

**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, December 13, 2021

**Public Notice Ending Date:**

Monday, December 27, 2021

**Agency Log No.: C-0222-21**

**Federal Permit Information:** Federal permit/license no. LRC-2021-907 is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

**Name and Address of Discharger:** Village of Winnetka, James Bernahl, P.E. - 1390 Willow Road, Winnetka, IL 60093

**Discharge Location:** In Section 19 of Township 42-North and Range 13-East of the 3rd Principal Meridian in Cook County. Additional project location information includes the following: Project area is approximately 49 acre parcel immediately northwest of the intersection of Hibbard Road and Willow Road, Winnetka, IL 60093

**Name of Receiving Water:** Unnamed tributary to the Skokie River

**Project Description:** Construction of a stormwater management facility with three associated box culverts and modifications to an existing pumping station.

**Construction Schedule:** Beginning June 2022 and ending June 2023

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 must 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 hearing requests and comments that pertain to Clean Water Act Section 401 authority will be considered. This authority provides consideration of whether the permit or license would be consistent with Sections 301, 302, 303, 306, or 307 of the CWA, as well as "any other appropriate requirement of State [or tribal] law". Requests for additional comment period must provide a demonstration of need. The final day of comment acceptance will be on the Public Notice Ending date shown above, 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-0222-21-12132021-PublicNoticeAndFactSheet.pdf

The Village of Winnetka (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with creation of approximately 74 acre-feet of stormwater storage in a wetland environment. The project is located on the existing 49.1-acre Hibbard Road Preserve owned by the Forest Preserve District of Cook County (FPCC) north of Winnetka Road, east of the Skokie River, south of Willow Road and west of Hibbard Road, in Township 42 North, Range 13 East, Section 19 in Cook County, Illinois. The project also includes construction of box culverts at Sunset Lane, and Willow and Hibbard Road as well as modifications to the Winnetka Avenue stormwater pumping station. In order to reduce widespread flooding in the Village, 111,650 cubic yards (CY) will be removed to construct the project which is expected to provide half of the flood protection required. Currently stormwater runoff from 1.9 square miles of the western and southwestern Winnetka watershed flows into the Hibbard Road Preserve where it is pumped to the Skokie River via the Winnetka Avenue stormwater pumping station. Because the Hibbard Road Preserve is the reservoir for the watershed it is an effective, logical location to create additional flood storage. In 2015, the Village of Winnetka identified 15 individual projects as part of a comprehensive stormwater and flood control study for western and southwestern Winnetka. The Hibbard Road Stormwater Management Wetland is one of 6 projects that final engineering has been developed for.

Within the project area, five wetlands totaling 32.97 Acres (Ac) have been identified, of which 14.2 Ac are expected to be impacted. 38.32 Ac of mitigation will be required due to the variation of wetland quality impacted. Mitigation will be provided through a combination of onsite and offsite mitigation, and wetland banking if needed. There are other FPCC properties that may be potential mitigation locations as well as other stormwater management improvements within the village that may be appropriate.

Overall, the project will provide a stormwater management wetland basin to hold stormwater during rain events. The work includes excavation, regrading, tree removal, and restoration seeding. The project’s concept plan contributes flood storage that enables efficient gravity stormwater drainage from primary upstream conveyance systems. The plan also results in a created habitat improvement that consists of open water features, constructed wetlands, seasonally wet sedge meadows, upland mesic prairies and upland hardwood forest ecosystems. Looped gravel recreational walking paths will be constructed that include pedestrian bridges spanning a network of created wetlands and waterways, and interpretive and entry/directional signs will be implemented for educational purposes.

The three culverts proposed to be installed will convey stormwater to the proposed stormwater management wetland basin from Willow Road, the intersection of Willow and Hibbard Roads and Sunset Road. This is expected to require excavation, installation of concrete culverts, removal and installation of utilities and restoration of the road during site restoration.

The work will be done in the following stages:

- Stage 1 - Wetland 2 is a ditch in the project area that will be excavated and reconfigured for the project. However, Stage 1 consists of grading on the west side of the ditch and cutting in a new channel to the existing ditch. Flow will be maintained in the existing ditch but upon completion of the Stage 1 wetland, the existing ditch will be diverted to the newly excavated ditch.
- Stage 2 – Grading will continue and will include the existing ditch as Stage 1 is finished and Stage 2 begins. Flow from the existing ditch will be maintained and routed into the new channel once the old ditch is closed upon completion of Stage 2. Temporary culverts will be placed in order to cross the existing ditch and haul soils to the landfill.
- Stage 3 – The existing ditch will be diverted to the new channel.

- Stage 4 – Grading will occur along the existing channel adjacent to Hibbard road including forebay construction.
- Stage 5 – Temporary culverts will be removed, and the ditch will be connected to the forebay. Parts of the existing ditch that was not excavated will be filled in.

Wetland topsoil will be salvaged and stockpiled and excavated subsoils will be disposed of at the Winnetka Landfill. Excavated soil will very likely be used to form perimeter berms and embankments for hardwood forest restoration. Channel restoration, surface restoration, seeding and planting, and removal of construction controls will occur after restoration and stabilization in each stage is completed.

Information used in this review was obtained from the application documents dated July 2016, May 6, 2021, May 10, 2021, July 16, 2021, October 2021, and August 27, 2021.

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

Encap, Inc. performed a wetland delineation for the project area on May 10, 2021. Wetlands identified in the study area were identified as Wetland 1/Creek, Wetland 2/Ditch, Wetland 3, Wetland 4, and Wetland 5. Of these 32.97 Ac of wetlands on site only 14.2 Ac of wetlands are expected to be impacted. This total does not include Wetland 1 as no impacts will occur with the proposed construction.

#### Wetland 2/Ditch

The unnamed tributary to the Skokie River has 0 cfs of flow during critical 7Q10 low-flow conditions. The unnamed tributary to the Skokie River is classified as General Use Water. The unnamed tributary to the Skokie 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. The unnamed tributary to the Skokie River, tributary to Waterbody Segment IL\_HCCD-09, is not listed on the 2018 Illinois Integrated Water Quality Report and Section 303(d) List as it has not been assessed. The unnamed tributary to the Skokie River is not subject to enhanced dissolved oxygen standards.

Wetland 2 covers 0.99 Ac in the project area, bisecting the southern portion from northeast to southwest. It is a channelized ditch that originates at a culvert in the northern portion of the project area flowing south and west until connecting to the Skokie river via a culvert just outside the southwestern corner of the project area. The buffer area surrounding Wetland 2 consists mostly of turf grasses and ornamental groundcovers as it is mowed and maintained for a community walking path. The banks provide little functional value and the ditch is primarily utilized by mallard ducks and frogs. Primary vegetation includes Kentucky Bluegrass (*Poa pratensis*), Virginia Rye Grass (*Elymus virginicus*) and Lesser Celandine (*Ficaria verna*). The native mean C for Wetland 2 was 3.00 with an FQI of 9.00, indicating a low-quality plant community. Wetland 2 is not considered a high-quality aquatic resource.

#### Wetland 3

This wetland is approximately 12.37 Ac in size and is located within the southeastern portion of the project area, south and east of the Wetland 2 Ditch. The area consists of a central, open sedge meadow surrounded by mature, forested wetland. Hydrology is provided through overland flow and has no obvious hydrologic output. No waterfowl or amphibian species were dominated by mature trees and woody shrubs. The buffer to the north side of the wetland is a mowed path consisting mostly of turf grasses and herbaceous and woody shrub species at the edges. Mature trees and woody shrubs dominate the southern and eastern buffers. Primary vegetation consists of Fowl Manna Grass (*Glyceria striata*), Bluejoint Grass (*Calamagrostis canadensis*), Silver Maple (*Acer saccharinum*), and Eastern Cottonwood

(*Populus deltoides*). The native mean C for Wetland 3 was 4.11 with an FQI of 32.14. It should be noted that low-quality invasive shrub areas make up 1.35 Ac of the total wetland area, and the high-quality sedge meadow makes up 4.21 Ac. Wetland 3 is considered a high-quality aquatic resource.

#### Wetland 4

This wetland is approximately 0.007 Ac in size and located within the northern portion of the project area. It is a small isolated depressional area dominated by herbaceous species. Hydrology is provided by overland flow from the surrounding land. Due to the isolated nature of Wetland 4, it is not considered to be jurisdictional however it is regulated by the Metropolitan Water Reclamation District of Greater Chicago (MWRD) as a standard isolated wetland. Primary vegetation consists of Bent Grass (*Agrostis stolonifera*) and the buffer of the wetland consists primarily of Tall Goldenrod (*Solidago altissima*). The native mean C for Wetland 4 was 2.50 with an FQI of 6.12, indicating a low-quality plant community. Wetland 4 is not considered to be a high-quality aquatic resource.

#### Wetland 5

This wetland is approximately 19.36 Ac in size and located in the northern and western portions of the project area. Hydrology is provided by overland flow and appears to be connected to the Skokie River by a culvert on the western side. Wetland 5 is made up of both open and forested portions with varying plant species. No waterfowl or amphibian species were observed during the delineation. The buffer surrounding the wetland consists of mature and juvenile trees, herbaceous understory, upland vegetation and a mowed walking path. A steep slope exists to the east and south of Wetland 5. Primary vegetation consisted of Cattail (*Typha sp.*), various sedges, Green Ash (*Fraxinus pennsylvanica*), Silver Maple (*Acer saccharinum*), American Elm (*Ulmus Americana*), European Buckthorn (*Rhamnus cathartica*), and Weeping Willow (*Salix babylonica*). The native mean C for Wetland 5 was 3.61 with an FQI of 20.72, indicating a high-quality plant community. It should be noted that low-quality invasive shrub, cattail and common Reed areas together comprise 3.43 acres of the wetland area. Wetland 5 is considered to be a high-quality aquatic resource.

### **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 excavation and placement of fill material into the excavated areas for the creation of a wetland environment. No discharge is expected in the Skokie River as a result of this project. Topsoil not used as backfill for creation of the wetland will be stockpiled at the Winnetka landfill where subsoils will be disposed of. Approximately 111,361 CY of soil will be removed and 1,341 CY will be used as fill to construct and grade the stormwater management wetland. The disturbed area will be restored with wetland and sedge meadow.

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

A number of permanent water quality control measures as part of the Village's overall West and Southwest Stormwater Management Plan are being implemented to improve water quality upstream and in the Hibbard Road preserve. These measures will significantly reduce pollutant loading to the Skokie River. Flood control structures upstream will capture and treat first flush pollutant runoff. On site, sediment forebays will be constructed to hold residual sediment and pollutant loading from being deposited within the primary restoration areas of the Hibbard Road Preserve prior to reaching the pumping station to the Skokie River.

The FPCC is primarily concerned with tree protection, and as a result, the project footprint and disturbance limits avoid removal of trees as well as impacts to onsite forested wetlands. Wetland disturbance will be avoided as much as possible after the original site footprint was scaled down from 28 Ac, to 18 Ac. Within the final proposed project area, 14.2 Ac of existing wetlands will be impacted. Boundary fencing will be installed before the start of any earthwork to define the limits of disturbance. Areas that are outside of the project boundary will be protected as well as existing hydrology maintained. Clay side slopes and berms will be constructed at the perimeter of the wetland in order to retain groundwater and surface runoff within the undisturbed areas of the site. During construction, earthwork will be staged so as to limit the area of disturbance at any given time. Existing topsoil and seedbanks will be stripped, stockpiled and irrigated to provide replacement once large areas of earthwork is completed. Additional BMPs will include equipment maintenance and cleaning in order to minimize any potential cross contamination.

Because this project involves construction of a wetland, 15.53 Ac of wetland is being replaced compared to 14.2 Ac of wetland being impacted. Restoration and monitoring of the wetland replacement activities will include installation of micro-topography in order to promote runoff retention, temporary wetland cover during construction, time allowed for establishment of hydrology in order to monitor restoration, a variety of seed and plug mixes and a long-term maintenance plan. Overall, this project will construct and enhance a wetland area in the Village and provide wetland improvements by its very nature.

38.32 Ac of wetland mitigation is expected to be required for the impacts as a result of this project and provided through on-site mitigation credit of 1.33 Ac as well as off-site mitigation. Off-site mitigation will include mitigation through the village’s partnership with the FPCC and compensation associated the Village’s other stormwater management improvement projects north of Willow Road. Design of flood management facilities on the park district golf courses include new, expanded and enhanced wetlands. Additionally, wetland banking locations will be considered if needed following implementation of the above resources. Wetland 1 will not be impacted and impacts to Wetland 4 are less than 0.1 Ac , not requiring mitigation. The mitigation ratios for the impacted acreage were designated based on the FQI of the areas. Acreage proposed to be mitigated at a 3:1 ratio had FQI values of > 20 and acreage proposed to be mitigated at a 1.5:1 ratio had FQI values of < 20.

Wetland #	Wetland Size (Ac)	Wetland Impacts (Ac)	Area Mitigated at 3:1 ratio (High Quality Ac)	Area Mitigated At 1.5:1 ratio (Low Quality Ac)
1	0.24	0	N/A	N/A
2	0.99	0.61	-	0.61
3	12.37	4.41	3.73	0.68
4	0.007	0.007	-	-
5	19.36	9.18	7.62	1.56
<b>Totals</b>	<b>32.97</b>	<b>14.21</b>	<b>11.35</b>	<b>2.85</b>
			<b>Total Mitigation Required (Ac)</b>	<b>38.32</b>

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

The purpose of this project is to reduce widespread and continued flooding throughout the Village of Winnetka. This, the Hibbard Road Stormwater Management Wetland Project, is one of several stormwater management projects in the West and Southwest Stormwater Management Program. The proposed project is the primary part of efforts by the Village to provide stormwater management and flood mitigation to the community and is expected to provide almost half of the stormwater storage required to provide flood protection to Winnetka.

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

The Village performed an extensive and comprehensive alternatives analysis as outlined in the *Stormwater Alternatives Study for Western and Southwestern Winnetka* document included in the application documents. Fifteen distinct stormwater storage, conveyance and infrastructure projects were identified that make up the Village's Stormwater Management Program, which includes the Hibbard Road Stormwater Management Wetland Project, the focus of this project. The study was performed in three phases:

- Awareness Phase – This phase gathered background information, study watersheds, created hydrologic and hydraulic models, and developed understanding of the existing watershed conditions. From this understanding, key issues were identified that contribute to the current stormwater and flood control problems.
- Exploration Phase – This phase determined the goals of the Village for protection during storm events, otherwise known as the Target Level of Service, considered various stormwater and flood control strategies, and developed a matrix of opportunities for evaluation. In that evaluation, significant community partners and the general public were engaged for their comments and input.
- Vision Phase – This phase of the study identified 15 individual stormwater and flood control projects. When these projects are fully implemented, the Target Level of Service of the Village will be met. This is the phase that breaks all 15 projects down into a timeline consisting of four phases. The Hibbard Road Stormwater Management Wetland Project is one of those 15 projects and is one of 5 projects included in Phase 1.

The Vision that has resulted from this study represents a concept level plan for the Village to meet its Target Level of Service. This provides a foundation for decision making moving forward with stormwater and flood control in western and southwestern Winnetka.

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

An EcoCAT endangered species informational only request was submitted on May 6, 2021, Project #2113442. The result of the request showed that Marsh Speedwell (*Veronica scutellata*) may be in the vicinity of the project location. The species was positively identified within Wetland 3 and a moderate population was located. Per the wetland delineation report dated August 3, 2021, formal consultation will be required if further permitting is required for site development.

The project was reviewed for federally listed species on May 6, 2021, and the USFWS IPaC resource listed 8 species known to occur in or near the vicinity of the project.

Endangered species potentially affected by the project include the following:

- Piping Plover (*Charadrius melodus*)

- Hine's Emerald Dragonfly (*Somatochlora hineana*)
- Leafy Prairie Clover (*Dalea foliosa*)

Threatened species potentially affected include the following:

- Northern Long-eared Bat (*Myotis septentrionalis*)
- Red Knot (*Calidris canutus rufa*)
- Eastern Massasauga (*Sistrurus catenatus*)
- Eastern Prairie Fringed Orchid (*Platanthera leucophaea*)
- Prairie Bush Clover (*Lespedeza leprostachya*)

It was determined that no critical habitat has been designated in this area for the federally listed species.

A formal survey was completed for the Eastern Prairie Fringed Orchid (*Platanthera leucophaea*) as part of the USFWS Section 7 consult was completed on May 20, 2021 resulting in a determination that this species is not present on-site.

### **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 Village of Winnetka by significantly reducing widespread and continued flooding throughout the Village. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.