



# Illinois Department of Natural Resources

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<http://dnr.state.il.us>

Pat Quinn, Governor  
Marc Miller, Director

October 23, 2014

Mr. Mark Wild  
Staking Supervisor  
Jo-Carroll Energy, Inc. (NFP)  
793 U.S Route 20 West  
Elizabeth, IL 61028

**Re: SAD Line Move**  
**Endangered Species Consultation Program**  
**Project Number(s): 1503910**  
**Alternate Project Number(s):**  
**County: Carroll**

Dear Mr. Wild:

This letter concerns the Endangered Species Consultation for the **SAD Line Move**, located in **Carroll** County, Section **3**, Township **25N**, and Range **2E**. This project was submitted 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.

The proposed action involves: “elect. utility line move.”

## **E&T Review**

The following protected species and resources occur in the vicinity of the project area and proposed action: Loggerhead Shrike (*Lanius ludovicianus*), Plains Hog-Nosed Snake (*Heterodon nasicus*), Blue Grama (*Bouteloua gracilis*), False Heather (*Hudsonia tomentosa*), James' Clammyweed (*Polanisia jamesii*), Kitten Tails (*Besseyia bullii*), Redroot (*Ceanothus herbaceus*), and the Savanna Army Depot INAI site. To minimize or avoid potential adverse impacts, the Department recommends the measures described below be implemented by Jo-Carroll Energy, Inc. (NFP) and incorporated into the project authorization.

## **Loggerhead Shrike, *Lanius ludovicianus***

This species returns to Illinois from its wintering range in the southern United States and often returns to the area where it nested the previous year. Loggerhead shrikes are known for their unique habit of impaling small vertebrates on thorns or other sharp objects. However, it appears that these birds are primarily insectivorous.

Pairs will build a nest 3” – 12” above the ground in the crotch of tree branches commencing in March or April. Incubation and nestling periods typically last until June; July if late nesting or second broods occur. Their habitat is typically characterized by open, agricultural areas or grasslands with short vegetation and

scattered trees, shrubs, or hedgerows for nesting cover and lookout points. They have also been known to inhabit riparian corridors, open woodlands, and row crop fields. Thus, they could be nesting in trees very close to either project's footprint and could be disturbed by activities and noise during the construction period. If the disturbances are too much, the adults could abandon their nest.

**Recommendation #1.** If work is planned outside of the nesting season, adverse impacts to the Loggerhead Shrike are unlikely. The Department recommends conducting the work between July 16<sup>th</sup> and the following March 31<sup>st</sup>, outside of the nesting season.

**Recommendation #2.** If work is planned during the nesting season, from April 1<sup>st</sup> to July 15<sup>th</sup>, trees and shrubs in the vicinity of the project footprint should be surveyed for Loggerhead Shrike nests by a qualified biologist. Typical trees and shrubs that this species uses include: Eastern Red Cedar, Hawthorn, Osage Oranges, Multiflora Rose, Honey locust, Pines, Spruces, Firs, Apple, and Willows. If nests are discovered, all work should stop immediately to avoid a "take" of the Loggerhead Shrike and the Department should be notified (Duane Ambroz, IDNR District Heritage Biologist, 815/990-8653). 'Take' means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct.

**Recommendation #3.** The Department recommends that construction crews, and all on-site personnel, be educated and informed about Loggerhead Shrikes before work begins. Photos should be distributed and a site management plan for responding to potential encounters should be discussed at the preconstruction site meeting.

#### **Plains (Western) Hog-nosed Snake, *Heterodon nasicus***

This subspecies of the Western Hog-nosed is a thick-bodied snake typically found in sand prairies, savannas, and nearby woodlands. An ambush predator, this snake sometimes buries itself in the soil with only its eyes exposed and waits for prey, primarily toads, frogs, and rodents, to move within striking distance, or moves about slowly while searching for prey which has burrowed just beneath the surface. Although not usually classified as a venomous reptile dangerous to humans, it is sometimes described as rear-fanged, having enlarged rear teeth which serve to deflate toads and frogs (which swell themselves as a defense against being swallowed). Its saliva (venom) is toxic, but it cannot deliver large amounts. Even so, bites from this animal, though rare, may require medical attention.

Plains Hog-nosed Snakes may use abandoned rodent burrows for thermo-regulation or during its hibernation period (September through March). They are most active in the early morning and late evening, spending much of the rest of the time seeking shade or warmth to regulate their temperature. In Illinois, mating begins soon after spring emergence, with females depositing eggs in the soil beginning in June or July: eggs usually require six to eight weeks to hatch (in August or September), and neonates are fully capable of independent existence. Adults neither guard the nest nor provide care to young.

Construction activities pose the threat of road-kill or injury to basking or traversing snakes. Noise generated by work and excavation or trenching activities could interfere with animal communication and may hinder reproductive success, depending on the length and intensity. Vibrations from construction activities may pose another risk factor since reptiles are very sensitive to vibrations transmitted through the ground. Further, compaction of sandy soils can make it difficult, or impossible, for this species to retreat to rodent burrows it uses for thermo-regulation or during its hibernation period (September through March).

**Recommendation #1.** Educate and inform construction crews and all on-site personnel about Plains (Western) Hog-nosed Snake before work begins. Distribute photos (adult and juvenile) of the species and discuss the site management plan for responding to encounters in a training session and at the preconstruction site meeting. If a snake is encountered on site, inform crews to immediately stop construction in the surrounding area and contact the Department's Heritage Biologist, Duane Ambroz, 815/990-8653, keeping in mind it is a criminal act to handle a listed species. Personnel on site should

watch the snake until the proper authority arrives to alleviate the situation, keeping at a respectable distance.

**Recommendation #2.** The Department recommends limiting work to between October and the following March, when this species is hibernating, to prevent construction activities from crushing or injuring juvenile or adult snakes and resulting in a “take” of the Plains Hog-nosed Snake. ‘Take’ means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. If this species is confirmed within or near the construction area, work must immediately stop, and Jo-Carroll Energy, Inc. (NFP) should consider obtaining Incidental Take Authorization from the Department’s Office of Resource Conservation, pursuant to 520 ILCS 10/5.5.

**Recommendation #3.** Because trenches and excavations can trap snakes (and other reptiles and amphibians), trenches and excavations should be routinely inspected throughout the day to ensure no snakes have become trapped within them. Trenches and excavations should also be checked before being backfilled, covered at the end of each work day, and returned to original grade when project is done. Graded areas should be planted with native, non-invasive species.

### **Savanna Army Depot INAI Site and Listed Plant Species**

Please note that a population of state-listed vascular plants have been recorded in the vicinity of this project location, to include Blue Grama (*Bouteloua gracilis*), False Heather (*Hudsonia tomentosa*), James' Clammyweed (*Polanisia jamesii*), Kitten Tails (*Besseya bullii*), and Redroot (*Ceanothus herbaceus*). Care should be taken to avoid impacts to these areas from planned construction activities. While listed plant species are the property of the landowner, it would be beneficial to conserve the genetic material if the plant is present at the project site. This could include translocation, seed collection, or stockpiling and replacing the surface soils containing the seed bank. You must have written permission from the landowner to disturb or relocate the plant.

You may contact INPC Natural Areas Preservation Specialist John Nelson at 815/385-1573, or IDNR District Heritage Biologist Duane Ambroz at 815/990-8653, if you have questions or need additional information regarding this site and the listed species.

### **Consultation Termination**

Consultation under 17 Ill. Adm. Code Part 1075 is terminated. In accordance with 17 Ill. Adm. Code 1075.40(h), Jo-Carroll Energy, Inc. (NFP) must notify the Department of its decision regarding these recommendations, whether they will:

- Allow the action to proceed as originally planned;
- Require the action to be modified per Department recommendations (please specify which measures, if not all, will be required); or
- Forgo the action.

Consultation for Part 1075 is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, 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 reflects the information existing in the Illinois Natural Heritage Database and the Illinois Wetlands Inventory at the time of the project submittal, 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, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.  
Please contact me if you have questions regarding this review.

Cordially,

A handwritten signature in black ink, appearing to read "Sheldon R. Fairfield". The signature is fluid and cursive, with the first name "Sheldon" being the most prominent.

Sheldon R. Fairfield  
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Illinois Department of Natural Resources  
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cc: Duane Ambroz, District Heritage Biologist – Illinois Department of Natural Resources  
John Nelson, Natural Areas Preservation Specialist – Illinois Nature Preserves Commission