



MEMORANDUM

To: Cardell Andrews
Aligned Data Centers

From: Keller Leet-Otley
Kimley-Horn and Associates, Inc.

Date: December 18, 2024

Subject: *Braceville Township, Grundy County, Illinois – Aligned Coal City Environmental Constraints Memorandum*

INTRODUCTION

Kimley-Horn was contracted by Aligned Data Centers to review the Aligned Coal City project study area for potential environmental constraints. See Figure 1 for project location and Figure 2 for the study area boundary. The study area is located in Braceville Township, Grundy County, Illinois. The study area is approximately 322 acres in size and is located in Section 15 of Township 32N, Range 8E. Kimley-Horn reviewed available background data to assist in determining if there are any potential environmental constraints for the study area.

ENVIRONMENTAL CONSTRAINTS:

Aquatic Resources (Wetlands and Waterways)

Kimley-Horn reviewed available topographic maps, the National Wetlands Inventory (NWI), the National Hydrography Dataset (NHD), LiDAR, soil survey data, public waters, floodplain data, and aerial photography to identify potential wetlands or surface waters within the study area vicinity.

U.S. Geological Survey (USGS) Topographic Map

A review of the Coal City, Illinois 7.5-minute topographic quadrangle depicted five structures within the study area. Linear aquatic features aligning with NWI-mapped resources appear along the northern boundary and southeast corner of the study area. The study area is depicted as undeveloped land. The USGS topographic map is presented on Figure 3.

National Wetlands Inventory (NWI)

Based on a review of the U.S. Fish and Wildlife Service (USFWS) NWI,¹ portions of two wetland features are present along the edges the study area, one that crosses the length of the northern edge of the study area and one across the southern edge. The NWI-mapped features include two riverine features (R4SBCx, R2UBHx). The NWI-mapped features are presented on Figure 4.

¹ USFWS. 2022. National Wetlands Inventory. Vector Digital Data. Published May 2023.

USGS National Hydrography Dataset (NHD)

Based on a review of the USGS NHD,² portions of two unnamed flowlines transect the study area. The NHD-mapped flowlines generally align with NWI-mapped riverine features. The NHD-mapped resources are presented on Figure 4.

2-ft LiDAR Contours

Two-foot contours³ were reviewed to determine if any closed depressions or drainage swales may be present within the study area. The study area is generally sloping slightly to the west. The study area ranges in elevation from 562 to 578 feet above sea level. The 2-foot contours are presented on Figure 5.

Grundy County Soil Survey

A review of the Grundy County soil survey via the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS), the USDA WSS database identified six soil types within the study area. Approximately 46 percent of the study area is mapped with a predominantly hydric soils rating of 94 percent or greater. The remainder of the study area is mapped with a predominantly non-hydric soils rating at or below 10 percent. Hydric soils rating data are presented on Figure 6.

Illinois Department of Natural Resources (IDNR) Public Waters Inventory

A review of the IDNR Public Waters Inventory⁴ was completed. No IDNR Public Waters are located within the study area vicinity.

FEMA Floodplain

The Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) Viewer⁵ was reviewed to determine if FEMA 100-year floodplains are located within the study area. Based on Panels 17063C0145F and 17063C0210F (effective August 2, 2012), the northern portion of the study area is located in Zone AE of a 100-Year FEMA Floodplain. The FEMA floodplain data are presented on Figure 7.

Previous Study Area Disturbance

Historic aerials from 1998 to 2024 were reviewed to determine previous land use and disturbance on the study area and are presented in Attachment A. The study area has been used primarily for agricultural purposes since at least 1998.

Aquatic Resource Assessment

Based on the National Wetlands Inventory and National Hydrography Dataset, Kimley-Horn identified potential wetlands and waterway features within the property (see Figure 4). A Level 2 (field) wetland delineation was completed, and several wetlands and streams were identified. Additional information will be included in a separate report.

² USGS. 2022. National Hydrography Dataset. Vector Digital Data. Published May 5, 2023.

³ USGS. 2021. USGS 1 Meter DEM Panels. Published December 8, 2022.

⁴ IDNR. 2023. Illinois Public Waters. Available online at

<https://idnr.maps.arcgis.com/apps/webappviewer/index.html?id=b64decfb69504164a46badb2841ebb11>

⁵ USGS. FEMA National Flood Hazard Layer Viewer. Available online at <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>

USFWS Federally Listed Threatened and Endangered Species

Kimley-Horn conducted a preliminary review of the potential for federally listed threatened, endangered, and proposed species to occur within the study area or be affected by the proposed project for the purposes of due diligence in compliance with the Endangered Species Act (ESA). A list of the threatened, endangered, and proposed species, and designated critical habitat that could occur in Grundy County was obtained and evaluated from the USFWS Information for Planning and Consultation (IPaC) online planning tool. The resource list is not considered official USFWS correspondence for ESA consultation. Habitat descriptions for the identified species were compared to the habitat within or near the study area. The resource list obtained via the USFWS IPaC for the project identified six species that should be considered in an effects analysis. The resource list is included in Attachment B and the identified species are reviewed below in Table 1.

Table 1. USFWS Listed Threatened and Endangered Species

Species	Status	Preferred Habitat	Findings
<i>Myotis sodalis</i> (Indiana Bat)	Endangered	During summer, Indiana bats roost under loose bark or in hollows and cavities of mature trees in the floodplain forest or savanna habitats adjacent to riparian corridors. In winter, Indiana bats hibernate in caves and mines.	There is no critical habitat for the Indiana bat within the vicinity of the study area. Minimal suitable habitat may be present within the study area due to the presence of forested corridors located in the southern portion of the study area. Any tree trimming or removal should be completed between October 1 and March 31.
<i>Myotis septentrionalis</i> (Northern Long-Eared Bat [NLEB])	Endangered	During summer, NLEB roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. This bat uses tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds. Northern long-eared bats spend winter hibernating in caves and mines.	No critical habitat has been designated for this species. Minimal suitable habitat may be present within the study area due to the presence of forest corridors and human structures located in the southern and western portions of the study area. Any tree trimming or removal should be completed between October 1 and March 31.
<i>Perimyotis subflavus</i> (Tricolored Bat)	Proposed Endangered	During the spring, summer and fall, tricolored bats roost among leaf clusters of live or recently dead deciduous hardwood trees. They are also found in Spanish moss,	No critical habitat has been designated for this species. Minimal suitable habitat may be present within the study area due to the presence of forest

Species	Status	Preferred Habitat	Findings
		pine trees, and human structures. In winter, tricolored bats hibernate in caves and mines.	corridors and human structures located in the southern and western portions of the study area. Tree trimming or removal would not be restricted to a specific season; however, USFWS recommends tree clearing activities be conducted in the winter.
<i>Grus americana</i> (Whooping crane)	Experimental population, Non-essential	The whooping crane breeds, migrates, winters and forages in a variety of habitats, including coastal marshes and estuaries, inland marshes, lakes, open ponds, shallow bays, salt marsh and sand or tidal flats, upland swales, wet meadows and rivers, pastures, and agricultural fields.	No critical habitat has been designated for this species. The study area contains agricultural fields which are listed as habitat for the whooping crane. This species is classified as an experimental population, non-essential. Experimental population, non-essential status does not provide species protection under the Endangered Species Act listing process outside of federal lands. The project site is located outside of federal National Wildlife Refuges and National Parks.
<i>Danaus plexippus</i> (Monarch butterfly)	Candidate	The monarch butterfly requires grassland habitats where milkweed and flowers are present. North American populations of the monarch butterfly typically follow a seasonal migration pattern.	No critical habitat has been designated for this species. It is unlikely that suitable habitat will occur within the study area. Because the area is primarily active farmland and therefore disturbed, no adverse impacts anticipated. To avoid potential impacts, reseeding with native seed mixes is recommended, although not required.
<i>Platanthera leucophaea</i>	Threatened	The eastern prairie fringed orchid occurs in a wide variety of habitats, from wet	No critical habitat has been designated for this species. Minimal preferred

Species	Status	Preferred Habitat	Findings
(Eastern Prairie Fringed Orchid)		to mesic prairie, to wetland communities, including sedge meadow, fen, marsh and marsh edge. It can occupy a very wide moisture gradient of prairie and wetland vegetation. In general, the habitat is moist or moderately moist.	habitat may appear within the study area. Wetlands may be within study area which are listed as habitat for the eastern prairie fringed orchid. The area is primarily active farmland. No adverse impacts are anticipated.

Migratory Birds

According to the IPaC resource list, 15 migratory species on the Birds of Conservation Concern (BCC) list have been identified within the study area. The BCC list was updated in 2023 by the USFWS and is an effort to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act.”

The Migratory Bird Treaty Act (MBTA) makes it illegal for anyone to “take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations by the USFWS”. Typically, if active nests of bird species protected by the MBTA are identified, the USFWS recommends avoiding tree clearing or nest removal until at least the peak of the nesting season (generally March through August) has passed or until the nest is abandoned.

The U.S. Department of the Interior, Office of the Solicitor, published a memorandum (M-37050) dated December 22, 2017 regarding the MBTA and how “incidental take” is viewed by the Department. The memorandum analyzes whether the MBTA prohibits the accidental or “incidental” taking or killing of migratory birds. “Incidental take” is take that results from an activity, but is not the purpose of that activity. In this memorandum, the Department of the Interior concluded that “the MBTA’s prohibition on pursuing, hunting, taking, capturing, killing, or attempting to do the same applies only to direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control.” Therefore, according to the Department of the Interior, the MBTA does not prohibit “incidental take.” Courts have different opinions and decisions with respect to including or excluding “incidental take” when considering the prohibitions under the MBTA. In 2015, the Fifth Circuit in *United States v. Citgo Petroleum Corp.* issued an opinion that agreed with the Eighth and Ninth circuits that a taking is limited to deliberate acts done directly and intentionally to migratory birds. Therefore, the Fifth Circuit decided that the MBTA only prohibits intentional take and does not prohibit incidental take. This decision by the Fifth Circuit set precedent within the Fifth Circuit’s jurisdiction.

On January 7, 2021, the USFWS published a final rule (“MBTA rule”) defining the scope of the MBTA which excluded incidental take of migratory birds from being unlawful. This interpretation of the MBTA was effective as of March 8, 2021. On May 7, 2021, the USFWS proposed to revoke the January 7, 2021 final regulation and opened a public comment period which closed on June 7, 2021. On September 29, 2021, the U.S. Department of Interior announced a series of actions to unwind the most recent rulemaking in an effort “to ensure that the MBTA conserves birds today and into the future.” On October 4, 2021, the USFWS published a final rule revoking the most recent rule enacted by the Trump Administration that limited the scope of the MBTA. According to the Federal Register, the final MBTA revocation rule went into effect on December 3, 2021.

In addition, on October 4, 2021, the USFWS published an Advanced Notice of Proposed Rulemaking announcing the intent to solicit public comments and information to help develop proposed regulations that would establish a permitting system to authorize the incidental take of migratory birds in certain circumstances. The USFWS issued a Director's Order establishing criteria for the types of conduct that will be a priority for enforcement activities with respect to incidental take of migratory birds.

It should be noted that the regulatory climate with respect to the MBTA is changing; however, it is our understanding that as of December 3, 2021 incidental take of migratory birds would be liable under the MBTA. As of December 1, 2023, the USFWS withdrew its proposed rule revising the MBTA regulations and additional review is ongoing as of the date of this report. This should be considered until a rulemaking process is complete. Kimley-Horn recommends evaluating the MBTA regulation prior to ground disturbance activities commencing.

Kimley-Horn downloaded the Trust Resources Report Migratory Bird List from the IPaC online planning tool. The IPaC results are included in Attachment B. Kimley-Horn conducted a preliminary desktop review of the potential for migratory bird habitat (focusing primarily on trees and shrubs) to occur on the proposed study area or be affected by the proposed study area for the purposes of due diligence in complying with the MBTA. The desktop review revealed the potential migratory bird habitat is unlikely to appear within the study area. It is our understanding that as of December 1, 2023, incidental take would be enforceable under the MBTA.

IDNR State Listed Threatened, Endangered, and Species of Special Concern

The IDNR identified no 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 study area; therefore, the IDNR determined that adverse effects are unlikely. The IDNR Consultation Letter is included in Attachment B.

Historic Resources Database Review

Kimley-Horn reviewed the Illinois Inventory of Archaeological Sites (IIAS) database for known historic resources within the project vicinity. According to the IIAS database, the entire study area has been previously surveyed (see Attachment C). One survey was conducted in 2006 and covers the entire study area. Five cultural resources were recorded in the study area during the 2006 survey. Two additional archeological surveys and sites were identified within a half mile of the study area. All sites within the study area and in the 0.5-mile vicinity of the study area were determined ineligible for the National Register of Historic Places (NRHP). According to the Historic and Architectural Resources Geographic Information System (HARGIS), there are no previously identified historic buildings within the study area boundary or within 0.5 miles of the study area (see Attachment C). Therefore, there are no known resources listed in or eligible for inclusion in the National Register of Historic Places within 0.5 miles of the study area. The results of the IIAS review are sensitive in nature and should not be shared publicly. Correspondence with the Illinois State Historic Preservation Office (SHPO) occurred and a clearance letter was issued for the project (see Attachment C)..

CONCLUSIONS AND RECOMMENDATIONS:

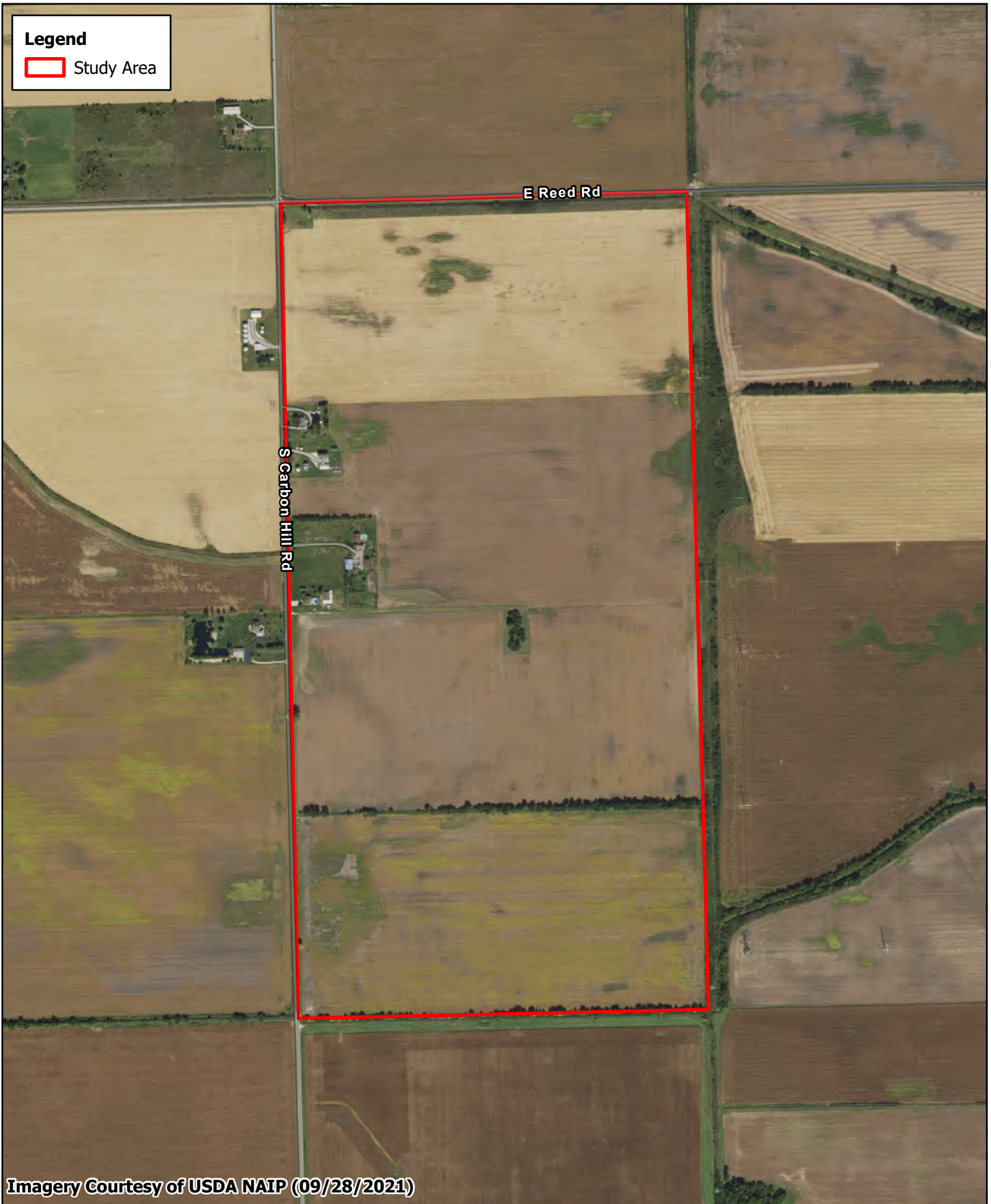
Based on the information reviewed, Kimley-Horn has identified potential environmental constraints that could require additional planning.

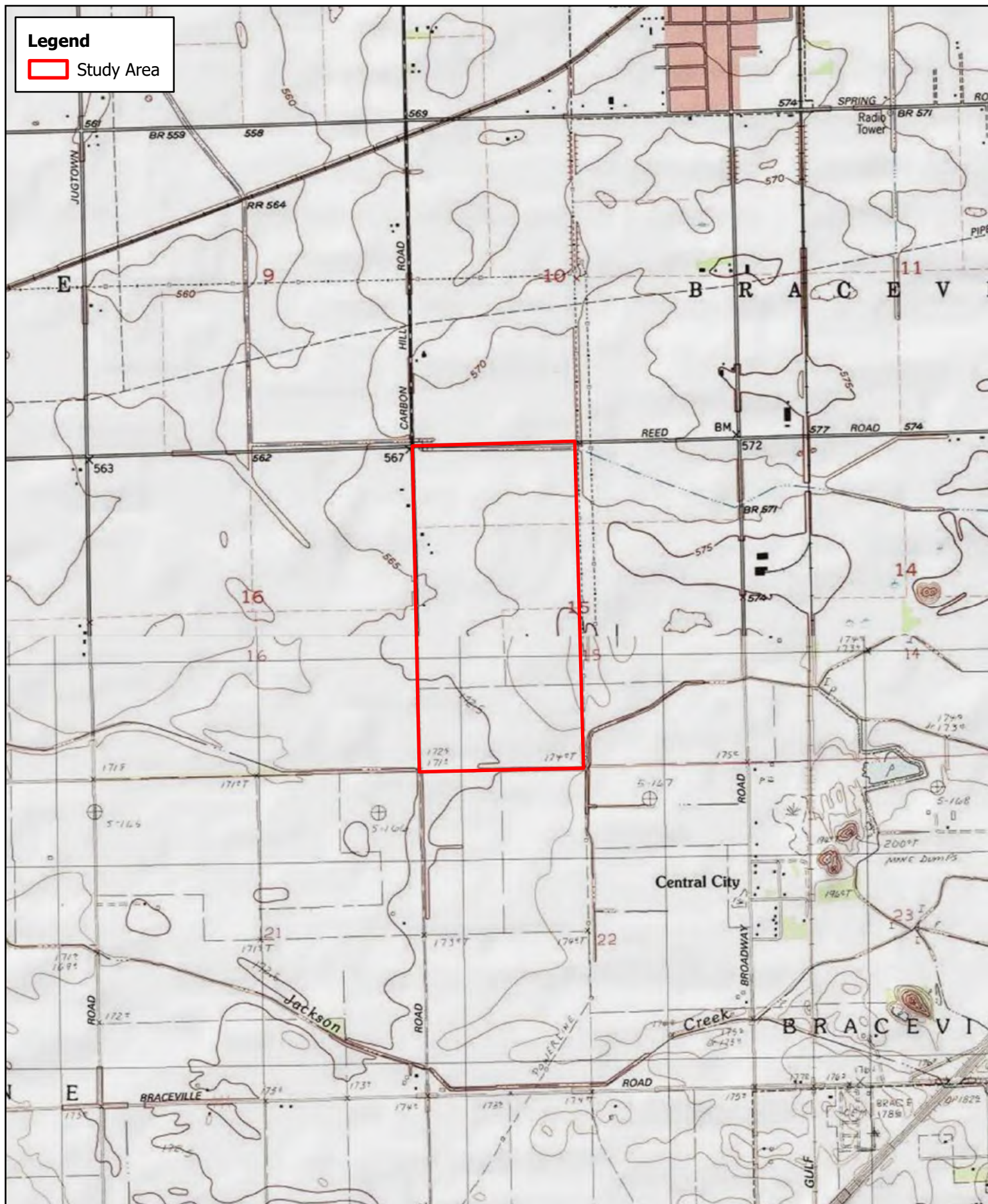
Based on the aquatic resource assessment, Kimley-Horn identified potential wetlands and waterways within the study area. A Level 2 (Field) wetland delineation was completed, and several wetlands and streams were identified. Additional information will be included in a separate report.

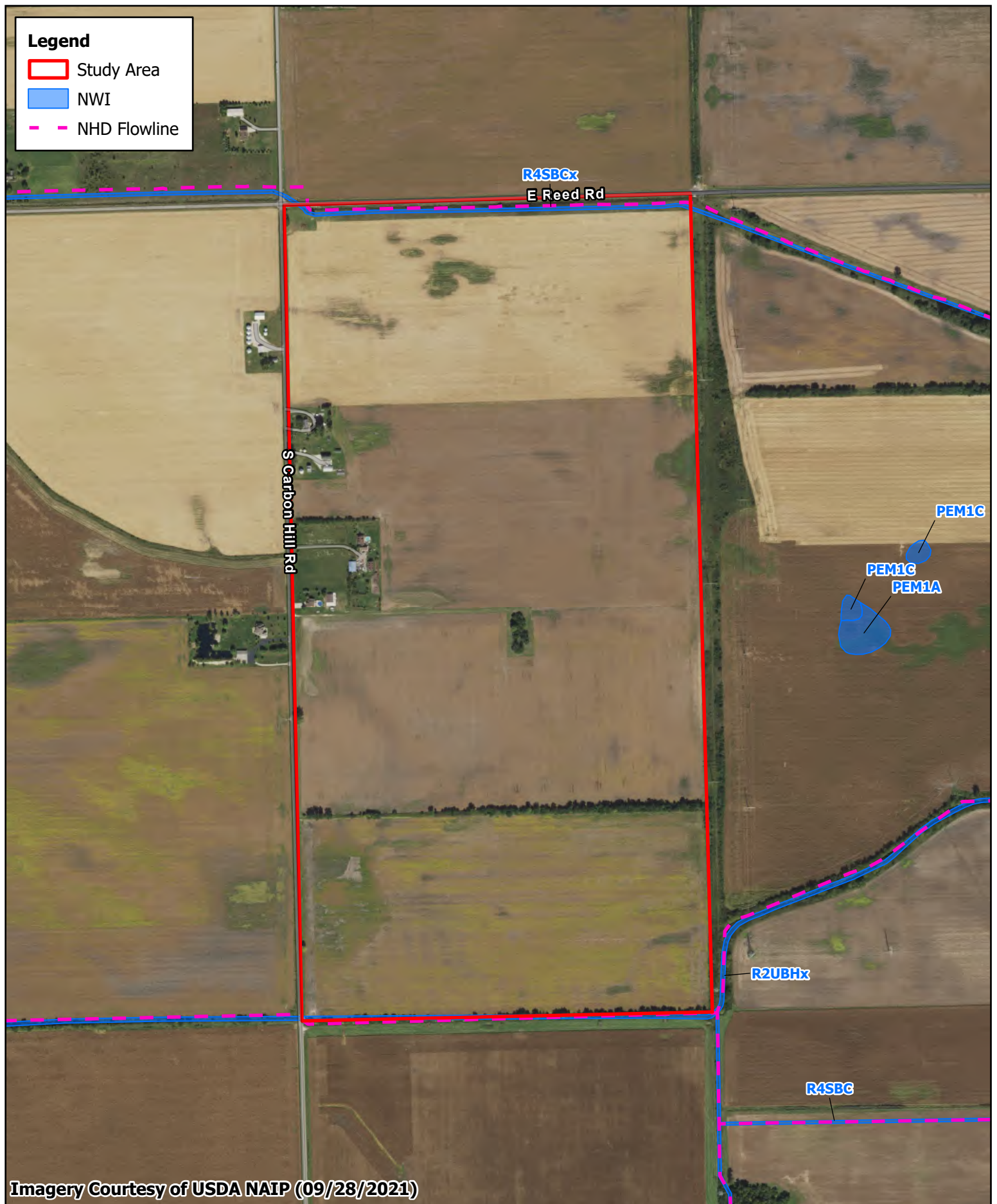
Minimal suitable habitat for listed federal species may be present within the study area. If tree clearing or structure demolition is anticipated, it is recommended to be completed between October 1 and March 31, which is outside of the active bat season. The IDNR determined that adverse effects to state listed species or protected resources are unlikely.

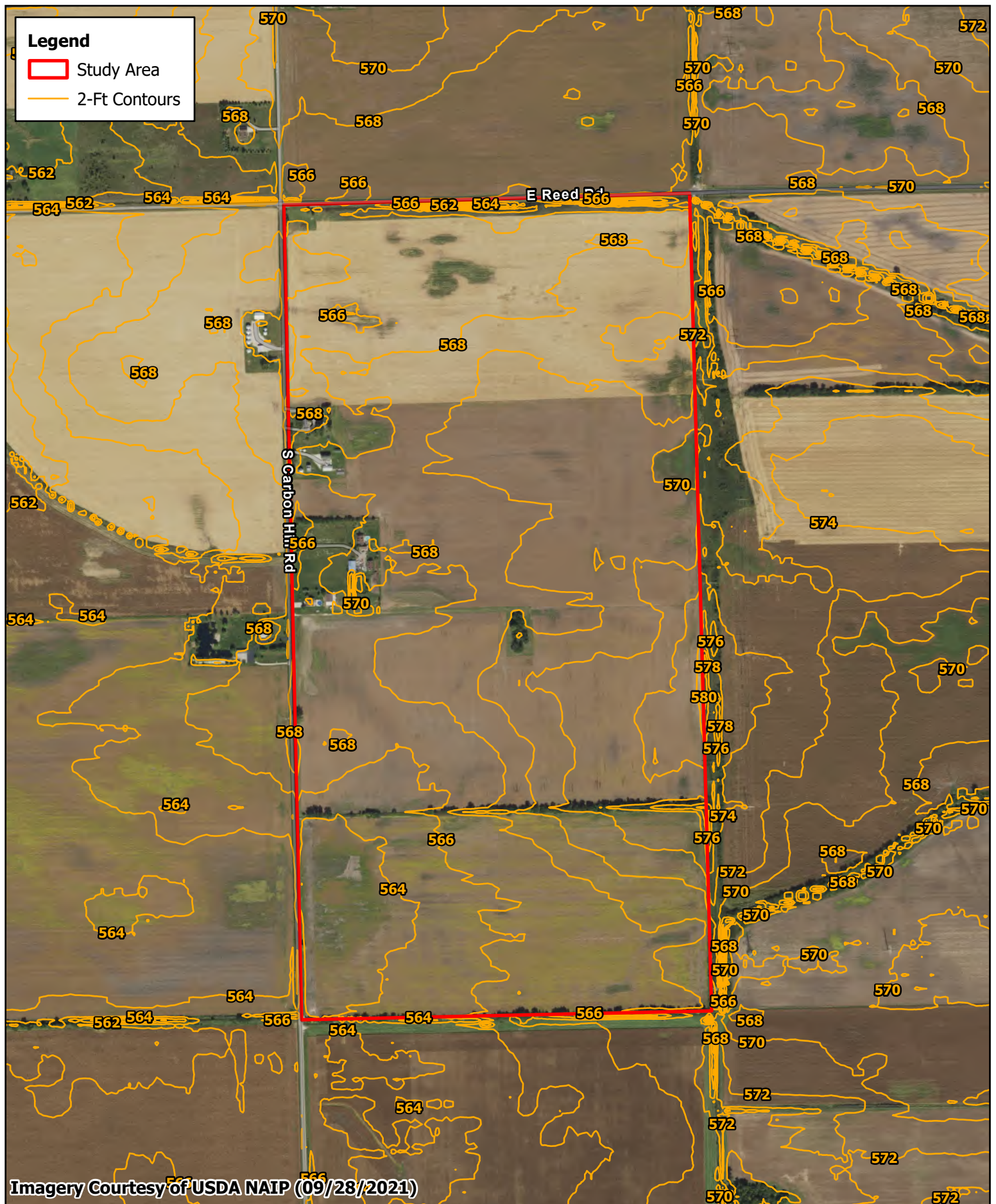
No impacts to known IAS-listed resources are anticipated. Correspondence with the Illinois State Historic Preservation Office (SHPO) occurred and a clearance letter was issued for the project (see Attachment C).

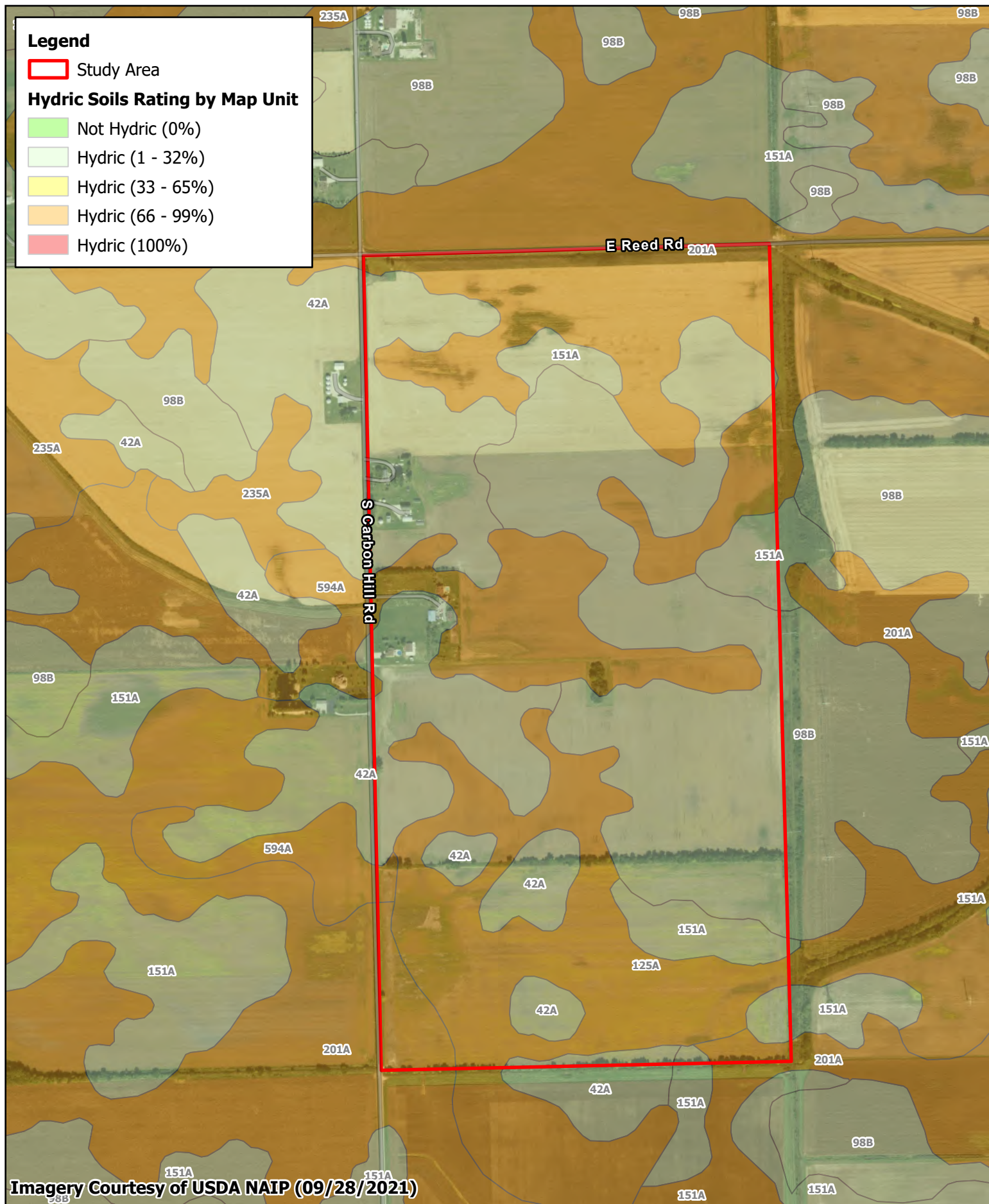
Figures

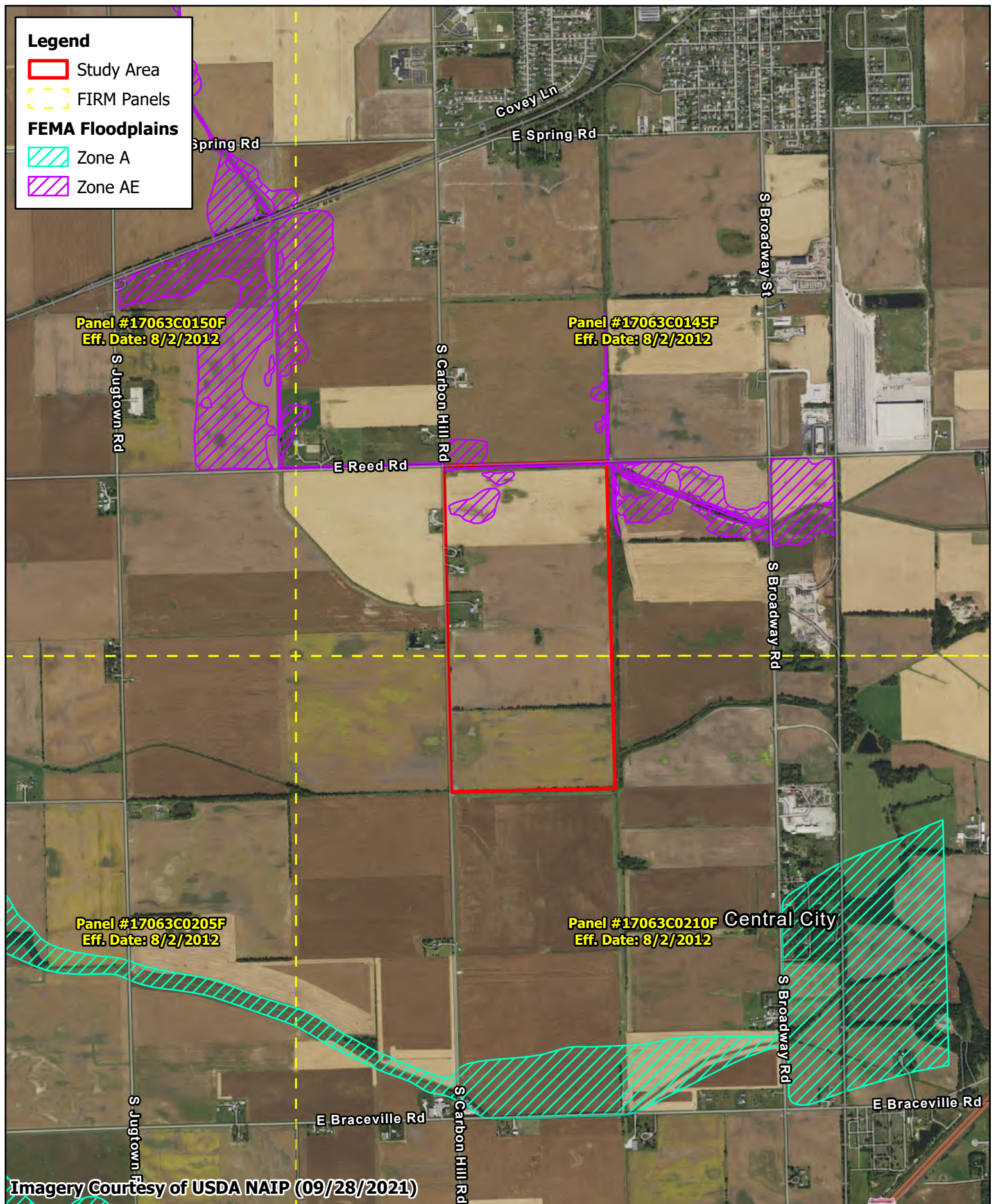












ATTACHMENT A

Historic Aerials

Legend

 Study Area



Imagery Courtesy of Google Earth



Legend

 Study Area

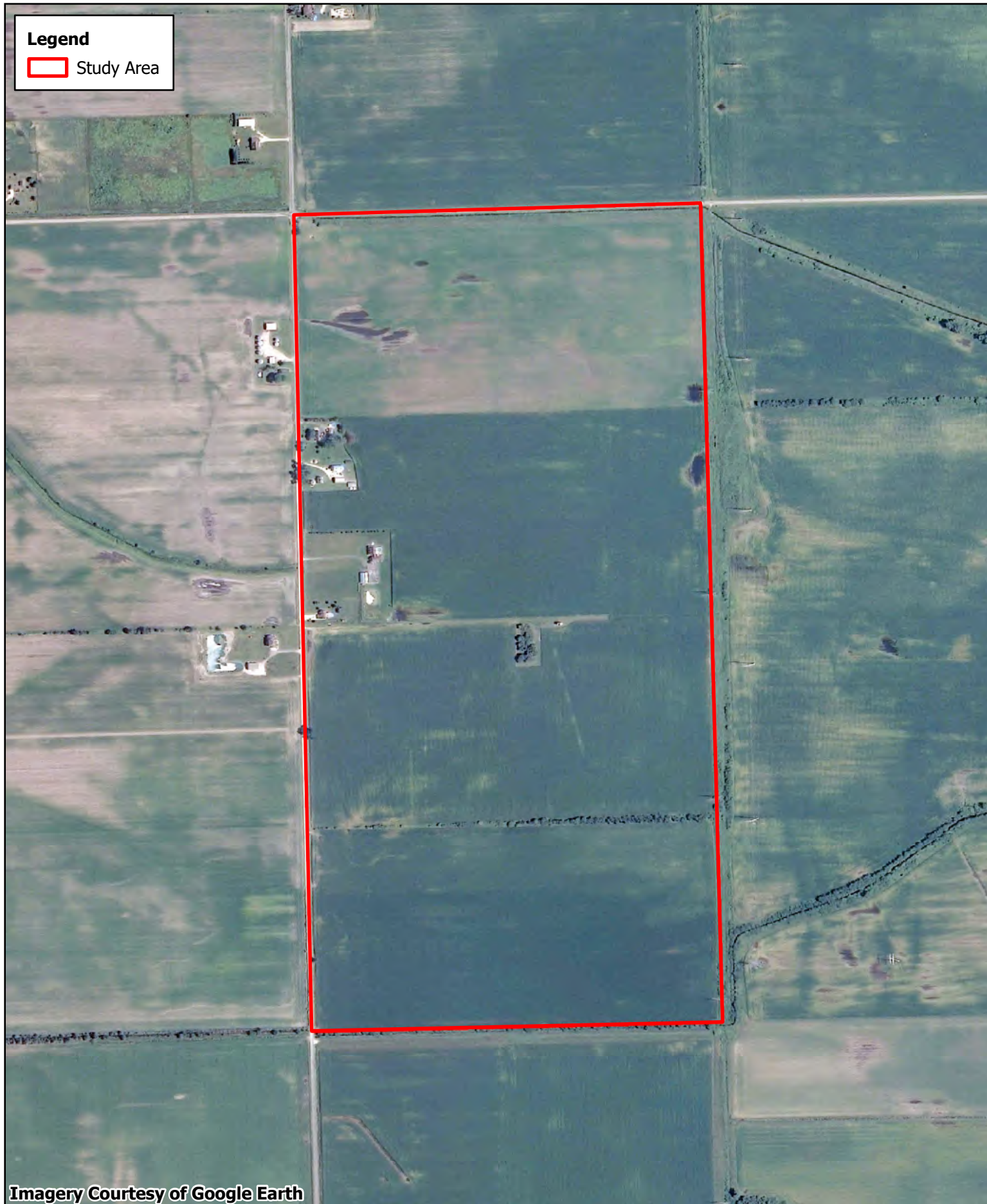


Imagery Courtesy of Google Earth



Legend

 Study Area



Imagery Courtesy of Google Earth





Legend

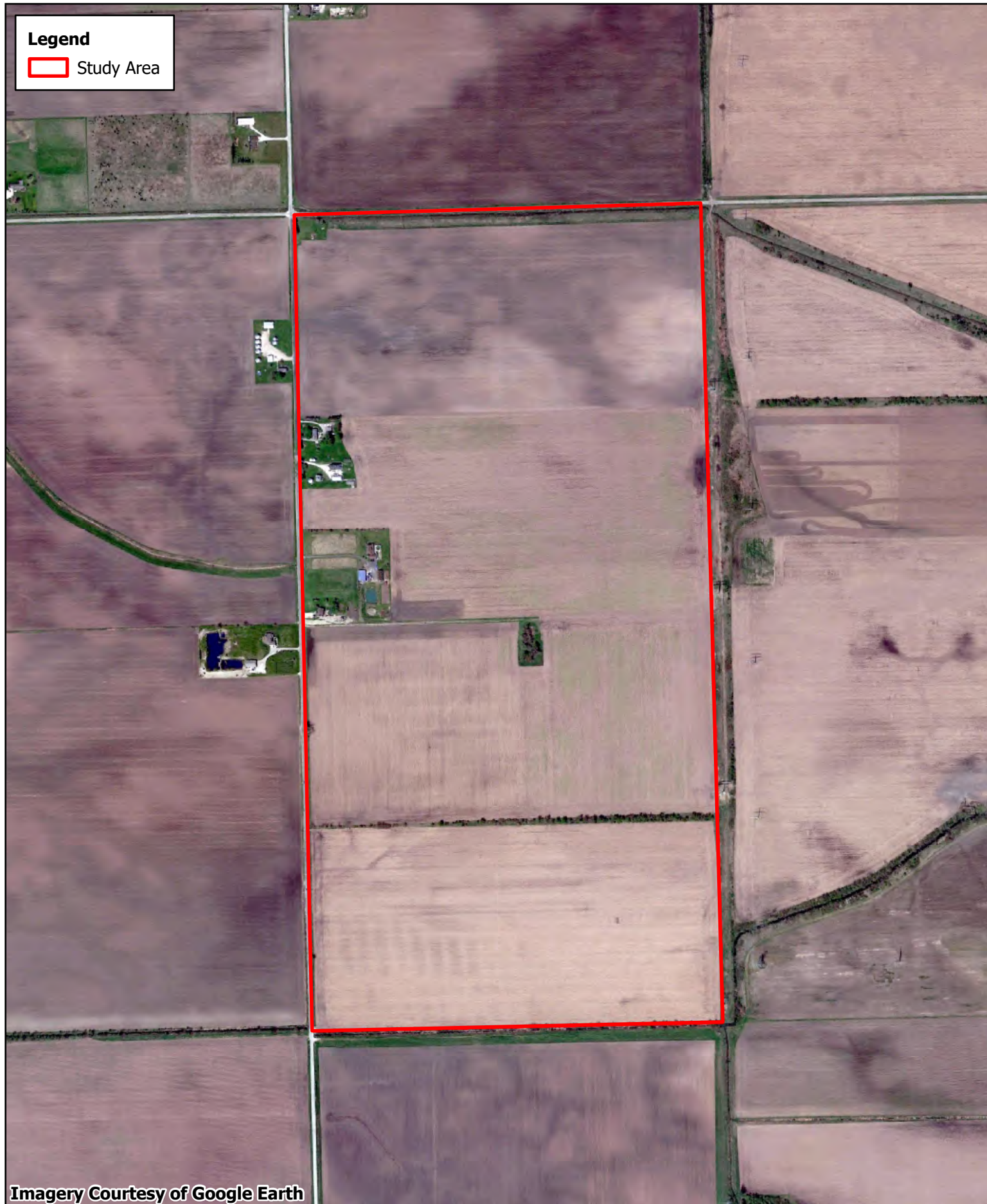
 Study Area

Imagery Courtesy of Google Earth



Legend

 Study Area

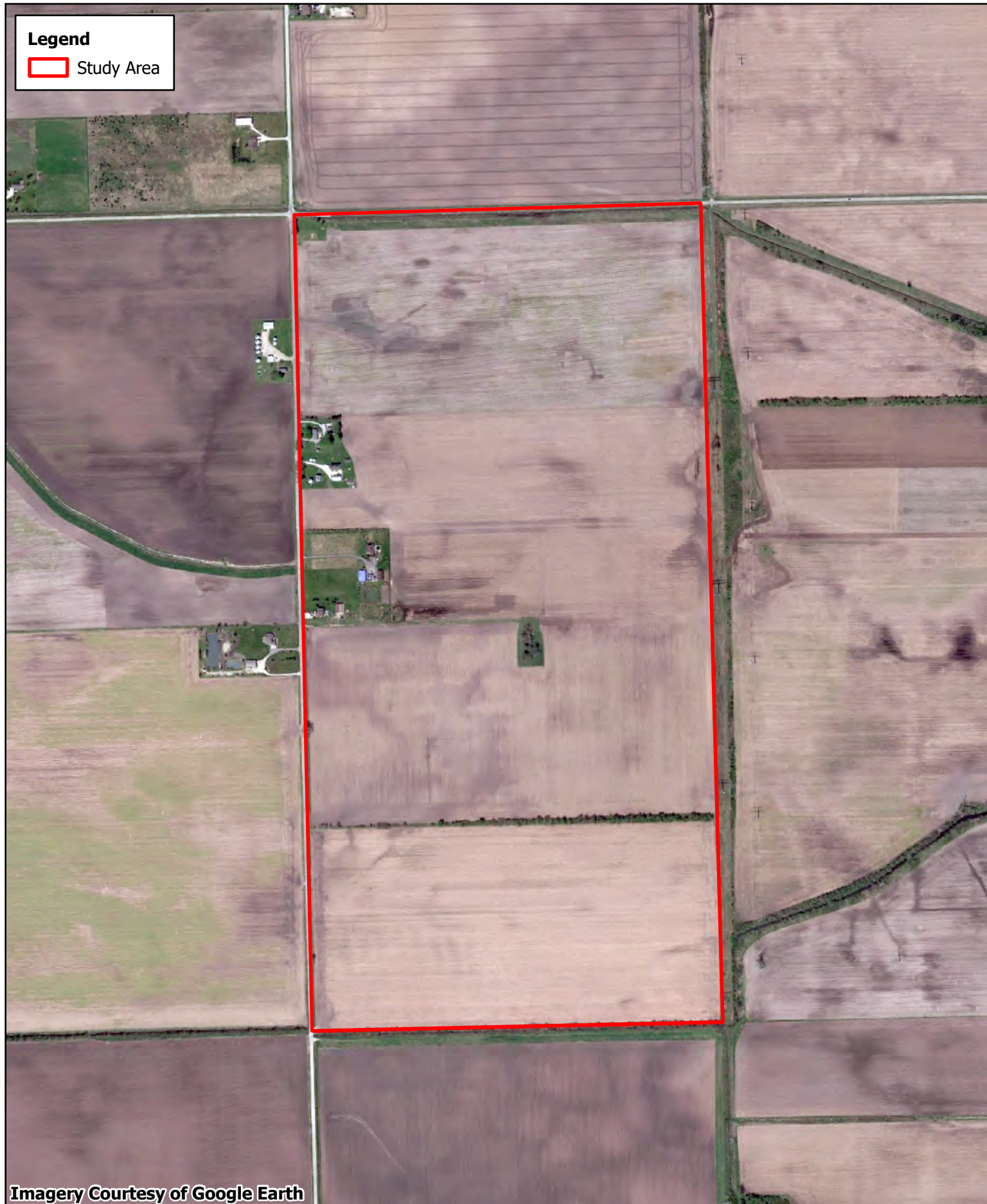


Imagery Courtesy of Google Earth



Legend

 Study Area



Imagery Courtesy of Google Earth



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 Study Area



Imagery Courtesy of Google Earth



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 Study Area



Imagery Courtesy of Google Earth



ATTACHMENT B

Species Resources



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Illinois-Iowa Ecological Services Field Office
Illinois & Iowa Ecological Services Field Office
1511 47th Ave
Moline, IL 61265-7022
Phone: (309) 757-5800 Fax: (309) 757-5807

In Reply Refer To:
Project Code: 2025-0022732
Project Name: Aligned Coal City

11/21/2024 16:22:04 UTC

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 attached species list identifies federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat, if present, within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) **the accuracy of this species list should be verified after 90 days**. This verification can be completed formally or informally. You may verify the list by visiting the ECOSPHERE Information for Planning and Consultation (IPaC) website <https://ipac.ecosphere.fws.gov> at regular intervals during project planning and implementation and completing the same process you used to receive the attached list.

Section 7 Consultation

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the U.S. Fish and Wildlife Service (Service) if they determine their project "may affect" listed species or designated critical habitat. Under the ESA, it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action may affect endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service to make "no effect" determinations. If you determine that your proposed action will have no effect on threatened or endangered species or their respective designated critical habitat, you do not need to seek concurrence with the Service.

Note: For some species or projects, IPaC will present you with *Determination Keys*. You may be able to use one or

more Determination Keys to conclude consultation on your action.

Technical Assistance for Listed Species

1. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain information on the species life history, species status, current range, and other documents by selecting the species from the thumbnails or list view and visiting the species profile page.

No Effect Determinations for Listed Species

1. If there are *no* species or designated critical habitats on the Endangered Species portion of the species list: conclude "no species and no critical habitat present" and document your finding in your project records. No consultation under ESA section 7(a)(2) is required if the action would result in no effects to listed species or critical habitat. Maintain a copy of this letter and IPaC official species list for your records.
2. If any species or designated critical habitat are listed as potentially present in the **action area** of the proposed project the project proponents are responsible for determining if the proposed action will have "no effect" on any federally listed species or critical habitat. No effect, with respect to species, means that no individuals of a species will be exposed to any consequence of a federal action or that they will not respond to such exposure.
3. If the species habitat is not present within the action area or current data (surveys) for the species in the action area are negative: conclude "no species habitat or species present" and document your finding in your project records. For example, if the project area is located entirely within a "developed area" (an area that is already graveled/paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping, is located within an existing maintained facility yard, or is in cultivated cropland conclude no species habitat present. Be careful when assessing actions that affect: 1) rights-of-ways that contains natural or semi-natural vegetation despite periodic mowing or other management; structures that have been known to support listed species (example: bridges), and 2) surface water or groundwater. Several species inhabit rights-of-ways, and you should carefully consider effects to surface water or groundwater, which often extend outside of a project's immediate footprint.
4. Adequacy of Information & Surveys - Agencies may base their determinations on the best evidence that is available or can be developed during consultation. Agencies must give the benefit of any doubt to the species when there are any inadequacies in the information. Inadequacies may include uncertainty in any step of the analysis. To provide adequate information on which to base a determination, it may be appropriate to conduct surveys to determine whether listed species or their habitats are present in the action area. Please contact our office for more information or see the survey guidelines that the Service has made available in IPaC.

May Effect Determinations for Listed Species

1. If the species habitat is present within the action area and survey data is unavailable or inconclusive: assume the species is present or plan and implement surveys and interpret results in coordination with our office. If assuming species present or surveys for the species are positive continue with the may affect determination process. May affect, with respect to a species, is the appropriate conclusion when a species might be exposed to a consequence of a federal action and could respond to that exposure. For critical habitat, 'may affect' is the appropriate conclusion if the action area overlaps with mapped areas of critical habitat and an essential physical or biological feature may be exposed to a consequence of a federal action and could change in response to that exposure.
2. Identify stressors or effects to the species and to the essential physical and biological features of critical habitat that overlaps with the action area. Consider all consequences of the action and assess the potential for each life stage of the species that occurs in the action area to be exposed to the stressors. Deconstruct the action into its component parts to be sure that you do not miss any part of the action that could cause effects to the species or physical and biological features of critical habitat. Stressors that affect species' resources may have consequences even if the species is not present when the project is implemented.
3. If no listed or proposed species will be exposed to stressors caused by the action, a 'no effect' determination may be appropriate – be sure to separately assess effects to critical habitat, if any overlaps with the action

area. If you determined that the proposed action or other activities that are caused by the proposed action may affect a species or critical habitat, the next step is to describe the manner in which they will respond or be altered. Specifically, to assess whether the species/critical habitat is "not likely to be adversely affected" or "likely to be adversely affected."

4. Determine how the habitat or the resource will respond to the proposed action (for example, changes in habitat quality, quantity, availability, or distribution), and assess how the species is expected to respond to the effects to its habitat or other resources. Critical habitat analyses focus on how the proposed action will affect the physical and biological features of the critical habitat in the action area. If there will be only beneficial effects or the effects of the action are expected to be insignificant or discountable, conclude "may affect, not likely to adversely affect" and submit your finding and supporting rationale to our office and request concurrence.
5. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, check IPaC for species-specific Section 7 guidance and conservation measures to determine whether there are any measures that may be implemented to avoid or minimize the negative effects. If you modify your proposed action to include conservation measures, assess how inclusion of those measures will likely change the effects of the action. If you cannot conclude that the effects of the action will be wholly beneficial, insignificant, or discountable, contact our office for assistance.
6. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

For additional information on completing Section 7 Consultation including a Glossary of Terms used in the Section 7 Process, information requirements for completing Section 7, and example letters visit the Midwest Region Section 7 Consultations website at: <https://www.fws.gov/office/midwest-region-headquarters/midwest-section-7-technical-assistance>.

You may find more specific information on completing Section 7 on communication towers and transmission lines on the following websites:

- Incidental Take Beneficial Practices: Power Lines - <https://www.fws.gov/story/incidental-take-beneficial-practices-power-lines>
- Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning. - <https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation>

Tricolored Bat Update

On September 14, 2022, the Service published a proposal in the Federal Register to list the tricolored bat (*Perimyotis subflavus*) as endangered under the Endangered Species Act (ESA). The Service has up to 12-months from the date the proposal published to make a final determination, either to list the tricolored bat under the Act or to withdraw the proposal. The Service determined the bat faces extinction primarily due to the rangewide impacts of white-nose syndrome (WNS), a deadly fungal disease affecting cave-dwelling bats across North America. Because tricolored bat populations have been greatly reduced due to WNS, surviving bat populations are now more vulnerable to other stressors such as human disturbance and habitat loss. Species proposed for listing are not afforded protection under the ESA; however, as soon as a listing becomes effective (typically 30 days after publication of the final rule in the Federal Register), the prohibitions against jeopardizing its continued existence and "take" will apply. Therefore, if your future or existing project has the potential to adversely affect tricolored bats after the potential new listing goes into effect, we recommend that the effects of the project on tricolored bat and their habitat be analyzed to determine whether authorization under ESA section 7 or 10 is necessary. Projects with an existing section 7 biological opinion may require

reinitiation of consultation, and projects with an existing section 10 incidental take permit may require an amendment to provide uninterrupted authorization for covered activities. Contact our office for assistance.

Other Trust Resources and Activities

Bald and Golden Eagles

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act, as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, please contact our office for further coordination. For more information on permits and other eagle information visit our website <https://www.fws.gov/library/collections/bald-and-golden-eagle-management>. We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

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

This species list is provided by:

Illinois-Iowa Ecological Services Field Office

Illinois & Iowa Ecological Services Field Office

1511 47th Ave

Moline, IL 61265-7022

(309) 757-5800

PROJECT SUMMARY

Project Code: 2025-0022732

Project Name: Aligned Coal City

Project Type: Commercial Development

Project Description: Proposed construction of a data center in Grundy County, Illinois.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.25131615,-88.29873023451152,14z>



Counties: Grundy 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
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed 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> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

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.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

-
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
 2. The [Migratory Birds Treaty Act](#) of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the "[Supplemental Information on Migratory Birds and Eagles](#)".

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10561	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25

NAME	BREEDING SEASON
Eastern Whip-poor-will <i>Antrastomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Grasshopper Sparrow <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8329	Breeds Jun 1 to Aug 20
Henslow's Sparrow <i>Centronyx henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Pectoral Sandpiper <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/10633	Breeds elsewhere
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere

NAME	BREEDING SEASON
Semipalmated Sandpiper <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9603	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

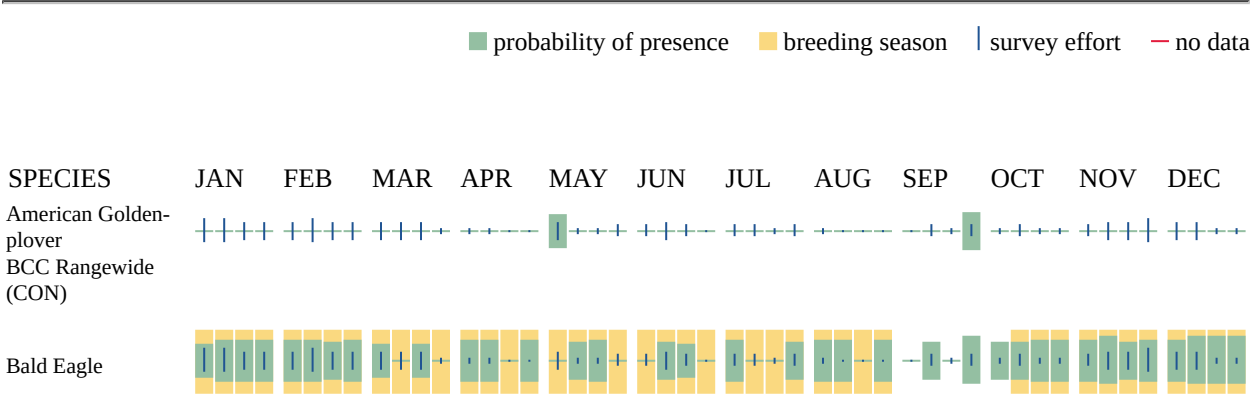
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

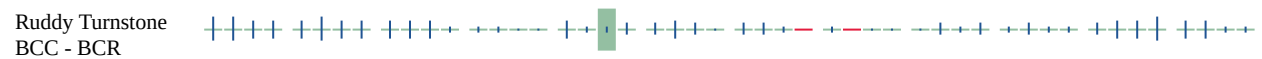
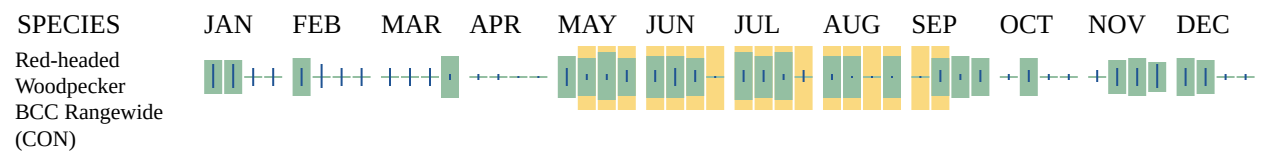
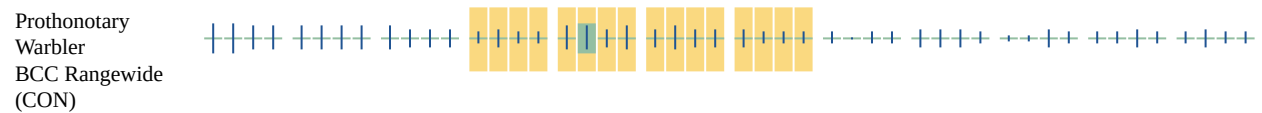
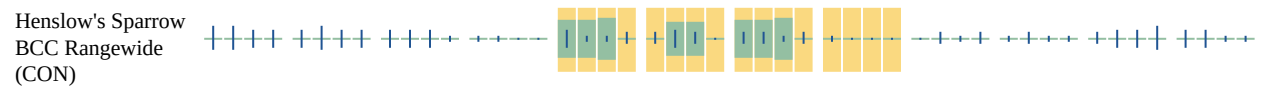
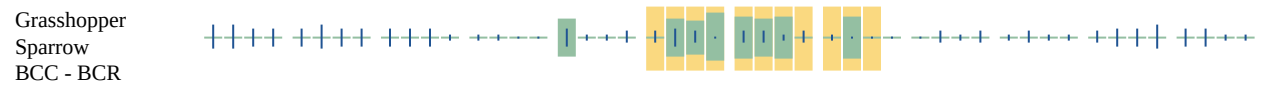
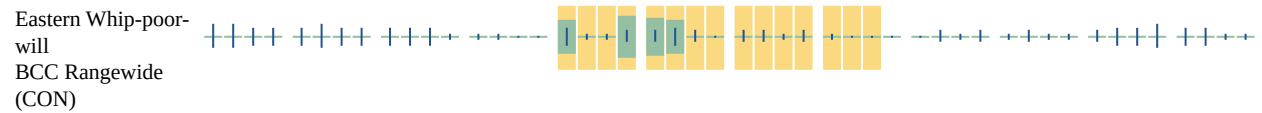
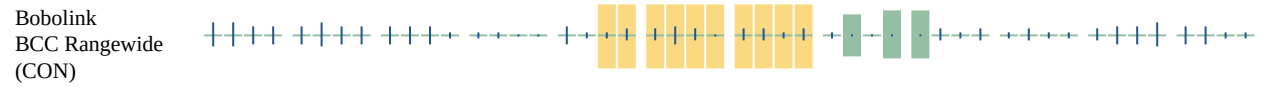
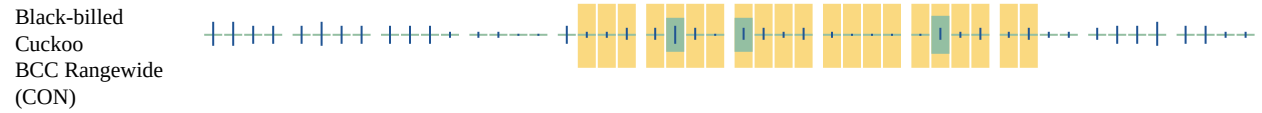
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

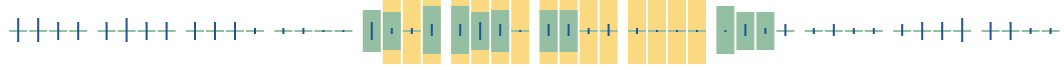
A week is marked as having no data if there were no survey events for that week.



Non-BCC
Vulnerable



Wood Thrush
BCC Rangewide
(CON)



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R4SBCx
- R2UBHx

IPAC USER CONTACT INFORMATION

Agency: Kimley-Horn and Associates
Name: Adynn Stedillie
Address: 14800 Galaxie Ave
Address Line 2: Suite 200
City: Apple Valley
State: MN
Zip: 55124
Email: adynn.stedillie@kimley-horn.com
Phone: 9522100075

Applicant: Aligned DataCenters
Contact: Keller Leet-Otley
Address: 2800 Summit Avenue
Plano, TX 75074

IDNR Project Number: 2506415
Date: 11/21/2024

Project: Aligned Coal City
Address: 2500 S Carbon Hill Rd, Braceville

Description: Proposed construction of a data center in Grundy County, IL.

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: Grundy

Township, Range, Section:

32N, 8E, 15

32N, 8E, 22



IL Department of Natural Resources

Contact

Adam Rawe
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction

IL Environmental Protection Agency
Terri LeMasters
1020 North Grand Avenue East
Springfield, Illinois 62794 -9726

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.

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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.

ATTACHMENT C

Historic Resources



Illinois
Department of
**Natural
Resources**

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

Grundy County

Coal City

Demolition and New Construction, Coal City Data Center

SE Corner Reed Road and Carbon Hill road, Section:15-Township:32N-Range:8E

IEPA, KHA-160484006, SHPO Log #017121124

December 18, 2024

Ashley Payne

Kimley-Horn and Associates, Inc.

570 Lake Cook Road, Suite 200

Deerfield, IL 60015

This letter is to inform you that we have reviewed the information provided concerning the referenced project.

Our review of the records indicates that no historic, architectural or archaeological sites exist within the project area.

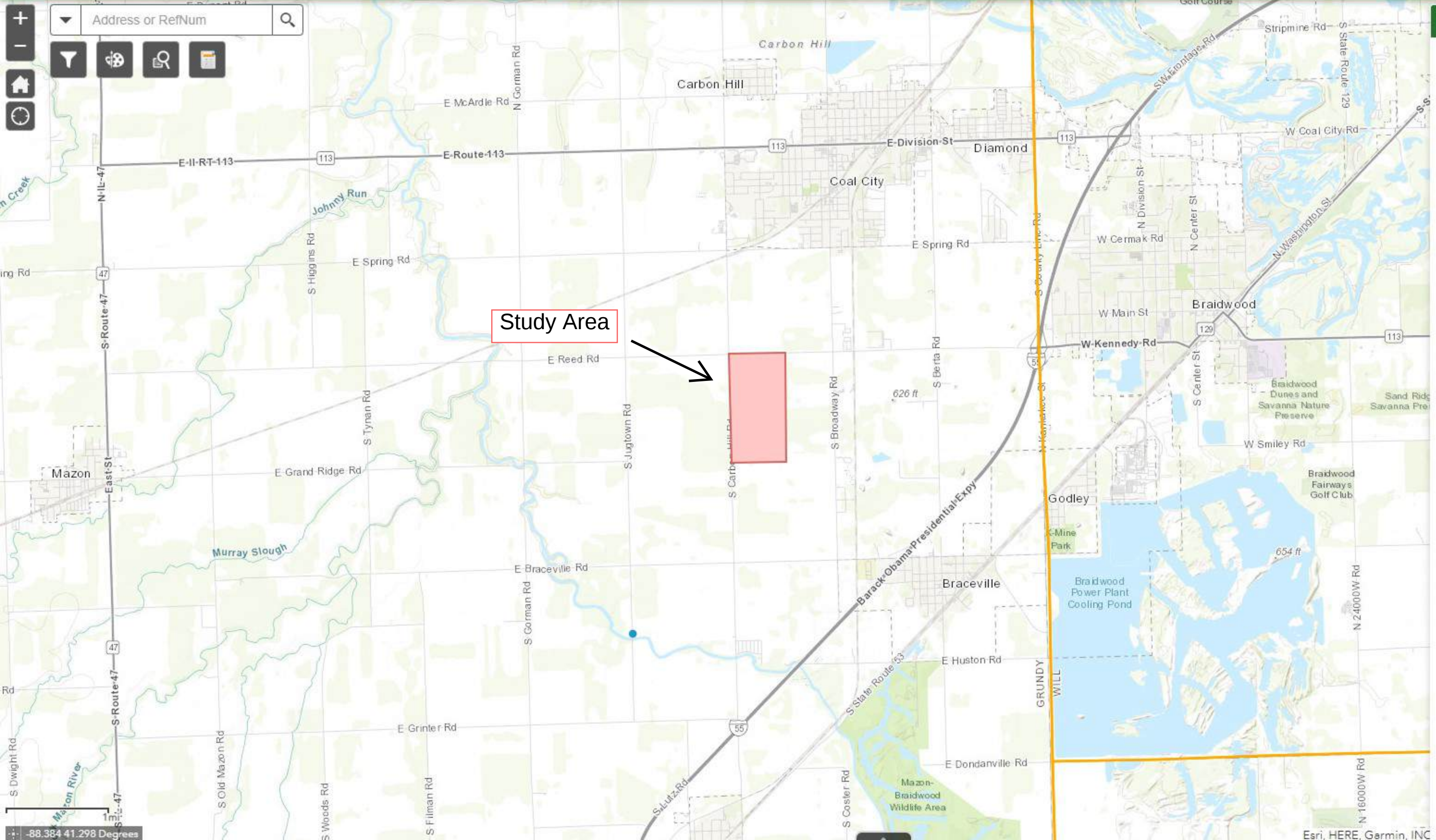
Please retain this letter in your files as evidence of compliance with Section 4 of the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/1 et. seq.). This clearance remains in effect for two years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Remains Protection Act (20 ILCS 3440).

If you have any further questions, please contact Steve Dasovich, Cultural Resources Manager, at 217/782-7441 or at Steve.Dasovich@illinois.gov.

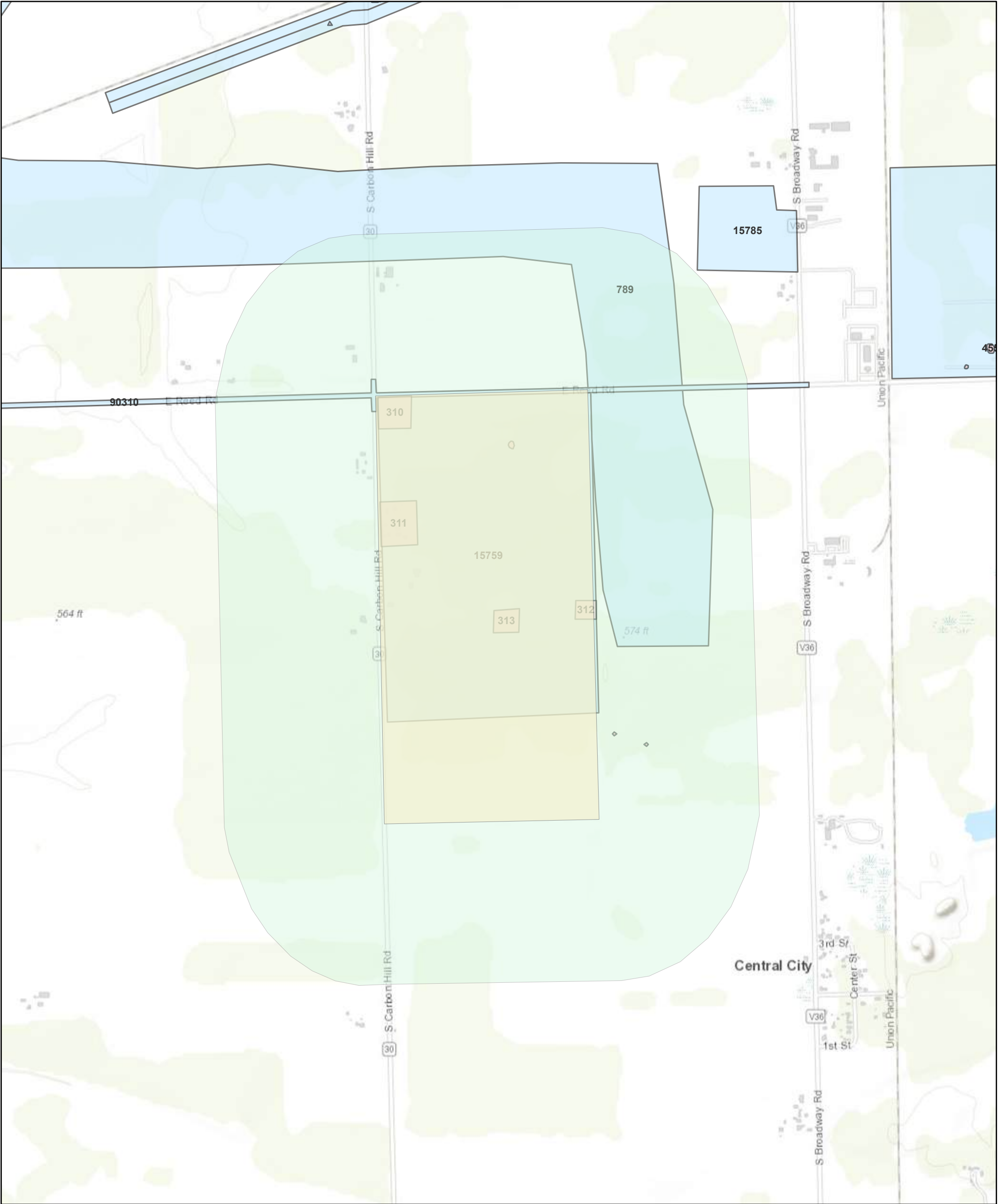
Sincerely,

Carey L. Mayer, AIA

Deputy State Historic Preservation Officer



Aligned Coal City Study Area



11/25/2024, 11:04:59 AM

- Project APE
- Project Buffer
- IAS Sites
- Surveys

