



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
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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 Commonwealth Edison (hereinafter referred to as ComEd) for the incidental take of the State-endangered Blanding's Turtle (*Emydoidea blandingii*) and State-threatened Ornate Box Turtle (*Terrepene ornata*), Plains Hog-Nosed Snake (*Heterodon nasicus*), and Regal Fritillary (*Speyeria idalia*). The Illinois Department of Natural Resources (hereinafter referred to as Department) has determined that this taking is incidental to activities occurring **within four environmentally sensitive areas** associated with the rebuild of the existing 138-kilovolt (kV) electric transmission line, L15508, in Lee and Whiteside Counties, Illinois. This line originates adjacent to the ComEd L13304 Transmission Line, for which the Department executed a prior Incidental Take Authorization (ITA #186).

A portion of the project area lies within the Hahnman Sand Prairie Nature Preserve and Illinois Natural Areas Inventory Site (INAI #1845). The site is included on the Natural Areas Inventory due to the presence of a high-quality natural community, specific suitable habitat occupied by endangered and/or threatened species, and the designation of an Illinois Nature Preserves Commission-protected site. This listed species take authorization **excludes** Hahnman Sand Prairie Nature Preserve.

A portion of the project area for which take authorization is sought lies within Department-owned property known as Sand Prairie Habitat Area and Illinois Natural Areas Inventory Site (INAI #1112). The site is included on the Natural Areas Inventory due to the presence of specific suitable habitat occupied by endangered and/or threatened species. This authorization **includes** take coverage on the Department property.

Procedural History

A Conservation Plan prepared by Stantec on behalf of ComEd, was submitted to the Department on February 11, 2020, as a request for authorization for the incidental take of Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, and Regal Fritillary. The Department requested additional information on March 24, 2020, to make the Conservation Plan complete as prescribed by Ill. Adm. Code 1080.10. Additional information was received by the Department on March 27, 2020. The final Conservation Plan was accepted as complete by the Department on April 13, 2020. 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 rebuild an existing 138-kV transmission line in Lee and Whiteside Counties to improve electrical system reliability and accommodate additional electrical capacity being added to the grid by two new renewable wind energy developments nearby. The portion of the Project considered in this authorization is anticipated to begin in September 2020 and reach completion by December 2020. **Take authorization specifically applies to four environmentally sensitive sand prairie habitat locations as follows:**

- **Environmentally Sensitive Area 1** encompasses the right-of-way (ROW) from the northern border of the Hahnman Sand Prairie Nature Preserve site southwest of Structure 190 and extends northeast to its intersection with a railroad ROW southwest of Structure 194. Four potential off-ROW access routes have been identified in addition to the planned access, work pads, and turn arounds within the ROW, each expected to be 14 feet in width. Five (5) structures will be rebuilt in Area 1; AND
- **Environmentally Sensitive Area 2** encompasses an area of degraded remnant sand prairie between Structures 194 and 195. No off-ROW access will be used within this area. No structures will be rebuilt within Area 2; AND
- **Environmentally Sensitive Area 3** encompasses ROW within the Department-owned Sand Prairie Habitat Area site located between Structure 196 and northeast of structure 200. Five (5) potential off-ROW access options have been identified, each expected to be 14 feet in width. Five (5) structures will be rebuilt in Area 3; AND
- **Environmentally Sensitive Area 4** includes an area of old field and degraded remnant sand prairie between Structures 201 and 202. Access will occur along the ROW from Environmentally Sensitive Area 3 and through agricultural cropland to the southwest. No structures will be rebuilt within Area 4.

In total, the entire Project is comprised of the removal of 79 lattice structures (12 structures occur within the action area of this authorization, 10 of those occur within the **Environmentally Sensitive Areas**) and installation of the same number of self-supporting steel monopole structures. Project analysis contemplated the potential nine off-ROW access routes. **No new structures will be installed in the Hahnman Sand Prairie Nature Preserve and only foot traffic will**

occur on the ROW within the Nature Preserve. Five (5) structures will be rebuilt within the Department-owned Sand Prairie Habitat Area.

The conductors of the existing single circuit line and lattice structures will be completely removed and recycled. New conductors will replace the existing circuit and additional conductors will be added for future conversion into a double-circuited line. Installation of conductors will occur from the ground with pull pads on the ROW. New monopole steel structures will require reinforced concrete caisson foundations, ranging from five (5) to eight (8) feet in diameter and 20 to 35 feet in depth, or greater, depending on soil conditions. Excavated soils will be backfilled or removed but will not be stockpiled on site.

Once all structures within a wire pull segment are set, the new conductor wires will be pulled and clipped into place by accessing each structure with a bucket truck. Wire set-up areas containing reel trailers, wire pullers, and related equipment are located at each end of the wire pull. The height of the new structures will range from approximately 100 -125 feet. Construction matting will be temporarily installed to provide access to wetlands and other unstable soil. Mat roads will be approximately 14-feet-wide. A mat work platform of up to 15,000 square feet will be installed at each structure. Construction matting will consist of clean timber, composite, or hybrid timber mats. Matting will be installed with rubber-tired mat trucks, forwarders, forklifts, or skid loaders. Site restoration and revegetation will occur. Further project detail is provided in the Conservation Plan. All proposed activities may result in direct burial or crushing of, dispersal of, and/or noise and vibration disturbance to the Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, and Regal Fritillary.

Total estimated area of impact within the Environmentally Sensitive Areas for the proposed actions is **7.12 acres**. The Department concurs that the take of Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, and Regal Fritillary that could result from the proposed project is not the purpose of ComEd'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 ComEd's conservation plan.

To meet the "maximum extent practicable" standard, additional minimization and/or mitigation measures may be required beyond those proposed by ComEd, based on the life history needs of the Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, and Regal Fritillary. **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.

ComEd states in their Conservation Plan that they have the authority and funding to complete the Project and implement all proposed conservation measures. Further, ComEd states that implementation of the Plan is a dedicated part of the Project's overall budget.

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.

Blanding's Turtle (*Emydoidea blandingii*) is an Illinois state-endangered reptile species.

Habitat: The Blanding's Turtle is a semi-aquatic turtle species found in water bodies such as creeks, marshes, and ponds that are adjacent to sandy upland areas. They spend most of their time in water, though they are also known to leave the water to travel between ponds and for females to lay eggs. Blanding's Turtle enters a period of dormancy during the winter, roughly November to March, during which they remain buried in the muddy bottoms of marshes, backwater pools, and streams.

Reproduction: Blanding's Turtle is a long-lived species, not reaching sexual maturity until 14-20 years of age. Mating likely occurs in April or early May, and nesting takes place from early June to early July. Eggs are typically laid in well-drained, sandy soil in a sunny upland area, and females may travel up to a mile over land to their nesting location. Clutch sizes are varied, ranging from 10-26 eggs per nest, and females only lay one clutch of eggs per year. Hatchlings emerge between August and October. Since nests are typically far from water, hatchlings must travel long distances after emergence, subjecting them to increased threat of predation, road mortality, and desiccation.

Population: The decline of Blanding's Turtle populations can be largely attributed to habitat loss and degradation, road and railroad mortality, and nest predation. With high levels of egg and juvenile mortality and low reproductive potential, Blanding's Turtle populations have had difficulty recovering. There are several captive breeding programs for this species in Illinois performing efforts to supplement the wild populations.

Range in Illinois: Blanding's Turtle is most often found in northern Illinois and sporadically found throughout the central part of the state. They have been observed in the last ten (10) years in 21 of 102 counties. There are currently 90 extant Element Occurrence Records for Blanding's Turtle in the Illinois Natural Heritage Database.

Incidental Take Authorizations: The Department has 25 previously issued or pending Incidental Take Authorizations for Blanding's Turtle. This is the third authorization to be granted for the potential take of Blanding's Turtle in Lee County. The prior take authorizations were granted to two wind farms in near proximity to this proposed project. This is the second take authorization to be granted for Blanding's Turtle in Whiteside County. The first was granted to a nearby wind farm. To the Department's knowledge, no individuals of the species have been directly taken as a result of the wind farms, however direct take could have occurred along public roadways and may remain unknown. Indirect take through potential dispersal from preferred habitat, as well as relocation, also may have occurred. Previous projects in other counties included residential or commercial developments, highway and bridge construction, the construction of an athletic field, and the construction and maintenance of electrical lines.

Ornate Box Turtle (*Terrapene ornata*) is an Illinois state-threatened reptile species.

Habitat: The Ornate Box Turtle inhabits prairie grasslands, pastures, fields, sandhills, and open woodland areas. The species is terrestrial but occasionally enters slow, shallow streams. For shelter, the Ornate Box Turtle burrows into friable soil or uses burrows made by other species. They hibernate through winter, roughly October to April, in burrows up to 5 feet in depth.

Distribution: Their overall range covers most of the central United States. The Ornate Box Turtle can be found from southeastern Wyoming to Wisconsin and Indiana, and south to Arizona and Louisiana.

Reproduction: Mating occurs in the spring or late summer. Nesting occurs between May and August. Females lay 1-2 clutches of 1-8 eggs each year. Eggs hatch in 9-12 weeks. Males are sexually mature in 8-9 years, females in 10-11 years.

Population: The Ornate Box Turtle is at risk from increased urbanization, increased agriculture, road mortality, and poaching.

Range in Illinois: Ornate Box Turtle has been observed in the last ten (10) years in 30 of 102 Illinois counties. There are currently 55 extant Element Occurrence Records for Ornate Box Turtle in the Illinois Natural Heritage Database.

Incidental Take Authorizations: The Department has ten (10) previously issued or pending Incidental Take Authorizations for the Ornate Box Turtle. This is the third authorization to be granted in Lee and Whiteside Counties. The project is adjacent to a wind energy project and another electric transmission line project for which two (2) previous Incidental Take Authorizations for Ornate Box Turtle were executed. To the Department's knowledge, no individuals of the species have been directly taken by either of the projects, however direct take could have occurred along public roadways or within burrows and would remain unknown. Indirect take through potential dispersal from preferred habitat, as well as relocation, also may have occurred. Previous projects in other counties for which

take was authorized include a water line extension and a commercial development project.

Plains Hog-Nosed Snake (*Heterodon nasicus*) is an Illinois State-threatened snake species.

Habitat: The Plains Hog-Nosed Snake inhabits prairies, sandhills, and semi-agricultural areas with sandy or gravelly soils. They are active from April to October and overwinter in burrows.

Distribution: Their overall range covers most of the central United States. They can be found as far north as Canada, extending south to northern Texas.

Reproduction: Mating occurs in the spring and eggs are laid in July. Females lay clutches of 3-23 eggs each year or every other year. Plains Hog-Nosed Snake becomes sexually mature in their second year of life.

Population: The Plains Hog-Nosed Snake is at risk from habitat loss or degradation. Conversion of prairie habitat to agriculture has been a main cause of decline.

Range in Illinois: The species is found in northwestern Illinois and in some eastern counties. Plains Hog-Nosed Snakes have been observed in the last ten (10) years in eight (8) of 102 Illinois counties including Carroll, Cass, Henry, JoDaviess, Lee, Mason, Morgan, and Whiteside. There are currently 10 extant Element Occurrence Records for Plains Hog-Nosed Snakes in the Illinois Natural Heritage Database.

Incidental Take Authorizations: The Department has eight (8) previously issued or pending Incidental Take Authorizations for Plains Hog-Nosed Snakes. This is the third authorization to be granted in both Lee and Whiteside Counties. The project is adjacent to a wind energy project and an electric transmission line project for which two (2) Incidental Take Authorizations for Plains Hog-nosed Snake were executed. To the Department's knowledge, no individuals of the species have been directly taken by either of the projects, however direct take could have occurred along public roadways or within burrows and would remain unknown. Indirect take through potential dispersal from preferred habitat, as well as relocation, has occurred. Previous projects in other counties for which take was authorized include a landfill recap, road improvements, and a water line extension.

Regal Fritillary (*Speyeria idalia*)

Regal Fritillary is an Illinois State-threatened butterfly species.

Habitat: Regal Fritillary butterflies inhabit open grassy areas. They can also occur in savannas if trees are sufficiently sparse or clumped. Populations require large numbers of violet plants (*Viola* species), as these are the sole larval foodplants.

Distribution: They are found in north central United States from the Canadian border into Oklahoma. Historically they were found in the eastern states and New England. They are now extirpated in these areas and the only known populations are in Pennsylvania and Virginia.

Reproduction: Females lay up to 1000 eggs at once. They are placed near violets and hatch after 3-4 weeks in late summer. The larvae quickly seek a hibernation site under leaf litter and become active foragers on *Viola* species in the spring. The pupal stage lasts about 3 weeks. Both sexes can mate shortly after emerging. Adult males emerge in mid-June and live about a month. Adult females emerge days to weeks later and live about two months through mid-September.

Population: Regal Fritillary butterflies have lost approximately 40% of their historic range. Loss and fragmentation of habitat to agriculture, pesticides, overuse of prescribed burning, development, and reforestation are among the known threats to the Regal Fritillary.

Range in Illinois: The species is found at scattered locations throughout the northern and central part of the state. Regal Fritillary has been observed in the last ten (10) years in 14 of 102 Illinois counties. There are currently 15 extant Element Occurrence Records for Regal Fritillary in the Illinois Natural Heritage Database.

Incidental Take Authorizations: The Department has 12 previously issued or pending Incidental Take Authorizations for Regal Fritillary. This is the third authorization to be granted in Lee and Whiteside Counties. The project is adjacent to a wind energy project and an electric transmission line project for which two (2) Incidental Take Authorizations for Regal Fritillary were executed. To the Department's knowledge, no individuals of the species have been directly taken by either of the projects, however direct take could have occurred along public roadways or within larval habitat and would remain unknown. Indirect take through potential dispersal from preferred habitat has likely occurred. Previous projects in other counties for which take was authorized or is pending include a landfill recap, road improvements, and a solar farm.

Based on the amount of habitat impacted by this project, the number of known occurrences of Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, and Regal Fritillary 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 ComEd 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 ComEd's request for authorization of incidental take was published in the *Breeze Courier* (official state newspaper) on April 21, 2020, and in the *Daily Gazette* on April 21, 28, and May 6, 2020. A copy of the Conservation Plan was deposited at the Sterling Public Library, where it was available for public review. The deadline for public comment was June 5, 2020. No comments were received from the public.

Authorization

It is the determination of the Department that the measures to be implemented by ComEd will adequately minimize and mitigate the anticipated taking of Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, and Regal Fritillary occurring **within four environmentally sensitive areas** associated with the rebuild of an existing transmission line in Lee and Whiteside Counties, Illinois. Further, the Department has concluded that the taking authorized herein will not reduce the likelihood of survival or recovery of Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, and Regal Fritillary 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 ComEd 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 ComEd 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. The term of the permit may be reviewed and extended by the Department in accordance with Authorization condition #2 below upon written request by ComEd no less than three months prior to expiration.

This authorization may be revoked pursuant to the Act and Ill. Adm. Code 1080.80(b) if the Department finds that ComEd has failed to comply with any of these terms and conditions or has been responsible for the taking of Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, and Regal Fritillary beyond that which is incidental to work **within four environmentally sensitive areas** of the transmission line rebuild in Lee and Whiteside Counties, Illinois.

2. The effective period of this authorization may be altered by mutual written agreement between ComEd 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 Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, and Regal Fritillary; 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. **ComEd 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 ComEd 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, a Herptile Scientific Permit as authorized under 17 Illinois Administrative Code 885, and an IDNR Endangered Species Permit as authorized under 17 Illinois Administrative Code 1070. Gloves shall always be worn when handling any species and properly disinfected or discarded between individuals.
7. ComEd 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 summarizing the implementation of minimization and mitigation 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 and/or translocated from the project footprint, description of any injuries or mortalities (including census data from truck/equipment grilles – see 9.f. below), and the disposition of any individuals that were injured or killed.
8. 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 (photograph, map, and GPS coordinates).

9. ComEd shall conduct, or cause to be conducted, the following pre-construction, construction, or post-construction efforts **within the four environmentally sensitive areas**:
 - a. During the active period for the reptile species; new, clean exclusionary fencing shall be installed along the ROW and enclose the construction work areas. Fencing shall be buried at least six inches in the ground, staked, and maintained in an upright position throughout the duration of the Project.
 - b. Visual encounter searches shall occur prior to fencing installation and the species shall be removed to outside of the exclusion and construction area. Species data shall be collected on each individual translocated including length, approximate age, sex (if discernable), and photograph. Blanding's Turtle, Ornate Box Turtles and Plains Hog-nosed Snakes shall be marked to facilitate recapture identification during post-construction surveys.
 - c. After reptile exclusion fencing is installed, new, clean construction matting will be installed along the existing ROW through each of the environmentally sensitive areas to minimize soil compaction. In addition, the temporary mat roads will be used to connect the work areas and concentrate vehicle and equipment traffic to designated roads.
 - d. A Biological Monitor shall conduct visual encounter searches for listed species ahead of the mat installation and during the active period on days when construction activities occur. All species discovered shall be recorded, photographed, and relocated outside of the construction work area. Construction in areas designated as suitable habitat for the listed species will not take place until the Biological Monitor has cleared the area.
 - e. During species active periods, speed limits of construction vehicles traveling on access roads shall be limited to 12 mph or less to reduce the potential take of listed species.
 - f. Truck/equipment grilles shall be inspected daily for the presence of Regal Fritillary butterflies during the adult flight period (June through September).
 - g. If work is required in a non-matted area, the Biological Monitor shall conduct a visual encounter search of the area prior to accessing.
 - h. All reptile exclusion fence and construction matting will be removed from the environmentally sensitive areas upon completion of all construction and restoration activities, and prior to the beginning of the listed reptile species' next active period (March 15 through October 15).
 - i. Any revegetation of the ROW within the Hahnman Sand Prairie INAI shall utilize native seed determined through coordination with and permission from the landowner.
 - j. Signs alerting right-of-way maintenance staff to the presence of sensitive natural communities and species shall be placed at each end and along the ROW within the Hahnman Sand Prairie INAI. Invasive species control within the ROW of this sensitive area shall follow the Invasive Species

Management Guidelines provided on the Illinois Nature Preserves Commission's website under Stewardship.

- k. Fact sheets for all listed species will be drafted with information on their identification, habitat requirements, active and inactive periods, and general life histories. In addition, a fact sheet will be developed for the yellow mud turtle (*Kinosternon flacescens*), although it is no longer believed to occur in the area based on the Department's data. The fact sheets will be provided to construction personnel for reference and reviewed periodically at daily tailgate meetings to inform the crews of the possible presence of the listed species in the action area.
 - l. All existing lattice structures shall be removed from within the four environmentally sensitive areas. The foundations of the ten structures removed shall be filled, returned to grade, and restored to match surrounding habitat conditions.
 - m. Permanent "Environmentally Sensitive Area" signs without specific identification of rare resources shall be posted. At ingress and egress points of Hahnman Sand Prairie Nature Preserve and the Department's Sand Prairie Habitat Area, permanent signs stating "Environmentally Sensitive Area – Vehicular Access Prohibited without Landowner Permission" shall be maintained.
10. ComEd shall conduct, or cause to be conducted, a thorough habitat characterization and botanical survey **within the four environmentally sensitive areas** during the height of growing season in Years 1 and 2 following construction completion.

A report including, but not limited to, the survey methodology utilized, vegetation structure with estimated abundance, species list (highlighting *Viola* species), a map of survey coverage areas, and survey duration shall be provided to the Department within 90 days of execution of completion of each survey. Vegetation restoration deficiencies shall be presented with remedies proposed.

11. ComEd shall conduct, or cause to be conducted, a thorough Visual Encounter Survey for Blanding's Turtle, Ornate Box Turtle, and Plains Hog-Nosed Snake **within the four environmentally sensitive areas** during appropriate species active periods in Years 1 and 2 following construction completion.

A report including, but not limited to, the survey methodology utilized, habitat structure (noting vegetation restoration successes or struggles), the species and numbers of individuals located (noting any discovery of translocated individuals), any specific habitat features, approximate age, sex (if discernable), a map of the species locations, survey coverage areas, and search times shall be provided to the Department within 90 days of completion of each survey.

12. ComEd shall conduct, or cause to be conducted, a thorough Visual Encounter Survey for Regal Fritillary **within the four environmentally sensitive areas** during

appropriate species active periods in Years 1 and 2 following construction completion.

A report including, but not limited to, the survey methodology utilized, habitat structure (noting vegetation restoration successes or struggles), the species and numbers of individuals located, any specific behavior or habitat features such as nectaring on a particular plant, sex, and a map of the species locations, survey coverage areas (noting any *Viola* species), and survey duration shall be provided to the Department within 90 days of completion of each survey.

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

- a. ComEd shall provide funding in the amount **\$55,700** to the Illinois Wildlife Preservation Fund to be earmarked to bring conservation benefit to Blanding's Turtle, Ornate Box Turtle, Plains Hog-Nosed Snake, or Regal Fritillary.
- b. Mitigation 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, real estate values, and impact analysis relevant to the project site's proposed conceptual design elements available at the time of review.

14. 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.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.

15. The ComEd official identified below is authorized to execute this agreement.

Execution by ComEd indicates acceptance of all terms and conditions described in this authorization.

16. The execution of this agreement does not waive or excuse the responsibilities of ComEd 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:

Christopher L Young

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

August, 14, 2020

Date

For Commonwealth Edison Company:



Mr. Michael Hobbs
Principal Project Manager

8-13-20

Date