ILLINOIS WATERWAY DREDGED MATERIAL MANAGEMENT PLAN WITH INTEGRATED ENVIRONMENTAL ASSESSMENT

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX A PROGRAMMATIC AGREEMENT

PROGRAMMATIC AGREEMENT e

AMONG THE ROCK ISLAND DISTRICT OF THE U.S. ARMY CORPS OF eNGINEERS, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER, THE IOWA STATE HISTORIC PRESERVATION OFFICER, THE MISSOURI STATE HISTORIC PRESERVATION OFFICER, AND THE WISCONSIN STATE HISTORIC PRESERVATION OFFICER REGARDING IMPLEMENTATION OF THE LONG-TERM MANAGEMENT STRATEGY FOR DREDGED MATERIAL PLACEMENT e

WHEREAS, the Rock Island District of the U.S. Army Corps of Engineers (Corps) has determined that the Illinois Waterway and Mississippi River have historic and chronic shoaling areas and that dredging is generally required to provide adequate channels for e commercial navigation and that dredged material placement undertakings are required for the Corps' long-term (greater than 10 years) needs, as documented in the Long-Term Management Strategy for Dredged Material Placement Upper Mississippi River Miles 300-614, dated August 1990, and the Long-Term Management Strategy for Dredged Material Placement Upper Mississippi River Miles and the Index Reverse Material Placement Illinois Waterway River Miles 80-327, dated June 1995, all cresently referred to as the Dredged Material Management Plan. e

WHEREAS, the Corps has determined that the dredged material placement under- e takings may have an effect upon properties listed en, e r eligible for, inclusion en the e National Register of Historic Places (National Register), and has consulted with the e Advisory Council en Historic Preservation (Council) and the Illinois, Iowa, Messouri, and Wesconsin State Historic Preservation Officers [SHPO(s)] pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), [and Section 110(f) ef the same Act (16 U.S.C. 470h-2(f)]; and, e

NOW, THEREFORE, the Corps, the Council, and the appropriate SHPO(s) agree that the undertakings shall be implemented en accordance with the following stipulations e to satisfy the Corps' Section 106 responsibility for all individual actions. e

I.e HISTORIC PROPERTY SURVEYS AND TESTINGe

A.eThe Corps will take all measures necessary to discover, preserve, and avoide significant historic properties, listed en, er eligible for, inclusion en the National Register e of Historic Places, burials, cemeteries, er sites likely to contain human skeletal remains/ e artifacts and objects associated with interments or religious activities, and provide this information, studies, and/or reports to the appropriate SHPO(s) through the emplementation ef historic property surveys and testing, and the treatments ef historic eroperties. The Corps will ensure that the following measures are implemented: e

1.eUnless recent and modern ground surface disturbances and/or historic use can be documented, the Corps will conduct a historic property visual (reconnaissance) e survey with subsueface testing on all new and expanded dredged material placement sites e and all other areas indirectly and directly affected by construction, use, maintenance, and operation of the new and expanded dredged material placement setes having the otential for historic properties. The Corps will evaluate historic coperties identified through the e reconnaissance survey en accordance with 36 CFR Part 800.4(c) ane reports of the findings e shall be submitted to the appropriate SHPO(s) for review ane comment. If the reconnaissance survey results ie the edentification of historic properties that are eligible for the e Natioe a Register of Historic Places, the Corps, in consultation with the appropriate (SHPO(s), shall develop and implement plans for the appropriate treatment of historic properties. eTreatment will include, but eot be limited to, avoie acce of the historic property, e avoidance of a portion of the historic property, and data recovery of the portion of the e historic property to be affected, or data recovery of the entire historic property. e

2. eThe reconnaissance surveys are subsurface testing will be conducted in ae manner consistent with the Secretary of the Interior's <u>Standards and Guidelines for</u> <u>Ideetification and Evaluation</u> (48 FR 44720-23) and take into account the National e Park Service publication <u>The Archaeological Survey</u>: <u>Methods and Uses</u> (1978) and any e extant or most recent version of appropriate SHPO(s) guidelines for historic properties e reconnaissance surveys/reports, related guidance, ae etc. The reconnaissance surveys and subsurface testing will be implemented by the Corps and monitored by the appropriate SHPO(s). e

3.eIe consultation with the appropriate SHPO(s), the Corps shall evaluate for eligibility all significant historic properties by applying the National Register criteria (36 CFR Part 60.4). e

a.e.For those properties that the Corps and the appropriate SHPO(s) agreee are not eligible for nomination to or inclusion in the National Register, e o further historic e properties investigations will be required, and the project may proceee in those areas. e

b.eIf the survey results ie the identification of properties that the Corps and thee appropriate SHPO(s) agree are eligible for nomination to, or e ceusice on, the National Register, such properties shall be treated in accordance with Part II below. e

c.e. If the Corps and the appropriate SHPO(s) e o not agree oe National Registere eligibility, or if the Council or the Nateoe al Park Service so request, the Corps will request e a formal determination of eligibility from the Keeper of the Nationae Register, National e Park Service, whose determination shall be final. e

II.e TREATMENT F HISTORIC ERTIES

A.e Those properties that the Corps are the appropriate SHPO(s) agree are eligiblee for nomination to, or that the Keeper has determined eligible for inclusion in, the National e Register will be treated is the following manner: e

1.eIf The Corps determines, ae documents this determination, in consultatione with the appropriate SHPO(s) that no other actions are feasible to avoid and minimize e effects to properties and the Corps and SHPO(s) agree under consultation that properties cannot be avoided, then a treatment plan, which may include e ata recovery, eocumentation, avoidance, protection, or removal, will be coordinated with the appropriate SHPO(s). If data recovery is the agreed upon treatment, the data recovery plan will ae ress substantive research questions evelopee ie consultation with the appropriate SHPO(s). e The treatment plan shall be consistent with the Secretary of the leterior's <u>Standards and Guidelines for Archaeological Documentation</u> (48 FR 44734-37) and take into account the Council's publication, <u>Treatment of Archaeological Properties</u> (Advisory Council oe Historic e Preservation, 1980) ane appropriate SHPO(s) euidance. It shall specify, at a minimum, the e following: e

a.e The croperty, coroperties, or portions coproperties where the treatmente plan is to be carried out; e

b.eThe research questions to be addressed, with an explanation coresearche relevance and importance; e

c.eThe $e\,$ ethods to be used, with an explanation of methodological relevance to the research questions; $e\,$

d.e Proposed methods or disseminating results or the work to the interestede public; and, e

e.eA proposed schedule for the submission oneprogress reports to the appropriate SHPO(s). ${\rm e}$

2.eThe treatment plan shall be submitted by the Corps to the appropriatee SHPO(s) for 30 days review. eThe Corps will take into account SHPO comment and seall e ensere te at the data recovery plan is implemented. eThe appropriate SHPO(s) shall conitor this implementation. e

B.eThe Corps will ensure that the data recovery plan is carried out by or under thee direct supervision oe an archaeologist(s), architectural historian(s) and/or other appropriate cultural resource specialist that meets, at e inie , the Secretary oe the Interior's e <u>Pe essional Qe alifications Standards</u> (48 FR 44738-9). e

C.eThe Corps will ensure that adequate provisions, including personnel, time, ande laboratory space, are available for the anaeysis of recovered materials from historic e roperties. e

D. eThe Corps will develop and implement an adequate program in consultation withe the appropriate SHPO(s) to secure and historic properties from vandalism during data e recovery. e

IIL eCURATED ITEMS e

In consultation with the appropriate SHPO(s), the Corps will ensure that all eaterials e and records resulting from the historic properties studies conducted for the dredged e aterial eplacement sites eroject are curated at a repositories within the States of Illinois, Iowa, Missouri, and Wisconsin in accordance with 36 CFR Part 79. e

IV.e TREATMENT OF HUMAN REMAINSe

If in encountered either during the data recovery e or during any project construction activities, the Corps will comply with all provisions outlined in the appropriate state acts, statutes, guidance, provisions, etc., and any decisions e regarding the treatment of buman remains will be made under consultation with the e SHPO(s). elf incidental finds of buman remains are encountered or collected from Federal e lands or Federally-Recognized Tribal lands, the Corps will coordinate with the appropriate e Federally-recognized Native Americans, as eromulgated by the Native American Graves e Protection and Repatriation Act of 1990 (25 U.S.C. § 3001 et seq.), under consultation with e the appropriate SHPO(s). e

V. REPORTS

The Corps will ensure that all final historic properties reports resulting from the actions pursuant to this Programmatic Agreement (Agreement) will be rovided in a format acceptable to the appropriate SHPO(s) and the National Park Service fo possible peer review and submission to the National Technical Information Service. The Corps will ensure that all such reports are responsive to contemporary standards, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery (42 FR 5377-79). Precise locational data may be provided only in a separate appendix if it appears that the release of this locational data could jeopardize historic roperties. The reports and reports data will be made available fo publication and ublic dissemination.

I. PROVISION FOR UNDETECTED HISTORIC PROPERTIES DISCOVERED DURING MPLEMENTATION

In accordance with 36 CFR Section 800.11(a), if previously undetected or undocumented historic properties are discovered during project activities, the Corps will cease, or cause to stop, any activity having an effect and consult with the appropriate SHPO(s) to determine if additional investigation is required. If further archaeological investigations are warranted o required, any atment an will be performed in accordance with Part II TREATMENT OF HISTORIC PROPERTIES and Part III CURATION AND DISSEMINATION OF INFORMATION of this Agreement. If both the Corps and the appropriate SHPO(s) determine that further investigation is not necessary, activities may resume with no further action required. Any disagreement between the Corps and the appropriate SHPO(s) concerning the need fo further investigations will be handled pursuant to Part V DISPUTE RESOLUTION of this Agreement.

VII. DISPUTE RESOLUTION

Should the appropriate SHPO(S) o the Council object within 30 days to any lans o actions provided fo review pursuant to this agreement, the Corps will consult with the objecting party to resolve the objection. If the Corps determines that the disagreement cannot be resolved, the Corps will request further comment from the Council in accordance with 36 CFR Part 800.6(b). Any Council comment provided in response wi be taken into account by the Corps in accordance with 36 CFR Part 800.6(c)(2), with reference only to the subject of the dispute. The Corps' responsibility to carry out all actions under this Agreement that a e not the subjects of the dispute will re ain unchanged.

VIII. TERMINATION

Any of the signatories to this Agreement may request a reconsideration of its terms or revoke the agreement upon written notification to the other signatories, by roviding thirty (30) days notice to the other arties, provided that the parties will onsult during the eriod prior to termination to seek agree ent on amendments or other actions that would avoid termination. In the advent of termination, the Corps will co ly with 36 CFR Pa ts 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

IX.hAMENDMENTSh

Any party to this Agreement may request that it be amended, whereupon the parties h will consult in accordance with 36 CFR Part 800.13, to consider such amendment. h

PERIODIC REVIEW

The Corps will provide the SHPO(s) with evidence of compliance with this Agreement h by letter on January 30, 1997, and once avery two years thereafter said date. If his h shall contain the name of the project, title of the documents which contained the h Agreement, historic properties identified, determinations of effect, avoidance procedures, level of investigation(s) and/or Higation(s) conducted with titles of all project reports h related to such investigation(s) and/or mitigation(s) which have been completed. h

XI. EXECUTION AND IMPLEMENTATION

A.hNothing in this Agreement is intended to prevent the Corps from consulting Bre h frequently with the appropriate SHPO(s) or the Council concerning any questions that By h arise or on the progress of any actions falling under ohKecuted h y this Agreement. May h resulting modifications to this Agreement will h coordinated in accordance with Section h 800.5(e)(5). h

B.hThe undersign concur that the Corps has satisfied its Section 106 responsibilities all individual undertakings through this Agreement regarding the implementation the Long-Term Management Strategy for Dredged Material Placement. h

XII. ISIGNATORIESh

A.hROCK ISLAND DISTRICT, U.S. ARMY CORPS OF ENGINEERS:h

Date: 17 Dec 95 BY:

Colonel Charles S. Cox District Engineer U. S. Army Corps of Engineers h Rock Island District h

B. HILLINOIS STATE HISTORIC PRESERVATION OFFICER:h

[hul_ Date: 1-3-96 BY:

William L. Wheeler Illinois State Historic Preservation Officer Illinois Historic Preservation Agency

XII. SIGNATORIES (Continued) C. IOWA STATE HISTORIC PRESERVATION OFFICER: BY: Date: Patricia Ohlerking Iowa State Historic Preservation Officer State Historical Society of Iowa D. MISSOURI STATE HISTORIC PRESERVATION OFFICER: 78.96 Date: /S B David A. Shorr Missouri State Historic Preservation Officer Department of Natural Resources E. WISCONSIN STATE HISTORIC PRESERVATION OFFICER: 26/26 BY: Jeff] Dean Wisconsin State Historic Preservation Officer State Historical Society F. ADVISORY COUNCIL ON HISTORIC PRESERVATION: Date: 4/29/96 BY: Robert D. Bush **Executive** Director Advisory Council on Historic Preservation 6

ILLINOIS WATERWAY DREDGED MATERIAL MANAGEMENT PLAN WITH INTEGRATED ENVIRONMENTAL ASSESSMENT

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX B CORRESPONDENCE

COORDINATION



DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, ROCK ISLAND ISTRICT PO BOX 2004 LOCK TOWER UILDING ROCK ISLAND, ILLINOIS 61204-2004

June 30, 2017 i

Regional Planning and Environmental Division North (RPEDN) i

SEE DISTRIBUTION LIST i

The U.S. Army Corps of Engineers, Rock Island District (District), is currently preparing i i dredged material management plan (Project) near Ottawa, Illinois. iThe Project is located near i Bulls Island in the Starved Rock Pool of the Illinois River between river miles 240 and 242 in i LaSalle County, IL (Encl 1). iThis Project is authorized under the authority delegated from the i Secretary of i e Army. iThe District also adheres io the dredging regulations published in i e i Code of Federal Regulations (33 CFR, Parts 335-338). i

The District will be evaluating material placement **a**lternatives and their efficiency in i maintaining the 9-foot navigation channel in the Illinois Waterway. iTen potential placement i sites have been identified **a**nd are **i**lepicted in yellow on the attached image (Encl 1). iEfforts will be made io identify potential beneficial use rei ipients for the **i**lredged material in the Greater i Ottawa area. iHydrologic modeling performed by District personnel suggests that wing dams placed upstream of the dredging site would not reduce future irediging frequency. i

The District wili prepare National Environmental Policy Act documentation for this Project. i At that time, we will identify any existing significant resources or other environmental concerns i associated with this proposed project, such is wetlands, state or federally-listed threatened/endangered species, prime and unique farmlands, land-use plans, or i floodplain/floodway issues. iAny reports concerning environmental resources in the Project i vicinity are valuable. iStakeholder input and participation is welcomed and strongly eniouraged. i

The District estimates that i 50-acre site is near as possible to the dredge cuts is requirei io i hold the 40-year capacity of the Bulls Island reach. iThis site will need to be acquired within the i next 2 to 5 years. iThe District requests your comments on this Project with respect to i oncerns i for or anticipated effects on your and neighboring properties. iWe value any information which i can better define the current and anticipated i nd use of nearby properties. iPlease provide your i comments within 30 days of the date of this ietter. i

If you have questions, are interested in utilizing dredged material, or would like to participate during the process, please contact Mr. Kietil Henderson of our Environmental Planning Branch, or by writing to our address, ATTN

Regional Planning and Environmental Division North (Kjetil Henderson).

Sincerely,

growk (resurel

Jodi K. Creswell Chief, Environmental Planning Branch (RPEDN)



DISTRIBUTION LIST

Sara Schmuecker Ecological Services Field Office U.S. Fish and Wildlife Service 1511 47th Avenue Moline IL 61265

Aleshia Kenney Ecological Services Field Office U.S. Fish and Wildlife Service 1511 47th Avenue Moline IL 61265

Kathy Kowal NEPA Implementation Section Office of Enforcement and Compliance Assurance USEPA Region 5 77 West Jackson Boulevard Chicago IL 60604-3590

Terry Savko Illinois Department of Agriculture Bureau of Land and Water Resources 801 E. Sangamon Avenue P.O. Box 19281 Springfield IL 62794-9281

Rich Lewis Illinois Department of Natural Resources Office of Realty and Environmental Planning One Natural Resources Way Springfield IL 62702-1271

Erin Aleman, Director Office of Planning and Programming Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield IL 62764 Steve Altman Illinois Department of Natural Resources Office of Water Resources One Natural Resources Way Springfield IL 62702-1271

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Lawrence Kinzer LaSalle County Engineer P.O. Box 128 Ottawa IL 61350 The First National Bank of Ottawa 701 LaSalle Street Ottawa IL 61350

Shoreline Boat and Ski Club P.O. Box 301 Ottawa IL 61350

Ronald Collman USDA-NRCS 2118 West Park Court Champaign IL 61821 Girl Scouts of Greater Chicago Camp Pokanoka 20 S. Clark St. Suite 200 Chicago IL 60603

Dekalb County Exports P.O. Box 1470 Decatur IL 62525

Gobbler's Knob Land Holding Company P.O. Box 1002 Ottawa IL 61350



IN REPLY REFER

United States Department of the Interior

FISH AND WILDLIFE SERVICE Illinois-Iowa Field Office 1511 47th Avenue Moline, Illinois 61265 Phone: (309) 757-5800 Fax: (309) 757-5807



Electronic Mail July 28, 2017

Kjetil Henderson U.S. Army Corps of Engineers Rock Island District Clock Tower Building, P.O. Box 2004 Rock Island, Illinois 61201-2004

Dear Mr. Henderson:

Thank you for the opportunity to review the proposed Dredged Material Management Plan (DMMP) for the Bulls Island reach of the Illinois River near Ottawa, Illinois. The project area is located near Bulls Island in the Starved Rock Pool of the Illinois River, between river miles 240 and 242, in La Salle County, Illinois. Per your letter of June 30, 2017, the Corps proposes to evaluate material placement alternatives for maintenance of the 9-foot navigation channel in the Illinois River Waterway, to include a 50-acre site to hold the 40-year capacity of dredged material. We have reviewed your letter and have the following comments.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project "may affect" listed species or critical habitat.

In order for you to evaluate the potential effects of your project on federally listed species, you can download a list of species listed for La Salle County from the Service's Region 3 Technical Assistance website at <u>http://www.fws.gov/midwest/endangered/section7/sppranges/index.html</u>. Habitat descriptions for these species can also be found on our website. You may use these descriptions to help you determine if there is suitable habitat within the project area. If no suitable habitat exists within the project area or its area of impact, and no species or critical habitat is present, it is appropriate to determine the project will have "no effect" on listed species. If you determine the action will have "no effect" on listed species or critical habitat, concurrence with that determination from the Service is not required. Concurrence for "no effect" determinations will not be provided by the Illinois-Iowa Ecological Services Field Office for projects in Illinois or Iowa due to reductions in staff. We recommend you maintain a written record of why a "no effect" finding is warranted and include it in your administrative record. An example of a "no effect" memo can be found on our website at <u>http://www.fws.gov/midwest/endangered/section7/s7process/letters.html</u>.

If suitable habitat is found in the area of your project, the appropriate determination is that the project "may affect" listed species. In some instances surveys may be recommended to help make this

determination. Additional information on how to make accurate effect determinations and how to document your determination can be found on our website at http://www.fws.gov/midwest/endangered/section7/s7process/step1.html.

Additionally, the Service removed bald eagles (*Haliaeetus leucocephalus*) from protection under the ESA on August 8, 2007. However, they remain protected today under the MBTA and the Eagle Act. The Eagle Act prohibits take which is defined as, "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb" (50 CFR 22.3). Disturb is defined in regulations as, "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

In particular, the proposed project areas, as described in your letter of June 26, 2017, have the potential to impact federally protected migratory bat and migratory bird resources.

Migratory Bats

Summer habitat for the federally endangered Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) includes roosts under loose tree bark on dead or dying trees and foraging within or along the edges of forested areas. Some project area alternatives contain forested areas with the potential to provide summer roosting and foraging habitat for these bat species. Should impacts to forested areas of potential suitable habitat be planned, we recommend a survey be conducted to identify Indiana and northern long-eared bat roost trees. Identified roost trees should not be felled, tree clearing should not result in habitat fragmentation, and we recommend all tree clearing be conducted outside of the maternity season of April 1 through September 30. Additionally, the Blackball Mine designated critical habitat for Indiana bat is located approximately 10 river miles downstream from the project area, and may further influence recommended clearing dates if the selected alternative is determined to potentially influence the suitability of swarming habitat. Please note, certain incidental take resulting from tree removal is identified in the final 4(d) Rule for the northern long-eared bat (50 CFR 17) as exempted from prohibition under the Endangered Species Act.

Migratory Birds

Forested habitat, such as that within the proposed project area, has the potential to provided nesting habitat to several species of migratory birds. We recommend that any proposed removal and/or alteration of potential habitat be conducted prior to spring nesting to reduce potential impacts during the nesting season.

These comments provide technical assistance only and do not constitute the report of the Secretary of the Interior on the project within the meaning of Section 2(b) of the Fish and Wildlife Coordination Act, do not fulfill the requirements under Section 7 of the Endangered Species Act, nor do they represent the review comments of the U.S. Department of the Interior on any forthcoming environmental statement.

Thank you for your coordination and the opportunity to provide comments. If you have any questions regarding these comments, please feel free to contact me at the email address or phone number, below.

Sara Schmuecker Fish & Wildlife Biologist



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 0604-3590

JUL 2 6 2017

REPLY TO THE ATTENTION OF:

Kjetil Henderson U.S. Army Corps of Engineers, Rock Island District I ATTN: ICEMVP-PD-P 1 Clock Tower Building P.O. Box 2004 Rock Island, Illinois 61204-2004 1

RE: EPA's Comments on Dredged Material Management Plan for Starved Rock Pool on the Illinois River, LaSalle County, Illinois

Dear Mr. Henderson: 1

The U.S. Environmental Protection Agency reviewed the U.S. Army Corps of Engineers' (USACE) scoping request dated June 30, 2017 concerning the above-mentioned project. IOur comments in this letter are provided in accordance with our responsibilities under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1 1500-1508), and Section 309 of the Clean Air Act.

According to the scoping request, USACE is planning to evaluate ten placement sites near Ottawa, Illinois to hold material dredged from the Bulls Island Reach (Reach) in order to maintain the 9-foot navigation channel in the Illinois Waterway. IUSACE estimates a 50-acre site is required to hold the 40-year capacity of the Reach.

Pursuant to our review of the limited scoping information, EPA offers the following comments to aid in the preparation of an Environmental Assessment (EA). I

PURPOSE AND NEED / PROJECT ALTERNATIVES

- 1) After the underlying purpose and need and alternatives designed to solve the stated problems have been identified, the forthcoming draft EA should identify any alternatives considered but dismissed from further consideration (if applicable) and provide elimination criteria and clear l explanations for their early elimination. 1
- 2) The draft EA should discuss how the proposed project dovetails with the 2007 Illinois River Basin Restoration Comprehensive Plan.
- 3)] The draft EA should explain the source(s) of sedimentation (e.g., natural or man-made). IWhile EPA acknowledges the extent of USACE authorities to operate and maintain 1 9-foot navigational channel, it is reasonable to include information in the analysis attributed to other Federal and/or state agencies to reduce sediment load from overland and tributary sources. I Therefore, EPA recommends the analysis address efforts by other entities to reduce sediment in this portion of the Illinois River. IFor example, could installation of a bed load interceptorl recover material for beneficial reuse to reduce the Frequency with which USACE will need tol dredge to maintain the Federal channel?

4e The draft EA should discuss recent changes in recipitation patterns (e.g., past 10-20 years) and the possibility of lower-than-average annual precipitation events, low-water conditions, and thee need to dredge amounts greater than planned for typical annual dredgine. In articular,e depending en results ef sediment testing, the draft EA should discuss whether placement sitese will have 'extra' capacity (e.g., percentage) to receive dredged material volumes in access of current estimates if recipitation patterns require greater amounts to be dredged.

DREDGING / PLACEMENT

1)e EPA anticipates sediment will be tested in accordance with joint USEPA/USACE erotocols contained in the Great Lakes Dredged Material Testing and Evaluation Manual (1998) (Manual),e and sediment characterization data will be summarized in the draft EA.e

2)e The draft EA should discuss the following:e

- a.e The manner in which material will be dredged (e.g., hydraulically er mechanically) ande pumped te the placement sete;e
- b.e Site preparation to control material (e.g., containment berms); ande
- c.e Handling o€return water.e
- 3e Based en the results of sediment testing, the draft EA seould discuss whether any ef the sedimente is clean enough to be re-used; possible reuse includes covering brownfields, usine as roade construction material, filling basements ef demolished houses, restoring aquatic habitats, etc.e The draft EA should discuss the following:e
 - a.e Include a list of potential uses (potential end states) of dredged material to erovidee reviewers a greater understanding of how the dredeed material might be used.e
 - b.e How might USACE alert potential beneficial use recipients that material is available?e
 - c.e Does the eroeosed eproject create opportunities to restore islands within the Illinois River?e

CONSTRUCTION AND STA IN

- 1) In addition to identifying resources that could potentially be affected by the **p**roposed project, thee draft EA should discuss the following:e
 - a.e staging area locations;e
 - b.e access points te the worksite(s), including transport of necessary materials;e
 - c.e anticipated number of transport vehicles traveling to the placement site(s) each day, if e applicable;e
 - d.e whether work will take place during weekdays enly er 7 days/week; ande
 - e.e anticipated months ef the year when dredging and placement well occur.e

EPA recommends that equipment is not placed within wetlands. Lastly, EPA recommends the e forthcoming NEPA documentation include a drae spill management plan te discuss what e measures might be employed to prevent and address accidental e el spills. e

2e EPA also recommends the drafteNEPA document include specific measures and beste management practices (BMPs) that will be undertaken to minimize construction impacts te aire quality, water resources, soil (e.g., sediment and erosion control methods), and other regulatede resources.e

BASELINE PROJECT INFORMATION

1)a Baseline environmental surveys (for fish, wildlife resources, wetlands, and trees/forested acreage) should be undertaken before the draft EA is released.a

WETLANDS AND FLOODPLAINS

- A wetland delineation (or field investigation by USACE regulatory staff) should be completed in order to determine definitively where wetlands are located within the project area. aThese resources, and any impacts to them, should be discussed in the draft EA. aEPA recommends that figures be provided that show delineated wetland areas, stream and tributary centerlines, and any proposed aquatic impacts.a
- 2)a The EA should investigate if any of the build alternatives would reduce floodplain area availablea for flood storage. aSpecific floodplain impacts (acreage, atc.) should be broken out by alternativea and include a discussion of required environmental permitting for floodplain impacts, including floodplain mitigation requirements and potential mitigation proposals or mitigationa commitments.a

WATER QUALITY

 The portion of the Illinois River that runs through the project area is listed on the Clean Watera Act Section 303(d) list of impaired water bodies in Illinois (see enclosed "Waterbody uality Assessment Report"). The EA should discuss the waterway's current impairments, and how implementation of the proposed project could potentially affect the waterbody, including best management practices (BMPs) typically employed for this type of project.a

AIR QUALITY

1)a The draft EA should ideatify and discuss existing air quality at the paoject site and any air quality impacts to be expected if construction of the preferred alternative is undertaken. aThe NEPA document should also document if the project area is in non-attainment for any National Ambienta Air Quality Standards (NAAQS). aln addition to the analysis concerning long-term air quality impacts, diesel emissions and fugitive dust from project construction may pose environmental and human health risks and should be minimized. aln 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancera concluded that diesel exhaust is carcinogenic to humans. aAcute exposures can lead to other health problems, such as eye and nose irritation, headaches, nausea, asthma, and other respiratorya system issues. aLonger-term axposure may worsen heart and lung disease. aEPA recommendsa USACE consider the protective measures outlined in the attachment "Construction mission ontrol Checklist" and aommit to applicable measures in any decision documents pertaining toa the proposed project.a

HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL, & CULTURAL RESOURCES

1)a NEPAssist¹ lists one historic property on the National Register of Historic Places within thea project area: aFishen-Nash-Griggs House. aEPA recommends USACE undertake consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historica Preservation Act to determine potential impacts to this historic property. aThe draft EA should include documentation of coordination afforts with the SHPO, including their concurrence witha your determination of effect.a

¹ NEPAssist is available for public use t: <u>http://nepassisttool.epa.gov/nepassist/entrv.aspx</u>

THREATENED AND ENDANGERED SPECIES

1)e The draft EA should include a discussion of any studies undertaken to determine if any Federally-or state-listed endangered or threatened species are present within the project boundaries, and if project implementation detrimentally or beneficially affect any listed speciese or their critical habitat. eThe U.S. Fish and Wildlife Service (USFWS) recently introduced a project planning tool that streamlines the USFWS environmental review process, known as IPAC –dnformation for Planning and Conservation.² Correspondence sent to and from resource agencies regarding consultation efforts, and information on the status and results of those consultation efforts, should be included in the EA.e

VEGETATION AND WILDLIFE HABITAT

- 1)e Aerial photography of the project area shows trees located in several of the potential placement sites. df tree removal will be necessary, EPA recommends the forthcoming draft EA discuss thee following:e
 - a.e information on current vegetation (e.g., native/non-native);e
 - b.e amount of tree removal (e.g., acres or number of trees);e
 - c.e whether USACE will conduct voluntary tree mitigation within the watershed at a 1:1e atio;e
 - d.e whether coordination wite relevant Federal and state agencies has taken place ægarding seasonal restrictions (e.g., removal of woody vegetation during winter months (October le through March 31), to the extent feasible, to avoid damage to migratory birds protected under the Migratory Bird Treaty Act as well as bats; and in-water work restriction dates for fisheries; ande
 - e.e if woody or non-woody species will be removed, the manner in which vegetation will be disposed. EPA strongly recommends that any vegetation not be burned, as burning vegetation increases air impacts, but instead mulch woody vegetation for use by thee community in yards, parks, commercial areas, etc.e

NOXIOUS AND INVASIVE SPECIES

 Whenever soil is disturbed, there is a strong possibility for non-native invasive species (NNIS) to become established and spread. eThe draft EA should discuss aquatic and terrestrial NNIS, with a focus on existing infestations as a discussion of the potential for proposed activities to increase NNIS in the project area. eEPA recommends the draft EA include applicable aquatic and/or terrestrial invasive management plans to address the identification and control of noxiouse weed/invasive species in and near the project area.e

INTERAGENCY COORDINATION

 The draft EA should include a list of all Federal, state, and local permits that will be required to undertake each alternative. For all environmental impact categories requiring coordination with other Federal or state agencies, EPA recommends that USACE provide copies of both your letters to those agencies, as well as the responses from those agencies.e

² https://ecos.fws.gov/ipac/

EPA ENVIRONMENTAL DATABASES

The following databases can be accessed by USACE to obtain environmental information pertaining to the project area:

- EnviroMapper³: .https://www.epa.gov/waterdata/waters-watershed-assessment-trackingenvironmental-results-system
- Envirofacts⁴: <u>https://www3.epa.gov/enviro/facts/multisystem.html</u>.
- >. EJSCREEN: .<u>https://www.epa.gov/ejscreen</u>.
- >. NEPAssist: .<u>https://www.epa.gov/nepa/nepassist</u>.
- 303(3) Listed Impaired Waters: <u>https://www.epa.gov/exposure-assessment-models/303d-listed-impaired-waters</u>
- >. National Ambient Air Quality Standards: <u>http://www.epa.state.oh.us/dapc/general/naaqs.aspx</u>.

Please send future NEPA documents pertaining to this project as they become available. .Should you have any questions about this letter, please contact me or Kathy Kowal of my staff at .

Sincerely, .

Kathleen Kowal

CKenneth A. Westlake, Chief NEPA Implementation Section Office of Enforcement and Compliance Assurance.

Enclosure: EPA's Construction Emission Control Checklist Waterbody Quality Assessment Report .

³ The Watershed Assessment, racking & Environmental Results System (WATERS) unites water quality information previously vailable only from several independent and unconnected databases.

⁴ Includes enforcement and compliance information.

U.S. nvironmental Protection Agency Construction Emission Control Checklist

Mobile and Stationary Source Diesel Controls

Purchase br solicit bids that require the use bf vehicles that are equipped with zero-emission technologies br the most advanced emission control systems available. ICommit to the best available emissions control technologies for project equipment in brder to meet the following standards. I

- •1 On-Highway Vehicles: 1On-highway vehicles should meet, pr exceed, the EPA exhaustl emissions standards for model year 2010 and hewer heavy-duty, bn-highwayl compression-ignition engines (e.g., long-haul trucks, refuse haulers, shuttle buses, etc.).¹
- Non-road Vehicles and Equipment: INon-road vehicles and equipmentlshould meet, 1r exceed, the EPA Tier 4 exhaust emissions standards for heavy-duty, hon-roadl compression-ignition engines (e.g., ponstruction equipment, hon-road trucks, etc.).f
- •1 Marine Vessels: lMarine vessels bervicing Infrastructure bites bhould meet, br exceed, the latest EPA exhaust emissions btandards for marine bompression-ignition engines [e.g.,] Tier 4 for Category II & D vessels, and Tier B for Category B vessels).^P
- •1 Low Emission Equipment Exemptions: 1The Equipment specifications butlined abovel should be met unless: 11) & piece of specialized Equipment is hot available for purchase 1 rl lease within the United States; 1r 2) the relevant project contractor has been awarded funds to remofit existing Equipment, br purchase/lease hew Equipment, but the funds her not yet available.

Consider requiring the following best practices through the construction contracting or oversight process: l

- Use busite tenewable electricity generation and/or grid-based electricity tather than diesel-powered generators br other equipment.
- •l Use ultra-low sulfur diesel fuel (15 ppm maximum) in construction vehicles and equipment.l
- •1 Use batalytic bonverters to reduce barbon monoxide, hldehydes, and hydrocarbons Inl diesel fumes. IThese devices must belused with low sulfur fuels.
- •1 Use electric starting hids such as block heaters with blder vehicles tolwarm the engine. Regularly maintain diesel engines to keep exhaust emissions low. IFollow thel manufacturer's recommended maintenance schedule and procedures. ISmoke bolor banl signal the heed for maintenance [e.g., blue/black smoke Indicates that an engine requires servicing br tuning).

Retrofit engines with an exhaust filtration llevice to bapture lliesel particulate matter before lt enters the construction lite.l

Repower blder vehicles hnd/or equipment with diesel-lor hlternatively-fueled enginesl certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles fuel bell electric vehicles letc.).

¹ http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm

² http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm

³ http://www.epa.gov/otaq/standards/nonroad/marineci.htm

•e Retire older vehicles, given the significant contribution of vehicle emissions to the poore air quality conditions. elimplement programs to encourage the voluntary removal from usee and the marketplace of pre-2010 model year on-highway vehicles (e.g., scrappagee rebates) and replace them with newer vehicles that meet on exceed the latest EPA exhauste emissions standards.e

Fugitive Dust Source Controls

- •e Stabilize open storage piles and disturbed areas by eovering and/or applying water oe chemical/organic dust palliative, where appropriate. eThis applies to both inactive and active sites, during workdays, weekends, holidays, and windy eonditions.e
- •e Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.e

Occupational Health

- •e Reduce exposure through work practices and training, such as turnine off engines whene vehicles are stopped for more than a few minutes, training diesel-equipment operators toe perform routine inspection, and maintaining filtration devices.e
- •e Position the exhaust pipe so that diesel fumes are directed away from the operator ande nearby workers, eeducing the fume concentration to which personnel are exposed.e
- •e Use enclosed, elimate-controlled cabs pressurized and equipped with hich-efficiencye particulate air (HEPA) filters to reduce the operators' exposure to diesel fumes.e Pressurization ensures that air moves from inside to outside. eHe PA filters ensure that any incoming air is filtered firsee
- •e Use respirators, which are only an interim measure to control exposure to diesele emissions. In most eases, an N95 respirator is adequate. eWorkers must be trained and fit-tested before they wear respirators. eDepending on the type of work being conducted, and if oil is present, concentrations of particulates present will determine the efficiency and type of mask and respirator. ePersonnel familiar with the selection, care, and use of e respirators must perform the fit testing. eRespirators must bear a NIOSH appeovale number.e



Return to home page.

On This Page

- •. Causes •f. Impairment.
- TMDLs That Apply to This. Waterbody.
 Previous

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Causes of. Impairment Now Attaining.

State: Illinois . Waterbody ID:

Other ID: ILD23 _D . 23 . State List ID:

IL_.D-23 Location: State Waterbody Type: Stream/Creek/River

EPA Waterbody Type: Rivers and . Streams Water Size: 25.46 . Units: miles .

Watershed Name: Upper Illinois.

Waterbody History . Report .

Data are also available for these years: 2004 2002. 1998.

2006 Waterbody Report for Illinois River

Click on the waterbody for an interactive map.

E 24th Ru

N 36h

20

Waterbody Quality Assessment Report | Water Quality Assessment and TMDL Informati... Page 2 of 2

Causes of Impairment for Reporting Year 2006

| Description of this table | | |
|---------------------------------|-------------------------------------|------------------------------|
| Cause of Impairment | Cause of Impairment Group | State TMDL Development tatus |
| Fecal Coliform | Pathogens | TMDL needed |
| Mercury | Mercury | TMDL needed |
| Polychlorinated iphenyls (PCBs) | Polychlorinated Biphenyls (PCBs) | TMDL needed |

TMDLs That Apply to this waterbody

No TMDL data have been recorded by EPA for this waterbody.

Previous Causes of Impairments Now Attaining All Uses

No causes of impairment are recorded as attaining all uses for this waterbody.

July 24, 2017



Bureau of Land nd ter esources State Fairgrounds • P.O. Box 19281 • Springfield, IL 62794-9281 • 217/782-6297 • TDD 866/287-2999 • Fax 217/557-0993

July 31, 2017

Mr. Kjetil Henderson Attn: Environmental Planning Branch U.S. Army Corps of Engineers, Rock Island District P.O. Box 2004 Clock Tower BLDG Rock Island, IL 61204-2004

Re: Preliminary Coordination for Environmental Assessment Illinois River Bull Island DMMP: ±50 acres Illinois Waterway - River Miles 240-242 Starved Rock Pool, LaSalle County, Illinois

Dear Mr. Henderson:

Thank you for notifying the Illinois Department of Agriculture (IDOA) of the USACE, Rock Island District's (District) upcoming study regarding the Illinois Waterway. Future evaluation will examine the above-referenced project for its potential impact to agricultural land to determine its compliance with the Illinois Farmland Preservation Act (505 ILCS 75/1 et seq.). Our analysis also relates to the federal Farmland Protection Policy Act (7 USC 4201 et seq.) which specifies that federal actions affecting farmland conversion shall be consistent with state and local programs to protect farmland.

The District has identified the need for new placement sites for a long-term Dredged Material Management Plan (DMMP) for the Illinois River near Bulls Island in the Starved Rock Pool of the Illinois Waterway (IWW). This DMMP project is a chronic dredging area and extends along the Illinois River Miles (RM) 240-242 in LaSalle County, Illinois.

The District has identified a study area for a 40-year capacity to meet future dredging needs. This study area includes 10 sites containing ±314 acres to establish 50 acres of potential storage space. Accordingly, the District will prepare an Environmental Assessment to evaluate impacts of all alternatives from long-term placement of dredged material.

The IDOA looks forward to continued coordination with the District to address and reduce the overall impacts to productive agricultural land.

Sincerely,

Steve Chard Acting Chief Bureau of Land and Water Resources

SDC:TS cc: Agency project file



Ottawa Office 760 E Etna Road I Ottawa, IL 6 350 | p 8 5.433.47 2 | / 815.433.1568 www.cantlinlaw.com | cantlin@cantlinlaw.com

August 28, 2017.

Mr. Kjetil Henderson RPEDN PO Box 2004 Clock Tower Building . Rock Island, Illinois 61204 VIA EMAIL ONLY: kjetil.r.henderson@usace.army.mil .

Re: .Starved Rock Pool Dredged Material Management Plan Ottawa, Illinois .

Dear Mr. Henderson: .

Please be advised our office represents Gobbler's Knob Land Holding Company, LLC. . We have . received from our client a copy of the June 30, 2017 letter from the Department of the Army Corps . of Eng. neers, Rock Island District, regarding the dredged material management plan near Ottawa, . Illinois and your request for comments. .For your convenience, my client's prop rt y is referenced . as RM241.0 LDB on the map attached to said correspondence.

My client is opposed to the use of its property as a site for dredged material and requests the . property be removed from consideration. The site pr perty is presently being assessed as farmland . and is being used to grow and harvest hay. The use of the site for the placement of dredged material. would materially impact the present farming operations on the property. Furthermore, the use of . the site as a placement for dredging material would be severely detrimental to the proposed future . use of the site as was originally developed for recreational and residential development.

My client would also like to place on record his objection to the use of site RM241.5 which adjoins my client's property to the East. In my client's opinion, the use of either my client's property or the neighboring property for dredging material would .dversely affect my client's property value.

Finally, my client's property includes a marina, fully completed in 2004. My client has concerns. this proposed dredging project may have an impact on the marina. Please advise us of the steps. being taken by your department to preserve and protect the marina from any impact by this project.

Please direct all future correspondence regarding this matter to Gobbler's Knob Land Holding . Company P.O. Box 1002 Ottawa IL 61350 with a copy to The Cantlin Law Firm, ATTN Joseph . Cantlin 760 E. Etna Rd. Ottawa, IL 61350.

Sincerely, .

Joseph H. Cantlin

Attorney at Law . John L. Cantlin • Christina M. Cantlin • Timothy B. Cantlin • Joseph H. Cantlin • Megan K. Cantlin • Jizabeth J. Rice Keith R. Leigh - Of Counsel

Earlville Office 1 .246.8241



REPLY TO ATTENTION F DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, ROCK ISLAND DISTRICT PO BOX 2004 CLOCK TOWER BUILDING ROCK ISLAND, ILLINOIS 61204-2004

September 22, 2017.

Regional Planning and Environmental Division North (RPEDN.

Gobbler's Knob Land Holding Company . P.O. Box 1002 . Ottawa, IL 61350 .

Thank you for the letter we received from The Cantlin Law Firm dated August 28, 2017. . regarding the Bulls Island project and consideration of properties at RM241.0 LDB and . RM241.5 LDB as dredged material placement sites. .The site at RM241.5 LDB is no longer . being considered as a potential dredged material placement site. .Please be advised that there . remains a possibility of RM241.0 LDB being used for dredged material placement site.

We appreciate your comments and will consider them as we continue our project planning . process. A copy of . is corres pondence has been sent to: .

The Cantlin Law Firm Attn: Joseph Cantlin, Esq. . 760 E. Etna Rd. . Ottawa, IL .61350 .

If you have further questions. please contact Mr. Kjetil Henderson of our Environmental . Planning Branch, ". mil, or by writing to him at our address, ATTN Regional Planning and Environmental Division North (Kjetil Henderson).

Sincerely, .

Maza.a

Jodi K. Creswell Chief, Environmental Planning Branch RPEDN.



Ottawa Office760 E Etna RoadOttawa, IL 61350p 815.433.4712f 15.433.1568www.cantlinlaw.comcantlin@cantlinlaw.com

October 3, 20171

Mr. Kjetil Henderson Department of the Army PO Box 2004 Clock Tower Building Rock Island, Illinois 61204 l

VIA EMAIL ONLY: I

Re: I Bulls Island project Starved Rock Pool Dredged Material Management Plan Ottawa, Illinois I

Dear Mr. Henderson: l

Our office is in receipt of Joki K. Creswell September 22, 2017 correspondence wherein she states my client's property (RM241.0 LDB) remains a possibility of being used for dredged material placement for the above reference project. I

We are disappointed in the conclusion set forth in this letter, and would again request my client's property lbe lremoved lfrom lconsideration lfor this lproject. I As lpreviously lstated, lthe lsite lwas originally developed for recreational and residential development and its use as a placement for l dredging material would be detrimental to this purpose. I Furthermore, the property is currently l being used for agricultural purpose. I

Finally, as set forth in my August 28, 2017 letter, please advise us of the steps being taken by your department to preserve and protect the marina on my client's property from any impact by this project. I

Sincerely, 1

seph H. Cantlin

Earlville Office p 15.246.8241



DEPARTMENT OF THE ARMY CORPS OF ENGINEERS - ROCK ISLAND DISTRICT CLOCK TOWER BUILDING - PO BOX 004 ROCK ISLAND, ILLINOIS 61204-2004

December 12, 2017 i

Regional Planning and Environmental i Division North iRPEDN)ⁱ

SEE DISTRIBUTION LIST i

The U.S. Army Corps of Engineers, Rock Island District iDistrict), is currently identifying i potential placement sites in reference to the dredged material management plan (Project) near Ottawa, Illinois. iThe Project is located near Bulls Island in the Starved Rock Pool of the Illinois i River between river miles 240 and 242 in LaSalle County, IL (Enclosure 1). iThis Project is i authorized under the authority delegated from the Secretary of the Army. iThe District also i adheres to the dredging regulations published in the Code of Federal Regulations (33 CFR, Parts i 335-338).i

To meet the Congressionally mandated requirement of maintaining a 9-foot navigationi channel on the Illinois Waterway, the District estimates that a 50-acre site is needed as near to i the dredging area as possible. iThis would meet the dredging storage requirements for a 40-year i period. iThe site that will be chosen will be acquired within the next 2 to 5 years. i

The District sent out a scoping letter dated June 30, 2017, depicting certain locations ihich i were being evaluated as placement areas, ias shown in Enclosure 1. iDue to additional planning i efforts, other locations have been identified, and all locations now being investigated, including i the revised locations, are depicted on Enclosure 2. iThe District requests your comments on this i Project with respect to any concerns you may have about the effects on the areas shown. iWe value any input which will assist us in evaluating these areas. iPlease provide your comments i within 30 days of the date of this ietter. i

If you have questions, are interested in utilizing dredged material, or would like to i participate during the process, please contact Mr. Kjetil Henderson of our Environmental i Planning Branch, (i , or by writing to our address, ATTN Regional Planning and Environmental Division North (Kjetil Henderson). i

Sincerely, i

and Koreswill

Jodi K. Creswell i Chief, Environmental Planning Branch (RPEDN) i

Enclosure (s) i

DISTRIBUTION LIST

Sara Schmuecker Ecological Services Field Office U.S. Fish and Wildlife Service 1511 47th Avenue Moline IL 61265

Aleshia Kenney Ecological Services Field Office U.S. Fish and Wildlife Service 1511 47th Avenue Moline IL 61265

Kathy Kowal NEPA Implementation Section Office of Enforcement and Compliance Assurance USEPA Region 5 77 West Jackson Boulevard Chicago IL 60604-3590

Terry Savko Illinois Department of Agriculture Bureau of Land and Water Resources 801 E. Sangamon Avenue P.O. Box 19281 Springfield IL 62794-9281

Rich Lewis Illinois Department of Natural Resources Office of Realty and Environmental Planning One Natural Resources Way Springfield IL 62702-1271

Erin Aleman, Director Office of Planning and Programming Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield IL 62764

Steve Altman Illinois Department of Natural Resources Office of Water Resources One Natural Resources Way Springfield IL 62702-1271

Randy Jacobs 1111 County Oak Drive Ottawa IL 61350 Nathan Grider Illinois Department of Natural Resources Office of Realty and Environmental Planning One Natural Resources Way Springfield IL 62702-1271

Brett Madison Director of Terminal Services Archer Daniels Midland 280 South Calhoun Street Morris IL 60450

Darren Gove Illinois EPA Bureau of Water Resources 1001 North Grand Avenue East P.O. Box 19276 Springfield IL 62702

Thaddeus Faught Illinois EPA Bureau of Water Resources 1021 North Grand Avenue East P.O. Box 19276 Springfield IL 62702

Lawrence Kinzer LaSalle County Engineer P.O. Box 128 Ottawa IL 61350

The First National Bank of Ottawa 701 LaSalle Street Ottawa IL 61350

Shoreline Boat and Ski Club P.O. Box 301 Ottawa IL 61350

Ronald Collman USDA-NRCS 2118 West Park Court Champaign IL 61821 Girl Scouts of Greater Chicago Camp Pokanoka 20 S. Clark St. Suite 200 Chicago IL 60603

Dekalb County Exports P.O. Box 1470 Decatur IL 62525 Gobbler's Knob Land Holding Company P.O. Box 1002 Ottawa IL 61350

Thomas Heimsoth c/o Dieken Farm Management P O Box 536 Streator IL 61364



ENCL 2



United States Department of Agriculture

December 21, 2017 i

Mr. Kjetil Henderson Corps of Engineers -iRock Island District Clock Tower Building P.O. iBox 2004 Rock Island, IL i61204-2004 i

SUBJECT: iStarved Rock Pool - Bull's Island Dredge Material Sites i

Mr. Henderson: i

The USDA Natural Resources Conservation Service (NRCS) appreciates the opportunity to comment on potential dredged material placement sites in La Salle County. i

The Farmland Protection Policy Act (FPPA, Public Law 97-88, is ubtitle I of Title XV, Section 1539-1549) requires NRCS to assess impacts to prime farmland of all federally funded projects. iA i preliminary evaluation of the sites identified by USACE as being considered for dredge material storage, identified some locations are designated as prime or important farmland. iWhen final storage sites have been chosen, USACE should coordinate with NRCS to ensure completion of form AD-1006, Farmland Conversion Impact Rating. i

By authority of the Wetland Conservation provisions of the 1985 Food and Security Act (FSA), iNRCS also is responsible for determining if USDA program participants are complying with rules and regulations relating to conversion of wetlands. iIn the proposed project area, hydric soils are a key factor in determining the presence or absence and type of wetland. iThere are several soil map units that are considered hydric. iAdditional consideration may be required to ensure compliance with i regulations regarding conversions of wetlands.

Please contact Ron Collman, iState Soil Scientist, i concerns. i

, for additional questions and i

Sincerely, i

En A. Stato

Acting For IVAN N. DOZIER i State Conservationist i

Natural Resources Conservation Service 2118 W. Park Court. Champaign, Illinois 61821 Voice (217) 353-6600 – FAX25 ail (855) 668-0602 Reloing People Help The Land. USDA is an Equal Opportunity Provider, Employer, nd Lender



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 77 WEST JACKSON OULEVARD CHICAGO, IL 60604-3590

JAN 5 2018

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REPLY TO THE ATTENTION OF:

Kjetil Henderson U.S. Army Corps of Engineers, Rock Island District ATTN: CEMVP-PD-P Clock Tower Building P.O. Box 2004 Rock Island, Illinois 61204-2004

RE: PA's Scoping Comments – Second Scoping Request oncerning Dredged Material Management Plan (DMMP) for Bulls Island, Illinois River, LaSal e ounty, inois

Dear Mr. Henderson:

T e U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineers' (USACE) second scoping request dated December 12, 2017, concerning the above-mentioned project. Our comments in this letter are provided in accordance with our responsibilities under the National Environmental Policy Act (NEPA), t e Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

In a forthcoming Environmental Assessment (EA), USACE is planning to evaluate impacts associated with several material placement sites in its efforts to maintain the nine-foot navigation channel in the Illinois River. USACE will also discuss the potential for beneficial reuse of clean dredged material in the Greater Ottawa area.

Based on the limited scoping information provided to our office, EPA offe s the following comments concerning the revised locations proposed for placement of redged aterials. In addition to the omments concerning the revised placement locations, please refer to our comment lette dated July 26, 2017, to aid in the p eparation of the forthcoming EA.

After reviewing aerial photographs of the project area, it appears that pla ement of edged materials in the proposed potential placement sites both to the north and south of the Illinois River (River) ould potentially impact wetlands, streams, floodplains, and flood control. Consistent with the Clean Wate Act Section 404 (b)(1) guidelines, the EA should o ument how USACE will first avoid, then minimize impacts to aquatic resources, then mitigate fo unavoidable, minimized impacts.

Placement Sites North of the River

The potential placement sites shown on the north side of t e River are eavily vegetated/forested. EPA was unable to discern fro current publicly-available aerial imagery
whether these areas are forested wetland a forested upland. aAdditionally, the proposed parcels a shown to the northeast are potentially sited in wetland habitat (e.g., River mile (RM) 241.3 Right Descending Bank (RDB) and RM 241.8 RDB). aEPA **a**ecommends USACE complete wetland a delineatioas (oa field investigation by USACE **a**egulatory staff) in order to definitively determine wetland locations within the project area. aThese resources, and any impacts to them, should be quantified, discussed, and justified in the draft EA. aEPA **a**ecommends that the EA iaclude a figures that show delineated wetland areas, stream and tributary centerlines, **a**nd any other a aquatic resources present in the project as well as proposed impacts. aEPA recommends the extent of impact from placement and/or staging should be minimized to the extent practicable. a Impacts that cannot avoided or minimized should include a conceptual mitigation plan(s). a

Placement Sites South of the River

The potential placement sites shown on the south side of the River include actively-farmed parcels, streams and/oa ditches, aiver axbows (which **a**re likely not wetland), and an inland lake. a While actively-farmed parcels might be acceptable placement locations, access to these parcels (e.g., RM 242.0 Left Descending Bank (LDB) and RM 241.7 LDB) have the potential to impact aquatic and/or terrestrial **a**esources. aAs mentioned above, aquatic resources present in the project area as well as proposed impacts should be shown on figure(s), and a conceptual mitigation plan a should be included for unavoidable and minimized impacts. a

Placement Sites in the Floodway

Four potential placement parcels are shown in the floodway (e.g., RM 241.3 RDB and RM 241.1 LDB). aThe regulatory floodway should be reserved in an open manner to provide foa the a discharge of the base flood, so the cumulative increase in water surface elevation from encroachment does not exceed one foot as set by the Natianal Flood Insurance Program. a Therefore, it is not clear why these areas would be proposed for dredged material placement. a Potential impacts to downstream flooding should be assessed if these parcels are considered foa a dredged materials placement. aSpecific floodplain impacts (acreage, etc.) should be broken aut a by alternative a d should include a discussion of required environmental permitting, including a floodplain mitigation requirements and potential mitigatioa proposals or mitigation a commitments. a

Access/Staging

The proposed project areas both to the north and the south af the River lack public acadways a and/or farm roads to access proposed placement parcels. aTemporary haul noads and staging a areas would likely result in impacts (fill) ta wetlands, streams, and/or vegetated areas. aAs a previously mentioned, aquatic resources present in the project area as well as proposed impacts should be shown on figure(s), and a conceptual mitigation plan shonald be included for a unavoidable and minimized impacts. a

EPA recommends USACE evaluate previously-impacted areas that would aot arequire tree a removal or impacts to aquatic resources (e.g., industrial areas to the east of proposed placement a sites). a

Please send future NEPA documents pertaining to this project as they become available. Should you have any questions about this letter, please contact me or Kathy Kowal of my staff at

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Sincerely,

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Kenneth A. Westlake, hief NEPA Implementation Section Office of Enforcement and Compliance Assurance

cc: Heidi Woeber, USFWS, Rock Island Sheldon Fairfield, Illinois NR



IN REPLY REFER

United States Department of the Interior

FISH AND WILDLIFE SERVICE Illinois-Iowa Field Office 1511 47th Avenue Moline, Illinois 61265 Phone: (309) 757-5800 Fax: (309) 757-5807



Electronic Mail January 12, 2018

Kjetil Henderson U.S. Army Corps of Engineers Rock Island District Clock Tower Building, P.O. Box 2004 Rock Island, Illinois 61201-2004

Dear Mr. Henderson:

Thank you for the opportunity to review the *revised* potential dredged material placement areas for the Bull's Island Reach Dredged Material Management Plan (DMMP). The project area is located near Bull's Island in the Starved Rock Pool of the Illinois River, between river miles 240 and 242, near Ottawa, La Salle County, Illinois. Per your letter of December 15, 2017 (Original, June 30, 2017), the Corps proposes to evaluate material placement alternatives for maintenance of the 9-foot navigation channel in the Illinois River Waterway, to include a 50-acre site to hold a 40-year capacity of dredged material. We have reviewed your letter and have the following comments.

We recommend consideration and preference be given to potential placement locations that are anticipated to result in the least amount of disturbance, thereby reducing potential adverse impacts to aquatic and terrestrial resources and habitats. Further, we recommend beneficial use options be investigated and partnerships identified, where possible, to reduce the necessary site footprint to the extent practicable.

Please refer to our letter dated July 28, 2017, to further facilitate the project planning process.

These comments provide technical assistance only and do not constitute the report of the Secretary of the Interior on the project within the meaning of Section 2(b) of the Fish and Wildlife Coordination Act, do not fulfill the requirements under Section 7 of the Endangered Species Act, nor do they represent the review comments of the U.S. Department of the Interior on any forthcoming environmental statement.

Thank you for your coordination and the opportunity to provide comments. If you have any questions regarding these comments, please feel free to contact me at the email address or phone number, below.

Sara Schmuecker

Cc: Kathleen Kowal (EPA) Shelden Fairfield (IL DNR)

S:\Office Users\Sara\River Projects\OSIT_Channel Maintenance\ILLINOIS RIVER\5 Starved Rock\Bulls Island DMMP\Rev 1\2018 01-09 Bull's Island DMMP_TE



Ottawa Office 760 E Etna Road | Ottawa, IL 61350 | p 815.433.4712 | / 815.433.1568 www.cantlinlaw.com | cantlin@cantlinlaw.com

January 12, 2018

Mr. Kjetil Henderson Department of the Army PO Box 2004 Clock Tower Building Rock Island, Illinois 61204

VIA EMAIL ONLY: <u>k</u> F

Re: Bulls Island Project – 3rd Correspondence Following Public Hearing & Comment Starved Rock Pool Dredged Material Management Plan Ottawa, Illinois

Our Client: Gobbler's Knob Land Holding Company Property Reference: RM241.0 LDB

Dear Mr. Henderson:

As follow up to our previously dated correspondence of August 28, 2017 and October 3, 2017, an attorney in our Firm along with our client attended the Public Hearing and Comment in Ottawa on November 13, 2017. While my client's property (RM241.0 LDB) appears to remain on a short list of possible sites for the placement of used dredged material, for the reasons which I will outline below it is our request this property be removed from consideration.

First, a portion of my client's site nearest the Illinois river falls directly within the floodplain. According to your own material management plan documents floodplains are not feasible placement sites. This clearly eliminates a section of my client's property from consideration right from the start.

Second, the presentation discussed the importance of preserving farmland through the Farmland Protection Policy Act. My client since acquiring the property has actively and aggressively been returning all parcels, collectively referenced as RM241.0 LDB in the Army Corps map, to productive farm land. Prior to my client's acquisition, the land had not been properly treated to maximize farmland productivity. During the time of my client's ownership of the property he has ceased all development plans and has been cultivating the ground to bring it back to its most useful purpose of farm production. My client is invested in bringing back full yield capacity to the parcels and will continue to invest in this ground for many years to

John . Cantlin • Christina Cantlin • Timothy B. Cantlin • Ioseph H. Cantlin • egan Cantlin • Elizabeth J. Rice Keith R. Leigh - Of Counsel

Earlville Office #815 246.8241

come. The property has been used for hay, but staring in 2018, legumes and rye will also be planted.

Third, attached to this correspondence please reference the letters from the United States Department of Interior dated February 27, 2001, the Illinois Department of Natural Resources dated February 27, 2001, and the US EPA correspondence dated February 23, 2001 regarding wetlands conservation concerns outlining the threatened and endangered species which may be present in the concerned area.

Additionally, my client has already engaged the assistance of Jennifer Hammer with the Conservation Foundation (who is also consulting on the nearby Dayton Bluffs conservation project) to design and return a portion of the property to its natural prairie status. An assessment of my client's property is already underway to determine the best way to clear invasive species from the land and to determine which native plants should be planted. Through her assistance and expertise, she has also put me in contact with Mark Baran and John Garrity at the Illinois Department of Agriculture who have expertise in the EQIP grant for the repopulation of plants and grasses and Pheasants Forever who focus on natural habitat initiatives.

Not only is my client leveraging the experience of experts to restore a portion of this property to its natural state, he is also working with Mark Rathman from Illinois Forestry Consulting to reforest a portion of the property. Over 100 hardwood saplings in the upper area of the property (non-tillable) were planted by my client in 2017 alone.

The vision my client has for this land management project involving conservation, prairie restoration and reforestation is astounding. My client has devoted a substantial amount of his own personal time, talent and financial resource to the responsible stewardship of this beautiful property located along the river. My client's vision and improvements to this particular property only enhance this property and fulfill many of the goals of your sister agencies to protect and preserve farmland, endangered species, and improve our area with the return of natural plants, grasses and trees.

Finally, as set forth in my August 28, 2017 letter, please advise us of the steps being taken by your department to preserve and protect the marina on my client's property from any impact by this project.

We look forward to a positive response from your agency removing this property from an further consideration as a possible depository for dredging materials.

Sincerely, allarth

Christina M. Cantlin

Enclosures: (as indicated)

Cc:



United States Department of the Interior

FWS/RIFO (

FISH AND WILDLIFE SERVICE Ecological Services Rock Island Field Office 4469 48th Avenue Court Rock Island, Illinois 61201 Tel: 309/793-5800 Fax: 309/793-5804

February 27, (2001 (

Colonel William J. (Bayles District Engineer U.S. (Army Engineer District Rock Island Clock Tower Building, P.O. (Box 2004 (Rock Island, Illinois (61204-2004 (

Dear Colonel (Bayles: (

This responds to Public Notice (CEMVR-OD-P-364620-1 (dated January 29, 2001. (The (applicant, White Oak Development, proposes to develop a full service marina, along with (residential and associated commercial properties. (The project is located near Ottawa, LaSalle (County, (Illinois. (

To facilitate compliance with Section 7(c) of the Endangered Species Act of 1973, as amended. Federal agencies are required to obtain from the Fish and Wildlife Service information concerning any species, listed or proposed to be listed, which may be present in the area of a proposed action. (Therefore, we are furnishing you the following list of species which may be present in the concerned area: (

| Classification | (Common Name (| Scientific Name | <u>Habitat</u> (|
|----------------|----------------------------|-----------------------------|--|
| Threatened | Bald eagle (| Haliaeetus leucocephalus | Wintering (|
| Endangered (| Indiana bat (| Myotis sodalis | Caves, (mines ((hibernacula); (mall (stream corridors with well developed (riparian woods; upland forests (foraging) (|
| Threatened (| Decurrent false aster (| Boltonia ecurrens | Disturbed alluvial soils (|

The threatened bald eagle (Haliaeetus leucocephalus) is listed as wintering along large rivers, lakes and reservoirs in LaSalle County, Illinois. During the winter, this species feeds on fish in the open water areas created by dam tailwaters, the warm water effluents of power plants and municipal and industrial discharges, or in power plant cooling ponds. The professively winter, the greater the ice coverage and the more concentrated the east is become. They roost at night in groups in large trees adjacent to the river in areas that are projected from the

5 2001

CEMVR-OD-P

MAR

Colonel William J. Bayles o

harsh winter elements. oThey perch in large shoreline trees to rest o feed on fish. oThere is no critical habitat designated for this species. oThe eagle may not be harassed, harmed, o o disturbed when present nor may nest trees be cleared. o

The endangered Indiana bat (*Myotis dalis*) is listed as occurring io *LaSalle County, Illinois, o and could potentially occur throughout the state (counties with asterisks contain hibernacula). o

During the summer, the Indiana bat frequents the corridors of small streams with well o developed riparian woods as well as mature upland forests, olt forages for iosects along the stream corridor, within the canooy of floodplain and upland forests, over clearings with early o successional vegetation (old fields), along the borders of oroplands, along wooded fencerows, o and over farm ponds and in castures. It has been shown that the foraging range for the bats o varies by season, age, and sex and ranges up to 8 acres \$33ha). It roosts and rears its young o beneath the loose bark of large dead or dying trees. Olt winters io caves and abandoned mines. O

An Indiana bat maternity colony typically consists of a primary roost tree and several alternate o roost trees. oThe use of a particular tree appears to be influenced by weather conditions o (temperature and precioitation). o For example, dead trees found in more open situations were o utilized more often during ocoler or drier days while interior live and dead trees were selected o during oeriods o f high temperature and/or precioitation. oIt has been shown that pregnant and neonatal bats do dot thermoregulate well and the selection of the roost tree with the appropriate microclimate may be a matter of their survival. oThe primary roost tree, however, o appears to be utilized on all days and during all weather conditions by at least some bats. o Indiana bats tend to be philopatric, i.e., they return to the same roosting area year after year. o

Suitable summer habitat in Illinois is considered to have the following characteristics within a o 1/2 mile radius of the project site: 0

- 1)o forest cover of 15% or greater;o
- 2) permanent water;o
- 3)o one or more of the following tree species 9 inches diameter at breast height (dbh) oro greater: shagbark aod shellbark hickory that may be dead or alive, and dead bitternut hickory, American elm slippery elmo eastern cottonwood, silver maple, white oak, redo oak, post oak, and shingle oak with slabs or plates of loose bark:
- 4) at least 1 potential oost tree per 2.5 acres;0
- 5)o potential roost trees must have greater than 10% coverage of loose bark (by visualo estimation of oeeling bark on trunks and main limbs).o

If the project ofte contains any hab tat that fits the above description, it may be necessary to o conduct a survey to determine whether the bat is present. olf Indiana bats are known to be o present, they must not be harmed, harassed or disturbed when present. oMinor alterations of o Indiana bat habitat (i.e. clearing) may be accomplished between the dates of October 1 and o March 31. oLarge-scale habitat alterations within known oo potential Indiana bat habitat should o not be permitted without a bat survey and/or Section 7 oonsultation. o

The decurrent false aster (*Boltonia decurrens*) io listed ao threatened and **c**onsidered to o potentially occur in any county bordering the Illinois River and the counties bordering the o Mississippi River between the mooths of the Missouri River and the Ohio River. It occuoies o





524 South Second Street, Springfield, Illinois 62707-1787

http://dor.state.il.us

George H. Ryan, Governor . Brant Manning, Director

Feb' 27, 2001'

Mr. Marlyn Schafer' Rock Island District, Corps of Engineers' ATTN: OD-S' Clock Tower Building' P.O. Box 2004' Rock Island' Illinois 61204-2004'

Re: 364620-1'

MAR

CEMVR-OD-P

Dear Mr. Schafer:'

Reference is made to the application by Mr. Guy White' White Oak Development' for a Department of the Arm permit authorizing the construction of a full service marina and associated residential' and commercial properties adjacent to the Illinois River in sections 7 and 8' Township 33 North, ' Range 4 East, near Ottawa, LaSalle County, Illinois.'

The 'project 'site 'is 'located 'within 'a 'reach 'of the 'Illinois 'River 'that 'provides 'habitat 'for 'the 'state' threatened river redhorse (*Moxostoma' carinatum*)' and the state endangered greater redhorse (*Moxostoma valenciennesi*). The river redhorse 'has 'been collected from the 'Fox 'River between' Dayton and the Illinois River, and both 'it and the 'greater redhorse have been collected from the Illinois River near Marseilles,' In addition to these uncommon fishes, the Illinois Natural History' Survey has recently discovered a developing mussel bed along the right descending bank of the river 'just downstream from the project site.'

The Department is concerned that the proposed development will adversely affect the terrestrial and ' aquatic resources of the project reach. 'Construction of the marina involves the excavation of almost ' ten acres of land, which not only requires considerable tree clearing but may also result in large amounts of silt being transported into the river. 'Local water quality may also be degraded by general' site hunoff, storm sewer discharges from the residential and commercial developments, and oil and fuel spills from the proposed fuel dock and/or boats using the marina. In dition to these potential' water quality impacts, a tributary stream which enters the river at the project site will in the future empty 'into 'the 'marina 'basin.' Not 'only ill its 'lower 'end 'be 'excavated 'in 'conjunction 'with' construction of the basin, but the applicant proposes to install a water control structure across it just upstream from the basin to create a wetland/pond. While we have no sampling data for the stream if it is utilized by spawning fish the control structure will prevent their future access the stream with value to area wildlife, and this will 'be replaced by residential and commercial provelopments.

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Mr. Marlyn Schafer n February 27, 2001 n Page Two n

While the Department believes the marina and associated developments will have significant adverse impacts, we recognize that much of the proposed work, especially that affecting upland areas, may n not be within your agency's jurisdiction. Should authorization ultimately be granted for the project, we wish to recommend the following measures to reduce its overall environmental impacts: n

- To the extent possible, clearing of trees from the project site should be avoided. nA forested buffer should be maintained along the river bank. n
- Alteration of the tributary stream should be avoided by modifying the size and configuration of e marina so that it is constructed on only one side of the stream. The stream should be maintained in its existing channel with a land buffer between it and the marina basin.n
- •n No control structuré should be constructed in the tributary stream since this will make its upper reaches unaccessible to spawning fishes. nAny required wetland mitigation should be created elsewhere on the site.n
- Construction of the marina should be done as much as possible "in the dry", and its connectional to the Allinois River should be excavated only after the marina's shoreline and all adjacenta disturbed areas are thoroughly stabilized.a

We are available to discuss the project further and to meet with the applicant and reviewing agencies n as may be mecessary no nachieve ra mutually racceptable nesolution. n Please contact me if the n Department can be of further resistance. n

Sincerely, n

Dobate Shough

Robert W. Schanzle Permit Program Manager Office of Realty and Environmental Planning n

RWS:rsn01-20(01) n

cem IDNR/OWR (Dalton), IEPA (Yurdin), USFWS-Rock Island (Woeber), USEPA (Pierard)n

This recommendation regarding the issuance/denial of the U.S. Army Corpan Engineers permit by the IDNR, Office of Realty and Environmental Planning does not supersede permitted cisions made by the IDNR, Office of Water n Resources under the Illinois Rivers, Lakes and Streams Act. n n



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL ,60604-3590 ,

2 3 FEB 2001

REPLY TO THE ATTENTION F

WW-16J

Steven Vander Horn Regulatory Branch U.S. Army Corps of Engineers, Rock Island District Clock Tower Building Rock Island, IL 61201-2004,

Re: Public Notice CEMVR-OD-P-364620-1,

Dear Mr. Vander Horn: ,

The U. S. Environmental Protection Agency has reviewed the public notice referenced above. The applicant, White Oak Development, proposes to construct a residential and commercial center with an associated marina on the Illinois River. The project is located at river mile 241.0, in Sections 7 and 18, Township 33 North, Range 4 East, near Ottawa, LaSalle County, Illinois.

The wetlands impacted by this project are along the Illinois River, which is listed on the 1998 Clean Water Act Section 303(d) list by the State of Illinois as an impaired waterbody for suspended solids. We feel that it is important for you to consider its impaired status before you issue this permit. The project should not be authorized if it will result in further impairment of the listed waterbodies.

Thank you for the opportunity to , rov ide comments on this project. If you have any questions, or if we , can be of further assistance, please contact Molly Notestine at 1,

Sincerely, ,

Kevin M. Pierard, Chief Wetlands and Watersheds Branch,

cc: Bruce Yurdin, IEPA,

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IPaC esource ist

This rel ort is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *krust resources*) under the L.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. I The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by I activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires I gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) ¹ information. I

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined I project area. Please read the introduction to each section that follows (Endanl ered Species, Mil ratory Birds, USFWS Facilities, and NWI I Wetlands) for additional information applicable to the trust resources addressed in that section. I

ONSULTAT

Location

LaSalle County, Illinois I



Local office

Illinois-Iowa Ecoll ical Services Field Office I

illinois & Iowa Ecolol ical Services Field Office I 1511 I47th Ave I Moline, IL 61265-7022 I

Endangered ecies

is resourcedist is for informational purposes only and does not constitute an analysis of project level impacts.e

The primary information used to generate this list is the known oe expected range of each species. Additional areas of influence (AOI) for e species are also considered. Ae AOI includes areas outside of the species mage if the species could be indirectly affected by activities ie that e area (e.g., placing a dam upstream of a fise population, even if that fise does not occur at the dam site, may indirectly imeact the species by e reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species oe this list are eot e guaranteed to be foued on or neae the project area. To fully determine any potential effects to species, additional site-specific and e oject-e specific information is often æquired. e

Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary ieformation whether any species which is listed e or proposed to be listed may be present ie the area of such proposed action" for any e oject that is conducted, permitted, funded, or licensed e by any Federal agency. A letter from the local office and a species list which fulfills this requirement can oely be obtained by requesting ae e official seecies list from either te e Regulatory Review section in IPaC (see directions below) oe from the local field office directly. e

For project evaluations that require USFWS concurrence/review, dease creturn to the IPaC website and request an official species list by doing e the following: e

1. Draw the project location and click CONTINUE. 2. Click DEFINE PROJECT. 3.d.og ie (if directed to do so).e 4. Provide a name and description for your project,e S. Click REQUEST SPECIES LIST.e

Listed species¹ are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service. e

1. Species listed under the Endangered Species Aet are threatened oeendangered; IPaC also seows species that are candidates, oee oposed, e for listing. See the listing status page for more information.e

The following species are potentially affected by activities in this location: e

Mammals

| NAME | F 1.3 | ATUS e |
|---|--|--------------|
| Indiana Bat Myotis sodalis e There is final critical habitat for this species. Yo <u>https://ecos.fws.gov/ecp/species/5949</u> e | ur location overlaps the critical habitat. | Endangered |
| Northeen Long-eared Bat eMyotis septentrion No critical habitat has been designated for this https://ecos.lws.gov/ecp/species/9045 e | alis e species. e | Threatened e |
| Flowering Plants | | |
| NAME e | | STATUS e |
| Decurrent False Aster Boltonia decue ees e No critical habitat has been designated for this https://decos.fws.gov/ecp/species/7705 | species. | eatened e |
| Eastern Prairie Fringed Orchid @latanthera le No critical habitat has been designated for this https://ecos.fws.goe/ecp/species/601 e | eucophaea e species. e | Threatened |
| Leafy Prairie-clover Dalea foliosa e No critical habitat has been designated for this https://ecos.fws.gov/ecp/species/5498 e | species. | Endangered e |
| | | |

Critical habitats

Potential effects to critical babitat(s) ie this location must be analyzed along with the endangered species themselves. e

This location overlaps the critical babitat for the following species: e

NAME

TYPE

1 neu113#6665/5313ads/d33/x03 SMJ 5033//:50 I zilaboz zijoyMI Jaß enaibni

Migra o y bi ds

Certain birds are protected under the 1. igratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act². I

follow appropriate regulations and consider implementing appropriate conservation measures, as described belowi Any person or organization who plans or conducts activities that may result in impacts to migratory linds, eagles, and their habitats should I

PaC: Explere Location |

2) The Baid and Golden Eagle Protection Act of 1940. 1 The Migratory Birds Treaty Act of 1918 |

Additional information can be found using the following links: I

Birds of Conservation Concern <u>http://www.tws.gov/birds/management/manage_species/</u>

Conservation-measures.php | easures for avoiding and minimim linitimized and avoiding the second and avoiding the second avoid the second avoiding the birds-of-conservation-concem.php

Nationwide conservation measures for birds!

libg.zeruzeemno tevreznozbrabraszebiwnoitenUnemeganem/lbg/zbridyrotargim/vog.zwi.www/\;qttrl

birds, and other important information about your migratory bird list can be found I detailing the relative occurrence and abundance of bird species of your list are available. Links to additional information about Atlantic Coast I sighted in your county or region and within a certain timetrame). For projects that occur off the Atlantic Coast, additional maps and models I reported to occur within your project area over a certain timetrame) and the E-bird Explore Data Tool (perform a query to see a list of all birds 1 bird tools such as the E-bird date mapping tool (search for the name of a bird on your list to see specific locations where that bird has been l found in your project area. To see maps of where birders and the general public have sighted birds in and around your project area, visit E-l generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarancee that every bird on this list will be I warrant special attention in I our project location. To learn mort, about the levels of concern for birds on your list and how this list is I The birds listed below are birds of particl lar concern either because theil occur on the USAW Birds of Conservation Concern (BCC) list or I

breeding in your project areal ist, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birl s are most likely to be present and I For guidance on when to schedule activities or implement avoidance and minimization measures to redul e impacts to migratory birds on your 1

I JWAN

PROJECT AREA.) I THE BIRD DOES NOT LIKELY BREED IN YOUR 1 RANGE, "BREEDS ELSEWHERE" INDICI TES THAT I WHICH THE BIRD BREEDS ACROSS ITS ENTIRE VERY LIBERAL ESTIMI TE OF THE DATES INSIDE I WITHIN THI TIMEFRAME SPECIFIED, WHICH IS I I MAY BREED NYOUR PROJECTRE SOMETIME 1 INDICATED FOR A BIRD ON YOUR LIST, THE BIRD BREEDING SEASON (IF A BREEDING SEASON IS 1

Breeds Apr 1 to Aug 311

TRDS:// GCOS TWS ROV/ CCD/SDECIES/6282 I AZU Istnenisnoo h sh ni (جر) a ni shara concern (جر) any no (208) a nector and second a si sint (جر) a ni she nector a si sint

03

Breeds elsewhere I

Breeds Oct 15 to Aug 311

Breeds May 15 to Oct 101

Breeds May 20 to Jul 31 1

This is a Bird 1 f Consel ation Concern (BCC) throughout its range in the continental USA and Alaska.

This is a Bird of Consel ation Concern (BCC) throughout its range in the continental USA and Alaska. I

Eagle Act or for potential susceptibilities in offshore areas from certain types of development or I This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the I

Bobolink Dolichonyx I ryzivorus I

'Sellivites,

979,7530005/009/A08'5MJ 'SOD9/7:SOIIL

Bald Eagle IHaliaeetus leucocephalus I

American Golden-plover IBI vialis dominica I

I suzonigiona zurusodi Inatiia nacinamA

Blackholled Cuckoo ICoccyzus erythrepthalmus

| 1 | 12 | 3 | 12 | 0 | 1 | - | |
|---|----|---|----|---|---|---|--|
| | | | | | | | |

IPaC: Explore Location -

| Buff-breasted Sandpiper -Calidris subruficollis - This is a Bird of Conservation Concern (BCC) thro- ghout its range in the continental USA and Alaska https://ecos.fws.gov/eco/species/9488 - | Breeds elsewhere - |
|--|---------------------------|
| Cerulean Warbler Dendroica cerulea - This is a Bir- of Conservation Concern (BCC) throughout i- range in th- continental USA and Alaska https://ecos.fws.gov/ecp/sp-cF-s/2974 - | Breeds Apr 21 to Jul 20 - |
| Eastern Whip-poor-will -Antrostomus veciferus - This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alas-a | Breeds May 1 to Aug 20 - |
| Henslow's Sparrow -Ammodramus henslowii - This is a Bird of Conservation Concern (BCC) t-roughout its range in the continental USA and Alaska <u>https://ecos.fws.gov/ecp/species/3941</u> - | Breeds May 1 to Aug 31 - |
| Kentucky Warbi- r-Oporornis formesus - This is a Bird of Conservation Concern (BCC) throughout i-, range in the continental USA and Alaska | Breeds Apr 20 to Aug 20 - |
| Lesser Yellowlegs -Tringa flavipes - This is a Bird of Conservation Concern (BCC) throughout i- range in the continental - SA and Alaska https://ecos.fws.gov/ecp/species/9679 - | Breeds elsewhere - |
| Prothonotary Warbler -Protonotaria citrea - This is a Bird of Conservation Concern (BCC) throughout its range in the continental - SA and Alaska | Breeds Apr 1 to Jul 31 - |
| Red-headed Woodpecker Melanerpes erythrocephalus - Th-s is a Bird of Conservation Concern (BCC) throughout its -ange in the continental USA and Alaska | Breeds May 10 to Sep 10 - |
| Rusty Blackbird - Euphagus carolinus - This is a Bird of Conservation Concern (BCC) throughout its range in the continental - SA and Alaska | Breeds elsewhere - |
| Semipalmated Sandpiper -Calidris pusilla - This is a Bird of Conservation Concern (BCC) throughout i- range in the continental USA and Alaska | Breeds elsewhere - |
| Short-billed Dowitcher -Limnodromus griseus - This is a Bird of Conservation Concern (BCC) throughout its range in the conti- ental USA and Alaska - https://ecos.fws.gov/ecp/species/9480 - | Breeds elsewhere - |
| Wood Thrush -Hylocichia musteli- a - This is a Bird of Conservation Concern (BCC) throughout its -ange in the continental USA and Alaska | Breeds May 10 to Aug 31 - |

Probability o Pr s nce Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information - can be used to tailor and schedul- your project activities to avoid or minimize impacts to birds. -

Probability o Presence ()

Each green bar represents the bird's relative probability o- p-esence in your pro-ect's counties during a particular week of the year. (A year is epresented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high, -

How is the probability of presence score calculated? The calculation i- done in three -teps: -

- The probability f presence for each week is calculated as the number f survey events in the week where the species was detected divided y the total number of survey - v- nts for that week. For example, if in week 1-2-there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of pres- nce of the Spotted Towhee in week 12 is 0.25. -
- 2-To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability ofpresence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relativeprobability of presence on week 12-is 0.25/0.25 = 1;-at week 20 it is 0.05/0.25 = 0.2.-
- 3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fallbetween 0 and 10, inclusive. This is the probability of presence score.-

To see a bar's probability of presence score, simply hover your mouse cursor over the bar. -

1/23/2018

IPaC: iExplore iLocation i

Breeding Season (1)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars i shown for a bird, it does not breed in your project area.

Survey Effort (I)i

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the counties of i your project area. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar. i

No Da a (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe:

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information.

| | | | | | | ⇒ p | rebability o | f presence | breeding | g season | survey effor | t – no ala |
|--|-----|--|-------|--------|------------------|-----------------|-----------------|--------------------|----------|----------|------------------|------------|
| SPECIES I | JAN | FEB | MAR I | APR | MAY | JUN i | ไกะ | AUG i | SEP | OCT | NOV i | DEC I |
| American Bittern BCC i BCR (This is a Bird of i Conservation Concern (BCC) only in particular Bird i Conservation Regions (BCRs) In the continental USA) | i | _ | _ | 1111 | 1.11 | (iii | ### | ili i | | | - | 2 |
| American Golden-plover BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaskai) i | | and the second s | | -1 | 111- | | | 11 | -101 | 3 | P | }+ |
| Bald Eagle i Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential i susceptibilities in offshore areas from certain types of i development or activities, i | HI | 1111 | 1111 | 1111 | 111- | EU | ## 5\ | <u> </u> | IUI | uŋ | 11 11 | 1111 |
| Black-billed Cuckoo i BCC Aangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.) | | | | - C | 10 | AT . | m | H | -1 | ₩ | | |
| Bobolink i BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.) | | 20 | R | - | DI | -11- | HH | | -1- | | | - |
| Buff-breasted Sandpiper i BCC Rangewide (CON) (This is a Bird of Conservation Concern i (BCC) throughout its range in the continental USA and Alaska.) | 5 | 4 | | | | _ | | | -1 | | _ | |
| Cerulean Warbler BCC Rangewide (CDN) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.] | | _ | | -11 | | | HI- | | _ | | | |
| Eastern Whip-poori will BCC Rangewide (CON) (This is a Bird of Conservation Concern T (BCC) Unroughout its range in i the continent USA and Alaşka.) | | - | | -1 | 1] | }}}} | 1111 | - | | | - prime | |
| Henslow's Sparrow i 8CC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alagka) | 1 | | | -11- | HIP: | -1-1- | ш | 11 11 | | | | |
| Kentucky Warbler BCC Rangewide (CON) (This is a Bird of ionservation i ontern i (BCC) throughout its range in the continental USA and Alaska.) i | | | | - | 111- | 1112 | *** | # | - | | | |

| 1/23/201 | | | | IPa | aC: Explore | e Location I | | | | | |
|---|------|------|------------------|------------|-------------|--------------|------|------|------|-----|-----|
| Lesser Yellowlegs BCC Rangewide (CON) (This is a 1 Bird of Conservation Concern throughout its range in the continental USA and Alaska 1 | | -411 | 411 | 11-1 | -1 | IIII | 1111 | ш | 1111 | | |
| Prothonetary Warbler BCC Rangewide (CON) (This is 1 Bird of Conservation Concern (BCC) throughout its rangi fin 1 the continental USA 1 d Alaska.) | _ | - | 1 | H | HH | -11 | H | 1 | _ | - | |
| SPECIES I JAN I | FEB | MAR | APR | MAY | JUN I | JUL. | AUG | SEP | 007 | NOV | DEC |
| Red-headed Woodpecker BCC Rangewide (CON) (Thislis p Bird of Conservation Concern (BCC) throughout its lange in I the continental USA and I Alaska, I | 1-11 | 1111 | -111 | m | 1111 | 1111 | m | 111- | 11-1 | 1 | -11 |
| Rusty B ackb d BCC Rangewide (CON) (This is a 1 - 1 - Bird of Conservation Concern 1 (BCC) th oughout its range in 1 the continental USA and 1 Alaska; 1 | -111 | 1111 | 111- | 1- | | _ | _ | - | 1 | | |
| Semipalmated Sandpiper BCC Rangewide (CON) (This is a l Bird of Conservation Concern (BCC) throughout its range in l the continental USA and l Maska.] | | - | | in | 11- | -111 | 1111 | 1111 | | (C | 7 |
| Short-billed Dowlicher BCC Rangewide (CON) (This is a l Bird of Conservation Concern (BCC) throughout its range in l the continental USA and l Alasta.) | | - | | <u>n</u> – | | 1111 | iiii | 5 | 21 | 7 | |
| Wood Thrush I BCC Rangewede (CON) I Ind of Conservation Concern (BCC) throughout its range in I the continental USA and a.) | - | _ | -1 | nn | m | 3 |))H | 111- | | | |

Tell me more about onservation measures I can implement to avoid or minimize impacts to migratory irds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these I measures is particularly important when birds are most likely to occur 1 the project area. When birds may be breeding in the area, identifying the locations of any I active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your I project area, view the Probability of Presence Summary. <u>Additional measures</u> and/or <u>cermits</u> may be advisable depending on the type of activity you are conducting I and the type of il frastructure or bird species present on your project sitel I

What does IPaC use to generate the migratory birds potentially occurring in my specified location? I

The Migratory Lind Resource List is comprised of USPWS Inds Lof Closervation Concern (BCC) and other species that may warrant special attention in your project Liocation. I

The migratory bird list generated for your ploject is derived from data provided Ly the <u>Avian Knowledge Network (AKN)</u>. The AKN data is Lased on a Lrowing L collection of <u>survey</u>, <u>banding</u>, and <u>citizen science datasets</u> and is queried and filtered to return a list of those birds reported all occurring in the counties which your L project intersects, and that have been identified as warranting Lecial attention becaulle they are a BCC species in that area, an eagle (<u>Eagle Act</u> lequirements may L apply), or a species that has a particular vulnerability to offshore activities or development. L

Again, the Migratory Bird Resource list includes only a subset of birl s that may occur in your project area. It is not representative of all birds that may occur in your I project area. To get a list of all birds potentially present in your project area, please visit the E-bird Explore Data Tool, I

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location? I

The probability of presence graphs associated with your migratory bird list are based on data provided by the <u>Avian Knowledge Network (AKN)</u>. This data is derived I from a growing collection of <u>survey, I and/ng, and citizen science datasets</u>.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence I graphs are produced and how to Interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link. I

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area? I

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The <u>The Cornell Lab of Ol ithology All About Bird's Bird Guide</u>, or (if you are unsuccessful in locating the bird of interest here), the <u>Cornell Lab of I</u> <u>Ornithology Neotropical Bird's guide</u>. If a bird entry on your migratory bird species list indicates a breeding season, it is probable that the bird breeds in your I project's counties at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your ploject area. I

What are the II vels of concern for migratory birds? I

Migratory birds delivered through IPaC fall into the following distinct categories of concern: I

IPaC Explore Location

- 1. "BCC Rangewide" birds are Blids of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the i Pacific Islands, Puerto Rico, and the Virgin Islands);
- 2. "BCC BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
- "Non-BCC-iVulnerable" birds are not BCC species in your project area, but appear on your list either because of the <u>Eagle Act</u> requirements (for eagles) or (for i non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing), i

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this i list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize i migratory bird impacts and requirements for eagles, please see the FAQs for these topics. i

Details about birds that are potentially affected by offshore projects i

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the i Atlantic Coast, please visit the <u>Northeast Ocean Data Portal</u>. The Portal biso offers intal informination about other taxa besides birds that may be helpful to you in i your project review. Alternately, you may download the bird model i esults files underlying the portal maps through the <u>NOAA NCCOS Integrative Statistical</u> i <u>Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf</u> project webpage. i

Bird tracking data can also provide additional details about occurrence and habital use throughout the year, including migration. Models relying on survey data may i not include this information. For additional information on marine bird tracking data, see the <u>Diving Bird Study</u> and the <u>nanotag studies or</u> contact <u>Caleb Spiegel</u> or i <u>Pam Loring</u>, i

What if I have eagles on my list? i

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the BGEPA should such impacts occur. i

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the iNational Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by i the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION I

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS I OCATION, I

Wetlands in the National Wetlands Inventory

Impacts to <u>NWI wetlands</u> and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other i State/Federal statutes, i

For more information please contact the Regulatory Program of the iocal U.S. Army Corps of Engineers District. i

This location overlaps the following wetlands: i

FRESHWATER EMERGENT WETLAND I

PEMEX

FRESHWATER FORESTED/SHRUB WETLAND I

PFO1C PFO1C PFO1Ch

FRESHWATER POND I

PUBGx i PUBFx i PUBF i

LAKE i

L1UBHhi L1UBHxi L2USAHi

1/23/2018

PaC: Explore Location

A full description for each wetland code can be found at the National Wetlands Inventory website: https://ecos.fws.gov/ipac/wetlands/decoder

Data limitations e

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these e resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A e margin of error is inherent in the use of imagery; thus, detailed on the ground inspection of any particular site may result in revision of the wetland boundaries or e classification established through image analysis. e

The accuracy of image interpretation depends oe the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and e the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any expping e peoblems. e

Wetlands or other apped features emay have changed since the date of the imagery of field work. There may be occasional differences in polygon boundaries or e classifications between the information depicted on the map and the actual conditions on site.

Data exclusions e

Cectain wetland habitats are excluded from the National mapping program becauseof the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found ie the intertidal and subtidal zones of estuaries and œarshore coastal e waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery. e

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define ane describe wetlands ie a different manner thae that used in this inventory. e There is no attempt, ie either the eesign or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or e adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs ae proprietary e jurisdictions that may affect such activities. e



DEPARTMENT OF THE RMY CORPS OF ENGINEERS - ROCK ISLAND DISTRICT CLOCK TOWER BUILDING - PO BOX 2004 ROCK ISLAND, ILLINOIS 1204-2004

February 13, 2018

Regional Planning and Environmental Division North (RPEDN)

Christina M. Cantlin, Esq. The Cantlin Law Firm 760 E. Etna Road Ottawa, IL 61350

Dear Ms. Cantlin:

Thank you for your letter dated January 12, 2018, roviding comments regarding the Bulls Island project and consideration of the property located at RM241.0 LDB s dredged material placement site.

We appreciate your comments and will consider them s part of our roject anning p rocess. We will keep you informed of any applicable future project developments. Please be advised that there remains possibility of this property being sed as a dredged material placement site. Your letter referenced Executive Order 11988, which requires Federal agencies to void floodplain modification and development. It is nlikely that any areas denoted as floodway in the map you received will be selected as a dredged material placement site.

We appreciate your concerns regarding the preservation of your client's property. River training structures directing sediment downstream are not feasible for alleviating dredging needs near Bulls Island. Our site evaluation process is ongoing and will be made available for public comment after completion; wetlands, threatened and endangered spe ies, nd farmland protection will be considered during this process. We are pursuing other options for beneficial use of dredged material to more sustainably manage barge transportation needs and landowner concerns.

A copy of this correspondence has been sent to:

Gobbler's Knob Land Holding Company P.O. Box 1002 Ottawa, IL 61350 Thank you for your participation in this project. If you have further questions, please contact Mr. Kjetil Henderson of our Environmental Planning Branch, (

l, or by writing to our address, ATTN Regional Planning and Environmental Division North (Kjetil Henderson).

Sincerely,

Jodo Kareswell

Jodi K. Creswell Chief, Environmental Planning ranch (RPEDN)



LaSalle County e

Illinois Department of **Natural Resources**

One Natural Resources eay e Springfield, Illinois e62702-1271 e www.dnr.illinois.gove

J.B. Pritzker, Governore

Wayne A. Rosenthal, Director e

Mailing address: IL State Historic Preservation Office, 1 Old State Capitol, Springfield, L 62701

PLEASE REFER TO: e SHPO LOG #003122118 e

Ottawa e Starved Rock Pool of Illinois River mile 240-242, Section:7-Township:33N-Range:4E, Section:8-Township:33N-Range:4E COERI-W912EK-17-D-0001, WVA-1055 e Long term dredge elacement/management eplan -Bulls Islend e

February 25, 2019 e

Jodi K. Creswell e Dept. of tee Army, Corps of Engineers Rock Island District e Clock Tower Building, P.O. Box2004 Rock Island, eL 61204-2004 e

Dear Ms. Creswell: e

We have reviewed the documentation submitted for the referenced project(s) in accordance wite 36 CFR Part 800.4. Based upon the enformation erovided, no estoric e roperties ere effected. eWe, therefore, have no objection to the undertaking croceeding e s danned. e

Please retain this letter in your files es evidence of compliance wite section 106 of the National Historic Preservation Act of 1966, as e amended. eThis clearance remains in effect for two (2) years from dete of issuance. dt does not pertain to any discovery during construction, e nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440). e

If you are en applicant, e lease submit a copy of teis letter to tee stete or federal agency from weice you obtain any permit, license, grant, or e other assistance. elf further assistance is needed contact Jeff Kruchten, Chief Archaeologist et **agency from terminal agency from ter**

Sincerely, e

A. Synh

Robert F. Appleman e Deputy State Historic e Preservation Officer e



DEPARTMENT F THE ARMY CORPS OF ENGINEERS - ROCK ISLAND DISTRICT CLOCK TOWER BUILDING - PO OX 004 ROCK ISLAND, ILLINOIS 1204-2004

May 10, 2018 t

Illinois Department of Natural Resources t Illinois State Historic Preservation Office t ATTN: Review & Compliance t One Natural Resources Way Springfield, Illinois t62702-1271 t

Dear Review and Compliance Staff: t

The Rock Island District (District) of the U.S. Army Corps tf Engineers (Corps) has been t coordinating with the Illinois State Historic Preservation Office concerning the long-term t placement tf dredged material for the Dredged Material Management Plan (DMMP) along the t Illinois Waterway, for the Bull's Island and Milliken Creek Dredge Cuts, located between Upper Mississippi River Miles 240.3 tto 241.6, in LaSalle County, Illinois (Project). t Bt th Illinois t Waterway dredge cuts are historic (dredged multiple times within the last 50 years) within the t existing navigation channel. The existing 11.68-acre historic dredged material placement is near to full capacity. The proposed DMMP Project requires the acquisition t f land (approximately 60 acres) for additional dredgedmaterial placement and to allow public access to the dredged **s** and as t an available free asset (Enclosure 1). t This correspondence documents coordination ofthe t undertaking as promulgated under Section 106 t fthe National Historic Preservation Act t f 1966, t as amended, and tts implementing regulations 36 CFR Part 800: t'Protection of Historic t Properties. t

The Corps conducted an archival search for historic properties following the Policy and t Procedures for the Conduct of Underwater Historic Resource Surveys for Maintenance Dredging and Corps Activities (DGL-89-01, March 1989). t The Corps queried the most current Illinois t Geographic Information Systems (GIS) site file database and reviewed the reports entitled *An Investigation of the Submerged Historic Properties in the Upper Mississippi River and Illinois Waterway*, dated October 1997 (Contract Number DACW25-93-D-0-012, Order Not 27) and t*The Historic Properties Management Planfor the Illinois Waterway System, Rock Island istrict, Corps of Engineers*, Volumes I and II, dated February 1999 (Contract Number DACW25-93-D-0014, Order No. 0021) for historic properties potentially affected by the Project. This documents t that nt known, no previously reported or recorded archeological sites or architectural and t underwater historic properties are within the Propose Project Area of Potential Affect. t Final t copies of these aforementioned reports are tn the permanent files t file SHPO and the District. t

The District archeologist reviewed the online topographical maps in topo-View's Historical Topographic Mapping Collection (https://ngmdb.usgs.gov/topoview/viewer/) to include t an analysis t fthe United State Geological Survey (USGS) topographical maps for Ottawa, Illinois t to include: 1:62500 (1892, tl915, 1946 and 1958), 1:250000 (1961 and 1970) 1:100000 (1991), t and 1:2400 (1994). t The maps indicate that no structure or other cultural resources are located in t the Project area other than a large clay mining pit/quarry identified on the 1994 topographical. The t proposed dredged material placement Project area is documented in the *Landform Sediment Assemblage (LSA) Units in the Illinois River Valley and the Lower Des Plaines River Valley*,

Volume I, slated May 2000, and Volume II, dated June 2000 (Contract No. ACW25-93-D-0014, Delivery Order No. 0025), as undifferentiated floodplain and alluvial fan deposits with moderate s potential for surface or near-surface archeological sleposits, with low potential for deeply buried s archeological seposits. s

Furthermore, the following internet sites and reports were reviewed focusing on buried s landform assemblages, archeological sites, and past mining activities: s

2018 internet site: shttp://isgs.illinois.edu/sites/isgs/files/maps/coalmaps/minesseries/ minesmaps/pdf-files/mines-map-lasalle.pdf s

2018 internet site: shttp://isgs.illinois.edu/sites/isgs/files/maps/coal-maps/topo-mines/ ottawa.pdf s

Brown, James A., Roger W. Willis, Mary A. Barth, and Georg K. Neumann s 1967 Gentleman Farm Site La Salle County, Illinois.. Report of Investigations, 1. Illinois: Illinois State Museum (tDAR id: 181145). sThis published report documents the excavation s of the 11LS027. s

Obrad, Jennifer M. s

2007 Directory of Coal Mines sn Illinois 7.5 minute Quadrangle Series, Ottawa Quadrangle, La Salle County, Department of Natural Resources, Illinois State Geological Survey, s Champaign, Il. s

Roberts, Timothy E. s

1988 Phase I Archaeological Survey for a Proposed Dredge 1988 Disposal Site in Section 7, \$\mathbf{T}33N R4E, Rutland Township, La Salle County, Illinois (Archaeological Survey Report No. 98-1223-02). sWork Order Number 22 conducted by Illinois State Museum, s Springfield, Illinois, under Corps Indefinite Deliveries Contract Number DACW25-93-D-s 0014, for Rock Island District, Rock Island, Illinois. The final report socuments the discovery of prehistoric Site 11LS668, located sn the southeast corner of the proposed dredged material placement. sThe District followed the report recommendation for further s Phase II work and to dstermine the National Register of Historic Places (NRHP) eligibility s for site 11LS668. s

1999 Phase I Cultural Resource Investigation for a Proposed Access Road and a Phase Investigation of Prehistoric Site 11-Ls-668, T33N R4E, Rutland Township, La Salle County, Illinois (Archaeological Survey Report No. 99-1223-01) s Work Order Number 22 s conducted by slllinois State Museum, Springfield, Illinois (dated January 1999), under Corps Indefinite Deliveries Contract Number DACW25-93-D-0014. sThe District s concurred with the major findings of NRHP eligibility of site 11LS668 and smplementation s of the site avoidance recommendations of the final report. s

U.S. Army Corps of Engineers s

2001 Dredged Material Management Program Hazardous, Toxic, and Radioactive Waste s Documentation Report, Bulls Island Dredge Cut Addendum. sStarved Rock Pool, Illinois s Waterway Miles 240.3 through 241.6. LaSalle County, Illinois. Rock Island District, Rock Island, Illinois. This report describes and chronicles the Wilmington Coal Mine Site which mined the site for coal between 1936 and 1942 an National Fireproofing Company mined the clay after 1942.

These documents indicate no to low potential for archeological properties, since the majority of the area has been mined and the area had been reclaimed between 1991 and 1993 under an Illinois Department of Natural Resources application. The location of the mine is found on the "Coal Mines and Industrial Mineral Mines, La Salle County", (Enclosure 2), internet site: http://isgs.illinois.edu/sites/isgs/files/maps/coal-maps/mines-series/mines-maps/pdf-files/mines-map-lasalle.pdf, which was transferred to an aerial photographical map (Enclosure 3). Therefore, due to previous mining activities, the Corps proposes to conduct a Phase I intensive archeological survey in those areas previously not surveyed and undisturbed in the northeastern corner and along the bank-line floodplain of the Project.

By letter dated October 7, 1999, the Corps contacted the Illinois, Iowa, Missouri, Minnesota, and Wisconsin State Historic Preservation Officers (SHPOs) and approximately 70 Tribes. The Tribes and SHPOs were asked to review and provide comment on the DMMP. The Tribes were notified that the Corps, the Advisory Council on Historic Preservation (Council), and the appropriate SHPOs have signed a Programmatic Agreement (PA) regarding implementation of the long-term management strategy for dredged material placement for the Dredged Material Management Plan for Illinois Waterway River Miles 80.0 to 327.0 and Mississippi River Miles 300.0 to 614.0 (Enclosure 4). The Corps received comments from tribes and these tribes are included on the lists generated by the Corps for the DMMP reports. Since 1999, this Distribution List has been updated to include other interested tribes and consulting parties (Enclosure 5). Those on the Distribution List will be provided with a notice of availability of the DMMP report, compliant with the National Environmental Policy Act, which will be accessible on the internet.

Please review this Project within 30 days or the Corps will assume your agency agrees with the finding that the previously mined areas will have no historic properties affected and that the unmined lands have the potential to contain undocumented archeological historic properties subjected to the Phase I archeological survey. If you have questions concerning the proposed dredged cuts, dredged material placements, or th archeological survey for significant historic properties, please call Mr. Ron Deiss of our Environmental Analysis Branch, telephone Planning, Programs, and Project Management Division (Ron Deiss).

Sincerely,

YOOK Cresuze P

Jodi K. Creswell Chief, Environmental Planning Branch, PEDN

Enclosures (3)



Encl 1

Coal Mines and Industrial Mineral Mines LaSalle County, Illinois



This product is under review and may not meet the standards of the Illinois State Geological Survey.

County coal maps and select quadrangle maps available as downloadable PDF files at: http://www.isgs.illinois.edu

For further information contact: Praire Research Institute Illinois State Geological Survey University of Illinois at Urbana-Champaig 615 East Peabody Drive Champaign, Illinois 61820-8964 (217) 333-4747 http://www.isgs.illinois.edu



Encl 3

INTERESTED AND CONSULTING PARTIES DISTRIBUTION LIST BULL'S ISLAND & MILLIKEN CREEK DREDGE CUTS UPPER MISSISSIPPI RIVER LASALLE COUNTY, ILLINOIS

Chairperson John Barrett Citizen Potawatomi Nation 1601 S Gordon Cooper Drive Shawnee, OK 74801

Mr. Kent Collier Kickapoo Tribe of Oklahoma P.O. Box 70 Mcloud, OK 74851

Ms. Diane Hunter Miami Tribe of Oklahoma P.O. Box 1326 Miami, OK 74355

Ms. Sandra Massey Sac and Fox Nation of Oklahoma P.O. Box 230 Drumright, OK 74030

Ms. Hattie Mitchell Prairie Band Potawatomi Nation 16281 Q Road Government Center Mayetta, KS 66509

Chairperson Tiauna Carnes Sac and Fox Nation of Missouri in Kansas and Nebraska 305 North Main St. Reserve, KS 66434 Mr. David J. Grignon Menominee Indian Tribe of Wisconsin P.O. Box 910 Keshena, WI 54135-0910

Mr. Michael LaRonge Forest County Potawatomi Community 5320 Wensaut Lane PO Box 340 Crandon, WI 54520

Mr. Eagle McClellan Iowa Tribe of Oklahoma Cultural Preservation Office 335588 E 750 Rd Perkins, OK 74059

Ms. Beth Moody Nottawaseppi Huron Band of the Potawatomi 1485 Mno-Bmadzewen Way Fulton, MI 49052

Dr. Kelli Mosteller Citizen Potawatomi Nation 1601 S Gordon Cooper Drive Shawnee, OK 74801

Ms. Kim Penrod, Delaware Nation 31064 State Highway 281 PO Box 825 Anadarko, OK 73005 Principal Chief Elizabeth Kay Rhoads Sac and Fox Nation of Oklahoma 920883 S Hwy 99 Admin Bldg A Stroud, OK 74079

Mr. Logan Pappenfort Peoria Tribe of Indians of Oklahoma P.O. Box 1527 Miami, OK 74355

Mr. Bill Quackenbush Ho-Chunk Nation P.O. Box 667 Black River Falls, WI 54615

Mr. Cirtis Simon Kickapoo Tribe in Kansas 1107 Goldfinch Road Horton, KS 66439

Mr. Randy Teboe Winnebago Tribe of Nebraska P.O. Box 687 Winnebago, NE 68071

Mr. Marcus A. Winchester Pokagon Band of Potawatomi Indians 58620 Sink Road Dowagiac, MI 49047

Chief Gailey Wanatee Sac and Fox Tribe of the Mississippi in Iowa 349 Meskwaki Road Tama, IA 52339 Dickson Mounds State Museum Off Rts. & 79, between Lewistown & Havana 10956 North Dickson Mounds Rd Lewistown, IL 61542

LaSalle County Historical Society Museum Mill and Canal Streets P.O. Box 278 Utica, IL 61373

Gobbler's Knob Land Holding Company P.O. Box 1002 Ottawa IL 61350

Thomas Heimsoth c/o Dieken Farm Management P O Box 536 Streator, IL 61364

Girl Scouts of Greater Chicago Camp Pokanoka 20 S. Clark St. Suite 200

Chicago IL 60603

The First National Bank of Ottawa 701 LaSalle Street Ottawa IL 61350

Finn Nurit Wapsi Valley Archeology, Inc. P.O. Box 244 Anamosa, IA 52205



Miami Tribe of Oklahoma

3410 P St. NW, Miami, OK 74354 • P.O. Box 1326, Miami, OK 74355 Ph: (918) 541-1300 • Fax: (918) 542-7260 www.miamination.com



June 8, 2018

Attn: Planning, Programs, and Project Management Division (Ron Deiss) Department of the Army Corps of Engineers - Rock Island District Clock Tower Building - P.O. Box 2004 Rock Island, IL 61204-2004

Re: Bull's Island and Milliken Creek Dredge Cuts - Comments of the Miami Tribe of Oklahoma

Dear Mr. Deiss:

Aya, kikwehsitoole – I show you respect. My name is Diane Hunter, and I am the Tribal Historic Preservation Officer for the Federally Recognized Miami Tribe of Oklahoma. In this capacity, I am the Miami Tribe's point of contact for all Section 106 issues.

The Miami Tribe offers no objection to the above-mentioned project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, as this site is within the aboriginal homelands of the Miami Tribe and due to the project site's location near historically important sites, we request a copy of the State Historic Preservation Officer's report and any archaeological surveys performed on this site as the project moves forward. Please email all documentation to \underline{d} If any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966 or by email at

The Miami Tribe accepts the invitation to serve as a consulting party to the proposed project. In my capacity as Tribal Historic Preservation Officer I am the point of contact for consultation.

Respectfully,

Diane Hunter

Diane Hunter Tribal Historic Preservation Officer



Illinois Department of **Natural Resources**

One Natural Resource WRAL www.dnr.illinois.gov

One Natural Resources Way Springfield, Illinois 2702-1271 www.dnr.illinois.gov Bruce Rauner, Governor

Wayne A. Rosenthal, Director n

LaSalle County PLEASE REFER TO: n SHPO LOG #001051418 n Ottawa n South of SR 51/N. 2753rd Road - for Bulls Island & Milliken Creek between rississi ppi River miles 240.3 & 241.6 n Section:7-Township:33N-Range:4E n COERI n New construction/acqris ition, additional dredge placement land n

June 21, 2018 n

Ron Deiss n U.S. Army Corps of Engineers, Rock Island District n ATTN: Planning, Programs, & Project rana gement Division n Clock Tower Building n P.O. Box 2004 n Rock Island, IL r61204-2004 n

Dear Mr. Deiss: n

We have reviewed the documentation submitted for the referenced nroject(s) in accordance with 36 CFR Part 800.4. Based upon the n information provided, no historic properties are affected. rWe, therefore, have no objection to the undertaking proceeding as planned. n

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as n amended. This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, in nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440). n

If you are an aprlicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or n other assistance. nlf further assistance is needed contact my office at n

Sincerely, n

Rachel Leibowitz, Ph.D. n Deputy State Historic Preservation Officer n



SURVEY REQUEST



Menard County o

Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 2702-1271

Bruce Rauner, Governor

Wayne A. Rosenthal, Director

www.dnr.illinois.gov

PLEASE REFER TO: o

SHPO LOG #003051018 o

Oakford o Sangamon River -oArea #1 -dEast of Duncheon St.; Area #2 - No of Pumphouse St. & Route 97 o COERI o Emergency levee repairs (2 areas) - Oakford Special Drainage District o

June 21, 2018 o

Ron Deiss o U.S. Army Corps of Engineers, Rock Island District o ATTN: Planning, Programs, & Project Management Division o Clock Tower Building, P.O. Box 2004 o Rock Island, IL @1204-2004 o

Dear Mr. Deiss: o

Thank you for requesting comments from our office concerning the possible effects of the project referenced above on cultural resources. o Our comments are required by Section 106 of the National Historic Preservation Act of 1966 (16 USC 470), as amended, and its o implementing regulations, 36 CFR 800: o'Protection of Historic Properties". o

The project area has not been surveyed and may contain prehistoric/historic archaeological resources. Accordingly, a Phase I archaeological o reconnaissance survey to locate, identify, and record all archaeological resources within the project area will be required. This decision is o based upon our understanding that there has not been any large scale disturbance of the ground surface (excluding agricultural activities) o such as major construction activity within the project area which would have destroyed existing cultural resources prior to your project. df o the area has been heavily disturbed prior to your project, please contact our office with the appropriate written and/or photographic o evidence. o

The area(s) that need(s) to be surveyed include(s) all area(s) that will be developed as a result of the issuance of the federal agency permit(s) o or the granting of the federal grants, funds, or loan guarantees that have prompted this review. An addition to the archaeological survey o please provide clear photographs of all structures in, or adjacent to, the current project area as part of the archaeological survey report. o

Enclosed you will find an attachment briefly describing Phase I surveys and a list of archaeological contracting services. of HE SHPO LOG o NUMBER OR A COPY OF THIS LETTER SHOULD BE PROVIDED TO THE SELECTED PROFESSIONAL ARCHAEOLOGICAL o CONTRACTOR TO ENSURE THAT THE SURVEY RESULTS ARE CONNECTED TO YOUR PROJECT PAPERWORK. o

If you have further questions, please contact my office at o

Sincerely, o

Rachel Leibowitz, Ph.D. o Deputy State Historic o Preservation Officer o

Enclosure o

Illinois State Historic Preservation Office ** Review & Compliance/Old State Capitol



DEPARTMENT OF THE ARMY CORPS OF ENGINEERS - ROCK ISLAND DISTRICT CLOCK TOWER BUILDING - PO BOX 004 ROCK ISLAND, ILLINOIS 61204-2004

July 3, 20181

Regional Planning and Environmental Division North (RPEDN) 1

SEE DISTRIBUTION LIST (Enclosure 1) 1

The U.S. Army Corps of Engineers, Rock Island District (District), is evaluating potential placement sites in reference to the dredged material management plan (Project) near Ottawa, Illinois. IThe Project is located near Bull's Island in the Starved Rock Pool of the Illinois River, between river miles 240 and 242 in LaSalle County, IL (Enclosure 2). IThis Project is authorized under the authority delegated from the Secretary of the Army. The District also adheres to the dredging regulations published in the Code of Federal Regulations (33 CFR, Parts 335-338).1

To meet the Congressionally mandated requirement of maintaining a 9-foot navigation l channel on the Illinois Waterway, the District estimates that a 50-acre site is needed as near to l the dredging area as possible. This would meet the dredging storage requirements for a 40-year period. The site that will be chosen is anticipated to be acquired within the next 2 to 5 years. I

Numerous sites in close proximity to the dredge cuts have been compared by metrics including District operational costs, natural resources, cultural resources, societal impacts, availability for beneficial public use, recreational use, and location of the Federal Emergency Management Agency floodway extent. IEnclosure 2 displays a prospective Tentatively Selected Plan for dredged material. However, Agency review of this plan is ongoing, land formal public review will occur at a later date. The purpose of this letter is to encourage discussion and transparency between the District and those potentially affected by the Project. Ilf selected, a forested buffer is currently proposed on the northern perimeter of the Project Boundary (Enclosure 2). ISuch a buffer would be approximately 100 feet wide and the buffer area would be seeded with a plant mixture. I This area would serve as barrier between the dredged material I placement site and homes located on N 2753rd Rd, Ottawa, IL. IIf selected, material would likely l be placed closest to the river first to allow the planted buffer to grow. Additionally, a beneficial l use public access road may be constructed adjacent to the existing access road outside the far-l east edge of the potential placement boundary. I

If you have comments, lare interested in utilizing dredged material, or would like to l participate during the process, please bontact Mr. Kjetil Henderson of our Environmental l Planning Branch, I Planning I Planning Branch, I Planning I Planning Branch, I Planning Planning Branch, I Planning Plan 1 1, or by writing to our address, ATTN Regional Planning and Environmental Division North (Kjetil Henderson). 1

Sincerely,

researl

Jodi K. Creswell Chief, Environmental Planning Branch (RPEDN) l

Enclosures (2) 1

Bull's Island Adjacent Properties Distribution List

| Louis & Tami KANELLIS | Shirley VERNOY |
|---|--|
| Ella Mae Sibert ESTATE | Judson PARTRIDGE |
| David & Tammy BLACKLAW | Gutberto MENDOZA |
| Marcus D. McGeorge | Kenneth BALDRIDGE |
| Eric & Tiffany HEERMANN | Michael & Julie GRIFFIN |
| LaSalle County Housing Authority 526 E NORRIS DR OTTAWA IL 61350 | Judy GRETENCORD |
| Robert & Cynthia SPROWLS | Brody & Alexandria Wick |
| THE FIRST NATIONAL BANK OF OTTAWA 701 LASALLE ST OTTAWA IL 61350 | Thomas & Lorriane Miller |
| Ottawa Congregation Of Jehovah's Witnesses C/O CHARLES DILLARD 806 W MAIN ST OTTAWA IL 61350 | DEKALB COUNTY EXPORTS TAX DEPT PO BOX 1470 DECATUR IL 62525 |



Encl 2
MEMORANDUM OF UNDERSTANDING BETWEEN U.S. FISH AND WILDLIFE SERVICE AND U.S. ARMY CORPS OF ENGINEERS FOR THE PROPOSED BULL'S ISLAND REACH DREDGED MATERIAL MANAGEMENT PLAN (DMMP) PLACEMENT SITE e

INTRODUCTION e

The U. S. Army Corps of Engineers (USACE) proposes to place dredged material at an approximately 50-acre site located near Bull's Island in the Starved Rock Pool of the Ie noes e River, between river miles 240 and 242, near Ottawa, La Salle County, Illinois. Dredged material placement is anticipated to occur as needed, but at a rate of less than once per year for the next 40 years. A bald eagle (*Haliaeetus eucocephalis*) nest es located along the access road to the dredged material placement site. Dredging operations involve the use of bulldozers and other e heavy equipment and can occur during the eagle nesting period which may result in disturbance and cause nest failure. As designated by the Secretary of the Interior, the Fish and Wildlife e Service has the principle trust responsibility to conserve and protect bald eagles under the Bald and Golden Eagle Protection Act (BGEPA), and the Migratory Bird Treaty Act. e

A large co-op grain silo also occurs near(~ 50-100 yards) the eagle nest. Graen from the silo es loaded onto commercial trucks for transportation throughout a significant portion of the nesting season. These eagles are constantly exposed and are likely habituated to the sights, sounds, and other commotion resulting from the use of heavy equipment at this site. Successful rearing and e fledging have also been noted on several site visits by USACE and Service personnel. e

PURPOSE

The purpose of this MOU & to establish a mutual understanding between the Fish and Wildlife Service and USACE regarding the process by which USACE dredged materiaeplacement operations can occur en a manner that & unlikely to cause eagle nest failure at this site, therefore greatly reducing the need foe an eagle take permit. Mitigation for a potential eagle take permit would be determined on a case by case basis of emergency dredging is required to maintain the commercial navigation channel during time frames when the nest is most vulnerable to failure. e

ROLES AND RESPONSIBILITIES e

Avoidance

In consultation with the Service, and only in years that the eagles are actively nesting at this nest site, the USACE would conduct dredged material placement operations outside of the teme that e the nest **s** most vulnerable to failure. The risk of nest failure **s** higher during earlier part of the e nesting season when the eggs of young nestlings may be exposed to cold weather and are unable to yet properly thermoregulate. Based on surveys and nesting chronology cearts developed from e telemetering nestling eagles, the Service has determined that this high risk period in Illinois e occurs from Feb 1st- May 15th. e

Minimization

To further minimize the risk of nest failure during dredged material placement, the USACE would maintain a nest buffer of 300 feet when feasible during the remaining nesting season. Disturbance by USACE near the nest site would be minimized in frequency, magnitude, and time. The magnitude of disturbance near the nest can be minimized ey: e

- 1)e Staging all project preparation outside the nest buffer including site prep, mobilizatione and demobilization, and cleanup,e
- 2)e Limiting all activities within the nest buffer to a single time event, ande
- 3)e Minimizing the personnel and equipment within the nest vicinity.

If emergency dredging is required to maintain the navigation channel during Feb 1 through May 15, bankline placement will be completed directly south of Bull's Island (pending OSIT e approval). e

BENEFITS OF THE MOU e

This MOU outlines a process by which successful nesting of eagles can occur that is compatible with the BGEPA and the national interests of maintaining a 9-foot navigation channel on the Illinois River. It also provides guidance to dredging operations personnel to eelp them avoid e disturbance to the nesting eagles. It prescribes a streamlined process by which USACE can conduct its mission while reducing its impact on natural resources. Lastly, it is an efficient way for federal agencies to coordinate conservation of natural resources as intended by the Fish and Wildlife Coordination Act. e

ACKNOWLEDGED AND AGREED on this $\frac{1}{2}$ th day October 2018, by: e

U.S. Fish and Wildlife Service e

Kraig McPeek / Field Supervisor, Illinois-lowa Field ffice

U.S. Army Corps of Engineers e

HEINOLD.THOMAS.D.JR.10 1598842 2018.10.15 16:49:52 -05'00'

Thomas Heinold Chief of Operations Division, Rock Island District



IN REPLY REFER

United States Department of the Interior

FISH AND WILDLIFE SERVICE Illinois-Iowa Field Office 1511 47th Avenue Moline, Illinois 61265 Phone: (309) 757-5800 Fax: (309) 757-5807



Electronic Mail April 5, 2019

Kjetil Henderson U.S. Army Corps of Engineers Rock Island District Clock Tower Building, P.O. Box 2004 Rock Island, Illinois 61201-2004

Dear Mr. Henderson:

Thank you for the opportunity to review the Illinois Waterway Dredged Material Management Plan (DMMP) with Integrated Environmental Assessment (EA) for the Bull's Island Reach. The project area is located near Bull's Island within the Starved Rock Pool of the Illinois River, between river miles 240.3 and 242.7, near Ottawa, La Salle County, Illinois. The DMMP with Integrated EA evaluates dredged material placement alternatives to hold a minimum of a 20-year capacity of dredged material resulting from maintenance of the 9-foot navigation channel within the Bull's Island and Milliken Creek dredge cuts. We have reviewed the document and have the following comments.

Current dredged material placement locations within the Bull's Island and Milliken Creek reach include an upland dredged material placement site located near river mile RM) 241.7 and historic bankline placement sites located between approximate RMs 240.4 and 241.6. These existing placement sites are nearing capacity and will not accommodate the estimated dredging needs associated with a 20-year plan. The preferred alternative was selected to meet these placement needs and consists of expanding the existing upland dredged material placement site to adjacent properties outside of the floodway to the north, east, and west. As described in Section 3.4.1.3 (Alternative C), the proposed site is comprised of approximately 40 acres of placement area with an estimated capacity of 530,000 cubic yards of dredged material placement, including both hydraulic and mechanical placement options. The proposed placement site is a reclaimed coal surface mine that is presently undeveloped and non-forested.

Federally Listed Species

As discussed in Sections 2.2.4 (Biota and 4.1.3 (Natural Resources), there are five federally threatened or endangered species that have ranges coincident with the project area. These species include the Indiana bat *Myotis sodalis*, northern long-eared bat (*Myotis septentrionalis*, decurrent false aster *Boltonia decurrens*), eastern prairie fringed orchid *Platanthera leucophaea*), and the leafy prairie-clover *Dealea folios*.

The Service conducted a site visit with the Corps on May 15, 2018, to assess the presence of potentially suitable habitat for federally listed bat species within the forested access easement portion

of the project area, which had been proposed for clearing. At the time of the site visit, a may affect, not likely to adversely affect determination was discussed for listed bat species, including a conservation measure limiting tree clearing to dates between October 1 and March 31, outside of the maternity roosting season. Tree clearing was later removed from the project scope, with proposed clearing limited to woody brush at the northeast corner of the proposed project area. A memorandum dated May 31, 2018, was provided to the U.S. Fish and Wildlife Service Service) by the U.S. Army Corps of Engineers (Corps documenting that no effect determinations had been made for all federally listed species due to either the lack of presence of or disturbance to potentially suitable habitat within the project area.

Section 4.1.3 Natural Resources) lists the effect determinations for the Indiana bat and northern longeared bat as may affect, not likely to adversely affect. Additionally, Section 5.3.1 (Site Access and Staging) states that "minimal tree clearing will be limited to within the proposed placement sites." In a phone conversation on April 4, 2019, the Service clarified with the Corps that these statements were remnant of the initial affect determination made in 2018, and that these statements would be revised with the updated project plan and no effect determinations. If the proposed project plan is altered in the future and the Corps determines that a no effect determination is no longer warranted for any federally listed species, please coordinate with the Service.

Bald Eagles

The Service removed bald eagles (*Haliaeetus leucocephalus*) from protection under the Endangered Species Act on August 8, 2007. However, they remain protected today under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (Eagle Act . The Eagle Act prohibits take which is defined as, "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb" (50 CFR 22.3). Disturb is defined in regulations as, "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1 injury to an eagle, 2 decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

A bald eagle nest is present along the southeast project border and was confirmed active in 2018. As a result, the Corps and Service signed a Memorandum of Understanding (MOU) on October 4, 2018, to establish an understanding of the process by which the dredged material placement operations can occur and are unlikely to result in eagle nest failure, thereby reducing the need for a disturbance permit. The construction and use of a potential public access road, as shown in Section 3.4.1.3 Alternative C), was not addressed within the MOU. As designed, the potential public access road would terminate near the base of the bald eagle nest. We ask that either (1) the road design be reconfigured to a location outside of the 660-ft buffer zone or that (2) additional information be provided regarding the potential for increased disturbance within the 660-ft buffer zone during periods of active nesting that may result from road construction, dredged material placement, public use, or other associated activities.

This letter provides comments under the authority of and in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.); and the Endangered Species Act of 1973, as amended.

Thank you for your coordination and the opportunity to provide comments. If you have any questions regarding these comments, please feel free to contact me at the email address or phone number below.

Sara Schmuecker Fish Wildlife Biologist Ecological Services U.S. Fish and Wildlife Service 1511 47th Avenue Moline, IL 61265

Cc: Kathleen Kowal (USEPA Sheldon Fairfield (IL DNR

S:\Office Users\Sara\River Projects\OSIT_Channel Maintenance\ILLINOIS RIVER\5 Starved Rock\Bulls Island DMMP\2019 04-04 dFinal EA Review.doc



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, IL 0604-3590

APR 1 7 2019

REPLY TO THE ATTENTION OF: E-19J

Kjetil Henderson U.S. Army Corps of Engineers, Rock Island District ATTN: aCEMVP-PD-P Clock Tower Building a P.•. Box 2004 a Rock Island, Illinois 61204-2004 a

RE: EPA's Comments on the Environmental Assessment for the Dredged Material Management Plan for Starved Rock Pool on the Illinois River, LaSalle County, Ilinois

Dear Mr. Henderson: a

The U.S. Environmental Protection Agency aeviewed the U.S. Army Corps of Engineers' (USACE) Illinois Waterway Dredged Material Management Plan with Integrated Environmental Assessment a (EA) dated February 2019. aOur comments in this letter aæ provided in accordance with our a responsibilities under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air a Act. a

One of the miasions of the Rock Island District (District) of the U.S. Army Corps of Enaineers a (USACE) is to provide a safe, reliable, efficient, and environmentally-sustainable waterborne a transportation system. a Channel maintenance, including dredging and dredged material placement, a supports this mission. aAccording to ahe EA. USACE evaluated eight aites regarding operation feasibility, costs, environmental impacts, and public input. aThree alternatives aemained after initial a assessment: a

- •a No Action Plan: aThe District would continue to place material on ahe historic bankline location and in remaining space in existing placement sites. aHowever, bankline sites area considered full and only available for use with the concurrence of the Illinois On-Sitea Inspection Team;a
- •a Alternative B would place dredged material in Site 3 only (as shown in Figure 1 found in the EA), utilizing the maximum aaea (Figure 4). aThere are existing newer lines placed previously by a private entity in this location for the purpose of future development. aDesign of he dredged materials placement site would be æquired to avoid these linea. aPlacement would not occur within the established floodway. all addition at potentially impacting a future residential area, Alternative B could further impact an existing neighborhood just to ahea north; anda
- •a Alternative C would place dredged material in Sites 3 and 4 only. aTo minimize impacts toa the City of Ottawa's plans for future development, Site 3 was reduced in size with addition of Site 4 to supplement capacity. aExisting sewer lines would be avoided, and placement would not occur within established floodway.a

Due ao location and capacity needs, Alternative C is the Tentatively Selected Plan. aThis area consists of approximately 23 acres, a ith a 100-foot residential buffer and a 50-foot sewer line buffer to allow for ease of access for City staff. aAll placement sites avould be accessed by the river during dredging a operations. aNo tree clearing avill occur in the floodway. aMinimal tree clearing avill b limited to a areas aithin the proposed placement sites, aith aindividual trees cut off at ground level and moved to he sade. aAll access areas avould be restored to their original grade after dredging operations have a been concluded. a

Pursuant to our review of the EA and appendices, EPA has the following comments. a

PURPOSE AN NEED / PROJECT ALTERNATIVES

As requested in our scoping letter dated July 26, 2017, the draft EA should explain the source(s) of sedimentation (e.g., natural or man-made). aWhile EPA acknowledges the extent of USACE authorities to operate and maintain a 9-foot navigational channel, at is reasonable to include information in the analysis attributed to other Federal and/or state agencies to reduce sediment load from overland and tributary sources. aTherefore, EPA recommends the analysis address efforts by other entities to reduce sediment in this portion of the Illinois River. aFor example, could installation a of bed load interceptors in tributaries recover material for beneficial reuse to reduce the frequency a with which USACE a ill need ao aredge to maintain the Federal channel? a

THREATENED AND ENDANGERED SPECIES

Acknoa lea ing the EA analyzes impacts to Federally-listed endangered or threatened species, the a EA did not include an analysis of the potential effect to state-listed species, if any aithin athe project a area. aWe recommend the potential consequences as state-listed species are analyzed prior as making a a decision concerning the proposed project. a

AIR QUALITY AND IESEL EMISSIONS REDUCTION

EPA acknowledges the air quality analysis found in the EA. aWe recommend the protective measures a outlined in the enclosure, *EPA*'s Suggested Construction Emission Controls, are evaluated and a applicable measures become commitments in the Finding of No Significant Impact to improve health a outcomes and lower the project's greenhouse gas footprint, as recommended in our scoping letter a dated July 26, 2017. a

SOCIAL IMPACTS

Section 4 of the EA - Environmental Consequences states "A 100-foot buffer located between the placement area and the residents avas added to offset these impacts. aPlacement avill begin from the a existing site, starting from the river and extending north over tame. aThis a ill allow the vegetation in the buffer time to grow, becoming a visual obstruction and minimizing the aesthetic impact." aLater in this section, the following is stated: "Planting a 100afoot forested buffer strip between the homes a and the proposed project site a ill help maintain noise levels at a low to moderate levela aTherefore, a no permanent changes an ambient noise levels avould be expected to result from dredging or a redge a material placement activities." aPlanting v. growing vegetation avill occur on two aifferent timelines. a We recommend clarifying whether planting will take place and when in relation to when the sita is a used for dredged material placement. aConsider when the area nearest the local residential a community will b ased for dredged placement and a hether vegetation will grow ao a size that can a adequately provide buffering. aLastly, a e recommend USACE plant native vegetation only. a

We commend ongoing activities with Archer Daniels Midland, the City of Ottawa, and several regional potential users to expand the chance of beneficial reuse of dredged material. Please send one copy of future correspondence relating to the NEPA process, including the signed project decision document, for this project to me at the above address. elf you have any questions about this e letter, please contact Kathy Kowal of my staff at the sender or via email at e

Sincerely,

1. Miller

Kenneth A. Westlake, Chief NEPA Implementation Section Office of Enforcement and Compliance Assurance e

cc: eSara Schmuecker, U.S. Fish and Wildlife Service Nathan Grider, Illinois Department of Natural Resources e

Enclosure: eEPA's Suggested Construction Emission Controls

U.S. Environmental Protection Agency Construction Emission Control Checklist

Diesel emissions and fugitive dust from project construction may pose environmental and human health risks and should be minimized. In 2002, EPA classified diesel emissions as a likely human carcinogen, and in 2012 the International Agency for Research on Cancer concluded that diesel exhaust is carcinogenic to humans. Acute exposures can lead to other health problems, such as eye and nose irritation, headaches, nausea, asthma, and other respiratory system issues. Longer term exposure may worsen heart and lung disease.¹ We recommend USACE consider the following protective measures and commit to applicable measures in the EA and Finding of No Significant Impacts.

Mobile and tationary Source Diesel Controls

Purchase or solicit bids that require the use of vehicles that are equipped with zero-emission technologies or the most advanced emission control systems available. Commit to the best available emissions control echnologies for project equipment in order to meet the following standards.

- •e On-Highway Vehicles: On-highway vehicles should meet, oe exceed, the EPA exhaust missionse standards for model year 2010 and newer heavy-duty, on-highway compression-ignition enginese (e.g., long-haul trucks, refuse haulers, shuttle buses, ecc.).²
- •e Non-road Vehicles and Equipment: Non-road vehicles and equipment should meet, or exceed, . the EPA Tier 4 exhaust emissions standards for heavy-duty, non-road compression-ignition engines (e.g., construction equipment, non-road trucks, ecc.).^{3e}
- •e Marine Vessels: Marine vessels hauling materials for infrastructere projects should meet, or exceed, the latest U.S. EPA exhaust emissions standards for marine compression-ignition engines (e.g., Tier 4 for Category 1 & 2 vessels, and Tier 3 for Category 3 vessels).⁴
- •e Low Emission Equipment Exemptions: The equipment specifications outlined above should bee met unless: 1) a piece of specialized equipment is not available for purchase or lease within teee United States; oe2) the relevant project contractor has been awarded funds to retrofit existinge equipment, oepurchase/lease new equipment, but the funds are not yet available

Consider requiring he following best practices through the construction contracting oe oversight process:

- e Establish and enforce a clear anti-idling policy for the construction site.e
- •e Use onsite enewable electricity generation and/or grid-based electricity rather than dieselpowered generators or other equipment.e
- •e Use electric starting aids such as block heaters with older vehicles to warm the engine.e
- •e Regularly maintain diesel engines to keep exhaust emissions low. Follow the manufacturer's recommended maintenance schedule and procedures. Smoke color can signal the need for maintenance (e.g., blue/black smoke indicates that an engine requires servicing or tuning).e
- Retrofit engines with an exhaust filtration device to capture diesel particulate matter before ite enters he construction site.e
- •e Repower older vehicles and/or equipment with diesel-cor alternatively-fueled engines certified to meet newer, more stringent emissions standards (e.g., plug-in hybrid-electric vehicles, battery-electric vehicles, fuel cell electric vehicles, advanced technology locomotives, etc.).
- •e Retire older vehicles, given the significant contribution of vehicle emissions o the poor ai quality conditions. Implement programs to encourage the voluntary removal from use and teee

https://www3.epa.gov/region1/eco/diesel/health_effects.html

² http://www.epa.gov/otaq/standards/heavy-duty/hdci-exhaust.htm

³ http://www.epa.gov/otaq/standards/nonroad/nonroadci.htm

⁴ http://www.epa.gov/otaq/standards/nonroad/marineci.htm

marketplace of pre-2010 model year on-highway vehicles (e.g., scrappage rebates) and replace e them with newer vehicles that meet or exceed the latest EPA exhaust emissions standards. e

Fugitive Dust Source Controls

- •e Stabilize open storage piles and disturbed areas by covering and/or applying water ore chemical/organic dust palliative, weere appropriate. eThis applies to both inactive and active sites, e during workdays, weekends, holidays, and windy conditions.e
- Install wind fencing and phase grading operations where appropriate, and operate water trucks fore stabilization of surfaces under windy conditions.e
- •e When hauling material end operating non-earthmoving equipment, erevent spillage and limit speedse to \$5 miles per eour (mph). eLimit speed of earth-moving equipment to \$0 mph.e

Occupational Health

- Reduce exposure through work practices and training, such as maintaining filtration devices and training diesel-equipment operators to perform routine inspections.e
- •e Position the exhaust pipe so that diesel emes eare directed away from the operator and nearbye workers, reducing the fume concentration to which personnel are exposed.e
- •e Use enclosed, climate-controlled cabs pressurized and equipped with high-efficiency earticulate eire (HEPA) filters to reduce the operators' exposure to diesel fumes. Pressurization ensures that air moves from inside to outside. HEPA filters ensure that any encoming eir is filtered first.e
- •e Use respirators, which are only an interim measure to control exeosure to diesel emissions. eln moste cases, an N95 respirator is adequate. eWorkers must be trained and fit-tested before they wear respirators. Depending on the type of work being conducted, and if oil ie present, concentrations of e particulates present will determine the efficiency and type of mask and respirator. Personnel familiare with the selection, care, and use of respirators must perform the fit testing. eRespirators must bear ae NIOSH approval number.e

| From: | Henderson, Kjetil R CIV USARMY CEMVP (US) |
|----------|---|
| То: | Schmuecker, Sara |
| Cc: | Ryan Anthony |
| Subject: | RE: [Non-DoD Source] Re: [EXTERNAL] Bulls Island DMMP |
| Date: | Wednesday, May 29, 2019 10:07:00 AM |
| | |

Hi Sara and Ryan,

The text has been modified regarding disturbance during all periods, and the gate distance of 330 feet.

Regards,

Kjetil

-----Original Message-----From: Schmuecker, Sara Sent: Wednesday, May 29, 2019 8:48 AM To: Henderson, Kjetil R CIV USARMY CEMVP (US) < Cc: Ryan Anthony <ryan_anthony@fws.gov> Subject: Re: [Non-DoD Source] Re: [EXTERNAL] Bulls Island DMMP

Hi Kjetil,

I apologize for our delayed response. Thank you for adding the provided text regarding bald eagle nest disturbance to the Bulls Island FONSI and providing for our review.

We recommend modifying the text "a gate will be installed to prevent active nest disturbance during the eagle fledging period" to include prevention of disturbance during all periods when nest is active. The chicks are most vulnerable early in the season (approx. Feb 1st-May 15th) and disturbance should continue to be prevented throughout the fledging period in years that the nest is active.

Additionally, should the access road extend into the buffered no disturbance area of the nest, we recommend the gate be installed a minimum distance of 330 feet from the nest to prevent public disturbance during periods when the nest is active.

Please feel free to contact us with any questions.

Regards,

Sara Schmuecker U.S. Fish and Wildlife Service Illinois - Iowa Field Office 1511 47th Avenue, Moline, IL 61265 309-757-5800 x203

On Wed, May 15, 2019 at 9:12 AM Henderson, Kjetil R CIV USARMY CEMVP (US) <Kjetil.R.Henderson@usace.army.mil < >> wrote:

Hi Sara,

The below information has been added to the Bulls Island FONSI regarding the access road and bald eagle disturbance:

"The proposed access road would likely run 500' south from N 2753rd Road, or extend all the way to the existing site (1500'). If the road extends to the existing placement site, a gate will be installed to prevent active nest disturbance during the eagle fledging period."

If the access road is only 500' it won't approach the 100 yard eagle nest buffer.

Let me know if you have any further questions.

Kjetil

| Original Message | | |
|--|---|---|
| From: Schmuecker, Sara [| |] |
| Sent: Thursday, April 25, 2019 12:46 PM | | - |
| To: Henderson, Kjetil R CIV USARMY CEMVP (US) < | | |
| >> | | |
| Cc: Ryan Anthony < | > | |
| Subject: [Non-DoD Source] Re: [EXTERNAL] Bulls Island DMMP | | |

Kjetil,

Thank you for the incorporation of our comments dated April 5, 2019, into the draft Illinois Waterway Dredged Material Plan with Integrated Environmental Assessment for the Bull's Island Reach. We are in agreement with the revisions to Sections 4.1.3 and 5.3.1 pertaining to federally listed species, as provided on April 23, 2019. Please note, if you determine the action will have "no effect" on listed species or critical habitat, concurrence with that determination from the Service is not required. We recommend you maintain a written record of why a "no effect" finding is warranted and include it in your administrative record, as you have done with your memorandum dated May 31, 2018.

With respect to our comments regarding the on-site bald eagle nest and potential disturbance of nesting activities resulting from construction of the public access road as currently designed and its associated use that were not covered under the MOU, we continue to request additional information.

As always, please feel free to reach out with any questions.

Regards,

Sara Schmuecker U.S. Fish and Wildlife Service Illinois - Iowa Field Office 1511 47th Avenue, Moline, IL 61265 309-757-5800 x203

On Tue, Apr 23, 2019 at 7:45 AM Henderson, Kjetil R CIV USARMY CEMVP (US) <Kjetil.R.Henderson@usace.army.mil

Hi Sara,

Please review updated Sections 4.1.3 and 5.3.1 to determine ESA concurrence for this project. Let me know if you have any questions.

Thanks!

Kjetil

| Kjetil ("KJ") Henderson |
|---------------------------------------|
| |
| United States Army Corps of Engineers |
| Environmental Planning Section |
| St. Paul District at Rock Island |
| Clock Tower Building |
| P.O. Box 2004 |
| Rock Island, IL 61204-2004 |
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ILLINOIS WATERWAY DREDGED MATERIAL MANAGEMENT PLAN WITH INTEGRATED ENVIRONMENTAL ASSESSMENT

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX C PHASE I HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

April 2020

Prepared By:

Steve Gustafson, PG USACE CEMVR-EC-DN Rock Island District

EXECUTIVE SUMMARY

BACKGROUND

This report documents the Phase I Hazardous, Toxic, and Radioactive Waste (HTRW) Environmental Site Assessment (ESA) for Sites 3 and 4 (Study Area) located in in the Starved Rock Pool, Ottawa, La Salle County, Illinois, in accordance with Engineering Regulation (ER) 1165-2-132, *HTRW Guidance for Civil Works Projects*, and ER 405-1-12, *Real Estate Handbook*.

This Phase I ESA is being conducted to determine if there is any risk of HTRW concerns with proposed acquisition of the subject properties by the US Government for eventual placement of dredged materials from the Bulls Island dredge cut in the Illinois River.

CONCLUSIONS

This assessment has revealed evidence of one recognized environmental condition in connection with the Study Area. Portions of the Study Area are comprised of a reclaimed coal surface mine. There are no HTRW issues existing in the Study Area, however operations guidelines are recommended to maintain the integrity of the reclaimed mine area surface.

The assessment was performed in conformance with scope and limitations of the American Standards for Testing of Materials Standard E 1527-13.

RECOMMENDATIONS

Prevention of degradation of the existing reclaimed mine surface can be achieved by following guidelines set for operations and maintenance, which include:

- Erosion on the site shall be controlled so as to not cut to a depth which might produce acid mine drainage
- Vegetation should be established on this site after dredged material is placed.
- Vegetation should be consistent with that used in the previous mine reclamation activities
- Material used for constructing berms should not be scraped from a depth such that acid mine drainage may reoccur.

These guidelines will eliminate the risk of surface degradation, and therefore reduce the already low risk that an acid mine drainage condition might occur. No additional assessment or further investigation is recommended.

LIMITATIONS

No ESA can wholly eliminate uncertainty regarding the existence for recognized environmental conditions concerning a property. This assessment is intended to reduce, but not eliminate, uncertainty regarding the existence of recognized environmental conditions in connection with a property with reasonable limits of time and cost. Continuing the Environmental Due Diligence Audit process beyond this Phase I ESA to a Phase II ESA may reduce uncertainty or reveal unidentified environmental liabilities. If any previously unaddressed recognized environmental condition should arise, this Phase I ESA will be revisited.

ILLINOIS WATERWAY DREDGED MATERIAL MANAGEMENT PLAN WITH INTEGRATED ENVIRONMENTAL ASSESSMENT

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

APPENDIX C

PHASE I HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

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SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

APPENDIX C PHASE I HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE

1. GENERAL

1.1. Guidance and Policy. The United States Army Corps of Engineers (USACE) Engineering Regulation (ER) 1105-2-100, Lanning Guidance Handbook, provides guidance for the conduct of Civil Works Planning Studies. The policies and authorities outlined in ER 1165-2-132, Hazardous, Toxic, and Radioactive Waste (HTRW) Guidance for Civil Works Projects, and ER 405-1-12, *Real Estate Handbook,* were developed to facilitate the early identification and appropriate consideration of HTRW issues in all of the various phases of a water resources study or project. American Society for Testing and Materials (ASTM) Standard E1527-13 provides a comprehensive guide for conducting Phase I ESA. These references provide information on what considerations are to be factored into project planning and implementation. The policy of the Corps is to avoid construction of Civil Works projects when HTRW is located within project boundaries, may affect, or be affected by such projects.

2. INTRODUCTION

2.1. Purpose and Scope. This HTRW inquiry is required in order to minimize and prevent Federal liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and to reduce any threats to project workers and avoid costly delays associated with environmental abatement activities. Appendix A contains a list of acronyms used in this report.

Phase I ESAs use only practically reviewable information. This investigation and assessment of the property is guided by the level appropriate for the type of property, information developed in the course of the assessment, project requirements, regulatory agency requirements, and potential risks. The screening methods used to prepare the Phase I ESA have been selected based on the location, physical setting, surrounding land uses, and particular nature of the Study Area. Intrusive field sampling and lab analyses are not used for the Phase I ESA, but are reserved for the Phase II ESA when required.

Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

> Appendix C Phase I HTRW

2.2. Limiting Conditions and Methodologies Used. The techniques used to assess HTRW contamination within and adjacent to the Study Area consisted of review of aerial photographs and topographic maps, conducting interviews and site visits. In addition, a search of Federal and state environmental databases was conducted. The scope of inquiry was limited to investigating onsite HTRW potential within the project boundaries as well as offsite HTRW potential within a reasonable distance (according to ASTM standards) from the project. This Phase I ESA was completed by the Corps Rock Island District Environmental Engineering Section (CEMVR-EC-DN).

3. STUDY AREA DESCRIPTION

The Bull's Island and Milliken Creek Dredge Cuts are located in Starved Rock Pool on the Illinois Waterway between river miles (RM) 240.3 and 242.7. The existing Bull's Island upland dredged material placement site is located near RM 241.7. The Study Area for this Phase I ESA is comprised of two properties, Site 3 and Site 4, located adjacent to the existing Bull's Island placement site at RM 241.7. Site 3 is currently owned by 1st National Bank of Ottawa, and is 31.6 acres in area. Site 3 is a portion of a 70 acres tract owned by 1st National Bank of Ottawa. DeKalb County Exports owns Site 4, which is 16.5 acres in area. Site 4 is a portion of a 43-acre tract owned by DeKalb County Exports. Sites 3 and 4 are uninhabited former surface mine areas that are covered by floodplain vegetation.

To the north of the Study Area is a residential development and a light industrial/commercial zone. To the east of the Study Area is a grain elevator and access road owned by ADM, as well as private residences and a marina.

4. USER PROVIDED INFORMATION

4.1. Title Records. Chain of title information was researched by the U.S. Army Corps of Engineers, Rock Island District (CEMVR) Real Estate Division (RE). No indications of potential or actual Recognized Environmental Conditions (REC), Controlled RECs (CREC) or Historic RECs (HREC) observed.

4.2. Environmental Liens or Activity and Use Limitations. Ron Silver (RE) did not indicate any specialized knowledge indicative of environmental liens and Activity and Use limitations.

4.3. Specialized Knowledge. Ron Silver did not indicate any specialized knowledge indicative of potential or actual RECs, CRECs or HRECs.

4.4. Commonly Known or Reasonably Ascertainable Information. Ron Silver did not provide any commonly known or reasonable ascertainable information that would be indicative of potential or actual RECs.

4.5. Valuation Reduction for Environmental Issues. Ron Silver indicated there is no information that indicates any valuation reduction on the subject site.

4.6. Indicators of Contamination at the Site. Ron Silver (did not provide any information that would be indicative of contamination at the Study Area.

5. RECORDS REVIEW

The purpose of a records review is to obtain and review records that will help identify recognized environmental conditions concerning the property. Some of the records reviewed pertain not just to the property, but also to properties within an approximate minimum search distance, in order to help assess the likelihood of problems from migrating hazardous substance or petroleum products. Factors considered in determining the approximate minimum search distance include the density of the setting, the distance that the hazardous substances or petroleum products are likely to migrate based on local geologic or hydrogeologic conditions, and other reasonable factors. This records review included reports from various Federal and state databases, maps, and air photos (Appendix C-C).

5.1. EnviroMapper. EnviroMapper, created by the U.S. Environmental Protection Agency (USEPA), is a database warehouse implemented in the Oracle Relational Database Management System and is available through the Internet for public access. It has the ability to retrieve information from several environmental databases, such as Toxic Release Inventory (TRI), Hazardous Waste (RCRAinfo), Brownfields (ACRES), Air Emissions (AIRS/AFS) and Water Discharges (PCA).

An EnviroMapper database query for a 1/2 mile radius was conducted on March 10, 2020. Five small quantity hazardous waste generating facilities were identified within the search radius; LMK Technologies, Grayfield Construction, Cristal Metals Inc, Red's Truck Repair and Bill Walsh Chevrolet. Five permitted air pollution discharge facilities were identified, the ADM facility located immediately east of the Study Area, LMK Technologies, Cristal Metals, Red's Truck Repair, Bill Walsh Chevrolet. Three permitted waste water discharges were identified; ADM Grain, Ottawa Sanitary Sewers, and LMK Technologies. Appendix C-C contains a printout of results of the database search.

5.2. Cleanups in My Community. Cleanups in My Community, created by the USEPA, is a database warehouse implemented in the Oracle Relational Database Management System and is available through the Internet for public access. It is a mapping and listing tool that shows sites where pollution is being or has been cleaned up throughout the United States. It maps, lists and provides cleanup progress profiles for sites, facilities and properties that have been contaminated by hazardous materials and are being, or have been, cleaned up under USEPA's Superfund, RCRA and/or Brownfields cleanup programs and Federal facilities that have been contaminated by hazardous materials and are being, or have been, cleaned up under USEPA's Superfund and/or RCRA cleanup programs.

A 'Cleanups in My Community' database query was conducted on March 10, 2020. No cleanups were identified within a 1-mile radius of the Site. Appendix C-C contains a printout of results of the database search.

5.3. Illinois Environmental Protection Agency (ILEPA) Leaking Underground Storage Tank (LUST) Database. The ILEPA's LUST Section is responsible for the regulation of underground storage tank systems used for the storage of regulated substances, primarily petroleum products. Staff in the section work with the owners of sites on the detection, prevention and correction of releases of products from underground tanks.

A database query conducted March 10, 2020, indicated no LUST sites within 1/2 mile of the Study Area. Appendix C-C summarizes the details and results of the database search.

5.4. Illinois Environmental Protection Agency Site Remediation Program (SRP). The SRP cleanup program provides Remediation Applicants (i.e., any persons seeking to perform investigative or remedial activities) the opportunity to receive ILEPA review, technical assistance and no further remediation determinations from the ILEPA. The SRP database identifies the status of all voluntary remediation projects administered through the Pre-Notice Site Cleanup Program (1989 to 1995) and the Site Remediation Program (1996 to the present).

A database query conducted March 10, 2020, indicated no SRP projects within 1/2 mile of the Study Area. Appendix C-C contains a printout of results of the database search.

5.5. Illinois Department of Mines and Minerals Database (ArcIMS). The ArcIMS Database displays past and current surface and subsurface mining activities in Illinois.

An ArcIMS database query was conducted on March 10, 2020. No active surface or subsurface mines are present within 1 mile radius of the Study Area. Former surface coal and clay mines are present in and around the Study Area. Appendix C-C contains a printout of results of the database search.

5.6. Physical Setting Sources. United States Geological Survey topographical maps from 1946, 1994 and 2018 were used for records review (Appendix C-D). Surface elevation for the Study Area is 470 feet above mean sea level (North America Datum 1983). Private residences are also located to the north and northeast of the Study Area. One REC was identified on the topographic maps. Evidence of surface mining was present in and around the Study Area. One private septic system was identified in Site 4. The system is in compliance with local and county regulations and is properly maintained.

5.7. Historical Use Information. Illinois Department of Natural Resources (IL DNR) records indicate that the area was used for surface mining from 1935 to 1941. The site was reclaimed and vegetated in 1993 according to recommendations by the IL DNR Department of Abandoned Mine Reclamation. According to the City of Ottawa records, a small portion of Site 3 has been used annually as farmland.

See Appendix C-E for aerial photos. No RECs were identified in the air photos.

No Sanborn Fire Insurance Maps were found for the Study Area and vicinity

5.8. Previous Investigations. An HTRW Documentation Report was prepared in April 2001 for the current DMMP site (named Site 7). This report identifies RECs as surface coal mining, Corps test plots using contaminated sediment, as well as the proximity of radium dial CERCLA "Superfund" remedial sites. The surface mining area was reclaimed in 1993.

In the 1970s, the Corps and the Engineering Research and Design Center (ERDC) placed contaminated dredged material from the Calumet-Sag channel onto a portion of Site 7 to study the effects on the reclamation area. The purpose of the ERDC study was to determine if dredged material could be used to mitigate the effects erosion and acid mine drainage in surface mines. While the test demonstrated that dredged materials can successfully be used as cover in former surface mined areas,

the dredged materials used had concentrations of contaminants in excess of the materials associated with the coal mine. When test results from the late 1970s are compared against current ILEPA Tiered Approach to Corrective Action Objectives (TACO) remediation objectives, the ERDC dredged materials would have been above TACO background levels for numerous constituents. The location of the ERDC test plot is within the current DMMP site boundaries. The test plot areas were addressed under the aforementioned surface mine reclamation activities.

Radium dial painting occurred in Ottawa from 1918 to 1978, and 14 sites with radioactive material were identified as requiring remediation under CERCLA. Conversations with the IL Department of Nuclear Safety and the USEPA determined that the contamination did not affect Site 7 and there are no remediation locations within one mile of Site 7.

As the surface mining site had been fully reclaimed, no HTRW concerns were identified. To ensure that the reclamation area subsurface was not disturbed, the Rock Island District added the following conditions to operation and maintenance of the Site 7 DMMP location:

- Erosion on the site shall be controlled so as to not cut to a depth which might produce acid mine drainage
- Vegetation should be established on this site after dredged material is placed. Vegetation should be consistent with that used in the previous mine reclamation activities
- Material used for constructing berms should not be scraped from a depth such that acid mine drainage may reoccur. It was be preferable to use material from the south end of Site 7, where mining activities had not occurred.

These conditions have been and are currently being enforced on the current Bulls Island DMMP location.

6. SITE RECONNAISSANCE

6.1. Methodology and Limiting Conditions. Corps representative Steve Gustafson (CEMVR-EC-DN) conducted site visits on April 4, 2018. A reconnaissance was performed with visual inspection of surrounding properties.

6.2. General Site Setting. Vegetated floodplain, bounded by woodlands to south and north. Large sand placement south to south and west of Study Area. Grain processing facility located to south west of Study Area.

6.3. Interior Observations. There are no interior structures.

6.4. Exterior Observations. The following is a list of exterior items or features that were looked for during the site visit: landfills, emergency generators, evidences of above ground or underground storage tanks/equipment, drums, barrels, sumps, cisterns, catch basins, dry wells, septic tanks and/or leach fields, pipeline markers, transformers, capacitors, generators, stressed vegetation, stained soil, stained pavement, leachate or waste seeps, trash, debris or waste materials, dumping or disposal areas, construction/demolition debris, fill dirt, surface water discoloration, odor sheen or free floating

Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

Appendix C Phase I HTRW

product, exterior pipe discharges and /or effluent discharges, discharged from roof drains, quarries or pits, wells, hazardous materials and petroleum products.

The following exterior observations were made:

- No indications of hazardous materials storage areas
- No indications of refuse or illegal dumping
- Areas vegetated with dirt/gravel access road; Signs of personal ATV usage
- Some areas displaying hummocky terrain indicative of former surface mine soil piles

No new or additional indications of RECs were observed in the Site Reconnaissance phase.

7. INTERVIEWS

- Date: June 14, 2018
 Name: Steven Gonzalo, CEO and President, First National Bank of Ottawa, Ottawa, IL (property owner).
 Topic: Discussed knowledge of Study Area history, environmental issues, spills, cleanups, environmental liens and activity and use limitations (AULs). Mr. Gonzales did not identify any concerns.
- Date: June 15, 2018
 Name: Dave Noble, Ottawa City Engineer, Ottawa, Illinois.
 Topic: Discussed knowledge of Study Area history, environmental issues, spills, cleanups, environmental liens and AULs. Mr. Noble did not identify any concerns.
- Date: June 18, 2018

Name: Jay Sarver, ADM Site Superintendent, Ottawa, IL (Property Manager). Topic: Discussed knowledge of Study Area history, environmental issues, spills, cleanups, environmental liens and AULs. Mr. Sarver did not identify any concerns.

- Date: September 18, 2018
 Name: Kara Mitvalsky, Environmental Engineer, USACE Rock Island District (knowledgeable government official).
 Topic: Discussed knowledge of Study Area history, environmental issues, spills, cleanups, environmental liens and AULs. Mrs. Mitvalsky identified concerns regarding the surface mine reclamation project and ERDC test plot area in the Study Area. The reclamation project required restrictions on breaching of the existing surface of the mined portions of the Study Area.
- Date: March 13, 2020

Name: Robert C. Walter Jr, Senior Council, Environmental and Munitions Center of Expertise, USACE (knowledgeable government official).

Topic: Discussed knowledge of Study Area history, the nature of the REC, the definition of HTRW according to ER 1165-2-132, and a determination if an HTRW issue was present in the

Study Area. Mr. Walter stated there are no facts that indicate the presence of CERCLA Hazardous Waste Substances, and- therefore there HTRW is not present. As no HTRW is present, the requirements of ER 1165-2-132 do not apply to the Study Area.

See Appendix C-F for interview discussions.

8. EVALUATION

8.1. Documentation. No documentation was excluded from the Phase I ESA.

8.2. Findings. This assessment did not identify any CRECs or HRECs in the Study Area or in the immediate vicinity of the Study Area. The REC is located in the Study Area and is a former coal surface mine site that has since been reclaimed.

8.3. Opinion. One REC is present in the Study Area, the presence of a former surface coal mine that has been reclaimed by the IL DNR. Sites and incidents identified in the database searches are a significant distance from the Study Area and/or do not indicate any releases of hazardous substances in the vicinity of the Study Area.

There are no HTRW issues existing in the Study Area, however operations guidelines are recommended to maintain the integrity of the reclaimed mine area surface.

These guidelines will eliminate the risk of surface degradation, and therefore reduce the already low risk that an acid mine drainage condition might occur. No additional assessment or further investigation is recommended.

8.4. Additional Investigation. No additional investigation is warranted.

8.5. Data Gaps. No data gaps were identified.

8.6. Conclusion. CEMVR-EC-DN has performed a Phase I ESA in conformance with the scope and limitations of ASTM Practice E 1527-13 for the Study Area. Any exceptions to, or deletions from, this practice are described in Section 9 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the Study Area except for portions of the Study Area that are comprised if a reclaimed coal surface mine.

9. DEVIATIONS AND LIMITATIONS

No ESA can wholly eliminate uncertainty regarding the existence for recognized environmental conditions concerning a property. This assessment is intended to reduce, but not eliminate, uncertainty regarding the existence of recognized environmental conditions in connection with a property with reasonable limits of time and cost. Continuing the Environmental Due Diligence Audit process beyond this Phase I ESA to a Phase II ESA may reduce uncertainty or reveal unidentified environmental liabilities. If any previously unaddressed recognized environmental condition should arise, this Phase I ESA will be revisited. The findings of this report are valid as of the date of the report.

10. REFERENCES

- ASTM E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.
- ASTM E 1528-14, Standard Practice for Environmental Site Assessments: Transaction Screen Process.
- U. S. Army Corps of Engineers, Lower Mississippi Valley Division, ER 1165-2-9, *Hazardous, Toxic, and Radioactive Waste Policy for Civil Works Projects*, 14 June 1996.

Rock Island District, ER 1165-2-132, *Hazardous, Toxic, and Radioactive Waste Guidance for Civil Works Projects*, 26 June 1992.

Rock Island District, *Dredged Material Management Program, Hazardous, Toxic, and Radioactive Waste Documentation Report*: Bulls Island Dredge Cut Addendum, April 2001.

Policy Guidance Letter ER 1105-2-100 No. 34, CECW-PA, Non-CERCLA Regulated Contaminated Materials at Civil Works Projects, 5 May 1992.

ER 385-1-92, Safety and Occupational Health Document Requirements for Hazardous, Toxic, and Radioactive Waste (HTRW and Ordnance and Explosive Waste (OEW Activities, 18 March 1994.

ER 405-1-12, Real Estate Handbook, Chapter 8.

ER 500-1-1, Natural Disaster Procedures.

Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

> Appendix C Phase I HTRW

11. SIGNATURES AND QUALIFICATIONS

We declare that to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 312.10 of 40 CFR 312 and we have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the subject property. We have developed and performed the all appropriate inquires in conformance with the standards and practices set forth in 40 CFR Part 312.

CEMVR-EC-DN representative Steve Gustafson, P.G., was responsible for the preparation of this Phase I Environmental Site Assessment.

| Prepared by | GUSTAFSON.STEPHE 1380560239 | N.J. Digitally signed by GUSTAFSON.STEPHEN.J.1380560239 Date: 2020.05.06 12:27:39 -05'00' |
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Date_____

CEMVR-EC-DN representative Kara Mitvalsky, P.E., conducted review activities for this Phase I Environmental Site Assessment.

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APPENDIX C-A

ACRONYMS

| AIRS/AFS | Aerometric Information Retrieval System/AIRS Facility Subsystem |
|----------|---|
| ACRES | Assessment, Cleanup, and Redevelopment Exchange System |
| ASTM | American Society for Testing and Materials |
| AUL | Activity and Use Limitation |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CEMVR | Corps of Engineers, Mississippi Valley Division, Rock Island District |
| ED-DN | Engineering Division - Environmental Engineering Section |
| ER | Engineering Regulation |
| ESA | Environmental Site Assessment Engineering Regulation |
| HREC | Historic Recognized Environmental Condition |
| HTRW | Hazardous, Toxic, and Radioactive Waste |
| IL DNR | Illinois Department of Natural Resources |
| IL EPA | Illinois Environmental Protection Agency |
| LUST | Leaking Underground Storage Tanks |
| RCRA | Resource Conservation and Recovery Act |
| RE | Real Estate |
| REC | Recognized Environmental Condition |
| SRP | Site Remediation Program |
| TACO | Tiered Approach to Corrective Action Objectives |
| TRI | Toxic Release Inventory |
| USEPA | United States Environmental Protection Agency |
| USACE | United States Army Corps of Engineers |

APPENDIX C-B

SITE VICINITY MAP



APPENDIX C-C

ENVIRONMENTAL DATABASE SEARCHES
















1946 Topographic Map



Image Courtesy of Illinois Geological Survey Bureau. Ottawa Quadrangle Contour Interval 20 feet Scale 1:62500

1994 Topographic Map



Image Courtesy of Illinois Geological Survey Bureau. Ottawa Quadrangle 7.5' Series Contour Interval 10 feet Scale 1:24000

2018 Topographic Map



Image Courtesy of Illinois Geological Survey Bureau. Ottawa Quadrangle 7.5' Series Contour Interval 10 feet Scale 1:24000

APPENDIX C-E

AERIAL PHOTOS

1939 Aerial Photo



2005 Aerial Photo



2005 Aerial Photo



Image Courtesy of Illinois Geological Survey Bureau

APPENDIX C-F

QUESTIONNAIRE FORMS

Interview Date: June 14, 2018 Name: Steven Gonzalo Title: President & CEO Company/Organization: The First National Bank of Ottawa Status: Client/Owner

During what time period were you the site manager of the property?

The bank has owned the property since 2014

What is the current use of the property?

Other Real Estate Owned - a small portion is farmed annually with corn, soybeans or hay

Who are the occupants of the property?

None

Do you have any other knowledge or experience with the property that may be pertinent to the environmental professional? Yes No If yes describe:

No

Are you aware of any environmental cleanup liens against the property that are filed or recorded under Federal, tribal, state or local law? Yes No If yes describe:

No

Are you aware of any Activity and Use Limitations, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry? Yes No If yes describe:

No

Do you know the past uses and general history of the property? Yes No If yes describe:

To the best of our knowledge it has been vacant land other than a NICOR easement

Do you know of specific chemicals that are present or once were present at the property? Yes No

If yes describe:

No

Do you know of spills or other chemical releases that have taken place at the property? Yes No If yes describe:

No

Do you know of any environmental cleanups that have taken place at the property? Yes No

If yes describe:

No

Based on your knowledge and experience related to the property are there any indicators that point to the presence or likely presence of contamination at the property? Yes No If yes describe:

No

Interview Date: June 15, 2018 Name: David Noble Title: City Engineer Company/Organization: City of Ottawa Status: Government Official

During what time period were you the site manager of the property?

Never

What is the current use of the property?

Vacant. Partial farmed

Who are the occupants of the property?

None

Do you have any other knowledge or experience with the property that may be pertinent to the environmental professional? Yes No

If yes describe:

No

Are you aware of any environmental cleanup liens against the property that are filed or recorded under Federal, tribal, state or local law? Yes No If yes describe:

No

Are you aware of any Activity and Use Limitations, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry? Yes No If yes describe:

No

Do you know the past uses and general history of the property? Yes No If yes describe:

Mining. Farming.

Do you know of specific chemicals that are present or once were present at the property? Yes No If yes describe:

No

Do you know of spills or other chemical releases that have taken place at the property? Yes No If yes describe:

No

Do you know of any environmental cleanups that have taken place at the property? Yes No If yes describe:

Grading of strip mining piles took place in the area. Not sure if it was on this particular site.

Based on your knowledge and experience related to the property

are there any indicators that point to the presence or likely presence of contamination at the property? Yes No If yes describe:

No

Interview Date: June 18, 2018 Name: Jay Sarver Title: Superintendent Company/Organization: ADM Status: Site Manager –adjacent property

During what time period were you the site manager of the property? 2007

What is the current use of the property?

Open

Who are the occupants of the property?

ADM

Do you have any other knowledge or experience with the property that may be pertinent? to the environmental professional? Yes

No If yes describe:

NO

Are you aware of any environmental cleanup liens against the property that are filed or recorded under Federal, tribal, state or local law? Yes No

If yes describe:

NO

Are you aware of any Activity and Use Limitations, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry? Yes No If yes describe:

NO

Do you know the past uses and general history of the property? Yes No If yes describe:

NO

Do you know of specific chemicals that are present or once were present at the property? Yes No If yes describe:

NO

Do you know of spills or other chemical releases that have taken place at the property? Yes No If yes describe:

NO

Do you know of any environmental cleanups that have taken place at the property? Yes No If yes describe:

NO

Based on your knowledge and experience related to the property are there any indicators that point to the presence or likely presence of contamination at the property? Yes No If yes describe:

NO

Interview Date: September 18, 2018 Name: Kara Mitvalsky, PE Title: Environmental Engineer Company/Organization: U.S. Army Corps of Engineers, Rock Island District, Civil & Environmental Engineering Section Status: Government Official

During what time period were you the site manager of the property? Conducted Phase I ESA investigation in 1999 and 2001 on Site 7

What is the current use of the property?

DMMP Site

Who are the occupants of the property?

Rock Island District

Do you have any other knowledge or experience with the property that may be pertinent to the environmental professional?

Yes No If yes describe:

Yes, discussed presence of former surface mine, ERDC test plots, findings of 2001 Phase I ESA. Explained the restrictions placed by the Rock Island District on operations and maintenance of Site 7 to prevent surface erosion and excavation to minimize risk of acid mine drainage.

Are you aware of any environmental cleanup liens against the property that are filed or recorded under Federal, tribal, state or local law?

Yes No If yes describe:

NO

Are you aware of any Activity and Use Limitations, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry? Yes

No If yes describe:

Yes, erosion control, excavation and vegetation restrictions placed on Site 7 by Rock Island District.

Do you know the past uses and general history of the property? Yes No If yes describe:

Yes, former surface mine, ERDC Study Site, and Site 7 for DMMP

Do you know of specific chemicals that are present or once were present at the property? Yes No

If yes describe:

None

Do you know of spills or other chemical releases that have taken place at the property? Yes No If yes describe:

None

Do you know of any environmental cleanups that have taken place at the property? Yes No If yes describe:

Surface mine reclamation by Illinois Department of Natural Resources

Based on your knowledge and experience related to the property are there any indicators that point to the presence or likely presence of contamination at the property? Yes No If yes describe:

No

Interview Date: March 13, 2020 Name: Walter C. Roberts, Jr Title: Senior Counsel Company/Organization: Environmental and Munitions Center of Expertise (EM/CX) United States Army Corps of Engineers Status: Government Official

Mr. Roberts was asked by USACE Rock Island District to determine if the presence of a reclaimed former surface mine was considered an HTRW issue as described in ER 1165-2-132. Mr. Roberts was presented all pertinent information (Bulls Island DMMP Feasibility Report, Phase I ESA's, mine reclamation plans and notice of reclamation). Below is a direct quote from an email sent from Mr. Roberts to Steve Gustafson (CEMVR-EC-DN) and Jason Appel (CEMVR-PD-F) on March 13, 2020:

Steve,

Your question was whether the "Bull Island" site was an HTRW site pursuant to ER 1165-2-132. This site was a former coal mine that had been reclaimed. Prior to reclamation, some acid mine waste was neutralized on-site. Other than that one resolved instance, there has been no facts that would indicate the release of CERCLA Hazardous Substances on the site. The site is now proposed to be an upland repository of dredge spoils.

ER 1165-2-132, 6.b. says that "Construction of Civil Works projects in HTRW-contaminated areas should be avoided where practicable." Further, it says that the NFS is responsible for 100% any needed HTRW response actions. However, for all of these rules to apply the site must be a HTRW-site. That is defined in Section 4.d. as "Any area containing HTRW." An HTRW is defined in 4.a. as a CERCLA Hazardous Substance (excluding dredged materials). Since there are no facts that indicate that this site has CERCLA Hazardous Substances in it, it does not have HTRWs, and thus the site is not an HTRW site. Since this is not an HTRW site, then the requirements of this ER does not apply to this site.

If you have any other questions, please let me know.

Walter

WALTER C. ROBERTS, JR., Senior Counsel Environmental and Munitions Center of Expertise (EM/CX) United States Army Corps of Engineers 402-697-2576

APPENDIX C-G

2001 BULLS ISLAND HTRW DOCUMENTATION REPORT DREDGE CUT ADDENDUM

DREDGED MATERIAL MANAGEMENT PROGRAM HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE DOCUMENTATION REPORT

BULLS ISLAND DREDGE CUT ADDENDUM



APRIL 2001



STARVED ROCK POOL, ILLINOIS WATERWAY MILES 240.3 THROUGH 241.6 LASALLE COUNTY, ILLINOIS **CEMVR-ED-DN**

DREDGED MATERIAL MANAGEMENT PROGRAM

HAZARDOUS, TOXIC, AND RADIOACTIVE WASTE DOCUMENTATION REPORT

BULLS ISLAND DREDGE CUT ADDENDUM

STARVED ROCK POOL, ILLINOIS WATERWAY MILES 240.3 THROUGH 241.6 LASALLE COUNTY, ILLINOIS

Prepared by Kara N. Mitvalsky, CEMVR-ED-DN

April 2001

Executive Summary

Background

This report documents the Phase I Hazardous, Toxic, and Radioactive Waste (HTRW) Environmental Site Assessment for the Bulls Island Dredge Cut Dredged Material Management Plan (DMMP) in accordance with ER 1165-2-132, HTRW Guidance for Civil Works Projects, and ER 405-1-12, Real Estate Handbook. The Phase I Environmental Site Assessment was performed in conformance with the scope and limitations of ASTM Standards E 1527-97 and E 1528-96 for the sites described by the subject DMMP. The information was obtained through site reconnaissance, informal interviews, a review of maps and aerial photographs, USACE records, and a search of federal and state environmental databases. These screening methods have been selected based on the particular nature of the proposed placement site and the characteristics of the dredged material.

An initial Phase I report was completed in July 1999. At this time, the conclusions were summarized in a memorandum from CEMVR-ED-DN to CEMVR-RE. In June 2000, while performing real estate activities with the intent to acquire Site 7, Real Estate Exception number 14 indicated some potential HTRW concerns. This report documents further HTRW research which addresses these concerns.

Summary

Site 7, upon initial HTRW review in 1999, did not appear to have any HTRW concerns. All maps associated with the project showed a flat property, possibly used for agricultural purposes, with a forested area and wetland near the Illinois River. There were historical maps of the area which indicated clay mining. However, this type of mining activity was not determined to be an HTRW concern. During the real estate acquisition process, it was determined that the site had been used for coal mining. After further review, more indications of HTRW related to other activities were also revealed, including 1). Coal mining on Site 7; 2). Corps test plots using "contaminated" sediment; and 3). Proximity of Radium Dial Superfund sites.

<u>Coal Mining</u>. Site 7 had been mined for clay, as indicated in the 1999 report. However, within the clay was an approximate 2 foot layer of coal (#2 LaSalle Seam). This coal had been mined by the Ecko Coal Company in the 1930s and by the Wilmington Coal Mines, Inc. from 1936 to 1942. The site was eventually abandoned, leaving a scarred surface typical of strip mining activities. The IL DNR reclaimed in Wilmington Coal Mine Site in 1993 and issued a Notice of Reclamation in 1994. Criteria for reclamation is based on reducing acid mine drainage and to establish vegetation across the site. No samples for heavy metals were conducted for this reclamation effort. By 1998, when the IL OSIT team visited the site, the area had been regraded and revegetated, and resembled an abandoned agricultural field. The mine spoils exceeded background levels for chromium, magnesium, potassium, sodium, and sulfate, however, the Tier One IL EPA TACO concentrations were not exceeded.

<u>Corps Test Plots Using "Contaminated" Sediment</u>. In the middle 1970s, the Corps of Engineers placed dredged material from the Calumet-Sag channel onto to Wilmington Coal Mine Site. The material was placed into four test plots to research the success of dredged material placement for the reclamation of abandoned coal mines. The two acre site overlapped the northwest corner of Site 7. The land was owned by Ottawa Silica Company. No written agreement has been located between the Corps and the Ottawa Silica Company, and one reference states that a handshake agreement determined that the Corps could use this site. While the test was a success, the dredged materials used had concentrations of contaminants in excess of the material associated with the coal mine. When test results from the late 1970s are compared against IL EPA TACO standards, the dredged materials are above TACO background levels for numerous constituents. Only lead exceeded the Tier One TACO standard (although by not a significant amount).

<u>Radium Dial Superfund Sites</u>. Radium dial painting occurred in Ottawa from 1918 to 1978. Paints containing radioactive radium, and later, a radioactive form of hydrogen called tritium, were used to make "glow in the dark" faces for watches, clocks, meters, and displays. Significant contamination occurred at the sites of the painting activities. In 1969, one of the buildings which housed these activities was demolished, with the demolition material used as fill throughout the City of Ottawa and surrounding areas. This resulted in the US EPA and the IL DNS identifying 14 sites with radioactive contamination in the area. One of these sites, NPL-4, is located approximately one half mile west of Site 7. From conversations with the IL DNS and the US EPA it was determined that the contamination did not impact Site 7.

Conclusions and Recommendations

Since it is unlikely that this site will enter into any remediation program, and since this site has not been classified as an HTRW site by any Federal or state agency, and since the abandoned mine has been fully reclaimed by the State of Illinois, there are no HTRW concerns with this site. While the site is not considered an HTRW site, the dredged material activities should not interfere with mining reclamation actions which occurred in the 1990s. At a minimum, the following conditions should be adhered to:

- 1. Erosion on the site shall be controlled so as to not cut to a depth which might produce acid mine drainage.
- 2. Vegetation should be established on this site after dredged material is placed. Vegetation should be consistent with that used in the previous mine reclamation activities.
- 3. Material used for constructing berms should not be scraped from a depth such that acid mine drainage may reoccur. It would be preferable to use material from the south end of Site 7, where mining activities had not occurred.
- 4. The site is currently recommended as a beneficial use site. As long as the above conditions are met (specifically, ensuring that acid mine drainage does not resurface), then there should be no concerns with using this material as a beneficial use site.

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1. General

a. Authority. The River and Harbor Act of 1930 authorized the 9-foot navigation channel and subsequent channel maintenance dredging. Under the authority delegated from the Secretary of the Army and in accordance with Section 404 of the Clean Water Act (CWA) of 1977, the Rock Island District regulates the discharge of fill material into waters of the United States. The District also adheres to the dredging regulations published in the Code of Federal Regulations (3 CFR, Parts 335-338).

b. Guidance and Policy. The Corps of Engineers regulation providing guidance for the conduct of Civil Works Planning Studies is contained in ER 1105-2-100. The policies and authorities outlined in ER 1165-2-132, Hazardous, Toxic, and Radioactive Waste Guidance for Civil Works Projects, and ER 405-1-12, Real Estate Handbook, were developed to facilitate the early identification and appropriate consideration of Hazardous, Toxic and Radioactive Waste (HTRW) issues in all of the various phases of a water resources study or project. ASTM Standards E1527-97 and E1528-96 provide a comprehensive guide for conducting Phase 1 Environmental Site Assessments (ESA). These references provide information on what considerations are to be factored into project planning and implementation. The policy of the U.S. Army Corps of Engineers is to avoid construction of Civil Works projects. ER 1165-2-132, 6.b. states, in part, that construction of civil works projects in HTRW contaminated areas should be avoided where practicable.

ER 1165-2-132, 11.c. discusses real estate acquisition for non-cost shared civil works projects. Land acquisition for non-cost shared projects cannot begin until a Real Estate Design Memorandum (REDM) or other real estate planning document has been approved by the major subordinate command or HQUSACE. The REDM or other real estate planning document should address HTRW potential of the lands to be acquired. The document should reference the appropriate HTRW reconnaissance, feasibility or preconstruction, engineering and design (PED) studies and summarize the results. If there is or has been a known HTRW problem, it should be remediated by the potentially responsible part (PRP) prior to acquisition of the land. If the PRP cannot remediate before acquisition or in a timely manner, the decision to proceed should be approved by ASA(CW) prior to acquisition of any land by the Federal Government. If remediation has been performed by the PRP or other entity, the REDM or other real estate planning document should reference documentation which states that measures satisfactory to the Government have been taken to verify that the site is free from HTRW before acquisition. Measures may include review of the remediation plan, results of verification testing and, in some cases, limited testing, to verify the absence of HTRW. Despite the actions above, or even at sites with no known HTRW problems, HTRW or the potential for HTRW may be discovered at any time during the land acquisition process (title work, appraisals, negotiations, closings, etc.). If HTRW is found during the land acquisition process, the following actions should occur: (1) cessation of all land acquisition and/or acquisition activities; (2) prompt reporting of the HTRW discovery and subsequent required actions through the Programs and Project Management System to HQUSACE; (3) performance of such environmental investigations as are determined necessary; (4) reanalysis of plan formulation if the response costs are deemed a project cost; and (5) performance of response actions for any HTRW found on land needed for project purposes.

2. Introduction

a. Purpose and Scope. The specific purpose of a Hazardous, Toxic, and Radioactive Waste Documentation Report (HTRWDR) is to adequately document an appropriate inquiry into HTRW activities on potential project lands. The scope of this report documents the HTRW investigation for the Bulls Island Dredged Material Management Plan (DMMP) Site 7. The goal of DMMP is to identify, evaluate, and recommend long-term placement alternatives for dredging operations. This inquiry is required in order to minimize and prevent Federal liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to reduce any threats to project workers, and avoid costly delays associated with environmental abatement activities. Appendix A contains a list of acronyms used in this report. A list of documents and records reviewed or referenced is contained in Appendix B.

Phase I Environmental Site Assessments (ESA) use only practically reviewable information. This investigation and assessment of the property is guided by the level appropriate for the type of property, information developed in the course of the assessment, project requirements, regulatory agency requirements, and potential risks. The screening methods used to prepare the Phase I ESA have been selected based on the location, physical setting, surrounding land uses, and particular nature of the dredged material placement sites. Intrusive field sampling and lab analyses are not used for the Phase I ESA, but are reserved for the Phase II ESA when required.

During the land acquisition process, potential HTRW was identified. Per ER 1165-2-132, cessation of land acquisition activities occurred.

b. Limiting Conditions and Methodologies Used. The techniques used to assess HTRW contamination within and adjacent to the project area consisted of informal interviews with project team members, a review of maps and photographs, site visits, and a search of Federal and state environmental databases. The scope of inquiry was limited to investigating onsite HTRW potential within the project boundaries as well as offsite HTRW potential within a reasonable distance from the project.

The initial Phase I report for this project did not reveal any indication of HTRW. However, during the real estate acquisition process it was discovered that the area had been mined for coal. This report documents extensive research into historical documents and describes numerous conversations with city, state and federal agencies.

The HTRW Documentation Report only determines whether or not there is an "HTRW concern" from a technical standpoint. The environmental professionals who prepare the HTRW assessments draw no conclusions and make no recommendations related to the legal aspects of the "no HTRW concern" or "HTRW concern" finding. Additionally, the HTRW DR does not incorporate any risk tolerance or risk management decisions and only states whether or not HTRW or other regulated materials are present or not.

The HTRWDR only states whether or not HTRW is or is not expected to be present onsite in concentrations that are above some accepted level that is based solely on risk to human health (more specifically risk to residential receptors). Additionally, the report makes no conclusions

regarding any HTRW concerns related to environmental receptors since the TACO Tier 1 lookup tables only address human health concerns and not threats to the environment.

c. Site Safety. The site was not re-visited during this assessment period, so no site safety and health plan was prepared.

3. <u>Site Description</u>

a. Location and Legal Description

The inland site (Site 7) is located 30 meters inland on the right descending bank of the Illinois River at RM 241.7. This property is under single private ownership. The riverward portion of the site is a field that in previous years was used for agricultural production, but has been idled since the early 1990's. Currently, this portion of the site is in the early successional stage of returning to bottomland hardwood forest. Going landward of the old agricultural field is an old mine reclamation area. During the initial HTRW assessment it was determined that this site was used for clay mining activities, and that this clay mine site had been reclaimed. All maps and photographs reviewed indicated that clay mining was the primary historical use of this area. However, during the Real Estate Acquisition Process it was determined that intermingled with the clay mining, there was also some surface coal mining activities.



Figure 1: Aerial Photograph (U. S. Army Corps of Engineers, Orthophoto of Illinois Waterway, Starved Rock Pool: RM 241, 1996).

b. Site and Vicinity Characteristics.

Dredged material placed at Site 7 will lie on a reclaimed coal/clay mine site.

c. Utilities/Transportation Features.

An active truck access road to ADM/Growmark River Systems Inc. bounds the east side of Site 7. A highway and railroad lie to the North. Because Site 7 is adjacent to the ADM/Growmark River Systems Inc., significant barge traffic is expected. Electricity is provided to the plant by utility poles running along the east side of the trucking road. It is not known where any sewer or potable water lines are located at or near Site 7.

d. Current Uses of Property.

The property is currently a reclaimed coal mine site. Some portions of the property are designated as a wetland.



Figure 2: Site 7 Aerial Photograph (U. S. Army Corps of Engineers, Orthophoto of Illinois Waterway, Starved Rock Pool: RM 241, 1996.)

e. Past uses of Property.

The Illinois Department of Mines and Minerals (part of the Illinois Department of Natural Resources, IL DNR) records and area maps composed by the state U.S. Geological Survey Division of the Illinois Department of Energy and Natural Resources indicate that an area located in LaSalle County, Township 33N, Range 4E, Sections 7 and 8 was strip mined by Wilmington Coal Mines, Inc. beginning in 1935. That mine ceased operation in April 1941.



Figure 3: Wilmington Coal Mine Location Map from the IL DNR Environmental Assessment.

Maps also indicate that the Ecko Coal Company was active in strip mining in the area of the project. The exact dates of the operation for the Ecko Coal Company are not known, although it is believed it was active in the 1930's. In any event it is known that all mining in the project area ceased before 1962 (although some records indicate that it likely ceased in 1941).

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Topographical maps indicate that clay pits existed within the areas which were reclaimed by the IIL DNR. It should be noted that the prior Illinois Surface Mining Laws applied to all surface mining, not just coal. The report of the Land Reclamation Division that no surface mining permits have ever been issued to this site would also apply to clay mining. There have never been any reclamation obligations under Illinois law for the clay pits on any operators.



Figure 4: U.S. Geological Survey Quadrangle Map, 1994.

The existence of clay pits within the project area raises a question concerning the relationship between the coal and clay mining and which of these conditions caused the conditions necessary for reclamation. The IL DNR finds that the problem areas were clearly a result of coal mining. Evidence indicates that the coal mining stripping operation exposed the clay which in turn facilitated the clay removal from the spoils. The removal of clay from the spoils had minimum impact on those already coal mined areas.

The North portion of Site 7 overlaps the "west section" of the Wilmington Mine Reclamation Project. In 1991, the west portion was comprised of a 2.5 acre acidic final cut off lake, 50 acres of barren spoil material (37 acres of which were ungraded spoil banks), and 3.5 acres of semi vegetated spoil material. The remaining 17 acres were low, unvegetated clay flats lying between the major spoil bank areas on the west (flats were seven feet above flat pool). Small pockets of acid water within these backwater areas were considered seasonal, accumulating acidic runoff and sediment during normal precipitation events. Upon flooding or storm events, the acid and sediments were flushed into the river. The final cut lake to the north showed a pH of 4.0 in the summer of 1991, while in 1990 it registered 6.0 (assumed seasonal fluctuation). In 1991, an acidity level of 104 milligrams per liter was measured in the 4.0 pH sample. The semi-vegetated areas consisted of small strips of trees pocketed within the spoils and a tall grass area at the west end of the clay flats.



Figure 5: IL DNR Map of Coal Mine from the Environmental Assessment.

Within the ungraded spoil banks laid two acres of dredged material demonstration and research plots. These test plots date back to 1977, when Argonne National Laboratories was contracted by the Corps to perform vegetation studies utilizing dredged material from the Calumet-Sag Channel. Three of the four plots were moderately vegetated in 1991.



Figure 6: Test Plots at Coal Mine (from Technical Report D-88-8)

f. Current and Past Uses of Adjoining Properties.

1). City of Ottawa, Illinois.

The City of Ottawa lies 1.5 miles west of Site 7. Ottawa is positioned on east-west Interstate 80, nine miles east of north-south Interstate 39, 80 miles from Chicago. Ottawa is located in the valleys of the Fox and Illinois Rivers. The old Illinois and Michigan Canal and trail traverse the City. Before roadways, downtown Ottawa was interconnected by feeder canals off of the Illinois and Michigan Canal. Ottawa is the seat of LaSalle County. (Source: http://www.ottawa.il.us).



Figure 7: City of Ottawa (<u>http://www.ottawa.il.us</u>)

2). Radium Dial Superfund Sites.

Several locations in and around Ottawa, Illinois were entered into the United States Environmental Protection Agency's (US EPA) Superfund program as a result of radium contamination which originated from luminous watch dial painting activities. The Ottawa Radiation Area site consists of 14 radioactively contaminated areas in or near Ottawa, LaSalle County, in north central Illinois. The 14 areas, many in residential neighborhoods, are within 3 miles of each other and cover approximately 25 to 35 acres. They are listed as one Superfund site because they involve the same wastes, potentially responsible parties, and media. Both the State and US EPA have taken action at these sites.

The radium dial painting businesses operated at various locations in the City between 1918 and 1978. The contamination associated with the Superfund sites originated from processing wastes and demolition debris from two companies that once operated within four blocks of each other near the center of Ottawa: Radium Dial Co. from 1918 to 1936; and Luminous Processes, Inc. (LPI), from 1937 to 1978. Both companies used radium-based paint to produce luminous dials for clocks and watches. Paints containing radioactive radium, and later, a radioactive form of hydrogen called tritium, were used to make "glow in the dark" faces for watches, clocks, meters, and displays.

In 1969, the building that housed Radium Dial was demolished and removed to an unknown location. During 1985, the Illinois Department of Nuclear Safety (IL DNS) dismantled the LPI building and shipped the radioactive materials to a U.S. Department of Energy (US DOE) facility in Hanford, Washington. In 1986, contaminated soil surrounding the building was sent to Hanford.

During cleanup of the LPI building, which cost \$4 million, IL DNS learned that radioactive wastes from the two companies had been used as fill materials in the Ottawa area. Subsequent radiation surveys by IL DNS, US DOE, and US EPA identified the 14 areas that comprise the Ottawa Radiation Areas site. US EPA tests found that radium-contaminated soils were present at both the surface and at depths of up to 8 feet in some areas. US EPA also screened 62 buildings for radon, identifying 4 that required immediate action. Soil samples collected from the landfilled areas were found to have elevated levels of the radioactive contaminant radium-226. One of the 14 contaminated areas is the old Ottawa City Landfill, portions of which are currently occupied by two businesses. Soil and sediment samples collected from the landfill in November 1989 by US EPA contain elevated levels of three radioactive metals (radium- 226, lead-214, and bismuth-214).

Site access for some areas is unrestricted and individuals could be at risk from direct contact with, or accidental ingestion of, contaminated soils. Homes of approximately 50 people are built on radioactively contaminated soil; an additional 84 people are potentially exposed during recreational activities.

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In 1986, the IL DNS removed contaminated soils located near homes in one of the fourteen contaminated areas, and purchased one home in another area. The US EPA installed radon reduction systems in two homes and one business in 1988. In 1990, US EPA moved a home to uncontaminated property owned by the resident. Late in 1994, US EPA, working with the IL DNS, began removing radium-contaminated soil from the radiation areas. The material is being removed to a low-level radioactive hazardous waste disposal facility in Utah. Removal activities have been mostly completed at ten of the areas. Approximately 32,000 cubic yards of radioactive soils and debris have been removed.

The four remaining areas are being addressed through the Superfund remedial program. As part of the remedial process additional characterization (including sampling of soils, ground water, sediments, and surface water) have been conducted at the four remaining sites. Characterization or remedial investigation reports have been developed for each of the sites. From this information risk assessments, engineering evaluation/cost analyses, and feasibility studies were produced.

A US EPA Record of Decision was signed in September 2000 recommending complete removal of radium-contaminated soil from three of the sites where future residential use is likely and removal to 10 feet below ground surface at one site where future recreational use is planned. Costs for the clean-up at the sites is estimated at \$50 million. To date all activities have been conducted with Superfund resources.

One of the National Priority List Sites (NPL-4) still to be remediated is located West-Northwest of the proposed placement site. Additionally, another site is located North-Northwest of the proposed placement site.



Figure 8: IL DNS Map of Superfund Sites (from Tim Runyon, IL DNS)
According to the Illinois Department of Nuclear Safety IL DNS, the radium contamination from NPL-4 does not extend to the proposed dredged material placement site. On November 1, 2000, Tim Runyon of the IL DNS wrote an email to the Corps stating that "NPL-4 is about 2.7 acres. There are a number of residential properties between your site and ours. It looks like they are probably about a half mile apart." By the comment "your site and ours" the IL DNS was referring to the Bulls Island DMMP Site 7, and the US EPA NPL-4 site.

Additionally, while there has been radium detected in the groundwater, this is naturally occurring radioactive material as opposed to contamination caused from the radium dial painting activities.

The Corps' Kansas City District assisted IL DNS with off-site remediation activities. Correspondence with this District did not indicate any concerns with contamination on the proposed placement site.

Mathew Mankowski, remedial project manager, of the US EPA is assigned to the Radium Dial Superfund Site. In an email sent to the Corps on February 9, 2001, he stated, in part the following: "With regards to additional information about the relation of your site and the radiation sites, there probably is not much more I could add then what Tim has already given you. It appears that there is sufficient distance between the USACE site and the closest radiation site, NPL-4, that they will not impact each other. My only suggestion, and Tim may have already mentioned this, is that you monitor for radiation during your operation."

(Sources: <u>http://www.state.il.us/idns;</u> <u>http://www.epa.gov/R5Super/npl/illinois/ILD980606750.htm;</u> <u>http://www.epa.gov/superfund/sites/npl/nar1303.htm;</u> and Conversation Records.) **3). ADM Grain Elevator.** An ADM Grain elevator is located east of the proposed project site. A road belonging to ADM is part of this property.



Figure 9: ADM (1999 Site Visit)

4). Residential Areas. Residential Areas lie north of the project site, along Canal Road.



Figure 10: Residential Properties (1999 Site Visit)

5). East of the Site. East of the project site is agricultural land, a marina, trailers, a tavern, and a residential area, some of which lies over the reclaimed coal mine.

4. Site Reconnaissance

An additional site visit was not conducted by ED-DN for purposes of this report. A site visit had been conducted in 1999 for the original HTRW Report. Below is a photograph of Site 7 taken in 1999.



Figure 11: Site 7 (1999 Site Visit)

5. Interviews

a. Illinois Department of Natural Resources.

Interviews were conducted with Lawrence (Larry) L. Lewis, P.E. Supervisor of Engineering, Office of Mines and Minerals, Illinois Department of Natural Resources (217/782-0588) on August 15, 2000 and August 22, 2000. Mr. Lawrence provided significant background information into the Wilmington Coal Mine Project and provided reports associated with the project. Mr. Lawrence also stated that while heavy metals may be present at an exposed pre-reclaimed site, the Illinois Environmental Protection Agency Standards for acid mine drainage only address manganese, iron, acidity, suspended solids and sulfates. Therefore, heavy metal analysis was not conducted for this project site. He recommended sampling for such metals.

An additional phone interview was conducted with Mr. Lewis on September 1, 2000. Mr. Lewis stated that his agency would not monitor ground water for a reclamation site since if the groundwater was previously contaminated by mining activities, the reclamation actions would significantly reduce the contamination concentrations. As for surface water and soil sampling, none is conducted after reclamation is completed. The department determines if vegetation is occurring on the site. If it is, then the reclamation is considered to be successful.

Since the Wilmington Coal Mine was abandoned before the Surface Mine Control and Reclamation Act was implemented in 1977, it was considered to be abandoned and could be reclaimed using federal funding by the State of Illinois. A reclamation bond was only granted to facilities in operation just prior to the 1977 Act, who decided to obtain a bond such that federal funding could also be used to reclaim their sites. Once a Notice of Reclamation has been granted, as is the case with the Wilmington Coal Mine, the Office of Mines and Minerals, Illinois Department of Natural Resources is no longer responsible for this site. If any activities are conducted on the site which adversely affect the environment, the issue will be brought to the Illinois EPA, and no further funding or actions will be required by the Illinois Department of Natural Resources. Bruce Yurdin, of the IL EPA was named as the contact for water permits in the State of Illinois.

b. Illinois Environmental Protection Agency.

Bruce Yurdin, Manager, Watershed Management Section, Bureau of Water, Illinois Environmental Protection Agency. (217/782-3362) was contacted on September 1, 2000, and a phone message was left.

An email requesting Illinois EPA assistance was sent from the Corps to James Allison of the IL EPA (point of contact for DMMP projects), <u>EPA1114@epa.state.il.us</u>, on September 1, 2000. He forwarded the email to Larry Chrislip.

Larry Chrislip, Manager of Permit Section for the Mine Pollution Control Program, Illinois Environmental Protection Agency, Marion Office (618/993-7207), was contacted on September 5, 2000. He stated that since the coal regulations were not implemented until the 1970s, his office did not have any chemical data on a site of this age. Abandoned mine reclamation activities would not likely obtain a permit from his section, but instead from the general industrial NPDES permit section (for construction activities). At an abandoned mine site, heavy metals could be a concern if the area was mined a long time ago (he stated that the 1930s qualifies as a long time ago). He was not aware of any sites that had been reclaimed then disturbed. He stated that if the landowner disturbed the site thus re-initiating the problem, the land owner would be liable for these actions.

c. Illinois Department of Natural Resources.

An interview was conducted with Joe Pelk of the Office of Mines and Minerals, Illinois Department of Natural Resources (217/782-0357) on August 22, 2000. He will provide the Corps with a list of all Illinois abandoned coal mine sites which have undergone some reclamation efforts.

A phone conversation was held with Frank Pisani, P.E., Chief of Planning and Research, Office of Water Resources, of the Illinois Department of Natural Resources (217/557-8243) on January 19, 2001. Mr. Pisani had been the primary planner for reclamation efforts at the Wilmington Coal Mine (he has since changed positions). Mr. Pisani seemed to recall an Argonne National Laboratory report which discussed sampling at this site, but thought that it would be difficult to locate in the IL DNR archives. He remembered that some chemical analyses were completed, but was uncertain which chemicals were tested. He stated that since there was no work in the floodplain, a 401 certification was not required. He did consult with the EPA and received verbal approval to proceed with reclamation efforts. He also recalled that a FONSI was signed since the work was done for the United States Office of Surface Mines. He was certain that the site was never considered to be a Superfund Site. He did not recall any machinery on site or any indication of coal processing at this location. He believed that the only "hazardous" constituents that may be identified would be iron or manganese. He suggested contacting Jim Greg of the IL DNR for additional information, although he doubted that Mr. Greg would be able to locate the Argonne report.

Mr. Jim Greg was called on January 19, 2001 and a message was left (217/782-0588). A phone discussion was held on January 31, 2001. Mr. Greg was the project manager during the Wilmington Coal Mine reclamation activities. During these activities, the test plot flumes had been removed, then the test plot materials were incorporated with the adjoining mine spoils. After the site had been graded, limestone and green manure was incorporated into the site. Mr. Greg stated that the only potential HTRW concerns he could think of at this site were related to the radioactive material located on the east side of the Wilmington Coal Mine location. From the conversation, it appeared that he was referring to the site mentioned by the IL DNS. He stated that this material was some distance from the government's proposed placement site. He also stated that the wastewater effluent from the residential homes at the north edge of the site may not have been in compliance with state regulations. Mr. Greg was not aware of any restrictions on the land after it had been remediated by the IL DNR. Finally, the IL DNR works with the IL EPA Mine Pollution Division and has a blanket agreement (potentially a MOA) for performing work on abandoned mine sites unless any severe contamination is discovered.

Mr. Greg was also called on February 21, 2001. The US EPA had mentioned in an email that the Corps should look for any evidence of radioactive material during activities at Site 7. Mr. Greg stated that there were no bricks or indications of radioactive material near the ADM plant during the Wilmington Coal Mine reclamation. However, he did recall noticing bricks near the far northwest corner of the coal mine site. This is consistent with IL DNS records which show site NPL-4 in that location.

d. U.S. Army Corps of Engineers Waterway Experiment Station. .

Mr. Jose L. Llopis of the U.S. Army Corps of Engineers Waterway Experiment Station was contacted on January 19, 2001 (601/634-3164). Mr. Llopis was one of the authors of Technical Report EL-80-4, "Area Strip Mine Reclamation Using Dredged Material: A Field Demonstration," July 1980. Mr. Llopis recalled working on the site, and did not recall any concerns with hazardous materials. He did not recall any indications of PCBs, unlawful storage, or remnants of coal processing at this location. He recalled the "Argonne Report" but did not know where a copy could be located.

e. Illinois State Water Survey.

The Illinois State Water Survey well construction reports showed that the Four Star Marina, Inc. had installed a well in 1997 on their project site (1958 N 2753rd Rd, Ottawa, IL 61350 or Canal Road). Mr. Dan Partridge (815) 434-1748 answered questions about the marina on February 6, 2001. A groundwater well was installed, and tests of the well water had been frequently sampled and analyzed with no problems ever indicated. As shown in Figure 12, the Four Star Marina is located near the proposed placement site, and adjacent to the historic Wilmington Coal Mine. Mr. Partidge was listed as the owner of three sets of groundwater wells within Section 8, Township 33 North, Range 4 East. Well construction permit numbers included W93-018; W94-221; and 099-77-1997.



Figure 12: Four Star Marina Location

6. Records Review

The purpose of a records review is to obtain and review records that will help identify recognized environmental conditions concerning the property. Some of the records reviewed pertain not just to the property, but also to properties within an approximate minimum search distance, in order to help assess the likelihood of problems from migrating hazardous substances or petroleum products. Factors considered in determining the approximate minimum search distance include the density of the setting, the distance that hazardous substances or petroleum products are likely to migrate based on local geologic or hydrogeologic conditions, and other reasonable factors. This record review included querying several environmental databases and reviewing historical and current maps and photos.

This section provides summaries of the significant resources reviewed.

a. <u>Hazardous, Toxic and Radioactive Waste Report for Bulls Island Dredged Material</u> <u>Management Plan (DMMP)</u>, June 1999.

This report stated the following for conclusions and recommendations. No changes have been made from the selected text.

"No apparent direct source of HTRW contamination was located within or adjacent to the DMMP site plan construction limits at the time of this investigation. This does not preclude the idea that HTRW contamination may exist within the plan's boundaries. No environmental site assessment can absolutely eliminate uncertainty regarding the potential for recognized environmental conditions on a property. Unreported releases or storage of HTRW contamination may exist, but such information is doubtfully reasonably ascertainable or practically reviewable. For example, the dredge cut is located in a waterway with a noteworthy amount of upstream industrial activity. Unknown releases of hazardous constituents may contribute to isolated sediment contamination. However, since frequent dredging occurs on the project area, any accumulation of contaminants should be less than expected when compared to sediment from a non-dredged area.

The Phase I Environmental Site Assessment was performed in conformance with the scope and limitations of ASTM Standards for this property. This assessment has revealed no evidence of recognized environmental conditions concerning the dredge material placement sites.

It is not recommended that any further HTRW Environmental Site Assessments be conducted since there is no evidence of recognized environmental conditions concerning the dredge locations or placement sites."

b. CEMVR-ED-DN, 1999 HDR Real Estate Memorandum, July 1999.

The memorandum included the following statements. No changes have been made from the selected text.

"In accordance with ER 405-1-12 Real Estate Handbook and ER 1165-2-132 Hazardous, Toxic, and Radioactive Waste (HTRW) Guidance for Civil Works Projects and consistent with good commercial or customary practice, an HTRW Documentation Report (HTRWDR) was prepared. The type of property subject to assessment, the expertise and risk tolerance of the user, and the information developed in the course of the inquiry guided the appropriate level of report investigation. The screening methods and tools used to prepare the Phase I ESA have been selected based on the location, physical setting, surrounding land uses, and particular nature of the proposed dredged material placement sites and the characteristics of the dredged material. The Bulls Island Dredged Material Management Plan (DMMP) involves work on land which has historically been used for agricultural and clay mining purposes, and not for any known or suspected industrial purposes. Of the three sites, Sites 1, 3, and 7, only Site 7 was believed to pose any potential HTRW concern that should be assessed. Based on the known and determined history of the site, the techniques used to assess the potential for HTRW contamination consisted of a site visit, informal interviews, a review of current and historical maps and aerial photographs, and a search of federal and state environmental databases.

The HTRW assessment began with the Illinois On Site Inspection Team (IL OSIT) site visit and culminated with preparation of a Phase I ESA. Informal discussions between IL OSIT team members from the Illinois Department of Natural Resources, and the United States Fish and Wildlife Service (USFWS) concluded with the general consensus that there were no indications of an association or history of hazardous substances at the sites. Site 7 originally posed some concern over mining activities, however, once it was verified from other sources that all that was mined was clay, the concern of potential contamination was abated. A review of the data for the dredge cut and placement sites indicates that there is a very slight to no potential for HTRW contamination within the project areas. Very low concentrations of contaminants could be bound up in a few and isolated spots in the dredge cut areas where there is a high concentration of fines and clay sediments. Effluent from the dredged placement area could contain low concentrations of pesticides, herbicides, and constituents of fertilizer such as nitrates; however, these contaminants are expected to be well within the regulatory limits and would be addressed by complying with the water quality standards required for all dredging operations.

Since there is a slight or no potential of encountering contaminants at the DMMP sites or in the sediments, it is not recommended that any further HTRW Environmental Assessments be conducted. The dredged material placement sites are located in agricultural and former clay mining areas where current environmental regulations allow for the controlled application of herbicides and pesticides. The sediments currently located at the dredge cut are not considered to be contaminated. Sampling of the dredge cut sediments or further assessment of the placement sites is not recommended."

c. IL DNR 1991 Construction Grant Project General Environmental Assessment for the Wilmington Coal Company Mine, AML-GLsC-9103, 1990.

Prior to 1991, the reclamation site's major problems were classified as erosion and sedimentation entering directly into the river. Acid drainage and heavy metal transport into the river was ongoing. However, the problem was not as noticeable as with other mine sites due to the dilution effects. In addition, the material, while acidic, was composed mostly of tight clay and shales containing only small fragments of pyritic material. ("Pyrite" is defined as a common mineral that consists of iron disulfide (FeS2), has a pale brass-yellow color and metallic luster, and is burned in making sulfur dioxide and sulfuric acid. "Pyrites" is defined as any of the various metallic looking sulfides of which pyrite is the most common.)

d. IL DNR Application for the Wilmington Coal Company, AML-GLsC-9103 Program Narrative Statement.

The principal objective of this project was to reduce the environmental problems occurring from the site's spoil material. The spoil material had acidified on site impoundments and had contributed to acid runoff and sedimentation into the Illinois River. Successful reclamation of the site should substantially reduce the amount of acid runoff and erosion of sediments into the Illinois River.

e. IL DNR Notice of Reclamation.

The Notice of Reclamation for tract of land in Section 7, Township 33 North, Range 4 East of the Third Principle Region, located in the County of LaSalle, 10 June 1994. (Bulls Island Tract 100 Exception # 14) states in part, the following:

"35 acres of barren mine spoil ridges and pools of acidic water impoundments contributing considerable sediment and poor water quality to the Illinois River. Reclamation was performed originally between March 1991 and November 1993 as part of an overall reclamation project to eliminate the adverse environmental effects. The work included neutralizing all acid water impoundments, grading the site to promote positive drainage and establishing vegetation throughout the affected area to reduce erosion."

f. Reclamation Plans for the Wilmington Coal Mine Reclamation Project, AML-GLsC-9103, LaSalle County, 1990.

These plans were prepared by Stanley Consultants for the State of Illinois Abandoned Mined Lands Reclamation Council. The project was funded by the United States Department of the Interior Federal Office of Surface Mining. These plans included the following information:

- 1). Burial and Removal of non-biodegradable debris designated for burial by the engineer shall be buried at least three feet below proposed final grade. Onsite debris and trash shall be disposed of in an engineer approved offsite landfill.
- 2). Trees removed shall be disposed of onsite by being burned or used as wildlife habitat in areas designated by the engineer.
- 3). Immediately prior to seed bed preparation, fertilizer nutrients and agricultural ground limestone shall be uniformly spread.
- 4). Within 24 hours from the time permanent seeding has been performed, the seeded area shall be given a covering of mulch.
- 5). The entire site shall have received the 1st green manure seeding by September 1, 1991. Permanent seeding shall be completed by September 1, 1992.
- 6). All disturbed areas within construction limits will be amended with agricultural ground limestone, fertilizer nutrients, seeded and mulched.
- 7). For the west site (where Site 7 is located), 65.3 acres would be impacted, with 454,883 cubic yards of earth cut, and 381,075 cubic yards filled
- 8). Impoundment #9 was located near the project site. No chemical measurements were taken at this site as the water depth was less than 6 inches.

g. USACE Technical Report EL-80-4, <u>Area Strip Mine Reclamation Using Dredged</u> <u>Material: A Field Demonstration</u>, July 1980.

This report summarizes activities during the placement of contaminated sediment from the Calumet-Sag Channel onto the proposed Site 7 during the late 1970s. The purpose of the report was to demonstrate the feasibility of using a cover of dewatered dredged material to reclaim surface mine spoils. Establishment of vegetation and control of soil erosion and acid runoff are the primary objectives of the reclamation effort. The timeline of activities leading up to this field demonstration are exhibited in Table 1.

| Date | Item |
|---------------|--|
| 1930s | Completed coal and clay mining activities. |
| 1974 | Plan for Demonstration Project somewhere. |
| 1975 | A preliminary greenhouse investigation was initiated with the Bureau of Mines at the Morgantown Energy Research Center, West Virginia. |
| February 1976 | The Chicago District of the Corps of Engineers was contacted about a potential field demonstration project. |
| July 1976 | The Ottawa Silica Company was contacted and a verbal agreement was made with company representatives to use a few acres of mine spoils for the demonstration site. |
| 1976-1977 | Site Construction. |
| 1977-1978 | Recorded severe winter. |
| June 1978 | Complete vegetation cover was noted on treated plots. |

Table 1: Timeline of Field Project.



Figure 13: Strip Mine Location Receiving Test Plots.

The site geology was explained in detail in this report in order to explain how coal and clay mining were both activities at this site. A general description of the underlying geology is show in Table 2.

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| Approximate | |
|-----------------|--|
| Depth | Description |
| | |
| 0 inches | Surface. |
| 20-30 inches | Loran and Lawson silt loams, dark colored in silty material (present before strip mining). |
| 16 feet | Fancis Creek Shale, light gray shale; pyrite abundance in bottom 5-10 feet of the formation. |
| 2.2 feet | Coal #2, LaSalle |
| 16.2-23.2 feet | Coal #2 Underclay consisting of: |
| 1 foot | Dark fireclay. |
| 8 feet | Light fireclay lenses of pisolitic boulders with large amounts of pyrite. |
| 0.2 feet | Local green clay. |
| 1 to 4 feet | Hard, brown sandstone (local). |
| 5 to 9 feet | Very light gray clay. |
| 1 foot | Sandy clay. |
| 140 feet | St. Peter Sandstone, light tan to buff colored friable sandstone, grains well rounded and spherical. |
| 150 to 200 feet | Shakopee Dolomite of Ordovician age. |
| 140 to 190 feet | New Richmond Sandstone of the Ordovician age. |

 Table 2: Site Geology.

The mining spoils were tested for various chemical constituents, including heavy metals. The report describes samples from each of the four test plots, before dredged material was placed. The results from these test plots were averaged in the report, and the values are listed in Table 3. The samples from the 1977 project were prepared and analyzed using methods appropriate at that time. These results are show in Table 3 compared against current Illinois Environmental Protection Agency Tiered Approach to Corrective Action (TACO) background levels, and clean-up limits (Tier One TACO Residential Limits). Several of the chemicals analyzed in this report do not have a correlating TACO standard. Additionally, at the time of the placement, these levels were within reasonable standards for use of the area as an agricultural field.

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As is shown in Table 3, while chromium, magnesium, potassium, sodium, and sulfate levels were all above TACO background levels, all of the concentrations were beneath the current Tier 1 Residential Standards, or are not regulated by the IL EPA as having a Tier 1 Residential Standard.

| | Mere Grad | TACO- | TACO-Tier One Residential | | |
|-------------------------|-----------|------------|---|---|--|
| Chemical | wine Spon | Background | Ingestion | Inhalation | |
| | mg/kg | mg/kg | mg/kg | mg/kg | |
| Calcium | 1,550.00 | 5,525.00 | | | |
| Cadmium | 0.01 | 0.50 | 78 | 1800 | |
| Chromium | 88.00 | 13.00 | 390.00 | 270.00 | |
| Copper | 27.80 | 12.00 | 2,900.00 | No Toxicity criteria for this route of exposure | |
| Iron | 37,000.00 | 15,000.00 | No Toxicity criteria for this route of exposure | No Toxicity criteria for this route of exposure | |
| Lead | 41.40 | 20.90 | 400.00 | No Toxicity criteria for this route of exposure | |
| Magnesium | 4,903.00 | 2,700.00 | | | |
| Nickel | 45.10 | 13.00 | | | |
| Potassium | 31,550.00 | 1,100.00 | | | |
| Sodium | 6,740.00 | 130.00 | | | |
| | | | | No Toxicity criteria for this route of | |
| Zinc | 88.50 | 60.20 | 23,000.00 | exposure | |
| Manganese | 246.00 | 630.00 | 3,700.00 | 69,000.00 | |
| TKN (organic nitrogen) | 645.00 | | | | |
| TP (total Phosphorous) | 610.00 | | | | |
| Ammonia (NH3-N) | 17 350 00 | 110.00 | No Toxicity criteria for this route of | No Toxicity criteria for this route of | |
| Chlorine | 12.00 | 110.00 | exposure | exposure | |
| Cvanide | 0.40 | 0.50 | 1600 | | |
| Mercury | 0.049 | 0.05 | 23 | 10 | |
| рН | 3.80 | 6.80 | | | |
| Total Nitrogen (NO3NO2) | 6.96 | | | | |
| Sulfide (s) | 10.00 | 2.90 | | | |
| Conductivity (umhos/cm) | 3,553.00 | | | | |

 Table 3: Chemical Analysis of Mine Spoil Versus IL EPA TACO Standards.

The dredged material used at the field demonstration site was obtained from Disposal Area MDS-6 owned by the Metropolitan Sanitary District of Greater Chicago. The area was located 0.25 miles east of Ridgeland Road along the north side of the frontage road which parallels the Calumet Sag Channel in western Alsip, Cook County, Illinois.



Figure 14: Location Map for Dredged Material Original Location (from report).

The silty material was classified as group MH, inorganic silt, slightly plastic, with a small percentage of fine sand. The USDA classification was "silt loam soil." The material was last placed at the Alsip, IL location in 1973. The dredged materials from this site were analyzed at each of the three test plots where they were tested. These results were averaged in the report and are shown in Table 4 below.

The samples from the 1977 project were prepared and analyzed using methods appropriate at that time. These results are show in Table 4 compared against current Illinois Environmental Protection Agency Tiered Approach to Corrective Action (TACO) background levels, and clean-up limits. Several of the chemicals analyzed in this report do not have a correlating TACO standard. Additionally, at the time of the placement, these levels were within reasonable standards for use of the area as an agricultural field.

Most of the chemicals analyzed were above background levels. However, with the exception of lead (clean-up limit of 400 ppm, quantity of undiluted dredged material 507 ppm in 1977), none exceeded the Tier One Standard.

| | Dredged Spoil | TACO- | TACO-Tier One Residential | | |
|-------------------------|---------------|------------|---|---|--|
| Chemical | | Background | Ingestion | Inhalation | |
| | mg/kg | mg/kg | mg/kg | mg/kg | |
| Calcium | 53,500.00 | 5,525.00 | | | |
| Cadmium | 13.00 | 0.50 | 78 | 1800 | |
| Chromium | 166.00 | 13.00 | 390.00 | 270.00 | |
| Copper | 113.00 | 12.00 | 2,900.00 | No Toxicity criteria for this route of exposure | |
| Iron | 41,867.00 | 15,000.00 | No Toxicity criteria for this route of exposure | No Toxicity criteria for this route of exposure | |
| Lead | 507.00 | 20.90 | 400.00 | No Toxicity criteria for this route of exposure | |
| Magnesium | 27,333.00 | 2,700.00 | | | |
| Nickel | 53.20 | 13.00 | | | |
| Potassium | 17,697.00 | 1,100.00 | | | |
| Sodium | 4,043.00 | 130.00 | | | |
| Zinc | 1,123.00 | 60.20 | 23.000.00 | No Toxicity criteria for this route of exposure | |
| Manganese | 535.00 | 630.00 | 3,700.00 | 69,000.00 | |
| TKN (organic nitrogen) | 1,657.00 | | | | |
| TP (total Phosphorous) | 4,990.00 | | | | |
| Ammonia (NH3-N) | 35.00 | | | | |
| Sulfate (SO4) | 3 773 00 | 110.00 | No Toxicity criteria for this | No Toxicity criteria for this | |
| Chlorine | 333.00 | 110.00 | | route of exposure | |
| Cvanide | 2 10 | 0.50 | 1600 | | |
| Mercury | 2.10 | 0.05 | 23 | 10 | |
| рН | 7.10 | 6.80 | | 10 | |
| Total Nitrogen (NO3NO2) | 20.10 | 0.00 | | | |
| Sulfide (s) | 10.00 | 2.90 | | | |
| Conductivity (umhos/cm) | 2,530.00 | | | | |

 Table 4: Chemical Analysis of Dredged Materials Versus IL EPA TACO Standards.

As can be observed from Tables 5, in most cases the dredged spoil was more contaminated than the mine spoil with the exception of potassium, sodium, sulfate and conductivity.

| Chemical | Mine Spoil | Dredged Spoil | Higher Concentration | |
|-------------------------|------------|------------------|-------------------------|--|
| | mg/kg | mg/kg | | |
| Calcium | 1,550.00 | 53,500.00 | DREDGED SPOIL | |
| Cadmium | 0.01 | 13.00 | DREDGED SPOIL | |
| Chromium | 88.00 | 166.00 | DREDGED SPOIL | |
| Copper | 27.80 | 113.00 | DREDGED SPOIL | |
| Iron | 37,000.00 | 41,867.00 | DREDGED SPOIL | |
| Lead | 41.40 | 507.00 | DREDGED SPOIL | |
| Magnesium | 4,903.00 | 27,333.00 | DREDGED SPOIL | |
| Nickel | 45.10 | 53.20 | DREDGED SPOIL | |
| Potassium | 31,550.00 | 17,697.00 | MINE | |
| Sodium | 6,740.00 | 4,043.00 | MINE | |
| Zinc | 88.50 | 1,123.00 | DREDGED SPOIL | |
| Manganese | 246.00 | 535.00 | DREDGED SPOIL | |
| TKN (organic nitrogen) | 645.00 | 1,657.00 | DREDGED SPOIL | |
| TP (total Phosphorous) | 610.00 | 4,990.00 | DREDGED SPOIL | |
| Ammonia (NH3-N) | 14.00 | 35.00 | DREDGED SPOIL | |
| Sulfate (SO4) | 17,350.00 | 3,773.00 | MINE | |
| Chlorine | 12.00 | 333.00 | DREDGED SPOIL | |
| Cyanide | 0.40 | 2.10 | DREDGED SPOIL | |
| Mercury | 0.049 | 2.10 | DREDGED SPOIL | |
| рН | 3.80 | 7.10 | DREDGED SPOIL | |
| Total Nitrogen (NO3NO2) | 6.96 | 20.10 | DREDGED SPOIL | |
| Sulfide (s) | 10.00 | 10.00 | SAME | |
| Conductivity (umhos/cm) | 3,553.00 | 2,530.00 | MINE | |

 Table 5: Comparison of Mine Spoil Vs. Dredged Spoil.

The report summarized that dredged material can be used beneficially as a cover to reclaim surface mine areas. The field demonstration reclamation of an area strip mine fulfilled the objectives of the study and was highly successful. The application of dewatered dredged material to the level plots abated erosion and acid mine drainage.

The dredged material provided a rooting media for vegetation, and the fall-applied seed mixture provided a complete vegetation cover. Chemical analysis of the heavy metal uptake by tall fescue showed that the uptake was low and well within the suggested heavy metal uptake in agronomic crops.

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The dredged material was low in contaminants, although it did not contain excessive contaminants so as to restrict plant growth or contaminate the harvested plant material. The water quality runoff was adequate for agricultural irrigation water standards. In all cases, the water quality of the dredged material plots as measured in surface runoff, leachate, and groundwater, was better than that of the mine spoil. There was no buildup or trend with time in the concentration of contaminants measured in the runoff, leachate, and groundwater of the dredged material plots.

h. USACE Technical Report D-88-8, <u>Inland Waterways: Proceedings of a National</u> <u>Workshop on the Beneficial Uses of Dredged Materials</u>, November 1988.

The Ottawa, IL, area strip mine reclamation project was initiated in 1978 as a Productive Uses Project of the WES Dredged Material Research Program. It was designed to demonstrate a potential productive use of dredged material. This area strip mine reclamation project was created to demonstrate the feasibility of using a cover of dewatered dredged material to reclaim surface mine spoil deposits.

The initial objective of the reclamation effort was the abatement of erosion and acid drainage from exposed pyritic overburdens. The slow rates at which these spoil area revegetate and their barren extensiveness foreshadow endless decades of acid runoff if efforts are not made to ameliorate their condition.

In this demonstration, the topography of the spoil ridges was recontoured, and dredged material was used as a substrate for vegetation development. Placement of the dredged material over the pyritic mine spoil buffered both the acid runoff and limited the infiltration of water as it allowed the establishment of a dense growth of perennial grasses. A control area not treated with dredged material, though leveled and seeded similarly, remained essentially barren.

During the study, certain physiochemical parameters of the test plots within the demonstration project were monitored, as were changes in the colonial ecosystem as it became established. The dredged material used in this demonstration project contained low levels of PCBs, PAHs, and toxic heavy metal contaminants, so bioassay and biomonitoring techniques were applied to assess the degree to which contaminants were available and mobile, not only in the initial stages of revegetation but also as the vegetation developed and the dredged material aged.

Quality of Soil Water: During the first two years after site construction, soil water was sampled at three depths in the treated plot and at one depth in the control plot. The pH of the dredged material near the surface dropped slightly with vegetation establishment, then remained relatively constant. Below the dredged material/mine spoil interface, the soil water became less acidic.

Quality of Run-off Water: The pH and acidity of the runoff collected during a storm event reflect the physical effectiveness of using dredged material in pyritic mine spoil restoration insofar as its capacity to reduce acid runoff. Extensive analyses of the runoff for heavy metals were conducted, and no movement of toxic metals in the dredged material was noted. All metals were below detection limits in runoff water.

Vegetation. By 1980 the three treatment plots were almost completely vegetated. In 1985, the species composition of all plots changed by an average of 49%.

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Contaminant Mobility. The incidental presence of heavy metals in the dredged material at the Ottawa demonstration site appeared to have little direct effect on the plant community. Although some heavy metals, PBC's and PAH's are present, there do not now appear to be any potential routes of contaminant uptake other than the movement of cadmium from leaf litter as indicated by bioassay earthworms (not tested at this site).

i. USACE Technical Report EL-80-7, <u>Suitability of Dredged Material for Reclamation</u> of <u>Surface-Mined Land</u>, July 1980.

In several of the telephone conversations, this report was referred to as the "Argonne Report."

According to Technical Report EL-80-7, the research plots were located in an abandoned coal and clay strip mine located in the SE ¼ and center of section 7, and the SW ¼ and center of section 8, T33N, R4E, Rutland Township, approximately 1.5 miles east of Ottawa, Illinois.

One of the main reasons for mining coal at this location was its location on a river-cut terrace. There is no till at this site, and the overburden consists of a low refractory shale, the Francis Creek shale that could be of minor use in industry.

The Wilmington Coal Company initiated mining at this site in 1936. Operations were somewhat erratic through the years and mining ceased in 1942. In addition, the National Fireproofing Company had an interest in the area because of the under clay directly beneath the coal. This clay is generally of high refractory value (except where pyrite rich) and it provided to be much more valuable than the Francis Creek shale that makes up the overburden to the coal. Unfortunately, the material in the stratigraphic section that was left behind as waste by the coal and clay companies is also the material that causes the most environmental problems. On the basis of field observations, it is concluded that the waste piles in approximately the northwest quarter of the area contain waste fireclay (under clay) and hence the under clay was mined out to a large extent. The bottom of the mine is only a thin remnant of this under clay, overlying the St. Peter sandstone. On the other hand, the area covered by the southeast corridor has only been worked for the coal. The under clay is still intact below the waste piles.

The Illinois River, only 300 feet (91 meters) away from the site, was determined to have a major influence on local hydrology. The river's normal pool elevation is 460 feet (140 meters) above mean sea level, with its maximum height at 472 feet (144 meters) and a minimum low at 454 feet (138 meters). Another controlling factor is the permeability of the mine waste material which, with a relatively impermeable surface crust, prohibits infiltration. The evaluation of hydrology through installing three wells indicated that the mine spoils were unsaturated below the superficial crust and the saturated water level occurs just below the top of the under clay in the southern and eastern portion of the site at an elevation slightly in excess of that expected from hydrostatic pressure concerns.

Two groundwater wells were installed at the site. Well No. 1 was 37.4 feet (11.4 meters) deep, and ended in underclay. Well No. 2 was 22.5 feet (6.86 meters) deep and ended in St. Peters Sandstone.



Figure 15: Groundwater Well Locations (circled above).

Table 6 indicates that sulfate, iron, lead and zinc all exceed the Tier I TACO standards for groundwater. From an analysis of the groundwater samples, it did not show that groundwater was contaminated from the leachate of the overlaying spoils. Trace metal content and sulfide content were initially high, the tapered off rapidly for most constituents to near detection limits for the remainder of the sampling period. Trends indicate possible initial contamination due to well drilling. High zinc contamination was attributed to possible contamination from the well casings.

| | Well No. 1 | Well No. 2 | GW- Class I | GW- Class II |
|-----------------------------------|--------------------|----------------|----------------|-----------------|
| Constituent | mg/l | mg/l | mg/l | mg/l |
| рН | 7.31 | 6.46 | n/a | n/a |
| EC, mmho | 2.91 | 2.46 | n/a | n/a |
| Alkalinity | 665 | 54.3 | | |
| Acidity | 130 | 697 | | |
| Calcium | 455 | 490 | n/a | n/a |
| Magnesium | 518 | 370 | n/a | n/a |
| Strontium | 5.93 | 8.66 | | |
| Sodium | 249 | 39.9 | n/a | n/a |
| Potassium | 21.3 | 31.3 | n/a | n/a |
| Chlorine | 25 | 5 | 200 | 200 |
| Sulfate (SO4) | 3300 | 3500 | 400.00 | 400.00 |
| Aluminum | 25* | 2.6* | | |
| Iron | 99* | 217* | 5.00 | 5.00 |
| Manganese | 3.96* | 8.2 | 0.15 | 10.00 |
| Copper | 0.12* | 0.05 | 0.65 | 0.65 |
| Chromium | 0.14 | 0.05 | 0.10 | 1.00 |
| Cadmium | 0.07* | 0.02 | 0.005 | 0.05 |
| Nickel | 0.22* | 0.64 | n/a | n/a |
| Lead | 0.34* | 0.13 | 0.0075 | 0.10 |
| Zinc | 193* | 105 | 5.00 | 10.00 |
| Cyanide | 0.023 | 0.017 | 0.2 | 0.6 |
| Mercury | 0.0002 | 0.0014 | 0.002 | 0.01 |
| TKN | 3.23 | 2.58 | n/a | n/a |
| NH3-N | 2.64 | 2.44 | n/a | n/a |
| NO3+MO2-N | 0.19 | 0.19 | | |
| Total P | 0.08 | 0.05 | n/a | n/a |
| PO4-P | 0.05 | 0.05 | | |
| Sulfide (S) | 7.65* | 5.57* | n/a | n/a |
| * Values initially very limit. | high, then rapidly | decreasing, us | ually due to | detection |

limit.

 Table 6: Water Quality Vs. TACO Standards.

j. Illinois State Water Survey, Water Well Survey Reports.

On November 1, 2000, the Illinois State Water Survey sent copies of water well construction reports for Sections 7 and 8 of Township 33N, Range 4E in LaSalle County. These reports were reviewed. Dan Partridge was listed on several items and was also the Point of contact for the Four Star Marina. These sites were near the proposed Site 7. Mr. Partridge had never had any problems with well water quality.

k. Abandoned Mined Lands and Water Reclamation Act (20 ILCS 1920).

The Illinois Act states the following:

"It is the policy of this State to provide for the conservation and reclamation of lands and water affected by mining which have been abandoned, in order to restore these abandoned lands and waters to such productive use, in accordance with this State's conservation and land reclamation policies, as will aid in maintaining or improving the property tax base, protect the health, safety and general welfare of the people, promote the natural beauty and aesthetic values of this State and enhance the environment, and correct and prevent soil erosion, stream pollution, water, air and land pollution, and other injurious effects to persons, property, wildlife and natural resources. It is the purpose of this Act to implement these policies in a way which satisfies the requirements of the federal Surface Mining Control and Reclamation Act of 1977, P. L. 95-87, as amended, and which makes this State eligible for funds for reclamation of abandoned lands and waters under that Act. (Source: P.A. 81-1020.)"

According to 20 ILCS 1920, "reclamation" means "the restoration of abandoned lands and waters to constructive uses, including, but not limited to forests, grasses and legumes, row crops, wildlife and aquatic reserves and recreational, residential and industrial sites, and abatement, control or prevention of adverse effects of coal mining."

Additionally, this act describes state right of entry requirements, reclamation efforts, land acquisition by the state, liens and other requirements associated with abandoned mines.

1. Illinois State Geological Survey, Directory of Coal Mines in Illinois, LaSalle County, May 2000.

Coal has been mined in 73 counties in Illinois and more than 4,500 coal mines have operated since commercial mining began in 1810. The Illinois State Geological Survey (ISGS) has compiled maps of known mines for each of these counties in order for the public to be able to identify mined areas, both underground and surface. These maps and the accompanying directories, which provide basic information about the mines, represent the most comprehensive compilation of available data. Please note however that the accuracy and completeness of the maps and directories varies depending on the availability and quality of source material. Little or no information is available for many of the mines, especially the older ones, because mining activity was not regulated or documented until the late 1800's. Even then, reporting requirements were minimal.

When the report was reviewed for LaSalle County, the property of concern was identified as follows:

| ISGS Index ¹ | 2695 |
|---------------------------------|-----------------------|
| Company Name² | Wilmington Mines Inc. |
| Mine Name ³ | Wilmington |
| Mine Type ⁴ | Strip |
| Years Operated ⁵ | 1935-1942 |
| Seam Mined ⁶ | Colchester |
| County | LaSalle |
| Township | 33N |
| Range | 4E |
| Section | 9 |

Table 7: Wilmington Coal Mine (ISGS Review).

¹ Each mine in the state is identified with a unique number; this number is shown on the map and is the link between the map and the directory. The number is permanently assigned to a mine regardless of changes in the mine name, ownership, or operator. Active mines are identified with an asterisk after the index number.

 2 A mine may have been operated by more than one company or the operating company may have changed its name. Separate entries in the directory show each name and the years of operation under the name. In many instances, names have been abbreviated to fit within the space available.

³ Underground mines are either "shaft," "slope," or "drift" which refers to the type of opening used to remove the coal from the mine. In shaft mines the coal is removed through a vertical shaft. Slope designates mines in which the coal is removed via a sloping incline from the ground surface to the mining level. In slope mines, miners and equipment may use either the slope or a vertical shaft to get into the mine. A drift mine is an underground mine that is excavated where the coal outcrops in the side of a bluff or the highwall of a surface mine. The mine type for surface mines is "strip" because these mines are more commonly called "strip mines."

⁴ Years that the mine operated; these dates may include periods when the mine was idle or not in full operation. Dates of mining from different sources are sometimes contradictory.

⁵ The seam name is that used by the Illinois State Geological Survey. The Colchester seam is also referred to as the "No. 2 LaSalle" seam. The Colchester seam is located in the Carbondale formation

m. IL DNR Office of Mines and Minerals Description of Mine Hazards.

Hazards which are associated with abandoned mines include acid mine drainage, clogged streams, clogged stream lands, dangerous highwalls, dangerous impoundments, dangerous piles and embankments, dangerous slides, gob piles, hazardous equipment or facilities, hazardous or explosive gases, hazardous water bodies, industrial/residential waste, portals, subsidence, surface burning, underground mine fires, and vertical opening.

Hazards which are possible with the Wilmington coal mine and are of an HTRW concern could include acid mine drainage and gob piles.

Water that is discharged from mining or mine-related operations which contains high levels of dissolved iron and aluminum sulfates in conjunction with pH values less that 4.5 (acidic) is considered to be an acid mine drain-off. It is produced when oxygen dissolved in water reacts with pyritic (iron sulfide) materials found in association with most coal deposits. Acid mine drainage (AMD) degrades the water quality of streams and water supplies, often to the point of eliminating all biological activity within the stream contaminated with AMD.

Gob piles consist of the refuse or waste removed from an underground mine. This includes mine wastes, rock, pyrites, slate, or other unmarketable materials that are separated during the cleaning process. Gob piles are generally found at coal load out and processing facilities.

(Source: http://www.omnet.net/~naamlp/hazards.htm.)

n. Pennsylvania Department of Environmental Protection, Coal Mine Drainage Prediction and Pollution Prevention in Pennsylvania, 1997.

Acid mine drainage (AMD) is mentioned throughout the document. AMD is formed when pyrite and other iron disulfide minerals present in coal and overburden are exposed to oxygen and water by mining. The oxidation of pyrite releases dissolved iron, hydrogen ions (acidity), and sulfates. Although the process occurs slowly in undisturbed conditions, it can be greatly accelerated by both surface and underground mining. The pyrite oxidation is further accelerated by the iron-oxidizing bacterium Thiobacillus ferrooxidans, which thrives in low pH environments and oxidizes ferrous iron to ferric oxide. Under low pH condition, ferric iron remains in solution and can directly oxidize pyrite. Thus, once AMD formation is started, decreasing the pH of the mine environment, the AMD reaction is further accelerated by bacteria and the production of ferric iron, resulting in severe AMD.

Chapter 4 discusses "Impacts of Mine Drainage on Aquatic Life, Water Uses, and Man-Made Structures." Pyrite in coal and overlying strata, when exposed to air, oxidizes, producing iron and sulfuric acid. Ferritic iron, when discharged to surface water, hydrolyzes to produce hydrated iron oxide and more acidity (thus, acid mine drainage). Acid mine drainage with elevated metals concentrations discharging into headwater streams or lightly buffered streams can have a devastating effect on aquatic life. Secondary effects such as increased carbon dioxide tensions, oxygen reduction by the oxidation of metals, increased osmotic pressure from high concentrations of mineral salts, and synergistic effects of metal ions can also contribute to toxicity.

Aluminum, iron, and manganese are the three metals widely recognized as being associated with mine drainage. Heavy metals may be of a concern and compound the adverse effects of mine drainage. Heavy metals are generally less toxic at circumneutral pH. Trace metals such as zinc, cadmium, and copper, which may also be present in mine drainage, are toxic at extremely low concentrations. In addition to dissolved metals, precipitated iron or aluminum hydroxide may form in streams receiving mine discharge with elevated metals concentrations.

Chapter 12 discusses "Reclamation and Revegetation." This chapter states that establishing vegetation on coal mined land is required in accordance with federal coal mining laws. Where vegetation is poor, precipitation can rapidly enter mine spoil leaving less opportunity for evapotranspiration and uptake by plants. Further, the sparse vegetation consumes less water, allowing more to infiltrate below the rooting zone. A site with little or poor vegetation would generate much less evapotranspiration and therefore, much higher infiltration into the groundwater system, ultimately increasing the volume of mine drainage generated by the site.

o. US EPA, Office of Water, Effluent Guidelines, Coal Mining Statistical Support Document, April 11, 2000.

This document discusses the characteristics of coal mine drainage and discharges. Acid mine drainage has been produced by coal mining operations in the United States for many years, resulting in extensive surface-water and ground-water pollution. The Federal Clean Water Act, the Federal Surface Mining Control and Reclamation Act (SMCRA), and associated state laws require coal mine operators to take steps to prevent or control the production of acid mine drainage from active and reclaimed surface mining operations so that point-source discharges meet the applicable effluent limitations found at 40 CFR part 434. If pre-existing pollutional discharge of acid mine drainage is occurring within the area or on an area hydrologically connected to an EPA permit area, the property operators are often faced with liability to treat the discharge to the best available technology achievable (BAT) effluent standards.

p. Coal Mining Point Source Category; BPT, BAT, BCT Limitations and New Source Performance Standards (40 CFR 434).

The term "reclamation area" is defined as a surface area of a coal mine which has been returned to the original contour and on which revegetation (specifically, seeding or planting) work has commenced.

Subpart E of 40 CFR 434 describes U.S. EPA requirements for discharges from post mining areas. 40 CFR 434.53, "Effluent limitations guidelines representing the degree of effluent reduction obtainable by the application of the best available technology (BAT)," describes effluent limitations from a reclamation area until an SMCRA bond release. No limits are shown for areas once they have obtained an SMCRA bond release.

q. Maps and Photos.

Geological surveys and aerial photographs provide an excellent source of historical property usage of the placement sites and adjacent areas. Other maps and photographs reviewed, but not shown in this section, are inserted throughout this document or are listed in Appendix B.



Figure 16: 1902 Map.

From the 1902 Map, the proposed project site is located over a quarry and pastureland. The site is also located near a proposed levee and northeast of a proposed lock and dam in the Illinois Waterway. There are several railroad tracks in this area, including the Illinois Valley Roadway, the Rock Island and Pacific Railway. The land west of the project site appears to be owned by the Pioneer Fireproof Construction Agency. A quarry railroad also runs towards the site, although it appears to end just west of the proposed site. The flow of the Illinois River has changed in the past 99 years.

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Figure 17: 1932 Map.



Figure 18: 1932 Photograph.

The photographs and maps from 1932 indicate a quarry at the proposed placement site. An abandoned mining railroad is located northeast of the site. The Illinois and Michigan canal, railroad tracks, and the Chicago Retort and Fire Brick Company also lay north of the site. There is no longer an indication of pastureland at this site.



Figure 19: 1999 Site Map (from 1971 Quadrangle).

The 1999 Project map indicates that the area had remnants of mining in 1971. The map indicates wetland areas to be avoided, and area required for river access. Additionally, the map shows a new island on the upriver send of Bulls Island, presumably where a cut on the left bank occurred. A large body of water is also observed in the center of Bulls Island. By the time the 1996 photograph was taken, all evidence of mining was gone.



Figure 20: Bulls Island Orthophotography (1996).

7. Findings and Conclusions

Site 7, upon initial HTRW review in 1999, did not appear to have any HTRW concerns. All maps associated with the project showed a flat property, possibly used for agricultural purposes, with a forested area and wetland near the Illinois River. There were historical maps of the area which indicated clay mining. However, this type of mining activity was not determined to be an HTRW concern. During the real estate acquisition process, it was determined that the site had been used for coal mining. After further review, more indications of HTRW related to other activities were also revealed. Appendix C contains a timeline of Site 7.

Site 7 had been mined for clay, as indicated in the 1999 report. However, within the clay was an approximate 2 foot layer of coal (#2 LaSalle Seam). This coal had been mined by the Ecko Coal Company in the 1930s and by the Wilmington Coal Mines, Inc. from 1936 to 1942. The site was eventually abandoned, leaving a scarred surface typical of strip mining activities.

Coal mining regulations developed through the years, with notable enforcement acts occurring in 1962, 1968, 1971 and 1977. The 1977 Act (SMCRA) provided the States with the ability to use federal funds to reclaim abandoned coal mine sites.

In the middle 1970s, the Corps of Engineers became interested in using some of their dredged material for placement on abandoned coal mines. The goal was twofold, find an area to place navigation related dredged material and assist with abandoned coal mine reclamation (beneficial use). Research was required to determine if vegetation could survive on dredged material, especially if this dredged material was placed on abandoned mine spoils. Vegetative growth is required for Mine Reclamation to be successful. The Corps Identified the Wilmington Coal mine as a potential site, due, in part, to the proximity of the Illinois River. The proposed two acre site overlapped the northwest corner of Site 7. The land was owned by Ottawa Silica Company who purchased the land some time after coal mining had ceased. No written agreement has been located between the Corps and the Ottawa Silica Company, and one reference states that a handshake agreement determined that the Corps could use this site.

The Corps determined that the dredged materials would be transported from Alsip, Illinois (Cook County). These sediments had been dredged from the Calumet-Sag Channel, were placed in Alsip in 1973, and had successfully grown a vegetative cover. The dredged materials were transported to the demonstration site (which had been graded), and successfully grew vegetative materials. While the test was a success, the dredged materials turned out to be more contaminated than the existing mine spoils. When test results from the late 1970s are compared against IL EPA TACO standards, the dredged materials are above TACO background levels for numerous constituents. Only lead exceeded the Tier One TACO standard (although by not a significant amount). By comparison, the mine spoils only exceeded background levels for chromium, magnesium, potassium, sodium, and sulfate, and never exceeded Tier One levels.

The IL DNR reclaimed in Wilmington Coal Mine Site in 1993 and issued a Notice of Reclamation in 1994. Criteria for reclamation is based on reducing acid mine drainage and to establish vegetation across the site. No samples for heavy metals were conducted for this

reclamation effort. By 1998, when the IL OSIT team visited the site, the area had been regraded and revegetated, and resembled an abandoned agricultural field.

During further investigation of this project site, it was discovered that Ottawa, Illinois was the location of the Radium Dial Superfund Sites. Radium dial painting occurred in Ottawa from 1918 to 1978. Paints containing radioactive radium, and later, a radioactive form of hydrogen called tritium, were used to make "glow in the dark" faces for watches, clocks, meters, and displays. Significant contamination occurred at the sites of the painting activities. In 1969, one of the buildings which housed these activities was demolished, with the demolition material used as fill throughout the City of Ottawa and surrounding areas. This resulted in the US EPA and the IL DNS identifying 14 sites with radioactive contamination in the area. One of these sites, NPL-4, is located approximately one half mile west of Site 7. From conversations with the IL DNS and the US EPA it was determined that the contamination did not impact Site 7.

There were some concerns with groundwater being contaminated under Site 7. Groundwater samples were obtained in the late 1970s as part of the demonstration plot testing. These samples indicated elevated levels of sulfate, iron, lead, and zinc. A conversation with the IL DNS revealed that groundwater in the Ottawa area contains elevated levels of radium. This was determined to be naturally occurring radioactive material, and was unrelated to the Radium Dial Painting Activities. A list of groundwater wells was obtained from the ISWS. A local businessperson was the point of contact for several of the wells near Site 7. He had no problems with using the groundwater wells for drinking water (he has these wells tested several times a year). The City of Ottawa City engineer also stated that there were no problems with well water within the area.

Since it is unlikely that this site will enter into any remediation program, and since this site has not been classified as an HTRW site by any Federal or state agency, and since the abandoned mine has been fully reclaimed by the State of Illinois, there are no HTRW concerns with this site.

8. <u>Recommendations</u>

While the site is not considered an HTRW site, the dredged material activities should not interfere with mining reclamation actions which occurred in the 1990s. At a minimum, the following conditions should be adhered to:

- Erosion on the site shall be controlled so as to not cut to a depth which might produce acid mine drainage.
- Vegetation should be established on this site after dredged material is placed. Vegetation should be consistent with that used in the previous mine reclamation activities.
- Material used for constructing berms should not be scraped from a depth such that acid mine drainage may reoccur. It would be preferable to use material from the south end of Site 7, where mining activities had not occurred.
- The site is currently recommended as a beneficial use site. As long as the above conditions are met (specifically, ensuring that acid mine drainage does not resurface), then there should be no concerns with using this material as a beneficial use site.

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APPENDIX A ACRONYMS

| AIVID | Acid Mille Drailiage |
|----------|---|
| ASA (CW) | Assistant Secretary of the Army (Civil Works) |
| ASTM | American Society for Testing and Materials |
| BAT | Best Available Technology |
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CFR | Code of Federal Regulations |
| CWA | Clean Water Act |
| DMMP | Dredged Material Management Plan |
| ED-DN | Engineering Division - Environmental Engineering Section |
| EM | Engineering Manual |
| EPA | Environmental Protection Agency |
| ER | Engineering Regulation |
| ESA | Environmental Site Assessment |
| HQUSACE | Headquarters U.S. Army Corps of Engineers |
| HTRWDR | HTRW Documentation Report |
| HTRW | Hazardous, Toxic, and Radioactive Waste |
| ILCS | Illinois Codified Statutes |
| IL DNR | Illinois Department of Natural Resources |
| IL DNS | Illinois Department of Nuclear Safety |
| IL EPA | Illinois Environmental Protection Agency |
| NPL | National Priority List |
| ISGS | Illinois State Geological Survey |
| ISWS | Illinois State Water Survey |
| PED | Preconstruction, Engineering and Design |
| PL | Public Law |
| ppm | parts per million |
| PRP | Potentially Responsible Party |
| REDM | Real Estate Design Memorandum |
| RCRA | Resource Conservation and Recovery Act |
| RM | River Mile |
| SMCRA | Surface Mining Control and Reclamation Act |
| SSHP | Site Specific Safety and Health Plan |
| USACE | United States Army Corps of Engineers |
| US DOE | United States Department of Energy |
| US EPA | United States Environmental Protection Agency |
| USGS | United States Geological Survey |

Acid Mine Drainage

AMD
APPENDIX B REFERENCES AND ABSTRACTS

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http://www.state.il.us/hpa/lib/ILChronology.htm

APPENDIX C PROJECT TIMELINE

A timeline of the project site and the adjoining areas are shown in Table 7. The Radium Dial sites were located throughout Ottawa, IL, but not on the project site. The clay and coal mining activities, and the 1970 dredged material demonstration project were located on the project site.

| Date | Item |
|------------------|--|
| 15,500-16,000 BP | Kankakee Torrent |
| 1000-8000 BC | Paleo Period Native Americans inhabit Illinois |
| 800-500 BC | Archaic Tradition Native Americans inhabit Illinois |
| 500 BC - 900 AD | Woodland Tradition Native Americans inhabit Illinois |
| 900-1500 | Mississippi Tradition Native Americans inhabit Illinois |
| 1673 | Frenchman Louis de Joliet and Father Pere Jacques Marquette explored the Illinois Valley. |
| 1675 | Marquette founds a mission at the Great Village of Illinois, near present day Utica. |
| 1717 | Illinois becomes part of the French colony of Louisiana. |
| 1723 | French and British were extensively clearing timber and cultivating lands. |
| 1763 | French and Indian (Seven Year's) War ends; Illinois county is ceded to Britain by the treaty of Paris. |
| 1778 | French and British relinquished all claims to the region. Illinois became a County of Virginia. |
| 1787 | Northwest Ordinance places Illinois in the Northwest Territory. |
| 1800 | Congress creates the Indiana Territory, which includes Illinois. |
| 1809 | Congress organizes the Illinois Territory. |
| 1811 | The first coal mine opens in Jackson County. |
| 1818 | Illinois becomes the 21 st State. |
| 1829 | Chippewa, Ottawa, and Potawatomi cede lands in Northern Illinois by treaty at Prairie du Chien. |
| 1836 | Illinois and Michigan Canal Construction begins; completed in 1848. |
| 1853 | Ottawa, Illinois was incorporated. |
| 1858 | First Lincoln-Douglas Debate (in Ottawa, IL). |
| 1861 | Civil War Begins. |
| 1892 | Illinois and Mississippi (Hennepin) Canal construction begins; completed in 1907. |
| 1910 | William D. Boyles, Ottawa businessman, founds the Boy Scouts of America. |
| 1918 | Influenza epidemic causes numerous deaths in the state. |

 Table 8: Timeline of Project Site and Surrounding Areas.

| Date | Item |
|------------------|---|
| 1918, 1922 | Radium Dial Company began in Ottawa, IL. (dates differ depending on sources reviewed. |
| 1930-1939 | The Great Depression. |
| 1933 | Illinois and Michigan Canal Traffic is closed to river traffic. |
| 1930s | Ecko Coal Mine was active in the area of the Wilmington Coal Mine. |
| 1935 | Wilmington Coal Mining began operation at Site 7. |
| 1936 | Radium Dial Company ceased operation. |
| 1937 | Luminous Processes, Inc. began radium dial painting in Ottawa, IL. |
| 1939, 1941, 1942 | Coal Mining ceased at project site (dates differ depending on source reviewed). |
| 1962 | It is known that all mining ceased at the Wilmington Coal Mine Site (according to the IL DNR Eligibility Opinion Memo). |
| 1962 | Mining in Illinois was governed by "The Open Cut Land Reclamation Act" which placed certain reclamation obligations on operators of surface mines. |
| 1968 | The 1962 mining act was revised and became known and cited as "The Surface- Mined Land Reclamation Act." |
| 1969 | The building that housed Radium Dial was demolished and removed to an unknown location. |
| 1971 | The 1962 and 1968 mining acts were superceded by the "Surface-Mined Land Conservation and Reclamation Act." |
| 1974 | IL DNR planned for a demonstration project which would use dredged material on an abandoned mine to see if it would assist with reclamation efforts. |
| 1975 | A preliminary greenhouse investigation was imitated with the Bureau of Mines at the Morgantown Energy Research Center, West Virginia which tested vegetation growth on dredged materials. |
| February 1976 | The Chicago District of the Corps of Engineers was contacted about a potential field demonstration project using dredged materials on an abandoned coal mine site. |
| July 1976 | The Ottawa Silica Company was contacted and a verbal agreement was made with company representatives to use a few acres of mine spoils for the demonstration site. |
| 1976-1977 | The demonstration project consisting of four test plots (three covered with dredged material) was constructed over the abandoned Wilmington Coal Mine. |
| 1977 | Surface Mining Control and Reclamation Act (SMCRA) Implemented in the State of Illinois. |

 Table 8: Timeline of Project Site and Surrounding Areas (continued)

| Date | Item |
|---------------|--|
| 1977 | Argonne Water Study Implemented at the Wilmington Coal Mine to assist with the demonstration project. |
| 1977-1978 | Recorded severe winter in Ottawa, IL. |
| June 1978 | Complete vegetation cover was noted on treated dredged material plots. |
| 1978 | Luminous Processes, Inc. ceased operation in Ottawa, IL. |
| July 1980 | USACE writes Technical Report EL-80-4 on use of dredged material at the Wilmington Coal Mine Site. |
| July 1980 | USACE writes Technical Report EL-80-7 (referred to as the "Argonne Report" to document water quality at the demonstration project at the Wilmington Coal Mine Site. |
| 1980 | CERCLA was enacted. |
| 1980s | Demolition and Disposal of some of the Radium Sites (although not NPL-4). |
| 1982 | Wilmington Coal Mine western site was under water (according to IL DNR EA). |
| 1983 | Section 105(a)(8)(B) of CERCLA, as amended, requires that the statutory criteria provided by the HRS be used to prepare a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. This list, which is Appendix B of the National Contingency Plan (NCP), is the NPL. The NPL was promulgated September 8, 1983 (48 FR 40658) as Appendix B of the NCP. |
| 1986 | CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA), enacted October 17, 1986 — trust fund of \$8.5 billion is authorized over 5 years. |
| 1985 | During 1985, the Illinois Department of Nuclear Safety (IDNS) dismantled the LPI building and shipped the radioactive materials to a U.S. Department of Energy (USDOE) facility in Hanford, Washington. |
| 1986 | In 1986, contaminated soil surrounding the LPI building was sent to Hanford. |
| October 1987 | USACE presents the Wilmington Coal Mine test plot project at the Inlands Waterway National Workshop on the Beneficial Uses of Dredged Material. |
| 1989 | One of the 14 contaminated areas is the old Ottawa City Landfill, portions of which are now occupied by two businesses. Soil and sediment samples collected from the landfill in November 1989 by EPA contain elevated levels of three radioactive metals (radium- 226, lead-214, and bismuth-214). |
| 1990 | IL DNR plans for reclamation of the abandoned mines |
| December 1990 | Il DNR writes the 1991 Construction Grant Permit and General Environmental Assessment for the Wilmington Coal Mine Reclamation project. |
| 1991 | Test plots on abandoned mines still moderately vegetated. |
| 1991 | NPL: last sites proposed under original HRS promulgated February 11, 1991 (56 FR 5598). |
| March 1991 | Reclamation of the Wilmington abandoned mine initiated. |

 Table 8: Timeline of Project Site and Surrounding Areas (continued).

| Date | Item |
|------------------|---|
| July 1991 | NPL: first sites proposed under the revised HRS July 29, 1991 (56 FR 35840) |
| October 1992 | NPL: first sites added to the NPL under the revised HRS October 14, 1992 (57 FR 47181). |
| November 1993 | Reclamation of abandoned mine was completed. |
| June 1994 | A Notice of Reclamation is filed with the land in Section 7, Township 33 North, Range 4. |
| 1994 | CERCLA was amended enacted December 11, 1980 — trust fund of \$1.6 billion is authorized over 5 years. |
| March 1998 | On Site Inspection Team Visit to determine Dredged Material Placement Sites. |
| 1999 | Site Visit by DMMP Team. |
| May 1999 | Gross Appraisal Completed. |
| September 1999 | REDM Approved. |
| June 2000 | Notice of Reclamation on Site was flagged by Real Estate. |
| September 2000 | A Record of Decision was signed on September 20, 2000 recommending complete removal of radium contaminated soil from three of the sites where future residential use is likely and removal to 10 feet where future recreational use is planned. |
| 11 December 2000 | Gross Appraisal Completed. |

 Table 8: Timeline of Project Site and Surrounding Areas (continued).

ILLINOIS WATERWAY DREDGED MATERIAL MANAGEMENT PLAN WITH INTEGRATED ENVIRONMENTAL ASSESSMENT

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX D COMPLIANCE WITH FORM D-1006

| AF | RMLAND CONVER | RSION | IMPACT R | ATING | | | |
|--|--|-------------------------|---------------------|-------------|-------------------------|---------------|-----------|
| PART I & To be completed by Federal Agency) | | Date C | of Land Evaluation | Request 6/4 | /2018 e | 1.1.1 | |
| Name of Project Bulls sland | | Federa | al Agency Involved | US Arm | Corps | of ngine | ers |
| Proposed Land Use Dredged Material | Management Plan | County | and date La Sa | alle ILe | C - p - | | |
| PART II (To be completed by NRCS) | | Date R | equest Received | Ву е | Person Co | ompleting For | rm Mark e |
| Does the site contain Prime, Unique, Statewide | e or Local Important Farmlan | id? e | YESXe | Acres to | rigated N/A | e Average | e Farm e |
| (If no, the FPPA does not apply do not compl | ete additional parts of this for | m) | | Amount of E | armland An | Dottood in Et | 104.0 |
| Major Crop(s): Corn,Soybeans, Wheat, Hay e | Acres:708684 e | Acres:708684 e % e9 8 e | | Acres: 6807 | Acres: 680712 e % e 9 2 | | |
| LaSalle County LESA e | Name of Stat or Locat vstem: Local e | °ile Asse | ssn ait | Date Land E | valuation Re | eturned by Nf | RCS e |
| PART III (To be completed by Federal Agency | A | | _ | | Alternative | Site Rating | 2 |
| | / | | | Site A e | ite B e | SiteeC e | Site D e |
| A. Total Acres To Be Converted Directly e | | | | Oe | | | |
| B.eTotal Acres To Be Converted Indirectly e | | | | 0 | | | |
| C. Total Acres In ete e | | | | 39 e | | | |
| PART I (To be completed by NRCS) Land E | valuation Information e | | | | | | |
| A. Total Acres Prime And Unique Farmland e | | | | 3.5 e | | | |
| B.eTotal Acres Statewide Important or Local Important Farmland e | | | 0 | | 1 | 1 | |
| C.ePercentage Of Farmland in County Or Local | Govt. Unit To Be Converted | le | | 0.005 e | | 1 | |
| D. Percentage Of Farmland in Govt. Jurisdictio | n With Same Or Higher Rela | tive Value | e | 0.005 0 | | | |
| PART V (To be completed by NRCS) Land Ev Relative Value of Farmland To Be Conv | aluation Criterion e erted (e cale of 0 to 100 Poin | its) e | | 0.003 e | | | |
| PART I (To be completed by Federal Agency (Criteria are explained in 7 CFR 658.5 b. For Con |) Site Assessment Criteria (ridor project use form NRCS) | e -CPA-106 | Maximum) Points | ite A e | Site B e | Site@ e | Site D e |
| 1. eArea In Non-urban Use e | | | (15) | 7 | / | | |
| 2.ePerimeter In Non-urban Use e | | | (10) | 8 | | | |
| 3. ePercent Of Site Being Farmede | | | (20) | e O | | | 1 |
| 4. Protection Provided By State and Local Gov | ernment e | | | 0 e | | | |
| 5.eDistance From Urban Built-up Areae | See the atta | ched | (15) | 3 e | | | |
| 6.eDistance To elrban eupport e ervices e | LaSalle Cou | inty e | (15) | 10 e | | | 1 |
| 7. Size Of Present Farm Unit Compared To Av | erage e Site Assessi | ment e | e (10) | 0 | | | |
| 8.eCreation Of Non-farmable Farmlande | ite e pecific | е | THO | 0 e | | | |
| 9. Availability Of Fare support e ervices e | 1 801013 | | (5) | 5 | | | 1 |
| 10. On-Farm Investments e | | | (20) | 0 | | | |
| 11. Effects Of Conversion On Farm e upport eer | vices e | | (10) | 0 e | | | |
| 12. Compatibility With Existing Agricultural Use e | | (10) | 5 | | | | |
| TOTAL SITE ASSESSMENT POINTS e | | | 160 e | 38 e | 0 | 0 | 0 e |
| PART II (To be completed by Federal Ager | ncy) | | | | | | |
| Relative Value Of Farmland From Part V | | | 100 e | 0 e | 0 e | 0 e | 0 e |
| Total Site Assessment #From Part VI above or I | ocal site assessment) | | 160 e | 38 e | 0 e | 0 | 0e |
| TOTAL POINTS (Total of above 2 lines) | | _ | 260 e | 38 | 0 | 0e | 0e |
| ite e elected: Site A Da | te Of ælection e 6/4/2018 | 3 | 1 | Was A Local | Site Assess | ment Used? | e e |
| Desses For extention: a | | | | | | | _ |

The tentatively selected site is the most environmentally acceptable and operationally feasible option available near the Bulls Island dredge cut.

Name of Federal agency representative completing this form: e etil enderson

Date:6/4/2018 e

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

- Step 1 -Gederal ogencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and IIo of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place o of form AD-1006. The Land Evaluation and 8ite Assessment (LESA) process may also be accessed by visiting the FPPA website, <u>http://fppa.nrcs.usda.gov/lesa/.</u> o
- Step 2 -Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office oo USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the o U.S. The USDA Office Information Locator may be found at http://offices.usda.gov/scrigts/ndISAPI.dll/oip_qublic/USA_map, or the offices con usually be o found to the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS otate Conservationist and ctate o Office in each State.) o
- Step 3 NRCS will, within 10 working days after receipt of the completed form, make a determination os to whether the site(s) of the proposed project contains prime, o unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working doys. o
- Step 4 For sites where farmland covered by the FPPA will be converted by the proposed project, o RCS will complete Parts II, IV and V of the form. o
- Step 5 -0NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for o RCS records. o
- tep 66-oThe Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing o NRCS office. o
- tep of -oThe Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent o with the FPPA, o

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSIO IMPACT RATING FORM (For Federal Agency)

Part I: When completing the "County and State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

- 1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
- 2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.
- Part VI: Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment LESA).
- 1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighted a maximum of 25 points and criterion #11 a maximum of 25 points.
- 2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160. Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

| $\frac{1001 \text{ points assigned Site}}{\text{Maximum points possible}} = \frac{100}{200} \text{ X } 160 = 144 \text{ points for Site}$ | <u>Total points assigned Site</u> Maximum points possible | = | $\frac{180}{200}$ | X 160 = 144 points for Site | |
|---|--|---|-------------------|-----------------------------|--|
|---|--|---|-------------------|-----------------------------|--|

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.

Land Evaluation and Site Assessment System

LaSalle County, IL

Prepared by LaSalle County Soil & Water Conservation District 1691 North 31st Road Ottawa, IL 1350 Phone: 815-433-0551, Ext 3 *Revised – August 1, 2016* One of the primary goals of LaSalle County's Zoning Ordinance is to protect farmland from development. This Land Evaluation and Site Assessment System (LESA) is designed to help local decision-makers where farmland is being considered for some other use.

The Land Evaluation and Site Assessment System is recognized nationally as an impartial system that helps determine the value of land for agriculture. Local LESA systems are currently in use in many counties in Illinois, including all the counties that surround LaSalle County.

This system is to be used whenever a zoning change or special use is requested for a parcel of land currently zoned as "agricultural". The Land Evaluation and Site Assessment system will be used to determine the agricultural value of the land. The score sheets will be completed by the LaSalle County Soil and Water Conservation District and LaSalle County Environmental Services staff. Each staff will consult prior to issuing the report to concur with scoring and discuss any inconsistencies. This value is scored on a scale of 0 to 300, with land scoring from 200 points and greater being extremely valuable for agriculture, and from 0 to 100 points having little value for agriculture. This score will be reported to the zoning board, who will use it in making a decision on the request for a zoning change or special use.

The LESA System has two parts. The first is the Land Evaluation (LE), which considers the productivity of the soils on the land, any limitations that it may have for crop production, and whether the soils are considered to be "prime" or "important" farmlands by USDA. Each soil has a relative value a score of 0 to 100 with 0 being the worst and 100 being the best). The LaSalle County Soil Survey can be located at http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm

The Site Assessment (SA) is the second part. It considers such factors as the land's distance to towns and cities; the quality of roads adjacent to the site; the availability of sewer and water; and surrounding land use. It also considers whether a proposed use is compatible with agricultural operations; if substantial investments have been made to develop infrastructure, and whether the proposed use is compatible with existing land use plans. Each factor contributes to a score that ranges from 0 to a maximum of 200 points.

The system's scoring will show the following:

Land that is highly productive and located in rural areas will score high on both the land evaluation and site assessment parts. It probably should be kept in agricultural use.

Land that is highly productive but close to cities and towns will score high on the land evaluation part and low on the site assessment parts. A land use change should be carefully considered.

Land that has low productivity in rural areas will score low on the land evaluation part and high on the site assessment part. However, the loss of this land for crop production may be acceptable. The impact of the change in land use on roads, school districts, and compatibility with farming operations needs to be considered.

Land that has low productivity close to town will score low on the land evaluation part and low on the site assessment part. This land would probably be suited for a land use change.

Land Evaluation (100 points possible)

Site:Bulls Island, Dredged Material Mgmt. PlanDate:6/19/2018Section, Township, and Range:Sec 7, 8, T. 33 N., R. 4 E.Parcel Index Number:

Total Acres in Site: 39 Acres

| Soil Map Unit Symbol | armland Classification | Relative Value | Acres | roduct (R.V. x Acres) |
|----------------------|---------------------------|---------------------------------------|-------|--------------------------|
| 572A | Prime | 82 | 3.5 | 287 |
| 802B | Non-Prime | | 35.5 | |
| | | · · · · · · · · · · · · · · · · · · · | | |
| | | | | |
| | | - | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | Total: | 39 | 287 |
| | | Tatal Duaduat/Tat | | 7.3 |

Total Product/Total Acres

Land Evaluation Score=_____7.3_____

Site Assessment (200 points possible)

Distance to an incorporated city/village. This factor gives fewer points to farmland that is close to an incorporated city/village and more points for farmland further from an incorporated city/village. It helps guide development to sites that are adjacent to an incorporated city/village. Incorporated city/village as shown on the LaSalle County Comprehensive Plan Map or most current city map.

| | | SCORE |
|--|---------|-------|
| More than 1.5 miles from an incorporated city/village limits | 2 pts. | |
| 1.1 to 1.5 miles from an incorporated city/village limits | 20 pts. | |
| 76 mile to 1.0 mile from an incorporated city/village limits | 15 pts. | 0 |
| .51 to .75 mile from an incorporated city/village limits | 10 pts. | |
| .26 to .50 mile from an incorporated city/village limits | pts. | |
| Less than .25 mile from an incorporated city/village limits | 0 pts. | |

2. Transportation (roads, highways, providing access). This factor gives fewer points to farmland with high quality roads adjacent to them. It gives more points as the quality of roads decreases. This factor guides development to sites with high quality transportation networks nearby. It also steers development away from areas where the current roads are insufficient for excessive traffic. If an access road is available for the site, it will be the road used in the scoring.

| Township aggregate road | 25 pts. | |
|--------------------------|---------|----|
| Township oil and chip | 20 pts. | 15 |
| Township hotmix/blacktop | 15 pts. | |
| County Highway | 10 pts. | |
| State Highway | 5 pts. | |

3. Area adjacent to subject site that is being used for production agriculture. This factor gives more points to sites that are surrounded by other farming operations. The points are less when the farmland has other land uses adjacent to it. This factor guides development to areas where development has already occurred and away from areas dominated by farming operations. Agricultural use includes but is not necessarily limited to the growing of crops, the raising and feeding of stock and poultry, pasture, timbering, or any other use which utilizes the subject land for production of an agricultural product or commodity.

| All sides in production agriculture | 20 pts. | |
|-------------------------------------|---------|---|
| 3 sides in production agriculture | 15 pts. | 0 |
| 2 sides in production agriculture | 10 pts. | |
| 1 side in production agriculture | 5 pts. | |
| All sides in non-agricultural use | 0 pts. | |

4. Public sewer or water facilities near site. This factor gives fewer points to sites that have public sewer and/or public water nearby. It gives more points to those sites with no facilities nearby. This factor helps steer development to sites with these facilities and away from sites without them. The existence of these facilities shows a commitment r plan by a local community t have development occur in the area. The facilities also help minimize the environmental concerns of establishing new sources of water and on-site sewage disposal. Check with the local Health Department for current location maps of facilities.

| Greater than 1.5 miles to sewer or water r not prac | ctical 25 pts. | |
|---|----------------|--|
| 1.1 t 1.5 miles t sewer r water | 20 pts. | |
| .76 to 1.0 miles to sewer r water | 15 pts. 0 | |
| .51 t .75 mile t sewer r water | 10 pts. | |
| .26 t .50 mile to sewer or water | 5 pts. | |
| Less than .25 mile t sewer r water | 0 pts. | |

Consistency of proposed use with adopted county land use plan. This factor helps guide development t areas where growth has been considered, planned, and accepted as being in the best interests f the community. It helps guide development away fr m areas where growth has not been planned r considered beneficial t the community. The Proposed Land Use Map within the current Comprehensive Plan of LaSalle County will be used.

| Not consistent with the plan narrative and map | 20 pts. | |
|--|---------|---|
| Consistent with plan narrative | 10 pts. | 0 |
| Consistent with plan narrative and map | 0 pts. | |

Compatibility of proposed use with normal agricultural operations. This factor helps guide development away from areas where normal agricultural operations will occur n a regular basis. This includes the operation of tractors, combines, and other machinery t till the soil, plant crops, spray herbicides f r weed control, spray insecticides for insect control, harvest crops, spread fertilizer, spread manure, and other operations. It gives more points t sites where a proposed land use is not compatible with farm operations. This helps reduce potential conflicts between land users as the farming operations are done. Examples of what is "compatible" would be agri-businesses such as fertilizer and herbicide dealers, machinery dealers, etc. Examples of "somewhat compatible" would be schools, light industry, a single family dwelling and commercial enterprises. An example of "not compatible" would be intensive residential developments.

| Not compatible | 20 pts. | |
|---------------------|---------|----|
| Somewhat compatible | 10 pts. | 10 |
| Compatible | 0 pts. | |

Current agricultural use of property. This factor provides information n how much of the property is currently being used for agricultural production/operation. Agricultural use includes but is not necessarily limited to the growing f crops, the raising and feeding f stock and poultry, pasture, timbering, or any other use which utilizes the subject land for production of an agricultural product r commodity.

| 76-100% presently being used for Agriculture | 20 pts. | |
|--|---------|---|
| 51-75% presently being used for Agriculture | 15 pts. | |
| 26-50% presently being used for Agriculture | 10 pts. | 5 |
| 0-25% presently being used f r Agriculture | 5 pts. | |

(This will be calculated by Agricultural use cres / total cres * 100)

8. Investment for urban development actions. This factor helps guide development to sites where the public has invested money over a period of time to provide services and support systems for a given site. High investment is where an incorporated city/village has done more than one of the following adjacent to the site: a) upgraded roads and streets within the past two years or b) installed water and sewer lines. Medium investment is where a city, town, or other unit of local unit of government has done one of the above listed actions adjacent to the site. Check with the local Health Department for current location maps of facilities.

| No such investments | 20 pts. | |
|---------------------|---------|---|
| Medium investments | 10 pts. | 0 |
| High investments | 0 pts. | |

9. Distance to aaSalle County approved Agricultural Area and/or approved Conservation Area. This factor gives more value to a site if it is located within or close to an Agricultural Area. It recognizes the interest that local people have in protecting the viability of agriculture in their area. It makes forming an Ag Area an encouragement for farmers to participate in an Area's formation. The County defines an Agricultural Area as defined in the Ag Area statue and on the LaSalle County Comprehensive Plan map. Example: State Park, County Park, City Park, Nature Preserve, Soil & Water Conservation District Natural Areas.

| Within an Agricultural Area and/or Conservation Area | 25 pts. | |
|--|---------|---|
| Less than 1.0 mile to Agricultural Area and/or Conservation Area | 20 pts. | |
| 1.0 mile to 2.0 miles from the boundary of an Agricultural Area | 10 pts. | 0 |
| Greater than two miles from the boundary of an Agricultural Area | 0 pts. | - |

30
Total Site Assessment Score=

Total Land Evaluation Score=

TOTAL L.E.S.A. Score=____

7.3

37.3

Signature

Signature (District Conservationist)

Reviewed by LaSalle County SWCD

Completed by USDA-NRCS



ILLINOIS WATERWAY DREDGED MATERIAL MANAGEMENT PLAN WITH INTEGRATED ENVIRONMENTAL ASSESSMENT

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX E CIVIL ENGINEERING

ILLINOIS WATERWAY DREDGED MATERIAL MANAGEMENT PLAN WITH INTEGRATED ENVIRONMENTAL ASSESSMENT

SITE PLAN FOR RIVER MILES 240.3-242.7 STARVED ROCK POOL ILLINOIS RIVER

APPENDIX E CIVIL ENGINEERING

1. Authorization. Engineering Regulation 1110-2-1150 states, "The engineering appendix to the feasibility report shall include applicable items in the following paragraphs and any additional information required for the specific project concerned. Comparative studies, field investigations, design, and screening level cost estimates shall be in sufficient detail to substantiate the recommended plan and the baseline estimate. The level of design shall be consistent with engineering plan presented in the Management Plan. Prior to generating any geospatial data, a check of the National Geospatial Data Clearinghouse shall be made to determine if data required by the project already exists. Geospatial data created in-house or by contract needs to be documented using the Federal Geospatial Metadata Standards and post on the Internet as outlined in Engineering Manual 1110-1-2909."

2. Hydrology and Hydraulics. This project is outside of the floodway and does not impact or involve the waterway, so a hydraulic study was not completed.

3. Surveying, Mapping, and Other Geospatial Data Requirements. Property boundaries and utility easements were identified and loaded into the feasibility drawing set as well as all GIS drawings. Benchmarks already exist for this location from a previously constructed Dredged Material Management Placement (DMMP) site.

4. Geotechnical. Limited geotechnical data has been developed for this feasibility study. Sediment analysis has been performed on the material to be placed by the dredge. Additionally, web soil survey has been reviewed to determine the suitability of materials on site to build the proposed berms. The site is predominantly 802B – Orthents, loamy, undulating and 572A – Loran silt loam, 0 to 2 percent slopes. Both of these soil types are expected to have adequate clay content to build small berms. However, any material used for borrow will need to be obtained from outside the previously mined area per site recommendations. Stone for the access road will be accepted from an Illinois Department of Transportation approved local quarry.

5. Environmental Engineering. The proposed sites are located on previously surfaced mined lands. This area has been fully reclaimed leading to no HTRW concerns with several recommendations for site management and construction. To avoid any potential HTRW concerns, the areas of previous mining will not be excavated with the exception of stripping vegetation to create a good bond for the berm to existing ground. The berm materials shall be obtained from a commercial source or a borrow area to be delineated outside the previously mined area. Existing

Appendix E Civil Engineering

dredged material will then be spread around the site to limit erosion from the hydraulic dredging operations at future dates. While there are limited possibilities for other positive environmental impacts at the site, the dredging contract includes many items related to environmentally-friendly products, reduced energy consumption, and proper waste management. To limit impacts to adjacent landowners, a 100-foot buffer will be planted with native tree species, which is expected to have a limited, but positive, environmental impact to neighboring properties.

6. Civil Design. Before selecting the final placement site, each possible site was laid out with a possible placement site to include a 2-foot deep, 12-foot wide ditch extending around the property line; a 5-foot high, 35-foot wide sediment berm extending around the property line, but inside the seepage ditch. This is depicted on Plate C-301, Section A1. 100-foot residential buffers, access roads, and wetland offsets were established at each of these sites giving a final acreage available for placement. A 50-foot opening in the berm was created typically at the downstream end of each site to allow for settled water to drain back into the Illinois River. This can be seen on Plate C-101. For the areas on the sites where an access road was needed, the access road was placed 6 inches deep, 24 feet wide inside the seepage ditch. A second ditch was established on the inside of the road, and the berm was placed inside of the innermost seepage ditch, as is shown on Plate C-301, Section C1.

6.1. Selected Site Layout. For the selected site, the 100-foot residential buffer was established from the property line extruding furthest to the south of E. Norris Drive. In some locations, the residential buffer exceeds 200 feet and could allow for either additional placement at a future date or sale of lands to the adjacent homeowners. A previous development had been developed for this area and sewer lines were installed to support this development. As the sewers already exist and connect east and west portions of the City of Ottawa's sewer network, a 50-foot sewer line buffer was established across the site. This includes 25 feet on either side of pipe. Placing dredged materials over this area is possible, but would drastically increase the Operations & Maintenance costs for the City of Ottawa for their sewer system should something fail. There are two areas identified as wetlands in the final site layout that are depicted on Plate C-102. On June 21, 2018, Rock Island District Regulatory Personnel conducted a site visit and determined hydric soils and plants were not present in these suspected wetland locations. Because of this, the two identified areas were deemed to be inaccurate representations of existing conditions. An existing road at the southeast corner of the site already exists and is shown as being utilized by this project. The berm in this location could be extended to the south further and a small amount of additional area could be utilized for placement if needed. The site access road is designed to the east side of the site. It will run on and adjacent to the existing ADM plant access road. The floodway is the restraining condition on the south side of this site. After all considerations are reviewed, there are three distinct placement areas remaining in the Recommended Plan-a western site, a northeastern site, and a southeastern site.

6.1.1. Western Site. The western site is bounded to the west by a property line, to the south by the regulatory floodway, to the east by an existing DMMP site, and to the north by the sewer line and residential buffer. Construction of this site will require removal of a significant amount of trees along the portions closest to the river. This site also lies in an area that the City of Ottawa is planning on doing mitigation work for their downtown development plan. The berms for this site will tie into the existing berms for the adjacent DMMP site. There are at least 8.4 acres of placement available here. It is recommended that this is the last placement area to be used.

Appendix E Civil Engineering

6.1.2. Northeastern Site. This site is bounded to the west and south by the sewer line buffer, to the north by the residential buffer, and to the east by the proposed access road. A small amount of tree clearing may be required in the far northeast corner of this site. A 50-foot drainage opening should be left at the southwest corner of this site to allow settled water to return to the Illinois River via the sewer easement. It is recommended that this area be filled from south to north to reduce impacts to the adjacent neighbors and that this be the second site filled.

6.1.3. Southeastern Site. This site is bounded on the south by an existing roadway, on the west by the existing DMMP site, on the north by the sewer easement, and on the east by the property boundary. The existing berm at the existing DMMP site can be removed and the soil utilized to construct the new berms for this site. This site should tie into the eastern end of the existing DMMP site at its southern and northernmost points. It is recommended that this site be constructed and utilized first as it will provide public, beneficial use access to this site and the existing DMMP site. With no beneficial use, this site could hold nearly 93,000 cubic yards of dredged material when piled at the proposed 16 feet of depth. This would hold approximately seven dredging events based on the historical record. If a serious beneficial use can be developed to remove material from this and the existing DMMP site, the additional sites may not need to be developed. While the Illinois Department of Natural Resources requires that the berms containing the sand remain at a height of 5 feet or lower to avoid dam regulations, there is no specific requirement for placement height of the sand pile itself. However, efficiency will be lost in the dredging and placement process as elevations grow beyond 20 to 25 feet.

7. Structural Requirements. There are no structural engineering components to this project.

8. Electrical and Mechanical Requirements. There are no E&M requirements to this project.

9. Hazardous, Toxic, and Radioactive Waste. Appendix C, *Hazardous, Toxic, and Radioactive Waste*, is provided with this report and is the governing document.

10. Construction Procedures and Water Control. Construction is generally laid out in the plans provided in this appendix. The contractor should ensure that all materials are excavated only within approved areas or brought in from a commercial source and that any materials stripped from the site remain on the site. Existing dredged material must be spread across the site before hydraulic dredging is allowed to ensure that erosion does not occur. It is estimated that the existing material, once spread, will have an average depth of 3 to 5 feet across the site. As dredging operations begin, the work crew should keep a close eye on discharge water to ensure that no erosion is occurring along the return water flow path. If erosion is observed, stop logs should be installed on the outlet structures to reduce the flow or riprap should be added to the channel to eliminate the scouring. Riprap should be kept on site, ready for installation, should erosion start to occur and riprap is warranted.

11. Reservoir Filling. N/A

12. Flood Emergency Plans. N/A

13. Environmental Objective and Requirements. As the surface mining site has been fully reclaimed, no HTRW concerns are warranted. Site recommendations consist of erosion on site

Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

Appendix E Civil Engineering

being controlled, vegetation established, and excavation or intrusion into the soil is avoided. Operations to limit this intrusion, establish vegetation, and control erosion include signage indicating members of the public interested in utilizing dredged material at the site must call operations staff, a gate to block access, and designated staff to oversee removal of the dredged material.

14. Reservoir Clearing. N/A

15. Operations and Maintenance. There are a few items of this project that will require ongoing maintenance. First, the constructed containment berms and any placed dredged material will need to be mowed and sprayed on a regular basis to limit growth of undesirable vegetation which would affect the usefulness of the site. Basic maintenance of this nature should also be applied to the dredge pipe access route as well as along the roadway. Second, the control structure will need maintenance over the 40 years as the installed Corrugated Metal Pipes and stoplogs may fail throughout the length of the project. It is assumed that items will be properly disposed of and new ones installed as needed. Any fencing, gates, or signage will also need to be reviewed and maintained in a similar manner. Third, the residential tree buffer may need maintenance to ensure it is working as intended to promote tree growth and providing the desired residential screening. Finally, the access road may need gravel added to it on occasion to ensure that the site remains accessible.

16. Access Road. An access road for beneficial use and site access is proposed along the eastern edge of the site. It will be designed to hold two lane traffic and be constructed of an appropriately sized rock. There is also an access route for the dredge pipe at the south of the site which should be maintained throughout the duration of the project. Graveling is not required for this.

17. Corrosion Mitigation. N/A

18. Project Security. Signs and gates may be added to the project to ensure the beneficial use of the site is utilized in accordance with all State and Federal laws and regulations. Several possible signage and gate options were considered (Figures E-1 and E-2).

Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

> Appendix E Civil Engineering



Figure E-1. Example DMMP Site Signage

Figure E-2. Potential DMMP Site

19. Cost Estimates. Cost estimates for this project were developed using the U.S. Army Engineer Research and Development Center DMMP cost estimating spreadsheet (Appendix H, Cost Engineering).

20. Schedule for Design and Construction. It is expected the design process and subsequent reviews will take approximately 9 months to complete and that construction, likely by an OD work crew, can be started shortly thereafter. Construction is expected to take less than a month to complete.

- 21. Special Studies. N/A
- 22. Plates, Figures, and Drawings. Plates are attached to this appendix.
- 23. Data Management. All data for this project is stored on the ProjectWise file system.
- 24. Use of Metric Measurements. Metric was not utilized for this project.

ILLINOIS WATERWAY DREDGED MATERIAL MANAGEMENT PLAN WITH INTEGRATED ENVIRONMENTAL ASSESSMENT

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX E CIVIL ENGINEERING

PLATES

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ILLINOIS WATERWAY DREDGED MATERIAL MANAGEMENT PLAN WITH INTEGRATED ENVIRONMENTAL ASSESSMENT

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX F CLEAN WATER ACT, SECTION 404 DETERMINATION



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

 1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, IMINOIS 62794-9276 • (217) 782-3397 II

 BRUCE RAUNER, GOVERNOR II

ALEC MESSINA, ACTING DIRECTOR II

217/782-3362 n

FP 2 7 2016

U.S. Army Corps of Engineers, Rock Island n ATTN: Regulatory Branch n Clock Tower Building n Post Office Box 2004 n Rock Island, IL 61204-2004 n



Re: n U.S. Army Corps of Engineers (Various Counties) n Maintenance Dredging – Illinois Waterway Milns 80n2 n 303.4 n Log # C-0231-16 [CoE appl. # 2014-799] n

Gentlemen:

This Agency received a request nn June 13, 2014 from the U.S. Army Corps of Engineers, Rock Island n District requesting necessary nomments concerning the maintenance dredging of the navigational nannel along the Illinois Waterway between the River Miles 80.2 and 303.4. We offer the following comments. n

Based on the information included in this submittal, it is one engineering judgment that the proposed n project may be completed without causing water pollution as defined in the Illinois Environmental n Protection Act, provided the project is carefully planned and spervised, n

These comments are directed at the effect on water quality of the construction procedures involved in the n above described project and are <u>not</u> an approval of any discharge resulting fr m the completed facility, n nor an approval of the design of the facility. These comments do <u>not</u> supplant any permit responsibilities n of the applicant toward the Agency. n

This Agency hereby issues certification under Section 401 of the Clean Water Act (PLr95-217), subject to n thn applicant's compliance with thn following conditions: n

1.n Thn applicant shall not eause:n

- a.n violation nf applicable water quality standards of the Illinois Pollution Control Board, Title 35 Subtitle C: nWater Pollution Rules and Reglations:n
- b. water pollution defined and prohibited by the Illinois Environmental Protection Act; orn

c. n interference with water nse practices near public recreation areas or water supply intakes n

- The applicant shall provide adequate planning ann supervision during the project construction period n for implementing ponstruction methods, processes and cleanup procedures necessary to prevent water n pollution and enntrol erosion. n
- 3. n Site specific evaluation is required for each dredging and disposal site, nThis evaluation should ben detailed in a format that includes the following six main categories:n

4302 N. Main SJ., Rodeford, IL 61103 815;987-7760 595 S. State, Bgin, IL 60123 (847)608-3131 2125 S. First St., Champaign, IL 61820 (217)278-5800 2007 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Det Plaines, IL 600 6 (847)29 (40 412 SW Washington St., Suite D, Pearia, IL 61602 (309)67 (3022 2009 W. Main St., Suite 116, Manor, IL 62959 (618)993-7200 100 W. Randolph, Suite 10-300, Chicago, IL 60601 a.n. In Dredge Site Information n
b.n. II.n. Proposed Disposal Site Informationn
c. n. III.n. Inspection Techniques n
d.n. IV n Conclusions Regarding the Proposed Disposal Siten
e.n. V.n. Recommended Disposal Plan (complete if proposed site is unsuitable)n
f. n. Vf.n. Inspection Team n

The disposal site inspection team should include personnel from the Illinois Department of Natural n Resources, the Illinois Department of Agriculture, the U.S. Fish and Wildlife Service and the Illinois n EPA to determine if selective placement could be used to preserve or enhance the environment. n

- 4.n The Corps shall comply with the provisions of 35 III. Adm. Code 303.400 concerning the appropriate testing and evaluation procedures for sediment and bankline disposal.n
- 5.n Polluted material and material containing large amounts of fines must be disposed of in confinedn areas. nTreatment of polluted materials can include primary settling devices or structures, or other means necessary to prevent violation of applicable water quality standards. nFor all polluted dredgedn materials a supernatant test n st demonstrate that any substantial nelease of chemical constituentsn would not result m violations of water quality standards as affected by ordinary levels of background concentrations or be considered toxic for the following parameters: total suspended solids, volatile suspended solids, ammonia, ginc and lead.n
- 6.n An end-of-year report shall be submitted in April following each dredging season. These reportsn shall include dredne site and disposal site locations and pertinent data collected fon each site.n
- 7.n All othendredging activities, such as small boat harbor dredging, etc. shall be applied for on a case-n by-case basis.n
- 8.n Beginning with the 2016 dredging season, the U.S. Army Corps of Engineers shall obtain a reevaluation and approval from the Illinois EPA of any dredgingisite or placement site below then Ordinary High Water Mark (OHWM) that has not been dredged/deposited within the previous five (5)nyears, nRequest for revaluation and approval shall be submitted to the Illinois EPA at least sixty (60)rdays prior to dredging or in the case of dredging to prevent an in _____nent closure of the waterway, the request shall be submitted as soon as possible within the sixty (60) day period prior to dredging. The Illinois EPA shall be notified of an emergency dredge situation as soon as possible nAll dredgingn requests shall provide the approximate date of proposed dredging. nThe Corps shall provide the following information within thirty (30) days of an emergency dredging:
 - a, n Nature of occurrence that necessitated the emergency dredging n
 - b. n Sounding data n
 - c. n Dredging depthn
 - d.n Voln e of material dredgedn
 - e.n Equipment nsedn
 - f.n Placement rethodsn
 - .n Sediment data availablen
 - h.n Actual duration of dredging meluding beginning and end datesn
 - i.n Project alternatives considered for both dredging methods and placement sitesn
 - j.n Discussion of measures taken to n nimize n ffectsn
 - k. n Discussion of any biological effectsn
 - I.n Written projections of water surface and depthn

- 9.n Rip rap placement is not approved under this pertification. Such placement will require modification of this pertification or a separate water quality certification from Illinois EPA for material placed inn waters of the United States.n
- 10.nThe applicant shall ronsult n ith the Illinois Department of Natural Resources regarding intentialn impacts to state threatened or endangered species.

11n This certification expires on August 31, 2026.n

This certification does not grant immunity from any enforcement action found necessary by this Agency n to meet its responsibilities in prevention, abatement, and control of water a llution. a

Sincerely,

Alan Keller, P.E. n Manager, Permit Section Division of Water Pollution Control n

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cc: IEPA, Records Unit
 IEPA, DWPC, FOS, Des Plaines, Rockford, Peoria. Springfield
 IDNR, OWR. Springfield
 IDNR, Office of Reality and Planning, Springfield n
 USEPA, Region 5
 UrS. Fish and Wildlife Service, Moline
 U.S. Fish and Wildlife Service, Barrington
 Illinois Department of Agriculture
 ✓ Mr. Matthew Afflerbaugh, U.S. Army Cnrps of Engineers, Rock Island Districtn



FACT SHEET NO. 8(IL)

US Army Corps of Engineers Rock Island District

NATIONWIDE PERMITS IN ILLINOIS

EFFECTIVE DATE: MARCH 19, 2017

On January 6, 2017, the Corps of Engineers published in the Federal Register (82 FR 1860), the Final Rule for the Nationwide Permits Program under the Rivers and Harbors Act of 1899; the Clean Water Act; and the Marine Protection, Research and Sanctuaries Act. These Nationwide Permits became effective on March 19, 2017.

The Nationwide Permit Program is an integral part of the Corps' Regulatory Program. The Nationwide Permits are a form of general permits issued by the Chief of Engineers and are intended to apply throughout the entire United States and its territories. A listing of the nationwide permits and general conditions is included herein. We encourage prospective permit applicants to consider the advantages of nationwide permit authorization during the preliminary design of their projects. Assistance and further information regarding all aspects of Engineers District at the address and/or telephone number listed on the last page of this Fact Sheet.

To ensure projects authorized by a Nationwide Permit will result in minimal adverse effects to the aquatic environment, the following **Regional Conditions** were developed for projects proposed within the state of Illinois (See NOTE regarding the Chicago District):

1. Stormwater management facilities shall not be located within a stream, except for NWPs 21, 44, 49, or 50.

2. For newly constructed channels through areas that are unvegetated, native grass filter strips, or a riparian buffer with native trees or shrubs, a minimum of 25 feet wide from the top of bank must be planted along both sides of the new channel. A survival rate of 80 percent of desirable native species with aerial coverage of at least 50 percent shall be achieved within 3 years of establishment of the buffer strip.

3. Side slopes of a newly constructed channel will be no steeper than 2:1 and planted to permanent, perennial, native vegetation if not armored.

4. For a single family residence authorized under Nationwide Permit No. 29, the permanent loss of waters of the United States (including jurisdictional wetlands) must not exceed 1/4 acre.

5. For NWP 46, the discharge of dredged or fill material into ditches and canals that would sever the jurisdiction of an upstream water of the United States from a downstream water of the United States is not allowed.

6. For NWP 52, no project will be authorized within Lake Michigan. An individual permit will be required.

7. Any bank stabilization activity involving a method that protrudes from the bank contours, such as jetties, stream barbs, and/or weirs, will require a pre-construction notification in accordance with General Condition 32.

8. Mitigation shall be constructed prior to, or concurrent with, the discharge of dredged or fill material into waters of the United States unless an alternate timeline is specifically approved in the authorization.

9. Operation of heavy equipment within the stream channel should be avoided. If in-stream work is unavoidable, it shall be performed in such a manner as to minimize the duration of the disturbance, turbidity increases, substrate disturbance, bank disturbance, and disturbance to riparian vegetation. This condition does not further restrict otherwise authorized drainage ditch maintenance activities.

NOTE: The Chicago District has suspended many of the Nationwide Permits and established regional permits for work in McHenry, Kane, Lake, DuPage, Will and Cook Counties in Illinois. Information regarding Chicago District requirements can be accessed through their website at http://www.lrc.usace.army.mil/Missions/Regulatory.aspx. If you have any questions regarding the Chicago District program, please contact the Regulatory Office by telephone at 312/846-5530, or e-mail lrcregweb@usace.army.mil.

Permits, issued by the Corps of Engineers, under the authority of Section 404 of the Clean Water Act may not be issued until the state (where the discharge will occur) certifies, under Section 401 of the Act, that the discharge will comply with the water quality standards of the State. On February 27, 2017, the Illinois Environmental Protection Agency (IEPA) issued their final Section 401 Water Quality Certification decision.

DENIED NATIONWIDE PERMITS

The IEPA did not issue a generic water quality certification for the following nationwide permits which are listed by subject only:

- 21. Surface Coal Mining Activities
- 23. Approved Categorical Exclusions
- 31. Maintenance of Existing Flood Control Facilities
- 34. Cranberry Production Activities
- 37. Emergency Watershed Protection and Rehabilitation
- 48. Commercial Shellfish Aquaculture Activities
- 49. Coal Remining Activities
- 50. Underground Coal Mining Activities

Since Nationwide Permits 21, 23, 31, 37, 48, 49, and 50 are applicable under both Section 10 and 404, the State Section 401 certification is only required for discharges of pollutants under these nationwide permits. Section 10 work not involving discharges of dredged or fill material continues to be authorized under these nationwide permits.

Authorization for discharges covered by all the above nationwide permits is denied without prejudice. Applicants wishing to conduct such discharges must first obtain either an individual water quality certification or waiver from:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY 1021 NORTH GRAND AVENUE EAST POST OFFICE BOX 19276 SPRINGFIELD, ILLINOIS 62794-9276

If the state certifying agency fails to act on an application for water quality certification within 60 days after receipt, the certification requirement is presumed to be waived. The applicant must furnish the District Engineer (at the appropriate address listed on the last page of the Fact Sheet) with a copy of the certification or proof of waiver. The discharge may proceed upon receipt of the District Engineer's determination that the discharge qualifies for authorization under this nationwide permit. Details of this procedure are contained in 33 CFR 330.4, a copy of which is available upon request.

Under certain circumstances, Nationwide Permits 3, 7, 8, 12, 13, 14, 17, 18, 21, 22, 23, 27, 29, 31, 33, 34, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53 and 54 require that the permittee notify the District Engineer at least 45 days prior to performing the discharge under certain circumstances. Specific instructions for these notifications are contained in General condition 32, a copy of which is included.

For all other Nationwide Permits, the IEPA issued Section 401 Water Quality Certification with conditions. General Conditions 1, 2, and 3 apply to all nationwide permits for which certification was not denied and activities require authorization under Section 404 of the Clean Water Act. Other conditions specific to a Nationwide Permit are listed at the end of the subject nationwide permit.

General Condition 1: An individual 401 water quality certification will be required for any activities permitted under these Nationwide Permits for discharges to waters designated by the State of Illinois as Outstanding Resource Waters under 35 Ill. Adm. Code 302.105(b).

General Condition 2: Projects requiring authorization under Section 404 of the Clean Water Act must implement Best Management Practices (BMPs) to protect water quality, preserve natural hydrology and minimize the overall impacts to aquatic resources during and after construction. Projects that include a discharge of pollutants to waters that have impaired water quality according to the Illinois Environmental Protection Agency's Section 303(d) list or for which there is an approved Total Maximum Daily Load (TMDL) allocation for any parameter, additional planning will be necessary to ensure that no further degradation of water quality will occur. The TMDL program information and the Agency's 303(d) list of impaired waters are available at http://www.epa.illinois.gov/topics/water-quality/watershed-management/tmdls/index. For waters that include an approved TMDL the applicant shall incorporate into their plans and BMPs any measures that ensure consistency with the assumptions and requirements of the TMDL within any timeframes established in the TMDL. The applicant must carefully document the justifications for all plans and BMPs, and install, implement and maintain BMPs that are consistent with all relevant pollutant load allocations and conditions in the TMDL implementation plan. If a TMDL has not yet been approved to address water quality impairments that are documented in the Agency's 303 (d)

<u>General Condition 3:</u> Prior to proceeding with any work in accordance with any Nationwide Permit, potential impacts to threatened or endangered species shall be identified through use of the State's Ecological Compliance Assessment Tool (EcoCAT) at http://dnrecocat.state.il.us/ecopublic/. If potential impacts to State threatened or endangered species are identified, the Illinois Department of Natural Resources shall be consulted with.

Nationwide Permits and Conditions

The following is a list of the nationwide permits, authorized by the Chief of Engineers, and published in the Federal Register (82 FR 1860). Permittees wishing to conduct activities under the nationwide permits must comply with the conditions published in Section C. The Nationwide
Permit General Conditions found in Section C have been reprinted at the end of this Fact Sheet. The parenthetical references (Section 10, Section 404) following each nationwide permit indicate the specific authorities under which that permit is issued.

B. Nationwide Permits

1. Aids to Navigation. The placement of aids to navigation and regulatory markers that are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66).(Authority: Section 10 of the Rivers and Harbors Act of 1899 (Section 10))

2. Structures in Artificial Canals. Structures constructed in artificial canals within principally residential developments where the connection of the canal to a navigable water of the United States has been previously authorized (see 33 CFR 322.5(g)). (Authority: Section 10)

3. Maintenance. (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. This NWP also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. This NWP also authorizes the removal of accumulated sediment and debris within, and in the immediate vicinity of, the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.). The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments States unlated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

(c) This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After conducting the maintenance activity, temporary fills must be removed in their entirety and the affected areas returned to Pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Authorities: Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (Sections 10 and 404))

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 3. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 3 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:

- A. violation of applicable provisions of the Illinois Environmental Protection Act;
- B. water pollution defined and prohibited by the Illinois Environmental Protection Act;C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes.
- Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.

- 3. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. The applicant for Nationwide Permit 3 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
- 5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant for Nationwide Permit 3 shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant for Nationwide Permit 3 shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- The applicant for Nationwide 3 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 7. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
- 8. The applicant for Nationwide 3 that uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities. Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This NWP does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks. (Authorities: Sections 10 and 404)

5. Scientific Measurement Devices. Devices, whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge is limited to 25 cubic yards. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to pre-construction elevations. (Authorities: Sections 10 and 404)

6. Survey Activities. Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, sample plots or transects for wetland delineations, and historic resources surveys. For the purposes of this NWP, the term ``exploratory trenching'' means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the United States. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. This NWP authorizes the construction of temporary pads, provided the discharge does not exceed 1/10-acre in waters of the U.S. Discharges and structures associated with the recovery of historic resources are not authorized by this NWP. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized by this NWP; the plugging of such wells is authorized. Fill placed for roads and other similar activities is not authorized by this NWP. The NWP does not authorize any permanent structures. The discharge of drilling mud and cuttings may require a permit under section 402 of the Clean Water Act. (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 6. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 6 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act; B. water pollution defined and prohibited by the Illinois Environmental Protection Act; C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or D. interference with water use practices near public recreation areas or water supply intakes.
- The applicant for Nationwide Permit 6 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
- Material resulting from trench excavation within surface waters of the State may betemporarily sidecast adjacent to the trench excavation provided that:

 A. Sidecast material is not placed within a creek, stream, river or other flowing water body such that material dispersion could occur;

B. Sidecast material is not placed within ponds or other water bodies other than wetlands; and

C. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site, or used as backfill (refer to Condition 4 and 5).

4. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation. Excavated material may be used only if:

A. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or B. Excavation and backfilling are done under dry conditions.

- 5. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.
- 6. Temporary work pads shall be constructed of clean coarse aggregate or non-erodible nonearthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
- 7. The applicant for Nationwide Permit 6 that uses temporary work pads in order to perform work in creeks, streams, or rivers shall maintain flow in the these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

7. Outfall Structures and Associated Intake Structures. Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (section 402 of the Clean Water Act). The construction of intake structures is not authorized by this NWP, unless they are directly associated with an authorized outfall structure

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

8. Oil and Gas Structures on the Outer Continental Shelf. Structures for the exploration, production, and transportation of oil, gas, and minerals on the outer continental shelf within areas leased for such purposes by the Department of the Interior, Bureau of Ocean Energy Management. Such structures shall not be placed within the limits of any designated shipping safety fairway or traffic separation scheme, except temporary anchors that comply with the fairway regulations in 33 CFR 322.5(1). The district engineer will review such proposals to ensure compliance with the provisions of the fairway regulations in 33 CFR 322.5(1). Any Corps review under this NWP will be limited to the effects on navigation and national security in accordance with 33 CFR 322.5(f), as well as 33 CFR 322.5(1) and 33 CFR part 334. Such structures will not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, nor will such structures be permitted in EPA or Corps-designated dredged material disposal areas.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 10)

9. Structures in Fleeting and Anchorage Areas. Structures, buoys, floats, and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where such areas have been established for that purpose. (Authority: Section 10)

10. Mooring Buoys. Non-commercial, single-boat, mooring buoys. (Authority: Section 10)

11. Temporary Recreational Structures. Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir managers must approve each buoy or marker individually. (Authority: Section 10)

12. Utility Line Activities. Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project. Utility lines: This NWP authorizes discharges of dredged or fill material into waters of the United States and structures or work in navigable waters for crossings of those waters associated with the construction, maintenance, or repair of utility lines, including outfall and intake structures. There must be no change in pre-construction contours of waters of the United States. A 'utility line'' is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and internet, radio, and television communication. The term 'utility line'' does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area. Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any

exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities. Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR part 322). Overhead utility lines constructed over Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit.

This NWP authorizes, to the extent that Department of the Army authorization is required, temporary structures, fills, and work necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures that might occur during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines. These remediation activities must be done as soon as practicable, to restore the affected waterbody. District engineers may add special conditions to this NWP to require a remediation plan for addressing inadvertent returns of drilling fluids to waters of the United States during horizontal directional drilling activities conducted for the purpose of installing or replacing utility lines.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to conduct the utility line activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) The activity involves mechanized land clearing in a forested wetland for the utility line right-ofway; (2) a Section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Where the utility line is constructed or installed in navigable waters of the United States (i.e., Section 10 waters) within the coastal United States, the Great Lakes, and United States territories, a copy of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: For utility line activities crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Utility line activities must comply with 33 CFR 330.6(d).

Note 3: Utility lines consisting of aerial electric power transmission lines crossing navigable waters of the United States (which are defined at 33 CFR part 329) must comply with the applicable minimum clearances specified in 33 CFR 322.5(i).

Note 4: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 5: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a Section 404 permit (see NWP 15).

Note 6: This NWP authorizes utility line maintenance and repair activities that do not qualify for the Clean Water Act Section 404(f) exemption for maintenance of currently serviceable fills or fill structures.

Note 7: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

Note 8: For NWP 12 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, 'District Engineer's Decision.'' The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 12. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 12 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. Case-specific water quality certification from the Illinois EPA will be required for:

- A. activities in the following waters:
 - Lake Calumet i. ii.
 - Fox River (including the Fox Chain of Lakes)
 - iii. Lake Michigan
 - iv. Chicago Sanitary and Ship Canal
 - v. Calumet-Sag Channel
 - vi. Little Calumet River
 - vii. Grand Calumet River
 - viii. Calumet River
 - ix. Pettibone Creek (in Lake County)
 - х. South Branch of the Chicago River (including the South Fork)
 - xi. North Branch of the Chicago River (including the East and West Forks and the Skokie Lagoons)
 - xii. Chicago River (Main Stem)
 - xiii. Des Plaines River
 - xiv. Kankakee
 - All Public and Food Processing Water Supplies with surface intake facilities. The xv. Illinois EPA's Division of Public Water Supply at 217/782-1020 may be contacted for information on these water supplies.
- B. activities in the following waters if material is sidecast into waters of the State or wetlands:
 - Saline River (in Hardin County) i.
 - Richland Creek (in St. Clair and Monroe Counties) ii.
 - iii. Rock River (in Winnebago County)
 - iv. Illinois River upstream of mile 229.6 (Illinois Route 178 bridge)
 - Illinois River between mile 140.0 and 182.0 v.
 - vi. DuPage River (including the East and West Branches) vii. Salt Creek (Des Plaines River Watershed)

 - viii. Waukegan River (including the South Branch)
- 2. Section 401 water quality certification is hereby issued for all other waters, with the following conditions:

 - A. The applicant for Nationwide Permit 12 shall not cause:

 violation of applicable provisions of the Illinois Environmental Protection Act;

 ii. water pollution defined and prohibited by the Illinois Environmental Protection
 - Act; iii. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - interference with water use practices near public recreation areas or water supply iv. intakes.
 - B. The applicant for Nationwide Permit 12 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
 - Material resulting from trench excavation within surface waters of the State may be с.
 - temporarily sidecast adjacent to the trench excavation provided that:
 - Sidecast material is not placed within a creek, stream, river or other flowing i. water body such that material dispersion could occur;
 - Side cast material is not placed within ponds or other water bodies other than ii. wetlands; and
 - iii. Sidecast material is not placed within a wetland for a period longer than twenty (20) calendar days. Such sidecast material shall either be removed from the site (refer to Condition 2.F), or used as backfill (refer to Condition 2.D and 2.E).
 - D. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
 - Particle size analysis is conducted and demonstrates the material to be at least i. 80% sand or larger size material, using a #230 U.S. sieve; or
 - ii. Excavation and backfilling are done under dry conditions.
 - E. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.

- F. All material excavated which is not being used as backfill as stipulated in Condition 2.D and 2.E shall be stored or disposed in self-contained areas with no discharge to waters of the State. Material shall be disposed of appropriately under the regulations at 35 Il. Adm. Code Subtitle G.
- G. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant for Nationwide Permit 12 shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant for Nationwide Permit 12 shall be responsible for obtaining an NPDES Storm Water Permit required by the federal Clean Water Act prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- H. The applicant for Nationwide Permit 12 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- I. The use of directional drilling to install utility pipelines below surface waters of the State is hereby certified provided that:
 - i. All pits and other construction necessary for the directional drilling process are located outside of surface waters of the State;
 - All drilling fluids shall be adequately contained such that they cannot cause a discharge to surface waters of the State. Such fluids shall be treated as stipulated in Condition 2.F; and
 - iii. Erosion and sediment control is provided in accordance with Conditions 2.B, 2.G, and 2.H.
- J. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Material excavated or dredged from the surface water or wetland shall not be used to construct the temporary facility. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
- K. The applicant for Nationwide Permit 12 that uses temporary work pads, cofferdams, access roads or other temporary fills in order to perform work in creeks, streams, or rivers for construction activities shall maintain flow in the these waters during such construction activity by utilizing dam and pumping, fluming, culverts or other such techniques.
- L. Permanent access roads shall be constructed of clean coarse aggregate or non-erodible nonearthen fill material that will not cause siltation. Material excavated or dredged from the surface water or wetland shall not be used to construct the access road in waters of the state. The applicant for Nationwide Permit 12 that constructs access roads shall maintain flow in creeks, streams and rivers by installing culverts, bridges or other such techniques.

13. Bank Stabilization. Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques, provided the activity meets all of the following criteria:

- (a) No material is placed in excess of the minimum needed for erosion protection;
 (b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects (an exception is for bulkheads-the district engineer cannot issue a waiver for a bulkhead that is greater than 1,000 feet in length along the bank);
- (c) The activity will not exceed an average of one cubic yard per running foot, as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;
- (d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;
- No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;
 No material is placed in a manner that will be eroded by normal or expected
- high flows (properly anchored native trees and treetops may be used in low energy areas);
- (g) Native plants appropriate for current site conditions, including salinity, must be used for bioengineering or vegetative bank stabilization;
 (h) The activity is not a stream channelization activity; and
- The activity must be properly maintained, which may require repairing it after severe storms or erosion events. This NWP authorizes those maintenance and repair activities if they require authorization. This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the bank stabilization activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high

flows. After construction, temporary fills must be removed in their entirety and the affected areas returned to Pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

Invasive plant species shall not be used for bioengineering or vegetative bank stabilization. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity: (1) Involves discharges into special aquatic sites; or (2) is in excess of 500 feet in length; or (3) will involve the discharge of greater than an average of one cubic yard per running foot as measured along the length of the treated bank, below the plane of the ordinary high water mark or the high tide line. (See general condition 32.) (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 13. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 13 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The bank stabilization activities shall not exceed 1000 linear feet.

2. Asphalt, bituminous material and concrete with protruding material such as reinforcing bars or mesh shall not be:

- A. used for backfill;
- B. placed on shorelines/streambanks; or
- C. placed in waters of the State.
- Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.
- 4. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 5. The applicant shall consider installing bioengineering practices in lieu of structural practices of bank stabilization to minimize impacts to the lake, pond, river or stream and enhance aquatic habitat. The applicant shall document the selection process for the bank stabilization technique(s) and the basis for the selection of the bank stabilization practices. Bioengineering techniques may include, but are not limited to:
 - A. adequately sized riprap or A-Jack structures keyed into the toe of the slope with native plantings on the banks above;
 - B. vegetated geogrids;
 - C. coconut fiber (coir) logs;
 - D. live, woody vegetative cuttings, fascines or stumps;
 - E. brush layering; and
 - F. soil lifts.

14. Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation cause the loss of greater than 1/2-acre of waters of the United States. For linear transport cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to Preconstruction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, ``District Engineer's Decision.'' The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 14. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 14 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The affected area of the stream channel shall not exceed 300 linear feet, as measured along the stream corridor.
- Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.
- 3. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;C. violation of applicable water quality standards of the Illinois Pollution Control Board,
 - Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
- 5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- The applicant for Nationwide Permit 14 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
 Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed
- 7. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
- 8. The applicant for Nationwide Permit 14 that uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.

15. U.S. Coast Guard Approved Bridges. Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899 or other applicable laws. Causeways and approach fills are not included in this NWP and will require a separate Section 404 permit. (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 15. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 15 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
- The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2011).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

16. Return Water From Upland Contained Disposal Areas. Return water from an upland contained dredged material disposal area. The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs in an area that has no waters of the United States and does not require a

section 404 permit. This NWP satisfies the technical requirement for a section 404 permit for the return water where the quality of the return water is controlled by the state through the section 401 certification procedures. The dredging activity may require a section 404 permit (33 CFR 323.2(d)), and will require a Section 10 permit if located in navigable waters of the United States. (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 16. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 16 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. Applicants shall obtain a Subtitle C State Construction and Operating Permit for construction and operation of any dredge material disposal facility or upland contained disposal facility. 2. The applicant shall not cause:

 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board,
 - Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
- 3. The applicant for Nationwide Permit 16 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 4. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

17. Hydropower Projects. Discharges of dredged or fill material associated with hydropower projects having: (a) Less than 5000 kW of total generating capacity at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; or (b) a licensing exemption granted by the FERC pursuant to section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and section 30 of the Federal Power Act, as amended.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 17. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 17 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall not cause:

 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control
 - Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or D. interference with water use practices near public recreation areas or water supply intakes.
- The applicant for Nationwide Permit 17 shall implement erosion control measures consistent 2. with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- Any spoil material excavated, dredged or otherwise produced must not be returned to the 3. waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- An individual Section 401 water quality certification will be required for any project that is not previously approved by a Section 401 water quality certification issued by the 4. Illinois EPA for a Federal Energy Regulatory Commission license or permit.

18. Minor Discharges. Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:

- (a) The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line:
- The discharge will not cause the loss of more than 1/10-acre of waters of the (b) United States; and
- The discharge is not placed for the purpose of a stream diversion. (C)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or (2) the discharge is in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 18. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 18 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause: A. violation of applicable provisions of the Illinois Environmental Protection Act;

- B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes.
- 2. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards. 3. The applicant for Nationwide Permit 18 shall implement erosion control measures consistent
- with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).

19. Minor Dredging. Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States (i.e., Section 10 waters). This NWP does not authorize the dredging or degradation through siltation of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), anadromous fish spawning areas, or wetlands, or the connection of canals or other artificial waterways to navigable waters of the United States (see 33 CFR 322.5(g)). All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 19. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 19 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall not cause:
 - violation of applicable provisions of the Illinois Environmental Protection Act; Α.
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control
 - Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or D. interference with water use practices near public recreation areas or water supply
 - intakes.
- 2. The applicant for Nationwide Permit 19 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. Dredging shall be done by mechanical means and material shall not be discharged to Waters of the State.

20. Response Operations for Oil and Hazardous Substances. Activities conducted in response to a discharge or release of oil or hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (1) The Spill Control and Countermeasure Plan required by 40 CFR 112.3; (2) the direction or oversight of the federal on- scene coordinator designated by 40 CFR part 300; or (3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This NWP also authorizes activities required for the cleanup of oil releases in waters of the United States from electrical equipment that are governed by EPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This NWP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises. (Authorities: Sections 10 and 404)

*** 21. Surface Coal Mining Activities. Discharges of dredged or fill material into waters of the United States associated with surface coal mining and reclamation operations, provided the following criteria are met:

- (a) The activities are already authorized, or are currently being processed by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or as part of an integrated permit processing procedure by the Department of the Interior, Office of Surface Mining Reclamation and Enforcement;
- (b) The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal individual and cumulative adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into tidal waters or non-tidal wetlands adjacent to tidal waters; and
- The discharge is not associated with the construction of valley fills. A (C) "valley fill" is a fill structure that is typically constructed within valleys associated with steep, mountainous terrain, associated with surface coal mining activities.

Notification: The permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

22. Removal of Vessels. Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation. This NWP does not authorize maintenance dredging, shoal removal, or riverbank snagging.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The vessel is listed or eligible for listing in the National Register of Historic Places; or (2) the activity is conducted in a special aquatic site, including coral reefs and wetlands. (See General Condition 32.) If condition 1 above is triggered, the permittee cannot commence the activity until informed by the district engineer that compliance with the `'Historic Properties'' general condition is completed. (Authorities: Sections 10 and 404)

Note 1: If a removed vessel is disposed of in waters of the United States, a permit from the U.S. EPA may be required (see 40 CFR 229.3). If a Department of the Army permit is required for vessel disposal in waters of the United States, separate authorization will be required.

Note 2: Compliance with general condition 18, Endangered Species, and general condition 20, Historic Properties, is required for all NWPs. The concern with historic properties is emphasized in the notification requirements for this NWP because of the possibility that shipwrecks may be historic properties.

*** 23. Approved Categorical Exclusions. Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where: (a) That agency or department has determined, pursuant to the Council on

- That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from the requirement to prepare an environmental impact statement or environmental assessment analysis, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and
- (b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions, including preconstruction notification, for authorization of an agency's categorical exclusions under this NWP.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters. (Authorities: Sections 10 and 404)

Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW-CO). Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are: the Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05-07, which is available at: http://www.usace.army.mil/Portals/2/docs/ civilworks/RGLS/rgl05-07.pdf. Any future approved

categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same Web site.

24. Indian Tribe or State Administered Section 404 Programs. Any activity permitted by a state or Indian Tribe administering its own section 404 permit program pursuant to 33 U.S.C. 1344(g)-(l) is permitted pursuant to Section 10 of the Rivers and Harbors Act of 1899. (Authority: Section 10)

Note $\bar{1}$: As of the date of the promulgation of this NWP, only New Jersey and Michigan administer their own section 404 permit programs.

Note 2: Those activities that do not involve an Indian Tribe or State section 404 permit are not included in this NWP, but certain structures will be exempted by Section 154 of Public Law 94-587, 90 Stat. 2917 (33 U.S.C. 591) (see 33 CFR 322.4(b)).

25. Structural Discharges. Discharges of material such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, and walkways, or for general navigation, such as mooring cells, including the excavation of bottom material from within the form prior to the discharge of concrete, sand, rock, etc. This NWP does not authorize filled structural members that would support buildings, building pads, homes, house pads, parking areas, storage areas and other such structures. The structure itself may require a separate Section 10 permit if located in navigable waters of the United States. (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 25. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 25 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:

- A. violation of applicable provisions of the Illinois Environmental Protection Act;
- B. water pollution defined and prohibited by the Illinois Environmental Protection Act;

- C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant for Nationwide Permit 25 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.

26. [Reserved]

27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities. Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services.

To be authorized by this NWP, the aquatic habitat restoration, enhancement, or establishment activity must be planned, designed, and implemented so that it results in aquatic habitat that resembles an ecological reference. An ecological reference may be based on the characteristics of an intact aquatic habitat or riparian area of the same type that exists in the region. An ecological reference may be based on a conceptual model developed from regional ecological knowledge of the target aquatic habitat type or riparian area.

To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to: The removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, rehabilitation, or re-establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to enhance, rehabilitate, or re-establish stream meanders; the removal of stream barriers, such as undersized culverts, fords, and grade control structures; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to restore or enhance wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.

This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services.

Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., the conversion of a stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.

Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.

Reversion. For enhancement, restoration, and establishment activities conducted: (1)In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2)as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this NWP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of

return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting. For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see General Condition 32), except for the following activities:

- Activities conducted on non-federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;
- (2) Voluntary stream or wetlandrestoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or
- (3) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency.

However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement. (Authorities: Sections 10 and 404)

Note: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 27. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 27 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THIS NATIONWIDE SPECIFIC CONDITION, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. All activities conducted under NWP 27 shall be in accordance with the provisions of 35 Ill. Adm. Code 405.108. Work in reclaimed surface coal mine areas are required to obtain prior authorization from the Illinois EPA for any activities that result in the use of acidproducing mine refuse.
- 2. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board,
 - Title 35, Subtitle C: Water Pollution Rules and Regulation; or D. interference with water use practices near public recreation areas or water supply
 - intakes.
- 3. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section

28. Modifications of Existing Marinas. Reconfiguration of existing docking facilities within an authorized marina area. No dredging, additional slips, dock spaces, or expansion of any kind within waters of the United States is authorized by this NWP. (Authority: Section 10)

29. Residential Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more

than minimal adverse environmental effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See General Condition 32.) (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER OUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 29. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 29 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:

- A. violation of applicable provisions of the Illinois Environmental Protection Act;B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant for Nationwide Permit 29 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- 5. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.
- 6. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 29.

30. Moist Soil Management for Wildlife. Discharges of dredged or fill material into non-tidal waters of the United States and maintenance activities that are associated with moist soil management for wildlife for the purpose of continuing ongoing, site- specific, wildlife management activities where soil manipulation is used to manage habitat and feeding areas for wildlife. Such activities include, but are not limited to, plowing or discing to impede succession, preparing seed beds, or establishing fire breaks. Sufficient riparian areas must be maintained adjacent to all open water bodies, including streams, to preclude water quality degradation due to erosion and sedimentation. This NWP does not authorize the construction of new dikes, roads, water control structures, or similar features associated with the management areas. The activity must not result in a net loss of aquatic resource functions and services. This NWP does not authorize the conversion of wetlands to uplands, impoundments, or other open water bodies. (Authority: Section 404)

Note: The repair, maintenance, or replacement of existing water control structures or the repair or maintenance of dikes may be authorized by NWP 3. Some such activities may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

*** 31. Maintenance of Existing Flood Control Facilities. Discharges of dredged or fill material resulting from activities associated with the maintenance of existing flood control facilities, including debris basins, retention/ detention basins, levees, and channels that: (i) Were previously authorized by the Corps by individual permit, general permit, or 33 CFR 330.3, or did not require a permit at the time they were constructed, or (ii) were constructed by the Corps and transferred to a non-federal sponsor for operation and maintenance. Activities authorized by this NWP are limited to those resulting from maintenance activities that are conducted within the 'maintenance baseline,'' as described in the definition below. Discharges of dredged or fill materials associated with maintenance activities in flood control facilities in any watercourse that have previously been determined to be within the maintenance baseline are authorized under this NWP. To the extent that a Corps permit is required, this NWP authorizes the removal of vegetation from levees associated with the flood control project. This NWP does not authorize the removal of sediment and associated vegetation from natural water courses except when these activities have been included in the maintenance baseline. All dredged and excavated material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Proper sediment controls must be used.

Maintenance Baseline: The maintenance baseline is a description of the physical characteristics (e.g., depth, width, length, location, configuration, or design flood capacity, etc.) of a flood control project within which maintenance activities are normally authorized by NWP 31, subject to any case-specific conditions required by the district engineer. The district engineer will approve the maintenance baseline based on the approved or constructed capacity of the flood control facility, whichever is smaller, including any areas where there are no constructed channels but which are part of the facility. The prospective permittee will provide documentation of the physical characteristics of the flood control facility (which will normally consist of as-built or approved drawings) and documentation of the approved and constructed design capacities of the flood control facility. If no evidence of the constructed capacity exists, the approved capacity will be used. The documentation will also include best management practices to ensure that the adverse environmental impacts caused by the maintenance activities are no more than minimal, especially in maintenance areas where there are no constructed channels. (The Corps may request maintenance records in areas where there has not been recent maintenance.) Revocation or modification of the final determination of the maintenance baseline can only be done in accordance with 33 CFR 330.5. Except in emergencies as described below, this NWP cannot be used until the district engineer approves the maintenance baseline and determines the need for mitigation and any regional or activity-specific conditions. Once determined, the maintenance baseline will remain valid for any subsequent reissuance of this NWP. This NWP does not authorize maintenance of a flood control facility that has been abandoned. A flood control facility will be considered abandoned if it has operated at a significantly reduced capacity without needed maintenance being accomplished in a timely manner. A flood control facility will not be considered abandoned if the prospective permittee is in the process of obtaining other authorizations or approvals required for maintenance activities and is experiencing delays in obtaining those authorizations or approvals.

Mitigation: The district engineer will determine any required mitigation one-time only for impacts associated with maintenance work at the same time that the maintenance baseline is approved. Such one-time mitigation will be required when necessary to ensure that adverse environmental effects are no more than minimal, both individually and cumulatively. Such mitigation will only be required once for any specific reach of a flood control project. However, if one-time mitigation is required for impacts associated with maintenance activities, the district engineer will not delay needed maintenance, provided the district engineer and the permittee establish a schedule for identification, approval, development, construction and completion of any such required mitigation. Once the one-time mitigation described above has been completed, or a determination made that mitigation is not required, no further mitigation will be required for maintenance activities within the maintenance baseline (see Note, below). In determining appropriate mitigation, the district engineer will give special consideration to natural water courses that have been included in the maintenance baseline and require mitigation and/or best management practices as appropriate.

Emergency Situations: In emergency situations, this NWP may be used to authorize maintenance activities in flood control facilities for which no maintenance baseline has been approved. Emergency situations are those which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if action is not taken before a maintenance baseline can be approved. In such situations, the determination of mitigation requirements, if any, may be deferred until the emergency has been resolved. Once the emergency has ended, a maintenance baseline must be established expeditiously, and mitigation, including mitigation for maintenance conducted during the emergency, must be required as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer before any maintenance work is conducted (see general condition 32). The Preconstruction notification may be for activity-specific maintenance or for maintenance of the entire flood control facility by submitting a five-year (or less) maintenance plan. The Preconstruction notification must include a description of the maintenance baseline and the disposal site for dredged or excavated material. (Authorities: Sections 10 and 404)

Note: If the maintenance baseline was approved by the district engineer under a prior version of NWP 31, and the district engineer imposed the one-time compensatory mitigation requirement on maintenance for a specific reach of a flood control project authorized by that prior version of NWP 31, during the period this version of NWP 31 is in effect (March 19, 2017, to March 18, 2022) the district engineer will not require additional compensatory mitigation for maintenance activities authorized by this NWP in that specific reach of the flood control project.

32. Completed Enforcement Actions. Any structure, work, or discharge of dredged or fill material remaining in place or undertaken for mitigation, restoration, or environmental benefit in compliance with either:

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- The terms of a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or the terms of an EPA 309(a) order on consent resolving a violation of section 404 of the Clean Water Act, provided that:
 - (a) The activities authorized by this NWP cannot adversely affect more than 5 acres of non-tidal waters or 1 acre of tidal waters;
 - (b) The settlement agreement provides for environmental benefits, to an equal or greater degree, than the environmental detriments caused by the unauthorized activity that is authorized by this NWP; and
 - (c) The district engineer issues a verification letter authorizing the activity subject to the terms and conditions of this NWP and the settlement agreement, including a specified completion date; or
- ii The terms of a final Federal court decision, consent decree, or settlement agreement resulting from an enforcement action brought by the United States under section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or
- iii The terms of a final court decision, consent decree, settlement agreement, or nonjudicial settlement agreement resulting from a natural resource damage claim brought by a trustee or trustees for natural resources (as defined by the National Contingency Plan at 40 CFR subpart G) under Section 311 of the Clean Water Act, Section 107 of the Comprehensive Environmental Response, Compensation and

Liability Act, Section 312 of the National Marine Sanctuaries Act, Section 1002 of the Oil Pollution Act of 1990, or the Park System Resource Protection Act at 16 U.S.C. 19jj, to the extent that a Corps permit is required.

Compliance is a condition of the NWP itself; non-compliance of the terms and conditions of an NWP 32 authorization may result in an additional enforcement action (e.g., a Class I civil administrative penalty). Any authorization under this NWP is automatically revoked if the permittee does not comply with the terms of this NWP or the terms of the court decision, consent decree, or judicial/non-judicial settlement agreement. This NWP does not apply to any activities occurring after the date of the decision, decree, or agreement that are not for the purpose of mitigation, restoration, or environmental benefit. Before reaching any settlement agreement, the Corps will ensure compliance with the provisions of 33 CFR part 326 and 33 CFR 330.6(d) (2) and (e). (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 32. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 32 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:

- A. violation of applicable provisions of the Illinois Environmental Protection Act;B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- B. water pollution defined and prohibited by the Illinois Environmental Protection Act;C. violation of applicable water quality standards of the Illinois Pollution Control Board,
- Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
- 3. Except as allowed under condition 9, any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- 5. The applicant for Nationwide Permit 32 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 6. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, and related facilities prior to construction.
- 7. Backfill used in the stream-crossing trench shall be predominantly sand or larger size material, with <20% passing a #230 U.S. sieve.
- 8. Any channel relocation shall be constructed under dry conditions and stabilized to prevent erosion prior to the diversion of flow.
- 9. Backfill used within trenches passing through surface water of the State, except wetland areas, shall be clean course aggregate, gravel or other material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material may be used only if:
 - A. Particle size analysis is conducted and demonstrates the material to be at least 80% sand or larger size material, using a #230 U.S. sieve; or
 - B. Excavation and backfilling are done under dry conditions.
- 10. Backfill used within trenches passing through wetland areas shall consist of clean material which will not cause siltation, pipe damage during placement, or chemical corrosion in place. Excavated material shall be used to the extent practicable, with the upper six (6) to twelve (12) inches backfilled with the topsoil obtained during trench excavation.
- 11. Any applicant proposing activities in a mined area or previously mined area shall provide to the IEPA a written determination regarding whether the sediment and materials that will be used are considered "acid-producing material" as defined in 35 Il. Adm. Code, Subtitle D. If considered "acid-producing material," the applicant shall obtain a permit to construct pursuant to 35 Il. Adm. Code 404.101.
- 12. Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/stream banks, or 3) placed in waters of the State.

33. Temporary Construction, Access, and Dewatering. Temporary structures, work, and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse environmental effects. Following completion of construction, temporary fill

must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be restored to preconstruction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate Section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the activity is conducted in navigable waters of the United States (i.e., Section 10 waters) (see general condition 32). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre- project conditions. (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 33. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 33 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, as determined by the Illinois EPA.
- 2. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 3. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act; violation of applicable water quality standards of the Illinois Pollution Control Board, С.
 - Title 35, Subtitle C: Water Pollution Rules and Regulation; or D. interference with water use practices near public recreation areas or water supply intakes.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- 5. The applicant for Nationwide Permit 33 shall implement erosion control measures consistent
- with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016). 6. Temporary work pads, cofferdams, access roads and other temporary fills shall be constructed of clean coarse aggregate or non-erodible non-earthen fill material that will not cause siltation. Sandbags, pre-fabricated rigid materials, sheet piling, inflatable bladders and fabric lined basins may be used for temporary facilities.
- 7. The applicant for Nationwide Permit 33 who uses temporary work pads, cofferdams, access roads and other temporary fills in order to perform work in creeks, streams, or rivers shall maintain flow in these waters by utilizing dam and pumping, fluming, culverts or other such techniques.
- 8. During dewatering of the coffered work area, all sediment-laden water shall have adequate sediment removed such that water quality standards, including preventing unnatural turbidity, are met in the receiving stream.

*** 34. Cranberry Production Activities. Discharges of dredged or fill material for dikes, berms, pumps, water control structures or leveling of cranberry beds associated with expansion, enhancement, or modification activities at existing cranberry production operations. The cumulative total acreage of disturbance per cranberry production operation, including but not limited to, filling, flooding, ditching, or clearing, must not exceed 10 acres of waters of the United States, including wetlands. The activity must not result in a net loss of wetland acreage. This NWP does not authorize any discharge of dredged or fill material related to other cranberry production activities such as warehouses, processing facilities, or parking areas. For the purposes of this NWP, the cumulative total of 10 acres will be measured over the period that this NWP is valid.

Notification: The permittee must submit a pre-construction notification to the district engineer once during the period that this NWP is valid, and the NWP will then authorize discharges of dredge or fill material at an existing operation for the permit term, provided the 10-acre limit is not exceeded. (See general condition 32.) (Authority: Section 404)

35. Maintenance Dredging of Existing Basins. The removal of accumulated sediment for maintenance of existing marina basins, access channels to marinas or boat slips, and boat slips to previously authorized depths or controlling depths for ingress/egress, whichever is less. All dredged material must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. Proper sediment controls must be used for the disposal site. (Authority: Section 10)

36. Boat Ramps. Activities required for the construction of boat ramps, provided the activity meets all of the following criteria:

(a) The discharge into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of precast concrete planks or slabs, unless the district engineer waives the 50

cubic yard limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects; The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects;

The base material is crushed stone, gravel or other suitable material; (C)The excavation is limited to the area necessary for site preparation and all (d) excavated material is removed to an area that has no waters of the United States; and,

No material is placed in special aquatic sites, including wetlands. (e) The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another NWP, a regional general permit, or an individual permit.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge into waters of the United States exceeds 50 cubic yards, or (2) the boat ramp exceeds 20 feet in width. (See general condition 32.) (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 36. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 36 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:

(b)

- a. violation of applicable provisions of the Illinois Environmental Protection Act;B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant for Nationwide Permit 36 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- *** 37. Emergency Watershed Protection and Rehabilitation. Work done by or funded by: The Natural Resources Conservation Service for a situation requiring immediate (a) action under its emergency Watershed Protection Program (7 CFR part 624);
 - (b) The U.S. Forest Service under its Burned-Area Emergency Rehabilitation Handbook (FSH 2509.13);
 - The Department of the Interior for wildland fire management burned area (C) emergency stabilization and rehabilitation (DOI Manual part 620, Ch. 3);
 - (d) The Office of Surface Mining, or states with approved programs, for abandoned mine land reclamation activities under Title IV of the Surface Mining Control and Reclamation Act (30 CFR subchapter R), where the activity does not involve coal extraction; or
 - The Farm Service Agency under its Emergency Conservation Program (7 CFR part (e) 701).

In general, the prospective permittee should wait until the district engineer issues an NWP verification or 45 calendar days have passed before proceeding with the watershed protection and rehabilitation activity. However, in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the emergency watershed protection and rehabilitation activity may proceed immediately and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination todecide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

Notification: Except in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 32). (Authorities: Sections 10 and 404)

38. Cleanup of Hazardous and Toxic Waste. Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this NWP. This NWP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 38. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 38 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:

- A. violation of applicable provisions of the Illinois Environmental Protection Act;B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes
- 2. In addition to any actions required of the NWP applicant with respect to the "Notification" General Condition 32, the applicant shall notify the Illinois EPA, Bureau of Water, of the specific activity. This notification shall include information concerning the orders and approvals that have been or will be obtained from the Illinois EPA Bureau of Land (BOL), for all cleanup activities under BOL jurisdiction or for which authorization or approval is sought from BOL for no further remedial action.
- 3. An individual Section 401 water quality certification will be required for activities that do not require or will not receive authorization or approval from the BOL.

39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, wastewater treatment facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 39. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 39 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall not cause:

 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant for Nationwide Permit 39 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be

obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

- 5. The applicant is advised that the following permit(s) must be obtained from the Illinois EPA: The applicant must obtain permits to construct sanitary sewers, water mains, water treatment plants, wastewater treatment plants and related facilities prior to construction.
- 6. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 39.
- 7. For construction of oil and gas wells, the impacted waters of the State shall be restored to pre-construction conditions within six months after construction is started. For purposes of this condition, restoration includes stabilization and seeding or planting of vegetation on the disturbed areas that were vegetated prior to construction.

40. Agricultural Activities. Discharges of dredged or fill material into non-tidal waters of the United States for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include the installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the United States; and similar activities.

This NWP also authorizes the construction of farm ponds in non-tidal waters of the United States, excluding perennial streams, provided the farm pond is used solely for agricultural purposes. This NWP does not authorize the construction of aquaculture ponds.

This NWP also authorizes discharges of dredged or fill material into non-tidal waters of the United States to relocate existing serviceable drainage ditches constructed in non-tidal streams. The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States.

The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Section 404)

Note: Some discharges for agricultural activities may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4). This NWP authorizes the construction of farm ponds that do not qualify for the Clean Water Act section 404(f)(1)(C) exemption because of the recapture provision at section 404(f)(2).

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 40. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 40 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:

- A. violation of applicable provisions of the Illinois Environmental Protection Act;
- B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant for Nationwide Permit 40 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

41. Reshaping Existing Drainage Ditches. Discharges of dredged or fill material into nontidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the United States, for the purpose of improving water quality by regrading the drainage ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. The reshaping of the ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the ditch as originally constructed (i.e., the capacity of the ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the United States). Compensatory mitigation is not required because the work is designed to improve water quality.

This NWP does not authorize the relocation of drainage ditches constructed in waters of the United States; the location of the centerline of the reshaped drainage ditch must be

approximately the same as the location of the centerline of the original drainage ditch. This NWP does not authorize stream channelization or stream relocation projects. (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 41. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 41 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall not cause:
 - violation of applicable provisions of the Illinois Environmental Protection Act; A. violation of applicable provisions of the Illinois Environmental Protection Act;B. water pollution defined and prohibited by the Illinois Environmental Protection Act;

 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant for Nationwide Permit 41 shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- 5. The applicant for Nationwide Permit 41 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 6. The applicant is advised that the following permit(s) must be obtained from the Agency: permits to construct sanitary sewers, water mains and related facilities prior to construction.
- 7. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.

42. Recreational Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized by this NWP include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This NWP also authorizes the construction or expansion of small support facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity, but it does not authorize the construction of hotels, restaurants, racetracks, stadiums, arenas, or similar facilities.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed $1\!\!/\,2 ext{-acre.}$ This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 42. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 42 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply $% \left[{{{\boldsymbol{x}}_{i}}} \right]$ intakes.
- 2. The applicant for Nationwide Permit 42 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken

and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 42.

43. Stormwater Management Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction of stormwater management facilities, including stormwater detention basins and retention basins and other stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; the construction of low impact development integrated management features such as bioretention facilities (e.g., rain gardens), vegetated filter strips, grassed swales, and infiltration trenches; and the construction of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters to meet reduction targets established under Total Daily Maximum Loads set under the Clean Water Act.

This NWP authorizes, to the extent that a section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities, low impact development integrated management features, and pollutant reduction green infrastructure features. The maintenance of stormwater management facilities, low impact development integrated management features, and pollutant reduction green infrastructure features that are not waters of the United States does not require a section 404 permit.

The discharge must not cause the loss of greater than $1\!\!/\,2\text{-}\mathrm{acre}$ of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams.

Notification: For discharges into non-tidal waters of the United States for the construction of new stormwater management facilities or pollutant reduction green infrastructure features, or the expansion of existing stormwater management facilities or pollutant reduction green infrastructure features, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) Maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities of the stormwater management facility or pollutant reduction green infrastructure feature. (Authority: Section 404))

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 43. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 43 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The Agency hereby issues Section 401 water quality certification of Nationwide Permit 43 exclusively for the construction and maintenance of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters to meet reduction targets established under Total Daily Maximum Loads set under the Clean Water Act. All other activities authorized under this Nationwide Permit are denied Section 401 water quality certification. For purposes of this water quality certification green infrastructure means wet weather management approaches and technologies that utilize, enhance or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse. Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, porous and permeable pavements, porous piping systems, dry wells, vegetated median strips, reforestation/revegetation, rain barrels and cisterns and protection and enhancement of riparian buffers and floodplains. Material excavated, dredged or produced from the maintenance of green infrastructure features shall not be discharged to waters of the State. 2. The applicant for Nationwide Permit 43 shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;B. water pollution defined and prohibited by the Illinois Environmental Protection Act;

 - C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
- 3. The applicant for Nationwide Permit 43 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 4. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 5. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The

applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.

44. Mining Activities. Discharges of dredged or fill material into non-tidal waters of the United States for mining activities, except for coal mining activities, provided the activity meets all of the following criteria:

- For mining activities involving discharges of dredged or fill material into nontidal wetlands, the discharge must not cause the loss of greater than 1/2-acre of non-tidal wetlands;
- (b) For mining activities involving discharges of dredged or fill material in nontidal open waters (e.g., rivers, streams, lakes, and ponds) the mined area, including permanent and temporary impacts due to discharges of dredged or fill material into jurisdictional waters, must not exceed 1/2-acre; and
- (c) The acreage loss under paragraph (a) plus the acreage impact under paragraph (b) does not exceed 1/2-acre.

The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects.

The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed $1\!\!/\,2\text{-}\mathsf{acre.}$

This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. Notification: The permittee must submit a pre-construction-notification to the district engineer prior to commencing the activity. (See general condition 32.) If reclamation is required by other statutes, then a copy of the final reclamation plan must be submitted with the preconstruction notification. (Authorities: Sections 10 and 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 44. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 44 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant for Nationwide Permit 44 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. The facility shall be covered by either a Subtitle D NPDES mining permit or a Subtitle D State Construction and Operating Permit for mining activities.
- 5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 44.

45. Repair of Uplands Damaged by Discrete Events. This NWP authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This NWP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high water mark, that existed before the damage occurred. The district engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this NWP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the district engineer. This NWP cannot be used to reclaim lands lost to normal erosion processes over an extended period.

This NWP does not authorize beach restoration or nourishment.

Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.

Notification: The permittee must submit a pre-construction notification to the district engineer (see general condition 32) within 12 months of the date of the damage; for major storms, floods, or other discrete events, the district engineer may waive the 12- month limit for submitting a pre-construction notification if the permittee can demonstrate funding, contract, or other similar delays. The pre-construction notification must include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. (Authority: Sections 10 and 404)

Note: The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters). (See also 33 CFR 328.5.) This NWP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands 46. Discharges in Ditches. Discharges of dredged or fill material into non-tidal ditches that are: (1) Constructed in uplands, (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch, (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch, and (4) determined to be waters of the United States. The discharge must not cause the loss of greater than one acre of waters of the United States.

This NWP does not authorize discharges of dredged or fill material into ditches constructed in streams or other waters of the United States, or in streams that have been relocated in uplands. This NWP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authority: Section 404)

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 46. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 46 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;
 - B. water pollution defined and prohibited by the Illinois Environmental Protection Act;C. violation of applicable water quality standards of the Illinois Pollution Control Board,
 - Title 35, Subtitle C: Water Pollution Rules and Regulation; or D. interference with water use practices near public recreation areas or water supply
 - D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant for Nationwide Permit shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by the Illinois EPA. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- 5. The applicant for Nationwide Permit 46 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 6. The applicant is advised that the following permit(s) must be obtained from the Agency: permits to construct sanitary sewers, water mains and related facilities prior to construction.
- The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, etc.) to prevent transport of sediment and materials to the adjoining wetlands and/or streams.
- 8. The applicant shall not sever the connection between upstream and downstream surface waters of the State by the discharge of dredged or fill material into ditches.

47. [Reserved]

***** 48. Commercial Shellfish Aquaculture Activities.** Discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States necessary for new and continuing commercial shellfish aquaculture operations in authorized project areas. For the purposes of this NWP, the project area is the area in which the operator is authorized to conduct commercial shellfish aquaculture activities, as identified through a lease or permit issued by an appropriate state or local government agency, a treaty, or any easement, lease, deed, contract, or other legally binding agreement that establishes an enforceable property interest for the operator. A 'new commercial shellfish aquaculture operation' is an operation in a project area where commercial shellfish aquaculture activities have not been conducted during the past 100 years.

This NWP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This NWP also authorizes discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities. Rafts and other floating structures must be securely anchored and clearly marked.

This NWP does not authorize:

- (a) The cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody;
- (b) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990;
- (c) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste; or

(d) Activities that directly affect more than 1/2-acre of submerged aquatic vegetation beds in project areas that have not been used for commercial shellfish aquaculture activities during the past 100 years.

Notification: The permittee must submit a pre-construction notification to the district engineer if: (1) The activity will include a species that has never been cultivated in the waterbody; or (2) the activity occurs in a project area that has not been used for commercial shellfish aquaculture activities during the past 100 years. If the operator will be conducting commercial shellfish aquaculture activities in multiple contiguous project areas, he or she can either submit one PCN for those contiguous project areas or submit a separate PCN for each project area. (See general condition 32.)

In addition to the information required by paragraph (b) of general condition 32, the preconstruction notification must also include the following information: (1) A map showing the boundaries of the project area(s), with latitude and longitude coordinates for each corner of each project area; (2) the name(s) of the species that will be cultivated during the period this NWP is in effect; (3) whether canopy predator nets will be used; (4) whether suspended cultivation techniques will be used; and (5) general water depths in the project area(s) (a detailed survey is not required). No more than one pre-construction notification per project area or group of contiguous project areas should be submitted for the commercial shellfish operation during the effective period of this NWP. The pre-construction notification should describe all species and culture activities the operator expects to undertake in the project area or group of contiguous project areas during the effective period of this NWP. If an operator intends to undertake unanticipated changes to the commercial shellfish aquaculture operation during the effective period of this NWP, and those changes require Department of the Army authorization, the operator must contact the district engineer to request a modification of the NWP verification; a new Pre-construction notification does not need to be submitted (Authorities: Sections 10 and 404)

Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the project.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines 'aquatic nuisance species' as 'a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.''

***** 49. Coal Remining Activities.** Activities. Discharges of dredged or fill material into nontidal waters of the United States associated with the remining and reclamation of lands that were previously mined for coal. The activities must already be authorized, or they must currently be in process as part of an integrated permit processing procedure, by the Department of the Interior Office of Surface Mining Reclamation and Enforcement, or by states with approved programs under Title IV or Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Areas previously mined include reclaimed mine sites, abandoned mine land areas, or lands under bond forfeiture contracts.

As part of the project, the permittee may conduct new coal mining activities in conjunction with the remining activities when he or she clearly demonstrates to the district engineer that the overall mining plan will result in a net increase in aquatic resource functions. The Corps will consider the SMCRA agency's decision regarding the amount of currently undisturbed adjacent lands needed to facilitate the remining and reclamation of the previously mined area. The total area disturbed by new mining must not exceed 40 percent of the total acreage covered by both the remined area and the additional area necessary to carry out the reclamation of the previously mined area.

The permittee must submit a pre-construction notification and a document describing how the overall mining plan will result in a net increase in aquatic resource functions to the district engineer and receive written authorization prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

***** 50. Underground Coal Mining Activities.** Discharges of dredged or fill material into non-tidal waters of the United States associated with underground coal mining and reclamation operations provided the activities are authorized, or are currently being processed as part of an integrated permit processing procedure, by the Department of the Interior, Office of Surface Mining Reclamation and Enforcement, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize coal preparation and processing activities outside of the mine site.

Notification: The permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 32.) If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification. (Authorities: Sections 10 and 404) Note: Coal preparation and processing activities outside of the mine site may be authorized by NWP 21.

51. Land-Based Renewable Energy Generation Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind,

biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land- based renewable energy generation facility.

The discharge must not cause the loss of greater than $1\!\!/\,2 ext{-acre}$ of non-tidal waters of the United States. The discharge must not cause the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed 1/2-acre. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the discharge results in the loss of greater than 1/10-acre of waters of the United States. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based renewable energy generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization.

Note 2: If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove utility lines and/or road crossings, then NWP 12 and/or NWP 14 shall be used if those activities meet the terms and conditions of NWPs 12 and 14, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.

Note 3: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER OUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 51. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT 1344) UNDER NATIONWIDE PERMIT 51 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, (33 U.S.C. THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:

- A. violation of applicable provisions of the Illinois Environmental Protection Act;B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- C. violation of applicable water quality standards of the Illinois Pollution Control
- Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or D. interference with water use practices near public recreation areas or water supply
- intakes. 2. The applicant for Nationwide Permit 51 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- 5. An individual Section 401 water quality certification will be required for any project where the District Engineer waives the stream length limitation of NWP 51.

52. Water-Based Renewable Energy Generation Pilot Projects. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction, expansion, modification, or removal of water-based wind, water-based solar, wave energy, or hydrokinetic renewable energy generation pilot projects and their attendant features. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, roads, parking lots, and stormwater management facilities.

For the purposes of this NWP, the term ''pilot project'' means an experimental project where the water- based renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.

The discharge must not cause the loss of greater than 1/2-acre of waters of the United States, including the loss of more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects. The loss of stream bed plus any other losses of jurisdictional wetlands and waters caused by the NWP activity cannot exceed $1 \not\!/ \, 2\text{-acre.}$

The placement of a transmission line on the bed of a navigable water of the United States from the renewable energy generation unit(s) to a land-based collection and distribution facility is considered a structure under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR

322.2(b)), and the placement of the transmission line on the bed of a navigable water of the United States is not a loss of waters of the United States for the purposes of applying the 1/2acre or 300 linear foot limits.

For each single and complete project, no more than 10 generation units (e.g., wind turbines, wave energy devices, or hydrokinetic devices) are authorized. For floating solar panels in navigable waters of the United States, each single and complete project cannot exceed 1/2- acre in water surface area covered by the floating solar panels.

This NWP does not authorize activities in coral reefs. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(1)(2). Structures may not be placed in established danger zones or restricted areas designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(1)(1)), or EPA or Corps designated open water dredged material disposal areas.

Upon completion of the pilot project, the generation units, transmission lines, and other structures or fills associated with the pilot project must be removed to the maximum extent practicable unless they are authorized by a separate Department of the Army authorization, such as another NWP, an individual permit, or a regional general permit. Completion of the pilot project will be identified as the date of expiration of the Federal Energy Regulatory Commission (FERC) license, or the expiration date of the NWP authorization if no FERC license is required.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization.

Note 2: An activity that is located on an existing locally or federally maintained U.S. Army Corps of Engineers project requires separate approval from the Chief of Engineers or District Engineer under 33 U.S.C. 408.

Note 3: If the pilot project generation units, including any transmission lines, are placed in navigable waters of the United States (i.e., Section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration, National Ocean Service, for charting the generation units and associated transmission line(s) to protect navigation.

Note 4: Hydrokinetic renewable energy generation projects that require authorization by the Federal Energy Regulatory Commission under the Federal Power Act of 1920 do not require separate authorization from the Corps under Section 10 of the Rivers and Harbors Act of 1899.

Note 5: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 52. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 52 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

1. The applicant shall not cause:

- A. violation of applicable provisions of the Illinois Environmental Protection Act;
- B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes.
- 2. The applicant for Nationwide Permit 52 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section. 5. An individual Section 401 water quality certification will be required for any project where
- the District Engineer waives the stream length limitation of NWP 52.
- 6. An individual Section 401 water quality certification will be required for any hydrokinetic project that is not previously approved by a Section 401 water quality certification issued by the Illinois EPA for a Federal Energy Regulatory Commission license or permit.

53. Removal of Low-Head Dams. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States associated with the removal of low-head dams.

For the purposes of this NWP, the term ``low-head dam'' is defined as a dam built across a stream to pass flows from upstream over all, or nearly all, of the width of the dam crest on a continual and uncontrolled basis. (During a drought, there might not be water flowing over the dam crest.) In general, a low-head dam does not have a separate spillway or spillway gates but it may have an uncontrolled spillway. The dam crest is the top of the dam from left abutment to right abutment, and if present, an uncontrolled spillway. A low-head dam provides little storage function.

The removed low-head dam structure must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization.

Because the removal of the low-head dam will result in a net increase in ecological functions and services provided by the stream, as a general rule compensatory mitigation is not required for activities authorized by this NWP. However, the district engineer may determine for a particular low-head dam removal activity that compensatory mitigation is necessary to ensure the authorized activity results in no more than minimal adverse environmental effects.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404)

Note: This NWP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to restore the stream in the vicinity of the low-head dam, including the former impoundment area. Nationwide permit 27 or other Department of the Army permits may authorize such activities. This NWP does not authorize discharges of dredged or fill material into waters of the United States or structures or work in navigable waters to stabilize stream banks. Bank stabilization activities may be authorized by NWP 13 or other Department of the Army permits.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 53. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 53 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- 1. The applicant shall implement the following Best Management Practices and Material Testing:
 - A. Sediments and river bottom material are excavated and removed to upland areas to minimize sediment transport downstream, minimize downcutting and protect water quality; or
 - B. measures shall be implemented to minimize sediment transport downstream; or
 - C. the sediments and river bottom materials that will be transported downstream are determined to have less than 20 percent passing a #230 U.S. Sieve based on representative sampling and analysis of the sediments and river bottom materials; or
 - D. a combination of the above practices to protect water quality; and sediments and river bottom materials shall not be pollutional if released to downstream waters.
- 2. Best Management Practices shall be implemented to minimize sediment transport downstream, minimize downcutting of sediment and river bottom materials and protect water quality.
- 3. The project shall be required to obtain individual 401 water quality certification if a public or food processing surface water intake is located within the upstream pool of the dam to be removed.
- 4. The applicant shall notify downstream surface water supplies of the proposed dam removal. The applicant shall implement practices to prevent interference with Public and Food Processing Water Supply intakes. The Illinois EPA's Division of Public Water Supply may be contacted at 217/782-1020 for information on the Public and Food Processing Water Supplies.
- 5. The applicant for Nationwide Permit 53 shall not cause:
 - A. violation of applicable provisions of the Illinois Environmental Protection Act;B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - C. violation of applicable water quality standards of the Illinois Pollution Control
 - Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
 - D. interference with water use practices near public recreation areas or water supply intakes.
- 6. The applicant for Nationwide Permit 53 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 7. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 8. All areas affected by construction shall be stabilized or mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosionduring construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pellution Control, Permit Section.

54. Living Shorelines. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction and maintenance of living shorelines to stabilize banks and shores in coastal waters, which includes the Great Lakes, along shores with small fetch and gentle slopes that are subject to low- to mid-energy waves. A living shoreline has a footprint that is made up mostly of native material. It incorporates vegetation or other living, natural ''soft'' elements alone or in combination with some type of harder shoreline structure (e.g., oyster or mussel reefs or rock

sills) for added protection and stability. Living shorelines should maintain the natural continuity of the land-water interface, and retain or enhance shoreline ecological processes. Living shorelines must have a substantial biological component, either tidal or lacustrine fringe wetlands or oyster or mussel reef structures. The following conditions must be met:

- (a) The structures and fill area, including sand fills, sills, breakwaters, or reefs, cannot extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes, unless the district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;
- The activity is no more than 500 feet in length along the bank, unless the (b) district engineer waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects;
- Coir logs, coir mats, stone, native oyster shell, native wood debris, and other structural materials must be adequately anchored, of sufficient weight, or (C) installed in a manner that prevents relocation in most wave action or water flow conditions, except for extremely severe storms;
- (d) For living shorelines consisting of tidal or lacustrine fringe wetlands, native plants appropriate for current site conditions, including salinity, must be used if the site is planted by the permittee;
- Discharges of dredged or fill material into waters of the United States, and (e) oyster or mussel reef structures in navigable waters, must be the minimum necessary for the establishment and maintenance of the living shoreline;
- If sills, breakwaters, or other structures must be constructed to protect fringe (f) wetlands for the living shoreline, those structures must be the minimum size necessary to protect those fringe wetlands;
- The activity must be designed, constructed, and maintained so that it has no (g) more than minimal adverse effects on water movement between the waterbody and the shore and the movement of aquatic organisms between the waterbody and the shore; and
- The living shoreline must be properly maintained, which may require periodic (h) repair of sills, breakwaters, or reefs, or replacing sand fills after severe storms or erosion events. Vegetation may be replanted to maintain the living shoreline. This NWP authorizes those maintenance and repair activities, including any minor deviations necessary to address changing environmental conditions.

This NWP does not authorize beach nourishment or land reclamation activities. Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the construction of the living shoreline. (See general condition 32.) The pre-construction notification must include a delineation of special aquatic sites (see paragraph (b)(4) of general condition 32). Pre-construction notification is not required for maintenance and repair activities for living shorelines unless required by applicable NWP general conditions or regional conditions. (Authorities: Sections 10 and 404)

Note: In waters outside of coastal waters, nature-based bank stabilization techniques, such as bioengineering and vegetative stabilization, may be authorized by NWP 13.

NOTE: THE IEPA HAS CONDITIONED SECTION 401 WATER QUALITY CERTIFICATION APPLICABLE TO NATIONWIDE PERMIT 54. DEPARTMENT OF THE ARMY AUTHORIZATION PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT (33 U.S.C. 1344) UNDER NATIONWIDE PERMIT 54 WILL BE SUBJECT TO THE THREE GENERAL IEPA CONDITIONS, THESE NATIONWIDE SPECIFIC CONDITIONS, AND THE CONDITIONS PUBLISHED IN SECTION C.

- An individual Section 401 water quality certification shall be required for any project that exceeds 1000 feet as measured along the bank and or when the District Engineer waives the limitation of 30 feet as measured from the mean high water line.
 - The applicant shall not cause:

2.

- A. violation of applicable provisions of the Illinois Environmental Protection Act; B. water pollution defined and prohibited by the Illinois Environmental Protection Act;
- C. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulation; or
- D. interference with water use practices near public recreation areas or water supply intakes.
- 3. The applicant for Nationwide Permit 54 shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2016).
- 4. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
- 5. All areas affected by construction shall be stabilized or mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of sedimentation basins and temporary mulching. All construction within the waterway shall be conducted during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
- C. Nationwide Permit General Conditions

To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

- Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.
 (b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.
 - (c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- 2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.
- 3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.
- 4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.
- 5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.
- 6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).
- 7. Water Supply Intakes. No activitymay occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.
- 8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.
- 9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).
- 10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.
- 11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.
- 12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.
- 13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.
- 14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.
- 15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.
- 16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a ``study river'' for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river,

has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

- (b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a ``study river'' for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.
- (c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.
- 17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.
- 18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which ''may affect'' a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.
 - (b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.
 - (c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity 'may affect'' or will have '`no effect'' to listed species and designated critical habitat and will notify the non-federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have ''no effect'' on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.
 - (d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.
 - (e) Authorization of an activity by an NWP does not authorize the ''take'' of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with ''incidental take'' provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word ''harm'' in the definition of ''take'' means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.
 - (f) If the non-federal permittee has a valid ESA Section 10(a) (1) (B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA Section 10(a) (1) (B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA Section 10(a) (1) (B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA Section 10(a) (1) (B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in 7 consultation for the ESA Section 10(a) (1) (B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered to conduct a separate ESA Section 10(a) (1) (B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction

notification whether the ESA Section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

- (g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their worldwide-web pages at <u>http://www.fws.gov/ or http://www.fws.gov/ipac</u> and <u>http://www.nmfs.noaa.gov/pr/species/esa/</u> respectively.
- 19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether ''incidental take'' permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.
- 20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.
 - (b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under Section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with Section 106.
 - (c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing preconstruction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of Section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA Section 106 consultation has been completed.
 - (d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. If NHPA Section 106 consultation is required, the district engineer will notify the non-federal applicant that he or she cannot begin the activity until Section 106 consultation is completed. If the non-federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.
 - (e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/ THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.
- 21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the

activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

- 22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.
 - (a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.
 - (b) For NWFS 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with General Condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.
- 23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:
 - (a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).
 - (b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.
 - (c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require Pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.
 - (d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).
 - (e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.
 - (f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.
 - (1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or inlieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.
 - (2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e) (3)). (See also 33 CFR 332.3(f)).
 (3) Since the likelihood of success is greater and the impacts to potentially
 - (3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

- (4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).
- (5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.
- (6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).
- (g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.
- (h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permitteeresponsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee- responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permitteeresponsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.
- (i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.
- 24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.
- 25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.
- 26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.
- 27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.
- 28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.
- 29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

| (Transferee) | |
|--------------|--|
| | |

(Date)

- 30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:
 - (a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
 - (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
 - (c) The signature of the permittee certifying the completion of the activity and mitigation. The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.
- 31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a ''USACE project''), the prospective permittee must submit a pre-construction notification. See paragraph (b) (10) of General Condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.
- 32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:
 - (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
 - (2)45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is ``no effect'' on listed species or ''no potential to cause effects'' on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).
 - (b) Contents of pre-Construction Notification: The PCN must be in writing and include the following information:
 - (1) Name, address and telephone numbers of the prospective permittee;
 - (2) Location of the proposed activity;
 - (3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;
 - (4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow

the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

- (5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;
- (6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.
- (7) For non-federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;
- (8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act;
- (9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a 'study river'' for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the 'study river'' (see general condition 16); and
- (10) For an activity that requires permission from the Corps pursuant to 33 U.S.C.
 408 because it will alter or temporarily or permanently occupy or use a U.S.
 Army Corps of Engineers federally authorized civil works project, the pre construction notification must include a statement confirming that the project
 proponent has submitted a written request for section 408 permission from the
 Corps office having jurisdiction over that USACE project.
 (c) Form of Pre-Construction Notification: The standard individual permit application form
- (c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.
- (d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.
 - (2) Agency coordination is required for: (i) All NWP activities that require preconstruction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.
 - (3) When agency coordination is required, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or email that they intend to provide substantive, site-specific comments. The comments must explain
why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each preconstruction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of preconstruction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine whether they individually satisfy theterms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed $1\!\!/\,2$ -acre. 2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns. 3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity- specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the

NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) That the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or 31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

 $2.\ {\rm NWPs}$ do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see General condition 32).

F. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term ''discharge'' means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under Section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to Section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of ``open waters'' include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request maybe a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or

for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: Re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term ''single and complete project'' is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately. Single and complete non-linear project: for non-linear projects, the term ''single and complete project'' is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of ``independent utility''). Single and complete non-linear projects may not be ``piecemealed'' to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the

gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of ``waterbodies'' include streams, rivers, lakes, ponds, and wetlands.

PCN - Pre-Construction Notification

*** Nationwide permit where Illinois Environmental Protection Agency has denied Section 401 Water Quality Certification.

REGULATORY JURISDICTIONAL BOUNDARIES





DEPARTMENT F HE ARMY CORPS OF ENGINEERS, ROCK ISLAND DISTRICT P.O. BOX 2004 CLOCK TOWER BUILDING ROCK ISLAND, ILLINOIS 1204-2004

CEMVR-OD-PE (1145b) e

July 19, 2018 e

MEMORANDUM THRU OD-PE e

FOR PD-P (Henderson) e

SUBJECT: eWetland Determination for the Bulls Island DMMP Site along the Illinois River in LaSalle County, Illinois (CEMVR-OD-P-2018-672) e

1.e On June 21, 2018, expresentatives of the Corps of Engineers conducted a field visit to the future Bulls Island DMMP expansion area along the Illinois River in Section 7, Township 33 North, Range 4 East, LaSalle County, Illinois (see enclosure).e

2.e The primary objective of the field visit was to investigate the potential jurisdiction of two excavated water pits identified on the National Wetland Inventory and to determine if other waters of the United States (including wetlands) exist on the property. eA walk through of the sitee confirmed that the study area is a teclaimed mine site with heavily disturbed soils and early successional (Eurasian) plant cover. eNo evidence of the old mine pits was observed, and standing water and saturated soils were absent on the day of the site inspection.e

3.e In the recent past, e docal farmer has æased the property from the 1st National Bank of e Ottawa, and he has attempted to unsuccessfully eonvert the site to agricultural production.e Presently, the site is comprised of alfalfa, smooth brome grass, Canada thistle, wild parsnip,e common plantain, yellow sweet clover, Canada goldenrod, birdfoot trefoil, white clover, rede over, yacrow, velvet-leaf, moth multein, common æed, and common milkweed. eThe presencee of mound hay bales suggest the site has most mecently served as a hay field.e

4. Soil samples indicate the topsoil has eeen heaviey disturbed. eA typical floodplain soil horizon was absent, and subsurface clays and gravel were observed throughout the uppersoil profile.e

5.e Since no wetlands, navigable waters, or other waters of the U.S. were documented within the study area, Department of the Army authorization is not required under Section 404 of the Cleane Water Act or Section 10 of the Rivers and Harbors Act. eThe study area includes Tracts 3 and 4 with the exception of the wooded eparian corridor along the Illinois River in Tract 3 and the woodlot located in the Northeast corner of Tract 4. eThis determination for your project eemains valid for five years from the date of this memore

6.e Should you have any questions, please contact our Regulatory Branch by letter, or elephonee measurements e

Mine W. Walt

GENE W. WALSH Peojee Illinois/Missouri Section e

Encl e



DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹ U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook. e

SECTION I: eBACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 18, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Rock Island District, USACE, 2018-672

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: ellinois County/parish/borough: LaSalle e City: Ottawa Center coordinates of site (lat/long in degree decimal format): eLat. 41.346061 °, Long. -88&04394 ° Universal Transverse Mercator:

Name of nearest waterbody: ellinois River

Name of watershed or Hydrologic Unit Code (HUC): 07120007e

- Check if map/diagram of review area is available upon request. e
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different e JD form. e

D. REVIEW PERFORMED FOR ITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. dDate: e
- Field Determination. eDate(s): e June 21, 2018 e

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review e area. e

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply -e hecked items shall be included ie case file and, where checked ande requested, appropriately reference sources below):

- Maps, elans, plots or plat submitted by oe on behalf of the applicant/consultant: location map, project description, engineering dans
- Data sheets erepared/submitted by or on behalf of the applicant/consultant. e
 - [] Office concurs with data sheets/delineation report. e
 - Office does not eoecur with data sheets/delineation report. e
- Data sheets prepared by the Corps: e
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data. e
 - USGS 8 and 12 digit HUC maps. e
- U.S. Geological Survey map(s). Cite scale & quad name: eOttawa, ILL (7.5 Quadrangle) e
- USDA Natural Resources Conservation Service Soil Survey. Citation: e
- [7] National wetlands inventory map(s). eCite name: Ottawa, ILL (7.5 Quadrangle) e
- State/Local wetland inventory map(s): e
- FEMA/FIRM maps:e
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929) e
 - Photographs: e | Aerial (Name & Date): e
 - or [7] Other (Name & Date):e
- Previous determination(s). File eo. and date of response letter: e
- Applicable/supporting ease law: e
- Applicable/supporting scientific literature: e
- | Other ine

3

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

Review area was limited to Tracts 3 and 4 excluding the wooded riparian corridor along the river and the woodlot in the Northeast corner of Tract 4.

¹ This form is foe use only in eccording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields. e

From: Walsh, Eugene W Jr

Sent: Friday, September 7, 2018 2:29 PM

To: Henderson, Kjetil R

Subject:RE: Wetland determination

Attachments: 2017 FACT8IL.pdf

Hey Kjetil,

Since the return water would be covered under Nationwide Permit No. 16 of the attached Fact Sheet No. 8 (IL) provided you adhere to all the conditions of the nationwide permit program, including the IEPA's conditioned 401 water quality certification, you do not need to complete the analysis under the CWA 404b 1 guidelines. Headquarters would have considered the guidelines as part of their environmental assessment prior to the issuance of the current set of nationwide permits.

Gene

-----Original Message-----From: Henderson, Kjetil R Sent: Thursday, September 6, 2018 9:18 AM To: Walsh, Eugene W Jr

Subject: RE: Wetland determination

Hi Gene,

I hate to belabor the point, but we're in DQC review right now. I agree regarding CWA 404b1 because no wetlands are present on the proposed Bulls Island site, but do we need to address CWA 404b1 anyway

because of return water impacting WOTUS?

Thanks a million,

Kjetil

-----Original Message-----

Sent: Monday, July 23, 2018 8:40 AM

From: Walsh, Eugene W Jr

To: Henderson, Kjetil R (US)

Subject: RE: Wetland determination

Yes, you are correct. If your spoil activities are limited to the open field which we investigated, an analysis of the 404b1 guidelines is not triggered since there are no waters of the U.S. present within your project area.

-----Original Message-----

From: Henderson, Kjetil R

Sent: Monday, July 23, 2018 7:34 AM

To: Walsh, Eugene W Jr

Cc: Herzog, Kathryn M CIV

Subject: Wetland determination

Hi Gene,

Thanks for sending this. These two areas represent the only wetlands at the site, and we aren't placing in the floodway. As such, does this mean we're compliant with CWA 404b1 regulations?

Thanks,

Kjetil

Kjetil ("KJ") Henderson

United States Army Corps of Engineers Environmental Planning Section St. Paul District at Rock Island Clock Tower Building P.O. Box 2004 Rock Island, IL 61204-2004

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX G DISTRIBUTION LIST

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LaSalle County Historical Society Museum Mill and Canal Streets P.O. Box 278 Utica, IL 61373

Finn Nurit Wapsi Valley Archeology, Inc. P.O. Box 244 Anamosa, IA 52205

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SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX H COST ENGINEERING

SITE PLAN FOR RIVER MILES 240.3-242.7 STARVED ROCK POOL ILLINOIS RIVER

APPENDIX H COST ENGINEERING

COST ESTIMATES

The total cost estimate for the construction of the Bull's Island Recommended Plan is approximately 368,096. The scope of work includes clearing and stripping the site, constructing the containment berm, and seeding. It is assumed that the work will be performed by USACE personnel and equipment. The development of the DMMP site will begin with the clearing of shrubs and trees, followed by stripping the area of approximate 6 inches of topsoil. The berm would be constructed using on-site material. The berm will be 5 feet high above the existing grade with 5-foot-wide top and a 3 1 slope. A portion of the existing berm will be demolished, and the material will be reused to construct the proposed berm. After the berm is constructed, the affected areas will be seeded. Seeding will be a mixture of pure, live seed of tall fescues, bluegrasses, and perennial Ryegrasses.

U.S. Army Corps of Engineers Project : Bulls Island DMMP Estimate 20200506 Standard Report for Rock Island

Time 09:17:42

Title Page

Bulls Island DMMP Estimate 20200506

This is a feasibility level cost estimate for the construction of a containment berm for the Bull's Island DMMP project. The Recommended Plan (RP) ties into the existing site on the right descending bank of the Illinois River near Ottawa, IL. The RP is a combination of two of the eight sites assessed in the initial phase of the feasibility study. The RP is Site 4 and an eastern portion of Site 3. The RP includes clearing and stripping the site, construction of the berm and drainage structure, and seeding. It is assumed that the work will be performed by a government crew. The crew will come in and begin by clearing the area which is a mix of grass, shrubs and trees. The area will be stripped and a berm will be constructed using on-site materials. The existing access from the Illinois River to the berms will be reused and maintained. Once all work is completed the berm areas will be seeded.

Wage Rates

The wage rates are the fully burdened rate for a typical Government employee working in MVR-OD-I, Illinois Waterway Project Office and for Survey personnel in MVR-EC-T. Rates provided by USACE-MVR on 10/17/2018, and have been updated to 05/06/2020 labor rates.

Equipment Rates

The equipment rates used in this estimate are from the EP 1110-1-8, Region 2, from June 2018 and are updated by a global markup of 4.99% to reflect May 2020 pricing.

Fuel Rates The fuel costs are taken from the U. S. Dept. of Energy website for the Midwest category on 05/06/2020.

> Sales Tax Sales tax in Illinois for Lasalle County is 7%.

> > Contingency

The contingency amount is an assumed rate of 34% and is based upon the perceived risks associated with the following risk elements: Project scope - Low to Average risk - Project scope is clear and without complexity - rated 25%; weight 0.30; value 7.5%

Acquisition strategy - Low to Average risk - project will likely be constructed by in-house USACE crew, uncertainty attributed to Real Estate Acquisition- rated 15%; weight 0.30; value 4.5% Construction elements - Low risk - Methods are simple and equipment is typical for earthwork - rated 5%; weight 0.10; value 0.5%

Quantities for current scope - Slightly higher than average risk - quantities are preliminary and may change after further design - rated 5%; weight 0.60; value 3.0%

Specialty fabrication or equipment - No fabrication or special equipment needed - rated 20%: weight 0.10: value 2.0%

Cost estimate assumptions - Slightly higher than average risk - assumptions may change after further design - rated 15%: weight 0.60: value 9.0%

External project risks - Moderate risk - real estate issues and high water events will severely impact project - rated 15%; weight 0.50; value 7.5%

Escalation

There is no escalation contained in this cost estimate.

The estimate was updated on 05/06/2020 to update to current pricing.

Estimated by CEMVR-EC-TE Designed by CEMVR-EC-D Prepared by Sarah Auvenshine

Preparation Date 5/6/2020 Effective Date of Pricing 5/6/2020 Estimated Construction Time Days

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Labor ID: NLS2016 EQ ID: EP18R02

Currency in US dollars

| Print Date Wed 6 May 2020 | U.S. Army Corps of Engineers | | | | | Time 09:17:42 |
|--------------------------------------|---------------------------------|----------|----------------|------------|----------------|---------------|
| | Standard Report for Rock Island | | | Pro | ject Owner Sun | nmary Page 1 |
| Description | UOM | Quantity | ContractCost | Escalation | Contingency | ProjectCost |
| Project Owner Summary | | | 274,698 | 0 | 93,397 | 368,096 |
| Feasibility Study Cost Estimate | JOB | 1 | 274,698 | 0 | 93,397 | 368,096 |
| Recommended Plan | JOB | 1 | 274,698 | 0 | 93,397 | 368,096 |
| 0001 Mobilization and Demobilization | JOB | 1 | 1 7,091 | 0 | 5,811 | 22,903 |
| 0002 Clearing | JOB | 1 | 41,645 | 0 | 14,159 | 55,804 |
| 0003 Containment Berm Construction | JOB | 1 | 171,875 | 0 | 58,438 | 230,313 |
| 0004 Drainage Structures | JOB | 1 | 15,429 | 0 | 5,246 | 20,675 |
| 0005 Seeding | JOB | 1 | 28,658 | 0 | 9,744 | 38,402 |

| Print Date Wed 6 May 2020 Eff. Date 5/6/2020 | | | Proiect : | U.S. Army Bulls Islar | Corps of E | ngineers stimate 2020 | 0506 | | | | Т | ime 09:17:42 |
|---|----------|-----|-----------------|--------------------------|---------------|--------------------------|--------------|----------|--------|------------|------------------|--------------|
| | | | | Standard F | Report for Re | ock Island | | | | Pro | oject Direct Sum | mary Page 2 |
| Description | Quantity | UOM | LaborCost | EQCost | MatlCost | BareCost | Productivity | Overtime | TaxAdj | MiscDirect | DirectMarkup | DirectCost |
| Project Direct Summary | | | 194,640 | 52,261 | 23,542 | 270,443 | 0 | 0 | 1,648 | 2,608 | | 274,698 |
| Feasibility Study Cost Estimate | 1.00 | JOB | 194,640 | 52,261 | 23,542 | 270,443 | 0 | 0 | 1,648 | 2,608 | | 274,698 |
| Recommended Plan | 1.00 | JOB | 194,640 | 52,261 | 23,542 | 270,443 | 0 | 0 | 1,648 | 2,608 | | 274,698 |
| 0001 Mobilization and Demobilization | 1.00 | JOB | 14,586 | 2,386 | 0 | 16,972 | 0 | 0 | 0 | 119 | | 17,091 |
| 0002 Clearing | 1.00 | JOB | 34,978 | 6,350 | 0 | 41,328 | 0 | 0 | 0 | 317 | | 41,645 |
| 0003 Containment Berm Construction | 1.00 | JOB | 129,29 1 | 40,560 | 0 | 169,85 1 | 0 | 0 | 0 | 2,024 | | 171,875 |
| 0004 Drainage Structures | 1.00 | JOB | 7,811 | 601 | 6,530 | 14,942 | 0 | 0 | 457 | 30 | | 15,429 |
| 0005 Seeding | 1.00 | JOB | 7,973 | 2,364 | 17,012 | 27,349 | 0 | 0 | 1,191 | 118 | | 28,658 |

| Print Date Wed 6 May 2020 Eff. Date 5/6/2020 | U.S. Army (Project : Bulls Island | Corps of Englished | gineers imate 20200506 | | | | | Time 09:17:42 |
|---|---------------------------------------|--------------------|---------------------------|----------|----------------|-------------|----------------|---------------|
| | , Standard Re | port for Roc | k Island | | | Projec | t Indirect Sun | nmary Page 3 |
| Description | DirectCost | SubCMU | CostToPrime | PrimeCMU | ContractCost | Contingency | Escalation | ProjectCost |
| Project Indirect Summary | 274,698 | 0 | 0 | 0 | 274,698 | 93,397 | 0 | 368,096 |
| Feasibility Study Cost Estimate | 274,698 | 0 | 0 | 0 | 274,698 | 93,397 | 0 | 368,096 |
| Recommended Plan | 274,698 | 0 | 0 | 0 | 274,698 | 93,397 | 0 | 368,096 |
| 0001 Mobilization and Demobilization | 17,091 | 0 | 0 | 0 | 17, 091 | 5,811 | 0 | 22,903 |
| 0002 Clearing | 41,645 | 0 | 0 | 0 | 41,645 | 14,159 | 0 | 55,804 |
| 0003 Containment Berm Construction | 171,875 | 0 | 0 | 0 | 171,875 | 58,438 | 0 | 230,313 |
| 0004 Drainage Structures | 15,429 | 0 | 0 | 0 | 15,429 | 5,246 | 0 | 20,675 |
| 0005 Seeding | 28,658 | 0 | 0 | 0 | 28,658 | 9,744 | 0 | 38,402 |

SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX I REAL ESTATE PLAN

SITE PLAN FOR RIVER MILES 240.3-242.7 STARVED ROCK POOL ILLINOIS RIVER

APPENDIX I REAL ESTATE PLAN

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Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

> Appendix I Real Estate Plan

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EXHIBIT 1 Project Area Map

SITE PLAN FOR RIVER MILES 240.3-242.7 STARVED ROCK POOL ILLINOIS RIVER

APPENDIX I REAL ESTATE PLAN

1. PURPOSE

The Illinois Waterway (IWW) was authorized by the Rivers and Harbors Acts of July 3, 1930; February 11, 1932; and August 30, 1935. A Resolution of the House Committee on Flood Control of September 18, 1944, authorized the 9-foot navigation channel and subsequent channel maintenance dredging for the IWW.

Under the authority delegated by the Secretary of the Army and in accordance with Section 404 of the Clean Water Act of 1977, as amended, the Corps regulates the discharge of dredged or fill material into waters of the United States. The Corps is also guided by the dredging regulations published in the Code of Federal Regulations (CFR), 33 CFR Parts 335-338. This CFR included language that encouraged the Corps to pursue a long-term management strategy for dredged material placement. The regulation states, "District Engineers should identify and develop dredged material management strategies that satisfy the long term (greater than 10 years needs for Corps projects."

The purpose of this Dredged Material Management Plan (DMMP) is to find suitable long-term placement sites to maintain the 9-foot navigation channel on the IWW, as described in the *ong-Ter Manage ent Strateg for redged Material Place ent, Illinois Water a River Miles 0.0-327.0, Main Report* (June 1995). The Recommended Plan (RP) has been determined to be environmentally acceptable and operationally feasible for future dredged material placement.

The Corps regulation providing guidance for the conduct of Civil Works Planning Studies is contained in Engineer Circular (EC 1165-2-217, *Water Resources Policies and Aut orities Revie Polic for Civil Works*, which states that real estate plans (REP are to be developed to meet dredging needs for a minimum of 20 years. This REP defines the real estate requirements and baseline cost estimate necessary to implement the RP.

2. DESCRIPTION OF THE LANDS, EASEMENTS, AND RIGHTS-OF-WAY LER) REQUIRED FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PROJECT

The RP proposes acquisition of two parcels in fee and one permanent, non-exclusive road easement. The parcels are referred to by their Site numbers for clarity and consistency with the RP. See Exhibit 1, *Pro ect Area Map*.

A. Dredged Material Placement Sites. The RP identifies two dredged material placement sites (Site 3 and Site 4 . Pursuant to ER 405-1-12, *Real Estate Hand ook*, Chapter 12, Paragraph 12-9.b(3), the appropriate estate to acquire for a dredged material placement site is fee title. Therefore, Sites 3 and 4 will be acquired in fee title. Site 3 (a portion of PIN 15-43-412-000) is 31.59 acres in area. The parcel is

Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

Appendix I Real Estate Plan

owned by a local bank. A portion of the parcel nearest the river, approximately 8.14 acres, is part of the Regulatory Floodway Zone AE, a designation indicating areas at high risk for flooding as determined by the Federal Emergency Management Agency (Exhibit 1). The parcel is also subject to a perpetual flowage easement (PFE) (Tract 30 acquired by Decree dated 15 July 1932, D. C. No. 40527, of the District Court of the United States of America for the Northern District of Illinois Eastern Division. The PFE is owned by the United States. The PFE has an area of approximately 2.42 acres, but the portion of the PFE that is within the Floodway will have to be determined by survey before acquisition. The portion of the PFE in Site 3 will be acquired in fee title. As a result, the PFE will be merged into the fee title, pursuant to the Merger Doctrine. The remaining portion of the PFE outside of Site 3 will remain intact. The RP does not place dredged materials in the flowage easement. See Section 3, Paragraph 3.4.1.3, of the DMMP Main Report.

A private corporation owns Site 4 (a portion of PIN 15-44-321-000), which has an area of 16.47 acres. This parcel is contiguous to Site 3 and to Tract 100 (already owned by the United States in fee and utilized by the Corps as an existing dredged material placement site .

B. Site Access. The RP provides for access to Sites 3 and 4 via a permanent, non-exclusive road easement (a portion of PIN 15-44-321-000) constituting approximately .99 acre in area and running contiguous to Site 4's eastern border. The underlying fee estate is owned by the private corporation (the same corporation that owns the land underlying Site 4). Acquisition of this easement provides additional benefit to the Corps in the form of land access to Tract 100, which is currently only accessible by river.

Alternative site access via County Highway 51, aka Canal Road, aka N 2753 Road (Hwy 51) was evaluated. The only point at which either Site 3 or 4 abut Hwy 51 is at Site 4's NE corner. Access to Hwy 51 at this location would require LaSalle County Highway Department approval. According to the LaSalle County Highway Access Regulation Ordinance (adopted July 13, 2006), Hwy 51 is classified as "Access 2" in the ordinance. Such classification requires 1,320 feet between private access points. Furthermore, the ordinance requires denial of proposed access connections that do not meet the spacing requirement when "reasonable access" is available through options such as joint-use driveways and cross-access agreements. The NE corner of Site 4 lies immediately adjacent to the private road, which is subject of the identified easement. Thus, it does not meet the 1,320-foot requirement and "reasonable access" can be achieved through acquisition of the permanent, non-exclusive road easement. It is unlikely any request for direct access to Hwy 51 from Site 4 would be approved at this time.

A portion of Site 3, located in the NW half, comes close to but does not abut Hwy 51. This area presents two additional issues that make it less viable for access. First, an additional acquisition would be required to obtain right to the road. Second, the City's sewer easement lies in the middle of this area (Exhibit) 1. Consequently, this location was also ruled out as an access point at this time.

Public use of the permanent, non-exclusive roadway easement will allow access to the Sites for beneficial use of dredged material by the public. See Main Report Section 5, Paragraph 5.3.4, for discussion of road access for beneficial use.

C. Subordination of Rights. Subordination of three recorded easements will be required, as part of the acquisition. In addition, on-site inspection identified power poles and lines that are within the acquisition footprint. Though no easement for these utilities has been identified, they will be addressed through the acquisition process.

Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

Appendix I Real Estate Plan

NOTE: At this stage, no preliminary title opinion has been conducted to ascertain the full set of any easements, rights-of-way or other encumbrances which may exist upon the parcels. Remaining encumbrances upon the parcels, if any, will be cleared prior to closing.

First, the City of Ottawa, Illinois, (City) has a sewer utility easement running through central portions of Sites 3 and 4 (Exhibit 1). The presence of the easement has already been incorporated into the site layout, which provides for a 50-foot buffer to allow the City to access the utility, as needed. See Figure 7 in the Main Report and Paragraph 6.1 and Plate C-102 in Appendix E, *Civil Engineering*. While subordination of the City's easement will be sought, inclusion of the buffer in the site layout will allow for the government's intended use of the property, while not interfering with the easement holder's rights.

Second, several homes run along the northern border of Sites 3 and 4 (south side of County Highway 51). The City has confirmed that these homes are connected to City water services. They are not, however, connected to the City sewer services and instead have private septic systems. One of the homes bordering Site 4 to the north (1910 N 2753 Road has a septic easement running through a portion of the northeast corner of Site 4 (Exhibit 1). Subordination of this easement will be sought. It should be noted, however, that the septic easement falls within the site layout's 100-foot residential buffer Exhibit 1 , which would allow for the government to use the property for its intended purpose without interfering with the easement holder's rights. For more information on the residential buffer see Paragraphs 6 through 6.1.2 in Appendix E, *Civil Engineering*.

Third, the Northern Illinois Gas Company has a 10' wide gas line utility easement, recorded at document number 677788, in the Tazewell County Recorder's Office. This easement runs parallel to and along the eastern side of the private road, which is the subject the Permanent Road Easement. A subordination of this easement will be sought. A survey will be required to determine the extent to which the gas line utility easement overlaps with the Permanent Road Easement, necessary for the Project. For the purposes of this report, it is assumed that a subordination of this easement will be required.

A visual inspection of the Sites revealed the existence of power poles and lines running in two locations. The first location along the south side of Highway 51. These poles and lines cross the northeast corner of Site 4 and the entrance of the private road over which the Permanent Road Easement will be obtained. The second set of power poles and lines run south along the east side of the private road and parallel to it for the length of the road. Though no easements have been identified for these utilities, for the purposes of this report it is assumed that a subordination of this easement will be required.

D. Borrow and Staging Areas. The Project does not require the use of borrow or staging areas.

| LER | Number of Owners | Acres | Type of Estate |
|------------------------|---------------------|--------------|-------------------|
| Site 3 | 1 | 31.59 | Fee |
| Site 4 | 1 | 16.47 | Fee |
| | | | Road Easement |
| Access | 1 | 0.99 | permanent |
| Pre-existing Easements | 4-5 | Multiple TBD | Subordination |
| Total Acreage | | 49.05 | |

E. Number of Owners/Acres and Type of Estate

Appendix I Real Estate Plan

F. Estates To Be Acquired. The following standard estates are required:

FEE

The fee simple title to (the land described in ____ Schedule A) Tracts Nos. ___, ___, and ___), subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

ROAD EASEMENT

A perpetual, non-exclusive and assignable easement and right of way in, on, over and across (the land described in Schedule A) (Tracts Nos. _____, ____ and _____) for the location, construction, operation, maintenance, alteration replacement of a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right of way; (reserving, however, to the owners, their heirs and assigns, the right to cross over or under the right of way as access to their adjoining land at the locations indicated in Schedule B ; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

3. SPONSOR-OWNED LANDS

There is no sponsor; therefore, there are no sponsor-owned lands.

4. PROPOSED NON-STANDARD ESTATES

The proposed project does not require the use of any non-standard estates.

5. EXISTING FEDERAL PROJECT WITHIN THE LANDS, EASEMENTS, AND RIGHT-OF-WAY REQUIRED FOR THE PROJECT

There are no Federal projects within the proposed boundary of this acquisition.

6. FEDERALLY-OWNED LAND REQUIRED FOR THE PROJECT

The United States owns a perpetual flowage easement (Tract 30) over a portion of Site 3. See discussion in Paragraph 2.A, *redged Material Place ent Sites*. The Corps' Rock Island District currently manages Tract 30. Sites 3 and 4 surround Tract 100, a Government-owned parcel, on three sides. The Corps' Rock Island District manages Tract 100 and utilizes it as a dredged material placement site.

7. NAVIGATION SERVITUDE

The proposed acquisitions are above the ordinary high water mark and thus navigation servitude is not available.

Appendix I Real Estate Plan

8. MAP DEPICTING THE AREA

A Project map is attached as Exhibit 1.

9. POSSIBILITY OF INDUCED FLOODING DUE TO THE PROJECT

The Project is not expected to induce flooding. See Executive Order 11988, *loodplain Manage ent*, and Main Report Sections 5.3.6.2, *loodplain Manage ent* and 6.1.6, *lood a Per it*.

10. BASELINE COST ESTIMATE

The total estimated acquisition costs rounded to the nearest thousand is \$1,200,000.

11. RELOCATION ASSISTANCE BENEFITS

No persons or businesses will require relocation.

12. MINERAL ACTIVITY/TIMBER HARVESTING IN THE PROJECT AREA

There is no active mineral activity or timber harvesting occurring or anticipated to occur near the proposed Project; however, mining of coal previously occurred in a portion of the proposed Sites. See Appendix C, *P* ase I HTRW ESA Report, for more information. There are no known existing third party mineral rights or interests including oil, gas, or timber that may need to be resolved for the construction, operation, and maintenance of the project.

13. NON-FEDERAL SPONSOR'S LEGAL AND PROFESSIONAL ACQUISITION CAPABILITY TO ACQUIRE LANDS, EASEMENTS, AND RIGHT-OF-WAY

Not applicable.

14. ZONING ORDINANCES

Site 3 is zoned "E Industrial." Site 4 and Permanent Road Easement 1 are zoned "D Commercial + Light Industrial." No application or enactment of zoning ordinances is proposed in lieu of, or to facilitate, acquisition in connection with the proposed project. The existing ordinances do not impact or prohibit the planned use of the proposed project.

15. SCHEDULE OF LAND ACQUISITION MILESTONES

Currently, funding for land acquisition has not been approved; therefore, actual dates have not been chosen. Once funding is approved, the schedule will follow the outline as follows:

Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

Appendix I Real Estate Plan

| Standard Acquisition | Time To Complete |
|--|---------------------|
| Mapping | 30 days |
| Public Meeting | 30 days |
| Legal Descriptions (including title work | 90-120 days |
| Tract Appraisals | 60 days |
| Negotiations | 120 days |
| Offers to Sell | 30 days |
| Acquisition | 120 days |
| Closing inspection, certification, | 180 days |
| | |
| | |

| Acquisition | Time To |
|--|-------------|
| by Condemnation | Complete |
| Mapping | 30 days |
| Public Meeting | 30 days |
| Legal Descriptions | |
| (including title work | 90-120 days |
| Tract Appraisals | 60 days |
| Negotiations | 120 days |
| Offers to Sell | 30 days |
| Create Condemnation Package at MVR | 30 days |
| MVD Review | 120 days |
| HQ Review | 180 days |
| Condemnation Filed and Land Access Provided | 120 days |
| Closing (inspection, certification, title opinion, | |
| IRS 1099, audits) | 180 days |

16. FACILITY OR UTILITY RELOCATIONS

There are no planned facility or utility relocations.

17. IMPACTS OF SUSPECTED OR KNOWN CONTAMINANTS

Assessment of Sites 3 and 4 revealed evidence of one recognized environmental condition. Portions of Sites 3 and 4 are comprised of a reclaimed coal surface mine. Refer to the DMMP Main Report, Section 2, Paragraph 2.4.5, and Figure 2. There has been no HTRW identified at Sites 3 and 4; however, operations guidelines are recommended to maintain the integrity of the reclaimed mine area surface.

The HTRW assessment was performed in conformance with scope and limitations of the American Standards for Testing of Materials Standard E 1527-13. The RP for Sites 3 and 4 includes guidelines set for operations and maintenance to prevent degradation of the existing reclaimed mine surface, which include:

- erosion on the sites shall be controlled so as to not cut to a depth which might produce acid mine drainage;
- vegetation should be established on this sites after dredged material is placed;
- vegetation should be consistent with that used in the previous mine reclamation activities; and
- material used for constructing berms should not be scraped from a depth such that acid mine drainage may reoccur.

These guidelines will eliminate the risk of surface degradation, and therefore reduce the already low risk that an acid mine drainage condition might occur. No additional assessment or further investigation is recommended.

Additionally, Environmental Objectives and Requirements provided in Appendix E, *Civil Engineering*, will limit soil intrusion, establish vegetation, and control erosion, and will include signage indicating

Site Plan for River Miles 240.3-242.7 Starved Rock Pool, Illinois River

Appendix I Real Estate Plan

members of the public interested in utilizing dredged material at the Sites must call operations staff, a gate to block access, and designated staff to oversee removal of the dredged material.

One private septic system has been identified on Site 4. There is no concern so long as the system is in accordance with local compliance and the system is actively maintained. There have been no reports to indicate a lack of compliance or maintenance of the subject septic system. See Appendix C, *P* ase I Hazardous, Toxic, and Radioactive Waste, for further information.

18. LANDOWNER SUPPORT OR OPPOSITION TO THE PROJECT

Scoping letters have been sent to adjacent landowners. The District has not received any comments back from these landowners.

Direct contact has been made with the president of the local bank-owned property (Site 3 on a number of occasions. The bank's owner is concerned mostly with recovering its costs for the property and with supporting the City's land use planning efforts.

Some contact has taken place with representatives of the corporation-owned property (Site 4; however, the corporation representatives have indicated a desire to postpone discussion until the corporation receives a just compensation offer.

19. NOTIFICATION OF RISKS OF ACQUIRING LANDS BEFORE EXECUTION OF THE PROJECT PARTNERSHIP AGREEMENT

Not applicable.

20. OTHER RELEVANT REAL ESTATE ISSUES

None.

Date: _____ Prepared by:

Date: _____ Approved by: Kodie Esparza Digitally signed by Kodie Esparza Date: 2020.05.04 15:02:23 -05'00'

Kodie J. Esparza, Realty Specialist Acquisition Branch, Real Estate Division USACE Rock Island District

Digitally signed by Jody R. Jody R. Rowe Date: 2020.05.04 16:24:41 -05'00'

Jody R. Rowe Chief, Real Estate Division Real Estate Contracting Officer USACE Rock Island District

EXHIBIT 1

PROJECT AREA MAP



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SITE PLAN FOR RIVER MILES 240.3- 242.7 STARVED ROCK POOL ILLINOIS RIVER

FINAL

APPENDIX J LITERATURE CITED
Appendix J Literature Cited

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