

PUBLIC NOTICE

APPLICATION FOR PERMIT

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

PUBLIC NOTICE/APPLICATION NUMBER: LRC-2020-00071

COMMENT PERIOD BEGINS: September 9th, 2024
COMMENT PERIOD EXPIRES: October 9th, 2024

U.S. Army Corps of Engineers

APPLICANT

David Moore
255 North Mayflower Road
Lake Forest, Illinois 60045

PROPOSED ACTION

Proposal to expand an existing breakwater system, expand beach area, and construct a steel pier over an existing steel groin. Additional sand would also be discharged as needed for the ensuing 10 years (See attached drawings). A detailed description of this proposal is provided on page 2 of this notice.

LOCATION OF PROPOSED ACTION

255 and 261 North Mayflower Road in Lake Forest, Lake County, Illinois (SE Quarter of Section 34, Township 44 N, Range 12 E; Latitude 42.24388, Longitude -87.81658).

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 **October 9th, 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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and 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-2020-00071**, Erich M. Ceisel
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 Erich.M.Ceisel@usace.army.mil.

PROJECT DESCRIPTION

The project purpose is to protect the shoreline from erosion. This would be accomplished through reconstruction and expansion of the existing quarystone breakwater system which is intended to reduce lakebed downcutting and increase protection from waves eroding the shoreline. The proposed project would (from north to south):

- Construct a 55' long breakwater spur to the south off the existing northern breakwater.
- Reconstruct and extend an existing "gumball" breakwater into a 140' long quarystone breakwater extending 100' north of the existing steel groin and 40' south.
- Construct a steel pier on piles over an existing steel groin. The pier would have a width of 6 feet and a crest of 585'. Once the pier intersects with the breakwater crest there will be a pier deck on open piles over the crest that is 20' long with an extension lakeward to the toe of the breakwater stone for fishing and boat access.
- A steel cap will be installed on the groin second from the south.
- Maintenance will be done in the form of filling voids on the existing south breakwaters.

Newly constructed breakwaters would have a crest elevation of 586' with an 11' wide crest and slopes of 1:1.5. There would be stone wave attenuators (serving also as toe protection) along the north side of the pier/groin and on the south side of the southernmost groin with a crest of 586'(N) and 585'(S) and slopes of 1:1. All proposed work would be within 125' of the existing steel seawall. This distance is further than 125' from the base of the bluff, which is the Illinois DNR (IDNR) guideline for residential shore protection structure length in Lake Michigan. IDNR is granting a variance on this guideline for the project due to the length of adjacent breakwater structures and lakebed conditions in the nearshore area.

To reduce the potential for a loss of sand to properties to the south, approximately 2,536 cubic yards (0.42-acres) of quarried sand would be placed within the breakwater system. The amount of sand is equal to the amount that the structures would be expected to trap plus an additional 20% overfill. The applicant is also requesting a 10-year sand nourishment allowance (up to 1,500 tons over a 0.68-acre area) that would permit the applicant to place more sand within the breakwater system as necessitated by storm activity and water level. Locations for sand placement are indicated on the "Plan view over bathymetry" sheet (dated 02/06/2024), found within the attached plans. The area labelled "Sandfill Area" on that sheet indicates where the initial 2,536 cubic yards of sand would be placed. The additional 10-year nourishment sand would be placed in the areas labelled "10-year sand nourishment area nourish as necessary", with the specific location and amount based on site conditions.

AVOIDANCE & MINIMIZATION

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

“This project will not negatively impact the local terrestrial and aquatic flora and fauna. The breakwater and beach will improve habitat. The project will not negatively impact the littoral drift stream.”

MITIGATION

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

“This project will provide an enhancement to the project area by means of providing aquatic habitat with the placement of stone in high energy areas of the water and creating low energy areas and spawning/hiding areas within the rocks. Stone revetments and breakwaters do not diminish but in fact improve aquatic habitats by replacing eroding clay bluffs and eroding clay lakebed with stone and sand. “Gravel, sand and silt are the most preferred materials by fish and other species, with more than three-quarters of young-of-the-year life stages and two-thirds of adult species dependent upon at least one of these substrate types.” Illinois Natural History Survey researchers have documented the importance of cobble substrate for the recruitment (of) yellow perch especially after they have transformed from a pelagic feeding phase to a bottom feeding phase. Loyola University researchers have documented “that invertebrate species are both diverse and abundant at the sand rock interface with a greater abundance and diversity over cobble substrate,” (Tom Trudeau, 10/17/2005, written statement to Dan Injerd). From Wilmette to Great Lakes Naval Training Center, sand deposits are thin, ranging from 0 to 8 feet thick from the water’s edge to 1600 feet offshore. In many nearshore areas in Illinois where the sand is less than 3 feet thick, lakebed erosion of glacial clay results in large suspended plumes of clay in the water during storm wave events. An eroding clay lakebed is not considered good aquatic habitat. Sand will not be lost from the littoral drift system as properly engineered coastal structures are overfilled with pre-mitigational sand and then monitored for 5 years.”

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 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1972.

JURISDICTION

This application will be reviewed according to the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1972 due to placement of fill material below the Ordinary High-Water Mark of Lake Michigan, 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 has applied to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that 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-notices/Pages/section-401-notices.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 has applied to the Illinois Department of Natural, Office of Water Resources (IDNR-OWR) for a permit pursuant to the State of Illinois Rivers, Lake 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
Michael A. Bilandic Building
160 N. LaSalle Street, Suite S-700
Chicago, IL 60601

If you have any questions please contact the IDNR at (312) 793-5947.

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

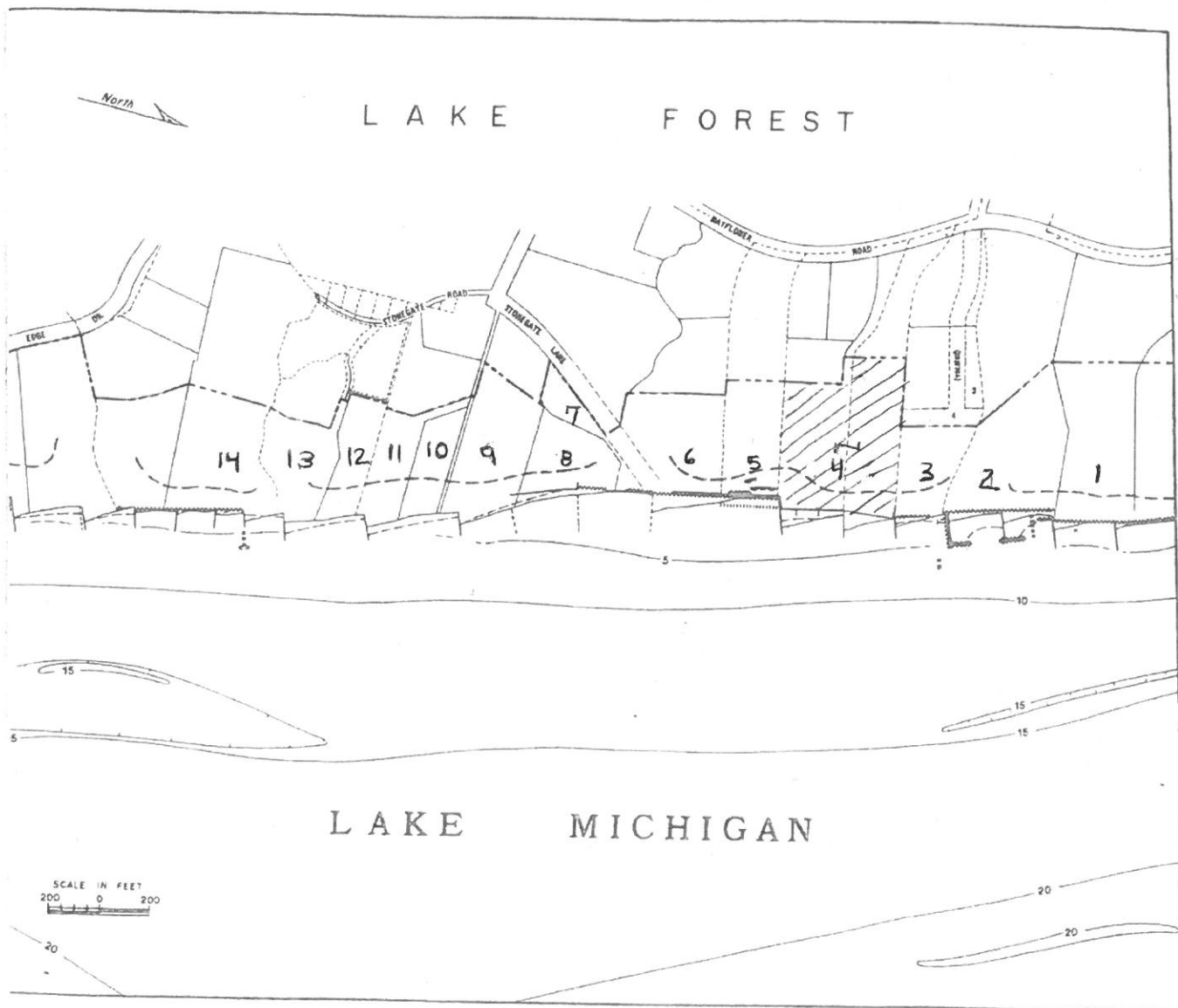
particularity the reasons for holding a public hearing. A request for a hearing may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

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 **October 9th, 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.

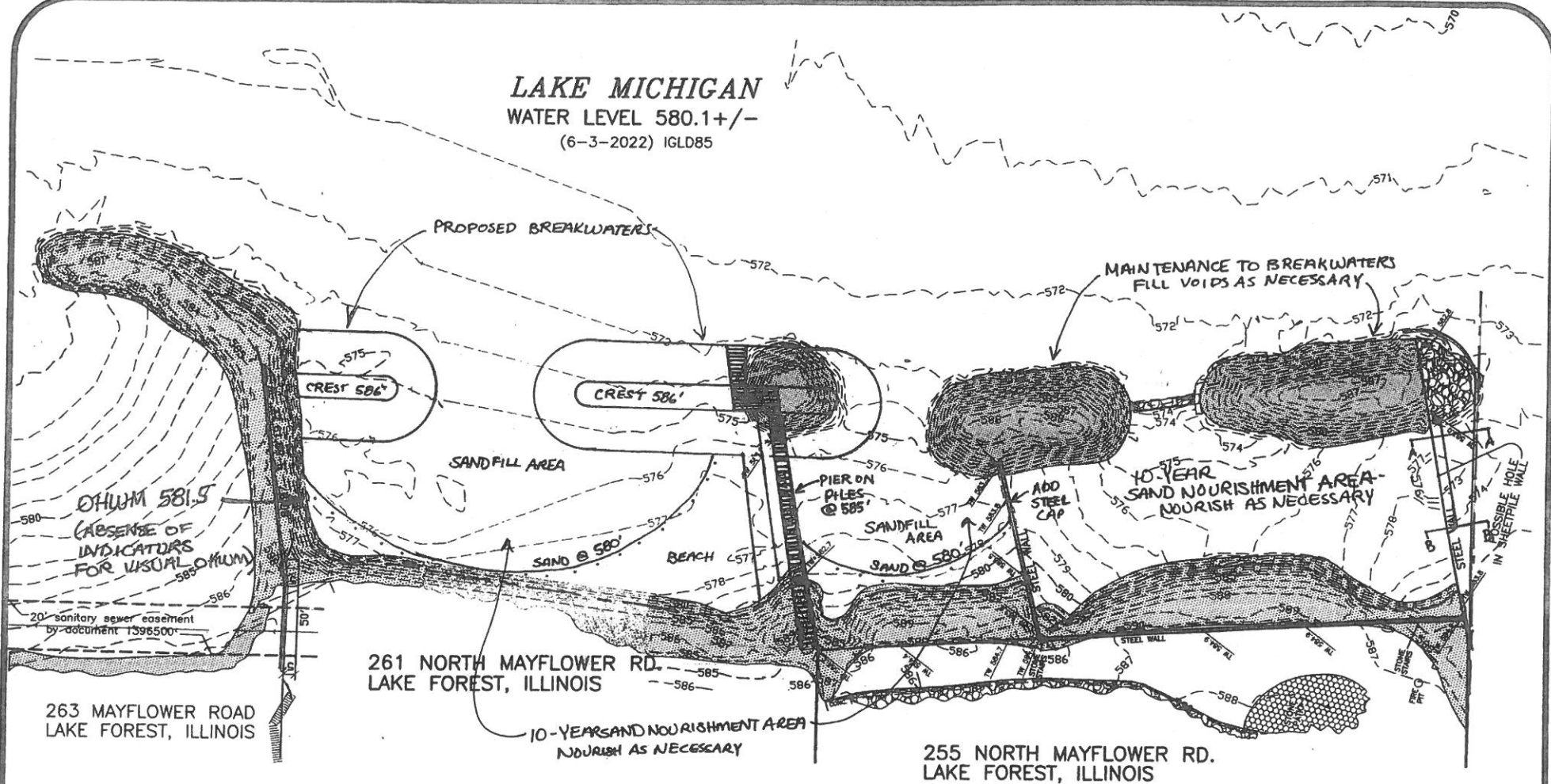
This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Erich M. Ceisel of my staff by telephone at (312) 846-5533, or email at Erich.M.Ceisel@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.



LOCATION MAP

LAKE MICHIGAN
 WATER LEVEL 580.1+/-
 (6-3-2022) IGLD85



GRAPHIC SCALE



(IN FEET)
 1 inch = 40 ft.

SCALE: 1" = 40'

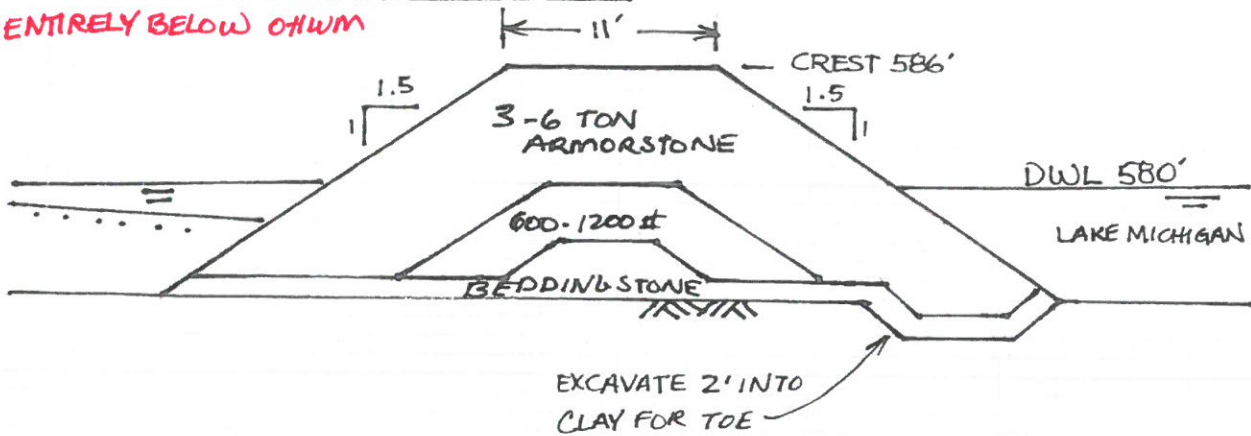
PLAN VIEW

Shabica & Associates, Inc.
 550 Frontage Rd, Suite 3735
 Northfield, Illinois 60093
 FEB. 6, 2024
 MARCH 19, 2024

CROSS SECTIONS

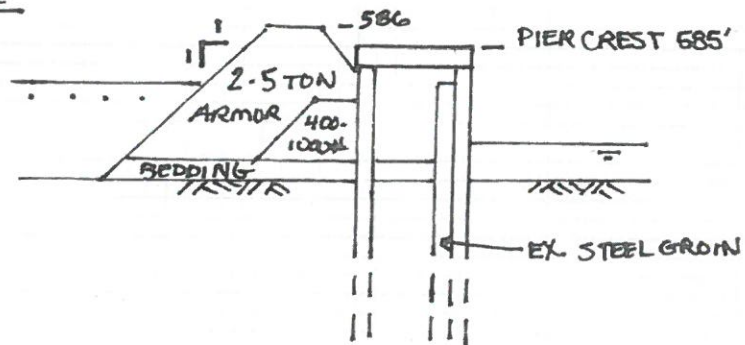
BREAKWATER CROSS SECTION TYPICAL

ENTIRELY BELOW OHWM



CENTRAL PIER W/TOESTONE

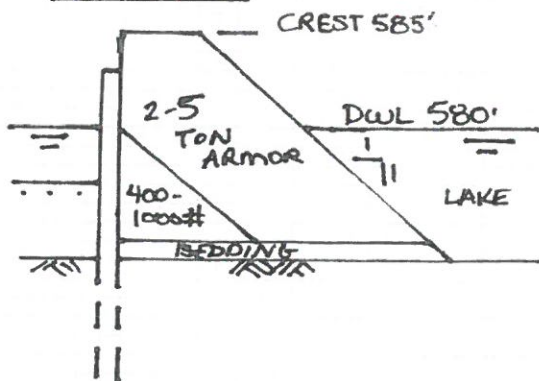
THE LANDWARD 20' OF THIS SECTION WILL BE ABOVE THE OHWM.



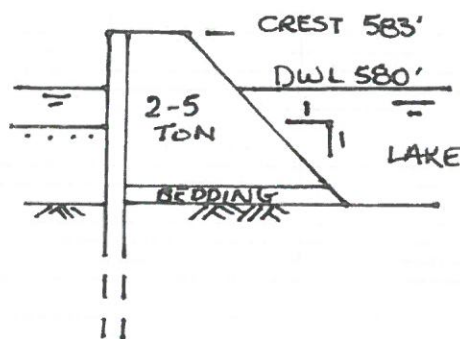
SOUTH GRON TOESTONE

ENTIRELY BELOW OHWM

SECTION A-A



SECTION B-B



0 FEET 10
SCALE

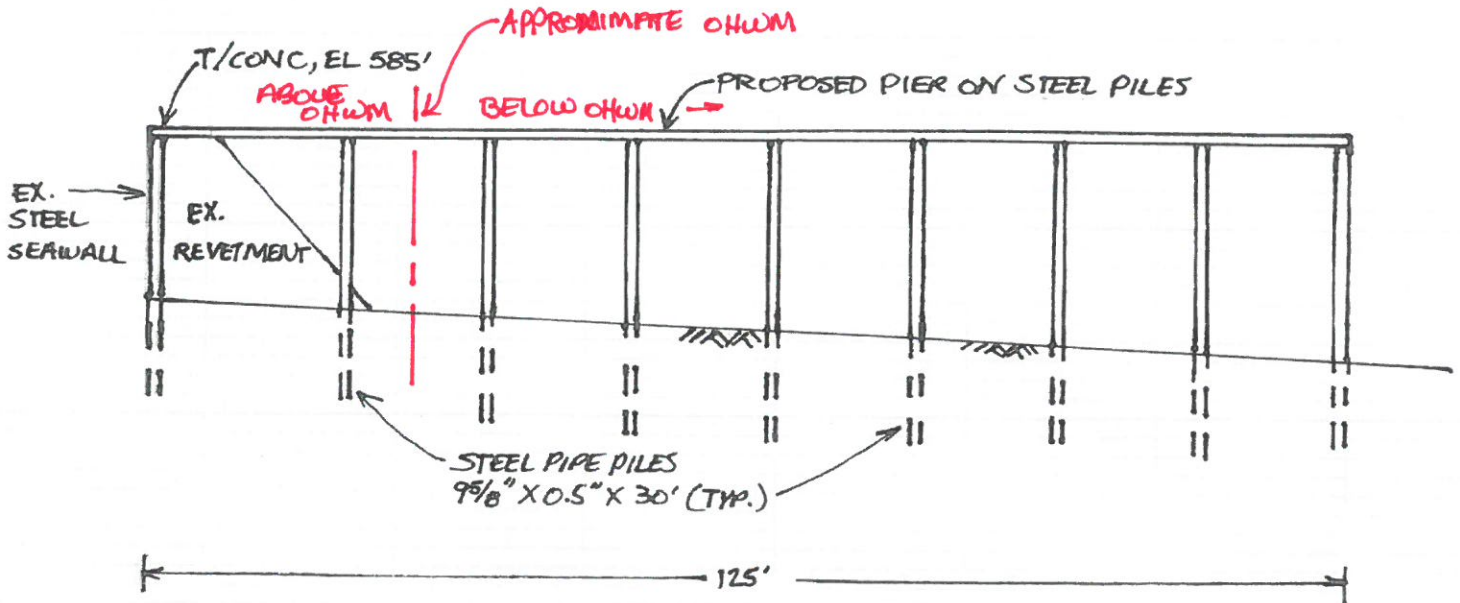
DATUM: IGLD 1985

TOLERANCE $\pm 1'$

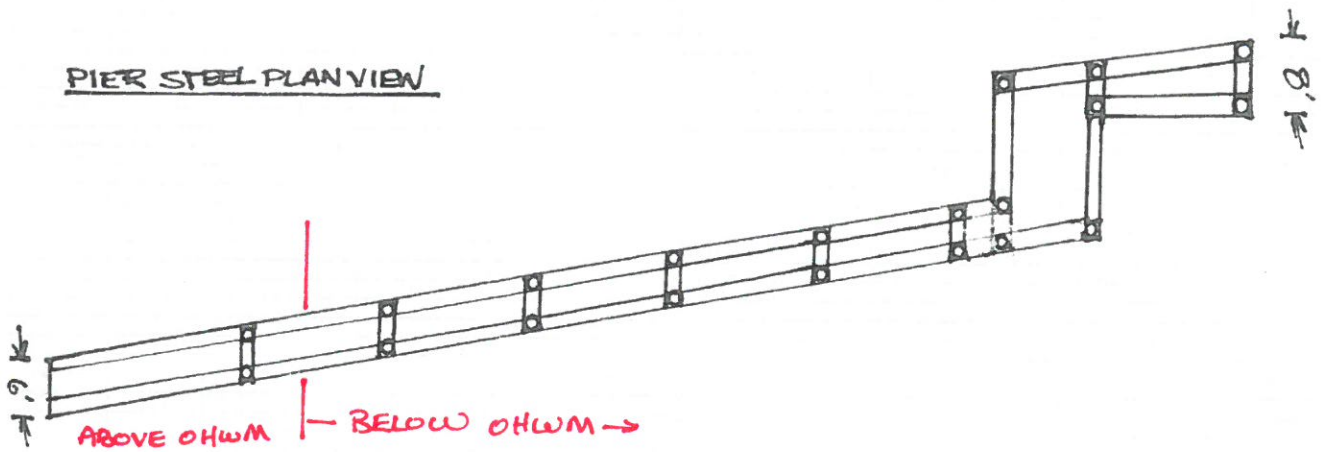
CROSS SECTIONS

255 MAYFLOWER, LF
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PIER CROSS SECTION



PIER STEEL PLAN VIEW



DATUM: 19LD 1985

PIER DETAILS

255 MAYFLOWER, LF
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