

**Illinois Environmental Protection Agency
Bureau of Water, Permit Section
(IEPA)**

1021 North Grand Avenue East, Post Office Box 19276, Springfield, Illinois 62794-9276, 217/782-3362

The IEPA has issued a Public Notice of a request for a Clean Water Act Section 401 water quality certification that would allow the issuance of a federal permit for the discharge of pollutants to waters of the State.

Public Notice Beginning Date:

Wednesday, February 16, 2022

Public Notice Ending Date:

Tuesday, March 8, 2022

Agency Log No.:C-0262-21

Federal General Permit Information: Federal permit/license no. LRCREGWEB is under the jurisdiction of Chicago District, Regulatory Branch U.S. Army Corps of Engineers

Name and Address of General Permit Issuer: :U.S. Army Corps of Engineers, Chicago District - 231 South LaSalle Street, Chicago, IL 60604-1437

Discharge Location: In Lake, McHenry, Cook, DuPage, Kane, and Will Counties. Additional project location information includes the following: General Permit for use in the Chicago District, Chicago District, IL 60604

Name of Receiving Water: General use waters

Project Description: Installation, repair, and modification of permanent and seasonal piers/docks, boat ramps, boat hoists, and lifts; Maintenance dredging for navigational access to existing facilities; and Expansion and construction of commercial maritime facilities.

Construction Schedule: Beginning Apr 2022 and ending Sep 2025

The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters must provide their name and address along with comments on the certification request. The IEPA Log number must appear on each comment page. Commenters may include a request for public hearing. Only hearing requests and comments that pertain to Clean Water Act Section 401 authority will be considered. This authority provides consideration of whether the permit or license would be consistent with Sections 301, 302, 303, 306, or 307 of the CWA, as well as "any other appropriate requirement of State [or tribal] law". Requests for additional comment period must provide a demonstration of need. The final day of comment acceptance will be on the Public Notice Ending date shown above, unless the IEPA grants an extended notice period.

The attached Fact Sheet provides a detailed description of the project and the findings of the IEPA's antidegradation assessment.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please see the contact information below.

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Post Document. No. C-0262-21-02162022-PublicNoticeAndFactSheet.pdf

Antidegradation Assessment Review for a 401 Water Quality Certification for Regional General Permit for Shoreline Activities
IEPA Log No. C-0262-21
Various County
Contact: Angie Sutton 217-782-9864

The U.S. Army Corps of Engineers (Corps), Chicago District (“Applicant”) has applied for a 401 Water Quality Certification and development of Shoreline Regional General Permit (RGP) for impacts associated with the placement of dredged and/or fill material for shoreline activities in waters of the United States (WOUS) in Lake, McHenry, Cook, DuPage, Kane, and Will Counties within the State of Illinois. Shoreline activities including installation, repair, and modification of permanent and seasonal piers/docks, boat ramps, boat hoists, and lifts, maintenance dredging for navigational access to existing facilities, and expansion and construction of commercial maritime facilities and associated dredging will be authorized under this regional general permit.

Installation, repair, modification and removal of permanent and seasonal piers/docks, boat ramps, boat hoists, and lifts.

The permittee must submit a Pre-construction Notification (PCN) prior to commencing the activity if the construction is a pier/dock exceeding 50 feet in length, or the construction is on the Fox River/Chain-O-Lakes and defined as a multi-user facility under the May 12, 2020 Fox River-Chain-O’Lakes Boat Pier and Boat Ramp Application Review Policy (Pier Policy).

All Piers/docks permitted under this RGP must be constructed in accordance with the following conditions and limitations:

- The pier/dock must not project more than 50 feet into a waterway (up to 100 feet if located in a shallow water area of the Fox River-Chain O’Lakes system). The pier/dock must be the minimum length necessary to reach suitable water depth. The pier/dock length must not be greater than one quarter of the width of the waterway and must not extend beyond the navigation limits established by the Illinois Department of Natural Resources, Office of Water Resources and/or the Chicago District.
- For piers/docks on the Fox River/Chain-O-Lakes that are defined as multi-user facilities under the Pier Policy, refer to Appendix 3 for a definition of multi-user facility and additional restrictions for these structures
- The width of the pier/dock must not be greater than 10 feet.
- For L-shaped or T-shaped piers/docks, the length of that portion parallel to the shoreline must not exceed 50 percent of the landowner’s shoreline frontage, nor 50 feet.
- Piers/docks must be aligned so as not to cross the projection of property lines into the waterway or come within 10 feet of the projection of the property line. A variance in this distance may be granted where there are natural limiting features or limited shoreline available. Coordination and agreement to the variance with adjacent property owners is required. All variances must be approved by the USACE Chicago District office on a case-by-case basis. Note that a dispute over property ownership will not be a factor in the Corps public interest decision (see 33 CFR 320.4(g)).
- Pier/dock posts must be marked with reflective devices.

- Boat mooring buoys and pier/dock flotation units must be constructed of materials that are clean and free of pollutants and not become waterlogged or sink if punctured. Flotation units and devices must be composed of low density, closed cell, rigid plastic foam. Foam bead flotation will not be allowed unless commercially encapsulated and designed specifically for flotation purposes. Reconditioned plastic drums and metal barrels are allowed if they are first cleaned and filled with flotation foam. Barrel, drums or containers that previously contained pesticide, herbicide, or other hazardous substances are not allowed.

Boat ramps must not exceed 60 feet in width and be constructed of crushed stone, concrete, gravel, or other suitable material. Boat ramps constructed of asphalt are not authorized under this permit. Compensatory mitigation will be required for all wetland losses that exceed 1/10-acre.

For boat ramps on the Fox River/Chain-O-Lakes that are defined as multi-user facilities under the Pier Policy, refer to Appendix 3 for a definition of multi-user facility and additional restrictions for these structures.

Boat hoists and lifts must be constructed of steel or other suitable material and must not cross the projection of property lines into the waterway.

The pier/dock, boat hoist, or boat lift must be securely anchored to prevent its detachment during times of high water, winds, or ice movement.

Maintenance dredging for navigational access to existing facilities.

The permittee must submit a PCN to this office prior to commencing the activity.

- This activity only applies to one maintenance dredging event. Subsequent dredging would require a separate authorization.
- For commercial and other multi-user facilities, dredging must be limited to those areas actively used and necessary to maintain existing capacity.
- For non-commercial, single-user facilities, dredging of no more than 50 cubic yards below the plane of the OHWM for Section 10 waters.
- All dredged material must be deposited and retained in an area that has no waters of the United States, with no return flows to waters of the United States from dewatering, unless otherwise specifically approved by this office under separate authorization.

Expansion and construction of commercial maritime facilities and associated dredging.

The permittee must submit a PCN to this office prior to commencing the activity.

- This activity applies to expansion or construction of fleeting, mooring, and loading/unloading facilities from commercial/government vessels only. Compensatory mitigation will be required for all wetland losses that exceed 1/10 acre.

- The area to be dredged adjacent to the commercial maritime facilities must be limited to the area necessary to load and unload the vessels and to access the facility. The dredging must result in no more than minimal impacts.
- This activity is applicable within Section 10 waters with Federal navigation channels authorized by Congress.
- This activity also includes the associated construction or maintenance of structures, buoys, floats, dolphins, and other devices placed within fleeting areas to facilitate moorage of vessels.
- All dredged material must be deposited and retained in an area that has no waters of the United States, with no return flows to waters of the United States from dewatering, unless otherwise specifically approved by this office under separate authorization.

Information used in this review was obtained from documents dated December 10, 2021.

Identification and Characterization of the Affected Water Body.

The Regional General Permit may be applied to all WOUS and navigable WOUS within the boundaries of the USACE Chicago District. These water bodies are General Use, Upper Dresden Island Pool Aquatic Life Use, Chicago Area Waterway System Aquatic Life Use A, Chicago Area Waterway System and Brandon Pool Aquatic Life Use B, and Secondary Contact and Indigenous Aquatic Life Use Waters within the State of Illinois.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The pollutant load increases that would occur from this project include some possible increases in total suspended solids. These increases, a normal and unavoidable result of construction, maintenance, repair/modification and other shoreline activities, may occur at the point of the activity. Negative impacts to aquatic life uses should be minimal.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary. Projects authorized under the proposed permit will install, repair and modify permanent and seasonal piers/docks, boat ramps, boat hoists and lifts; maintenance dredging for navigational access to existing facilities; expansion and construction of commercial maritime facilities and associated dredging. These activities will occur in WOUS throughout the USACE Chicago District. Project proponents may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the project proponent must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of the current Corps policies, guidelines, and 33 CFR 332 (the Mitigation Rule). Mitigation activities will be required if cumulative permanent loss of wetlands exceed 0.10 acres. The amount of mitigation required must be adequate to offset losses or unavoidable impacts to regulated WOUS.

Purpose and Social & Economic Benefits of the Proposed Activity.

The primary purpose of this project is to install, repair and modify permanent and seasonal piers/docks, boat ramps, boat hoists and lifts; maintenance dredging for navigational access to existing facilities;

expansion and construction of commercial maritime facilities and associated dredging. These activities will occur in WOUS throughout the USACE Chicago District.

Assessment of Alternatives for Less Increase in Loading or Minimal Environment Degradation.

The assessment of the activities allowed under the issuance of this permit finds that the general and special conditions and limitations as defined by the proposed permit would assure that the projects would be completed in a manner that minimized environmental degradation.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities.

Each project to be covered under the regional permit shall provide a consultation termination, from the Illinois Department of Natural Resources, letter specific to that project in order to be eligible for the regional permit. The electronic submittal for consultation can be found at: <https://dnr2.illinois.gov/EcoPublic/>.

Agency Conclusion

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time the assessment was written. We tentatively find that the proposed Regional General Permit with the conditions proposed in the attached Draft 401 Water Quality Certification, would have minimal individual and cumulative impacts on the aquatic resources within the USACE Chicago District in the State of Illinois. These activities are therefore compliant with the Antidegradation standard and no further evaluation under 35 Ill. Adm. Code 302.105 (Antidegradation standard) will be required. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.