



# **PUBLIC NOTICE**

## **APPLICATION FOR PERMIT**

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

**PUBLIC NOTICE/APPLICATION NUMBER: LRC-2022-00167**

**COMMENT PERIOD BEGINS:** December 22, 2023

**COMMENT PERIOD EXPIRES:** January 22, 2024

### **APPLICANT**

Caitlin Burke

RES

33 North Dearborn Street, Suite 320

Chicago, Illinois 60602

### **PROPOSED ACTION**

Proposal to construct and operate Prairie Stream Wetland Mitigation Bank (WMB). A detailed description of this proposal is provided herein and in the attached exhibits.

### **LOCATION OF PROPOSED ACTION**

The proposed WMB is located in the Des Plaines River watershed in unincorporated Antioch, Lake County, Illinois approximately 3.5 miles west of Interstate 94 (See Exhibits). The site is currently in agricultural land use but contains various farmed and unfarmed wetland complexes. The Bank site is bounded by wetland and upland Forest Preserve property to the north, US-45 to the east, agriculture row crop and residential to the south, and oak woodland, Deer Lake, and an unnamed stream channel to the west.

### **PROJECT DESCRIPTION**

Prairie Stream WMB is proposed to provide compensatory mitigation for impacts to Federal jurisdictional wetlands, including Waters of the U.S. authorized under the U.S. Army Corps of Engineers (Corps) Permitting program, and provide mitigation for impacts to Isolated (non-Corps jurisdictional wetlands) Wetlands of Lake County in accordance with the Lake County Watershed Development Ordinance, and the Illinois Interagency Wetlands Policy Act of 1989. The bank sponsor is RES and the property owner is Lake County Forest Preserves. The total site is approximately 69.8 acres in size.

Wetland mitigation credits would be purchased by an applicant receiving a Corps authorization on a project proposing impacts to jurisdictional wetlands, including Waters of the U.S. such as

rivers, streams, creeks, tributaries, lakes, ponds. The mitigation bank would remain as a natural area in perpetuity owned and managed by the Forest Preserve District of Lake County, Illinois.

A copy of the Prospectus of the proposed WMB is attached to this Public Notice.

If Corps, state, or local permits are necessary for project they will be obtained by the applicant.

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 22, 2024, on the proposed WMB which will become part of the record and will be considered in the decision to either issue the permit or to deny the request under 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-2022-00167, Andrew J. Blackburn  
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 [Andrew.J.Blackburn@usace.army.mil](mailto:Andrew.J.Blackburn@usace.army.mil).

### **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 due to possible minor fills associated with tile disablement/minor grading activities.

### **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**

### **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 **January 12, 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 Andrew J. Blackburn of my staff by telephone at (312) 846-5543, or email at [Andrew.J.Blackburn@usace.army.mil](mailto:Andrew.J.Blackburn@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/

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Kathleen G. Chernich  
Assistant Chief  
Regulatory Branch