**Section 1080.70 Separability, Exclusions**

a) Authorization for incidental taking shall be separate and distinct from any other action of the Department. Issuance of any permit, license or authorization by the Department under any authority other than that granted in Section 5.5 of the Illinois Endangered Species Protection Act shall not constitute authorization for incidental take. Issuance of any permit, license or authorization by the Department under any authority other than that granted in Section 5.5 of the Illinois Endangered Species Protection Act shall not be interpreted as an assurance that incidental take authorization will be issued.

b) Certain activities that are planned, designed and executed for the benefit of one or more endangered or threatened species and may result in the incidental take of individuals of those species are exempt from the provisions of this Section. Exempt activities shall be those listed in 17 Ill. Adm. Code 1075.30(c). The Department shall have the right to require persons carrying out such activities to submit information to justify the claimed exemption from this Section.