

Finding of No Significant Impact

Horner Park Section 206 Aquatic Ecosystem Restoration

Background

Section 206 of the Water Resources Development Act (WRDA) 1996 (P.L. 104-303), as amended, gives the US Army Corps of Engineers (USACE) authority to carry out aquatic ecosystem restoration and protection projects so long as the project improves environmental quality, is in the public interest, and is cost effective. A Section 206 Aquatic Ecosystem Restoration study was initiated to evaluate the feasibility of restoring a portion of the North Branch Chicago River at Horner Park to a more natural state.

Horner Park lies along the North Branch of the Chicago River in the City of Chicago, IL. The restoration area is bounded by Montrose Avenue to the north and Irving Park Road to the south. The slope of the bank varies from being almost vertical in many areas, to more gently sloping in the southern part of the site (average 3: Vertical: 1 Horizontal [H:V]). The project site encompasses approximately 2,600 feet of riverbank and at some points extends inland about 300 feet. The site totals about 14 acres.

Brief Summary of the Environmental Assessment & Preferred Plan

The environmental assessment (EA) identified the direct, indirect and cumulative effects of a set of measures that were part of seven (7) alternatives including the No Action plan. The No Action alternative and both action alternatives would have no significant adverse impact on public facilities or services, regional growth, employment or business, tax revenues, property values, community growth or cohesion, air quality, water quality, natural resources, or aesthetic values. Individuals or farms would not be displaced. Either action alternative would have beneficial effects on community growth, tax revenues, property values, and public facilities, by creating an enhanced recreational and educational resource that is easily accessible. Though the park already receives a certain amount of visitation either action alternative would enhance the appeal of the site to a greater number of individuals. Therefore, the surrounding area of the project, with many small businesses and restaurants, could benefit economically from people observing nature at the restored natural area. The National Ecosystem Restoration (NER) preferred plan is Alternative A-8.

The NER Preferred Plan

The NER Plan, Alternative A-8, includes re-grading 2,600 feet of river bank, restoring approximately ten acres of Oak Savannah habitat and creating four sixty-by-fifty foot vernal pool wetlands for a total of 0.25 wetland acres. The implementation of these features is generally described as follows and is further described in Section 3.1 of the EA. A detailed set of plans & specifications would be created if approval of the Detailed Project Report (DPR) is granted.

Re-grade Streambank - Re-grade the bank from its present approximate 2:1(H:V) slope to a more gradual 3:1 (H:V). The current riparian vegetation made up of primarily invasive exotic species would be replaced with a native mix of trees, grasses, and forbs. Due to soil composition all cut material would be taken to an state regulated landfill.

Restore Oak Savannah Habitat - Under this measure, all invasive and non-native vegetation would be eradicated physically or through the use of herbicide. Approximately 10.0 acres of grass species, along with secondary growth of woody species (opportunistic trees and shrubs), would need to be removed to set

the stage for oak savanna restoration. Any mature oaks or other mature savanna tree species would be preserved. After all invasive herbaceous species and secondary woody growth were removed, a wet savanna native plant seed mix would be sown. Various savanna trees and shrubs would also be planted in a sparse fashion to achieve appropriate savanna canopy cover and structure. A specific plant list may be viewed in Appendix B of the EA.

Vernal Pool Creation - Under this measure four vernal pools, approximately 60 by 50 feet in size, would be created in the upland area of the riparian zone to add habitat diversity as well as an educational component. Vernal Pools are small depressional wetlands that are ephemeral (temporary) in nature. These four wetlands would total approximately 0.25 acre.

Recreational Features – Passive recreational features which include signage, mowed pathways, small board walks would also be constructed.

Discussion of Environmental Compliance

The preferred plan presented is in compliance with appropriate statutes and executive orders including the Endangered Species Act of 1973 as amended; the Fish and Wildlife Coordination Act of 1934 as amended; Executive Order 12898 (Environmental Justice); Clean Air Act; Clean Water Act; and the National Historic Preservation Act.

US Fish and Wildlife Service Coordination for ESA and FWCA

Coordination with the US Fish and Wildlife Service (USFWS) commenced with a project scoping letter dated 28 October 2010. The EA identified the preferred ecological restoration plan was determined to have “no effects” on federally endangered species or their habitats. By email dated 24 November 2010 the Corps provided USFWS their finding that the project will have "no effect" on listed species or proposed or designated critical habitat. USFWS concurred with this finding by letter dated 2 December 2010. Coordination is documented in Appendix A of the EA.

Environmental Justice EO12898

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands. The preferred plan would provide stabilization and park enhancement/education features that would be open and available to all members of the public.

Clean Air Act

Due to the small scale, short duration and relatively unpolluted nature of the restoration project, the proposed project would have short-term impacts on air quality in areas directly adjacent to the project site due to particulates and exhaust from construction machinery. There is no expected significant adverse impact on air quality.

Sections 401 & 404 of the Clean Water Act

The preferred alternative meets the Corps, Chicago District's Section 404 regional permit #5, Wetland and Stream Restoration and Enhancement, therefore the project is in compliance with the guidelines set forth in Section 404 (b) (1) of the Clean Water Act. The regional permit was certified by the Illinois Environmental Protection Agency (IEPA) by letter dated 31 January 2007. The regional permit and IEPA Water Quality Certification are included in Appendix J of the EA.

National Historic Preservation Act

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 4701) and 36 C.F.R. Part 800, the staff of the Illinois State Historic Preservation Office (Illinois SHPO) reviewed the documentation submitted for the project. Based upon the information provided and in a letter dated 9 November 2010, the IL SHPO stated that no historic properties are affected. The IL SHPO further stated they have no objection to the undertaking proceeding as planned. Correspondence is located in Appendix A of the EA.

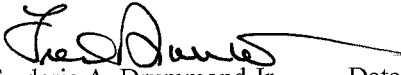
Public Interest

An EA was prepared for the project and sent to Federal, State and local agencies along with the general public for review. A 30-day Public Review period was initiated on 5 September 2012 for the EA. Comments from the Federal, State or local agencies or the public are included in Appendix A and are addressed appropriately.

Conclusion

In accordance with the National Environmental Policy Act of 1969 and Section 122 of the River and Harbor and Flood Control Act of 1970, the USACE has assessed the environmental impacts associated with this project. The purpose of this EA is to evaluate the impacts that would be associated with re-grading 2,600 feet of river bank, restoring approximately ten acres of Oak Savannah habitat and creating four sixty-by-fifty foot vernal pool wetlands (0.25 ac). The proposed project has been determined to be in full compliance with the appropriate statutes, executive orders and USACE regulations.

The assessment process indicates that this project would not cause significant effects on the quality of the human environment. The assessment process indicates that this project would have only beneficial impacts upon the ecological, biological, social, cultural, or physical resources of this area. The findings indicate that the proposed action is not a major federal action significantly affecting the quality of the human environment and there are no outstanding issues. Therefore, I have determined that an Environmental Impact Statement (EIS) is not required.


Frederic A. Drummond Jr. Date: 1/24/13
Colonel, U.S. Army
District Commander