

From: Johnson, Ryan A CIV USARMY CELRC (USA) <Ryan.A.Johnson@usace.army.mil>
Sent: Friday, June 14, 2024 11:51 AM
Subject: ● Section 519 Fox River Connectivity & Habitat Study Updates

Municipal Stakeholders

I am writing to provide an update on the status of the Section 519 Fox River Connectivity and Habitat Study. As you know, the Corps conducted a 60-day public and agency review period last fall for the draft Project Implementation Report & Integrated Environmental Assessment. We received over 1,000 public comments as well as comments from several state and federal resource agencies. Since that time the Corps has been coordinating with resource agencies and has been working to address public comments.

In light of ongoing coordination, the Corps has decided to adapt its approach to National Environmental Policy Act (NEPA) compliance by transitioning to what is called a “programmatic” environmental assessment (EA) during the feasibility phase of this study. A programmatic EA allows federal agencies to conduct a broad or holistic evaluation of project impacts; and it allows for subsequent environmental analysis to address specific issues and effects not fully addressed in the broader programmatic EA as project development continues.

We believe utilizing a programmatic EA during the planning phase followed by additional environmental analysis during the design phase is a preferred approach because it will increase transparency, better respond to comments received to date, and create additional opportunities for information sharing and feedback. We anticipate conducting an additional public and agency review period later this summer that will reflect this procedural change and clearly outline which effects and decisions are covered in the programmatic EA and which effects and decisions will be analyzed in greater depth as new information becomes available. Inherent to the programmatic EA approach is a binding commitment to complete additional environmental analysis under NEPA, including additional public and agency review, for individual projects during the next phase of the project. This means that upon completion of the feasibility phase, the Corps would seek to enter into design agreements with dam owners and/or the IL Department of Natural Resources.

The design phase would include development of detailed plans & specifications for construction, additional and/or refined hydrological modeling (including sediment transport), additional sediment sampling and analysis, mitigation of any contaminated sediment if applicable (as required by Corps policy and in coordination with the IL Environmental Protection Agency for Section 401 Water Quality Certification), and additional coordination with the IL State Historic Preservation Office. All of this additional analysis will be documented in what is referred to as a tiered NEPA document (or “supplemental EA”). Only after completion of the design phase would the Corps seek to enter into binding project partnership agreements (PPAs) with the dam owners to move forward with implementation.

Individual dam owners will still be required to provide a non-binding letter of intent (LOI) during the feasibility phase if they wish to remain in the study and proceed to the design phase. The state plans to provide that letter of intent for all state-owned dams (except for the Algonquin dam). The Corps is working on a template for the LOI and will be reaching out to municipal dam owners in the near future.

Please reach out if you have questions regarding the path forward.

Respectfully,

Ryan Johnson
Biologist
US Army Corps of Engineers, Chicago District
231 S LaSalle St. Suite 1500
Chicago, IL 60604
312-846-5559 (office)
312-718-2856 (cell)