

Illinois Department of Natural Resources

Office of Resource Conservation

Division of Natural Heritage

Endangered Species Program

# **The Applicant's Guide To Incidental Take Authorizations**



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## Introduction: The Preliminary Questions

### What is an Incidental Take Authorization?

The [Illinois Endangered Species Protection Act](#) (520 ILCS 10)(Act) enacted in 1972, prohibits take of any animal species listed as either endangered or threatened within the State of Illinois.

**“Take” (in reference to animals and animal products) is defined by the Act as any action that will “harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect [an endangered or threatened species], or an attempt to engage in such conduct” (520 ILCS 10/2).**

However, per Section 5.5 of the Act, the Illinois Department of Natural Resources (IDNR or Department) may authorize, under prescribed terms and conditions, any taking of a listed animal species otherwise prohibited by the Act if that taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. These authorizations, called Incidental Take Authorizations (ITA), are acquired through a multi-step process. This document is designed to guide the applicant through the ITA process to ensure the most effective outcomes for both the applicant and the species at risk. (Note: The ITA Program is only authorized to permit take of listed animal species. Listed plant species are considered the property of the landowner in Illinois, and only the owner can authorize their taking.)

The legal requirements of the ITA process are detailed in [17 Illinois Administrative Code 1080](#) (Ad Rule). This document serves to fully outline and explain the ITA process and requirements prescribed by the Act.

### How do I apply for an ITA?

If, for any reason, you believe you may incur liability for a prohibited taking of a listed species which would be incidental to an otherwise lawful activity, you should consider seeking an ITA. Applicants planning actions that must be authorized, funded, or performed by an Illinois state agency or local government may be advised during consultation with the IDNR Impact Assessment Section that an ITA should be pursued if take of a listed animal is highly likely. The first step in the ITA application process is to submit a Conservation Plan (CP). The CP serves to detail the actions associated with your proposed project; the potential impact to species; and the minimization, mitigation, and monitoring measures you plan to incorporate into your project design to lessen your impacts to the species. Some applicants choose to prepare their own CPs, but it is also common for applicants to contract an ecological consulting firm for assistance in CP preparation. Further details about the structure and requirements of the CP begin on Page 7.

## What does the ITA process entail and how long does it take?

There are three major steps in the ITA process, which will be described in detail later in this document. Step 1 is the development and submittal of your CP. Submitting your completed CP to the Department initiates the ITA process. Once your CP has been received by the ITA Program, the Department has up to 30 days to review it, acknowledge receipt, or notify the applicant of missing elements or needs for further clarification. Within 30 days, the ITA coordinator will send you comments on your CP by email. Comments on your CP may include, but are not limited to, requests for required information that is missing, requests for further detail on some elements of the CP, and/or other types of feedback regarding the Department's approval of proposed minimization and mitigation actions. Once you have received comments on your CP, it is up to you to address each comment to make the CP complete. Be prepared to work closely with the ITA coordinator to ensure timely completion of the CP. Every CP is unique due to the wide range of projects seeking ITAs and the species affected by them, and every CP receives a high level of personal attention by the Department to ensure its effectiveness. Please also be aware that your CP is likely one of several CPs under review by the Department at any given time, so your patience is appreciated when working with the ITA coordinator to finalize your CP.

Step 2 of the process is providing Public Notice of your CP. After you have coordinated with the Department and prepared a final version of your CP, the CP must be made available for review by the public. The Act and Ad Rule require Public Notice of CP availability to be published in both the official State newspaper and a local newspaper in the area in which the project is taking place. A copy of the final CP must be made available at a public library in the county in which the project is taking place, and it will also be posted on the Department website. The public notice must be posted once in the official State newspaper, and once a week for three consecutive weeks (with no less than 14 days **between** the first and last posting) in the local newspaper. **The single post in the official State newspaper must occur on the same day as the first post in the local newspaper.** The public comment period is open for an additional 30 days following the final publication in the local newspaper. Any public comments that are received are forwarded by the Department to the applicant, and the applicant is required to provide an analysis of each comment. Responses to public comments could result in changes to the CP and are considered by the Department during final review of the ITA. The applicant must also provide a copy of the CP to the Illinois Endangered Species Protection Board (IESPB) at the same time that the CP is made available to the public.

Step 3 is the Final Review. Following the first day of public notice, the Department has 120 days to review the final CP. If the Department finds the CP to meet all requirements, it will be approved and the ITA will be drafted. If the Department finds that the CP does not meet all requirements, the Department may require that the applicant make additional assurances or agree to additional terms and conditions that the Department finds necessary to ensure that all requirements will be met.

The minimum amount of time the ITA process can take is 5-6 months, though most applicants should plan for it to take longer, often by several months. If there is a hard deadline for the start of construction, it is the applicant's responsibility to initiate the ITA process with enough time to adequately complete the process prior to project commencement. See Page 6 for the typical timeline of the ITA process.

## ITA Process Timeline:

	Week																										
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24			
<b>Initial Review</b>	█	█	█	█																					Department has 30 days to review and provide comments on initial CP submittal.		
<b>CP Revision</b>					█																				Applicant revises CP (length of time depends on applicant).		
<b>Public Notice</b>						█	█	█																	Public notice published once a week for 3 consecutive weeks.		
<b>Public Comment Period</b>									█	█	█	█													30-day public comment period begins following last day of public notice.		
<b>Applicant responds to comments</b>													█	█											Applicant has 10 days to provide IDNR with responses to public comments.		
<b>IDNR drafts ITA document</b>						█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	IDNR has 120 days from first day of public notice to draft the ITA document.			
<b>Review of final ITA and execution</b>																								█	█	█	Completed ITA draft sent to IESPB, internal parties, and applicant for review. Final ITA executed by ORC director.

## Step 1: The Conservation Plan

The first step in applying for an ITA is preparing your CP. The first submittal of your CP to the Department initiates the start of the ITA process. Each CP must contain the following:

1. A description of the impact that the proposed taking is likely to have on one or more species on the Illinois list;
2. The steps the applicant or other parties will take to minimize and mitigate that impact and the funding that will be available to undertake those steps, including but not limited to bonds, insurance, or escrow;
3. What alternative actions to the taking the applicant considered and the reasons why those alternatives will not be used;
4. Data and information to assure that the proposed taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois;
5. An implementing agreement that specifically names and describes the obligations and responsibilities of all the parties that will be involved in the taking as authorized by the permit; and
6. Any other measures that the Department may require as being necessary or appropriate for the purposes of the plan.

This section will further explain each requirement and how each should be addressed in the CP. Submitting a CP that is complete, detailed, and proactive will aid in expediting the ITA process. The ITA process is prolonged when CPs lack required elements or the appropriate level of detail.

### Description of the Impact

The description of the impact likely to result from the proposed taking should contain the following information:

1. A legal description, if available, or detailed description of the project location -
  - Include a street address and map of the area to be affected by the proposed action
  - Specify ownership or control of the affected property

- Provide a GIS shapefile of the project area, if available
  - Include photos of the project area
2. Biological data on the affected species -
- On request of the applicant, the Department can provide biological data in the Department's possession on the affected species
  - Provide copies of all biological survey reports relevant to the project performed on the applicant's behalf
3. A description of the activities that may result in the taking of an endangered or threatened species. Be sure to include:
- Specific detail regarding the exact practices or construction actions to be taken throughout the duration of the project
  - A timeline of the proposed activities
  - Any other State or Federal permitting reviews
4. An explanation of the anticipated effects on listed species -
- Consider all life cycle stages of the affected species. Some species occupy different habitats or are only present or active during certain times of the year. Most species are vulnerable during their breeding season or migration.
  - Consider ALL potential impacts such as noise, vibration, light, predator/prey alterations, habitat alterations, increased vehicle traffic, etc. Types of habitat alterations include, but are not limited to, changes in hydrology, vegetative cover, temperature change, or soil compaction.
  - Include acreage estimates for areas of impact, both temporary and permanent. If applicable, specify the acreage of suitable habitat for the species that will be impacted and how habitat suitability was determined.

**Helpful tip:** Be as specific as possible in your project description!

For example, a bridge replacement project should explain how the existing bridge will be removed, any temporary structures to be put in place (cofferdams, causeways, etc.), whether the new bridge will utilize the existing piers or if new ones will be driven, establishment of staging areas, plus any other details that could provide information regarding the direct and indirect impact the project will have on the surrounding environment and potential species habitat.

## Minimization and Mitigation Measures

This section is a very important part of the CP. In this section, you will clearly explain how you will reduce and make up for impacts to endangered and threatened species.

### Important definitions:

Minimization – Minimization measures are any measures enacted during construction that reduce the overall impact to the species and/or its habitat. Examples of minimization measures include, but are not limited to:

- Reducing the project footprint
- Working outside the species' core habitat
- Timing work for parts of the year when the species is less sensitive
- Taking measures to exclude the species from construction areas
- Providing education materials regarding the impacted species to all construction and project personnel (See page 16 for more information on education materials)

Mitigation – Mitigation measures are additional actions beyond those that are incorporated into construction actions that provide conservation benefit to the species. Mitigation is the opportunity to bring net benefit to a species potentially taken during a project. Examples of mitigation measures may include, but are not limited to:

- Supporting needed research on the species
- Creating or restoring habitat for the species
- Placing habitat for the species into permanent conservation easement
- Propagation of individuals for reintroduction into the wild, or supporting such projects
- Support to recovery planning
- Providing an in-lieu compensatory payment to the Illinois Wildlife Preservation Fund to be earmarked for the conservation of the impacted species

This section of the CP should include the following information:

- I. Plans to minimize the area affected by the proposed action, the estimated number of individuals of an endangered or threatened species that will be taken, and the amount of habitat affected
  - The CP must include a take estimate for each species covered by the CP. A take estimate of zero may not be submitted (if no take is expected, there is no need for an ITA). The take estimate may be a specific number or a range of numbers, but the logic behind estimates must be demonstrated.

- Provide the estimated acreage of suitable habitat impacted by the project for each species.
2. Plans for management of the area affected by the proposed action that will enable continued use of the area by the species
    - Plans for management could include planting native plant species, controlling invasive species, erosion control, or restoring the hydrology of an area.
  3. A description of all measures to be implemented to minimize or mitigate the effects of the proposed action on the species
    - Per the definition of minimization above, include all measures proposed to minimize impact to the species.
    - It is the applicant's responsibility to propose mitigation measures. The Department expects applicants to provide species conservation benefit greater than their adverse impact.
    - Description of mitigation activities should include an explanation of how mitigation was calculated.
  4. Plans for monitoring the effects of the project and of minimization and mitigation measures on the species' population in the project area
    - All CPs must include plans for monitoring the effects of the project and any minimization or mitigation measures on the impacted species. Post-construction monitoring helps the Department assess the effectiveness of minimization and mitigation practices, which helps inform guidance to future ITA applicants.
    - The Department is responsible for keeping track of endangered and threatened species populations. Monitoring programs allow us to fill in data gaps for that species in the project's geographic location and improve data analysis performed with Illinois' Natural Heritage Database to determine species rareness and recovery objectives.
    - Monitoring efforts are designed based on the life history of the species being monitored and the duration of the project. Monitoring protocols must be designed appropriately for the species in question.
  5. Adaptive management practices that will be used to deal with changed or unforeseen circumstances that affect the effectiveness of measures instituted to minimize or mitigate the effects of the proposed action on the species. Consider environmental variables such as flooding or drought or other catastrophes.

### What is adaptive management?

Adaptive management involves adjusting minimization and mitigation approaches in the event of unforeseen circumstances, or if measures are not having their intended outcomes. Try to think of things that may not go according to plan. It is acceptable for there to be uncertainty about how well measures will work, as long as you have a plan in place for how you will address problems should they arise. Your adaptive management plan should include specific triggers that will activate specific responses.

6. Verification that adequate funding exists to support and implement all mitigation activities described in the CP
  - This may be in the form of bonds, certificates of insurances, escrow accounts, or other financial instruments adequate to carry out all aspects of the CP.

### Description of Alternative Actions

Applicants are required to consider multiple reasonable courses of action that could be taken to complete their project while reducing take, and the effects each one would have on the impacted species. Reasoning must be provided for why alternatives that would reduce take were not selected. The description of alternative actions must include a “no-action” alternative describing how choosing not to perform the proposed action would affect the project’s goals. Please describe the economic, social, and ecological tradeoffs of each alternative in order to justify why the proposed alternative was selected.

### Data and Information

Data and information must be provided to indicate the project’s impact on the likelihood of the survival of the impacted species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species existence in Illinois. Species information may be found on websites including, but certainly not limited to, [NatureServe Explorer](#) and the [Department’s Endangered and Threatened Species pages](#).

### The Implementing Agreement

The implementing agreement is the final section of the CP, wherein the applicant indicates that they formally agree to implement and report on the actions described in the CP. The CP cannot be considered complete without a signed implementing agreement. The implementing agreement shall include, but not be limited to:

1. The names and signatures of all participants in the execution of the CP;
2. The obligations and responsibilities of each of the identified participants with estimated **schedules and deadlines** for completion of activities included in the CP, as well as a schedule for preparation of progress reports to be provided to the Department;
3. Certification that each participant in the execution of the CP has the legal authority to carry out their respective obligations and responsibilities under the CP;
4. Assurance of compliance with all other Federal, State, and local regulations pertinent to the proposed action and to execution of the CP;
5. Copies of final federal authorizations for taking already issued to the applicant, if any.

**Note:** All species found in Illinois that are listed as endangered or threatened under the federal Endangered Species Act are also state-listed in Illinois. The U.S. Fish and Wildlife Service (USFWS) has its own procedures for handling take of federal species. If your project is impacting a federally listed species, you must follow USFWS procedure. In this case, applicants must seek take authorization from both USFWS and the State of Illinois,

but the Department cannot issue an ITA until USFWS has made a determination regarding the proposed action.

As mentioned above, the ITA process is initiated when the ITA coordinator receives the first copy of your CP. Within 30 days, the ITA coordinator will email you with comments regarding any information that is missing or that requires more detail, as well as any deficiencies in the proposed minimization and mitigation measures. Be prepared to make changes to your CP based on the ITA coordinator's comments. Once the CP has been finalized and meets all requirements of the Act and Ad Rule, the ITA coordinator will give you approval in writing that the CP may proceed to public notice.

## Step 2: Public Notice

ITAs are considered public documents. The actions proposed are subject to public review. Completed CPs must be made available to the public, and the public must be given the opportunity to submit comments. A notice to the public must be placed once in the official State newspaper and once per week for three consecutive weeks (with no less than 14 days **between** first and last posting) in a local newspaper for the area in which the proposed project will take place. The official State newspaper publication should occur concurrently (**on the same day**) with the first publication in the local newspaper. The CP must be made available at a local library in the area in which the proposed project will take place. The Department will also post a web link to the final CP on the ITA website (see box at right). The public has 30 days following the public notice's final publication in the local newspaper to submit comments to the ITA coordinator.

Transparency with the public is of utmost importance to the ITA process. Please take care to make sure elements of your public notice and your CP are clear to the average Illinois citizen. Your public notice must be reviewed and approved by the ITA coordinator prior to publishing.

The Department will put a link to your CP on the Department ITA webpage, found at <https://www.dnr.illinois.gov/conservation/NaturalHeritage/Pages/Incidental-Take-Authorizations.aspx>.

## Elements of the Public Notice

The notice published in the newspapers must contain the following information:

1. The name and mailing address of the applicant.
2. A map or description that clearly shows or describes the precise location and boundaries of both the area to be affected by the proposed project and any areas to be affected by provisions of the CP. The map or description must be sufficient to enable local residents to readily identify the subject areas. It must include towns, bodies of

water, local landmarks, cross streets, or any other information that would identify the subject areas. If a map is used, it must indicate the north direction.

3. A brief summary of the incidental taking for which authorization is being requested. This need not be a detailed statement. Interested members of the public will be able to read a more detailed description in your CP.
4. A summary of the measures that will be instituted to minimize and mitigate the effects of the proposed incidental taking. Again, this part should be brief. Those interested in more information will be able to find it in the CP.
5. The location where a copy of the CP is available for inspection, as well as the Department ITA webpage address (provided above in box) where a copy of the CP will be posted by the Department.
6. The street and email address of the office of the Department to which comments on the CP shall be submitted:

Illinois Department of Natural Resources  
Office of Resource Conservation  
Endangered Species Program  
Incidental Take Authorization Coordinator  
One Natural Resources Way  
Springfield, Illinois 62702-1271  
(217) 557-8243  
DNR.ITAcoordinator@illinois.gov

7. The closing date for the receipt of written comments on the CP (this date should be 30 days from the date of the final posting).

You may use the template provided in Appendix B as well as the sample public notice provided in Appendix C to aid you in constructing your public notice to ensure that the required information is provided to the appropriate extent.

### **Notice to Illinois Endangered Species Protection Board**

At the same time that the CP is provided for public comment, a copy of the CP must be sent **by the applicant** to the Illinois Endangered Species Protection Board (IESPB). The IESPB consists of nine members who are appointed by the Governor, and the Director of the Department or designee serves as a non-voting member. The board members include at least six naturalists, including two zoologists, two ecologists, and one botanist. The IESPB can be contacted by email at [DNR.ESPB@illinois.gov](mailto:DNR.ESPB@illinois.gov).

Board members of the IESPB provide expertise specific to endangered and threatened species and often provide review comments to the Department related specifically to the applicant's CP.

## Public Comments

If a CP receives comments from the public during the public comment period, the ITA coordinator will compile the comments and send them to the applicant for review. The applicant must then evaluate the comments and submit an analysis of the comments no later than 10 days after the close of the public comment period. The analysis shall include the following:

1. A list of all persons or organizations making comment;
2. A list of the criticisms, suggestions, and comments raised;
3. The applicant's analysis of each criticism, suggestion, or comment;
4. A description of any revisions to the CP that the applicant is making in response to public comment.

## Step 3: Final Review

### Requirements Review

The Department has 120 days after the first date of public notice to review the final CP and draft the ITA. The Department shall authorize the incidental taking of the species in question if the Department finds that the taking will meet all the following requirements:

1. The taking will not be the purpose of, but will be only incidental to, the carrying out of an otherwise lawful activity;
2. The parties to the CP will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking;
3. The parties to the CP will ensure that adequate funding for the CP will be provided;
4. Based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of the survival or recovery of the impacted species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois;
5. Any additional measures, based upon the life history needs of the species involved, that the Department may require as necessary or appropriate for the purposes of the CP will be performed;
6. The public has received notice of the availability of the CP and has had the opportunity to comment before the Department makes any decision regarding the authorization of incidental take;
7. The Department has sought the advice of the IESPB and provided written response to any IESPB comments regarding the issuance of authorization for incidental taking and on the terms of any authorization to be issued.

If the Department finds that the CP does not meet the above requirements, the Department may require that the applicant make additional assurances or agree to additional terms and

conditions that the Department finds necessary to assure that all requirements will be met. The Department may also deny the authorization if the CP does not meet the above requirements.

### **Notice of Decision and ITA Execution**

Within 120 days of the first date of public notice, the applicant will be sent a copy of the draft ITA for their review. If the applicant is in agreement with all provisions of the ITA, the applicant signs the document and sends it back to the ITA Coordinator. It is only after the signed ITA has been received from the applicant that the Director of the Office of Resource Conservation (ORC) will review and execute the ITA. The ITA is not in effect until it has been signed by the Director of ORC.

### **ITA Amendment and Termination**

#### **ITA Amendment**

Sometimes elements of a project or the species affected change while an authorization is still in effect. In this case, it may be advisable for an applicant to seek an ITA Amendment to ensure that all manners of take related to their project are authorized. Examples of changes that would require an ITA amendment would be a change in project footprint, the discovery of an additional listed species not covered by the original ITA, or a change in the scope of impact and project activities. For most ITA Amendments, a revised CP must be drafted and undergo the entire ITA process as detailed above, including public notice.

#### **Termination of ITAs**

The Department can terminate or revoke an ITA if the Department finds that the applicant has failed to comply with any of the terms and conditions of the ITA or has been responsible for the taking of the impacted species beyond that which is incidental to their project activities.

An applicant can choose to terminate an ITA if they have decided not to initiate the proposed project. An applicant can also choose to terminate an ITA if the impacted species has been removed from the Illinois endangered and threatened species list. The endangered and threatened species list is updated every five years, and sometimes species are removed if populations are shown to be recovered. In this case, an applicant may contact the ITA coordinator to initiate a termination agreement. If the ITA coordinator confirms that termination of the ITA is appropriate, the coordinator will draft a Termination Agreement. The Termination Agreement is in effect once signed by the applicant and executed by the Director of the ORC.

## ITA Compliance

### Reporting

The requirements of the ITA will include monitoring reports, progress reports, and/or reports summarizing mitigation activities that are to be submitted to the Department in the years following the issuance of an ITA. The ITA will clearly state when reports should be submitted to the Department. It is the applicant's responsibility to ensure that all reports are submitted on time. Applicants will not receive reminders of report due dates from the Department.

An ITA is a legally-binding document. Applicants are responsible for all requirements detailed in the ITA. Applicants may be subject to legal action if the Department finds that they are not meeting all requirements.

### Permits

Environmental consultants and biologists hired to conduct monitoring surveys or who will be handling species in any capacity must have obtained the appropriate permits from the Department. Most projects will require permits to handle both listed and non-listed wildlife species:

- **IDNR Scientific Collectors' Permit:** Required for any project that involves the handling or collecting of non-listed fish or wildlife, per [17 Illinois Administrative Code 520](#). This permit does not authorize the handling of endangered or threatened species.
- **IDNR Endangered Species Permit:** Required for any project that will involve the handling or possession of State-endangered or threatened species, per [17 Illinois Administrative Code 1070](#).

More information about how to acquire permits can be found at

<https://www.dnr.illinois.gov/conservation/NaturalHeritage/Pages/ResearchPermits.aspx>

### Educational Materials

Applicants are required to provide notification to all on-site personnel regarding the sensitive biological resources in the area, the identification of the listed species (including photos), regulations protecting the species, where the species might be found, avoidance areas, travel restrictions for equipment and vehicles, how to report sightings or incidents that may involve take, and the importance of avoiding take of the species. This is considered by the Department to be a minimization measure. Education materials are typically in the form of a flyer or a pamphlet, but the Department does not have specific requirements regarding the form of the materials. All personnel must be informed of the appropriate response protocol if the species is encountered or if take occurs. It may also be useful to provide site maps delineating habitat areas of the species to be avoided. All applicants are **required** to submit a copy of their education materials to the Department.

## Appendix A: Conservation Plan Template

You may use the following template as a guide for constructing your Conservation Plan. Please refer to the guidance provided on pages 7-12 of this guidance document to further inform the content of each section.

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**Illinois Department of Natural Resources**  
**CONSERVATION PLAN**  
*(Application for an Incidental Take Authorization)*  
Per 520 ILCS 10/5.5 and 17 Ill. Adm. Code 1080

**150-day minimum required for public review, biological and legal analysis, and permitting**

PROJECT APPLICANT:

PROJECT NAME:

COUNTY:

AREA OF IMPACT (acreage):

The incidental taking of endangered and threatened species shall be authorized by the Illinois Department of Natural Resources (IDNR) only if an applicant submits a Conservation Plan to the IDNR Incidental Take Coordinator that meets the following criteria:

1. A **description of the impact likely to result** from the proposed taking of the species that would be covered by the authorization, including but not limited to -

A) identification of the **area to be affected** by the proposed action, include a legal description and a detailed description including street address, map(s), and GIS shapefile. Include an indication of ownership or control of affected property. Attach photos of the project area.

B) **biological data** on the affected species including life history needs and habitat characteristics. Attach all biological survey reports.

C) **description of project activities** that will result in taking of an endangered or threatened species, including practices to be used, a timeline of proposed activities, and any permitting reviews, such as a USFWS biological opinion or USACE wetland review. Please consider all

potential impacts such as noise, vibration, light, predator/prey alterations, habitat alterations, increased traffic, etc.

D) explanation of the anticipated **adverse effects on listed species**; how will the applicant's proposed actions impact each of the species' life cycle stages.

2) Measures the applicant will take to **minimize and mitigate** that impact and the **funding** that will be available to undertake those measures, including, but not limited to -

A) plans to **minimize the area affected** by the proposed action, the estimated **number of individuals** of each endangered or threatened species that will be taken, and the **amount of habitat** affected (please provide an estimate of area by habitat type for each species).

B) **plans for management of the area** affected by the proposed action that will **enable continued use** of the area by endangered or threatened species by maintaining/re-establishing suitable habitat (for example, native species planting, invasive species control, use of other best management practices, restored hydrology, etc.).

C) description of **all measures to be implemented to avoid, minimize, and mitigate** the effects of the proposed action on endangered or threatened species.

- Avoidance measures include working outside the species' habitat.
- Minimization measures include timing work when species is less sensitive or reducing the project footprint.

- Mitigation is additional beneficial actions that will be taken for the species such as needed research, conservation easements, propagation, habitat work, or recovery planning.
- It is the **applicant's responsibility to propose mitigation measures**. IDNR expects applicants to provide species conservation benefits 5.5 times larger than their adverse impact.

D) plans for **monitoring** the effects of the proposed actions on endangered or threatened species, such as **species and habitat monitoring** before and after construction, include a plan for follow-up **reporting to IDNR**.

E) **adaptive management practices** that will be used to deal with changed or unforeseen circumstances that affect on endangered or threatened species. Consider environmental variables such as flooding, drought, and species dynamics as well as other catastrophes. Management practices should include contingencies and specific triggers. Note: Not foreseeing any changes does not qualify as an adaptive management plan.

F) **verification that adequate funding exists** to support and implement all mitigation activities described in the conservation plan. This may be in the form of bonds, certificates of insurance, escrow accounts, or other financial instruments adequate to carry out all aspects of the Conservation Plan.

3) A **description of alternative actions the applicant considered** that would reduce take, and the reasons that each of those alternatives was not selected. A **"no-action" alternative** shall be included in this description of alternatives. Please, describe the economic, social, and ecological tradeoffs of each action.

4) Data and information to indicate that the proposed taking **will not reduce the likelihood of the survival or recovery** of the endangered or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species existence in Illinois.

5) An **implementing agreement**, which shall include, but not be limited to (on a separate piece of paper containing signatures):

- A) the names and signatures of all participants in the execution of the conservation plan;
- B) the obligations and responsibilities of each of the identified participants with schedules and deadlines for completion of activities included in the conservation plan and a schedule for preparation of progress reports to be provided to the IDNR;
- C) certification that each participant in the execution of the conservation plan has the legal authority to carry out their respective obligations and responsibilities under the conservation plan;
- D) assurance of compliance with all other federal, State and local regulations pertinent to the proposed action and to execution of the conservation plan;
- E) **copies of any final federal authorizations for a taking already issued to the applicant**, if any.

**PLEASE SUBMIT TO: Incidental Take Authorization Coordinator, Illinois Department of Natural Resources, Office of Resource Conservation, Division of Natural Heritage, One Natural Resources Way, Springfield, IL, 62702 OR [DNR.ITAcordinator@illinois.gov](mailto:DNR.ITAcordinator@illinois.gov)**

December 2016

## Appendix B: Public Notice Template

Fill in all red, italicized, underlined text. Per the Ad Rule, a draft public notice must be submitted to the Incidental Take Authorization Coordinator for approval before publishing.

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### Public Notice

Pursuant to Title 17, Chapter 1, Section 1080 of the Illinois Administrative Code, notice is hereby given that *(Insert applicant name), (Insert applicant mailing address)*, has submitted a Conservation Plan to the Illinois Department of Natural Resources to apply for authorization for the taking of *(Insert name(s) of species in question, including scientific name in parenthesis after the common name)* incidental to the *(Insert name of project)*.

The project is located in *(Insert county name)*, Illinois. *(Insert detailed, clear description of project location. It should be sufficient to enable local residents to readily identify where the project is located; including nearby towns, bodies of water, or landmarks for reference; and areas to be affected by project and areas to be affected by the provisions of the Conservation Plan. A simple and clear map may also be included and is encouraged.)* (See attached map).

The Project consists of *(Insert brief description of project activities. The public should be able to understand what kind of construction will be taking place, but can refer to the Conservation Plan for more detail if they desire)*. Take of *(Species name(s), common name only. Scientific name only necessary the first time the name appears in the text.)* may result during the Project as a result of this work. *(Species name)* is protected under the Illinois Endangered Species Protection Act (520 ILCS 10) and is known to occur within the vicinity of the Project.

In order to minimize and mitigate for the take of *(Insert species name)* incidental to *(Insert project name)*, *(Insert brief summary of the measures that will be instituted to minimize and mitigate the effects of the proposed incidental taking. Again, this is a basic summary. The public can refer to the Conservation Plan if they desire more detail.)*

A copy of the Project Conservation Plan is available for inspection by the Public at the following location(s): *(Insert names, addresses, and phone numbers of all libraries where Conservation Plan will be available for public review. If the project is to take place in multiple Illinois counties, a copy of the Conservation Plan must be provided to a library in each county in which the project will take place.)*

*(Insert names, addresses, and phone numbers for any other locations where the Conservation Plan will be available for review. Applicants or consultants may wish to have the Conservation Plan available to the public at their own place of business in addition to the library, but this is not required.)*

The Conservation Plan is also available on the Illinois Department of Natural Resources Incidental Take Authorization website, accessed at <http://www.dnr.illinois.gov/conservation/NaturalHeritage/Pages/Incidental-Take-Authorizations.aspx> (ITA #\_\_\_)

Comments pertaining to the conservation plan should be sent to:

Illinois Department of Natural Resources, Office of Resource Conservation, Incidental Take Authorization Coordinator, One Natural Resources Way, Springfield, IL 62702  
OR may be emailed to [DNR.ITACoordinator@illinois.gov](mailto:DNR.ITACoordinator@illinois.gov).

**Comments will be accepted through (Insert date of comment deadline. This date is 30 days after the final day that the public notice appears in the local newspaper. If that date falls on a weekend or Illinois state holiday, the date should be moved to the following Monday or agency workday.)**

## Appendix C: Public Notice Example

### Public Notice (Fictional example)

Pursuant to Title 17, Chapter 1, Section 1080 of the Illinois Administrative Code, notice is hereby given that ESA Development, Inc., of 100 Conservation Rd. Eaglesmere, IL 62712, has submitted a Conservation Plan to the Illinois Department of Natural Resources to apply for authorization for the taking of the Franklin's ground squirrel (*Poliocitellus franklinii*) incidental to the development of the Prairie Meadow Commercial Center.

The project is located in Sangamon County, Illinois. The development is located 1.5 miles east of the town of Featherton at the northwest corner of intersection of Route 154 and White Walnut Rd, east of the intersection of Route 154 and Snowy Owl Rd. The site is 7.5 miles west of Ravenport, and 0.3 miles south of Acorn County Park (See attached map).

The project consists of the construction of a 17.2 acre commercial center. Construction activities include building and road construction, parking lot paving, and installation of water and sewer lines. Take of Franklin's ground squirrels may result during the project as a result of this work. The Franklin's ground squirrel is protected under the Illinois Endangered Species Protection Act (520 ILCS 10) and is known to occur within the vicinity of the project.

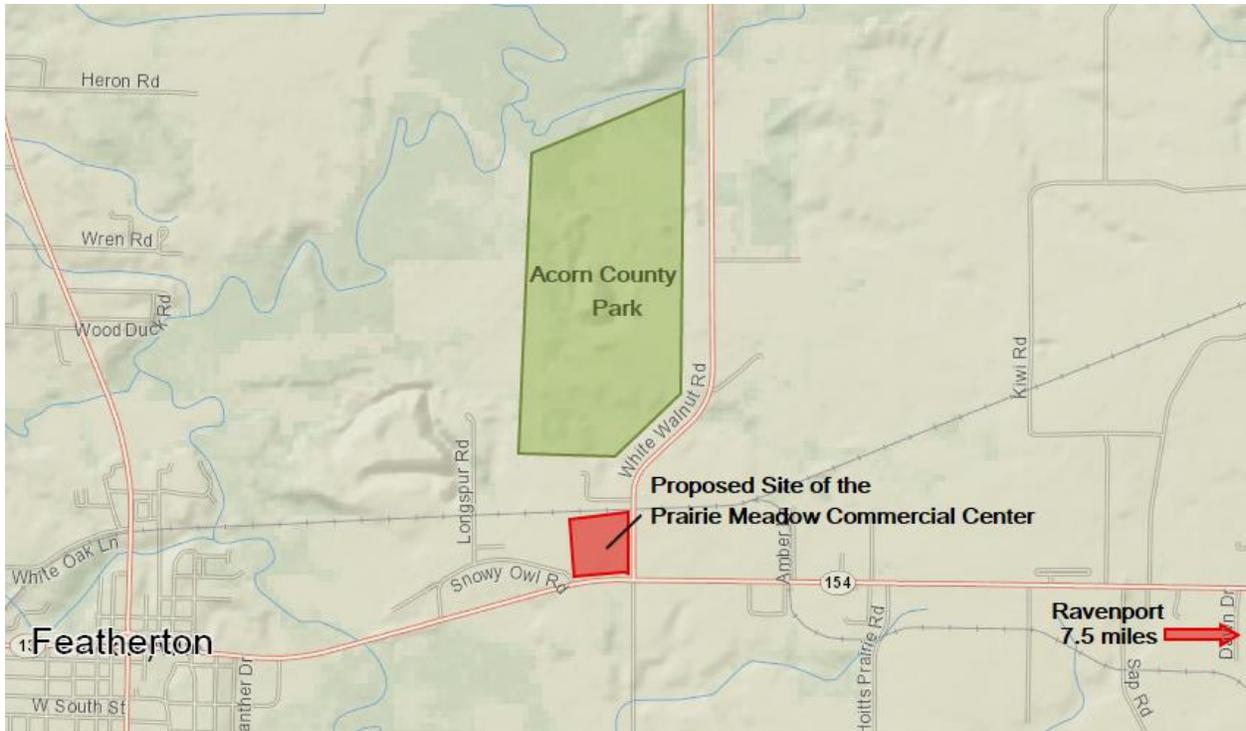
In order to minimize and mitigate for the take of Franklin's ground squirrels incidental to the development of the Prairie Meadow Commercial Center, construction areas will be made inaccessible to squirrels using exclusionary fencing, a 0.4 acre area along the northern border with known active squirrel burrows will be placed into a permanent conservation easement and managed for their continued use, and a sloped berm will be constructed along the western edge of the property and planted with smooth brome to provide additional burrowing habitat for the squirrel. Monitoring of the local Franklin's ground squirrel population will take place in several years following completion of the Prairie Meadow Commercial Center. All construction personnel and future commercial center businesses will be educated regarding the squirrel's presence at the site and its continued conservation.

A copy of the Project Conservation Plan is available for inspection by the Public at the Featherton Public Library, at 42 Main Street, Featherton, IL 62712. A copy of the Conservation Plan is also available at ESA Development, Inc. headquarters on 100 Conservation Rd. Eaglesmere, IL 62712. The Conservation Plan is also available on the Illinois Department of Natural Resources Incidental Take Authorization website, accessed at <http://www.dnr.illinois.gov/conservation/NaturalHeritage/Pages/Incidental-Take-Authorizations.aspx> (ITA #412)

Comments pertaining to the conservation plan should be sent to:

Illinois Department of Natural Resources, Office of Resource Conservation, Incidental Take Authorization Coordinator, One Natural Resources Way, Springfield, IL 62702  
OR may be emailed to [DNR.ITACoordinator@illinois.gov](mailto:DNR.ITACoordinator@illinois.gov).

**Public comments will be accepted through April 16, 2017.**



## Appendix D: Example of Educational Materials

Photo by Roger Barbour



### Franklin's Ground Squirrel

*(Protected as State-Threatened under the Illinois Endangered Species Protection Act—520 ILCS 10)*

#### What do they look like?

- Bodies are brown to brownish gray with almost solid gray heads
- Similar in size to other squirrel species
- Tails are small and not nearly as bushy as other commonly seen squirrels

#### What is a Franklin's ground squirrel?

The Franklin's ground squirrel is a North American native mammal species similar to other squirrels. Instead of in trees, these squirrels make their homes in burrows underground from September to April. Franklin's ground squirrel populations have declined dramatically due to loss and fragmentation of their native habitat. Litters of 6-9 pups are born in the burrows from late May to mid-June, after which the juveniles can be seen above ground as well. Adults may go back into hibernation as early as July, while the juveniles will remain active until late September or October.



A Franklin's ground squirrel burrow opening. Burrow systems can be quite extensive and may have several openings. Burrow openings are small and inconspicuous, often hidden by vegetation. Photo by Melissa Brayer

#### Where might you see one?

Franklin's ground squirrels are typically found in tallgrass or savannah-like habitats. They frequently occupy the edges of habitats, such as woodland edges, abandoned or fallow fields, roadsides, and railroad right-of-ways. Franklin's ground squirrel burrows are usually found on a sloped landscape type to prevent their burrows from flooding, such as a berm or embankment.

#### Franklin's Ground Squirrel Recommendations

Franklin's ground squirrels make their home in the vicinity of this project. In order to minimize impacts to any Franklin's ground squirrels that live here, certain precautions have been agreed to throughout the duration of construction.

- Silt fencing will prevent squirrels from entering construction areas where they could be easily harmed. Be sure to inspect silt fencing daily and to perform routine maintenance as necessary to keep fences in proper condition.
- Equipment should not be staged in suitable habitat, erosion control will be implemented for the duration of the project, and areas of impact will be re-seeded with native vegetation.

#### If you see a Franklin's ground squirrel:

1. Halt all construction activities.
2. Report all Franklin's ground squirrels, alive or dead, to your supervisor.
3. Supervisor will contact the permitted Environmental Consultant.
4. Coordination will occur with the local IDNR District Heritage Biologist so that squirrels can be appropriately relocated to suitable habitat or disposed of properly if dead.

Fact sheet provided by the Illinois Department of Natural Resources Endangered Species Program 4/15/2016