

## Authorization for Incidental Take and Implementing Agreement

Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5) [on behalf of REMASON Wind LLC (RM), who retained Terracon, Inc. (TR) to prepare a Conservation Plan in application to the Illinois Department of Natural Resources (IDNR) for an Incidental Take Authorization (ITA) authorization for the incidental take of the State listed Species: Illinois chorus frog [*Pseudacris streckeri illinoensis*], in Mason County, Illinois - associated with the Mason County Wind Farm Project; as described/shown in the conservation plan received by the Department on 11 July 2012] 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 Mason County Wind Farm Project in Mason County, Illinois.

### Procedural History

TR/RM prepared a conservation plan for the Mason County Wind Farm project (MCWF) as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and RM's request for authorization for incidental take of the Illinois chorus frog [*Pseudacris streckeri illinoensis*], in Mason County, Illinois were received by the Illinois Department of Natural Resources (Department) on 11 July 2012. Public notice of RM's request for authorization of incidental take of these State listed species was published in the Breeze Courier (Official State newspaper) and the Mason County Democrat (Mason County) on February 20, 2013, as well as on February 27, and March 6, 2013. Public comments on RM's conservation plan were accepted by the Department until April 5, 2013. During the period of February 20, 2013 through April 5, 2013, one comment from Kate McKenna (Mason City, Illinois) was received by the IDNR on 4 March 2013; and one comment from Philip and Patricia McKenna (Mason City, Illinois) was received by the IDNR on 11 February 2013 and once again on 13 March 2013. These comments were forwarded to TR on March 4 and 5, 2013. A formal response to these comments was prepared by RM and TR and received by the IDNR on 22 April 2013. All comments and the subsequent response(s) are kept within the official Incidental Take Authorization files (IDNR Endangered Species Program) housed in the IDNR main facility in Springfield, Illinois.

This project was initially submitted to the IDNR's Office of Realty and Environmental Planning (OREP) for review under the Endangered Species Consultation Process. Upon review within OREP, this project was then elevated to the IDNR's internal Incidental Take Authorization (ITA) committee. The ITA committee decided that this project should formally participate in the Incidental Take Authorization process and seek a formal ITA. At the request of the ITA committee, the OREP project manager was instructed to prepare a letter to the applicant suggesting modifications to the project [which would reduce impacts to the species of concern] and pursuit of a formal ITA – via submission of a Conservation Plan. As stated above,

TR prepared a conservation plan for the Mason County Wind Farm project (MCWF) as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and RM's request for authorization for incidental take of the Illinois chorus frog [*Pseudacris streckeri illinoensis*], in Mason County, Illinois were received by the Illinois Department of Natural Resources (Department) on 11 July 2012. Public notice of RM's request for authorization of incidental take of these State listed species was published in the Breeze Courier (Official State newspaper) and the Mason County Democrat (Mason County) on February 20, 2013, as well as on February 27, and March 6, 2013. Public comments on RM's conservation plan were accepted by the Department until April 5, 2013. During the period of February 20, 2013 through April 5, 2013, one comment from Kate McKenna (Mason City, Illinois) was received by the IDNR on 4 March 2013; and one comment from Philip and Patricia McKenna (Mason City, Illinois) was received by the IDNR on 11 February 2013 and once again on 13 March 2013.

These comments were forwarded to TR on March 4 and 5, 2013. A formal response to these comments was prepared by RM and TR and received by the IDNR on 22 April 2013. All comments and the subsequent response(s) are kept within the official Incidental Take Authorization files (IDNR Endangered Species Program) housed in the IDNR main facility in Springfield, Illinois.

According to Terracon, the full-built plan is to develop the wind farm project on approximately 15,000 acres of private land and that 69 turbines are currently proposed to be installed. Additionally, Terracon has stated that access roads, laydown areas and transmission lines will be installed as part of the project.

The proposed Mason County Wind Farm is located in central Illinois with the Illinois River located approximately 15 miles to the west of the site. The project area is located in the USEPA Level IV Ecoregions 54a and 54d, described as the Illinois/Indiana Prairies (54a) and Sand Area (54d) of the Central Corn Belt Prairies.

The western portion of the project footprint is located in (USEPA) Ecoregion 54a, which is characterized by dark, very fertile soils that developed under tall-grass prairie; in addition, marshes and wet prairies naturally occurred in poorly drained areas, and forests grew on concentric moraines and floodplains. Poorly drained land, pools, and swamps were common at one time in this region; however, extensive areas have been tilled and ditched to make the land more suitable to agriculture and settlement. Nearly all of the original prairies in this region now exist as agricultural land, primarily for the growth of corn and soybeans.

The eastern portion of the project footprint is located in (USEPA) Ecoregion 54d, which is characterized by extensive sand plains and relict dunes. Today, the region exists primarily as cropland and pasture. Crops on sandy outwash plains generally require irrigation, while drainage ditches are common in poorly drained areas. Plentiful, easily accessible ground water occurs in the region and is an important local source for irrigation and stream flow.

#### Target Species

**Illinois chorus frog** [*Pseudacris streckeri illinoensis*] “(Illinois) State” Threatened

#### 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 proposed wind farm project is located in all, or portions of, Sections 7-12, 15-21, 29-31; Township 21 North, Range 5 West, Sections 12-14, 21-29, 33-36; Township 21 North; Range 6 West, Mason County, Illinois. More specifically, the project is located south of Highway 136, north of Highway 29, and on either side of Wagonseller Road, approximately two miles north of Mason City, Illinois and approximately three miles southwest of San Jose, Illinois. The project site currently exists almost entirely as agricultural land and residential properties. Natural vegetation is limited to small wooded corridors associated with onsite drainages and small grassland areas generally utilized as livestock pasture. The National Wetlands Inventory (NWI) indicates numerous wetland areas and several ponds located throughout the project area.

The *Action Area* for the Conservation Plan and this ITA is defined as the area within Sections 7-12, 15-21, 29-31; Township 21 North, Range 5 West, Sections 12-14, 21-29, 33-36; Township 21 North; Range 6 West, Mason County, Illinois. More specifically, the project is located south of Highway 136, north of Highway 29, and on either side of Wagonseller Road, approximately two miles north of Mason City, Illinois and approximately three miles southwest of San Jose, Illinois. According to Terracon, the full-built plan is to develop the wind farm project on approximately 15,000 acres of private land and that 69 turbines are currently proposed to be installed. Additionally, Terracon has stated that access roads, laydown areas and transmission lines will be installed as part of the project.

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

The Natural Resources Conservation Service (NRCS) soil data indicates numerous types of sandy soils existing within the project footprint, including sand, sandy loams, and loamy sands. Sandy soils are an important aspect to the life history of the ICF for purposes of burrowing and underground foraging. The NRCS soil data provides important information on the possible areas located within the project boundaries where ICF individuals may choose to burrow for either foraging purposes or hibernation/aestivation.

The conversion of the natural landscape for agricultural use is believed to be the primary threat to the survivorship of the ICF. The project site currently exists almost entirely as agricultural land and residential properties. Agricultural activities including installation of tile and irrigation systems, tilling of soils, and utilization of pesticides and other chemical agents have previously degraded much of the natural ICF habitat that may be present within the project area. The current project layout has indicated turbines will be placed within agricultural fields and will not impact areas that currently exist in their native form.

### **Target Species**

**Illinois chorus frog [*Pseudacris streckeri illinoensis*] “(Illinois) State” Threatened**

The Illinois chorus frog (ICF) leads a primarily fossorial lifestyle, spending approximately 10 to 12 months of the year underground. This species requires sandy substrates for underground behaviors including aestivation, hibernation and foraging (Brown and Rose, 1998). The ICF is capable of subterranean feeding, utilizing its strong forearms to burrow through sandy soils and capture subterranean prey including small insects and burrowing insect larvae. Upon completion of the breeding season and/or transformation of offspring into adult frogs, ICF individuals will disperse to burrowing habitats. Studies have indicated that ICF individuals are able to disperse at least one mile from their natal pools (Tucker et al., 2000). Mark and recapture studies performed on ICF populations in Illinois have documented recaptures of ICF individuals up to six years after their initial capture, indicating that the life expectancy of the ICF is at minimum six years.

Data collected from IDNR survey efforts during March, 2009 indicate approximately 23 breeding pools were observed within the project boundaries. Additionally, a pre-construction survey performed by Terracon biologists in March, 2012 located one active breeding pool within the project boundaries. ICF breeding habits are driven primarily by early spring temperature and rainfall. The early spring of 2012 was uncommonly warm, with little precipitation. Such conditions have been cited to be unfavorable to the reproduction of the ICF and may cause individuals to remain underground until the following breeding season (Tucker, 2008). ICF breeding locations appear to be concentrated along the central

portion of the proposed project area, with few locations identified within the western or eastern portions of the site.

Previously recorded ICF breeding locations were observed for current conditions during the 2012 survey conducted by Terracon biologists. These previously documented breeding pools were most often found to exist as roadside drainage channels, ponds, and slight depressions and drainage channels located within agricultural fields. A majority of the previously documented breeding locations were observed to contain no water during the 2012 survey. Observed locations were found to exhibit inconsistent vegetative cover, with heavy emergent vegetation at some locations and little to no vegetation in others. Within the proposed project boundaries, documented breeding pool locations were generally observed to be within close proximity to areas indicated as emergent wetlands and/or freshwater ponds by the National Wetland Inventory (NWI); however, most areas indicated by the NWI were observed to be dry and appeared to exist as cultivated land exhibiting no wetland vegetation.

In accordance with *Illinois* Part a.I.C of 17 IAC Section 1080, the following Project-related activities that could potentially result in a take of the state listed species include:

Activities related to excavation have the potential to disturb the burrowing and foraging habitat of the ICF. Additionally, the use of heavy equipment during construction and excavation activities may result in the incidental take of ICFs. Unfortunately, the fossorial and secretive nature of the ICF, combined with the small size of the frog creates difficulty in the avoidance of ICF individuals while conducting constructions activities.

In certain areas, turbine foundations and access roads will remove potential ICF habitat permanently; however, after completion of construction, vehicle use of access roads is expected to be light as the access roads will primarily be used for accessing turbines to conduct regular turbine maintenance. The project area currently exhibits heavy fragmentation by asphalt and gravel roads that occur approximately every half to one mile across the footprint, including a heavily traveled state highway. Two laydown/storage areas will be utilized to hold items related to the construction of the wind farm. Upon completion of construction activities, the laydown/storage areas will be converted back to agricultural areas; therefore, impacts to potential ICF habitat in these areas will be temporary. Trenches dug for the collection system will be filled upon installation of collector cables, making this impact temporary. However, it is unknown what impact, if any, collector cables may have on the underground movement of ICF individuals.

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

In an official correspondence to the Department dated 11 July 2012, RM verified that adequate funding exists to support and implement all (mitigation) activities described in the official Conservation Plan. This correspondence states that REMASON is committed to the success of this conservation plan and the protection and preservation of the ICF. REMASON will ensure funding to implement all activities discussed within this conservation plan, inclusive of post-construction monitoring, but excluding the construction of ICF breeding pools as listed under Authorization Item #4 of this document . REMASON is a subsidiary of Relight, the leading Italian provider in renewable energy. Relight and its subsidiaries manage alternative energy projects in five countries, including a 4,000 megawatt wind and 2,000 megawatt solar portfolio in the United States. RM has complied with all other federal, state, and local

regulations that are pertinent to the proposed action. Federal, state, and local permit requirements, ordinances, and approvals regarding siting, construction, and operation of the proposed Project were reviewed. RM has evaluated the applicability of the environmental local, state, and federal permits and their status for the Project.

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:

Part A: A preliminary development plan for access roads, collector cables, and transmission lines has been developed by REMASON engineers; therefore lengths/acres for these items were estimated based on the current preliminary development and turbine layout plan. Each of the proposed 69 turbines will have a footprint measuring approximately one acre, resulting in approximately 34.5 acres of temporary and 34.5 acres of permanent impact to potential habitat. Approximately 95,000 linear feet (18 miles) of 30-foot wide access roads will be constructed during the development of the wind farm, resulting in approximately 66 acres of access road. Approximately 22 miles of collector cable and 2 miles of transmission lines will be utilized for the wind farm project. In addition, approximately 16 miles of transmission line that will connect to the first available substation (approx. 16 miles north of the project) will be installed for the project and will be aligned offsite. Two laydown areas will include approximately 68 acres of impacted area, however this area will be temporary, excavation will not be included within the laydown/storage areas, and the areas will be returned to agricultural areas once construction is completed.

Impact Description	Impact Type	Estimated Impact Amount
Turbine Footprint (Approximately 1 acre/turbine)	Temporary	34.5 acres
	Permanent	34.5 acres
Access Roads (Approximately 30 feet in width)	Permanent	18 miles / 66 acres
Laydown/Storage Areas (Approximately 34 acres/area)	Temporary	68 acres
Collector Cables (Trenches approximately 10 feet in width)	Temporary	22 miles / 26 acres
Transmission Lines (Trenches approximately 10 feet in width)	Temporary	2 miles / 2 acres
	Temporary (offsite)	16 miles / 19 acres
<b>Estimated Total Affected Area</b>		<b>250 Acres</b>

Based on the studies performed to date and the steps taken to avoid and/or minimize impacts to the ICF, RM believes that the proposed taking will not reduce the likelihood of the survival 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 (Part 4 of 17 IAC).

Part B: The exact number of ICF individuals currently existing within the boundaries of the proposed wind farm is currently unknown. Numbers of individuals utilizing breeding pools within the project footprint have been estimated during surveys conducted by both IDNR and Terracon. Surveys

completed in March, 2009 by IDNR biologists indicated approximately 500 individuals calling from 36 breeding pool locations within and adjacent to the project boundaries. A survey completed by Terracon in March, 2012 estimated approximately 10 to 15 individuals calling from one breeding pool location located within the project boundaries.

These numbers are estimates based on the level of calling noted during survey efforts and do not reflect an effort to capture and count all calling frogs. In addition, this data does not provide an estimation regarding the number of female frogs (because they do not call during breeding season), nor does it provide information regarding number of offspring reared and brought to maturity. Finally, no data is available as to how many individuals remain onsite during the non-breeding season, or where underground burrowing habitat exists within the project boundaries. Therefore, it is difficult to have a comprehensive understanding of the number of ICF individuals that exist within the areas where construction activities are proposed. These unknowns also make it difficult to estimate the number of ICF individuals that may be incidentally taken through activities related to the proposed wind farm. Based upon the data above, it is possible that a maximum of 4-6 ICF may be taken as part of Mason County Wind Farm Project (see below as well).

However, a quantitative assessment of incidental take for this species was developed utilizing breeding data from Terracon and IDNR surveys and the proposed amount of impact to potential ICF habitat.

A. Estimated number of ICF individuals observed calling within and adjacent to project boundaries	500
B. Number of documented breeding locations within/adjacent to project site	37
C. Approximate number of ICF individuals per breeding location (A/B)	14
D. Number of documented breeding locations within project boundaries	24
E. Approximate number of breeding ICF individuals within project boundaries (C*D)	336
F. Approximate area of proposed wind farm	15,000
G. Estimated number of ICF individuals per acre (E/F)	0.022
H. Estimate acreage of area affected by wind farm development activities	250
I. Estimated number of ICF individuals that may be taken as a result of wind farm activities (G*H)	5.46

NOTE: The *Action Area* for the Conservation Plan and this ITA is defined as the area within Sections 7-12, 15-21, 29-31; Township 21 North, Range 5 West, Sections 12-14, 21-29, 33-36; Township 21 North; Range 6 West, Mason County, Illinois. More specifically, the project is located south of Highway 136, north of Highway 29, and on either side of Wagonseller Road, approximately two miles north of Mason City, Illinois and approximately three miles southwest of San Jose, Illinois. According to Terracon, the full-built plan is to develop the wind farm project on approximately 15,000 acres of private land and that 69 turbines are currently proposed to be installed. Additionally, Terracon has stated that access roads, laydown areas and transmission lines will be installed as part of the project.

-Illinois chorus frog [*Pseudacris streckeri illinoensis*] - ICF: As of May, 2013, there are 29 EORs (element occurrence records) for this species in the State of Illinois. The RM project site encompasses portions of Mason County. As of May, 2013, the number of EORs for this species within Mason County is 13. Based upon surveys conducted by Terracon in March, 2009 and March, 2012, the estimated

number of ICF individuals observed calling within and adjacent to project boundaries/Action Area is 500. The RM Wind Power Project therefore represents approximately 45% of all ICF EORs in the State of Illinois. The most recent (IDNR) EOR for this frog in Mason County is March, 2010. This project represents greater than 1/5 of the ICF EORs in the State of Illinois. The major risk at this site for the ICF is possible habitat loss and possible road mortality. Therefore, direct (financial) mitigation will be sought for this species – please see the Authorization section of this document for details.

Part C:

*Illinois Chorus Frog*

Below are the following commitments that RM will make to minimize and/or mitigate potential effects to the Illinois Chorus Frog:

The conversion of the natural landscape for agricultural use is believed to be the primary threat to the survivorship of the ICF. The project site currently exists almost entirely as agricultural land and residential properties. According to TR and RM, agricultural activities including installation of tile and irrigation systems, tilling of soils, and utilization of pesticides and other chemical agents have previously degraded much of the natural ICF habitat that may be present within the project area. The current project layout has indicated turbines will be placed within agricultural fields and will likely not impact areas that currently exist in their native form.

In addition to respecting certain requirements to wind turbine siting including, but not limited to, setbacks from existing structures, landowner claim, wind direction, and interference, locations of previously documented breeding pools were utilized when siting turbine locations for the preliminary layout. A buffer of 500 feet from previously documented breeding pools was maintained for each of the turbine locations. In addition, REMASON shall maintain the 500-foot buffer in regards to the placement of cranes utilized in the installation and maintenance of the turbines.

As a result of implementing the additional buffer to documented breeding locations, REMASON has decreased the number of turbines to be installed by approximately 20% (from 83 turbines to 69 turbines). In turn, the decrease in number of installed turbines effectively reduces the amount of ground impacted from access roads, collection systems and turbine footprints. Overall, the approximate 20% reduction in number of turbines decreases the overall affected area and decreases the risk of potential for impact to ICF habitat and/or incidental take of the ICF.

Construction activities and turbine placement will not occur at areas indicated as emergent wetlands and/or freshwater ponds by the NWI. These areas are more likely to have the potential to hold water and provide breeding habitat for the ICF. Therefore, withholding turbine placement from these locations will potentially decrease impacts to ICF breeding habitat.

The most direct route will be utilized when laying out access roads and collection systems. This will decrease the overall amount of ground disturbed by construction activities as well as decrease the amount of impact to potential ICF habitat. Care will be taken to prevent discharge of chemicals that could permeate the soil and negatively affect burrowing ICF and/or groundwater sources. Additionally, fill materials used in the development of the wind farm will be required to be clean and not contain materials that may negatively affect burrowing ICF and/or groundwater sources.

To increase awareness and to potentially decrease the risk of incidental take of ICF individuals, construction personnel will be educated on the appearance and possible presence of the ICF. Employees will be trained to report any potential ICF sightings during the course of construction activities of the proposed wind farm.

Daily monitoring shall consist of routine observations of species (with particular attention to the ICF) and reporting of road kills by RM and/or construction staff in conjunction with their normal duties. The IDNR shall be notified of any endangered species observations and/or road kills in the project area within 72 hours of detection (with an emphasis on the Illinois chorus frog). RM will report any endangered species road kills found within the Project area to the IDNR within 72 hours of the initial sighting. Sightings shall be reported to:

Illinois Department of Natural Resources  
Division of Natural Heritage  
Attn: Joseph Kath  
One Natural Resources Way  
Springfield, Illinois 62702-1271  
Phone: (217)785-8764; Email: Joe.Kath@illinois.gov

RM, and or its consultants, *shall perform post-construction surveys* for the Illinois chorus frog (ICF) in years 1, 5, and 10 following construction [note: for this Authorization, the official “post-construction” period shall commence on the first day following construction of all turbines associated with this project]. Please note that “construction” refers solely to the date all turbines are safely ready for operation and not the actual date when turbines are put into service (i.e. blades are spinning and power is generated). All post-construction surveys *shall be* conducted, with the objective of replicating any pre-construction surveys.

Please note the following:

Data collected from IDNR survey efforts during March, 2009 indicate approximately 23 breeding pools were observed within the project boundaries. Additionally, a pre-construction survey performed by Terracon biologists in March, 2012 located one active breeding pool within the project boundaries. ICF breeding habits are driven primarily by early spring temperature and rainfall. The early spring of 2012 was uncommonly warm, with little precipitation. Such conditions have been cited to be unfavorable to the reproduction of the ICF and may cause individuals to remain underground until the following breeding season (Tucker, 2008). ICF breeding locations appear to be concentrated along the central portion of the proposed project area, with few locations identified within the western or eastern portions of the site.

Previously recorded ICF breeding locations were observed for current conditions during the 2012 survey conducted by Terracon biologists. These previously documented breeding pools were most often found to exist as roadside drainage channels, ponds, and slight depressions and drainage channels located within agricultural fields. A majority of the previously documented breeding locations were observed to contain no water during the 2012 survey. Observed locations were found to exhibit inconsistent vegetative cover, with heavy emergent vegetation at some locations and little to no vegetation in others. Within the proposed project boundaries, documented breeding pool locations were generally observed to be within close proximity to areas indicated as emergent wetlands and/or freshwater ponds by the National Wetland Inventory (NWI); however, most areas indicated by the NWI were observed to be dry and appeared to exist as cultivated land exhibiting no wetland vegetation.

The timing of these post-construction surveys shall coincide with the seasonal period recommended for this animal per current scientific literature and the period used during the pre-construction surveys described above. All post-construction monitoring reports shall be sent to the following within 60 days of survey completion:

Illinois Department of Natural Resources  
Division of Natural Heritage  
Attn: Joseph Kath  
One Natural Resources Way  
Springfield, Illinois 62702-1271

Illinois Endangered Species Protection Board  
Attn: Anne Mankowski  
One Natural Resources Way  
Springfield, Illinois 62702-1271

Illinois Department of Natural Resources  
Natural Heritage Database  
Attn: Tara Kieninger  
One Natural Resources Way  
Springfield, Illinois 62702-1271

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 RM signature(s) on this authorization indicates their commitment to performing those measures.

The proposed Project has the potential to affect the Illinois chorus frog and/or this animal's habitat beyond the currently existing conditions. Since the majority of the Project area is composed of tilled lands, it is anticipated that there would be minor impact on this species and the potential for lost habitat for the subject species. These species could be potentially harassed, injured or killed during the construction, operation, and/or maintenance of the Project; and there could be a potential for lost habitat as a result of the construction, operation, and/or maintenance of the RM wind farm.

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:

TR/RM prepared a conservation plan for the Mason County Wind Farm project (MCWF) as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and RM's request for authorization for incidental take of the Illinois chorus frog [*Pseudacris streckeri illinoensis*], in Mason County, Illinois were received by the Illinois Department of Natural Resources (Department) on 11 July 2012. Public notice of RM's request for authorization of incidental take of these State listed species was published in the Breeze Courier (Official State newspaper) and the Mason County Democrat (Mason County) on February 20, 2013, as well as on February 27, and March 6, 2013. Public comments on RM's conservation plan were accepted by the Department until April 5, 2013. During the period of February 20, 2013 through April 5, 2013, one comment from Kate McKenna (Mason City, Illinois) was received by the IDNR on 4 March 2013; and one comment from Philip and Patricia McKenna (Mason City, Illinois) was received by the IDNR on 11 February 2013 and once again on 13 March 2013. These comments were forwarded to TR on March 4 and 5, 2013. A formal response to these comments was prepared by RM and TR and received by the IDNR on 22 April 2013. All comments and the subsequent

response(s) are kept within the official Incidental Take Authorization files (IDNR Endangered Species Program) housed in the IDNR main facility in Springfield, Illinois.

#### Authorization

It is the determination of the Department that the measures to be implemented by REMASON Wind LLC (RM) will adequately minimize and mitigate for the anticipated taking (disturbance/harassment) of a small number of: Illinois chorus frogs due to the construction of the Mason County Wind Farm Project in Mason County, Illinois. Further, it is our opinion that the take authorized herein would not diminish the likelihood of the survival of this 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. 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 15 (fifteen) years from the date of final signature on this Authorization document, 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. The following Daily Monitoring Measures shall be implemented with regards to the RM Mason County Wind Farm Project, Mason County, Illinois:

Daily monitoring shall consist of routine observations of species and reporting of road kills by RM and/or construction staff in conjunction with their normal duties. The IDNR shall be notified of any ICF observations and/or road kills in the project area within 72 hours of detection. RM will report any endangered species road kills found within the Project area to the IDNR within 72 hours of the initial sighting. Sightings shall be reported to:

Illinois Department of Natural Resources  
Division of Natural Heritage  
Attn: Joseph Kath  
One Natural Resources Way  
Springfield, Illinois 62702-1271  
Phone: (217)785-8764; Email: Joe.Kath@illinois.gov

3. RM, and or its consultants, *shall* perform post-construction surveys for the Illinois chorus frog (ICF) in years 1, 5, and 10 following construction [note: for this Authorization, the official “post-construction” period shall commence on the first day following construction of all turbines associated with this project]. Please note that “construction” refers solely to the date all turbines are safely ready for operation and not the actual date when turbines are put into service (i.e. blades are spinning and power is generated). All post-construction surveys *shall be* conducted, with the objective of replicating any pre-construction surveys.

The timing of these post-construction surveys shall coincide with the seasonal period recommended for this animal per current scientific literature and the period used during the pre-construction surveys described above. All post-construction monitoring reports shall be sent to the following within 60 days of survey completion:

Illinois Department of Natural Resources  
Division of Natural Heritage  
Attn: Joseph Kath  
One Natural Resources Way  
Springfield, Illinois 62702-1271

Illinois Endangered Species Protection Board  
Attn: Anne Mankowski  
One Natural Resources Way  
Springfield, Illinois 62702-1271

Illinois Department of Natural Resources  
Natural Heritage Database  
Attn: Tara Kieninger  
One Natural Resources Way  
Springfield, Illinois 62702-1271

4. With regards to the Mason County Wind Farm Project in Mason County, Illinois: RM, LLC will be responsible for overseeing all minimization, monitoring, and mitigation efforts identified within the 11 July 2012 Conservation Plan and this Final Authorization document, with the exception of having RM, LLC construct ICF breeding pools within the project footprint as described on Page 8 of the Conservation Plan received by the Department on 11 July 2012. Accordingly, RM, LLC will not be required to build any ICF breeding pools within the project footprint.

5. Direct financial mitigation responsibilities of REMASON Wind, LLC for this Project:

-For the Illinois chorus frog: Based upon the information that RM and Terracon received from the Illinois Natural Heritage Database and the corresponding full-built plan of the RM Mason County Wind Farm Project in Mason County, Illinois, it has been determined that 100.5 acres of *permanent* impact to potential ICF habitat will occur (see Table 1).

Accordingly, the number of acres that will likely be impacted [for the above listed species] totals 100.5 acres. As derived from the State of Illinois' Interagency Wetlands Policy Act of 1989, a mitigation ratio of 5.5:1 is employed when endangered/threatened species are a risk. Accordingly, it is the responsibility of the applicant (RM) to provide the Department with a mitigation-compensation cost equal to the value of approximately: 553 acres (100.5 x 5.5) of land in the local project area (subject to final calculations using the site specific wildlife occupancy rate figures below). According to May 2013 calculations from IDNR's Office of Realty and Environmental Planning, land values in Mason County range from a low of \$1,100.00/acre to a high of \$11,250.00/acre. The average value per acre for soils similar to the

Sand Lake Area in Mason County (known ICF habitat) is: \$4,550.00. Given the condition and proximity of the impact zone, as well as described minimization responsibilities of RM for this project, a value of \$4,550.00/acre will be employed in this Incidental Take Authorization for mitigation purposes.

-The number of mitigation acres dues for this project: 553 acres

However, a quantitative assessment of incidental take for this species was developed utilizing breeding data from Terracon and IDNR surveys and the proposed amount of impact to potential ICF habitat.

<b>TABLE 2. ESTIMATION OF INCIDENTAL TAKE OF THE ILLINOIS CHORUS FROG AS A RESULT OF ACTIVITIES PERTAINING TO THE PROPOSED MASON COUNTY WIND FARM</b>	
J. Estimated number of ICF individuals observed calling within and adjacent to project boundaries	500
K. Number of documented breeding locations within/adjacent to project site	37
L. Approximate number of ICF individuals per breeding location (A/B)	14
M. Number of documented breeding locations within project boundaries	24
N. Approximate number of breeding ICF individuals within project boundaries (C*D)	336
O. Approximate area of proposed wind farm	15,000
P. Estimated number of ICF individuals per acre (E/F)	0.022
Q. Estimate acreage of area affected by wind farm development activities	248
<b>R. Estimated number of ICF individuals that may be taken as a result of wind farm activities (G*H)</b>	<b>5.46</b>

-Of the 553 acres identified as permanently affected habitat for the species above, we will use the wildlife occupancy rate determined for this project above in Table 2, of: 0.022 for the Illinois chorus frog (Terracon, 2012, IDNR, 2009).

-553 mitigation acres x 0.022 occupancy rate = 12.17 assigned mitigation acres

-12.17 assigned mitigation acres x \$4,550.00/acre = \$55,370.00 due to the Department from REMASON, LLC.

Therefore, the applicant (RM) shall provide the Department with a check made out to the Illinois Wildlife Preservation Fund in the amount of: \$55,370.00. This check shall be received within 12 months after formal implementation of the ITA (after this document is signed by both RM and the IDNR). These mitigation funds will be used solely for management and/or recovery actions for any and all listed species throughout the State of Illinois, with an emphasis on the Illinois chorus frog if and when applicable as deemed by the Department.

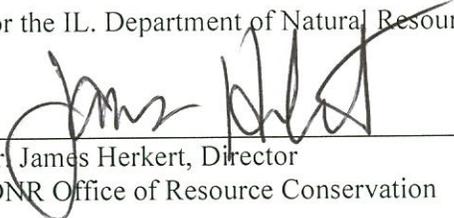
6. Please note that the conditions of this agreement do not apply to any lands protected under the Illinois Natural Areas Preservation Act (525 ILCS 30/) (INAPA). Any adverse impacts to said protected lands and the species therein is considered a violation of the INAPA and grounds for referral to the Office of the Attorney General or State's Attorney.

7. The effective period of this authorization may be altered by mutual agreement between REMASON Wind, LLC and the Department.

8. This authorization may be revoked pursuant to Section 5.5 of the Act if the Department finds that REMASON Wind, LLC 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 Mason County Wind Farm Project in Mason County, Illinois.

9. The REMASON Wind, LLC 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. James Herkert, Director  
IDNR Office of Resource Conservation

10/30/13  
\_\_\_\_\_  
Date Signed

For REMASON Wind, LLC

  
\_\_\_\_\_  
Signature

ALESSIO COSTANZELLI  
(VICE PRESIDENT)  
\_\_\_\_\_  
Please print name and official title

15 OCTOBER 2013  
\_\_\_\_\_  
Date Signed