



Illinois Department of Natural Resources

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

Pat Quinn, Governor
Marc Miller, Director

February 24, 2014

Mr. Jason Steger
Chicago Park District
541 North Fairbanks
Chicago, IL 60611-3319

**RE: Black-Crowned Night Heron Rookery Tree Removal, Chicago, Cook County
Endangered Species Consultation Program
EcoCAT Review #1408648**

Dear Mr. Steger:

The Department has received your request 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 pertaining to plans to remove dead, diseased, and structurally-compromised trees in Lincoln Park.

The District proposes to remove 31 trees in the winter of 2014 and 46 trees during the winter of 2015. These trees are in a compact grouping extending south of the Lincoln Park Zoo Lagoon. The trees identified for removal currently support 81 nests of the **Black-Crowned Night Heron**, *Nycticorax nycticorax*, a species listed as “endangered” by the Illinois Endangered Species Protection Board. These nests comprise approximately 50% of the nests of this species present in the Lincoln Park Rookery.

The loss of these trees will unavoidably adversely modify the characteristics of the Rookery, but it is unlikely to jeopardize the recovery of this species in Illinois. However, it is important to carry out the removal and re-planting operations in a manner that avoids any prohibited taking of the Black-Crowned Night Heron and monitors the response of the colony to this alteration.

At present, the District plans to remove the first group of trees beginning March 10 for a period of three days. This schedule is predicated on the assumption the Herons will return to the area no sooner than March 21, the date their arrivals were noted as beginning in 2012, thus avoiding any direct conflict with the birds themselves. Avoiding conflict with the birds is crucial, but reliance on a single return observation entails some risk, since return dates can vary considerably with climatic conditions in any given year. Herons have been known to return as early as late February. To avoid a prohibited taking of the Black-Crowned Night Heron, removal work, even in progress, must cease as soon as the Herons arrive at the Rookery.

If it is possible, the Department recommends the District commence tree removal as soon as possible to optimize the chances the operation can be completed before the Herons begin to arrive.

The District originally planned to plant replacement trees in the autumn of 2014, but is considering the option of planting in the spring. Predicting the responses of migratory birds which have become acclimated to urban settings is always difficult; they may tolerate a wide array of activities which would disturb them in other contexts, but reject others.

The Department assumes the replacement trees will be planted in approximately the same locations as those removed—among the remaining trees which will be supporting active nests this year. Disturbing breeding Herons would constitute a prohibited taking, an offense which includes harassment as well as death or injury. There is a strong risk nesting Herons will not tolerate tree-planting activities requiring heavy equipment in the midst of the Rookery. *If replacement trees cannot be planted before the Herons arrive for the breeding season, the Department recommends the District implement the original plan of planting in the autumn, when rearing of this year's broods will have been completed.* This will avoid any chance of a prohibited taking.

While the trees are being removed of necessity, this action presents an opportunity to observe and document the responses of the Black-Crowned Night Heron to this activity. Will a significant number of breeding pairs abandon the Rookery? If so, where will they go? Will the nests in the remaining trees continue in use or be abandoned? Will lost nests be replaced by the construction of new nests in the remaining trees which already have nests, or in nearby trees not previously used? Such information could be very useful for planning future management activities affecting this species. *The Department recommends the District monitor Black-Crowned Night Heron responses to the removal and replacement of diseased and damaged trees.*

Consultation on the part of the Department is closed, unless the Chicago Park District desires additional information or advice related to this proposal. In accordance with 17 Ill. Adm. Code 1075.40(h), the District should notify IDNR 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.

Please note that closure of 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