

**U.S DEPARTMENT OF AGRICULTURE  
Farm Service Agency**

**DRAFT ENVIRONMENTAL ASSESSMENT**

**Sugardome II / American Crystal Sugar  
Montgomery, IL**

**Prepared by  
WSB  
Alison Harwood, Director of Natural Resources**

**November 18, 2020**

### COVER SHEET

<b>Proposed Action:</b>	The Farm Service Agency of the United States Department of Agriculture proposes to approve a loan request to construct Sugardome II within the existing Montgomery Business Center, Unit 1 located in the Village of Montgomery, Kane County, Illinois.
<b>Type of Document:</b>	This is a site-specific Environmental Assessment.
<b>Lead Agency:</b>	United States Department of Agriculture (USDA) Farm Service Agency (FSA)
<b>Cooperating Agencies:</b>	None
<b>Further Information:</b>	Angela Hanson Chief Program Specialist Minnesota State Office USDA Farm Service Agency 375 Jackson Street, Ste 400 St. Paul, MN 55101
<b>Comments:</b>	<p>This Environmental Assessment (EA) was prepared in accordance with USDA FSA National Environmental Policy Act (NEPA) implementing procedures found in 7 CFR 799, as well as the NEPA of 1969, Public Law 91-140, 42 US Code 4321-4347, as amended.</p> <p>A copy of the Draft EA can be found at the Illinois State FSA Office at 3500 Wabash Ave., Springfield, IL 62711</p> <p>Written comments regarding this EA can be submitted to the address below until December 23, 2020: John Gehrke 3500 Wabash Ave. Springfield, IL 62711</p> <p>Or email: <a href="mailto:angela.hanson@usda.gov">angela.hanson@usda.gov</a></p>



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## ACRONYMS AND ABBREVIATIONS

BMP's	Best Management Practices
CEQ	Council on Environmental Quality
CNMP	Comprehensive Nutrient Management Plan
CFR	Code of Federal Regulations
EA	Environmental Assessment
EO	Executive Order
EPA	Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FSA	Farm Service Agency
GHG	Green House Gases
GPM	Gallons per minute
HUC	Hydrologic unit code
IL	Illinois
ILDNR	Illinois Department of Natural Resources
IPaC	Information for Planning and Conservation
MA/NLAA	May Affect, Not Likely to Adversely Affect
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NPDES	National Pollutant Discharge Elimination
NRCS	Natural Resources Conservation Service
ROSS	Registration of Smaller Sources
SHPO	State Historic Preservation Office
SPPP	Stormwater Pollution Prevention Plan
THPO	Tribal Historic Preservation Officers
TMDL	Total Maximum Daily Load
U.S.	United States
USACE	U.S. Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

# 1 INTRODUCTION

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## 1.1 Background

The United States Department of Agriculture (USDA) Farm Service Agency (FSA) proposes to approve a loan request to construct Sugardome II within the existing Montgomery Business Center, Unit 1 located in the Village of Montgomery, Kane County, Illinois (-88.36N, 41.733W). The location of the project is shown on A-1 (Appendix A). Photos of the site are in Appendix B. The sugardome will be 146 feet tall and 183.7 feet in diameter at the base. Total project disturbance will be 2.7 acres within the approximately 20-acre parcel. Construction of the project will require excavation below the existing ground surface to 20 feet in depth to install underground conveyors, which will transfer the sugar between the dome and transfer facility. Upon construction, the sugardome will provide 26,000 square feet of bulk storage. It will have the capacity to store over 1.45 million hundredweights of sugar and enable the transfer of nearly twice that amount to customers across the United States.

The approximately 20-acre parcel also includes the 26,000 square foot Sugardome I, a 17,000 square foot transfer facility, and 5,500 feet of track space; all of which were constructed in 2016. The initial construction of the site included grading of the area where Sugardome II is proposed. The existing land cover within the area to be disturbed is maintained turfgrass. Stormwater management requirements for both the existing facilities and the proposed Sugardome II were constructed in 2016. In addition, coordination with the US Army Corps of Engineers (USACE), Illinois State Historic Preservation Office (SHPO, formerly Illinois Historic Preservation Agency), and the Illinois Department of Natural Resources (IDNR) involved the review of the entire parcel and included the assumption of a future second sugar dome.

## 1.2 Purpose & Need for the Proposed Action

The purpose of the Proposed Action is to authorize a loan through the Sugar Storage Facility Loan (SSFL) Program to construct a second sugardome within the existing Montgomery Business Center, Unit 1 located in Montgomery, Kane County, Illinois. The sugardome will store refined sugar until transfer by rail or truck to customers.

The need for the action is to fulfill FSA's responsibility to ensure the well-being of U.S. agriculture through efficient and equitable administration of farm commodity programs; farm operating, ownership, and emergency loans; conservation and environmental programs; emergency and disaster assistance; domestic and international food assistance; and international export credit programs. These programs are major components of USDA's farm safety net, which helps producers maintain viable operations, compete for export sales of commodities, and contribute to the year-round availability of low-cost, safe, and nutritious foods. Specifically, for this project, the need is to consider the application for the SSFL Program. This loan program is intended to facilitate the construction or upgrading of storage and handling facilities for domestically produced raw or refined sugars.

## 1.3 Regulatory Compliance

This Environmental Assessment is prepared to satisfy the requirements of NEPA (Public Law 91-190, 42 United States Code 4321 et seq.); its implementing regulations (40 CFR 1500-1508); and FSA implementing regulations, *Environmental Quality and Related Environmental Concerns – Compliance*



*with the National Environmental Policy Act (7 CFR 799).* The intent of NEPA is to protect, restore, and enhance the human environment through well informed Federal decisions. A variety of laws, regulations, and Executive Orders (EO) apply to actions undertaken by Federal agencies and from the basis of analysis.

#### 1.3.1 Right to Farm

All fifty states have enacted right-to-farm laws that seek to protect qualifying farmers and ranchers from nuisance lawsuits filed by individuals who move into a rural area where normal farming operations exist, and who later use nuisance actions to attempt to stop these ongoing operations. The Rights to Farm law for Illinois include the following protections:

- No Farm can be deemed a private or public nuisance after one year of operation if, at the time it began operation, it was not a nuisance and there have been no negligent or improper operations.
- The right of any person, firm, or corporation to recover damages or injury incurred by any pollution of, or change in condition of, the waters of any stream or overflow of lands shall not be affected by this provision.

### 1.4 Public Involvement & Consultation

#### 1.4.1 Public Involvement

This document is available for public review and comment from November 24 to December 24, 2020 at Illinois State FSA Office; 3500 Wabash Avenue; Springfield, IL 62711 or online at <https://www.fsa.usda.gov/state-offices/Illinois/index>. A notice of the availability of the document was published in the Aurora Daily Herald on November 23, 24, and 25, 2020 and in the Kane County Chronicle on November 26 and December 3, 2020. Written comments may be submitted to John Gehrke; 3500 Wabash Ave., Springfield, IL 62711 or by email to [angela.hanson@usda.gov](mailto:angela.hanson@usda.gov) through December 23, 2020.

#### 1.4.2 Agency Consultation

The applicant undertook the following efforts and research to aid in determining the potential impacts of the proposed actions:

- Researched the U.S. Fish and Wildlife Services (USFWS) – Information, Planning, and Conservation System (IPaC) about the project’s potential to affect federally listed species as required by the Endangered Species Act of 1973.
- Consulted with the State Historic Preservation Officer (SHPO) to ensure the requirements of 54 U.S.C. 306108 (Commonly known as Section 106 of the National Historic Preservation Act) were properly addressed.
- Consulted with the Tribal Historical Preservation Officer (THPO) to ensure the requirements with Native American Graves Protection and Repatriation Act (NAGPRA).
- Completed a desktop review to assess potential adverse wetland impacts. The USFWS National Wetland Inventory and prior consultation with the US Army Corps of Engineers (USACE) was utilized to eliminate the area from further review.

## 2 DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

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### 2.1 Proposed Action

The proposed action involves the construction of Sugardome II within the existing Montgomery Business Center, Unit 1 located in the Village of Montgomery, Kane County, Illinois (-88.36N, 41.733W (Figure 1). The proposed sugardome will be 146 feet tall and 183.7 feet in diameter at the base. Total project disturbance will be 2.7 acres within the approximately 20-acre parcel. Construction of the project will require excavation below the existing ground surface to 20 feet in depth to install underground conveyors, which will transfer the sugar between the dome and transfer facility. Upon construction, the sugardome will provide 26,000 square feet of bulk storage.

Construction of the dome is proposed to begin in December 2020 and be completed in January 2022. Necessary permits for construction include those in the following table.

Agency	Permit	Status
IL Environmental Protection Agency	Registration of Smaller Sources	Received (2015)
	NPDES Construction Stormwater Permit	To Be Obtained
Village of Montgomery	Site Plan Approval	Received (2015)
	Stormwater Permit	Received (2015)

Stormwater management requirements for both the existing facilities and the proposed Sugardome II were constructed in 2016. In addition, coordination with the USACE, Illinois State Historic Preservation Office (SHPO, formerly Illinois Historic Preservation Agency), and the Illinois Department of Natural Resources (IDNR) involved the review of the entire parcel and included the assumption of a future second sugar dome. The site also currently permitted under the Registration of Smaller Sources (ROSS) program for air quality.

### 2.2 No Action Alternatives

The no action alternative means that the proposed sugardome would not be built. This would result in the continuation of existing conditions on the proposed site and no changes to the existing environment would occur.

### 3 AFFECTED ENVIRONMENT AND IMPACTS

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Several protected resources were analyzed to determine whether the proposed project would have a significant impact, or not. As a result of this analysis, resources were either carried forward or eliminated from further analysis. The table below summarizes these resources. Section 3.1 describes the resources that were eliminated from detailed analysis, and Section 3.2 describes those that were carried forward.

Resource	Eliminated	Carried Forward
Wildlife and Habitat		X
Cultural Resources		X
Coastal Barriers	X	
Coastal Zones	X	
Wilderness Areas	X	
Wild and Scenic Rivers, NRI	X	
National Natural Landmarks	X	
Sole Source Aquifers	X	
Floodplains	X	
Wetlands	X	
Soils	X	
Water Quality		X
Air Quality		X
Noise	X	
Important Land Resources	X	
Socioeconomics and Environmental Justice		X

#### 3.1 Resources Eliminated from Detailed Analysis

##### 3.1.1 Coastal Barrier

Effects to coastal barriers were eliminated from detailed analysis because Kane County, Illinois does not have designated coastal barrier areas.

##### 3.1.2 Coastal Zones

Effects to coastal zones were eliminated from detailed analysis because Kane County, Illinois does not have designated coastal zone management areas.

##### 3.1.3 Wilderness Areas

Effects to wilderness areas were eliminated from detailed analysis. The nearest wilderness area is Charles C. Deam Wilderness, which is located over 200 miles from the project location near Bloomington, Indiana and will not be impacted by this project.

#### 3.1.4 Wild and Scenic River / National Rivers Inventory (NRI)

Effects to Wild and Scenic Rivers / National Rivers Inventory were eliminated from detailed analysis because the project is located over 100 miles from Middle Fork Vermillion Wild and Scenic River. This is the nearest river found on the National Rivers Inventory or Wild and Scenic Rivers System and will not be impacted by the project. The project is located within the Fox watershed (Appendix F).

#### 3.1.5 National Natural Landmarks

The nearest national natural landmarks are located approximately 27 miles northeast (Busse Forest Nature Preserve) and 35 miles southeast (Markham Prairie) of the proposed action. The proposed action will not impact these landmarks (Appendix G).

#### 3.1.6 Sole Source Aquifers

The Environmental Protection Agency's NEPAassist tool was used to map sole source aquifers in relation to the project location. Effects to sole source aquifers were eliminated from detailed analysis because Kane County does not have any sole source aquifers or sole source aquifer recharge areas located beneath the surface. The NEPAassist report documenting the absence of sole source aquifers is in Appendix H.

#### 3.1.7 Floodplains

The FEMA Flood Map Service Center mapping was reviewed for this site. Effects to floodplains were eliminated from detailed analysis because there are no floodplains located in the project area. The site is designated as Zone X (Appendix I).

#### 3.1.8 Wetlands

Effects to wetlands were eliminated from detailed analysis because no wetlands lay within the project area. The USFWS National Wetland Inventory (NWI) and aerial photos were reviewed for the project area. The NWI does not identify any wetlands within the site. In addition, the site was previously graded as part of the construction of Sugar dome I. A permit was received from the USACE during that time for construction and grading of the existing site. This USACE permit is attached (Appendix J).

#### 3.1.9 Soils

Effects to soils were eliminated from detailed analysis because NRCS has determined that Highly Erodible Land (HEL) soils are not present within the project area (Table 1). Construction and post construction plans will detail soil control measures that will be taken to reduce disturbance to soils as a part of this project. The Kane-DuPage Soil and Water Conservation District will be notified prior to the construction, one week prior to land disturbing activities, and one week prior to final inspection. Following construction, exposed soils will be seeded with a turf mixture similar to what exists on the site currently.

Table 1: Summary of soil types found on project site from NRCS Web Soil

<b>Map Unit Symbol</b>	<b>Map Unit Name</b>	<b>Highly Erodible Land (HEL) Rating</b>	<b>Percent Slope</b>	<b>Percent Cover</b>
152A	Drummer silty clay loam	NHEL	0-2	0.4
206A	Thorp silt loam	NHEL	0-2	20.0
325B	Dresden silt loam	PHEL	2-4	38.0
325C2	Dresden silt loam	PHEL	4-6, eroded	28.9
802B	Orthents, loamy, undulating	NHEL	NA	12.7

Survey and Highly Erodible Land (HEL) Rating. The site contains Potentially Highly Erodible Land (PHEL), and Non-Highly Erodible Land (NHEL).

### 3.1.10 Water Quality

The EPA's NEPAAssist tool was used to define any potential effect to groundwater by mapping sole source aquifers, and wetlands on site. Additionally, the Illinois State Geological Survey was used to identify wells on or near the project site. Effects to groundwater quality were eliminated from detailed analysis because the project area is not located on a sole source aquifer, the site does not contain any wetlands or waterbodies, and there are no wells located in the project area.

### 3.1.11 Noise

Effects from noise were eliminated from detailed analysis because the project will not create noise that will interfere with communication, is intense enough to damage hearing, or is otherwise annoying. The proposed project is located within an industrialized area. The nearest sensitive receptors (residential homes) are located 0.40 miles north. The proposed project is not expected to add noise above the existing noise levels produced by the operation of Sugardome I and surrounding industrial facilities.

### 3.1.12 Important Land Resources

Effects on farmland, forest land, and rangeland resources were eliminated from detailed analysis because the proposed action will not result in prime and/or important land being converted to a nonagricultural use.

## 3.2 Resources Considered with Detailed Analysis

This section describes the environment that would be affected by implementation of the alternatives described in Section 2. Aspects of the affected environment described in this section focus on the relevant major resources or issues. Under the no action alternative, the proposed action would not be implemented. The no action alternative would result in the continuation of the current land and resource uses in the project area.

### 3.3 Wildlife and Habitat

#### 3.3.1 Existing Conditions

The site consists of an existing 26,000 square foot Sugardome I, a 17,000 square foot transfer facility, and 5,500 feet of track space; all of which were constructed in 2016. The entire 20-acre parcel was graded and the area where Sugardome II is proposed is currently maintained turfgrass. Trees at the site were planted following construction in 2016 and consist of a mixture of coniferous trees such as blue spruce and deciduous trees such as maple and oak. Wildlife that may currently occupy the site will likely be species that are accustomed to frequent disturbance such as rabbits and raccoons. Various common species of birds are also likely. The site does not currently provide a significant amount of habitat for wildlife.

When the existing facility (constructed in 2016) was being planned, American Crystal Sugar consulted with the Illinois Department of Natural Resources (IDNR). At that time, the IDNR issued a letter indicating that while there were protected resources identified in the vicinity of the project, the proposed project would not have an adverse effect on these resources (Appendix E). An updated EcoCAT review request was submitted and is pending.

The USFWS IPaC system was utilized to obtain an official species list for the Kane County, Illinois which is summarized in the table below and is included in Appendix D.

**Official species list for Kane County, Illinois**

Species	Status	Critical Habitat on-site?
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> )	Endangered	No
Eastern Prairie Fringed Orchid ( <i>Plantanthera leucophaea</i> )	Endangered	No

#### 3.3.2 Impacts of Proposed Action

The proposed project will involve the disturbance of approximately 2.7 acres of vegetated area for the construction of the sugardome. The area will be graded and excavation will occur to construct the sugardome and install the underground conveyors. Following construction, exposed soils will be seeded with a turf mixture similar to what exists on the site currently. Based on the type and quality of habitat present at the site, it is unlikely that threatened or endangered species or their designated critical habitats occur within the site of the proposed action, therefore there would be no impact to threatened or endangered species. The proposed project is not expected to have an impact on wildlife or habitat.

#### 3.3.3 Impacts of No Action

If the Proposed Action is not implemented, then the existing conditions for wildlife and habitat on the site would continue and no impacts would occur.

### 3.4 Cultural Resources

#### 3.4.1 Existing Conditions

The site consists of an existing 26,000 square foot Sugardome I, a 17,000 square foot transfer facility, and 5,500 feet of track space; all of which were constructed in 2016. The entire 20-acre parcel was graded and the area where Sugardome II is proposed is currently maintained turfgrass.

#### 3.4.2 Impacts of Proposed Action

The proposed action involves the construction of a second sugardome. The proposed sugardome will be 146 feet tall and 183.7 feet in diameter at the base. Total project disturbance will be 2.7 acres. Construction of the project will require excavation below the existing ground surface to 20 feet in depth to install underground conveyors.

When the existing facility was being planned, American Crystal Sugar consulted with the Illinois State Historic Preservation Office (SHPO, formerly Illinois Historic Preservation Agency). This consultation involved the review of the entire 20-acre parcel and included the assumption of a future second sugar dome. At that time, the SHPO concluded that there would be no historic properties affected (Appendix E). An updated consultation is being conducted. No adverse impacts to cultural resources are expected.

#### 3.4.3 Impacts of No Action

If the Proposed Action is not implemented, then the existing conditions for cultural resources on the site would continue and no impacts would occur.

### 3.5 Surface Water Quality

#### 3.5.1 Existing Conditions

The site consists of an existing 26,000 square foot Sugardome I, a 17,000 square foot transfer facility, and 5,500 feet of track space; all of which were constructed in 2016. The entire 20-acre parcel was graded and the area where Sugardome II is proposed is currently maintained turfgrass. Stormwater management basins were constructed in 2016 as well and were designed to retain runoff from both the existing facility and the proposed Sugardome II.

The project site is located within the Illinois River Watershed and the Fox Sub-watershed in north-eastern Illinois. The site's receiving waters is the Fox River Tributary and ultimately the Fox River.

#### 3.5.2 Impacts of Proposed Action

The proposed action involves the construction of a second sugardome. The proposed sugardome will be 146 feet tall and 183.7 feet in diameter at the base. Total project disturbance will be 2.7 acres. Runoff from the site will be directed to the existing stormwater management basins located south of the proposed sugardome. These basins were designed to retain runoff

from both the existing facility and the proposed Sugardome II. Runoff from the site will infiltrate within these basins. Discharge to surface waters is not proposed. At the time of construction best management practices (BMPs) will be followed to protect water quality. BMPs such as erosion control blankets, inlet protection, silt fence, a stabilized construction entrance, sump pit, permanent and temporary seeding, and temporary sediment trap will be implemented as needed.

No adverse impacts to surface water quality are expected.

### 3.5.3 Impacts of No Action

If the Proposed Action is not implemented, then the existing conditions for surface water quality on the site would continue and no impacts would occur.

## 3.6 Air Quality

### 3.6.1 Existing Conditions

Kane County is listed as in a non-attainment area for 8-hour Ozone and PM<sub>2.5</sub> (Appendix H). The existing facility is permitted under the Registration of Smaller Sources (ROSS) program (Appendix C).

The project area is located within Kane County in an industrial area. Several other manufacturing and distribution facilities are located within the immediate vicinity of the project. The nearest sensitive receptors (residential homes) are located approximately 0.40 miles north of the project site. These homes are similar distances from the other manufacturing and distribution facilities.

### 3.6.2 Impacts of Proposed Action

Potential air quality effects include dust and odors which may be associated with construction activities. The operation of the site is not expected to produce any dust or odors. No stationary source emissions will result from construction of the project.

During construction, equipment will be fitted with mufflers and maintained in good condition to minimize noise and odor produced. Construction site dust will be controlled regularly. No adverse impacts to air quality are expected.

The proposed project will result in direct or indirect sources of stationary greenhouse gas (GHG) emissions. Emissions are expected to be similar to those of other operations in the surrounding area.

Common GHG emissions include CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O. GHG emissions are customarily converted to carbon dioxide equivalents (CO<sub>2</sub>e) using global warming conversion factors to represent the global warming potential over 100 years, equivalent to one ton of CO<sub>2</sub> derived from fossil fuel.

GHG emissions are expected to result from:

- Natural gas and other fossil fuels used for heating homes and other buildings;



- Fossil fuels burned to generate electricity consumed at the project during construction and operation;
- Vehicle and air transportation related to project construction and operation;
- Transport, treatment, and storage of solid waste and wastewater produced onsite;
- Loss of carbon sequestration due to conversion of natural vegetation to developed and paved surfaces;
- Refrigeration, air conditioning, and the related manufacturing, service, and leakage of equipment.

GHG emissions from this project, while unquantified, are not expected to cause significant environmental effects.

### 3.6.3 Impacts of No Action

If the Proposed Action is not implemented, then the existing conditions for air quality on the site would continue and no impacts would occur.

## 3.7 Socioeconomic Impacts and Environmental Justice

### 3.7.1 Existing Conditions

The project area is located within Kane County in an industrial area. Several other manufacturing and distribution facilities are located within the immediate vicinity of the project. The nearest residential homes are located approximately 0.40 miles north of the project site. These homes are similar distances from the other manufacturing and distribution facilities.

The US Environmental Protection Agency's (EPA) Environmental Justice screening tool was reviewed for this location. The block group that the project is located within is comprised of the following populations.

Variable	Block Group Percentage	State Percentage
Minority Population	27%	38%
Low Income Population	14%	30%

Based on the review, the project area does not contain a disproportion population of minority or low-income groups when compared to the state percentage.

### 3.7.2 Impacts of Proposed Action

The proposed action will occur on a site that currently operates as a sugar storage and transfer facility. The construction of the proposed project will not affect the nature of the site or surrounding area. As discussed previously, the project is not expected to impact air quality or existing noise conditions for the surrounding residences. In addition, transportation networks for nearby residences will not be affected. The project will not impact minority or low-income populations nor will it have a negative impact on the socioeconomic conditions of the area.

### 3.7.3 Impacts of No Action

If the Proposed Action is not implemented, then the existing conditions for socioeconomics and environmental justice on the site would continue and no impacts would occur.

## 4 IMPACTS

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The impacts analysis is important to understanding how multiple actions in a particular time and space (e.g., geographic area) impact the environment. The CEQ regulations define effects or impacts as “changes to the human environment from the proposed action or alternatives that are [reasonably foreseeable](#) and have a reasonably close causal relationship to the proposed action or alternatives, including those [effects](#) that occur at the same time and place as the proposed action or alternatives and may include [effects](#) that are later in time or farther removed in distance from the proposed action or alternatives. For this EA, the analysis for impacts is the Village of Montgomery in Kane County.

Proposed projects within the Village of Montgomery were reviewed and assessed for within a time period of 3 years. Potential effects could be expected to occur if other projects constructed within this location and timeframe combined with the proposed project’s impacts.

### 4.1 Past, Present, Reasonably Foreseeable Actions

Federal, State, local, and private activities that are currently taking place, have occurred in the past, or may reasonably be assumed to take place in the future in the effects area may include the development of lands directly adjacent the proposed project site as well as surrounding areas. Much of the land north, east, and south of the proposed project area is nearly fully developed. The immediate surrounding area contains approximately 130 acres of undeveloped land that is currently in agricultural production or woodland. More substantial areas of undeveloped land exist to the west. Recent and planned construction noted for the area of potential affect primarily consist of transportation projects such as roadway reconstructions, mill and overlays, and trail construction.

### 4.2 Effects Analysis

Some resources considered for detailed analysis could be directly or indirectly affected by the proposed project and therefore the proposed project could contribute to additive or interactive cumulative effects to these resources. For other resources, no such contributions to effects are anticipated because no direct or indirect impacts would occur.

The significance of effects is dependent on how impacts compare with relevant thresholds, such as regulatory standards. Regulatory standards can restrict development by establishing thresholds of resource degradation. Various regulatory agencies are responsible for protecting environmental resources, and are able to ensure through their permitting and consultation processes, that proposed activities are not likely to contribute to significant negative cumulative resource impacts.

#### 4.2.1 Wildlife and Habitat

Construction of the proposed project could result in impacts such as removal of existing vegetation and the loss and fragmentation of wildlife habitat. No impacts to Threatened and Endangered Species are anticipated based on past and current consultation with the IDNR and USFWS. Minimal tree removal will be necessary to implement the proposed action. Implementation of erosion control BMPs for the proposed project will help protect water quality in this area, thus protecting aquatic species within downstream resources. The proposed site

consists of maintained turfgrass and provides minimal habitat for wildlife. Though minor, construction of the project could add to vegetation loss as a result of past, present and reasonably foreseeable activities in the region. The proposed project would not be anticipated to result in long term or adverse impacts or to endangered species or their habitat. No impacts are anticipated based on coordination and consultation with USFWS and IDNR.

#### 4.2.2 Cultural Resources

Based on past and current coordination and consultation with State and Tribal Historic Preservation Offices, no impacts to known cultural resources are expected to result from the Proposed project. There is potential for encountering unknown cultural resources during construction. Though unlikely, potential loss and damage to unknown cultural resources could occur, adding to similar potential impacts from other past, ongoing, and future developments that have the potential to degrade and destroy cultural resources.

#### 4.2.3 Surface Water Quality

The proposed project is not expected to impact surface waters. The existing stormwater management basins that are on the site were designed to retain runoff from both the existing facilities as well as the proposed Sugardome II. No runoff is proposed to be directed to downstream surface waters. Because there are no expected long-term impacts to surface waters, the proposed project is not expected to contribute significantly to effects to surface water quality.

#### 4.2.4 Air Quality

The project is expected to have minor, temporary increases in dust and odor during construction. These impacts are not expected to be significant and will not continue beyond construction. Operation of the project is not expected to contribute to any dust or air quality issues and therefore would not be expected to contribute significantly to effects to air quality. The project is also not expected to significantly contribute to GHG emissions.

#### 4.2.5 Socioeconomic Impacts and Environmental Justice

The project is not expected to impact minority or low-income communities or negatively affect the socioeconomics of the area. Therefore, it is not expected that the proposed project would contribute significantly to effects to socioeconomic or environmental justice conditions.

## 5 LIST OF PREPARERS AND PERSONS AND AGENCIES CONTACTED

---

### List of Preparers

Name and Title	Education and Experience
Alison Harwood, Director of Natural Resources	BS Biology, South Dakota State University; MS Biology, Minnesota State University, Mankato Years of Experience: 10
Mary Newman, Environmental Scientist	BS Geology, University of Wisconsin - Eau Claire Years of Experience: 5

### Persons and Agencies Contacted

Name and Title	Affiliation
Robert F. Appleman, Deputy State Historic Preservation Officer	IL Department of Natural Resources
EcoCAT Consultation	IL Department of Natural Resources

## 6 REFERENCES

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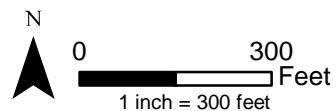
- EPA. Environmental Protection Agency NEPAassist tool. Screening of environmental assessment indicators for a user-defined area of interest in Kane County, Illinois. [Website] <https://www.epa.gov/nepa/nepassist>. Accessed November 2020.
- ISGS. Illinois State Geological Survey ILWATER. Official repository for records of wells drilled in the state of Illinois. [Website] <https://isgs.illinois.edu/ilwater>. Accessed November 2020.
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- CEQ 1997. Council on Environmental Quality (CEQ). 1997. Environmental Justice Guidance Under the National Environmental Policy Act. December 10.
- CEQ 1997. Council on Environmental Quality (CEQ). 1997. Considering Cumulative Effects Under the National Environmental Policy Act. January.
- CEQ 2016. Council on Environmental Quality (CEQ). 2016. Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews. August 1.

## APPENDIX A: PROJECT AREA MAPS

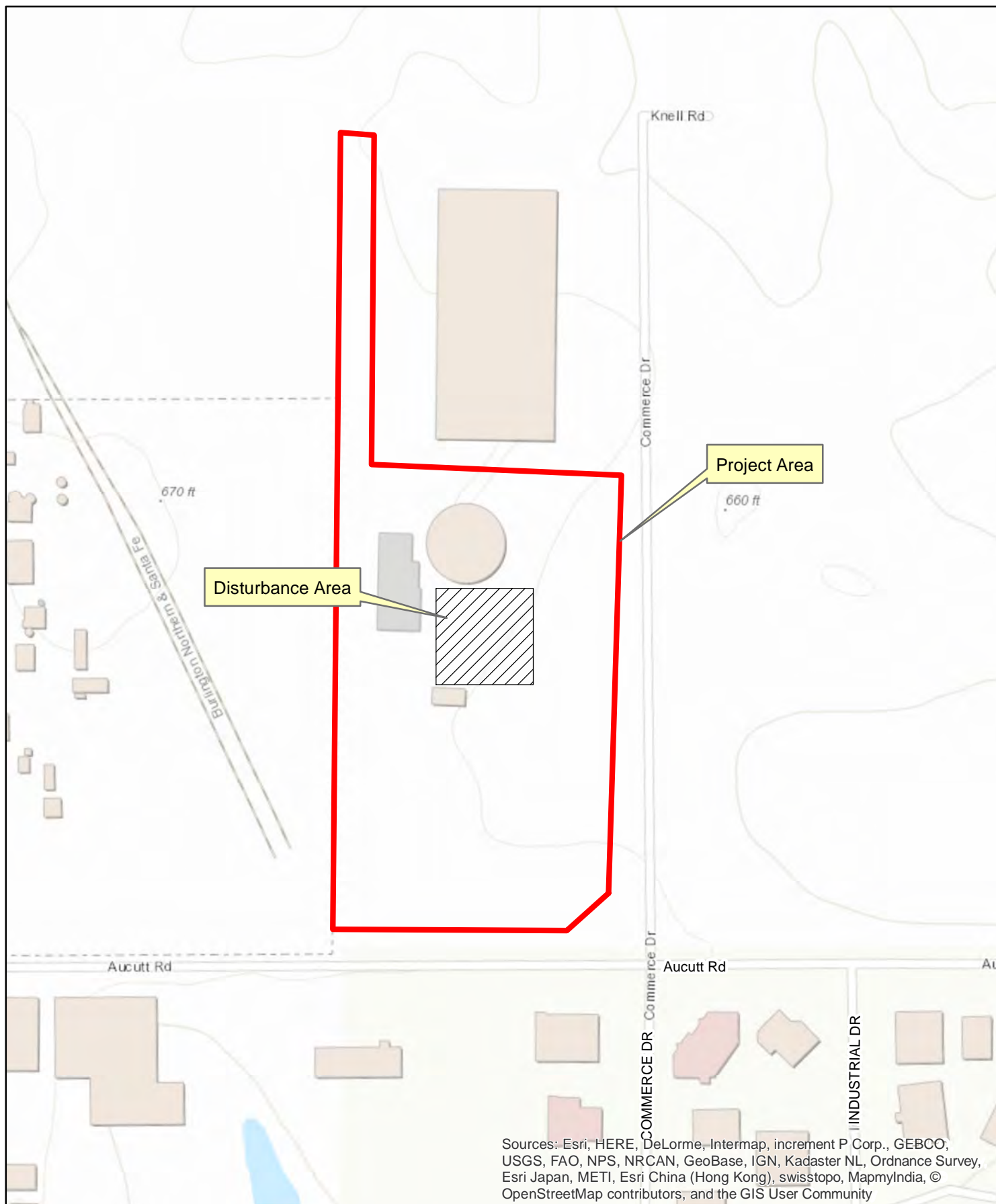




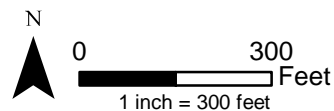
**Figure A-1 - Project Location**  
Montgomery, IL Sugardome II  
American Crystal Sugar







**Figure A-2 - Project Topography**  
Montgomery, IL Sugardome II  
American Crystal Sugar



**APPENDIX B: SITE PHOTOS**

## Site Photos



Photo 1: Proposed project area looking north



Photo 2: Proposed project area from air

## **APPENDIX C: REQUIRED PERMITS AND PLANS**



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

217-785-1705

### REGISTRATION CONFIRMATION

January 11, 2016

American Crystal Sugar Company  
Attn: Aaron Bjerke  
101 North 3rd Street  
Moorhead, Minnesota 56560

RE: ROSS Program  
ID #: 089469AAM  
Application #: 15120043  
Location: NW Corner of Commerce Drive and Aucutt Road, IL

Dear Mr. Bjerke:

The Illinois EPA hereby acknowledges receipt of your registration and confirms that your source has been registered in the Registration of Smaller Sources (ROSS) Program. The ROSS Program regulations can be found at 35 Ill. Adm. Code 201.175. Although the source is not required to have an air permit during the period it is registered as a ROSS eligible source, please be advised that the source must still comply with all applicable laws and regulations.

If you have changed or intend to change this source in a way that it will no longer be eligible for the ROSS Program, you must notify the Illinois Environmental Protection Agency, Division of Air Pollution Control, Air Permit Section, 1021 N. Grand Avenue East, Springfield, Illinois 62702 in writing as required by 35 Ill. Adm. Code 201.175(g). If you have changed or intend to change this source such that it now or will include activities, equipment or emissions that are not consistent with the eligibility criteria of the ROSS Program, you may be required to obtain construction and/or operating permits from the Air Permit Section as required by 35 Ill. Adm. Code 201.175(g).

As a ROSS participant, the annual payment of your Air Pollution Control Site Fee will verify your source's renewed eligibility for the ROSS Program and maintain your registration.

For further information on the ROSS Program please visit the website at [www.iencconnect.com/enviro](http://www.iencconnect.com/enviro). If you have any questions concerning this, please contact Kunj Patel at 217/785-1705.

Sincerely,

A handwritten signature in cursive script that reads "Raymond E. Pilapil".

Raymond E. Pilapil  
Acting Manager, Permit Section  
Division of Air Pollution Control

REP:KMP:psj

cc: Permit File

## **APPENDIX D: WILDLIFE AND HABITAT SUPPORTING DOCUMENTATION**



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Chicago Ecological Service Field Office  
U.s. Fish And Wildlife Service Chicago Ecological Services Office  
230 South Dearborn St., Suite 2938  
Chicago, IL 60604-1507  
Phone: (312) 485-9337 Fax:

<http://www.fws.gov/midwest/endangered/section7/s7process/7a2process.html>

In Reply Refer To:

November 13, 2020

Consultation Code: 03E13000-2021-SLI-0072

Event Code: 03E13000-2021-E-00199

Project Name: Sugardome II/American Crystal Sugar Montgomery, IL

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

**Please note!** For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

For all other projects, continue the Section 7 Consultation process by going to our Section 7 Technical Assistance website at <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. If you are familiar with this website, you may want to go to Step 2 of the Section 7 Consultation process at <http://www.fws.gov/midwest/endangered/section7/s7process/step2.html>.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and

completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List



# Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chicago Ecological Service Field Office**

U.s. Fish And Wildlife Service Chicago Ecological Services Office  
230 South Dearborn St., Suite 2938  
Chicago, IL 60604-1507  
(312) 485-9337

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## Project Summary

Consultation Code: 03E13000-2021-SLI-0072

Event Code: 03E13000-2021-E-00199

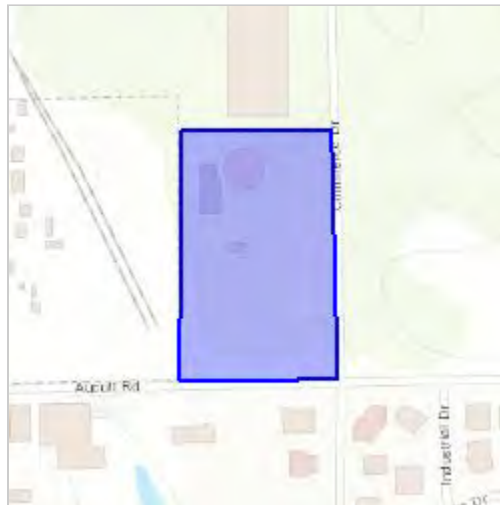
Project Name: Sugardome II/American Crystal Sugar Montgomery, IL

Project Type: \*\* OTHER \*\*

**Project Description:** The proposed action involves the construction of Sugardome II (Project Number) within the existing Montgomery Business Center, Unit 1 located in the Village of Montgomery, Kane County, Illinois (-88.36N, 41.733W (Figure 1). The proposed sugardome will be 146 feet tall and 183.7 feet in diameter at the base. Total project disturbance will be 2.7 acres within the approximately 20-acre parcel. Construction of the project will require excavation below the existing ground surface to 20 feet in depth to install underground conveyors, which will transfer the sugar between the dome and transfer facility. Upon construction, the sugardome will provide 26,000 square feet of bulk storage. Construction of the dome is proposed to begin in December 2020 and be completed in spring 2021.

**Project Location:**

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.731847298175765N88.36018835388731W>



Counties: Kane, IL

---

## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Flowering Plants

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> <li>▪ Follow the guidance provided at <a href="https://www.fws.gov/midwest/endangered/section7/s7process/plants/epfos7guide.html">https://www.fws.gov/midwest/endangered/section7/s7process/plants/epfos7guide.html</a></li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/601">https://ecos.fws.gov/ecp/species/601</a> Species survey guidelines: <a href="https://ecos.fws.gov/ipac/guideline/survey/population/984/office/31131.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/984/office/31131.pdf</a>	Threatened

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

---

## **APPENDIX E: AGENCY CORRESPONDANCE AND CULTURAL RESOURCES DOCUMENTATION**



# Illinois Historic Preservation Agency

1 Old State Capitol Plaza, Springfield, IL 62701-1512

FAX 217/524-7525  
[www.illinoishistory.gov](http://www.illinoishistory.gov)

Kane County  
Montgomery  
Aucutt Road and Kendall Road  
Section:31-Township:38N-Range:8E, Section:32-Township:38N-Range:8E  
SPACECO-2967-02/.06, USACOE  
162.0-acre Industrial Development/CenterPoint Montgomery Business Park

October 14, 2015

Brian Ratajczak  
Spaceco, Inc.  
9575 W. Higgins Road, Suite 700  
Rosemont, IL 60018

Dear Mr. Ratajczak:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you are an applicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or other assistance.

Sincerely,

Rachel Leibowitz, Ph.D.  
Deputy State Historic  
Preservation Officer

RECEIVED

OCT 19 2015

SPACECO, INC.



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Bruce Rauner, Governor

Wayne Rosenthal, Director

October 20, 2015

Brian Ratajczak  
SPACECO, INC  
9575 W Higgins Rd  
Suite 700  
Rosemont, IL 60018

**RE: Montgomery Business Center**  
**Project Number(s): 1603880 [2967.06]**  
**County: Kane**

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 and 1090 is terminated.

Consultation for Part 1075 is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Consultation for Part 1090 (Interagency Wetland Policy Act) is valid for three years.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database and the Illinois Wetlands Inventory at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

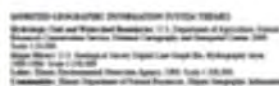
Natalia Jones  
Division of Ecosystems and Environment  
217-785-5500

**APPENDIX F: WILD AND SCENIC RIVERS/NATIONWIDE RIVERS INVENTORY SUPPORTING  
DOCUMENTATION**



## Illinois State Water Survey

Illinois State Water Survey



MAP SERIES 2000-01

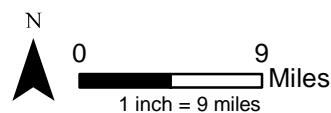
1999



## **APPENDIX G: NATIONAL NATURAL LANDMARK SUPPORTING DOCUMENTATION**



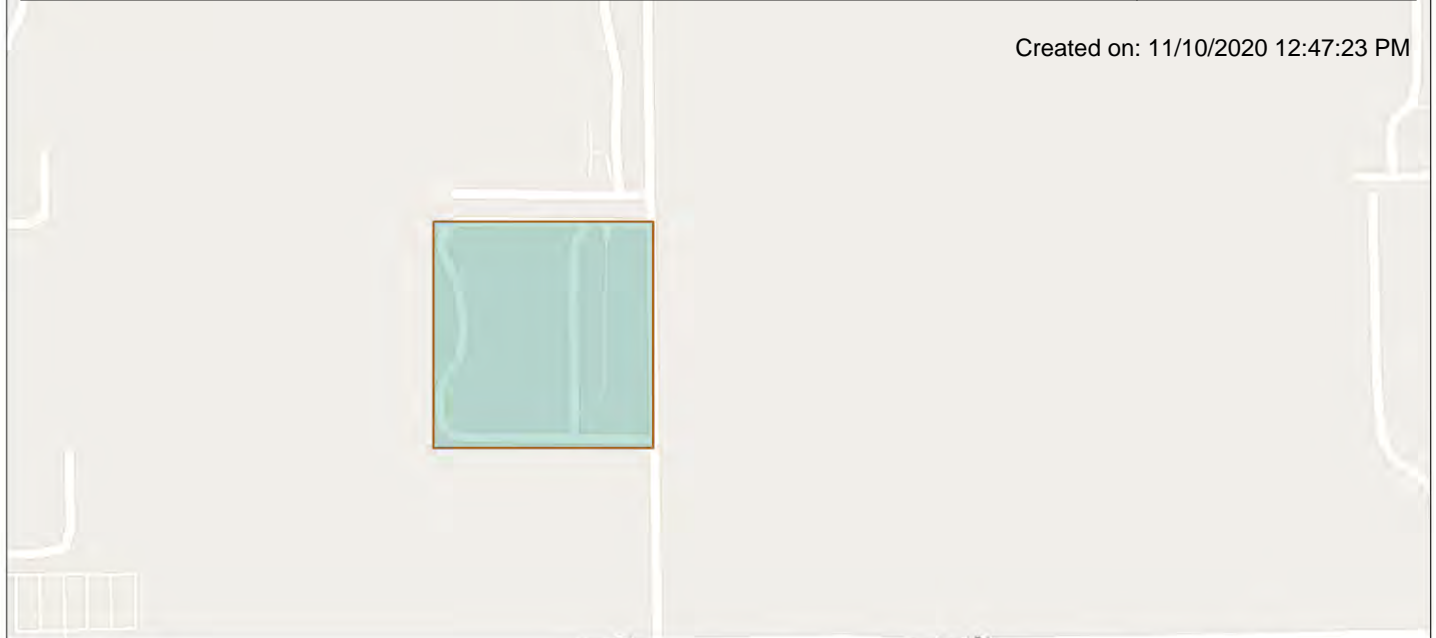
**Figure G-1 -  
National Natural Landmarks**  
Montgomery, IL Sugardome II  
American Crystal Sugar



## **APPENDIX H: SOLE SOURCE AQUIFER SUPPORTING DOCUMENTATION**

Within a school?	no
Within an airport?	no
Within a hospital?	no
Within a designated sole source aquifer?	no
Within a historic property on the National Register of Historic Places?	no
Within a Toxic Substances Control Act (TSCA) site?	no
Within a Land Cession Boundary?	yes
Within a tribal area (lower 48 states)?	no

Created on: 11/10/2020 12:47:23 PM



November 10, 2020

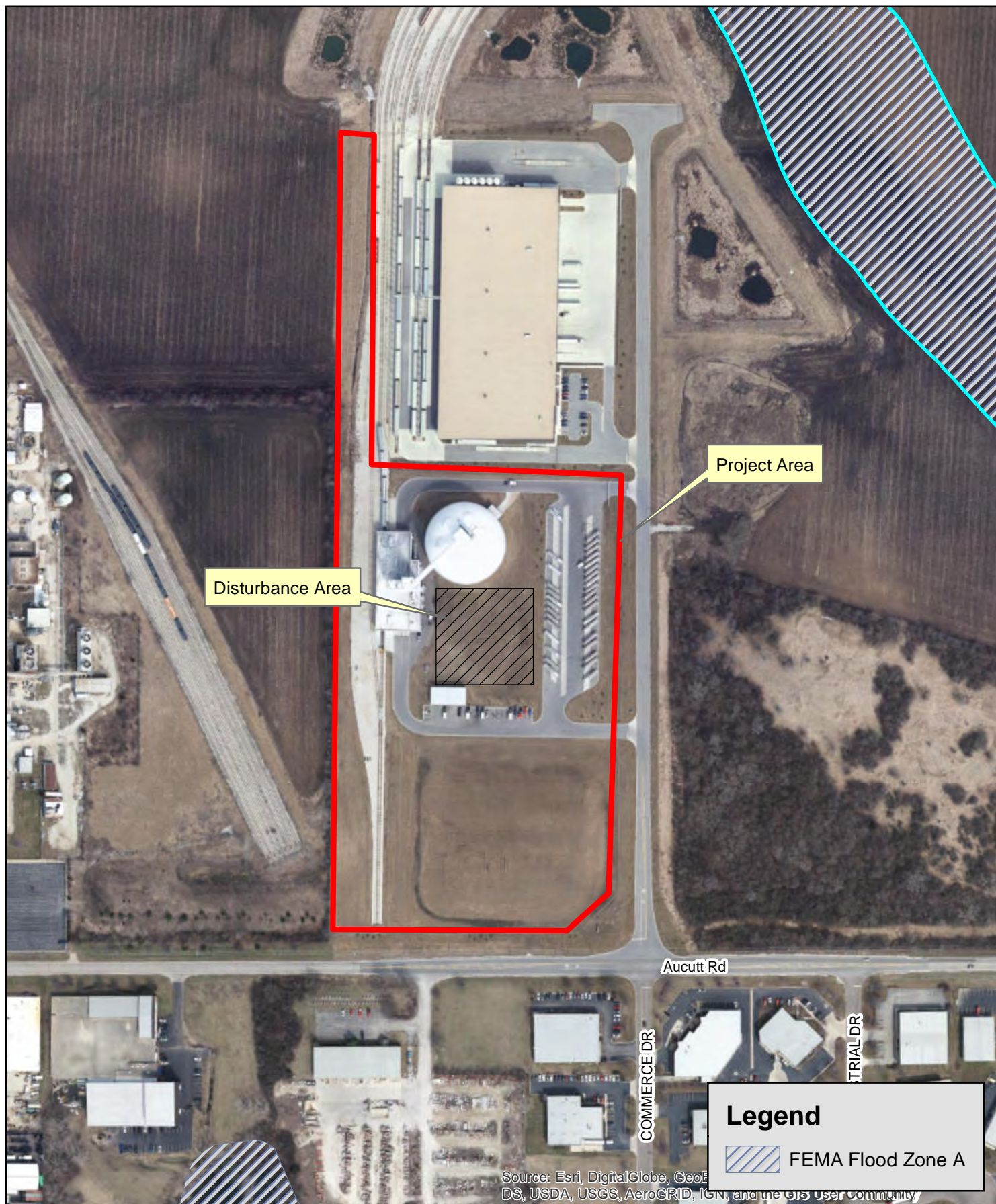
Project 2  
Sole Source Aquifers

1:3,831  
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0 0.05 0.1 0.2 km  
© 2020 Microsoft Corporation © 2020 HERE

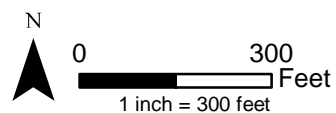
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Project Area	0.01 sq mi
Within an Ozone 8-hr (1997 standard) Non-Attainment/Maintenance Area?	yes
Within an Ozone 8-hr (2008 standard) Non-Attainment/Maintenance Area?	yes
Within a Lead (2008 standard) Non-Attainment/Maintenance Area?	no
Within a SO2 1-hr (2010 standard) Non-Attainment/Maintenance Area?	no
Within a PM2.5 24hr (2006 standard) Non-Attainment/Maintenance Area?	no
Within a PM2.5 Annual (1997 standard) Non-Attainment/Maintenance Area?	yes
Within a PM2.5 Annual (2012 standard) Non-Attainment/Maintenance Area?	no
Within a PM10 (1987 standard) Non-Attainment/Maintenance Area?	no
Within a Federal Land?	no
Within an impaired stream?	no
Within an impaired waterbody?	no
Within a waterbody?	no
Within a stream?	no
Within an NWI wetland?	Available Online
Within a Brownfields site?	no
Within a Superfund site?	no
Within a Toxic Release Inventory (TRI) site?	no
Within a water discharger (NPDES)?	no
Within a hazardous waste (RCRA) facility?	no
Within an air emission facility?	no

## **APPENDIX I: FLOODPLAIN SUPPORTING DOCUMENTATION**





**Figure I-1 - FEMA Floodplain Map**  
Montgomery, IL Sugardome II  
American Crystal Sugar

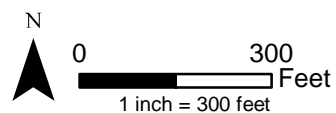


## **APPENDIX J: WETLAND SUPPORTING DOCUMENTATION**





**Figure J-1 -  
National Wetland Inventory**  
Montgomery, IL Sugardome II  
American Crystal Sugar







REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
CHICAGO DISTRICT, CORPS OF ENGINEERS  
231 SOUTH LA SALLE STREET  
CHICAGO, ILLINOIS 60604-1437

Technical Services Division  
Regulatory Branch  
LRC-2015-846

June 15, 2016

SUBJECT: Proposed Industrial Development with a Rail Road Spur, Located North of Aucutt Road and East of Orchard Road, Montgomery, Kane County, Illinois (NE ¼ of Section 31 and NW ¼ of Section 32, T38N R8E)

Katie Michel  
Pritzker Realty Group, LLC  
300 North LaSalle Street  
Chicago, Illinois 60654

Dear Ms. Michel:

This office has verified that your proposed activity complies with the terms and conditions of Regional Permit 1 (Residential, Commercial and Institutional Developments) and Category I of the Regional Permit Program (RPP).

This verification expires three (3) years from the date of this letter and covers only your activity as described in your notification and as shown on the plans titled, "Final Site Improvement Plans for Commerce Drive and Detention Basins 1 and 2 of Montgomery Business Center Unit 1, Village of Montgomery, Kane County, Illinois, Project No. 2967.06" dated January 13, 2016 (revised June 14, 2016), prepared by Spaceco Inc., and "Montgomery Business Center, Final Landscape Plan, Common Areas" dated April 2, 2016 (revised June 8, 2016), prepared by Signature Design Group. Caution must be taken to prevent construction materials and activities from impacting waters of the United States beyond the scope of this authorization. If you anticipate changing the design or location of the activity, you should contact this office to determine the need for further authorization.

The activity may be completed without further authorization from this office provided the activity is conducted in compliance with the terms and conditions of the RPP, including conditions of water quality certification issued under Section 401 of the Clean Water Act by the Illinois Environmental Protection Agency (IEPA). If the design, location, or purpose of the project is changed, you should contact this office to determine the need for further authorization.

The following special conditions are a requirement of your authorization:

1. You shall undertake and complete the project as described in the plans titled, "Final Site Improvement Plans for Commerce Drive and Detention Basins 1 and 2 of Montgomery Business Center Unit 1, Village of Montgomery, Kane County, Illinois, Project No. 2967.06" dated January 13, 2016 (revised June 14, 2016), prepared by Spaceco Inc., and "Montgomery Business Center, Final Landscape Plan, Common Areas" dated April 2,



2016 (revised June 8, 2016), prepared by Signature Design Group, including all relevant documentation to the project plans as proposed.

2. This authorization is contingent upon implementing and maintaining soil erosion and sediment controls in a serviceable condition throughout the duration of the project. You shall comply with the Kane/DuPage Soil and Water Conservation District's (SWCD) written and verbal recommendations regarding the soil erosion and sediment control (SESC) plan and the installation and maintenance requirements of the SESC practices on-site.
  - a. You shall schedule a preconstruction meeting with the SWCD to discuss the SESC plan and the installation and maintenance requirements of the SESC practices on the site. You shall contact the SWCD at least 10 calendar days prior to the preconstruction meeting so that a representative may attend.
  - b. You shall notify the SWCD of any changes or modifications to the approved plan set. Field conditions during project construction may require the implementation of additional SESC measures. If you fail to implement corrective measures, this office may require more frequent site inspections to ensure the installed SESC measures are acceptable.
  - c. Prior to commencement of any in-stream work, you shall submit construction plans and a detailed narrative to the SWCD that disclose the contractor's preferred method of cofferdam and dewatering method. Work in the waterway shall NOT commence until the SWCD notifies you, in writing, that the plans have been approved.
3. You shall fully implement the practices identified in the Best Management Practices (BMP) Maintenance and Monitoring (M&M) Plan titled, "Part 2 - Naturalized Areas Monitoring and Part 3- Naturalized Areas Management, Montgomery Business Center, Final Landscape Plan, Common Areas" dated April 2, 2016 (revised June 8, 2016), prepared by Signature Design Group, within the first year of project construction. All BMP's shall meet performance criteria in accordance with the approved document. Your responsibility to complete the plan will not be considered fulfilled until you have demonstrated BMP success and have received written verification of that success from the U.S. Army Corps of Engineers.
4. If and when the remaining farmed wetlands are no longer used for agriculture, you shall stabilize the soil and establish native vegetation throughout, including 30-foot buffers of native vegetation. No area greater than one square meter shall be devoid of vegetation.
5. You shall provide written notification to this office at least ten (10) days prior to the commencement of work indicating the start date and estimated end date of construction.
6. This site is within the aboriginal homelands of several American Indian Tribes. If any human remains, Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA), or archaeological evidence are discovered during any phase of this project, interested Tribes request immediate consultation with the entity of jurisdiction for the location of discovery. In such case, please contact Ms. Kimberly Kubiak by telephone at 312-846-5541, or email at [kimberly.j.kubiak@usace.army.mil](mailto:kimberly.j.kubiak@usace.army.mil).



7. You are responsible for all work authorized herein and for ensuring that all contractors are aware of the terms and conditions of this authorization.
8. A copy of this authorization must be present at the project site during all phases of construction.
9. You shall notify this office of any proposed modifications to the project, including revisions to any of the plans or documents cited in this authorization. You must receive approval from this office before work affected by the proposed modification is performed.
10. You shall notify this office prior to the transfer of this authorization and liabilities associated with compliance with its terms and conditions.
11. Work in the waterway should be timed to take place during low or no-flow conditions. Low flow conditions are flow at or below the normal water elevation.

This office is in receipt of a letter from the Slough Creek Wetland Mitigation Bank or confirming your purchase of 0.13 certified mitigation credits.

The authorization is without force and effect until all other permits or authorizations from local, state, or other Federal agencies are secured. Please note that IEPA has issued Section 401 Water Quality Certification for this RP. These conditions are included in the enclosed fact sheet. If you have any questions regarding Section 401 certification, please contact Mr. Dan Heacock at IEPA's Division of Water Pollution Control, Permit Section #15, by telephone at (217) 782-3362.

Once you have completed the authorized activity, please sign and return the enclosed compliance certification. If you have any questions, please contact Ms. Kimberly Kubiak of my staff by telephone at 312-846-5541, or email at [kimberly.j.kubiak@usace.army.mil](mailto:kimberly.j.kubiak@usace.army.mil).

Sincerely,



Keith L. Wozniak  
Chief, West Section  
Regulatory Branch

Enclosures  
Copy Furnished:  
Kane/DuPage SWCD (Ashley Curran)  
Village of Montgomery (Pete Wallers)  
Christopher B. Burke Engineering, Ltd. (Tom Kehoe)

## **APPENDIX K: PUBLIC COMMENT ADVERTISEMENT**

USDA-Farm Service Agency  
Notice of Availability  
Sugardome II, Montgomery, IL  
Draft Environmental Assessment

U.S. Department of Agriculture, Farm Service Agency (FSA) announces the availability of an Environmental Assessment for the Sugardome II located at 1601 Commerce Drive, Montgomery, IL. The primary objective of the activity is to construct a second sugardome at the existing sugar storage and transfer facility.

FSA is accepting comments on the potential effects of the proposed project on protected resources and the human environment through December 23, 2020. Information regarding this project can be reviewed either online at <https://www.fsa.usda.gov/state-offices/Illinois/index> or in person at the Illinois State FSA Office; 3500 Wabash Avenue; Springfield, IL 62711. Comments should be submitted to John Gehrke; 3500 Wabash Ave., Springfield, IL 62711 or by email to [angela.hanson@usda.gov](mailto:angela.hanson@usda.gov).