

IEPA Log No.: **C-0754-06**  
CoE appl. #: **2006-760**

Public Notice Beginning Date: **May 4, 2007**  
Public Notice Ending Date: **May 25, 2007**

Section 401 of the Federal Water Pollution Control Act  
Amendments of 1972

**Section 401 Water Quality Certification to Discharge into Waters of the State**

**Public Notice/Fact Sheet Issued By:**

Illinois Environmental Protection Agency  
Bureau of Water  
Watershed Management Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-3362

**Name and Address of Discharger:** Village of Gilberts, Baxter & Woodman, 8678 Ridgefield Road,  
Crystal Lake, IL 60012

**Discharge Location:** Sections 2, 11, 12 and 13, T42N, R7E of the 3<sup>rd</sup> P.M. in Kane County within the  
Village of Gilberts

**Name of Receiving Water:** Unnamed Wetlands

**Project Description:** Widening of Freeman Road and Binnie Road and infrastructure improvements  
along Galligan Road will impact 1.03 acre of wetland. Mitigation for these impacts will be through the  
purchase of 2.19 acre of wetland credits from the Kishwaukee Bottoms Mitigation Bank.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water  
quality certification to discharge into the waters of the state associated with a Section 404 permit  
application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end  
on the dates indicated in the heading of this Public Notice. The last day comments will be received will be  
on the Public Notice period ending date unless a commenter demonstrating the need for additional time  
requests an extension to this comment period and the request is granted by the IEPA. Interested persons  
are invited to submit written comments on the project to the IEPA at the above address. Commenters  
shall provide their names and addresses along with comments on the certification application.  
Commenters may include a request for public hearing. The certification and notice number(s) must  
appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for  
inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m.  
Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification  
application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days  
before any public hearing. If a Section 401 water quality certification is issued, response to relevant  
comments will be provided at the time of the certification. For further information, please call Thaddeus  
Faught at 217/782-3362.

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**Fact Sheet for Antidegradation Assessment  
Village of Gilberts – Unnamed Wetlands – Kane County  
IEPA Log No. C-0754-06  
COE Log No. 2006-760  
Contact: Alyson Grady; 217/558-2012  
May 4, 2007**

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The applicant has applied for 401 water quality certification for the proposed impact of 1.03-acre of jurisdictional wetlands located in Sections 2, 11, 12, and 13, Township 42 North, Range 7 East, Kane County, Illinois. These impacts are due to two roadway improvement corridors and a utility line construction corridor within the Village of Gilberts. The roadway improvements will include widening the roadway and providing additional turn lanes to provide access to future growth in the area. The roadway improvements are part of the Kane County Department of Transportation's 2030 plan. The roadways to be widened include Freeman Road between the Chicago Northwester Railroad and Galligan Road and Binnie Road between Galligan Road and Hidden Hills Trail. In addition to the roadway improvements, sanitary sewer and water main utility lines will be constructed along the right-of-way of Galligan Road. The proposed project will impact a total of 1.03 acres of jurisdictional wetland located within the proposed right-of-way for the project. Of the 1.03 acres of wetland impacts, 0.43 acres are to two ADID wetlands designated for high functional value. The proposed utility line project will also cross the South Branch Kishwaukee River (East). However, in order to minimize any impact to this stream, the utilities will be directionally bored under the stream. Mitigation for the proposed wetland impacts will be through the purchase of wetland mitigation bank credits from the Kishwaukee Bottoms Mitigation Bank. The ADID wetland impacts will be mitigated at a 3:1 ratio resulting in 1.29 acres of credit. The remaining wetland impacts will be mitigated at a 1.5:1 ratio resulting in 0.9-acre of credit for a total of 2.19 acres of credit.

**Identification and Characterization of the Affected Water Body.**

The South Branch Kishwaukee River (East) has a zero 7Q10 flow and is a General Use water. The South Branch Kishwaukee River (East), Waterbody Segment IL\_PQI-H-D1, is found on the 2006 Illinois 303(d) List. The use impaired for this segment is aquatic life. The potential cause of impairment is sedimentation/siltation. The potential sources of impairment is crop production (crop land or dry land), and site clearance (land development or redevelopment). The South Branch Kishwaukee River (East) is rated a "B" stream under the Agency's Biological Stream Characterization (BSC) system. The river is not listed as a biologically significant water body in the Illinois Natural History Survey publication Biologically Significant Illinois Stream. No direct impacts to the stream are proposed for this project as the utilities will be installed through directional drill.

The wetlands have a zero 7Q10 flow and are General Use waters. They are not found on the 2006 Illinois 303(d) list nor are they rated under the Agency's Biological Stream Characterization (BSC) system. The wetlands are not listed as a biologically significant water bodies in the Illinois Natural History Survey publication Biologically Significant Illinois Streams. The jurisdictional wetlands are tributary to the South Branch Kishwaukee River (East)

Wetland 2 is a large wetland complex located immediately north of Freeman Road. Dominant vegetation within the wetland includes reed canary grass, river bulrush, sandbar willow, common reed, late goldenrod, panicled aster, and broad-leaved cattail. The Floristic Quality Index for this wetland is 16.8 with a Native Mean C value of 2.4. This wetland is designated as ADID Wetland 376. It is designated as an ADID wetland due to high functional value. The southern most portion of the wetland adjacent to the roadway is proposed to be impacted by this project.

Wetland 3 is located immediately south of Wetland 2, across Freeman Road. This wetland is comprised of a wet meadow/scrub-shrub community. Dominant vegetation within the wetland includes reed canary grass and orange jewelweed. The Floristic Quality Index for this wetland is 2.9 with a Native Mean C value of 1.7. The proposed project will completely impact this wetland.

Wetland 4 is located east of Wetland 3 and south of Freeman Road. The wetland is comprised of a wet meadow community that surrounds an excavated pond. The dominant vegetation in the wetland is reed canary grass. The Floristic Quality Index for the wetland is 4.2 with a Native Mean C value of 3.0. The proposed project will impact the northern edge of this wetland adjacent to the road. The total impacts for Wetland 2, 3, and 4 is 0.40-acre.

Wetland 5 is a linear drainage swale, approximately 0.22-acre in size, located northeast of the intersection of Galligan Road and Binnie Road. The wetland swale is dominated by reed canary grass and panicled aster. The Floristic Quality Index for the wetland is 4.5 with a Native Mean C value of 2.0. This wetland swale will be completely impacted by the proposed project.

Wetland 6 is located immediately north of Binnie Road. The wetland is comprised of an emergent and scrub-shrub community. The wetland is dominated by reed canary grass, sandbar willow, and box elder. The Floristic Quality Index for this wetland is 3.1 with a Native Mean C value of 1.4. The proposed project will impact the southern edge of this wetland adjacent to the existing roadway.

Wetland 7 is located immediately south of Wetland 6, across Binnie Road. The wetland consists of a wet meadow community and is designated as ADID Wetland 410. It is designated as an ADID wetland due to high functional value. The wetland is dominated by reed canary grass. The Floristic Quality Index for the wetland is 4.6 with a Native Mean C value of 1.6. The proposed project will impact the northern most portion of the wetland adjacent to the roadway. The total amount of impacts for Wetlands 6 and 7 is 0.16-acre.

Wetland 8 is a farmed wetland, approximately 0.33-acres in size. The wetland is located at the southeast corner of Galligan Road and Binnie Road. The proposed project will impact the farmed wetland.

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

Pollutant load increases that would occur from this project include some increases in suspended solids during construction of the roadway project. Erosion control measures will be utilized to minimize any increase in suspended solids and protect the adjacent wetland areas. The impacted wetland habitat within the project area will be adversely impacted by this project.

### **Fate and Effect of Parameters Proposed for Increases Loading.**

The increase in suspended solids from the construction of the roadway project will be local and temporary. Erosion control measures will be utilized to minimize any increases. Mitigation will be through the purchase of wetland mitigation bank credits from an approved wetland mitigation bank in the watershed.

### **Purpose and Anticipated Benefits of the Proposed Activity.**

This project will improve a public roadway that will accommodate the increased use of the roadway associated with the projected population growth in the local area. The installation of utilities will also accommodate the population growth.

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

The construction of the proposed project will follow guidelines set forth by the Agency and USACE. Measures will need to be taken to eliminate any impacts to the remaining wetlands. As the proposed project is widening existing roadways, alternative alignments are not feasible. The applicant has minimized the impacts to the wetland to what is directed adjacent to the existing roadway. The proposed utility improvements will be constructed within the existing right-of-way. In addition, to minimize impacts to the South Branch Kishwaukee River (East), the project will directionally bore under the stream. As this project is being constructed within roadway right-of-way, on-site mitigation for the proposed impacts was determined to be not feasible as the applicant does not own any land outside of the right-of-way. The impacts will be mitigated at a bank within the watershed. The least intrusive alternative would be to not improve the roads, install the utilities, and not impact the wetlands. This is not an acceptable alternative given that this is a useful project and will provide the community with increased traffic safety and efficient traffic flow as well as provide utility services to the area.

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

In a letter from Keith Shank dated April 10, 2007, IDNR stated that an initial report submitted through the EcoCAT website indicated the presence of protected resources may be in the vicinity of the project location. Upon further review, IDNR concluded that adverse impacts to the protected resources are unlikely. Consultation is terminated.

In a letter from Robert Schanzle dated December 5, 2006, IDNR stated that the Illinois Natural Heritage Database indicated that the stated threatened Blanding's turtle has been documented at Freeman's Kame Nature Preserve, just west of the project area, as recently as April 2006. Freeman's Kame is part of the South Branch Kishwaukee stream/wetland complex which will be affected by the project, and there is clear potential for Blanding's turtles to be encountered while work is in progress. IDNR recommends that wetland altering activities be avoided during the turtle's winter hibernation period (roughly mid-November to mid-March) unless it can be shown by a qualified authority that the wetlands to be impacted are unlikely to harbor wintering turtles.

Work occurring during the warmer months, when turtles may be moving through the area, should include precautions to keep the animals from falling into open excavations. Any Blanding's turtles observed should be reported to IDNR. IDNR is also concerned that the loss of wetland at this location may be felt along much of the stream's length in terms of increased runoff, reduced water quality, etc., since the project is located in the headwater area of the South Branch Kishwaukee River. IDNR believes that off-site mitigation, through a bank, is undesirable under the circumstances, and recommends that it be performed on-site, if at all possible.

In a letter from Marc Cottingham dated February 8, 2007, Christopher B. Burke Engineering, Ltd., on behalf of the applicant, responded to IDNR's comments. The applicant has agreed to not impact the wetlands within the turtle's hibernation period. Exclusionary fencing shall be utilized in order to keep the turtles away from construction areas. With regards to the proposed mitigation, the project consists entirely of road right-of-way with no other land outside of the right-of-way available for on-site mitigation. In their opinion, on-site wetland creation within the road right-of-way would not provide useful wildlife habitat or water quality benefits.

### **Agency Conclusion.**

This assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (Antidegradation standard). We find that the proposed activity will result in the attainment of water quality standards. All technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity. This activity will benefit the community at large by providing increasing traffic safety and efficient traffic flow in accordance with the County's long-term plan. The proposed activity is therefore compliant with the Antidegradation standard.