

ILLINOIS ENDANGERED SPECIES PROTECTION BOARD

MINUTES OF 200th MEETING, November 17, 2023

Illinois Department of Natural Resources, Lake Level Meeting Room

One Natural Resources Way, Springfield, IL 62702

and remotely via WebEx

Approved at the 201st meeting, February 23, 2024

BOARD MEMBERS PHYSICALLY PRESENT: Dr. Angelo Capparella, Ms. Samantha Chavez, Dr. Janice Coons, Dr. Jeremie Fant, Dr. David Gibson, Dr. Joyce Hofmann, Mr. Randy Schietzelt, Dr. Philip Willink, and Mr. Chris Young.

BOARD MEMBERS ABSENT: Dr. Tih-Fen Ting.

OTHERS PRESENT: Heather Osborn (IDNR Division of Natural Heritage ITA Coordinator), Brian Metzke (IDNR Division of Natural Heritage, Aquatic Ecologist), Ann Marie Holtrop (IDNR Division of Natural Heritage), Natalia Maass (IDNR Division of Natural Heritage Database Program), Joe Kath (IDNR Division of Natural Heritage), Michelle Bloomquist (IDNR Statewide Recovery Specialist), Angella Moorehouse (INPC), Leon Hinz (IDNR Division of Natural Heritage), Kelly Neal (INPC), Valerie Njapa (INPC), Nathaniel Slaton (GIS IDNR Intern), Trent Thomas (IDNR Fisheries), Kate Chamberlain (Public Visitor), Shannyn Dockery (Public Visitor), Heather McLean (INPC), Tara Kieninger (IDNR), Kristen Ragusa (IDNR / INHS), Brenda Molano-Flores (UIUC-PRI-INHS), Alison Stodola (INHS), Sarah Douglass (INHS), Jean Mengelkoch (INHS), Paul Marcum (INHS), Ed DeWalt (INHS), Wendy Schelsky (INHS), Jeremy Tiemann (INHS), Andrew Kuhns (INHS), Michael Dreslik (INHS), Mike Redmer (US Fish and Wildlife Service), Brian Charles (INHS), and Tyler Schartel (UIUC).

1. Call to Order, Roll Call of Board Members, and Introduction of Guests

Chair Hofmann called the meeting to order at 10:04 A.M. and conducted the roll call. Eight voting Board members were physically in attendance, constituting a quorum. Dr. Hofmann welcomed the visitors and asked them to introduce themselves.

2. Adoption of Agenda

Mr. Schietzelt moved that the agenda be adopted as presented. The motion was seconded by Dr. Gibson. The motion passed unanimously on a voice vote.

3. Approval of Minutes from the 199th Meeting

Draft minutes of the 199th meeting had been distributed to Board members prior to the meeting by email. Dr. Capparella moved that the minutes of the 199th meeting be approved as presented.

Ms. Chavez seconded the motion and it passed unanimously. The minutes will be posted on the website.

4. Report from the Illinois Department of Natural Resources (IDNR)

The Department's report had been distributed to the Board via email. Ms. Holtrop highlighted that the Illinois Endangered Species Protection Act is now 50 years old (although there seems to be some ambiguity about whether 1973 or 1974 is the actual adoption year). The 50th anniversary corresponds with this being the 200th meeting of the Illinois Endangered Species Protection Board.

Ms. Holtrop was looking forward to discussing the draft Memorandum of Understanding between the Illinois Endangered Species Protection Board and the Illinois Department of Natural Resources later in the meeting (Agenda item #7). Mr. John Rogner has contacted the Governor's office about Board members receiving reappointment letters and will continue to look into the matter. Sadly, Ms. Holtrop reported that wildlife biologist Bob Bluett (retired IDNR) recently passed away.

Apparently many IDNR staff were unable to attend this Board meeting because it is the opening day of firearm deer season. It was suggested that the Board not meet on this particular day in the future.

The endangered species recovery process is ongoing. The focus now is on data needs and research questions. Soon the focus will be on funding the various projects.

Natural Heritage Program staff attended the annual coordination meeting with Endangered Species Program and Wildlife Action Plan staff from Midwestern states and U.S. Fish and Wildlife Service staff.

5. Report from the Illinois Nature Preserves Commission (INPC)

An INPC report was distributed to the Board prior to the meeting via email. Ms. Neal mentioned that the 246th meeting of the INPC will be Tuesday, January 23, 2024 in Springfield.

Several sites were added to the list of Illinois Nature Preserves. One of particular interest was an addition to the Illinois Beach Nature Preserve. There was a special ceremony on this occasion at Illinois Beach State Park as it occurred on the 60th anniversary of the Illinois Natural Areas Preservation Act in 1963. This event was one of many events held throughout 2023 to celebrate the anniversary.

In staff news, Emily Taylor was hired as Executive Secretary in August, Kaleb Baker as Natural Area Preservation Specialist in September, and Lorraine Foelske as Natural Area Preservation Specialist in October. Furthermore, Ms. Neal was promoted to Natural Resources Manager 2.

Herbicide Drift continues to be an area of interest. INPC negotiated and entered into a contract with the Illinois Natural History Survey (INHS) to provide visual monitoring and tissue sampling on over 100 INPC sites. This is a jointly funded contract with IDNR.

INPC staff conducted / participated in at least a couple dozen surveys involving endangered and threatened species.

6. Report from the Chair of the Illinois Endangered Species Protection Board

Chair Hofmann provided a written report on her activities since the last meeting; the report is attached to these minutes. She performed the usual administrative tasks of dealing with email, reviewing draft minutes from the previous meeting, distributing draft ITAs and Conservation Plans to Board members, and distributing materials for the current meeting.

Chair Hofmann attended part of the Fish ESTAC meeting.

All Board members completed the mandated Ethics and Sexual Harassment and Discrimination Prevention training, but there is an additional training (Diversity, Equity, Inclusion, and Accessibility) that most Board members still need to complete.

After the last Board meeting, Dr. Willink wondered if it would be possible to include a section for an image of the species in the petition forms. Apparently this is too difficult to easily implement. Petitioners can be asked to provide a photo.

7. Discussion on a New Memorandum of Understanding with the IDNR

A draft Memorandum of Understanding (MOU) between the Board and IDNR was emailed to Board members before the meeting. The draft was prepared by Dr. Ting, Mr. Schietzelt, and IDNR.

Ms. Chavez asked what is new in this MOU, as compared to the previous MOU. Dr. Hofmann replied that it was organized differently. Ms. Holtrop added that the tone of the language was changed to sound more collaborative. Also, IDNR was more formally committing to being present at meetings. Dr. Hofmann said that an item indicating that Board expenses would be reimbursed was included. Ms. Holtrop indicated that participation on the Natural Areas Evaluation Committee was added. (Mr. Schietzelt typically represents the Board, although Ms. Chavez attended the last meeting.)

Dr. Hofmann wondered about the necessity for the section on the Wildlife Action Plan. Ms. Holtrop explained that wording describing the Plan keeps changing, but the Department wanted to include a mention of it because of the potential for future collaborations.

Dr. Hofmann noted that Board staff were not explicitly mentioned in the MOU. Ms. Holtrop replied that the emphasis was on having IDNR staff work with the Board, and to include tasks in the MOU as opposed to job positions. It is difficult to predict future IDNR budgets and staff.

Dr. Coons wondered about the inclusion of petitions for changes to the Illinois List of Endangered and Threatened Species in the MOU. Dr. Hofmann felt that was an internal Board matter.

Dr. Coons mentioned that the assistance of Ms. Maass and Ms. Kieninger had been invaluable during the Plant ESTAC meetings, and would like this relationship to continue. Ms. Holtrop replied that the Natural Heritage Database is mentioned in the MOU.

Dr. Gibson asked who archives the Petitions over time. Dr. Hofmann responded that she has an archive of petitions from the last revision and has sent a copy to IDNR. Ms. Holtrop continued by saying that an item could be inserted into the MOU about archiving, record keeping, etc. It would be very helpful to go through the current files and organize them.

Ms. Chavez had a question about item #10 - Conservation Plans and Incidental Take Authorizations. She asked if the Board be notified earlier in the process. Ms. Holtrop responded that a Conservation Plan is the start of the process, as the Conservation Plan is essentially an

“application.” Feedback from Board members is most useful at the draft Incidental Take Authorization stage. Ms. Chavez asked if Conservation Plans change in response to comments. Ms. Holtrop replied that feedback from the public could also change a Conservation Plan. It would be up to the applicant to respond. Dr. Hofmann clarified that the Board as a whole does not comment on Conservation Plans or Incidental Take Authorizations. Rather it is individual Board members that respond.

Dr. Fant mentioned that petitions were useful for looking at the history of listings. Ms. Holtrop agreed that those records were useful.

Dr. Coons would like to put Endangered Species Technical Advisory Committee notes into BIOTICs for future reference. Ms. Holtrop agreed and clarified that that was alluded to in item #7 in the MOU, although not explicitly stated. Dr. Hofmann added that there could also be useful information in some meeting minutes as well.

Dr. Coons wondered if reimbursing ESTACs was included under item #2, as ESTACs are related to Board function. Ms. Holtrop agreed that the entities were related and will look into it.

Dr. Coons motioned that the draft MOU as presented to the Board be modified in response to the discussion at the meeting and then sent to Dr. Hofmann who could sign the MOU if she was comfortable that all comments had been adequately addressed. Dr. Capparella seconded the motion. The motion passed with four Yes votes (Dr. Capparella, Dr. Coons, Dr. Fant, Mr. Schietzelt), two No votes (Ms. Chavez, Dr. Gibson), and two abstentions (Dr. Hofmann, Dr. Willink).

8. Updates on Plant, Aquatic Invertebrate, and Fish Endangered Species Technical Advisory Committees

Dr. Coons and Dr. Fant reported that the Plant ESTAC met on November 6 at Southern Illinois University - Carbondale to discuss southern Illinois plant species. There were 28 people in attendance, including all 14 ESTAC members. They proposed to change the listing status of seven species, delist two species, and add six species. Twelve species are in need of additional searches. Three name changes were mentioned, but there will probably be more. It was suggested that comments from this meeting be incorporated into BIOTICs. The final Plant ESTAC meeting will be February 26, 2024 at INHS.

Mr. Jeremy Tiemann reported that the Aquatic Invertebrate ESTAC met October 19 at INHS. There were no proposed changes for mollusks, few for crayfish, and a few for aquatic insects. There will be some taxonomic changes brought to the Board.

Dr. Willink reported that the Fish ESTAC met November 9 at INHS. There were 12 people in attendance, including nine ESTAC members (six present physically, three remotely). Ms. Maass was present, and she presented maps and data spreadsheets for various species that facilitated the group’s discussions. Her efforts were greatly appreciated. The ESTAC recommended two listing changes and four additions (two species new to Illinois, one proposed for listing at a previous ESTAC meeting, and one that probably should have been proposed in the past).

Dr. Hofmann pointed out that the Mammal ESTAC will meet next.

9. Preliminary Approval of a Petition to Remove Laurentian Fragile Fern (*Cystopteris laurentiana*) from the Illinois List of Endangered and Threatened Species

Mr. Brian Charles gave a brief presentation on this species, mentioning that it is a fertile hybrid that prefers cool moist crevices. Illinois is in the southwesternmost corner of its range. It has only been found at one site: Franklin Creek. It has not been observed since 1989. Habitat is not suitable anymore, and it may be a climate change casualty. This fern is probably extirpated from Illinois. Mr. Schietzelt motioned that the Laurentian Fragile Fern *Cystopteris laurentiana* be removed from the Illinois List of Endangered and Threatened Species. Dr. Fant seconded the motion. The motion passed unanimously.

10. Preliminary Approval of a Petition to Remove Purple-flowering Raspberry (*Rubus odoratus*) from the Illinois List of Endangered and Threatened Species

Mr. Charles gave a brief presentation on this species, mentioning that it is mostly a northeastern North American species. It has only been found in northeastern Illinois and has always been suspected to have been introduced into gardens and home landscaping. This raspberry is currently expanding its range and doing very well. Therefore it is a suspected non-native species with robust populations. Dr. Capparella motioned that the Purple-flowering Raspberry *Rubus odoratus* be removed from the Illinois List of Endangered and Threatened Species. Ms. Chavez seconded the motion. The motion passed unanimously.

11. Preliminary Approval of a Petition to Remove Corn Salad (*Valerianella chenopodifolia*) from the Illinois List of Endangered and Threatened Species

Mr. Charles gave a brief presentation on this species, mentioning that it is only known from a single site in Illinois; over dolomite along the Des Plaines River. That site has since been quarried and the plant has not been found immediately adjacent to the quarry. Habitat has degraded in quality. Thus, Corn Salad is probably extirpated from Illinois. Dr. Coons motioned that Corn Salad *Valerianella chenopodifolia* be removed from the Illinois List of Endangered and Threatened Species. Ms. Chavez seconded the motion. The motion passed unanimously.

Dr. Gibson highlighted that the delisting was due to extirpation, and not recovery.

12. Preliminary Approval of a Petition to Change the Status of Downy Willowherb (*Epilobium strictum*) from Threatened to Endangered

Mr. Charles gave a brief presentation on this species, mentioning that every site at which it has been recorded is protected land. There are seven known occurrences: five small populations and two slightly larger ones. Its preferred habitat is higher quality fens and bogs. Invasive species and climate change are threats. All sites are appropriately managed.

Dr. Gibson noted that the graph of Element Occurrences over time goes up and down. He asked if it would be beneficial to conduct a Population Viability Analysis. This could help recovery efforts. Mr. Charles responded that Alexandra Touloupas (Chicago Botanic Garden) may have done something like that. The ups and downs are probably due to the character of the surveys. One would need a couple more years of data to effectively model a Population Viability Analysis.

Dr. Gibson motioned that the status of Downy Willowherb *Epilobium strictum* be changed from threatened to endangered. Mr. Schietzelt seconded the motion. The motion passed unanimously.

13. Preliminary Approval of a Petition to Add the Planthopper *Poblicia fuliginosa* to the Illinois List of Endangered and Threatened Species as Threatened

Ms. Angella Moorehouse gave a brief presentation on this species, mentioning that it had already been tentatively approved at a previous Board meeting. Additional host plants were found in September 2023. There had been a discussion about whether to list this planthopper as endangered or threatened. Recent data solidifies the decision to list it as threatened.

Ms. Moorehouse tangentially mentioned that she is in favor of including species photos with petitions.

Dr. Fant motioned that the Planthopper *Poblicia fuliginosa* be added to the Illinois List of Endangered and Threatened Species as threatened. Mr. Schietzelt seconded the motion. The motion passed unanimously.

14. Approval of the Schedule for 2024 Quarterly Board Meetings

Dr. Coons motioned that the 2024 Quarterly Board Meetings be held February 23, May 17, August 23, and November 15. Ms. Chavez seconded the motion. The motion passed unanimously. The schedule will be posted online and sent to the State newspaper.

15. Public Comment Period

Ms. Shannyn Dockery gave a brief presentation on the plans for an EV battery plant in Manteno, a town with 9,300 people just north of Kankakee. She is also known as ‘the butterfly lady’ as she has raised over 400 Monarch Butterflies and is involved with the Monarch Watch Organization. Manteno is in the Route 66 Monarch Flyway. Manteno is also in Kankakee County, which has 37 endangered species and 24 threatened species.

The company Gotion has plans to set up an EV battery plant in Manteno. The purpose of the plant is to assemble the batteries, a process that involves toxic chemicals and a significant amount of water from the Kankakee River. The returned water will be acidic, according to Gotion, but it is unclear how they will treat the used water prior to return.

The critically endangered plant Kankakee Mallow, which is only found on Langham Island in the Kankakee River, is downstream of the proposed EV battery facility.

The non-profit organization The Concerned Citizens of Manteno has reached out to the Environmental Protection Agency and IDNR about the proposed facility. They have not received a response because the project has not broken ground yet. Gotion wanted to start in November 2023, but the area needs to be rezoned first.

Dr. Gibson commented that a National Environmental Policy Act review should be done first. Ms. Dockery replied that Gotion does not own the land yet, so there is nothing to officially review at this time. Ms. Chavez followed up by asking if there was an IDNR consultation yet. Ms. Dockery has not seen anything at this time.

16. Other Business

Board members should send travel forms to Mr. Young. Dr. Coons asked if there is a deadline for petitions. Dr. Hofmann responded that they should be considered for preliminary approval before the end of 2024 in order for the new Illinois List to be effective in mid 2025.

17. Adjournment

Chair Hofmann adjourned the meeting at 11:49 A.M.



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

Report from the Chair, 17 November 2023

Joyce Hofmann

Activities for the period between the 199th and 200th Board meetings

- performed follow-up for 199th meeting – arranged for the final agenda of the 199th meeting and the approved minutes of the 198th Board meeting to be posted on the Board’s website
- monitored the Board’s email account – responded to some messages, forwarded others to appropriate personnel at the Illinois Department of Natural Resources (IDNR)
- reviewed the draft minutes for the Board’s 199th meeting
- completed mandated Ethics and Sexual Harassment and Discrimination Prevention training
- performed administrative review of a revised petition for changes to the Illinois List
- performed administrative review of four new petitions for changes to the Illinois List
- distributed petitions to Board members for review
- prepared a report for the 245th Illinois Nature Preserves Commission meeting
- distributed two draft Incidental Take Authorizations (ITAs) to Board members for potential review
- made arrangements for the Aquatic Invertebrate Endangered Species Technical Advisory Committee (ESTAC) meeting
- attended part of the Fish ESTAC meeting
- wrote a press release about the Board’s 200th meeting
- prepared for the 200th Board meeting – prepared the notice for the 200th meeting, developed a draft agenda for the 200th meeting, and distributed materials for the 200th meeting to Board members