



Illinois Department of Natural Resources

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Bruce Rauner, Governor
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August 7, 2015

Mr. Lee Beckman
Milano & Grunloh Engineers, LLC
114 W. Washington Ave
Effingham, IL 62401

Ms. Robin Tisdale
IL Department of Commerce and Economic Opportunity
500 East Monroe Street
Springfield, IL 62701

**Re: City of Kinmundy
Endangered Species Consultation Program
Project Number(s): 1601186
Alternate Project Number(s):
County: Marion**

Dear Mr. Beckman and Ms. Tisdale:

This letter concerns the Endangered Species Consultation and wetland review for the **City of Kinmundy**, located in **Marion** County, Section **22**, Township **4N**, and Range **3E**. 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], Title 17 *Illinois Administrative Code* Part 1075, the *Interagency Wetland Policy Act* [20 ILCS 830], and Title 17 *Illinois Administrative Code* Part 1090.

The proposed action involves: construction of approximately 8 miles of water main to secure an alternate water source for the City of Kinmundy.

E&T Review

The Ornate Box Turtle (*Terrepenne ornata*) occurs in the vicinity of the project area, specifically the City of Kinmundy. The Department is concerned with the effect that trenching, boring, excavating, machinery, and vehicles could have on this species within the vicinity of this project. Construction activities could cause turtles to be trapped in trenches or excavations, or crushed by equipment or vehicles.

Ornate Box Turtle, *Terrepenne ornata*

This species was listed by Illinois as threatened in October 2009. Many populations have been adversely affected by habitat conversion to agriculture and development, road-kills, and over-collection for the pet trade.

From late September through mid-April, the Ornate Box Turtle hibernates (brumates) in burrows as deep as three feet underground. Such burrows are far from obvious to humans, so that for more than six months of the year, this species is not subject to easy observation. This species spends significant portions of each day underground, either in burrows or shallow excavations near the surface called “forms.” Hatchlings spend most of their time underground during their first two or three years of life. Excavation of soils and trenching activities in potential habitat during the above-noted timeframe run the risk of killing or injuring unobserved turtles.

This turtle’s daily pattern consists of an early morning emergence, followed by basking to raise its body temperature. When the right temperature for activity is achieved, it forages across its range for several hours, feeding, until temperatures become too high, then it seeks shelter beneath vegetation, in a burrow, or in a “form.” It remains inactive until late afternoon or early evening, when temperatures allow a second foraging period. Before darkness falls, it retreats to its burrow, except for females during the nesting period (May and June), when eggs are laid at night.

Because this species finds movement through dense vegetation difficult, it prefers areas where vegetation is sparse or absent. Roads satisfy this desire for easy movement, as do tilled fields, and also provide basking areas where temperatures may rise more quickly in the morning or during cooler weather.

To minimize or avoid potential adverse impacts, the Department recommends the measures described below be implemented by Milano & Grunloh Engineers, LLC regarding the portion of work performed within the City of Kinmundy.

Recommendation #1. Educate and inform construction crews and all on-site personnel about Ornate Box Turtles 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 turtle is encountered on site, inform crews to immediately stop construction in the surrounding area and allow the turtle to move out of harms way. If the turtle has become entrapped or fails to leave the area, contact the Department’s Heritage Biologist Terry Esker, 618/783-2685, keeping in mind it is a criminal act to handle a listed species. Personnel on site should watch the turtle until the proper authority arrives to alleviate the situation, keeping at a respectable distance. If the turtle moves, crews should mark the spot they first saw the turtle and the last spot it was seen.

Recommendation #2. Because trenches can trap turtles (and other reptiles and amphibians), trenches and excavations should be routinely inspected throughout the day to ensure no turtles have become trapped within them. Trenches 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 since invasive and exotic species can form dense patches which make it difficult for turtles to travel through.

Recommendation #3. Perform work May through September and install exclusionary fencing to prevent turtles from entering the construction areas. Daily inspections should occur for the first two weeks and then be maintained weekly throughout the construction period to ensure the exclusionary fencing has been properly installed (dug into the ground) and to check if any turtles are present on either side of the fence.

Recommendation #4. When possible, vehicles and machinery should stay off any soils that are defined as sandy to avoid and minimize compaction.

Wetland Review

The Illinois Wetland Inventory indicates that wetlands are in the vicinity of your project site. However, the proposed action is generally considered a minimal wetland impact. If wetlands will be disturbed, the project must meet certain construction conditions and incorporate 1:1 mitigation requirements into the project plans. These are listed on the attached sheet. If, however, wetlands will be impacted and the minimal impact criteria will not be met, you must notify the Department and the consultation will be re-opened. If wetlands will not be disturbed, no action is necessary.

Summary

Consultation under 17 Ill. Adm. Code Part 1075 and the Wetland Review under 17 Ill. Adm. Code Part 1090 are terminated. The Department recommends any and all measures and/or recommendations be implemented by the applicant, and be required by the Illinois Department of Commerce and Economic Opportunity as a condition of the grant agreement/funding.

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. Consultation for Part 1090 (Interagency Wetland Policy Act) is valid for three years.

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,



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