



# Illinois Department of Natural Resources

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www.dnr.illinois.gov

Pat Quinn, Governor  
Marc Miller, Director

March 11, 2014

Ms. Megan Briggs  
Christopher B. Burke Engineering, Ltd.  
9575 West Higgins Road  
Suite 600  
Rosemont, IL 60018

**RE: ComEd Structure 0233 Replacement, Wilmington, Will County  
Endangered Species Consultation Program  
EcoCAT Review #1409041**

Dear Ms. Briggs:

The Department has reviewed your submission for the purpose of consultation with the Department 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 is the replacement of one or more wooden utility poles along the right-of-way of Coal City Road west of its intersection with State Route 53.

Although the EcoCAT Report indicates a long list of protected natural resources in the vicinity, a significant risk of potential conflict exists with only one: The state-listed endangered **Eryngium Stem-Borer Moth**, *Papaipema eryngii*.

Abundant essential habitat for this species exists along this segment of Route 53 and the parallel railroad. Essential habitat consists of stands of the obligatory larval host-plant of this species, **Rattlesnake Master**, *Eryngium yuccifolium*. Caterpillars of the Moth bore into the stem of the Rattlesnake Master plant (hence the name of the insect) and feed on the internal pith, and overwinter inside the plant's root ball, underground. The adult moth is nocturnal and subject to observation for only a few weeks a year, in September and October. Eggs are present in the vegetative ground litter in the fall and the spring. The Moth is capable of colonizing Rattlesnake Master colonies within flight distance of known concentrations.

Since all life-phases of the species are protected, it is important to evaluate whether the species is present at the work site and whether the nature of the work may result in prohibited takings of the Eryngium Stem-Borer Moth. "Take" could result from crushing eggs or root balls with vehicles; burying eggs or root balls with auger castings; or damaging or destroying infested host plants during larval development.

Because this species is cryptic for much of its life cycle, it is much easier to use the host plant as a surrogate for the insect itself when seeking to establish its presence. *The Department recommends surveying the proposed work site to identify the presence and density of possible Rattlesnake Master colonies.* If this plant is absent, work may proceed with a high level of confidence that no prohibited taking will occur.

However, if numbers of this plant species are present, especially this close to the Route 53 corridor, the potential for a prohibited taking during the course of the work is much higher. While it is unlikely that losses of the Eryngium Stem-Borer Moth associated with this specific work would significantly adversely affect the local population, the *Illinois Endangered Species Protection Act* is a strict liability statute which imposes criminal penalties for violations.

Potential incidental takings (those in which taking a protected species is not the purpose of the activity) can be addressed through seeking an Incidental Take Authorization from the Department of Natural Resources pursuant to Part 1080 of its Administrative Rules. Because the Eryngium Stem-Borer Moth is present in numerous locations in Will and Grundy Counties, and because many of these locations are the same areas in which power lines are located, it may be worthwhile for ComEd to consider whether it would be appropriate to seek an Incidental Take Authorization which would support line maintenance activities throughout the localities in which the Eryngium Stem-Borer is found.

Consultation on the part of the Department is closed, unless your client desires additional information or advice related to this proposal.

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.

If additional protected resources are encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations. Also, 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,



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