



PUBLIC NOTICE

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

Applicant: Miller Trucking and Excavating

Date: September 13, 2004
Expires: October 12, 2004

CEMVR-OD-P-2004-1098

Section 404

**Joint Public Notice
US Army Corps of Engineers
Illinois Environmental Protection Agency**

1. Applicant. Miller Trucking and Excavating, 1815 Colona Road, East Moline, Illinois 61244.
2. Project Location. Section 22, Township 17 North, Range 1 West, Rock Island County, near Moline, Illinois; wetlands adjacent to Coal Creek.
3. Project Description. To fill an area on the applicant's property adjacent to Coal Creek for the purpose of operating a mobile concrete recycling facility. The applicant proposes to fill a 5.8 acre site in order to construct concrete recycling operation. Approximately 0.70 acres of the site has been determined to be forested wetland. It should be noted that woody vegetation has recently been removed from the site using normal silvicultural practices (timber harvest) that did not require department of the Army authorization. The northern portion of the site will be filled to an elevation of 572 feet msl and the southern portion of the site will be filled to 568 feet msl. Approximately 28,000 cubic yards of fill material will be excavated from the proposed wetland mitigation site adjacent to Coal Creek. The borrow site will function as both compensatory floodwater storage and as wetland mitigation for impacts to wetlands at the construction site. The 4.5-acre site will be excavated to achieve groundwater saturation and allow periodic flooding from Coal Creek. The wetland mitigation portion of the proposed borrow site will be approximately 1.4 acres in size.
4. 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 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/. 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."
5. Historical/Archaeological. The Corps consulted with the District geographic information systems (GIS) archeological site and survey databases current as of May 2004. The query determined that there were no previously recorded archeological sites in the permit area and that the area had not been surveyed. Based upon the nature and location of this permit area, the Corps has determined that it has the potential to contain historic properties (both surface-exposed and buried) that may be eligible for listing on the National Register of Historic Places (NRHP). The Corps will require the applicant to submit two (2) copies of a Phase I archaeological survey and geomorphological evaluation report covering this permit area. If a potentially NRHP-eligible site(s) is within the permit area (area of potential effect), the applicant will in addition to the Phase I archaeological survey and geomorphological evaluation be required to have conducted a Phase II test excavation to evaluate the site's(s') eligibility for inclusion in the NRHP and other studies, site avoidance, or data recovery as may the case.

6. 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. Based upon the information provided and available at this time, our preliminary determination is that the proposed activity would have no effect on federally-listed endangered or threatened species or critical habitat. While no consultation has been initiated with the United States Fish and Wildlife Service (FWS) at this time, we are further coordinating this application with the FWS and the respective resource agencies through this public notice. Accordingly, our preliminary determination is subject to change should further information become available.

7. Dredge/Fill Material Guidelines. The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

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. Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. Jon Klingman (309/794-5329)** may be contacted for additional information.

Attach
Plan

Jon A. Klingman
Project Manager
Regulatory Branch

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

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SUBJECT: CEMVR-OD-P-2004-1098

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Wetland Fill, Section 22, T17N, R1W, Rock Island County, Illinois



