



PUBLIC NOTICE

APPLICATION FOR PERMIT

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

PUBLIC NOTICE/APPLICATION NUMBER: LRC-2024-00423

COMMENT PERIOD BEGINS: December 13, 2024

COMMENT PERIOD EXPIRES: January 13, 2025

U.S. Army Corps of Engineers

APPLICANT

Chris Vanatta
Village of Vernon Hills
490 Greenleaf Drive
Vernon Hills, Illinois 60061

PROPOSED ACTION

Proposal to stabilize a 2,300 linear foot segment of Seavey Drainage Ditch from Hazeltime Drive to Lake Charles. A detailed description of this proposal is provided on page 2 of this notice.

LOCATION OF PROPOSED ACTION

Along the right and left banks of Seavey Ditch from Hazeltime Drive to Lake Charles in the Village of Vernon Hills, Lake County, Illinois (Latitude 42.26323342, Longitude -87.96732650).

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 **January 13, 2025**, 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 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-2024-00423**, Ms. Sophia 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 streambank stabilization and bank restoration of Seavey Drainage Ditch along a 2,300 linear foot segment that has eroded and degraded overtime. The current condition of Seavey Drainage Ditch includes increased sedimentation as the sand, gravel and organic/muck soils have eroded and down cut resulting in over-widening, failure, slumping, and cleaving of the banks.

The purpose of the project is to stabilize and restore the eroded banks of Seavey Drainage Ditch through riprap protection to reduce future bank failure, over-widening, and to decrease sediment loading in Seavey Drainage Ditch. A small sediment trap would be installed to capture sediment prior to discharging into Lake Charles. Invasive and non-native vegetation would be removed from the adjacent riparian and upland areas, and the restored banks would be seeded with native mixes. Additionally, native trees and shrubs would be planted near the residences.

The proposed impacts include:

- 4,600 Linear Feet of Streambank Stabilization (both sides of a 2,300 linear foot stream segment).
 - 1.12-acres of streambed and bank to be impacted from the vegetated rock toe for the stabilization.
 - 0.35-acres of wetland to be impacted from the vegetated rock toe for the stabilization.
 - 4,750 cubic yards of riprap material to be used.
- 0.02 acres (40 cubic yards) of riprap for the sediment trap at the outlet to Lake Charles.
- 2,500 cubic yards of bank run (unsorted sand, gravel, and cobble from a quarry) permanently placed in-stream to improve the streambed quality. The streambed elevation would be raised as a result.

Two Wetlands/Waters of the U.S. (WOTUS) were identified within the project area, Wetland/WOTUS 6 and 7. Wetland/WOTUS 6 has a Native Floristic Quality Assessment Index of 19.11 and Wetland/WOTUS 7 has a Native Floristic Quality Assessment Index of 10.43, which are both considered moderate quality wetlands. A majority of the proposed work would impact Wetland/WOTUS 7.

Wetland/WOTUS 6 and 7 will be partially impacted. The indirect impacts to the remaining portions of Wetland/WOTUS 6 and 7 as a result of the bank stabilization and restoration 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 project activities will be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site.”

MITIGATION

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

“Mitigation requirements, if applicable, will be followed in all forms, (i.e., avoiding, minimizing, rectifying, reducing, or compensating for resource losses) to ensure the individual and cumulative adverse environmental effects are minimal. No compensatory mitigation is proposed.”

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 placement of fill material within Seavey Drainage Ditch and Lake Charles. Seavey Drainage Ditch is a tributary to the Des Plaines 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 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-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 may affect a Federally-listed endangered/threatened species or designated critical habitat. Consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) has been initiated.

Coordination was initiated and completed for the Northern Long-Eared Bat (*Myotis septentrionalis*) using the Information for Planning and Consultation (IPaC) system. The final determination made by this office is a “May Affect, Not Likely to Adversely Affect” on October 29, 2024 (Project Code 2024-0074601). U.S. Fish and Wildlife Service did not advise that the IPaC-assisted determination was incorrect, so the consultation for this species is considered complete and requires no further action unless new information suggests a potential to change the Effect Determination.

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 **January 13, 2025**. 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 <https://www.lrd.usace.army.mil/Wetlands-Permits/> for more information on our program.