

**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, May 20, 2024

Agency Log No.: C-0173-23

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

Name and Address of Discharger: Scott Plocher, Plocher Construction - 2808 Thole-Plocher Road, Highland, IL 62249

Discharge Location: In Section 17 of Township 4-North and Range 7-West of the West 3rd Principal Meridian in Madison County. Additional project location information includes the following: South of intersection of Hwy-143 and Blackburn Road, Edwardsville, IL 62025

Name of Receiving Water: Tributary to Little Mooney Creek

Project Name/Description: Park North Development - To construct a commercial development within the city of Edwardsville where the proposed amenities presently do not exist. The need for a development at this location has become evident due to high traffic and demand along the section of Interstate 55 and the vehicle traffic associated with the Edwardsville Sport Park.

Construction Schedule: Beginning Aug 2023 and ending Aug 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-0173-23-05142024-PublicNoticeAndFactSheet.pdf

Plocher Construction (“Applicant”) has applied for a 401 Water Quality Certification for impacts associated with the construction of a commercial area and access road in Township 4 North, Range 7 West, Section 17, Madison County, Illinois near the junction of Interstate 55 and Illinois Route 143 in Edwardsville. The proposed project will feature the construction of an approximately 94-acre (Ac) commercial/retail development and associated roadways/infrastructure. The development will supplement the existing Plummer Sports Park located to the south of the proposed project and include a new access point and sports-related amenities to the facility. The project area has been expanded from a 24 Ac site bordering Highway 143, originally proposed in 2018.

The proposed development would serve as a center of business and source of economic growth for the local community and by extension, the county. The project site’s proximity to the existing Plummer Family Park will further the growth of the area by facilitating travel and commerce.

This will necessitate grading/filling in a nearby wetland with material generated through the site grading process. A north/south road to provide access to the south, eventually connecting to the current construction of a sports complex just to the south of the project site, will be constructed. The impacted area will include 1.57 Ac of Wetland B, a forested wetland habitat. Proposed mitigation for these impacts includes purchasing 4.71 Ac of wetland credits at a 3:1 ratio.

Information used in this review was obtained from the application documents dated September 9, 2022, August 22, 2023, January 16, 2024, January 23, 2024, and January 26, 2024.

Identification and Characterization of the Affected Water Body.

In March of 2023, SCI reassessed the project conditions and performed a supplemental delineation of the site. While Tributary A, Wetland C, and Wetland D will be impacted, they have been determined to be considered non-jurisdictional features based on an Approved Jurisdictional Determination (AJD) dated November 8, 2023. Wetland B was determined to be a Waters of the US (WOUS) which will be impacted by the project.

The palustrine forested Wetland B directly abuts Tributary A, tributary to Mooney Creek and extends off site to the west. Wetland B is virtually indistinguishable from Tributary A in some areas along the northwest and central portion of the wetland where the streambed freely accesses the floodplain. The most recent site visit delineated this wetland as 1.57 Ac. This is an increase in area from 1.49 Ac originally delineated as the wetland extent has increased along Tributary A. Dominant woody species within the wetland included eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), American sycamore (*Platanus occidentalis*), and slippery elm (*Ulmus rubra*). Characteristics of Wetland B are representative of those routinely found in palustrine wetlands; it is non-tidal in nature and dominated by woody vegetation over 20 feet in height.

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 in the wetland. The existing benthic habitat of the wetland would be permanently removed by grading activities. The proposed construction activities include the discharge of fill material within the project area. This fill material will be generated through the site grading process and no off-site fill will be utilized. No foreign materials, with potential to contain contaminants, will be used as fill for the

proposed project. As such, laboratory testing of fill materials for discharges into surface waters is not anticipated.

Fate and Effect of Parameters Proposed for Increased Loading.

The existing wetland would be permanently filled by the construction activities. Mitigation will be required for the 1.57 Ac of Wetland B. A wetland mitigation ratio of 3:1 for the wetland impacts is required and will be accomplished by purchasing wetland mitigation credits from a wetland bank. The USACE has indicated that as a result of the previously mitigated Wetland A now being considered non-jurisdictional, the 0.66 credits previously purchased will likely be debited from the current mitigation requirements. This would result in 4.08 credits being necessary. The specific bank location where the credits will be purchased from has not been determined at this time; however, because the Eberhardt Wetland Mitigation Bank was previously utilized for the credit purchase, it is likely that the current credits will be purchased from the Eberhardt Bank again.

Appropriate BMPs and erosion control measures will be taken during construction operations to reduce the potential for unintentional sedimentation and sediment runoff into adjacent regulated waters. Examples of sediment and erosion control measures include an erosional barrier around the perimeter of the site, inlet and pipe protection and filters, seeding of vegetation, and the digging of temporary ditches. BMPs will be monitored during construction. Off-site sedimentation will be monitored and remediated as necessary and BMPs will be repaired of deficiencies until the site is stabilized. Temporary BMPs will remain in place until the site is stabilized or reclaimed with vegetation.

Purpose and Social & Economic Benefits of the Proposed Activity.

This project will bring in-demand amenities such as a fueling station, hotels and restaurants to the area and support growth and local traffic associated with the development of a large sports complex. Commercial development at the site will also include a roadway that will link with development of a sports park to the south and ultimately Goshen road, providing interstate access directly from the park and project site.

The proposed development would serve as a center of business and source of economic growth for the local community and by extension, the county. The project site's proximity to the existing Plummer Family Park will further the growth of the area by facilitating travel and commerce.

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

The Applicant has provided the following alternatives:

Alternative 1 – No Action:

This option results in no impacts to the WOUS identified on the site. Leaving the wetland undisturbed would fragment the development, limiting its size, accessibility, and economic feasibility. As such, the “no impact” alternative is not a feasible plan due to the segmentation of the site by the WOUS and the site's inaccessibility from Illinois Highway 143. This segmentation would necessitate a minimum number of road crossings, some of which are dictated by the *City of Edwardsville's Master Thoroughfare Plan and Madison County's I-55 Corridor Development Plan*, to simply traverse the site and provide for two points of access to the Plummer Family Sports Park, located south of the proposed development. Overall, the no impact alternative would result in the western portion of the site being unable to be developed and is not a viable option.

Alternative 2 – Off-site Alternative:

Other sites in the immediate surrounding area were considered. However, the purpose of the proposed development is to provide commercial development in relation to the Plummer Family Sports Park located to the southwest of the project site. Additionally, no other site would allow for the extension of Sports Park Drive to Highway 143 which would allow more direct access to the Plummer Family Sports Park from Interstate 55. In conclusion, the primary objective of the project is to provide a better method of access to the sports park and also provide amenities for those utilizing the park. Therefore, an off-site alternative would not provide these important aspects of the project. Therefore, the alternative was not considered to be viable.

Alternative 3 – Original Site Plan:

The Applicant previously proposed a project area of 24 acres along Highway 143, a smaller footprint in the same location. The project was originally permitted and proposed to impact 0.66 acre of on-site wetland habitat, 7.12 acres of open water habitat, and 360 LF of an intermittent tributary (Tributary A). A Section 404 Permit was issued by the USACE on January 9, 2020, and a Section 401 Water Quality Certification was obtained from the IEPA on November 20, 2019, authorizing the impacts. Compensatory mitigation for the wetland impacts was completed by purchasing credits from the Eberhardt Wetland Mitigation Bank in November 2019. Mitigation for the ponds was to be provided by constructing 7.12 acres of open water habitat on site. The open water areas have not been constructed; however, the expansion of the site area to the current proposed 94-acre site would better meet the needs of the project by providing a better access point and allow for the construction of more amenities to support visitors to the sports park. The original site plan no longer meets the purpose and need of the project and was therefore determined not to be a viable option. Additionally, the current site plan will actually result in fewer impacts based on the revised WOTUS rules and site configuration.

Alternative 4 – Preferred Alternative:

This was the option chosen for this project. The plan consists of expansion of the original site plan to include more commercial buildings, parking lots, and associated infrastructure. This expansion would provide the surrounding area and visitors to the sports park with a commercial development where these proposed amenities presently do not exist. Those utilizing the sports park, particularly on weekends, must currently leave the sports park and drive into downtown Edwardsville if they are in need of amenities. On the weekends, Edwardsville can see increased traffic, which can lead to increased traffic congestions around the sports park. A second entrance via the proposed roadway extension would allow for better traffic flow and improved safety as the sole access point is often congested during sports events .

Additionally, providing hotels, gas stations, and sports-related businesses near the sports park will allow patrons to stay near the facility during the day and will offer new opportunities for the local community to shop and spend time.

As a result of the preferred alternative, 1.57 acres of jurisdictional forested wetland would be filled or excavated to facilitate the construction of a golf facility. Due to the size and configuration of the facility, these wetland impacts cannot be avoided. Although the preferred alternative increased wetland impacts by 0.91 acres, there are no longer proposed impacts to on-site open water habitats or tributaries. This alternative was rendered economically and environmentally feasible.

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

On January 16, 2024, a USFWS IPaC official species list request was completed. The USFWS IPaC report indicated the following species as having potential to exist on site: the Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Tricolored Bat (*Perimyotis subflavus*), Eastern

Massasauga (*Sistrurus catenatus*), Monarch Butterfly (*Danaus plexippus*), Decurrent False Aster (*Boltonia decurrens*), and Eastern Prairie Fringed Orchid (*Platanthera leucophaea*).

A Bat Habitat Assessment was completed May 2017, and determined that a low density of suitable live and dead standing trees existed within the project site that would be considered suitable summer roosting habitat for Indiana and Northern long-eared bats. The USACE previously determined the proposed project may affect but is not likely to adversely affect the two bat species, provided all tree clearing occurs outside the maternity and fall swarming seasons of the bats which extends from April 1 to October 31.

The USACE has determined the project will have no effect on the Eastern prairie fringed orchid, decurrent false aster, or eastern massasauga rattlesnake since no suitable habitat was found within the action area and it is unlikely that the species is utilizing or exist within the site. Additionally, there are no known active eagle nests or winter roosts within the action area.

An EcoCAT consultation (Project # 2304246) was initiated on September 9, 2022. The natural resource review provided by EcoCAT determined that the Illinois Natural Heritage Database contained no 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 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 City of Edwardsville by bringing in-demand amenities such as a fueling station, hotels and restaurants and support growth and local traffic associated with the development of a large sports complex. Commercial development at the site will also include a roadway that will link with development of a sports park to the south and ultimately Goshen road, providing interstate access directly from the park and project site. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.