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Office of Proceedings
May 2, 2013
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MEMO

TO: Surface Transportation Board, Office of Environmental Analysis

FROM: John Sims, Paralegal
BNSF Railway Company

DATE: May 2, 2013

RE: STB Docket No. AB 6 (Sub-No. 482X); BNSF Railway Company -
Abandonment in Cook County, Illinois
Section 7 Endangered Species Act Consultation

BNSF Railway Company ("BNSF") filed a Petition for Exemption on December 21, 2012, seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon approximately 2.14 miles of track between Station 36 + 70, north of the Chicago Sanitary and Ship Canal Bridge, and Station 149 + 87, at the end of the track near Western Avenue, in Cook County, Illinois (the "Line").

Pursuant to STB decision served on April 9, 2013, ordering paragraph 1(4), BNSF is to consult with USFWS regarding the potential impacts from salvaging activities to federally listed threatened and endangered species that may occur in the vicinity of the Line and report the results of these consultations in writing to OEA prior to the onset of salvage operations. On May 1, 2013, I spoke with Cathy Pollack with USFWS and she provided me with a reply e-mail (attached). Ms. Pollack directed BNSF to USFWS' Web site where BNSF could locate a list of federally listed species for the county where the proposed project is to occur and then using habitat information for the listed species make an effects determination.

The proposed abandonment will include the removal of the rails and ties.

BNSF reviewed the USFWS technical assistance Web site on May 1, 2013, for federally listed threatened and endangered species. BNSF generated a list of Federally Endangered, Threatened, and Candidate Species for Illinois County (see attached list, specifically Cook County).

The rails and ties that will be salvaged on this Line are located within the city streets of downtown Chicago and there are no bodies of water located on this Line. Therefore, BNSF concludes this abandonment project will have "no effect" on listed species, their habitats, or proposed or designated critical habitat.

Sims, John A

From: Pollack, Cathy <cathy_pollack@fws.gov>
Sent: Wednesday, May 01, 2013 11:15 AM
To: Sims, John A
Subject: Re: STB Docket No. AB 6 (Sub-No. 482X);BNSF Railway Company - Abandonment Exemption in Cook County, Illinois
Attachments: Standard Operating Procedure Section 7.pdf; Flow chart.pdf; Sec_7_verbage_table.pdf; Basic Steps.pdf; NE_IL_County_&_Fed_Listed_Species.pdf; Website Breakdown.pdf; When to contact FWS.pdf; BA Format and checklist.pdf

Good Morning, Mr. Sims,

Thank you for the opportunity to review the proposed railroad abandonment project in Cook County, Illinois (STB Docket No. AB 6 (Sub-No. 482X);BNSF Railway Company).

This office has an on-line system where you can access our website, receive a list of federally listed species for the county where the proposed project is to occur, and then using habitat information for the listed species, make an effects determination.

Under the Endangered Species Act of 1973, it is the responsibility of the Federal agency which either authorizes, funds, or carries out the proposed action, to determine whether or not the project "may affect" or will have "no effect" on listed species. If the Federal action agency determines that the project will have no effect on listed species, that determination should be documented in agency files, and no further correspondence with the U.S. Fish and Wildlife Service is required. Because existing rail lines with their associated gravel, concrete, and/or asphalt land cover does not support suitable habitat for federally listed species in Cook County, Illinois, this would be reasonable rationale for a no effect determination regarding this proposed project.

In cases where the Federal agency determines that a project may affect one or more listed species, the project and effects determination should be forwarded to the U.S. Fish and Wildlife Service for our review and concurrence or further consultation.

Please review the attached documents along with our on-line system. The first document provides information on how to access our website. If after your review of the attachments and our website, you believe you need further clarification or have any additional questions, feel free to call or email.

Thank you,

Cathy Pollack

U.S. Fish and Wildlife Service

847-381-2253, X28

On Fri, Apr 26, 2013 at 7:02 AM, Sims, John A <John.Sims@bnsf.com> wrote:

I apologize, but I forgot to note in my message below that since our initial filing of the abandonment referenced below we decided to not include the one bridge mentioned in the filing. So, the one bridge will remain in place.

From: Sims, John A
Sent: Thursday, April 25, 2013 4:51 PM
To: Pollack, Cathy
Cc: Sims, John A
Subject: RE: STB Docket No. AB 6 (Sub-No. 482X);BNSF Railway Company - Abandonment Exemption in Cook County, Illinois

Ms. Pollack,

I previously corresponded with you regarding an abandonment in Chicago, Cook County, IL (please reference your e-mail below). BNSF had previously filed for an abandonment in the above-referenced docket prior to the abandonment referenced below, but it is in a different location in Chicago. Unfortunately, we never received a reply back from USFWS regarding the attached abandonment (see attached letter) and now the Surface Transportation Board is requiring us to consult with your agency prior to beginning any salvage activities. Does the attached abandonment fall under the responsibility of your office? If so, am I to assume that we need to follow the same self-determination steps as you indicated in our other abandonment proceeding.

If this sounds a little confusing and you'd rather discuss by telephone, please call me at 817-352-2376.

Regards,

John A. Sims, CP
Paralegal
BNSF Railway Company
2500 Lou Menk Drive, 3rd Fl
Fort Worth, Texas 76131-2828
817.352.2376
817.352.2397 (fax)
John.Sims@BNSF.com

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From: Pollack, Cathy [mailto:cathy_pollack@fws.gov]

Sent: Tuesday, November 27, 2012 1:56 PM

To: Sims, John A

Subject: STB Docket No. AB 6 (Sub-No. 487X);BNSF Railway Company - Abandonment Exemption in Cook County, Illinois

Good Afternoon Mr. Sims,

We are in receipt of your letter dated November 21, 2012 requesting information regarding federally listed species and your proposed project. We have an on-line system where you will access our website, receive a list of federally listed species for the county where the proposed project is to occur, and then using habitat information for the listed species, make an effects determination. There are three possible determinations that you can make. 1) No effect, 2) may affect, but not likely to adversely affect..., or 3) may affect and is likely to adversely affect... Please review the attached documents along with our website. The first document provides information on how to access our website. If after your review of the attachments and our website, you believe you need further clarification or have any additional questions, feel free to call or email.

Thank you,

Cathy Pollack

Cathy Pollack

U.S. Fish and Wildlife Service

1250 South Grove, Suite 103

Barrington, Illinois 60010

847-381-2253, X28

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Cathy Pollack
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service

Chicago Illinois Field Office
1250 S. Grove Avenue, Suite 103
Barrington, Illinois 60010-5010
Phone: 847-381-2253, x28
Fax: 847-381-2285

Standard Operating Procedures

Determining If Your Proposed Project Will Have:
"No Effect" on Federal Listed Species or "May Affect" Federal Listed Species

- 1) Go to www.fws.gov
- 2) In the "Regional Boundaries" box select "Midwest (Region 3)"
- 3) In left hand menu select "Ecological Species"
- 4) In the next left hand menu select "Endangered Species"
- 5) Scroll down and select the green shaded box entitled "Section 7 Technical Assistance".
- 6) Here you can access any of the website contents:

Website Contents

- **Step-by-step instructions** for the section 7(a)(2) consultation process
- **Species' County Lists** - all endangered, threatened, proposed, & candidate species, and proposed & designated critical habitat occurrences by county
- **Species life history information**
- **Species-specific S7 guidance and conservation measures**
- **Example letters** for documenting "no effect" and requesting concurrence with a finding of "not likely to adversely affect."

- 7) Or at bottom of screen select "Proceed to step by step instructions"
- 8) S7 Consultation Technical Assistance
Step-by-Step Instructions
Overview
- 9) At bottom of screen select "Next"
- 10) At bottom of screen select "Next (Step 1)"
- 11) Select "Species List" to determine what may be present in your specific county

Specific terms, definitions, criteria and wording for use in section 7 consultation documents.

Doug Laye - Eastern Idaho Field Office - June 2008

Effects Category	Effects Sub - category	Criteria necessary for inclusion in category or sub-category	Effects Determination wording/phrase	Action Needed by Action Agency	Response from FWS
No Effect <u>Definition -</u> Proposed action will not affect listed species ----- Or -----		"Action won't pose <u>any</u> effects to listed species or designated critical habitat." <i>(Remember that effects are measured at the individual scale not population scale. And don't forget to consider whether any effects could occur through an indirect mechanism e.g. changes to its habitat, etc.)</i>	No Effect (NE)	Document rationale for findings in project file	None
	May Affect <u>Definition -</u> A proposed action that may pose any effect to listed species or designated critical habitat ----- Or -----	May affect - Not Likely to Adversely Affect (NLAA)	"Effects on listed species are expected to be discountable, insignificant or beneficial." <u>Discountable</u> = those effects that are extremely unlikely to occur. Based on best judgment a person would not expect discountable effects to occur <u>Insignificant</u> = based on best judgment, a person would not be able to meaningfully measure, detect, or evaluate insignificant effects. Insignificant effects should never reach the level where take* occurs <u>Beneficial</u> = are contemporaneous positive effects without any adverse effects (<i>even short term</i>) to the species	May affect - Not Likely to Adversely Affect (NLAA)	After informal consultation, discussions and preparation of a biological assessment on impacts to the species - request a concurrence letter from the FWS
May Affect - Likely to Adversely Affect (LAA)		Any adverse effect that is not insignificant or discountable [see definitions above]	May Affect - Likely to Adversely Affect (LAA)	Submit biological assessment and request formal consultation from the FWS	Issue a biological opinion, and if adverse effects are likely to result in Take* - issue an Incidental Take Statement with Terms and Conditions

* Take (Section 9 of the Act) is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct". Harm is further defined by the Service (50 CFR, §17.3) to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service (50 CFR, §17.3) as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

Protection of Plants under the ESA

	Endangered	Threatened
Section 9	<p>Unlawful to:</p> <ul style="list-style-type: none"> • Import into or export from the U.S. • Remove and reduce to possession from areas under Federal jurisdiction • Maliciously damage or destroy on areas under Federal jurisdiction • Remove, cut, dig up, or damage or destroy in knowing violation of any state law or regulation or in the course of any violation of a state criminal trespass law • Deliver, received, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity • Sell or offer for sale in interstate or foreign commerce <p><i>Ref: ESA, as amended, section 9(a)(2) 50 CFR 17.61</i></p>	<p>Unlawful to:</p> <ul style="list-style-type: none"> • Import into or export from the U.S. • Remove and reduce to possession from areas under Federal jurisdiction • Deliver, received, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity • Sell or offer for sale in interstate or foreign commerce <p><i>Ref: 50 CFR 17.71</i></p>
Section 7	<p>Subject to full consultation requirements for any Federal activity that may affect endangered or threatened species. Standard for jeopardy determination is identical to wildlife. However, no incidental take statement is provided (even for activities on Federal Land.) Use standard plant paragraph for biological opinions in Section 7 Handbook, page 4-47.</p>	
Section 10	<ul style="list-style-type: none"> • Section 10(a)(1)(A) permits (or State authorization under 50 CFR 17.61(c)(2) or 17.71(b)) needed for scientific or enhancement of survival activities that involve removal and reduction to possession from Federal lands. • Section 10(a)(1)(B) permits do not include listed plants. However, applicants are encouraged to consider impacts on plants because intra-Service section 7 consultation on the permit application must consider whether issuance of the permit will, directly or indirectly, jeopardize any listed plants. <i>Ref: HCP Handbook, page 3-8</i> 	

Northeastern Illinois Counties and the possible Federal Listed Species
(current as of 03/15/2011) Please check every 90 days

Cook County

Piping plover (*Charadrius melodus*) – endangered
Eastern Massasauga (*Sistrurus catenatus*) – candidate
Hine's emerald dragonfly (*Somatochlora hineana*) – endangered
Hine's emerald dragonfly (*Somatochlora hineana*) – critical habitat
Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Leafy-prairie clover (*Dalea foliosa*) – endangered
Mead's milkweed (*Asclepias meadii*) – threatened
Prairie bush clover (*Lespedeza leptostachya*) - threatened

DuPage County

Eastern Massasauga (*Sistrurus catenatus*) – candidate
Hine's emerald dragonfly (*Somatochlora hineana*) – endangered
Hine's emerald dragonfly (*Somatochlora hineana*) – critical habitat
Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Leafy-prairie clover (*Dalea foliosa*) – endangered
Mead's milkweed (*Asclepias meadii*) – threatened
Prairie bush clover (*Lespedeza leptostachya*) - threatened

Kane County

Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Sheepnose mussel (*Plethobasus cyphus*) - candidate

Lake County

Piping plover (*Charadrius melodus*) – endangered
Piping plover (*Charadrius melodus*) – critical habitat
Eastern Massasauga (*Sistrurus catenatus*) – candidate
Karner blue butterfly (*Lycæides melissa samuelis*) – endangered
Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Pitcher's thistle (*Cirsium pitcheri*) - threatened

McHenry County

Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Prairie bush clover (*Lespedeza leptostachya*) - threatened

Will County

Hine's emerald dragonfly (*Somatochlora hineana*) – endangered
Hine's emerald dragonfly (*Somatochlora hineana*) – critical habitat
Eastern Massasauga (*Sistrurus catenatus*) – candidate
Sheepnose mussel (*Plethobasus cyphus*) - candidate
Spectaclecase mussel (*Cumberlandia monodonta*) – candidate
Eastern prairie fringed orchid (*Platanthera leucophaea*) – threatened
Lakeside daisy (*Hymenopsis herbacea*) - threatened
Leafy-prairie clover (*Dalea foliosa*) – endangered
Mead's milkweed (*Asclepias meadii*) – threatened

When to contact FWS?

If species or critical habitat **may be affected**, consultation with the Service is required.

Once a species list is obtained or verified as accurate, Federal agencies need to determine whether their actions may affect any of those species or their critical habitat. If no species or their critical habitat are affected, no further consultation is required. **If species or critical habitat may be affected, consultation with the Service is required.** This consultation will conclude either informally with written concurrence from the Service or through formal consultation with a biological opinion provided to the Federal agency.

From Step 1:

- If suitable habitat is present, and no other data indicate species or critical habitat are absent, conclude "species or critical habitat may be present" and proceed to Step 2.
- If suitable habitat is present, and no other data indicate species or critical habitat are absent, you may conduct a survey to determine whether listed species or critical habitat are present. Please contact the Ecological Services Field Office nearest the project for more information.

From Step 2 (contact FWS for half of Step 2 / may affect)

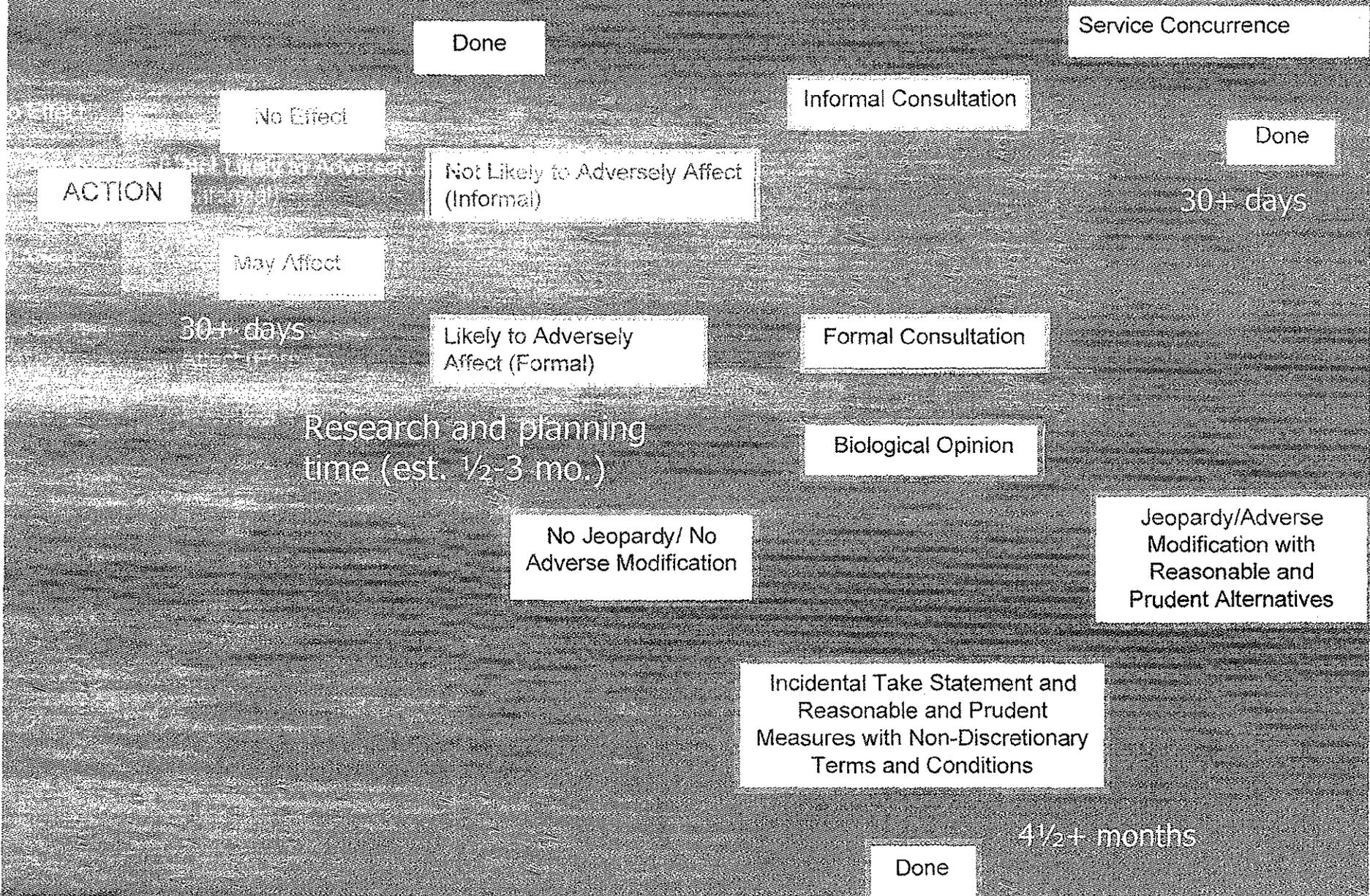
- If data indicate the species and habitat may respond upon exposure, or if data are equivocal or lacking to justify a determination of "no effect", conclude "may affect" and proceed to Step 3.
- If surveys are lacking, it may be appropriate to conduct surveys to determine whether listed species are present. Please contact the Ecological Services Field Office nearest the project for more information.

From Step 3: (contact FWS if you are at Step 3)

Specifically, you are assessing whether the species/critical habitat is "not likely to be adversely affected" or "likely to be adversely affected."

Using the website in no way precludes project proponents from receiving personal assistance from our Ecological Services Field Offices. If at anytime additional information is needed or you want personal assistance, you may contact me (cathy_pollack@fws.gov or 847-381-2253, ex. 28).

Section 7 Consultation Process



Basic Steps for Project Proponents

- 1) Determine which county your project is located.
- 2) Go to the "species list" for the county where the project is located.
- 3) Become familiar with the habitat for each species that may be located at your project site (from #2 above). Use the "Species Information Pages" on the website for this. Do not use the habitat description for species off of the "county list" (too limited).
- 4) Assess the habitat within the action area (sometimes, but not always, the same as the project area) of the proposed project and determine whether implementing this project would impact habitat of the species listed from the county. In other words, is there any habitat in the action area that could be habitat for the federal species listed from the county where the project is located.

Website Breakdown

Using the website in no way precludes project proponents from receiving personal assistance from our Ecological Services Field Offices. If at anytime additional information is needed or you want personal assistance, you may contact me at (cathy_pollack@fws.gov or 847-381-2253, ex. 28).

Step 1: "No effect" or "May affect" (90-95% / Most ruled out in Step 1)

-In this step you will determine whether a listed or proposed species or designated or proposed critical habitat may be present within the action area.

- Check the Illinois county species list
 - Check the species life history information pages
 - If you have a HUD, pipeline, telecommunication project, or your project is within a developed area, then...
- If suitable habitat is not present in the action area, conclude "species and critical habitat not present" and document your finding. No further consultation is required. This is a "**no effect**" determination.
 - If suitable habitat is present, but data (e.g. surveys) indicate species and critical habitat are absent from the action area, conclude "species and critical habitat not present" and document your finding. No further consultation required. This is a "**no effect**" determination
 - If suitable habitat is present, and no other data indicate species or critical habitat are absent, conclude "species or critical habitat may be present" and proceed to Step 2 (within FWS website). This is a "**may affect**" determination
 - If suitable habitat is present, and no other data indicate species or critical habitat are absent, you may conduct a survey to determine whether listed species or critical habitat are present. Please contact the Ecological Services Field Office nearest the project for more information.

Step 2: "No effect" or "May affect"

In step 1, you defined your action area and concluded that a listed resource "may be present."

In this step, you will determine whether your project "may affect" species or critical habitat. There are two possible determinations in this step: "**no effect**" or "**may affect**." To assist with making this determination, we suggest the following:

- Describe the proposed action. In your description, identify the timing, location, and when applicable, the frequency and intensity, of the proposed action.
- Determine whether listed resources will be **exposed** to the proposed action or to any of the **environmental changes** that are likely to occur. You should assess the potential for the action to affect any life stage of the species.
 - If species or critical habitat will not be exposed directly or indirectly to the proposed action or any resulting environmental changes, conclude "**no effect**" and document your finding. No further consultation required.

- If species or critical habitat may be exposed, continue.
- Determine if those species or critical habitat exposed will **respond** upon exposure. Review the pertinent species information page and review other relevant sources of information (e.g., conduct a literature search for the specific stressor or environmental change to which the species will be exposed).
 - If the best available data indicate that the species and critical habitat will not respond in any manner, conclude "**no effect**" and document your finding. No further consultation required.
 - If data indicate the species and habitat may respond upon exposure, or if data are equivocal or lacking to justify a determination of "no effect", conclude "**may affect**" and proceed to Step 3.

Step 3: Determine whether listed or proposed species or designated or proposed critical habitat may be **adversely affected**.

In Step 2, you determined that a species or critical habitat may be exposed and may respond in some way to the proposed action or the environmental changes likely to result from the proposed action. The next step is describing the manner in which the listed resources will respond. Specifically, you are assessing whether the species/critical habitat is "**not likely to be adversely affected**" or "**likely to be adversely affected**." Consider the following in making your finding:

- When you are basing your determination on effects to the species' habitat rather than to the species itself, you need to conduct a two-part assessment: (1) determine how the habitat will respond to the proposed action, for example, changes in habitat quality, quantity, availability or distribution; and (2) assess how the species is expected to respond to these habitat changes.
- Critical habitat analyses focus on how the proposed action will affect the **constituent elements** of the critical habitat.
- An action warrants a "**may affect, not likely to be adversely affected**" finding when its effects are wholly beneficial, insignificant or discountable. Note: The threshold for a "**likely to adversely affect**" determination is an adverse effect to one or more individuals. Adverse effects can occur even if take is unlikely.
 - If the listed resource is likely to respond in only a **beneficial manner**, conclude "**not likely to adversely affect**" and submit your finding and supporting rationale to the appropriate ES Field Office and request concurrence.
 - If the listed resource is likely to respond in a negative manner but such responses are expected to be **insignificant**, conclude "**not likely to adversely affect**" and submit your finding and supporting rationale to the appropriate ES Field Office and request concurrence.
 - If the listed resource is likely to respond in a negative manner but the likelihood of either exposure or such a response is **discountable**, then conclude "**not likely to adversely affect**" and submit your finding and supporting rationale to the appropriate ES Field Office and request concurrence.

- If you cannot conclude that the response will be wholly beneficial, insignificant, or discountable, check the Species-Specific Section 7 Guidance and Conservation Measures to determine whether there are any measures that may be implemented to avoid or minimize the negative effects.
 - If you modify your proposed action to include conservation measures to implement, assess how exposure and response are anticipated to change. Repeat Step 3 and document your conclusion, as appropriate. Be sure to identify the specific conservation measures you intend to incorporate and their associated biological consequences.
- If you cannot conclude that the response will be wholly beneficial or insignificant, or that the exposure or response is discountable, contact the appropriate ES Field Office for assistance.

Format for Biological Evaluations - NEPA Categorical Exclusions and EAs and Biological Assessments - NEPA EISs

The following is provided as a recommended guideline, although information should be presented in the order identified below. As projects vary in complexity, it is anticipated that the BE/Bas may vary. Development of the BE/BA may not occur in the format order. Rather, it is anticipated that as additional information becomes available during the crafting of the BE/BA, the appropriate sections will be modified. Federally funded or permitted exploratory activities that may affect listed species and take place prior to project implementation must undergo section 7 consultation.

Cover Page: Name of project, location (city, county, etc.), and date.

Table of Contents (all pages must be numbered)

A. Executive Summary

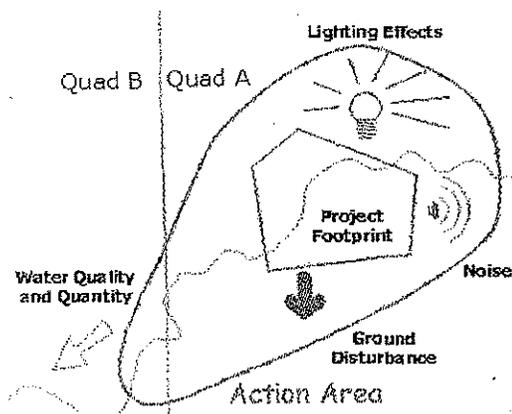
1. Brief summary of project (2 or 3 sentences)
2. In tabular format, identify the species, critical habitat, EFH, status, and effects determinations. If "no effect", include a brief paragraph for each species (these will not be addressed again.) For example:

SPECIES	LISTING STATUS	DETERMINATION
Eight-toed salamander	Endangered	Not likely to adversely affect
Eight-toed salamander critical habitat	Designated	Not likely to adversely affect
Salt marsh treefrog	Threatened	Likely to Adversely Affect
Speckled Thistle	Threatened	No effect

B. Project Description

1. Location: Describe construction boundary, mileposts, State, county, TRS (include GPS coordinates if available). Include vicinity map (all maps and photographs must be first generation copies, legible and at a scale to be meaningful to the description of the activity).

2. Definition of Action Area: All areas affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. Include all off-site use areas (i.e. materials sources, waste sites, mitigation sites, stockpiling areas, staging) and locations. A map is helpful, overlaying the all-inclusive action area with species and habitat occurrences.



3. Proposed Action:

- a. Describe the anticipated steps involved in the action in expected or logical order and include diagrams that are useful. The intent of the proposed action section is to describe both what will be built and how it will be constructed. For example: 1. Dewater by.... 2. Remove old bridge by.... 3. Remove old abutments by... 4. Construct new abutments... 5. In-water equipment will be..... 6. Order of magnitude of quantities... Include description of actions for the entire action area (including interrelated and interdependent actions). Describe criteria for off-site use areas which minimize potential effects. If the contractor proposes an alternative construction method other than that described in the BE/BA, concurrence from the Services is required.
- b. Identify Best Management Practices (BMPs), Erosion and Sediment Control, and other measures (i.e. work windows, construction techniques, avoidance) designed to minimize effects in this section.
- c. If sideboards are used for ancillary project components, either detail here or in an appendix.
- d. Describe mitigation, monitoring, and reporting plan, as well as conservation bank credits or mitigation sites.

(NOTE: If there are multiple alternatives, different impacts caused by each substantially different alternative must be surveyed and detailed. A matrix is often the best method of depicting multiple impacts and alternatives. If the impacts are the same for each alternative, explain why there is no difference. All alternatives must be addressed.)

C. Description of the species and their habitat

Identify each species and each critical habitat. Give brief rationales for "no effect" species if it was not included in Executive Summary. Include the following for species with other determinations (repeat for each listed species and listed habitat):

1. Consultation with local Fish and Game and/or Natural Heritage database
2. Literature reviews
3. Consultation with experts on species, as necessary
4. Descriptions of the species and general habitat requirements
5. Relationship of habitat in the project area to local populations
6. Map of the project area at an appropriate scale to show vegetation types and important biological features, such as habitat for sensitive species, wetlands or unique plant assemblages
7. Photographs keyed to locations labeled on the project map.
8. Species information in Action Area including survey protocol used, by whom, etc.
9. Identify designated or proposed critical habitat as separate listed entities. List the primary constituent elements and address the extent to which they are found in the action area.

D. Environmental Baseline

Describe the past and present effects of human actions on the species or critical habitat in the action area. Describe existing habitat conditions and species trends in detail. Use watershed analysis from the BLM or Forest Service where available, Fish and Game, or any other available scientific or commercial databases or information.

E. Effects of the Action: Include discussion of direct and indirect effects relative to all species.

1. Direct Effects - Those effects caused directly by the proposed action (include those based on sideboards). Provide the rationale for each determination.
2. Indirect Effects - Caused by or will result from the proposed action and are later in time, but are still reasonably certain to occur.
3. Cumulative Effects - Those effects of future State or private activities, not Federal activities, that are reasonably certain to occur within the action area.

F. Determination of Effect

Must include a clear statement of effect for each species. Example: "We conclude that the Smith Road Bridge Project may affect, but will not likely adversely affect California red-legged frogs because..." For terrestrial species and plants, summarize with a clear explanation leading to a definitive statement of "may affect, but not likely to adversely affect" (or whatever your determination may be).

G. References and personal communications cited

Example of citations used in text:

The passive transport of males has also been observed by Leslie Brown (Santee Nature Center, personal communication) near Greenville, Oregon. Such a mating system would maintain genetic diversity in the population only as long as it remains connected (Smith 2001).

Example of Literature Cited:

Smith, D. M. 2001. Genetic subdivision and speciation in the western North American spotted snake complex, *Thamnophis punctatus*. *Evolution* 4:29-35.

Example of Personal Communications (must be documented):

Leslie Brown, Research Biologist
Smith Nature Center
4125 Willowtree Drive
Greenville, Oregon 85194
January 8, 2003 telephone communication (or email, site visit, etc)

BE/BA Checklist *(For your use in checking your work)*

Project _____ **Reviewer** _____ **Date** _____

_____ **Cover Page:** Name of project, project and key numbers, location (city, county)

_____ **Table of Contents** (all pages must be numbered)

A. Executive Summary

- _____ 1. Brief summary of project (2 or 3 sentences)
- _____ 2. Species Table with effect determinations

B. Project Description

- _____ 1. Location: description and vicinity map
- _____ 2. Definition of Action Area
 - _____ List of all off-site use areas and locations.
- _____ 3. Proposed Action:
 - _____ a. Detail how the action will occur (anticipated steps and diagrams).
 - _____ b. BMPs and other measures designed to minimize effects.
 - _____ c. Sideboards or project design criteria
 - _____ d. Monitoring and reporting plan/Mitigation/Conservation Banks.

C. Description of each species and their habitat

- _____ 1. Consultation with local Fish and Game and/or Natural Heritage database
- _____ 2. Literature reviews
- _____ 3. Consultation with experts on species, as necessary
- _____ 4. Descriptions of the species and general habitat requirements
- _____ 5. Relationship of habitat in the project area to local populations
- _____ 6. Map of the project area at an appropriate scale
- _____ 7. Photographs keyed to locations labeled on the project map.
- _____ 8. Species information in Action Area including survey protocol used, by whom, etc
- _____ 9. Identify designated or proposed critical habitat

D. Environmental Baseline

_____ Detailed descriptions

E. Effects of the Action

- _____ 1. Direct Effects
- _____ 2. Indirect Effects
- _____ 3. Cumulative Effects

F. Determination of Effect Project Description

_____ A clear statement of effect for each species

G. References and personal communications cited Project Description

_____ Correctly Annotated

Illinois County Distribution Federally Endangered, Threatened, and Candidate Species

Revised October 2012

County	Species	Status	Habitat
Adams Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e-mail RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Higgins eye pearly mussel</u> (<i>Lampsilis higginsii</i>)	Endangered	Mississippi River; Rock River to Steel Dam
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Alexander Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub- Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997- 3344, ext. 340 FAX: (618) 997-8961 e-mail: Marion@fws.gov	<u>Gray bat</u> (<i>Myotis grisescens</i>)	Endangered	Caves and mines; rivers & reservoirs adjacent to forests
	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Least tern</u> (<i>Sterna antillarum</i>)	Endangered	Bare alluvial and dredged spoil islands
	<u>White sturgeon</u> (<i>Scaphirynchus albus</i>)	Endangered	Large rivers
	<u>Rabbitsfoot</u> (<i>Quadrula cylindrica cylindrica</i>)	Proposed as Threatened	Ohio River
	<u>Sheepnose mussel</u> (<i>Plethobasus cyphus</i>)	Endangered	Shallow areas in larger rivers and streams
Bond Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997- 3344, ext. 340 FAX: (618) 997-8961 e-mail: Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Piping plover</u> (<i>Charadrius meiodus</i>)	Endangered	May be present in Bond County during migration.
	<u>Eastern massasauga</u> (<i>Sistrurus catenatus</i>)	Candidate	Graminoid dominated plant communities (fens, sedge meadows, peatlands, wet prairies, open woodlands, and shrublands)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies

County	Species	Status	Habitat
Boone Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e-mail: RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Brown Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e-mail: RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Decurrent false aster</u> (<i>Boltonia decurrens</i>)	Threatened	
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Bureau Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e-mail: RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Decurrent false aster</u> (<i>Boltonia decurrens</i>)	Threatened	
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Calhoun Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344 ext. 340 FAX: (618) 997-8951 e-mail: Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Decurrent false aster</u> (<i>Boltonia decurrens</i>)	Threatened	
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Carroll Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)

County	Species	Status	Habitat
Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e-mail: RockIsland@fws.gov FAX: 309-757-5807	<u>Higgins eye pearly mussel</u> (<i>Lampsilis higginsi</i>)	Endangered	Mississippi River; Rock River to Steel Dam
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Cass Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e-mail: RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; Upland forests (foraging)
	<u>Decurrent false aster</u> (<i>Boltonia decurrens</i>)	Threatened	
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
	<u>Prairie bush clover</u> (<i>Lespedeza leptostachya</i>) (<i>Lespedeza leptostachya</i>)	Threatened	Dry to mesic prairies with gravelly soil
Champaign Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub- Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997- 3344, ext. 340 FAX: (618) 997-8963 e-mail: Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
	<u>Prairie bush clover</u> (<i>Lespedeza leptostachya</i>)	Threatened	Dry to mesic prairies with gravelly soil
Christian Field Office to Contact: U.S. Fish and Wildlife Service Rock Island Illinois Field Office 1511 47th Avenue Moline, Illinois 61265 (309) 757-5800 e-mail: RockIsland@fws.gov FAX: 309-757-5807	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Clark Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub- Office 8588 Route 148 Marion, Illinois 62959	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Rabbitsfoot</u> (<i>Quadrula cylindrica</i> <i>cylindrica</i>)	Proposed as Threatened	Wabash River

County	Species	Status	Habitat
Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e-mail: Marion@fws.gov	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Clay Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 143 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e-mail: Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Clinton Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 143 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e-mail: Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Piping plover</u> <i>Charadrius melodus</i>	Endangered	May be present in Clinton County during migration.
	<u>Eastern massasauga</u> (<i>Sistrurus catenatus</i>)	Candidate	Graminoid dominated plant communities (fens, sedge meadows, peatlands, wet prairies, open woodlands, and shrublands)
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
	<u>Lakeside daisy</u> (<i>Thymelicus scutellus</i> var. <i>gracilis</i>)	Threatened	Dry rocky prairies
Coles Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 143 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e-mail: Marion@fws.gov	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Snuffbox</u> (<i>Epiobiasma triquetra</i>)	Endangered	Small to medium-sized creeks and some larger rivers, in areas with a swift current
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
Cook	<u>Piping plover</u> <i>Charadrius melodus</i>	Endangered	Lakeshore beaches

County	Species	Status	Habitat
Field Office to Contact: USFWS Chicago, Illinois FO 1250 South Grove, Suite 103 Barrington, Illinois 60010 (847) 381-2253 e-mail Chicago@fws.gov Cathy_Pollack@fws.gov	<u>Eastern massasauga</u> (<i>Sistrurus catenatus</i>)	Candidate	Graminoid dominated plant communities (fens, sedge meadows, peatlands, wet prairies, open woodlands, and shrublands)
	<u>Hine's emerald dragonfly</u> (<i>Somatochlora hineana</i>)	Endangered	Spring fed wetlands, wet meadows and marshes
	<u>Hine's emerald dragonfly</u> (<i>Somatochlora hineana</i>)	Critical Habitat Designated	<u>Go here for a map and written description of the areas designated as Critical Habitat (PDF)</u>
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>) <u>Go here for specific guidance on how to determine whether this species is present on a site.</u>	Threatened	Moderate to high quality wetlands, sedge meadow, marsh, and mesic to wet prairie
	<u>Leafy-prairie clover</u> (<i>Dalea foliosa</i>)	Endangered	Prairie remnants on thin soil over limestone
	<u>Mead's milkweed</u> (<i>Asclepias meadii</i>)	Threatened	Late successional tallgrass prairie, tallgrass prairie converted to hay meadow, and glades or barrens with thin soil
Crawford Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e-mail Marion@fws.gov	<u>Prairie bush clover</u> (<i>Lespedeza leptostachya</i>)	Threatened	Dry to mesic prairies with gravelly soil
	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Rabbitsfoot</u> (<i>Quarula cylindrica cylindrica</i>)	Proposed as Threatened	Wabash River
Cumberland Field Office to Contact: U.S. Fish and Wildlife Service Marion Illinois Sub-Office 8588 Route 148 Marion, Illinois 62959 Phone: (618) 997-3344, ext. 340 FAX: (618) 997-8961 e-mail Marion@fws.gov	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies
	<u>Indiana bat</u> (<i>Myotis sodalis</i>)	Endangered	Caves, mines (hibernacula); small stream corridors with well developed riparian woods; upland forests (foraging)
	<u>Snuffbox</u> (<i>Epiobiasma triquetra</i>)	Endangered	Small to medium-sized creeks and some larger rivers, in areas with a swift current
	<u>Eastern prairie fringed orchid</u> (<i>Platanthera leucophaea</i>)	Threatened	Mesic to wet prairies