



REGIONAL PERMIT PROGRAM
AGENCY REQUEST FOR COMMENT

APPLICATION NO. LRC-2020-00507; 408-LRC-2021-0004

U.S. Army Corps of Engineers
Chicago District

Date: February 16, 2021

The Chicago District has received a request for authorization under Category II (by the District's discretion) of Regional Permit 6 (Completed Enforcement Actions). Information on the proposed activity is provided for your review and comment in accordance with Agency Request for Comments (ARC) procedures described in General Condition 23 of the Chicago District's Regional Permit Program dated April 1, 2017.

Please indicate by telephone, fax or email within ten (10) days of the date of this ARC whether you intend to provide comments on this project. If we receive no response from your office within 10 days, we will assume your office has no objections to the activity as proposed (with certain exceptions for parties to a National Historic Preservation Act (NHPA) consultation, as described below). If you indicate that you intend to provide comments, your written comments must be received by the District within 25 days of the date of this ARC.

The District has determined that, for purposes of Section 106 of the NHPA [see 36 CFR 800.3(a) and 800.16(y)], the Federal "undertaking" which has the potential to cause effects on historic properties is limited to the verification of the above-cited Regional Permit pursuant to Sections 10 and 14 of the Rivers and Harbors Act of 1899 (33 USC 403 and 408) for project activities within the Permit Area. The "area of potential effects" (APE) for the undertaking is the same as the Permit Area and is shown on the enclosed figures (see 33 CFR 325, Appendix C 1(g) and 36 CFR 800.4(a)(1)).

The West Erie Street Bridge was installed in approximately 1910, and the superstructure of the bridge was removed in the early 1970s. However, the bridge was of the "first generation" of movable bridges in the City of Chicago, and there are not many extant bridges of that type. Accordingly, we have determined that the West Erie Street Bridge remnants may meet criterion "A" and/or criterion "C" for inclusion in the National Register of Historic Places (NRHP) and therefore the District intends to treat the remaining bridge features as eligible for inclusion in the NRHP. See 33 CFR 325, Appendix C, paragraph 6(a)(1). However, it is the District's opinion that there will be **No Adverse Effect** by the issuance of a DA permit or Section 408 permission as a result of removing the remnants of the timber dolphins and fenders or abandoning the abutment structures in place.

The District believes we have included all known consulting parties on this request. If you believe you are entitled to consulting party status, we invite you to concur with these

determinations within 30 days of this request. If you need additional information, including copies of the materials the District relied upon to reach our determination, please contact us as soon as possible, to ensure you have all materials required by 33 CFR 800.11. If we do not hear from you within 30 days, we will proceed with the final public interest decision regarding issuance of the permit [33 CFR 325, Appendix C 7(b) and 36 CFR 800.3(c)(4)].

The following paragraph will be added as a special condition of any authorization issued by this office: “This site is within the aboriginal homelands of several American Indian Tribes. If any human remains, Native American cultural items 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 Mr. Colin C. Smalley, PG by telephone at (312) 846-5538, or email at Colin.C.Smalley@usace.army.mil.”

Comments should be emailed to Colin.C.Smalley@usace.army.mil. If you prefer to send written comments, please address them to Mr. Colin C. Smalley, PG of the U.S. Army Corps of Engineers, Chicago District, Regulatory Branch, 231 South LaSalle Street, Suite 1500, Chicago, IL 60604-1437; fax (312) 353-4110. Comment letters should include your name, address, phone number and email address.

If you have any questions, please contact Mr. Colin C. Smalley, PG by telephone at (312) 846-5538 or email at Colin.C.Smalley@usace.army.mil.

PROJECT INFORMATION

Application Number: LRC-2020-00507; 408-LRC-2021-0004

Applicant: Luis Benitez, Chicago Department of Transportation

Location of work: At Mile Marker 326.2 on the North Branch of the Chicago River (Chicago River Navigation Project) in Section 9, Township 39 North, Range 14 East, City of Chicago, Cook County, Illinois (see attachments)

Description of Work: Removal of the dolphin structures and remnants, and the abandonment-in-place of the former bridge abutments.

Project Purpose: The City of Chicago and the US Army Corps of Engineers reached a settlement agreement that would result in authorization of the work described above. The parties agreed that settlement of this matter is in the public interest and that this Settlement Agreement is the most appropriate means of resolving this matter.

Regional Permits Being Considered: Regional Permit 6 (Completed Enforcement Actions)

Proposed Impacts: The proposed impacts are entirely pursuant to Sections 10 and 14 of the Rivers and Harbors Act of 1899 (33 USC 403 and 408) because any fill discharged appurtenant to construction of the abutment structure was discharged prior to the enactment of the Clean Water Act. Previous conversations among the City, the Corps, and the U.S. Coast Guard 9th District Bridge Branch, have yielded agreement that the remaining structures related to the former Erie Street bridge are no longer authorized under Section 9 of the Rivers and Harbors Appropriation Act of 1899, as the bridge they were appurtenant to has been removed.

As a result of this settlement/authorization, the existing abutments (west abutment being approximately 40 feet wide by 60 feet along the bank; and east abutment being approximately 20 feet wide by 60 feet along the bank) will remain in their current locations. The existing timber structures such as dolphins and fenders, which have fallen into disrepair and constitute a hazard to navigation, will be removed.

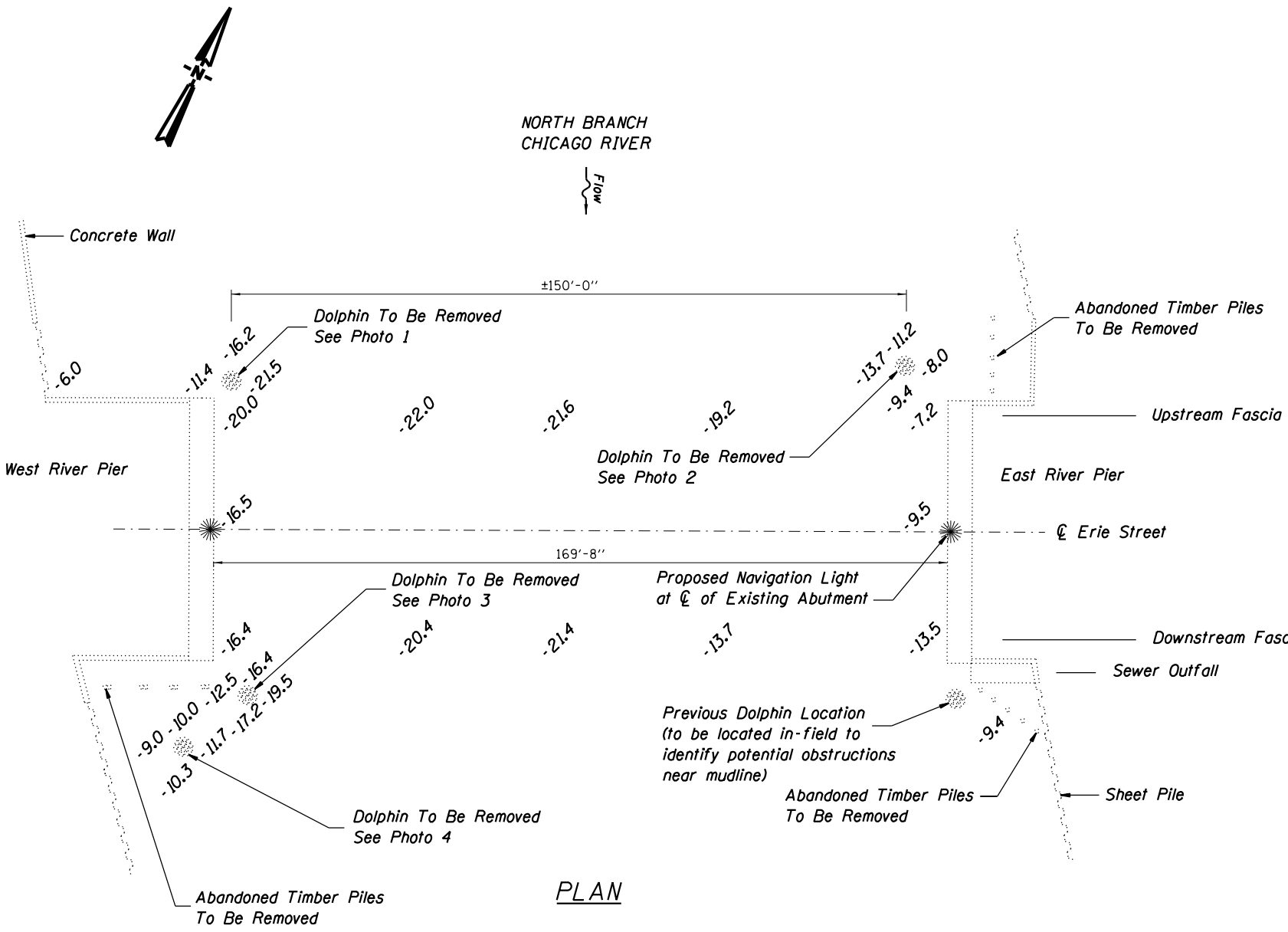
Proposed Best Management Practices: The proposed work will not alter existing stormwater flows, so no BMPs are necessary.

Mitigation Plan: The proposal is limited to removal/abandonment-in-place of existing structures, so no compensatory mitigation is expected.

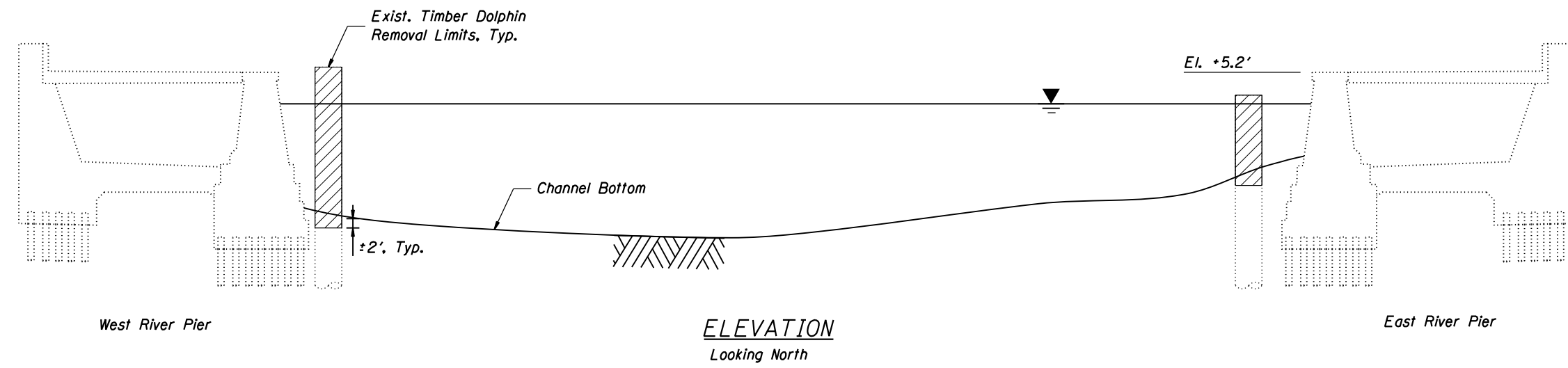
Endangered and Threatened Species: The Corps of Engineers has determined that the proposed activity would not affect any federally-listed endangered or threatened species or critical habitat for any endangered or threatened species, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act does not appear to be warranted at this time.

Navigation: The applicant will be required to coordinate with the US Coast Guard, Marine Safety Unit Chicago regarding safety and notice(s) to mariners during construction; and will be required to update the USACE and NOAA Office of the Coast Survey with the as-built drawings for updating federal navigation charts. This application is being considered by the Corps of Engineers under Section 14 of the Rivers and Harbors Act, 33 USC 408.

9/2/2020 \\00132101\ndata\N\p\seelion\00CS\0614-CBIT-CDDT - Bridge Inspection Program\On Call Services\Bridge Maintenance Program\01058 Polk & Erie Permits\CAD\Erie St - North Branch\dgn



PLAN



ELEVATION
Looking North



Photo 1
Northwest Dolphin



Photo 2
Northeast Dolphin



Photo 3
Southwest Dolphin 1



Photo 4
Southwest Dolphin 2

Removal Instructions

- Existing dolphins and timber piles as noted shall be removed to a minimum depth of 2-feet below the existing channel bottom.

Notes

- At the time of inspection, the water line was measured at the Ohio Street bridge at El. 577.6' which corresponds to El -2.3' CCD. All soundings are referenced to the water line.

LEGEND

- EXISTING TIMBER DOLPHIN
- 19.2** CHANNEL BOTTOM DEPTHS RECORDED AUGUST 5, 2020
- PROPOSED NAVIGATION LIGHT

NO.	BY	DATE	DESCRIPTION
REVISIONS			

**ERIE STREET
NORTH BRANCH CHICAGO RIVER**

CONSULTANT
COLLINS ENGINEERS

CITY OF CHICAGO

DEPARTMENT OF TRANSPORTATION
DIVISION OF ENGINEERING

DRAWN: RSD	SHEET NO.:
CHECKED: KVH	
APPROVED: JMS	
DATE: 8/2020	
SCALE:	
CONTRACT NO.:	PROJECT NO. 10614