



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

Office of Water Resources • 2050 West Stearns Road • Bartlett, Illinois 60103

January 10, 2014

SUBJECT: Permit No. NE2014005
Horner Park Streambank Restoration Project
North Branch of the Chicago River
Cook County, Application No. 2013110

Michael P. Kelly
Chicago Park District
541 North Fairbanks
Chicago, Illinois 60611

Dear Mr. Kelly:

Enclosed is Illinois Department of Natural Resources, Office of Water Resources Permit No. NE2014005 authorizing the subject project. This permit does not supersede any other federal, state or local authorizations that may be required for the project. Upon receipt and review of this permit and all conditions included therein, please properly execute and return the attached acceptance slip within sixty (60) days from the date of this permit.

If any changes of the permitted work are found necessary, revised plans should be submitted promptly to this office for review and approval. Also, this permit expires on the date indicated in Condition (13). If unable to complete the work by that date, the permittee may make a written request for a time extension.

Please contact me or Jeannette Schiller of my staff at 847/608-3100, ext. 32025 if you have any questions.

Sincerely,

Gary W. Jereb, P.E., Chief
Northeastern Illinois Regulatory Programs Section

GJ/JS:crw
Enclosure

cc: Joseph J. Schmidt, Chicago District, U.S. Army Corps of Engineers
Chicago Dept. of Transportation
Chicago Dept. of Public Health
Chicago Alderwoman Deb Mell (33rd Ward)
Chicago Alderman Ameya Pawar (47th Ward)



PERMIT NO. NE2014005
DATE: January 10, 2014

State of Illinois
Department of Natural Resources, Office of Water Resources

Permission is hereby granted to:

Chicago Park District
541 North Fairbanks
Chicago, Illinois 60611

to construct a streambank restoration project at Horner Park on the North Branch of the Chicago River in the Southeast Quarter of Section 13, Township 40 North, Range 13 East of the Third Principal Meridian in Cook County,

in accordance with an application dated June 6, 2013, and the plans and specifications entitled:

HORNER PARK SECTION 206, AQUATIC ECOSYSTEM RESTORATION, COOK COUNTY, CHICAGO, ILLINOIS, SHEETS 1 TO 4 AND 6 TO 11 OF 16, DATED AUGUST 2013, SHEETS 12 TO 16 OF 16, DATED SEPTEMBER 2013, ALL SHEETS RECEIVED SEPTEMBER 26, 2013.

Examined and Recommended:

Approval Recommended:

Gary W. Jereb, Chief
Northeastern IL Regulatory
Programs Section

Arlan R. Juhl, Director
Office of Water Resources

Approved:

Marc Miller, Director
Department of Natural Resources

THIS PERMIT IS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) This permit is granted in accordance with the Rivers, Lakes and Streams Act "615 ILCS 5."
- 2) This permit does not convey title to the permittee or recognize title of the permittee to any submerged or other lands, and furthermore, does not convey, lease or provide any right or rights of occupancy or use of the public or private property on which the activity or any part thereof will be located, or otherwise grant to the permittee any right or interest in or to the property, whether the property is owned or possessed by the State of Illinois or by any private or public party or parties.
- 3) This permit does not release the permittee from liability for damage to persons or property resulting from the work covered by this permit, and does not authorize any injury to private property or invasion of private rights.
- 4) This permit does not relieve the permittee of the responsibility to obtain other federal, state or local authorizations required for the construction of the permitted activity; and if the permittee is required by law to obtain approvals from any federal or state agency to do the work, this permit is not effective until the federal and state approvals are obtained.
- 5) The permittee shall, at the permittee's own expense, remove all temporary piling, cofferdams, false work, and material incidental to the construction of the project. If the permittee fails to remove such structures or materials, the Department may have removal made at the expense of the permittee.
- 6) In public waters, if future need for public navigation or other public interest by the state or federal government necessitates changes in any part of the structure or structures, such changes shall be made by and at the expense of the permittee or the permittee's successors as required by the Department or other properly constituted agency, within sixty (60) days from receipt of written notice of the necessity from the Department or other agency, unless a longer period of time is specifically authorized.
- 7) The execution and details of the work authorized shall be subject to the review and approval of the Department. Department personnel shall have the right of access to accomplish this purpose.
- 8) Starting work on the activity authorized will be considered full acceptance by the permittee of the terms and conditions of the permit.
- 9) The Department in issuing this permit has relied upon the statements and representations made by the permittee; if any substantive statement or representation made by the permittee is found to be false, this permit will be revoked; and when revoked, all rights of the permittee under the permit are voided.
- 10) In public waters, the permittee and the permittee's successors shall make no claim whatsoever to any interest in any accretions caused by the activity.
- 11) In issuing this permit, the Department does not ensure the adequacy of the design or structural strength of the structure or improvement.
- 12) Noncompliance with the conditions of this permit will be considered grounds for revocation.
- 13) If the construction activity permitted is not completed on or before December 31, 2017 this permit shall cease and be null and void.

THIS PERMIT IS SUBJECT TO THE FOLLOWING ATTACHED SPECIAL CONDITIONS:

**Special Conditions for Permit No. NE2014005
Chicago Park District
Horner Park Streambank Restoration Project**

**Special Conditions for Permit No. NE2014005
Chicago Park District
Horner Park Streambank Restoration Project**

- a. **Herbicide application must be applied directly to unwanted individual plants by state licensed professionals only using backpack or hand held sprayers to avoid exposure to the surrounding environment and Public Water.**
- b. **All planned removal of trees and other vegetation associated with the project must be undertaken during the dormant season, with no removal activity between May 1 and July 15 of any year.**
- c. **Due to the known presence of Black Crowned Night Heron in the project reach, and the documented potential for heron nesting and breeding activities in the project reach, additional measures are required. In addition to preserving all native species vegetation in the two areas of restoration preservation marked Area A and Area B on submitted exhibits, special care must be taken to preserve, and not disturb, three (3) trees located within and adjacent to restoration preservation Area B at coordinates (Northing: 1927593.863, Easting: 1157992.563), (Northing: 1927763.315, Easting: 1157963.505), and (Northing: 1927780.858, Easting: 1157979.500) containing potential nesting sites of the Black Crowned Night Heron. Unless otherwise approved by IDNR personnel, a minimum buffer zone of 25 feet from the base of these trees must remain undisturbed during project construction to preserve the existing habitat at these tree locations. It is also recommended that artificial nesting structures be installed adjacent to the restoration protection areas to provide additional opportunities for herons to use the area post restoration.**
- d. **To replace existing understory that provides shelter for activity of waterfowl or other wildlife, a minimum of 1500 square feet of vegetation overhang of the water at normal water levels must be provided by the project at vegetation maturity, in addition to restoration protection Areas "A" and "B".**
- e. **IDNR personnel shall be granted access to the project site to monitor ongoing project construction activities and to monitor the project site for potential nesting or breeding activities of the Black Crowned Night Heron during the duration of the project activities.**
- f. **For the duration of project construction activities and necessary post-construction maintenance activities required by the project contract, the Project Manager for the authorized work must provide Chicago Alderman Pawar's office (47th Ward), and Chicago Alderwoman Mell's office (33rd Ward), regular project activity updates and anticipated schedules to alert locals of on-going and pending construction activities, including the anticipated dates of the herbicide applications and the compounds to be used in those applications.**
- g. **Excess material excavated during construction of the project herein authorized shall not be placed in a floodway.**
- h. **All earthwork must be performed with land-based equipment.**
- i. **The Park District shall consistently uphold the provisions of the 2006 Horner Park Baseball Field Lighting Agreement to minimize lighting impacts to wildlife using the project area, and to the surrounding neighborhood and to further reduce the spread of light generated by the operation of the park.**

PERMIT ACCEPTANCE

This Acceptance must be signed and returned to the address below to validate this permit. See Condition No. 8.

**ILLINOIS DEPARTMENT OF NATURAL RESOURCES
OFFICE OF WATER RESOURCES
2050 WEST STEARNS ROAD
BARTLETT, ILLINOIS 60103**

The undersigned permittee, personally, or if a corporation by its duly authorized officers, hereby accepts the permit bearing the above permit number subject to all conditions named therein, on this _____ day of _____, 20__.

By _____

By _____

If a corporation
affix seal here.