



# PUBLIC NOTICE

US Army Corps of Engineers  
Rock Island District

Applicant: Illinois and Michigan Oil, LLC.

Date: May 7, 2020

Expires: June 5, 2020

CEMVR-OD-P-2020-484

Section: 10

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## US Army Corps of Engineers

1. **Applicant.** Mr. Derek Egan-Illinois and Michigan Oil, LLC, 724 Railroad Street, Joliet, Illinois 60436.

2. **Project Location.** IL-Seneca USGS quad sheet. Section 30, Township 33 North, Range 6 East. 7700 W. Dupont Road, Seneca, Grundy County, Illinois. Datum NAD-83. UTM Zone 16, Northing: 4574493.02, Easting: 368049.89. Latitude: 41.311114. Longitude: -88.576348. Illinois River Mile 255.

3. **Project Description.**

a. Previous Authorization. No known previous authorizations at this location.

b. Current Request. The purpose of the project is barge fleet and maintenance dredging to enable barges to be loaded to full draft. The applicant proposes to install 20 concrete filled steel mooring pins at 400 foot intervals which will create an upper section of 4,400 feet and a lower section of 2,800 feet, for an approximate fleet capacity of 106 barges, which would be arranged in varying configurations. Also, a 600 foot sheet pile dock wall will be constructed downstream, adjacent to the termination of the lower fleet. The barges will be flected/moored from mile marker 255.7 downstream to mile marker 254.1 (approximately 300 feet east of the Seneca Railroad Drawbridge). A small portion of the fleet will encroach into the navigation channel, a description is provided in Exhibit A (on sheet 5 below) to explain the reasoning for the encroachment. In addition to the mooring pins, the upper and lower fleet areas will be dredged to a level of 10 feet. Approximately 17,600 C.Y. of dredged materials will be mechanically dredged, removed and stored in the upland disposal area indicated on the plan sheets. No return water will be going back into a water of the U.S.

c. Permit Area. The permit area consists of the proposed lower barge fleet/mooring area and dredging area and sheet pile dock wall, an area approximately (2800 feet by 105 feet) or 6.75 acres which will accommodate 34 barges and the proposed upper barge fleet/mooring area and dredging area approximately (4400 feet by 140 feet), or 14.14 acres, which will accommodate 72 barges. The permit area also consists of the previously used 10.50 acre spoil area located adjacent to the upper barge fleet area.

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 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

b. State of Illinois.

(1) The project plans have been submitted to the Illinois Environmental Protection Agency (IEPA) for 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). 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](mailto: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>.

5. **Historical/Archaeological.** The District consulted with the Illinois geographic information systems archeological site and survey databases online and determined there are multiple surveys in the area, but no previously identified historic properties in the vicinity of the permit area. In addition, the Corps 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). There are no shipwrecks indicated in the vicinity of the current permit. The proposed action under the permit includes maintenance dredging to remove only recently accumulated sediments in the area and has been completed to similar depths. In addition, the dredge disposal location was previously open water ponds that have been used previously for dredge disposal. Therefore, it is the opinion of the District there low to no potential for intact historic properties to be affected by the proposed action and there will be **no historic properties affected** by the issuance of the permit.

## 6. Endangered Species.

a. 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 as occurring in Grundy County, Illinois:

(<http://www.fws.gov/midwest/endangered/lists/illinois-cty.html>)

- Indiana bat. The endangered Indiana bat (*Myotis sodalis*) is considered to potentially occur in any area with forested habitat in any county in Illinois. Indiana bats migrate seasonally between winter hibernacula and summer roosting habitats. Winter hibernacula include caves and abandoned mines. Females form nursery colonies under the loose bark of trees (dead or alive) and/or cavities, where each female gives birth to a single young in June or early July. A single maternity colony may utilize a number of trees during the summer, typically a primary roost tree and several alternates. The species or size of tree does not appear to influence whether Indiana bats use a tree for roosting provided the appropriate bark structure is present.
  - Since no trees will be removed associated with this fleeting/dredging project, the Corps has determined there will be no effect on the Indiana bat.
- Eastern Prairie Fringed Orchid. The threatened eastern prairie fringed orchid (*Platanthera leucophaea*) may potentially be found in any Illinois county. It occupies wet prairie remnant habitat. There is no critical habitat designated for this species.
  - Since there is no wet prairie remnant habitat to be affected by the project, the Corps has determined there should be no effect on the eastern prairie fringed orchid.
- Northern long-eared bat. The threatened northern long-eared bat (*Myotis septentrionalis*) is considered to potentially occur in any area with forested habitat in any county in Illinois. It hibernates in caves and mines and swarms in surrounding wooded areas in autumn. It roosts and forages in upland forests and woods.
  - Since no trees will be removed associated with this fleeting/dredging project, the Corps has determined there will be no effect on the northern long-eared bats.
- Scaleshell Mussel. The Federal endangered freshwater scaleshell mussel (*Leptodea leptodon*) is known to occur within medium to larger rivers and streams in Grundy County, Illinois. The scaleshell mussel is primarily a medium to larger river species with stable channels and good water quality. They bury themselves in sand and gravel on the river bottom with only the edge of their partially opened shells exposed. They occurring mainly in shallow shoal habitats with moderate to swift currents over coarse sand and gravel.
  - A mussel survey may be required to be performed by a qualified malacologist to determine whether the listed species is present and could be adversely effected by the project.
- Rattlesnake-master Borer moth. The Federal candidate rattlesnake-master borer moth (*Papaipema eryngii*) is a prairie habitat species. The moth is reliant on the rattlesnake master prairie plant as its sole food source. There is no critical habitat designated for this species.
  - No effect determination is required for candidate species, however since there is no prairie habitat to be affected by the project, the Corps has determined there should be no effect on the rattlesnake-master borer moth.

b. 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 Indiana bat, northern long-eared bat, and eastern prairie fringed orchid, rattlesnake-master borer moth. More information is needed from the mussel survey to determine the proposed activities effect on federally listed scaleshell mussel species.

c. While informal 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. Any comments they may have concerning Federally listed threatened or endangered species or their critical habitat will be considered in the final assessment of the proposed project. Accordingly, our preliminary determination is subject to change should further information become available.

**7. 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.

**8. 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.

**9. 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.

**10. Reply to the Corps of Engineers.** For additional information and comments concerning the Corps permit should be addressed to Mr. James Kelley by telephone 309-794-5373 or by e-mail: [james.c.kelley@usace.army.mil](mailto:james.c.kelley@usace.army.mil).

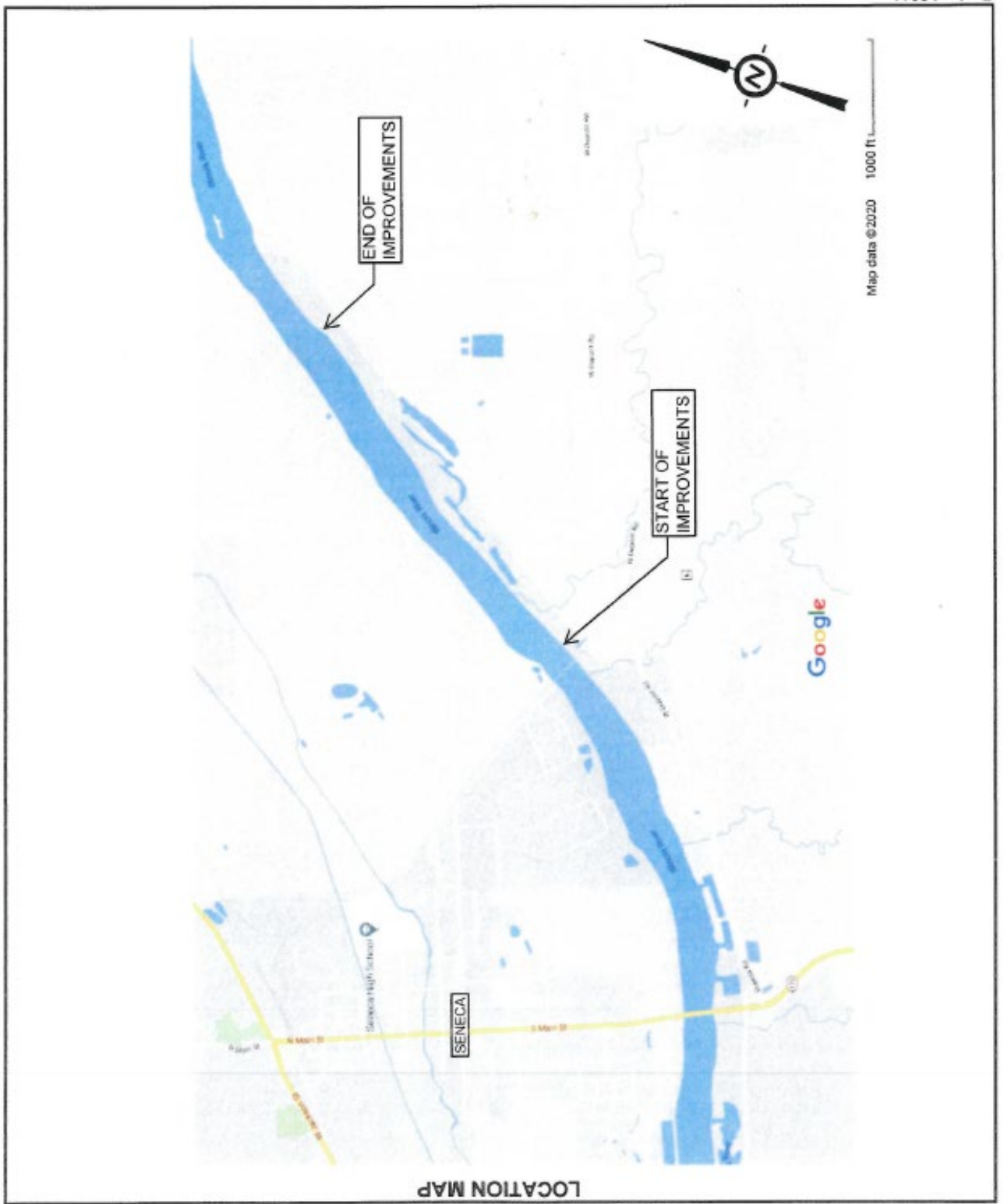
Attach Plan

Mr. James C. Kelley  
Project Manager, Illinois/Missouri Section  
Regulatory Branch

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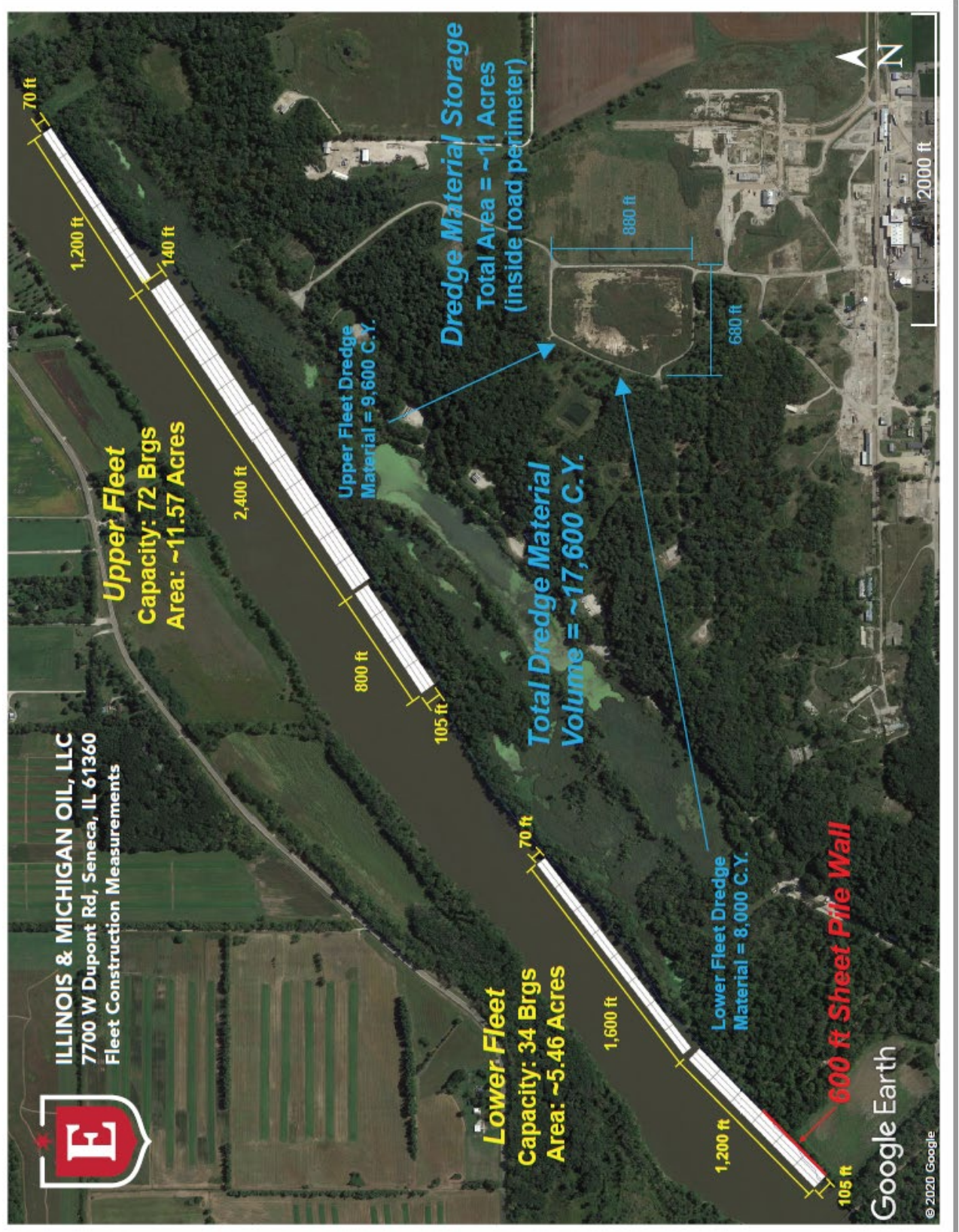
**REQUEST TO POSTMASTERS:** Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

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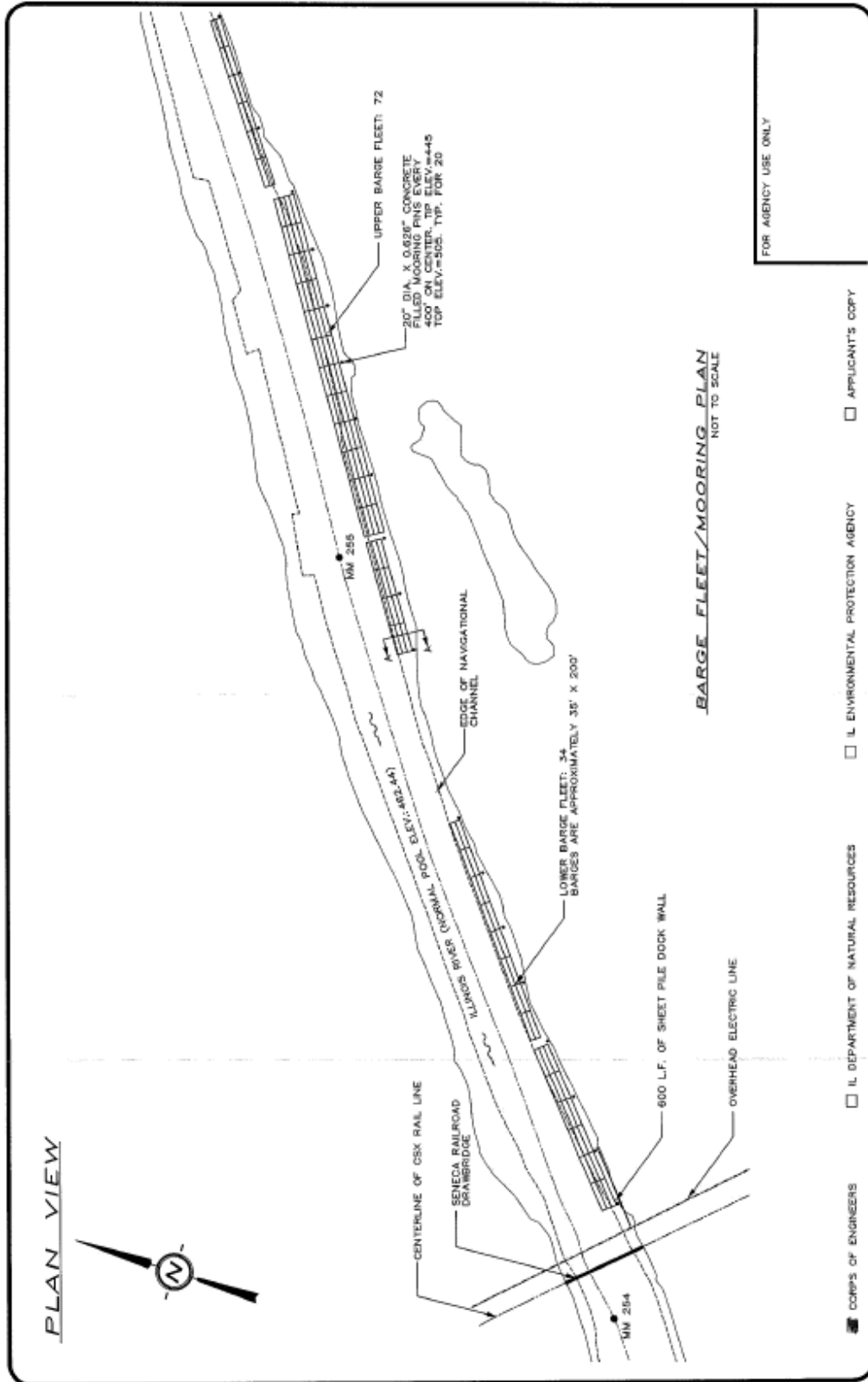


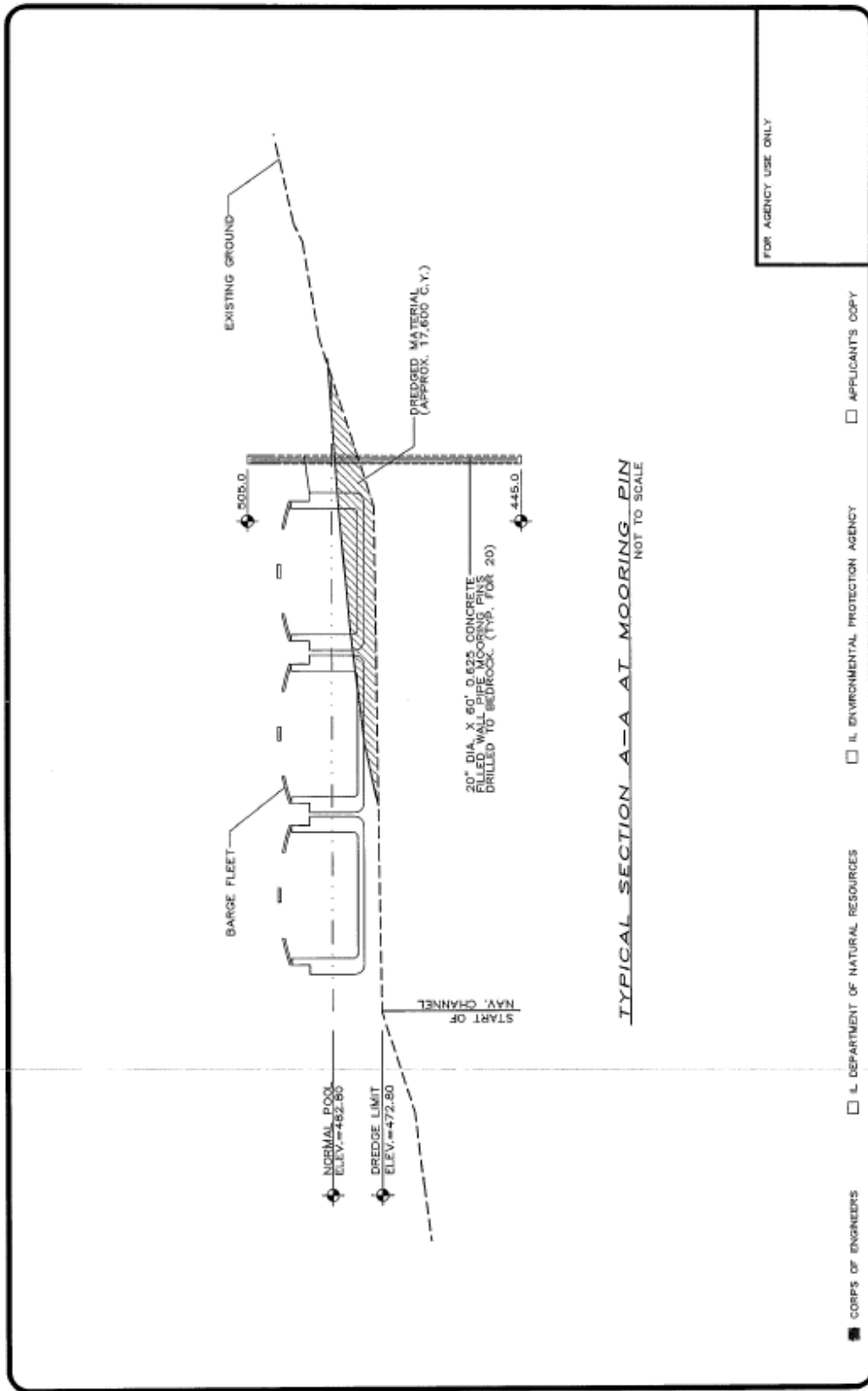
CEMVR-OD-P-2020-0484  
Sheet 1 of 5  
Location Map





CEMVR-OD-P-2020-0484  
Sheet 2 of 5  
Overall Plan View Map

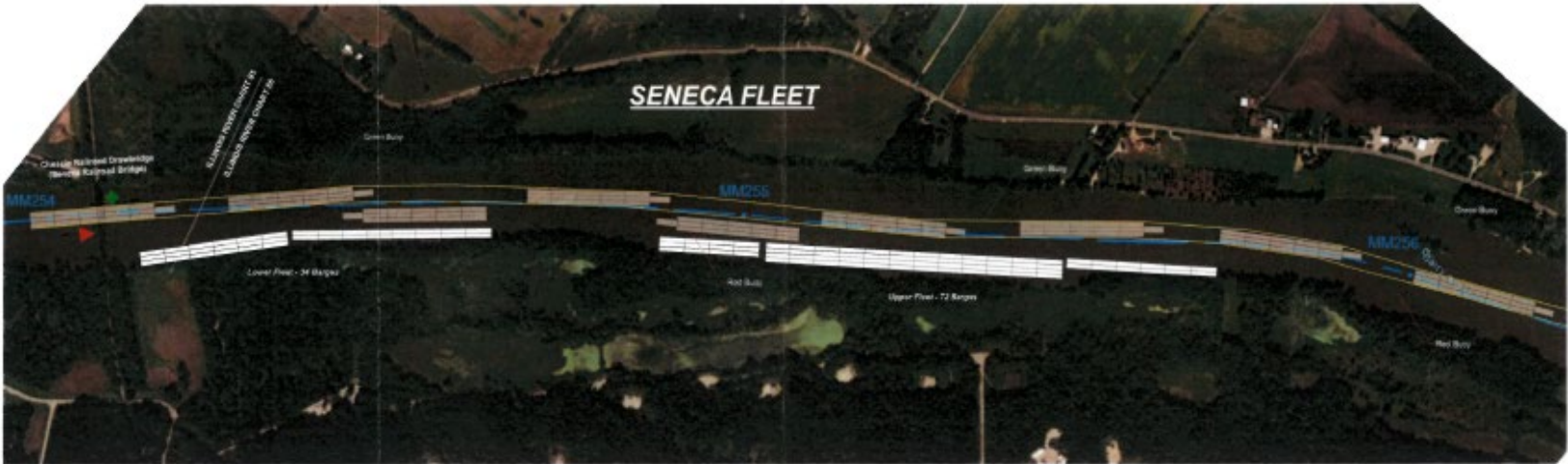




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#### EXHIBIT A

##### Encroachment into the Navigational Channel

Approximately 1,700 feet of the shoreline in the upper section of the proposed fleet is notched widening the river. Following this notch, the navigable channel also widens:

- No barge in the proposed fleet design extends into the navigable channel beyond the red buoy on the left descending side at mile marker 255, leaving approximately 50 ft. of space between the buoy and the fleet.
- The fleet is located directly upriver of the Chessie Railroad Bridge (Seneca railroad Bridge) with its raising portion located on the right descending side. Because of this, the bridge forces tows to travel on the opposite side of the river from the proposed fleet to traverse the bridge.
- Directly upriver of the proposed fleet the river bends towards the left descending side. Due to how a tow physically navigates, tows favor the opposite side of the river from the proposed fleet to clear this bend.
- Due to the Seneca Railroad Bridge below and the bend in the river above the fleet, the section of the river the proposed fleet is located is an impractical passing area. However, should two tows decide to pass each other in this section of the river, there is approximately 400 ft. of space between the right descending edge of the navigable channel and the fleet. If the passing tows were both 3 wide (standard for any 9, 12, or 15 barge tows), this would still allow for 190 ft. of clearance while the tows pass.