**Section 1080.10 Conservation Plan**

Incidental taking of endangered and threatened species shall be authorized by the Department of Natural Resources (Department) only if the applicant submits to the Department a conservation plan that satisfies all criteria established in this Part.

a) A conservation plan submitted to the Department's Office of Resource Conservation as the application for authorization for incidental taking of an endangered or threatened species shall, at a minimum, include:

1) A description of the impact likely to result from the proposed taking of the species that would be covered by the authorization, including but not limited to:

A) legal description, if available, or detailed description including street address and map of the area to be affected by the proposed action and indicia of ownership or control of affected property;

B) biological data on the affected species; on request of the applicant, the Department shall provide biological data in the Department's possession on the affected species;

C) description of the activities that will result in taking of an endangered or threatened species; and

D) explanation of the anticipated adverse effects on listed species.

2) Measures the applicant will take to minimize and mitigate that impact and the funding that will be available to undertake those measures, including, but not limited to:

A) plans to minimize the area affected by the proposed action, the estimated number of individuals of an endangered or threatened species that will be taken and the amount of habitat affected;

B) plans for management of the area affected by the proposed action that will enable continued use of the area by endangered or threatened species;

C) description of all measures to be implemented to minimize or mitigate the effects of the proposed action on endangered or threatened species;

D) plans for monitoring the effects of measures implemented to minimize or mitigate the effects of the proposed action on endangered or threatened species;

E) adaptive management practices that will be used to deal with changed or unforeseen circumstances that affect the effectiveness of measures instituted to minimize or mitigate the effects of the proposed action on endangered or threatened species; and

F) verification that adequate funding exists to support and implement all mitigation activities described in the conservation plan. This may be in the form of bonds, certificates of insurance, escrow accounts or other financial instruments adequate to carry out all aspects of the conservation plan.

3) A description of alternative actions the applicant considered that would not result in take, and the reasons that each of those alternatives was not selected. A "no-action" alternative shall be included in this description of alternatives.

4) Data and information to indicate that the proposed taking will not reduce the likelihood of the survival of the endangered 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.

5) An implementing agreement, which shall include, but not be limited to:

A) the names and signatures of all participants in the execution of the conservation plan;

B) the obligations and responsibilities of each of the identified participants with schedules and deadlines for completion of activities included in the conservation plan and a schedule for preparation of progress reports to be provided to the Department;

C) certification that each participant in the execution of the conservation plan has the legal authority to carry out their respective obligations and responsibilities under the conservation plan;

D) assurance of compliance with all other federal, State and local regulations pertinent to the proposed action and to execution of the conservation plan; and

E) copies of any final federal authorizations for a taking already issued to the applicant, if any.

b) The Department, after review and public comment, may require additional measures as necessary or appropriate to the success of the conservation plan. Requirements for additional measures shall be based on the life history needs of the species involved.

c) A Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service pursuant to Section 10 of the Endangered Species Act of 1973 [26 USC 1539], and amendments thereto, may be submitted in lieu of the conservation plan described in this Section.

d) Authorization to take an endangered or threatened species under the terms of a biological opinion issued by the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973 [26 USC 1536], and amendments thereto, or regulations implementing Section 7 [50 CFR 402] may be submitted in lieu of the conservation plan described in this Section.