

**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:

Tuesday, May 14, 2024

Public Notice Ending Date:

Monday, June 3, 2024

Agency Log No.: C-0017-24

Federal Permit Information: Federal permit/license no. LRC-2023-697 is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: Lake County Stormwater Management Commission, Kurt Woolford - 500 W. Winchester Road, Libertyville, IL 60048

Discharge Location: In Section 7 of Township 44-North and Range 12-East of the East 3rd Principal Meridian in Lake County. Additional project location information includes the following: east and west sides of US 41 (North Skokie Highway) and south of Buckley Road, North Chicago, IL 60064

Name of Receiving Water: Skokie River

Project Name/Description: Skokie River Regional Floodplain Enhancement Project - proposed re-establishment of an existing shallow drainage swale

Construction Schedule: Beginning Apr 2024 and ending Apr 2025

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-0017-24-05142024-PublicNoticeAndFactSheet.pdf

Lake County Stormwater Management Commission has applied for a 401 Water Quality Certification for impacts associated with the reestablishment of an existing drainage swale to address localized flooding issues. In Township 44 North, Range 12 East, Sections 7 and 16 in Lake County. The project area is in the vicinity of Beacon Road and the east side of the Skokie Highway near North Chicago. The project will consist of reestablishing an existing shallow drainage swale to provide relief from severe flooding due to overbank flooding from the Skokie River, as well as insufficient storm sewer capacity to convey stormwater to the river. The flooding has historically resulted in temporary, but extended closures of US Route 41. The proposed project will remove sediment that has gradually filled in the drainage swale and placing riprap as scour protection. The impacted area on the site will include 0.12 acre (Ac) of wetland from the excavation and filling activities. No compensatory mitigation is proposed for the project.

Information used in this review was obtained from the application documents dated August 29, 2022, November 3, 2023, January 5, 2024, and April 10, 2024.

Identification and Characterization of the Affected Water Body.

On July 29, and August 5, 2022, a wetland assessment was completed for the project area. The study area is located to the east west sides of US 41 (North Skokie Highway) and south of Buckley Road. The western portion is within a residential area, a stormwater management pond, and commercial area, as well as ComEd ROW. Most of the study area and is located adjacent to the Skokie River, within the Naval Station Great Lakes.

Twelve waters/wetlands were identified within the study area, however only Wetland Area 7 is proposed to be impacted by the project. Wetland Area 7 is one of four wetlands that were delineated previously on behalf of ComEd, CBBEL project number 040532.01093. This wetland drains southeast through a series of culverts that connect to a storm sewer draining offsite. Wetland 7 is located in the southeast corner of the intersection of Illinois Route 137 and US Route 41, west of Mississippi Street and within a ComEd ROW. The large depressional wetland was dominated by hybrid cattail (*Typha X Glauca*), common reed (*Phragmites australis*), and reed canary grass (*Phalaris arundinacea*). The northern boundary of the wetland was bordered by an upland berm with dominant vegetation consisting of tall goldenrod (*Solidago altissima*), and cutleaf teasel (*Dipsacus laciniatus*). The western boundary generally followed the constructed railroad berm and was dominated by dense European buckthorn (*Rhamnus cathartica*). The southern region of the wetland was consistent with transition to an upland plant community. The wetland is a total of 1.7 Ac in size and has a Native Mean C of 2.26 with an FQI of 12.57. Impacts to 0.12 Ac of the wetland are proposed as a result of this project.

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

The pollutant load increases that would occur from this project include some possible temporary increases in total suspended solids. These increases are a normal and unavoidable result of excavation and filling that may occur in the swale. 23 cubic yards (CY) of permanent fill in the form of riprap will be placed in the re-established swale.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in total suspended solids from excavation and rip rap placement is anticipated to be minimal and would be local and temporary. No compensatory mitigation is proposed for this project as the project itself is self-mitigating. The project will provide relief from area flooding. BMP measures for erosion control include landscape restoration, inlet filters, temporary construction fencing for tree protection, perimeter erosion barrier, culvert inlet protection and the use of non-erodible cofferdam use. The limits of construction have been reduced to the minimum necessary to perform the work. The width and depth of the excavation is the minimum necessary to convey the calculated flow volumes and velocities.

Purpose and Social & Economic Benefits of the Proposed Activity.

This project will reduce flooding within a highly traveled roadway and adjoining properties which has led to road closures and infrastructure damage. The road closures impact first responder timeliness, require significant detouring, and infrastructure damage causes a numerous issue.

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

The applicant evaluated different alternatives considering factors such as location and hydrology. No alternate location for the improvements exists as the area is well developed with numerous site constraints.

An alternative to the restoration of the swale included installation of a storm sewer. However, this plan was not considered further as the sewer would have to be constructed through the wetland and in turn would cause significant impact. The surface flow tributary to the wetland would bypass the wetland in the pipe and significantly reduce the sustaining surface water and result in a substantial hydrologic impact to the wetland, thus dramatically reducing its size. Additionally, wetland mitigation would be required if impacts of construction and to hydrology occurred.

The preferred alternative re-establishes a drainageway that was previously installed through the wetland. The work will consist of excavating sediment from the swale and revegetation of the area. Work will be minimal and completed in a few days. There is no change in tributary flow proposed, and limited impacts to hydrology are anticipated based on a review of aerial photography demonstrating that the wetland size has varied little over the years.

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

An EcoCAT consultation (Project # 2406427) was initiated on November 3, 2023. 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.

A Section 7 consultation was completed by the USFWS on April 10, 2024, and identified threatened, endangered, and candidate species that may occur within the boundary of the proposed project and/or may be affected by the proposed project. The Service states “There is a total of 8 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area.”

An IPaC Resource list generated for the project area shows the following species are potentially affected by activities in this location:

- Northern Long-eared bat (*Myotis septentrionalis*) – Endangered
- Tricolored Bat (*Perimyotis subflavus*) – Proposed Endangered
- Rufa Red Knot (*Calidris canutus rufa*) - Threatened
- Whooping Crane (*Grus americana*) – Experimental population, non-essential
- Karner Blue Butterfly (*Lycaeides melissa samuelis*) - Endangered
- Monarch Butterfly (*Danaus plexippus*) – Candidate
- Eastern Prairie Fringed Orchid (*Platanthrea leucophaea*) – Threatened
- Pitcher’s Thistle (*Cirsium pitcheri*) - Threatened

There are no critical habitats within the project area; however, there is a requirement to determine if the project may have effects on all of the above-listed 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 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 area by minimizing regional flooding in the area and as a result, avoiding road closures and maintaining traffic flow. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.