

IEPA Log No.: **C-0842-09**
CoE appl. #: **LRC-2009-00633**

Public Notice Beginning Date: **February 9, 2011**
Public Notice Ending Date: **March 11, 2011**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Fox Waterway Agency – 45 S. Pistakee Lake Road, Fox Lake, IL
60020

Discharge Location: Near Chain O'Lakes in SE 1/4 of Section 21 of Township 46N, Range 20E of the
3rd P.M. in Lake County.

Name of Receiving Water: Fox River

Project Description: Proposed installation of 2,715 linear feet of riprap revetment for wetland habitat
protection

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Darren Gove at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For Fox Waterway Agency
IEPA Log No. C-0842-09
COE Log No. LRC-2009-00633
Contact: Mark Books; 217/785-6937
Public Notice Start Date: February 9, 2011

Fox Waterway Agency (“Applicant”) has applied for Section 401 water quality certification for impacts associated with the construction of 1,615 linear feet of riprap revetment on the west side of the Fox River to divert suspended sediments and debris beyond the mouth of Marina Cove, within Chain O’Lakes State Park. The Marina peninsula revetment structure will provide protection for the existing harbor and will help to create conditions conducive to the establishment of backwater wetland habitat behind the revetment structure. Large angular limestone riprap will be placed within the shallow water along the former eastern edge of the 7.5 acre peninsula wetland that broke away from the west bank of the Fox River during 2008 late spring flooding. Additionally, 1,100 linear feet of revetment will be placed along the eastern bank of the Fox River in the same area to protect sensitive aquatic habitats. Approximately 13,575 tons of angular limestone rock will be used to construct a total of 2,715 linear feet of off-bankline riprap revetment along the east and west banks of the river. The material used to construct the off-bankline riprap revetment will include A quality, Gradation 5 limestone riprap. The riprap will be free of fine-grained crushed rock particles (< 1% capable of passing through the #200 sieve). The project is located in Section 22, Township 46 North, Range 13 East, near Spring Grove.

Identification and Characterization of the Affected Water Body.

The Fox River has a 7Q10 flow of 84 cfs at this location and is a General Use water. Fox River Waterbody Segment IL_DT-35 is listed in the Illinois Integrated Water Quality Report and Section 303(d) List-2010 as impaired for fish consumption, and aquatic life. The potential causes of impairment are PCB’s for fish consumption. The potential cause of impairment for aquatic life is sedimentation/siltation. The River at this location is also impacted due to aquatic algae and flow regime alterations (non-pollutants). The Fox River at this location is not an enhanced waterbody pursuant to the dissolved oxygen water quality standard. Using the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, the Fox River, at this location, is not listed as a biologically significant stream; however at this location the Fox River has received an integrity rating of “A”. The Fox River has a drainage area of approximately 868 square miles at the project site. According to the IDNR WIRT System Blanding’s Turtle, Black Tern, Forster’s Tern and Least Bittern are identified as threatened or endangered species possibly residing within the project site. The project area is also within a Natural Inventory Site.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The pollutant load increases that would occur from this project include some possible increases in suspended solids during the construction of the project.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary. Erosion control measures will be utilized to minimize any increase in suspended solids and prevent further impact to the stream. Aquatic life uses in the portion of the river that will be disturbed during the construction may be

negatively impacted, but in time, they will recover and support approximately the same community structure, if not greater due to the enhanced fish habitat, as is now found in the existing channel.

Purpose and Social & Economic Benefits of the Proposed Activity.

The Applicant has stated that, “the project will benefit individuals and communities in numerous ways. Positive impacts (Benefits) from completing the project include:

- Maintenance of sufficient water depths in the Chain O’Lakes State Park Marina cove to sustain recreational boating, fishing and hunting activities.
- Creation and protection of valuable wildlife habitat within the Chain O’Lakes State Park and the adjacent natural areas.
- Protection of numerous threatened and endangered species.
- Recreation of flood protection for the Marina.
- Enhanced fish habitat.
- Reduction and prevention of shoreline erosion.
- Improvements to water quality.”

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

The construction of the proposed project will follow conditions set forth by the Agency and USACE. The Applicant will also follow a Soil Erosion and Sediment Control Plan (“SESCP”) in order to reduce the project’s impact on the environment. The SESCO includes the following items:

- All riprap will be placed onto non-woven geotextile fabric to minimize settlement and reduce bottom sediment disturbance.
- A floating turbidity boom with a 4.0 ft. ballasted curtain length will be installed and anchored along the channel and downstream area so that re-suspended sediment movement will be minimized and confined to the working area.
- The riprap will be placed on the fabric from a barge.
- No impact to the adjacent wetland area shall be allowed.
- All work shall be completed during periods of low flow and cannot proceed until after the spawning and wetland bird breeding period is completed (i.e. after June 15th).

The Applicant looked at two other alternatives for this project: 1) taking no-actions and 2) construction of an island and in-lake sediment storage and dewatering facility.

- 1) The no-action alternative was not selected because since the flood of 2008 the harbor has experienced increased rates of siltation and accumulation of debris that historically would have passed the mouth of the Marina, due to the protection offered by the former wetland peninsula. The no-action alternative would also not protect the High Quality Wetlands from erosion due to wave actions.

- 2) The option to construct an island and in-lake sediment storage and dewatering facility was not chosen because it was determined constructing this type of facility was not practical if wetland impacts were to be avoided and minimized.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities

Correspondence from Rich Lewis, IDNR (dated 2/1/11) states that the, “project was reviewed and consultation was terminated on 3/17/10. The project was reviewed for Endangered & Threatened species, Natural Areas, wetland compliance, cultural resources, and just generally, will this project have a positive effect on the environment. IDNR biologists have been involved with the planning. IDNR supports this project”. Therefore; consultation with IDNR is terminated.

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time this antidegradation review summary was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all existing uses of the receiving waters will be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will protect the Marina and sensitive environmental areas. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.