



Illinois Department of Natural Resources

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

Pat Quinn, Governor
Marc Miller, Director

December 23, 2011

Mr. Alex Cole
North Morgan Water Cooperative
7 Quail Lane
Jacksonville, IL 62650

Mr. Adam Fox
Benton & Associates, Inc.
1970 West Lafayette Avenue
Jacksonville, IL 62650

Re: North Morgan Water Cooperative – West Loop Phase, Arenzville
Project Number: 1113504 & 1113506
County: Cass & Morgan

Dear Mr. Cole and Mr. Fox:

The Department received a submission via the Department's Ecological Compliance Assessment Tool (EcoCAT) website, submitted by Benton & Associates, Inc., on behalf of the North Morgan Water Cooperative (Cooperative), regarding several water main projects located in Section 31, Township 17 North, Range 11 West; Sections 35 and 36, Township 17 North, Range 12 West; Section 6, Township 16 North, Range 11 West; Sections 1, 2, 3, 4, 8, 9, 11, 12, 17, 18, and 19, Township 16 North, Range 12 West; and Sections 24 and 25, Township 16 North, Range 13 West 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 project involves the construction of approximately 43 miles of water main and related appurtenances to expand the current water system and provide potable water to customers in the service area. For the most part, the water line will be constructed parallel to public road right-of-ways on private easements. Creek, stream, and road crossings will be done via directional boring.

Resources in the vicinity of the entire project include the **Meredosia Hill Prairie Nature Preserve and Illinois Natural Area Inventory (INAI) Site, Mud Creek Hill Prairie INAI Site, Newman Cemetery Savanna Natural Heritage Landmark and INAI** and the State-listed endangered **Ottoe Skipper**, *Hesperia ottoe* and **Pink Milkwort**, *Polygala incarnata*, and the State-listed threatened **Illinois Chorus Frog**, *Pseudacris streckeri illinoensis*, **Regal Fritillary**, *Speyeria idalia*, **Pale False Foxglove**, *Agalinis skinneriana*, and **Blue Hearts**, *Buchnera americana*.

The project submitted for consultation actually involves numerous projects (1113500, 1113502, 1113508, 1113509, 1113510, 1113511, and 1113512); it was determined that these project locations were not within the vicinity of protected resources and were therefore terminated.

The Department has completed its review of projects 1113504 and 1113506 and determined that construction activities for these two may have an adverse impact on the State-listed threatened Illinois Chorus Frog because these projects may be within the footprint of where this species travels to and from upland areas and wetlands. The projects may also have an adverse impact on natural areas located near work zones.

To minimize these impacts, the Department recommends that the North Morgan Water Cooperative incorporate the following measures in its project authorization.

Illinois Chorus Frog (ICF)

Over the last 25 years, this species has been documented at a number of locations northeast, northwest, west, and southwest of the proposed project – only half a mile to 2.5 miles away. Dispersed in sandy or friable soils, the ICF is usually found above the 100-year floodplain, but may occur in higher upland areas where there is favorable geology and hydrology. This small amphibian (adults rarely exceed 1.5 inches in length) has a fossorial habitat, spending nearly all of its life underground. The Department is concerned with the potential adverse effects that these projects could have on this species if they are located within areas traversed by Illinois Chorus Frogs, by potential injuries or death sustained while trenches are being excavated, by frogs being crushed from equipment and vehicles, from frogs being harassed via vehicular and machine traffic vibration and noise, or by limiting its ability to travel to and from breeding wetlands.

1. All on-site personnel that will be involved in this project (and in other projects noted above, especially 1113508 & 1113509) should be educated about the Illinois Chorus Frog. Color photos, and educational materials about its life history requirements, should be distributed and displayed at work zones. This species is usually only seen above ground (nocturnally) during the spring breeding season (February – April); they prefer to be below ground from May to January.
2. If work is to be conducted in early spring during this frog's breeding season (February – April), then the Department recommends that wetland delineations be conducted to determine the extent of ephemeral breeding ponds. A qualified Biologist should be present to handle potential frog encounters.
3. The Department would like to stress that if Illinois Chorus Frogs are encountered during the construction phase, or during future maintenance activities, due to work and equipment adjacent to records, there is the potential for incidental take to occur. 'Take' means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. If a population is confirmed within or near the project, the Cooperative should consider whether obtaining an Incidental Take Authorization from the Department's Office of Resource Conservation, pursuant to 520 ILCS 10/5.5, may be appropriate. Such a permit form IDNR may not be needed if ICF habitat will not be adversely affected or modified.
4. Equipment staging areas should be provided to the Department to ensure that they do not adversely impact frog populations. Staging areas should be located outside of sandy soils or drainage ditch areas.

Nature Preserve/Natural Area/INAI Sites

1. Equipment staging areas should be provided to the Department to ensure that they do not adversely impact natural areas. Staging areas should be located outside of any nature preserves, natural heritage landmark sites or INAI sites.

2. Strict adherence to erosion and sedimentation control protection measures should be monitored and enforced so that no sedimentation occurs to adjacent nature preserves, natural heritage landmark sites or INAI sites.

3. Prevention measures to avoid the introduction of invasive plant species at or near natural area sites should be incorporated into site plans.

4. Measures should be incorporated into project plans to prevent potential impacts to State-threatened or endangered species within these natural areas.

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

- Allow the action to proceed as originally planned;
- Require the action to be modified per Department recommendations (please specify which 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 resources 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 species 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.

Happy Holidays,



Kathi Davis
Division of Ecosystems and Environment
Impact Assessment Section
Office of Realty & Environmental Planning
217-785-5500

Attachments

Cc: Tim Kelley, IDNR/Region IV/Natural Heritage
Mike Chandler, IDNR/District 19/Wildlife
Joe Kath, IDNR/Office of Resource Conservation
Tom Lerczak, Illinois Nature Preserves Commission
John Tucker, Illinois Natural History Survey