

Appendix D3.3: Ecological Systems Natural Resources Reports and Correspondence

EcoCAT, IPaC Response, RPBB d-key, LAA Bat Letter, and Grassland Bird Memo



Illinois
Department of
**Natural
Resources**

JB Pritzker, Governor • Natalie Phelps Finnie, Director
One Natural Resources Way • Springfield, Illinois 62702-1271

www.dnr.illinois.gov

November 26, 2024

Alycia A Klueenberg
Senior Project Manager
915 Harger Road
Suite 330
Oak Brook, IL 60523

**RE: Elwood to Braidwood High Speed Rail Track Construction
Consultation Program
EcoCAT Review #2408579 [18772] [2112697]
Will County**

Dear Ms. Klueenberg:

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.

The proposed action consists of a request to update the previous EcoCAT for the Elwood to Braidwood High Speed Rail Track Construction Environmental Assessment in Will County, IL. There are two project alternatives: Build Alternative 1B (Preferred Alternative) and Build Alternative 2A would add a second mainline track, replace the Prairie Creek Bridge, relocate one turnout, remove abandoned track, construct a maintenance access facility, install retaining walls, and modify the grade-crossing protection devices, fencing, and culverts to accommodate a double-tracked corridor.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Illinois Natural Areas Inventory (INAI)

Hitts Siding Prairie

Joliet Army Ammunition Plant

Kankakee River Segment

Wilmington Geological Area

Wilmington Shrub Prairie

Wilmington West Geological Area

Illinois Nature Preserves Commission Lands

Hitts Siding Prairie Nature Preserve
Wilmington Shrub Prairie Nature Preserve

State Threatened or Endangered Species

Blanding's Turtle (*Emydoidea blandingii*)
Buffalo Clover (*Trifolium reflexum*)
Bulrush (*Scirpus hattorianus*)
Decurrent False Aster (*Boltonia decurrens*)
Eastern Straw Sedge (*Carex straminea*)
Eryngium Stem Borer (*Papaipema eryngii*)
Hedge Hyssop (*Gratiola quartermantiae*)
Leafy Prairie Clover (*Dalea foliosa*)
Loggerhead Shrike (*Lanius ludovicianus*)
Monkeyface (*Quadrula metanevra*)
Northern Harrier (*Circus hudsonius*)
Northern Long-eared Myotis (*Myotis septentrionalis*)
Oklahoma Grass Pink Orchid (*Calopogon oklahomensis*)
Ornate Box Turtle (*Terrapene ornata*)
Pallid Shiner (*Hybopsis amnis*)
Purple Wartyback (*Cyclonaias tuberculata*)
Queen-of-the-prairie (*Filipendula rubra*)
Quillwort (*Isoetes butleri*)
River Redhorse (*Moxostoma carinatum*)
Salamander Mussel (*Simpsonaias ambigua*)
Sheepnose (*Plethobasus cyphus*)
Short-eared Owl (*Asio flammeus*)
Tubercled Orchid (*Platanthera flava*)
Upland Sandpiper (*Bartramia longicauda*)

Due to the project scope and proximity to protected resources, the Department recommends the following actions be taken to avoid adversely impacting listed species and protected natural areas in the vicinity of the project:

Hitts Siding Prairie Nature Preserve & Hitts Siding Prairie INAI

EcoCAT indicates this project is adjacent to Hitts Siding Prairie Nature Preserve & INAI Site. The Department has the following recommendations to avoid impacts to Hitts Siding Prairie Nature Preserve & INAI Site:

- No equipment should be stored within right-of-way.
- Parking and staging in areas adjacent to the Nature Preserve should also be avoided.
- Fencing and signage clearly delineating the boundaries of the Nature Preserve should be installed to ensure no disturbances occur within the Nature Preserve.
- Areas of exposed soil should be re-seeded with a local genotype seed, approved IDOT seed mix, or non-invasive cover crop.
- Strict adherence to soil erosion and sediment control BMPs to prevent impacts to the Nature Preserve.

- Good housekeeping practices should be implemented and maintained during and after construction to prevent trash and other debris from inadvertently blowing or washing into nearby natural areas.
- Any required night lighting should follow International Dark-Sky Association's (IDA) Five Principles for Responsible Outdoor Lighting to minimize the effect of light pollution on wildlife: [Five Principles for Responsible Outdoor Lighting | DarkSky International](#)
- All equipment, including but not limited to boots, tools, equipment, tires, and treads, should be cleaned of all debris prior to entry of the project area in order to avoid spreading of exotic or invasive plant seeds into the Nature Preserve.
- A long-term invasive species management program should be implemented to minimize the spread of invasive species into the Nature Preserve.
- Should any herbicide use be required for construction or operation, wind speed and direction should be carefully monitored, in order to avoid herbicide drift into the Nature Preserve.

The applicant should be aware that they may be liable for any adverse impact to an Illinois Nature Preserve or Illinois Land and Water Reserve pursuant to the *Illinois Natural Areas Preservation Act* [525 ILCS 30/21-23]. Violations under this Act can carry significant penalties.

Joliet Army Ammunition Plant INAI, Kankakee River Segment INAI, Wilmington Geological Area INAI

Impacts to these INAI sites should be avoided or minimized as much as possible. However, if impacts are necessary, the Department recommends:

- Any required night lighting should follow International Dark-Sky Association's (IDA) Five Principles for Responsible Outdoor Lighting to minimize the effect of light pollution on wildlife: [Five Principles for Responsible Outdoor Lighting | DarkSky International](#)
- Soil erosion and sediment control BMPs should be implemented and properly maintained. If erosion control blanket is to be used, wildlife-friendly plastic-free blanket should be used to prevent the entanglement of native wildlife. If wildlife-friendly plastic-free blanket cannot be used, then the plastic erosion control blanket should be removed once vegetation is established.
- Good housekeeping practices should be implemented and maintained during and after construction to prevent trash and other debris from inadvertently blowing or washing into nearby natural areas.

Wilmington Shrub Prairie INAI, Wilmington West Geological Area INAI, & Wilmington Shrub Prairie Nature Preserve

The Department has determined that adverse impacts to these areas are unlikely.

Blanding's Turtle & Ornate Box Turtle

EcoCAT has indicated records for the state-listed Blanding's Turtle and Ornate Box Turtle in vicinity of the project area. The Department recommends a survey and habitat assessment for Blanding's Turtle and Ornate Box Turtle be conducted to determine if these turtles are present within the project area. The principal investigator should obtain a Scientific Collectors Permit and

T&E Permit from the Department to conduct such work. A survey proposal should be sent to this office for concurrence on methods, along with the results for final comment.

Buffalo Clover, Bulrush, Decurrent False Aster, Eastern Straw Sedge, Hedge Hyssop, Leafy Prairie Clover, Oklahoma Grass Pink Orchid, Queen-of-the-prairie, Quillwort, & Tubercled Orchid

The state-listed Buffalo Clover, Bulrush, Decurrent False Aster, Eastern Straw Sedge, Hedge Hyssop, Oklahoma Grass Pink Orchid, Queen-of-the-prairie, Quillwort, & Tubercled Orchid have been identified in the vicinity and appropriate habitat may be found within the project area. The Department recommends:

- The plants be searched for, flagged, and avoided if possible.
- If avoidance is not possible, please consider seed collection and planting, translocation, and surface soil conservation measures to help promote the continued existence of this plant in the area.
- State-listed plant species belong to the landowner and their fate resides with the landowner's conservation decisions. If take is unavoidable, express written permission from the landowner should be obtained to take listed plants to comply with the Illinois Endangered Species Protection Act.

Please note that due to the federal status of the Decurrent False Aster and Leafy Prairie Clover, and their potential occurrence in the project area, coordination with the U.S. Fish and Wildlife Service may be necessary and is separate from this consultation and Illinois State regulations.

Eryngium Stem Borer

EcoCAT has indicated records for the state-listed Eryngium Stem Borer in vicinity of the project area. Eryngium Stem Borers are obligate residents of undisturbed prairie and woodland openings that contain their only food plant, Rattlesnake Master. The Department recommends:

- A survey for the Eryngium Stem Borer be conducted to determine if this species is present within the project area. The principal investigator should obtain a Scientific Collectors Permit and T&E Permit from the Department to conduct such work. A survey proposal should be sent to this office for concurrence on methods, along with the results for final comment.
- Subsequently, if the Eryngium Stem Borer is identified during the survey, The Department recommends the project proponent seek an Incidental Take Authorization (ITA) pursuant to Part 1080 and Section 5.5 of the *Illinois Endangered Species Protection Act* for the Eryngium Stem Borer. All questions pertaining to ITA should be directed to the ITA coordinator, Heather Osborn (Heather.Osborn@Illinois.gov). Visit the link below for information on the ITA process: Incidental Take Authorizations - Species Conservation (illinois.gov) [Incidental Take Authorizations - Species Conservation \(illinois.gov\)](#)

Loggerhead Shrike, Northern Harrier, Short-eared Owl, and Upland Sandpiper

EcoCAT has indicated records exists for the state-listed Loggerhead Shrike, Northern Harrier, Short-eared Owl, and Upland Sandpiper in the vicinity of the project area, most specifically the

Joliet Army Ammunition Plant INAI. Vegetation clearing work in this area should occur from March 1 to August 31 to avoid the prime nesting season for these species.

Monkeyface, Pallid Shiner, Purple Wartback, River Redhorse, Salamander Mussel, & Sheepnose

EcoCAT has indicated records for the state-listed Monkeyface, Pallid Shiner, Purple Wartback, River Redhorse, Salamander Mussel, & Sheepnose in the vicinity of the project area. If in-stream work is necessary, most specifically the Kankakee River Segment INAI, the Department recommends:

- A fish and mussel survey be conducted in the project area by a qualified biologist to determine if these species are present. The survey should assess habitat types and include areas at least 100 yards upstream and downstream. The principal investigator should obtain a Scientific Collectors Permit and T&E Permit from the Department to conduct such work. A survey proposal should be sent to this office for concurrence on methods, along with the results for final comment.
- Subsequently, if any of these species are identified during the survey, The Department recommends the project proponent seek an Incidental Take Authorization (ITA) pursuant to Part 1080 and Section 5.5 of the *Illinois Endangered Species Protection Act*. All questions pertaining to ITA should be directed to the ITA coordinator, Heather Osborn (Heather.Osborn@Illinois.gov). Visit the link below for information on the ITA process: Incidental Take Authorizations - Species Conservation (illinois.gov) [Incidental Take Authorizations - Species Conservation \(illinois.gov\)](#)

Northern Long-eared Myotis

EcoCAT indicated records for the state-listed Northern Long-eared Bat in the vicinity of the project area. If tree clearing is required, the Department recommends no tree clearing between the dates of April 1st and October 31st.

Please note that due to the federal status of the Northern Long-eared Myotis, and its potential occurrence in the project area, coordination with the U.S. Fish and Wildlife Service may be necessary and is separate from this consultation and Illinois State regulations.

Given the above recommendations are adopted, the Department has determined that impacts to these protected resources are unlikely. The Department has determined impacts to other protected resources in the vicinity of the project location are also unlikely.

In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.

Consultation on the part of the Department is closed, unless the applicant desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action 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 project being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are unexpectedly encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations.

This letter does not serve as permission to take any listed or endangered species. As a reminder, no take of an endangered species is permitted without an Incidental Take Authorization or the required permits. Anyone who takes a listed or endangered species without an Incidental Take Authorization or required permit may be subject to criminal and/or civil penalties pursuant to the *Illinois Endangered Species Act*, the *Fish and Aquatic Life Act*, the *Wildlife Code* and other applicable authority.

Please contact me with any questions about this review.
Sincerely,

A handwritten signature in black ink, appearing to read "Bradley Hayes", with a stylized flourish at the end.

Bradley Hayes
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Division of Real Estate Services and Consultation
Office of Realty & Capital Planning
Illinois Department of Natural Resources
One Natural Resources Way
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Appendix D3: Ecological Systems Natural Resources Reports and Correspondence

IPAC response



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chicago Ecological Service Field Office

1511 47th Ave

Moline, IL 61265-7022

Phone: (309) 757-5800



In Reply Refer To:

03/17/2025 20:32:55 UTC

Project Code: 2024-0032820

Project Name: Elwood to Braidwood Track Construction

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

Additionally, please note that on March 23, 2022, the Service published a proposal to reclassify the northern long-eared bat (NLEB) as endangered under the Endangered Species Act. The U.S. District Court for the District of Columbia has ordered the Service to complete a new final listing

determination for the NLEB by November 2022 (Case 1:15-cv-00477, March 1, 2021). The bat, currently listed as threatened, faces extinction due to the range-wide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across the continent. The proposed reclassification, if finalized, would remove the current 4(d) rule for the NLEB, as these rules may be applied only to threatened species. Depending on the type of effects a project has on NLEB, the change in the species' status may trigger the need to re-initiate consultation for any actions that are not completed and for which the Federal action agency retains discretion once the new listing determination becomes effective (anticipated to occur by December 30, 2022). If your project may result in incidental take of NLEB after the new listing goes into effect this will first need to be addressed in an updated consultation that includes an Incidental Take Statement. If your project may require re-initiation of consultation, please contact our office for additional guidance.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and

their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chicago Ecological Service Field Office

1511 47th Ave

Moline, IL 61265-7022

(309) 757-5800

PROJECT SUMMARY

Project Code: 2024-0032820
Project Name: Elwood to Braidwood Track Construction
Project Type: Railroad - Maintenance/Modification
Project Description: Approximately 9.59 miles along the existing Union Pacific Railroad is proposed for improvement to operate trains at 100 miles per hour. High Speed Rail Track Construction includes the following two alternatives: Build Alternative 1B (Preferred Alternative) and Build Alternative 2A would add a second mainline track, replace the Prairie Creek Bridge, relocate one turnout, remove abandoned track, construct a maintenance access facility, install retaining walls, and modify the grade-crossing protection devices, fencing, and culverts to accommodate a double-tracked corridor.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.352262550000006,-88.13666455286398,14z>



Counties: Will County, Illinois

ENDANGERED SPECIES ACT SPECIES

There is a total of 11 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered

BIRDS

NAME	STATUS
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non- Essential

CLAMS

NAME	STATUS
Salamander Mussel <i>Simpsonaias ambigua</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6208	Proposed Endangered
Sheepnose Mussel <i>Plethobasus cyphus</i> There is proposed critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6903	Endangered

INSECTS

NAME	STATUS
Hine's Emerald Dragonfly <i>Somatochlora hineana</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7877	Endangered
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Rusty Patched Bumble Bee <i>Bombus affinis</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9383	Endangered
Western Regal Fritillary <i>Argynnis idalia occidentalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/12017	Proposed Threatened

FLOWERING PLANTS

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none">Follow the guidance provided at https://www.fws.gov/midwest/endangered/section7/s7process/plants/epfos7guide.html Species profile: https://ecos.fws.gov/ecp/species/601	Threatened
Lakeside Daisy <i>Hymenoxys herbacea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3615	Threatened
Leafy Prairie-clover <i>Dalea foliosa</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/5498	Endangered

CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Sheepnose Mussel <i>Plethobasus cyphus</i> https://ecos.fws.gov/ecp/species/6903#crithab	Proposed

IPAC USER CONTACT INFORMATION

Agency: Huff & Huff, Inc.
Name: Alycia Klunenberger
Address: 915 Harger Road Suite 330
City: Oak Brook
State: IL
Zip: 60523
Email: alycia.kluenenberger@gza.com
Phone: 7082095047

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Railroad Administration
Name: Christopher Hansen
Email: christopher.hansen@dot.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chicago Ecological Service Field Office

1511 47th Ave

Moline, IL 61265-7022

Phone: (309) 757-5800



In Reply Refer To:

05/05/2025 17:07:24 UTC

Project code: 2024-0032820

Project Name: Elwood to Braidwood Track Construction

Federal Nexus: yes

Federal Action Agency (if applicable): Federal Railroad Administration

Subject: Technical Assistance letter for 'Elwood to Braidwood Track Construction' for rusty patched bumble bee that may occur in your proposed project location consistent with the Rusty Patched Bumble Bee Range Wide Determination Key (RPBB DKey).

Dear Alycia Klunenbergl:

This letter records your determination using the RPBB DKey within the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (USFWS) on **May 05, 2025**, for 'Elwood to Braidwood Track Construction' (here forward, Project). This project has been assigned Project Code '2024-0032820' and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC Determination Keys

The USFWS developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the RPBB DKey, invalidates this letter.**

Determination for the Rusty Patched Bumble Bee

Based on your answers and the assistance of the USFWS' RPBB DKey, you made the following effect determination for the proposed Action:

Species	Listing Status	Determination
Rusty Patched Bumble Bee (<i>Bombus affinis</i>)	Endangered	May affect

Consultation with the USFWS is not complete. This determination was reached because the RPBB DKey was unable to provide a conclusion for activities which you were either unsure about the determination or you chose to make a “may affect” determination. If the RPBB DKey was unable to provide a conclusion, this does not necessarily mean that the project is likely to adversely affect the species.

Your agency’s ESA section 7 consultation requirement for rusty patched bumble bee with the USFWS is not complete, and further consultation with the USFWS is required. Please email the local USFWS Ecological Services Field Office and attach a copy of this letter, so we can discuss methods to avoid or minimize potential adverse impacts.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the rusty patched bumble bee **does not** apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Eastern Prairie Fringed Orchid *Platanthera leucophaea* Threatened
- Hine's Emerald Dragonfly *Somatochlora hineana* Endangered
- Lakeside Daisy *Hymenoxys herbacea* Threatened
- Leafy Prairie-clover *Dalea foliosa* Endangered
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Salamander Mussel *Simpsonaias ambigua* Proposed Endangered
- Sheepnose Mussel *Plethobasus cyphus* Endangered
- Western Regal Fritillary *Argynnis idalia occidentalis* Proposed Threatened
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

Critical Habitats:

- Sheepnose Mussel *Plethobasus cyphus* Endangered

Coordination with the USFWS is advised for any species and/or critical habitat listed above.

You should coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above and if further consultation is required. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the local Ecological Services Field Office and reference Project Code ‘2024-0032820’ associated with this Project. See the top of this letter for the Project Code.

Additional Information

Sufficient project details: Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

Future project changes: The Service recommends that you contact the local Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect rusty patched bumble bee in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to rusty patched bumble bee; or 4) or critical habitat is designated. If any of the above conditions occur, additional consultation with the Service should take place before project changes are final or resources are committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the USFWS must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. Please include the Federal action agency in additional correspondence regarding this project.

Species-specific information

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

If you observe a bald eagle nest in the vicinity of your proposed project, you should follow the National Bald Eagle Management Guidelines (May 2007). For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit our regional eagle website or contact the local Ecological Services Field Office. If the Action may affect bald or golden eagles, additional coordination with the Service under the Eagle Act may be required.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Elwood to Braidwood Track Construction

2. Description

The following description was provided for the project 'Elwood to Braidwood Track Construction':

Approximately 9.59 miles along the existing Union Pacific Railroad is proposed for improvement to operate trains at 100 miles per hour. High Speed Rail Track Construction includes the following two alternatives:
Build Alternative 1B (Preferred Alternative) and Build Alternative 2A would add a second mainline track, replace the Prairie Creek Bridge, relocate one turnout, remove abandoned track, construct a maintenance access facility, install retaining walls, and modify the grade-crossing protection devices, fencing, and culverts to accommodate a double-tracked corridor.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.35108305,-88.13685513512837,14z>



QUALIFICATION INTERVIEW

1. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

2. Are you the Federal agency or designated non-federal representative?

No

3. Does the action area overlap with a rusty patched bumble bee high potential zone?

Automatically answered

Yes

4. Is the action being implemented under a Natural Resources Conservation Service (NRCS) or FSA (Farm Service Agency) program?

Note: Farm Bill programs include, the Conservation Reserve Program, Environmental Quality Incentive Program, NRCS Easement Program, Farm Loan Program, Farm Storage Facility Loan Program.

No

5. Does the action include - or is it reasonably certain to cause - intentional take of rusty patched bumble bee (rusty patched bumble bee) that is not covered under a scientific recovery permit under section 10(A)1(a) of the Endangered Species Act or under a cooperative agreement with a state agency?

Note: This could include, for example, surveys or studies that include handling or capture of the species. Whether "Project Review" surveys using USFWS protocols were conducted as part of the action is addressed later in this key.

No

6. Does the action include – or is it reasonably certain to result in – construction of one or more new roads or rail lines that will increase vehicle traffic in a rusty patched bumble bee HPZ?

Yes

IPAC USER CONTACT INFORMATION

Agency: Huff & Huff, Inc.

Name: Alycia Klunenberger

Address: 915 Harger Road Suite 330

City: Oak Brook

State: IL

Zip: 60523

Email: alycia.kluenenberg@gza.com

Phone: 7082095047

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Railroad Administration

Name: Christopher Hansen

Email: christopher.hansen@dot.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chicago Ecological Service Field Office

1511 47th Ave

Moline, IL 61265-7022

Phone: (309) 757-5800



In Reply Refer To:

04/28/2025 22:23:45 UTC

Project code: 2024-0032820

Project Name: Elwood to Braidwood Track Construction

Subject: Likely to Adversely Affect Technical Assistance letter for the 'Elwood to Braidwood Track Construction' project under the December 13, 2024, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-eared Bat, and Tricolored Bat.

To whom it may concern:

This letter records the determination of effects to federally listed (or proposed) bat species anticipated to result from the Elwood to Braidwood Track Construction (the Project). This determination is based upon information you entered into the assisted determination key (Dkey) associated with the above referenced Programmatic Biological Opinion/Conference Opinion (PBO/PCO) in the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system on the date listed above. **This letter does not satisfy compliance requirement under section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (16 USC 1536), as amended.** Those requirements will be met upon taking the actions described below.

Ensuring Accurate Determinations When Using IPaC:

The Service developed the IPaC system and this Dkey in accordance with the ESA and based on the PBO/PCO. All information submitted by the project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in the Dkey invalidates this letter. Answers to certain questions in the Dkey commit the project proponent to implementation of conservation measures that must be followed for the ESA determinations to remain valid. Carefully review this letter, your ESA requirements are NOT yet complete.

Determinations:

Based on the information you provided (Project Description shown below), you have determined that the Project is within the scope and adheres to the criteria of the PBO/PCO, including the

adoption of applicable avoidance and minimization measures. Based on your IPaC submission and the PBO/PCO, the Project is consistent with the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	LAA

Federal agencies must consult with the Service under section 7(a)(2) of the ESA when an action *may affect* a listed species. The tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if the proposed species is listed. Should the tricolored bat be listed, prior to completion of the action, the Transportation Agencies shall send a request to the Service to convert the PCO for the tricolored bat to a PBO, and request individual projects, such as this, that are completed as Conference Opinions under the PCO be converted to Biological Opinions for the tricolored bat under the PBO. If the Service reviews the proposed action and finds there have been no significant changes in the action as planned or in the information used during the opinion, the Service will confirm the PCO as a PBO and no further ESA section 7 consultation will be necessary.

This "may affect - likely to adversely affect" determination for the Project becomes effective when the lead Federal action agency or designated non-federal representative requests the Service rely on the PBO/PCO to satisfy the agency's consultation requirements for this project. **To fulfill the next steps in the consultation process, the lead Federal action agency or its designated non-federal representative shall transmit this letter to this Service Field Office for verification that the project is consistent with the PBO/PCO.**

This Service Field Office will respond by letter to the requesting Federal action agency or designated non-federal representative within 30 calendar days after receiving request for verification to:

- verify that the Project is consistent with the scope of actions covered under the PBO/PCO;
- verify that all applicable avoidance, minimization, and compensation measures are included in the proposed action;
- identify any action-specific monitoring and reporting requirements, consistent with the monitoring and reporting requirements of the PBO/PCO, and
- identify anticipated incidental take of the Indiana bat, northern long-eared bat, and/or the tricolored bat.

The response letter from the Service will conclude consultation for the Project.

ESA section 7 compliance for this Proposed Action is not complete until the Federal action agency or its designated non-federal representative receives a verification letter from the Service.

If the Proposed Action is modified, or new information reveals that it may affect the Indiana bat, northern long-eared bat, or tricolored bat in a manner or to an extent not considered in the PBO/PCO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge, culvert, or structure assessment failed to detect Indiana bat, northern long-eared bat, or tricolored bat use or occupancy, yet bats are later detected prior to, or during construction, promptly notify the local Service Field Office within 2 working days of the discovery. In addition, please document whether incidental take occurred, and if so, the type (i.e. kill or harm) and amount (i.e. number of individuals) and submit documentation to the local Service Field Office within 5 working days from the completion of the bridge, culvert, or structure construction (use Appendix E - Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form in the [User's Guide](#)). In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service. In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service.

If the Project may affect any other federally listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Field Office is required for those species/designated critical habitat. If the Project has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency to contact this Service Field Office

The following species may occur in your project area and **are not** covered by this determination:

- Eastern Prairie Fringed Orchid *Platanthera leucophaea* Threatened
- Hine's Emerald Dragonfly *Somatochlora hineana* Endangered
- Lakeside Daisy *Hymenoxys herbacea* Threatened
- Leafy Prairie-clover *Dalea foliosa* Endangered
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Rusty Patched Bumble Bee *Bombus affinis* Endangered
- Salamander Mussel *Simpsonaias ambigua* Proposed Endangered
- Sheepnose Mussel *Plethobasus cyphus* Endangered
- Western Regal Fritillary *Argynnis idalia occidentalis* Proposed Threatened
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

NAME

Elwood to Braidwood Track Construction

DESCRIPTION

Approximately 9.59 miles along the existing Union Pacific Railroad is proposed for improvement to operate trains at 100 miles per hour. High Speed Rail Track Construction includes the following two alternatives:

Build Alternative 1B (Preferred Alternative) and Build Alternative 2A would add a second mainline track, replace the Prairie Creek Bridge, relocate one turnout, remove abandoned track, construct a maintenance access facility, install retaining walls, and modify the grade-crossing protection devices, fencing, and culverts to accommodate a double-tracked corridor.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.35108305,-88.13685513512837,14z>



DETERMINATION KEY RESULT

Based on your answers provided, this project is likely to adversely affect the endangered Indiana bat, northern long-eared bat, or tricolored bat. Therefore, consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required. However, also based on your answers provided, this project may rely on the conclusion and Incidental Take Statement provided in Service's Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana bat, northern long-eared bat, and tricolored bat, dated December 13, 2024.

QUALIFICATION INTERVIEW

1. Which Federal Agency is the lead federal agency the action?

B) Federal Railroad Administration (FRA)

2. Does the Action Area intersect the species list area of the Northern long-eared bat?

Automatically answered

Yes

3. Does your project's activities include raising the road profile above the tree canopy in documented habitat for the Indiana bat, NLEB, or TCB?

Note: For the definition of documented habitat, refer to Appendix A: <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat>

No

4. Is your project located within a karst area?

No

5. Will the project include bridge, culvert, or structure removal, replacement, and/or alteration activities?

Note: For definitions of bridge, culvert, and structure, refer to Appendix A: <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat>.

Yes

6. Do your project's activities involve tree removal/trimming, temporary lighting, new/additional permanent lighting, ground disturbance, percussives that involves noise/vibration above existing background levels, vibrations, or slash pile burning?

Yes

7. Is there suitable summer habitat for the Indiana bat, NLEB, or TCB within the project action area?

Note: See the Service's summer survey guidance for current definitions of suitable habitat [<https://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html>].

Yes

8. Have P/A surveys for the Indiana bat, NLEB, or TCB been conducted within the suitable summer habitat located within your project action area? This refers to mist-netting or acoustic surveys, not bridge assessments.

Note: See the Service's survey guidance <https://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html>

No

9. Will the project involve the removal or trimming of trees within suitable habitat for the Indiana bat, NLEB, or TCB?

Yes

10. Will any tree removal or trimming occur during the bat pup season?

Note: For more information about bat pup seasons please visit https://www.fws.gov/sites/default/files/documents/2024-10/2024_usfws_rangewide_ibat-nleb_survey_guidelines.pdf

No

11. Will the removal or trimming of trees occur **within documented habitat** for the Indiana bat, NLEB, or TCB?

Note: For the definition of documented habitat, refer to Appendix A: <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat>

No

12. Will all tree removal or trimming occur within 100 feet of the road or rail surface?

No

13. Does your project include activities involving the temporary or permanent exclusion of Indiana bats, NLEBs, or TCBs from a bridge/culvert or structure?

Note: exclusion is conducted to deny bats' entry or reentry into a bridge/culvert or structure. To be effective and to avoid harming bats, it should be done according to established standards.

No

14. Does your project involve the use of temporary lighting within Indiana bat, NLEB, or TCB suitable habitat?

Note: For the definition of lighting, refer to Appendix A: <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat>

No

15. Will the project substantially increase baseline light conditions via the use of permanent lighting (replacement or new/additional) in suitable habitat.

No

16. Will your project include percussive activities?

Note: Refer to Stressor #2 Noise/Vibration on page 109 of the PBO/PCO.

Yes

17. Are the percussive activities only related to tree removal/trimming or bridge/culvert structural work?

No

18. Will the percussive activities involve noise/vibration above existing background levels?

Note: For example, pile driving, rock drilling, hoe ramming, jackhammering, and blasting are examples of percussive activities that cause noise/vibration above existing background levels

Yes

19. Will percussive activities that involve noise/vibration above existing background levels be conducted during the **bat active season**?

No

20. Will the project include **bridge** removal, replacement, and/or alteration activities?

Yes

21. Is there any suitable habitat for the Indiana bat or NLEB within 1,000 feet of the **bridge** (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)?

Yes

22. Has a Bridge Bat Assessment been conducted **within the last 24 months** to determine if the bridge is being used by the Indiana bat, NLEB, or TCB? If yes, upload assessment.

Note: Refer to the Service's current survey guidance for acceptable assessment practices and validity timeframe of bridge/culvert and structure bat assessments: <https://www.fws.gov/library/collections/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

SUBMITTED DOCUMENTS

- *BBA_All Tier 8 Elwood to Braidwood.pdf* <https://ipac.ecosphere.fws.gov/project/ZYJASZGDLJHWVIJD3WNULG2NM/projectDocuments/142277938>

23. Please select one of the following results of the Bridge Bat Assessment:

*c) Indicates the **absence** of Indiana bats, NLEBs, or TCBs roosting in/under the bridge (no bats, guano, etc.)?*

24. Does the project include **culvert** removal, replacement, and/or alteration activities?

Yes

25. Is there any suitable habitat for the Indiana bat or NLEB within 1,000 feet of the **culvert** (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)?

Yes

26. Does the culvert equal or exceed 23 feet (7.0 meters) in length?

Yes

27. Are the interior dimensions of the culvert less than 4.5 ft. in diameter/height?

Yes

28. Does the project include **structure** removal, replacement, and/or alteration activities?
No
29. Will the project involve the removal or trimming of more than 20 acres of Indiana bat, NLEB, or TCB suitable habitat per 5-mile section of road/rail?
No
30. Will the removal or trimming of trees occur within 0.5 miles of a known Indiana bat, NLEB, or TCB hibernaculum?
No
31. Will the removal or trimming of these trees occur during the active season?
No
32. Does the Action Area intersect the species list area of the tricolored Bat (TCB)?
Automatically answered
No
33. Does the Action Area intersect the species list area of the northern long-eared bat (NLEB)?
Automatically answered
Yes

PROJECT QUESTIONNAIRE

1. Have you made a No Effect determinations for all other species included on the FWS IPaC generated species list?
No
2. Have you made a May Affect determination for any other species on the FWS IPaC generated list?
Yes
3. How many acres of trees are proposed for removal/trimming **outside of documented habitat** for the Indiana bat, NLEB, or TCB within 100 feet of the existing road/rail surfaces during the inactive season (NLAA)?

Note: If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.
14.61
4. How many acres of trees are proposed for removal/trimming **outside of documented habitat** for the Indiana bat, NLEB, or TCB within 100 feet of the existing road/rail surfaces during the active season (**outside the pup season and not between Dec 15th-Feb 15th in Zone 1 of the NLEB and TCB YR active areas**) (LAA)?

Note: If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.
0
5. How many acres of trees are proposed for removal/trimming **outside of documented habitat** for the Indiana bat, NLEB, or TCB within 100 feet of the existing road/rail

surfaces during the pup season (**trees must be <9 in DBH, and not between Dec 15th-Feb 15th in Zone 1 of the NLEB and TCB YR active areas**) (LAA)?

Note: If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0

6. How many acres of trees are proposed for removal/trimming **either outside or within documented habitat** for the Indiana bat, NLEB, or TCB between 100-300 feet of the existing road/rail surface during the inactive season (LAA)? Note: If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0.3

7. How many acres of trees are proposed for removal/trimming **either outside or within documented habitat** for the Indiana bat, NLEB, or TCB between 100-300 feet of the existing road/rail surfaces during the active season (**outside the pup season, and not between Dec 15-Feb 15 in Zone 1 of the NLEB and TCB YR active areas**) (LAA)?

Note: If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0

8. How many acres of trees are proposed for removal/trimming **either outside or within documented habitat** for the Indiana bat, NLEB, or TCB beyond 300 feet of the existing road/rail surfaces during the inactive season (LAA)?

Note: If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0

9. How many acres of trees are proposed for removal/trimming **either outside or within documented habitat** for the Indiana bat, NLEB, or TCB beyond 300 feet of the existing road/rail surfaces during the active season (**outside the pup season, and not between Dec 15th-Feb 15th in Zone 1 of the NLEB and TCB YR active areas**) (LAA)?

Note: If described as number of trees, multiply by 0.09 to convert to acreage and enter that number.

0

10. Select what **type** of mitigation mechanism will be used to mitigate for the Indiana bat and/or NLEB?

NLEB ONLY: Inactive season trimming/removal - no mitigation

11. What is the **name** of the ILF, Conservation Bank, or Proponent Responsible mitigation being used for the Indiana bat and/or NLEB?

Inactive season removal

12. Please enter the date of the bridge assessment.

02/15/2024

13. You have indicated that the following Avoidance and Minimization Measures (AMMs) will be implemented as part of the proposed project:

- *GAMM1*
- *TRTAMM1*

- *TRTAMM2*
- *TRTAMM4*

AVOIDANCE AND MINIMIZATION MEASURES (AMMS)

This determination key result includes the commitment to implement the following Avoidance and Minimization Measures (AMMs):

GAMM1

Ensure all operators, employees, and contractors working in areas of Indiana bat, NLEB, or TCB suitable habitat are aware of all Transportation Agency environmental commitments, including all applicable AMMs.

TRTAMM1

Modify all phases/aspects of the project (e.g., temporary work areas, alignments) to the extent practicable to avoid tree removal/trimming in excess of what is required to implement the project safely.

TRTAMM2

Ensure tree removal/trimming is limited to that specified in project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree removal/trimming to ensure contractors stay within clearing limits

TRTAMM4

Avoid conducting tree removal/trimming outside documented habitat for the Indiana bat, NLEB, or TCB beyond 100 ft of the road/rail surface during the pup season

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING IBAT, NLEB, OR TCB

This key was last updated in IPaC on April 23, 2025. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) and may affect the federally listed endangered Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and/or federally proposed endangered tricolored bat (*Perimyotis subflavus*).

This decision key should only be used to verify project applicability with the Service's Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana bat, northern long-eared bat, and tricolored bat, dated December 13, 2024. The programmatic consultation limited transportation activities that may affect the covered bat species and addresses situations that are both likely and not likely to adversely affect the covered bat species. This decision key will assist in identifying the effect of a specific project/activity and the applicability of the programmatic consultation. The programmatic consultation is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic consultation, or that may affect ESA-listed species other than the Indiana bat, northern long-eared bat, or tricolored bat, or their designated critical habitat, may require additional ESA Section 7 consultation.

IPAC USER CONTACT INFORMATION

Agency: Huff & Huff, Inc.

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City: Oak Brook

State: IL

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Phone: 7082095047

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Federal Railroad Administration

Name: Christopher Hansen

Email: christopher.hansen@dot.gov

Appendix D3: Ecological Systems Natural Resources Reports and Correspondence

Grassland Bird Memo



A Subsidiary of GZA

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION
MANAGEMENT

915 Harger Road

Suite 330

Oak Brook, IL 60523

T: 630.684.9100

F: 630.684.9120

www.huffnhuff.com

www.gza.com



March 11, 2025

Mr. Tim Selover
WSP USA, Inc.
30 North LaSalle Street, Suite 4200
Chicago, IL 60602

**Re: Grassland and Migratory Bird Memo
Elwood to Braidwood Track Construction Project
(Mainline of the Union Pacific Railroad [UPRR] from MP 44.60 to MP 55.50)
Will County, Illinois**

Dear Mr. Selover:

As a part of the corridor studies for the Union Pacific Railroad (UPRR) High Speed Intercity Passenger Rail Tier 8 Double Tracking Project, Huff & Huff (H&H) compiled data regarding grassland and migratory birds that may be present within Midewin National Tallgrass Prairie.

1.0 SOURCES OF INFORMATION

Midewin National Tallgrass Prairie (MNTP) provides habitat area for over 200 different bird species, offering suitable habitat for several protected migratory and grassland birds. To document these species, MNTP has conducted numerous avian species and habitat surveys over the years, including annual Grassland Bird Surveys from 2009 to 2018. Additional avian surveys have been completed by INHS biologists in 2018 and H&H biologists in 2013, 2020, and 2024 for nearby transportation development projects. An online birding resource, eBird, can also provide up to date, accurate information on bird sightings at various locations including MNTP by certified citizen scientists. The following memo provides a summary of the avian surveys conducted on MNTP property, focusing primarily on state protected migratory and grassland bird species. This memo was prepared for the Union Pacific Railroad (UPRR) High Speed Intercity Passenger Rail Tier 8 Double Tracking Project within Will County (T33N, R9E, Sections 1 and 12, and T33N, R10E, Sections 6, 7, and 31).

2.0 BACKGROUND INFORMATION

There has been a total of 234 bird species reported at MNTP, of which at least 113 of them are known or suspected breeders. Error! Reference source not found. provides a list of all species that have been documented at MNTP, many of which are grassland bird species (Herkert, 2021).

There are 12 bird species currently identified as Regional Forester's Sensitive Species (RFSS) at MNTP, which are identified by the United States Forest Service (USFS) Regional Forester as



those for which population viability is a concern and must receive special management emphasis. An analysis of significant adverse effects on sensitive species populations, their habitat, and species viability is required if there are impacts to these species. These species include the American bittern (*Botaurus lentiginosus*), bald eagle (*Haliaeetus leucocephalus*), bobolink (*Dolichonyx oryzivorus*), black-billed cuckoo (*Coccyzus erythrophthalmus*), cerulean warbler (*Setophaga cerulea*), king rail (*Rallus elegans*), least bittern (*Ixobrychus exilis*), migrant loggerhead shrike (*Lanius ludovicianus migrans*), northern harrier (*Circus cyaneus*), red-headed woodpecker (*Melanerpes erythrocephalus*), short-eared owl (*Asio flammeus*), upland sandpiper (*Bartramia longicauda*).

Of the above RFSS species, black-billed cuckoo, cerulean warbler, and least bittern are state threatened in Illinois, and American bittern, king rail, upland sandpiper, northern harrier, and short-eared owl are state endangered. All loggerhead shrikes (*Lanius ludovicianus*) are listed as endangered in Illinois, but only the migrant loggerhead shrike is specifically listed as a RFSS species at MNTP. Additionally, the prairie loggerhead shrike (*Lanius ludovicianus excubitorides*) is another subspecies that may be found breeding within MNTP during its migration south. Bobolink and red-headed woodpecker are not state listed in Illinois. Additionally, osprey (*Pandion haliaetus*) is state threatened, and common gallinule (*Gallinula galeata*), black-crowned night heron (*Nycticorax nycticorax*), and yellow-headed blackbird (*Xanthocephalus xanthocephalus*) are state endangered, and all have been documented within MNTP, but are not RFSS species.

No federally threatened or endangered bird species have been documented at MNTP. Bald eagles are not listed under the ESA, but federally protected under the Bald and Golden Eagle Protection Act. In recent years populations have recovered, and nests have been documented within grasslands at MNTP. Whooping cranes (*Grus americana*) may also be observed within grasslands at MNTP and are from the reintroduced population in Wisconsin, which is considered an experimental, non-essential population by the USFWS. They are treated as a threatened species on public land (such as MNTP) for consultation purposes with the USFWS (Herkert, 2021). Lastly, migratory bird species are protected under the Migratory Bird Treaty Act, and the following bird species have the potential to inhabit and breed within MNTP lands during their migrations south based on the IPaC results: American golden plover (*Pluvialis dominica*), bald eagle, black-billed cuckoo, bobolink, cerulean warbler, chimney swift (*Chaetura pelagica*), grasshopper sparrow (*Ammodramus savannarum perpallidus*), Henslow's sparrow (*Centronyx henslowii*), Kentucky warbler (*Geothlypis formosa*), king rail, lesser yellowlegs (*Tringa flavipes*), prairie loggerhead shrike, prothonotary warbler (*Protonotaria citrea*), red-header woodpecker, rusty blackbird (*Euphagus carolinus*), semipalmated sandpiper (*Calidris pusilla*), short-billed dowitcher (*Limnodromus griseus*), upland sandpiper, wood thrush (*Hylocichla mustelina*). **Table 1** categorizes the above-listed bird species based on different criteria, including habitat type, RFSS species present at MNTP, state listed species present at MNTP, and if the species' migratory breeding habitat overlaps with MNTP.

Table 1 – Bird Species of Concern at MNTP

Bird Species	Habitat Type ¹	RFSS ²	IL Threatened ³	IL Endangered ³	Migratory ⁴
American bittern	Wetland	X		X	
American golden plover	Grassland				X
Bald eagle	Aquatic/	X			X



Bird Species	Habitat Type ¹	RFSS ²	IL Threatened ³	IL Endangered ³	Migratory ⁴
	Forested				
Black-crowned night heron	Wetland			X	
Black-billed cuckoo	Forested	X	X		X
Bobolink	Grassland	X			X
Cerulean warbler	Forested	X	X		X
Chimney swift	Forested/ Urban				X
Common gallinule	Wetland			X	
Grasshopper sparrow	Grassland				X
Henslow's sparrow	Grassland				X
Kentucky warbler	Forested				X
King rail	Wetland	X		X	X
Least bittern	Wetland	X	X		
Lesser yellowlegs	Wetland				X
Loggerhead shrike	Grassland/ Open			X	
Migrant loggerhead shrike ⁵	Grassland/ Open	X			
Northern harrier	Grassland	X		X	
Osprey	Aquatic		X		
Pectoral sandpiper	Grassland				X
Prairie loggerhead shrike ⁶	Grassland/ Open				X
Prothonotary warbler	Forested				X
Red-headed woodpecker	Savanna	X			X
Rusty blackbird	Forested				X
Semipalmated sandpiper	Grassland/ Aquatic				X
Short-billed dowitcher	Wetland				X
Short-eared owl	Grassland	X		X	
Upland sandpiper	Grassland	X		X	X
Wood thrush	Forested				X
Whooping crane ⁷	Wetland				
Yellow-headed blackbird	Wetland			X	

¹Habitat type information gathered from Cornell Lab of Ornithology online bird guide

²Information gathered from the USFS Eastern Region Regional Forester Sensitive Species List (March 1, 2024)

³Information gathered from the EcoCAT website and Birds of Midewin (Herkert, 2021)

⁴Information gathered from IPaC resource list generated for the project

⁵The loggerhead shrike subspecies "migrant loggerhead shrike" is a RFSS species at MNTP

⁶The loggerhead shrike subspecies "prairie loggerhead shrike" is a migratory species on the IPaC list

⁷Whooping crane included due to the experimental, non-essential population which warrants federal concern if encountered at MNTP

Primary threats to grassland birds of concern in Illinois include a variety of factors contributing to habitat loss, degradation, and fragmentation. These factors can include various development projects, agricultural expansion, and conversion of grasslands for other land-uses. Climate change has the potential to exacerbate habitat loss



and contribute to additional stressors for these species. MNTP, an Audubon Global Important Bird Area and a part of the Midewin-Des Plaines-Goose Lake Prairie Conservation Opportunity Area in the Illinois Wildlife Action Plan, can contribute significantly to regional efforts to protect grassland birds. The following information provides a summary of the latest research, survey data, and updated status for several grassland dependent bird species warranting concern on MNTP property due to the variety of stressors listed above. The other wetland and upland species listed above, as well as the bald eagle and osprey, are included below because they are either RFSS at MNTP, state listed in Illinois, or their migratory breeding regions overlap with MNTP, and are worth including in the discussion.

3.0 SPECIES HABITAT INFORMATION AND STATUS WITHIN MNTP

RFSS and State Endangered

American Bittern

The American bittern is primarily associated with freshwater marshes, including both emergent and open water marsh habitats. They prefer marshes with dense vegetation, such as cattails, reeds, and other tall grasses, which provide cover for hunting and nesting. They also may inhabit wetlands and swamps, especially those with a mix of shallow water, mudflats, and vegetated areas. American bittern's have been observed at MNTP during the breeding season in recent years, and it is believed that they have nested on site. Wetland restorations at MNTP will continue to provide suitable nesting habitat for these birds and the population on site is expected to increase (Herkert, 2021).

King Rail

The king rail is primarily associated with freshwater marshes, including emergent marshes, wet meadows, and flooded grasslands. They prefer habitats with dense vegetation, such as cattails, bulrushes, sedges, and other emergent aquatic plants. They may also inhabit other types of wetlands and swamps, including forested swamps, shrub swamps, and shallow marshy areas with standing water. They may utilize riparian habitats along rivers, streams, and creeks, especially those with dense vegetation and wetland features. Riparian areas adjacent to marshes and wetlands provide additional foraging opportunities and potential nesting sites. They typically build their nests on the ground among dense vegetation, often using tussocks, clumps of grass, or thickets for concealment. King rail nesting at MNTP was first documented in 1993 in dolomite prairie wetlands, and since then individuals have been heard in various locations across MNTP (Herkert, 2021).

Loggerhead Shrike

The loggerhead shrike is commonly associated with open habitats such as grasslands, pastures, meadows, and agricultural fields. They prefer areas with short vegetation and scattered shrubs or trees, which provide perching sites for hunting. Loggerhead shrikes are often found in edge habitats where different habitat types meet, such as the interface between grasslands and forests, or grasslands and agricultural fields. They may inhabit



shrublands, scrublands, and brushy areas, especially those with scattered trees or thorny shrubs. Often, they are observed along roadsides, fencerows, and utility lines, where they perch and scan for prey. These linear features provide open spaces for hunting and may also offer nesting sites. Suitable habitat is located throughout the corridor within MNTP and Hitts Siding Prairie (HSP). Populations in the state have declined significantly since 1966, and from 4 to 14 pairs have nested at MNTP between 2005 and 2016 (Herkert, 2021).

Migrant loggerhead shrike and prairie loggerhead shrike are both subspecies of the loggerhead shrike. All loggerhead shrikes are state listed as endangered within Illinois, while migrant loggerhead shrike is the subspecies listed as a RFSS species at MNTP, and prairie loggerhead shrike has the potential to be found breeding within MNTP during its migration south. Migrant loggerhead shrikes are known to travel longer distances between their breeding and wintering grounds than other loggerhead shrikes, and prairie loggerhead shrikes exhibit a slightly more northern range (extending into Canada) than other loggerhead shrikes.

Northern Harrier

The northern harrier is often found in open grassland habitats, including prairies, meadows, grassy fields, and agricultural lands. They prefer habitats with low vegetation cover, which provides them with clear visibility for hunting. They also frequent wetland and marsh habitats. They typically nest on the ground in grassy or marshy areas, often using existing depressions or tall vegetation for concealment. Suitable habitat is located throughout the corridor within MNTP and HSP. They are a rare summer resident at MNTP, and are more commonly seen in the fall, winter and spring from October through April. Northern harriers have been seen at MNTP during the breeding season in every year between 2009 and 2020, however, their nesting status in most years is uncertain. They are known to nest in the prairie restorations at Goose Lake State Park, just 6 miles west of MNTP. They are believed to have nested on site in 2009 (Herkert, 2021).

Short-Eared Owl

The short-eared owl is often found in open grasslands, including prairies, fields, and agricultural areas. They prefer habitats with low vegetation cover. They also frequent marshes and wetlands, especially those with tall grasses and reeds. They are crepuscular or diurnal hunters, meaning they are active during dawn and dusk or even during the day. As such, they may be more commonly seen hunting in open habitats during daylight hours. In Illinois, short-eared owls are primarily winter residents, arriving in the fall and departing in the spring. Suitable habitat is located throughout the corridor within MNTP and HSP. The species may have nested infrequently at MNTP in the past, but there is little evidence of current nesting. They can be fairly common at MNTP during the winter (Herkert, 2021).

Upland Sandpiper

The upland sandpiper is often found in open grasslands and prairies. They prefer habitats with short to medium-height vegetation where they can easily spot prey and have clear visibility for their distinctive aerial displays during the breeding season. They also utilize pastures and agricultural fields. These habitats often provide suitable foraging opportunities for insects and other invertebrates, which are the primary food source for these



birds. Generally, they avoid densely wooded areas. They are migratory birds, and in Illinois they are primarily present during the breeding season, arriving in the spring and departing in the fall. Suitable habitat is located throughout the corridor within MNTF and HSP. The vast acreage of short stature grassland habitat at MNTF historically supported the largest upland sandpiper population in Illinois, but numbers at the site have decreased greatly in recent years. Upland sandpipers were seen annually at MNTF between 1990 and 2016, but they have been sporadic since, with recent records only in 2018 and 2020 (Herkert, 2021).

RFSS and State Threatened

Black-Billed Cuckoo

Black-billed cuckoos are primarily associated with woodlands, including deciduous forests, mixed woodlands, and forest edges. They prefer habitats with dense vegetation and a variety of tree species, providing ample cover for nesting and foraging. They may also inhabit shrublands, thickets, and brushy areas, especially those adjacent to forested habitats. They are often found in riparian habitats, including streamside forests, riverine woodlands, and wetland edges. These habitats provide water sources and may support abundant insect populations, which are an important food source for cuckoos and their nestlings. The black-billed cuckoo is identified as a species of national concern, and has rarely been documented at MNTF (Herkert, 2021).

Cerulean Warbler

Cerulean warblers prefer mature deciduous forests with a closed canopy, characterized by a diverse mix of tree species, including oaks, hickories, maples, and beeches. They are particularly associated with tall, intact forest stands. Forests with a diverse vertical structure, including multiple canopy layers, understory vegetation, and dense shrubbery, are preferred by cerulean warblers. This complexity provides nesting sites, foraging opportunities, and cover from predators. They are often found in association with streamside or riparian forests, where they utilize the adjacent forest habitat for nesting and foraging. The cerulean warbler has not been recorded on MNTF land but does occur immediately north on the Joliet Training Area (Herkert, 2021).

Least Bittern

Least bitterns are primarily associated with freshwater and brackish marshes, wetlands, and swampy areas. They prefer habitats with dense emergent vegetation, such as cattails, reeds, and bulrushes, which provide cover for foraging and nesting. Least Bitterns forage in shallow water habitats, including marshes, ponds, wet meadows, and flooded fields. Cattail marshes are particularly important habitats for Least Bitterns, as they provide suitable nesting sites and abundant prey resources. Least Bitterns often construct their nests among the dense stands of cattails, using the vegetation for concealment and protection. They may also inhabit riparian areas along rivers, streams, and creeks, especially those with dense vegetation and wetland features. The yearly use of MNTF by least bitterns is unknown, but it is assumed that they are regular breeders that occur at low numbers on the site (Herkert, 2021).



RFSS (Not IL listed)

Bald Eagle

Bald eagles are commonly associated with large bodies of water, including rivers, lakes, reservoirs, and coastal areas. These water bodies provide abundant fish, waterfowl, and other prey species that Bald Eagles rely on for food. While Bald Eagles primarily forage over water bodies, they often roost and nest in forested areas adjacent to their preferred water habitats. These forests provide suitable nesting sites, such as large trees near the water's edge, as well as cover and protection for the eagles. They may utilize open grasslands, marshes, and agricultural fields adjacent to water bodies for hunting opportunities. There is some varied habitat located throughout the corridor, especially around the Kankakee River. Two active eagle nests have been documented at MNTP in recent years (Herkert, 2021).

Bobolink

The Bobolink is primarily associated with grassland habitats, including native prairies, grassy meadows, pastures, and hayfields. They prefer habitats with tall, dense grassland vegetation for nesting and foraging, especially those with a diverse structure and plant composition. They often select sites with taller grasses and forbs for nesting, and shorter vegetation for foraging. They may also utilize wetter habitats such as wet meadows, marshes, and fen habitats, which may provide additional foraging opportunities and support a higher abundance of insects, which are an important food source for Bobolinks and their nestlings. Suitable habitat is located throughout the corridor within MNTP and HSP. Bobolinks at MNTP have a stable long-term population trend, but are in steep decline elsewhere in the state with populations declining by more than 90% between 1966 and 2017 (Herkert, 2021).

Red-Headed Woodpecker

Red-headed woodpeckers are commonly associated with deciduous forests, including oak-hickory woodlands, beech-maple forests, and bottomland hardwood forests. They prefer mature forests with a mix of tree species and various age classes, providing ample foraging and nesting opportunities. In addition to dense forests, red-headed woodpeckers also inhabit open woodlands, savannas, and parkland areas with scattered trees. They are often found in edge habitats where forests meet open areas, such as forest edges, woodland clearings, and forested riparian corridors. Red-headed woodpeckers are cavity nesters and rely on dead trees (snags) for nesting sites. They excavate nest cavities in dead or dying trees, as well as in artificial structures such as utility poles and nest boxes. Although red-headed woodpeckers have been known at MNTP for years and are assumed to nest there, their status remains poorly known (Herkert, 2021).



State Listed (Not RFSS)

Black-Crowned Night Heron

Black-crowned night herons are stocky birds compared to many of their other heron relatives. They are most active at night or dusk when they leave their roosts to forage. They breed in colonies of stick nests built over water, and are found in fresh, salt, and brackish wetlands across North America (Cornell University, 2024).

Common Gallinule

Common gallinules are medium-sized, dark colored marsh birds with long yellow legs and toes. They reside in freshwater and brackish marshes, ponds, and lakes that have a mix of submerged, floating, and emergent aquatic vegetation. They may also use artificial aquaculture ponds or rice fields (Cornell University, 2024)

Osprey

Ospreys are large, rangy hawks that require habitats in close proximity to aquatic resources due to their dependence on fish as a food source. They prefer habitats with plenty of shallow water and where fish are plentiful. They often nest on small islands or structures over bodies of water that are secluded (Cornell University, 2024).

Yellow-Headed Blackbird

Yellow-headed blackbirds have a black body, bright golden head, and a white patch on their wings. They can be found nesting in large prairie wetlands, where they nest in reeds directly over water. They may also nest along the edge of ponds and rivers and spend the winter months in farm fields and meadows (Cornell University, 2024).

Other Species

Whooping Crane

Whooping cranes are the tallest and one of the rarest birds in North America. Only one self-sustaining population of whooping cranes that breed in Canada and winter in Texas remains. The others are monitored by captive breeders (Cornell University, 2024). The individuals who have been observed within grasslands at MNTP are from the reintroduced population in Wisconsin, which is considered an experimental, non-essential population by the USFWS. They are treated as a threatened species on public land for consultation purposes with the USFWS (Herkert, 2021).

Migratory Birds

The following bird species are those whose migratory range and breeding habitat may overlap with MNTP land:



American-gold plover, bald eagle, bobolink, black-billed cuckoo, Cerulean warbler, chimney swift, grasshopper sparrow, Henslow's sparrow, Kentucky warbler, king rail, lesser yellowlegs, pectoral sandpiper, prairie loggerhead shrike, prothonotary warbler, red-headed woodpecker, rusty blackbird, semipalmated sandpiper, upland sandpiper, short-billed dowitcher, and wood thrush.

4.0 PROJECT SURVEY DETAILS AND RESULTS

Huff & Huff Surveys

As described above, migratory and grassland bird habitat exists throughout the corridor. Suitable foraging and nesting habitat for the state endangered upland sandpiper and loggerhead shrike exists adjacent to the project area within the MNTP and HSP, and individuals have been observed within the past decade (eBird). H&H conducted avian meander surveys within areas of suitable habitat conducting visual and auditory observations for the loggerhead shrike and upland sandpiper first in 2013, and then again in 2020. H&H relied on loggerhead shrike and upland sandpiper calls using the Cornell Lab of Ornithology online bird guide. Additionally, the northern harrier, bobolink, and bald eagle were not explicitly surveyed, but included informally in the 2020 surveys conducted by H&H. The remaining species were not surveyed or included informally in the 2020 surveys.

Neither loggerhead shrike nor upland sandpiper were observed by H&H staff during any of the above 2020 survey dates. During the studies previously conducted in 2013, loggerhead shrike was observed on multiple occasions by H&H staff, but was not encountered during the 2020 surveys. Upland sandpiper was not observed during both the 2013 and 2020 surveys. It should be noted that both species were reported on eBird, an online database of real-time bird observations, by citizen scientists during the timeframe of the 2020 surveys. The observations were generated from reputable members of the forum with a high degree of confidence in the sighting, and they all occurred within or adjacent to the project corridor at MNTP. Additionally, a dead state-endangered king rail (*Rallus elegans*) was observed on the tracks of the UPRR within the project corridor.

eBird Observations

eBird is an online birding database that provides up to date, accurate information on bird sightings at various locations submitted by certified citizen scientists. There are several eBird hotspot locations located throughout MNTP. Associated with each hotspot are documented lists of observed bird species at that location over the years. There are five hotspot locations within MNTP and one within HSP that are located within a mile of the project limits. There is one general point for MNTP (MNTP), and the rest are as follows: MNTP – Welcome Center (WC), MNTP – West Side (WS), MNTP – Explosives Road (ER), MNTP – Iron Bridge (IB), and HSP (HSP). **Table 2** details the last recorded occurrence (if any) of each species of concern at MNTP within the past decade at these different hotspot locations.



Table 2: MNTP Species of Concern Last Recorded Occurrence (eBird, 2015-2025)

Species	Hotspot Location	Date	Count
American bittern	WC	5/1/16	1
	WS	5/4/24	3
	ER	9/8/22	1
	MNTP	6/15/17	1
Bald eagle	WC	9/13/24	1
	WS	7/1/24	2
	ER	6/16/24	1
	MNTP	2/25/25	1
	IB	2/23/25	1
Black-crowned night heron	ER	6/2/18	1
Black-billed cuckoo	WC	6/10/19	1
	WS	6/2/24	1
	ER	5/14/24	1
	MNTP	5/26/24	1
	IB	6/29/24	1
Bobolink	WC	6/5/22	2
	WS	6/30/24	3
	ER	7/5/24	1
	MNTP	7/12/24	1
	IB	7/3/24	2
Chimney swift	WC	5/29/24	2
	WS	5/15/23	2
	ER	6/9/24	2
	MNTP	9/29/24	6
	IB	8/24/24	5
Grasshopper sparrow	WC	7/20/19	3
	WS	6/30/24	1
	ER	6/9/24	1
	MNTP	7/7/24	4
	IB	7/23/24	2
Henslow's sparrow	WC	7/31/20	3
	WS	7/21/24	2
	ER	8/3/24	4



Species	Hotspot Location	Date	Count
	MNTP	7/12/24	4
	IB	8/8/24	1
Kentucky warbler	ER	5/23/15	1
King rail	WS	7/4/17	1
Least bittern	WS	6/3/22	1
Lesser yellowlegs	WC	4/22/18	4
	WS	5/6/24	3
	ER	5/7/22	6
	MNTP	5/17/22	1
Loggerhead shrike	WC	7/16/16	1
	WS	5/15/17	1
	ER	6/10/23	1
	MNTP	8/14/21	1
	IB	6/19/24	2
Northern harrier	WC	2/22/25	1
	WS	11/17/24	2
	ER	2/9/25	1
	MNTP	2/25/25	1
	IB	2/22/25	1
Osprey	ER	6/6/24	1
	MNTP	7/27/21	2
	IB	4/21/18	1
Pectoral sandpiper	WC	4/22/18	14
	WS	4/9/24	13
	ER	5/7/22	15
	MNTP	5/17/22	1
Prothonotary warbler	MNTP	6/12/20	1
Red-headed woodpecker	WC	5/29/24	1
	WS	6/9/24	1
	ER	7/21/24	1
	MNTP	7/2/24	1
	IB	8/6/24	3
Rusty blackbird	WS	4/9/24	1
	ER	4/1/23	50



Species	Hotspot Location	Date	Count
	IB	12/27/24	5
	MNTP	4/9/23	1
Semipalmated sandpiper	WS	5/15/23	5
	ER	8/16/22	1
Short-billed dowitcher	WS	5/6/23	1
Short-eared owl	WC	2/3/21	2
	WS	2/18/24	2
	ER	2/6/25	1
	MNTP	12/28/20	5
	IB	2/22/25	1
Upland sandpiper	ER	8/10/23	1
	MNTP	7/8/20	1
	IB	7/9/20	1
Wood thrush	WC	6/5/22	1
	WS	6/30/24	2
	ER	6/16/24	1
	MNTP	5/29/24	2
	IB	7/10/23	1

¹The American golden-plover, Cerulean warbler, common gallinule, and yellow-headed blackbird have either not been recorded at any MNTP hotspots or recorded before 2015

5.0 CONSERVATION AND RESTORATION

The MNTP consists of more than 19,000 acres of grassland habitat and is currently home to large populations of grassland birds of concern. The large and protected grassland site also offers the potential to create new grassland areas which would provide additional unfragmented habitat for vulnerable, high-priority grassland bird species to colonize. The current Prairie Plan's objectives include the establishment of at least 10,260 acres of unfragmented grasslands, including at least two tracts exceeding 3,000 acres each, and the potential for expanding this acreage. Restoring large unfragmented areas of grasslands at MNTP would also help mitigate climate-related impacts, and prioritization of prairie conservation and restoration by local, state, and federal agencies is necessary for success.

Efforts to create large unfragmented grasslands at MNTP require connecting existing grasslands and creating new ones, decommissioning unnecessary roads, removing hedgerows and fencerows, and clearing open fields of woody vegetation. Conservation strategies for grassland birds include the following: the protection, restoration, and management of breeding habitat; maximizing management opportunities on public land; preventing woody



encroachment in MNTP grasslands; supporting grazing systems that provide the vegetative structure and levels of disturbance that are compatible with successful grassland bird nesting; and using prescribed fire to prevent succession of grasslands into shrublands. Establishing large unfragmented habitats at MNTP for regional grassland species of concern could also be beneficial to other area-sensitive species of concern, such as the greater prairie chicken. The Illinois greater prairie-chicken recovery plan identifies establishing additional, geographically separate prairie-chicken populations to upgrade the species from state-endangered to state-threatened. The recovery plan mentions that the eastern portion of MNTP is suitable for the reintroduction of the prairie-chicken, but that additional grazing through the site would be necessary to create the suitable vegetation structure (Herkert, 2021).

6.0 SUMMARY

The Chicago to St. Louis High Speed Rail Project will intersect with grassland bird habitat at MNTP and HSP within the project limits. These areas support diverse avian populations and have been known to provide suitable habitat for certain species of conservation concern such as RFSS and/or state-listed grassland birds. These species include the loggerhead shrike, upland sandpiper, northern harrier, short-eared owl, bobolink, and bald eagle. Other wetland and upland species are included in the discussion above because they are either RFSS at MNTP, state listed in Illinois, or their migratory breeding regions overlap with MNTP. During meander surveys completed by H&H in 2013 and 2020 throughout suitable grassland bird habitat within MNTP, neither the loggerhead shrike nor the upland sandpiper was observed or heard, although citizen science reports in 2020 suggested their continued presence. Surveys for the other species of concern were not conducted due to their low likelihood of presence. A bald eagle nest was identified at MNTP during surveys in 2020 and has been monitored since. The nest was observed to be active in 2024, and is located adjacent to UPRR ROW which extends from the mainline of the UPRR that runs through MNTP.

The presence and identification of the certain birds of concern listed above during surveys conducted by H&H as well as observations listed in eBird and in other studies regarding the presence of RFSS and state-listed grassland bird habitat within MNTP underscores the importance of habitat preservation in the high-speed rail corridor planning process. Habitat loss and fragmentation continues to threaten protected bird species, which frequently is exacerbated by development projects. These may include a mix of habitat protection strategies, seasonal restrictions on construction, and the creation of additional suitable habitat within MNTP.

If you have questions, please contact Alycia Klunenberger at Alycia.Klunenberger@gza.com or 630-684-4412.



Sincerely,

Huff & Huff, Inc., a Subsidiary of
GZA GEOENVIRONMENTAL, INC.

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Enclosures:

Attachment 1 – Figures
Figure 1 - Midewin Bird List With Orders and Families



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Attachment 1 - Midewin Bird List with Orders and Families

Midewin Bird List with Orders and Families

ANSERIFORMES

Anatidae (Ducks, Geese & Waterfowl)

Snow Goose
Ross's Goose
Greater White-fronted Goose
Cackling Goose
Canada Goose
Mute Swan
Wood Duck
Blue-winged Teal
Northern Shoveler
Gadwall
American Wigeon
Mallard
American Black Duck
Northern Pintail
Green-winged Teal
Redhead
Ring-necked Duck
Lesser Scaup
Bufflehead
Common Goldeneye
Hooded Merganser*
Common Merganser
Red-breasted Merganser
Ruddy Duck

GALLIFORMES

Odontophoridae (New World Quail)

Northern Bobwhite*

Phasianidae (Pheasants, Grouse, & Allies)

Ring-necked Pheasant*
Wild Turkey*

PODICIPEDIFORMES

Podicipedidae (Grebes)

Pied-billed Grebe*
Horned Grebe

COLUMBIFORMES

Columbidae (Pigeons & Doves)

Rock Pigeon*
Eurasian Collared-dove
Mourning Dove*

CUCULIFORMES

Cuculidae (Cuckoos)

Yellow-billed Cuckoo*
Black-billed Cuckoo*

CAPRIMULGIFORMES

Caprimulgidae (Nightjars & Allies)

Common Nighthawk*

Apodidae (Swifts)

Chimney Swift*

Trochilidae (Hummingbirds)

Ruby-throated Hummingbird*

GRUIFORMES

Rallidae (Rails, Gallinules & Coots)

King Rail*
Virginia Rail*
Sora*
Common Gallinule*
American Coot*
Yellow Rail

Gruidae (Cranes)

Sandhill Crane
Whooping Crane

CHARADRIIFORMES

Charadriidae (Plovers & Lapwings)

American Golden Plover
Semipalmated Plover
Killdeer*

Scolopacidae (Sandpipers & Allies)

Upland Sandpiper*
Least Sandpiper
White-rumped Sandpiper
Pectoral Sandpiper
Semipalmated Sandpiper
Short-billed Dowitcher
American Woodcock*
Wilson's Snipe*
Spotted Sandpiper*
Solitary Sandpiper
Greater Yellowlegs
Lesser Yellowlegs

Laridae (Gulls, Terns & Skimmers)

Bonaparte's Gull
Ring-billed Gull
Herring Gull
Iceland Gull
Slaty-backed Gull
Caspian Tern

SULIFORMES

Phalacrocoracidae (Cormorants & Shags)

Double-crested Cormorant

PELECANIFORMES

Pelecanidae (Pelicans)

American White Pelican

Ardeidae (Herons, Egrets & Bitterns)

American Bittern*
Least Bittern*
Great Blue Heron*
Great Egret
Cattle Egret
Green Heron*
Black-crowned Night-heron

CATHARTIFORMES

Cathartidae (New World Vultures)

Turkey Vulture

ACCIPITRIFORMES

Accipitridae (Hawks, Eagles & Kites)

Northern Harrier*
Sharp-shinned Hawk
Cooper's Hawk*
Bald Eagle*
Red-shouldered Hawk
Broad-winged Hawk
Red-tailed Hawk*
Rough-legged Hawk

Pandionidae (Osprey)

Osprey

STRIGIFORMES

Strigidae (Owls)

Eastern Screech-owl*
Great Horned Owl*
Snowy Owl
Barred Owl*
Long-eared Owl
Short-eared Owl

CORACIIFORMES

Alcedinidae (Kingfishers)

Belted Kingfisher*

PICIFORMES

Picidae (Woodpeckers)

Yellow-bellied Sapsucker
Red-headed Woodpecker*
Red-bellied Woodpecker*
Downy Woodpecker*
Hairy Woodpecker
Pileated Woodpecker
Northern Flicker*

FALCONIFORMES

Falconidae (Falcons & Caracaras)

American Kestrel*
Merlin
Peregrine Falcon

PASSERIFORMES

Tyrannidae (Tyrant Flycatchers)

Olive-sided Flycatcher
Eastern Wood-Pewee*
Yellow-bellied Flycatcher
Acadian Flycatcher*
Alder Flycatcher
Willow Flycatcher*
Least Flycatcher*
Eastern Phoebe*
Great Crested Flycatcher*
Western Kingbird
Eastern Kingbird*

Laniidae (Shrikes)

Loggerhead Shrike*
Northern Shrike

Vireonidae (Vireos, Shrike-Babblers & Erpornis)

White-eyed Vireo*
Bell's Vireo*
Yellow-throated Vireo*
Blue-headed Vireo
Philadelphia Vireo
Warbling Vireo*
Red-eyed Vireo*

Corvidae (Crows, Jays & Magpies)

Blue Jay*
American Crow*

Alaudidae (Larks)

Horned Lark*

Hirundinidae (Swallows)

Northern Rough-winged Swallow*
Purple Martin*
Tree Swallow*
Bank Swallow*
Barn Swallow*
Cliff Swallow

Paridae (Tits, Chickadees & Titmice)

Black-capped Chickadee*
Tufted Titmouse*

Sittidae (Nuthatches)

Red-breasted Nuthatch
White-breasted Nuthatch*

Certhiidae (Treecreepers)

Brown Creeper

Troglodytidae (Wrens)

House Wren*
Winter Wren
Sedge Wren*
Marsh Wren*
Carolina Wren*

Poioptilidae (Gnatcatchers)

Blue-gray Gnatcatcher*

Regulidae (Kinglets)

Golden-crowned Kinglet
Ruby-crowned Kinglet

Turdidae (Thrushes & Allies)

Eastern Bluebird*
Veery
Gray-cheeked Thrush
Swainson's Thrush
Hermit Thrush
Wood Thrush*
American Robin*

Mimidae (Mockingbirds & Thrashers)

Gray Catbird*
Brown Thrasher*
Northern Mockingbird*

Sturnidae (Starlings)

European Starling*

Motacillidae (Wagtails & Pipits)

American Pipit

Bombycillidae (Waxwings)

Cedar Waxwing*

Fringillidae (Finches, Euphonias & Allies)

House Finch*
Purple Finch
Common Redpoll
American Goldfinch*

Calcariidae (Longspurs & Snow Buntings)

Lapland Longspur
Snow Bunting

Passerellidae (New World Sparrows)

Grasshopper Sparrow*
Chipping Sparrow*
Clay-colored Sparrow
Field Sparrow*
Brewer's Sparrow
Lark Sparrow
American Tree Sparrow
Fox Sparrow
Dark-eyed Junco
White-crowned Sparrow
Harris's Sparrow
White-throated Sparrow
Vesper Sparrow*
Nelson's Sparrow
Savannah Sparrow*

Henslow's Sparrow*

Song Sparrow*

Lincoln's Sparrow

Swamp Sparrow

Eastern Towhee*

Icteridae (Yellow-breasted Chat)

Yellow-breasted Chat*

Icteridae (Troupials & Allies)

Bobolink*
Western Meadowlark*
Eastern Meadowlark*
Orchard Oriole*
Baltimore Oriole*
Red-winged Blackbird*
Brown-headed Cowbird*
Rusty Blackbird
Common Grackle*

Parulidae (New World Warblers)

Ovenbird*
Louisiana Waterthrush
Northern Waterthrush
Blue-winged Warbler*
Black-and-white Warbler
Prothonotary Warbler
Tennessee Warbler
Orange-crowned Warbler
Nashville Warbler
Connecticut Warbler
Mourning Warbler
Kentucky Warbler*
Common Yellowthroat*
American Redstart*
Cape May Warbler
Cerulean Warbler
Northern Parula

Magnolia Warbler

Bay-breasted Warbler
Blackburnian Warbler
Yellow Warbler*
Chestnut-sided Warbler
Blackpoll Warbler
Black-throated Blue Warbler
Palm Warbler
Pine Warbler
Yellow-rumped Warbler
Yellow-throated Warbler
Prairie Warbler
Black-throated Green Warbler
Canada Warbler
Wilson's Warbler

Cardinalidae (Cardinals & Allies)

Summer Tanager
Scarlet Tanager*
Northern Cardinal*
Rose-breasted Grosbeak*
Blue Grosbeak*
Indigo Bunting*
Painted Bunting
Dickcissel*

Passeridae (Old World Sparrows)

House Sparrow*