



Illinois Department of Natural Resources

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

Pat Quinn, Governor
Marc Miller, Director

January 27, 2014

Mr. Neil Pellmann, Resource Conservationist
Will-South Cook Soil & Water Conservation District
1201 South Gougar Road
New Lenox, IL 60451

**RE: Enbridge Pipeline 6A MP 425.9030 Repair, Will County
Endangered Species Consultation Program
EcoCAT Review #1407254**

Dear Mr. Pellmann:

The Department received this submission from Barr Engineering for consultation with the Department and the Will-South Cook SWCD 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 repair investigation location lies across the Des Plaines River from the **Romeoville Prairie Nature Preserve and INAI Site**. The presence of the River effectively precludes any adverse modification of the Nature Preserve.

The repair investigation location lies in the vicinity of several known breeding locations for the federally-listed the **Hine's Emerald Dragonfly**, *Somatachlorda hineana*. However, no larval burrows are known to be located in or near the repair location, so only flying adults may be occasionally encountered in the repair location. The Department believes it is unlikely that operations will result in the taking of an adult Dragonfly. The applicant should confer with the US Fish & Wildlife Service on measures which can be taken to reduce or minimize the risk of injuring or killing an adult Hine's Emerald Dragonfly.

The repair investigation location lies in the vicinity of records for the State-listed endangered **Spotted Turtle**, *Clemmys guttata*. However, this species prefers a riverine/marsh environment and the Department considers it unlikely this proposal would adversely modify any essential habitat for this species.

The repair investigation location lies in the vicinity of a record for the State-listed endangered **Blanding's Turtle**, *Emydoidea blandingii*. The Department believes the proposed action is likely to adversely affect the essential habitat of this species and, unless precautions are taken, the project may result in prohibited taking of this species.

In contrast to the Spotted Turtle, the Blanding's Turtle is considered semi-aquatic, spending considerable time out of the water and nesting significant distances, perhaps more than half a mile, away from ponds and wetlands. This species has been observed in water bodies directly adjacent to this location within the last two years. Consequently, the repair location may be traversed by this species and may also possibly serve as a nesting location, if conditions are appropriate.

Blanding's Turtles become active in late March (males) and early April (females) in most years, depending on temperatures, but nesting does not begin until late May or early June. Eggs may hatch in 60 to 90 days; in cooler years hatchlings may still be emerging from nests in October and must make their way to a suitable water body before winter.

The Department recommends that the construction area, including any ancillary areas often used by vehicles, be isolated from surrounding habitats by erecting a silt fence barrier around the site, preferably before March 15. (If installed later, or after nesting season begins, there is a risk that adult Turtles or their eggs may be located within the work zone.) When properly installed as a sediment and erosion barrier, silt fence effectively prevents the entrance of Blanding's Turtles to areas where they may be harmed. These Turtles will follow a fence to the first opening to resume their line of travel, so an appropriate design is needed to prevent their entry. These measures are usually sufficient to prevent a prohibited taking.

Despite best efforts, some Turtles may gain access to the work area. Most terrestrial movement occurs in darkness. At the start of work each day, and before any trenches or excavations are backfilled, they should be inspected to see whether any Turtles have become trapped in them. If Turtles believed to be Blanding's are identified, the Department or the Forest Preserve District of Will County should be notified immediately.

In October 2014, the US Fish & Wildlife Service will list the **Northern Long-Eared Bat**, *Myotis septentrionalis*, as endangered under the federal *Endangered Species Act*, whereupon this species will immediately and automatically become an Illinois state-listed endangered species. In 2013, the Forest Preserve District of Will County acquired acoustic evidence of colonies of this species from a number of Forest Preserves within Will County, especially near the Des Plaines River.

On January 6, 2014, the US Fish & Wildlife Service issued guidance that parties engaging in activities which may "take" the Northern Long-Eared Bat should immediately begin treating such activities as though they are covered under the federal *Endangered Species Act*. This guidance is available on the web pages of the Fish & Wildlife Service.

Although the Department does not have specific evidence of the presence of the Northern Long-Eared Bat on this tract, the tract may contain suitable roosting habitat (tress greater than three inches diameter at breast height). The removal of potential roost trees between April 1 and November 15 may result in the death or injury of Northern Long-Eared Bats. The applicant should evaluate whether appropriate roosting habitat may be disturbed by the proposed action.

Consultation on the part of the Department is closed, unless the Will-South Cook SWCD desires additional information or advice related to this proposal. In accordance with 17 Ill. Adm. Code Part

1075.40(h), the SWCD should 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 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,



Keith M. Shank
Impact Assessment Section
Division of Ecosystems and Environment
keith.shank@illinois.gov
(217) 785-5500

cc: Rob Jones, Barr Engineering
Louise Clemency, USFWS Barrington Field Office