

PUBLIC NOTICE

APPLICATION FOR PERMIT

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

PUBLIC NOTICE/APPLICATION NUMBER: LRC-2011-499

COMMENT PERIOD BEGINS: January 18, 2012
COMMENT PERIOD EXPIRES: February 17, 2012

JOINT PUBLIC NOTICE

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

APPLICANT

Betsy Duckert
Lake County Division of Transportation
600 West Winchester Road
Libertyville, Illinois 60048

PROPOSED ACTION

Proposal to establish Buffalo Creek Wetland Mitigation Bank encompassing approximately 65 acres in Unincorporated Lake County, Illinois (see attached Figures). A detailed description of this proposal is provided on page 2 of this notice.

LOCATION OF PROPOSED ACTION

The proposed Buffalo Creek Wetland Mitigation Bank would be located on the south side of Checker Road, east of IL Route 53 and north of County Line Road along the western portion of the larger Buffalo Creek Forest Preserve that continues east to Arlington Heights Road. Geographically, the site is located within the southern half of Section 36, Township 43 North, Range 10 East near Long Grove in unincorporated Ela Township, Lake County, Illinois (Latitude: 42.155450, Longitude: -88.013835)(see attached Figures).

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 17, 2012**, 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 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-2011-00499**, Mr. Andrew Blackburn
 111 North Canal Street, 6th Floor
 Chicago, Illinois 60606-7206

PROJECT DESCRIPTION

The proposed Buffalo Creek Wetland Mitigation Bank site is comprised of four parcels owned by the Lake County Forest Preserve District (LCFPD). These parcels have been in agricultural production for over 70 years and are currently leased by LCPFD for agricultural production. The site contains a majority of hydric and somewhat poorly drained soils that are drained by an extensive network of drain tiles. Although the majority of the site is in agricultural production, a wetland determination completed for the site identified 5 wetland areas totaling ±2.88 acres. The goal of the project is to return the site to a more natural condition through tile disablement, slight grading, and re-hydrating of historic hydric soils. In addition, degraded wetlands and a farmed wetland would be rehabilitated to improve overall floristic quality and wetland function of the site. Objectives for the proposed wetland mitigation bank include a regulatory objective, a restorative objective, and a public benefit objective. The regulatory objective is to provide mitigation credits for use by Lake County Division of Transportation (LCDOT) and LCPFD to compensate for wetland impacts within the service area. The bank will be used to satisfy mitigation requirements under Section 404 of the Clean Water Act as regulated by the USACE, wetlands regulated by the Illinois Department of Natural Resources under the State Interagency Wetlands Policy Act, and isolated wetland impacts under the Lake County Watershed Development Ordinance (WDO). The restorative objective is to restore and create wetland habitat by returning a farmed site to a more natural condition. The public benefit objective is to expand the publically accessible portion of the Buffalo Creek Forest Preserve and improve the recreational use of a natural area by installing a loop trail. Creation of the bank would allow a more cost effective way to meet wetland mitigation requirements for county projects. The project would result in 15.25 acres of wetland restoration, 18.18 acres of wetland establishment (creation), 5.64 acres total of re-establishment, establishment and enhancement of wetlands within the buffer, and upland buffer enhancement of 25.94 acres. A table detailing proposed mitigation acres and credits follows:

Buffalo Creek Mitigation Acres and Credits

Type	Proposed acreage (acres)	Proposed Ratio	Anticipated Credit (acres)	Percent (%) of Total Credits
Concept: Minimal grading for terracing, re-hydrate using tile disablement, install agri-drain structure, seed/plug natives. Assumes formerly hydric soils rehydrate.				
Restoration: re-establishment	12.59	1.00	12.59	29.0
Restoration: re-habilitation*	2.66	0.50	1.33	3.1
Establishment	18.18	1.00	18.18	41.8
Buffer: Re-establishment - wetland	1.19	0.50	0.60	1.4
Buffer: Establishment - wetland	4.13	1.00	4.13	9.5
Buffer: Enhancement - farmed wetland*	0.31	0.50	0.16	0.4
Buffer: Enhancement - upland**	25.94	0.25	6.49	14.9
TOTAL =	65.00	-----	43.47	100.0

*= indicates maximum credit for enhancement or rehabilitation of degraded wetlands not to exceed 30% of total credits per ICA, Section 10

**= indicates that the credit/acre adjusted to not exceed the maximum allowed credit for upland buffers (max 15%; ICA Section 10)

COMPENSATORY 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 404 of the Clean Water Act of 1972.

A Public Notice is required pursuant to the Department of the Army Final Mitigation Rule, 33 CFR Parts 325 and 332, published April 10, 2008. The prospectus shall comply with the requirements of 33 CFR 332.8(d)(2). The Corps shall conduct a preliminary review of the prospectus as required by 33 CFR Part 332.8(d)(3), facilitate a public review and comment period as required by 33 CFR 332.8(d)(4), and require an initial evaluation of the project by the Interagency Review Team (IRT) as required by 33 CFR 332.8(d)(5). The Corps will then forward the comments to the applicant for a response to all concerns raised during the public notice comment period. Lastly, the Corps shall follow up with a request to the applicant to submit to the IRT a draft instrument which contains the information as required by 33 CFR 332.8(d)(6).

JURISDICTION

This application will be reviewed according to the provisions of Section 404 of the Clean Water Act of 1972 due to minimal grading and filling activities in waters of the United States associated with Buffalo Creek. These grading and filling activities are necessary to successfully construct the wetland mitigation bank.

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 will apply 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.

ENDANGERED AND THREATENED SPECIES:

The Corps of Engineers will determine that the proposed activity will 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.). A preliminary determination has indicated that consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act may not be necessary.

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.

A full copy of the prospectus for the proposed Buffalo Creek Wetland Mitigation Bank can also be viewed at the Lake County Stormwater Management Commission and LCDOT offices by contacting the following:

Joseph I. Hmieleski
Lake County Stormwater Management Commission
500 West Winchester Road, Suite 201
Libertyville, Illinois 60048
847-377-7708 (phone)
847-984-5747 (fax)
jhmieleski@lakecountyil.gov (e-mail)

Betsy Duckert
Lake County Division of Transportation
600 West Winchester Road
Libertyville, IL 60048
847-377-7400 (phone)
bduckert@lakecountyil.gov (e-mail)

Interested parties wishing to comment on the proposed activity must do so in writing no later than February 17, 2012. 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 Mr. Andrew Blackburn of my staff by telephone at 312-846-5543, or email at 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 www.lrc.usace.army.mil/co-r for more information on our program.

FOR THE DISTRICT COMMANDER:

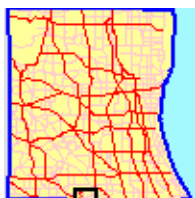
ORIGINAL SIGNED

Kathy G. Chernich
Chief, East Section
Regulatory Branch

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continuously posted until February 17, 2012.

Figure 1. Aerial photograph








LakeCounty
Geographic Information System

Lake County Stormwater
Management Commission
500 W Winchester Rd
Libertyville IL 60048
(847) 377-7700

Map Printed on 12/21/2010



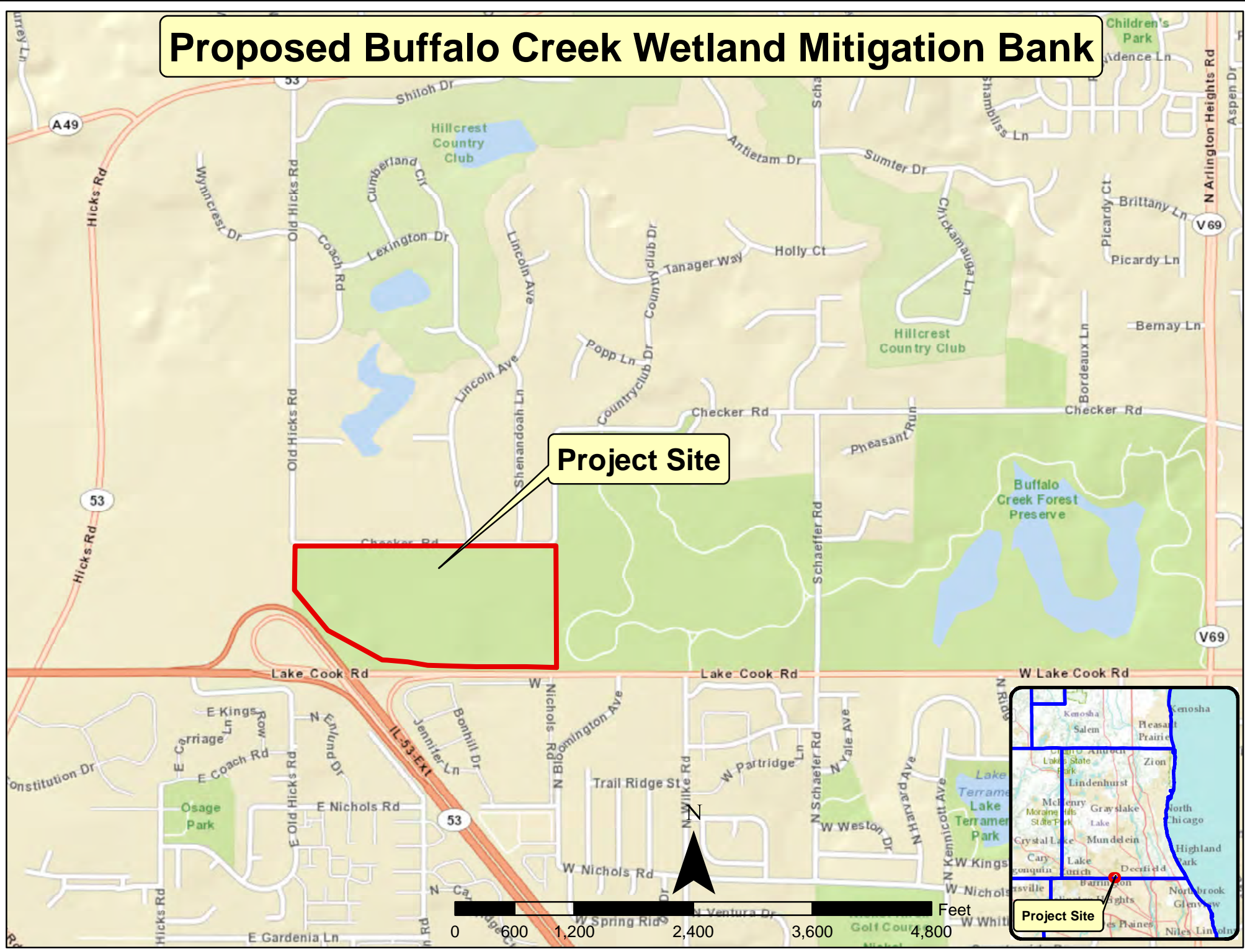
-  2007 Aerial Photography
-  Major Water
-  Parcels
-  Major Roads
-  Railroads

 **Project site**

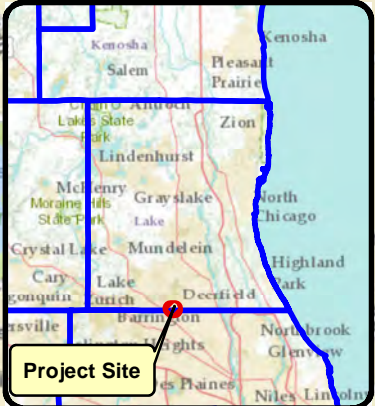
Disclaimer:

This map is for general information purposes only. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

Proposed Buffalo Creek Wetland Mitigation Bank



Project Site



0 600 1,200 2,400 3,600 4,800 Feet