

FINAL

RESTORATION PLAN
for the
WILLIAMS PIPELINE COMPANY
Phase I: Wetland and Stream Restoration
Sandra Miller Bellrose Nature Preserve
Logan County, Illinois

Prepared by:

Illinois Natural Resources Trustees:
Illinois Department of Natural Resources and
Illinois Environmental Protection Agency

May, 2007

FACT SHEET

FINAL RESTORATION PLAN for the Williams Pipeline release of gasoline and diesel oil in Logan County, Illinois.

LEAD AGENCY FOR THE FINAL RESTORATION PLAN:
Illinois Department of Natural Resources

COOPERATING AGENCIES:
Illinois Environmental Protection Agency

ABSTRACT:
This final Restoration Plan describes Phase I of a two-phase restoration effort. The plan has been prepared by the state Natural Resource Trustees to address restoration of natural resources and resource services injured as a result of the Williams Pipeline Company release of gasoline, diesel oil, and related hazardous substances into an unnamed tributary of Salt Creek.

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COPIES:

Copies of the final RP are available at the address listed above or available for download at http://dnr.state.il.us/orep/contaminant_assessment/

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List of Acronyms and Abbreviations

AGO	Office of the Attorney General
CERCLA	Comprehensive Environmental Response, Compensation & Liability Act
CERP	Comprehensive Environmental Review Process
CREP	Conservation Reserve Enhancement Program
CWA	Clean Water Act
DO	Dissolved Oxygen
IDNR	Illinois Department of Natural Resources
IEPA	Illinois Environmental Protection Agency
NOAA	National Oceanic & Atmospheric Administration
NRDA	Natural Resource Damage Assessment
OPA	Oil Pollution Act
RP	Restoration Plan
STP	Stone Toe Protection
Trustees	Illinois Natural Resource Trustees
Williams	Williams Pipeline Company

I. Introduction

When the public's natural resources are injured by a release of hazardous substances or oil, federal law provides a mechanism, Natural Resource Damage Assessment (NRDA), that authorizes Natural Resource Trustees to seek compensation for the public for injuries to natural resources. Releases of hazardous substances and oil into our environment can pose a threat to human health and natural resources. Natural resources are plants, animals, land, air, water, groundwater, drinking water supplies, and other similar resources. This final Restoration Plan (RP) describes a release, injuries to natural resources, and the Illinois Natural Resource Trustees' proposal to use the compensation the public received for the injury to natural resources. Primary restoration was achieved through natural recovery of the tributary and surrounding floodplain, thus the projects address the goals and objectives in compensating for interim losses. The Illinois Natural Resource Trustees (Trustees) are the Illinois Department of Natural Resources (IDNR) and the Illinois Environmental Protection Agency (IEPA) with legal representation provided by the Office of the Attorney General (AGO).

Due to NRDA action taken by the Trustees and the AGO, Williams Pipeline Company (Williams) agreed to compensate the public based on injury determination that natural resources were injured resulting from the release of gasoline, diesel oil, and related hazardous substances to floodplain habitat of an unnamed tributary of Salt Creek and the surrounding area. The settlement, entered in the Menard County Circuit Court on November 6, 2002, provided approximately \$105,000, earmarked as a Supplemental Environmental Project and Natural Resource Restoration Trust Funds.

II. Incident Description

In 1994 and 1997 an interstate oil pipeline owned and operated by Williams Pipeline Company, experienced leaks of gasoline and diesel oil in Logan and Menard Counties. The Logan County release of gasoline, diesel oil, and related hazardous substances was identified by the observance of a petroleum sheen on the water surface of an unnamed tributary of Salt Creek. The release impacted floodplain habitat related to the unnamed tributary and the surrounding area. The floodplain habitat consisted of scrub trees, resembling an area reverting to a wild state following years of agricultural tilling. Also, many square miles of agricultural land surround the affected property. The unnamed tributary appeared to have been channelized immediately upstream of the release and the impacted area of the stream is uniform in shape with steep banks.

The release impacted the soil, groundwater, and the unnamed tributary of Salt Creek. Approximately 21 acres were affected, some of which were enrolled in the IDNR *Illinois Acres for Wildlife Program*. Natural resources under the trusteeship of the IDNR and IEPA that were impacted include fish, macroinvertebrates, amphibians, and reptiles; aquatic and terrestrial mammals; migratory birds; aquatic and terrestrial plants; surface water; and sediment.

III. Natural Resource Trustees and Authorities

Federal laws establish liability for natural resource damages in order to compensate the public for the injury, destruction, and loss of natural resources and their services due to the un-permitted

release of oil or hazardous substances. These authorities are found generally in Section 107(f) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607(f), Section 311(f) of the Clean Water Act (CWA), 33 U.S.C. § 1321(f), and Section 1002(b) of the Oil Pollution Act of 1990 (OPA), 33 U.S.C. §2702(b), the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300, the OPA NRDA regulations, 15 C.F.R. Part 990, and the CERCLA and CWA NRDA regulations, 43 C.F.R. Part 11. The IDNR and IEPA prepared this final RP. As Trustees, the IEPA and IDNR are each authorized to act on behalf of the public, to assess and recover natural resource damages and to plan and implement actions to restore natural resources and resource services injured or lost as the result of a discharge or threat of a discharge of oil or hazardous substances.

IV. Overview of the Oil Pollution Act of 1990 Requirements

OPA authorizes Trustees to recover the cost of restoring, rehabilitating, replacing, or acquiring the equivalent of the injured natural resources ("primary restoration"), the diminution in value of those injured natural resources pending restoration ("compensatory restoration"), and reasonable assessment costs. The National Oceanic & Atmospheric Administration (NOAA) promulgated regulations for natural resource damage assessments resulting from oil spills at 15 C.F.R. Part 990. The following provides a summary of the steps taken by the Trustees to address the natural resource injuries associated with these incidents including developing this restoration plan.

After an initial investigation the Trustees determined federal authority provided jurisdiction to pursue recovery for natural resource injuries. The pipeline and spill constitute an "incident" pursuant to OPA Section 1001(14) (33 U.S.C. § 2701(14)). Because the discharge was not authorized by a permit issued under federal, state, or local law and did not originate from a public vessel or from an onshore facility subject to the Trans-Alaska Pipeline Authorization Act, the incident is not an "excluded discharge" within the meaning of OPA Section 1002(c) (33 U.S.C. § 2702(c)). Further, the Trustees determined that natural resources under the trusteeship of the Trustees were injured as a result of the incident. These factors established jurisdiction to proceed with an OPA NRDA claim.

Natural resources are defined as "land, fish, wildlife, biota, air, water, ground water, drinking water supplies and other such resources belonging to, managed by, held in trust by, appertaining to or otherwise controlled by the United States (including the resources of the exclusive economic zone), any State or local government or Indian tribe or any foreign government" (33 U.S.C. § 2701(20)). Injury is defined as "an observable or measurable adverse change in a natural resource or impairment of a natural resource service" (15 C.F.R. § 990.30). A NRDA consists of three phases: preassessment, restoration planning, and restoration implementation. Based on information collected during the preassessment phase, the Trustees make a preliminary determination as to whether natural resources and/or services have been injured and/or are likely to be injured by the release. Through coordination with response agencies (e.g., the IEPA) the Trustees next determine whether the oil spill response actions will eliminate the injury or the threat of injury to natural resources. If injuries are expected to continue, and feasible restoration alternatives exist to address such injuries, the Trustees may proceed with the restoration planning phase. Restoration planning may also be necessary if injuries are not expected to continue or endure but are nevertheless determined to have resulted in interim losses of natural resources

and/or services from the date of the incident until the date of recovery (15 C.F.R. § 990.30).

The purpose of the restoration planning phase is to evaluate the potential injuries to natural resources and services and to use that information to determine the need for and scale of associated restoration actions (15 C.F.R. § 990.51-990.56). This phase provides the link between injury and restoration and has two basic components: injury assessment, and restoration selection.

The goal of injury assessment is to determine the nature and extent of injuries to natural resources and services, thus providing a factual basis for evaluating the need for, type of, and scale of restoration actions. If the Trustees determine that the information gathered during preassessment is sufficient to provide a basis for restoration, they may proceed directly to the restoration planning phase without completing a formal damage assessment. As the injury assessment is being completed, the Trustees develop a plan for restoring the injured natural resources and services. The Trustees must identify a reasonable range of restoration alternatives, evaluate and select the preferred alternative(s), develop a draft restoration plan presenting the alternative(s) to the public, solicit public comment on the draft restoration plan, and consider public comments into a final restoration plan (15 C.F.R. § 990.55).

During the restoration implementation phase, the restoration plan is presented to responsible parties to implement or to fund the Trustees' costs for assessing damages and implementing the restoration plan. This provides the opportunity for settlement of damage claims without litigation. Should the responsible parties decline to settle, OPA authorizes Trustees to bring a civil action against the responsible parties for damages or to seek reimbursement from the Oil Spill Liability Trust Fund administered by the United States Coast Guard.

In this case, the Trustees and Williams have already settled claims for natural resource damages. This final RP demonstrates that the settlement is adequate to restore, replace, rehabilitate, or acquire the equivalent of the injured natural resources and services.

V. Public Participation

Public review of the draft RP is an integral component of the restoration planning process. Through the public review process, the Trustees seek public comment on the approaches used to define and assess natural resource injuries and the projects being proposed to restore injured natural resources or replace services provided by those resources.

Public review of the draft RP is consistent with all federal and state laws and regulations that apply to the NRDA process. Following public notice, the draft RP becomes available to the public for a 30-day comment period. Written comments received during the public comment period will be considered by the Trustees in preparing the final RP.

Public comments and suggestions on the proposed restoration alternative(s) is an important part of the public participation process. Anyone who reviews the draft RP is encouraged to evaluate and comment on any part of the draft RP, including descriptions of the affected areas, the proposed restoration projects, and/or the restoration selection process. The public is further

encouraged to evaluate and comment on the feasibility of the proposed restoration projects themselves. If additional restoration alternatives are proposed by the public, please describe how the additional restoration alternatives meet the evaluation criteria contained in Section VIII below.

An additional opportunity for public review will be provided in the event that the Trustees decide to make significant changes to the draft RP based on the public comments. One comment was received and adjustments to the RP were made. The Trustees' response to the comment is included in Appendix A.

VI. Restoration Planning

The Consent Order No. 96-CH-5 states that the compensatory restoration project will “secure acreage in proximity to Logan County that consists of desirable habitat that can be accommodated within an Illinois DNR land management unit.” The Consent Order also states that the supplemental environmental project will “enable the purchase of a larger portion of property for wildlife habitat by the State...” After much deliberation, the State was unable to secure such acreage as described in the Consent Order.

The Trustees solicited restoration project alternatives from divisions and programs of IDNR and IEPA (Table 1). Such solicitation may involve the generation of projects from entities such as the Natural Resource Conservation Service, local park districts, and/or non-for-profits. To be eligible for the Natural Resource Restoration Trust funds, the Trustees request that the projects be in the general vicinity of where the incident occurred, preferably in the same watershed where the incident occurred. Specifically for this plan, Trustees obtained eligible project proposals from the Division of Fisheries, Division of Natural Heritage, the Conservation Reserve Enhancement Program, and the Illinois Nature Preserves Commission.

The Trustees have evaluated all potential restoration project alternatives that will restore the affected natural resources to pre-incident or baseline levels, and compensate for interim losses. The Trustees utilized evaluation criteria (See Section VIII) and restoration expert opinions to evaluate all potential restoration project alternatives.

The OPA regulations require that the Trustees state their preferred alternative(s) and explain the basis for their selection or rejection of other alternatives (Table 1). These Trustee determinations may be modified based on public input and comment.

VII. Restoration Strategy

The goal of the NRDA process is restoration of the injured natural resources and compensation for the interim lost uses of those resources. Restoration actions under OPA regulations are either primary or compensatory. Primary restoration is action taken to return the injured natural resources and services to baseline on an accelerated time frame by directly restoring or replacing the resource or service. As one form of primary restoration, the OPA regulations require that Trustees consider natural recovery of the resource. Trustees may select natural recovery under three conditions: 1) if feasible; 2) if cost-effective primary restoration is not available; or 3) if

injured resources will recover quickly to baseline without human intervention. Primary restoration alternatives can range from natural recovery, to actions that prevent interference with natural recovery, to more intensive actions expected to return injured natural resources and services to baseline faster or with greater certainty than natural recovery alone.

Compensatory restoration includes actions taken to compensate for the interim losses of natural resources and/or services pending recovery. The type and scale of compensatory restoration depends on the nature of the primary restoration action and the level and rate of recovery of the injured natural resources and/or services, given the primary restoration action. When identifying compensatory restoration alternatives, Trustees must first consider actions that provide services of the same type and quality and that are of comparable value as those lost. If a reasonable range of compensatory actions of the same type and quality and comparable value cannot be found, Trustees then consider other compensatory restoration actions that will provide services of at least comparable type and quality as those lost.

VIII. Evaluation Criteria

The OPA regulations discuss six evaluation criteria for Trustees to consider when developing a range of restoration alternatives. The Trustees then use those criteria to identify preferred restoration alternatives:

- (1) cost to carry out the alternative;
- (2) extent to which each alternative is expected to meet the Trustees' goals and objectives in returning the injured natural resources and services to baseline and/or compensating for interim losses;
- (3) likelihood of success of each alternative;
- (4) extent to which each alternative will prevent future injury as a result of the incident and avoid collateral injury as a result of implementing the alternative;
- (5) extent to which each alternative benefits more than one natural resource and/or service; and
- (6) effect of each alternative on public health and safety.

IX. Proposed Compensatory Restoration Alternative

The preferred alternative consists of two projects identified by the Trustees involving wetland and stream restoration in the nearby Sandra Miller Bellrose Nature Preserve, to restore/sustain habitat for natural resources similar to those lost or injured as a result of the gasoline and diesel oil release (See Section X.). These projects will restore and preserve or sustain stream and floodplain habitat and the flora and fauna that utilize such habitat.

All appropriate permits, including, but not necessarily limited to relevant Army Corps of Engineer permits, IDNR Office of Water Resources permits, and IEPA permits, are being sought. Restoration work will not begin until all appropriate permits have been obtained.

Project Description:

The Bellrose projects are within a 400-acre tract of conservation practices located in Logan County, Atlanta, Illinois. At the center of this parcel is the 106-acre Sandra Miller Bellrose Nature Preserve which was dedicated in 2000 and is only the second Nature Preserve in Logan County (Fig 1). The Nature preserve consists of the central tract timber along the Sugar Creek. This lies along the Illinois Natural Area Inventory site for high mussel diversity for Sugar Creek. Sugar Creek is in the Sangamon River Watershed; the same watershed where the incident occurred.

a. Wetland Restoration

Two wetlands are being designed: a small wetland to the east of the Nature Preserve and a large wetland that is adjacent to Sugar Creek. The small wetland will only have a dirt berm. The larger wetland will have a berm built alongside the creek, a water control structure at the creek's edge and another structure at the tree line.

Wetland # 1 – This wetland is located on the west side of field 15 (Fig 2) and is adjacent to Sugar Creek. It will be approximately 3 acres in size. The south half will average 170 feet in width and 600 feet in length while the north half averages only 50 feet in width and 600 feet in length.

An earthen dam will be constructed in the southwest corner of field 15 (Fig 2). 90 feet of 8" PVC pipe and a water control structure will be used to control the water line in the wetland. The water control structure has removable stoplogs for controlling the pool elevation of the wetland. A rock chute will be installed on the east end of the dam and will serve as the principal spillway for the wetland. The west tree line along Sugar Creek will serve as the emergency spillway for the wetland. There are a couple of low areas in the tree line that need to be raised (Fig 2). It should be possible to use a skid steer loader or comparable machine to fill these areas with minimal disturbance to the tree line.

Approximately 1.0 foot of topsoil will be excavated over most of the wetland. This will provide 3.0 – 3.5 feet depth of water on the south end near the dam. The wetland will be 12-18" deep on the north end. Excess soil will be used to flatten the slope on the backside of the dam with the surplus being stockpiled in mounds in an area adjacent on the east side of the wetland.

The dam will be seeded with native grasses. Native grasses include: Little Bluestem, Sideoats Grama, Canada Wild Rye, Purple Prairie Clover, Illinois Bundleflower, and Partridge Pea.

Wetland # 2 – This wetland will be constructed in the ravine which is 300 feet southeast of wetland # 1 (Fig 2). This ravine is lightly forested and is not part of field 15. This wetland will be approximately 0.2 acre in size.

An earthen dam will be constructed (Fig 2). The dam will have a horseshoe shape as both sides of the wetland need to be raised. A water control structure will be used along with 100 feet of

15” PVC pipe and will serve as the principal spillway (Fig 2). An emergency spillway will be constructed on the south side of the wetland.

Approximately 1.0 foot of topsoil will be excavated over most of the wetland. This will provide 3.0 feet depth of water near the dam and 1.0 foot of depth on the east end.

The dam will be seeded with native grasses. Native grasses include: Little Bluestem, Sideoats Grama, Canada Wild Rye, Purple Prairie Clover, Illinois Bundleflower, and Partridge Pea.

Project costs – The cost estimate for this project is approximately \$24,000 for wetland work and approximately \$2,500 for Reed Canary Grass control. The Conservation Reserve Enhancement Program (CREP) will cover 75% of costs, and the Natural Resource Restoration Trust Funds will cover the remaining 25%.

b. Sugar Creek Project

The purpose of this project is to enhance mussel and fish habitats within Sugar Creek by adding a variety of habitat structures (boulder clusters, longitudinal habitat stone, and secured brush). Construction specifications include special provisions that must be adhered to in order to avoid disturbances that could negatively affect the mussel community or other protected features within the nature preserve.

Sugar Creek drains 317 square acre miles of land in Tazewell and McLean Counties. The stream does not have significant stability problems; however, one problem area has been identified by the landowner. Overall, this reach of Sugar Creek shows good bank stability because it is still connected to the floodplain.

Stone Toe Protection (STP) will be used for streambank protection at one location and scour development and escape/spawning habitat at a second location (Table 2 and Fig 3). 210 ft at 0.5 tons/ft. of STP will be placed for streambank protection based on visual observations of an area (upstream from the 2400th St. Bridge) experiencing bank erosion. An additional 210 ft at 0.75 tons/ft. will be placed longitudinally along the stream at locations that are not undercut. This practice will be called Longitudinal Habitat Stone (LHS). Such placement will provide additional scour development and escape/spawning habitat. The LHS will be placed in 3-70 ft lengths at locations to be determined (Table 2 and Fig 3). The LHS may be placed against the bank or at least 15 ft from the left bank. Placing stone against the bank will require the use of bank keys to prevent flow from flanking the rock and eroding the bank. Two keys will be required: 1 at the begin point; and 1 at the end point. Glacial rock placed away from the bank will not require bank keys. Since the effects of excavating bank keys along this reach are unknown, recommendations are to place only 1 segment of LHS against the bank. The LHS will be used on a trial basis as a proposed new practice for habitat enhancement in otherwise stable channels. Both STP and LHS will be constructed using glacial rock if possible. The size should be as close as possible to an IDOT A4 gradation.

There are a number of log jams located along both banks that are redirecting flow into the bank and causing high bank erosion. Log jams do offer some benefits to fish habitat, therefore some will be preserved. Unfortunately jams are very mobile during high flow conditions and they decompose over time. The log jams that are to be maintained will be cabled down to prevent movement, and the banks will be protected with rock or other suitable material to prevent high bank erosion. 10 log jams/brush piles will be constructed (Table 2 and Fig 3). The material used to construct the piles shall be obtained from the trees removed during clearing for access to the stream. The plan is to use 3 trees per pile at this time, however the exact number will be determined during construction and the number may vary between piles. Trees will be anchored to live tree trunks, either standing or cut (3 ft tall stump) on the high bank of the stream. Anchor trees shall be at least 10 in diameter, 2.0 ft above the ground, and at least 4 ft away from the banks edge. A minimum of 1/2" diameter new steel cable will be used for anchoring hardware. All cable clamps shall be new steel and match the cable used.

The base flow width of the stream is wide enough to create additional fish habitat with randomly placed inchannel boulder clusters that generate flow turbulence and create scour holes on the downstream side of the clusters. The clusters will increase the Dissolved Oxygen (DO) content of the water. Boulders will be placed in clusters of three, in this case naturally occurring glacial boulders. The preferred boulders for this project are sub-rounded to sub-angular in shape, and the size of the boulders may vary. Clusters will be placed randomly along and on either side of the stream's centerline with all boulders at least 15 ft from either bank. The maximum velocities in Sugar Creek at bank full are less than 3 ft/sec. Preliminary calculations indicate that this size boulder will not experience lateral movement. If the boulders do experience lateral movement, it should only be one scour cycle. The boulders will be located such that they protrude a minimum of 0.5 ft and a maximum of 1.5 ft above base flow elevation. 2000 ft of stream at an average width of 60ft could support a boulder cluster about every 12 linear ft. There are 35 boulders available at present to create the boulder clusters; therefore, the placement of 11 boulder clusters (approximately 1 every 200 ft.) in the stream is planned (Table 2 and Fig 3).

A cutoff trench will be excavated below an existing riffle to observe sub-bed conditions. This excavation will be filled with IDOT A4 Rip Rap, A or B quality. This will form a deep hard point or Bed Key that would kill any advancing head-cut from downstream. It will be 4 ft wide, 3 ft deep and extend the entire 60 ft width of the channel plus a minimum of 5 ft into the existing banks. Natural rock will then be added to the existing riffle as necessary to achieve a good 20:1 back-slope to enable fish to traverse the riffle. The existing crest elevation of the riffle will be maintained.

Allowing heavy track equipment to operate in the stream is not possible because the negative impact to the mussel community would likely be severe. Construction activity will be completed from the stream bank. The potential impacts to the mussel community have been evaluated. In coordination with local experts, the mussel community will be surveyed, collected, and relocated as necessary before construction begins to ensure minimal impact to the mussel community. Undesirable tree species will be removed as deemed necessary for access. Valuable bottomland hardwood tree species will not be removed. The total acres of undesirable trees to be removed will be estimated and will be compensated for by planting desirable replacement trees after

construction is complete. Reseeding of vegetation damaged by truck and equipment travel will occur after construction is complete.

Project costs –Total dollars for the stream restoration will be \$62,145. CREP will cover 75% of costs, and the Natural Resource Restoration Trust Funds will cover the remaining 25%.

X. Rationale for Preferred Restoration Alternative

The total amount of the Williams Pipeline settlement for restoration projects was \$105,000. The preferred restoration projects are projected to cost \$25,000. The Trustees were fortunate to find the Bellrose Nature Preserve restoration projects. These projects are part of a cost share program; therefore the benefits to natural resources these projects provide are significantly greater than the Trustees costs. The remaining Natural Resource Restoration Funds will be allocated at a later date for an additional project (Phase II) in the unnamed tributary of Salt Creek where the incident occurred.

The preferred restoration projects are expected to benefit various natural resources and services associated with natural communities through conservation and restoration (see criteria 5, Section VIII). The projects are expected to satisfactorily compensate for losses sustained by the incidents and benefit public health and safety (see criteria 2 and 6, Section VIII). The Trustees considered that the cost to carry out the projects was clearly feasible given the settlement claim (see criteria 1, Section VIII). Further primary restoration was achieved through natural recovery of the tributary and surrounding floodplain, thus the projects address the goals and objectives in compensating for interim losses (see criteria 2 and 4, Section VIII). For these reasons, the Trustees believe these projects will be suitable to use for restoration. Post monitoring of the projects will be done to increase the likelihood of a successful restoration effort (see criteria 3, Section VIII).

XI. Proposed Action

The IDNR, IEPA and AGO propose that the subject settlement monies be allocated to fund the proposed restoration projects. The Contaminant Assessment Section staff (IDNR) will work in close coordination with various other IDNR programs and divisions: Conservation Reserve Enhancement Program, Land Improvement Program, and Division of Fisheries to follow the proper procurement process to ensure the successful operation of the Bellrose projects. The Soil and Water Conservation District, Nature Preserves Commission (INPC), the Natural Resource Conservation Service staff (NRCS), and Streams Specialists will also play a role in that procurement process.

XII. Surveillance and Monitoring

IDNR field biologists plan on monitoring the Bellrose restoration projects. An IDNR streams biologist plans on performing an annual smallmouth bass sampling in the instream project area. In addition, community fish sampling and invertebrate sampling (Salt Creek IEPA basin survey) is scheduled for 2008 and is currently on a 5-year rotation. For the wetlands the water level will be monitored by monthly depth measurements. Also for the wetlands, amphibian and reptile

counts are desired. Other surveys may be conducted by the landowner as well as IDNR. These sampling and survey results as well as existing data (INAI data, previous IEPA basin surveys, etc.) will provide information that can be used to assess the success of the restoration for NRDA purposes.

XIII. Fiscal Procedures

Restoration funds for the Williams settlement total \$105,000.00. It is the intention of IDNR to release funds in Fiscal Year 2007 and/or 2008 to begin restoration activities. Once funds are released, restoration activities can begin. IDNR will oversee all restoration activities. The IDNR Springfield headquarters will handle all fiscal transactions. All billings with supporting documentation shall be submitted to the IDNR Springfield Office for review and payment. IDNR fiscal agents will be responsible for the approval and payment of all expenses, obligations and contracts in accordance with the State of Illinois fiscal and procurement procedures.

XIV. Coordination with Other Programs, Plans, and Regulatory Authorities

Overview

The major federal laws guiding the restoration of the injured resources and services are the Oil Pollution Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Clean Water Act. Overall these statutes provide the basic framework for natural resource damage assessment and restoration. In addition, the State laws relevant for guiding the restoration of injured resources are the Illinois Environmental Protection Act (415 ILCS 5/1, et seq.), the Illinois Natural Areas Preservation Act (525 ILCS 30/1, et seq.), the Illinois Endangered Species Protection Act (520 ILCS 10/1, et seq.), the Interagency Wetland Policy Act of 1989 (20 ILCS 830/1-1, et seq.), and the Comprehensive Environmental Review Process (CERP). The Trustees must comply with other applicable laws, regulations and policies at the federal and state levels.

Key Statutes, Regulations, and Policies

There are a number of federal and state statutes, regulations, and policies that govern or are relevant to damage assessment and restoration. The potentially relevant laws, regulations, and policies are set forth below.

Oil Pollution Act of 1990, 33 U.S.C. §§ 2701, et seq.

The Oil Pollution Act establishes a liability regime for oil spills that injure or are likely to injure natural resources and/or the services that those resources provide to the ecosystem or humans. Federal and state agencies and Indian tribes act as Trustees on behalf of the public to assess the injuries, scale restoration to compensate for those injuries, and implement restoration. The National Oceanic and Atmospheric Administration promulgated regulations for the conduct of natural resource damage assessments at 15 C.F.R. Part 990. Natural resource damage assessments are intended to provide the basis for restoring, replacing, rehabilitating, and acquiring the equivalent of injured natural resources and services. The Trustees actions are substantially consistent with the regulations found at 15 C.F.R. Part 990.

Clean Water Act (Federal Water Pollution Control Act), 33 U.S.C. §§ 1251, *et seq.*

The Clean Water Act is the principal law governing pollution control for water quality of the nation's waterways. Section 404 of the law authorizes a permit program for the disposal of dredged or fill material into navigable waters. The U.S. Army Corps of Engineers administers the program. In general, restoration projects that move significant amounts of material into or out of water or wetlands (e.g., hydrologic restoration of marshes) require Section 404 permits. - Under Section 401 of the CWA, restoration projects that involve discharge or fill to wetlands or navigable waters must obtain certification of compliance with state water quality standards (section 401).

Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601, *et seq.* This Act provides the basic legal framework for cleanup and restoration of the nation's hazardous-substances sites. Generally, parties responsible for contamination of sites and the current owners or operators of contaminated sites are liable for the cost of cleanup and restoration. CERCLA establishes a hazard ranking system for assessing the nation's contaminated sites with the most contaminated sites being placed on the National Priorities List (NPL).

Illinois Environmental Protection Act, 415 ILCS 5/1, *et seq.* The Environmental Protection Act is the state law that prohibits most forms of pollution occurring on land, in water, or in the air. It also establishes a liability regime, including enforcement and penalties, for entities that violate the provisions of the Act. The Environmental Protection Act was developed for the purpose of establishing a unified state-wide program for environmental protection and cooperating with other states and with the United States in protecting the environment. It was also developed to restore, protect and enhance the quality of the environment and to assure that adverse effects upon the environment are fully considered and borne by those who cause them.

Illinois Natural Areas Preservation Act, 525 ILCS 30/1 *et seq.* The Act serves to protect any area in Illinois that has been designated as a nature preserve, including the species of plants and animals in each habitat. Any endangered plant and animal species found in designated nature preserves are also protected under this Act. Dedicating and holding an area for natural preserves is also encouraged in this Act.

Illinois Endangered Species Protection Act, 520 ILCS 10/1 *et seq.* This Act gives protection to any plant and animal species on the endangered or threatened list from being moved or destroyed. Any species that the Secretary of the Interior of the United States lists as endangered or threatened is also included on Illinois's endangered and threatened species list. The Act also provides rules of law for searching any premises suspected of illegally keeping goods, merchandise, or animals, plants, or animal or plant products subject to the Act and seizing such products.

Interagency Wetland Policy Act of 1989, 20 ILCS 830/1 *et seq.* This Act states that state agencies are responsible for preserving, enhancing, and creating wetland areas for the purpose of increasing quality and quantity of the State's wetland resource base. The goal behind the Act is

that there shall be no overall net loss of the State’s existing wetland acres or their functional value due to State supported activities.

Comprehensive Environmental Review Process. All internal Department (IDNR) projects, permits, and plans related to construction development, or other activities that will result in a change to existing environmental conditions shall be reviewed by the CERP staff to ensure compliance with relevant state and federal environmental statutes and to ensure the greatest protection of all natural and cultural resources to the extent possible.

XV. Tables and Figures

Table 1. Summary of the Restoration Alternatives

Alternative	General Location	Project Description	Accept or Reject
Barton-Sommer Woodland Nature Preserve Understory thinning:	Intersection of Mason, Menard and Logan counties, IL.	Barton-Sommer Woodland Nature Preserve is 53 acres in size. The qualifying feature for the preserve is the presence of a High Quality Wet-Mesic Floodplain Forest. It has been a long term goal of the site to control the undesired understory. There are approximately 31.17 acres (12.61 ha) which need such control.	Reject. Based on expert opinion and evaluation criteria this project was not chosen for funding.
Sandra Miller Bellrose Nature Preserve Wetland Enhancement:	Sugar Creek, Logan County, Illinois	Wetland enhancement along Sugar Creek. The projects involve earthwork and excavation and the installation of anti-seep mechanisms and water control structures. This is a cost share project with CREP funds, therefore NRDA funds would provide a 25% match.	Accept.
Sandra Miller Bellrose Nature Preserve Instream Restoration:	Sugar Creek, Logan County, Illinois	Instream restoration projects along Sugar Creek. Project activities include: bank stabilization, creating additional floodplain habitat, escape cover for smallmouth bass, increasing fish habitat, and increasing dissolved oxygen content of the water. This is a cost share project with CREP funds, therefore NRDA funds would provide a 25% match.	Accept.

Alternative	General Location	Project Description	Accept or Reject
Tree Plantings	Salt Creek, Logan County, Illinois	Plant trees upstream or downstream of the impacted area.	Reject. Based on expert opinion and evaluation criteria this project was not chosen for funding.
Wetland Project	Salt Creek, Logan County, Illinois	Wetland creation along impacted area.	Reject. Based on expert opinion and evaluation criteria this project was not chosen for funding.
Rock Riffle Grade Control Project	Salt Creek, Logan County, Illinois	Installation of 14 Rock Riffle Grade Structures on the main stem of an unnamed tributary of Salt Creek.	Reject. Based on expert opinion and evaluation criteria this project was not chosen for funding.
Rock Riffle Grade Control Project	Salt Creek, Logan County, Illinois	Installation of 20 Rock Riffle Grade Control Structures along the main stem and laterals of the unnamed tributary.	Accept. Further described in Restoration Plan for the Williams Pipeline Company, Phase II: Stream Restoration Unnamed Tributary of Salt Creek Logan County, Illinois

Table 2. Instream Restoration Project Locations. *See Figure 3.*

	Boulder Cluster	STP	LHS	Brush Pile
0+00				
1+00	x			
2+00				x
3+00	x			
4+00			x	
5+00	x			
6+00				x
7+00	x			
8+00				x
9+00	x			
10+00			x	
11+00	x			
12+00				x
13+00	x			
14+00			x	
15+00	x			
16+00				
17+00	x			
18+00				x
19+00	x			
20+00				x
21+00	x			
22+00				x
23+00				
24+00				x
25+00				
26+00				x
27+00				
28+00				x
28+50		x		
29+00				
30+00				
31+00				
32+00				

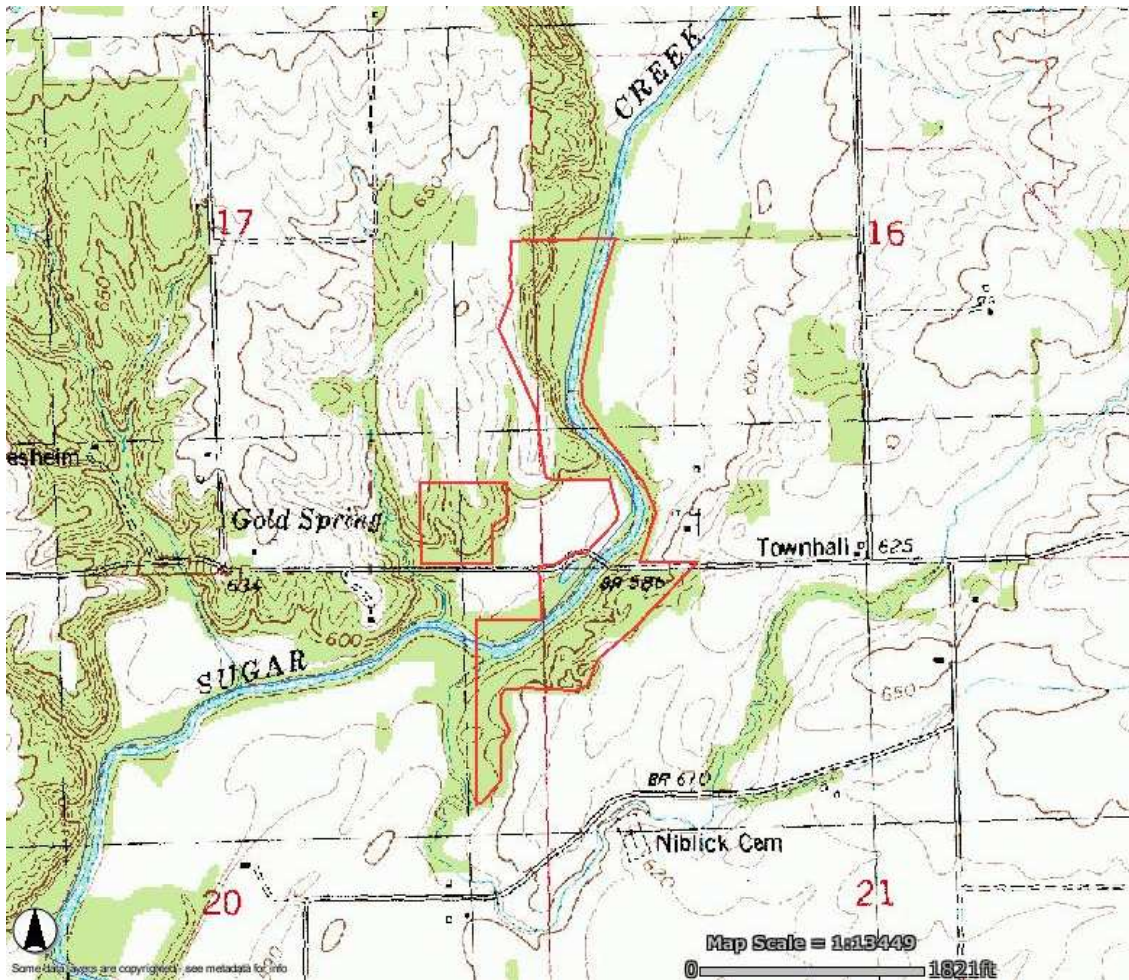


Figure 1. USGS Topographic Map of the Sandra Miller Bellrose Nature Preserve. The Bellrose Nature Preserve is outlined in red. The floodplain habitat of the preserve is also illustrated. This map was obtained through WIRT (Wetland Impact Review Tool).

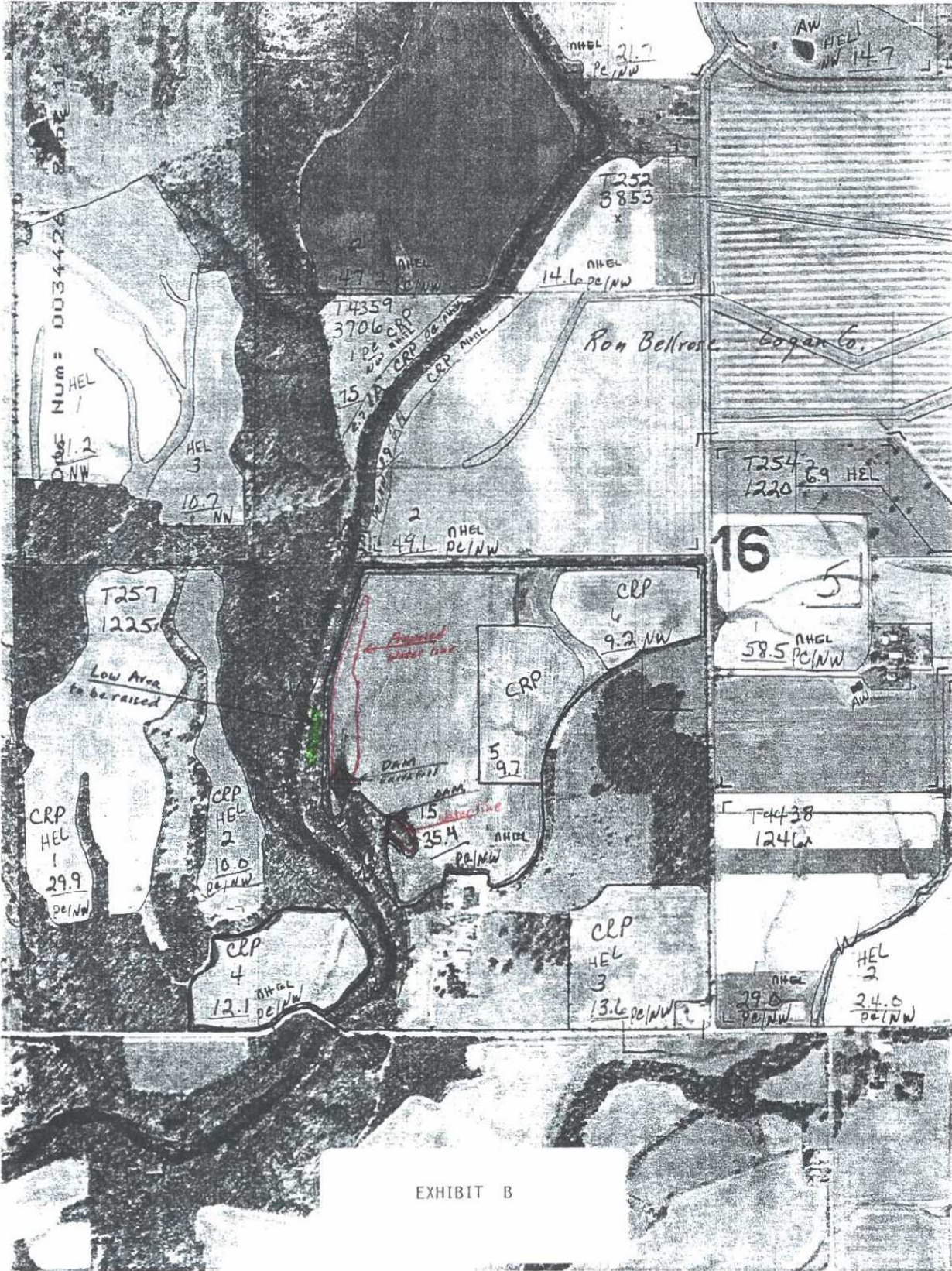


Figure 2. Aerial map of the project area. The locations of the wetlands are outlined in red.

This map was provided by IDNR employees in the Office of Resource Conservation.

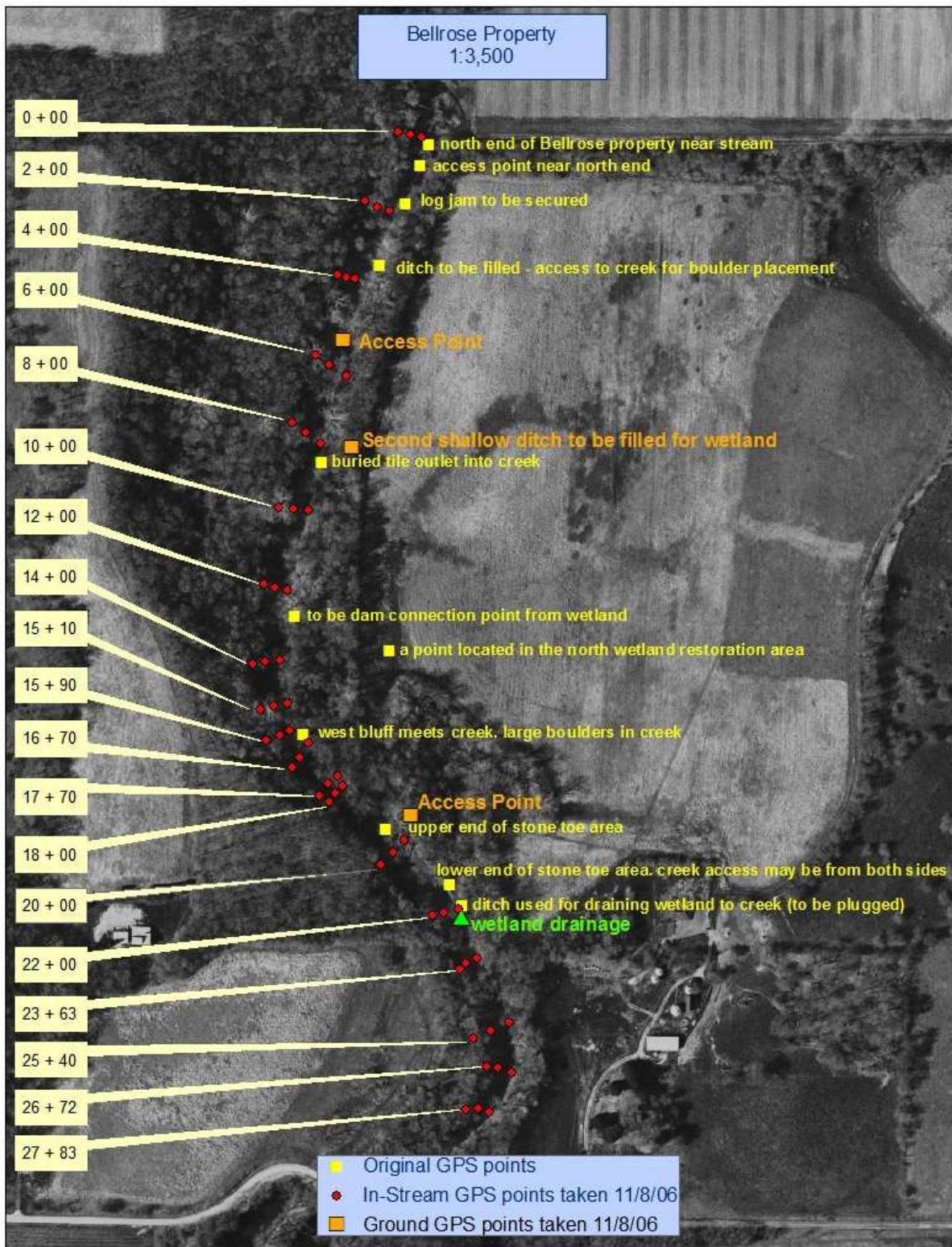


Figure 3. Aerial map of Sugar Creek and the surrounding landscape with GPS points marking the location of restoration activities. *See Table 2.*

This map was provided by IDNR employees in the Office of Resource Conservation.