



United States Department of the Interior



US FISH AND WILDLIFE SERVICE
Great Lakes Region
Chicago Ecological Services Field Office
230 South Dearborn Street, Suite 2938
Chicago, IL 60604

IN REPLY REFER TO:
FWS/AES-CIFO/2009-FA-0280

November 4, 2019

Col. Aaron W. Reisinger
District Engineer
U.S. Army Corps of Engineers
Chicago District
231 S. LaSalle Street, Suite 1500
Chicago, Illinois 60604

Attention: Jason Zylka

Re: Fish and Wildlife Coordination Act Report for the Chicago Area Waterway System Dredged Material Management Plan & Integrated Environmental Impact Statement.

Dear Colonel Reisinger:

This letter constitutes our Final Fish and Wildlife Coordination Act Report for the Draft Chicago Area Waterway System (CAWS) Dredged Material Management Plan (DMMP) & Integrated Environmental Impact Statement (EIS). It has been prepared under the authority of and in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat.401, as amended; 16 U.S.C. 661 *et seq.*); the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 703 *et seq.*); and in accordance with the U.S. Fish and Wildlife Service's Mitigation Policy. This report constitutes the report of the Secretary of Interior as required by Section 2(b) of the Fish and Wildlife Coordination Act (FWCA).

The CAWS DMMP was developed under the authorities of the existing navigation projects requiring maintenance dredging in the study area, and the study process was guided by several sections of U.S. Code and the Code of Federal Regulations pertaining to the management and placement of dredged material. The CAWS DMMP & Integrated EIS was completed to identify and evaluate alternatives for dredged material management for the CAWS. Descriptions of the project area and plan components are posted by the Corps at the following URL:
<https://www.lrc.usace.army.mil/Missions/Civil-Works-Projects/CAWS-Dredged-Material-Management-Plan-DMMP/>

The Chicago Field Office of the U.S. Fish and Wildlife Service (USFWS) has reviewed the CAWS DMMP & Integrated EIS and provided comments for the selection of sites and their potential impacts to natural resources. We provided comments and recommendations on the CAWS DMMP & Integrated EA in our July 14, 2015, letter. We provided comments on the April 2019 CAWS DMMP & Integrated EIS in a June 14, 2019, letter (submitted through the Department of the Interior).

We have recommended that the DMMP & EIS fully disclose potential impacts to aquatic resources found in the CAWS (*e.g.*, aquatic invertebrates, fish, wetland dependent migratory birds) from displacing contaminated sediments. The DMMP, EIS, and supplemental information acknowledges that none of the dredged material is currently suitable for open water placement or in-water beneficial use. Removal of contaminated sediments will reduce long-term ecological risk and is beneficial. Resuspension of contaminated sediments during dredging, however, can have a short-term negative effect on water quality and increase exposure of fish and wildlife to contaminants. This is why we recommended that exposure pathways and potential bioaccumulation of contaminants through the food chain should be discussed in the Final DMMP & EIS. We also recommended that for each dredging area there should be a discussion of which best management practices (BMPs) will be used for limiting suspension of contaminated sediments in the water column.

In response to our comments, your office noted that the DMMP & EIS is only analyzing the impacts of creating and operating a new dredge material storage facility for sediments from the Calumet Harbor and River for a 20 year period and that the Corps is not changing its dredging operations or methods in the river (and that all of your prior analysis, guidance, and NEPA analysis for those actions remains the same). Finally your office indicated that amending the NEPA analysis of those practices would likely need to be conducted as a separate effort.

We acknowledge that the primary purpose of the DMMP & EIS is to analyze the impacts of a new upland dredge material storage facility. However, in order to fully disclose potential impacts of the proposed project on Service trust resources and aquatic resources, the Corps must address potential impacts in both the aquatic and upland environments. The DMMP & EIS discusses the process of dredging within the CAWS (in open water areas) and discusses the quality of the sediment being dredged.

FISH AND WILDLIFE RESOURCES AND RECOMMENDATIONS

We continue to provide the following recommendations:

- 1) The Final DMMP & EIS should fully disclose potential impacts to Service trust resources (*i.e.*, interjurisdictional fish and migratory birds) and aquatic resources found in the CAWS (*e.g.*, aquatic invertebrates, fish, and wetland dependent migratory birds) from displacing contaminated sediments. For example, the suspension of contaminated sediments in the water column could result in direct exposure of aquatic invertebrates and indirect exposure of predators in higher trophic levels (such as predatory fish or piscivorous birds) to contaminants. The DMMP & EIS should disclose potential impacts to these resources in the aquatic environment. The DMMP &

EIS should discuss exposure pathways and potential bioaccumulation of contaminants through the food chain.

2) The Corps should also provide, for each dredging area, a discussion of which best management practices will be used for limiting suspension of contaminated sediments in the water column. The Service previously suggested some practices to consider for limiting sediment suspension. Removal of contaminated sediments will reduce future ecological risk and provides net environmental benefit. Resuspension of contaminated sediments during dredging, however, can have a negative effect on water quality and increase exposure of fish and wildlife to contaminants. Use of best management practices reduces the potential for ecotoxicity and migration of contaminants from the dredging area.

3) The Corps should ensure that the Illinois Department of Natural Resources' (IDNR) recommendations be followed. The IDNR recommended strict adherence to sediment and erosion control BMPs and that those BMPs be incorporated into the project to avoid and minimize impacts to the state-threatened banded killifish (*Fundulus diaphanous*). The IDNR also recommended that any conflicts with active nest sites for the state-endangered osprey (*Pandion haliaetus*) should be evaluated and further coordinated with the IDNR.

SUMMARY OF FINDINGS

The Corps should update the DMMP & EIS to disclose potential impacts to Service trust resources and aquatic resources in the *aquatic environment*. The Corps should also ensure that IDNR's recommendations are followed.

Thank you for the opportunity to provide comments. This letter provides comment under the authority of, and in accordance with, the provisions of the National Environmental Policy Act of 1969 (83 Stat. 852, as amended P.L. 91-190, 42 U.S.C. 4321 et seq.), the Fish and Wildlife Coordination Act of 1956 (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). If you have any questions, please contact Mr. Shawn Cirton at (847) 366-2345.

Sincerely,



Louise Clemency
Field Supervisor

Cc: USEPA, Elizabeth Pelloso
IDNR, Nathan Grider, Bradley Hayes