



Illinois Department of Natural Resources

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

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

February 27, 2015

Mr. Brien Sheahan, Chairman
527 E. Capitol St.
Springfield IL 62701

**RE: Grand Prairie Gateway 345-kV Transmission Line
Endangered Species Consultation Program
EcoCAT Review #1508592**

Dear Chairman Sheahan:

The Department has received from Stantec, on behalf of Commonwealth Edison, a submission for the purpose of consultation between the Department and the Commission pursuant to 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*.

EcoCAT Review #1508592 covers a half-mile segment which passes through a DuPage County Forest Preserve, generally parallel to a railroad south of Stearns Road. EcoCAT indicated not less than twenty-two **Illinois Natural Areas Inventory (INAI) Sites, Nature Preserves, Land & Water Reserves**, and **endangered or threatened species** may be in the vicinity of this segment.

The **Pratt Wayne Woods INAI Site**, which totals more than 1,300 acres, is located south of the railroad, while the route follows an existing power line on the north side of the railroad. The proposed action is unlikely to adversely modify any aspect of the Pratt Wayne Woods INAI Site. None of the other INAI Sites, Land & Water Reserves or Nature Preserves listed by EcoCAT are actually “in the vicinity” for the purpose of evaluating this project.

Several of the listed species may be adversely affected, however.

The State-listed endangered **Blanding’s Turtle**, *Emydoidea blandingii*, is fairly common in Pratt Wayne Woods and Tri-County State Park. Although wetlands are scattered, and none occur within or adjacent to this segment, the Blanding’s Turtle often travels overland between wetland complexes; individuals can move as far as 3,000 feet per day. Moreover, this species uses upland nesting sites far from the nearest wetland habitats. Thus, it is highly likely this species may be present during power line construction activities between March and October.

Female Blanding's Turtles travel farther from the water to lay their eggs than any other aquatic or semi-aquatic turtle in Illinois, perhaps as much as half a mile or more. Nests are excavated in sandy or gravelly soils with solar exposure, perhaps as early as late May but sometimes as late as August, with peak nesting activity usually occurring in June. (Seasonal weather conditions are the major variable affecting when nesting occurs.) Eggs typically hatch after 60-90 days, whereupon hatchlings make the trek to the nearest wetland environment. (In Canada, late hatchlings often spend the entire winter in the nest prior to seeking open water, but this rarely happens in Illinois.)

Nests are well-concealed from human detection, although scent trails allow mammalian predators to readily discover and predate turtle nests. Importantly, a female Blanding's Turtle demonstrates very high fidelity to a nesting site, returning again and again to the same location year after year. (It is likely this is a result of hatching at that spot herself, and imprinting on it.) If such a nesting site is located within the existing right-of-way, it is possible that one or more Turtles may attempt to nest there before or during construction (bare disturbed soils, being warmer, are attractive to gravid females). The solar exposure of soils located in the right-of-way and their suitable texture may render the right-of-way a preferred nesting site for this species. It will be possible for humans using vehicles or heavy equipment to inadvertently crush and destroy a nest, or even to encounter and injure or kill an adult Blanding's Turtle. Either situation would constitute a prohibited taking.

The Department commonly recommends an effort to avoid or minimize such a potential by isolating the work zone as much as possible. A properly-installed and maintained silt-fence is capable of excluding Turtles from dangerous areas where they may be at risk. But, because nests are so difficult to detect, the Department recommends that such exclusionary measures be deployed well before turtles will be attempting to access the risk area. Turtles do not become active until mid-March, but nesting rarely occurs before the last week in May, so establishing exclusion areas should be done by early May. It is important that exclusion areas are completely fenced during the hours of darkness, when nesting females prefer to travel overland; Turtles will follow a fence to find an opening if the preferred nesting site is located within it. The Department recommends that a passage through the right-of-way be left approximately every five hundred feet; excluding the entire length of the segment would impose an excessive burden on gravid females seeking access to nesting areas. Such passages need be no more than eight to ten feet wide.

A female Blanding's Turtle which cannot reach her preferred nesting location is likely to loiter in the vicinity until she must extrude her eggs, whereupon she will excavate a nest wherever she is. Areas near the construction limits still provide suitable nesting habitat, so the Department does not anticipate that exclusion of this species from the construction area will appreciably diminish nesting or recruitment success, so long as several passages are maintained.

If for some reason establishing an exclusion area is infeasible, or if it is deemed to provide insufficient protection against a prohibited incidental taking, the corporation may apply to the Department for an Incidental Take Authorization pursuant to Part 1080 of the Department's Administrative Rules. This process often requires about five months, but it absolves the holder of any criminal liability for a taking so long as the terms of the Authorization are implemented.

Because there are other segments of this project with a higher risk of taking this species, *it may be expedient to include this site in the areas covered by a broader Incidental Take Authorization.*

The State-listed endangered **Osprey**, *Pandion haliaetus*, has often nested on power line poles in and around Tri-County State Park. This species is highly-tolerant of human disturbances, and most nests in Northeastern Illinois are constructed on manmade features such as power line poles, athletic field lights, bridges, large signs and billboards, and purpose-built artificial nesting platforms. Due to this proclivity and to the frequency with which this has occurred in the past in this vicinity, *the Department recommends the applicant seek an Incidental Take Authorization for this species, to enable construction workers to remove or otherwise destroy nests which do not contain eggs and to work in close proximity to occupied nests, which will result in harassment, another form of prohibited taking.*

Much of the area bounding the railroad corridor contains shrubby vegetation which provides appropriate nesting habitat for the State-listed threatened **Black-Billed Cuckoo**, *Coccyzus erythrophthalmus*, which is known to breed at a number of locations in the Forest Preserves of northwestern DuPage County. Not all nesting locations are known, and nest locations may vary from year-to-year based on local conditions. This creates a potential for the prohibited incidental taking of this species if potential nesting areas are disturbed between April and August. *The Department recommends nesting surveys to identify nesting locations, performing the construction activities outside of the breeding and rearing season, or clearing such habitat prior to the nesting season.* However, construction activities are likely restricted to the right-of-way unless agreements have been reached with adjacent land owners, and nests located in vegetation near the right-of-way will still be close enough to result in the prohibited harassment of the adult and juvenile occupants. *The applicant may wish to consider seeking an Incidental Take Authorization from the Department to address this possibility.*

The State-listed threatened **Franklin's Ground Squirrel**, *Poliocitellus (Spermophilus) franklinii*, has been reported from Tri-County State Park. This large ground squirrel spends a significant portion of the year in hibernation, only becoming active in late April or early May, and returning to hibernation as early as late August or the first few weeks of September. It prefers taller vegetation and so is seldom observed. A majority of burrows are within a few meters of a tree or shrub, and elsewhere in the State it has demonstrated an affinity for power line poles, suggesting they are an adequate surrogate for a tree. Disturbance of a burrow during the hibernation period is likely to result in the death of the resident Ground Squirrel. However, because this animal spends the majority of its active time period underground and retreats underground when threatened, burrow disturbance during the active period is also likely to result in the death or injury of the resident Ground Squirrel unless the animal is first trapped and removed. (Capture also constitutes prohibited taking if done without the required authorization from the Department.)

This species has not been reported since 2007 but it is possible the species is present without having been observed. *The Department recommends a burrow survey of the right-of-way which will be disturbed and, if burrows are detected which may house this species, a trapping survey to verify its identity is also recommended. If present, the Department recommends an Incidental Take Authorization be sought.*

The essential habitats of all other species of State-listed plants and animals listed by EcoCAT for this segment are unlikely to be adversely modified by construction activities along this segment, are not actually in the vicinity of the project, or are in the vicinity of adjacent segments and will be addressed in those consultations.

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, stylized "K" and "S".

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

cc: Brian Bub, Stantec