



Illinois Department of Natural Resources

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Bruce Rauner, Governor

Wayne A. Rosenthal, Director

March 2, 2015

Keith J. Plavec
Maurer-Stutz, Inc.
1670 East Ash Street
Canton, IL 61520

RE: Thompson Drainage and Levee District Pump Station and Water Control Structure
Project Number(s): 1508311
County: Fulton

Dear Mr. Plavec:

This letter is in reference to the above mentioned project you recently submitted for consultation. The project is located on the right descending bank of the Illinois River between river miles 121 and 126 near Havana, Illinois. The site is known as Emiquon and is owned by The Nature Conservancy (TNC). The Department previously commented on this project in a letter dated April 23, 2014; then referred to as the Emiquon East, Habitat Rehabilitation and Enhancement Project (HREP). The project was to be cost shared between the Army Corps of Engineers (USACE), Rock Island District and TNC.

It is the Departments understanding that the Emiquon East HREP in partnership with the USACE has been withdrawn and TNC proposes to move forward utilizing their own funds.

The major features of the project are described below with some modifications from the previously proposed HREP:

- To establish connectivity between Emiquon and the Illinois River, a seven (7) foot water control structure will be installed on the landward side of the levee. Fish passage may be facilitated with the placement of large boulders embedded into the bottom of the structure to allow resting areas. It is the Departments understanding that the structure is currently proposed to only release water from Emiquon to the Illinois River as agreed upon with the Natural Resources Conservation Service, which holds a Wetland Reserve Program easement on most of the property. The structure will be built to allow for the collection of fishes to study the reconnection of Emiquon to the river.
- A new 60,000 gpm pumping system consisting of three (3) pumps will be installed to manage water levels within Emiquon. The pumping system is necessary to drawdown the wetland to approximately 425 NGVD for the purpose of managing for desirable native aquatic plants and reducing invasive carp species if population levels become unacceptable. A trashrack with 1 ½” spacing is proposed at the pump station intake.

- Per email correspondence dated February 5, 2015, the ten (10) islands that were proposed to be constructed in the original HREP project are not part of the current proposal.

Given the high quality wetland habitat that currently exists at Emiquon, many rare species and species with special conservation status occur in the project area. The Department previously issued comments for protected natural resources in the April 23, 2014 letter. The Department has reviewed the latest information contained in the Natural Heritage Database, along with proposed project modifications, and issues these updated recommendations:

Table 1. State and federally-listed species with occurrence records in the project vicinity.

Species	Status (*Federally Listed)
Barn owl (<i>Tyto alba</i>)	Endangered
Black-crowned night heron (<i>Nycticorax nycticorax</i>)	Endangered
Blanding's turtle (<i>Emydoidea blandingii</i>)	Endangered
Decurrent false aster (<i>Boltonia decurrens</i>)	Threatened*
Indiana Bat (<i>Myotis sodalis</i>)	Endangered*
Northern long-eared bat (<i>Myotis septentrionalis</i>)	Proposed as threatened*
Redspotted sunfish (<i>Lepomis miniatus</i>)	Endangered
Smooth softshell (<i>Apalone mutica</i>)	Endangered
Starhead topminnow (<i>Fundulus dispar</i>)	Threatened

The state and federally-threatened **decurrent false aster** is known to occur in the project vicinity. This species should be searched for before construction begins. If the plant is found in the construction footprint, measures should be taken to avoid or mitigate impacts to this listed plant species. Please note, written permission from the landowner should be obtained from construction crews under contract if the plant is to be “taken” during the project in order to maintain compliance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11]. Also, please notify the U.S. Fish and Wildlife Service if the plant is discovered in the work area. Given these recommendations are adopted, the Department has determined that this project is unlikely to negatively impact decurrent false aster.

The state and federally-endangered **Indiana bat** likely roosts and feeds along the Illinois River floodplain, as well as the **northern long-eared bat** (*Myotis septentrionalis*), which is proposed for both state and federal listing as early as April, 2015. Since no trees will be removed during construction, the Department has determined that this project is not likely to negatively affect the Indiana bat or northern long-eared bat.

A record of **barn owl** nesting occurs within the project footprint. According to an email correspondence dated February 25, 2015, barn owls were discovered attempting to nest in the old dilapidated ‘pump house’ structure in previous years. The last known nesting attempt was in 2013; the structure was searched in 2014 and evidence of nesting barn owls was not found. Due to the condition of the structure and plans for demolition, the Department’s Division of Natural Heritage and TNC installed three (3) pole-mounted nest boxes on the Emiquon Preserve, including one about 50 meters from the pump house. The nest boxes were checked in 2014 and recently on January 22, 2015 and no evidence of nesting was found. The Department recommends the old pump house structure and nest boxes within range of disturbance be

searched for barn owl nesting before and during the construction project. If evidence of nesting is found, please contact Terry Esker with the Department's Division of Natural Heritage at 618-783-2685 for further guidance.

The state-endangered **black-crowned night heron** is known to occur in the project vicinity. This bird builds its nest in standing aquatic vegetation in wetland habitats. Nesting occurs from late April to early June. While the probability of a nest occurring in the construction area is slight, efforts should be taken to avoid disturbance, including noise, if a nesting black-crowned night heron is discovered in the vicinity of construction. If avoidance is not possible, please contact the Department to discuss options to avoid negative impacts to this species.

The state-endangered **Blanding's turtle** and **smooth softshell** may occur in the project vicinity. The Department recommends the construction area be searched for these species each day before the start of work and when transporting equipment. If one is encountered, wait for the turtle to leave the area or contact Michelle Simone with the Department's Natural Heritage Division at 309-202-3438 for further guidance.

Two listed fish, the state-endangered **redspotted sunfish** and state-threatened **starhead topminnow**, were stocked into Emiquon between 2006 and 2009 in coordination with the Department, TNC, Illinois Natural History Survey, and The Wetlands Initiative to establish historic fish communities in restored Illinois River floodplain lakes.¹ According to Department field staff, later sampling has detected only one redspotted sunfish and a recruiting population has not likely been achieved. However, the starhead topminnow appears to be thriving and is abundant in the wetland. Given the proposed construction of cofferdams to facilitate the project and possibility for the starhead topminnow to pass through the 1 ½" trash rack and be entrained in pumps, the Department recommends Incidental Take Authorization (ITA) be considered for this species. Please contact Jenny Skufca (jenny.skufca@illinois.gov) with the Department's Endangered Species Program for all matters pertaining to ITA.

As explained in the Department's previous correspondence, the key to the success of the starhead topminnow and many other rare, economically and recreationally important species is the abundant and diverse submerged aquatic vegetation (SAV) now present in Emiquon. The Department stresses the need to maintain high quality and abundant SAV in Emiquon as these habitats are rare to non-existent in floodplain lakes where connectivity to the Illinois River exists. Reasons for SAV destruction in floodplain lakes connected to the river include high sediment loads, turbidity, unnatural fluctuation in water levels, and non-native carps that may be introduced through the proposed water control structure. Maintaining SAV after reconnection may be challenging, yet is of utmost importance to prevent negative impacts to the starhead topminnow and many other species that have come to rely on the unique and valuable habitat at Emiquon.

Consultation under 17 Ill. Adm. Code Part 1075 is terminated. This consultation 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 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 at 217-524-0501 if you have any questions regarding this review.

Sincerely,



Nathan Grider
Biologist
Impact Assessment Section

cc: Terry Esker & Michelle Simone – IDNR, DNH
Rob Hilsabeck – IDNR, Fisheries

1. Retzer, M. E., T. Bland, & M. Wilson. 2009. Establishment of historic fish communities to restored Illinois River floodplain lakes. Illinois Natural History Survey. Grant / Project Number: T-31-D