

Illinois Department of Transportation
Reevaluation of Brush College Road – Faries Parkway Grade Separation
Section 09-00933-01-BR
February 14, 2019

1. WHAT IS THE PURPOSE OF THIS DOCUMENT?

The purpose of this document is to provide a re-evaluation of the environmental documents prepared for the Brush College Road – Faries Parkway Grade Separation project and identify portions of the project that have been changed since the initial report and require re-evaluation.

The following items will be assessed:

- Changes in the scope of the proposed action or design of the project
- Changes to the existing environment (e.g., socio-economic, agricultural, cultural resources, air quality, noise, natural resources, threatened and endangered species, water quality/resources, groundwater resources, floodplains, wetlands, special lands, and Environmental Justice)
- Changes to project impacts and mitigation
- New or modified laws, regulations, or policies
- New information, in general, related to the project

This reevaluation has been prepared in accordance with the requirements of the Federal Highway Administration Rules and Regulations set forth in 23 CFR 771.129.

2. WHAT WAS THE ORIGINAL DOCUMENT TYPE?

- Brush College Road (FAU 7448) from Williams Street to Faries Parkway, City of Decatur and Macon County, Illinois, Environmental Assessment. Signed by the Illinois Department of Transportation on December 13, 2013 and the Federal Highway Administration (FHWA) on January 17, 2014.
- Finding of No Significant Impact (FONSI), Brush College Road (FAU 7448) from Williams Street to Faries Parkway, City of Decatur and Macon Counties, Illinois, dated June 2014. Signed by the Federal Highway Administration on October 2, 2014
- Errata to Environmental Assessment, City of Decatur, Brush College Road Improvement Study; Section 09-00933-00-DR dated June 2014.

3. WHERE DOES THE PROJECT BEGIN AND END?

The project limits include Brush College Road (FAU 7448) from just south of William Street (IL 105) to a point north of Faries Parkway. See Exhibit A-1 for the Project Location Map.

4. ANY CHANGES TO THE PROPOSED ACTION?

YES NO

Have there been any changes to the following since the approval of the original environmental document(s):

- the project scope?
- the project design?
- the project funding source(s)?
- the project termini?
- other?

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If yes to any of the above, explain any changes compared to what is documented in the original environmental document(s) and any changes. Describe any further coordination with USACE, USEPA, USFWS, SHPO, IDNR, IDOA, IEPA, or other agencies.

Change in Project Funding Sources: The Project funding sources were not identified in the original Environmental Assessment FONSI which was approved on October 2, 2014 or the Combined Design Report which was approved on March 11, 2015. Funding for the current portion of the project to complete a grade crossing separation for Brush College Road over Faries Parkway and the Norfolk Southern Railroad currently include \$25 million in Freight Funding, \$12 million in ICC Grade Crossing Protection Funds, \$2 million in Illinois Jobs Now! funds and the balance in City funds. No further coordination has occurred with other agencies other than the Illinois Department of Transportation.

5. ANY CHANGES TO THE PURPOSE AND NEED?

YES NO

Have there been any changes to the project purpose and need since the approval of the original environmental document(s)?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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If yes, describe the changes.

6. ANY CHANGES TO THE AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES?

This section of the document identifies if there have been any changes in the affected environment or project impacts from those identified in the original approved environmental document. For each "YES", the change will be described, and appropriate documentation/coordination will be attached. If the resource is not present in the study area, there will be an "X" in the "NO" box and no further information is necessary.

A. Have There Been Any Changes to Land Use, Transportation, or Other Plans?

YES NO

Have there been any changes to land use plans since the approval of the original environmental documents(s)

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If yes, discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed. Discuss the potential for the project to have an adverse indirect and cumulative effect on land use, transportation or other plans.

B. Have There Been Any Changes to Right-of-Way Needed?

YES NO

Have there been changes to the right-of-way requirements for the project since the approval of the original environmental document(s)?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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If yes, describe changes compared to what is documented in the original environmental document. Be specific on the location(s), types of property(s), amounts, and reasons for the new Right-of-Way needs. Discuss the existing land use for the new Right-of Way.

C. Have There Been Any Changes to Social Impacts?

YES NO

Have there been any changes to the following since the approval of the original environmental document(s):

- the number of residential acquisitions or relocations required? YES NO
- the project's effects on neighborhoods or community cohesion? YES NO
- the project's effects on travel patterns and accessibility (e.g., vehicular, commuter, bicycle, or pedestrian)? YES NO
- the project's effects on schools, recreation areas, churches, businesses, police and fire protection, etc.? YES NO
- the project's effects on the elderly, handicapped, non-drivers, transit-dependent, minority and ethnic groups, or the economically disadvantaged? YES NO
- unresolved project issues or concerns of an Indian Tribe? YES NO

For each 'Yes' discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed.

D. Have There Been Any Changes to the Environmental Justice Impacts?

YES NO

Were any minority or low-income populations documented in the original study area? YES NO

If yes, have there been any changes to the project's effects related to any minority or low income population as defined in DOT Order 5610.2(a), May 2, 2012 or DOT Order 6640.23A, June 14, 2012? YES NO

Describe changes, explain basis for determining whether or not there are disproportionate adverse impacts to those populations, including any change to proposed mitigation and or environmental commitments.

E. Have There Been Any Changes to the Economic Impacts?

YES NO

Were any businesses documented in the original study area? YES NO

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- the number of business acquisitions/relocations required? YES NO
- the project's potential to have adverse economic impacts on the regional and/or local economy, such as the effects of the project on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales? YES NO
- the project's potential to have an adverse effect on established businesses or business districts? YES NO
- the project's impact on business operations, including impacts to parking spaces? YES NO

For each 'Yes' discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, including any changes to previously proposed mitigation or environmental commitments,

F. Have There Been Any Changes to Farmland Impacts?

YES NO

Were any farmlands documented in the original study area?

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- the number of farms or farm building acquisitions or relocations required?
- the project's potential to have adverse economic impacts on the regional or local farm economy?
- the project's impact on farmland or farming operations?

For each 'Yes' discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, including any changes to previously proposed mitigation or commitments.

G. Have there been any changes to Cultural Resources Impacts?

YES NO

Were any historic properties (e.g., buildings, bridges archeological sites) eligible for the National Register of Historic Places) documented in the original study area?

If additional ROW is required, are there any historic properties in or immediately adjacent to the new ROW?

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- Any changes in the Area of Potential Effect (APE)
- the status of National Register-listed or eligible sites in the project area
- the conclusions reached in the original environmental document regarding the project's effect on cultural and historical resource
- the project activities described in consultation or findings letters previously submitted to SHPO or other consulting parties
- Was a Section 106 project Memorandum of Agreement prepared? If so, are there any changes to the Memorandum or Agreement?

For each 'Yes' discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, including any changes to previously proposed mitigation or commitments. *If any changes to historic properties that requires consultation with the Illinois State Historic Preservation Office, include documentation of that consultation in the appendix to this document.*

H. Section 4(f) or Section 6(f) or Other Special Funded Lands

YES NO

Were any Section 4(f), 6(f), Open Space Lands, INAI, Nature Preserves, Land and Water Reserves, or OSLAD, or other uniquely-funded lands in the original study area?



Section 4(f) Land In Study Area: As stated in the EA, due to impacts to a parking lot owned by Decatur Park District. The project will require acquisition of approximately 5,218 square feet of ROW from a parking lot owned by the Decatur Park District, plus a construction easement of approximately 2,978 square feet. The impact was determined to be a de minimis Section 4(f) impact through FHWA procedures: public notice and written concurrence.

If additional ROW is required, does the ROW include 4(f), 6(f), or other special funded lands?



If 'YES', have there been any changes to the following since the approval of the original environmental document:

- the status of Section 4(f) properties affected by the proposed action or the project's effects on such 4(f) properties?
- the determination of whether the project would "use" land from a Section 4(f) property?
- the status of Section 6(f) or other uniquely funded properties affected by the proposed action?
- the determination of whether the use of a Section 6(f) or other special funded property is a "conversion of use" per Section 6(f) of the LWCFA or other regulation or statute?
- the status of Open Space Lands, INAI, Nature Preserves, Land and Water Reserves, or OSLAD

For each 'Yes' discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, and include any changes to previously proposed mitigation or environmental commitments and attach appropriate documentation. Coordination with FHWA, IDNR, National Park Service, and other agencies may be necessary if there is potential involvement with these special lands.

I. Wetland Impacts

YES NO

Were any wetlands documented in the original study area?



If additional ROW is needed, are there any wetlands present in the new ROW?



If 'YES' to either of the above questions, have there been any changes to the following since the approval of the original environmental document:

- the project's wetland impacts?
 - a. List total acres of original impact:
 - b. List total acres of new impact:

Discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed. Describe all changes to each wetland, include the wetland identification number, and include any changes to the previously proposed mitigation or environmental commitments. *If any changes to wetland impacts, include in the appendix to this document coordination with the Illinois Department of Natural Resources and the U.S. Army Corps of Engineers.*

J. Surface Water and Stormwater

YES NO

Were any rivers, streams, lakes, or springs documented in the original study area?

If 'YES', have there been any changes to the following since the approval of the original environmental document;

- the project's effects on water bodies?
- any streams listed by IEPA as impaired?
- a designated Wild and Scenic River or land adjacent to a Wild and Scenic River?
- the project's effect on a stormwater management area?
- the project's effect on discharges of stormwater into waters of the United States?
- changes to the stormwater management methodologies resulting from project scope or design changes?

For each 'Yes' discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, including any changes to previously proposed mitigation or environmental commitments. If yes to any of the above, discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed.

K. Groundwater and Drinking Water Impacts

YES NO

- Are there changes to groundwater impacts since the approval of the original environmental document?
- Are there any changes to the project's involvement with a public or private drinking water source?
- Are there any project activities that will occur in the Mahomet Sole Source Aquifer review area? (Coordination with USEPA may be required.)

If yes, discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed plus any changes to previously proposed mitigation or environmental commitments.

L. Floodplain Impacts

YES NO

Are there changes to floodplain impacts since the approval of the original environmental document?

If yes, discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed plus describe any changes to previously proposed mitigation or environmental commitments.

M. Fish and Wildlife Impacts

YES NO

Have there been any changes to the following since the approval of the original environmental document:

- the project's effects on wildlife or fish species or habitat?
- the project's effect on migratory birds?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes, discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed including any changes to previously proposed mitigation or environmental commitments

O. Threatened and Endangered Species (T&E) Impacts

YES NO

Were any T&E species or habitat documented in the original study area?

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Status of T&E Species Affected by Project: According to the U.S. Fish and Wildlife (USFWS), there is the potential for Indiana bat (*Myotis sodalis*), the Northern long-eared bat (*Myotis septentrionalis*), the Rusty Patched Bumblebee (*Bombus affinis*), and the Eastern Prairie Fringed Orchid (*Platanthera leucophaea*) to occur within the proposed project area. Preferred habitat of each of the listed species was cross referenced with knowledge of the project area and determined that the proposed improvement will have no effect on these species. Tree removal and replacement will be done in accordance with IDOT Departmental Policy D&E-18 *Preservation and Replacement of Trees*. See the Natural Resources Review Renewal, Exhibit B.

If additional ROW is required, are there any T&E species or habitat in the new ROW?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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If 'YES', have there been any changes to the following since the approval of the original environmental document:

- the status of listed, proposed or candidate T&E species that will be directly or indirectly affected by the project?
- the status of critical habitat in the project area?
- the project's effect on listed, proposed or candidate T&E species or designated critical habitat?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes, discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, including any changes to previously proposed mitigation or environmental commitments. Consultation with USFWS may be necessary if there is potential to affect T&E species or habitat.

P. Unique Upland Habitat

YES NO

Was any unique upland habitat identified in the original study area?

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If 'YES', have there been any changes to the following since the approval of the original environmental document:

- the project's effect on identified unique upland habitat?

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If yes, discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, including any changes to previously proposed mitigation or environmental commitments

Q. Air Quality (Conformity)

YES NO

Have there been any changes to the following since the approval of the original environmental document:

- the project's effect on a nonattainment area or maintenance area, which will require a new or revised conformity determination? YES NO
- the requirement to perform a hot-spot analysis for mobile source air toxics or PM2.5? YES NO
- Is the project included in the fiscally constrained, conforming to portion of the Plan and TIP? YES NO

If yes, discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, including any changes to previously proposed mitigation or commitments.

R. Noise Impacts

YES NO

Have there been any changes to the following since the approval of the original environmental document:

- the project's scope or design that would change the project to a Type I project per IDOT's Noise Manual? YES NO
- project parameters that would require a revision to the noise analysis completed for the original environmental document? YES NO
- project parameters that would change the decision on mitigation measures for identified noise impacts? YES NO
- changes in federal or state noise regulations or policy? YES NO

If yes, discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed. Describe results of a new noise analysis, identification of new impacts, and newly identified noise sensitive receivers or changes in noise abatement measures. Additional public involvement may be required, including soliciting viewpoints of benefited receptors.

S. Special Waste (Recognized Environmental Condition (REC) or Contaminated Properties)

YES NO

Were any special waste or REC sites identified in the original study area? YES NO

If 'YES', have there been any changes to the following since the approval of the original environmental document:

- the status of known or potentially contaminated sites within or adjacent to the existing or proposed ROW (temporary or permanent)? YES NO
- any proposed excavation plans adjacent to, or within, a known REC site? YES NO
- was this a Risk Managed site? YES NO
- the potential for encountering contamination during construction? YES NO
- additional bridge repairs or replacements requiring asbestos inspection? YES NO

For each 'Yes' discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, including any changes to previously identified remediation plans or environmental commitments.

T. Construction Impacts

Have there been any changes to the following since the approval of the original environmental document:

YES NO

- temporary degradation of water quality? YES NO
- temporary wetland impacts? YES NO
- temporary stream diversion? YES NO
- temporary degradation of air quality? YES NO
- temporary delays and detours of traffic? YES NO
- temporary impacts on businesses? YES NO
- temporary noise impacts? YES NO
- other construction impacts? YES NO

For each 'Yes' discuss the environmental condition documented in the original environmental document(s) and the environmental condition, law, rule, or policy that has changed, including any changes to previously proposed mitigation or environmental commitments.

U. Permits and Authorization(s)

YES NO

Are permits or other authorizations required for work in the study area, as originally proposed?

YES NO

The following permits stated in the FONSI are still required and will be included with the Phase II design work:

- Construction stormwater permit under Section 402 of the Clean Water Act; obtained from the Illinois EPA.
- Nationwide permit under Section 404 of the Clean Water Act for intermittent stream crossings; corresponding 401 water quality certification from the Illinois Environmental Protection Agency.
- Notification of demolition and renovation from the Illinois EPA.
- If the Project requires the removal of underground storage tanks (USTs), or if any are encountered, a removal permit must be obtained from the State Office of the Fire Marshall.

Have there been any changes to the status of permits and authorizations since the approval of the original environmental document?

YES NO

Describe changes:

V. Environmental Commitments

Yes NO

Are there any changes to the environmental commitments made in the original environmental documents?

YES NO

Are there any new environmental commitments?

YES NO

New Environmental Commitments: See Exhibit B, according to Natural Resources Review Renewal, tree removal and replacement will be done in accordance with IDOT Departmental Policy D&E-18 Preservation and Replacement of Trees. This commitment is still valid, and the commitment shall be incorporated into the project.

7. Comments and Coordination

YES NO

Has public and/or agency coordination occurred since the approval of the original environmental document?



Is there any public controversy regarding the proposed action?



Describe all outreach and coordination efforts conducted for this project since approval of the original environmental document. Discuss pertinent issues raised by the public and other agencies. Attach applicable correspondence and responses. If no additional public involvement was conducted, explain why.

Public Involvement Since Approval: No additional public involvement has been conducted for this project after approval of the Combined Design Report, other than to make this document publicly available. Until recently, no funding was available for the ongoing prosecution of the project, so no further involvement was provided other than those documented in the Combined Design Report.

8. ENVIRONMENTAL RE-EVALUATION DETERMINATION

YES NO

The conclusions of this reevaluation and supporting supplemental analysis indicate that there will be no significant impacts and that the original approved environmental decision remains valid?



If no, state the reason why. State what environmental document is now required. Consultation among the respective IDOT district office, IDOT-BDE, and FHWA, is required.

9. ATTACHMENTS

- Exhibit A-1: Project Location Map
- Exhibit B: Natural Resources Review Renewal

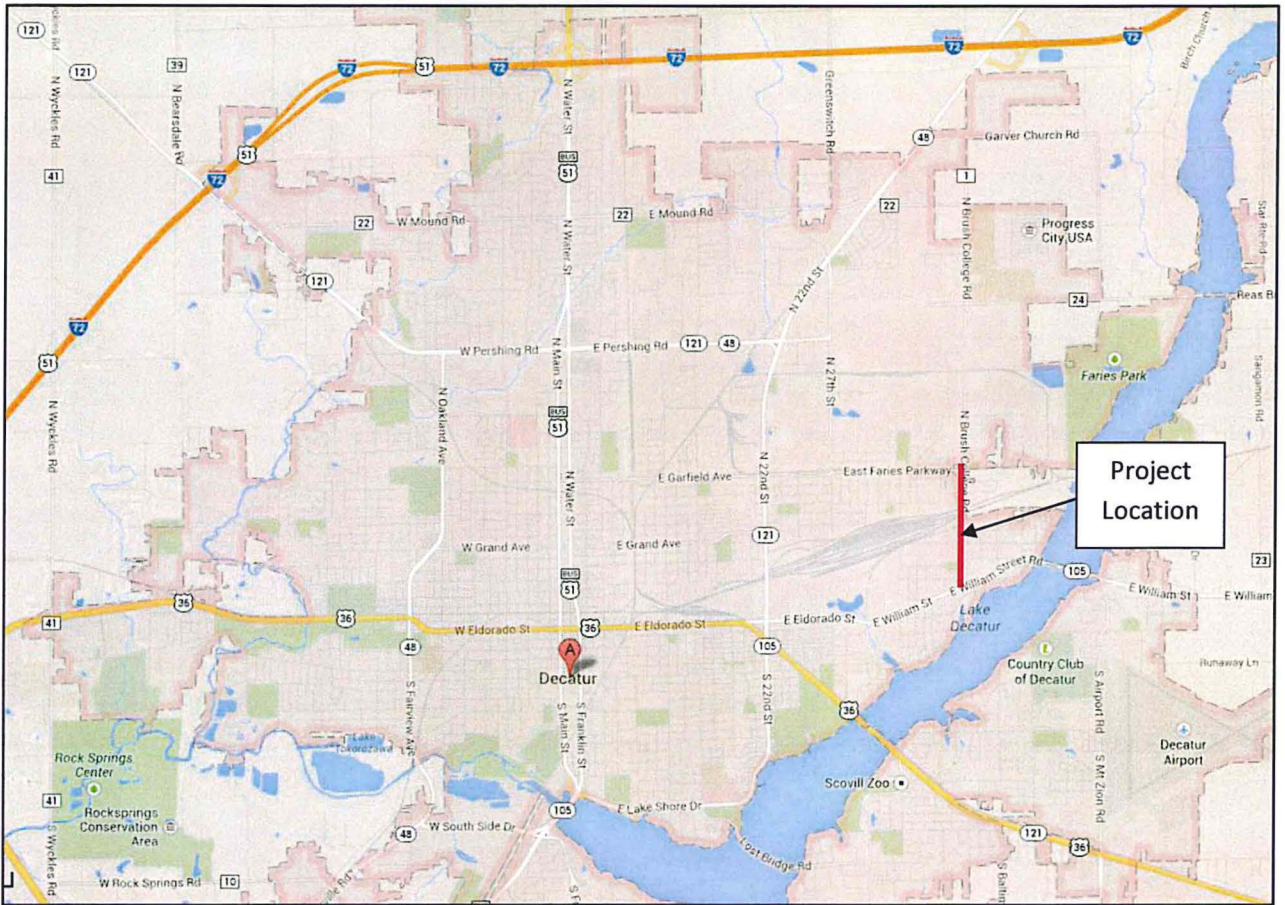


Exhibit A-1 – Project Location Map



Illinois Department of Transportation

Memorandum

To: Maureen E. Kastl Attn: Greg S. Lupton
From: Jack A. Elston By: Thomas C. Brooks
Subject: Natural Resources Review Renewal
Date: February 4, 2019

Thomas C. Brooks

FAU 7448 (Brush College Road)
T 16N, R 3E, Sections 5,6,7,8
Macon County
Sequence # 16936 A

This is an update of the threatened and endangered species and wetlands within the project vicinity. This document also discusses the species that have been listed after the FONSI was signed.

The project involves improvements to a 1.21-mile long section of Brush College Road in Decatur, Illinois, generally between Williams Street on the south and Faries Parkway on the north. Major project components include adding two lanes to Brush College Road between Williams Street and Faries Parkway, replacing the existing underpass at the Norfolk Southern (NS) railroad yard with an overpass, constructing a grade-separated interchange at Faries Parkway to include a crossing of the existing NS rail line at that intersection, adding additional turn lanes at the Williams Street intersection, and adding a traffic signal and turn lanes at the entrance to the Archer Daniels Midland Company (ADM) James Randall Research Center (JRRC). The existing 7'x7' concrete box culvert under William St. and just east of Brush College Road (S.N. 058-8654) will be extended and riprap added at both ends. The purpose of the proposed project is to provide adequate capacity to handle present and future traffic volumes in a safe and efficient manner for the Brush College Road corridor between William Street Road and Faries Parkway, and to increase safety and access for businesses and future industrial development along the Brush College Road corridor. The project is needed to increase capacity, improve safety, correct existing roadway deficiencies, and provide system linkage.

The project involves 27.60 acres of land acquisition. Approximately 2.15 acres of trees will be removed. There will be work in an unnamed storm water drainage ditch. Land cover is urban industrial and residential in the City of Decatur.

Since the FONSI was issued in 2014, two new federally threatened or endangered species have been listed in Macon County, the Northern long-eared bat and the Rusty patched bumblebee. These species are discussed in the Review for Section 7 portion of this document.

The commitments related to natural resources documented in the original Finding of No Significant Impact (FONSI) read:

Tree removal and replacement will be done in accordance with IDOT Departmental Policy D&E-18 *Preservation and Replacement of Trees*. This commitment is still valid, and the commitment shall be incorporated into the project.

Review for Illinois Endangered Species Protection and Illinois Natural Areas Preservation – Part 1075

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location. **Therefore, consultation under Part 1075 is terminated.**

This review for compliance with 17 Ill. Adm. Code Part 1075 is valid for two years unless new information becomes available that was not previously considered; the proposed improvement is modified; or additional species, 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, Ducks Unlimited Wetlands Inventory, ground level and aerial photos, plan sheets, USDA soil maps, and topographic quadrangle maps were examined. There are no inventoried wetlands in the project vicinity. Soils are classified as a mixture of Flanagan, Catlin, and Birkbeck non-hydric silt loams as well as urban land. **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 received and is saved to the project folder. 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 bumblebee, and Eastern prairie fringed orchid. No proposed or designated critical habitat is listed in Macon County. **Under 50 CFR 402.12(e), the accuracy of the species list is limited to 90 days.**

Within IPaC there is a Determination Key for the NLEB and Ibat. We used the key to determine applicability of the project with the USFWS revised programmatic biological opinion for transportation projects dated 12-15-2016 and to assess what effect the project would have on NLEB or Ibat. We completed an IPaC qualification

interview and determined that **the project is within the scope of the programmatic biological opinion and will have no effect on the NLEB or Ibat.**

Our determination is based on the lack of suitable habitat for either bat species within the project vicinity. The project is located in an urban area. The trees which will be removed are urban landscape trees. There are no streams within the project corridor. The culverts which will be replaced cross a storm water drainage ditch and are too small to be considered suitable for bats. The existing underpass is an active rail corridor and is also not suitable for bats.

We evaluated the limits of the proposed improvement for the presence of potentially suitable Rusty patched bumble bee (RPBB) habitat. Our evaluation included the use of the guidance issued by USFWS, dated March 21, 2017 and titled "The Rusty Patched Bumble Bee (*Bombus affinis*), Interagency Cooperation under Section 7(a)(2) of the Endangered Species Act, Voluntary Implementation Guidance" ("USFWS Interagency Guidance"). According to the guidance, if a project is outside of a high potential zone, then the USFWS advises that the rusty patched bumble bee is not likely to be present and that consultation or incidental take coverage is not necessary. Therefore, if the project is outside of a high potential zone, then a "no effect" determination is appropriate.

We cross referenced the preferred habitat of the rusty patched bumble bee with our knowledge of the project areas and determined that the project does not occur within the High Potential Zone which has been identified in Macon county. In accordance with Section 7 of the Endangered Species Act, we determined that there will be **no effect** to the Rusty patched bumble bee.

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

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

KCB



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

IPaC Record Locator: 587-15166250

February 04, 2019

Subject: Consistency letter for the 'IDOT Project Brush College Road EA 16936 A' project (TAILS 03E18000-2019-R-0418) 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 **IDOT Project Brush College Road EA 16936 A** (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)

Project Description

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

Name

IDOT Project Brush College Road EA 16936 A

Description

The project involves improvements to a 1.21-mile long section of Brush College Road in Decatur, Illinois, generally between Williams Street on the south and Faries Parkway on the north. Major project components include adding two lanes to Brush College Road between Williams Street and Faries Parkway, replacing the existing underpass at the Norfolk Southern (NS) railroad yard with an overpass, constructing a grade-separated interchange at Faries Parkway to include a crossing of the existing NS rail line at that intersection, adding additional turn lanes at the Williams Street intersection, and adding a traffic signal and turn lanes at the entrance to the Archer Daniels Midland Company (ADM) James Randall Research Center (JRRC). The existing 7'x7' concrete box culvert under William St. and just east of Brush College Road (S.N. 058-8654) will be extended and riprap added at both ends. The purpose of the proposed project is to provide adequate capacity to handle present and future traffic volumes in a safe and efficient manner for the Brush College Road corridor between William Street Road and Faries Parkway, and to increase safety and access for businesses and future industrial development along the Brush College Road corridor. The project is needed to increase capacity, improve safety, correct existing roadway deficiencies, and provide system linkage.

The project involves 27.60 acres of land acquisition. A total of 1.88 acres of trees will be removed. There will be work in an unnamed storm water drainage ditch. Land cover is urban industrial and residential in the City of Decatur.

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 an 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)?

Yes

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

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

No

14. 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

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

No

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

No

17. Are *all* project activities that are **not associated with** habitat removal, tree removal/trimming, bridge or structure removal, replacement, and/or maintenance, lighting, or use of percussives, limited to actions that DO NOT cause any stressors to the bat species, including as described in the BA/BO (i.e. activities that do not involve ground disturbance, percussive noise, temporary or permanent lighting, tree removal/trimming, nor bridge/structure activities)?

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

Yes

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

No

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

Automatically answered

Yes, because the project action area is outside of suitable Indiana bat and/or NLEB summer habitat

20. Is the bridge removal, replacement, or maintenance activities portion of this project consistent with a No Effect determination in this key?

Automatically answered

Yes, because the bridge is more than 1,000 feet from the nearest suitable habitat and is therefore considered unsuitable for use by bats

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.



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:

February 01, 2019

Consultation Code: 03E18000-2019-SLI-0418

Event Code: 03E18000-2019-E-00969

Project Name: IDOT Project Brush College Road EA 16936 A

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

Project Summary

Consultation Code: 03E18000-2019-SLI-0418

Event Code: 03E18000-2019-E-00969

Project Name: IDOT Project Brush College Road EA 16936 A

Project Type: TRANSPORTATION

Project Description: The project involves improvements to a 1.21-mile long section of Brush College Road in Decatur, Illinois, generally between Williams Street on the south and Faries Parkway on the north. Major project components include adding two lanes to Brush College Road between Williams Street and Faries Parkway, replacing the existing underpass at the Norfolk Southern (NS) railroad yard with an overpass, constructing a grade-separated interchange at Faries Parkway to include a crossing of the existing NS rail line at that intersection, adding additional turn lanes at the Williams Street intersection, and adding a traffic signal and turn lanes at the entrance to the Archer Daniels Midland Company (ADM) James Randall Research Center (JRRC). The existing 7'x7' concrete box culvert under William St. and just east of Brush College Road (S.N. 058-8654) will be extended and riprap added at both ends. The purpose of the proposed project is to provide adequate capacity to handle present and future traffic volumes in a safe and efficient manner for the Brush College Road corridor between William Street Road and Faries Parkway, and to increase safety and access for businesses and future industrial development along the Brush College Road corridor. The project is needed to increase capacity, improve safety, correct existing roadway deficiencies, and provide system linkage.

The project involves 27.60 acres of land acquisition. A total of 1.88 acres of trees will be removed. There will be work in an unnamed storm water drainage ditch. Land cover is urban industrial and residential in the City of Decatur.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/39.85879563537647N88.89755452673946W>



Counties: Macon, IL

Endangered Species Act Species

There is a total of 3 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

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.

FRESHWATER EMERGENT WETLAND

- PEM1Af

FRESHWATER POND

- PUBGh

RIVERINE

- R4SBC