

Illinois Department of Natural Resources

One Natural Resources Way • Springfield, Illinois 62702-1271

<http://dnr.state.il.us>

Authorization for Incidental Take and Implementing Agreement

Pursuant to the Illinois Endangered Species Protection Act (520 ILCS 10/5.5), on behalf of the Kane County Division of Transportation (KCDOT) and their environmental consultant: Wills Burke Kelsey Associates (WBK), authorization for the incidental take of the State listed (endangered) Blanding's turtle (*Emydoidea blandingii*) in Kane County, Illinois [associated with the proposed improvements of LaFox Road over Mill Creek in Campton Hills, Illinois; as described/shown in the final conservation plan(s) received by the Department on 19 October 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 proposed improvements of LaFox Road over Mill Creek in Campton Hills, Kane County, Illinois.

The proposed project consists of widening and resurfacing 1,600-feet of roadway to provide shoulders, replacing the single 4-foot by 6.5-foot box culvert (the southern culvert) with a 6-foot by 6-foot box culvert, and replacing the double 8-foot by 7-foot culverts (northern culvert) with a 42-foot span bridge over Mill Creek. The project shall also include installing sheet pile along the western side of LaFox Road to minimize the impact to wetlands while providing the necessary space for the required shoulders. The culverts under the intersections of Grande Monde Road and LaFox Road shall be replaced with larger concrete culverts. The northern part of the intersection of North Grande Monde Road and LaFox Road will be widened to provide the required turning radius and visibility for traffic entering LaFox Road.

The LaFox Road over Mill Creek Project is located on LaFox Road between Illinois Route 38 and Campton Hills Road in the SW ¼ of Section 26 and NW ¼ of Section 35, Township 40N, Range 7E in Campton Hills, Illinois. More specifically, the center of the project is located 41.911889°N and 88.406377° W.

Procedural History

This project was initially submitted to the IDNR's Office of Realty and Environmental Planning (OREP) for review under the Endangered Species Consultation Process. The KCDOT chose to immediately enter into the formal ITA process without prompting from the Department as they were already aware of the presence of the Blanding's turtle within the project area. Therefore, WBK Associates (on behalf of the KCDOT) prepared conservation plans/CP for the LaFox road over Mill Creek project in Kane County, Illinois as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and KCDOT's request for authorization for incidental take of the State listed Blanding's turtle (*Emydoidea blandingii*) in Kane County (Campton Hills), Illinois were received by the Illinois Department of Natural Resources (Department) on 19 October 2012. Public notice of KCDOT's request for authorization of incidental take of this State listed species was published in the Breeze Courier (Official State newspaper) and the Daily Herald (local circulation) on April 11, April 18, and April 26, 2013. Public comments on KCDOT's conservation plan were accepted by the Department until May 10, 2013. No public comments were received by the public during the period of April 11 through May 10, 2013.

Target Species - Habitat Requirements

Blanding's turtle (*Emydoidea blandingii*) - (Illinois) State Endangered [BT]

Blanding's turtles most commonly inhabit areas with clean, shallow, slow-moving water with silty or organic substrates and abundant aquatic vegetation (Ernst et al., 1994). In Wisconsin, Ross and Anderson (1990) reported that Blanding's turtles spend more time in marshes than in ponds, and that ponds with sand bottoms and no aquatic vegetation are rarely used. In addition, they found that wetlands covered by cattail (*Typha*) mats are not used either, but areas cleared of cattails by muskrats are used.

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 criterion 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 purpose of this project is to replace two functionally obsolete structures which show signs of disrepair. The roadway is classified as a Minor Arterial (Urban) road with an Average Daily Traffic Count of 8,100 vehicles. This portion of the roadway has gravel shoulders of varying width, making it difficult and unsafe for vehicles to stop in cases of emergency. The roadway improvements will provide the necessary roadway and shoulder width, appropriate drainage, and safe visual distances at intersections within the project area.

The wing walls and the head wall culvert over the Mill Creek Tributary (southern culvert) are in poor condition with moderate cracking and mild spalling exposing the reinforcement bars. The channel has mild erosion behind the southeast wing wall and sediment buildup behind the northwest wing wall. The roadway in this section has 1-foot asphalt and 3-foot gravel shoulders on either side of the 24-foot roadway. The headwall and wing walls on each side of the culvert over Mill Creek (northern culvert) are in poor condition with moderate cracking and spalling exposing the reinforcement bars. There is cracking and isolated spalling within the culvert. Due to the accumulation of sediment in the bottom of both culverts, the condition of the culvert floors is not observable. There is sheet pile along the eastern side of LaFox Road to prevent the erosion of the embankment.

Based upon, but not limited to, the local habitat and project boundary, current Blanding's turtle element occurrence records (EORs) in the IDNR Natural Heritage Database, construction period, and the measures to be implemented to reduce impacts to the Blanding's turtles, the estimated number of individuals to be taken is zero to two (0-2), with the caveat that construction activities will be in potential Blanding's turtle (BT) habitat and the potential for a take exists.

This information however does not imply Departmental approval of this project and/or dismiss the applicant from any and all mitigation responsibilities listed in the Authorization Section of this document. Temporary habitat modification or degradation may lead to the death or injury to the listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Specific mitigation measures for these impacts are described below under the Authorization Section.

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

Human and vehicular traffic required to install the sheet pile and construct the improvements are the anticipated actions to potentially impact the Blanding's turtle (*Emydoidea blandingii*) that may be in the project area. Replacement of the box culverts will impact the waterways during the construction period.

During construction, the entire project area shall be isolated from access by the turtles through the placement of silt fence that is buried several inches below the surface around the entire perimeter of the project area, essentially minimizing the area from potential turtle habitat. The entire project area is 3.5 acres, but the area that is considered potential habitat is approximately 2 acres. Areas that have been previously observed with broken eggs (unknown if BT eggs and/or common turtle species eggs) will most likely be temporarily impacted outside of the sheet pile for access to complete work on the culverts. Any and all animals, including BT, found on the interior or exterior of the fence shall be safely and humanely placed in a suitable container and then released within (one) 1 hour of capture in similar or suitable habitat outside urbanized sections of Mill Creek. For the BT, this shall be a marsh, fen, or pond not completely covered by cattails, canary grass, and/or giant reed. Relocation areas may include appropriate habitat between the project and Campton Hills Road. See *Authorization* section of this document for further details.

To prevent impacts to individuals, the Contractor shall also be required to provide education to the workers to identify and safely relocate turtles (especially BT) within the construction area. The Contractor shall also be required to post information at the project site regarding the Blanding's turtle and its habitat. The information shall be reviewed by all workers onsite at the time of their initial site training. The information shall include keys to identifying the Blanding's turtle and potential habitat locations onsite as well as the procedures to be followed if an individual is observed.

KCDOT shall be required to provide a qualified sub-consultant (i.e. qualified biologist retained by WBK Associates or similar consulting firm) to perform a pre-construction survey for Blanding's turtles and relocate any individuals found during the survey using the guidance listed above. KCDOT's Consultant shall be required to document any findings of Blanding's turtles (including relocation sites and dates) from this survey and throughout construction. See *Authorization* section of this document for further details.

Please note that any and all BTs witnessed and/or handled during any portion of the LaFox Road Project in Kane County, Illinois, shall be reported to the Illinois Department of Natural Resources (IDNR), attention: Joseph Kath at 217/785-8764 (e-mail: Joe.Kath@illinois.gov) within 24-48 hours of discovery/translocation. This information shall also be reported to the District Heritage Biologist, Dan Kirk at 630/553-1372 (email: Dan.Kirk@illinois.gov). A series of clear and readable digital photographs shall also be provided at the same time for documentation purposes. A map and GPS coordinates showing the exact location the animal(s) was/were deposited shall also be supplied to the Department at this time. See *Authorization* section of this document for further details.

Within the waterways, wire fencing with 4" by 2" openings shall be installed. The wire fence shall be connected to the barrier fence along the banks in a manner that is intended to prevent spaces large enough for turtles (of all species) to pass through. All construction and dewatering activities shall occur within the barrier and wire fences.

During weekly progress meetings (if applicable to this project), permit compliance will be a required topic. The discussion should focus around if any individuals (BT) have been identified, where they may likely be found, and what to do if they are observed. (See above for IDNR staff notification and the *Authorization* section of this document.)

It is not anticipated that conditions will drastically change on-site, but if the proposed minimization measures are ineffective against protecting the Blanding's turtles from impact during construction, the Contractor shall be directed by the IDNR to provide additional measures such as taller fences, additional barriers, etc. If a specimen is located during construction, the Contractor shall determine where and how the turtle entered the containment area. If a portion of the containment has been damaged, the Contractor will repair the damaged device and continue to monitor the area where the individual was found. See *Authorization* section of this document for further details.

The Resident Engineer (or equivalent) shall monitor the relocation site throughout construction to ensure that the conditions do not significantly change. If the BT *relocation site(s)* becomes impacted, the Resident Engineer shall consult Joseph Kath at 217/785-8764 (e-mail: Joe.Kath@illinois.gov) within 24-48 hours of impact to determine the appropriate course of action to prevent impacts to *relocated* individuals. This information shall also be reported to the District Heritage Biologist, Dan Kirk at 630/553-1372 (email: Dan.Kirk@illinois.gov).

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

All necessary funds needed to minimize and mitigate potential adverse impacts to the Blanding's turtle emanating directly from this project (as stated in the final Conservation Plan received by the Department on 19 October 2012), will be through local (enterprise) funds. The Kane County Division of Transportation (KCDOT)/Kane County abide(s) by the National Environmental Policy Act (NEPA) and all associated state and federal environmental laws in carrying out the mission of performing the most environmentally sensitive methods of planning and engineering.

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:

Blanding's turtle (*Emydoidea blandingii*) - BT: As of August, 2013, there are 144 EORs (element occurrence records) for this species in the State of Illinois. As of August, 2013, the number of EORs for this species in Kane County is 13. Additionally, as of August, 2013, the number of EORs for this species within, or very near, the Action Area is 1. The LaFox Road over Mill Creek project therefore represents approximately 0.69% of all BT EORs in the State of Illinois; and approximately 8.00% of all BT EORs in Kane County, Illinois. The most recent EOR for the BT in or very near the Action Area is: 2002. The major risk at this site for the BT is likely habitat loss and/or direct mortality during construction events. Although the LaFox Road Project represents approximately 8.00% of all BT EORs in the Kane County (less than 1/5 of the BT EORs in the State of Illinois), a degree of direct (financial) mitigation will however be sought for this species due to the elevated likelihood of take due to high quality habitat loss within the Action Area and the elevated potential for direct take during construction activities. Please see the *Authorization* section of this document for details.

As part of the design process, alternatives were reviewed in relation to replacement of the northern culvert over Mill Creek. These alternatives included replacing the culverts with similar sized structures, larger culverts, a bridge span, or nothing (no-action). To prevent additional constriction of Mill Creek, a bridge shall span the creek. With the presence of Advanced Identification (ADID) High Quality Habitat Wetlands and Fens within the Right-of-Way (ROW) for this segment of LaFox Road, the potential for wetland impacts is high to achieve the road cross section required by the Illinois Department of Transportation Roadway Design Standards.

The "No-Action" alternative consists of maintaining the current condition without improving the intersection at Grand Monde Road or replacing either of the creek crossings. The "No-Action" alternative was not chosen because of safety concerns of the conditions of the culverts.

Based on the predicted traffic and the current design requirements, the roadway shall consist of two 12-foot lanes with 8-foot paved shoulders. To match the existing drainage patterns north and south of the project area along LaFox Road, a rural cross section, utilizing drainage swales, is required. The road profile must be elevated to provide one-foot of freeboard above the 30-year flood event, meeting the floodway conveyance requirements.

The roadway profile requires the embankment on either side of the roadway to be expanded. The eastern embankment consists of sheet pile. To reduce the potential impacts required to grade the necessary embankment, sheet pile shall be installed along the western embankment. Holes shall be drilled into the sheet pile during installation to maintain the groundwater connection under the roadway and prevent impacts to the fens on either side of the roadway.

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 KCDOT 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:

WBK Associates (on behalf of the KCDOT) prepared conservation plans/CP for the LaFox road over Mill Creek project in Kane County, Illinois as described by the Illinois Endangered Species Protection Act (520 ILCS 10/5.5). That plan and KCDOT's request for authorization for incidental take of the State listed Blanding's turtle (*Emydoidea blandingii*) in Kane County (Campton Hills), Illinois were received by the Illinois Department of Natural Resources (Department) on 19 October 2012. Public notice of KCDOT's request for authorization of incidental take of this State listed species was published in the Breeze Courier (Official State newspaper) and the Daily Herald (local circulation) on April 11, April 18, and April 26, 2013. Public comments on KCDOT's conservation plan were accepted by the Department until May 10, 2013. No public comments were received by the public during the period of April 11 through May 10, 2013.

Authorization

It is the determination of the Department that the measures to be implemented by the KCDOT (see below), and its environmental consultant(s), will adequately minimize and mitigate for the possible taking (disturbance/harassment/relocation/lethal take) of the State listed (endangered) Blanding's turtle (*Emydoidea blandingii*) in Kane County, Illinois [associated with the proposed improvements of LaFox Road over Mill Creek in Campton Hills, Illinois; as described/shown in the final conservation plan(s) received by the Department on 19 October 2012]. Further, it is our opinion that the possible take (disturbance/harassment/relocation/lethal 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 the Illinois Endangered Species Protection Act (520 ILCS 10/5.5), on behalf of the Kane County Division of Transportation (KCDOT) and their environmental consultant: Wills Burke Kelsey Associates (WBK), authorization for the incidental take of the State listed (endangered) Blanding's turtle (*Emydoidea blandingii*) in Kane County, Illinois [associated with the proposed improvements of LaFox Road over Mill Creek in Campton Hills, Illinois; as described/shown in the final conservation plan(s) received by the Department on 19 October 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 proposed improvements of LaFox Road over Mill Creek in Campton Hills, Kane County, 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 applicable only to the LaFox Road over Mill Creek project in Campton Hills, Kane County, Illinois. This authorization is effective upon signature of the Department and shall remain in effect for a period of six (6) years, commencing the first day of official public use of the redesigned LaFox Road and new bridge over Mill Creek in Campton Hills, Kane County, Illinois 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. KCDOT shall provide a qualified sub-consultant to perform a pre-construction survey for Blanding's turtles in the project area (including Mill Creek) in the spring or summer of the construction year prior to the initiation of any in-stream work; preferably during the breeding season of this animal (May 1- June 30). The consultant shall survey the entire construction zone, and an additional 100 feet downstream of the construction zone, the Mill Creek Tributary, associated wetlands, and the roadway embankment. The survey shall be designed to locate all potential turtles with emphasis on locating individuals of the Blanding's turtle.

The consultant shall relocate all turtles, including BT, to appropriate habitats outside urbanized sections of Mill Creek. Relocation areas may include appropriate habitat between the project and Campton Hills Road. Suitable habitat for the BT, typically involve a marsh, fen, or pond not completely covered by cattails, canary grass, and/or giant reed. All turtles (listed and non-listed species) found shall be identified to species. The consultant shall provide a report detailing the results of the pre-construction turtle surveys and subsequent relocations to the IDNR, Division of Natural Heritage (attn.: Joseph Kath), within 60 days of the surveys. Reports shall include GPS locations and maps outlining where the subject animals were captured and where they were subsequently released.

Copies of these reports shall be sent to the following:

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

3. Any and all animals, including BT, found on the interior or exterior of the site perimeter fence (placed prior to/during construction) shall be safely and humanely placed in a suitable container and then released within (one) 1 hour of capture to appropriate habitats outside urbanized sections of Mill Creek. For the BT, this shall be a marsh, fen, or pond not completely covered by cattails, canary grass, and/or giant reed. Relocation areas may include appropriate habitat between the project and Campton Hills Road. Overall, any and all BTs witnessed and/or handled during any portion of the LaFox Road Project in Kane County, Illinois, shall be reported to the Illinois Department of Natural Resources (IDNR), attention: Joseph Kath at 217/785-8764 (e-mail: Joe.Kath@illinois.gov) within 24-48 hours of discovery/translocation. This information shall also be reported to the District Heritage Biologist, Dan Kirk at 630/553-1372 (email: Dan.Kirk@illinois.gov). A series of clear and readable digital photographs shall also be provided at the same time for documentation purposes. A map showing the exact location the animal(s) was/were deposited as well as GPS coordinates where the animal was found and subsequently released shall also be supplied to the Department at this time.

4. During weekly/monthly progress meetings (if applicable to this project), permit compliance (including IT Authorization) shall be a required topic. The discussion shall focus around if any individuals (BT) have been identified, where they may likely be found, and what to do if they are observed. If the proposed protection measures described in this document are ineffective against protecting Blanding's turtles from impact during construction, the Contractor shall be directed by the IDNR to provide additional measures such as taller fences, additional barriers, etc. As noted above if a specimen is located at any time during construction, the Contractor shall determine where and how the turtle entered the containment area. If a portion of the containment device has been damaged, the Contractor will repair the damaged device and continue to monitor the area where the individual was found. As noted above in Item #3, the Contractor shall notify Joseph Kath at 217/785-8764 (e-mail: Joe.Kath@illinois.gov) within 24-48 hours of discovery/translocation.

This information shall also be reported to the District Heritage Biologist, Dan Kirk at 630/553-1372 (email: Dan.Kirk@illinois.gov). A series of clear and readable digital photographs shall also be provided at the same time for documentation purposes. A map showing the exact location the animal(s) was/were deposited as well as GPS coordinates where the animal was found and subsequently released shall also be supplied to the Department at this time.

5. After construction is complete and major ground disturbance is kept to a minimum, all impact zones and associated wildlife habitat shall be restored to better than pre-construction conditions. All areas now in natural vegetation, shall be reseeded with a native vegetation mix (warm season grasses at a recommended sparse density planting rate at or near 2-3 lbs/acre). Restoration in applicable cultivated and non-cultivated areas shall be completed using native species (warm season grasses). All planting methods and timing efforts shall be compatible with the life cycle of the BT and avoid the breeding season of this animal (May 1-June 30). Site restoration shall return the entire area to its original contours and areas with natural vegetation shall be seeded with native prairie/warm season grasses and returned to original conditions. If after 3 years, the native seed/warm season mix was deemed unsuccessful (less than 60% germination and/or survival), KCDOT (and/or its environmental consultant) shall reseed all affected areas again with a native seed mix at least two (2) more times, if not successful the first time.

6. Appropriate erosion control methods will be implemented and monitored until final completion of the entire LaFox Road project. Formal erosion control inspections along the entire LaFox Road construction corridor shall be conducted at least once (1x) a month by an appropriate environmental consultant (hired by KCDOT) and erosion control reports shall remain on file with this consultant. These reports shall be faxed/e-mailed to the KCDOT immediately upon completion and any and all recommendations made by the consultant to KCDOT to repair/replace erosion control devices shall be completed by KCDOT, and/or a recognized agent/subcontractor/consultant of KCDOT within 72 hours of report receipt.

7. During construction, the entire project area shall be isolated from access by turtles through the placement of silt fence that is buried several inches below the surface around the entire perimeter of the project area, essentially minimizing the area from potential turtle habitat. The entire project area is 3.5 acres, but the area that is considered potential habitat is approximately 2 acres. Areas that have been previously observed with broken eggs (unknown if BT eggs and/or common turtle species' eggs) will most likely be temporarily impacted outside of the sheet pile for access to complete the work on the culverts. As noted in Items #3 & #4 above, any and all animals, including BT, found on the interior or exterior of the fence shall be safely and humanely placed in a suitable container and then released within (one) 1 hour of capture to appropriate habitats outside urbanized sections of Mill Creek. For the BT, this shall be a marsh, fen, or pond not completely covered by cattails, canary grass, and/or giant reed (all procedures listed in Items #3 & #4 above shall be followed). Relocation areas may include appropriate habitat between the project and Campton Hills Road.

8. According to the project plans, the proposed road/bridge construction will impact 2.0 acres of land potentially providing suitable habitat, essentially for Blanding's turtle. As derived from the State of Illinois' Interagency Wetlands Mitigation Act, a mitigation ratio of 5.5:1 is employed when endangered/threatened species are at risk. Accordingly, it is the responsibility of the applicant (KCDOT) to provide the Department with a mitigation/compensation cost equal to the value of approximately 11.00 acres (2.0 x 5.5) of land in the local area. According to August, 2013 calculations from IDNR's Office of Realty and Environmental Planning, land values in Kane County range from a low of \$1,194/acre to a high of \$29,449/acre, with an average value of approximately \$10,020/acre. Given the condition and proximity of the impact zone, a value of \$1,200/acre will be employed in this Incidental Take Authorization for mitigation purposes.

Accordingly, this yields a total mitigation amount of:

- The number of mitigation acres due for this project: 11.00 acres
- Of the 2.00 acres identified as potential suitable habitat for the subject species (BT), we will assume an average wildlife occupancy rate of: 0.16 or 16% of this habitat actually being utilized by the subject species, (Gould et. al., 2011; Illinois DNR Natural Heritage Database, 2013; Schowalter, 2011; Wisconsin DNR Species Status Assessment Worksheet, 2012).
- 11.00 mitigation acres x 0.16 occupancy rate = 1.76 assigned mitigation acres
- 1.76 assigned mitigation acres x \$1,200.00/acre = **\$2,112.00 due to the Department from KCDOT.**

This check shall be received within 12 months after formal implementation of the ITA (after this document is signed by both KCDOT and the IDNR). These funds will be used solely for management and recovery actions of all listed species throughout the State of Illinois with a specific focus on the Blanding's turtle per the Department's sole discretion.

9. Post construction BT surveys: KCDOT shall hire an appropriate environmental/biological consultant to conduct post construction monitoring surveys for the BT along the entire construction route in Years 3 and 6 following project completion. These surveys should be conducted during the breeding season of this animal (May 1 - June 30). NO turtles shall be translocated during these post construction monitoring surveys. The environmental consultant shall submit a final report within 60 days of survey completion directly to Joseph Kath of the Illinois Department of Natural Resources. Reports shall include clear and readable digital photographs as well as maps showing the exact location of any BT animal(s) encountered as well as GPS coordinates where the animal was found (if any). These reports will be used by the Department to evaluate the successes and failures of the minimization and mitigation activities authorized under this Incidental Take Authorization.

Copies of all of these reports shall be sent to the following:

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

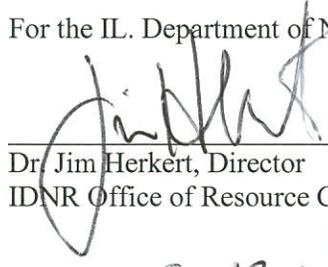
Illinois Department of Natural Resources
Natural Heritage Database
Attn: Tara Kieninger
One Natural Resources Way
Springfield, Illinois 62702-1271

10. The effective period of this authorization may be altered only by mutual agreement between the Kane County Division of Transportation (KCDOT) and the Department.

11. This authorization may be revoked pursuant to Section 5.5 of the Act if the Department finds that the KCDOT, and/or its environmental consultant(s), have failed to comply with any of these terms and conditions and/or have been responsible for the take of any State Listed Species beyond that which is incidental to the proposed improvements of LaFox Road over Mill Creek in Campton Hills, Kane County, Illinois.

12. The KCDOT 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:

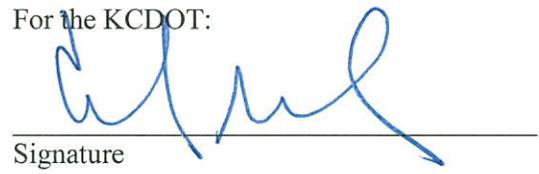


Dr. Jim Herkert, Director
IDNR Office of Resource Conservation

2-13-14

Date Signed

For the KCDOT:



Signature

CARL SCHOEDEL, COUNTY ENGINEER

Please print name and official title

DECEMBER 31, 2013

Date Signed