



**US Army Corps
of Engineers** ®
Rock Island District

PUBLIC NOTICE

Applicant: Rusted Anchor, Gabe Nagy

Date: April 11, 2022

CEMVR-RD-2022-0189

Expires: May 11, 2022

Section 10/404

**Public Notice
US Army Corps of Engineers
Illinois Department of Natural Resources**

1. **Applicant:** Rusted Anchor, Gabe Nagy, 705 North 4th Street, Warsaw, Illinois, 62379.
2. **Project Location:** The proposed project is located on the Mississippi River at 705 North 4th Street on the north side of Warsaw, Illinois, approximate river mile 360.3. The project is in Hancock County, Section 4, Township 4 North, Range 9 West. Datum NAD-83. UTM Zone 15. Latitude 40.366203, Longitude -91.433477.
3. **Project Description and Purpose.** The applicant is proposing to construct a jetty on the Mississippi River to protect downstream dock from ice flows. The jetty would be approximately 150 feet long and 40 feet wide at the base, approximately 0.14 acres of riverbed would be impacted. The primary purpose of the project is to divert ice flows away from shoreline to prevent damage to docks located downstream of jetty.
4. **Avoidance and Minimization Statement.** The applicant will provide an alternatives analysis for this project. Multiple alternatives, which include avoidance and minimization measures, will be considered including a no action alternative. The alternatives analysis will be limited to a range of reasonable alternatives that meet the purpose and need for the project which was to stop ice from damaging dock. No compensatory mitigation is proposed.
5. **Agency Review.**
 - a. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - b. State of Illinois.
 - (1) The project plans will be submitted to the Illinois Environmental Protection Agency (IEPA) for Water Quality Certification review.
 - (2) The Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR) is a participant in the joint application process and requires that IDNR/OWR permits be obtained for construction within floodways; construction and other activities within public bodies of water; and construction, operation, and maintenance of dams pursuant to the State of Illinois Rivers, Lakes, and Streams Act (615 ILCS 5).

(3) Inquiries concerning IDNR/OWR jurisdiction and/or review of the activity should be directed to the Office of Water Resources at dnr.dworm@illinois.gov or 217/782-3863. Information on the IDNR/OWR regulatory and other programs can be found at <http://dnr.state.il.us/owr>.

c. U.S. Environmental Protection Agency (USEPA). Water Quality Certification: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as notification to the Administrator of the (USEPA) pursuant to section 401(a)(2) of the Clean Water Act for neighboring jurisdiction review and begins the 30-day clock for USEPA to notify affected states.

6. Historical/Archaeological. The District Archaeologist consulted with the Illinois I-Sites geographic information systems archeological site and survey databases online. In addition, the District consulted “An Investigation of Submerged Historic Properties in the Upper Mississippi River and Illinois Waterway” (October 1997) prepared by American Resources Group, Ltd. for the Corps (Contract No. DACW25-93-D-0012, Delivery Order No. 37). No shipwrecks or other historic properties were identified in the immediate area of the permit. As the project consists of placing material in the water in an area that has frequent deposits of sediments from a nearby stream outfall and the lack of shipwrecks being reported in the immediate area it is the recommendation of the District Archaeologist that there is no potential to affect historic properties by the issuance of the permit because “the nature, scope, and magnitude of the work, and/or structures to be permitted are such that there is little likelihood that a historic property exists or may be affected” (33 CFR Part 325, Appendix C.3.b).

7. Endangered Species. District staff have performed a preliminary review of this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. The following threatened or endangered species are listed by the United States Fish and Wildlife Service (FWS) on the IPaC website as occurring in Hancock County, Illinois:

- Indiana bat (*Myotis sodalis*)
- Northern long-eared bat (*Myotis septentrionalis*)
- Higgins eye (*Lampsilis higginsii*)
- Sheepnose mussel (*Plethobasus cyphus*)
- Spectaclecase (*Cumberlandia monodonta*)
- Eastern prairie fringed orchid (*Platanthera leucophaea*).

The proposed project is being coordinated with the FWS through this public notice. Any comments concerning Federally-listed threatened or endangered species or their critical habitat will be considered in the final assessment of the project. The Corps has made the initial determination of **no effect** on Indiana bat, Northern long-eared bat, and Eastern prairie fringed orchid. The Corps will informally consult with the FWS prior to making an effect determination regarding Higgins eye, Sheepnose mussel and Spectaclecase.

8. Public Interest Review. The decision whether to issue the Corps permit will be based on an evaluation of the 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, cultural values, 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 production and, in general, the needs and welfare of the people.

9. Who Should Reply. The Corps of Engineers 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 this 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 endangered species, historic properties, water quality, general environmental effects, and the 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. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. Public Hearing Requests. 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 hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. Reply to the Corps of Engineers. Comments concerning the Corps permit should be addressed to the District Engineer, U. S. Army Corps of Engineers, Rock Island District, ATTN: RD-E (Wendy Frohlich), Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information contact Mrs. Wendy Frohlich at 309-794-5674 or email: wendy.m.frohlich@usace.army.mil.


Attachments
Plans

Mrs. Wendy Frohlich
Project Manager, Eastern Branch
Regulatory Division

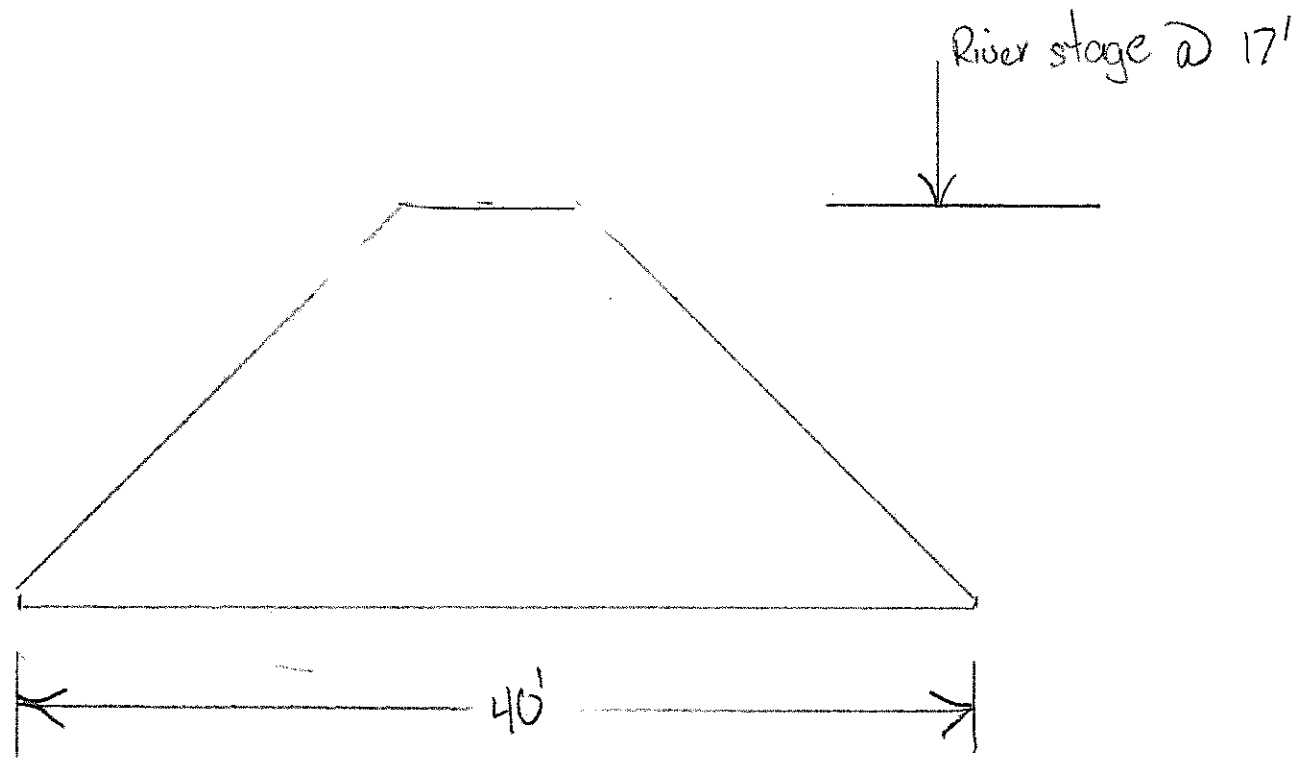
Ice break location

Write a description for your map.

Legend

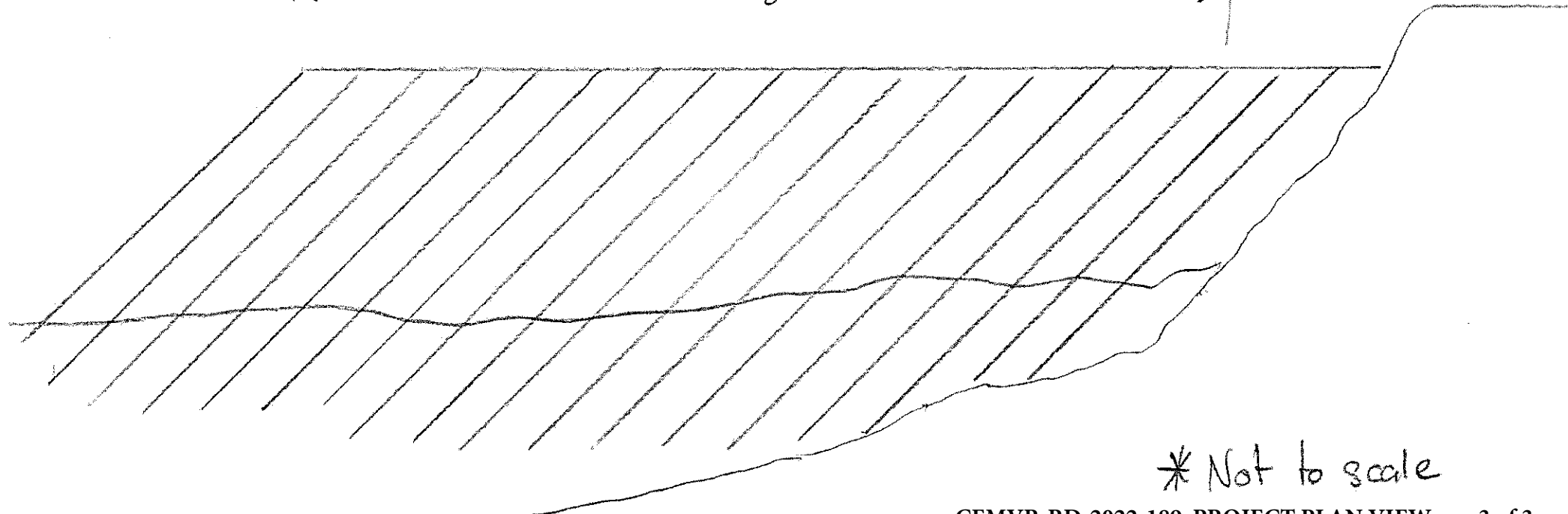
-  705 N 4th St
-  Line Measure





← 150' →

— River stage @ 6'



* Not to scale