



Illinois Department of Natural Resources

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www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Acting Director

August 30, 2016

Joseph Keller, Executive Director
Fox Waterway Agency
45 S. Pistakee Rd.
Fox lake, IL 60020

Fox Waterway Agency, Maintenance Dredging and Debris Removal
Project Number(s): 1700361 [N20160036]
County: Lake, McHenry

Dear Mr. Keller:

This letter is in reference to the application to renew the 10-year Mechanical Maintenance Dredging and Debris Removal permit for the Fox River between Algonquin Dam and the Wisconsin State Line. The Department has reviewed the information and makes the following recommendations:

Given the uniqueness of the regional ecosystem, the Fox River Chain O Lakes contains numerous state-listed aquatic and semi-aquatic plant and animal species. This makes a thorough review of potential adverse impacts difficult given the broad scope of the permit request. The Department recommends consultation be initiated on individual dredging projects via our online EcoCAT system (<http://dnr.illinois.gov/EcoPublic/>). The Department looks forward to further coordination with the Fox Waterway Agency's projects via this method. For your convenience, I have also included a link to our Adm. Rule Part 1075 regarding consultation requirements and exemptions (below). Please contact me if you have any questions regarding Adm. Rule Part 1075 or EcoCAT (<http://www.dnr.illinois.gov/adrules/documents/17-1075.pdf>). Please contact me if you have any questions concerning the consultation process.

During the permit review and discussions, it became apparent that "taking" [see definition at 520 ILCS10/2] of state-listed endangered Blanding's turtles (*Emydoidea blandingii*) may occur at sediment disposal sites and potentially during dredging operations in some locations. Sediment disposal sites may also be attractive nesting sites for this species. The Department recommends you apply for Incidental Take Authorization (ITA) for this species. A link is provided below to help you with the process. Please contact Jenny Skufca with our Office of Resource Conservation (jenny.skufca@illinois.gov) for all matters pertaining to ITA. <http://www.dnr.illinois.gov/conservation/NaturalHeritage/Pages/ApplyingforanIncidentalTakeAuthorization.aspx>

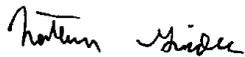
Provided the Fox Waterway Agency engages in further consultation on individual dredging projects, the Division of Ecosystems and Environment has no objection to issuance of the Office of Water Resources (OWR) and Army Corps of Engineers dredging permits. Consultation with this office per Adm. Rule Part 1075 for individual dredging sites is being recommended for inclusion as a special condition in the OWR permit.

The project was also reviewed for cultural resource impacts and was determined to be in compliance with the *Illinois State Agency Historic Resources Preservation Act*.

Consultation under 17 Ill. Adm. Code Part 1075 for issuance of the 10-year dredging permit is complete. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that completion of consultation does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.



Nathan Grider
Division of Ecosystems and Environment
217-524-0501

cc: IDNR – Heather McGowan
USACE – Melyssa Navis
USFWS – Shawn Cirton
IDNR – Brad Semel
IDNR – Fisheries
IDNR – Jenny Skufca