

**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:**

June 9, 2022

**Public Notice Ending Date:**

June 29, 2022

**Agency Log No.:C-0123-22**

**Federal Permit Information:** Federal permit/license no. OD-R-21-001 is under the jurisdiction of St. Louis District, Regulatory Branch U.S. Army Corps of Engineers

**Name and Address of Discharger:** Mikes Inc., Mike Marko, Sr - 109 Velma Avenue, South Roxana, IL 62087

**Discharge Location:** In Section 29 of Township 5-North and Range 9-West of the West 3rd Principal Meridian in Madison County. Additional project location information includes the following: State Highway 143, Berm Highway, East Alton, IL 62024

**Name of Receiving Water:** Mississippi River

**Project Description:** The purpose of the project is to relocate a existing shipyard facility. The existing facility has been in operation for 50 years and the need for the service is increasing.

**Construction Schedule:** Beginning Apr 2022 and ending Sep 2022

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-0123-22-06072022- PublicNoticeAndFactSheet.pdf

Mike's Inc. ("Applicant") has applied for a 401 Water Quality Certification for impacts associated with the relocation of Mike's Inc. Shipyard Facility from its existing location near Alton, Illinois, to an approximately 1 mile upstream location along the Mississippi River in Section 19, Township 5 North, Range 9W, Madison County, Illinois, in Wood River. The project area was previously a barge mooring/unloading area for the Old Wood River/Dynegy Power Plant. Proposed plans include construction of a parking area, which involves filling potential forested wetlands as well as tree clearing. The proposed 24.25 Acre (Ac) project area will include areas along the Wood River levee from the crown to the riverside toe. Activity will take place along the left descending bank of the Mississippi River between river miles 199.9 to 199.6. This section of river is straighter and slightly wider than the current facility location which would allow for safer navigation to and from the proposed facility during low and higher river stages. The relocated facility location has existing infrastructure that will be repurposed reducing construction impacts within the Mississippi River. This includes utilization of 6 existing river cells located within the river, existing roadway infrastructure and landside utilities. New features proposed for installation include the dock terminus, gangway, landside mooring structures and floating structures/vessels, as well as barge string-out, floating dry docks and access ramps. Anchors will be constructed within the flood plain to maintain barge's distance from the riverbank, and mooring features will be driven into the riverbank.

A total of 2.33 acres of forested wetland and riparian corridor will be impacted. Wetlands are proposed to be filled in order to accommodate a parking and construction staging/laydown area. Trees have already been cleared prior to March 31, 2022, in order to avoid impacts to listed bat species. Compensatory mitigation for the wetland impacts will be required and will be mitigated via the purchase of 6.09 mitigation credits from the Locke Bottom Mitigation Bank.

Information used in this review was obtained from the application documents dated February 22, 2021, July 2021, April 11, 2022, and May 25, 2022,

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

The Mississippi River has 21,490 cfs of flow during critical 7Q10 low-flow conditions. The Mississippi River is classified as a General Use Water. The Mississippi 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 Mississippi River, Waterbody Segment IL\_J-05, is listed on the 2020/2022 Illinois Integrated Water Quality Report and Section 303(d) List as impaired for fish consumption use with potential causes given as mercury and polychlorinated biphenyls (PCBs), and primary contact use with a potential cause given as fecal coliform. Aesthetic quality, aquatic life and public and food processing water supply uses are fully supported. The Mississippi River, at this location, is subject to enhanced dissolved oxygen standards.

Two wetland delineations were conducted on March 10, 2021 and July 6, 2021. The second delineation was performed due to the project boundaries having been revised. An approximate 2.33-acre wetland complex exists within the project boundaries of which approximately 0.60 acres (Ac) is emergent wetland (PEM), WET-02, and approximately 1.73 Ac is forested wetland (PFO), WET-03.

Emergent wetland, WET-02, is dominated by rough cocklebur (*Xanthium strumarium*) and white panicked American aster (*Symphyotrichum lanceolatum*). PEM areas along the river exhibited little herbaceous vegetation from recent flooding. Significant drift deposits were observed.

Forested wetland, WET-03, was observed to be dominated by a stand of mature silver maples (*Acer saccharinum*). Other observed tree species include black willow (*Salix nigra*), American elm (*Ulmus americana*), white mulberry (*Morus alba*), and green ash (*Fraxinus pennsylvanica*). Little herbaceous or shrub cover were observed at the time of previous delineation or the revised delineation. Poison ivy (*Toxicodendron radicans*) was observed to dominate the ground cover in upland, floodplain forest portions of the project area, whereas the wetland portions exhibited little vegetation. The boundary of these two systems was observed along the 420-elevation line. The tree canopy composition transitions from being dominated by silver maple, which is a facultative wetland (FACW) species, in the wetland areas to the canopy being dominated by cottonwood (*Populus deltoides*), which is a drier species with a facultative (FAC) indicator rating. The canopy of the upland areas of the project area were observed to be in better overall health with less dying or decaying species from persistent flooding.

### **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 using fill obtained from clean, appropriately sourced materials. Minor impacts in the waterway due to installation of anchors could occur but would be temporary. Impacts due to tree and vegetation clearing have already occurred.

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

The increase in total suspended solids where the Mississippi River is concerned, is anticipated to be local and temporary. The entire 2.33 Ac. of the existing forested/emergent wetland would be permanently filled by the construction activities. Mitigation for these impacts will be required and will be satisfied by the purchase of 6.09 mitigation credits which are proposed to be purchased from the Locke Bottom Mitigation Bank.

Most of the landside anchoring points will be installed at elevations near or above the ordinary high-water elevation to further minimize impacts. The project will utilize six existing river cells located within the river, abandoned from the Wood River/Dynegy Power Plant, in order to minimize impacts from temporary disturbances. Existing roadway infrastructure will be utilized to access the site. No significant river impacts are anticipated, and river usage would be similar in nature to existing fleeting and river terminal operations that are already in place within the project area.

Trees that were considered potential summer bat roosting habitat for federally listed species were cleared prior to March 31, 2022, when bats are typically still hibernating for the winter. Additionally, approximately 3 acres of trees will remain in place along the facility's northwestern extent, where the MCT Confluence Trail improvements propose to raise the elevation higher. These trees will provide a buffer between the action area and the conservation areas to the north. The two structures identified on site as potential roosting structures will also be left in place. Fish and other free-swimming organisms will avoid the construction area and are expected to return once construction is finished. Parking lot construction will remove some terrestrial habitat from the project area temporarily, but once complete, some species may return to the area or find a new location to inhabit.

The applicant has adopted an erosion control plan in order to minimize and increase in disturbances and prevent further impacts to the Mississippi River and wetlands. Appropriate erosion control measures and BMPs, as outlined the Stormwater Pollution Prevention Plan (SWPPP), will be taken during construction to reduce the potential for unintentional sedimentation and sediment runoff into nearby waters,

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

Mike's Inc., proposes to relocate their current shipyard repair facility and dock, utilizing existing river infrastructure, to allow for riverside facility expansion. The project area previously served as a barge fleet and river terminal unloading area for the Old Wood River/Dynegey Power Plant. Expanding the riverside operations at the existing location was not feasible due to shallow water during low river stages and the existing adjacent operations downstream (Magnolia Marine – Oil refinery office). Additionally, the proposed expansion would encroach too far into the navigation channel, and this is not feasible or permitted by the U.S. Coast Guard (USCG). Mike's Inc. anticipates the USCG's new regulations for inspecting towing vessels would also increase demand for shipyard services for underwater hull inspection and repair, and thus would require improved facilities and services which Mike's Inc. provides. The proposed relocation area provides the necessary riverside space for safe and efficient fabrication, installation, maintenance, and vessel repair services.

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

The Applicant has provided the following alternatives:

**No Action Alternative** A no action alternative for the proposed project was reviewed. If the facility were not relocated, the existing operation would result in the applicant's inability to operate at a river location that would be suited for anticipated expansion needs. Mike's Inc. services are relied upon by barge towing companies to repair their vessels and as a hold over within the St. Louis Harbor. The applicant's existing services are related to hull repairs and associated inspections. The no action alternative is considered impracticable and would not allow the existing operation to relocate to a more conducive business location. However, the no-action alternative would mean that impacts to natural resources and the environment would be reduced as well.

**Preferred Alternative** The preferred alternative includes the relocation of Mike's existing facility to the Old Wood River/Dynegey Power Plant River Dock. The existing facility is located approximately one river mile downstream from the proposed project site and is parallel to Illinois Route 143. This section of river is straighter and slightly wider than the current facility location which would allow for safer navigation to and from the proposed facility during low and high river stages. The site also contains approximately 1.73 acres of forested wetlands and 0.60 acres of emergent wetlands that has been recently cleared of vegetation. Wetlands would be filled in order to construct an access road, parking lot, and laydown area for workers, equipment and material delivery associated with the project. Elevated ramps would also be constructed on concrete landings and piers to connect the proposed work barges. The six existing mooring cells (previously permitted for power plant coal off-loading) would be repurposed and modified utilizing sliding anchor brackets on the riverward side allowing barges to adjust to the fluctuating river levels. Concrete spar anchors and steel spars will be constructed within the floodplain to maintain the barge's distance from the riverbank. Proposed H-pile dead man mooring features will be driven into the riverbank, and wire rope mooring cables would connect to an existing permitted barge fleet area, to hold tension against spar poles. Existing landside utilities would be extended to the proposed riverside shipyard repair area along the proposed access ramps to the permanently moored work barges. The proposed facility relocation and fleet establishment area are proposed at a site that is already established for barge unloading and fleet purposes. The proposed project involves floating vessels and features that will have minimal land disturbance and reduced direct impacts to wetlands and aquatic resources. For these reasons, the proposed project area is the least environmentally damaging practicable alternative.

**Alternate Site Review** In 2018, an alternative site was considered for the relocation of the shipyard repair facility and install of the barge fleet between Mississippi River miles 195.4 to 196.1. This section of river

is straight, deep, and slightly wider than the applicant's existing location. It would have allowed for safer navigation passage to and from the proposed facility during low and high river stages. The USCG conducted a navigation risk assessment for the proposed facility and found no potential issues. However, this permitted site was abandoned due to the inability of the applicant and landowner to come to a contractual agreement.

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

On February 22, 2021, the IDNR EcoCAT review was initiated for the project area. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

However, if tree clearing is necessary, the Department recommends removing trees between November 15<sup>th</sup> and March 31<sup>st</sup> to avoid impacts to the state-listed northern long-eared bat (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*).

On April 11, 2022, a U.S. Fish and Wildlife Section 7 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. There is final critical habitat for this species. Location of the critical habitat is not available. 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>.
- The Eastern Massasauga (*Sistrurus catenatus*) is listed as threatened and inhabits wetlands, rivers and adjacent uplands. Suitable habitat exists in the area and will be filled. The project area is outside of any known locations for this species in Illinois. There is no designated critical habitat in the project area.
- The Pallid Sturgeon (*Scaphirhynchus albus*) is listed as endangered and inhabits the Mississippi and Missouri Rivers. There is suitable habitat present, however no designated critical habitat is in the project area.
- The Higgins Eye pearlymussel (*Lampsilis higginsii*) is listed as endangered and inhabits larger rivers with deep water and moderate currents with a range that includes the upper Mississippi River. There is suitable habitat present, however no designated critical habitat is in the project area.
- The Spectaclecase mussel (*Cumberlandia monodonta*) is listed as endangered and inhabits large rivers where they live in areas sheltered from the main force of the current. There is suitable habitat present, however no designated critical habitat is in the project area.
- Monarch Butterfly (*Danaus plexippus*) is listed as a candidate species and inhabits open fields and meadows with obligate milkweed host plants. No designated critical habitat is in the project area.

- Decurrent False Aster (*Boltonia decurrens*) is listed as threatened and inhabits late successional tallgrass prairie, tallgrass prairie converted to hay meadow, and glades or barrens with thin soil. There is suitable habitat present, however no designated critical habitat is in the project area.
- The Eastern Prairie Fringed Orchid (*Platanthera leucophaea*) is listed as threatened and inhabits dry to mesic prairies on thin soil over limestone. There is suitable habitat present, however no designated critical habitat is in the project area.
- Migratory bird species are listed as Birds of Conservation Concern (BCC) and inhabit variable types of habitat. There are 16 Migratory Bird Treaty Act (MBTA) species with the potential to be located within the project area at different times of the year according to the USFWS Information Planning and Conservation (IPaC) system planning report. These species, if present, are likely frequent visitors of the nearby Riverlands Migratory Bird Sanctuary. The listed birds are of concern either because they occur on the USFWS Birds of Conservation Concern (BCC), within a Bird Conservation Region (BCR), are protected by the Bald and Golden Eagle Protection Act (BGEPA) or warrant special attention in the project location.

A review by the Illinois SHPO is pending, however, the applicant anticipates that SHPO will concur with a desktop review conducted on July 20, 2021, by Wood Environment and Infrastructure Solutions, Inc, that “no previously determined NRHP eligible or listed properties or archaeological sites are located within or immediately adjacent to the project area. Wood’s opinion is that the project will have no adverse effects to cultural resources and that the project be allowed to proceed without further investigations.”.

#### **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 providing the necessary riverside space for safe and efficient fabrication, installation, maintenance, and vessel repair services. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.