

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE ILLINOIS DEPARTMENT OF NATURAL RESOURCES
AND
THE ILLINOIS DEPARTMENT OF TRANSPORTATION

Pursuant to Title 17 Part 1075.30(d) of the Illinois Administrative Code, this agreement between the Illinois Department of Natural Resources (IDNR) and the Illinois Department of Transportation (IDOT) sets forth the framework for an expedited review process for compliance with Section 11(b) of the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), Section 17 of the Illinois Natural Areas Preservation Act (525 ILCS 30/17), and administrative rules promulgated thereunder (17 Ill. Adm. Code Part 1075). The parties enter into this MOU pursuant to the provisions of the Intergovernmental Cooperation Act (5 ILCS 220/1-16). This Memorandum of Understanding (MOU) supersedes the MOU effective December 30, 2010.

General Principles of Coordination

The review processes required under the Illinois Endangered Species Act and the Illinois Natural Areas Preservation Act, and provisions of the Interagency Wetland Policy Act of 1989, are designed to examine potential impacts to protected natural resources. The IDNR Division of Ecosystems and Environment (E&E) and the IDOT Bureau of Design and Environment (BDE) will be the points of contact for processing of all proposed projects. All official comments, recommendations, and responses made by either IDNR or IDOT shall be made via email or letter, except in emergency situations as defined in 17 Ill. Admin. Code 1075.60.

The IDOT agrees to:

1. Ensure that proposed projects funded or performed by IDOT comply with the Interagency Wetland Policy Act of 1989 and the IDOT Wetlands Action Plan.
2. Review proposed projects that will be funded or performed by IDOT to determine if they could have an adverse effect on a State-listed threatened or endangered species (T&E species), or a site listed on the Illinois Natural Areas Inventory (INAI site), which include Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, and registered Land and Water Reserves.
3. Submit to the IDNR EcoCAT website consultation requests for proposed actions that could have an adverse effect, that are adjacent to a Nature Preserve or Land and Water Reserve, or that entail excavation outside of an existing right-of-way and are within one mile of a Nature Preserve or Land and Water Reserve.
4. Determine if proposed projects funded or performed by IDOT could adversely affect additional natural resources (listed below). Submit to IDNR for review those actions that could have an adverse effect on these resources.
 - a. Streams
 - b. Forest/trees
 - i. Alignment bisects or fragments a block of trees ≥ 20 acres
 - ii. New alignment on any stream segment
 - iii. Existing alignment in a riparian corridor
 - c. Prairie/savanna areas
 - d. Properties owned, leased, or managed by IDNR
5. Conduct biological surveys at IDOT's discretion or when recommended by IDNR. Provide copies

of the survey results to IDNR, or a written explanation if recommended surveys are not conducted.

6. Develop measures to avoid, minimize or mitigate potential adverse effects to T&E species, INAI sites, or the natural resources listed in Paragraph 4. Submit the measures to IDNR for concurrence.
7. Implement and monitor mitigation measures per IDNR 3(b).
8. By February 1st of each year, report to IDNR the total number of proposed actions that were reviewed by BDE the previous year and not submitted for consultation because there were no protected resources in the vicinity or IDOT determined that the actions were unlikely to have an adverse effect. Provide copies of a random 2% of those reviews to IDNR.
9. Take all reasonable precautions to protect and maintain the confidentiality of protected natural resource data consistent with the use intended by this MOU.

The IDNR agrees to:

1. Review BDE EcoCAT reports within 30 days of receipt. After review, IDNR will either:
 - a. Terminate consultation because adverse effects are unlikely, or
 - b. Request additional information and/or request a biological survey.
2. Review mitigation measures submitted by IDOT and coordinate with appropriate IDNR staff to determine whether further analysis or recommendations are required.
3. Within 90 days of receipt of IDOT-proposed mitigation measures, IDNR will either:
 - a. Recommend additional measures to avoid or minimize adverse effects, or
 - b. Concur with proposed mitigation measures and terminate consultation.

Both agencies have 45 days to resolve any differences that may remain. If resolution is not reached within this time, both parties can agree to: terminate consultation, elevate the issue within each department, or continue negotiations.

TERMS OF THE MOU

The term of this MOU shall be a period of three (3) years from the date this MOU is executed by all parties. This MOU shall automatically be renewed for an additional three (3) year period unless terminated per the terms of this agreement. Either party shall have the right to terminate this MOU at any time by providing at least ninety (90) days written notice to the other party.

IN WITNESS WHEREOF, the Departments have entered into this Agreement as of the date written below.

ILLINOIS DEPARTMENT OF
NATURAL RESOURCES

By: [Signature]
Marc Miller, Director
Date: 1-10-13

ILLINOIS DEPARTMENT OF
TRANSPORTATION

By: [Signature]
Ann L. Schneider, Secretary
Date: 12/12/12

APPROVED FOR EXECUTION

Date: 1/03/2013
Legal Counsel: [Signature]

APPROVED FOR EXECUTION

Date: 1-4-13
Chief Fiscal Officer: [Signature]