



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 Cardinal Point, LLC (hereinafter referred to as Cardinal Point) a wholly owned subsidiary of Capital Power Corporation for the incidental take of the Federal and State-endangered Indiana Bat (*Myotis sodalis*), Federally-endangered and State-threatened Northern Long-eared Bat (*Myotis septentrionalis*), and State-threatened Black Billed Cuckoo (*Coccyzus erythrophthalmus*). Cardinal Point is located between Blandinsville and Good Hope north of State Route 9. All of the turbines are located west of US Highway 67. One Illinois Natural Areas Inventory Site (INAI Sites) are near the project boundary: Sciota Railroad Prairie (INAI Site #1602) to the South along Route 9. The Illinois Department of Natural Resources (hereinafter Department) has determined that this taking is incidental to the ongoing operation of the Cardinal Point Wind project in McDonough and Warren Counties, Illinois.

Procedural History

A Conservation Plan and Habitat Conservation Plan (HCP) prepared by Cardinal Point were submitted to the Department on March 31, 2023, as request for authorization for the incidental taking of Black Billed Cuckoo (under the Conservation Plan), Indiana Bat and Northern Long-eared Bat (under the HCP). Little Brown Bat (*Myotis lucifugus*) and Tricolored Bat (*Perimyotis subflavus*) were included in the HCP, as they are under review for federal listing. **The Department is not authorized to issue an ITA for these two species, as they are not officially listed as threatened or endangered.** Should a federal listing decision be made, it is possible that this ITA may be amended pursuant to the Act (520 ILCS 10/7) and Ill. Admin Code 1080. The Cardinal Point HCP was approved by the US Fish and Wildlife Service (USFWS) and a federal Incidental Take Permit was issued on August 7, 2023. The Department requested additional information on April 27, 2023, to make the Conservation Plan complete as prescribed by Ill. Adm. Code 1080.10. Additional information was received by the Department on May 16, 2023. A conservation plan was approved by the Department on May 22, 2023. 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 conduct ongoing operations at a wind farm located in McDonough and Warren Counties. The wind farm encompasses approximately 46,155 acres and consists of 48 General Electric 2.8-megawatt turbines, and 12 General Electric 2.5-megawatt turbines, for a total of 60 turbines, and a total capacity of generating 150 megawatts (MW) of energy annually. The wind farm began operations in March 2020.

The project consists of an electric substation, an operations and maintenance building, a meteorological tower, and ancillary facilities and equipment, and the development of associated access roads, turbine pads, and crane paths. The project also includes an overhead 115-kilovolt transmission line to connect the project to the electrical grid and a collector substation. Prior to the installation of wind-related infrastructure, existing county roadways were improved and widened within the existing rights-of-way.

Permanent ground disturbance associated with the turbine pads and foundations are 10 meters in diameter. Turbine foundations were constructed on site with small cranes. Semi-trailer trucks, heavy machinery, and other equipment were used to complete this project, which included excavation, delivery of turbine components requiring truck transportation to and from the project site, and turbine assembly. Soil decompaction occurred after construction to allow agricultural practices to continue along crane paths.

Direct take of the Indiana Bat and Northern Long-eared Bat could occur as result of operating wind turbines, particularly during spring and fall migration seasons. Take of Black Billed Cuckoo could also occur as a result of direct collision with active wind turbines, during the spring and fall migration seasons.

The Department concurs that the take of Indiana Bat, Northern Long-eared Bat, and Black Billed Cuckoo that could result from the project is not the purpose of Cardinal Point'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 Cardinal Point's Conservation Plan and HCP.

To meet the "maximum extent practicable" standard, additional minimization and/or mitigation measures may be required beyond those proposed by Cardinal Point, based on the life history needs of the Indiana Bat, Northern Long-eared Bat, and Black Billed Cuckoo. **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.

Cardinal Point commits to funding all aspects of the Conservation Plan, including species monitoring and mitigation. Cardinal Point shall provide the Department with a letter certifying a monitoring contract has been executed with a firm qualified to conduct monitoring in accordance with the approved monitoring 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 is a part, or the habitat essential to the species' existence in Illinois.

Indiana Bat (*Myotis sodalis*) is a Federally endangered and State-endangered flying mammal species.

Habitat: Indiana Bat hibernates in the winter, primarily in caves and abandoned mines. The species prefers the coldest part of the cave, where they are found huddled in large clusters of 500-1000 bats. In the summer, preferred habitat for this nocturnal insectivore consists of wooded areas, often near streams. The species is typically found beneath the exfoliating bark of trees.

Distribution: Their overall range covers much of the eastern United States. Populations migrate as far south as Georgia and Alabama. They are found as far north as Michigan, Vermont, and New York. The species has disappeared from most of its former range in the northeastern United States.

Migration: The species is migratory, traveling up to 300 miles between winter and summer habitats. Migrants will leave hibernation sites in March and April. They return to hibernacula in August or September. Staging or swarming occurs in September and October at the mouths of caves.

Reproduction: Mating occurs from late August to early October, prior to hibernation. Females store sperm through the winter and ovulation takes place in the spring. Females give birth to a single pup in June or July. Young can fly at 25-37 days.

Population: Indiana Bats hibernate in large groups, making them highly susceptible to white-nose Syndrome (confirmed in Illinois in 2013) during the winter months. The low reproductive rate of bats coupled with the vulnerability to disease afflicting the species at hibernacula is a cause of concern for potentially severe population level declines. Human disturbance in caves may disrupt hibernation, causing unnecessary burning of fat reserves that bats need to get through the winter. Removal of forested summer habitat may also lead to population decline.

Range in Illinois: Indiana Bats are extant (found in the last 10 years) in 50 of 102 Illinois counties. There are currently 114 extant Element Occurrence Records for Indiana Bats in the Illinois Natural Heritage Database. These records include both

hibernacula and locations at which bats have been captured during surveys conducted during the summer breeding season. Data reflect the presence of Indiana bats at Illinois maternity colonies and/or day roosts as early as April 12 and as late as October 6. Locations are scattered across much of the southern ¾ of Illinois.

Incidental Take Authorizations: The Department has twelve (12) pending or authorized Incidental Take Authorizations for Indiana Bats. Previous projects have included electric transmission lines, a mine, a pipeline, and windfarms. This is the first authorization granted for the potential take of Indiana Bat in both McDonough and Warren Counties.

Northern Long-eared Bat (*Myotis septentrionalis*) is a Federally endangered and State-threatened flying mammal species.

Habitat: Northern Long-eared Bat hibernates in the winter, primarily in caves and abandoned mines. The species prefers cold, humid areas. They are most likely to be found in cracks or crevices, rather than huddled in large groups. In the summer, preferred habitat for this nocturnal insectivore consists of large, contiguous forested areas. The species roosts in live and dead trees, and occasionally in human structures such as bridges and barns.

Distribution: They are distributed in patches in eastern and north-central United States and southern Canada. The overall summer and winter ranges are the same.

Migration: Northern Long-eared Bat is commonly a local migrant, only traveling up to 50 miles between winter and summer habitats.

Reproduction: Mating occurs in late summer or early fall, prior to hibernation. Females store sperm through the winter, though some females may mate again at spring emergence. Females give birth to a single pup between May and July, depending on the location (typically late June to early July in Illinois).

Population: Northern Long-eared Bat hibernates in caves where the fungus that causes White-nose Syndrome is found. The low reproductive rate of bats coupled with the vulnerability to disease afflicting the species at hibernacula is a cause of concern for potentially severe population level declines. Northern Long-eared Bat is sensitive to disturbance during hibernation, which causes bats to deplete their energy reserves. Habitat fragmentation of mature forest habitat is also a threat.

Range in Illinois: Northern Long-eared Bat is extant in 35 of 102 Illinois counties. There are currently 47 extant Element Occurrence Records for Northern Long-eared Bat in the Illinois Natural Heritage Database. These occurrences include both summer locations of roost and/or maternity colonies and winter hibernacula. Data reflect the presence of Northern Long-eared Bat at Illinois maternity colonies and/or day roosts as early as April 16 and as late as October 3. Locations are scattered across the entire state.

Incidental Take Authorizations: The Department has six (6) pending or authorized Incidental Take Authorizations for Northern Long-eared Bats for a pipeline and wind farms. This is the first authorization to be granted for potential take of Northern Long-eared Bats in both McDonough and Warren Counties.

Black-billed Cuckoo (*Coccyzus erythrophthalmus*) is a State-threatened migratory bird species.

Habitat: Black-billed Cuckoos when in their breeding habitat are typically found in deciduous forest, but will also use open woodlands, thickets, and riparian vegetation.

Distribution: Black-billed Cuckoos are found over much of Eastern North America at various times of the year. Their breeding distribution ranges from portions of Alberta to Nova Scotia in Canada to Montana, Wyoming, eastern Colorado, north-central Texas, Alabama, and the Carolinas. The winter, non-breeding distribution includes the Southeastern states, Bermuda, lowlands of Mexico along the Gulf, and down into Central and Northern South America.

Reproduction: Black-billed Cuckoos nest in deciduous trees, shrubs, or brambles, and occasionally coniferous trees such as hemlock. Nests are flimsy, shallow cups constructed of twigs and grasses and lined with dead or green leaves, pine needles, stalks, plant fibers, rootlets, mosses, and spider webs. Both adults help build the nest, and the female may start laying eggs in it before the nest is completed. They lay clutches of 2-5 greenish blue eggs. The incubation period of black-billed cuckoo eggs is 10-11 days. Nestlings are helpless after hatching but fledge the nest within 6-7 days. The period between egg laying to fledging of young is among the shortest for any bird species. Like Old World cuckoos, the Black-billed Cuckoo is known to occasionally lay its eggs in other birds' nests (brood parasitism).

Population: Black-billed Cuckoo populations are threatened by habitat loss and fragmentation. Their main prey of caterpillars makes them also susceptible to pesticide use. Black-billed Cuckoos are frequently killed by collisions with TV towers, tall buildings, and other structures during nighttime migration. Populations tend to fluctuate considerably from year to year as the individuals follow outbreaks of prey, making it difficult to accurately estimate population numbers.

Range in Illinois: Black-billed Cuckoos, a breeding resident of Illinois, can be found in areas throughout the state from late April to early October, after which they migrate to South America for the winter. Black-billed Cuckoos have been observed breeding in 10 of 102 Illinois counties (DuPage, Kane, Kankakee, Lake, McHenry, McLean, Monroe, Sangamon, Winnebago, Woodford). There are currently 14 extant Element Occurrence Records for Black-billed Cuckoo in the Illinois Natural Heritage Database.

Incidental Take Authorizations: The Department has eight (8) previous or pending Incidental Take Authorizations for Black-billed Cuckoo. This is the first authorization to be granted for Black-billed Cuckoo in both McDonough and Warren Counties. Previous projects have included an electrical transmission line and seven wind energy facilities.

Based on the amount of habitat impacted by this project, the number of known occurrences of Indiana Bat, Northern Long-eared Bat, and Black Billed Cuckoo 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 Cardinal Point 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 Cardinal Point's request for authorization of incidental take was published in the *Breeze Courier* (official state newspaper) on July 5, 2023. The notice was also published in the *McDonough County Voice* and *Monmouth Daily Review Atlas* on July 5, 12, 19, and 26, 2023. A copy of the Conservation Plan was deposited for review at the Macomb Public Library and Roseville Branch Library. The deadline for public comment was August 28, 2023. One public comment document was received outside of the public comment period and Cardinal Point provided responses to the DNR.

Authorization

It is the determination of the Department that the measures to be implemented by Cardinal Point will adequately minimize and mitigate the anticipated taking of Indiana Bat, Northern Long-eared Bat, and Black Billed Cuckoo associated with the operation of the Cardinal Point Project in McDonough and Warren Counties, 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 Cardinal Point to the Department are incorporated into this agreement by reference and are made a part thereof. In the event there is conflict between the conservation plan and this authorization, this authorization 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 authorization is issued subject to the following terms and conditions, which may include additions or modifications to the minimization and mitigation measures proposed by Cardinal Point in the Conservation Plan:

1. This authorization is effective upon the signature of the Department and shall remain in effect for a period of **twenty (25) years** from the date of the Department signature, unless terminated by written agreement of both parties. Currently, Cardinal Point has entered a **six (6) year** HCP with the USFWS for the two bat species. At that time, minimization, monitoring, and mitigation for bats shall be reviewed, and if necessary, an amendment will be considered. **This agreement does not authorize take of any species except the Indiana Bat, the Northern Long-eared Bat, and Black Billed Cuckoo, and does not authorize the take of Federally Listed species if the federal Incidental Take permit expires, is revoked, or is terminated.**

Notwithstanding the above paragraph, due to the length of this Authorization, the Department reserves the right to reassess the terms of this Authorization every five (5) years. If during reassessment the Department determines that the Indiana Bat, Northern Long-eared Bat, and/or Black Billed Cuckoo have become more imperiled than when the species and impact analyses were initially conducted, the Department may request an amendment to this Authorization or additional minimization or mitigation by Cardinal Point. Further, if during reassessment the Department determines that the level of minimization and mitigation no longer meets the requirement of 520 ILCS 10/5.5 for minimization and mitigation to the maximum extent practicable for the potential take, the Department may request an amendment to this Authorization or additional minimization or mitigation by Cardinal Point.

If the Department and Cardinal Point cannot reach an agreement, this Authorization will be terminated. Termination of this Authorization under this provision does not prevent Cardinal Point from applying for a new Incidental Take Authorization for this project.

This authorization may be revoked pursuant to the Act and Ill. Adm. Code 1080.80(b) if the Department finds that Cardinal Point has failed to comply with any of these terms and conditions or has been responsible for the taking of Indiana Bats or Northern Long-eared Bats, or Black Billed Cuckoos beyond that which is incidental to activities associated with the operation of the Cardinal Point Wind Project in McDonough and Warren Counties, Illinois.

2. The effective period of this authorization may be altered by mutual written agreement between Cardinal Point and the Department. The Illinois Endangered Species Protection Board shall be notified of such alteration.
3. Any substantive changes, including but not limited to a substantive increase in the proposed take levels to Indiana Bat, Northern Long-eared Bat, or Black Billed Cuckoo, 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. **For the purposes of this authorization, an increase in the turbine cut-in speed implemented based on mortality or estimated mortality of Indiana bats and/or Northern Long-eared bats in accordance with the adaptive management provisions of this Authorization, as**

well as the introduction of acoustic deterrents, as approved by the Department, shall not be considered a substantive change.

4. This authorization may only be transferred upon approval and written authorization by the Department.
5. Notification to all on-site personnel, shall be provided on the sensitive biological resources in the area; the identification of Indiana Bat, Northern Long-eared Bat, and Black Billed Cuckoo; 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 individuals are found, including the chain of response personnel. **Cardinal Point shall submit a copy of the education materials to the Department.**
6. The Department reserves the right of entry by its staff or representatives to inspect species, potential habitat within the area under lease-control by Cardinal Point, species management and preservation practices, and data collection methodologies. Cardinal Point shall make pertinent records and materials relating to this permit available to the Department for examination on the premises or via electronic mail at reasonable times upon request by the Department or as otherwise authorized by law.
7. Biological consultants employed by Cardinal Point shall hold the necessary permits for work with non-listed and listed species; these include an Illinois Department of Natural Resources (IDNR) Scientific Collection Permit as authorized under 17 Illinois Administrative Code 520, and an IDNR Endangered Species Permit as authorized under 17 Illinois Administrative Code 1070.
8. Any discoveries of additional State-listed species beyond those identified in this agreement shall be reported to the Department within 48 hours accompanied by location information (photograph, map, and GPS coordinates). If bat mortality has occurred, the carcass shall be retained and labeled.
9. Copies of any reports, updates, modifications, or other project documentation required by the USFWS Incidental Take Permit (ESPER3926307) issued on August 7, 2023, shall be provided concurrently to the Department. Likewise, all reports under this authorization shall be provided to the USFWS unless USFWS determines in writing that such submissions are not necessary. This includes but is not limited to reports of fatalities of any Indiana Bats or Northern Long-eared Bats within 48 hours of discovery of a carcass of one of those species. Per the HCP, Indiana Bat and Northern Long-eared Bat carcasses shall be turned over to the USFWS; however, in the event that USFWS does not have interest in such carcasses, the Illinois Bat Conservation Program (hereinafter referred to as IBCP) shall be notified and given the opportunity to collect such carcasses prior to their disposal by

Cardinal Point. Prior to disposal of any *Myotis* carcass, IBCP shall be contacted and given ninety (90) days to collect the carcass from Cardinal Point.

10. Cardinal Point shall submit an **annual project status report** to the Department by March 1 of each year this authorization is in effect summarizing the implementation or status of minimization, monitoring, adaptive management, and mitigation measures and evaluating the effectiveness of those measures. Cardinal Point shall submit the same report to both USFWS and the Department. The report shall also include a map, GPS coordinates, and photographs 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.
11. Cardinal Point conducted, or caused to be conducted, the following minimization measures during design and construction of the wind energy facility:
 - a. Additional disturbance was avoided and/or minimized by utilizing previously disturbed areas, designated limited equipment/materials storage yards and staging areas, and reclaiming disturbed areas not required for operations.
 - b. Mowing was avoided during the peak nesting season for birds (May 1 – August 1).
 - c. Collector lines were trenched underground to the extent practicable.
 - d. The point of interconnection was made to an existing grid.
12. Cardinal Point shall conduct, or cause to be conducted, the following **minimization measures** throughout the duration of operation of the wind energy facility:
 - a. Turbines utilize unguyed tubular towers and met towers.
 - b. Lighting was minimized to requirements by the Federal Aviation Administration.
 - c. Where feasible, tree clearing or trimming to occur for Cardinal Point operations or maintenance on trees with a diameter at breast height (DBH) of 3 inches or more shall take place between November 1 and March 31.
 - d. The general plan for turbine blades shall be feathered below the following cut-in speeds by date and temperature:

Dates	Turbines	Cut-in Speed	Temperature Threshold	Curtailing Below Cut-in?
Spring and Summer March 15- July 14	All	3.0 m/s ³	10° C (50 °F)	Yes
July 15 – October 1	All	Optimized smart curtailment	Variable	Yes
October 1 – November 15	All	3.0 m/s ³	10° C (50 °F)	Yes
November 16 – March 14	All	3.0 m/s ³	None	No

Additional details of the Optimized Smart Curtailment regime may be found in the Habitat Conservation Plan. This includes the 2023 monitoring season, when turbines were divided into three experimental groups: 20 turbines at 7.5 m/s blanket curtailment, 20 turbines at optimized smart curtailment (designed to avoid 50% of collision risk), and 30 turbines under a 5.0 m/s curtailment. The mortality under 5.0 m/s will be compared to optimized smart curtailment. The first three years of the bat HCP will be used to test the alternative strategies of minimization with the goal of using the smart curtailment algorithm developed in Year 3 (or similar) in the final three years of the HCP.

13. Cardinal Point shall conduct, or cause to be conducted, the following **mortality monitoring** efforts for bat fatalities around turbines:

- a. Mortality monitoring shall continue to be conducted by a qualified consultant according to the protocol established in the HCP. Year numbers are understood to be synchronized with monitoring requirements under the USFWS Incidental Take Permit
 - i. Years 1-3 monitoring protocol was designed to achieve a minimum detection probability of 0.15.
 - ii. Year 1 protocol from HCP

Monitoring Season	Curtailment Treatment Group	Plot Type	Plot Radius	Search Interval (Days)
Spring (April 1- May 15)*	3.0 m/s blanket	Road and pad (60)	100m	14
Summer (May 16- July 14)*	3.0 m/s blanket	Road and pad (20)	100m	3.5
		Cleared (10)	70m	3.5
		Uncleared (10)	70m	3.5
Fall (July 15 – October 1)	7.5 m/s	Road and pad (20)	100m	7
	5.0 m/s blanket and smart curtailment	Road and pad (20)	100m	3.5
		Cleared (10)	70m	3.5
		Uncleared (10)	70m	3.5

Footnote: Year 1 monitoring began July 1 as the Federal ITP was not received until August 7, 2023

- iii. Additionally in Years 1 and 2, acoustic data will be gathered from Spring to Fall throughout the project area, to inform Year 2 and 3 minimization regimes.
 - iv. Year 2-6 will be designed based on data from the previous years of monitoring using the Evidence of Absence model to confirm detection probability and inform updates to the study design, if needed, to meet the minimum detection target
 - b. Mortality monitoring shall also include search efficiency and carcass removal/persistence trials as described in the HCP. These shall use non-listed bat carcasses from onsite or veterinary labs, or brown mice or small black rats if 40 bat carcasses are not available.
 - c. **All carcasses of *Myotis* species, and carcasses of any Tri-Colored Bats (*Perimyotis subflavus*) found during standardized searches or incidentally discovered shall be retained and reported to the Department within 24 hours of positive species identification.** The federal HCP (Section 6.6) requires that the carcasses of any Covered Species (*Myotis* and Tri-Colored Bats) be provided to the USFWS. The Department will be provided with a summary of any bat carcasses that are transferred to the USFWS. If identification of a *Myotis* carcass is uncertain, per the federal HCP a sample of the carcass shall be submitted to a qualified lab for DNA analysis and identification. The Department will be provided a summary of results of the DNA analysis as part of the annual report.
 - d. **Samples of wing tissue and hair from all Hoary Bats, Eastern Red Bats, and Silver-haired Bats** shall be preserved per IBCP protocol and submitted to their bat genomics laboratory until such time that the lab is no longer conducting population genetic studies on these species.
 - e. **The Department reserves the right to compel Cardinal Point to preserve and submit tissue samples and metadata to IBCP for future genetic studies which may be performed.**
 - f. **A report including, but not limited to, the bat survey methodology utilized, maps of turbines searched, and all fatalities observed, shall be submitted to the Department by March 1 summarizing the monitoring results from the previous year.** For each bat fatality, the following data shall be included: turbine location (turbine number and GPS coordinates), distance and bearing to turbine, species, sex, adult/juvenile, reproductive status, the potential date of fatality, wind speed profile sunset to sunrise during night preceding potential date of fatality, weather conditions, power production profile for the responsible turbine on estimated date of fatality, and photographs of the carcass.
14. Cardinal Point shall conduct, or cause to be conducted, the following **mortality monitoring** efforts for Black Billed Cuckoo fatalities around turbines:
- a. During bat monitoring described above, all bird fatalities shall be recorded, and birds identified to species, if possible, by carcass. If there is uncertainty about potential listed species, then a photo shall be submitted to the Department and a DNA test shall be used.

- b. Intensive ITP bat surveys 2023 – July 15 through October 15 surveys at roads and pads out to 100m at 40 turbines, cleared 70m plots at 10 turbines, uncleared 70m plots at 10 turbines with a search interval of 3.5-7 days.
- c. Year 2 and 3 Intensive ITP bat surveys 2024-2025 – schedules based on season, and results of previous year’s surveys. The following approach is a potential design for Year 2, but will be adjusted as applicable pending results of Year 1:
 - i. April 1 – May 15: roads and pads out to 100m at all 60 turbines, with a search interval of 14 days.
 - ii. May 16 – July 14: roads and pads out to 100m at 20 turbines, cleared 70m plots at 10 turbines, uncleared 70m plots at 10 turbines, all with a search interval of 3.5 days.
 - iii. July 15 – October 15: roads and pads out to 100m at 40 turbines, cleared 70m plots at 10 turbines, uncleared 70m plots at 10 turbines, all with a search interval of 3.5 to 7 days.
- d. Year 4-6 Lower Intensity ITP bat surveys during spring and fall April 1 – May 15 and July 15 – September 30: road and pads out to 100m at all 60 turbines.
- e. Subsequent monitoring will be included in an amendment to the 6-year HCP. At a minimum, in years when monitoring occurs, monitoring shall take place July 15 through September 30.

15. Cardinal Point shall follow all the requirements of Adaptive Management as outlined in the HCP. This is inclusive of any reporting requirements.

16. Mitigation to the maximum extent practicable is required by the Act. Mitigation requirements for the take of Black Billed Cuckoo authorization are as follows:

- a. Cardinal Point shall provide funding to The Illinois Wildlife Preservation Fund in the amount of \$25,000. Conservation benefit to the species may include activities associated with scientific resources management, such as research and census; and habitat acquisition, protection, restoration, and maintenance; or any combination thereof.
- b. Payment shall occur **within 90 days of execution of this agreement.**
- c. 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, impact analysis, and real estate values relevant to the project site’s proposed conceptual design elements available at the time of review.

17. Mitigation to the maximum extent practicable is required by the Act. Mitigation requirements for the take of Indiana Bat and Northern Long-eared Bat authorization are as follows:

- a. As per the HCP, the applicant shall provide upfront mitigation to cover at least 50% of authorized take of Indiana Bats within 30 days of the authorization

taking effect (September 7, 2023), and 100% of authorized take of remaining covered species.

- b. According to the Resource Equivalency Analysis, Cardinal Point is required to protect summer habitat to include, or be contiguous, with a minimum of 46 protected acres. This was calculated after taking into account stacking of credits for the four species. Four options were included in the HCP:
 - i. Purchase credits from a conservation bank that has been approved by USFWS. Funds must be transferred to bank sponsor within 90 calendar days of ITP issuance.
 - ii. Contribute to an in-lieu fee mitigation fund for the four covered species within 90 calendar days of ITP issuance.
 - iii. Use a Permittee-Responsible Mitigation project that is approved by the USFWS and include real estate assurances, financial assurances, and a management plan approved by the USFWS local Field Office. The project must be completed within one year of permit issuance.
 - iv. Research on conservation measures for hibernacula approved through the Illinois-Iowa Ecological Services Field Office.

18. 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 Resources 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.

19. The Cardinal Point official identified below is authorized to execute this agreement. Execution by Cardinal Point indicates acceptance of all terms and conditions described in this authorization.
20. The execution of this agreement does not waive or excuse the responsibilities of Cardinal Point to comply with other Federal, State, or local regulations, including but not limited to obtaining any required permits for the execution of this project.

For the Illinois Department of Natural Resources:

For Cardinal Point, LLC:



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

Jan 19, 2024

Date



Mr. Greg Milne, Senior Consultant,
Environment

Capital Power

January 17, 2024

Date