

Federal Highway Administration
FINDING OF NO SIGNIFICANT IMPACT

IL 71
IL 47 to Orchard/Minkler Roads
Kendall County, Illinois

INTRODUCTION

The proposed action will reconstruct Illinois Route (IL) 71 in Kendall County from approximately 1,000 feet west of IL 47 in Yorkville to 900 feet southwest of Orchard/Minkler Road in Oswego. The project, approximately 5.55 miles in length, will widen the existing alignment to four 12-foot lanes separated by a 22-foot raised concrete median. The three existing signals along the project corridor at IL 47, IL 126, and Van Emmons/Reservation Road will be upgraded. The project also includes construction of a shared use path along the entire length of the project limits. The purpose of the project is to provide an improved transportation facility along IL 71 by addressing the needs of the community, the current and anticipated traffic demands, and improving safety and drainage. The project is needed because projected traffic volumes are anticipated to exceed the roadway's capacity, subsequently increasing congestion and compromising safety in the corridor.

PROJECT IMPACTS

Project impacts, detailed in the attached Environmental Assessment and Environmental Assessment Errata, are briefly summarized below. The Federal Highway Administration (FHWA) has determined that the project's impacts as described in the Environmental Assessment and summarized below do not represent a significant impact on the human or natural environment. As the impacts are not significant, an Environmental Impact Statement (EIS) is not required for the project.

Natural Resources

The project will impact a total of 1,053 linear feet of stream at five crossings. The bridge and existing culverts will be replaced at the five crossings. These streams are not associated with base or regulatory floodplains, nor are they hydraulically connected to or within the floodways of a public body of water. Best Management Practices (BMPs) will be implemented to minimize stormwater runoff discharge, erosion, and sedimentation into streams. No base (100-year) floodplains or regulatory floodways are located within the corridor. No significant floodplain encroachment or incompatible floodplain development will result from the proposed project. A combined total of 0.084 acre of wetland from two sites will be impacted; these impacts were determined to be in compliance with Executive Order 11990 (Protection of Wetlands). Mitigation will occur at a 2:1 replacement at the off-site Morris Wetland Bank site, resulting in 0.168 acre of credit. All practical measures to minimize impacts to aquatic resources were incorporated into project design. None of the impacts to these resources will be significant and there are no practicable alternatives to the proposed construction in wetlands. Wetland areas not impacted by the project will be protected from construction activities through the use of perimeter barrier fencing and appropriate erosion control measures as specified by Chapter 41 of IDOT's BDE manual.

No sensitive groundwater resources will be impacted by the project. Two wells may be impacted by the project; one is a well associated with the residence being acquired by the project. IDOT plans to seal this well as part of the property acquisition process. The other well is associated with a residence near the Van

Emmon/Reservation Road intersection. A field survey will be completed during Phase II to determine if this well will be impacted by the project. The Phase II survey will also determine if any other wells are present within a 200-foot setback zone; if any are identified, they will be evaluated to determine if the project has any potential to create an adverse impact in the water quality of the wells. Any water wells located in a high recharge area along the Build Alternative that will be impacted will be properly abandoned.

Three wellhead protection recharge areas will be crossed by the project – a community wellhead protection area and two non-CWS Phase I wellhead protection recharge areas. The addition of new lanes along the existing roadway alignment represents a very small reduction in groundwater recharge. The proposed project will not impact these wellhead protection recharge areas and is not within a designated setback zone for these wells.

No federally or state listed species will be impacted by the project. The US Fish and Wildlife Service lists two federally threatened or endangered species for Kendall County (Indiana bat and Eastern prairie fringed orchid) and the Illinois Department of Natural Resources (IDNR) lists two state threatened or endangered fish species for the project vicinity (greater redhorse and river redhorse). Habitat for these species is not present in the project corridor; therefore, impacts to these species are not anticipated. The IDNR closed consultation on March 16, 2012.

Approximately 3,600 trees will be removed by the project. Trees will be replaced as per IDOT's D&E-18 policy, which recommends replacing isolated trees or small groups of trees within project right-of-way to the extent practical. A minimum ratio of 1:1 will be used if bare root or balled and burlaped trees are used for replacement planting and a minimum ratio of 3:1 will be used if seedlings are used for replacement planting. Replacement trees will be planted in suitable locations as close as practical to the removal site. Protection and care of trees and shrubs remaining within the project limits will be provided in accordance to IDOT's *Standard Specifications for Road and Bridge Construction*.

Harris Forest Preserve is located near the project's western terminus, but it will not be impacted by the proposed project. Richard Young Forest Preserve is located along the corridor, on the northern side of IL 71 just south of Hilltop Road. The project has been designed to avoid impacts to the Richard Young Forest Preserve. As per request from the Illinois Historic Preservation Agency, all woody landscape plants impacted by the project on Lyon Farm, home of the Kendall County Historical Society and open to the public during special events, will be replaced in-kind.

Traffic Noise

Traffic noise impacts were predicted at the five common noise environments (CNE's) representing 16 residences that exceeded the Noise Abatement Criteria (NAC) of 67 decibels (dBA) for residential land uses. None of the predicted noise levels increase by 14 or more dBA. Five noise barriers were evaluated; however, none of the five barriers were determined to be reasonable and feasible at the impacted CNEs, and therefore will not be implemented.

Agriculture

The proposed action will require the conversion of approximately 38 acres of farmland to roadway right-of-way by the project. Twenty-seven of these acres are classified as prime and unique farmland and the remaining 11 acres are classified as statewide and local important farmland. As part of the agency coordination conducted for the project, the Illinois Department of Agriculture (IDOA) performed a site assessment evaluating the relative value of farmland in the corridor and the project's impact on this

farmland. The Build Alternative was assigned a score of 151 out of a possible maximum of 300 points, indicating that the site has a low rating for protection and evaluating additional alternatives is not necessary. IDOA determined that the project was designed to acquire the least possible amount of farmland required to meet the purpose and need of the project and that the project complies with the Illinois Department of Transportation (IDOT)'s *Agricultural Land Preservation Policy* and Illinois' *Farmland Preservation Act*.

Socioeconomic

One residence and one farm storage building will be relocated by the project. The residential acquisition will be conducted in accordance with the *Uniform Relocation Assistance and Real Property Policies Act of 1970*, as amended, and the IDOT *Land Acquisition Procedures Manual* and relocation resources will be available to the relocated person(s) without discrimination. No commercial enterprises will be acquired.

IDOT District 3 has committed to fund a portion of the shared use path that will be constructed along the entire length of the proposed project.

Special Waste

The Preliminary Environmental Site Assessment (PESA) conducted for the proposed project indicated that no hazardous waste (CERCLIS) sites are present within the project limits. The PESA identified nine sites with Recognized Environmental Conditions (RECs) that may be indicative of releases or potential releases of hazardous substances on, at, in, or to the proposed project. Seven of the REC sites are commercial facilities and the remaining two are agricultural properties. A Preliminary Site Investigation (PSI) to determine the nature and extent of possible contamination will be conducted at each site, as the proposed improvements require right-of-way acquisition, easements, and/or excavation to be conducted at each site. Any special waste concerns that may arise during the construction phase, such as accidental spills of hazardous materials and wastes, will be handled in accordance with local government response procedures as well as IDOT's *Standard Specifications for Road and Bridge Construction* and *Special Specifications and Recurring Special Provisions*. Refueling, storage of fuels, or maintenance of construction equipment will not be allowed within 100 feet of wetlands or water bodies to avoid accidental spills impacting these resources.

Air Quality

Kendall County is in attainment for carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, and PM₁₀. The project's eastern terminus, Oswego Township, is designated as nonattainment for ozone and PM_{2.5}. As the project will result in no significant increase in ADT or diesel truck ADT, it has been determined that the project will not cause or contribute to any new localized PM_{2.5} or PM₁₀ violations or increase the frequency or severity of any PM_{2.5} or PM₁₀ violations, and therefore, the project is not an air quality concern under 40 CFR 93.123(b)(1). The US Environmental Protection Agency has determined that such projects meet the Clean Air Act's requirements without any further Hot-Spot analysis.

This project is included in the FY 2010-2015 Transportation Improvement Program (TIP) endorsed by the Metropolitan Planning Organization Policy Committee of the Chicago Metropolitan Agency for Planning (CMAP) for the region in which the project is located. Projects in the TIP are considered to be consistent with the 2010-2015 regional transportation plan endorsed by CMAP. The project is within the fiscally constrained portion of the plan.

The TIP number for this project is 09-09-0071.

Cultural Resources

The project will have no impact on cultural resources. Fourteen archaeological sites were identified in the project area by the Archaeological Report and Phase I documentation completed for the proposed project. All 14 sites are prehistoric lithic scatters or deposits of historic material resulting from multi-household occupations. None of the 14 identified sites meet the criteria for listing on the National Register of Historic Places (NRHP) and no sites currently listed on or eligible for listing on the NRHP are present in the project area. No sites listed on the Illinois Historic Preservation Agency's Historic Architectural/Archaeological Resources Geographic Information System or listed on IDOT's Historic Bridge Survey are located along the corridor.

Special Lands

No Section 4(f), Section 6(f), or Open Space Lands Acquisition and Development (OSLAD) resources will be impacted by the proposed project.

Indirect and Cumulative Impacts

The project's largest indirect impact is to area land use. Kendall County's population nearly doubled between the 2000 and 2010 US Census; as such, the community is transitioning from a lower density rural residential and agricultural community to a higher density suburban community. Accommodating the increase in traffic created by a larger population is a component of the project's purpose and need; however, the reconstructed roadway may further induce growth and development along the corridor. The change in land use is occurring in accordance with local land use plans, as future land use plans indicate that the majority of the corridor will be developed as residential properties, including higher density subdivision-style developments.

As part of the noise assessment, coordination was conducted with public officials whose jurisdiction includes the project area. Information including generalized design year noise levels for currently undeveloped lands or properties in the immediate vicinity of the project, as well as mapping depicting recommended setback distances, was sent to each official to protect future land development from becoming incompatible with anticipated highway noise levels.

The area's changing land use will indirectly impact area agriculture. Several undeveloped parcels previously used for agriculture are listed for sale along the corridor or have recently been sold for the purpose of residential development. The improved roadway, coupled with increased residential growth in the county, may encourage additional development of agricultural properties. However, as discussed previously, the conversion of land from agricultural to residential use is consistent with local land use planning.

Indirect and cumulative impacts to aquatic resources such as streams, floodplains, wetlands, and groundwater, and wellhead protection recharge areas include increased erosion from construction disturbance and the resulting increased sediment inputs into surface waters. Project area streams flow to the Fox River, which is included on the 303(d) list for contaminants, including sediment/siltation and total suspended solids. Siltation of aquatic resources resulting from soil erosion is known to have a negative impact upon water quality and aquatic life. These impacts will be temporary and are not expected to alter the existing aquatic communities and will be minimized by adherence to IDOT's *Standard Specifications for Road and Bridge Construction* and IDOT's BDE Manual, Chapter 41, *Construction Site Storm Water Pollution Control*. None of these impacts represent a significant impact to area aquatic resources.

Permits

The project's total of 1,053 linear feet of stream impacts at five crossings and 0.084 acre of wetland impact will require a US Army Corps of Engineers Section 404 Nationwide permit and Section 401 Water Quality Certification from the Illinois Environmental Protection Agency. As the project disturbance exceeds one acre, a Section 402 National Pollutant and Discharge Elimination System permit will also be required.

Public Involvement

An open-house public meeting was held for the project on July 29, 2010. Members of the public were invited to view the proposed project corridor on aerial mapping and to discuss the project, its purpose and need, and concerns with members of the project development team, which included representatives from IDOT and their consultants. Project team representatives were available to address questions/concerns and to solicit public comments. Eighty-six individuals attended the meeting; the majority (70) were property owners representing their own interest. Forty-nine written comments and one tape-recorded comment were received. Approximately half (25) of the comments received were related to noise – requests for a noise study and/or noise barrier. Nineteen individuals requested improvements at intersections, such as construction of turn lanes and/or traffic signals. Other concerns included whether property values would decline, landscaping impacts, the closer proximity of the roadway to their homes, reduction of speed, and the shared use path. Additional meetings have been held between members of the project development team and local stakeholders regarding the concerns raised during the public meeting. IDOT responded to all individuals who commented on the project, and mailed the results of the public meeting to all property owners along the corridor.

An open-house public hearing was held on September 4, 2013. Seventy-six individuals attended the meeting, including one reporter, one state representative, and other area officials. Attendees were able to view a Purpose and Need exhibit, an environmental impacts summary exhibit, aerial photography exhibits showing the proposed project and required land acquisition, the approved Environmental Assessment, the draft project report, proposed typical sections, traffic projections, and a crash history. A total of 35 comment sheets, letters, and emails were documented. The majority of comments received were in regards to traffic noise, concerns about how the proposed median would affect property access, and the impact of the reconstructed road on private landscaping and property values. One person stated support for the project, two individuals stated they were against the project, and the remainder (32) indicated neither support nor opposition to the project. IDOT sent written responses to all comments received and mailed results of the public hearing to public officials, and to persons attending the hearing. As traffic noise was a concern identified at the public meeting as well as the public hearing, IDOT's written response addressed this concern and explained why noise barriers were neither feasible nor reasonable for the project. Additionally, IDOT made commitments to consider entrance, median opening, and property impact issues during the project design. These specific commitments are listed in the errata to the Environmental Assessment.

CONCLUSION

This Finding of No Significant Impact (FONSI) is based on the attached Environmental Assessment, signed by FHWA on August 6, 2013, and Environmental Assessment Errata which have been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and mitigation measures. This documentation provides sufficient evidence and analysis for determining that project impacts are not significant, and that an EIS is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached Environmental Assessment and Environmental Assessment Errata.

December 17, 2013
Date of Approval

Cathy O'Shea
For Federal Highway Administration