



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
P.O. BOX 2004, CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

REPLY TO
ATTENTION OF

February 28, 2019

Operations Division

SUBJECT: CEMVR-OD-P-2018-443

Illinois Department of Transportation
C/O Mr. Nicholas Jack
Region 3, District 4
401 Main Street
Peoria, Illinois 61602-1111

Dear Mr. Jack:

We are enclosing a Department of the Army permit authorizing work in conjunction with US 150 eastbound bridge replacement over the Illinois River at river mile 165.8 in Peoria and Tazewell Counties, Illinois.

If you find it necessary to make changes in this authorization, you must submit revised plans to this office for approval before beginning work. You should also have all required Federal, state, and local approvals prior to commencing work.

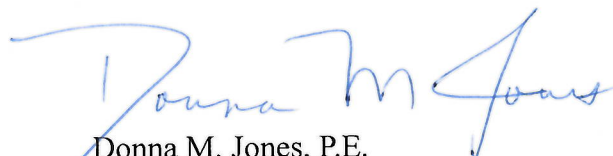
Please notify this office prior to starting and completion of work. You are required to complete and return the enclosed "Completed Work Certification" upon completion of your project. A representative of this office will make periodic inspections of the work.

We appreciate your cooperation.

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions pertaining to your permit, please contact our Regulatory Branch by letter, or telephone Mr. Gene Wassenhove at 309/794-5368.

Sincerely,


Donna M. Jones, P.E.
Chief, Illinois/Missouri Section
Regulatory Branch

Enclosures

Copies Furnished w/enclosures:

Mr. Stephen Altman P.E.
Office of Water Resources
IL Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62701-1271
Steve.Altman@illinois.gov (email)

Mr. Darin LeCrone, P.E.
Illinois Environmental Protection Agency
Division of Water Pollution Control, Sect. 15
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
Darin.LeCrone@illinois.gov (email)

ILDOT

Nicholas.Jack@illinois.gov
Karen.Dvorsky@illinois.gov
Christopher.Maushard@illinois.gov
Kensil.Garnett@illinois.gov

OD-PE (Wassenhove)

DEPARTMENT OF THE ARMY PERMIT

Permit Number: CEMVR-OD-P-2018-443

Section: 10/404

Permittee: Illinois Department of Transportation
Region 3, District 4
401 Main Street
Peoria, Illinois 61602-1111

POC: Nicholas Jack
Tel: 309-671-3333
Nicholas.Jack@illinois.gov

Effective Date: February 28, 2019

Expiration Date: December 31, 2024 – US 150 eastbound bridge replacement over the Illinois River in Peoria, Illinois

Issuing Office: U.S. Army Corps of Engineers, Rock Island District
Clock Tower Building - P.O. Box 2004
Rock Island, Illinois 61204-2004

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To remove and replace the existing US 150 eastbound bridge over the Illinois River in Peoria, Illinois, river mile 165.8. The existing eastbound bridge is structurally deficient, functionally obsolete, will not be able to accommodate future transportation projects, and is nearing the end of its expected service life.

The steel tied arch bridge will be on a new alignment south of and adjacent to the existing eastbound bridge. The new bridge will have three 12-foot-wide travel lanes of traffic, 10-foot wide shoulders on either side of the travel lanes, and a barrier wall separating vehicular traffic from a 14-foot-wide multi-use path. The 23 existing bridge piers will be removed and 22 new bridge piers will be constructed in the new alignment. Improvements to the existing interchanges will occur on both sides of the river and involve constructing new structures and widening/modifying existing structures. An existing culvert on a tributary to the Illinois River will be replaced with a concrete double box culvert on the realigned exit ramp. The navigation channel under the proposed bridge would match the existing horizontal and vertical clearance limits currently in place. The project will start construction in the summer of 2019 and is expected to be completed in the spring of 2023. The existing structure will remain open during construction and will be removed upon completion of the new structure.

Bridge construction methods will be determined by the selected contractor. Typical construction practices assume the use of cofferdams for construction of the bridge piers using cranes on causeways or barges. The superstructure of the bridge will be built using the same cranes with the entire navigation span being lifted into place as a unit. Cofferdams will be located around the proposed piers using piling driven into the existing ground and backfilled with concrete. Borrow material will be identified by the contractor and approved by IDOT for environmental and cultural considerations. The causeway, if constructed, would be removed to pre-construction contours following completion of the new bridge. Best management practices may consist of silt fence, inlet filter, inlet and pipe protection, temporary seeding, ditch checks, and the use of floating silt curtains. Permanent erosion control methods will be utilized.

Removal of the existing bridge has not yet been determined, but will likely be one of two removal techniques. The first method is the deconstruction of the bridge in pieces using equipment to remove concrete and steel selectively while limiting the amount of material deposited into the river. Any material accidentally falling into the river will be removed and disposed of out of the waterway. The second method would be explosive demolition of the existing steel structure after concrete components have been removed. This method requires temporary closure of the navigation channel to retrieve debris that would affect navigation, while sections of the bridge outside the navigation channel could be removed from the water without that specific time restriction. Either method would remove the existing piers at least two feet below existing ground, except the piers adjacent to the navigation channel which will be removed to 12 feet below normal pool elevation or two feet below existing streambed, whichever is lower. A temporary causeway and/or dredging may be required.

Dredging may be required with an anticipated maximum depth of no more than eight feet of sediment for a total 114,100 cubic yards over an 11.2 acre area for bridge construction and an additional 114,100 cubic yards over 6.3 acres of the river for demolition. The dredged material placement sites will be determined by the contractor. These sites may include upland beneficial re-use areas or certified disposal locations.

Permanent wetland impacts are 0.35 acres of forested floodplain wetland and 0.19 acres of a wetland pond and temporary impacts are 0.18 acres of forested wetland and 0.03 acres of wetland pond. Total impacts are 0.54 acres of permanent impact and the 0.21 acres of temporary impact to these wetlands. Mitigation will be provided by debiting 2.26 credits from the LaGrange Wetland Mitigation Bank; 2.06 credits for permanent forested wetland impacts and 0.20 credits for permanent wetland pond impacts.

Project Location: IL-Peoria East. U.S. 150 eastbound over the Illinois River at river mile 165.8, Peoria and Tazewell Counties, Illinois. Datum NAD-83. UTM Zone 16. Section 35, Township 9 North, Range 8 East and Section 10, Township 26 North, Range 4 West. Northing 4 510 740.498605, Easting 285 025.140299. Latitude: 40.719543. Longitude: -89.545250

Drawings	CEMVR-OD-P-2018-443	Sheet 1 of 3, Plan View
		Sheet 2 of 3, Plan & Cross Section Views
		Sheet 3 of 3, Dredging & Temp. Causeway Access Plans

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on the date specified on page 1. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before that date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party, in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States (Section B of Appendix A to 33 CFR 325).
3. The Section 401 water quality certification conditions issued by the Illinois Environmental Protect Agency on December 13, 2018, are incorporated into this permit.
4. The Section 408 Memorandum for Record conditions issued by the Rock Island District Corps of Engineers on February 13, 2019, are incorporated into this permit.
5. The United States Fish and Wildlife Biological Opinion dated December 15, 2015, is incorporated into this permit.
6. The Memorandum of Agreement executed April 4, 2017, for Section 106/Programmatic Section 4(f) Evaluation is incorporated into this permit.
7. Any United States Coast Guard issued permit conditions are incorporated into this permit.

8. Once construction is complete, a copy of the as-builts, including the elevation of the main span low steel and pier locations, must be provided to the Rock Island District, Corps of Engineers, Operations Division, Regulatory Branch and the Technical Support Branch.

Further information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- Section 404 of the Clean Water Act (33 U.S.C. 1344).
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Harold A Barnett (RS) 02-26-19
Permittee Date

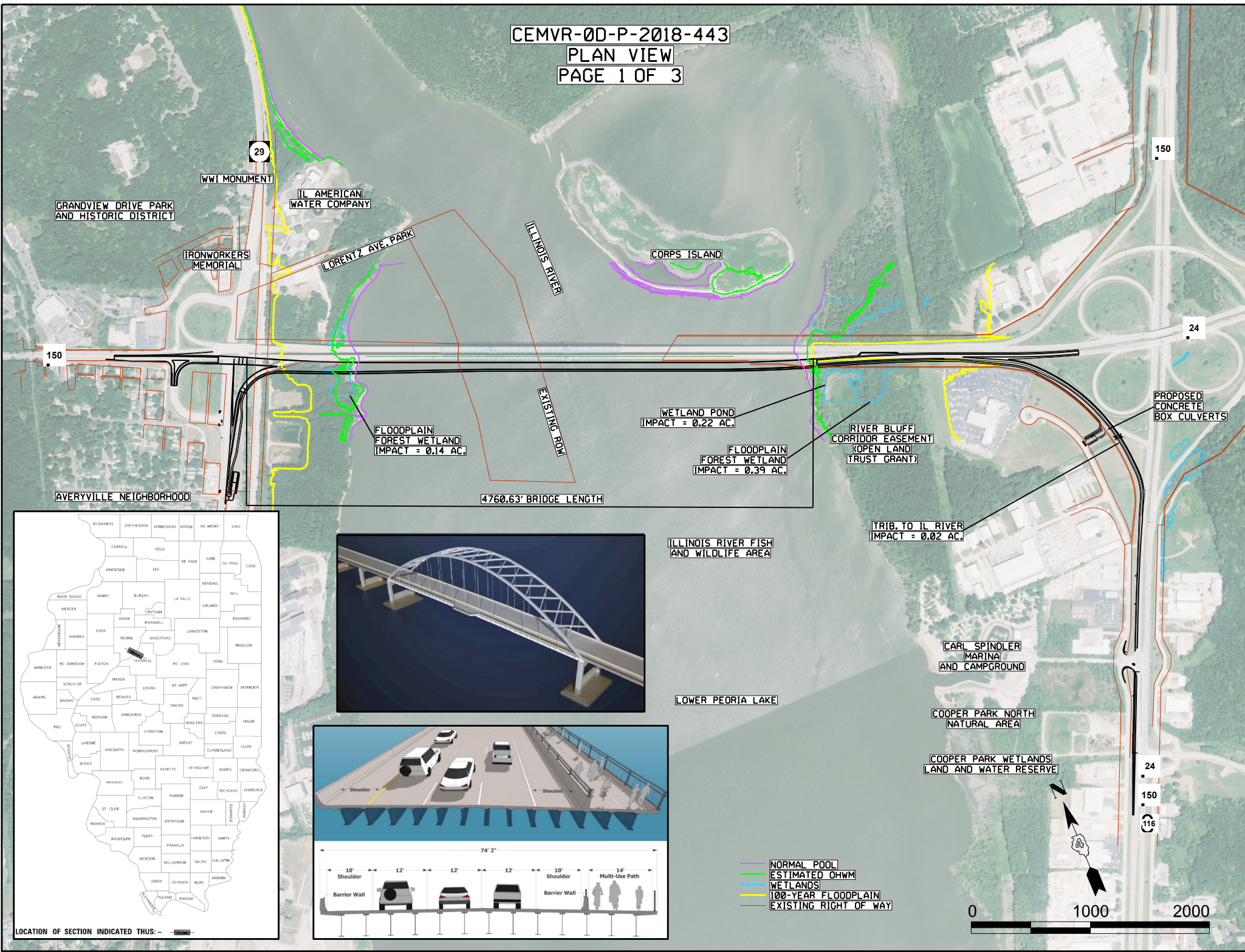
The issuing officer for this permit is Steven M. Sattinger, Colonel, U.S. Army, Commander & District Engineer, Rock Island District.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, and in accordance with CEMVR-OD-P appointment order dated 25 July, 2016, has signed below.

Donna M Jones 2-28-19
Donna M. Jones, P.E. Date
Chief, Illinois/Missouri Section
Regulatory Branch

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

Transferee Date



WETLAND POND
IMPACT = 0.22 AC.

FLOODPLAIN
FOREST WETLAND
IMPACT = 0.14 AC.

FLOODPLAIN
FOREST WETLAND
IMPACT = 0.39 AC.

RIVER BLUFF
CORRIDOR EASEMENT
(OPEN LAND
TRUST GRANT)

TRIB. TO IL RIVER
IMPACT = 0.02 AC.

ILLINOIS RIVER FISH
AND WILDLIFE AREA

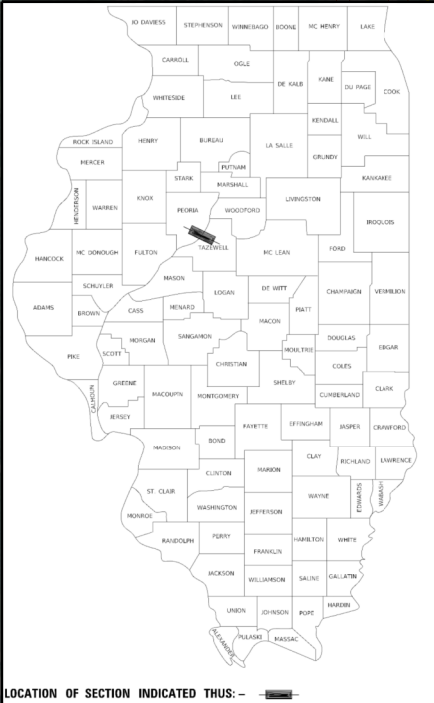
CARL SPINDLER
MARINA
AND CAMPGROUND

COOPER PARK NORTH
NATURAL AREA

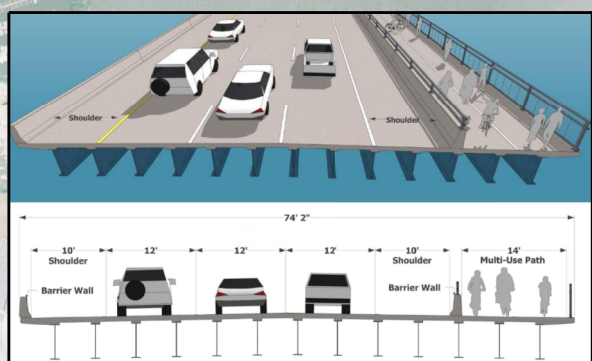
COOPER PARK WETLANDS
LAND AND WATER RESERVE

4760.63' BRIDGE LENGTH

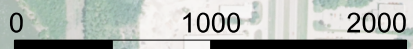
EXISTING ROW



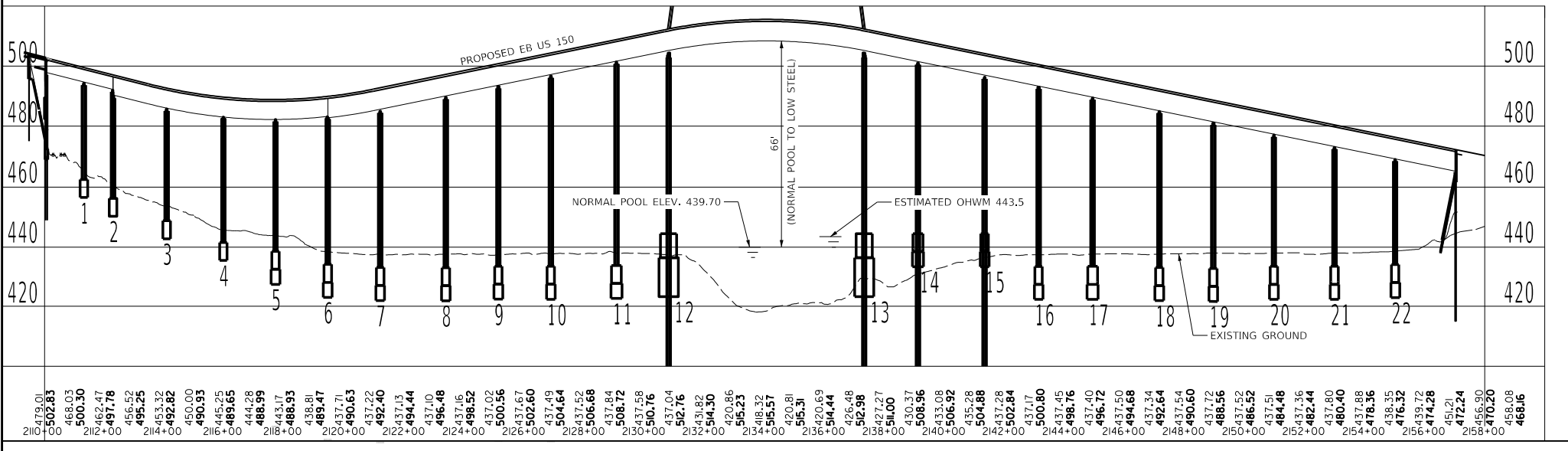
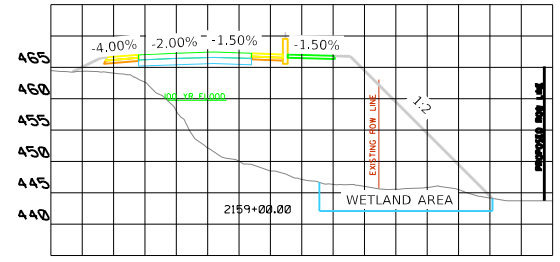
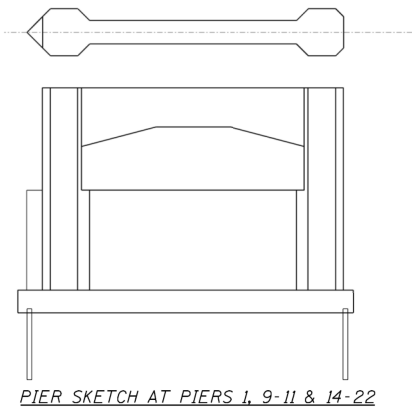
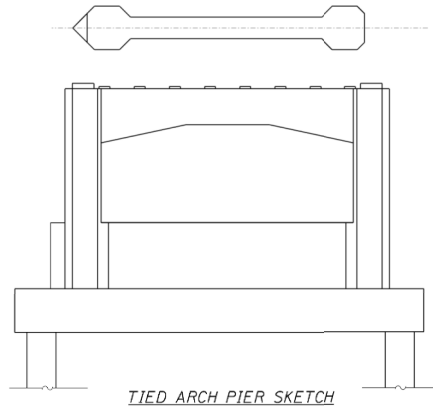
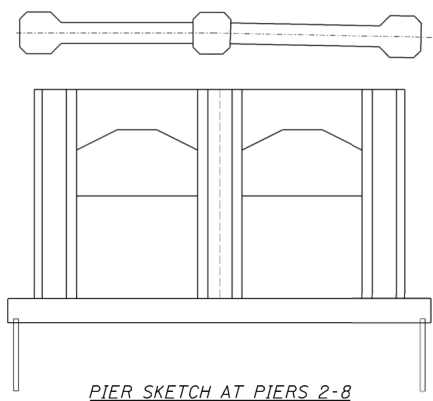
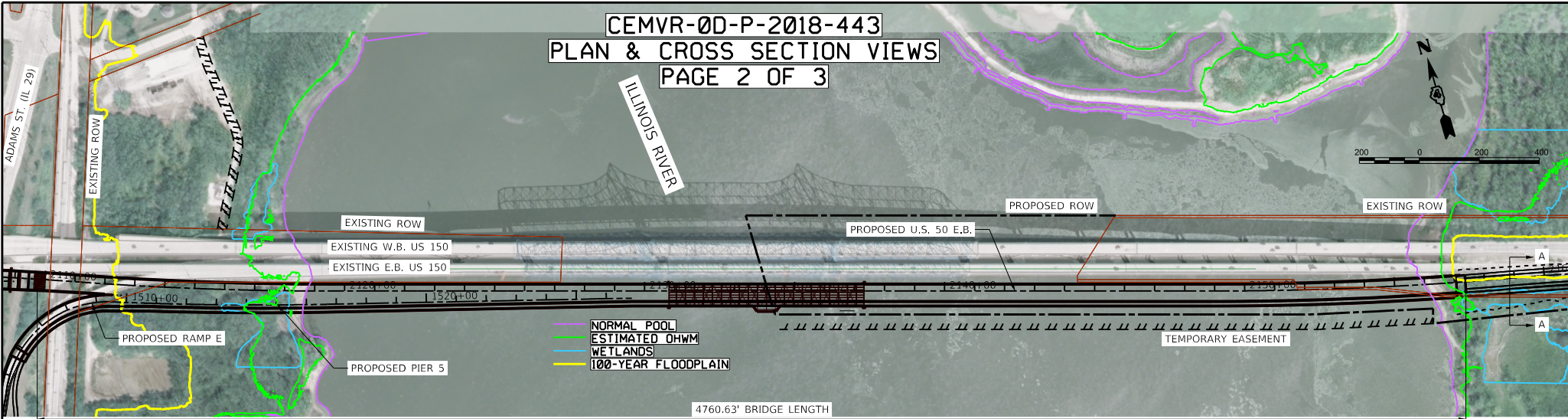
LOCATION OF SECTION INDICATED THUS: -



- NORMAL POOL
- ESTIMATED OHWM
- WETLANDS
- 100-YEAR FLOODPLAIN
- EXISTING RIGHT OF WAY

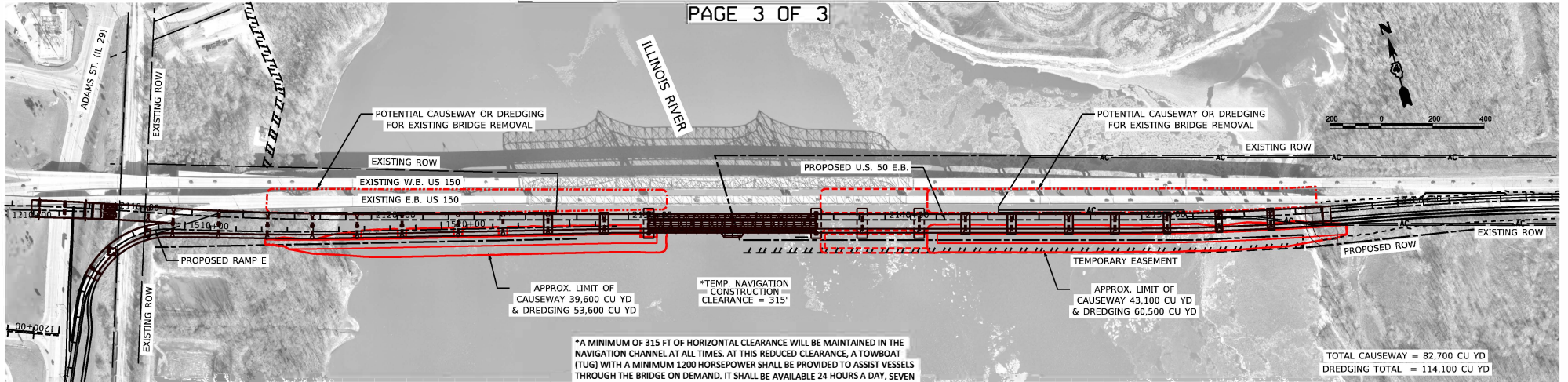


CEMVR-0D-P-2018-443
 PLAN & CROSS SECTION VIEWS
 PAGE 2 OF 3



CEMVR-0D-P-2018-443
 DREDGING & TEMP. CAUSEWAY ACCESS PLANS

PAGE 3 OF 3



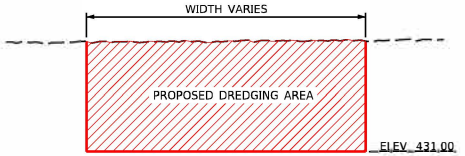
APPROX. LIMIT OF CAUSEWAY 39,600 CU YD & DREDGING 53,600 CU YD

*TEMP. NAVIGATION - CONSTRUCTION CLEARANCE = 315'

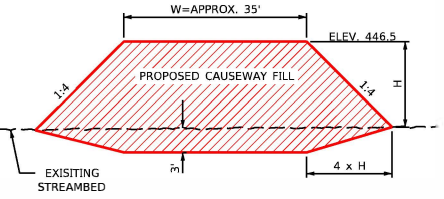
APPROX. LIMIT OF CAUSEWAY 43,100 CU YD & DREDGING 60,500 CU YD

*A MINIMUM OF 315 FT OF HORIZONTAL CLEARANCE WILL BE MAINTAINED IN THE NAVIGATION CHANNEL AT ALL TIMES. AT THIS REDUCED CLEARANCE, A TOWBOAT (TUG) WITH A MINIMUM 1200 HORSEPOWER SHALL BE PROVIDED TO ASSIST VESSELS THROUGH THE BRIDGE ON DEMAND. IT SHALL BE AVAILABLE 24 HOURS A DAY, SEVEN DAYS A WEEK. THE BOAT MAY ALSO BE USED AS A CONTRACTOR'S WORKBOAT, PROVIDED THAT THE ASSISTANCE OF COMMERCIAL TOWS THROUGH THE AREA TAKES PRIORITY OVER THE CONTRACTOR'S NORMAL USAGE.

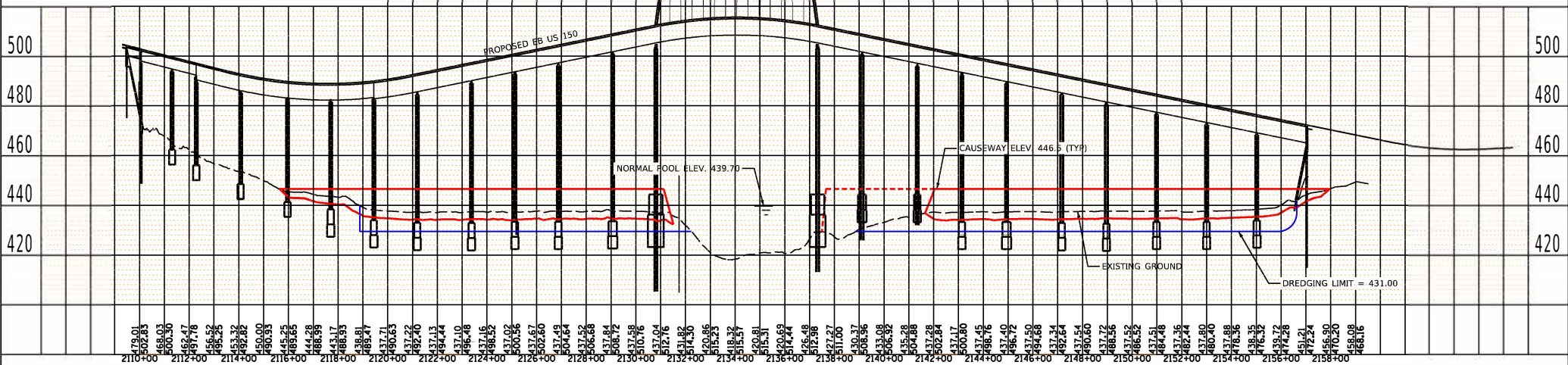
TOTAL CAUSEWAY = 82,700 CU YD
 DREDGING TOTAL = 114,100 CU YD



SECTION THROUGH DREDGING AREA



SECTION THROUGH CAUSEWAY AREA





ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/782-3362

DEC 13 2018

Rock Island District
Corps of Engineers
Post Office Box 2004
Clock Tower Building
Rock Island, IL 61204-2004

United States Coast Guard
1222 Spruce Street
St. Louis, MO 63103-2832

Re: Illinois Department of Transportation – District 4 (Peoria and Tazewell Counties)
East Bound US 150 Bridge – Illinois River, Unnamed Tributaries and Unnamed Wetlands
Log # C-0081-17 [CoE appl. # 2018-443; Coast Guard# D8 DWB-884]

Gentlemen:

This Agency received a request on March 29, 2018 from the Illinois Department of Transportation – District 4 requesting necessary comments concerning the replacement of the bridge carrying Eastbound U.S. 150 over the Illinois River (McClugage Bridge) impacting the Illinois River, unnamed tributaries and unnamed wetlands. We offer the following comments.

Based on the information included in this submittal, it is our engineering judgment that the proposed project may be completed without causing water pollution as defined in the Illinois Environmental Protection Act, provided the project is carefully planned and supervised.

These comments are directed at the effect on water quality of the construction procedures involved in the above described project and are not an approval of any discharge resulting from the completed facility, nor an approval of the design of the facility. These comments do not supplant any permit responsibilities of the applicant toward the Agency.

This Agency hereby issues certification under Section 401 of the Clean Water Act (PL 95-217), subject to the applicant's compliance with the following conditions:

1. The applicant shall not cause:
 - a. violation of applicable water quality standards of the Illinois Pollution Control Board, Title 35, Subtitle C: Water Pollution Rules and Regulations;
 - b. water pollution defined and prohibited by the Illinois Environmental Protection Act;
 - c. violation of applicable provisions of the Illinois Environmental Protection Act; or
 - d. interference with water use practices near public recreation areas or water supply intakes.
2. The applicant shall provide adequate planning and supervision during the project construction period for implementing construction methods, processes and cleanup procedures necessary to prevent water pollution and control erosion.

3. Any spoil material excavated, dredged or otherwise produced must not be returned to the waterway but must be deposited in a self-contained area in compliance with all state statutes, regulations and permit requirements with no discharge to waters of the State unless a permit has been issued by this Agency. Any backfilling must be done with clean material and placed in a manner to prevent violation of applicable water quality standards.
4. All areas affected by construction shall be mulched and seeded as soon after construction as possible. The applicant shall undertake necessary measures and procedures to reduce erosion during construction. Interim measures to prevent erosion during construction shall be taken and may include the installation of staked straw bales, sedimentation basins and temporary mulching. All construction within the waterway shall be constructed during zero or low flow conditions. The applicant shall be responsible for obtaining an NPDES Storm Water Permit prior to initiating construction if the construction activity associated with the project will result in the disturbance of 1 (one) or more acres, total land area. An NPDES Storm Water Permit may be obtained by submitting a properly completed Notice of Intent (NOI) form by certified mail to the Agency's Division of Water Pollution Control, Permit Section.
5. The applicant shall implement erosion control measures consistent with the "Illinois Urban Manual" (IEPA/USDA, NRCS; 2017).
6. The proposed work shall be constructed with adequate erosion control measures (i.e., silt fences, straw bales, etc.) to prevent transport of sediment and materials to the adjoining wetlands and downstream.
7. Asphalt, bituminous material and concrete with protruding material such as reinforcing bar or mesh shall not be 1) used for backfill, 2) placed on shorelines/streambanks, or 3) placed in waters of the State.
8. The mitigation plan received by the Agency in July 12, 2018 and September 6, 2018 emails entitled "2018-443: McClugage Bridge" shall be implemented. Modifications to the mitigation plan must be submitted to the Agency for approval. The permittee shall submit annual reports by July 1 of each calendar year on the status of the mitigation. The first annual report shall include a hydric soils determination that represents the soils at the completion of initial construction for the wetland mitigation site(s). The permittee shall monitor the mitigation for 5 years after the completion of initial construction. A final report shall be submitted within 90 days after completion of a 5-year monitoring period. Each annual report and the final report shall include the following: IEPA Log No., date of completion of initial construction, representative photographs, updated topographic maps, description of work in the past year, the performance standards for the mitigation as stated in the mitigation plan, and the activities remaining to complete the mitigation plan. For wetland mitigation sites containing non-hydric soils at the time of initial construction, the final report shall include a hydric soils determination that represents the soils at the end of the 5-year monitoring period. For mitigation provided by purchase of mitigation banking credits, in lieu of the above monitoring and reporting, the permittee shall submit written proof from the mitigation bank that the mitigation credits have been purchased within thirty (30) days of said purchase. The subject reports and proof of purchase of mitigation credits shall be submitted to:

Illinois Environmental Protection Agency
Bureau of Water
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

This certification becomes effective when the Department of the Army, Corps of Engineers and the U.S. Coast Guard includes the above conditions # 1 through # 8 as conditions of the requested permit issued pursuant to Section 404 of PL 95-217 and the General Bridge Act of 1946.

This certification does not grant immunity from any enforcement action found necessary by this Agency to meet its responsibilities in prevention, abatement, and control of water pollution.

Sincerely,



Darin E. LeCrone, P.E.
Manager, Industrial Unit, Permit Section
Division of Water Pollution Control

DEL:TJF:0081-17.docx

cc: IEPA, Records Unit
IEPA, DWPC, FOS, Peoria
IDNR, Springfield
USEPA, Region 5
Mr. Nicholas Jack, Illinois Department of Transportation - District 4, 401 Main Street, Peoria, IL 61602-1111
Mr. Jeffrey Bushur, Hanson Professional Services, 1525 South Sixth Street, Springfield, IL 62703



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ROCK ISLAND DISTRICT – CORPS OF ENGINEERS
CLOCK TOWER BUILDING - PO BOX 2004
ROCK ISLAND, ILLINOIS 61204-2004

CEMVR-OD-T and EM

FEB 13 2019

MEMORANDUM OF RECORD

SUBJECT: MVR Regulatory Coordination -- CEMVR-OD-P-2018-443

1. On 10 August 2018, MVR Regulatory Branch, issued a Public Notice for a project involving removal and replacement of the existing US 150 eastbound bridge over the Illinois River in Peoria, river mile 165.8.
2. Per EC 1165-2-220, paragraph G-5.a:

Federal law prohibits the construction of bridges over navigable waters of the United States unless first authorized by the U.S. Coast Guard (USCG) under one of its authorities within Title 33 of the U.S. Code, including Section 9 of the Rivers and Harbors Act of 1899. As part of its permit review process, the USCG will evaluate whether the construction or modification of a bridge will obstruct commercial and recreational navigation within the waterway. For bridges that cross a USACE navigation channel, the USCG bridge permit decision will be informed by USACE's determination under Section 408 whether the bridge will impact the usefulness of the navigation project.

3. In addition to requiring a Section 408 determination, the proposed permit action falls entirely within the jurisdictional boundaries of USACE Section 10/404 program. Per EC 1165-2-220, paragraph G-4.b:

For cases in which the scope and jurisdiction between Section 10 and Section 408 align, appropriate district staff for Regulatory will review the information submitted for the purposes of environmental compliance and the public interest review. Appropriate district staff for the USACE Navigation project will review the information for the purposes of determining impacts to the usefulness of the USACE Navigation project (e.g., compare the proposal to approved setback policies and/or overdepths).

And per paragraph G-4.c:

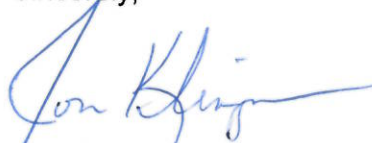
The district staff evaluating impacts to the usefulness of the USACE Navigation project will document their findings in a Memorandum for Record (MFR) that will be provided to the district Regulatory staff for their use in the Section 10 permit evaluation and determination. The MFR will contain the rationale and basis for the impacts to the usefulness determination of the proposed activity on the USACE Navigation project, including any conditions that the applicant would be required to adhere to in order to ensure the continuance of no impacts to the usefulness of the USACE Navigation project. A determination that the alteration will not impair the usefulness of the project satisfies the requirement to ensure that the alteration is "compatible" with the purposes of the project set forth at 33 CFR 320.4(g)(5). The USACE Navigation office is responsible for determining that the conditions in the MFR are enforceable and for enforcing such conditions in the Section 10 permit.

2.

This memorandum serves as the Rock Island District's evaluation and determination regarding the proposed actions impacts to the usefulness of the project.

4. The project was reviewed by both the Rock Island Illinois Waterway Project Office (see attached email correspondence), and the Rock Island District Operations Technical Support Branch. Upon review, these offices have determined the proposed action will not impair the usefulness of the navigation channel, or prohibit USACE from operating and maintaining the channel. In addition to the enclosed Standard Terms & Conditions, the applicant is requested to:
 - a. . Ensure the USACE is notified 72 hours prior to the commencement of work. Please contact the Operations Manager at the Illinois Waterway Project Office, (309) 676-4601.
 - b. This letter does not eliminate the requirement that you may still need to acquire other applicable Federal, State, and Local permits or adhere to their regulations.
5. Questions regarding the above will be taken by Paul St. Louis at 309-794-5208, or by e-mail at Paul.F.St.Louis@usace.army.mil.

Sincerely,



Jon Klingman
Chief, Channel Maintenance Section
Operations Division, Technical Support
Branch



Paul St. Louis
Section 408 Coordinator
Rock Island District

Enclosure

APPENDIX K

Standard Terms and Conditions

This appendix includes the standard conditions that must be included in all Section 408 approval notifications, except where marked as optional. Use of optional conditions should be based on scope and scale of the approved activity:

LIMITS OF THE AUTHORIZATION

1. This permission only authorizes you, the requester, to undertake the activity described herein under the authority provided in Section 14 of the Rivers and Harbors Act of 1899, as amended (33 USC 408). This permission does not obviate the need to obtain other federal, state, or local authorizations required by law. This permission does not grant any property rights or exclusive privileges, and you must have appropriate real estate instruments in place prior to construction and/or installation.
2. The time limit for completing the work authorized ends five (5) years from the date stated on the 408 alteration Request Approval Letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
3. Without prior written approval of the USACE, you must neither transfer nor assign this permission nor sublet the premises or any part thereof, nor grant any interest, privilege or license whatsoever in connection with this permission. Failure to comply with this condition will constitute noncompliance for which the permission may be revoked immediately by USACE.
4. The requester understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the work herein authorized, or if, in the opinion of the Secretary of the Army or an authorized representative, said work will cause unreasonable conditions and/or obstruction of USACE project authorized design, the requester will be required upon due notice from the USACE, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim can be made against the United States on account of any such removal or alteration.

INDEMNIFICATION AND HOLD HARMLESS

5. The United States will in no case be liable for:
 - a. any damage or injury to the structures or work authorized by this permission that may be caused or result from future operations undertaken by the United States, and no claim or right to compensation will accrue from any damage; or
 - b. damage claims associated with any future modification, suspension, or revocation of this permission.

Standard Terms and Conditions

6. The United States will not be responsible for damages or injuries which may arise from or be incident to the construction, maintenance, and use of the project requested by you, nor for damages to the property or injuries to your officers, agents, servants, or employees, or others who may be on your premises or project work areas or the federal project(s) rights-of-way. By accepting this permission, you hereby agree to fully defend, **indemnify**, and **hold harmless** the United States and USACE from any and all such claims, subject to any limitations in law.
7. Any damage to the water resources development project or other portions of any federal project(s) resulting from your activities must be repaired at your expense.

REEVALUATION OF PERMISSION

8. The determination that the activity authorized by this permission would not impair the usefulness of the federal project and would not be injurious to the public interest was made in reliance on the information you provided.
9. This office, at its sole discretion, may reevaluate its decision to issue this permission at any time circumstances warrant, which may result in a determination that it is appropriate or necessary to modify or revoke this permission. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. you fail to comply with the terms and conditions of this permission;
 - b. the information provided in support of your application for permission proves to have been inaccurate or incomplete; or
 - c. significant new information surfaces which this office did not consider in reaching the original decision that the activity would not impair the usefulness of the water resources development project and would not be injurious to the public interest.

CONDUCT OF WORK UNDER THIS PERMISSION

10. You are responsible for implementing any requirements for mitigation, reasonable and prudent alternatives, or other conditions or requirements imposed as a result of environmental compliance.
11. Work/usage allowed under this permission must proceed in a manner that avoids interference with the inspection, operation, and maintenance of the federal project.
12. In the event of any deficiency in the design or construction of the requested activity, you are solely responsible for taking remedial action to correct the deficiency.
13. The right is reserved to the USACE to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to operate and/or to make any other use of the lands as may be necessary in connection with government purposes, and you will have no claim for damages on account thereof against the United States or any officer, agent or employee thereof.

Standard Terms and Conditions

14. You must provide copies of pertinent design, construction, and/or usage submittals/documents. USACE may request that survey and photographic documentation of the alteration work and the impacted project area be provided before, during, and after construction and/or installation.
15. You may be required to perform an inspection of the federal project with the USACE, prior to your use of the structure, to document existing conditions.
16. USACE shall not be responsible for the technical sufficiency of the alteration design nor for the construction and/or installation work.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Rock Island Field Office
1511 47th Avenue
Moline, Illinois 61265
Phone: (309) 757-5800 Fax: (309) 757-5807

IN REPLY REFER
TO

FWS/RIFO

December 15, 2015

Mr. John D. Baranzelli
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, Illinois 62764

Dear Mr. Baranzelli:

This document transmits the Fish and Wildlife Service's (Service) biological opinion for the proposed Illinois Department of Transportation, (IDOT) U.S. Route 150 Bridge (McCluggage Bridge) removal and replacement project over the Illinois River, Peoria and Tazewell Counties, Illinois. Formal consultation under Section 7 of the Endangered Species Act (Act) was initiated by your office on November 20, 2015, following receipt of the final biological assessment.

The enclosed biological opinion addresses effects of the project on the federally threatened decurrent false aster (*Boltonia decurrens*). If you have any questions or concerns regarding this consultation, please contact Heidi Woeber of this office 309/757-5800, ext. 209.

This letter provides comments under the authority of and in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.); and the Endangered Species Act of 1973, as amended.

Sincerely,

Kraig McPeek
Field Supervisor

Final Biological Opinion
U.S. Route 150 Bridge (McClugage Bridge)
Peoria and Tazewell Counties, Illinois.

Prepared by,

Heidi Woeber
US Fish and Wildlife Service
Rock Island Field Office
Moline, IL

November, 2015

Table of Contents

Introduction.....	1
Species Covered in this Consultation.....	1
BIOLOGICAL OPINION.....	2
I. Description of Project	2
II. Status of the Species	4
III. Environmental Baseline.....	5
IV. Effects of the Proposed Action.....	6
V. Cumulative Effects.....	7
VI. Conclusion	7
VII. Reinitiation and Closing Statement	7
Literature Cited.....	8

Introduction

This document provides the Fish and Wildlife Service's (Service) biological opinion for the proposed removal and replacement of U.S. Route 150 (McClugage Bridge) over the Illinois River, Peoria and Tazewell Counties, Illinois, and its effects on the threatened decurrent false aster (*Boltonia decurrens*) in accordance with Section 7 of the Endangered Species Act of 1973 as amended (16 U.S.C 1531 et seq) (Act). The project is proposed by the Illinois Department of Transportation. The Federal Highway Administration is the lead Federal agency for endangered species consultation and has designated ILDOT, the project sponsor, as the lead for endangered species consultation. A request for formal consultation and biological assessment was received on November 20, 2015, from the Illinois Department of Transportation (ILDOT).

This biological opinion is based on information provided in the biological assessment, dated November 20, 2015, Illinois Natural History Surveys dated May 13, and September 27, 2014, and coordination meetings and telephone conversations with ILDOT held in October, November, and December of 2015.

Species Covered in this Consultation

This biological opinion covers the threatened decurrent false aster (*B. decurrens*). In preparation for the proposed project, the ILDOT conducted habitat assessment surveys, conducted by Illinois Natural History Survey (ILNHS), in 2014 and identified one population of the aster containing 53 individuals within the project area (Figure 2A of Appendix A in Biological Assessment). The population was found beneath the bridge near the western abutments and along the shoreline of the Illinois River. The population is also adjacent to an Illinois American Water Company access road. This *B. decurrens* population has been documented at this site since 1991. In 2014 there were thirteen individuals located underneath the eastbound structure, 34 underneath the westbound structure, three individuals to the north of both bridges, and two individuals just south of the structures. The botanical survey reports noted that only five of the 53 plants occurred in native habitat. The rest of the plants occurred in highly altered soils. Also noted in the survey were that many of the plants were located underneath the bridge which is a shaded area. Appendix A of the Biological Assessment contains the full survey report including photographs of the population.

In October of 2015, ILNHS visited the site and no *B. decurrens* was found. The site was under water until mid-July and it appears that, according to Michael Murphy of ILNHS, the timing and duration of spring floods was not conducive to the blooming of *B. decurrens*.

Consultation History

The Service began informal consultation with the ILDOT in March 27, 2014, following receipt of project information and a request for review of the project under Section 7 of

the Act from Mr. Joseph E. Crowe. The Rock Island Field Office of the U.S. Fish and Wildlife Service (USFWS) notified ILDOT on September 24, 2015, that a biological assessment was required. A telephone conference regarding the project and development of the biological assessment was held in October of 2015. The USFWS received the biological assessment for the project on November 20, 2015 and responded by email dated November 23, 2015 acknowledging ILDOT's request to initiate formal consultation.

BIOLOGICAL OPINION

I. Description of Project

Proposed Project – The ILDOT proposes to remove and replace the eastbound U.S. 150 (McClugage Bridge) which carries traffic over the Illinois River in Peoria and Tazewell Counties. Although McClugage Bridge also contains a westbound portion, this project only involves removal and replacement of the eastbound structure. There will be roadwork associated with the interchange approaches on both the east and west sides of the river, as well as instream work. The proposed project extends from Harvard Avenue in the City of Peoria to east of College Drive on U.S. 24 in Tazewell County. To the north, the study area in Peoria follows IL 29 and ends just past of the Lorentz Avenue intersection. In Tazewell County, the study area follows IL 116 and ends just north of the US 150/US 24/IL 116 interchange. The southern limits of the project study area are IL 29 (Adams Street) to Homestead Avenue in Peoria and IL 116 to Centennial Drive in Tazewell County. The condition of the eastbound bridge is deteriorating and does not meet current standards for deck geometry, approaches, clearances, and will not be able to accommodate the capacity of future predicted traffic for the year 2040. The bridge received a sufficiency rating of 22.0/100, indicating that improvements are necessary in order for it to remain in service.

Construction of a new three-lane bridge south of the existing eastbound McClugage Bridge is the preferred alternative for this project. Due to potential construction access issues there are two roads which may be utilized to access the construction site. Both access roads are owned by the Illinois American Water Company. One access route will be via the service road off of Lorentz Road adjacent to the railroad. The second access route is located off of Lorentz Road and travels directly south. Of the two access roads, construction access road 2 is closest to the Illinois River. This access road runs adjacent to the population of *B. decurrens*. This access road will require a 250' extension. Demolition of the existing bridge structure will occur once the new bridge is completed. At this time the method of demolition is unknown. After construction and demolition embankments will be seeded with a grass cover type to prevent. Maintenance and repair of the existing bridge occurs via snoopers from the top of the bridge deck and via the Illinois American Water Company access road that travels directly south off of Lorentz Road. Maintenance and repair of the new bridge is expected to stay the same as the no build conditions.

Project timeline – The proposed improvement is scheduled for a January 2018 letting. The project would be awarded within 45 days of the letting. Construction of the new bridge will be completed within three years. During the fourth year the existing bridge will be taken down.

Action Area – The legal description of the proposed improvement is the 3rd Principal Meridian, Township 26N, Range 4W, Sections 10, 11, 13, 14, 15 and 4th Principal Meridian, Township 9 North, Range 8 East, Section 26 and 35 in Peoria and Tazewell Counties. The proposed improvement crosses the Illinois River. Land cover within the right-of-way is a mix of urban, wetlands, riverine, and mowed embankment.

Conservation Measures – The following measures are described in the biological assessment and are proposed as part of the project:

1. Fencing shall be placed alongside any access road on the western side of the Illinois River to prevent equipment from entering the *B. decurrens* habitat. Where an access road enters the construction limits, the fencing shall run alongside the construction limits to prevent construction equipment from driving around the fence and thus driving over *B. decurrens* habitat or any flowering plants. This fence must come down during the demolition of the existing structure for safety purposes. This area is likely to flood, so the type of fencing used should be designed to withstand flooding.
2. Seeds of *B. decurrens* would be collected in late September or October (depending on bloom time, weather, and rainfall) two years and one year preceding initial construction activities. For example, if construction activities were scheduled to begin during the spring of 2018, seed collection would occur during the autumn of 2016 and/or 2017 depending on population numbers. Allowing two years for seed collection would increase the likelihood of obtaining enough seed in the event that blooming individuals within the population were extremely low or absent for a given year.
3. The flowering/fruitlets heads within the population would be collected during the years described in mitigation measure two. A small portion of the fruiting inflorescence of each individual (or numerous individuals, depending on population size) would be clipped and seeds shaken into a clean bucket. Collecting seeds from individual plants spanning the entire population would increase the likelihood of obtaining genetic variation (i.e., seed from plants growing in full sun, partial shade, river sediment, gravelly soil, etc.).
4. After the *B. decurrens* seeds are collected they would then be allowed to dry 5 to 7 days in a climate-controlled lab (approximately 67° F [19.4° C] and relative humidity 45%). Seeds would then be divided into lots (depending on the volume of seed obtained), placed in Ziploc bags and stored in a freezer at a constant temperature of approximately 20° F (-6.7° C). This storage method would allow the seeds to be stored for several years (3 to 7 years, possibly longer). The project

will take approximately four years to complete from the time the project is let to after the existing bridge is removed. If seeds were collected two years prior to letting they would be stored for six years which is within the safe limits of this storage method.

5. Seed dispersal would optimally be at the original site where seeds were collected. When all construction activities have been completed at the McClugage Bridge site, seeds can then be removed from cold storage and hand broadcast at the site sometime between late April and June. Broadcasting of seed would depend on weather and flood conditions, and optimally would take place at the end of the last major flood event.
6. If unforeseen circumstances arise and the seed has been held for seven growing years ILDOT will consider whether the seed should continue to be held or dispersed at another location. Alternate areas where dispersal could occur are Detweiller Marina or Spring Bay Fen Nature Preserve. Detweiller Marina is an approximately 6 acre floodplain prairie/shrub prairie habitat in Peoria County, five miles north of the project site, on the west side of the river, and is owned and ecologically managed by the Peoria Park District. Spring Bay Fen Nature Preserve includes floodplain habitats approximately 4.5 miles north of the McClugage Bridge Site, on the east side of the Illinois River in Woodford County. Both of these areas have existing populations of *B. decurrens*. ILDOT will coordinate with USFWS if this circumstance arises.

II. Status of the Species

Background and Status - This section presents the biological and ecological information relevant to formulating this biological opinion. Appropriate information on the species life history, its habitat and distribution, and other data regarding factors necessary to its survival is included to provide background for analysis in later sections. This information is also presented in the listing documents, the Recovery Plan (Service 1990), the Final Biological Opinion for the Operation and Maintenance of the 9-foot Navigation Channel on the Upper Mississippi River System (USFWS 2000), the Biological Assessment of the Upper Mississippi River-Illinois Waterway System Navigation Study (USACE 2004), and the Service's Biological Opinion for the Upper Mississippi River-Illinois Waterway System Navigation Study (USFWS 2004).

B. decurrens was listed as a threatened species by the Service on November 14, 1988 (53 FR 45861). It is a floodplain species that is endemic to the Illinois Waterway and parts of the Upper Mississippi River near St. Louis, Missouri (Schwegman and Nyboer 1985, USFWS 1990). Herbarium records indicate that its historical range and habitat were the shores of lakes and streams in the Illinois River floodplain and the Mississippi River floodplain at its confluence with the Illinois River (Schwegman and Nyboer 1985).

B. decurrens is an early successional annual or biennial plant species that requires open areas for population establishment, and its natural habitat has been described as wet

prairies, shallow marshes, and shores of open rivers, creeks, and lakes (Schwegman and Nyboer 1985). In the past, the annual flood/drought cycle of the Illinois River provided the natural disturbance required by this species. Annual spring flooding created the requisite open, bare-soil habitat and reduced competition by eliminating less-flood tolerant competitors. Field observations indicate that in areas without disturbance, the species is eliminated by competition within three to five years. While suitable habitat has been described as stated above, no critical habitat is currently designated for the species.

The Service's five year review has determined that the species population status was generally stable (USFWS 2010). The Recovery Plan states that the species will be considered recovered after 12 stable populations have been protected by purchase, easement, or cooperative management agreement (USFWS 1990). Recent surveys have identified as many as 26 populations (USFWS 2010), but numbers of individual plants have periodically decreased (Smith 2002). Given the fecundity of the species and the long-term viability of achenes (Baskin and Baskin 2002), it is likely that numbers of individual plants within each known population will vary widely with changing hydraulic conditions. Overall, the rangewide population of the species is believed to be stable to date. However, habitat destruction and modification continue to have detrimental effects on the species.

Analysis of the Species Likely to be Affected – Based on the May and September 2014 site surveys, the project action area contains suitable habitat and 53 individual plants of *B. decurrens* have been found in the project vicinity. The habitat, while not ideal, may be suitable because the area floods and woody vegetation is kept out of the roadside areas due to shade cover provided by the bridge structures and right-of-way maintenance. Only 5 individuals occurred in native habitat. The rest of the plants occurred in highly altered soils. A site survey performed in 2015 identified no individual plants in the project area. Of the 53 plants found in 2014, fifty will potentially be impacted by the project. Three plants will be impacted during construction of the new bridge. Nineteen plants will potentially be impacted by extending the access road 250' directly south of Lorentz Road and installing a fence along the access road. Demolition of the existing eastbound bridge will potentially impact 28 individuals with twelve individuals occurring under the existing bridge. The remaining individuals will potentially be impacted by trucks maneuvering during demolition of the existing bridge. Based on the 2014 *B. decurrens* population there will be 0.29 acre of temporary impact due to the construction of the new bridge with 0.01 acre of permanent impact for the pier and 0.24 acre of temporary impact due to the demolition of the existing bridge. After construction of the new bridge is complete the embankment will be seeded with a grass cover type.

III. Environmental Baseline

Status of the Species in Project Area – The Natural Heritage Database (NHD) depicts two *B. decurrens* colonies on the east side of the Illinois River just south of the existing McClugage Bridge. The first colony is located 0.18 miles south of the existing McClugage Bridge. The second colony starts 0.62 mile south of the existing McClugage Bridge and extends for 0.78 mile. Additionally, the NHD depicts eight colonies of

B. decurrens (one record of occurrence) 4.5 miles north of the existing McClugage Bridge and extending 2.75 miles to the north, with colonies on both sides of the Illinois River. The closest colony to the north, on the west side of the River, occurs on land owned and ecologically managed by the Peoria Park District. The colony to the north, on the east side of the River, exists within the Spring Bay Fen Nature Preserve. The NHD contains 31 Element of Occurrence Representations of *B. decurrens* statewide.

Factors Affecting Species Environment within the Action Area – No other proposed Federal actions that may affect *B. decurrens* in the project action area are known at this time.

IV. Effects of the Proposed Action

Direct effects are defined as the direct or immediate effects of the action on the species or its habitat. Direct effects result from the project action, including the effects of interrelated and interdependent actions. Indirect effects are defined as the effects that are caused by the proposed action that may occur later in time, but are reasonably certain to occur.

Direct impacts to *B. decurrens* would arise from construction of the proposed new eastbound bridge. During construction of the new bridge, the land will be cleared and graded where three individual plants are located. The new bridge will be 74'2" wide and will require an additional approximately 125 feet of right of way to the south of the existing structure in the area where *B. decurrens* was found. Piers for the new structure will be the only permanent addition at ground level in the area. Based on the 2014 *B. decurrens* population there will be 0.29 acre of temporary impact due to the construction of the new bridge with 0.01 acre of permanent impact for the pier.

During construction the use and 250' extension of construction access road 2 and installing a fence along the access road are activities that are located in the area of the 2014 survey population and will cause direct impacts to 19 individual plants if they are present. Direct impacts to 28 individual plants and temporary impacts to 0.24 acre would also arise from the demolition of the existing bridge. Any individuals located directly under the existing bridge structure at the time of demolition would incur a direct impact. At this time the method of demolition is unknown.

Potential indirect impacts to *B. decurrens* may occur due to future repairs on the new eastbound bridge. Access may be required via the road travelling directly south of Lorentz Avenue. If repairs are necessary when plants are blooming and if the plant occurs where the repairs are necessary, direct impacts may result. It is, however, difficult to predict when and where these events will occur and if *B. decurrens* will be present when repairs are necessary.

V. Cumulative Effects

Cumulative effects are effects of future State, local, or private actions, not involving Federal action that are reasonably certain to occur in the action area. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to Section 7 of the Act. No actions are anticipated to occur in the project action area that will not be subject to future Section 7 consultation.

VI. Conclusion

After reviewing the current status of *B. decurrens*, the environmental baseline conditions for the action area, and the effects of the proposed action, it is the Service's biological opinion that the proposed action is not likely to jeopardize the continued existence of the species. No critical habitat has been designated for this species, and therefore none will be affected.

VII. Reinitiation and Closing Statement

This concludes formal consultation for the potential effects of the project on listed species. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion, (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

Literature Cited

- Baskin, C.C. and J.M. Baskin. 2002. Achene germination ecology of the federally threatened floodplain endemic *Boltonia decurrens*. *American Midland Naturalist* 147:16-24.
- Schwegman, J.E. and R.W. Nyboer. 1985. The taxonomic and population status of *Boltonia decurrens* (Torr. & Gray) Wood. *Castanea* 50:112-115.
- Smith, M. 2002. Year 2002 inventory of decurrent false aster (*Boltonia decurrens*). U.S. Army Corps of Engineers, Rock Island District, final report. 5pp.
- Smith, M. and P. Mettler. 2002. The role of the flood pulse in maintaining *Boltonia decurrens*, a fugitive plant species of the Illinois River floodplain: A case history of a threatened species. Pp. 109-144 in B. Middleton, ed. *Flood pulsing in wetlands. Restoring the natural hydrological balance.* John Wiley & Sons, New York, NY.
- Smith, M. and T.M. Keevin. 1998. Achene morphology, production and germination, and potential for water dispersal in *Boltonia decurrens* (decurrent false aster), a threatened floodplain species. *Rhodora* 100(901):69-81.
- Smith, M., H. Caswell, and P. Mettler-Cherry. 2005. Stochastic flood and precipitation regimes and the population dynamics of a threatened floodplain plant. *Ecological Applications* 15(3):1036-1052.
- Smith, M., Y. Wu, and O. Green. 1993. Effect of light and water-stress on photosynthesis and biomass production in *Boltonia decurrens* (Asteraceae), a threatened species 80(8):859-864.
- USACE. 2004. Biological assessment of the Upper Mississippi River-Illinois Waterway System Navigation Study. 193pp.
- USACE. 2010a. Biological assessment for the decurrent false aster, Upper Mississippi River system environmental management program Rice Lake State Fish and Wildlife Area habitat rehabilitation and enhancement. 4pp.
- USACE. 2010b. Definite project report with integrated environmental assessment; Rice Lake State Fish and Wildlife Area Habitat Rehabilitation and Enhancement Project. 416pp.
- USFWS. 1990. Decurrent False Aster. U.S. Fish and Wildlife Service. Twin Cities, MN. 26pp.
- USFWS. 2000. Final biological opinion for the operation and maintenance of the 9-foot navigation channel on the Upper Mississippi River system. 240pp.
- USFWS. 2010. Decurrent false aster 5-year review: Summary and Evaluation. 20pp.

Appendix C

**Section 106/Programmatic
Section 4(f) Evaluation for the
Eastbound US 150 Bridge**

SECTION 106/PROGRAMMATIC SECTION 4(F) EVALUATION

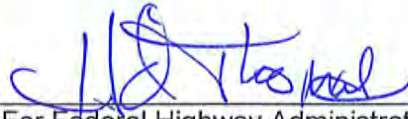
Replacement of the US 150 Eastbound (McClugage Bridge) over the Illinois River
Peoria and Tazewell Counties
Existing Structure No. 090-0070

U.S. Department of Transportation
Federal Highway Administration

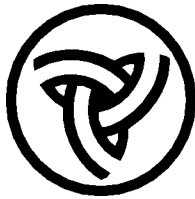
The Federal Highway Administration (FHWA) has determined that this project meets all requirements for processing under the Nationwide Programmatic Section 4(f) evaluation for historic bridges approved on July 5, 1983. This determination is based on the attached documentation, which has been independently evaluated by FHWA and determined to adequately and accurately discuss the Section 4(f) considerations of this project. Accordingly, FHWA gives Section 4(f) approval under the Nationwide Programmatic Section 4(f) Evaluation for the proposed replacement of the eastbound U.S. Route 150 Bridge over the Illinois River (Structure No. 090-0070), which is eligible for listing on the National Register of Historic Places. This documentation also satisfies the requirements of 36 CFR 800.11(e).

8/08/17

Date



For Federal Highway Administration



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

**Peoria & Tazewell County
Peoria & East Peoria
FAP 317, US 150/War Memorial Drive
Bridge Replacement over Illinois River
McClugage Bridge, SN: 090-0070
IDOT Sequence #18513
IHPA Log #023052115**

December 22, 2016

FEDERAL - Section 106 Project

DRAFT MOA – Proposed Mitigation

Dr. Rachel Leibowitz
Deputy State Historic Preservation Officer
Illinois Historic Preservation Agency
1 Old State Capitol Plaza
Springfield, Illinois 62701

Dear Dr. Leibowitz:

In ongoing coordination with your office and the Federal Highway Administration (FHWA), please find attached a draft Memorandum of Agreement (MOA) for the above referenced project. The Illinois Department of Transportation (IDOT) plans to replace the existing eastbound McClugage Bridge, which has been determined eligible for the National Register of Historic Places.

The IDOT in coordination with FHWA has determined that this action will cause an adverse effect to the McClugage Bridge and has coordinated this finding with your office (see attached letter dated May 27, 2016). To date, however, no reply has been received. The IDOT and FHWA propose to mitigate the adverse effect by installing interpretative displays on and near the new bridge along a multiuse path. The identification and evaluation of archaeological resources will be completed in a phased manner when IDOT has secured access to high-priority areas within the Area of Potential Effects (APE).

In coordination with FHWA, the attached draft MOA has been developed. Please provide comments on the MOA and proposed mitigation in 30 days if possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Koldehoff'.

Brad H. Koldehoff
Cultural Resources Unit
Bureau of Design & Environment



**Illinois Historic
Preservation Agency**

1 Old State Capitol Plaza, Springfield, IL 62701-1512

FAX (217) 524-7525

www.illinoishistory.gov

Various Counties

Peoria & East Peoria

Bridge Replacement (SN 090-0070, McClugage Bridge)

Peoria & Tazewell Counties - War Memorial Drive/US 150 over the Illinois River

IDOT Seq #-18513, IDOT/ISAS#-14033

IHPA Log #023052115

January 10, 2017

Brad Koldehoff

Illinois Department of Transportation

Bureau of Design and Environment

2300 S. Dirksen Parkway

Springfield, IL 62764

Dear Mr. Koldehoff:

Thank you for requesting comments from our office concerning the possible effects of the project referenced above on cultural resources. Our comments are required by Section 106 of the National Historic Preservation Act of 1966 (16 USC 470), as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties".

We are in receipt of a draft Memorandum of Agreement (MOA) that includes proposed measures that will mitigate the adverse effect of demolishing the Eastbound McClugage Bridge. We have reviewed the document and have found the proposed mitigation measures to be adequate. The commemoration of the bridge with interpretive memorials at the bridgeheads and at the scenic overlook will enhance the multipurpose trail and educate the public. Please send a final MOA for the Director's signature.

If you have questions please contact Cultural Resources Manager, David Halpin, at 217/785-4998 or at david.halpin@illinois.gov.

Sincerely,

Rachel Leibowitz, Ph.D.

Deputy State Historic

Preservation Officer

RL:djh

c: Janis P. Piland, Federal Highway Administration



U.S. Department
of Transportation

**Federal Highway
Administration**

Illinois Division

April 28, 2017

3250 Executive Park Dr.
Springfield, IL 62703
(217) 492-4640
www.fhwa.dot.gov/ildiv

In Reply Refer To:
HPER-IL

Mr. Reid Nelson
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

Dear Mr. Nelson:

The Illinois Department of Transportation proposes to use Federal-aid funding to replace the eastbound McClugage Bridge (Structure #090-0070) that carries US 150 over the Illinois River in Peoria and Tazewell counties, Illinois. The Federal Highway Administration (FHWA) has determined the undertaking will have an adverse effect. We notified the Advisory Council on Historic Preservation of the adverse effect determination and the Council chose not to participate in the consultation.

This adverse effect will be mitigated through the stipulations as described in the enclosed Memorandum of Agreement (MOA). The FHWA notified the Tribes who have an interest in this project area and the Miami Nation of Oklahoma expressed an interest in the project. The FHWA has consulted with the Miami Nation in developing the MOA, provided them a revised MOA with their comments addressed, and has invited them to be a concurring party.

We are submitting this executed MOA Pursuant to 36 Code of Federal Regulations 800.6. If you have any questions, please call me at (217) 492-4989.

Sincerely,

Janis P. Piland, P.E.
Environmental Engineer

Enclosure

ecc: Ms. Priscilla Tobias, Office of Program Development, IDOT
Mr. Paul Loete, Office of Highways Project Implementation, IDOT
Ms. Maureen Addis, Bureau of Design and Environment, IDOT
Mr. Brad Koldehoff, Bureau of Design and Environment, IDOT
Mr. Kensil A. Garnett, Region 3 Engineer, IDOT
Dr. Rachel Leibowitz, Illinois Historic Preservation Agency

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
ILLINOIS STATE HISTORIC PRESERVATION OFFICER,
AND ILLINOIS DEPARTMENT OF TRANSPORTATION,
REGARDING THE REPLACEMENT OF THE EASTBOUND McCLUGAGE BRIDGE
OVER THE ILLINOIS RIVER
IN PEORIA AND TAZEWELL COUNTIES, ILLINOIS**

WHEREAS, the Illinois Department of Transportation (IDOT) plans to replace the eastbound McClugage Bridge (Structure #090-0070) that carries US 150 over the Illinois River, IDOT Sequence #18513 (Project) in the Counties of Peoria and Tazewell, Illinois; and

WHEREAS, the Federal Highway Administration (FHWA) plans to fund the Project, thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. Section 470f, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, the FHWA has defined the Project's Area of Potential Effects (APE) as encompassing the existing McClugage Bridge (both eastbound and westbound structures), adjacent interchanges, the Illinois River, and adjacent parcels (Exhibit A); and

WHEREAS, the FHWA has determined that the Project will have an adverse effect on the eastbound McClugage Bridge, which has been determined eligible for the National Register of Historic Places (NRHP); and

WHEREAS, the Project may have effects upon as yet identified archaeological resources within the APE; and

WHEREAS, the FHWA has consulted with the Illinois State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. Part 800; and

WHEREAS, the FHWA has invited the IDOT to participate in consultation and to become signatory to this memorandum of agreement (MOA); and

WHEREAS, the public was given an opportunity to comment on the undertaking's adverse effect in a notice published on May 31, 2015 and July 19, 2015 in the *Peoria Journal Star*; and

WHEREAS, pursuant to 23 U.S.C. Section 144(o)(4), there were no responsible parties who expressed an interest in taking ownership of the bridge to maintain and preserve the bridge in perpetuity, and

WHEREAS, the FHWA notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect to the eastbound McClugage bridge on September 15, 2016, pursuant to 36 CFR Section 800.6(a)(1); and the ACHP declined to enter into consultation in a letter to FHWA dated October 14, 2016; and

WHEREAS, the FHWA has invited consultation of the following Tribes: Ho-Chunk Nation, Iowa Tribe of Kansas and Nebraska, Iowa Tribe of Oklahoma, Kickapoo Traditional Tribe of Texas, Kickapoo Tribe in Kansas, Kickapoo Tribe of Oklahoma, Miami Tribe of Oklahoma, The Peoria Tribe of Indians of Oklahoma, Citizen Potawatomi Nation, Forest County Potawatomi, Hannahville Indian Community, Pokagon Band of Potawatomi Indians, Prairie Band Potawatomi

McClugage Bridge Memorandum of Agreement

IDOT Sequence #18513

Page 1 of 10

Nation, Sac and Fox Tribe of Mississippi in Iowa, Sac and Fox Nation of Missouri, and Sac and Fox Nation of Oklahoma; only the Miami Tribe of Oklahoma expressed an interest in the project and is invited to be a concurring party to this MOA; and

WHEREAS, the FHWA has invited consultation of the following historic preservation groups: Peoria Historic Preservation Commission, Peoria Historical Society, East Peoria Historical Society, and Tazewell County Genealogical & Historical Society; no groups expressed interest in the project; and

NOW, THEREFORE, the FHWA, IDOT, and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The FHWA, in coordination with the IDOT, shall ensure that the following measures are carried out:

1. BRIDGE MITIGATION

The construction of the new eastbound McClugage Bridge will require the removal of the existing structure. This adverse effect will be mitigated by commemorating and interpreting both the existing McClugage Bridge and the previous (original) structure known as the Upper Free Bridge, an 1888 structure located north of the existing bridge. Interpretative memorials will be constructed at three locations along the proposed multi-use pedestrian path: one at the trail heads on either side of the river and one at a scenic overlook on a widened section of the path on the new McClugage Bridge (Exhibit B). The final locations and interpretative content of these memorials will be coordinated with the SHPO.

2. ARCHAEOLOGICAL INVESTIGATIONS

A. Identification and Evaluation of Resources. Current land use and landowner access has hindered efforts to conduct an archaeological survey within the APE. Test excavations will be conducted by IDOT in a staged fashion when access to high-priority parcels has been secured (Exhibit C). IDOT will make a good-faith effort to identify archaeological resources and to evaluate their NRHP eligibility in consultation with FHWA, SHPO, and the Miami Tribe of Oklahoma. The FHWA and IDOT will consult with the Miami Tribe of Oklahoma regarding properties to which the Tribe may attach cultural or religious importance in compliance with the provisions of 36 C.F.R. § 800.4.

B. Mitigation of Adverse Effects. If archaeological sites are discovered that are determined eligible for the NRHP in coordination with FHWA, SHPO, and the Miami Tribe of Oklahoma, IDOT will consult with FHWA, SHPO, and the Miami Tribe of Oklahoma in developing measures to avoid and minimize potential impacts to these historic properties. When impacts cannot be avoided, data-recovery excavations will be conducted by IDOT. These investigations will follow the generalized data-recovery plans for prehistoric and historic era habitation sites listed in Exhibit D.

C. Unanticipated Discoveries during Construction:

1. Objectives: The following procedures will be used in the event that previously unreported and unanticipated historic properties or human remains are found during IDOT construction activities. The procedures differ depending on whether unanticipated cultural materials (see Section C.2.) or human remains (see Section C.3.) are encountered. The plan is intended to ensure that the project is in compliance with all applicable Federal and State laws and regulations, including Section 106 of the NHPA of 1966 (36 CFR 800), the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420), the Illinois Archaeological and Paleontological Resources Protection Act (20 ILCS 3435), and the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).
2. *Procedures for an Unanticipated Discovery of Historic Properties:* In the event of an unanticipated discovery of historic properties during IDOT construction activities, IDOT will follow these procedures:
 - a. The construction contractor must immediately stop all construction activity within a 150 foot radius of the discovery, notify IDOT of the discovery, and implement interim measures to protect the discovery from looting and vandalism. Within 48 hours of receipt of this notification of the discovery, IDOT shall:
 - i. inspect the work site to determine the extent of the discovery and ensure that construction activities have halted;
 - ii. clearly mark the area of the discovery;
 - iii. implement additional measures, as appropriate, to protect the discovery from looting and vandalism; and
 - iv. notify the FHWA, the Illinois SHPO, and the Tribes who have identified the location as within their ancestral homelands, of the discovery.
 - b. The IDOT/FHWA will have seven business days following notification to determine the NRHP eligibility of the discovery after considering the filed comments of the Illinois SHPO, interested Tribes, and other consulting parties. The IDOT/FHWA may assume the newly discovered property to be eligible for the NRHP for the purposes of Section 106 pursuant to 36 CFR§ 800.13(c)
 - c. If the find is determined to be potentially significant, IDOT will consult with the Illinois SHPO, the Tribes, and other interested parties regarding appropriate measures for site treatment. For properties determined eligible for the NRHP, IDOT/FHWA will notify the Illinois SHPO, interested Tribes, and other consulting parties, of those actions for which it proposes to resolve adverse effects. Interested Tribes and other consulting parties will have seven business days to provide their views on the proposed actions. The IDOT/FHWA will ensure that the recommendations of interested Tribes and other consulting parties are taken into account prior to granting approval of the measures that will be implemented to resolve adverse effects. These measures may include:
 - i. formal archaeological evaluation of the site;
 - ii. visits to the site by the Illinois SHPO, the Tribes, and other interested parties;

- iii. exploration of potential alternatives to avoid the site;
 - iv. preparation of a mitigation plan by IDOT in consultation with the Tribes for approval by the Illinois SHPO;
 - v. implementation of a mitigation plan; and
 - vi. FHWA approval to resume construction following completion of the fieldwork component of the mitigation plan.
 - d. If the find is determined to be either isolated or completely disturbed by construction activities, IDOT will consult with the Illinois SHPO, the Tribes, and other interested parties prior to resuming construction.
 - e. Dispute Resolution: The FHWA will seek and take into account the recommendations of the ACHP in resolving any disagreements that may arise regarding determination of effects.
3. *Procedures for an Unanticipated Discovery of Human Remains and Burials:* In the case of an unanticipated discovery of human remains or burials on Federal land, IDOT will follow the procedures outlined by the Native American Graves Protection and Repatriation Act, as amended (43 CFR 10, Subpart B), and pursuant to the Archaeological Resources Protection Act of 1979 (43 CFR 7). In the event of an unanticipated discovery of human remains or burials on non-Federal lands during IDOT construction activities, the IDOT will comply with the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440) as administered by the Illinois Historic Preservation Agency (IHPA) and will follow these procedures:
- a. Upon encountering human remains or an unmarked human burial during ground disturbing construction activities, IDOT will ensure that the construction contractor immediately stops work within a 150 foot radius from the point of discovery. The IDOT will ensure that the construction contractor implements interim measures to protect the discovery from vandalism and looting, but must not remove or otherwise disturb and human remains or other items in the immediate vicinity of the discovery.
 - b. The IDOT will notify the County Coroner, IHPA, the Tribes, and other interested parties within 48 hours of the discovery. The IDOT/FHWA will contact by phone the point of contact for each interested Tribe of the discovery.
 - c. Within 72 hours after notification the County Coroner will determine jurisdiction. If the remains are older than 100 years, the County Coroner will transfer jurisdiction to IHPA.
 - d. In coordination with IHPA, IDOT will determine if the skeletal remains are human, the degree to which they were disturbed, and if possible, assess their potential age and cultural affiliation without any further disturbance.
 - e. The IDOT/FHWA is responsible for notifying the Tribes within 24 hours of IHPA's findings.
 - f. If it is determined by IHPA that intact or fragmented human remains are present and they are Native American, IDOT will consult with the IHPA,

Illinois SHPO, FHWA, the Tribes, and other interested parties regarding additional measures to avoid, and protect or mitigate, the adverse effect of the project on the human remains and burial site. These measures may include:

- i. formal archaeological evaluation of the site;
- ii. if the remains are determined to be Native American, consultation with the Tribes will be required;
- iii. visits to the site by the Illinois SHPO, the Tribes, and other interested parties; exploration of potential alternatives to avoid the human remains or burial;
- iv. for Native American remains, implementation of a mitigation plan by IDOT in consultation with IHPA and the Tribes, including procedures for disinterment and re-interment;
- v. implementation of the mitigation plan; and
- vi. IHPA and FHWA approval to resume construction following completion of the fieldwork component of the mitigation plan.

D. FHWA and IDOT shall comply with Section IV.C. of the Memorandum of Understanding regarding Tribal Consultation Requirements for the Illinois Federal Transportation Program to ensure the confidentiality of any sensitive materials or information identified by the Miami Tribe of Oklahoma.

3. DURATION

This MOA will be null and void if its stipulations are not carried out within ten (10) years from the date of its execution. At such time, and prior to work continuing on the undertaking, the FHWA shall either (a) execute a MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, the FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation 6 below. The FHWA shall notify the signatories as to the course of action it will pursue.

4. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, IDOT and FHWA, in coordination with the SHPO, shall make reasonable efforts to avoid, minimize, or mitigate adverse effects to such properties and follow the requirements of 36 CFR Section 800.13(b).

5. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, the FHWA will:

- A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FHWA shall prepare a written response that takes into account any timely advice or comments

regarding the dispute from the ACHP and signatories and provide them with a copy of this written response. The FHWA will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the MOA, and provide them and the ACHP with a copy of such written response.

C. The FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

6. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

7. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation 6 above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The FHWA shall notify the signatories as to the course of action it will pursue.

EXECUTION of this MOA by the FHWA and SHPO and implementation of its terms are evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

McClugage Bridge Memorandum of Agreement Signatory

FEDERAL HIGHWAY ADMINISTRATION

By: Janis P. Pitard Date: 4-26-2017

McClugage Bridge Memorandum of Agreement Invited Signatory

ILLINOIS DEPARTMENT OF TRANSPORTATION

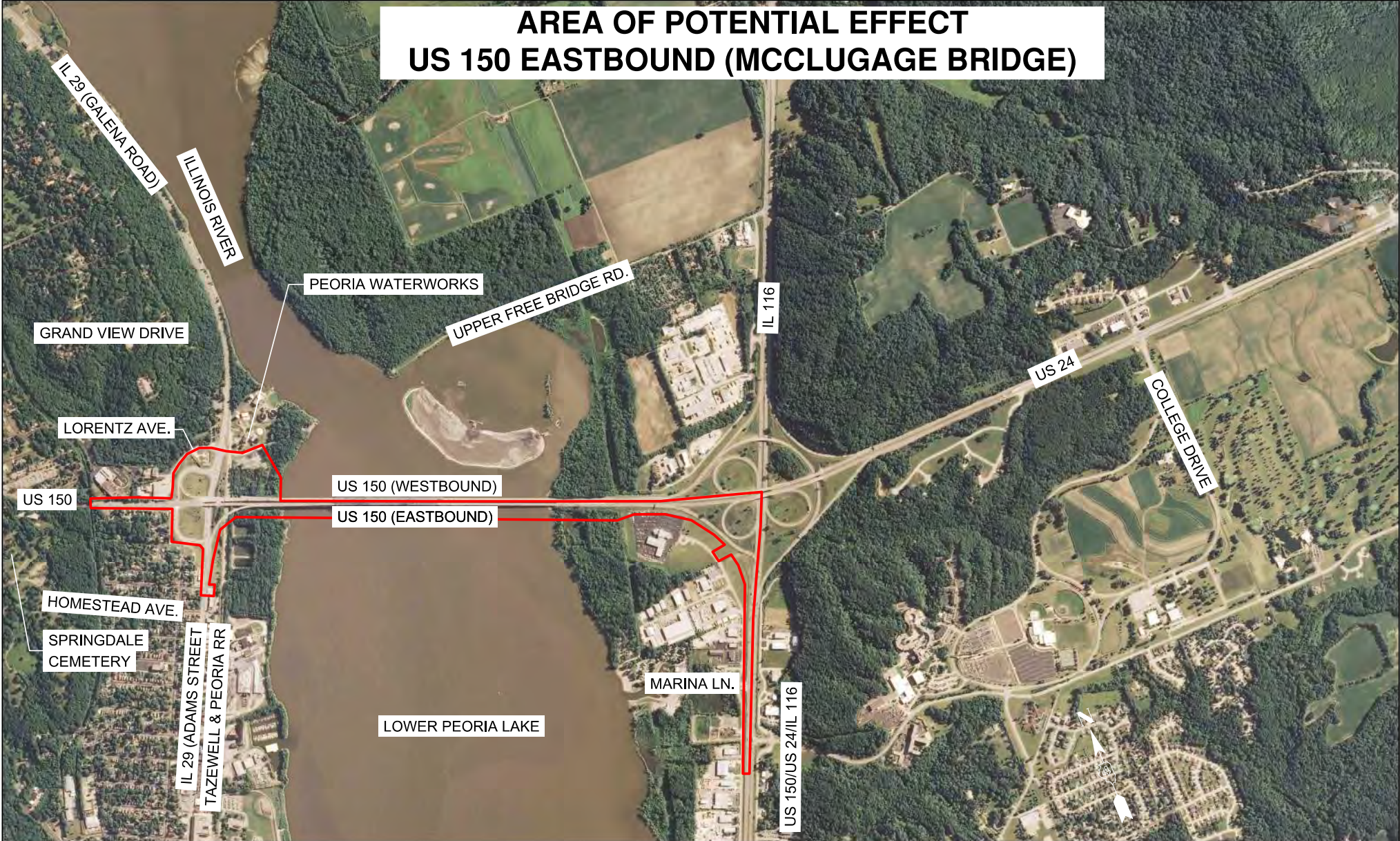
By: Paul A. Darned Date: 042017

McClugage Bridge Memorandum of Agreement Concurring Party

MIAMI TRIBE OF OKLAHOMA

By: _____ Date: _____

AREA OF POTENTIAL EFFECT US 150 EASTBOUND (MCCLUGAGE BRIDGE)



IL 29 (GALENA ROAD)

ILLINOIS RIVER

PEORIA WATERWORKS

UPPER FREE BRIDGE RD.

GRAND VIEW DRIVE

LORENTZ AVE.

US 150

US 150 (WESTBOUND)

US 150 (EASTBOUND)

HOMESTEAD AVE.

SPRINGDALE CEMETERY

IL 29 (ADAMS STREET
TAZEWELL & PEORIA RR)

LOWER PEORIA LAKE

MARINA LN.

IL 116

US 150/US 24/IL 116

US 24

COLLEGE DRIVE



Illinois Department of Transportation

Memorandum

To: Maureen M. Addis, Design & Environment Attn. Brad Koldehoff
From: Kensil A. Garnett
Subject: **Proposal for the McClugage Bridge Memorial**
Date: September 9, 2016

BUREAU OF PROGRAM DEVELOPMENT
STUDIES & PLANS – PHASE I
FAP Route 317 (US 150)
Section: (15B)BR
Peoria and Tazewell Counties
Contract No. 68B46
Job No. P-94-018-13
Catalog No. 034923-00P

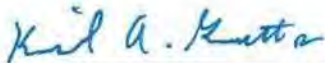
Shown attached for your consideration is a revised proposal to commemorate both the existing US 150 eastbound (McClugage Bridge) structure and the original structure constructed near that location known as the Upper Free Bridge.

The reconstruction of the eastbound US 150 (McClugage Bridge) over the Illinois River will require the removal of the existing original McClugage Bridge structure to allow for the construction of the new eastbound structure. Constructing the new eastbound McClugage Bridge allows us the opportunity to commemorate both the old McClugage Bridge and the Upper Free Bridge. It is proposed to have memorials situated at locations along the multi-use pedestrian path trailheads on each side of the river or at a scenic overlook on a widened section of the path on the new McClugage Bridge.

The revised proposal outlines basic concepts for each option. The final location(s) and configuration would be determined through study and consultation with an approval from the Bureau of Design and Environment and the State Historic Preservation Office. This proposal supersedes the first proposal that was sent to your office on July 28, 2016. Per your direction, we have added structural members from the original bridge to the memorial locations to provide a hands-on experience for those using the multi-use path.

MEMO – Maureen M. Addis, Engineer of Design & Environment
Attention: Brad Koldehoff
RE – Proposal for McClugage Bridge Memorial
September 9, 2016
Page Two

Please review this proposal and provide guidance on its merit and if we should proceed. If you have any questions or wish to discuss, please contact Mr. Chris Maushard, Project Engineer, at (309) 671-3453.



Kensil A. Garnett, P.E.
Region Three Engineer

CEM:tdp

Attachment(s)

cc: Kensil A. Garnett
Project File (C. Maushard)
Acting Studies & Plans Engineer (M. Lewis)
Acting Program Development Engineer (J. Miller)