



Illinois Department of Natural Resources

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

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

May 17, 2016

Aaron Bruder
Eriksson Engineering Assoc. Ltd.
145 Commerce Dr.
Suite A
Grayslake, IL 60030

RE: Edwardsville CCRC Site Investigation
Project Number(s): 1607353
County: Madison

Dear Mr. Bruder:

This letter concerns the Endangered Species Consultation for the project noted above, located in Madison County, Township 4 North, Range 8 West, Sections 10, 15. 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], and Title 17 Illinois Administrative Code Part 1075.

The project consists of preliminary investigation into construction feasibility on site in Edwardsville, IL.

The Department has completed its review of the project and determined that the resources identified by EcoCAT in the vicinity are likely to be affected.

The state-threatened **Ornate Box Turtle** (*Terrepenne ornata*) is known to occur in the vicinity of the project area. The Ornate Box Turtle (OBT) is a relatively small turtle (less than six inches) usually only seen above-ground from mid-April to late September. This species spends significant portions of each day underground, either in burrows or shallow excavations near the surface called forms. It emerges in early morning and basks to raise its body temperature, then forages across its range for several hours until temperatures become too high, when it seeks shelter beneath vegetation, in a burrow, or in a form. Evening 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. From late September through mid-April, the Ornate Box Turtle hibernates in burrows as deep as three feet underground.

If any turtles are present during construction, they could be injured or killed if they are burrowed or transiting the area. Noise generated by construction activities and ongoing operations could interfere with animal communication and may hinder reproductive success. Vibrations from

construction activities may pose a risk because reptiles are very sensitive to vibrations transmitted through the ground, as are earthworms and soil organisms, part of this turtle's diet. To determine if turtles are using the area, the Department recommends:

- To conduct biological survey. The results of the survey should be forwarded to the Department. Please note, any survey activity that will actually capture or handle endangered or threatened species requires personnel doing so to hold Scientific Collection Permits under Part 520 and Part 1070 of the Department's Rules.
- If species is present, the project activities could result in a take of this species, which is a violation of the Illinois Endangered Species Protection Act. "Take" means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such a conduct. Because of the likelihood of a take, the Department recommends consideration of applying for Incidental Take Authorization (ITA) for the Ornate Box Turtle in accordance with 17 Ill Adm. Code Part 1080. Communication concerning the ITA application should be directed to Jenny Skufca, Office Resource Conservation, 217-557-8243 or Jenny.Skufca@illinois.gov.

In addition, to minimize impact to the species the Department recommends the following measures be incorporated into the project:

- Educate personnel working on site about the Ornate Box Turtle. Post photos of juvenile and adult turtles at a central location.
- Install exclusionary fencing by the end of March and maintain it through October (if needed) to prevent turtles from entering the construction area.
- Conduct daily inspections during construction to ensure that exclusionary fencing is properly installed (dug into the ground) and to check if turtles are present.
- Trenches should be covered at the end of each work day. Before starting each work day, trenches and excavations should be routinely inspected to ensure no turtles (or other reptiles) have become trapped within them.
- If Ornate Box Turtles are encountered, crews should stop work immediately, allow the turtle to move out of the way and contact IDNR at 217-854-8007 or 217-557-0483.

Consultation under 17 Ill. Adm. Code Part 1075 is completed. In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.

This consultation 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.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database 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.

Sincerely,

Natalia Jones
Impact Assessment Section
217-785-5500
natalia.jones@illinois.gov

cc: Jenny Skufca, Incidental Take Authorization Coordinator, INDR
Mark Phipps, District Heritage Biologist, IDNR