



Illinois

Department of Natural Resources

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Authorization for Incidental Take and Implementing Agreement

Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5), on behalf of Gill Springfield I, L.L.C. (Gill), and one of its environmental consultants, Benton & Associates, Inc./B&A, Inc. (Jacksonville, IL.) authorization for the incidental take of the State listed Franklin's ground squirrel (*Spermophilus franklinii* - FGS) in Sangamon County, Illinois [associated with the construction of a new Social Security Administration building/project (SSA Project) on the southwest side of Springfield, Illinois; as described/shown in the final conservation plan received by the Department on 18 November 2009] is hereby granted, subject to the terms and conditions described in the attached Authorization and Implementing Agreement. The Illinois Department of Natural Resources has determined that this authorized take is incidental to the construction of the SSA Project in Sangamon County, Illinois.

The site for the proposed Social Security Administration (SSA) building project is described as lots 47 and 48 of Parkway Pointe – Plat 3 also being part of the east half of Section 13 in Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois. The site is more particularly described as follows: beginning at the northwest corner of Parkway Pointe – Plat 3, also being the northwest corner of lot 47 of said subdivision; thence North 89 degrees 18 minutes 33 seconds east towards the west right-of-way line of Constitution Drive a distance of 386.60 feet to an iron pin; thence southeasterly along the west right-of-way line of Constitution Drive a distance of 171.09 feet to a drill hole in a chiseled “+”, being a nontangential curve concave to the North, said curve has a radius of 330 feet, central angle 29 degrees 42 minutes 19 seconds and the chord bears south 17 degrees 24 minutes 01 seconds east; thence south 57 degrees 44 minutes 48 seconds west, a distance of 511.33 feet to an iron pin; thence north 00 degrees 35 minutes 14 seconds west, a distance of 97.93 feet to an axle; thence North 00 degrees 38 minutes 39 seconds west, a distance of 331.75 feet to the point of beginning. Said lot containing 123,602 square feet of 2.838 acres more or less.

The activities that could possibly result in taking of the Franklin's Ground Squirrel (FGS) are the construction of the proposed SSA building structure, with the following associated actions: excavation for building footings/foundation, site grading and contouring, trench excavation for utility services, and general heavy equipment use.

Procedural History

B&A, Inc. (on behalf of Gill) prepared a conservation plan for the SSA Project in Sangamon County, Illinois as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and Gill's request for authorization for incidental take of the State listed Franklin's ground squirrel (*Spermophilus franklinii* - FGS) in Sangamon County, Illinois were received by the Illinois Department of Natural Resources (Department) on 18 November 2009. Public notice of Gill's request for authorization of incidental take of these State listed species was published in the Arlington Heights/Northwest Daily Herald (Official State newspaper) and the State Journal Register (Springfield, IL.) on November 26, December 3, and December 10, 2009. Public comments on Gills's conservation plan were accepted by the Department until January 9, 2010. No public comments were received by the public during the period of November 26, 2009 through January 9, 2010.

Target Species

Franklin's Ground Squirrel/FGS (*Spermophilus franklinii*) - (Illinois) State Threatened

In Illinois, FGS prefer habitats with intermediate and tall grasses; they are not found in areas with short or mowed grasses. Cultivated land is rarely used by the diurnal squirrels, which are most often found in dense vegetation where there is limited mowing or grazing. The FGS often create burrows in elevated landscape features such as the elevated beds of railroad and road rights-of-way. Their burrows are fairly deep and well drained to be insulated from heat and cold and may have multiple entrance holes. One of the true hibernators, FGS sleep from about September to April with a body temperature just a few degrees over freezing. Right after coming out of hibernation, they breed and have a single yearly litter of 6-9 pups around early June.

FGS eat insects, green plants, seeds, fruit, amphibians, bird eggs, young birds and mammals, and carrion. Their principal predators are the red-tailed hawk, red fox, badger, coyote, striped skunk, mink, and long-tailed weasel. Their home range is usually 1.5-3 acres. At adolescence, male juveniles disperse for an unknown distance. In the wild, life expectancy is 4-5 years for females and 1-2 years for males. Even during spring and summer, the squirrels spend a majority of time in the burrow. As such, an important conservation practice will be to avoid the burrows, which have been identified during the field surveys.

Compliance with the Endangered Species Protection Act

The Illinois Endangered Species Protection Act includes six (6) criteria which must be met for the authorization of incidental take of an endangered or threatened species. These criteria and the Department's determination for each criteria 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 activities that could possibly result in taking of the Franklin's Ground Squirrel are the construction of the proposed building structure with the following associated actions: excavation for building footings/foundation, site grading and contouring, trench excavation for utility services, and general heavy equipment use.

Adverse affects are anticipated to be minimal to the Franklin's Ground Squirrel. The project area is located in a developed area on property that is currently maintained (via mowing) and has prior disturbances such as underground gas, water, sewer, and telephone as well as excavation for water runoff. Adjoining property to the north, east, and west is public road and associated developed right-of-way, and existing buildings. The southwest corner of the site is bordered by an existing railroad right-of-way that is suitable habitat for the species. Also, suitable habitat in the form of agricultural fields bordering railroad right-of-way and wooded areas, and tall grassed areas bordered by wooded area and railroad right-of-way are located within ¼ mile to the south and west. These areas are more suitable to the species as indicated by information obtained from the Franklin's Ground Squirrel Symposium report by Jackie DeSanty-Combes of the Missouri Department of Natural Resources stating that "most sites occupied by the Franklin's Ground Squirrel were characterized by sloped roadside ditches with relatively tall, dense and diverse vegetation, a wooded edge component, and unmown grass. Cropland, vegetated agricultural drainage ditches, and road culverts were common habitat features." NRCS soil survey maps indicate that soil types for the SSA project site are Ipava and Sable, which are both poorly drained soils.

FGS

The Franklin's Ground Squirrel prefers to burrow in well drained and moderately well drained soils, which according to current data, are not present at this site. These above mentioned factors indicate that affects to the species by this particular project will most likely be minimal.

2. The parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking.

If present, it is likely that any FGS within the project area/corridor will experience temporary disturbance from noise and other construction activity during general construction activities. The construction activities could feasibly result in death or injury to individuals that are within the construction corridor. This could include individuals in underground burrows in the line of the trenching activities or individuals that could be run over by heavy equipment. The overall intent of the Conservation Plan is to avoid all impacts to the extent practicable, and greatly minimize those impacts that cannot be avoided.

Only the minimum area needed will be utilized for the construction of the proposed (SSA) building structure. No non-maintained areas, ditches, roadsides, or agricultural areas will be disturbed as a result of this project. After construction is completed, the site will contain the proposed building structure, parking area, lawn and landscaping. The disturbed area shall be reseeded with native lawn grasses and will be maintained by fertilizing and mowing as are the adjacent business developments. Disturbed areas where permanent structures are not present shall be reseeded with native lawn grasses and maintained with normal mowing and fertilizing. This is not unlike current management practices, as this site is currently maintained with the vegetation being mowed and kept at a relatively short height.

The developer and subsequent SSA building owner (Gill and Federal SSA) shall be responsible for ensuring that the project site is reseeded with native lawn grasses and is maintained properly. The owner/developer shall be responsible for management within the limits of their site. Adaptations to management practices will be necessary if the construction plans, site location, or current condition of the site were to change. Currently the site does not appear to be habitat ideally suitable for the Franklin's Ground Squirrel. If the vegetation, site contours, or site maintenance were to change significantly before construction takes place, then adaptive practices may be necessary as suitable habitat would then be available. During construction, no equipment, soil, or construction materials will be allowed to be staged in suitable habitat for the species.

*See Also: **Authorization Section** of this document for more details.

Habitat Requirements/Species Status:
Franklin's ground squirrel/FGS

Habitat Requirements

In Illinois, FGS prefer habitats with intermediate and tall grasses; they are not found in areas with short or mowed grasses. Cultivated land is rarely used by the diurnal squirrels, which are most often found in dense vegetation where there is limited mowing or grazing. The FGS often create burrows in elevated landscape features such as the elevated beds of railroad and road rights-of-way. Their burrows are fairly deep and well drained to be insulated from heat and cold and may have multiple entrance holes.

One of the true hibernators, FGS sleep from about September to April with a body temperature just a few degrees over freezing. Right after coming out of hibernation, they breed and have a single yearly litter of 6-9 pups around early June.

FGS eat insects, green plants, seeds, fruit, amphibians, bird eggs, young birds and mammals, and carrion. Their principal predators are the red-tailed hawk, red fox, badger, coyote, striped skunk, mink, and long-tailed weasel. Their home range is usually 1.5-3 acres. At adolescence, male juveniles disperse for an unknown distance. In the wild, life expectancy is 4-5 years for females and 1-2 years for males.

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

Gill has incorporated the Conservation Plan into its construction plans for the project and has secured the funds necessary for its implementation as part of the overall project budget (per official 14 November 2009 written correspondence placed in the project file located in Springfield, Illinois). If new information is discovered prior to, or during construction, that may impact the effectiveness of the final/approved Conservation Plan and/or this Incidental Take Authorization Package, Gill and all associated environmental contractors and/or sub-contractors shall alter the plan appropriately and have these alterations approved by the Department. In doing so, Gill and its contractors/sub-contractors shall report directly to the IDNR with a description of the changed circumstances or new information and propose modifications to the plan.

4. Based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild in Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois:

The Gill/Springfield, Illinois SSA building project will more than likely have minimal direct impacts on FGS habitat and individuals. Construction areas will be restored to their original grade following construction and non-agricultural lands will be revegetated with native prairie grasses/forbs. As such, the habitat conditions at the site following the project will be similar to those prior to construction. Therefore the Department supports Gill's belief that implementing its proposed Conservation Plan will not reduce the likelihood of the 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.

The proposed project is planned to be constructed on private property adjacent to existing road and associated developed right-of-way, existing commercial development, and railroad right-of-way. It should be noted that a site visit/reconnaissance survey was conducted at the site on November 5, 2009 to search for possible burrows and other sign of the presence of the Franklin's Ground Squirrel. The site was walked in a fifty (50) foot grid pattern in search of burrows approximately 5" in diameter with mounds of dirt at the entrance. No burrows matching this description were found at the site or along the adjoining railroad right-of-way within 200 feet either direction of the site. Numerous burrows measuring approximately 1.5" diameter were found throughout the site and are presumed to be from the thirteen-lined ground squirrel.

An area of standing water was also observed in the southwest portion of the property. This is an indication of poor drainage of the soil, which is reinforced by the soil survey map. Upon arrival at the site an immature red-tailed hawk was observed eating what appeared to be a mouse or thirteen-lined ground squirrel.

This hawk is a natural predator of the Franklin's Ground Squirrel and can contribute to the diminished presence or complete absence of the species in this area. This type of predation is what prohibits the species from venturing into areas where mowing has taken place and protective cover is not available.

The proposed SSA building project will more than likely not modify, deplete or destroy ideal habitat for the Franklin's Ground Squirrel throughout its range. The likelihood that the proposed construction project will cause a reduction of survival of the Franklin's Ground Squirrel is likely minimal due to the following contributing factors:

- The aforementioned site does not contain undisturbed road banks and ditches, wooded areas, unmown grassed areas and the railroad right-of-way adjoins only to the southwest corner of the property that comes to a point.

- The adjacent railroad right-of-way will not be encroached upon by the construction of this project and a barbed wire fence separates this property from the railroad deterring construction personnel and equipment from entering the right-of-way.

- The site is flat ground that has been maintained (mowed) and is bordered on three sides by developed areas with disturbance similar to what is anticipated from this project.

- The project site is relatively small, covering approximately 2.8 acres more or less. More likely habitat for the species to dwell is located within ¼ mile of the project site in the form of agricultural fields, unmown grasses, road banks, diverse vegetation and wooded areas.

- The soils at the project site are Ipava, which is "somewhat poorly drained" and Sable, which is "poorly drained" and the species prefers well drained soils.

- Construction personnel shall be trained on identification of the Franklin's Ground Squirrel. Information, including pictures of the species, will be distributed to construction personnel before commencement of construction.

5. Any measures required under Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.40(b)], will be performed:

Additional measures are listed below under "Authorization." This authorization is, by definition, subject to those terms and conditions and official Gill signature(s) on this authorization 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:

B&A, Inc. (on behalf of Gill) prepared a conservation plan for the SSA Project in Sangamon County, Illinois as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and Gill's request for authorization for incidental take of the State listed Franklin's ground squirrel (*Spermophilus franklinii* - FGS) in Sangamon County, Illinois were received by the Illinois Department of Natural Resources (Department) on 18 November 2009. Public notice of Gill's request for authorization of incidental take of these State listed species was published in the Arlington Heights/Northwest Daily Herald (Official State newspaper) and the State Journal Register (Springfield, IL.) on November 26, December 3, and December 10, 2009. Public comments on Gills's conservation plan were accepted by the Department until January 9, 2010. No public comments were received by the public during the period of November 26, 2009 through January 9, 2010.

PROBABLE EFFECTS OF THE PROPOSED ACTION:

If present, it is likely that some FGS within the project area will experience temporary disturbance from noise and other related activities during construction. The construction activities could possibly result in death or injury to individuals that are within the construction corridor/area. This could include individuals in underground burrows in the line of the trenching activities or individuals that could be run over by heavy equipment. The intent of the Conservation Plan and subsequent ITA is to avoid all impacts to the extent practicable, and greatly minimize those impacts that cannot be avoided.

Authorization

Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5), on behalf of Gill Springfield I, L.L.C. (Gill), and its environmental consultant, Benton & Associates, Inc./B&A, Inc. (Jacksonville, IL.) authorization for the incidental take of the State listed Franklin's ground squirrel (*Spermophilus franklinii* - FGS) in Sangamon County, Illinois [associated with the construction of a new Social Security Administration building/project (SSA Project) on the southwest side of Springfield, Illinois; as described/shown in the final conservation plan received by the Department on 18 November 2009] is hereby granted, subject to the terms and conditions described in the attached Authorization and Implementing Agreement. The Illinois Department of Natural Resources has determined that this authorized take is incidental to the construction of the SSA Project in Sangamon County, Illinois. Further, it is our opinion that the take (disturbance/harassment/lethal take) authorized herein would not diminish the likelihood of the survival of either these aforementioned species (FGS) 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.

Pursuant to Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.40(b)], this authorization is issued subject to the following additional terms and conditions:

1. This authorization is effective upon signature of the Department and shall remain in effect for a period of 3 (three) years after the first day of official use of the Springfield, IL. SSA building for official commercial/governmental purposes, unless terminated pursuant to Section 5.5. of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5 - 17 IL. Adm. Code Part 1080.80].

2. If new information is discovered prior to or during construction that may impact the effectiveness of the approved Conservation Plan, Gill/Federal SSA (including any and all Environmental Subcontractors/Subconsultants and/or Construction Managers) shall have five (5) business days (120 hours) to alter the plan appropriately. Gill, and/or its subcontractors, shall then report to the IDNR with a description of the changed circumstances or new information and propose modifications to the plan - within 3 days (72 hours) of plan alteration.

3. All areas now in natural vegetation, shall be reseeded with a native vegetation mix. Restoration in non-cultivated areas shall be completed using native species or based on Department recommendations where appropriate.

4. Erosion control methods will be implemented and monitored until successful establishment of newly planted vegetation. Formal erosion control inspections at the entire construction site shall be conducted at least once (1x) a month by an appropriate environmental consultant (hired by Gill/Federal SSA) and erosion control reports shall remain on file with this consultant. These reports shall be faxed/e-mailed to Gill immediately upon completion and any and all recommendations made by the consultant to Gill to repair/replace erosion control devices shall be completed by Gill and/or a recognized agent/subcontractor/consultant of Gill within 48 hours of report receipt. In addition:

-All personnel working in the vicinity of FGS habitat shall receive training regarding general information about FGS, mitigation measures, and regulations protecting the FGS.

-The construction zone shall be minimized to disturb the smallest practicable area.

-Barrier fencing shall be installed around the construction site to exclude FGS at least two (2) weeks prior to construction activity. IF any FGS are found within the barrier fence (alive or dead) prior to any construction/ground disturbance activities, Gill and/or its subcontractors shall immediately halt work and contact the Illinois Department of Natural Resources (IDNR), attention: Joseph Kath at 217/785-8764 or 217/299-9386 (e-mail: Joe.Kath@illinois.gov) within 24 hours of discovery.

-Barrier fencing shall remain solid and in place until final cleanup and restoration is complete so that no further machinery will impact the area, and no animals, especially the FGS, enter the disturbance zone.

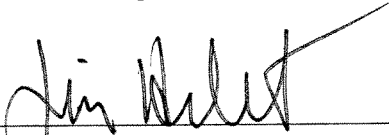
5. Gill, either in cooperation with or through its consultants/subcontractors, shall be responsible for ensuring that all tasks described above in this Authorization package are completed prior to and during construction of the entire project. Any FGS (alive or dead) found at any time within the fenced or non-fenced project area shall be reported to the Illinois Department of Natural Resources (IDNR), attention: Joseph Kath at: 217/785-8764 or 217/299-9386 (e-mail: Joe.Kath@illinois.gov) within 24 hours of discovery.

6. The effective period of this authorization may be altered by mutual agreement between Gill Springfield I, L.L.C. (Gill) and the Department.

7. This authorization may be revoked pursuant to Section 5.5 of the Act if the Department finds that Gill Springfield I, L.L.C. (Gill) has failed to comply with any of these terms and conditions or has been responsible for the take of any State Listed Species beyond that which is incidental to the construction of the SSA Project in Springfield, Sangamon County, Illinois.

8. The Gill Springfield I, L.L.C. (Gill) official(s) identified below is/are authorized to execute this agreement. Execution by an official from any one of these organizations indicates acceptance of all terms and conditions described in this document.

For the IL. Department of Natural Resources



Dr. Jim Herkert, Director
IDNR - Office of Resource Conservation

4-29-10

Date Signed

For Gill Springfield I, L.L.C. (Gill)



Signature

JAS GILL
SOLE MANAGER

Please print name and official title

04-21-10

Date Signed

