

Illinois Department of Natural Resources

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

Bruce Rauner, Governor

Wayne A. Rosenthal, 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 pursuant to the Act (17 Ill. Adm. Code 1080), authorization is hereby granted to the Arenzville Rural Water Cooperative (hereinafter referred to as ARWC) for the incidental take of the Illinois chorus frog (*Pseudacris illinoensis*, also known as *Pseudacris streckeri illinoensis*) (hereinafter referred to as ICF). The Illinois Department of Natural Resources (hereinafter referred to as the Department) has determined that the taking is incidental to activities associated with the installation of approximately 755 lineal feet of 4-inch diameter water main extending west from Arenz Lane in Bluff Springs Township, Cass County, Illinois.¹

Procedural History

The Department received a conservation plan from Heneghan and Associates on behalf of ARWC on February 19, 2015, as a request for authorization for the incidental take of the Illinois chorus frog. The Department requested additional information on March 19, 2015, to make the conservation plan complete as prescribed by 17 Ill. Adm. Code 1080.10. That additional information was received by the Department on March 23, 2015. The public notice period will be detailed under #6 of the Compliance section below.

Compliance with the Illinois Endangered Species Protection Act

The Act includes six criteria that 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 installation of approximately 755 lineal feet of 4-inch diameter water main extending west from Arenz Lane in Bluff Springs Township, Cass County, Illinois. The project corridor will be approximately 15 feet wide and the total area of ICF habitat affected will be approximately **0.26 acre**. Take of the ICF could result from project traffic, trenching and stockpiling of soils, backfilling, and/or grading and restoration. The take of ICF that could result from this project is not the purpose of ARWC's activities, but is incidental to the carrying out of an otherwise lawful activity.

¹ The project location as further described as being in Section 30, Township 18N, Range 11W. The water main will serve several lots in the Rawlinswood Heights subdivision.

burrowing. Information on the density and depth at which the ICF may be present in the soil is not available.

The Department's Natural Heritage Database documents 29 element occurrence records of indeterminate numbers of individuals of ICFs across nine west-central and southwestern Illinois counties (Tazewell, Mason, Menard, Cass, Morgan, Scott, Madison, Monroe, and Alexander). The majority of these occurrences are in counties bordering the east side of the Illinois River, ranging from Scott County in the south to Tazewell County in the north. According to the data, during breeding season ICFs inhabit roadside depressions, sand prairies, ephemeral ponds, sand ponds, and flooded fields.

Much of the Illinois River floodplain in the Arenzville-Beardstown area is considered to be potential habitat for the ICF based on soil types and the presence of temporary ponds that may be used for breeding. The presence, distribution and persistence of breeding ponds vary between years depending on precipitation patterns.

The Department has issued 15 previous authorizations for the incidental take of ICF. These projects included, but are not limited to, road construction or upgrades, electrical transmission lines, pipelines (water and petroleum), and a landfill remediation project. Past minimization and mitigation measures included creation of shallow ponds to expand potential breeding habitat, seasonal avoidance of ICF breeding activity, exclusionary fencing around project sites, pre- and post-construction surveys, and support of research and management to benefit the species. An authorization for incidental take of Illinois chorus frogs was issued to ARWC on July 22, 2011, for an earlier phase of this current project. That phase was much more extensive, with approximately 60 miles of water transmission lines installed in rural Cass County, Illinois. The project was completed in 2012, no ICF were encountered, and all restoration practices were completed and successful.

Direct take of the ICF related to this project may be unavoidable because of the fossorial habits of the species. Except for during their brief breeding season, ICFs are buried in sandy soils. Several aspects of this project, as described above, could result in take of ICF if they are present underground in the project area. Detection and avoidance of any "buried" frogs is not feasible.

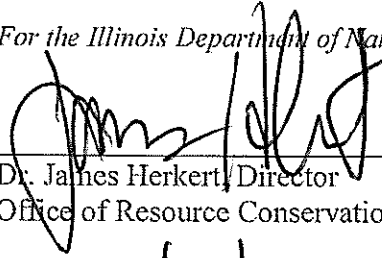
Based on the number of occurrence records in the State, the minimization and mitigation measures described under #2 above and in the Authorization section below, an assessment of the potential impact, and the understanding that vulnerability and recovery information on the species remains limited, the Department has concluded that the taking proposed herein will not reduce the likelihood of survival or recovery of the ICF 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.

2. The effective period of this authorization may be altered by mutual written agreement between ARWC and the Department. The Illinois Endangered Species Protection Board shall be notified of any such alteration.

Any substantive changes, including but not limited to a change in the project footprint or a change in the Illinois endangered or threatened species which could potentially be affected, 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 non-transferable.
4. The Department reserves the right of entry to inspect potential habitat and species management practices.
5. ARWC shall notify the Department's Endangered Species Program of commencement of the water main installation project.
6. All personnel working in the vicinity of the project shall receive educational materials regarding the sensitive ecological context of the project. Materials will include identification information on the potentially impacted State-listed species, protected status of the species, response protocol for when the species is encountered, live or dead, and explanation of environmental restrictions. A copy of the educational materials shall be provided to the Department.
7. If ICF are encountered during excavation, ARWC or their biological consultant shall immediately contact the IDNR District Natural Heritage Biologist for this area at (217)285-2111 or contact the Endangered Species Program (information below), for verification and documentation.
8. The Department shall be informed of any sighting of State-listed species and provided **location information within 48 hours.**
9. Appropriate erosion control practices shall be implemented and monitored.
10. Following construction completion disturbed areas shall be seeded with a native Illinois seed mix. The success of the seeding shall be monitored, and an additional seeding effort shall be conducted if less than 80% cover is encountered.
11. **Within 60 days of project completion**, ARWC shall provide the Department with a project report summarizing the implementation of minimization, mitigation, and restoration measures and evaluating the effectiveness of those measures. If any ICF are encountered during the project, this report shall also include a description of where the frogs were found, any injuries to or deaths of frogs, and the disposition of any frogs that were killed or injured.

For the Illinois Department of Natural Resources:




Dr. James Herkert, Director
Office of Resource Conservation

8/25/15

Date

For the Arenzville Rural Water Cooperative:



Mr. Ewell Andrews
Board Chair

8-18-15

Date