



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 1, 2016

Mr. Tyler Beemer
Burns & McDonnell
8201 Norman Center Dr., Suite 300
Bloomington, MN55437-3460

**RE: MVP 16: Oak Grove to Galesburg 345/161-kV Transmission Line Project
Endangered Species Review
EcoCAT Reviews 1605405; 1605411; 1605419; 1605420; 1605421; 1605422;
1605425; 1605427; 1605429**

Dear Mr. Beemer:

The Department has received and reviewed your submissions 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.

The project entails rebuilding the existing power line, but its enhancement requires a significantly widened right-of-way. Where trees must be removed to protect the new powerline, that action will adversely modify essential habitat for the State-listed endangered **Indiana Bat**, *Myotis sodalis*, and the State-listed threatened **Northern Long-Eared Bat**, *Myotis septentrionalis*.

As you are aware, these species are also listed as endangered and threatened, respectively, by the federal government. Recently, on January 14, the U.S. Fish & Wildlife Service promulgated a Final 4(d) Rule pursuant to Section 9 of the federal *Endangered Species Act*, effective February 14, 2016, which with minor exceptions exempts the Northern Long-eared Bat from the prohibitions on incidental taking under the federal law. Please be informed this federal action has no effect on the applicability of State law, so that the Northern Long-Eared Bat remains fully-protected under State regulations. Such a Rule has no applicability to the Indiana Bat.

Nevertheless, tree-roosting habitat for these species is not protected unless the bats are present. As hibernating species, they are absent from woodlands during the winter, except near hibernation sites. The Department of Natural Resources is recommending compliance with the federal tree-removal guidelines, with the exception that the period in which bats are considered active is being extended to October 14 (instead of October 1) and to November 14 near known hibernation sites.

Consequently, the Department recommends that any tree removal be performed prior to April 1 or after October 14. The Department recognizes that its records indicate the presence of these species near Pope and Henderson Creeks, but that is only because mist-net surveys for these species have not been performed in woodlands otherwise affected by this project. It is appropriate to assume both species use woodlands along the entire length of the project.

If trees must be removed between April 1 and October 14, the Department recommends a roost tree suitability survey and/or a mist-net survey to determine the presence of these species. While non-roost trees can be removed, the removal of a roost tree while occupied would require both federal and State permits for incidental taking of these species, a lengthy and expensive process.

Consultation on the part of the Department is closed, unless you desire additional information or advice related to this proposal. 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.

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 initial "K".

Keith M. Shank
Impact Assessment Section
Department of Natural Resources
(217)785-4984
keith.shank@illinois.gov