



Updated Protected Species Screening Report

Tri-County Solar

TWP: 40 N RNG: 8E SEC:1
Kane County, Illinois
LaBella Project No. 2233821

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Date: September 2025

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1.0 INTRODUCTION

The Study Area (Site) is approximately 40 acres located at Township: 40N, Range: 8E, Section: 1 in Kane County, Illinois. The Site lies approximately 1 mile east of the Fox River and is bordered to the east by Highway 25. The town of South Elgin, Illinois, is located within 1 mile northwest of the site, and the James Pate Phillips State Park lies directly east of the site across Highway 25. Site lies within the Chicago Metropolitan Area and is surrounded primarily by urbanized development; however, several conservation areas lie in the vicinity. The Site was historically operated as a landfill now managed by Waste Management. The majority of the land consists of frequently mowed early successional habitat, dominated by herbaceous grasses and forbs with no tree cover. Small trees and shrubs are located along the edges of the site.

2.0 FEDERAL AND STATE PROTECTED SPECIES

2.1 *United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC):*

An Information for Planning and Consultation (IPaC) review was initiated through the USFWS database on September 30, 2025, to evaluate the documented occurrences or potential habitat for federally listed species on or surrounding the subject site (USFWS 2025a) (Project Code: 2025-0156367). According to USFWS, six (6) species and no critical habitats were identified on the Official Species List (OSL) as having the potential to occur at or surrounding the project site (Figure 2 USFWS OSL).

Because the project currently does not involve any federal nexus through authorization, funding, or permitting, the need for formal consultation with USFWS cannot be determined at this time. Depending on project plans and subsequent potential impacts to listed protected species, formal consultation may be required, particularly regarding potential impacts to the Rusty Patched Bumble Bee (RPBB).

2.2 *Illinois Department of Natural Resources (IDNR), Ecological Compliance Assessment Tool (EcoCat)*

In compliance with Illinois state laws to protect natural resources and state-listed endangered species, consultation with the Illinois Department of Natural Resources (IDNR) was initiated via the IDNR EcoCAT program on August 12, 2025, under Project Name: Tri-County Solar, IDNR Project #2603048. The EcoCat report listed nine (9) state listed endangered/threatened species and numerous protected natural areas in the vicinity of the project.

A consultation letter was received from IDNR on August 29, 2025, outlining recommended practices to comply with Part 1075 of the Illinois Endangered Species Protection Act. Please

Refer to Figure 6 IDNR EcoCat Consultation Letter, for a list of recommended practices to avoid impacts to state-listed wildlife species and nearby conservation areas.

3.0 SUMMARY

Review of the IPaC OSL and consultation with EcoCat indicated there is a potential for three (3) federally endangered/threatened species, two (2) candidate species, one (1) experimental population, and nine (9) state endangered/threatened species to occur within or near the Study Area. Additionally, species determination keys were completed for the Northern Long-eared Bat and Rusty Patched Bumblebee to determine if the proposed project may impact these species (See Figures 3 and 4). Refer to Figure 5. USFWS Listed Species Conclusion Table for a detailed species list including general habitat needs and whether the proposed activities are of concern to affect the listed species, directly or indirectly.

USFWS Federal Protected Species

Eastern Prairie Fringed Orchid (*Platanthera leucophaea*)

Eastern Prairie Fringe Orchid is a perennial herb typically found in mesic to wet grasslands with minimal woody encroachment. The species grows from underground tubers that have a symbiotic relationship with mycorrhizal fungi found in the soil. Because the site consists primarily of open, grassland habitat, potential habitat for this species is present, however given the site history as a landfill, frequent mowing regime, and abundance of invasive grasses, it is unlikely that this species is found on site. Therefore, a determination of “unlikely to affect” is given for this species. If further consultation with federal/state agencies reveals historical presence of this species on the site, detailed habitat or plant surveys for this species may be required. However, correspondence with USFWS personnel did not suggest concern of potential impacts to this species.

Rusty Patched Bumble Bee (*Bombus affinis*)

Once abundant throughout the Midwest, Rusty Patched Bumble Bee (RPBB) populations have declined precipitously because of loss of native prairie habitats as well as disease and parasites introduced by non-native bee populations within their range. Adults rely on a diversity of flowering plants to provide nectar food sources throughout the year. This species nests underground within undisturbed grassland habitats.

Because the site is comprised primarily of early-successional, grasslands with diverse floristic resources and suitable nesting sites, it does provide suitable habitat for Rusty Patched Bumble Bee. However, a detailed assessment of the quality of the habitat is not included in the scope of this report.

To further determine potential project impacts and environmental permitting process more accurately, LaBella ran the Project through the USFWS IPaC Website (2025a) determination

key (D-key) for RPBB. Based on the current project design, the D-key reached a determination of “may effect” (Figure 5. RPBB May Effect Technical Assistance Letter). The “may effect” determination designates that the project scope could potentially effect RPBB or its habitat. As such, further consultation or surveys will likely be required for this species. Additionally, through correspondence with USFWS, it was determined the site falls within the High Potential Zone for Rusty Patched Bumble Bee. At this point, the project does not have a federal nexus, therefore USFWS can simply provide technical assistance in determining whether “take” of RPBB is anticipated. “Take” is defined by the USFWS as any actions that can kill, harm, or harass a protected species. The “take” question will likely depend how much of the proposed action area is foraging habitat, and consequently what actions may be required to prevent or mitigate adverse effects. The determination letter also recommends submitting the determination letter to the Chicago Ecological Services Field Office to discuss methods to avoid or minimize potential adverse impacts.

If the project requires Federal funding or permitting, the lead federal agency is required to initiate formal consultation with the USFWS, and potential impacts to RPBB will be addressed at that time. Following consultation, the USFWS will issue formal determinations, dependent on proposed project design and construction timelines. LaBella can assist you with any surveys or reports, if required by agencies.

To mitigate potential adverse impacts to RPBB, we recommend consider enrolling the project into the Illinois “Pollinator Friendly Solar Site” program. Initiated in 2018 under the Illinois Pollinator-Friendly Solar Site Act, this program requires the establishment and maintenance of pollinator- friendly plants on-site, which provides highly desirable habitat for RPBB and other pollinators, including the Monarch Butterfly. Upon establishment, the site will be registered and recognized as a “Pollinator Friendly Solar Site” by the state of Illinois. If interested, we would be happy to provide further information, as well as assist in the development of pollinator habitat design and establishment plans, as we have extensive experience in this area. We can also assist in leveraging available state/federal funding for pollinator habitat establishment.

Monarch Butterfly (*Danaus plexippus*)

According to the USFWS Fact Sheet, the Monarch butterfly prefers a variety of habitats throughout the United States. In North America, the eastern population migrates north to the United States and Canada in March and migrates back to overwintering sites in Mexico from August to November during fall migration. They require milkweed (*Asclepias* spp.) for a larval host plant, and adults rely on a variety of flowering plants as a nectar food source. Because the site consists primarily of open, grassland, it does provide habitat for the Monarch Butterfly. Assessing the quality of the habitat for monarch butterflies is not included in this report.

The Monarch Butterfly is being considered as for proposed threatened listing status under the ESA. At this time, the species is listed as a *Candidate Species* with no Section 7 requirements.

No additional studies will be needed for this listing unless the species' status changes to threatened or endangered.

Western Regal Fritillary (*Argynnis idalia occidentalis*)

This species lives in tall-grass prairie and other open and sunny locations such as damp meadows, marshes, wet fields, and mountain pastures. These early successional stage habitats are maintained through periodic, natural disturbance regimes.

Regal fritillary butterflies depend on three main habitat components: violet hostplants for larvae, nectar plants for adults, and native warm-season bunch grasses that provide protective sites for all life stages.

Because the proposed project location consists primarily of frequently mowed, early successional grassland habitat, suitable habitat is present on-site, however the habitat quality for this species has not been assessed.

The Western Regal Fritillary is being considered for proposed threatened listing status under the ESA. At this time, the species is listed as a *Candidate Species* with no Section 7 requirements. No additional studies will be needed for this listing unless the species' status changes to threatened or endangered.

Whooping Crane (*Grus americana*)

Whooping Cranes roost on large wetland or open water habitats, often with larger flocks of Sandhill Cranes. During the day, they feed on waste grain found on large, row-crop agricultural fields in rural areas. Because the site consists primarily of frequently mowed grassland with no large wetland habitat, the site does not provide suitable habitat for whooping cranes. Additionally, the site is located within the urbanized Chicago metropolitan area, which is typically avoided by migrating cranes.

Because the Whooping Crane is listed as a Non-essential, Experimental Population, additional surveys or permitting from USFWS is likely not required for this species.

Northern Long-Eared Bat (NLEB) (*Myotis septentrionalis*)

According to the USFWS Species Fact Sheets (USFWS 2025b), this federally listed bat species utilizes caves or abandoned mines during the winter months as hibernacula, and during summer, commonly inhabits forested area for feeding and roosting. Specifically, forested riparian areas are often selected for maternity colonies. These species typically roost in trees greater than three inches in diameter at breast height (dbh) and have exfoliating bark, or in similar sized snags. Development activities for the Tri-County Solar project will be isolated on open areas that were previously used as a landfill, with no mature tree species present.

Because of the lack of mature tree species and no known hibernacula habitat, the site provides inadequate habitat for NLEB.

LaBella ran the Project through the USFWS IPaC Website (2025a) determination key (D-key) for NLEB. Based on the current project design, the D-key reached a determination of “no effect” (Figure 4. NLEB No Effect Determination Letter). The “no effect” determination designates that the project scope will not have any effects to NLEB or its habitats. As such, further consultation or surveys will likely not be required for this species.

Illinois State Protected Species

Through consultation with EcoCat, nine (9) state-listed species were identified to potentially occur on or near the Site. Based on the consultation letter provided by IDNR, adverse impacts to eight (8) of the listed species were determined to be unlikely. However, IDNR indicated records of the state-endangered Blanding’s Turtle (*Emydoidea blandingii*) in the vicinity of the project. Consequently, IDNR recommended several conservation measures to ensure adverse impacts to this species are unlikely (See Figure 6, IDNR Consultation Letter). To satisfy Part 1075 of Illinois State law, IDNR requests notification of compliance with these recommendations.

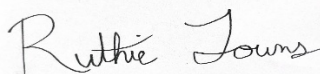
4.0 SIGNATURE OF ENVIRONMENTAL PROFESSIONALS

We appreciate the opportunity to serve your professional environmental needs. If you have any questions, please do not hesitate to contact Charlie Plush at (404)353-8854.

Report Prepared By:



Charles Plush
Environmental Manager



Ruthie Towns
Environmental Scientist

5.0 REFERENCES

U.S. Fish and Wildlife Service (USFWS). 2025a. Information for Planning and Consultation (IPaC). Available at: <https://ipac.ecosphere.fws.gov/>. Accessed September 2025.

USFWS. 2025b. USFWS Species Data Available at: <https://www.fws.gov/species>. Accessed September 2025.

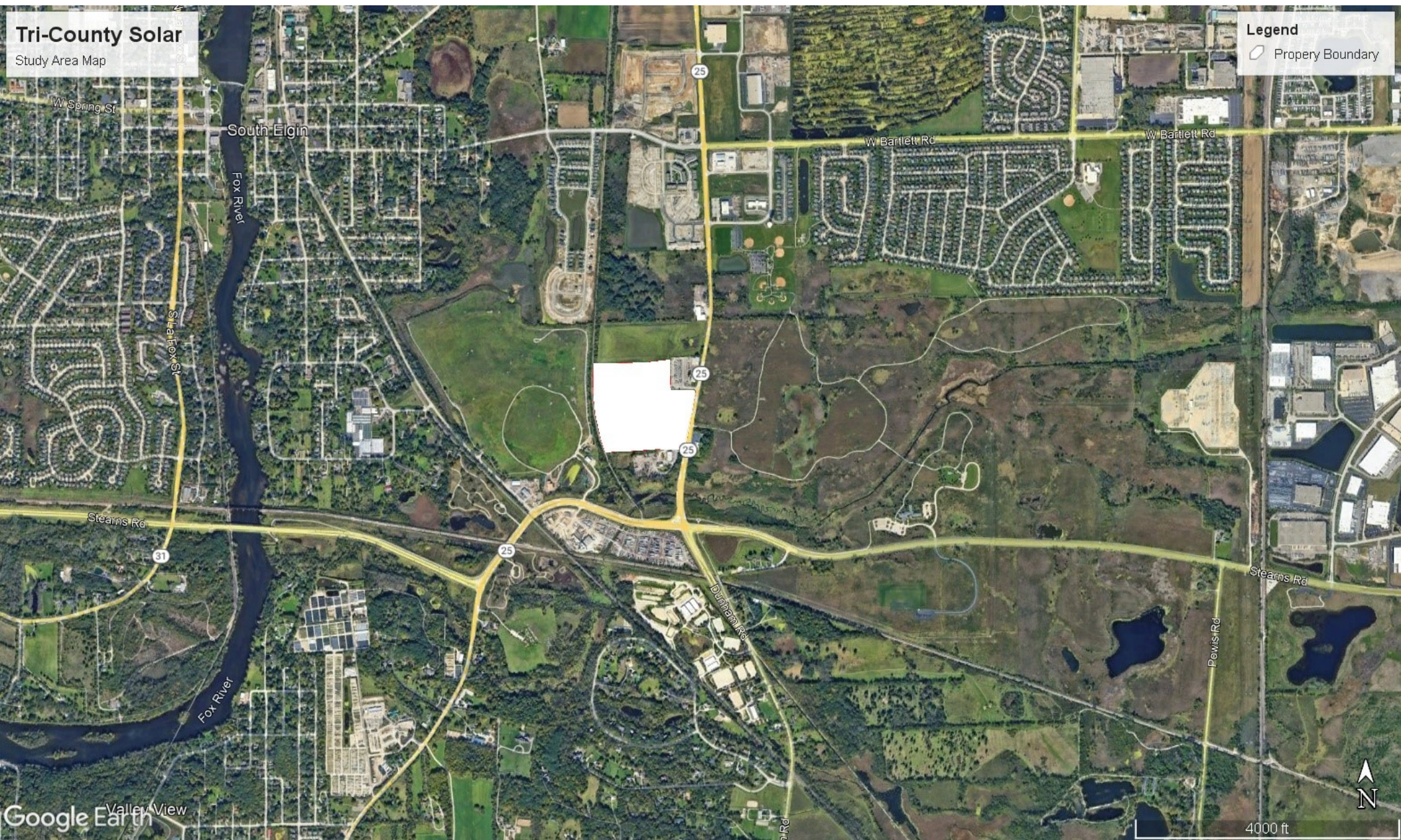
APPENDIX A

PROTECTED SPECIES SCREENING

Tri-County Solar
Study Area Map

Legend

-  Property Boundary





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chicago Ecological Service Field Office

1511 47th Ave

Moline, IL 61265-7022

Phone: (309) 757-5800



In Reply Refer To:

09/30/2025 13:42:45 UTC

Project Code: 2025-0156367

Project Name: Tri-County Solar

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 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>.

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: 2025-0156367

Project Name: Tri-County Solar

Project Type: Power Gen - Solar

Project Description: The Site was previously operated as a landfill by Waste Management. It is located in Kane County, Illinois. A solar developer client is proposing to install a 5 megawatt solar array on the site. There has been an IPac review in November 2023 with Project Code 2024-0011681. The client requested an updated consultation.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.98279225,-88.27132573205436,14z>



Counties: Kane County, Illinois

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 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.

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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.

MAMMALS

NAME	STATUS
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	Endangered

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. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Rusty Patched Bumble Bee <i>Bombus affinis</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9383	Endangered
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. 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: Agnes Towns
Address: 800 Market St, Ste 222
City: Chattanooga
State: TN
Zip: 37402
Email: atowns@labellapc.com
Phone: 4235094307



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chicago Ecological Service Field Office

1511 47th Ave

Moline, IL 61265-7022

Phone: (309) 757-5800



In Reply Refer To:

09/30/2025 14:25:11 UTC

Project code: 2025-0156367

Project Name: Tri-County Solar

Federal Nexus: no

Federal Action Agency (if applicable):

Subject: Record of project representative's no effect determination for 'Tri-County Solar'

Dear Agnes Towns:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on September 30, 2025, for 'Tri-County Solar' (here forward, Project). This project has been assigned Project Code 2025-0156367 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the **Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey)**, invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat and/or Tricolored Bat

Based upon your IPaC submission and a standing analysis, your project has reached the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	No effect

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Eastern Prairie Fringed Orchid *Platanthera leucophaea* Threatened
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Rusty Patched Bumble Bee *Bombus affinis* Endangered
- Western Regal Fritillary *Argynnis idalia occidentalis* Proposed Threatened
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the species covered by this key. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Chicago Ecological Service Field Office and reference Project Code 2025-0156367 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Tri-County Solar

2. Description

The following description was provided for the project 'Tri-County Solar':

The Site was previously operated as a landfill by Waste Management. It is located in Kane County, Illinois. A

solar developer client is proposing to install a 5 megawatt solar array on the site.

There has been an IPac review in November 2023 with Project Code 2024-0011681. The client requested an updated consultation.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.98279225,-88.27132573205436,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Note for projects in Pennsylvania: Projects requiring authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act would be considered as having a federal nexus. Since the U.S. Army Corps of Engineers (Corps) has issued the Pennsylvania State Programmatic General Permit (PASPGP), which may be verified by the PA Department of Environmental Protection or certain Conservation Districts, the need to receive a Corps authorization to perform the work under the PASPGP serves as a federal nexus. As such, if proposing to use the PASPGP, you would answer 'yes' to this question.

No

6. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum or winter roost? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your state wildlife agency.

Automatically answered

No

7. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

8. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

9. Will the action result in effects to a culvert or tunnel at any time of year?

No

10. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

11. Does the action area intersect the northern long-eared bat species list area?

Automatically answered

Yes

12. [Semantic] Is the action area located within 0.5 miles of radius of an entrance/opening to any known NLEB hibernacula or winter roost? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

13. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

14. [Semantic] Is the action area located within 150 feet of a documented northern long-eared bat roost site?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency. Have you contacted the appropriate agency to determine if your action is within 150 feet of any documented northern long-eared bat roosts?

Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat roosts is available here. Location information for northern long-eared bat roosts is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

Automatically answered

No

15. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Agnes Towns
Address: 800 Market St, Ste 222
City: Chattanooga
State: TN
Zip: 37402
Email: atowns@labellapc.com
Phone: 4235094307



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chicago Ecological Service Field Office

1511 47th Ave

Moline, IL 61265-7022

Phone: (309) 757-5800



In Reply Refer To:

09/30/2025 14:09:15 UTC

Project code: 2025-0156367

Project Name: Tri-County Solar

Federal Nexus: no

Federal Action Agency (if applicable):

Subject: Technical Assistance letter for 'Tri-County Solar' for rusty patched bumble bee that may occur in your proposed project location consistent with the Rusty Patched Bumble Bee Range Wide Determination Key (RPBB DKey).

Dear Agnes Towns:

This letter records your determination using the RPBB DKey within the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (USFWS) on **September 30, 2025**, for 'Tri-County Solar' (here forward, Project). This project has been assigned Project Code '2025-0156367' and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC Determination Keys

The USFWS developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the RPBB DKey, invalidates this letter.**

Determination for the Rusty Patched Bumble Bee

Based on your answers and the assistance of the USFWS' RPBB DKey, you made the following effect determination for the proposed Action:

Species	Listing Status	Determination
Rusty Patched Bumble Bee (<i>Bombus affinis</i>)	Endangered	May affect

Coordination with the USFWS is not complete. Further coordination with the USFWS is recommended for the rusty patched bumble bee. Please email the local USFWS Ecological Services Field Office and attach a copy of this letter, so we can discuss methods to avoid or minimize potential adverse impacts.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the rusty patched bumble bee **does not** apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Eastern Prairie Fringed Orchid *Platanthera leucophaea* Threatened
- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Western Regal Fritillary *Argynnis idalia occidentalis* Proposed Threatened
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

Coordination with the USFWS is advised for any species and/or critical habitat listed above.

You should coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above and if further consultation is required. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the local Ecological Services Field Office and reference Project Code '2025-0156367' associated with this Project. See the top of this letter for the Project Code.

Additional Information

Sufficient project details: Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

Future project changes: The Service recommends that you contact the local Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect rusty patched bumble bee in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to rusty patched bumble bee; or 4) or critical habitat is designated. If any of the above conditions occur, additional consultation with the Service should take place before project changes are final or resources are committed.

Species-specific information

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

If you observe a bald eagle nest in the vicinity of your proposed project, you should follow the National Bald Eagle Management Guidelines (May 2007). For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit our regional eagle website or contact the local Ecological Services Field Office. If the Action may affect bald or golden eagles, additional coordination with the Service under the Eagle Act may be required.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Tri-County Solar

2. Description

The following description was provided for the project 'Tri-County Solar':

The Site was previously operated as a landfill by Waste Management. It is located in Kane County, Illinois. A

solar developer client is proposing to install a 5 megawatt solar array on the site.

There has been an IPac review in November 2023 with Project Code 2024-0011681. The client requested an updated consultation.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.98279225,-88.27132573205436,14z>



QUALIFICATION INTERVIEW

1. Is the action authorized, funded, or being carried out by a Federal agency?

No

2. Does the action area overlap with a rusty patched bumble bee high potential zone?

Automatically answered

Yes

3. Does the action include - or is it reasonably certain to cause - intentional take of rusty patched bumble bee (rusty patched bumble bee) that is not covered under a scientific recovery permit under section 10(A)1(a) of the Endangered Species Act or under a cooperative agreement with a state agency?

Note: This could include, for example, surveys or studies that include handling or capture of the species. Whether "Project Review" surveys using USFWS protocols were conducted as part of the action is addressed later in this key.

No

4. Does the action include – or is it reasonably certain to result in – construction of one or more new roads or rail lines that will increase vehicle traffic in a rusty patched bumble bee HPZ?

Yes

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Agnes Towns
Address: 800 Market St, Ste 222
City: Chattanooga
State: TN
Zip: 37402
Email: atowns@labellapc.com
Phone: 4235094307

USFWS Listed Species Conclusions Table

Project Name: Tri-County Solar, Kane County, Illinois Project Code: 2025-0156367

Date: September 2025

Species Name/ESA Status	Potential Habitat Present?	Species Present?	Critical Habitat Present?	ESA / Eagle Act Determination	Notes / Documentation Summary
Northern Long-eared Bat (<i>Myotis septentrionalis</i>) Endangered	No	Unknown	No	NA	According to the USFWS species profile, this mammal roosts singly or in colonies underneath bark, in cavities, in crevices of both live and dead trees, in cooler places (like caves and mines), and occasionally in structures like barns and sheds. They prefer habitats with constant temperatures, high humidity, and no air currents. According to habitat information provided by NatureServe Explorer, it is generally found in old-growth forests during the summer and caves/mines during hibernation. The project consists primarily of open, grassland habitat with no mature trees suitable for roosting. Additionally, no caves are found on the site that may be used as hibernacula. As such, a <i>no effect</i> determination is made for this species.
Whooping Crane (<i>Grus americana</i>) Experimental Population	No	Unknown	No	NA	According to habitat information provided by USFWS species profile, whooping cranes use large wetland complexes and waterbodies as roosting and loafing sites and rely on agricultural fields for feeding. Project consists primarily of open grassland with no large wetland complexes, which is not suitable as Whooping Crane habitat. As such, an <i>unlikely to adversely affect</i> determination is proposed.

Monarch Butterfly (<i>Danaus plexippus</i>) Proposed Threatened	Yes	Unknown	No	NA	According to habitat information provided by NatureServe, species is found in early-successional habitats with abundant flowering plants used as nectar sources, as well as milkweed used as a larval host plant. Project consists primarily of frequently mowed, early successional grassland habitat, however the habitat quality for this species has not been assessed. As such, a may adversely affect determination is proposed.
Rusty Patched Bumble Bee (<i>Bombus affinis</i>) Endangered	Yes	Unknown	No	NA	According to habitat information provided by USFWS species profile, this species nests underground in undisturbed grassland habitats and relies on flowering plants throughout the year as a nectar food source. This Project is located on a previous landfill, in which the predominate habitat is frequently mowed grassland. Although an abundant, diverse source of flowering plants may be lacking on site, the undisturbed grassland may provide suitable nesting habitat for this species. Habitat quality assessments have not been performed for the site. As such, a may adversely affect determination is proposed.
Western Regal Fritillary (<i>Argynnis idalia occidentalis</i>) Proposed Threatened	Yes	Unknown	No	NA	According to habitat information provided by USFWS species profile, this species lives in tall-grass prairie and other open and sunny locations such as damp meadows, marshes, wet fields, and mountain pastures. These early successional stage habitats are maintained through periodic, natural disturbance regimes. Regal fritillary butterflies depend on three main habitat components: violet hostplants for larvae, nectar plants for adults, and native warm-season bunch grasses that provide protective sites for all life stages. Project consists primarily of frequently mowed, early successional grassland habitat, however the habitat quality for this species has not been assessed. As such, a may adversely affect determination is proposed.

Eastern Prairie Fringed Orchid (<i>Platanthera leucophaea</i>) Threatened	Yes	Unknown	No	NA	According to habitat information provided by USFWS species profile, this species is a perennial herb typically found in mesic to wet grasslands with minimal woody encroachment. The species grows from underground tubers that have a symbiotic relationship with mycorrhizal fungi found in the soil. Because the site consists primarily of open, grassland habitat, potential habitat for this species is present, however given the site history as a landfill, frequent mowing regime, and abundance of invasive grasses, it is unlikely that this species is found on site. As such, an <i>unlikely to adversely affect determination</i> is proposed.
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Illinois
Department of
**Natural
Resources**

JB Pritzker, Governor • Natalie Phelps Finnie, Director
One Natural Resources Way • Springfield, Illinois 62702-1271
www.dnr.illinois.gov

August 29, 2025

Ralph Meima
134 East 40th Street
New York, NY 10016

**RE: Tri County Solar
Consultation Program
EcoCAT Review #2603048
Kane County**

Dear Applicant:

The Department has received your submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The proposed action consists of a 5-megawatt, utility solar project on approximately 40 acres of land in Kane County, Illinois, on land previously used as a landfill.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Illinois Natural Areas Inventory (INAI)

**Brewster Creek Fen INAI Site
DeSanto's Brewster Creek Site INAI Site
Pratts Wayne Woods INAI Site
South Elgin Sedge Meadow INAI Site
Tri-county Wetland INAI Site**

Illinois Nature Preserves Commission Lands

**Brewster Creek Fen Natural Preserve
Tri-County Wetland Land and Water Reserve**

State-owned Land

James "Pate" Philip State Park

State Threatened or Endangered Species

Black-crowned Night Heron (*Nycticorax nycticorax*)

Blanding's Turtle (*Emydoidea blandingii*)
Common Gallinule (*Gallinula galeata*)
Franklin's Ground Squirrel (*Poliocitellus franklinii*)
Green-fruited Bur-reed (*Sparganium emersum*)
Least Bittern (*Ixobrychus exilis*)
Osprey (*Pandion haliaetus*)
Short-eared Owl (*Asio flammeus*)
Yellow-headed Blackbird (*Xanthocephalus xanthocephalus*)

Due to the project scope and proximity to protected resources the Department recommends the following actions be taken to avoid adversely impacting protected natural areas in the vicinity of the project:

Brewster Creek Fen INAI Site, DeSanto's Brewster Creek INAI Site, Pratts Wayne Woods INAI Site, South Elgin Sedge Meadow INAI Site, Brewster Creek Fen Nature Preserve

The Department has determined adverse impacts to these sites are unlikely.

Tri-County Wetland INAI Site, Tri-County Wetland Land and Water Reserve, & James "Pate" Philp State Park

EcoCAT indicates this project is adjacent to James "Pate" Philp State Park and in the vicinity of Tri-County Wetland INAI Site and Tri-County Wetland Land and Water Reserve. The Department has the following recommendations to avoid impacts to these sites:

- No equipment should be stored within right-of-way.
- Parking and staging in areas adjacent to the State Park should also be avoided.
- Fencing and signage clearly delineating the boundaries of the State Park should be installed to ensure no disturbances occur within the State Park.
- Areas of exposed soil should be re-seeded with a local genotype seed, approved IDOT seed mix, or non-invasive cover crop.
- Strict adherence to soil erosion and sediment control BMPs to prevent impacts to the State Park.
- Good housekeeping practices should be implemented and maintained during and after construction to prevent trash and other debris from inadvertently blowing or washing into nearby natural areas.
- Any required night lighting should follow International Dark-Sky Association's (IDA) Five Principles for Responsible Outdoor Lighting to minimize the effect of light pollution on wildlife: [Five Principles for Responsible Outdoor Lighting | DarkSky International](#)
- All equipment should be power washed off-site to remove exotic/invasive seed or propagules.
- All equipment, including but not limited to boots, tools, equipment, tires, and treads, should be cleaned of all debris prior to entry of the project area in order to avoid spreading of exotic or invasive plant seeds into the State Park.
- Should any herbicide use be required for construction or operation, wind speed and direction should be carefully monitored, in order to avoid herbicide drift into the State Park.

- The applicant should also be aware that any IDNR or INPC conservation land is likely to be managed with prescribed burns to the site boundary. The applicant should consider these potential management activities when siting this facility near conservation lands.
- The Department strongly recommends that the project proponent establish pollinator-friendly habitat as groundcover wherever feasible. Solar Site Pollinator Establishment Guidelines can be found here:
<https://dnr.illinois.gov/conservation/pollinatorscorecard.html>
- The site should be de-compacted before planting.
- Long term management of the site should be planned for prior to development to ensure successful native pollinator habitat establishment and prevent the spread of invasive species throughout the lifetime of this project. An experienced ecological management consultant should be hired to assist with long-term management.
- Required fencing, excluding areas near or adjacent to public access areas, should have a 6-inch gap along the bottom to prevent the restriction of wildlife movement. Woven wire or a suitable habitat wildlife friendly fence should be used. Barbed wire should be avoided.

Black-crowned Night Heron, Common Gallinule, Franklin's Ground Squirrel, Green-fruited Bur-reed, Least Bittern, Osprey, Short-eared Owl, & Yellow-headed Blackbird

The Department has determined that adverse impacts to these species are unlikely.

Blanding's Turtles

EcoCAT has indicated records for the state-listed Blanding's Turtle in vicinity of the project area. The Department recommends:

- Work on the project occurs during the turtle's inactive season from approximately November 1st to March 1st. If work must occur during the active season:
- Educate personnel working on site about the Blanding's Turtle. Post photos of juvenile and adult Blanding's Turtles at a central location. State-listed species may not be handled without the appropriate permits pursuant to the Illinois Endangered Species Protection Act.
- Install exclusionary silt fence by the end of March and maintain it through October (if needed) to prevent turtles from entering the construction area. Conduct daily inspections during construction to ensure that exclusionary fencing is properly installed (dug into the ground) and to check if turtles are present.
- Cover trenches at the end of each workday. Before starting each workday, trenches and excavations should be routinely inspected to ensure no turtles (or other amphibians and reptiles) have become trapped within them.
- If Blanding's turtles are encountered, crews should stop work immediately, allow the turtle to move out of the way and contact IDNR at (217) 785-5500.

Given the above recommendations are adopted the Department has determined that impacts to these protected resources are unlikely. The Department has determined impacts to other protected resources in the vicinity of the project location are also unlikely.

In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.

Consultation on the part of the Department is closed, unless the applicant desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal and should not be regarded as a final statement on the project being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are unexpectedly encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations.

This letter does not serve as permission to take any listed or endangered species. As a reminder, no take of an endangered species is permitted without an Incidental Take Authorization or the required permits. Anyone who takes a listed or endangered species without an Incidental Take Authorization or required permit may be subject to criminal and/or civil penalties pursuant to the *Illinois Endangered Species Act*, the *Fish and Aquatic Life Act*, the *Wildlife Code* and other applicable authority.

Please contact Isabella Newingham (Isabella.newingham@illinois.gov) with any questions about this review.

Sincerely,



Bradley Hayes
Manager, Impact Assessment Section
Division of Real Estate Services and Consultation
Office of Realty & Capital Planning
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
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Phone: (217) 782-0031