

Biological Resources

Submittal Date: **Sequence No:**
District: **Requesting Agency:**
Counties:
Route: **Marked:**
Street: **Section:**
Municipality(ies): **Project Length:** miles
From To (At):
Township-Range-Section: **Cleared for Design Apprvl:**
Cleared for Letting:

Acquisition of additional ROW or easement acres
 In-Stream Work **Stream Name:**
 Other:

Tree Removal?: **Number?:** acres

Biological Sign Off: **Field Sign Off:** **District Sign Off:**
Wetland Sign Off: **Surveys Performed:** **Commitments:**

BRR										
District Notified	IDNR Notified	USFWS Notified	NPS Notified	IDNR Response		USFWS Response	NPS Response	District Notified		
<input type="checkbox"/> Comments	<input type="checkbox"/> Concurrence			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

ITA Type: **Translocation**

Comments:

Endangered Species Consultation					
NRRT (Natural Resources Review Tool) <input type="text" value="07/25/2019"/>					
EcoCAT (Ecological Compliance Assessment Tool)					
Submitted	Initial Consultation		Final Consultation		NRRT(OLD)
	Terminated		Terminated		
Resubmitted	Consultation Renewal		NRRT or EcoCAT:		
	Terminated				

Biological Assessment							
IDNR Notified	USFWS Notified	IDNR Response	USFWS Response	District Notified		IDNR Consultation	USFWS Opinion
				IDNR	USFWS		

Comments:

Further Studies	Federal Species *	Tasked	Report Due Date	Results Received
Bio/Cover Type:		<input type="text"/>	<input type="text"/>	<input type="text"/>
Mammals:	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Birds:	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Plants:	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Herps:	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Fish:	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mussels:	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Inverts:	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Comments:



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
Phone: (309) 757-5800 Fax: (309) 757-5807

In Reply Refer To:
Consultation Code: 03E18000-2019-SLI-1658
Event Code: 03E18000-2019-E-03803
Project Name: 22571

August 12, 2019

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

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project “may affect” listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website <http://ecos.fws.gov/ipac/> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. This website contains step-by-step instructions which will help you

determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all wind energy projects, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.) and Migratory Bird Treaty Act (16 U.S.C. 703 et seq), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html> to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number 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
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Wetlands
-

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:

Illinois-Iowa Ecological Services Field Office

Illinois & Iowa Ecological Services Field Office

1511 47th Ave

Moline, IL 61265-7022

(309) 757-5800

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

Southern Illinois Sub-Office

Marion Illinois Sub-office

8588 Route 148

Marion, IL 62959-5822

(618) 997-3344

Project Summary

Consultation Code: 03E18000-2019-SLI-1658

Event Code: 03E18000-2019-E-03803

Project Name: 22571

Project Type: TRANSPORTATION

Project Description: First Street
Section 20-00008-00-BT
T19N/R9E/S23
Champaign County
Seq. #22571

The proposed project involves construction of 1 mile of a shared use path along First St. in Savoy, IL.

There will be 1.611 acres of land acquisition. There will not be in-stream work or tree removal. Land cover in the vicinity of the proposed improvement is primarily agricultural land, and residential housing.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/40.13994660873229N88.20169720799561W>



Counties: Champaign, IL

Endangered Species Act Species

There is a total of 4 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.

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.

-
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
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
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	Threatened

Insects

NAME	STATUS
Rusty Patched Bumble Bee <i>Bombus affinis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9383	Endangered

Flowering Plants

NAME	STATUS
Eastern Prairie Fringed Orchid <i>Platanthera leucophaea</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/601	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

Due to your project's size, the list below may be incomplete, or the acreages reported may be inaccurate. For a full list, please contact the local U.S. Fish and Wildlife office or visit <https://www.fws.gov/wetlands/data/mapper.HTML>

FRESHWATER EMERGENT WETLAND

- [PEM1/FO1A](#)
- [PEM1/FO1C](#)
- [PEM1/SS1A](#)
- [PEM1/SS1C](#)
- [PEM1A](#)
- [PEM1Af](#)
- [PEM1Ad](#)
- [PEM1Ah](#)
- [PEM1Ax](#)
- [PEM1C](#)
- [PEM1Cx](#)
- [PEM1Cd](#)
- [PEM1Cf](#)
- [PEM1Ch](#)
- [PEM1F](#)
- [PEM1Fh](#)
- [PEM1J](#)

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1A](#)

FRESHWATER POND

- [PAB4F](#)
 - [PAB4H](#)
-

LAKE

- [L1UBHh](#)
 - [L1UBHx](#)
 - [L2AB/EM2Gh](#)
 - [L2AB/UBHh](#)
-



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Assistant Director-Ecological Services
1849 C Street Nw
Room 3345
Washington, DC 20240-0001
Phone: (202) 208-4646 Fax: (202) 208-5618

IPaC Record Locator: 713-17833410

August 12, 2019

Subject: Consistency letter for the '22571' project (TAILS 03E18000-2019-R-1658, 03E18100-2019-R-0547) under the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat.

To whom it may concern:

The U.S. Fish and Wildlife Service (Service) has received your request dated to verify that the **22571** (Proposed Action) may rely on the revised February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat and Northern Long-eared Bat (PBO) to satisfy requirements under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 *et seq.*).

Based on the information you provided (Project Description shown below), you have determined that the Proposed Action will have no effect on the endangered Indiana bat (*Myotis sodalis*) or the threatened Northern long-eared bat (*Myotis septentrionalis*). If the Proposed Action is not modified, **no consultation is required for these two species.**

For Proposed Actions that include bridge/structure removal, replacement, and/or maintenance activities: If your initial bridge/structure assessments failed to detect Indiana bats, but you later detect bats during construction, please submit the Post Assessment Discovery of Bats at Bridge/Structure Form (User Guide Appendix E) to this Service Office. In these instances, potential incidental take of Indiana bats may be exempted provided that the take is reported to the Service.

If the Proposed Action 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 Office is required. If the proposed action 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 for the Proposed Action accordingly.

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

- Eastern Prairie Fringed Orchid, *Platanthera leucophaea* (Threatened)
 - Prairie Bush-clover, *Lespedeza leptostachya* (Threatened)
 - Rusty Patched Bumble Bee, *Bombus affinis* (Endangered)
-

Project Description

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

Name

22571

Description

First Street
Section 20-00008-00-BT
T19N/R9E/S23
Champaign County
Seq. #22571

The proposed project involves construction of 1 mile of a shared use path along First St. in Savoy, IL.

There will be 1.611 acres of land acquisition. There will not be in-stream work or tree removal. Land cover in the vicinity of the proposed improvement is primarily agricultural land, and residential housing.

Determination Key Result

Based on the information you provided, you have determined that the Proposed Action will have no effect on the endangered Indiana bat and/or the threatened Northern long-eared bat. Therefore, no 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 for these two species.

Qualification Interview

1. Is the project within the range of the Indiana bat^[1]?

[1] See [Indiana bat species profile](#)

Automatically answered

Yes

2. Is the project within the range of the Northern long-eared bat^[1]?

[1] See [Northern long-eared bat species profile](#)

Automatically answered

Yes

3. Which Federal Agency is the lead for the action?

A) Federal Highway Administration (FHWA)

4. Are *all* project activities limited to non-construction^[1] activities only? (examples of non-construction activities include: bridge/abandoned structure assessments, surveys, planning and technical studies, property inspections, and property sales)

[1] Construction refers to activities involving ground disturbance, percussive noise, and/or lighting.

No

5. Does the project include *any* activities that are **greater than** 300 feet from existing road/rail surfaces^[1]?

[1] Road surface is defined as the actively used [e.g. motorized vehicles] driving surface and shoulders [may be pavement, gravel, etc.] and rail surface is defined as the edge of the actively used rail ballast.

No

6. Does the project include *any* activities **within** 0.5 miles of a known Indiana bat and/or NLEB hibernaculum^[1]?

[1] For the purpose of this consultation, a hibernaculum is a site, most often a cave or mine, where bats hibernate during the winter (see suitable habitat), but could also include bridges and structures if bats are found to be hibernating there during the winter.

No

7. Is the project located **within** a karst area?

No

8. Is there *any* suitable^[1] summer habitat for Indiana Bat or NLEB **within** the project action area^[2]? (includes any trees suitable for maternity, roosting, foraging, or travelling habitat)

[1] See the Service's [summer survey guidance](#) for our current definitions of suitable habitat.

[2] The action area is defined as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR Section 402.02). Further clarification is provided by the [national consultation FAQs](#).

No

9. Does the project include maintenance of the surrounding landscape at existing facilities (e.g., rest areas, stormwater detention basins)?

No

10. Does the project include wetland or stream protection activities associated with compensatory wetland mitigation?

No

11. Does the project include slash pile burning?

No

12. Does the project include *any* bridge removal, replacement, and/or maintenance activities (e.g., any bridge repair, retrofit, maintenance, and/or rehabilitation work)?

No

13. Does the project include the removal, replacement, and/or maintenance of *any* structure other than a bridge? (e.g., rest areas, offices, sheds, outbuildings, barns, parking garages, etc.)

No

14. Will the project involve the use of **temporary** lighting *during* the active season?

No

15. Will the project install new or replace existing **permanent** lighting?

No

16. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge and/or structure activities, temporary or permanent lighting, or use of percussives, limited to actions that DO NOT cause any additional stressors to the bat species?

Examples: lining roadways, unlighted signage , rail road crossing signals, signal lighting, and minor road repair such as asphalt fill of potholes, etc.

Yes

17. Will the project raise the road profile **above the tree canopy**?

No

18. Is the location of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the project action area not within suitable Indiana bat and/or NLEB summer habitat and is outside of 0.5 miles of a hibernaculum.

Determination Key Description: FHWA, FRA, FTA Programmatic Consultation For Transportation Projects Affecting NLEB Or Indiana Bat

This key was last updated in IPaC on March 16, 2018. 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 require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) for the endangered **Indiana bat** (*Myotis sodalis*) and the threatened **Northern long-eared bat** (NLEB) (*Myotis septentrionalis*).

This decision key should only be used to verify project applicability with the Service's [February 5, 2018, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects](#). The programmatic biological opinion covers limited transportation activities that may affect either bat species, and addresses situations that are both likely and not likely to adversely affect either bat species. This decision key will assist in identifying the effect of a specific project/activity and applicability of the programmatic consultation. The programmatic biological opinion is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic biological opinion, or that may affect ESA-listed species other than the Indiana bat or NLEB, or any designated critical habitat, may require additional ESA Section 7 consultation.

U.S. Fish & Wildlife Service Contact List

Illinois-Iowa Ecological Services Field Office

Illinois & Iowa Ecological Services Field Office

1511 47th Ave

Moline, IL 61265-7022

(309) 757-5800

Southern Illinois Sub-Office

Marion Illinois Sub-office

8588 Route 148

Marion, IL 62959-5822

(618) 997-3344

essential habitat, or Natural Areas are identified in the vicinity. If the proposed improvement has not been implemented within two years of the date of this memorandum, or any of the above listed conditions develop, a new review will be necessary.

Review for Illinois Interagency Wetland Policy Act – Part 1090

The National Wetlands Inventory does not show wetlands in the vicinity of the project location. The soils are mapped as Drummer silty clay loam which is an all hydric soil. The current land use is mowed roadside ditches with row crop fields and residential housing adjacent to the improvement. We conclude absence of wetlands within the limits of the proposed improvement. **Therefore, the wetland review under Part 1090 is terminated.**

Review for Endangered Species Act - Section 7

The proposed improvement was reviewed in fulfillment of our obligation under Section 7(a)2 of the Endangered Species Act. Our review included use of the US Fish and Wildlife Service's (USFWS) Information for Planning and Conservation (IPaC) web-based review tool. Through IPaC, an official species list was generated. The list contains the endangered, threatened, proposed and candidate species and proposed and designated critical habitat that may be present within or in the vicinity of the proposed improvement. The following species are listed: Indiana bat (Ibat), northern long-eared bat (NLEB), rusty patched bumble bee, prairie bush-clover and eastern prairie fringed orchid. No proposed or designated critical habitat is listed. Under 50 CFR 402.12(e), **the accuracy of the species list is limited to 90 days.**

We cross-referenced the preferred habitat of each of the listed species with our knowledge of the project area and determined that the proposed improvement will have no effect on those species.

Should the project be modified or new information indicates listed or proposed species may be affected, consultation or additional coordination should be initiated.

VH