



# Illinois Department of Natural Resources

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

JB Pritzker, Governor  
Colleen Callahan, 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 the Edgar County Highway Department (hereinafter referred to as Edgar County) for the incidental take of the State-threatened Jefferson Salamander (*Ambystoma jeffersonianum*). The Illinois Department of Natural Resources (hereinafter referred to as Department) has determined that this taking is incidental to activities associated with the Low-Water Crossing and Roadway Replacement project across Sugar Creek, which will include construction of a three-span bridge and approximately 600 feet of new roadway within a new alignment southeast of Elbridge, Edgar County, Illinois.

### **Procedural History**

A Conservation Plan prepared by Illinois Department of Transportation, on behalf of Edgar County, was submitted to the Department on August 14, 2018, as a request for authorization for the incidental take of the Jefferson Salamander. The Department requested additional information on September 11, 2018, to make the Conservation Plan complete as prescribed by Ill. Adm. Code 1080.10. Additional information was received by the Department on September 19 and November 26, 2018. The final Conservation Plan was accepted as complete by the Department on December 13, 2018. The public notice period and public comments 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 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 to construct a new roadway and bridge spanning Sugar Creek. A new 28-foot-wide, three-span bridge and 20-foot-wide oil and chip roadway with 4-foot-wide shoulders will be constructed on a **new alignment** north of the existing low-water crossing and roadway. Construction and heavy equipment traffic will occur within the project area. All necessary right-of-way acquisitions and/or easements have been secured.

Clean earth fill material will be placed along the new roadway alignment to raise the roadway out of the floodplain. The existing low-water crossing and roadway and low-water crossing will remain in place until construction on the new bridge and roadway are completed. Upon completion of the new bridge and roadway, the existing roadway and the 12-foot-wide single concrete slab low-water crossing containing metal culvert pipes will be removed and disposed of off-site. Proposed activities occurring within terrestrial habitat may result in direct burial or crushing of, and/or noise and vibration disturbance to the Jefferson Salamander. In-stream impacts are not anticipated to pose a risk to the listed species.

Total estimated area of impact within species habitat for the immediately proposed actions is **0.73 acres**. The Department concurs that the take of Jefferson Salamander that could result from the immediately proposed project is not the purpose of Edgar County'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:

Proposed avoidance, minimization and mitigation were included in Edgar County's Conservation Plan.

To meet the "maximum extent practicable" standard, additional minimization and/or mitigation measures may be required beyond those proposed by Edgar County, based on the life history needs of the Jefferson Salamander. **All required minimization and mitigation measures are presented under the Authorization section below.**

3. The parties to the Conservation Plan will ensure that adequate funding for the Conservation Plan will be provided.

Edgar County states that the project will be funded 80% by the Township Bridge Program and 20% as local funds.

The Department accepts this provision as assurance that adequate funding will be available to carry out the terms of the Conservation Plan.

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.

**Jefferson Salamander (*Ambystoma jeffersonianum*)**

Jefferson Salamander is an Illinois State-threatened salamander species.

**Habitat:** Jefferson Salamander is found in forested wetlands. The species is mainly fossorial, emerging in late winter to mate and lay eggs. Jefferson Salamander is typically found hiding beneath leaf litter, logs, and other objects. They hibernate underground or in rotting logs from late fall until early winter.

**Distribution:** The current range of the species is concentrated in the northeastern United States with scattered populations in the Midwest.

**Reproduction:** Jefferson Salamanders migrate to vernal ponds where they mate and lay eggs in February-April. Clutches of up to 300 eggs, divided among several clusters, are attached to sticks and plant stems within ponds.

**Population:** Jefferson Salamanders are declining due to habitat loss and alteration, especially to vernal pool breeding sites. They are also threatened by intensive timber harvesting which reduces canopy closure, uncompacted forest litter, or woody debris.

**Range in Illinois:** Jefferson Salamander is found only within the extreme eastern part of Illinois. They have been observed in 2 of 102 Illinois counties, including Clark and Edgar Counties. There are currently 11 extant Element Occurrence Records for Jefferson Salamander in the Illinois Natural Heritage Database.

**Incidental Take Authorizations:** The Department has no previously issued or pending Incidental Take Authorizations for Jefferson Salamander.

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Based on the amount of habitat impacted by this project, the number of known occurrences of Jefferson Salamander in Illinois, an assessment of the potential effect of this project on individual species in the project footprint, the conservation methods included in this authorization for take and the Conservation Plan, and the understanding that vulnerability and recovery information on the species remains limited; it is the conclusion of the Department that the taking anticipated as a result of this project will not reduce the likelihood of survival or recovery of the species 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.

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 the signature of a representative from Edgar County 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 Edgar County's request for authorization of incidental take was published in the *Breeze Courier* (official state newspaper) on December 6, 2018, and in the *Tribune Star* on December 6, 13, and 20, 2018. A copy of the

Conservation Plan was deposited at the Paris Carnegie Public Library, where it was available for public review. The deadline for public comment was January 22, 2019. No comments were received from the public.

### Authorization

It is the determination of the Department that the measures to be implemented by Edgar County will adequately minimize and mitigate the anticipated taking of Jefferson Salamander associated with the Low-Water Crossing and Roadway Replacement project in Edgar County, Illinois. Further the Department has concluded that the taking authorized herein will not reduce the likelihood of survival or recovery of Jefferson Salamander 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.

All terms and conditions included in the aforementioned Conservation Plan submitted by Edgar County 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 Rules for the Incidental Taking of Endangered and Threatened Species [Ill. Adm. Code 1080.40(b)], this authorization is issued subject to the following terms and conditions, which may include additions or modifications to the minimization and mitigation measures proposed by Edgar County in the Conservation Plan:

1. This authorization is effective upon the signature of the Department and shall remain in effect for a period of **five (5) 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 Edgar County has failed to comply with any of these terms and conditions or has been responsible for the taking of Jefferson Salamander beyond that which is incidental to the low-water crossing and roadway replacement in Edgar County, Illinois.

2. The effective period of this authorization may be altered by mutual written agreement between Edgar County and the Department. The Illinois Endangered Species Protection Board shall be notified 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 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 may only be transferred upon approval and written authorization by the Department.

4. Notification to all on-site personnel shall be provided on the sensitive biological resources in the area; the identification of Jefferson Salamander; regulations protecting the species; where the species might be found; avoidance areas; travel restrictions for equipment; how to report sightings or incidents that may involve take; the importance of avoiding take of the species; and response protocol if the species are found, including the chain of response personnel. Response protocol shall include the following:
  - a. A file-sized rubber tote with tightly closing lid shall remain on-site throughout the performance of the project. Many small air holes shall be pre-drilled into the lid to allow air flow.
  - b. Upon locating a Jefferson Salamander in the impact footprint, the individual shall be placed on 3-4" of moist leaf litter within the tote. Tightly close the tote lid and place out of direct sunlight.
  - c. Immediate contact shall be attempted first with the Illinois Natural History Survey Herpetologist (Office phone: 217-265-6707), second with the local Department District Natural Heritage Biologist (Office phone: 217-345-2420; Work cell: 217-495-0780) in Coles County. If contact is still not made, please make contact with the Department's Southern Recovery Specialist (Work cell: 618-694-3398). At all times, feel free to utilize the contact information found below for further assistance.
  - d. Any Jefferson Salamander found shall be moved to one of the two ephemeral ponds located south of the project area as shown in the Conservation Plan survey. Please have a copy of the pond map laminated and attached to the tote.

**Edgar County shall submit a copy of the education materials to the Department.**

5. The Department reserves the right of entry by its staff or representatives to inspect potential habitat and species management practices.
6. Biological consultants employed by Edgar County shall hold the necessary permits for work with non-listed and listed species; these include an Illinois Department of Natural Resources (IDNR) Herptile Scientific Collection Permit as authorized under 17 Illinois Administrative Code 885, and an IDNR Endangered Species Permit as authorized under 17 Illinois Administrative Code 1070.
7. Edgar County shall notify the Department's Endangered Species Program by email correspondence of construction commencement and completion of the project. A **project status report** shall be submitted to the Department within **90 days** following completion (defined as bridge and roadway in use) summarizing the implementation of minimization, mitigation, and restoration measures (including locations of installed shallow depressions) and evaluating the effectiveness or status of those measures and shall include a project photo log. The report shall also include a map and GPS coordinates of any listed species found within and/or moved from the project footprint to known breeding ponds south of the impact footprint,

description of any injuries or mortalities, and the disposition of any individuals that were injured or killed.

8. Notification of any Jefferson Salamanders present during performance of the project shall be reported electronically to the Department within 48 hours of discovery accompanied by location information (photograph, map, and GPS coordinates). Any discoveries of additional State-listed species beyond those identified in this agreement **halts work** and shall be reported to the Department within 48 hours accompanied by location information.
9. Edgar County shall conduct, or cause to be conducted, the following pre-construction or construction efforts:
  - a. Silt fencing shall be buried and installed enclosing the construction limits prior to earthwork to exclude the species.
  - b. All silt fences shall be inspected daily.
  - c. All silt fencing shall be removed from the construction area after completion of construction activities.
  - d. The construction area shall be reseeded with native grasses and appropriate bareroot bottomland hardwood trees.
  - e. Shallow soil depressions within the areas of tree planting shall be installed as potential habitat replacement.
10. Edgar County shall conduct, or cause to be conducted, a thorough survey for Jefferson Salamander within the project area between **Years 1 and 3** following construction completion:
  - a. **A report including, but not limited to, a description of the survey methodology utilized including duration, salamander species found, date, time, water presence/absence, mapping of all ephemeral wet areas potentially utilized by salamanders within the footprint with notations on depth of water and presence/absence of emergent vegetation and tadpoles, and a map of locations of Jefferson Salamanders shall be provided to the Department within 90 days of completion of each survey.**
11. Mitigation to the maximum extent practicable is required by the Act. Mitigation requirements for this authorization are as follows:
  - a. Edgar County and Elbridge Township shall provide funding in the amount of **\$19,272** to the Illinois Wildlife Preservation Fund, to be earmarked to bring conservation benefit to the Jefferson Salamander.
  - b. The donation shall be provided **within 90 days of execution of this agreement**. Mitigation payments are nonrefundable, including events of revocation or termination.

Mitigation values are based on the Department's best current understanding of the species life history needs and impact analysis relevant to the project site's proposed conceptual design elements available at the time of review.

12. All reports, notifications, and other project documentation shall be submitted to:

Illinois Department of Natural Resources  
Office of Resource Conservation  
Endangered Species Program – Incidental Take Authorization Coordinator  
One Natural Resource Way  
Springfield, IL 62702-1271

(217)557-8243  
DNR.ITAcoordinator@illinois.gov

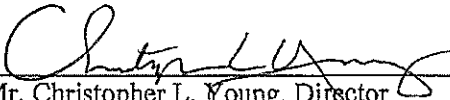
The Department's Endangered Species Program shall provide all reports required under this agreement to the Illinois Endangered Species Protection Board and to the Department's Natural Heritage Database.


13. The Edgar County official identified below is authorized to execute this agreement. Execution by Edgar County indicates acceptance of all terms and conditions described in this authorization.

14. The execution of this agreement does not waive or excuse the responsibilities of Edgar County to comply with other Federal, State, or local regulations, including but not limited to obtaining any required permits for the execution of this project.

*For the Illinois Department of Natural Resources:*

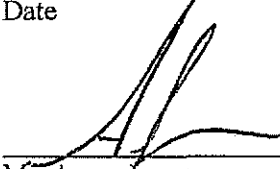
*For Edgar County:*

  
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Mr. Christopher L. Young, Director  
Office of Resource Conservation

  
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Mr. Michael McConkey  
Elbridge Township Road Commissioner

3/13/19  
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Date

03/13/19  
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Date

  
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Mr. Aaron Lawson  
Edgar County Engineer

3/11/19  
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Date