

IEPA Log No.: **C-0025-19**  
CoE appl. #: **CEMVS-PD-P**

Public Notice Beginning Date: **November 25, 2019**  
Public Notice Ending Date: **December 16, 2019**

Section 401 of the Federal Water Pollution Control Act  
Amendments of 1972

**Section 401 Water Quality Certification for Discharge of Dredged or Fill Material**

**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 – 1222 Spruce Street, St. Louis, MO  
63103

**Discharge Location:** Mississippi River miles 54.0-54.3 (Minton Point) in Alexander County and river miles  
129.6-130.2 (Lower Establishment) in Randolph County.

**Name of Receiving Water:** Middle Mississippi River

**Project Description:** Proposed hydraulic dredging to create enhanced habitat (sandbars) for endangered  
pallid sturgeon and least tern.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge dredged or fill material 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 contact Darren Gove at email [darren.gove@illinois.gov](mailto:darren.gove@illinois.gov) or phone no. 217/782-3362.

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Fact Sheet for Antidegradation Assessment  
For U.S. Army Corps of Engineers  
IEPA Log No. C-0025-19  
COE Log No. CEMVS-PD-P  
Contact: Angie Sutton 217/558-2012  
Public Notice Start Date: November 25, 2019

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U.S. Army Corps of Engineers (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with environmental dredging in Sections 1 and 12, Range 4 West, Township 14 South and Section 6, Range 3 West, Township 14 South in Alexander County and Section 32, Range 9 West, Township 5 South, in Randolph County, Illinois. The project sites are located at Minton Point, river mile 54.0 - 54.3 adjacent to Cape Girardeau County, Missouri, and Lower Establishment, river mile 129.6 - 130.2 adjacent to Sainte Genevieve County, Missouri, on the Mississippi River. This project was recommended by the U.S. Fish and Wildlife Service’s Biological Opinion and is considered as compensation for potential degradation caused by maintenance of the federally mandated 9-foot deep by 300-foot wide navigation channel. Dredging will allow for habitat construction for the federally endangered pallid sturgeon (*Scaphirhynchus albus*) and least tern (*Sterna antillarum*). Applicant would employ environmental off-channel dredging with a hydraulic dustpan dredge to enhance lateral connectivity of aquatic habitat while using the dredge spoils to build sandbar habitat in the Middle Mississippi River (MMR). Dredge deposits will be added to high elevation areas to create exposed sandbar habitat and enhance the overall bathymetric diversity. At the Lower Establishment site, a dredge cut of 700 yards in length will be performed along the right descending bank with a second 290-yard long cut branching riverward from the initial cut around chevron 130.0R. An estimated 149,000 cubic yards (CY) of dredged material will be immediately discharged downstream of chevrons 130.0R and 129.9R. At the Minton Point site, a dredge cut of 1200 yards in length will be performed between the left bank and the lower half of the sandbar. An estimated 205,000 CY of dredge disposal material will be immediately discharged on an existing high-elevation area at the lower tip of the sandbar at river mile 54.0-54.3. U.S. Army Corps of Engineers (USACE) and U.S. Fish and Wildlife Services (USFWS) underwent a voluntary formal consultation. USFWS submitted a Biological Opinion for the Operation and Maintenance of the 9-foot Navigation Channel on the Upper Mississippi River System (UMRS) on May 15, 2000, which provided several requirements under a “Reasonable and Prudent Alternative” to protect the federally endangered pallid sturgeon and “Reasonable and Prudent Measures” to protect the federally endangered least tern. This project is the first (Phase 1) in what is expected to be a series of environmental dredging projects performed by the District under the Biological Opinion compliance effort. The Biological Opinion provided by USFWS will allow USACE to conduct the proposed dredging in compliance with the Endangered Species Act.

Information used in this review was obtained from the application documents dated February 1, 2019, February 19, 2019, and April 15, 2019.

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

Two sites for this project were identified and characterized:

**Lower Establishment:** The Mississippi River has 47,250 cfs of flow during critical 7Q10 low-flow conditions and is classified as General Use Water. The Mississippi River 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* nor is it given an integrity rating in that document. Waterbody Segment IL\_J-36 is listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for fish consumption with potential causes given as Mercury and Polychlorinated Biphenyls (PCB’S), and Primary Contact with a potential cause given as fecal coliform. It is fully supporting for Aesthetic quality and Aquatic Life use.

**Minton Point:** The Mississippi River has 48,470 cfs of flow during critical 7Q10 low-flow conditions and is classified as General Use Water. The Mississippi River 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* nor is it given an integrity rating in that document. Waterbody Segment IL\_I-84 is listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for fish consumption with potential causes given as Mercury and Polychlorinated Biphenyls (PCB'S), and Primary Contact with a potential cause given as fecal coliform. It is fully supporting for Aesthetic quality, Aquatic Life use and Public and Food Processing Water Supplies.

### **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 total suspended solids. These increases are a normal and unavoidable result of hydraulic dredging and are expected to be local and temporary and will end when construction is completed.

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

The increase in total suspended solids would be local and temporary. Although the existing benthic habitat would be permanently removed by the dredging activities, it is anticipated to recover and improve over time due to the increase in channel depth and lateral connectivity of aquatic habitat. Spoil deposits will be discharged toward the channel to build up sandbar habitat in accordance with the USFWS Biological Opinion and sediment is expected to settle very quickly once construction is completed. The project was recommended by the USFWS's Biological Opinion Erosion as compensation for potential degradation caused by maintenance of the 9-foot navigation channel. An Operation and Management Plan for controlling water pollution has been developed to identify options in which to best minimize pollutant loading. These options may include restricting dredging to colder months to keep ammonia toxicity levels to a minimum while at the same time, avoiding dredging activities during April and May to avoid effects of ammonia levels on spawning and juvenile fish. Further controls will be observed by dredging during low flow conditions and decreasing daily discharge. Mechanical excavation was considered as a method of reducing re-suspension of materials but was found to be unlikely to make a difference in duration due to the composition of the sediments

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

The proposed project will construct habitat for the federally endangered pallid sturgeon (*Scaphirhynchus albus*) and least tern (*Sterna antillarum*) in accordance with the USFWS Biological Opinion for the Operation and Maintenance of the 9-foot Navigation Channel on the Upper Mississippi River System.

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

The purpose and need of this project require discharge of dredged material within the riverine environment and as a consequence there are limited alternatives available. Mechanical excavation has been discussed with USACE as an alternate placement method that would reduce the pollutant loading caused by re-suspension of dredged materials. Such loading is expected when sediments are fine grain cohesive materials, clays or mud. Sediment for this project is expected to be primarily sand and gravel, and because of the composition of the sediment, the difference in pollutant loading between mechanical and hydraulic dredging would be minimal.

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

An EcoCAT endangered species consultation was submitted on February 5, 2019 to the Illinois Department of Natural Resources but because the USACE is working with USFWS on this project, Illinois Department of Natural Resources had no comment.

**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 would 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 would benefit the Mississippi River and associated area by improving aquatic habitat in the channel by creating sandbar habitats as a result of dredging for channel maintenance. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.