

Comments Received During the Public Hearing Period for the 2025 Review and Revision of the Illinois List of Endangered and Threatened Species and Responses from the Endangered Species Protection Board

Two comments were made during the public hearing in Springfield on January 17, 2025. One written comment was subsequently received. The Board reviewed the comments at the 205th meeting on February 21, 2025 and responded to each comment.

Comment

Oral comment received 1/17/25:
Allison Sacerdote-Velat- Chicago Academy of Sciences

I had expected that there might be some concerns regarding the focus of where a lot of our demographic data had been collected from, specifically that a lot of the information we had was from the Chicago region. I did want to take the time to reiterate that we also incorporated data from Lee County and Grundy County from, this is for the smooth greensnake, from some of the sites that are considered the larger populations across all of our sites in, about five or six counties. We have been observing increasing instances of snake fungal disease and the same kind of challenges to egg survival rates due to the permeability of greensnake eggs. They continue to desiccate in drought years. We continue to see similar challenges with reduced reproductive output during drought years, and I don't think that this is something that is limited to the Chicago region. I think this is just tied to the natural history and physiology of the species more broadly and it's something that I would expect to see throughout the species range. So that was my main comment. Additionally, I know there are some data gaps regarding the impact of pesticide drift, given that this is a snake that feeds on invertebrates. I feel that this is something that's very challenging to quantify. We don't have historic data on insect densities for most of these sites, but where pesticide drift maybe occurring, I would expect generally a decrease in the prey base for the species. So that's my main comment. Thank you.

Response

Dear Dr. Sacerdote-Velat,

Thank you for attending the public hearing and commenting on the proposed changes to the Illinois List of Endangered and Threatened Species on January 17, 2025. The Illinois Endangered Species Protection Board greatly appreciates your efforts in submitting the smooth greensnake petition for the Board's consideration. Since your initial contact with the Board, there has been continued deliberation and discussions sparked by the Illinois Department of Natural Resources Division of Natural Heritage and members of the Herpetological Endangered Species Technical Advisory Committee, highlighting significant knowledge gaps for the species' status across its entire Illinois range. There is disagreement on whether the declines are isolated to portions of the heavily urbanized region in northeastern Illinois,

as evidence suggests the species may be faring better in other portions of Cook and Will counties. Thus, concern was presented about whether the declines and demographic issues could effectively be extrapolated to areas experiencing less development in northwestern and central Illinois. Although many current localities are known within the Chicago region, discussions led to a concern that less is known about the current status of the species in the remainder of its Illinois range. The data gaps for population status may be due to a lack of sampling effort. For these reasons, the Board has decided to forgo the smooth greensnake listing while we await new information to affirm declines are rangewide, not regional.

Unfortunately, we must reach such a decision but given the need for stronger and more rigorously defensible justifications, sometimes we do not have sufficient data. Know that the Board and Department of Natural Resources are committed to supporting filling data gaps like these. Our decision does not change the smooth greensnake's status as a Species in Greatest Conservation Need or a Chicago Wilderness Priority Species. Please also note a species can be listed at any time when new supporting information is received, and we encourage you to continue to reach out and engage with the Board on the species in the future. Board members will also keep your comments in mind during future deliberations.

We appreciate your time and efforts,

Michael J. Dreslik, Ph.D.

INTERIM DIRECTOR – ILLINOIS NATURAL HISTORY SURVEY Director – Population And Community Ecology Lab Associate Research Scientist – Population Ecologist Research Associate Professor – Department of Natural Resources and Environmental Sciences

Comment

Oral comment received 1/17/25:

Robb Telfer - Friends of the Illinois Nature Preserves and the Wild Things Conference

I am Robb Telfer, I work with Friends of the Illinois Nature Preserves and the Wild Things Conference and I was perusing the list of proposed listing species, and I wanted to just voice my support for making sure that some of the species that are hard to study, that don't have a lot of experts, that don't have a lot of data but still meet the threshold from the Board to acquire listing. That they'd be accepted as endangered or threatened because I know that it's been my experience that it's been very challenging to enforce, invertebrate, rare invertebrates protection because some of them, their nesting habits or their behaviors aren't well known. And it's hard to protect them when you can't know where they are a hundred percent of the time and I know that it'll be hard to enforce some of the harder to find species, but I also don't think that that is, in my opinion, a very good reason not to list them. And that we need to continue to work with the support of the public to protect these things and find new ways and rise to the challenge of making sure that our rare species are protected. So, I just want to make sure that that gets said, and that there's a large contingency of people I think who would hate to hear that species were not accepted for protection just because it would be difficult to enforce the protection. So, that's my comment.

Response

Dear Mr. Telfer,

Thank you for attending the public hearing on proposed changes to the Illinois List of Endangered and Threatened Species on January 17, 2025 and making a comment. The Illinois Endangered Species Protection Board appreciates your concern that listing decisions not be influenced by the difficulty of enforcing protection of a given species. Board members will keep your comment in mind during future deliberations.

Dr. Joyce Hofmann
Chair, Illinois Endangered Species Protection Board



January 31, 2025

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Dear Board Members:

The Illinois Department of Natural Resources, Division of Natural Heritage (Division) appreciates the Endangered Species Protection Board (Board) and Endangered Species Technical Advisory Committee members' effort and dedication to developing a preliminary list of proposed changes to the Illinois List of Endangered and Threatened Species (list). In preparing these comments, the Division considered: a species' eligibility for listing as per statutory guidance and petition criteria, fidelity to statutory language, thoroughness of information petitioners used to evaluate species, petitioners' conclusions (i.e., add to list, delist, status change) based on that information, and adherence to the spirit of relevant statutes. The following comments relate to proposed changes to the list as it was presented to the public on January 17, 2025.

1. The purpose of the Board's solicitation of public comments is to receive responses to proposed changes to the list and to engage the public in the listing process; however, petition documents are not available to the public. Substantive public comment requires access to the information the Board uses to propose changes to the list. The Division supports public access to petition documents, with appropriate redactions to protect sensitive information, in future revisions to the list.
2. The Division identified two species that may not meet eligibility for listing under the Illinois Endangered Species Protection Act (the Act) or adhere to the spirit of the Act.
 - a. Part 10/7 of the Act requires at least one of three eligibility criteria (Federally listed, reproduces in the state, otherwise significantly uses the state) be met before a species may be considered for listing. One species, *Erimystax dissimilis* (Streamline Chub, add to list) is not Federally listed and the petition does not provide evidence that it reproduces in and/or otherwise significantly uses Illinois. The Division does not support adding this species to the list as it does not appear to meet statutory eligibility requirements.
 - b. Part 10/2 of the Act suggests the focus of the Act are those species which benefit from measures provided in the Act until those measures are no longer needed. Species that are expanding their range into Illinois and are becoming more widespread may not meet this standard as their status is improving without the measures of the Act. At least one species, *Nothonotus tippecanoe* (Tippecanoe Darter, add to list) appears to be a recent colonizer of the state and is becoming more widespread. The Division does not support adding this species at this time as it appears to be expanding its range.
3. Although all petitioners supplied requested petition components, the Division has difficulty concurring with some proposed actions (list, delist, etc.) due to insufficient information provided. Many petitions rely only on occurrence (i.e., positive observation) information and did not provide sufficient context of historic status and historic and contemporary survey effort. Without that context, it is difficult to conclude these species are rare and declining rather than just the appearance of rarity or declining distribution as a result of insufficient survey

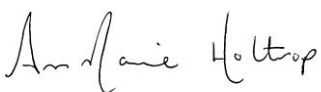
effort. The Division recommends additional information regarding historic and contemporary survey distribution and effort, characteristics of occurrence records (e.g., abundance, live individual or dead material), and statewide status and status trends (rather than site- or occurrence-based information) be incorporated into petitions before the Board makes a decision to approve requested actions for these species. Including this information will improve confidence in assessments of a species' status under criteria used by the Act and petition process.

Specific species of concern due to lacking the context described above are: *Andrena quintilis* (Eastern Scaly Miner Bee), *Andrena virginiana* (Virginia Mining Bee), *Anthophora walshii* (Walsh's Athophora), *Argynnis aphrodite* (Aphrodite Fritillary), *Athysanella balli* (Ball's Athysanella), *Colletes aestivalis* (Alumroot Cellophane Bee), *Colletes andrewsi* (Andrews' Cellophane Bee), *Dieunomia nevadensis bakeri* (Baker's Nomia), *Epeolus ainsliei* (Ainslie's Epeolus), *Epeolus interruptus* (Interrupted Epeolus), *Fitchiella robertsonii* (Fitch's Elephanthopper), *Flexamia albida* (Leafhopper), *Flexamia grammica* (Sand Reed Leafhopper), *Macropis nuda* (Naked Oil-collecting Bee), *Melissodes apicatus* (Pickerelweed Long-nosed Bee), *Nomia nortoni* (Norton's Nomia), *Poblicia fuliginosa* (Planthopper), *Polyamia rossi* (Ross' Polyamia), *Protandrena bancrofti* (Mining Bee), and *Uvularia floridana* (Florida Bellwort).

4. The petition form used by the Board identifies that a species may be delisted if it is extirpated from Illinois. No scientific information standard is identified for determining extirpation, which eliminates a species as a species of the state. The Division has identified three species proposed for delisting due to extirpation in which the petition does not have sufficient information to reach that conclusion: *Athysanella incongrua* (Leafhopper), *Hesperia metea* (Cobweb Skipper), *Hesperia ottoe* (Ottoe Skipper). The Division recommends petitioners provide additional data to justify sufficient sampling has occurred throughout the organism's range to determine the species is no longer present in the state. Additional data could include context of historic and contemporary survey distribution and effort, characteristics of occurrence records (e.g., abundance, live or dead material), and statewide status and status trends (rather than site- or occurrence-based information) before a species may be considered extirpated. The Division requests the Board's collaboration in identifying species considered extirpated prior to delisting species under the extirpation criterion to ensure appropriate scientific rigor is used when evaluating which ones are considered species of the state.
5. At this time, the Division disagrees with the Board's determination that *Opheodrys vernalis* (Smooth Greensnake) should be added to the list. Distribution records and trends in distribution identified in the petition for this species suggests it is relatively widespread and its status stable. The Division recognizes the species has declined in one region of Illinois; however, the Illinois Endangered Species Protection Act requires that a species be "in danger of extinction in the wild in Illinois" or be "likely to become endangered in the wild in Illinois within the foreseeable future" to be listed as endangered or threatened respectively. The Division does not concur with the Board's assessment that this species meets the definition of endangered or threatened and does not recommend adding this species to the list at this time.

Thank you for the opportunity to comment on the proposed listing changes. I wish you well in your deliberations and look forward to our continued collaboration in the future.

Regards,



Ann Marie Holtrop
Chief, Division of Natural Heritage



ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

One Natural Resources Way, Springfield, Illinois 62702 - 1271; dnr.espb@illinois.gov

Dear Division Chief Holtrop,

Thank you for submitting comments from Division of Natural Heritage (Division) staff on proposed changes to the 2020 Illinois List of Endangered and Threatened Species (List) that had received preliminary approval from the Illinois Endangered Species Protection Board (Board) as part of its mandated five-year review of the List. The comments were insightful, and Board members appreciate staff taking time to review the proposed changes. Board members discussed the comments during their meeting on February 21, 2025 and reached a consensus on a response to each of the Division's comments.

Comment #1 proposed that the Board make the complete petition packages for changes to the List accessible to the public so that more information is available on which to evaluate them. The petition forms and supplemental files in petition packages (e.g., Element of Occurrence Records [EORs]) contain sensitive location information for currently listed species. Public disclosure of specific locations of species proposed for addition to the List could also be an issue. During the 2025 revision the Board posted only the cover sheets containing an Executive Summary, but no specific location information, for each petition. The Board is willing to post future petition packages for public access provided that sensitive information is redacted. The Board is committed to working with the Division on how to accomplish this.

Comment #2 expressed concern about the addition of both the streamline chub (*Erimystax dissimilis*) and Tippecanoe darter (*Nothonotus tippecanoe*) to the List.

Division staff felt that the streamline chub should not be added to the List as a threatened species because it has not been shown to reproduce in or otherwise significantly use the state. The streamline chub is

1. a species exhibiting a restricted geographic range, of which Illinois is a part (a listing criterion marked within the submitted petition),
2. a species occupying restricted habitats or having low population abundance in Illinois (a listing criterion marked within the submitted petition) as it is only known from 11.5 river miles near the Indiana border, and
3. a non-migratory minnow up to 5.5 inches long, and similar stream fishes (e.g., darters, minnows, small sunfishes, etc.) typically have home ranges of a couple hundred to several hundred feet,

It is the consensus opinion of the Board that it would have taken multiple generations for the streamline chub to have colonized Illinois to the current extent. If multiple generations are involved, the streamline chub is reproducing in the state and significantly using it, qualifying it for listing. It should be noted that direct evidence for successful recruitment is lacking for many (possibly most) endangered and threatened species in Illinois. Rather, the persistence of

populations of non-migratory species is presumed to be due to reproduction within Illinois. Furthermore, the members of the Fish Endangered Species Technical Advisory Committee (ESTAC) voted eight to one in favor of listing the streamline chub. The petition was co-submitted by an individual in the Illinois Department of Natural Resources (IDNR), Division of Fisheries, and another member of the Division of Fisheries voted in favor of listing at the ESTAC meeting. Thus, the decision to list the streamline chub had broad support, including individuals in the IDNR, Illinois universities and research branches, and non-governmental organizations.

Division staff commented that the Tippecanoe darter should not be added to the List as threatened because it is expanding its range into Illinois and becoming more widespread, thus not meeting the standard because its status is improving without the measures of the Illinois Endangered Species Protection Act. Based on observations of the petitioners, the Tippecanoe darter has low population numbers, is found in a restricted area within Illinois, and could be extirpated by one or two catastrophic events.

It is the consensus opinion of the Board that the Tippecanoe darter meets the standards for listing. As encouraging as the recent trends are regarding increasing population numbers and expanding range, the population remains vulnerable to extirpation from Illinois. Furthermore, members of the Fish ESTAC as well as the Board voted unanimously for listing Tippecanoe darter. The petition to list this species was co-submitted by an individual within the IDNR Division of Fisheries, and another member of that Division voted in favor of listing at the ESTAC meeting. Therefore, the decision to list the Tippecanoe darter also had broad support.

Comment #3 expressed a need for additional information, for example on historic and current survey effort, to be incorporated into the petitions for changes to the List. Board members agree that information on the amount and distribution of survey effort and historical context is important. Current petition forms for changing the status of a species or delisting a species require the petitioner to provide information about EORs in the Illinois Natural Heritage Database. There is also a section that allows petitioners to present supplemental information to support their proposals. There are no EORs for species that are being proposed for listing, so the petition form requests “data illustrating the past and recent status and distribution of the species in Illinois.” Wording in the three petition forms asking for specific types of information, such as survey effort, would provide guidance for petitioners and ensure that Board members receive enough scientific data on which to base decisions. The Board will work on revising the petition forms before the next review and revision of the List begins and will seek the Division’s input during that process.

The Division’s comment mentioned several species that had been proposed for listing as endangered or threatened. All but one of these species was an invertebrate (a bee, leafhopper, or planthopper). After hearing additional comments from petitioners Angella Moorehouse, Laura Rericha-Anchor, and Chris Dietrich about survey efforts and the fact that these species are restricted to high-quality natural habitats (which are now limited) Board members decided to go forward with listing. After further consideration, however, the Board voted to list the Florida bellwort (*Uvularia floridana*) as threatened rather than endangered based on current information.

Comment #4 proposed that the Board and Division collaborate on decisions to declare a species extirpated from the State of Illinois. Board members agree that the expertise of Division staff would be greatly beneficial when such decisions are being made. The Board is committed to working with the Division on the most effective way to accomplish this. Division staff specifically mentioned three species that the Board had proposed to remove from the List due to extirpation. Dr. Chris Dietrich of the Illinois Natural History Survey informed the Board that he had recently found the leafhopper *Athysanella incongrua* which was thought to be extirpated. Therefore, the Board removed this species from its final list of proposed changes. The Board discussed its preliminary approval of petitions to remove the cobweb skipper (*Hesperia metea*) and Ottoe skipper (*Hesperia ottoe*) from the List. Members voted to leave the cobweb skipper on the List until further information about the status of the species is available. They voted to give final approval to delisting the Ottoe skipper. This species is distinctively colored and more easily identified than the cobweb skipper. There are no observations of this species in Illinois in iNaturalist. There are also no reports from the Butterfly Monitoring Network about sightings of Ottoe skippers during their surveys. Individuals such as Angella Moorehouse and Jim Wiker who spend considerable time searching for rare butterflies have not seen the species for many years. If an individual Ottoe skipper were found in the state following delisting it would not constitute a breeding population or necessitate placing the species back on the List.

Comment #5 expressed concern about listing the smooth greensnake as a threatened species because information on its apparent decline is limited to the Chicago region rather than the species' entire range in Illinois. The Board discussed the situation regarding this species at some length and agreed that additional information about its status rangewide in Illinois was needed before a decision about listing could be made. Therefore, Board members voted not to include the addition of the smooth greensnake on its final list of proposed changes. The Board would consider adding the species to the List if information demonstrating a rangewide decline were presented after one or two more field seasons.

Again, the Board appreciates the comments provided by Division staff on proposed changes to the Illinois List of Endangered and Threatened Species. Board members considered the discussion at the February Board meeting on issues raised by the comments highly beneficial. Continued collaboration between the Board and Division will advance the shared mission of preserving the vulnerable flora and fauna of Illinois.

Best regards,

Dr. Joyce Hofmann

Chair, Illinois Endangered Species Protection Board