

Endangered Species Act/Notice of Intent to Sue: Environmental Groups Allege Violations Associated with Highway Construction



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The Center for Biological Diversity (“CBD”) sent an October 16th Notice of Intent to Sue for Violations of the Endangered Species Act (“ESA”) in regards to the Longmeadow Parkway, Huntley Road and Illinois Route 62 (“Project”), in Kane County, Illinois.

The Notice of Intent to Sue is directed to:

- United States Department of Transportation
- Federal Highway Administration (“FHA”)
- Illinois Department of Transportation (“IDOT”)
- United States Army Corps of Engineers
- Kane County Division of Transportation

The Notice of Intent to Sue alleges that the previously referenced agencies are in violation of Section 7 of the ESA including the statute’s consultations regulations in regards to the rusty patched bumble bee.

CBD states that it intends to file suit alleging violations of Section 7 of the ESA because:

- FHA/IDOT failed to request and engage in formal ESA Section 7 consultation on the likely adverse effects on the rusty patched bumble bee caused by their funding, authorization, construction and operation of the Longmeadow Parkway.
- FHA/IDOT failed to ensure their funding, authorization, construction, and operation of the Longmeadow Parkway do not jeopardize the continued existence of the rusty patched bumble bee by relying on the United States Fish and Wildlife Service July 19, 2017, Letter of Concurrence to satisfy their ESA Section 7 obligations.

[A copy of the Notice of Intent to Sue can be downloaded here.](#)