



DATE: October 31, 2022

MEMO TO: Terry Wilke, Chair
Planning Committee

FROM: Pati Vitt
Director of Natural Resources

FOR INFORMATION ONLY: Lake County Forest Preserve District (District) staff intends to send a follow up Letter of Intent to the US Army Corps of Engineers (ACOE) (i) reiterating the District's support for the Raven Glen restoration project (Raven Glen Project) and (ii) stating the District's intent to fund the local share (estimated to be \$228,846) of the Preconstruction, Engineering & Design (PED) costs for the Raven Glen Project.

STRATEGIC DIRECTIONS SUPPORTED: Conservation; Leadership; Organizational Sustainability

FINANCIAL DATA: Currently, the ACOE has funding to complete the PED phase of the Raven Glen Project (which is designated by ACOE as "The Pollack Lake and Hastings Creek Riparian Wetlands in Lake County, Illinois"). The estimated PED costs for the Raven Glen Project are \$653,846 and, if a PED agreement with ACOE is approved, the District would be responsible for its local share equal to 35% of the costs (estimated to be \$228,846). The local share would be funded from (i) excess funds for the Ethel's Woods Habitat Restoration Project in the amount of \$179,682 and (ii) the Habitat Restoration Fund, account number 11104100-803200-60004 in the amount of \$49,164.

It is anticipated that participating in the PED phase of the Raven Glen Project will provide access to additional federal funding for the implementation of all three District Projects (defined below). The total cost of all three District Projects is estimated at \$10,229,000 with the federal share being \$7,068,000 and the local share being \$3,161,000. For implementation, the local share may be funded by the value of lands, easements, rights-of-way, relocations, and disposal/borrow areas contributed by the District - these are called "LERRD" values by ACOE). District staff believes that the District's LERRD values for the three District Projects are at least \$3,161,000 (\$7,368/acre covering 429 acres), but this has not been finally determined.

BACKGROUND: On January 17, 2014 the District executed a Letter of Intent with the ACOE indicating interest in entering into cost-sharing agreements for six habitat restoration projects that are part of the ACOE's proposed Upper Des Plaines River Phase II Project. Recently, the ACOE notified the District that it has funding to pursue the PED for the Raven Glen Project. The ACOE will pursue a project only if an affected local agency demonstrates its interest in pursuing the project by sending a letter of intent. The current letter of intent (see attached) reiterates the District's interest and support and focuses specifically on the Raven Glen Project.

As further background, in 2013 the ACOE prepared the Upper Des Plaines River Phase II Feasibility Plan (the "Phase II Plan") to address flooding and water quality issues in Lake County and surrounding counties. The Phase II Plan was authorized by Section 419 of the Water Resources Development Act of 1999 (P.L. 106-53). The Phase II Study provides an opportunity to develop a more comprehensive solution to address ongoing occurrences of flooding in the Upper Des Plaines River watershed and the degraded

watershed ecosystem. The Phase II Study authorization directs the Secretary of the Army to evaluate plans to manage flood risk and address environmental restoration and protection on both the main stem of and the tributaries to the Des Plaines River. Additionally, the Phase II Study authorization includes water quality, recreation, and related purposes.

The Phase II Plan proposes several projects to address flooding and water quality issues, including the following projects (District Projects) that would require the use of District land and have ecological restoration benefits for the District, including water retention and native species habitat restoration, which are described in more detail in the Phase II Plan:

- Red Wing Slough and Deer Lake Wetland Complex (*Prairie Stream Forest Preserve*)
- Pollack Lake and Hastings Creek Riparian Wetlands (*Raven Glen Forest Preserve*) (this is the subject of the current letter of intent)
- Gurnee Woods Riparian Wetlands (*Sedge Meadow Forest Preserve*)

Consistent with the 2014 Letter of Intent, District staff (i) believes that the Raven Glen Restoration Project would be of substantial benefit to the District's long-term restoration goals, (ii) intends to send a follow up Letter of Intent to the ACOE stating the District's intent to fund the local share of the PED costs for the Raven Glen Project, (iii) recommends moving forward to the PED stage of the Raven Glen Project, and (iv) intends to present the PED Agreement for the Raven Glen Project to the Board of Commissioners upon receipt from the ACOE. .

Currently, the District has completed a wetland restoration concept plan for a portion of Raven Glen Forest Preserve that would be used as a beginning planning point to lessen PED costs. The plan focuses on the rehabilitation of drained wetland acres, converting Hastings Creek to a stepped prairie stream corridor and restoring adjacent uplands.

The final design, preparation of contract plans and specifications, permitting, project contracting and construction, and any other activities required to construct or implement the approved project will be completed during the implementation phase. Near the beginning of the implementation phase, the ACOE and the District would sign a Project Partnership Agreement (PPA). Implementation costs for the Raven Glen Project will be shared as specified in the authorizing legislation for that section.

The attached letter of intent does not financially commit the District to pursue the project beyond the PED phase. By working with the ACOE, the District could complete the PED phase of this project for an estimated cost of \$228,846. At the time that the PPA is approved and signed, the District would be obligated to pay its local share for the implementation of the Raven Glen Project. The ACOE currently does not have an estimate for the District's total local share, because the funding mechanism they are proposing arises from new federal budget legislation and the proportion of the local share, if any, has not yet been calculated. If, before the PPA is approved, it appears that LERRD credits will not cover the District's local share, the District could elect not to approve the PPA and, in that case, the Raven Glen Project will not proceed.

In addition to leveraging its local share with substantial federal dollars to restore habitats, by moving forward with the Raven Glen Project, the District will continue its tradition of regional and national leadership by encouraging the ACOE to seek "green infrastructure" solutions to flooding and water quality issues that are more environmentally and fiscally responsible than traditional "gray infrastructure" solutions.

REVIEW BY OTHERS: Executive Director, Chief Operations Officer, Director of Finance, Corporate Counsel.