

2016

Calumet Harbor – Bedrock Removal to Authorized Depth

Appendix B of Draft EA

Agency Coordination & Letters



Lake County, IN
Cook County, IL

July 2016



**US Army Corps
of Engineers** ®
Chicago District



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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
231 SOUTH LA SALLE STREET, SUITE 1500
CHICAGO IL 60604

17 MAY 2016

Planning Branch
Environmental Formulation and Analysis Section

James Casey
Illinois DNR
Illinois Coastal Management Program
160 N. LaSalle St, Suite S-700
Chicago, Illinois 60601

Dear Mr. Casey:

As part of its ongoing navigation dredging activities, the Chicago District is preparing to remove rock from the outer harbor portion of Calumet Harbor to the 29 foot authorized depth plus an additional 2 foot of over depth. A portion of the bottom of the outer harbor is bedrock, possibly requiring the use of explosives to break-up the rock. A crane will then remove the material from the harbor and place it on the existing harbor breakwater. Approximately 50,000 to 100,000 cubic yards of rock may be removed through a series of contracts over multiple years assuming funding is made available. A single contract is expected to last up to a year and will include environmental windows of no activity if explosives are necessary. Additionally, techniques to scare away aquatics will be used prior to any explosive detonations if that is the method needed to remove the bedrock.

A map of the project area is included. The red box (WL05, WL06, WL07 and WL08) on the map is the area where the rock removal is scheduled to be conducted in 2017. Work in the area located within the white box (WL07, WL08, WL01 and WL02) may be conducted at a later date if funding becomes available.

We are requesting comments on the proposed activities by 20 June 2016. Comments or questions may be sent to Jason Zylka, U.S. Army Corps of Engineers, 231 South La Salle Street Suite 1500, Chicago, Illinois 60604, by email at jason.zylka@usace.army.mil, or to Mr. Zylka at 312/846-5311.

Sincerely,

JSR
Susanne J. Davis, P.E.
Chief of Planning Branch

Enclosure
as

RECEIVED

MAY 19 2016

OFFICE OF WATER RESOURCES
DIVISION OF RESOURCE MANAGEMENT

Nathan, Grider
IDNR, Office of Realty and Environmental Planning
1 Natural Resource Way
Springfield, IL 62702

James Casey
Illinois DNR
Illinois Coastal Management Program
160 N. LaSalle St, Suite S-700
Chicago, Illinois 60601

Senator Dan Coats
United States Senate
493 Russell Office Bldg.
Washington, DC, 20510

Senator Dan Coats
1650 Market Tower
10 West Market Street
Indianapolis, IN, 46204

Senator Joe Donnelly
720 Hart Senate Office Building
Washington, D.C. 20510

Senator Joe Donnelly
5400 Federal Plaza, Suite 3200
Hammond, IN 46320

Congressman Peter Visclosky
2256 Rayburn House Office Building
Washington, D.C. 20515

Congressman Peter Visclosky
7895 Broadway, Suite A
Merrillville, Indiana 46410

Governor Mike Pence
Office of the Governor
Statehouse
Indianapolis, Indiana 46204-2797

Kenneth Westlake, Chief
Environmental Review Branch
U.S. EPA ME-19J
77 West Jackson
Chicago, IL 60604

U.S. Fish and Wildlife Service
ATTN: Scott Pruitt

620 S. Walker St.
Bloomington, IN 47403

U.S. Fish and Wildlife Service
ATTN: Elizabeth McCloskey
P.O. Box 2616
Chesterton, IN 46304-2616

Federal Aviation Administration
Chicago Airports District Office, CHI-ADO-600
ATTN: Ben Bobb A. Beauchamp
Environmental Program Manager
2300 East Devon Avenue
Des Plaines, Illinois 60018

IDEM Northwest Regional Office
ATTN: Hala Kuss
330 West US Highway 30, Suite F,
Valparaiso, IN 46385

IDEM
ATTN: Marty Maupin
100 N. Senate Ave.
Mail Code 61-50
Indianapolis, IN 46204-2251

Indiana DNR
Division of Water
ATTN: Steve Davis
100 N. Water St.
Michigan City, IN 46360

Indiana DNR
Division of Water
ATTN: Brian Brieder
100 N. Water St.
Michigan City, IN 46360

Indiana DNR
Division of Fish and Wildlife
ATTN: Christie Stanifer
402 W. Washington Room W273
Indianapolis, IN 46204

Indiana DNR
Division of Historic Preservation and History
ATTN: Mitchell Zoll
402 W. Washington, Room W274
Indianapolis, IN 46204

Indiana DNR
Lake Michigan Coastal Program
ATTN: Mike Molnar
402 W. Washington, Room W274
Indianapolis, IN 46204

U.S. Senator Dick Durbin
230 S. Dearborn St.
Suite 3892
Chicago, IL 60604

U.S. Senator Dick Durbin
711 Hart Senate Bldg.
Washington, DC 20510

U.S. Senator Mark Kirk
230 S. Dearborn St.
Suite 3900
Chicago, IL 60604

U.S. Senator Mark Kirk
524 Hart Senate Office Bldg
Washington, DC 20510

Congresswoman Robin L. Kelly
1239 Longworth House Office Building
Washington, DC 20515

Congresswoman Robin L. Kelly
9204 S. Commercial Ave.
Chicago, IL 60617

Governor Bruce Rauner
Office of the Governor
207 State House
Springfield, IL 62706

US Fish and Wildlife Service
Chicago Illinois Field Office
1250 South Grove, Suite 103
Barrington, Illinois 60010
Attn. Louise Clemency

Director Wayne Rosenthal
Illinois DNR
One Natural Resource Way
Springfield, IL 62702-1271

Keith Shank, Acting Division Manager
Office of Resource Review

Illinois DNR
One Natural Resource Way
Springfield, IL 62702-1271

IDNR, Office of Realty and Environmental Planning
ATTN: Nathan Grider
1 Natural Resource Way
Springfield, IL 62702

Illinois Hist. Pres. Agency
ATTN: Rachel Leibowitz
1 Old State Capitol Plaza
Springfield, IL 62701

Illinois DNR/OWR
ATTN: Dan Injerd
160 N. LaSalle St,
Suite S-700
Chicago, Illinois 60601

Illinois DNR
Illinois Coastal Management Program
ATTN: James Casey
160 N. LaSalle St,
Suite S-700
Chicago, Illinois 60601

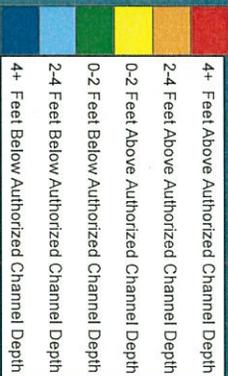
Illinois EPA
Water Pollution Division
ATTN: Dan Heacock
1001 N. Grand
Springfield, IL 62794

Scott Beckerman, State Director
TWS-Certified Wildlife Biologist(r)
USDA APHIS Wildlife Services
3430 Constitution Drive, Suite 121
Springfield, Illinois 62711

Steve M. Byers
Illinois Nature Preserves Commission
Lost Valley Visitor Center
7210 Keystone Rd.
Richmond, IL 60071
e-mail: steven.byers.@illinois.gov



WL	Northing	Easting
WL01	1845750.5110	1210687.8071
WL02	1844771.3443	1211753.7794
WL03	1843639.3997	1210614.8903
WL04	1844608.1497	1209545.4459
WL05	1844891.6223	1209828.9184
WL06	1844280.0001	1210480.0001
WL07	1844600.0001	1210840.0001
WL08	1845220.5556	1210158.8761



UNLESS OTHERWISE NOTED PROJECT DEPTH IS 28.0' OUTER HARBOR 29.0' APPROACH CHANNEL BELOW LOW WATER DATUM.

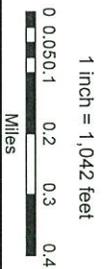
**U.S. Army Corps
Of Engineers**
Chicago District

2016 Rock Removal Site -
428,665.78 sq ft

Rock Area - 1,504,571.19 sq
ft

Boring Rock Location -
2,325,069.06 sq ft

Legend



Calumet Harbor
Rock Removal

For Official Use Only
April, 2016
Plate 1

Chicago District, U.S. Army Corps of Engineers

From: [Blankenship, Tina](#)
To: [Zylka, Jason LRC](#)
Subject: [EXTERNAL] RE: Calumet Harbor dredging project
Date: Friday, May 20, 2016 1:25:51 PM

Well after looking at that map, not even sure we will review it. I will check with our archaeologist and let you know. He is out this afternoon so it will be Monday before I get back with you.

Thanks

Tina Blankenship
Preservation Services-Archaeology Division
Illinois Historic Preservation Agency
1 Old State Capital Plaza
Springfield, Illinois 62701
217/785-4997

-----Original Message-----

From: Zylka, Jason LRC [<mailto:Jason.Zylka@usace.army.mil>]
Sent: Friday, May 20, 2016 12:39 PM
To: Blankenship, Tina
Cc: Zuercher, Jeffrey K LRC; Davis, Susanne J LRC; Fleming, Eugene J LRC
Subject: RE: Calumet Harbor dredging project

Hi Tina,

Thanks for your email, I'll do my best to help answer your questions on this but there are a couple of confounding factors regarding this project.

The first is that although the harbor is in both Illinois and Indiana, the work limits for this project are exclusively in Indiana. We included agencies from both states in our scoping, but I'm not sure if the project site is part of your area of concern. I've attached a modified version of the map we sent that shows the approximate location of the state boundary line in red, I'm sorry that wasn't clearer in the initial maps.

Secondly, this project was originally approved in 1975. I'm not sure if the IHPA existed at that time. Do you have a protocol for older projects?

If you could provide some insight on these two issues, I'll be happy to provide whatever you need to move forward. Thank you!

Jason Zylka
Ecologist
US Army Corps of Engineers, Chicago District
231 S. LaSalle Street, Suite 1500
Chicago, IL 60604-1437
jason.zylka@usace.army.mil

Phone (312) 846-5311
Mobile (312) 415-7341
Fax (312) 886-2891

-----Original Message-----

From: Blankenship, Tina [<mailto:Tina.Blankenship@Illinois.gov>]
Sent: Friday, May 20, 2016 11:30 AM
To: Zylka, Jason LRC <Jason.Zylka@usace.army.mil>
Subject: [EXTERNAL] Calumet Harbor dredging project

I am in receipt of the above project, however we will need a bit more information.

Was this project previously approved by our office?? If so, do you have the old log number or perhaps a copy of our old approval letter?? If so we can just review the old approval, no need to start a new project.

If not we will also need to know the location information, i.e., closest street address or cross streets, city, county, etc.

Thanks

Tina Blankenship

Preservation Services-Archaeology Division

Illinois Historic Preservation Agency

1 Old State Capital Plaza

Springfield, Illinois 62701

From: [Casey, James](#)
To: [Zylka, Jason LRC](#)
Subject: [EXTERNAL] Request for comments from the USACE concerning the removal of bedrock from the outer harbor portion of Calumet Harbor
Date: Monday, June 06, 2016 2:47:46 PM
Attachments: [img-606141307-0001.pdf](#)

Mr. Zylka,

It appears that the proposed project will take place within the boundaries of the Illinois Department of Natural Resources/Coastal Management Program (ICMP), therefore, the U.S. Army Corps of Engineers will need to submit a Federal Consistency Determination to the ICMP for their concurrence. The instructions for submitting a Federal Consistency Determination can be found at [Blockedhttp://www.dnr.illinois.gov/cmp/Documents/ICMPFederalConsistencyReviewProcedures.pdf](http://www.dnr.illinois.gov/cmp/Documents/ICMPFederalConsistencyReviewProcedures.pdf).

If you have any questions, feel free to contact me.

Sincerely,

James P. Casey
IDNR/ICMP
160 N. LaSalle Street, Suite S-703
Chicago, IL 60601
(312) 793-5947
(312) 793-5968 fax
James.casey@illinois.gov



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DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
231 SOUTH LA SALLE STREET, SUITE 1500
CHICAGO IL 60604

17 MAY 2016

Planning Branch
Environmental Formulation and Analysis Section

James Casey
Illinois DNR
Illinois Coastal Management Program
160 N. LaSalle St, Suite S-700
Chicago, Illinois 60601

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A map of the project area is included. The red box (WL05, WL06, WL07 and WL08) on the map is the area where the rock removal is scheduled to be conducted in 2017. Work in the area located within the white box (WL07, WL08, WL01 and WL02) may be conducted at a later date if funding becomes available.

We are requesting comments on the proposed activities by 20 June 2016. Comments or questions may be sent to Jason Zylka, U.S. Army Corps of Engineers, 231 South La Salle Street Suite 1500, Chicago, Illinois 60604, by email at jason.zylka@usace.army.mil, or to Mr. Zylka at 312/846-5311.

Sincerely,

JSR
Susanne J. Davis, P.E.
Chief of Planning Branch

Enclosure
as

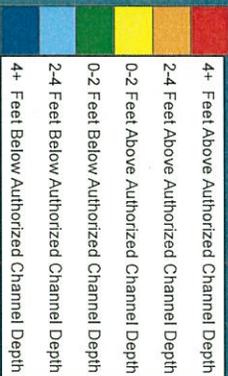
RECEIVED

MAY 19 2016

OFFICE OF WATER RESOURCES
DIVISION OF RESOURCE MANAGEMENT



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**U.S. Army Corps
Of Engineers**
Chicago District

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Legend



**Calumet Harbor
Rock Removal**

For Official Use Only
April, 2016
Plate 1

Chicago District, U.S. Army Corps of Engineers

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



June 8, 2016

Susanne J. Davis
Chicago District, U.S. Army Corps of Engineers
231 South La Salle Street, Suite 1500
Chicago, Illinois 60604

Federal Agency: U.S. Army Corps of Engineers

Re: Information concerning dredging within the Calumet Harbor (DHPA #19283)

Dear Ms. Davis:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated May 17, 2016 and received on May 19, 2016, for the above indicated project in Lake Michigan, Lake County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, the Material Service (archaeological site 12La641) is listed on the National Register of Historic Places and is located in the vicinity but outside of the proposed project area. No currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary. It is our understanding that the deployment of the explosives will be controlled and not inadvertently disturb the nearby archaeological site, which is located on the other side of the breakwall.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the IDNR within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

At this time, it would be appropriate for the USACE to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the USACE believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the USACE finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). ~~Thereafter, the USACE may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.~~

If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Kim Marie Padgett at (317) 234-6705 or kpadgett@dnr.IN.gov. In all future correspondence regarding the above indicated project, please refer to DHPA #19283.

Very truly yours,

Handwritten signature of Mitchell K. Zoll in black ink.

Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:KMP:CDW:cdw

emc: Jason Zylka, U.S. Army Corps of Engineers

From: [Padgett, Kim Marie](#)
To: [Zylka, Jason LRC](#)
Cc: [Draeger-Williams, Cathy](#)
Subject: [EXTERNAL] Dredging within Calumet Harbor, Lake County, Indiana (DHPA #19283)
Date: Wednesday, June 08, 2016 12:10:17 PM
Attachments: [DHPA19283.pdf](#)

The attached is being provided for information purposes. Please do not reply to the e-mail unless you do not receive attachments. If you have questions or need additional information, please contact the Division of Historic Preservation & Archaeology at 317-232-1646. Thank you.

Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 West Washington Street, Room W274
Indianapolis, Indiana 46204
Phone: 317-232-1646

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

DNR #: ER-19059

Request Received: May 19, 2016

Requestor: US Army Corps of Engineers, Chicago
District
Jason Zylka
231 South LaSalle Street, Suite 1500
Chicago, IL 60604

Project: Removal of rock from the outer harbor portion of Calumet Harbor

County/Site info: Lake

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: The Department of Natural Resources has permitting authority under The Navigable Waters Act, IC 14-29-1 for work below the ordinary high watermark of 581.5' IGLD 1985 in or along the Lake Michigan shoreline. Therefore, this project would require a permit from the Department of Natural Resources. Please submit a copy of this letter with the permit application.

*NOTE: This project falls within the Lake Michigan Coastal Program's boundary; therefore, it may be subject to Federal Consistency (FC) review. For more information regarding items requiring Federal Consistency Review, please go to <http://www.in.gov/dnr/lakemich/files/20070214-IR-312070085NRA.xml.pdf>. If your project requires a Permit, Agency Action, or Funding as listed in Section III (pages 8-13) it must go through a FC Review. It is your responsibility to initiate a FC Review. Failure to do so may result in the Federal entity denying your project. Please follow the FC process outlined at <http://www.in.gov/dnr/lakemich/6041.htm>.

Natural Heritage Database: The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: The Division of Fish and Wildlife does not support removing bedrock to obtain the navigation depth of 29+ feet as bedrock represents the natural, historic bottom of Lake Michigan near the harbor. Generally, dredging is approvable to natural hard bottom as disturbance of this bedrock may result in significant impacts to fish and wildlife while also negatively impacting the natural character of the bed of Lake Michigan.

The use of explosives will result in significant and detrimental impacts to fish and wildlife near the project area. Upland species (primarily birds) should be able to relocate from the project site. Impacts to many upland species may be minimal so long as they avoid the area and remain an adequate distance from the detonation site. However, the sound resulting from repeated blasts may serve as a significant deterrent for birds at the project area or near the harbor if blasting persists over a long period of time. Impacts to fish or other aquatic species are likely to be more significant since extreme changes in pressure as a result of the shock waves from explosions have shown to rupture swim bladders or result in the rupture or hemorrhaging of internal organs. Smaller fish may be especially vulnerable when compared to larger fish, and eggs and larvae may be

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

completely susceptible to damage from the detonation. We recommend consideration of other traditional means over the use of explosives and further investigation of how impacts to fish and wildlife will be avoided, minimized, or otherwise mitigated during the project duration.

The Division of Fish and Wildlife recommends coordinating with all applicable state and federal agencies to discuss and further develop feasible methods for sediment and rock removal while minimizing or avoiding impacts to fish and wildlife.

The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife.
2. All excavated material must be properly spread or completely removed from the project site such that erosion and off-site sedimentation of the material is prevented.
3. Minimize the movement of resuspended bottom sediment from the immediate project area.
4. Report any dead or dying fish (including all species and life stages) to the DNR, Division of Law Enforcement at (219) 879-5710 so they may investigate and file any necessary reports.
5. A permit from the DNR Division of Fish and Wildlife is required to conduct any blasting in a waterway. If, after further project coordination, blasting is planned, contact Linnea Petercheff (lpetercheff@dnr.in.gov) regarding this project.

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife
Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Date: June 10, 2016

Christie L. Stanifer
Environ. Coordinator
Division of Fish and Wildlife

From: [Vaught, Olivia](#)
To: [Zylka, Jason LRC](#)
Subject: [EXTERNAL] ER-19059, Lake Co; Removal of rock from the outer harbor portion of Calumet Harbor
Date: Friday, June 10, 2016 9:11:15 AM
Attachments: [image001.png](#)
[ER19059.pdf](#)

Dear Mr. Zylka:

In an effort to promote a more efficient and faster service, the Division of Fish and Wildlife's Environmental Unit will be utilizing electronic mail service whenever possible to send out and receive correspondence, rather than using US Postal Service mail. On any future correspondence, please provide a valid email address for this purpose. If any response letter sent via e-mail is returned as undeliverable, we will mail the hard copy by US Postal Service.

Future submittals:

Future environmental review requests can be submitted electronically to: environmentalreview@dnr.in.gov <<mailto:environmentalreview@dnr.in.gov>>. This is only FYI if you are not already doing so.

Sincerely,

Olivia Vaught

Environmental Review Biologist

IDNR, Division of Fish and Wildlife

402 W. Washington St. W273

Indianapolis, IN 46204

317-234-2719 <<mailto:oleonard@dnr.in.gov>>



United States Department of the Interior

Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

June 16, 2016

Mrs. Susanne J. Davis
Chief of Planning Branch
Chicago District
U.S. Army Corps of Engineers
231 South LaSalle Street, Suite 1500
Chicago, Illinois 60604

Attn: Mr. Jason Zylka, Environmental Formulation and Analysis Section

Dear Mrs. Davis:

This responds to your letter dated May 17, 2016, requesting our comments on the proposed navigational dredging of the outer harbor portion of Calumet Harbor within Lake Michigan offshore Lake County, Indiana.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The proposed project consists of removing rock from a portion of the outer harbor where the channel currently does not meet the 29-foot authorized depth. The rock would be removed to 2 feet below the authorized depth and placed along the existing breakwater. Explosives may be necessary to break up the rock, which would then be moved by crane. The work would be done over several years as funding becomes available.

Table 1 is a list of fish species found within Calumet Harbor by the U.S. Fish and Wildlife Service during Aquatic Invasive Species sampling during the summer of 2015. The Harbor supports a relatively rich nearshore fish community dominated by native species, although invasive round goby and other non-natives are also present. Therefore, extreme care will be necessary if it is determined that explosives are necessary to remove the rock in the Federal Channel. Blasting in or near water produces shock waves that can damage fish swim bladders

and rupture internal organs, thus killing the fish. Vibrations from the use of explosives may also kill or damage fish eggs or larvae. Therefore, the habitats and life histories of the native fishes, and the introduced sport fishes such as trout and salmon, need to be taken into account when considering where and when to use explosives.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (Myotis sodalis), piping plover (Charadrius melodus), and Karner blue butterfly (Lycaeides melissa samuelis), and the threatened northern long-eared bat (Myotis septentrionalis), rufa red knot (Calidris canutus rufa), Pitcher's thistle (Cirsium pitcheri) and Mead's milkweed (Asclepias meadii). However, there is no habitat for any of these species within the proposed project area, so we concur that the proposed project is not likely to adversely affect these endangered and threatened species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation.

We appreciate the opportunity to comment at this early stage of project planning. For further discussion, please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth_mccloskey@fws.gov.

Sincerely yours,

/s/ *Elizabeth S. McCloskey*

for Scott E. Pruitt
Supervisor

Sent via email June 16, 2016; no hard copy to follow.

cc: Christie Stanifer, Environmental Coordinator, Division of Water, Indianapolis, IN
Marty Maupin, IDEM, Office of Water Management, Indianapolis, IN
Liz Pelloso, USEPA, NEPA Implementation Section, Chicago, IL

Table 1. Fish species found within Calumet Harbor by the U.S. Fish and Wildlife Service during Aquatic Invasive Species sampling, summer 2015

Chestnut Lamprey	<i>Ichthyomyzon castaneus</i>
Alewife	<i>Alosa pseudoharengus</i>
Gizzard Shad	<i>Dorosoma cepedianum</i>
Brown Trout	<i>Salmo trutta</i>
Chinook Salmon	<i>Oncorhynchus tshawytscha</i>
Rainbow Trout	<i>Oncorhynchus mykiss</i>
Common Carp	<i>Cyprinus carpio</i>
Goldfish	<i>Carassius auratus</i>
Emerald Shiner	<i>Notropis atherinoides</i>
Spottail Shiner	<i>Notropis hudsonius</i>
Bluntnose Minnow	<i>Pimephales notatus</i>
Smallmouth Buffalo	<i>Ictiobus bubalus</i>
White Sucker	<i>Catostomus commersonii</i>
Shorthead Redhorse	<i>Moxostoma macrolepidotum</i>
Channel Catfish	<i>Ictalurus punctatus</i>
Flathead Catfish	<i>Pylodictis olivaris</i>
Black Bullhead	<i>Ameiurus melas</i>
Brown Bullhead	<i>Ameiurus nebulosus</i>
Banded Killifish	<i>Fundulus diaphanus</i>
Brook Silverside	<i>Labidesthes sicculus</i>
White Bass	<i>Morone chrysops</i>
White Perch	<i>Morone americana</i>
Largemouth Bass	<i>Micropterus salmoides</i>
Smallmouth Bass	<i>Micropterus dolomieu</i>
Rock Bass	<i>Ambloplites rupestris</i>
Black Crappie	<i>Pomoxis nigromaculatus</i>
Bluegill	<i>Lepomis macrochirus</i>
Green Sunfish	<i>Lepomis cyanellus</i>
Pumkinseed	<i>Lepomis gibbosus</i>
Walleye	<i>Sander vitreus</i>
Yellow Perch	<i>Perca flavescens</i>
Freshwater Drum	<i>Aplodinotus grunniens</i>
Round Goby	<i>Neogobius melanostomus</i>

From: [McCloskey, Elizabeth](#)
To: [Zylka, Jason LRC](#)
Cc: [Stanifer, Christie](#); MMAUPIN@idem.IN.gov; [Liz Pellosa](#)
Subject: [EXTERNAL] Calumet Harbor Dredging
Date: Thursday, June 16, 2016 12:03:24 PM
Attachments: [Chicago COE Calumet Harbor Dredging 2016.pdf](#)

Good afternoon, the USFWS letter is attached.

Elizabeth McCloskey
U.S. Fish and Wildlife Service
Northern Indiana Suboffice



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

June 20, 2016

Jason Zylka
U.S Army Corps of Engineers
Chicago District
231 South La Salle Street
Suite 1500
Chicago, Illinois 60604

RE: Rock Removal, Calumet Harbor
Project Number(s): 1611959
County: Cook, IL/ Lake, IN

Dear Mr. Zylka:

The Illinois Department of Natural Resources (Department) has reviewed the above-mentioned project proposed by the US Army Corps of Engineers (USACE) involving removal of bedrock in Calumet Harbor with the potential use of explosives. The material will be placed by crane on the existing harbor breakwater. The project will occur over multiple years as funding is available.

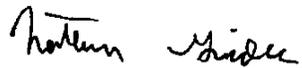
Pursuant to the Fish & Wildlife Coordination Act, the Department provides the following comments:

The Department agrees with the need to use techniques to disperse aquatic life from the area prior to the use of explosives. Please coordinate with the Department's Fisheries Division (Vic Santucci, vic.Santucci@illinois.gov) on what techniques will be used. Additionally, the USACE should consider using a sound attenuating bubble curtain to help minimize the impacts of explosives on aquatic life. The Department also agrees that the project should avoid environmentally sensitive times, such as fish spawning seasons in the spring and early summer. The project should try and avoid the busy water recreation season during the summer. If feasible, the Department recommends the work be completed in late fall to early winter.

Records for the state-threatened mudpuppy (*Necturus maculosus*) occur in Lake Michigan and are typically associated with breakwaters and other similar rock habitat with appropriately sized interstitial spaces. This species may be affected by the project via the use of explosives and placement of rock on the breakwater. The Department recommends special attention be given to this species and options are considered and implemented to avoid and minimize adverse impacts.

Thank you for the opportunity to comment. Please contact Vic Santucci, Lake Michigan Program Manager, or myself for further coordination and if you have questions regarding this review.

Sincerely,

A handwritten signature in black ink that reads "Nathan Grider". The signature is written in a cursive style with a large initial 'N'.

Nathan Grider
Biologist
Impact Assessment Section
217-785-5500

cc: Jim Casey – IDNR, OWR
Daniel Injerd - IDNR, OWR
Vic Santucci - IDNR, Fisheries
Dan Stephenson – IDNR, Fisheries
IDNR, Office of the Director
Shawn Cirton, USFWS

From: [Grider, Nathan](#)
To: [Zylka, Jason LRC](#)
Cc: [Casey, James](#); [Injerd, Dan](#); [Santucci, Vic](#); [Stephenson, Dan](#); [Evans, Tami](#); [Cirton, Shawn \(shawn_cirton@fws.gov\)](#); [Shank, Keith](#); [Herkert, James](#); [Wobig, Loren](#); [Waggoner, Connie](#); [McClelland, Michael](#); [Morelock, Joe](#)
Subject: [EXTERNAL] Rock Removal, Calumet Harbor 1611959, IL DNR
Date: Monday, June 20, 2016 3:00:00 PM
Attachments: [1611959, Calumet Harbor, Rock Removal, IDNR.pdf](#)

Mr. Zylka,

Comments from the Department on this proposed USACE project are attached. Please contact me if you have any questions and we look forward to further coordination.

Thank you!

Nathan Grider

Biologist

Impact Assessment Section

Illinois Department of Natural Resources

One Natural Resources Way

Springfield, IL 62702

(217) 524-0501

Fax: 217-524-4177

nathan.grider@illinois.gov <<mailto:nathan.grider@illinois.gov>>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 20 2016

REPLY TO THE ATTENTION OF:

E-19J

Susanne Davis
U.S. Army Corps of Engineers – Chicago District
231 South La Salle Street
Chicago, Illinois 60604

RE: Scoping – Calumet Harbor outer harbor channel deepening; Lake County, Indiana

Dear Ms. Davis:

The U.S. Environmental Protection has reviewed U.S. Army Corps of Engineers (USACE) correspondence, dated May 17, 2016, regarding a request for early coordination for the forthcoming release of a Draft Environmental Assessment (Draft EA) for proposed channel deepening, likely involving use of explosives for rock removal, in the outer harbor of the Calumet Harbor, Lake County, Indiana.

USACE is proposing to remove rock from the outer harbor portion of Calumet Harbor to its 28-foot authorized depth, plus an additional two feet of over depth. A portion of the outer harbor is bedrock, potentially requiring the use of explosives to break up the rock before removal. Approximately 50,000 to 100,000 cubic yards of rock may be removed through a series of contracts expected to be implemented over several years, depending on funding availability. Dredged rock is proposed to be placed on the existing harbor breakwater. The scoping document is silent as to where other dredged sediments (or other dredged non-rock materials) will be placed. This letter provides our comments on the proposal, pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Calumet Harbor is located on the southwest shore of Lake Michigan in Chicago, Cook County, Illinois. The approach channel and outer harbor are located in Lake County, Indiana. Calumet Harbor is a deep-draft commercial harbor, with authorized depths of 29 feet in the approach channel, 28 feet in the outer harbor, and 27 feet in the main river channel. The Federal Navigation Channel within the harbor is 4.40 miles long. The Chicago District USACE is required to maintain the Federal navigation channel in the vicinity of Calumet Harbor. Periodic maintenance dredging is required to maintain the congressionally-mandated navigation depth.

Based on the limited information provided, EPA offers the following comments for consideration when preparing the Draft EA for the proposed project.

PURPOSE AND NEED / PROJECT ALTERNATIVES

The forthcoming EA should identify and substantiate both the purpose of the project, and the need(s) for the proposed project, and identify the preferred alternative. The project purpose and the project need statements for the proposed action should be clear and concise for reviewers of the Draft EA. After underlying problems have been identified and substantiated, the alternatives identified to solve the underlying problems should then be identified and explained. The no-action alternative and all action alternatives that would satisfy the substantiated purpose and need should be fully assessed in the Draft EA. The Draft EA should identify any alternatives considered but dismissed from further consideration (if applicable), and should provide elimination criteria and clear explanations for their early elimination.

PROJECT BACKGROUND INFORMATION

The scoping document did not mention that a pilot rock removal effort was funded in Fiscal Year (FY) 2014 and undertaken in FY 2015. Publically-available USACE documents¹ obtained by EPA state that this pilot project “*helped refine efficient work methods, production rates, and costs for prioritizing rock removal work efforts into phases.*” However, the scoping document did not mention this pilot rock removal effort or any information on efforts undertaken to inform the proposed project. The Draft EA should discuss, in appropriate detail, methods considered, methods utilized in FY 2015, and appropriate justification for methods eliminated from further consideration.

ROCK BLASTING METHODS AND MITIGATIVE MEASURES

The Draft EA should discuss, in plain language, the rock removal procedures to be undertaken as part of the preferred alternative (if proposed). Experience has shown that the water shock produced by underwater blasting operations can produce significant fish kills and pose a threat to other aquatic life. Underwater explosives can be expected to have a lethal effect on aquatic organisms within a certain range or distance of the detonation. The scoping document mentioned the potential use of environmental windows (timeframes of no explosives use) if explosives are determined to be necessary, and also mentioned the use of techniques to scare away aquatic organisms prior to any explosive detonations. However, other mitigation techniques, such as the use of air curtains, were not mentioned. All mitigative measures to be implemented to avoid or minimize impacts to aquatic organisms should be fully discussed in the Draft EA.

NOISE AND VIBRATION

The Draft EA should discuss how USACE will establish information outlets to keep the public informed about drilling and blasting activities, assuming that businesses may be located within a precautionary zone near the project. This should be undertaken prior to the commencement of drilling and blasting work. The Draft EA should discuss expected noise and vibration impacts on both humans and the natural environment. Noise and vibration monitoring protocols to be utilized, including the use of seismographs, should also be discussed.

¹ <http://w3.lre.usace.army.mil/OandM/factsheets/CalumetHarbor.pdf>

WATER QUALITY

In Indiana, Lake Michigan is listed as both an Outstanding State Resource and an impaired water body (i.e., not meeting water quality standards) on the Indiana Department of Environmental Management (IDEM) Clean Water Act Section 303(d) list of impaired waterbodies. The forthcoming Draft EA should discuss existing water quality in the vicinity of the project, the 303(d) impairments, and how the proposed project may affect water quality in Lake Michigan in the project vicinity.

SEDIMENT TESTING/USE OF DREDGED MATERIALS AS FILL

The scoping document mentioned that a portion of the bottom of the outer harbor is breakwater, leading EPA to assume that portions of the outer harbor must be above breakwater (i.e., composed of sediments to the depth or below the depth of the authorized Federal channel depth.) While the scoping document stated that any rock to be broken up would be removed via crane and then placed on the existing harbor breakwater, the scoping document did not mention the need for any sediment dredging, or how any dredged materials would be tested, or where they would be disposed. It is assumed that even if bedrock is present in areas needing to be deepened, that there is some sediment above this bedrock that will need to be removed. The scoping document provided only a figure with outlines of two areas proposed for rock removal, but did not discuss the potential need for any sediment removal. The scoping document did not include any information on the location(s), or chemical composition of sediment(s) proposed to be dredged, if necessary. Furthermore, the USACE did not provide specific information on sediment testing locations or protocols undertaken for areas of the Federal channel proposed for dredging. No sampling map or further information on sampling locations or sampling techniques was discussed in the scoping document.

The Draft EA should include the following information:

- A map/figure outlining the proposed dredging location(s) and the proposed rock removal locations;
- Narrative information on the type and quantity (cubic yards) of materials (both rock and sediment) proposed to be dredged, and a proposed dredging schedule;
- Specific information on sediment testing (and elutriate testing) regarding how dredged materials were or will be tested to ensure they are both suitable for upland disposal or open water disposal/shallow water placement; and
- Specific information on how dredged material will, or will not, meet Indiana Water Quality Standards. The Draft EA should include all correspondence between USACE and IDEM concerning the need for Clean Water Act Section 401 Water Quality Certification. Additionally, the Draft EA should address the potential for suspended particle and turbidity issues, how suspended sediments may affect adjacent aquatic habitats, and how will those effects be minimized.

FEDERALLY-LISTED SPECIES, CRITICAL HABITAT, MIGRATORY BIRDS, and STATE-LISTED SPECIES

In 2015, the U.S. Fish and Wildlife Service (USFWS) introduced a project planning tool known as IPAC – Information for Planning and Conservation² – which is designed to streamline the

² <https://ecos.fws.gov/ipac/>

USFWS environmental review process. When designating a project location in IPAC, USFWS recommends considering not only the physical location of project activities where direct impacts are likely to occur, but also consider the surrounding area on the landscape where potential indirect effects to species may occur (e.g., consider direct and indirect effects such as noise or dust).³

Once a trust resource list is obtained from IPAC, access the USFWS Region 3 website⁴ for detailed information pertaining to listed species including habitat descriptions. These descriptions should be used to help determine if there is suitable habitat for the species on your trust resource list within the proposed project area. If it is determined there is suitable habitat or documented listed species occur in the proposed project area, USFWS staff at the Ecological Services Northern Indiana Field Office in Chesterton, Indiana can provide specific recommendations for the proposed project (depending on scope, scale, timing, etc.). These recommendations are meant to assist in project planning. For listed species, conservation measures recommended by the USFWS Field Office are based on anticipated impacts to species' conservation and can reduce potential impacts on listed species and the environment, as well as streamline any future consultations that may be needed.

Before publishing the Draft EA, USACE should use IPAC to request a trust resource report covering Federally-listed threatened or endangered species; Federally-proposed or candidate species; critical habitat for listed species; migratory birds protected by the Migratory Bird Treaty Act; and National Wildlife Refuges that could be positively or negatively impacted by the proposed project. In the Draft EA, USACE should include a decision regarding impact of the proposed project to USFWS trust resources and the rationale behind its decision. Coordination with USFWS regarding trust resources should be included with the Draft EA. The scoping document did not state if implementation of the proposed project is expected to have any effects on Federally-listed or state-listed threatened or endangered species.

If project analyses determines that USFWS trust resources may be affected by the proposed project, EPA recommends that future NEPA documentation include correspondence between USFWS and USACE. Coordination with USFWS regarding trust resources should be included with the Draft EA. Lastly, official species lists obtained from IPAC are valid for only 90 days. After 90 days, USACE should request an 'updated' official species list for their project in IPAC.

Additionally, coordination with the Indiana Department of Natural Resources (IDNR) should take place to determine if any state-listed species are present within the proposed project area and if the proposed project could positively or negatively impact any listed species through direct or indirect impacts. Any in-water restriction dates or recommendations from IDNR should be discussed in the Draft EA and committed to in the Finding of No Significant Impact. Coordination with IDNR regarding state-listed species should be included in the Draft EA.

³ For projects with a federal nexus that are required to consult with USFWS under Section 7 of the Endangered Species Act, definitions of Action and Action Area can be found at 50 CFR 402.02.

⁴ <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>

Also, the Fish and Wildlife Coordination Act⁵ (FWCA) requires that agencies consult with USFWS and state wildlife agencies concerning the conservation of wildlife resources where the water of any stream or other water body is proposed to be controlled or modified by a Federal agency or any public or private agency operating under a Federal permit. Coordination with USFWS pursuant to FWCA should be included with the Draft EA.

WETLANDS

The Draft EA should discuss how USACE is in compliance with Executive Order 11990 (Protection of Wetlands).

OTHER

The Draft EA should, for context, include the following:

- Information on any existing and previous dredged material placement sites, their locations (including a map of locations), and their status. Current disposal sites should be discussed, including their remaining life and capacity;

INTERAGENCY COORDINATION

- The Draft EA should include a list of all Federal, state, and local permits that will be required to undertake each alternative.

Thank you for the opportunity to review the proposal and provide comments early in the NEPA process. We are available to discuss our comments with you in further detail if requested. We look forward to reviewing future NEPA documents prepared for this project. Please send a copy of the Draft EA to our office. If you have any questions about this letter, please contact the lead project reviewer, Ms. Liz Pelloso, PWS, at 312-886-7425 or via email at pelloso.elizabeth@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

cc (via email):

Jason Zylka, USACE-Chicago District
Liz McCloskey, USFWS
Marty Maupin, IDEM

⁵ 16 USC §§661-666c; PL 85-624

From: [Peloso, Elizabeth](#)
To: [Davis, Susanne J LRC](#)
Cc: [Zylka, Jason LRC](#); [Liz McCloskey](#); [Marty Maupin](#)
Subject: [EXTERNAL] EPA scoping comments - Calumet Harbor outer harbor rock blasting and dredging, Lake County, IN
Date: Monday, June 20, 2016 11:56:16 AM
Attachments: [Calumet Harbor outer harbor rock blasting and dredging \(USACE\) - EPA scoping comment letter \(6-20-16\).pdf](#)

Greetings,

Attached to this email are EPA's comments concerning the scoping document released for the Calumet Harbor outer harbor rock blasting and dredging project in Lake County, Indiana. A hard copy is in the mail to USACE; all folks on CC will receive only this electronic copy.

Please do not hesitate to contact me if you have questions or comments on EPA's comment letter.

Regards,

Liz Peloso

Liz Peloso, PWS

Wetland/Environmental Scientist

NEPA Implementation Section

U.S. Environmental Protection Agency - Region 5

77 W. Jackson Blvd. (E-19J)
Chicago, IL 60604

Phone: 312-886-7425

Fax: 312-692-2540

Email: peloso.elizabeth@epa.gov <<mailto:peloso.elizabeth@epa.gov>>

From: [Diane Hunter](#)
To: [Zylka, Jason LRC](#)
Subject: [EXTERNAL] Calumet Harbor dredging
Date: Tuesday, June 28, 2016 12:46:14 PM

Dear Mr. Zylka:

Aya, kikwehsitoole. My name is Diane Hunter, and I am the Tribal Historic Preservation Officer for the Federally Recognized Miami Tribe of Oklahoma. In this capacity, I am the Miami Tribe's point of contact for all Section 106 issues.

The Miami Tribe offers no objection to the above-mentioned project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, as this site is within the aboriginal homelands of the Miami Tribe, if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966, or by email at dhunter@miamination.com <<mailto:dhunter@miamination.com>> to initiate consultation.

The Miami Tribe requests to serve as an interested party to the proposed project. In my capacity as Tribal Historic Preservation Officer I am the point of contact for consultation.

Respectfully,

Diane Hunter
Tribal Historic Preservation Officer
Miami Tribe of Oklahoma
P.O. Box 1326
Miami, OK 74355