



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Illinois Division**

September 10, 2013

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Springfield, IL 62703  
(217) 492-4640  
[www.fhwa.dot.gov/ildiv](http://www.fhwa.dot.gov/ildiv)

In Reply Refer To:  
HPER-IL

Omer Osman, P.E.  
Director of Highways  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Springfield, IL 62764

Subject: Finding of No Significant Impact  
US Route 45 from IL Route 132 to IL Route 173 and Millburn Bypass  
Lake County, Illinois

Dear Mr. Osman:

The Federal Highway Administration (FHWA) received the Illinois Department of Transportation's (IDOT) request to issue a Finding of No Significant Impact (FONSI) for the subject project. The IDOT made the Environmental Assessment (EA) available to the public on March 4, 2013 and a public hearing was held on March 21, 2013. Following the conclusion of the comment period, IDOT provided FHWA with errata to the EA, copies of comments received during the public comment period and IDOT responses to those comments.

The FHWA has reviewed the EA, the errata to the EA, the comments submitted during the public comment period and IDOT responses. Based on this information, FHWA agrees that the project will not result in a significant impact to the human environment. Enclosed with this letter are three signed original FONSI documents for this project.

Please contact Robin Helmerichs at (217) 492-4615 if you have any questions regarding this determination.

Sincerely,

Matt Fuller  
Environmental Programs Engineer

Enclosures

cc: Mr. John Fortmann, Region 1 Engineer, IDOT  
Mr. Walter Zyznieuski, Bureau of Design and Environment, IDOT

## **FINDING OF NO SIGNIFICANT IMPACT**

### **U.S. Route 45 (FAP 0344) IL Route 132 to IL Route 173 and Millburn Bypass Lake County, Illinois**

The proposed action includes reconstruction of U.S. Route 45 within the project limits to meet the established project purpose and need. This includes two travel lanes in each direction at twelve feet wide separated by a curbed median that is typically twenty-two feet wide and varies depending on location, with auxiliary turn lanes at intersections. This also includes a U.S. Route 45 west bypass of the Millburn Historic District (i.e.; Millburn Bypass) for approximately 1.5 miles from Country Place on the south to north of Independence Boulevard on the north. The project is located within the Villages of Lindenhurst and Old Mill Creek as well as unincorporated portions of Lake County within Antioch, Lake Villa, Newport and Warren Townships.

The purpose of the proposed action is to provide an improved transportation system to address capacity, mobility, safety, and operational deficiencies along U.S. Route 45 from IL Route 132 to IL Route 173. The preferred alternative as described in the Environmental Assessment (EA) will have independent utility and will function without any requirements for additional improvements elsewhere. The project will not restrict consideration of alternatives for other reasonably foreseeable transportation improvement initiatives, to this facility, or to other adjacent facilities.

The proposed action is included in the Fiscal Year (FY) 2010-2015 Transportation Improvement Program (TIP) endorsed by the Policy Committee of the Chicago Metropolitan Agency for Planning (CMAP) for which the TIP number is 10-06-0020. The section of the proposed action inclusive of the Millburn Bypass is included in the Illinois Department of Transportation's (IDOT's) FY 2014-2019 Proposed Highway Improvement Program for engineering, land acquisition, and construction.

Construction of the proposed action will require the acquisition of approximately 74.2 acres of right-of-way and 1.31 acres of temporary construction easements. This includes 33.6 acres of right-of-way and 0.16 acres of temporary construction easements for the Millburn Bypass portion of the project only. There will be 3 residential relocations with no business relocations. 30.8 acres of farmland will be impacted of which 30.4 acres is prime and unique farmland.

There are no known locations of federally listed state listed or endangered or threatened species within the project corridor. The project corridor was field surveyed for the potential presence of the Eastern Prairie Fringed Orchid (*Platanthera leucophaea*), but no suitable habitat was found to be present.

The proposed action will result in a total of 0.38 acres and 0.28 acres of impacts to wetlands and unvegetated waters of the U.S. respectively. All practicable measures to minimize impacts to wetlands have been incorporated into the project design. Remaining wetlands will be

protected from construction activities using perimeter barrier fencing and appropriate erosion control measures as specified by IDOT's BDE Manual, Chapter 41, Construction Site Storm Water Pollution Control. This meets the requirements of the U.S. Army Corps of Engineers ACE Regional Permit Program (RPP) since the cumulative impacts do not exceed 1.0 acres and impacts at any single crossing do not exceed 0.25 acres. There is no practicable alternative to the proposed construction in wetlands and the proposed action includes all practicable measures to minimize harm to wetlands that may result.

The proposed action will result in three transverse encroachments of 100-year floodplains (Millburn Creek, Hastings Creek, and the Tributary to Hastings Creek) and one encroachment of the regulatory floodway at Hastings Creek. The transverse floodplain encroachments are not anticipated to result in any significant adverse impacts on the natural and beneficial floodplain values; they will not result in any significant change in flood risks or damage; and they do not have significant potential for interruption or termination of emergency services or emergency evacuation routes; therefore, these transverse encroachments are not significant. Compensatory storage for fill placed within the regulatory floodway of Hastings Creek will be compensated at a 1:1 ratio at a location immediately downstream of the crossing, which complies with the requirements of the Illinois Department of Natural Resources (IDNR).

The proposed action will require approximately 10.26 acres of property acquisition from the McDonald Woods Forest Preserve, a 298 acre property of the Lake County Forest Preserve District (LCFPD), the agency of jurisdiction. This includes 3.13 acres of property acquisition for roadway improvements, and an additional 7.13 acres of the remaining remnant section of McDonald Woods east of the proposed Millburn Bypass which will be used for stormwater detention. Project coordination occurred with the LCFPD throughout the project development process and multiple opportunities were provided for public comment. The LCFPD concurred in writing on May 24, 2013 that the proposed action will not adversely affect the overall recreational activities, features, and attributes of the McDonald Woods Forest Preserve. On this basis, a *de minimis* impact finding was granted on July 10, 2013.

The proposed action will require approximately 0.315 acres of property acquisition and 0.174 acres of temporary construction easement from the Raven Glen Forest Preserve, a 536 acre property of the LCFPD, the agency of jurisdiction. Project coordination occurred with the LCFPD throughout the project development process and multiple opportunities were provided for public comment. The LCFPD concurred in writing that the proposed action will not adversely affect the overall recreational activities, features, and attributes of the Raven Glen Forest Preserve. On this basis, a *de minimis* impact finding was granted.

The proposed action was reviewed by the State Historic Preservation Officer (SHPO), and a conditional no adverse effect finding was received based on the preferred alternative avoiding impacts to known archeological and architectural properties, including the Millburn Historic District, which is on the National Register of Historic Places (NRHP), the D.B. Taylor site, and the Old Millburn Cemetery. The Druce-Hoffman Farmstead, which will be impacted by the preferred alternative, was evaluated and determined not to be eligible for the NRHP.

Traffic noise impacts were predicted at nine common noise environments (CNEs) representing 71 receptors. The most feasible noise barrier for this project was determined to be a noise

abatement wall, which was examined at each CNE to determine if it was feasible to provide a substantial noise reduction, and whether implementation was reasonable based on the cost per benefitted receptor per IDOT policy. While noise walls would be feasible with respect to noise reduction at each CNE, the cost per benefitted receptor exceeded the adjusted allowable cost per benefitted receptor per IDOT policy. Therefore, noise walls will not be implemented as part of the proposed action. Although landscaping is not an effective noise barrier, additional landscaping will be considered near residential areas to the extent practical and feasible to enhance the visual barrier in between the residential areas and the proposed roadway.

Noise generated by construction equipment would vary greatly, depending on the equipment type, model and age, mode and duration of operation, closeness to residential receptors, and the specific type of work in progress. Impacts resulting from construction noise are anticipated and likely to be localized, temporary, and transitory. To minimize or eliminate the effect of construction noise on these receptors, mitigation measures have been incorporated into IDOT's *Standard Specifications for Road and Bridge Construction* as Article 107.35.

Potential impacts to agricultural land with the proposed action were coordinated with the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and the Illinois Department of Agriculture (IDOA). The proposed action includes the acquisition of 30.8 acres of farmland, of which 30.4 acres is prime farmland, and 0.4 acres of statewide and local important farmland. The IDOA has determined that the proposed action complies with IDOT's Agricultural Land Preservation Policy, and the Farmland Preservation Act.

Approximately 3,334 trees are anticipated to be removed as a result of the proposed action. Efforts will be made as part of Phase II engineering to avoid specimen trees and trees that function as screening, as practical and feasible. Otherwise, tree replacement will be guided by IDOT Policy D&E-18, Preservation and Replacement of Trees, and Chapter 59 (Landscape Design) of the IDOT-BDE Manual, where practical and feasible. Replacement of trees on or adjacent to forest preserve property will be coordinated with the LCFPD.

A pre-screen carbon monoxide analysis was completed for the proposed action. The results indicate that for the worst-case receptor the 8-hour average National Ambient Air Quality Standard for CO of 9.0 ppm, which is necessary to protect the public health and welfare, is not exceeded, and further analysis is not required. The proposed action was also evaluated for mobile source air toxics (MSAT) based on updated interim FHWA guidance dated December 2012. The proposed action is anticipated to have a low potential for MSAT effects. While the localized level of MSATs could be higher relative to the No-Build alternative where traffic is shifting closer to receptors, this could be offset by reductions in congestion resulting in lower MSAT emissions and MSATs will be lower in other areas where traffic is shifting away from receptors. In addition, on a regional basis, the U.S. Environmental Protection Agencies (USEPA's) vehicle and fuel regulations, couple with fleet turnover, are anticipated over time to cause substantial reductions in MSAT levels.

A preliminary environmental site assessment (PESA) for special waste was completed for the proposed action which identified 26 adjacent sites with recognized environmental conditions (RECs) which may be indicative of potential releases of hazardous substances. As part of subsequent Phase II engineering, it will be determined if any of the sites with RECs will

be impacted by the proposed action and whether further studies in the form of a preliminary site investigation (PSI) are required.

An open-house public hearing was held on March 21, 2013 from 4:30 p.m. to 7:30 p.m. at the Millburn Middle School in the Village of Lindenhurst, which was accessible to disabled individuals and special assistance was offered to anyone requesting it in advance. Public notice was placed in the February 28, March 4, and March 14, 2013 editions of the Daily Herald newspaper and the News Sun newspaper. Approximately 765 letters of invitation were sent to public officials and agencies, representatives of local communities, utilities, and property owners within the study area. The hearing was attended by approximately 395 people, including a few elected officials. Representatives from IDOT, LCDOT, and the Phase I engineering consultant team were available to discuss the project with public hearing attendees and answer questions.

The EA was made available for review at LCDOT and IDOT offices, and was posted on the project website ([www.route45project.com](http://www.route45project.com)) beginning March 4, 2013 with the review/comment period extending through April 8, 2013. Multiple copies of the EA were also available at the public hearing for attendees to review. Each public hearing attendee was provided with a copy of the project brochure and a Frequently Ask Questions (FAQ) handout. The project brochure included a more detailed explanation of the purpose of the public hearing, the purpose and need for the project, a description of the proposed improvement plan, environmental considerations, and the project schedule. Attendees were directed to first view an audio-visual presentation that was continuously shown in two separate rooms throughout the duration of the public hearing to provide an overview of the project purpose and need, and the proposed improvement plan. Attendees were then directed to view project exhibits, which were arranged in a series of seven information stations, which included 21 separate exhibits. Detailed plan and profile sheets, the proposed cross sections, and the proposed drainage plan were also available for review by public hearing attendees.

A court reporter was available to record questions/comments, and a comment box was available for written questions/comments to be submitted. Comments were also accepted via mail to IDOT or via the project website subsequent to the hearing. There were 170 separate questions/comments received during the comment period from March 4<sup>th</sup> to April 8<sup>th</sup>. Many of the submitted comments addressed the Millburn Bypass section of the project and were similar to those at the previous public meeting, with residents living west of existing U.S. Route 45 expressing concern with the selected west bypass alternative for reasons including proximity to residences, traffic noise, air quality, accessibility, safety, and property values. Thirty-two comments were received from adjacent residents, organizations, the Village of Old Mill Creek, and other users of U.S. Route 45 expressing support for the selected west bypass alternative and overall project implementation to resolve existing traffic congestion. There were also a number of additional general questions/comments concerning bus stops, access points, bicycle/pedestrian accommodations, truck traffic, drainage, and condition of the Millburn Historic District properties. All comments and questions were considered. The FAQ handout was updated to address the most common questions/comments received at the Public Hearing, and reposted to the project website. Separate response letters were sent to individuals with questions that are not addressed by the updated FAQ handout.

There were two commitments associated with this project. Based on discussions with the USACE, USFWS, and USEPA as part of the NEPA/404 coordination process, given that Millburn Creek and the Tributary to Millburn Creek are identified ADID locations, impacts to these sites are to be minimized, and accommodations for the movement of small to medium size terrestrial wildlife are to be provided at these crossings to the extent feasible. Based on the conditional no-adverse finding for cultural resources, preliminary and final Phase II engineering design plans are to be submitted to the IDOT-BDE Cultural Resources Unit for SHPO review and comment.

The FHWA has determined that the Preferred Alternative identified in the Environmental Assessment will have no significant impact on the human environment. This Finding of No Significant Impact (FONSI) is based on the attached Environmental Assessment which has been independently evaluated by the FHWA and determined to adequately and accurately assess the need, environmental issues, and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the attached Environmental Assessment and Environmental Assessment Errata.

September 9, 2013  
Date

  
Catherine A. Batey, Division Administrator