

IEPA Log No.: **C-0375-17**
CoE appl. #: **LRC-2017-00089**

Public Notice Beginning Date: **January 17, 2018**
Public Notice Ending Date: **February 7, 2018**

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: Adar RidgePort Industrial Partners LLC – 2875 NE 191st Street,
Suite 800, Aventura, FL 33180

Discharge Location: Near Wilmington in Sections 20 and 21 of Township 33-North, Range 9-E of the East-3rd P.M. in Will County.

Name of Receiving Water: Unnamed tributary of the Kankakee River

Project Description: Proposed impact to 9.24 acres of wetlands and realignment of 9,590 linear feet of tributaries to facilitate construction of eleven (11) commercial buildings and related infrastructure such as roads, parking lots and storm water management facilities that have been designed to meet the needs for commercial and industrial warehousing of growing businesses in the area.

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 or phone no. 217/782-3362.

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Fact Sheet for Antidegradation Assessment
For Adar RidgePort Industrial Partners LLC
IEPA Log No. C-0375-17
COE Log No. LRC-2017-00089
Contact: Abby Brokaw 217/558-2012
Public Notice Start Date: January 17, 2018

Adar RidgePort Industrial Partners LLC (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the construction of an industrial park located on Frontage Road and Murphy Road (west) in Wilmington, Will County, IL (Section 16, Township 33 N, Range 9 E).

The proposed project includes construction of 11 commercial buildings and related infrastructure such as parking lots, internal roads, semi- tractor trailer docking facilities and stormwater management facilities. A new rail spur and building within railroad access were previously constructed. The specific location was selected to best accommodate the proposed facilities.

The project would impact 9,590 linear feet of stream and 9.24 acres of wetland. The Applicant has proposed on-site mitigation resulting in 19.12 acres of naturalized creek area, which includes an additional 2,342 linear feet of stream channel, and 13.44 acres of naturalized storage area.

The purpose of this project is to construct an industrial park with railroad and interstate access. Information used in this review was obtained from the Application for Section 401 Individual Water Quality Certification dated September 25, 2018; Aquatic Life Survey Memorandum dated July 10, 2018; USACE Public Notice dated December 15, 2017; and supplemental information provided by the Applicant.

Identification and Characterization of the Affected Water Body.

The project would impact 9,590 linear feet of a General Use, unnamed tributary of the Kankakee River at a point where 0 cfs of flow exists in the stream during low-flow conditions. The unnamed tributary of the Kankakee 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* or given an integrity rating in that document. The unnamed tributary of the Kankakee River, a tributary to Waterbody Segment IL_F-16, has not been assessed by the Agency and is not listed in the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List. The unnamed tributary of the Kankakee River is not subject to enhanced dissolved oxygen Standards.

The USGS Illinois Streamstats basin characteristics program gives a watershed size of 0.64 acres upstream of the project area for the unnamed tributary of the Kankakee River. According to the Illinois State Water Survey, the unnamed tributary of the Kankakee River is likely to be 7Q1.1 zero flow stream. In this region of Illinois, 7Q1.1 zero flow streams consist of a watershed area of one square mile or less. These streams 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. Given this flow regime, no additional biological characterization is required.

The Applicant, however, did complete an Aquatic Life Survey within the unnamed tributary of the Kankakee River at the proposed project site, which included a Qualitative Habitat Evaluation Index (QHEI) of two fish sampling areas; a fish survey within two 100-foot segments of the stream; a visual mussel survey within the project area stream; and an IDNR EcoCAT consultation. Based on the assessment, the Applicant concluded that habitat was observed to be poor to fair. Few fish species and

few individual fish were observed or collected; no freshwater mussels were observed or found in over 4,600 feet of stream; and no listed State or Federal fish, or mussel species collected or observed within the stream. Overall the unnamed tributary to the Kankakee River has little biodiversity due to its small size and small drainage area.

The project would also impact 9.24 acres of General Use, unnamed wetlands with 0 cfs of flow. The unnamed wetlands are 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* or given integrity ratings in that document. The unnamed wetlands have not been assessed by the Agency and are not listed in the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List. The unnamed wetlands are not subject to enhance dissolved oxygen Standards.

The Applicant completed wetland assessments of approximately 990 acres within the non-agricultural portions and farmed wetland determinations for the agricultural portions of the subject properties. Three aquatic resources (i.e. wetlands/or waters) were identified within the study area and flagged in accordance with USACE guidance documents. It was noted that some of the wetland areas and channels extended beyond the limits of the study area. For the purposes of this assessment, the wetlands identified as 1 and 3 were given Native Mean C values of 2.9 and 1.6, respectively, and Native FQI values of 14.1 and 5.4, respectively, and the wetland/water identified as 2 included the unnamed tributary of the Kankakee River, approximately 9,560 linear feet in length.

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

Total suspended solids are anticipated to increase because of the proposed on-site grading, channelization and fill activities. This increase is a normal and unavoidable result of the proposed construction activities. The project would impact 9,590 linear feet of stream and 9.24 acres of wetland. Approximately 48,000 cubic yards of clean clay and aggregate fill material may be placed in the wetland-waters areas. Impacts to the uses of downstream waters due to suspended solids are not anticipated, because the proposed project's discharge loading would be temporary and present only during active construction. Benthic habitat would also be disturbed in the project area, although is anticipated to recover and improve over time in areas proposed for mitigation.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids from the construction activities would be short-term and temporary. The project proposes to impact 9.24 acres of wetlands and 9,560 linear feet of stream. The stream would be realigned with a net gain of 2,342 linear feet of additional improved quality stream channel (totaling 11,902 linear feet). The project would result in an additional 19.12 acres of naturalized creek area and 13.44 acres of naturalized comp storage area. Although the project includes the realignment of the stream, its features would not be removed or filled in, but instead would be realigned and constructed with improvements to ensure that water quality and habitat for terrestrial and aquatic wildlife remains on-site. There are also impacts proposed to Wetland 2, but overall the wetland would remain functional and would be a protected feature of the final industrial complex.

Compensatory mitigation is provided by the new stream profile and mitigation on-site. The proposed mitigation is a diverse wetland system containing wet-mesic prairie areas, sedge meadow, shallow emergent marsh and selected pockets of deep marsh communities. The mitigation includes both wetland creation as well as enhancement of existing, low-quality wetland through restoration of a former borrow pit. The Applicant is proposing no net loss of wetlands and plans to mitigate at a 100% credit for wetland

mitigation and 10% credit for the enhancement of existing degraded wetland. The USACE has not verified the adequacy of this mitigation proposal at this time and would make the final determination on whether the proposed mitigation is appropriate and practicable.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of the project is to develop a commercial business park located south of Lorenzo Road and west of I-55 in Wilmington, Will County, Illinois. The investment in the project allows the Applicant to meet the demands of customers, add revenue to the local tax base and support the local economy.

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

Four alternative sites were screened for practicability in addition to the preferred project site. Sites 3 and 4 were determined impracticable because they did not allow for either rail or interstate access and sites 1 and 2 would potentially result in increased environmental impacts. The preferred site location best fits the project purpose with a lower environmental impact. Alternative layouts were developed and reviewed by the Applicant. These layouts were vetted based on cost, existing technology, and logistics considering the overall basic development purpose.

The Applicant's proposed plan includes environmental impacts that are unavoidable. The least intrusive alternative would be to not complete the project. This is not an acceptable alternative given the interest in increasing economic development in the area. Impacts to site wetlands and streams would be mitigated on-site and erosion control measures would be implemented to prevent additional impacts. The construction of the proposed project would follow conditions set forth by the Agency and USACE.

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

An IDNR EcoCAT consultation was initiated on June 2, 2017, Project #1711734 (also initiated under Project # 1711770). The Illinois Natural Heritage Database found that the following protected resources may be in the vicinity of the project location: Kankakee River INAI Site, Wilmington West Geological Area INAI Site, Black Sandshell (*Ligumia recta*), Blanding's Turtle (*Emydoidea blandingii*), Eryngium Stem Borer (*Papaipema eryngii*), Franklin's Ground Squirrel (*Hybopsis amnis*), Pallid Shiner (*Hybopsis amnis*), Purple Wartyback (*Cyclonaias tuberculata*), River Redhorse (*Moxostoma carinatum*), Sheepnose (*Plethobasus cyphus*), Spike (*Elliptio dilatata*), and Upland Sandpiper (*Bartramia longicauda*).

The consultation provided by IDNR, dated January 24, 2018, identified the following protected resources as being in the vicinity of the project area includes black sandshell mussels (*Ligumia recta*), pallid shiner (*Hybopsis amnis*), purple wartyback mussels (*Cyclonaias tuberculata*), river redhorse (*Moxostoma carinatum*), sheepnose mussels (*Plethobasus cyphus*), spike mussels (*Elliptio dilatate*), and upland sandpiper (*Bartramia longicauda*). The ernigium stem borer (*Papaipema eryngii*) also occurs near the project site. IDNR provided the recommendations below and terminated the consultation.

IDNR found that no prior surveys for the unnamed tributary of the Kankakee River exist and IDNR recommended the tributary be surveyed for fish and mussels prior to relocating the channel. Results are to be forwarded to IDNR. If listed species are located, the Applicant would need to secure an ITA permit. If no listed species are identified in the unnamed tributary to the Kankakee River, on-site sediment and erosion control practices would reduce the likelihood of adverse impacts to listed species within the Kankakee River. The Applicant provided several BMPs to reduce impact, and IDNR recommended the

incorporation of additional measures, such as silt fence and stabilized seeding. Recommendations to protect upland species include removing habitat before arrival of migratory species. Grass and weeds that serve as foraging and nesting areas should be mowed between November 1st and April 1st and dirt piles should not be left standing near the railroad tracks. Less intrusive lighting options were also recommended.

Records of state-endangered Blanding's turtle (*Emydoidea blandingii*) exist in the project vicinity. IDNR recommended that site work be completed during the Blandings Turtle inactive season of November 1st to March 1st. If work must occur during the active season, all on-site personnel should be educated about this species and be instructed to contact the IDNR immediately if encountered. Additional BMPs and education of personnel to be working on-site were also recommended.

Invasive plant species such as teasel (*Dipsacus fullonum*) should be monitored and controlled. It is important to utilize native plant species (trees, shrubs, and forbs) whenever possible. Rattlesnake master (*Eryngium yuccifolium*) is the host plant for erngium stem borer. It would be highly beneficial if any prairie reconstruction would have a large component (>100 plants) of this species.

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 by providing new commercial development. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.