

IEPA Log No.: **C-0741-11**
CoE appl. #: **2011-1580**

Public Notice Beginning Date: **July 11, 2012**
Public Notice Ending Date: **August 10, 2012**

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: Jason Marquis, 9191 1000 N Ave. Buda, IL 61314

Discharge Location: Sec. 26, T16N, R8E, 4th P.M., Bureau County near Wyanet

Name of Receiving Water: Unnamed tributary of West Bureau Creek

Project Description: Proposed Dam construction

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 for

RE: Jason W. Marquis

Dam Construction

Bureau County

IEPA Log No. C-0741-11

COE Log #CEMVR-OD-P-2011-1580

Contact: : Mark T. Books at 785-6937

July 11, 2012

Jason Marquis (“Applicant”) has applied for Section 401 water quality certification in order to construct an earthen dam impoundment on an unnamed creek. This project will change about 2400 feet of the unnamed stream into an 8 to 12 acre lake impoundment. The project location is about 5 miles southeast of Wyanet in Section 26, Township 16 North, Range 8 East. The fill material will be excavated from within the proposed impounded area to construct the dam. The dam and disturbed areas around the pond will be planted with suitable seed mix to establish permanent vegetative cover. Trees above the pond perimeter will remain undisturbed.

Identification and Characterization of the Affected Water Body.

The unnamed tributary has a zero 7Q10 flow and is a General Use water. The tributary has not been evaluated by the Illinois EPA Surface Water Monitoring Unit. The tributary 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 tributary is not listed as a biologically significant stream nor has it received an integrity rating. The tributary watershed has a drainage area of approximately 1 square mile at the project site. The tributary is likely to be completely dry during the summer/early fall low rainfall periods and has very limited ability to support a balanced aquatic life community. No wetlands are present in the project area.

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. Erosion control measures will be utilized to minimize any increase in suspended solids. The existing habitat will be altered by this project with the construction of the dam and proposed impoundment. Whatever aquatic life is present in the tributary will be altered to a pond ecosystem. The Applicant used the Illinois Stream Mitigation Guidance to determine mitigation needs for this project impacts (10,608 mitigation credits required), and to determine credits generated as a results of the proposed mitigation efforts (11,604 total mitigation credits generated). The mitigation plan proposed by the Applicant includes the following items:

1. Planting a 10-20 foot wide vegetative buffer along the perimeter of the permanent pool.
2. Mesic vegetation will be planted on the downstream side of the dam.
3. Trees will be planted on the North side of the impoundment.
4. The upstream (East) end of the permanent pool will be shallow water. To provide more habitat diversity the Applicant plans on creating different shallow pool areas for wetlands by excavating the channel into “washboard” configurations.

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. To minimize any impact on aquatic life uses, work should be conducted during low flow periods.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the work is to provide an area for fishing and recreational use for a residential property. The newly created pond will also provide additional water storage.

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 impacts to the stream. The least intrusive alternative would be to not build the dam and impoundment. This is not an acceptable alternative to the Applicant given that this project will provide the Applicant with a lake for recreational use.

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

In a report generated through IDNR's EcoCAT system dated November 11, 2011, the Illinois Natural Heritage Database contains no records of State-listed threatened or endangered species in the vicinity of the project location; 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 a providing a small lake for recreational use. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.