

David Lothspeich

To: Eng, Ken
Cc: Baczek, John A; Rios, Jose; Mead, Sam M; Broviak, Pamela A.; Kibble, Catherine A; Harmet, Pete E
Subject: RE: Proposed improvement IL Route 22, including Eastern Prairie Fringed Orchid Nature Preserve

From: Eng, Ken [mailto:Ken.Eng@illinois.gov]
Sent: Monday, June 27, 2016 1:45 PM
To: David Lothspeich
Cc: Baczek, John A; Rios, Jose; Mead, Sam M; Broviak, Pamela A.; Kibble, Catherine A; Harmet, Pete E
Subject: Proposed improvement IL Route 22, including Eastern Prairie Fringed Orchid Nature Preserve

Dear Mr. Lothspeich:

This is in response to your e-mails dated May 13, 2016 and May 26, 2016, regarding the Illinois Route 22 (Project). The Project was developed in accordance with the National Environmental Policy Act (NEPA), which requires engineering and transportation needs to be balanced with social, economic, and natural environmental factors. This balancing was achieved by discussions with project stakeholders throughout the Phase I process, including state and federal agencies, local officials, and property owners. The proposed improvement plan presented at a public hearing on July 16, 2013 was refined based on comments made at that hearing.

I. Acquisition of the Eastern Prairie Fringed Orchid Nature Preserve Parcel (May 26, 2016)

The Nature Preserve is 3.63 acres and located within a 9.3 acre parcel. The Department proposes to acquire the larger parcel to: (1) gain access to the Nature Preserve, and (2) further protect the Eastern Prairie Fringed Orchid (EPFO).

The following is a detailed description of the process that led to the Department's decision to acquire the entire parcel:

- The commitment to acquire the Nature Preserve is based on consultations with the US Fish and Wildlife Service (USFWS) relating to the EPFO, which is a federally protected species under the Endangered Species Act (ESA). Section 7 of the ESA requires that, through consultation with the USFWS, federal actions do not jeopardize the continued existence of any threatened, endangered, or proposed species or result in the destruction or adverse modification of critical habitat. All Federal approvals required have been obtained, as set forth in the attached concurrence letter from the USFWS dated September 21, 2012.
- USFWS's concern about the Project's impact on this species began in 1996. The Section 7 consultation required the Department to prepare a Biological Assessment, which determined the Project would adversely affect the EPFO habitat, located 500 feet south of the Project in the Nature Preserve, unless mitigation measures were provided. USFWS outlined mitigation measures, which included: (1) the purchase or improved protection of the EPFO habitat, or (2) improvement of the EPFO habitat.

This acquisition would allow the Department or its designee to protect and manage the Nature Preserve and adjacent areas. It would not be reasonable to improve the habitat without the acquisition, as outlined in the attached EPFO fact sheet.

- The Illinois Nature Preserves Commission (INPC), a state agency with jurisdiction over nature preserves, has been unable to monitor or maintain the Nature Preserve due to access restrictions. INPC asked the Department to acquire the entire parcel in a letter dated July 30, 2010, a copy of which is attached.

- In addition to protecting the EPFO, the Project impacts 19 wetland sites within the Project limits involving the loss of approximately 3.25 acres of wetlands. The Department plans to use the site as wetland mitigation (preservation on a 1:1 basis), which complies with INPC's request on October 11, 1995 that wetland mitigation required for the IL 22 widening be directed toward the restoration of the Nature Preserve. Attached is a copy of INPC's request.
- Based on the best available Lake County information, the entire Nature Preserve appears to contain a wetland or be in a floodway/floodplain. On April 28, 2011, the Department notified the owner of the entire parcel that it needed to survey the property for environmental resources, including wetlands. The property owner refused to allow the Department to perform this work.
- A buffer area will be established around the wetlands and developments or improvements will be prohibited in that area. The buffer area limits cannot be determined until there is field verification of the wetland limits.
- The Biological Assessment recommends the purchase of the entire nine acre parcel. This is consistent with NEPA policy to include relevant and reasonable mitigation measures that could reduce project impacts. Due to wetlands, floodplains, and a stream bisecting the parcel (Willowbrook Drain), any new access to the parcel would result in additional impacts that are contrary to NEPA. Without knowing the exact boundaries of the existing wetlands/EPFO habitat, buffers and topography, it is reasonable to assume that the existing driveway on the parcel would provide access to the Nature Preserve. Any modification to this recommendation would require the reopening of the Section 7 consultation and cause further delays to the Project.

II. Additional Supporting Documentation for properties located in Long Grove (May 13, 2016).

1. Stake the existing ROW limit, proposed ROW limit.

Response: The Department does not typically stake a Project until all the design changes are complete and all acquisitions are nearing completion. This eliminates the cost of re-staking areas at each design change. The Department does, however, upon the request of the property owner, stake a property to help the owner understand the acquisition boundaries.

2. Provide a survey showing the existing ROW limit and proposed ROW limit.

Response: Plats of Highways indicating existing and proposed right of way for this project are still in development, and therefore cannot be provided at this time. However, attached to this correspondence is a roll plot of the draft proposed improvement showing existing and proposed right-of-way which is color coded to indicate the land rights to be acquired for each parcel (fee simple, permanent easements, and temporary easements).

3. Provide a tree survey that corresponds to the existing tree tags (the tree survey materials provide to the appraiser had tree numbers that did not correspond to the tree tags located on the trees).

Response: We do not have this information. Attached is the original tree survey from Phase I that was completed in 2003 as well as a supplemental survey that was prepared in 2010. Please note that these surveys may not correlate to your tree tags.

4. Provide the "stock" proposed temporary easement document/language.

Response: Temporary Easement document / language (Template LA 410M) may be accessed at the following URL <http://www.idot.illinois.gov/home/resources/Forms-Folder/>

5. Confirm the details of all work proposed within the proposed temporary and permanent easements, include tree locations, grading, etc. to evaluate impact.

Response: Attached is a roll plot of the proposed improvement depicting the existing right-of-way, proposed right-of-way, and tree locations. Preliminary contract plans were sent to the Village on June 16, 2015, which contain additional detail including cross-sections. If you desire an additional copy please let us know. Updated pre-final plans which will be sent to the Village once they are ready.

6. Confirm whether the current plans include the proposed pathway located along the southern side of IL Route 22. If so, please provide the details to evaluate impact of pathway on proposed acquisition and grading, trees, etc.

Response: The attached roll plot includes the proposed ten-foot wide shared-use path along the south side of IL 22. The corrected location of the shared use path will be reflected in the pre-final plans which will be sent to the Village once they are ready.

If you have any questions or need any additional information, please contact me or Ms. Catherine Kibble, Consultant Services Engineer at 847-705-4269.

Ken Eng, P.E.
Bureau Chief of Design
Illinois Department of Transportation
Region One / District One
(847) 705-4211
Ken.Eng@illinois.gov

Please consider the environment before printing this email

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chicago Ecological Services Field Office
1250 South Grove Avenue, Suite 103
Barrington, Illinois 60010
Phone: (847) 381-2253 Fax: (847) 381-2285



IN REPLY REFER TO:
FWS/AES-CIFO/2012-I-0007

September 21, 2012

Mr. Matt Fuller
U.S. Department of Transportation
Federal Highway Administration
3250 Executive Park Drive
Springfield, Illinois 62703

RECEIVED

SEP 24 2012

FHWA

Dear Mr. Fuller:

This responds to your letter dated August 28, 2012, requesting our concurrence with your determination that the proposed reconstruction and widening of Illinois Route 22 may affect, but is not likely to adversely affect the eastern prairie fringed orchid (*Platanthera leucophaea*). The purpose of this project is to improve mobility along Illinois Route 22 by improving traffic safety, increasing roadway capacity, correcting geometric deficiencies, and enhancing system linkage. The project is approximately 3.5 miles in length and extends from Quentin Road eastward to Illinois Route 83 in Lake County, Illinois. The eastern prairie fringed orchid, an endangered plant species, occurs in a streamside sedge meadow approximately 545 feet downstream of IL Route 22.

We have reviewed the information regarding this project that you have submitted including the biological assessment prepared by the Illinois Department of Transportation (IDOT) in cooperation with the U. S. Federal Highway Administration (USFHA) and in consultation with us, the U.S. Fish and Wildlife Service (USFWS).

Measures to minimize the potential effects of sediment on the orchid and its habitat include the implementation of temporary and permanent Best Management Practices in the Storm Water Pollution Prevention Plan during Phase II, and the coordination of this Plan with the USFWS, the Illinois Nature Preserves Commission (INPC), and the U.S. Army Corps of Engineers (USACOE). In addition, the work at the Willowbrook Drain will be timed so that in-stream activity is confined to a period between early August and early autumn to avoid a portion of the summer thunderstorm period and in anticipation of low flows in the creek at that time. Work would be completed before October 1 to achieve soil stabilization.

According to the August 22, 2012, biological assessment, the transportations agencies have committed to purchasing the 9.3 acre parcel which contains the Eastern Prairie Fringed Orchid

Mr. Matt Fuller

2

Nature Preserve (Nature Preserve). IDOT will provide funding for short-term management of the Nature Preserve once the property is acquired. Coordination with the USFWS and the INPC shall be continued through the duration of the project to ensure the conservation measures are carried out in a timely and effective manner. IDOT will also coordinate with the INPC, Long Grove Park District (LGPD), USFWS, USACOE, and USFHA at project milestones through Phases II (contract plan preparation, land acquisition, utility coordination, and permitting) and III (construction). Upon completion of construction at the Willowbrook Drain crossing of Illinois Route 22, IDOT will convey the Nature Preserve property to the LGPD. A monitoring plan will be prepared for the parcel in consultation with the INPC, USFWS, and the LGPD.

Taking into consideration the conservation measures described above, we have determined that effects of this project on the eastern prairie fringed orchid are expected to be discountable, insignificant, or completely beneficial; therefore, we concur with your determination that the proposed reconstruction and widening of Illinois Route 22 between Quentin Road and IL Route 83 may affect, but is not likely to adversely affect the eastern prairie fringed orchid.

This letter provides comment under the authority of, and in accordance with, the provisions of the Endangered Species Act of 1973 (82 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

If you have any questions, please contact Ms. Cathy Pollack at 847-381-2253, ex. 28.

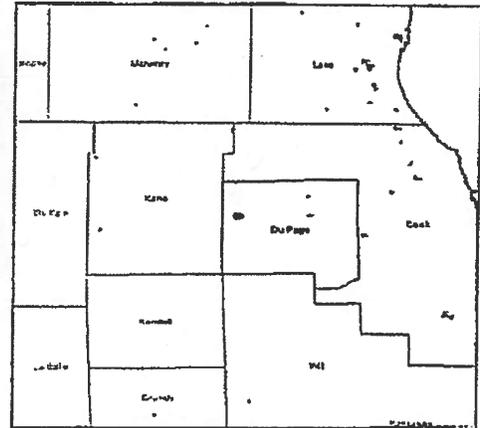
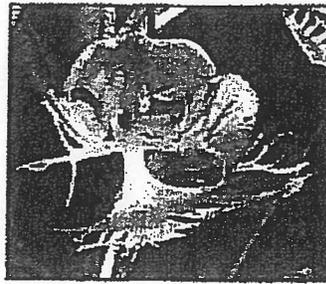
Sincerely,



Louise Clemency
Field Supervisor

Eastern Prairie Fringed Orchid

(*Platanthera leucophaea*)



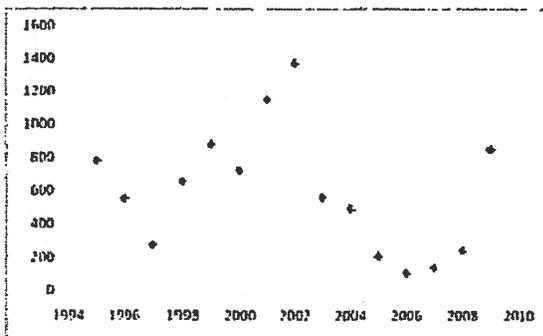
Chicago Field Office coverage area with EPFO locations denoted in red.

Listed Threatened - September 28, 1989 (54 FR 39857)

Designated Critical Habitat - none

Baseline

The first collection (1819) of this species was in Arkansas Territory, now Choctaw County, Oklahoma; however, it has not been observed in Oklahoma since that time. The eastern prairie fringed orchid was once widespread across the upper Midwest, with disjunct populations in Oklahoma, Virginia, New Jersey, and Maine. Its range has declined by more than 70 % from original county records. Most populations now contain fewer than 50 plants and are not considered highly viable. Illinois had the largest and most extensive presettlement orchid populations and has suffered the most drastic decline of any state in the species' historical range. The orchid once occurred in 33 counties of northern Illinois but now occurs in 9 counties. All Illinois populations are on nonfederal land and are concentrated in the Chicago metropolitan area. Illinois currently has 29 active sites with an additional 9 perhaps extirpated sites; however, only two of the 29 sites are considered highly viables.



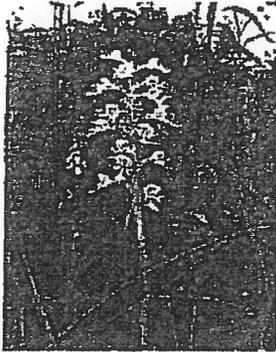
Recovery

- 22 highly viable populations distributed across plant communities and physiographic regions within the historic range of the species (Iowa, Illinois, Wisconsin, Michigan, Ohio, Maine). Illinois needs 4-9 highly viable populations depending on the community and physiographic region.
- Highly viable:
 - ◊ more than 50 flowering plants
 - ◊ a population trend that is stable or increasing over a monitoring period of 5 years
 - ◊ available habitat of at least 50 hectares (125 acres) in size
 - ◊ assurances of ongoing management to reduce impacts from drainage, invasive plant species, or woody vegetation encroachment
 - ◊ protection through long term conservation easements, legal dedication as a Nature Preserve, or other means

Threats

(loss of resource quantity, quality, or disruption of a process needed for species survival)

- Habitat loss
- Habitat degradation
- Impacts to water quantity (increasing or decreasing)
- Impacts to water quality
- Low population size
- Low natural pollination
- Self-pollination
- Low population trend
- Fluctuating annual population trends
- Small habitat size
- Late-successional vegetation stages
- No, low, or inappropriate management
- Collecting



UNDER CONSTRUCTION:

Conceptual Model of
eastern prairie-fringed orchid,
threats, and stressors

Stressors (clear descriptors of what can be avoided, minimized, or mitigated)

- | | | |
|---|--|--|
| • Wetland fill | • Introduction and establishment of invasive species | • Self pollination |
| • Sedimentation/siltation | • Drought | • Loss of propagules |
| • Soil compaction | • Water removal | • Crushing |
| • Increased pollutant load (road salt, oil) | • Increased water discharge to EPFO site | • Late spring season burns (after April 8) |
| • Woody encroachment | • Herbicide drift | • Off road vehicular traffic |
| • Shade | | • Deer (eat blooms before seed set) |
| • Pesticide Use | | |

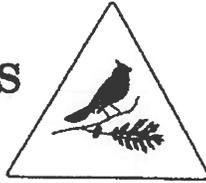
Avoidance and minimization of effects (to EPFO during project activities)

- Avoid wetland fill within suitable habitat areas
- Control soil erosion and sedimentation
- Install and maintain trenched-in silt fencing between project and EPFO locations
- Determine post-project water discharges into EPFO habitat after project completion to avoid habitat degradation
- Use Best Management Practices for any project near or upgradient of EPFO habitat
- Avoid water removal from EPFO habitat
- Avoid increased water discharges to EPFO habitat including tributaries upgradient of habitat
- Avoid increased pollutant load to EPFO habitat including tributaries upgradient of EPFO habitat
- Restoration should use heavy machinery in EPFO habitat only when the ground is frozen
- Avoid the introduction and subsequent establishment of invasive species within EPFO habitat including from upstream sources
- Upon project completion, seed disturbed soil with native grasses and sedges
- Restrict the use of herbicides/pesticides within and upgradient of habitat
- Spot treat using herbicides/pesticides within occupied EPFO habitat so as to have no impact (direct or through drift) on EPFO or its pollinator species
- No Btk use within EPFO habitat after May 31. If aerial applications are made near EPFO habitat, ensure no drift onto EPFO habitat after May 31.
- Discourage off road vehicular traffic
- Avoid late spring season burns of EPFO habitat (after April 8)
- Avoid livestock grazing within EPFO habitat
- Deter deer grazing within EPFO habitat or cage individual EPFO plants

Mitigation opportunities

- Improve condition of existing habitats through management (invasive removal, woody growth suppression, conduct prescribed burns, etc).
- Procure funding to acquire Long Grove EPFO site.
- Procure funding to provide management at EPFO sites.
- Improve Land Protection Status

Illinois Nature Preserves Commission



524 SOUTH SECOND STREET
LINCOLN TOWER PLAZA
SPRINGFIELD, ILLINOIS 62706
217/785-8686

October 11, 1995

Rich Starr
Bureau of Programming, Illinois Department of Transportation
201 Center Court
Schaumburg, IL 60196

Dear Mr. Starr,

Enclosed is a copy of a proposal for dedication of the Eastern Prairie Fringed Orchid Preserve owned by Robert and Betty Coffin of Long Grove, Illinois. The Illinois Nature Preserves Commission (INPC) conferred preliminary approval for dedication of this site at its 147th Meeting on May 2, 1995 (Resolution # 1271).

The site is located along Route 22 in Long Grove, Illinois (see Figures 1-2 in the proposal). The proposal allows for future expansion of Route 22 from two to four lanes. However, it is the intent of Robert and Betty Coffin, the Village of Long Grove, and INPC to provide only the minimum width necessary to accommodate widening the road. In our conversation, you relayed that the Illinois Department of Transportation (IDOT) currently held a 66' wide easement (or 33' from the center of the road) along Route 22 west of Willowbrook Road. It appears from my conversation with you and others that IDOT would require a 80' wide easement (or 40' from the center of the road) to widen the road from two to four lanes.

INPC can recommend to Robert and Betty Coffin that the boundary of the nature preserve be set back 40' from the center of the Route 22. That recommendation, however, does not absolve IDOT of the responsibility for acquiring the property (e.g., fee-title purchase or acquisition of an easement) from Robert and Betty Coffin. Further, INPC will insist that IDOT coordinate with utilities companies to route and install any infrastructure within the 40' set back from the center of the road.

Since the Eastern Prairie Fringed Orchid and nature preserve are vulnerable to changes in water quality and surface flow within the watershed, INPC requests review of the road widening project beginning with the design phase. Also, any wetland mitigation requirements associated with widening Route 22 should be directed toward restoration of the Eastern Prairie Fringed Orchid Nature Preserve and other orchid recovery sites in Lake County, Illinois.

If you should have any questions, please feel free to contact me at (815)385-9074.

Sincerely,

A handwritten signature in black ink that reads "Steven Byers". The signature is written in a cursive, flowing style.

Steven Byers

cc: Robert and Betty Coffin
Brian Anderson, INPC
Cal Doty, Village of Long Grove

Sam Mead
cc: Scott Gysinski
Steve Schultz

Illinois Nature Preserves Commission

One Natural Resources Way
Springfield, IL 62702-1271
217/785-8686

July 30, 2010

Ms. Diane M. O'Keefe, Deputy Director of Highways
District 1 - Region 1 Engineer
ATTN: Peter Harmet
Illinois Department of Transportation
201 West Center Court
Schaumburg, IL 60196-1096

BUREAU OF PROGRAMMING
RECEIVED

AUG 2 2010
DISTRICT #1

Ms. Diane M. O'Keefe,
Re: Eastern Prairie Fringed Orchid Nature Preserve

The Eastern Prairie Fringed Orchid Nature Preserve is located adjacent to the proposed improvement of Illinois Route 22 (IL 22) between Quentin Road and Illinois Route 83 in Lake County, Illinois. The site is considered of State-wide ecological significance by the Illinois Dept. of Natural Resources because of the presence of the federally threatened eastern prairie fringed orchid (*Platanthera leucophaea*) and received final approval for dedication as an Illinois Nature Preserve in 1996. Since 1991, this federally threatened orchid has been present 16 of the 17 years that surveys for this species have been conducted. The numbers of flowering orchids have ranged from 3 in 2006 to 104 in 2003. In 2009, 11 flowering eastern prairie fringed orchids were reported.

The boundary of this nature preserve lies within a few feet of the IL 22 right of way and was configured to provide for an eventual road-widening project. The Illinois Department of Transportation (IDOT) is currently engaged in improvement of IL 22 that will include reconstruction and addition of lanes adjacent to the Eastern Prairie Fringed Orchid Nature Preserve. The Illinois Nature Preserves Commission concurs with an assessment by the U.S. Fish and Wildlife Service (John Rogner letter to Peter Harmet dated May 26, 2009, enclosed) that this project is likely to cause downstream impacts associated with increased siltation and road contaminants and these disturbances "...could also cause aggressive colonization by invasive species..." which "...could lead to degradation of the sedge meadow/marsh habitat and the likely decline of the orchid." The Eastern Prairie Fringed Orchid Nature Preserve is currently in private ownership and access to the site for management, specifically control of invasive species such as reed canary grass and cattails and resumption of controlled burning, has been curtailed.

Currently, IDOT is engaged at looking at opportunities to compensate for the loss of wetlands and to incorporate best management practices to eliminate or minimize the impact of this project on the Eastern Prairie Fringed Orchid Nature Preserve. The Illinois Nature Preserves Commission (INPC) recommends that IDOT explore opportunities to develop a Memorandum of Understanding (with the landowner) that provides for expanded management at this site, fee-title acquisition of all or a portion of the property, or secure a conservation easement on all or a

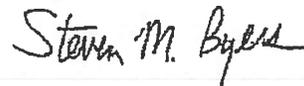
Illinois Nature Preserves Commission
Re: Eastern Prairie Fringed Orchid Nature Preserve

portion of the property (depending of course on the interests of the landowners).

To do so will enable the IDOT and its contractors to conduct monitoring surveys that have been recommended by both the IDNR and the U.S. Fish and Wildlife Service. And, any one of the aforementioned suggested agreements between IDOT and the landowner will provide for expanded management of the site that will help ensure the long-term viability of the eastern prairie fringed orchid at this site.

The Illinois Nature Preserves Commission stands ready to assist in protection and stewardship of the Eastern Prairie Fringed Orchid Nature Preserve. Please do not hesitate to contact me at 815.678.4865 or by email at Steven.Byers@Illinois.gov. Thank you.

Sincerely,



Steven Byers
Advanced Natural Resource Specialist
6720 Keystone Road
Richmond, IL 60071
815.653.1983

Cc: Scott Stitt, IDOT
Randy Heidorn, INPC
Don McFall, IDNR
Cathy Pollack, USFWS

