

**Illinois Environmental Protection Agency
Bureau of Water, Permit Section
(IEPA)**

2520 West Iles, 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, July 24, 2026

Public Notice Ending Date: Thursday, August 13, 2026

Agency Log No.: C-0456-25

Federal Permit Information: Federal permit/license no. LRC-2025-288 is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of Discharger: Illinois Department of Transportation, Jose Rios - 201 W. Center Court, Schaumburg, IL 60196

Discharge Location: In Section 27 of Township 44-North and Range 8-East of the East 3rd Principal Meridian in McHenry County. Additional project location information includes the following: IL Route 31 from IL 176 to IL 120, Prairie Grove/Crystal Lake, IL 60050

Name of Receiving Water: Upper Fox River

Project Name/Description: IL 31 IL 176 to Ames Road (62K69) - proposed 2.2 miles of road improvements along IL 31 from IL 176 to Ames Road to widen and improve traffic conditions

Construction Schedule: Immediate (Planned project duration is approximately 760 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-0456-25-07242026-PublicNoticeAndFactSheet.pdf

401 Water Quality Certification Fact Sheet for US 31 from IL 176 to Ames Rd.

IEPA Log No. C-456-25

Contact: Angie Sutton 217-782-9864

IDOT has applied for a 401 Water Quality Certification for impacts associated with 2.2 miles of road improvements along IL 31 from IL 176 to Ames Road. The proposed project will occur in various Sections of Townships 44 and 45 North and Range 8 East, in Prairie Grove, Crystal Lake, and unincorporated areas of McHenry County. The construction will include culvert installation, construction of new traffic lanes, sidewalk extensions, raised medians, stream alignment, drainage basin construction, infiltration trenches and bioswales. The design will include two travel lanes in each direction with a 30-foot wide raised median from IL 176 to River Birch Boulevard and a 28-foot-wide raised median with 11-foot lanes from River Birch Boulevard to Medical Center Drive south of Bull Valley Road. Once completed, the new roadway will improve safety, address roadway capacity and mobility, correct existing geometric deficiencies, and encourage multi-modal transportation.

The proposed project will provide an improved transportation facility along IL Route 31 from IL 176 to IL 120. The project will be broken into contracts of which the section discussed in this review will address from IL 176 to Ames Road. Construction of the project will require approximately 59.63 acres (Ac) of proposed right-of-way and 9.75 Ac of temporary easements.

The east half of IL Route 31 will be constructed first. Traffic will remain on the existing IL-31 with two 11ft lanes to accommodate traffic. Once the east side is completed, traffic will be shifted, and the west side of IL Route 31 will be constructed. Construction will be staged in two phases. The proposed staging of the construction is described below:

Stage 1:

- Install Temporary Soil Retention System along the north and south end of the existing culvert
- Excavation and removal and replacement of unsuitable materials.
- Install rock fill, PGE, precast portion of triple-box culvert and CIP end sections.
- Place Porous Granular Embankment.

Stage 2:

- Install Temporary Soil Retention System connecting to the Stage 1 Temporary Soil Retention System.
- Perform existing structure removal, and excavation.
- Install PGE, precast portion of triple-box culvert and CIP end sections.
- Place Porous Granular Embankment.

The project will permanently impact 3513.2 linear feet (LF) of stream 0.011 Ac of open water ponds, 0.479 Ac of wetlands as a result of excavation, fill and stream realignment. Concerning stream impacts, 906 LF of permanent impact, 506 LF permanent impact with no loss because of excavation with riprap placement, and 2101LF of in-kind stream relocation are expected. Mitigation for permanently impacted wetlands, ponds and streams will be provided through the purchase of stream credits at a mitigation bank, and wetland credits from the Gray Willows Wetland Mitigation Bank.

Information used in this review was obtained from the application documents dated July 24, 2018, April 15, 2025, November 6, 2025, January 21, 2026, February 6, 2026, and May 5, 2026.

Identification and Characterization of the Affected Water Body.

Huff & Huff, Inc. (H&H) staff conducted wetland and surface waters delineations for the proposed project on October 4, 6, 9, 17, 19, 25, and 27, 2023. Forty-one wetlands (Sites 1 through 41), and fourteen surface waters (Sites W1 through W14) were identified within the project limits. Impacts are proposed in sixteen wetlands (Sites 1-12 and 15-18), three ponds (Sites W1, W3, W4), and eight surface waters (Sites W2, W5-W8, W10-W12).

The surface waters impacted area all identified as tributaries to Sleepy Hollow Creek (no segment code). The unnamed tributaries to Sleepy Hollow Creek, tributary to the Fox River (IL_DT-22), are not listed as a biologically significant streams in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*, nor are they given an integrity rating in that document. The unnamed tributaries to Sleepy Hollow Creek, tributaries to Waterbody Segment, IL_DT-22, are not listed on the 2024 Illinois Integrated Water Quality Report and Section 303(d) List as they have not been assessed. These segments of the unnamed tributaries to Sleepy Hollow Creek, are not subject to enhanced dissolved oxygen standards.

Site #	Flow Regime	Width/Depth (ft/in)	NWI Classification	HQAR?	Acreage in Project Area	Acreage Impacted
W1	Perennial	NA*/0-72	PUBHx	No	0.02	0.003
W2	Intermittent	3-8/0-4	PUBHx	Yes	0.211	0.211
W3	Perennial	NA*/6-12	None	No	0.01	0.007
W4	Perennial	NA*/6	PUBHx	No	0.001	0.001
W5	Intermittent	3/2-3	None	No	0.007	0.008
W6	Intermittent	3-3	None	Yes	0.006	0.041
W7	Perennial	5-15/2-6	R4SBC, PEM1B, PFO1B	Yes	0.25	0.211
W8	Intermittent	3/1	PFO1B	Yes	0.01	0.016
W10	Perennial	12/6-16	R5UBH	Yes	0.07	0.069
W11	Intermittent	4/1-24	None	No	0.02	0.026
W12	Ephemeral	2-10/0	None	No	0.05	0.055
*feature is a pond				Total:	0.655	0.648 (3513.2 LF)

Wetlands impacted are described in the table below:

Site #	Wetland Type	FQI/Mean C	NWI Classification	HQAR?	Acreage in Project Area	Acreage Impacted
1	Fen	13.6/3.9	None	Yes	0.007	0.002
2	Hemi-Marsh	0/0	None	No	0.02	0.016
3	Wet Meadow	8.9/2.8	None	No	0.05	0.06
4	Wet Meadow	2.7/1.2	None	No	0.02	0.028
5	Forested	4.0/1.8	None	No	0.001	0.003
6	Wet Meadow	2.3/0.9	None	No	0.009	0.009
7	Wet Meadow	4.5/2.3	None	No	0.04	0.047
8	Wet Meadow	2.8/2.0	None	No	0.004	0.004
9	Wet Meadow	5.0/1.7	PEM1C	Yes	0.2	0.122
10	Wet Meadow	13.0/3.3	None	Yes	0.001	0.002
11	Wet Meadow	8.5/3.8	PEM1B	Yes	0.002	0.002
12	Wet Meadow	6.9/2.8	PFO1B	Yes	0.009	0.011
15	Wet Meadow	9.3/3.1	PFO1B/R5UBH	Yes	0.04	0.047
16	Wet Meadow	6.5/2.6	PFO1B	Yes	0.11	0.11
17	Seep	13.5/3.4	PFO1B	Yes	0.02	0.006
18	Wet Meadow	6.7/3.0	R4SBC	No	0.001	0.01
				Total:	0.534	0.479

A complete list of the dominant vegetation is in the wetland delineation report which was included as part of the application documents.

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

Addition of approximately 8.35 Ac of impervious area will double the chloride application (based on the current application rate) to the roadway and as a result, the drainage system. Stormwater runoff will be collected and treated in bioswales, and an infiltration trench is proposed to regulate and reduce chlorides. Total suspended solids and total dissolved solids are only expected to undergo minimal temporary increases. The runoff is also not expected to change the normal pH variations. The project is not expected to change or increase loading of ammonia or alter normal BOD variations.

For waters W2 and W7, there will be permanent impacts to the existing stream channel, which will be mitigated by in-kind replacement of the stream channel with a more diverse, more sinuous channel, and through purchase of stream credits at a mitigation bank. This will result in an improvement in these characteristics.

Erosion and sediment control measures will be in place and maintained during construction and until stabilized. Best Management Practices (BMPs) are anticipated to offset some of the pollutant loading associated with construction of the project. The potential impacts will primarily be related to increased pollutant loading and surface water or wetland disturbance during construction, operation, and maintenance.

Fill impacts were provided as an area of impact. Wetland impacts will include 824.1 CY of clean riprap fill in 0.479 Ac as a result of excavation, roadway widening, stream alignment, culvert placement, and grading. Stream impacts will occur in 3513.2 LF as a result of fill, realignment, and excavation. Culvert placement will involve removal and replacement of culvers using soil retention systems, and riprap placement to prevent scouring. Backfill material will consist of clean, predominantly sand or coarser material, with no more than 20% passing a #230 sieve, and will be placed to prevent violations of water quality standards. A total of 5176 trees are proposed for removal as a result of the project.

The Federal Highway Administration (FHWA) determined that the project will not have a significant impact on the human environment. The Finding of No Significant Impact (FONSI) dated July 24, 2018, was based on an Environmental Assessment.

Fate and Effect of Parameters Proposed for Increased Loading.

To reduce chloride impacts, IDOT will implement the following Winter Operations BMPs:

- Annual training for plow operators to improve the efficiency of de-icing application and to reduce loss of de-icing chemicals.
- IDOT utilizes calibrated spreaders equipped with ground sensors that can accurately control the rate of spreading.
- Prewetting solid deicing chemicals/mixtures for better adhesion to the pavement surface and for melting of the ice/snow.
- Adjusting the application rates of de-icing chemicals according to pavement temperature and weather conditions.
- Maintenance yards and trucks have been upgraded to reduce chloride runoff to waterways.

Based on the implemented BMPs, participation in area watershed workgroups, and infiltration trenches, there is expected to be no increase in chloride loading.

The proposed drainage design is to make improvements to the existing conditions such as re-grading ditches and native vegetation planting. The proposed infiltration BMPs will reduce pollutants prior to discharging to the waterway. Erosion and sediment control measures will be maintained and remain in place until construction is complete and conditions at the site are stable. The Design-Build Contract will include the sediment and erosion control plans as guided by The Illinois Department of Transportation Standard Specifications for Road and Bridge Construction and the Urban Manual. Temporary construction BMPs and dewatering are anticipated to offset some of the pollutant loading associated with construction of the project.

Impacts were minimized by the greatest extent possible to still meet the purpose and need of the project. Project limits and alignment have been adjusted to avoid resources where possible, and design measures implemented to bypass sensitive areas. Fill in wetlands and waters have been limited, and erosion and sediment controls implemented. Permanent impacts to wetlands will be mitigated by purchasing wetland credits from the Gray Willows Wetland Mitigation Bank at the appropriate mitigation ratios for each wetland type for a total of 2.107 credits. Mitigation required for the pond banks was calculated at a 1.5:1 ratio for a

total of 0.011 credits. Stream mitigation will occur in the form of 2101 LF of in-kind replacement/relocation. 506 LF are considered permanent impact with no loss due to excavation with riprap placement and in-kind stream relocation, and the remaining 906 LF of impact will require mitigation at an approved stream mitigation bank. Compensatory mitigation plans are being discussed with USACE for approval.

Purpose and Social & Economic Benefits of the Proposed Activity.

The project will improve traffic flow, safety, and multimodal access along the proposed corridor. This will address needed existing traffic congestion, reduce delays, enhance bicycle and pedestrian access, improve stormwater management, and ensure adequate capacity to accommodate traffic volumes, both current and projected.

The proposed project will provide safety improvements and improve the level of service by reducing congestion and providing shorter wait times. The improvements will expand access to local business along the corridor as a result of reduced traffic, turn lanes, and intersection improvements. Continuous sidewalks and trails throughout the corridor and safer crossings of IL 31 will benefit the local school districts.

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

Alternatives were evaluated and screened to narrow the range of alternatives to several “Alternatives Carried Forward”. These were studied in order to identify the preferred alternative. Screening filters included whether the project had an engineering or environmental obstacle, next if it met the project purpose and need, and finally, the detailed evaluation to determine optimal alternatives based on roadway capacity and safety needs. Four of the original nineteen alternatives did not meet the project purpose and need. This screening process eventually eliminated ten of the remaining fifteen alternatives.

Two Alternatives were carried forward in the south section of the construction corridor, and a No Action alternative was considered as follows:

- No Action: This option would retain the current road configuration with no improvements. Only maintenance and minor rehab would occur. There would be no new impervious surfaces and discharges to the stream; however, this alternative would result in continued high crash potential, traffic congestion, and design deficiency. This alternative was eliminated as this option does not meet the project purpose and need.
- Alternative S-5: 4-Lane with 30-foot Raised Median: This option includes two 12-foot lanes in each direction separated by a 30-foot raised median that may accommodate dual left turn lanes at intersections. This was the preferred alternative of the south section alternatives as it had a smaller footprint, less impacts to water resources and wetlands, and less impact to oak trees. Some refinements were made to reduce impacts that included:
 - A 30-foot median from IL 176 to River Birch Boulevard
 - Either 18-foot or 28-foot raised median from River Birch to Ames Road
 - Alignment shifts
 - Near Half Mile Trail, IL Route 31 was shifted east by 28 feet to avoid Terra Cotta Industries factory buildings.

- Between Terra Cotta Industries and Edgewood Road, IL Route 31 was shifted east by 20 feet to avoid impacting residential and commercial buildings on the west side of the roadway.
- Alternative S-6: 4-lane with 30-foot Depressed Median and 10-foot Wide Paved Shoulders (Drake Drive to Veterans Parkway): This option is similar to the 30-foot Raised Median Alternative except there would be a section of depressed median to maintain the existing speed limit and rural character.
- Preferred Alternative: After refinement of the preferred arrays, it was determined the Preferred Alternative would include two travel lanes in each direction with a 30-foot wide raised median from IL 176 to River Birch Boulevard, and a 28-footwide raised median with 11 foot lanes from River Birch Boulevard to Medical Center Drive. This alternative minimized resource impacts and incorporated agency comments to reduce wetland and business impacts. The Preferred Alternative met the project purpose and need.

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 January 21, 2026. The FONSI considered the Blanding's turtle, least bittern, yellow-headed blackbird, black tern, and common gallinule. A no effect determination was made for these species.

Review for Endangered Species Act - Section 7:

A Section 7 review was completed using the US Fish and Wildlife Service's (USFWS) IPaC review tool. The species listed included the northern long-eared bat, whooping crane (experimental population), monarch butterfly (proposed), rusty patched bumblebee, western regal fritillary (proposed), and eastern prairie fringed orchid. There is proposed rusty patched bumble bee (RPBB) critical habitat in the project vicinity.

Northern Long-eared Bat (NLEB) – recommendations for tree removal between April 1 and November 1. Tree replacement ratio recommendations were made. Project may affect but is not likely to adversely affect NLEB.

Monarch Butterfly- proposed project will not jeopardize the continued existence however, if USFWS lists as federally threatened, additional consultation may be needed.

Rusty Patched Bumblebee and proposed critical habitat- mowing and seeding recommendations were made, as well as tree replacement ratios. The project may affect and is likely to adversely affect the RPBB, and may affect, but not likely to adversely affect the RPBB critical habitat.

Western Regal Fritillary (proposed)- proposed project will not affect this species.

Eastern Prairie Fringed Orchid (EPFO)- surveys in 2012 and 2013 found no EPFO. The project will have no effect to EPFO.

An EcoCAT consultation (Project # 2607137) was initiated on November 6, 2025. The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Illinois Natural Areas Inventory (INAI)

Sterne's Fen INAI -adverse effects unlikely

Stickney Run Conservation Area INAI- adverse effects unlikely

Thunderbird Lake INAI – recommendations made for any required night lighting as well as soil erosion and sediment control BMPs

Wheeler Fen INAI- adverse effects unlikely

Illinois Nature Preserves Commission Lands

Sterne's Fen Nature Preserve- adverse effects unlikely

Wheeler Fen Land and Water Reserve- adverse effects unlikely

State Threatened or Endangered Species

Records for the following exist in the vicinity of Thunderbird Land to Oak Crest Road for:

Black Tern (*Chlidonias niger*)

Black-crowned Night Heron (*Nycticorax nycticorax*)

Common Moorhen/Gallinule (*Gallinula galeata*)

Least Bittern (*Ixobrychus exilis*)

Yellow-headed Blackbird (*Xanthocephalus xanthocephalus*)

No work should occur in the affected area during prime nesting season from March 1 to August 31, if date restriction cannot be accommodated, a survey is recommended that include specific permits including Scientific Collectors Permit and a T&E Permit. Additionally, bird surveys and habitat assessments should be completed and forwarded to the Department for a determination.

Rusty Patched Bumble Bee (*Bombus affinis*)-surveys for foraging habitat recommended. If foraging or overwintering habitat is identified, specific dates for work as well as mowing recommendations were made. If dates cannot be accommodated, the Department recommends the following:

“If work must occur within suitable habitat during the dates outlined above, then the Department recommends the applicant pursue an Incidental Take Authorization (ITA) pursuant to Part 1080 and Section 5.5 of the *Illinois Endangered Species Protection Act*.”

Alternatively, the Department states that the applicant may assume presence and potential adverse effects and seek an ITA to avoid potential liability.

Blanding's Turtle (*Emydoidea blandingii*)- adverse effects unlikely

Given the above recommendations are adopted the Department has determined that impacts to these protected resources are unlikely. The Department has determined impacts to other protected resources in the vicinity of the project location are also unlikely.

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 a new transportation facility that will improve safety, address roadway capacity and mobility, correct existing geometric deficiencies, and encourage multi-modal transportation. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.