



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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In Reply Refer To:

12/23/2024 20:12:32 UTC

Project Code: 2025-0035341

Project Name: Rutland Solar Farm East

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

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

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

This species list is provided by:

Chicago Ecological Service Field Office

1511 47th Ave

Moline, IL 61265-7022

(309) 757-5800

PROJECT SUMMARY

Project Code: 2025-0035341
Project Name: Rutland Solar Farm East
Project Type: Power Gen - Solar
Project Description: Surya Powered plans to build a solar farm at the north corner of Illinois Route 47 and Reinking Road in Hampshire, Illinois 60140. The proposed project is located in Section 19, Township 42N, Range 7E. The proposed project site is approximately 47 acres, and the land is in the process of being owned by Surya Powered. The project will involve installation of solar panels, knot farm fencing, and a 20' wide access road with double gate.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.107453500000005,-88.4545255811766,14z>



Counties: Kane County, Illinois

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. Note that 1 of these species should be considered only under certain conditions.

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

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

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

BIRDS

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

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Western Regal Fritillary <i>Argynnis idalia occidentalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/12017	Proposed Threatened

FLOWERING PLANTS

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

CRITICAL HABITATS

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

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Mariah Melone
Address: 17009 Harmony Rd
City: Marengo
State: IL
Zip: 60152
Email: mkrueger@baxterwoodman.com
Phone: 2244060547

Project: Rutland East Parcel Solar Farm, Hampshire, IL
Client: Surya Powered, LLC
Consultant: Baxter & Woodman Natural Resources, LLC
RE: USFWS Section 7: Threatened & Endangered Species
BWNR #: 2401878

Surya Powered plans to build a solar farm at the north corner of Illinois Route 47 and Reinking Road in Hampshire, Illinois 60140. The proposed project is located in Section 19, Township 42N, Range 7E. The proposed project site is approximately 47 acres, and the land is in the process of being owned by Surya Powered. The project will involve installation of solar panels, knot farm fencing, and a 20' wide access road with double gate.

On behalf of Surya Powered, Baxter & Woodman Natural Resources, LLC (BWNR) completed a review of the United States Fish & Wildlife Service's (USFWS) Section 7 Consultation guidance on December 6, 2024, via IPaC (Information for Planning & Consultation). According to USFWS Section 7 Consultation, endangered Whooping Crane (*Grus americana*), candidate Monarch Butterfly (*Danaus plexippus*), and threatened Eastern Prairie Fringed Orchid (*Platanthera leucophaea*), are "Federally Threatened, Endangered, and Candidate Species" listed within the proposed project site (see map below) in Kane County, Illinois. The following documentation for each species and how the proposed solar farm project will have "no effect" on listed species is included below.



2022 Aerial image of Proposed Solar Farm project area (Source: ArcGIS Web)

Whooping Crane (*Grus americana*)

Whooping Cranes currently exist in the wild at only 3 locations and in captivity at 12 sites with an estimated population of 383 in 2010. There is only one self-sustaining wild population, the Aransas-Wood Buffalo National Park population. In addition, there is a small captive-raised, non-migratory population in central Florida, and a small migratory population of individuals introduced beginning in 2001 that migrate between Wisconsin and Florida in an eastern migratory population.

The project site could potentially be in the path of the Whooping Crane migrating population between Wisconsin and Florida. The proposed project is planned on land that is currently in row crop production. Row crop does not provide ideal migratory landing habitat. The South Branch Kishwaukee River is located at the south end of the parcel and will not be impacted by the proposed project. The proposed solar farm would change the existing land use but would not improve or decrease potential landing preference. Therefore, Whooping Cranes will not be exposed directly or indirectly to the proposed project resulting in “no effect” and no further consultation required.

Monarch Butterfly (*Danaus plexippus*)

Monarch Butterflies are large and conspicuous, with bright orange wings surrounded by a black border and covered with black veins. During the breeding season, monarchs lay their eggs on their obligate milkweed host plant and larvae emerge after two to five days and develop through five larval instars over a period of 9 to 18 days, feeding on milkweed. The larva then pupates into a chrysalis before emerging 6 to 14 days later as an adult butterfly.

Monarchs in temperate climates undergo long-distance migration. This migration can take monarchs distances of over 3,000 km and last for over two months. In early spring (February-March), surviving monarchs break diapause and mate at the overwintering sites before dispersing. The same individuals that undertook the initial southward migration begin flying back through the breeding grounds and their offspring start the cycle of generational migration over again.

The project site is within the Monarch’s breeding and migratory zones. The proposed project is planned on land that is currently in row crop production that does not contain milkweed plants and does not provide ideal habitat. The South Branch Kishwaukee River is located at the south end of the parcel and will not be impacted by the proposed project. Therefore, the Monarch Butterfly will not be exposed directly or indirectly to the proposed project resulting in “no effect” and no further consultation required.

Eastern Prairie Fringed Orchid (*Platanthera leucophaea*)

Eastern Prairie Fringed Orchid is found in high quality (Floristic Quality Index > 20 and/or Native Mean C > 3.5) mesic to wet prairies, sedge meadows, marsh edges, and bogs.

The project area is currently in row crop production. The project site does not offer preferred high-quality wet prairie habitat. The South Branch Kishwaukee River is located at the south end of the parcel and will not be impacted by the proposed project. Therefore, Eastern Prairie Fringed Orchid will not be exposed directly or indirectly to the proposed project resulting in “no effect” and no further consultation required.