

IEPA Log No.: **C-0947-06**
CoE appl. #: **2014-603**

Public Notice Beginning Date: **June 17, 2016**
Public Notice Ending Date: **July 18, 2016**

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
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: Odle Family Management Group, LLC, PO Box 986, Mahomet, IL 61853

Discharge Location: Sections 11 and 14, T21N, R1E of the 3rd P.M. in McLean and Dewitt Counties near Heyworth

Name of Receiving Water: Unnamed Tributary to Kickapoo Creek and Unnamed Wetlands.

Project Description: Odle Mclean County Mine (sand and gravel).

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 Thaddeus Faught at 217/782-3362.

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Fact Sheet for Antidegradation Assessment

Odle Family Management Group, LLC – Unnamed Tributary to Kickapoo Creek and Unnamed Wetlands – McLean and Dewitt Counties

COE # CEMVR-OD-P-2014-603

IEPA Log # C-0947-06

Contact: Diane Shasteen

June 17, 2016

Odle Family Management Group, LLC (“Applicant”) has applied for Section 401 water quality certification for impacts to approximately 720 linear feet (LF) of bermed/manipulated water of the U.S. (WUS). The segment to be impacted is an unnamed drainage ditch which empties into Kickapoo Creek. The proposed project encompasses Sections 11 and 14 Township 21 North, Range 1 East and is located to the southwest of Heyworth, McLean and DeWitt Counties, Illinois. The purpose of the project is to mine sand and gravel needed for area construction projects and replace nearby mines that will be depleted in the near future. The proposed project covers approximately 240 acres and includes the construction of an aggregate processing plant on the northwest corner of the site, three pipes crossing above Kickapoo Creek, and the hydraulic dredging of gravel and sand south and east of Kickapoo Creek. The initial phase of the project will include the construction of the processing plant and pipes across Kickapoo Creek. The processing plant will include wet screening, washing, and crushing operations to prepare the mined materials for stockpile and sale. The three pipes include a 12” fresh water supply line, a 24” gravity return line, and a 12 or 14” dredge pipe. The pipes will be constructed above the 100-year high water level and supports will be placed adjacent to, but not within Kickapoo Creek. The overburden and topsoil from the area to be mined during the first year will be removed and temporarily stockpiled outside of the floodway on the south side of the property. After initial excavation and dredging the temporary stockpiles will be utilized to reclaim the shoreline of the resultant 60 acre lake. All stormwater runoff and slurry created as a result of plant operations will be returned to and contained within the lake. Dredging will begin in the northwest corner of the proposed lake, nearest to the plant and pipe crossings and continue in a fan shape pattern to the south and east. Mining is anticipated for approximately 10 years with seven to eight acres being mined each year. The lake will fill with groundwater as dredging operations progress. A grass roadway, CR 1025 East, will be converted to a gravel road for a distance of approximately 0.5 miles to provide direct access from the plant area to CR 200 North.

In addition to the stream impacts, the proposed project will impact 0.62 acres of emergent and farmed wetlands. On-site mitigation for stream impacts will include a 300’ buffer along 7,090’ of Kickapoo Creek. The buffer will include four zones: forested riparian, planted native grasses, farmed, and a maintenance area associated with the pipe crossings. A 1.24 acre wetland area will be constructed during year two or three of the proposed project in the northeast corner of the dredged lake.

Identification and Characterization of the Affected Water Body.

The ephemeral stream to be impacted, an unnamed tributary (no Segment Codes) to Kickapoo Creek (IL_EIE-03), has not been assessed by Illinois EPA. This stream is not listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*; it is not given an integrity rating in that document nor is it an enhanced water pursuant to the dissolved oxygen water quality standard. The USGS Illinois Streamstats basin characteristics program gives a watershed size of 1.69 square miles for the unnamed tributary. According to the Illinois State Water Survey, the unnamed tributary is likely to be a 7Q1.1 zero flow stream. In this region of Illinois, 7Q1.1 zero flow streams are streams with a watershed area of 3 square miles or less. These streams will exhibit no flow for at least a continuous seven day period nine out of ten years. Aquatic life communities in these headwater streams are

tolerant of the effects of drying. Depending on the rainfall received before biological surveys, either a very limited aquatic life community, or no community at all would be found.

Kickapoo Creek, a direct tributary to Salt Creek, is a General Use Water with an estimated 0.40 cfs 7Q10 flow at this location. According to the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List, Kickapoo Creek has been assessed by Illinois EPA and is listed as fully supporting Aquatic Life and Aesthetic Quality uses. Fish Consumption and Secondary Contact uses have not been assessed. Kickapoo Creek, at this location, is listed as a biologically significant stream in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System* and is given an integrity rating of “B” in that document. According to IDNR, Kickapoo Creek, at this location, is listed as an Illinois Natural Areas Inventory (INAI) site due to its high quality and unusual concentration of mussel species. Kickapoo Creek, at this location, is designated as an enhanced water pursuant to the dissolved oxygen water quality standard.

Wetland and WUS delineations of the proposed site were completed by Huff & Huff, Inc. in 2006. The site was reassessed by Foth Infrastructure & Environment, LLC on November 19 and 20, 2013. Two WUS were delineated including Kickapoo Creek (WUS-1, 7090 LF) and an ephemeral stream (WUS-2, 720 LF). An erosional drainage area was also delineated within the project boundary (ED-1, 210 LF). There are no proposed permanent impacts to Kickapoo Creek or ED-1. Thirty feet of Kickapoo Creek will be temporarily impacted during the construction of the temporary diversion channel and filling of WUS-2; 720’ of WUS-2 will be permanently impacted by the proposed project (Table 1).

Wetland delineation was conducted at eleven sites in the project area; ten sites were determined to be wetlands. Table 2 lists the wetlands delineated along with their type, total area, and permanent impacted acres. Dominant species in these wetlands included reed canary grass (*Phalaris arundinacea*), Silver Maple (*Acer saccharinum*), and Eastern Cottonwood (*Populus deltoids*). The wetlands delineated were described as low quality; FQI scores were not provided.

A total of 0.62 acres of emergent and farmed wetlands (Wetlands 2, 6, 8, and 12) will be impacted by the project. Wetland 2 is contained within the bermed upstream portion of WUS-2, Wetland 6 is a low lying area between two berms, Wetland 8 is within a farmed field, and Wetland 12 is located along the roadway proposed for improvement.

Table 1: Jurisdictional Waters of the U.S. Impact Summary

WUS Name	On-site length (ft)	Permanent Impact (ft)	Temporary Impact (ft)	Impact Area and Type
WUS-1	7,090	0	15	South bank at temporary diversion channel
		0	15	East bank removal of WUS-2
WUS-2	720	520	0	Inundation of channel by dredge lake creation
		200	0	Fill channel to create proposed lake/mining area
ED-1	210	0	0	

Table 2: Jurisdictional Wetland Impact Summary

Wetland Name	Total Area (Acres)	Impact (acres)	Percentage of		Mitigation Acres	Wetland Type
			wetland impacted	Mitigation Ratio		
1	0.05	0	0		0	Emergent/Forested
2	0.34	0.34	100	2.0:1	0.68	Emergent
6	0.16	0.05	31	2.0:1	0.1	Emergent/Forested
7	0.21	0	0		0	Forested
8	0.2	0.2	100	2.0:1	0.4	Farmed
9a	0.08	0	0		0	Forested
9b	0.02	0	0		0	Forested
10	0.03	0	0		0	Emergent
11	0.26	0	0		0	Forested
12	0.01	0.03	3	2.0:1	0.06	Emergent
Total		0.62			1.24	

Impacts to these areas are unavoidable and on-site mitigation will consist of the following:

- Establish 300' buffer (68 acres) adjacent to 7,090' of Kickapoo Creek – 15,244 credits
- Buffer area will consist of four zones; forested riparian, planted native grasses, farmed, and a maintenance area associated with the pipe crossings
- Creation of 1.24 acre wetland on northeast corner of the proposed lake

The on-site mitigation for the permanently impacted ephemeral stream, the enhancement and preservation of the 300' buffer, exceeds the needed mitigation credits (2,458) by 12,786 credits. The buffer will be protected by signs posted to designate boundaries of the buffer, a deed restriction, and possible fencing at select locations near the active mining areas. The mitigation for the 0.62 acres of emergent/forested wetlands includes the creation of a 1.24 wetland, the result of a 2.0:1 mitigation ratio. The mitigation site will be created during the second or third year of mining activities, prior to the majority of wetland and WUS impacts. A wetland seed mix will be utilized and a 25' buffer will be established around the mitigation site. The mitigation site will be protected by a deed restriction.

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

The pollutant load increases that could occur during this project include possible increases in suspended solids during mining operations. There will be no discharge to the Kickapoo Creek from mining operations due to several avoidance measures. Within the plant area, containment dikes and stormwater collection pipes will be installed to collect runoff from the processing area and stock piles. Slurry created as a result of the plant operations and the collected stormwater will flow into a slurry pond and will be piped across Kickapoo Creek and deposited into and contained within the dredge lake. A temporary diversion channel will be established along the east portion of the lake to provide a

temporary connection between the WUS-2/Wetland 2 drainage way and Kickapoo Creek. No pollutant load increases are anticipated with the proposed project. Mining activities will be covered under a Subtitle D mining permit. An NPDES stormwater permit for construction site activities will be required for construction on CR 1025 East. A Pollution Prevention Plan will be implemented to prevent silt and sediment from moving off-site and erosion control measures will be utilized throughout the site until disturbed areas become stabilized with vegetation.

The proposed project will eliminate approximately 720 LF of bermed/manipulated WUS, an unnamed tributary to Kickapoo Creek and approximately 0.62 acres of emergent and farmed wetlands.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids in the project area will be local and temporary. Avoidance measures described above will be utilized to minimize any increase in suspended solids. The containment of stormwater runoff, the planted vegetative buffer adjacent to Kickapoo Creek, and the containment of slurry from the plant operations will minimize point and non-point sources of pollution reaching Kickapoo Creek as a result of dredging operations.

On-site mitigation for stream impacts includes the preservation and enhancement of a 300' buffer along 7,090' of Kickapoo Creek. The mitigation for the 0.62 acres of emergent and farmed wetlands will include the creation of a 1.24 acre wetland on the northeastern portion of the dredge lake.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the project is to mine reserves of sand and gravel to meet the needs of local construction projects. Aggregate from several sand and gravel mines located in the project vicinity are being depleted and the mines will be closing in the near future. The proposed project is needed to replace these mines and their supply of aggregate. According to an annual report of Illinois' nonfuel mineral industry completed by the Illinois State Geological Survey in 2015, every dollar's worth of industrial minerals (sand and gravel, industrial sand, and Portland cement) consumed in Illinois contributes directly and indirectly to \$500 of Illinois' gross state product due to their use in construction and transportation infrastructure. The report stated that the repair and maintenance of the highway system requires local availability of high-quality aggregate and demand for durable aggregate will remain high throughout the state for years to come. The Applicant is planning to hire the dredging company currently operating a nearby mine when the supply of that mine is depleted. The dredging company would move their dredging equipment and employees to the proposed site, continuing the employment of 6 individuals to oversee dredging operations and additional material hauling truck drivers.

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

The Applicant completed an assessment of the economic and environmental advantages and disadvantages of several alternatives to building the proposed sand and gravel mine including a No-Build Alternative. The No Build alternative would result in a loss of the needed supply of aggregate for local construction projects. The option of purchasing alternate sites for development were not explored due to the long-term ownership of the project site and the fact that sites with similar supplies of sand and gravel reserves were either not available for purchase or would be cost prohibitive to

purchase. The preferred action alternative takes into consideration the long-term ownership of the project property, the need for an alternative mine to meet supply and demand, and the economic benefits for the area and the state.

No Build Alternative:

- Avoids all impacts to jurisdictional waterbodies and protected natural areas
- Exhausts the supply of sand and gravel aggregate in approximately 5 years
- Leaves area without an aggregate source needed for local construction projects
- Loss of approximately 6 jobs at adjacent mine site and additional trucking industry jobs
- Does not meet the economic need for the project

Preferred Alternative

- Avoids impacts to higher quality forested wetland areas 1, 7, 9a, 9b, 10, and 11
- Avoids impacts to a majority of the forested riparian buffer adjacent to Kickapoo Creek
- Removes the WUS-2/Wetland 2 channel – a bermed/manipulated drainage ditch and low quality wetland located in the center of the proposed mining area
- Provides aggregate to support local construction projects

Kickapoo Creek Minimization/Avoidance of Impacts

- No discharge to creek from mining operations
- Slurry created from plant operations will be returned to dredge lake where solids will settle out
- Containment dikes and stormwater collection pipes will collect runoff from processing area and stockpiles and return and contain it within the dredge lake
- Temporary diversion channel will provide a connection between the WUS-2/Wetland 2 drainage way and direct off-site flow away from the lake during dredging operations
- Disturbed lake water will not be discharged to Kickapoo Creek
- Pipes crossing Kickapoo Creek will be elevated above the 100 year floodplain to minimize impacts to the channel replacing the need to trench or directional bore pipes below the creek
- Elevated pipes will allow for regular inspections and replacement of pipes if structural integrity is compromised
- 300+ foot buffer to be established adjacent to Kickapoo Creek
- Only temporary impacts to Kickapoo Creek will occur from the placement of the pipelines, temporary diversion channel and the closure of WUS-2
- Heavy machinery will not operate within the stream channel and will only be operated in the immediate vicinity of the temporary impacts listed above
- Temporary impact work will be conducted during low flow if possible and the areas of impact will be seeded to minimize erosion
- A connection between the dredge lake and Kickapoo Creek will not be established until mining is complete and the project is in closure phase at which point a 24' culvert will be installed to regulate the water level in the lake

Conclusion:

The construction of the proposed project will follow conditions set forth by the Agency and USACE. The construction of the proposed sand and gravel plant and mine will provide raw materials needed for local construction projects. Efforts to minimize or avoid impacts to Kickapoo Creek, along with efforts to avoid impacts to higher quality forested wetlands have been included in the project design. Disturbance to the bermed/manipulated drainage way will be mitigated through the preservation and

enhancement of a 300' riparian buffer for Kickapoo Creek. Mitigation for the permanent impacts to 0.62 acres of low quality wetlands will be mitigated through the on-site creation of a 1.24 acre wetland. The created wetland will be established on the northeast corner of the resultant 60 acre lake. A Mine Abandonment Plan has been developed and mine abandonment will be regulated by the IEPA. Mine abandonment activities include the removal of all plant equipment from the site, including the elevated pipelines, native grass seeding of the pipeline maintenance area, complete shoreline restoration seeding, quarterly inspections for at least one year after closure, and repair of erosion or seeding issues within the project area. Following final restoration, the 60 acre lake will be used for recreational purposes.

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

An EcoCAT endangered species consultation submitted to the Illinois Department of Natural Resources resulted in the identification of Kickapoo Creek as an INAI site in the vicinity of the project location. IDNR has evaluated the EcoCAT information, recommended that BMPs be implemented to conserve the quality of Kickapoo Creek, and completed consultation for IDNR Project #1610128 on 05/26/2016. The project area was surveyed to identify suitable habitat for federally threatened and endangered bat species, Indiana bat (*Myotis sodalis*), and northern long-eared bat (*Myotis septentrionalis*). Seven trees were identified as potential habitat; the majority of the forested land within the project site including these seven trees. USFWS recommended placing a 150 buffer around the seven potential roost trees and that if tree clearing should need to occur it will coordinate with USFWS prior to removal. Permitted tree removal will occur from September 30 to April 1 the season prior to planned mining activities and will be staged in order to minimize the temporal loss of forested habitat and minimize impacts to the bat species. The Applicant has agreed to the USFWS recommendations. A cultural resource site located within the Kickapoo Creek buffer was identified during the Phase I survey. The forested riparian corridor and the cultural resource site will be protected by a deed restriction.

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 assessment was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; 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 continued supply of raw material (sand and gravel) needed for area construction projects and to replace current operating mines that are due to close in the near future. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.