



# Illinois

## Department of

# Natural Resources

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<http://dnr.state.il.us>

Rod R. Blagojevich, Governor

### Authorization for Incidental Take and Implementing Agreement

Pursuant to the Illinois Endangered Species Protection Act (Act) (520 ILCS 10/5.5), authorization is hereby granted to the Illinois Department of Transportation (hereinafter referred to as IDOT) for the incidental take of the state-endangered peregrine falcon, *Falco peregrinus*, associated with reconstruction and rehabilitation of portions of the McKinley Bridge over the Mississippi River between St. Louis, Missouri and Venice, Illinois. The Illinois Department of Natural Resources (hereinafter referred to as the Department) has determined that this taking is incidental to the reconstruction and rehabilitation of the McKinley Bridge.

#### Procedural History

IDOT prepared a conservation plan as described by the Act. That plan and IDOT's request for authorization of incidental take of peregrine falcons were received by the Department on December 10, 2002. Public notice of IDOT's request for authorization of incidental take was published in the Edwardsville Intelligencer on December 13, 2002, in the St. Louis Post Dispatch on December 12, December 23 and December 30, 2002 and January 9, 2003, and in the East St. Louis Monitor on December 11 and December 18, 2002 and January 8, 2003. Public comments on IDOT's conservation plan were accepted by the Department until February 10, 2003. No comments were received from the public.

#### 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 are listed below.

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

The stated and apparent purpose of this proposed action is the reconstruct existing approaches and rehabilitate the main spans of the McKinley Bridge over the Mississippi River between St. Louis, Missouri and Venice, Illinois. Measures will be taken to reduce the chances that peregrine falcons will nest on the bridge while construction activities are underway. If peregrines do nest on the bridge, it may be necessary to "take" eggs or young birds in the form of relocation to a captive rearing facility. No lethal take of peregrine falcons is anticipated as a result of project activities. The take that may occur is not the purpose of IDOT'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:

IDOT has, in cooperation with the Illinois Natural History Survey, the World Bird Sanctuary,

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and Ameren UE, placed a nesting box on the Ameren UE power plant roof. A second nesting box was already in place on that building. Peregrine falcons, believed to be the same pair that has nested on the McKinley Bridge, have previously nested on the power plant. It is hoped that the presence of the two nest boxes will encourage the birds to nest on the power plant and avoid any chance of disturbance by construction activities on the bridge and its approaches. If peregrine falcons nest on the McKinley Bridge while construction activities are ongoing or are found to already be present at the beginning of a construction season, the eggs and/or young will be removed from the nest and transferred to the World Bird Sanctuary for incubation and/or rearing. Successfully reared birds will be released in the St. Louis area when they have reached the appropriate stage of maturity. It is anticipated that these measures will avoid any loss of individual peregrine falcons or negative effects on the falcon population in the St. Louis area.

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

The total budget allocation for the McKinley Bridge project is approximately 36 million dollars. If relocation and captive rearing of peregrine falcons is necessary, project funds are adequate to cover any associated costs.

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 in Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois:

Captive-reared peregrine falcons have been reintroduced to many urban areas in the eastern United States since the late 1970s. Some of those birds have successfully reproduced in the wild and the resulting offspring have also reproduced. Most nesting has been on bridges and tall buildings, with only a few birds returning to natural nest sites such as bluffs along large rivers. Methods for the rearing and release of peregrine falcons are well established.

Most nesting by reintroduced peregrine falcons in Illinois has been in the Chicago metropolitan area. The McKinley Bridge has been used as a nesting site by peregrines from 1996-2002, with the exception of 2001 when the birds nested on the Ameren UE power plant on the Illinois side of the Mississippi River.

If peregrine falcons establish a nest on the McKinley Bridge before or during a construction season, eggs or young will be taken to the World Bird Sanctuary for incubation and/or rearing. The World Bird Sanctuary has all necessary state and federal authorizations needed for this work and has experience in rearing peregrine falcons. Captive rearing of peregrines should assure that survival will at least equal, and probably will exceed, that expected in the wild. Release of captive-reared birds to the wild will assure that the population of peregrine falcons in the St. Louis area will not be reduced.

Reconstruction and rehabilitation of the McKinley Bridge will not alter the habitat or the biotic community in the vicinity of the bridge. The suitability of the bridge or nearby structures for use by nesting peregrines will not be diminished by project activities.

5. Any measures required under Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - Section 1080.40(b)] will be performed:

Additional measures are listed below under "Authorization." This authorization is, by definition, subject to those terms and conditions and IDOT's signature on this authorization indicates their 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 IDOT's request for authorization of incidental take was published in the Edwardsville Intelligencer on December 13, 2002, in the St. Louis Post Dispatch on December 12, December 23 and December 30, 2002 and January 9, 2003, and in the East St. Louis Monitor on December 11 and December 18, 2002 and January 8, 2003. . Public comments on IDOT's conservation plan were accepted by the Department until February 10, 2003.

### Authorization

It is the determination of the Department that the measures to be implemented by IDOT at the project site will adequately minimize and mitigate the anticipated taking of peregrine falcons associated with the reconstruction and rehabilitation of the McKinley Bridge and its approaches. Further, it is our opinion that the take authorized herein will not diminish the likelihood of the survival or recovery of peregrine falcons 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.

Pursuant to Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - Section 1080.40(b)], the authorization is issued to IDOT subject to the following additional terms and conditions:

1. This authorization is effective upon signature by the Department and shall remain in effect for a period of 10 years from the date of execution, unless terminated pursuant to Section 5.5 of the Illinois Endangered Species Protection Act (520 ILCS 10/5.5 - Section 1080.80).
2. IDOT shall monitor, or cause to be monitored, peregrine falcon activity in the vicinity of the McKinley Bridge throughout the project period. The monitoring period shall encompass all construction-related activities, including but not limited to delivery of materials, mobilization of contractors, reconstruction and rehabilitation, clean-up and demobilization.
3. IDOT shall make all project personnel and contractors aware of the potential presence of peregrine falcons and provide information to all personnel concerning procedures to be followed if peregrine falcon nesting activity is discovered.
4. If a peregrine falcon nest is discovered on the McKinley Bridge or its approaches during any period of construction activity, IDOT's resident engineer shall be notified immediately. The resident engineer shall be responsible for contacting biologist(s) at the Illinois Natural History Survey to coordinate the transfer of any eggs and/or young birds in the nest to the facilities of the World Bird Sanctuary for incubation and/or rearing according to standard protocols for the captive care of peregrine falcons. The transfer of any eggs and/or young to the World Bird Sanctuary shall be reported to the Department within two working days.
5. The World Bird Sanctuary shall release any captive-reared young taken from a nest on the McKinley Bridge or its approaches at a site approved by the Department when those young

birds have reached an appropriate age for release.

6. The effective period of this authorization may be altered by mutual agreement between IDOT and the Department.

7. This authorization may be revoked pursuant to Section 5.5 of the Illinois Endangered Species Protection Act (520 ILCS 10/5.5 - Section 1080.80) if the Department finds that IDOT has failed to comply with any of these terms and conditions or has been responsible for the taking of peregrine falcons beyond that which is incidental to the reconstruction and rehabilitation of the McKinley Bridge and its approaches in Madison County, Illinois and the City of St. Louis, Missouri.

8. The IDOT and World Bird Sanctuary officials identified below are authorized to execute this agreement. Execution of this agreement indicates acceptance by all parties of the terms and conditions as described in this document.

For the Illinois Department of  
Natural Resources

For the Illinois Department of  
Transportation

\_\_\_\_\_  
Tim Hickmann, Acting Director,  
Office of Resource Conservation

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

For the World Bird Sanctuary

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date