

**Illinois Environmental Protection Agency  
Bureau of Water, Permit Section  
(IEPA)**

1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276, 217/782-3362

The IEPA has issued a Public Notice of a request for a Clean Water Act Section 401 water quality certification that would allow the issuance of a federal permit for the discharge of pollutants to waters of the State.

**Public Notice Beginning Date:**

Monday, May 10, 2021

**Public Notice Ending Date:**

Tuesday, May 25, 2021

**Agency Log No. :C-0012-21**

**Federal Permit Information:** Federal permit/license no. CEMVR-RD-2020-1521 is under the jurisdiction of Rock Island District, Regulatory Branch U.S. Army Corps of Engineers

**Name and Address of Discharger:** :Darrell L. Mark Marquis, Marquis Land Holdings LLC - 11953 Prairie Industrial Pkwy, Hennepin, IL 61326

**Discharge Location:** In SW Quarter of Section 34 in Township 33N Range 2W in Putnam County. Additional project location information includes the following: Mile marker 209.2 on left descending bank of Illinois River, Hennepin, IL 61327

**Name of Receiving Water:** Illinois River

**Project Description:** Proposed installation of a new barge dock and two dolphins along the east bank of the Illinois River.

**Construction Schedule:** Unknown at this time

The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their name and address along with comments on the certification request. The IEPA Log number must appear on each comment page. Commenters may include a request for public hearing. Only comments that pertain to Clean Water Act Section 401 authority as defined under 40 CFR part 121.3 will be considered. Part 121.3 defines the "scope of a Clean Water Act section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements". Requests for additional comment period must provide a demonstration of need. The last day that comments will be received will be on the Public Notice Ending Date unless the IEPA grants an extended notice period.

The attached Fact Sheet provides a detailed description of the project and the findings of the IEPA's antidegradation assessment.

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 see the contact information below.

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Post Document. No. C-0012-21-05102021-PublicNoticeAndFactSheet.pdf

Antidegradation Assessment Review for a 401 Water Quality Certification for Construction of a Dock and Two Dolphins on the Illinois River at Hennepin  
IEPA Log No. C-0012-21  
Putnam County  
Contact: Angie Sutton 217-782-9864

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Marquis Land Holdings LLC (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the construction of a new dock and two dolphins in Section 34, Township 33 North, Range 2 West, Putnam County, Illinois west of Power Plant Road in Hennepin. The project will consist of installing a new barge dock along the east bank of the Illinois River at mile marker 209.2. The dock will be approximately 220 feet of face wall with a wing on the south end and one on the north end that goes back into the bank. Two dolphins will also be installed north of the wall. Dredging using a mechanical clamshell will remove approximately 37,886 cubic yards (CY) of material that will be transported to an upland disposal site. Approximately 4,033 CY of fill will be placed behind the piling wall. Access roads will be constructed by clearing of trees and grading. The impacted areas on the site will include approximately 2.5 Ac. of wetland, and between 3.5 and 10.5 Ac. of permanent woodland. Proposed mitigation for these impacts includes the purchase of 2.98 mitigation credits from the Eberhardt Wetland Mitigation Bank in Madison County.

Information used in this review was obtained from the application documents dated July 14, 2020, October 16, 2020, January 7, 2021, March 11, 2021, and April 16, 2021.

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

The Illinois River has 3500 cfs of flow during critical 7Q10 low-flow conditions. The Illinois River is classified as a General Use Water. The Illinois River, at this location, 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 Illinois River, Waterbody Segment IL\_D-16, is listed on the 2018 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for fish consumption use with potential causes given and mercury and polychlorinated biphenyls (PCBs). Aquatic life and primary contact recreation uses are fully supported. The Illinois River, at this location, is not subject to enhanced dissolved oxygen standards. A wetland delineation conducted on October 16, 2020 identified one emergent/forested wetland of which 1.39 Ac. is forested and 0.32 Ac. is emergent, and one 0.74 Ac. open water feature that has a connection to the Illinois River. The emergent/forested wetland within the 12-acre project area is surrounded by undeveloped land, including a forested area, and the Illinois River with an adjacent electrical corridor. There were 4 sample points that identified dominant vegetation as Gray Dogwood (*Cornus racemosa*), Dark-green Bulrush (*Scirpus atrovirens*), Eastern Poison Ivy (*Toxicodendron radicans*), water-purslane (*Didiplis diandra*), and silver maple (*Acer saccharinum*). The Floristic Quality Assessment (FQA) performed, resulted in a Floristic Quality Index (FQI) of 12.13 for the site. The native FQI is an indication of native vegetative quality for an area. An FQI of 1-19 indicates low vegetative quality, and FQI of 20-35 indicates high vegetative quality and an FQI above 35 indicates “Natural Area” quality. The FQI reported indicates low vegetative quality of the site. The wetlands also exhibited a Native Mean C value of 3.33. This value is also an indication of native vegetative quality where a wetland exhibiting a native mean C value of 3.5 or greater would be considered a High-Quality Aquatic Resource (HQR).

The open water feature connected to the Illinois River was not found to exhibit characteristics of High-Quality Aquatic Resources. It was also found to be of low quality based on the stagnancy of the water, lack of fauna and water quality.

### **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 construction and grading that may occur around the area of construction. The existing wetland would be permanently removed by fill activities.

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

The increase in total suspended solids where the Illinois River is concerned, is anticipated to be local and temporary. The entire 1.59 Ac. of the existing forested/emergent wetland and 0.06 Ac. of the 0.74 Ac. open water feature would be permanently filled by the construction activities. Mitigation for these impacts will be required at a 1:1 ration for the emergent wetland and 2:1 for the forested wetland. This will result in a requirement of 2.98 mitigation credits which are proposed to be purchased from the Eberhardt Wetland Mitigation Bank in Madison County.

Fish and other free-swimming organisms will avoid the construction area and are expected to return once construction is finished. The applicant has adopted an erosion control plan in order to minimize the increase in disturbances and prevent further impacts to the Illinois River and wetlands. Erosion control measures provided by this plan include temporary and permanent erosion and sediment controls including placement of dredged material upland. Temporary and permanent revegetation, temporary and permanent non-vegetative soil cover methods which include aggregate and paving, and structural streambank stabilization which includes rip rap for outlet protection and 220 feet of face wall with wings on the south end and going back into the bank on the north end will be implemented. Two steel pipe mooring dolphins will be installed on the north end of the sheet pile wall to be used as a staging area for barges to be loaded.

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

This project will allow for loading of dry bulk materials and/or products for shipment on the Illinois River which is a navigable connection between Lake Michigan and the Mississippi River. The Upper Mississippi closes in the winter so this location would provide an efficient and cost-effective route to barge materials year round. The dock would also be located adjacent to 2,000 acres of industrial zoned property and enhance the manufacturing development in the Hennepin area. Barge transport results in lower environmental and community impacts and costs less than rail or truck transport. This project would provide a needed transport avenue to attract business to the area which in turn, creates construction, maintenance and operations jobs locally.

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

The Applicant has provided the following alternatives:

Expansion of an existing operating terminal located immediately south of the proposed project: This option was eliminated from consideration as there is not enough space or product transfer infrastructure to handle additional products manufactured by new industries/businesses that would locate on the designated industrial park development site.

Expansion to the North: This option was eliminated due to ownership of the property by the State of Illinois. The property to the North is also the area where the bend in the Illinois River is located. A dock constructed on this bend could impact navigational traffic on the waterway.

Repurposing infrastructure to the South: A closed LTV and ArcelorMittal rolled-steel mill barge loading infrastructure is located here. This was eliminated however, because the property is entangled within a number of ownership and mortgage foreclosure lawsuits.

Constructing the dock in a different location: This option was eliminated as it would not fulfill the project objectives, primarily location proximity to the expansion of the industrial park and minimization the potential for collisions on the river.

Adjoining River property to the industrial park development is limited. Additionally, just north of Hennepin the Illinois River turns abruptly south and flows southwest/south to join the Mississippi River. The proposed location of the dock is after the bend in the River and would be set back into the bank. This location would not cause dock activities to impinge on water traffic and would minimize potential collisions. To locate a dock in an area that is not adjacent to or accessible to industrial park development would impact the environment and community due to the fact that product would have to travel public roadways to access the barge dock. This would result in an increase of vehicle emissions, increased traffic, and wear on public roadways. The project as proposed best fulfills the project objectives.

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

On July 7, 2020, the IDNR EcoCAT review was initiated for the project area. On July 14, 2020 the review indicated records for the state and federally-listed Indiana bat (*Myotis sodalis*) in the vicinity of the project area. The Department recommended no tree clearing between the dates of April 1<sup>st</sup> and October 31<sup>st</sup>. If this cannot be accommodated, a bat habitat assessment should be conducted in the project area by a qualified biologist to determine if habitat trees are present. If bat habitat is identified, and the clearing of habitat trees is required outside the recommended dates, a survey should be conducted to determine the presence/absence of listed bats. Given the recommendations are adopted, IDNR has determined that impacts are unlikely. The Department requests notification by the applicant of their decision regarding these recommendations in accordance with 17 Ill. Adm. Code 1075.40(h).

There were no impacts to American Eel or the Banded Killifish expected according to IDNR.

On July 2, 2020, a U.S. Fish and Wildlife Service IPaC resource list was generated for review of the federally-listed Threatened and Endangered (T&E) species for the property. The results indicated the following T&E species that may be located within the property:

- The Indiana Bat (*Myotis sodalis*) is listed as endangered and inhabits moderate to high quality wetlands, sedge meadow, marsh and mesic to wet prairie. No impacts are expected providing tree removal occurs between November 1<sup>st</sup> and March 31<sup>st</sup>.
- The Northern Long-eared Bat (*Myotis septentrionalis*) is listed as threatened and inhabits various sized caves or mines with constant temperatures, high humidity and no air currents in the winter and roost in cavities or crevices of both live and dead trees. No impacts are expected providing tree removal occurs between November 1<sup>st</sup> and March 31<sup>st</sup>.
- Decurrent False Aster (*Boltonia decurrens*) is listed as threated and inhabits late successional tallgrass prairie, tallgrass prairie converted to hay meadow, and glades or barrens with thin soil. The proposed project will have no effect on this species as this habitat is not present with the property.

- The Eastern Prairie Fringed Orchid (*Platanthera leucophaea*) is listed as threatened and inhabits dry to mesic prairies on thin soil over limestone. The proposed project will have no effect on this species as this habitat is not present with the property.
- Migratory bird species are listed as Birds of Conservation Concern (BCC) and inhabit variable types of habitat. The proposed project may cause potential effects to these species as the property is located along the Illinois River, which is considered migratory bird breeding habitat. The anticipated development activities should be completed outside of the breeding periods for these species to avoid impact.

A Phase I Cultural Resource Survey was performed for the Project (SHPO LOG #019071320). On March 17, 2021, the State Historic Preservation Office issued a determination that “no historic properties are affected, and no objection to the undertaking of the proceeding as planned”.

**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 facilitation of barge loading and unloading of dry commodities. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.