



Illinois Department of Natural Resources

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

Pat Quinn, Governor
Marc Miller, Director

June 13, 2014

Mr. David Farthing, Right-of-Way Agent
Southern Illinois Power Cooperative (SIPC)
11543 Lake of Egypt Road
Marion, IL 62959

**RE: SIPC–Carrier Mills 161-kV Construction, Williamson/Saline Counties
IDNR Environmental Resources Review
EcoCAT Review #1412188**

Dear Mr. Farthing:

This letter provides IDNR's comments resulting from its review of the route for this proposed power line between the SIPC Switchyard and the proposed Carrier Mills Substation.

This review considered potential avian impacts; potential effects to species listed as endangered or threatened by the Illinois Endangered Species Protection Board and their essential habitats; potential effects to sites identified in the Illinois Natural Areas Inventory (INAI Sites); potential effects to State Parks; potential effects to large forest blocks or grasslands; and potential effects to wetland resources.

Eagles. Bald Eagle, *Haliaeetus leucocephalus*. Illinois' population of breeding Bald Eagle pairs has been rapidly increasing for several years. A nesting site active in 2004 is located southeast of the intersection of Tipple Road and End Street, just southeast of Sahara Woods State Fish & Wildlife Area, and very close to the proposed right-of-way, in Section 33, T9S, R5E. The US Fish & Wildlife Service should be consulted prior to conducting unusual activities nearer than 660 feet to an active nest. While the Department has no recent information on the status of this site, Eagles tend to use the same or nearby sites for many years. The Department recommends surveillance of this vicinity to determine whether Eagles continue to be active in the area.

Golden Eagle, *Aquila chrysaetos*. These birds do not breed in Illinois, but have been wintering in the state in increasing numbers. The Department has no reports of this species in Williamson or Saline Counties, but the species has been extending its range southwards for several years. This trend may continue, but the Department considers its presence in the vicinity unlikely during the construction period.

Both species are vulnerable to collision with power lines and electrocution while perching. *The Department recommends the design and configuration of the power line and its supporting structures*

employ the methods recommended by the Avian Power Line Interaction Committee (APLIC) to limit Eagle injury/mortality.

As you know, each of these species is protected by the federal *Bald and Golden Eagle Protection Act*. *The Department recommends a late winter/early spring survey to assure that no new nests have been built within 660 feet of the proposed route, prior to beginning construction.* If such a nest is found, SIPC should promptly consult with the Fish & Wildlife Service to determine the best means of proceeding.

Other Migratory Birds. In recent years, increasing numbers of the **American White Pelican, *Pelicanus erythrorhynchus***, have been migrating through—and even breeding in—Illinois waters. This species is protected under the federal *Migratory Bird Treaty Act*. The Department is aware of a recent electrocution of an adult White Pelican near Lake Carlyle. The American White Pelican has a larger wing-span than the Eagles, with spans up to 10 feet not uncommon. Hence, facility designs intended to avoid electrocutions of large raptors, which typically provide only 60-72 inches of clearance, are likely insufficient to avoid electrocutions of this species. *SIPC may wish to consider providing greater clearances on support structures located in the vicinity of the Lake of Egypt which may be used by this species.*

To the extent possible, tree clearing and removal should occur outside the breeding season of most migratory birds to minimize the risk of violations of the federal *Migratory Bird Treaty Act* and the *Illinois Wildlife Code*.

Endangered Bats. Wooded areas of Williamson and Saline Counties fall within the ranges of populations of the **Gray Bat, *Myotis grisescens***; the **Indiana Bat, *Myotis sodalis***; and the **Northern Long-Eared Bat, *Myotis septentrionalis***. The Indiana Bat and Gray Bat are both federally-listed as endangered and state-listed as endangered. The Northern Long-Eared Bat will become federally-listed as endangered in October 2014, whereupon it will automatically become state-listed, as well. The USFWS has already issued guidance stating that those operations which may result in taking the Northern Long-Eared Bat after October 2014 should be treated as though they will take a listed species, beginning immediately.

The route of the power line also falls within the ranges of the **Southeastern Myotis, *Myotis austroriparius***; the **Rafinesque's Big-Eared Bat, *Corynorhinus rafinesquii***; and the **Eastern Small-footed Bat, *Myotis leibii***. The Southeastern Myotis and Rafinesque's Big-Eared Bat are State-listed as endangered, while the Illinois Endangered Species Protection Board recently (February 2014) made a preliminary decision to list the Eastern Small-footed Bat as "threatened." (A final listing decision is anticipated late this year.) The Department currently has no records for these three bats in the vicinity of the proposed corridor, but this may result from low sampling effort rather than the absence of these species.

With the exception of the Small-Footed Bat, the primary risk of taking these bats is associated with clearing trees in which the bats are roosting. All of these species hibernate in the winter, so that winter-season tree-clearing offers the lowest risk of taking them. This period is considered to extend from November 15 to April 1. The Eastern Small-footed Bat roosts on the ground under rocks or debris,

which presents different challenges. However, this species has very few records, which occur in extreme Southern Illinois, so the risk to this species is deemed low.

If tree-clearing must occur outside of the period above, the Department recommends acoustic and mist-netting surveys to determine which bats are present along the corridor. Mist-netting activities, which require permission from both federal and state agencies, should be supplemented by radio-telemetry. Female Indiana Bats forage *an average distance* of 2.5 miles from a primary roost tree. Hence, a mist-net capture of lactating females may not indicate a roost tree near the area of primary interest. Radio-telemetry aids in identifying the specific locations of roosts.

Both state and federal statutes provide procedures for obtaining permission to take listed bats incidentally during other lawful activities, such as power line construction. However, the procedures differ in important respects, and state and federal permits must be obtained separately, if avoidance measures are deemed insufficient to guarantee no prohibited taking will occur. Such permits often take several months or years to obtain, so early planning is recommended.

Other Endangered/Threatened Plants and Animals. Indiana Crayfish, *Orconectes indianensis*.

Listed as endangered by Illinois, this species is widely distributed in the Saline River watershed, including the South Fork of the Saline River, Sugar Creek, and their tributaries. Although some tributaries of this system have water quality too poor to support this species, the species should be assumed to be present in any stream which exhibits moderate to good water quality. The power line corridor crosses many tributaries of the Saline River which have not been biologically investigated or have not been investigated thoroughly which may support this species.

The Department recommends avoiding any in-stream construction activities, including fords, low-water crossings, or the installation of new culverts or bridges or the rehabilitation of those existing, without first investigating whether the stream reach affected supports the Indiana Crayfish. Due to prevailing infrastructure conditions in much of this area, it may not always be possible to avoid in-stream disturbances. In such cases, SIPC should investigate whether the Indiana Crayfish is present at such points. If so, SIPC should consider seeking an Incidental Take Authorization from the Department of Natural Resources pursuant to 520 ILCS 10/5.5 and Part 1080 of the Department's Administrative Rules.

Copperbelly Water Snake, *Nerodia erythrogaster neglecta*. The Illinois Endangered Species Protection Board has made a preliminary decision (February 2014) to list this species as "threatened" in Illinois. However, the Board has been urged to reconsider this decision. A final decision is expected before the end of 2014. The Department recommends that SIPC monitor the proceedings of the Board through its web-page, <http://www.dnr.illinois.gov/espb/Pages/default.aspx>, to remain apprised of progress on this issue.

The Copperbelly is widely distributed in Southern Illinois, including Saline and Williamson Counties, and is likely present at numerous points along the power line corridor near streams and wetlands. The primary risks of taking would result from crushing by vehicles, ROW maintenance (mowing), and harassment/persecution by employees.

At present, this species is protected under Part 880.70 of the Department's Administrative Rules, which prohibits any take of this species in 14 counties, including Williamson and Saline Counties. Incidental Take Authorizations are not provided for in the *Fish & Aquatic Life Code*, 515 ILCS 5. The Department plans to repeal Part 880.70, but this action has not yet been formally proposed. SIPC should monitor the Illinois Register, published by the Secretary of State, to monitor rulemaking by the Department regarding this species.

On May 30, 2014, Illinois' 98th General Assembly enacted Senate Bill 0902, the *Herptiles-Herps Act*. Upon the Governor's signature, the new law will become effective on January 1, 2015. If the Copperbelly Water Snake is not listed by the Illinois Endangered Species Protection Board, it will be covered by the new statute, which will supersede provisions of the *Fish & Aquatic Life Code*. The *Herptiles-Herps Act* does not contain provisions for Incidental Take Authorization, but does allow land owners to give written authorization to take non-listed snakes on their property. SIPC should monitor the Illinois Register, published by the Secretary of State, to monitor rulemaking by the Department to implement the new statute.

Rice Rat, *Oryzomys palustris*. This State-listed threatened species is widely distributed in Williamson and Saline Counties and is often found in road ditches, drains, small streams, and wetlands. It is often associated with stands of Giant Reed Grass, *Phragmites australis*. Not all occurrence locations are known. Recorded locations occur east, west, north, and south of the proposed corridor in habitats connected to similar habitat within the project area. It is likely this species is present in a number of previously unidentified locations along the power line route. Trapping surveys would be an appropriate means to evaluate whether obtaining an Incidental Take Authorization for the project is prudent. (Trapping surveys must be carried out by persons holding the required permits from IDNR under Part 1070.)

The Illinois Endangered Species Protection Board has made a preliminary decision (February 2014) to de-list this species as "recovered" in Illinois. A final decision is expected before the end of 2014. Hence, this species may not enjoy special protection when construction of this project commences. The Department recommends that SIPC monitor the proceedings of the Board through its web-page, <http://www.dnr.illinois.gov/espb/Pages/default.aspx>, to remain apprised of progress on this matter.

Illinois Natural Area Inventory (INAI) Sites. The western portion of the power line corridor passes near or over the **South Fork Saline River INAI Site** in Sections 8 and 9, Township 10 South, Range 3 East. This INAI Site is designated because it provides essential habitat for the State-listed endangered **Indiana Crayfish** (see above). The Department anticipates no adverse modification of the INAI Site provided work is performed in compliance with the NPDES Construction Permit and normal erosion control and revegetation standards.

The corridor passes near but downstream of the **Sugar Creek-Saline Drainage INAI Site**, which runs east of Creal Springs. The lower reach of this INAI Site ends at the north section line of Section 19, Township 10 South, Range 4 East. This stream is designated because it provides essential habitat to the State-listed endangered **Indiana Crayfish** and the State-listed threatened **Least Brook Lamprey**, *Lampetra aepyptera*. [The Least Brook Lamprey is not known to occur downstream of the INAI Site, but changes in stream morphology or water quality could allow this species to occupy a larger area.] The Department does not anticipate any adverse effects to this INAI Site.

Dedicated State Nature Preserves and Land & Water Reserves. There are currently no Nature Preserves or Land & Water Reserves within view of the power line route.

State Parks. The **Sahara Woods State Fish and Wildlife Area** is adjacent to the eastern end of the power line corridor near the Carrier Mills Substation. The Department anticipates no adverse effects to the state-owned property as a result of the project.

Forest or Grassland Blocks. Numerous forest blocks occur along and in the vicinity of the approved power line route. However, in most cases, the project will merely widen an existing right-of-way, and this will not increase forest fragmentation.

Wetland Resources. Numerous significant wetlands occur along the entire route, many of which may support endangered or threatened species and other wildlife. These resources may be easily damaged unless the use of heavy equipment is carefully managed. It is likely federal permits from the Army Corps of Engineers may be needed at many points.

The Department of Natural Resources appreciates this opportunity to comment on the potential wildlife issues facing this project. Should there be any questions, please do not hesitate to contact me.

Sincerely,

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