

IEPA Log No.: **C-0868-10**
CoE appl. #: **2010-1532**

Public Notice Beginning Date: **March 25, 2011**
Public Notice Ending Date: **April 15, 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
Facility Evaluation Unit
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Winnebago County Forest Preserve 5500 Northrock Drive
Rockford, Illinois 61103

Discharge Location: Sec. 31, T44N, R3E, 3rd P.M., Boone County, South of Belvidere

Name of Receiving Water: Kishwaukee River

Project Description: Constructing 275 foot hiking trail through wetlands.

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 Keith Runge at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
RE: Winnebago County Forest Preserve District
IEPA Log #C-0868-10
COE Log #CEMVR-OD-P-2010-1532
Contact: Mark T. Books at 217/558-2012
March 25, 2011

Winnebago County Forest Preserve District (“Applicant”) has applied for Section 401 water quality certification for impacts associated with the construction of a raised hiking path through approximately 275 lineal feet of wetlands. The hiking path is necessary to provide public access to newly acquired Verona Property and to the County Line Forest Preserve hiking path. The Verona Property is a new 186 acre conservation area (obtained during December 2010) which is jointly owned by Boone County Conservation District and the Applicant. The project is located in Section 31, Township 44 North, Range 3 East near the City of Belvidere.

Identification and Characterization of the Affected Water Body.

The wetland is a General Use Water with a zero 7Q10 flow. The wetland has not been evaluated by the Illinois EPA Surface Water Monitoring Unit. The wetland is not an enhanced water body 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 wetland is not listed as a biologically significant stream nor has it received an integrity rating. The new conservation area is adjacent to the Kishwaukee River. The IDNR WIRT System did not list any state threatened or endangered aquatic species residing in the project area.

The proposed raised hiking trail impact will be approximately 16 feet wide and 275 feet long. This is an area of approximately 4,400 square feet (about 0.10 acres). The Applicant plans to construct a new wetland within the 7,000 square foot borrow upland area (0.16 acres) adjacent to the impacted wetland. This will give a mitigation ratio of 1.6:1. In addition the Applicant and Boone County Conservation District have a restoration plan for the entire 237 acre Verona Property which includes planting wet mesic prairie mix species on the 94.8 acres of the property that was farmland last year.

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 in surrounding wetlands during the construction of the project.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be confined to the immediate vicinity of the construction. Erosion control measures will be utilized to minimize any increase in suspended solids during construction. The project will eliminate the current wetland habitat in the area that the hiking path is installed.

Purpose and Social & Economic Benefits of the Proposed Activity.

The Applicant has stated that they own, ”property south of I-90 along the Kishwaukee River (County Line Forest Preserve) but the District has no public access to the property. Construction of the proposed bike path will provide public access to the preserve to allow the public hiking, bird-watching, and fishing

opportunities. The path will also connect to an existing path on County Line Forest Preserve. County Line Forest Preserve was purchased with a grant from the IDNR in 1999 and they have mandated that we provide access by June of 2011.”

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. Erosion control measures will need to be implemented to prevent additional impacts to the wetlands. The Applicant considered two other alternatives to this proposed project. Alternative 1 would be to build a boardwalk over the affected wetland. This alternative was rejected by the Applicant because of cost, the need to support occasional pickup truck for maintenance work, and unstable organic soil for post footing installation. Alternative 2 was an alternate route for the hiking trail; however, this route was rejected due to inadequate vehicle access from Newburg Road and the need to cross even more wetlands than the chosen hiking trail route.

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

In a letter from Tracy Evans dated January 6, 2011, IDNR stated that an initial report submitted through the EcoCAT website indicated the potential presence of protected resources in the vicinity of the project location. The letter further states that the IDNR has evaluated this information and concluded that adverse impacts to the protected resources are unlikely; therefore, consultation 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 benefit the community at large by improving recreation access. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.