



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 5, 2016

Mr. Michael E. Harsted, Director
LaSalle County Environmental Services and Land Use
119 West Madison Street – Room 107
Ottawa, IL 61350

**RE: Northern White Sand Riverstone Property, LaSalle County
Endangered Species Consultation
EcoCAT Review #1605702**

Dear Mr. Harsted:

The Department has reviewed a submission from Chamlin & Associates regarding development of this parcel for the purposes of 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 parcel borders the Illinois River west of Naplate and is crossed by a small creek which enters the River there. The River itself does not contain habitat at this point for the State-listed threatened **Banded Killifish**, *Fundulus diaphanus*, but the small creek does. The parcel is also located within ten miles of a Priority 2 hibernaculum for the federally-listed and state-listed endangered **Indiana Bat**, *Myotis sodalis*, and the federally-listed and state-listed threatened **Northern Long-Eared Bat**, *Myotis septentrionalis*. The same site is a Priority 4 hibernaculum for the federally-listed and state-listed endangered **Gray Bat**, *Myotis grisescens*.

Any in-stream work in the small tributary is likely to adversely modify essential habitat for the Banded Killifish, and may result in prohibited incidental taking of this species.

The proposed action will require the clearing of trees and brush on the riverbank to provide access for heavy equipment needed to construct “deadman” anchors for the planned barge loading facility. Because the Gray Bat roost only in caves and mines, the project is unlikely to

adversely affect the Gray Bat or result in prohibited incidental taking. However, both the Indiana Bat and the Northern Long-Eared Bat establish maternity colonies and day roosts in appropriate trees, so that tree removal during their active seasons may result in prohibited incidental taking.

The Department offers the following recommendations:

Recommendation #1: The Department recommends that County consider a condition prohibiting in-stream work in the small creek which transits the parcel. If in-stream construction work is necessary, the applicant should consider seeking an Incidental Take Authorization (ITA) from the Department of Natural Resources, pursuant to 520 ILCS 10/5.5 and Title 17 Illinois Administrative Code Part 1080.

Recommendation #2: The Department recommends a condition which requires any tree removal to be performed only during the period between November 15 and April 1. Because the parcel lies within ten miles of a Priority 2 hibernaculum, these dates are more restrictive than those typically recommended; bats remain active several weeks later in the year near a hibernaculum. Should it be necessary to remove trees between April 1 and November 15, such activity should be preceded by a survey to identify potential roost trees and to determine whether they are in use by these species.

Because these bats are also federally-listed, they may not be taken without authorization *from both* the Department of Natural Resources (ITA) and the U. S. Fish & Wildlife Service (which requires both a Habitat Conservation Plan/Incidental Take Permit and NEPA Environmental Assessment.) The costs in time and effort to obtain such authorizations render removal during the recommended tree removal period the preferable option.

Consultation on the part of the Department is closed, unless LaSalle 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 this recommendation, 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.

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 initial "K".

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

cc: Adam Ossola, Chamlin & Associates