



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
www.dnr.illinois.gov

Pat Quinn, Governor  
Marc Miller, Director

## **Authorization for Incidental Take and Implementing Agreement**

Pursuant to the Illinois Endangered Species Protection Act (Act) (520 ILCS 10/5.5) and the regulations adopted to implement the Act (17 Ill. Adm. Code 1080), authorization is hereby granted to FutureGen Industrial Alliance, Inc. (hereinafter referred to as the Alliance) for the incidental take of the Illinois chorus frog (*Pseudacris illinoensis*), regal fritillary butterfly (*Speyeria idalia*), ornate box turtle (*Terrapene ornata*), and plains hog-nosed snake (*Heterodon nasicus*). The Illinois Department of Natural Resources (hereinafter referred to as the Department) has determined that this taking is incidental to activities associated with construction and operation of the Alliance's oxy-combustion repowering project integrated with a carbon dioxide (CO<sub>2</sub>) pipeline and capture and storage technology in Morgan County, Illinois (the FutureGen 2.0 Project). The project area covered in this authorization consists of the Meredosia Energy Center and that portion of the CO<sub>2</sub> pipeline route right-of-way from the Meredosia Energy Center extending east approximately 5 miles (encompassing approximately 3 miles in the Illinois River floodplain and approximately 2 miles beyond the floodplain over and above the bluff).

### **Procedural History**

The Department's consultation staff requested that the Alliance conduct surveys for the Illinois chorus frog (ICF) and regal fritillary butterfly (RFB) in their project area where species of concern may exist. Due to Illinois Natural History Survey records and the presence of suitable habitat within the project area for the ornate box turtle (OBT) and the plains hog-nosed snake (PHS) (also known as the western hognose snake) in Morgan County, the Department recommended that the applicant include these species in its conservation plan. The Alliance retained Vernon L. LaGessee Jr. to conduct surveys, which identified the presence of ICF and RFB in the project area. No formal surveys for OBT or PHS were conducted. The Alliance prepared a conservation plan per the Act. The conservation plan was submitted by the Alliance on October 25, 2013, to the Department as a request for authorization for the incidental take of the ICF, RFB, OBT, and PHS. After addressing the Department's identification of discrepancies by letter on November 21, 2013, the final conservation plan and proposed public notice were received on January 13, 2014. Subsequent to public notice, the Alliance provided revised and decreased potential habitat impact acreages on July 23, 2014, based on a reduction in the project footprint. The public notice period, as well as the public comment received from one individual, will be detailed under #6 of the Compliance section below.

## **Compliance with the Illinois Endangered Species Protection Act**

The Act includes six criteria which must be satisfied for the authorization of incidental take of an endangered or threatened species. These criteria and the Department's determination for each criterion are listed below.

1. The taking will not be the purpose of, but will be only incidental to, the carrying out of an otherwise lawful activity:

The stated and apparent purpose of this proposed action is the construction and operation of an oxy-combustion repowering project integrated with carbon dioxide capture and storage technology located at the Meredosia Energy Center and continuing along a 28-mile long pipeline route east to injection and monitoring wells in Morgan County, Illinois as described in the conservation plan. The project area (the area that is subject to this authorization) consists of the entire Meredosia Energy Center site and the CO<sub>2</sub> pipeline route right-of-way extending from the Meredosia Energy Center site eastward for 5 miles. Any potential take of State-listed species within the project area would be primarily due to construction activities associated with vehicle and heavy equipment use such as direct collision, land clearing, trench digging, excavation, and hauling debris. Potential take could also occur during project operation due to the movement of trucks and equipment on the Meredosia Energy Center site or along the pipeline route. The take that could result from this project is not the purpose of the Alliance's activities, but is incidental to the carrying out of an otherwise lawful activity.

2. The parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking:

The conservation plan prepared by the Alliance describes measures that will be taken to minimize the potential adverse effects of the project on the four State-listed species as follows –

The Alliance proposes to –

- Hire an endangered species coordinator to oversee and implement the conservation plan. This expert will inspect all trenches before work starts each day; inspecting for ICF, OBT, and PHS that may have fallen into the trench overnight. By having them on-site they will be involved with the day-to-day decisions that might arise during the construction season. They have the power to stop and/or change work as it affects compliance with the Incidental Take Authorization permit. The coordinator will be responsible for establishing a notification policy with the Department.
- Educate work crews on what each potentially impacted State-listed species looks like, its habitat, and where on the project they might encounter the species. Develop a work crew brochure.

- Train and coordinate work crews in the operation of vehicles and heavy equipment to reduce any extra soil disturbance and monitor parking practices to reduce soil compaction.
- Post temporary signs for reduced speeds in sensitive locations.
- Conduct post-construction surveys to monitor habitat restoration and impacts to State-listed species.
- Establish onsite protocols to notify the Department after new sightings of any of the four species.

In addition, specifics in the conservation plan addressing minimization and mitigation for each of the species include –

**ICF –**

- Continue pre-construction surveys.
- Bore pipe under all jurisdictional wetland areas within the pipeline alignment.
- Inspect all open pipeline trenches at the beginning and the end of each workday while in the Illinois floodplain soils and the associated bluff line and remove any frogs that might have fallen into the trench to avoid injury to these individuals.
- Conduct post-construction survey and monitoring.

**RFB –**

- Continue pre-construction surveys.
- Restore pre-existing sand prairie after the construction phase.
- Reintroduce native perennial and annual violets during restoration.
- Enhance native nectar sources in sand prairie restorations by introducing native nectar forbs.
- Conduct post-construction survey and monitoring.

**OBT –**

- Restore pre-existing sand prairie after the construction phase.

**PHS –**

- Restore pre-existing sand prairie after the construction phase.

Additional measures, based on the life history needs of the four species, will be required under the Authorization section below.

3. The parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided.

The U.S. Department of Energy (DOE) proposes to provide approximately \$1 billion in financial assistance to the Alliance for the proposed project. The funding would be used for project design and development, procurement of capital equipment, construction, and to support a 56-month demonstration period for the coal-fueled electric generation plant integrated with carbon capture and storage.

During the 20-year operations period, the the Alliance project will be paid for with revenues from the sale of electricity generated at the repowered Meredosia Energy Center in accordance with the terms of a power purchase agreement entered into by Ameren Illinois, Commonwealth Edison, and the Alliance in August 2013. After the 20-year injection period, there will be a post-injection site care period (50 years or until the permitting authority is satisfied that the CO<sub>2</sub> plume is stable, not moving, and no further monitoring is needed). Post-injection site care will be funded by a CO<sub>2</sub> Fund established by the Alliance in accordance with financial responsibility requirements set forth in U.S. Environmental Protection Agency underground injection control regulations (40 CFR 146.85).

4. Based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of 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.

**A. Illinois chorus frog (*Pseudacris illinoensis*) (ICF)**

The ICF is listed as a threatened species in Illinois due to its restricted habitat of open sandy areas and habitat loss within its small range. The ICF is a small nocturnal frog whose life history is primarily fossorial. Emergence from hibernation occurs in late winter or early spring and breeding begins. Eggs are laid in ephemeral ponds with emergent vegetation. Tadpoles metamorphose into terrestrial adults in approximately two months. The ICF migrates from breeding ponds to suitable terrestrial burrowing sites. The species is seldom seen except during the breeding season, after which it retreats to subterranean refugia. The ICF is estimated to live up to three years and both sexes become reproductively mature between 60 and 75 days old.

Vernon L. LaGessee conducted nocturnal auditory surveys during the breeding season to determine presence or absence for ICF in 2012 and 2013 in the vicinity of the Meredosia Energy Center and along the proposed pipeline route east to Chapin, IL. In 2012, no ICFs were documented potentially due to drought conditions and higher than normal temperatures. In 2013, LaGessee documented five breeding pools in the survey area containing ICFs; these breeding pools were outside of the project area.

The Department's Natural Heritage Database documents 29 element occurrence records of indeterminate numbers of individuals of ICFs across 9 west-central and southwestern Illinois counties (Tazewell, Mason, Menard, Cass, Morgan, Scott, Madison, Monroe, and Alexander). The data includes three element occurrence records for Morgan County with individual estimates of up to 130 heard. According to the data, during breeding season ICFs are inhabiting roadside depressions, sand prairies, ephemeral ponds, sand ponds, and flooded fields. Statewide, the Department has issued 13 previous Incidental Take Authorizations (ITA) for ICFs, two of those were within Morgan County. Both of those ITAs were Illinois Department of

Transportation projects. One project was realigned to exclude the ICF habitat. The second project has not produced post-construction evidence of ICF.

**B. Regal fritillary butterfly (*Speyeria idalia*) (RFB)**

The RFB is listed as a threatened species in Illinois due to declining populations attributed to habitat loss. The RFB does not migrate, although this strong flyer can disperse for miles. Adult males emerge in early summer coinciding with the emergence of milkweed. Low-flying adults are found near prairies or roadside ditches containing milkweed, thistle, dogbane, and boneset, among other prairie flowers. Female RFBs deposit eggs in late summer sometimes near violets with larvae seeking over-wintering hibernation sites under dried grass and leaf litter quickly after hatching. The larvae delay development over winter. Once spring arrives, the larvae emerge and feed on violets. As the violet foliage degrades with the heat of summer, the RFB is entering adulthood and looking for milkweed and other prairie flowers. The species can be negatively impacted by annual prescribed burning; the Alliance is not proposing to conduct any prescribed burning.

Vernon L. LaGessee conducted visual encounter surveys on the Meredosia Energy Center property and the portion of the proposed pipeline alignment within the Illinois floodplain. Fifty-seven adult RFBs were documented between May 29 and July 3, 2012 within the survey area (Meredosia Energy Center site and the 3 miles of the CO<sub>2</sub> pipeline right-of-way in the Illinois River floodplain). No RFBs were observed during surveys conducted in 2013, but were observed emerging outside of the project area. Degraded sand prairies with violet populations are documented on the Meredosia Energy Center site, along the pipeline route, and in numerous areas near the project area.

The Department's Natural Heritage Database documents 26 element occurrence records of indeterminate numbers of individuals of RFBs across 18 northern and west-central Illinois counties (Bureau, Carroll, JoDaviess, Grundy, Iroquois, Kankakee, LaSalle, Lee, Ogle, Tazewell, Mason, McDonough, Menard, Cass, Morgan, Scott, Pike, and Whiteside). The data include two element occurrence records for Morgan County with most sightings ranging from 1 to 15 individuals. According to the data, RFBs are inhabiting dry sand prairies, wet grasslands, alfalfa plots, old wet fields, and dry loess sand prairies. Statewide, the Department has issued three previous Incidental Take Authorizations for RFBs; none were within Morgan County.

**C. Ornate box turtle (*Terrapene ornata*)(OBT)**

The OBT is listed as a threatened species in Illinois due to habitat loss, habitat fragmentation, road mortality, and popularity in the pet trade industry. This small terrestrial turtle prefers sand prairie habitat, although it has been documented using agricultural fields. Water sources nearby are important for thermoregulation and for hydration after emergence from brumation. In Illinois, the OBT has been known to

brumate from late October to early April underground at a depth of approximately one foot ranging up to three feet during extremely cold winters, but the turtle will emerge with warm temperature fluctuation. Clutches of 4-6 eggs are laid in shallow underground nests in June. Dispersal has been shown to range from less than an acre to more than 80 acres. In general, the species occupies a small home range and, it displays high site fidelity. The OBT life span is estimated at 30 years. The species does not become reproductively mature until approximately age ten, however reproductive maturity in OBTs seems more highly correlated with size than with age. The OBT has been shown to be difficult to locate through visual encounter surveys due to their cryptic habits.

No records for OBT exist in the proposed project area. No formal surveys for OBT were conducted by the Alliance.

The Department's Natural Heritage Database documents 57 element occurrence records of OBT across 33 of Illinois' 102 counties. No element occurrence records exist for Morgan County, however the Illinois Natural History Survey reports that one specimen was collected from Morgan County in 1950. According to the data, OBTs are inhabiting managed cool and warm season grasses, mix of agricultural fields and prairie, old field at woodland edge, hay field, degraded sand prairie, high-quality short grass prairie, dry-mesic sand savanna, and mowed fescue roadside. Statewide, the Department has issued three previous Incidental Take Authorizations for OBTs, none were within Morgan County.

#### **D. Plains hog-nosed snake (*Heterodon nasicus*)(PHS)**

The PHS is listed as a threatened species in Illinois due to habitat loss, habitat fragmentation, road mortality, and popularity in the pet trade industry. This usually less than two-foot-long stout-bodied terrestrial snake prefers sandy soils. Their "hog-like" nose aids in adept burrowing. The species reaches reproductive maturity at two years (maturity based more on size than on age) and mates in spring. Soft-shelled eggs are laid in late summer in nests just under the ground surface. Eggs hatch in approximately 60 days. Females reproduce in alternate years. The PHS hibernates from fall to spring often utilizing burrows created by small mammals. The species can live approximately 15 years. The PHS is a diurnal hunter of amphibians, other reptiles, birds, and small mammals. There is evidence that snakes of this genus can disperse 60 acres or more.

No records for PHS exist in the proposed project area. No formal surveys for PHS were conducted by the Alliance.

The Department's Natural Heritage Database documents 25 element occurrence records of PHS across 14 of Illinois' 102 counties. No element occurrence records exist for Morgan County, however the Illinois Natural History Survey reports two specimens collected from Morgan County in 1930 and 1953. According to the data, PHSs are inhabiting open sand prairie, dry-mesic sand prairie, sand prairie strip with

trees surrounded by pasture, sand prairie with woody growth, edge of sand pond, degraded sand prairie, open grassy area in forest with sandstone outcroppings, and sand prairie restoration. Statewide, the Department has issued four previous Incidental Take Authorizations for PHS, none were within Morgan County.

Based on the life history needs of each of the species, the number of known element occurrence records in the State, an assessment of the potential impact to individuals that make up the element occurrences in the project footprint, and the conservation measures outlined herein, the Department has determined that the takings will not reduce the likelihood of survival or recovery of the State-threatened Illinois chorus frog, regal fritillary butterfly, ornate box turtle, and plains hog-nosed snake.

5. Any measures required under Section 5.5(b)(6) of the Act will be performed.

Additional measures are listed below under "Authorization." This authorization is, by definition, subject to those terms and conditions and official Alliance signatures on this agreement indicate its commitment to performing those measures.

6. The public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application.

Public notice of the Alliance's request for authorization of incidental take was published in the Breeze Courier (official state newspaper) on January 23, 2014, and in The Source Newspaper (Morgan County) on January 23, January 30, and February 6, 2014. Public comments were received by the Department until March 8, 2014. Public comment was received from Elizabeth Niemann on March 8, 2014. The comments were provided to the Alliance on March 11, 2014. The Alliance's analysis of Ms. Niemann's comments were received by the Department on March 14, 2014.

### **Authorization**

It is the determination of the Department that the measures that will be implemented by the Alliance will adequately minimize and mitigate the anticipated taking of the Illinois chorus frog, regal fritillary butterfly, ornate box turtle, and plains hog-nosed snake due to the construction and operation of an oxy-combustion repowering project integrated with CO<sub>2</sub> capture and storage technology located at the Meredosia Energy Center and including and continuing along a 28-mile long pipeline route east to injection and monitoring wells in Morgan County, Illinois. Further, it is the Department's opinion that the take authorized herein will not diminish the likelihood of the survival of the Illinois chorus frog, regal fritillary butterfly, ornate box turtle, and plains hog-nosed snake in the wild within the State of Illinois, the biotic community of which the species are a part, or the habitat essential to the species' existence in Illinois.

All terms and conditions included in the aforementioned conservation plan submitted by the Alliance to the Department are incorporated into this agreement by reference and are made a part thereof.



Pursuant to Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5] and the Administrative Rule for the Incidental Taking of Endangered and Threatened Species [Ill. Adm. Code 1080.40(b)], this authorization is issued subject to the following additional terms and conditions, which may include additions or modifications to minimization and mitigation measures proposed by the applicant under Compliance condition #2 above:

1. This authorization is effective upon the signature of the Department and shall remain in effect for a period of 25 years from the date of the Department signature, unless terminated by written agreement of both parties.

This authorization may be revoked pursuant to the Act and Ill. Adm. Code 1080.80(b) if the Department finds that the Alliance has failed to comply with any of these terms and conditions or has been responsible for the taking of the Illinois chorus frog, regal fritillary butterfly, ornate box turtle, and plains hog-nosed snake beyond that which is incidental due to the construction and operation of the aforementioned project in Morgan County, Illinois.

2. The effective period of this authorization may be altered by mutual written agreement between the Alliance and the Department. In this event, the Department shall notify the Illinois Endangered Species Protection Board of such alteration.

Any substantive changes, including but not limited to a change in the project footprint or a change in the State-listed species which could potentially be impacted, will require that a new conservation plan be submitted to the Department to initiate the review and public notice process as required by the Act.

3. This authorization is transferable once, within one year from date of issuance, to an Alliance subsidiary as long as the subsidiary agrees in writing to be bound by the terms of this agreement. Any transfer to an entity other than an Alliance subsidiary, or after one year, will require submission of a conservation plan, engagement in the public review process, and reissuance of an incidental take authorization from the Department to the transferee.
4. The Alliance shall notify the Department upon commencement of the project.
5. Based on the Alliance's estimate of 37.6 acres of potentially impacted habitat for the four State-listed species, mitigation shall include:
  - A. Minimization and mitigation measures outlined under #2 in the Compliance section above.
  - B. The development of an interpretive exhibit in the planned FutureGen Center about the life cycles and habitat requirements of the four state-listed species at issue and address habitat creation, habitat restoration, and conservation of endangered and



threatened species in Morgan County, Illinois. The exhibit will also incorporate the results of the research study described in Section C below.

- C. The Alliance will collaborate with the three colleges in Jacksonville, Illinois – Illinois College, MacMurray College, and Lincoln Land Community College – to study the ICF in Morgan County with oversight performed for the duration of the research study by the Illinois Natural History Survey. It is envisioned that Illinois College will be responsible for designing the field study, MacMurray College will be responsible for designing a communications plan and exhibit, and Lincoln Land Community College will be responsible for designing the necessary maps for the exhibit. The study will require three years of field work in which students from all three colleges will participate. The Alliance’s proposal assumes an appropriate level of funding for one professor and two students from each of the three colleges, plus necessary travel and expenses, over three years. The study will be led by faculty with appropriate and relevant experience. To date, no known ICF research has occurred in Morgan County.

The study will include:

- an investigation into the climatic conditions triggering ICF emergence,
- an evaluation of dispersal/migration distance of ICF from breeding ponds,
- an examination of the depth of burrowing for aestivation (dormancy) or foraging,
- an analysis of the potential use of cultivated fields by ICF,
- and the identification of suitable habitat for acquisition and/or perpetual conservation easement within Morgan County.

Deliverables will include:

- annual reports to the Department on research progress,
- expedited reporting of new locations of any State-listed species encountered within 48 hours with supporting documentation,
- a publishable journal article,
- and an exhibit within the FutureGen Center.

Field study design shall occur in collaboration with the Illinois Natural History Survey and the Department’s Endangered Species Program. All researchers and students shall hold current Illinois Department of Natural Resources Endangered Species Permits.

For safety and access reasons, the study will begin after the power plant has begun “commercial operations.” “Commercial operations” is defined as when all construction and commissioning has been completed at the power plant and commercial operations has been declared in accordance with the Illinois Commerce Commission approved power purchase agreement.

- D. The Alliance will pay up to \$100,000 for the acquisition of high-quality suitable ICF and RFB habitat in Morgan County OR for the acquisition of a perpetual

conservation easement on high-quality suitable ICF and RFB habitat in Morgan County including associated land management and ecological monitoring funding, as identified by and prioritized in the research study described above in Section C. Priority shall be given to lands designated of high natural quality by the Illinois Natural Areas Inventory. The Alliance will work closely with the Illinois Natural History Survey and the Department to identify such habitat. The selection shall be confirmed by written mutual agreement between the Alliance and the Department. Acquisition of this habitat will occur within 10 years following "commercial operations."

6. The Alliance shall conduct, or cause to be conducted, a thorough survey of Illinois chorus frog, regal fritillary butterfly, ornate box turtle, and plains hog-nosed snake suitable habitat within one week prior to initiation or advancement of construction to locate any individuals. If any of the threatened species are located in the project area, a qualified ecological consultant for the Alliance shall evaluate the situation based upon the species located.

If that consultant determines that ICF could potentially be taken in numbers greater than what was estimated in the conservation plan (1-10), the Alliance shall halt construction or operation in the near vicinity of the threatened species and immediately notify the Department (including encounters with non-breeding adults in aestivation within the trench or any directional boring locations).

If that consultant determines that RFB could potentially be taken in numbers greater than what was estimated in the conservation plan (1-30), the Alliance shall delay any impacts to habitat (if eggs or larvae) or delay advancement in near vicinity of the habitat to any adults and immediately notify the Department.

If that consultant determines that OBT potentially could be taken in numbers greater than what was estimated in the conservation plan (1-5), the Alliance shall halt construction or operation in the near vicinity of the threatened species and immediately notify the Department. If OBT is encountered, individuals shall be relocated to **pre-approved** suitable habitat immediately outside of the work area identified prior to construction.

If that consultant determines that PHS potentially could be taken in numbers greater than what was estimated in the conservation plan (1-5), the Alliance shall halt construction or operation in the near vicinity of the threatened species and immediately notify the Department. If PHS is encountered, individuals shall be relocated to **pre-approved** suitable habitat immediately outside of the work area identified prior to construction.

All State-listed species encountered throughout the duration of the project shall be reported to the Department's Endangered Species Program within 48 hours with supporting documentation provided, including maps.

At such time that this authorization is in effect, the Alliance shall provide the Department with their intended methodology and timing for the surveying of the four State-threatened species (and relocation of the OBT or PHS only) if located in the project area. The Alliance shall identify suitable habitat as release locations in the vicinity and provide the Department with supporting documentation, including maps. The Department shall pre-approve proposed sites suitable for species relocation, and after release in a suitable location, the Alliance may resume project activities in the project area. All relocations shall be reported to the Department within 48 hours of any action. Supporting documentation, including maps, shall be submitted to:

Incidental Take Authorization Coordinator  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702  
(217)557-8243  
[ITAcordinator@illinois.gov](mailto:ITAcordinator@illinois.gov)

The Department's Endangered Species Program shall provide all reports required under this agreement to the Illinois Endangered Species Protection Board and to the Department's Natural Heritage Database.

7. All personnel working in the project area shall receive educational materials including identification information, protected status of each of the species, and notification and relocation protocol in place for when each of the species is encountered, living or dead. A copy of the educational flyer shall be provided to the Department.
8. Any taking of State-listed plants requires the express written permission of the landowner. **This agreement does not authorize the taking of any Federal or State-listed plant species.**

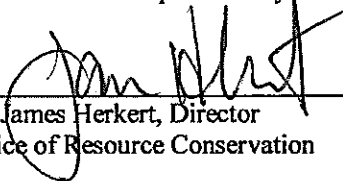
If new populations of bent milk vetch or any other Federal or State-listed plant are encountered, data shall be submitted to the Department's Endangered Species Program within 48 hours.

9. Upon completion of the construction, the Alliance shall conduct, or cause to be conducted, a re-survey for each species (at appropriate life history stages) within all suitable habitat in the project area to determine what effect the project has had on the local populations and whether recolonization by the species has occurred. Surveys shall be conducted in year two and year five (if appropriate hydrological conditions do not exist for ICF, surveys shall be delayed to the next survey season) following construction. Monitoring reports shall be submitted within 60 days of completion of surveys.
10. Upon completion of any habitat restoration in the project area serving as mitigation for potential take of any of the species, the Alliance shall conduct, or cause to be

conducted, a survey of vegetation during the growing season in such mitigation areas. Surveys documenting the success of the vegetation establishment shall be performed in year two and year five following construction. Monitoring reports shall be submitted to the Department within 60 days of completion of surveys. If vegetation establishment has not occurred successfully, reseeded shall be performed.

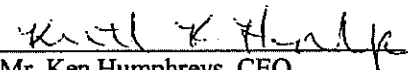
11. For those areas under Alliance control, the Department reserves the right of entry to inspect potential habitat and species management practices.
12. The Alliance official identified below is authorized to execute this agreement. Execution by the Alliance indicates acceptance of all terms and conditions described in this document.
13. The execution of this agreement does not waive or excuse, in any way, the responsibilities of the Alliance to comply with other Federal, State, or local regulations, including but not limited to obtaining requisite permits.

*For the Illinois Department of Natural Resources*

  
\_\_\_\_\_  
Dr. James Herkert, Director  
Office of Resource Conservation

8-13-14  
Date Signed

*For FutureGen Industrial Alliance, Inc.*

  
\_\_\_\_\_  
Mr. Ken Humphreys, CEO  
FutureGen Industrial Alliance, Inc.

KENNETH K. HUMPHREYS, CEO  
Please print name and official title

AUGUST 11, 2014  
Date Signed