

**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:

Wednesday, June 12, 2024

Public Notice Ending Date:

Tuesday, July 2, 2024

Agency Log No.: C-0034-24

Federal Permit Information: This civil works project is under the jurisdiction of Rock Island District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: USACE, Rock Island District, Roger Perk - Clock Tower Building, P.O. Box 2004, Rock Island, IL 61204-2004

Discharge Location: In Section 25 of Township 1-North and Range 1-West of the West 4th & East 3rd Principal Meridian in Schuyler County. Additional project location information includes the following: Coal Creek Drainage and Levee District, Schuyler County, IL, Frederick, IL Schuyler

Name of Receiving Water: Curry Lake, adjacent to Illinois River

Project Name/Description: Coal Creek Drainage and Levee District 2023 Event PL84-99 Flood Repairs - proposed repair of flood damages to a federal levee system under the PL84-99 Authority

Construction Schedule: Beginning Jun 2024 and ending Dec 2024

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-0034-24-06122024-PublicNoticeAndFactSheet.pdf

U.S. Army Corps of Engineers (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with repairs of damages to the Coal Creek Drainage and Levee District levee sustained during flooding in 2023. The project site is located in Schuyler County directly opposite Beardstown on the right descending bank of the Illinois River between river miles (RM) 85 and 89. The project area includes the bank of Curry Lake in Township 1 North, Range 1 West, Section 36, near Frederick, Illinois. The Coal Creek D&LD PL 84-99 Rehabilitation Project sustained damage from the 2023 flood event in which the levee sustained erosion damage along approximately 9,950 feet of its length. Damages consist of vertical scour, averaging 18- 24 inches in depth, concentrated at the toe of the levee and evenly distributed along the length of the damaged area. The elevation of the top of scour approximately corresponds with water elevations during the flood event. The damaged areas had been previously repaired under PL84-99, with those construction activities completed in February of 2023.

The proposed project consists of repairs by use of approximately 17,500 cubic yards (CY) riprap placed along the riverside slope of the levee to restore it back to the original design grade. This will address the scour and protect from future damage. The riprap will be placed on the levee in a 15-inch layer in 3 distinct repair areas on approximately 0.5 acres (Ac) of the shore of Curry Lake where the levee forms the bank line. Because this project provides an improvement to the area, and no long-term adverse impacts are anticipated, no mitigation is proposed.

Information used in this review was obtained from the application documents dated February 1, 2024, February 21, 2024, and April 10, 2024.

Identification and Characterization of the Affected Water Body.

Curry Lake has 0 cfs of flow during critical 7Q10 low-flow conditions and is classified as General Use Water. Curry Lake 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. Curry Lake, backwater to Waterbody Segment IL_D-31, is not listed on the 2020/2022 Illinois Integrated Water Quality Report and Section 303(d) List as it has not been assessed. This segment of Curry Lake is not subject to enhanced dissolved oxygen standards.

The scope of this project does not include dredging or water quality impacts therefore no field sampling or laboratory analysis was deemed necessary by the applicant.

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 fill placement activities and are expected to be minor and temporary during riprap placement and return to ambient conditions once construction is completed.

Riprap stone to be used for repairs is physically stable and clean, reducing the chances for impacting Curry Lake/Illinois River. The use of clean quarry-run riprap and the methods of placement will not introduce contaminants into the aquatic system. Approximately 17,500 CY of fill material is expected to be discharged as a result of the levee repair project.

Fate and Effect of Parameters Proposed for Increased Loading.

Increases in suspended solids will be local and temporary for deposits of fill materials. Benthic organisms would be temporarily displaced due to construction activity but are expected to recolonize over time. All constructions access would take place from the crown of the levee, and the tow of the levee (if necessary). The construction footprint was kept as small as possible in order to minimize impacts. No floating construction plan access will be utilized and excavated material will be used to repair any rutting caused to the levee crown as a result of vehicle traffic.

No long-term adverse impact to the overall water quality, water circulation, fluctuations and salinity determination are anticipated; therefore, no mitigation measures are proposed by the applicant.

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

The applicant has provided the following alternatives:

No Action: This option would not allow for federal assistance to be provided for emergency repairs under PL84-99 authority or funding sources. It would then be assumed that the sponsor would initiate repairs as local funding allows, however these repairs may not be to USACE standards or completed in a timely manner. This alternative is not acceptable as the District could sustain further damages at a 40% flood event. Damages sustained could include flooding and prevent loss of land use, therefore resulting in severe economic hardship to land/property owners.

Non-Structural Alternatives: This alternative consists of non-structural approaches which involve changes in land use offered by other Federal and state programs. These tactics would include:

- acquisition, relocation, elevation, and flood proofing existing structures
- rural land easements and acquisitions
- wetland restoration

Non-structural Alternatives are not reasonable alternatives as the design protection to the urban and agricultural areas protected by the levee is desired.

Structural Alternatives: This alternative consists of structural plans to protect the Coal Creek Drainage and Levee District from further damage which typically consists of repairs to the levee system. The structural alternatives studied include:

- Repair Levee to Original Condition. This alternative consists of placing 8,600 CY of earthen fill to restore the levee profile to the design template. All repair work will maintain the original alignment of the levee and will not exceed the design levee template, avoiding floodplain impacts. This repair method was utilized to repair damages following the 2019 Flood Event as part of a PL84-99 project, but the same area was damaged again as a result of the Spring 2023 Flood Event. Due to a loss of tree line protection off the riverside toe, it is anticipated that this area will, and will continue to be, vulnerable to erosion from potential increased flows. As such this alternative was determined not to be the preferred alternative.
- Place Riprap in Damaged Area. This alternative consists of placing 14,200 tons of riprap to restore the levee profile to the design template. Based on a review of hydraulic data, wave action in this area is expected to be significant enough to cause continued, persistent erosion uncontrollable by soil placement. Therefore, demonstrating that riprap is a viable, low-cost solution to stopping the wave impacts on the levee toe. This was determined to be the preferred alternative.

- Construction of a Setback levee. This alternative consists of building a setback levee to contain the damaged areas. This setback levee would be approximately 19,000 feet long and use the same design profile as the existing levee. This would require approximately 1.6 million CY of material. However, due to the cost of building a setback this alternative was discarded as the preferred alternative.

The structural repair of the damaged levee by placing riprap is the preferred alternative. The proposed project will include erosion control which will utilize bedding stone and riprap to create a weighted toe along the damaged area to restore the levee and prevent future erosion that could eventually result in levee failure. This alternative would allow for material to be placed in wet and underwater areas, while providing erosion protection at the toe of the embankment. The placement of riprap will not increase the project degree or level of flood risk reduction.

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

Federally listed threatened, endangered, or candidate species that may occur in the project area include Indiana bat (*Myotis sodalis*), Northern long-eared bat; [NLEB] (*Myotis septentrionalis*), Tri-colored bat (*Perimyotis subflavus*), Whooping crane; [experimental population] (*Grus americana*), Monarch butterfly (*Danaus plexippus*), Decurrent False Aster (*Boltonia decurrens*), and Eastern Prairie Fringed Orchid (*Platanthera leucophaea*). Listed bat species utilize large trees with loose or peeling bark as roost sites during summer months and spend winter hibernating in caves and mines. The eastern prairie fringed orchid occurs in a variety of habitats, from dry prairie to wetlands and bogs. The decurrent false aster occurs in moist, sandy floodplains and prairie wetlands along the Illinois River. The proposed repairs are not expected to disturb these types of habitats. There is no critical habitat within the action area. There are no trees within the Project area and the levee is maintained through mowing. Due to the limited scope of work and lack of suitable habitat the District determined there would be no effect to any listed species.

On April 10, 2024, an IDNR EcoCAT consultation (Project # 2412304-submitted by IDNR) was initiated for the proposed project site. 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 no tree clearing between the dates of April 1st and October 31st. The project was also reviewed for cultural resource impacts and was determined to be in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

On May 23, 2024, an IDNR EcoCAT consultation (Project # 2415333-submitted by applicant) was also initiated for the proposed project site. A consultation termination is pending.

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 Coal Creek Drainage and Levee District by providing an increased level of flood risk management to the area. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.