IEPA Log No.: **C-0408-12**
CoE appl. #: **2012-1749**

Public Notice Beginning Date: **11/21/2013**
Public Notice Ending Date: **12/12/2013**

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: Union Pacific Railroad -- 1400 Douglass Street, Omaha, NE 68179

Discharge Location: Between UPRR Mile Posts 147 and 203 in Sangamon and Logan Counties.

Name of Receiving Water: Unnamed Wetlands and Streams.

Project Description: UPRR Springfield Sub. SPCSL 2A (HSR) Tier 3.

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 Yacine Anane at 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For Union Pacific Railroad
IEPA Log No. C-0408-12
COE Log No. 2012-1749
Contact: Eric Runkel; 217/782-0610
Public Notice Start Date: November 20, 2013

The Union Pacific Railroad Company (Applicant) is applying for a 401 water quality certification for impacts associated with a new high speed rail (HSR) line through Sangamon and Logan Counties in Illinois. The applicant proposes to upgrade the current railroad tracks and associated structures between mile posts (MPs) 147 to 203 to accommodate high speed rail capacity. The project activities proposed will include the construction of the Athol, Elkhart, Ridgely, and Auburn siding tracks and access roads, hydraulic structure replacements and/or modifications, and at-grade crossing improvements. As part of the siding track construction and other improvements, clean earthen fill and ballast are required to construct new track and road embankments. For hydraulic structure replacements and/or extensions, fill materials will include the hydraulic structures themselves and any associated headwalls, wingwalls, or riprap required for armoring.

Antidegradation assessment materials were received from the applicant under a February 28, 2013 cover, Addendum to Joint Permit Application, UPRR Springfield Sub. SPCSL 2A (HSR) Tier 3, ACOE Permit # LRC-2012-1749, IEPA Log # C-0408-12, received March 1, 2013, created by Olsson Associates, Lincoln, Nebraska.

Identification and Characterization of the Affected Water Body.

All streams impacted are General Use waters with zero 7Q10 flows. The majority of these streams have not been evaluated by Illinois EPA because of the small watersheds. Only one stream proposed for structural work has a watershed over 3 square miles. It is at bridge crossing MP 165.20 and is commonly referred to as "Elkhart Slough" (no Segment Code) with a watershed of approximately 10.06 square miles. Biological characterization of the stream has not been required because the project will not permanently alter the existing stream habitat conditions. Likewise, the wetlands have not been evaluated by the Illinois EPA Surface Water Monitoring Unit. The streams and the wetland areas are not enhanced water bodies 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 streams are not listed as biologically significant streams nor have they received an integrity rating

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. Aquatic life uses in the portions of the streams that will be disturbed during construction may be negatively impacted, but in time, they will recover and support approximately the same community structure as is now found in the existing channel. The project will eliminate the current habitat from the wetlands.

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. Construction for the proposed project will occur during a period of low flow to further minimize any impact.

No new bridge construction will occur, but existing bridges or culverts may be widened where new double track and freights sidings are proposed. All bridge and culvert widening will be conducted from the existing track, limiting the impact to a zone extending eight meters (25 feet) back from the top of stream bank. No channel relocation will occur with the proposed project. No bridge modifications will occur at any of the crossings of Navigable Waters of the U.S.

Mitigation is proposed to occur within the project watershed through mitigation banking. Table 1 will be useful in determining breakdown of impacts within the Tier 3 project area.

Table 1 – Summary of Impacts to Waters of the U.S. as part of Tier 3 projects.

		Athol Siding	Elkhart Siding	Ridgely Siding	Auburn Siding	Other (Structures)	Total Impacts
	Type	Acres	Acres	Acres	Acres	Acres	Acres
Impacts to Waters of the U.S.	Waters	--	0.045	0.016	0.010	0.050	**0.121**
	Wetlands	0.673	2.413	0.070	0.134	0.007	**3.297**
Impacts to Wetlands (Cowardin)	PEM	--	2.101	0.070	--	0.003	2.174
	PFO	0.673	0.014	--	0.134	0.001	0.822
	PSS	--	0.298	--	--	0.003	0.301
Total Impacts to Waters of the U.S.	**–**	**0.673**	**2.458**	**0.086**	**0.144**	**0.057**	**3.418**

Temporary impacts to waters and wetlands are estimated to be less than one acre. An additional 8.833 acres of isolated wetlands will be impacted as part of the siding track projects. Wetlands were typically designated "isolated" if they were located wholly in trackside ditches that were surrounded by uplands, and there was no defined bed and bank upgradient or downgradient; thus, no surface water nexus to a waters of the U.S.

Impacts to wetlands will be mitigated by purchasing wetland credits from an approved wetland mitigation bank(s). The mitigation bank(s) will be selected following concurrence from the USACE on the acceptable ratios. The following mitigation ratios are anticipated.

- If mitigation will occur within the same HUC-8 watersheds as the project site;
  - 1.5:1 mitigation ratio for emergent wetland impacts;
  - 2.5:1 mitigation ratio for forested wetland impacts; and
  - 1.0:1 mitigation ratio for isolated (waters of the State) wetland impacts.

- If mitigation will occur outside the HUC-8 watershed of the project site:
  - 2.0:1 ratio for emergent wetland impacts;
  - 3.0:1 ratio for forested wetland impacts; and
  - 1.0:1 mitigation ratio for isolated (waters of the State) wetland impacts.

The Tier 3 project is located in the Salt, Lower Sangamon, and South Fork Sangamon HUC-8 watersheds. The USACE Rock Island District has not determined the final mitigation method or ratio for this project.

Purpose and Social and Economic Benefits of the Proposed Activity.

The Preferred Alternative will provide an alternative to driving or flying for business or personal activity and reduce travel time for thousands of trips along the corridor. Over 1.5 million residents live within an eight kilometer (five-mile) radius of six proposed stations: Chicago, Joliet, Bloomington/Normal, Springfield, Alton, and St. Louis. Each of these communities offers unique economic, educational, medical and cultural opportunities. By facilitating access to these corridor communities, high-speed rail service could enhance the way people live, work, shop, go to school, interact with other businesses and services, and choose to participate in cultural and recreational activities.

The Applicant has stated the following concerning the purpose for this project in the Antidegradation Assessment Document:

The proposed improvements within the Tier 3 segment of the high speed rail (HSR) will provide the necessary infrastructure for high-speed passenger train service between terminus in Chicago and St. Louis. The Tier 3 segment is within the HSR Project corridor which was funded under the American Recovery and Reinvestment Act of 2009. Work within the HSR corridor was approved as part of the National Environmental Policy Act (NEPA) 2003 Final Environmental Impact Statement (FEIS; see http://www.dot.state.il.us/hsrail/pdf/cover.pdf) and 2004 Record of Decision (ROD; see http://www.fra.dot.gov/downloads/rrdev/chi-stlouis_rod.pdf) for the Chicago to St. Louis High-Speed Rail Project (FHWA-IL-EIS-99-01).

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

The No-Build Alternative will not meet the purpose and need of this project. The purpose of this proposal is to enhance the passenger transportation network in the Chicago - St. Louis corridor, resulting in a more balanced use of its components. To achieve this, there must be a new or improved transportation mode with shorter travel times and enhanced reliability and safety. The No-Build Alternative will be a continuation of existing Amtrak service and will not provide any

operational or service improvements. Without reductions in travel time or improvements to reliability and safety, the viability of rail passenger service as an alternative to air and automobile travel will not increase, and subsequently, travelers will not divert from those two modes. Therefore, this alternative is not considered an adequate solution to meet the existing and anticipated transportation needs of the corridor.

The applicant provided the following summary of alternatives in the Antidegradation Assessment Document:

The proposed project was designed to avoid and minimize adverse impacts in conformance to the scoping and sequencing processes of NEPA. Supplemental NEPA documentation for the Tier 3 segment is currently being prepared by IDOT, which includes a reevaluation of the 2004 ROD.

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

The Illinois Department of Transportation has completed a comprehensive review of threatened and endangered species potential impacts as a consequence of this project. Karen Miller of IDNR stated in electronic mail dated November 7, 2013 to Illinois EPA that IDOT has resolved their issues through consultation 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 providing an alternate rapid form of transportation between Chicago and St. Louis. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.