



Illinois Department of Natural Resources

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

Pat Quinn, Governor
Marc Miller, Director

April 12, 2010

Ms. Kristine Donarski, Zoning Officer
Bureau County
700 South Main St.
Princeton, IL 61356

RE: **Walnut Ridge Wind LLC, Walnut, Bureau County**
Endangered Species Consultation Program
EcoCAT Database Review #0905203

Dear Ms. Donarski:

Events have produced additional information which alters the outcome of consultation regarding the Walnut Ridge LLC for this project, pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

On October 30, 2009, the Secretary of State published new final Administrative Rules at Title 17 Part 1010, *Endangered and Threatened Fauna*. Among the revisions, the Board de-listed the **Henslow's Sparrow**, *Ammodramus henslowii*, previously relevant to this project, and listed the **Ornate Box Turtle**, *Terrapene ornata*, as threatened.

The Ornate Box Turtle is a terrestrial turtle which is not dependent on access to water or wetlands. It hibernates underground in deep friable soils and is generally active only between May and September. It is long-lived but has a relatively small home territory, often less than ten acres. An adult Ornate Box Turtle is six inches long or less. This species prefers open grasslands, but is often encountered in tilled fields.

The Ornate Box Turtle has been documented in central Bureau County near the Hennepin Canal, but at this time the Department has relatively few recent records, but many of those are from Lee County in areas which are in the near vicinity of the Walnut Ridge Wind Farm. (The species is documented at the Ryan Wetland and Sand Prairie Land & Water Reserve, the Maytown Pheasant Habitat Area, and preferred habitat is present at Green River SFWA, McCune Sand Prairie LWR, Mineral Marsh Nature Preserve, and the Sand Prairie State Natural Area.) It is likely that the lands encompassed by the project contain many suitable habitat areas for the Ornate Box Turtle.

Meanwhile, the Department had requested pre- and post-construction evaluations of habitat use by the **American Golden Plover**, *Pluvialis dominica*, a non-listed migratory bird. Assessments elsewhere in Bureau County have not produced any observations of this species, but studies in eastern Illinois and western Indiana are producing useful data pertaining to the Plover, which appear to demonstrate that the species is unlikely to collide with wind turbines, but is definitely displaced by wind turbines to a distance of 400 meters or more. The acquisition of this data has rendered a similar study at Walnut Ridge less crucial.

Recommendation #1. The Department recommends Walnut Ridge devote its resources to a biological survey of the listed Ornate Box Turtle within its boundaries, instead of expending them on further study of the non-listed American Golden Plover. This change has been discussed with Walnut Ridge LLC; with your consent, Walnut Ridge is prepared to re-focus its survey effort.

The discovery of the Ornate Box Turtle within the project limits will necessitate further action on the part of Walnut Ridge LLC. Given the projected schedule for construction, it is essential to complete this assessment as soon as possible. Unfortunately, it is fruitless to search for this animal until after it emerges from hibernation. However, given temperatures this spring, Ornate Box Turtles may be emerging in late April.

A helpful method to focus survey efforts is to analyze soil types to identify those suitable for hibernation by this species. Many sources in the scientific literature assert this species is limited to soils which are almost pure sand; the Department does not subscribe to this view. Obviously such soils are preferred but, as illustrated by conditions in Lee County, where the areas of such soils are far too small to support viable populations of the Ornate Box Turtle yet viable populations have existed since pre-settlement times, the species is capable of using similar but less suitable soils. During summer activity periods, when burrowing is much less critical, the species may be found on other soils.

Another species de-listed was the **Bald Eagle**, *Haliaeetus leucocephalus*. However, this species remains protected by the federal *Migratory Bird Treaty Act* and, more importantly, by the federal *Bald and Golden Eagle Protection Act*, whose terms are very similar to the federal *Endangered Species Act*. This species is known from Bureau County, and its numbers statewide have been increasing rapidly. While unlikely to nest in the vicinity of the Walnut Ridge Project, this species may migrate through or forage in the area.

Other animals added to the list of endangered or threatened species are the **Black-Billed Cuckoo**, the **Smooth Softshell Turtle**, and the **Mudpuppy Salamander**. The latter two species are aquatic and confined to streams, while the Cuckoo prefers to nest in large blocks of forest which are absent from the project area. It is the Department's opinion the project is unlikely to adversely affect any of these three species.

Another recent event was the shooting of a large canine near Walnut in early March 2010, tentatively identified as a federally-protected **Gray Wolf**, *Canis lupus*. Species confirmation is awaiting the results of DNA analysis by the Fish & Wildlife Service. Wolves so far identified in

Illinois have been single animals dispersing from Wisconsin; no pack territories are expected in Illinois. Regardless, wind farms are not known to exert any adverse effects on the Gray Wolf or its habitat, so no recommendations pertaining to this species are offered.

Consultation on the part of the Department is terminated, unless the County desires additional information or advice related to this proposal. In accordance with 17 Ill. Adm. Code 1075.40(h), Bureau County must notify the Department of its decision regarding this recommendation, whether it will:

- Allow the action to proceed as originally proposed;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

Should you need additional information regarding the consultation process, or should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Keith M. Shank". The signature is written in a cursive style with a large, stylized "K" and "S".

Keith M. Shank
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Division of Ecosystems and Environment
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cc: Dan Haak, RMT, Inc.
Tim Polz, Midwest Wind Energy
Matt Sailor, USFWS - Rock Island Office