



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Pat Quinn, Governor
Marc Miller, Director

March 10, 2011

Ms. Kim Scharlow
Zoning Division
McHenry County Dept of Planning and Development
2200 N. Seminary Avenue
Woodstock, IL 60098

RE: Amelse Conditional Use ~ Construction Company, Signage, and Commercial Vehicle Storage - Woodstock

**Endangered Species Consultation Program
Natural Heritage Database Review # 1102655
County: McHenry**

Dear Ms. Scharlow:

The Department received this proposed action, located in Township 45 North, Range 6 East, Section 11 from your office, for consultation in accordance with 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.

The proposed action, a conditional use permit to have a construction company, signage, and the ability to store commercial vehicles on this 40-acre site, is located at 4820 Alden Road. The parcel is within the boundary drawn for 2005 records for the State-listed threatened **Least Bittern**, *Ixobrychus exilis*, and the State-listed endangered **Yellow-Headed Blackbird**, *Xanthocephalus xanthocephalus*.

On February 7, 2011, the Department received an email, letter, and site plan from Mr. Amelse in response to the Detailed Action Report form submitted to the applicant, McHenry County. Mr. Amelse explained in the letter that he requested the zoning change so that he could run his excavating business from said property. The only current plans for construction type activities are to re-route the driveway; no development is proposed at this time, although this does not prevent him from building on-site in the future. Mr. Amelse's summary:

“I propose 1 shop, to be fully insulated, for winter-time repairs of my equipment. This building was previously used for the same purpose. Additionally, I propose to park the equipment (while not in use at the jobsite) as shown, in an area previously used as a parking lot. I propose to reroute the driveway to the other side of my home per county highway direction. I also propose to provide numerous landscaping additions to serve as a visual buffer.”

After reviewing the information, the Department has determined that adverse impacts to both listed birds, due to their proximity to the proposed action, may be likely. To minimize potential impacts to the area's protected resources, the Department recommends that the following measures be implemented by Mr. Amelse and incorporated into the County's project authorization.

1. The Department recommends that Mr. Amelse contact the Department's Region 2 District Heritage Biologist, Brad Semel (815/675-2386, ext. 317) to assist with management of the site and to ensure that the water control structure placed in the wetland by the U.S. Fish and Wildlife Service is properly working. Biological surveys may be recommended for spring 2011.
2. Utilization of Best Management Practices whenever possible, such as water run-off filtration through increased use of non-invasive native plants, with deep root systems, and vegetative drainage swales, outlined within a landscaping plan for the property.
3. If invasive plant species (such as reed canary grass, box elder trees, or buckthorn) are prevalent within and along the wetland corridor, development of an invasive species management plan should be considered to improve habitat conditions for the listed birds.
4. The management of turf grasses frequently entails the use of broad-spectrum broadleaf herbicides, fertilizers, insecticides for grub and mite control, and, in some cases, fungicides. Over-application of these chemicals by landowners is frequent, since they seldom base application rates on adequate soil-testing or a pest census and are not adequately trained or knowledgeable about their uses. All pesticides are toxins, most of them quite deadly to fish and aquatic organisms, while many fertilizers are water-soluble, and any increment which cannot be used by the turf will be leached or washed away in storm water. The result is frequent damage to the vegetation in and around detention basins, higher nutrient loading, and poor water quality (algal blooms) which is then transferred to downstream waters. However, municipalities are pre-empted from exercising any regulatory control over the application of pesticides by the *Illinois Pesticide Act* [415 ILCS 60].

We recommend inclusion of language into contracts to be used which will both educate landowners and allow the County to take action if cumulative applications cause problems. The following language is suggested, and may be modified or adapted for each circumstance.

Fertilizers and Hazardous Materials. To minimize the costs of maintaining the storm water management system, to avoid pollution, and to protect downstream water quality, the applications of lawn chemicals, including pesticides, shall be held to a minimum. Owners will be held responsible for the application of lawn care chemicals to their lot. Lawn and garden fertilizers should be applied at or below recommended rates. Granulated slow release fertilizers are recommended; the use of liquid fertilizers is discouraged because they are more soluble and more likely to damage the storm water system. Special care must be taken when using pesticides which are toxic to fish and aquatic organisms. In the event a storm water facility is being damaged by nutrient or chemical loading, the Association shall have the right, without notice, to enter upon any lot tributary to that facility to obtain soil samples for testing. When tests demonstrate that lawn chemicals have been applied at excessive rates, the Association may fine the owner of each such lot, which may cover the costs of the soil testing, and the repair, treatment, or revegetation of the storm water management facility. No owner shall maintain or place, nor cause to be maintained or placed, any hazardous substances upon the property as defined by the Section 3.14 of the Environmental Protection Act (415 ILCS 5.3.14).

Consultation on the part of the Department is completed. In accordance with 17 Ill. Adm. Code 1075.40(h), the County must notify the Department of its decision regarding these recommendations, whether they will:

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

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 termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Cordially,



Kathi Davis
Impact Assessment Section
Division of Ecosystems & Environment
Kathi.davis@illinois.gov
Ph: (217) 557-0483 Fax (217) 524-4177

Attachment (EcoCAT report)

cc: Brad Semel, IDNR/Region II/Restoration Ecology
Ray Eisbrener, IDNR/Region II/Wildlife
Elizabeth Kessler, McHenry County Conservation District
Luke Amelse, landowner
Cindy Skrukud, McHenry County Defenders/1075.70
Lisa Haderlein, Land Conservancy of McHenry County/1075.70