

FEDERAL HIGHWAY ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

**New St. Charles Bridge Crossing over the Fox River
in the Vicinity of Red Gate Road between Illinois Route 31 and Illinois Route 25
St. Charles, Kane County, IL**

The City of St. Charles is proposing to construct a new bridge across the Fox River. The purpose of the project is fourfold: to serve community growth and to improve connections between the east and west sides of northern St. Charles, to reduce traffic volumes and congestion on the IL 64/Main Street Bridge, to improve emergency vehicle access for emergency vehicles in northern St. Charles and the surrounding area, and to improve system continuity and operations. The project study area extends along the Fox River, generally from IL 31 to IL 25 between IL 64/Main Street and the City's municipal limits, just north of Red Gate Road – a distance of roughly 3 miles.

The project is included in the Fiscal Year 2007–2012 Transportation Improvement Program prepared by Chicago Metropolitan Agency for Planning, the metropolitan planning organization for the region in which the project is located. Projects in the Transportation Improvement Program are considered to be consistent with the 2030 regional transportation plan.

The project consists of extending Red Gate Road 0.5 mile east from IL 31, constructing a bridge across the Fox River, and extending the roadway to IL 25. At the IL 31/Red Gate Road intersection, improvements to Red Gate Road include constructing a westbound through/right-turn lane and a westbound left-turn lane, and modifying the eastbound right-turn lane to accommodate through and right-turn movements. Improvements on IL 31 include constructing a new northbound right-turn and a new southbound left-turn lane. At the IL 25/Red Gate Road intersection, eastbound left- and right-turn lanes, separated by a 4-foot median, will be provided on Red Gate Road. On IL 25, a new northbound left-turn lane and a new southbound right-turn lane will be added at the new intersection. Curb and gutter will be provided along IL 25, and retaining walls will be provided on both sides of the south leg of the IL 25 intersection.

The bridge over the river will consist of steel plate girder construction, consisting of five steel girders and eight spans. It will measure 1,140 feet long back-to-back of abutments with 120-foot end spans and 150-foot interior spans. The 2-lane roadway will have a total deck width of 32 feet from curb-to-curb with an F-shaped concrete bridge rail. Seven piers will support the bridge: three in the river, one on the west bank, and three on the east bank. A 12-foot paved bicycle/pedestrian trail will be suspended below the bridge structure and transition into a 10-foot path that connects to the trail adjacent to St. Charles North High School, and across the river to connect with the Fox River Trail near Pinelands Drive. Storm sewers, detention areas, and compensatory storage areas will be provided throughout the project.

There will be 11.3 acres of new right-of-way needed for roadway purposes for the project. Temporary construction easements will also be acquired as necessary. All property acquisition will be conducted under the provision of the Uniform Relocation Assistance and

Real Property Acquisition Policies Act of 1970, as amended, and the IDOT *Land Acquisition Procedures Manual*.

There are no historic or archaeological properties identified within the limits of the proposed project right-of-way. The SHPO concurred on the determination that no historic or archaeological properties subject to protection under Section 106 of the National Historic Preservation Act of 1966, as amended, will be affected by the proposed action.

The results of pre-screen carbon monoxide analysis conducted for the project indicate that a COSIM air quality analysis is not required, as the results for the worst case receptor are below the 8-hour average National Ambient Air Quality Standard for carbon monoxide of 9.0 ppm that is necessary to protect the public health and welfare.

Proposed projects also are evaluated for their potential to contribute to the violation of air quality standards for particulate matter. The U.S. Environmental Protection Agency (USEPA) identifies areas that are in nonattainment for the PM₁₀ and PM_{2.5} standards. The project is within a nonattainment area for PM_{2.5}. Transportation projects proposed in nonattainment or maintenance areas are subject to hotspot analysis requirements to determine if the project will cause new violations, worsen existing violations or delay timely attainment of the relevant NAAQS. This involves assessing truck traffic and their associated impacts. Based on truck count data from the IDOT Web site and from traffic count information collected as part of this project, there are no corridors near the proposed bridge in which truck traffic is over 10 percent of the average daily traffic. With the projected 2030 traffic on the bridge of 15,500 vehicles per day, 10 percent, or 1,550, would be trucks (all fuel types). Assuming that 50 percent of all truck traffic is diesel, this is equivalent to just less than 800 vehicles per day. However, the percentage of truck traffic on the bridge will be less than 10 percent, because the Intergovernmental Agreement between the Kane County Forest Preserve District (KCFPD) and City of St. Charles limits truck size on the bridge to less than 20,000 pounds. Therefore, the project does not meet the definition of a project of air quality concern as defined in 40 CFR 93.123(b) (1). Because of the low number of diesel vehicles predicted (fewer than 800), 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. USEPA has determined that such projects meet the Clean Air Act's requirements without any further hotspot analysis.

This project is included in the FY 2007-2012 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 2030 regional transportation plan endorsed by CMAP. On October 16, 2006, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) determined that the 2030 regional transportation plan conforms with the State Implementation Plan and the transportation-related requirements of the 1990 Clean Air Act Amendments. These findings were in accordance with 40 CFR Part 93, "Determining Conformity of Federal Actions to State or Federal Implementation Plans." The project's design concept and scope are consistent with the project information used for the TIP conformity analysis. Therefore, this project conforms to the existing State Implementation Plan and the transportation-related requirements of the 1990 Clean Air Act Amendments. The TIP number for this project is 09-96-0019.

Demolition and construction activities can result in short-term increases in fugitive dust and equipment-related particulate emissions in and around the project area. Equipment-related particulate emissions can be minimized if the equipment is well-maintained. Potential air quality impacts will be short term, occurring only during demolition and construction work and when local conditions are appropriate. Potential fugitive dust emissions typically are associated with demolition, ground clearing, site preparation, grading, stockpiling of materials, onsite movement of equipment, and transportation of materials. The potential is greatest during dry periods, periods of intense construction activity, and high wind conditions.

IDOT's *Standard Specifications for Road and Bridge Construction* includes provisions on dust control. Under the provisions, dust and airborne dirt generated by construction will be controlled through dust control procedures or a specific dust control plan, when warranted. The contractor and IDOT will meet to review the nature and extent of dust-generating activities and cooperatively develop specific types of control techniques appropriate to the specific situation. Techniques that may warrant consideration include such measures as minimizing the tracking of soil onto public roads, reducing speed on unpaved roads, covering haul vehicles, and applying chemical dust suppressants or water to exposed surfaces, particularly those on which construction vehicles travel. With the application of appropriate measures to limit dust emissions during construction, the project will not cause short-term particulate matter air quality impacts.

Noise barriers were evaluated for receptors along IL 25 experiencing noise impact (receptors R8, R9, R10, and R15). None of the barriers were considered reasonable because they either exceeded the IDOT Noise Policy cost criterion of \$24,000 per benefited receiver, or they did not reduce noise levels by at least 5 dBA. Therefore, noise barriers are not considered feasible and reasonable for this project.

Coordination occurred with the Illinois Department of Natural Resources, USEPA, and the U.S. Fish and Wildlife Service. There are no known federal-listed endangered or threatened species or potential habitat within the project area. Regarding state-listed species, the brown creeper has been noted as a transient during fall migration in the project area; however, the Illinois Natural History Survey concluded that it is unlikely that the species uses the project area for breeding. Because the species is highly mobile and transient, the Illinois Natural History Survey concluded that if present, it would likely avoid the project area during construction; therefore no impact to the species is expected. The state-endangered greater redhorse and state-threatened river redhorse are known to be present in the river, 9.3 miles south of the project area. According to the Illinois Natural History Survey, it is unlikely that these species use the project area for breeding, although they may pass through this section of the Fox River within the project area. The redhorse is mobile and expected to avoid the construction area or, if present, to relocate. To minimize construction-related effects on the redhorse, construction in the Fox River will not occur during the March 1–June 15 fish spawning period, and sedimentation control measures will be implemented.

The proposed improvements require the acquisition of 4.06 acres of permanent right of way and 0.25 acres of temporary construction easement from the KCFPD's Fox River Bluff and Fox River Bluff West Forest Preserves. Fox River Bluff West Forest Preserve is an old field area, used primarily for off-leash dog walking. The developed facilities include a parking area and mowed paths. The Fox River Bluff West Forest Preserve contains the Fox River Bike Trail, which the proposed project would bridge over. No KCFPD recreational facilities

would be disturbed by the proposed improvements. The proposed ROW acquisition would not affect the activities, features, or attributes of the properties. Dog walking, fishing, and bicycling along the Fox River Trail will continue to be the primary recreational activities at the forest preserve.

The City of St. Charles proposes mitigation of the 4(f) impact by the transfer of 8.6 acres of high quality woodlands and wetlands to the KCFPD in areas that are contiguous to other KCFPD land holdings on the east side of the Fox River. This acreage includes high quality areas associated with Norton Creek. The land transferred to the KCFPD is more than twice the area that the City of St. Charles will receive from KCFPD for the construction of the Preferred Alternative. In addition, the City of St. Charles proposes to construct a multi-use trail in conjunction with the Preferred Alternative, which will link trails west of the Fox River with the Fox River Trail east of the Fox River, adding benefit to the project. The multiuse trail is compatible with the KCFPD's plans for their properties. For the crossing of the Fox River, the proposed multiuse trail will be located underneath the proposed roadway bridge to minimize the amount of ROW required.

In addition to permanent right-of-way needs from the LCFPD, the Preferred Alternative requires 0.25 acre of temporary construction easements from the forest preserve properties at the IL 31 and Red Gate Road intersection. The temporary construction easements are located adjacent to the existing roadway and would not bisect or sever portions of the forest preserve. This easement will be needed for one construction season, and after completion of the improvement, the land will be restored to existing or better conditions. The temporary construction easement would slightly reduce the forest preserve area; however, no recreational activities would be affected during construction activities.

KCFPD stated in its June 7, 2010, letter that it preferred the Preferred Alternative in the Fox River Bluff West Forest Preserve area rather than other studied alternatives, stating that the Preferred Alternative would have minimal impacts to the Fox River Bluff West and Fox River Bluff Forest Preserves.

The FHWA, based on the Section 4(f) Evaluation completed as part of this project, concluded that there was no prudent or feasible alternative to using that land and all possible planning had been done to minimize harm to these properties. The 4(f) Evaluation is appended to this document.

A comment letter was received by the Village of Wayne on December 30, 2009. In the letter, the Village of Wayne suggested another Section 4(f) property they believed to be in the project area. The property is owned by the Village of Wayne. Based on the information provided, FHWA does not consider the parcel of land owned by the Village of Wayne and identified as open space/park a Section 4(f) resource protected by Section 4(f) of the US Department of Transportation Act of 1966. In making this determination, FHWA must consider the official with jurisdiction, in this instance the Village of Wayne, to identify the kinds of activities and functions that take place on the publicly owned land in order to determine if Section 4(f) is applicable. In the Village of Wayne's comment letter, no activities or functions were noted that occur on this publicly owned land. In addition, information provided by the project sponsor indicates there are no signs posted that the publicly owned land is open to the public for park or recreational uses. The publicly owned land is not identified on the Village's website as a public park or recreational area. Therefore, while the

land is publicly owned, it does not appear readily accessible to the public because there are no public access roads to the parcel, it is not clearly being managed as a park or recreational area and the role of this land does not clearly play an important role in the Village providing for the park and recreation needs. On this basis, FHWA does not consider this publicly owned land to qualify as a Section 4(f) resource. The project will not have any direct impacts to the parcel owned by the Village of Wayne. Further details are provided in the Technical Memorandum appended to this document.

The project will affect 1,093 trees. Tree removal will be kept to a minimum, and tree replacement will be in accordance with IDOT's Policy D&E 18, Preservation and Replacement of Trees. Protection and care of existing trees and shrubs to remain within the project limits will be provided in accordance with the IDOT Special Provision for Protection and Care of Trees and Shrubs to Remain. All areas disturbed by construction will be restored to turf cover in accordance with IDOT's *BDE Manual*, Chapter 59, Landscape Design and Erosion Control. In addition, the City of St. Charles will coordinate with the KCFPD regarding appropriate mitigation areas for tree planting. Tree restoration or replacement will occur at an appropriate site owned by the KCFPD.

The project will convert 9.4 acres of wildlife habitat into roadway and vegetated right-of-way. The three upland forest areas will be affected. One of these areas will be bridged so that wildlife can continue to use the forested areas north and south along the Fox River for movement. The other two forested segments will be slightly reduced in size. None of the areas are large forest parcels greater than 500 acres in size.

One waterway, the Fox River, is within the project area. The proposed bridge will require construction of seven piers, three of which will be in the river and two bridge abutments on the east and west banks of the river. The placement of the piers in the river will result in 504 square feet (0.012 acre) of streambed loss. This loss of habitat represents only a small fraction of the habitat within this reach of the river.

The proposed construction will temporarily affect the water quality of the Fox River. The impacts of construction are localized increases in resuspended sediment. The *IDOT Joint Design/Construction Procedure Memorandum on Erosion and Sediment Control* will be implemented to minimize impacts to surface water resources when working adjacent to the stream. The Fox River has limited indigenous flora and fauna, as it has been characterized as a limited aquatic resource and a restricted aquatic resource within the project area. The temporary effects of construction are not expected to alter the existing aquatic communities.

Potential operational impacts associated with the roadway include accumulation of pollutants as a result of roadway use, and through maintenance impacts due to deicing chemicals. Roadway runoff pollution may affect water quality of receiving waters through shock or acute loadings and through chronic effects from long-term accumulation within the receiving waters. Since the estimated future traffic volume for the bridge is 15,500 average daily traffic, the potential for water quality impacts is minimal. On the bridge, stormwater will be collected through a closed drainage system and discharged to the basin on the east side of the river. Other stormwater runoff will be collected through a system of vegetated swales and detention ponds. The proposed ditch system will be vegetated and extend more than 450 feet, providing opportunity for settling of large sediment particles. Two basins, one on each side of the Fox River, will be positioned between the vegetated swales and the outlet into the river. These

basins will slow water velocity and allow settling of particulates. Vegetation in wet basins will further remove pollutants through biological processes.

Deicing salt and plowing are the primary means used during winter to control ice and snow on roadways. Maximum and average chloride concentrations were estimated from equations developed by the U.S. Geological Survey. The annual average increase in chloride concentration in the Fox River is expected to be less than 0.1 mg/L. The chloride water quality concentration will remain below the general use water quality standard of 500 mg/L.

Floodplain and floodway impact will occur at the Fox River. Three pier structures will be constructed within these areas. There are no practical alternatives to construction in the floodplain or floodway. Per the Department of Natural Resources' Office of Water Resources permit criteria, compensatory storage replacement for fill within the Fox River floodway and floodplain will be provided. A 0.06-acre detention pond will be provided on the west side of the Fox River within the proposed right-of-way on the north side of the proposed Red Gate Road extension. A 1.0 acre detention pond will be provided on the east side of the Fox River on land proposed to be deeded to the Forest Preserve on the south side of the proposed Red Gate Road extension. (The provision for a detention pond on Forest Preserve property is included in the Intergovernmental Agreement between the KCFPD and the City of St. Charles.) The project is not expected to cause an increase in flood heights and flood limits. As such, the improvements are not expected to result in adverse impacts on the natural and beneficial flood plain value; they will not result in any notable change in flood risks or damage; and they do not have potential for interruption or termination of emergency service or emergency evacuation routes. These impacts are not considered to be significant.

In accordance with Executive Order 11988 (Floodplain Management) and 23 CFR 650, Subpart A (FHWA regulations) the project has been evaluated for floodplain impacts as described above. It is determined that there is no practicable alternative to the proposed construction in floodplains, and that the proposed action includes all practicable measures to minimize harm to these resources.

No direct impact to the three delineated wetlands will result from the project. Indirect impacts to 0.05 acre of a 0.5-acre wetland will occur as a result of shading impacts from the bridge. Wetland mitigation will be required as a result of this indirect impact. It is expected that in-basin offsite mitigation will be provided at the wetland mitigation ratio of 2 to 1, resulting in 0.092 acre of wetland mitigation. The project will be processed as a Standard Action under the Wetlands Actions Plan approved on April 21, 1989. The project has been coordinated through the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the Illinois Department of Natural Resources through the NEPA/404 Merger Process. All practicable alternatives have been reviewed by these agencies. The alignment of the Preferred Alternative minimizes impacts to wetlands and avoids the highest quality wetlands in the project corridor.

This statement sets forth the basis for a finding that there is no practical alternative to construction in the wetlands located along the Preferred Alternative. The Preferred Alternative includes all practicable measures to minimize harm to the wetlands which may result from such use. This finding is made in accordance with the requirements of Executive Order 11990 on the Protection of Wetlands, dated May 24, 1977, and the Illinois Interagency Wetland Protection Act of 1989.

A preliminary environmental site assessment determined that there is a risk of encountering contaminated soil within the project limits. One site involves potential petroleum contamination, and the second site is associated with the possible use of chemicals, transformers, and possible lead paint. The nature and extent of the involvement will not be known until a preliminary site investigation is completed. Once the nature and extent of involvement are known and the areas of contamination are determined, soils found to be contaminated will be managed and disposed of in accordance with applicable federal and state laws and regulations and in a manner that will protect human health and the environment. The quantities to be disposed of are not expected to have a substantial effect on landfill capacity.

A Section 404 (of the Clean Water Act) permit for installing bridge piers into the Fox River, a navigable waterway, will be required from the U.S. Army Corps of Engineers, Chicago District. It is expected it will be processed as a regional permit and not require separate IEPA processing.

Since the project will disturb 1 or more acres of total land area, a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges from the construction sites will be required. Permit coverage for the project will be obtained under the IEPA General Permit for Stormwater Discharges from Construction Site Activities (NPDES Permit No. ILR10), or under an individual NPDES permit. Requirements applicable to such a permit will be followed, including preparation of a stormwater pollution prevention plan. The plan will identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and describe the practices to be employed to reduce pollutants in discharges associated with construction site activity and to assure compliance with the permit.

A permit is required from the Office of Water Resources for hydraulic impacts and compensatory storage requirements for the bridge piers. The Office of Water Resources issued Permit No. NE2009026 in April 2009.

An indirect and cumulative impact analysis indicated that the proposed action, combined with other reasonably foreseeable actions (such as the Stearns Road Bridge), further would help to alleviate congestion at other Fox River bridge crossings. However, the bridge, because of its location and the adjacent roadway network, will serve local rather than regional travel needs. Further, the cumulative effect of providing a multi-use trail in conjunction with the proposed bridge will improve nonmotorized accessibility, connect existing trails, and improve access to open space and recreational amenities on the east and west sides of the Fox River. The crossing will also provide an important link in eventual connection of the Fox River Bike Trail, the Illinois Prairie Path, and the Great Western Trail.

Many potential impacts (to water quality, wetlands, or wildlife resources) would be related to additional development that may occur as a result of improved access, which could lead to changes in land use. Because the area is somewhat built out, the proposed action would not be expected to trigger significant indirect, or secondary, development leading to changes in the amounts of impervious surfaces, wetland loss, or habitat fragmentation.

The EA was made publicly available for review and comment on November 21, 2009. The public comment period closed on December 31, 2009. A public hearing for the project was

held on December 15, 2009, from 6:30 PM to 9:30 PM. at St. Charles North High School in St. Charles. Comments that were received at the public hearing and those received during the public comment period were addressed.

FHWA has determined that the project will not have any significant impact on the human environment. The finding of no significant impact is based on the attached environmental assessment, which was independently evaluated by the FHWA and determined to discuss adequately and accurately the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the environmental assessment and supporting documents.

10/14/2010

Date

Mark Tuller

For Federal Highway Administration

Errata to the Environmental Assessment

Page 2-15, Section 2.11 Special Lands. 1st paragraph, between 3rd and 4th sentences. Add the following paragraph: “The Village of Wayne owns an open space/park area designated Riverfront Park. The area, shown in Exhibit 2-1, consists of 0.39 acre deeded to the Village of Wayne in 1999. The parcel is bordered by private land on the north and east, Fox River on the west, and land planned for use by the City of St. Charles for the Red Gate Road project on the south. A pier exists on the property, but no other facilities are available. A series of fences divide the 0.39-acre parcel for grazing purposes for the farm adjacent to the east. The open space/park area is not accessible to the public, there are, however, two easements for access to the property. One is for private use. The other is a 10-foot foot-wide easement at the northern end of the property granted in 2007 to the Village of Wayne through an Historic and Rural Preservation (HARP) Easement, which grants pedestrian access for maintenance through private property. The HARP easement is a Village of Wayne designation intended to assist in the conservation of natural resources, enhance the rural nature of the area, and protect the Village from adverse impacts of development. No signage acknowledges the park access point, and there is no signage on the private road needed to access the easement. The Village of Wayne *Comprehensive Plan* identifies the site as open space/park area; however, no specific details regarding future use of access are provided in the *Comprehensive Plan*. The open space parcel is not considered a 4(f) property, given the existing and future limitations on public access and public use. A Technical Memorandum, included as part of the Errata provides additional detail.”

Page 3-30. Section 3.4 Description of Preferred Alternative. 5th full paragraph, 3rd sentence. Delete “. . . and an open Wyoming steel tube type bridge rail” so that the sentence reads: “The 2-lane roadway will have a total deck width of 32 feet from curb-to-curb.”

Page 3-30. Section 3.4 Description of Preferred Alternative. 6th full paragraph, 1st and 2nd sentences. Replace with the following: “A 12-foot paved bicycle/pedestrian trail will be suspended below the bridge structure and transition into a 10-foot path that connects to an existing trail adjacent to St. Charles North High School, and across the river to connect with the Fox River Trail near Pinelands Drive.”

Page 3-34. Table 3-5. Under 4(f) Resources, Name of 4(f) Resource/Acreage Required. Add the following line: “Fox River Bluff Forest Preserve / 0.3 acre.”

Page 3-34. Table 3-5. Under 4(f) Resources, Proposed 4(f) Mitigation. Replace “8.6 acres” with “9.4 acres,” and replace “3.8 acres” with “4.1 acres.”

Page 3-35. Table 3-5. Under Special Waste Sites. Replace “None” with the following: “2 sites containing regulated substances might be affected.”

Page 4-7, Section 4.2.5 Cultural. 2nd paragraph, last sentence. Delete “A-53” and replace with “A-55.”

Page 4-8, Section 4.2.6.1 Conformity. 3rd full paragraph, 8th sentence. Replace “Interagency” with “Intergovernmental.”

Page 4-14. Section 4.2.7.2 Traffic Generated Noise Levels. 1st paragraph, 3rd sentence. Replace “Table 4-7” with “Table 4-5.”

Page 4-16. Section 4.2.9.3 Vegetation Cover Types. 1st paragraph, 2nd sentence. Replace reference to "A-29 through A-40" with "A-31 through A-42."

Page 4-20. Section 4.2.10.2 Operational Impacts to Surface Waters. 1st full paragraph, 1st sentence. Replace the 1st sentence as follows: "On the bridge, stormwater will be collected through a closed drainage system and discharged to the basin on the east side of the river. Other stormwater runoff will be collected through a system of vegetated swales and detention ponds."

Page 4-20. Section 4.2.10.2 Operational Impacts to Surface Waters. 1st full paragraph, 5th sentence. Replace "streams" with "river." Page 4-21. Section 4.2.12 Floodplains. 2nd paragraph, 4th sentence. Replace "interagency agreement" with "Intergovernmental Agreement."

Page 4-22 and 4-23. Section 4.2.13 Wetlands. 1st paragraph, 2nd sentence. Replace reference to "A-28" with "A-30."

Page 4-22. Section 4.2.13.2 Wetland Mitigation. 1st paragraph, 4th sentence. Replace "Programmatic Review Action" with "Standard Action."

Page 4-22. Section 4.2.13.2 Wetland Mitigation. 1st paragraph, last sentence. Replace 1st sentence as follows: "It is expected that in-basin offsite mitigation will be provided at the wetland mitigation ratio of 2 to 1, resulting in 0.092 acre of wetland mitigation."

Page 4-23. Section 4.2.15.3 Forest Preserves. 3rd paragraph, 1st sentence. Replace sentence as follows: "The Preferred Alternative will affect 3.77 acres of the Fox River Bluff West Forest Preserve and 0.29 acre of the Fox River Bluff Forest Preserve."

Page 4-23. Section 4.2.15.3 Forest Preserves. 3rd paragraph, last sentence. Replace sentence as follows: "The 0.29 acre of right-of-way from the Fox River Bluff Forest Preserve consists of a 17- to 20-foot strip of right-of-way adjacent to IL 25."

Page 4-24. Section 4.2.15.3 Forest Preserves. 1st paragraph, 1st sentence. Replace "Fox River Bluff Forest Preserve" to say "Fox River Bluff West Forest Preserve."

Page 4-24. Section 4.2.15.3 Forest Preserves. 1st paragraph. 3rd sentence. Replace "Fox River Bluff West Forest Preserve" with "Fox River Bluff Forest Preserve."

Page 4-24. Section 4.2.15.3 Forest Preserves, under Mitigation. 1st sentence. Replace "8.6 acres" with "9.4 acres."

Page 4-24. Section 4.2.15.3 Forest Preserves, under Coordination. 1st paragraph, 2nd sentence. Replace "Interagency" with "Intergovernmental" in both instances where it appears.

Page 4-24. Section 4.2.15.3 Forest Preserves, under Coordination. 3rd paragraph. Replace entire paragraph with the following: FHWA, based on the Section 4(f) Evaluation completed as part of this project, has concluded that there was no prudent or feasible alternative to using that land and all possible planning had been done to minimize harm to these properties. The 4(f) Evaluation is included as part of the Errata.

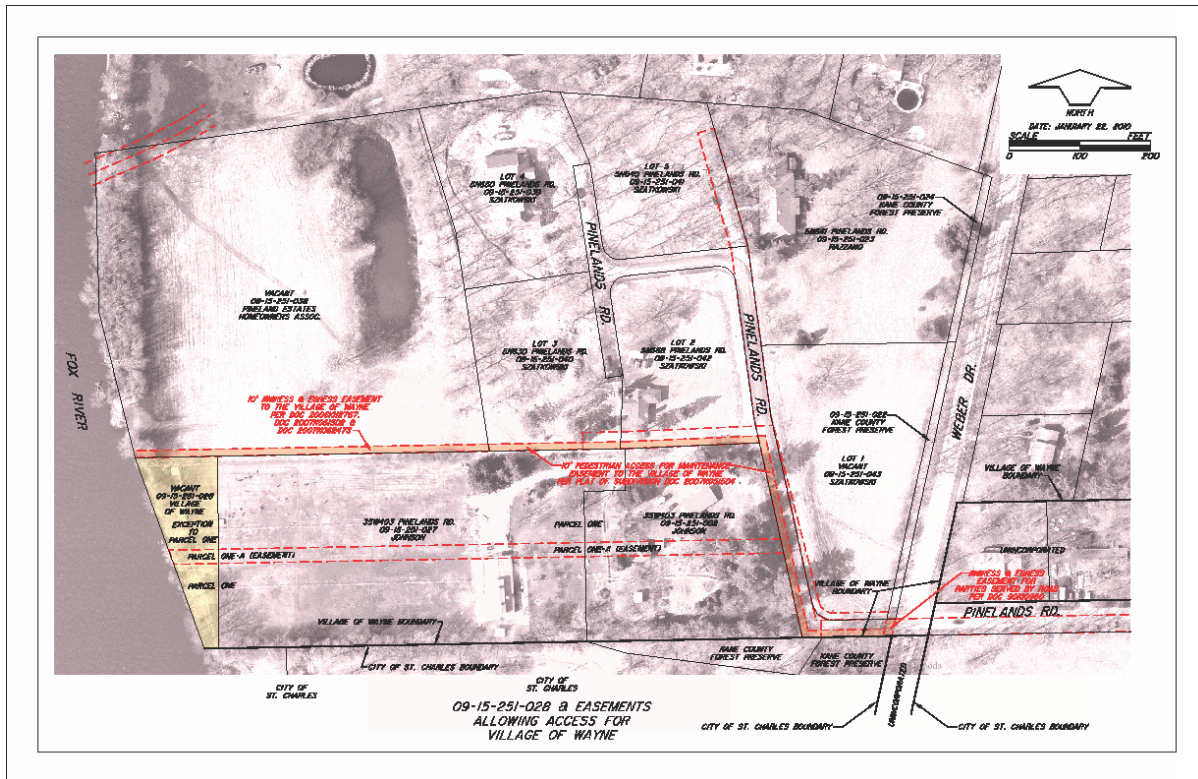
Page 4-27. Section 4.3.1 NPDES Permits. 1st sentence. Replace “2 or more acres” with “1 or more acres.”

Page 4-30. Section 4.5 Commitments. 6th paragraph. Replace with the following: “In-basin off-site mitigation will be provided at the wetland mitigation ratio of 2 to 1, resulting in 0.092 acre of wetland mitigation.”

TECHNICAL MEMORANDUM
TO
ENVIRONMENTAL ASSESSMENT ERRATA

The December 30, 2009 letter from Village of Wayne identified open space/park area designated as “Riverfront Park”. This open space area consists of 0.39 acres north of the project and adjacent to the Fox River. Search of public databases, such as the *Fox River EIS*, St. Charles Park District, Forest Preserve District of Kane County, Chicago Metropolitan Agency for Planning, and county GIS databases, as well as site visits did not identify this open space as a “public park”. This parcel is identified in the current Village of Wayne zoning map and the 2005 *Comprehensive Plan* as open space/park; however, this parcel is not currently identified on the Village of Wayne website as a park nor on the Kane County GNIS database as a park.

Further research was conducted to identify the history of this parcel, its characteristics, and its uses. This 0.39-acre parcel is located east of the Fox River with private property north and east of the parcel. The property east of the parcel is currently operated as a llama farm. The southern border of the property is open land owned by the City of St. Charles. The Red Gate Road project would be located south of the 0.39-acre parcel. Figure 1 is an aerial photograph showing the location of the 0.39-acre parcel (highlighted in yellow), adjacent lands, and easement locations.



A records search indicated in 1999 this 0.39-acre parcel was deeded to the Village of Wayne. The only access to the property occurred through two easements. The 1999 20-foot easement (1999K065916) was between private parties for three purposes: 1) maintenance and repair of a water pipe and pump, 2) maintenance of a viewing pier, and 3) ingress and egress to and from the pier. The second easement lies on the northern border of the parcel with a width of 10 feet extending from the Fox River east to Pinelands Road and has two grantor components. In 2007

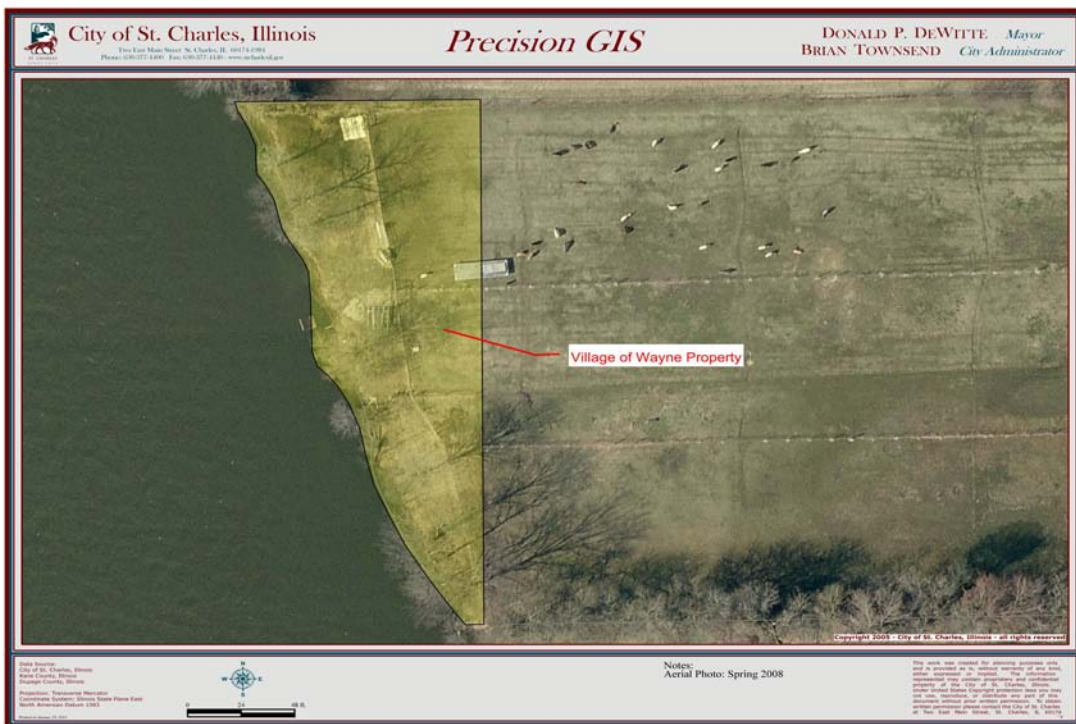
one grantor (2007K062473/2007K051502) permitted an easement for “pedestrian access and maintenance easement to the Village of Wayne”. The second grantor (2007K051504) provided a Historic and Rural Preservation, utility, and pedestrian access for maintenance easement to the Village of Wayne along the south line of Pineland Estates along the west side of Pinelands Road, a private road, and the south side of Pinelands Road, when it turns east to intersect with Weber Drive, a public road. Figure 1 depicts these two easements that represent the only access to the property. The easements are connected to Pinelands Drive, which is a private roadway at this location. Thus no public access easements appear of record.

The Village of Wayne *Comprehensive Plan and Route 25 Sub-Area Plan* designated this area as open space/park in 2005; however, future plans did not identify any public uses of this parcel. The Village of Wayne attended a “stakeholder” meeting with St. Charles in 2005. No mention of or concern for this parcel was expressed by Wayne until the December 30, 2010 comment was received.

The current uses of the 0.39-acre parcel are depicted in the attached photographs. Pasture appears to be the predominant use. There is no signage on the property or at the roadway where the easements are located identifying this area as a “park” or as accessible to the public. The parcel currently has one pier on site, which is on land in the photo below. In addition, there are three sets of fences extending east/west across the property at the southern perimeter and further north. These areas appear to be used for grazing. The aerial photograph and the January 25, 2010 ground photograph confirm these uses.



2008 Aerial



2008 Aerial



2006 Aerial

In summary, this publicly owned parcel is only accessible to selected groups, such as the Village of Wayne for maintenance, and to previous owners for maintenance and use of the water pipeline and pier through easements. Fences on the property separate segments used for grazing. There is no indication of public use based upon site visits, signage, and data sources, such as the *Comprehensive Plan*, web site, and GNIS database. The project will have no physical impact upon this property or its present use. Based upon this collective information, this open space parcel does not appear to qualify as a 4(f) property.



At south property line looking northerly
Photo taken: January 25, 2010