

PUBLIC NOTICE

APPLICATION FOR PERMIT

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

PUBLIC NOTICE/APPLICATION NUMBER: LRC-2011-821

COMMENT PERIOD BEGINS : January 18, 2013
COMMENT PERIOD EXPIRES: February 19, 2013

JOINT PUBLIC NOTICE

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

APPLICANT

Waukegan Port District
55 S. Harbor Place
Waukegan, Illinois 60079

PROPOSED ACTION

Proposal to mechanically dredge up to 17,000 cubic yards of material annually from the South Harbor Marina in Waukegan, Illinois for the next ten years and to dispose of this material in open waters of Lake Michigan approximately 2,000 feet south of Waukegan Harbor (see attached drawings). A detailed description of this proposal is provided on page 2 of this notice.

LOCATION OF PROPOSED ACTION

Waukegan Harbor in the City of Waukegan, Lake County, Illinois (SW Quarter of Section 22, Township 45 N, Range 12 E; 42.35681, -87.82035)

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 19, 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: **LRC-2011-00821**, Michael Murphy
111 North Canal Street, 6th Floor
Chicago, Illinois 60606-7206

PROJECT DESCRIPTION

Applicant proposes to mechanically dredge up to 17,000 cubic yards of material annually for the next ten years (through 2023) from the South Harbor Marina in Waukegan, Illinois (see attached location map). Disposal of the dredged material is proposed in open waters of Lake Michigan approximately 2,000 feet south of Waukegan Harbor (see attached drawings).

Applicant asserts that the proposed dredging is needed to maintain safe operating conditions in the Marina. The Port District has had similar authorizations in the past (the last expiring in 2007) and has been issued short-term dredging permits since their last maintenance dredging permit expired in order to maintain the harbor. The applicant anticipates a continuing need for dredging in this area, hence the request for a ten year maintenance dredging permit. The proposed 17,000 cubic yard dredge amount is based on past maintenance dredging projects and is the applicant's best estimate of the amount of material they need to remove annually to maintain safe operations.

The open water disposal site has been proposed because the applicant anticipates that the material to be removed from the harbor will be clean sand and thus suitable for open water disposal. Open water disposal of sand in this location will return the material to the littoral drift down-drift of Waukegan Harbor. The proposed disposal site has been used in the past for dredge disposal by the Port District and USACE navigation projects in Waukegan Harbor. Past use by the federal government has resulted in the disposal site being called the Federal Disposal Site. This name does not imply any advanced approval of the site for in lake disposal. There has been no designation, review, or approval of this site for use as in-lake disposal by the USACE or any other federal agency. Past use of the site has been evaluated on a project by project basis and it will be similarly evaluated for this project. The site is also referred to as Sand Mountain.

No dredge or disposal actions will be undertaken without authorization from the Illinois Environmental Protection Agency for that dredge or disposal event. The applicant proposes to test for particle size, asbestos contamination, chemical contamination and all other parameters required for IEPA approval of each dredge and disposal event. No work is proposed to occur without full review and approval by IEPA of each individual dredge and/or disposal event, in addition to the general review provided during this process.

Applicant proposes to place dredge material into Lake Michigan in a manner that minimizes suspension of sediment material in the water column. Techniques proposed by the applicant include :

“[C]areful placement methods, disposal during favorable weather conditions that minimize turbulence and the transport of suspended contaminants and other methods such as turbidity curtains may be used as necessary to minimize re-suspension of sediment material.”

This project will be reviewed by the Illinois Department of Natural Resources for conformity with their Coastal Zone Management plan. No authorization will be issued by the Chicago District without a conformity determination from IDNR.

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. The applicant does not propose to mitigate for impacts to waters of the United States.

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 the proposal to work in and the placement of fill material into Lake Michigan. Lake Michigan is a navigable water of the United States under the jurisdiction of the Department of the Army.

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, 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 February 19, 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 Michael Murphy of my staff by telephone at 312-846-5538, or email at Michael.J.Murphy@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.

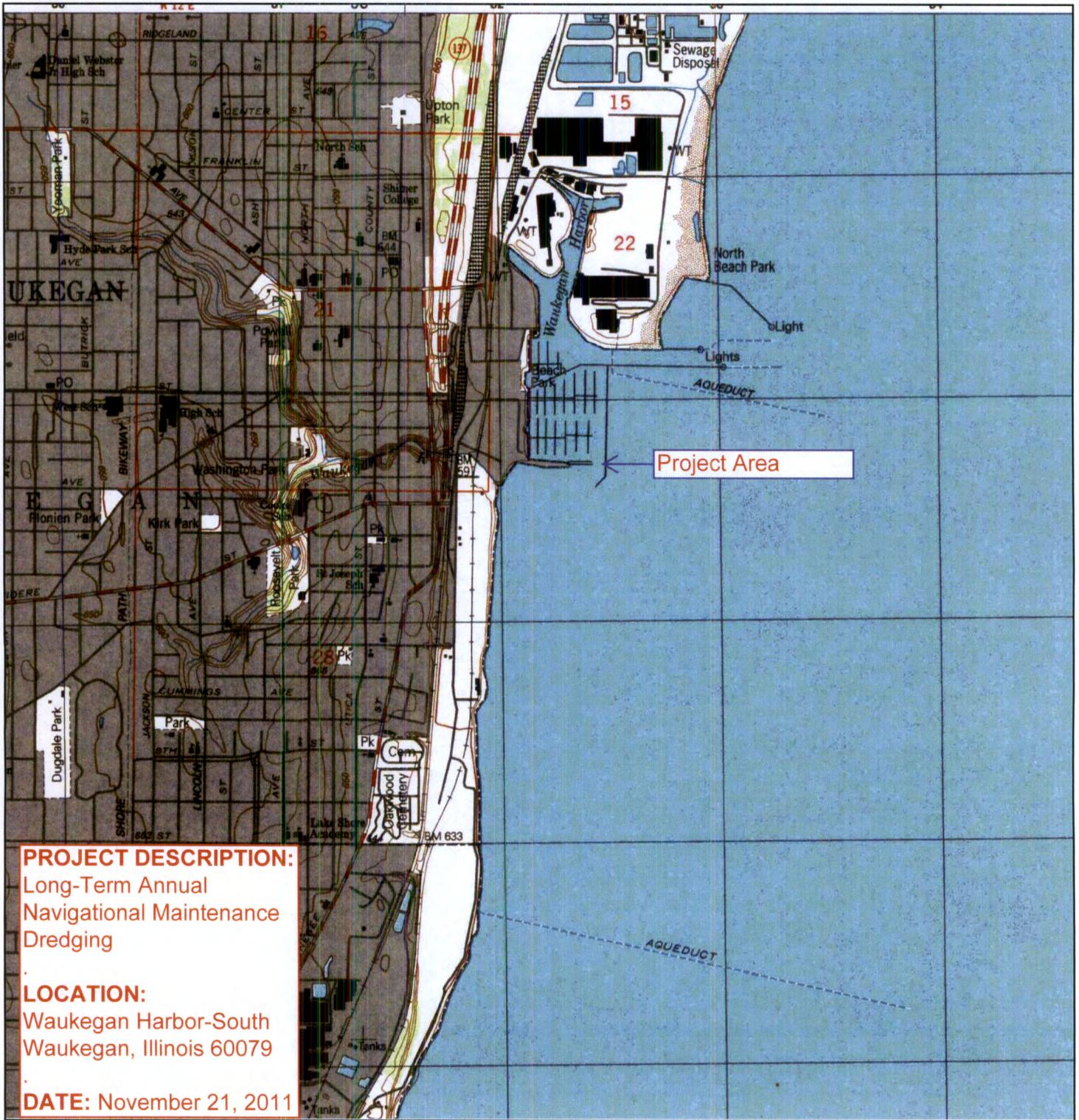
FOR THE DISTRICT COMMANDER:

ORIGINAL SIGNED

Kathleen G. Chernich
Chief, East Section
Regulatory Branch

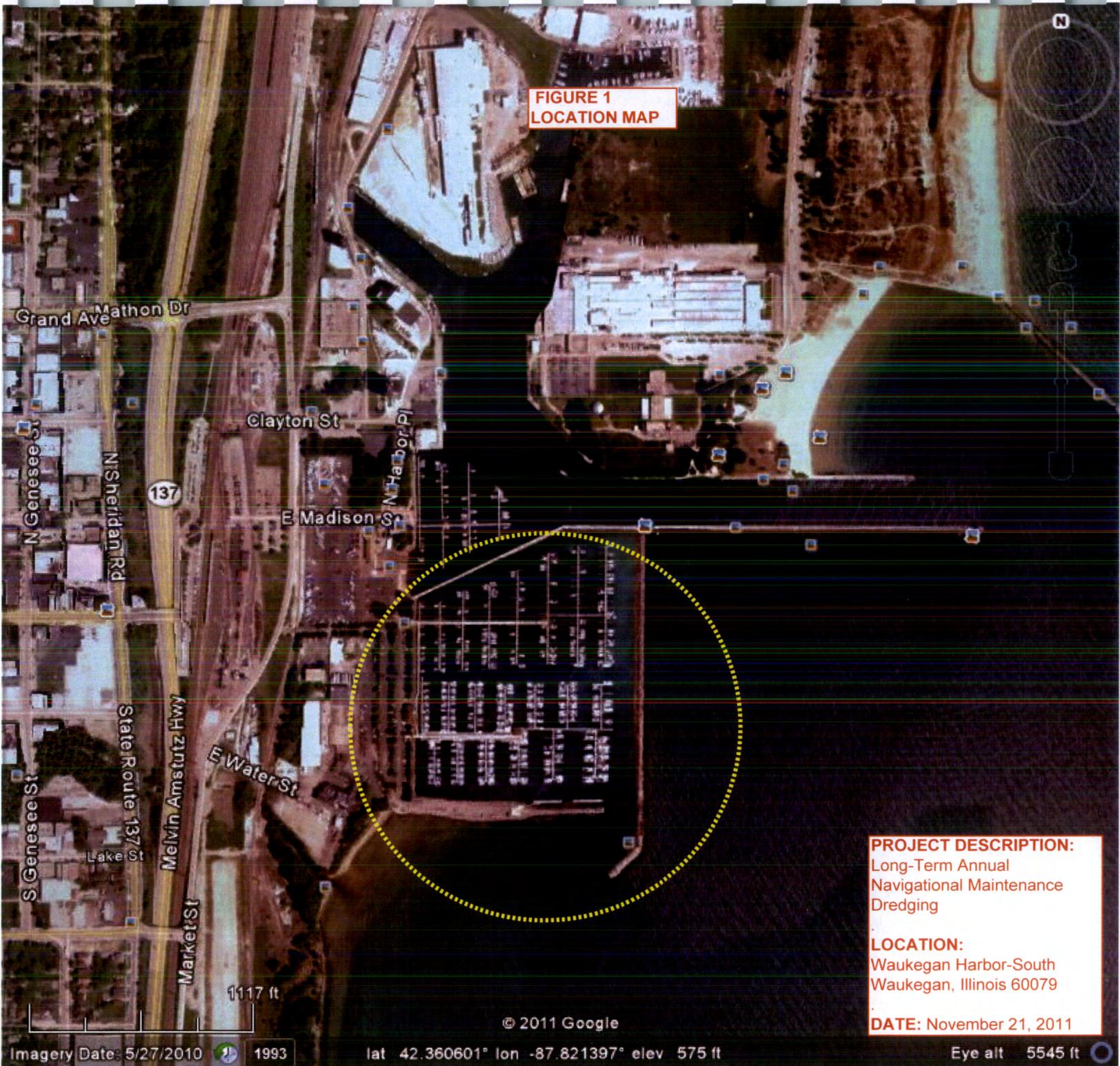
NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continuously posted until February 19, 2013.



	TARGET QUAD NAME: WAUKEGAN MAP YEAR: 1998	SITE NAME: Waukegan Port District ADDRESS: 55 South Harbor Place Waukegan, IL 60085 LAT/LONG: 42.3613 / 87.8246	CLIENT: T.J. Thomas Associates, Inc. CONTACT: Tom Thomas INQUIRY#: 1796495.4 RESEARCH DATE: 11/14/2006
	SERIES: 7.5 SCALE: 1:24000		

**FIGURE 1
LOCATION MAP**



PROJECT DESCRIPTION:

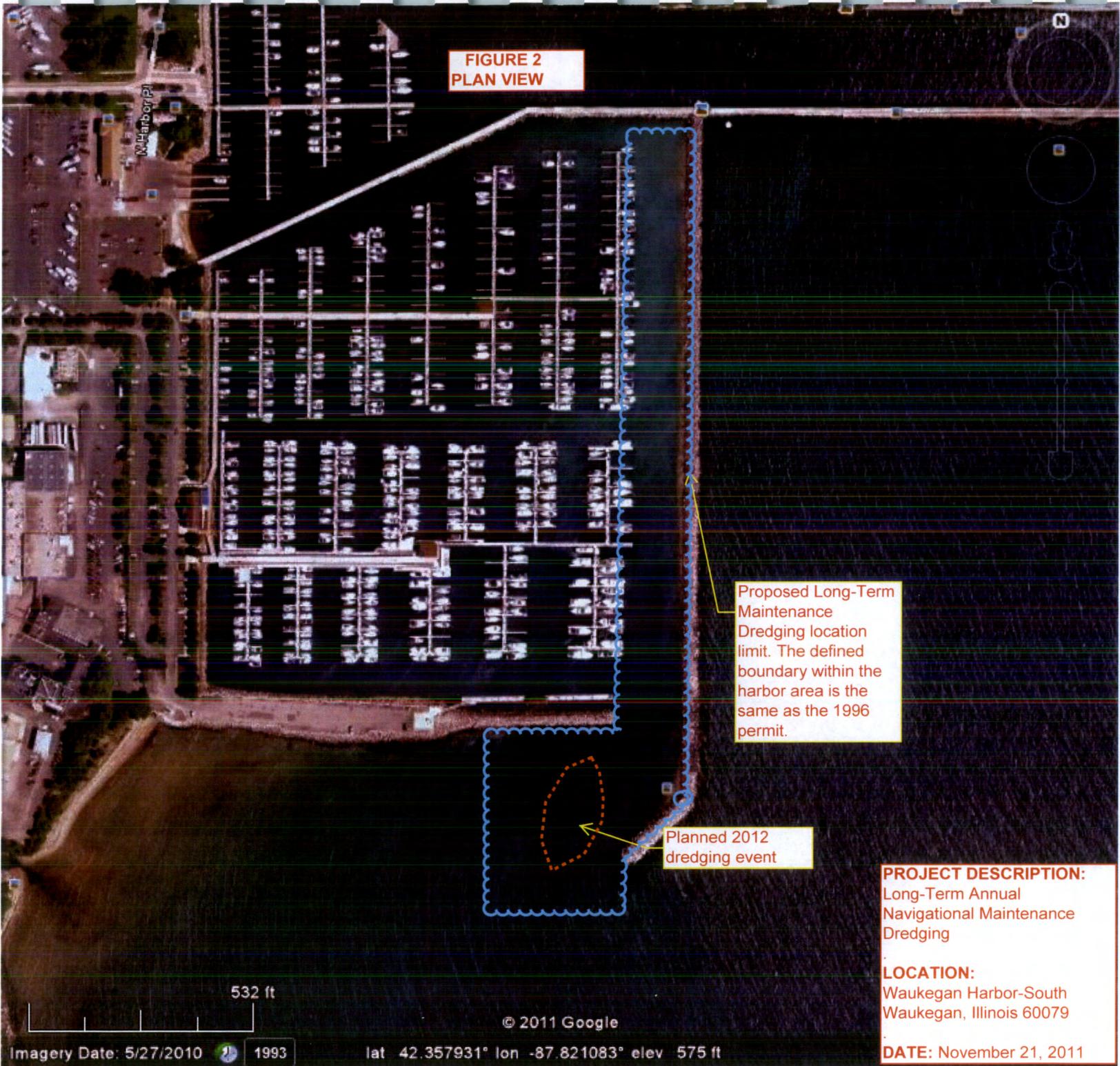
Long-Term Annual
Navigational Maintenance
Dredging

LOCATION:

Waukegan Harbor-South
Waukegan, Illinois 60079

DATE: November 21, 2011

**FIGURE 2
PLAN VIEW**



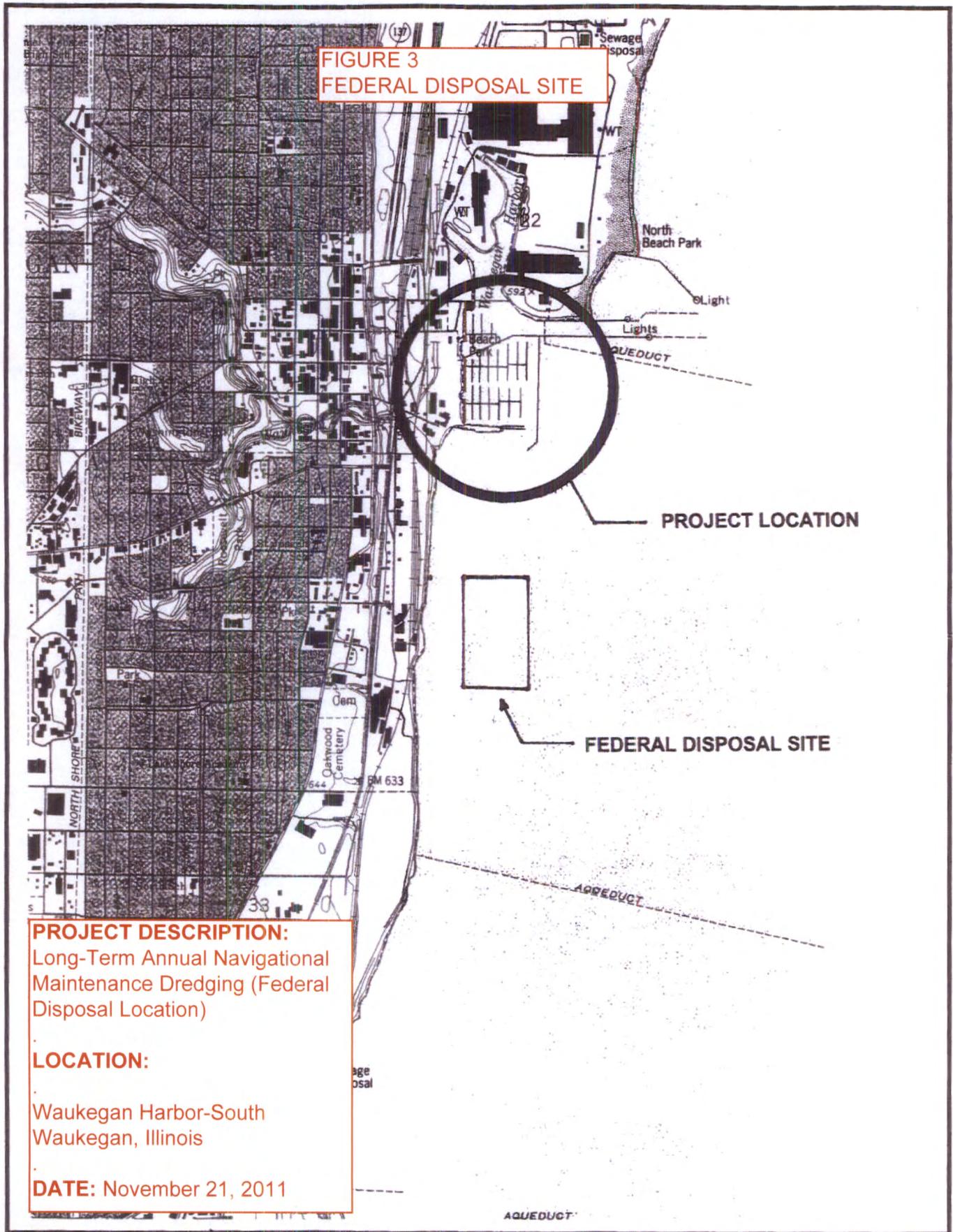
Proposed Long-Term Maintenance Dredging location limit. The defined boundary within the harbor area is the same as the 1996 permit.

Planned 2012 dredging event

PROJECT DESCRIPTION:
Long-Term Annual Navigational Maintenance Dredging

LOCATION:
Waukegan Harbor-South
Waukegan, Illinois 60079

DATE: November 21, 2011



**FIGURE 3
FEDERAL DISPOSAL SITE**

PROJECT DESCRIPTION:
 Long-Term Annual Navigational
 Maintenance Dredging (Federal
 Disposal Location)

LOCATION:
 Waukegan Harbor-South
 Waukegan, Illinois

DATE: November 21, 2011

Figure 1. Location of Waukegan South Harbor
 Scale: 1" = 2000'

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