



# PUBLIC NOTICE

## APPLICATION FOR PERMIT

U.S. Army  
Corps of Engineers  
Chicago District

Public Notice/Application Number: 200400880  
Comment Period Begins: 8 February 2005  
Comment Period Expires: 10 March 2005

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### JOINT PUBLIC NOTICE

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

**Applicant:** Craig Silverman  
Field Partners, LLC  
1146 Westgate  
Suite 200  
Oak Park, Illinois 60302

**Proposed Action:** Permit Application to Develop a 40-Acre Property North of Football Drive and East of Interstate 94 in Lake Forest, Lake County, Illinois (Section 25, T44N, R11E). (see attached drawings). A detailed description of this proposal is provided on page 2 of this notice.

**Location of Proposed Action:** North Branch Chicago River, in Lake Forest, Lake County, Illinois (Section 25, Township 44n, Range 11e, 3rd P.M.)

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 10 March 2005 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 of the Clean Water Act of 1972 (33 U.S.C. 1344). Written comments should be mailed to:

U.S. Army Corps of Engineers  
Chicago District, Regulatory Branch  
Attn: 200400880, Mr. Steven Gagnon  
111 North Canal Street, 6th floor  
Chicago, Illinois 60606-7206

## **Project Description**

Field Partners, LLC is proposing to develop 14.95 acres of the 39.9-acre property located in Lake Forest, Illinois. The 39.9-acre property is bordered by Football Drive to the south, Illinois Interstate 94 to the west, Halas Hall (Chicago Bears training facility) to the east, and a Lake County Forest Preserve to the north (Middle Fork Savanna), in Lake Forest, Lake County, Illinois (Section 25, T44N, R11E). The majority of the property is scrub-shrub habitat with excavated ponds and associated ditches scattered throughout the property. The remainder of the site includes oak woodland, old fallow fields and remnant wet-mesic prairie pockets that are currently used as pasture for livestock grazing.

The project involves the proposed construction of a Costco Wholesale Store/Fueling Station on 14.95 acres, as shown on Drawing 1.0, revised January 28, 2005. A total of 11.86 acres, or 29.7% of the property along the north and northwest portions, are to be preserved and enhanced and will include wetland, woodland and prairie buffers and a naturalized wetland stormwater management facility.

The City of Lake Forest intends to acquire the north half of the property for the purpose of developing up to 13 acres of the parcel for a yet to be determined use. Previously, a four building multi-family residential complex was planned for this area, but is no longer proposed.

The possible uses for the 13 acres that will be explored by the City include development with a City facility, location of secondary retail spaces, development with office buildings, or open space. The City Council has directed that thorough consideration be given to the first of the possible uses listed, development of up to 13 acres with some City offices and operations. Public discussion of this concept is expected to occur over the next 12 months. If City use of the property is pursued, detailed information will be developed on what types of City operations and facilities would be needed. The City understands that regardless of the type of use proposed for this parcel in the future, further review by the Corps will be required once a site plan has been developed detailing a specific use.

The purpose of the project is to provide a wholesale shopping opportunity to residents living in Lake Forest and the surrounding communities. The development will be in accordance with local building and zoning requirements unless variances are approved as part of the public review process or as part of an Annexation or Development Agreement approved by the City.

## **Existing Conditions**

Seven wetland/waters complexes have been delineated on the 39.9-acre property, totaling 6.02 acres.

- Area 1a is a high-quality emergent wetland (0.29 acre on-site) located in the northeastern corner of the site; most of this wetland is located north of the site (approximately 56 acres total).
- Area 1b is a large excavated pond with three excavated ditches (3.92 acres total) located in the western part of the site.
- Area 1c is an excavated pond with wetland swales and excavated ditches (1.01 acres total) located east of Area 1b.
- Area 2 is a scrub-shrub wetland (0.06 acre) located near the east-central boundary of the subject property.
- Area 3 is an excavated pond/wetland complex with three excavated ditches (0.71 acre total) located in the southeastern portion of the property.
- Area 5 is a small wetland depression (0.03 acre) located southeast of Area 1c.
- Area 6 (0.07 acre) is a small wetland depression located south of Area 1a and north of Area 1c.
- In addition to the on-site wetlands, one off-site wetland (Area 7, 0.21 acre) was delineated within the frontage road right-of-way (ROW) located west of the site.

Areas 2, 3, and 6 were determined to be Isolated Waters of Lake County (IWLC) under county jurisdiction. Areas 1a, 1b, 1c, 5, and 7 were determined to be adjacent wetlands or Waters of the U.S. (WOUS) under Army Corps of Engineers jurisdiction, through their hydrologic connection to the North Branch. Area 1a also qualifies as a High Quality Aquatic Resource (HQAR) and is part of Lake County Advanced Identification (ADID) site #128, based on a high quality plant community and high water quality functions provided by the wetland as part of the wetland complex and natural area known as the Middle Fork Savanna, which is a Lake County Forest Preserve District property.

The far northern and northwestern portions of the site are composed of oak woodland dominated by bur oak (*Quercus macrocarpa*), red oak (*Q. rubra*), shagbark hickory (*Carya ovata*) and common buckthorn (*Rhamnus cathartica*). More disturbed sections of the northern and western portions of the site contain a low-quality scrub community dominated by common buckthorn and green ash (*Fraxinus pensylvanica subintegerrima*).

The southern and eastern portions of the site are composed of old fallow fields and scrub habitat intermixed with remnant wet-mesic prairie and savanna pockets. Dominant plant species include common buckthorn, Hungarian brome (*Bromus inermis*), redtop (*Agrostis alba*), gray dogwood

(*Cornus racemosa*), spreading oval sedge (*Carex normalis*), Kentucky bluegrass (*Poa pratensis*), common mountain mint (*Pycnanthemum virginianum*), timothy (*Phleum pratense*), sheep fescue (*Festuca ovina*), meadow fescue (*F. pratensis*), green ash, eastern cottonwood (*Populus deltoides*), curly styled wood sedge (*Carex rosea*), garlic mustard (*Alliaria petiolata*), and side-flowering aster (*Aster lateriflorus*).

### Proposed Impacts

The proposed Costco project involves the filling of 0.38 acres of WOUS under Corps of Engineers jurisdiction and 0.71 acres of IWLC that are subject to the wetland provisions of the Lake County Watershed Development Ordinance. A total of 1.09 acres of wetland will be impacted. See Impact, Buffer, & Mitigation Plan drawing for details of impacts to each wetland. 1.12 acres of high quality prairie and 8.12 acres of moderate quality prairie will also be directly impacted by the project. Indirect impacts include increased runoff from the building and parking lots with associated pollutants. All the runoff will drain to area 1b with about half of it being directed through vegetated swales first. Area 1b will be excavated to provide increased stormwater detention for the site and to enhance the pond through wetland and habitat creation and stormwater best management practices. Lake County Stormwater Management Commission will review soil erosion and sediment control methods.

### Proposed Wetland Mitigation, Buffers and Preservation

Wetland Mitigation Summary: The following activities, depicted on the mitigation drawing, have been proposed to provide compensatory mitigation for impacts of the Costco project.

- . 0.36 acres of wetland enhancement
- . 0.41 acres of Blanding's Turtle hibernation habitat/open water
- . 0.75 acres of BMP open water
- . 0.41 acres of aquatic vegetation
- . 3.29 acres of emergent vegetation
- . 1.30 acres of prairie vegetation
- . 1.87 acres of woodland enhancement in 100 foot wetland buffer
- . 3.47 acres of woodland enhancement outside 100 foot wetland buffer

Mitigation credits for the proposed activities above have not been determined.

Upland Buffer & Wetland Enhancement: A buffer with a minimum width of 100 feet will be protected and enhanced along the preserved wetland and the Middlefork Savanna Forest Preserve. The on-site portion of the wetland also will be enhanced, consistent with management activities conducted on the forest preserve s portion of the wetland. These wetland enhancement

activities will include clearing non-native or invasive species, such as common buckthorn, selectively thinning smaller weedy trees, such as green ash, and conducting a supplemental seeding of native, desirable herbaceous species.

Similar to these wetland enhancement activities, enhancement of the preserved woodlands will consist of clearing non-native or invasive species, such as common buckthorn; selectively thinning smaller weedy trees, such as green ash; controlling nuisance herbaceous species such as garlic mustard; and conducting a supplemental seeding of native, desirable herbaceous species.

The slopes of the proposed naturalized wetland stormwater management facility will be top-dressed with topsoil from remnant prairie areas.

**Wetland Creation.** The existing on-site open water pond will be modified through grading, planting and management to create vegetated wetlands and scattered open water features to improve water quality and provide wildlife habitat especially for the Blanding's turtle. The current condition of the pond is poor, and is characterized by regular algal blooms, poor water quality, and limited wildlife habitat. The pond retrofit efforts will target water quality enhancement and maximize habitat opportunities for the Blanding's turtle (described in more detail below).

Approximately 3.29 acres of emergent wetland, several open water features (0.41 acres), and a large sedimentation basin (0.75 acres) to minimize sediment transport into the pond and to the downstream property is proposed as part of the retrofit. The retrofit will provide the Blanding's turtle with suitable habitat for foraging, estivating and hibernating.

The proposed emergent wetland will be created by filling portions of the pond with soil to raise the bottom within 6 inches of the normal water elevation. This will establish shallow inundation (between 0 and 6 inches) for the proposed emergent plants. As illustrated by Figure 1, the proposed depth and duration of flooding is within the acceptable range for emergent communities. All storm events result in very low inundation times (i.e. 30 hours max), which will provide suitable conditions for the successful establishment and maintenance of the proposed plant community.

Table 1 provides the proposed plant and seed mix for the emergent community.

To provide a natural transition between the open water and emergent community, a narrow aquatic zone is proposed. This zone will have between 6 to 18 inches of standing water and will be planted with the species in Table 2.

**Blanding's Turtle Habitat.** Creation of an emergent wetland community with five isolated open water features is proposed within the existing on-site pond. These open water features will be 3 feet deep, which is the ideal depth for Blanding's turtle hibernation. As stated in Turtles of the

United States and Canada by C.H. Ernst, J.E. Lovich, and R.W. Barbour, 1994, Dormant [Blanding's] turtles lie partially buried in the substrate at mean water depths of 0.9 m, and several may hibernate within 10 m of each other. The 3-foot depth will also provide acceptable hibernation habitat for other common species of reptiles and amphibians. The isolated open water features also will provide a diverse habitat, which will benefit birds and amphibians.

The Blanding's turtle is usually found in and around water. It prefers quiet waters without flow in marshes, prairie wetlands, wet sedge meadows, sloughs, fens, and shallow vegetated portions of lakes. The consistent habitat features within this variety of wetland habitats required by the Blanding s turtle include relatively shallow systems, clean water, soft organic substrates, and reasonably dense aquatic vegetation. The proposed emergent wetland community will provide the Blanding s turtle with the warm weather habitat it requires for foraging as well as estivating, and the cold weather habitat it needs to hibernate. This is a notable improvement over the existing conditions provided by the existing on-site pond.

**Regulatory Authority:** This proposed action will be reviewed according to the provisions of Section 404 of the Clean Water Act .

**Jurisdiction:** This application will be reviewed according to the provisions of Section 404 of the Clean Water Act due to the proposal to fill 0.38 acres of wetlands that drain into a tributary of the North Branch Chicago River. The project site contains high quality wetlands and prairie and is adjacent to Middlefork Savanna, a dedicated nature preserve.

#### **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

The Corps of Engineers is 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. Any comments received will be considered by the 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 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 has applied 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/](http://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 the written comments should be provided to the Corps of Engineers. If you have any questions please contact IEPA at (217) 782-3362.

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 by in writing no later than **10 March 2005**. 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. Steven Gagnon of the Regulatory Branch by telephone at (312) 846-5597, or email at [steven.k.gagnon@usace.army.mil](mailto:steven.k.gagnon@usace.army.mil). It should be noted that comments received via e-mail can 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](http://www.lrc.usace.army.mil/co-r) for more information on our program.

FOR THE DISTRICT ENGINEER:

Leesa A. Beal  
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individual commenting. You can also visit our website at  
www.lrc.usace.army.mil/co-r for more information on our program.

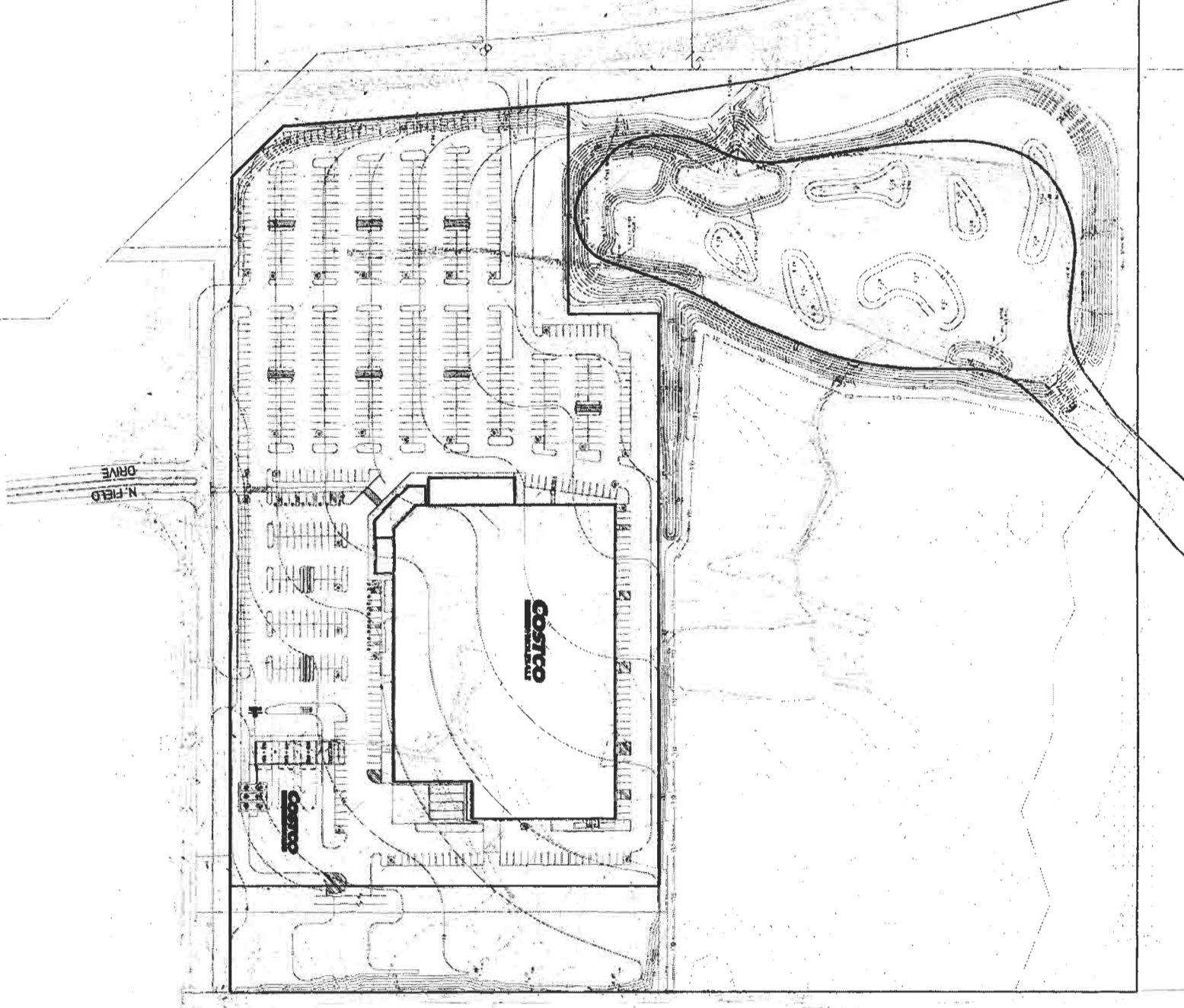
FOR THE DISTRICT ENGINEER:

Leesa A. Beal  
Chief, East Section  
Regulatory Branch

NOTICE TO POSTMASTERS:

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N. FIELD  
DRIVE

**COSTCO**

**COSTCO**



100' WETLAND BUFFER

WETLAND AREA 2  
0.06 AC. (SMC)

WETLAND AREA 6  
0.07 AC. (SMC)

WETLAND AREA 1C  
1.01 AC. (COE)

WOUA AREA 1B  
3.92 AC. (COE)

WETLAND AREA 5  
0.03 AC. (COE)

WETLAND AREA 3  
0.71 AC. (SMC)

ROAD

FRONTAGE

ILLINOIS TOLL HIGHWAY 194

WETLAND AREA 7  
0.21 AC. (COE)

WE	CC	TO	SM	TO	WE	TO	OF	ID	TU	0.4	BM	0.7	AC	0.4	EM	3.1	PF	1.1