



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 City of Springfield (hereinafter referred to as the City) for the incidental take of the State-threatened Franklin's Ground Squirrel (*Poliocitellus franklinii*). The Illinois Department of Natural Resources (hereinafter referred to as Department) has determined that this taking is incidental to activities associated with the reconstruction and widening of Archer Elevator Road in Springfield, Sangamon County, Illinois.

Procedural History

A Conservation Plan prepared by Crawford, Murphy & Tilly, Inc. (CMT), on behalf of the City, was submitted to the Department on March 7, 2019, as a request for authorization for the incidental take of Franklin's Ground Squirrel. The Department requested additional information on April 9 and May 16, 2019, to make the Conservation Plan complete as prescribed by Ill. Adm. Code 1080.10. Additional information was received by the Department on April 30, May 20 and 24, 2019. The final Conservation Plan was accepted as complete by the Department on May 24, 2019. 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 reconstruct and widen Archer Elevator Road in Springfield, Sangamon County, Illinois to enhance public safety, increase traffic capacity, and improve roadside drainage. The existing two-lane rural roadway will be widened to a three-lane minor arterial (urban) roadway with center left-turn lane and dedicated bike lanes on both the northbound and southbound lanes. Curb/gutter, storm sewer and sidewalks will also be installed. The total project is 0.91 mile in length and will include a lowered posted speed limit from 40 mph to 35 mph. Heavy machinery and equipment will be used to complete this project, which includes excavation and

placement of fill materials. Equipment will be staged within the public right-of-way behind Road Closure barriers. This project will occur in two stages. Stage 1 will complete widening and addition of curb/gutter, sewer, and sidewalks from the HPR/Yucan Drive intersection to north of Fielding Lane. Stage 2 will begin when Stage 1 is complete and will include reconstruction/widening, curb/gutter, sewer and sidewalk placement south of Barrington Drive to the Greenbriar Drive intersection. Proposed activities may result in direct burial or crushing of, and/or noise and vibration disturbance to the Franklin's Ground Squirrel during Stage 1 of this project (an area defined as an approximately 40-foot-wide by approximately 0.48-mile-long strip paralleling the existing Archer Elevator Road footprint).

Total estimated area of impact within species habitat for the immediately proposed actions is **2.1 acres**. The Department concurs that the take of Franklin's Ground Squirrel that could result from the proposed project is not the purpose of the City'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 the City's Conservation Plan.

To meet the "maximum extent practicable" standard, additional minimization and/or mitigation measures may be required beyond those proposed by the City, based on the life history needs of the Franklin's Ground Squirrel. **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.

The City states that the project will be fully funded by the City and with federal funds administered through Illinois Department of Transportation.

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.

Franklin's Ground Squirrel (*Poliocitellus franklinii*)

Franklin's Ground Squirrel is an Illinois state-threatened mammal species.

Habitat: Franklin's Ground Squirrel is most often found in tallgrass and mid-grass prairies. The species also inhabits forest-field edges, fields, and unmowed strips along railroad rights-of-way. Within Illinois, they are positively related to the presence of smooth brome (*Bromus inermis*). They hibernate in underground burrows from September to April. Once out of hibernation they forage above ground on plants, insects, amphibians, other small mammals, ground-dwelling birds and their eggs, and carrion during the day and return to their burrows at night.

Reproduction: Breeding occurs immediately after Franklin's Ground Squirrels emerge from hibernation. Gestation lasts 28 days and litters of 5-11 young are born in the burrows from May to June. Adults may hibernate as early as July, but juveniles may remain active until September or October. During the early fall, juvenile males will disperse to different populations or attempt to colonize new areas.

Population: Populations are declining due to habitat loss from urban development and agricultural expansion. Conversion of historical prairie habitats to intensive human use has contributed greatly to the decline of the Franklin's Ground Squirrel in Illinois.

Range in Illinois: The Franklin's Ground Squirrel is found sparsely throughout the northern two-thirds of Illinois. Most recent records in Illinois are from railroad corridors, fence rows, and roadsides. The species has been observed in 12 of 102 Illinois counties. There are currently 17 extant Element Occurrence Records for Franklin's Ground Squirrel in the Illinois Natural Heritage Database. Eight (8) of the records are from 2009, which will be deemed historic records next summer (2020). The Department is currently embarking on a comprehensive species survey effort to determine whether the historic records are still viable.

Incidental Take Authorizations: The Department has ten (10) previously issued or pending Incidental Take Authorizations for Franklin's Ground Squirrel. These include pipelines, transmission and fiber optic lines, recreational use trails, and residential or commercial development projects. Six (6) prior authorizations are within two (2) miles of the City's project. These include a fiber optic cable installation along the Sangamon Valley Trail habitat approximately 1.66 miles southwest; commercial developments .14 mile southwest and 1.50 miles southeast; residential developments .48 mile west and 1.77 miles west; and a public use trail approximately .34 mile west. To the Department's knowledge, no individuals of the species have been directly taken by any of the projects, however direct take could have occurred within burrows and would remain unknown and indirect take through potential dispersal from preferred habitat has likely occurred. This is the seventh authorization to be granted for Franklin's Ground Squirrel in Sangamon County.

Based on the amount of habitat impacted by this project, the number of known occurrences of Franklin's Ground Squirrel 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 the City 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 the City's request for authorization of incidental take was published in the *Breeze Courier* (official state newspaper) on May 26, 2019, and in the *State Journal-Register* on May 26, June 2, and June 11, 2019. A copy of the Conservation Plan was deposited at the Lincoln Library, where it was available for public review. The deadline for public comment was July 11, 2019. No comments were received from the public.

Authorization

It is the determination of the Department that the measures to be implemented by the City will adequately minimize and mitigate the anticipated taking of Franklin's Ground Squirrel associated with the reconstruction and widening of Archer Elevator Road in Springfield, Sangamon County, Illinois. Further the Department has concluded that the taking authorized herein will not reduce the likelihood of survival or recovery of the Franklin's Ground Squirrel 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 the City 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 the City 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 the City has failed to comply with any of these terms and conditions or has been responsible for the taking of the Franklin's Ground Squirrel beyond that which is incidental to the reconstruction and widening of Archer Elevator Road in Springfield, Sangamon County, Illinois.

2. The effective period of this authorization may be altered by mutual written agreement between the City 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 Franklin's Ground Squirrel; 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. **The City 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 the City shall hold the necessary permits for work with non-listed and listed species; these include an Illinois Department of Natural Resources (IDNR) Scientific Collection Permit as authorized under 17 Illinois Administrative Code 520, and an IDNR Endangered Species Permit as authorized under 17 Illinois Administrative Code 1070.
7. The City 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 of each Stage (completion defined as road open for use) summarizing the implementation of minimization, mitigation, and restoration measures 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 the project footprint, description of any injuries or mortalities, and the disposition of any individuals that were injured or killed.

8. Notification of any Franklin's Ground Squirrel 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. The City shall conduct, or cause to be conducted, the following pre-construction, construction, and/or post-construction efforts:
 - a. A "signs" survey shall occur within 30 days prior to construction to determine if any signs (burrows, vegetation runways, etc.) of Franklin's Ground Squirrel are present.
 - b. Erosion control fencing with embedded silt screen shall be placed along the perimeter of the project area. Erosion fencing shall be checked for damage regularly.
 - c. Stockpiling of soil shall only occur at the three (3) predetermined locations. Stockpiles remaining longer than three (3) consecutive days shall be covered, sealed with plastic, and weighted down. The stockpile perimeter shall be encompassed with a silt fence.
 - d. A flashing beacon with the speed limit and wildlife crossing sign shall be installed in each direction.
10. The City shall conduct, or cause to be conducted, by a qualified biologist a thorough visual survey for Franklin's Ground Squirrel in and around the project area **in June 2020 and September 2020 or the first species active season post-construction**. A report including, but not limited to, a description of the survey methodology utilized including duration, date, time, habitat description, photographs, and a map of survey locations and the locations of Franklin's Ground Squirrels or burrows shall be provided to the Department within 90 days of completion of each survey.
11. The City shall conduct, or cause to be conducted, by a qualified biologist a thorough trapping survey for Franklin's Ground Squirrel in and around the project area **in June 2021 and September 2021 or the second species active season post-construction**. A report including, but not limited to, a description of the survey methodology utilized including duration, date, time, habitat description, photographs, and a map of survey locations and the locations of Franklin's Ground Squirrels or burrows shall be provided to the Department within 90 days of completion of each survey.

12. Mitigation to the maximum extent practicable is required by the Act. Mitigation requirements for this authorization are as follows:

- a. The City shall implement an educational outreach plan **valued at \$12,500** related to the Springfield Franklin's Ground Squirrel population including an informational flyer to be distributed to neighborhoods and stakeholders in the vicinity of the project corridor; a public community meeting to spread awareness about the species; and an electronic campaign with website postings, emails distributed through the City's list-serv, and posts on social media accounts with five (5) years of updates. Public awareness of the species shall be surveyed on two occasions – pre-project and post-construction – to measure the effectiveness of the outreach campaign. Educational outreach campaign reporting updates shall be included in the project status report, the visual survey report, and the trapping survey report.
- b. The City shall provide **\$15,000** to the Illinois Wildlife Preservation Fund to be earmarked for habitat restoration activities on the Sangamon Trail segment from Bunker Hill Road to Iles Avenue. Compensatory mitigation payment shall be provided **within 90 days of execution of this agreement**. Mitigation payments are nonrefundable, including in 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.

13. 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

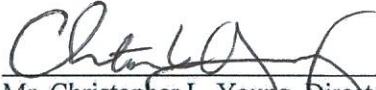
(217)557-8243
DNR.ITAcoordinator@illinois.gov

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.

14. The City official identified below is authorized to execute this agreement. Execution by the City indicates acceptance of all terms and conditions described in this authorization.

15. The execution of this agreement does not waive or excuse the responsibilities of the City 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:

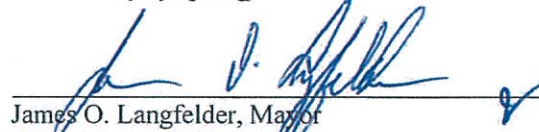


Mr. Christopher L. Young, Director
Office of Resource Conservation

7/30/19

Date

For the City of Springfield:



James O. Langfelder, Mayor
City of Springfield, IL

07-29-19

Date