



PUBLIC NOTICE

APPLICATION FOR PERMIT

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

PUBLIC NOTICE/APPLICATION NUMBER: LRC-2017-00237

COMMENT PERIOD BEGINS: January 10, 2025, 2024

COMMENT PERIOD EXPIRES: February 10, 2025

U.S. Army Corps of Engineers
Illinois Environmental Protection Agency

APPLICANT

Todd Kelven
Lennar Homes
1700 East Golf Road
Schaumburg, Illinois 60173

PROPOSED ACTION

Proposal to develop a one hundred and thirty nine (139) unit single family residential neighborhood impacting 1.71 acres of wetlands in Shorewood, IL (See attached drawings). A detailed description of this proposal is provided on page 2 of this notice.

LOCATION OF PROPOSED ACTION

The project is located north of Illinois Route 52 and west of River Road in the Village of Shorewood, Will County, Illinois (Quarter of Section 8, Township 35 N, Range 9 E Latitude 41.5264, Longitude -88.2256).

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 20, 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-2017-00237**
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 Stasi.F.Brown@usace.army.mil.

PROJECT DESCRIPTION

The project purpose is to develop 139 single family residential homes on a 60-acre parcel, impacting the entirety of a 1.71-acre wetland, to meet the demand for housing in the area. The parcel is currently utilized for agricultural production and contains a linear wetland feature which bisects the parcel. The wetland has an FQI of 6.98 and is predominately composed of emergent vegetation.

AVOIDANCE & MINIMIZATION

The applicant has stated the following concerning avoidance and minimization of impacts to Waters of the United States: The project will minimize impacts to Waters of the United States by incorporating best management features, such as naturalized stormwater detention basins, within the proposed project.

MITIGATION

The applicant has stated the following concerning compensatory mitigation for unavoidable impacts to Waters of the United States: All mitigation shall occur in Will County. Mitigation shall use the following hierarchy; with on- site mitigation preferred. Allowance to the next lower step is permitted only when justified through sequencing specified or when the higher step is not available:

1. On-site wetland mitigation meeting the requirements of the local ordinance.
2. In the same watershed as wetland impact in a Will County approved Wetland Mitigation Bank,
3. Will County Forest Preserve District Wetland Restoration Funds. This mitigation option may only be used for wetland impacts where there are no available mitigation credits within the County.
4. A U.S. Army Corps of Engineers approved Wetland Mitigation Bank.

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 a wetland that abuts and flows directly into Hammel Creek, which flows into the DuPage River.

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 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: (Pick One)

Preliminary review indicates that the proposed activity may adversely affect an historic property that has been listed, or determined eligible for listing, on the National Register of Historic Places.

A Phase I archaeological survey will be conducted by the applicant and reviewed by the Illinois Historic Preservation Agency.

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 20, 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 Stasi Brown of my staff by telephone at (312) 846-5544, or email at Stasi.F.Brown@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.

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continuously posted until **January 20, 2025**.