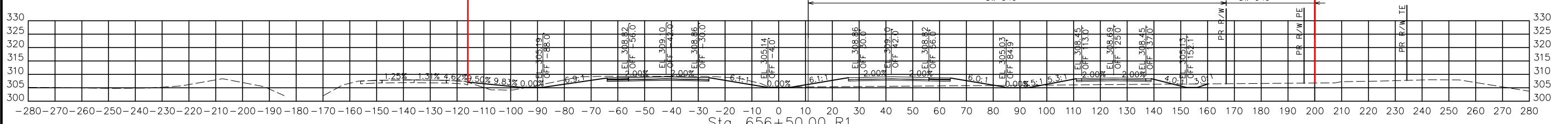
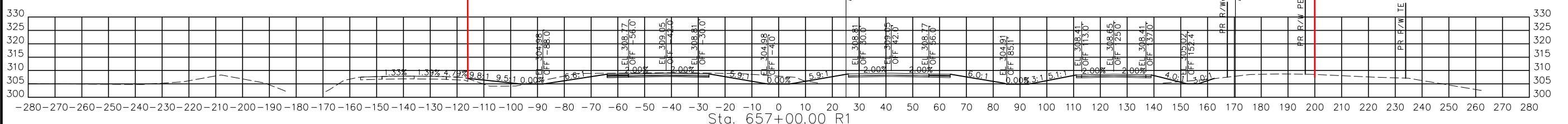
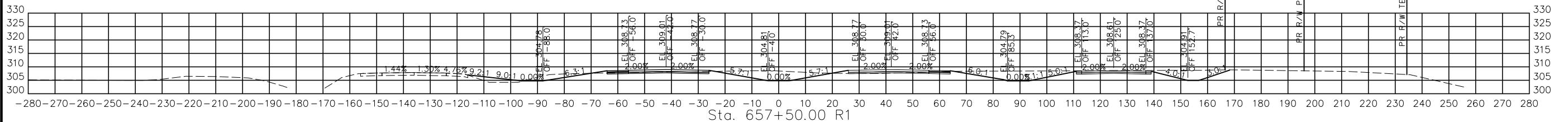


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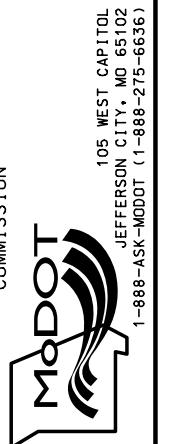
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| HEET NO. | |
| COUNTY | BUTLER |
| JOB NO. | J9P3764 |
| CONTRACT ID. | |
| PROJECT NO. | |
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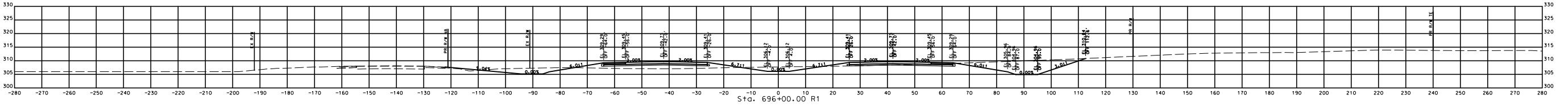
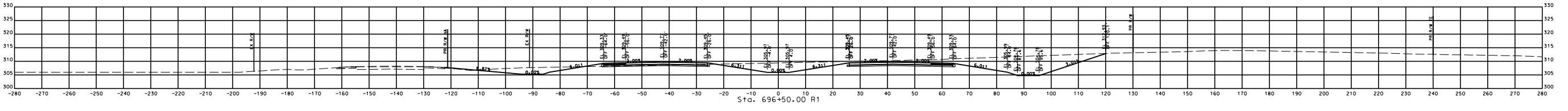
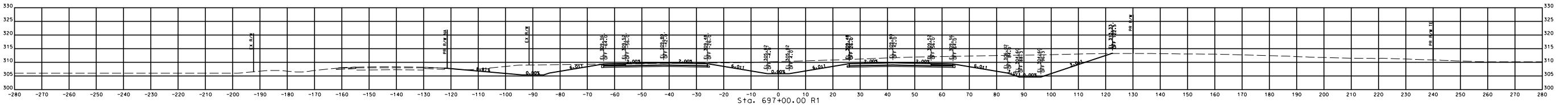
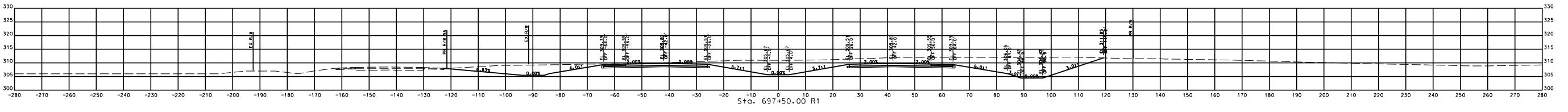
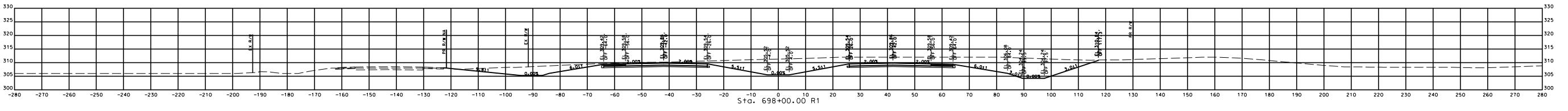
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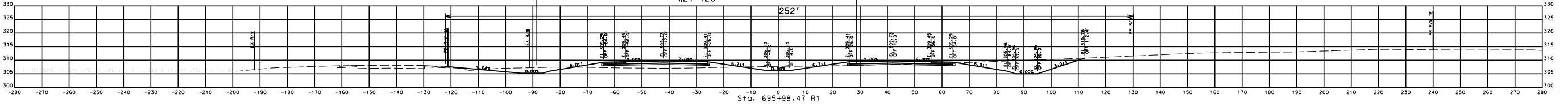
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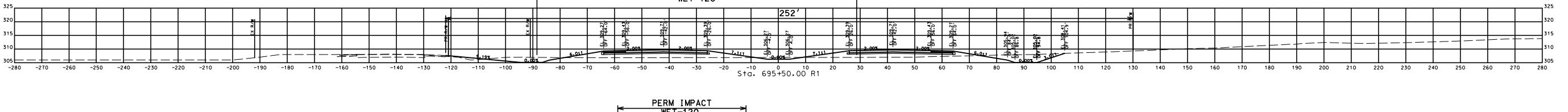
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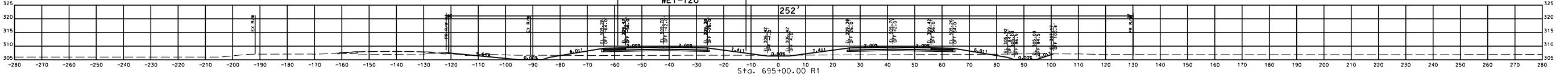
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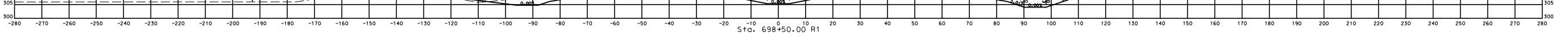
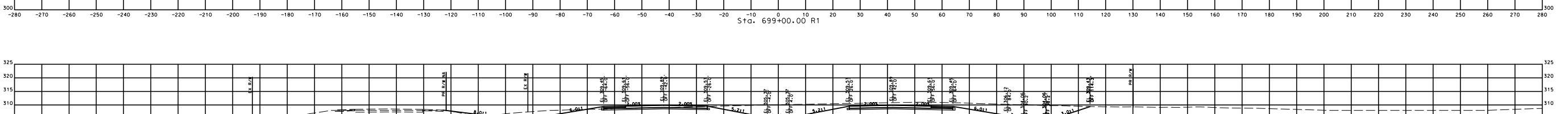
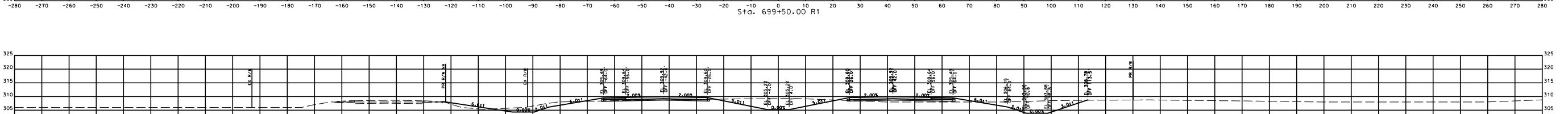
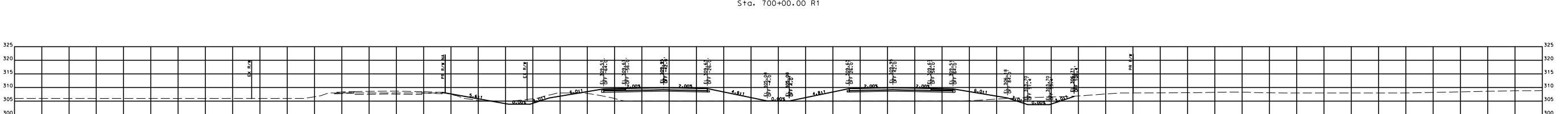
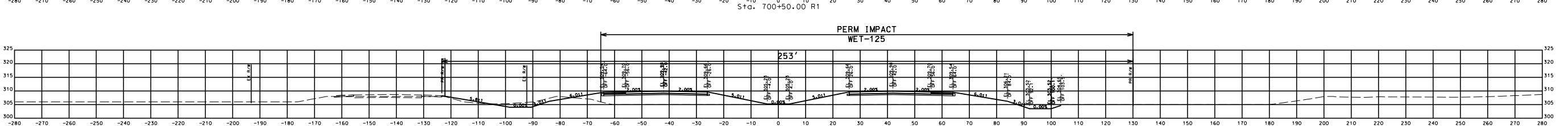
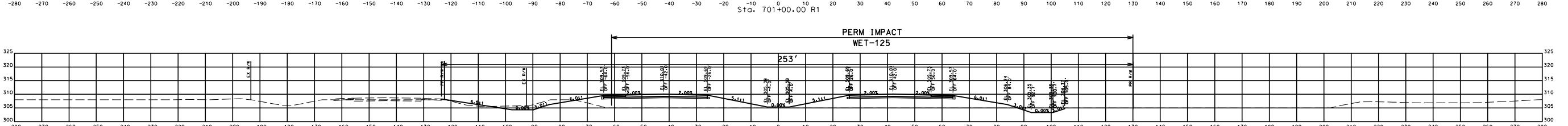
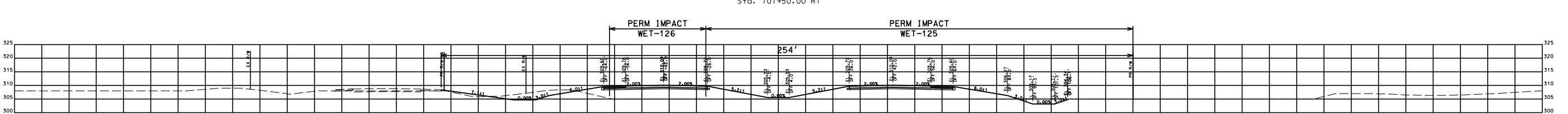
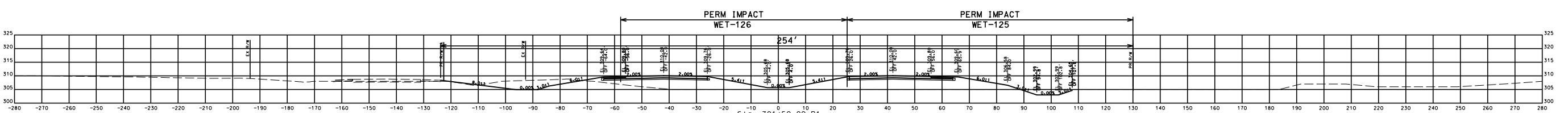
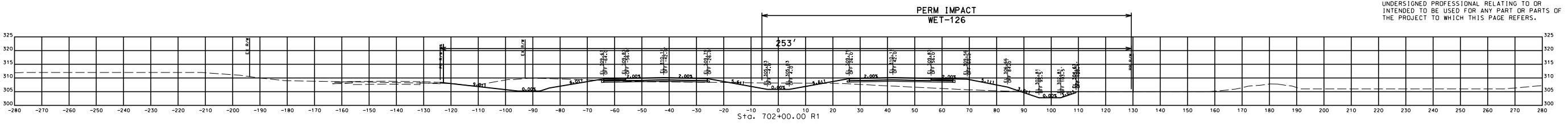
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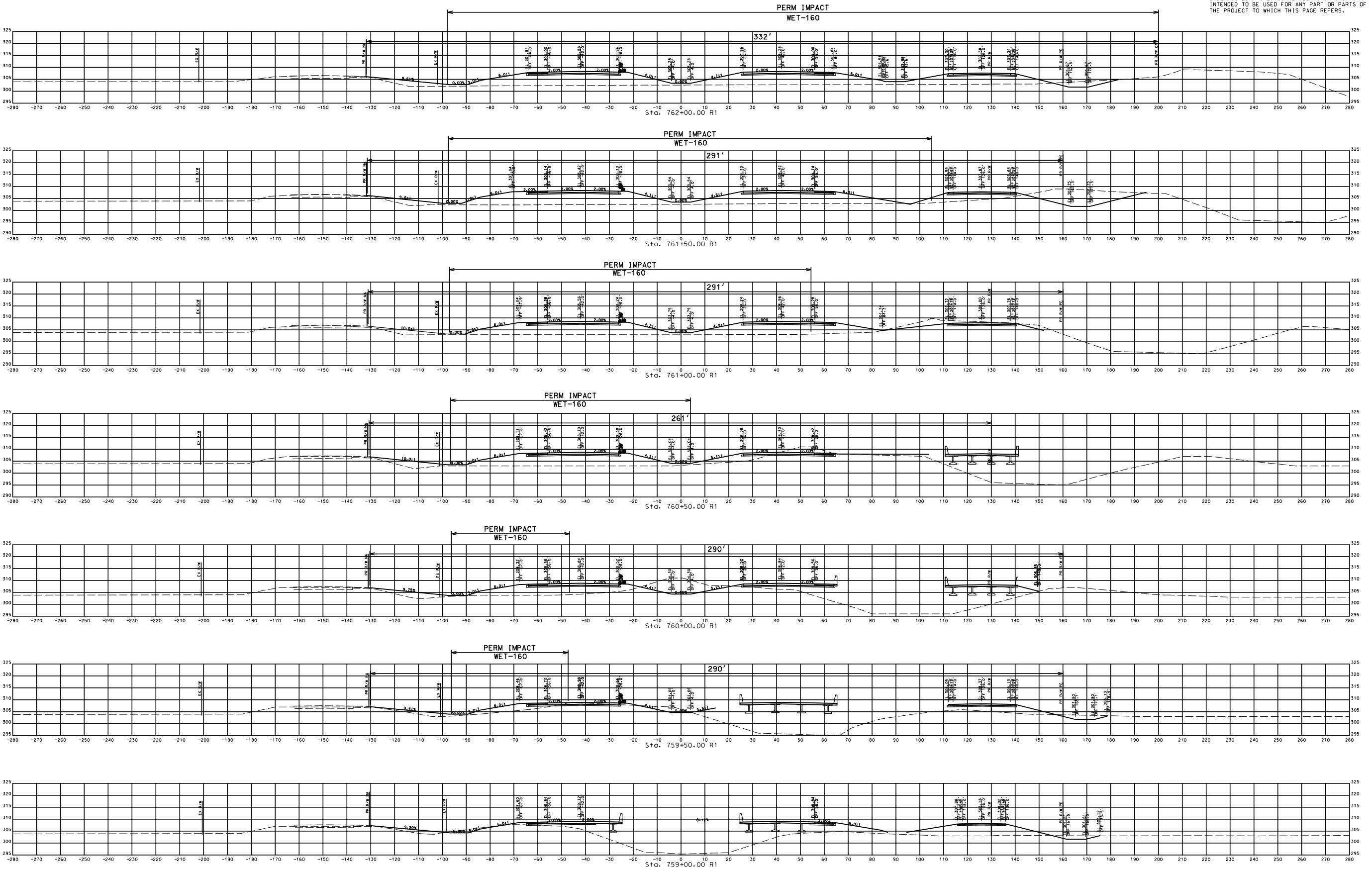


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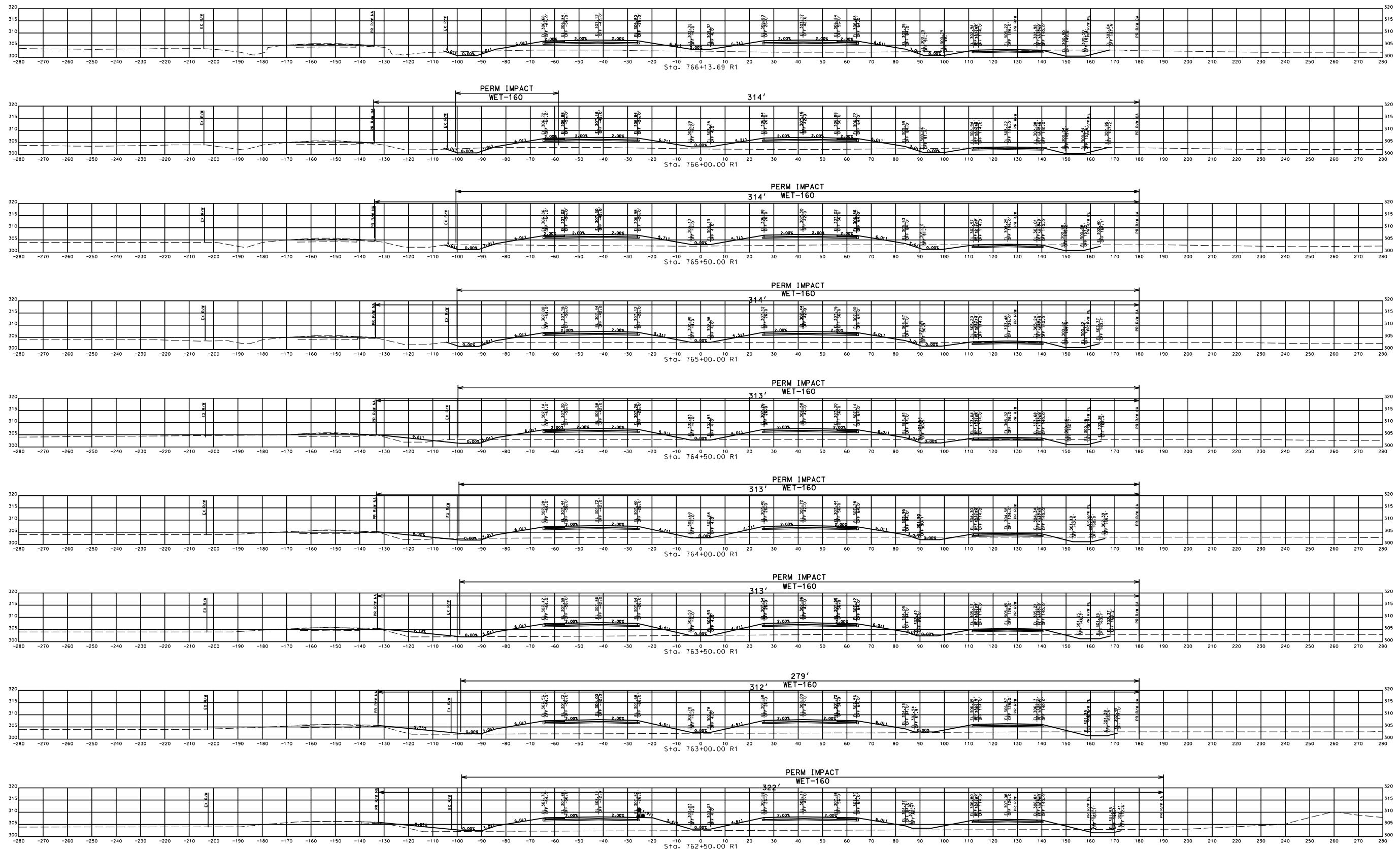
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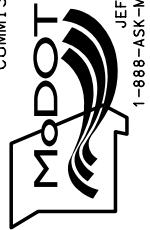
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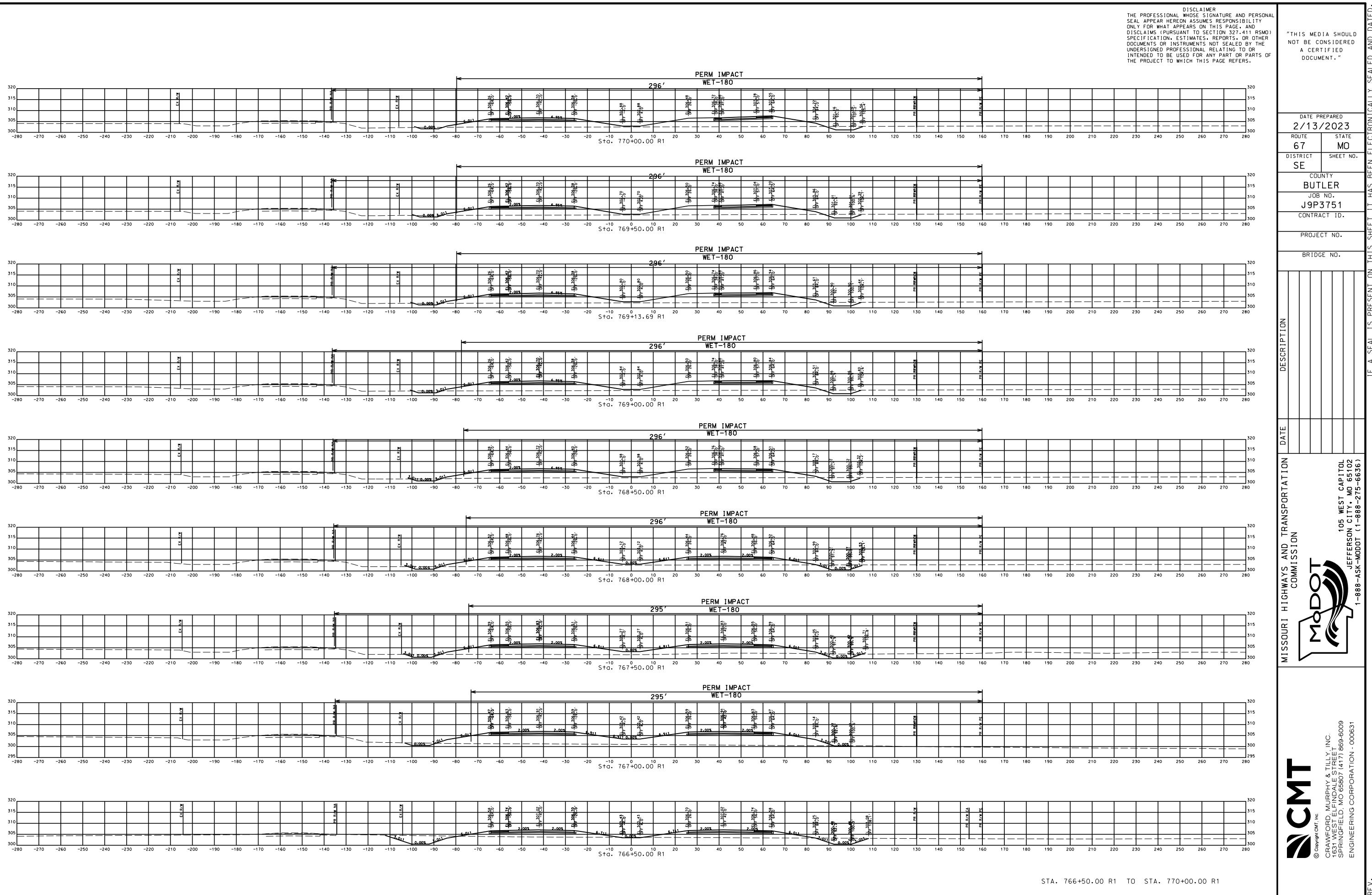
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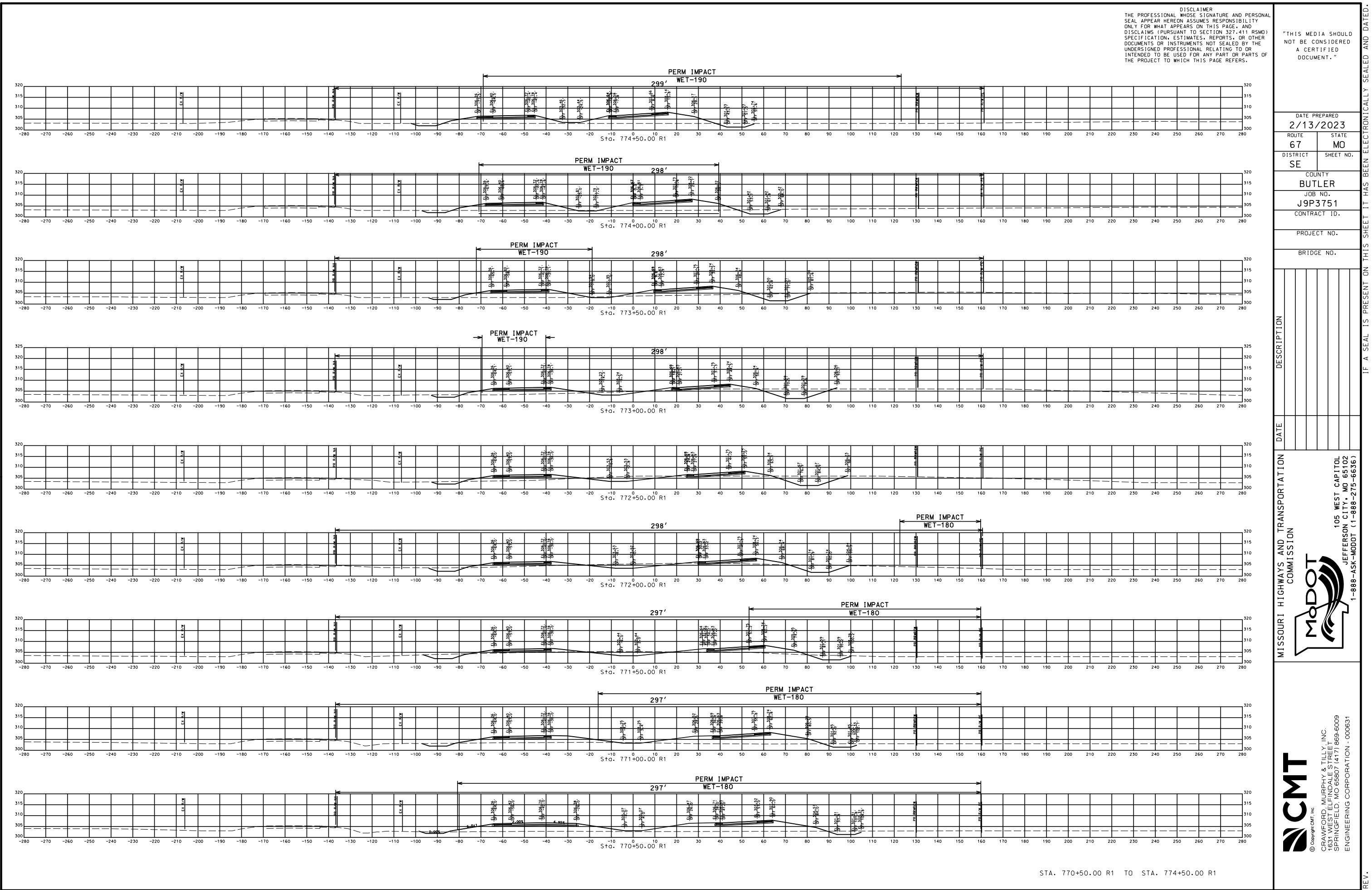
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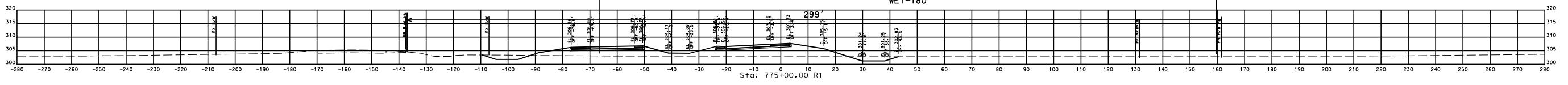
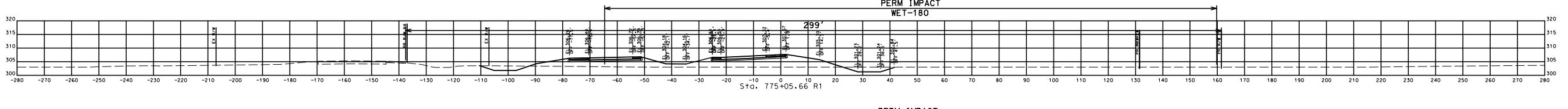
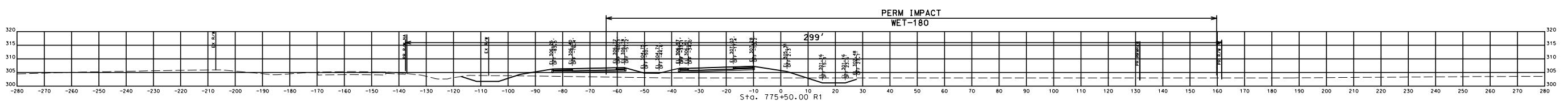
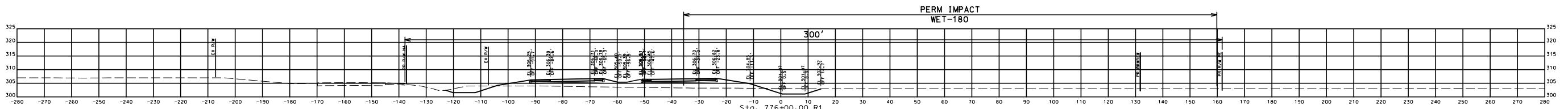
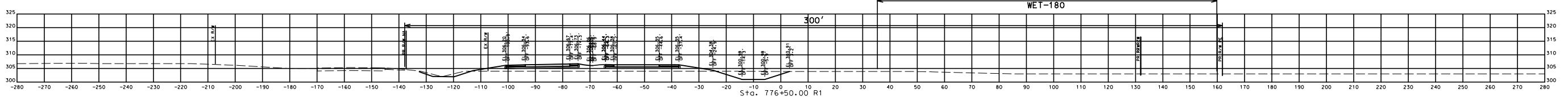
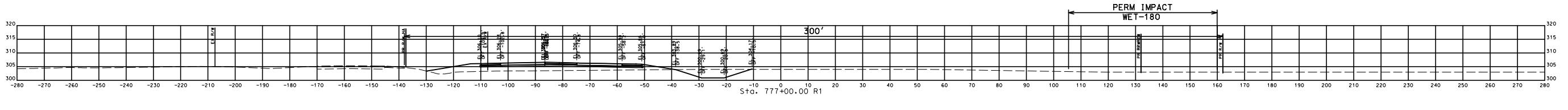
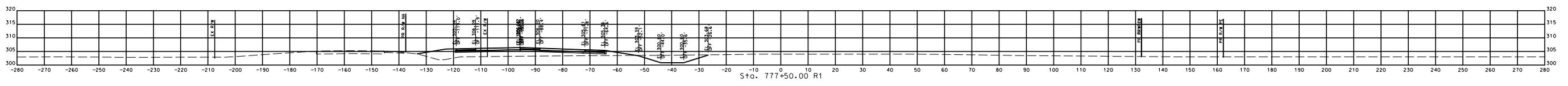
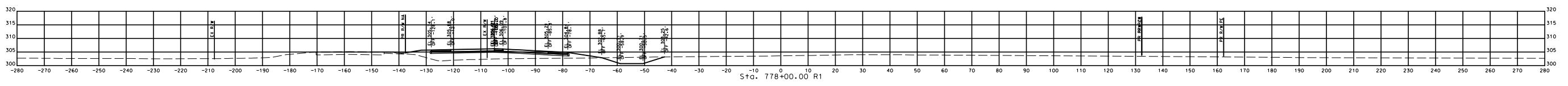
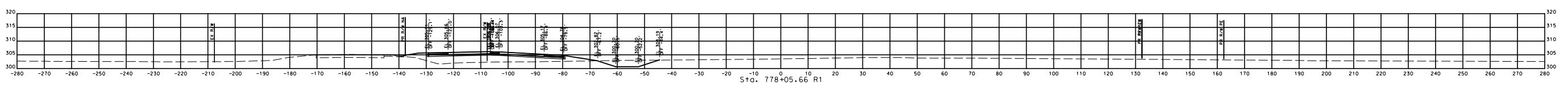
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 COUNTY **BUTLER**
 JOB NO. **J9P3751**
 CONTRACT ID. **C**

PROJECT NO.

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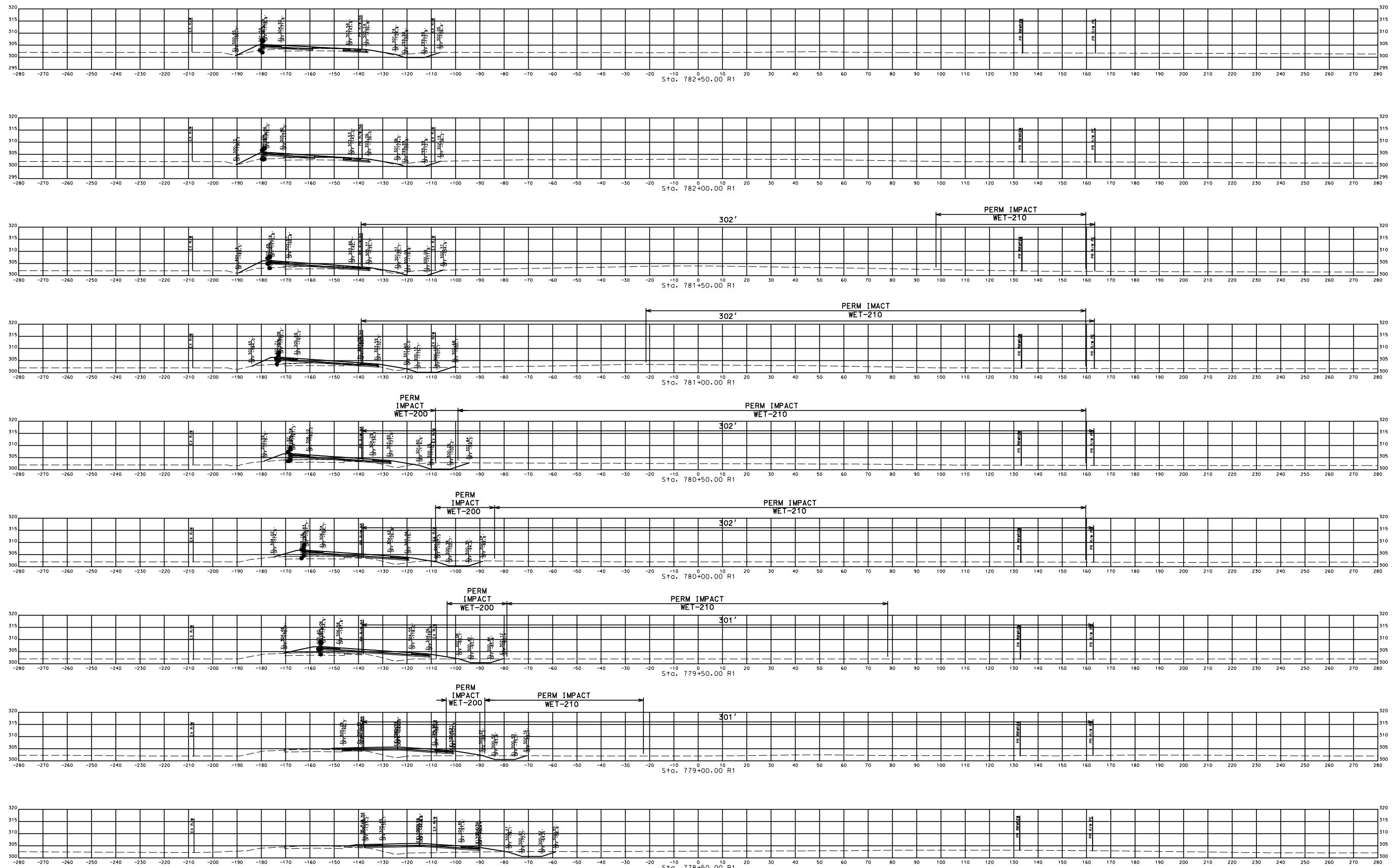
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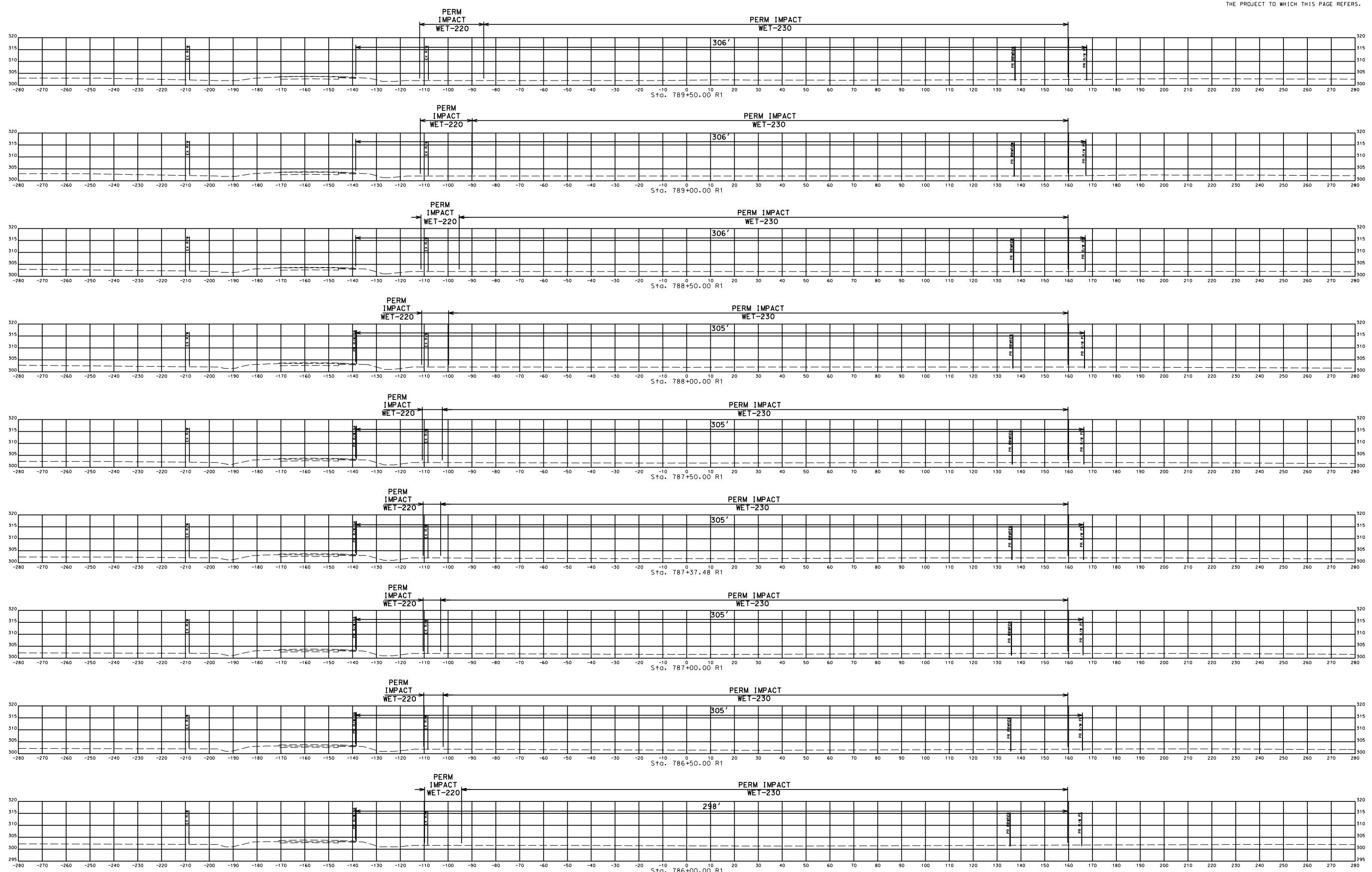
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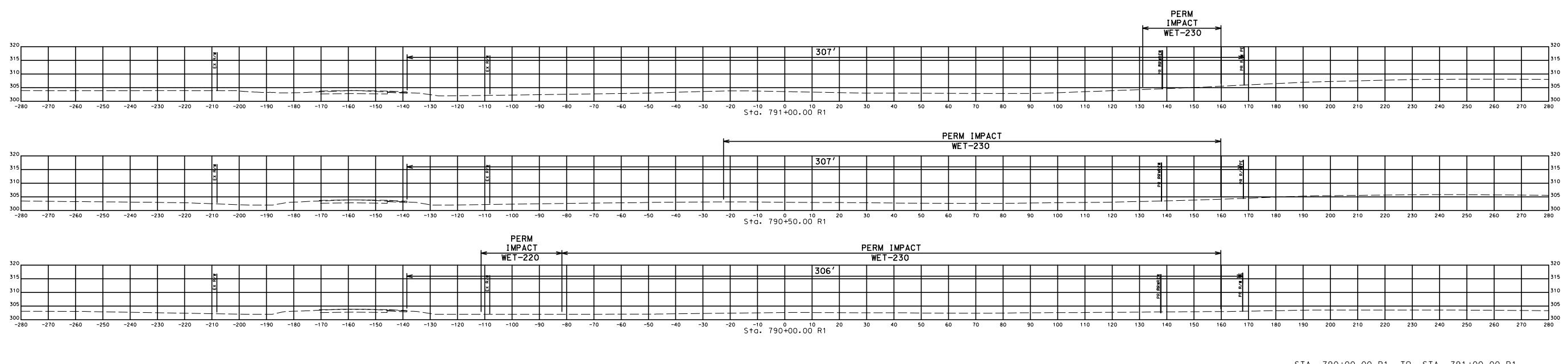
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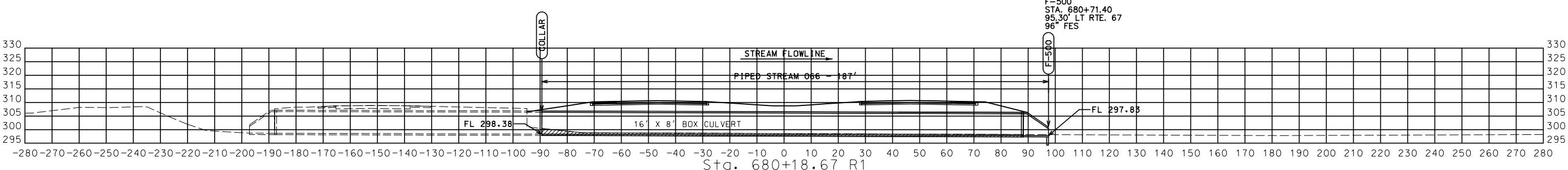
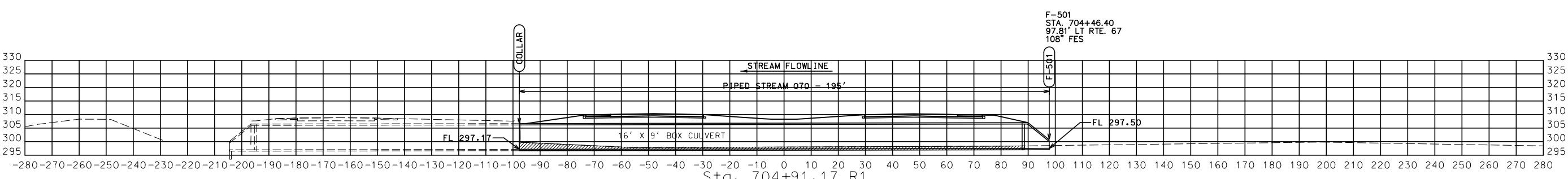
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STA. 680+18.67 R1 TO STA. 704+91.17 R1