

from the centerline of the working alignment. Similarly, none of the identified RECs are likely to impact the corridor design concepts since they are located at distances greater than 0.5 miles from Corridor A3S2 Design Concepts 1 and 2.

Results of the analysis identified two RECs that may pose potential risk to Corridors B3 and B4. The Custom Blended Oils site is a NPL Eligible site located approximately 330 feet north of Corridors B3 and B4 near the intersection of I-55 and IL-129 in Wilmington, Illinois. The second site, Battery Builders Inc., is a manufacturer of industrial batteries and is a listed RCRA-LQG and TRI site located approximately 1,040 feet south of Corridors B3 and B4 in the central portion of the corridors near IL-50 in Peotone, Illinois. The remaining sites were judged to pose no risk to these corridors since they are each located greater than 0.5 miles from the centerline of the working alignments within Corridors B3 and B4. Similarly, none of the identified RECs are likely to impact the design concepts since they are located at distances greater than 0.5 miles from Corridors B3 and B4 Design Concepts 1 and 2.

The findings presented herein are based solely on those sites which currently exist in the reviewed regulatory agency databases. To more fully characterize the possibility of encountering special or hazardous wastes a more detailed assessment will be completed during the Tier Two NEPA studies. Additional studies as described below are anticipated due to the significant amount of right-of-way to be acquired, the anticipated demolition of selected existing buildings or other structures, and underground utility relocation associated with construction of the project. Any additional assessment activities would be completed to fulfill the requirement of an Illinois Preliminary Environmental Site Assessment (PESA) and Indiana Initial Site Assessment (ISA). PESA and ISA are both similar to a Phase I Environmental Site Assessment and involve detailed site reconnaissance, historical land use review, and comprehensive regulatory database search. If hazards are suspected but cannot be adequately characterized during the PESA/ISA, a Phase II investigation (or Preliminary Site Investigation) may be required. During a Phase II investigation, subsurface sampling of soil and/or water and associated laboratory analysis would be performed to determine what contaminants, if any, are present in or near the construction limits.

3.13.4 Mitigation

A more detailed special/hazardous waste assessment will be completed as part of the Tier Two NEPA studies, with appropriate mitigation and avoidance measures, if any, developed based on the findings of those studies.

3.14 Section 4(f) Properties/Parks and Recreation

This section discusses the presence of Section 4(f) properties within Corridors A3S2, B3, and B4 and potential impacts to these types of resources resulting from the working alignments within Corridors A3S2, B3, and B4. Three Section 4(f) properties would be potentially impacted by either one or all of the working alignments. Avoidance alternatives and potential measures to minimize harm to Section 4(f) properties are also discussed.

3.14.1 Section 4(f) Applicability

Section 4(f) of the US Department of Transportation (USDOT) Act of 1966, as amended in 1983 (49 U.S.C. Section 303 and 23 U.S.C 138), was enacted to preserve publicly owned land used for recreation, wildlife, and waterfowl refuges. Section 4(f) properties also include public and private historic resources that are listed in or eligible for inclusion in the NRHP as well as archaeological sites that are listed in or eligible for inclusion in the NRHP and warrant preservation in place.

Section 4(f) stipulated that the Federal Highway Administration and other USDOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless the following conditions apply:

- There is no feasible and prudent alternative to the use of the land.
- The action includes all possible planning to minimize harm to the property resulting from use.

Since 1966, Section 4(f) has undergone several changes. The first of these changes was a 1968 amendment to Section 4(f)'s wording—an effort by lawmakers to reconcile the language of 49 U.S.C. Section 1653(f) and 23 U.S.C. Section 138. The wording in the two provisions was somewhat different; therefore, the Federal-Aid Highway Act of 1968 amended the wording in both sections to be consistent. The second change was a result of the 1983 recodification of the DOT Act, in which Section 4(f) became 49 U.S.C. Section 303.

In August 2005, Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), made the first substantive revision to Section 4(f) since the 1966 US Department of Transportation Act. Section 6009, which amended existing Section 4(f) legislation at both Title 49 U.S.C. Section 303 and Title 23 U.S.C. Section 138, simplified the process and approval of projects that have only *de minimis* impacts on lands impacted by Section 4(f). As defined in 23 CFR 774.17, *de minimis* means 1) for historic sites that there is no historic property affected or no adverse effect, and 2) for parks, recreation areas, and wildlife and waterfowl refuges that there is no adverse effect on the features, attributes, or activities quality in the property for protection under Section 4(f). Under the new provisions, once the US DOT determines that a transportation use of Section 4(f) property results in a *de minimis* impact, analysis of avoidance alternatives are not required and the Section 4(f) evaluation process is complete. Section 6009 also required the US DOT to issue regulations that clarify the factors to be considered and the standards to be applied when determining if an alternative for avoiding the use of a section 4(f) property is feasible and prudent. On March 12, 2008 FHWA issued a Final Rule on Section 4(f), which clarifies the 4(f) approval process and simplifies its regulatory requirements. In addition, the Final Rule moves the Section 4(f) regulation to 23 CFR 774.

Types of “uses” include:

- When land is permanently incorporated into a transportation facility.
- When there is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose as determined by the criteria in 23 CFR 774.13(d).
- When there is a constructive use of a Section 4(f) property, as determined by the criteria in 23 CFR 774.15, meaning the proximity of the project’s impacts are so severe that the protected activities, features, or attributes that qualify the resource for protection are substantially impaired.

If an alternative avoids Section 4(f) properties and is prudent and feasible to construct, then it must be selected. If no prudent and feasible avoidance alternative exists, only the alternative that causes the least overall harm and includes all possible planning to minimize harm to Section 4(f) properties may be selected (23 CFR 774.3(c)(1)). The following factors are to be considered when conducting the least harm analysis:

- Ability to mitigate adverse impacts to each Section 4(f) property.
- Relative severity of remaining harm, after mitigation, to the protected activities that qualify each property for Section 4(f) protection.
- Relative significance of each Section 4(f) property.
- Views of the officials with jurisdiction over each Section 4(f) property.
- Degree to which each alternative meets the Purpose and Need.
- After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f).
- Substantial differences in costs between the alternatives.

Based on the seven factors above, in cases where all alternatives would cause substantially the same harm, FHWA may select any of the alternatives.

When impacts are determined not to be adverse, a USDOT agency can approve the use of a Section 4(f) property, by making a finding of *de minimis* impact.

An evaluation of the proposed project’s potential impacts to Section 4(f) properties is being conducted under §774.7(e), which allows for a preliminary Section 4(f) approval for Tier One documents, provided that opportunities to minimize harm at subsequent stages are not precluded by decisions made in Tier One. Section 4(f) approval will be finalized in Tier Two. A preliminary Section 4(f) approval would be subject to a re-evaluation if new or more detailed information becomes available during the Tier Two NEPA studies. Feasible and prudent avoidance alternatives, if any, should be identified, and all possible conceptual planning to minimize impacts will be discussed in the Tier One NEPA studies. Further evaluation of measures to minimize harm to Section 4(f) properties will also occur in the Tier Two NEPA studies.

3.14.2 Description of Section 4(f) Properties

3.14.2.1 Public Parks, Recreation Areas, and Wildlife Refuges

Many publicly-owned local and state parks and recreational facilities are found throughout the Study Area (Figure 3-38). Parks tend to be concentrated in and near the municipalities. Wildlife refuges in the Study Area are also shown on Figure 3-38. Table 3-77 lists publicly-owned local and state parks and recreational facilities and wildlife refuges within Corridors A3S2, B3, and B4. Figure 3-38 shows existing recreational trails (pedestrian, bicycle, and equestrian) in the Study Area. Some trails are also located within parks and natural areas throughout the Study Area.

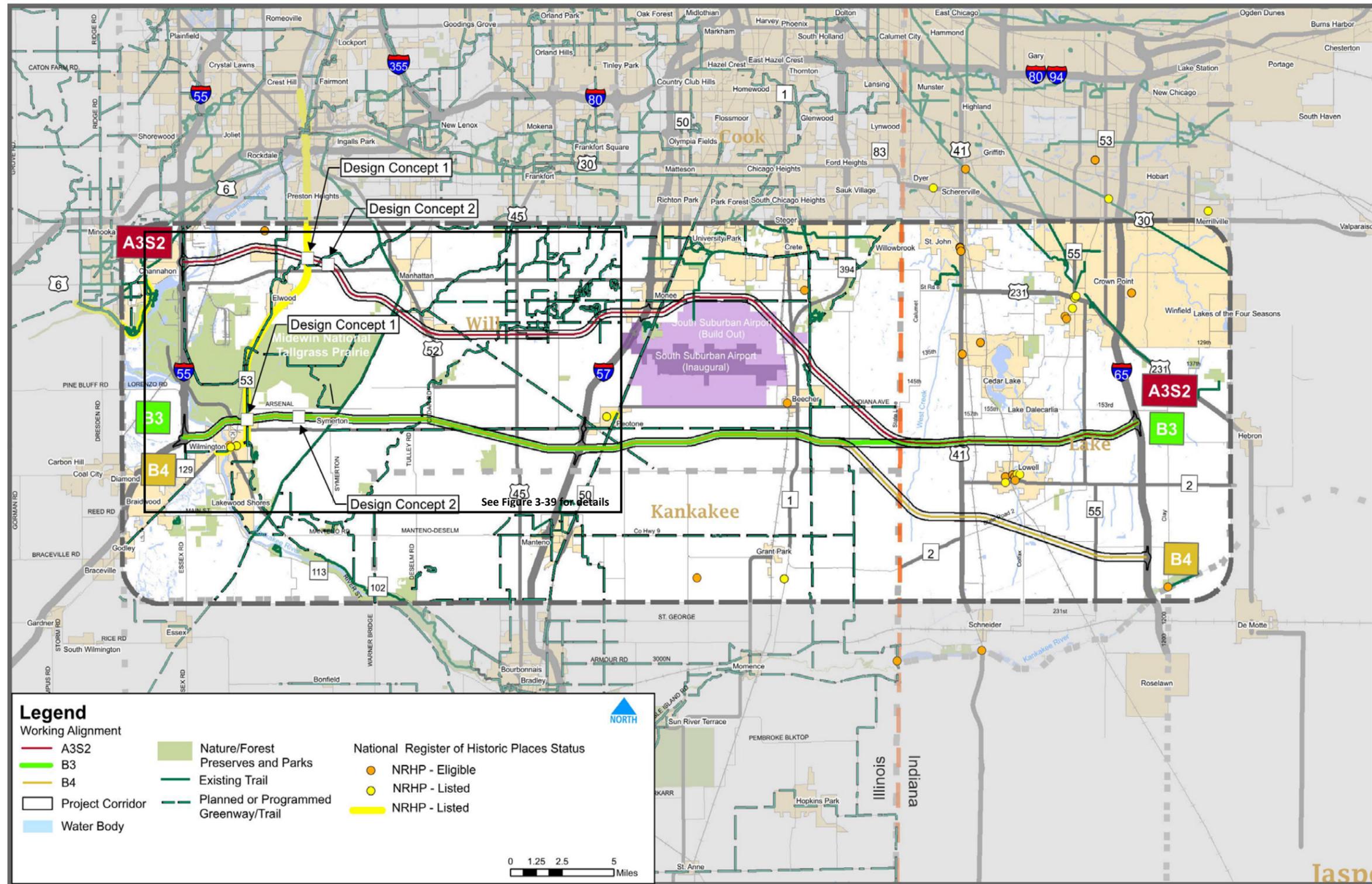
Table 3-77. Public Parks, Recreation Areas, and Wildlife Refuges within Corridors A3S2, B3, and B4

Property	Location	Description	Ownership
Waupoosee Glacial Trail	Will County; 2.75 miles north from Laraway Road to Rowell Avenue in Joliet, Illinois, and 19.5 miles south from Laraway Road, south through Manhattan and Symerton to the Kankakee River	22.3 miles total length (2.75 miles paved asphalt; 19.5 miles crushed limestone); multi-use trail for biking, cross-country skiing, hiking, horseback riding, snowshoeing, and skating	FPDWC
DPSFWA	Will County; 24621 North River Road Wilmington, IL 60481; accessible from I-55	4,950 total acres; provides multiple uses including: picnic areas, fishing, hunting, camping, boating, equestrian trails, nature preserve, and dog training	Illinois DNR
Midewin National Tallgrass Prairie	Will County; 30239 S. SR 53, Wilmington, IL 60481	18,225 total acres; 7,200 acres and 22 miles of trails open for public recreation and rest is not open for public use	USFS

The Waupoosee Glacial Trail is crossed by the working alignments of Corridors A3S2, B3, and B4. The trail is owned by the FPDWC. No other existing recreational trails are within or cross the corridors.

The DPSFWA, owned by the Illinois DNR, is partially within Corridors A3S2, B3 and B4. It is a multiple-use area that provides picnic areas and outdoor sports activities for public use. Only the portions of the property that have these recreational uses are protected by Section 4(f). Additional uses at the DPSFWA include a nature preserve and wildlife habitat that are not protected by Section 4(f) unless protecting a federally listed threatened and endangered species. FHWA does not consider land used for hunting and fishing protected by Section 4(f) because the activity is dispersed.

Figure 3-38. Public Parks, Recreation Areas, Wildlife Refuges, and Historic Resources



Sources
 Trails: Forest Preserve District of Will County, Kankakee County, Indiana DNR, Will County
 Historic Resources: Correspondence with Thomas E. Emerson. August 1, 2011. RE: Initial Cultural Resource Assessment, Illiana Expressway - ISAS Log #110897 (Illinois Section). Illinois State Archaeological Survey, University of Illinois at Urbana-Champaign.

Historic Resources Cont'd: Historic Landmarks Foundation of Indiana. 1996. Lake County Interim Report. Indianapolis, Indiana.
 Indiana Division of Historic Preservation and Archaeology. 2011. Indiana State Historic Architectural and Archaeological Research Database (SHAARD). <https://secure.in.gov/apps/dnr/shaard/welcome.html>.

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The Midewin National Tallgrass Prairie is located adjacent to Corridor A3S2 to the south, and Corridors B3 and B4 to the north. The largest public open space in northeastern Illinois, Midewin National Tallgrass Prairie is on land once used as the Joliet Army Arsenal Plant and is now managed for National Forest System purposes. Midewin National Tallgrass Prairie is partially open to the public for various recreational activities and only those portions open for public recreational activities are considered protected by Section 4(f).

Within the Indiana portion of the Study Area, no publicly-owned local and state parks and recreational facilities or wildlife and waterfowl refuges fall within Corridors A3S2, B3, or B4.

Wauponsee Glacial Trail

The Wauponsee Glacial Trail is publicly-owned, open for public use, and its major purpose is providing recreational activities along the full length of the trail. The trail, which is named after an ancient glacial lake, is owned and operated by the FPDWC (Official with Jurisdiction) It is a multi-use trail open to the public year-round from sunrise to sunset, providing bicycling, horseback riding, hiking/running, and cross country skiing. The trail is located in the western portion of Will County on abandoned rail right-of-way. The primary access in the Study Area to the Wauponsee Glacial Trail is the Sugar Creek Administration Center in Joliet. Other access points are on Manhattan Road, in Manhattan, and Commercial Street, in Symerton. There are ongoing planning activities to extend the trail southward to the Will County line. An estimate of the number of users is not currently available from the FPDWC but much of its current use is for short distance recreational trips. Two new access facilities will be completed in 2013 where more equestrian and bicyclists are expected.

The Wauponsee Glacial Trail is 22.3 miles in length. The northern portion of the trail is a 2.75-mile section comprised of asphalt that runs from the Sugar Creek Administration Center, on Laraway Road in Joliet, north to Rowell Avenue. The southern section of the trail is 19.5 miles, beginning at the Sugar Creek Administration Center and ending at the Kankakee River. The southern section of the trail is surfaced with crushed limestone and runs adjacent to the east side of the Midewin National Tallgrass Prairie. The southern section is available for horseback riding, and the Administration Center provides ample parking for horse trailers and vehicles.

Des Plaines State Fish and Wildlife Area

The DPSFWA is a 4,950 acre multiple-use property located off of I-55 near Wilmington in western Will County. In addition to other uses, it provides picnic areas and various outdoor sports activities for the public throughout the property. Only the portions of the property that have these recreational uses are considered for Section 4(f). As the owner and manager, the Illinois DNR is the Official with Jurisdiction. The DPSFWA property also includes the Des Plaines Dolomite Prairie and the Game Propagation Center. The Des Plaines Dolomite Prairie is located on the west side of I-55 within the DPSFWA. The Des Plaines Game Propagation Center is located west of County Highway 44/River Road along the Kankakee River. Archery deer hunting and furbearer

trapping are available at the Des Plaines Game Propagation Center. The site is open year round except for major holidays. According to the Illinois DNR website, more than 350,000 people visit the DPSFWA annually.

Picnicking areas are available along the Kankakee River and at the Milliken Lake site. Open water and ice fishing sites are available at Milliken Lake and at several ponds throughout the area outside of Corridors A3S2, B3, or B4. Boating is available with launch ramps on the Kankakee River. A 12-mile equestrian trail is located throughout the wildlife area but does not go through areas within Corridors A3S2, B3, or B4. This trail is open from mid-April to October between the hours of 6 a.m. and 10 p.m. Campgrounds and boat ramps are open from mid-April to mid-October.

Approximately 80 acres of the wildlife and conservation area are dedicated as a nature preserve where all plants and animals are protected. The DPSCA/DPSFWA along the Kankakee River, adjacent to the working alignments within Corridors B3 and B4, may provide suitable habitat for bald eagles.

Within Corridor A3S2, the DPSFWA consists of forested land located on Treat Island. Since there are no parks, recreational activities, or wildlife or waterfowl refuges for threatened and endangered species, the area of Treat Island within DPSFWA is not considered protected by Section 4(f). Within Corridors B3 and B4, the DPSFWA consists of hunting areas for deer, dove, and coyote. FHWA does not consider land used for hunting to be protected by Section 4(f) because it is a dispersed activity.

Midewin National Tallgrass Prairie

The Midewin National Tallgrass Prairie is the first national tallgrass prairie in the country and the National Forest System and is owned by the US Forest Service (USFS). Located in Will County, the Midewin National Tallgrass Prairie was established on the former Joliet Arsenal Army Plant and is a multiple-use property. Midewin is approximately 18,225 total acres and is the largest public open space in northeastern Illinois. Currently, about 7,200 acres and 22 miles of trails are open to the public. Areas open to the public are not within Corridors A3S2, B3, or B4. Public access is restricted in areas due to cleanup of ammunition manufacturing contaminants on the Joliet Arsenal Army Plant. Activities available for the public include bicycling, hiking, horse riding, camping, hunting, nature viewing, picnicking, and cross country skiing. The Midewin National Tallgrass Prairie is open Monday through Friday in the Fall and Winter and Monday through Saturday in the Spring and Summer. The hours of operation are between 8 a.m. and 4:30 p.m. The National Visitor Use Monitoring project estimated that 30,000 people visited the Midewin National Tallgrass Prairie in 2003, down to 17,000 people in 2008. The full footprint of the Midewin National Tallgrass Prairie is identified as a "prairie under construction" in the management plan. Not all of the property will be for recreational use but is rather part of an effort to restore the ecology of the Midewin National Tallgrass Prairie.

The Midewin National Tallgrass Prairie was established by the Illinois Land Conservation Act of 1995 (PL 104-106) for the purposes of:

- managing the land and water resources;
- providing opportunities for scientific, environmental, and land use education and research;
- allowing agricultural uses of land; and
- providing a variety of recreation opportunities allowed on the land.

The Illinois Land Conservation Act also states that no new construction of any highway, public road, or any part of the Interstate system is permitted through or across any portion of the Midewin National Tallgrass Prairie. Because of this Act, the Midewin National Tallgrass Prairie has stricter prohibition on development of new highway facilities than resources protected by Section 4(f). This Act requires all planning for a new highway facility to avoid converting land from the Midewin National Tallgrass Prairie to a highway use.

3.14.2.2 *Historic and Archaeological Sites*

Historic Resources

NRHP eligible and listed sites that are currently known are discussed in Section 3.4 and mapped on Figure 3-38. No field survey work was completed to identify additional cultural resources and no determinations of eligibility for built resources meeting the 50 year age criteria were completed in Tier One. Additional historic and archaeological resources will likely be identified during the Tier Two NEPA studies when field surveys will be conducted to identify any resources more than 45 years of age located in the APE that were not identified in the Tier One database and records searches as previously documented or evaluated for NRHP eligibility

Within the Illinois portion of the Study Area, the ISAS identified 10 known historic architectural properties that are listed in or eligible for inclusion in the NRHP. All of these historic architectural resources are located in Will County including Alternate Route 66. No previously identified NRHP- listed or eligible historic architectural properties have been identified in Kankakee County.

Within the Indiana portion of the Study Area, 166 architectural resources previously identified as 50 years of age or older were identified using available resources as discussed in Section 3.4.7. Of these, 42 resources are historic properties previously identified that are listed in or eligible for inclusion in the NRHP. No previously identified NRHP-listed or eligible historic resources in Indiana are within the APE and 2,000 foot area within Corridors A3S2, B3, or B4.

Alternate Route 66

Only Alternate Route 66, Wilmington to Joliet (also known as IL-53) in Will County is within all of the 2,000-foot area of Corridors A3S2, B3, and B4. In addition to its NRHP listing status, Alternate Route 66 was designated by FHWA in 2005 as a National Scenic Byway under the

National Scenic Byways Program. This section of Alternate Route 66 is 15.9 miles in length. It is managed by the Illinois Route 66 Scenic Byway organization. This road section originally served as an Alternate Route 66 around Joliet. Due to wartime traffic to and from the nearby Kankakee and Elmwood ordinance plants during World War II, the 1920s original two-lane highway was replaced with a limited access four-lane divided highway constructed between 1942 and 1945. In order to sustain the wear and tear of wartime traffic, updated construction methods were applied, including application of a special sub base of gravel and stone on top of the older roadbed, and a divided 24-foot wide roadbed with 10-inch thick Portland cement slab. This section remained a major transportation artery until the construction of I-55. Aside from a new macadam overlay, much of the road's original 1945 character remains (NPS, 2012).

Other Architectural Properties

The following properties within each of the corridor's APE are not likely to be directly impacted by any of the working alignments.

- Within the Illinois portion of the Study Area, two additional properties are listed in the NRHP (Figure 3-38):
 - Eagle Hotel (located approximately 1.22 miles south of the working alignments within Corridors B3 and B4; and
 - NRHP-eligible Downtown Wilmington historic district (located approximately 1.12 miles south of the working alignments within Corridors B3 and B4).
- Within the Corridor A3S2 APE, which is a 2 mile-wide area outside of the 2,000-foot corridor, the bridge over Cedar Creek carrying Patterson Road is eligible for listing in the NRHP (approximately 0.77 miles north of working alignment within the corridor).

Archaeological Sites

Within the Illinois portion of the Study Area, two possibly prehistoric mounds are located within Corridors B3 and B4, but not within the working alignments of those corridors. Additional investigation is required to evaluate their eligibility for listing in the NRHP. Additionally, portions of identified high probability areas for archaeological resources are within the corridors. Within the Indiana portion of the Study Area, three previously recorded archaeological sites are located within Corridors A3S2 and B3 that require additional investigation to evaluate their eligibility for listing in the NRHP. Additional investigations to determine eligibility of sites for listing in the NRHP will be conducted and coordinated with the SHPO during the intensive-level study in the Tier Two NEPA studies. No previously documented archaeological sites are located within Corridor B4 that is within Indiana.

Section 4(f) applies to archaeological sites that are in or eligible for inclusion in the NRHP and warrant preservation in place. Sites that are discovered during construction will also need to be determined for the eligibility on the NRHP. Consultation with the SHPO will be conducted during Tier Two NEPA studies to determine if preservation in place is warranted for such sites.

3.14.3 Methodology

Secondary source information was used to identify publicly owned parks, recreational areas, wildlife refuges, and eligible or listed NRHP sites in Corridors A3S2, B3, and B4 that may require evaluation according to the Section 4(f) of the USDOT Act of 1966 and criteria determined in 23 CFR 774. Available GIS databases were used to determine the location of Section 4(f) properties. Corridors A3S2, B3, and B4 were overlaid to determine potential impacts. Coordination with the Official with Jurisdiction of each Section 4(f) property will be completed during the Tier Two NEPA studies.

3.14.4 Potential Impacts to Section 4(f) Properties

Impacts by working alignments within Corridors A3S2, B3, and B4 to Section 4(f) properties are presented in Table 3-78 and shown on Figure 3-39.

The Midewin National Tallgrass Prairie does not fall within Corridors A3S2, B3, or B4 and the project therefore would not convert any portion of this resource to a transportation use. The only known NRHP-listed historic property within the working alignments is Alternate Route 66 at the western end of the corridors.

3.14.4.1 Corridor A3S2

The working alignment within Corridor A3S2 potentially impacts the Wauponsee Glacial Trail and Alternate Route 66.

The working alignment of Corridor A3S2 crosses the 19.5 mile southern limestone section of the Wauponsee Glacial Trail located south of the Manhattan, Illinois. The Wauponsee Glacial Trail would be temporarily impacted with the construction of the proposed project due to crossing of the trail. A temporary trail could be constructed during construction of the proposed project so that the trail could remain open. Trail continuity could also be maintained by bridging the proposed project over the trail. The temporary trail and bridge option will be further evaluated during Tier Two NEPA studies. There would be no change in ownership of the trail. Since Design Concepts 1, 2, and 3 for each of the working alignments are related to IL-53, they would not impact the trail.

The working alignment within Corridor A3S2 has the potential to affect Alternate Route 66. The working alignment within Corridor A3S2 crosses over the NRHP-listed Alternate Route 66 north of Manhattan Road and includes an interchange at IL-53 with Design Concept 1. Design Concept 1 would cross over and then intersect Alternate Route 66 with interchange ramps. Traffic studies will be completed during Tier Two NEPA studies to determine to what extent this design concept would require alterations such as widening or adding turn lanes or signals to Alternate Route 66. Design Concept 2 would involve a proposed offset interchange at IL-53, approximately 1 mile east at South Rowell Road and an overpass at IL-53. Design Concept 3 provides only an overpass at IL-53. Based on early coordination with the Illinois SHPO, Design Concept 1 for Corridor A3S2 would likely result in a finding of adverse effect. However, it is possible to have an adverse effect on Alternate Route 66 without there being a Section 4(f) use of the historic resource. Section 4(f) applies if a project permanently

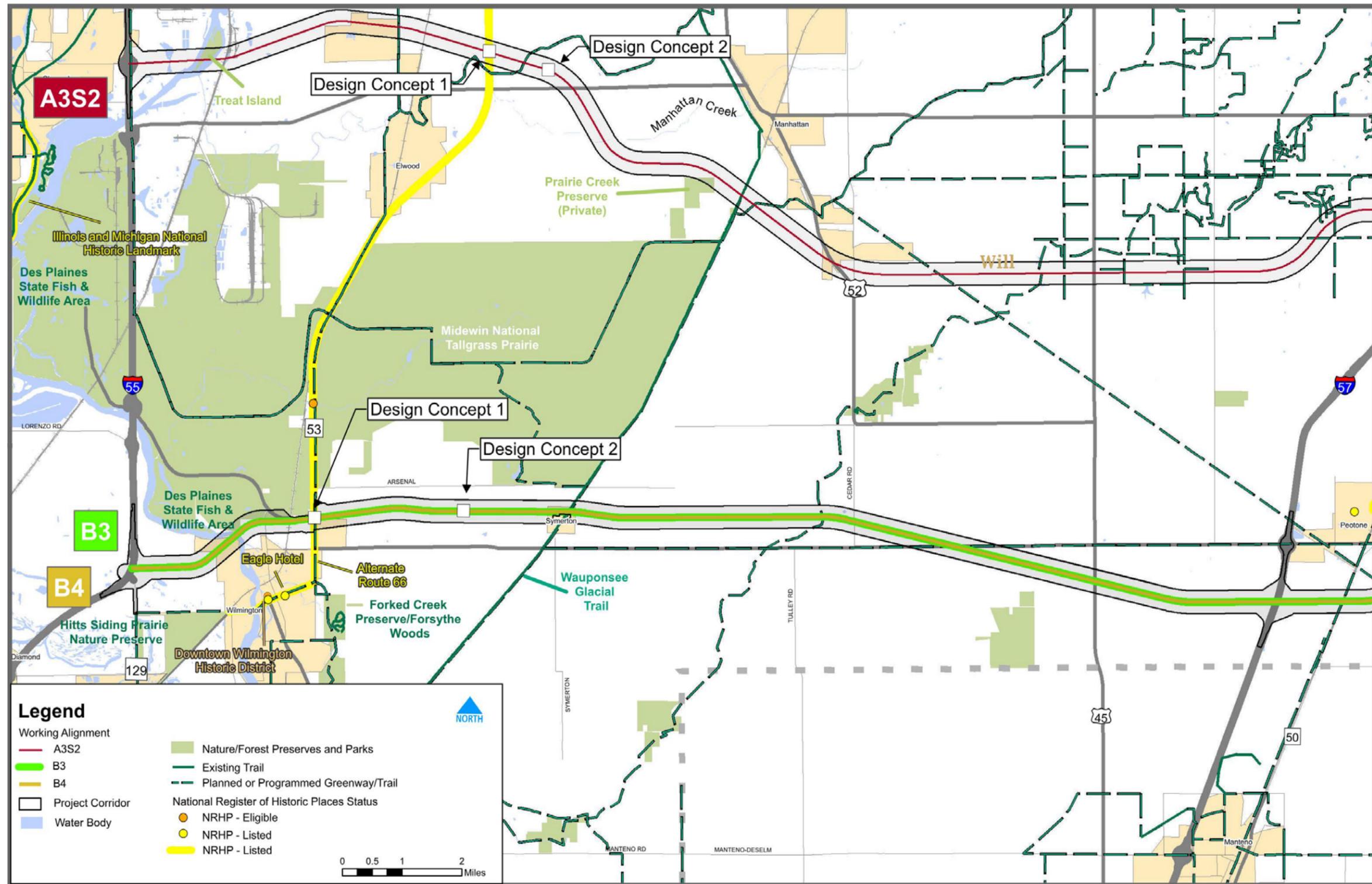
Table 3-78. Potential Impacts of the Working Alignments to Public Parks, Recreational Areas, and Historic Resources

Property	Total Size/Length	Section 4(f) Impact	Section 4(f) Impact as Percent of Total Property
Wauponsee Glacial Trail¹			
A3S2 Working Alignment	22.3 miles	405 feet of the southern 19.5-mile multi-use limestone portion of the trail	0.3% of total trail
B3 Working Alignment		483 feet of the southern 19.5-mile multi-use limestone portion of trail	0.4% of total trail
B4 Working Alignment		483 feet of the southern 19.5-mile multi-use limestone portion of trail	0.4% of total trail
DPSFWA¹			
A3S2 Working Alignment	4,950 acres	No use of 4(f) protected land	None
B3 Working Alignment		No use of 4(f) protected land	None
B4 Working Alignment		No use of 4(f) protected land	None
Midwin National Tallgrass Prairie			
A3S2 Working Alignment	18,225 acres	No impact	None
B3 Working Alignment		No impact	None
B4 Working Alignment		No impact	None
Alternate Route 66, Wilmington to Joliet			
A3S2 Working Alignment	15.9 miles ²	Design Concept 1: new 400-foot wide interchange with IL-53 Design Concept 2: overpass; no 4(f) use Design Concept 3: overpass; no 4(f) use	Design Concept 1: 0.5% of route section ² Design Concept 2 and 3: None
B3 Working Alignment		Design Concept 1: new 400-foot wide interchange with IL-53 Design Concept 2: overpass; no 4(f) use Design Concept 3: overpass; no 4(f) use	Design Concept 1: 0.5% of route section ² Design Concept 2 and 3: None
B4 Working Alignment		Design Concept 1: new 400-foot wide interchange with IL-53 Design Concept 2: overpass; no 4(f) use Design Concept 3: overpass; no 4(f) use	Design Concept 1: 0.5% of route section ² Design Concept 2 and 3: None

¹ Impacts to Wauponsee Glacial Trail and DPSFWA are the same for the design concepts.

² The total length of the Route 66 is 436 miles within the State of Illinois, and nearly 2,500 miles across the US. The Wilmington to Joliet section of Alternate Route 66 is 15.9 miles in length. The impact of the working alignments as noted in the table is a percentage of the Wilmington to Joliet section.

Figure 3-39. Impact Areas of Section 4(f) Properties



Sources
 Trails: Forest Preserve District of Will County, Kankakee County, Indiana DNR, Will County
 Historic Resources: Correspondence with Thomas E. Emerson, August 1, 2011. RE: Initial Cultural Resource Assessment, Illiana Expressway – ISAS Log #110897 (Illinois Section). Illinois State Archaeological Survey, University of Illinois at Urbana-Champaign.

Historic Resources Cont'd: Historic Landmarks Foundation of Indiana. 1996. Lake County Interim Report. Indianapolis, Indiana.
 Indiana Division of Historic Preservation and Archaeology. 2011. Indiana State Historic Architectural and Archaeological Research Database (SHAARD). <https://secure.in.gov/apps/dnr/shaard/welcome.html>.

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incorporates land of an historic site, or if there are proximity impacts due to the project that substantially impair the features or attributes that contribute to the property's eligibility for the NRHP ("constructive use"). Design Concepts 2 and 3 would not directly tie into Alternate Route 66. These design concepts may introduce visual elements that diminish the integrity of the property's significant historic features and may change the character of the property's setting that contributes to its historic significance. Through the Section 106 process, a determination of effect as a result of the project will be made and an analysis of Section 4(f) use, if any, will be completed.

3.14.4.2 Corridors B3 and B4

The working alignment within Corridors B3 and B4 would impact the Wauponsee Glacial Trail and potentially impact Alternate Route 66.

The portion of the Wauponsee Glacial Trail inside the working alignments (483 feet) within Corridors B3 and B4 is the 19.5 mile southern limestone section of the trail located on the north side of Symerton, Illinois, approximately 380 feet north of an access location to the trail. Since Design Concepts 1, 2, and 3 for each of the working alignments are related to IL-53, they would not impact the trail.

It is anticipated that any disruption to the Wauponsee Glacial Trail would be less than the time needed to construct the project. A temporary trail could be constructed during construction of the proposed project so that the trail could remain open. Trail continuity could also be maintained by bridging the proposed project over the trail. The temporary trail and bridge option will be further evaluated during Tier Two NEPA studies. There would be no change in ownership of the trail. Coordination during Tier Two NEPA studies will determine the actual disruption to the trail. As stated in 23 CFR 774.13, the temporary occupancy of land designated as a Section 4(f) resource does not constitute a use if:

- The duration is temporary.
- The scope of work is minor.
- There are no permanent, adverse physical impacts anticipated and no interference with protected activities, features, or attributes.
- The land being used is fully restored to a condition at least as good as prior to construction.
- Documented agreement of the Official with Jurisdiction regarding the above conditions occurs.

The working alignments within Corridors B3 and B4 would require approximately 2.9 acres of land from the DPSFWA located at the southern edge of the property south of River Road. The portion of the DPSFWA within the working alignments of Corridors B3 and B4 is open space designated for hunting and no other recreational activities. Hunting areas are available throughout the 4,950 acres of DPSFWA. FHWA does not consider land used for hunting to be protected by Section 4(f) because it is a dispersed activity. Therefore, this impact would not be considered a use of Section 4(f) property.

Corridors B3 and B4 have the potential to affect the NRHP-listed Alternate Route 66. The working alignments within Corridors B3 and B4 cross over the NRHP-listed Alternate Route 66 at that road's intersection with River Road where an interchange is proposed with Design Concept 1. Design Concept 1 would cross over and then intersect Alternate Route 66 with interchange ramps. Traffic studies will be completed during the Tier Two NEPA studies to determine to what extent this design concept would require alterations such as widening or adding turn lanes or signals to Alternate Route 66. With the working alignments within Corridors B3 and B4, Design Concept 2 is a proposed interchange offset approximately 2.5 miles east, between Phillips Road and Old Chicago Road, and provide an overpass at IL-53. Design Concept 3 is only an overpass at IL-53. Design Concepts 2 and 3 would not directly tie into Alternate Route 66. Based on early coordination with the Illinois SHPO, Design Concept 1 for Corridors B3 and B4 would likely result in a finding of adverse effect. However, it is possible to have an adverse effect on Alternate Route 66 without there being a Section 4(f) use of the historic resource. Section 4(f) applies if a project permanently incorporates land of an historic site, or if there are proximity impacts due to the project that substantially impair the features or attributes that contribute to the property's eligibility for the NRHP ("constructive use"). The proposed project may introduce visual elements that diminish the integrity of the property's significant historic features and may change the character of the property's setting that contributes to its historic significance. Through the Section 106 process, a determination of effect as a result of the project will be made and an analysis to determine if there is a Section 4(f) use of the resource.

3.14.5 Avoidance Alternatives

3.14.5.1 No-Action Alternative

The No-Action Alternative would not impact any Section 4(f) properties since no additional right of way would be required. However, the No-Action Alternative does not meet the proposed project's Purpose and Need. The No-Action Alternative would not improve regional mobility, alleviate local system congestion and improve local system mobility, nor provide for efficient movement of truck freight in the Study Area. Because the No-Action Alternative does not meet the Purpose and Need, it is not considered to be a prudent and feasible alternative.

In addition to the No-Action Alternative, a total of 10 initial corridors were evaluated, as discussed in Section 2.0. The initial corridors include nine new facility corridors (A1, A2, A3, A3S1, A4, B1, B3, C4) and two arterial corridors (A-1 and B-2) that would consist of improvements to existing arterial roadways. Each of these corridors evaluated cross at least one Section 4(f) property. The corridor that runs at the southern portion of the Study Area, Corridor C4, and the arterial corridors, Corridors A-1 and B-2, were eliminated because of their poor travel performance. Corridor A-1 was also eliminated because of the high number of potential residential and commercial displacements. Following the initial screening, Corridors A3S2 and B4 were developed to evaluate concerns and respond to comments from stakeholders.

3.14.5.2 Corridor A3S2

Since the purpose of the proposed project is to improve east-west transportation connections, all corridors analyzed are aligned in an east-west direction and, therefore, cross either the NRHP-listed Alternate Route 66 or the Wauponsee Glacial Trail, given the corridor's western terminus at I-55. Also, several public recreational trails within the Study Area are oriented north-south and cross each of the working alignments within the corridors. Corridor A3S2 cannot be shifted to avoid crossing either the Wauponsee Glacial Trail or the NRHP-listed Alternate Route 66 since these facilities extend to the northern limits of the Study Area. The corridors cannot be shifted south due to the presence of the Midewin National Tallgrass Prairie.

Impacts to Alternate Route 66 could be avoided or minimized if Design Concepts 2 or 3 are utilized. Design Concepts 2 and 3 would not directly tie into Alternate Route 66. Both design concepts would overpass IL-53. Impact to Alternate Route 66 could also be minimized if the disruption is temporary and the facility continuity is maintained. The design concepts will be further evaluated during the Tier Two NEPA studies and every effort will be made to avoid any use of Alternate Route 66.

3.14.5.3 Corridors B3 and B4

Shifting the working alignments within Corridors B3 and B4 to the south to avoid crossing the historic designated portion of Alternate Route 66 would still result in impacts to other Section 4(f) properties, the Wauponsee Glacial Trail and forest preserves southeast of Wilmington, Illinois. The 790-acre Forked Creek Preserve/Forsythe Woods is located southeast of Wilmington, Illinois. Forsythe Woods includes prairie areas that have been enhanced by prescribed burns and also provides areas for wildlife viewing. The 260-acre Hitts Siding Prairie Nature Preserve is located east of Wilmington. Threatened and endangered species occur in the Hitts Siding Prairie Nature Preserve (Illinois DNR, 2009). Both of these properties are outside of Corridors B3 and B4.

Impacts to Alternate Route 66 could be avoided or minimized if Design Concepts 2 or 3 are utilized. Design Concepts 2 and 3 would not directly tie into Alternate Route 66. Both design concepts would overpass IL-53. Impact to Alternate Route 66 could also be minimized if the disruption is temporary and the facility continuity is maintained. The design concepts will be further evaluated during the Tier Two NEPA studies and every effort will be made to avoid any use of Alternate Route 66.

Impacts to the Wauponsee Glacial Trail could be minimized if the disruption is temporary, trail continuity is maintained, and the trail is reinstated in the same or better condition than it was prior to construction. Trail continuity could be maintained by either rerouting the trail temporarily along Arsenal and Symerton roads, or by bridging the proposed project over the trail. The temporary trail and bridge option will be further evaluated during Tier Two NEPA studies and every effort will be made to avoid a temporary use of the Wauponsee Glacial Trail. Shifting Corridors B3 and B4 to the south to avoid crossing the Wauponsee Glacial Trail would necessitate a 7-mile realignment to the south, and result in a crossing of the Kankakee River southwest of where Corridors B3 and B4 currently cross the river. This would also be a larger crossing of the Kankakee River than

as proposed for the working alignments within Corridors B3 and B4. The proposed project cannot avoid the Wauponsee Glacial Trail if shifted to the north since the trail extends to the northern limits of the Study Area.

All of the corridors screened would have some portion of a Section 4(f) property within the corridor or result in a greater impact to other environmental resources. However, based on currently available information in this Tier One Draft EIS, it appears that either there is the potential to minimize impacts, avoid use of Section 4(f) properties, or a portion of such property within Corridors A3S2, B3, and B4 is not considered a Section 4(f) use.

3.14.6 Measures to Minimize Harm

Effort was made in the development of corridors and the evaluation screening process to avoid or minimize impacts to Section 4(f) properties. Though the corridors are in the conceptual stage, measures were incorporated into the design to minimize impacts to environmental resources. In general, corridors were chosen to avoid as many Section 4(f) properties as possible. Specifically, the conceptual design of Design Concept 1 of Corridors B3 and B4 was modified near the Midewin National Tallgrass Prairie to avoid encroachment onto the property. During the Tier Two NEPA studies, refinements to the design of all of the working alignments will occur and a range of minimization measures will be evaluated for Section 4(f) properties should they not be avoided.

Impacts to Alternate Route 66 could be avoided or minimized if Design Concepts 2 or 3 are utilized. Design Concepts 2 and 3 would not directly tie into Alternate Route 66. Both design concepts would overpass IL-53. Impact to Alternate Route 66 could also be minimized if the disruption is temporary and the facility is maintained. The design concepts will be further evaluated during the Tier Two NEPA studies and every effort will be made to avoid any use of Alternate Route 66.

It is FHWA's policy to minimize disruption to the continuity of existing recreational trails. All reasonable efforts would be made to maintain the continuity and operation of the trails. Potential mitigation measures to minimize impacts of Corridor A3S2 to the Wauponsee Glacial Trail include bridging over the existing trail and Gougar Road; rerouting the trail along Gougar and Pigeline roads; or, providing a replacement trail during construction and temporarily rerouting a section of the trail. Potential mitigation measures to minimize impacts of Corridors B3 and B4 to the Wauponsee Glacial Trail include bridging over the existing trail and Symerton Road; rerouting the trail along Arsenal and Symerton roads around Symerton, Illinois; or providing a replacement trail during construction and rerouting a section of the trail. Reasonable efforts would be made to limit disruption to the trail and reinstate it in the same or better condition. Ways to minimize harm to the trail through design or other mitigation will be investigated further and consultations with the FPDWC will be undertaken during the Tier Two NEPA studies.

3.14.7 Potential Future Section 4(f) Properties in the Corridors

Potential future Section 4(f) properties were identified to determine locations of potential resources within each of the corridors. Section 4(f) would apply if these planned properties are publicly owned and designated for being significant for park, recreational use, or wildlife and waterfowl refuge purposes.

3.14.7.1 Future Parks, Recreational Areas, and Preserves

Community and regional plans for future parks within the Study Area are outside of the corridors were examined. Proposed recreational trails identified in the Northeastern Illinois Regional Greenways and Trails Plan, FPDWC Capital Improvement Program, and the Will County 2030 Transportation Plan are located throughout the Study Area (Figure 3-38 and Figure 3-39). Several of the proposed trails in these plans are identified as long-term proposals without actual right of way or funding in place. None of the lands that have been acquired for future Section 4(f) properties are within Corridors A3S2, B3, or B4.

3.14.7.2 Historic and Archaeological Sites

In Indiana, within the APE of Corridors A3S2 and B3, there are six previously identified historic properties that are over 50 years of age but have not yet been evaluated for NRHP eligibility (Figure 3-38). Within the APE of Corridor B4 there are three previously identified historic resources that are over 50 years of age but have not been evaluated for NRHP eligibility. Those properties that are determined NRHP-eligible would be Section 4(f) properties.

Historic resources that reach 50 years of age in the near future may become eligible for the NRHP and, if within the corridors, would be Section 4(f) properties that may be impacted by the project. For the purposes of this project, resources that are 45 years of age or older will be identified during Tier Two NEPA studies when field surveys will be conducted to identify any built resources in the APE that were not identified in the Tier One database and records searches as previously documented or evaluated for NRHP eligibility.

Additional historic properties will likely be identified when these field surveys are undertaken. The additional surveys, determinations of eligibility, and effects assessments will be conducted and coordinated with the SHPOs during the Tier Two NEPA studies when the working alignments are refined. To establish a framework for the Tier Two Section 106 studies and consultation, FHWA has determined that a PA will be drafted in consultation with the SHPOs, IDOT, and INDOT prior to the issuance of the Tier One FEIS. The PA will describe the studies and consultation undertaken in Tier One and outline the Tier Two Section 106 methodology. As part of the Tier Two NEPA studies, previously evaluated properties will be surveyed to determine if prior determinations of eligibility remain valid. Formal eligibility determinations will be submitted to the SHPOs for concurrence on any resources ultimately determined to be in the APE. All work will conform to established Section 106 and SHPO reporting standards.

Five archaeological sites within Corridors B3 and B4 require evaluation for NRHP eligibility. Additional investigations to determine eligibility of sites for listing in the NRHP will be conducted and coordinated with the SHPO during the intensive-level study in the Tier Two NEPA studies. Additional archaeological resources will likely be identified when field surveys are undertaken during the Tier Two NEPA studies. If sites that are identified through field surveys represent prehistoric mound sites, then the likelihood for preservation in place is increased. Sites that are discovered during construction will also need to be determined for the eligibility on the NRHP. Appropriate notifications and consultation with Tribes, and consultation with the SHPO will be conducted during Tier Two NEPA studies to determine if preservation in place is warranted for sites. If these resources cannot be avoided, additional work will be necessary to resolve any adverse effects as a result of the proposed project.

3.14.8 Least Harm

If there are no feasible and prudent avoidance alternatives, an analysis must be completed to identify the working alignment that results in the least overall harm to each Section 4(f) property. The ability to evaluate effects on archaeological resources and historic properties during this Tier One phase is limited because project details have not been developed and not all historic properties have been identified; however, it is possible to make preliminary assessments regarding adverse effects. During Tier Two NEPA studies, FHWA will consult with the SHPOs, Tribes, and other consulting parties to develop further measures and responsibilities to avoid, minimize, and/or mitigate adverse effects to historic properties.

As a preferred corridor(s) is advanced to the Tier Two NEPA studies, design details will be evaluated even further to determine additional ways to avoid or reduce harm to Section 4(f) properties. Should there still be no prudent or feasible alternatives for complete avoidance of Section 4(f) properties within the Illiana Corridor Study Area, a least harm analysis will be completed addressing the more detailed design measures to reduce impact.

As noted in 23 CFR 774.7(e), in the tiered process, a preliminary Section 4(f) approval can be incorporated into the Tier One EIS. This preliminary approval includes all possible planning to minimize harm to the extent of the level of detail available for this Tier One EIS. Planning during this Tier One stage has been limited to ensuring that opportunities to minimize harm later in the development process have not been precluded by decisions made during the Tier One studies.

3.14.9 Section 4(f) Conclusions

The working alignment within Corridor A3S2 potentially impacts Alternate Route 66 and the Wauponsee Glacial Trail by crossing both resources. The working alignment within Corridor A3S2 cannot completely avoid crossing Section 4(f) properties within the Study Area of this project. The working alignment within Corridors B3 and B4 impacts Section 4(f) properties in the same way, potentially impacting Alternate Route 66 and the Wauponsee Glacial Trail. All of the corridors considered during the first and second round screenings have the potential to result in the use of Section 4(f) properties.

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

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

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

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

3.15 Special Lands

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

3.15.1 Existing Conditions

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