

**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:

Friday, October 21, 2022

Public Notice Ending Date:

Friday, November 4, 2022

Agency Log No.:C-0150-22

Federal Permit Information: Federal permit/license no. LRL-2022-00682-sea is under the jurisdiction of Louisville District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: Shawneetown Regional Port District, Steve Galt - 212 North Lincoln Boulevard East, Shawneetown, IL 62984

Discharge Location: In Section 32 of Township 9-South and Range 10-East of the East 3rd Principal Meridian in Gallatin County. Additional project location information includes the following: Right descending bank of the Ohio River 1/4 mile north of Hwy 13 bridge into Kentucky, Old Shawneetown, IL 62946

Name of Receiving Water: Ohio River

Project Description: The project includes the removal and replacement of a portion of the existing parking lot, the reconstruction of a boat launch, and the construction of two sediment control jetties.

Construction Schedule: Beginning Nov 2022 and ending Mar 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-0150-22-10212022-PublicNoticeAndFactSheet.pdf

Shawneetown Regional Port (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the upgrades to the Old Shawneetown boat launch and parking area in Section 32, Range 10 East, Township 9 South, Old Shawneetown, Gallatin County, Illinois. The project site is located on the right descending bank of the Ohio River at river mile 857.8 in Old Shawneetown. The proposed work is intended to address sedimentation issues in and around the existing facility and will result in raising the elevation of a portion of the lower parking lot, construction of a new boat ramp, and construction of two sediment control jetties. All of the proposed work would be below the ordinary high water mark (OHWM) elevation of 338.5 feet Ohio River Datum (ORD). The proposed project would impact a total of 5.01 acres (Ac) below the OHWM, including 0.1 Ac of forested wetland and would require the discharge of 7,853 cubic yards (CY) of fill material. No earth excavation is proposed, and the only fill will be limestone and concrete. The applicant has proposed permittee responsible mitigation to offset impacts to the 0.1 Ac of forested wetland.

Information used in this review was obtained from the application documents dated June 23, 2022, September 21, 2022, September 23, 2022, and October 6, 2022.

Identification and Characterization of the Affected Water Body.

The Ohio River has 14,180 cfs of flow during critical 7Q10 low-flow conditions. The Ohio River is classified as General Use Water. The Ohio 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 Ohio River, Waterbody Segment IL_A-849-862, 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 dioxin (including 2,3,7,8-TCDD), mercury, and polychlorinated biphenyls and for primary contact use with potential cause given as Fecal Coliform.

Due to large amounts of sediment deposition in the area, a wetland delineation was not completed. USACE considered hydrology and vegetation in order to make a determination as to whether or not the area in question was in fact, a wetland. Willows and maples were the tree species present and river gauge data verified that the area is inundated for more than 14 days within the growing period. This information provided to the Corps allowed them to move forward with the assumption that the entire wooded portion of the project area is a wetland.

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 the placement of 7,853 cubic yards (CY) of limestone and concrete fill. Total suspended solids increases are not expected to be any greater than what occurs during normal high water in the Ohio River.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids would be local and temporary, and existing aquatic life use will recover once construction is complete. The Shawneetown Regional Port District (SRPD) proposed to mitigate the 0.1 Ac of impacts with restoration in a 0.2 Ac site. A wetland delineation will be completed prior to restoration work and a determination will be completed to confirm the site is a suitable wetland.

The proposed mitigation site is farmed presently but is surrounded by woodlands and is subject to regular flooding. The mitigation site will be monitored for 5 years, and a conservation easement will be prepared and recorded. The site will be planted within 2 years of the granting of permits.

The upper boat ramp will have fewer siltation issues with construction of the upper jetty.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of this project is to provide an improved boat launch and remove and replace the existing parking lot. Two sediment control jetties will also be constructed in order to reduce siltation that covers the facility during high water. The project will allow for recreational use of the Ohio River by residents of Southeastern Illinois and will provide jobs and recreational opportunities to underserved individuals as the project will occur in an "Opportunity Zone".

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

The Applicant has determined that the refurbishment project is the least environmentally impactful option. The only construction alternative would be to look at a new facility at a new location, but this alternative would create much more environmental disturbance. A no action alternative would deny inclusivity of underserved individuals in the Opportunity Zone.

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

On September 23, 2022 (Project # 2304727), 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 evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

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 Shawneetown Regional Port District by providing an improved public boat launch and associated facilities. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.