Public Notice

US Army Corps of Engineers
Chicago District

REGION 5

Applicant: GENERAL PUBLIC

Date: 15 JULY. 1999

In Reply Refer To:

Section: 404 of Clean Water Act

FINALIZATION OF MCHENRY COUNTY ADVANCED IDENTIFICATION STUDY

The U.S. Environmental Protection Agency, (USEPA) Region V, and the Chicago District of the U.S. Army Corps of Engineers (District), in consultation with Federal, state, and local regulatory and planning agencies, have completed an Advanced Identification of wetlands, lakes and streams study (ADID) in McHenry County, Illinois. This ADID was initiated as a planning tool to identify significant aquatic resources within the rapidly developing area of McHenry County and encourage their protection. The McHenry County ADID identifies wetlands and other aquatic resources that are generally unsuitable for the discharge of dredged and fill material or require special precautions. In addition, the information developed through the McHenry ADID process will be useful in providing watershed-based information, in planning for development, in evaluating the effects of development on water quality and flooding potential in a watershed, and in selecting sites for restoration or preservation.

The McHenry County ADID has identified 154 wetlands as high quality habitat sites. An additional 274 wetlands were identified as high functional value for water quality and stormwater storage functions. Eighteen streams in the county have been identified as having one or more segments of high quality habitat and seven lakes were identified as high quality habitat sites. It is *not* presumed that this study has identified every site of high value in McHenry County. Maps illustrating the locations of McHenry County ADID sites may be reviewed at the Chicago District Regulatory Branch website, **www.usace.army.mil/lrc/co-r**, or upon request from:

McHenry County Planning
and Development Department
2200 N. Seminary Ave.
Woodstock, Illinois 60098
Ms. Sue Ehardt (815/334-4560)

McHenry County Conservation District
6512 Harts Road
Ringwood, Illinois 60072
Steve Gulgren (815/678-4431)

USDA-NRCS-SWCD Woodstock Field Office
1143 N. Seminary Ave.
Woodstock, Illinois 60098
Dave Brandt (815/338-0049)

U.S. Fish and Wildlife Service Office
1000 Hart Road, Suite 180
Barrington, Illinois 60010
Jeff Mengler (847/381-2253)

U.S. Army Corps of Engineers, Chicago District
111 N. Canal St.
Chicago, Illinois 60606
Brian Smith (312/353-6428, ext. 4031)
website: www.usace.army.mil/lrc/co-r

U.S. Environmental Protection Agency
Region V
77 W. Jackson Blvd. 16th Floor
Chicago, Illinois 60604
Sue Elston (312/886-6115)

The Corps of Engineers regulates the discharge of dredged or fill material into wetlands and other waters of the United States under Section 404 of the Clean Water Act, and uses the Section 404(b)(1) Guidelines (found at 40 CFR Part 230 of the Federal Register) to determine whether a permit for such activities should be issued. The determination of unsuitability was based on the likelihood that the use of high habitat quality or high functional value sites for discharge of dredged or fill material would not comply with the Section 404(b)(1) Guidelines. Therefore, potential applicants are being notified in advance that it will be difficult to meet the requirements of the Section 404(b)(1) Guidelines, which is necessary in order to receive a 404 permit to fill these sites. This ADID does not alter the existing permit application process but simplifies it by giving the public an advance indication of the probability of receiving a permit. The District will likely elevate permit applications for these sites to the individual permit review process and conduct an environmental assessment and an evaluation of compliance with the Section 404(b)(1) Guidelines.

Participants in this ADID Study include the following local, county, state, and Federal agencies and organizations:

Federal
U.S. Environmental Protection Agency, Region 5
U.S. Army Corps of Engineers, Chicago District
USDA-Natural Resources Conservation Service, Chicago-Metro and McHenry County Offices
U.S. Fish and Wildlife Service, Chicago-Metro Wetlands Office

State, Regional, County
Illinois Department of Natural Resources
Northeastern Illinois Planning Commission
Fox Waterway Agency
McHenry County Planning and Development
McHenry County Stormwater Committee
McHenry County Conservation District
McHenry County Soil and Water Conservation District

Advisory Organizations
Homebuilders Association of Greater Chicago
Illinois Audubon Society, McHenry County Chapter
Illinois Environmental Protection Agency
Land Foundation of McHenry County
McHenry County Municipal Association
McHenry County Association of Realtors
McHenry County Farm Bureau
Openlands Project

ADID sites are those wetlands, streams or lakes, which because of high habitat value or high functional value, were determined to be unsuitable for filling activities. This determination was made by evaluating aquatic resources in McHenry County with respect to two functional areas: biological/habitat functions and water quality/stormwater storage functions. Within the biological/habitat functions category, individual functions of wildlife *habitat/floristic diversity, stream aquatic habitats and lake aquatic habitats* were evaluated. Within the water quality/stormwater storage functions, individual functions of *shoreline and streambank stabilization, sediment and toxicant retention, nutrient removal and transformation, and stormwater storage and hydrologic stabilization* were evaluated.

ADID sites that met criteria for *high quality habitat* provide exceptionally important benefits or functions. These high quality habitat sites are generally unsuitable for filling. ADID sites were identified as high quality due to the presence of high quality habitat and/or threatened and endangered species. High habitat quality sites include wetlands, streams and lakes located across the County.

ADID wetland sites that met criteria for *high functional value* provide significant stormwater and/or water quality benefits. Any wetland meeting three of the four criteria for water quality/stormwater storage functions was identified as a *high functional value* wetland. In addition, a wetland was considered to have high functional value if it met one or more of the water quality criteria and was located in a critical position with regard to the watershed/landscape. Thus, some high functional value wetlands were identified for providing significant water quality benefits to high habitat quality ADID sites.

On March 5, 1998, the USEPA and the District issued a joint public notice announcing the preliminary findings of the McHenry County ADID Study. The public notice solicited comments on the proposed McHenry County ADID. A public meeting was held on March 18, 1998, at the McHenry County Courthouse in Woodstock, Illinois, to provide the public further opportunity to comment on the ADID. Approximately 47 comments including letters and statements given during the public meeting were received in response to the McHenry County ADID proposal. A summary of the public comments and the responses to the comments is provided in Attachment 1.

Concurrently, the U.S. Army Corps of Engineers, Chicago District is announcing the exertion of discretionary authority to override current and future nationwide permits (and their replacements) in any area identified as being high quality by the McHenry County ADID study. This means that the Corps may require an individual permit review for any discharge activities proposed for sites which meet the ADID criteria for high habitat value or high functional value in McHenry County.

A copy of the record of decision can be reviewed at either the USEPA's office or the Corps' office. The locations of these offices are given below.

Department of the Army
Chicago District, Corps of Engineers
Attention: Regulatory Branch
111 North Canal Street, Suite 600
Chicago, Illinois 60606

U.S. Environmental Protection Agency
WW-16J
77 West Jackson Boulevard
Chicago, Illinois 60604

Apr. 14, 1999
DATE

KEVIN M. PIERARD, Chief
Watersheds and Non Point Source
Programs Branch
U.S. Environmental Protection Agency
Region 5

5 APR 99
DATE

PETER J. ROWAN, P.E.
Lieutenant Colonel, U.S. Army
District Engineer