



Public Notice

US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street
St. Louis, Missouri 63103-2833

Public Notice No.
P-3135

Public Notice Date:
November 20, 2019

Expiration Date:
December 10, 2019

Postmaster Please Post Conspicuously Until:

File Number: MVS-2019-611

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers (USACE) File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Kamren Metzger

APPLICANT: Marion Heights II, Inc., 3401 Office Park Drive, Marion, Illinois 62959

LOCATION: The proposed commercial development is comprised of three lots totaling 62.6-acres that are divided by Illinois Route 13 and Joseph Cannon Way in Marion, Illinois. The project area is located in Section 15, Township 9 South, and Range 2 East, Williamson County, Illinois. Approximate geographic coordinates for the site are 38.3446°, -90.1418°.

PROJECT DESCRIPTION: Marion Heights II, Inc. (the applicant) seeks authorization for the placement of fill into waters of the U.S. to facilitate the development of approximately 30-acres of commercial retail and restaurant sites on Lots 2, 3, and 4 of the Homer Reinbolt Subdivision property. Four compensatory floodplain storage sites will be constructed in conjunction with five commercial development sites to offset the placement of fill within the computed floodplain. In total, 13.1 acres of forested wetland, 1.6 acres of emergent wetland, and 4,298 linear feet of perennial stream lie within the project area. The perennial stream is an unnamed tributary to Crab Orchard Creek. **Proposed impacts to waters of the U.S. within Lots 3 and 4 of the Homer Reinbolt Subdivision property include 593 linear feet of perennial stream, 1.5 acres of emergent wetland, and 7.9 acres of forested wetland.** No impacts to waters of the U.S. are proposed for Lot 2.

Although the applicant is still in the process of researching alternatives, reducing the size of the footprint, and minimizing proposed impacts to waters of the U.S. where practicable., they believe that the remaining impacts are unavoidable to develop the roadway frontage and adequately compensate for computed floodplain impacts. The applicant is currently researching options for potential mitigation, to include a combination of on-site mitigation and credits from an USACE-approved mitigation bank. Wetland credits purchased from a mitigation bank will be at a ratio of 3:1 for forested wetlands and 1.5:1 for emergent wetlands.

LOCATION MAPS AND DRAWINGS: See attached. In addition, the project plans may be viewed in color and in more detail by visiting the Public Notice section of our website at:

<http://www.mvs.usace.army.mil/Missions/Regulatory/PublicNotices/OpenNotices.aspx>

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Kamren Metzger, Regulatory Project Manager, U.S. Army Corps of Engineers, at (314) 331-8574. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to Kamren.Metzger@usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: This public notice also provides documentation 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 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. The water quality standards provide for the IEPA to review individual projects 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 specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency
Bureau of Water
Watershed Management Section
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of all written comments should also be provided to the Corps of Engineers. If you have any questions please contact the IEPA at (217) 782-3362.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: The proposed project is located within the range of the federally endangered Indiana bat (*Myotis sodalis*) and threatened northern long-eared bat (*Myotis septentrionalis*). A preliminary determination, in compliance with the Endangered Species Act as amended, has been made that this activity may affect the habitat of these listed species. The USACE is coordinating with the U.S. Fish and Wildlife Service, taking measures to minimize potential effects of project construction on the species. In order to further complete our evaluation, written comments are solicited by this public notice from the U.S. Fish and Wildlife Service, other interested agencies, and individuals. IPAC: 03E18100-2020-SLI-0109 / EcoCAT: 2004047

CULTURAL RESOURCES: The St. Louis District will evaluate information provided by the State Historic Preservation Officer (SHPO) and the public in response to this public notice. The applicant submitted a Phase I cultural resource survey report, which is undergoing review by the USACE. The USACE will continue to coordinate with SHPO and Native American Tribes as appropriate.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

SOLICITATION OF COMMENTS: The USACE is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Robert S. Gramke

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Robert S. Gramke
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

