



Illinois Department of Natural Resources

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Pat Quinn, Governor
Marc Miller, Director

August 14, 2014

Ms. Nicole Roedl
Will County Land Use Department
58 E. Clinton Street, Suite 500
Joliet, IL 60432

**RE: Dow Chemical Business Park/United Sugars, Will County
Endangered Species Consultation Program
EcoCAT Review #1501963**

Dear Ms. Roedl:

The Department has received a submission regarding a proposed industrial development from Ruettinger, Tonelli & Associates on behalf of Dow Chemical for the purposes of consultation between Will County and 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 in the vicinity of a number of species of plants and animals listed as endangered or threatened by the State of Illinois, as well as sites listed on the Illinois Natural Areas Inventory (INAI).

The proposed location is approximately three-quarters of a mile east of the **Illinois River – Dresden INAI Site**. The Department believes the proposed action is unlikely to adversely modify this Illinois Natural Area. Water quality effects should be adequately mediated by required storm water detention basins and downstream wetlands and water bodies.

The proposed location is approximately one-half mile north of the **Blodgett Road Dolomite Prairie INAI Site**, which is owned by the Illinois Department of Natural Resources and, as part of the **Des Plaines State Fish & Wildlife Area**, is protected pursuant to the *State Parks Act* [20 ILCS 835]. That portion of the INAI Site lying east of the center of Section 33 is also registered with the Illinois Nature Preserves Commission as the **Des Plaines Dolomite Prairies Land & Water Reserve**, subject to the protections of the *Illinois Natural Areas Preservation Act* [525 ILCS 30]. The Department believes the proposed action is unlikely to adversely modify environmental conditions within the Land & Water Reserve or the INAI Site because noise and light from the proposed action—those factors most likely to reach the protected areas—are unlikely to exceed levels of noise and light already impacting these areas from Interstate 55 and the railroad which runs through the Land & Water Reserve.

The proposed action is in the vicinity of populations of the State-listed endangered plant, the **False Mallow**, *Malvastrum hispidum*. However, this annual plant is unlikely to occur within the proposed action's footprint (certainly not within tilled areas), or to be affected by off-site effects. Pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/3] listed plants are the property of the land owner; any harm is prohibited except with the express written permission of the land owner. Known groups of this plant lie east of the north-south railroad. The Department believes this proposal is unlikely to result in harm to specimens of the False Mallow.

The proposed action is in the vicinity of records for the State-listed endangered **Blanding's Turtle**, *Emydoidea blandingii*, which has been identified in wetlands adjacent to the Des Plaines River and in wetlands associated with Grant Creek, east of Interstate 55. This species is classified as semi-aquatic and may be encountered half a mile or more from the nearest wetland, especially during nesting season (late May through July). This turtle nests farther from water than any other species of aquatic turtle in Illinois. Tilled agricultural areas are not incompatible with Blanding's Turtle nesting activities, since nesting occur after planting and hatching occurs prior to harvest. Moreover, this species, which may live up to seventy years of age, demonstrates strong fidelity to nesting areas despite changes in land use. While the project is located within potential nesting distances of local wetlands which may be occupied by this species, other undisturbed uplands exist which are as likely or more likely to host nesting activities. The Department believes this proposed action is unlikely to adversely affect the essential habitat of this species.

However, once constructed, the new detention basins may offer suitable wetland habitat for this species. (This is the precisely the case with the existing Dow Chemical facility on the Des Plaines River.) If occupied by the Turtle, the probability of human encounters in parking lots and transportation areas of the facility will greatly increase, and these could in turn result in prohibited takings of this species, as well as increasing the possibility of the establishment of new nesting areas inside the facility footprint. The applicant may be wise to consider measures to exclude the Turtle from the facility during construction, and to consider measures to monitor for and respond to the presence of the species after construction is completed.

The State-listed endangered **Upland Sandpiper**, *Bartramia longicauda*, has nested within the Blodgett Road Dolomite Prairie INAI Site and within the Midewin National Tallgrass Prairie east of Interstate 55. However, this species does not nest in agricultural fields and the Department believes it is unlikely this proposed action will adversely affect essential habitat for this species.

The State-listed threatened **Redveined Prairie Leafhopper** (also known as the Red-tailed Prairie Leafhopper), *Aflexia rubranura*, is known to be abundant within the Blodgett Road Dolomite Prairie INAI Site. This small flightless insect is dependent upon a specific host plant, Prairie Dropseed, *Sporobolus heterolepis*, which occurs on dry gravel prairies, sand prairies, and dolomite prairies. Land forms found in the Des Plaines Dolomite Prairie Land & Water Reserve extend northward and westward to just south of the parcel proposed for development. If the population of Prairie Dropseed extends into these areas, it is extremely probable the population of Redveined Leafhoppers also occupies those lands. Areas which have been tilled recently will not contain Prairie Dropseed. However, the Leafhopper, which produces two broods each year, is capable of colonizing clumps of Prairie Dropseed which are separated by less than 500 feet. So long as this plant is not present within the project footprint, there is

no possibility of adversely affecting the essential habitat of the Leafhopper. The Department believes it is unlikely the proposed action will adversely affect the essential habitat of the Leafhopper.

Consultation on the part of the Department is closed, unless Will County desires additional information or advice related to this proposal. In accordance with 17 Ill. Adm. Code 1075.40(h), Will County must 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 substantially 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,



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cc: Joseph Hammer, Ruettiger, Tonelli and Associates
Valerie Njapa, Illinois Nature Preserves Commission