



Illinois Department of Natural Resources

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Pat Quinn, Governor
Marc Miller, Director

May 2, 2013

Ms. Monica Hawk
McHenry County Dept. of Planning and Development
McHenry County Government Center
2200 Seminary Avenue
Woodstock, IL 60098

Re: Routine (Enbridge) Pipeline Maintenance and Repair Dig, (MP 370.2882- 370.5046) – Village of Prairie Grove
Endangered Species Consultation Program
Natural Heritage Database Review # 1312318 (1309247)
County: McHenry

Dear Ms. Hawk:

The Department received a submission, via the Department's Ecological Compliance Assessment Tool (EcoCAT), from Barr Engineering, Inc. regarding this project in Section 24, Township 44 North, Range 8 East 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 involves the excavation of an area 30-40' wide, 60-80' long and up to 10' deep needed to inspect the above-noted pipeline and make any necessary repairs on this pipeline. The project site is located south of Willow Creek Road, north of Timber Trail Drive, and approximately 955' east of the **Stickney Run Conservation Area Illinois Natural Area Inventory (INAI) Site**.

The project site is also in close proximity to numerous records of the State-listed endangered **Black Tern**, *Chlidonias niger*, and in the vicinity of records for the State-listed endangered **Common Moorhen**, *Gallinula chloropus*, and **Yellow-Headed Blackbird**, *Xanthocephalus xanthocephalus*, and the State-listed threatened **Least Bittern**, *Ixobrychus exilis*. Although not shown on the report due to being outside of the buffer set up in EcoCAT, there are numerous records of the State-listed endangered **Blanding's Turtle**, *Emydoidea blandingii*, north of this project site.

The Department has completed its review of the project and determined that the proposed action may have an adverse impact on the natural area, listed birds, and Blanding's Turtles. To minimize potential impacts, the Department recommends the County incorporate the following measures in its project authorization.

Stickney Run Conservation Area INAI Site

Recommendation 1. Use special care to direct water away from high quality areas to the west, if any pumping is necessary.

Recommendation 2. Over-seed exposed soil with a cover crop of oats or rye to reduce erosion while native plantings become established.

Recommendation 3. Any fill dirt or other soil should be free of invasive plant seeds or other plant material (rhizomes, roots, etc.) before being used in the project area. If necessary, the source site for the soil should be inspected for presence of invasive species.

Recommendation 4. Use Best Management Practices to prevent sedimentation outside work zones and monitor them diligently; silt fences, soil stabilization and runoff control measures should be incorporated throughout the entire construction site and during the entire construction period. These should be inspected on a daily basis to ensure they are working properly and keeping all siltation from the INAI site.

Listed Birds

Recommendation 1. Pre-maintenance/repair ~construction assessments of avian usage within the project area should be performed by a qualified biologist (s) and results, whether positive or negative, should be reported to the Department. If nesting birds are present, all work should be conducted outside of breeding, nesting, and fledging seasons for each species.

Blanding's Turtles

The Department is concerned with the effect that trenching, excavating, vehicles and machinery could have on individual turtles within the vicinity of the work zone and wetlands. Turtles could be using the project footprint/wetland's for basking, breeding, feeding, or hibernating; they could be traversing the area as they travel between wetlands and upland areas. Turtles could be crushed by equipment or vehicles or startled by work and noise near wetlands.

Recommendation 1. The Department recommends that construction crews, and all on-site personnel, be educated and informed about Blanding's Turtles before work begins. Photos of both adult and juvenile Blanding's turtles should be distributed and a site management plan for responding to potential encounters should be discussed in a training session and at a preconstruction site meeting. The Department recommends Barr Engineering distribute their Blanding's Turtle Fact Sheet during training.

Recommendation 2. If a turtle is encountered on site, personnel should be instructed to immediately stop work in the surrounding area and contact the Department's Heritage Biologist (Brad Semel, 630/399-3242) and the McHenry Country Conservation District (Sara Denham, 815/728-8307) keeping in mind it is a criminal act to handle a listed species. Personnel on site should watch the turtle until the proper authority arrives to alleviate the situation, keeping at a respectable distance. If the turtle moves, crews should mark the spot they first saw the turtle and the last spot it was seen.

If a Blanding's Turtle is encountered, Incidental Take Authorization from the Department's Office of Resource Conservation will most likely be recommended, which would result in a Conservation Management Plan for the species for this project.

Recommendation 3. The project area may contain the route to a nesting site. Therefore, potential harm to transiting turtles is a concern. The Department recommends limiting work to between November 1 and mid-March, when this species is hibernating, to prevent construction activities from crushing or injuring juvenile or adult turtles.

Recommendation 4. If construction cannot be limited to the recommended time frame, exclusionary fencing should be installed and in place, from the beginning of March and remain until the end of

October, to prevent turtles from entering the construction areas. Daily inspections of both sides of the fence should occur for the first two weeks and then be maintained weekly throughout the work period to ensure the exclusionary fencing has been properly installed (dug into the ground) and to check if any turtles are present on either side of the fence.

Recommendation 5. The Department recommends that any trenches or excavations dug as a result of this project be covered at the end of each work day. Before starting each work day, trenches and excavations should be routinely inspected to ensure no turtles (or other animals) have become trapped within them.

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 it will:

- Proceed with the action 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 project review.

Warm regards,



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

enclosure

cc: Brad Semel, IDNR/Region II/Restoration Ecology
Dennis Sandquist, McHenry County Dept of Planning & Development
Elizabeth Kessler, McHenry County Conservation District
Sara Denham, McHenry County Conservation District
Mandy Bohnenblust, Barr Engineering
Cindy Skrukud, McHenry County Defenders/1075.70
Lisa Haderlein, Land Conservancy of McHenry County/1075.70