



PUBLIC NOTICE

REQUEST FOR PERMISSION TO MODIFY A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

**U.S. ARMY CORPS OF ENGINEERS
CHICAGO DISTRICT**

PUBLIC NOTICE/APPLICATION NUMBER: 19-17 Jackson Park

**COMMENT PERIOD BEGINS: 01 April 2020
COMMENT PERIOD IS EXTENDED TO: 15 May 2020**

U.S. Army Corps of Engineers, Chicago District
231 S. LaSalle Street, Suite 1500
Chicago, IL 60604

REQUESTER

Chicago Park District
541 N Fairbanks, Chicago, IL 60611

PROPOSED ACTION

The proposed federal actions are in response to the decision made by the City to allow for the construction of the Obama Presidential Center (OPC) in Jackson Park and to improve the roadway network in and around Jackson Park. These actions would alter the USACE Section 506 Great Lakes Fishery and Ecosystem Restoration (GLFER) Project in Jackson Park. Proposed actions include Chicago Department of Transportation (CDOT) roadway improvements, Chicago Park District (CPD) utility relocation, and the connection of pathways within the Obama Presidential Center (OPC) site to existing GLFER project pathways. GLFER areas that would be temporarily impacted by proposed actions would be restored in place and permanently impacted areas would be replaced at a different location within the GLFER project boundaries. A detailed description of this proposal is provided on page 2 of this notice.

LOCATION OF PROPOSED ACTION

Location: Chicago, Illinois; Jackson Park

Interested parties are hereby notified that a request for permission to modify a Federal project has been received for the activity described herein and as shown on the attached drawings. You are invited to provide your comments by **15 May 2020** on the proposed work, which will become part of the record and will be considered in the decision on the request. Permission will be issued or denied under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

Written comments shall be mailed to:

U.S. Army Corps of Engineers, Chicago District,
Planning, Programs and Project Management Division,
Project Management Branch
ATTN, Ms. Natalie Mills, Section 408 Program Manager
231 South LaSalle Street, Suite 1500
Chicago, Illinois 60604-1437

Electronic comments may be sent to:

chicagodistrict.pao@usace.army.mil

It should be noted that ALL comments received by this office (via hard copy or electronic) will only be accepted with the full name and address of the individual commenting, and must be received by the close of the public notice period.

PROJECT DESCRIPTION

The Jackson Park Ecosystem Restoration project was completed in 2019. The purpose of the project was to restore ecological health to natural areas at Jackson Park while preserving the historical and cultural integrity of the Park. Native plants and seeds were used to establish habitat including fringe wetland marsh, dune and swale, and oak savanna. New walking paths and scenic overlooks were constructed to allow park users to circulate throughout the park. The completed project provides valuable habitat for a wide variety of insects and wildlife. Presently, CDOT, CPD, and OPC have proposed projects that would have both temporary and permanent impacts to the restored GLFER areas within Jackson Park.

Roadway improvements proposed by CDOT involve the widening of southbound Lake Shore Drive including the 59th Street inlet bridge. Pedestrian underpasses are proposed near the intersections of Lake Shore Drive and Hayes Drive as well as Cornell Drive and Hayes Drive.

OPC and CPD propose to close Cornell Drive from 59th Street to 63rd Street and convert the area to open space. Grading will occur and pathways will be constructed to connect

OPC walking paths with the GLFER trails. GLFER paths in the northwest portion of the project area will be converted from crushed stone to concrete. CPD proposed to construct a new lift station and electrical ductbank east of Cornell Drive.

The proposed work discussed above will have both temporary and permanent impacts to the restored GLFER areas. Temporary impacts are anticipated to be 1.7 acres and will be restored in place using the GLFER planting guidelines. Permanent impacts are expected to be 1.32 acres, and will be replaced with 2.43 acres of restored natural area in GLFER project area 2. Project area 2 was identified as the next highest priority area for the GLFER project had funding been available to execute the work.

ANTICIPATED ENVIRONMENTAL IMPACTS

Based on an initial review of the documentation provided by the CPD, it does not appear that the proposed project would result in any significant adverse environmental impacts within the footprint of the Jackson Park Section 506 Project.

REGULATORY AUTHORITY

This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899

JURISDICTION

This request will be reviewed according to the provisions of Section 14 of the Rivers and Harbors Act of 1899.

EVALUATION FACTORS

The decision whether to grant the requested permission for project modification under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a USACE technical review team considering the following factors:

- 1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.
- 2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation,

shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The decision whether to approve the requested modification will be determined by the consideration of whether benefits are commensurate with risks associated with the proposed modification. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.

- 3) Environmental Compliance. A decision on a Section 408 request is a Federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is responsible for providing all information that the USACE district identifies as necessary to satisfy all applicable Federal laws, executive orders, regulations, policies, and ordinances. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The district will work with the requester to determine the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner.

All factors that may be relevant to the proposal will be considered, including the potential cumulative effects associated with the proposed project. The review will consider whether the proposed project is injurious to the public interest, and its potential impact to the usefulness of the Federal project. Policy and legal compliance will also be considered.

The USACE is also soliciting comments from the public, Federal, state and local agencies, Indian tribes, and other interested parties in order to consider and evaluate the potential impacts of the proposed activity. Once this office completes a review of the comments received, it will determine whether to provide permission to modify the project under Section 408.

To prepare this decision, comments are taken into consideration to assess impacts on the public interest factors listed above, as well as endangered species, historic properties, water quality, and general environmental effects. Comments will be used in the preparation of environmental compliance documentation as required by the National Environmental Policy Act (NEPA).

PRELIMINARY EVALUATION OF SELECTED FACTORS

INJURIOUS TO THE PUBLIC INTEREST DETERMINATION

It has been determined that the proposed alteration to the Jackson Park GLFER project to construct roadway improvements, relocate utilities, resurface and connect walking paths will not be injurious to the public interest. All areas

impacted temporarily for construction will be restored using the GLFER planting plan as a guide and permanent areas will be replaced in GLFER project area 2, so the alteration will not affect any of the public interest factors. (GLFER project area 2 was part of the approved decision document and integrated EA, but was not constructed due to a lack of federal funding.) As a result, there will be a net gain of 1.11 acres of restored native GLFER areas resulting from the proposed actions. Consequently, factors relevant to the public interest including conservation, economic development, historic properties, cultural resources, environmental impacts, water quality, flood hazards, residual risk, and induced damages, etc. are not changed by the alteration. All of these public interest factors were evaluated under NEPA and documented in the original project's environmental assessment (EA) during the pre-authorization phase of the project, and remain unchanged by the proposed alteration.

USEFULNESS OF THE PROJECT

It has been determined that the proposed alteration would have no deleterious impact on the usefulness of the Jackson Park GLFER project. To the contrary, the design of the proposed alteration will improve usefulness of the GLFER project by increasing natural area acreage as well as improving park accessibility through pathway connections to the Obama Presidential Center.

ENVIRONMENTAL COMPLIANCE

An evaluation of environmental compliance has been initiated to support the issuance of permission under Section 408. An initial review of the documentation provided by the applicant, CPD, and the final integrated EA for the Jackson Park 506 project has been completed. The report and FONSI can be found at the following url:

<https://www.lrc.usace.army.mil/Portals/36/docs/projects/Jackson%20Park/Jackson%20Park%20Report%20EA%20FONSI..pdf>. . USACE is also aware of ongoing

coordination associated with the EA for Federal Actions In and Adjacent to Jackson Park. A preliminary determination has been made that the applicant's request will not have a significant effect on the human or natural environment within the footprint of the Section 506 project. Therefore, the EA supports a Finding of No Significant Impact, and a decision has been made that an Environmental Impact Statement (EIS) is not required. Upon completion of the public notice period, consideration will be given to comments received.

ENVIRONMENTAL IMPACT STATEMENT

A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

SUMMARY

It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the Chicago District Corps of Engineers, Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so in writing no later **15 May 2020**. It is presumed that all parties receiving this notice will wish to

respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

If you have any questions, please contact Ms. Natalie Mills, Section 408 Program Manager, by telephone at 312-846-5561 or via email at ChicagoDistrict.PAO@usace.army.mil. **It should be noted that ALL comments received by this office (via hard copy or electronic) will only be accepted with the full name and address of the individual commenting.**

FOR THE DISTRICT COMMANDER:

ORIGINAL SIGNED

A handwritten signature in cursive script that reads "Susanne J. Davis".

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

Jackson Park GLFER Project Impacts

0 500 1,000 2,000 Feet



Pave crushed stone paths with concrete

Relocate utilities

Covert Cornell Dr. to greenspace

Widen 59th Street Inlet Bridge

Improve LSD, Hayes, & intersections to accommodate diverted traffic

Proposed pedestrian underpass

Mitigation planting area

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