

PUBLIC NOTICE

APPLICATION FOR PERMIT

**U.S. ARMY
CORPS OF ENGINEERS
CHICAGO DISTRICT**

PUBLIC NOTICE/APPLICATION NUMBER: LRC-2023-00697

COMMENT PERIOD BEGINS: March 6th, 2024
COMMENT PERIOD EXPIRES: April 5th, 2024

U.S. Army Corps of Engineers

APPLICANT

Kurt Woolford
Lake County Watershed Management Commission
500 West Winchester Road
Libertyville, Illinois 60048

PROPOSED ACTION

Proposal to Restore a Previously Excavated 0.12-acre Drainageway. A detailed description of this proposal is provided on page 2 of this notice.

LOCATION OF PROPOSED ACTION

Southeast of the Buckley Road and North Skokie Highway (US 41) Intersection near North Chicago, Lake County, Illinois (Latitude 42.307279, Longitude -87.875566) (See Exhibit 1).

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and as shown on the attached drawings. You are invited to provide your comments by **April 5th, 2024**, on the proposed work, which will become part of the record and will be considered in the decision. A permit will be issued or denied under Section 404 Action of the Clean Water Act of 1972 (33 U.S.C. 1344).

Written comments shall be mailed to:

U.S. Army Corps of Engineers
Chicago District, Regulatory Branch
Attn: **LRC-2023-00697**, Sophia R. Morgan
231 South LaSalle Street, Suite 1500

Chicago, Illinois 60604-1437

It should be noted that ALL comments received by this office (via hard copy or electronic) will only be accepted with the full name and address, and email address, if available of the individual commenting, and must be received by the close of the public notice period. Electronic comments may be sent to the project manager at Sophia.R.Morgan@usace.army.mil.

PROJECT DESCRIPTION

The proposed project includes the re-establishment of an existing shallow drainage swale which was initially excavated around 2000 but has gradually filled with sediment over the years. The swale orientation from the previous excavation is proposed to remain the same. The capacity of the swale will be restored through the removal sediment and excessive vegetation followed by the placement of riprap in the swale to serve as scour protection. In the proposed condition, the existing 36" UPRR culvert would remain and discharge stormwater to the proposed swale. Water would flow south and east through the swale and enter the existing 24" culvert (See Exhibit 2). This project is a portion of the Skokie River Regional Floodplain Enhancement Project.

The purpose of this project is to re-establish the capacity of a sediment filled drainageway to minimize the severe flooding which has repeatedly occurred along the North Skokie Highway (US 41) near the intersections of Bittersweet Avenue and Beacon Street, as well as within the Strawberry Condominiums, Lake Bluff Golf Course, and the US Naval Base in North Chicago, IL. This flooding has resulted in closure of roads and damage to infrastructure.

One wetland was identified within the project area, Wetland 7. Wetland 7 has a Native Floristic Quality Inventory (FQI) score of 12.57, which is considered a moderate quality wetland.

The project is proposing 0.12-acres (5,100 square feet) of wetland impact due to the excavation for the swale re-establishment and the placement of 612 square feet of riprap within the swale (See Exhibit 3). Following excavation, the area will be seeded and mulched or blanketed to reestablish vegetative cover.

Wetland 7 will be partially impacted. The indirect impacts to the remaining portions of Wetland 7 as a result of the swale re-establishment are currently being assessed.

AVOIDANCE & MINIMIZATION

The applicant has stated the following concerning avoidance and minimization of impacts to Waters of the United States:

"The limits of construction have been reduced to the minimum necessary to perform the work. The width and depth of the excavation is the minimum necessary to convey the calculated flow volumes and velocities."

MITIGATION

The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States:

“No mitigation is proposed. Following excavation, the area will be seeded and mulched or blanketed to reestablished vegetative cover.”

The Corps has not verified the adequacy of this mitigation proposal at this time and will make the final determination on whether the proposed mitigation is appropriate and practicable in accordance with 33 CFR Part 332.

REGULATORY AUTHORITY

This proposed action will be reviewed according to the provisions of Section 404 of the Clean Water Act of 1972.

JURISDICTION

This application will be reviewed according to the provisions of Section 404 of the Clean Water Act of 1972 due to the placement of fill material within a wetland that has a piped connection to the Skokie River, which is a tributary to the North Branch Chicago River, a Traditionally Navigable Water.

EVALUATION FACTORS

The decision whether to issue a permit will be based on an evaluation of probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, if the proposed activity involves the discharge of dredged or fill material into waters of the United States, the evaluation of the impact on the public interest will include application of Section 404(b)(1) guidelines (40 CFR 230) promulgated by the U.S. Environmental Protection Agency.

The Corps of Engineers is also soliciting comments from the public, Federal, state and local agencies, Indian tribes, and other interested parties in order to consider and evaluate the potential impacts of the proposed activity. Once this office completes a review of the comments received, it will be determined whether to issue, modify, condition, or deny a permit for this proposal.

To prepare this decision, comments are taken into consideration to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used in the preparation of an Environmental Assessment and/or Environmental Impact Statement pursuant to the National Environmental

Policy Act. A determination concerning the need for a public hearing will also be based on the comments received.

PRELIMINARY EVALUATION OF SELECTED FACTORS

WATER QUALITY:

The applicant will apply to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that the IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity.

The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at <https://www2.illinois.gov/epa/public-notice/Pages/section-401-notice.aspx>. In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments concerning possible impacts to water quality should be addressed to the following agency, along with a copy of the comments provided to the Corps of Engineers:

Illinois Environmental Protection Agency
Bureau of Water
Watershed Management Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

If you have any questions, please contact the IEPA at (217) 782-3362.

DEPARTMENT OF NATURAL RESOURCES:

The applicant may have to submit an application to the Illinois Department of Natural Resources, Office of Water Resources (IDNR-OWR) for a permit pursuant to the State of Illinois Rivers, Lakes and Streams Act (615 ILCS 5). Comments concerning the IDNR-OWR permit should be addressed to the following agency, along with a copy of the comments provided to the Corps of Engineers:

Illinois Department of Natural Resources
Office of Water Resources
2050 West Stearns Road
Bartlett, Illinois 60103

If you have any questions, please contact the IDNR at (847) 608-3116.

ENDANGERED AND THREATENED SPECIES:

The Corps of Engineers has determined that the proposed activity would not affect any federally-listed endangered or threatened species or critical habitat for any endangered or threatened species, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act does not appear to be warranted at this time.

HISTORIC PROPERTIES/CULTURAL RESOURCES:

Preliminary review indicates that the proposed activity is not likely to adversely affect any historic property which is listed, or eligible for listing, on the National Register of Historic Places.

ENVIRONMENTAL IMPACT STATEMENT

A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

PUBLIC HEARING

Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing. A request for a hearing may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

It should be noted that materials submitted as part of the permit application become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Chicago District Corps of Engineers Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so in writing no later than **April 5th, 2024**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Ms. Sophia Morgan of my staff by telephone at (312) 846-5542, or email at Sophia.R.Morgan@usace.army.mil. **It should be noted that ALL comments received by this office (via hard copy or electronic) will only be accepted with the full name and address of the individual commenting.** You can also visit our website at <http://www.lrc.usace.army.mil/Missions/Regulatory.aspx> for more information on our program.



Exhibit 1

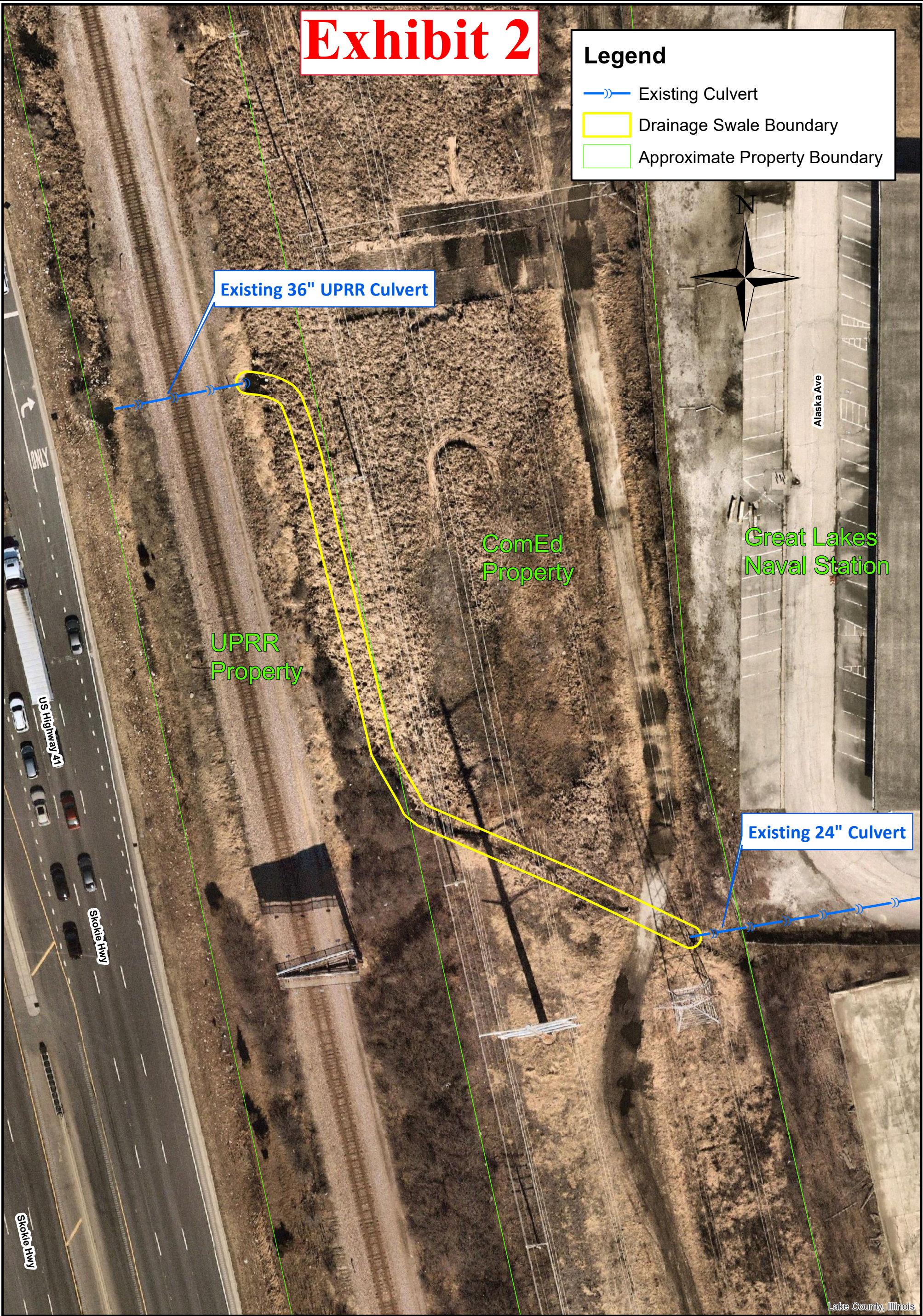


CLIENT:	TITLE:		
LAKE COUNTY SMC	APPROXIMATE WETLAND DELINEATION	CBBEL# 22-0179	
		DATE: 2/14/2024	
 CHRISTOPHER B. BURKE Engineering, Ltd. 9575 W. Higgins Road, Suite 600, Rosemont, Illinois 60018 (847)823-0500		EXH 7	
DSGN.			SCALE: 1" = 100'
DWN. KEK			USER: kkopija
CHKD. JMA		PLOT DATE: 2/14/2024	
FILE NAME: 220179_AWD Wetland 7			

Exhibit 2

Legend

- Existing Culvert
- Drainage Swale Boundary
- Approximate Property Boundary



Scale: 1 inch = 40 feet



Christopher B. Burke Engineering, Ltd.
9575 West Higgins Road, Suite 600
Rosemont, IL 60018
(847) 823-0500 / FAX (847) 823-0520

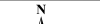
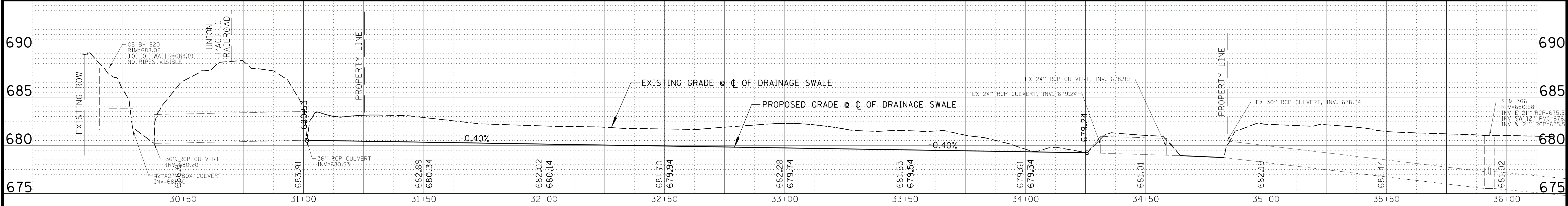
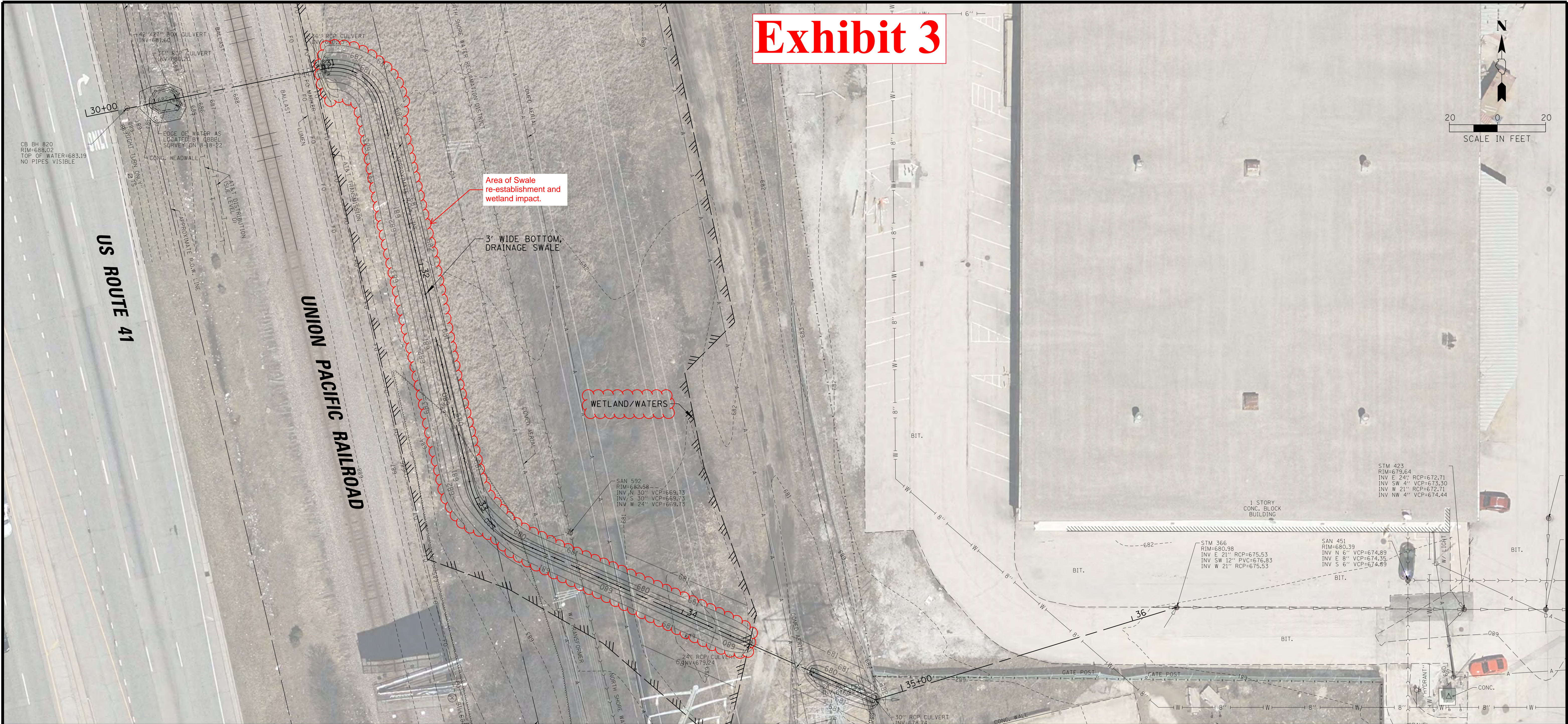
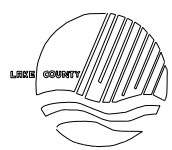
CLIENT LAKE COUNTY SMC		PROJECT NO. 220179	
TITLE NORTHERN RAILROAD CULVERT DRAINAGE - 2020 AERIAL			
			DATE 1/31/23
			EXHIBIT 10

Exhibit 3



CHRISTOPHER B. BURKE ENGINEERING, LTD.
9575 W. Higgins Road, Suite 600
Rosemont, Illinois 60018
(847) 823-0500

CLIENT:



Stormwater
MANAGEMENT COMMISSION
LAKE COUNTY, IL

500 WEST WINCHESTER ROAD
LIBERTYVILLE, IL 60048

				DSGN.	LJS	
				DWN.	MAK	
				CHKD.	JAL	
				SCALE:	20'	
				PLOT DATE:	9/13/2023	
				CAD USER:	Jlapaglia	
				MODEL:	Default	
NO.	DATE	NATURE OF REVISION			CHKD.	
FILE NAME	N:\LAKECO\220179\Civil\NDPP-220179_05.SHT					

TITLE:

**SKOKIE RIVER REGIONAL
FLOODPLAIN ENHANCEMENT PROJECT
NORTHERN RAILROAD DRAINAGE SWALE
DRAINAGE PLAN AND PROFILE**

PROJ. NO. 22-0179

DATE: 9/13/2023

SHEET 15 OF 37

DRAWING NO.