



## Illinois Department of Natural Resources

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

Bruce Rauner, Governor

Wayne A. Rosenthal, Director

December 14, 2015

Mr. Steve Arthur  
15794 Clover Lane  
Dubuque, IA 52002

**RE: Longhollow Road Special Use Permit, Jo Daviess County  
Endangered Species Consultation  
EcoCAT Review #1604848**

Dear Mr. Arthur:

The Department has received your submission for this project for the purposes of consultation 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.

As indicated, your proposed action—an outdoor recreation venue—is located on a parcel directly adjacent to the **Tapley Woods Illinois Natural Areas Inventory (INAI) Site**, a feature owned by the Illinois Department of Natural Resources which is also registered as the **Tapley Woods Land & Water Reserve** pursuant to the *Illinois Natural Areas Preservation Act*. The parcel in question supports a large population of the state-listed **Drooping Sedge**, *Carex prasina*, within the corridor proposed for development of the entertainment venue. Tapley Woods also has records for the Federally-listed endangered **Indiana Bat**, *Myotis sodalis*, and the threatened **Northern Long-Eared Bat**, *Myotis septentrionalis*, which doubtless also use forested habitat on the parcel in question.

Based in the information you have provided, the proposed action is unlikely to physically modify any portion of Tapley Woods, and the seasonal nature of the proposed venue will not interfere with outdoor recreation (hunting) within Tapley Woods or with management or other public use of the Land & Water Reserve.

Some tree trimming or tree removal may be necessary to implement plans for the entertainment venue, which has the potential to adversely modify essential habitat for the listed bats or to take them in a prohibited manner. However, *the Department recommends that such work be*

*performed prior to April 1 or after October 1, when bats are not present.* Otherwise both federal and state permits for taking listed bats will be required.

*Removal of trees during the active season should be preceded by acoustic and mist-net surveys to determine whether the site is occupied by this species.* (Acoustic surveys require no permits, but may not produce definitive results, while mist-netting requires both federal and state survey permits and produces clearer outcomes.)

Use of the trails, once constructed, is unlikely to be disruptive to bat roosting and foraging and the site should continue to serve the species' needs. Because this species is federally-protected, you may wish to consult the guidelines for bat protection promulgated by the U.S. Fish & Wildlife Service.

The proposed action may completely avoid the Drooping Sedge population, but the potential exists for some plants to be harmed during construction or operation of the facility. *The Department recommends that employees and contractors working on the site be provided express written permission to take Drooping Sedge under conditions the owner is free to specify.* This will assure compliance with Section 3 of the *Illinois Endangered Species Protection Act*. Harming such plants in any manner without such written permission is a Class A Misdemeanor and exposes employees and contractors to legal liability regardless whether the owner is concerned about such harm.

The Department recommends you become familiar with the appearance of Drooping Sedge and its various locations on this property, and share such information with your employees and contractors. You may contact our District Natural Heritage Biologist, Mr. Duane Ambroz, to request his assistance in delineating these locations and the condition of the population. He may be contacted at [duane.ambroz@illinois.gov](mailto:duane.ambroz@illinois.gov).

Consultation on the part of the Department is closed, unless the County desires additional information or advice related to this proposal. In accordance with 17 Ill. Adm. Code 1075.40(h), the County should 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 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 termination 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  
Impact Assessment Section  
Department of Natural Resources  
(217)785-4984  
[keith.shank@illinois.gov](mailto:keith.shank@illinois.gov)

cc: Linda Delvaux, Jo Daviess County