



# Illinois Department of Natural Resources

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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 Forest Preserve District of Kane County (hereinafter referred to as FPDKC) for the incidental take of the State-endangered Blanding's Turtle (*Emydoidea blandingii*). The Illinois Department of Natural Resources (hereinafter referred to as Department) has determined that the taking is incidental to activities associated with the Pingree Grove Wetland Bird Habitat Enhancement Project in the Pingree Grove Forest Preserve in Kane County, Illinois.

### **Procedural History**

The Department received a Conservation Plan prepared by FPDKC on May 4, 2022, as a request for authorization for the incidental take Blanding's Turtle. Additional information was requested by the Department on May 11, May 23, and June 7, 2022, to make the Conservation Plan complete as prescribed by 17 Ill. Adm. Code 1080.10. Additional information was received by the Department on May 12, June 6, and June 10, 2022. The final conservation plan was approved by the Department on June 10, 2022. 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 create up to **6.5 acres** of wetland scrapes across 5 wetland locations within a 110.2 acre marsh complex. These scrapes will increase the amount and interspersion of open water habitat within the marsh complex for marsh bird species. In addition, the shallow areas that were selected for scrapes are currently dominated by dense monocultures of narrowleaf cattail (*Typha angustifolia*). The scrapes will provide deeper locations within the marsh complex where Blanding's Turtles can forage, overwinter, and take refuge in drought years when most of the marsh is likely to be dry. The wetland scrapes will be created using amphibious or long-reach excavators. The maximum depth of the excavations will be 3 feet. Additional

work will create of a small rock riffle requiring the deposit of stone on a 0.01 acre area to stabilize an inflow from under Route 20.

Spoil excavated from the wetland scrapes will be transported to designated spoil respread areas in upland locations within Pingree Grove Forest Preserve. Material will be removed from the marsh with low ground pressure amphibious equipment in small quantities to limit the potential for impacts to turtles. It will be transported to the proposed disposal areas with this equipment where it will be placed as described on the plans and herein. This will include regular inspection of work areas for turtles and handling in a way to maximize the ability to identify any turtles within the area prior to equipment being employed. All spoil areas will be restored with the native vegetation shown on the plans in the Conservation Plan as soon as final placement of spoils occurs.

Take of Blanding's Turtles could occur as a result of crushing or burying by project traffic or heavy machinery during dredging, and/or dispersal from suitable habitat due to increased noise and/or vibration. If scrape creation was conducted during the inactive season Blanding's Turtles could potentially be disturbed during brumation. Although unlikely, it is possible that individual turtles could be inadvertently transported from the wetland to spoil respread locations in soil within the project site. If a turtle is transported to a spoil respread location and remains in the area when spoil is being respread by machinery, the turtle could be injured or killed.

Total estimated area of impact within suitable species habitat is **6.5 acres**. The Department concurs that the take Blanding's Turtles that could result from the proposed project is not the purpose of FPDKC'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 FPDKC's conservation plan.

To meet the "maximum extent practicable" standard, additional minimization and/or mitigation measures may be required beyond those proposed by FPDKC, based on the life history needs of the Blanding's Turtles. **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 funding for this project will be provided by the District through their annual budget. The District budgeted \$350,000 in fiscal year 2021/2022 in its

Construction and Development fund. These funds can be carried to the next fiscal year if project timing dictates.

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:

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**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 21 of 102 counties. There are 89 extant Element Occurrence Records for Blanding's Turtles in the Illinois Natural Heritage Database.

**Incidental Take Authorizations:** The Department has issued twenty-eight (28) previous or pending Incidental Take Authorizations for Blanding's Turtles. This is the sixth (6) authorization granted for Blanding's Turtles in Kane 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.

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Based on the amount of habitat impacted by this project, the number of known occurrences of the Blanding's Turtle 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 FPDKC 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 FPDKC's request for authorization of incidental take was published in the *Breeze Courier* (official state newspaper) on July 1, 2022. The notice was also published in the *Aurora Beacon* on July 1, 8, 15, and July 22, 2022. A copy of the Conservation Plan could be reviewed at the Geneva Public Library. The deadline for public comment was August 15, 2022. No comments were received from the public.

#### **Authorization**

It is the determination of the Department that the measures that will be implemented by FPDKC will adequately minimize and mitigate the anticipated taking of Blanding's Turtles associated with the Pingree Grove Wetland Bird Habitat Enhancement Project in Kane 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 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 FPDKC 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 FPDKC in the conservation plan:

1. This authorization is effective upon the signature of the Department and shall remain in effect for a period of **seven (7) 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 FPDKC has failed to comply with any of these terms and conditions or has been responsible for the taking of the Blanding's Turtle, beyond that which is incidental to activities associated with the Pingree Grove Wetland Bird Habitat Enhancement Project in Kane County, Illinois.

2. The effective period of this authorization may be altered by mutual written agreement between FPDKC 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 Blanding's Turtle; 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. **FPDKC 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 species, potential habitat and species management practices.

6. Biological consultants employed by FPDKC 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. FPDKC shall notify the Department's Endangered Species Program by email correspondence of construction commencement and completion of the water line construction in Kane County. A **project status report** shall be submitted to the Department within 90 days following completion 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. FPDKC shall conduct, or cause to be conducted, the following pre-construction, construction, or post-construction efforts:
  - a. District staff will conduct live-trapping surveys in and near the areas selected for wetland scrapes. The surveys will be conducted May-July, and a traps will be deployed for a minimum of 100 trap-nights. Captured Blanding's Turtles will be individually marked and adult turtles will be fitted with VHF transmitters. This would allow staff to monitor the locations selected for scrapes prior to construction. If the IDNR determines that it would be practicable, District staff could temporarily relocate these individuals before construction begins to avoid potential take.
  - b. Construction shall be limited to July through September to avoid and minimize potential impacts to nesting females, nests/eggs and overwintering turtles.
  - c. Equipment access pathways and spoil respread locations were selected to avoid degrading known turtle nesting habitat through soil compaction or burial with organic material. The areas selected have degraded vegetation and are not known to be frequented by the turtles.
  - d. The section of equipment access pathway with the highest potential for impacts to Blanding's Turtles will be enclosed with exclusionary silt fencing to prevent turtle access. Silt fencing will be buried to depth of 4 inches to prevent burrowing and shall be inspected weekly or within 24 hours of a rain event.
  - e. Machinery must be inspected by FPDKC staff prior to unloading from the trailer at the project location and be found to be clean and free of seeds, soil, and debris.
  - f. Prior to the start of all construction activity, the project area shall be visually surveyed by District staff and contractors for the presence of Blanding's Turtles.

- g. Construction equipment will be parked on-site in an upland location when not in use. The parking area shall be inspected for the presence of turtles prior to moving.
10. FPDKC shall conduct, or cause to be conducted, post-construction surveys Blanding's Turtles during the species' active period and in the vicinity of the project area following completion.

FPDKC staff will annually conduct live trapping surveys in the wetland scrape areas for a minimum of 100 trap-nights per year in May-July for 3 years post-construction. Additionally, staff will track individuals with radio-transmitters to determine if the scrapes are being utilized by Blanding's Turtles. Post-project monitoring results shall be provided annually to the IDNR Endangered Species Coordinator and the IDNR Incidental Take Authorization Coordinator.

**A report including, but not limited to, the survey methodology utilized, area covered and duration, a description and map of each habitat surveyed, the approximate 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. The Department will not be requiring monetary mitigation as conservation benefits for Blanding's Turtles will be derived from the performance of the project and will serve as mitigation.

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

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

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

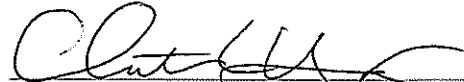
(217)557-8243  
DNR.ITAcoordinator@illinois.gov

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

13. The FPDKC official identified below is authorized to execute this agreement. Execution by FPDKC 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 FPDKC to comply with other Federal, State, or local regulations, including but not limited to obtaining any required permits for the execution of this project.

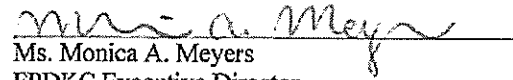


*For the Illinois Department of Natural Resources:*

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

Oct 11, 2022  
Date

*For The Forest Preserve District of Kane County:*

  
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Ms. Monica A. Meyers  
FPDKC Executive Director

9/21/2022  
Date

