



Illinois Department of Natural Resources

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

Pat Quinn, Governor
Marc Miller, Director

April 17, 2013

Ms. Heidi Miller, Director
Grundy County Land Use Department
1320 Union Street
Morris, Illinois 60450

**RE: Russ Seasonal Campground, Grundy County
Endangered Species Consultation Program
EcoCAT Review #1308493**

Dear Ms. Miller:

The Department received this proposed action from Chamlin & Associates, Inc., for consultation with Grundy County 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.

As identified in the accompanying EcoCAT Report, a number of the natural resources in the vicinity of the proposed action will not be adversely modified or adversely affected by the proposed action. These include the **Illinois River-Dresden Illinois Natural Areas Inventory (INAI) Site**; the **Goose Lake Prairie INAI Site**; the **Northern Harrier**, *Circus cyaneus*; the **Least Bittern**, *Botaurus lentiginosus*; the **King Rail**, *Rallus elegans*; and the **Common Moorhen**; *Gallinula chloropus*.

However, the proposed action is also in the vicinity of the **Kankakee River INAI Site**. The lower Kankakee River provides essential habitat for a number of endangered mussels: the federally-listed **Sheepnose Mussel**, *Plethobasus cyphus*; the state-listed **Purple Wartback Mussel**, *Cyclonaias tuberculata*; the state-listed **Spike Mussel**, *Elliptio dilatata*; and the state-listed **Black Sandshell Mussel**, *Ligumia recta*. The Kankakee River also supports the state-listed **Greater Redhorse**, *Moxostoma valenciennesi*; the state-listed **River Redhorse**, *Moxostoma carinatum*; and the state-listed **Pallid Shiner**, *Hybopsis amnis*.

Because the proposed action entails modifications of the shoreline and channel of the Kankakee River, the proposed action is likely to adversely modify the essential habitat for many of the listed aquatic species. Moreover, the proposed action entails the strong possibility of prohibited taking of endangered species. If the project moves forward, additional permits from the Department of Natural Resources will likely be necessary. The major concern is for any listed mussels which may be present.

Recommendation #1: The Department recommends the County require the applicant to commission or perform a mussel survey of submerged land extending at least 20 feet beyond areas expected to be dredged, filled, or disturbed.

Persons performing the survey must possess the requisite scientific permits from the Department (Part 520 and/or Part 1070) and should be qualified to identify mussel species expected to occur in the Kankakee River. Surveyors should rely on the current list of endangered or threatened species in Illinois (Part 1010) and not on any document pre-dating 2010.

It is customary to remove mussels from the water for purposes of identification, but live mussels must be treated in a manner which assures their survival, and they must be returned to the River as close as possible to where they were found. No mussel identified as endangered or threatened in Illinois can be translocated from the area involved in the project without first obtaining an Incidental Take Authorization (ITA) from the Department pursuant to Part 1080.

Recommendation #2: If any endangered or threatened mussel is found during the survey, no part of the action involving modification of submerged land may be authorized or performed unless the applicant first obtains an Incidental Take Authorization from the Department of Natural Resources. As noted earlier, the Sheepnose Mussel is also federally-listed. If this species occurs within the project area, a federal Incidental Take Permit will be required, in addition to the State permit.

*Recommendation #3: The Department recommends the applicant also be alert for the presence of the state-listed endangered **Northern Brook Lamprey**, *Ichthyomyzon fossor*.*

This non-parasitic species is known from the Kankakee River system. If present, it will not be in the adult free-swimming form, but as larval ammocoetes slightly-buried in sand, silt, or vegetative matter on the river bed. The peculiar life-cycle of this fish is likely responsible for the paucity of records, since normal fish sampling techniques (seining and electro-shocking) rarely or never result in its capture, and adults are present only in winter. It has been called the most under-sampled fish in North America. Sampling techniques used for macro-invertebrates may offer the highest probability of detection.

Recommendation #4: The necessity of surveying for—or of obtaining permits for taking—endangered or threatened species can be avoided by modifying the proposal to eliminate any disturbance of submerged lands.

While the proposed action will reduce the habitat available for the listed fishes, they are likely to avoid submerged disturbed areas during the course of construction and are unlikely to be injured or killed.

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

- Proceed with the action 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.

This consultation is valid for two years unless new information becomes available which was not previously considered; or the proposed action is substantially modified; or additional species, essential habitats, 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 primarily reflects the information existing in the Illinois Natural Heritage Database at the time of this consultation, 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, the applicant must comply with the applicable statutes and regulations. Also, note that closing consultation does not imply IDNR's authorization or endorsement of the proposed action. Please contact me if you have questions regarding this review.

Sincerely,

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

Keith M. Shank
Division of Ecosystems and Environment
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(217) 785-5500

cc: Robert Schmude, Chamlin & Associates, Inc.