

Responses to Harbour Point Estates Redevelopment Questions from 12/5/07 Meeting

Attendees Included: Chicago Department of Environment, Chicago Department of Planning and Development, Alderman John Pope, Illinois Department of Natural Resources, Illinois Nature Preserves Commission, US Army Corps of Engineers, and the Developer's Team. US Fish and Wildlife Service relayed comments prior to the meeting.

Questions: Questions were submitted by Southeast Environmental Task Force in cooperation with various residents. Responses provided have been collaboratively written by the organizations listed above.

Question 1

The development site affects lands designated in the City of Chicago Calumet Open Space Reserve Plan as "connector lands" between Wolf Lake and Powderhorn Lake. Has consideration been given to the impact of 950 units of housing on these wetlands? If so, what is the City's current evaluation of the probable effect of the proposed housing development on the connector and wetland functions of these lands?

Response: The connector land is being maintained. Overall, 40% of the entire site is being preserved as open space. There are three wetlands on site. These include:

- North Preserve – this is being preserved in its entirety. This wetland is regulated by the US Army Corps of Engineers as a jurisdictional wetland. Since no impacts will occur, an Army Corps permit is not required.
- Southwest Preserve (134th Street wetland) – 65% of this will be preserved.*
- Southeast Preserve – 65% of this will be preserved.*

*Preservation of the Southwest and Southeast Preserves is entirely optional on the part of the developer. This is due to the fact that the federal government (including US Army Corps of Engineers and US Fish and Wildlife Service) do not have jurisdiction over them because they are isolated wetlands. The developer recognized that despite this fact, these wetlands deserve protection.

Chicago Department of Environment and Chicago Department of Planning and Development believe the development will be protective of the open space, and that the developer has worked to ensure protection of more open space than required in accordance with the Open Space Reserve.

Question 2

This "bridge" of land between Powderhorn and Wolf Lake is recognized in numerous plans as a remnant wetland ecosystem with numerous bird, plant and animal species, some of them rare. Yet so far as we know, there have been no meaningful surveys done of the wildlife on the site. Can studies be performed to shed some light on the possible impacts of this development on the area's wildlife?

Response: The Illinois Department of Natural Resources (IDNR) maintains documented statewide protected resource information via the Statewide Natural Heritage Database. The Natural Heritage Database identifies no records of listed species or other State protected resources within the project footprint. However, the project developer has agreed to conduct site reconnaissance conducted by qualified personnel in advance of construction to determine if listed plant species can be identified and translocated to more protected habitat areas. IDNR will assist with these efforts. The State threatened Blanding's Turtle is known to exist in the vicinity of the southeast corner of the project site. A spring 2008 survey of likely Blanding's habitat is anticipated. Regardless of whether or not the survey determines the present existence of Blanding's Turtle, the developer is prepared to design the Southeast Preserve to provide suitable and appropriate amphibian and reptile habitat, emphasizing Blanding's Turtle. IDNR accepts both resource conservation and management approaches.

Question 3

The entire area is full of ground and surface water, such that a small rainstorm brings ground water quickly to the surface, while springtime rains cause open surface flows throughout the area. Yet very little is known about the area's hydrological functioning (the wetland delineation study by V3 notwithstanding). Can hydrological studies be performed to better understand the development's potential impact on water flows into the Wolf Lake and Powderhorn areas?

Response: In planning this project, the developer reviewed four detailed hydrologic studies of the Wolf Lake area. The most technically accurate of these studies was submitted to the Illinois Department of Natural Resources and the Federal Emergency Management Agency, at which point it was reviewed and accepted by both agencies. The Illinois Department of Natural Resources recently re-reviewed all four of the past hydrologic studies and again concurred that the submitted study provided the best information for the area and that additional hydrologic studies are not needed.

Question 4

The development plan shows the 134th Street Marsh designated as "preserve". The marsh has a stable water level, even in a prolonged drought, indicating an underground source of water. In the developer's plan, will that source be preserved?

Response: Yes, the source will be preserved.

Question 5

It is apparent in the developer's plan that the 134th Street Marsh will be altered and reduced in size. In percentage terms, how much will be salvaged?

Response: See response to Question 1.

Question 6

The developer classifies the 134th Street Marsh and other connecting corridors on the site as "preserve". What does that mean? Will these areas undergo an authentic naturalization that restores native ecological functions and contributes to the Open Space Reserve (e.g., Hegewisch Marsh restoration)?

Response: The term "Preserve" is general at this time. All parties, including US Army Corps of Engineers, Illinois Department of Natural Resources, Illinois Nature Preserves Commission, US Fish and Wildlife Service, Chicago Department of Environment, Chicago Department of Planning and Development, and the developer agreed to work together to design the Preserve areas to ensure they provide as much ecological function and habitat benefit as possible.

Question 7

How can the City and the community be certain of the developer's commitment to ecological restoration? Will the developer accept a binding agreement? Can language be put into the TIF agreement or other binding agreement?

Response: The development plans for the open spaces will become part of the Zoning Planned Development ordinance, upon approval by the Chicago Plan Commission and City Council. The developer, or its successors, are responsible for the buildout of the entire development, including all of the open spaces.

Question 8

Local residents are very disturbed at the number of trees that have been cut down around the edges of the 134th Street Marsh. Large areas have been cleared on the east, south and west sides of the marsh. How much more land, if any, is to be cleared around the borders of the 134th Street marsh?

Response: Tree removal in that area is complete.

Question 9

Is the soil to be stored in all of these areas? If not, why are all these areas being cleared now? Exactly where is the soil to be stored?

Response: This question was outside the expertise of the group arranged, which was focused on wetlands. The developer did state that the soils are being reviewed by environmental engineers to ensure environmental standards are met, and that the first phase of stockpile will be south of 134th Street but outside of the low area (wet area). If there are specific questions regarding soils compliance, please contact the developer.

Question 10

What is the technical definition of "clean soil"? Is it really just Block 37 clay? If so, then where will materials taken from the trailer court be disposed of? Is it possible that they will become part of the soil being stored on site south of 134th?

Response: See Question 9.

Question 11

How many trees do the City's landscaping guidelines require the developer to plant during the first stage of the development?

Response: The developer will be required to meet the Calumet Design Guidelines specifications for all landscape materials including trees. Each development phase will have its own landscape plan subject to approval by the City. The first development phase will be 3 to 4 years.

Question 12

Is the development team aware that the Forest Preserve District of Cook County (FPDCC) has the 134th Street Marsh on their current list of lands they want to acquire? Do the developers know that the FPDCC has the right to do a condemnation and taking of such lands (in fact is already doing so in Tinley Park)?

Response: According to the Department of Planning and Development, multiple meetings and conversations have been held with the Forest Preserve District of Cook County about this land. At this time, they have not expressed interest or formally committed to taking these lands for long-term management.

Question 13

The boundaries of the 134th Street Marsh are being encroached on and altered before it can be known whether the development will succeed or fail. If it fails, what can be done at that point to rehabilitate the damaged marsh? Who might be responsible?

Response: If it fails, there is no legal requirement to restore the area.

Overall Conclusions

- The federal government only has jurisdiction over the North Preserve, and since it is not being impacted, a permit from the US Army Corps of Engineers is not required.
- All agencies are looking forward to working to develop detailed plans for the three Preserve spaces over time.
- All agencies believe that long-term management of the three open spaces is best suited for public land management agencies such as Illinois Department of Natural Resources, Chicago Park District or Forest Preserve District of Cook County. None of these entities have formally committed to long-term management at this point, but the developer and all agencies will try to find an entity to fill this role. This will require that an agency assume various commitments, including staff time, funding, etc – as well as community support - so patience in developing such an agreement is appreciated.
- All agencies requested to receive regular updates from the developer to remain informed of progress; the developer agreed to this.

For More Information

The developer created a website for residents and other interested parties to provide information as the project progresses. The information will be updated regularly. The website is <http://134thstreet.com>

Any further questions about the project should be directed to the developer's website or to Alderman John Pope's office at 773-721-1999.