



**AMENDMENT TO
INCIDENTAL TAKE AUTHORIZATION
ISSUED TO WOLVERINE
ON JULY 18, 2023 (“Amendment”)
(IDNR ITA FILE #243)**

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 Wolverine Pipe Line Company (hereinafter referred to as Wolverine) for the incidental take of Federal and State-endangered Hine’s Emerald Dragonfly (*Somaochlora hineana*, HED), State-endangered Blanding’s Turtle (*Emydoidea blandingii*) and American Bittern (*Botaurus lentiginosus*). The Illinois Department of Natural Resources (hereinafter referred to as Department) has determined that the taking is incidental to activities associated with work to excavate, expose inspect, and repair the Lemont to Lockport pipeline segment in Lockport in Will County, Illinois.

Procedural History

The Department received a Conservation Plan prepared by ERM on January 14, 2022, as a request for authorization for the incidental take of HED, Blanding’s Turtle, and American Bittern. Additional information was requested by the Department on February 7, 2022, and December 13, 2022, to make the Conservation Plan complete as prescribed by 17 Ill. Adm. Code 1080.10. Additional information was received by the Department on November 17 2022, and December 22, 2022. The final conservation plan was approved by the Department on January 17, 2023. The public notice period will be detailed under #6 of the Compliance section below.

The United States Fish and Wildlife Service (hereinafter referred to as USFWS) issued their final Biological Opinion (BO) for the taking of HED and Leafy Prairie Clover (*Dalea foliosa*) on May 5, 2023. Under the Act, the take of all threatened and endangered plants requires the express written permission of the landowner, and these species shall not be offered for sale (520 ILCS 10/3). The Department does not have the authority to grant incidental take of plants. Therefore, Leafy Prairie Clover will not be addressed further in this Amendment; notwithstanding the foregoing, any federal requirements for the protection of this plant species in the BO must be followed by Wolverine. However, Wolverine shall seek written permission from Heidelberg

Materials and any other landowners where there is not an existing Right of Way should there be risk of taking listed plants.

The original Incidental Take Authorization (“Authorization”) was issued in July 18, 2023.

Following analysis of inline testing for pipeline integrity, a new anomaly requiring repairs was discovered. Due to the increase in project footprint, the Department determined that an amendment to the original Authorization was required to cover the work to excavate and repair the anomaly. A Conservation Plan to request an amendment was received by the Department on August 22, 2023. The Department requested additional information on September 22, 2023. Additional information was received on November 13, 2023, following discussion between Wolverine and the USFWS. The final Conservation Plan was accepted on November 22, 2023. 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 to excavate, expose inspect, and repair the Lemont to Lockport pipeline segment along New Avenue south of 135th Street in Lockport. For the purposes of this work, the Permit Area encompasses the entire Commonwealth Edison Parcel (commonly referred to as ComEd Parcel), owned by Heidelberg Materials (formerly known as Hanson Material Service) and subject to the terms in ITA #117. The work area includes a 150 foot buffer centered along the eastern portion of the area, but includes the entire 103-acre parcel to include surveys and Conservation Measures in the Biological Assessment.

The excavation workspace within the Permit Area will not exceed 1.24 acres where all direct work will occur (excavation, staging, access, stockpiling) would occur. The excavation area includes up to approximately 0.05 acres (maximum 152 feet long in total) along the pipeline corridor where excavation may occur. This is the only area where ground disturbance is planned to occur below the soil surface. Depending on findings after initial excavation of each anomaly, it may not be necessary to excavate the entire 152-foot length. Thus, the above areas represent the maximum possible extent of effects or the worst-case scenario.

The Project involves the temporary excavation, inspection, and repair of four identified anomalies or pipeline integrity issues. From north to south the anomalies included in this project are PR-01, FR-04, and FR-02. The new anomaly is referred to as GW 1920 in the Conservation Plan. The inline testing

tool identified a dent in the underside of the pipeline, and it is classified as a critical repair. Repairs required at the four anomaly locations may require excavation of up to 162 feet of pipeline (35 feet for PR-01, 35 feet for FR-04, 42 feet for FR-02, and 50 feet for GW 1920), 152 feet of which would be within HED critical habitat. In addition to excavation, temporary impacts for access routes to the four locations and establishing temporary staging areas for equipment, and workspace from which equipment would be positioned to excavate these locations would involve temporary disturbance of up to 1.24 acres of land, of which approximately 0.61 acres are wetlands.

Two small streams, or rivulets, designated rivulet 4/rivulet 5 system (RIV4/5 system or RIV4 and RIV5 separately) and rivulet 2 (RIV2), run through the area where the project is planned; these are further defined below. The upper portion of RIV4 would be impacted by excavation at anomaly PR-01. WPL has gained approval for access to PR-01 and FR-04 from the north, by accessing the Project area from the Romeoville Metra Station just north of the two northern anomaly locations, which would prevent need to access from the south and avoid crossing the second rivulet, RIV2.

Take of HED, Blanding's Turtle, and American Bittern could occur as a result of crushing or burying by project traffic or heavy machinery during construction, and/or dispersal from suitable habitat due to increased noise and/or vibration and/or potential contamination from products used in the area. One of the mapped rivulets may be bypassed, this rivulet is believed to be historically used by HED, but not actively used as larval habitat. Additional areas of the project area are potentially adult foraging areas for HED. The new anomaly GW 1920 may also cause an drawdown in the ground water, known as a radius of influence, within the ComEd parcel and extends 296 feet from the excavation and an additional 21 devil's crayfish burrows, including one historically used by HED larvae.

The majority of the work will take place outside of the active season for Blading's Turtle, and there is no known nesting area inside the work space. American Bitterns may be affected by the restoration efforts.

Total estimated area of impact is **1.24 acres of suitable species habitat**. The Department concurs that the take of HED, Blanding's Turtle, and American Bittern that could result from the proposed project is not the purpose of Wolverine'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 measures were included in Wolverine's conservation plan.

To meet the “maximum extent practicable” standard, additional minimization and/or mitigation measures may be required beyond those proposed by Wolverine, based on the life history needs of the HED, Blanding’s Turtle, and American Bittern. **All required minimization and mitigation measures are presented under the Authorization of the Authorization, and as amended by the Amendment.**

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

This project is being funded by the applicant, and all mitigation activities will be incorporated into the overall project budget. The required monitoring for 10 years after construction will be funded by Wolverine’s operational budget. There are adequate funds to carry out all aspects of the Conservation Plan.

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 are a part, or the habitat essential to the species’ existence in Illinois:

Hine’s Emerald Dragonfly (*Somatochlora hineana*, HED) is a Federally- and State-endangered dragonfly species.

Habitat: Hine’s Emerald Dragonfly is found in spring-fed marshes and groundwater-fed wetlands that are high in calcium carbonate and in sedge meadows overlaying dolomite bedrock.

Distribution: Hine’s Emerald Dragonfly are critically imperiled throughout their range which includes Missouri, Illinois, Wisconsin, Michigan, and the Canadian province of Ontario. The species has been extirpated from Ohio, Indiana, and Alabama.

Reproduction: Hine’s Emerald Dragonfly adults can be observed from late May through early October in Illinois. After metamorphosing in the spring and summer, adult males establish and defend breeding territories in small areas of shallow water. The female Hine’s Emerald Dragonfly lays eggs in cool, shallow, slow-moving waters, spring-fed marshes, and seepage sedge meadows. The dragonflies begin their lives as aquatic larvae called nymphs. Hine’s Emerald Dragonfly nymphs have a symbiotic relationship with the Devil Crayfish (*Lacunicambarus nebrascensis*), as they depend on the crayfishes’ burrows to avoid desiccation when their shallow pools of water dry up in late summer. This species remains in the nymph stage for up to five years before transforming into an adult dragonfly. Adult Hine’s Emerald Dragonflies live about 5-6 weeks.

Population: There are many threats to Hine's Emerald Dragonfly populations: water pollution, habitat alteration and fragmentation, quarrying, industrial and urban development, and agriculture.

Range in Illinois: In Illinois, populations of Hine's Emerald Dragonfly are rare and localized. Populations have been found in Cook, DuPage, Will, and Winnebago Counties, for a total of four (4) counties. There are currently eleven (11) extant (in the past 10 years) Element Occurrence Records for Hine's Emerald Dragonfly in the Illinois Natural Heritage Database.

Incidental Take Authorizations: The Department has issued three previous Incidental Take Authorizations for Hine's Emerald Dragonfly, for an electrical transmission line project, for environmental remediation, and for mining and environmental restoration. This is the fourth authorization for Hine's Emerald Dragonfly in Will County.

Blanding's Turtle (*Emydoidea blandingii*) is an Illinois State-endangered semi-aquatic turtle species.

Habitat: Blanding's Turtles can be 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 known to leave the water to travel between ponds and for females to lay eggs. Blanding's Turtles enter a period of dormancy during the winter, during which they remain buried in the muddy bottoms of deep marshes, backwater pools, and streams.

Distribution: Blanding's Turtles are found east of the Rocky Mountains in North America. In the United States, they are found from South Dakota and Nebraska to the Atlantic Ocean coastal states of New England. They range from Missouri and Illinois north into Canada's Ontario, Quebec, and Nova Scotia provinces. Records are not known from Delaware, Connecticut, or Rhode Island.

Reproduction: Blanding's Turtles are long-lived, not reaching sexual maturity until 14-20 years old. 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. Since nests are typically far from water, hatchlings must travel long distances after emerging from their nest, 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. 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 as well as concerted efforts to reduce meso-predators where they threaten nests and young.

Range in Illinois: Blanding's Turtles are most often found in northern Illinois and sporadically found throughout the central part of the state. They have been found in 22 of 102 counties. There are 89 extant (in the past 10 years) Element Occurrence Records for Blanding's Turtles in the Illinois Natural Heritage Database.

Incidental Take Authorizations: The Department has issued 28 previous or pending Incidental Take Authorizations for Blanding's Turtles. This is the sixth authorization granted for Blanding's Turtles in Will County. Previous projects included residential or commercial developments, highway and bridge construction, wind energy facilities, the construction of an athletic field, the construction and maintenance of electrical lines, pipeline installation, and dredging.

American Bittern (*Botaurus lentiginosus*) is a State-endangered migratory bird species.

Habitat: American Bittern when in their breeding habitat are typically found in herbaceous wetlands, but will also use brackish marshes, shrubby marshes, bogs, wet meadows, and rarely hayfields. Smaller wetlands appear to be foraging sites, and wetlands larger than 2.5 hectares may support feeding

Distribution: American Bittern are found from the Mid-US to Canada during the breeding season, with some year-round populations in California, Mexico, Oregon, Washington, New Jersey, Virginia, North Carolina, Maryland, and Delaware.

Reproduction: American Bittern nest in wetlands. The breeding season in southern Illinois is considered April 15 to July 15, while in northern Illinois it is May 1 to July 15. Nests are built on a mound 3-8 inches above the water surface and constructed of dry dead sedges, reeds, cattails, and other vegetation, the nest is lined with finer grass. Nests are 10-15 inches wide. Once the female builds the nest, incubates eggs, and feeds the chicks. They lay clutches of 2-7 beige-brown to olive colored eggs. The incubation period of American Bittern eggs is 24-28 days. Nestlings are helpless after hatching but fledge the nest within 1-2 weeks but remain near mother for up to 4 weeks.

Population: American Bittern populations are threatened by habitat loss, fragmentation, and degradation of wetlands due to drainage, filling, conversion to agriculture or recreational use, siltation, and pollution. In the Northeastern US, invasion of wetlands by purple loosestrife and phragmites may substantially alter wetlands. Availability of amphibian prey and aquatic invertebrates may also be a factor in declines where there are significant pollution and runoff concerns.

Range in Illinois: American Bitterns, a breeding resident of Illinois, can be found in areas throughout the state from mid-April to July, after which they migrate to the southern coastal United States and Central America, where temperatures remain above freezing. American Bitterns have been observed breeding in 6 of 102 Illinois counties: Cook, Grundy, Kane, Lake, McHenry, and Shelby. There

are currently nine (9) extant Element Occurrence Records for American Bittern in the Illinois Natural Heritage Database.

Incidental Take Authorizations: This is the first Incidental Take Authorization issued by the Department for American Bittern.

Based on the amount of habitat impacted by this project, the number of known occurrences of the HED, Blanding's Turtle, or American Bittern in Illinois, an assessment of the potential effect of this project on the listed species in the project footprint, the conservation measures included in the Authorization, and as amended by this Amendment, for incidental 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 these 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 in the Authorization, and as amended by this Amendment. This Amendment is, by definition, subject to those terms and conditions and the signature of a representative from Wolverine 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 Wolverine's request for amended authorization of incidental take was published in the *Breeze Courier* (official state newspaper) on November 22, 2023. The notice was also published in *The Times Weekly* on November 22, 29, and December 7, 2023. A copy of the Conservation Plan could be reviewed at the White Oak Library District's Lockport Branch and the Lemont Public Library. The deadline for public comment was January 8, 2024. No comments were received from the public.

Amendment Terms and Conditions:

All terms and conditions of the original Authorization and the Conservation Plan not modified by this Amendment remain in full force and effect.

This Amendment modifies certain terms and conditions of the original Authorization issued to Wolverine on July 18, 2023, [IDNR ITA File #243]. This Amendment is effective upon the signature of the Department. It is the determination of the Department that the measures that will be implemented by Wolverine will adequately minimize and mitigate the anticipated taking of HED, Blanding's Turtle, and American Bittern associated with work to excavate, expose, inspect, and repair the Lemont to Lockport pipeline segment in Lockport in Will County, Illinois.

Further, the Department has concluded that the taking authorized herein 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.

All terms and conditions included in the aforementioned conservation plan submitted by Wolverine to the Department are incorporated into this Amendment by reference and are made a part thereof. In the event there is conflict between the conservation plan and the Authorization, including this Amendment, the Authorization, including this Amendment, shall control.

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 Amendment is issued subject to the following terms and conditions, which may include additions or modifications to the minimization and mitigation measures proposed by Wolverine in the conservation plan:

1. In addition to Paragraph 9 of the authorization section of the original Authorization, Wolverine shall conduct, or cause to be conducted, the following pre-construction, construction, or post-construction efforts:
 - a. Excavated soils from each anomaly shall be temporarily stockpiled adjacent to excavation.
 - b. However, certain situations will prevent the use of the excavated soils for backfill
 - i. Rocks larger than 3" will be removed to avoid contact and the risk of future pipeline integrity issues.
 - ii. In the unlikely event that soils are found to be contaminated, that soil will not be used, but soil similar to native soils will be brought in.
 - iii. If additional material is needed to restore grade, or support the pipeline, as soil with similar texture will be used. These shall be locally sourced and were preapproved by both the Department and the USFWS.
 - c. Bedrock removal and disturbance shall be limited to that which is required to access the pipeline or if bedrock is restricting access to the anomalies.
 - d. Any areas disturbed by activities associated with the excavation and repairs shall be restored to original ground contours and seeded with an appropriate mix as soon as practicable.

2. This Paragraph serves as a replacement of a Paragraph 11 of the authorization section of the original Authorization. Mitigation to the maximum extent practicable is required by the Act. For impacts to the State-listed species, Wolverine, or their contractors shall provide ecological restoration in the Project area. This work shall take place on 6.82 acres depending on the access route utilized. This work includes
 - a. Removal of 0.34 acres of invasive *Phragmites*, purple loosestrife, reed canary grass, and buckthorn to be treated with herbicides and replanted with native species. These species will be given follow up for the first years to ensure planting success.
 - b. Additionally, 0.18 acres of invasive species named in a) above will be removed.

- c. Conservation Measures in the Biological Assessments and Conservation Plan that were developed in consultation with the USFWS and Department within the ComEd Parcel planning area shall apply to the 7.7 acre radius of influence.

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.

3. 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 Amendment to the Illinois Endangered Species Protection Board and to the Department's Natural Heritage Database.

4. The Wolverine official identified below is authorized to execute this Amendment. Execution by Wolverine indicates acceptance of all terms and conditions described in this Amendment.
5. The execution of this Amendment does not waive or excuse the responsibilities of Wolverine 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

1/17/24

Date

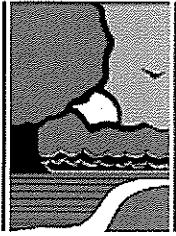
For Wolverine Pipe Line Company:



Mr. Spencer Welling
SH&E Supervisor

1-16-24

Date



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 Wolverine Pipe Line Company (hereinafter referred to as Wolverine) for the incidental take of Federal and State-endangered Hine's Emerald Dragonfly (*Somaochlora hineana*), State-endangered Blanding's Turtle (*Emydoidea blandingii*) and American Bittern (*Botaurus lentiginosus*). The Illinois Department of Natural Resources (hereinafter referred to as Department) has determined that the taking is incidental to activities associated with work to excavate, expose inspect, and repair the Lemont to Lockport pipeline segment in Lockport in Will County, Illinois.

Procedural History

The Department received a Conservation Plan prepared by ERM on January 14, 2022, as a request for authorization for the incidental take of Hine's Emerald Dragonfly, Blanding's Turtle, and American Bittern. Additional information was requested by the Department on February 7, 2022, and December 13, 2023, to make the Conservation Plan complete as prescribed by 17 Ill. Adm. Code 1080.10. Additional information was received by the Department on November 17, 2022, and December 22, 2022. The final conservation plan was approved by the Department on January 17, 2023. The public notice period will be detailed under #6 of the Compliance section below.

The United States Fish and Wildlife Service (hereinafter referred to as USFWS) issued their final Biological Opinion (BO) for the taking of Hine's Emerald Dragonfly and Leafy Prairie Clover (*Dalea foliosa*) on May 5, 2023. Under the Act, the take of all threatened and endangered plants requires the express written permission of the landowner, and these species shall not be offered for sale (520 ILCS 10/3). The Department does not have the authority to grant incidental take of plants. Therefore, Leafy Prairie Clover will not be addressed further in this authorization; notwithstanding the foregoing, any federal requirements for the protection of this plant species in the BO must be followed by Wolverine. However, Wolverine shall seek written permission from Hanson and any other landowners where there is not an existing Right of Way should there be risk of taking listed plants.

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 to excavate, expose inspect, and repair the Lemont to Lockport pipeline segment along New Avenue south of 135th Street in Lockport. For the purposes of this work, the Permit Area encompasses the entire Commonwealth Edison Parcel (commonly referred to as ComEd Parcel), owned by Hanson Material Service and subject to the terms in ITA #117. The work area includes a 150 foot buffer centered along the eastern portion of the area, but includes the entire 103-acre parcel to include surveys and Conservation Measures in the Biological Assessment.

The excavation workspace within the Permit Area will not exceed 1.4 acres where all direct work will occur (excavation, staging, access, stockpiling) would occur. The excavation area includes up to approximately 0.03 acres (maximum 112 feet long in total) along the pipeline corridor where excavation may occur. This is the only area where ground disturbance is planned to occur below the soil surface. Depending on findings after initial excavation of each anomaly, it may not be necessary to excavate the entire 112-foot length. Thus, the above areas represent the maximum possible extent of effects or the worst-case scenario.

The Project involves the temporary excavation, inspection, and repair of three identified anomalies or pipeline integrity issues. From north to south the anomalies included in this project are PR-01, FR-04, and FR-02. Repairs required at the three anomaly locations may require excavation of up to 112 feet of pipeline (35 feet for PR-01, 35 feet for FR-04, and 42 for FR-02), 102 feet of which would be within HED critical habitat. In addition to excavation, temporary impacts for access routes to the three locations and establishing temporary staging areas for equipment, and workspace from which equipment would be positioned to excavate these locations would involve temporary disturbance of up to 1.4 acres of land, of which approximately 0.49 acres are wetlands.

Two small streams, or rivulets, designated rivulet 4/rivulet 5 system (RIV4/5 system or RIV4 and RIV5 separately) and rivulet 2 (RIV2), run through the area where the project is planned; these are further defined below. The upper portion of RIV4 would be impacted by excavation at anomaly PR-01. WPL has gained approval for access to PR-01 and FR-04 from the north, by accessing the Project area from the Romeoville Metra Station just north of the two anomaly locations, which would prevent need to access from the south and avoid crossing the second rivulet, RIV2.

Take of Hine's Emerald Dragonfly, Blanding's Turtle, and American Bittern could occur as a result of crushing or burying by project traffic or heavy machinery during construction, and/or dispersal from suitable habitat due to increased noise and/or vibration and/or potential contamination from products used in the area. One of the mapped rivulets may be bypassed, this rivulet is believed to be historically used by Hine's Emerald Dragonfly, but not actively used as larval habitat. Additional areas of the project area are potentially adult foraging areas for Hine's Emerald Dragonflies. The majority of the work will take place outside of the active season for Blading's Turtle, and there is no known nesting area inside the work space. American Bitterns may be affected by the restoration efforts.

Total estimated area of impact is **1.4 acres of suitable species habitat**. The Department concurs that the take of Hine's Emerald Dragonfly, Blanding's Turtle, and American Bittern that could result from the proposed project is not the purpose of Wolverine'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 measures were included in Wolverine's conservation plan.

To meet the "maximum extent practicable" standard, additional minimization and/or mitigation measures may be required beyond those proposed by Wolverine, based on the life history needs of the Hine's Emerald Dragonfly, Blanding's Turtle, and American Bittern. **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.

This project is being funded by the applicant, and all mitigation activities will be incorporated into the overall project budget. The required monitoring for 10 years after construction will be funded by Wolverine's operational budget. There are adequate funds to carry out all aspects of the Conservation Plan.

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 are a part, or the habitat essential to the species' existence in Illinois:

Hine's Emerald Dragonfly (*Somatochlora hineana*) is a Federally- and State-endangered dragonfly species.

Habitat: Hine's Emerald Dragonfly is found in spring-fed marshes and groundwater-fed wetlands that are high in calcium carbonate and in sedge meadows overlaying dolomite bedrock.

Distribution: Hine's Emerald Dragonfly are critically imperiled throughout their range which includes Missouri, Illinois, Wisconsin, Michigan, and the Canadian province of Ontario. The species has been extirpated from Ohio, Indiana, and Mississippi.

Reproduction: Hine's Emerald Dragonfly adults can be observed from late May through early October in Illinois. After metamorphosing in the spring and summer, adult males establish and defend breeding territories in small areas of shallow water. The female Hine's Emerald Dragonfly lays eggs in cool, shallow, slow-moving waters, spring-fed marshes, and seepage sedge meadows. The dragonflies begin their lives as aquatic larvae called nymphs. Hine's Emerald Dragonfly nymphs have a symbiotic relationship with the Devil Crayfish (*Lacunicambarus nebrascensis*), as they depend on the crayfishes' burrows to avoid desiccation when their shallow pools of water dry up in late summer. This species remains in the nymph stage for up to five years before transforming into an adult dragonfly. Adult Hine's Emerald Dragonflies live about 5-6 weeks.

Population: There are many threats to Hine's Emerald Dragonfly populations: water pollution, habitat alteration and fragmentation, quarrying, industrial and urban development, and agriculture.

Range in Illinois: In Illinois, populations of Hine's Emerald Dragonfly are rare and localized. Populations have been found in Cook, DuPage, Will, and Winnebago Counties, for a total of four (4) counties. There are currently 10 extant (in the past 10 years) Element Occurrence Records for Hine's Emerald Dragonfly in the Illinois Natural Heritage Database.

Incidental Take Authorizations: The Department has issued three previous Incidental Take Authorizations for Hine's Emerald Dragonfly, for an electrical transmission line project, for environmental remediation, and for mining and environmental restoration. This is the fourth authorization for Hine's Emerald Dragonfly in Will County.

Blanding's Turtle (*Emydoidea blandingii*) is an Illinois State-endangered semi-aquatic turtle species.

Habitat: Blanding's Turtles can be 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 known to leave the water to travel between ponds and for females to lay eggs. Blanding's Turtles enter a period of dormancy

during the winter, during which they remain buried in the muddy bottoms of deep marshes, backwater pools, and streams.

Distribution: Blanding's Turtles are found east of the Rocky Mountains in North America. In the United States, they are found from South Dakota and Nebraska to the Atlantic Ocean coastal states of New England. They range from Missouri and Illinois north into Canada's Ontario, Quebec, and Nova Scotia provinces. Records are not known from Delaware, Connecticut, or Rhode Island.

Reproduction: Blanding's Turtles are long-lived, not reaching sexual maturity until 14-20 years old. 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. Since nests are typically far from water, hatchlings must travel long distances after emerging from their nest, 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. 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 as well as concerted efforts to reduce meso-predators where they threaten nests and young.

Range in Illinois: Blanding's Turtles are most often found in northern Illinois and sporadically found throughout the central part of the state. They have been found in 22 of 102 counties. There are 95 extant (in the past 10 years) Element Occurrence Records for Blanding's Turtles in the Illinois Natural Heritage Database.

Incidental Take Authorizations: The Department has issued 28 previous or pending Incidental Take Authorizations for Blanding's Turtles. This is the sixth authorization granted for Blanding's Turtles in Will County. Previous projects included residential or commercial developments, highway and bridge construction, wind energy facilities, the construction of an athletic field, the construction and maintenance of electrical lines, pipeline installation, and dredging.

American Bittern (*Botaurus lentiginosus*) is a State-endangered migratory bird species.

Habitat: American Bittern when in their breeding habitat are typically found in herbaceous wetlands, but will also use brackish marshes, shrubby marshes, bogs, wet meadows, and rarely hayfields. Smaller wetlands appear to be foraging sites, and wetlands larger than 2.5 hectares may support feeding

Distribution: American Bittern are found from the Mid-US to Canada during the breeding season, with some year-round populations in California, Mexico,

Oregon, Washington, New Jersey, Virginia, North Carolina, Maryland, and Delaware.

Reproduction: American Bittern nest in wetlands. The breeding season in southern Illinois is considered April 15 to July 15, while in northern Illinois it May 1 to July 15. Nests are built on a mound 3-8 inches above the water surface and constructed of dry dead sedges, reeds, cattails, and other vegetation, the next is lined with finer grass. Nests are 10-15 inches wide. Once the female builds the nest, incubates eggs, and feeds the chicks. They lay clutches of 2-7 beige-brown to olive colored eggs. The incubation period of American Bittern eggs is 24-28 days. Nestlings are helpless after hatching but fledge the nest within 1-2 weeks but remain near mother for up to 4 weeks.

Population: American Bittern populations are threatened by habitat loss, fragmentation, and degradation of wetlands due to drainage, filling, conversion to agriculture or recreational use, siltation, and pollution. In the Northeastern US, invasion of wetlands by purple loosestrife and phragmites may substantially alter wetlands. Availability of amphibian prey and aquatic invertebrates may also be a factor in declines where there are significant pollution and runoff concerns.

Range in Illinois: American Bitterns, a breeding resident of Illinois, can be found in areas throughout the state from mid-April to July, after which they migrate to the southern coastal United States and Central America, where temperatures remain above freezing. American Bitterns have been observed breeding in 13 of 102 Illinois counties. There are currently 10 extant Element Occurrence Records for American Bittern in the Illinois Natural Heritage Database.

Incidental Take Authorizations: This is the first Incidental Take Authorization issued by the Department for American Bittern.

Based on the amount of habitat impacted by this project, the number of known occurrences of the Hine's Emerald Dragonfly, Blanding's Turtle, or American Bittern in Illinois, an assessment of the potential effect of this project on the listed species in the project footprint, the conservation measures included in this authorization for incidental 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 these 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 Wolverine 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 SCTS's request for authorization of incidental take was published in the *Breeze Courier* (official state newspaper) on February 9, 2023. The notice was also published in *The Times Weekly* on February 9, 16, 23, and March 2, 2023. A copy of the Conservation Plan could be reviewed at the White Oak Library District's Lockport Branch and the Lemont Public Library. The deadline for public comment was April 3, 2023. No comments were received from the public.

Authorization

It is the determination of the Department that the measures that will be implemented by Wolverine will adequately minimize and mitigate the anticipated taking of Hine's Emerald Dragonfly, Blanding's Turtle, and American Bittern associated with work to excavate, expose, inspect, and repair the Lemont to Lockport pipeline segment in Lockport in Will County, Illinois. Further, the Department has concluded that the taking authorized herein 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.

All terms and conditions included in the aforementioned conservation plan submitted by Wolverine 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 Wolverine in the conservation plan:

1. This authorization is effective upon the signature of the Department and shall remain in effect for a period of **ten (10) years** from the date of the Department signature, unless terminated by written agreement of both parties.

This authorization is **granted solely for the repairs of the three previously identified anomalies, designated PR-01, FR-04, and FR-02, that are intended to be completed before March 2024** in both the Conservation Plan and the Biological Opinion issued by the USFWS. If additional repairs are required during the 10-year period of this authorization after the 2023 tool run, Wolverine shall submit a new conservation plan with the request for an amendment to this authorization.

This authorization may be revoked pursuant to the Act and Ill. Adm. Code 1080.80(b) if the Department finds that Wolverine has failed to comply with any of these terms and conditions or has been responsible for the taking of the Hine's Emerald Dragonfly,

Blanding's Turtle, and American Bittern beyond that which is incidental to activities associated with work to excavate, expose inspect, and repair the Lemont to Lockport pipeline segment in Lockport in Will County, Illinois.

2. The effective period of this authorization may be altered by mutual written agreement between Wolverine 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 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 Hine's Emerald Dragonfly, Blanding's Turtle, and American Bittern; regulations protecting the species; where the species might be found; avoidance areas; travel restrictions for equipment and vehicles; how to report sightings or incidents that may involve take; the importance of avoiding take of the species; and response protocol if individuals are found, including the chain of response personnel. **Wolverine 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 Wolverine 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, 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. Wolverine shall **notify the Department's Endangered Species Program by email correspondence of construction commencement and completion** of the project construction and decommissioning of the project in Will County. A **project status report** shall be submitted to the Department **within 90 days following completion** of construction of the project summarizing the implementation of minimization, mitigation, and restoration measures and evaluating the effectiveness 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. 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. Wolverine shall conduct, or cause to be conducted, the following pre-construction, construction, or post-construction efforts:
 - a. Project design avoids delineated wetlands to the extent practicable.
 - b. Ground-disturbing work shall only occur between November 1 through March 1, when freezing temperatures occur and Hine's Emerald Dragonflies and Blanding's Turtles are not active at the surface.
 - c. Any and all matting used on site shall be cleaned and weed seed free prior to placement.
 - d. Excavated soils from each anomaly shall be temporarily stockpiled adjacent to excavation. At PR-01 and FR-04, these shall be placed on matting.
 - e. In the event that Rivulet 4 needs to be excavated, those soils shall be stockpiled separately and used for backfill.
 - f. However, certain situations will prevent the use of the excavated soils for backfill
 - i. Rocks larger than 3" will be removed to avoid contact the risk of future pipeline integrity issues.
 - ii. In the unlikely event that soils are found to be contaminated, that soil will not be used, but soil similar to native soils will be brought in.
 - iii. If additional material is needed to restore grade, or support the pipeline, as soil with similar texture will be used.
 - g. Bedrock removal and disturbance shall be limited to that which is required to access the pipeline or if bedrock is restricting access to the anomalies.
 - h. All appropriate SWPPP and erosion control measures shall be used and maintained in good order throughout the excavation process.
 - i. Based on the shallow water table, groundwater may potentially infiltrate excavated areas, in that case the smallest pump practicable shall be used as described in the Conservation Plan.
 - j. When excavating at the rivulet, the "dam and pump" method shall be used for a maximum of 2 weeks.
 - k. Any areas disturbed by activities associated with the excavation and repairs shall be restored to original ground contours and seeded with an appropriate mix as soon as practicable.
10. Wolverine shall conduct, or cause to be conducted, post-construction surveys in the vicinity of the project area following construction completion.
 - a. Hine's Emerald Dragonfly: Annual monitoring shall follow requirements by year as approved by the Department and USFWS.
 - i. Within affected rivulets: observe water flow, temperature, reestablishment of rivulet channel width and depth. Monthly May-Aug.
 - ii. Monitor vegetation; woody vegetation encroachment, native vegetation cover, invasive plant species present in disturbed footprint. Once in growing season.

- iii. Monitor growth rate of caged Hines Emerald Dragonfly larvae for 4 weeks in Rivulet 5 (May or June)
 - iv. Monitor crayfish density in Rivulet 4. If goals are not met in Year 2, Devil crayfish may be translocated in accordance with the USFWS BO and in coordination with the Department.
 - b. **An annual monitoring report shall be submitted to the USFWS, United States Army Corps of Engineers, and Department by December 31 summarizing the actions of the year for the duration of the monitoring period.**
 - c. Blanding's Turtle and American Bittern: A report including, but not limited to, the survey methodology utilized (visual encounter surveys during the seasons of main activity for each species), area covered and time duration, a description and map of each habitat surveyed, the number of individuals located, the estimated life stage of each individual encountered (juvenile/adult) if possible, and a map of the species locations shall be provided to the Department within 90 days of survey completion.
11. Mitigation to the maximum extent practicable is required by the Act. For impacts to the State-listed species, Wolverine, or their contractors shall provide ecological restoration in the Project area. This work shall take place on 6.4-7.7 acres depending on the access route utilized. This work includes
- a. Removal of 0.38 acres of invasive Phragmites, purple loosestrife, reed canary grass, and buckthorn to be treated with herbicides and replanted with native species. These species will be given follow up for the first years to ensure planting success.
 - b. If crayfish density is not achieved by year two, applicant shall acquire crayfish for onsite augmentation to advance restoration, or funds could be contributed to an existing captive rearing program in accordance with the USFWS BO.

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:

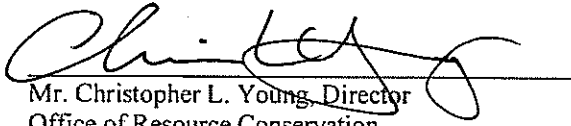
Illinois Department of Natural Resources
Office of Resource Conservation
Endangered Species Program – Incidental Take Authorization Coordinator
One Natural Resource Way
Springfield, IL 62702-1271

(217)557-8243
DNR.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.

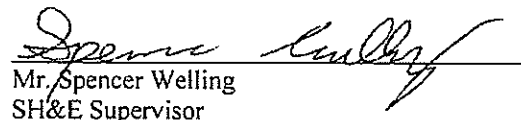
13. The Wolverine official identified below is authorized to execute this agreement. Execution by Wolverine indicates acceptance of all terms and conditions described in this authorization.
14. The execution of this agreement does not waive or excuse the responsibilities of Wolverine to comply with other 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

7/18/23
Date

For Wolverine Pipe Line Company:


Mr. Spencer Welling
SH&E Supervisor

7-18-23
Date