

Comments on Wildlife Portion of Case SU-17-11

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Summary of Recommendations to the ZBA.

I. Require the IDNR Recommendations 1 and 6.

II. Require a one-half-mile setback to Henline Creek.

III. Equate the meaning of “credible evidence” as being data for evaluating the rejected IDNR Recommendations 2-5, 7.

IV. For future wind applications, require that the application be complete on wildlife issues *before* the public hearing.

Supporting Information

I. Background: In the McLean County code [Chapter 350, Article VI, 350-43 Use standards, OO., (2), (o) Wildlife requirements, (2)], it states: “Required implementation of IDNR/USFWS recommendations based on pre-siting study results, unless credible evidence is presented against the recommendation.”

II. IDNR Recommendations and Invenergy Response: On 2 January 2018, the IDNR issued 7 recommendations. These are designed to reduce the two main potential negative impacts on wildlife by wind turbines and associated infrastructure: 1) mortality, and 2) displacement from suitable habitat areas. In its 4 January 2018 response, Invenergy rejects 5 recommendations (2-5, 7) and has agreed to adopt 2 (1, 6), the latter only *if* the County requires it.

Recommendation #5 [paraphrased]: require a minimum of 500 feet setback from a perennial stream. Invenergy is rejecting this IDNR recommendation. However, there is at least one perennial stream that deserves an actual one-half-mile setback based on available data: Henline Creek. The reasons are as follows:

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¹ Neutral Ex 2

(1) Henline Creek is listed as an Illinois Natural Areas Inventory (INAI) site as stated in the IDNR 2 January 2018 letter, page 4. INAI sites are the best of the best in the state in terms of being a quality natural area (see page 4 of this document for more explanation).

(2) Invenergy in its 4 January 2018 letter agreed to adopt IDNR Recommendation #6, but only if the County requires it, which is a one-half mile setback from the Mackinaw River. This recommendation that was made because the river is listed as an INAI site. As stated in the IDNR 2 January 2018 letter (page 4), Henline Creek is included also in that Mackinaw River INAI designation.

(3) Two nature preserves already exist along Henline Creek—one purchased by The Nature Conservancy and transferred to ParkLands Foundation (Henline Nature Preserve) and one donated to ParkLands Foundation by a private landowner (Frey Nature Preserve).

(4) In its 1990s study of the Mackinaw River watershed, The Nature Conservancy (TNC) identified the Henline Confluence Area as a high priority protection area due to its high biotic quality (see excerpt from one TNC report on page 4 of this document). This is dependent on the entire stream being protected.

(5) ParkLands Foundation plans in the future to register the Henline + Frey Nature Preserves as an IDNR Illinois Nature Preserves Commission Nature Preserve. It is eligible based on their criteria. As stated in the letter from IDNR 2 January 2018 (page 5), they seek a one-half mile setback from such registered sites.

Other Rejected Recommendations: The ordinance requires that IDNR recommendations be accepted unless credible evidence is presented against it. What is credible evidence? To a scientist, that means data publicly available in at least one of three forms: 1) published papers (= primary or secondary literature), 2) published documents (= gray literature), and/or 3) unpublished information. None of these three items were submitted by Invenergy to justify the rejection of five of IDNR's recommendations.

I would like to address one particular claim in the Invenergy 4 January 2018 letter given as part of the reason for rejecting two of the five recommendations rejected: "most of the perennial streams in the project area...have been modified to steep ditches flowing in straight lines...and are unlikely to support fish and mussels." Data on two such Mackinaw River streams, Bray Creek and Frog Alley, show the opposite—surprisingly high fish and mussel diversity despite alteration. For almost

20 years, surveys focused on these two “ditches” have been conducted by IDNR, The Nature Conservancy, and Dr. William Perry, Aquatic Ecologist at Illinois State University. They have found surprising levels of fish and mussel species diversity and individuals. This is summarized in the attached exhibit provided separately. There are no biological reasons to believe that other such perennial streams wouldn’t have similar levels of biodiversity.

III. ZBA Public Hearing Process: IDNR’s 2 January 2018 letter was only received last week, as was Invenegy’s 4 January 2018 response. The general public has not had the opportunity to see either report. And with such short notice, I have not had the opportunity to research fully the rationale given by Invenegy for rejecting 5 of the 7 of IDNR’s recommendations. If the ZBA wishes to have informed public input on wildlife issues, then the public hearing needs to occur *after* all information is available to allow for necessary research time by interested members of the public.

Importance of Mackinaw River + Henline Creek INAI designation:

Excerpt from: <http://guides.library.illinois.edu/illinoisnaturepreserves/inai>

The Illinois Natural Areas Inventory [INAI] program is administered by the Illinois Department of Natural Resources Division of Natural Heritage. It is a separate program from the Illinois Nature Preserves Commission, and INAI sites do not automatically become Nature Preserves. However INAI work can inform the selection and designation of Illinois Nature Preserves. The Illinois Natural Areas Inventory (INAI) provides a set of information about high quality natural areas, habitats of endangered species, and other significant natural features.

Mackinaw River + Henline Creek in McLean County INAI Number and Categories:

<https://www.dnr.illinois.gov/conservation/NaturalHeritage/Documents/Database/INAICountyList.pdf>

INAI #0788 Mackinaw River I, II, III, VI

Cat. I = High quality natural community and natural community restorations

Cat. II = Specific suitable habitat for state-listed species or state-listed species relocations

Cat. III = State dedicated Nature Preserves, Land and Water Reserves, & Natural Heritage Landmarks

Cat. VI = Unusual concentrations of flora or fauna and high quality streams **Ecological**

Importance of Henline Creek:

Excerpt from: Site Basic Record, The Nature Conservancy, Draft/JPM/9-17-[19]96

The Henline Confluence Area lies within the watershed of the Mackinaw River, one of the highest quality streams in Illinois and a critical refugia for the Illinois River system. The Mackinaw has been chosen by the Illinois Chapter of the Conservancy as a representative prairie stream system within the region and the ongoing aquatic community classification will delineate aquatic community elements as conservation targets. The Mackinaw lies within the Grand Prairie Natural Division of Illinois and the Central Tallgrass Prairie Ecoregion. The Henline Confluence Area lies at the confluence of the Mackinaw and Henline Creek. Henline Creek at this location ranks a 60 on the IBI [Index of Biotic Integrity], the highest ranking achievable. The Henline is an area of high fish and mussel species diversity. It is also the site of *Alasmidonta viridis* [Slippershell], a state endangered mussel.