

Illinois Wind Energy Regulations

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Natural Heritage



Overview

- Consultation Process
- Incidental Take Authorization (ITA) Process
 - State-listed
 - Federally listed



State-threatened
regal fritillary
(*Speyeria idalia*)

Consultation Process

Illinois Administrative Code 1075 – Consultation Procedures

- Early coordination encouraged
- GIS analysis for Wetlands, protected lands, and Threatened and Endangered Species
- No listed species?
 - Automatic termination
 - Recommended 3-5 years of Post-Construction Mortality Monitoring
- Listed species?
 - Minimization recommendations
 - ITA recommendation.

Consultation Process

- Separate EcoCAT reviews encouraged for auxiliary work
- Review letters sent to county zoning board, applicant, USFWS, and other pertinent governing bodies
 - Valid for two years from date of issue
 - County zoning board may make ITA a condition of permits.

Typical Minimization Measures

- Distance from habitat
 - Non-forested riparian zones – 300 linear feet firm
 - Forested riparian zones – 1,000 linear feet
 - Forested areas 5 acres or greater – 1,000 linear feet
 - Illinois Natural Areas Inventory (INAI) Sites – 1,000 linear feet
 - IDNR-owned properties – 1 mile (linear)
 - Illinois Nature Preserves – 1 mile (linear)
- Curtailment
 - Below 6.9 m/s windspeed, from sunset to sunrise between July 15 and October 15.

ITA Process – State-listed Species

Illinois Administrative Code 1080 – Incidental Taking of Endangered or Threatened Species

- Illinois Endangered Species Protection Act (520 ILCS 10/5.5) outlines terms and conditions for incidental take
 - Unlawful to possess, take, transport, sell, offer for sale, give or otherwise dispose of any animal or product thereof
 - **IF** that taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.
- Requires a detailed Conservation Plan
 - Species impacted and its relevant life history
 - Location?
 - Construction methods? Already in operation?
 - Minimization, mitigation, and monitoring plan.



State-threatened black-billed cuckoo
(*Coccyzus erythrophthalmus*)

ITA Process – State-listed Species

- Takes a minimum of 6 months
- Authorization effective for 5-30 years
- Annual Expectations
 - Report submission for monitoring in addition to annual endangered species permit renewal report
 - Carcass transfer to Illinois Bat Conservation Program.

ITA Process – Federally listed Species

- Can run in tandem with the USFWS review process
- Approved final HCP plus Conservation Plan details
 - Any state-listed species must be in CP
- Permit held until the Incidental Take Permit (USFWS) is issued.



Federal and State-endangered Indiana bat
(*Myotis sodalis*)