

However, it appears that either there is the potential to minimize impacts or avoid use of Section 4(f) properties, which will be studied further during the Tier Two NEPA studies.

Further review during the Tier Two NEPA studies will be necessary to identify archaeological resources and assess effects. FHWA will consult with the SHPOs, Tribes, and other consulting parties regarding identification of archaeological resources and effects assessments. Additional archaeological resources will likely be identified when field surveys are undertaken during the Tier Two NEPA studies. Additional investigations to determine eligibility of sites for listing in the NRHP will be conducted and coordinated with the SHPO during the intensive-level study in the Tier Two NEPA studies.

A preliminary Section 4(f) approval may be made in the Tier One Final EIS as to whether impacts from the use of Section 4(f) properties are *de minimis* or whether there are feasible and prudent avoidance alternatives. Coordination will continue with the Officials with Jurisdiction of each Section 4(f) property and with the Department of the Interior and other appropriate resource and regulatory agencies prior to the Section 4(f) approval. Following review and comment of a preliminary Section 4(f) evaluation, a final Section 4(f) evaluation will be prepared and incorporate comments received. The final Section 4(f) approval may be made in the Tier Two final environmental document.

This Section 4(f) analysis was conducted in accordance with Section 23 CFR 774. Section 4(f) impacts were evaluated with the parameters noted and are documented herein consistent with these requirements.

3.15 Special Lands

This section discusses the presence of special lands within Corridors A3S2, B3, and B4 and the potential impacts of the working alignments within Corridors A3S2, B3, and B4 to these lands. Special lands discussed in Section 3.14 are described in the following section with occasional reference to Section 3.14. Potential mitigation of impacts to special lands is also discussed within this section.

3.15.1 Existing Conditions

Section 6(f) of the Land and Water Conservation Fund Act of 1965 (LWCF) (Public Law 88-578) states that properties purchased with LWCF funds cannot, “without the approval of the Secretary [of the Department of Interior], be converted to other than public outdoor recreation uses.” The Open Space Land Acquisition and Development (OSLAD) program is an Illinois state-financed grant program that provides funding assistance to local government agencies for acquisition and/or development of land for public parks, open space, or conservation purposes. This program is similar to the LWCF program in Illinois in that both are managed by the Illinois DNR, have concurrent application due dates, equal grant maximums, and similar general rules (Illinois DNR, 2012). The programs differ in that LWCF or OSLAD funds are for acquisition projects while development projects are only applicable to the OSLAD program.

Properties purchased using LWCF funds (Section 6(f) lands) or properties purchased and/or developed using OSLAD grant program funds are protected in addition to Section 4(f) of the USDOT Act of 1966 (49 U.S.C. 303), as discussed in Section 3.14.

The Illinois Land Conservation Act of 1995 was established for the purposes of: 1) managing the land and water resources; 2) providing opportunities for scientific, environmental, and land use education and research; 3) allowing agricultural uses of land; and 4) providing a variety of recreation opportunities on the land. This act applies specifically to the Midewin National Tallgrass Prairie.

Special lands include forest preserves, nature preserves, INAI sites, local publicly and privately owned parks, and recreational areas. The locations of parks, recreation facilities, and forest and nature preserves within or near Corridors A3S2, B3, and B4 are illustrated on Figure 3-38 in Section 3.14. Each facility within Corridors A3S2, B3, and B4 is described in the following sections in terms of its general purpose, whether it is public or private, and whether or not their development involved the use of LWCF and/or OSLAD funding.

3.15.1.1 Federal and State Lands

Several nature and forest preserves and managed lands are located in the Study Area. The largest is the Midewin National Tallgrass Prairie and the DPSFWA, both in the western portion of Will County (Figure 3-38 in Section 3.14). These two properties are described in detail in Section 3.14.2.

The Midewin National Tallgrass Prairie was established by the Illinois Land Conservation Act of 1995. The Conservation Act states that no new construction of any highway, public road, or any part of the Interstate system is permitted through or across any portion of the Midewin National Tallgrass Prairie; thus, the Midewin footprint has a more strict prohibition on development of new highway facilities.

Prairie Creek Preserve is an unimproved preserve located southwest of Manhattan, Illinois, on Gallagher Road, east of Cherry Hill Road. The FPDWC initiated the creation of Prairie Creek Preserve in 2006 with the preservation of 121 acres. Preservation is ongoing to protect an unchannelized portion of Prairie Creek between the Midewin National Tallgrass Prairie and the Wauponsee Glacial Trail. The FPDWC and USFS will be partnering on restoring and managing the area when preservation is completed. Currently, there is no specific planning in place for completion of preservation since only one parcel has been acquired by the FPDWC. Additionally, the property is not open to the public.

Lake County has scattered publicly-managed lands within the Study Area. Several of these lands are associated with LWCF but none are within Corridors A3S2, B3, or B4. Other concentrations of special lands in the Study Area are near Crete, Monee, and University Park, Illinois, but none are within Corridors A3S2, B3, or B4.

3.15.1.2 Parks and Recreational Areas

In addition to the Federal and State lands, there are numerous parks and recreational areas within the Study Area. Within Corridors A3S2, B3, and B4, public parks and recreational areas include the Wauponsee Glacial Trail (see Section 3.14.2). Portions of the Wauponsee Glacial Trail fall within the working alignments within Corridors A3S2, B3, and B4. The Wauponsee Glacial Trail is owned by the FPDWC and is not associated with LWCF or OSLAD funding; however, it is a Section 4(f) property as noted in Section 3.14. The Wauponsee Glacial Trail is described in detail in Section 3.14.2.

No privately-owned parks or recreational areas are within any of the three corridors.

3.15.1.3 Natural Areas

The Illinois Natural Areas Preservation Act (525 ILCS 30) defines a “natural area” as “an area of land in public or private ownership which, in the opinion of the [Illinois Nature Preserves] Commission, either retains or has recovered to a substantial degree its original natural or primeval character, though it need not be completely undisturbed, or has floral, faunal, ecological, geological or archaeological features of scientific, educational, scenic or esthetic interest.” Natural areas include lands registered under the Illinois Natural Areas Preservation Act or identified in the INAI. Many INAI sites are associated with nature preserves, land and water reserves, or natural heritage landmarks and may overlap a forest preserve.

In the Illinois portion of the Study Area, there are 23 INAI sites totaling 11,524 acres. Within the Indiana portion of the Study Area, there are 33 managed lands totaling approximately 3,256 acres. Natural areas are further described in Sections 3.8 and 3.9.

The DPSFWA on Treat Island is within Corridor A3S2. This area consists of forested land. The DPSFWA, including the Game Propagation Center, is an INAI site within Corridors B3 and B4. The property provides wildlife, picnic areas, and outdoor recreation activities for the public throughout the area. The area is owned and managed by the Illinois DNR. Further description of the property is provided in Section 3.14.2.

No rivers or creeks within the corridors are listed as Wild and Scenic Rivers (Interagency Wild and Scenic Rivers Council, 2011). However, the working alignment within Corridor A3S2 crosses Plum Creek and Manhattan Creek, which are listed on the NRI. A 15-mile section of Plum Creek, from Goodenow Road in Will County to Dyer, Indiana, is listed on the NRI because of its remarkable recreational value. Based on the NRI, Plum Creek is a small stream that is used for fishing and floating, but is somewhat limited by its size. In Corridor A3S2, Manhattan Creek, located near Manhattan, Illinois, has been designated as an aquatic INAI site. The site is listed for its unusual concentrations of flora or fauna and high quality streams. The creek runs from IL-53 where it meets Jackson Creek to just east of Manhattan and County Highway 4. Manhattan Creek is on the NRI for its ORVs which include “Fish” and “Other Values.”

Several rivers crossed by the corridors are listed as navigable waters of the US under Section 10 of the Rivers and Harbors Act of 1899 (USACE, 2012). These include the Des

Plaines River at the west end of Corridor A3S2, and the Kankakee River at the west end of Corridors B3 and B4.

The Kankakee River has been designated as an aquatic Illinois Natural Area within the working alignments of Corridors B3 and B4 and downstream to the Indiana state line. The Kankakee River is a category III (State Dedicated Nature Preserves, Land and Water Reserves, and Natural Heritage Landmarks) INAI site. However no threatened and endangered species are known to occur within the alignments. Approximately 10 miles south of Corridors B3 and B4 a section of the Kankakee River (from its confluence with the Iroquois River in Kankakee County to the Indiana state line) is also listed on the NRI for its recreational value (i.e., canoeing and fishing). Public fishing areas with access to the Kankakee River are provided upstream and downstream of the Corridors B3 and B4 near I-55.

3.15.1.4 LWCF and OSLAD Sites

According to the Illinois DNR, Indiana DNR, and the NPS, 16 properties within the Study Area have been developed or acquired through the LWCF and/or OSLAD program in Illinois. However, no properties within Corridors A3S2, B3, or B4 have been acquired with LWCF funds or developed through the OSLAD program. No Section 6(f) properties are located within the corridors since none were acquired using funds from the LWCF Act.

3.15.2 Methodology for Assessing Special Land Impacts

Secondary source information was used to identify special lands in the corridors that may require unique treatment according to Section 6(f) of the LWCF Act regulations and the OSLAD program. The special lands reviewed included publicly and privately parks and recreational areas, nature and forest preserves, and areas listed on the INAI. The NPS' inventory of LWCF resources was reviewed to determine sites that may be located within the Study Area. Information was also obtained from databases from the Illinois DNR and the Indiana DNR. GIS data was used to identify mapped NRI and water resources (e.g., rivers, creeks, lakes, and ponds) within the corridors. The GIS database was supplemented with information provided by and/or available through state agencies including the IEPA, IDEM, Illinois DNR, and Indiana DNR.

The object of the Tier One DEIS analysis of protected lands is to determine the potential for LWCF or OSLAD, Section 4(f), Land Conservation Act of 1995, or INAI involvement and to coordinate with resource agencies regarding these potential involvements. The working alignments within Corridors A3S2, B3, and B4 were overlaid to determine which special lands have the potential to be impacted by the project.

3.15.3 Impacts

The areas impacted by the working alignments within Corridors A3S2, B3, and B4 are shown in Table 3-79 and Figure 3-39. Design concepts for each of the working alignments would result in the same impacts to special lands per working alignment.

Table 3-79. Special Lands Impacts

Resource	Location and Owner	Description	Size	Impact	Protection/ Funding Source
DPSFWA/Game Propagation Center	24621 N. River Road Wilmington, IL 60481; Accessible from I-55 in Wilmington in Will County Owned by the Illinois DNR	Provides multiple uses including: picnic areas, fishing, hunting, camping, boating, equestrian trails, nature preserve, and dog training	4,950 total acres	10.3 acres of forested land on Treat Island by the A3S2 Working Alignment; 2.9 acres of forested and hunting areas by the B3 and B4 Working Alignments	Section 4(f) property; INAI site
Midewin National Tallgrass Prairie/Joliet Army Ammunition Plant	30239 S. SR 53, Wilmington, IL 60481 Owned by the USFS	National tallgrass prairie on the former Joliet Arsenal Army Plant; 7,200 acres and 22 miles of trails open to public recreation use	18,225 total acres	No impact	Illinois Land Conservation Act of 1955
Wauponsee Glacial Trail	2.75 miles north from Laraway Road to Rowell Avenue in Joliet, and 19.5 miles south from Laraway Road south through Manhattan and Symerton, Illinois, to the Kankakee River Owned by FPDWC	Multi-use trail for biking, cross-country skiing, hiking, horseback riding, snowshoeing, and skating	22.3 miles total length, (2.75 miles paved asphalt; 19.5 miles crushed limestone)	405 feet of the southern limestone portion of trail by the A3S2 Working Alignment; 483 feet of the southern limestone portion of trail by the B3 and B4 Working Alignments	Section 4(f) property
Manhattan Creek	Between IL-53 where it meets Jackson Creek to just east of County Highway 4	Creek with unusual concentrations of flora or fauna and high quality streams	83,963 linear feet	1 crossing; 430 linear feet by the A3S2 Working Alignment	INAI site; NRI

Table 3-79. Special Lands Impacts (continued)

Resource	Location and Owner	Description	Size	Impact	Protection/ Funding Source
Prairie Creek Preserve	Southwest of Manhattan, Illinois, on Gallagher Road, east of Cherry Hill Road Owned by FPDWC	Preservation is ongoing to protect an unchannelized portion of Prairie Creek between the USFS's Midewin National Tallgrass Prairie and the FPDWC's Wauponsee Glacial Trail; includes sinuous riparian habitat Not open to the public	121 acres	0.001 acres by the A3S2 Working Alignment	None
Kankakee River	Between St. Joseph County, Indiana, and Will County, Illinois, joining with the Des Plaines River to form the Illinois River	Navigable waters of the US under Section 10 of the Rivers and Harbors Act of 1899	90 linear miles in Illinois; 133 miles total	1 crossing; 486 linear feet by the B3 and B4 Working Alignments	INAI site
Plum Creek	Goodenow Road in Will County to Dyer, Indiana (portion in the NRI)	Small stream used for fishing and floating	15 miles (portion in the NRI)	1 crossing; 459 linear feet by the A3S2 Working Alignment	NRI
Des Plaines River	Between southern Wisconsin and Channahon, Illinois, joining with the Kankakee River to form the Illinois River	Navigable waters of the US under Section 10 of the Rivers and Harbors Act of 1899	95 miles in Illinois; 133 miles total	3 crossings; 1,356 linear feet by the A3S2 Working Alignment	None

3.15.3.1 Corridor A3S2

The working alignment within Corridor A3S2 would bisect the DPSFWA located on the southern portion of Treat Island and adjoining along the east and west banks of the Des Plaines River, impacting 10.3 acres. Since the design concepts are related to IL-53, none of them would impact Treat Island.

The working alignment within Corridor A3S2 has one crossing of Plum Creek and Manhattan Creek, three crossings of the Des Plaines River, and encroaches on the Prairie Creek Preserve.

The working alignment of Corridor A3S2 crosses the 19.5 mile southern limestone section of the Wauponsee Glacial Trail located south of the Manhattan, Illinois. The Wauponsee Glacial Trail would be temporarily impacted with the construction of the proposed project due to crossing of the trail. A temporary trail could be constructed during construction of the proposed project so that the trail could remain open. Trail continuity could also be maintained by bridging the proposed project over the trail. The temporary trail and bridge option will be further evaluated during Tier Two NEPA studies. Since the design concepts are related to IL-53, they would not impact the trail.

3.15.3.2 Corridors B3 and B4

The working alignments within Corridors B3 and B4 would require approximately 2.9 acres of land from the DPSFWA located at the southern edge of the property south of River Road. The portion of the DPSFWA within the working alignments of Corridors B3 and B4 is open space designated for hunting. Hunting areas are available throughout the 4,950 acres of DPSFWA.

The portion of the Wauponsee Glacial Trail inside the working alignments (483 feet) within Corridors B3 and B4 is the 19.5 mile southern limestone section of the trail located on the north side of Symerton, Illinois, approximately 380 feet north of an access location to the trail. A temporary trail and bridge option for the Wauponsee Glacial Trail will be further evaluated during Tier Two NEPA studies. Since the design concepts are related to IL-53, they would not impact the trail.

The working alignments within Corridors B3 and B4 cross the Kankakee River near the DPSFWA. However, no impacts to the INAI site were determined due to the use of a free span bridge and absence of known threatened and endangered species location within the working alignment.

3.15.4 Mitigation

An effort was made in the development of the working alignments and evaluation screening process to avoid or minimize impact to special lands. Though the corridors for each working alignment are in the conceptual stage, measures were incorporated into the design to minimize impacts to environmental resources. Minimization and mitigation measures for the Midewin National Tallgrass Prairie and the Wauponsee Glacial Trail are described in Section 3.14.6.

Potential mitigation measures to minimize impacts of Corridors A3S2, B3, or B4 to the Wauponsee Glacial Trail include bridging over the existing trail; rerouting the trail; or, providing a replacement trail during construction and temporarily rerouting a section of the trail. Reasonable efforts would be made to limit disruption to the trail and reinstate it in the same or better condition. Ways to minimize harm to the trail through design or other mitigation will be investigated further and consultations with the FPDWC will be undertaken during the Tier Two NEPA studies.

Minimization of Corridor A3S2 impacts to the DPSFWA on Treat Island would be detailed during the Tier Two NEPA studies if Corridor A3S2 is selected in Tier One. The effort to minimize impacts will be based on meetings with resource agencies and field surveys. In the vicinity of the DPSFWA, Corridors B3 and B4 were designed to run along the southern boundary of the property as much as possible. This was accomplished while minimizing impacts to the Kankakee River by crossing at a narrower portion of the river and generally aligning the Corridors B3 and B4 parallel to an existing ComEd 345kV electric transmission line.

Measures to mitigate river and stream crossings will be detailed in the Tier Two NEPA studies as to type, extent, and location of mitigation. All required permits and approvals as noted in Section 3.9.4 and 3.16 will be obtained prior to in-stream construction. Depending on available sites, mitigation for unvegetated waters of the US could include re-meandering channelized streams, removing/replacing existing drain tiles/culverts with stabilized stream channels, stabilizing eroded streambanks, constructing in-stream habitat, creating riparian buffer, etc. With the implementation of BMPs, surface water impacts, including adverse impacts to fish, aquatic macroinvertebrate communities, water quality, and recreation, as a result of the working alignments are anticipated to be minimal. Special construction methods will be utilized to construct bridge piers to minimize the effect of construction on INAI river crossings.

3.16 Permits and Certifications

This section summarizes permits and certifications applicable to the Illiana Corridor. Regulatory permits would be required for the implementation of a selected alternative in Tier Two. Regulatory agencies, such as the USACE, are not being requested to consider issuing permits at this time; however, a general coordination approach is taking place. Consultations and detailed studies, which would be required as part of formal permit applications, will be completed during the Tier Two NEPA studies. Such studies would include formal wetland delineations, biological surveys, or field investigations for threatened and endangered species. Issuance of regulatory permits would require detailed engineering plans for the selected alternative in Tier Two.

This Tier One DEIS does not include detailed engineering plans for the working alignments within the corridors. Submittal of permit applications to pertinent regulatory agencies would not take place until after development of final engineering plans, which would occur after identifying a selected alternative in Tier Two. Avoidance and minimization strategies required to obtain permits would be developed at that time.