



# Illinois Department of Natural Resources

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

Pat Quinn, Governor  
Marc Miller, Director

December 23, 2014

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

**RE: Dow Chemical Business Park, Will County  
Endangered Species Consultation Program  
EcoCAT Review #1502926**

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 parcel in question lies in the northwest quarter of Section 28, Township 34 North, Range 9 East.

The proposed action is in the vicinity of several 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 less than one-quarter mile east of the **Illinois River – Dresden INAI Site**. The proposed action will have the potential to adversely modify this Illinois Natural Area, which provides essential habitat to the threatened **River Redhorse**, *Moxostoma carinatum*, the endangered **Pallid Shiner**, *Hybopsis amnis*, and the endangered **Blanding's Turtle**, *Emydoidea blandingii*. The potential for degradation will be closely related to the character of the facilities to be constructed.

The site in question is largely currently in agricultural use (with the exception of an isolated acre or so in the southeast corner of the parcel whose current use is unclear, other than that it is not farmed). The current agricultural use limits the parcel's value as essential habitat. However, the Blanding's Turtle is known to occupy wetlands along the southwestern margin of the area, and the open field provides excellent upland nesting habitat for this species, which can lay eggs more than half a mile from the nearest water. Tilled agricultural areas are not incompatible with Blanding's Turtle nesting activities, since nesting occurs 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. The number and gender ratio of the local population is unknown, so the number of annual nests is a matter of speculation. However, the Department deems it likely that, absent precautions, prohibited

incidental taking of this species may occur during construction and operation of the facility. Below, the Department offers recommendations regarding this species.

Once constructed, new storm water detention basins may offer suitable wetland habitat for this species. (This is 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 storm water facilities will also provide the major means of preventing adverse modification of essential habitat in the Des Plaines River used by the Pallid Shiner and the River Redhorse, by controlling soil erosion and maintaining water quality. The Department anticipates this property will be used for industrial purposes, which may entail the production, storage, transportation, and use of various toxic chemicals which, in the event of a spill, could have devastating consequences for aquatic life in the Des Plaines River. Consideration should be given to providing a means to isolate detention basins to prevent their discharge to the River in the event of a chemical spill.

Were this parcel not being farmed, its plant community would closely resemble that of the **Blodgett Road Dolomite Prairie INAI Site**, located less than a mile to the southeast. (In fact, this may be the case with the isolated area of unfarmed land in the southeast corner of this parcel.) It is likely these soils contain a dormant seed bank suppressed by tillage and the application of herbicides, such that, when farming ceases, native plants may quickly germinate and re-colonize the site. This will also be true of soil stockpiles and re-graded areas following construction.

A number of State-listed endangered or threatened plant species, regarded as successional “pioneers,” occur in the near vicinity and may be among the species appearing following construction. These include the **False Mallow**, *Malvastrum hispidum*, and **Butler’s Quillwort**, *Isoetes butleri*. A similar sequence of events has produced a large colony of the Quillwort in a former field north of the power line and just across the street from this parcel.

This may also be true of native plants which are the obligate larval food plants of State-listed endangered or threatened insects, such as **Prairie Dropseed**, *Sporobolus heterolepis*, the host for the **Redveined Prairie Leahopper** (also known as the Red-tailed Prairie Leafhopper), *Aflexia rubranura*, and **Rattlesnake Master**, *Eryngium yuccifolium*, the host for the **Eryngium Stem-Borer Moth**, *Papaipema eryngii*. Significant populations of these species capable of colonizing the area occur in the **Midewin National Tallgrass Prairie** and the nearer **Des Plaines Dolomite Prairie Land & Water Reserve**. The applicant should bear in mind that, while the Department would regard such events as positive developments, they would pose management challenges for the owners of the property.

Pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/3] any State-listed plants are the property of the land owner; any harm is prohibited except with the express written permission of the land owner. Consequently, should any listed plant species express themselves on the parcel prior to,

during, or after construction, any persons performing actions which may result in any harm to such plants must be authorized to do so by the land owner.

The Department offers the following recommendations:

*Recommendation #1: The County should consider requiring a biological survey of the site to determine the extent of its use by the Blanding's Turtle for nesting, and a report of the results. This can be done by erecting and monitoring drift fences along the margins of the field during the nesting period, which normally extends from early June through mid-August. Persons performing such survey work must possess the appropriate permits from the IDNR (Parts 520 and 1070) to do so. If this species is detected using the field for reproduction, an Incidental Take Authorization from the IDNR pursuant to Part 1080 may be appropriate.*

*Recommendation #2: The owner/developer may wish to consider various means of excluding the Blanding's Turtle for portions of the site during construction and later operations where the Turtle may be vulnerable to prohibited incidental taking. Such measures could include permanent barriers, such as curbs and retaining walls, which prevent Turtle access to parking areas, etc. However, any such measures should avoid the risk of killing or injuring Turtles.*

*Recommendation #3: If turtles are detected using the area for reproduction, the County should consider requiring the owner to set aside an appropriate area to allow the Blanding's Turtle to continue reproductive activities; this may be essential to maintenance of the local population.*

*Recommendation #4: Because the site is likely to be devoted to industrial activities which will involve hazardous and toxic chemicals, the County should consider requiring storm water facilities to be designed and configured to facilitate the isolation and treatment of chemical spills, preferably before such chemicals can enter storm water ponds.*

*Recommendation #5: The County should consider requiring a botanical survey of the site to identify any State-listed native plants which may be present, and require a statement from the applicant of how such populations, if any, will be managed. The survey should also seek to identify any native plants which are the obligate hosts of State-listed insects; if such plants are identified, the County should consider requiring surveys to determine if such State-listed insects are present.*

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,

A handwritten signature in black ink that reads "Keith M. Shank". The signature is written in a cursive style with a large initial "K" and "M".

Keith M. Shank  
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cc: Joseph Hammer, Ruettiger, Tonelli and Associates