



North Branch
Chicago River

WATERSHED
PROJECT

March 21, 2005

U.S. Army Corps of Engineers
Chicago District, Regulatory Branch
Attn: 200400880, Mr. Steven Gagnon
111 North Canal Street, 6th floor
Chicago, Illinois 60606-7206

RE: Joint Public Notice # 200400880

Dear Mr. Gagnon,

These comments are in response to the Joint Public Notice # 200400880 issued in relation to a permit application by Craig Silverman of Field Partners, LLC to develop a 40-acre property north of Football Drive and east of I-94 in Lake Forest, Illinois. This proposed development would accommodate a Costco Wholesale Store and Fueling Station on approximately 15 acres of the site. The City of Lake Forest will own the northern portion of the 40-acre site, although its developed use has not been finalized. The entire proposed development site is located in the Middle Fork subwatershed of the North Branch Chicago River watershed. The North Branch Chicago River watershed is a 95 square mile area covering parts of Lake and Cook Counties and 24 municipalities in northeastern Illinois.

The following comments on the proposed development are based on recommendations made in: 1.) the *North Branch Chicago River Watershed Assessment and Management Plan* action plan adopted by Lake County in 2000 (adoption ordinance attached), and 2.) the draft *North Branch Chicago River Open Space Plan*, which is currently under final review.

Both of these watershed-based plans were developed under the guidance and direction of the North Branch Watershed Project Partnership, which is a voluntary, collaborative watershed-based committee involving non-profit organizations, municipal, county state and federal agencies, corporate and private landowners, drainage districts and local residents. Lake County Stormwater Management Commission and Friends of Chicago River provide staff support for the North Branch Watershed Project and partnership committee.

The North Branch Partnership was formed in 1996 with financial assistance from the IEPA 319 program to develop a multi-objective watershed management plan for the

North Branch Chicago River. More than 300 people participated in the plan development process. Since the plan's development, the partnership committee continues to meet bi-monthly to coordinate implementation of the watershed plan. In 2002 the North Branch partnership began developing an open space plan for the watershed to: identify high priority areas for protection; meet the watershed plan open space goals; and to identify parcels that may have high value as opportunity sites for best management practice in-the-ground projects. More than 50 people, representing park, forest preserve and drainage districts, non-profit conservation organizations, municipalities, and county, state and federal levels of government, have participated in the development of the open space plan. The final draft of the open space plan is currently under review and it is anticipated that final revisions will be completed by April 2005.

The 40-acre site proposed for development is cited in several recommendations in the both the watershed and open space plans. (The relevant sections/recommendations from the plans are attached to these comments for your reference.) **Issuance of a wetland fill permit for development of the 40-acre site conflicts with recommendations in both the North Branch watershed plan and the open space plan** in the following ways:

NORTH BRANCH WATERSHED PLAN

1. The 40-acre site is identified as a portion of a larger wetland complex that includes ten ADID wetlands, and is one of the four areas recommended for conservation in Lake County. **Specifically, expansion of Middlefork Savanna to include this site is advised on page 83 of the plan report** (see attached page 83).
2. **The 40-acre site is identified as a potential open space protection site, OS-17, on Figure No. 5-4** (see attached page 327), and is site-specific action recommendation No. 180 worded as follows: *"Permanent protection for ADID wetland #128 a high quality plant community that is part of a wetland complex including ADID sites #128-135 and 145 including Middlefork Savanna. Approximately half of this parcel is identified as an open space priority in Libertyville Township Open Space Plan. Determine feasibility of adding to Middlefork Savanna or Libertyville Township Open Space."* (see attached page 355 of the action plan)
3. **The proposed development will result in a net loss of wetland in the watershed, which directly conflicts with action recommendation No. 54 in the programmatic action plan for the watershed.** *"Adopt a policy of no-net-loss of wetlands with this watershed plan and incorporate this policy in all municipal and county land use plans and regulatory programs."* (See attached page 306.) The Lake County Board adopted the no-net-loss of wetlands policy with the watershed plan in September of 2000.

In addition to the specific referenced conflicts above, **issuance of the proposed Section 404 wetlands fill permit for the development as it is designed also contradicts the**

goal of the North Branch watershed plan to improve water quality for the following reasons:

- 1.) Almost the entire site area for the Costco is designed to be pavement and other impervious cover. The negative effects of impervious cover on water quality and stream quality have been well-documented in research by the Center for Watershed Protection (*Impacts of Impervious Cover on Aquatic Systems*) and others. While best management practices can mitigate some of these negative effects, **the imperviousness of the project design is not offset by the proposed treatment practices.**
- 2.) **There is also insufficient mitigation proposed to offset the hydrocarbon and trace metal pollutants associated with the areas proposed to fuel and service vehicles.** These areas referred to as pollutant hotspots include gas stations, vehicle maintenance areas and convenience stores where higher levels of hydrocarbons and metals have been found in both the water column and trapped sediments from these sites (“Hydrocarbon Hotspots in the Urban Landscape: Can They Be Controlled?” *The Practice of Watershed Protection Article 2*, Center for Watershed Protection).

The proposed design and use of this site, which includes wetland fill, does not adequately address cumulative water quality impacts on Middlefork Savanna Nature Preserve or the Middle Fork of the North Branch Chicago River, which is currently classified as a 303D listed impaired water that does not support designated uses. The proposed development will cause further impairment to the Middle Fork waters.

NORTH BRANCH OPEN SPACE PLAN (DRAFT)

The 40-acre site is referenced in the Chapter 4 Action Plan within Planning Area 4, which includes the North Branch Villages of Green Oaks & Mettawa (site was formerly located in Mettawa). The Planning Area recommendations reflect the prioritization of open space parcels and specific recommendations for priority parcels based on the plan goals of reducing flood damage, improving water quality, protecting/enhancing high quality natural areas and improving habitat, and providing recreation and education opportunities. (See attached Planning Area 4 maps & recommendations.)

The 40-acre site is identified as being:

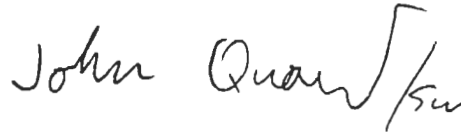
1. Medium priority for reducing flood damage – **action recommendation No. 4-2-B recommends preserving and restoring drained and dredged wetlands on the site;**
2. **High priority for improving water quality;**
3. Medium priority for protecting high quality natural areas as open space and to improve habitat – **action recommendation No. 4-4, 5-A recommends preserving the northern half of the site and adding it to Middlefork Savanna as a remnant landscape; and**
4. A link in the greenway and trail for the watershed – **action recommendation No. 4-6-B recommends that the parcel be used to provide a loop trail to access Middlefork Savanna.**

In closing these remarks, **development impacts on the Waters of the U.S. and Lake County Waters that result from the issuance of this permit should be considered for the entire 40-acre site rather than only reviewing the impacts on the 14.95 acre Costco site.** Wetlands on this site are part of the greater wetland complex in this area and need to be considered as part of the whole – not individually as suggested by this permit application. Thanks for your consideration of these comments.

Sincerely,



Patricia Werner, AICP, CFM
Watershed Planner,
Lake County Stormwater
Management Commission



John Quail
Manager of Watershed Projects
Friends of Chicago River

Copy: Joe Hmieleski, Lake County Stormwater Management Commission
Mike Murphy, US Army Corps of Engineers