



PUBLIC NOTICE

APPLICATION FOR PERMIT

U.S. ARMY
CORPS OF ENGINEERS
CHICAGO DISTRICT

PUBLIC NOTICE/APPLICATION NUMBER: LRC-2009-503

COMMENT PERIOD BEGINS: January 4, 2013

COMMENT PERIOD EXPIRES: February 4, 2013

U.S. Army Corps of Engineers
Illinois Environmental Protection Agency
Illinois Department of Natural Resources-
Office of Water Resources

APPLICANT

Ron Barker, Executive Director
Fox Waterway Agency
Fox Lake, Illinois 60020

PROPOSED ACTION

Proposal to beneficially reuse hydraulically dredged sediment by creating a 29-acre in-lake sediment storage and dewatering facility (SDF). A detailed description of this proposal is provided on page 2 of this notice.

LOCATION OF PROPOSED ACTION

In Pistakee Lake Southwest of Route 12 in the Village of Fox Lake, Lake County, Illinois (see attached maps)

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 **February 4, 2013** 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: **Kate Bliss, LRC-2009-503**
111 North Canal Street, 6th Floor
Chicago, Illinois 60606-7206

PROJECT DESCRIPTION

The Fox Waterway Agency has proposed constructing a 29-acre in-lake sediment storage and dewatering facility (SDF) using beneficially reused dredged sediment. The Fox Waterway Agency will improve navigation by hydraulically and mechanically dredging sediment from the Chain O'Lakes and Fox River and transporting the material via pumping or barge to the newly constructed island. The Fox Waterway Agency has amended a previous design that went out on public notice from this office February 23, 2010 in order to address concerns raised with the original design.

The applicant has amended the project in two major ways. The first major change is the size of the island. The original proposed design was approximately 50 acres in size with a design capacity for 320,000 cubic yards of dredged sediment, while the new design is 29 acres with a design capacity of approximately 188,000 cubic yards of dredged sediment. The smaller design is meant to be less intrusive on the neighboring properties. The distance from the closest point on the west side of the island to the nearest shore is a minimum of 550 feet (the original distance was 330 feet). The distance from the closest point on the east side of the island to the nearest shore is a minimum of 440 feet (the original design distance was 370 feet).

The second major change is the removal of public access from the island. The original design called for a handicap accessible mooring dock, an overlook area and an interpretive boardwalk to be located within the island. The purpose of this was to provide a learning experience about the beneficial reuse of dredged sediment and provide an additional recreational activity for boat users on the Chain O'Lakes. However, many concerns were raised about the public access portion of the project contributing to littering, noise and vandalism. For these reasons, the Fox Waterway Agency has abandoned plans to include a public access component into the island design.

The original habitat enhancement features consisting of wetland creation, waterfowl nesting grounds, vertical woody debris perches, root wads for fish habitat, cobble spawning beds and deep water refugia all remain in the new design. The total perimeter of the island is 4,940 feet. Most of the perimeter will consist of riprap, except for the shallower northern boundary (approximately 1,000 feet), which will consist of riprap and HESCO baskets. HESCO baskets are modular containment units constructed of galvanized steel mesh and lined with non-woven fabric. The HESCO baskets will be filled with excavated sediment, then planted with prairie cord grass plugs (*Spartina pectinata*).

The perimeter of the island will be constructed at an elevation of 740.0 Mean Sea Level (MSL). The final elevation of the interior of the island is targeted for a range of 0.5 feet above and below the normal summer pool (737.2 MSL). Two separate Agri Drain water control structures will be installed to allow for maximum control of water entering and leaving the island.

Approximately 187,000 cubic yards of sediment will be required to fill the island and dredging capabilities for the island will be 3,500 gallons per minute. Dredging and pumping operations for Trinski's Island will occur for approximately eight (8) hours per day for four (4) days per week. The SDF will take approximately 4.5 years to be completely filled. The FWA is anticipating that wetland species will naturally colonize the island during pumping operations. As the newly created island is filled to maximum capacity, selected areas will be seeded and plugged with wetland plant species.

The Fox Waterway has proposed a 1:1 mitigation ratio for replacement of aquatic habitat losses. They plan on completing mitigation for impacts to open water by restoring emergent wetlands within the SDF and providing habitat for a wide diversity of species. The Fox Waterway Agency contends that the area where the island is proposed was once a vast expanse of shallow wetlands as seen in photographic aeriels and topographic maps from the early 1900s. They propose that this project be viewed as reintroducing wetlands that once existed in this area before dense development within the Chain O'Lakes occurred. The Fox Waterway Agency has proposed a 5-year management and monitoring period after the SDF has been filled completely. They have proposed seeding and plugging the SDF with native species and submitting an annual Management and Monitoring Report to the Chicago District for review. The Fox Waterway Agency has proposed setting up an Interagency Review Team consisting of members from the IDNR, FWA and USACE to make recommendations on the management of the site. The Fox Waterway Agency has proposed deed restricting the completed island to protect it as a natural area in perpetuity.

MITIGATION

If a permit is issued for the proposed project, the Corps will determine what is appropriate and practicable compensatory mitigation in accordance with 33 CFR Part 332. The amount of compensatory mitigation to be determined shall be commensurate with the anticipated impacts of the project.

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 into navigable waters of the U.S.

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 www.epa.state.il.us/public-notices/. 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 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) 608-3100 extension 2025.

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 **February 4, 2013**. 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 Kate Bliss of my staff by telephone at 312-846-5542 or email at kate.m.bliss@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 www.lrc.usace.army.mil/co-r for more information on our program.

FOR THE DISTRICT COMMANDER:

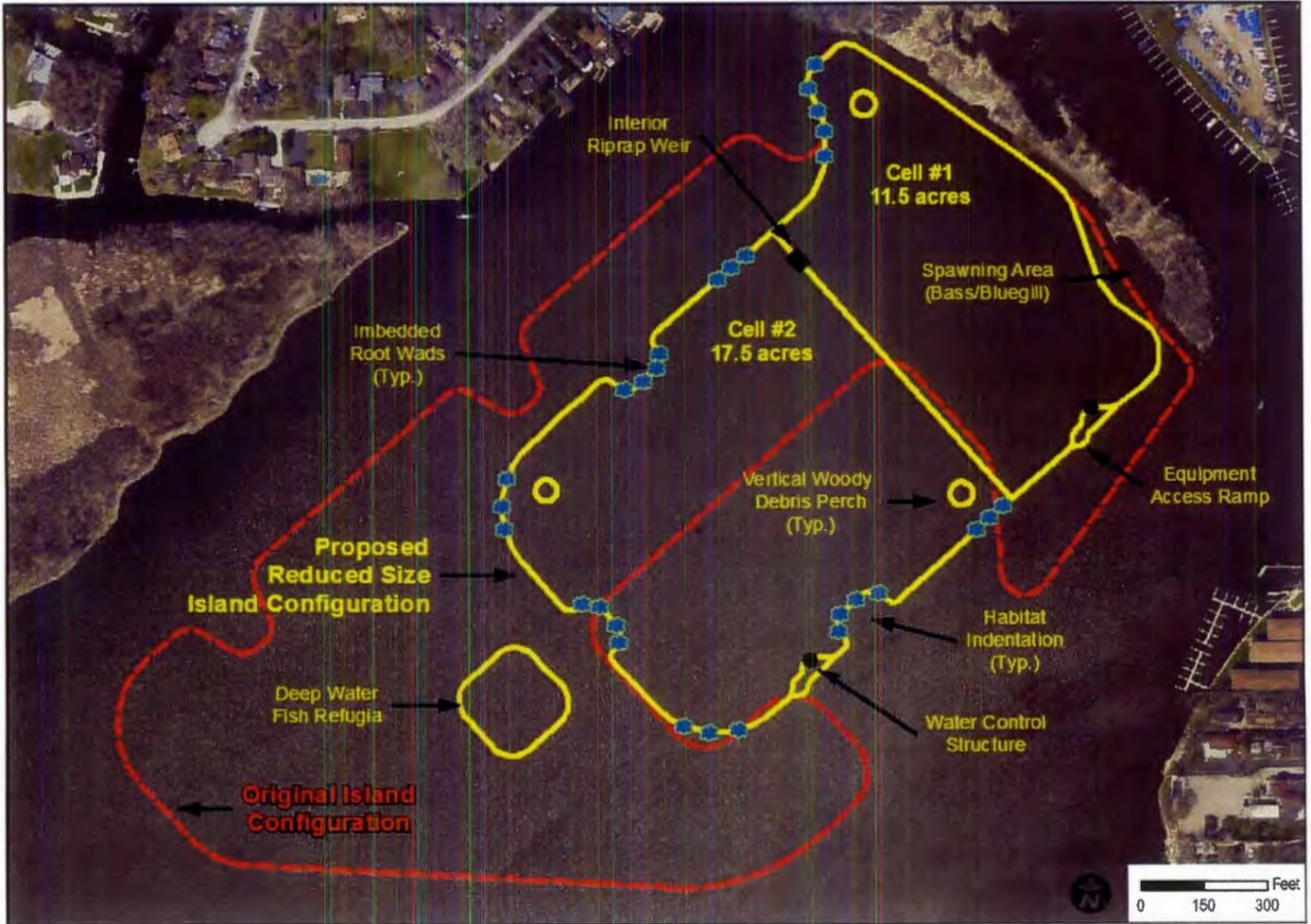
ORIGINAL SIGNED

Leesa A. Beal
Chief, Regulatory Branch

NOTICE TO POSTMASTERS:

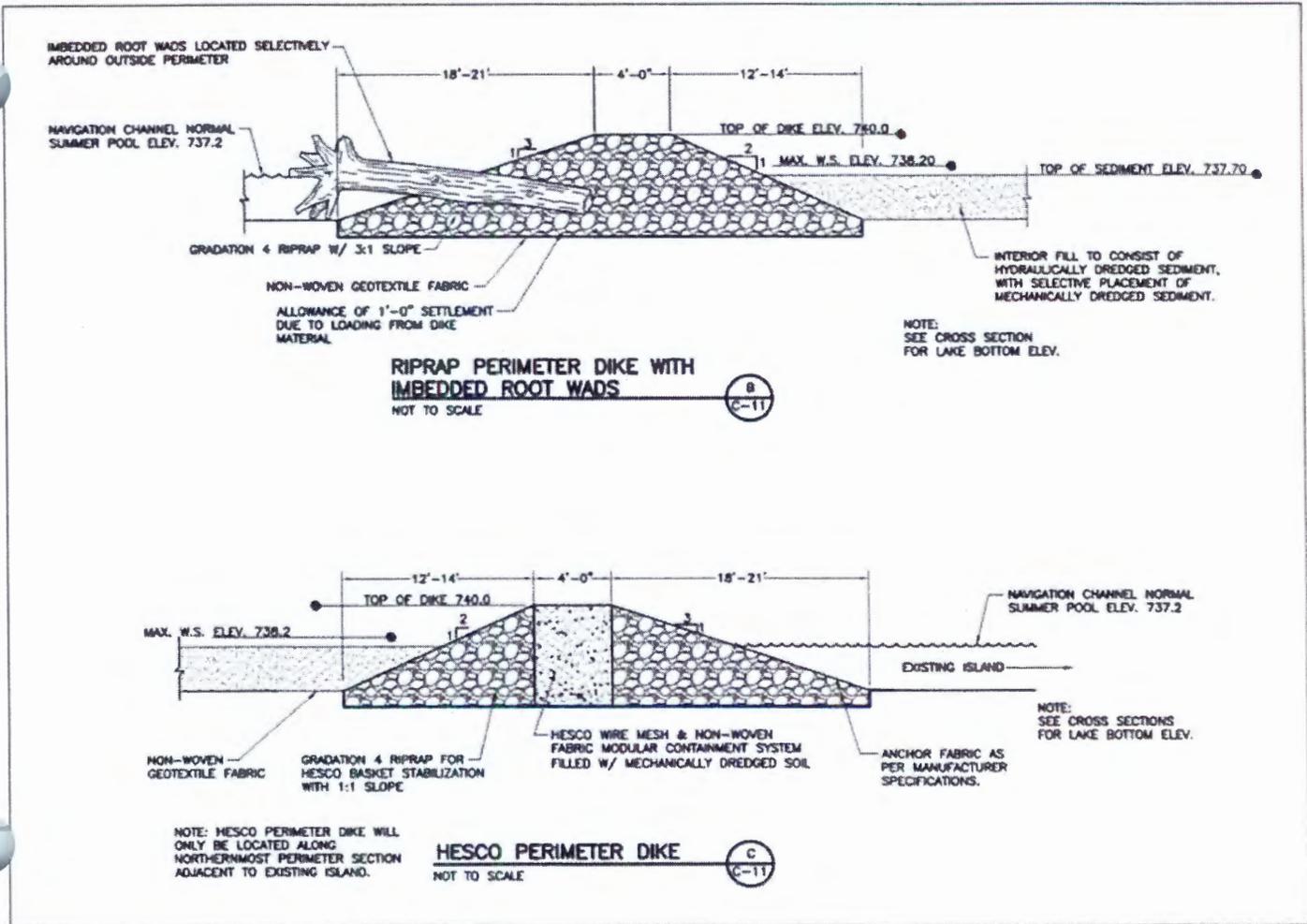
It is requested that this notice be conspicuously and continuously posted until **February 4, 2013**.

Plan View of Island Design Features

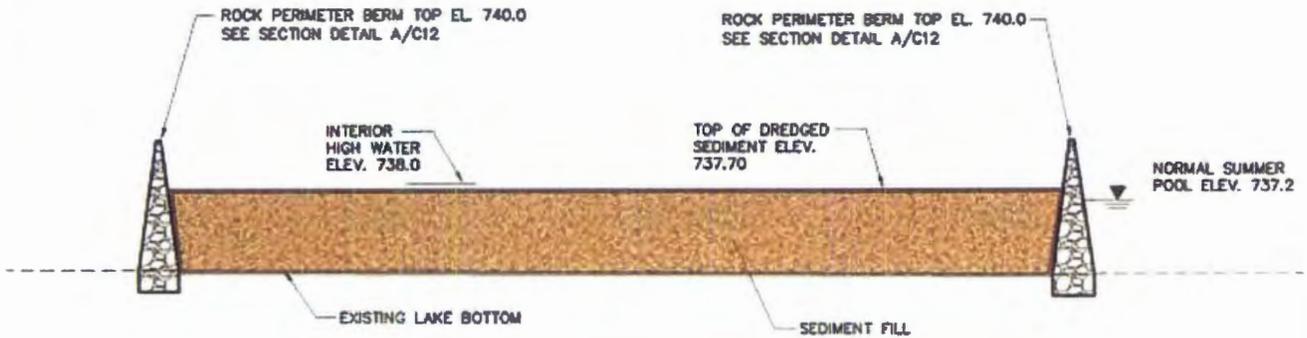


Trinski's Island will incorporate a unique bioengineered perimeter berm constructed of Hesco baskets, riprap and root wads as shown above. The perimeter dike along the majority of the island will consist of riprap and the shallower northern boundary of the island (approximately 1000 feet) will include riprap and Hesco Baskets. Mechanically placed sediment within the Hesco baskets will be planted with prairie cordgrass and other native species to stabilize the excavated soil and provide an attractive native appearance to a portion of the shoreline. The restored island will include numerous habitat features that will benefit multiple species of wildlife. These include: deep water fish refugia, imbedded root wads, vertical woody debris perches, habitat indentations and a fish spawning area. If sandy material is encountered during dredging, sand mounds may be selectively created to provide waterfowl nesting habitat. Detailed drawings showing cross-sections of these features are included in Attachment K.

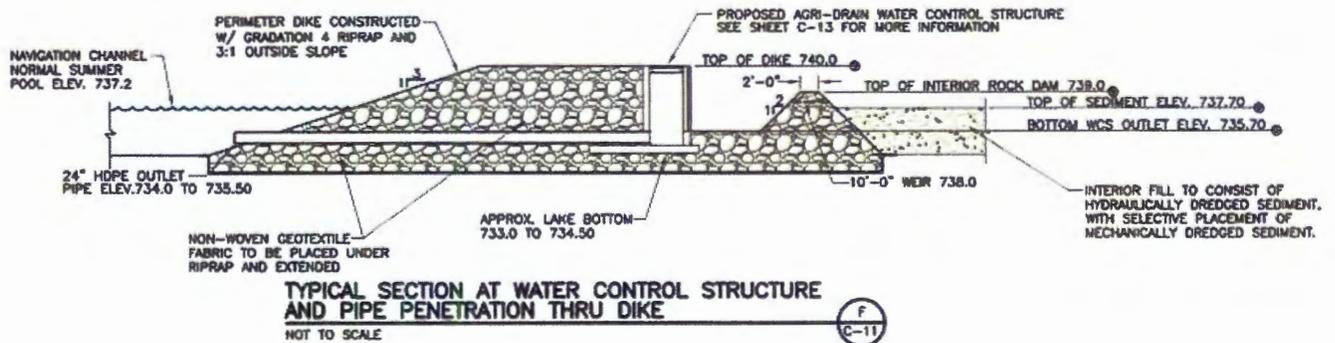
Typical Cross Sections



The dike alternatives pictured above will be utilized to create the approximately 4,940 linear feet of perimeter embankment. The majority of the perimeter dike will consist of riprap, while the shallower northern boundary of the island will include the use of Hesco baskets and riprap. Root wads will be incorporated at select locations along the southern, eastern and western sides of the island.



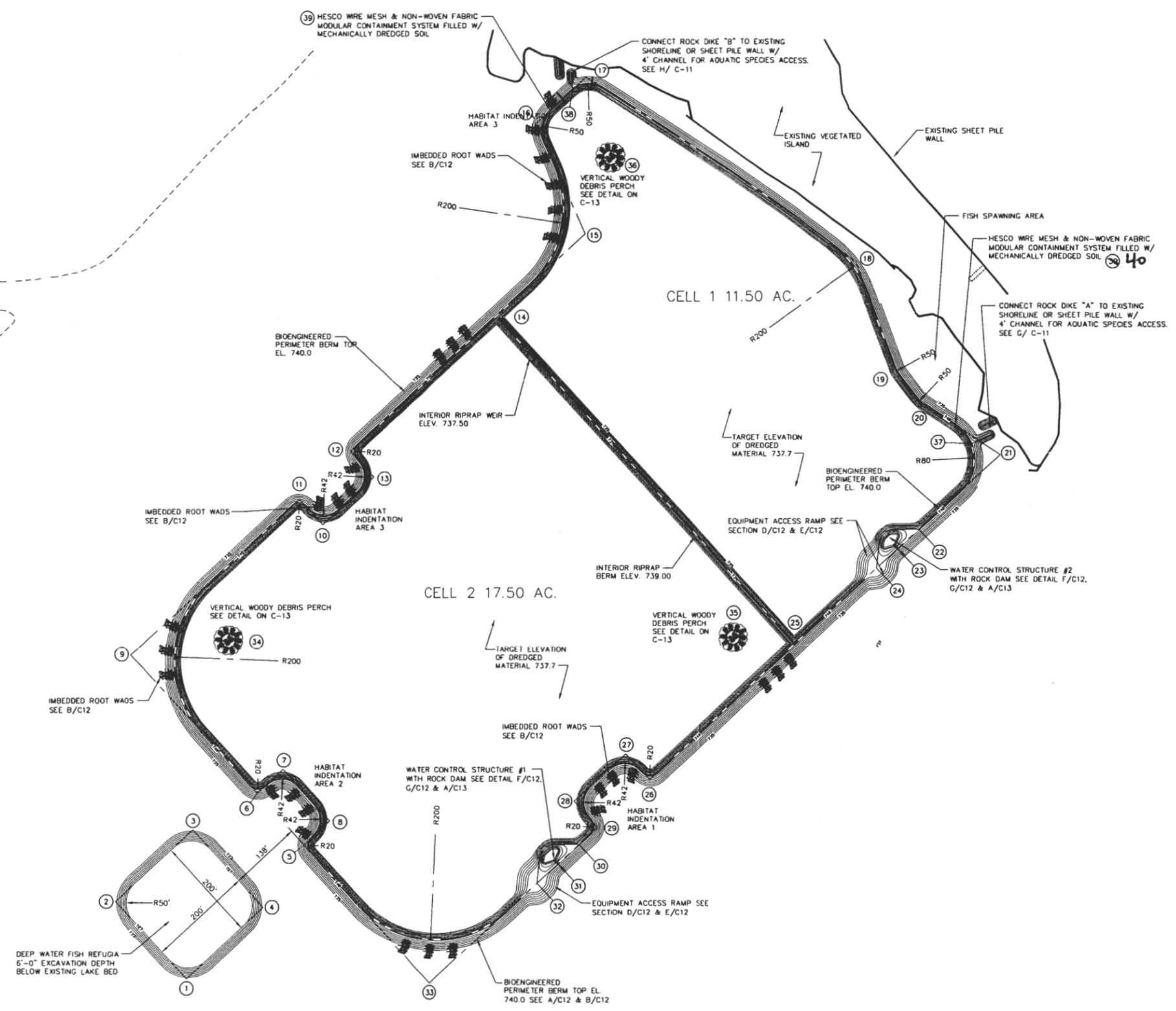
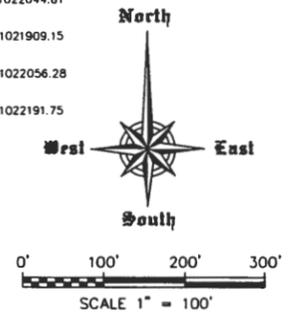
Typical Section through Proposed Island



Hydraulically dredged sediment will be placed into the interior of the island to an elevation approximately one-half foot above normal summer pool (737.7 ft). An elevation of one half foot above normal summer pool is targeted to account for final consolidation and settling to achieve a final elevation of 737.2 ft. Hydraulically placed sediment will be maintained as an emergent wetland.

PERIMETER DIKE AND MISCELLANEOUS COORDINATES

- ① DEEP WATER REFUGIA = N2087562.61 / E1022044.61
- ② DEEP WATER REFUGIA = N2087709.46 / E1021909.15
- ③ DEEP WATER REFUGIA = N2087844.93 / E1022056.28
- ④ DEEP WATER REFUGIA = N2087697.79 / E1022191.75
- ⑤ 20'R = N2087814.66 / E1022298.92
PI = N2087815.83 / E1022270.66
- ⑥ 20'R = N2087942.67 / E1022181.06
PI = N2087914.41 / E1022179.90
- ⑦ 42'R = N2087900.44 / E1022226.74
PI = N2087959.79 / E1022229.19
- ⑧ 42'R = N2087863.66 / E1022260.60
PI = N2087861.21 / E1022319.95
- ⑨ 200'R = N2088166.11 / E1022220.01
PI = N2088177.78 / E1021937.41
- ⑩ 42'R = N2088484.73 / E1022307.71
PI = N2088425.39 / E1022305.26
- ⑪ 20'R = N2088446.42 / E1022258.72
PI = N2088474.68 / E1022259.88
- ⑫ 20'R = N2088564.27 / E1022386.72
PI = N2088565.44 / E1022358.46
- ⑬ 42'R = N2088518.60 / E1022344.50
PI = N2088516.15 / E1022403.84
- ⑭ CENTERLINE CENTER BERM = N2088823.04 / E1022638.25
- ⑮ 200'R = N2089029.37 / E1022567.08
PI = N2088979.87 / E1022808.59
- ⑯ 50'R = N2089177.19 / E1022774.73
PI = N2089189.56 / E1022714.35
- ⑰ 50'R = N2089214.50 / E1022815.26
PI = N2089277.37 / E1022809.72
- ⑱ 200'R = N2088801.33 / E1023163.33
PI = N2088926.59 / E1023330.02
- ⑲ 50'R = N2088742.09 / E1023452.36
PI = N2088717.53 / E1023408.17
- ⑳ 50'R = N2088697.78 / E1023486.54
PI = N2088660.59 / E1023452.08
- ㉑ 80'R = N2088548.56 / E1023476.94
PI = N2088559.15 / E1023606.55
- ㉒ BERM CENTERLINE @ BUMPOUT = N2088416.85 / E1023452.00
- ㉓ CENTER OF WATER CONTROL STRUCTURE = N2088385.57 / E1023406.64
- ㉔ EQUIPMENT ACCESS RAMP = N2088342.73 / E1023371.50
- ㉕ CENTERLINE CENTER BERM = N2088197.71 / E1023213.98
- ㉖ 20'R = N2087968.37 / E1022935.36
PI = N2087940.11 / E1022934.20
- ㉗ 42'R = N2087930.06 / E1022886.36
PI = N2087989.40 / E1022888.81
- ㉘ 42'R = N2087896.19 / E1022849.58
PI = N2087898.64 / E1022790.23
- ㉙ 20'R = N2087850.52 / E1022807.35
PI = N2087849.35 / E1022835.61
- ㉚ CENTERLINE = N2087817.03 / E1022800.51
- ㉛ WATER CONTROL STRUCTURE = N2087785.76 / E1022755.16
- ㉜ EQUIPMENT ACCESS RAMP = N2087743.14 / E1022720.25
- ㉝ 200'R = N2087835.06 / E1022524.81
PI = N2087552.46 / E1022513.14
- ㉞ WOODY DEBRIS PERCH = N2088204.43 / E1022124.63
- ㉟ WOODY DEBRIS PERCH = N2088209.93 / E1023096.16
- ㊱ WOODY DEBRIS PERCH = N2089124.17 / E1022857.42
- ㊲ CENTERLINE FISH PASSAGE "A" = N2088579.21 / E1023550.84
- ㊳ CENTERLINE FISH PASSAGE "B" = N2089253.58 / E1022784.07
- ㊴ START HESCO BASKETS = N2088615.43 / E1023520.86
- ㊵ END HESCO BASKETS = N2089213.97 / E1022740.86



FOX WATERWAY AGENCY	
TRINSKI'S ISLAND RESTORATION PROJECT	
SITE PLAN	
Designed:	Date: 7/12/12
Checked:	Sheet No. C-2
Drawn:	
Checked:	
Job No: 00000000042751	File No: