

IEPA Log No.: **C-0109-18**  
CoE appl. #: **LRL-2017-108**

Public Notice Beginning Date: **August 19, 2019**  
Public Notice Ending Date: **September 9, 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:** Mr. Ryan Burns – 13525 Bunker Hill Lane, St. Francisville, IL 62460

**Discharge Location:** Near St. Francisville in Section 17 and 20 of Township 4-North, Range 10-West of the West 2nd P.M. in Lawrence County.

**Name of Receiving Water:** unnamed wetlands tributary to unnamed tributary to Allison Ditch #2

**Project Description:** Proposed permanent impact to wetlands for conversion to cropland.

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 Mr. Ryan Burns  
IEPA Log No. C-0109-18  
COE Log No. LRL-2017-108  
Contact: Angie Sutton 217/558-2012  
Public Notice Start Date: August 19, 2019

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Ryan Burns of Burns Farms, Inc., has applied for an after-the-fact 401 Water Quality Certification for impacts associated with drainage of existing wetlands for conversion to productive cropland. The site is in Lawrence county within Sections 17 and 20, Township 4 North, Range 10 West.

As indicated on the USDA web soil survey, the soil would be classified as prime farmland if drained. The drainage system installed consists of 38,723 linear feet of various tile sizes and a pump station near the farthest downstream point of the unnamed tributary on the property. The tiles transport water to the pump station which then discharges water to the unnamed tributary, downstream from a ditch block, constructed as part of the drainage system, to prevent water from backing up on the cropland. Approximately 1.4 acres of trees were removed with another 0.7 acres of trees that the project would impact.

Information used in the review was obtained from the USACE Public Notice dated February 21, 2018, and the after-the-fact permit application dated February 20, 2018.

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

Prior to the project, the 25 acres of jurisdictional wetlands consisted primarily of a mix of herbaceous weeds, both annual and perennial, that naturally regenerate. There were also small areas of trees seen on 2013 aerial photos that had been removed prior to the drainage system installation in 2016. There is currently approximately 0.5 acres of canopy cover. The majority of plant cover was herbaceous weeds, including curled dock, swamp dock, river bulrush, nut sedge, butter weed, and a variety of other grasses and broadleaves. Soil on the impact site is mapped as Wabash silty clay Cumulic Vertic Endoaquolls.

The unnamed tributary to Allison Ditch is classified as General Use Water and has 0 cfs of flow during critical 7Q10 low-flow conditions. The unnamed tributary to Allison ditch 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. The unnamed tributary to Allison Ditch, Waterbody Segment BEZF-01, is not listed on the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List since it has not been assessed. The unnamed tributary to Allison Ditch is not subject to enhanced dissolved oxygen standards.

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

The pollutant load increases that occurred from this project include some possible increases in total suspended solids. These increases, a normal and unavoidable result of the excavation for placement of drainage tiles and removal of trees, occurred in the construction site. As this is an after-the-fact permit application, both wetland and woodland habitats have already been disturbed within the construction area.

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

The increase in suspended solids, from the excavation for construction of the drainage system, was likely local and temporary. Because this is an after-the-fact application, no avoidance and minimization efforts were considered due to the work already being completed. Off-site mitigation was completed for this project. This action consisted of securing 29.2 acres of land currently used as cropland, on a similar soil type and within the same watershed approximately 7 ¾ miles southwest of the impact site. The mitigation site is surrounded on three sides by woodland, linked to a 2000-acre USDA wetland easement now owned by the Illinois DNR and is also connected to a wetland mitigation project of a former refinery.

Trees and grass ground cover will be established to provide better water infiltration and wildlife habitat that did not exist on the impact site. The aquatic habitat will not be re-established. Surface water flow will not change other than a velocity reduction due to the introduction of new vegetation at the site. The impact site soil will continue to have a seasonally high water table. This action appears to provide a much higher ecological value than restoration of the impact site.

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

The purpose of this project was to install a drainage system in order to convert an area consisting primarily of wetlands to profitable farmland.

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

Because this is an after-the-fact application, no avoidance and minimization efforts were considered due to the work already being completed. Mitigation alternatives considered were as follows:

#### **Option 1: Restoration On-site**

- Disable new drainage system and re-plant vegetation. This option was not chosen due to the substantial investment made into the improvement to increase financial gain long-term.

#### **Option 2: Off-site Mitigation**

- Purchase a suitable site that is similar in features to the pre-construction subject site and plant trees and other vegetation to provide suitable restoration to the mitigate impact site. This was the option chosen as it will provide higher ecological value than Option 1 and is the more feasible alternative from an environmental and financial standpoint.

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

On July 11, 2019, the IDNR EcoCAT review was initiated for the project area. The review identified protected resources that may be in the vicinity of the project site, but IDNR evaluated the information and determined that adverse effects are unlikely. IDNR terminated the consultation request on July 11, 2019. According to the Army Corps of Engineers public notice dated February 21, 2018, The National Register of Historic Places has been reviewed and it was determined that no properties listed would be directly affected by this project.

### **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 draft permit 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 and that this activity will benefit the landowner by converting the site to prime farmland and the off-site mitigation tract will provide better habitat for species in the area than restoring the impact site. Comments received during the 401 water quality certification public notice period will be evaluated before a final decision is made by the Agency.