



Illinois Endangered Species Protection Board



HARLESQUA



BIENNIAL REPORT

JULY 2008-JUNE 2010

ENDANGERED SPECIES PROTECTION BOARD AS OF JUNE 30, 2010

Members:

R. Dan Gooch, Chairman
Marilyn F. Campbell, Vice-Chair
John A. Clemetsen, Secretary
Dr. Joyce Hofmann
Glen W. Kruse
Susanne Masi
Dr. Mike Retzer
John Rogner, designee for DNR Director Marc Miller
Dr. John Taft
Dr. Jeffery Walk

Staff:

Anne Mankowski, Executive Director

ENDANGERED SPECIES TECHNICAL ADVISORY COMMITTEES (ESTACs) AS OF JUNE 30, 2010

PLANTS:

Dr. John E. Ebinger
Susanne Masi
William McClain
Randy Nyboer
Dr. Loy R. Phillippe
Dr. Ken Robertson
John Schwegman
Beth Shimp
Dr. John Taft

INVERTEBRATE ANIMALS:

Dr. Tim Cashatt
Kevin Cummings
Dr. Chris Dietrich
Dr. Chris Taylor
Dr. Steven Taylor
Jeremy Tiemann
Dr. Paul Tinerella
James Wiker

FISHES:

Dr. Brooks Burr
Dr. Mike Retzer
Bob Rung
Trent Thomas
Jeremy Tiemann
Dan Sallee

REPTILES AND AMPHIBIANS:

Scott Ballard
Dr. Ron Brandon
Dr. Meredith Mahoney
Mike Redmer

BIRDS:

Marilyn Campbell
Dr. James R. Herkert
Dr. Jeff Hoover
Vern Kleen
Brad Semel
Dr. Douglas Stotz
Dr. Jeff Walk
Dr. Mike Ward
Dr. Dan Wenny

MAMMALS:

Chris Anchor
Bob Bluett
Dean Corgiat
Dr. George Feldhamer
Dr. Ed Heske
Dr. Joyce Hofmann
Joe Kath

On the cover, clockwise from upper left: Great Plains Rat Snake (*Pantherophis emoryi*), Illinois Endangered; Southeastern Myotis (*Myotis austroriparius*), Illinois Endangered; Loggerhead Shrike (*Lanius ludovicianus*), Illinois Endangered; Pitcher Plant (*Sarracenia purpurea*), Illinois Endangered; Harlequin Darter (*Etheostoma histrio*), Illinois Endangered; and, Fat Pocketbook (*Potamilus capax*), Illinois and Federally Endangered.

PREFACE

The Illinois Endangered Species Protection Act, originally enacted in August of 1972 and revised in July of 1986 and January of 2000, requires that the Endangered Species Protection Board prepare and make available a report of its accomplishments biennially. The first report was prepared and made available for the period of July 1986 to June 1988. Biennial reports were not prepared for the biennia ending in 1990, 1992, 1994, 1996, 1998, and 2000. A second report was prepared and made available for the period of July 2000 – June 2002 and included a recap of highlights of the previously omitted biennia. In July 2002, the Board's budget was reduced and subsequently eliminated due to funding shortages within the state and as a result, Board staff was laid off. During the period from 2002 - 2008, the unpaid volunteer Board had only part-time or no staff. Beginning in November 2008, a full-time Executive Director was hired via temporary contract funded by the Illinois Department of Natural Resources. In the spring of 2009, the Executive Director completed a report for the period of July 2006 – June 2008 and including recapping highlights for previously omitted biennia ending in 2004 and 2006. This current report presents details for the subject biennium of July 2008 – June 2010.

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

BIENNIAL REPORT

JULY 2008 – JUNE 2010

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ENDANGERED SPECIES PROTECTION IN ILLINOIS

Historical Background

Introduction

The Illinois Endangered Species Protection Act was passed by the Illinois General Assembly in 1972. Shortly before the Act was to become effective on January 1, 1973, it became apparent that additional time was needed to prepare for its administration. Consequently, implementation was delayed until April 30, 1973, through an Executive Order signed by Governor Ogilvie, to allow time for appointment of members to the Endangered Species Protection Board and development of fiscal and operating procedures for administration of the Act. Despite the delay, this protective legislation for endangered species in Illinois predates the federal Endangered Species Act, which was passed by Congress in 1973. The timing of the Illinois legislation is an indication that our state was in the forefront of those concerned by the continued loss of species from our landscape.

The Endangered Species Protection Board

Though its provisions were limited, the original Illinois Endangered Species Protection Act did establish the Endangered Species Protection Board, giving it authority to list animal species as endangered, and making it illegal to possess or sell endangered animals or their products. At first, the Board spent much of its time regulating circuses, zoos, and animal products such as alligator shoes and leopard skin coats. Indeed, because much of the interest in species decline was focused on the harvest of exotic furbearers, the Act originally required that three of the nine-member, Governor-appointed Board be representatives of the fur industry. The remaining six members were to be naturalists. More recently, 1986 amendments to the Act specified that the six naturalist positions on the Board are to

include two zoologists, two ecologists, and one botanist, while the background and interests of the remaining three members is no longer specified. The redefined composition of the Board is a reflection of the changing emphasis of endangered species programs, and ensures a high degree of professionalism within the Board.

Another indication of the professional nature of the Board is its interaction with six Endangered Species Technical Advisory Committees (ESTACs). These are unofficial bodies, composed of Illinois scientists who are experts on various taxonomic groups of plants and animals. The ESTACs advise the Board on the status of Illinois species, assisting in review and revision of the lists of threatened and endangered species, as well as providing recommendations for areas or species requiring additional research or data collection.

The Board, though originally required to convene only once a year, today meets quarterly, as is now mandated by law. These meetings are open to the public and generally held in public buildings around the state.

In July 2002, the Board's budget was reduced and subsequently eliminated due to funding shortages within the state. As a result, Board staff were laid off. The Board was without professional staff since Dr. James R. Herkert left the position of Listing Coordinator in 2001, after 10 years of service, to take a position with The Nature Conservancy. In the late fall of 2003, the DNR provided funding for part-time professional staffing with the establishment of a contractual position for a Program Manager, filled by Mr. Randy Nyboer who served in that position until the fall of 2007. Ms. Tammie McKay, a part-time Executive Assistant for the Illinois Nature Preserves

Commission that was shared with the Board for several years resigned in the fall of 2003. Ms. Janet Boyer, a longtime staff secretary for the Board, left the part-time position in 2006 for a full-time position in another

branch of Illinois government. In the winter of 2008, Ms. Anne Mankowski was hired as the Board's Executive Director via a DNR contract and she continues to serve in that position.

Endangered Species Board Members Since the Board's Inception:

DNR Directors (and their Designees)

Henry N. Barkhausen	1973 – 1973	
Anthony T. Dean	1973 – 1976	
David Kenney	1977 – 1984	
Mark Frech	1987 – 1991	
G. Brent Manning	1991 – 2003	
Joel Brunsvold	2003 – 2005	
Sam Flood (Acting)	2005 – 2009	
Marc Miller	2009 -	(Designee, Assistant Director John Rogner)

Governor Appointed Members

Dr. William Beecher	1973 – 1974	
Dr. Lester Fisher	1973 – 1974	(Chair 1973 - 1974)
Daniel Navid	1973 – 1975	
Robert Herbin	1973 – 1976	
Dr. John Warnock	1973 – 1976	
James Phelps	1973 – 1978	
Richard Wagner	1973 – 1981	
Dr. Willard Klimstra	1973 – 1987	(Vice Chair 1978 - 1987)
Joseph Poppie	1973 – 1991	(Chair 1977 - 1991)
Dr. Richard Andrews	1976 – 1978	
Ann Broman Fisher	1976 – 1993	
Ray Pawley	1976 – 1993	
Dr. William Southern	1976 – 1993	(Secretary 1978 - 1993)
Dr. William Schwab	1978 – 1982	
Curtis Mason	1978 – 1988	
Dr. Johanna Clausen	1979 – 1987	
Irwin Ware	1982 – 1985	
Dr. Larry Jahn	1982 – 2001	(Vice Chair 1993 - 1996, Chair 1996 - 2001)
Jon Ellis	1985 – 1996	(Vice Chair 1987 - 1991, Chair 1991 - 1996)
Dr. Alan Woolf	1988 – 1996	
Darlene Fisk	1988 – 2002	
Dr. John Ebinger	1988 – 2008	(Vice Chair 2001 - 2008)
Judy Dolan Mendelson	1988 – 2005	
Dr. Ed Moll	1993 – 1999	
Dr. Scott Robinson	1993 – 1999	
R. Dan Gooch	1993 -	(Vice Chair 1996 - 2001, Chair 2001 - present)
Mike Beebe	1996 – 1999	
John Clemetsen	1996 -	(Secretary 2001 – 2006, 2010 - present)
Dr. Richard Anderson	2002 – 2004	
Marilyn Campbell	2002 –	(Vice Chair 2008 – present)
Dr. James R. Herkert	2002 – 2009	

Governor Appointed Members (continued)

Susanne Masi	2002 –	
Dr. Chris Phillips	2002 – 2009	(Secretary 2006 - 2009)
Dr. Tom Nelson	2005 – 2008	
Dr. Mike Retzer	2005 –	
Dr. John Taft	2008 –	
Glen Kruse	2009 –	
Dr. Joyce Hofmann	2010 –	
Dr. Jeffery Walk	2010 –	

Endangered Species Board Staff History:

Carl Becker, Endangered Species Coordinator	1978 - 1980
Mike Sweet, Endangered Species Coordinator	1981 - 1985
Sue Lauzon, Program Coordinator/Executive Director	1985 - 2002
Glen Kruse, Project Manager	1986 - 1990
Sherrie Elzinga, Office Coordinator	1986 - 1991
Dr. James R. Herkert, Listing Coordinator	1991 - 2001
Janet Boyer, Part-time Secretary	1994 - 2006
Tammie McKay, Part-time Administrative Assistant	2002 - 2003
Randy Nyboer, Contract Part-time Program Manager	2003 – 2007
Anne Mankowski, Contract Executive Director	2008 -

Interactions with the Department of Conservation/Natural Resources

Initially, though the Illinois Endangered Species Protection Act authorized the Board to hire necessary staff, the Board instead utilized a staff liaison within the Illinois Department of Conservation (DOC), who was responsible for all non-game and endangered species matters for DOC. The Board hired its first Program Coordinator in 1978, and until 1986 relied on this one staff member to administer its entire program.

As the state’s endangered species program expanded, its focus shifted to native Illinois species, and the Board’s staff conducted or assisted in species surveys and research, environmental assessments, management recommendations, interagency agreements, and public education. By the time the Board expanded its staff to include a Project Manager in 1986, the DOC had also expanded its functions to include a Division of Natural Heritage responsible for non-

game wildlife, endangered species, natural areas, and nature preserves. While the Natural Heritage Division conducted many endangered species projects and management activities, DOC still lacked a specific endangered species program, and continued to rely on the Board and its staff for a number of endangered species matters.

In 1995 the DOC was reorganized and expanded into the Department of Natural Resources (DNR). A Division of Natural Heritage was retained, but the consultation program for projects affecting endangered and threatened species and natural areas was moved into a new Division of Natural Resource Review and Coordination. The new Division was headed by Dr. Deanna Glosser. The position she vacated, Endangered Species Program Manager, was filled by Glen Kruse. Mr. Kruse remained active in that position, in addition to serving as the Chief of the Natural Heritage Division until his retirement in 2009. Mr. Joe Kath worked for Mr. Kruse as the Endangered

Species Project Manager for the DNR and continues to serve in that position. There have been additional program changes and realignments within the DNR since 1995 and throughout those changes the Board has appreciated the continued cooperation and assistance of the DNR and its employees.

Evolution of the Illinois Endangered Species Protection Act

Illinois has come a long way in its ability to protect our endangered resources since the passage of the Endangered Species Protection Act in 1972. From the early recognition of the need to determine which species were in trouble, we have progressed in our ability to actually provide protection for those species.

The original version of the Act protected animals but not plants, and only established one category of rarity: that of “Endangered”. In 1977, amendments to the Act added a “Threatened” category and included plants as well as animals, but still left the Act lacking in many respects. There were no prohibitions regarding threatened animals as there were for those classified as endangered, and plants were protected in no way at all – they were simply enumerated as threatened or endangered.

More comprehensive revisions to the Endangered Species Protection Act were passed in 1985 and went into effect in 1986, giving much clearer protections for endangered species and their habitats than we had previously seen. Indeed, Illinois was among the first states to attempt to protect endangered species’ habitats through legislation.

The 1986 amendments provided equal protection for threatened animals as those mandated for endangered animal species. The term “animal” was specifically defined to include both vertebrate and invertebrate animal species. Some protection was added for listed plants, prohibiting certain actions which involved the taking, transporting, or

selling of those species. For the first time, a regularly scheduled review and revision of the Illinois Lists of Endangered and Threatened Species was required (every 5 years), ensuring that those lists are kept up-to-date with the actual status of those species in the wild.

A significant amendment from 1986 stresses the commitment of agencies of state and local government in Illinois to the protection of endangered species. This policy of supporting the purposes of the Act is accomplished by evaluating, through a process of consultation with the DNR, whether actions authorized, funded, or carried out by those agencies “are likely to jeopardize the continued existence of Illinois listed endangered and threatened species or are likely to result in the destruction or adverse modification of the designated essential habitat of such species....”

In 2000, the Act was further amended, resulting in the current Act (copy appended), by the addition of provisions for authorization by the DNR of incidental taking of Illinois listed endangered and threatened species under prescribed terms and conditions. The amendment stipulates that the taking must be incidental to, and not the purpose of, the carrying out of an otherwise lawful activity and requires that applicants submit a conservation plan to the DNR. The Illinois Administrative Rule that outlines the implementation of incidental taking authorization by the DNR requires that the Board review conservation plans and that the DNR consult with the Board prior to issuing authorization.

Why Do We Protect Endangered and Threatened Species?

Those who work with endangered species often hear questions and comments such as “Why do we spend our money to protect these plants and animals?” or “Who cares about most of these species? They aren’t good for anything.” or “So what if a fish

disappears from the Mississippi River?
Most people will never see one anyway.”

There are many good reasons to protect all species of plants and animals. Special attention is given to those that have become very rare in order to prevent their complete elimination from our environment. The reasons we put forth a large effort to protect these species range from practical to spiritual and from utilitarian to aesthetic. Each person interested in the preservation of plants and animals has his or her own reasons, but some of the more widely expressed motivations include:

1) Any species of plant or animal may someday provide a product or service that is valuable to humans. We cannot predict what food, fibers, chemicals, or other products can be obtained from “wild” plants and animals in the future. The loss of species may eliminate potential human benefits.

2) Plants or animals can serve as early indicators of environmental problems that are potentially dangerous to humans. The variable sensitivity of different species to contaminants allows them to act as environmental monitors, alerting us to the fact that something is wrong in our world.

3) Every plant or animal species contributes to the stability of the ecosystem of which it is a part. This ecological concept is often compared to a house of cards. A house with many components is much more difficult to disrupt than one having a few basic elements. There is also a complex network of relationships among the parts. No plant or animal exists independently of all others. The loss of ANY species has effects on the other species that have evolved along with it.

4) Each species is the result of untold ages of evolution and has a right to continue to exist. Many people feel that it is morally wrong for humans to be the cause of the extinction of a species or to allow a species to disappear if human intervention could save it.

5) The loss of any plant or animal species diminishes the natural beauty of the earth. The existence and interaction of diverse life forms brings pleasure to those who take time to observe the species around them.

Whatever your reasons, we believe you will agree that the protection of endangered and threatened species in Illinois is an important and necessary task into the future.

REPORT OF THE BIENNIUM

BOARD MEETINGS

During the biennium, meetings were called eight times and a quorum was present at all meetings. Officially, the Board held its 139th through its 146th meetings during the biennium.

Historically, the Board varied the location of meetings around the state to afford better accessibility to the public. Beginning in 2010, in an effort to reduce travel costs, the Board elected to hold all of its annual meetings at a location that was geographically central to its members.

Meeting Dates and Locations for Meetings from the Biennium

<u>Meeting #</u>	<u>Date</u>	<u>Location</u>
139 th	08/15/2008	Rochester Public Library, Rochester, Illinois
140 th	11/13/2008	Chicago Botanic Garden, Glencoe, Illinois
141 st	02/20/2009	Illinois Natural History Survey, Champaign, Illinois
142 nd	05/15/2009	Starved Rock State Park, Utica, Illinois
143 rd	08/14/2009	Illinois Audubon Society Headquarters, Springfield, Illinois
144 th	11/13/2009	Midewin National Tallgrass Prairie, Wilmington, Illinois
145 th	02/19/2010	Midewin National Tallgrass Prairie, Wilmington, Illinois
146 th	05/14/2010	Midewin National Tallgrass Prairie, Wilmington, Illinois

REVISIONS OF THE ILLINOIS LISTS OF ENDANGERED AND THREATENED SPECIES

On July 1, 1986, amendments to the Endangered Species Protection Act, which were passed in 1985, went into effect. Among these was a provision requiring that the Endangered Species Protection Board review and revise the Illinois Lists of Endangered and Threatened Plants and Animals at least every five years. The first of these lists in Illinois was adopted in 1978 for animals and 1980 for plants and since that time, invertebrate animal species were also added. A full review of the lists was undertaken during the July 1st, 1986 through June 30th, 1988 biennium. This included both a review of species that were already listed as threatened or endangered, and evaluation of additional species to determine if they should be added to the Illinois lists as threatened or endangered. Following required public hearings, the Board, at its May 20th, 1988 meeting adopted changes to the plant and animal lists. They became law on March 14, 1989. Subsequent five-year

re-listings were initiated in 1993, 1997, 2002, and 2007 and from those efforts the plant revisions became official on January 18, 1994, December 3, 1998, September 1, 2004, and October 30, 2009, respectively, and the animal revisions, January 18, 1994, April 26, 1999, September 1, 2004, and October 30, 2009, respectively.

During the public hearing for the 2009 revision to the lists, the Board received 97 comments, to which the Board provided review and response in its subsequent quarterly meeting. The new Illinois Lists of Endangered and Threatened Species resulting from the review conducted during the biennium became official effective October 30, 2009.

Changes made to the lists resulted in a total of 483 species listed as endangered (355 species, including 104 species of animals and 251 species of plants) or threatened (128 species, including 47 species of animals and 81 species of plants) under the Illinois Endangered Species Act. The changes made in the 2009 re-listing are listed below.

Summary of 2009 Changes to the Illinois List of Threatened and Endangered Species

ADDED AS ENDANGERED

AMPHIBIANS

+*Necturus maculosus* (Mudpuppy)

REPTILES

Apalone mutica (Smooth Softshell)

BIRDS

+*Coccyzus erythrophthalmus* (Black-billed Cuckoo)

INVERTEBRATES

Lithasia obovata (Shawnee Rocksnail)

Arrhopalites madonnensis (Madonna Cave Springtail)

Diploperla robusta (Robust Springfly)

Prostoia completa (Central Forestfly)

Anthysanella incongrua (a leafhopper)

Centruroides vittatus (Common Striped Scorpion)

PLANTS

Carex plantaginea (plantain-leaved sedge)

Gratiola quartermaniae (hedge hyssop)

ADDED AS THREATENED

REPTILES

Terrapene ornata (Ornate Box Turtle)

PLANTS

Buchnera americana (blue hearts)

Delphinium carolinianum (wild blue larkspur)

REMOVED FROM ENDANGERED

PLANTS

Hydrocotyle ranunculoides (water-pennywort)

Ranunculus cymbalaria (seaside crowfoot)

Scirpus paludosus (*Bolboschoenus maritimus*) -- (alkali bulrush)

Carex lucorum (sedge)

Carex striatula (lined sedge)

Isotria medeoloides (small whorled pogonia)

Lathyrus maritimus (beach pea)

Milium effusum (millet grass)

Potentilla millegrana (cinquefoil)

Pycnanthemum albescens (white mountain mint)

Triadenum virginicum (marsh St. John's wort)

REMOVED FROM THREATENED

BIRDS

Haliaeetus leucocephalus (Bald Eagle)

Ammodramus henslowii (Henslow's Sparrow)

Grus canadensis (Sandhill Crane)

STATUS CHANGED FROM ENDANGERED TO THREATENED

BIRDS

Ictinia mississippiensis (Mississippi Kite)

STATUS CHANGED FROM ENDANGERED TO THREATENED (continued)

PLANTS

Berchemia scandens (supple-jack)

Cyperus lancastricensis (galingale)

Juncus alpinus (*Juncus alpinoarticulatus*) (Richardson's rush)

STATUS CHANGED FROM THREATENED TO ENDANGERED

FISH

Lepomis miniatus (Redspotted Sunfish)

REPTILES

Emydoidea blandingii (Blanding's Turtle)

BIRDS

Gallinula chloropus (Common Moorhen)

Lanius ludovicianus (Loggerhead Shrike)

INVERTEBRATES

Hesperia ottoe (Ottoe Skipper)

OFFICIAL NAME CHANGED

BIRDS

Nycticorax nycticorax (Black-crowned Night Heron) to Black-crowned Night-Heron

Nyctanassa violacea (Yellow-crowned Night Heron) to Yellow-crowned Night-Heron

Tympanuchus cupido (Greater Prairie Chicken) to Greater Prairie-Chicken.

Sterna antillarum (Least Tern) to *Sternula antillarum*

AMPHIBIANS

Cryptobranchus alleganiensis (Hellbender) to Eastern Hellbender

Pseudacris streckeri (Illinois Chorus Frog) to *Pseudacris illinoensis*

REPTILES

Elaphe emoryi (Great Plains Ratsnake) to *Pantherophis emoryi*

Heterodon nasicus (Western Hognose Snake) to Plains Hog-nosed Snake

Kinosternon flavescens (Illinois Mud Turtle) to Yellow Mud Turtle

TYPOGRAPHIC CORRECTION

Polygonum arifolium (Halbred-leaved Tearthumb) to Halberd-leaved Tearthumb

Note:

+ The Board recommended these species for listing as threatened. Board staff incorrectly listed the species as endangered in amendment to 17 Ill. Adm. Code 1010 (2009). They will remain listed as endangered until the Administrative Rule is corrected.

RESEARCH AND SURVEYS

An important effort of the Endangered Species Protection Board is to gather information that will improve our knowledge of various species in Illinois and help lead toward listing decisions for those species. When the Board has funding, it allocates a portion of its budget toward research projects and the Board is also annually awarded funding from the Wildlife

Preservation Fund (WPF) to contract research projects. The WPF is funded by Illinois taxpayers through contributions from their State income tax return and provides a means to address the survival of Illinois' native plants and animals. Additionally, when the Board has had staff, those staff have also administered, conducted and/or participated in research projects. Since the Board was unfunded during the subject biennium, only the annual WPF research money was used to fund the following projects:

Funded Research Projects

Habitat Use, Nest Success, and Natal Philopatry of Loggerhead Shrike in Northwest Illinois, by Wenny and Elbert (INRS INHS UIUC). This was a one-year study funded at \$6,053.

Conservation Genetics of Jefferson Salamanders in Illinois: Implications for Conservation and Recovery, by Kuhns (INRS INHS UIUC). This one-year study was funded at \$5,995.

Status Assessment Survey for Springtails (Collembola) in Illinois caves, by Soto-Adames and Taylor (INRS INHS UIUC). This was a one-year study funded at \$4,663.

Rarely Seen Illinois Native Plant Species: Their Status and Distribution, by Phillippe and Ebinger (INRS INHS UIUC). The Board funded a \$6,419 portion of one-year of this three-year study that was largely funded by the Illinois Department of Transportation.

Status of Three Freshwater Snail Species in the Lower Ohio River Basin in Illinois. Tiemann and Cummings (INRS INHS UIUC). This one-year study was funded at \$3,993.

Research Projects Administered by the Board

There were no research projects administered by the Board during the subject biennium.

Surveys

Surveys conducted by staff are reported below under *STAFF ACTIVITIES: Field Activities*.

OTHER BOARD ACTIVITIES

Much of the other work of the Board during the biennium falls under the Board's mandate to advise the DNR on methods of conserving threatened and endangered species. Some of those activities were as follows:

Board members acted as chairs of the Endangered Species Technical Advisory Committees and coordinated meetings and development of species status review and revision recommendations for the Board's consideration in preparation for the 2009 List revision.

The Board published to its webpage a *Checklist of Endangered and Threatened Animals and Plants of Illinois, effective October 30, 2009*.

The Board published to its webpage the *Illinois Endangered Species Protection Board Biennial Report July 2006 – June 2008 (With addenda covering biennia July 2002 to June 2006)*.

The Board reviewed and approved Recovery Outlines prepared by members of the Mammal Endangered Species Technical Advisory Committee (Mammal ESTAC) for the Eastern Woodrat (*Neotoma*

floridana), the Golden Mouse (*Ochrotomys nuttalli*), and the Rice Rat (*Oryzomys palustris*).

The Board reviewed and approved Status Review and Recovery Outlines prepared by Dr. Jeff Walk for the Northern Harrier (*Circus cyaneus*) and Short-eared Owl (*Asio flammeus*), Osprey (*Pandion haliaetus*), and the Henslow's Sparrow (*Ammodramus henslowii*).

The Board passed a resolution subsequently submitted to the Illinois Pollution Control Board stating support for the Illinois Environmental Protection Agency's proposal to upgrade water quality standards for the lower Des Plaines River and Chicago Area Waterways System in rulemaking R08-09.

The Board passed a resolution recognizing Dr. James R. Herkert for seven years of dedicated service as a Board member.

The Board passed a resolution recognizing Dr. Chris Phillips for seven years of dedicated service as a Board member.

The Board passed a resolution commending Mr. Glen Kruse for 27 years of service as an employee of the Board and DNR.

The Board passed a resolution commending Mr. Mike Conlin for 38 years of service as an employee of the DNR.

The Board made a recommendation to the US Army Corps of Engineers (USACE) in support of project specifications presented to the Board during the public comment portion of one its meetings by Dr. Mike Dreslik for the planning of the Saddle Dam III bike trail at Carlyle Lake.

The Board made recommendation to the DNR that the DNR: 1) confirm with the USACE project specifications for the Saddle Dam III bike trail at Carlyle Lake; 2) request that USACE enter into a cooperative agreement for the management of the

Eastern Massasauga Rattlesnake (EMR) at Carlyle Lake; 3) advise the City of Carlyle that they will need to consider the EMR and other E&T species in their bike path planning grant; 4) institute an environmental review process of DNR funded planning grants when the applicant submits them to DNR for the (roughly) 50% planning phase approval; and, 5) review the appropriateness of the same review for other DNR funded grants.

The Board made a recommendation to the DNR to develop a *Peregrine Falcon (Falco peregrinus) Post-Delisting Management and Monitoring Plan* for the Board's consideration and approval prior to the Board further evaluating a possible delisting of the species.

The Board engaged in strategic planning for 2010 - 2015. Highlights of the strategic planning are listed below:

Goals and objectives for 2010-2015 identified from the ESPB Strategic Planning process included:

-Take actions to gain support from DNR and the Governor's office to restore the Board's budget and staff.

Goals and objectives from 2010-2015 Strategic Planning (continued):

-Take actions to ensure prompt filling of Board member vacancies and reappointments.

-Maintain the list of Illinois endangered and threatened species.

-Complete interim list revision to deal with species and edits not captured in the 2009 list revision (2010).

-Complete required 5-year review and listing by April 2014.

-Assure regular emergency review of species due to rapid status change.

- Work toward addressing the issue of insufficient data or lack of data for species.
- Hold four board meetings per year.
- Prepare required biennial report (2010).
- Advise the Department and Commission on recommendations for E&T conservation.
- Undertake related necessary ancillary and supportive activities
 - Provide compatible supportive research opportunities.
 - Gain leadership in promoting species protection as related to preserving biodiversity.
 - Increase public awareness on issues surrounding species protection.
- Coordinate among other agencies and groups involved with species protection.
- Increase agency efficiency and effectiveness.
 - Create annual work plan to assure high productivity.
 - Develop work standards to assure quality.
 - Support and exchange information with the Database.
 - Assure ongoing training for board members and staff.
 - Maintain an annual business cycle: planning, budgeting, securing funding, implementation, performance analysis, and planning again.

STAFF ACTIVITIES

Due to state budget shortfalls, the Board had only one contractual professional staff member for only part of this biennium; that staff member donated considerable volunteer time to accomplish many of the activities listed below.

The Board's staff, housed within the DNR, oversees the Board's budget, prepares agendas and materials for Board meetings, represents the Board at meetings, events, hearings, etc., and works closely with the DNR's field and program staff, as well as the Illinois Nature Preserves Commission

(INPC), on matters relating to endangered species in Illinois. Board staff reviews proposed state and federal legislation associated with endangered species. It also coordinates and works closely with the U.S. Fish and Wildlife Service regarding endangered species, as well as other state and federal agencies.

It should be noted that a great proportion of staff time is spent in several routine activities including gathering, organizing, and reviewing existing data on each of the listed and otherwise rare species within the state, communicating with the many other agencies and organizations that deal in endangered species or habitat management, doing strategic and regular management plans, writing operational reports, and dealing with everyday office and organizational issues.

Recovery Activities

Staff was asked by DNR to replace DNR staff as the Project Manager for a Barn Owl (*Tyto alba*) Recovery Project SWIG Grant (T-35-P-1). The 2-year project will produce a statewide recovery plan and begin implementation.

Staff assisted INPC Natural Areas Preservation Specialists with planning and draft document preparation for recovery activities involving the Orange Fringed Orchid (*Platanthera ciliaris*) and Storax (*Styrax americana*).

Staff assisted DNR with preparation, and provided review of translocation proposals for Redspotted Sunfish (*Lepomis miniatus*), Pugnose shiner (*Notropis anogenus*), Blackchin shiner (*Notropis heterodon*), Blacknose shiner (*Notropis heterolepis*), Iowa darter (*Etheostoma exile*), Iowa darter (*Etheostoma exile*), Banded killifish (*Fundulus diaphanous*), and Ornate Box Turtle (*Terrepepe ornata*).

Staff was asked to join the U.S. Fish and Wildlife Service-led recovery team for the Decurrent False Aster (*Boltonia decurrens*).

Staff also assisted in drafting a multi-partner conservation agreement for properties that support populations of the species.

Field Activities

Staff assisted DNR with 12 prescribed burns, totaling nearly 700 acres, of endangered and threatened species' habitat.

Staff participated in the January 2009 Mid-winter Bald Eagle Count, coordinated by Illinois Audubon, that included about 152 miles along the Mississippi River in Mercer, Henderson, and Hancock Counties.

Staff conducted surveys for the following species: Prairie Dandelion (*Nothocalais cuspidata*), Small Whorled Pogonia (*Isotria medeoloides*), Whorled Pogonia (*Isotria verticillata*), Fairy Wand (*Chamaelirium luteum*), Downy Yellow Painted Cup (*Castilleja sessiliflora*), Fameflower (*Talinum calycinum*), Powdery Thalia (*Thalia dealbata*), Yellow Mud Turtle (*Kinosternon flavescens*), and Barn Owl (*Tyto alba*).

Incidental Take Authorization Reviews

Staff reviewed conservation plans and DNR authorization for 22 incidental take requests for project proposals including:

Adams Electric wind turbines, Adams and Brown Counties (Short-eared Owl – *Asio flammeus*; Upland Sandpiper - *Bartramia longicauda*; Northern Harrier – *Circus cyaneus*; Loggerhead Shrike – *Lanius ludovicianus*; Indiana Bat – *Myotis sodalis*; and, Gray Bat – *Myotis grisescens*); Big Sky Wind Farm, Lee and Bureau Counties (Ornate Box Turtle – *Terrapene ornata*); Loon Lake Management Assoc., Lake County (Banded Killifish – *Fundulus diaphanous*; Starhead Topminnow – *Fundulus dispar*; Blackchin Shiner – *Notropis heterodon*; Blacknose Shiner – *Notropis heterolepis*; Pugnose Shiner – *Notropis anogenus*; Iowa Darter – *Etheostoma exile*); Sangamon Valley Trail, Sangamon County (Franklin's Ground Squirrel - *Spermophilus franklinii*); Social

Security Administration Building, Sangamon County (Franklin's Ground Squirrel); IL 174 over Nippersink Creek, McHenry County (Slippershell - *Alasmodonta viridis*); Scott County Rural Water District Water Main Extensions, Scott County (Illinois Chorus Frog - *Pseudacris streckeri*); City of Grafton water and sewer utility work, Jersey County (Great Plains Rattlesnake - *Elaphe emoryi*; Timber Rattlesnake - *Crotalus horridus*); Exelon Nuclear Braidwood Diffuser, Will County (Purple Wartyback Mussel - *Cyclonaias tuberculata*; Spike Mussel - *Elliptio dilatata*; Sheepnose Mussel - *Plethobasus cyphus*; Pallid Shiner - *Notropis amnis*; and, River Redhorse - *Moxostoma carinatum*); City of Winchester water treatment facility and well, Scott County (Illinois Chorus Frog); Wal-Mart construction in Johnsburg, McHenry County (Blanding's Turtle - *Emydoidea blandingii*; Sandhill Crane - *Grus canadensis*); T.R. 427 (1270E) project over Fayette Creek, BDE Seq. No. 15251, Vermilion County (Slippershell; Little Spectaclecase - *Villosa lienosa*); Eco-Grove, Jo Daviess County (Upland Sandpiper); Illinois 146, Alexander County (Marsh Rice Rat – *Oryzomys palustris*); Anderson Hill Road, Vermilion County (Bigeye Chub – *Hybopsis amblops*; Bluebreast Darter – *Etheostoma camurum*; Wavy-Rayed Lampmussel – *Lampsilis fasciola*; Purple Wartyback; River Redhorse); Brouilletts Creek, Edgar County (Little Spectaclecase); I-74 Bridge, Rock Island, County (Higgins Eye - *Lampsilis higginsii*; Spectaclecase - *Cumberlandia monodonta*; Butterfly Mussel - *Ellipsaria lineolata*; Black Sandshell - *Ligumia recta*; Sheepnose Mussel); FAP 323 - ILL Route 1, Vermilion County (Wavy-Rayed Lampmussel; Purple Wartyback); Kishwaukee Valley Bridge, McHenry County (Iowa Darter); Coon Creek, Whiteside County (Weed Shiner - *Notropis texanus*; Blacknose Shiner); CH 14 FAS 496, Vermilion County (Bigeye Shiner - *Notropis boops*; Purple Lilliput - *Toxolasma lividus*; Rabbitsfoot - *Quandrula cylindrical*; Rainbow - *Villosa iris*; Wavy-Rayed

Lampmussel; Little Spectaclecase; Purple Wartyback; Slippershell); T.R. 608 (Anchor Road) project on the Mackinaw River, BDE Seq. No. 15001; McLean County (Slippershell); and, Kickapoo Trail, Champaign and Vermilion Counties (Franklin's Ground Squirrel).

Interactions with Other Agencies

The Board is a member of the Illinois Wildlife Action Team which functions to implement the objectives identified in the Illinois Wildlife Action Plan. Board staff participated in meetings of the Team.

Staff participated in the annual evaluation process for the US Fish and Wildlife Service's State Wildlife Grant administered by the DNR. The State Wildlife Grant often involves funding for endangered species projects.

The Board is a member of the DNR Natural Areas Evaluation Committee. Staff participated in evaluations and reviews of Illinois Natural Areas Inventory site nominations.

Staff participated in the DNR evaluation and review of Wildlife Preservation Fund projects.

Staff attended INPC and DNR, Natural Heritage Division, meetings and provided updates of Board activities.

Invited Activities

Staff was invited to attend, and act as facilitator for a break-out group at, a Blandings Turtle (*Emydoidea blandingii*) workshop held by the Chicago Wilderness' Wildlife Taskforce and Illinois Department of Natural Resources.

Staff was invited to attend the 2009 USFWS Region 3 Threatened and Endangered Species Coordinators meeting in Camdenton, Missouri.

Staff was asked to give a presentation about the Illinois Endangered Species Protection

Act and the Illinois Endangered Species Protection Board at an annual meeting of the Illinois State Bar Association's Annual Environmental Law Practitioner's Symposium.

Staff was asked to prepare a manuscript outlining the 2009 revision changes to the Illinois list of endangered and threatened plants for *Erigenia*.

Staff responded to 10 request for interview from media outlets including the State Journal Register, the Peoria Journal Star, the Daily Chronicle in Arlington Heights, Illinois Issues Magazine, the Chicago Tribune, two freelance journalists, Medill News Media (Northwestern University), the Kankakee Daily Journal, and the Peoria Star Journal.

Public Interactions

Staff responded to over 300 phone and email inquiries regarding endangered and threatened species.

Other Staff Activities

Staff completed revisions to the Board's Policy and Operations Manual and Strategic Plan.

Staff drafted the *Checklist of Endangered and Threatened Animals and Plants of Illinois, effective October 30, 2009*.

Staff drafted the *Illinois Endangered Species Protection Board Biennial Report July 2006 – June 2008 (With addenda covering biennia July 2002 to June 2006)* and the *Illinois Endangered Species Protection Board Biennial Report July 2008 – June 2010*.

Staff developed three Board displays for use by DNR at the Illinois State Fair.

At the request of DNR, staff served as a Logistics Section Deputy Chief at the DNR-led May 2010 Asian Carp Response Project on the Little Calumet River in Chicago.

APPENDIX

(520 ILCS 10/) Illinois Endangered Species Protection Act.

(520 ILCS 10/1) (from Ch. 8, par. 331)

Sec. 1. This Act shall be known and may be cited as the "Illinois Endangered Species Protection Act".
(Source: P. A. 77-2186.)

(520 ILCS 10/2) (from Ch. 8, par. 332)

Sec. 2. As used in this Act the following words have the following meanings:

"Board" means the Endangered Species Protection Board created by this Act.

"Conservation" means to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation and transplantation.

"Department" means the Department of Natural Resources and "Director" means the Director of that Department.

"Endangered Species" means any species of plant or animal classified as endangered under the Federal Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, plus such other species which the Board may list as in danger of extinction in the wild in Illinois due to one or more causes including but not limited to, the destruction, diminution or disturbance of habitat, overexploitation, predation, pollution, disease, or other natural or manmade factors affecting its prospects of survival.

"Threatened Species" means any species of plant or animal classified as threatened under the Federal Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, plus such other species which the Board may list as likely to become endangered in the wild in Illinois within the foreseeable future.

"Animal" means those organisms commonly included in the science of zoology and generally distinguished from plants by possession of a nervous system and the ability to move from place to place, including all invertebrates such as sponges and mollusks as well as vertebrates such as fishes, amphibians, reptiles, birds, and mammals.

"Animal Product" means the fur, hide, skin, teeth, feathers, tusks, claws, eggs, nests or the body or any portion thereof whether in a green or raw state or as a product manufactured or refined from an animal protected under this Act or under rules issued pursuant to this Act.

"Plant" means any organism not considered to be an animal, and shall include such organisms as algae, fungi, bryophytes, and ferns, as well as flowering plants and conifers.

"Plant Product" means any plant body or part thereof removed from natural habitat, including seeds, fruits, roots, stems, flowers, leaves, or products made from any of these, including extracts or powders.

"Essential Habitat" means the specific ecological conditions required by an endangered or threatened species for its survival and propagation, or physical examples of these conditions.

"Take" means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. "Take" means, in reference to plants and plant products, to collect, pick, cut, dig up, kill, destroy, bury, crush, or harm in any manner.

"Illinois List" means a list of species of animals and plants listed by the Board as endangered or threatened.

"Person" means any individual, firm, corporation, partnership, trust, association, private entity, government agency, or their agents, and representatives.
(Source: P.A. 89-445, eff. 2-7-96.)

(520 ILCS 10/3) (from Ch. 8, par. 333)

Sec. 3. It is unlawful for any person:

(1) to possess, take, transport, sell, offer for sale, give or otherwise dispose of any animal or the product thereof of any animal species which occurs on the Illinois List;

(2) to deliver, receive, carry, transport or ship in interstate or foreign commerce plants listed as endangered by the federal government without a permit therefor issued by the Department as provided in Section 4 of this Act;

(3) to take plants on the Illinois List without the express written permission of the landowner; or

(4) to sell or offer for sale plants or plant products of endangered species on the Illinois List.

Source: P.A. 91-357, eff. 7-29-99.)

(520 ILCS 10/4) (from Ch. 8, par. 334)

Sec. 4. Upon receipt of proper application and approval of the same, the Department may issue to any qualified person a permit which allows the taking, possession, transport, purchase, or disposal of specimens or products of an endangered or threatened species of animal or federal endangered plant after the effective date of this Act for justified purposes, that will enhance the survival of the affected species by zoological, botanical or educational or for scientific purposes only. Rules for the issuance and maintenance of permits shall be promulgated by the Department after consultation with and written approval of the Board. The Department shall, upon notice and hearing, revoke the permit of any holder thereof upon finding that the person is not complying with the terms of the permit, the person is knowingly providing incorrect or inadequate information, the activity covered by the permit is placing the species in undue jeopardy, or for other cause.

(Source: P.A. 84-1065.)

(520 ILCS 10/5) (from Ch. 8, par. 335)

Sec. 5. (a) Upon receipt of proper application and approval of same, the Department may issue a limited permit authorizing the possession, purchase or disposition of animals or animal products of an endangered or threatened species, or federal endangered plants to any person which had in its possession prior to the effective date of this Act such an item or which obtained such an item legally out-of-state. Such permit shall specifically name and describe each pertinent item possessed by the permit holder and shall be valid only for possession, purchase or disposition of the items so named. The Department may require proof that acquisition of such items was made before the effective date of this Act. The Department may also issue a limited permit authorizing the possession, purchase or disposition of live animals or such item to any person to whom a holder of a valid permit issued pursuant to this section gives, sells, or otherwise transfers the item named in the permit. Limited permits issued pursuant to this section shall be valid only as long as the item remains in the possession of the person to whom the permit was issued.

(b) The limited permit shall be revoked by the Department if it finds that the holder has received it on the basis of false information, is not complying with its terms, or for other cause.

(Source: P.A. 84-1065.)

(520 ILCS 10/5.5)

Sec. 5.5. Incidental taking.

(a) The Department may authorize, under prescribed terms and conditions, any taking otherwise prohibited by Section 3 if that taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. No taking under this Section shall be authorized by the Department unless the applicant submits to the Department a conservation plan.

(b) The conservation plan shall include but not be limited to the following:

(1) a description of the impact that the proposed taking is likely to have on one or more species on the Illinois list;

(2) the steps the applicant or other parties will take to minimize and mitigate that impact and the funding that will be available to implement those steps, including but not limited to bonds, insurance, or escrow;

(3) what alternative actions to the taking the applicant considered and the reasons why those alternatives will not be used;

(4) data and information to assure that the proposed taking will not reduce the likelihood of the survival or recovery of the endangered species 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 that specifically names, and describes the obligations and responsibilities of, all the parties that will be involved in the taking as authorized by the permit; and

(6) any other measures that the Department may require as being necessary or appropriate for purposes of the plan.

(c) After reviewing the application for incidental taking and the conservation plan, the Department may authorize the incidental taking if the Department finds, in a written decision explaining its conclusions, that the taking will meet all of the following requirements:

(1) the taking will not be the purpose of, but will be only incidental to, the carrying out of an otherwise lawful activity;

(2) the parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking;

(3) the parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided;

(4) based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of the survival or recovery of the of the endangered species 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) any measures required under paragraph (6) of subsection (b) of this Section will be performed; and

(6) the public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application.

(d) The Department may require that a party to the conservation plan make additional assurances that the requirements under items (b)(1) through (b)(6) of this Section will be met before authorizing incidental taking.

(e) The Department shall impose on the authorization for incidental taking any terms or conditions that the Department finds necessary to ensure that the requirements under items (b)(1) through (b)(6) of this Section will be met. These terms or conditions may include but are not limited to reporting or monitoring requirements.

(f) If an applicant is party to a Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service pursuant to Section 10 of the Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, the Department may authorize taking that is incidental to the carrying out of an otherwise lawful activity. Authorization shall be issued only if the provisions of the Habitat Conservation Plan are found

to meet the requirements set forth in subsection (c) of this Section.

(g) If an applicant has been authorized 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, P.L. 93-205, and amendments thereto or regulations implementing Section 7 (50 CFR Part 402), the Department may authorize taking that is incidental to the carrying out of an otherwise lawful activity. Authorization shall be issued only if the Department finds that the taking will not reduce the likelihood of the survival or recovery of the endangered species 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. (Source: P.A. 91-556, eff. 1-1-00.)

(520 ILCS 10/6) (from Ch. 8, par. 336)

Sec. 6. There is created the Endangered Species Protection Board whose duties include listing, delisting, or change of listing status of species for the Illinois List, in consultation with and written approval by the Department, in accordance with the Illinois Administrative Procedure Act, on rules for listing species of animals or plants as endangered or threatened and delisting species of animals or plants as endangered or threatened, or changing their status.

The Board shall also advise the Department on methods of assistance, protection, conservation and management of endangered and threatened species and their habitats, and on related matters.

The Board shall be composed of 9 persons appointed by the Governor, and the Director as a non-voting member. Of the 9 appointed members at least 6 shall be persons who are recognized as naturalists by training, avocation or vocation. At least two of these shall be zoologists, at least one a botanist, and at least two ecologists. In making Board appointments, the Governor shall give consideration to recommendations of conservation groups.

Initially, 3 members shall be appointed for terms of 3 years, 3 for 2 years and 3 for 1 year. Thereafter, the terms of all appointive members shall be 3 years. Members shall serve until their successors are appointed. Any vacancy occurring in the position of an appointive member shall be filled by the Governor for the unexpired term.

Board meetings shall be called at regular intervals set by the Board, on the request of the Department, or upon written notice signed by at least 5 members of the Board, but in no event less than once quarterly. The place of the meeting shall be determined at the convenience of the Board and the Department. A quorum shall consist of 5 appointed members.

Members of the Board shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

The Board may without regard to the Personnel Code, employ and fix the compensation of necessary staff.

The Board shall select from its membership a chairman and such other officers as it considers necessary, and may name an Executive Committee to which it may grant specific powers.

The Board shall review and revise the Illinois List as warranted but in no case less frequently than every 5 years. It shall prepare and make available a report of its accomplishments biennially.

(Source: P.A. 84-1065.)

(520 ILCS 10/7) (from Ch. 8, par. 337)

Sec. 7. Any species or subspecies of animal or plant designated as endangered or threatened by the Secretary of the Interior of the United States pursuant to the Endangered Species Act of 1973, P.L. 93-205, as amended, shall be automatically listed as an endangered or threatened species under this Act and thereby placed on the Illinois List by the Board without notice or public hearing. The Board may list, as endangered or threatened, species of animals or plants which have reproduced in or otherwise significantly used, as in migration or overwintering, the area which is now the

State of Illinois, if there is scientific evidence that the species qualify as endangered or threatened as these terms are defined in this Act. The Board may delist any non-federally-listed species for which it finds satisfactory scientific evidence that its wild or natural populations are no longer endangered or threatened. Listing, delisting or change of listing status shall be made only after a public hearing.

Notice of such hearing shall be published at least 7 days before the hearing in a newspaper of general circulation throughout the state and shall be mailed to any person who has, in writing requested such notice from the agency holding the hearing. All persons heard or represented at a hearing and all persons who requested from the responsible agency notice of such hearing, shall be given a written summary of any action taken by the Board or Department relative to the hearing subject.

Upon listing or delisting or change of listing status by the Board, the Director shall file a certified copy of the names of the species so listed, delisted or changed with the Secretary of State as provided in "The Illinois Administrative Procedure Act", approved September 22, 1975, as amended. (Source: P.A. 84-1065.)

(520 ILCS 10/8) (from Ch. 8, par. 338)

Sec. 8. Any officer or agent authorized by the Department or any police officer of the State or of any unit of local government within the State of Illinois, may execute any warrant to search for and seize any goods, merchandise or animals, plants, or animal or plant products sold or offered for sale in violation of this Act, or any property or item used in connection with a violation of this Act, or to examine premises for determination of actions in violation of this Act. Seized goods, merchandise, animals, plants or their products shall be held pending proceedings in the circuit court. Upon conviction, such seized goods, merchandise or animals, plants, or their products shall be forfeited and, upon forfeiture, either offered to a recognized institution for scientific or educational purposes, or if a suitable depository is not located for such items, they shall be destroyed. (Source: P.A. 84-1065.)

(520 ILCS 10/9) (from Ch. 8, par. 339)

Sec. 9. Any person who violates any provision of this Act shall be guilty of a Class A misdemeanor. (Source: P. A. 77-2830.)

(520 ILCS 10/10) (from Ch. 8, par. 340)

Sec. 10. The Endangered and Threatened Species Program shall be located within the Department of Conservation. All fines collected under this Act shall be paid to the State Treasurer and deposited in the Nongame Wildlife Conservation Fund. (Source: P.A. 84-1065.)

(520 ILCS 10/11) (from Ch. 8, par. 341)

Sec. 11. Conservation program; public policy; rules.

(a) The Department, with the advice of the Board, shall actively plan and implement a program for the conservation of endangered and threatened species, by means which should include published data search, research, management, cooperative agreements with other agencies, identification, protection and acquisition of essential habitat, support of beneficial legislation, issuance of grants from appropriated funds, and education of the public.

(b) It is the public policy of all agencies of State and local governments to utilize their authorities in furtherance of the purposes of this Act by evaluating through a consultation process with the Department whether actions authorized, funded, or carried out by them are likely to jeopardize the continued existence of Illinois listed endangered and threatened species or are likely to result in the destruction or adverse modification of the designated essential habitat of such species, which policy shall be enforceable only by writ of mandamus; and where a State or local agency does so consult in furtherance of this public policy, such State or local agency shall be deemed to have complied with its obligations under the "Illinois Endangered Species Act", provided the agency action shall not result in the killing or injuring of any Illinois listed animal species, or provided that authorization for taking a listed species has been issued under Section 4, 5, or 5.5 of this Act. This paragraph (b) shall not apply to any project of a State agency on which a biological opinion has been issued (in accordance with Section 7 of the Federal Endangered Species Act) prior to the effective date of this amendatory Act of 1985 stating that the action proposed by said project will not jeopardize the continued existence of any federal listed endangered or threatened species.

(c) The Department shall have the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Act. (Source: P.A. 91-556, eff. 1-1-00.)



**ILLINOIS ENDANGERED SPECIES
PROTECTION BOARD**

One Natural Resources Way, Springfield, Illinois 62702 - 1271, (217) 785-8687; FAX (217) 785-2438
Web page: <http://dnr.state.il.us/esp/index.htm>

Equal opportunity to participate in programs of the Illinois Department of Natural Resources (IDNR), Illinois Endangered Species Protection Board, and those funded by the U.S. Fish and Wildlife Services and other agencies is available to all individuals regardless of race, sex, national origin, disability, age, religion, or other non-merit factors. If you believe you have been discriminated against, contact the funding source's civil rights office and/or the Equal Employment Opportunity Officer, IDNR, One Natural Resources Way, Springfield, IL 62702-1271; 217/782-1274.

Information is available to the hearing impaired by calling the Illinois Department of Natural Resources Telecommunications Device for the Deaf [TDD] at 217/782-9175.