United States Department of the Interior

FISH AND WILDLIFE SERVICE
Rock Island Field Office
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Rock Island, Illinois 61201
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IN REPLY REFER TO:

FWS/RIFO

September 15, 2003

United States Nuclear Regulatory Commission
Attn: Mr. Louis Wheeler, Senior Project Manager
License Renewal and Environmental Impacts
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation
Washington, D.C. 20555-0001

Dear Mr. Wheeler:

This is in response to your letter of August 12, 2003, requesting our comments regarding the expanded scope of the environmental review associated with the proposed license renewal for Quad Cities Nuclear Power Station (QCNPS), Units 1 and 2 in Rock Island, Whiteside, Scott, Clinton, and Lee Counties in Iowa and Illinois. The expanded scope consists of expanding transmission lines into other counties.

The following federally listed species are known to occur in the counties of Rock Island, Whiteside, Scott, Clinton and Lee.

Classification	Common Name (Scientific Name)	Habitat
Rock Island County		
Threatened	Bald eagle *Haliaeetus leucocephalus*	wintering
Endangered	Higgins' eye pearly mu ssel *Lampsilis higginsi*	sand/gravel substrates swift flowing current
Whiteside County		
Threatened	Bald eagle *Haliaeetus leucocephalus*	wintering
Scott County		
Threatened	Bald eagle *Haliaeetus leucocephalus*	wintering

Endangered	Higgins' eye pearly mu ssel *Lampsilis higginsi*	sand/gravel substrates swift flowing current
Clinton County		
Threatened	Bald eagle *Haliaeetus leucocephalus*	wintering/breeding
Endangered	Higgins' eye pearly mu ssel *Lampsilis higginsi*	sand/gravel substrates swift flowing current
Endangered	Iowa Pleistocene snail *Discus macclintocki*	algific talus slopes
Lee County		
Threatened	Prairie bush-clover *Lespedeza leptostachya*	dry to mesic prairies
Statewide		
Threatened	Prairie bush-clover *Lespedeza leptostachya*	dry to mesic prairies
Threatened	Eastern prairie fringed orchid *Discus macclintocki*	wet grassland habitats
South of Interstate 80 in Iowa and Statewide in Illinois		
Endangered	Indiana bat *Myotis sodalis*	caves, mines; small stream corridors with well-developed riparian woods; upland and bottomland forests

The threatened **bald eagle** is listed as breeding Clinton County, Iowa, and wintering in Rock Island and Whiteside Counties in Illinois and Scott and Clinton Counties in Iowa. Bald eagles build their nests in large trees near rivers or lakes. A typical nest is around 5 feet in diameter. Eagles often use the same nest year after year.

During the winter, this species feeds on fish in the open water areas created by dam tailwaters, the warm water effluents of power plants and municipal and industrial discharges, or in power plant cooling ponds. The more severe the winter, the greater the ice coverage and the more concentrated the eagles become. They roost at night in groups in large trees adjacent to the river in areas that are protected from the harsh winter elements. They perch in large shoreline trees to rest or feed on fish. There is no critical habitat designated for this species. The eagle may not be harassed, harmed, or disturbed when present nor may nest trees be cleared. Please refer to the enclosed "Management Guidelines for Breeding Areas."

The endangered **Higgins' eye pearly mussel** is known to occur in the Mississippi River north of Lock and Dam 20, which includes Rock Island, Scott and Clinton Counties. We have entered into Section 7 consultation with QCNPS in the past with regard to this species.

We recommend that you refer to the following document, "2001 Monitoring Report – Unionid Relocation from the Cordova Energy Effluent Site at Mississippi River Mile 504," (Ecological Specialists, Inc., 2002). Freshwater mussels being affected by the effluent plume of the power plant were relocated in 1999. The Fish and Wildlife Service issued a Biological Opinion stating that the project was "not likely to jeopardize the continued existence of *L. higginsi*" and allowed an incidental take of 33 *L. higginsi* over the life of the project (USFWS, 1999). Conditions of the Biological Opinion included relocating unionids from the discharge area and establishing a monitoring program for relocated unionids and unionids that might recolonize the discharge area.

One of the largest populations of *L. higginsi* in the world is known to occur in the Mississippi River near Cordova. The Biological Opinion and 2001 Monitoring Report should be reviewed and the conditions stated in these documents should be included in your environmental impact statement. If any other projects are located near a known Higgins' eye mussel bed, it may be necessary to conduct a survey to determine the presence of the species.

The endangered **Iowa Pleistocene snail** is known to occur on north-facing slopes of the driftless area in Clinton County, Iowa. It occupies algific (cold-producing) talus slopes at the outlet of underground ice caves along limestone bluffs within a narrow regime of soil moisture and temperature. There is no critical habitat designated. It must not be harmed, harassed or disturbed.

The **prairie bush clover** is known to occur in Lee County, Illinois and potentially occurs throughout Iowa and Illinois. Prairie bush clover occupies dry to mesic prairies with gravelly soil. Federal regulations prohibit any commercial activity involving this species or the destruction, malicious damage or removal of this species from Federal land or any other lands in knowing violation of State law or regulation, including State criminal trespass law. This species should be searched for whenever prairie remnants are encountered.

The **eastern prairie fringed orchid** occupies wet grassland habitats and potentially occurs throughout Illinois and the eastern half of Iowa. Federal regulations prohibit any commercial activity involving this species or the destruction, malicious damage or removal of this species from Federal land or any other lands in knowing violation of State law or regulation, including State criminal trespass law. This species should be searched for whenever wet prairie remnants are encountered.

The **Indiana bat** may occur in all counties in Iowa south of Interstate 80 and statewide in Illinois.

During the summer, the Indiana bat frequents the corridors of small streams with well-developed riparian woods as well as mature upland forests. It forages for insects along the stream corridor, within the canopy of floodplain and upland forests, over clearings with early successional vegetation (old fields), along the borders of croplands, along wooded fencerows, and over farm ponds and in pastures. It has been shown that the foraging range for the bats varies by season, age, and sex and ranges up to 81 acres (33ha). It roosts and rears its young in cavities and

beneath the loose bark some live species of trees and those of large dead or dying trees. It winters in caves and abandoned mines.

An Indiana bat maternity colony typically consists of a primary roost tree and several alternate roost trees. The use of a particular tree appears to be influenced by weather conditions (temperature and precipitation). For example, dead trees found in more open situations were used more often during cooler or drier days while interior live and dead trees were selected during periods of high temperature and/or precipitation. Indiana bats tend to return to the same roosting area year after year. Please refer to the attached "Indiana bat guidelines for Iowa and Illinois."

Migratory birds

In addition to trying to ensure that electrical transmission lines and structures do not adversely affect threatened and endangered species, the U. S. Fish and Wildlife Service is also interested in minimizing potential impacts to other wildlife resources, particularly migratory birds. The Migratory Bird Treaty Act (16 U.S.C. 703-712) prohibits the taking, killing, possession, sale, transportation and importation of migratory birds, their eggs, parts and nests, except when specifically authorized by the Secretary of the Interior. The Bald and Golden Eagle Protection Act (16 U.S.C. 668) prohibits the taking of any bald or golden eagle except when specifically authorized by the Secretary of the Interior. These laws do not allow the killing of migratory birds, including eagles without a permit. To avoid killing migratory birds, many companies employ raptor and migratory bird deterents and line configurations, which minimize electrocution. These and other methods are described in *Avian Power Line Interaction Committee (APLIC), 1994; Mitigating Bird Collisions with Power Lines: The State of the Art in 1994, Edison Electric Institute, Washington D.C., 78 pp.; Avian Power Line Interaction Committee (APLIC), 1996; Suggested Practices for Raptor Protection on Power Lines, Edison Electric Institute/Raptor Research Foundation, Washington, D. C., 128 pp.* Copies can be obtained via the internet at *http://www.eei.org/productsandservices/descriptionandaccess/* or by calling 1-800-334-5453.

We encourage you to work with us to eliminate loss of migratory birds attributable to power lines and other power transmission facilities. If you would like additional information, please contact us as indicated below.

In addition, The Corps of Engineers is the Federal agency responsible for wetland regulation. We recommend that you contact them for assistance in delineating any wetland types and acreage within the expanded scope of the project. Priority consideration should be given to avoid impacts to these wetland areas. Any activities that would alter these wetlands may require a Section 404 permit. Unavoidable impacts will require a mitigation plan to compensate for any losses of wetland functions and values. The U.S. Army Corps of Engineers, Clock Tower Building, P.O. Box 2004, Rock Island, Illinois 61201, should be contacted for information about the permit process.

These comments provide technical assistance only and do not constitute a report of the Secretary of the Interior on a project within the meaning of Section 2(b) of the Fish and Wildlife Coordination Act, do not fulfill the requirements under Section 7 of the Endangered Species Act, nor do they represent the review comments of the U.S. Department of the Interior on any forthcoming environmental statement.

If you have any questions concerning our comments, please contact Ginger Molitor of my staff at (309) 793-5800 ext. 212.

Sincerely,

Richard C. Nelson
Supervisor

Cc: Jessie Coty
Enclosures

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From:
Northern States Recovery Plan
1983

Appendix E

MANAGEMENT GUIDELINES FOR BREEDING AREAS

The purpose of these guidelines is to provide minimum criteria for protecting bald eagles at their breeding areas from human disturbance and to preserve and enhance important habitat features of these areas. The criteria are based on a synthesis of existing guidelines in present use by the U.S. Forest Service (Eastern Region), U. S. Fish and Wildlife Service, and the views of eagle researchers.

Although eagles often use particular nests for many years, they frequently move to different sites. Turnover of existing nests, from losses to wind, changes by the eagles, and other natural factors may be as much as 12% of the sites per year. Eagle "real estate" is much less fixed than for humans. Thus, the conservation and management of nesting habitat is far more important than the identification and preservation of specific nest sites or even breeding areas.

Eagle tolerance of human presence is highly variable, both seasonally and among different individuals or pairs of eagles. Some bald eagles nest and accept people, boaters, hikers, cabins, roads, and other human presence in very close proximity, possibly as a result of habituation. On the other hand, some may be extremely intolerant and be disturbed readily. This variability must be recognized in both research and management. Management should be conservative and assume that intolerant birds may be present now or in the future. We should be especially conservative in areas with low populations.

All nesting eagles are disturbed more easily at some times of the nesting season than at others. Four periods of sensitivity to disturbance can be identified for nesting areas. These are as follows.

1. Most critical period. Prior to egg laying bald eagles engage in courtship activities and nest building. During this and the incubation periods they are most intolerant of external disturbances and may readily abandon the area The most critical period for disturbances therefore extends from approximately one month prior to egg laying through the incubation period.

2. Moderately critical period. This includes approximately one month prior to the above period and about four weeks after hatching. Prior to the nesting season individual pairs of eagles vary considerably in time of return to the nest site or, if permanent residents, the time they begin to come into physiological condition for breeding and become sensitive to

disturbance. After hatching the chicks are quite vulnerable to inclement weather and need frequent brooding and feeding. Disturbance can keep adults from nests and, depending on the weather and length of time involved, may cause weakening or death of chicks. The adults are quite protective of the nest site as long as one or more healthy chicks are present. Thus, disturbance at this time is less critical, although still potentially detrimental, than during the pre-laying and incubation period.

3. Low critical period. This period extends from the time chicks are about one month of age until approximately six weeks after fledging. During this time adults are still quite attached to nesting areas but tolerate moderate amounts of human presence. Restriction should be decided on a case by case basis.

4. Not critical period. The existence of this period depends on whether adults are permanent residents in their nesting areas. In most regions adults leave the vicinity for a few weeks or months each year. During the time they are gone one need be concerned only with activities that alter the habitat in ways that would make it unsuitable for future nesting.

The timing of these periods depends on geographic location. Eagles tend to breed earlier farther south or in coastal locations. Establishment of critical periods in managment planning will therefore depend on the timing of nesting in each area.

Management of nesting areas will depend on the amount of suitable habitat, numbers of pairs present, extent of the areas used by nesting eagles, and present land uses. Plans should be prepared for each breeding area and planning should encompass larger units when habitat is suitable and many nesting pairs are present. In planning for a large region, particularly if major changes in land use or development are anticipated, the following major items should be addressed:

1. Distribution of habitat modification. Large contiguous areas of habitat should remain suitable, not just small, specific sites where nests currently are located.

2. Upper limit to habitat modification. Limits on habitat modification should be clearly established in advance, and unplanned development should be discouraged or prohibited. Limits set in advance are generally more acceptable to persons desiring further development; the process permits reasonable negotiation and compromise and limits are easier to enforce.

3. Rate of development. Development should only be allowed to approach the upper limit slowly, over a period of years. Sudden, large-scale development should be prevented if possible.

4. Seasonal timing of human activity. Construction and related activities should be confined to the low or non-critical periods of the year described above.

5. Human attitudes toward eagles in the area. Much human-eagle interaction depends on the predominant attitude of human residents of each area. Residents and visitors of some areas are very favorably disposed toward the birds, if not proud and quite protective. They may be careful not to disturb the birds and may help prevent disturbance or destruction by other persons. Such attitudes should be encouraged through education and law enforcement. Illegal shooting of eagles, especially young birds of the year still in the vicinity of nests during the fall hunting season, should be severely penalized.

The above guidelines pertain to larger geographic units where several eagles may be nesting. The following pertain to specific breeding areas.

SITE-SPECIFIC MANAGEMENT PLANS

A. Basic information and essential habitat. Site-specific management plans should be tailored to the size and configuration of essential habitats, and should address such factors as the prey base, habitat used for foraging, and any other features necessary for maintaining habitat suitability. In addition, management plans should clearly specify restrictions on human activities and habitat alterations in establishing buffer zones around nests (see next point in outline). For basic information forms, see end of this appendix.

B. Disturbance Buffer Zones for Nest Trees. Each nest within a breeding area will be protected by three zones that become less restrictive to human activity as the distance from the nest increases. Some activities need to be restricted only during the nesting season, or critical periods. Guidelines for zones, based on those developed by the U. S. Forest Service in the Eastern Region and used in several parts of the United States, are described below. If buffer zones are used they should be established around all nest sites within a breeding area regardless of their activity status, since alternate nests often are used as feeding platforms and roosting sites.

1. Primary Zone

   a) Size: The boundary of this zone should be 330 feet (5 chains) from the nest.

   b) Restrictions: All land use except actions necessary to protect or improve the nest site should be prohibited in this zone. Human entry and low-level aircraft operations should be prohibited during the most critical and moderately critical periods, unless performed in connection with eagle research or management by qualified individuals. Motorized access into this zone should be prohibited. Restrictions on human entry

at other times should be addressed in the breeding area management plan, considering the types, extents, and durations of proposed or likely activities.

2. Secondary zone

a) Size: This zone should extend 660 feet (10 chains) from the nest.

b) Restrictions: Land-use activities that result in significant changes in the landscape, such as clearcutting, land clearing, or major construction, should be prohibited. Actions such as thinning tree stands or maintenance of existing improvements can be permitted, but not during the most critical and moderately critical periods. Human entry and low-level aircraft operations should be prohibited during the most critical period unless performed in connection with necessary eagle research and management by qualified individuals. Roads and trails in this zone should be obliterated, or at least closed during the most and moderately critical periods. Restrictions on human entry at other times should be addressed in the breeding area management plan, considering the types, extents, and durations of proposed or likely activities.

3. Tertiary Zone

a) Size: This is the least restrictive zone. It should extend one-quarter mile (20 chains) from the nest, but may extend up to one-half mile (40 chains) if topography and vegetation permit a direct line of sight from the nest to potential activities at that distance. The configuration of this zone, therefore, may be variable.

b) Restrictions: Some activities are permissible in this zone except during the most critical period. Each breeding area management plan may identify specific hazards that require additional constraints.

C. Other Management Guidelines.

1. Abandoned Nest Trees

a) When a tree containing an eagle nest has blown down or has been damaged so it can no longer support a nest, remove all buffer zones. The breeding area management plan itself, however, should remain in effect or be revised, such as by removing buffer zones until a new nest is established.

b) When a nest structure disappears but the nest tree remains the buffer zones should remain in effect through at least the following three breeding seasons. If the nest is not rebuilt, remove the zoning but still consider the area as essential habitat and protect it accordingly.

c) When a nest is classified as a remnant, that is, one that has been unoccupied for five consecutive years, and is not being maintained by eagles, retain only the primary zone.

Roosting and Potential Nest Trees.

a) Three or more super-canopy trees (preferably dead or with dead tops) should be identified and preserved within one-quarter mile of each nest as roosting and perching sites.

b) In areas identified as potential nesting habitat, there should be at least four to six over-mature trees of species favored by bald eagles for every 320 acres within 1320 feet of a river or lake larger than 40 acres. These trees should be taller than surrounding trees or at the edge of the forest stand, and there should be clear flight paths to them.

c) Artificial nest structures may be provided where suitable nest sites are unavailable in occupied or potential habitat. Structures may be placed in trees containing dilapidated nests; in trees without existing nests, but which otherwise appear suitable; or in man-made structures such as powerlines or tripods. Nest platforms should be approximately five to six feet in length and width (25-36 square feet) and be made to last for several years. Roosting structures may be erected using powerpoles with several horizontal perches near the upper end.

3. Prey Base Management

a) Fisheries management should strive to maintain a prey base consistent with eagle food habits.

b) In some breeding areas, particularly in the west, mammals form a portion of the diet of bald eagles. Land management in these areas should maintain an adequate prey base in terrestrial habitats.

c) Feeding of eagles may be considered a valid management tool in areas where natural prey are highly contaminated or temporarily unavailable for some reason. This management option rarely will be used.

d) In some regions, commercial and sport fishermen may be providing an important but unrecognized (by people) food source for eagles by dumping rough fish. Many commercial fishermen are also suffering from reduced catches of game fish and quotas imposed for the purpose of managing fisheries. Subsidization perhaps in the form of monetary or tax incentives might benefit eagles, fishermen, and possibly the fisheries.

SITE-SPECIFIC MANAGEMENT PLANS

Outline for data file and breeding area management plans

Breeding Area No. and Name: _____

Nest No.(s): _____

Location: _____

Date: _____

By: _____

I. Breeding Area Characteristics

A. General Description
Nest Site Relationships
Overview of Habitat and Land Uses

B. Feeding Areas (Known and/or Assumed)

C. Known or Potential Perch/Roost Trees

D. Potential Nest Sites Available

E. Land Owernship within Breeding Area
Identify Acquisition Needs

F. Post-nesting Use of Habitat

II. Nest Site Characteristics (Each nest in territory)

A. Tree Measurements (height, DBH, size); Nest Measurements

B. Condition of Nest Tree

C. Date Constructed

D. Timber Type, Size and Density

E. Distance to Water

F. Distance to Roads and Other Development

G. Accessibility

H. Relation of Nest Height to Surrounding Canopy

I. Precise Directions for Reaching Nest

Guidelines for Protection of Indiana Bat Summer Habitat in Illinois

The endangered Indiana bat (*Myotis sodalis*) is known to occur in Adams, *Alexander, Bond, Ford, *Hardin, Henderson, *Jackson, *Jersey, Johnson, *La Salle, Madison, Macoupin, McDonough, *Monroe, Perry, Pike, *Pope, Pulaski, Saline, Schuyler, Scott, *Union, and Vermilion Counties in Illinois. (*Counties with hibernacula) **The Blackball Mine in La Salle County has been listed as Critical Habitat. Potential habitat for this species occurs statewide, therefore, Indiana bats are considered to potentially occur in any area with forested habitat.**

Indiana bats migrate seasonally between winter hibernacula and summer roosting habitats. Winter hibernacula include caves and abandoned mines. Females emerge from hibernation in late March or early April to migrate to summer roosts. Females form nursery colonies under the loose bark of trees (dead or alive) and/or cavities, where each female gives birth to a single young in June or early July. A maternity colony may include from one to 100 individuals. A single colony may utilize a number of roost trees during the summer, typically a primary roost tree and several alternates. Some males remain in the area near the winter hibernacula during the summer months, but others disperse throughout the range of the species and roost individually or in small numbers in the same types of trees as females. The species or size of tree does not appear to influence whether Indiana bats utilize a tree for roosting provided the appropriate bark structure is present. However, the use of a particular tree does appear to be influenced by weather conditions, such as temperature and precipitation.

During the summer, the Indiana bat frequents the corridors of small streams with riparian woods as well as mature upland forests. It forages for insects along stream corridors, within the canopy of floodplain and upland forests, over clearings with early successional vegetation (old fields), along the borders of croplands, along wooded fencerows, over farm ponds and in pastures. **To avoid impacting this species, tree clearing activities should not occur during the period of April 15 to September 15. If a proposed action occurs within a 5-mile radius of a winter hibernacula, tree clearing should be prohibited from April 1 to November 15.** If it is necessary to clear trees during this time frame, mist net surveys may be necessary to determine if Indiana bats are present. "Mist Netting Guidelines" can be obtained from our office. A search for this species should be made prior to any cave-impacting activities.

Suitable summer habitat in Illinois is considered to have the following characteristics within a ½ mile radius of a project site:

1) forest cover of 15% or greater;
2) permanent water;
3) one or more of the following tree species: shagbark and shellbark hickory that may be dead or alive, and dead bitternut hickory, American elm, slippery elm, eastern cottonwood, silver maple, white oak, red oak, post oak, and shingle oak with slabs or plates of loose bark;
4) potential roost trees with 10% or more peeling or loose bark

If the project site contains any habitat that fits the above description, it may be necessary to conduct a survey to determine whether the bat is present. If Indiana bats are known to be present, they must not be harmed, harassed or disturbed when present. **Large-scale habitat alterations within known or potential Indiana bat habitat should not be permitted without a bat survey and/or consultation with this office.**

Minor tree clearing (i.e. timber stand improvement or clearing of small stands) should conserve trees which are dead or have loose bark and should be limited to non-maternity periods between the dates of September 16 and April 14.

If you have any comments or questions, please contact the Rock Island Field Office at (309) 793-5800.

Guidelines for Protection of Indiana Bat Summer Habitat in Iowa

The endangered Indiana bat (*Myotis sodalis*) has been noted as occurring in Appanoose, Clarke, Davis, Decatur, Des Moines, Henry, Iowa, Jasper, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Monroe, Muscatine, Poweshiek, Ringgold, Union, Van Buren, Wapello, Warren, Washington, and Wayne Counties in Iowa. **It could potentially occur in all counties south of Interstate 80, including those portions of Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Muscatine and Scott counties south of Interstate 80.**

Indiana bats migrate seasonally between winter hibernacula and summer roosting habitats. Winter hibernacula include caves and abandoned mines. Females emerge from hibernation in late March or early April to migrate to summer roosts. Females form nursery colonies under the loose bark of trees (dead or alive) and/or cavities, where each female gives birth to a single young in June or early July. A maternity colony may include from one to 100 individuals. A single colony may utilize a number of roost trees during the summer, typically a primary roost tree and several alternates. Some males remain in the area near the winter hibernacula during the summer months, but others disperse throughout the range of the species and roost individually or in small numbers in the same types of trees as females. The species or size of tree does not appear to influence whether Indiana bats utilize a tree for roosting provided the appropriate bark structure is present. However, the use of a particular tree does appear to be influenced by weather conditions, such as temperature and precipitation.

During the summer, the Indiana bat frequents the corridors of small streams with riparian woods as well as mature upland forests. It forages for insects along stream corridors, within the canopy of floodplain and upland forests, over clearings with early successional vegetation (old fields), along the borders of croplands, along wooded fencerows, over farm ponds and in pastures. **To avoid impacting this species, tree clearing activities should not occur during the period of April 15 to September 15.**

Suitable summer habitat in Iowa is considered to have the following characteristics within a ½ mile radius of a project site:

1) forest cover of 15% or greater;
2) permanent water;
3) one or more of the following tree species: shagbark and shellbark hickory that may be dead or alive, and dead bitternut hickory, American elm, slippery elm, eastern cottonwood, silver maple, white oak, red oak, post oak, and shingle oak with slabs or plates of loose bark;
4) potential roost trees with 10% or more peeling or loose bark

If the project site contains any habitat that fits the above description, it may be necessary to conduct a survey to determine whether the bat is present. If Indiana bats are known to be present, they must not be harmed, harassed or disturbed when present. **Large-scale habitat alterations within known or potential Indiana bat habitat should not be permitted without a bat**

survey and/or consultation with this office. "Mist Netting Guidelines" can be obtained from our office.

Minor tree clearing (i.e. timber stand improvement or clearing of small stands) should conserve trees which are dead or have loose bark and should be limited to non-maternity periods between the dates of September 16 and April 14.

If you have any comments or questions, please contact the Rock Island Field Office at (309) 793-5800.