

**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:

Thursday, May 9, 2024

Public Notice Ending Date:

Wednesday, May 29, 2024

Agency Log No.: C-0022-24

Federal Permit Information: Federal permit/license no. CEMVR-RD-2024-0070 is under the jurisdiction of Rock Island District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: Village of Pontoosuc, Mr. Bob Durand - Village President - P.O. Box 240, Dallas City, IL 62330

Discharge Location: In Section 4 of Township 7-North and Range 7-West of the West 4th Principal Meridian in Hancock County. Additional project location information includes the following: East 4th street over Spillman Creek, Village of Pontoosuc, IL 62330

Name of Receiving Water: Spillman Creek

Project Name/Description: 4th Street Bridge Replacement Project - proposed replacement of an existing dilapidated bridge structure that is inadequate & have been reduced from original load rating due to deterioration

Construction Schedule: Immediate (Planned project duration is approximately 153 days)

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-0022-24-05092024-PublicNoticeAndFactSheet.pdf

The Village of Pontoosuc has applied for a 401 Water Quality Certification for impacts associated with replacement of the 4th Street Bridge that crosses Spillman Creek. The proposed project will occur in Township 7 North, Range 7 West, Section 4 in the Village of Pontoosuc, Hancock County. The construction will involve realignment of a new bridge and roadway approaches using fill for embankment construction and bank armoring. Piers for the new bridge will also be placed within the creek. The proposed project will provide improved safety for general traffic, and an increased load capacity of the bridge thus providing access to larger vehicles that were not allowed to cross previously. The existing bridge will be removed once the new bridge is operational.

Permanent impacts are expected to occur in 1.131 acres (Ac) of forested wetland, and 0.126 Ac of wet shrub wetland as a result of soil and concrete fill for the bridge piers and embankment. Impacts to wetlands will be mitigated via wetland bank credit purchase from the Illinois DOT - Lagrange Wetland Bank located in Brown County.

Approximately 4429 cubic yards (CY) of clean fill soil and 23.1 CY of concrete for pier construction will be placed within the impacted wetlands. "In stream" work will involve the removal of 11.6 CY of material and installation of piles to be fastened to the bedrock on the bank slope near the water's edge. No fill will be placed within the waterway. The old bridge will be removed once the new bridge is completed. Two pier footings will remain in place to serve as bank armoring.

Information used in this review was obtained from the application documents dated September 2022, October 10, 2022, October 12, 2023, December 20, 2023, and February 26, 2024.

Identification and Characterization of the Affected Water Body.

Illinois Natural History Survey staff conducted wetland and surface water delineations for the proposed project on August 15, 2022. The survey identified 1 surface water and 2 wetlands onsite. Impacts are proposed for both wetlands.

Spillman Creek (IL_LA) 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. Spillman Creek, Waterbody Segment, IL_LA, is not listed on the 2020/2022 Illinois Integrated Water Quality Report and Section 303(d) List since it has not been assessed. This segment of Spillman Creek is not subject to enhanced dissolved oxygen standards.

Spillman Creek crosses under 4th Street approximately 640 feet southeast of the intersection of 4th Street and Rio Vista Road and has a NWI code of R2BUF (semi-permanently flooded, unconsolidated bottom, lower perennial, riverine). This perennial stream has a water watershed area of 9.3 square miles. No riffles or pools were observed during the field visit as the creek was completely dry due to the area being experiencing moderate drought.

Wetland Site 1 lies 5 feet north and 5 feet south of 4th Street. It is a wet floodplain forest that is present in 2.02 Ac of the project area and has NWI codes of PFO1A (temporarily flooded, broad-leaved deciduous, forested, palustrine wetland), PFO1C (seasonally flooded, broad-leaved deciduous forested, palustrine wetland), and U (upland). Wetland Site 1 has a native mean C of 2.8, and an FQI of 26.8. Dominant vegetation consisted of Silver maple (*Acer saccharinum*), common beggar's tick (*Bidens frondosa*), Virginia wild rye (*Elymus virginicus*), Canada wood nettle (*Laportea canadensis*), and moneywort (*Lysimachia nummularia*).

Wetland Site 3 lies 2 feet south of 4th Street. It is a wet shrubland community that is 0.18 Ac in size and is present in 0.14 Ac of the project area. The NWI codes are PFO1C (seasonally flooded, broad-leaved deciduous, forested, palustrine wetland) and U (upland). Wetland Site 3 has a native mean C of 2.7 and an FQI of 13.4. Dominant vegetation consisted of Silver maple, panicked aster (*Aster lanceolatus*), buttonbush (*Cephalanthus occidentalis*), climbing false buckwheat (*Fallopia scandens*), and spotted touch-me-not (*Impatiens capensis*).

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

Permanent impacts will include 4429 CY of clean soil fill for embankment construction and 23.1 CY of concrete piers for bank armoring. There may be a temporary increase in suspended solids with the removal of the existing bridge but would be expected to settle quickly once the construction is completed. Additionally, there will be 0.8 acres of tree removal associated with this project. No excavated soil, or tree/vegetation debris will be placed in the adjoining wetland areas or waterway but removed offsite in an upland location approved by IDOT.

The proposed “in stream” work includes drilling on both sides of the creek at the edge of the water/bank slope area. This work will involve removal of approximately 11.6 CY of material, and installation of 4 steel pier piles which will be attached to the bedrock. The structures are permanent, and no fill is being placed in the waterway. Impacts will be below ground at toe of slope and bank work for pier installation. Additionally, no in stream work is proposed during the removal of the existing bridge. Approximately 140 CY of riprap will be placed on the downgradient side of the upper abutment on both sides of the creek. This will not be within the waterway or on the sloped bank.

Fate and Effect of Parameters Proposed for Increased Loading.

The project is proposing to utilize a minimal footprint area as possible in design phases along with construction impacts. Compensatory mitigation is proposed as purchasing mitigation credits from the IDOT LaGrange mitigation bank at a ratio of 5.5:1 for the forested impacts and 4:1 for the wet shrub wetland impacts.

In order to minimize the impacts to jurisdictional waters, the project was designed to reduce as much earthwork and fill within the jurisdictional features as possible. Roadway embankment design along with heavy machinery impact, is proposed to stay within a footprint as narrow as possible which allows a reduction to wetland feature impacts. Silt fence barriers will allow for protection of adjoining jurisdictional wetlands and the waterway. This will keep traffic from entering and contain sediment from entering jurisdictional areas. Once final grading and seeding activities are completed, all disturbed areas will be stabilized. Scour protection is proposed for the replacement bridge which will be implemented to further protect the channel. All construction/demo work, BMPs, materials used, and material removal/disposal shall be in accordance with IDOT standards and specifications. Stockpiled materials will be bordered by silt control and not stored in any jurisdictional areas. Silt fence will border the toe of slope of both the new and existing roadway embankments and extend to or near the top of bank slope to protect the creek from runoff materials. Silt fencing placement shall be performed in stages (new construction & demo) and silt controls will be installed prior to each phase. The proposed roadway embankment slopes will be seeded and covered with erosion blankets for immediate slope stabilization.

Prior to demo and removal of the existing roadway and embankment, silt fence shall be installed around the perimeter of the existing roadway embankment. Following removal of the existing embankment materials, the area shall be seeded and covered with excelsior blanket for immediate stabilization.

Purpose and Social & Economic Benefits of the Proposed Activity.

The purpose of this project is to replace an existing dilapidated bridge structure that is inadequate and has been reduced from its original load rating because of deterioration. The reduced capacity does not allow certain vehicles to cross; however, the completed project will alleviate this issue and provide a safe crossing to facilitate larger vehicles to the northwest portion of the Village.

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

The applicant evaluated alternatives that considered avoidance, minimization and bridge and roadway construction. These options included:

- No Action: This is the only option that would avoid impacts to jurisdictional waters. However, there are no other feasible alternate routes to the northwest region of the Village.
- Construction of a New Roadway: Construction of a new road off of IL Route 9 to the north was evaluated but determined to be infeasible since the distance to the area would be much greater, and in turn, have an increased construction cost. Additionally, the Village does not own the land and involvement of a railroad crossing would be required which would also incur added costs for improvements to the new crossing. Because there is only one way to access this part of the Village, removal of the existing bridge without construction of a new one.
- Alternative Bridge Location: This option involved design for alternative location realignment for the new bridge to reduce impacts to WOUS. However, this was determined not to be feasible as negotiations to purchase additional land for the realignment was not conducive to the timeline. Impacts of the realignment to the south of the existing bridge would still involve similar impacts so this alternative was not considered further.
- Preferred Option: The proposed project involves roadway realignment and construction of a new bridge. This will allow for the facilitation of larger vehicles to the northwest portion of the Village. The existing bridge is deteriorating and has become inadequate which has decreased the original load capacity, not allowing certain vehicles to cross. The bridge capacity will continue to decrease and eventually be unsafe for general traffic to cross. The proposed project will alleviate these concerns.

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

An IDNR/IDOT coordinated natural resource review was completed on October 12, 2023.

Review for Illinois Endangered Species Protection and Illinois Natural Areas Preservation – Part 1075:

The Illinois Natural Heritage Database contains records of Spectaclecase and Butterfly mussels approximately 1500 feet northeast of the project location in the Mississippi River, and Prairie Spiderwort approximately 1000 feet south of the project location. It was determined that the listed species were not likely to be present within the project location due to lack of suitable habitat. The Database contains records of an INAI site, the Mississippi River, approximately 1000 feet north of the project location, however, no work is proposed within or immediately adjacent to the river.

No species listed as threatened or endangered federally or in Illinois were found during the wetland survey within the project corridor. Wetland site 1 is a plant community of special interest.

The Database contains no additional record of state-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location. Therefore, consultation under Part 1075 is terminated.

Review for Endangered Species Act - Section 7:

“The proposed improvement was reviewed in fulfillment of our obligation under Section 7(a)2 of the Endangered Species Act. Our review included use of the US Fish and Wildlife Service’s (USFWS) Information for Planning and Conservation (IPaC) web-based review tool. Through IPaC, an official species list was received and is saved to the project folder. The list contains the endangered, threatened, proposed and candidate species and proposed and designated critical habitat that may be present within or in the vicinity of the proposed improvement. The following species are listed: Higgins eye, Sheepnose, Spectaclecase, Indiana bat (Ibat), Northern Long-eared bat (NLEB), Tricolored bat, Gray bat, decurrent false aster, Mead’s milkweed and Eastern Prairie Fringed Orchid. No proposed or designated critical habitat is listed. Under 50 CFR 402.12(e), the accuracy of the species list is limited to 90 days.”

Northern long-eared bat/Ibat

“Within IPaC there is a Determination Key for the NLEB and Ibat. We used the key to determine applicability of the project with the USFWS revised programmatic biological opinion for transportation projects dated 2-2-2023 and to assess what effect the project would have on NLEB or Ibat. A bridge assessment for bats was completed August 15, 2022. No bats or signs of bats were observed on the bridge. We completed an IPaC qualification interview and determined that the project is within the scope of the programmatic biological opinion. The project has gone through informal consultation and is not likely to adversely affect the NLEB or Ibat provided the following conservation measure is implemented by the project sponsor:

Trees three (3) inches or greater in diameter at breast height will not be cleared April 1 through September 30. Please note that the bridge/structure assessment that was conducted for this project is valid for two years and that an expired assessment will need to be updated prior to construction.”

“We cross-referenced the preferred habitat of each the remaining listed species, with our knowledge of the project area and determined that the proposed project will have no effect on those species. Should the proposed improvement be modified, or new information indicates listed or proposed species may be affected, consultation or additional coordination should be initiated.”

An EcoCAT consultation (Project # 2410965) was initiated on February 26, 2024. 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.

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 providing an improved, safe crossing to facilitate larger vehicles to the northwest portion of 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.