



Illinois Department of Natural Resources

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Pat Quinn, Governor
Marc Miller, Director

Authorization for Incidental Take and Implementing Agreement

Pursuant to the Illinois Endangered Species Protection Act (Act) (520 ILCS 10/5.5) and the regulations adopted to implement the Act (17 Ill. Adm. Code 1080), authorization is hereby granted to Ameren Corporation (hereinafter referred to as Ameren) for the incidental take of Franklin's ground squirrel (*Spermophilus franklinii*). The Illinois Department of Natural Resources (hereinafter referred to as the Department) has determined that this taking is incidental to activities associated with the replacement of 16 existing wooden utility poles with 8 steel shaft poles with concrete foundations in Section 25, Township 19 North, Range 8 East in Champaign County, Illinois.

Procedural History

This project was submitted for review through the Department's Ecological Compliance Assessment Tool (EcoCAT) on November 5, 2013. Initial review indicated that Franklin's ground squirrels may be present in the vicinity of the project. On January 22, 2014, the Department recommended that Ameren seek an Incidental Take Authorization for Franklin's ground squirrels. Ameren submitted a conservation plan to the Department on February 26, 2014. On March 26, 2014, the Department requested additional information from Ameren to make the conservation plan complete. That additional information was received by the Department on April 1, 2014. A revised and approved public notice was received on April 1, 2014. The public notice period will be detailed under #6 of the Compliance section below.

Compliance with the Illinois Endangered Species Protection Act

The Act includes six criteria which must be satisfied for the authorization of incidental take of endangered or threatened species. These criteria and the Department's determination for each are listed below.

1. The taking will not be the purpose of, but will only be incidental to, the carrying out of an otherwise lawful activity:

The stated and apparent purpose of this proposed action is the replacement of 16 wooden utility poles with 8 steel shaft poles with concrete foundations. This project is being undertaken by Ameren as part of normal maintenance and upgrading of their electric distribution system. The take that could result from this project is not the purpose of Ameren's actions, 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:

The conservation plan prepared by Hanson Professional Services, Inc. on behalf of Ameren describes measures that will be implemented to minimize and mitigate the potential adverse effects of the project on Franklin's ground squirrels. Measures proposed by Ameren include:

- a. The construction area will be limited to within 50 feet of each new pole. Ameren estimates that the area affected at each pole will be no more than 0.23 acre with a total construction area of no more than 1.2 acres.
- b. Exclusionary silt fencing will be installed along the edge of the construction area. Silt fencing will be inspected daily until construction is complete.
- c. A trapping survey will be conducted within the exclusionary silt fencing prior to the start of construction. Any captured squirrels will be documented and relocated to nearby suitable habitat by qualified personnel. A report on the trapping and relocation effort will be provided to the Department.
- d. Construction equipment will enter the project area from US Route 45 perpendicular to the pole locations. This will minimize the area traversed by construction equipment.
- e. On-site personnel will receive training prior to the start of construction regarding Franklin's ground squirrel identification, regulations protecting the Franklin's ground squirrel and a telephone contact list for when Franklin's ground squirrels are encountered during construction.
- f. Construction time at each pole location will be minimized to the greatest extent possible.
- g. Following construction completion, Ameren will restore disturbed area to pre-construction conditions. Non-impervious areas will be planted with a native Illinois prairie seed mix.
- h. Within a year following seeding, Ameren will conduct a field survey to assess the habitat quality of the restored areas.

It is the opinion of the Department that these measures, along with any additional terms and conditions listed in the Authorization section of this document will, to the maximum extent practicable, minimize and mitigate the impact caused by the potential taking.

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

Ameren has allocated funds for the completion of this project as part of its normal operating budget and has incorporated the cost of carrying out the conservation plan into the overall plans for this project.

It is the Department's opinion that Ameren's stated commitment to funding their proposed minimization and mitigation measures is sufficient to satisfy this criterion.

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:

The Franklin's ground squirrel is listed as a threatened species in Illinois because of a reduction in abundance and geographic range. Historically, the species was known from many locations in the northern two-thirds of Illinois. The species' range suggests that it is tied to tallgrass prairie, but it is often found at habitat edges between grasslands and woodlands, forests, thickets and wetlands. Most recent records in Illinois are from railroad corridors, fence rows, and roadsides.

The Illinois Natural Heritage Database includes 20 element occurrence records for Franklin's ground squirrel that are classified as extant. Those occurrences are at scattered locations in 12 counties, from Effingham County in south-central Illinois to Cook and DuPage counties in the northeast. A lack of recent records from west-central and northwest Illinois, where historical records do exist, reinforces the conclusion that the species has experienced a reduction in range.

The Department has previously granted four authorizations for incidental take of Franklin's ground squirrels. One authorization was for a pipeline project (Will County), two for trail projects (Sangamon and Champaign/Vermilion counties), and the fourth for a government office building (Sangamon County). Authorizations have required that the project site be surrounded by silt fencing to preclude entry of Franklin's ground squirrels, as well as trapping and relocation of squirrels within the fenced project site to other areas of suitable habitat. Habitat restoration and follow-up monitoring of habitat conditions have also been required.

In October 2013, Ameren engaged a biologist with recent experience in surveying Franklin's ground squirrels to conduct a visual survey of the project area. This survey was carried out at a time when Franklin's ground squirrels would be expected to be in hibernation, so the survey focused on locating burrows that exhibited the characteristics typical of Franklin's ground squirrel burrows. Nine burrows were found during the survey; five of which showed characteristics of Franklin's ground squirrel burrows and four of less certain origin.

Ameren has estimated that this project has the potential to take up to two Franklin's ground squirrels, although the potential take of young in the burrow exists and may not be predictable. Take could occur through drilling that penetrates an occupied burrow, through a burrow collapsing under the weight of construction equipment, or through running over animals on the ground surface. Additional temporary disturbance or dispersal of Franklin's ground squirrels may occur because of movement of equipment which will create noise and vibrations.

The Department has concluded that the taking proposed herein will not reduce the likelihood of survival or recovery of the Franklin's ground squirrel 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. This conclusion is based on the following considerations:

The area to be disturbed by Ameren's proposed activities is only a small portion of the potential habitat in the vicinity of this project. Habitat that may be suitable for Franklin's ground squirrels in this area is a linear area between US Route 45 on the west and the Canadian National Railroad line to the east. Additional potential habitat is found on the east side of the railroad corridor adjacent to agricultural fields owned by the University of Illinois and operated as part of its South Farms research area. The potential habitat on the two sides of the railroad corridor encompasses approximately 14 acres. The area to be impacted by Ameren's activities is less than 0.23 acres per pole (1.2 total acres of impact) or 8.6% of the potential habitat in the vicinity. Most of the area affected by this project will be revegetated following completion of construction, reducing the area of habitat permanently affected.

This project site is within three to four miles of additional occupied Franklin's ground squirrel habitat. Research on the species has found that individuals move up to six miles between habitat patches, suggesting that the population at this site is part of a meta-population and that exchange of individuals between nearby sites is possible.

The likelihood of direct taking of Franklin's ground squirrels as a result of animals above ground being run over by construction equipment is expected to be low. Franklin's ground squirrels are capable of rapid movement and should be able to avoid slow-moving vehicles. The possibility of this sort of mortality can be further reduced by having personnel walk ahead of vehicles as they enter the construction site to flush Franklin's ground squirrels away from the vehicles' path.

The potential take of Franklin's ground squirrels in their burrows is more difficult to assess because it cannot be directly observed should it occur. The survey conducted in October 2013 found possible burrows to be widely separated within the project site. Burrows may potentially be penetrated by drilling equipment during construction. Passage of vehicles over the ground surface could also entrap Franklin's ground squirrels by causing the collapse of burrows. Burrow collapse may be the most likely way in which take could occur. Ameren estimates that up to two Franklin's ground squirrels may be taken. This level of take is not anticipated to have a significant effect on the population of the species in the vicinity of Ameren's project or in the State of Illinois.

5. Any measures required under Section 5.5(b)(6) of the Act will be performed:

These measures are listed below under "Authorization." This authorization is, by definition, subject to those terms and conditions and the signature or a representative of Ameren indicates Ameren's 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:

Notice of the availability of the conservation plan for public review and comment was published in the (Taylorville) Breeze-Courier on April 3, 2014, and in the (Champaign) News-Gazette on April 3, April 10, and April 17, 2014. A copy of the conservation plan was placed at the Champaign Public Library where it was made available for public review. The deadline for public comments was May 17, 2014. No comments were received from the public.

Authorization

It is the determination of the Department that the measures to be implemented by Ameren will adequately minimize and mitigate the anticipated taking of Franklin's ground squirrels as a result of activities associated with the replacement of 16 wooden utility poles with 8 steel shaft poles in Champaign County, Illinois. Further, the Department has concluded that the take authorized herein will not reduce the likelihood of survival or recovery of Franklin's ground squirrels in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois.

All terms and conditions included in the aforementioned conservation plan submitted by Ameren to the Department are incorporated into this agreement by reference and are made a part thereof.

Pursuant to Section 5.5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5.5] and the Administrative Rules for the Incidental Taking of Endangered and Threatened Species [Ill.Adm.Code 1080.40(b)], this authorization is issued subject to the following terms and conditions, which may include additions or modifications to the minimization and mitigation measures proposed by the applicant in #2 above:

1. This authorization is effective upon the signature of the Department and shall remain in effect for a period of four (4) years from the date of the Department signature, unless terminated by written agreement of both parties.

This authorization may be revoked pursuant to the Act and Ill. Adm. Code 1080.80(b) if the Department finds that Ameren has failed to comply with any of these terms and conditions or has been responsible for the taking of Franklin's ground squirrel beyond that which is incidental to the replacement of wooden utility poles with steel shaft poles between Windsor Road and Curtis Road (Section 25, Township 19 North, Range 8 East) in Champaign County, Illinois.

2. The effective period of this authorization may be altered by mutual written agreement between Ameren and the Department. In this event, the Department shall notify the Illinois Endangered Species Protection Board of such alteration.

Any substantive changes, including but not limited to a change in the project footprint or a change in the State-listed species which could be potentially affected, will require that a new conservation plan be submitted to the Department to initiate the review and public notice process as required by the Act.

3. This authorization is non-transferable.
4. On-site personnel shall receive training prior to the start of construction regarding Franklin's ground squirrel identification, regulations protecting the Franklin's ground squirrel, and a telephone contact list for when Franklin's ground squirrels are encountered during construction. Ameren has submitted a copy of the education materials to the Department.
5. Ameren shall limit the construction area as much as possible, with all construction activity to be within no more than a 50-foot radius of each new pole. The construction area will not extend onto the slope of the Canadian National Railway corridor.
6. Construction time at each pole location shall be minimized to the greatest extent possible at each pole location.
7. Construction equipment shall enter the project area from US Route 45 perpendicular to each pole location. Prior to equipment entering the construction area, at least one person shall walk through the site to encourage Franklin's ground squirrels to vacate the vehicle's path.
8. Silt fencing shall be installed along the edge of the construction area in a manner that precludes entry of Franklin's ground squirrels into the construction area. Silt fencing will be inspected daily.
9. A four day trapping survey will be conducted prior to the start of construction. Traps shall be placed within each exclusionary silt fencing area throughout the survey. Traps shall be operated from 9 AM to 4 PM daily and shall be checked at intervals not to exceed two hours. Outside of the trapping hours specified above, traps shall be removed or rendered inoperable. Any captured squirrels will be documented and relocated by qualified personnel to nearby suitable habitat as detailed in the relocation plan submitted to the Department. Personnel conducting the trapping effort shall also be approved in advance by the Department. A report on the trapping and relocation effort will be provided to the Department within 60 days of completion of the project.
10. Ameren will conduct or cause to be conducted a survey of Franklin's ground squirrel abundance in and around the project area during the active season in year one and

year three following construction completion. A report on Franklin's ground squirrel status in the area will be provided to the Department within 60 days of survey completion.

11. Following construction completion, Ameren shall vegetate disturbed non-impervious areas with a native Illinois prairie seed mix (see NRCS Conservation Practice Standard code 327, table 3 for appropriate species). To the extent practicable and within Ameren right-of-way; non-native, invasive species control shall occur as part of Ameren's routine maintenance operations for the duration of the authorization. In year one and year three following seeding, Ameren will conduct or cause to be conducted a field survey to assess the habitat quality of the restored areas. A report on habitat quality will be provided to the Department within 60 days of survey completion. Any restored areas in which vegetation is found to be unsatisfactory shall be seeded a second time.
12. Mitigation settlement dollars paid to the Department earmarked for the conservation benefit of State-listed species are non-refundable, including in events of revocation or termination. It has been determined by the Department that applicable mitigation settlement dollars based on land value of the affected tract is available to Ameren for any acreage amount, up to the total acreage of the required mitigation, in lieu of the stated requirement that habitat shall be created, restored, acquired, or protected (see Authorization condition #14 below).
13. Based on Ameren's estimate of impacted Franklin's ground squirrel habitat, **4.2 acres of in lieu credit will be provided** per Authorization condition #13 and described above.

The area to be impacted by Ameren's activities is less than 0.23 acres per pole for a total impact of 1.2 acres. Construction time at each pole location shall be minimized to the greatest extent possible. Following construction completion disturbed areas will be seeded with a native Illinois prairie seed mix. In addition, within Ameren right-of-way; non-native, invasive species control shall occur as part of Ameren's routine maintenance operations for the duration of the authorization.

The current habitat in the area was documented in October 2013 as undergoing a fairly rapid succession towards shrub land and containing invasive species, such as *Rosa multiflora*. Ameren's seeding of the areas with a native Illinois prairie seed mix and non-native invasive species control will provide an improved Franklin's Squirrel habitat area over what presently exists in the area.

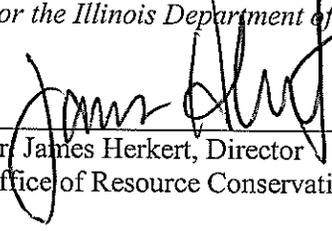
Due to the small impact area, short construction timeframe, proposed minimization measures, including timing the project to occur during juvenile dispersal, and functional lift in habitat quality; Ameren proposes a 3.5:1 mitigation ratio.

The mitigation, as required by this condition is calculated as 1.2 acres of disturbance multiplied by a mitigation ratio of 3.5 for a total of 4.2 acres. Ameren proposes an in

lieu payment based on an estimated land value of \$2,500.00 per acre for the affected tract. The total in lieu fee payment due to the Department for this project shall be \$10,500.00.

14. The Department reserves the right to perform site visits to assure compliance with these terms and conditions with 24-hour notice to Ameren.
15. The Ameren official identified below is authorized to execute this agreement. Execution by Ameren indicates acceptance of all terms and conditions described in this authorization.
16. The execution of this agreement does not waive or excuse the responsibilities of Ameren 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



Dr. James Herkert, Director
Office of Resource Conservation

Date

7-30-14

For Ameren Corporation



Steven C. Whitworth, Director
Environmental Services Department

Printed Name and Title

Date

Steven C. Whitworth

7/25/2014