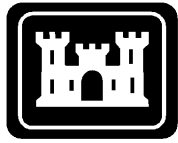

Public Notice



**US Army Corps
of Engineers**
Louisville District ®

Public Notice No.
LRL-2023-00164

Open Date:
08 DEC 2023

Close Date:
07 JAN 2024

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mr. George DeLancey, CELRL-RDE

6855 State Road 66

Newburgh, Indiana 47630

Phone: 812-842-2807

Email: lrl.regulatorypubliccomment@usace.army.mil

This Notice describes an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act. This notice announces a proposal to develop a mitigation bank, submitted in accordance with the “Compensatory Mitigation for Losses of Aquatic Resources” (Mitigation Rule)(CFR Vol. 73 No. 70, p 19670-19705 (33 U.S.C. 401 *et seq.*; 33 U.S.C. 1344; and Pub. L. 108-136), as published in the federal register on April 10, 2008:

APPLICANT: Illinois Department of Transportation
Bureau of Design and Environment
2300 South Dirksen Parkway
Springfield, Illinois 62764

LOCATION: Boyd and Watson Creeks and their associated wetlands, located just northwest of Mill Shoals, Illinois, west of US Hwy 45, North of CR 0N, and south of Interstate 64
Latitude: 38.259906 N
Longitude: -88.365747 W

PURPOSE: To develop a private mitigation banking instrument that would provide wetland and stream mitigation credits for ILDOT District 7 projects.

DESCRIPTION OF WORK: The sponsor is proposing to establish a wetland and stream mitigation bank, Boyd Creek Wetland and Stream Mitigation Bank, on a 146 acre site that is currently under intense agricultural row crop management. Existing conditions on site include natural vegetation having been removed, levees erected around the perimeter of the fields and along both banks of Boyd and Watson Creeks, and channelization and dredging of Boyd and Watson Creek.

The sponsor proposes to restore a combination of approximately 100 acres of palustrine forested (PFO) and emergent (PEM) wetlands. The acreage would be taken out of agricultural production and planted primarily with hard mast tree species for forested wetlands and native herbaceous plantings are proposed for emergent wetlands. Soils on the site are predominately Piopolis, Zipp, and Bonnie frequently flooded soils. The soils show existing characteristics that would be conducive to wetland restoration once agricultural operations are terminated and hydrology modifications are restored to more natural conditions. Hydrology is proposed to be restored by removing the network of levees, removing existing culverts, and restoring natural drainage patterns and planforms. Approximately 4,073 linear feet of Watson and Boyd Creek would be restored to more natural conditions.

The remainder of the site would be managed for riparian and upland forested buffers.

The sponsor proposes that credits for the wetland reestablishment work be completed at a 1:1 ratio. The upland buffers are proposed to generate credit at a 0.1:1 ratio.

For streams, based on the Illinois Stream Method calculator, the sponsor proposes that the stream reestablishment work would generate up to 44,019 stream credits.

These credits are proposed to be available only to the Illinois Department of Transportation, District 7, for wetland and stream impacts authorized through Section 10 and Section 404 Department of the Army (DA) authorizations in conjunction with Section 401 Water Quality Certifications from the Illinois Department of Environmental Management.

The sponsor proposes that the Boyd Creek Wetland and Stream Mitigation Bank provide available compensatory mitigation for projects located in the area of responsibility for District 7. This would include a Primary Service area and a Secondary Service Area in the following counties;

- Primary Service Area (Louisville District) - Clark, Clay, Crawford, Cumberland, Edwards, Jasper, Lawrence, Richland, Wabash, Wayne, and portions of Coles, Effingham, Fayette, and Shelby counties
- Secondary Service Area (St. Louis and Rock Island Districts) - Moultrie, Macon, and portions of Coles, Effingham, Fayette, and Shelby counties.

The sponsor would provide long term site management for the site consistent with the proposed re-establishment and preservation proposal. The site would be required to be protected in perpetuity by conservation easement being recorded with the property deed.

The project would be monitored for an appropriate period to assure that the project meets the proposed objectives, success criteria, and performance standards to assure the long term sustainability of the proposed project.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

A DA Permit, if otherwise warranted, will not be issued on this project until a State of Illinois Section 401 Water Quality Certification (WQC) from the Illinois Environmental Protection Agency is on file in this office or it is considered waived.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory/Public-Notices/>. All comments regarding this proposal should be addressed to George DeLancey, CELRL-RDE at the address noted above and should refer to the Public Notice Number No. LRL-2023-00164.

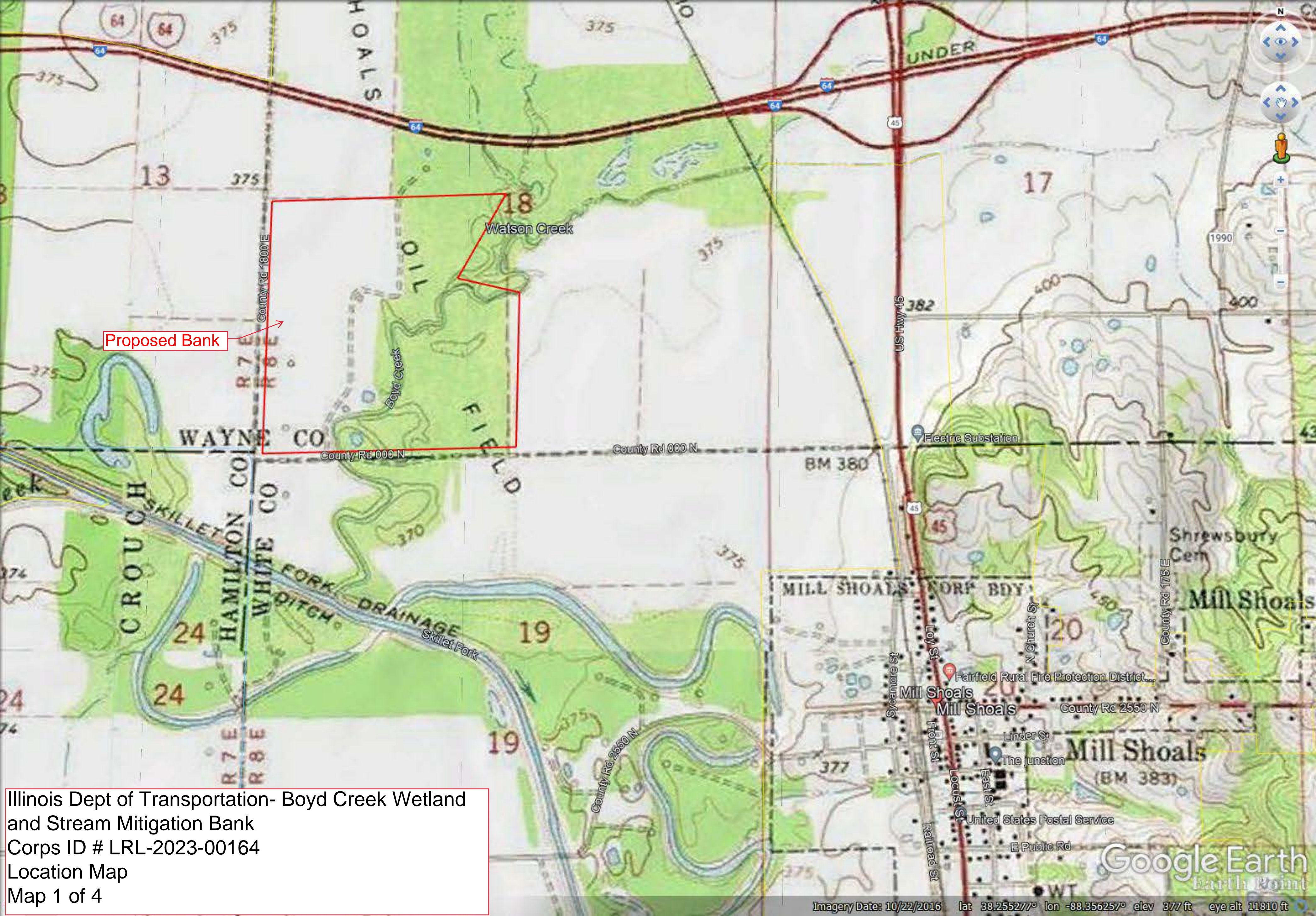
If you desire to submit your comments by email, you must comply with the following:

- a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2023-00164.

Example:

Subject: LRL-2023-00164

- b) Provide your physical mailing address and telephone number.
- c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil
- d) If you are sending attachments greater than 10 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



Proposed Bank

Illinois Dept of Transportation- Boyd Creek Wetland
and Stream Mitigation Bank
Corps ID # LRL-2023-00164
Location Map
Map 1 of 4

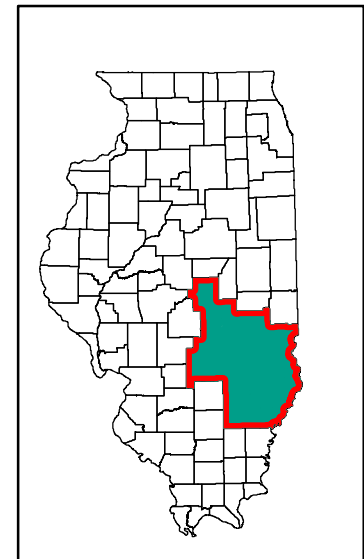
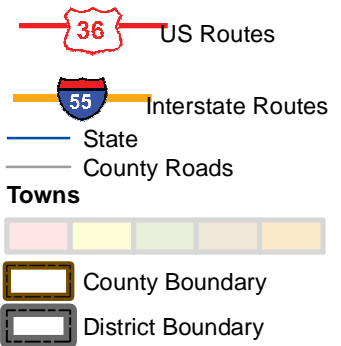
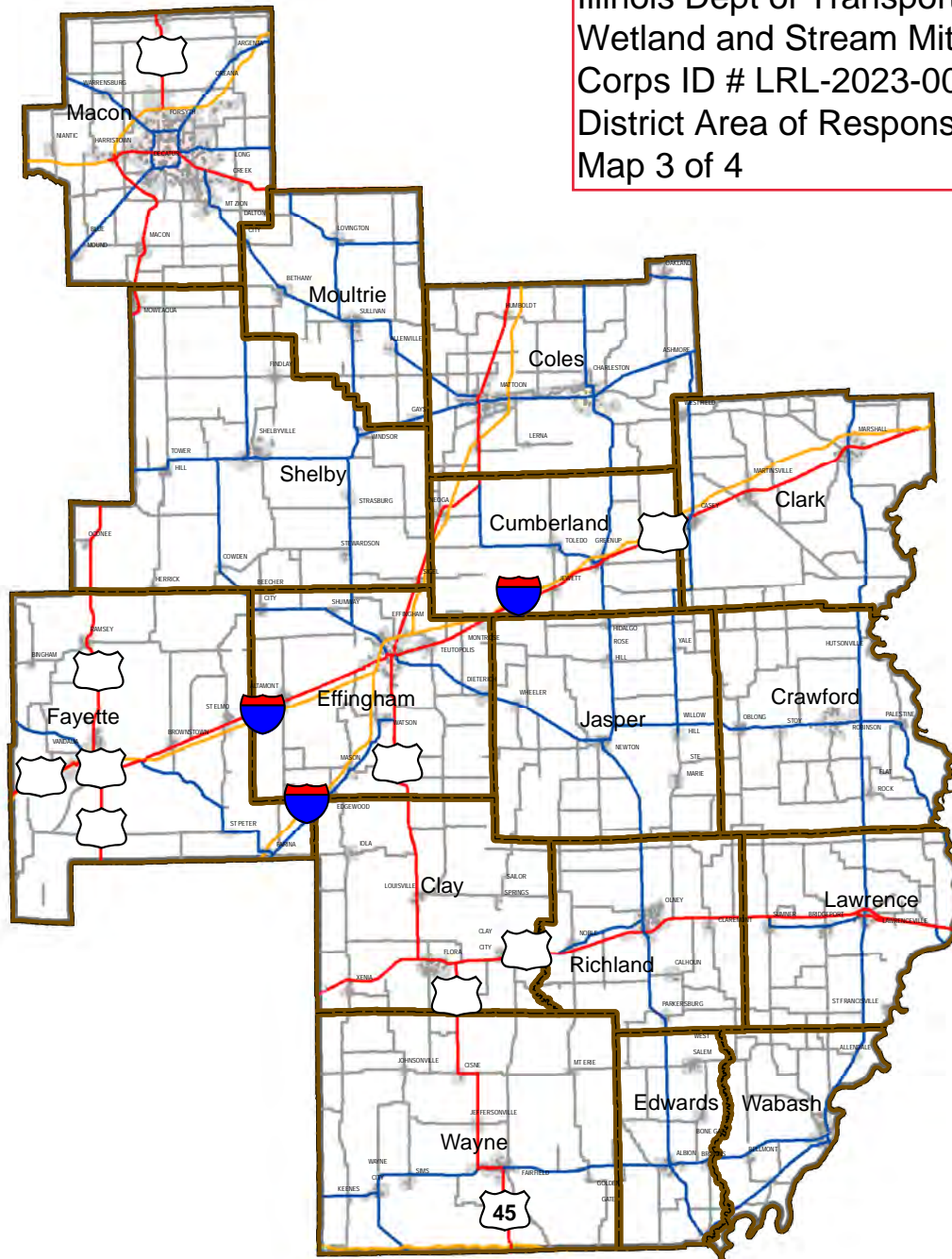
Illinois Dept of Transportation- Boyd Creek
Wetland and Stream Mitigation Bank
Corps ID # LRL-2023-00164
Location Map
Map 2 of 4



Districts by Counties

District 7

Illinois Dept of Transportation- Boyd Creek
Wetland and Stream Mitigation Bank
Corps ID # LRL-2023-00164
District Area of Responsibility Map
Map 3 of 4



0 3 6 12 18 24 Miles

Mapping & Information Systems

Illinois Department of Transportation

Date: 9/26/2016

Illinois Dept of Transportation- Boyd Creek Wetland
and Stream Mitigation Bank
Corps ID # LRL-2023-00164
Proposed Service Area with Corps District Overlay
Map 4 of 4

