

IEPA Log No.: **C-0076-12**

Public Notice Beginning Date: **August 24, 2012**

Public Notice Ending Date: **September 14, 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:** U. S. Army Corps of Engineers - Chicago District – 111 North Canal Street, Chicago, IL 60606-7206

**Discharge Location:** Near Chicago in SE Section 22 of Township 39N, Range 14E of the 3rd P.M. in Cook County.

**Name of Receiving Water:** Lake Michigan

**Project Description:** Habitat restoration at Northerly Island

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 James Blessman at 217/782-3362.

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The United States Army Corps of Engineers-Chicago District (“Applicant”) has applied for 401 water quality certification for proposed work on Northerly Island. Northerly Island is a completely man-made peninsula located on the shore of Lake Michigan (“Lake”), owned by the Chicago Park District. The project is located in Cook County, Section 22, Township 39 North, Range 14 East. The project site consists of the portion of the peninsula south of the Field House. The project involves construction of habitat restoration features both in the nearshore and upland portions of the site in order to improve habitat for coastal plant and animal species. Measures that need a 401 certification in this project include lacustrine littoral zone restoration, and aquatic corridor outlet construction. The corridor outlet construction will connect the Lake water with a new inland pond on the peninsula. Lacustrine littoral zone restoration fill material will be placed into Lake Michigan in order to create habitat for both lithophilic (stone loving) spawning fish and those fish species that spawn on submerged vegetation. Aquatic corridor outlet material will maintain the stability of the shoreline and prevent erosion by wave action.

**Identification and Characterization of the Affected Water Body.**

Lake Michigan is a large oligotrophic lake subject to the Lake Michigan Basin water quality standards of 35 Ill. Adm. Code 302 Subpart E. The open waters are listed in the Illinois Integrated Water Quality Report and Section 303(d) List – 2010 as impaired for fish consumption with a cause given as PCBs and mercury.

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

The construction activities will cause a temporary increase in suspended solids. Habitat will be disturbed in the vicinity of the construction area.

**Fate and Effect of Parameters Proposed for Increased Loading.**

The increase in suspended solids will be local and temporary. Aquatic life uses of this portion of the lake that will be disturbed during construction may be negatively impacted, but in time, they will recover and support a better community structure than what is now found in the lake, since this is a habitat restoration project.

**Purpose and Social & Economic Benefits of the Proposed Activity.**

The Applicant has stated the following concerning the purpose for this project:

“This ecosystem restoration project is being carried out in order to improve ecological functions along the coast of Lake Michigan and improve and increase habitats for fish, amphibians, reptiles, and migratory birds.”

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

Erosion control measures need to be implemented to prevent additional impacts. All of the proposed work will be completed using a backhoe that will work from the land to place the materials.

“Appropriate sediment control BMPs will be employed during construction of both the lacustrine littoral zone restoration and the aquatic corridor outlet, including constructing during calm lake conditions, moving and placing materials in a careful manner, and scheduling work stages to occur in a progression that is minimally impactful. Appropriate construction stormwater erosion and sediment controls will be employed in upland areas of the site as well.”

The least intrusive alternative would be to not do this project. This is not an acceptable alternative given that this is a useful project and will improve the ecological functions of the Lake.

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

In a letter from Nathan Grider dated August 8, 2012, 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 the assessment 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 stream 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 providing a new fish spawning area within the Lake. The pond and marsh created on the peninsula, as well as other upland habitat restoration features in this project will also benefit people who come to the park to bird watch or study natural plant and animal life. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.