200 West 22nd Street, Suite 220 Lombard, Illinois 60148 Tel 630.705.1762 www.swca.com

January 12, 2024

Jeremy Price
Renewable Properties
44 Montgomery Street - Suite #3150
San Francisco, CA 94111
Submitted via email: jprice@renewprop.com

Re: Threatened and Endangered Species Habitat Assessment – RPIL Solar 10, LLC – S Barnes Project, Kane County, Illinois

Dear Jeremy Price:

SWCA Environmental Consultants (SWCA) has been contracted by RPIL Solar 10, LLC – S Barnes Project (Project) to conduct a threatened and endangered species habitat assessment including a desktop review and field reconnaissance.

PROJECT DESCRIPTION

RPIL Solar 10, LLC – S Barnes is proposing to develop an approximately 38.3-acre (Project Area) solar generation facility known as the S Barnes Project, in Kane County, Illinois. The Project is situated in an area that is privately owned and is primarily used for agriculture.

SPECIES IDENTIFICATION

SWCA performed a desktop review for threatened and endangered species prior to field investigations utilizing the Illinois Department of Natural resources Ecological Compliance Assessment Tool (EcoCAT) and USFWS Information for Planning and Consultation (IPaC) website to generate a list of potential threatened and endangered species that may occur within the Project Area (Table 1, Attachment B and Attachment C). The results indicated the potential occurrence of one federally endangered and state threatened species, on federally endangered species, one federal candidate and state endangered species, one federally threatened and state endangered species. No USFWS determined critical habitat was identified within the Project Area. No State protected lands or critical habitat was identified within the Project Area.

Table 1. Species with Potential to Occur Within the Project Area

Common Name	Scientific Name	State Status	Federal Status
Northern Long-eared bat	Mytois septentrionalis	Threatened	Endangered
Whooping crane	Grus americana	-	Endangered, Experimental population non-essential
Monarch butterfly	Danaus plexippus	Endangered	Candidate
Eastern prairie fringed-orchid	Platanthera leucophaea	Endangered	Threatened

FIELD RECONNAISSANCE

SWCA conducted a field reconnaissance of the Project Area December 4 and 20, 2023. The field reconnaissance consisted of pedestrian visual surveys to evaluate the absence or presence of suitable habitat within the Project Area. At the time of site reconnaissance, the majority of Project Area was agricultural fields with little to no natural vegetation.

SPECIES EVALUATION

The potential for occurrence of each species was summarized according to the categories below. Because not all species are accommodated precisely by a given category (i.e., category definitions may be too restrictive), an expanded rationale for each category assignment is provided. Potential for occurrence categories are as follows:

- Known to occur—The species has been documented in the Project Area by a reliable observer.
- *May occur*—The Project Area is within the species' currently known range, and vegetation communities, soils, etc., resemble those known to be used by the species.
- *Unlikely to occur*—The Project Area is within the species' currently known range, but vegetation communities, soils, etc., do not resemble those known to be used by the species, or the Project Area is clearly outside the species' currently known range.
- Does not occur—The species does not occur in the Project Area.

SWCA assigned those species listed by the USFWS to one of three categories of possible effect, following USFWS recommendations. The effects determinations recommended by USFWS consist of the following:

- May affect, is likely to adversely affect—Adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial.
- May affect, is not likely to adversely affect—The proposed action may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial.
- No effect—The proposed action will not affect federally listed species or critical habitat.

The results of SWCA's species determination are detailed below and summarized in Table 2.

Table 2. Project Impact Analysis

Species	Range or Habitat Requirements	Potential for Occurrence in the Project Area	Determination of Effect
Northern Long-eared bat	Hibernacula: Caves and mines. Roosts and forages: upland forests	May occur. Preferred foraging and roosting habitat was observed adjacent to the Project Area. No roosting habitat is present in the Project Area.	No effect
Whopping crane	Migratory habitat includes wetlands, marshes, mudflats, wet prairies, ponds, and fields.	Unlikely to occur. Preferred habitat is not present in or adjacent to the Project Area.	No effect
Monarch butterfly	Occurs in open fields, meadows, marshes, and roadsides with nectar resources for foraging and milkweed plants for breeding.	May occur. If milkweed species are present in the Project Area this species may be present during the spring and summer months.	No effect
Eastern prairie fringed orchid	Found in wet to mesic prairies, sedge meadows, fens, marshes, and marsh edges.	Unlikely to occur. Preferred habitat is not present in the Project Area.	No effect

Northern Long-eared bat:

The federally endangered and state threatened Northern Long-eared bat is found in the United States from Maine to North Carolina on the Atlantic Coast, westward to eastern Oklahoma, and north through the Dakotas, extending southward to parts of southern states from Georgia to Louisiana, even reaching into eastern Montana and Wyoming. During summer, the northern long-eared bat roosts singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. This species seems opportunistic in selecting roosts, using tress species based on their suitability to retain bark or provide cavities or crevices. Suitable northern long-eared bat roosts are trees (live, dying, dead, or snag) with a diameter at breast height of 3 inches or greater that exhibit exfoliating bark, crevices, cavities, or cracks. Isolated trees are considered suitable habitat when they exhibit the characteristics of a suitable roost tree and are less than 1.000 feet from the next nearest suitable roost tree within a woodlot or wooded fencerow.

Northern Long-eared bats may roost and forage in the upland woodlands adjacent to the Project Area. The Project will have no effect on this species due to lack of suitable habitat within the Project Area and their ability to avoid the Project Area if required during construction. Tree clearing is not proposed as part of this project.

Whooping Crane:

The federally endangered, nonessential experimental population of whooping cranes is being reintroduced to eastern North America. The intent of the reintroduction is to start a migratory flock that will summer and breed in central Wisconsin, migrate across the seven states and winter in west-central Florida. They prefer wetlands, marshes, mudflats, wet prairies, and fields. Suitable habitat was not observed in or adjacent to the Project Area. Whooping cranes may pass through the Project Area during the migration season because open fields and ponds are present but are unlikely to breed and nest in the area because they are known to breed in Wisconsin during the summer season. The Project will have no effect on this species due to their ability to avoid the Project Area if required during their migration season.

Monarch Butterfly:

The monarch butterfly is a federal candidate species and Illinois state listed endangered species. Monarch migration can occur in a variety of open fields, meadows, marshes, and roadsides with flowering nectar resources and milkweed plants, their larval host plant. The Project Area is mapped within the known breeding range. SWCA did not observe milkweed in the Project Area, however the habitat assessment was conducted outside of the nectaring season for milkweed in the region. Milkweed may be present along the edges of the agricultural field during the spring and summer months of the year; however, it is not likely to be present in the agricultural field due to frequent disturbance and farming practices. If milkweed is present along the edge of the agricultural field this species may be present. This Project will have no effect on this species. This species is listed as endangered in Illinois, however IDNR has not issued formal BMP guidelines/requirements for this species at this time.

Eastern Prairie Fringed Orchid:

The eastern prairie fringed orchid is a federally threatened and Illinois state endangered species. It is found in a wide variety of habitats including wet to mesic prairies, sedge meadows, fens, marshes, and marsh edges. This species requires the fungus mycorrhizae *Ceratorhiza* for seed germination and hawkmoths for pollination. The wetland habitat required by this species is not present within the Project Area; therefore, it is unlikely this species is present, and the Project will have no effect on this species.

CONCLUSIONS

SWCA performed a status review indicated the potential occurrence of four species: one federally endangered and state threatened species, on federally endangered species, one federal candidate and state endangered species, one federally threatened and state endangered species within the Project Area. Based upon the desktop review and field reconnaissance, species habitat requirements and known species temporal and spatial occurrence, it is SWCA's opinion that the proposed Project will have no effect on the four species identified with potential to occur.

If you have any questions or need further information, please feel free to contact me at 630.599.3010 or hailey.preston@swca.com.

Sincerely,

Hailey Preston

HOTTHA Presion

Natural Resources Team Lead | Project Manager

Attachments: A. Figures

B. U.S. Fish and Wildlife Service Information for Planning and Consultation Reports C. Illinois Department of Natural resources Ecological Compliance Assessment Tool

Report

ATTACHMENT A

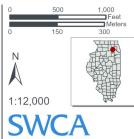
Figures

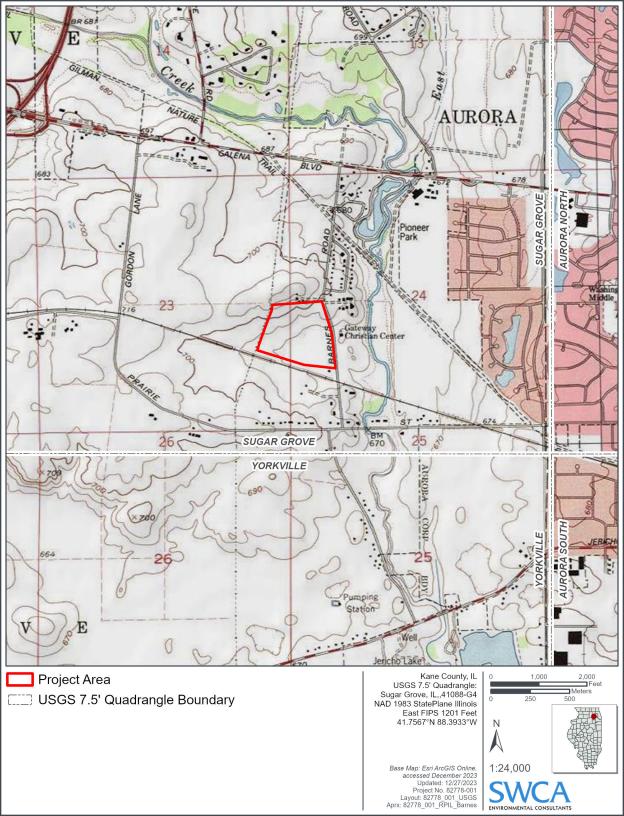


41.7568°N 88.3945°W

Base Map: Esri ArcGIS Online, accessed December 2023
Updated: 12/27/2023
Project No. 82778-001
Apyn: 82778_001 Aprial
Aprx: 82778_001 FIRL Barnes

East FIPS 1201 Feet





ATTACHMENT B			
	U.S. Fish and Wildlife Service Information for Planning and Consultation Report		



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Chicago Ecological Service Field Office
U.s. Fish And Wildlife Service Chicago Ecological Services Office
230 South Dearborn St., Suite 2938
Chicago, IL 60604-1507
Phone: (312) 485-9337

In Reply Refer To: September 21, 2023

Project Code: 2023-0131714 Project Name: S Barnes

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 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

U.s. Fish And Wildlife Service Chicago Ecological Services Office 230 South Dearborn St., Suite 2938 Chicago, IL 60604-1507 (312) 485-9337

PROJECT SUMMARY

Project Code: 2023-0131714 Project Name: S Barnes

Project Type: Power Gen - Solar Project Description: Solar Farm Project

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.757031100000006,-88.39378418970215,14z



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.

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 Myotis septentrionalis	Endangered
No critical habitat has been designated for this species.	G
Species profile: https://ecos.fws.gov/ecp/species/9045	

BIRDS

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

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i>	Candidate

No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743

FLOWERING PLANTS

NAME STATUS

Eastern Prairie Fringed Orchid Platanthera leucophaea

Threatened

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

 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

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: SWCA
Name: Logan Jones

Address: 200 22nd St # 220

City: Lombard

State: IL Zip: 60148

Email logan.jones@swca.com

Phone: 2699211014

	TACHMENT C		
Illinois Department of Natural reso	ources Ecological (Report	Compliance Assessn	nent Tool





09/21/2023

IDNR Project Number: 2404879

Date:

Applicant: **SWCA**

Contact: Logan Jones

Address: 200 West 22nd St

Suite 220

Lombard, IL 85012

Project: S Barnes

275 S Barnes Rd, Aurora Address:

Description: Purposed Solar Project

Natural Resource Review Results

Consultation for Endangered Species Protection and 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.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project 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. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kane

Township, Range, Section:

38N, 7E, 23 38N, 7E, 24

IL Department of Natural Resources Contact

217-785-5500 Division of Ecosystems & Environment

Bradlev Haves



Government Jurisdiction

IL Department of Natural Resources Sprinafield One Natural Resources Way Springfield, Illinois 62702

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

- 1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
- 2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
- 3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



Kane County Aurora S Barnes Rd, S of Galena Blvd Section:24-Township:38N-Range:7E IEPA, SWCA-82778-001-CHI New construction, South Barnes Road Solar

SURVEY REQUEST

SHPO LOG #027102723

PLEASE REFER TO:

November 22, 2023

Anastasia Gilmer SWCA Environmental Consultants 200 W. 22nd St., Suite 220 Lombard, IL 60148

The Illinois State Historic Preservation Office is required by the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420, as amended, 17 IAC 4180) to review all state funded, permitted, or licensed undertakings for their effect on cultural resources. We have received information indicating that the referenced project will, pursuant to that law, require comments from our office and our comments follow. Should you have any contrary information, please contact our office at the number below.

According to the information provided there is no federal involvement in your project. Be aware that the state law is less restrictive than the federal cultural resource laws concerning archaeology. Therefore, if your project will use federal loans or grants, need federal agency permits, or is on federal property then your project must be reviewed by us pursuant to the National Historic Preservation Act of 1966, as amended. Please notify us immediately if such is the case.

A portion of the project area is within a zone adjacent to East Run with a high probability of containing significant archaeological resources. Additionally, structures are annotated within the project are on plat maps published in 1860, 1872, 1892, and 1904. Accordingly, a Phase I archaeological reconnaissance survey to locate, identify, and record archaeological resources within the project area will be required. This decision is based upon our understanding that there has not been any large-scale disturbance of the ground surface (excluding agricultural activities) or major construction activity within the project area which would have destroyed existing cultural resources prior to your project. If the area has been disturbed, please contact our office with the appropriate written and/or photographic evidence. Our most recently updated list of archaeological contractors, maintained as a courtesy, is available on our website. A copy of our letter with the SHPO Log Number should be provided to the selected professional archaeological contractor to ensure that the survey results are connected to your project.

In addition to the archaeological survey we will also need clear photographs of all structures in, or adjacent to, the current project area. The APE for visual effects is one quarter (0.25) mile. Please submit these, and any eligibility determinations for historic structural/architectural properties, in a separate report.

If you have further questions, please contact Jeff Kruchten, Principal Archaeologist, at 217/785-1279 or jeff.kruchten@illinois.gov.

Sincerely,

Carey L. Mayer, AIA Deputy State Historic

Carey L. Mayer

Preservation Officer

