



US Army Corps  
Of Engineers  
Chicago District

# Public Notice

Application No.  
408-LRC-2021-0010

Comment Period Begins:  
March 16, 2021

Comment Period Ends:  
March 30, 2021

## PROPOSED ALTERATION TO A FEDERAL CIVIL WORKS PROJECT

- REQUESTER:** 2240 Diversey LLC
- AFFECTED PROJECT:** Chicago River Navigation Project, specifically the shallow-draft (9 ft.) portion most recently authorized by the Rivers and Harbors Act of July 24, 1946.
- PROPOSED ALTERATION:** Install an aluminum floating pier, parallel to the river bank, approximately 189 feet in length.

Interested parties are hereby notified that a request has been received for permission for the activity described herein and as shown on the attached drawings. You are invited to provide your comments on the proposed work by the expiration date, which will become part of the administrative record and will be considered in the decision.

Written comments should be emailed to the Chicago District Section 408 Coordinator at [Chicago408@usace.army.mil](mailto:Chicago408@usace.army.mil).

### AUTHORITY:

This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408), and the policy and procedural guidance in Engineer Circular 1165-2-220.

### EVALUATION FACTORS:

Proposed alterations are assessed to determine impacts to the *usefulness of the USACE Project*. The objective of this determination is to ensure that the proposed alteration will not limit the ability of the USACE project to function as authorized and will not compromise or change any authorized project conditions, purposes or outputs. All appropriate technical analyses including geotechnical, structural, hydraulic and hydrologic, real estate, construction, and operations and maintenance requirements, will be conducted, and the technical adequacy of the design will be reviewed.

Proposed alterations will also be reviewed to determine the probable impacts, including cumulative impacts, on the *public interest*. Evaluation of the probable impacts that the proposed alteration to the USACE project may have on the public interest requires a careful weighing of all those factors that are relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. Factors that may be relevant

to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation.

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 permission 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.

## **PRELIMINARY EVALUATION OF SELECTED FACTORS**

### **THREATENED AND ENDANGERED 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.

### **ENVIRONMENTAL IMPACT STATEMENT:**

A preliminary determination has been made that an environmental impact statement is not required for the proposed work.