



# PUBLIC NOTICE

US Army Corps  
of Engineers  
Rock Island District

Applicant: Wal-Mart Stores, Inc.

Date: March 23, 2004  
Expires: April 12, 2004

CEMVR-OD-P-2004-246

Section 404

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**Joint Public Notice  
US Army Corps of Engineers  
Illinois Environmental Protection Agency**

1. Applicant. Wal-Mart Stores, Incorporated, 2001 S.E. 10<sup>th</sup> Street, Bentonville, Arkansas 72716.
2. Project Location. An Unnamed Tributary to the Kishwaukee River and adjacent wetlands in Section 26, Township 44 North, Range 2 East, in Rockford, Winnebago County, Illinois.
3. Project Description. The applicant proposes to construct a commercial development at the project site. The applicant's stated purpose of the project is to construct a new Wal-Mart Super Center store to replace an existing Wal-Mart store located adjacent to the project site. An existing 1163-foot-long, 9.0-foot-wide, and 2.0-foot-deep portion of existing channel will be replaced with approximately 1781-foot-long, 10-foot-wide, and 2.0-foot-deep portion of new channel. The new creek alignment will be created with meanders and nesting islands. The creek banks will be constructed as wetlands to allow the spreading of higher flows across the creek corridor, to provide habitat and plant diversity, and for water quality enhancement features. The existing segment of stream on the southern portion of the property will remain but will be enhanced with two rock riffle structures and stream bank erosion restoration to include stone toe protection and bio-vegetation at selected locations. The development will impact 2.1 acres of wetland habitat. Wetland mitigation options to compensate for wetland impacts include the following three options: Option 1) 3.42 acres of wetland mitigation will be created onsite adjacent to the new stream corridor; Option 2) 3.42 acres of wetland mitigation credits will be purchased from one of the local wetland mitigation banks; Option 3) A 3.42-acre-wetland mitigation area will be created at an offsite location near the development site. The applicant has recommended that options 1 and 2 are preferred.
4. Agency Review.
  - a. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - b. State of Illinois. The applicant has applied to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at [www.epa.state.il.us/public-notices/](http://www.epa.state.il.us/public-notices/). In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below. Written comments specifically concerning possible impacts to water quality should be addressed to: Illinois Environmental Protection Agency, Bureau of Water, Watershed Management Section, 1021 N. Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. A copy of the written comments should be provided to the Corps of Engineers. If you have any questions please contact IEPA at (217) 782-3362.
5. Historical/Archaeological. The Corps has reviewed these two reports: a December 2003 report entitled *A Phase I Archaeological Reconnaissance Survey of 56 Acres for a proposed WalMart (sic) in Rockford, Winnebago County, Illinois* by Sara L. Pfannkuche and Carrie Koster-Horan of Midwest Archaeological Research Services (MARS), Inc., Marengo, Illinois (Report No. 1259) and a February 2004 report entitled *Phase II Archaeological Testing of the J. Padden [Paddon in the December 2003 report] Farmstead (11-Wo-450) in the City of Rockford, Winnebago County, Illinois* by Sara L. Pfannkuche, (MARS Report No. 1269a). The Corps has determined that the "Project Site" portion of the permit area has been adequately surveyed and that one historic property (11-Wo-450, the Paddon Farmstead) is potentially eligible for listing on the National Register of Historic Places (NRHP). The Corps finds that the portion of the

permit area identified as "Wetland Mitigation" has the potential to contain historic properties that may be eligible for listing on the NRHP. The Corp will require the applicant to submit two (2) copies of a completed report of Phase II testing of 11-Wo-450 [note: the Report 1269a, noted above is incomplete, lacking the field work required to make a recommendation of NRHP eligibility]. The Corp will also require the applicant to submit two (2) copies of a Phase I archaeological survey and geomorphological evaluation report covering the "Wetland Mitigation" portion of the permit area. This must include all access and staging areas as well as the areas directly affected by the project. Geomorphological investigation must extend at least 50 centimeters below the proposed depths of soil disturbance or to a depth below which no possibility of historic properties exists. In addition to the Phase I survey, the applicant may be required to conduct additional Phase II test excavations to evaluate sites for eligibility for inclusion in the NRHP as well as other studies, site avoidance, or data recovery as may be the case.

6. Endangered Species. District staff have performed a preliminary review of this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. Based upon the information provided and available at this time, our preliminary determination is that the proposed activity would have no effect on federally-listed endangered or threatened species or critical habitat. While no consultation has been initiated with the United States Fish and Wildlife Service (FWS) at this time, we are further coordinating this application with the FWS and the respective resource agencies through this public notice. Accordingly, our preliminary determination is subject to change should further information become available.

7. Dredge/Fill Material Guidelines. The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

8. Public Interest Review. The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

9. Who Should Reply. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. Public Hearing Requests. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. Reply to the Corps. Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004.

**Mr. John Betker (309/794-5380)** may be contacted for additional information.

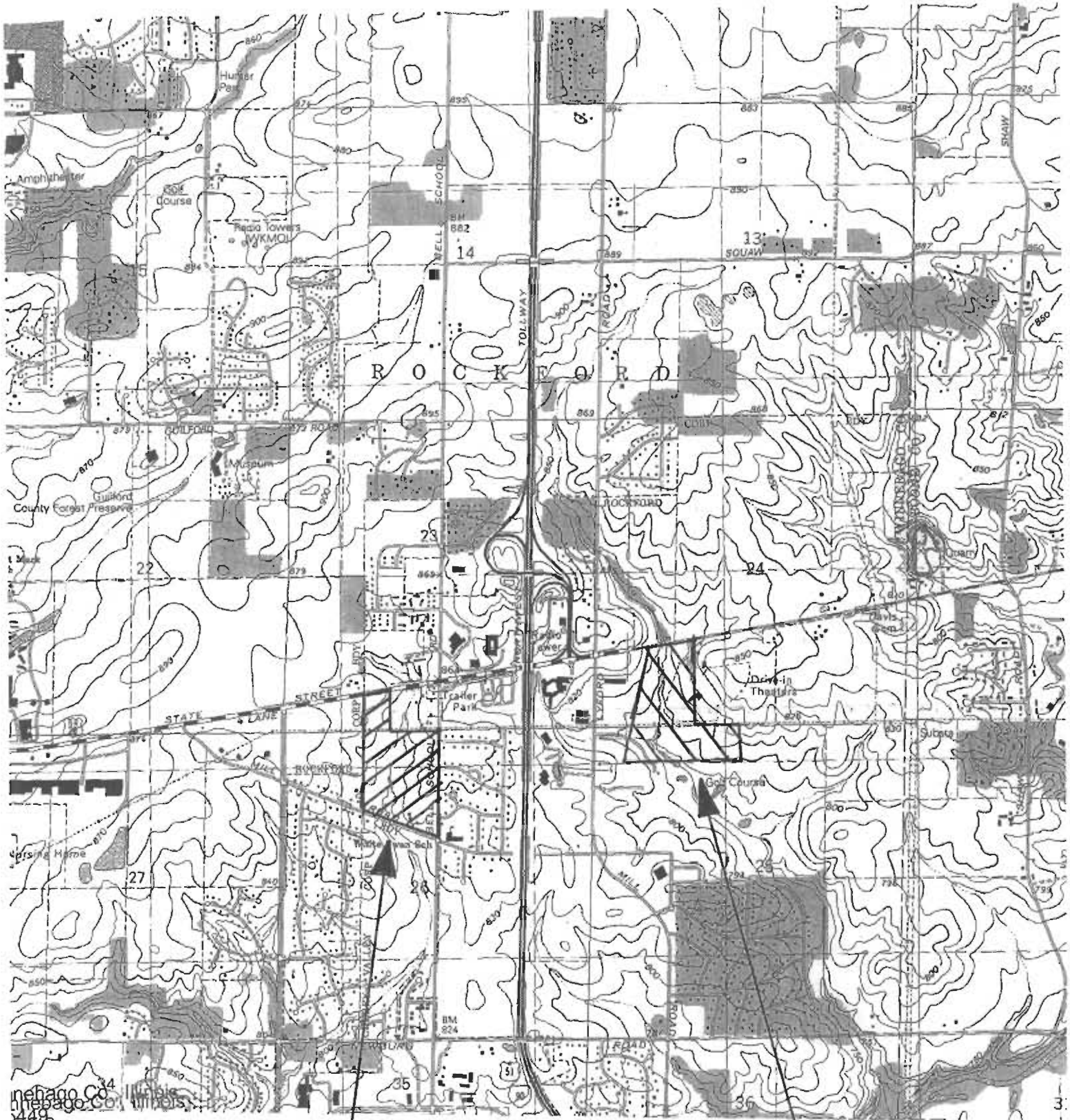
*Original Signed By*

Attach  
Plan

John G. Betker  
Project Manager  
Regulatory Branch

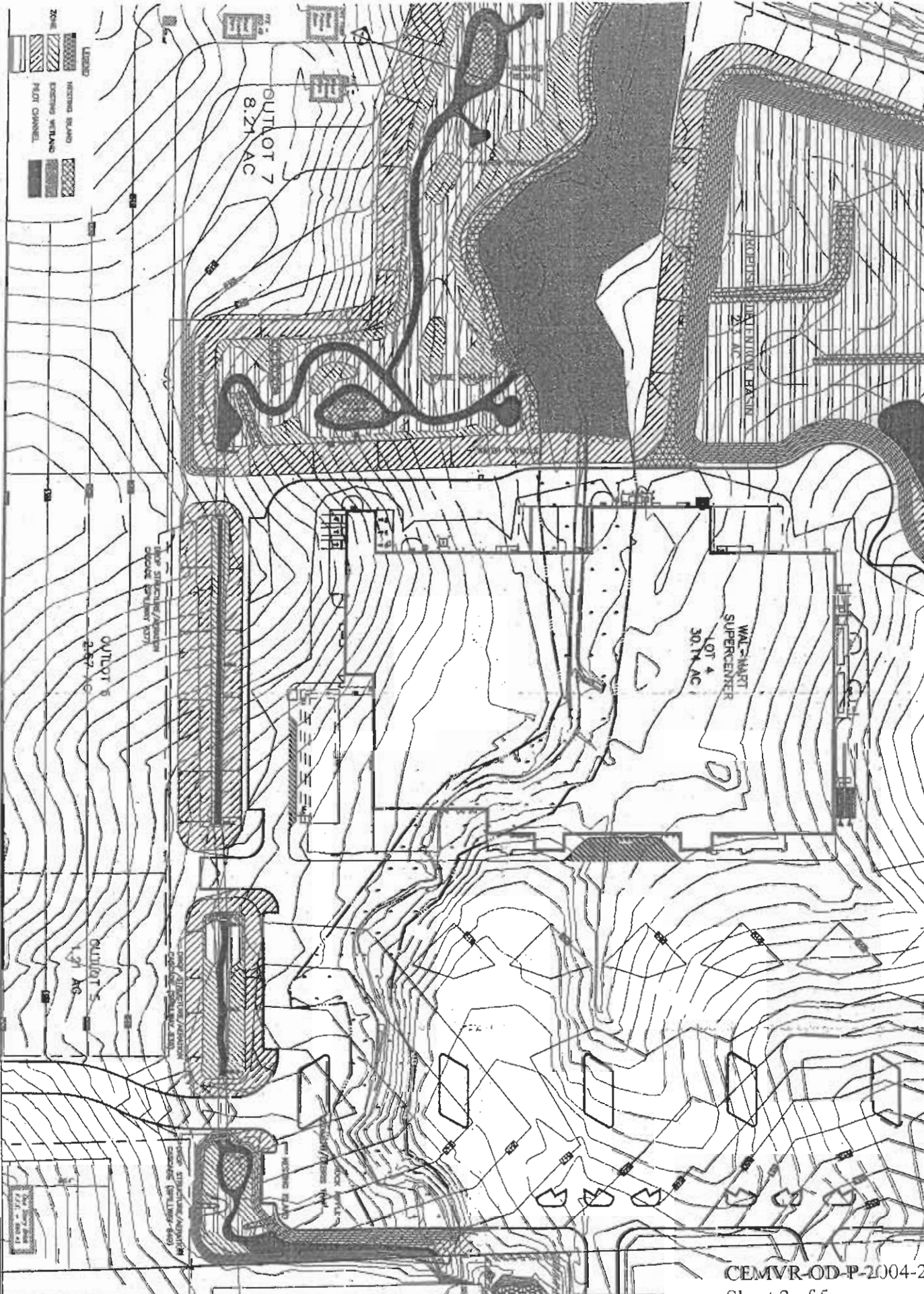
REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

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**Site Location Map**  
**Off-Site Non-Bank Mitigation Option**  
**Rockford, Illinois**



CEMVR-OD-P-2004-246  
 Sheet 2 of 5  
 Plan View

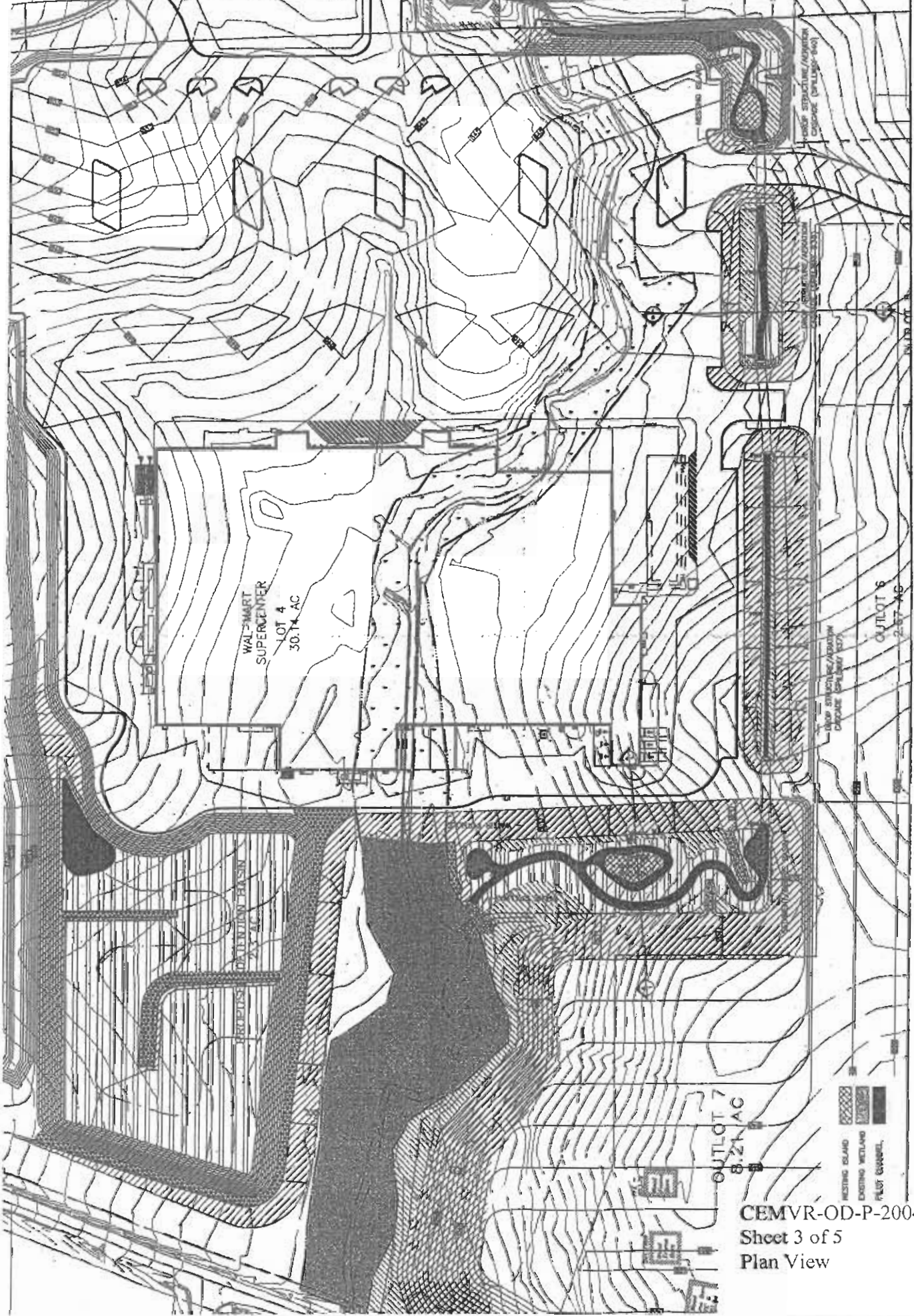
OPTION 1: ON-SITE MITIGATION

PROPOSED WAL-MART SUPERCENTER STORE NO. 1490-01  
ROCKFORD, ILLINOIS

DATE	BY	APP	REV
01/30/11	PP		1
01/30/11	AP		2
01/30/11	NS		3

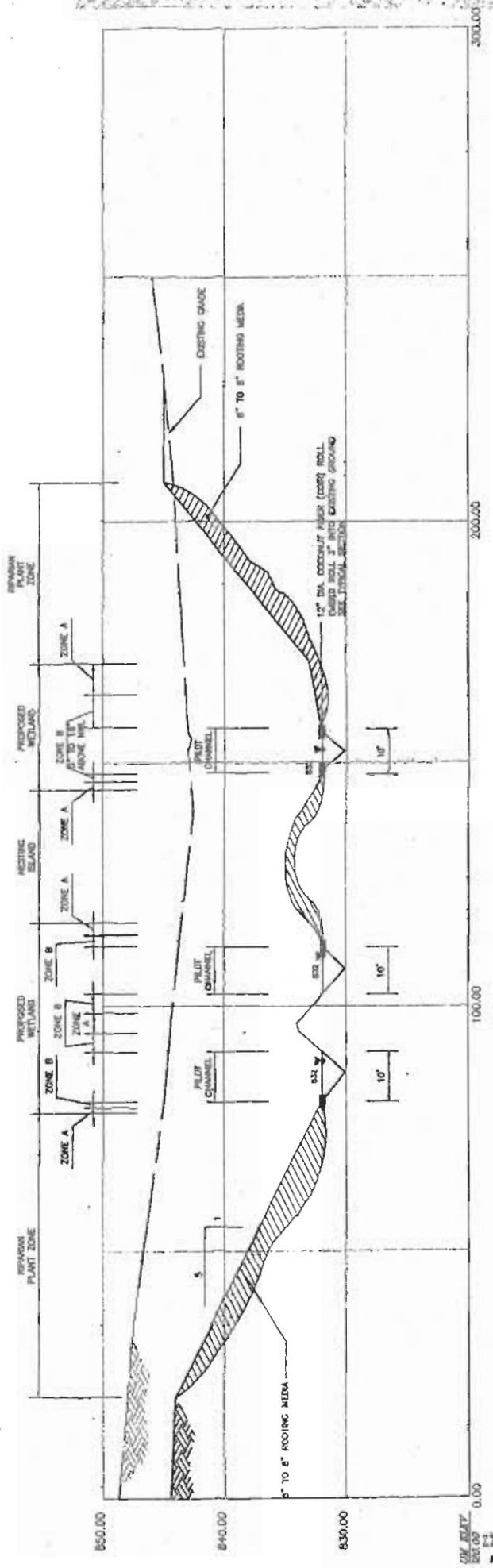


30' PROJECT HEIGHT  
 20' PROJECT FEE  
 1" = 50'  
 SHEET 2 OF 5

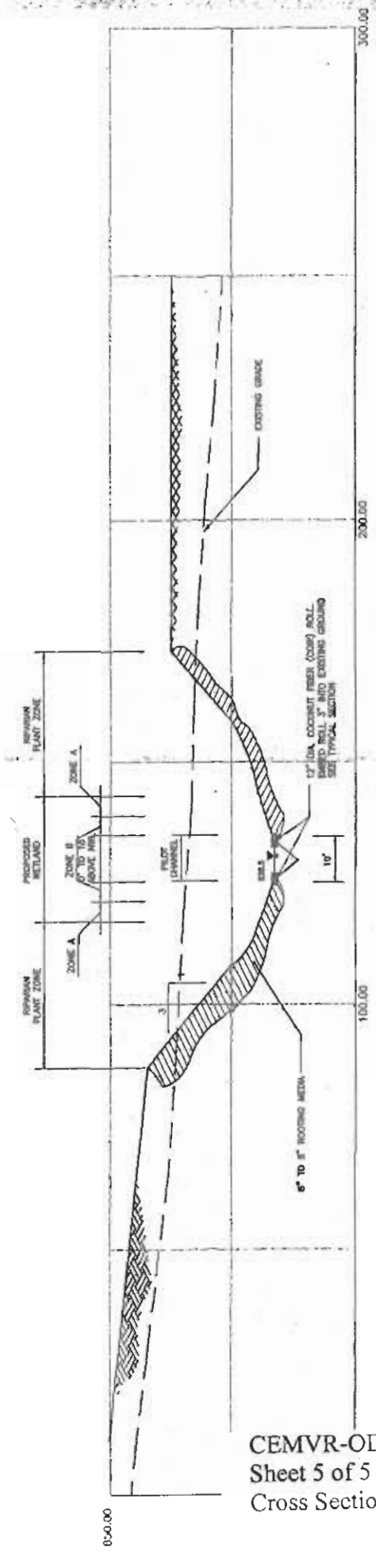


CEMVR-OD-P-2004-246  
Sheet 3 of 5  
Plan View





OPTIONS 2 AND 3: ON-SITE STREAM RESTORATION/CREATION AND OFF-SITE WETLAND BANK/MITIGATION CREATION CROSS SECTION A-A



OPTIONS 2 AND 3: ON-SITE STREAM RESTORATION/CREATION AND OFF-SITE WETLAND BANK/MITIGATION CREATION CROSS SECTION B-B

